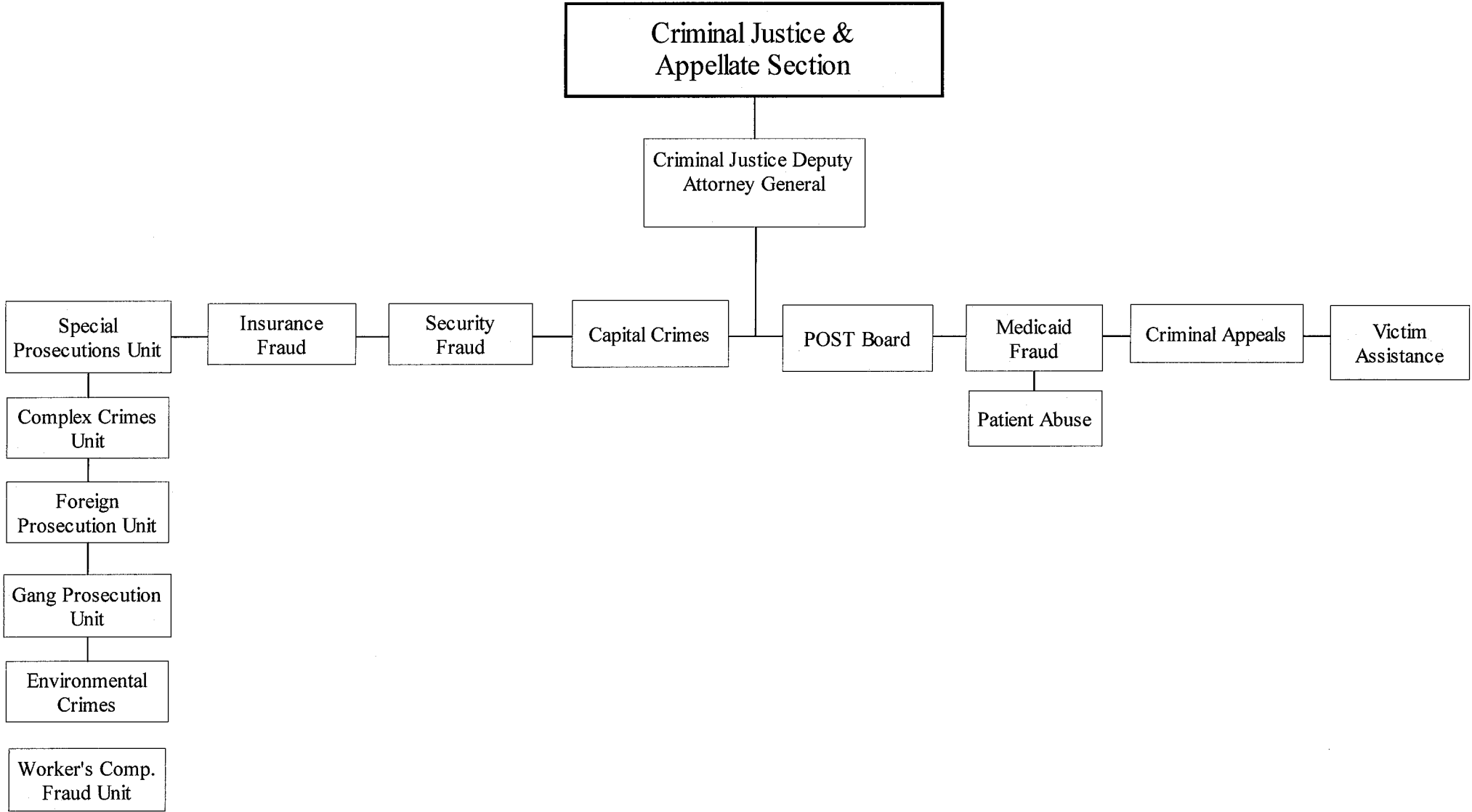


**CRIMINAL
JUSTICE
&
APPELLATE**



Program Summary –2009

CRIMINAL JUSTICE PROGRAM SUMMARY

The Criminal Justice Section consists of a total of 13 attorneys, 18 investigators, 9 support staff and two administrative professionals. Colorado statutes provide that the Attorney General's Office has criminal jurisdiction to: 1) Represent the state on appeals of all felony convictions, 2) To pursue trial level prosecutions of certain offenses, 3) To oversee certification and training of peace officers, and 4) Provide victim services for Department of Law cases. We also provide all legal counsel for the Department of Public Safety, Colorado Bureau of Investigation, Colorado State Patrol, Department of Criminal Justice, and the newly formed Office of Preparedness, Security, and Fire Safety.

Special Prosecution Unit

This unit has four areas of prosecution: Environmental Crimes, Complex Crimes, Gang Prosecutions, and Foreign Prosecutions (murder fugitives in Mexico.)

Securities and Insurance Fraud Unit

This unit was recently consolidated to improve prosecution efficiency. The three areas of fraud prosecution are: Securities Fraud, Insurance Fraud, and Workers' Compensation Fraud.

Medicaid Fraud Control Unit

The State of Colorado spends \$1.9 billion a year on its Medicaid program serving over 292,000 recipients. This Unit investigates: 1) Providers who fraudulently divert Medicaid Funds, and 2) Allegations of patient abuse (physical, sexual, and financial) in which the victims are Medicaid recipients. **The Medicaid Unit secured a grant to educate and train service law enforcement/ prosecutors regarding elder abuse investigations and prosecutions.**

Capital Crimes Unit

This unit assists District Attorneys with aggravated murder investigations and prosecutions when the death penalty is being considered or sought.

Victim Services

It is often a complex and drawn out process as a criminal prosecution works its way through the justice system. Victims of serious crimes have a real need to know what is happening with their cases and when it will be over. The Attorney General Victim Service Coordinator assists over 1200 victims of felonies each year. The

Coordinator also works with the other victim services providers to insure the best services possible at every step of the proceedings.

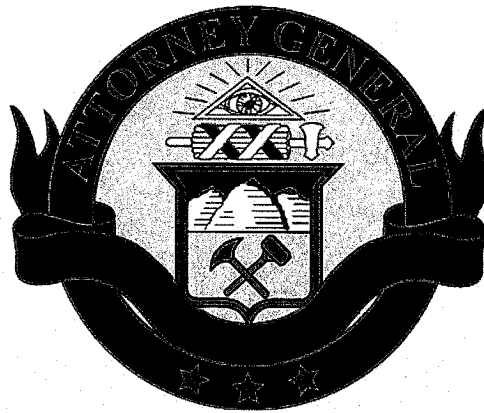
P.O.S.T. Board and Staff

The Peace Officers' Standards and Training Board is responsible for: 1) Basic officer training and certification standards and tests, 2) Inspections of the 40 academies, 3) Review and updates of the course curriculums, and 4) Revocation and denial of individual officer certification.

Department of Public Safety

DPS includes the State Patrol, Colorado Bureau of Investigation and other state agencies. One designated attorney provides legal services to the 1300 employees of the Department of Public Safety. This work includes everything from rulemaking and contract review to counsel on discipline or termination of employees.

Special Prosecutions Unit



PROGRAM NARRATIVE

Program Title: Criminal Justice – Special Prosecutions Unit

Long Bill Line Item: Special Prosecutions Unit

Change Requests:

Federal and State Statutory Authority:

C.R.S. §§ 24-31-101 through 105; 20-1-210; 13-73-101 through 108; 25-15-308.2; 1-13-101; 11-22-118; 24-35-112 and 213; 11-51—603; 8-81-103; 8-43-401; 10-1-108; 10-1-204; 10-1-127.5; 10-3-207. § 8-43-401 and 8-40-101 through 8-47-209, C.R.S.; Executive Order DO 157 89; § 10-1-127.5 C.R.S. § 10-3-207(1)(e) C.R.S.; § 11-51-603(3), C.R.S.

Program Description:

The Attorney General's prosecution efforts are focused in seven areas: 1) Securities Fraud, 2) Insurance Fraud, 3) Workers' Compensation Fraud, 4) Complex Crimes, 5) Environmental Crimes, 6) Gang Prosecution, and 7) Foreign Prosecutions. Of these efforts, the "Special Prosecutions Unit" (hereinafter SPU) deals with five areas: Complex Crimes, Environmental Crimes, Gang and Organized Criminal Enterprise Prosecutions, Foreign Prosecutions, and Worker's Compensation Fraud. The SPU is also involved in several outreach programs associated with combating gang activity, preventing school violence and responding to child abductions.

The SPU consists of 12.8 FTE: five attorneys, five investigators and one legal assistant, one program assistant and .8 of the Deputy AG for Criminal Justice.

This past fiscal year has been marked by several personnel changes to both the management and line attorney levels. Accordingly, exact caseload statistics are unavailable as several people have transitioned out of the office.

The best review of the Special Prosecutions Line Item is provided by an individual review of each of four subject areas:

Complex Crimes Unit (CCU)

C.R.S. §§ 24-31-101 through 105; 20-1-202; 13-73-101 through 108; 25-15-308.2; 1-13-101; 11-22-118; 24-35-112 and 213; 11-51—603; 8-81-103; 8-43-401; 10-1-108; 10-1-204; 10-1-127.5; 10-3-207.

Program Description:

The Complex Crimes Unit prosecutes cases that: 1) Are referred to us because of our specialized knowledge or experience, or 2) Are multi-jurisdictional cases investigated through the use of the state grand jury and local District Attorneys requested we continue to prosecute the cases.

This unit derives its authority to investigate and prosecute from three sources: a) statutory authority granted directly to the Attorney General; b) appointment by a local District Attorney to act as a Special Deputy District Attorney; and c) gubernatorial order.

Complex crimes utilizes time of four attorneys and three investigators. Several areas of expertise include racketeering cases, domestic terrorism, identity fraud, large check fraud schemes, methamphetamine rings, mortgage fraud and tax fraud.

One of the investigators and one of the prosecutors allocate a portion of their time to gang prosecutions as needed. The remaining complex crime prosecutors focus on the financial and narcotic crimes associated with the gang activities and organized criminal enterprises.

Significant Complex Crime Cases

Rick Muniz burglary ring

An investigation was commenced before the Weld County Grand Jury and indictments were returned for burglaries committed in that county. Because the criminal activity involved spans multiple jurisdictions, the Colorado State Grand Jury began an investigation and returned an indictment on May 19, 2006. The indictment relates to the business burglary-related activities of eleven individuals. All eleven defendants were indicted on Racketeering charges. There were also charges of Theft over \$15,000 and Second Degree Burglary. The defendants would forcibly enter businesses, often by throwing rocks through windows. Once inside they grab valuable merchandise including leather goods, liquor, original art pieces and expensive golf clubs. They also took safes that are then cut or pried open, emptied and abandoned. The indictment covered almost twenty different burglaries that span the Front Range, and the theft of nearly \$1,000,000 in merchandise. All of the indicted defendants were convicted of various crimes, with the leader of the burglary ring receiving a 22 year sentence to the Department of Corrections.

Auto-Theft/Methamphetamine ring in Four Corners area

On July 14, 2006, the Colorado State Grand Jury returned indictments against twenty individuals who were participating in a criminal enterprise. The enterprise centered on the use and distribution of methamphetamine. The group stole automobiles from around the Four Corners area, in both Colorado and New Mexico and used them as currency to obtain methamphetamine. Approximately twenty different motor vehicles,

valued at \$300,000 were recovered as a result of this investigation. The main target of the grand jury, David Torrez, was described as the biggest methamphetamine dealer in Durango. He imported methamphetamine from Mexico and would distribute it in Southwestern Colorado. Several of the Defendants plead guilty to lesser offenses in exchange for their cooperation. The two defendants who were most involved in the ring are still awaiting trial. One Defendant did take his case to trial, which resulted in guilty verdicts on all counts. He was sentenced to four years in the Department of Corrections.

Grand Jury investigation into tax e-file scam

The State Grand Jury investigated a case where an individual submitted more than \$90,000 in fraudulent state tax returns. He would obtain identifying information from homeless people and then use that information to file a tax return on their behalf. The money was sent to an account owned by the target. The target was indicted on several charges, including Computer Crime and Felony Theft. Ultimately, he pled guilty to the lead charges in the case and was sentenced to eight years in Community Corrections.

Mayfield Homicide

Originally associated with the 211 Crew investigation, two Department of Corrections (DOC) inmates were charged with the killing of another inmate in prison. Both Defendants have pleaded guilty to 2nd Degree Murder. One was sentenced to 26 years in the DOC, the other is awaiting sentencing.

Boulder Auto Theft

The State Grand Jury indicted eight defendants on racketeering, aggravated motor vehicle theft, first degree criminal trespassing and theft for a criminal enterprise that was breaking into and stealing hundreds of motor vehicles around the Denver area. The group would steal cars and car parts and then trade them with each other for methamphetamine. All members of the group have been convicted, including the two leaders who pled guilty to Racketeering charges.

Cherry Hills Village Theft Ring

The Complex Crimes Unit has been asked to assist in an investigation involving a theft/methamphetamine ring. It involves a group of individuals who are breaking into homes, breaking into cars, and stealing motor vehicles to get cash and other goods to trade for methamphetamine. It is believed that the group is responsible for several highly organized thefts where they break into gated communities, and then enter cars and garages stealing money and valuables. The case is currently being investigated.

AXA Equitable/PERA case

The State Grand Jury returned a 45 count indictment against G. Robert Moore. Mr. Moore was a broker for AXA Equitable. He would deceive public school employees by telling them they could "roll" money from their PERA 401(k) plan into an AXA Equitable 403(b) investment plan. IRS rules do not allow this type of transaction, except under certain circumstances. Mr. Moore would then submit forged documents to PERA indicating that the public school employees had met the requirements and were able to remove the money from the 401(k) investment accounts. This scam effected over 120 public school employees in Colorado, and involved approximately \$1.6 million in investments. Mr. Moore is currently awaiting trial.

Prioritized Objectives & Performance Measures

Complex Crimes Unit		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	To utilize the Statewide Grand Jury to a greater extent and obtain at least 10 felony indictments.					
Measure 1.1.1. Grand Jury investigations.	Target	12	12	14		
	Actual	29				
Measure 1.1.2. Indictments obtained	Target	10	10	12		
	Actual	29				
Objectives 2.1	To open 40 new investigation files, file 25 new cases in court and obtain at least 15 felony convictions.					
Measure 2.1.1. New investigations opened	Target	55	55			
	Actual	68				
Measure 2.1.2. New cases filed (individuals)	Target	35	40			
	Actual	40				
Measure 2.1.3. Felony convictions obtained	Target	25	25			
	Actual	38				
Measure 2.1.4. Misdemeanor convictions obtained	Target	15	15			
	Actual	2				
Measure 2.1.5. Cases closed	Target	50	50			
	Actual	42				
Objectives 3.1	To obtain restitution, fines and cost recoveries in appropriate cases.					
Measure 3.1.1. Fines, costs and restitution ordered.	Target	\$645,000	\$1,000,000	\$1,000,000		
	Actual	\$437,818				
Objectives 4.1	To participate in multi-jurisdictional case-driven task forces and information exchanging work groups.					
Measure 4.1.1. Intergovernmental cooperation	Target	10	12	12		
	Actual	25				

Objectives 5.1	To continue in multi-jurisdictional case-driven task forces and information exchanging work groups.					
Measure 5.1.1. Training sessions given	Target	10	12	12		
	Actual	12				

Environmental Crimes Unit (ECU)

§§ 25-15-308 and 25-7-122.1, C.R.S.

Program Description:

The primary function of the Environmental Crimes Unit is to investigate and prosecute and assure remediation for environmental crimes occurring in the State of Colorado. The unit also provides investigative and prosecutorial expertise and support to statewide law enforcement efforts against entities committing environmental crimes in the state. The unit also coordinates a state/federal task force for the purpose of engendering an interrelated effort to contend with environmental crimes affecting Colorado. Members of the unit also work with the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency to increase awareness and recognition of environmental crimes through training programs directed at local regulators, law enforcement, and other agencies intimately related to the management of Colorado's resources.

The unit derives its authority from statutory authority granted directly to the Attorney General and special appointment by district attorneys. The Unit consists of one Attorney General prosecutor, a Special Assistant Attorney General as needed on loan from the Environmental Protection Agency, an Attorney General Investigator, and a criminal investigator on loan from the Environmental Protection Agency's Criminal Investigations Division. All costs associated with the EPA Attorney and Investigator are borne by the EPA.

The unit investigates and prosecutes environmental crimes regardless of media (i.e. hazardous waste, hazardous substances, water and air) using existing environmental statutes and other crimes enumerated in the criminal code when applicable.

Significant Environmental Crime Cases

Alpine Environmental

An environmental consulting agency falsified lab reports relating to the testing for the presence of asbestos on United States government military properties. The SPU environmental unit is working in conjunction with EPA CID agents, Department of Defense CID and prosecutors from the El Paso County District Attorney's office to bring charges against the responsible individuals.

Tienda Properties

The owner of numerous rental properties is under investigation for illegal disposal of hazardous waste. The owner hired migrant labor to tear down an asbestos laden building and then illegally disposed of the hazardous waste on his other properties. The scientific results of the illegal dumping are currently pending. Charges will be brought with assistance from the Pueblo District Attorney's office.

Significant Environmental Crime Cases

Elk Springs Recycle and Recovery

Owner of an oil and gas impoundment facility falsified lab results in hazardous waste sampling documents to insure no hazardous waste was being disposed at his facility, allowing such materials to be disposed by him illegally. He was charged with forgery and Attempt to Influence a Government Official. He pled guilty to felony influence and a Colorado Solid Waste Act violation.

David Cross

Mr. Cross oversaw the bio-solids injection program for the city of Westminster. He falsified analytical results and submitted them to the Colorado Department of Public Health and Environment and allowed significant amounts of waste to be spread on fields. He was charged with Violation of the Water Quality Control Act and pled guilty to the charge. He was placed on probation.

Enviro-Cycle

An owner of a company operating injection well for disposal of oil waste tampered with monitor wells and then falsified documents for reporting resulting in ground water contamination and then sold the business to an unsuspecting buyer. This case was prosecuted in federal court. The Defendant pled guilty to a violation of the Federal Safe Drinking Water Act and is set for sentencing in October.

Rivera's Vacuum Service and Portable Units

Owner of a pumping operation has been dumping septage and sand trap waste on property next to the Purgatory River in Las Animas County since 1991. The case was filed against the owner, Tom Rivera, for Criminal Pollution, Solid Waste Violations, Theft and Forgery. Rivera pled guilty to a felony and was sentenced to probation.

Root Master

Owner of a pumping operation was dumping grease trap and septic waste into storm drains in Montrose, CO. The case is still being considered by the US Attorney's Office for Federal prosecution.

Mark Waite

This case involved the illegal storage of hazardous waste and subsequent false statements to the Colorado Department of Health. The case was prosecuted in Adams County. The defendant was charged with violating the Colorado Hazardous Waste Act and Attempting to Influence a Public Official. The defendant pled guilty to one felony count of violating the Colorado Hazardous Waste Act.

Eco Balance

Investigation of the abandonment of hazardous waste in a warehouse by a manufacturer of cleaning products and the subsequent illegal disposal of the waste by the landlord who owned the warehouse was completed. Filing of criminal charges against these two defendants occurred in July 2006.

Suncor Refinery

Investigation of false reporting of emissions from this facility was investigated by the Environmental Task Force. EPA/CID requested that this case be referred to it for completion of the investigation and submittal to the US Attorney's office for Federal prosecution.

Boulder Elks Lodge

The Environmental Task Force investigated this major asbestos spill at the Boulder Elks Lodge ("BEL") which occurred in April 2006. The spill contaminated the BEL facility and exposed numerous people to asbestos. The BEL did not comply with any of the Clean Air Act provisions which govern the removal of the asbestos. The case was investigated through the Federal Grand Jury and ultimately prosecuted by the US Attorney's office. The defendant in charge of the renovation pled guilty to "Failure to Notify" under the Federal Clean Air Act.

Alert Plating

This plating shop is being investigated for illegal disposal of hazardous waste to the Denver Metro Wastewater Treatment Plant. The case is being investigated by the Environmental Task Force. A search warrant was executed and Co-owner Chris Willbanks was charged with three environmental crimes. Defendant Willbanks pled guilty to two counts of violation of the Colorado Clean Water Act and was fined \$3,000.

US Waste, Inc.

This company is being investigated for falsification of certificates of emission required under the Colorado Air Quality Control regulations. The defendant pled guilty to one count of false reporting to authorities and was placed on probation for one year.

Elizabeth Mining & Development, Inc.

This company is being investigated for ongoing illegal disposal of hazardous waste resulting from its processing of catalytic converters to extract precious group metals. There are also other criminal violations being investigated, e.g. securities fraud. This investigation resulted in an indictment against three individuals. All three defendants are currently moving toward a trials.

Meridian Metropolitan District

This District is being investigated for falsification of monitoring reports required to be filed with the Colorado Department of Health & Environment. The investigation is ongoing.

Fort Collins Dumping

This investigation involves the dumping of hazardous waste into storm drains resulting in the shutdown of the wastewater treatment plant. The perpetrator has yet to be identified. The investigation is ongoing.

Henderson Equipment Sales and sub-contractor Grey Wolf

This investigation involves the sandblasting and disposal of lead based paints. The investigation is ongoing.

Mesa Oil

This investigation follows up an allegation that this facility is not disposing of potential hazardous waste properly. The allegation could not be substantiated. This investigation was closed with no further action.

Bio Energy of Colorado, LLC

This investigation follows up an allegation that this facility is dumping and not properly disposing of the by-product of bio-diesel. These allegations could not be substantiated. The investigation was closed.

Prioritized Objectives & Performance Measures

Environmental Crimes Unit	Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	Maintain the effort of the Environmental Crimes Prosecution Unit to work in collaborative effort with local law enforcement, local emergency response personnel, District Attorneys, the Colorado Department of Public Health and Environment and the US Environmental Protection Agency.				
Measure 1.1.1. Draft proposal to secure federal funding or support of a cooperative criminal enforcement effort to combat environmental crimes within the borders of the State of Colorado.	Target	50%	50%	50%	
	Actual	50%			
Objectives 2.1	To enforce compliance with existing environmental laws and regulations through investigation and prosecution of environmental crimes.				
Measure 2.1.1. New investigations opened	Target	9	10	12	
	Actual	15			
Measure 2.1.2. New cases filed	Target	8	10	12	
	Actual	8			
Measure 2.1.3. Felony convictions obtained	Target	6	8	10	
	Actual	6			
Measure 2.1.4. Cases closed	Target	9	10	12	
	Actual	9			
Measure 2.1.5. Jury trials	Target	2	2	2	
	Actual	0			
Measure 2.1.6. Court trials	Target	0	0	0	
	Actual	0			
Objectives 3.1	To increase the State of Colorado's participation in cohesive state and federal effort to combat environmental crimes.				
Measure 3.1.1. Increase membership participation in state / federal task forces and unified state environmental programs	Target	2	2	2	
	Actual	2			
Objectives 4.1	To increase awareness of environmental criminal activity within the State of Colorado by conducting statewide training.				

Measure 4.1.1. Conduct local / state / federal awareness training to entities concerned with Colorado's environment	Target	2	3	4		
	Actual	2				

Gang Prosecutions Unit (GPU)

C.R.S. §§ 24-31-101 through 105, 20-1-102 through 206, 13-73-101 through 108, and C.R.S. Title 18.

Program Description:

Gangs are a continuing problem in Colorado. The Gang Prosecutions Unit ("GPU") began in 2000 with a mission to decrease the impact gangs have on the community. Since the inception of the unit, we have indicted over 35 gang members on over 100 felony charges. The majority gang members have been indicted on racketeering charges. These prosecutions have all resulted in felony convictions and dozens of years in prison sentences.

The GPU works to accomplish that goal through collaborative efforts with other agencies. The GPU prosecutes gang-related multi-jurisdictional crimes. Since the GPU started, many gang members have been successfully indicted and convicted under the Colorado Organized Crime Control Act ("COCCA").

The COCCA laws are similar to federal racketeering laws. Racketeering cases are complex, and demand a lot of resources to adequately investigate and prosecute. Investigations often requires months of collaborative work with numerous agencies before sufficient evidence exists to prosecute these cases. The complexity of these large, multi-jurisdictional cases demand prosecution by experienced attorneys.

In addition to investigation and prosecution, the GPU should be involved with community outreach. Currently, an attorney from the GPU is a legal advisor to the Colorado Gang Advisory Board ("COG"). The other COG board members are representatives from the Colorado Bureau of Investigations and Colorado law enforcement agencies. COG created and maintains a gang database that is used by law enforcement statewide. The GPU also provides educational outreach and training to prosecutors, police officers, school officials, mental health professionals, law enforcement commanders and corrections officials.

Specifically, Investigator Gary Clyman continued to do law enforcement training and instruction teaching the Gang segment at two local POST training academies as well as the Terrorism block of instruction at three academies. Investigator Clyman teaches counter-terrorism courses for two federally funded (USDOJ) programs.

During most of the last fiscal year a full time investigator was assigned to the Metro Gang Task Force (MGTF) to work a multi-agency investigation concerning a gang-motivated drug trafficking organization. This required a daily presence of the investigator at the MGTF off-site location in Aurora. The assignment included daily moving surveillance of targets in the metro Denver and Colorado Springs area, participation in planning and operation of undercover drug transactions, work in the listening post during the wiretap phase, interviewing subjects, search warrants, and informant development and management. While the specific investigation in the metro Denver and Colorado Springs area terminated, the relationship between the GPU and MGTF continues.

Significant Gang and Organized Criminal Enterprise Cases

Copper Case

On January 19, 2007, the State Grand Jury indicted five people for crimes relating to a series of copper wire and pipe thefts. The defendants burglarized multiple commercial properties in Boulder and Adams counties between November 2004 and August 2006. A multi-jurisdictional investigation revealed that more than 22,500 pounds of copper wire and pipes, and nearly 10,000 pounds of other metals, were taken from the properties and then sold to recycling companies. Total revenues from stolen copper are estimated far in excess of \$28,000, and property damage as a result of the crimes totals hundreds of thousands of dollars. The investigation was a cooperative effort involving the Northglenn Police Department, the Longmont Police Department, the Westminster Police Department, the Lafayette Police Department, the Boulder County Sheriff's Office, and the Adams' County Sheriff's Office.

Todd Wallace Gay, Gary Duane Buechler and Timothy Allan Nolan were charged with violating the Colorado Crime Control Act ("COCCA"), a class two felony. Defendant Gay plead guilty to violating COCCA, and was sentenced to 10 years in the Department of Corrections. Defendant Nolan also plead guilty to violating COCCA, and was sentenced to 14 years in the Department of Corrections. The Court ordered restitution from Gay and Nolan, but the amount has yet to be determined. The remaining three defendants (Gary Duane Buechler, Sarah "Sally" Smith, and Nicole Wight) have entered not guilty pleas, and their cases are set for trial in November 2007.

White Rhino

On May 18, 2007, the State Grand Jury indicted six people who were involved in an identity theft ring that was operating in Boulder, Jefferson and Denver Counties. The defendants stole mail, primarily from Boulder residences. Using personal identifying information and bank account data, the defendants created fraudulent Colorado drivers licenses and corresponding fraudulent checks. The checks were passed around the Front Range. This identity theft ring operated from March 1 to October 26, 2006. The indictment named 52 victims – 17 individuals and 35 businesses.

Four of the primary defendants were charged with violating the Colorado Crime Control Act ("COCCA"), and all defendants were charged with conspiracy to violate COCCA. There were 56 charges (total) filed against this identity theft ring. The trial court found probable cause existed as to all counts against all defendants. All defendants in this case are scheduled for arraignment on September 20, 2007; however, one defendant (Allyson Turner) already gave a proffer, and was scheduled for disposition on September 12, 2007. Turner is expected to plead guilty to identity theft, a class four felony.

Operation ECO

The State Grand Jury is currently investigating a mortgage fraud scheme that involves falsifying loan applications, and creating shell corporations to divert cash to the targets through real estate closings. So far, there are at least five targets who have perpetrated fraud to acquire an estimated 52 properties. CBI, the FBI and HUD are all working cooperatively with our office to investigate this multi-jurisdictional mortgage fraud case.

Osaka Sushi

The Special Prosecutions Unit has been working with the FBI, ICE and the U.S. Dept. of Labor to investigate a pattern of indentured servitude involving at least four South Korean victims. The alleged conduct pre-dates the human trafficking and indentured servitude statutes that were recently enacted, but evidence is expected to support charges including fraud and criminal extortion.

Viet Pride Gang

Tien Pham is a co-defendant who was indicted by the State Grand Jury in 2003. His case was filed in Jefferson County, and he entered guilty pleas to violating the Colorado Organized Crime Control Act and Attempt to Commit First Degree Murder, both class two felonies, on April 23, 2004. Defendant Tien Pham filed a motion to enforce plea agreement, which was briefed, argued and denied in January 2007. Recently, Defendant Pham retained new counsel and filed a motion for post-conviction relief pursuant to Rule 35(c). That motion is being briefed, and is set for hearing on October 24, 2007.

Prioritized Objectives & Performance Measures

Gang Prosecution Unit		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	To prosecute gang members, with the State Grand Jury, for multi-jurisdictional criminal activities.					
Measure 1.1.1. Gang members investigated	Target	35	40	40		
	Actual	3				

Measure 1.1.2. Gang members indicted	Target	18	20	20		
	Actual	3				
Measure 1.1.3. Felony convictions obtained gang members	Target	30	40	40		
	Actual	2				
Measure 1.1.4. Number of years Department of Corrections	Target	50	75	75		
	Actual	30				
Measure 1.1.5. Trials	Target	4	4	4		
	Actual	0				

Community Outreach Programs

The SPU is also involved in several outreach programs associated with combating gang activity, preventing school violence and responding to child abductions.

School Violence Prevention Manual

It is essential for school officials to be vigilant and to pursue all lawful means to maintain school safety and to keep guns and other weapons, drugs, and alcohol off of school grounds. The School Violence Prevention Manual is intended to inform teachers and school officials of legal tools available to address the security problems posed by students who engage in violent or disruptive behavior or who use, possess, or distribute drugs, alcohol, or weapons. This manual was first published in 1999. Since that time, there have been significant changes in Colorado law related to school safety. These changes have been incorporated into every subsequent Edition of this Manual.

The Child Abduction Response Team

The SPU is a member of the Child Abduction Response Team (CART). The CART program is designed for professionals from a variety of law enforcement fields to create an immediate response strategy and to take action when encountering a missing or abducted child incident.

Gang Information System

The unit, in partnership with the Colorado Department of Public Safety, CBI, and Denver Police Department, sits on the governing board which runs a statewide computer based gang information system (CoG). The Gang Unit is the legal advisor to the Board. The system, allows officers from participating agencies to access a wide array of information on gang members. As Legal advisor, the Unit researches and drafts all proposed policies and procedures for the CoG system that ensure not only compliance with all applicable federal and state laws, but also helps to ensure the quality of the information in the system, and therefore the system's effectiveness.

Foreign Prosecutions Unit (FPU)

Program Description

Each year fugitives flee Colorado after committing homicides and other serious felonies. There are presently 180 active arrest warrants for fugitives for Colorado murders. A number of these fugitives are reported to flee to Mexico every year. A review of CBI's database demonstrates that out of the 180 active murder warrants, over 40 of the fugitives are identified as Mexican Nationals who fled to Mexico to avoid prosecution in Colorado.

There are two avenues available to states when attempting to prosecute fugitives that have fled to Mexico. First, the state may attempt to extradite the fugitive back to the United States for prosecution. Second, is the option to prosecute the fugitive in Mexico under Article IV of the Mexican Federal Penal Code.

Extradition

Extradition treaties exist between Mexico and the U.S. However, the Government of Mexico has been reluctant to extradite Mexican Nationals back to the United States. This reluctance involves a number of factors, including but not limited to the death penalty being a legal sanction in the United States. There have been exceptions made if the crime is particularly "heinous" in nature. There have been limited extraditions of Mexican nationals for serious drug offenses and certain aggravated murders.

Article IV Prosecutions

The other option available in prosecuting fugitives in Mexico is prosecution in Mexico under Article IV of the Mexican Federal Penal Code. This option, provided by the government of Mexico, is to prosecute their citizens in Mexico for crimes committed in the U.S. If convicted, the offenders serve their sentence in a Mexican federal prison.

These prosecutions are possible under Article IV of the Mexican Federal Penal Code. Other western states have Article IV prosecution units. (CA, AZ, NM, and TX).

In 2001, the General Assembly granted funding for a bilingual investigator at the Attorney General's Office to be the coordinator for Colorado Article IV prosecutions. Mexico's Article IV requires the case be submitted by either the State or Federal Attorney General. The FPU investigator works both with the Mexican Federal Attorney General's Office (PGR), and Colorado law enforcement, to facilitate appropriate Article IV filings and prosecutions of Colorado cases. The process is trial by documentation which requires very specific mandates by the Mexican government and these requirements must be met for successful filing and adjudication. The trial's outcome rests on the complete, accurate and well organized casebook of reports, investigation supplementals, interviews, documents, evidence and crime scene and autopsy photographs. All documents must be translated from English into Spanish. Extensive

follow-up investigations and interviews by the foreign prosecution investigator are necessary for a successful filing with the PGR.

Significant Foreign Prosecution Cases:

Oscar HOYOS DELACRUZ was arrested for the murder of Qwest executive Jeffrey Rando Garrett. The murder occurred on May 14, 2005. Jeff Garrett, 37, of Aurora, was shot while hunting in the East Elk Creek area of Garfield County. DeLaCruz was arrested in Culiacan, Sinaloa, Mexico on June 15, 2006. Mr. Hoyos DeLaCruz was sentenced after a 15 month trial by documentation (paper trial based on the Article IV casebook) to 3 years for the offense of reckless endangerment and accidental shooting resulting in death.

Alberto FIERRO-PARRA is in custody after being apprehended in Mexico on charges under Article IV for the murder of Edgar Garcia. The body of the 24 year old victim found shot to death on 12-15-97 in Thornton, CO. The suspect and victim had a dispute over \$40,000 owed over a drug transaction. The co-defendant and brother of Alberto, Javier Fierro-Parra, is currently in the Colorado Department of Corrections for his involvement in this homicide. Alberto Fierro-Parra is pending final adjudication in the Mexican courts and awaiting sentencing.

Lazaro REY MURO was arrested by Mexican law enforcement authorities for the murder of Joel Gonzales-Lopez, his then roommate who was stabbed in excess of 150 times. The murder, which stemmed from an argument between the victim and the suspect, occurred on January 30, 1999 in Greeley Colorado. This case is in the "period of instruction" under the Article IV case filing in the Mexican Judicial System. Notification of sentencing is pending on Mr. Rey-Muro.

Ramon VILLALOBOS was arrested under Article IV for the murder of Tom Avalos as a result of a dispute over a dice game. Mr. Avalos was shot multiple times and succumbed to those injuries. Mr. Villalobos is currently awaiting the Mexican court's federal judge to render his sentencing order upon completion of the "period of instruction" trial process under Article IV trial procedures.

OTHER FOREIGN PROSECUTION CASES FILED IN MEXICO and arrest pending:

Aurora Police Department case was filed with the Procuraduría General de la República (PGR), the Mexican Federal Attorney General's Office, for the homicide of Fred Flores who was shot by his sister's ex-boyfriend. Investigation revealed that the suspect fled back to Mexico to avoid prosecution. An Article IV was prepared and successfully filed with the PGR. This arrest is pending.

El Paso County Sheriff's Department case filed with the Procuraduría General de la República (PGR), a Mexican federal arrest warrant has been issued and arrest is pending. Gustavo Caldera Cortez was discovered along side of a rural road in El Paso County, outside of Colorado Springs. The defendant and roommate-victim were riding in a vehicle discussing a loan owed by the victim. Mr. Cortez advised he did not have the money and Balderrama shot and killed him and dumped the body on the side of the road. Working with Mexican law enforcement authorities, we expect an arrest in the near future.

El Paso County Sheriff's Department case filed with the Procuraduría General de la República (PGR), a Mexican federal arrest warrant has been issued for the apprehension of the murder fugitive for the killing of Jose Belarmino-Hernandez who was beaten to death, robbed of his life's savings and other personal possessions. Apprehension of the suspect is pending.

Federal Heights Police Department murder case was filed with the PGR, and a Mexican federal arrest warrant has been issued under Article IV for the homicide of Fernando Jose Moncada who was shot several times with a 22 caliber handgun over a romantic dispute with ex-girlfriend and mother of his son. The suspect fled to Mexico to avoid prosecution in Colorado and his arrest is pending in Mexico.

OUTREACH: The Foreign Prosecutions Unit presented the ARTICLE IV HANDBOOK and GUIDELINES manual to the Colorado District Attorneys and has presented training as well to law enforcement agencies throughout Colorado and presented to the Conference of Western Attorneys General hosted in California. This unit was invited to participate with a delegation of U.S. state attorneys general and U.S. Ambassador A. Garza, to meet with the body of all the attorneys general of 32 states and the Federal Attorney General of Mexico to review, propose and discuss the collaboration of criminal justice efforts in both countries including foreign prosecutions under Article IV.

FPU CASES CURRENTLY IN PREPARATION STAGES:

Adams County Sheriff's Office homicide of April 17, 2004 where a dispute regarding a money disagreement resulted in the shooting death of one victim, the attempted murder of the victim's brother resulting in the loss of his right eye and a second gunshot wound to the abdomen and the third victim shot in the leg and the buttocks as he attempted to flee. The murder fugitive is known to be in Mexico and this case is scheduled to be presented and filed in Mexico on October 15 and 16, 2007. Upon completing the filing successfully, this investigator will obtain a Mexican federal arrest warrant through the PGR and will assist with the locate and apprehension of the fugitive in Mexico.

Mesa County Sheriff's Office recently reviewed a cold case homicide which occurred in 1989 and investigation reveals that the suspect in this murder is residing in Mexico. This unit is in the preparation stage and has completed all the selections of reports, documents, photographs, evidence and supplemental information that is currently being

translated from English into Spanish. This case should be finalized and this unit expects to file the Article IV casebook by late November or early December, 2007.

Montrose Police Department investigated a homicide which occurred on October 31, 2006 in their city. An argument in a local bar resulted in the death of a young man and the shooter, his brother and another associate who was the driver of the get away vehicle have all been identified and investigation reveals that the three fugitives have fled to Mexico. This case is in the initial preparation stages with selection of reports, documents, evidence, and supplemental paperwork. Interviews are still to be conducted in Montrose by the FPU investigator prior to the translation of all paperwork and organization into the homicide casebook for an Article IV filing.

ADDITIONAL CASES COMPLETED BY THE FOREIGN PROSECUTIONS UNIT:

Jose Antonio ALMEIDA-OLIVAS – Article IV case filed, Mexican federal arrest warrant executed and murder fugitive Almeida-Olivas was charged for the murder of Jose Martinez on September 2, 1994. Mr. Martinez was shot four times and killed as a result of a disagreement regarding being forced to sell drugs for the shooter. Almeida-Olivas was taken into custody for this homicide in Los Mochis, Sinaloa, Mexico. After a 19 month court process of trial by documentation, was adjudicated under the Mexican justice system and at the conclusion was ordered to serve 20 years in a Mexican federal prison.

Cesar BRITO-GARCIA – Tommy Hernandez, 19 years of age, was killed on February 4, 1995 as a result of a traffic accident where Cesar Brito-Garcia was driving drunk and carelessly. This vehicular homicide case was prepared for foreign prosecution and presented to the PGR for filing. The investigation and entire homicide case was reviewed by the court after presentation and the federal judge dismissed issuing the warrant due to the time-line where the statute of limitations expired for the charge under Mexican rule for the death resulting from a vehicular assault.

Manuel FRANCO-AYALA – After a drug deal went bad on April 18, 1998, victim Kenneth Tamburelli was shot numerous times and his body was dumped in a ditch in unincorporated Pueblo Conty near the Avondale, Colorado area. Mr. Franco-Ayala, a known drug trafficker was filed for homicide under Article IV in Mexico, arrested in the State of Chihuahua, Mexico and upon the conclusion of the 19 month trial was found guilty for the Colorado murder and was sentenced to 22years in a Mexican federal prison by order of the federal court.

Alfredo Martinez-Guerra – Prior to the homicide, the suspect took his children to Mexico and when the victim/mother, Maria Luisa Montes-Lopez went to pick up and return her children home, Martinez Guerra followed and learned where the family was living in Colorado. On August 13, 1992, the suspect waited outside of the home and in an ambush attack, stabbed the victim to death in front of the house and the children discovered the body. The suspect was arrested in Campeche, Campeche, Mexico

under the Article IV filing and after nearly two year trial by documentation, was sentenced to 20 years in a Mexican federal prison.

Manuel Enrique MUELA-LUNA – On June 29, 1992 Luis G. Armendáriz, 18 years of age, was shot in the back of the head, burned beyond recognition and left in the Big Elk Meadows area outside of Estes Park, CO. A foreign prosecution case was prepared and presented to the PGR. Mr. Muela-Luna was arrested in Saltillo, Coahuila, México and upon completion of the 22 month the Article IV process was sentenced to 27 years and 6 months to a Mexican federal prison.

Antonio NEAVE-OLGUIN – An argument between the victim, Ramiro Hernandez, 35 years of age and Mr. Neave-Olguin resulted in a shooting causing the death of Mr. Hernandez. Neave-Olguin fled to Mexico to avoid arrest and prosecution. An Article IV case was prepared and filed with the PGR, Mexican arrest warrant issued and apprehension completed by Mexican law enforcement authorities. After a long trial process of over one and a half years, Mr. Neave-Olguin was sentenced to 25 years in a Mexican federal prison.

ASSISTANCE by the Foreign Prosecutions Unit:

Assisted District Attorney Tom Raynes, 7th J.D. with initial locate confirmation, Provisional Arrest Warrant and request for International Extradition. Fugitive returned to Colorado through Mexican authorities and court order. MELCHOR GEMAN PISANO was the FIRST Mexican National extradited to Colorado for murder, charged 2nd degree homicide.

Assisted D.A. Mitch Morrissey and Chief Deputy D.A. Bruce Levin with the RAUL GOMEZ GARCIA case, providing forms and documents and additional paperwork for the extradition request, and law enforcement contacts in Mexico to locate the suspect wanted for the shooting death of DPD Officer Donny Young and shooting injury to Officer Jack Bishop.

FPU assisted Dep.D.A. Gregory Crittenden, 21st J.D. with their case of the campground shooting of the MADRID family, and providing assistance and obtaining documents authorizing family members and surviving victims to return to CO for trial purposes.

Assisted 18th J.D. with obtaining documents from Mexico on Mexican national juvenile (originally believed to be an adult) charged in a shooting in Arapahoe County.

Assisted 4th J.D. Chief Trial Deputy Liza Kirkman and Colorado Springs PD, Det. Rick Gysin with locate and arrest of fugitive Freddy Lopez-Gamez, charged with kidnapping, and provided assistance with documents needed for Provisional Arrest Warrant, and request for International Extradition.

Assisted the 17th J.D. with locating and returning John Curren, U.S. citizen and wanted for murder. Mr. Curren stood trial in Adams County and is serving life without parole.

Assisted the 17th J.D and the 13th J.D. with locating and returning Henry Corral, U.S. citizen and wanted for murder. Mr. Corral stood trial in Morgan County and is serving 40 years in the Department of Corrections.

Assisted the Department of Corrections with the locate, arrest and return of Gonzalo Bay Martinez, escapee from the Arkansas Valley Facility and had been on the run for over two years. Mr. Martinez was captured and returned to completing his sentence in DOC.

Assisted the 20th J.D. with the locate and apprehension of Antoine Harris, U.S. citizen wanted for murder in Boulder. Mr. Harris was arrested and returned to Colorado to stand trial and was sentenced to 25 years in DOC.

Article IV cases worked and assisted:

12th J.D.& Monte Vista PD - with the shooting death of Scott Mondragon. (Case reviewed and is very tentative in meeting all requirements)

19th J.D. & C.S.P. - with double fatal vehicular homicide
(This case will not proceed further for filing under Article IV).

FOREIGN PROSECUTION UNIT – SENTENCING and COST SAVINGS

6 murder cases closed: Convictions and Sentencing Orders Received

ALMEIDA-OLIVAS, Jose Antontio	20 years
FRANCO-AYALA, Manuel	22 years
HOYOS DeLaCRUZ, Oscar	3 years
MARTINEZ-GUERRA, Alfredo	20 years
MUELA-LUNA, Manuel Enrique	27.5 yrs
NEAVE-OLGUIN, Antonio	25 years

Average cost for incarceration in the Colorado Department of Corrections amounts to \$28,000.00 per year. The above total years of sentencing to Mexican Federal Prisons are 117.5 years.

117.5 x \$28,000 per yr. = \$3,290,000.00 savings to the State of Colorado

Secondary cost numbers (prison personnel, officers, etc.) @ \$26,000 per year per inmate = \$3,055,000.00 savings to the State of CO.

SAVINGS – not including costs of extradition and trial: \$6,345,000.00

The average cost of a murder trial generally runs \$200-250,000.00 on the low end; not to include any major, high profile case which can run into the millions.

COURT TRIAL AVERAGE SAVINGS: \$1,500,000.00

The Colorado Attorney General's Foreign Prosecution Unit in a few short years has worked 16 cases saving the state a minimum of **\$7,845,000.00**

Workers' Compensation Fraud

The primary function of the Workers' Compensation Fraud Unit is to provide investigative and prosecutorial expertise for statewide law enforcement efforts against employers and employees who perpetrate workers' compensation fraud on Pinnacol Assurance. The caseload of Workers' Compensation Fraud is directly determined by referrals to our office by the Pinnacol Assurance Special Investigation Unit.

There are various types of workers' compensation fraud. This includes individuals who are malingering in their injuries, individuals who falsely claim injuries, individuals who are actually working while claiming benefits, individuals who falsely document having workers' compensation insurance and businesses which misrepresent the nature of their businesses to obtain better rates.

We have succeeded in several ways. We have increased the efficiency and accountability of the Pinnacol Investigators by conducting periodic training and by providing advise and direction on cases under investigation. The development of a Workers' Compensation Fraud Prosecution Checklist has been instrumental. This checklist requires investigators to submit complete information to the Attorney General's Office for filing of charges. As such, the initial investigatory file remains with the investigator until all checklist items have been included in the file. We have also expanded accountability of the investigators by having their unit manager review all cases prior to submittal to the Attorney General's Office. The net result; increased efficiency of investigating and increased effectiveness of prosecutor time by only presenting cases for filing that meet these criteria.

Significant Workers Compensation Fraud cases

People v. Verna Brown and Rodney Fessenden—Weld County

The two co-defendants owned and operated a temporary employment company with offices in Greeley and Denver. Together, they defrauded dozens of client companies by submitting forged insurance documents to obtain business and by placing hundreds of temporary employees in jobs with no workers' compensation insurance coverage. They operated their company for years without the required insurance, giving them an unfair advantage over their competitors. Ms. Brown was convicted at jury trial of 18 separate felony counts and Rod Fessenden was convicted of 13 felonies. Ms. Brown was sentenced to 10 years of probation and ordered to pay a \$180,000 fine. Mr. Fessenden was sentenced to five years of probation and ordered to pay a \$13,000 fine. Also, a second felony conviction for forgery was subsequently obtained against Ms. Brown in a companion case, and she was ordered to complete 100 hours of useful public service.

People v. Dan and Cynthia Elliott- Arapahoe County

The two co-defendants owned and operated a roofing business in Arapahoe County. They forged numerous insurance certificates that were provided to scores of unsuspecting customers. They also forged business documents that were submitted to different government officials in order to fraudulently gain licensure for their business operations. They operated their business for years without workers' compensation insurance as required by law. They were charged with forgery, attempt to influence a public servant and offering a false instrument for recording. A felony conviction was obtained against Mr. Elliott and he was placed on supervised probation and ordered to complete 300 hours of community service. His wife was ordered to complete 100 hours of community service.

People v. James Hand - Denver County

James Hand operated a small business called Red Line Customs. He conspired with his common law wife and co-defendant, Tamara Olson, to commit theft by filing a false claim for injury. He claimed Tamara Olson worked for him and that she suffered a back injury. He plead guilty to felony Theft and False Statement (F5). Defendant was sentenced to nine years DOC and ordered to pay \$77,767.97 in restitution.

People v. Mark Kenner -Denver County

The defendant filed a fraudulent claim for workers' compensation benefits. He claimed that he injured his hip while working in a remote area in Western Colorado for a gas exploration company. In truth, the defendant had previously injured his hip in a football accident four years earlier and required total hip replacement surgery. The defendant concealed this information from numerous physicians and insurance representatives in order to get the hip replacement surgery. During his claim, he also collected monthly lost wage payments. The Defendant was charged with two counts of Theft (F3) and six counts of False Statements under the Workers' Compensation statute. He stole over \$75,000 in wage replacement and medical benefits. The case is currently active.

Restitution

Restitution continues to be a main focus this fiscal year. Nearly a quarter of a million dollars in restitution orders was obtained. In addition, a thorough review was conducted of all sentenced cases (thirty-seven) going back to 2002 in order to determine if court-ordered restitution payments were being made on a timely basis. When it was determined that restitution was not being paid, contact was made with individual probation officers to press for action to bring about compliance. This resulted in complaints being filed to revoke probation and other administrative action. In most cases, the contact resulted in the probation officer taking immediate action to bring about compliance. One defendant was sentenced to 60 days in jail for not paying his restitution as ordered. Other defendants had their probation or deferred sentences revoked and community service hours imposed.

Grand Jury

The Workers Compensation Fraud Unit is attempting to utilize the State Grand Jury on more cases.

Prioritized Objectives & Performance Measures

Workers Compensation	Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Objectives 1.1	To utilize the state grand jury, search warrants, audits, and other criminal investigative tools to investigate potential worker's compensation fraud cases including, but not limited to; false statement to obtain workers' compensation benefits, forgery, theft, perjury, and offering a false instrument for recording.				
Measure 1.1.1. Conduct investigations and increase the number of cases referred	Target	50	55	60	
	Actual	23	46		
Measure 1.1.2. To decrease the number of cases declined	Target	8	6	6	
	Actual	15	20		
Objectives 2.1	To vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, jail sentences, restitution, fines and penalties.				
Measure 2.1.1. To increase the number of active filed cases	Target	18	22	25	
	Actual	14	18		

Measure 2.1.2. To obtain orders for restitution cost savings and fines	Target	12	15	20		
	Actual	8	12			
Measure 2.1.3. To obtain orders for restitution cost savings and fines	Target	\$200,000	\$250,000	\$300,000		
	Actual	\$146,826	\$242,939			
Measure 2.1.4. To bring at least once case to trial	Target	1	2	2		
	Actual	0	1			
Objectives 3.1	To reduce the loss of revenues to the State Compensation Insurance Authority resulting from fraud by employers through the deterrent effect of prosecuting violators.					
Measure 3.1.1. To increase the number of cases of fraud cases by employers	Target	4				
	Actual	8				
Objectives 4.1	To reduce the victimization of employees who may be injured while working for non-complying employers and who consequently do not receive benefits they would be entitled to through the deterrent effect of prosecuting violators.					
Measure 4.1.1. To increase the number of cases of intentional false representation of employers	Target	4	5	6		
	Actual	4	4			
Objectives 5.1	To create a more equitable business environment for law-abiding employers who are injured as a result of the unfair competition created by those employers whose business costs do not include the payment of premiums.					
Measure 5.1.1. To increase the number of cases of false certificate of insurance cases.	Target	4	5	6		
	Actual	8	5			

Workload Measures

		Actual FY 06	Actual FY 07	Est. FY 08	Requested FY 09	Projected FY 10
Measure 1.1. Number of case referrals	Target	56/60	56/60	60/65		
	Actual	23	46			
Measure 1.2. Number of active investigations increased	Target	48	48	52		
	Actual	23	46			
Measure 1.3. Number of filed cases increased	Target	18	20	22		
	Actual	15	18			

Assumptions and Calculations

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
 - Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
 - Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Special Prosecution Line Item the FY08 appropriation is \$1,194,091 of which 92.1% is personal services (\$1,099,832). The FY08 Operating base is \$94,259 which is 7.9% of the total appropriation.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/Special Prosecutions

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$1,099,832	12.8	\$911,858	\$187,974		
FY2007-08 Salary Survey - Classified	\$15,012		\$11,718	\$3,294		
FY2007-08 Salary Survey - Exempt	\$21,146		\$17,396	\$3,750		
FY2007-08 Performance-based Pay - Classified	\$6,976		\$5,862	\$1,114		
FY2007-08 Performance-based Pay - Exempt	\$6,191		\$4,700	\$1,491		
Subtotal PS -	\$1,149,157	12.8	\$951,534	\$197,623	-	-
OSPB base adjustment (0.2%)	(\$2,298)		(\$1,903)	(\$395)		
Personal Services Appropriation Request	\$1,146,859	12.8	\$949,631	\$197,228	-	-
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$94,259		\$78,149	\$16,110		
Operating Expenses Appropriation Request	\$94,259		\$78,149	\$16,110	-	-
GRAND TOTAL - Special Prosecutions	\$1,241,118	12.8	\$1,027,780	\$213,338	-	-

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SPECIAL PROSECUTIONS UNIT	1,122,276	11.1	1,177,843	11.2	1,194,091	12.8	1,368,255	12.8	1,241,119	12.8
General Fund	915,922		881,823		990,007		1,095,244		1,027,780	
General Fund Exempt	-		-		-		-		-	
Cash Funds	206,354		296,020		204,084		270,441		213,338	
Cash Funds Exempt	-		-		-		2,570		-	

SCHEDULE 3 - PROGRAM DETAIL

SPECIAL PROSECUTIONS UNIT

Department of Law

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Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
Deputy Attorney General	85,277	0.8	82,463	0.7			94,022	0.8	94,022	0.8
First Assistant Attorney General	88,128	1.0	85,154	0.9			95,028	1.0	95,028	1.0
Assistant Attorney General II	272,118	3.4	327,761	4.0			350,352	4.0	350,352	4.0
Criminal Investigator II	302,932	4.0	243,084	3.0			318,708	4.0	318,708	4.0
Criminal Investigator III			69,888	1.0			75,936.0	1.0	75,936.0	1.0
Legal Assistant I	33,849	1.0	39,216	1.0			40,968	1.0	40,968	1.0
Program Assistant I	38,073	0.9	26,234	0.6			45,288	1.0	45,288	1.0
TOTAL POSITION DETAIL	820,377	11.1	873,800	11.2			1,020,302	12.8	1,020,302	12.8
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position) Continuation Salary Subtotal	820,377	11.1	873,800	11.2			1,020,302	12.8	1,020,302	12.8
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	81,571		87,531				103,561		103,561	
Medicare on Continuation Subtotal	8,430		9,999				14,794		14,794	
Non-Base Building Performance Awards							3,292			
Part-Time/Temporary Salaries	-		11,315				3,830		1,000	
Contractual Services	10,218		3,891				6,000		7,202	
Leave	29,103		3,939							
Overtime										
Unemployment Compensation										
Other	1,086		1,641							
SUBTOTAL	950,785	11.1	118,315	11.2			131,477	12.8	126,557	12.8
(I.C.) PERSONAL SERVICES SUBTOTAL= A+B	1,771,162		992,114				1,151,779		1,146,859	
(I.D.) POTS EXPENDITURES										
Health/Life Dental	31,249		45,623				42,265			
Salary Survey	[37,593]		[44,808]				[36,158]			
Performance Awards							[13,167]			
Short Term Disability	1,177		992				1,185			
AED	1,587		6,235				11,484			

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SAED [] Indicates a Non-add							2,744			
(I.E.) BASE PERSONAL SERVICES TOTAL= C+D	984,798	11.1	1,044,964	11.2			1,209,457	12.8	1,146,859	12.8
General Fund	803,722		856,715				968,916		918,768	
Cash Funds	181,076		188,249				240,541		228,091	
Cash Funds Exempt							-		-	
(I.F.) DIFFERENCE= II-I.E.									(0)	
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									1,099,832	
Salary Survey-Classified									15,012	
PBP - Classified									6,976	
Salary Survey Exempt									21,146	
PBP - Exempt									6,191	
OSPB .2% Base Reduction									(2,298)	
SPECIAL BILLS:									-	
Subtotal -									1,146,859	
II. PERSONAL SERVICE REQUEST TOTAL	984,798	11.1	1,044,964	11.2			1,209,457	12.8	1,146,859	12.8
General Fund	803,722		856,715				968,916		949,631	
Cash Funds	181,076		188,249				240,541		197,228	
Cash Funds Exempt							-		-	
Federal Funds							-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

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Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 - Litigation	23,460		4,281				25,000		25,000	
2170 - Waste Disposal Services	1,042		116				800		800	
2220 - Building Grounds Maintenance	399		7							
2230 - Equipment Contract Maintenance	262		242				200		200	
2231 - ADP Equip Maint/Repair Services	3,553		151				2,200		2,200	
2232 - Software Upgrades	1,814		2,373				1,800		1,800	
2240 - Motor Veh Maint/Repair Svcs	280									
2251 - Lease Motor Pool Vehicle	4,242		4,820				4,200		4,200	
2252 - Motor Pool Mileage Charge	13,024		9,628				7,430		10,000	
2253 - Equipment Rental	105		58				100		100	
2254 - Rental of Motor Vehicles	104						100		100	
2255 - Rental of Buildings	34,248		39,598							
2258 - Parking Fees	3,720		4,585				4,200		4,200	
2559 - Parking Fee Reimbursement			20				50		50	
2510 - In State Travel	51		2				50		50	
2511 - In State Common Carrier Fares			(514)				200		200	
2512 - IS Personal Travel Per Diem	3,153		6,124				2,700		2,700	
2513 - IS Personal Vehicle Reimbursement			347				347		347	
2530 - Out of State Travel	254		62				62		62	
2531 - OS Common Carrier Fares	884		1,374				900		900	
2532 - OS Personal Travel Per Diem	974		673				673		673	
2550 - Out of Country Travel	106									
2551 - Out of Country Common Carrier Fares	505									
2630 - Telephone	9,025		11,194				10,000		10,000	
2631 - Comm Svcs from Outside Sources	2,461		1,248				1,248		1,248	
2641 - Other ADP Billings - Purchase Service	3,092		3,919				3,000		3,000	
2660 - Insurance	1,502		1,729							
2680 - Contract Printing	4,300		9,858				8,000		8,000	
2710 - Purchase Medical Services	46									
2820 - Other Purchased Services			3,461				2,700		2,700	
2830 - Office Moving/Purchased Services			341				350		350	
3112 - Automotive Supplies			163				165		165	
3115 - DP Supplies	808		1,373				1,250		1,250	
3116 - Purchase/Leased Software	596		105				500		500	
3117 - Educational	422		405				750		750	
3120 - Books & Subscriptions	1,192		2,061				2,100		2,100	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3121 - Office Supplies	2,135		2,236				2,000		2,000	
3122 - Microfilming/Photo. Supplies										
3123 - Postage	1,926		2,610				2,750		2,750	
3126 - Repair & Maintenance/Supplies			4				30		30	
3128 - Non-Capitalized Equipment	2,142		1,269							
3131 - Non-Capitalized Building Mat'ls			7,550							
3132 - Non-Cap Office Furn/Office Systems	2,798		350							
3140 - Non-Capitalized IT - PC's	574		1,815							
3141 - Non Capitalized IT Servers	98									
3143 - Non-Capitalized IT - Other	8,199		415							
3146 - Non Capitalized IT	135						135		135	
4140 - Dues & Memberships	3,293		3,212				3,500		3,500	
4180 - Official Functions	128		197				200		200	
4220 - Registration Fees	350		1,717				2,000		2,000	
6212 - IT Servers - Direct Purchase	77									
6214 - IT Other - Direct Purchase			1,701							
Operating Expense Subtotal:	137,478		132,879				91,689		94,259	
OPERATING EXPENSE TOTAL:	137,478		132,879				91,689		94,259	
General Fund	112,200		25,108				74,818		78,149	
General Funds Exempt							-			
Cash Funds	25,278		107,771				16,871		16,110	
Cash Funds Exempt	-									
Potted Operating Expenses										
Workers' Compensation	-						2,744			
Vehicle Leased Expense							2,691			
Capital Complex Lease Space							39,813			
Lease Space							3,387			
IT Asset Maintenance							3,770			
ADP Capital Outlay							10,625			
Communication Service Payments							1,508			
Total	-		-				64,538			
General Fund							51,509			
Cash Funds							13,029			
Cash Funds Exempt										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

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Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
ROLLFORWARDS							2,570			
Cash Funds Exempt							2,570			
TOTAL SPECIAL PROSECUTIONS UNIT	1,122,276	11.1	1,177,843	11.2	1,194,091	12.8	1,368,255	12.8	1,241,119	12.8
General Fund	915,922		881,823		990,007		1,095,244		1,027,780	
General Fund Exempt	-		-		-		-		-	
Cash Funds	206,354		296,020		204,084		270,441		213,338	
Cash Funds Exempt	-		-		-		2,570		-	
RECONCILIATION OF FUNDS										
Long Bill Appropriation	1,024,143	11.8	1,065,815	11.8			1,194,091	12.8		
Special Bills										
Salary POTS	37,593		44,808				52,617			
Health/Life/Dental	28,902		39,356				42,265			
Short Term Disability	1,277		1,055				1,185			
AED	1,540		6,931				11,484			
SAED							2,075			
Worker's Compensation	1,516		1,931				2,744			
Capital Complex Lease Space	32,554		35,155				39,813			
Lease Space	1,755		1,755				3,387			
Vehicle Lease Allocation	4,411		7,128				2,691			
IT Asset Maintenance	3,157		3,956				3,770			
ADP Capital Outlay Allocation	1,083						10,625			
Communication Service Payments	1,811		1,295				1,508			
Roll Forward from Previous FY							-			
Rollforward to Subsequent FY			(2,570)							
Overexpenditure/(Reversion)	(11,387)		(28,771)							
Lapsed Appropriation Cash Fund	(6,079)									
Lapsed Appropriation Cash Fund Exempt										
TOTAL RECONCILIATION	1,122,276	11.8	1,177,844	11.8			1,368,255	12.8		
GRAND TOTAL	1,122,276	11.1	1,177,843	11.2	1,194,091	12.8	1,368,255	12.8	1,241,119	12.8
General Fund	915,922		881,823		990,007		1,095,244		1,027,780	
Cash Funds	206,354		296,020		204,084		270,441		213,338	
Cash Funds Exempt	-		-		-		2,570		-	
Federal Funds							-		-	

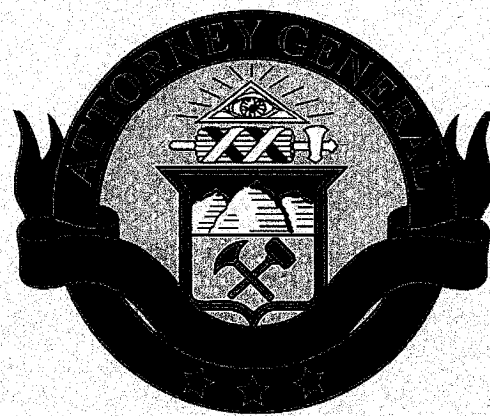
SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2006	FY 2007	FY 2008	FY 2008	FY 2008
Schedule 3 Total		1,122,276	1,177,843	1,194,091	1,368,255	1,241,119
General Funds		915,922	881,823	990,007	1,095,244	1,027,780
General Funds Exempt		-	-	-	-	-
Cash Funds		206,354	296,020	204,084	270,441	213,338
Cash Funds Exempt		-	-	-	2,570	-
Cash Funds						
State Compensation Insurance Authority		206,354	296,020	204,084	270,441	213,338
Cash Funds Exempt		-	-	-	2,570	-
Special Prosecution Custodial				-		
DORA Division of Insurance Cash Fund						
DORA Division of Securities						

Insurance Fraud



PROGRAM NARRATIVE

Program Title: Criminal Justice - Insurance Fraud

Long Bill Line Item: Criminal Justice – Insurance Fraud

Change Requests: N/A

Federal and State Statutory Authority: § 10-1-129 C.R.S. § 10-3-207(1)(e)
C.R.S.

Program Description:

Insurance fraud is a problem that touches everyone, from the insured who has to pay higher premiums, to the insurance company that is forced to charge more to cover losses, and the investors in those companies whose dividends are affected. It is estimated that 10% of every dollar paid out in benefits is obtained by fraud.

In an effort to begin to address the problem, the Insurance Fraud Program was established in 1997 to provide investigative and prosecutorial resources for combating insurance fraud statewide. The general goals of the Insurance Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential insurance fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.

The program in FY 2006 consisted of one Assistant Attorney General, one investigator and a half-time administrative assistant funded by an industry assessment through the Division of Insurance, Colorado Department of Regulatory Agencies. The cases handled by the program embrace the entire spectrum of insurance fraud, including, but not limited to, insurance agent fraud; claimant fraud; bail bondsman violations; workers compensation fraud; and false claims of casualty and property loss.

As of July 2006, funding was in place to expand the program to include a total of two Assistant Attorneys General, four investigators, a legal assistant, and a half-time administrative assistant. The additional funding was due to the passage of Senate Bill 06-38, which raised the annual fee on each regulated insurance entity in this state from \$120 to 425. By January 2007, all of the additional positions were filled within the unit.

Sample insurance fraud cases:

People v. Ostell Miles 07 CR 82 (Douglas County)

People v. Diana Ordonez 07 CR 83 (Douglas County)

People v. Terra Flores 07 CR 84 (Douglas County)
People v. Dana Jackson 07 CR 85 (Douglas County)

On January 26, 2007, these individuals were indicted by the statewide grand jury by a 38 count indictment charging Violation of the Colorado Organized Crime Control Act, theft, forgery, and various other crimes as a result of their involvement with an organized ring. On August 3, 2007, Diana Ordonez pled guilty to theft, a class four felony, and was ordered to pay \$119,889.24 in restitution, and sentenced to 8 years probation. The other three defendants' cases are pending.

People v. Denise Hooser 05 CR 613 (Arapahoe County)

Denise Hooser claimed to have been injured when she was "run over" by another party after a dispute over some property. In fact, Hooser was injured when she kicked the side of the insured's vehicle in anger. On May 7, 2007, the defendant pled guilty to forgery, a class five felony, and was ordered to pay \$21,100.00 in restitution.

People v. David Holt 07 CR 10311 (Denver County)

David Holt claims to have been injured while training as DPD SWAT officer. After being classified as totally disabled, he produced and starred in bow hunting videos, wrote books and articles, and ran guided hunting trips to Africa. On June 20, 2007, Holt was indicted by the statewide grand jury by a twelve count indictment with theft, false statement, and forgery. The defendant is scheduled to be arraigned on October 12, 2007.

Prioritized Objectives & Performance Measures

Insurance Fraud		Actual FY06	Actual FY07	Est FY08	Req. FY09	Project FY10
Objective 1.1:	To utilize the state grand jury, search warrants, audits, and other criminal investigative tools to investigate potential insurance fraud cases.					
Measure 1.1.1: Investigate multi-jurisdictional insurance fraud cases in the grand jury, and obtain indictments where appropriate.	Target	1	3	3	3	3
	Actual	3	3			
Objective 2.1:	Vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, restitution, fines and penalties. ¹					
Measure 2.1.1: Investigate new cases.	Target	45	60	60	60	70
	Actual	54	82			
Measure 2.1.2: File new cases in court.	Target	15	30	30	30	35
	Actual	18	25			
Measure 2.1.3: Obtain	Target	15	20	25	25	30

¹ Total restitution paid by defendants currently tracked (36) during FY '07: \$27,243.62.

felony convictions.	Actual	8	11			
Measure 2.1.4: Restitution orders obtained	Target	\$200,000	\$400,000	\$400,000	\$400,000	\$500,000
	Actual	\$219,458	\$158,942			
Objective 3.1:	To reduce the number of instances of insurance fraud to protect consumers and minimize losses through the deterrent effect of prosecuting violators.					
Measure 3.1.1: Publicize the cases prosecuted through the program's efforts.	Target	2	5	5	5	5
	Actual	2	2			

Trends and Other Baseline Information:

With the addition of personnel, the insurance fraud program continues to diversify its caseload to handle matters of varying complexity so as to reach a wider range of insurance activity. The program has significantly increased its use of the statewide grand jury and is concentrating on bigger cases now that there are additional investigators to assist in leading complex multi-jurisdictional investigations. Over the past the fiscal year, the program received 314 potential fraud referrals. The unit is striving to take on more complex cases to better combat those who manipulate insurance companies in criminal endeavors.

Similar or Cooperating Programs:

The Attorney General's office has concurrent jurisdiction with the District Attorney's to prosecute insurance offenses. When the occasion arises, this office works with the local District Attorneys to provide both case strategy and trial support.

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.

- Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
- Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.

2. To compute the FY09 Personal Services Budget Request:

- Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
- Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
- Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.

3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Insurance Fraud Line item appropriation the calculated Personal Services base number for FY08 is \$504,252 which is 84.8% of the total FY08 Appropriation of \$594,563. The Operating base figure for FY08 is \$90,311 which is 15.2% of the appropriated total.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Insurance Fraud

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$504,252	7.6			\$504,252	
FY2007-08 Salary Survey - Classified	\$11,910				\$11,910	
FY2007-08 Salary Survey - Exempt	\$8,322				\$8,322	
FY2007-08 Performance-based Pay - Classified	\$2,945				\$2,945	
FY2007-08 Performance-based Pay - Exempt	\$2,235				\$2,235	
Subtotal PS -	\$529,664	7.6	-	-	\$529,664	-
OSPB base adjustment (0.2%)	(\$1,059)				(\$1,059)	
Personal Services Appropriation Request	\$528,605	7.6	-	-	\$528,605	-
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$90,311				\$90,311	
Previous Year Decision Items						
Operating Expenses Appropriation Request	\$90,311		-	-	\$90,311	-
GRAND TOTAL - Insurance Fraud	\$618,916	7.6	-	-	\$618,916	-



SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Insurance Fraud	247,868	2.6	556,151	5.9	594,563	7.6	689,315	7.6	618,916	7.6
General Fund					-		-		-	
General Fund Exempt	-				-		-		-	
Cash Funds	-				-		-		-	
Cash Funds Exempt	247,868		556,151		594,563		689,315		618,916	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
Deputy Attorney General	10,660	0.1	10,308	0.1			11,753	0.1	11,753	0.1
Assistant Attorney General II	93,435	1.0	128,389	1.5			171,972	2.0	171,972	2.0
Criminal Investigator II	69,768	1.0	206,311	3.1			271,296	4.0	271,296	4.0
Administrative Assistant III	16,995	0.5	19,127	0.5			17,730	0.5	17,730	0.5
Legal Assistant I	-		25,841	0.6			42,432	1.0	42,432	1.0
TOTAL POSITION DETAIL	190,858	2.6	389,977	5.9			515,183	7.6	515,183	7.6
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position) Continuation Salary Subtotal	190,858	2.6	389,977	5.9			515,183	7.6	515,183	7.6
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	17,378		37,865				52,291		52,291	
Medicare on Continuation Subtotal	1,249		4,032				7,470		7,470	
Non-Base building Performance Award							1,295			
Part-Time/Temporary Salaries										
Professional Contractual Services			2,340							
Purchased Services- Professional	2,382									
Termination/Retirement Payouts			2,929							
Overtime Wages	748									
Other:	117		694							
SUBTOTAL	21,874		47,861				61,056		59,761	
(I.C.) PERSONAL SERVICES SUBTOTAL= A+B										
CFE	212,731	2.6	437,838	5.9			576,239	7.6	574,944	7.6
(I.D.) POTS EXPENDITURES										
Health/Life Dental	11,389		22,971				17,479			
Salary Survey	[7,629]		[6,176]				[20,232]			
Performance Awards							[5,180]			
Short Term Disability	281		420				642			
AED	421		2,989				6,071			
SAED							1,301			
Other										

[] Indicates a Non-add

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.E.) BASE PERSONAL SERVICES TOTAL=										
C+D	224,822	2.6	464,217	5.9			601,732	7.6	574,944	7.6
CFE			464,217							
(I.F.) DIFFERENCE= II-I.E.									(46,339)	
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									504,252	
SPECIAL BILLS:										
Salary Survey-Classified									11,910	
PBP - Classified									2,945	
Salary Survey Exempt									8,322	
PBP - Exempt									2,235	
OSPB .2% Base Reduction									(1,059)	
Subtotal -									528,605	
II. PERSONAL SERVICES REQUEST TOTAL	224,822	2.6	464,217	5.9			601,732	7.6	574,944	7.6
General Fund										
Cash Funds										
Cash Funds Exempt	224,822		464,217			-	601,732		574,944	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

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Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1961 - PS IT Software	17									
1930 - Litigation	2,404		3,516				4,000		4,000	
2220 - Building Grounds Maintenance			8							
2230 - Equipment Contract Maintenance			11							
2231 - ADP Equip Maint/Repair Svcs			138				120		120	
2232 - Software Upgrades			1,629				3,000		3,000	
2220 - Building Grounds Maintenance	617									
2231 - IT Hardware Maint/Repair Svcs	15									
2232 - IT Software Maint/Upgrade Svcs	599									
2251 - Rental/Lease Motor Pool Veh	29		1,719				1,800		1,800	
2252 - Motor Pool Mileage Charge	419		3,838				5,000		5,000	
2253 - Equipment Rental			7							
2253 - Rental of Equipment	7									
2255 - Rental of Buildings	7,492		7,752							
2258 - Parking Fees	261		1,140				2,400		2,400	
2512 - IS Personal Travel Per Diem			348				500		500	
2513 - IS Personal Vehicle Reimbursement			20				50		50	
2530 - Out of State Travel	12		240				240		240	
2531 - OS Common Carrier Fares			531				700		700	
2531 - OS Common Carrier Fares	77						100		100	
2532 - OS Personal Travel Per Diem	235		420				420		420	
2630 - Telephone	1,597		1,468				2,000		2,000	
2631 - Comm Svcs from Outside Sources	629		2,264				2,000		2,000	
2641 - Other ADP Billings - Purchase Services			1,994				2,500		2,500	
2660 - Insurance			381							
2641 - Other ADP Billings - Purchase Services	52									
2660 - Insurance	350									
2680 - Contract Printing	921		790				1,000		1,000	
2820 - Other Purchased Services			1,451				2,000		2,000	
2830 - Office Moving/Purchased Services			3,935							
3112 - Automotive Supplies			270				270		270	
3115 - DP Supplies	497		1,077				1,200		1,200	
3116 - Purchase/Leased Software	332		609				1,000		1,000	
3117 - Educational	105		651				1,200		1,200	
3120 - Books & Subscriptions	493		1,454				2,500		2,500	
3121 - Office Supplies	584		1,507				2,500		2,500	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3122 - Microfilming/Photo. Supplies			182				200		200	
3123 - Postage	272		408				600		600	
3126 - Repair & Maintenance/Supplies			4							
3128 - Non-Capitalized Equipment	1,769		14,361							
4151 - Interest Late Payments			3							
3131 - Non-Capitalized Building	1,279		18,627							
3132 - Non-Capitalized IT	251		4,101							
3140 - Non-Cap IT-PCs	442		10,289							
3141 - Non-Capitalized IT Srv.	75									
3143 - Non-Capitalized IT Other	254		1,994							
3146 - Non-Cap IT Purch. Serv.	104									
4140 - Dues & Memberships	532		786				1,500		1,500	
4180 - Official Functions	32		48				100		100	
4220 - Registration Fees	310		252				1,500		1,500	
6214 - IT Other - Direct Purchase			1,712				4,631		3,572	
6212 - IT Serv - Direct Purch	59									
Operating Expense Subtotal:	23,046		91,934				45,031		43,972	
OPERATING EXPENSE TOTAL:	23,046		91,934				45,031		43,972	
General Fund										
General Funds Exempt										
Cash Funds										
Cash Funds Exempt	23,046		91,934				45,031		43,972	
Potted Operating Expenses										
Workers' Compensation	-						1,629			
Leased Vehicle Expense							5,446			
Capital Complex Lease Space							23,639			
IT Asset Maintenance							11,461			
Communication Service Payments							377			
ADP Capital Outlay										
Total	-		-				42,552			
TOTAL INSURANCE FRAUD	247,868	2.6	556,151	5.9	594,563	7.6	689,315	7.6	618,916	7.6
General Fund	-									
General Fund Exempt	-									
Cash Funds	-									
Cash Funds Exempt	247,868		556,151		594,563		689,315		618,916	
Federal Funds										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

INSURANCE FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
RECONCILIATION OF FUNDS										
Long Bill Appropriation	233,071	2.6	240,245	2.6			594,563	7.6		
Special Bills-SB06-038 (Supplemental)	-		379,950	5.0						
Salary POTS	7,629		6,176				26,707			
Health/Life/Dental	5,647		15,028				17,479			
Short Term Disability	285		221				642			
AED	497		1,457				6,071			
SAED							1,301			
Worker's Compensation	337		426				1,629			
Capital Complex Leased Space Allocation	7,494		7,746				23,639			
Vehicle Lease Allocation			174				5,446			
IT Asset Maintenance	4,104		4,115				11,461			
Communication Service Payments	450		431				377			
ADP Capital Outlay Allocation							-			
Rollforward to Subsequent FY										
Rollforward from Previous FY										
Overexpenditure/(Reversion)			(99,819)							
Lapsed Appropriation Cash Funds Exempt	(11,646)									
TOTAL RECONCILIATION	247,868	2.6	556,150	7.6			689,315	7.6		
GRAND TOTAL	247,868	2.6	556,151	5.9	594,563	7.6	689,315	7.6	618,916	7.6
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	247,868		556,151		594,563		689,315		618,916	
Federal Funds										

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

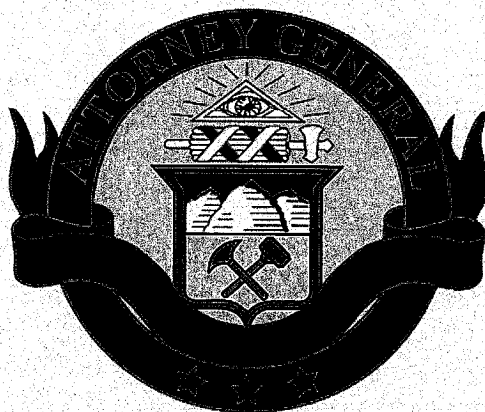
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Department of Law

INSURANCE FRAUD

Item	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2006	FY 2007	FY 2008	FY 2008	FY 2009
Schedule 3 Total		247,868	556,151	594,563	689,315	618,916
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Cash Funds Exempt		247,868	556,151	594,563	689,315	618,916
Cash Funds Exempt						
DORA, Division of Insurance Cash Fund		247,868	556,151	594,563	689,315	618,916

Securities Fraud





PROGRAM NARRATIVES

Program Title: Criminal Justice - Securities Fraud

Long Bill Line Item: Criminal Justice – Securities Fraud

Change Requests: none

Federal and State Statutory Authority: C.R.S. § 11-51-603 and 603.5

Program Description:

Securities Fraud

The primary function of the Securities Fraud Unit is to investigate and prosecute securities fraud statewide.

The Unit derives its authority to investigate and prosecute from state statute. In 2005 Senate Bill 26 expanded or clarified this unit's authority by adding language that "the investigation of criminal violations under this Article (Securities) is the primary responsibility of the Attorney General, concurrently with the District Attorneys of this State" This language is found at C.R.S. § 11-51-603.5 (2005).

The Unit is staffed by two prosecutors, two criminal investigators, one legal assistant, and one-half of one administrative assistant who devote their primary efforts to securities fraud cases.¹

There are various types of securities fraud: Promoters who sell interests in "investment contracts" without disclosing significant negative information; Promoters who pocket investors' money for personal use from a variety of scams designed to induce investing in wireless networks, oil and gas ventures, real estate, cable television networks and supposed "prime banknotes"; and Promoters pumping up the value of stocks that have little value and then dumping their own holdings once the price has increased significantly, commonly called a "pump and dump." Many of the victims of investment scams are senior citizens or at-risk adults.

Significant Cases

People v. Morris/Morris/Erpelding – The three defendants, indicted by the State Grand Jury in November 2005, were responsible for the loss of over two million dollars to 35 Colorado investors through various schemes, including fraudulent real estate

¹ Funding for the attorney, legal assistant and administrative positions comes from a portion of the fees collected from registrants and licensees under the Colorado Securities Act. The investigator positions are funded by the general fund.

transactions, third-party loans, and currency trading. Ray Morris pleaded guilty to four counts of Securities Fraud and one count of Theft (all Class-3 felonies) in July 2006; he was sentenced to 48 years in Department of Corrections and more than two million dollars restitution in October 2006. Janet Morris, having pleaded guilty to one count of Securities Fraud (Class-3 felony) in April 2006, was sentenced in July 2006 to 10 years probation and more than \$500,000.00 restitution. Gregory Erpelding pleaded nolo contendere to one count of Securities Fraud (Class-3 felony) in October 2006; he was sentenced in January 2007 to 12 years probation, with Economic Crime Unit supervision, and more than \$600,000.00 restitution. Janet Morris' and Erpelding's restitution amounts are each joint and several with Ray Morris' liability.

People v. Ronald and Constance McLain – The McLains were charged by Complaint and Information with nine counts of Securities Fraud and one count Theft in August 2004. They collected about a half-million dollars from investors in the Pueblo area by selling investment opportunities in “pre-paid discount travel and entertainment” cards that they claimed would be sold in well known retail establishments. Constance McLain pleaded guilty to one count of Securities Fraud (Class-3 felony) in October 2006; she was sentenced in December 2006 to 8 years probation and more than \$200,000.00 restitution (joint and several with Ron McLain). Ron McLain is presently incarcerated in Pueblo County jail and waiting trial, which is set for October 2007.

People v. Bird/Newton/Scott – The three defendants were indicted by the State Grand Jury in May 2006 for operating a hedge fund scheme that defrauded more than 400 hundred investors (215 from Colorado) out of approximately seven million dollars. David Newton pleaded guilty to one count of Securities Fraud (Class-3 felony) in January 2007; he was sentenced in May 2007 to 15 years probation and more than 2.6 million dollars restitution. Alan Bird, who is charged with three counts of Securities Fraud and five counts of Theft (all Class-3 felonies), and as a habitual criminal, is set to go to trial in December 2007. Doug Scott, charged with one count of Securities Fraud and one count of Theft (both Class-3 felonies), is set to go to trial in January 2008.

People v. Blakemore – Indicted by the State Grand Jury in September 2006, Mark Blakemore is charged with seventeen counts of Securities Fraud and six counts of Theft (all Class-3 felonies). Blakemore solicited money from 38 Colorado investors by offering nine-month “Debenture Agreements” paying 4% interest a month. Investors believed their investment to be safe based on the Agreement's statement that the funds would be deposited in a non-depletion account within a major world bank. Blakemore has failed to return nearly 1.8 million dollars in principal to the investors, many of whom are educators in or have children attending area Waldorf schools. Blakemore is set for disposition in November 2007 and trial in December 2007.

People v. Bryant – Robert Bryant, charged with forty-nine counts of Securities Fraud and one count of Theft (all Class-3 felonies), was indicted by the State Grand Jury in February 2007. More than 70 Colorado investors were sold private money investment notes that Bryant represented as being secured by deeds of trust on various California

properties. No deeds ever existed, and the total investor loss is estimated to be more than ten million dollars. A pre-trial conference is scheduled for October 2007.

People v. Walters - William Walters was indicted by the State Grand Jury in May 2007 – he is charged with nine counts of Securities Fraud and seven counts of Theft (all Class-3 felonies). From 2001 through July 2006, Walters solicited investments through two companies, Samurai Capital, a Colorado company, and Mana Trading Co., Inc. The investments Walters offered promised high rates of return, premised upon the representation that the funds would be used for day trading. Although Walters had online investment accounts through *CyberTrader* for Mana and Samurai day trading, most of the investor funds were used for Walters’ personal expenses and to make “interest payments” and payouts to other investors. Twenty-four investors are named in the indictment; losses attributable to Walters are estimated at 9.8 million dollars. At this time, Walters is believed to be residing in South America. The process of an international extradition has been initiated.

People v. Sumner – Steven Sumner, charged with six counts of Securities Fraud (all Class-3 felonies) and five counts of Theft (2 Class-3 felonies, 3 Class-4 felonies) was indicted by the State Grand Jury in January 2007. From May 2003 through September 2004, Sumner solicited and received over \$67,000.00 from five investors who were told that their money was to be used for home loans, real estate purchases and business working capital. Sumner issued promissory notes to the investors. These notes promised from 10 to 21 percent interest on short terms of from 30 to 60 days. While Sumner represented to the investors that the funds would be deposited directly into client accounts, most of the funds went to Sumner’s personal expenses, or to pay earlier investors. The case has been filed in Larimer County, and is set for disposition in October 2007.

Prioritized Objectives & Performance Measures

Securities Fraud		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY10
Objective 1.1	To investigate at least multi-jurisdictional fraud cases utilizing the State Grand Jury and obtain indictments if appropriate					
Measure 1.1.1. Grand Jury	Target	4	5	6	8	8
	Actual	4	7			
Measure 1.1.2. Indictments (individuals)	Target	6	6	8	10	10
	Actual	9	9			
Objective 2.1	To investigate and file new cases in court and obtain at least felony convictions					
Measure 2.1.1. New investigations opened	Target	12	16	18	20	24
	Actual	20	22			
Measure 2.1.2. New cases filed (individuals)	Target	8	9	12	15	15
	Actual	11	11			

Measure 2.1.3. Felony convictions obtained	Target	6	8	8	10	10
	Actual	8	9			
Measure 2.1.4. Cases closed (sentence, including prison / restitution completed)	Target	2	2	4	5	6
	Actual	4	1			
Measure 2.1.5. Jury trials	Target	2	2	2	2	2
	Actual	0	0			
Objective 3.1	To obtain orders of restitution on appropriate cases and maintain follow-up to ensure payment. ²					
Measure 3.1.1. Restitution orders obtained	Target	\$2,000,000	\$2,000,000	\$2 mil	\$2,500,000	\$3,000,000
	Actual	\$4.4 mil	\$6,095,854.61			
Objective 4.1	To publicize the indictments and convictions obtained through the Unit's efforts.					
Measure 4.1.1. Media items published	Target	4	4	4	4	5
	Actual	11	14			

Trends and Other Baseline Information:

We continue to see a rise in this type of fraud, particularly in association with real estate (mortgage) and identity theft. Given the volatility of the stock market in recent years, people are often seeking alternative investment vehicles. These types of investments are often unregulated and therefore have a higher likelihood of being fraudulent. Additionally, public awareness of "white collar crime" has increased in the last few years, which leads to more reporting of such crime.

Similar or Cooperating Programs:

The Colorado Department of Law has concurrent jurisdiction with the District Attorneys to prosecute securities fraud offenses. In performing this function, the Department co-operatively investigates cases with the FBI, the IRS, the Colorado Division of Securities, and the Securities and Exchange Commission. In special cases (for example when the magnitude of the investigation is beyond the resources of any single office), the Department has also designated prosecutors and investigators from other law enforcement agencies as Special Assistants Attorney General or Grand Jury Investigators to assist with the case. The Department of Law prosecutors also provide case and trial assistance to local District Attorney's Offices when possible.

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

² Total restitution paid by defendants currently tracked (50) during FY '07: \$231,879.30.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
 - Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
 - Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Securities Fraud Unit Line Item the FY08 appropriation is \$463,762 of which 93.0% is personal services (\$431,498). The FY08 Operating base is \$32,264 which is 7.0% of the total appropriation.

no further information is available on this subject.

There is no information available on this subject.

There is no information available on this subject.

There is no information available on this subject.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Securities Fraud

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$431,498	5.6	\$108,673		\$322,825	
FY2007-08 Salary Survey - Classified	\$7,507		\$4,982		\$2,525	
FY2007-08 Salary Survey - Exempt	\$8,791				\$8,791	
FY2007-08 Performance-based Pay - Classified	\$1,868		\$1,234		\$634	
FY2007-08 Performance-based Pay - Exempt	\$2,365				\$2,365	
Subtotal PS -	\$452,029	5.6	\$114,889	-	\$337,140	-
OSP base adjustment (0.2%)	(\$904)		(\$230)		(\$674)	
Personal Services Appropriation Request	\$451,125	5.6	\$114,659	-	\$336,466	-
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$32,264		\$8,126		\$24,138	
Previous Year Decision Items						
Operating Expenses Appropriation Request	\$32,264		\$8,126	-	\$24,138	-
GRAND TOTAL - Security Fraud	\$483,389	5.6	\$122,785	-	\$360,604	-



SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

SECURITIES FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SECURITIES FRAUD	449,570	5.3	494,071	5.3	463,762	5.6	535,370	5.6	483,388	5.6
General Fund	113,806		129,950		116,799		123,040		122,785	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	335,764		364,121		346,963		412,330		360,603	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

SECURITIES FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.E.) BASE PERSONAL SERVICES TOTAL= C+D C+D	407,443	5.3	438,972	5.3			488,687	5.6	464,192	5.6
(I.F.) DIFFERENCE= II-I.E.									(13,068)	
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
(II.G) PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION										
Previous Year Long Bill									431,498	
Salary Survey-Classified									7,507	
PBP - Classified									1,867	
Salary Survey Exempt									8,791	
PBP - Exempt									2,365	
OSP .2% Base Reduction									(904)	
SPECIAL BILLS: Subtotal -									451,124	
II. PERSONAL SERVICES REQUEST TOTAL	407,443	5.3	438,972	5.3			488,687	5.6	464,192	5.6
General Fund	103,956		121,878				111,855		114,659	
Cash Funds										
Cash Funds Exempt	303,487		317,094		-		376,832		349,533	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

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Department of Law

SECURITIES FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 - Litigation	997		789				1,835		1,835	
2220 - Building Grounds Maintenance	861		11							
2230 - Equipment Contract Maintenance			15							
2231 - IT Hardware Maint/Repairs Servs	28		212				212			
2232 - Software Upgrades	1,079		2,246				1,200		1,200	
2251 - Lease Motor Pool Vehicle			654				700		700	
2252 - Motor Pool Mileage Charge			400				400		400	
2253 - Equipment Rental	32		14							
2255 - Rental of Buildings	10,378		16,692							
2258 - Parking Fees	2,140		2,910				2,000		1,934	
2512 - IS Personal Travel Per Diem	434		218				250		250	
2530 - Out of State Travel	157		163				150		150	
2531 - OS Common Carrier Fares	727		409				500		500	
2532 - OS Personal Travel Per Diem	797		1,477				1,250		1,250	
2630 - Telephone	2,743		2,526				2,700		2,700	
2631 - Comm Svcs from Outside Sources	1,151		1,616				1,700		1,700	
2641 - Other ADP Billings - Purchase Service	56		101				120		120	
2660 - Insurance	457		820							
2680 - Contract Printing	862		319				800		800	
2820 - Other Purchased Services	1,060									
3115 - DP Supplies	200		1,890				500		500	
3116 - Purchase/Leased Software	761		151				200		200	
3117 - Educational			202				250		250	
3120 - Books & Subscriptions	704		808				800		800	
3121 - Office Supplies	1,070		416				700		700	
3123 - Postage	296		416				400		400	
3128 - Non-Capitalized Equipment	1,630		81							
4140 - Dues & Memberships			1,340				1,500		1,500	
3131 - Noncapitalized Bldg Mat'l	1,279		6,347							
3132 - Noncapitalized Furn/Office Syst.	7,817		1,876							
3140 - Noncapitalized IT - PC's	795		5,019							
3141 - Noncapitalized IT - Servers	135									
3143 - Noncapitalized Other	1,416		546							
3146 - Noncapitalized IT - Purch Server	187									
4140 - Dues and Memberships	872									
4220 - Registration Fees	900		1,115				1,250		1,250	
6214- IT Other- Direct Purchase			3,243							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SECURITIES FRAUD

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Operating Expense Subtotal:	42,127		55,100				19,474		19,196	
OPERATING EXPENSE TOTAL:	42,127		55,100				19,474		19,196	
General Fund	9,850		8,072				4,933		8,126	
General Funds Exempt										
Cash Funds										
Cash Funds Exempt	32,277		47,028				14,541		11,070	
Potted Operating Expenses										
Workers' Compensation	-						1,201			
Leased Vehicle Expense							2,407			
Capital Complex Lease Space							17,418			
IT Asset Maintenance							5,429			
ADP Capital Outlay										
Communication Service Payments							754			
Total	-		-				27,209			
General Fund							6,252			
Cash Funds Exempt							20,957			
TOTAL SECURITIES FRAUD	449,570	5.3	494,071	5.3			535,370	5.6	483,388	5.6
General Fund	113,806		129,950				123,040		122,785	
General Fund Exempt	-								-	
Cash Funds	-								-	
Cash Funds Exempt	335,764		364,121				412,330		360,603	
RECONCILIATION OF FUNDS										
Long Bill Appropriation <i>(Supplemental)</i>	436,519	5.6	448,472	5.6			463,762	5.6		
Salary POTS	11,551		17,483				21,588			
Health/Life/Dental	7,839		12,168				16,542			
Short Term Disability	375		441				503			
AED	700		2,927				4,805			
SAED							961			
Worker's Compensation	498		919				1,201			
Capital Complex Lease Space	10,376		16,684				17,418			
Vehicle Lease Allocation			1,015				2,407			
IT Asset Maintenance	5,682		5,697				5,429			
ADP Capital Outlay Allocation										

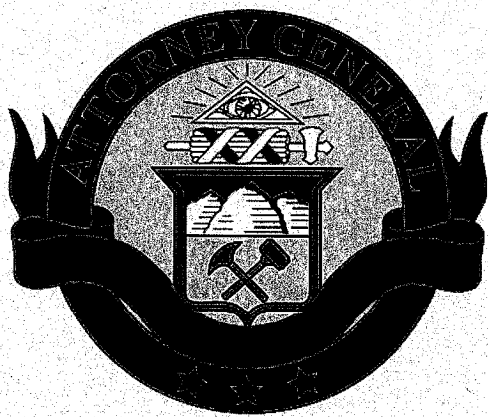
SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law

SECURITIES FRAUD

Item	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2006	FY 2007	FY 2008	FY 2008	FY 2009
Schedule 3 Total		449,570	494,071	463,762	535,370	483,388
General Funds		113,806	129,950	116,799	123,040	122,785
General Funds Exempt		-	-	-	-	-
Cash Funds		-	-	-	-	-
Cash Funds Exempt		335,764	364,121	346,963	412,330	360,603
Cash Funds Exempt						
Dept of Reg Agencies, Division of Securities		335,764	364,121	346,963	412,330	360,603

Appellate Unit



PROGRAM NARRATIVE

Program Title: Criminal Appellate

Long Bill Line Item: Criminal Justice and Appellate - Appellate Division

Change Requests: N/A

Federal and State Statutory Authority: §24-31-101(1)(a), C.R.S. (2007)

Program Description:

(a) **What the program does.**

Primary duties. Under § 24-31-101(1)(a), C.R.S. (2007), the Attorney General “shall prosecute and defend for the state all causes in the appellate courts in which the state is a party or interested.” The Attorney General’s Appellate Division discharges this statutory obligation in criminal cases. It represents the side of law enforcement when felony convictions are challenged before the state appellate courts and federal courts (misdemeanor appeals are handled by local district attorneys).

The overwhelming majority of these trial convictions are obtained by the 22 offices of the state’s District Attorneys. Close to 1500 deputy district attorneys do the felony and misdemeanor trial work for these offices; a conservative estimate is that at least half of those attorneys (750) do felony trial work. For FY 2006-2007, the Attorney General’s Appellate Division had only 25 FTE attorneys supported by 3 FTE staff members to handle all of the cases generated by these offices.

As new appellate cases come into the Division, they start out as “suspense” cases. Cases in this category are in the preliminary stages of an appeal, which included the preparation of the record on appeal and the defense’s determination of the issues that will be raised on appeal.

The suspense cases generate an active motions practice that must be monitored by appellate staff. Support staff and an attorney are in regular contact with the appellate courts on these cases, and the division frequently files responses to defense motions for appeal bonds, the disclosure of possibly confidential information, or for a diversion of a case from the normal appellate protocol.

For statistics purposes, a case is “activated” in the Appellate Division when the Division receives an opening brief from the defense, or an order to show cause from the federal district court. In FY 2006-2007, the Division activated 951 new appeals. These were filed by the State Public Defender (38%), private attorneys (28%), and pro se defendants (34%).

The convictions handled by the Appellate Division are usually first appealed to the Colorado Court of Appeals, and then possibly to the Colorado Supreme Court. (An exception is death penalty convictions, which are unitary appeals that proceed directly to the Colorado Supreme Court). For each appeal, at each level, an Appellate Division attorney must review the trial court record (which can be anywhere from a few hundred to thousands of pages long) and the brief filed by the defense, do legal research into the defendant's claims, and file a response (answer brief). On some appeals, the attorney must also argue the case before an appellate court. In FY 07, Appellate attorneys did 107 such arguments.

When a defendant exhausts his appeals in the state courts, he may then challenge his conviction through a habeas corpus action in the federal district court of Colorado. The Attorney General's Appellate Division handles these challenges, too. Appeals of decisions of the federal district courts go to the 10th Circuit Court of Appeals. Occasionally the United States Supreme Court will ask us to respond to a petition filed there by a defendant who was unsuccessful in our state courts or in the Tenth Circuit. Also on occasion – though not during this past year – we will prepare and file a friend of the court (amicus) brief on behalf of other states on issues of common interest.

Last fiscal year, Appellate Division attorneys filed 973 principal briefs (either answer briefs, answers to orders to show cause in federal cases, or opening briefs for appeals on which we have obtained supreme court review), a yearly average of 38.9 briefs per attorney.

In addition to brief writing, Division attorneys review every opinion issued by our state and federal courts that pertains to criminal law. The Assistant Solicitor General sends out same-day summaries of published criminal opinions to the District Attorneys in order to alert them to changes in the law as quickly as possible. In addition, Division attorneys condense the critical principles embodied in each published case, and classify and incorporate them into a digest that is transmitted weekly to the division's attorneys and to the Offices of the State's District Attorneys. This digest is available to state prosecutors through a web site posting that is updated quarterly.

Division attorneys also serve as a resource for colleagues both within and outside the office, responding to questions and requests for information pertaining to criminal law and procedure, constitutional law, and appellate practice. (Such questions may come from other sections of the Attorney General's Office, district attorneys, the Colorado General Assembly, and other state entities.) Division attorneys conduct reviews of legislation (which includes research into legislative history as well as research into the ramifications of proposed legislation); serve as appellate advisors to attorneys in other sections of the office who are involved in appellate cases; and provide other assistance on legal matters as requested.

(b) **Critical issues.** The Division responds to appeals that are brought on behalf of convicted criminals and therefore cannot control the size of its caseload. It must

provide effective and ethical representation in every case and handle whatever issues are presented in as timely a manner as possible.

Our cases range from relatively simple challenges to trial court denials of postconviction motions to more complicated questions of complicitor liability, equal protection, double jeopardy, and whether state and federal constitutions offer the same or different protections. While a majority of the cases directly impact only the defendant and the victims, any given case may have a staggering impact on how we conduct searches and arrests, on criminal trials and sentencing hearings throughout the state, on the state's Department of Corrections, and on probation, parole, and county Community Corrections programs.

The potential for any given case having an impact reaching far beyond its principals is obvious in high profile cases like People v. Lisl Auman, which dealt with the issue of how far a complicitor's liability will extend under our felony murder statute. (Auman was convicted of the felony murder in the death of a police officer despite the fact that she was in police custody at the time her accomplice fired the fatal bullet). But others that often go unnoticed by the media are of equal or greater consequence to the administration of criminal justice in the state and to the safety of Coloradans, and thus each case must be carefully evaluated and addressed.

While the Division is generally in a responsive posture, at times we must take the offensive and seek certiorari review in the Supreme Court when (1) the court of appeals issues an opinion that we believe is contrary to established law and/or would have an adverse impact on law enforcement; or (2) conflicting decisions from the court of appeals emphasize the need for clarification in particular areas of the law.

Prioritized Objectives & Performance Measures

Appellate		Actual FY 06	Actual FY 07	Est FY 08	Req. FY 09	Projected FY 10
Objectives 1.1	Respond effectively and efficiently to appeals of convicted criminals					
Measure 1.1.1. Percentage of cases won (*Projected effectiveness based on Division average for past five years).	Target	100%	100%	100%		
	Actual	89%	91%	88%*	88%*	

Workload Measures:

		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
No target - (Because the Division responds to appeals filed by convicted criminals, it does not control the number of incoming cases. It must handle every new case).	Target	n/a	n/a	n/a		
	Actual					
New cases received - (Number of new appeals received and activated by the Division) (*estimate)	Target	1050	951	1000*	1100*	
	Actual					

A. Overview of the Appellate Division's caseload in FY 06-07 by type of crime*:

- Homicides: 214
- Aggravated Robbery: 179
- Sex Assaults (Adult victims): 88
- Drug charges: 242
- Kidnapping/Serious Assaults: 283
- Crimes against Children: 515
- Burglary/Theft: 339
- Miscellaneous Offenses: 733

* This figure exceeds the number of new incoming cases because many cases involve multiple serious charges

B. Report on previous performance.

During FY 06-07, the Appellate Division performed the following tasks:

Motions. Division lawyers reviewed thousands of pre-briefing motions to ensure that each case was properly postured for appellate review and to oppose any attempt to circumvent the rules of litigation. (A separate group of routine pleadings and notices was processed by support staff.)

Answer/Opening Briefs. Division lawyers filed 973 briefs, taking the following steps in each case: (a) read the trial transcript and other pertinent documents; (b) conduct legal research on each of the defendant's claims; (c) write an argument explaining why law enforcement should prevail.

Answers to Show Cause on petitions for habeas corpus (as to why state convictions should not be vacated). These federal district court pleadings are usually voluminous (2 or 3 times the total pages of most state court filings). Division lawyers filed 42 of these answers.

Reply and Supplemental Briefs. Division lawyers filed 22 reply or supplemental briefs to clarify existing issues or to address developments that occurred while a case was pending.

Oral Arguments. Division lawyers appeared at 107 oral arguments to present the state's position and answer questions from the judges. In most instances, panels of three or more Division attorneys review the briefs and serve as judges in a mock argument to help prepare the arguing attorney prepare. While most of these arguments take place in the Colorado Judicial Building in Denver, some are done in federal court, and some are done "on the road," when the Court of Appeals and Supreme Court hear arguments in various locations throughout the state (generally around Law Day in May). The Court of Appeals judges like this program and would like to schedule more arguments throughout the state. If that occurs, we will need to look at increasing our travel budget.

Petitions for Rehearing. Division lawyers filed 54 petitions for rehearing seeking to correct matters that were wrongly decided by the courts.

Briefs in Opposition to Certiorari. Division lawyers filed 35 briefs to oppose the defendant's attempt to gain further review in the state supreme court. This is a decrease from past years, because the Supreme Court has requested that the Division respond only to those petitions that have potentially significant issues.

Petitions for Certiorari. Division lawyers asked the state supreme court to conduct further review in 20 cases that would otherwise have an adverse impact on law enforcement and/or prosecution.

Trends and Other Baseline Information

For a variety of reasons, the Division will be seeing some changes in the next few years that will negatively impact our ability to do our job unless we add additional staff.

Over the past ten years, criminal law cases have become more complicated because of changes in both the substantive law and sentencing procedures. These changes have impacted the number of criminal cases (and subsequently appeals) filed, and all parts of the system have struggled to manage increasing caseloads with insufficient resources. Delay at all stages of the process seems to have become an integral part of the system, and decreasing that delay has become the focus of system-wide efforts.

At the appellate stage, the courts, the public defenders, and our office are all backlogged. The courts and the public defenders have taken steps to remedy that situation, and we need to do likewise. Unfortunately, that cannot be done simply by working smarter or harder.

In 2007, the legislature passed HB 1054 which increased, on a five-year timetable, the number of trial court judges throughout the state. This includes 40 new district judges and a new panel of Court of Appeals judges (in FY 09).

To meet the expected increase in the number of criminal appeals flowing from these increased trial resources, the Appellate Division of the Attorney General's Office will receive two new attorney FTE in FY 09, and three new attorney FTE in FY 10.

While this will help with the Attorney General's caseload, it is important to put these numbers in perspective. The Appellate Division of the Public Defender's Office, which accounts for only about 1/3 of the incoming appeals in the AG's Office, received five new staff attorneys in FY 08, increasing their attorney ranks to 32 FTE. In FY 08, the Appellate Division of the Attorney General's Office will have 25 attorney FTE. Even with the addition of five new attorneys over the next few years (and assuming that the Appellate Public Defenders remain the same), the Attorney General's Appellate Division will still have fewer attorneys than the Appellate PD's Office, which accounts for only 1/3 of the Attorney General's caseload. The addition of two attorneys in FY08 will bring the number of attorneys in the Appellate Division staff back up to where it was in 2002-2003, before the budget crisis forced cutbacks in Appellate FTE.

Thus, even assuming that our caseload stays the same (which it will not), both the courts and the PDs will be making inroads on the backlog, and we will become the bottleneck in the system.

The caseload, however, is going to increase. Although there is some start-up time required before the average new appellate attorney gets up to full speed, it is reasonable to assume that the new appellate PDs will generate a significant number of additional opening briefs, and that our caseload will increase accordingly.

In addition, it is axiomatic that more judges in the trial courts means that more cases will be processed, and more cases will be appealed to the appellate courts. This, in turn will generate more opinions by the appellate courts.

In FY 07, the Court of Appeals added six new judges (two panels). It has also taken some additional measures to increase the number of decisions issued. The Court is using more senior judges to hear and decide cases, and has implemented (on a trial basis) an expedited docket that handles simple cases without requiring an answer brief from the Attorney General. While at first glance the expedited docket might seem to be a benefit to the Division by eliminating the need for answer briefs in some cases, it is a two-edged sword. The cases culled out are cases that can be easily and quickly resolved, leaving behind the more difficult cases with larger records and more complicated issues. Thus, the character of our cases and the briefs we will need to produce will change dramatically over time.

In FY 07, the court of appeals generated approximately 300 more opinions than the year before. If the court is able to process cases more quickly, as will soon be the case, it will become less generous with extensions of time to file briefs – and right now that has been what has kept our heads above water. Further, delays in the processing of an appeal work almost uniformly to our detriment. If a case is reversed and must be retried, substantial delays will result in the loss of witnesses and memories and perhaps evidence. If a delay becomes inordinate, a defendant's right to a speedy appeal is compromised and we could face the sanction of having convictions vacated by either the state or federal courts. Since the longer delays tend to occur in the more serious cases with large records, the prospect of having these convictions dismissed is chilling.

Similar or Cooperating Programs: N/A

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
 - Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.

- Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Appellate Unit the Personal Services Base for FY08 is \$2,044,928 which is 93.9% of the total FY08 Appropriation of \$2,177,260. The Operating base is \$132,332 which is 6.1% of the total.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Appellate

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$2,044,928	28.0	\$2,044,928			
FY2007-08 Salary Survey - Classified	\$3,827		\$3,827			
FY2007-08 Salary Survey - Exempt	\$86,017		\$86,017			
FY2007-08 Performance-based Pay - Classified	\$1,893		\$1,893			
FY2007-08 Performance-based Pay - Exempt	\$29,389		\$29,389			
Subtotal PS -	\$2,166,054	28.0	\$2,166,054	-	-	-
OSP base adjustment (0.2%)	(\$4,332)		(\$4,332)			
Personal Services Appropriation Request	\$2,161,722	28.0	\$2,161,722	\$0	\$0	\$0
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$132,332		\$132,332			
Previous Year Decision Items						
Operating Expenses Appropriation Request	\$132,332		\$132,332	-	-	-
Special Bills						
HB07-1054 Increasing Judges	\$160,334	2.0	\$160,334			
GRAND TOTAL - Appellate	\$2,454,388	30.0	\$2,454,388	-	-	-



SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
APPELLATE UNIT	2,104,938	25.1	2,369,667	26.2	2,177,260	28.0	2,571,032	28.0	2,454,387	30.0
General Fund	2,104,938		2,369,667		2,177,260		2,571,032		2,454,387	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	-		-		-		-		-	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
Deputy Attorney General	92,400	0.9	106,344	1.0			113,004	1.0	113,004	1.0
First Assistant Attorney General	259,602	3.0	273,491	3.0			290,940	3.0	290,940	3.0
Assistant Attorney General II	202,912	3.0	221,868	3.0			241,392	3.0	241,392	3.0
Assistant Attorney General I	932,189	15.3	1,117,414	16.4			1,235,632	18.0	1,235,632	18.0
Program Assistant I	46,613	1.0	42,356	1.0			46,860	1.0	46,860	1.0
Administrative Assistant II	49,312	1.6	54,266	1.8			71,508	2.0	71,508	2.0
Administrative Assistant I	7,536	0.3								
TOTAL POSITION DETAIL	1,590,565	25.1	1,815,739	26.2			1,999,336	28.0	1,999,336	28.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position) Continuation Salary Subtotal	1,590,565	25.1	1,815,739	26.2			1,999,336	28.0	1,999,336	28.0
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	153,868		175,391				202,933		202,933	
Medicare on Continuation Subtotal	20,329		24,035				28,990		28,990	
Non-Base building Performance Award							7,820			
Part-Time/Temporary Salaries	1,980		2,488							
Contractual Services	2,068		1,666							
Leave	38,067		6,731							
Overtime										
Other	2,282		2,527							
SUBTOTAL	218,595	25.1	212,838	26.2			239,743	28.0	231,923	28.0
(I.C.) PERSONAL SERVICES										
SUBTOTAL= A+B	1,809,160	25.1	2,028,577	26.2			2,239,079	28.0	2,231,259	28.0
Difference										
(I.D.) POTS EXPENDITURES										
Health/Life Dental	79,176		119,993				140,684			
Salary Survey	[80,606]		[131,306]				[89,844]			
Performance Awards							[31,282]			
Short Term Disability	2,305		2,089				2,406			
AED	3,200		12,352				23,515			
SAED							4,083			
Other										

[] Indicates a Non-add

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.E) BASE PERSONAL SERVICES TOTAL= C+D	1,893,842	25.1	2,163,010	26.2			2,409,767	28.0	2,231,259	28.0
(I.F.) DIFFERENCE= II-I.E.									(69,537)	
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									2,044,928	28.0
Supplemental									-	
Salary Survey-Classified									3,827	
PBP - Classified									1,893	
Salary Survey Exempt									86,017	
PBP - Exempt									29,389	
OSPB .2% Base Reduction									(4,332)	
Subtotal -									2,161,722	
II. PERSONAL SERVICES REQUEST TOTAL	1,893,842	25.1	2,163,010	26.2			2,409,767	28.0	2,231,259	28.0
General Fund	1,893,842		2,163,010				2,409,767		2,231,259	
Cash Funds										
Cash Funds Exempt										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 - Litigation	2,108		1,702				4,000		2,000	
2220 - Building Grounds Maintenance	230						230		500	
2230 - Bldg Maintenance/Repair Svcs	101						100		100	
2231 - ADP Equip Maint/Repair Services	88		400				400		400	
2255 - Rental of Buildings	76,180		78,495							
2559 - Parking Fee Reimbursement			10				25		100	
2510 - In State Travel	9									
2512 - IS Personal Travel Per Diem	2,067		1,483				2,100		1,500	
2513 - IS Personal Vehicle Reimbursement	309		366				350		500	
2530 - Out of State Travel	30		88				125		250	
2531 - OS Common Carrier Fares	119		162				200		300	
2532 - OS Personal Travel Per Diem	146		149				150		250	
2630 - Telephone	14,450		15,763				16,000		16,000	
2631 - Comm Svcs from Outside Sources			299				267		400	
2641 - Other ADP Billings - Purchase Services	79,189		34,505				5,000		5,000	
2660 - Insurance	3,505		3,809						-	
2680 - Contract Printing	13,341		12,912				10,000		10,000	
2820 - Other Purchased Services			140				140		250	
2830 - Office Moving/Purchased Services			640				640		600	
3115 - DP Supplies	2,211		1,310				2,400		2,500	
3120 - Books & Subscriptions	2,754		1,691				3,000		2,500	
3121 - Office Supplies	1,769		3,743				4,200		4,000	
3123 - Postage	2,975		2,957				3,500		3,500	
3128 - Non-Capitalized Equipment	95		498							
3131 - Non-Capitalized Building Materials			20,356							
3132 - Non-Cap Office Furn/Office Systems			3,757							
3140 - Non-Capitalized IT - PC's			4,858							
3143 - Non-Capitalized IT Other			5,629							
4140 - Dues & Memberships	8,788		6,796				10,000		8,000	
4180 - Official Functions	86		82				100		300	
4220 - Registration Fees	545		1,060				1,200		844	
6224- Other Furn & Fixtures- Direct Purchase			3,000				3,000		3,000	
Operating Expense Subtotal:	211,096		206,657				67,127		62,794	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 - Litigation	2,108		1,702				4,000		2,000	
2220 - Building Grounds Maintenance	230						230		500	
2230 - Bldg Maintenance/Repair Srvs	101						100		100	
2231 - ADP Equip Maint/Repair Services	88		400				400		400	
2255 - Rental of Buildings	76,180		78,495							
2559 - Parking Fee Reimbursement			10				25		100	
2510 - In State Travel	9									
2512 - IS Personal Travel Per Diem	2,067		1,483				2,100		1,500	
2513 - IS Personal Vehicle Reimbursement	309		366				350		500	
2530 - Out of State Travel	30		88				125		250	
2531 - OS Common Carrier Fares	119		162				200		300	
2532 - OS Personal Travel Per Diem	146		149				150		250	
2630 - Telephone	14,450		15,763				16,000		16,000	
2631 - Comm Svcs from Outside Sources			299				267		400	
2641 - Other ADP Billings - Purchase Services	79,189		34,505				5,000		5,000	
2660 - Insurance	3,505		3,809						-	
2680 - Contract Printing	13,341		12,912				10,000		10,000	
2820 - Other Purchased Services			140				140		250	
2830 - Office Moving/Purchased Services			640				640		600	
3115 - DP Supplies	2,211		1,310				2,400		2,500	
3120 - Books & Subscriptions	2,754		1,691				3,000		2,500	
3121 - Office Supplies	1,769		3,743				4,200		4,000	
3123 - Postage	2,975		2,957				3,500		3,500	
3128 - Non-Capitalized Equipment	95		498							
3131 - Non-Capitalized Building Materials			20,356							
3132 - Non-Cap Office Furn/Office Systems			3,757							
3140 - Non-Capitalized IT - PC's			4,858							
3143 - Non-Capitalized IT Other			5,629							
4140 - Dues & Memberships	8,788		6,796				10,000		8,000	
4180 - Official Functions	86		82				100		300	
4220 - Registration Fees	545		1,060				1,200		844	
6224- Other Furn & Fixtures- Direct Purchase			3,000				3,000		3,000	
Operating Expense Subtotal:	211,096		206,657				67,127		62,794	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Special Bills Annualized in FY09										
General Fund									-	
OPERATING EXPENSE TOTAL:	211,096		206,657				67,127		62,794	
General Fund	211,096		206,657				67,127		62,794	
General Funds Exempt							-			
Cash Funds Exempt										
Rollforwards										
General Fund Exempt										
Special Bills										
HB07-1054 Increasing Judges									160,334	2.0
General Fund									160,334	
Potted Operating Expenses										
Workers' Compensation	-						6,002			
Leased Vehicle Expense							87,091			
Capital Complex Lease Space							1,045			
Lease Space							-			
IT Asset Maintenance										
ADP Capital Outlay										
Total	-		-				94,138			
General Fund							94,138			
General Fund Exempt										
Cash Funds										
Cash Funds Exempt										
TOTAL APPELLATE UNIT	2,104,938	25.1	2,369,667	26.2	2,177,260	28.0	2,571,032	28.0	2,454,387	30.0
General Fund	2,104,938		2,369,667		2,177,260		2,571,032		2,454,387	
General Fund Exempt							-		-	
Cash Funds							-		-	
Cash Funds Exempt							-		-	
RECONCILIATION OF FUNDS										
Long Bill Appropriation	1,828,718		1,987,284	27.0			2,177,260	28.0		

SCHEDULE 3 - OPERATING PROGRAM DETAIL

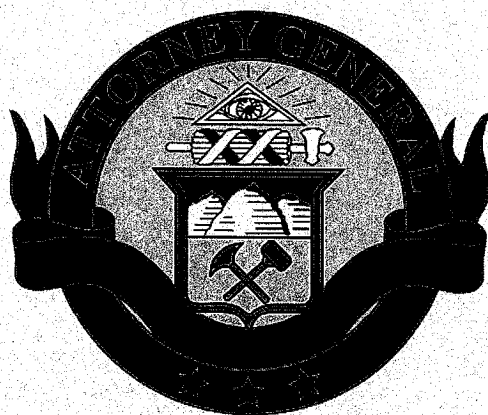
Department of Law

APPELLATE UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<i>HB06-1028 Additional Judges</i>			75,300							
<i>HB06-1222 Supplemental</i>	43,965									
Salary POTS	80,606		131,306				128,946			
Health/Life/Dental	76,467		104,604				140,684			
Short Term Disability	2,265		2,040				2,406			
AED	2,678		13,591				23,515			
SAED							4,083			
Worker's Compensation	3,505		4,257				6,002			
Capital Complex Lease Space	74,938		77,461				87,091			
Lease Space	1,243		1,243				1,045			
Vehicle Lease Allocation							-			
IT Asset Maintenance							-			
Building Wiring and Security Upgrade							-			
ADP Capital Outlay Allocation	2,165									
Rollforward from Previous FY year	13,600		9,800				-			
Rollforward to Subsequent FY	(9,800)									
Overexpenditure/(Reversions)	(15,412)		(37,218)							
Lapsed Appropriation Cash Fund										
TOTAL RECONCILIATION	2,104,938		2,369,668				2,571,032			
GRAND TOTAL	2,104,938	25.1	2,369,667	26.2	2,177,260	28.0	2,571,032	28.0	2,454,387	30.0
General Fund	2,104,938		2,369,667		2,177,260		2,571,032		2,454,387	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	-		-		-		-		-	
Federal Funds	-		-		-		-		-	



Medicaid Fraud Unit





PROGRAM NARRATIVE

Program Title: Criminal Justice – Medicaid Fraud Grant

Long Bill Line Item: Criminal Justice & Appellate – Medicaid Fraud Grant

Change Requests: N/A

Federal and State Statutory Authority:

Section 24-31-101(1)(a), C.R.S. (1982) as implemented by Colorado Governor's Executive Order D001787, dated March 4, 1987; 42 C.F.R. § 1002.301 (1987); 42 U.S.C. § 1396b(h) (1987); and § 26-4-101, *et seq.* (the "**Colorado Medical Assistance Act**").

Targeted Base Review: Yes

Program Description:

The Medicaid Fraud Control Unit ("MFCU" or the "Unit"), established in Colorado 1978 and one of 50 units nationwide, assists in maintaining the financial integrity of the state's Medicaid program and the safety of patients in Medicaid funded facilities. This is accomplished through the investigation and criminal prosecution of Medicaid-related crimes such as perpetration of financial fraud by providers on the Medicaid program and patient abuse in Medicaid-funded facilities throughout the state. By federal and state law, the Unit is separate from and independent of the "single state agency" (Department of Health Care Policy and Financing) that administers Colorado's Medicaid program. By federal law and state Executive Order, the Unit has statewide authority to investigate and prosecute (1) criminal Medicaid provider fraud and (2) patient abuse. This occurs with the cooperation and assistance of the Colorado District Attorneys' Council and the 22 local District Attorneys across the state.

The Colorado Medical Assistance Program (Medicaid) provides medical assistance to the poor and needy in Colorado. The State now pays over **\$3.2 billion** each fiscal year to over **10,000** participating Colorado Medicaid providers (such as nursing homes, doctors, psychiatrists, psychologists and mental health therapists, dentists, pharmacies, laboratories, hospitals, clinics and durable medical equipment companies) on behalf of approximately **393,077** Colorado Medicaid recipients. Accordingly, Medicaid is one of the two largest items in the current Colorado state budget.

The MFCU serves all state and federal taxpayers, since Medicaid assistance funds are a combination of a percentage of state and federal taxes (currently 50/50), and the Medicaid program is a joint federal and state undertaking that is administered by the state. For every \$.25 the state invests in the MFCU, it receives **\$1.00** worth of benefits,

as the federal government funds 75% of the Unit. However, at least 50% of moneys recovered by the MFCU are returned to the state as restitution.

Over the last three years, the MFCU has returned **\$5,609,522.72** as restitution to the Medicaid program here in Colorado (2005 **\$2,004,146.00** 2006 **\$1,004,832.72** 2007 **\$2,600,599.00**).

The Medicaid program exists to provide health services to the poor, by being the third-party payer for hospital services, physician services, nursing home services, home health care, medical care transportation, laboratory and pharmaceutical services, etc. A large majority of these providers deliver reasonable and honest services, and bill appropriately. While estimates of fraud, waste and abuse are reported nationally at 10% or more, it has been estimated at 1.8% in Colorado¹. Recognizing that any amount is too much, it is the goal of the MFCU to effectively investigate, prosecute and to recover overpayments. Medicaid fraud is today typically a complex, multi-party, multi-state white-collar crime which requires sophisticated investigative and prosecution personnel, who are well-trained and experienced in the white-collar crime arena.

Some examples of Medicaid fraud cases are:

People v. Nancy Morgan

The defendant was a recipient in the Colorado Medicaid program who was eligible to receive home services. She met a woman at a bakery and convinced the woman to give her some personal information for possible future employment. The woman was never hired, but Morgan submitted her information to a personal care provider agency, telling them the woman would be providing care to her and would work for the agency. The agency sent the "employee" paychecks at Morgan's address, and Morgan cashed the checks for herself. She also signed up for a program in which she would get money to pay for private health insurance. Instead of buying insurance, she kept the money. Morgan pled guilty to Identity Theft and Forgery, both felonies. She was sentenced to four years of probation with 90 days jail, 200 hours of useful public service, restitution of \$20,396.01, a mental health evaluation, and letters of apology.

People v. William Humphries

Defendant was a manager in a business that supplied wheelchairs and other durable medical equipment (DME) to Medicaid recipients, and repaired wheelchairs in their homes. The company submitted thousands of claims for simple repairs allegedly taking 6, 7, or 8 hours each. An indictment from the Adams County Grand Jury charged that many of these repairs never occurred, and when repairs were done they took no more than two hours. Defendant, the manager, oversaw or personally submitted a large number of such claims. He pled guilty to two counts of Theft Over \$15,000, class 3 felonies. He was sentenced to five years in prison followed by five years parole, and restitution of over \$728,000.00.

¹ "Medicaid Fraud and Abuse Programs Performance Audit," Office of the Colorado State Auditor (prepared by Clifton Gunderson, LLP, July 1999)

People v. Marina Bogdanov

Defendant owned and operated a company providing non-medical transportation to Medicaid recipients. The company was assigned to give services to a disabled recipient who was an undercover agent for the MFCU. The recipient maintained written logs of the rides and other services she received. She received a total of three rides from defendant's company during a several-week period, but defendant's company billed Medicaid for 34 rides during that time and received \$756.40 in overpayments. Defendant pled guilty to Computer Crime, a class 4 felony, and Theft, a class 2 misdemeanor. She was convicted of the misdemeanor, and received a two-year deferred judgment and sentence on the felony. Conditions included restitution, costs and fees, and 100 hours of useful public service.

Prioritized Objectives & Performance Measures

Medicaid Fraud Unit		Actual FY06	Actual FY07	Est FY08	Req. FY09	Project FY10
Objective: 1.1	To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.					
Measure: 1.1.1 To open investigations on all cases in which the initial review indicates a substantial potential for criminal prosecution.	Target	35	35	35	35	35
	Actual	36	35			
Measure: 1.1.2 To collect identified overpayments or refer the matter to an appropriate state agency for collection.	Target	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000
	Actual	\$1,004,832	\$2,600,599			
Measure: 1.1.3 To prosecute and convict providers who violate the criminal law by defrauding the Medicaid program.	Target	9	9	9	9	9
	Actual	9	9			
Objective: 2.1	To review complaints alleging abuse of patients in health care facilities receiving payments under the State Medicaid plan and in board and care facilities regardless of funding; and complaints of the misappropriation of patients' private funds in such facilities.					

Measure 2.1.1. To open investigations on all cases in which initial review indicates a substantial potential for criminal prosecution or refer the complaint to an appropriate state agency.	Target	10	10	10	10	10
	Actual	1	6			
Measure 2.1.2 To criminally prosecute and convict those who violate the criminal law and particularly the "Wrongs to At-risk Adults" statute.	Target	3	3	3	3	3
	Actual	1	2			
Objective: 3.1	Process case quicker through our office and court system by continuing the procedure of: a. Assigning the responsibility of each case to a team – one investigator and one prosecutor; and b. Holding periodic status meetings and preparing reports as to each case.					
Measure 3.1.1. Assign an investigator and attorney at the time of opening the case.	Target	45	45	45	45	45
	Actual	37	41			
Measure 3.1.2 Update case status report monthly and do case review of each case at least quarterly.	Target	9/4	9/4	9/4	9/4	9/4
	Actual	9/4	9/4			

Workload Measures

		Actual FY06	Actual FY07	Est FY08	Req FY09	Proj FY10
Measure 1.1 Criminal Investigation Opened	Target	45	45	45	45	45
	Actual	37	41			
Measure 1.2. Criminal Investigations Pending	Target	55	55	55	55	55
	Actual	48	31			
Measure 1.3. Criminal Cases Filed	Target	12	12	12	12	12
	Actual	12	6			
Measure 1.4. Convictions	Target	12	12	12	12	12
	Actual	10	11			

Measure 1.5. Probation Sentences (years)	Target	10	10	10	10	10
	Actual	18	17			
Measure 1.6. Jail Sentences (days)	Target	180	180	180	180	180
	Actual	1564	1893			
Measure 1.7. Useful Public Service Sentences (hours)	Target	800	800	800	800	800
	Actual	514	600			
Measure 1.8. Total fines / Costs / Restitution Recovered	Target	450,000	450,000	450,000	450,000	450,000
	Actual	1,004,832	2,600,599			
Measure 1.9. Medicaid program exclusions (Providers / years)	Target	12/60	12/60	12/60	12/60	12/60
	Actual	17/190	7/35			
Measure 1.10. Cases closed	Target	45	45	45	45	45
	Actual	29	35			
Measure 1.11. Patient Incident Reviews	Target	1,000	1,000	1,000	1,000	1,000
	Actual	2,301	3,213			
Measure 1.12. Intergovernmental Cooperation	Target	22	22	22	22	22
	Actual	18	13			

Trends and Other Baseline Information:

Similar or Cooperating Programs: N/A

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:

- From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
- Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
 - Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Medicaid Fraud Line item appropriation the calculated Personal Services base number for FY08 is \$1,190,768 which is 93.0% of the total FY08 Appropriation of \$1,281,613. The Operation base figure for FY08 is \$90,845 which is 7.0% of the appropriated total.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Medicaid Fraud

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$1,190,768	14.0	\$297,692			\$893,076
FY2007-08 Salary Survey - Classified	\$23,570		\$5,893			\$17,677
FY2007-08 Salary Survey - Exempt	\$9,013		\$2,253			\$6,760
FY2007-08 Performance-based Pay - Classified	\$8,250		\$2,062			\$6,188
FY2007-08 Performance-based Pay - Exempt	\$3,846		\$1,231			\$2,615
Subtotal PS -	\$1,235,447	14.0	\$309,131	-	-	\$926,316
OSPB base adjustment (0.2%)	(\$2,471)		(\$618)			(\$1,853)
Personal Services Appropriation Request	\$1,232,976	14.0	\$308,513			\$924,463
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$90,845		\$22,711			\$68,134
Operating Expenses Appropriation Request	\$90,845		\$22,711	-	-	\$68,134
Annualization of FY08 Decision Item	\$4,515		\$1,129			\$3,386
GRAND TOTAL - Medicaid Fraud	\$1,328,336	14.0	\$332,353	-	-	\$995,983

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
MEDICAID FRAUD CONTROL GRANT	1,039,493	11.0	1,119,854	11.2	1,281,613	14.0	1,455,828	14.0	1,328,336	14.0
General Fund	259,874		279,964		320,372		573,962		332,352	
General Fund Exempt	3,052		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	-		0		0		-		-	
Federal Funds	776,568		839,891		961,241		881,866		995,984	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSTION DETAIL										
First Assistant Attorney General	91,980	1.0	98,511.0	1.0			102,000	1.0	102,000	1.0
Assistant Attorney General II	75,600	1.0	79,729	1.0			86,580	1.0	86,580	1.0
Criminal Investigator III	89,184	1.0	91,500	1.0			95,508	1.0	95,508	1.0
Criminal Investigator II	423,653	6.0	431,736	6.0			516,780	7.0	516,780	7.0
Auditor IV	86,520	1.0	87,248	1.0			88,248	1.0	88,248	1.0
Program Assistant I	36,312	1.0	42,585	1.2			40,200	1.0	40,200	1.0
Health Professional IV							62,976	1.0	62,976	1.0
Legal Assistant I							40,584	1.0	40,584	1.0
TOTAL POSITION DETAIL	803,249	11.0	831,309	11.2			1,032,876	14.0	1,032,876	14.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by position) Continuation Salary Subtotal	803,249	11.0	831,309	11.2			1,032,876	14.0	1,032,876	14.0
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	80,689		85,861				104,837		104,837	
Medicare on Continuation Subtotal	11,517		12,277				14,977		14,977	
Non-Base building Performance Award							3,024			
Part-Time/Temporary Salaries	5,105		8,265				12,000		10,000	
Professional Contractual Services			3,521				90,933		70,286	
Leave Payouts			20,661							
Overtime										
Other	2,475		785							
SUBTOTAL	99,786	11.0	131,369	11.2			225,771	14.0	200,100	14.0
(I.C.) PERSONAL SERVICES SUBTOTAL= A+B										
	903,035	11.0	962,678	11.2			1,258,647	14.0	1,232,976	14.0
(I.D.) POTS EXPENDITURES										
Health/Life Dental	21,315		29,053				32,157			
Salary Survey	[29,993]		[25,981]				[32,583]			
Performance Awards							[12,097]			

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Short Term Disability	1,135		937				1,171			
AED	1,977		6,264				11,061			
SAED							2,370			
Other	776									
[] Indicates a Non-add										
(I.E.) BASE PERSONAL SERVICES TOTAL=C+D	928,238	11.0	998,932	11.2			1,305,406	14.0	1,232,976	14.0
(I.F.) DIFFERENCE- III.-I.E.									0	
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									1,190,768	
Salary Survey-Classified									23,570	
PBP - Classified									8,250	
Salary Survey Exempt									9,013	
PBP - Exempt									3,846	
OSPB .2% Base Reduction									(2,471)	
SPECIAL BILLS:										
Subtotal -									1,232,976	
II. PERSONAL SERVICES REQUEST TOTAL	928,238	11.0	998,932	11.2			1,305,406	14.0	1,232,976	14.0
General Fund	232,059		249,733				536,356		308,512	
Cash Funds										
Cash Funds Exempt										
Federal Funds	696,178		749,199				769,050		924,464	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
4140 - Dues & Memberships	6,625		5,639				6,000		6,000	
4220 - Registration Fees	1,185		943				2,280		2,280	
6214 - IT Other - Direct Purchase			9,995							
Operating Expense Subtotal:	99,049		120,922				90,845		90,845	
OPERATING EXPENSE TOTAL:	99,049		120,922				90,845		90,845	
General Fund	27,814		30,231				22,711		22,711	
General Funds Exempt	-									
Cash Funds										
Cash Funds Exempt	-									
Federal Funds	71,235		90,692				68,134		68,134	
Potted Operating Expenses										
Workers' Compensation	-						3,001			
Leased Vehicle Expense							10,547			
Capital Complex Lease Space							43,545			
Leased Space Allocation							223			
IT Asset Maintenance										
Communication Service Payments							2,261			
ADP Capital Outlay										
Total	-		-				59,577			
General Fund							14,894			
Cash Funds										
Cash Funds Exempt										
Federal Funds							44,683			
Rollforward	12,206						-			
General Funds Exempt	3,052		0				-			
Federal Funds	9,155		0							
Annualization of FY08 Decision Items										
Med Fraud FTE									4,515	
General Funds									1,129	
Federal Funds									3,386	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

MEDICAID FRAUD GRANT

Department of Law

6-103

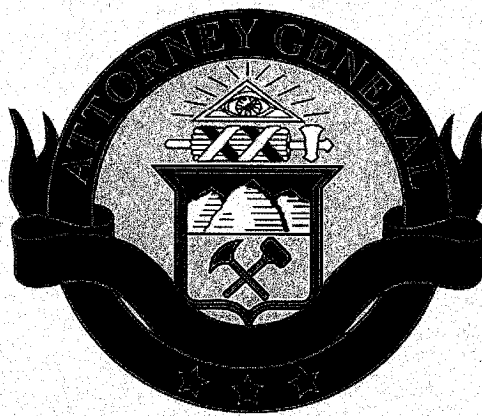
Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
TOTAL MEDICAID FRAUD	1,039,493	11.0	1,119,854	11.2	1,281,613	14.0	1,455,828	14.0	1,328,336	14.0
General Fund	259,874		279,963		320,372		573,962		332,352	
General Fund Exempt	3,052		-		-		-		-	
Cash Funds			-		-		-		-	
Cash Funds Exempt			-		-		-		-	
Federal Funds	776,568		839,890		961,241		881,866		995,984	
RECONCILIATION OF FUNDS										
Long Bill Appropriation	1,037,806	11.0	1,065,816	11.0			1,281,613	14.0		
Special Bills							47,704			
Salary POTS	29,993		25,981				32,157			
Health/Life/Dental	19,048		25,647				1,171			
Short Term Disability	1,158		550				11,061			
AED	1,484		4,950				2,370			
SAED							3,001			
Worker's Compensation	1,482		1,800				223			
Leased Space Allocation							43,545			
Capital Complex Lease Space	31,706		32,772				10,547			
Vehicle Lease Allocation	10,547		11,910				-			
IT Asset Maintenance							20,175			
ADP Capital Outlay Allocation							2,261			
Communication Service Payments	1,538		2,589							
Rollforward from Previous FY	13,751									
Rollforward to Subsequent FY										
Overexpenditure/(Reversion)	(23,314)									
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal Funds	(85,706)		(52,161)							
TOTAL RECONCILIATION	1,039,493	11.0	1,119,854	11.0			1,455,828	14.0	-	
GRAND TOTAL	1,039,493	11.0	1,119,854	11.2	1,281,613	14.0	1,455,828	14.0	1,328,336	14.0
General Fund	259,874		279,964		320,372		573,962		332,352	
General Fund Exempt	3,052		0		-		-		-	
Cash Funds	-		0		-		-		-	
Cash Funds Exempt	-		0		-		-		-	
Federal Funds	776,568		839,891		961,241		881,866		995,984	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law		MEDICAID FRAUD GRANT				
Item	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2006	FY 2007	FY 2008	FY 2008	FY 2009
Schedule 3 Total		1,039,493	1,281,613	1,281,613	1,455,828	1,328,336
General Funds		259,874	320,372	320,372	573,962	332,352
General Funds Exempt		3,052	-	-	-	-
Cash Funds		-	-	-	-	-
Cash Funds Exempt		-	-	-	-	-
Federal Funds		776,568	961,241	961,241	881,866	995,984
Cash Funds Exempt						
Medicaid Fraud Custodial	149	-	-	-	-	-
Federal Funds						
Medicaid Fraud Federal Funds		776,568	961,241	961,241	881,866	995,984



Capital Crimes Prosecution Unit





PROGRAM CROSSWALK

Program Title: Capital Crimes Prosecution Unit

Long Bill Line Item: Criminal Justice and Appellate - Capital Crimes Prosecutions Unit

Change Requests: N/A

Federal and State Statutory Authority:

Sections 16-11-103, 18-1.3-1201, 18-1.4-101, 18-1.4-102, 20-1-201(1)(c), and 24-31-101(1)(a), C.R.S.

Program Description:

The Capital Crimes Unit ("CCU") is a two-attorney, one-investigator unit, which is assisted by an administrative assistant. CCU was created by the Legislature in fiscal year 1994-1995 to assist District Attorneys by providing additional investigative and prosecutorial resources in an effort to more effectively analyze and implement the death penalty for offenders who truly deserve it given the commission of especially aggravated and brutal homicides.

In addition to assisting in the prosecution of cases determined by the District Attorney to warrant filing of the death penalty, in many instances, the Unit has provided investigative assistance concerning aggravated homicides, which cases may appropriately be considered for capital treatment if solved.

The Unit has handled capital appeals in both the state and federal appellate courts, and post-conviction proceedings involving death row inmates. The Unit has performed a primary role in responding to legal and logistical needs during the execution process and is the only entity in Colorado, which provides expertise on capital cases from initial investigation through execution.

The work load of CCU is dictated by the incidence of aggravated or multiple homicides, as well as prosecution requests for assistance. As anticipated, requests by state prosecutors to CCU for consultation or other assistance increased during the past fiscal year.

1. CAPITAL CRIMES UNIT EFFORTS IN 2006-2007

The District Attorney's decision to seek the death penalty is made solely by the District Attorney elected to serve in each Judicial District. Any assistance provided by the Unit is provided at the request of the District Attorney.

In some of the cases which follow, the defendants have not proceeded to trial or otherwise resolved their cases. It is important to remember that a charge is merely an accusation and

defendants are presumed innocent until and unless proven guilty. The following cases are representative of CCU's work during fiscal year 2006-2007:

MONTOUR

CCU has continued its work on the case of People v. Montour. Defendant Montour, an inmate serving a life sentence for the murder of his 11 week old daughter, killed Sgt. Eric Autobee, a member of the prison staff at Limon Correctional Facility. Montour described his attack on the unsuspecting Sgt. Autobee as follows:

. . . and he turns around and I'm think well fuck it's now or never. So he walks a few feet, I grab the ladle and whack him in the head. I aim for the back of his head 'cause I know it's a kill shot. Um, he goes down and he moves his right hand and I whack him again.

Prior to executing Sgt. Autobee, Montour had determined to his satisfaction that Colorado's death penalty law would be found unconstitutional pursuant to his understanding of Ring v. Arizona (2002). As a result, he felt that he could commit this murder, enter a plea of guilty and, even if the death sentence was imposed, it would be set aside on appeal, meaning Montour would receive a life sentence.

After a sentencing hearing to the trial court, Montour was sentenced to death for the first degree murder of Sgt. Autobee. Pursuant to statute, the Colorado Supreme Court conducted a mandatory review of Montour's death sentence. During these appellate proceedings, lengthy briefs were filed, including those of interested parties such as the Colorado Criminal Defense Bar and Colorado District Attorney's Council, among others.

During the fall of 2006, both Unit attorneys devoted substantial time to appellate research and writing tasks. The Unit's First Assistant was the principal author of the State's Answer Brief, which was much shorter than that filed by defense, but was nonetheless 240 pages long. At the request of local prosecutors, the Unit's First Assistant argued the People's position before the Colorado Supreme Court on January 25, 2007.

Thereafter, on April 23, 2007, the Colorado Supreme Court affirmed Montour's guilty plea, but held that a single provision in Colorado's capital statute applicable to Montour was unconstitutional and thus remanded the case to the trial court for a new capital sentencing hearing. Since the remand, both Unit attorneys have devoted substantial time to case preparation in the trial court, including research, drafting pleadings and consultation with local prosecutors.

RAY, CARTER AND OWENS

On March 8, 2006, defendants Ray, Carter and Owens were indicted for first degree murder arising from the killings of Javad Marshall-Fields, and his fiancée, Vivian Wolfe, on June 20, 2005. A separate case was filed against each defendant. There is a court order which limits the dissemination of information concerning the facts of this case and prevents further elaboration here. The District Attorney filed a Notice of Intent to Seek the Death Penalty. Unit lawyers were sworn in as special deputies in this case.

During the past fiscal year, Unit lawyers have expended substantial time and effort assisting local prosecutors in the extensive motions practice which these three cases involve.¹ Unit lawyers have provided research services, have assisted in the preparation of responses to many defense motions and have prepared other pleadings. Unit attorneys participated in and/or argued motions during several hearings in the trial court and have consulted with local prosecutors as requested during the past fiscal year.

Because an assessment of aggravating and mitigating factors is critical to a District Attorney's ability to make the best determination concerning whether to seek the death penalty, during the past fiscal year, the Unit's investigator assisted in case investigation as it relates to the potential capital aspects of these cases.

BUENO AND PEREZ

Defendants Bueno and Perez, who were inmates at Limon Correctional Facility, are charged with First Degree Murder arising from the death of another inmate, who was also serving his sentence at the Limon Correctional Facility. A separate case was filed against each defendant. Among other aggravators specified, at the time of the murder, defendants Bueno and Perez are alleged to have been serving sentences for aggravated robbery, a class 3 felony, and second degree murder respectively. The District Attorney filed a Notices of Intent to Seek the Death Penalty.

During the past fiscal year, the Unit's work in these cases has included drafting motions in limine on behalf of the prosecution, researching and drafting responses to numerous defense motions, preparation of materials on voir dire and preliminary work on capital sentencing instructions. The Unit's First Assistant has assisted in numerous hearings in both cases.

OTHER CASES

While not sworn in as special deputies, during the past fiscal year, Unit lawyers consulted and/or provided research when requested on filed cases pending in the 4th and 10th Judicial Districts.

¹ During the past fiscal year, the Unit's work in the Ray and Owens cases was much more extensive than that in the Carter case. After the District Attorney made a decision not to pursue the death penalty against Carter, the Unit's work in that case ceased.

During fiscal year 2006-2007, the Unit has provided substantial consultation and/or investigative assistance to district attorneys or law enforcement agencies confronted with cold homicide cases, those which have remained unsolved more than a year.² By way of example, during the past fiscal year, such assistance has been provided to law enforcement agencies within the 1st, 3rd, 4th, 5th, 7th, 9th, 10th, 11th, 12th, 17th and 18th Judicial Districts.

In addition to the cases referenced in the preceding paragraph, during the past fiscal year, the Unit has also provided substantial consultation and/or investigative assistance to district attorneys or law enforcement agencies confronted with aggravated homicides, which are not characterized as "cold." By way of example, during the past fiscal year, such assistance has been provided to law enforcement agencies within the 1st, 4th, 17th, 18th and 22nd Judicial Districts.

TRAINING

The Cold Case Group founded by this Unit continues to meet on a quarterly basis. During the past fiscal year, participation in this group has grown from approximately 40 to 45 investigators representing 25 rather than 22 law enforcement agencies. The group meets to offer training as well as a forum for the presentation and evaluation of cold cases.

During fiscal year 2006-2007, the Unit offered the following training:

09/20/06	Major Case Considerations at Highlands Ranch Public Safety Training Institute
09/21/06	Major Case Considerations at Highlands Ranch Public Safety Training Institute
09/22/06	Cold Case class to the County Sheriff's of Colorado Association
11/14/06	Cold Case and Capital Crimes Class to Law Enforcement in the 10 th Judicial District
11/21/06	Major Case Considerations at Highlands Ranch Public Safety Training Institute
11/22/06	Major Case Considerations at Highlands Ranch Public Safety Training Institute

² Discussion of the facts underlying law enforcement inquiries is not provided as such disclosure might prejudice pending investigations.

02/01/07	Cold Case class to Cold Case Investigators Group
03/14/07	Capital Crimes Class 18 th Judicial District (Douglas County)
04/24/07	Cold Case class to Weld County Investigators
04/28/07	Major Case Considerations at Highlands Ranch Public Safety Training Institute
05/01/07-05/02/07	Major Case Considerations at Highlands Ranch Public Safety Training Institute
05/01/07	Cold Case Class to Northeastern Colorado Peace Officers association
06/26/07	Capital Crimes Class to law enforcement officers in Sterling area (two presentations total)
06/27/07	Capital Crimes class to Fort Morgan Police Department & Morgan County Sheriff's Office (two presentations)

OTHER ASSISTANCE

The Unit responds to requests from prosecutors for legal research and/or information concerning experts. During fiscal year 2006-2007, the Unit answered such requests from the 13th, 18th and 22nd Judicial Districts.

2. CONTINUING NEED FOR THE CAPITAL CRIMES UNIT

CCU was created in large part to balance the inequity which existed by reason of the comparatively unlimited fiscal resources available for the defense of capital cases versus the substantially fewer resources then available to most Colorado prosecutors. For example, during its history, CCU has observed situations in which the public defender has assigned as many as four or five lawyers to motions hearings to argue against one District Attorney in a smaller rural Office.

It should also be noted that, absent a resource such as CCU, the ability of even the larger offices to prosecute a capital case is severely compromised. Regardless of the size of the office, the prosecution in any capital case is routinely confronted with defense teams of three or more attorneys and multiple investigators, who recruit numerous expert witnesses, and fund significant travel, both for investigative purposes and transportation of witnesses. Historically, if one considers the cases which have gone to trial and on which CCU has assisted, such cases average over 300 motions filed by the defense, all of which must be answered by the prosecution.

To permit an inequity, such as that which existed prior to the creation of CCU, to continue would have been a disservice to Colorado's citizenry, which has indicated its desire for a death penalty, as well as the Legislature, which responded to that demand by enacting Colorado's capital sentencing statutes. The Legislature responded to the public's desire for an effective death penalty by creating CCU.

The workload of CCU is dictated by the incidence of aggravated or multiple homicides and the frequency of requests, which local prosecutors choose to make of the Unit. As anticipated, during fiscal year 2006-2007, requests from prosecutors for CCU services increased over the prior year.

Prioritized Objectives & Performance Measures³

Capital Crimes Prosecution Unit		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY 10
Objectives 1.1	To assist District Attorneys in the investigation of aggravated murders.					
Measure 1.1.1. Investigation	Target					
	Actual	19	41			
Measure 1.1.2. Grand Jury	Target					
	Actual	2	0			
Combined Cases		21	41			
Hours		2,167	1,642 ⁴			
Objectives 2.1	To assist District Attorneys in prosecutions when the death penalty is being consideration or sought.					
Measure 2.1.1. Expand database	Target					
	Actual	150 ⁵	218 ⁶			
Measure 2.1.2. Research (hours)	Target					
	Actual	541	664			
Measure 2.1.3. Pleadings, briefs, appearances (hours)	Target					
	Actual	589	1,313 ⁷			

³ Because the incidence of aggravated or multiple homicides cannot be predicted, forecasting "targets" by number of future cases or future inquiries from prosecutors cannot be done with any accuracy. Due to personnel change during fiscal year 2006-2007, the Unit functioned with only one attorney from 2/23/07 through 4/30/07.

⁴ The hours for investigative work in fiscal year 2006 include substantial attorney time representing participation in two grand jury proceedings. The Unit attorneys did not perform grand jury work during fiscal year 2007.

⁵ Last year Crosswalk indicated 5,501 in this space. That indicated the total documents in the database. The increase was 150.

⁶ For the benefit of Colorado prosecutors, the Unit maintains, updates and supplements a pleadings database, which currently contains 5,719 pleadings.

⁷ The hours noted reflect services directly benefiting Colorado District Attorneys and exclude hours spent by Unit lawyers on Continuing Legal Education or necessary office functions, which indirectly benefit Colorado prosecutors which states: The nature of the work performed by the Unit varies depending on the nature of the request received from the local prosecutors.

Measure 2.1.4	Target					
Consultation (hours)	Actual	957	540 ⁷			
Combined Cases		4	5			
Objectives 3.1	To assist District Attorneys in the prosecution of capital postconviction proceedings or appeals.					
Measure 3.1.1. Appellate	Target					
briefs, pleadings, appearances (hours)	Actual	709	664			
Combined Cases		1	1			

Trends and Other Baseline Information:

Similar or Cooperating Programs: N/A

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
 - Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.

- Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Capital Crimes Unit the Personal Services Base for FY08 is \$320,280 which is 88.5% of the total FY08 Appropriation. The Operation base is \$41,501 which is 11.5% of the total.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Capital Crimes

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$320,280	4.0	\$320,280			
FY2007-08 Salary Survey - Classified	\$3,348		\$3,348			
FY2007-08 Salary Survey - Exempt	\$9,803		\$9,803			
FY2007-08 Performance-based Pay - Classified	\$331		\$331			
FY2007-08 Performance-based Pay - Exempt	\$1,380		\$1,380			
Subtotal PS -	\$335,142	4.0	\$335,142	-	-	-
OSP base adjustment (0.2%)	(\$670)		(\$670)			
Personal Services Appropriation Request	\$334,472	4.0	\$334,472	-	-	-
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$41,502		\$41,502			
Operating Expenses Appropriation Request	\$41,502		\$41,502	-	-	-
GRAND TOTAL - Capital Crimes	\$375,974	4.0	\$375,974	-	-	-

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
PERSONAL SERVICES	302,765	3.9	324,223	3.8	-		362,626	4.0	340,103	4.0
OPERATING	64,871		51,005		-		49,594		35,871	
GRAND TOTAL	367,636	3.9	375,228	3.8	361,781	4.0	412,220	4.0	375,974	4.0
General Fund	367,636		375,228		361,781		412,220		375,974	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	-		-		-		-		-	
Federal Funds	-		-		-		-		-	

SCHEDULE 3 - PERSONAL SERVICES PROGRAM DETAIL

Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
First Assistant Attorney General	85,991	0.9	103,368	1.0			108,828	1.0	108,828	1.0
Assistant Attorney General II	80,950	0.9	75,260	0.8			96,000	1.0	96,000	1.0
Criminal Investigator II	61,776	1.1	63,384	1.0			66,156	1.0	66,156	1.0
Administrative Assistant III	30,060	1.0	32,544	1.0			33,768	1.0	33,768	1.0
TOTAL POSITION DETAIL	258,777	3.9	274,556	3.8			304,752	4.0	304,752	4.0

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SCHEDULE 3 - PROGRAM DETAIL

Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.A.) CONTINUATION FTE SALARY COSTS	258,777	3.9	274,556	3.8			304,752	4.0	304,752	4.0
(Permanent FTE by Position)										
Continuation Salary Subtotal										
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	25,217		26,944				30,932		30,932	
Medicare on Continuation Subtotal	3,620		3,867				4,419		4,419	
Non-Base Building Performance Awards							428			
Part-Time/Temporary Salaries	-									
Contractual Services			1,138				970			
Overtime Pay			182							
Termination/Retirement Payouts			203							
Other	-		476							
SUBTOTAL	28,837		32,809				36,749		35,351	
(I.C.) PERSONAL SERVICES	287,614	3.9	307,365	3.8			341,501	4.0	340,103	4.0
SUBTOTAL= A+B										
(I.D.) POTS EXPENDITURES										
Health/Life/Dental	13,875		14,700				16,421			
Salary Survey	[7,874]		[13,074]				[13,151]			
Performance Awards							[1,711]			
Short Term Disability	328		309				378			
AED	558		1,848				3,686			
SAED							640			
Other	389									
[] indicates a non-add										
(I.E.) BASE PERSONAL SERVICES	302,765	3.9	324,223	3.8			362,626	4.0	340,103	4.0
TOTAL = C+D										
F.) DIFFERENCE= II.-I.E.									(5,631)	
G.) REQUEST YEAR DECISION ITEMS	302,765	3.9	324,223	3.8			362,626	4.0	340,103	4.0
General Fund	302,765		324,223				362,626		340,103	
General Fund Exempt										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

CAPITAL CRIMES PROSECUION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 - Litigation	6,010		1,869				4,600		2,900	
2220 - Building Grounds Maintenance			285				300		300	
2230 - Equip Maint/Repair Svcs	2								100	
2231 - ADP Equip Maint/Repair Services	88						100		200	
2251 - Lease Motor Pool Vehicle	2,628		348				500		500	
2252 - Motor Pool Mileage Charge	6,258		2,493				2,495		2,498	
2255 - Rental of Buildings	11,529		11,916							
2258 - Parking Fees	2,805		1,615				1,700		1,700	
2510 - In State Travel	46						100		100	
2511 - In State Common Carrier Fares	1,143						1,200		1,200	
2512 - IS Personal Travel Per Diem	4,419		1,426				1,500		1,500	
2513 - In State Personal vehicle Reimb.	323						300		400	
2530 - Out of State Travel	84		213				200		200	
2531 - OS Common Carrier Fares	421		406				407		406	
2532 - OS Personal Travel Per Diem	570		645				645		645	
2630 - Telephone	3,966		4,081				5,000		4,100	
2631 - Comm Svcs from Outside Sources	430		290				300		290	
2641 - Other ADP Billings - Purchase Services	8,386		11,826				10,000		10,000	
2660 - Insurance	539		586							
2680 - Contract Printing	692		733				750		850	
2830 - Office Moving/Purchased Services			341							
3115 - DP Supplies	669		254				700		254	
3117 - Educational	105		101				150		101	
3120 - Books & Subscriptions	1,033		1,193				1,200		1,500	
3121 - Office Supplies	579		905				900		1,000	
3123 - Postage	498		176				500		600	
3126 - Repair & Maintenance/Supplies			1							
3128 - Non-Capitalized Equipment			11							
3140 - Non-Capitalized IT Purchases			2,343							
3131 - Non-Capitalized Bldg Mat'l	9,299		1,076							
3132 - Non-Capitalized Furn/Office Syst.	35		265							
3143 - Non-Capitalized IT Other	260									
4140 - Dues & Memberships	1,179		1,298				1,200		1,500	
4220 - Registration Fees	875		1,308				1,200		1,500	
6224 - Other Furn & Fixtures - Direct Purchase			3,000						1,527	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

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Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Operating Expense Subtotal:	64,871		51,005				35,947		35,871	
ROLLFORWARD							-			
General Fund Exempt			-							
Potted Operating Expenses							857			
Workers' Compensation	-						348			
Leased Vehicle Expense							12,442			
Capital Complex Lease Space							-			
Lease Space							-			
IT Asset Maintenance										
ADP Capital Outlay							13,647			
Total	-		-							
OPERATING EXPENSE TOTAL:	64,871		51,005				49,594		35,871	
General Fund	64,871		51,005				49,594		35,871	
TOTAL CAPITAL CRIMES PROSECUTIONS	367,636	3.9	375,228	3.8	361,781	4.0	412,220	4.0	375,974	4.0
General Fund	367,636		375,228		361,781		412,220		375,974	
General Fund Exempt	-		-		-		-		-	
RECONCILIATION OF FUNDS										
Long Bill Appropriation	343,027	4.0	350,255	4.0			361,781	4.0		
Special Bills:										
Salary POTS	7,874		13,074				15,290			
Health/Life/Dental	16,843		19,918				16,421			
Short Term Disability	411		331				378			
AED	300		2,172				3,686			
SAED							640			
Worker's Compensation	539		655				857			
Capital Complex Leased Space	11,529		11,917				12,442			
Leased Space Allocation							-			
Vehicle Lease Allocation	2,520		589				348			
IT Asset Maintenance							-			
Communication Service Payments			431				377			
ADP Capital Outlay Allocation							-			
Rollforward from Previous FY year			2,916				-			

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Rollforward to Subsequent FY	(2,916)									
Overexpenditure/(Reversion)	(12,492)		(27,030)							
TOTAL RECONCILIATION	367,635	4.0	375,228	4.0			412,220	4.0		
GRAND TOTAL	367,636	3.9	375,228	3.8	361,781	4.0	412,220	4.0	375,974	4.0
General Fund	367,636		375,228		361,781		412,220		375,974	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	-		-		-		-		-	
Federal Funds										

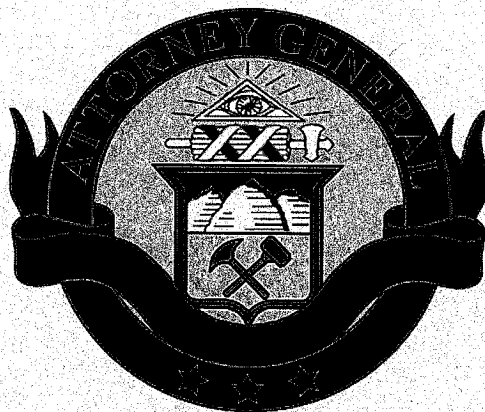
SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law

CAPITAL CRIMES PROSECUTION UNIT

Revenue Source	Fund Number	Actual	Actual	Approp	Estimate	Request
		FY 2006	FY 2007	FY 2008	FY 2008	FY 2009
Schedule 3 Total		367,636	375,228	361,781	412,220	375,974
General Fund		367,636	375,228	361,781	412,220	375,974
General Fund Exempt			-	-	-	-
Cash Funds			-	-	-	-
Cash Funds Exempt			-	-	-	-
Federal Funds			-	-	-	-
Cash Funds			-	-		
Cash Funds Exempt		-	-	-	-	-
Federal Funds						

POST Board Unit





PROGRAM NARRATIVE

Program Title: Peace Officer Standards and Training (P.O.S.T.) Board

Long Bill Line Item: Criminal Justice & Appellate – Peace Officers Standards and Training Board Support

Change Requests: None

Federal and State Statutory Authority:

The Colorado Peace Officer Standards and Training Board (P.O.S.T.) has broad ranging statutory responsibility and authority as recognized in the Colorado Revised Statutes. P.O.S.T.'s particular authority, responsibilities and duties are designated in § 12-7-102.5; § 16-2.5-101 through § 16-2.5-147; § 16-2.5-201 through § 16-2.5-203; § 24-1-113 (d); § 24-31-102 (d); § 24-31-301 through § 24-31-310; § 26-13-126; § 29-1-206; § 30-10-501.6; § 30-10-501.7; § 33-10-109; § 42-3-304(24); and, § 42-5-206; C.R.S..

Applicable federal responsibility includes Title VII of the Rehabilitation Act of 1973.

Program Description:

P.O.S.T. History, Organization and Responsibilities

The Colorado Peace Officer Standards and Training Board (P.O.S.T.), established as a result of the enactment of federal legislation requiring equal protection by jurisdictions receiving federal funding (Title VII of the Rehabilitation Act of 1973). The P.O.S.T. Board is composed of 20 members, of which three are statutory members: the *Colorado Attorney General (Chairperson)*; the FBI Special Agent in Charge of the Denver Division of the Federal Bureau of Investigation; and the Executive Director of the Colorado Department of Public Safety. Seventeen members are appointed to 3-year terms by the Governor and include one local government representative; one member of the general public; 6 active sheriffs; 6 active chiefs of police; and 3 line-level peace officers serving at the rank of sergeant and below.

In 1973, the Colorado Legislature passed legislation empowering P.O.S.T. with the statutory oversight and responsibility for development of basic and reserve peace officer training programs and certification of the Colorado peace officers and reserve peace officers appointed by state and local law enforcement agencies. From 1973 through 1992, the P.O.S.T. Board was recognized as a unit of the Colorado Department of Public Safety and the program was located at the training complex at Camp George West in Golden, Colorado. The Colorado State Patrol Academy, P.O.S.T. and the Colorado Law Enforcement Training Academy (CLETA) coexisted at that location.

Through the period 1973 through 1992, Colorado law enforcement agencies relied upon the state and CLETA to meet the basic training and certification requirements for newly hired peace officers. Unfortunately, the state was faced with budget challenges in 1992 and CLETA was closed. As a result, the traditional peace officer training and certification process for Colorado peace officers changed dramatically: basic peace officer training conducted at the state level ended. P.O.S.T. was transferred to the Colorado Department of Law and the state passed the responsibility for the training basic and reserve peace officer training to local government and the individual. The theory was to develop a training process that included local law enforcement basic peace officer training programs for agency new hires, supplanted by training programs attended by self-sponsored students and conducted by state higher education. Presently, a number of law enforcement agencies conduct basic/reserve training academies for their new hires. Self-sponsored (non-employed) peace officer aspirants attend one of the many basic peace officer training programs offered through the Colorado Junior and Community College system (CCCS).

The P.O.S.T. Board has statutory responsibility and authority for the development of standards related to the training, certification, and revocation processes for certified peace officers and reserve peace officers. This responsibility includes enforcing the statutes and rules related to peace officer academy enrollment; ensuring peace officer applicants are not convicted criminals; reviewing variance applications and taking timely revocation action against any certified peace officer convicted of a felony or certain misdemeanors. P.O.S.T. is also required to establish the standards for the renewal of expired Colorado peace officer certificates.

Additional Board responsibilities include approval, inspection, and regulation of all basic and reserve peace officer training academy programs. P.O.S.T. develops the basic and reserve peace officer program curriculums, instructor methodology training programs, skills training programs (arrest control tactics, firearms qualification, and law enforcement driving) and skills instructor programs. P.O.S.T. Staff members work with the five (5) Subject Matter Expert (SME) Committees, which include the Advanced Officer Training Committee, Curriculum SME Committee and the three skills disciplines to improve training methods, refine skills training program content, academy inspection protocols, and to administer practical examinations to individuals seeking Colorado peace officer certification under reciprocity.

P.O.S.T. also participates in the *Peace Officer Certification Information System (POCIS)* and enters the personal data of individuals whose peace officer authority and peace officer certificates are revoked by the P.O.S.T. Board. The Peace Officer Certification Information System and the National Decertification Index are services of the International Association of Directors of Law Enforcement Standards and Training (IADLEST). POCIS can be accessed by all states and serves as a national clearing house which maintains the names of individuals who are prohibited to serve as peace officers. Over the years, Colorado P.O.S.T. has joined with its counterparts from other states (IADLEST) to develop a reciprocity process for the evaluation of basic training attained by out-of-state peace officer applicants.

During the 2003 Legislative Session, *Senate Bill 03-103, Concerning Training Programs for Colorado Peace Officers* passed into law. The legislative intent of SB03-103 was to re-establish a statewide peace officer training program and to enable the P.O.S.T. Board to provide substantial training for certified peace officers. A twenty-five cent fee is collected on motor vehicle registrations and transferred to the P.O.S.T. Board Cash Fund pursuant to § 42-3-134(32), C.R.S.. These revenues are used to provide grant funding for peace officer training programs as determined by the P.O.S.T. Board. P.O.S.T. is now able to provide training grants to Colorado law enforcement training professionals (statewide training providers) and coalitions of law enforcement agencies. P.O.S.T. has established 10 training regions, which are based upon the state's 22 judicial districts. Law enforcement agencies within each training region are encouraged to work collaboratively. Each region is required to develop training programs through the use of regional law enforcement planning groups and multi-agency collaborative efforts. The regions then annually submit a grant application on behalf of their region to P.O.S.T. Applications are reviewed by the P.O.S.T. Peace Officer Training Project Subcommittee, which then makes grant award recommendations to the P.O.S.T. Board. The Board then takes formal action in the grant award process and grants are made to each region. The regional grants are not and have not been duplicative of training already being provided by the statewide training providers.

Past and Recent Legislation Affecting P.O.S.T.

Since being transferred from DPS to DOL, the Colorado Legislature has added a number of new responsibilities for the P.O.S.T. Board and Staff, which include:

- During the 1995 Legislative Session, the Colorado Legislature extended P.O.S.T. Board responsibilities for the development of training curriculum and the certification of all inspectors of vehicle identification numbers (VIN inspector training).
- In 1997, the legislature passed legislation extending the P.O.S.T. Board's responsibility for the office of elected county sheriff. The legislative requirements include basic peace officer certification and specific training requirements. Each newly elected sheriff must attend a P.O.S.T. approved 80-hour training academy, as approved by P.O.S.T., prior to entering the elected office and all active sheriffs must attend 20 hours of annual training.
- During the 1999 Legislative Session, the legislature passed requirements for the P.O.S.T. Board to develop training objectives and curriculum for Bail Recovery Training programs.
- In 2001, the Colorado Legislature passed **HB01-1114, *Concerning Profiling in Connection with Traffic Stops***, legislation requiring P.O.S.T. Board certification of a statewide anti-bias training curriculum for law enforcement officers and approval (certification) of agency conducted training programs that prevent racial profiling.

Since the effective date of this legislation, 11,000 Colorado peace officers have completed Anti-Bias training facilitated or approved by P.O.S.T.

- In 2003, the Colorado Legislature enacted four Bills having a direct workload impact on the P.O.S.T. Board and Staff. **SB03-103, *Concerning Peace Officer Training Programs***, created a cash fund in the state treasury for the awarding of peace officer training grants. The program provides training grant funding for peace officers, particularly for peace officers serving in rural and small law enforcement agencies. **SB03-242, *Concerning P.O.S.T. Board Membership***, added the three (3) previously noted rank and file law enforcement members to the P.O.S.T. Board. **HB03-1266, *Concerning the Recodification of Statutes Related to Peace Officers***, clarified the authority of peace officer groups/positions and caused P.O.S.T. Staff to provide more service and explanation to peace officer applicants and law enforcement agencies. P.O.S.T. Staff must now determine the statutory recognition and category status of all peace officer appointments. **HB03-1352, *Concerning Fingerprint-Based Criminal History Record Checks***, requires the submittal of P.O.S.T. fingerprint cards for all peace officer applicants and requires P.O.S.T. to qualify each student prior to the student's first day of instruction at an approved basic or reserve peace officer academy.
- During the 2004 Legislative Session, **SB04-224, *Concerning the Sunrise Review of Peace Officer Status***, was passed. The Bill requires P.O.S.T. to conduct a sub-committee review and hold a hearing with group/position applicants seeking statutory peace officer authority, provide a report to the P.O.S.T. Board for action and present a final P.O.S.T. Board recommendation to the Senate and House Judiciary Committees.
- During the 2005 Legislative Session, **HB05-1076, *Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board***, was passed. The Bill modifies the definitions of peace officers; adds two additional misdemeanors to the list of disqualifying misdemeanors; allows exclusion of individuals released or discharged from the armed forces of the United States under less than honorable conditions; authorizes P.O.S.T. to approve peace officer training programs; and authorizes P.O.S.T. to grant "Conditional Peace Officer Authority" to any person who successfully completes the required training program.

Historical Responsibilities, Practices and Actions

In January 1999, the Attorney General initiated an effort to conduct a review of P.O.S.T. policies and practices. The Attorney General impaneled a task force committee comprised of public officials, private sector representatives and law enforcement leaders to review P.O.S.T. policy and practice and to make recommendations to the P.O.S.T. Board. The task force group completed their review and presented a number of recommendations to the P.O.S.T. Board. The primary basis of the Task Force's recommendations was to require more flexibility of P.O.S.T. and the establishment of regional certification training and testing programs (for certification renewal and

provisional applicants) to meet the recruiting challenges faced by Colorado's law enforcement agencies.

While maintaining the integrity of existing P.O.S.T. standards and rules, the P.O.S.T. Board and Staff have worked diligently to implement the requirements and recommendations of the task force in the implementation of a process for remedial and regional testing of police applicants. The Board also implemented rule changes to improve the efficiency of P.O.S.T., including assigning the Director with the responsibility to initially hear provisional applicant variance requests; to conduct Show Cause Hearings for officers convicted of certain misdemeanors; and to rule upon peace officer applicant denial appeals as a result of misdemeanor convictions.

The P.O.S.T. Board established additional goals, as a result of the group's recommendations that have direct impact upon the P.O.S.T. budget and services provided to our customers. P.O.S.T. has worked actively with the state's community colleges to encourage the facilitation of P.O.S.T. approved "Refresher Academies". Successful completion of a refresher program allows former peace officers and out-of-state provisional applicants the ability to renew or gain certification through the attendance of an 88-hour refresher academy program. This was done to assist agencies in the recruitment of qualified and experienced peace officers. Colorado Northwestern Community College and Arapahoe Community College offer the Refresher Academies. The P.O.S.T. Board recently approved the Arapahoe Community College to conduct a refresher academy program that pairs a web-based academic training program with on-site and required skills training.

Another recent and significant change has included the restructuring of the P.O.S.T. staff. The task force recognized a very real need to have closer inspections of the basic and reserve peace officer training academies. The Department of Law and P.O.S.T. determined that this need could be accomplished through the reclassification of the Assistant Director position to a full-time academy inspector position. While this change has caused additional duties for the P.O.S.T. Director, it has resulted in the ability of P.O.S.T. to conduct more frequent and thorough inspections of the state's training academies – of which there are presently twenty-eight (28) basic peace officer academy programs and six (6) reserve peace officer academies. The P.O.S.T. Inspector has now completed the inspection of at least one skill discipline at each of the training academy programs.

Since 2001, **sixteen (16)** new academies have applied for and have received academy approval from P.O.S.T.. This process requires the P.O.S.T. Investigator to receive, review and process the academy applications, course descriptions and schedules, lesson plans, site depiction, and instructor credentials. Skills training information is then distributed to each of the Subject Matter Expert (SME) Committees for review and approval. The academy inspector is also responsible for all academy and program inspections, which requires travel to each of the thirty-four (34) academy sites. The inspector and SME Committee members are regularly and routinely required to travel to the numerous academies.

At its periodic meetings, the P.O.S.T. Board considers appealed variance requests and may hold hearings of appealed suspension, revocation, or denial rulings made by the P.O.S.T. Director. The Board also reviews applications for program approval. Additionally, the Board conducts Rule Making Hearings to modify or implement P.O.S.T. Rules as a result of changes made during the legislative session, at the request of Staff, or to coincide with case law.

Staff also reviews the certification records of peace officers from bordering states applying for Colorado peace officer certification or involved in temporary assignment to law enforcement agencies in Colorado (see § 29-1-206, C.R.S.).

The Staff conducts multiple certification exams at each of the twenty-eight basic training academy sites. Within that process, the P.O.S.T. Staff members regularly travel to the academies in Alamosa, Buena Vista, Colorado Springs, Craig, Delta, Durango, Fort Collins, Glenwood Springs, Grand Junction, Greeley, La Junta, Pueblo, Sterling, Rangely, and at numerous Denver Metro locations.

P.O.S.T. Staff maintains the certification records of approximately 30,000 persons. Presently, 13,233 individuals are currently appointed and are actively serving Colorado law enforcement agencies as peace officers and reserve peace officers. P.O.S.T. is responsible for the maintenance of all peace officer certification records, many who were at one time appointed as active peace officers, but who no longer serve as peace officers. In the past, the P.O.S.T. Board and Staff also maintained instructor certification records and information for each instructor involved in the training of Colorado peace officers.

Additionally, and in the past, P.O.S.T. maintained and administered a stratified peace officer certification program that recognized the accomplishments of certified peace officers. P.O.S.T. issued certificates in three categories: intermediate peace officer certification; supervisory peace officer certification; and executive certification. Those programs are no longer maintained at P.O.S.T. due to funding and staffing shortages.

P.O.S.T. will continue to review the educational requirements and certification needs of Colorado peace officers, including Continuing Law Enforcement Educational (CLEE) requirements and issues. A recent P.O.S.T. survey of Colorado law enforcement leaders established the need for P.O.S.T. supported continuing education standards and a stratified certification process for Colorado peace officers.

P.O.S.T. Programs and Responsibilities Implemented as a Result of Legislative Action

HB01-1114, Concerning Profiling in Connection with Traffic Stops

P.O.S.T. will continue to coordinate the 'Anti Bias Training for Law Enforcement Officers' training program for Colorado peace officers to address bias-based policing

issues. Colorado P.O.S.T. currently offers the only statewide officer training program relating to the issues of racial profiling. The program has been offered at numerous Colorado locations. The program has been reviewed and endorsed by a coalition of law enforcement and community organizations and is funded through Custodial Funds awarded to P.O.S.T. by the United States District Court for the District of Colorado. ***Since 2002, P.O.S.T. and our training partners have trained over 11,500 Colorado peace officers in this important training program. At their January 2005 P.O.S.T. Board Meeting, the Board also approved Staff's recommendation to require the 8-hour class in all future basic and reserve peace officer training programs.***

SB03-103, Concerning Peace Officer Training Programs

As previously mentioned, during the 2003 Legislative Session, the Colorado legislature passed ***Senate Bill 03-103, The P.O.S.T. Peace Officer Training Bill***. This legislation adds a twenty-five cent fee to all Colorado motor vehicle registrations. The fees are to be used to fund peace officer training grants for Colorado peace officers, particularly peace officers from small and rural law enforcement agencies. The twenty-five cent fee is collected at the time each motor vehicle is licensed. The fees are forwarded to the Department of Revenue, next to the Colorado State Treasurer, who credits the funds to the P.O.S.T. Board Cash Fund. It should be noted that P.O.S.T. always had the authority to issue such grants, but the cash fund had not been funded. The twenty-five cent fee now provides the sole funding source for the P.O.S.T. Peace Officer Training Project.

Two FTE were added to the P.O.S.T. Staff to facilitate management and operation of the project. The P.O.S.T. Board and Staff completed development of the plan, protocols, policies, and application process required for the implementation of the project. The project is a cash funded project and the funding is provided by P.O.S.T. through its authority found in § 24-31-303(b) and (3), C.R.S.. The Board has been able to award much needed training grants to 5 statewide training providers and to the 10 regional training programs for the purpose of funding peace officer training programs. ***The project just completed its third year of operation and the training provided to Colorado peace officers far exceed expectations: To date, Colorado peace officers have attended over 325,000 hours of training funded through the project.***

SB04-224, Concerning the Sunrise Review of Peace Officer Status

P.O.S.T. has developed and implemented P.O.S.T. Rule 22. Rule 22 outlines the application process and includes a P.O.S.T. Application Form 12 to be used by all groups/positions seeking future statutory peace officer authority and recognition. The rule establishes the practices and procedures to be followed by the applicant and P.O.S.T. including the procedures to be followed for sub-committee review and hearing of group/position applicants. It also provides the process to be followed by the P.O.S.T. Board and Staff for action. The P.O.S.T. Board will annually (in October and proceeding the legislative session) make any final recommendations for applicant groups/positions to the Senate and House Judiciary Committees.

HB05-1076, Concerning Peace Officer Certification Granted by the Peace Officer Standards and Training Board. The Bill modifies the definitions of peace officers; added two additional misdemeanors to the list of disqualifying misdemeanors; allows exclusion of individuals released or discharged from the armed forces of the United States under less than honorable conditions; authorizes P.O.S.T. to approve peace officer training programs; and authorizes P.O.S.T. to grant "Conditional Peace Officer Authority" to any person who successfully completes the required training program.

Prioritized Objectives & Performance Measures

P.O.S.T		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	Projected FY10
Objective 1.1	Training programs approved by P.O.S.T. must meet the expectations and requirements of Colorado law enforcement agencies, the courts and the citizens of our state.					
Performance Measure 1.1 Continuously review academy status, standards, rules, applications and procedures. Annually conduct P.O.S.T. Manual review and Rule Making Hearing.	Target	28	34	36	37	
	Actual	34	36			
Objective 1.2	Staff will continue to administer the certification and skill examinations to qualified applicants, and will confirm criminal history clearance for peace officer certification applicants, through fingerprint checks by the CBI and FBI.					
Performance Measure 1.2 Full confirmation/qualification and criminal history checks of academy applicants.	Target	1100	1100	1300	1300	
	Actual	1216	1275			
Objective 1.3	To revoke the peace officer certificates of peace officers convicted of a felony or certain misdemeanor crimes					
Performance Measure	Target	18	18	18	18	

1.3. POST will conduct Director's and Board Show Cause Hearings for peace officers convicted of a felony or convicted of particular misdemeanor crimes.	Actual	22	19			
Objective 1.4	P.O.S.T. inspection of peace officer training programs including basic training and reserve officer training academies.					
Performance Measure 1.4 Conduct announced and unannounced inspections of Colorado law enforcement academy training programs.	Target	12	12	12	12	
	Actual	13	14			
Objective 1.5	To establish and confirm standards, procedures, and requirements for persons certified as a peace officer in another state, who are applying within the provisional certification process.					

Performance Measure 1.5 POST will receive and review the applications and credentials of out-of-state applicants.	Target	100	100	100	100	
	Actual	63	62			
Objective 1.6	To establish training grant application, hearing process and award procedures within the POST Peace Officer Training Project.					
Performance Measure 1.6 POST will receive and review training fund grant applications and be attentive to the tracking of all training grant expenditures.	Target	15	15	14	14	
	Actual	15	14			
Objectives 1.7	To review, qualify and approve peace officer training courses funded through the P.O.S.T. Peace Officer Training Project.					
Performance Measure	Target	100000	110000	115000	115000	

1.7 POST will electronically document the HOURS of training attended by peace officers. POST will announce training programs and maintain a statewide peace officer training calendar.	Actual	106138 *205,000 +	112777 *325,000+			* Total hours of training delivered through project
Objectives 1.8	To establish and confirm standards, procedures and requirements for statutory recognition and approval of groups/positions applying for peace officer authority within the Sunrise Review provision of Colorado law.					
Performance Measure 1.8 POST will review applications. Hold sub-committee hearings, and submit recommendations to the P.O.S.T. Board, Senate and House Judiciary Committees. § 16-2.5-201 through 203 C.R.S.	Target	3	3	3	3	
	Actual	4	3			
Objective 1.9	To review variance requests for peace officer applicants seeking variance approval, review of compliance requirements, rule on applicants not meeting state standards.					
Performance Measure 1.9 POST will continue to conduct Rule 7 - Variance requests.	Target	50	60	60	60	
	Actual	47	71			
Objective 1.10	Continue to provide Anti-Bias and Cultural Diversity training programs meeting the requirements of the courts and § 24-31-309 C.R.S.					
Performance Measure 1.10 Conduct Anti-Bias training and develop an internet based (distance) anti-bias learning program.	Target	9677	10750	12000	13100	
	Actual	10513	*11651			* Total number of officers trained
Objective 1.11	P.O.S.T. Staff continue to proctor the P.O.S.T. Certification Examination for the graduates of training academies and other applicants.					
Performance Measure	Target	46	46	46	46	

1.11 Staff will travel to training academies to conduct the exam, as well as at DOL/POST.	Actual	52	57			
Objective	Issue Colorado peace officer authority and certification to Conditional, Provisional and Renewal Applicants.					
Performance Measure	Target	1200	1200	1400	1400	
1.12 Issue certificates and letters of authority to qualified applicants.	Actual	1122	1234			
Objective 1.13	Issue a unique and verifiable P.O.S.T. Identification Card (PID) to every certified Colorado peace officer.					
Performance Measure	Target	n/a	n/a	*15500	1400	
1.12 Purchase printer, scanners and supplies to distribute the every peace officer (through their appointing agency). * Funded by the JBC approved FY 2007/08 Decision Item.	Actual					

Workload Measures:

		Actual FY 06	Actual FY 07	Est. FY 08	Req FY 09	
Review and Monitor the Training Programs.	Target	28	34	36	37	
	Actual	34	36			
Review and approve Refresher Academy Applications.	Target	6	6	6	6	
	Actual	6	6	6		
Deliver P.O.S.T./ADL Anti Bias Training to Colorado Law Enforcement Officers.	Target	9677	11000	12000	13100	
	Actual	10513	11651			
Confirm Criminal History Records and Administer Certification Examination and Skills Records.	Target	1100	1100	1100	1100	
	Actual	1216	1275			
Review Out-of-State Applications for Colorado Certification (Reciprocity).	Target	100	100	100	100	
	Actual	63	62			

Conduct Director's and Board Show Cause Hearings.	Target	18	18	18	18	
	Actual	22	19			
Attend SME Committee meetings, recruit new committee members, and review applicant credentials.	Target	40	40	40	40	
	Actual	45	55			
Assist with Legislative issues affecting P.O.S.T., recommend language, review Bills for Fiscal Impact and provide input to drafters.	Target	3	2	2	2	
	Actual	5	3			
Electronically scan hard files to electronic data.	Target	n/a	n/a	*30,000	1200	
	Actual					
Revise and update rules and programs. Update web-site, hard copies and electronic forms.	Target	25	25	20	20	
	Actual	41	33			
Conduct announced and unannounced inspections of training academies.	Target	12	12	12	12	
	Actual	13	12			
Promote, receive and review training fund grant applications. Successful tracking of all training grant expenditures. Provide training funds for peace officer training hours , track training hours.	Target	100000	110000	115000	115000	
	Actual	106138	112777			
Identify, offer and coordinate particular training courses within the POST Peace Officer Training Project (SB03-103).	Target	50	50	50	50	
	Actual	102	164			
Sunrise Review of groups/positions seeking statutory peace officer authority (SB04-224).	Target	3	3	3		
	Actual	4	3			
Conduct the exam at	Target	46	46	46	46	

DOL/POST, and travel to training academies to proctor exam.	Actual	52	57			
Review, research and act on P.O.S.T. Rule 7 variance requests.	Target	50	60	60	60	
	Actual	47	71			
Coordinate P.O.S.T. Board meetings, maintain meeting minutes. Comply with Colorado Administrative Procedure/Law.	Target	8	8	10	10	
	Actual	9	11			
Verify peace officer agency affiliation and appointments with each agency. Issue <u>secure, verifiable and unique PID.</u>	Target	n/a	n/a	*13,233 +-	1400	
	Actual					
Issue P.O.S.T. Certificates to qualifying applicants.	Target	1200	1200	1200	1200	
	Actual	1122	1234			

Similar or Cooperating Programs: N/A

Assumptions and Calculations:

For Single Program Line items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker’s Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by

the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.

2. To compute the FY09 Personal Services Budget Request:

- Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
- Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
- Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.

3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the P.O.S.T Board Unit the Personal Services Base for FY08 is \$393,358 which, is 32.6% of the total FY08 Appropriation. The FY08 Operating base is \$814,767, which is 67.4% of the total appropriation.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ POST Board

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$393,358	6.0	\$44,638	\$348,720		
FY2007-08 Salary Survey - Classified	\$12,321			\$12,321		
FY2007-08 Salary Survey - Exempt	\$0					
FY2007-08 Performance-based Pay - Classified	\$924			\$924		
FY2007-08 Performance-based Pay - Exempt	\$0					
Subtotal PS -	\$406,603	6.0	\$44,638	\$361,965		
OSP base adjustment (0.2%)	(\$813)		(\$89)	(\$724)		
Personal Services Appropriation Request	\$405,790	6.0	\$44,549	\$361,241		
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$14,767			\$14,767		
Operating Expenses Appropriation Request	\$14,767			\$14,767		
POST Training Grants						
Previous Year Long Bill (SB07-239)	\$800,000			\$800,000		
Annualization of Decision Items:						
Previous Year Decision Item Annualized	(\$44,549)		(\$44,549)			
GRAND TOTAL - POST	\$1,176,008	6.0	-	\$1,176,008		

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law Item	Actual FY 06		Actual FY 07		Approp. FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
POST Board	1,212,150	6.0	1,163,399	6.0	1,208,125	6.0	1,285,238	6.0	1,176,008	6.0
General Fund	8,020		-		44,638		44,638		0	
General Fund Exempt	-		-		-		-		-	
Cash Funds	1,190,119		1,158,673		1,163,487		1,240,600		1,176,008	
Cash Funds Exempt	14,011				-		-		-	
Federal Funds	-									

SCHEDULE 3 - PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
General Professional VI	87,540	1.0	89,904	1.0			93,936	1.0	93,936	1.0
General Professional V	70,476	1.0	72,384	1.0			75,624	1.0	75,624	1.0
Compliance Investigator II	56,472	1.0	60,888	1.0			63,612	1.0	63,612	1.0
Program Assistant I	29,534	0.9	33,120	1.0			34,608	1.0	34,608	1.0
Program Assistant II	38,076	1.0	39,984	1.0			41,772	1.0	41,772	1.0
Administrative Assistant II	29,724	1.0	30,372	1.0			31,512	1.0	31,512	1.0
TOTAL POSITION DETAIL	311,822	5.9	326,652	6.0			341,064	6.0	341,064	6.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position)										
Continuation Salary Subtotal	311,822	5.9	326,652	6.0			341,064	6.0	341,064	6.0
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	30,852		32,419				34,618		34,618	
Medicare on Continuation Subtotal	4,408		4,631				4,945		4,945	
Non-Base building performance Award							231		2,500	
Part Time/Temporary Services							2,500		22,663	
Contractual Services			292				19,478			
Overtime Payments										
Termination/Retirement Payouts	499		10							
Other										
Leave										
SUBTOTAL	35,758		37,352				61,772		64,726	
(I.C.) PERSONAL SERVICES										
SUBTOTAL= A+B	347,580	5.9	364,004	6.0			402,836	6.0	405,790	6.0
(I.D.) POTS EXPENDITURES										
Health/Life Dental	18,407		24,891				29,354			
Salary Survey	[8,243]		[9,995]				[12,321]			
Performance Awards	458		370				425			
Short Term Disability	760		2,395				4,004			
AED							858			
SAED										
Other	684		703							

[] Indicates a Non-add

SCHEDULE 3 - PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.E.) BASE PERSONAL SERVICES TOTAL= C+D	367,889	5.9	392,363	6.0			437,477	6.0	405,790	6.0
(I.F.) DIFFERENCE=II- I.E.									(0)	
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									393,358	
Salary Survey-Classified									12,321	
PBP - Classified									924	
OSPB .2% Base Reduction									(813)	
SPECIAL BILLS:									405,790	
II. PERSONAL SERVICES REQUEST TOTAL	367,889	6.0	392,363	6.0			437,477	6.0	405,790	6.0
General Fund	8,020						44,638		44,549	
General Fund Exempt										
Cash Funds	359,869		392,363				392,839		361,241	
Cash Funds Exempt							-		-	
Federal Funds										

**SCHEDULE 3 - OPERATING PROGRAM DETAIL
PEACE OFFICERS STANDARDS & TRAINING BOARD**

Department of Law

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
2230 - Equipment Contract Maintenance	492		1,017				1,017		1,017	
2231 - ADP Equip Maint/Repair Services	307		334				340		340	
2232 - Software Upgrades	2,800		2,950				3,000		2,800	
2254 - Rental of Motor Vehicles	62		208				208		208	
2255 - Rental of Buildings	18,816		18,580				500		500	
2259 - Parking Fee Reimbursement	391		446				2,500		2,000	
2512 - IS Personal Travel Per Diem	2,707		2,206							
2513 - IS Personal Vehicle Reimbursement	228		2							
2530 - Out of State Travel			3,179				3,200		3,000	
2630 - Telephone	2,902		43				100		100	
2631 - Comm Svcs from Outside Sources	97		20				50		50	
2641 - Other ADP Billings - Purchase Service	809		879				7,500		7,500	
2660 - Insurance	5,869		7,487				8,000		7,500	
2680 - Contract Printing	5,957		100				100		100	
2690 - Other Pur Services - Legal	95									
2820 - Other Purchased Services	517		796				1,200		1,200	
2830 - Office Moving/Purchased Services	382		88				200		200	
3115 - DP Supplies	30		3,537				3,700		3,200	
3120 - Books & Subscriptions	2,906		21							
3121 - Office Supplies	40		4,604				5,000		3,602	
3122 - Microfilming/Photo. Supplies	5,350		277				300		300	
3123 - Postage	69						300		300	
3128 - Non-Capitalized Equipment	286						700		700	
3132 - Non-Capitalized Furn/Office Systems	548						2,000		2,000	
3143 - Non-Capitalized IT Other							2,100		1,400	
4111 - Prizes and Awards	626		1,936				1,750		1,750	
4140 - Dues & Memberships	1,623		1,509				274,000		274,000	
4180 - Official Functions	273,982		1,108				176,000		176,000	
5110 - Grants to Cities	161,566		273,550				325,000		325,000	
5120 - Grants to Counties	352,225		175,293							
5781 - Grants to NonGov/Organizations			263,250							
Operating Expense Subtotal:	841,787		771,036				818,765		814,767	
OPERATING EXPENSE TOTAL:	841,787		771,036				818,765		814,767	
General Fund										
General Funds Exempt			0							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Cash Funds	830,250		766,310				818,765		814,767	
Cash Funds Exempt	11,493		4,726							
Potted Operating Expenses										
Workers' Compensation	-						1,286			
Leased Vehicle Expense							18,662			
Capital Complex Lease Space							-			
Leased Space							9,048			
IT Asset Maintenance							-			
ADP Capital Outlay							28,996			
Total										
General Fund							-			
Cash Funds							28,996			
Cash Funds Exempt										
ROLLFORWARD										
General Funds Exempt	2,518									
Cash Funds Exempt	2,518									
FY09 Annualization of Decision Items:										
FY08 Decision Item- Record Scanning										
General Fund									(44,549)	
Cash Funds									(44,549)	
TOTAL POST BOARD										
General Fund	1,212,150	6.0	1,163,399	6.0	1,208,125	6.0	1,285,238	6.0	1,176,008	6.0
General Fund Exempt	8,020				44,638		44,638		0	
Cash Funds										
Cash Funds Exempt	1,190,119		1,158,673		1,163,487		1,240,600		1,176,008	
Federal Funds	14,011		4,726							
RECONCILIATION OF FUNDS										
Long Bill Appropriation	1,145,965	6.0	1,155,202	6.0			1,208,125	6.0		
HB06-1222 Supplemental	48,000									
Salary POTS	19,473		9,995						13,476	
Health/Life/Dental	14,412		18,856						29,354	
Short Term Disability	432		371						425	
AED	1,275								4,004	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

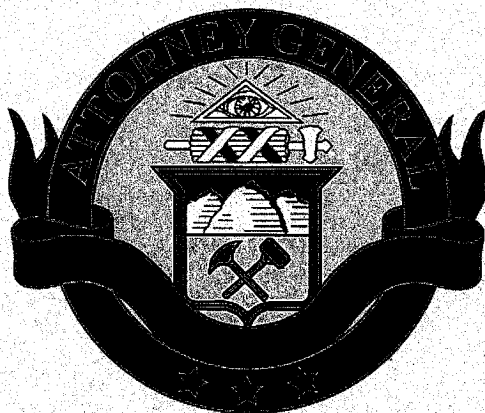
Department of Law

Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SAED							858			
Workers Compensation	809		982				1,286			
Capital Complex Lease Space	17,293		17,876				18,662			
Leased Space Allocation							-			
Vehicle Lease Allocation							-			
Building Wiring and Security							9,048			
IT Asset Maintenance							-			
ADP Capital Outlay Allocation	2,514						-			
Rollforward from Previous FY	(1,521)						-			
Rollforward to Subsequent FY										
Overexpenditure/(Reversion)	(36,507)		(39,884)							
Lapsed Appropriation Cash Fund	1,212,150	6.0	1,163,398	6.0			1,285,238	6.0		
Lapsed Appropriation Cash Fund Exempt										
TOTAL RECONCILIATION										
GRAND TOTAL	1,212,150	6.0	1,163,399	6.0	1,208,125	6.0	1,285,238	6.0	1,176,008	6.0
General Fund	8,020				44,638		44,638		0	
General Fund Exempt	-				-		-		-	
Cash Funds	1,190,119		1,158,673		1,163,487		1,240,600		1,176,008	
Cash Funds Exempt	14,011		4,726		-		-		-	
Federal Funds	-				-		-		-	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law Item	Fund Number	PEACE OFFICERS STANDARDS & TRAINING BOARD				
		Actual FY 2006	Actual FY 2007	Approp FY 2008	Estimate FY 2008	Request FY 2009
Schedule 3 Total						
General Funds		1,212,150	1,163,399	1,208,125	1,285,238	1,176,008
General Funds Exempt		8,020	-	44,638	44,638	0
Cash Funds		-	-	-	-	-
Cash Funds Exempt		1,190,119	1,158,673	1,163,487	1,240,600	1,176,008
		14,011	-	-	-	-
Cash Funds	296					
POST Board Fund		1,190,119	1,158,673	1,163,487	1,240,600	1,176,008
Cash Funds Exempt						
POST Board Fund Reserve		14,011	-	-	-	-

Victims' Assistance





PROGRAM NARRATIVE

Program Title: Victim Service Coordinator, Appellate Division and Criminal Justice

Long Bill Line Item: Criminal Justice & Appellate – Victim's Assistance

Change Requests: No

Federal and State Statutory Authority:

Colo. Const. Art II, § 16a; Colo. Rev. Stat. § § 24-31-106, § 24-4.1-302, § 4-4.1-302.5, § 24-4.1-303, § 24-33.5-506, C.R.S. (1999)

a) **Targeted Base Review:** No

Program Description:

Over the last twenty years, provision of services to victims of crime in Colorado has improved dramatically. In the past, crime victims had an undefined status in the criminal justice system, and too often received little or no information about the investigation, prosecution, sentencing, or appeal of the offender in their case. In an effort to establish state standards for victim rights, the citizens of Colorado overwhelmingly passed a Constitutional Victim Rights Amendment in 1992 that recognized crime victims as participants in the criminal justice system, with the expectation that they would be treated with dignity and respect, and would be kept informed of the critical events in their cases. In 1993, enabling legislation was passed by the Colorado legislature that codified these rights.

Under Colo. Const. Art. II, § 16a and Colo. Rev. Stat. §§ 24-4.1-302, *et seq.*, victims of certain crime have the right to be informed of and present for each critical stage of the criminal justice process. To this end, law enforcement agencies are required to provide certain services to all victims of crime against persons. The Department of Law Victim Services is provided by 1 FTE, the Victim Services Coordinator. The Victim Services Coordinator carries out these duties for both the (Criminal) Appellate Division and the trial prosecutions within the Criminal Justice Section in the Attorney General's office. The Coordinator helps over 1200 victims each year. These duties entail providing status information, explanations, court accompaniment, referral, and liaison services to crime victims in Appellate, Special Prosecutions, Medicaid fraud, and, occasionally, capital cases.

The Coordinator provides status information, explanations, court accompaniment, referral, and liaison services to the victim as his or her case progresses through the "critical stages" of the criminal justice process. Depending on whether the case is an appellate or trial-level proceeding, the critical stages and nature of additional services vary. These services are

non-duplicative of any other services in the state. The VSC enables crime victims and their families to know what is going on with their cases and why.

Significant Case Samples:

The VSC often works in partnership with multiple units of the criminal justice system with the victims of a crime. In **People v. Nathan Dunlap**, a death penalty case in which the defendant shot and killed four victims and injured one victim, the family members are being supported by the VSC throughout the lengthy and varied appeal process. In the Attorney General's Office, the Capital Crimes Unit and the Appellate Unit are both involved in this case. The trial prosecutors and victim advocates from Arapahoe County also continue to be involved. The VSC has coordinated the flow of information to the families. Because the appeals process in death sentence cases involves both the trial court and the Attorney General's Office, coordination of services and good communication is essential.

People v. Martinez is a "shaken baby" homicide case. The defendant was the boyfriend of the baby's mother. The Court of Appeals reversed the conviction and remanded for a new trial, which was extremely upsetting to the mother. The issue was the expert testimony of a forensic expert about the minimum amount of force necessary to produce the trauma to this baby, and what actions might produce this trauma. The AG was successful in getting this reversal overturned by the Colorado Supreme Court. Not only is this important as far as case law in expert testimony, but was an incredible relief to the mother. The VSC worked closely with the trial court victim advocate who had a relationship built with the mother.

People v. Stevenson is a murder case. The victim had advertised a car for sale, and when the couple arrived at his home in response to the advertisement, the victim was shot and killed and the car was stolen. The VSC has worked with the family through the direct appeal. The Court of Appeals reversed the conviction and remanded to the trial court for a new trial. A second trial resulted in a second murder conviction, which is currently involved in a second direct appeal. The VSC continues to inform the family and support them through the appeals process.

The appellate process is foreign to most citizens. The VSC is knowledgeable about the language and the process of criminal appeals, and can explain clearly to victims what is happening, the timeline, the possible outcomes, and attempt to give them an understanding of this unfamiliar legal process. She also lets them know what their rights are under the Victim Rights Act, sends appropriate literature to them, and remains available for questions during the lengthy appeal process. The Attorney General's Victim Services Coordinator is funded through the State Victims Assistance and Law Enforcement fund, pursuant to C.R.S. § 24-31-106 and § 24-33.5-506.

Prioritized Objectives & Performance Measures

Victim Services		Actual FY 06	Actual FY 07	Est FY 08	Req. FY 09	Projected FY 10
Objective 1.1:	To provide statutorily mandated services to all crime victims whose cases will open on appeal in the Appellate Division or are litigated by the special prosecutions, Medicaid fraud, and as determined, the capital crimes unit of the Criminal Justice Section.					
Measure 1.1.1: To provide service to all victims of violent crime whose cases will open on appeal or prosecuted within the Attorney General's Office this year.	Target	1250	1250	1250		
	Actual					
Objective 1.2:	To play an active role in the statewide coordination of victim services.					
Measure 1.2.1: Participate on a number of ongoing statewide victim services boards, task forces, and committees.	Target	6	6	6		
	Actual					

Workload Measures:

		Actual FY 06	Actual FY 07	Est. FY 08	Req. FY 09	Projected FY 10
#1: Phone calls received, answered, or initiated to victims concerning events in cases	Target	600	600	600		
	Actual	700				
#2: Mailed substantive notifications to victims concerning critical stages in their cases.	Target					
	Actual					
#3: Accompany victims to oral arguments to the Court of Appeals and the Colorado Supreme Court	Target	24	24	24		
	Actual					

Trends and Other Baseline Information:

Similar or Cooperating Programs:

The Victim Services Coordinator works cooperatively with the Victim Assistance Coordinators in all of the District Courts in Colorado, with Victim Compensation, with the Victim Advocates in the Departments of Correction, Probation, Parole, and with community-based victim programs throughout the state.

Efficiency and Effectiveness Analysis: N/A

Assumptions and Calculations:

For Single Program Line Items – the fiscal year 2009 (FY09) Personal Services and Operating Budget Request are calculated per Joint Budget Committee (JBC) policy.

1. Determine the FY08 base appropriation for personal services and operating by calculating the following:
 - From the program Schedule 3, identify the total personal services expenditures and operating expenditures in FY07. Then from the Personal Services total, subtract the following centrally allocated appropriations: Salary Survey, Performance Based Pay, Health Life Dental, Short Term Disability, AED and SAED. From the operating total subtract these centrally allocated appropriations: Worker's Compensation, Lease Space, Vehicle Lease payments, Communication service payments, Capital outlay and IT Asset Maintenance.
 - Add the above remaining two figures - Personal Services and Operating (after the centrally appropriated appropriations have been removed) to determine the amount spent in each category from the program line item appropriation.
 - Calculate the percentage of the total that is personal service and the percentage that is operating. Take the percentage that is personal services and multiply it by the FY08 line item appropriation. This number will be the FY08 base figure for Personal service. The remainder is the FY08 operating base.
2. To compute the FY09 Personal Services Budget Request:
 - Take the calculated FY08 personal services base figure from above and add in the program's FY08 salary survey allocation for both classified and non-classified employees.
 - Then add in 80% of the programs performance-based pay allocation for both classified & non-classified employees.
 - Finally take a 0.2% reduction to the above total and this will be the FY09 personal services request. However, on lines less than 5 FTE the Department did not take the .2 % reduction.
3. The FY09 operating request is the same amount as the calculated FY08 operating number. The Department allocates certain centrally appropriated expenditures (Capital Complex Lease Space, IT Asset Maintenance, Worker's Compensation and Vehicle Lease Payments) to the various line items where they are expended. The actual column expenditures (FY06 and FY07) in the Schedule 3 include these allocated appropriations. The Estimate column includes the projected allocation in the current fiscal year.

For the Victim's Assistance Unit the Personal Services Base for FY08 is \$68,759 which is 99.4% of the total FY08 Appropriation of \$69,191. The Operating base is \$432 which is .06% of the total.

ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Victims Assistance

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Personal Services						
Previous Year Long Bill (SB07-239)	\$68,759	1.0			\$68,759	
FY2007-08 Salary Survey - Classified	\$2,384		\$2,384			
FY2007-08 Salary Survey - Exempt	\$0					
FY2007-08 Performance-based Pay - Classified	\$574		\$574			
FY2007-08 Performance-based Pay - Exempt	\$0					
Subtotal PS -	\$71,717	1.0	\$2,958		\$68,759	
OSP base adjustment (0.2%)	\$0		\$0		\$0	
Personal Services Appropriation Request	\$71,717	1.0	\$2,958		\$68,759	
Operating Expenses						
Previous Year Long Bill (SB07-239)	\$432		\$0		\$432	
Operating Expenses Appropriation Request	\$432				\$432	
Refinance Cost						
	\$0		(\$2,958)		\$2,958	
GRAND TOTAL - Victims Assistance	\$72,149	1.0	\$0		\$72,149	

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law		VICTIMS ASSISTANCE											
		Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09			
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
VICTIM'S ASSISTANCE	73,286	1.0	76,516	1.0	69,191	1.0	80,344	1.0	72,149	1.0			
General Fund	7,462		7,244		-		9,178		-				
General Fund Exempt	-		-		-		-		-				
Cash Funds	-		-		-		-		-				
Cash Funds Exempt	47,038		47,424		69,191		71,166		72,149				
Federal Funds	18,786		21,848		-		-		-				

SCHEDULE 3 - PROGRAM DETAIL

Department of Law	Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL											
	General Professional III	58,176	1.0	62,136	1.0			64,920	1.0	64,920	1.0
TOTAL POSITION DETAIL		58,176	1.0	62,136	1.0			64,920	1.0	64,920	1.0
(I.A.) CONTINUATION FTE SALARY COSTS											
	(Permanent FTE by position) Continuation Salary Subtotal	58,176	1.0	62,136	1.0			64,920	1.0	64,920	1.0
(I.B.) OTHER PERSONAL SERVICES											
	PERA on Continuation Subtotal	5,212		6,127				6,589		6,589	
	Medicare on Continuation Subtotal	748		879				941		941	
	Non-Base Building Performance Awards			49				144			
	Contractual										
	Other										
SUBTOTAL		5,960		7,056				7,675		7,531	
(I.C.) PERSONAL SERVICES SUBTOTAL=											
	A+B	64,136	1.0	69,192	1.0			72,595	1.0	72,451	1.0
(I.D.) POTS EXPENDITURES											
	Health/Life Dental										
	Salary Survey	2,507		3,191				3,726			
	Performance Awards	[1,875]		[1,812]				[2,384]			
	Short Term Disability							[574]			
	AED	85		72				81			
	SAED	118		480				784			
	Other	72		16				136			
(I.E.) BASE PERSONAL SERVICES TOTAL=		66,918	1.0	72,951	1.0			77,322	1.0	72,451	1.0
(I.F.) DIFFERENCE= II- I.E.										(734)	

[] Indicates a Non-add

SCHEDULE 3 - PROGRAM DETAIL

Department of Law Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Cash Funds Exempt										
II. PERSONAL SERVICES REQUEST (AGGREGATE ADJUSTMENTS TO THE BASE APPROPRIATION)										
Previous Year Long Bill									68,759	
Salary Survey-Classified									2,384	
PBP - Classified									574	
Salary Survey Exempt										
PBP - Exempt										
OSPB .2% Base Reduction										
Subtotal	66,918	1.0	72,951	1.0			77,020	1.0	72,149	1.0
	4,657						5,854			
II. PERSONAL SERVICES REQUEST TOTAL										
General Fund	43,475		72,951				71,166		72,149	
Cash Funds	18,786									
Cash Funds Exempt										
Federal Funds										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

VICTIMS ASSISTANCE

Department of Law	Item	Actual FY 06		Actual FY 07		Approp. FY 08		Estimate FY 09	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES									
	2230 - Equipment Maintenance/Repair Svcs	4							
	2252 - Motor Pool Mileage Charge	37							
	2255 - Rental of Buildings	2,882							
	2510 - In State Travel	8							
	2512 - IS Personal Travel Per Diem	490	521						
	2513 - IS Personal Vehicle Reimbursement	488	36						
	2630 - Telephone		508						
	2631 - Comm Svcs from Outside Sources	5	5						
	2641 - Other ADP Billings - Purchase Service	134	147						
	2660 - Insurance	367	288						
	2680 - Contract Printing	5							
	3115 - Data-Processing Supplies	81							
	3120 - Books & Subscriptions	65							
	3121 - Office Supplies	1,032	224						
	3123 - Postage	299	1,252						
	3132 - Non-Capitalized Furn/Office Sust	146	239						
	4140 - Dues & Memberships	325	344						
	4220 - Registration Fees								
	Operating Expense Subtotal:	6,368	3,565						
	OPERATING EXPENSE TOTAL:	6,368	3,565						
	General Fund	2,805							
	Cash Funds Exempt	3,563	3,565						
	Potted Operating Expenses								
	Workers' Compensation							214	
	Leased Space Allocation							3,110	
	IT Asset Maintenance								
	ADP Capital Outlay								
	Total							3,324	
	General Fund							3,324	
	General Fund								
	Cash Funds Exempt								
	TOTAL VICTIMS ASSISTANCE	73,286	76,516			69,191		80,344	72,149
									1.0

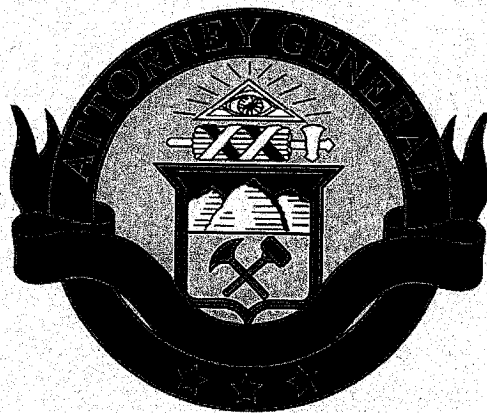
SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law Item	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		VICTIMS ASSISTANCE Request FY 09	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
General Fund	7,462		7,244				9,178		-	
Cash Funds	47,038		47,424		69,191		71,166		72,149	
Cash Funds Exempt	18,786		21,848						-	
Federal Funds										
RECONCILIATION OF FUNDS										
Long Bill Appropriation	65,824	1.0	67,697	1.0			69,191	1.0		
Federal Grant										
Classified Salary POTS	1,875		1,824				3,102			
Health/Life/Dental	2,517		3,513				3,726			
Short Term Disability	85		68				81			
AED	75		449				784			
SAED							136			
Capital Complex Lease Space	2,882		2,979				3,110			
Workers Compensation	134		164				214			
Vehicle Lease Allocation										
IT Asset Maintenance										
ADP Capital Outlay Allocation										
Rollforward from Previous FY year										
Restriction										
Overexpenditure/(Reversion)	(106)		(178)							
Lapsed Appropriation Cash Fund Exempt										
Lapsed Appropriation Federal Funds										
TOTAL RECONCILIATION										
GRAND TOTAL	73,286	1.0	76,516	1.0	69,191	1.0	80,344	1.0	72,149	1.0
General Fund	7,462		7,244		-		9,178		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Cash Funds Exempt	47,038		47,424		69,191		71,166		72,149	
Federal Funds	18,786		21,848		-		-		-	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law Item	Fund Number	Actual		Approp FY 2008	Estimate		Request FY 2009
		FY 2006	FY 2007		FY 2008	FY 2009	
Schedule 3 Total				69,191	80,344	72,149	
General Funds		73,286	76,516	-	9,178	-	-
General Funds Exempt		7,462	7,244	-	-	-	-
Cash Funds		-	-	-	-	-	-
Cash Funds Exempt		47,038	47,424	69,191	71,166	72,149	
Federal Funds		18,786	21,848	-	-	-	-
Cash Funds Exempt							
Victim Assistance & Law Enforcement Fund		47,038	47,424	69,191	71,166	72,149	
Federal Funds							
Federal VOCA Grant		18,786	21,848	-	-	-	-

Indirect Cost Assessment





ASSUMPTIONS AND CALCULATIONS

Criminal Justice & Appellate/ Indirect Cost Assessment

Long Bill Line Item	Total	FTE	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds
Indirect Cost Assessment - CJ						
Previous Year Long Bill (SB07-239)	\$241,673			\$104,275	\$137,398	
Refinance Cost						
GRAND TOTAL - Criminal Justice Indirect Costs	\$241,673		-	\$104,275	\$137,398	-

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law	INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09			
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Criminal Justice & Appellate Indirect	154,366	-	142,112	-	241,673	-	241,673	-	241,673	-	241,673	-
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	89,259	-	75,362	-	104,275	-	104,275	-	104,275	-	104,275	-
Cash Funds Exempt	65,107	-	66,750	-	137,398	-	137,398	-	137,398	-	137,398	-
Federal Funds	-	-	-	-	-	-	-	-	-	-	-	-

SCHEDULE 3 - PROGRAM DETAIL

Department of Law	INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
	Actual FY 06		Actual FY 07		Approp FY 08		Estimate FY 08		Request FY 09			
Item	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Criminal Justice & Appellate Indirect	154,366	-	142,112	-	241,673	-	241,673	-	241,673	-	241,673	-
General Fund	-	-	-	-	-	-	-	-	-	-	-	-
General Fund Exempt	-	-	-	-	-	-	-	-	-	-	-	-
Cash Funds	89,259	-	75,362	-	104,275	-	104,275	-	104,275	-	104,275	-
Cash Funds Exempt	65,107	-	66,750	-	137,398	-	137,398	-	137,398	-	137,398	-
RECONCILIATION OF FUNDS												
Long Bill Appropriation	154,366		158,262				241,673		241,673			
Supplemental	-		-				-		-			
Rollforward from Previous FY	-		-				-		-			
Rollforward to Subsequent FY	(12,863)		(16,149)				-		-			
Reversion												
TOTAL RECONCILIATION	141,503		142,113				241,673		241,673			

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law Item	Fund Number	INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE				
		Actual FY 2006	Actual FY 2007	Approp FY 2008	Estimate FY 2008	Request FY 2009
Schedule 3 Total		154,366	142,112	241,673	241,673	241,673
General Funds		-	-	-	-	-
General Funds Exempt		-	-	-	-	-
Cash Funds		89,259	75,362	104,275	104,275	104,275
Cash Funds Exempt		65,107	66,750	137,398	137,398	137,398
Cash Funds		89,259	75,362	104,275	104,275	104,275
State Compensation Insurance Authority			26,915	-	-	-
POST Board Cash Fund			48,447	-	-	-
Cash Funds Exempt		65,107	66,750	137,398	137,398	137,398
DORA Division of Insurance Cash Fund			27,992			
DORA Division of Securities			38,758			