

**Vehicle Variable Rates**  
**Class Code 12 - Patrol Cars**

FY	Rate	Annual Increase	Annual % Increase
2010-11	\$ 0.267		
2011-12	\$ 0.328	0.061	22.85%

**HUTF Vehicle Variable**

2010-11 Actual Expenditures	\$3,565,878.73
+ 22.85%	814,803.29
2011-12 Estimated Expenditures	\$4,380,682.02

**Reappropriated Fund Vehicle Variable**

2010-11 Actual Expenditures	\$122,683.67
+ 22.85%	28,033.22
2011-12 Estimated Expenditures	\$150,716.89

**Cash Fund Vehicle Variable**

2010-11 Actual Expenditures	\$113,501.31
+ 22.85%	25,935.05
2011-12 Estimated Expenditures	\$139,436.36

**General Fund Vehicle Variable**

2010-11 Actual Expenditures	\$215,460.72
+ 22.85%	49,232.77
2011-12 Estimated Expenditures	\$264,693.49



# DEPARTMENT OF PUBLIC SAFETY

John W. Hickenlooper  
Governor

*FY 2012-13 Budget Amendment  
January 3, 2012*

James H. Davis  
Executive Director

**Department Priority: BA-1**  
**Request Title: CBI, CCIC System Changes for HB 10-1284**

Summary of Incremental Funding Change for FY 2012-13	Total Funds	Reappropriated Funds	FTE
CCIC system changes to comply with HB 10-1284	\$93,600	\$93,600	0.0

### Request Summary:

The Department requests an additional one-time Reappropriated Funds spending authority of \$93,600 in FY 2012-13, to complete the system interfaces with CDPHE and DOR. Therefore, the funding would be split equally between the Medical Marijuana License Cash Fund (§12-43.3-501 (1), C.R.S. (2011)) and Medical Marijuana Program Cash Fund (§25-1.5-106 (17)(a), C.R.S. (2011)). Please note that CDPHE is also incurring a cost of \$42,600 to create the link between CDPHE and the CBI-CCIS message system and will need additional spending authority, as well.

In FY 2010-11 the departments requested \$46,000 Reappropriated Funds from the Medical Marijuana Program Cash Fund and \$46,000 Reappropriated Funds from the Medical Marijuana License Cash Fund to update the Colorado Crime Information Center (CCIC) system interface. However, the supplemental budget process only allowed three months to complete the changes. Having not enough time, the departments could not complete the necessary changes. In FY 2011-12 the reappropriated funding was reduced to \$16,000 for system maintenance costs.

### Anticipated Outcomes:

The CCIC system development changes would allow law enforcement agencies to verify state licensing requirements under the Colorado

Medical Marijuana Code. Moreover, the changes would provide law enforcement agencies the information necessary to investigate unlawful activity in relation to a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer (§12-43.3-202 (2)(c), C.R.S. (2011)).

### Assumptions for Calculations:

The Department finalized the system requirement document with the CCIC vendor in August 2011. The total costs are now estimated at \$109,600. However, the Department was appropriated \$16,000 Reappropriated Funds through SB 11-209. Because no annual maintenance cost for these changes are expected in FY 2012-13, the Department will utilize the \$16,000 to offset the total cost of \$109,600. Therefore the Department is requesting the difference of \$93,600.

### Consequences if not Funded:

If the changes to the CCIC are not completed, CDPHE and DOR would not be in compliance with the requirements of House Bill 10-1284. The State would be unable to effectively control the distribution and use of medical marijuana. Moreover, without the needed changes, law enforcement agencies would not have the necessary and immediate information to investigate unlawful activity related to medical marijuana.

**Impact to Other State Government Agency:**

The Department of Public Health and Environment would need an increase in spending authority in order to be able to transfer moneys to CDPS.

**Cash Fund Projections:**

<b>Cash Fund Name</b>	Medical Marijuana License Cash Fund
<b>Cash Fund Number</b>	Fund 15Z
<b>FY 2009-10 End of Year Cash Balance Actual</b>	\$0
<b>FY 2010-11 End of Year Cash Balance Actual</b>	\$0
<b>FY 2011-12 End of Year Cash Balance Estimate</b>	\$5,172,036
<b>FY 2012-13 End of Year Cash Balance Estimate</b>	\$1,269,827

<b>Cash Fund Name</b>	Medical Marijuana Program Cash Fund
<b>Cash Fund Number</b>	Fund 14V
<b>FY 2009-10 End of Year Cash Balance Actual</b>	\$9,760,838
<b>FY 2010-11 End of Year Cash Balance Actual</b>	\$8,372,424
<b>FY 2011-12 End of Year Cash Balance Estimate</b>	\$10,937,787
<b>FY 2012-13 End of Year Cash Balance Estimate</b>	\$11,129,150

**Relation to Performance Measures:**

This request is not specifically related to the strategic objectives and performance measures in the Department’s 2011 strategic plan. However, the request would ensure that all departments would be in compliance with the requirements of House Bill 10-1284.

**Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

This request meets budget amendment criteria based on new data received in August, 2011.

**Current Statutory Authority or Needed Statutory Change:**

**12-43.3-202 (2) C.R.S. (2011) Powers and duties of state licensing authority.**

*(c) Nothing in this article shall be construed to limit a law enforcement agency's ability to investigate unlawful activity in relation to a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer. A law enforcement agency shall have the authority to run a Colorado crime information center criminal history record check of a primary caregiver, licensee, or employee of a licensee during an investigation of unlawful activity related to medical marijuana.*

**25-1.5-106 C.R.S. (2011) Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - created - repeal.**

*(7) Primary caregivers. (d) A primary caregiver shall provide to a law enforcement agency, upon inquiry, the registry identification card number of each of his or her patients. The state health agency shall maintain a registry of this information and make it available twenty-four hours per day and seven days a week to law enforcement for verification purposes. Upon inquiry by a law enforcement officer as to an individual's status as a patient or primary caregiver, the state health agency shall check the registry. If the individual is not registered as a patient or primary caregiver, the state health agency may provide that response to law enforcement. If the person is a registered patient or primary caregiver, the state health agency may not release information unless consistent with section 14 of article XVIII of the state constitution. The state health agency may promulgate rules to provide for the efficient administration of this paragraph (d).*



# DEPARTMENT OF PUBLIC SAFETY

John W. Hickenlooper  
Governor

James Davis  
Executive Director

*FY 2011-12 Supplemental and Budget Amendment Request  
January 3, 2012*

**Department Priority: S-02**  
**Request Title: CDPS, Operating Expense Increase**

Summary of Incremental Funding Change for FY 2011-12	Total Funds	General Fund	Cash Funds	HUTF	Reappropriated Funds
CDPS Operating Expenses Increase Due to Increase in Vehicle Variable Rate	\$897,066	\$28,295	\$25,935	\$814,803	\$28,033

### Request Summary:

The Department requests an increase of \$814,803, HUTF “Off-the-Top”, \$28,033 Re-appropriated Funds, \$25,935 Cash Funds spending authority to the Colorado State Patrol (CSP) and \$28,295 in General Fund to the Colorado Bureau of Investigation (CBI) operating expenses appropriations in FY 2011-12. This request is necessitated by the 22.85% increase in vehicle variable rates charged by State Fleet Management (SFM) for FY 2011-12.

The per-mile rate charged by State Fleet for operations of Patrol vehicles constitutes the largest portion of the Patrol’s Operating Expenses budget. Overwhelming increases in this rate, driven largely by the cost of fuel, have placed a significant strain on the operations of both the CBI and the Patrol. The final variable rates for FY 2011-12 distributed to the Department on July 11, 2011 indicate an average rate increase of 21.4% across all vehicle class codes used by the Department of Public Safety. However, the rate for the Patrol Car class code shows an increase of 22.85%. The CSP’s HUTF Operating Line was charged \$3,584,200 for vehicle variable rate costs in FY 2010-11. A 22.85% increase results in an estimated \$814,803 increase in expenditure to CSP’s HUTF Operating Line.

In FY 2010-11 the Colorado State Patrol’s Gaming Highway Enforcement Unit incurred \$122,684 of re-appropriated funded vehicle variable costs. A 22.85% increase results in an estimated \$28,033 increase in expenditures to the Gaming Highway Enforcement Unit operations.

In FY 2010-11 the Colorado State Patrol’s E-470 Highway Enforcement Unit organization incurred \$113,501 of cash funded vehicle variable costs. A 22.85% increase results in an estimated \$25,935 increase in expenditures to the E-470 Highway Enforcement Unit operations.

In FY 2010-11 the CBI leased vehicles traveled a total of 954,245 highway miles and incurred \$220,886 in variable rate expenditures. If the same number of highway miles are traveled in FY 2011-12, the CBI estimates to incur expenditures of \$253,954, or an increase of \$33,068. Although the CBI is estimating an increase of \$33,068 in FY 2011-12, it estimates that approximately \$4,773 could be absorbed in existing operating expense line items.

In summary, the Department requests an increase to the Colorado State Patrol (CSP) budget in FY 2011-12, and beyond, for operating expenses totaling \$868,771 from the Highway Users Tax Fund (HUTF) “Off-the-Top”, Re-appropriated

Cash Funds, and \$28,295 General Fund for the CBI's operating expenses.

**Anticipated Outcomes:**

The CSP will be able to continue to provide a high level of service to Colorado's citizens and visitors. The CBI would continue to provide its 24x7 full-service forensic and investigative services throughout Colorado.

**Assumptions for Calculations:**

The FY 2011-12 rates have been set by State Fleet Management within the Department of Personnel and Administration at 22.85% higher than the FY 2010-11 rates for patrol cars.

For the purposes of this analysis, both the Patrol and the CBI assumed that the FY 2011-12 miles traveled will closely approximate the miles traveled in FY 2010-11.

**Consequences if not Funded:**

As operational costs for the Colorado State Patrol have increased without a corresponding increase in operational funding, the Patrol has been increasingly limited in its capability to provide traffic safety enforcement and officer safety in the field. Non-mission critical functions have already been pared down to the greatest extent possible. Failure to approve this request will force the Patrol to dramatically limit the number of miles driven by its troopers, resulting in a correlating reduction in proactive patrol hours. This limits response to only critical/life-threatening incidents, and would result in the elimination of Trooper's response to motorist assists and non-injury crashes.

Specifically related to the Gaming Highway Enforcement and the E-470 Highway Enforcement requests, the Colorado State Patrol will not be able to request increases in the reimbursement from their respective funding organizations.

If the request for new General Fund appropriations is not approved, the CBI would be unable to respond to requests for service because

its operating expense budgets would be under funded in FY 2011-12. Should this occur then the safety of Colorado citizens may be jeopardized.

**Impact to Other State Government Agency:**

N/A

**Cash Fund Projections:**

This request would fall within the available appropriations limit for HUTF "Off-the-Top" funds.

**Relation to Performance Measures:**

This request is in alignment with the following Colorado Bureau of Investigation strategic objective and performance measure:

**1. Investigative Assistance Objective:** Provide a timely and appropriate response to all requests from local law enforcement agencies for criminal investigative support for Part 1 crimes (homicide, sexual assault, arson and robbery).

**Performance Measure:** Ensure that CBI agents complete all investigative reports within 10 days of the closure of a case, or of their termination of assignment.

This request is in alignment with the Patrol's strategic plan. These performance measurements are:

- Reduce by 5% the number of fatal and injury crashes investigated by troopers statewide in CY 2012 to 2015. This number will be based upon the 4-year average from CY 2008 through 2011.
- Reduce by 5% the number of DUI/DUID caused fatal and injury crashes investigated by troopers statewide in CY 2012 to 2015. This number will be based upon the 4-year average from CY 2008 through 2011.
- Reduce by 5% the number of commercial vehicle crashes investigated by troopers statewide in CY 2012 to 2015. This number will be based upon the 4-year average from CY 2008 through 2011.
- Reduce by 4% the number of hazardous material investigated by troopers statewide in CY 2012 to 2015. This number will be based

upon the 4-year average from CY 2008 through 2011.

**Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

On July 11, 2011, the CSP received notification of a 22.85% increase in the vehicle variable rate applicable to CSP vehicles. This new data results in substantive changes in funding need for fiscal year 2011-12 and beyond. This substantive change in funding need, complies with the third of the four enumerated Supplemental requirement in Chapter 4-4 of the May 29, 2009 FY 2011-12 Office of State Planning and Budget Instructions.

**Current Statutory Authority or Needed Statutory Change:**

24-33.5-203 (2), C.R.S. (2008) Duties of executive director and patrol. (2) The Colorado State Patrol shall enforce or aid in enforcing all state laws pertaining to motor and all other vehicles, their equipment, weight, cargoes, and licenses, vehicle operators, and other operations including checking for brand inspection certificates or official bills of sale or acceptable trucking waybills on livestock or agricultural products upon the highways of Colorado and for the use thereof. The Colorado State Patrol shall also aid in the enforcement of the collection of all motor and other vehicle taxes and license fees, motor fuel taxes, and highway compensation taxes (with respect to the transportation of persons and property over public highways) as provided by law and shall otherwise promote safety, protect human life, and preserve the highways of this state by the courteous and strict enforcement of laws of this state which relate to highways and traffic upon such highways, notwithstanding any provisions of law charging any other department or agency in the state with the enforcement of such laws. The Colorado State Patrol shall also aid in the enforcement of other laws of this state as specifically authorized by the provisions of this part 2.

**24-33.5-401, C.R.S. (2010) Colorado Bureau of Investigation.**

*(1) There is hereby created as a division of the department of public safety the Colorado Bureau of Investigation, referred to in this part 4 as the "bureau".*

*(2) The Colorado Bureau of Investigation and the office of the director shall exercise their powers and perform their duties and functions under the department of public safety and the executive director as transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.*

This request will not necessitate a statutory change.



## DEPARTMENT OF PUBLIC SAFETY

John W. Hickenlooper  
Governor

*FY 2011-12 Supplemental Funding Request  
January 3, 2012*

James Davis  
Executive Director

**Department Priority: S-03**

**Request Title: Intoxilyzers for Evidential Breath Alcohol Testing Program**

Summary of Incremental Funding Change for FY 2011-12	Total Funds	HUTF	FTE
<i>Intoxilyzers for Evidential Breath Alcohol Testing (EBAT) Program</i>	\$1,200,000	\$1,200,000	0.0

### **Request Summary:**

The Department requests \$1,200,000 HUTF “Off the Top” in FY 2011-12 in order for the Colorado State Patrol (CSP) to initiate a one time, state wide replacement of the Intoxilyzer 5000EN used as the Evidential Breath Alcohol Testing instrument for DUI purposes. The CSP requests that the costs related to replacement of these instruments be funded through the CSP, Operating Expense Long Bill line.

While the funding for the replacement of the Intoxilyzers will reside in the CSP Long Bill, it is expected that a Memorandum of Understanding (MOU) will be executed with the Colorado Department of Public Health and Environment (CDPHE) for the actual purchase and maintenance of these instruments. Therefore, CDPHE will need additional spending authority, as well, in order to have the ability to purchase the new intoxilyzers.

The Colorado Department of Public Health and Environment Evidential Breath Alcohol Testing (EBAT) Program, located at the Laboratory Services Division (LSD), initiated a project to replace the current evidential breath alcohol testing instrument, the Intoxilyzer 5000EN. Local law enforcement agencies utilize the Intoxilyzer 5000EN to measure the alcohol content of individuals suspected of driving while impaired. Results reported by these instruments are used by administrative and criminal DUI enforcement programs. In order to maintain consistency in the State’s DUI breath alcohol program, it is necessary to replace all of the Intoxilyzer 5000EN instruments at the same time.

The CDPHE EBAT Program created interagency and stakeholder partnerships that include; CDOT, CSP, CSOC, CACP, DOR, CDAC, CML, CCI, POST and the ITFDD in order to identify the funding necessary to complete the project. Overwhelming support for the project has been received by the EBAT Program from all stakeholders with the acknowledgement that quality and integrity of DUI breath testing results must remain scientifically accurate, precise and of evidentiary quality upon which criminal and administrative decisions are based upon.

The request to replace all instruments at one time stems from the increased failure rates seen from the instruments, with the lack of available parts due to their age and generation of technology. The replacement also calls for training, protocol, procedures and instrumentation, therefore making the upgrade to the new equipment easier for all who use the equipment statewide. In addition, there are other

significant challenges with trying to maintain and administer the EBAT program with two instruments. These include but are not limited to:

- Limitations in our ability to have the infrastructure and resources to do manage two instruments.
- Ensuring effective Training and implementation of the new instruments statewide.
- Increases in legal challenges regarding the use of different instruments.
- Reduced efficiency in promulgating the Board of Health Rule (5 CCR 1005-2), where two stakeholder processes would be required if two instruments are being used simultaneously.
- Documentation maintenance for discovery and CORA related records.

Currently, the EBAT Program has 200 instruments in inventory placed at 167 locations statewide. A minimum of 175 of the 200 instruments would need to be purchased initially in order to replace the Intoxilyzer 5000EN without creating disruption to state DUI enforcement programs. The remaining 25 instruments would be included in the Trainer/Loaner pool. These instruments would be used for law enforcement officer training and certification as well as for loaner purposes when an agencies primary instrument needs to be sent for certification or repair.

### **Anticipated Outcomes:**

The CSP and local law enforcement agencies (LEAs) will receive the benefit of receiving comprehensive training and certification directly by the CDPHE EBAT Program, as well as have the ability to use evidential breath alcohol testing instrumentation that is technologically current, scientifically accurate, precise and expandable, to meet the growing needs of effective DUI enforcement programs.

The CSP and local law enforcement agencies will experience efficiencies related to improved technology and software capabilities. These efficiencies include:

- Savings in EBAT Instructor time to perform weekly calibration checks.
- Savings in EBAT Instructor and Operator time to perform officer recertification activities.
- Reductions in EBAT record requests to law enforcement agencies for administrative and criminal prosecution or discovery purposes.
- Reduction in EBAT Instructor time spent in the courts for DUI/DWI cases.

The CDPHE EBAT Program will provide the ongoing law enforcement training, calibration and certification for the life of the instruments in addition to ongoing technical and expert testimony support.

### **Assumptions for Calculations:**

The anticipated cost of each EBAT instrument is between \$8,000 to \$10,000 per unit. Cost estimates are based upon recent review of equipment estimates and are subject to the bid process. The final price point per unit will not be known until completion of the CDPHE evaluation period.

#### Gross Need:

- 200 instruments (Current Inventory)
- \$1.6M to \$2.0M (Anticipated)

#### Minimum Need:

- 175 instruments (Current locations statewide)
- \$1.4M to \$1.75M (Anticipated)

#### Requested Amount:



- \$1,200,000.00
- 120 to 150 instruments (Anticipated)

A breakout of expenses reflecting an anticipated cost per unit at both the \$8000 and \$10000 estimate, to include additional funding sources are detailed in (Attachment A).

**Consequences if not Funded:**

If not funded, continued increases in instrument failure rates and lack of available replacement parts due to age, will result in an eminent and substantial impact to CSP and local law enforcement’s ability to maintain effective DUI enforcement programs. Additional impediment to the prosecution of DUI/DWI offenders will also result as a consequence for not replacing the current instrumentation statewide.

**Impact to Other State Government Agency:** The acquisition of these instruments will have direct and immediate impact to CSP and all local law enforcement agencies within the State.

Impact to other state agencies include, but are not limited to:

- Statewide CSP and Local Law Enforcement Officer training and certification.
- Changes to instrument maintenance and/ or testing protocols.
- Changes to the Information Technology (IT) protocols required by the CDPHE EBAT Program to ensure ongoing and reliable instrumentation communication.
- Increased efficiencies in results reporting for administrative DOR hearings.
- Increased efficiencies in results reporting for criminal prosecution in Colorado courts.
- Increases in DUI/DWAI testing by CSP and Local law enforcement agencies.
- Increases in effective information gathering and statistical review for CSP and Local law enforcement agencies when making administrative decisions within their DUI/DWI enforcement programs.

The CDPHE EBAT Program developed the acquisition, training, and implementation protocols that will be used to complete the project. Further, the CDPHE EBAT Program will remain committed to the recurring costs associated with the administration, training and instrumentation maintenance and certification for the service life of the instruments.

The CDPHE EBAT Program is currently working with its partners to establish long term funding solutions that will provide the necessary recourses to purchase EBAT instrumentation in the future. The objective is to provide a consistent source of revenue that will alleviate the financial burden to LEA’s.

These solutions include, but are not limited to;

- Establishment, through legislation, of a designated cash fund for EBAT instrumentation replacement. Revenues would be generated through penalties assessed against DUI/DWAI offenders.
- Annually apply for both Federal and State grant support in smaller dollar amounts for the purpose of purchasing a limited number of EBAT instruments that can be staggered into the replacement schedules.

**Cash Fund Projections:**

This request would fall within the available appropriations limit for HUTF “Off-the-Top” funds in both FY 2011-12.

**Relation to Performance Measures:**

Objective:

The Colorado State Patrol will employ intelligence-led strategies to meet its strategic goals. Initiatives will be focused on developing and utilizing data-driven systems and metrics to target congestion mitigation and traffic safety challenges.

**Performance Measures:**

- Reduce by 3% the number of DUI/DUID caused fatal and injury crashes investigated by troopers statewide in CY 2011. This number will be based on a 4-year average based on data from CY 2007-2010.
- Reduce by 5% the number of DUI/DUID caused fatal and injury crashes investigated by troopers statewide in CY 2012 to 2015. This number will be based upon the 4-year average from CY 2008 through 2011.

**Objective:**

All business units will proactively identify, establish and maintain professional relationships with external partners. Through these partnerships, we will increase information sharing efforts to develop intelligence-led strategies that leverage shared resources to address public safety challenges.

**Performance Measure:**

- Increase information sharing between the State Patrol and allied agencies.
- Collaborate with external agencies on the deployment of shared resources to achieve operational goals.

**Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

On August 17, 2011, the CSP received notification that the Evidential Breath Alcohol Testing (EBAT) program is insufficiently funded. Without additional funding, Colorado's DUI enforcement program will be disrupted. This new data results in substantive change to funding needs for fiscal year 2011-12. This substantive change in funding need, complies with the supplemental criteria requirements in Chapter 4-4 of the May 29, 2009 FY 2011-12 Office of State Planning and Budget Instructions.

**Current Statutory Authority or Needed Statutory Change:**

**24-33.5-203 (2), C.R.S. (2008)**, Duties of executive director and patrol. (2) The Colorado State Patrol shall enforce or aid in enforcing all state laws pertaining to motor and all other vehicles, their equipment, weight, cargoes, and licenses, vehicle operators, and other operations including checking for brand inspection certificates or official bills of sale or acceptable trucking waybills on livestock or agricultural products upon the highways of Colorado and for the use thereof. The Colorado State Patrol shall also aid in the enforcement of the collection of all motor and other vehicle taxes and license fees, motor fuel taxes, and highway compensation taxes (with respect to the transportation of persons and property over public highways) as provided by law and shall otherwise promote safety, protect human life, and preserve the highways of this state by the courteous and strict enforcement of laws of this state which relate to highways and traffic upon such highways, notwithstanding any provisions of law charging any other department or agency in the state with the enforcement of such laws. The Colorado State Patrol shall also aid in the enforcement of other laws of this state as specifically authorized by the provisions of this part 2.

**Attachment A**

\$8,000 per unit estimate	# of Instruments to be Replaced	Estimated Cost Per Unit	Total
TOTAL BUDGET	200	\$ 8,000	\$ 1,600,000
Units to be Replaced in 2012	175	\$ 8,000	\$ 1,400,000
Units to be Replaced in 2013	25	\$ 8,000	\$ 200,000
2012 FUNDING:			
CDOT SAFETY GRANT (FUNDED)			\$ 250,000
AGENCY MATCHING FUNDS FOR CDOT GRANT			\$ 50,000
CDOT SAFETY GRANT (PENDING)			\$ 100,000
DEPT OF PUBLIC SAFETY SUPPLEMENTAL			\$ 1,200,000
			\$ 1,600,000
TOTAL FUNDING:			\$ 1,600,000



# DEPARTMENT OF PUBLIC SAFETY

John W. Hickenlooper  
Governor

*FY 2012-13 Supplemental and Budget Amendment Request  
January 3, 2012*

James H. Davis  
Executive Director

**Department Priority: S-05**  
**Request Title: State VALE Increase in Spending Authority**

Summary of Incremental Funding Change for FY 2012-13	Total Funds	Cash Funds	FTE
State Victim Assistance and Law Enforcement (VALE) Fund	\$350,000	\$350,000	0

### Request Summary:

The Department requests a supplemental spending authority increase of \$350,000 for FY 2011-12 and beyond, for the State Victim Assistance and Law Enforcement (VALE) grant program within the Division of Criminal Justice (DCJ). The increase in spending authority will allow the department to provide additional funding to:

- 1) State agencies that provide constitutionally and statutorily mandated rights to victims of crime;
- 2) Statewide non-profit victim service agencies that provide needed services to crime victims;
- 3) Support the infra-structure of the victim services network in Colorado through training and technical assistance.

None of the requested additional spending authority monies will be used to administer the State VALE program.

An increase in spending authority will provide the opportunity to increase the amount of funds that can be utilized for state agencies and statewide non-profit victim services programs in order to maintain the level of services that currently exists for crime victims. In FY 2010-11, services were provided to over 29,660 victims of crime through the use of State VALE funds. State VALE funds provide statewide and regional conferences, to train over 1500 victim service providers. State VALE funds provide the necessary training for Sexual Assault Nurse Examiners (SANES), they

provide forensic exams for sexual assault victims, and they provide legal representation to victims who were in danger of not receiving their Constitutional rights.

State VALE funding for state agencies has remained at the same funding level for the last three years, while the needs of victims continue to increase. The deposits to the State VALE fund have increased due to better collections of VALE funds at the local level, the success of the tax intercept program, and as a result of a bill during the 2007 legislative session (SB 07-55) which increased the funds to the local VALE programs. Non-profit victim services agencies, as well as law enforcement agencies, continue to see an increase in the need for services, while state and local budgets and fundraising efforts have decreased.

The State VALE program receives funds from the local Victim Assistance and Law Enforcement (local VALE) surcharges as well as the Department of Corrections Prison Industries Enhancement (P.I.E.) fund. Per a federal requirement between the Department of Corrections and the federal government, P.I.E. funds are required to be used for a victim emergency fund and cannot be used for the grant process.

When victim services first came into existence in the early 1980's, the Legislature determined that the funding necessary to provide services to victims should be generated through the assessment of a surcharge to offenders to offset the cost of providing those services. When Colorado's Victim Rights Constitutional Amendment was voted on in 1992, and the subsequent enabling legislation (Victim Rights Act (C.R.S. §24-4.1-301 et seq.)) was passed in 1993, it was reaffirmed by the Legislature that local VALE and State VALE would be the funding sources for these mandated victim services.

**Anticipated Outcomes:**

An increase in spending authority for the State VALE program would allow the Department to disburse the additional money that has been collected through the VALE surcharge. State VALE funds are distributed using two methods. The first method is that each of the eligible state agencies receives a designated amount of State VALE funds, per statute, to support their Victim Rights Act services to crime victims. The funds for these state agencies do not go through the competitive grant process. The second method is that statewide governmental and non-profit victim services agencies can apply for a State VALE grant to provide services to crime victims and/or provide training and technical assistance for victim services/law enforcement, and for the statewide coordination of these services. Currently, the requests for State VALE funds exceed the current spending authority and although there are funds available, they cannot be distributed through grants funds due to the current spending authority. The increase in spending authority would allow those additional funds to be provided to agencies that serve crime victims.

**Assumptions for Calculations:**

The Office for Victims Programs (OVP) at the Division of Criminal Justice has only been able to provide grants to state agencies and statewide non-profit victim services programs up to the spending authority of \$1,250,000, despite

additional State VALE funds that have been available.

The following is a four year history of State VALE collections:

FY 2007-08 - \$1,740,418  
FY 2008-09 - \$1,788,113  
FY 2009-10 - \$1,750,300  
FY 2010-11 - \$1,822,218

These amounts include the funds collected through the local surcharges AND the P.I.E. fund. The P.I.E. fund must be used for a victim emergency fund.

The following are amounts expended over that same four year time period listed above:

FY 2007-08 - \$1,372,234  
FY 2008-09 - \$1,245,009  
FY 2009-10 - \$1,166,237  
FY 2010-11 - \$1,218,391

This includes the P.I.E. funds which must be included in the spending authority. Although OVP awards funds up to the appropriated spending authority, in recent years some state agencies returned monies back to the State VALE fund due to turnover in victim services positions.

During FY 2009-10, there was a \$33,531 decrease in the funds collected from the surcharges (the P.I.E. funds increased during the same time period). DCJ believes this occurred for two reasons. First, in 2009 the Department of Revenue inadvertently did not intercept tax funds for people who owed court fines and fees. Second, when the statute changed to include surcharges for the victim compensation program on traffic offenses, all of the assessments for traffic offenses for both local VALE and Victim Compensation went into the local VALE funds rather than being split between local VALE and Victim Compensation fund. OVP anticipates that a yearly collection rate of over \$1.7 million dollars will continue, if not increase. The amount of monies collected above the current spending

authority could have been allocated to eligible victim services programs.

**Consequences if not Funded:**

The need for funds far exceeds the available funding. If the spending authority is not increased, the increased money that is collected into the fund will not be available to the agencies that provide mandated rights and services to crime victims throughout the state. Several non-profit victim service agencies in Colorado have already closed their doors because of decreased funding. State agencies have not had an increased in State VALE funds in several years although the request for services has increased.

**Impact to Other State Government Agency:**

State VALE funds are utilized by the following state agencies: Colorado Attorney General’s Office, Colorado Bureau of Investigations, State Court Administrator’s Office, Department of Corrections, Department of Human Services – Division of Youth Services, Juvenile Parole Board, and the Colorado State Patrol. Increased spending authority would result in an increase in disbursements from the fund to these state agencies.

**Cash Fund Projections:**

The State VALE collections for the last four years are as follows: (does not include the revenue from the P.I.E. fund)

FY 2010-11	\$1,796,487
FY 2009-10	\$1,711,421
FY 2008-09	\$1,744,952
FY 2007-08	\$1,703,567

The monies collected as part of the PIE program are as follows:

FY 2010-11	\$25,730
FY 2009-10	\$38,878
FY 2008-09	\$43,160
FY 2007-08	\$36,851

It is anticipated that the State VALE fund collections will, at a minimum, remain at the

current level, and may increase. The funds that are being collected are above the current spending authority. Since the law was changed in 2007, with the exception of one year where there were feasible explanations for the decrease, collections to the fund have steadily increased.

For FY 2011-12, it is anticipated that there will be a balance of funds of \$121,233 after the grant awards and allocations to State agencies are made and administrative costs are deducted for FY 2012-13. This fund balance will continue to grow, assuming the collection rate remains the same.

**Relation to Performance Measures:**

This request is in alignment with the following department-wide strategic objective and performance measure:

DCJ will provide quality services to crime victims throughout Colorado.

Request Effect: These additional funds will provide needed services to victims of crime and will continue to improve the criminal justice system’s response to crime victims.

**Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

This request meets the supplemental criteria due to the new data obtained from actual revenues collected in FY2010-11, which became available August, 2011. Information regarding the increase in revenues was needed to make a decision about future funding. The continued increase in collections provides an opportunity to address a substantive need for future funding of victim services. This need has resulted due to state and local budget cuts and the increase in request for services. Based upon this information these funds can be provided to state and local victim services and law enforcement agencies during the next funding process.

**Current Statutory Authority or Needed Statutory Change:**

The State VALE program which is authorized under Section 24-33.5-506 C.R.S. (2011), in part, **Victims assistance and law enforcement fund – creation-repeal** (1) There is hereby created in the state treasury a fund to be known as the victims assistance and law enforcement fund, referred to in this section and section 24-33.5-507 as the “fund”. The state treasurer shall credit to the fund all moneys deposited with the state treasurer pursuant to section 24-4.2-105(1) and voluntary victim assistance payments from inmates pursuant to article 24 of title 17, C.R.S. The general assembly shall make annual appropriation of the moneys in the fund to the division:

(a) For payment of the direct and indirect costs incurred by said division in administering the provisions of this section and section 24-33.5-507 and in administering any victims program authorized by federal or state law;

(b) For distribution as determined by the division, with recommendations from the crime victims services advisory board, created in section 24-4.1-117.3(1) and referred to in the section as the “advisory board”, to the department of public safety, the department of corrections, the department of human services and the office of the state court administrator to implement and coordinate statewide victim services. Subject to available appropriations, the amount of moneys distributed by the division to each agency each fiscal year shall be no less than the total of the amount distributed to the to the agency in the prior fiscal year minus any moneys budgeted for one-time projects or evaluations and minus any additional grant moneys that the agency received through the grant process described in section 24-33.5-507.



## DEPARTMENT OF PUBLIC SAFETY

*FY 2011-12 Supplemental  
January 3, 2012*

*John W. Hickenlooper  
Governor*

*James Davis  
Executive Director*

***Department Priority: S-01***

***Request Title: CSP, Backup and Emergency Medical Assistance in Mountainous and Rural Areas***

<b>Summary of Incremental Funding Change for FY 2011-12</b>	<b>Total Funds</b>	<b>HUTF</b>	<b>FTE</b>
Backup and Emergency Medical Assistance in Mountainous and Rural Areas	\$350,000	\$350,000	0.0

### **Request Summary:**

The Department requests an FY 2011-12 supplemental appropriation increase of \$350,000 HUTF “Off-the-Top” and a reallocation of \$365,968 HUTF “Off-the-Top” from the Sergeants, Technicians, and Troopers line item to the Operating Expenses line item, to fund the acquisition of 36 base receivers. In addition, the Department requests an FY 2012-13 appropriation increase of \$1,802,624 HUTF “Off-the-Top” to fund the acquisition of 240 radios and an acquisition of an additional 38 base receivers. This request was included in the FY 2012-13 November 1, budget submission. The Federal Communications Commission (FCC) ruled that all communications systems below 512 MHz must convert to narrowband operation by January 1, 2013. (<http://transition.fcc.gov/pshs/public-safety-spectrum/narrowbanding.html>)

On January 18, 2011, the Colorado State Patrol received notification that OIT will turn off the VHF wide band communications system on January 1, 2013. The Colorado State Patrol will have significant officer safety issues when this occurs. Troopers stationed in mountain and rural areas will lose the ability to communicate with local law enforcement agencies, obtain emergency medical assistance, and call for backup from fellow troopers. The “Public Safety and Homeland Security Bureau” states in pertinent part: *“After January 1, 2013, licensees*

*not at 12.5 KHz efficiency will be in violation of the Commission’s rules and could be subject to FCC enforcement action, which may include admonishment, monetary fines, or loss of license.”* The following is a brief history of FCC requirements and actions that Colorado has taken to comply.

In 1998, the FCC instituted Land Mobile Spectrum Refarming. The FCC announced, the division, or “narrowbanding” of most of the two-way radio channels 150-512 MHz. In order to make way for new technology and more users of the VHF and UHF radio spectrum, the Commission implemented specific technical requirements for equipment and deadlines for implementation. In 2002, Colorado moved to a Digital Trunked Radio System (DTRS) in response to the FCC ruling.

Due to economic challenges, the dedicated program funding was eliminated by the State of Colorado in FY 2004-05, with multiple phases unfinished and the conversion incomplete. In 2004, the FCC issued a more stringent executive order requiring VHF narrow banding and the related migration to 12.5 KHz technology by 2013. In response to the FCC’s executive order FCC-04-292A1, the State of Colorado signed into law Senate Bill 06-237.



Senate Bill 06-237 required that the Executive Director of the Department of Local Affairs (DOLA) adopt a tactical and long-term interoperable communications plan to improve communications between public safety agencies, the Federal government, local governments, other states and regions, by March 2007. DOLA completed a long-term interoperability plan in accordance with the Senate Bill 06-237.

In 2008, the FCC reiterated the deadline of January 1, 2013 for the mandatory “narrowbanding” of FCC licensed land mobile radio systems under 512 MHz.

In FY 2009-10, two narrowbanding towers were built, but the lack of additional funding effectively ended the build out of DTRS. Nearly one hundred key towers in mountainous and rural locations continue to use wide band VHF.

Upon learning in January 2011, that the State will be unable to support both DTRS and VHF communications, and that wideband equipment will not be permitted to operate after the January 1, 2013 deadline, the CSP determined where VHF secondary communications systems are used and that it is critical to over half of the troop locations. These troop locations are primarily in the mountainous and western portion of the state where DTRS coverage is insufficient.

Based on the importance of connectivity for all of the troop offices, the CSP’s Grants Management Office searched for available grant funding to support the conversion. No funding was located.

Approval of this request will provide the funding necessary to convert the existing wide band communications to the FCC regulated narrowband radio communications before January 1, 2013. Conversion to the narrowband communications will guarantee that the Colorado State Patrol troopers will have the capability to contact local law enforcement backup and emergency medical assistance in rural areas.

The current communications system used by the Colorado State Patrol for VHF communications will be shut off by the Governor’s Office of Information Technology (OIT) Communication Services on January 1, 2013. New equipment must be purchased, installed programmed and licensed by January 1, 2013. This supplemental requests the purchase and installation of 36 base receivers and antenna sites.

**Key Definitions:**

**Operability:** is the fundamental concept that communications are always able to support the emergency responder. The systems are the right systems for the users; they are always available, capable, practicable, and ready for service. This concept provides the functional definition for assured communications for the emergency responder regardless of physical location, circumstances of deployment, or required information transfer. Operable communications focus on the communications mission.

**Interoperability:** is the ability of different agencies to communicate across jurisdictions with each other, often depends on wireless radio communication systems.

**Anticipated Outcomes:**

Operability within the Patrol and interoperability with local law enforcement agencies will be secured. Implementation would start immediately upon funding.

Narrowbanding Implementation Schedule.

<i><b>Date:</b></i>	<i><b>Repeater Installation:</b></i>
12-Mar	Install 6 Base Receivers
12-Apr	Install 6 Base Receivers
12-May	Install 12 Base Receivers
12-Jun	Install 12 Base Receivers
12-Jul	Install 12 Base Receivers
12-Aug	Install 12 Base Receivers
12-Sep	Install 8 Base Receivers
12-Oct	Install 6 Base Receivers

Source: OIT

**Assumptions for Calculations:**

Cost estimates for all equipment are based upon recent reviews of equipment costs made by the State Patrol in cooperation with OIT, and are subject to the bid process.

The Colorado State Patrol negotiated with State Fleet Management in March of 2011 to utilize a portion of the available vehicle equipment line with the vehicle lease to procure dual band radios with the FY 2011-12, and FY 2012-13 public safety vehicle platform replacements (approximately 270 radios). These 270 radios will be installed in the replacement vehicles and are included in the vehicle lease payment.

The Colorado State Patrol assumes that 240 additional radios will be acquired by the FY 2012-13 HUTF “Off-the-Top” decision item.

**Radio Deployment Assumptions:**

For fiscal year 2011-12, the Colorado State Patrol will install radios on newly leased patrol vehicles. In FY 2012-13, the Colorado State Patrol will install radios in field vehicles that have yet to be outfitted.

**Consequences if not Funded:**

If not funded, troopers will no longer be able to use wideband radio, precluding essential officer safety communications for portions of the State of Colorado and on State Highways.

Further, the State of Colorado and OIT will turn off wideband VHF to ensure compliance with FCC Executive order FCC-04-292A1.

The Patrol will lose communication with troopers in many areas of the State. The Patrol would not be able to predict when and where an incident, accident, hazardous material incident, roadside emergency or traffic hazard will occur and the continued use of VHF radio communications is vital to day to day operations.

**Cash Fund Projections:**

This request would fall within the available appropriations limit for HUTF “Off-the-Top” funds in both FY 2011-12 and FY 2012-13.

**Relation to Performance Measures:**Objective:

The Colorado State Patrol will preserve radio interoperability with all allied agencies. Communications will be maintained through compliance with FCC regulations pertaining to narrowbanding radio hardware and communications infrastructure that is reliant on the VHF broadcast system.

Performance Measure:

- Implement approved and funded radio replacement solution beginning in January 2011.
- Facilitate the radio installation process by serving as a scheduling agent between OIT, radio system stakeholders and approved radio hardware service facilities by December 2012.
- Complete transition the approved statewide radio replacement option by December 2012.
- Collaborate continuously with non-DTR agencies to preserve interoperability on a common VHF channel (National Law Enforcement Emergency Channel).
- Review processes on an annual basis for updates and revisions.

Objective:

The Colorado State Patrol will collaborate with the Governor’s Office of Information Technology (OIT) and allied agencies to identify Digital Trunked Radio (DTR) coverage outages and interruptions, and to develop intelligence-led strategies focused on the alleviation of these challenges.

Performance Measure:

- Complete a comprehensive geographical identification map of DTR outage and interruption areas by June 2011.
- Regional Communications Managers and troop commanders will develop and deploy tactics to map their respective

areas and compile data into the Colorado State Patrol Network (CSPN) platform by December 2011.

- Coordinate continuously with State OIT and allied partners to collect relevant intelligence data focused on the development of practical solutions.
- Review processes on an annual basis for updates and revisions.

### **Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

On January 18, 2011, the CSP received notification that OIT will turn off the VHF wide ban communication system on January 1, 2013. This new data results in substantive changes in funding need for fiscal year 2011-12. This substantive change in funding need, complies with the supplemental requirement in Chapter 4-4 of the May 29, 2009 FY 2011-12 Office of State Planning and Budget Instructions.

### **Current Statutory Authority or Needed Statutory Change:**

Overall statutory responsibilities of the Patrol are contained in the Patrol Act, 24-33.5-201 through 226, C.R.S. (2007). Specific to this request is:

**24-33.5-203 (2), C.R.S. (2007) Duties of executive director and patrol.** (2) The Colorado State Patrol shall enforce or aid in enforcing all state laws pertaining to motor and all other vehicles, their equipment, weight, cargoes, and licenses, vehicle operators, and other operations including checking for brand inspection certificates or official bills of sale or acceptable trucking waybills on livestock or agricultural

products upon the highways of Colorado and for the use thereof. The Colorado State Patrol shall also aid in the enforcement of the collection of all motor and other vehicle taxes and license fees, motor fuel taxes, and highway compensation taxes (with respect to the transportation of persons and property over public highways) as provided by law and shall otherwise promote safety, protect human life, and preserve the highways of this state by the courteous and strict enforcement of laws of this state which relate to highways and traffic upon such highways, notwithstanding any provisions of law charging any other department or agency in the state with the enforcement of such laws. The Colorado State Patrol shall also aid in the enforcement of other laws of this state as specifically authorized by the provisions of this part 2.

### **24-33.5-223. State telecommunications network.**

(1) In order to more efficiently support the efforts of state departments, state institutions, state agencies, and law enforcement and public safety political subdivisions, and to better serve the public, there is authorized to be established a state telecommunications network, the construction, maintenance, and management of which shall be under the supervision of the state telecommunications director.



# DEPARTMENT OF PUBLIC SAFETY

*FY 2011-12 Supplemental  
January 3, 2011*

*John W. Hickenlooper  
Governor*

*James Davis  
Executive Director*

**Department Priority: S-04**  
**Request Title: Spending Authority for Dispatching Contract**

Summary of Incremental Funding Change for FY 2011-12	Total Funds	Cash Funds	FTE
Spending Authority for Dispatching Contract	\$114,831	\$114,831	0.0

### **Request Summary:**

The Department requests an FY 2011-12 supplemental appropriation increase of \$114,831 Cash Funds, to allow for the dispatching service for the City of Monte Vista's Police, Fire and EMS organizations.

The City of Monte Vista was unable to maintain their current dispatch center for the dispatching of the City's Police, Fire and EMS organizations. On February 1, 2011, the Colorado State Patrol began dispatching for the City of Monte Vista per an agreement between the two agencies. Under the agreement, the City of Monte Vista will pay the Colorado State Patrol for dispatch services.

This request allows the Colorado State Patrol Communications program to collect cash funds from the City of Monte Vista to provide the necessary funding for dispatch services. This will allow the estimated 9,650 calls submitted by the City of Monte Vista to be appropriately dispatched.

In FY 1996-97, the Joint Budget Committee (JBC) instructed CSP to develop a Dispatch Fee Schedule (DFS) based on an "economy of scale" theory that would charge all users based on their workload impact on the communication centers. A three-year rolling average typically levels sharp increases. The average calls for service provided by Monte Vista will be added to the Dispatch Fee Schedule to determine user fee to the City for FY

2012-13. Additional appropriations requested are based on the three-year average given to the Patrol by the City of Monte Vista..

### **Anticipated Outcomes:**

The CSP will be able to continue to provide a high level of service to Colorado's citizens, visitors and the City of Monte Vista Colorado.

### **Assumptions for Calculations:**

Calculations were based on including the average billings for the City of Monte Vista into the FY 2011-12 Dispatch Fee Schedule.

### **Consequences if not Funded:**

The Communications Program will not have the ability to spend the funds received from the City of Monte Vista, due to spending authority restrictions. If the Alamosa Regional Communication Center's ability to dispatch is diminished, 911 calls for service will become delayed and will potentially affect officer and public safety. The alternative, dispatch services would cease to exist for the City of Monte Vista.

### **Impact to Other State Government Agency:**

N/A.

### **Cash Fund Projections:**

N/A

**Relation to Performance Measures:**

Objective:

All business units will proactively identify, establish and maintain professional relationships with external partners. Through these partnerships, we will increase information sharing efforts to develop intelligence-led strategies that leverage shared resources to address public safety challenges.

telecommunications network, the construction, maintenance and management of which shall be under the supervision of the state telecommunications director.

Performance Measure:

- Increase information sharing between the State Patrol and allied agencies.
- Collaborate with external agencies on the deployment of shared resources to achieve operational goals.

**Supplemental, 1331 Supplemental, or Budget Amendment Criteria:**

This is a supplemental budget request for change to the current year's appropriation. This supplemental is specifically for the impact to the Colorado State Patrol's budget related to the increase in the costs of provisioning of dispatch services.

On February 1, 2011, the CSP entered into a contract with the City of Monte Vista for the provisioning of dispatch services. This new data results in substantive changes in funding need for fiscal year 2011-12. This substantive change in funding need, complies with the third of the four enumerated supplemental requirement in Chapter 4-4 of the May 29, 2009 FY 2011-12 Office of State Planning and Budget Instructions.

**Current Statutory Authority or Needed Statutory Change:**

Overall, statutory responsibilities of the Patrol are contained in the Patrol Act, 24-33.5-201 through 226, C.R.S. (2007). Specific to this request is:

**Section 24-33.5-223 (1) C.R.S.**, In order to more efficiently support the efforts of state departments, state institutions, state agencies, and law enforcement and public safety political subdivisions, and to better serve the public, there is authorized to be established a state