

**JUDICIAL DEPARTMENT  
FY 2010-11 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, November 16, 2009  
1:30 pm – 5:00 pm**

*JUDICIAL DEPARTMENT (including the Supreme Court, Court of Appeals, Courts Administration, Trial Courts, and Probation)*

**1:30-1:45 INTRODUCTIONS AND OPENING COMMENTS**

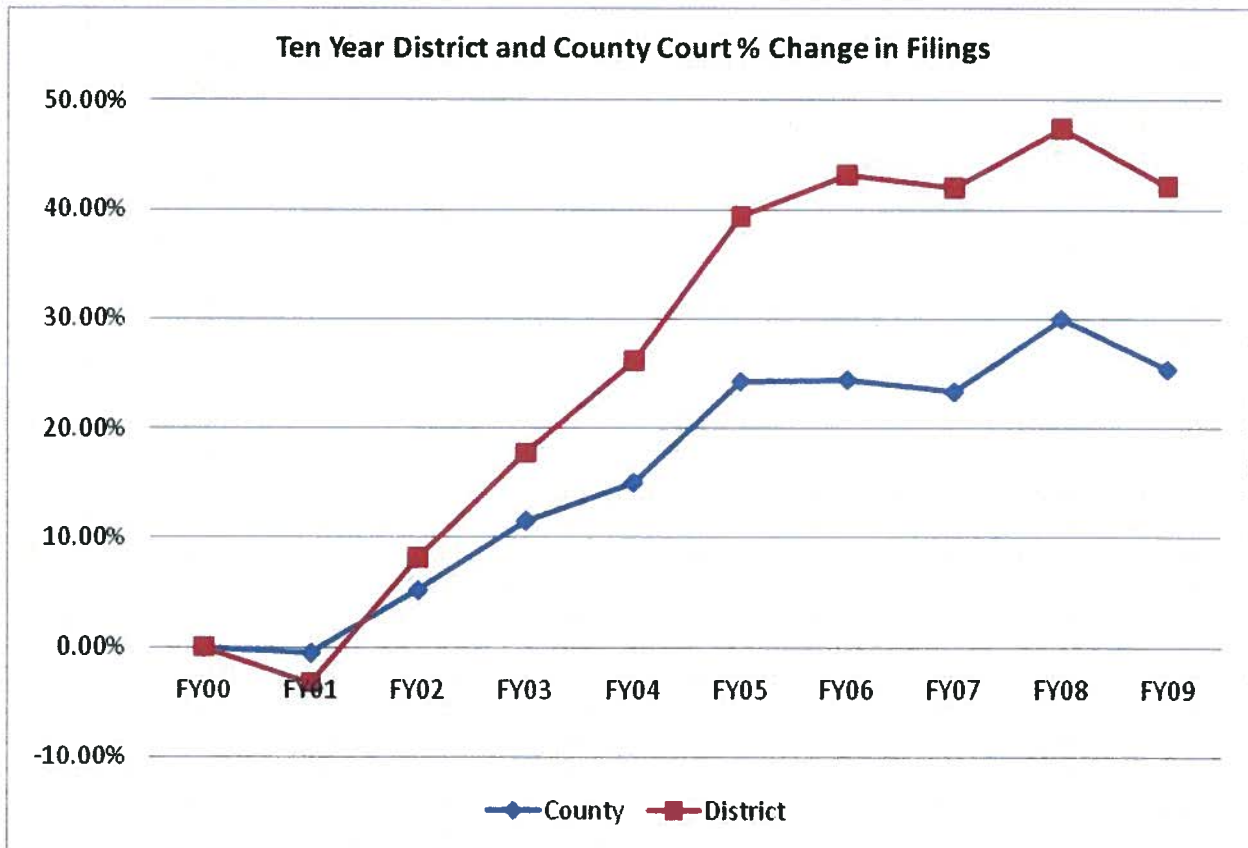
	<u>FTE</u>	<u>General Fund</u>
1 <b>FY10 Judicial Department Appropriation (July 1, 2009)</b>	<b>3,536.6</b>	239,814,826
2		
3 <b>FY11 Continuation Increases</b>		
4     Prior Year Annualizations	<b>66.6</b>	2,619,211
5     Common Policy Adjustments		2,439,330
6     0.2% Reduction		(372,304)
7     Other Adjustments		(78,428)
8 <b>Total Continuation Increases</b>	<b>66.6</b>	<b>4,607,809</b>
9		
10 <b>Budget Balancing</b>		
11     FY11 FTE Reduction	(266.0)	(12,470,371)
12     FY10 Personal Services cut		(2,697,553)
13     Delay HB07-1054 Judgeships	(43.0)	
14     Public Access/eFile	19.0	(1,000,000)
15     Courthouse Capital Refinance		(1,000,000)
16     Operating Cut		(294,868)
17     Leased Space		294,868
18     HLD associated with FTE reduction		(1,469,600)
19 <b>Total Budget Balancing Reductions</b>	<b>(290.0)</b>	<b>(18,637,524)</b>
20		
21 <b>FY2011 Budget Request (July 1, 2010)</b>	<b>3,313.2</b>	<b>225,785,111</b>
22 Change from FY2010		(14,029,715)
23     % chg		-5.9%
24		
25     Governors Proposed PERA Reduction		(4,086,724)
26 <b>FY2011 Total with Governors Proposed PERA Reduction</b>	<b>3,313.2</b>	<b>221,698,387</b>
27 Change from FY2010		(18,116,439)
28     % chg		-7.6%

1:45-2:05 STATE COURT SYSTEM

1. Please discuss recent trends in the number of cases filed in county and district courts. Specifically, what has caused the number of felony criminal filings to decline since FY 2005-06 (e.g., does it relate to the number of certain crimes committed or changes in prosecutorial practices)? How has the weak economy affected the number and types of filings?

The recent decline in felony criminal case filings mirrors the trend in criminal activity. According to data gathered by the Colorado Bureau of Investigation (CBI), the overall crime rate in Colorado has declined each year since 2006. In 2008, the crime rate decreased by 8% (which followed two consecutive 11% decreases in 2006 and 2007). Since 2006, crime rates are lower in each of the major offense categories tracked by CBI. Lower crime rates translate into smaller numbers of felony criminal cases brought to the courts by District Attorneys.

The weak economy has had a significant impact on civil case filings. Since FY 2005-06, new civil filings in county court have increase by 15% while civil filings in district court have increased by 10%. The growth in civil filings has been driven primarily by increases in debt collection actions, disputes between businesses, and foreclosures.



**2. Please describe how the Department measures the workload for courts in each jurisdiction and how it allocates resources among jurisdictions. Specifically, please provide the following:**

- a. A comparison of caseload by judicial district to the number of judgeships.
- b. A comparison of caseload by judicial district to allocated funds and staff.

The Judicial Department uses a weighted caseload model to assess the need for judges, magistrates, and support staff. The weighted caseload model was developed in 1987, and subsequently has been modified regularly to accommodate legislative and procedural changes in case processing. The Department works with the National Center for State Courts to review and updated these models.

The weighted caseload model identifies differences in the amount of time needed to process different types of cases from filing to termination through the conclusion of post judgment activity. The caseload standards for each case type represent the average time that is spent on a particular case type and identifies a typical caseload that a judge, magistrate or staff could process in one year. These standards were developed, and are maintained, through the use of times studies.

The weighted caseload offers an advantage over other approaches by assessing staff need based on the complexity of each case type. For example, homicide cases are more labor intensive than a traffic violation. Therefore, the weighted caseload model allots more time to process a homicide case than a traffic matter. Staffing need automatically tracks the changes in filings to reflect the impact on workload as the court's caseload changes. Additionally, individual standards for each case type provide judges and administrators with better information to gauge the effects of legislative changes, caseload growth or caseload shifts.

Table A: Caseload and the Number of Judgeships by Judicial District

**Total Trial Court Caseload and Number of Judgeships  
FY 2009-10**

Judicial District <sup>1</sup>	Total Caseload <sup>2</sup>	Number of Judgeships <sup>3</sup>
1st	85,887	21.8
Denver District	20,757	21.0
Denver Juvenile	4,487	3.0
Denver Probate	2,797	1.0
3rd	6,865	3.4
4th	108,722	29.9
5th	21,450	8.2
6th	9,809	4.8
7th	16,794	7.8
8th	40,231	12.2
9th	15,242	7.2
10th	28,735	10.0
11th	16,431	6.5
12th	11,363	6.0
13th	15,001	7.5
14th	10,084	5.2
15th	6,141	3.7
16th	6,253	3.5
17th	87,166	21.0
18th	129,460	32.2
19th	41,105	12.0
20th	34,870	13.0
21st	25,207	8.0
22nd	4,719	3.2

Notes:

1. The Denver County Court is not funded or administered by the state and is not included in this table.
2. Total caseload includes both county court and district court filings.
3. All district court and class B county judgeships are full time. Class C & D county judgeships are part-time.

Table B: Caseload, Allocated Funds, and Staff by Judicial District

**Total Trial Court Caseload, Number of Staff, and Funding  
FY 2009-10**

Judicial District <sup>1</sup>	Total Caseload <sup>2</sup>	Number of Trial Court FTE <sup>3</sup>	Allocated Funds
1st	85,887	167.1	\$ 10,535,086
Denver District/Denver Juvenile	25,244	169.0	\$ 11,159,317
Denver Probate	2,797	12.5	\$ 830,763
3rd	6,865	21.1	\$ 1,438,688
4th	108,722	228.2	\$ 13,864,845
5th	21,450	50.7	\$ 3,293,096
6th	9,809	30.8	\$ 2,019,181
7th	16,794	51.6	\$ 3,366,908
8th	40,231	95.7	\$ 6,257,874
9th	15,242	45.9	\$ 3,004,275
10th	28,735	76.8	\$ 4,924,259
11th	16,431	48.3	\$ 2,963,581
12th	11,363	38.0	\$ 2,593,235
13th	15,001	44.0	\$ 2,916,146
14th	10,084	35.1	\$ 2,364,415
15th	6,141	17.4	\$ 1,178,936
16th	6,253	21.0	\$ 1,466,652
17th	87,166	159.8	\$ 10,275,252
18th	129,460	241.7	\$ 15,213,809
19th	41,105	98.3	\$ 6,584,753
20th	34,870	91.5	\$ 6,204,789
21st	25,207	62.8	\$ 4,161,004
22nd	4,719	21.6	\$ 1,417,477

Notes:

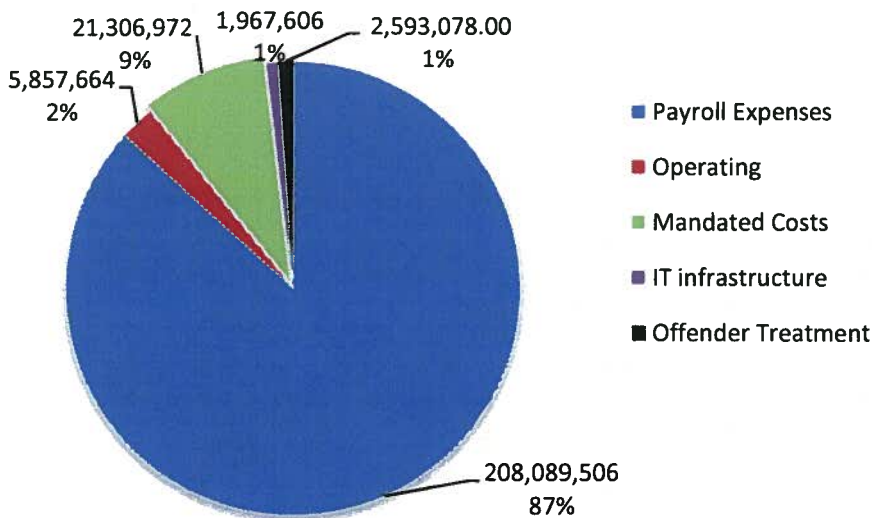
1. The Denver County Court is not funded or administered by the state and is not included in this table.
2. Total caseload includes both county court and district court filings.
3. Trial court FTE including judges, magistrates, and water referees.

**3. Please describe any mid-year budget changes you intend to submit to reduce General Fund expenditures in FY 2009-10.**

As discussed in the letter from the Chief Justice (Appendix D-1 of briefing packet), absent clear direction about the level of expected cuts, the Judicial Department determined that the GF shortage for the state was 5.2%. Therefore, a plan was put into place to reduce GF funding to the Department by 5.2%. As the Judicial Department is 87% personal services, in order to make any level of significant cuts, personnel lines must be impacted. The goal for FY2010 was to reduce FTE across the State so that effective July 1<sup>st</sup>, all districts, the Appellate Courts and the SCAO would be operating with 266.0 less general-funded FTE.

The hiring freeze in FY2009 resulted in a significant number of vacant positions, but those vacancies weren't spread evenly across the 22 Judicial Districts. Therefore, a plan was put into place to reduce the Probation and Trial Court functions to equal staffing levels across all districts. By the start of FY2011, all districts will be prepared to operate with reduced FY2011 staffing levels. This year-long reduction will result in statewide personal services savings which will be given back as a mid-year supplemental. While this personal services savings isn't enough in FY2010 to get to a 5.2% reduction level, the Department has instituted several other short-term strategies to help generate GF savings for FY2010. These measures include:

- Increased vacancy savings targets, which are achieved through holding more positions vacant
- Operating budget reductions of 10-15%
- Returning the full \$1.0M in courthouse capital general funding
- Targeted local furloughs
- Reduction of the IT hardware replacement budget
- Use of grant funding to temporarily support FTE



**4. Please discuss the Department’s proposal to reduce existing staff for trial courts, appellate courts, and Department administration by a total of 172.0 FTE in FY 2010-11, as well as the Department’s proposal to further delay new judgeships (postponing 43.0 FTE). How would these reductions impact court operations and access to the courts? How would the Department manage these impacts?**

The proposed staffing reductions are not intended to suggest that the FTE are not necessary. Instead, given that the Department is 87% personnel, the only place to make significant budget cuts, is through the reduction of FTE. Given the reality of the State’s fiscal situation, in order to meet the Department’s contribution to address the budget deficit, these FTE reductions have been proposed. Meeting this obligation will undoubtedly negatively impact the Department’s ability to meet its business needs.

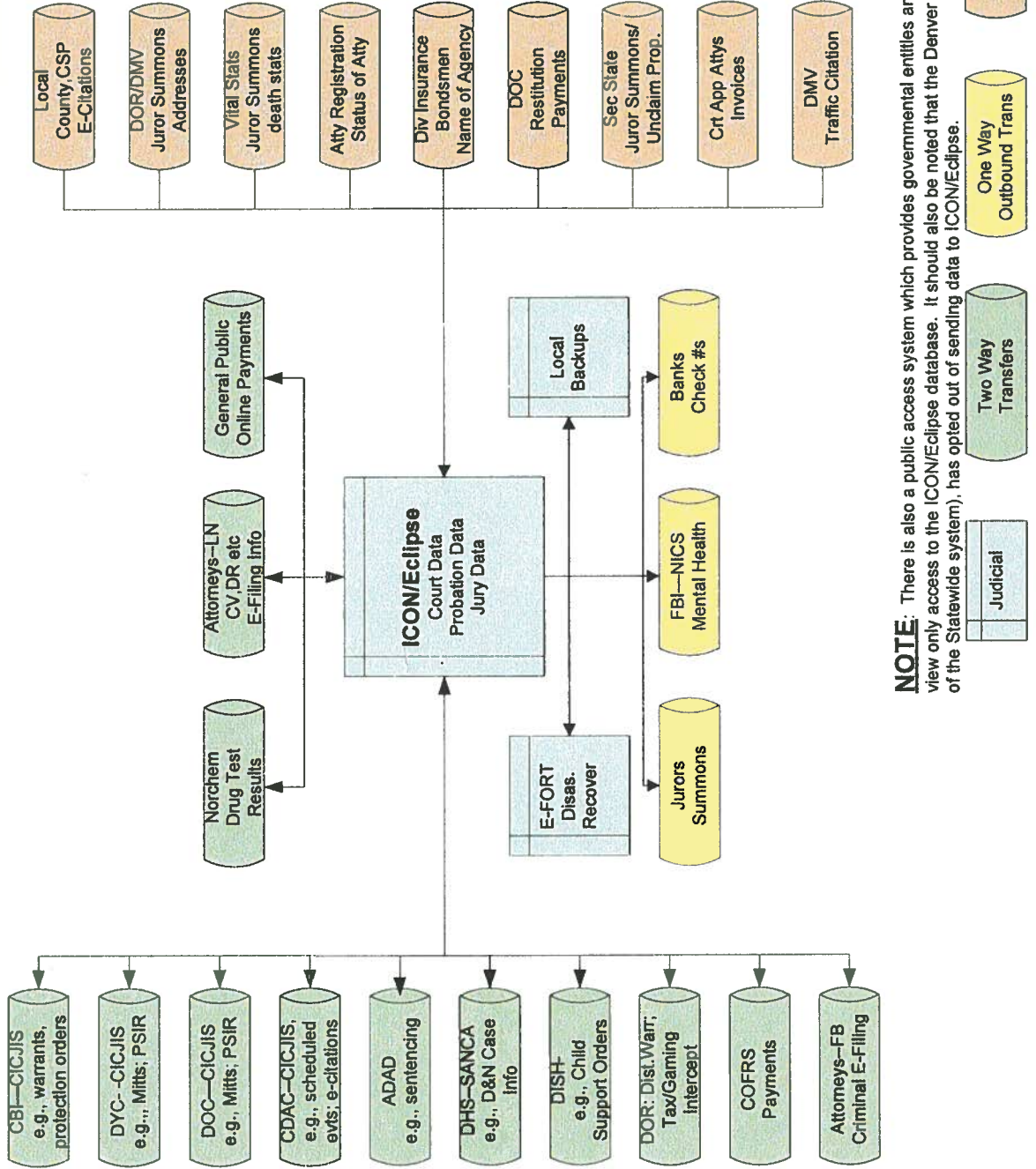
To avoid disproportionate impacts in any one location, the Department has implemented a plan to equalize trial court staffing levels across all districts. While the Department is making every effort to minimize impacts to court operations, some impact may be unavoidable given the size of the FTE cut required to meet the budget reduction.

There are risks to understaffing the courts—from decreased public access to the courts to potential public safety impacts. For example, a number of entities rely on information from the courts to conduct their business. In many cases, the availability of accurate and up-to-date court information can make a difference in the safety, health, and welfare of Colorado’s citizens. The table and diagram below contains an overview of the different entities that receive data from the Department.

Local, State, and Federal Law Enforcement	<ul style="list-style-type: none"> <li>• Information on active arrest warrants</li> <li>• Information on active protection orders</li> <li>• Criminal disposition data for accurate criminal background information.</li> </ul>
Department of Corrections	<ul style="list-style-type: none"> <li>• Felony sentencing information regarding incarceration and restitution</li> </ul>
Division of Motor Vehicles	<ul style="list-style-type: none"> <li>• Traffic conviction data for the assessment of driver’s license points</li> </ul>
Department of Human Services	<ul style="list-style-type: none"> <li>• Up-to-date information on the status of dependency actions</li> </ul>
Department of Education	<ul style="list-style-type: none"> <li>• Truancy information</li> <li>• Criminal background data on potential hires</li> </ul>
District Attorney’s Council	<ul style="list-style-type: none"> <li>• Criminal docket and disposition information</li> </ul>

# Colorado Judicial Branch Data Exchanges

Friday, November 13, 2009



**NOTE:** There is also a public access system which provides governmental entities and the general public view only access to the ICON/Eclipse database. It should also be noted that the Denver County Court (not part of the Statewide system), has opted out of sending data to ICON/Eclipse.



Despite funding delays with the remaining HB 07-1054 judgeships, the courts will make every effort to meet their constitutional and statutory obligations to adjudicate cases. Limited resources, however, will require courts to prioritize the caseload. Cases involving public safety (i.e. felonies, misdemeanors, and protective orders) and vulnerable parties (juveniles, elderly, and incapacitated persons) will be prioritized higher than general civil matters (debt collections, divorces, contractual disputes, etc). As a result, the time needed to resolve non-critical cases will likely increase.

**2:05-2:40 House Public Access and E-Filing Systems**

- 5. Please describe the relationship between your Integrated Information Services unit and the Office of Information Technology (OIT). Specifically, does your staff collaborate with OIT when purchasing hardware or software? Does your staff work with OIT to ensure that the Department's technology projects are consistent with OIT's statewide vision and technology plan?**

The Judicial Department CIO meets regularly with the State CIO, Mike Locatis, to discuss technology projects and efforts by both Branches. The in-house Public Access Project and E-Filing Project were discussed during the last two meetings, and the State CIO is supportive of both efforts. The Judicial Department continually collaborates with OIT on numerous projects and software acquisitions, such as Cognos Business Intelligence Reporting Software, information security software such as Q-Radar and laptop encryption software, in addition to the use of e-Fort as a disaster recovery site.

- 6. Describe the Department's most recent proposal concerning the implementation of an in-house public access system (PAS) and the development of an in-house e-filing system (EFS). Please include a list of the benefits of bringing these systems in-house.**

The most recent proposal to bring both Public Access and E-Filing systems in-house has been described in complete detail in the *FY 2010-11 Joint Budget Committee Staff Budget Briefing, Judicial Department* at pages 15-26. The major benefits to bringing these systems in-house include but are not limited to:

- Building and operating state of the art information systems with no money from the General Fund;
- Enabling Judicial Department managers to exercise greater accountability over the actual development and business needs of various users;

- Controlling the timing and ability to develop enhancements to the system as necessary to support judicial business changes, legislative changes, and changes requested by users;
- Reducing long-term obligations of the General Fund for court technology by \$9 million annually starting in FY 2014, and providing \$1 million to the General Fund in FY 2011;
- Providing a more user-friendly PAS system that is easier to understand and navigate in than is currently available;
- Seamlessly integrating both systems with the new statewide court/probation case management system, jPod, also being developed in-house;
- Developing a better, more user-friendly and technically efficient court filing system using e-forms and paper-on-demand instead of an image-based system;
- Providing a comprehensive system that will expand e-filing into all case types and allow e-filing for the general public, including unrepresented parties;
- Ensuring better security of court records, a disaster recovery plan, and greater long-term stability of e-filing ;
- Reducing fees for single-search users of the Public Access System (typically average citizens) by 34 percent;
- Creating efficiencies for District Attorneys, public defenders, cities, counties, and other political subdivisions of the State by automating the court filing processes in cases that do not currently allow for e-filing (most notably, criminal cases); and
- Progressing as a state to design, deploy and support both public access to court records and e-filing of court documents as in-house systems, using Colorado State employees to develop and support the systems while returning revenue gained from the systems to the State.

It should not go unnoticed that vendors can play a valuable role in helping jurisdictions which do not have the capacity, knowledge base or skill-set to design, deploy and support their own systems. Colorado, however, is now at a point where the taxpayers can share in revenue generated from the systems they paid for.

7. **Has there been any independent validation of the PAS recently developed by the Department? Could OIT take a look at the PAS, interview current system users, and evaluate the cost-effectiveness of the system and whether it is consistent with OIT's statewide plan?**

The Judicial Department has no objections to OIT conducting this assessment. Judicial will continue to work closely with third party vendors to ensure a smooth transition. In terms of cost-effectiveness, the National Center for State Courts validated the cost savings projected and system architecture proposed in the plan to develop and maintain the projects in-house, and JBC staff has compiled cost-benefit numbers that show the significant savings to the General Fund.

8. **The Joint Budget Committee and the Chairpersons of the House and Senate Judiciary Committees recently received a letter from Marc Milligan, President of Background Information Services, Inc. concerning the Department's proposed PAS. Please respond to the issues raised in this letter, including the following:**

- **Describe the current status of PAS, including how its functionality and reliability compares to the system currently operated by LexisNexis/Courtlink.**

The new Colorado State Court Data Access System (i.e., PAS) has three major components: (1) Access for the general public through the web based application; (2) Access for governmental users through the web based application; and (3) Access to the data by third party vendors who contract for volume price discounting. Programming has been completed for items one and two and the PAS system is ready for training and deployment. The Judicial Department has provided demonstrations of the system and invites any Legislator to a hands-on viewing of the new PAS to observe its functionality and reliability.

Judicial staff will continue to work with the three primary third party vendors to complete necessary interfaces over the next several months—the Judicial Department's interface is completed. The two third party vendors who have successfully made connections with the new system, ACXIOM and LEXIS, have not reported any reliability problems thus far. The Judicial Department's records indicate that BIS has never tried to access the new public access system through system firewalls from the agreed upon IP address for demonstration and testing.

- **Describe the testing process you have used and whether you have received any feedback from current PAS users.**

The PAS system has been extensively tested by Judicial IT staff and functions as expected. Two of the three largest bulk users of the PAS have accessed the test site and thus far have reported no issues with the system.

- **Is the PAS you have developed compatible with the existing interface provided for large users (i.e., how will you ensure service continuity for current users)?**

The current vendor providing PAS has two user interfaces, whereas the Judicial Department's PAS system will adopt only one of the two interfaces. Unfortunately, one vendor of our three largest third party vendors, BIS, uses the interface Judicial did not select for the project. All other third-party vendors use the more modern and secure interface that Judicial selected for the PAS, including the other two of our three largest third party vendors.

Although there will be a cost for BIS to program the new interface, the cost is minimal in terms of both time and resources. BIS was notified of the architecture of the interface and encouraged to prepare for the November 1 timeline for the development to be completed. BIS has contacted the Judicial department on November 11<sup>th</sup> to arrange a meeting, so it does appear this third party vendor is making plans to program the necessary interface to complete the transition.

Adopting the single interface was a business decision based on the following factors: (1) the interface chosen is more secure and less vulnerable to hacking; (2) it is less expensive to program and maintain one interface; (3) the interface selected has been recommended by the World Wide Web Consortium as the preferred interface since 2003; and, (4) the interface selected is more reliable.

The Judicial Department will continue to work with the three primary third party vendors to complete the development of necessary interfaces and testing of the connection to the PAS over the next six or seven months for a smooth transition in June, 2009.

- **Describe any fee changes you intend to propose**

The only user-fee change that has been suggested is a reduction in fees for the single search public user. The access rates for the third party vendors on the PAS will not change.

The Department has considered a change to the late-payment fee when a vendor fails to pay the invoice on-time. The assertion by Mr. Milligan of BIS that Judicial is going to charge a "1200 percent" APR for late payments is a simple misunderstanding—judicial staff mistakenly told BIS that the late payment fee would be 15 percent monthly instead of 1.5 percent monthly. The other two-bulk users have accepted the 1.5 percent monthly late fee.

#### Additional Points

Two other issues raised in the BIS letter merit addressing. BIS alleges that Judicial has not demonstrated the "competence it had hoped," and the Department is engaged in a "hasty effort to impress you [the members of the JBC]." Instead, the record of the

Judicial Department to produce high quality IT products has been well documented over the past fifteen years. As the National Center for State Courts has indicated, there is no doubt about the ability of the Judicial Department to successfully deploy the PAS, and design and deploy an in-house e-filing system. After all, the case management system which generates all of the data that is eventually sold to third-party vendors *was developed in-house by Judicial's IT Department.*

The second point is BIS's contention that the "test site" does not work. Judicial department records show that BIS has not accessed or attempted to access the test site. The other two third party vendors have successfully accessed the test site and the Judicial Department will work with BIS to access the test site and prepare for the transition.

## **2:40-3:10 PROBATION AND RELATED SERVICES**

- 9. Please describe any national caseload standards for probation officers. How do Colorado's existing caseloads compare to these standards? Further, please describe your Probation Staffing Model. Are FY 2009-10 appropriations sufficient to fully staff probation offices based on this Staffing Model?**

Average probation caseloads across the country vary widely. The Crime and Justice Institute indicates a range from 25 to 70 probationers per officer. The American Probation and Parole Association (APPA) suggests that there is not enough consistency of practice to support national standards and further argues, as Colorado Probation has, that caseload size is not an appropriate measure. Instead workload values that differentiate the level of service needed to manage varying risk levels is a more accurate and fair assessment. However, because statute, practices and policies vary so much across states, there is not an appropriate standard by which Colorado probation can be compared.

The probation staffing model is generated on an annual basis. It utilizes state demography and historical probation caseload, presentence report, and DUI evaluation data to project the probation population. This information is combined with workload values, based on risk level and case or report type, to determine the required number of probation officers. From this number clerical and supervisory support is determined based on ratios of 1:4 and 1:8 respectively. Full staff need is calculated by subtracting previously appropriated FTE from the required FTE.

Based on the staffing model, the FY2009-2010 appropriations are not sufficient to fully staff probation offices. Those appropriations allowed probation to remain at an overall staffing level of 88%, consistent with FY08-09 levels. While probation received 24.25 FTE, because

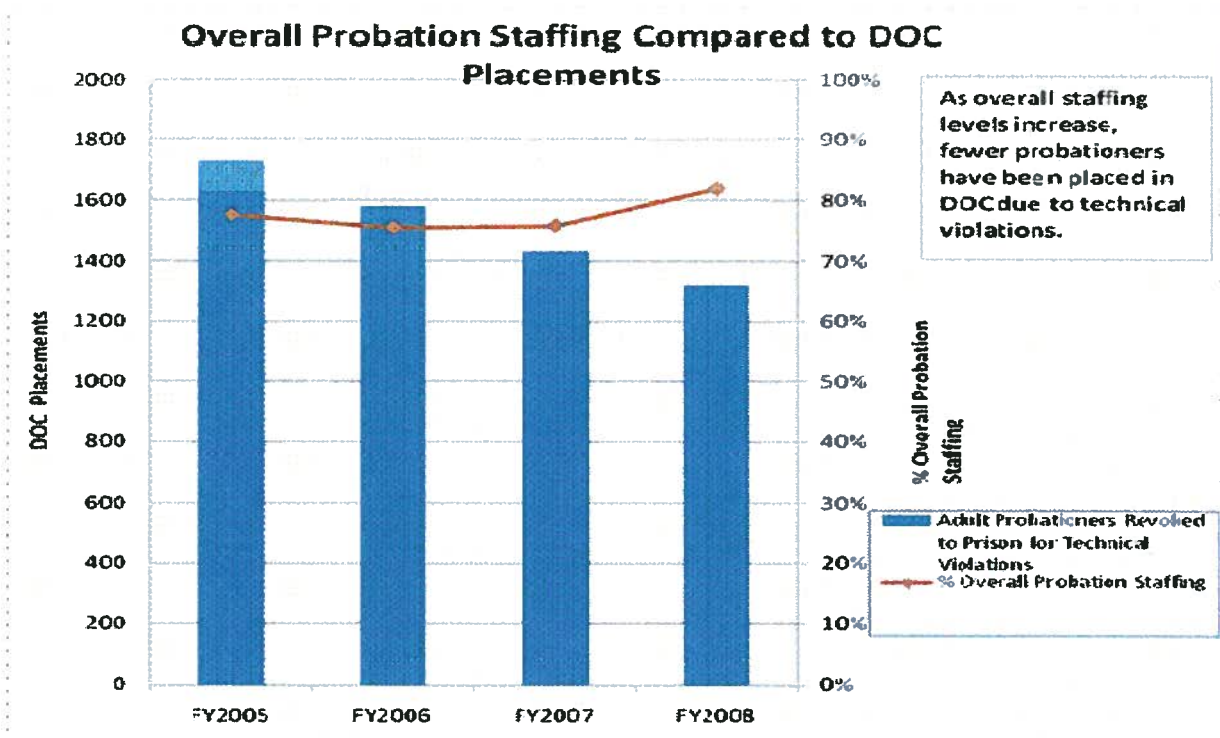
of case growth and the effect of an updated workload value study, no gains were made in the staffing level.

**10. [Decision Item #1] Please discuss the Department’s proposal to reduce probation staff by 94.0 FTE (8.2 percent). Given the growing number of offenders on probation, how would this reduction affect probation staffing ratios, services, and outcomes?**

The proposed staffing reductions are not intended to suggest that the FTE are not necessary. Instead, given that the Department is 87% personnel, the only place to make significant budget cuts, is through the reduction of FTE. Given the reality of the State’s fiscal situation, in order to meet the Department’s contribution to address the budget deficit, these FTE reductions have been proposed. Meeting this obligation will undoubtedly negatively impact the Department’s ability to meet its business needs.

Probation has a five-year plan submitted with the November 2<sup>nd</sup> budget that calls for 100% staffing within five years through incremental increases of approximately 61.0 FTE/year. Due to the financial crisis, no Probation staff is being requested, which further pushes out the projected date for full staffing.

The Department is concerned that probation outcomes will regress with fewer staff, especially with an increasing probation population. After the last recession in FY03-04, probation had reduced success rates and increased referrals of technical violators to prison.



The Department's ability over the past three years to maintain technical violators in the community (due to increased staff, focused training, added treatment resources, and improved practice and policy) has saved substantial dollars. The estimated 113 offenders in 2007-08 who would have been sent to DOC (if committed for Technical Violations at the same rate as FY03-04) would have cost over \$3 million in that year alone. There is evidence of improved success rates on probation since the increase in staff after FY03-04 and reduction in staffing is likely to thwart, limit or reverse some of those advances. The Department will do what it can to limit that negative impact, but past history indicates that an inadequate level of staffing results in negative probation outcomes.

<b>Probation Program</b>	<b>Success Rate FY07 % (N)</b>	<b>Success Rate FY08 % (N)</b>	<b>Success Rate FY09 % (N)</b>
<b>Regular Adult</b>	<b>56% (8,026)</b>	<b>59% (9,041)</b>	<b>64% (10,629)</b>
<b>AISP</b>	<b>56% (754)</b>	<b>54% (727)</b>	<b>66% (810)</b>
<b>FOP</b>	<b>63% (114)</b>	<b>65% (112)</b>	<b>73% (147)</b>
<b>SOISP*</b>	<b>33% (70)</b>	<b>35% (101)</b>	<b>46% (124)</b>
<b>Regular Juvenile</b>	<b>72% (3,315)</b>	<b>72% (3,410)</b>	<b>74% (3,485)</b>
<b>JISP</b>	<b>48% (246)</b>	<b>41% (204)</b>	<b>45% (245)</b>

**11. In Colorado, the Judicial Department is responsible for probation services and the Department of Corrections is responsible for parole services. Why? Should the General Assembly consider assigning both responsibilities to one agency? Do you have any information about the potential effect of such a consolidation on the costs of providing these services and the outcomes achieved?**

This issue has been raised and seriously studied in Colorado periodically in the past. Based on the following factors, the consistent conclusion has been that the agencies should remain separate but should coordinate where possible.

1. Parole is in Executive Branch and probation in the Judicial Branch. Parole officers need to regularly interact with prison management to maintain a continuity of treatment and supervision. They are integrated into the correctional reentry process for vocational, educational and related services along the continuum. Probation officers are responsible for pre-sentence reports and closely interact with the Judiciary.
2. The nature of the parolee and probationer clients differ, with a higher degree of risk posed by most parolees. Parole officers are armed; probation officers are not. Merger would bring with it the prospect of arming probation staff which has attendant costs and job requirement implications.
3. Parole is part of a centralized organization while probation is more distributed among all judicial districts.
4. There are ongoing opportunities for efficiencies and coordination, and probation and parole are committed to that and are working well together. Examples of such efforts underway include:
  - a. Coordinated risk assessment has been agreed to for over a decade (using the LSI tool) and is now under review to determine if we can jointly improve on what exists.
  - b. Coordinated contracts for Electronic Home Monitoring and Day Reporting Services
  - c. Joint service on the Interagency Task Force for Treatment; the IAC (Interagency Committee on Adult and Juvenile Correctional Treatment) which meets approximately bi-monthly; the Sex Offender Management Board; and several committees of the Commission on Criminal and Juvenile Justice.
  - d. Collaboration (especially through the IAC) on joint research projects.
  - e. Collaboration on a joint effort to address absconding through prevention, research and information gathering to improve apprehension.
  - f. Currently working together to increase the availability of treatment for offenders in rural areas.
  - g. Recently collaboration with sister agencies to acquire a \$2.2M grant to provide evidence-based training across the criminal justice system.



- h. Shared information on the CJIS system and both DOC and Judicial serve on the managing board for CJIS.
- i. Formal MOU to work closely together on matters related to the Interstate Compact for Adult Offender Supervision, with a Judicial employee co-located with the DOC staff.
- j. Jointly monitored/audited some community treatment providers and are exploring ways to improve that process.

In sum, there are many existing and possible avenues for improved collaboration between probation and parole and the current atmosphere is one of such cooperation. Legislators are invited to meet with the IAC to discuss this matter further.

**12. Please provide information concerning the number and proportion of offenders on probation who have a substance abuse problem. If possible, please break down this data for various types of substances.**

With the exception of the DUI/DWAI cases which are more than 99.5% alcohol related, Probation does not have data that can be queried to break down treatment need by type of substance. Probation focuses on the assessment for the existence of substance abuse in accordance with Section 16-11.5-101 and 102 C.R.S. and Section 42-4-1301.3 C.R.S. for DUI and DWAI offenses, the referral to a state approved treatment agency in accordance with Section 18-1.3-204 and compliance monitoring.

The following table provides a representative sample based on 30,203 FY 2009 Standardized Offender Assessments completed on adult offenders under regular, intensive and private probation supervision. Not all offenders currently under supervision were required to undergo screening for substance abuse. This became a requirement for all probation offenders during FY 2009. The table provides information on the number of offenders screened for substance abuse and the number for each recommended level of treatment. Offenders undergo a standardized screening for substance abuse and if the screening indicates a need for further assessment, the offender completes the Adult Substance Use Survey (ASUS) instrument, which combined with the score from the standardized risk assessment produces a recommended treatment level for the offender. All screening and assessment instruments were tested on Colorado offenders before being adopted and have been found to be scientifically valid and reliable. There were a total of 30,203 offenders screened. Fifty-three point three (53.3%) required some intervention for their use of substances.

Treatment Level	Treatment Type	Number	Percent of Total
1	No treatment- low score at screening	13,923	46.10%
2	Education only	4,244	14.05%
3	Weekly Outpatient Treatment	5,105	16.90%
4	Intensive Outpatient Treatment	5,052	16.73%
5	Short-Term Residential Treatment	1,699	5.63%
7	No Treatment- Assess for Psychopathy	180	0.60%
TOTAL		30,203	

There were 27,939 defendants under probation supervision for a DUI or DWAI conviction on June 30, 2009. All of these individuals were required to undergo an Alcohol/Drug Driving Safety (ADDS) program assessment and were then ordered to treatment.

**13. [Request for Information #5] If possible, please provide a breakdown of expenditures of state funds to provide substance abuse treatment for offenders on probation based on substance type.**

The tables below provide information on state funded expenditures for substance abuse treatment and drug testing. Drug Testing and Substance Abuse Treatment expenditures are funded from cash fund revenues collected from offender fees and surcharges. General Funds support the SB-318 program with an annual appropriation of \$2.2 million.

Purpose	FY 2009 Expenditures
Drug Testing	\$ 891,052
Substance Abuse Treatment	\$ 1,525,156
SB-318 Program	\$1,802,213
TOTAL	\$ 4,218,421

As mentioned in the response to Question #12, Probation does not have data that can be queried that breaks down expenditures by substance type. However, the results of drug testing for FY 2009 may be a good proxy for examining the prevalence of certain drugs and by extension the dominant drugs in use that drive treatment need. The tables below identify the number of offenders tested, tests performed, the 8 most commonly tested drugs and the rate of positive tests for each drug.

Total Unique Offenders Tested	36,782
Total Unique Substance Tests	1,312,015
Average Substances Tested for per Specimen	6
Total Specimens Tested	219,075
Total Positive Specimen Tests	41,412
Percentage Positive of Total Tests	18.9%

Top 8 Substances Tested	# of Tests	% Positive
Alcohol	36,507	1.80%
Amphetamine	212,654	1.80%
Barbiturates	157,500	0.15%
Benzodiazepine	157,561	1.90%
Cocaine	212,427	2.10%
Opiates	158,570	4.30%
Propoxyphene	155,312	0.40%
THC (Marijuana)	214,556	12.00%
TOTAL	1,305,087	

**14. Does the Department have information about total state expenditures for substance abuse treatment? If not, what action could the General Assembly take to assist in gathering such information and to help coordinate treatment resources statewide?**

The Department does not have information regarding total state expenditures for substance abuse. There is an effort underway in the Colorado Criminal and Juvenile Justice Commission to develop this information.

**15. Are existing substance abuse treatment services provided through the Judicial Department, the Department of Human Services, the Department of Corrections, and the Department of Public Safety adequate to meet the need for services? Are available treatment services effective?**

The Judicial Department does not provide substance abuse treatment services. Probation assesses for treatment need and makes a referral to an approved treatment provider in accordance with Section 18-1.3-204 C.R.S. Conditions of probation.

Based on a gap analysis study measuring the treatment needs for offenders in Probation, Parole/TASC (Treatment Alternatives for Safer Communities) and Community Corrections completed during FY 2006, capacity to meet the recommended treatment levels was found to be significantly inadequate for levels 4, 5 and 6.

	Statewide	No Tx Level 1	D&A Educ Level 2	Weekly Out Patient Level 3	Intensive Out Patient Level 4	Short- Term Residential Tx Level 5	Therapeutic Community Level 6
Treatment Slots/Beds Available (M and F)	8224		2526	4039	878	639	142
Gap (-) or Surplus(+)	<b>-6269</b>		0	0	-4565	-1175	-530

Measures of available treatment effectiveness can be found in **“The Costs and Effectiveness of Substance Use Disorder Programs in the State of Colorado” Report to The General Assembly House and Senate Health and Human Services Committees; Submitted by The Division of Behavioral Health, Colorado Department of Human Services, October 31, 2008.**

The Executive Summary highlights the following:

Substance use disorders in the State of Colorado are a significant health, social, public safety and economic problem. Prevention and treatment are crucial public safety measures.

- Substance use disorders continue to be a problem in Colorado, although rates of use have declined since 1979 because of prevention, treatment and enforcement.
- Prevention and treatment are effective in reducing the amount of substance use disorders in Colorado. A substance use disorder is a preventable behavior and addiction is a treatable disease.
- **It is more economical to prevent or treat a substance use disorder than to deal with its impact on the individual or society.**
- **Resources to provide substance use disorder prevention and treatment are limited; the problem far outpaces the resources.**

- **Incarceration alone is an ineffective and costly way to control drugs.**
- **Treatment not only saves lives, it saves money.**
- During FY08, clients in substance abuse treatment showed several positive outcomes, including:
  - An **increase** from 52% at admission to 78% at discharge in the proportion of all treatment clients reporting **abstinence** from substance use (note that a considerable proportion of clients report abstinence at admission because they were transferred from a jail, prison, or other supervised setting);
  - An **increase** from 61% to 81% (admission to discharge) in the proportion of outpatient treatment clients reporting **abstinence** from any substance use;
  - **Decreases in DUI/DWAI and other arrests;**
  - Decreases in medical and psychiatric emergency room visits, and hospital admissions; and improvements in mental health status, family, social, and employment issues, and living situation.

**16. Please provide information concerning the rate of recidivism for DUI offenders on probation. Has recidivism increased or decreased among these offenders in recent years?**

Probation does not have any recidivism data for the DUI population. The Division of Behavioral Health (formally the Alcohol and Drug Abuse Division) completed DUI recidivism studies in 1997 and 2008. The results of the 2008 study clearly and substantially demonstrate the effectiveness of DUI/DWAI education and treatment in preventing re-arrest for DUI/DWAI offenses, especially for those persons who complete the level of intervention they are referred to.

Specifically, it was found that:

- **Regardless of the education/treatment level of intervention, 9 out of every ten-study subjects (92.1%) were not re-arrested after starting DUI/DWAI services.**
- Those persons not completing treatment were 44% more likely to be re-arrested than those in Education/Treatment who completed treatment (10.4% versus 7.2%, respectively).
- 78.1% of all study subjects completed their assigned intervention education/treatment level.
- **Re-arrest (recidivism) was over four times more likely to occur after treatment than during.**

- As the intervention education/treatment level increased in intensity, going from Level I Education to Level II Education to Level II Education and Treatment: 1) more severe outcome indicators for offenders were observed (higher BAC, prior DUI/DWAI arrests, lower monthly income, etcetera); and 2) greater recidivism rates for offenders were observed (Level I Education subjects who did not complete had a re-arrest rate of 3.4% versus Level II Education and Treatment subjects who did not complete, at 11.5%).
- This study's re-arrest percentage of 7.9% was a significant improvement (77%) over the last report (1997) measurement of 14.0%.

**17. Please discuss the effectiveness of electronic monitoring.**

Electronic monitoring is a generic term that encompasses electronic home monitoring (radio frequency), global positioning satellite (GPS) monitoring, sleep time monitoring and Secure Continuous Remote Alcohol Monitoring (SCRAM). **Each technology has a purpose and all are in use in Probation. None of the technologies provide any labor savings or cost avoidance to agencies that use them. By themselves, without significant officer review, they provide very limited and narrow enhancements to public safety.**

- **Electronic Home Monitoring:** The offender wears an ankle bracelet that sends a radio signal that can be picked up by a receiver in the offender's home that is connected by a phone line to a monitoring center. The sole purpose of this technology is to know if the offender is within range (at home) of the receiver during required periods of time. This technology is most often used for home detention or to monitor curfews. It is effective for these purposes. The technology cannot determine where an offender is, where they have been or are going or what they have done while outside range of the receiver.
- **Global Positioning Satellite Monitoring (GPS):** The offender wears an ankle bracelet that sends a signal to a GPS receiver worn by the offender. Satellites send signals to the receiver that establishes the geographic location of the offender. The receiver sends a signal to a cell phone tower that sends a signal to a monitoring center that is able to plot the coordinates on a map. This technology can operate in a passive mode that stores the tracking signals that can then be downloaded and reviewed periodically or active mode such that the minute by minute movement of an offender can be plotted. GPS was developed commercially for tracking trucks hauling cargo cross country and is highly effective for that purpose because trucks are out in the open and not in buildings. Most offenders spend the majority of their day indoors so the technology has limited utility. The technology is prone to a significant number of false alerts, therefore has limited effectiveness. GPS is most often used for monitoring sex offenders.

- **Sleep Time Monitoring:** The offender wears a watch-like monitor on their wrist which records movements during sleep. An initial baseline is established during a period when it is known that the offender is not under the influence of any drugs or alcohol. When drugs or alcohol are ingested they disrupt a persons sleep pattern e.g. less REM sleep and the monitor can detect those occurrences. The data is downloaded and if there is a deviation from the baseline data the offender can be ordered to submit a urine sample for drug testing. This technology is effective in identifying possible substance use.
- **Secure Continuous Remote Alcohol Monitoring (SCRAM):** The offender wears an ankle bracelet that includes an electrochemical fuel cell that is capable of detecting alcohol use through the offender's perspiration. The ankle bracelet is attached daily to a receiver that is connected by phone to a monitoring center that interprets the data to determine is alcohol has been used. This technology is effective for this purpose.

**18. Provide a cost comparison of public and private supervision of offenders on probation. Please include information about who/what entity pays these costs and explain whether/how offenders who are privately supervised differ from those who are publicly supervised.**

The FY 2010 average annual cost of care for a minimum risk adult offender on state probation supervision is \$273. This offender is required to pay \$600 annually in Probation Supervision fees.

Private probation cases are ordered to pay the annual \$600 probation supervision fee to the private probation provider to cover the cost of their supervision. This represents a \$600 per year loss of revenue to the state for every offender placed on private probation supervision.

The use of private probation is authorized by Chief Justice Directive only for the lower risk cases that would otherwise have been on state supervised probation. The court may sentence the offender directly to private probation. However, in most cases the court sentences the offender to probation and the probation department performs an assessment to determine risk and if the offender is of low risk they are transferred to private probation.

The primary differences in cases on state probation services and private probation are as follow:

- Offender is low risk but high need and would be unable to meet court orders for treatment without financial assistance from the cash funded Offender Treatment and Services funds. The funds are not available to offenders on private probation because they do not pay into the fund. Without this assistance the offender has a greater likelihood of failure and potential revocation.

- Offender is low risk but owes significant restitution or other costs and the supervision fee has been reduced or waived for financial reason.
- Offender started probation at a higher risk level and has been recently classified as low risk and has not yet been transferred to private probation.
- Offender is low risk but was failing on private probation and has been transferred back to state probation.

**3:10-3:30 MISCELLANEOUS**

- 19. [Request for Information #1] Please provide a response to this information request concerning Colorado Supreme Court Rule #16 (authorizing district attorneys to charge for the costs of duplicating discoverable material). Please include information about the relationship between fees charged by district attorneys to defense attorneys pursuant to this rule, and those charged to the public pursuant to Section 24-72-306, C.R.S. (amended through H.B. 08-1076).**

The response to the JBC's Request for Information #1 was provided to staff on Friday, November 13<sup>th</sup> and contained in Attachment D on page 45.

The regulation of criminal justice records in part three of article 72 of title 24 requires a criminal justice agency to provide copies of criminal justice records to any person. In 2008, the legislature set a maximum fee of 25 cents per page for photo copies and the actual cost for providing a copy, printout, or photograph of a criminal justice record that is in a format other than a standard page. Section 24-72-306(3), C.R.S. states, "The provisions of this section shall not apply to discovery materials that a criminal justice agency is require to provide in a criminal case pursuant to rule 16 of the Colorado rules of criminal procedure." Rule 16 (V) (c) states that the DA should set fees "based on actual cost of copying" and does not set a maximum fee per page.

- 20. We understand that Denver is not providing certain types of court- and probation-related data to the Department. Please explain what type of data is not being shared by Denver and what impact(s) this has on the Department. What action, if any, could the General Assembly take to remedy this situation?**

Denver County Court (DCC) does not share any of its data with the State Court System. DCC hopes to make their data available to the public at a small fee via the internet as a way to increase revenue for the City and County of Denver. As a result, DCC no longer provides the data on charges, convictions, and sentences to be included in the Department's case management system. In order to search DCC records, a separate data base must be accessed and searched.



Additionally, the Denver District Attorney's office has migrated to a case management system that is not compatible with the statewide data system for prosecutors. Instead of having data input at the Denver District Attorney's office populate the court's case management system, court clerks are now manually entering the data a second time upon receiving the information in paper format from the Denver District Attorney's office. The District Attorneys in the 9<sup>th</sup> and 18<sup>th</sup> Judicial Districts have recently stopped sending their data to the statewide data systems for prosecutors housed at CDAC.

Sharing data electronically within one system is critical to ensuring public safety and also for judicial officers and prosecuting attorneys to have criminal and case history information necessary to make fully-informed decisions. The absence of this electronic data sharing also leads to staffing inefficiencies by forcing redundant data collection and entry by all of the entities concerned.

Denver County Court is established as independent court system in the Colorado Constitution, Article VI, Section 19. The issue is not one therefore of compelling Denver County to provide data to the Department, but rather one of finding a cooperative mechanism with incentives on both sides to ensure that data is shared. Although municipal courts and local district attorneys' offices cannot be compelled by the legislature to share data, the General Assembly can develop a uniform statewide platform to share data among all law enforcement and court systems in the state in order for all entities to have access to the data to improve public safety and provide better information for decision making at all levels of the government.

**21. [Decision Item #1] Please describe the Department's process of purchasing courthouse furnishings. Specifically, does the Department utilize Correctional Industries?**

For all courthouse furnishings projects, the competitive bid process is used to ensure the best value and quality for furniture and equipment. Juniper Valley responds to some of these competitive bid solicitations and is used when the price and value are the best. Currently, the 12th Judicial District is planning on using Juniper Valley to replace the bench seating in two different courthouses.

**22. Please describe the plans for the new parking structure associated with the new Justice Complex. Would the structure be available to employees and the public? Would all users pay a fee for parking? If so, how would such revenue be utilized?**

The parking structure will be located next to the History Museum. It will be a market-rate lot that will be available for employee use during working hours and public use during evenings and weekends. Revenue from parking will be used to service the debt for both the Judicial complex and the parking structure.

**ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED**

**1. Organizational charts for your department, showing divisions and subdivisions (with geographic locations).**

Please see Attachment A (page 33) for the organization chart and Attachment B (page 34) that lays out the 22 Judicial Districts by geographical location.

**2. Definitions of the roles and missions of your department, its divisions and subdivisions.**

The mission of the Judicial Department is as follows:

*The Colorado Judicial Department (Courts and Probation) provides a fair and impartial system of justice that:*

- *Protects constitutional and statutory rights and liberties*
- *Assures equal access*
- *Provides fair, timely and constructive resolution of cases*
- *Enhances community welfare and public safety*

This applies to all court, probation and administration locations, units and divisions across the State. A full copy of the Judicial Department's strategic plan can be found in the FY2011 budget submission.

**3. The number of current personnel and the number of assigned FTE by division and subdivision (with geographic locations), including all government employees and on-site contractors.**

Below is a table of each trial court and probation district with authorized FTE for FY2010 and proposed staffing reductions based on the November 2<sup>nd</sup> budget request. Attachment E (page 50) shows the geographical location of the proposed FTE cuts for FY2011.

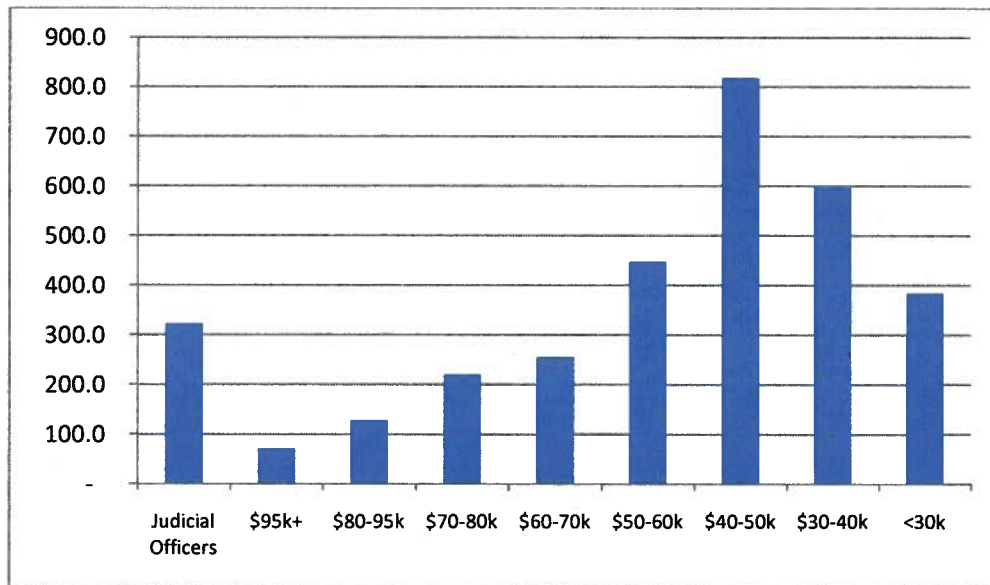
District	Counties	Trial Court FTE		Probation FTE		Total FTE Reduction
		FY2010 FTE (before reduction)	FY2010 FTE Reduction	FY2010 FTE (before reduction)	FY2010 FTE Reduction	
1st	Jefferson/Gilpin	167.1	(9.5)	102.0	(8.5)	(18.0)
2nd	Denver District/ Denver Juvenile	169.0	(11.3)	140.8	(23.8)	(35.0)
	Denver Probate	12.5	(2.3)	n/a	n/a	(2.3)
3rd	Las Animas/Huerfano	21.1	(2.0)	11.2	(1.5)	(3.5)
4th	El Paso/Teller	228.2	(12.0)	106.9	(15.3)	(27.3)
5th	Eagle/Summit/Lake	50.7	(4.8)	28.7	(1.3)	(6.0)
6th	San Juan/La Plata/ Archuleta	30.8	(1.8)	20.1	(2.3)	(4.0)
7th	Delta/Gunnison/Hinsdale/ Ouray/Montrose/San Miguel	51.6	(1.3)	22.7	(1.0)	(2.3)
8th	Larimer/Jackson	95.7	(9.5)	67.9	6.8	(2.8)
9th	Rio Blanco/Garfield	45.9	(2.5)	22.6	(2.3)	(4.8)
10th	Pueblo	76.8	(9.8)	45.8	(0.5)	(10.3)
11th	Park/Chaffee/Fremont/ Custer	48.3	(10.3)	26.1	(3.3)	(13.5)
12th	Saguache/Mineral/Rio Grande/Alamosa/Conejos/ Costilla	38.0	(6.0)	19.4	(1.3)	(7.3)
13th	Logan/Sedgwick/Phillips/ Yuma/Kit Carson/Washington/ Morgan	44.0	(4.8)	24.4	(5.0)	(9.8)
14th	Moffat/Routt	35.1	(4.8)	17.4	(2.0)	(6.8)
15th	Cheyenne/Kiowa/Prowers/ Baca	17.4	(1.5)	7.8	(2.0)	(3.5)
16th	Crowley/Otero/Bent	21.0	(2.0)	11.8	(3.0)	(5.0)
17th	Adams/Broomfield	159.8	(7.8)	109.7	4.8	(3.0)
18th	Arapahoe/Douglas/Elbert/ Lincoln	241.7	(17.3)	163.4	(19.8)	(37.0)
19th	Weld	98.3	(9.0)	66.2	(1.8)	(10.8)
20th	Boulder	91.5	(9.3)	52.1	(2.3)	(11.5)
21st	Mesa	62.8	(6.0)	39.8	(3.8)	(9.8)
22nd	Dolores/Montezuma	21.6	(4.5)	11.3	(2.3)	(6.8)
District OH	Denver/Regional	62.5	(1.5)	27.0	(2.0)	(3.5)
<b>Trial Court &amp; Probation Subtotals</b>		1890.9	(151.0)	1144.7	(93.0)	(244.0)
<b>Appellate and Administration</b>						
SCAO	Denver	64.1	(7.0)			(7.0)
JBITS	Denver/Regional	44.9	(5.0)			(5.0)
Appellate	Denver	146.0	(10.0)			(10.0)
<b>Grand Total</b>						(266.0)

**4. A specific list of names, salaries and positions by division and subdivision of any salaried officer or employee making over \$95,000 per year in FY 2009-10.**

There are currently 3,250 FTE in the Judicial Department. Twelve percent (12%), or 395.1 FTE make over \$95,000 a year. Of these, 323.0 are Judicial Officers with the balance comprising the Department's management team spread across 22 districts, the appellate courts and the State Court Administrators Office.

	<u>FTE</u>
Judicial Officers	323.0
Appellate Court Mgmt	5.0
State Court Administrators Office	25.0
District Administrators	20.0
Chief Probation Officers	21.0
Clerks of Court	2.0

The breakout of staff and salary ranges is below. Attachment C (page 35) is a list of all personnel making over \$95,000.



**5. A specific list of names, bonuses and positions by division and subdivision of any salaried officer or employee making over \$95,000 per year who received any bonuses in FY 2008-09.**

No employee in the Department received a bonus in FY2009. The Department does not pay bonuses to employees.

**6. Numbers and locations of any buildings owned or rented by any division or subdivision (by location) and the annual energy costs of all buildings.**

Following is a list of locations that currently pay rent for office space. The court and probation facilities across the state are the responsibility of the Counties and no court/probation office owns or pays rent.

<b>Facility</b>	<b>Purpose</b>	<b>Address</b>	<b>Square Footage</b>	<b>Rental Rate</b>
Denver Newspaper Agency	SCAO Offices	101 W. Colfax, Denver	48,481	\$ 16.50
Grandview Plaza	Training Facility	7674 Grandview, Arvada	8,266	\$ 16.50
Chancery	Court of Appeals Overflow	1120 Lincoln Street, Denver	6,471	\$ 19.00
Denver Post Building	Attorney Regulation/Judicial Discipline	1560 Broadway, Denver		

Energy Costs for all locations are included in the monthly lease rates.

**7. Any real property or land owned, managed, or rented by any division or subdivision (by geographic location).**

The Department does not own, manage or rent any land or real property.

**8. The number, class, and age of all vehicles owned, rented, or operated; and annual fleet operating expenditures for all vehicles, by any division or subdivision (by geographic location).**

This information was provided by the Department of Personnel and Administration.

**9. List essential computer systems and databases used by the department, its divisions and subdivision, with their actual FY2008-09 expenditures.**

The following is a list of essential computer systems and databases that are used by all court and probation locations across the state.

Core Case Management Systems: ICON/Eclipse (for courts and probation), Jury Management, jPOD Appellate, E-filing, BRIO/Cognos Reporting, Child Support Calculator,

Interagency Data Transfers/Applications: CICJIS (to CBI, DOC, DYC and CDAD), SANCA (D&N Cases with DHS), Tax Intercepts, Mental Health Data (to FBI for gun checks), TED (Distrain Warrants from DOR), TOD (e-citations), NORCHEM (Drug Testing Results), ICON/Eclipse (governmental access), Private Probation access to ICON, DMV Disposition Matching.

Internet Based Applications - Online Payments, Public Access, WEB Site (online forms/dockets), Court Appointed Counsel Invoicing

Administrative/Intranet Systems – Leave Systems and Timesheets, Pay for Performance, West KM, Judicial Intranet, Support Center (help desk and inventory), Positive Pay (check #s to banks), Manager’s Resource Manual.

In FY2009, the following expenses by Long Bill line were incurred in support of the above-mentioned systems.

	TF	GF	CF
Telecommunications	525,527	310,000	215,527
MNT	334,800	334,800	
GGCC	268,774	268,774	
Hardware Replacement	1,026,494		1,026,494
Hardware Maintenance	1,178,094	1,043,094	135,000
<b>TOTAL</b>	<b>3,333,689</b>	<b>1,956,668</b>	<b>1,377,021</b>

These systems are vital to the operations of the courts and probation. They are used to manage cases, assist in administrative matters, and most importantly in electronically sharing data with other governmental entities to improve staff efficiencies and public safety. In their absence, staff efficiencies, public safety and public service will be compromised with cases taking longer to decide and decision makers lacking complete information at the time decisions have to be made.

**10. Any actual FY2008-09 expenditures over \$100,000 total from the department or from its divisions and subdivision to any private contractor, identifying the contract, the project, and whether the contracts were sole-source or competitive bid.**

Following is a list of expenditures over \$100,000. For all large purchases, the Department competitively bids, uses state-award or GSA type pricing. This includes purchases of phone systems, all capital outlay associated with new/remodeled court and probation facilities, IT hardware/software, treatment providers and other such items.

Item/Service	Cost	Bid #
Judicial Heritage Janitorial Services	97,000	JUD-RFP-09-SCAOJ-03
FTR Digital Recorders	310,000	JUD-RFB-09-JBIT-01
Private Probation Services (various districts)	1,750,000	JUD-RFP-09-11PP-01; 21PP-01; P04-01
Denver Adult Probation UA Collection Services	230,000	JUD-RPF-09-P02-01
Electronic Home Monitoring Services	183,056	RFP #6224- Executive Branch purchasing office
Web development for Security Grant Applications	119,000	JUD-RFP-09-SCAO-01
Judicial Performance Survey Contract	518,000	JUD-RFP-09-SCAO-02
Beaver Run - Judicial Conference	153,305	3 documented quotes from hotels
Case File Jackets	140,000	JUD-RFP-09-SCAO-03
Westlaw Legal Research Services	178,658	Multi-year contract
Juror Summons Service	129,849	JUD-RFP-08-SCAOJS-107
Court-Appointed Counsel Attorneys	3,387,910	CAC attorneys on annual contract

**11. The amount of actual FY2008-09 expenditures for any lobbying, public relations, gifts, public advertising or publications including:**

- a. expenditures for lobbying by public employees, contract lobbyists, or "think tanks.**

In FY2009, the Department spent \$350 to reimburse the legislative liaison for meals with legislators during the session.

- b. expenditures for lobbying purposes at other levels of government**

None

- c. expenditures for lobbying purposes from grants, gifts, scholarships, or tuition**

None

- d. expenditures for publications or media used for lobbying purposes**

None

- e. expenditures for gratuities, tickets, entertainment, receptions or travel for purposes of lobbying elected officials; or**

None

- f. expenditures for any public advertising. Include all advertising campaigns, including those that are not for public relations.**

None

**12. List of all boards, commissions, study groups, including actual FY2008-09 expenditures, travel, per diem budgets and assigned FTEs.**

	FTE	Total	PS/OP/Equip	Travel	Grants	Other*
Courthouse Security Commission	1.0	<b>1,813,353</b>	276,385	36,506	1,500,462	
Judicial Performance Commission	2.0	<b>708,712</b>	99,780	4,746		604,186
Judicial Discipline Commission	1.0	<b>219,523</b>	146,355	2,873		70,295
Judicial Nominating Commissions	0.0	<b>4,957</b>		4,957		
Board of Law Examiners	8.2	<b>897,853</b>	897,853			

*\*Sick & Annual Leave payout for Judicial Discipline and Survey Contract for Judicial Performance*

**13. Suggest budget and staff reductions, including reductions in FTE and hours, by division and subdivision, that will reduce your department's total FY 2010-11 General Fund expenditures by 12.5% relative to FY 09-10 appropriations before any adjustments that have been announced since the end of the 2009 session.**

Below is a table that represents the necessary FTE reductions by program area to achieve 12.5% and 25% reductions. The FTE level for \$1m, \$5m and \$10m are also provided to help estimate other possible scenarios.

In total, Judicial would need to cut nearly 20% of non-judge staff to cover a 12.5% general fund budget cut. For a 25% general fund cut, nearly 40% of non-judge FTE would need to be cut.

<b>%</b>	<b>\$</b>	<b>Appellate</b>	<b>Admin</b>	<b>Courts</b>	<b>Probation</b>	<b>Total</b>	<b>% of non-ida FTE</b>
0.4%	1,000,000	0.8	0.9	12.1	7.5	21.3	0.7%
2.1%	5,000,000	4.2	4.7	60.5	37.3	106.7	3.3%
4.2%	10,000,000	8.3	9.5	121.0	74.6	213.4	6.6%
12.5%	30,000,000	24.9	28.4	363.0	223.8	640.1	19.7%
25.0%	60,000,000	49.8	56.7	726.0	447.6	1,280.2	39.3%

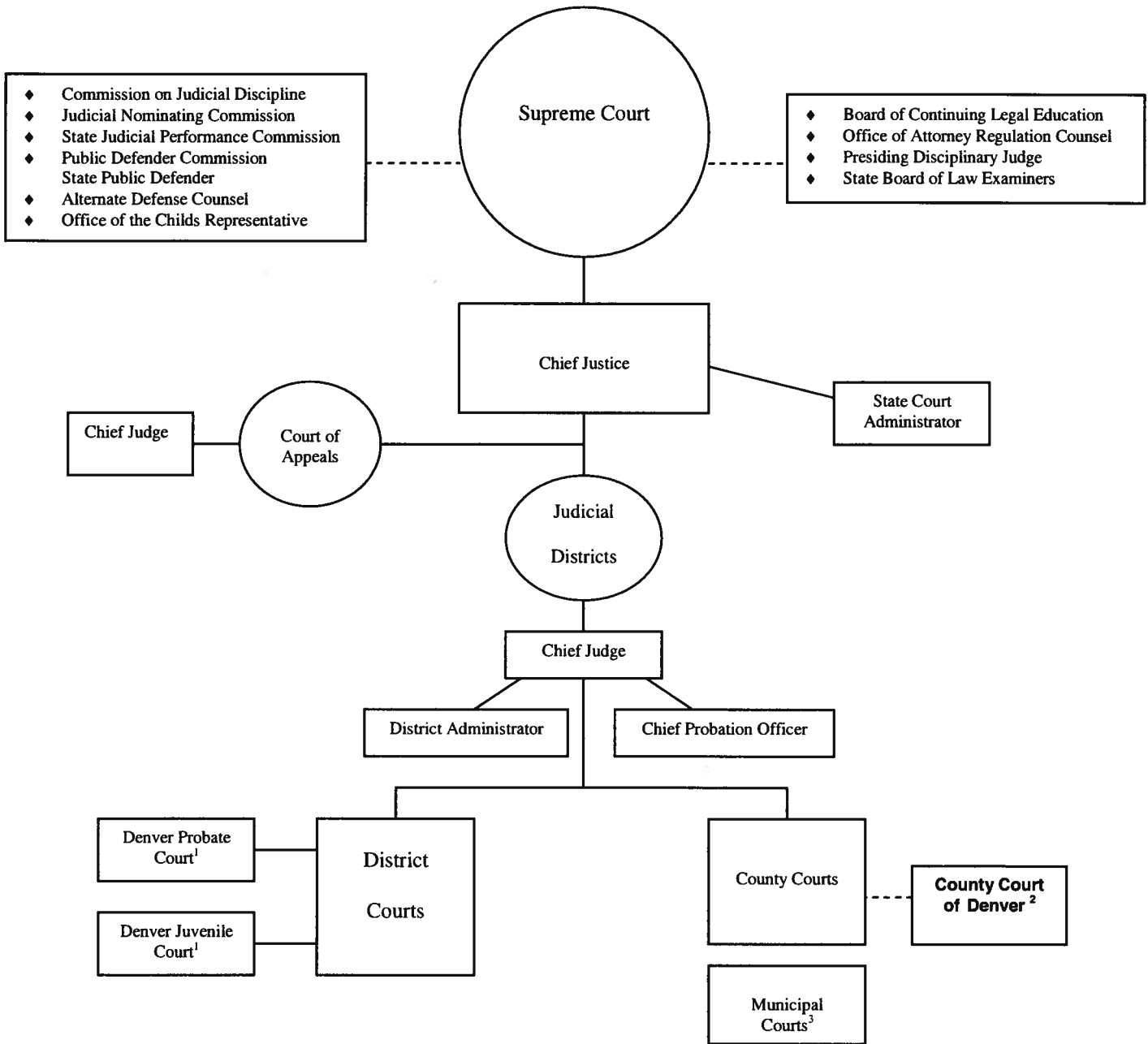
**14. Suggest budget and staff reductions, including reductions in FTE and hours, by division and subdivision, that will reduce your department's total FY 2010-11 General Fund expenditures by 25.0% relative to FY 09-10 appropriations before any adjustments that have been announced since the end of the 2009 session.**

See question 13.



**ATTACHMENT A: Judicial Department Organizational Chart**

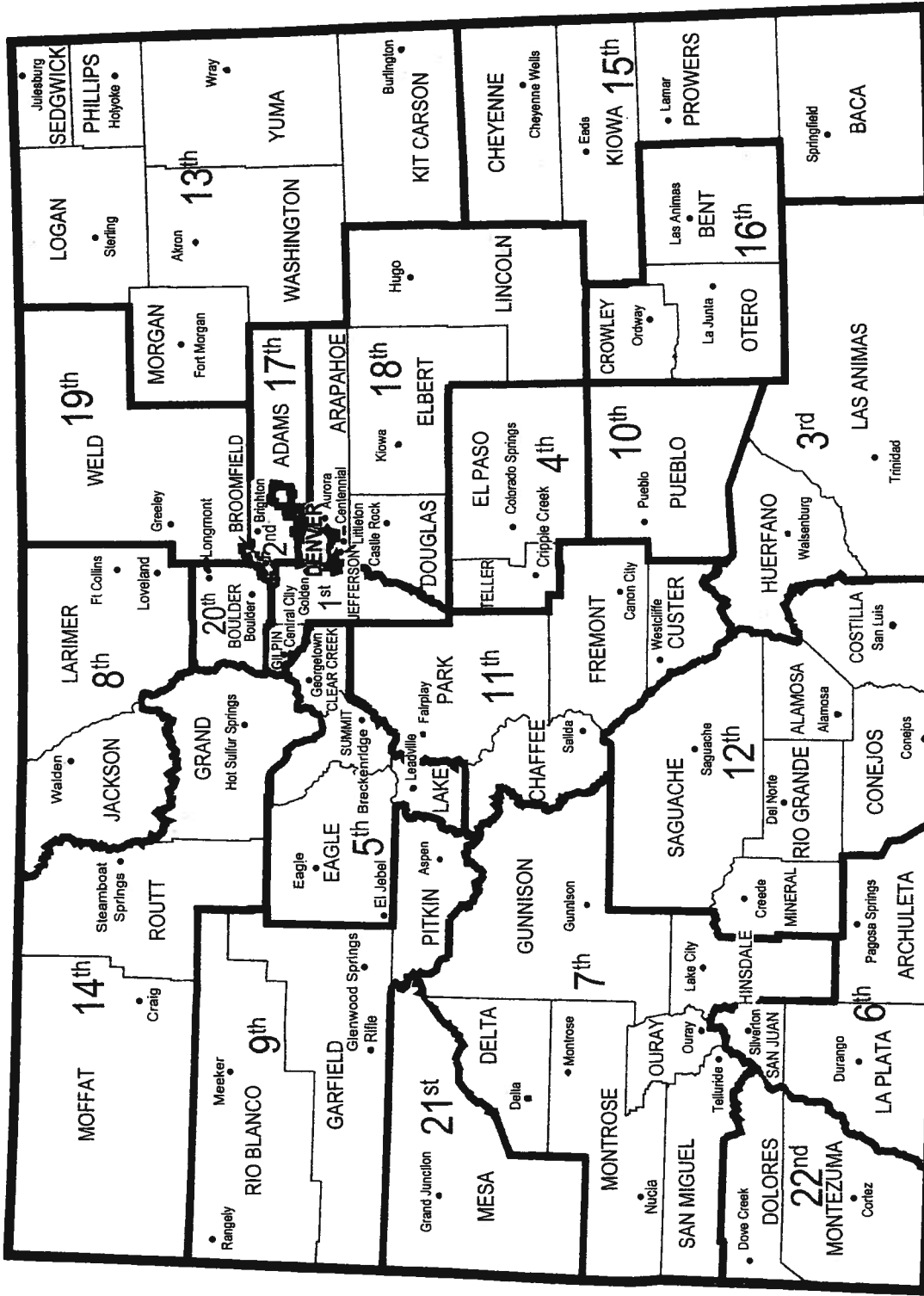
The Colorado court system consists of the Supreme Court, an intermediate Court of Appeals, district courts and county courts. Each county has both a district court and a county court. Special probate and juvenile courts created by the Colorado Constitution exist in the City and County of Denver. Colorado statutes also authorize locally funded municipal courts with jurisdiction limited to municipal ordinance violations.



- 1 - Exclusive to the City and County of Denver. In the rest of the state, the district court is responsible for juvenile and probate matters.
- 2 - The Denver County Court functions as a municipal as well as a county court and is separate from the state court system.
- 3 - Created and maintained by local government but subject to Supreme Court rules and procedures.
- 4 - The Colorado Judicial Department has no control over the ALJ (Administrative Law Judges) who report to the Executive Branch.
- 5 - The Colorado Judicial Department has no control over the Federal Court System.

ATTACHMENT B: Map of Judicial Districts

Judicial Districts of Colorado



**ATTACHMENT C: List of Judicial Employees Making over \$95,000**

Name	Class Title	Annual	FTE
MULLARKEY,MARY J	Judge - Chief Justice of the Supreme Court	142,708	100
BENDER,MICHAEL L	Judge - Justice of the Supreme Court	139,660	100
COATS,NATHAN B	Judge - Justice of the Supreme Court	139,660	100
EID,ALLISON H	Judge - Justice of the Supreme Court	139,660	100
HOBBS,GREGORY J	Judge - Justice of the Supreme Court	139,660	100
MARTINEZ,ALEX J	Judge - Justice of the Supreme Court	139,660	100
RICE,NANCY	Judge - Justice of the Supreme Court	139,660	100
DAVIDSON,JANICE B	Judge - Chief Judge of the Court of Appeals	137,201	100
MARRONEY,GERALD A	State Court Administrator	137,196	100
PHILLIPS,CHRISTIE B	Judge - District	134,722	100
BERNARD,STEVEN L	Judge - Court of Appeals	134,128	100
BOORAS,LAURIE A	Judge - Court of Appeals	134,128	100
CARPARELLI,RUSSELL B	Judge - Court of Appeals	134,128	100
CASEBOLT,JAMES S	Judge - Court of Appeals	134,128	100
CONNELLY,SEAN	Judge - Court of Appeals	134,128	100
DAILEY,JOHN DANIEL	Judge - Court of Appeals	134,128	100
FURMAN,DAVID M	Judge - Court of Appeals	134,128	100
GABRIEL,RICHARD L	Judge - Court of Appeals	134,128	100
GRAHAM,DENNIS A	Judge - Court of Appeals	134,128	100
HAWTHORNE,ROBERT D	Judge - Court of Appeals	134,128	100
JONES,JERRY N	Judge - Court of Appeals	134,128	100
LICHTENSTEIN,NANCY J	Judge - Court of Appeals	134,128	100
LOEB,ALAN M	Judge - Court of Appeals	134,128	100
MILLER,GALE T	Judge - Court of Appeals	134,128	100
RICHMAN,DAVID J	Judge - Court of Appeals	134,128	100
ROMAN,GILBERT MARTIN	Judge - Court of Appeals	134,128	100
ROY,ARTHUR P	Judge - Court of Appeals	134,128	100
RUSSEL,ROBERT M	Judge - Court of Appeals	134,128	100
TAUBMAN,DANIEL M	Judge - Court of Appeals	134,128	100
TERRY,DIANA L	Judge - Court of Appeals	134,128	100
WEBB,JOHN R	Judge - Court of Appeals	134,128	100
HALLER,CAROL M	Judicial Legal Counsel	132,900	100
BRINKLEY,STANLEY A	Judge - District	129,174	100
PRUDEK,MARLA R.	Judge - County	128,927	100
IUPPA,BARNEY	Judge - District	128,598	100
ANTRIM,MARILYN LEONARD	Judge - District	128,598	100
APPEL,CLAUDE W	Judge - District	128,598	100

ARKIN,ANGELA R	Judge - District	128,598	100
ARP,RANDALL C	Judge - District	128,598	100
ASHBY,KAREN M	Judge - District	128,598	100
BAILIN,ROXANNE	Judge - District	128,598	100
BARTON,CHARLES M	Judge - District	128,598	100
BERKENKOTTER,MARIA E.	Judge - District	128,598	100
BERRYHILL,JACK W	Judge - District	128,598	100
BLAIR,JOLENE C	Judge - District	128,598	100
BOATRIGHT,BRIAN D	Judge - District	128,598	100
BOTTGER,DAVID A	Judge - District	128,598	100
BOYD,JAMES B	Judge - District	128,598	100
BRONFIN,EDWARD D.	Judge - District	128,598	100
BRYAN,JOHN T	Judge - District	128,598	100
CASCETTE,RICHARD B	Judge - District	128,598	100
CISNEROS,THERESA M	Judge - District	128,598	100
COLT,EDWARD S	Judge - District	128,598	100
CRABTREE,CHARLES S	Judge - District	128,598	100
CROCKENBERG,DAVID W	Judge - District	128,598	100
CROSS,CHRISTOPHER C	Judge - District	128,598	100
CROWDER,RONALD GLENN	Judge - District	128,598	100
DEISTER,THOMAS M	Judge - District	128,598	100
DELGADO,KATHERINE R	Judge - District	128,598	100
DICKINSON,DAVID L	Judge - District	128,598	100
DUBOIS,JANN	Judge - District	128,598	100
EGELHOFF,MARTIN F	Judge - District	128,598	100
ENQUIST,MARGIE L	Judge - District	128,598	100
ENSOR,THOMAS R	Judge - District	128,598	100
EYLER,DEBORAH R	Judge - District	128,598	100
FASING,TIMOTHY L	Judge - District	128,598	100
FLESHER,TOM B.	Judge - District	128,598	100
FLYNN,BRIAN J	Judge - District	128,598	100
GANNETT,FREDERICK W	Judge - District	128,598	100
GERBRACHT,LESLIE J	Judge - District	128,598	100
GILBERT,DAVID A	Judge - District	128,598	100
GILMAN,SHELLEY I	Judge - District	128,598	100
GILMORE,TERENCE A	Judge - District	128,598	100
GLOWINSKY,CAROL	Judge - District	128,598	100
GONZALES,MARTIN A	Judge - District	128,598	100
GOODBEE,FREDERICK M	Judge - District	128,598	100
GRANGER,RUSSELL H	Judge - District	128,598	100

GREENACRE,CHARLES R	Judge - District	128,598	100
GROHS,DEBORAH JEAN	Judge - District	128,598	100
GROOME,STEPHEN A	Judge - District	128,598	100
GURLEY,RICHARD THOMAS	Judge - District	128,598	100
GUTIERREZ,GILBERT A	Judge - District	128,598	100
HABAS,TINA M	Judge - District	128,598	100
HAGLUND,NORMAN DEAN	Judge - District	128,598	100
HALL,DENNIS JAMES	Judge - District	128,598	100
HANNEN,JUSTIN M	Judge - District	128,598	100
HANSEN,SHARON L	Judge - District	128,598	100
HARTMANN,JAMES F	Judge - District	128,598	100
HERRON,JEFF B	Judge - District	128,598	100
HILL,SHELLEY A	Judge - District	128,598	100
HOAK,MARY C	Judge - District	128,598	100
HOBBS,CHARLES M	Judge - District	128,598	100
HOFFMAN,MORRIS BEN	Judge - District	128,598	100
HOLMES,JEFFREY	Judge - District	128,598	100
HOOD,WILLIAM W.	Judge - District	128,598	100
HOPF,NANCY A	Judge - District	128,598	100
HORTON,KURT A	Judge - District	128,598	100
HOSKINS,JULIE C	Judge - District	128,598	100
HOWELL,JANE B	Director of Judicial Performance	128,598	100
HOYER,KEVIN LEE	Judge - District	128,598	100
HYATT,ROBERT S	Judge - District	128,598	100
JACKSON,RICHARD B	Judge - District	128,598	100
KANE,THOMAS K	Judge - District	128,598	100
KAUP,DANIEL J	Judge - District	128,598	100
KELLY,JAMES P	Judge - District	128,598	100
KENNEDY,THOMAS L	Judge - District	128,598	100
KING,PAUL A	Judge - District	128,598	100
KLEIN,JAMES CHARLES	Judge - District	128,598	100
KOLOMITZ,MICHAEL J	Judge - District	128,598	100
KOPCOW,MARCELO A	Judge - District	128,598	100
KUENHOLD,O JOHN	Judge - District	128,598	100
LAFF,KENNETH M	Judge - District	128,598	100
LAMMONS,GREGORY M.	Judge - District	128,598	100
LEMON,CATHERINE A	Judge - District	128,598	100
LOWREY,ROBERT L	Judge - District	128,598	100
LYMAN,GREGORY G	Judge - District	128,598	100
LYNCH,DENISE K	Judge - District	128,598	100

MADDEN,JOHN W	Judge - District	128,598	100
MAES,CHARLES D	Judge - District	128,598	100
MALLARD,DOLORES D	Judge - District	128,598	100
MANSFIELD,ANNE M	Judge - District	128,598	100
MARSHALL,JULIE G	Judge - District	128,598	100
MARTINEZ,GILBERT A	Judge - District	128,598	100
MARTINEZ,MICHAEL A	Judge - District	128,598	100
MATTOON,JILL S	Judge - District	128,598	100
MAUS,DANIEL S	Judge - District	128,598	100
MCGAHEY,ROBERT L	Judge - District	128,598	100
MCNULTY,PHILIP J	Judge - District	128,598	100
MELONAKIS,CHRIS	Judge - District	128,598	100
MILLER,GEORGE D	Judge - District	128,598	100
MONTGOMERY,LAEL E	Judge - District	128,598	100
MOORHEAD,ROBERT T	Judge - District	128,598	100
MOSS,EDWARD C	Judge - District	128,598	100
MULLINS,RONALD MICHAEL	Judge - District	128,598	100
MUNCH,CHRISTOPHER J	Judge - District	128,598	100
MUNSINGER,STEPHEN M	Judge - District	128,598	100
MURPHY,PATRICK T.	Judge - District	128,598	100
NAVES,LARRY J	Judge - District	128,598	100
NICHOLS,GAIL H.	Judge - District	128,598	100
ODELL,DEVIN R	Judge - District	128,598	100
OEFFLER,LILY A	Judge - District	128,598	100
O'HARA,MICHAEL A	Judge - District	128,598	100
PATRICK,J STEVEN	Judge - District	128,598	100
PETRE,DAN B	Judge - District	128,598	100
PHELPS,CHESTER V	Judge - District	128,598	100
PHILLIPS,J STEPHEN	Judge - District	128,598	100
POPOVICH,JOHN E	Judge - District	128,598	100
PRATT,CHARLES MARC	Judge - District	128,598	100
PRINCE,DAVID S	Judge - District	128,598	100
QUAMMEN,THOMAS J	Judge - District	128,598	100
RAFFERTY,GERALD JAMES	Judge - District	128,598	100
RAPPAPORT,SHEILA A	Judge - District	128,598	100
REYES,VICTOR I	Judge - District	128,598	100
ROBBINS,WILLIAM D	Judge - District	128,598	100
ROBISON,VALERIE JO	Judge - District	128,598	100
ROMEO,KAREN A.	Judge - District	128,598	100
RUCKRIEGLE,W TERRY	Judge - District	128,598	100

RUSSELL,ROBERT H	Judge - District	128,598	100
RUSSELL,TAMARA SUE	Judge - District	128,598	100
SAMELSON,KIRK S	Judge - District	128,598	100
SAMOUR JR,CARLOS A	Judge - District	128,598	100
SANDSTEAD,MORRIS W	Judge - District	128,598	100
SCHAPANSKI,STEPHEN JON	Judge - District	128,598	100
SCHIFERL,MICHAEL	Judge - District	128,598	100
SCHMALBERGER,DONNA J.	Judge - District	128,598	100
SCHUM,JAMES W	Judge - District	128,598	100
SCHWARTZ,LARRY C.	Judge - District	128,598	100
SCHWARTZ,LARRY E	Judge - District	128,598	100
SELLS,SCOTT ALAN	Judge - District	128,598	100
SHAKES,DAVID L	Judge - District	128,598	100
SIMMONS,TIMOTHY J	Judge - District	128,598	100
SINGER,MICHAEL K	Judge - District	128,598	100
SPEAR,MICHAEL J	Judge - District	128,598	100
SPENCER,VALERIA NEALE	Judge - District	128,598	100
STERN,HERBERT L	Judge - District	128,598	100
STEWART,C JEAN	Judge - District	128,598	100
STRAUS,JILL-ELLYN	Judge - District	128,598	100
STROBEL,ELIZABETH B	Judge - District	128,598	100
SWIFT,PATTIE P	Judge - District	128,598	100
SYLVESTER,WILLIAM B	Judge - District	128,598	100
TALLMAN,PAUL D	Judge - District	128,598	100
THORSON,DAVID M	Judge - District	128,598	100
TIDBALL,JANE A	Judge - District	128,598	100
TUTTLE,DINSMORE	Judge - District	128,598	100
VANNOY,DOUGLAS R	Judge - District	128,598	100
WALKER,DOUGLAS S	Judge - District	128,598	100
WARNER,MARK D	Judge - District	128,598	100
WASSERMAN,FRANCIS C	Judge - District	128,598	100
WEISHAUPL,ELIZABETH A	Judge - District	128,598	100
WERNER,GREGORY R	Judge - District	128,598	100
WHALEN,MARY GWYNETH	Judge - District	128,598	100
WHEELER,JOHN L	Judge - District	128,598	100
WHITE,VINCENT R	Judge - District	128,598	100
WHITNEY,BRIAN R	Judge - District	128,598	100
WILLIAMS,JOHN D	Judge - District	128,598	100
WILSON,JEFFREY R	Judge - District	128,598	100
WOODS,DAVID BRETT	Judge - District	128,598	100

FLESCHE,JOHN M	District Administrator V	128,592	100
KRIBS,DAVID M	Director of Financial Services	128,592	100
LEAF,ROBIN DIANE	Chief Probation Officer V	128,592	100
MASIAS,MINDY B	Director of Human Resources	128,592	100
QUINN,THOMAS J	Director of Probation Services	128,592	100
ROPER,ROBERT	Chief Information Officer	128,592	100
STWALLEY,SHERRY R	Director of Planning and Analysis	128,592	100
MCKAGER,LAURIE ANN	District Administrator V	128,580	100
VILLALOBOS,VICTORIA L	District Administrator V	128,580	100
GARCIA,MICHAEL J	Chief Probation Officer V	128,568	100
RUSZCZYK,JOHN J	Chief Probation Officer V	128,568	100
CAMPBELL,WILLIAM J	Director of Judicial Discipline	128,400	100
ACKER,CHRISTOPHER E	Judge - County	123,067	100
ADAMS,ADDISON L	Judge - County	123,067	100
ARCHULETA,DAVID A	Judge - County	123,067	100
BENCZE,ALEX R	Judge - County	123,067	100
BLUM,NOEL E	Judge - County	123,067	100
BOCKMAN,AMY E.	Judge - County	123,067	100
BURBACK,BRADLEY A	Judge - County	123,067	100
CARNEY,CHRISTINE A	Judge - County	123,067	100
CARPENTER,VERNA L	Judge - County	123,067	100
CASIAS,EDWARD J	Judge - County	123,067	100
CHAUCHE,CHRISTINE N	Judge - County	123,067	100
COOLING,NORMAN C	Judge - County	123,067	100
COX,MICHAEL A	Judge - County	123,067	100
CROSHAL,KATHLEEN K	Judge - County	123,067	100
DEVITA,JOHN A	Judge - County	123,067	100
DOYLE,ROBERT S	Judge - County	123,067	100
ENICHEN,CAROLYN HOYE	Judge - County	123,067	100
FELDMAN,ETHAN D	Judge - County	123,067	100
FIELDMAN,STEVEN B.	Judge - County	123,067	100
FISCH,SUSAN L	Judge - County	123,067	100
GARRECHT,JAMES H	Judge - County	123,067	100
GOMEZ,MONICA J	Judge - County	123,067	100
GREENE,TAMMY K	Judge - County	123,067	100
HANSEN,KARLA J	Judge - County	123,067	100
HARTMAN,CYNTHIA M	Judge - County	123,067	100
HENDERSON,CRAIG P	Judge - County	123,067	100
HOPPIN,CHARLES T	Judge - County	123,067	100
HOWELL,BYRON L.	Judge - County	123,067	100



JOVANOVIĆ, JASON D	Judge - County	123,067	100
KERNS, TIMOTHY G.	Judge - County	123,067	100
KIRBY, LEROY D	Judge - County	123,067	100
LARSON, GRETCHEN B.	Judge - County	123,067	100
MARKER, MICHELLE A	Judge - County	123,067	100
MARTIN, LAWRENCE D	Judge - County	123,067	100
MEISSNER-CUTLER, SUSANNA	Judge - County	123,067	100
METZGER, PAUL H	Judge - County	123,067	100
MEYER, MICHELE L.	Judge - County	123,067	100
MILLER, SANDRA K	Judge - County	123,067	100
MINOT, MARTHA T	Judge - County	123,067	100
MITCHEL, JOHN J	Judge - County	123,067	100
MOORE, KJ BARNEY	Judge - County	123,067	100
MURRAY, DANA E	Judge - County	123,067	100
NICHOLS, DANA J	Judge - County	123,067	100
OLLADA, ANNE M	Judge - County	123,067	100
PLEWE, TODD J	Judge - County	123,067	100
RAAUM, BRUCE R.	Judge - County	123,067	100
REED, THOMAS JB	Judge - County	123,067	100
ROMANO, SABINO E	Judge - County	123,067	100
ROMEO, JEFFREY L	Judge - County	123,067	100
ROTOLO, ANN M	Judge - County	123,067	100
ROYBAL, DIANNA L	Judge - County	123,067	100
RUYBALID, ERNEST J	Judge - County	123,067	100
SCHINGLE, MICHAEL J	Judge - County	123,067	100
SCHOON, PETER E. JR.	Judge - County	123,067	100
SCHULTZ, RONALD L	Judge - County	123,067	100
SLETTA, STEPHEN J	Judge - County	123,067	100
STAVELY, JOHN F	Judge - County	123,067	100
STIRMAN, CHARLES E	Judge - County	123,067	100
SULLIVAN, KATHARINE T.	Judge - County	123,067	100
TOBIAS, ROBERT C	Judge - County	123,067	100
UNFUG, CHARLES S	Judge - County	123,067	100
VAHLE, DARREN L	Judge - County	123,067	100
VANCE, THOMAS E	Judge - County	123,067	100
WALKER, JONATHAN L	Judge - County	123,067	100
WALTER, REGINA MARIE	Judge - County	123,067	100
WILSON, DANIEL S	Judge - County	123,067	100
FESTAG, SUSAN J	Clerk of the Supreme Court	122,772	100
COOPER, PAUL H	Chief Probation Officer IV	120,348	100

NELAN,KEVIN	Chief Probation Officer IV	120,348	100
COHN,SHAWN M	Chief Probation Officer IV	118,584	100
COURTNEY,C SCOTT	District Administrator IV	118,572	100
SENESE,JACLYN A	District Administrator IV	118,572	100
VANDERLEEST,JUDITH J	District Administrator IV	118,572	100
SALAZ,KAREN L	District Administrator IV	117,888	100
TAYLOR,MELINDA A	District Administrator V	117,480	100
WADDLE,AMY C	District Administrator IV	117,408	100
BROWN,GREGORY R	Chief Probation Officer IV	116,952	100
HOGUE,ERIC A	District Administrator IV	116,016	100
LAMMERS-SANFT,CHERYL G	Chief Probation Officer V	114,684	100
RYAN,CHRISTOPHER	Clerk of the Court of Appeals	114,456	100
RODRIGUEZ,SHELLEY B	Magistrate	111,972	100
BROWN,ERIC	Senior Human Resources Manager	111,204	100
PETERS,JACKSON L	Judge - County	110,760	90
STUTLER,LARRY E	Judge - County	110,760	90
DAVIS,ALICIA K	Judicial Policy, Programs & Practices Manager	110,196	100
LITSCHESKI,PAUL	Financial Services Manager	110,160	100
BLASI,VICTOR L	Chief Probation Officer III	110,100	100
ANDERSON,EMILY ELIZABETH	Magistrate	110,040	100
BEACOM,GREGORY P.	Magistrate	110,040	100
BERENATO,MARY J	Magistrate	110,040	100
BILLINGS VELA,LINDA M	Magistrate	110,040	100
BLEY,JONATHAN	Magistrate	110,040	100
BLUM,MELANIE ALISON GILBERT	Magistrate	110,040	100
BOWEN,BRIAN N	Magistrate	110,040	100
BOWLING,LARRY R	Magistrate	110,040	100
BURNS,MAURICE E	Magistrate	110,040	100
BUTLER,PATRICK D	Magistrate	110,040	100
CHITTUM,ROBIN L.	Magistrate	110,040	100
COLE,TIJANI R	Magistrate	110,040	100
COWAN,JOHN S.	Water Referee	110,040	100
CURTIS,CECILIA	Magistrate	110,040	100
DUPREE,DIANE J	Magistrate	110,040	100
ELLIOTT-DUMLER,BETH A	Magistrate	110,040	100
ERLER,ROBERT	Magistrate	110,040	100
FEENEY,MICHAEL F	Magistrate	110,040	100
FINDORFF,LAURA N	Magistrate	110,040	100
FREEMAN,ROBERT	Magistrate	110,040	100
GOEKE,JUDITH M	Magistrate	110,040	100

GONZALES,MARK C	Magistrate	110,040	100
HAMILTON-FIELDMAN,LISA	Magistrate	110,040	100
HANSSON,KRISTINA B	Magistrate	110,040	100
HUGHES,BARBARA L	Magistrate	110,040	100
JANSKI,KATHLEEN M	Magistrate	110,040	100
JOSTAD,JOHN A	Magistrate	110,040	100
KOPPE CONWAY,REBECCA A	Magistrate	110,040	100
LEITH,ELIZABETH	Magistrate	110,040	100
LIESMAN,RAYMOND S	Water Referee	110,040	100
LUNG,ROBERT R	Magistrate	110,040	100
MARTIN,KARA C.	Magistrate	110,040	100
MARTINEZ,JOSEPH L. JR	Magistrate	110,040	100
MCLEAN,BONNIE HEATHER GARRITY	Magistrate	110,040	100
MCNULTY,WILLIAM T	Magistrate	110,040	100
MEINSTER,ANN G	Magistrate	110,040	100
MOLE,SIMON	Magistrate	110,040	100
MOSS,REBECCA S	Magistrate	110,040	100
NORTON,BABETTE	Magistrate	110,040	100
PEACOCK,DULCE D	Magistrate	110,040	100
RADAKOVICH,DOROTHY A	Magistrate	110,040	100
RUBINSTEIN,STEPHANIE L.	Magistrate	110,040	100
SAUFLEY,JEFFREY O	Magistrate	110,040	100
SCHAEFER,JOEL B	Magistrate	110,040	100
SIERRA,NORMA A	Magistrate	110,040	100
SMITH,CLINTON A	Magistrate	110,040	100
SPANGLER,KENT S.	Magistrate	110,040	100
STAPP,PETER JAY	Magistrate	110,040	100
SULLIVAN,EVELYN H	Magistrate	110,040	100
TIMS,MARIANNE MARSHALL	Magistrate	110,040	100
TRUJILLO,WILLIAM G	Magistrate	110,040	100
VOISINET,CHRIS	Magistrate	110,040	100
WINFIELD,SUSAN J	Magistrate	110,040	100
WINOGRAD,DANIEL M	Magistrate	110,040	100
YODER,BRADLEY J	Magistrate	110,040	100
ZEHE,MATTHEW R	Magistrate	110,040	100
SIMENTAL,DAVID	Chief Probation Officer III	109,032	100
PROCTOR,STEVEN R	Chief Probation Officer III	108,816	100
LAMONT,LAUREL M	Chief Probation Officer III	108,708	100
CORNELIUS,CHAD A	Senior JBITS Manager	108,504	100
OLSON,SOLVEIG K	District Administrator III	108,144	100

CLAYTON III, EDWARD J	District Administrator III	107,424	100
GRIFFIN, ROBERTA R.	District Administrator III	107,424	100
HERMAN, EVAN B	District Administrator III	107,424	100
STANLEY, CAREN L	District Administrator III	107,424	100
BLAIR, WALTER H	District Administrator III	106,452	100
YUHAS, CHRISTINE M	District Administrator III	106,248	100
GILBERT, SUSAN M	Chief Probation Officer III	106,044	100
EDEN, BEN F	Judge - County	104,607	85
MANLEY, DOUGLAS R	Judge - County	103,464	80
MORRISON, TERRI S	Legal Counsel, First Assistant	102,936	100
LOUDIS, MICHELE K	Chief Staff Attorney	102,600	100
DUKES, MYRA L	Controller	102,300	100
COHEN, ELOISE K	Clerk of Court VIII	102,096	100
HERIVEL, TAMMERA L	Clerk of Court VIII	102,096	100
BOWERS, LINDA A	Management Analyst IV	102,036	100
PHILP, ERIC M	Management Analyst IV	102,036	100
STRONG, ELIZABETH B	Staff Development Administrator	102,036	100
VASCONCELLOS, STEVEN R	Management Analyst IV	102,036	100
WALTER, TRACY A	Information Systems Specialist Supervisor	102,036	100
SWYERS, JONATHAN HUNT	Supervisor Technical Services	101,628	100
MILLS, TIA L	Chief Accountant	101,244	100
BUSCH, WENDY J	Editor of Opinions	100,896	100
JAMISON, FRAN H	Deputy Chief Probation Officer - xtr	100,848	100
BARNES, SHAWNEE	Chief Probation Officer II	99,744	100
GASTELLE, CHRISTOPHER G	Chief Probation Officer II	99,744	100
GURULE, BILLY	Chief Probation Officer II	99,744	100
MARTINEZ, DENNIS A	Chief Probation Officer II	98,676	100
BILLINGS, BRUCE A	Judge - County	98,454	80
RODGERS, FREDERIC B	Judge - County	98,454	80
WARNER, CARROL	Chief Probation Officer II	98,292	100
NAGLER, MARY H	Deputy Chief Probation Officer	98,280	100
COLE, LEE V	District Administrator II	97,308	100
WAGNER, KENT JAMES	Staff Development Administrator	97,248	100
CORDOVA, DANIEL B.	Supreme Court Librarian	96,948	100
KINNEY, EILEEN P	Management Analyst IV	96,600	100
GALVIN, MARTIN J	Audit Supervisor	95,688	100
DALEY, LINDA	Deputy Chief Staff Attorney	95,220	100
MARKMAN, CHRISTINE A	Deputy Chief Staff Attorney	95,220	100
WRIGHT, TOBIN M	Chief Probation Officer II	95,148	100

**Attachment D: JBC Request for Information #1**

**Colorado Judicial Branch**

**Report on Fees Charged to State Agencies Pursuant to Supreme Court Rule 16**

November 2009

**This report is submitted in response to the following 2009 Joint Budget Committee Footnote Request:**

*The Department is requested to review and analyze the impact of Colorado Supreme Court Rule 16 on state expenditures, and to determine whether amendments to Rule 16 and/or statutory changes are warranted. Specifically, the Department is requested to collect and analyze data concerning rates currently charged to state agencies by each district attorney's office for duplicating discoverable material, the methodology used by each office to calculate these rates, as well as the timing and frequency of rate changes. The Department is requested to determine the following: (a) whether existing rates are consistent with Part V (c) of Rule 16 and appropriately reimburse district attorneys' duplication costs; and (b) whether the existing process of establishing these rates allows state agencies to effectively manage their resources. Finally, the Department is requested to provide a report to the Joint Budget Committee and to the House and Senate Judiciary Committees by November 1, 2009, summarizing its findings, including any recommended rule changes and/or statutory changes.*

## Introduction

The Judicial Department was asked to review and analyze the rates charged by District Attorney's Offices around the state to the state Public Defender (PD) and Alternate Defense Counsel (ADC) for discoverable materials. In addition, the Department was asked to review the methodology used in setting those rates and the timing and frequency of rate changes.

The Joint Budget Committee requested specific responses as to whether:

- a) The process used for establishing rates allows the PD and ADC to effectively manage resources; and,
- b) The rates charged are consistent with Rule 16.

Finally, it was requested that the Judicial Department report whether any rule or statutory changes are recommended in this area. The following report summarizes the Department's findings concerning the questions posed by the Joint Budget Committee.

## Findings

A review of the cost of discovery centers on the language of Rule 16 (V)(c), which governs the exchange of and payment for discoverable materials. That rule reads as follows:

*The cost of duplicating any material discoverable under this rule shall be borne by the party receiving the material, based on the actual cost of copying the same to the party furnishing the material. Copies of any discovery provided to a defendant by court appointed counsel shall be paid for by the defendant. The place of discovery and furnishing of materials shall be at the office of the party furnishing it, or at a mutually agreeable location.*

In order to determine how this rule was being implemented, the Department worked with representatives of the Colorado District Attorney's Council (CDAC) and the state Public Defender's Office (PD) to obtain information on the rates currently being charged, how they are established, and any concerns the groups have with the current system.

## Setting of Rates

Under the current Rule 16 (V)(c), the state bears the cost of the production of discoverable material through payments from the PD/ADC to the local District Attorney (DA). The rates charged for this material are set by each local office, with specific fees set on such items as paper copies, a CD with the electronic version of paper copies, video tapes, DVD's, color copies, photo evidence (paper or electronic), and disks. Different rates may be applied if the discovery is requested from district court, juvenile court or county court, if PD/ADC staff make the copies themselves, if the media to be copied onto is provided to the DA's office, or if the case is a high profile case or involves high charges (e.g., separate rate for F1, or F2/F3).

The rates vary from district to district, however ranges on some of the more common types of discovery are as follows:

Type of Discovery	Range of Rates Charged*
Paper Copies	.10/page - .45/page
Initial Discovery CD	\$5 - \$30
High Profile Discovery CD	\$5 - \$200
DVD	\$5 - \$26
Photo/Evidence CD	\$5 - \$15

*\*Based on data provided by CDAC members*

In addition to the factors that affect the rates charged already mentioned above, CDAC reports that costs are also influenced by the demographic diversity of the state and the costs of operation varying from district to district (e.g., staffing costs and lease equipment costs are not the same in rural and urban areas).

One of the concerns expressed by the PD/ADC is that rate changes make it difficult for them to budget effectively. The timing of rate changes is an issue that is difficult to resolve as there are many factors involved. First and foremost, the PD/ADC operates on the state Fiscal Year of July to June; local DA offices operate on a Calendar Year. Therefore, even assuming that rate changes coincide with annual budget preparation, this would result in a mid-year change for the PD/ADC. However, a review of discovery production costs are not limited to the budget-planning process. If, at any time of year, a DA office discovers that the rate being charged does not recover the actual cost, they may increase the rate to ensure that they are not operating at a loss. Another reason for a rate change that may occur at what is the middle of the State's Fiscal Year is internal reviews and changes subsequent to the election of a new District Attorney.

Each of these is a reasonable approach to reviewing and changing discovery rates, however, it is also understandable that these types of changes occurring in independent offices throughout the state can cause budget planning difficulties for the PD and ADC.

### **Consistency with Rule 16**

The discussion above addresses one part of the JBC's request: how the rates are set and modified. The other specific request made of the Judicial Department is to determine whether the rates established are consistent with Rule 16, as set by the Supreme Court.

Under current law, the Court only reviews costs charged, and the fairness of those costs, in an actual case where there is a factual basis for making a judgment. A court may rule on the costs charged in that particular case, but neither an individual court or the Judicial Branch, have the authority to establish policy and set the costs to be charged by an Executive Branch agency. Rule 16(V)(c) states that the DA should set fees "based on the actual cost of copying." Whether that is how the individual DA offices approached the setting of their fees is not known and it is believed that the Judicial Department lacks the authority to make such a determination as part of this process.

Rule 16(V)(c) has been in place since 1985. While the guidance provided by the language, "based on the actual cost of copying," should be straightforward, obviously much has changed in the nearly 25 years that have passed. The manner in which discoverable materials are provided, and in some instances even the materials themselves, has changed significantly.

Many departments now provide the bulk of discovery in an electronic format. Sometimes even through internet-based systems that don't require the transfer of media (e.g., DVD, CD, etc.). However, this material is often scanned or converted to electronic format through some means and requires manpower and technology to accomplish. How this time and these efforts are accounted for is not addressed through Rule 16. Such questions as what should be counted, is a portion of the cost of converting materials to electronic format appropriately passed on to the PD/ADC if it is the practice of the DA's office to convert all materials for internal use anyway, how to account for the costs of acquiring new technology, etc, are not easily addressed by this rule, as written.



**Recommendations**

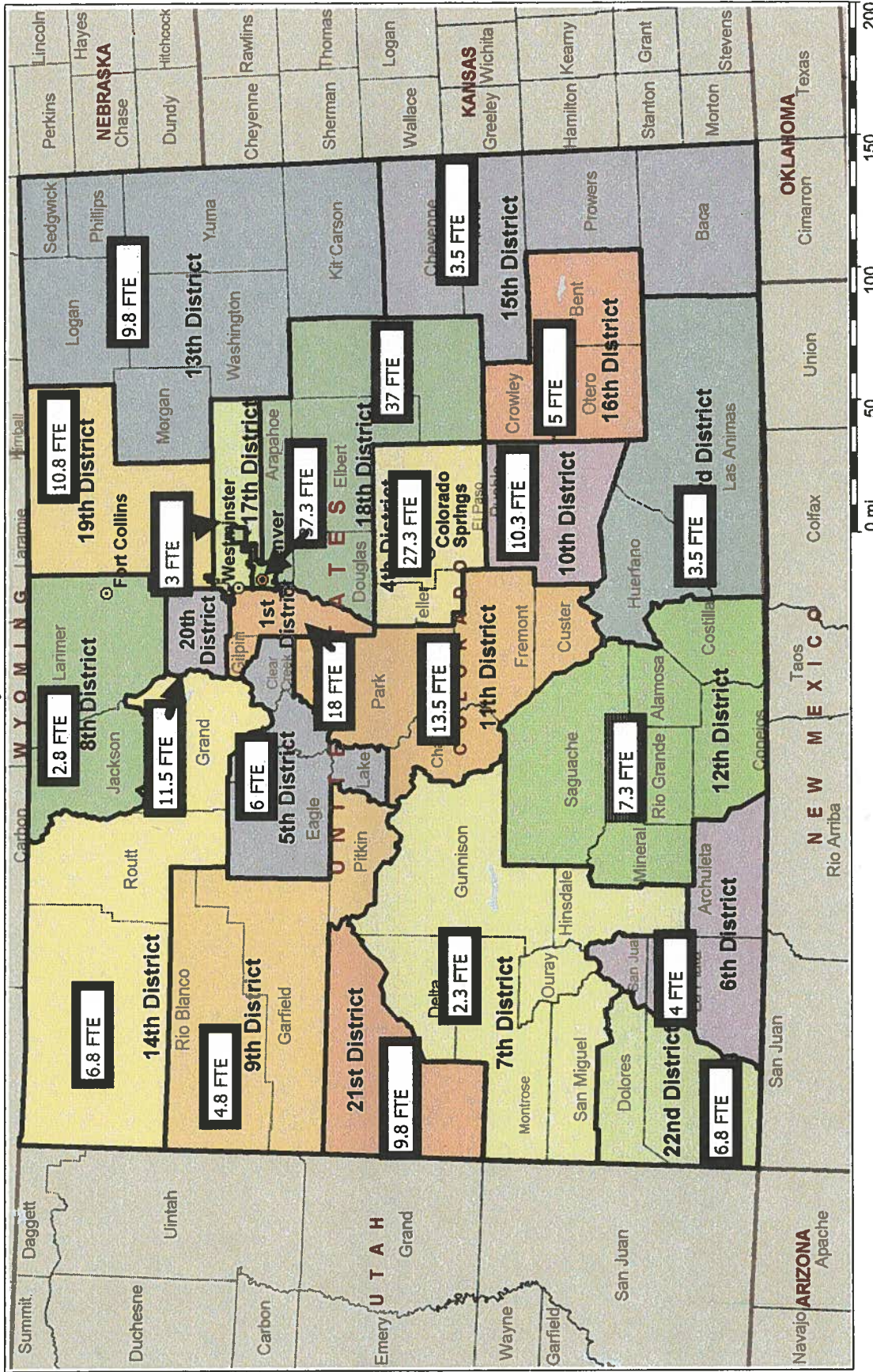
The Judicial Department is not requesting specific statutory modification, at this time, but provides the following options for consideration.

As mentioned previously, the Judicial Department believes that the separation of powers doctrine prohibits the Department from setting policy for local District Attorneys' Offices. If the Joint Budget Committee would like to see one standard, state-wide cost recovery rate for all District Attorneys' Offices, this would need to be addressed in legislation.

As an alternative, the clarification of the definition of "actual costs of copying," which can be addressed internally, would provide additional guidance on how rates are to be set. While there is an inherent danger in providing too much detail concerning costs in Rule 16, it is possible to be more specific concerning the accounting of direct versus indirect costs, with the input of both CDAC and the PD/ADC. If the legislature elects not to approach recovery rates statutorily, the Department is willing to address this issue through Chief Justice Directive or a request to the Supreme Court Criminal Rules Committee for modification of Rule 16, as appropriate.

# Attachment E: FY2011 Proposed FTE Cuts by Judicial District

## FTE Reductions by District



Custom territories
10th District
11th District
12th District
13th District
14th District
15th District
16th District
17th District
18th District
19th District
1st District
20th District
21st District
22nd District
2nd District
3rd District
4th District
5th District
6th District
7th District
8th District
9th District

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