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## **Readers' Guide**

This budget document contains the adopted 2020 budget for the Office of the District Attorney, 18<sup>th</sup> Judicial District. The budget is broken out amongst our four major funding and operating sections: Main Office/Prosecution, State-funded operating costs, Grants, and Forfeitures. This document focuses specifically on financial matters of the Office. For a more in-depth understanding of operations, responsibilities and accomplishments of the Office, read this budget guide in conjunction with other information provided on our website at [www.da18.org](http://www.da18.org). For a closer look on budget performance and monthly expenses, please visit the financial report tab at the aforementioned website.

## **Policy/Budget Message**

The 2020 budget document begins with the annual budget message and an overview of the 2020 budget. Included in the budget message is an explanation of how the current budget was developed, current issues, historical budget, and actual data for the Office.

## **Profile of the Office of the District Attorney, 18<sup>th</sup> Judicial District**

Our mission is to seek justice for all cases within the 18th Judicial District. The Office will professionally, ethically, and vigorously prosecute criminal offenses. The Office has three priorities: Prosecuting criminals to the fullest extent possible; protecting the rights and interests of crime victims; and preventing crime before it happens. We are committed to advocating for victims' rights and promoting public safety through cooperation and partnership with law enforcement and our community members.

The 18th Judicial District is comprised of four counties: Arapahoe, Douglas, Elbert, and Lincoln. It is the largest judicial district, by population, in the state of Colorado. Each of Colorado's 22 judicial districts has an elected district attorney who is the chief law enforcement officer for that district.

The Office budget is funded annually based on Colorado Revised Statute, Section 20-1-302, which states the following: "Expenses shall be borne by the various counties in the judicial district, each in the proportion that the population of such county bears to the population of the whole judicial district, according to the last preceding population estimate that is prepared before May 1 of the current year by the Division of Planning in the Department of Local Affairs."

The population of each county used to derive the 2020 budget funding allocations is as follows:

	2018	2020	Comparative 2019	Increase
County	Population	Percentage	Percentage	(Decrease)
Arapahoe	651,513	63.48%	63.69%	(0.0021)
Douglas	342,937	33.42%	33.23%	0.0019
Elbert	26,243	2.56%	2.53%	0.0003
Lincoln	5,574	0.54%	0.55%	(0.0001)
Totals	1,026,267	100%	100%	-

## 2020 Operating Budget

This section will depict the overall counties' budget of the 18<sup>th</sup> Judicial District and the expenditures of its major components. Significant expenditures include discussion of the deriver of amounts and the purpose of the funds.

### Revenue

The Office is primarily funded through the four counties as aforementioned. The counties account for 92% of the operating budget. The District Attorney's Office collects fees for service during the year, all fees collected are remitted directly or passed through the Office back to the respective counties. The other grant revenue sources used to fund the expenditures are not shared back with the counties and are shown as direct offsets in forfeitures, State mandated costs, and grant funds. In 2020, the Office anticipates administering eight federal and state grants that reimburse approximately 6% or \$1,991,400 of our annual expenditures.

### Staffing

Salaries and benefits account for 91% of the annual budget. This section depicts salaries and benefits, staffing levels, and the distribution of personnel.

### Facilities

Office space for our 240 employees and interns is provided by each county. The counties incur all of the purchase, operating, and maintenance expenses associated with these facilities and therefore these expenses are not included in our annual budget. The Office independently provides for its equipment, computer equipment, and operating needs from its county-approved budget. The Office also insures the activities and equipment of the Office. The Office does have one rented space within the Family Resource Pavilion that supports operations of our diversion program. The annual rent is included in the operations portion of the county budget. It is split based on county population along with all of our county-covered costs.

**DATE:** January 1, 2020

**TO:** The Citizens of 18<sup>th</sup> Judicial District

**SUBJECT: 2020 BUDGET MESSAGE**

Enclosed here within is our expenditure budget for 2020. The operating budget has been submitted, approved and included proportionately in each of our four counties' 2020 budgets.

This budget message provides an overview of the issues that drove the 2020 budget, and the associated revenues and expenditures of the Office of the District Attorney, 18<sup>th</sup> Judicial District.

The Office follows the lead of its associated counties and follows a baseline budget process whereby the baseline budget provides funding for continuing operations and additional requests are submitted through budget packages that expand and reduce costs used to operate the office. Budget packages can be for "one time" expenditures or requested to be included in continuing operations. The budget is prepared on a modified accrual basis of accounting consistent with its fund financial statements and the counties' accounting methodology.

### **Funding**

As most governments – and especially being funded by four county governments – the Office is subject to the local economy and the growth or reduction in property values in our jurisdictions. The 18<sup>th</sup> Judicial District covers over 6,000 square miles making it larger than three states in the country. Because of this size, the economy varies throughout the District. The District encompasses south metro suburban cities outlying the City of Denver, to rural areas 120 miles east of the state capital. According to the U.S. Census, the 18<sup>th</sup> Judicial District is the fastest growing jurisdiction in the Denver metro area.

Unlike other governments and their budget presentations, our operating budget focuses on expenditures only. All of our operations in our general fund are funded through intergovernmental revenues contributed by other sources. Annually, our revenues will match our expenditures and we do not retain a general fund balance for future spending, outside specific consideration of our counties or grant funding. The Office has no taxing authority and the \$160,000 in service fees generated annually are shared back with our counties proportionately as described below. All budgeted funding from our counties in excess of our expenditures is returned to our counties in the subsequent year. For the 2020 budget, the counties requested to decrease our budgeted requests for several contracted reoccurring costs. This includes professional liability insurance coverage, a shortfall in the revenue collection for VALE administrative funding and the replacement of vehicles in the Office fleet. We will be revisiting a possible supplemental budget in 2020 after a determination is made on excess funds remaining from the 2019 budget.

The Office serves four separate functions and produces four separate funding requests: Criminal prosecution (main office), State-funded operating costs, grants, and forfeitures. Starting in 2018, we included financial information on the operations of our forfeitures fund. Because criminal prosecution and juvenile diversion operations are primarily funded through the counties

composing the 18<sup>th</sup> Judicial District, their expenditures are combined into a single budget request. Funding for Victim Compensation, Victim Assistance and Law Enforcement (VALE), diversion, and criminal prosecution is supplemented through eight federal, state, and private foundation grants. Each grant has its own approved budget and unique spending requirements. For the purpose of this document, the grants are combined to show the overall effect grant funding has on the operations of the Office.

The State of Colorado also reimburses judicial districts for the prosecution of state matters. These costs are required to be paid by the state pursuant to C.R.S. 16-18-101 and 18-1.3-701(2). Starting in 2018, with the issuance of Governmental Accounting Standards Board Statement No. 84 *Fiduciary Activities*, the Office updated its budget presentation to include these mandated costs as revenues to the Office and the offsetting expenditures. Previously, it was determined these activities were fiduciary activities on behalf of the State of Colorado and recorded in a different manner.

### **Issues Impacting the Development of the 2020 Budget**

Several driving factors helped define the Office's 2020 budget request. First, the Office prepared its budget to meet the guidelines set forth by its counties. We believe our submission to be well-planned, streamlined, efficient, and focused on needs and not wants. We have also provided justification for each requested increase. Next, the Office took steps to make sure our salaries and benefit packages are marketable in the competitive attorney – and more specifically – prosecution market.

### **Legislative and Judicial Changes**

During the 2019 legislative session, the legislature passed several bills that will have budget effects in 2020 and beyond. Highlights of the budget effects are as follows:

#### **SB 19-043: Increasing Number of District Court Judges**

First, State Judicial is changing the composition of caseloads in Douglas County. Currently, a District courtroom carrying both a criminal and civil docket will serve only criminal cases. As in 2015 and again in 2019, we fill full criminal courtrooms with two prosecutors, an investigator, and administrative support. With the addition of 50% more cases in this courtroom, we are requesting an additional felony prosecutor to cover the increased caseload. The cost associated with adding this position is \$104,000 in salaries and benefits.

#### **SB19-191: Prompt Pretrial Liberty and Fairness (August 2020 or 2021 implementation)**

This is currently an **unfunded future mandate** by the state. It has the potential to have a significant impact on our budget. This bill directs the chief judge of each judicial district to develop, in conjunction with representatives from the sheriffs' offices, public defenders' offices, district attorneys' offices, county commissioners, and other necessary agencies, plans for setting bond for all in-custody defendants within 48 hours of arrest. This will necessitate weekend staffing of our office and courts where currently we have none. The county commissioners, sheriffs, and district attorneys must provide the chief judge with cost estimates of meeting the requirement and the

potential savings, including jail bed costs. In addition, the potential for utilizing new or existing audiovisual conference technology must be evaluated. The State Court Administrator's Office will report to the House and Senate Judiciary Committees by November 1, 2019, on the plans for all 22 judicial districts, including an estimate of resources necessary for implementation. We are meeting with affected parties in August to develop a service plan and identify potential costs associated meeting this directive. Based on the plan for our judicial district and the resulting legislation to implement the plan, additional costs could be incurred as early as August 2020. We do not have an exact cost estimate for this, but a supplemental appropriation or 2021 budget increase is anticipated.

### **SB 19-108: Juvenile Justice Reform (2021 implementation)**

This is another **unfunded mandate** by the state. Under SB 19-108, the DA's Office will be required to screen all juveniles charged in District Court starting in 2021. The DA's office currently does not have the resources to meet this statutory requirement and will have to seek additional funding. By introducing this issue and its associated needs now, we hope to secure the resources to implement this statutorily-required screening in the future. Many of the details of this process have not yet been determined (e.g., type of screening tool, data reporting requirements). As more information becomes available, the request will become more concrete. The process required also involves data collection and reporting, report generation and communicating, and dispersing the screening results. Per the statute, our office shall complete this work, or contract the work to an outside provider.

Per the Courts, in 2018 our office filed 1,574 juvenile cases between Arapahoe and Douglas counties. The Juvenile Assessment Center (JAC) in the 18<sup>th</sup> Judicial District would be uniquely positioned as a contractor to do this work. The JAC currently completes a screen for the Office of Behavior Health and charges on a per screen basis. The screen takes about 30 minutes and costs \$32. This does not require or include data collection and reporting, report writing, or sharing the report/results. Basing this on an hour per screen, at approximately \$64 per screen, the cost to complete all of the needed screens would be \$100,736. In addition to paying for the JAC – or some other outside agency – to complete the screening process, we will also need to consider the additional work it will require of our staff. This may include additional administrative support for handling the reports and additional resources for juvenile prosecution to review and take any required action on the reports. This may be up to .5 FTE for admin and .5 FTE for a prosecutor. Estimated 2021 costs for this implementation is \$193,736, including \$84,500 for salaries and benefits, \$8,500 in computer and software costs, and \$100,736 in professional services.

### **C.R.S. 24-4.1-119(1.5)**

Our office administers the Victims Compensation and local Victims Assistance and Law Enforcement (VALE) program for the 18<sup>th</sup> Judicial District. VALE provides grants to organizations serving the needs of victims within the 18<sup>th</sup> Judicial District. The revenue source for this program has seen two years of declining revenues, amounting to a combined decrease of \$178,000 in available funds. As depicted below, this program has shown smaller increases, and actual decreases, since 2014. The Office is permitted by the State to retain a fund balance for these programs, and as a result, has covered these recent shortfalls in 2018 and 2019. We no longer have a fund balance to cover shortfalls in 2020; we are requesting \$50,000 as one-time funding to continue current operations.

<b>VALE Admin</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019 Projected</b>	<b>2020</b>
<b>Revenues</b>	212,743	214,878	197,352	205,477	174,442	165,000	165,000
<b>Expenses</b>	(201,651)	(208,846)	(213,518)	(224,957)	(203,561)	(203,561)	(209,668)
<b>Reserves</b>	137,718	143,750	127,584	108,103	78,894	40,333	(4,335)
<b>Vic Comp Admin</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019 Projected</b>	<b>2020</b>
<b>Revenues</b>	212,588	173,077	247,300	243,333	164,575	130,000	145,000
<b>Expenses</b>	(190,203)	(182,914)	(190,210)	(236,260)	(203,939)	(201,666)	(207,716)
<b>Reserves</b>	105,730	95,892	152,981	160,054	120,690	49,024	(13,692)
<b>Crimes Victims Compensation</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	
<b>Federal Grant Funding</b>	850,000	704,963	1,493,037	1,273,000	800,000	750,000	

In 2018, the Victim Compensation Board awarded \$2,358,346 for therapy, medical expenses, burial expenses and other crime related expenses on behalf of victims in the 18<sup>th</sup>. For the VALE grant cycle 2018-2019, the VALE Board awarded \$1,657,325 to 40 victim service agencies/non-profit programs in the 18th Judicial District.

These programs are supported by the collection of fines and fees by the courts. Due to the sharp decline in amounts collected by the courts, we regularly communicate with the Chief Judge of the 18<sup>th</sup> Judicial District to stress the requirements of the State Statute, which ensures fines and fees are not being waived outside the requirements of the Statute. Typically, these fines and fees are waived based on unfounded claims the defendant is indigent.

### **Growth in Criminal Filings and responding to the workload**

Between 2013 and 2018, criminal filings in the 18<sup>th</sup> have increased by 37%. Homicides have increased by 26%. To combat this growth, the Office requested to add seven additional positions in 2020.

### **STEM shooting**

As part of this massive case, we determined we will need the assistance of forensic mental health professionals. After significant research, the original quote we received from the experts is \$110,000 in consulting services. We have notified the Colorado District Attorney's Council



(CDAC) of this need. With their assistance, we will apply for a supplemental appropriation to our mandated costs budget through State Judicial. The Joint Budget Committee of the State Legislature will determine whether we receive this funding in early 2020. If this funding is not approved, we will attempt to cover costs internally, but this may result in requesting additional funds from our counties.

### **Health Insurance**

In July, the Office decided to market their health insurance plan. Cigna's initial renewal quote was 25%, including a 25% increase in their administration fee. Through discussions with our insurance broker, we left Cigna, which allowed us to break out different pieces of our health insurance coverage to create a new plan in which future annual increases will be minimal. This will be accomplished in the 2020 budget by adopting a fully self-insured health insurance plan. Under Cigna, we were in a partially self-insured plan where savings were shared 50/50. New providers will send quotes in August and be implemented during our November open enrollment period.

### **Electronic Storage**

Server space and backup capacity continue to be a significant cost for budget consideration. Large media files created by the growth of body, dash, and security cameras along with evidence contained by cell phones increased our monthly storage growth by 4-6 TB of data a month. Over the last three years, the Office procured \$760,000 in storage and back capacity. Lease payments along with the purchase of additional storage and back capacity will continue for the foreseeable future with annual expenditures varying between \$70,000 - \$260,000.

### **Narcotics Unit**

In 2018, the unit began participating in the Gray and Black Marijuana Market Law Enforcement Grant Program. In 2019, the Office received \$578,815 in funding. We also received notification we will receive \$481,000 for funding between July 1, 2019 and June 30, 2020. With changes in the guidelines of the grant, each county agrees to share funds with the District Attorney's Office to support the investigation and prosecution of large-scale cultivation and distribution of illegal marijuana. The Office anticipates continuous participation with our counties in the next round of available funding.

### **Forfeitures**

In the 2018 budget, the Office made several changes surrounding forfeitures. The Office saw a significant growth in its participation in the Department of Justice Asset Forfeiture Equitable Sharing for State and Local Law Enforcement Agencies program. The Office participated in forfeitures and this program for years, but expects significant growth in the revenues collected in upcoming years. Jumpstarted by the aforementioned narcotics unit's work, the Office collected \$62,000 in 2016 – 2017, and an additional \$46,545 in 2018. We anticipate collecting as much as \$450,000 in upcoming years due to the cases currently filed, as they work through the Federal funding process. This budget document does not contain a budget for the revenue collected by federal forfeitures. It is not allowable under the equitable sharing guidelines. More specifically,

the completion of the forfeiture is uncertain; and the amount of the sharing that will ultimately be approved is also uncertain. Because the Office has had little recent activity (2013-2016) in collections of forfeitures, a forecast has not been created.

During the 2017 legislative session, House Bill 17-1313 “Civil Forfeiture Reform” was introduced and the Act was signed into law June 9, 2017. The reporting requirements of HB17-1313 became effective for civil asset seizure actions on or after the Act's effective date, August 9, 2017. State and local law enforcement agencies authorized to effect civil forfeitures are required to biannually report:

- specified information, if known, about forfeiture cases resulting in proceeds for the agency
- the amount of proceeds received from such cases
- a categorization of the expenditure of proceeds
- the retained balance of the forfeiture proceeds

A year is divided into two reporting periods: July 1 to December 31, and January 1 to June 30. The report for the period ending December 31 is due by June 1 and the report for the period ending June 30 is due by December 1. These reports can be found on the state website. [Civil Asset Forfeiture Reporting | Department of Local Affairs \(colorado.gov\)](#).

In spirit of the transparency requirements of the house bill the office has posted forfeiture information in this document annually. All of our forfeiture expenditures are approved by our forfeitures board which consists of a County Commissioner from each of our Counties and the Sheriff from Douglas County.

### **Prosecution of Department of Corrections Cases**

In 2020, the Office doesn't anticipate any trials, leading to any financially significant Department of Corrections cases. However, in the last five years the Office provided significant revenues outside budgeted revenue sources in this arena to offset our current budget requests. The Office provided \$1,800,000 in revenues paid directly to our funding counties. These cases were prosecuted without adding staff to handle these specific cases.

## 2020 Operating Budgets by Section



OFFICE OF THE DISTRICT ATTORNEY-18TH JUDICIAL DISTRICT							
2020 Office Budget							
	2019	2019	Salary and				
	Baseline	Projected	Benefit	Recommended	New	Operating	Total
Line Items	Budget		Adjustments	Budget	Staffing	Requests	Request
Salaries	\$ 16,618,223	\$ 16,553,223	\$ 734,863	\$ 17,353,086	\$ 80,000	\$ -	17,433,086
Insurance benefits	2,809,076	2,779,076	(65,000)	2,744,076	12,280	-	2,756,356
401K contribution	1,138,154	1,138,154	51,440	1,189,594	5,600	-	1,195,194
Payroll Taxes	1,243,036	1,238,064	56,218	1,299,254	6,120	-	1,305,374
Total Personal Services	21,808,489	21,708,517	777,521	22,586,010	104,000	-	22,690,010
Temporary Employment	5,000	-	-	5,000	-	-	5,000
Office Supplies	60,000	58,000	-	60,000	-	-	60,000
Postage	40,000	50,000	-	40,000	-	-	40,000
Operating Supplies	79,000	70,000	-	79,000	-	-	79,000
Travel & Transportation	2,000	4,000	-	2,000	-	-	2,000
Business Mileage	20,000	15,000	-	20,000	-	-	20,000
Advertising/Recruiting	2,000	500	-	2,000	-	-	2,000
Printing	47,500	42,500	-	47,500	-	-	47,500
Insurance & Bonds	265,000	285,000	-	265,000	-	-	265,000
Cellular/Paging Services	60,000	60,000	-	60,000	-	-	60,000
Subscriptions/Books	40,000	42,000	-	40,000	-	-	40,000
Dues and Meetings	148,000	154,000	-	148,000	-	-	148,000
Witness Expenses	15,000	8,000	-	15,000	-	-	15,000
Transcripts	1,000	500	-	1,000	-	-	1,000
Professional Services	204,000	325,000	-	204,000	-	-	204,000
Audit Services	19,000	18,500	-	19,000	-	-	19,000
Equipment Maintenance	5,000	5,000	-	5,000	-	-	5,000
Vehicle Maintenance	70,000	70,000	-	70,000	-	-	70,000
Software Maintenance	191,600	191,600	-	191,600	-	-	191,600
Hardware Maintenance	18,000	18,000	-	18,000	-	-	18,000
External Telecom Services	158,000	150,000	-	158,000	-	-	158,000
Equipment Rental	185,000	220,000	-	185,000	-	-	185,000
Operating Software	106,500	106,500	-	106,500	-	-	106,500
Operating Hardware	195,000	275,000	-	195,000	-	144,000	339,000
Training & Education	110,000	100,000	-	110,000	-	-	110,000
Capital Outlay	32,000	32,000	-	32,000	-	-	32,000
Total Operating Expenses	2,078,600	2,301,100	-	2,078,600	-	144,000	2,222,600
Total Main Office	\$ 23,887,089	\$ 24,009,617	\$ 777,521	\$ 24,664,610	\$ 104,000	\$ 144,000	\$ 24,912,610

## HIGHLIGHTS OF THE CHANGES IN THE 2020 COUNTIES OPERATING BUDGET

The Office of the District Attorney requests a total budget increase of \$1,722,779, or 7.21%, from the approved 2019 Budget.

The Office budget increased at one of the lowest rates in the Front Range. By comparison, the Sheriff's Offices in Arapahoe and Douglas counties – law enforcement partners who generate significant portions of our workload – budgetary growth greatly surpassing our own in the past few years. During the time in which our budget grew by 7.3%, the Douglas SO budget grew by 11.1% (52% more growth than ours), and Arapahoe's grew by 17.8% (144% more than our budget).

### Salaries

The Office of the District Attorney is seeking \$1,155,215 in additional funding for the FY 2020 budget for salaries and benefits. This request includes a 4% increase merit pool adjustment and related payroll taxes and 401K contributions. In the last few years, our request for salary increases

has been below the merit increases given by our largest counties and we are requesting a higher percentage this year to close this gap. **A 3.5% increase was approved by the counties.**

Merit Increases	Arapahoe County	Douglas County	18th
2018	3.5%	3.5%	3.0%
2019	3.3%	3.5%	3.0%

Our current job market is also resulting in upward pressure on salary and benefits costs. The competitive market and the current caseloads carried by our employees is beginning to negatively impact our ability to recruit and retain employees. Annually, the Colorado District Attorney's Council (CDAC) generates a salary survey, which compares job descriptions with salaries broken down by judicial district. The survey completed in July 2019 indicates that our starting salaries for several job classifications has fallen below the levels of our competitors. We request the following changes:

	1st	2nd	17th	20th	18th	18th
Position	Jeffco	Denver	Adams	Boulder	Current	Requested
VW Assistant	48,925	46,841	45,570	43,500	43,000	47,000
Paralegal	47,919	51,438	48,304	N/A	45,000	48,500
CC Deputy DA	72,000	74,425	70,517	68,800	70,000	72,500
DC Deputy DA	79,000	85,051	79,233	82,000	80,000	82,500

**All market adjustments were approved by the counties.**

#### Additional Staffing

#### Change in courtroom composition

We staff criminal courtrooms with two prosecutors, an investigator and administrative support. With the addition of 50% more cases in the Douglas county courtroom we are requesting an additional felony prosecutor to cover the increased caseload. The cost associated with adding this position is \$104,000 in salaries and benefits. **This position was approved for funding.**

#### VALE administration

As described earlier, fewer fines are being collected in the 18<sup>th</sup> Judicial District and the number of claims being filed has increased. We are requesting \$50,000 to support the decrease in the revenue string. This is a request for 2020 and will be revisited in the 2021 budget to determine collections. **This funding was not approved.**

#### Investigative Technician

In our 2019 budget, we requested funding to cover transferring an employee to the crime lab, in lieu of adding an investigator position. While this request was included in early discussions, the funding was eventually removed. In response to inquiry as to why an additional position was needed, we supplied an internal memo on the need for two additional investigators. Based on these

decisions, we determined this lower-cost solution to investigations warrants your consideration for the 2020 budget. We also believe this solution will provide investigative relief to the requirements of SB-19-191 detailed above. We request a full-time position to provide basic investigative functions, initial interviews, and the collection of evidence to support initial filing of domestic violence cases in our vertical prosecution model. Currently, all investigators are assigned on a rotating schedule handling these initial tasks. In doing so, we have investigators with other specialized skills spending time on cases outside of their assigned niches within the office. The Investigative Technician would streamline our process and refocus our specialized investigators to handle their specialty cases. Outside of serving the initial interview process, the position would support other DV case filings, which have grown by 31% since 2015. We request \$65,000 to add 1 FTE to meet the needs of our investigative unit and the growth in domestic violence filings. **This position was not funded.**

### **Firearms Investigator**

Rampant gun violence across the country, including our own neighborhoods, highlights the need for additional resources to investigate gun crimes, and to enforce the illegal gun transaction and possession laws that exist. Colorado law prohibits the purchase or attempted purchase of firearms by certain persons, including felons, domestic violence offenders, and the dangerously mentally ill. We are requesting 1 FTE (a Criminal Investigator) to investigate certain gun-related crimes. This position will support our district's more than two dozen law enforcement agencies in the enforcement of gun laws relating to the unlawful purchase or transfer of firearms. This investigator would coordinate a district-wide effort to ensure that those who illegally purchase or transfer firearms, or attempt to do so, are pursued and prosecuted. The position will also work with licensed gun dealers encouraging cooperation with the investigation and enforcement of these important laws. The cost of salaries and benefits for this position total \$104,000. **This position was not funded.**

### **Victim Advocate – Juvenile Diversion (additional hours)**

Our diversion program has seen significant growth during the last 7 years. We currently refer 34% of juvenile cases to the diversion program. There is no requirement for all state programs to report their statistics, but of those that do our program is the largest. Since 2016, juvenile filings have increased by 6.2% and the amount of cases handled through diversion has grown by 3%. As such, there is a commensurate need for additional hours to support victims of juvenile crime. In our most recent external evaluation performed by Omni Institute, the recidivism rate for successful diversion participants was 6.7%. In contrast, 22.1% recidivated within one year after unsuccessfully exiting the diversion program. The report also found statistically significant improvement for all 8 areas reviewed. Currently we have VOCA grant funds to cover \$30,000 of the position's salary and benefits. We are requesting \$22,500 to add .5 FTE to meet the needs of our restorative justice circles program and to serve as part of the multi-disciplinary team. **This position was not funded.**

### **Grants Administrator**

Since 2016, we have significantly increased our grant funding for salaries, benefits and operations. Currently grant writing, management, and reporting requirements are handled by various directors within our organization. These individuals currently supervise over 50 FTE and handle the day to day challenges of diversion, victim witness and compensation, and drug prosecution. They also individually seek out funding opportunities as they become available. With our increased efforts to obtain this funding, as well as the number of grants managed, we request one administrative support position to support current grants and continue to pursue external funding sources. We request \$25,000 in salaries and benefits to add .5 FTE in grant development and reporting.

Year	2016	2017	2018	2019	2020
Salary, Benefit and Operating Costs	\$ 769,000	\$ 725,000	\$ 980,000	\$ 1,520,000	\$ 1,760,000
Number of Grants	10	9	11	12	11

**This position was not funded.**

### **Paralegal**

Our major cases, including homicides, are supported with the use of paralegals. We are experiencing continued growth in all felonies, and major crimes. For the first time since State Judicial began releasing case statistics, the 18<sup>th</sup> Judicial District surpassed the 2<sup>nd</sup> Judicial District in homicides filed. We have also seen a significant increase in homicide trials in 2019. Since 2016, our major cases have increased by **50%**. The cost of salary and benefits for this position total \$63,000. **This position was not funded.**

### **Internet Crimes Against Children (ICAC) prosecutor**

The average caseload for a regular district court (felony) prosecutor is approximately 100 cases. This year, the number of ICAC-related filings in our jurisdiction will likely surpass 200 cases. This represents more than double the next-largest number of *district-wide* ICAC-related filings in the past eight years. We believe this increase is due to the proliferation of chatting/texting applications on cellular phones, which offenders used to perpetrate various ICAC-related crimes. Five years ago, a perpetrator would physically sit at a computer screen to contact either a child victim or an undercover officer (UC); today, any smartphone has that capability. This has resulted in the exponential rise of ICAC-related crimes involving UC officers, as well as crimes involving actual child victims.

Given the increased prevalence of actual child victims in ICAC-related cases, ICAC crimes require specialized training, akin to that of a Special Victims Unit (SVU) prosecutor. Additionally, ICAC crimes require a proficiency and fluency in the full scope of digital investigations: computer forensics, cell phone extractions, cell-site mapping, and familiarity with an ever-expanding cadre of internet/digital applications used by investigators and perpetrators alike.

Current SVU caseloads, *excluding* ICAC cases (Sexual Assault on a Child, Child Abuse Resulting in SBI/Death, etc.) are at a five-year high.

A dedicated ICAC prosecutor represents one point of contact with whom all law enforcement agencies in the jurisdiction could interface. One individual handling the entirety of the ICAC cases in the jurisdiction, under appropriate unit supervision, will ensure more consistent treatment of perpetrators throughout the jurisdiction, and equal access for our law enforcement partners to our resources.

A dedicated ICAC deputy represents a forward-thinking approach to a problem that other Colorado DA's offices and the US Attorney's office have thus far failed to solve—the centralization of prosecutorial support for these investigations. The cost associated with adding this position is \$104,000 in salaries and benefits and \$4,250 for a new computer and associated software licensing. **This position was not funded.**

### **Gray and Black Market Marijuana Grant**

The Office participated in this grant since its inception and has received \$590,000 to-date. For fiscal year July 1, 2019 – June 30, 2020, we anticipated expending \$481,741. \$220,000 of this funding is used outside of the county budget request to add needed staff to our drug unit. There remains \$195,500 generated through this grant that can be applied to this year's budget request to offset these additional requested positions. Once the counties or state decide to discontinue this grant funding as it currently exists, we will need to reevaluate our funding request or consider eliminating positions funded by it. We recommend this be considered in the 2021 budget process. **This funding remained with the Office's as it pertains to the grant budget.**

### **Health Insurance**

At the end of the healthcare plan negotiations, the Office entered into a contract with UMR that projected \$100,000 savings from the 2019 budget. This will be accomplished in the 2020 budget by adopting a fully self-insured health insurance plan. Under Cigna, we were in a partially self-insured plan in which savings were shared 50/50. New providers will send quotes in August and be implemented during our November open enrollment period. Despite changing providers, we are expecting a 1% decrease in costs for 2020. We anticipate actual savings in 2020 based on the plan changes, but have budgeted for the maximum liability as determined by our stop-loss insurance requirements. During the past seven years our health insurance premiums increased on average by 3.9% annually, and are in line with Arapahoe (4.7%) and Douglas (5.1%) respectively.

### **Operating Expenses**

We are requesting an additional \$225,564 to fund certain necessary operations. The following is a breakout of the significant increases by line item.



### **Federal and State Forfeitures**

In 2018 and 2019, we spent a total of \$365,000 to offset normal operating expenses, primarily IT expenses. In doing so, we depleted our forfeiture fund. We applied for a significant number of federal forfeitures through our participation in seizures related to drug trafficking organizations, but have not received any 2019 funding to-date. Therefore, our IT budget line items will increase by \$158,564 in 2020. This funding will cover the final lease payment for network storage needs created by our increased use of body and security cameras and cellphone data evidence in prosecuting crime previously covered by forfeiture funding. **This request was funded for \$144,000.**

### **Vehicles**

As part of our 2016 budget presentation, we discussed the overall condition of our vehicle fleet. We currently have 34 vehicles used for investigators and prosecutors to travel throughout the jurisdiction and metro area. The current administration was left with an aging fleet, and during the past seven years we have maintained a \$50,000 annual budget for replacement. At the end of 2018, we had 14 vehicles rated by Arapahoe County Fleet as needing replacement. In 2019, we addressed this by signing a master lease with Enterprise to replace these vehicles. We were able to cover these costs without increase to our 2019 budget but will need additional funding of \$50,000 in 2020 and 2021 to update the fleet. In 2022, our fleet budget will decrease as the equity in the leased vehicles will be used to offset lease payments in entering new leases. **This request was not funded.**

### **Operating software**

Our Office researched and requested several new software programs to increase efficiency. The office has not requested additional funding to update our HR and Accounting software, and because of this we still rely on manual processes for data input into these systems. We are requesting \$10,500 for an HR upgrade to automate these processes. This software solution will automate processes from the application process through performance evaluations, and is a business partner compatible with our current operating systems.

Our investigations unit is requesting to join a comprehensive, online investigator platform that allows investigators to easily access billions of public records, publicly available information, and proprietary data for investigation and due diligence. The cost for this upgrade/access is \$8,064. **These requests were not funded.**

### **Cyber Insurance and Retainer**

At the end of the 2019 budget cycle, we spoke with Arapahoe IT about their cyber coverage and restoration policies. We find them to be in-line with the services we had providers research for our network environment. However, this cost was not included in our budget request and we have yet to procure the services. This type of security and restoration policy has become a necessity to avoid or mitigate data catastrophes. As it is already an expense being incurred by our counties for

their own data and systems safety, we are requesting \$17,000 for similar protections. **This request was not funded.**

### **Professional Liability Insurance**

In March of 2019, our professional liability insurance carrier (AXIS) informed us they were exiting the lawyers' insurance line of their business coverage. We were also informed Travelers would no longer offer our existing coverage for employment practices. We procured new carriers for both coverages through our broker (IMA) resulting in a premium increase of \$30,000. **This request was not funded.**

### **Savings**

#### **Interest Income**

In 2019, the office began using Colotrust, a local investment pool to increase the interest earnings on its cash. With this change, and based on a consistent rate of return on the pool, interest revenue is expected to increase by \$45,000.

#### **Workers Compensation Insurance**

In 2017, our insurance increased by \$60,000 for a single claim. With the passing of three years our claims experience has dropped this claim, and therefore our overall expense for this coverage decreased by \$40,000 for 2020.

## County Funding

“The district attorneys of each of Colorado’s judicial districts shall be entitled to collect and receive at the end of each month, of and from the respective counties in the district attorney's judicial district, the necessary expenses of maintaining an office for the transaction of official business, which expenses shall be borne by the various counties in the judicial district, each in the proportion that the population of such county bears to the population of the whole judicial district, according to the last preceding population estimate that is prepared before May 1 of the current year by the division of planning in the department of local affairs” pursuant to section 24-32-204, C.R.S. Here is the 2020 funding of the District Attorney’s Office budget by County:

<b>OFFICE OF THE DISTRICT ATTORNEY-18TH JUDICIAL DISTRICT</b>					
<b>2020 Reconciliation of Budget by County</b>					
<b>Allocations Based on Population</b>					
<b>DESCRIPTION</b>	<b>ARAPAHOE COUNTY</b>	<b>DOUGLAS COUNTY</b>	<b>ELBERT COUNTY</b>	<b>LINCOLN COUNTY</b>	<b>DISTRICT TOTALS</b>
2019 Base Budget by County	\$ 15,213,684	\$ 7,937,679	\$ 604,344	\$ 131,382	\$ 23,887,089
2019 Percentage Change	(0.0021)	0.0019	0.0003	(0.0001)	
2018 Population Adjustment	(50,164)	45,385	7,166	(2,387)	-
2019 Restated Base Budget	15,163,520	7,983,064	611,510	128,995	23,887,089
2020 Salary and Benefits	493,570	259,848	19,905	4,199	777,522
2020 Staffing for New Facilities	66,019	34,757	2,662	562	104,000
2020 Operating Budget	91,411	48,125	3,686	779	144,001
2020 Budget Request	15,814,520	8,325,794	637,763	134,535	24,912,612
Increase/(Decrease) Budget Request	\$ 651,000	\$ 342,730	\$ 26,253	\$ 5,540	\$ 1,025,523

<b>OFFICE OF THE DISTRICT ATTORNEY-18TH JUDICIAL DISTRICT</b>			
<b>2020 State-Funded Budget</b>			
	<b>2019</b>	<b>2019</b>	<b>2020</b>
<b>Line Items</b>	<b>Budget</b>	<b>Projected</b>	<b>Budget</b>
Intergovernmental Revenue			
State of Colorado - Mandated Costs	\$ 410,000	\$ 395,793	\$ 400,000
State of Colorado - DA Salary and benefits	124,961	125,302	126,000
Total Revenues	534,961	\$ 521,095	\$ 526,000
Expenditures			
Witness Time and Travel	191,767	178,765	180,000
DA Salary and Benefits	124,961	125,302	126,000
Subpoenas	95,661	134,570	135,000
Process Services	60,367	63,327	60,000
Transcripts	26,000	15,832	20,000
Death Penalty	-	-	
Witness Subsistence	3,300	3,300	3,300
Total Expenditures	\$ 502,056	\$ 521,095	\$ 524,300

### **State Funded Budget**

CRS 20-1-203 sets the minimum salary for the district attorney; the State covers 80% of the minimum salary and associated PERA contributions. This comprises the \$125,302 of salaries and benefits funded in the State Budget.

Mandated costs are reimbursable expenses for prosecution of state matters. CRS 16-18-101 and 18-1.3-701(2) outline such costs. Beginning in 1999, at the request of the Chief Justice, the General Assembly required the Colorado District Attorney's Council set up and maintain a system of estimating the statewide need for mandated costs funds and for allocating them among the state's judicial district. The allocation and reporting of expenditures against this are set using the state's fiscal year. The Office's allocation for July 1, 2019 through June 30, 2020 is \$371,200. In previous years, we applied for and received additional allocation at the end of the state's fiscal year which is included in the above budget. If additional allocation is denied or unavailable costs, exceeding the original allocation would become expenses of our county, forfeiture or grants budgets.

<b>OFFICE OF THE DISTRICT ATTORNEY-18TH JUDICIAL DISTRICT</b>			
<b>2020 Grants Budget</b>			
	<b>2019</b>	<b>2019</b>	<b>2020</b>
<b>Line Items</b>	<b>Budget</b>	<b>Projected</b>	<b>Budget</b>
Salaries	\$ 907,282	\$ 956,643	\$ 1,155,174
Employee Benefits			
Insurance Benefits	169,644	159,619	198,982
401K	30,106	76,531	38,900
Payroll taxes	30,031	73,183	43,452
Indirect costs	22,150	15,000	44,992
Total personal services	1,159,213	1,280,976	1,481,500
Victim Compensation	750,000	450,000	750,000
Office Supplies	10,825	3,000	26,596
Professional Services	50,178	34,850	22,858
Operating Supplies	134,063	150,000	106,528
Dues and Meetings	5,153	3,062	5,287
Wilderness Expenses	7,092	40,000	-
Travel and Training	6,944	30,000	10,444
Operating Software	2,154	14,500	2,154
Total Operating Expenses	966,409	725,412	923,867
Total Expenses	\$ 2,125,622	\$ 2,006,388	\$ 2,405,367

	Vic Comp Admin	VALE Admin	Fast Track	Victim Rights Notification	Advocate	VOCA	VOCA One Place	Juv Div	Juv Div MJ	MJ Impact	MJ law enforcement	TOTALS
Salaries	\$ 87,000	\$ 125,000	\$ 38,000	\$ 20,900	\$ 35,000	\$ 322,310	\$ 41,682	\$ 59,825	\$ 69,457	\$ 16,000	\$ 340,000	\$ 1,155,174
Employee Benefits												
Insurance Benefits	71,545	52,438									75,000	198,982
401K	6,800	10,000									22,100	38,900
Payroll taxes	6,656	9,563								1,224	26,010	43,452
Indirect costs						33,959	11,033					44,992
Total personal services	172,000	197,000	38,000	20,900	35,000	356,269	52,715	59,825	69,457	17,224	463,110	1,481,500
Victim Compensation	750,000											750,000
Office Supplies	9,312					17,284						26,596
Professional Services	178						22,680			-		22,858
Operating Supplies	463						42,465	23,200	30,400		10,000	106,528
Dues and Meetings	4,287	1,000										5,287
Wilderness Expenses										-		-
Travel and Training	5,944						3,500		1,000			10,444
Operating Software	2,154											2,154
Total Operating Expenses	772,338	1,000				17,284	68,645	23,200	31,400	-	10,000	923,867
Total Expenses	\$ 944,338	\$ 198,000	\$ 38,000	\$ 20,900	\$ 35,000	\$ 373,553	\$ 121,360	\$ 83,025	\$ 100,857	\$ 17,224	\$ 473,110	\$ 2,405,367

### Victim Compensation Administration

This grant budget is expected to decrease in 2020. Our federal grant awarding funding directly to victims of crime is expected to decrease by \$75,000. These funds are used to pay for medical and hospital expenses, mental health expenses, replacement of personal medical equipment, damage to security equipment in homes and vehicles (locks, doors, and windows), loss of earnings not covered by employers, crime scene cleanup, and funeral and travel expenses for secondary victims. For more information on the eligibility requirements please visit our website. <http://www.da18.org/victims-services/victim-compensation/>

### VOCA

This grant falls under the Victims of Crime Act of 1984 and the purpose of the program is to provide services to victims of crime. The category of this funding is the Criminal Justice Victim Advocacy program. We use this grant to partially fund the salaries and benefits of seven victim witness advocates within our office.

### Juvenile Diversion and Diversion Marijuana Grants

The goal of diversion is to prevent further involvement of juveniles in the formal justice system. The programs should be community-based alternatives for youth between the ages of 10-17 who have been issued a summons or taken into custody for misdemeanor or felony offenses eligible for a delinquency filing through the district court. The marijuana tax cash fund is to increase access to substance use screening, assessment and treatment services for youth. Our Office uses these funds for salaries and benefits for counselors leading youth through these programs, substance treatment, alternative therapy and training.

### Marijuana Impact and Enforcement Grants

C.R.S. 24-32-119 allows for an annual appropriation from the marijuana tax fund for grant purposes. The Office received funds for two purposes. The first was to fund youth services especially those that prevent the use of marijuana. Under this impact grant the Office will fund a counselor specifically working with youth and their families impacted by marijuana abuse. Second, we will use funding for professional services in developing a pilot program to provide early intervention and assessments for youth provided a summons to appear in District Court.

The law enforcement grant funding will be used to cover salary and benefits for personnel involved in the investigation and prosecution of illegal cultivation and distribution of marijuana. We will also be using the funding to purchase equipment used in these investigation activities.

Office of the District Attorney				
Eighteenth Judicial District				
Forfeitures Fund Balance Sheet				
December 31, 2019				
				<b>Total</b>
		<b>State</b>	<b>Federal</b>	<b>Forfeiture</b>
		<b>Forfeitures</b>	<b>Forfeitures</b>	<b>Funds</b>
<b>ASSETS</b>				
Cash and investments		\$ 34,865	\$ 1,422	\$ 36,287
<b>FUND BALANCE</b>				
Restricted for Forfeitures		\$ 34,865	\$ 1,422	\$ 36,287
Office of the District Attorney				
Eighteenth Judicial District				
Forfeitures Fund Statement of Revenues, Expenditures and Changes in Fund Balances				
For the Year Ended December 31, 2019				
				<b>Total</b>
		<b>State</b>	<b>Federal</b>	<b>Forfeiture</b>
		<b>Forfeitures</b>	<b>Forfeitures</b>	<b>Funds</b>
<b>REVENUES</b>				
Forfeitures		\$ 11,530	\$ 1,360	\$ 12,890
Interest Income			2,460	2,460
Total Revenues		11,530	3,820	15,350
<b>EXPENSES</b>				
Salaries				-
Equipment		27,241	212,107	239,348
Total Expenses		27,241	212,107	239,348
Net Change in Fund Balance		(15,711)	(208,287)	(223,997)
Fund Balance - Beginning		50,576	209,710	260,286
Fund Balance - Ending		\$ 34,865	\$ 1,422	\$ 36,287



## **Forfeitures**

The Office participates in both Federal and State forfeitures. In 2020, we do not have an expectation to spend any funding. The remaining balance will be used for emergency expenditures not covered by our counties.

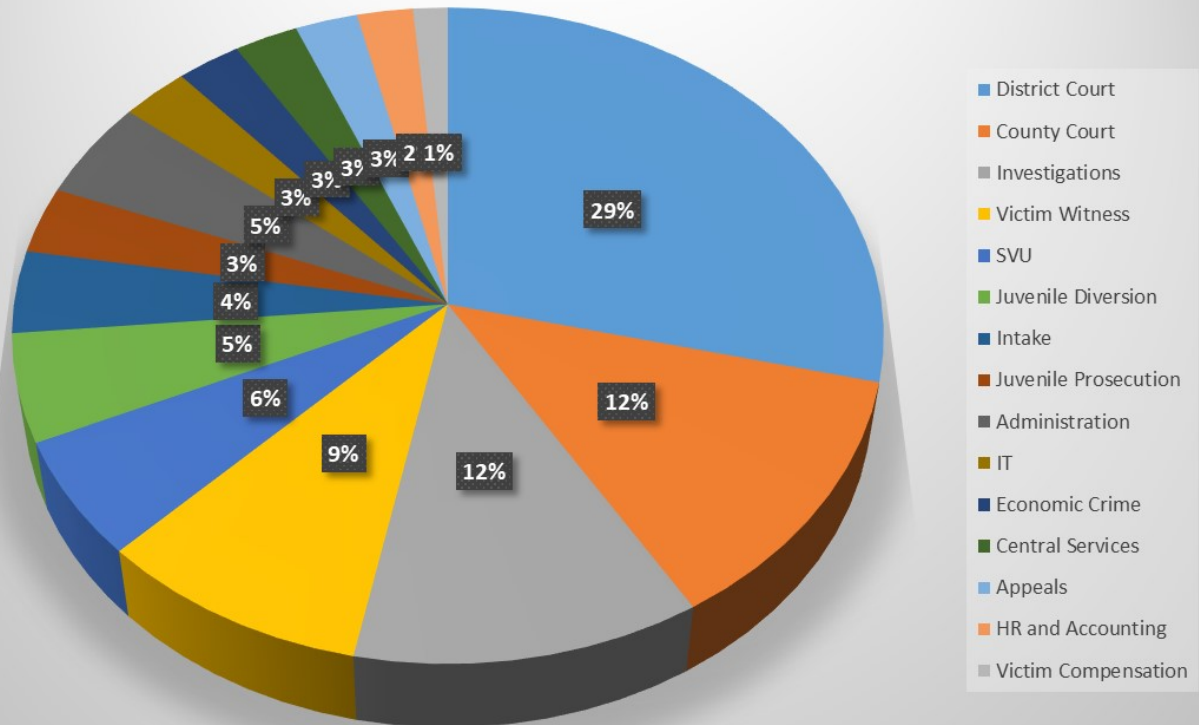
Federal forfeiture expenditures are set forth by the US Department of Justice as outlined in the guide to equitable sharing for State, Local and Tribal Law Enforcement Agencies.

State forfeiture expenditures are set forth under two separate state statutes (Abatement of Public Nuisance, C.R.S. § 16-13-301 et seq. and Colorado Contraband Forfeiture Act, C.R.S. § 16-13-501 et. seq.) Any future use of these funds will be in compliance with both statutory guidance, namely generation of revenue shall not be the primary purpose of asset forfeiture, no prosecutor's or law enforcement officer's employment or level of salary shall depend upon the frequency of seizures or forfeitures which such person achieves, and are in conformity with reporting, audit, and disposition proceedings enumerated in state statute.

# Salary and Benefit Information



## 2019 YTD Payroll Expenditures by Department



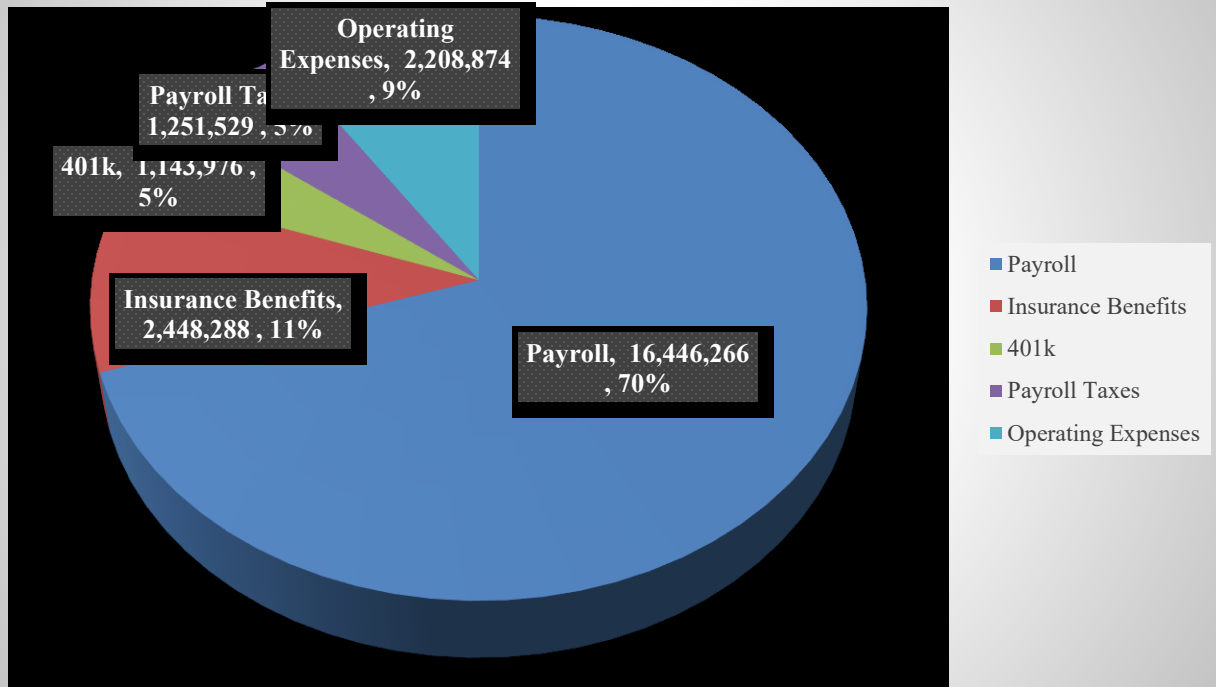
## 2019 Salaries by Department

District Court	\$ 5,040,639
County Court	2,196,196
Investigations	2,074,974
Victim Witness	1,632,104
SVU	1,015,960
Juvenile Diversion	930,594
Intake	710,475
Juvenile Prosecution	574,619
Administration	851,989
IT	483,344
Economic Crime	457,537
Central Services	457,571
Appeals	445,864
HR and Accounting	397,254
Victim Compensation	247,475
<b>2019 Salaries Total</b>	<b>\$ 17,516,595</b>

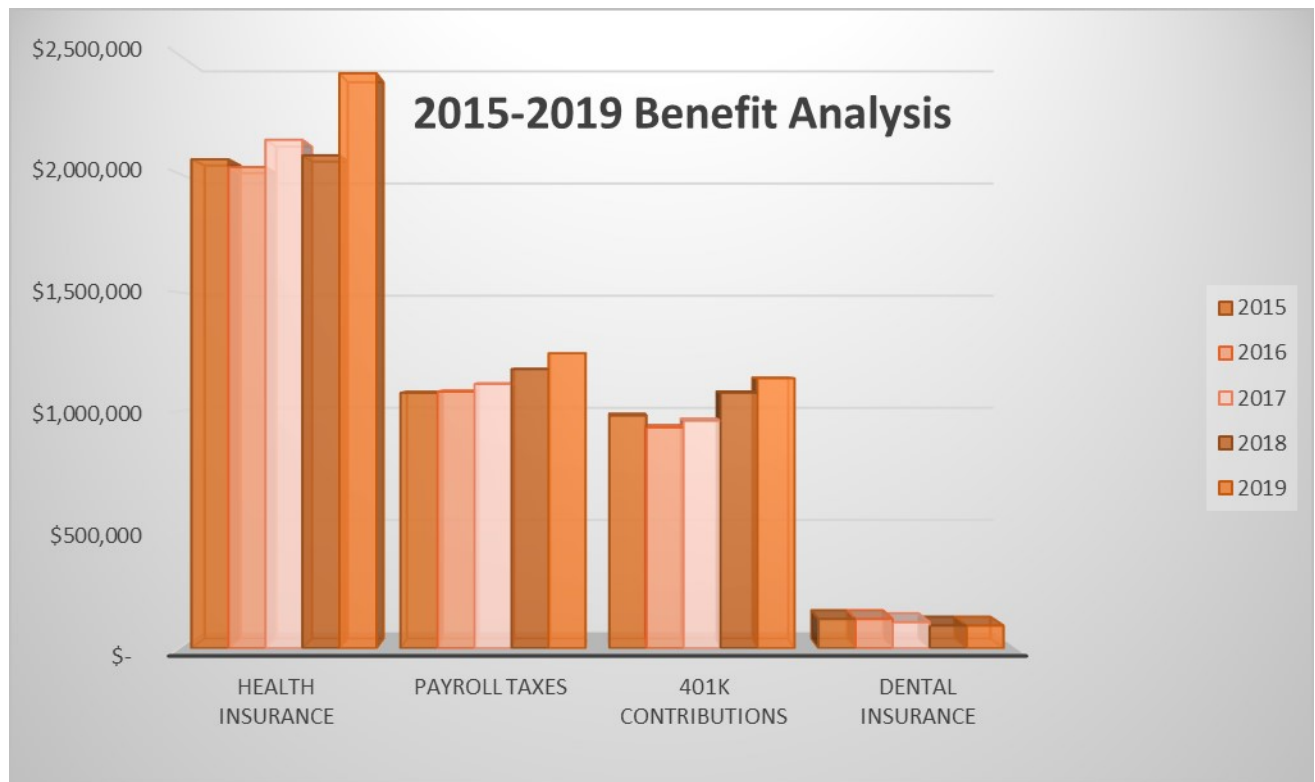
2019 Budget FTE by Title	
Attorney	91.2
Central Service	11.0
Counselor	14.0
Finance	3.0
Human Resources	2.0
Investigator	22.0
IT	6.0
Legal Secretary	27.2
Other	5.8
Paralegal	10.0
Process Server	2.0
Victim Witness Support	37.0
Total	231.17
2019 FTE by Location	
Arapahoe	178.27
Douglas	48.15
Lincoln	2.00
Elbert	2.75
Total	231.17

2020 Salary Ranges by Position Class	
District Attorney	\$195,000 - \$215,000
Assistant District Attorney	\$167,000 - \$201,000
Senior Chief Deputy District Attorney	\$155,000 - \$180,000
Chief Deputy District Attorneys	\$120,000 - \$150,000
Senior Deputy District Court Prosecutors	\$95,000 - \$123,000
Administrative Managers	\$80,000 - \$120,000
District Court Prosecutors	\$82,500 - \$100,000
Investigators	\$80,000 - \$108,000
County Court Prosecutors	\$72,500 - \$81,500
IT	\$43,000 - \$130,000
Juvenile Diversion	\$50,000 - \$80,000
Paralegals	\$47,500 - \$85,000
Victim Witness Assistants	\$47,000 - \$71,000
Legal Secretaries	\$42,000 - \$57,000
Central Services	\$36,600 - \$58,000

## 2019 County Expenditures by Category



2019 Actuals		
Payroll	16,446,266	70%
Insurance Benefits	2,448,288	10%
401k	1,143,976	5%
Payroll Taxes	1,251,529	5%
Operating Expenses	2,208,874	9%
<b>Total</b>	<b>23,498,933</b>	<b>100%</b>



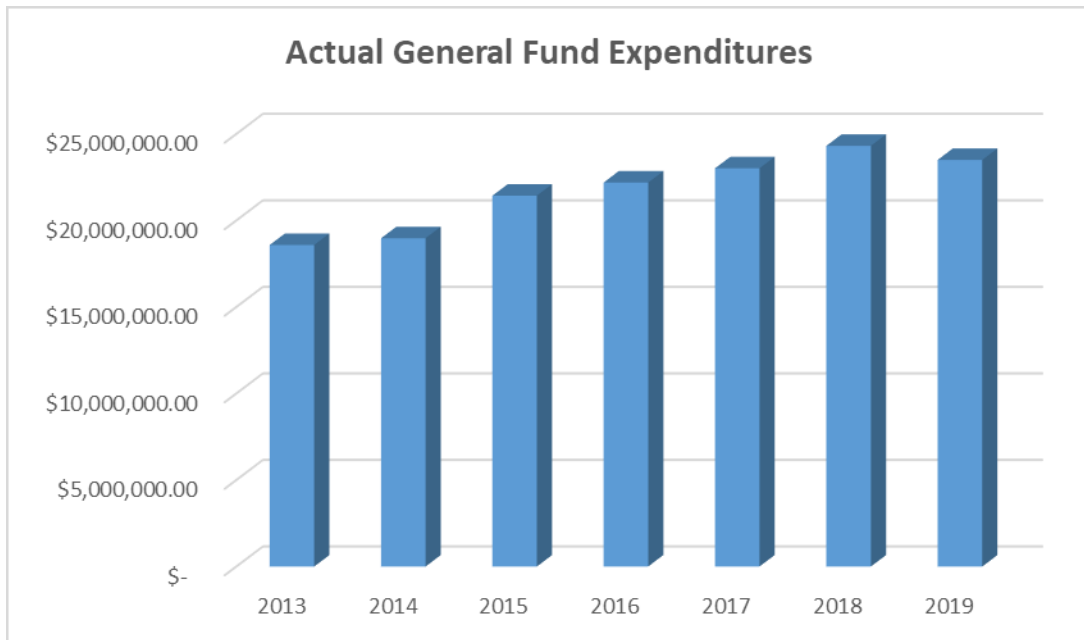
2019 Benefit Budget Breakdown by Type							
Benefit	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	Percentage of Benefits	2019 Percentage Increase
Health Insurance	\$ 2,061,185	\$ 2,028,172	\$ 2,143,216	\$ 2,077,912	\$2,423,861	46.29%	17%
Payroll Taxes	1,076,681	1,081,311	1,113,750	1,176,589	1,243,790	23.75%	6%
401K Contributions	981,003	931,203	959,139	1,077,416	1,138,154	21.74%	6%
Dental Insurance	124,000	124,000	110,572	96,057	96,164	1.84%	0%
Worker's Comp Insurance	60,000	60,000	120,000	130,000	96,000	1.83%	-26%
LTD Insurance	51,000	52,530	56,590	60,760	51,367	0.98%	-15%
Life & AD&D	48,000	49,440	52,285	55,858	51,713	0.99%	-7%
Unemployment Insurance	37,000	37,000	37,000	37,000	37,000	0.71%	0%
Vision Insurance	32,000	32,000	34,800	32,000	32,000	0.61%	0%
PERA	29,000	29,000	36,500	40,468	41,507	0.79%	3%
Affordable Care Act Tax	21,000	11,000	8,000	9,000	9,000	0.17%	0%
AEP	6,400	6,400	6,600	6,852	6,768	0.13%	-1%
Flex Spending and Dependant Care Administration	5,000	5,000	5,900	8,793	8,941	0.17%	2%
Totals	\$ 4,532,269	\$ 4,447,056	\$ 4,684,352	\$ 4,808,705	\$ 5,236,265	100.00%	9%

# Historical Budget Information



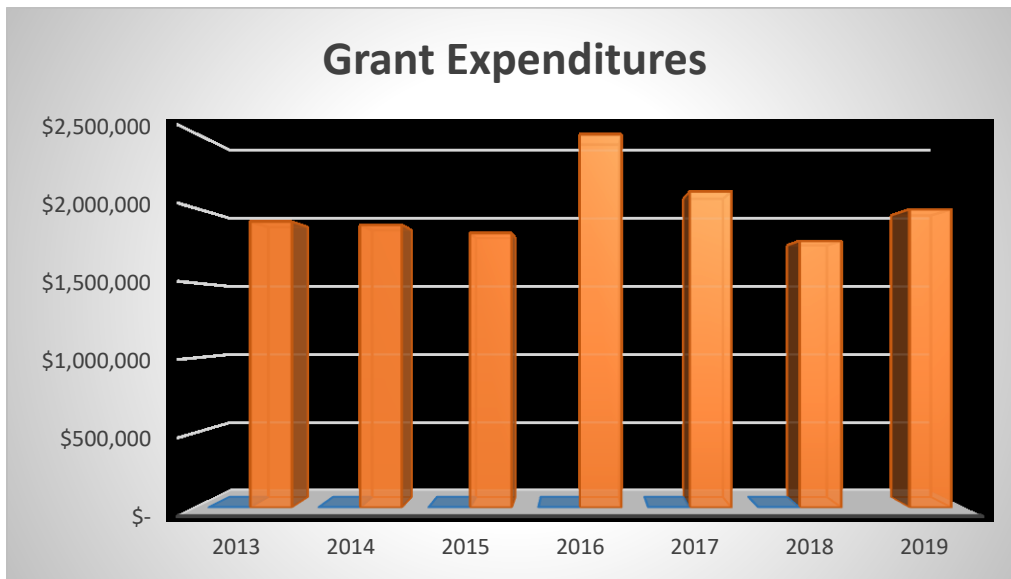


## Growth of General Fund Expenditures



2013	2014	2015	2016	2017	2018	2019
\$ 18,583,968	\$ 18,973,858	\$ 21,430,521	\$ 22,192,915	\$ 23,012,949	\$ 24,313,663	\$ 23,498,933

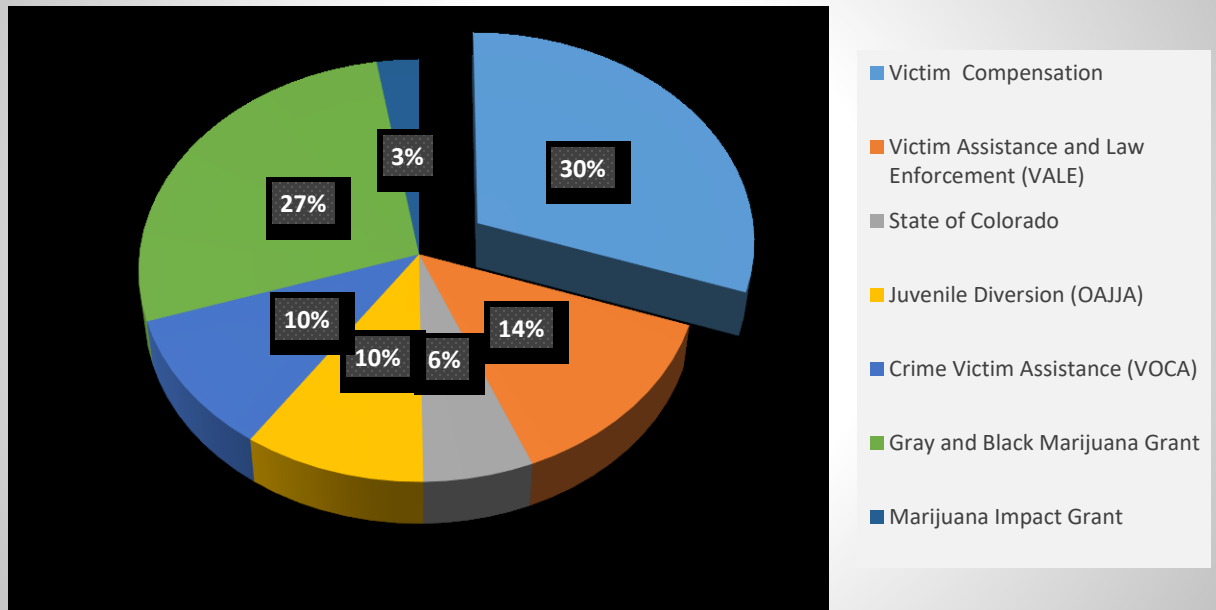
## Trend Analysis of Grant Spending



Grant Expenditures						
2013	2014	2015	2016	2017	2018	2019
\$1,908,911	\$1,887,334	\$1,831,904	\$2,491,871	\$2,109,961	\$1,780,418	\$1,991,389

## Grant Expenditures by Grant

### 2019 Grant Funding by Source



Grant Funding by Source	2019	Percentage
Victim Compensation	\$ 640,305	30%
Victim Assistance and Law Enforcement (VALE)	284,583	13%
State of Colorado	125,302	6%
Juvenile Diversion (OAJA)	206,374	10%
Crime Victim Assistance (VOCA)	219,389	10%
Gray and Black Marijuana Grant	578,815	27%
Marijuana Impact Grant	55,193	3%
<b>TOTAL</b>	<b>\$ 2,109,961</b>	<b>100%</b>