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STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

November 1, 2019

The Honorable Dominick Moreno
Chair, Joint Budget Committee
Colorado General Assembly
200 E. 14th Avenue, Third Floor
Legislative Services Building
Denver, Colorado 80203

RE: FY 2020-2021 Department of Law Budget Request

Dear Senator Moreno:

Pursuant to Section 2-3-208(2)(a), C.R.S., enclosed is the FY 2020-2021 budget request submitted by the Department of Law ("Department" or "DOL") to the Colorado General Assembly Joint Budget Committee ("JBC"). I firmly believe that each of these priorities, if approved, are important investments for the State and will provide the Department with necessary resources to fulfill our core mission of providing legal services to client agencies, protecting public safety, and supporting the rule of law. The following sections describe each request submitted for the JBC's consideration.

Decision Item Requests

- ***\$129,906 for the Safe2Tell Program to Address Ongoing Training and Materials Distribution Needs.*** The Safe2Tell program is required to annually provide free training and awareness materials. To do right by this effort so that Colorado students, teachers, and parents can best access information and reporting tools, Safe2Tell requires resources to continue and develop effective outreach. This is especially urgent in light of the dramatic and continuing increases in Safe2Tell tips; the program expects over 20,000 this school year. Senate Bill 16-193 modified the program's duties and required these efforts, but did not provide funding; additional resources are necessary to accomplish the goals of this legislation to make sure Safe2Tell's community partners are aware of the most effective ways to keep schools safe with Safe2Tell. This, coupled with the loss of appropriations due to House Bill 18-1434, is why the Department requests spending authority to right-size the budget with effective program delivery.
- ***\$300,552 to Bolster Capacity to Respond to Data Privacy and Cybersecurity Consumer Complaints.*** With the enactment of data privacy legislation in recent legislative sessions, the DOL went from managing 13 voluntary notices of company data breaches from FY 2015 through FY 2017, to more than 100 data breach

notifications since new reporting obligations began in September 2018. Furthermore, with continued risks to consumers from data breaches and sales, Department investigations of actionable consumer cases are anticipated to continue to rise. The Department requests resources to expand capacity to more effectively and efficiently review breach reports, evaluate circumstances surrounding each breach, conduct follow-up investigations, and initiate enforcement actions as necessary.

- ***\$353,274 to Right-size Budget, Operations, and Human Resources Capabilities.*** The DOL Administration Section ensures Department compliance with procurement codes; provides human resource support; recruits, hires, trains, and retains staff; prepares the annual DOL budget request; and ensures sound and efficient management of payroll and budget resources. While the Department's duties imparted by the General Assembly significantly grew in recent years, the Administration Section workload has not kept pace with added workload. This is particularly felt in processing human resources and budget management functions – additional resources will begin to close this gap.

Resources Requested for Anticipated Legislative Proposals

Pre-Trial Services/Bail Reform. A critically needed criminal reform is meaningful bail and pre-trial services reform for the State's criminal justice system. By holding non-violent offenders in jail awaiting trial, we put these individuals at risk of losing their jobs, not caring for loved ones, and disruption to family stability. We anticipate the introduction of legislation in the 2020 session to implement an improved pre-trial services program for all 64 counties. Given the importance of this public policy goal, we urge the JBC to provide a legislative set-aside in the amount of \$6.5 million to cover costs associated with the bill.¹

Informational Matters

Under State law, the Department serves as legal counsel to the Executive and Judicial Branches. We strive daily to provide the best legal representation for our client agencies, and offer our services as affordably as possible for clients and taxpayers. As part of our continuing effort to be innovative, cost-effective, and client-focused, the Department is evaluating alternative funding models to our current billable hour approach. Many private sector law firms and other state attorney general offices found that transitioning from a billable hour recording system towards a performance metric-driven and results-oriented system led to better results for clients, reprioritized staff time to provide additional legal services, and significant budget efficiencies for taxpayers. We believe a full evaluation of all possible funding models, including our existing model, is needed to ensure that the Department's fiscal model best supports our mission, core values, clients, and taxpayers.

¹ Pre-trial services costs may be lower in the initial year of implementation, dependent on the effective date of legislation and initial costs. Once fully implemented, program expenditures are estimated at \$6.5 million per year to ensure improved pre-trial services are fully funded for all Colorado jurisdictions.

In 2020, the Department will conduct a thorough analysis of options, including our existing funding structure, and will collaborate with the Executive and Judicial Branch agencies on possible alternatives to our current model. This will include evaluating potential benefits, drawbacks, and cost-savings for DOL and client agencies. At the conclusion of this process, we will summarize our findings for the JBC. We look forward to discussing this topic with both the JBC and our clients.

Conclusion

Thank you for the JBC's thoughtful review and consideration of these important initiatives. My staff and I look forward to working with you as you begin the important process of weighing spending priorities for the State.

Sincerely,

A handwritten signature in blue ink that reads "Phil J. Weiser". The signature is written in a cursive, flowing style.

Phil Weiser
Attorney General

Enclosure

cc: Representative Daneya Esgar, Vice Chair, Joint Budget Committee
Representative Chris Hansen, Joint Budget Committee
Representative Kim Ransom, Joint Budget Committee
Senator Bob Rankin, Joint Budget Committee
Senator Rachel Zenzinger, Joint Budget Committee
Speaker KC Becker, Colorado House of Representatives
Minority Leader Patrick Neville, Colorado House of Representatives
President Leroy Garcia, Colorado Senate
Minority Leader Chris Holbert, Colorado Senate
Ms. Carolyn Kampman, Staff Director, Joint Budget Committee
Ms. Christina Beisel, Principal Legislative Analyst, Joint Budget Committee
Ms. Natalie Hanlon Leh, Chief Deputy Attorney General, Department of Law
Mr. Jon Reitan, Budget Director, Department of Law
Mr. Kurtis Morrison, Deputy Attorney General for Intergovt. Affairs, Department of Law