

5/15/2014



CATPA

2014 REGULATION REVIEW

CATPA Board of Directors

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## Executive Summary

On May 15, 2014, the CATPA Board completed a review of all regulations under 8 CCR 1507-50 via a public invitation meeting for comments and suggestions. In summary, the CATPA Board did not have any recommendations for abbreviations, changes or modifications to the current CATPA regulations.

The CATPA Board used the Standards for CATPA Regulations Review pursuant to Executive Order D 2012-002, "Regulatory Efficiency Reviews", the Colorado Department of Regulatory Administration (DORA) Implementation Guide and the Colorado Department of Public Safety Executive Director's Office standards.

CATPA is a state authority, under the Department of Public Safety, established by Colorado Statute in 2003 to help reduce auto theft. In 2008 the legislature passed Senate Bill-60 to provide CATPA with permanent funding of \$1 per insured vehicle, each year until the sunset review in 2018. As a result, CATPA is enabled with approximately \$4 million per year to combat the serious and pervasive crime problems involving motor vehicle theft in Colorado. These funds are used for prevention, investigation, enforcement, police training, prosecution, and rehabilitation programs. Less than 8% of collected revenues are used for administrative support and the three member staff. The statute gives priority to multi-agency applicants that target auto theft in all regions of the state.

In 2009 the CATPA Board developed and adopted the CATPA Code of Colorado Regulations (8 C.C.R. 1507-50), which provides basic guidance on the grant process to assist in the statewide reduction of auto theft. Consistent with Executive Order D 2012-002, the CATPA Board completed a previous annual review of the regulations on October 17, 2013 and concluded the review on November 14, 2013. During this review process, the CATPA Board did not have any changes or modifications to the regulations, however, there were several activities amended to ensure a heightened level of service and compliance with existing regulations. These activities outlined key modifications and changes to the 2014-2015 CATPA Grant application process, establishing criteria for award processes, and responsibility in the acquisition, distribution, use and accountability of CATPA grant funds.

Under C.R.S. 42-5-112, CATPA grant programs and initiatives are solicited, reviewed and awarded by the CATPA Board. The CATPA Board is represented, pursuant to statute, by the executive director of the department of public safety (or the executive director's designee), the executive director of the department of revenue (or the executive director's designee), and nine members as outlined in the statute and appointed by the governor. In 2014, CATPA revised the grant application and award processes by using guidelines of statistical weighting factors and standardized evaluation criteria for determining the need, quality and strength of grant applications. These processes resulted in awarding 4.5 million dollars to nine (9) multi-agency applicants for statewide auto theft reduction programs.



Robert D. Force  
Executive Director  
Colorado Automobile Theft Prevention Authority

## **Regulatory Priorities**

Under the current regulation, 8 C.C.R. 1507-50, there are nine (9) specific regulations. These regulations provide general guidance to assist the CATPA Board and staff with providing grant programs to reduce auto theft within the state. Consistent with Standards for CATPA Regulation Review, there were no recommendations for abbreviations, changes or modifications to the current regulations.

### **Response to Standards for Regulatory Review**

#### **1. Are the rules confirmed for proper and current statutory authority?**

CATPA rules 1 through 9 were reviewed for proper application and statutory authority. Each of the nine rules were found to be consistent with statutory authority (Automobile Theft Prevention Authority C.R.S. 42-5-112) and directly applicable to the current practices, policies and procedures.

CATPA rule 1 provides for the Executive Director of the Colorado Department of Public Safety to adopt rules and regulations for qualified applicants to apply for CATPA grants. Under such regulation, CATPA has established policies, procedures and guidelines for awarding CATPA grants to qualified applicants.

CATPA rules 2, 3 and 4 provide definition and requirement that a “qualified applicant” be considered eligible for CATPA funding. These rules establish practical application and are consistent with statutory authority under C.R.S.42-5-112 (3.f.I). Under such regulation, CATPA uses these definitions as a preamble to the grant application process, and notifies interested persons of the qualification requirements in the application announcements and grant awarding criteria. These definitions are used in the Colorado Grants Management System (COGMS), CATPA Grant Application Guide, and the CATPA Board award guidance manual.

CATPA rule 5 provides general guidance for the application procedures of CATPA grant funds. This rule is a practical application and is consistent with statutory authority under C.R.S. 42-5-112 (3.f.II). Under such regulation, CATPA provides application announcements, availability, notification and criteria via newsletters, mail, internet postings (CATPA website, CSP website) and the Colorado Grants Management System (COGMS).

CATPA Rules 6, 7, 8 and 9 provide procedures for the selection, evaluation, award, criteria, effectiveness and notification of awards. These rules are consistent with C.R.S. 42-5-112 and are the foundational pillars to the CATPA Grant Managers Guidance and CATPA Board award guidance manual. Using these rules, CATPA has established weighting factors for determination of funding allocation, based on the severity of auto theft geographically and per capita, the type of initiative or program target area, and the criteria for review. The CATPA Board uses evaluation methodologies derived from the regulations that include: past performance (cost-efficiency vs. program effectiveness), technical capacity and management capacity. CATPA uses the COGMS to avail qualified applicants and the CATPA Board the ability to propose, evaluate, review, award, amend and notify award levels.

#### **2. What confirms or otherwise documents the continued need for the regulations?**

In this past year, CATPA has awarded over \$4.5 million to multi-agency grant initiatives to target reduction and prevention efforts involving auto theft. The procedures established pursuant to 8

C.C.R. 1507-50 are used to define and otherwise discern the grant funding proposals received by CATPA. These regulations are applied and instructed in the CATPA COGMS, CATPA Grant Managers Guide, and the CATPA Board award guidance manual. These documents, along with the minutes of the CATPA Board meetings, during the grant consideration period, have resulted in delivery of CATPA grant funds to support reduction and prevention efforts in the state. CATPA utilizes nine (9) regulations, which are brief and succinct in their nature, application and effect to the CATPA grant process.

**3. Can it be determined whether the rules have an impact on small businesses and individuals, and if so, can the impact be minimized?**

First, the CATPA rules are inclusive of “qualified applicants” which would not include direct grant fund deliveries to individuals. However, CATPA does provide a small business (Rocky Mountain Insurance Information Association) with a multi-agency public education and prevention grant. The impact on of the CATPA rules, in totality, does not have a negative effect on the small businesses and individuals.

**4. Are the review standards being properly and consistently applied across reviews and programs?**

The review standards were properly and consistently applied to all CATPA rules, pursuant to the standards established by the Executive Director’s Office of the Colorado Department of Public Safety.

**5. What is the assessment of cost effectiveness as it pertains to each rule?**

The CATPA Board does not see the necessity for any current rule to have either more or less regulations. The rules do not create a financial burden to the intent and purpose of the use of the CATPA funds, nor of the administration of the Board. The CATPA rules are implemented with efficiency and effectiveness. CATPA has not received negative or questionable remarks or contentions with deliveries of awards of CATPA funds.

**6. Does the rule duplicate any other existing rule? Are there any other duplicative, overlapping, outdated or inconsistent language or provisions?**

The CATPA Board does not see any duplication of other rules, language or provision. The CATPA rules provide interpretation and guidance to C.R.S. 42-5-112.

**7. Is there confirmation that the regulation is not inappropriately burdensome in the aggregate?**

The rules are written in plain language and easy to understand. The CATPA rules have provided guidance and direction in establishing protocols, policies and procedures for delivery of CATPA funds.

**8. Are there viable alternatives to accomplish the purpose of the rule?**

As stated earlier, the CATPA rules provide general procedures and guidance for delivery of the CATPA funds. The CATPA Board did not identify any substantive content in any of the rules that could be moved into agency letters, management directives, or policy/procedural or guidance.

**9. Stakeholder Input. Allow for meaningful opportunity to comment on the existing rules that are under review.**

The CATPA Regulation Review was publicized to customers and stakeholders, however, there were no comments presented by stakeholders during the review other than by members of the CATPA Board.

**10. Are there any recommended actions?**

The CATPA Board does not have any recommendations for changes, modifications, revisions, reorganization or amendment to any of the CATPA rules.

**CATPA Board Regulatory Review Decision**

The CATPA Board concluded the Regulatory Review with the following action, as noted in the minutes to the May 15, 2014 Meeting:

*The CATPA Regulations were reviewed by the Board consistent with the requirements provided by the Governor's Executive Order, DORA and the CDPS Executive Director's review procedures. The Review resulted in a Board consensus that all current regulations are precise and no changes, amendments or additions are necessary. Staff offered to prepare a compilation report to the CDPS Executive Director on the CATPA review process and obtain Board approval via email or at the next Board meeting, whichever is necessary for timeliness submission to the EDO.*

- *A motion was made by Jerry Cole that no changes be made to the current CATPA regulations and CATPA staff be tasked with providing a "2014 CATPA Regulations Review Summary Report to the CDPS EDO" for Board Approval.*
- *The motion was seconded by Robert Pace.*
- *The motion passed unanimously.*

## **CATPA Board Meeting Minutes**

Date: May 15, 2014

Location: Colorado Farm Bureau Mutual Insurance Company  
9177 E. Mineral Circle  
Centennial, CO 80122

### **Board Members Present**

- |                       |   |
|-----------------------|---|
| 1. Jerry Cole         | 6. Judi Burk                              |
| 2. Tonia Rumer        | 7. Sheriff David Weaver                   |
| 3. Carole Walker      | 8. Eva Wilson                             |
| 4. LTC Brenda Leffler | 9. Chief Kevin Paletta via Go-To-Meetings |
| 5. Robert Pace        | 10. Dan Bower via Go-To-Meetings          |

### **Board Members Absent**

1. Ron Kammerzel

### **Staff Members Present**

1. Robert Force
2. Gina Salazar
3. Charla Phagan

### **Call to Order**

CATPA Chair called the meeting to order at 1:39 p.m. and welcomed Board members to this month's meeting.

- 1. Introductions**
- 2. Agenda Amendments**  
None made
- 3. Public Comments**  
None

### **Standing Business**

- 1. Approval of CATPA Board Meeting Minutes for March 13, 2014**
  - *A motion was made by Tonia Rumer to approve the CATPA Board March 18, 2014 meeting minutes.*
  - *The motion was seconded by Robert Pace.*
  - *The motion passed unanimously.*
- 2. Approval of CATPA Board Meeting Minutes April 18, 2014**

- *A motion was made by Carole Walker to approve the CATPA Board April 18, 2014 meeting minutes.*
- *The motion was seconded by Judi Burk.*
- *The motion passed unanimously.*

### **3. CATPA Financial Reports**

#### **A. Operating Budget Report - Charla Phagan**

- *A motion was made by Tonia Rumer to approve the May 15, 2014 Operating Budget report.*
- *The motion was seconded by Sheriff David Weaver.*
- *The motion passed unanimously.*

#### **B. Grantee Budget Report - Gina Salazar**

EMATT and WCATT were the only grantees that have submitted end-of-year budget modifications for the Board to review. There were a few grantees that will make smaller budget modifications within budget lines to finalize their budgets.

##### **1) Grantee Budget Modification - EMATT**

- EMATT would like to use \$46,000 in cost savings from the current budget to purchase equipment (2 ALPRs, covert camera and a big gun foam gun). Funding for this equipment was cut in the 2014-15 Grant Application.
- Discussion: LTC Leffler led a discussion that the "big gun" request should not be approved as it is a use of force tool that should be provided by the agency, similar to handcuffs, deadly and less-than-lethal weaponry. These items should not be funded through CATPA as allowing so would set precedence not otherwise previously allowed or funded. Chief Paletta, Sheriff Weaver and Jerry Cole agreed and provided further comments that the "big gun" purchase lacked justification to show a connection with auto theft prevention or reduction efforts. Board comments supported not funding the "big gun" as it is not within the purview of the CATPA grant. Eva Wilson noted that the use of the covert camera can aid in the prosecution as well as promoting the successes of the task force. Board members want to know how the ALPRs are being used. How are the ALPRs deployed? (Poll camera, patrol car - what is most effective) Based on numbers from ATTIC there is cost effectiveness in the use of ALPRs. Are the ALPRs being used specifically for auto theft? The problem is not with the technology, but rather the data from the ALPR readings and how long this information is kept. Chief Paletta noted that the legislature has mandated that the data collected from ALPRs cannot be held after three years.
- *A motion was made by LTC Brenda Leffler to approve the EMATT budget modification without funding for the big gun.*
- *The motion was seconded by Robert Pace.*



- *The motion passed unanimously.*

## **2) Grantee Budget Modification - WCATT**

- WCATT would like to use excess funds to buy an ALPR for new partner Garfield County. Funding for this equipment was cut in the 2014-15 Grant Application.
- Discussion: How much auto theft crime is in Garfield County? This is a good opportunity to build the partnership; and the ALPR is an excellent tool for recovery.
- *A motion was made by Sheriff David Weaver to approve the WCATT budget modification.*
- *The motion was seconded by Carole Walker.*
- *The motion passed unanimously.*

## **C. Grantee Update**

The CATPA staff met with several grantees (either in person or via phone) after the interviews and there was good feedback for the staff as well as the grantees. Debriefing was very useful and giving explanations for the funding cuts was appreciated by the grantees. The biggest concern for staff is the affirmation that the funds are not guaranteed past 2018-are the grantees looking to future funding if CATPA is not renewed?

Grantees are in favor of the consolidation model for one state-wide task force- staff is developing a strategic plan one single source metro task force and one statewide task force.

CATI had huge concerns about the budget cuts and that the funding for the conference was reduced by a day. Staff advised that CATI can do what they can with the funds allocated; the Board is not firm on the conference being three days, however CATI chose to reduce the number of days on their final application. A more comprehensive evaluation of trainings was suggested to verify usefulness (qualitative) of the trainings. Staff also suggested that CATI work over the next year to establish a relationship with task force commanders in order to develop a list of trainings they would like to see for their task force members. This will assist CATI to become the training source for CATPA funded task forces.

Southern Co Task Force continues to be a complex situation; a performance improvement plan was drafted by the CATPA staff as well as managerial requirements by 7/1/14 and presented to the partnering agencies that make up the Southern Colorado task force in a meeting. The Commander from EPCSO didn't know about any of the problems, but understood CATPA's position. Staff was supposed to hear from them by 5/15/14 but has not heard back as of yet. An alternative to maintain the

partnerships are to filter the funds earmarked for Southern Colorado to BATTLE; increasing their area of coverage. BATTLE is willing to take on this task if assigned.

The CATPA staff has set up grantees to present to the Board during future Board meetings as a means of getting the grantees in front of the Board more often with success stories as well as struggles and concerns. The AG's office and BATTLE are scheduled to present at the June Board meeting and ATTIC will host the July Board meeting.

## **New Business**

### **1. Regulatory Review**

The CATPA Regulations were reviewed by the Board consistent with the requirements provided by the Governor's Executive Order, DORA and the CDPS Executive Director's review procedures. The Review resulted in a Board consensus that all current regulations are precise and no changes, amendments or additions are necessary. Staff offered to prepare a compilation report to the CDPS Executive Director on the CATPA review process and obtain Board approval via email or at the next Board meeting, whichever is necessary for timeliness submission to the EDO.

- *A motion was made by Jerry Cole that no changes be made to the current CATPA regulations and CATPA staff be tasked with providing a "2014 CATPA Regulations Review Summary Report to the CDPS EDO" for Board Approval.*
- *The motion was seconded by Robert Pace.*
- *The motion passed unanimously.*

## **CATPA Briefings/Reports**

### **1. Training Request for CATPA Staff.**

Gina Salazar and Charla Phagan attended a PowerPoint training conducted by Police Technical. Nominal travel expenses were incurred as the training was held in Ft. Collins. Gina and Charla both reported that this was an excellent training and they look forward to using their new skills to support the CATPA Board. They will attend an Excel training provided by Police Technical in late July. Expenses for that training will be expensed in the new fiscal year.

### **2. Lockdown Summer Brainstorm Meeting.**

Carole Walker reported good attendance at the meeting with the major task forces represented as well as Amelie and the CATPA staff. It was important to Carole to have the creative team hear the input of the task forces. The task forces were able to give feedback on what promotional pieces were working for them. The current focus is the summer campaign.

**3. CATPA Financial Accountability Reporting System (FARS) Update.**

Robert Force reported that the Purchase Order process has been finalized and that there have been meetings between the vendor and CATPA staff in regards to the development of the database. The vendor has made great strides and will be ready to deploy the system next Tuesday, May 20, 2014.

**Unfinished Business**

**1. Board Member Term Positions Follow Up.**

The Governor's Office has appointed Jess Redman from Adams County to replace Eva Wilson as the representative from the state wide association of district attorneys.

**2. Next Meeting**

June 19, 2014 at the CATPA office (710 Kipling Street, Ste. 106, Lakewood, CO 80215)

**Adjourn**

Meeting Adjourned at 3:12 p. m.

**Standards for CATPA Regulation Review<sup>1</sup>**  
**8 CCR 1507-50**  
**CATPA Board Review Questions<sup>2</sup>**  
**May 15, 2014**

- 1. Is the rule confirmed for proper and current statutory authority?**
- 2. What confirms or otherwise documents the continued need for the regulation?**
- 3. Can it be determined whether the rule has an impact on small businesses and individuals, and if so, can the impact be minimized?**
- 4. Are the review standards being properly and consistently applied across reviews and programs?**
- 5. What is the assessment of cost effectiveness as it pertains to each rule?**
  - Is it necessary for the rule to have more or less regulation?
  - Can the rule be amended to reduce any regulatory burdens while maintaining its benefit?
  - Is the rule implemented in an efficient and effective manner?
- 6. Does the rule duplicate any other existing rule? Are there any other duplicative, overlapping, outdated or inconsistent language or provisions?**
- 7. Is there confirmation that the regulation is not inappropriately burdensome in the aggregate?**
  - Is the rule written in plain language and easy to understand?
- 8. Are there viable alternatives to accomplish the purpose of the rule?**
  - Can substantive content of the rule be moved into agency letters, management directives, policy/procedural or guidance by the agency?
- 9. Stakeholder Input. Allow for meaningful opportunity to comment on the existing rules that are under review.**
- 10. Are there any recommended actions?** If so, has a report been submitted to the CDPS Executive Directors Office for recommended actions which have accompanied analysis from Subject Matter Experts (SME)?
  - The analysis of any recommended action includes:
    - Substantive modification or revision of any rule,
    - Reorganization of any rule for clarity, or
    - Efficiency or repeal of any rule.

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<sup>1</sup> Source: Executive Order D 2012-002, "Regulatory Efficiency Reviews". Colorado Department of Regulatory Administration (DORA) Implementation Guide. Published and distributed to CATPA Office November 2013.

<sup>2</sup> CDPS EDO established clearly defined standards for review questions published to the CATPA Office on January 31, 2014.

# CATPA Regulations Rules

## DEPARTMENT OF PUBLIC SAFETY

### Investigative Services

## COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY

### 8 CCR 1507-50

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#### **CATPA 1 AUTHORITY TO ADOPT RULES AND REGULATIONS**

*The Executive Director of the Colorado Department of Public Safety is authorized by section 42-5-112(3) (f), C.R.S., to adopt rules and regulations whereby law enforcement agencies or other qualified applicants may apply for grants to assist in improving and supporting motor vehicle theft prevention programs or programs for the enforcement or prosecution of motor vehicle theft crimes through statewide planning and coordination.*

#### **CATPA 2 DEFINITIONS**

“Qualified Applicant” – A Colorado law enforcement agency, state agency, local unit of government, independent school district, nonprofit, or for profit organization that can demonstrate its proposed program addresses some aspect of motor vehicle theft prevention.

#### **CATPA 3 REQUIREMENTS FOR AN ENTITY OTHER THAN A LAW ENFORCEMENT AGENCY TO BE A QUALIFIED APPLICANT:**

- A. An entity must provide written verification that the proposed program addresses motor vehicle theft prevention, enforcement, prosecution, or offender rehabilitation.

#### **CATPA 4 APPLICABILITY**

These rules and regulations shall apply to all law enforcement agencies and other qualified applicants within the State of Colorado.

#### **CATPA 5 APPLICATION PROCEDURES**

- A. Grant applications shall be in the form required by grant announcements.
- B. The Colorado Automobile Theft Prevention Board (Board) will annually announce the availability of grant funds and the start of the application process. The notice may include notification by mail and internet posting on the website of the State of Colorado, the Department of Public Safety, the Colorado State Patrol, and other agencies and organizations.

Each application shall, at a minimum, specifically describe the type of motor vehicle theft prevention, enforcement, prosecution, or offender rehabilitation program proposed.

- C. Applications shall be filed with the Colorado Automobile Theft Prevention Board, “Board”, at 710 Kipling Street, Denver, Colorado or as required pursuant to the grant application, notice or instructions.

## **CATPA 6 SELECTION OF GRANT RECIPIENTS - EVALUATION AND AWARD OF GRANT APPLICATION**

- A. The Board shall give priority to applications representing multijurisdictional programs and review each application based upon one or more of the following guidelines:
- Whether the application addresses an auto theft problem that is clearly identified, measurable and is supported by relevant statistical evidence.
  - Whether the application minimizes duplicative or overlapping existing programs.
  - Whether the application provides a design wherein activities and goals are realistic and attainable.
  - Whether the application displays innovation in its concept/design/operation. A project is considered innovative if it provides a new and different strategy or approach that prevents, deters, intervenes, or stops criminal activity from occurring.
  - Whether the application demonstrates a cost structure which is realistic when compared to its goals. (cost vs benefit)
  - Whether the application includes a proposed evaluation design that provides relevant data to measure the effectiveness of the project and a plan for performing such evaluation.
- B. The Board shall ensure that the guidelines are applied equitably to all qualified applicants.
- C. To the extent practical, the Board shall approve grants in a variety of geographic areas of the state.

## **CATPA 7 CRITERIA FOR DETERMINING THE AMOUNT OF THE GRANT**

- A. Grant amounts shall be predicated upon consideration of the following criteria by the Board:
- The amount of funds available for the current grant cycle.
  - Existing activities or programs that address the problem.
  - Statistical analyses of auto theft problems in the project area.
  - Cooperation and coordination with other agencies/projects to address auto theft problems.
  - Proposed plan for auto theft crime prevention, education, and training.
  - The number of personnel involved in the project.
  - Applicants' experience, qualifications and past performance which demonstrate a capability to successfully operate the proposed project.

## **CATPA 8 NOTIFICATION OF GRANT AWARD DECISIONS**

- A. The Board shall give written notification to applicants of the final decisions of the Board approving or denying grant applications.

## **CATPA 9 PROCEDURES FOR REVIEWING THE EFFECTIVENESS OF GRANT PROGRAMS**

- A. Grant recipients must submit quarterly financial and progress reports for review by the Board for monitoring grant implementation and achievement of objectives.
  - 1. The Board will provide financial and quarterly reporting forms to grant recipients.
  - 2. Grant recipients will complete and submit CATPA forms quarterly.
  - 3. The Board will review quarterly reports based upon identified CATPA goals and objectives.
  - 4. The Board will give feedback to grant recipients.

## **PUBLICATIONS AND RULES INCORPORATED BY REFERENCE**

- A. All publications and rules adopted and incorporated by reference in these regulations are on file and available for public inspection by contacting the CATPA Board. This rule does not include later amendments to or editions of any materials incorporated by reference. All publications and rules adopted and incorporated by reference in these regulations may be examined at any state publications depository library.

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### **Editor's Notes**

### **History**

Rules CATPA 1-12 eff. 6/30/04.

Rules CATPA 5, CATPA 6, CATPA 7, CATPA 10, and CATPA 11 eff. 5/1/05.

Entire Rule eff. 04/30/2009.

### **Annotations**

Rules CATPA 5, CATPA 6, CATPA 7, CATPA 10, and CATPA 11 (adopted 5/6/04) were not extended by Senate Bill 05-183 and therefore expired 5/15/05; Rules CATPA 5, CATPA 6, CATPA 7, CATPA 10, and CATPA 11 (adopted 3/17/05) were repealed by Senate Bill 05-183 effective 05/15/05.