DEPARTMENT OF PUBLIC SAFETY COLORADO STATE PATROL COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY (CATPA)

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

§42-5-112 (1) and (2), CRS, create the Colorado Automobile Theft Prevention Authority (CATPA) in the Colorado Department of Public Safety (CDPS) and the Colorado Automobile Theft Prevention Authority Board responsible for making decisions affecting the administration of CATPA and grants issued thereby.

Pursuant to §42-5-112 (3) (f), CRS, the Executive Director of the CDPS is given authority to promulgate rules and regulations applicable to the review, approval, and administration of grants issued through CATPA consistent with §42-5-112 (3), CRS. These rules are presently codified as 8 CCR 1507-50.

Amendments are being proposed to 8 CCR 1507-50 in response to comments received from the CATPA Board and to routine department rule review assessing the document formatting, clarity, and the continued viability, applicability, and effectiveness of the rules. The amendments here proposed update definitions applicable to these rules; refine references to repeatedly referenced entities and documents; clarify program review and reporting procedures; address documentation of reference materials incorporated consistent with §24-4-103 (12.5), CRS, and revise document formatting throughout. The changes being proposed improve clarity of these rules, are limited in their scope, and do not affect the present substantive content or expressed interpretation of these rules.

It has been declared by the General Assembly that the creation of a program and board dedicated to supporting programs designed to address the prevention of and/or the prosecution of automobile theft crime is a matter of statewide concern. The absence of rules to implement and carry out a response to these issues and the statutory purpose of §42-5-112, CRS, is contrary to the peace, health welfare of the citizens of this state. For these reasons, these amended rules should be adopted.

Stan Hilkey, Executive Director	Date of Adoption
Colorado Department of Public Safety	

DEPARTMENT OF PUBLIC SAFETY COLORADO STATE PATROL COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY (CATPA)

CATPA 1: AUTHORITY TO ADOPT RULES AND REGULATIONS

THE EXECUTIVE DIRECTOR OF THE CDPS IS AUTHORIZED BY \$42-5-112 (3) (F), CRS, TO ADOPT RULES AND REGULATIONS APPLICABLE TO THE REVIEW AND APPROVAL OF GRANT APPLICATIONS RECEIVED AND REVIEWED BY THE CATPA BOARD FROM LAW ENFORCEMENT AGENCIES AND QUALIFIED APPLICANTS FOR PROGRAMS AND ACTIVITIES CONSISTENT WITH \$42-5-112 (3) (F), CRS. PROGRAMS CONSISTENT WITH \$42-5-112 (3) (F), CRS, INCLUDE THOSE PROGRAMS REQUESTING ASSISTANCE TO SUPPORT OR IMPROVE AUTOMOBILE THEFT PREVENTION OR ENFORCEMENT WITHIN THE STATE OF COLORADO OR THE PROSECUTION THEREOF THROUGH STATEWIDE PLANNING AND COORDINATION CONSISTENT WITH STATUTE AND AS ENUMERATED THROUGHOUT THESE RULES.

CATPA 2: APPLICABILITY

THESE RULES AND REGULATIONS SHALL APPLY TO THE REVIEW AND APPROVAL OF ALL GRANT APPLICATIONS BY LAW ENFORCEMENT AGENCIES OR OTHER QUALIFIED APPLICANTS TO THE CATPA BOARD REQUESTING FINANCIAL SUPPORT OR ASSISTANCE FOR PROGRAMS AND/OR ACTIVITIES CONSISTENT WITH §42-5-112 (3) (F), CRS.

CATPA 3: DEFINITIONS

UNLESS OTHERWISE SPECIFIED, THE FOLLOWING DEFINITIONS ARE APPLICABLE TO THESE RULES:

- **3.1. AUTOMOBILE:** MEANS A MOTOR VEHICLE AS DEFINED WITHIN §42-5-101 (5), CRS, WHICH IS ANY VEHICLE OF WHATEVER DESCRIPTION PROPELLED BY ANY POWER OTHER THAN MUSCULAR, EXCEPT A VEHICLE RUNNING ON RAILS.
- **3.2. CATPA:** DEFINED UNDER §42-5-112 (1), CRS, AND IS REFERRED TO THROUGHOUT THESE RULES AS THE COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY.
- **3.3. CATPA BOARD (BOARD):** CREATED BY \$42-5-112 (2), CRS, THE BOARD THAT SOLICITS, REVIEWS, AWARDS, AND EVALUATES GRANT PROJECTS FUNDED PURSUANT TO \$42-5-112 (4), CRS. REFERRED TO THROUGHOUT THESE RULES AS THE "BOARD."
- 3.4. CATPA GRANT MANAGERS GUIDANCE MANUAL (GMG): THE

GUIDANCE PUBLICATION APPROVED BY THE BOARD PROVIDING INFORMATION ON GRANT APPLICATION REQUIREMENTS AND PROCESSES. THE GMG IS UPDATED ANNUALLY AND THE MOST CURRENT VERSION PUBLICLY AVAILABLE IS APPLICABLE TO THESE RULES.

- **3.5. CDPS:** COLORADO DEPARTMENT OF PUBLIC SAFETY
- **3.6. CSP:** COLORADO STATE PATROL
- **3.7. CSP CATPA BUSINESS UNIT:** THE BUSINESS UNIT WITHIN THE CSP RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS AND SUPPORT OF THE BOARD, CONSISTENT WITH 42-5-112 (3) (C) AND (D), CRS.
- 3.8. 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 AUTOMOBILE THEFT PREVENTION.

CATPA 4: GRANT APPLICATIONS- SUBMISSION AND CONTENT

- **4.1. APPLICATION SUBMISSION PERIOD.** THE BOARD WILL ANNOUNCE ANNUALLY IN WRITING THE AVAILABILITY OF GRANT FUNDING AND THE START OF THE APPLICATION SUBMISSION PERIOD. NOTICE MAY INCLUDE MAILINGS, POSTING UPON THE CSP WEBSITE AND THROUGH OTHER AGENCIES AND ORGANIZATIONS.
- **4.2. APPLICATION FORMAT AND REQUIRED CONTENT.** ALL APPLICATIONS SHALL BE IN THE FORM REQUIRED BY THE GRANT ANNOUNCEMENT(S), CONSISTENT WITH THE REQUIREMENTS SET FORTH WITHIN STATUTE, THESE RULES, AND THE CATPA GMG.
 - **4.2.1.** EACH APPLICATION SHALL SPECIFICALLY DESCRIBE, AT MINIMUM, THE TYPE OF AUTOMOBILE THEFT PREVENTION, ENFORCEMENT, SPECIALIZED TRAINING, PROSECUTION, OR FIRST-TIME OFFENDER REHABILITATION PROGRAM PROPOSED.
 - **4.2.2.** ALL GRANT APPLICATIONS MUST INCLUDE OR ADDRESS REQUIRED INFORMATION, FORM(S), AND INSTRUCTION(S) PROVIDED IN THE CATPA GMG.
- **4.3. METHOD AND DELIVERY OF APPLICATION SUBMISSION.** APPLICATIONS SHALL BE FILED WITH THE BOARD AS DIRECTED IN THE GRANT APPLICATION, NOTICE, AND/OR INSTRUCTIONS.

CATPA 5: GRANT AWARDS- BOARD EVALUATION AND AWARD SELECTION

- **5.1. USE OF CATPA GMG.** THE BOARD SHALL REVIEW APPLICATIONS CONSISTENT WITH STATUTE, THESE RULES, AND WITH GUIDANCE PROVIDED WITHIN THE MOST CURRENT PUBLICATION OF THE CATPA GMG.
- **5.2. MULTIJURISDICTIONAL PRIORITY.** CONSISTENT WITH §42-5-112 (3) (A), CRS, THESE RULES, AND THE CATPA GMG, THE BOARD SHALL GIVE PRIORITY TO THOSE GRANT APPLICATIONS REPRESENTING MULTIJURISDICTIONAL PROGRAMS.
- MINIMUM DESCRIPTION REQUIRED. ALL APPLICATIONS MUST, AT **5.3. DESCRIBE** THE TYPE OF AUTOMOBILE MINIMUM, THEFT PREVENTION, ENFORCEMENT, SPECIALIZED TRAINING. PROSECUTION. OR FIRST-TIME OFFENDER REHABILITATION PROGRAM PROPOSED.
- 5.4. APPLICABLE REVIEW GUIDELINES. THE BOARD SHALL REVIEW EACH APPLICATION TO DETERMINE IF THE SUBMITTING ENTITY MEETS THE DEFINITION OF A QUALIFIED APPLICANT AND FOR ITS COMPLETENESS. THE BOARD WILL THEN FURTHER REVIEW APPLICATIONS RECEIVED PURSUANT TO THE FOLLOWING GUIDELINES:
 - 5.4.1. WHETHER THE APPLICATION **IDENTIFIES** AN **AUTOMOBILE** THEFT **PROBLEM** CLEARLY. IS MEASURABLE, AND SUPPORTED BY**RELEVANT** STATISTICAL EVIDENCE.
 - **5.4.2.** WHETHER THE APPLICATION MINIMIZES DUPLICATIVE OR OVERLAPPING EXISTING PROGRAMS.
 - 5.4.3. WHETHER THE APPLICATION PROVIDES A DESIGN WHEREIN ACTIVITIES AND GOALS ARE REALISTIC AND ATTAINABLE.
 - 5.4.4. WHETHER THE APPLICATION DISPLAYS INNOVATION IN ITS CONCEPT, DESIGN, AND/OR OPERATION. A PROJECT IS CONSIDERED INNOVATIVE IF IT PROVIDES A NEW AND DIFFERENT STRATEGY OR APPROACH THAT PREVENTS, DETERS, INTERVENES, OR REDUCES THE OCCURRENCE OF AUTOMOBILE THEFT-RELATED CRIMINAL ACTIVITY.
 - **5.4.5.** WHETHER THE APPLICATION DEMONSTRATES A REALISTIC COST STRUCTURE AS COMPARED AGAINST ITS GOALS (COST VS. BENEFIT).

- 5.4.6. WHETHER THE APPLICATION INCLUDES A PROPOSED EVALUATION DESIGN SUPPORTED BY RELEVANT DATA TO MEASURE THE EFFECTIVENESS OF THE PROJECT AND A PLAN FOR COMPLETING SAID EVALUATION CONSISTENT WITH APPLICABLE GRANT REPORTING REQUIREMENTS.
- **5.5. REVIEW EQUITY.** THE BOARD WILL APPLY APPLICABLE STATUTES, THESE RULES, AND THE CATPA GMG TO ENSURE EQUITABLE REVIEW OF GRANT APPLICATIONS RECEIVED FROM LAW ENFORCEMENT AGENCIES AND OTHER QUALIFIED APPLICANTS.
- **5.6. GEOGRAPHICAL DISTRIBUTION.** THE BOARD SHALL APPROVE GRANTS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE TO THE EXTENT THAT IT IS PRACTICABLE TO DO SO.

CATPA 6: GRANT AWARD AMOUNT AND BOARD NOTIFICATION

SUBJECT TO THE FUNDS AVAILABLE FOR A GRANT CYCLE, THE BOARD SHALL APPROVE GRANTS PURSUANT TO §42-5-112 (3) (B), CRS, THESE RULES, AND THE GUIDANCE SET FORTH BY THE MOST CURRENT PUBLICATION OF THE CATPA GMG.

- **6.1. APPROVAL CRITERIA.** THE BOARD SHALL PREDICATE APPROVED GRANT AMOUNTS UPON CONSIDERATION OF THE FOLLOWING CRITERIA:
 - **6.1.1.** EXISTING ACTIVITIES OR PROGRAMS ADDRESSING THE (SAME OR SUBSTANTIALLY SIMILAR) AUTOMOBILE THEFT PROBLEM.
 - **6.1.2.** STATISTICAL ANALYSES OF AUTOMOBILE THEFT PROBLEMS IN THE IDENTIFIED PROJECT AREA.
 - **6.1.3.** COOPERATION AND COORDINATION WITH OTHER AGENCIES/PROJECTS TO ADDRESS AUTOMOBILE THEFT PROBLEMS.
 - **6.1.4.** PROPOSED PLAN FOR AUTOMOBILE THEFT CRIME PREVENTION, ENFORCEMENT, PROSECUTION, AND TRAINING.
 - **6.1.5.** NUMBER OF PERSONNEL INVOLVED IN THE PROJECT.
 - **6.1.6.** APPLICANT'S EXPERIENCE, QUALIFICATIONS, AND PAST PERFORMANCE DEMONSTRATIVE OF THE ABILITY OF AN APPLICANT TO OPERATE A PROPOSED PROJECT SUCCESSFULLY.

- **6.2. BOARD RECOMMENDATION FOR FUNDING.** THE BOARD WILL NOTIFY ALL APPLICANTS SUBMITTING APPLICATIONS DURING AN ANNOUNCED SUBMISSION PERIOD OF ITS DECISION TO APPROVE OR DENY AN APPLICATION IN WRITING.
 - **6.2.1.** THE BOARD MAY ATTACH OTHER CONDITIONS TO THE AWARD OF A GRANT RECOMMENDATION.
 - 6.2.2. THE BOARD SHALL NOT REQUIRE AS A CONDITION OF RECEIPT OF A GRANT THAT AN AGENCY, POLITICAL SUBDIVISION, OR OTHER QUALIFIED APPLICANT PROVIDE ANY ADDITIONAL MONIES TO OPERATE A RECOMMENDED PROGRAM CONSISTENT WITH \$42-5-112 (3) (B), CRS.
- **6.3.** AN APPLICANT MAY ACCEPT OR DECLINE PROGRAM FUNDING RECOMMENDED BY THE BOARD CONSISTENT WITH THE SCHEDULE SET FORTH WITHIN THE CATPA GMG.

CATPA 7. PROCEDURES TO REVIEW PROGRAM SUCCESS AND COMPLIANCE

GRANT RECIPIENTS MUST SUBMIT PROGRAM AND FINANCIAL REPORTS QUARTERLY TO THE BOARD FOLLOWING GRANT APPLICATION APPROVAL AND FUNDS DISBURSEMENT.

- **7.1. REPORTING FORMS PROVIDED.** THE BOARD WILL PROVIDE GRANT RECIPIENTS WITH FORMS NECESSARY TO SUBMIT REQUIRED QUARTERLY FINANCIAL AND PROGRAM PROGRESS/ACHIEVEMENT REPORTS.
- **7.2 BOARD REVIEW CRITERIA.** BOARD REVIEW OF QUARTERLY REPORTS SUBMITTED BY GRANT RECIPIENTS SHALL BE CONSISTENT WITH IDENTIFIED GOALS AND OBJECTIVES OF THE CATPA.
- **7.3. PROGRAM MONITORING.** THE BOARD WILL MONITOR PROGRAM IMPLEMENTATION, FINANCIAL ADMINISTRATION AND ACHIEVEMENT OF DECLARED PROGRAM OBJECTIVES AS IS CONSISTENT WITH §42-5-112 (3), CRS, THESE RULES AND THE CATPA GMG AS IS APPLICABLE.
- **7.4. BOARD FEEDBACK.** THE BOARD WILL PROVIDE FEEDBACK TO GRANT RECIPIENTS SUBMITTING OR FAILING TO SUBMIT REQUIRED QUARTERLY REPORTS, OR AS IS APPROPRIATE AND CONSISTENT WITH STATUTE, THE GOALS AND OBJECTIVES OF CATPA, THESE RULES, AND THE CATPA GMG.
- **7.5. FAILURE TO PERFORM.** IN THE EVENT A GRANT RECIPIENT FAILS TO PERFORM OR COMPLETE REQUIRED QUARTERLY FINANCIAL AND PROGRAM PROGRESS/ACHIEVEMENT REPORTS, THE BOARD MAY
 - 7.4.1. ELECT TO APPLY A PROGRAM IMPROVEMENT PLAN TO THE

- RECIPIENT TO REHABILITATE PERFORMANCE;
- **7.4.2.** RECOMMEND TO THE DIRECTOR OF CDPS OR HIS OR HER DESIGNEE FOR REVOCATION OR SUSPENSION OF RECIPIENT'S GRANT AGREEMENT, OR
- **7.4.3** RECOMMEND TO THE DIRECTOR OF CDPS OR HIS OR HER DESIGNEE NOT TO REIMBURSE EXPENSES.

FAILURE TO PERFORM OR REHABILITATE MAY ALSO AFFECT FUTURE CONSIDERATION OF APPLICATIONS SUBMITTED TO THE BOARD BY THE SAME APPLICANT.

CATPA 8. PUBLICATIONS INCORPORATED BY REFERENCE

ALL PUBLICATIONS, STANDARDS, GUIDELINES AND RULES ADOPTED AND/OR INCORPORATED BY REFERENCE IN THESE RULES WILL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT ANY STATE PUBLICATIONS DEPOSITORY LIBRARY AS IS REQUIRED BY §24-4-103 (12), CRS.

- **8.1.** THE FOLLOWING PUBLICATIONS, STANDARDS, GUIDELINES AND/OR RULES ARE ADOPTED WITHIN THESE RULES IN ACCORDANCE WITH §24-4-103 (12.5), CRS:
 - **8.1.1.** COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY (2020). **CATPA GRANT MANAGERS GUIDANCE MANUAL.** LAKEWOOD, COLORADO: AUTHOR.
- **8.2.** THE CSP CATPA BUSINESS UNIT AND THE BOARD SHALL MAINTAIN COPIES OF THE COMPLETE TEXTS OF THESE RULES AND ANY INCORPORATED ADOPTED PUBLICATIONS. OR STANDARDS. GUIDELINES AND RULES AND MAKE EACH AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS. INTERESTED PARTIES MAY CONTACT THE BOARD OR THE CSP CATPA BUSINESS 303-239-4560 UNIT BYPHONE AT OR **EMAIL** CDPS CATPA@STATE.CO.US. INTERESTED PARTIES MAY ALSO ACCESS THE FOLLOWING MATERIAL(S) AT THEIR CONVENIENCE ONLINE:
 - **8.2.1.** COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY (2020). **CATPA GRANT MANAGERS GUIDANCE MANUAL,** HTTPS:// WWW.

COLORADO.GOV/PACIFIC/CSP/CATPA-GRANTS.

8.3. THESE RULES DO NOT INCLUDE LATER AMENDMENTS TO OR EDITIONS OF ANY PUBLICATIONS, STANDARDS, GUIDELINES, OR RULES INCORPORATED BY REFERENCE HEREIN WITH THE EXCEPTION OF STATUTORILY MANDATED UPDATES OR FORMS AND PUBLICATIONS CONTROLLED BY CATPA.

DEPARTMENT OF PUBLIC SAFETY

Investigative Services

COLORADO AUTOMOBILE THEFT PREVENTION AUTHORITY

8 CCR 1507-50

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

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 erimes 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 APPLICATIONS

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.

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.