

# JOINT BUDGET COMMITTEE



## SUPPLEMENTAL BUDGET REQUESTS FY 2018-19

### DEPARTMENT OF PUBLIC SAFETY (Division of Criminal Justice)

JBC WORKING DOCUMENT - SUBJECT TO CHANGE  
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:  
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# DIVISION OF CRIMINAL JUSTICE

## DIVISION OVERVIEW

The Division of Criminal Justice (DCJ), in the Department of Public Safety:

- Provides funding and oversight for the state's community corrections programs and funding for local community corrections boards;
- Administers state and federally funded grant programs targeting juvenile delinquency and federally funded grant programs that help local and state law enforcement agencies improve the services they deliver;
- Administers state and federally funded grant programs that help state and local agencies assist crime victims, operates the state's Victim's Rights Act Compliance Program, and responds to requests for assistance in implementing Colorado's Victim's Rights Amendment;
- Promote evidence-based criminal justice practices that have been shown by research to be effective;
- Assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, monitoring, and management of adults convicted of domestic violence and sex offenses;
- Analyzes and distributes criminal justice data and information, evaluates criminal justice programs, provides research support to the Colorado Commission on Criminal and Juvenile Justice; and
- Helps strengthen the performance and professionalism of Colorado law enforcement agencies through training, education, and technical assistance programs.

## SUMMARY: FY 2018-19 APPROPRIATION AND RECOMMENDATION

DIVISION OF CRIMINAL JUSTICE: RECOMMENDED CHANGES FOR FY 2018-19						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2018-19 APPROPRIATION</b>						
HB 18-1322 (Long Bill)	\$118,737,222	\$75,032,327	\$3,312,287	\$5,781,085	\$34,611,523	78.0
Other legislation	1,974,967	484,146	1,490,821	0	0	4.1
<b>CURRENT FY 2018-19 APPROPRIATION:</b>	<b>\$120,712,189</b>	<b>\$75,516,473</b>	<b>\$4,803,108</b>	<b>\$5,781,085</b>	<b>\$34,611,523</b>	<b>82.1</b>
<b>RECOMMENDED CHANGES</b>						
Current FY 2018-19 Appropriation	\$120,712,189	\$75,516,473	\$4,803,108	\$5,781,085	\$34,611,523	82.1
Staff-initiated ComCor caseload adjustment	1,252,696	1,252,696	0	0	0	0.0
<b>RECOMMENDED FY 2018-19 APPROPRIATION:</b>	<b>\$121,964,885</b>	<b>\$76,769,169</b>	<b>\$4,803,108</b>	<b>\$5,781,085</b>	<b>\$34,611,523</b>	<b>82.1</b>
<b>RECOMMENDED INCREASE/(DECREASE)</b>	<b>\$1,252,696</b>	<b>\$1,252,696</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>
Percentage Change	1.0%	1.7%	0.0%	0.0%	0.0%	0.0%
<b>FY 2018-19 EXECUTIVE REQUEST</b>						
Request Above/(Below) Recommendation	(\$1,252,696)	(\$1,252,696)	\$0	\$0	\$0	(0.0)

### REQUEST/RECOMMENDATION DESCRIPTIONS

**STAFF-INITIATED COMMUNITY CORRECTIONS CASELOAD ADJUSTMENT:** The recommendation includes \$1,252,696 General Fund for caseload adjustments in community corrections.

## STAFF-INITIATED SUPPLEMENTAL REQUESTS

### STAFF-INITIATED: COMMUNITY CORRECTIONS CASELOAD ADJUSTMENT

	REQUEST	RECOMMENDATION
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,252,696</b>
FTE	0.0	0.0
General Fund	0	1,252,696
Cash Funds	0	0
Federal Funds	0	0

**Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?** **YES**  
 [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

**Explanation:** This request is based on data that was not available when the original appropriation was made, which falls within supplemental criteria.

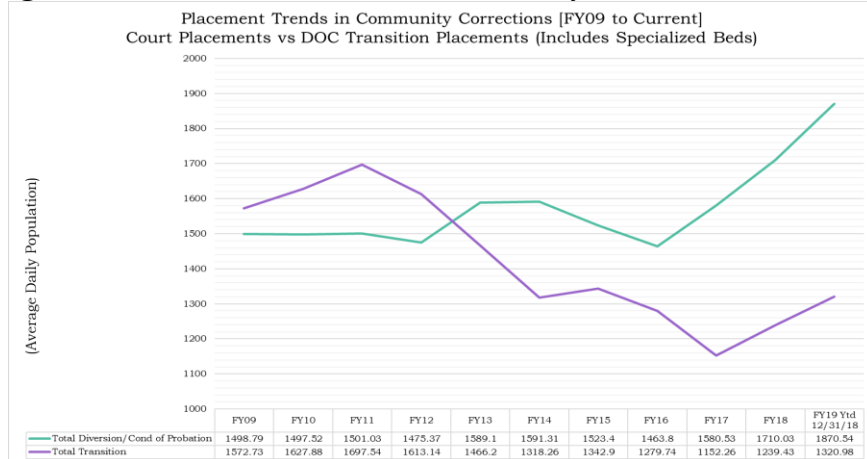
**DEPARTMENT REQUEST:** The Department did not request a caseload adjustment. However, the Department is aware of Staff's recommendation.

**STAFF RECOMMENDATION:** Staff recommends that the Committee appropriate \$1,252,696 General Fund for adjustments to community corrections caseload. Staff also recommends companion legislation to require the Department to submit a caseload supplemental annually on January 15.

**STAFF ANALYSIS:** Staff has initiated this supplemental request based on the Department of Public Safety, Division of Criminal Justice (DCJ), Request for Information 1 (RFI 1) report submitted on January 15, 2019. The report based on this RFI covers areas including community corrections (ComCor) residential placements.

In FY 2018-19, the Joint Budget Committee (Committee) set an eight percent target for community corrections utilization that represents a percentage of the Inmate Jurisdictional Population (IJP). On December 31, 2018, there were 1,343 transition clients, which represents 6.6 percent of IJP. Figure 1 below displays the recent trends in ComCor placements.

**Figure 1 – Placement Trends in Community Corrections [FY09 – Current]**



DCJ has experienced an overall increase in the ComCor diversion population in FY 2018-19. Starting in 2016, the Diversion/Condition of Probation Average Daily Population (ADP) in community corrections has been increasing. Appropriations for diversion beds for ComCor have not kept pace with the increases as displayed in Table 2. It is important to note that these numbers do include Correctional Treatment Cash Fund Residential Placements (CTCFRP). As can be seen in the table below, the ADP is 375 higher than the appropriated amount.

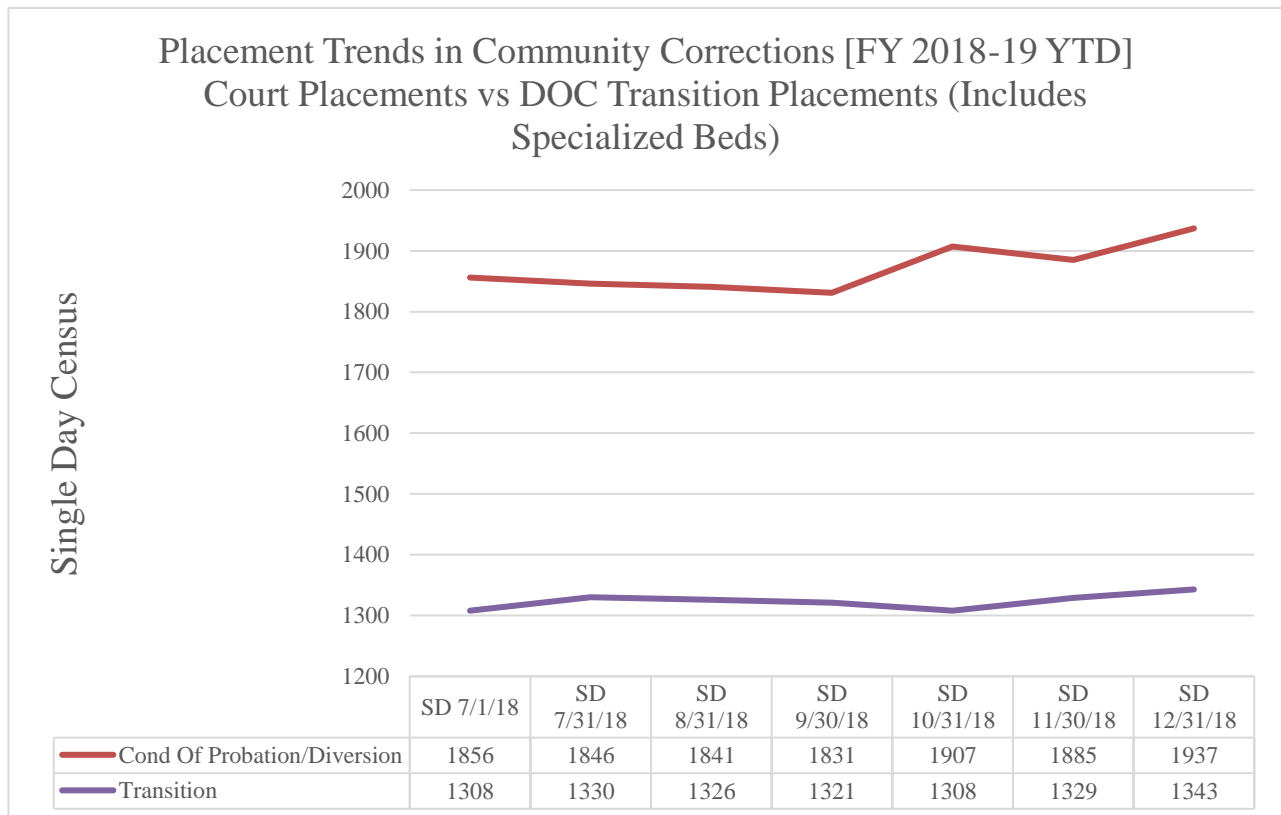
**Table 2: Diversion Appropriations and ADP**

Fiscal Year	FY17	FY18	FY19**
Diversion Appropriated Beds in Long Bill*	1,519	1,544	1,496
Diversion and Condition of Probation ADP	1,581	1,710	1,871

\*Does not include any supplemental appropriations received in the FY and does include CTCFRP appropriations  
 \*\*YTD as of 12/31/2018

DCJ’s RFI 1 requests that the Department provide updated ADP data to the Committee shortly after January 1, 2019. Figure 3 displays the monthly ADP trends for both transition and diversion populations in FY 2018-19.

**Figure 3 – Placement Trends in Community Corrections FY 2018-19 YTD**



The Department has projected that it will be underfunded by approximately \$1.2 million in FY 2018-19. Table 5 demonstrates the FY 2018-19 funded beds compared to the year to date ADP.

**Table 5 – FY 2018-19 Funded Beds and FY 2018-19 YTD ADP**

Placement Type	Funded Diversion	YTD ADP	Funded Transition	YTD ADP	Funded Parole	YTD ADP	Funded Total	YTD ADP Totals
<b>Residential</b>								
Standard residential	1,183	1,505.7	1,427	1,140.1	109	157	<b>2,719</b>	<b>2,802.8</b>
Cognitive Behavioral Treatment Pilot	24	12.9	24	24.4	0	0	<b>48</b>	<b>37.3</b>
Intensive Residential Treatment	110	141.6	53	55.4	68	28.3	<b>231</b>	<b>225.3</b>
Inpatient Therapeutic Community	58	61.9	49	39.7	15	3.9	<b>122</b>	<b>105.5</b>
Residential Dual Diagnosis Treatment	64	80.9	46	26.7	14	3.2	<b>124</b>	<b>110.8</b>
Sex Offender	57	67.7	20	34.8	13	15.9	<b>90</b>	<b>118.4</b>
<b>Non-residential</b>								
Standard Non-residential	574	670.8	5	0	5	0	<b>584</b>	<b>670.8</b>
Outpatient Day Treatment	0	0	0	0	0	0	<b>0</b>	<b>0</b>
Outpatient Therapeutic Community	55	45.8	25	26.7	6	0	<b>86</b>	<b>72.5</b>
<b>Total Residential Base Beds</b>	<b>1,496</b>	<b>1,871</b>	<b>1,619</b>	<b>1,321</b>	<b>219</b>	<b>208</b>	<b>3,334</b>	<b>3,400</b>
NonRes	629		30		11		<b>670</b>	<b>743</b>

**STAFF RECOMMENDATION:**

ComCor is a vital component of the corrections system and any funding lapses will have an effect on utilization efforts in the Department. As such, Staff recommends that the Committee appropriate \$1,252,696 General Fund to cover the projected shortfall for FY 2018-19.

Due to the ongoing funding needs, and the importance of maintaining a robust ComCor program, Staff is concerned that the Department does not submit an annual caseload adjustment similar to the Departments of Corrections and Education.

Section 2-3-208 (3)(b)(I) C.R.S., states, “The department of education shall submit a request for a supplemental appropriation pursuant to section 22-54-106 (4)(b) to the joint budget committee by January 15. The department of corrections and the division of youth services in the department of human services shall each submit a request for a supplemental appropriation related to changes in caseload to the joint budget committee by January 15.”

Staff recommends changing this section to include the Division of Criminal Justice. This would require the Division to submit its caseload change annually, instead of playing catch-up in out years. Furthermore, it will prevent two scenarios: 1) the need for Staff, as opposed to the Department, to request a caseload adjustment, which Staff believes is an inherent departmental duty; and 2) prevent the need for interim supplementals to address the funding shortfall.



*JBC Staff Supplemental Recommendations - FY 2018-19  
Staff Working Document - Does Not Represent Committee Decision*

**Appendix A: Numbers Pages**

	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2018-19 Requested Change	FY 2018-19 Rec'd Change	FY 2018-19 Total w/Rec'd Change
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<b>DEPARTMENT OF CORRECTIONS</b> <b>Dean Williams, Executive Director</b>
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**S1 1331 emergency supplemental for prison capacity**

**(2) INSTITUTIONS**

**(B) Maintenance Subprogram**

Operating Expenses	<u>7,114,522</u>	<u>7,114,522</u>	<u>1,134,147</u>	<u>1,134,147</u>	<u>8,248,669</u>
General Fund	7,114,522	7,114,522	1,134,147	1,134,147	8,248,669

<b>Total for S1 1331 emergency supplemental for prison capacity</b>	7,114,522	7,114,522	1,134,147	1,134,147	8,248,669
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	7,114,522	7,114,522	1,134,147	1,134,147	8,248,669

*JBC Staff Supplemental Recommendations - FY 2018-19*  
*Staff Working Document - Does Not Represent Committee Decision*

	FY 2017-18 Actual	FY 2018-19 Appropriation	FY 2018-19 Requested Change	FY 2018-19 Rec'd Change	FY 2018-19 Total w/Rec'd Change
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**S2 Correctional Officer Overtime**

**(2) INSTITUTIONS**

**(C) Housing and Security Subprogram**

Personal Services	<u>114,955,041</u>	<u>171,329,170</u>	<u>2,095,990</u>	<u>2,095,990</u>	<u>173,425,160</u>
FTE	2,974.4	2,974.4	0.0	0.0	2,974.4
General Fund	114,952,094	171,326,223	0	2,095,990	173,422,213
Cash Funds	2,947	2,947	2,095,990	0	2,947
<b>Total for S2 Correctional Officer Overtime</b>	114,955,041	171,329,170	2,095,990	2,095,990	173,425,160
FTE	<u>2,974.4</u>	<u>2,974.4</u>	<u>0.0</u>	<u>0.0</u>	<u>2,974.4</u>
General Fund	114,952,094	171,326,223	0	2,095,990	173,422,213
Cash Funds	2,947	2,947	2,095,990	0	2,947

<b>Totals Excluding Pending Items</b>					
<b>CORRECTIONS</b>					
<b>TOTALS for ALL Departmental line items</b>	767,311,546	907,143,985	3,230,137	3,230,137	910,374,122
FTE	<u>6,247.0</u>	<u>6,245.9</u>	<u>0.0</u>	<u>0.0</u>	<u>6,245.9</u>
General Fund	672,341,188	810,881,347	1,134,147	3,230,137	814,111,484
Cash Funds	39,182,940	38,410,054	2,095,990	0	38,410,054
Reappropriated Funds	51,620,128	54,336,517	0	0	54,336,517
Federal Funds	4,167,290	3,516,067	0	0	3,516,067