JOINT BUDGET COMMITTEE

STAFF BUDGET BRIEFING
FY 2017-18

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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DECEMBER 20, 2016

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DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

DIVISION OVERVIEW

The Division of Criminal Justice has the following responsibilities:

- Oversee Colorado's community corrections system by:
    - Providing funding to local community corrections boards. The boards use this money to fund their operations and to contract with the community corrections programs in their judicial districts.
    - Establishing standards for community corrections programs and providing training for those who work for these programs.
    - Auditing community corrections programs to evaluate compliance with standards.
- Collect, analyze, and disseminate statewide criminal-justice statistics and other criminal-justice information.
- Provide recommendations and develop plans of action for the General Assembly, state agencies, and local governments detailing measures to improve the criminal justice system and reduce crime and juvenile delinquency.
- Promote evidence-based criminal justice practices that have been shown by research to be effective.
- Help law enforcement agencies improve their law enforcement systems and their relationships with other agencies and the statewide system.
- Administer federal and state criminal and juvenile justice grant programs.
- Administer victim assistance programs, including the State VALE program (Victims Assistance and Law Enforcement), the federal VOCA program (1984 Victims of Crime Act) and the federal VAWA program (1994 Violence against Women Act).
- Provide support to the Domestic Violence Offender Management Board (DVOMB) and the Sex Offender Management Board (SOMB) and administer related programs.

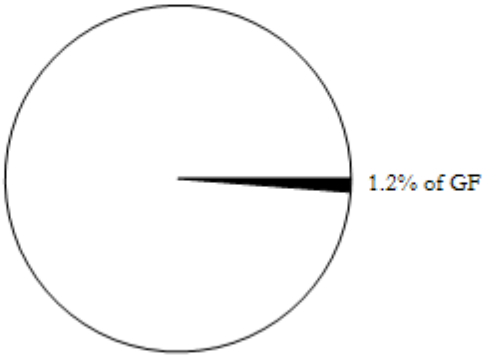
DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18 *
General Fund	$134,566,411	$119,777,386	$123,111,348	$122,485,469
Cash Funds	175,622,518	185,772,422	190,312,212	201,165,598
Reappropriated Funds	33,311,956	34,381,520	38,369,062	40,936,645
Federal Funds	58,435,885	59,519,141	61,508,579	62,173,724
TOTAL FUNDS	**$401,936,770**	**$399,450,469**	**$413,301,201**	**$426,761,436**
Full Time Equiv. Staff	1,688.6	1,727.1	1,781.1	1,803.8

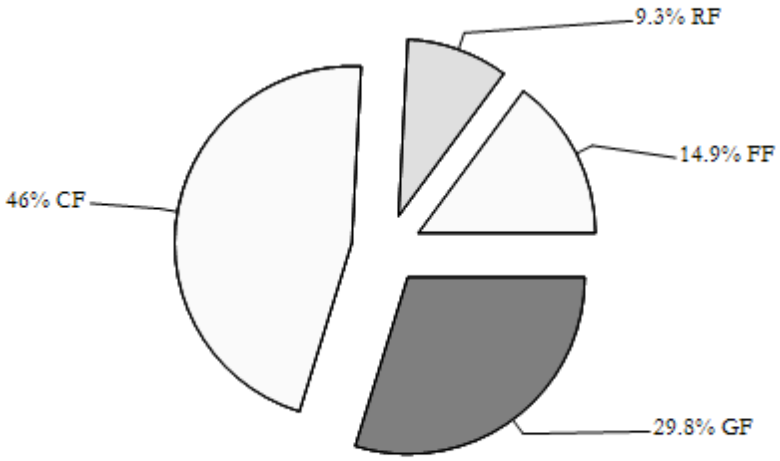
*Requested appropriation.

DEPARTMENT BUDGET: GRAPHIC OVERVIEW

Department's Share of Statewide General Fund

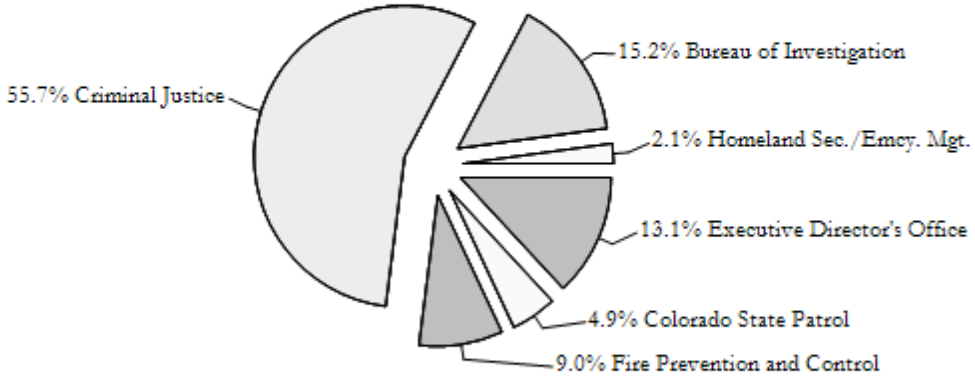


Department Funding Sources

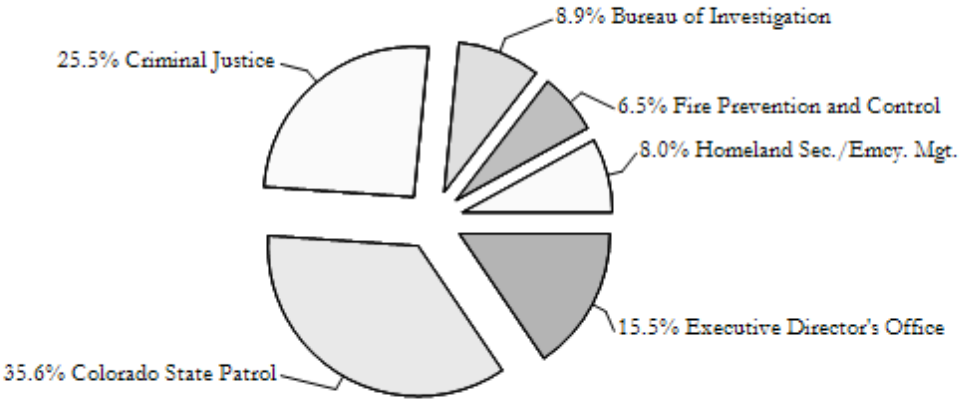


All charts are based on the FY 2016-17 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



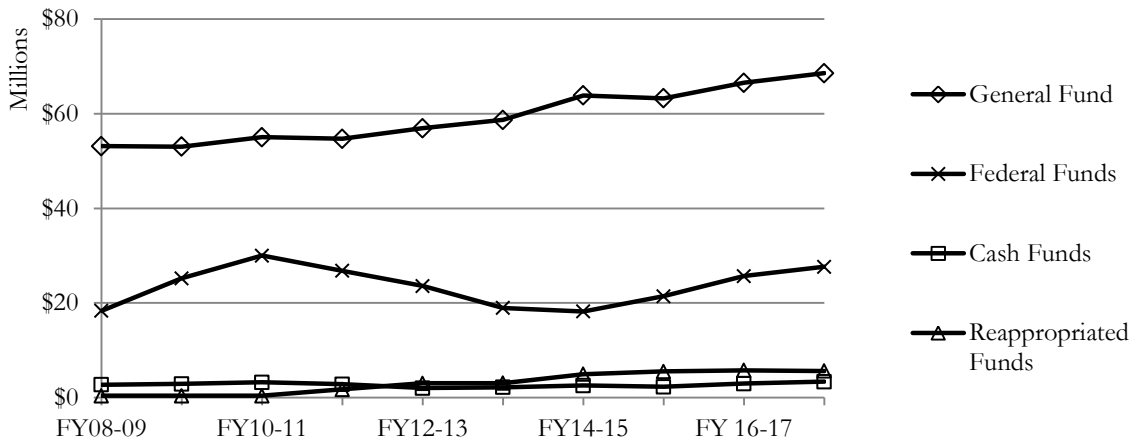
All charts are based on the FY 2016-17 appropriation.

GENERAL FACTORS DRIVING THE BUDGET

Division of Criminal Justice

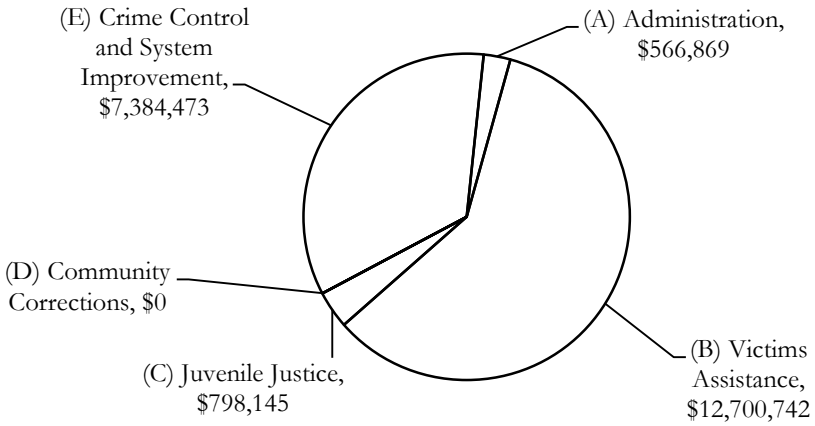
The two largest sources of funding for the Division of Criminal Justice (DCJ) are the General Fund and federal funds. The following chart shows actual spending by the Division since FY 2008-09 along with the appropriation for FY 2016-17 and the FY 2017-18 request. As the chart indicates, there was a marked bump in federal funding around FY 2010-11 during the great recession. Federal funding subsequently declined but has recently recovered. General Fund appropriations increased markedly in FY 2014-15 when the General Assembly approved higher rates for Community Corrections providers. The increase would have been greater except that several community corrections programs closed down during FY 2014-15, which led to negative supplementals during that year. Restoration of funding in FY 2015-16 boosted the General Fund growth in that year.

Division of Criminal Justice Recent Actual Expenditures, Appropriation, and Request



Federal Funds. As the next chart shows, Federal Funds are concentrated in two divisions, the Victim's Assistance subdivision and the Crime Control and System Improvement subdivision.

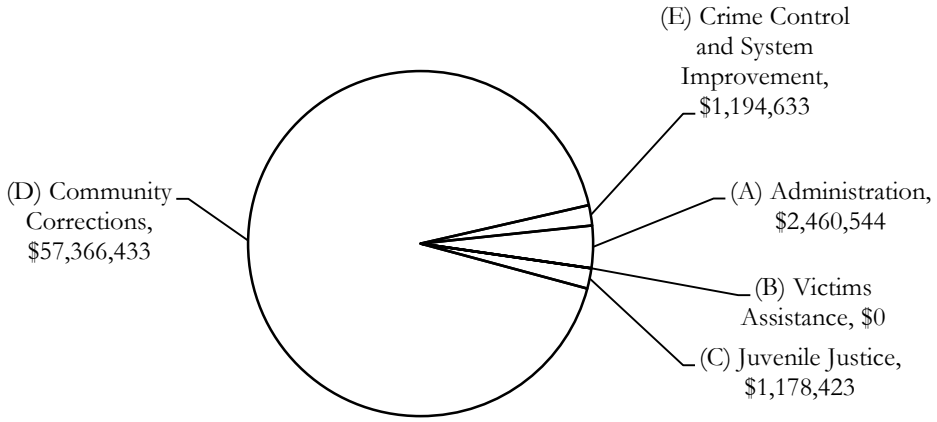
Distribution of FY 2015-16 Federal Funds Expenditures Among Subdivisions



Most of the Federal Funds are pass-through grants. They include the Victims of Crime Act (VOCA), the S.T.O.P. Violence against Women Act (VAWA), the Sexual Assault Service Program (SASP), Justice Assistance Grants (JAG), Juvenile Accountability Block Grants (JABG), Project Safe Neighborhood, Title V, Residential Substance Abuse Treatment for State Prisoners, Coverdell, John R Justice, and the National Criminal History Improvement Program.

General Fund. The following pie chart shows the distribution of General Fund expenditures among the DCJ subdivisions.

Distribution of FY 2015-16 General Fund Expenditures Among Subdivisions



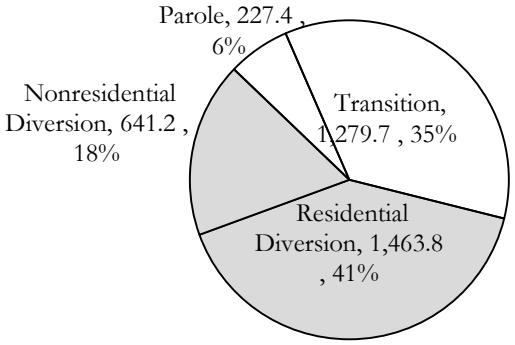
As this diagram indicates, most of the Division's General Fund expenditures are concentrated in the Community Corrections subdivision where they fund the state's approximately three dozen community corrections programs or halfway houses. These programs are based in local communities and are operated by private providers, non-profits, and local governments. The programs provide

the courts with an intermediate sanction between probation and prison ("diversion") and provide reintegration services between prison and parole ("transition").

Community Corrections: Colorado's two dozen halfway houses provide offenders with supervision and structure in both residential and nonresidential settings. *Diversion* clients are directly sentenced to community corrections by a judge as the result of a felony conviction while *Transition* clients are in prison and are placed in a halfway house prior to parole, following a stay in the Department of Corrections. *Parolees,* former prison inmates who have been paroled by the parole board, are also placed in community corrections facilities, though in smaller numbers. The parolees would be required by the parole board to live in a community corrections facility as a condition of parole. [1]

The following pie chart shows the relative number of transition, diversion, and parole offenders in community corrections, not counting revoked parolees in "community return to custody facilities". The two shaded slices divide diversion offenders into residential and non-residential categories to help show that total diversion offenders exceed total transition offenders, but residential transition offenders exceed residential diversion offenders. The pie chart also shows that there are about 4 residential beds for each nonresidential slot and that residential diversion offenders outnumber transition diversion offenders 53 percent to 47 percent.

Distribution of Community Corrections Offenders FY 2015-16



Residential community corrections offenders live in community corrections facilities, going out to work or to seek work and returning when work ends. Transition offenders always begin in residential programs; diversion offenders almost always begin in residence but commonly progress

[1] Another group of parolees also resides in community-corrections-like facilities, but are included in the Department of Corrections population counts, rather than the DCJ Community Corrections population count. These parolees have committed class 4, 5 or 6 felonies (some class 4 to 6 felons are ineligible) and have been sentenced to up to 180 days in residence at a "Community Return to Custody facility" due to a technical parole violation. These Community Return to Custody facilities are operated by some of Colorado's halfway houses and are located in the same facilities that house regular community corrections offenders. As this suggests, Community Return to Custody programs are similar to residential community corrections programs. Funding for these parole-revocation programs is included in the Department of Corrections budget, rather than the Division of Criminal Justice budget.

to nonresidential status; they then live outside the facility but check in regularly and are monitored to make sure they are at jobs and other approved locations.

Specialized Treatment. All residential community corrections facilities provide programs for their offenders, covering such things as drug and alcohol education, anger management classes, parenting, and money management. Some residential programs provide much more extensive, specialized therapy:

- *Intensive Residential Treatment* (IRT) is a 90-day residential substance-abuse program.
- *Therapeutic Communities* focus on substance abuse, sometimes in combination with mental illness. They have inpatient and outpatient phases.
- *Residential Dual Diagnosis Treatment* (RDDT) programs address co-occurring mental health and substance abuse problems. They have inpatient and outpatient phases.
- The *John Eachon Re-Entry Program* (JERP) offers intensive residential and non-residential treatment for offenders with serious mental illnesses and substance abuse disorders.

Community Corrections Rates

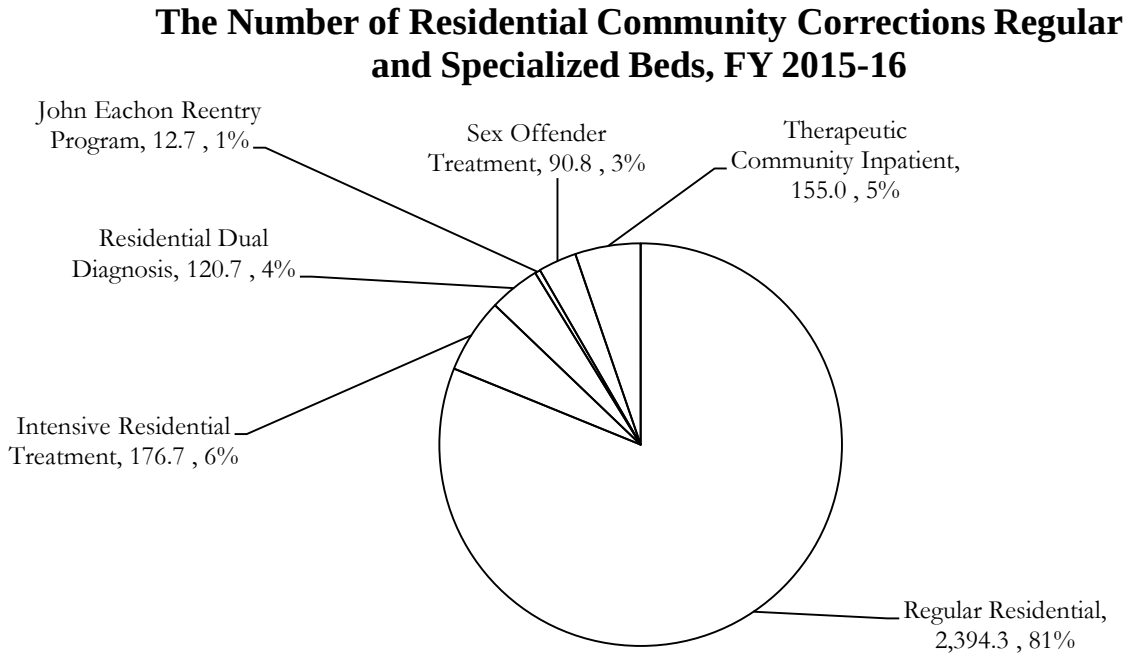
Standard residential community corrections programs receive a per diem payment from the Division of Criminal Justice of $42.09 per day for each offender they house. Specialized programs receive the same base payment plus a differential that covers the cost of the specialized treatment. These per-offender-per-day differentials range from $27.73 for Inpatient Therapeutic Communities to $55.04 for the John Eachon Re-entry Program.

Residential Community Correction programs also receive a $95,064 per year facility fee that is paid to all community corrections facilities regardless of their size. By design, the fee is worth proportionately more for a small facility than for a large facility. For a 50 bed facility, this fee is equivalent to $95,064/50/365 = $5.21 of additional payments per offender per day; for a 200-bed facility it is worth $95,064/200/365 = $1.30 per offender per day.

Community corrections programs also receive per diem payments for offenders who are in the non-residential phase of treatment. Standard nonresidential community corrections programs receive an average state payment of $6.13 per day, while payments for specialized non-residential programs range up to $34.68 per day.

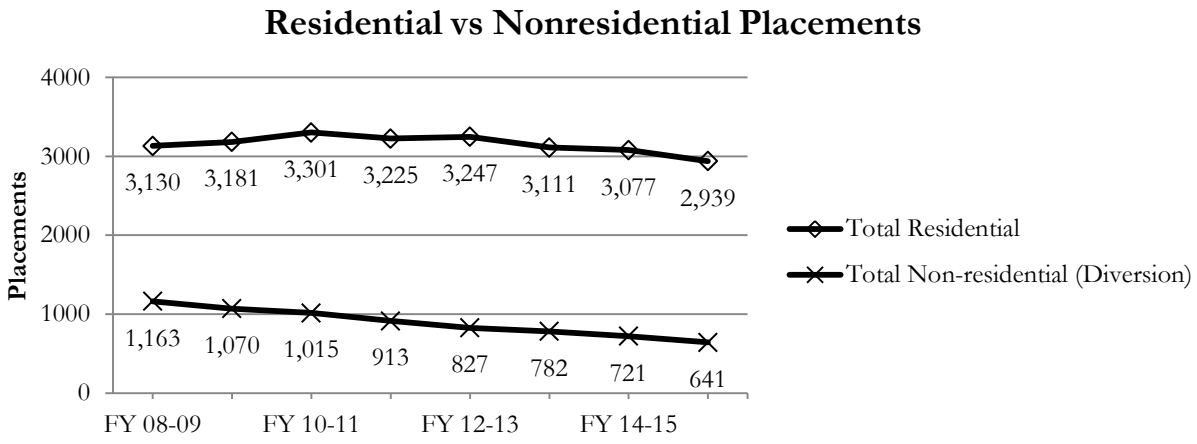
A table in Appendix C ("Update on Long Bill Footnotes & Requests for Information") lists FY 2016-17 community corrections per diem rates and community corrections populations.

The following pie chart shows the distribution of offenders among residential programs.

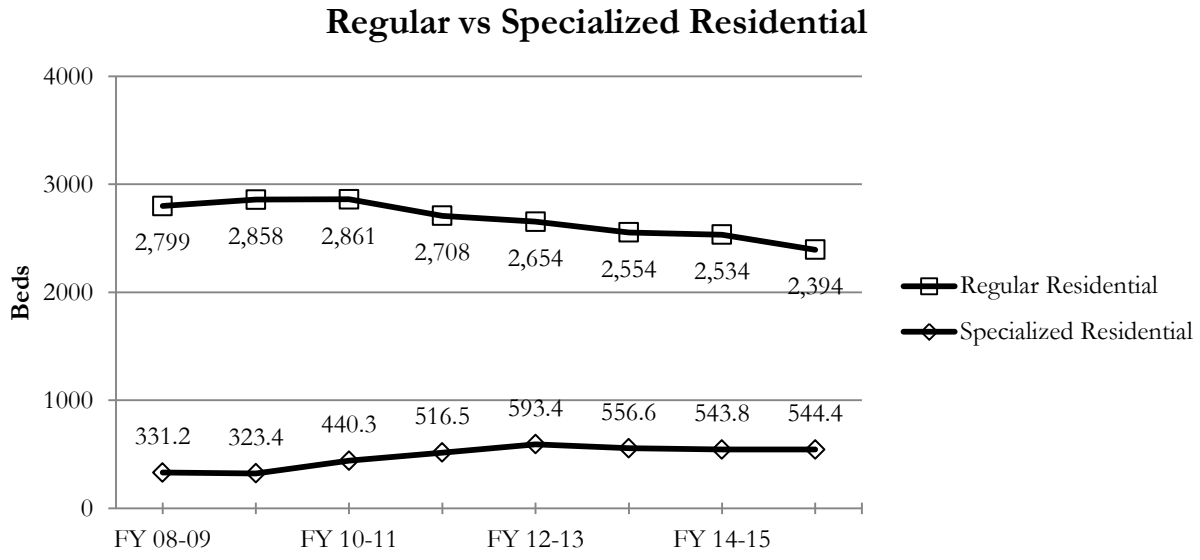


Trends:

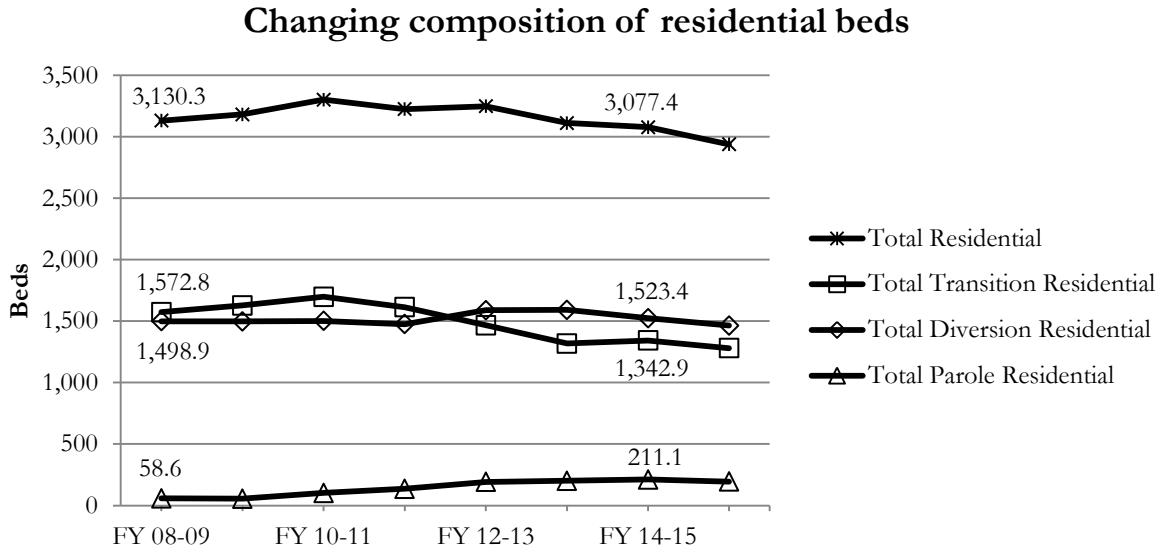
1. The number of residential and non-residential placements has declined since FY 2010-11, with non-residential placements declining more sharply.



2. The number of specialized beds has been increasing relative to the number of regular beds.



3. The number of residential diversion offenders has moved ahead of the number of transition offenders. The parole board is placing more offenders in community corrections as a condition of parole.



SUMMARY: FY 2016-17 APPROPRIATION & FY 2017-18 REQUEST

DEPARTMENT OF PUBLIC SAFETY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2016-17 APPROPRIATION:						
HB 16-1405 (Long Bill)	412,926,609	122,983,130	190,112,734	38,322,166	61,508,579	1,778.2
Other legislation	374,592	128,218	199,478	46,896	0	2.9
TOTAL	**$413,301,201**	**$123,111,348**	**$190,312,212**	**$38,369,062**	**$61,508,579**	**1,781.1**
FY 2017-18 APPROPRIATION:						
FY 2016-17 Appropriation	$413,301,201	123,111,348	$190,312,212	$38,369,062	$61,508,579	1,781.1
R1 Overtime budget for crime scene call-outs	125,000	125,000	0	0	0	0.0
R2 Request for additional troopers and support staff	1,746,403	0	1,707,399	39,004	0	12.0
R3 Increase InstaCheck Cash Fund spending authority	532,398	0	532,398	0	0	0.0
R4 Funding for expedited process to seal criminal records	799,343	0	799,343	0	0	10.5
R5 Vehicular Crimes Unit GPS total mapping stations	952,000	0	952,000	0	0	0.0
R6 Adjustment to Executive Director's Office realignment	448,011	0	0	448,011	0	0.0
R7 Spending authority for patrol of managed lands	216,087	0	216,087	0	0	2.0
R8 Incident Management Team sustainability	0	0	0	0	0	0.0
R9 Capitol Complex surveillance camera maintenance	81,200	81,200	0	0	0	0.0
Non-prioritized decision items	1,277,120	166,432	952,004	114,325	44,359	0.0
Centrally appropriated line items	9,052,817	(999,473)	7,177,920	2,252,354	622,016	0.0
Technical changes	0	0	(10,174)	11,404	(1,230)	0.0
Annualize prior year budget actions	(1,697,174)	0	(1,399,659)	(297,515)	0	(1.5)
Annualize prior year legislation	(72,970)	962	(73,932)	0	0	(0.3)
TOTAL	**$426,761,436**	**$122,485,469**	**$201,165,598**	**$40,936,645**	**$62,173,724**	**1,803.8**
INCREASE/(DECREASE)	$13,460,235	($625,879)	$10,853,386	$2,567,583	$665,145	22.7
Percentage Change	3.3%	(0.5%)	5.7%	6.7%	1.1%	1.3%

NO BUDGET CHANGES EXCLUSIVELY FOR THE DIVISION OF CRIMINAL JUSTICE (DCJ): Some of the changes listed in the above table alter DCJ appropriations by modest amounts, but the changes are primarily for other divisions and were previously presented by the other Department of Public Safety analyst. In combination, the DCJ appropriation changes in this table decrease DCJ appropriations by $34,250 total funds, comprised of an increase of $4,523 General Fund, a decrease of $39,259 cash funds, and an increase of $486 federal funds.

ISSUE

There are no issues in this briefing packet

Appendix A: Number Pages

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
DEPARTMENT OF PUBLIC SAFETY					
Stan Hilkey, Executive Director					
(4) DIVISION OF CRIMINAL JUSTICE					
Primary functions: Provide funding and set standards for community corrections programs. Administer grant programs that assist local and state law enforcement agencies and juvenile delinquency programs. Administer grant programs that assist crime victims. Assist the Domestic Violence and Sex Offender Management Boards in developing and implementing standards and policies for the treatment, monitoring, and management of adult domestic violence and sex offenders. Conduct studies analyzing criminal justice policies, problems, and programs and make related recommendations. Forecast offender populations. Encourage the use of evidence-based criminal justice practices.					
(A) Administration					
DCJ Administrative Services	3,029,318	3,412,866	4,019,312	4,024,188 *	
FTE	28.1	35.6	38.9	38.9	
General Fund	2,030,133	2,460,544	2,761,705	2,766,161	
Cash Funds	609,986	451,700	678,084	678,504	
Reappropriated Funds	330,936	500,622	451,892	451,892	
Federal Funds	58,263	0	127,631	127,631	
Indirect Cost Assessment	511,154	623,575	731,325	692,132	
General Fund	0	0	0	0	
Cash Funds	53,591	56,706	110,279	70,600	
Reappropriated Funds	0	0	0	0	
Federal Funds	457,563	566,869	621,046	621,532	
SUBTOTAL - (A) Administration	3,540,472	4,036,441	4,750,637	4,716,320	(0.7%)
FTE	28.1	35.6	38.9	38.9	(0.0%)
General Fund	2,030,133	2,460,544	2,761,705	2,766,161	0.2%
Cash Funds	663,577	508,406	788,363	749,104	(5.0%)
Reappropriated Funds	330,936	500,622	451,892	451,892	0.0%
Federal Funds	515,826	566,869	748,677	749,163	0.1%

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
(B) Victims Assistance					
Federal Victims Assistance and Compensation Grants	10,079,589	12,700,742	18,400,000	18,400,000	
Federal Funds	10,079,589	12,700,742	18,400,000	18,400,000	
State Victims Assistance and Law Enforcement Program	1,394,955	1,297,280	1,500,000	1,500,000	
Cash Funds	1,394,955	1,297,280	1,500,000	1,500,000	
Child Abuse Investigation	698,267	712,882	797,693	797,693	
FTE	0.0	0.0	0.3	0.3	
General Fund	500,000	500,000	500,000	500,000	
Cash Funds	198,267	212,882	297,693	297,693	
Sexual Assault Victim Emergency Payment Program	142,911	155,018	167,933	167,933	
FTE	0.1	0.2	0.2	0.2	
General Fund	142,911	155,018	167,933	167,933	
Statewide Victim Information and Notificiation System (VINE)	424,720	434,720	434,720	434,720	
General Fund	424,720	434,720	434,720	434,720	
SUBTOTAL - (B) Victims Assistance	12,740,442	15,300,642	21,300,346	21,300,346	0.0%
FTE	0.1	0.2	0.5	0.5	(0.0%)
General Fund	1,067,631	1,089,738	1,102,653	1,102,653	0.0%
Cash Funds	1,593,222	1,510,162	1,797,693	1,797,693	0.0%
Federal Funds	10,079,589	12,700,742	18,400,000	18,400,000	0.0%

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	396,396	396,396	500,000	500,000	
Federal Funds	396,396	396,396	500,000	500,000	
Juvenile Diversion Programs	1,211,494	1,178,423	1,641,139	1,641,139	
FTE	0.7	0.6	1.2	1.2	
General Fund	1,211,494	1,178,423	1,241,139	1,241,139	
Cash Funds	0	0	400,000	400,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention	1,607,890	1,574,819	2,141,139	2,141,139	0.0%
FTE	0.7	0.6	1.2	1.2	(0.0%)
General Fund	1,211,494	1,178,423	1,241,139	1,241,139	0.0%
Cash Funds	0	0	400,000	400,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	396,396	396,396	500,000	500,000	0.0%
(D) Community Corrections					
Community Corrections Placements	55,483,640	51,921,230	56,434,632	56,434,632	
General Fund	53,173,366	51,921,230	56,434,632	56,434,632	
Reappropriated Funds	2,310,274	0	0	0	
Intensive Residential Treatment Probation Placements.	0	2,643,852	2,643,869	2,643,869	
Reappropriated Funds	0	2,643,852	2,643,869	2,643,869	

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
Community Corrections Boards Administration	2,288,343	2,248,534	2,309,818	2,309,818	
General Fund	2,288,343	2,248,534	2,309,818	2,309,818	
Community Corrections Facility Payments	2,994,323	3,137,120	3,327,249	3,327,249	
General Fund	2,994,323	3,137,120	3,327,249	3,327,249	
Services for Substance Abuse and Co-occurring Disorders	2,313,132	2,378,727	2,553,900	2,553,900	
Reappropriated Funds	2,313,132	2,378,727	2,553,900	2,553,900	
Specialized Offender Services	51,977	53,082	157,333	157,333	
General Fund	51,977	53,082	157,333	157,333	
Offender Assessment Training	3,942	6,467	10,507	10,507	
General Fund	3,942	6,467	10,507	10,507	
S.B. 15-124 Placements	0	0	0	0	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (D) Community Corrections	63,135,357	62,389,012	67,437,308	67,437,308	NaN
FTE	0.0	0.0	0.0	0.0	0.0%
General Fund	58,511,951	57,366,433	62,239,539	62,239,539	0.0%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	4,623,406	5,022,579	5,197,769	5,197,769	0.0%
Federal Funds	0	0	0	0	0.0%

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
(E) Crime Control and System Improvement					
State and Local Crime Control and System Improvement Grants	2,669,648	3,101,117	3,000,000	3,000,000	
Federal Funds	2,669,648	3,101,117	3,000,000	3,000,000	
Sex Offender Surcharge Fund Program	154,823	148,503	162,269	162,269	
FTE	1.2	1.3	1.5	1.5	
Cash Funds	154,823	148,503	162,269	162,269	
Sex Offender Supervision	339,386	347,177	352,765	352,765	
FTE	3.4	3.3	3.2	3.2	
General Fund	339,386	347,177	352,765	352,765	
Treatment Provider Criminal Background Checks	25,989	33,197	49,606	49,606	
FTE	0.1	0.2	0.6	0.6	
Cash Funds	25,989	33,197	49,606	49,606	
Federal Grants	4,569,205	4,283,356	5,000,000	5,000,000	
FTE	14.3	16.6	17.0	17.0	
Federal Funds	4,569,205	4,283,356	5,000,000	5,000,000	
EPIC Resource Center	724,683	847,456	872,317	872,384	
FTE	7.3	8.2	9.0	9.0	
General Fund	724,683	847,456	872,317	872,384	
Criminal Justice Training Fund	80,389	76,068	120,000	120,000	
FTE	0.0	0.1	0.5	0.5	
Cash Funds	80,389	76,068	120,000	120,000	

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
MacArthur Foundation Grant	51,228	0	75,000	75,000	
Cash Funds	51,228	0	75,000	75,000	
Methamphetamine Abuse Task Force Fund	2,040	2,650	20,000	20,000	
Cash Funds	2,040	2,650	20,000	20,000	
Colorado Regional and Community Policing Institute	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (E) Crime Control and System Improvement	8,617,391	8,839,524	9,651,957	9,652,024	NaN
FTE	26.3	29.7	31.8	31.8	0.0%
General Fund	1,064,069	1,194,633	1,225,082	1,225,149	0.0%
Cash Funds	314,469	260,418	426,875	426,875	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	7,238,853	7,384,473	8,000,000	8,000,000	0.0%
TOTAL - (4) Division of Criminal Justice	89,641,552	92,140,438	105,281,387	105,247,137	(0.0%)
FTE	55.2	66.1	72.4	72.4	0.0%
General Fund	63,885,278	63,289,771	68,570,118	68,574,641	0.0%
Cash Funds	2,571,268	2,278,986	3,412,931	3,373,672	(1.2%)
Reappropriated Funds	4,954,342	5,523,201	5,649,661	5,649,661	0.0%
Federal Funds	18,230,664	21,048,480	27,648,677	27,649,163	0.0%

	FY 2014-15 Actual	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	Request vs. Appropriation
TOTAL - Department of Public Safety	89,641,552	92,140,438	105,281,387	105,247,137	(0.0%)
FTE	55.2	66.1	72.4	72.4	0.0%
General Fund	63,885,278	63,289,771	68,570,118	68,574,641	0.0%
Cash Funds	2,571,268	2,278,986	3,412,931	3,373,672	(1.2%)
Reappropriated Funds	4,954,342	5,523,201	5,649,661	5,649,661	0.0%
Federal Funds	18,230,664	21,048,480	27,648,677	27,649,163	0.0%

APPENDIX B
RECENT LEGISLATION AFFECTING DIVISION BUDGET

2015 SESSION BILLS

S.B. 15-124 (REDUCE PAROLE REVOCATIONS FOR TECHNICAL VIOLATIONS): Narrows the scope of behavior that warrants arresting a parolee for a technical violation and requires the use of intermediate sanctions short of parole revocation to address noncompliance. Appropriates $780,019 General Fund for FY 2015-16 to the Department of Public Safety for the provision of intensive residential treatment beds for parolees. For more information, see the corresponding bill description in the "Recent Legislation" section of the Department of Corrections.

S.B. 15-185 (POLICE DATA COLLECTION AND COMMUNITY POLICING): Requires the Department of Public Safety to compile and report parole hearing data, arrest data, and other related information to the General Assembly and the Colorado Commission on Criminal and Juvenile Justice. Appropriates $38,799 General Fund and 0.4 FTE for FY 2015-16 to the Department of Public Safety. For more information, see the corresponding bill description in the "Recent Legislation" section of the Department of Corrections.

S.B. 15-217 (POLICE SHOOTING DATA COLLECTION): Creates a process for public reporting of specified data concerning officer-involved shootings involving certain law enforcement agencies, including the Colorado Bureau of Investigation, Colorado State Patrol, county sheriff's offices, municipal police departments, the Division of Parks and Wildlife within the Department of Natural Resources, and town marshals' offices. Appropriates $30,851 General Fund and 0.5 FTE to the Department of Public Safety for FY 2015-16.

S.B. 15-234 (LONG BILL): General appropriations act for FY 2015-16.

H.B. 15-1273 (COMPREHENSIVE SCHOOL DISCIPLINE REPORTING): Adds to the list of items that must be included in the existing safe school report. Requires law enforcement agencies to report to the Division of Criminal Justice (DCJ) within the Department of Public Safety about student tickets, summons, and arrests on school property. Requires district attorneys to report to the DCJ information about students who are granted pre-file juvenile or adult diversion for arrests that occurred on school property. Requires the DCJ to compile, analyze, and report on the received data. Appropriates $73,457 General Fund and 1.0 FTE to the Department of Public Safety for FY 2015-16.

2016 SESSION BILLS

S.B. 16-191 (MARIJUANA RESEARCH): Extends the Division of Criminal Justice's study of law enforcement's activity and costs related to the implementation of legalized retail marijuana and requires a report from the Division every two years. Appropriates $79,992 cash funds from the Marijuana Tax Cash Fund to the Department of Public Safety for the continued study of

marijuana implementation. The appropriation is based on the assumption that the Department will require 1.0 FTE. For more information, see the corresponding bill description in the "Recent Legislation" section of the Department of Higher Education.

H.B. 16-1248 (SUPPLEMENTAL APPROPRIATION): Supplemental appropriation to the Department of Public Safety to modify FY 2015-16 appropriations.

H.B. 16-1345 (SUNSET TREATMENT PROGRAM FOR SEX OFFENDERS): Continues the Sex Offender Management Board (SOMB) in the Division of Criminal Justice until September 2020. Requires the SOMB to revise its standards and guidelines to be consistent with the recommendations provided in a 2014 independent evaluation recommended by the Joint Budget Committee and funded by the General Assembly. Allows sex offenders a choice of two treatment providers in most cases. Once selected, providers cannot be changed by the offender without approval. Directs the SOMB to develop a data collection plan and requires evaluators, treatment providers, and polygraph examiners to collect data in accord with the plan. Requires the SOMB to investigate all complaints and gives it the authority to take disciplinary action against providers that do not comply with SOMB standards.

H.B. 16-1405 (LONG BILL): General appropriations act for FY 2016-17.

APPENDIX C
FOOTNOTES AND INFORMATION REQUESTS

UPDATE ON LONG BILL FOOTNOTES

86 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- This appropriation assumes the daily rates and average daily caseloads listed in the following table and is based on the following assumptions: the base rate for standard nonresidential services is a weighted average of the rates for four different levels of service; community corrections providers will collect client fees of up to $17 per day for residential placements and up to $3 per day for nonresidential placements; client fees may be partially or fully waived in specialized residential and non-residential programs with the approval of the Division of Criminal Justice; pursuant to its authority to administer and execute contracts under Section 17-27-108, C.R.S., the Division of Criminal Justice will ensure that every reasonable effort is made to achieve such collections; and outpatient therapeutic community programs: (1) will receive the standard non-residential base rate for all offenders in their programs, including Department of Corrections clients; (2) will receive the outpatient therapeutic community base rate for all clients in program phases other than the post graduate phase, including Department of Corrections clients; (3) will not receive the outpatient therapeutic community base rate or the non-residential base rate for probation clients; (4) will collect client fees of up to $3 per day; and (5) will not receive payment from the Department of Corrections for services covered by the standard non-residential base rate or the outpatient therapeutic community base rate. Of this appropriation, $1,545,409 is from the savings produced by H.B. 10-1360 pursuant to Section 17-2-103 (11.5), C.R.S., for parolee Intensive Residential Treatment beds and for parolee sex offender beds and 48 Intensive Residential Treatment beds are from savings produced by S.B. 15-124. It is also assumed that the appropriation for placements in the cognitive behavioral treatment pilot program may be used to pay startup costs of the program.

Placement Type	**Rates**			**Caseload**			**Appropriation**
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	42.09	0.00	42.09	1,183.0	1,141.0	109.0	$37,377,814
Cognitive behavioral treatment pilot program	42.09	51.91	94.00	40.8	0.0	0.0	1,399,848
Intensive Residential Treatment	42.09	46.71	88.80	39.0	43.0	83.0	5,347,980
Inpatient Therapeutic Community	42.09	27.73	69.82	78.0	49.0	15.0	3,618,771
Residential Dual Diagnosis Treatment	42.09	35.29	77.38	68.0	42.0	14.0	3,502,219
John Eachon Re-entry Program	42.09	55.04	97.13	6.0	11.0	0.0	602,692
Sex Offender Residential	42.09	35.29	77.38	57.0	20.0	13.0	2,541,933
Standard Non-residential	6.13	0.00	6.13	583.3	5.0	5.0	1,327,479
Outpatient Day Treatment	34.68	0.00	34.68	2.0	0.0	0.0	25,316
Outpatient Therapeutic Community	22.00	0.00	22.00	55.0	25.0	6.0	690,580
Total				2,112.1	1,336.0	245.0	$56,434,632

COMMENT: This footnote is attached to the *Community Corrections Placements* appropriation, which provides General Fund for these placements. The Department uses this appropriation

to contract with the local community corrections boards that oversee and fund local community corrections providers. The Department is complying with this footnote

87 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- It is the intent of the General Assembly that the Intensive Residential Treatment (IRT) bed allocation in the San Luis Valley should not be reduced below 36 beds for the Southern Central Colorado Region to ensure bed capacity for this part of the state.

COMMENT: The Division of Criminal Justice is complying with this footnote.

88 Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes funding for 48 condition-of-probation placements.

COMMENT: The Correctional Treatment Board proposes annual plans for the allocation of the Correctional Treatment Cash Fund (CTCF) revenues. The plans must be approved by the JBC. Since FY 2014-15, the Board has recommended that 48 condition-of-probation Intensive Residential Treatment (IRT) beds be supported with CTCF revenue. These beds give judges a treatment option when a probationer is in danger of failing on probation due to substance abuse problems. The Division of Criminal Justice is complying with this footnote.

89 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- The amount of the appropriation assumes that the Department will make lower facility payments to programs that have lower costs due to case management staffing shortfalls or security and case management salary shortfalls relative to the staffing and salary model upon which the appropriation is based. Because provider rates are unchanged for FY 2016-17, these appropriations further assume that salary and staffing levels deemed adequate for FY 2015-16 will be deemed adequate for FY 2016-17 and that community corrections facilities with an average of 32 or more security FTE receive a second facility payment.

COMMENT: A prior version of this footnote first appeared in the FY 2014-15 Long Bill when the General Assembly substantially raised rates for community corrections programs and instituted the facility payment, a uniform amount paid to all facilities except the very largest, which receive a double payment. The facility payment was designed to provide a disproportionate boost for smaller community corrections facilities, which cannot take advantage of economies of scale. The double facility payment for facilities with 32 or more security FTE recognized the fact that the largest community corrections facilities may face security-cost diseconomies due to their large physical size. The FY 2014-15 rate increase was designed to improve community corrections programs by providing them with the resources that they need to hire an adequate number of quality staff. The footnote allows the DCJ to reduce the facility payment for facilities that do not maintain security and case manager salaries or case manager numbers. The Department is complying with the footnote.

UPDATE ON REQUESTS FOR INFORMATION

4 Department of **Corrections**; Department of **Human Services**; **Judicial** Department; Department of **Public Safety**; and Department of **Transportation** -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: This request is designed to ensure coordination of use of a single cash fund shared by several departments. Of the funds listed, the Division of Criminal Justice shares the Sex Offender Surcharge Fund with other agencies.

The Sex Offender Surcharge Fund, which is created in Section 18-21-103 (3), C.R.S., consists of 95 percent of sex offender surcharge revenues. These surcharges range from $150 to $3,000 for adult conviction. Surcharges for youth adjudications are half as large. Revenues of the fund in FY 2015-16 equaled $566,408, a jump of almost $67,000 from the prior fiscal year. The fund is managed by the Judicial Department, which retains 5 percent of revenues for its management duties and reports on the fund in its annual budget submission. Moneys in the fund are appropriated to the Judicial Department's Probation Services, the Department of Corrections' Sex Offender Treatment Subprogram, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services' Division of Youth Corrections. The Fund can be used to pay for the direct and indirect costs associated with the evaluation, identification, treatment, and continued monitoring of sex offenders. Pursuant to Section 16-11.7-103 (4) (c), C.R.S., the Sex Offender Management Board (SOMB) is required to develop a plan for the allocation of moneys deposited in the Fund, and to submit the plan annually to the General Assembly.

The Sex Offender Management Board has proposed the following allocation for state agencies in FY 2016-17:

- $302,029 (56.6 percent) to the Judicial Department for direct services, beginning with the funding of sex offender evaluations, assessments, and polygraphs required by statute during the pre-sentence investigation;
- $163,591 (30.6 percent) to the Division of Criminal Justice in the Department of Public Safety for administration and implementation of the Sex Offender Treatment and Management Standards. $3,500 of these funds will be used to provide cross-system training. These dollars may be matched by grants as available.
- $38,250 (7.2 percent) to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections, and the Division of Child Welfare; and

- $30,041 (up from $29,311 last year) (5.6 percent) to the Department of Corrections to be used to manage sex offender data collection, including entry of psychological and risk assessment test results and demographics for use in treatment planning and research.

These allocations total $533,911. The allocations are identical to those proposed by the Sex Offender Management Board last year and are little changed since FY 2009-10.

The fund manager (the Judicial Branch) restricts distributions when revenues do not support appropriations. When a shortfall looks likely, the amount received by each department is proportionately reduced. Revenues, expenditures, and balances of the Sex Offender Surcharge Funds are reported by the Judicial Department in its annual budget request.

Fund revenue is reported in the Judicial Branch budget request. With the exception of FY 2008-09, each year since FY 2006-07 the ending balance in the fund has grown, relative to the prior year. In many years, this growth has been the result of the Judicial Branch's distribution restriction practices. Thus, even though the proposed allocations from the fund by the Sex Offender Management Board total $533,911 and exceed the likely revenue of the Fund, the restriction practices of the Judicial Branch make it very unlikely that the fund will overspend in FY 2016-17 if the Sex Offender Management Board's proposed allocation is approved and placed in the Long Bill.

The General Assembly is not required to accept the plan proposed by the Sex Offender Management Board, but has always done so.

2 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- As part of its FY 2017-18 budget request, the Department is requested to report actual average daily community corrections placements for recently completed fiscal years with a level of detail compatible with the table in Long Bill footnote 86. This document should also report condition of probation placements. The Department is requested to update the report with year-to-date community corrections placements shortly after January 1, 2017.

COMMENT: The Department has submitted the first part of the required information with its budget request. Staff is confident that the remaining information will be submitted in January 2017.

3 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- The Department is requested to report the following information for FY 2015-16 for community corrections facilities of different sizes: (1) the average number of total staff, security staff, and case managers; (2) the average wage and salary of security staff and case managers; (3) the average cost of benefits, excluding payroll taxes, for security staff and for case managers; (4) the average length of employment for security staff and for case managers; and (5) average case manager caseloads for resident and non-resident offenders. The Department is requested to continue collecting periodic financial statements and starting salary information from community corrections programs. The Department is requested to retain the data received from each facility. To reduce data collection costs, the Department may ask programs to provide aggregate data. The

Department does not need to sample all providers every year. The Department is requested to submit the report by January 1, 2017.

COMMENT: The Department expects to submit required information in January.

4 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- As part of its FY 2016-17 budget request, the Department is requested to report the estimated impact on community corrections facilities and community corrections boards of any standards or rules that the Department issued or revised during the most recently concluded fiscal year and the estimated impact of any evidence-based-practice initiatives from the Department that community corrections facilities or boards are implementing. This report should include a summary of the evidence-based-practice initiatives, standards, or rules, an estimate of the amount of time it will take facilities or boards to comply, an estimate of the number of additional FTE that will be required for compliance, including additional FTE necessary for initial and ongoing training, and an estimate of additional financial costs that facilities or boards may incur. The Department is also requested to report any new or revised standards, rules, or laws from the federal government, the state government, local governments, or other parties that are likely to have a similar impact on community corrections facilities or on community corrections boards. The Department does not need to estimate the costs of standards, rules, and laws issued by other governments or other parties.

COMMENT: The Division has submitted the required report.

APPENDIX D
DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1) (a) (I), C.R.S., the Office of State Planning and Budgeting is required to publish an Annual Performance Report for the Department of Corrections by November 1 of each year. This report is to include a summary of the Department's performance plan and most recent performance evaluation. For consideration by the Joint Budget Committee in prioritizing the Department's budget request, the FY 2016-17 report dated October 2016 can be found at the following link:

https://drive.google.com/file/d/0B8ztIiGduUWbbGJ2MHN3bzFZS3M/view

Pursuant to Section 2-7-204 (3) (a) (I), C.R.S., the Department of Corrections is required to develop a performance plan and submit that plan to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year. For consideration by the Joint Budget Committee in prioritizing the Department's budget request, the FY 2016-17 plan, dated June 2016, can be found at the following link:

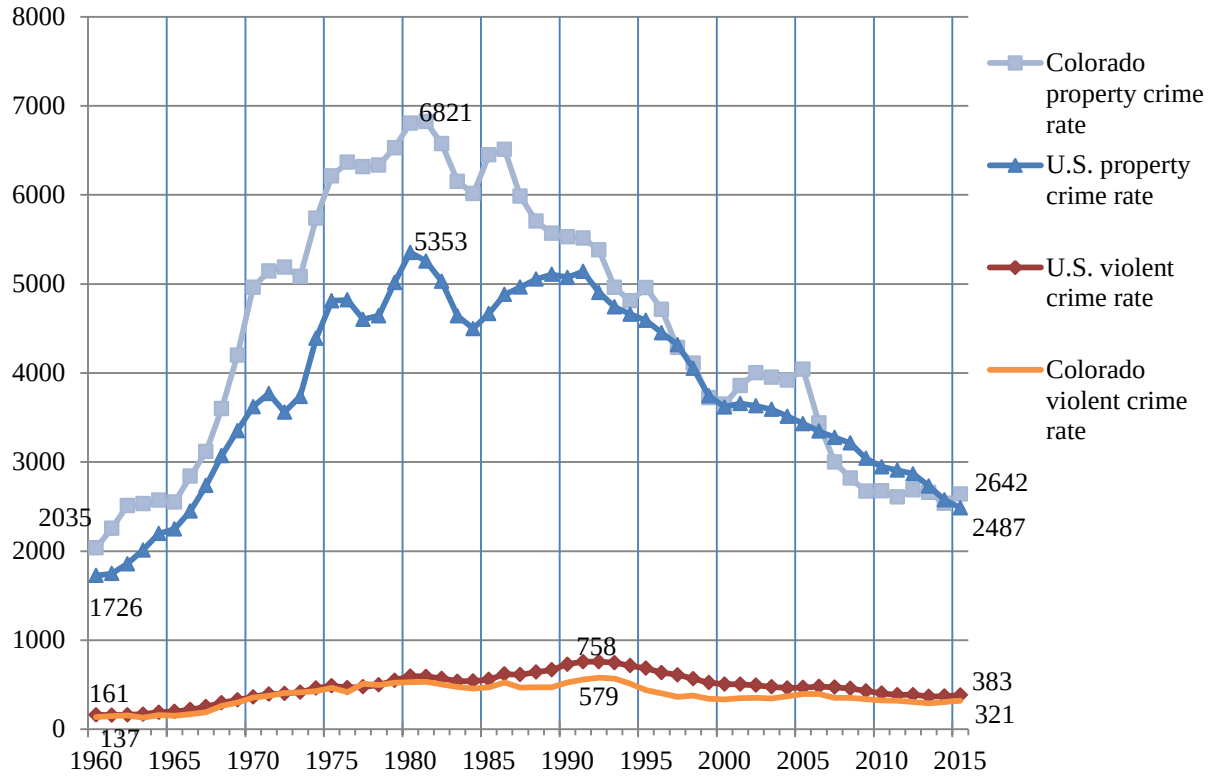
https://drive.google.com/file/d/0B8ztIiGduUWbdklRMHV4RW00Vjg/view

APPENDIX E
CRIME TRENDS

Data background: U.S. crime rates are usually measured using Uniform Crime Reports (https://www.fbi.gov/about-us/cjis/ucr/ucr), which are issued by the FBI based upon data provided by local law enforcement agencies. In Colorado local agencies provide the data to the Colorado Bureau of Investigation (CBI) in the Department of Public Safety and the CBI then supplies the information to the FBI. The FBI and the Division of Criminal Justice both publish time series Uniform Crime Reports data for Colorado on their web sites (https://www.colorado.gov/pacific/dcj-ors/ors-crimestats). Uniform Crime Reports divide reported crimes into two categories: violent and property crimes. The four "index" crimes in the violent category are aggravated assault, forcible rape, murder, and robbery while burglary, larceny-theft, and motor vehicle theft are the three index crimes in the property category. The FBI imposes uniform definitions for these index crimes, which allows rates to be compared across states. (The Colorado statutory definition of burglary, for example, differs substantially from the Uniform Crime Reports definition.) Crime rates report the number of crimes per 100,000 Colorado residents.

The following chart focuses on the total property crime rate and total violent crime rate since 1960 and compares Colorado with the entire U.S.

U.S. and Colorado Crime Rates per 100,000 population since 1960

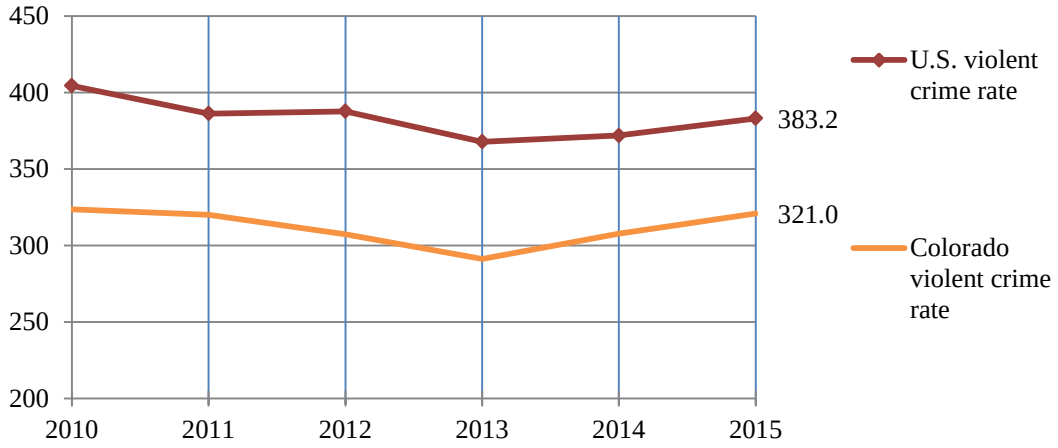


As the chart shows, the Colorado property crime rates rose during the 1960's and peaked in the early 1980's at a level 235 percent higher than 1960. The U.S. property rate also grew, but more slowly. In the mid 1980's, both rates began to decline with Colorado's rate falling more rapidly and the U.S. property crime rate resuming growth in the mid 1980's. By the 1990's the U.S. rate was again declining. By 2015, Colorado's property crime rate was 30 percent higher than its 1960 level and slightly above the U.S. rate.

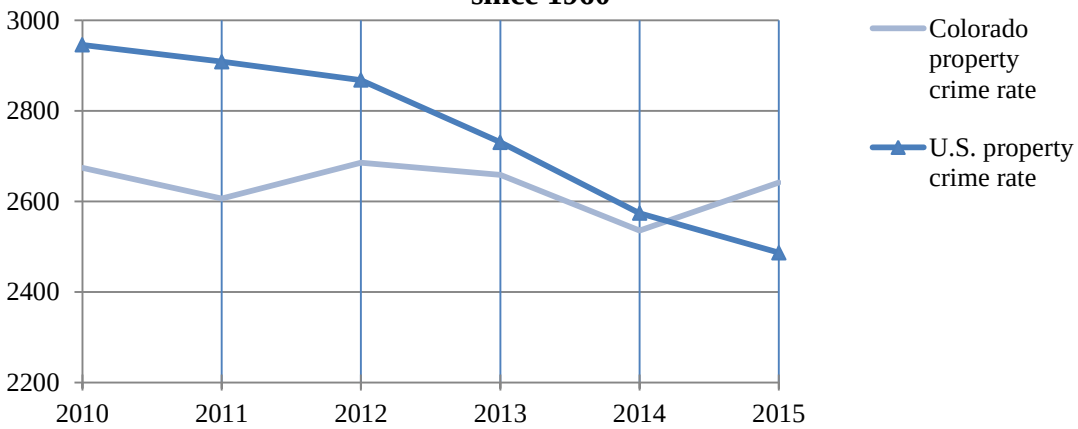
In 1960, the U.S. violent crime rate was 17 percent higher than the Colorado rate. Both rates more than tripled by the early 1990's, with the U.S. rate rising more rapidly. By the mid 1990's, both rates were declining and by 2015 the rate was 45 percent below the 1993 peak and 124 percent above the 1960 level.

The following charts use the same data to show crime rates since 2010, which make it easier to see recent trends.

U.S. and Colorado violent crime rates per 100,000 population since 1960



U.S. and Colorado property crime rates per 100,000 population since 1960

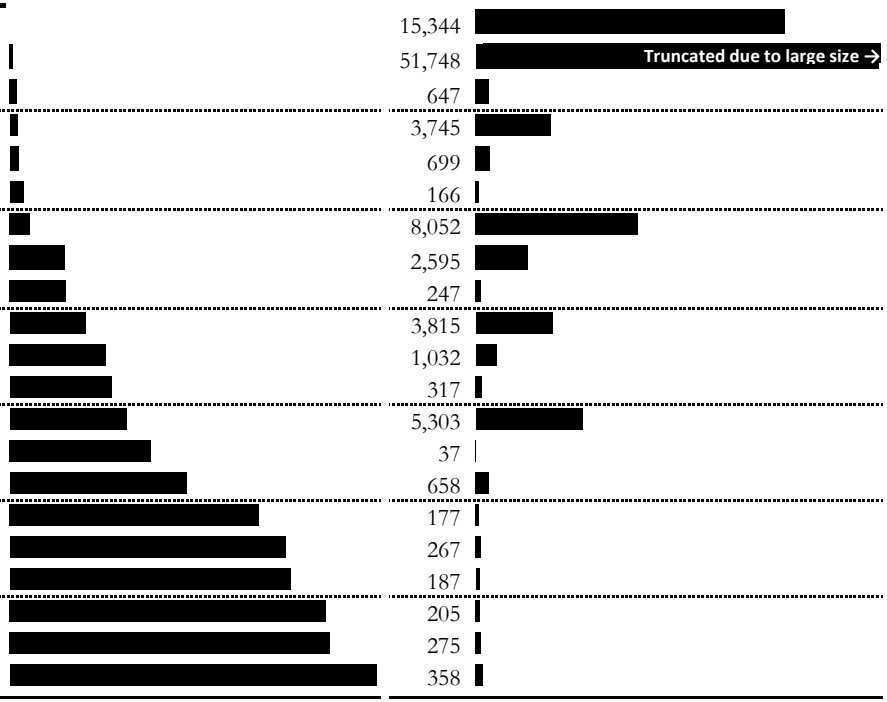


APPENDIX F
STATE CORRECTIONAL SUPERVISION COSTS AND POPULATIONS

Appendix E

State Correctional Supervision Costs and Populations

Program	Agency[1]	Cost to State Per Offender[2,3]		FY 2015-16 Population[4]
		Per day	Per year	
Adult private probation[5]	Jud	$0.00	$0	15,344
Adult probation[6]	Jud	2.66	970	51,748
Nonresidential community corrections for diversion offenders[7]	DCJ	6.13	2,237	647
Juvenile probation	Jud	6.60	2,409	3,745
Adult intensive supervision probation[6]	Jud	7.42	2,708	699
Juvenile intensive supervision probation	Jud	11.22	4,094	166
Adult parole (including intensive supervision parole)	DOC	16.75	6,114	8,052
Standard community corrections[8]	DCJ	45.12	16,469	2,595
DYC parole	DYC	46.31	16,903	247
Private adult prison	DOC	62.23	22,713	3,815
DOC-operated level I prison (there are 5 levels)	DOC	79.09	28,868	1,032
Specialized residential community corrections	DCJ	83.56	30,499	317
DOC-operated level III prison (there are 5 levels)	DOC	95.87	34,994	5,303
Youthful offender system parole	DOC	115.97	42,329	37
DOC restrictive housing at Colorado State Penitentiary	DOC	145.32	53,042	658
DYC commitment in privately-owned and operated facilities	DYC	205.02	74,832	177
Mentally ill DOC offender at Centennial Correctional Facility	DOC	226.60	82,709	267
Youthful Offender System incarceration	DOC	231.00	84,315	187
Severely mentally ill DOC offender at San Carlos Correctional Facility	DOC	259.95	94,882	205
DYC secure detention	DYC	263.11	96,035	275
DYC commitment in secure state facilities	DYC	353.54	129,042	358



[1] Jud = Judicial Branch, DCJ = Division of Criminal Justice in Dept. of Public Safety, DOC = Dept. of Corrections, DYC = Division of Youth Corrections in Dept. of Human Services

[2] The average length of stay in some programs is less than one year. For example, the average resident in standard community corrections who completes the program successfully stays 8.3 months, which costs the state $11.422. The average juvenile stay in secure detention is 15.4 days.

[3] There are multiple levels within some programs. In such cases the reported cost is an average. Community corrections costs do not include allocations for DCJ administrative expenses or DOC supervision expenses for transition offenders.

[4] For DOC and DYC, this is the average daily population. For Judicial and DCJ it's end-of-fiscal-year population.

[5] Private probationers pay for their own supervision. Private probation is generally for DUI/DWA offenders or for misdemeanants and felons with minimal conditions of probation.

[6] Adult (but not juvenile) probationers pay $50 per month. Costs reported here are costs to the state that are not covered by this fee.

[7] Non-residential community corrections clients pay $3 per day. Costs reported here are costs to the state that are not covered by this fee.

[8] Standard residential community corrections clients pay $17 per day. Costs reported here are costs to the state that are not covered by this fee.