

# JOINT BUDGET COMMITTEE



## STAFF BUDGET BRIEFING FY 2020-21

### DEPARTMENT OF PUBLIC SAFETY

(Executive Director's Office, excluding School Safety Resource  
Center, and Division of Criminal Justice)

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

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# DEPARTMENT OF PUBLIC SAFETY

## EXECUTIVE DIRECTOR'S OFFICE AND DIVISION OF CRIMINAL JUSTICE

### DIVISION OVERVIEW

#### Executive Director's Office

The Department consists of six divisions: the Executive Director's Office, Colorado State Patrol, Division of Fire Prevention and Control, Division of Criminal Justice, Colorado Bureau of Investigation, and Division of Homeland Security and Emergency Management.

The Executive Director's Office is responsible for department-wide management and administration, including policy development, human resources, accounting, purchasing and budgeting. This office includes the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS).

The Division of Criminal Justice (DCJ) is organized into the following offices.

- **Office of Administration:** provides oversight and support for the entire division.
- **Office for Victims Programs:** administers federally funded grant programs for crime victims and the State VALE (Victim Assistance and Law Enforcement) grant program. These grant programs help state and local agencies assist and support victims of crimes, including sexual assault victims and child abuse victims. Some grants also support related criminal investigations. Recipients include district attorneys, local law enforcement agencies, and local programs that provide victim-assistance services. The Office also runs a victim's rights act compliance program and responds to requests for assistance in implementing Colorado's victim's rights amendment.
- **Office of Adult and Juvenile Justice Assistance:** administers (1) federally funded criminal and juvenile justice grant programs and (2) the state's juvenile diversion grant program.
- **Office of Community Corrections:** provides most of the funding for the state's community corrections programs and for the community corrections boards that provide local oversight and control of these programs. The Office also sets standards for facilities, audits for compliance, and provides technical assistance and training for boards and programs.
- **Office of Domestic Violence and Office of Sex Offender Management:** 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 convicted adult domestic violence offenders and convicted adult and adjudicated juvenile sex offenders. Both boards maintain lists of approved treatment providers and help train providers.
- **Office of Research and Statistics:** collects and disseminates criminal justice information, analyzes justice policies and problems, evaluates criminal justice programs, and provides support to the Colorado Commission on Criminal and Juvenile Justice. The Office's reports include forecasts of adult and juvenile correctional and parole populations used by the Joint Budget Committee (Committee).
- **Office of Evidence Based Practices for Capacity (EPIC):** works with agencies around the state to implement and maintain evidence-based practices.

## DIVISION BUDGET: RECENT APPROPRIATIONS

### Executive Director's Office

FUNDING SOURCE	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21 *
General Fund	\$15,101,510	\$51,299,084	\$18,154,315	\$18,835,671
Cash Funds	34,598,864	36,444,678	35,898,422	38,275,365
Reappropriated Funds	15,722,977	18,581,457	26,528,682	23,281,754
Federal Funds	1,831,147	1,410,423	1,550,509	1,380,915
<b>TOTAL FUNDS</b>	<b>\$67,254,498</b>	<b>\$107,735,642</b>	<b>\$82,131,928</b>	<b>\$81,773,705</b>
Full Time Equiv. Staff	121.7	124.2	124.2	127.2

\*Requested appropriation.

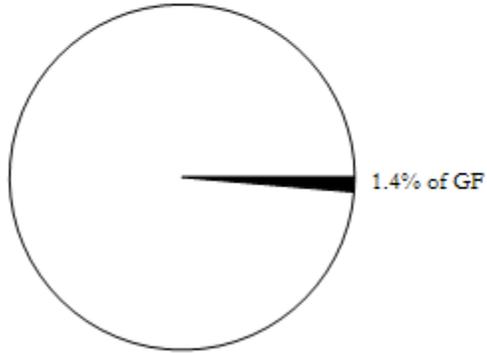
### Division of Criminal Justice

FUNDING SOURCE	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21 *
General Fund	\$70,563,375	\$76,769,169	\$85,630,993	\$85,918,172
Cash Funds	3,389,998	4,803,108	4,858,563	4,465,801
Reappropriated Funds	5,722,524	5,781,085	5,796,833	5,816,186
Federal Funds	22,248,607	34,611,523	34,638,209	34,706,986
<b>TOTAL FUNDS</b>	<b>\$101,924,504</b>	<b>\$121,964,885</b>	<b>\$130,924,598</b>	<b>\$130,907,145</b>
Full Time Equiv. Staff	72.7	82.1	85.0	87.2

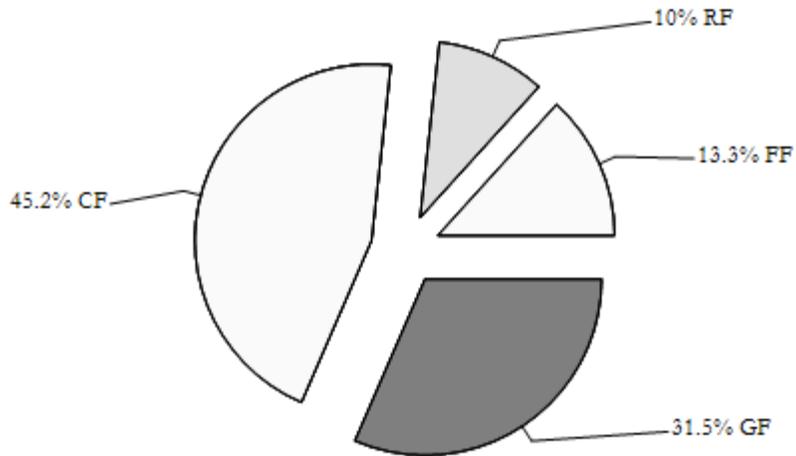
\*Requested appropriation.

# DEPARTMENT BUDGET: GRAPHIC OVERVIEW

Department's Share of Statewide General Fund

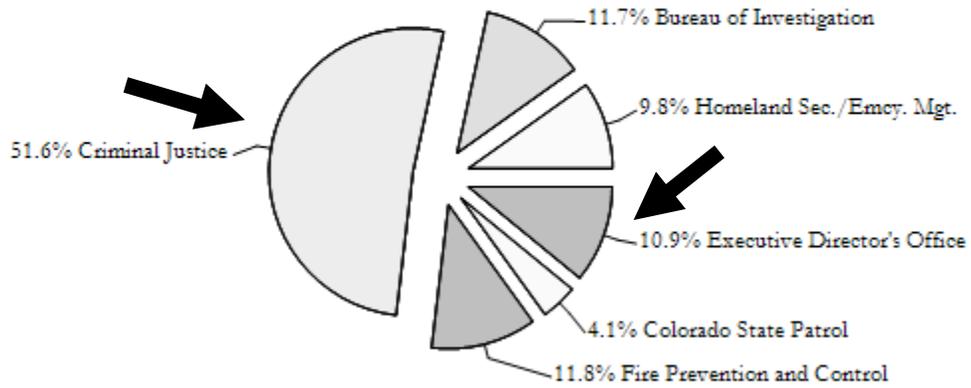


Department Funding Sources

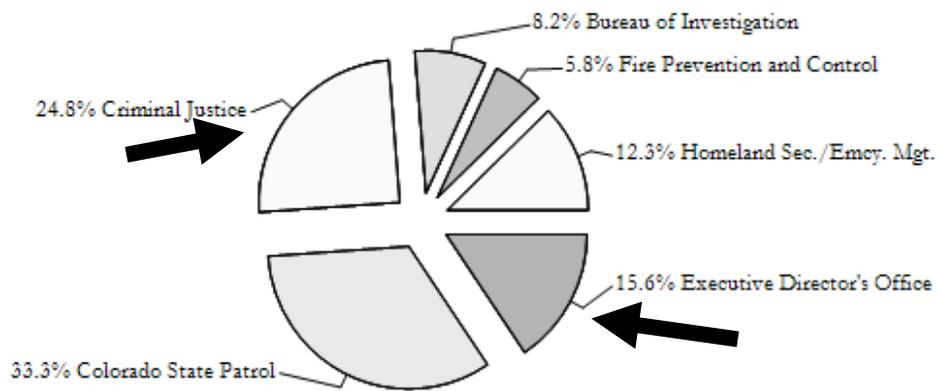


All charts are based on the FY 2019-20 appropriation.

### Distribution of General Fund by Division



### Distribution of Total Funds by Division



All charts are based on the FY 2019-20 appropriation.

## GENERAL FACTORS DRIVING THE BUDGET

### OFFICE OF COMMUNITY CORRECTIONS

The primary factor driving the Division of Criminal Justice's General Fund budget is the cost of community re-entry programs. Local governments, private providers, and non-profit agencies operate community corrections facilities, previously known as halfway houses. They provide convicted offenders with supervision and structure in both residential and nonresidential settings. There are three types of community corrections placements:

- Diversion placements for offenders sentenced directly to community re-entry by the courts in lieu of a prison sentence;
- Transition placements for offenders who have served a sentence in the Department of Corrections and are released to a residential community re-entry bed in preparation for parole; and
- Parole placements for offenders who are required to spend part of their time on parole in a community re-entry facility.

**Specialized Treatment.** All residential community re-entry 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. The additional cost of a specialized residential program, over and above the standard residential rate, is called a differential. These therapies include:

- *Intensive Residential Treatment (IRT)* - a 90-day residential substance-abuse program.
- *Therapeutic Communities* – focuses 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.

### FACILITY PAYMENTS

Starting in FY 2014-15, Community re-entry facilities began receiving a fixed payment independent of the number of residents. This is called a facility payment. The facility payment is a fixed facility fee designed to be proportionately more valuable to a small facility than a large one. The intent of the facility payment is to level the playing field for small community re-entry facilities, which cannot take advantage of economies of scale.

## SUMMARY: FY 2019-20 APPROPRIATION & FY 2020-21 REQUEST

DEPARTMENT OF PUBLIC SAFETY (EXECUTIVE DIRECTOR'S OFFICE ONLY)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2019-20 APPROPRIATION:</b>						
SB 19-207 (Long Bill)	82,131,928	18,154,315	35,898,422	26,528,682	1,550,509	124.2
<b>TOTAL</b>	<b>\$82,131,928</b>	<b>\$18,154,315</b>	<b>\$35,898,422</b>	<b>\$26,528,682</b>	<b>\$1,550,509</b>	<b>124.2</b>
<b>FY 2020-21 REQUESTED APPROPRIATION:</b>						
FY 2019-20 Appropriation	\$82,131,928	18,154,315	\$35,898,422	\$26,528,682	\$1,550,509	124.2
R1 Performance-based contracting	44,725	44,725	0	0	0	0.0
R2 Additional resources for school safety	453,987	0	453,987	0	0	4.0
R3 State recovery section	61,082	61,082	0	0	0	0.0
R5 Technical correction for HB 19-1275	27,710	0	27,710	0	0	0.0
R9 Executive directors office consolidation	(71,572)	0	0	(71,572)	0	(1.0)
R16 Reduce unused leased space spending authority	(100,000)	0	0	(100,000)	0	0.0
Non-prioritized decision items	(155,736)	(159,809)	338	3,735	0	0.0
Centrally appropriated line items	3,964,162	7,475,091	7,522,671	(10,996,658)	(36,942)	0.0
Annualize prior year legislation	58,550	26,460	0	32,090	0	0.0
Indirect cost assessment	0	(4,512,343)	(2,359,601)	6,871,944	0	0.0
Technical adjustment	0	(1,228,913)	0	1,228,913	0	0.0
Annualize prior year budget actions	(4,641,131)	(1,024,937)	(3,268,162)	(215,380)	(132,652)	0.0
<b>TOTAL</b>	<b>\$81,773,705</b>	<b>\$18,835,671</b>	<b>\$38,275,365</b>	<b>\$23,281,754</b>	<b>\$1,380,915</b>	<b>127.2</b>
<b>INCREASE/(DECREASE)</b>	(\$358,223)	\$681,356	\$2,376,943	(\$3,246,928)	(\$169,594)	3.0
Percentage Change	(0.4%)	3.8%	6.6%	(12.2%)	(10.9%)	2.4%

DEPARTMENT OF PUBLIC SAFETY (DIVISION OF CRIMINAL JUSTICE)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>FY 2019-20 APPROPRIATION:</b>						
SB 19-207 (Long Bill)	132,110,887	86,817,282	4,858,563	5,796,833	34,638,209	84.7
Other legislation	(1,186,289)	(1,186,289)	0	0	0	0.3
<b>TOTAL</b>	<b>\$130,924,598</b>	<b>\$85,630,993</b>	<b>\$4,858,563</b>	<b>\$5,796,833</b>	<b>\$34,638,209</b>	<b>85.0</b>
<b>FY 2020-21 REQUESTED APPROPRIATION:</b>						
FY 2019-20 Appropriation	\$130,924,598	85,630,993	\$4,858,563	\$5,796,833	\$34,638,209	85.0
R1 Performance-based contracting	186,316	186,316	0	0	0	2.0
R4 Criminal justice training fund	120,000	0	120,000	0	0	0.0
R14 Reduce administrative services spending authority	(33,301)	0	(33,301)	0	0	0.0
R20 Adjust funds for civil asset forfeiture reforms grant	(495,703)	0	(495,703)	0	0	0.0
Annualize prior year budget actions	206,095	117,343	29,714	15,443	43,595	0.0
Indirect cost assessment	1,432	0	(17,010)	0	18,442	0.0
Annualize prior year legislation	(2,292)	(16,480)	3,538	3,910	6,740	0.2

DEPARTMENT OF PUBLIC SAFETY (DIVISION OF CRIMINAL JUSTICE)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
<b>TOTAL</b>	<b>\$130,907,145</b>	<b>\$85,918,172</b>	<b>\$4,465,801</b>	<b>\$5,816,186</b>	<b>\$34,706,986</b>	<b>87.2</b>
<b>INCREASE/(DECREASE)</b>	(\$17,453)	\$287,179	(\$392,762)	\$19,353	\$68,777	2.2
Percentage Change	(0.0%)	0.3%	(8.1%)	0.3%	0.2%	2.6%

**R1 PERFORMANCE BASED CONTRACTING:** The request includes \$231,041 General Fund for continued preparation for performance based contracting. This issues is discussed below in *Issue: Performance Based Contracting*.

**R4 CRIMINAL JUSTICE TRAINING FUND:** The request includes \$120,000 cash fund spending authority from the Criminal Justice Training Fund to cover the costs of increased trainings offered by the Division of Criminal Justice.

**R5 TECHNICAL CORRECTION FOR H.B. 19-1275:** The Department requests a net-zero technical correction to put the leased space appropriation it received in H.B. 19-1275 (Increased Eligibility for Criminal Record Sealing) in the correct line item for FY 2020-21 and every year thereafter.

**R9 EXECUTIVE DIRECTOR'S OFFICE CONSOLIDATION:** The request includes a decrease of \$71,572 reappropriated funds for a consolidation on the Personal Services and Operating Expenses line items in the Executive Director's Office. This issue is discussed below in *Issue: R9 Consolidate line items in the EDO*.

**R14 REDUCE ADMINISTRATIVE SERVICES SPENDING AUTHORITY:** This request includes a spending authority reduction of \$33,301 cash funds to adjust the line item to actual expenditures.

**R16 REDUCE UNUSED LEASED SPACE SPENDING AUTHORITY:** This request includes a spending authority reduction of \$100,000 reappropriated funds to adjust the line item to actual expenditures.

**R20 ADJUST FUNDS FOR CIVIL ASSET FORFEITURE REFORMS GRANT:** This request includes a spending authority reduction of \$495,703 cash funds to adjust the line item to actual expenditures.

**NON-PRIORITIZED DECISION ITEMS:** The Department requests an decrease of \$155,736 total funds, for the following non-prioritized items:

NON-PRIORITIZED DECISION ITEMS					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FTE
OIT Budget request package	\$25,358	\$25,358	\$0	\$0	0.0
DPA Annual fleet vehicle request	(181,094)	(185,167)	338	3,735	0.0
<b>TOTAL</b>	<b>(\$155,736)</b>	<b>(\$159,809)</b>	<b>\$338</b>	<b>\$3,735</b>	<b>0.0</b>

**CENTRALLY APPROPRIATED LINE ITEMS:** The Department request includes adjustments to centrally appropriated line items for the following: state contributions for health, life, and dental benefits; short-term disability; supplemental state contributions to the Public Employees' Retirement Association (PERA) pension fund; shift differential; salary survey; workers' compensation; legal services;

administrative law judges; payment to risk management and property funds; vehicle lease payments; Capitol complex leased space; payments to the Governor's Office of Information Technology (OIT); and CORE operations.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Salary survey adjustment	\$3,467,401	\$832,043	\$2,263,746	\$285,222	\$86,390	0.0
Health, life, and dental adjustment	1,533,041	141,620	1,223,113	166,736	1,572	0.0
Paid family leave	86,105	10,333	75,772	0	0	0.0
AED adjustment	83,487	63,065	(8,803)	36,586	(7,361)	0.0
SAED adjustment	83,487	63,065	(8,803)	36,586	(7,361)	0.0
Capitol Complex leased space adjustment	79,434	61,876	13,858	3,700	0	0.0
CORE adjustment	76,800	104,258	262,156	(289,614)	0	0.0
Shift differential adjustment	70,473	15,862	62,603	(6,832)	(1,160)	0.0
Legal services adjustment	44,848	44,848	0	0	0	0.0
Short-term disability adjustment	1,324	2,068	(1,745)	1,247	(246)	0.0
ALJ adjustment	310	310	0	0	0	0.0
Payments to OIT adjustment	(712,604)	5,437,844	3,503,233	(9,651,018)	(2,663)	0.0
Workers' compensation adjustment	(531,844)	289,566	(58,239)	(763,171)	0	0.0
Payment to risk management / property funds adjustment	(187,460)	329,707	298,581	(815,748)	0	0.0
PERA Direct Distribution	(130,640)	78,626	(102,801)	(352)	(106,113)	0.0
<b>TOTAL</b>	<b>\$3,964,162</b>	<b>\$7,475,091</b>	<b>\$7,522,671</b>	<b>(\$10,996,658)</b>	<b>(\$36,942)</b>	<b>0.0</b>

**ANNUALIZE PRIOR YEAR LEGISLATION:** The appropriation includes adjustments for the out-year impact of prior year legislation.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB18-200 PERA	\$90,758	\$44,480	\$3,538	\$36,000	\$6,740	0.0
HB 19-1297 Jail Capacity Data Collection	5,800	5,800	0	0	0	0.2
SB 19-008 Substance Use Disorder Treatment	(40,300)	(40,300)	0	0	0	0.0
<b>TOTAL</b>	<b>\$56,258</b>	<b>\$9,980</b>	<b>\$3,538</b>	<b>\$36,000</b>	<b>\$6,740</b>	<b>0.2</b>

**INDIRECT COST ASSESSMENT:** The appropriation includes a net increase in the division's indirect cost assessment.

**ANNUALIZE PRIOR YEAR BUDGET ACTIONS:** The request includes adjustments for the second-year impact of prior year budget actions for salary survey including a decrease of \$4,641,131 total funds, a decrease of \$1,024,937 General Fund, a decrease of \$3,268,162 cash funds, a decrease of \$215,380 reappropriated funds and a decrease of \$132,652 federal funds.

## ISSUE: R04 CRIMINAL JUSTICE TRAINING FUND

This issue discusses the Division's request for additional spending authority for trainings offered by the Division.

### **SUMMARY**

This Division's R04 Criminal Justice Training Fund request is for additional spending authority for trainings offered by the Division of Criminal Justice to various groups.

### **RECOMMENDATION**

Staff recommends approval of this request. Staff will recommend funding levels for this line item during the figure setting process.

### **DISCUSSION**

The Division of Criminal Justice provides several types of training to various groups in the state. The attendees of these events pay a fee for the training and those fees are deposited to the Criminal Justice Training Fund under Section 24-33.5-503.5 (2), C.R.S.

The funding is used by:

- Office of Domestic Violence and Sex Offender Management (ODVSOM);
- Office for Victims Programs (OVP); and
- Office of Community Corrections (OCC).

The number of participants and the costs of providing the training has increased over the last several years. The Division would need to scale back trainings and the number of participants if the spending authority is not increased.

According to the Division, the types of training include:

- The ODVSOM hosts an annual multi-day conference for approved domestic violence and sex offender providers;
- The OVP hosts a bi-annual Victim Compensation/Victim Assistance Law Enforcement (VALE) conference for the twenty-two local Victim Compensation and VALE Administrators and associated Board members; and
- The OCC provides limited training on Sex Offender Management Board standards and supervising this population in community corrections.

## ISSUE: R09 CONSOLIDATE LINE ITEMS IN THE EDO

This budget request proposes a consolidation of the personal services and operating expenses line items.

### **SUMMARY**

This budget request proposes a consolidation of the personal services and operating expenses line items. This new line item would be titled Department Administrative Services and still reside in the Executive Director's Office.

### **RECOMMENDATION**

Staff recommends the Committee deny this decision item. Staff finds no reason to combine these line items thereby losing the appropriation authority and transparency currently provided in the line item structure. Staff also finds no reason why the Department cannot submit a request for an adjustment to a line item to counter inflationary pressures, which would solve the problem stated in this request. Staff recommends the Committee discuss inflationary pressures on operating expenses on a statewide basis rather than department by department.

### **DISCUSSION**

The main reason the Department lists in the request for the consolidation is contained below:

“The personal services budgets are annually modified to accommodate changes in salaries and the state's contribution to health, life, and dental insurance. On the other hand, the state budget process does not provide for inflationary increases or any increases to operating line items except through decision items or legislation that requires additional responsibilities of a particular agency.

The budget cycle has an established process to deal with issues such as these. While I understand that it might take more work to submit a decision item to adjust line items for inflation, it does not justify the loss of transparency. Many departments submit decision items to deal with inflationary issues on line items. Doing this serves multiple purposes, including:

1. It allows the legislature the ability to control the areas where appropriations go;
2. It highlights the inflationary pressures in certain areas of a department and allows for legislative discussion on this topic; and
3. It provides transparency in the Department's budget.

The Department states that, “Without the line item consolidation, the EDO will experience greater difficulties meeting the operational and statutory obligations and needs while continuing to absorb increased operating costs.” Staff disagrees with the assessment of the situation provided by the Department. Nothing prevents the Department from submitting a budget request to adjust the operating expense line items.

## ISSUE: PERFORMANCE BASED CONTRACTING PREPARATION AND FUNDING MODEL

The current budgeting and contracting structure in community re-entry programs creates a disincentive for quality programs and for providers and boards to “up their game,” which results in less effectiveness of the programs and increasing costs to the state.

### SUMMARY

The current budgeting and contracting structure in community re-entry programs creates a disincentive for quality programs and for providers and boards to “up their game” which results in less effectiveness of the programs and increasing costs to the state. The current funding model is not transparent, creates difficulty in determining funding levels for the program, and has become a hindrance to quality outcomes within community re-entry programs.

### RECOMMENDATION

Staff recommends the Joint Budget Committee sponsor legislation to adjust the funding mechanism in community re-entry programs, which would allow and encourage a full utilization of all available beds, reduce the overall cost to the state, and improve the outcomes of individuals thereby reducing long-term costs and recidivism. Staff also recommends a restructure of line items and funding levels in community re-entry programs.

### DETAILS

For a successful transition to performance based contracting (PBC), several changes can be made to increase the chances for a successful transition. This issue will cover bed types, funding changes, savings in funding programs, and restructuring for PBC.

#### *BED TYPES*

Over the last several years, there has been discussion and confusion around the type of beds that are available and used in community re-entry facilities. This confusion comes from a lot of terminology differences used in describing the types of beds that the state has. This has led to some misunderstandings on the level of funding and whether or not there are additional beds that could be used. This confusion has a financial impact as it reduces the amount of individuals who can be taken out of a hard bar prison setting and transferred into a soft bar community re-entry setting at a reduced cost in most cases.

The following are the terms that are now in use to help remove confusion during discussion of funding and utilization:

- **Max Bed Capacity** - These are sometimes referred to as physical beds, but in official requests from OSPB, documents refer to max bed capacity. These are the structural/physical bed capacity in each facility regardless of current staffing and/or funding levels. Current available numbers include capacity for other contracts (i.e. federal contracts).
- **Staffed Beds** - The number of fillable or accessible beds based on current staffing levels regardless of funding. Number is a total count for all staffed beds, even if they are currently occupied.
- **Open Staffed Beds** - This is the number of open and staffed beds reported each week and sent to DOC and does not account for funding or allocations. The number should not include vacant beds

already reserved for waitlist and/or awaiting transportation. This included specialized program beds with acceptance criteria.

- **Funded Beds** – The number of beds indicated by the Long Bill and re-appropriated funds from Correctional Treatment Cash Fund Residential Placements.
- **Potential Bed Capacity** - the total number of physical beds a facility can offer in a fiscal year. This would include all current physical beds in a facility and any additional physical beds the facility can add within a fiscal year.

Activating the Potential Bed Capacity would provide new beds into the system and reduce prison capacity and costs to the state. However, it is important to note that not all of these beds are currently usable and would require time in order to make them available. The timeframe would be between 30 and 90 days to bring these types of beds operational. In some instances, to add additional bed capacity, providers will need to make minor structural changes to accommodate additional beds. For example, CAE would have the ability to add 50 beds to its program and the ComCor facility can add 200 beds to its program in FY 2019-20.

The important aspect of this number is it allows the Committee and the General Assembly (GA) to know how many beds could be used in the system. This then allows the Committee and GA the option of reducing the prison population by increased use of community reentry programs.

The *DOC Prison Bed Cost Calculation* table below displays the cost of 250 prison beds in the DOC system. As this is a complex system, to arrive at the breakdown of beds below Staff extrapolated data from the most recent monthly prison population report. Staff used the current percentage of bed usage (excluding women prison beds, YOS, and the Denver Reception and Diagnostic Center) and applied those percentages to the 250 beds that could be available if funded. The total annual cost for these 250 prison beds would be \$10.4 million General Fund.

<b>DOC PRISON BED COST CALCULATION</b>					
<b>DOC Prison Level</b>	<b>Number of Beds</b>	<b>Bed Costs</b>	<b>Daily Total</b>	<b>Annual Total</b>	
5	76	\$143.07	\$10,873	\$3,968,762	
4	20	\$115.90	2,318	846,070	
3	102	\$104.99	10,709	3,908,778	
2	31	\$ 91.02	2,822	1,029,891	
1	20	\$ 89.06	1,781	650,138	
<b>Total</b>	<b>250</b>		<b>\$28,503</b>	<b>\$10,403,639</b>	

The *Community Re-Entry Bed Cost Calculation* table below displays the costs for 250 beds in the community re-entry system. To arrive at these numbers, staff used the current projections on the bed usage in community re-entry programs and applied the percentages of that usage across the 250 beds that could be added to the system. The total annual cost for these 250 community re-entry beds would be \$4.98 million General Fund.

<b>COMMUNITY RE-ENTRY BED COST CALCULATION</b>				
<b>Bed Type</b>	<b>Number of Beds</b>	<b>Bed Costs</b>	<b>Daily Total</b>	<b>Annual Total</b>
Standard	209	\$48.45	\$10,114	\$3,691,733
CBT	4	\$95.02	342	124,831
IRT	11	\$93.47	1,051	383,734
ITC	8	\$75.76	636	232,234
RDDT	9	\$82.64	744	271,418
SO	9	\$82.64	744	271,418
<b>Total</b>	<b>250</b>		<b>\$13,631</b>	<b>\$4,975,369</b>

The *Cost Calculation Difference Between DOC Prison Bed and Community Re-entry Beds* table below displays the savings that could be achieved by using community re-entry beds as opposed to DOC prison beds. As the table shows, the total savings would be \$5.4 million General Fund. Similar to what was stated above, these figures are approximations based on projections and extrapolations from the current data.

<b>COST CALCULATION DIFFERENCE BETWEEN DOC PRISON BED AND COMMUNITY RE-ENTRY BEDS</b>		
<b>DOC Bed Total</b>	<b>Community Re-Entry Bed Total</b>	<b>Savings</b>
<b>\$10,403,639</b>	<b>\$4,975,369</b>	<b>\$5,428,270</b>

*COMMUNITY REENTRY FUNDING MECHANISM*

If the legislative intent is full utilization of every potential bed for community re-entry, the most effective way is a change in the current system. This change would be separate from performance-based contracting (PBC) as PBC is a funding model as opposed to the funding mechanism. The PBC funding model determines the monetary rates a provider, county, or board would get. The funding mechanism is the manner in which the programs are funded.

Understanding the explanation of the type of beds in the system (discussed above) will help with the discussion on how the system is funded (funding mechanism). Currently, there are a significant number of beds in the system that are not funded. Not every “Open Staffed bed” in the State’s community re-entry programs is funded. Furthermore, the system is not funded for the “Max Bed Capacity” or the “Potential Bed Capacity.”

The Governor’s Office has indicated in the budget submittal letter that they plan to submit a supplemental to address the difference between the “Funded Beds” and “Open Staffed Beds.” Many different scenarios can be discussed on the types of savings that would be seen from utilizing community re-entry beds, but overall, savings would be seen by the reduction of DOCs prison population funding line items and an increase in the community re-entry program line items. This is due to the fact that most of community reentry programs are less expensive than incarceration.

Unfortunately, it's not as easy as just funding beds due to two factors; one factor being previous legislation that had unintended consequences and the other factor being a mechanism of the current funding model. Senate Bill 17-021 (discussed below) created a process where any reversions from the

community re-entry programs would be transferred at the end of every fiscal year to a housing program in the Department of Local Affairs.

Legislative Unintended Consequences

DOLA uses a rapid rehousing model called Colorado Rapid Rehousing for Reentry (COR3). DOLA receives some funding from S.B. 17-021 (ASSISTANCE TO RELEASED MENTALLY ILL OFFENDERS). For purposes of this discussion, Sections 1 and 3 of the bill are important. Section 1 of the bill is the Legislative Declaration and helps to illustrate the intent of the bill. Section 3 of the bill deals with one of the funding mechanisms.

Section 1 of the bill (below) helps to illustrate the Legislative Intent. The relevant areas to this discussion are (1)(d), (e), (f), and (h). These sections highlight several factors including that correctional facilities are not designed to handle individuals with mental illness; the frequency of individuals with mental illness leaving prison homeless; the specific need for supportive housing models that reduce recidivism in the persons with behavioral or mental health disorders population; and points to the shortage of crises beds.

**SECTION 1.** Legislative declaration. (1) The general assembly finds and declares that:  
 (d) Correctional facilities and county jails are not designed and do not have the resources to handle or treat inmates with a behavioral or mental health disorder but have become de facto mental health institutions;  
 (e) Inmates with behavioral or mental health disorders are frequently released into the community after incarceration homeless and with no or insufficient supportive services;  
 (f) Housing alone is not sufficient to improve outcomes; however, supportive housing models with specific support services are critical to success in reducing recidivism of persons with behavioral or mental health disorders transitioning between homelessness and incarceration;  
 (h) The state has a shortage of crisis beds, which results in individuals in crisis remaining homeless or in less than ideal housing, like jails, while awaiting appropriate placement.

There is a large amount of research indicating housing as an important component to reducing recidivism and of the effectiveness of supportive housing to those who need these types of services. Some example of this research are contained below:

RESEARCH	RESEARCH SNAPSHOT	
	RESULT AREAS	RESULT SNAPSHOT
Culhane, Dennis P., Stephen Metraux, and Trevor Hadley. "Public Service Reductions Associated with Placement of Homeless Persons with Severe Mental Illness in Supportive Housing." Housing Policy Debate 13.1 (2002): 107-63.	Shelter – Matched Control Group	85.6% decline in mean number of shelter days used by intervention group (137 to 19 days) over two years. 6.4% decline experienced by control group
Linkins, Karen, Jennifer J. Brya, and Daniel W. Chandler. "Frequent Users of Healthcare Initiative: Final Evaluation Report." The Lewin Group (August 2008).	Healthcare: Inpatient & EMS	30% decline in ED usage and 17% decline in hospital charges in the first year of enrolment. Where data available for second year, even greater decreases (e.g. 60% decline in ED from baseline) 17% decline in inpatient admissions, 14% decline in inpatient charges in first year. 64% decline in admissions and 69% decline in charges in the second year.
Trotz, Marc, Josh Bamberger, and Margot Antonetty. "Direct Access to Housing." San Francisco Department of Public Health (April 2004).	Stable Housing	Two-thirds of residents have stayed housed since the program began in 1998. Of the remaining one third, half moved into permanent housing. 6% were evicted. 5% died.
Barrow, Susan, Gloria Soto Rodriguez, and Pilar Cordova. "Final Report on the Evaluation of the Closer	Stable Housing	Average of 73% stably housed after one year across three sites. Additional 10% exited to permanent housing. 14% exited to transitional or institutional setting. 3% died.

RESEARCH		RESEARCH SNAPSHOT	RESULT SNAPSHOT
RESEARCH	RESULT AREAS		
to Home Initiative." Corporation for Supportive Housing (2004).			25% decline in ED visits and 28% decline in ED charges after one year 61% decline in ED visits and 59% decline in ED charges after two years. 17% decrease in inpatient visits, 3% increase in inpatient days, and 14% decrease in inpatient charges after one year
Hall, Elinor. "Frequent Users of Health Services: A Priceless Opportunity for Change." Health Policy and Management Consulting (August 2008).	Healthcare: Inpatient & EMS		64% decrease in inpatient visits, 62% decrease in inpatient days, and 69% decrease in inpatient charges after two years 19% decline in EMS interventions
Hall, Elinor. "Frequent Users of Health Services: A Priceless Opportunity for Change." Health Policy and Management Consulting (August 2008).	Criminal Justice		45% decline in county jail bookings after one year 42% decline in county jail days after one year

Section 3 of the bill (below) changed statute to take any reversion in the community re-entry programs and transfer them to the DOLA housing program.

**SECTION 3.** In Colorado Revised Statutes, 17-27-108, add (7) as follows:

**17-27-108.** Division of criminal justice of the department of public safety - Duties - Community Corrections Contracts - Repeal.

(7) (a) notwithstanding any law to the contrary, for the fiscal year commencing July 1, 2016, any money appropriated from the general fund to the division of criminal justice for the purposes of this article 27 that is unexpended or unencumbered as of the close of that fiscal year shall not revert to the general fund, and the state treasurer and the controller shall transfer such money to the housing assistance for persons transitioning from the criminal or juvenile justice system cash fund created pursuant to section 24-32-721 (4)(D).

This provided two benefits, one being an increase in housing funding for those in need and the other providing an incentive for the Community Corrections programs to fully utilize the bed space they had in a "use-it-or-lose-it" type of feature. While the expectation was that this would provide a funding source for this type of housing, in practice the funding is sporadic and creates complications with mid-year adjustments in community re-entry caseload.

However, the unintended consequence of this legislation is that mid-year funding adjustments become difficult. Full-year projection funding, which is done through the normal budgeting process, is much less effective and efficient due to the requirement of needing to hit specific targets with no leeway. Achieving these targets can be quite difficult when dealing with projections over a 12-month period. On the community re-entry caseload, it becomes hard to accurately set the funding for that line item due to this provision in statute. If the amount is set too low, the community re-entry programs will take fewer clients to compensate for the lack of funding. This results in a reduced outflow from DOC facilities, which adds pressure to the already difficult capacity problems. If the appropriation to community re-entry programs is too high, it results in a transfer to DOLA that is inconsistent and not transparent.

On the funding component, the original transfer was over \$4 million. This was followed the following year by a transfer of just over \$400,000. This inconsistency prevents effective planning to match funds and needs of the program to individuals. It is also not a clear funding mechanism that allows the General Assembly to directly decide on the amount to appropriate for this purpose.

There is a way to achieve both the original intent of the bill and not have unintended consequences with the funding mechanism of community reentry programs. During the last legislative session, the General Assembly approved housing funding for justice involved individuals. This line item could be increased to the anticipated amount from S.B. 17-021, thereby achieving the intent of the bill. To incentivize full use of programming, other than the current incentive of being able to generate more income per program by having more beds, a metric in the soon-to-be performance-based contracting model could be utilization of beds. This provides a more sound way to encourage full utilization without unintended consequences.

#### Current Funding Mechanism Consequences

The second issue that arises is the current funding mechanism. Funding is based on a count of anticipated bed usage across several categories and types of beds in the community reentry programs. The number of individuals using these beds is also estimated. Ultimately this funding is bottom line funding, which means the overall number must be met and the designated rate per bed must be met, but there is flexibility for any specific category or type of bed that can be funded throughout the year.

However, there is no flexibility as far as the total funding number (referred to as the bottom line number in this scenario), as the appropriation must be maintained within that number. The resulting effect of this funding is that at the end of the fiscal year approaches less utilization is used in order to not breach the bottom line funding number. This can prevent flexibility with types of beds being used as the more expensive treatment beds eat up the budget faster than a standard bed would. This also means that towards the end of the fiscal year less individuals will be transitioning from incarceration at DOC into community reentry programs, resulting in a higher cost for the state.

As for funding beds, if every “Potential Bed Capacity” bed was funded for a full-year there will not be a scarcity of funding towards the end of the year as every bed would have been funded. There would be no need to have a utilization drop towards the end of the fiscal year as funding would be there for the programs to use. This would provide necessary assurances to counties and providers by preventing the need for overextending themselves at risk of non-reimbursement. This will help to increase utilization in community re-entry programs.

Currently, counties and providers fear being at risk of not being funded in portions of a program. For example, if a county has 280 beds available but is only funded for 240 beds, then usage of those 40 unfunded beds puts the county at risk for not being reimbursed. The only way to reduce this risk is the supplemental process. However, if a supplemental is not submitted by the executive branch or if the supplemental is not approved by the General Assembly, the county and provider would not be reimbursed for those additional 40 beds. That makes counties and programs reluctant to put themselves at risk of no funding in these types of scenarios. The consequence of this is lower utilization due to staying within a constrained budgetary aspect. The other consequence of this is increased costs to the state as more individuals are staying incarcerated longer when they could be moved into a cheaper system.

#### *LINE ITEM REPURPOSING*

Staff is also recommending a new budget line item structure for PBC. Furthermore, staff recommends consolidating all the existing line items that fund Community re-entry to a single baseline line item. The Division can apply the existing payment structure through that line item. Using this method prevents a disruption in the system by not changing funding amounts in a rapid manner. It also allows for a more clear and transparent funding structure for community re-entry programs.

Current Structure (including the necessary footnote with this structure):

SUB-DIVISION	LINE ITEM NAME
(D) Community Corrections	Community Corrections Placements
	Corrections Treatment Cash Fund Residential Treatment
	Community Corrections Facility Payments
	Community Corrections Boards Administration
	Services for Substance Abuse and Co-occurring Disorders
	Specialized Offender Services
	Offender Assessment Training

Placement Type	Rate	Diversion	Transition	Parole	Appropriation
Standard residential	\$48.45	1,250	1,413	121	\$49,369,072
Cognitive behavioral treatment pilot program	\$95.02	24	24	0	\$1,669,311
Intensive Residential Treatment	\$93.47	39	43	68	\$5,131,683
Inpatient Therapeutic Community	\$75.76	58	49	5	\$3,105,570
Residential Dual Diagnosis Treatment	\$82.64	64	46	10	\$3,629,583
Sex Offender	\$82.64	73	34	13	\$3,629,583
Standard Non-residential	\$6.56	621.5	5	5	\$1,516,172
Outpatient Therapeutic Community	\$23.52	55	25	6	\$740,240
<b>Total</b>		<b>2,185</b>	<b>1,639</b>	<b>228</b>	<b>\$68,791,215</b>

New Structure (no footnote needed):

SUB-DIVISION	LINE ITEM NAME
(D) Level 1 Performance Based Community Re-Entry	Standard residential at a daily bed rate of \$48.45
	Cognitive behavioral treatment pilot program at a daily bed rate of \$95.02
	Intensive Residential Treatment at a daily bed rate of \$93.47
	Impatient Therapeutic Community at a daily bed rate of \$75.76
	Residential Dual Diagnosis Treatment at a daily bed rate of \$82.64
	Sex offender at a daily bed rate of \$82.64
	Standard non-residential at a daily bed rate of \$6.56
	Outpatient therapeutic community at a daily bed rate of \$23.52
(E) Community Corrections	Corrections Treatment Cash Fund Residential Treatment
	Community Corrections Facility Payments
	Community Corrections Boards Administration
	Services for Substance Abuse and Co-occurring Disorders
	Specialized Offender Services
	Offender Assessment Training

## STAFF RECOMMENDATION

Staff recommends the Joint Budget Committee sponsor legislation to adjust the funding mechanism in community re-entry programs, which would allow and encourage a full utilization of all available beds, reduce the overall cost to the state, and improve the outcomes of individuals thereby reducing long-term costs and recidivism. Staff also recommends a restructure of line items and funding levels in community re-entry programs.

## ISSUE: PERFORMANCE BASED CONTRACTING

The current budgeting and contracting structure in community re-entry programs creates a disincentive for quality programs and for providers and boards to “up their game.” The current funding model is not transparent, creates difficulty in determining funding levels for the program, and has become a hindrance to quality outcomes within community re-entry programs.

### **SUMMARY**

Last legislative session’s staff briefing on the Division of Criminal Justice include a discussion of performance-based contracting (PBC). The Committee requested a more detailed briefing on PBC, to include how the mechanism would work and what implementation would look like. This briefing covers that requested information.

Switching the funding for community reentry programs to a PBC model will create incentives to improve quality of service, outcomes, and system compliance. It will also hold community re-entry providers and boards accountable for outcomes, while at the same time incentivizing those outcomes.

To be clear, information presented in this briefing is a combination of information gathering over the past 15 months with interested parties. This includes community correction boards, providers, the Division of Criminal Justice, victim advocacy groups, and various outside organizations that have interest in this area. The concepts and overarching ideas presented, including the metrics and outcomes, were derived from that working process. Staff fully supports the concept ideas and metrics that came out of these working groups over the past 15 months. Staff believes, based on discussions with experts in the field, most up-to-date research, and cutting-edge programs, that the recommendations presented here would move the State of Colorado along the continuum of legislative intent to reduce recidivism rates. This will reduce the overall cost in the criminal justice system for the State of Colorado.

The total timeframe for implementation and results would be three years. The first year would be designing the outcomes to be measured and how to measure those outcomes. The second year would be implementation of the PBC funding model. The third year would be evaluations and reporting on the success of PBC. With this timeframe, structural changes in community re-entry programs would begin in FY 2020-21.

### **RECOMMENDATION**

Staff recommends the Committee support this request and the timeframes discussed in this document.

### **EVIDENCE-BASED EVALUATION**

The Department submitted R1 that contains an evidence-based program. This Governor’s evidence ranking for this item falls between “Opinion-Based” and “Theory Informed” area of the evidenced based continuum and produces a “Low to Moderate” confidence level. The program outcomes are reduced recidivism and increased positive outcomes. Staff does not believe that an evidence-based ranking can be done at this time due to the lack of information on the end program. The implementation of PBC will be fluid over the next year as the parameters of the program are designed. The result of that process should provide enough information on the type of system developed and how that fits into current evidence-based policy.

## DISCUSSION

The Department is requesting \$231,041 General Fund and 2.0 FTE in FY 2020-21, which annualizes to \$221,635 and 2.0 FTE in future years to implement a performance-based contracting (PBC) system. PBC covers both budgetary and a policy components. As such, it is staff's recommendation that any outcomes from this briefing issue be forwarded to the Judiciary committees in both the House and Senate for their respective inputs on the policy components of this issue.

Because of the far-reaching impact of PBC and what it means for community re-entry programs, it is impossible to separate the budgetary components from the policy components. Both are intertwined and depended upon each other for this model to be successful. In fact, performance-based contracting intertwines both areas so specifically that the funding drives the outcomes and the outcomes, in turn, drive the funding. As the outcomes improve in the early phases of PBC, the amount of funding needed to maintain programmatic success and improvement would need to increase. This would require an increase over the short-term in overall funding for programmatic needs. However, over the long-term a reduction in funding would be realized as improved outcomes would reduce recidivism, thereby reducing overall cost in the state.

The policy components come into play when you start talking about the metrics that should be used in determining the funding model and which outcomes to use in order to achieve legislative intent, a reduction of recidivism, and increase success of individuals involved in the criminal justice system.

The current budgeting and contracting structure in community re-entry has several deficiencies that affect the ability of the program to have quality outcomes. There is no incentive for a facility to provide quality care or to have successful outcomes. This is not to say that all facilities are bad or provide poor service, but rather to say that the system does not encourage quality and successful outcomes. The current system has allowed for deficiencies in many areas of program and compliance leading to a system that frustrates those involved in it.

The quality of services provided to offenders in community re-entry programs can be essential to an offender's successful or unsuccessful reentry into society. An unsuccessful reentry has multiple negative consequences for all parties involved. The individual is likely to suffer additional incarceration, society likely had to endure additional crime, and further taxpayer money would be spent on the individual (for things like incarceration, treatment if time and resources allow, and another attempt on re-entry into society).

PBC can be used for the community re-entry providers (providers) and the community corrections boards (boards) to achieve the desired results of improved outcomes. The ranking systems for boards and providers would need to be different as each have different metrics that would be used to indicate success. Because it affects both groups, with each group having a different function in the system, this section of the issue is broken up into two components with the first component discussing the community correction boards and the second component discussing the community re-entry providers.

### Community Corrections Boards

Community correction boards are currently funded under a statutory provision which allows an appropriation of up to 5% of what was appropriated to that community re-entry area. The practical application of this is that different boards receive different amounts of funding. For example, one

board receives as little as \$1,000 per year to administer its program. The problem of this is that it sets up different mechanisms across the State of Colorado and prevents a well-functioning and predictable system. It is possible to have both local control and have standards in the system that would allow for more continuity, better reporting, and ultimately better outcomes in the system. PBC can be a method to achieve that.

First, standard matrices could help standardize the decision-making process on who would and would not be accepted at facilities. These matrices allow for an understanding of what that specific boards, or boards in general, consider risks or problems for individuals that would make them unlikely candidates for that program. Using these types of matrices across the system would be a huge benefit in the fact that the Department of Corrections would then know the type of individual that could be referred out and who would likely be accepted by the boards. This has additional benefits of reducing the amount of useless referrals, individuals would know what they have to do in order to qualify for the programs, and it would allow for a deep dive into the acceptance criteria and processes for the boards. In essence, knowledge is power and standardizing the process would provide this knowledge.

Through discussions with Boards, the following areas are some of the metrics that would be beneficial in PBC. Of note, the entire metrics used would need to be completed over the next year. This process should involve all the stakeholders necessary to have a fully functional and accepted PBC system.

- Rejection rate - The rejection rate is looking at how often the boards reject valid client referrals. In order for this number to be a valid metric, the referrals that come over need to be referrals that would be legitimately acceptable to boards;
- Willingness to accept individuals outside of the board's jurisdiction – This is one way to help the pool of referrals to be more effective as well as increase utilization of the program;
- Risk level acceptance – The acceptance of varying risk levels in the program to include medium to high risk individuals; and
- Meeting frequency – The number of times a board meets in a given month. This metric would need to account for times when all available beds in an area are occupied.

#### Community Re-entry Providers

Through discussions with community re-entry providers, the following areas are some of the metrics that would be beneficial in PBC. Of note, the entire metrics used would need to be completed over the next year. This process should involve all the stakeholders necessary to have a fully functional and accepted PBC system.

- Rejection rate - The rejection rate is looking at how often the boards reject valid client referrals. In order for this number to be a valid metric, the referrals that come over need to be referrals that would be legitimately acceptable to boards;
- Risk level acceptance – The acceptance of varying risk levels in the program to include medium to high risk individuals;
- Risk reduction – The change in LSI scores based on pre and post program intervention;
- Programing offered – The number and type of programs offered by the provider; and
- Programming outcomes – The results for the individuals in the programs.

#### Referral System

During discussions on community re-entry, issues with referrals have continually come up. One prevailing idea that does need further research would be a referral system that is not pushed but rather

pulled. What this means is referrals would go into a pool, with the pool having all the open referrals for community re-entry. The referrals would list the individuals primary desired location and alternate locations that they would accept if their primary choice is full. Instead of a person being denied, they could remain in the pool with updates provided to their files as the situation changes. This would change that process to where an individual is in the pool as long as they are eligible. Boards/providers would then be working to try and pull individuals out of that pool as availability comes open. For an individual being referred, if they are not accepted at first, they are still in the pool and haven't lost that ability to be placed but rather are just waiting for the next opportunity.

#### How Do We Judge Outcomes

The last area of discussion in this briefing issue is judging the outcomes in community re-entry. Currently, recidivism is the metric used to judge success in the system. However, this is a poor measure for making policy decisions as it provides little detail and understanding of where problems occur or persist. Determining a better measurement of success would be beneficial for future discussion on this issue. One promising metric would be harm reduction measured by risk reduction based on the LSI score of an individual. Staff recommends a further look during this session on metrics and a discussion on how to determine success in the community re-entry system.

#### **STAFF RECOMMENDATION**

Staff recommends the Committee support this request and the timeframes discussed in this document.

## ISSUE: EVIDENCE-BASED POLICY AND EPIC

The state has been expanding the use of evidence-based programs and the funding of those programs. Evidenced-based Practices Implementation for Capacity (EPIC) was established to provide assistance with implementation of evidenced-based practices within the executive and elected branches of government. This issue looks at the intersection of evidence-based policy and EPIC's role in these areas.

### SUMMARY

The State of Colorado established the Evidenced-based Practices Implementation for Capacity (EPIC) to provide assistance with implementation of evidenced-based programs within the state. This was done as the State was looking for evidenced-based solutions to the current problems facing the State. While evidenced-based programs do not cover a large component of the budget, using these programs can create efficiencies in cost and improve outcomes.

Establishing and running an evidenced-based program is not as simple as pulling the program out of a box and turning it on. It is a much more complicated process that requires implementation fidelity in order to achieve the desired success. Implementation fidelity is where an evidenced-based program is operated in the manner that the original program operated in. It can be viewed as the "instructions" on how to run the program. This is important as the results from the original program were achieved by following the "instructions" on how to run the program. If the new program is not run in the same way, the chances of achieving the same outcomes are reduced.

EPIC has the ability to assist departments, elected officials, and programs with implementation fidelity and in addressing issues with ongoing programs that have not performed as intended. Addressing these programs, and new programs that need implementation assistance, will provide better outcomes. In addition, establishing and operating programs as intended will ensure state funds are not wasted.

Establishing EPIC as the State's coordinator of evidenced-based programs is the next step in establishing Colorado as a robust evidenced-based state. This step puts the state in a position to enact and evaluate programs for effectiveness and outcomes. These results can be used by Colorado, and all other states, to increase the list of programs that work and those that don't work. Knowing this can prevent a waste of time and money on programs that will not produce the desired outcomes.

### RECOMMENDATION

Staff recommends that EPIC's role be expanded to a coordination role for evidence-based policy implementation and evaluation. This expansion would require legislation.

### DISCUSSION

The use of evidence-based policy has increased in the State of Colorado across the executive and elected branches. Furthermore, the federal government has been adding restrictions on funding for programs to those listed as evidence-based in a clearinghouse (i.e. Family First). If this trend continues, the use of evidence-based programs will be essential to obtaining certain types of funding.

However, not every agency or office is capable of internally finding, implementing, and evaluating evidence-based programming. Maintaining these type of staff members across all of the executive branch would be cost prohibitive and ineffective. It is far more cost effective and efficient to maintain

a central location for coordination of these type of resources. To maintain cost viability, the central location would need a core staff and the ability to contract out for specific expertise for programs that require a specific skill set.

EPIC can accomplish this role as they currently have core staff with evidence-based expertise. The only change would be allowing EPIC to contract out for needed resources to assist the executive branch and elected officials with its evidence-based programs.

With this model, a grass root approach will be most beneficial. This approach would see departments, agencies, and offices working with EPIC to find evidence-based programs, implement them, and evaluate the success of these programs.

An example of how this would work would be an agency reaching out to EPIC with a problem that needs a programmatic solution to solve. EPIC would then work with the necessary partners to find evidence-based programs that have shown an ability to successfully address the issue. EPIC would then present the options to the agency, which allows the agency to control the process and programs internal to it. Once a program is selected and approved through the budget process (including both the executive and legislative processes), EPIC would help the agency implement the program to fidelity. EPIC could then contract out the evaluation to an appropriate entity to allow for an independent review of the results.

This provides several benefits:

- It is driven by the agency so it has buy in, which is necessary for the successful implementation and functioning of the program;
- EPIC is a state entity that can present and testify in front of the legislature;
- EPIC is housed in the executive branch relieving concerns of an audit feel; and
- The results can be trusted as they are independently reviewed.

In order to accomplish this task, legislation would be required. To be completely effective, the legislation should include:

- Statements directing EPIC as the state's research, implementation, evaluation, and coordination entity for the executive, legislative, and elected official braches.
- Reporting requirements for EPIC on the evidence-based programs under its purview;
- Authority to contract with appropriate entities for needed expertise;
- A definition of evidence-based policy; and
- A definition of the evidence-based continuum.

## **STAFF RECOMMENDATION**

Staff recommends that EPICs role be expanded to a coordination role for evidence-based policy implementation and evaluation. This expansion would require legislation.

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
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**DEPARTMENT OF PUBLIC SAFETY**  
**Stan Hilkey, Executive Director**

**(1) EXECUTIVE DIRECTOR'S OFFICE**

**(A) Administration**

Personal Services	<u>8,899,672</u>	<u>10,837,426</u>	<u>9,514,595</u>	<u>32,090</u> *
FTE	104.7	108.9	107.2	0.0
General Fund	996,141	1,560,970	1,125,112	0
Cash Funds	859,846	716,705	865,818	0
Reappropriated Funds	7,002,614	8,496,742	7,523,665	32,090
Federal Funds	41,071	63,009	0	0
Health, Life, and Dental	<u>16,092,774</u>	<u>17,636,351</u>	<u>20,926,391</u>	<u>22,559,852</u> *
General Fund	3,703,260	4,134,047	4,792,416	4,994,288
Cash Funds	10,709,529	12,020,835	13,811,517	15,074,798
Reappropriated Funds	1,092,429	1,481,469	1,765,909	1,932,645
Federal Funds	587,556	0	556,549	558,121
Short-term Disability	<u>240,858</u>	<u>228,532</u>	<u>255,645</u>	<u>258,018</u> *
General Fund	58,069	55,375	59,832	62,515
Cash Funds	158,357	154,786	168,961	167,650
Reappropriated Funds	15,666	18,371	20,131	21,378
Federal Funds	8,766	0	6,721	6,475

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
S.B. 04-257 Amortization Equalization Disbursement	<u>6,427,778</u>	<u>6,792,600</u>	<u>7,648,673</u>	<u>7,763,003</u>	*
General Fund	1,532,009	1,649,849	1,789,297	1,870,432	
Cash Funds	4,245,518	4,593,827	5,054,640	5,058,610	
Reappropriated Funds	419,376	548,924	603,902	640,488	
Federal Funds	230,875	0	200,834	193,473	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>6,427,778</u>	<u>6,792,600</u>	<u>7,648,673</u>	<u>7,763,003</u>	*
General Fund	1,532,009	1,649,849	1,789,297	1,870,432	
Cash Funds	4,245,518	4,593,827	5,054,640	5,058,610	
Reappropriated Funds	419,376	548,924	603,902	640,488	
Federal Funds	230,875	0	200,834	193,473	
PERA Direct Distribution	<u>0</u>	<u>0</u>	<u>3,989,993</u>	<u>3,859,353</u>	
General Fund	0	0	944,296	1,022,922	
Cash Funds	0	0	2,619,407	2,516,606	
Reappropriated Funds	0	0	320,177	319,825	
Federal Funds	0	0	106,113	0	
Salary Survey	<u>4,028,789</u>	<u>4,415,481</u>	<u>4,998,369</u>	<u>3,467,401</u>	
General Fund	613,767	1,085,587	1,197,366	832,043	
Cash Funds	3,092,947	3,010,524	3,268,162	2,263,746	
Reappropriated Funds	224,019	319,370	400,189	285,222	
Federal Funds	98,056	0	132,652	86,390	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Merit Pay	<u>952,168</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	236,617	0	0	0	
Cash Funds	619,432	0	0	0	
Reappropriated Funds	65,506	0	0	0	
Federal Funds	30,613	0	0	0	
Parental Leave	<u>0</u>	<u>0</u>	<u>0</u>	<u>86,105</u>	
General Fund	0	0	0	10,333	
Cash Funds	0	0	0	75,772	
Shift Differential	<u>529,250</u>	<u>510,655</u>	<u>451,959</u>	<u>522,432</u>	
General Fund	73,878	54,269	41,819	57,681	
Cash Funds	364,442	404,260	363,027	425,630	
Reappropriated Funds	88,866	52,126	45,953	39,121	
Federal Funds	2,064	0	1,160	0	
Workers' Compensation	<u>3,043,528</u>	<u>3,204,034</u>	<u>2,760,829</u>	<u>2,228,985</u>	
General Fund	0	0	0	0	
Cash Funds	2,655,501	2,066,232	1,895,473	1,837,234	
Reappropriated Funds	388,027	1,137,802	865,356	391,751	
Federal Funds	0	0	0	0	
Operating Expenses	<u>289,048</u>	<u>571,019</u>	<u>376,318</u>	<u>0</u>	*
General Fund	0	29,788	0	0	
Cash Funds	65,594	106,446	0	0	
Reappropriated Funds	223,454	434,785	376,318	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Legal Services	<u>411,215</u>	<u>378,282</u>	<u>392,840</u>	<u>437,688</u>	
General Fund	13,690	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	397,525	378,282	392,840	437,688	
Federal Funds	0	0	0	0	
Payment to Risk Management and Property Funds	<u>1,900,191</u>	<u>1,388,975 0.0</u>	<u>948,955 0.0</u>	<u>761,495 0.0</u>	
General Fund	0	0	0	0	
Cash Funds	1,038,713	778,610	106,522	0	
Reappropriated Funds	861,478	610,365	842,433	761,495	
Federal Funds	0	0	0	0	
Vehicle Lease Payments	<u>402,908</u>	<u>441,074</u>	<u>665,310</u>	<u>500,360</u> *	
General Fund	199,912	235,634	407,531	222,364	
Cash Funds	68,716	64,320	123,296	139,778	
Reappropriated Funds	134,280	141,120	134,483	138,218	
Federal Funds	0	0	0	0	
Leased Space	<u>1,005,043</u>	<u>1,266,869</u>	<u>2,004,430</u>	<u>1,940,940</u> *	
General Fund	182,077	180,846	413,269	422,069	
Cash Funds	664,606	769,693	966,599	994,309	
Reappropriated Funds	158,360	316,330	624,562	524,562	
Federal Funds	0	0	0	0	
Administrative Services	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,159,931 106.2</u> *	
General Fund	0	0	0	1,280,893	
Cash Funds	0	0	0	865,818	
Reappropriated Funds	0	0	0	8,013,220	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Capitol Complex Leased Space	<u>2,028,890</u>	<u>1,862,173</u>	<u>1,686,593</u>	<u>1,766,027</u>	
General Fund	465,537	719,573	587,899	649,775	
Cash Funds	541,626	496,524	460,430	474,288	
Reappropriated Funds	1,021,727	646,076	638,264	641,964	
Federal Funds	0	0	0	0	
Lease Purchase Payments	<u>1,564,133</u>	<u>1,546,565</u>	<u>1,564,133</u>	<u>1,564,133</u>	
General Fund	1,564,133	1,546,565	1,564,133	1,564,133	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Payments to OIT	<u>8,902,452</u>	<u>11,817,897</u>	<u>13,310,143</u>	<u>12,622,897</u> *	
General Fund	3,167,153	3,176,770	2,828,197	3,318,522	
Cash Funds	3,864,978	5,410,814	551,128	2,362,019	
Reappropriated Funds	1,870,321	3,230,313	9,879,700	6,893,901	
Federal Funds	0	0	51,118	48,455	
CORE Operations	<u>326,391</u>	<u>366,688</u>	<u>306,883</u>	<u>383,683</u>	
General Fund	71,186	11,153	0	0	
Cash Funds	219,307	249,191	0	0	
Reappropriated Funds	35,898	106,344	306,883	383,683	
Federal Funds	0	0	0	0	
Utilities	<u>374,531</u>	<u>386,781</u>	<u>409,987</u>	<u>409,987</u>	
General Fund	556	12,706	13,468	13,468	
Cash Funds	372,455	372,455	394,802	394,802	
Reappropriated Funds	1,520	1,620	1,717	1,717	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Distributions to Local Government	<u>40,093</u>	<u>50,001</u>	<u>50,000</u>	<u>50,000</u>	
General Fund	0	0	0	0	
Cash Funds	40,093	50,001	50,000	50,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Administrative Law Judge Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>310</u>	
General Fund	0	0	0	310	
Purchase of Services from Computer Center	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Colorado State Network	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Management and Administration of OIT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Communication Services Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Information Technology Security	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
External Study of Sex Offender Management Board	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (A) Administration</b>	63,887,490	70,494,003	79,910,719	79,137,693	(1.0%)
<i>FTE</i>	<u>104.7</u>	<u>108.9</u>	<u>107.2</u>	<u>106.2</u>	<u>(0.9%)</u>
General Fund	14,409,994	16,102,981	17,553,932	18,192,180	3.6%
Cash Funds	33,827,178	35,859,050	35,754,422	37,759,670	5.6%
Reappropriated Funds	14,420,442	18,468,963	25,346,384	22,099,456	(12.8%)
Federal Funds	1,229,876	63,009	1,255,981	1,086,387	(13.5%)

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
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### (B) Special Programs

The Special Programs sub-division within the Executive Director's Office contains funding for the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the School Safety Resource Center.

#### (B) (1) Witness Protection Program

Witness Protection Fund	<u>0</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	
General Fund	0	50,000	50,000	50,000	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
 Witness Protection Fund Expenditures	<u>0</u>	<u>50,411</u>	<u>83,000</u>	<u>83,000</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	50,411	83,000	83,000	
Federal Funds	0	0	0	0	

<b>SUBTOTAL -</b>	0	100,411	133,000	133,000	0.0%
<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	0	50,000	50,000	50,000	0.0%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	50,411	83,000	83,000	0.0%
Federal Funds	0	0	0	0	0.0%

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
<b>(B) (2) Criminal Justice Information System (CICJIS)</b>					
Personal Services	<u>0</u>	<u>897,506</u>	<u>1,243,324</u>	<u>1,272,093</u>	
FTE	0.0	6.0	11.0	11.0	
General Fund	0	0	0	28,769	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	897,506	998,796	998,796	
Federal Funds	0	0	244,528	244,528	
Operating Expenses	<u>0</u>	<u>156,260</u>	<u>157,002</u>	<u>157,002</u>	
General Fund	0	6,500	6,500	6,500	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	77,823	100,502	100,502	
Federal Funds	0	71,937	50,000	50,000	
<b>SUBTOTAL -</b>	<u>0</u>	<u>1,053,766</u>	<u>1,400,326</u>	<u>1,429,095</u>	2.1%
FTE	<u>0.0</u>	<u>6.0</u>	<u>11.0</u>	<u>11.0</u>	0.0%
General Fund	0	6,500	6,500	35,269	442.6%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	0	975,329	1,099,298	1,099,298	0.0%
Federal Funds	0	71,937	294,528	294,528	0.0%
<b>(B) (3) School Safety Resource Center</b>					
Program Costs	<u>0</u>	<u>629,614</u>	<u>687,883</u>	<u>1,024,475</u> *	
FTE	0.0	5.7	6.0	10.0	
General Fund	0	542,091	543,883	558,222	
Cash Funds	0	87,523	144,000	466,253	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Indirect Cost Assessment	<u>0</u>	<u>0</u>	<u>0</u>	49,442 *	
Cash Funds	0	0	0	49,442	
Appropriation to the School Safety Resource Center Cash					
Fund	<u>0</u>	<u>35,000,000</u>	<u>0</u>	<u>0</u>	
General Fund	0	35,000,000	0	0	
<b>SUBTOTAL -</b>	0	35,629,614	687,883	1,073,917	56.1%
<i>FTE</i>	<u>0.0</u>	<u>5.7</u>	<u>6.0</u>	<u>10.0</u>	<u>66.7%</u>
General Fund	0	35,542,091	543,883	558,222	2.6%
Cash Funds	0	87,523	144,000	515,695	258.1%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	0	0	0	0	0.0%
<b>SUBTOTAL - (B) Special Programs</b>	0	36,783,791	2,221,209	2,636,012	18.7%
<i>FTE</i>	<u>0.0</u>	<u>11.7</u>	<u>17.0</u>	<u>21.0</u>	<u>23.5%</u>
General Fund	0	35,598,591	600,383	643,491	7.2%
Cash Funds	0	87,523	144,000	515,695	258.1%
Reappropriated Funds	0	1,025,740	1,182,298	1,182,298	0.0%
Federal Funds	0	71,937	294,528	294,528	0.0%
<b>TOTAL - (1) Executive Director's Office</b>	63,887,490	107,277,794	82,131,928	81,773,705	(0.4%)
<i>FTE</i>	<u>104.7</u>	<u>120.6</u>	<u>124.2</u>	<u>127.2</u>	<u>2.4%</u>
General Fund	14,409,994	51,701,572	18,154,315	18,835,671	3.8%
Cash Funds	33,827,178	35,946,573	35,898,422	38,275,365	6.6%
Reappropriated Funds	14,420,442	19,494,703	26,528,682	23,281,754	(12.2%)
Federal Funds	1,229,876	134,946	1,550,509	1,380,915	(10.9%)

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
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### (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	<u>3,680,850</u>	<u>3,904,755</u>	<u>6,495,988</u>	<u>6,270,950</u> *	
FTE	35.7	37.3	45.5	47.7	
General Fund	2,773,245	2,911,758	3,667,248	3,921,502	
Cash Funds	515,312	615,799	2,221,108	1,722,463	
Reappropriated Funds	392,293	377,198	473,495	492,848	
Federal Funds	0	0	134,137	134,137	
Indirect Cost Assessment	<u>774,343</u>	<u>715,864</u>	<u>778,480</u>	<u>779,912</u>	
General Fund	0	0	0	0	
Cash Funds	50,891	74,480	118,041	101,031	
Reappropriated Funds	0	0	0	0	
Federal Funds	723,452	641,384	660,439	678,881	
<b>SUBTOTAL - (A) Administration</b>	<b>4,455,193</b>	<b>4,620,619</b>	<b>7,274,468</b>	<b>7,050,862</b>	<b>(3.1%)</b>
FTE	<u>35.7</u>	<u>37.3</u>	<u>45.5</u>	<u>47.7</u>	<b>4.8%</b>
General Fund	2,773,245	2,911,758	3,667,248	3,921,502	<b>6.9%</b>
Cash Funds	566,203	690,279	2,339,149	1,823,494	<b>(22.0%)</b>
Reappropriated Funds	392,293	377,198	473,495	492,848	<b>4.1%</b>
Federal Funds	723,452	641,384	794,576	813,018	<b>2.3%</b>

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	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
<b>(B) Victims Assistance</b>					
Federal Victims Assistance and Compensation Grants	<u>25,192,744</u>	<u>27,003,971</u>	<u>25,043,633</u>	<u>25,093,968</u>	
FTE	10.2	12.6	8.6	8.6	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	25,192,744	27,003,971	25,043,633	25,093,968	
State Victims Assistance and Law Enforcement Program	<u>1,269,550</u>	<u>1,411,894</u>	<u>1,500,000</u>	<u>1,500,000</u>	
General Fund	0	0	0	0	
Cash Funds	1,269,550	1,411,894	1,500,000	1,500,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Child Abuse Investigation	<u>782,496</u>	<u>1,089,279</u>	<u>1,297,693</u>	<u>1,297,693</u>	
FTE	0.0	0.3	0.3	0.3	
General Fund	500,000	800,000	1,000,000	1,000,000	
Cash Funds	282,496	289,279	297,693	297,693	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Sexual Assault Victim Emergency Payment Program	<u>165,714</u>	<u>167,897</u>	<u>167,933</u>	<u>167,933</u>	
FTE	0.1	0.1	0.2	0.2	
General Fund	165,714	167,897	167,933	167,933	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Statewide Victim Information and Notification System (VINE)					
General Fund	423,343	424,720	434,720	434,720	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
<b>SUBTOTAL - (B) Victims Assistance</b>	27,833,847	30,097,761	28,443,979	28,494,314	0.2%
<i>FTE</i>	10.3	13.0	9.1	9.1	(0.0%)
General Fund	1,089,057	1,392,617	1,602,653	1,602,653	0.0%
Cash Funds	1,552,046	1,701,173	1,797,693	1,797,693	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	25,192,744	27,003,971	25,043,633	25,093,968	0.2%

### (C) Juvenile Justice and Delinquency Prevention

Juvenile Justice Disbursements	848,560	859,420	800,000	800,000	
FTE	1.9	2.0	1.2	1.2	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	848,560	859,420	800,000	800,000	
Juvenile Diversion Programs	1,601,818	1,609,411	3,561,677	3,561,677	
FTE	1.1	1.2	3.0	3.0	
General Fund	1,241,016	1,239,743	3,161,677	3,161,677	
Cash Funds	360,802	369,668	400,000	400,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

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	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
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<b>SUBTOTAL - (C) Juvenile Justice and Delinquency</b>					
<b>Prevention</b>	2,450,378	2,468,831	4,361,677	4,361,677	0.0%
<i>FTE</i>	<u>3.0</u>	<u>3.2</u>	<u>4.2</u>	<u>4.2</u>	<u>0.0%</u>
General Fund	1,241,016	1,239,743	3,161,677	3,161,677	0.0%
Cash Funds	360,802	369,668	400,000	400,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	848,560	859,420	800,000	800,000	0.0%

### (D) Community Corrections

Community Corrections Placements	<u>57,400,487</u>	<u>62,437,816</u>	<u>68,791,215</u>	<u>68,791,215</u>	
General Fund	57,400,487	62,437,816	68,791,215	68,791,215	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Correctional Treatment Cash Fund Residential Placements	<u>2,335,186</u>	<u>2,916,011</u>	<u>2,707,740</u>	<u>2,707,740</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,335,186	2,916,011	2,707,740	2,707,740	
Federal Funds	0	0	0	0	
Community Corrections Facility Payments	<u>4,194,886</u>	<u>4,134,960</u>	<u>4,237,254</u>	<u>4,237,254</u>	
General Fund	4,194,886	4,134,960	4,237,254	4,237,254	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Community Corrections Boards Administration	<u>2,352,338</u>	<u>2,507,496</u>	<u>2,539,704</u>	<u>2,539,704</u>	
General Fund	2,352,338	2,507,496	2,539,704	2,539,704	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Services for Substance Abuse and Co-occurring Disorders	<u>2,468,241</u>	<u>2,401,250</u>	<u>2,615,598</u>	<u>2,615,598</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,468,241	2,401,250	2,615,598	2,615,598	
Federal Funds	0	0	0	0	
Specialized Offender Services	<u>260,940</u>	<u>240,745</u>	<u>266,211</u>	<u>266,211</u>	
General Fund	260,940	240,745	266,211	266,211	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Assessment Training	<u>10,507</u>	<u>8,304</u>	<u>10,507</u>	<u>10,507</u>	
General Fund	10,507	8,304	10,507	10,507	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Subsistence Payment	<u>0</u>	<u>254,786</u>	<u>0</u>	<u>0</u>	
General Fund	0	254,786	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
<b>SUBTOTAL - (D) Community Corrections</b>	69,022,585	74,901,368	81,168,229	81,168,229	0.0%
<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	64,219,158	69,584,107	75,844,891	75,844,891	0.0%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	4,803,427	5,317,261	5,323,338	5,323,338	0.0%
Federal Funds	0	0	0	0	0.0%

### (E) Crime Control and System Improvement

#### State and Local Crime Control and System Improvement

Grants	<u>1,342,661</u> 2.5	<u>1,251,948</u> 1.3	<u>3,000,000</u>	<u>3,000,000</u>
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	1,342,661	1,251,948	3,000,000	3,000,000
Sex Offender Surcharge Fund Program	<u>144,893</u>	<u>210,029</u>	<u>232,586</u>	<u>235,479</u>
FTE	1.5	2.3	2.4	2.4
General Fund	0	82,513	83,471	83,471
Cash Funds	144,893	127,516	149,115	152,008
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Sex Offender Supervision	<u>352,765</u>	<u>358,535</u>	<u>360,370</u>	<u>375,364</u>
FTE	3.8	3.8	3.2	3.2
General Fund	352,765	358,535	360,370	375,364
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Treatment Provider Criminal Background Checks	<u>33,326</u>	<u>36,119</u>	<u>49,606</u>	<u>49,606</u>	
FTE	0.2	0.2	0.6	0.6	
General Fund	0	0	0	0	
Cash Funds	33,326	36,119	49,606	49,606	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Federal Grants	<u>3,867,102</u>	<u>3,652,513</u>	<u>5,000,000</u>	<u>5,000,000</u>	
FTE	3.3	3.3	10.5	10.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	3,867,102	3,652,513	5,000,000	5,000,000	
EPIC Resource Center	<u>736,681</u>	<u>657,557</u>	<u>910,683</u>	<u>928,614</u>	
FTE	7.7	5.7	9.0	9.0	
General Fund	736,681	657,557	910,683	928,614	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Criminal Justice Training Fund	<u>83,793</u>	<u>119,722</u>	<u>120,000</u>	<u>240,000</u> *	
FTE	0.0	0.5	0.5	0.5	
General Fund	0	0	0	0	
Cash Funds	83,793	119,722	120,000	240,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
Methamphetamine Abuse Task Force Fund	<u>2,521</u>	<u>2,815</u>	<u>3,000</u>	<u>3,000</u>	
General Fund	0	0	0	0	
Cash Funds	2,521	2,815	3,000	3,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Law Enforcement Assistance Grants	<u>0</u>	<u>1,487,821</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.8	0.0	0.0	
Cash Funds	0	1,487,821	0	0	
Colorado Regional and Community Policing Institute	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
FTE	0.0	0.0	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	
MacArthur Foundation Grant	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

## Appendix A: Numbers Pages

	FY 2017-18 Actual	FY 2018-19 Actual	FY 2019-20 Appropriation	FY 2020-21 Request	Request vs. Appropriation
<b>SUBTOTAL - (E) Crime Control and System</b>					
<b>Improvement</b>	6,563,742	7,777,059	9,676,245	9,832,063	1.6%
<i>FTE</i>	<u>19.0</u>	<u>17.9</u>	<u>26.2</u>	<u>26.2</u>	<u>0.0%</u>
General Fund	1,089,446	1,098,605	1,354,524	1,387,449	2.4%
Cash Funds	264,533	1,773,993	321,721	444,614	38.2%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	5,209,763	4,904,461	8,000,000	8,000,000	0.0%
<b>TOTAL - (4) Division of Criminal Justice</b>					
<i>FTE</i>	<u>68.0</u>	<u>71.4</u>	<u>85.0</u>	<u>87.2</u>	<u>2.6%</u>
General Fund	70,411,922	76,226,830	85,630,993	85,918,172	0.3%
Cash Funds	2,743,584	4,535,113	4,858,563	4,465,801	(8.1%)
Reappropriated Funds	5,195,720	5,694,459	5,796,833	5,816,186	0.3%
Federal Funds	31,974,519	33,409,236	34,638,209	34,706,986	0.2%
<b>TOTAL - Department of Public Safety</b>					
<i>FTE</i>	<u>172.7</u>	<u>192.0</u>	<u>209.2</u>	<u>214.4</u>	<u>2.5%</u>
General Fund	84,821,916	127,928,402	103,785,308	104,753,843	0.9%
Cash Funds	36,570,762	40,481,686	40,756,985	42,741,166	4.9%
Reappropriated Funds	19,616,162	25,189,162	32,325,515	29,097,940	(10.0%)
Federal Funds	33,204,395	33,544,182	36,188,718	36,087,901	(0.3%)

## APPENDIX B - RECENT LEGISLATION AFFECTING DEPARTMENT BUDGET

### 2018 SESSION BILLS

**S.B. 18-016 (CONTINUE TRANSFER OF COMMUNITY CORRECTIONS REVERSIONS):** Continues indefinitely the annual transfer of any unspent General Fund appropriations for the Department of Public Safety's Division of Criminal Justice community corrections programs to the Housing Assistance for Persons Transitioning from the Criminal or Juvenile Justice System Cash Fund in the Department of Local Affairs. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Local Affairs

**S.B. 18-027 (ENHANCED NURSE LICENSURE COMPACT):** Adopts the Enhanced Nurse Licensure Compact and repeals the existing Nurse Licensure Compact. The enhanced compact requires that all registered and licensed practical nurses licensed after July 20, 2017, complete a fingerprint-based criminal history check in order to participate in the compact. Nurses holding a multi-state license prior to July 20, 2017, will be grandfathered into the enhanced compact. For FY 2017-18 and FY 2018-19, appropriates \$233,702 and \$336,009 cash funds, respectively, to the Colorado Bureau of Investigation for the completion of criminal history record checks.

**S.B. 18-071 (REAUTHORIZE SUBSTANCE ABUSE AND TREND RESPONSE TASK FORCE):** Reauthorizes until 2028 the Substance Abuse and Trend Response Task Force, which helps local communities implement effective substance abuse prevention, intervention, and treatment practices and effective criminal-justice-system responses. For FY 2018-19, appropriates \$3,000 to the Department from the Substance Abuse, Prevention, Intervention, and Treatment Cash Fund, which is funded with gifts, grants, and donations.

**S.B. 18-158 (SCHOOL ACCESS TO INTEROPERABLE COMMUNICATION TECH):** Creates a grant program to provide funding to schools or public safety network owners for costs related to improving interoperable communications between schools and first responders. The bill sets a six-year annual transfer of \$5.0 million for the program, with a corresponding expenditure increase in the Department of Public Safety through FY 2023-24.

**S.B. 18-202 (CO FIREFIGHTING AIR CORPS FUND RESERVE EXEMPTION):** Exempts the Colorado Firefighting Air Corps (CFAC) Cash Fund from the statutory limit on uncommitted reserves.

**S.B. 18-229 (CDE STUDENT TEACHER CRIMINAL HISTORY RECORD CHECKS):** Permits a student in an educator preparation program to obtain a fingerprint-based criminal history record check from the Colorado Bureau of Investigation (CBI). The CBI must provide the results of the background checks to the educator preparation program in which the student is enrolled and make the results available to schools and school districts. Appropriates \$34,065 cash funds from the CBI Identification Unit Fund and 0.2 FTE in FY 2018-19.

**S.B. 18-269 (SCHOOL SECURITY DISBURSEMENT PROGRAM):** Creates a program in the Department of Public Safety to disburse funds to local education providers to make school security-related

improvements. Increases state expenditures from the School Safety Resource Center Cash Fund by \$30.0 million between FY 2018-19 and FY 2020-21.

**H.B. 18-1020 (CIVIL FORFEITURE REFORMS):** Makes changes to civil asset forfeiture reporting requirements and establishes two law enforcement grant programs. For FY 2018-19, appropriates \$1,487,821 from the Marijuana Tax Cash Fund and 0.8 FTE to the Department.

**H.B. 18-1165 (SUPPLEMENTAL BILL):** Modifies FY 2017-18 appropriations to the Department.

**H.B. 18-1251 (COMMUNITY CORRECTIONS TRANSITION PLACEMENTS):** Modifies the procedures for community corrections transition placement referrals involving the State Board of Parole, the Department of Corrections, community corrections boards, and community corrections programs. For FY 2018-19 appropriates \$264,070 General Fund and 0.8 FTE to the Department.

**H.B. 18-1287 (REAUTHORIZE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE):** Reauthorizes until 2023 the Commission on Criminal and Juvenile Justice, which engages in evidence-based analysis of the Colorado criminal justice system and annually reports to the Governor, the General Assembly, and the Chief Justice of the Colorado Supreme Court. For FY 2018-19, appropriates \$255,443 General Fund and 2.5 FTE to the Department, which continues the Commission's current funding level.

**H.B. 18-1322 (LONG BILL):** General appropriations act for FY 2018-19. Includes provisions modifying FY 2017-18 appropriations to the Department.

**H.B. 18-1339 (BACKGROUND CHECKS FOR EMPLOYEES WITH ACCESS TO FEDERAL TAX INFORMATION):** Requires each applicant, state employee, state contractor, or other individual who has or may have access through a state agency to federal tax information received from the federal government to submit to a fingerprint-based criminal history records check. Specifies that a state agency that shares such federal tax information with a county may authorize and require the county department applicants, employees, contractors, or other individuals to submit to a fingerprint-based criminal history records check. Requires a state agency to deny access to federal tax information received from the federal government to any individual who does not pass the fingerprint-based criminal history record check. Provides FY 2018-19 appropriations to multiple departments for associated costs, including \$121,748 reappropriated funds and 0.6 FTE to the Department of Public Safety. For additional information, see the "Recent Legislation" section at the end of Part III for the Department of Personnel Revenue.

**H.B. 18-1413 (SCHOOL SAFETY GRANT PROGRAM):** Creates the Enhance School Safety Incident Response Grant Program to provide funding for research, program development, and training to improve school safety incident response. For FY 2018-19, appropriates \$500,000 cash funds from the School Safety Resource Center Cash Fund to the Department of Public Safety.

## 2019 SESSION BILLS

**S.B. 19-008 (SUBSTANCE USE DISORDER TREATMENT IN CRIMINAL JUSTICE SYSTEM):** Makes several changes to state law concerning substance use disorders and the criminal justice system, with respect to this department, the act:

- Requires the Commission on Criminal and Juvenile Justice (CCJJ) to study and make recommendations on various issues concerning the treatment of individuals with substance use disorders who come into contact with the criminal justice system, and to report to the General Assembly by July 1, 2020. Appropriates \$40,300 General Fund to the Department of Public Safety for FY 2019-20.
- Establishes a new process for sealing convictions for certain drug-related offenses, including: level 4 drug felonies and any drug misdemeanor involving the possession of a controlled substance; a felony or misdemeanor conviction prior to October 1, 2013, where the offense would be classified as a level 4 drug felony or drug misdemeanor if it had been committed on or after that date; and any municipal violation involving a controlled substance.
- Directs the Substance Abuse Trend and Response Task Force to formulate a response to substance use disorder problems, including the use of drop-off treatment services, mobile and walk-in crisis centers, and withdrawal management programs for low-level drug offenders.

For additional information, see the “Recent Legislation” section at the end of Part III for the Department of Human Services.

**S.B. 19-020 (WILDLAND FIRE AIRSPACE PATROL SYSTEM):** Requires the Center of Excellence for Advanced Technology Aerial Firefighting to study and, if feasible, implement a system to patrol the airspace above a wildland fire. For FY 2019-20, appropriates \$350,000 General Fund to the Department of Public Safety.

**S.B. 19-040 (ESTABLISH COLORADO FIRE COMMISSION):** Creates the Colorado Fire Commission to develop an integrated statewide process focused on the fire service's capacity to conduct fire management, preparedness, prevention, and response activities to safeguard lives, property, and natural resources, as well as increase the resiliency of local and regional communities. For FY 2019-20, appropriates \$174,183 General Fund and 0.8 FTE to the Department of Public Safety.

**S.B. 19-061 (SELF-CONTAINED BREATHING APPARATUS TESTING AND CERTIFICATION):** Authorizes the Department of Public Safety to promulgate rules that incorporate current federal standards for certification and recertification of self-contained breathing apparatus (SCBA) pressure vessels. For FY 2019-20, appropriates \$40,291 General Fund and 0.5 FTE to the Department of Public Safety.

**S.B. 19-121 (SUPPLEMENTAL BILL):** Modifies FY 2018-19 appropriations to the Department.

**S.B. 19-179 (ENHANCE SCHOOL SAFETY INCIDENT RESPONSE GRANT PROGRAM):** Modifies and provides funding for the Enhance School Safety Incident Response Program created in H.B. 18-1413 (School Safety Grant Program). For FY 2019-20, appropriates \$1,150,000 cash funds from the School Safety Resource Center Cash Fund to the Department of Public Safety.

**S.B. 19-207 (LONG BILL):** General appropriations act for FY 2019-20.

**H.B. 19-1073 (LAW ENFORCEMENT INFORMATION SHARING GRANT PROGRAM):** Creates the Law Enforcement, Public Safety, and Criminal Justice Information Sharing Grant Program to provide funding to assist local law enforcement agencies in gaining access to the information-sharing system created by the Colorado information sharing consortium (CISC). Allows grant recipients to use the money to pay for computer hardware, software, and programming costs necessary to connect to CISC's information-sharing systems. As a condition of each grant, requires the grant recipient and CISC to ensure that the information systems comply with federal data security requirements, and that the law enforcement data and intelligence information that is shared complies with federal regulations governing the use of criminal justice information systems. For FY 2019-20, appropriates \$500,000 cash funds from the Marijuana Tax Cash Fund to the Law Enforcement, Public Safety, and Criminal Justice Information Sharing Grant Program Fund. Also appropriates \$479,947 reappropriated funds and 0.7 FTE from the Law Enforcement, Public Safety, and Criminal Justice Information Sharing Grant Program Fund to the Department of Public Safety.

**H.B. 19-1090 (PUBLICLY LICENSED MARIJUANA COMPANIES):** Repeals the provision that prohibits publicly traded corporations from holding a marijuana license. For FY 2019-20, appropriates \$18,772 reappropriated funds to the Colorado Bureau of Investigation to conduct fingerprint-based criminal history background checks. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Revenue.

**H.B. 19-1230 (MARIJUANA HOSPITALITY ESTABLISHMENTS):** Allows for the operation of marijuana hospitality establishments with local government approval and requires operator license applicants to undergo a thorough background investigation. For FY 2019-20, appropriates \$4,576 reappropriated funds to the Colorado Bureau of Investigation to conduct fingerprint-based criminal history background checks. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Revenue.

**H.B. 19-1242 (BOARD OF PHARMACY REGULATE PHARMACY TECHNICIANS):** Requires pharmacy technicians to become certified by the Colorado Board of Pharmacy. For FY 2019-20, appropriates \$128,188 cash funds from the Colorado Bureau of Investigation Identification Unit Fund for fingerprint-based criminal history background checks and states the assumption that the Department will require an additional 0.7 FTE. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Regulatory Agencies.

**H.B. 19-1275 (INCREASED ELIGIBILITY FOR CRIMINAL RECORD SEALING):** Creates a simplified record sealing process by allowing a defendant to request to seal criminal record as part of a criminal case when there is a criminal conviction and without requiring the defendant to file a separate civil action. For FY 2019-20, appropriates \$443,847 cash funds from the Colorado Bureau of Investigation Identification Unit Fund and states the assumption that the Department will require an additional 6.6 FTE. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Judicial Department.

**H.B. 19-1297 (JAIL CAPACITY DATA COLLECTION):** Requires jail facilities to keep and maintain daily records regarding inmate population, capacity, inmate holds, inmates awaiting competency evaluation, inmates with substance addiction, and average lengths of stay. By January 17, 2020, and each quarter thereafter through January 31, 2023. Requires each jail facility to submit a report

containing this data to the Division of Criminal Justice in the Department of Public Safety (DPS). Requires DPS to collect, publish this data, and issue a letter to any non-compliant jail. Appropriates \$26,107 General Fund and 0.3 FTE to the department for FY 2019-20.

**H.B. 19-1300 (VEHICLE IDENTIFICATION NUMBER INSPECTION FEE):** Increases the fee for performing a certified vehicle identification number (VIN) inspection from \$20 to \$50 and limits inspector certification to three years. Beginning in FY 2019-20, increases state and local revenues and expenditures on an ongoing basis. State expenditures may increase for the Department's Colorado State Patrol; any increase in expenditures will be requested through the annual budget process.

**H.B. 19-1327 (AUTHORIZE AND TAX SPORTS BETTING):** Decriminalizes sports betting, conditional on voter approval, and places it under the authority of the Division of Gaming in the Department of Revenue and the Colorado Limited Gaming Control Commission. Requires sports betting operator license applicants to undergo a thorough background investigation. For FY 2019-20, appropriates \$1,716 reappropriated funds to the Colorado Bureau of Investigation to conduct fingerprint-based criminal history background checks. For more information, see the corresponding bill description in the "Recent Legislation" section at the end of Part III of the Department of Revenue.

## APPENDIX C FOOTNOTES AND INFORMATION REQUESTS

### UPDATE ON LONG BILL FOOTNOTES

- 93 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.

Placement Type	Rate	Diversion	Transition	Parole	Appropriation
Standard residential	\$48.45	1,250	1,413	121	\$49,369,072
Cognitive behavioral treatment pilot program	\$95.02	24	24	0	\$1,669,311
Intensive Residential Treatment	\$93.47	39	43	68	\$5,131,683
Inpatient Therapeutic Community	\$75.76	58	49	5	\$3,105,570
Residential Dual Diagnosis Treatment	\$82.64	64	46	10	\$3,629,583
Sex Offender	\$82.64	73	34	13	\$3,629,583
Standard Non-residential	\$6.56	621.5	5	5	\$1,516,172
Outpatient Therapeutic Community	\$23.52	55	25	6	\$740,240
<b>Total</b>		<b>2,185</b>	<b>1,639</b>	<b>228</b>	<b>\$68,791,215</b>

**COMMENT:** This footnote is part of the community corrections placements appropriations.

- 94 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 at rates corresponding to those in footnote 99.

**COMMENT:** This footnote makes it clear that all Intensive Residential Treatment (IRT) Beds receive the same reimbursement from the Division of Criminal Justice.

95 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 per diem rates are unchanged for FY 2019-20, these appropriations further assume that salary and staffing levels deemed adequate for FY 2018-19 will be deemed adequate for F 2019-20 and that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment.

**COMMENT:** The footnote explains the intent of the General Assembly when setting the appropriations for the Community Corrections Facility Payment line item.

## UPDATE ON REQUESTS FOR INFORMATION

### MULTIPLE DEPARTMENT REQUEST FOR INFORMATION

1 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 for information is intended to ensure that Departments coordinate requests that draw on the same cash fund. Each Department is required to include, as part of its budget request, a Cash Fund Report (a "schedule 9") for each cash fund it administers to comply with the statutory limit on cash fund reserves, and to allow both the Office of State Planning and Budgeting and the Joint Budget Committee to make informed decisions regarding the utilization of cash funds for budgeting purposes. For funds that are shared by multiple departments, the department that administers the fund is responsible for coordinating submission of expenditure and revenue information from all departments to construct a schedule 9 that incorporates all activity in the fund. One of the funds referenced in this RFI pertains to the Division of Criminal Justice within the Department of Public Safety.

*Sex Offender Surcharge Fund [Section 18-21-103 (3), C.R.S.]* – This fund consists of 95.0 percent of sex offender surcharge revenues. These surcharges range from \$150 to \$3,000 for each

conviction or, in the case of juveniles, adjudication. Money in this fund is subject to annual appropriation in the Judicial Department, the Department of Corrections, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services to cover the direct and indirect costs associated with the evaluation, identification, and treatment and the continued monitoring of sex offenders. Pursuant to 16-11.7-103 (4)(c), C.R.S., the Sex Offender Management Board is required to develop and submit to the General Assembly the plan for the allocation of money deposited in this fund. Below are the recommendations for expenditures.



700 Kipling Street, Suite 1000  
Lakewood, CO 80215

August 14, 2019

COLORADO SEX OFFENDER MANAGEMENT BOARD  
Recommendations for Expenditures  
From the Sex Offender Surcharge Fund

Pursuant to Section 16-11.7-103(4)(c) C.R.S., the Sex Offender Management Board "shall develop a plan for the allocation of moneys deposited in the sex offender surcharge fund created pursuant to Section 18-21-103(3) C.R.S. among the Judicial Department, the Department of Corrections, the Division of Criminal Justice of the Department of Public Safety, and the Department of Human Services."

On August 16, 2019, the Sex Offender Management Board met and endorsed the following plan for expenditures from the limited dollars in the cash fund for Fiscal Year 2020-2021:

1. \$ 163,591 to the Division of Criminal Justice (DCJ) for administration and implementation of the Standards (personnel, contract, operating and POTS dollars for FTE appropriated positions amended to reflect actual base and POTS dollars). \$3,500 of these funds will be used to provide cross-system training. These dollars may be matched by grants as available.
2. \$302,029 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.
3. \$30,041 to the Department of Corrections to be used to manage sex offender data collection, including entry of ViCAP, psychological and risk assessment test results and demographics for use in treatment planning and research (personnel, operating and POTS dollars for FTE appropriated positions).
4. \$38,250 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.

The total expenditures from the fund will be \$533,911.

When the above needs have been satisfied, additional dollars for direct services for additional sex offender treatment, polygraphs or related services should be considered. At that time this plan will be updated.

  
Marcelo Kopcow  
Chair, Sex Offender Management Board

8-16-19  
Date



## DEPARTMENT OF PUBLIC SAFETY REQUESTS

- 2 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- As part of its FY 2020-21 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 93. 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, 2020. The January report should also include an estimated placements table for FY 2020-21. If the Department believes that a supplemental adjustment to the FY 2019-20 Community Corrections Placements appropriation is needed, the Department is requested to also submit an estimated placements table for FY 2019-20. If the Department estimates that the actual number of Community Corrections facility payments in either FY 2019-20 or FY 2020-21 will differ from the number on which the FY 2019-20 facility payments appropriation is based, the Department is requested to include that information in its January report. These estimates are not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations. The Department is requested to submit a brief narrative with the estimates.

**COMMENT:** The Department is not required to submit an update to this information until January 2020.

## APPENDIX D

### DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Department of Public Safety is required to publish an **Annual Performance Report** for the *previous fiscal year* 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 the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the Department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* 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 FY 2020-21 budget request, the FY 2018-19 Annual Performance Report dated October 2018 and the FY 2019-20 Performance Plan can be found at the following link:

<https://www.colorado.gov/pacific/performancemanagement/department-performance-plans>

## APPENDIX E – DESCRIPTION OF COMMUNITY CORRECTIONS PROGRAMS

The purpose of the residential phase of community corrections is to provide offenders with the knowledge and skills necessary to be emotionally, cognitively, behaviorally and financially prepared for their reintegration into the community. Residential programs strive to accomplish this rehabilitative task by a variety of means with an emphasis on evidence-based practices. Through evidence-based, assessment-driven individual treatment plans, programs attempt to match offender risks and needs with the most appropriate treatment modality. Offenders are assisted in obtaining regular employment and encouraged to participate in educational and vocational services. Programs monitor the payment of restitution, court fines, court-ordered child support and useful community service requirements. Program staff carefully monitor offenders in the community to enhance offender accountability and to address public safety concerns.

### Non-Resident Programs

Offenders in non-residential programs have been successful in highly structured residential settings, and have addressed criminogenic risk areas, progressed in or completed treatment, obtained a suitable independent living arrangement, and managed their finances appropriately. While in non-residential placement, offenders are required to meet with case management staff, continue addressing criminogenic and non-criminogenic risk areas, participate in treatment and/or support services, retain employment, honor their financial responsibilities and remain drug and alcohol free. Non-residential offenders are also subject to random monitoring of their living situations and employment verifications. Depending on supervision and treatment needs, an offender may be transferred back to a residential community corrections program for additional services.<sup>1</sup>

### Intensive Residential Treatment

Intensive Residential Treatment (IRT) is a correctional treatment program for individuals with serious substance use problems and is structured to accommodate persons with disorders related to prolonged substance use. Additionally, IRT programs treat individuals who lack a positive support system, experience denial and exhibit an inability to sustain independent functioning outside of a controlled environment.

IRT programs last 90 days and offenders participate in forty hours of therapeutic treatment per week. The purpose of IRT is to provide a brief, intense treatment intervention. Treatment is aimed at increasing positive coping and relapse prevention skills and identifying negative thinking errors that have resulted in prior substance use and criminal behavior. Due to the intensive nature of IRT, offenders do not leave the facility, seek employment, or address other community needs while in the program. Throughout the IRT program, the clients' focus is primarily on substance use and any mental or physical health concerns that must be addressed in order for them to be successful in future community placements. IRT programs receive a differential per Diem of \$46.71 per day to offset the costs of treatment and subsistence fees.<sup>2</sup>

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<sup>1</sup> Division of Criminal Justice, Office of Community Corrections Annual Report. Page 42.  
<https://cdpsdocs.state.co.us/occ/Reports/FY16AnnualReport-FINAL-AsPublished-022217.pdf>

<sup>2</sup> Division of Criminal Justice, Office of Community Corrections Annual Report. Page 49.  
<https://cdpsdocs.state.co.us/occ/Reports/FY16AnnualReport-FINAL-AsPublished-022217.pdf>

### Residential Dual Diagnosis Treatment

Residential Dual Diagnosis Treatment is a program designed for these individuals in order to address co-occurring substance use and mental health disorders while building positive support systems and increasing overall ability to function in the community. These programs are structured to accommodate persons in need of additional supervision and treatment services in order to successfully reintegrate into the community. RDDT programs are professionally supervised therapeutic environments geared toward drug and alcohol abstinence, improved mental health and desistance from continued criminal conduct. Generally, the treatment program is aimed at offenders with both significant substance use and mental illness, including those whose previous treatment failures necessitate more intensive measures.

### Specialized Sex Offender Supervision and Treatment

Sex Offender Supervision and Treatment in Community Corrections (SOSTCC) is intended for felony sex offenders who are under the jurisdiction of community corrections programs. As is the belief of the Colorado Sex Offender Management Board, *“It is in the best interest of public safety for each community to have a continuum of management and treatment options so that treatment is appropriately matched to the client.”* *When treatment is responsive to an offender’s risk level and needs, offenders “are capable of change.”* *In addition, “Treatment and supervision are most effective when they are individualized, and incorporate evidence-based and research informed practices...Community safety is further enhanced when treatment providers and community supervision professionals practice in their area of specialization and work together.”* The purpose of Sex Offender Supervision and Treatment in Community Corrections is to provide treatment and monitoring for eligible clients in community corrections in hopes of successful transition back to the community after completion of the residential intervention.

### Cognitive Behavioral Treatment Pilot Program

The Cognitive Behavioral Therapeutic pilot program is specialized for a targeted male population who are high risk with high intrinsic needs in the areas of antisocial mindsets and cognitive structures, criminal orientation/personality and impulse control skill deficits. This is a 5-year, high intensity, 48 bed pilot program which aims to serve at least 200 high risk/high intrinsic needs clients annually. The program utilizes a 3-phase approach to address specific intrinsic and primary criminogenic needs of high risk criminal clients. Each phase of programming includes risk-informed and evidence-informed efforts in supervision, evidence-based interventions and applies research based dosage targets with phases one and two incorporating a minimum of 250 hours of therapeutic and skill building interventions. Clients in the CBT program engage in 40 hours per week of clinical and directed skill practice interventions over 6 days each week.

### Therapeutic Community

Similar to Intensive Residential Treatment (IRT) programs, therapeutic community programs are residential in nature but have greater lengths of stay. Typically, therapeutic communities have a 9-month length of stay at a minimum and provide 5 hours of direct therapeutic interventions to each client weekly plus additional interventions from peers and staff. Therapeutic communities are designed for high risk and high need individuals with extensive life-course criminal patterns, long-term antisocial behavior, substance dependence diagnoses, and multiple unsuccessful treatment attempts due to prolonged substance use disorders. TC programs use confrontation techniques and place high levels of responsibility on the individual participants for their treatment using the peer community as a primary method of behavioral intervention.