

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2023-24

DEPARTMENT OF PUBLIC SAFETY

Division of Criminal Justice

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

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HOW TO USE THIS DOCUMENT

The Division Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Division Overview. More details about the incremental changes are provided in the sections following the Division Overview and the division summary tables.

Decision items, both division-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

In some of the analysis of decision items in this document, you may see language denoting certain 'levels of evidence', e.g. theory-informed, evidence-informed, or proven. For a detailed explanation of what is meant by 'levels of evidence', and how those levels of evidence are categorized, please refer to Section 2-3-210 (2), C.R.S.

DIVISION OVERVIEW

This document covers figure setting for the Division of Criminal Justice ONLY. The Department of Public Safety's Division of Criminal Justice (DCJ) provides assistance to state and local agencies in the criminal justice system by analyzing policy, conducting criminal justice research, managing programs, and administering grants.

SUMMARY OF STAFF RECOMMENDATIONS

DIVISION OF CRIMINAL JUSTICE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 Appropriation						
HB 22-1329 (Long Bill)	\$137,065,060	\$91,820,443	\$4,491,641	\$6,016,434	\$34,736,542	78.2
Other Legislation	36,679,441	34,940,150	1,739,291	0	0	11.3
SB 23-129 (Supplemental)	1,442	1,442	0	0	0	0.0
TOTAL	\$173,745,943	\$126,762,035	\$6,230,932	\$6,016,434	\$34,736,542	89.5
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$173,745,943	\$126,762,035	\$6,230,932	\$6,016,434	\$34,736,542	89.5
Provider rate common policy	2,298,475	2,133,447	0	165,028	0	0.0
R19 VINE Program upgrade	283,709	283,709	0	0	0	0.0
R16 Two FTE for Office of Research and Statistics	199,150	199,150	0	0	0	1.8
Staff-initiated community corrections financial audit	100,000	100,000	0	0	0	0.0
R21 Community corrections support staffer	62,805	62,805	0	0	0	0.9
Annualize prior year budget action	47,965	(53,686)	29,910	11,051	60,690	0.0
Non-prioritized requests	44,900	40,400	4,500	0	0	0.0
Technical adjustment	27,040	19,208	0	7,832	0	0.0
BA2 Reclassify Sex Offender Management Board staff	21,796	0	21,796	0	0	0.0
R5 Additional funding local crime prevention (S.B. 22-145)	0	0	0	0	0	0.0
R11 Criminal justice-related technical assistance hub	0	0	0	0	0	0.0
Annualize prior year legislation	(18,693,271)	(16,953,980)	(1,739,291)	0	0	2.1
R2 Create the Office of School Safety	(100,000)	(100,000)	0	0	0	(0.3)
Indirect cost assessment	(25,844)	0	1,525	0	(27,369)	0.0
TOTAL	\$158,012,668	\$112,493,088	\$4,549,372	\$6,200,345	\$34,769,863	94.0
INCREASE/(DECREASE)	(\$15,733,275)	(\$14,268,947)	(\$1,681,560)	\$183,911	\$33,321	4.5
Percentage Change	(9.1%)	(11.3%)	(27.0%)	3.1%	0.1%	5.0%
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$19,412,064	\$9,724,647	\$0	\$9,000,000	\$687,417	(0.0)

DESCRIPTION OF INCREMENTAL CHANGES

PROVIDER RATE COMMON POLICY: The recommendation includes an increase of \$2.3 million total funds, including \$2.1 million General Fund and \$165,028 reappropriated funds, to reflect the impact of the Committee’s 3.0 percent common policy provider rate adjustment. This increase also reflects adjustments to bed counts and performance-based incentive payments.

R19 VINE PROGRAM UPGRADE: Staff recommends approval of the request for an increase of \$283,709 General Fund in FY 2023-24 for the Victim Information Notification Everyday system (VINE). This annualizes to \$58,080 in FY 2024-25 and would increase by 4.0 percent each year thereafter.

R16 TWO FTE FOR OFFICE OF RESEARCH AND STATISTICS: Staff recommends approval of the request for an increase of \$233,443 General Fund and 1.8 FTE starting in FY 2023-24. This annualizes to \$241,163 General Fund and 2.0 FTE in FY 2024-25. The amount shown here differs from the division summary table because some of the recommended funding goes to the Executive Director’s Officer for centrally-appropriated compensation costs. Staff recommends including centrally appropriated costs because the number of FTE requested by the Department exceeds 20.0 FTE.

STAFF-INITIATED COMMUNITY CORRECTIONS FINANCIAL AUDIT [LEGISLATION RECOMMENDED]: Staff recommends an increase of \$100,000 General Fund to pay for a third-party audit of community correction provider finances. This audit aims to assess the cost of running community corrections programs, sources of revenue, types of expenditures, and other factors. Staff recommends legislation that outlines the expectations of the audit and sets a five-year reoccurrence of the audit.

R21 COMMUNITY CORRECTIONS SUPPORT STAFF: Staff recommends approval of the request for increase of \$77,657 General Fund and 0.9 FTE starting in FY 2023-24. This annualizes to \$78,425 General Fund and 1.0 FTE in FY 2024-25. The amount shown here differs from the division summary table because some of the recommended funding goes to the Executive Director’s Officer for centrally-appropriated compensation costs. Staff recommends including centrally appropriated costs because the number of FTE requested by the Department exceeds 20.0 FTE.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The recommendation includes a net increase of \$47,965 total funds, as shown in the table below, to reflect the FY 2023-24 impact of FY 2022-23 budget changes.

ANNUALIZE PRIOR YEAR BUDGET ACTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year salary survey	\$188,727	\$87,076	\$29,910	\$11,051	\$60,690	0.0
FY23 R12 CCIB system maintenance	(139,320)	(139,320)	0	0	0	0.0
FY23 DPA Variable vehicle adjustment	(1,442)	(1,442)	0	0	0	0.0
TOTAL	\$47,965	(\$53,686)	\$29,910	\$11,051	\$60,690	0.0

NON-PRIORITIZED REQUESTS: The recommendation includes an increase of \$44,900 total funds for adjustments related to the statewide operating expenses request. Staff will adjust the appropriate line items to reflect the Committee’s decisions on this request.

TECHNICAL ADJUSTMENT: The recommendation includes an increase of \$19,208 General Fund and \$7,832 reappropriated funds for a leap-year adjustment to community corrections line items.

BA2 RECLASSIFY SEX OFFENDER MANAGEMENT BOARD (SOMB) STAFF: Staff recommends approval of the request for increase of \$21,796 cash funds from the Sex Offender Surcharge Fund in FY 2023-24.

R5 ADDITIONAL FUNDING LOCAL CRIME PREVENTION (S.B. 22-145): Staff recommends denial of the request for a one-time, \$9.0 million General Fund appropriation to two different cash funds in FY 2023-24:

- \$4.5 million to the Law Enforcement Workforce Recruitment, Retention and Tuition Grant Fund
- \$4.5 million to the Multidisciplinary Crime Prevention & Intervention Grant Fund

Statute already requires \$22.75 million General Fund for these two programs, split evenly between FYs 2022-23 and 2023-24.

EXISTING GENERAL FUND APPROPRIATIONS FOR S.B. 22-145 PROGRAMS			
PROGRAM	FY 22-23	FY 23-24*	TOTAL
Multidisciplinary Crime Prevention and Crisis Intervention Grant Program	\$7,500,000	\$7,500,000	\$15,000,000
Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Program	3,750,000	3,750,000	\$7,500,000
State’s Mission For Assistance In Recruiting & Training (SMART) Grant Program	3,750,000	3,750,000	\$7,500,000
Total	\$15,000,000	\$15,000,000	\$30,000,000

**Does not include requested funds.*

R11 CRIMINAL JUSTICE-RELATED TECHNICAL ASSISTANCE HUB: Staff recommends denial of the request for an increase of \$503,675 General Fund and 2.8 FTE starting in FY 2023-24.

ANNUALIZE PRIOR YEAR LEGISLATION: The recommendation includes a net decrease of \$18,693,271 total funds related to the annualization of prior year legislation.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB 22-150 Missing murdered indigenous relatives	\$220,744	\$220,744	\$0	\$0	\$0	3.0
HB22-1274 Sunset school safety group	125,032	125,032	0	0	0	0.2
HB22-1210 Sunset domestic violence board	14,919	14,919	0	0	0	0.3
HB22-1208 Jail data clean-up	14,755	14,755	0	0	0	0.2
SB22-001 Crime prevention safer streets	(10,300,000)	(10,300,000)	0	0	0	(2.0)
HB22-1326 Fentanyl accountability	(6,864,498)	(6,864,498)	0	0	0	0.2
SB22-196 Health needs criminal justice	(1,739,291)	0	(1,739,291)	0	0	0.0
SB22-145 Resources community safety	(99,932)	(99,932)	0	0	0	0.2
SB22-057 Violent crime brain injury	(65,000)	(65,000)	0	0	0	0.0
TOTAL	(\$18,693,271)	(\$16,953,980)	(\$1,739,291)	\$0	\$0	2.1

INDIRECT COST ASSESSMENT: The recommendation includes a net decrease in the Division's indirect cost assessment.

MAJOR DIFFERENCES FROM THE REQUEST

- Staff recommends denial of R5 Additional Funding Local Crime Prevention (S.B. 22-145) and R11 Criminal Justice-Related Technical Assistance Hub.
- Staff-initiated community corrections financial audit [legislation recommended].

(A) ADMINISTRATION

This subdivision contains appropriations for employees who staff six of the Division's eight offices as well as the operating expenses that support those employees.

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
Other Legislation	\$34,579,441	\$32,840,150	\$1,739,291	\$0	\$0	9.5
HB 22-1329 (Long Bill)	7,501,936	4,362,184	1,845,396	515,515	778,841	47.7
SB 23-129 (Supplemental)	1,442	1,442	0	0	0	0.0
TOTAL	\$42,082,819	\$37,203,776	\$3,584,687	\$515,515	\$778,841	57.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$42,082,819	\$37,203,776	\$3,584,687	\$515,515	\$778,841	57.2
R16 Two FTE for Office of Research and Statistics	199,150	199,150	0	0	0	1.8
Staff-initiated community corrections financial audit	100,000	100,000	0	0	0	0.0
R21 Community corrections support staffer	62,805	62,805	0	0	0	0.9
Non-prioritized requests	44,900	40,400	4,500	0	0	0.0
R11 Criminal justice-related technical assistance hub	0	0	0	0	0	0.0
R5 Additional funding local crime prevention (S.B. 22-145)	0	0	0	0	0	0.0
Technical adjustment	0	0	0	0	0	0.0
Annualize prior year legislation	(18,693,271)	(16,953,980)	(1,739,291)	0	0	2.1
R2 Create the Office of School Safety	(100,000)	(100,000)	0	0	0	(0.3)
Annualize prior year budget action	(30,195)	(65,627)	24,381	11,051	0	0.0
Indirect cost assessment	(25,844)	0	1,525	0	(27,369)	0.0
TOTAL	\$23,640,364	\$20,486,524	\$1,875,802	\$526,566	\$751,472	61.7
INCREASE/(DECREASE)	(\$18,442,455)	(\$16,717,252)	(\$1,708,885)	\$11,051	(\$27,369)	4.5
Percentage Change	(43.8%)	(44.9%)	(47.7%)	2.1%	(3.5%)	(4)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$18,873,830	\$9,186,413	\$0	\$9,000,000	\$687,417	(0.0)

DECISION ITEMS - ADMINISTRATION

The following decision items are described in this section:

- R5 Additional appropriations for local crime prevention (S.B. 22-145)
- R11 Criminal justice-related technical assistance hub
- R16 Two FTE for Office of Research and Statistics
- R21 Community corrections support staffer
- Staff-initiated community corrections financial audit

→ R5 ADDITIONAL APPROPRIATIONS FOR LOCAL CRIME PREVENTION (S.B. 22-145)

REQUEST: The request includes a one-time, \$9.0 million General Fund appropriation to two different cash funds created by Senate Bill 22-145 (Resources to Increase Community Safety):

- \$4.5 million to the Law Enforcement Workforce Recruitment, Retention and Tuition Grant Fund;
- \$4.5 million to the Multidisciplinary Crime Prevention & Intervention Grant Fund.

RECOMMENDATION: Staff recommends denial of the request for four reasons. First, statute already requires General Fund appropriations totaling \$22.5 million for the two grant programs referenced in the request, split evenly between FY 2022-23 and FY 2023-24.

EXISTING GENERAL FUND APPROPRIATIONS FOR S.B. 22-145 PROGRAMS			
PROGRAM	FY 22-23	FY 23-24*	TOTAL
Multidisciplinary Crime Prevention and Crisis Intervention Grant Program	\$7,500,000	\$7,500,000	\$15,000,000
Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Program	3,750,000	3,750,000	\$7,500,000
State’s Mission For Assistance In Recruiting & Training (SMART) Grant Program	3,750,000	3,750,000	\$7,500,000
Total	\$15,000,000	\$15,000,000	\$30,000,000

**Does not include requested funds.*

Second, the only justification provided by the request is that demand for grant dollars has exceeded the supply of available funds. Unless statute states otherwise, staff does not assume that a competitive grant program would necessarily fund every grant request. Thus staff does not see excess demand for a competitive grant program as adequate justification for additional funding.

Third, statute requires that DCJ submit a written report to the Judiciary Committee of both chambers on or before November 15, 2024 concerning the effectiveness of programs funded through S.B. 22-145 and recommendations regarding future funding for those programs. Given existing funding levels, staff will not recommend additional funding without some sense of what those funds have accomplished.

Fourth, with respect to additional funding for law enforcement workforce recruitment, retention, and tuition, staff is skeptical that the amount of DCJ grant funding plays a crucial role in the number of peace officers in the State of Colorado.

JBC staff received unsolicited additional information about this request on February 10th, one week before this document was submitted to the JBC for their consideration. This information addresses issues raised by staff during the briefing on DCJ’s budget requests on December 5, 2022. In that briefing, staff indicated that they would likely recommend denial of the request. Staff read through this information and did not find it compelling enough to change the recommendation to deny the request. The analysis section includes some of this information.

EVIDENCE LEVEL: The Department indicated that this request item is a *theory-informed program or practice*. Section 2-3-210 (2)(f), C.R.S. defines “theory-informed” as a program or practice that reflects a moderate to low or promising level of confidence of effectiveness, ineffectiveness, or harmfulness

as determined by tracking and evaluating performance measures including pre- and post-intervention evaluation of program outcomes, evaluation of program outputs, identification and implementation of a theory of change, or equivalent measures. Staff agrees with this rating.

ANALYSIS:

LAW ENFORCEMENT WORKFORCE RECRUITMENT, RETENTION, AND TUITION GRANTS

This program aims to: (1) assist law enforcement agencies in addressing workforce shortages, (2) improve the training given to P.O.S.T.-certified peace officers, and (3) improve relationships between law enforcement and impacted communities.¹

Eligible Applicants and Uses of Funds

Eligible applicants are Colorado law enforcement agencies, tribal law enforcement agencies serving fewer than 50,000 residents, third-party law enforcement-related membership organizations, and higher education institutions that operate a law enforcement academy. Statute requires that at least 20.0 percent of total funding is distributed to agencies with a population less than 50,000. These agencies must be wholly located either east of Interstate 25 or west of the continental divide.²

Grantees may use funds for the following purposes:

- Recruit, pay the tuition for, and train individuals to work in POST certified law enforcement careers;
- Increase the number of persons receiving training as POST certified and non-certified law enforcement personnel and improve the training provided to such persons;
- Improve the training provided by entities approved for providing training by the peace officer standards and training board, referred to in this section as "approved POST Board trainers", by enhancing their curriculum to expand mental health, implicit bias, cultural competency, critical incident, de-escalation, and trauma recovery training and increasing the availability of workforce mobility; and
- Provide continuing education opportunities for POST certified and non-certified peace officers, and increase activities intended to foster a more positive relationship between law enforcement and impacted communities.

Grant money must supplement the costs of recruitment and training; it cannot be use to supplant these costs. It also cannot be used to cover the costs of law enforcement officer salaries and benefits if said officer would have been hired regardless of awarded grant money. Lastly, law enforcement

¹ Section 24-33.5-528 (1)(a), C.R.S.

² Section 25-33.5-528 (2)(a)(II), C.R.S. If applications do not meet or exceed this requirement, funding may be allocated to other agencies.

agencies that receive funds may be subject to an audit by the state auditor to ensure proper use of those funds.³

Accountability

Statute requires each grant recipient to provide a financial and narrative report to DCJ. This report must describe how funds were utilized, including information related to performance metrics. These metrics include:

- Number of recruitment events an agency has attended or hosted
- Number of training sessions officers attended
- Activities conducted to foster positive relationships between law enforcement and the community
- Number of scholarships or officers who received assistance with location costs
- The number of recruits or officers who have received a signing bonus, retention bonus, or other form of incentive

Current Funding Levels

Senate Bill 22-145 appropriated \$3,750,000 General Fund to the continuously appropriated Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Fund in FY 2022-23. Because the Fund is continuously appropriated, the Department may spend funds until the program is repealed on January 1, 2025.

Statute requires a \$3,750,000 General Fund appropriation to the Fund in FY 2023-24.⁴ Thus, the current request is *in addition to* this amount. If the request is approved, total funding for program would come to \$12.0 million General Fund: \$3.75 million FY 2022-23 and \$8.25 million in FY 2023-24.

Request Justification

The only justification in the request is that demand for grant dollars has exceeded the supply of available funds. Per the Department, they received 31 applications for a total amount of \$7,190,416.

Additional information provided by the Executive Branch on February 10 says “Initial analyses suggest law enforcement agencies need to address the underlying challenges of recruitment, retention and training issues in order to address the increasing workforce shortages. Further, based on the trend analysis, workforce shortages are only going to continue, if not worsen. Colorado must provide funding to address the well-documented increasing demand for officers.” The response noted a 2.1 percent decline in the number of peace officers statewide in 2020 and a 3.5 percent decline in 2021.

The February 10 response also says, “...because these workforce trends began to shift in 2018 there is not data available that support best practices. This demonstrates the importance of funding these programs that will help identify effective strategies now and in the future.” Yet the same response cited a 2010 article from the RAND Corporation titled “Improving Police Recruitment and

³ Section 24-33.5-528 (1)(d), C.R.S.

⁴ Section 24-33.5-528 (4)(c), C.R.S.

Retention.”⁵ JBC staff is not sure how to square an alleged lack of “best practice” literature with cited literature that talks about best practices.

JBC Staff Analysis

JBC staff does not consider demand for grant dollars as an adequate justification for additional funding. That is because “demand” in this case is divorced from a description of the underlying problem and/or the impact of state spending. Additionally, the grant process appears to be competitive. Unless statute states otherwise, staff does not assume that a competitive grant program would necessarily fund every grant request. Thus staff does not see excess demand for a competitive grant program as adequate justification for additional funding.

Additionally, staff is skeptical that more DCJ grant funding will solve or improve the problem. Staff is skeptical because peace officers appear to be leaving their jobs for reasons unrelated to state funding levels.

A survey of 232 members of Colorado law enforcement organizations suggests that officers are leaving their jobs due to concerns about recent legislation, anti-police sentiment in the media, anti-police rhetoric from Colorado’s elected officials, and concerns about the future of policing.⁶ Those surveyed also indicated they have become more concerned about their personal safety. Staff notes that the survey results show perceptions and subjective concerns; they are not objective. But perceptions matter because they influence behavior. Staff cannot say with certainty that the survey results are representative of peace officer perceptions more generally, though national reports suggests they might be.⁷ At the very least, they suggest that funding levels for DCJ grant programs are not the source of law enforcement workforce shortages in the state. And the request does not attempt to explain the relationship between state funding levels, improved training, the effect that better training might have on employee retention.

Information provided by the Executive Branch on February 10th says, “When asked about a single legislative priority for the upcoming legislative session, respondents identified officer pay and benefits as a top priority.” JBC notes two things about this statement. First, the survey shows “Officer pay, benefits and death and disability supports” as the third-highest legislative priority out of ten options. Second, recruitment and retention was listed as the fifth highest legislative priority, with officer training listed eighth and P.O.S.T. certification processes listed ninth. This grant program aims to address recruitment, retention, and training. It does not address officer pay in a general sense.

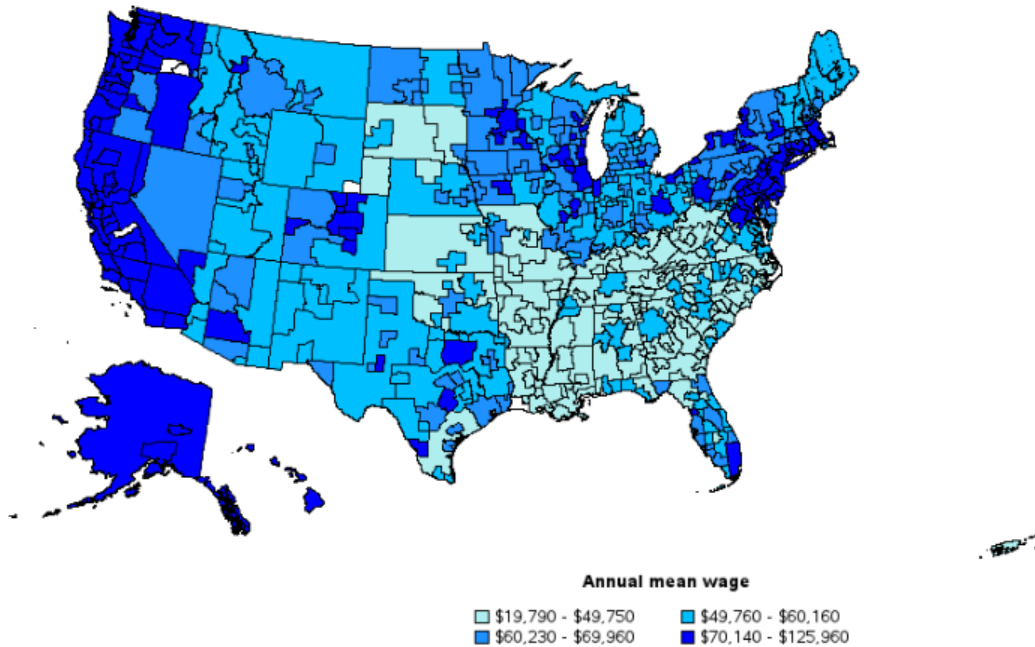
⁵ “Improving Police Recruitment and Retention,” RAND Corporation, 2010: www.rand.org/pubs/research_briefs/RB9546.html. Also see “Police Recruitment and Retention for the New Millennium: The State of Knowledge,” RAND Corporation, 2010: www.rand.org/pubs/monographs/MG959.html

⁶ [Link](#) to report produced by the County Sheriffs of Colorado, the Colorado Association of Chiefs of Police, and the Colorado Fraternal Order of Police.

⁷ Smith, Mitch. “As Applications Fall, Police Departments Lure Recruits with Bonuses and Attention.” *New York Times*, December 25, 2022. <https://www.nytimes.com/2022/12/25/us/police-officer-recruits.html>

Other data further suggests that money is not at the heart of the issue, particularly with regards to officer pay. The U.S. Bureau of Labor Statistics shows that Colorado ranks seventh in mean annual wages for police and sheriff's patrol officers among the 50 U.S. states, the District of Columbia, and Puerto Rico. When looking at the median annual wage, Colorado ranks tenth. There is some variability when looking at different regions within the State, but Colorado's regions are generally competitive or better paying than regions in neighboring states (see map below).⁸

Annual mean wage of police and sheriff's patrol officers, by area, May 2021



Source: U.S. Bureau of Labor Statistics, screenshot of map located at following URL:
[https://www.bls.gov/oes/current/oes333051.htm#\(1\)](https://www.bls.gov/oes/current/oes333051.htm#(1))

In sum, JBC staff does not see officer recruitment and retention a problem to be solved by additional state funding. Rather, staff sees it as a political, social, and cultural issue that requires political, social, and cultural solutions.

JBC Staff Recommendation: R5 Part I

With \$7.5 million slated for the program already, staff would not recommend additional funding without some sense of what those funds have accomplished and the need for additional funding (beyond so-called “demand”). To that end, statute requires that DCJ submit a written report to the Judiciary Committee of both chambers on or before November 15, 2024 concerning the effectiveness of programs funded through S.B. 22-145 and recommendations for continued funding of those programs.⁹

⁸ U.S. Bureau of Labor Statistics. “Occupational Employment and Wages, May 2021, 33-3051 Police and Sheriff's Patrol Officers.” [https://www.bls.gov/oes/current/oes333051.htm#\(1\)](https://www.bls.gov/oes/current/oes333051.htm#(1))

⁹ Section 24-33.5-503 (1)(dd)(II), C.R.S.

Furthermore, it is not clear that additional funding for this type of program will improve law enforcement workforce problems in the State if people are leaving or avoiding the profession for reasons not related to money.

MULTIDISCIPLINARY CRIME PREVENTION AND CRISIS INTERVENTION GRANT PROGRAM

This program aims to support community-based, multidisciplinary approaches to crime prevention and crisis intervention strategies, specifically in areas where crime is disproportionately high.

Eligible Applicants and Uses of Funds

Community-based organizations and non-profit agencies, local law enforcement agencies, federally recognized tribes within Colorado, local health and human services agencies, and third-party membership organizations may apply for grants.

Grantees may use funds for the following purposes:

- Violence interruption programs;
- Early intervention teams;
- Primary and secondary violence prevention programs;
- Restorative justice services;
- Co-responder programs;
- Other research-informed crime, crisis, and recidivism reduction programs; and
- Support-team-assisted response programs.

Accountability

Statute requires each grant recipient to provide a financial and narrative report to DCJ. This report must describe how funds were utilized, including information related to performance metrics.¹⁰ The Department is responsible for determining which metrics grant recipients must provide.

Current Funding Levels

Senate Bill 22-145 appropriated \$7,500,000 General Fund to the continuously appropriated Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund in FY 2022-23. Because the Fund is continuously appropriated, the Department may spend funds until the program is repealed on January 1, 2025.

Statute requires another \$7,500,000 General Fund appropriation to the Fund in FY 2023-24.¹¹ Thus, the current request is *in addition to* this amount. If the request is approved, total funding for program would come to \$19.5 million General Fund: \$7.5 million FY 2022-23 and \$12.0 million in FY 2023-24.

¹⁰ Section 24-33.5-527 (5), C.R.S.

¹¹ Section 24-33.5-528 (4)(c), C.R.S.

Statute further requires that at least \$2.5 million shall go to law enforcement agencies in each year of the program. Statute also requires that \$2.5 million go to community-based organizations in each year.¹²

Request Justification

The only justification in the request is that demand for grant dollars has exceeded the supply of available funds. Per the Department, they received 90 applications for a total amount of \$32,720,741.

JBC Staff Recommendation: R5 Part II

Again, staff does not see excess demand for a competitive grant program as clear justification for additional funding. And with \$15.0 million slated for the program already, staff would not recommend additional funding without some sense of what those funds have accomplished and a clear justification for additional funding.

→ R11 CRIMINAL JUSTICE-RELATED TECHNICAL ASSISTANCE HUB

REQUEST: The request includes an increase of \$555,358 General Fund and 2.8 FTE starting in FY 2023-24. This would annualize to \$559,473 General Fund and 3.0 FTE in FY 2024-25. These funds would support a crime-related Technical Assistance Hub (the Hub) within DCJ’s Office of Research and Statistics. This Hub would help communities match evidence-based programs to public safety data and trends.

RECOMMENDATION: Staff recommends denial of the request. There are free resources online that communities can use to inform their applications for public safety grant dollars.

JBC staff received unsolicited additional information about this request on February 10th, one week before this document was submitted to the JBC for their consideration. This information addresses issues raised by staff during the briefing on DCJ’s budget requests on December 5, 2022. In that briefing, staff indicated that they would likely recommend denial of the request. Staff read through this information and did not find it compelling enough to change the recommendation to deny the request. Staff included some this information in the analysis below.

ANALYSIS:

MAIN FACTOR DRIVING THE REQUEST

Per information provided by the Executive Branch on February 10, the primary factor driving this request is “the quality of proposals submitted for public safety grant dollars.” Many of these proposals did not link research supported strategies to the need documented in their applications.

WHAT WOULD THE HUB DO?

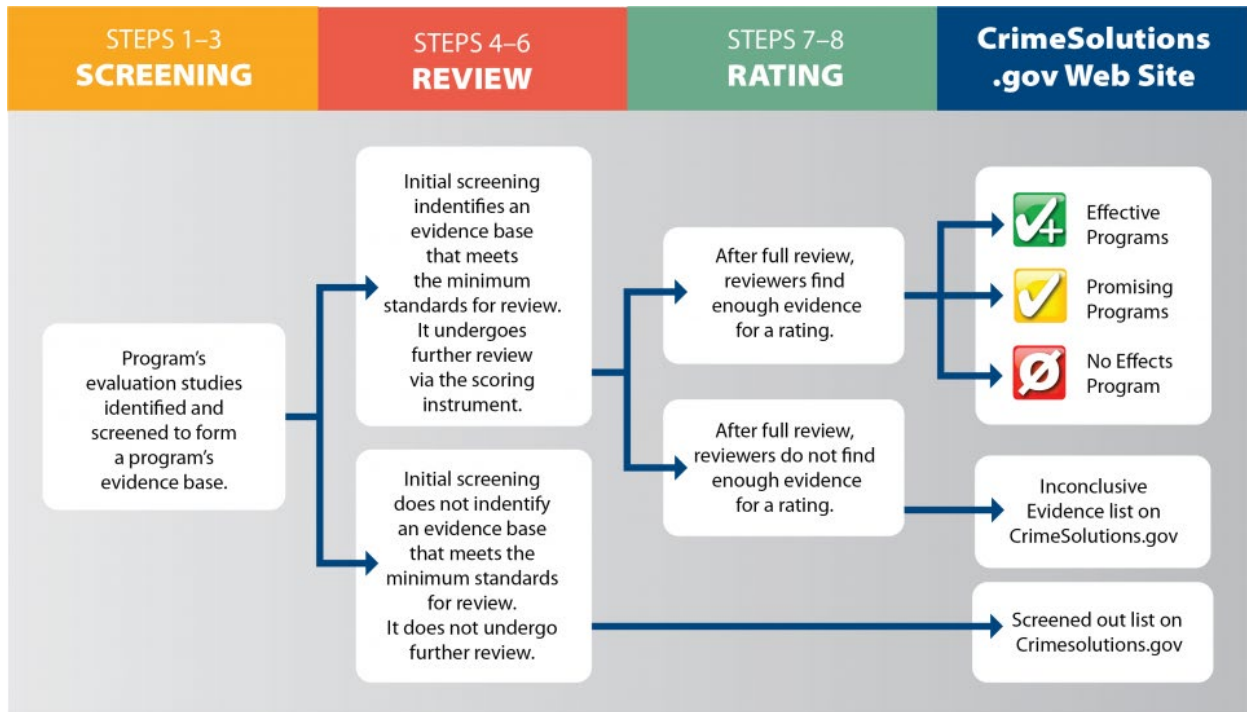
Per information provided on February 10, “This Hub’s focus is on assisting communities match evidence-based programs to public safety data and trends. It will be a training and referral-oriented

¹² Section 24-33.5-527 (4)(c)(II), C.R.S.

strategy with time limited (a few hours to a few days) or technical assistance provided on any single request.

JBC STAFF RECOMMENDATION

There are already free resources available for grant applicants. For example, the National Institution of Justice under the U.S. Department of Justice has a website called CrimeSolutions (all one word, per the website).¹³ CrimeSolutions contains research on programs and practices and indicates whether those programs and practices are effective, promising, or have no effect. These programs and practices “...are identified, screened, reviewed, and rated using a standardized process.” The image below shows this process.



Source: National Institute of Justice, <https://crimesolutions.ojp.gov/how-crimesolutions-works>

Research can be filtered by evidence rating, amount of evidence, topic, subtopic, program or practice type, delivery setting, race/ethnicity, age, target population, and gender. For example, there are 17 subtopics under the Crime & Crime Prevention topic, including but not limited to: community crime prevention, drugs, fraud, hate crimes, gangs, human trafficking, property crimes, and violence. Because this website and others like it are free and open to the public, staff does not think it is justifiable to recommend spending almost half a million dollars to hire people to guide customers to other criminal justice resources.

¹³ <https://crimesolutions.ojp.gov/>

→ R16 TWO FTE FOR OFFICE OF RESEARCH AND STATISTICS

REQUEST: The request is for an increase of \$233,443 General Fund and 1.8 FTE starting in FY 2023-24. This annualizes to \$241,163 General Fund and 2.0 FTE in FY 2024-25.

RECOMMENDATION: Staff recommends approval of the request.

ANALYSIS:

REQUEST JUSTIFICATION

The request includes the following explanation:

“With the increased attention on criminal justice and public safety in Colorado, the scrutiny on crime trends has increased significantly. Legislators, media, offender and victims advocates, the Governor’s Office, politically-motivated organizations, and others are scrutinizing crime data and disseminating their interpretation of trends and potential impact with increasing vigor. Many of the narratives being published are poor examples of research, purposefully misrepresented, and otherwise used to craft politically motivated narratives.

The state currently does not have the staffing resources to conduct routine, proactive analyses of crime trends. As such, the executive branch is often responding to reports or media events by others after the information has been published. This puts the executive branch in a difficult position of defending policies that are either inaccurate or outside the State’s control. Special interest groups in Colorado have published reports in 2022 based on state data that misinterprets the information in a manner that does not serve public interest nor provides an accurate explanation of the trends in the information.

Current practice is to re-assign an ORS researcher to review published reports after they have been shared to assess for accuracy and help the Governor’s Office prepare public responses.”

WHAT WOULD THE REQUESTED FTE DO?

The requested FTE would “provide proactive reports on crime and public safety trends to assist in policy and legislative development.” The request also says they would provide:

- Real-time crime, corrections, and jail data;
- Contemporary data on arrest trends;
- Summaries of trends and context for information shared on DCJ dashboards;
- Assistance with prioritization of areas “that could best be improved by increased attention to observed trends;”
- Stronger evidence for criminal justice legislative requests from the Governor’s Office;
- Modernization of data sharing agreements to provide easier access to data collected by other agencies; and
- Reports to the Governor’s Office and other State leaders on specific public safety issues.

The request also says that deliverables would include “examination of the impact of the criminal justice system on persons of color, women, and other minority communities for development of appropriate laws and protections for those classes of offender[s] and victims.”

JBC STAFF RECOMMENDATION

Staff recommends approval of the request, but though not for the reasons laid out in the request. Political problems experienced by the Office of the Governor do not factor into staff's recommendation. But if current ORS staffed are being pulled from existing duties to deal with those political problems, staff sees that as a problem for ORS, DCJ, and the General Assembly, for two reasons.

The first is statutory. The request cites Section 24-33.5-501, C.R.S. as the authority for the request. This statute says that DCJ's purpose is to “improve all areas of the administration of criminal justice in Colorado, both immediately and in the long term, regardless of whether the direct responsibility for action lies at the state level or with the many units of local government.” Statute also lays out more than two dozen duties for the Division of Criminal Justice, which includes a provision to administer a statistical analysis center for the purpose of collecting and analyzing statewide criminal justice statistics.¹⁴ Thus, it appears that statute already charges DCJ with doing this work. Statute does not describe a duty to help the Office of the Governor deal with political problems.

The second relates to the integrity of ORS' work. Involving DCJ and ORS in political problems calls the impartiality and therefore the legitimacy of the resulting research into question. Not because staff questions the integrity of ORS researchers, but because involving the researchers directly in these political issues may add pressure to make the analyses fit a preferred solution. In addition, getting drawn into such political questions may create an appearance of partiality, regardless of whether any bias or pressure actually exists. It is staff's view that all policymakers and their constituents benefit from an independent, nonpartisan ORS, without an appearance (real or perceived) of political pressure to produce certain results.

Staff recommends approval of the request because the State would probably benefit from expanding ORS' ability to do proactive, substantive research that can inform policy decisions. Doing so would allow the JBC and the General Assembly to pose research questions to ORS while providing them with additional resources to do that research without sacrificing existing duties.

There are currently six researchers working for ORS, one of whom is the office director. These researchers have plenty of work on their plate. The existing staff:

- Produce multiple major reports on an annual basis, as well as impact analyses related to legislation or requests from the Governor's Office.¹⁵

¹⁴ Section 24-33.5-503, C.R.S. Part (1)(f) of that section references the statistical analysis center.

¹⁵ <https://ors.colorado.gov/ors-reports>, <https://ors.colorado.gov/ors-impact>

- Provide research support to the Colorado Commission of Criminal and Juvenile Justice (CCJJ) and its various subcommittees.
- Produce the CCJJ’s annual report.
- Collect and publish data related to crime statistics, driving under the influence, marijuana impacts, minority over-representation in juvenile criminal justice matters, criminal justice contacts with students, jail populations, prison length of stay, prison population projections, community corrections, and recidivism across multiple state agencies (corrections, probation, youth services, and community corrections).

The Committee may consider pairing approval of this request with measures to protect ORS from becoming embroiled in political issues at the behest of the Governor’s Office. One such measure might be to appropriate a similar or equal amount of funds directly to the Governor’s Office so it can hire its own criminal justice data analysts, thereby allowing ORS to focus on other work.

→ R21 COMMUNITY CORRECTIONS SUPPORT STAFFER

REQUEST: The Department requests an increase of \$77,657 General Fund and 0.9 FTE starting in FY 2023-24. These funds would support the addition of a program assistant within the Division’s Office of Community Corrections (OCC). Per the request, OCC is the largest unit in DCJ but the only unit without administrative support. Administrative duties are currently performed by some of OCC’s 17.7 FTE, including the OCC manager. These duties include: travel arrangements, purchasing requisitions, board meeting minutes, stakeholder communications, etc. The request broke down 2,080 hours of work into multiple categories.

RECOMMENDATION: Staff recommends approval of the request because it will free up time for existing staff in the Office of Community Corrections, which will allow them to focus on managing the community corrections system.

→ R21 STAFF-INITIATED COMMUNITY CORRECTIONS FINANCIAL AUDIT [LEGISLATION RECOMMENDED]

REQUEST: The Department did not request this decision item, but is aware of it and prefers it over other options aimed at improving per-diem reimbursement rate adjustments.

RECOMMENDATION: Staff recommends a one-time increase of \$100,000 General Fund in FY 2023-24 only. These funds would allow DCJ and the Office of Community Corrections (OCC) to contract with a third-party to study the expenditures and revenues of community corrections providers. The purpose of this study is to provide the OCC and the JBC with reliable data regarding the cost of providing community corrections services. The study’s findings are intended help the OCC and the JBC assess funding levels and reimbursement rates for community corrections. Staff recommends

legislation to add this study to the OCC’s list of statutory responsibilities, indicate that it should happen every five years, set the expectations for the study.

ANALYSIS:

Staff provided most of the analysis for this recommendation in the DCJ briefing document dated December 5, 2022.¹⁶ What follows is a brief synopsis of that previous analysis.

The term “community corrections” refers to a network of public, private, and nonprofit service providers. These providers serve the State by: (1) Providing a sentencing option for criminal behavior short of prison, (2) Providing an intermediate level of supervision less than prison but more than probation or parole, and (3) Providing rehabilitative services to offenders to reduce the risk of reoffending.

DCJ reimburses providers based the number of offenders placed in their programs (or “caseload”), the services they provide, and the per-diem rate set by the General Assembly. This rate is set by the General Assembly through a Long Bill footnote table that accompanies the *Community Corrections Placements* line item, which is the main line item supporting community corrections.

Per-diem rates usually go up or down in accordance with the JBC’s provider rate common policy decisions. However, the last decade saw at least four targeted increases initiated by JBC staff and approved by the JBC. In other words, JBC staff generated a recommendation to increase per-diem rates and corresponding appropriations without the impetus of a budget request from the Executive Branch. Current JBC staff *estimates* that these recommendations accounted for about \$15.8 million General Fund (not adjusted for inflation) beyond what was requested by the Executive Branch.

Prior analyses relied heavily on time-consuming surveys and interviews conducted by JBC staff. DCJ has also attempted several cost surveys in the past. These surveys and interviews primarily aimed to figure out the cost of running a community corrections program, including personnel costs.

Surveys and interviews were necessary because neither JBC staff nor DCJ have access to provider financial data. Current JBC staff is not comfortable basing a recommendation to change per-diem rates on self-reported cost data because staff cannot verify the accuracy of that data. Furthermore, the survey methodology has not been consistent between different JBC staffers, nor has the resulting analysis.

JBC staff concludes that the JBC and the General Assembly need better processes for determining per-diem rates for community corrections. By “better,” staff means that future processes should be more accurate, scalable, and sustainable. Accurate means that the Committee has verifiable data about the cost of operating a community corrections program. Scalable means that the process can be repeated, with fidelity, regardless of the number of facilities operating in the state. Sustainable means

¹⁶ https://leg.colorado.gov/sites/default/files/fy2023-24_pubsafbrf2.pdf

that the process can be repeated, with fidelity, over time, regardless of who the JBC staff analyst is or who is on the JBC.

During the briefing process, JBC staff proposed a periodic system-wide financial audit conducted by an independent third party. This audit would aim to accurately determine the cost of running a community corrections facility, including personnel costs, operating costs, capital costs, and sources of revenue. During the hearing, DCJ indicated a preference for this option over other options floated by JBC staff.

RECOMMENDED LEGISLATION

Staff recommends legislation that requires the DCJ to contract with an independent third-party contractor to analyze community corrections provider financial records every five years (subject to available appropriations). It would also require community corrections providers to comply with the audit and share financial records. This audit must accomplish the following, but is not limited to:

- Total revenue and sources of revenue
- Total expenditures by expenditure type (personal services, operating expenses, capital improvements or purchase, etc.)
- Cost per day per community corrections offender

The entity conducting the audit shall submit a report of their findings to the JBC and the DCJ.

Staff requests permission to adjust the above recommendations in the bill draft before it is brought to the Committee for its consideration.

To ensure compliance, the DCJ can explore contractual options for holding providers accountable to participation in this process. One option could be to require participation as a condition of being eligible for performance-based contracting funds.

LINE ITEM DETAIL — ADMINISTRATION

DCJ ADMINISTRATIVE SERVICES

This line item funds personnel and operating costs for several functions within the Division of Criminal Justice (DCJ). This includes the Office of Community Corrections, the Office of Research and Statistics, the Office of Domestic Violence Offender Management, the Office for Victims Programs, and DCJ's administrative unit. The primary cash fund sources are the Victims Assistance and Law Enforcement Fund (the State VALE fund) established in Section 24-33.5-506 (1), C.R.S., and the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

STATUTORY AUTHORITY: Title 24, Article 33.5, Part 5 (Division of Criminal Justice); Section 17-27-108, C.R.S. (Community Corrections), Section 17-22.5-404 C.R.S. (Parole Guidelines); Section 24-33.5-506, C.R.S. (Victims assistance and law enforcement fund), Title 16, Article 11.8, (Management of Domestic Violence Offenders).

REQUEST: The Division requests an appropriation of \$8,113,832 total funds and 61.7 FTE, as reflected in the table below.

RECOMMENDATION: Staff recommends \$7,927,419 total funds and 61.7 FTE, as reflected in the table below.

DIVISION OF CRIMINAL JUSTICE, ADMINISTRATION, DCJ ADMINISTRATIVE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
Other Legislation	\$18,031,713	\$17,840,150	\$191,563	\$0	\$0	9.5
HB 22-1329 (Long Bill)	\$6,763,147	\$4,362,184	\$1,750,786	\$515,515	\$134,662	47.7
SB 23-129 (Supplemental)	\$1,442	\$1,442	\$0	\$0	\$0	0.0
TOTAL	\$24,796,302	\$22,203,776	\$1,942,349	\$515,515	\$134,662	57.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$24,796,302	\$22,203,776	\$1,942,349	\$515,515	\$134,662	57.2
R16 Two FTE for Office of Research and Statistics	199,150	199,150	0	0	0	1.8
Staff-initiated community corrections financial audit	100,000	100,000	0	0	0	0.0
R21 Community corrections support staffer	62,805	62,805	0	0	0	0.9
Non-prioritized requests	44,900	40,400	4,500	0	0	0.0
R11 Criminal justice-related technical assistance hub	0	0	0	0	0	0.0
Annualize prior year legislation	(17,145,543)	(16,953,980)	(191,563)	0	0	2.1
R2 Create the Office of School Safety	(100,000)	(100,000)	0	0	0	(0.3)
Annualize prior year budget action	(30,195)	(65,627)	24,381	11,051	0	0.0
TOTAL	\$7,927,419	\$5,486,524	\$1,779,667	\$526,566	\$134,662	61.7
INCREASE/(DECREASE)	(\$16,868,883)	(\$16,717,252)	(\$162,682)	\$11,051	\$0	4.5
Percentage Change	(68.0%)	(75.3%)	(8.4%)	2.1%	0.0%	7.9%
FY 2023-24 EXECUTIVE REQUEST	\$8,113,832	\$5,672,937	\$1,779,667	\$526,566	\$134,662	61.7
Request Above/(Below) Recommendation	\$186,413	\$186,413	\$0	\$0	\$0	(0.0)

APPROPRIATION TO MULTIDISCIPLINARY CRIME PREVENTION AND CRISIS INTERVENTION GRANT FUND

This line item provides appropriations as required by Senate Bill 22-145 (Resources to Increase Community Safety).

STATUTORY AUTHORITY: Section 24-33.5-527 (4)(c)(I), C.R.S.

REQUEST: The Division requests \$7,500,000 General Fund in FY 2023-24.

RECOMMENDATION: Staff recommends approval of the request.

**APPROPRIATION TO LAW ENFORCEMENT WORKFORCE RECRUITMENT, RETENTION,
AND TUITION GRANT FUND**

This line item provides appropriations as required by Senate Bill 22-145 (Resources to Increase Community Safety).

STATUTORY AUTHORITY: Section 24-33.5-528 (4)(c), C.R.S.

REQUEST: The Division requests \$3,750,000 General Fund in FY 2023-24.

RECOMMENDATION: Staff recommends approval of the request.

APPROPRIATION TO SMART POLICING GRANT FUND

This line item provides appropriations as required by Senate Bill 22-145 (Resources to Increase Community Safety). SMART stands for “state’s mission for assistance in recruiting and training.”

STATUTORY AUTHORITY: Section 24-33.5-528 (4)(c), C.R.S.

REQUEST: The Division requests \$3,750,000 General Fund in FY 2023-24.

RECOMMENDATION: Staff recommends approval of the request.

INDIRECT COST ASSESSMENT

This line item funds the indirect cost assessments collected from the Division of Criminal Justice.

STATUTORY AUTHORITY: State of Colorado Fiscal Rules, Rule 8-3 (Cost Allocation Plans).

REQUEST: The Division requests an appropriation of \$712,945 total funds, including \$96,135 cash fund and \$616,810 federal funds.

RECOMMENDATION: Staff recommends approval of the request.

(B) VICTIMS ASSISTANCE

The Office for Victims Programs administers state and federally funded grant programs that provide funding to state and local agencies that assist crime victims. Grant recipients include district attorneys, local law enforcement, and local programs that provide victim-assistance services. The subdivision also contains appropriations for Child Abuse Investigation, the Sexual Assault Victim Emergency Payment Program, and the Statewide Victim Information and Notification System (VINE).

VICTIMS ASSISTANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$28,549,138	\$1,602,653	\$1,797,693	\$0	\$25,148,792	9.1
TOTAL	\$28,549,138	\$1,602,653	\$1,797,693	\$0	\$25,148,792	9.1
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$28,549,138	\$1,602,653	\$1,797,693	\$0	\$25,148,792	9.1
R19 VINE Program upgrade	283,709	283,709	0	0	0	0.0
Annualize prior year budget action	60,690	0	0	0	60,690	0.0
TOTAL	\$28,893,537	\$1,886,362	\$1,797,693	\$0	\$25,209,482	9.1
INCREASE/(DECREASE)	\$344,399	\$283,709	\$0	\$0	\$60,690	0.0
Percentage Change	1.2%	17.7%	0.0%	0.0%	0.2%	(4)
FY 2023-24 EXECUTIVE REQUEST	\$28,893,537	\$1,886,362	\$1,797,693	\$0	\$25,209,482	9.1
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

DECISION ITEMS - VICTIMS ASSISTANCE

The following decision items are described in this section:

- R19 VINE program upgrade

→ R19 VINE PROGRAM UPGRADE

REQUEST: The Department requests an increase of \$283,709 General Fund in FY 2023-24. This annualizes to \$58,080 in FY 2024-25 and would increase by 4.0 percent each year thereafter. These funds aim to support “the final phases of implementation costs for the Victim Notification Everyday (VINE) system,” which provides automated notices to victims of crime regarding changes in an offender’s status. The County Sheriffs of Colorado (CSOC) administers the VINE system using General Fund dollars allocated through the Division.

RECOMMENDATION: Staff recommends approval of the request.

LINE ITEM DETAIL - VICTIMS ASSISTANCE

FEDERAL VICTIMS ASSISTANCE AND COMPENSATION GRANTS

The Office for Victim Programs manages three federal grant programs:

VOCA (Victims of Crime Act) grants enhance, expand, and develop programs to serve victims of crime. These services include counseling, providing shelter, assistance in filing compensation applications, crisis intervention services, assistance in court proceedings, and assistance in filing protection orders.

VAWA (Violence Against Women Act) grants develop and strengthen effective law enforcement, prosecution, judicial strategies and victim services throughout Colorado in cases involving violent crimes against women, which are defined as domestic violence, sexual assault, stalking and dating violence.

SASP (Sexual Assault Service Program) grants provide direct services, including intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault.

STATUTORY AUTHORITY: Section 24-33.5-503 (1)(e), C.R.S., Section 24-33.5-507 and 510, C.R.S.

REQUEST: The Division requests \$25,209,482 federal funds and 8.6 FTE.

RECOMMENDATION: Staff recommends approval of the request.

STATE VICTIMS ASSISTANCE AND LAW ENFORCEMENT (VALE) PROGRAM

The Office for Victims Programs administers the State VALE fund and helps monitor, coordinate and support the victim rights, compensation, and assistance programs that are operated by Colorado's many state and local criminal justice agencies. The Victims Assistance and Law Enforcement (VALE) program began in 1984 when the General Assembly enacted the Assistance to Victims of and Witnesses to Crimes Aid to Law Enforcement Act. In 1992, voters approved the Victim Rights Amendment, which is found in Article 2, Section 16a of the Colorado Constitution. The amendment states that crime victims have the "right to be heard when relevant, informed, and present at all critical stages of the criminal justice process."

STATUTORY AUTHORITY: Section 24-33.5-506, C.R.S. (Victims assistance and law enforcement fund), Title 24, Article 4.2 (Assistance to Victims of and Witnesses to Crimes and Aid to Law Enforcement Act), Colorado Constitution Article 2, Section 16a (Victim Rights Amendment).

REQUEST: The Division requests appropriation of \$1,500,000 cash funds for this program.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

CHILD ABUSE INVESTIGATION

Child abuse investigations are frequently conducted by Child Advocacy Centers (CACs), which are located in most of the state's judicial districts. About 80 percent of the children served by these centers are victims of sexual abuse. Appropriations for this line item come from the General Fund and the Child Abuse Investigation Surcharge Fund. The DCJ uses these appropriations to make grants to the Colorado Children's Alliance, which distributes the money to Child Advocacy Centers and provides training and technical guidance to the centers. The CACs use the grants to cover between 2 and 20

percent of their operating expenses, with the remainder coming from other sources, such as Victims of Crime Act grants, United Way, and local fundraising efforts

The cash funding for this appropriation stems from Article 24 of Title 18, C.R.S., which establishes a schedule of "surcharges" that are paid by offenders who are convicted of crimes against children, including sex offenses, incest, child abuse, and contributing to the delinquency of a minor. Five percent of the surcharge revenue is credited to the Judicial Stabilization Fund and the remaining 95 percent is credited to the Child Abuse Investigation Surcharge Fund, which is created in Section 18-24-103 (2)(a), C.R.S.

STATUTORY AUTHORITY: Article 24 of Title 18, C.R.S.

REQUEST: The Division requests an appropriation of \$1,297,693 total funds, consisting of \$1,000,000 General Fund and \$297,693 cash funds from the Child Abuse Investigation Surcharge Fund, and 0.3 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

SEXUAL ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM

This line item provides funding for emergency payments for victims of sexual assault who need additional time to determine whether or not they wish to pursue legal action. House Bill 13-1163 created the Sexual Assault Victim Emergency Payment Program for this purpose. In such cases, the evidence collection portion of a medical forensic exam is paid for by the DCJ. The victim can decide at a later date to have the crime investigated and prosecuted.

STATUTORY AUTHORITY: Section 18-3-407.7, C.R.S.

REQUEST: The Division requests an appropriation of \$167,933 General Fund and 0.2 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

STATEWIDE VICTIM INFORMATION AND NOTIFICATION SYSTEM (VINE)

This appropriation provides funding for a victim notification system operated by the County Sheriffs of Colorado (CSOC), which was constructed with the help of federal grants. The notification system—Colorado Automated Victim Information Notification Everyday (VINE)—is part of a nationwide VINE system that covers 47 states. Implemented after the passage of H.B. 13-1241, the system allows crime victims and other concerned citizens to access information about criminal cases and the custody status of offenders at any time via telephone, internet, or e-mail. VINE obtains information directly from Colorado county-jail booking systems, but does not provide information about the custody status of Colorado Department of Corrections offenders. Victims can register to be automatically notified by any combination of e-mail, fax, letter, or phone when their offender is released, transferred, or escapes. The Colorado online VINE system can be found at the following link: <https://colorado-vine.com/>.

STATUTORY AUTHORITY: Section 24-33.5-515, C.R.S., (Statewide automated victim information and notification system).

REQUEST: The Division requests an appropriation of \$718,429 General Fund.

RECOMMENDATION: Staff recommends approval of the request, which assumes approval of R19 VINE Program Upgrade.

(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Office of Adult and Juvenile Justice Assistance administers federally funded criminal and juvenile justice grant programs that help local and state law enforcement agencies improve the services they deliver and administers the state juvenile diversion grant program. The appropriation for most of the Office's staff is in subdivision (A) Administration.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$4,361,677	\$3,161,677	\$400,000	\$0	\$800,000	4.2
Other Legislation	2,100,000	2,100,000	0	0	0	1.8
TOTAL	\$6,461,677	\$5,261,677	\$400,000	\$0	\$800,000	6.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$6,461,677	\$5,261,677	\$400,000	\$0	\$800,000	6.0
TOTAL	\$6,461,677	\$5,261,677	\$400,000	\$0	\$800,000	6.0
Percentage Change	0.0%	0.0%	0.0%		0.0%	(4)
FY 2023-24 EXECUTIVE REQUEST	\$6,461,677	\$5,261,677	\$400,000	\$0	\$800,000	6.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	n/a	\$0	0.0

LINE ITEM DETAIL - JUVENILE JUSTICE AND DELINQUENCY PREVENTION

JUVENILE JUSTICE DISBURSEMENTS

This line item is included in the Long Bill for informational purposes only and provides an estimate of expected federal grants to the Division for Juvenile Justice Programs. The Office of Adult and Juvenile Justice Assistance provides federally funded grants to units of local government (including law enforcement, district attorneys, and judicial districts), state agencies, and non-profit/local private community-based agencies. The grants address such issues as separation of juveniles from adult inmates; over representation of minorities in the justice system; mental health and substance abuse; gender specific services; and juvenile justice system improvement. The funds are from the federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice.

STATUTORY AUTHORITY: Section 24-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requests \$800,000 federal funds and 1.2 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

JUVENILE DIVERSION PROGRAMS

Juvenile diversion programs serve youth accused of having broken the law. In lieu of going through the normal judicial process, the juvenile is placed in a diversion program that holds them accountable for their behavior while involving them in programs and activities that reduce the likelihood of future criminal activity. Diversion programs can include diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, general counseling, crisis counseling, and follow-up activities. These programs are operated by district attorneys, counties, and community-based agencies.

STATUTORY AUTHORITY: Section 19-2.5-402, C.R.S. (Juvenile diversion program – authorized).

REQUEST: The Division requests an appropriation of \$3,561,677 total funds, which consists of \$3,161,677 General Fund, \$400,000 cash funds from the Marijuana Tax Cash Fund, and 3.0 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

YOUTH DELINQUENCY PREVENTION AND INTERVENTION GRANTS PROGRAM

This line item provides appropriations as required by statute. This statute was established by H.B. 22-1003 (Youth Delinquency Prevention and Intervention Grants).

STATUTORY AUTHORITY: Section 24-33.5-526 (8), C.R.S.

REQUEST: The Division requests an appropriation of \$2,100,000 General Fund for FY 2023-24.

RECOMMENDATION: Staff recommends approval of the request.

(D) COMMUNITY CORRECTIONS

The term “community corrections” refers to a network of service providers—public, private, and nonprofit—that help the State by: (1) Providing a sanction for criminal behavior short of prison, (2) Providing an intermediate level of supervision less than prison but more than probation or parole, and (3) Providing rehabilitative services to offenders to reduce the risk of reoffending.

COMMUNITY CORRECTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$87,724,800	\$82,223,881	\$0	\$5,500,919	\$0	0.0
SB 23-129 (Supplemental)	0	0	0	0	0	0.0
TOTAL	\$87,724,800	\$82,223,881	\$0	\$5,500,919	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$87,724,800	\$82,223,881	\$0	\$5,500,919	\$0	0.0
R25 Provider rate common policy	2,298,475	2,133,447	0	165,028	0	0.0
Technical adjustment	27,040	19,208	0	7,832	0	0.0
TOTAL	\$90,050,315	\$84,376,536	\$0	\$5,673,779	\$0	0.0
INCREASE/(DECREASE)	\$2,325,515	\$2,152,655	\$0	\$172,860	\$0	0.0
Percentage Change	2.7%	2.6%	0.0%	3.1%	0.0%	(4)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$538,234	\$538,234	\$0	\$0	\$0	0.0

LINE ITEM DETAIL - COMMUNITY CORRECTIONS**COMMUNITY CORRECTIONS PLACEMENTS**

This line item funds the per diem payments for offenders in community corrections programs, including payments for diversion, transition, and parole offenders; residential and nonresidential offenders; and offenders in standard and specialized programs.

STATUTORY AUTHORITY: Title 17, Article 27, C.R.S. (Community Corrections Programs), Section 18-1.3-301, C.R.S.

REQUEST: The Division requests an appropriation of \$77,380,041 General Fund.

RECOMMENDATION: Staff recommends \$76,841,807 General Fund. The difference stems primarily from updated bed counts. The first table below, taken from DCJ’s response to the JBC’s request for information (RFI), shows where the bed adjustments occurred (see Appendix B for the full RFI response).

The second table shows recommend per-diem rates. These rates include: (1) a 3.0 percent increase pursuant to the Committee’s provider rate common policy decision, and (2) a leap-day adjustment for 2024.

Placement Type	FY 24 Projections	FY 23 Appropriation	Net Changes
Residential Base Beds			
Standard Residential	710	526	184
Standard Residential 1%	720	786	(66)
Standard Residential 2%	1219	1337	(118)
Specialized Differentials			
Intensive Residential Treatment (GF)	146	146	0
Inpatient Therapeutic Community	80	108	(28)
Residential Dual Diagnosis Treatment	120	120	0
Sex Offender Treatment Beds	116	116	0
Non-residential			
Standard Non-residential	792	792	0
Outpatient Therapeutic Community	50	62	(12)
Total Base Beds (General Fund Only)	2,649	2,649	0

Rate type	Rates	Average Daily Placements	Estimated Allocation
Residential base rate	\$69.01	710	\$17,932,939
Base rate plus 1.0% incentive	\$69.70	720	\$18,367,344
Base rate plus 2.0% incentive	\$70.39	1,219	\$31,404,780
Specialized differentials			
Intensive residential treatment	\$34.00	146	\$1,816,824
Inpatient therapeutic communities	\$34.00	80	\$995,520
Residential dual diagnosis treatment	\$34.00	120	\$1,493,280
Sex offender treatment	\$34.00	116	\$1,443,504
Standard non-residential			
Standard non-residential	\$9.94	792	\$2,881,328
Outpatient therapeutic community	\$27.67	50	\$506,288
Total			\$76,841,807

The incentive payments shown in the table above account for \$797,522 more in funding than would otherwise occur if all bed were funded at the standard residential base rate. This is about \$50,000 less than was appropriated for this purpose FY 2022-23. The difference stems from a reduction in the number of providers expected to qualify for increased incentive payments.

DIVISION OF CRIMINAL JUSTICE, COMMUNITY CORRECTIONS, COMMUNITY CORRECTIONS PLACEMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$74,926,952	\$74,926,952	\$0	\$0	\$0	0.0
SB 23-129 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$74,926,952	\$74,926,952	\$0	\$0	\$0	0.0
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$74,926,952	\$74,926,952	\$0	\$0	\$0	0.0
R25 Provider rate common policy	1,914,855	1,914,855	0	0	0	0.0
Technical adjustment	0	0	0	0	0	0.0
TOTAL	\$76,841,807	\$76,841,807	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,914,855	\$1,914,855	\$0	\$0	\$0	0.0
Percentage Change	2.6%	2.6%	0.0%	0.0%	0.0%	0.0%
FY 2023-24 EXECUTIVE REQUEST	\$77,380,041	\$77,380,041	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$538,234	\$538,234	\$0	\$0	\$0	0.0

CORRECTIONAL TREATMENT CASH FUND RESIDENTIAL PLACEMENTS

Condition of probation beds: Most diversion clients in community corrections are directly sentenced by a judge to community corrections. However, judges can also sentence an offender to community corrections for a portion of a probation sentence. For example, a judge might sentence an offender with a substance use problem to two years of probation with the condition that the offender begin probation by serving 90 days in an Intensive Residential Treatment (IRT) program. Or an offender on probation who is in danger of failing due to substance abuse issues and is at risk of being resentenced to DOC could be sent to IRT as a condition of probation. Such placements are encouraged by S.B. 13-250 (Drug Sentencing Changes) and the allocation from the Correctional Treatment Board provides the funding to enable them. This line item appropriates that funding.

STATUTORY AUTHORITY: Section 18-1.3-104.5 (2)(a), C.R.S. (Alternatives in imposition of sentence in drug felony cases - exhaustion of remedies); Section 18-1.3-301 (4)(a), C.R.S. (Authority to place offenders in community corrections program).

REQUEST: The Division requested an appropriation of \$2,951,978 reappropriated funds from the Correctional Treatment Cash fund.

RECOMMENDATION: Staff recommends approval of the request, which includes adjustments for the 3.0 provider rate common policy increase.

COMMUNITY CORRECTIONS FACILITY PAYMENTS

This line item provides each community corrections facility with a fixed payment that is independent of the number of residents. An associated footnote indicates that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment, reflecting the increased costs they incur due to having a larger facility. The footnote also establishes legislative intent that these payments be used for performance enhancing expenditures, including, but not limited to, staff recruitment and retention.

STATUTORY AUTHORITY: Title 17, Article 27, C.R.S. (Community Corrections Programs), Section 18-1.3-301, C.R.S.

REQUEST: The Division requests an appropriation of \$4,525,644 General Fund.

RECOMMENDATION: Staff recommends approval of the request, which includes adjustments for the 3.0 provider rate common policy increase.

COMMUNITY CORRECTIONS BOARDS ADMINISTRATION

This line item funds payments to the state's community corrections boards to help pay their administrative costs. Over the years, appropriations to boards have equaled a varying percentage of a varying subset of the appropriations to community corrections programs. The appropriation cannot exceed 5.0 percent of total payments to programs.

STATUTORY AUTHORITY: Section 17-27-103, C.R.S. (Community corrections boards – establishment – duties).

REQUEST: The Division requests an appropriation of \$2,714,771 General Fund.

RECOMMENDATION: Staff recommends approval of the request, which includes adjustments for the 3.0 provider rate common policy increase.

SERVICES FOR SUBSTANCE ABUSE AND CO-OCCURRING DISORDERS

Provides funding for specialized substance abuse treatment services for offenders in intensive residential treatment programs, therapeutic communities, and Drug Abuse Residential Treatment Program (DART). Funding comes from the Correctional Treatment Cash Fund and can be spent for substance abuse screening, assessment, evaluation, testing, education, training, treatment, and recovery support. The appropriation can also be spent for treatment of co-occurring mental health problems.

STATUTORY AUTHORITY: Section 18-19-103, C.R.S.

REQUEST: The Division requested an appropriation of \$2,721,801 reappropriated funds.

RECOMMENDATION: Staff recommends approval of the request, which includes adjustments for the 3.0 provider rate common policy increase.

SPECIALIZED OFFENDER SERVICES

This line item, sometimes referred to as the "SOS" appropriation, supports the purchase of mental health treatment, cognitive training, therapists, counselors, medications, sex offender treatment, and other specialized outpatient services that are not typically provided by standard community corrections programs. The *Services for Substance Abuse and Co-occurring Disorders* appropriation deals with substance abuse problems; this appropriation focuses on other problems that high risk offenders may have.

STATUTORY AUTHORITY: Section 17-27-101 to 108, C.R.S.

REQUEST: The Division requested an appropriation of \$283,807 General Fund.

RECOMMENDATION: Staff recommends approval of the request, which includes adjustments for the 3.0 provider rate common policy increase.

OFFENDER ASSESSMENT TRAINING

This line item funds a four-day series of formal classroom training in Risk/Needs assessment, Risk/Needs/Responsivity Theory, Principles of Effective Intervention for Offenders, and Evidence Based Practice Instruction.

STATUTORY AUTHORITY: Section 17-27-101 to 108, C.R.S.

REQUEST: The Division requests an appropriation of \$10,507 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$10,507 General Fund, which represents a continuation level of funding.

(E) CRIME CONTROL AND SYSTEM IMPROVEMENT

This subdivision contains appropriations for a diverse group of programs, including support staff for the Sex Offender Management Board and a federal grant appropriation that contains federally funded FTE who work in a variety of the Department’s offices.

CRIME CONTROL AND SYSTEM IMPROVEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2022-23 APPROPRIATION						
HB 22-1329 (Long Bill)	\$8,927,509	\$470,048	\$448,552	\$0	\$8,008,909	17.2
TOTAL	\$8,927,509	\$470,048	\$448,552	\$0	\$8,008,909	17.2
FY 2023-24 RECOMMENDED APPROPRIATION						
FY 2022-23 Appropriation	\$8,927,509	\$470,048	\$448,552	\$0	\$8,008,909	17.2
BA2 Sex offender program increase	21,796	0	21,796	0	0	0.0
Annualize prior year budget action	17,470	11,941	5,529	0	0	0.0
TOTAL	\$8,966,775	\$481,989	\$475,877	\$0	\$8,008,909	17.2
INCREASE/(DECREASE)	\$39,266	\$11,941	\$27,325	\$0	\$0	0.0
Percentage Change	0.4%	2.5%	6.1%	0.0%	0.0%	(4)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS - CRIME CONTROL AND SYSTEM IMPROVEMENT

The following decision items are described in this section:

- BA2 Reclassify Sex Offender Management Board Staff

➔ BA2 RECLASSIFY SEX OFFENDER MANAGEMENT BOARD STAFF

REQUEST: The Department requests an ongoing increase of \$81,796 cash funds from the Sex Offender Surcharge Fund in FY 2023-24. The request would facilitate job reclassifications for Sex Offender Management Board (SOMB). Consequently, most of the increase occurs in centrally appropriated line items in the Executive Directors Officers. The SOMB approved this request.

Per the request, the General Assembly has requested that the SOMB and its staff increase the level of oversight and training for approved providers. More specifically, the legislature has requested that the SOMB provide more quality control, support, and accountability to approved providers in following Standards and Guidelines. As a result, DCJ reorganized and reclassified the duties of the SOMB’s staff to better meet the needs of stakeholders and legislative expectations. The reclassified staff will now be implementation specialists that will assume additional work to include more training, technical assistance, and implementation of standards with approved providers.

RECOMMENDATION: Staff recommends approval of the request.

EVIDENCE LEVEL: The Department indicated that this request item is a *theory-informed program or practice*. Section 2-3-210 (2)(f), C.R.S. defines “theory-informed” as a program or practice that reflects a moderate to low or promising level of confidence of effectiveness, ineffectiveness, or harmfulness as determined by tracking and evaluating performance measures including pre- and post-intervention evaluation of program outcomes, evaluation of program outputs, identification and implementation of a theory of change, or equivalent measures. Staff agrees with this rating.

LINE ITEM DETAIL – CRIME CONTROL AND SYSTEM IMPROVEMENT

STATE AND LOCAL CRIME CONTROL AND SYSTEM IMPROVEMENT GRANTS

This line item is included in the Long Bill for informational purposes only and provides an estimate of expected federal grants to the Division for crime control and system improvement. These funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and evaluation activities that will improve or enhance: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).

STATUTORY AUTHORITY: Section-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requests an appropriation of \$3,000,000 federal funds.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

SEX OFFENDER SURCHARGE FUND PROGRAM

This line item funds staff support and operating expenses for the Sex Offender Management Board (SOMB). The Board has the following duties:

- Develop a standardized procedure for identification of sex offenders;
- Develop standards and guidelines for program intervention, treatment, and monitoring;
- Develop a plan for the allocation of the Sex Offender Surcharge Fund;
- Develop a system for monitoring sex offenders who have been identified, evaluated, and treated;
- Develop procedures to research and evaluate sex offender assessment and treatment;
- Provide training on the implementation of standards; and

STATUTORY AUTHORITY: Title 16, Article 11.7, C.R.S. (Standardized Treatment Program for Sex Offenders) and Section 18-21-103 (3), C.R.S. (Sex Offender Surcharge Fund).

REQUEST: The Department requests an appropriation of \$268,892 total funds, including \$85,621 General Fund and \$183,271 cash funds, and 2.4 FTE. Cash funding comes from the Sex Offender Surcharge Fund.

RECOMMENDATION: Staff recommends approval of the request.

SEX OFFENDER SUPERVISION

This line item funds some of the requirements that statute places on the Sex Offender Management Board, including:

- Developing criteria and standards for lifetime supervision of sex offenders;
- Expanding sex-offender-treatment research;
- Providing training on, and assistance with, the criteria, protocols, and procedures regarding community notification concerning sexually violent predators;
- Developing standards for adult sex offenders who have developmental disabilities; and
- Providing training on the implementation of the Developmental Disability Standards.

STATUTORY AUTHORITY: Title 16, Article 11.7, C.R.S. (Standardized Treatment Program for Sex Offenders), Title 18, Article 1.3, Part 10 (Lifetime supervision of sex offenders).

REQUEST: The Department requests an appropriation of \$396,368 General Fund and 3.2 FTE.

RECOMMENDATION: Staff recommends approval of the request.

TREATMENT PROVIDER CRIMINAL BACKGROUND CHECKS

Domestic violence treatment providers and sex offender treatment providers are required to undergo and pay for a background check that goes beyond the scope of a typical criminal history check. Fees are set to cover the costs of conducting the investigation and are deposited in the Domestic Violence Offender Treatment Provider Fund and the Sex Offender Treatment Provider Fund. The appropriations are from those funds.

STATUTORY AUTHORITY: Section 16-11.8-104 (2)(b), C.R.S., and Section 16-11.7-106 (2)(a)(III), C.R.S.

REQUEST: The Department requests an appropriation of \$49,606 cash funds and 0.6 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

FEDERAL GRANTS

This informational appropriation reflects projected federal funding and FTE for a variety of grant programs in a variety of areas. The FTE listed here work in six of the DCJ's offices.

STATUTORY AUTHORITY: Section-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requested \$5,008,909 federal funds and 10.5 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

CRIMINAL JUSTICE TRAINING FUND

With this line item, the DCJ provides an array of training opportunities for law enforcement on such topics as methamphetamine laboratories, crisis intervention with mentally ill offenders, anti-bias policing, sex offender management, and domestic violence management. Section 24-33.5-503.5,

C.R.S., allows the Division of Criminal Justice to charge fees when it provides training. The fees are deposited in the annually-appropriated Criminal Justice Training Cash Fund.

STATUTORY AUTHORITY: Section 24-33.5-503.5, C.R.S. (Training program – assess fees).

REQUEST: The Department requests an appropriation of \$240,000 cash funds and 0.5 FTE.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

METHAMPHETAMINE ABUSE TASK FORCE

This line item was added during FY 2007-08 to allow the Division to expend private grant funds received from the El Pomar Foundation. The source of cash funds is the Methamphetamine Abuse Prevention, Intervention, and Treatment Cash Fund created in Section 18-18.5-105, C.R.S.

STATUTORY AUTHORITY: Section 18-18.5-101 through 105, C.R.S.

REQUEST: The Division requested an appropriation of 3,000 cash funds.

RECOMMENDATION: Staff recommends approval of the request, which represents a continuation level of funding.

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING AND MODIFYING** the following footnotes:

N 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. The appropriation assumes that offenders will not be charged a daily subsistence fee. The base rate for standard nonresidential services assumes a weighted average of the rates for four different levels of service. This appropriation also assumes that the residential base per-diem rate in the table included in this footnote will be increased by 1.0 percent for programs meeting recidivism performance targets and 1.0 percent for programs meeting program completion performance targets.

Rate type	Rates	Average Daily Placements	Estimated Allocation
Residential base rate	\$69.01	710	\$17,932,939
Base rate plus 1.0% incentive	\$69.70	720	\$18,367,344
Base rate plus 2.0% incentive	\$70.39	1,219	\$31,404,780
Specialized differentials			
Intensive residential treatment	\$34.00	146	\$1,816,824
Inpatient therapeutic communities	\$34.00	80	\$995,520
Residential dual diagnosis treatment	\$34.00	120	\$1,493,280
Sex offender treatment	\$34.00	116	\$1,443,504
Standard non-residential	\$9.94	792	\$2,881,328
Outpatient therapeutic community	\$27.67	50	\$506,288
Total			\$76,841,807

COMMENT: This footnote is an integral part of the Community Corrections Placements appropriation because it sets the daily reimbursement rates paid to providers. The “differential” shows additional payments allocated to providers of specialized services; these payments are allocated through direct contracts with the DCJ.

N Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes funding for condition-of-probation placements at rates corresponding to those in footnote XX.

COMMENT: This footnote makes it clear that Intensive Residential Treatment (IRT) Beds supported by reappropriated funds from the Correctional Treatment Fund will receive the reimbursement from the DCJ at the same per-diem rate as General Fund beds.

N 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 ease 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 2022-23, these appropriations further assume that salary and staffing~~

~~levels deemed adequate for FY 2021-22 will be deemed adequate for FY 2022-23 and that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment.~~

THE AMOUNT OF THE APPROPRIATION ASSUMES THAT THE DEPARTMENT WILL PROVIDE AN EQUAL PAYMENT TO ALL PROGRAMS, WITH THE EXCEPTION THAT FACILITIES WITH AN AVERAGE OF 32 OR MORE SECURITY FTE WILL RECEIVE A SECOND FACILITY PAYMENT. IT IS THE GENERAL ASSEMBLY'S INTENT THAT PROGRAMS USE THESE FUNDS TO INVEST IN PERFORMANCE-ENHANCING MEASURES. THESE MEASURES INCLUDE, BUT ARE NOT LIMITED TO, EMPLOYEE RECRUITMENT AND RETENTION. THE GENERAL ASSEMBLY FURTHER EXPECTS THAT PROGRAMS WILL PROVIDE A PLAN FOR THE USE OF THESE FUNDS TO THEIR LOCAL BOARDS AND THE DIVISION OF CRIMINAL JUSTICE AND MAINTAIN RECORDS THAT SHOW HOW THESE FUNDS ARE USED.

COMMENT: This sets the expectations for the facility payments line item.

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following requests for information:

N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- The Department is requested to provide a report with year-to-date community corrections placements shortly after January 1, ~~2023~~ 2024. The January report should also include an estimated placements table for FY ~~2023-24~~ 2024-25. If the Department estimates that the actual number of Community Corrections facility payments in either FY ~~2022-23~~ 2023-24 or FY ~~2023-24~~ 2024-25 will differ from the number on which the FY ~~2022-23~~ 2023-24 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. The Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. The Department is also requested to ask providers if they are still charging offender subsistence fees and, if so, to identify those providers in the report.

COMMENT: This request for information has existed in various forms for many years. It provides the basis for staff-initiated caseload adjustments, as well as adjustments to other community corrections line items.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
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<p>DEPARTMENT OF PUBLIC SAFETY Stan Hilkey, Executive Director</p>

(4) DIVISION OF CRIMINAL JUSTICE

.(A) Administration

DCJ Administrative Services	<u>4,744,625</u>	<u>4,344,548</u>	<u>24,796,302</u>	<u>8,113,832</u>	<u>7,927,419</u> *
FTE	42.0	47.5	57.2	61.7	61.7
General Fund	3,502,523	3,774,489	22,203,776	5,672,937	5,486,524
Cash Funds	866,391	85,143	1,942,349	1,779,667	1,779,667
Reappropriated Funds	375,711	484,916	515,515	526,566	526,566
Federal Funds	0	0	134,662	134,662	134,662
Appropriation to Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>7,500,000</u> *
General Fund	0	0	0	0	7,500,000
Appropriation to Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,750,000</u> *
General Fund	0	0	0	0	3,750,000
Appropriation to SMART Policing Grant Fund	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3,750,000</u>
General Fund	0	0	0	0	3,750,000

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
SB22-145 Appropriations to cash funds	<u>0</u>	<u>0</u>	<u>15,000,000</u>	<u>33,000,000</u>	<u>0</u> *
General Fund	0	0	15,000,000	24,000,000	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	9,000,000	0
Federal Funds	0	0	0	0	0
SB22-196 Health needs crim. just.	<u>0</u>	<u>0</u>	<u>1,547,728</u>	<u>687,417</u>	<u>0</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	1,547,728	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	687,417	0
Indirect Cost Assessment	<u>855,375</u>	<u>825,592</u>	<u>738,789</u>	<u>712,945</u>	<u>712,945</u>
General Fund	0	0	0	0	0
Cash Funds	77,454	112,734	94,610	96,135	96,135
Reappropriated Funds	0	0	0	0	0
Federal Funds	777,921	712,858	644,179	616,810	616,810
Appropriation to the Body-worn Cameras for Law Enforcement	<u>0</u>	<u>5,128,345</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	5,128,345	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
SUBTOTAL - (A) Administration	5,600,000	10,298,485	42,082,819	42,514,194	23,640,364
<i>FTE</i>	<u>42.0</u>	<u>47.5</u>	<u>57.2</u>	<u>61.7</u>	<u>61.7</u>
General Fund	3,502,523	8,902,834	37,203,776	29,672,937	20,486,524
Cash Funds	943,845	197,877	3,584,687	1,875,802	1,875,802
Reappropriated Funds	375,711	484,916	515,515	9,526,566	526,566
Federal Funds	777,921	712,858	778,841	1,438,889	751,472

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants	<u>44,556,466</u>	<u>51,202,703</u>	<u>25,148,792</u>	<u>25,209,482</u>	<u>25,209,482</u>
FTE	13.6	8.6	8.6	8.6	8.6
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	44,556,466	51,202,703	25,148,792	25,209,482	25,209,482
State Victims Assistance and Law Enforcement Program	<u>1,034,240</u>	<u>829,102</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>
General Fund	0	0	0	0	0
Cash Funds	1,034,240	829,102	1,500,000	1,500,000	1,500,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Child Abuse Investigation	<u>1,296,529</u>	<u>1,295,566</u>	<u>1,297,693</u>	<u>1,297,693</u>	<u>1,297,693</u>
FTE	0.0	0.3	0.3	0.3	0.3
General Fund	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Cash Funds	296,529	295,566	297,693	297,693	297,693
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Sexual Assault Victim Emergency Payment Program	<u>167,892</u>	<u>174,977</u>	<u>167,933</u>	<u>167,933</u>	<u>167,933</u>
FTE	0.1	0.2	0.2	0.2	0.2
General Fund	167,892	174,977	167,933	167,933	167,933
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Statewide Victim Information and Notification System (VINE)	<u>424,720</u>	<u>424,720</u>	<u>434,720</u>	<u>718,429</u>	<u>718,429</u> *
General Fund	424,720	424,720	434,720	718,429	718,429
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (B) Victims Assistance	47,479,847	53,927,068	28,549,138	28,893,537	28,893,537
FTE	<u>13.7</u>	<u>9.1</u>	<u>9.1</u>	<u>9.1</u>	<u>9.1</u>
General Fund	1,592,612	1,599,697	1,602,653	1,886,362	1,886,362
Cash Funds	1,330,769	1,124,668	1,797,693	1,797,693	1,797,693
Reappropriated Funds	0	0	0	0	0
Federal Funds	44,556,466	51,202,703	25,148,792	25,209,482	25,209,482

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	468,618	488,740	800,000	800,000	800,000
FTE	4.8	1.2	1.2	1.2	1.2
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	468,618	488,740	800,000	800,000	800,000
Juvenile Diversion Programs	<u>3,394,272</u>	<u>3,376,213</u>	<u>3,561,677</u>	<u>3,561,677</u>	<u>3,561,677</u>
FTE	2.4	3.0	3.0	3.0	3.0
General Fund	3,041,371	2,989,461	3,161,677	3,161,677	3,161,677
Cash Funds	352,901	386,752	400,000	400,000	400,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
HB22-1003 Youth Delinquency Prevention & Intervention Grants	<u>0</u>	<u>0</u>	<u>2,100,000 1.8</u>	<u>2,100,000 1.8</u>	<u>2,100,000 1.8</u>
General Fund	0	0	2,100,000	2,100,000	2,100,000
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention	3,862,890	3,864,953	6,461,677	6,461,677	6,461,677
FTE	<u>7.2</u>	<u>4.2</u>	<u>6.0</u>	<u>6.0</u>	<u>6.0</u>
General Fund	3,041,371	2,989,461	5,261,677	5,261,677	5,261,677
Cash Funds	352,901	386,752	400,000	400,000	400,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	468,618	488,740	800,000	800,000	800,000

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(D) Community Corrections					
Community Corrections Placements	<u>46,963,685</u>	<u>47,000,611</u>	<u>74,926,952</u>	<u>77,380,041</u>	<u>76,841,807</u> *
General Fund	46,963,685	47,000,611	74,926,952	77,380,041	76,841,807
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Correctional Treatment Cash Fund Residential Placements	<u>2,254,188</u>	<u>2,622,806</u>	<u>2,858,394</u>	<u>2,951,978</u>	<u>2,951,978</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	2,254,188	2,622,806	2,858,394	2,951,978	2,951,978
Federal Funds	0	0	0	0	0

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Community Corrections Facility Payments	<u>4,067,764</u>	<u>6,810,772</u>	<u>4,382,173</u>	<u>4,525,644</u>	<u>4,525,644</u> *
General Fund	4,067,764	6,810,772	4,382,173	4,525,644	4,525,644
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Community Corrections Boards Administration	<u>2,507,862</u>	<u>2,447,271</u>	<u>2,628,708</u>	<u>2,714,771</u>	<u>2,714,771</u> *
General Fund	2,507,862	2,447,271	2,628,708	2,714,771	2,714,771
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Services for Substance Abuse and Co-occurring Disorders	<u>1,875,912</u>	<u>1,738,740</u>	<u>2,642,525</u>	<u>2,721,801</u>	<u>2,721,801</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	1,875,912	1,738,740	2,642,525	2,721,801	2,721,801
Federal Funds	0	0	0	0	0
Specialized Offender Services	<u>181,929</u>	<u>204,965</u>	<u>275,541</u>	<u>283,807</u>	<u>283,807</u> *
General Fund	181,929	204,965	275,541	283,807	283,807
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Offender Assessment Training	<u>9,838</u>	<u>2,090</u>	<u>10,507</u>	<u>10,507</u>	<u>10,507</u>
General Fund	9,838	2,090	10,507	10,507	10,507
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (D) Community Corrections	57,861,178	60,827,255	87,724,800	90,588,549	90,050,315
<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	53,731,078	56,465,709	82,223,881	84,914,770	84,376,536
Cash Funds	0	0	0	0	0
Reappropriated Funds	4,130,100	4,361,546	5,500,919	5,673,779	5,673,779
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
(E) Crime Control and System Improvement					
State and Local Crime Control and System Improvement Grants					
	<u>6,283,174</u>	<u>6,270,201</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	6,283,174	6,270,201	3,000,000	3,000,000	3,000,000
Sex Offender Surcharge Fund Program					
	<u>229,939</u>	<u>176,216</u>	<u>239,417</u>	<u>268,892</u>	<u>268,892</u> *
FTE	2.5	2.4	2.4	2.4	2.4
General Fund	82,712	81,504	83,471	85,621	85,621
Cash Funds	147,227	94,712	155,946	183,271	183,271
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Sex Offender Supervision					
	<u>343,161</u>	<u>375,364</u>	<u>386,577</u>	<u>396,368</u>	<u>396,368</u>
FTE	3.8	3.2	3.2	3.2	3.2
General Fund	343,161	375,364	386,577	396,368	396,368
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Treatment Provider Criminal Background Checks					
	<u>40,748</u>	<u>20,910</u>	<u>49,606</u>	<u>49,606</u>	<u>49,606</u>
FTE	0.3	0.0	0.6	0.6	0.6
General Fund	0	0	0	0	0
Cash Funds	40,748	20,910	49,606	49,606	49,606
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

*Line item includes a decision item.

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
Federal Grants	<u>3,630,593</u>	<u>3,702,880</u>	<u>5,008,909</u>	<u>5,008,909</u>	<u>5,008,909</u>
FTE	3.2	10.5	10.5	10.5	10.5
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	3,630,593	3,702,880	5,008,909	5,008,909	5,008,909
Criminal Justice Training Fund	<u>215</u>	<u>24,167</u>	<u>240,000</u>	<u>240,000</u>	<u>240,000</u>
FTE	0.0	0.5	0.5	0.5	0.5
General Fund	0	0	0	0	0
Cash Funds	215	24,167	240,000	240,000	240,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Methamphetamine Abuse Task Force Fund	<u>113</u>	<u>113</u>	<u>3,000</u>	<u>3,000</u>	<u>3,000</u>
General Fund	0	0	0	0	0
Cash Funds	113	113	3,000	3,000	3,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request	FY 2023-24 Recommendation
EPIC Resource Center	<u>925,061</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	8.5	0.0	0.0	0.0	0.0
General Fund	925,061	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (E) Crime Control and System Improvement	11,453,004	10,569,851	8,927,509	8,966,775	8,966,775
FTE	<u>18.3</u>	<u>16.6</u>	<u>17.2</u>	<u>17.2</u>	<u>17.2</u>
General Fund	1,350,934	456,868	470,048	481,989	481,989
Cash Funds	188,303	139,902	448,552	475,877	475,877
Reappropriated Funds	0	0	0	0	0
Federal Funds	9,913,767	9,973,081	8,008,909	8,008,909	8,008,909
TOTAL - (4) Division of Criminal Justice	126,256,919	139,487,612	173,745,943	177,424,732	158,012,668
FTE	<u>81.2</u>	<u>77.4</u>	<u>89.5</u>	<u>94.0</u>	<u>94.0</u>
General Fund	63,218,518	70,414,569	126,762,035	122,217,735	112,493,088
Cash Funds	2,815,818	1,849,199	6,230,932	4,549,372	4,549,372
Reappropriated Funds	4,505,811	4,846,462	6,016,434	15,200,345	6,200,345
Federal Funds	55,716,772	62,377,382	34,736,542	35,457,280	34,769,863
TOTAL - Department of Public Safety	126,256,919	139,487,612	173,745,943	177,424,732	158,012,668
FTE	<u>81.2</u>	<u>77.4</u>	<u>89.5</u>	<u>94.0</u>	<u>94.0</u>
General Fund	63,218,518	70,414,569	126,762,035	122,217,735	112,493,088
Cash Funds	2,815,818	1,849,199	6,230,932	4,549,372	4,549,372
Reappropriated Funds	4,505,811	4,846,462	6,016,434	15,200,345	6,200,345
Federal Funds	55,716,772	62,377,382	34,736,542	35,457,280	34,769,863

APPENDIX B: DCJ COMMUNITY CORRECTIONS PROJECTIONS (RFI #1)

Memorandum

To: The Honorable Rachel Zenzinger, Chair, Joint Budget Committee

CC: Rep. Shannon Bird, Vice Chair, Joint Budget Committee
Rep. Rod Bockenfeld, Joint Budget Committee
Sen. Jeff Bridges, Joint Budget Committee
Sen. Barbara Kirkmeyer, Joint Budget Committee
Rep. Emily Sirota, Joint Budget Committee
Justin Brakke, Joint Budget Committee, Senior Legislative Analyst
Pete Stein, Office of State Performance and Budgeting, Budget Analyst
Stan Hilkey, Colorado Department of Public Safety (CDPS) Executive Director
Joe Thome, Division of Criminal Justice (DJC) Division Director
Teresa Anderle, CDPS Budget Director
Joel Malecka, CDPS Legislative Liaison

From: Katie Ruske, Manager
Office of Community Corrections

Re: Response to Request for Information (CDPS RFI #1)

Date: January 6, 2023

This memorandum is to provide a formal response to the Request for Information #1 (Colorado Department of Public Safety/CDPS) to the Joint Budget Committee (JBC) and its staff. The CDPS RFI #1 reads as follows:

Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- The Department is requested to provide a report with year-to-date community corrections placements shortly after January 1, 2023. The January report should also include an estimated placements table for FY 2023-24. If the Department estimates that the actual number of Community Corrections facility payments in either FY 2022- 23 or FY 2023-24 will differ from the number on which the FY 2022-23 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. The

Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. The Department is also requested to ask providers if they are still charging offender subsistence fees and, if so, to identify those providers in the report.

Projected Community Corrections Placements (FY 2023-24)

Caseload projections for the upcoming fiscal year are complicated and challenged by the ongoing affects of the COVID-19 pandemic and staffing challenges. In addition to this, there is not a trend in the Average Daily Population (ADP) data to inform projections. In previous years factors utilized to make caseload projections have included trend caseload data and local and state level issues potentially affecting caseload. As such, the following projections demonstrate no change in total projected base bed placements and are based on the best information available to the Department.

Table 1 – Projected Placements in Community Corrections (FY 2023-24)¹⁷

Placement Type	FY 24 Projections	FY 23 Appropriation	Net Changes
Residential Base Beds			
Standard Residential	710	526	184
Standard Residential 1%	720	786	(66)
Standard Residential 2%	1219	1337	(118)
Specialized Differentials			
Intensive Residential Treatment (GF)	146	146	0
Inpatient Therapeutic Community	80	108	(28)
Residential Dual Diagnosis Treatment	120	120	0
Sex Offender Treatment Beds	116	116	0
Non-residential			
Standard Non-residential	792	792	0
Outpatient Therapeutic Community	50	62	(12)
Total Base Beds (General Fund Only)	2,649	2,649	0

Data and Factors Driving the Projections:

Pursuant to the RFI language, the estimates above 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 has observed the following major factors that are driving the projected placement needs in community corrections:

Current ADP Considerations

As part of the analysis the Department has reviewed the Average Daily Population (ADP) over the course of 10 years, with a focus on more recent data. An Excel spreadsheet accompanying the memo demonstrates ADP for the current fiscal year as well as previous fiscal years. While there seems to be a small indication of an overall trend of an increase in ADP since the pandemic drop, numbers are

¹⁷ Areas highlighted with blue shaded cells indicate areas of change from the FY 2022-23 appropriations table in Footnote 107.

still varying greatly. Therefore, there is not a strong enough trend to indicate a request of more capacity at this time. Factors impacting the ADP are discussed later in this memo.

Performance – Based Per Diem

Preliminary data analysis has been completed for the risk-informed outcomes defined in the performance-based contracting model. The outcome measure of successful program completion and recidivism adjusted for risk are currently defined as the risk-informed outcomes. Each outcome represents an opportunity of a 1% increase above the base per diem. The preliminary analysis of these outcomes by program was utilized to determine the amount of beds needed at each rate.

Projected Population Increases

- Prison population forecasts, crime data, and other indicators continue to suggest that community corrections should expect to see an increase in capacity need. While there is some initial data that seems to suggest the ADP is increasing in community corrections, the increases expected by the Department have not been realized. There are many potential factors that could be contributing, including the staffing issues discussed below. Given that anticipated increases have not yet been realized, the Department has not requested additional capacity.

Community Corrections Staffing and Waitlists

- **Staffing:** Community Corrections is experiencing the same difficulties in finding and retaining employees as many industries, especially corrections. The challenge of maintaining adequate staffing has significantly impacted the ability to fill available capacity. It is unknown if relief will be seen and more capacity will be able to be filled with individuals on waitlists.
- **Waitlists:** A survey given in early October of 2022 indicated that a majority of programs (70%) currently have a waitlist for both Diversion and Transition accepted referrals. Of those reporting waitlists, many report staffing challenges as a contributing factor to the waitlists. In addition to the self-report of programs, the Department of Corrections shares the community corrections waitlist weekly. For the week ending December 16, 2022, there were 301 accepted transition clients awaiting placement in community corrections.

Local Level Implications

- **Local Changes in the 2nd Judicial District, Denver:** Denver has opened a 55 bed female program and plans to open a 48 bed male program before the end of the current fiscal year. Additionally, the Haven female therapeutic community program closed its community corrections program, resulting in changed request for therapeutic community caseload.
- **Larimer County Community Corrections Updates:** Larimer County Community Corrections is building a brand-new facility for females expected to be completed June 2023. Once open the female population will be moved from the existing building, and the existing building will undergo renovations. It is expected that during the time of renovations the total capacity for the county will remain similar. Once all renovations are completed and both buildings are fully operational, Larimer will have an increased overall physical capacity of 100 beds. If all work is completed as planned, this increase in capacity could be realized half way through Fiscal Year 2023-24

Consideration of Board Administrative Funds

Section 17-24-108 (4), C.R.S. authorizes the allocation of up to five percent of community corrections appropriations for the local unit of government to be utilized for the administrative duties required to operate and facilitate community corrections. The funds cover essential duties including regulatory and oversight functions, fiscal management, and data collection. To ensure adequate funding for board administrative duties, board administrative funds should be adjusted proportional to any caseload adjustments.

Updated Average Daily Population (ADP) Data with Year-To-Date Figures

The RFI requests the Department to provide updated Average Daily Population (ADP) data to the JBC staff shortly after January 1, 2023. The data is provided in Microsoft Excel format separate from this memorandum.

Facility Payments Appropriations

The Department anticipates a need for 26 Facility Payments in FY 2023-2024. The current appropriation provides for the allocation of 35 Facility Payments, which is more than sufficient for the facilities expected to operate in FY 2023-2024 plus the additional payments to COMCOR Inc. and Larimer County Community Corrections that are required by Footnote 109 (FY 2022-2023).

APPENDIX C: PERFORMANCE-BASED CONTRACTING (RFI #2 FOR FY 2022-23)

In August of 2015, the Governor-appointed Community Corrections Advisory Council submitted the original plan for performance-based contracting (PBC) in the community corrections system. Since that time, the department has been working towards the goal of implementing PBC by establishing the foundational groundwork. Accomplishments to date include:

- Revised the standards for community corrections to better align with best practices and the principles of effective intervention and published the *2017 Colorado Community Corrections Standards (Standards)*.
- Completed the development of the Program Evaluation for Correctional Excellence (PACE).
- Developed the Core Security audit covering core public safety functions related to the *Standards*.
- Completed a baseline PACE and Core Security audit at all active community corrections programs prior to the COVID-19 pandemic.
- Contracted with the Urban Institute to make recommendations for PBC in regards to risk-informed outcomes, payment models, and the implementation.
- Released baseline reports on the completed PACE and Core Security audits.

In the last legislative session, a Request for Information (RFI) was established for the Department to provide an update on PBC.

“As part of its FY 2022-23 budget request, the Department is requested to submit a proposal for the implementation of performance based contracting. This proposal should include payment models, outcomes to evaluate the performance of community providers and local community corrections boards, baseline targets for the Program Assessment for Correctional Excellence (PACE) and core security audits, the frequency of PACE and core security audits, and a warning system for underperforming providers. The Department is requested to submit this proposal no later than January 3, 2022.”

The Department contracted with Government Performance Solutions, Inc, to aid in the development and facilitation of a transparent and inclusive stakeholder engagement process. Stakeholder input is critical to developing and implementing a successful model for PBC in community corrections. Stakeholder views are acknowledged throughout the RFI.

Metrics to Evaluate Performance

The original PBC plan defined performance as program compliance, program quality and program efficacy. Defining performance as such allows for metrics both in the direct and indirect control of the provider. The plan continues to be recommended to align PBC with this definition of performance.

Risk-Informed Outcomes

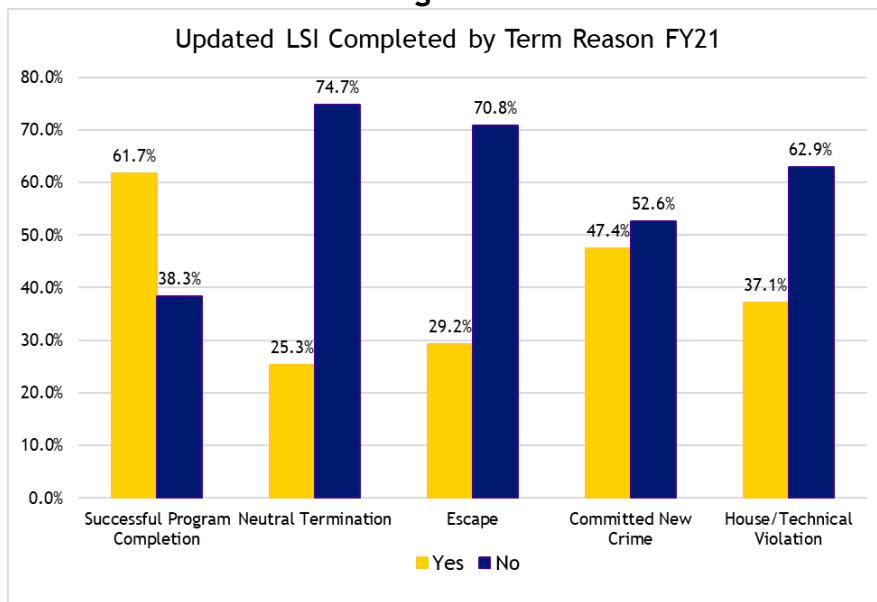
Risk-informed outcomes represent metrics that are not in the direct control of the provider, but are important indicators of program performance and measure program efficacy. All risk-informed outcomes are individual outcomes such as success, escape, and recidivism that take into consideration the risk level of the individual being supervised by the community correction program. Analyzing outcomes in relationship to risk mitigates concerns that jurisdictions and providers will be incentivized

to serve low risk populations. The ability to successfully measure and analyze outcomes is rooted in the data that is both available and reliable. Given this, the Urban Institute recommended the measures of successful completion and recidivism. After evaluating the report, available data, and considering stakeholder input, the Department agrees with these recommendations for the start of PBC.

Successful completion is a longstanding and reliable data set contained in the Community Corrections Information and Billing (CCIB) system and allows for the use of a positive outcome as a measurement of program efficacy. While utilizing recidivism as an outcome measure in criminal justice comes with some imperfections, recidivism is still a widely accepted, utilized, and expected measurement of success in the field. In addition to representing an individual's success, improved recidivism outcomes represent cost-savings for the state. The Urban Institute recommended a definition of recidivism as a new felony conviction starting from entry into the community corrections program. For the purposes of PBC, the Department will adopt this definition and evaluate at two (2) years from program admission. Two years should represent both time in program and time in the community for the vast majority of individuals. While the stakeholder group identified some questions and concerns about this definition, it was supported over other recidivism definitions.

While successful completion and recidivism will be the initial outcome measures for PBC, the model proposed has the flexibility to adjust and change these measures in future years. In the stakeholder process, the largest supported outcome measure was the reduction of risk. Currently, risk is measured by the Level of Supervision Inventory (LSI) in the community corrections system. The LSI is given every six (6) months, meaning any client discharged before 6 months will most likely not have an updated LSI. Due to this, in Fiscal Year 2021 only 45.5% of individuals received an updated LSI that could be utilized to demonstrate risk reduction. In Figure 1 it is demonstrated that the majority of the 45.5% are successful program completions and a review of risk reduction with the currently available data would be skewed by this.

Figure 1



Currently the department is updating CCIB and will be collecting additional data points related to risk reduction and the LSI. The department will work towards the goal of including risk reduction and

other areas identified by stakeholders as performance measures in the future. Other areas could include employment retention, community engagement, and treatment matching.

Core Security Audit

One of the areas of performance in the direct control of the provider identified in the original PBC plan was program compliance with core security functions. Including core security functions as a measurement of performance is critical to the mission of community corrections. Community corrections is tasked with ensuring both the safety of the local communities where they operate, as well as the individuals participating in the programs. Safety is an essential component to an individual's ability to grow and progress. After the *Standards* were revised in 2017, standards related to core security functions were identified and an audit of those specific standards was developed. The specific audit is referred to as the Core Security audit. The importance of maintaining safety was reinforced by the stakeholder working group and the Department will include the Core Security audit as a performance metric.

PACE Evaluation

The final area defined as performance in the original PBC plan was program quality as defined by adherence to the Principles of Effective Intervention. The Principles of Effective Intervention are those that are most likely to impact outcomes including risk reduction, program success, and post-release recidivism. The Program Assessment for Correctional Excellence (PACE) was developed with national experts on the Principles of Effective Intervention as well as evaluation practices. The evaluation is in congruence with the *Standards* revised in 2017. The evaluation of program quality defined in this way represents another area of performance in the direct control of providers and the stakeholder working group reinforced the value of including it as part of the definition of performance. The department will continue with the original plan to include the PACE evaluation as a performance metric.

Specific Measures/ Key Performance Indicators

During the workshops focused on the Core Security and PACE audits, there was discussion on the use of specific measures within these processes versus a total composite score for performance metrics. Stakeholder feedback varied across workshops and discussions of these different processes. The department believes it is best to have a holistic measurement for both the Core Security and PACE audits, and feels that some of the benefits of having specific measures can be achieved by including an additional performance metric of key performance indicators (KPIs). While this was not a part of the original plan, it adds the opportunity to capture areas of performance that were also valued by the stakeholder working group. Throughout the workshops the topics of staff training and retention were evident. The department proposes the addition of KPIs in the PBC model. The department will collaborate with the local boards to set the KPIs for their respective programs. This will allow for flexibility for each program to focus on the performance indicators based on independent factors for a specific program, taking into account their geographical location, needs and values.

Metric Targets

Essential to developing a successful PBC model is determining the targets at which performance will be incentivized and the magnitude of those incentives. Metric targets will be based on statewide data and level setting. The department is currently in the process of hiring a Statistical Analyst III to ensure the internal expertise exists for the required data analysis.

Weights

The original PBC plan recommended that each area of performance (quality, compliance, efficacy) have a different weight or importance associated with incentive payments. Quality was considered the highest area of weight followed by compliance and efficacy. The stakeholder workgroup participants agreed with this recommendation and wanted to see the PACE metric weighted as the highest indicator of performance. In order to ensure equity and fairness within the model, initially the department recommends equal weights for PACE, Core Security, and KPI performance metrics and a lower weight for risk-informed outcomes. After every program has had its first PACE and Core Security audit completed and equity becomes possible, the department will adjust the weights in line with the original recommendation and the recommendation of the stakeholder workgroup. This is highlighted with more details in the payment model and timeline sections of the RFI.

Risk Informed Outcomes

The department will utilize the Urban Institute's formulas and analysis methods for risk adjustment and determining performance targets for successful completion and recidivism. The Urban Institute developed two categories of risk: low/medium and high/very high as defined by client LSI scores. This category of risk is used to determine whether a program served high/very high risk clients, or low/medium risk clients is defined by a program having more than 50 percent of their clients assessed by the LSI at that high/very high risk level in a year. Programs fall into the low/medium risk category when more than 50 percent of their clients are assessed by the LSI as low/medium risk.

Core Security

Security functions are critical to ensuring both individual and community safety. During the stakeholder working groups, input was received about the importance of these fundamental standards and the expectation of compliance. Stakeholders expressed the importance of adherence to the *Standards* as being mandatory or expected in this area. The performance target will therefore be set at a composite score of 2. A score of 2 is defined as satisfactory performance in the Core Security audit and setting the target at 2 requires programs to perform at this level. Programs that receive a composite score of 2 or higher will receive incentive funding. Of the 24 programs that received a baseline Core Security audit, 8 programs received a score of 2 or higher.

PACE

The PACE is an innovative evaluation tool that utilizes a variety of methods to determine congruence with the Principles of Effective Intervention. The scoring of the PACE is intricate and follows a different scale than utilized by the Core Security audit. This type of evaluation is newer to the community corrections system and was carefully designed with leading experts. Stakeholders believed those practices being evaluated in the PACE were the most important to achieving better outcomes and required more practice to master. Setting the target based on the results of the baseline evaluations was preferred. To set targets for this performance metric that are fair and rooted in data, the target will be set by using standard deviation. The PACE composite metric target will be set at one standard deviation above the statewide baseline mean. Setting the target in relation to baseline data, allows the model to adjust as the statewide baseline improves. As performance is improved across the state and the baseline score raises, the standard deviation will also be updated. Of the 29 programs that received a baseline PACE, 8 programs received a composite score one standard deviation above the mean.

Specific Measure/Key Performance Indicators

The specific KPIs for each program related to staff training and retention will be set in partnership with the local community corrections board. KPIs and their targets should be based on available data.

One geographical area in Colorado may have a different job market and staffing variables than other locations. Using available data allows both the KPIs and their targets to be based on the individual program. The state will provide guidelines and oversight for setting the KPIs and targets.

Payment Model

Model

In consideration of the feedback from stakeholders since the beginning conception of PBC and the recommendations from the Urban Institute, it is important that the payment model be flexible and consider both gradual and timely adjustments. Adjustments in payment are recommended to be gradual in the beginning to allow time for programs to adjust to the new funding model before potentially seeing a decrease in funding and getting acclimated to the level of performance required to receive additional funding. At the same time it is important that the model allow for adjustments to incentives to be frequent enough to keep programs engaged with PBC.

In regards to flexibility, the department proposes a model that allows for flexibility in both schedule and performance metrics. While the proposed payment model and the timeline introduced later rely on a three year performance cycle for the performance metrics of PACE, Core Security, and KPIs, the model also has the flexibility to change this schedule if needed. In addition to schedule flexibility, the payment model proposed allows for flexibility in updating or changing the performance metrics utilized in PBC over time. This flexibility allows the model to grow and change as the system grows and changes. Within this model it is possible to update the risk-informed outcomes, KPIs, targets, and incentive percentages.

In addition to these considerations, a model for payment must align with realistic timelines and provide for equitable opportunities for incentive payment. To honor the ability to have equitable opportunities for payment and take into consideration the weighting of performance metrics, the department proposes an initial payment schedule reflected in Table 1. Once all programs have had an equitable opportunity for incentive payments in the performance metrics of PACE, Core Security, and KPIs, PBC will transition to the payment model reflected in Table 2.

Table 1

Initial Payment Model

	Fiscal Year 22 - 23	FY 23 - 24	FY - 24 - 25	FY 25 - 26	FY 26 - 27
Base per diem	100%	100%	99%	99%	99%
Risk Informed Outcomes:					
Successful Completion	1%	1%	1%	1%	1%
Recidivism	1%	1%	1%	1%	1%
CORE/PACE/KPIs	Evaluating	Evaluating	2%	2%	2%
Max Payment	102%	102%	103%	103%	103%

Table 2**Ongoing Payment Model**

	Fiscal Year 27 - 28	FY 28 - 29	FY - 29 - 30	FY 30 - 31	FY 31 - 32
Base per diem	97%	97%	97%	97%	97%
Risk Informed Outcomes:					
Successful Completion	1%	1%	1%	1%	1%
Recidivism	1%	1%	1%	1%	1%
Evaluations:					
Core Security	2%	2%	2%	2%	2%
PACE	3%	3%	3%	3%	3%
KPIs	1%	1%	1%	1%	1%
Max Payment	105%	105%	105%	105%	105%

Funding

There were two main concerns expressed by stakeholders regarding funding. The first concern was the state's ability to ensure that funds are available to provide incentive funding for all providers that have earned them. The second concern was that the proposed model reduces the percentage of base per diem funding and that investing in improving the quality of services requires upfront investment.

In regards to the first concern, during the Fiscal Year 2021-22 budget setting process, the Joint Budget Committee analyst presented a staff-initiated request to sponsor legislation creating a cash fund with community corrections-reverted general fund dollars. The time-limited cash fund would be utilized to ensure the needed funding is available for the first years of PBC. The department supports the staff-initiated request. A cash fund of this nature would aid in ensuring needed funding is available in the first years of PBC while any barriers and issues are being resolved, most importantly in regards to timelines. As will be discussed further in the timeline section of the RFI, once the evaluation timeline is successfully offset from the funding cycle, it will allow the department to be able to submit accurate budget requests eliminating the need for the cash fund.

As mentioned, concerns were also raised regarding the investment needed to improve quality services and earn incentive funding. More specifically, concerns were raised that lower performing programs would not have the funding needed to improve and earn incentive funding before the base per diem starts to be lowered. The department recommends allocating an additional facility payment in Fiscal Years 2022-23 and 2023-24. The availability of funding for this would be made easier by the creation of a cash fund with reversional dollars. This additional funding would allow programs to make upfront investments in training, coaching, curriculums, and other areas that will improve their performance on the *Standards*.

Warning System

It is the statutory responsibility of the department to promulgate standards for community corrections and audit compliance to those standards. The utilization of PBC in the community corrections system does not replace or supersede this obligation. Stakeholders and the department believe it is imperative regulatory functions remain intact with the ability to issue corrective actions or take more serious sanctions upon a program up to and including program closure. This allows for immediate action and consequences to be applied if it is warranted. It is important that PBC work in conjunction with this role. To ensure that programs in poor standing with *Standards* compliance are not also receiving financial incentives, the department will create a probationary status for non-compliance. Probation will be utilized when attempts at corrective action are unsuccessful. Placement on probation will be in consideration of the scope and severity of the compliance issues. Once a program fulfills the requirements to be removed from probationary status, they will then again become eligible for PBC incentive payments.

In addition to regulatory compliance considerations, the PBC model itself includes inherent consequences for poor performance. As demonstrated in the payment modeling, a program will be eligible for less per diem if the program does not meet the metrics for incentive payments. In addition to this, the three year performance cycle means a program that does not meet the target for incentive will have to wait until their next evaluation on the three year cycle to try for the incentive again. This acts as a natural warning system and consequence for poor performance. For example, in Fiscal Year 2027-28 a program earns incentives in the areas of program completion (1%) and KPI(1%) only. That program will receive just 99% of the per diem and will have to wait for their re-valuation of PACE and Core to become eligible. At the local level, PBC disincentivizes local units of government for awarding contracts to lower performing programs given that board administrative funds are a percentage of the total allocation. The higher performing the program or programs are in the jurisdiction, the larger the overall allocation amount for the jurisdiction, which directly translates to more board administrative funds. At the state level, lower performing programs will be less competitive in the procurement process for specialized community corrections contracts.

Timeline

The timeline for PBC must integrate with the payment model and align with available resources. The incentive payments can begin as soon as FY 2022-23. To be prepared for the first incentive payments on the other metrics, there are tasks that need to be completed. The tasks needed to be completed in the current and upcoming fiscal year are noted in Table 3.

Table 3

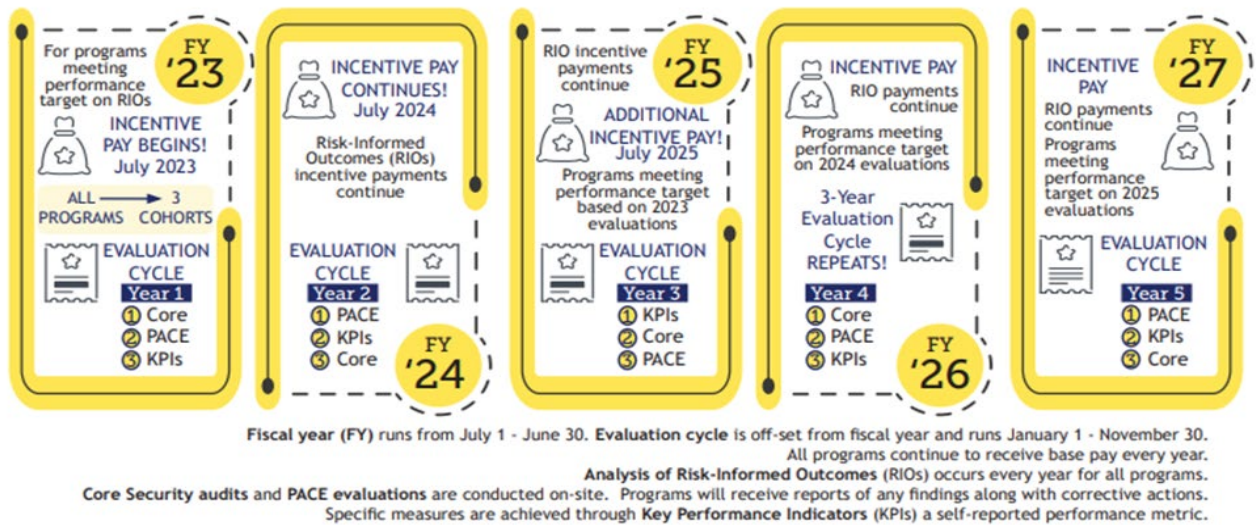
Fiscal Year 2021-22	Fiscal Year 2022-23
<ul style="list-style-type: none"> • Complete RFI • <i>Standards</i> Review • Core Security and PACE Updates 	<ul style="list-style-type: none"> • Development of KPIs • Core Security PACE Updates • Begin Evaluations/Audits

In determining an appropriate timeline for PBC in community corrections, the department carefully considered the current staff and available resources, as well as the amount of time needed between audits for a provider to make improvements positively affecting their performance. The timeline

represented below in Figure 2 demonstrates a three (3) year performance cycle for the metrics of PACE, Core Security, and KPIs, while the risk-informed outcomes metrics represent an opportunity to improve each year. A three-year cycle ensures the department has the sufficient staffing and resources to meet the demands of the timeline while also staying committed to regulation, technical assistance, and contract management. In addition, it leaves time between audits and evaluations for the program to implement changes and receive technical assistance in pursuit of increased performance. The stakeholder working groups indicated a preference for a program to receive a PACE or Core Security audit each year. The department cannot meet this demand with the current staffing levels and also wants to ensure that the staffing and resources exist to meet all of the demands of the statutory requirements for community corrections. In addition, the department believes it is critical to ensure there is proper time between audits and evaluations for improvements to be made.

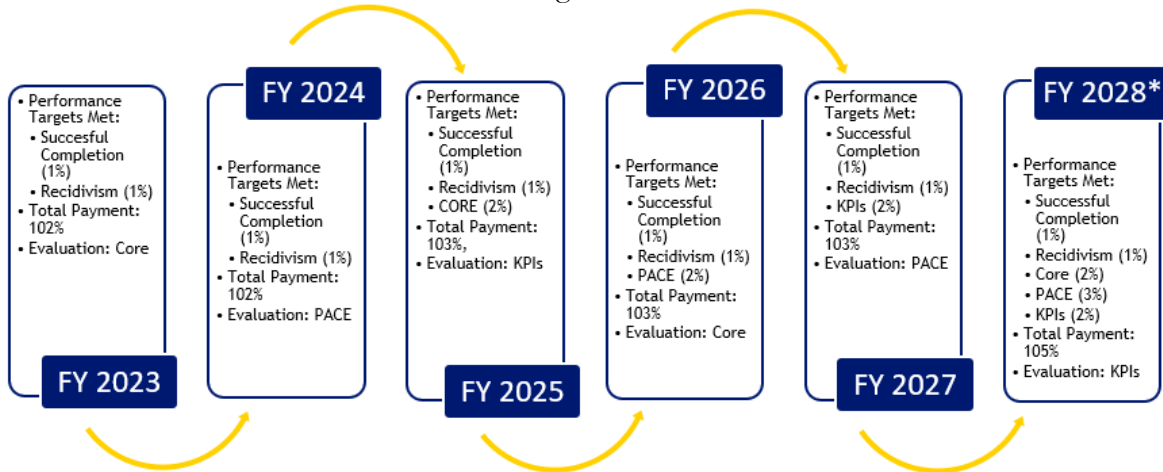
The evaluation cycle will be offset from the payment cycle to ensure the data needed to inform the Governor and General Assembly of the funds needed for each fiscal year is available. Programs will be assigned to 3 cohorts, with each cohort receiving an update every year in either the PACE, Core Security audit, or KPI performance metrics.

Figure 2: PBC Timeline by Cohorts



As was demonstrated in the payment model (Table 1), for the first 3 year cycle, each of these metrics will be weighted the same and eligible for one percentage on the metric most recently updated. Once equity has been achieved by all programs having received the PACE, Core Security audit, and KPI metrics evaluation, the model changes to each of these performance metrics being eligible for a weighted incentive (Table 2). At this point, once an incentive has been earned in one of these metric areas, the program will retain this incentive until the next evaluation of the performance metric. Figure 3 provides an example of the payment possibilities and evaluation cycle for a program in Cohort 1, and reflects the update of the payment model in Fiscal Year 2027-28 (Table 2). The example assumes the program meets the performance targets for all of the PBC measures. It also demonstrates the evaluation cycle, however it is important to note that this cycle will be offset from the fiscal year and will run January - November.

Figure 3



*In FY 2028 the payment model updates to weighted incentives for all performance areas

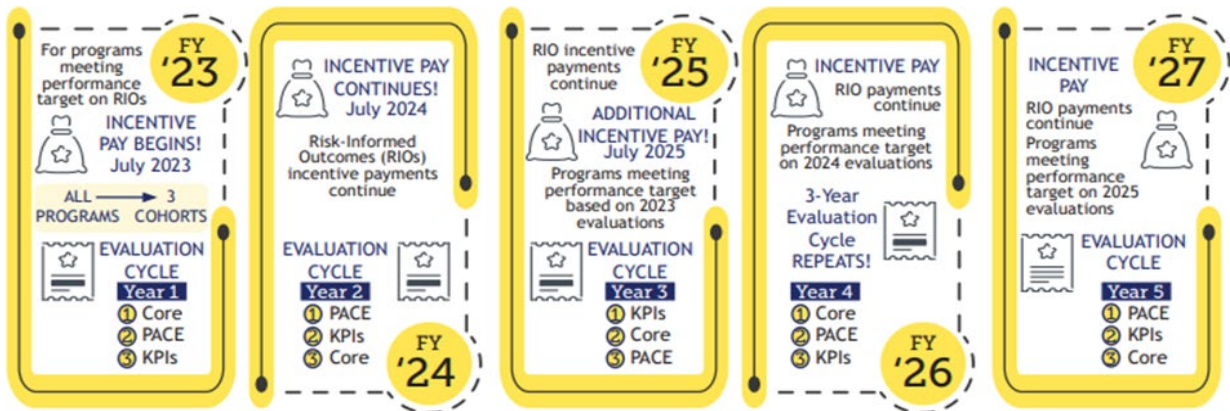
Other Considerations

New Programs

During the stakeholder working groups, a concern was raised on how to integrate new programs into the PBC model. The department recommends that new programs be given three (3) years of the full per diem rate before joining the PBC model. This allows the provider time to establish the program, receive technical assistance, and prepare for PBC. This also allows the department time to provide technical support and begin the program evaluation process.

Updates to the Standards and/or Evaluation Methods

The department maintains the raw data for all audits and evaluations. As *Standards* and *Methods* are updated that will have a significant impact on overall composite scores, raw data will be reanalyzed to make adjustments as needed both on baseline numbers and metric targets. For example, if the *Standard* and evaluation methods related to headcounts as part of the Core Security audit changes significantly, the data from that standard will be removed for the analysis of the composite score.



Fiscal year (FY) runs from July 1 - June 30. Evaluation cycle is off-set from fiscal year and runs January 1 - November 30. All programs continue to receive base pay every year.

Analysis of Risk-Informed Outcomes (RIOs) occurs every year for all programs. Core Security audits and PACE evaluations are conducted on-site. Programs will receive reports of any findings along with corrective actions. Specific measures are achieved through Key Performance Indicators (KPIs) a self-reported performance metric.