

**DEPARTMENT OF PUBLIC SAFETY**  
**(DIVISION OF CRIMINAL JUSTICE)**  
**FY 2024-25 JOINT BUDGET COMMITTEE HEARING**

**Thursday, December 14, 2023**

**1:30 pm – 2:30 PM**

**1:30-1:35      INTRODUCTIONS AND OPENING COMMENTS**

Presenter: Stan Hilkey, Executive Director

**1:35-1:55      COMMUNITY CORRECTIONS**

Main Presenters:

- Stan Hilkey, Executive Director
- Matt Lunn, Director, Division of Criminal Justice

Supporting Presenters:

Katie Ruske, Manager, Office of Community Corrections

Topics:

Placements: Page 1, Questions 1-2 in the packet, Slide 4

Per-diem Rates: Page 2, Questions 3-6 in the packet, Slide 4

R12 Performance-based Contracting: Page 4, Questions 7-9 in the packet, Slide 4

## **1:55-2:20      BUDGET REQUESTS**

### **Main Presenters:**

- Stan Hilkey, Executive Director
- Matt Lunn, Director, Division of Criminal Justice

### **Supporting Presenters:**

Katie Ruske, Manager, Office of Community Corrections

Kelly Kissel, Manager, Office of Victim Programs

### **Topics:**

R2 Invest in Local Crime Prevention Initiatives: Page 8, Questions 10-13 in the packet, Slides 5-6

R6 Crime Victim Services Funding: Page 10, Question 14 in the packet, Slides 5-6

R9 DCJ Resources to Increase Public Safety, Page 11, Questions 15-19 in the packet

R17 Rename DCJ and Relocate Office of School Safety, Page 13, Questions 20-21 in the packet, Slide 7

## **2:20-2:30      LEGISLATION AND ONE-TIME FUNDING**

### **Main Presenters:**

- Stan Hilkey, Executive Director
- Matt Lunn, Director, Division of Criminal Justice

### **Topics:**

S.B. 22-001: Page 14, Questions 22-23 in the packet,

CCJJ Successor: Page 15, Questions 24-25 in the packet,

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COMMUNITY CORRECTIONS

PLACEMENTS

1. [Sen. Gonzales] What can we do to improve transition referrals and acceptance rates?

***Response: Since the implementation of H.B. 18-1251, DCJ has engaged the community corrections boards and providers in several strategies to move toward higher acceptance rates of Transition clients. One of the first accomplishments was establishing an implementation team of stakeholders to collaborate and reduce barriers, which met 2019 to 2021. Referral counts, the number of denials by the individual boards and their programs, and the overall acceptance rates of each judicial district are collected quarterly and publicly published annually. DCJ facilitates ongoing discussions and has done several presentations to individual boards and the tri-annual Colorado Association of Community Corrections Boards conferences addressing this issue. In addition, DCJ regularly attends the Colorado Community Corrections Coalition monthly meetings to engage the providers in discussions. In an effort to increase knowledge and awareness, DCJ has coordinated multiple Department of Corrections (DOC) facility tours for boards and providers to speak with clients and learn about DOC programming and reentry preparation. DCJ coordinates with the DOC to provide the opportunity for boards and providers to attend the DOC Case Manager Supervisor quarterly meetings. Every board has established a structured decision making (SDM) tool and several boards are measuring or have plans to measure their congruence to their tools. The congruency data is utilized to evaluate the need for SDM tool revisions and as the basis of ongoing discussions with their board members on acceptance rates. Some boards have also implemented auto-accept criteria, which, for those clients fitting the criteria, are automatically accepted by the board. In addition to SDM tools aiding in reducing bias in decision-making, DCJ delivers a training on biases in decision making that boards and providers have the opportunity to participate in. DCJ will continue, and increase these efforts where DCJ is able, to collaborate with stakeholders to identify new and innovative opportunities to increase awareness of the impact of acceptance rates for Transition clients. The transition population in community corrections is only one of two majority community corrections populations that aim to alleviate the prison population in Colorado. The largest community corrections population are direct sentences from the court, known as diversion clients. Direct sentences to community corrections are only available to felony offenders as a diversion from incarceration in the DOC. Therefore, each diversion client also represents capacity alleviation for DOC. In order to efficiently support the capacity of DOC, it is imperative that community corrections fill available beds with both of these populations.***

2. [Sen. Gonzales] Why are there so few parole placements?

**Response:** *Community corrections target populations are direct sentences from the courts as a sentencing alternative to DOC, known as diversion clients, and clients transitioning into the community from DOC prior to their parole release. A condition of parole placement in a community corrections program is utilized for parolees who are at risk of failure on parole and who need assistance or stabilization in the areas of housing, treatment, or employment. In addition, when a transition client currently residing in a community corrections program has met their mandatory release date and needs more time or assistance in their housing, treatment or employment, the client may remain in the program. When a client is on parole in the community and at risk of failure, the Division of Adult Parole will utilize a variety of behavior response interventions in lieu of revocation, as well as provide access to several community-based services, prior to referring the parolee for placement in a community corrections facility. Therefore, the condition of parole referral numbers will be much lower than Diversion or Transition.*

#### PER-DIEM RATES

3. [Sen. Zenzinger] Please discuss the Request for Proposals (RFP) process used to solicit bids for the S.B. 23-242 financial audit. What is the Department doing now, and what are the next steps?

**Response:** *DCJ has worked with the CDPS procurement team to do the formal solicitation for the independent financial audit. As stated in the Department hearing last year, DCJ is certain this approach is the best path forward and is still very invested in its success. Per S.B. 23-242, DCJ was to start no later than January 1, 2024, with a required completion of findings by July 1, 2025. DCJ received the allocation on July 1, 2023. Given that DCJ did not have any previous history with a solicitation for a financial audit, it was determined the best course of action was to start with a Request for Information (RFI) before the formal solicitation. The purpose of the RFI was to learn more about what was possible through a financial analysis and audit, including deliverables and timelines, relative to the allocation of \$100,000. The RFI was posted on July 6, 2023 and closed on July 27, 2023 with no responses. At this time DCJ was not discouraged as it is not uncommon for an RFI to receive no responses given there is not an actual monetary award. Barring no responses, DCJ then spent time developing a full statement of work in consideration of all of the fiscal components to the operation of community corrections and, with input from stakeholders, on cost areas that needed to be included. With the support of procurement, a Request for Proposals (RFP) and official solicitation for a monetary award was released on October 12, 2023. When a solicitation is posted, it is available publicly and is directed towards vendors who have signed up by commodity code for the type of goods and service being solicited. At that time there was no reason to suspect that no responses would be received. The schedule for the solicitation ensured a vendor could be established by January 1, 2024. The solicitation closed on November 15, 2023 with no responses. At that time DCJ consulted with JBC Staff to see if he had*

***any suggestions for edits to the statement of work. The solicitation was reposted on December 1, 2023 and DCJ has actively been advertising the opportunity on social media, the DPS website, and directly contacting partners that may be interested in such work. The current posting will close January 5, 2024 and will continue with efforts in finding vendors to apply.***

4. *[Sen. Zenzinger]* Does the Department have a plan for assessing rate adequacy or provider costs in the time between now and when the audit would be complete? Please discuss any potential steps that the General Assembly may wish to take regarding rates during this interim period.

***Response: DCJ remains in full support of S.B. 23-242 and committed to finding a vendor. DCJ continues to believe this is the best solution for assessing rate adequacy and provider costs. Over the years the Department has attempted to use a variety of methods to determine appropriate per diem rates for community corrections. Those methods have included, but were not limited to, analysis of similar programming/systems and cost surveys of providers. Analysis of the rates in similar programming and/or systems has been unviable to determine an informed rate for Colorado Community Corrections. Limitations have included finding a comparable residential community corrections program with similar requirements and other entities using a competitive bid process that does not suggest a valid mean rate. For example, the Federal Bureau of Prisons uses a competitive bid process for the operations of re-entry centers across the country, but the per diem rate for operation of those programs varies dramatically across the country. When looking just at Colorado, there is only one re-entry program with which to compare. In regards to provider cost surveys, the most recent attempt was completed in 2018. The survey asked about the specific costs associated with various Colorado Community Corrections Standards changes and their full implementation. The intent was to determine if new costs may be associated with the changes to try to determine if a change to the per diem was indicated, and therefore the survey questions asked about additional cost. Responses to the questions ranged drastically, making it impossible to determine what the increased cost may be. There are many complex factors that could account for the variance in responses including but not limited to economies of scale, operational design, location of the program, and access to other funding sources. Despite all of these challenges, the Department is committed to continuing to try to assess rate adequacy and working with JBC staff to find solutions.***

5. *[Rep. Bird]* Does the Department believe that the requested 2.0 percent increase is sufficient to keep pace with providers' increasing costs?

***Response: Each year, the Executive Branch's provider rate request is determined through consideration of both increasing costs on partners and the balancing pressures on the state budget.***

6. [Sen. Zenzinger] Are rate differentials for specialized services adequate?

**Response:** DCJ remains hopeful that a vendor will be found for the third-party financial audit. The solicitation specifically speaks to the requirement to review the cost of operating specialized beds within community corrections. DCJ has received input from providers about the changing costs of operating specialized programs and the current considerations attributing to cost. In addition, DCJ initiated a process to learn more about, and the potential role of, Medicaid reimbursement rates. With this initial information and collaboration with Behavioral Health Administration and Health Care Policy and Financing, the Department can work to research the reimbursement rates of similar programming across the state. While there is not a true comparison, information can be gathered on the Medicaid reimbursement rates and potentially other specialized programs funded by partner agencies to try to determine if these programs are sufficiently reimbursed.

#### R12 PERFORMANCE-BASED CONTRACTING

7. [Sen. Kirkmeyer] What makes this request theory informed? What are the outcomes, what are the evaluations, what is their assessment, etc.?

**Response:** The performance-based contracting (PBC) plan was first developed and presented by the Governor's Community Corrections Advisory Council (GAC) to the Governor's Office in February of 2015 in response to a request from the JBC. Also in 2015, the Commission on Criminal and Juvenile Justice (CCJJ) made a formal recommendation to revise the current Colorado Community Corrections Standards (Standards) to better address risk and needs of clients through evidence-based practices. These actions, in addition to the outcome of the Results First Analysis initiated by OSPB, prompted the General Assembly to fund the development and implementation of the Program Assessment for Correctional Excellence (PACE), a program performance evaluation process described further below. In the same year, DCJ began an extensive overhaul of the Standards. In 2017 after working with stakeholders and expert consultants, the new Standards were published and PACE baseline measurement began. Also, in 2017, H.B. 17-1147 was passed which set forth a new statutory purpose of Colorado Community Corrections that reads, in part, to improve public safety by reducing the incidence of future crime through the design and implementation of research-based policies, practices, programs and standards. All of these efforts came together in a 2018 staff briefing to the JBC regarding the Department's PBC plan, with a recommendation to move forward with implementation. The General Assembly approved the plan and initial funding was granted in FY 2018-19. Initial funds were utilized to engage with the Urban Institute (a nationally recognized expert in criminal justice research and policy analysis), to provide guidance on the details of the PBC approach and ensure adherence to nationally recognized best practices in the area. The Urban Institute report was published in October 2020. The reports for statewide baseline measurements for PACE and Core security audits were published in 2021. At the same time, during the 2021 legislative session, the General Assembly made a formal RFI from the Department on the detailed plan for the implementation of PBC, which was

*submitted and reviewed in December of 2021 in consideration of the FY 2022-23 budget allocation. With General Assembly support, the first incentive payments began in FY 2022-23.*

*The current PBC model includes four general performance measurement areas that, when combined, comprise the overall construct of provider performance.*

***AREA 1: Program Assessment for Correctional Excellence (PACE)***

*The Factors within the PACE are based on the National Institute of Corrections (NIC) Principles of Effective Intervention. One of the original authors of the NIC Principles, Brad Bogue, was engaged to consult on the development of the PACE. Each item within the PACE was carefully selected after an extensive review of the research. Only those practices which demonstrate the effective implementation of proven evidence-based principles were included in the final PACE. These practices are those which, if implemented fully and effectively by programs, can and will reduce recidivism among clients. The PACE was also designed not only as a mechanism for program measurement, but as a tool which can help programs to improve practices over time.*

***AREA 2: Core Security Measures***

*Core Security audit measures are driven by the Colorado Community Corrections Standards (Standards). The Standards measured within Core Security audits are those Standards that are the most likely to result in base practices that indicate safe and secure supervision of community corrections clients. In addition to ensuring community safety, provision of a safe environment is essential to supporting clients in their individual rehabilitation.*

***AREA 3: Key Performance Indicators***

*Key Performance Indicators (KPIs) are quantifiable measures that demonstrate improvement in performance. For the purposes of PBC, the areas of performance assessed are required to be staff retention and staff training as these areas are indicated by research to impact program quality and performance. KPIs present an opportunity for providers and boards to work together to set meaningful goals and target metrics rooted in data and based on individual program performance.*

***AREA 4: Risk-Informed Outcomes***

*Risk-Informed Outcome Measures include client success rates and recidivism rates. This analysis also takes into consideration the risk level of the clients being supervised in a community corrections facility.*

*The performance metrics chosen were derived from an extensive review of criminal justice research, stakeholder collaboration and consultation with national experts, ensuring that each has a meaningful connection to the success of clients in community corrections. The methods for deriving scores for these measures are also tied to established research, evaluation and statistical practices.*

8. [Rep. Taggart] Why provide bonuses for performance in these areas? Shouldn't they be doing these things already?

**Response:** In their report regarding PBC in Colorado, the Urban Institute defined the basic function of PBC as "...a tool for governments to better understand their funded programs, incentivize performance improvements, and gain confidence that public dollars are yielding desired outcomes." Additionally, as discussed in the 2013 staff briefing to the JBC, PBC in community corrections can provide for mechanisms beyond those in standard contracts to ensure and improve program performance across the state. The initial 2015 PBC Plan derived by the Governor's Community Corrections Advisory Council described PBC as a tool for system advancement. Ultimately, by recognizing superior performance, greater competition is created between providers. Competition in community corrections is stifled by the difficulty in starting new programs due to zoning issues and building costs. While there are benefits to a per diem model, under a flat per diem structure, competition is further limited through the inability to effectively promote provision of a higher quality service for the same price. Better quality services leading to improved outcomes in the area of criminal justice ultimately not only improves public safety, but creates cost savings for the state. PBC provides an opportunity to mitigate the limitations of a per diem based payment structure. Additionally, solely relying on corrective measures may improve compliance, but does not promote innovation and enhanced quality of services. In the report, the Urban Institute also discussed the potential cost efficiency benefits of PBC. While the goal of PBC is to incentivize programs to achieve high levels of performance, the model also holds poor performing programs accountable by lowering funding levels for those who fail to achieve certain benchmarks. This structure can be seen in Table 1 below.

**Table 1: Performance-Based Contracting Payment Model**

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%	1%	2%
Max Payment	102%	102%	103%	103%	103%



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%

9. [Sen. Gonzales] Has the Department seen actual improvement in performance thus far? Please discuss and provide additional detail on the results of the effort thus far.

***Response: As discussed in question #7 above, PBC comprises four areas of performance. Three of these areas (PACE, Core Security and Risk-Informed Outcomes) were baselined to determine the level of statewide performance prior to the initiation of PBC payments. Given that incentive payments only began in the last fiscal year, their impact on program performance may be somewhat limited. This is especially true for longer term outcome metrics such as recidivism numbers. That said, early indicators suggest that program performance is improving overall.***

#### **PACE**

***Of the eight programs who underwent a PACE evaluation in the past year, seven demonstrated an improvement over their baseline score while the eighth maintained their initial performance score.***

#### **Core Security**

***Of the seven programs who received a Core Security audit in the last year for whom we have baseline scores, five demonstrated improvement. One program had a very minor decline in their performance while the other program with a decline prompted disciplinary action from the Department. While PBC aims to incentivize high performance, the Department also maintains its regulatory authority to hold programs accountable when performance drops below acceptable levels.***

#### **Risk-Informed Outcomes**

***Average success rates improved from baseline in both the low-risk category (55% to 57%) and high-risk category (49% to 60%). Average recidivism within the high-risk category remains at the same level found at baseline (19%). Among programs serving primarily low risk clients, the average recidivism rate has increased (17% to 20%). For the purpose of PBC the definition recommended by the Urban Institute and utilized is a felony conviction two years from program start date. Accordingly, the most recent recidivism rate is calculated for clients who entered community corrections in FY2020-21, which was prior to the start of incentive funding.***

## BUDGET REQUESTS

### R2 INVEST IN LOCAL CRIME PREVENTION INITIATIVES

10. *[Rep. Bird]* Do these grantees have a responsibility to ensure that the State is not their only source of funding? Are they required to solicit other sources of funding? Have the recipient organizations demonstrated their competency in managing funds before receiving the funds? What safeguards are in place? How is the Department vetting grantees, how is it holding them accountable, and how is it tracking their performance?

***Response: While there is not a requirement that they secure other sources of funding, they all do. With the funds available to provide services across the state the Crime Prevention and Crisis Intervention (CPCI) program does not have the funds necessary to support programs in their entirety. They are asked about additional funding in the application and this is part of the criteria weighed by the review committee. Lastly, agencies have previously demonstrated proof of concept with grant funding and were then able to transition to their local General Funds.***

***DCJ has several tools in place to review and determine grantees' ability to manage grant funds. There is vetting in the form of validating the profile to confirm accuracy of information provided. Prior to funds being awarded, programs are required to submit a financial management questionnaire (FMQ) which assesses whether processes are in place to manage the funds appropriately. If DCJ identifies any areas of concern, we apply special conditions to the award and provide intensive technical assistance to assure they are managing the funds appropriately.***

***In addition, after the first quarter we review the totality of their reporting and grant management and utilize that experience to complete a risk assessment. The risk assessment tiers the programs to determine the higher risks programs and those are prioritized to monitor. There are multiple levels of monitoring that include; quarterly reviews on performance and payment requests, desk monitoring, and On-site monitoring.***

***Performance is tracked quarterly both through financial and performance reporting. Performance reporting includes questions about:***

- *project status and barriers to implementation.*
- *project activities conducted during the quarter*
- *demographics, numbers served, and any other performance metric required by the grant for reporting, and*
- *progress on the project goals and outcomes.*

#### **Monitoring Levels:**

***Desk Monitoring Level One: This level of monitoring is conducted remotely. Sub-recipients submit financial and/or programmatic supporting documentation for one or more quarters, which is reconciled to the quarterly reporting. Depending on the results, may lead to desk monitoring level two or a site visit.***

***Desk Monitoring Level Two: This level of monitoring is conducted remotely. Sub-recipients complete the general compliance and programmatic monitoring checklists, which helps the evaluator gain an understanding of compliance. Typically there are follow up emails, telephone calls or remote meetings to give either the evaluator and/or sub-recipient the opportunity to ask questions, to request additional documentation, seek clarification, provide technical assistance, etc. Depending on the results, it may lead to a site visit.***

***On-site Monitoring (Site Visit): The process also includes the general compliance checklist and the program checklist with a significant portion of the review completed remotely. On-site monitoring may also include telephone calls, emails, etc. prior to and subsequent to the site visit so the evaluator (or sub-recipient) has an opportunity to ask questions, request additional documentation, seek clarification, provide technical assistance, etc. A site visit gives OAJJA program staff an opportunity to review items that cannot be reviewed remotely such as the sub-recipient's master grant file(s), verify equipment purchased, confirm client files are properly secured, etc. It is important to note that the OJP Office of the Financial Controller requires a minimum of 5 – 10 % of sub-recipients monitored each plan year by site visits.***

11. [Sen. Gonzales] Within some of the grant awards, the requests were actually smaller than the grants awarded; what is going on there?

***Response: In the three grants that showed a difference in the original amount requested and what was awarded was due to budget changes after the application was submitted and before the review by the review committee. Those changes could be for various reasons such as the applicant realized a miscalculation or missing item after the application was submitted but the submittal period was still open, or grant staff identified accounting errors within the budget during the initial review.***

12. [Sen. Gonzales] If the Department were to receive additional investments, would they be looking provide additional support to the organizations that have already received grants or would they be looking to expand?

***Response: Based on performance, current recipients are eligible to apply for continuation funding. The review committee would make all funding decisions. DCJ Staff would give a short presentation to the funding committee discussing their progress, performance toward implementation of goals and objectives, spending, and any identified problems. However, DCJ is focused on working with rural and underserved communities to identify their barriers to grant funding and providing assistance so we can get the funds out to the communities that need it most. This funding is also essential to improve collaboration between government agencies and the local non-profit organizations that are doing great work across the state.***

13. [Rep. Sirota] Looking at grant funding for co-responder models, is this grant program the only source of funding available for that purpose? Or is the State providing additional funding through other channels?

**Response:** Previous solicitations from both Behavioral Health Administration (BHA) and Department of Local Affairs (DOLA) have allowed for funding to support co-responder type programs through BHA. Additionally, funding administered by the DCJ Office of Research and Statistics from the Bureau of Justice Assistance (BJA), the Connect and Protect grant, is being used to create a web-based system where local alternative response, including co-responder, programs can register and provide information on their services, partnering agencies, and funding sources. This will result in a publicly accessible map of alternative response programs that can be filtered by program components, target population, and funding sources.

#### R6 CRIME VICTIM SERVICES FUNDING

14. [Sen. Kirkmeyer and Sen. Zenzinger] Please discuss what is driving the changes in funding availability from both federal and state sources and potential options to address those concerns with long-term solutions. Are fees and fines not being assessed within the State? Have state funding levels declined as a result?

**Response:** At the federal level, Crime Victims Fund (CVF) that includes the Victims of Crime Act (VOCA) grants has been depleted as a result of a decrease in federal fines going into that particular fund. Congress worked on a federal fix for several years and did pass a small change to include fines from deferred prosecutions into the CVF. However, that change took time and has not been enough to restore the fund to meet the levels of funding previously awarded to states. In 2018, the VOCA grant award was just over \$56.6 million. DCJ has seen decreases almost every year since then. In August, DCJ was informed that the next VOCA award would be another 41% decrease and or around \$13.8 million. This is a 75.6% decrease over the past 5 years. DCJ will have to reduce grant awards significantly to victim service agencies without another source of funding. Thankfully, in the last 3 legislative sessions, SLFRF/ARPA and General Funds were allocated to DCJ which filled a portion of the gap for the decrease in VOCA funding already experienced.

Historically, with the exception of the last few years, the main state source of funding for victim services was the Victim Assistance and Law Enforcement (VALE) fund that is a result of surcharges levied as the result of criminal actions. The local VALE programs receive the majority of those surcharges and award out local grants to victim service agencies and then 13% is transferred to DCJ for the state VALE grant program. The pandemic created decreases in that revenue while the courts were closed or at decreased capacity. Again, some of that gap was covered with ARPA/SLFRF funding allocated by the legislature.

*There are potentially two other reasons for changes in this revenue source. First, as the state looks at criminal justice reform measures that result in justice involved individuals being diverted out of the court system, fewer surcharges are assessed and collected because they are assessed after a conviction. Second, judges are summarily waiving surcharges, including VALE with a finding of indigency.*

*Potential long term solutions could include 1) a Congressional VOCA fix, 2) funding that is not reliant on offender surcharges; or 3) increases to the surcharge amounts.*

#### R9 DCJ RESOURCES TO INCREASE PUBLIC SAFETY

15. [Rep. Bird] Please provide additional information on the \$110,798 for the project manager and what, exactly, is driving that need.

*Response: Per the statutory duties of the DCJ as defined by 17-27-108, C.R.S. it is the obligation of the Division to set the standards for the operation of community corrections programming, audit those standards, and to ensure programs are held accountable to those requirements as a regulatory body. In addition, the statute requires DCJ to provide technical assistance to stakeholders. In an effort to improve outcomes and the quality of community corrections programming, DCJ has increased auditing efforts, technical assistance, and improved processes in relation to follow up to critical incident reports and complaints. DCJ completes three (3) different types of audits, in addition to auditing any incident specific issues as needed. This includes the provision of corrective actions and technical assistance. Since the beginning of calendar year 2023, DCJ has completed 21 audits with 19 requiring some level of corrective action, conducted inquiry into 32 complaints, and tracked 259 critical incidents. Corrective action responses range from required policy and procedure changes to probationary status. While overall DCJ is seeing improvements in performance on audits, continued improvement is still needed in the area of compliance with Standards. The position will ensure all corrective actions reach resolution, and provide additional resources to monitor both the quality and safety of community corrections programming. This additional position will cover gaps in resources for follow up on those audits, action plans, and technical assistance and will act as a project manager for open corrective actions, ensuring all end in resolution.*

16. [Rep. Bird] Please discuss the State role in the various components of this request given that so many of these activities are carried out at the local level. What is the benefit of putting these resources into additional staff rather than services?

*Response: The positions reflect areas where the state currently provides significant services and oversight. DCJ is the state division charged with funding programs at the local level and providing the necessary oversight and training in the public safety space. Additionally, DCJ is the State Adminstrating Agency for federal funds and administers state funding necessary to support innovative, collaborative programs to improve public safety at the state and local levels. The requested positions improve the access to resources at the local level and the necessary oversight to ensure desired outcomes.*

17. [Sen. Zenzinger]. How is the addition of single positions going to effectuate this work statewide?

**Response:** *Each of these requested positions are needed to handle current workloads in DCJ as well as improve overall service delivery to everyone who calls Colorado home. Without these positions, DCJ will not have the resources to implement strategies to improve access to services, particularly in rural and underserved areas, and provide necessary oversight.*

*In OCC, PBC reviews are an important component of DCJ continuing to advance treatment and services across the state. This FTE will work with providers to address any identified deficiencies and improve access to resources.*

*With the TTA hub, these positions are essential to DCJ continuing to work with agencies and the non-profit community who have not previously had access to funding, for various reasons, and get funding to areas with the greatest need. Additionally, the TTA hub will serve as a resource to improve the use and implementation of evidence-informed practices.*

*The FTE for DVSOMB is an effort to work with partners around the state to address the provider shortage for these populations. By increasing providers in the state, systems can more effectively treat individuals and improve long-term outcomes for Colorado communities. In addition, this was an area of emphasis for the Legislature during the Sex Offender Management Board Sunset Bill review. More specifically, the need for treatment providers reflecting the diversity of the population was noted. This initiative is attempting to identify the best ways to recruit and retain providers, particularly those of diverse backgrounds, as well as those who can provide treatment in the DOC, another area of concern. The hope for this funding is to identify the best way to recruit new providers and work with local treatment agencies to carry out the recruiting message and function. The state resources would be used to support local community efforts.*

*The Victim Rights Act (VRA) specialist is needed to address statutory mandates and the 0.5 FTE is to continue to provide necessary training across the state to various stakeholders on this important topic as grant funding for the position is ending.*

18. [Sen. Gonzales] Referring to the VRA specialist, who is processing these applications now? How is it working at this point?

**Response:** *The VRA Specialist is currently processing the applications. This position has been grant funded but the significant decrease in the federal grant funds (specifically Victim of Crime Act (VOCA)) will result in a decrease to all grantees. Although the position has been grant funded, it is a statutorily required responsibility of the Division of Criminal Justice to process VRA complaints and funding it through a grant is not sustainable.*

19. [Sen. Gonzales] Please provide additional detail on the consultant. For example, what is driving the need for strategic planning help?

**Response:** *The funding for a consultant allows DCJ to bring in an outside expert to assist in our efforts to continually improve the delivery of services and funding across the state. Over the last several years, the division has increased its programs and support for government agencies and non-profit organizations to support sustainable solutions to the unique challenges each jurisdiction faces. The funding will improve organizational effectiveness and assist us in decreasing barriers to stakeholders by taking a holistic examination across the policies and practices of our six offices.*

R17 RENAME DCJ AND RELOCATE OFFICE OF SCHOOL SAFETY

20. [Sen. Kirkmeyer] Why is the Department back with this request when the General Assembly clearly said no at the end of last session?

**Response:** *When the Department proposed creating the Office of School Safety (OSS) in the 2023 session, the Department's vision was to locate the OSS in DCJ because of its similarity to the existing DCJ offices. OSS includes a grant making component, as well as training, technical assistance, and community outreach and education, which many DCJ offices also include. By locating the OSS in DCJ, the Department sought to leverage those resources to stand up the new office and saw an opportunity to force multiply and provide redundancy and backup support in the future. The Department understood the Committee's decision to place the OSS in the EDO to be based on concerns about the perception of putting a school safety program in a criminal justice entity. However, upon further internal discussion, the Department identified that DCJ might be due for an updated name and brand to reflect more accurately what the division actually does. DCJ's work is largely focused on community partnerships and programs, and the proposed name attempts to reflect this work. With the name change to better reflect what DCJ does, the Department continues to see alignment with the mission and work of the OSS and the mission and the work of the renamed Division of Community Programs and Partnerships. A few specific examples of programs and partnerships include our work with local government, non-profits, and the business community through community corrections, grant distribution and monitoring, data collection and evaluation, and rule-making. Multiple offices within the Division provide technical assistance and training to all levels of government and community partners. DCJ relies on partnerships with community organizations, agencies and stakeholders to effectively meet its statutory requirements. While it's important to align the division's purpose with its name, this rebrand ensures its customers understand there is a clear distinction between the programs within the Department that do not involve law enforcement. Additionally, DCJ does not have law enforcement or POST-certified personnel. DCJ was created by executive order in 1968, and was subsequently established in statute in 1971 in the Department of Local Affairs. The Division was created "to analyze Colorado's activities in administration of criminal justice and the nature of the problems confronting it and to make recommendations and to develop comprehensive plans of action for consideration and implementation by the appropriate agencies of state and*

*local government.” This language still exists today, but it is now accompanied by many other statutory mandates that have modified the focus, culture, and stakeholder base of the division. With the name change to better reflect what DCJ does, the Department continues to see administrative alignment with the mission and work of the OSS and the mission and the work of the renamed Division of Community Programs and Partnerships.*

21. *[Rep. Sirota]* Please provide very specific detail about the efficiencies and economies of scale that the Department expects to receive as a result of this initiative. If the Department would achieve increased efficiencies and economies of scale, how will those materialize? Will those improvements allow for a reduction in funding and staff?

*Response: The primary economies of scale would be achieved in the areas of grant making and monitoring, and public education and outreach. The OSS is responsible for distributing four grants, and is also charged with assisting local schools in applying for grants, where feasible. Several DCJ offices also contain grant making functions, such as the Office of Adult and Juvenile Justice Assistance and the Office of Victims Programs. DCJ has staff who are experienced in writing grant contracts, which will support the OSS in distributing the grant funds. The Department has experienced difficulty in hiring grants managers in recent years, and having these programs co-located in the same division could facilitate redundancy and back up in this area to overcome any staffing fluctuations. The OSS also conducts outreach and education to schools and the public, and frequently publicizes its workshops. This work overlaps with the public outreach and education that DCJ currently performs through its public information officer.*

## LEGISLATION AND ONE-TIME FUNDING

22. *[Rep. Bird]* Regarding S.B. 22-001, why has so little of the \$10.3 million appropriation been expended?

*Response: During FY 2022-23, grant awards were approved at \$6,260,368.47. The amount expended at the end of FY23 was \$1,646,796.42 and to date expenditures are \$1,734,059.73. There remains \$4,769,115.30 in encumbered grant awards yet to be expended. Those grantees have until June 30, 2026 to fully spend their grant awards. The remaining unobligated \$3.8 million, has been released for applications. Applications are due to the Office of Adult and Juvenile Justice Assistance by March 1, 2024. Grant Awards will be for the period of July 1, 2024 to June 30, 2026.*

*The first half of FY 2022-23 was utilized to develop the Announcement of Funds, secure a contract with a subject matter expert consultant to provide TA, recruit and train the review committee, and allow for community planning and data collection before applications were submitted. This left only 6 months for grantees to complete their projects.*



*There were barriers to grantees' ability to expend their funds within the original grant period. Some communities needed to present and receive approval from County Commissioners, needed time for City and County planners to schedule the work for the project, some were required to put work out to bid, and shipping timeframes and delays for equipment. With the passing of SB-277, these grantees were able to extend their grant and complete their projects.*

23. [Rep. Taggart] Regarding S.B. 22-001, what is the Department doing to promote the availability of these funds?

*Response: During FY 2022-23 grant awards were approved at \$6,260,368.47. The amount expended at the end of FY 2022-23 was \$1,646,796.42 and to date expenditures are \$1,734,059.73. There remains \$4,769,115.30 in encumbered grant awards yet to be expended. Those grantees have until June 30, 2026 to fully spend the grant awards. The remaining unobligated \$3.8 million, has been released for applications. Applications are due to the Office of Adult and Juvenile Justice Assistance by March 1, 2024. Grant Awards will be for the period of July 1, 2024 to June 30, 2026.*

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24. [Sen. Gonzales] How much funding has been set aside for a new CCJJ successor? Where is the money coming from? And how many FTE would be dedicated to this effort?

*Response: By Executive Order, the Governor created the Working Group on Transforming Criminal and Juvenile Justice (TCJJ) to recommend a successor entity or entities to the previous Commission on Criminal and Juvenile Justice (CCJJ). However, the TCJJ is not the successor to the CCJJ, it is the body that may recommend a successor. The work of the TCJJ must be complete by March 2024, so it is a short term working group with a very specific mission. In Attachment 3 of the Governor's budget letter, there is a \$300,000 General Fund placeholder to fund an anticipated recommendation from the TCJJ.*

25. *[Sen. Zenzinger]* Where would the CCJJ successor entity be housed? Would it remain in Public Safety and the Division of Criminal Justice? If not, where?

***Response: The structure and location of any successor to the CCJJ will be determined by recommendations made by the TCJJ no later than March 2024.***