

MEMORANDUM



JOINT BUDGET COMMITTEE

TO JBC Members
FROM Carolyn Kampman, JBC Staff (303-866-4959; 303-809-1985)
DATE April 26, 2017
SUBJECT House Long Bill Amendment (#56) Concerning Veterans Treatment Courts

HOUSE LONG BILL AMENDMENT

The House passed a Long Bill amendment (#56/J.144) that appropriated an additional \$664,949 cash funds from the Marijuana Tax Cash Fund (MTCF) to the Judicial Department to enhance funding for veterans treatment courts. The additional funding includes:

- \$432,779 to add “peer mentor” coordinators in each of the six operational veterans treatment courts (5.8 FTE);
- \$40,920 to add a half-time position (0.5 FTE) to provide training for local peer mentor coordinators, and to provide statewide technical support, coordination, resource development, public education and outreach, grant management, and coordination for veterans treatment courts; and
- \$191,250 to enhance the ability of veterans treatment courts to contract with local organizations to provide peer mentoring services.

The above amounts were originally identified by Judicial Department staff in response to a request I made in mid-March. Specifically, based on inquiries I had received from legislators and other interested parties, I asked the Department to identify the amount of funding that would be required to “fully fund” veterans treatment courts and provide equitable funding for all six operational courts. [I have attached the three-page summary prepared by the Department at my request. This same information was subsequently provided to other parties who were working with legislators who proposed the Long Bill amendment.]

STAFF RECOMMENDATION FOR CONSIDERATION OF CONFERENCE COMMITTEE

If the Conference Committee wants to consider maintaining some or all of this funding, I recommend continuing to use General Fund for this purpose. If the Committee wants to provide partial funding this initiative, I would suggest two options:

- Appropriate \$432,779 to pay for peer mentor coordinators for each local court; or
- Appropriate \$473,699 to pay for peer mentor coordinators for each local court and to provide funding for a half-time staff person to provide statewide training, technical assistance, resource development, and public education and outreach.

The remainder of this memorandum includes information concerning:

- the use of money in the Marijuana Tax Cash Fund for veterans treatment courts;
- existing state funding for problem-solving courts; and
- the allocation of existing \$624,877 General Fund among operational veterans treatment courts

USE OF THE MARIJUANA TAX CASH FUND (MTCF)

The General Assembly currently provides funding for veterans treatment courts from the General Fund. Under current law (as amended by S.B. 17-264, a JBC bill that has passed both chambers), the authorized uses of the MTCF that one may argue apply to veterans treatment courts include:

- “To treat and provide related services to people with any type of substance use disorder, including those with co-occurring disorders;” or
- “For jail-based and other behavioral health services for persons involved in or diverted from the criminal justice system;”

I would recommend continuing to use General Fund, rather than the MTCF, to provide funding for veterans treatment courts. First, I do not think it’s accurate to assume that all veterans who participate in veterans treatment courts have a substance use disorder (although many do). Second, while I fully appreciate the value of peer mentoring services in helping veterans rehabilitate and successfully graduate from veterans treatment courts, I do not believe that these services should be considered “behavioral health services”.

EXISTING STATE FUNDING FOR PROBLEM-SOLVING COURTS

There are currently 81 "problem-solving" courts operating in Colorado. These courts have been established based on local decisions about how to best meet the needs of offenders who have certain types of behavioral health-related treatment needs. The operational costs of problem-solving courts are primarily supported by funding and staff that are allocated for the State trial courts and probation programs in each judicial district. However, there are two separate appropriations within the Judicial Department budget that are specifically designed to provide extra resources for problem-solving courts:

- The FY 2017-18 Long Bill includes an appropriation of \$3.6 million (primarily from the Judicial Stabilization Cash Fund) and 44.3 FTE for problem-solving courts. This funding supports additional court staff and probation officers to ensure that these problem-solving courts are implemented and operated using best practices.
- The FY 2017-18 Long Bill also includes funding within the "Offender Treatment and Services" line item appropriation (a total of \$4.0 million) that is allocated to problem-solving courts for the provision of treatment and services. This amount includes \$624,877 General Fund for allocation to veterans treatment courts "to provide treatment and services for offenders participating in veterans treatment courts, including peer mentoring services". [See Long Bill footnote #54 on page 263 of the reengrossed Long Bill.]

ALLOCATION OF \$624,877 AMONG OPERATIONAL VETERANS TREATMENT COURTS

There are currently six veterans treatment courts in operation. The following table, prepared by the Department, lists the capacity of each court along with the funding that is currently allocated to each court for peer mentors and treatment services. The Department indicates that it has supplemented the funds identified in this footnote with \$90,000 from the Correctional Treatment Cash Fund to provide funding for those courts that started operations after FY 2012-13 (Brighton, Golden, and Pueblo). Thus, the allocations below total \$714,877.

FY17 Veteran's Trauma Court (VTC)

Capacity	District	Location	County	Peer mentor hours (b)	Allocation	mileage reimbursement	Operating allocation	Treatment allocation	Total VTC allocation
40	1	Golden	Jefferson	0.5	\$32,500	\$4,563	\$1,500	\$46,539	\$85,102
30	2	Denver	Denver	0.5	32,500	4,563	1,500	34,904	73,467
150	4	Co. Spring	El Paso	1.5	97,500	13,688	2,000	264,521	377,709
15	10	Pueblo	Pueblo	0.5	32,500	4,563	1,500	17,452	56,015
25	17	Brighton	Adams	0.5	32,500	4,563	1,500	29,087	67,649
30	18 (a)	Centennial	Arapahoe	0.25	16,250	2,281	1,500	34,904	54,936
290	Total			3.8	\$243,750	\$34,219	\$9,500	\$427,408	\$714,877

Total Long Bill Allocation (GF)	\$624,877
Correctional Treatment CF	90,000
Total VTC Allocation	\$714,877

TABLE NOTES:

Peer Mentor hourly assumptions are based on a full time mentor annual salary of \$65K with the part-time mentors salaries prorated and the need for .5 mentors per 50 participants

Mileage reimbursement assumption: 50 miles per day per mentor

a/ district did not need full peer appropriation at time of allocation due to available grant funds

b/ peer mentors are not judicial employees and should not be paid as such

Operating allocation: Estimate of cost to operate VTC

Treatment allocation: Based on the percentage of capacity of court.

Peer Mentor Coordinator

The position would be a district level peer mentor coordinator for each established Veteran’s court (First, Second, Fourth, Tenth, Seventeenth, and Eighteenth Judicial Districts). The responsibilities of this position would include:

- Coordinating paid and volunteer mentors
- Matching mentors with participants
- Ensuring all peer mentors are trained and provide on-going training
- Ensure peer mentors follow established policies and procedures
- Build professional relationships with community organizations to support peer mentors
- Develop capacity for peer mentors

Fiscal Impact: Add \$432,779 to the General Fund Appropriation within the Problem Solving Court's line item.

Table 1		
Veteran Courts Peer Mentor Coordinator (Problem Solving Court Coordinator II) FY2018		
	PSC Coordinator II	Total
FTE	5.75	5.75
Mo Salary	\$5,654	
No. of Months	11	
Annual Salary	357,616	357,616
PERA (10.15%)	36,298	36,298
Medicare (1.45%)	5,185	5,185
TOTAL PS	399,099	399,099
Operating	5,463	5,463
Capital Outlay	28,218	28,218
Subtotal		432,779

Table 2		
Veteran Courts Peer Mentor Coordinator (Problem Solving Court Coordinator II) FY2019		
	PSC Coordinator II	Total
FTE	5.75	5.75
Mo Salary	\$5,654	
No. of Months	12	
Annual Salary	390,126	390,126
PERA (10.15%)	39,598	39,598
Medicare (1.45%)	5,657	5,657
TOTAL PS	435,381	435,381
Operating	5,463	5,463
Capital Outlay	-	-
Subtotal		440,844

.5 FTE Vet Court Programs Analyst II

This position would be located in the State Court Administrator’s Office and would serve as the central contact for veteran’s courts and veteran court mentor training and information. Responsibilities would include:

- Build peer mentor curriculum and train peers mentor coordinators to ensure consistent statewide training
- Lead veteran court accreditation process
- Statewide Vet Court program support and coordination
- Technical assistance and resource development
- Contact for public regarding veterans courts
- Public education
- Develop and Maintain professional relationships with state and nationwide veterans organizations
- Grant management

Fiscal Impact: Add \$40,920 to the General Fund Appropriation within the Problem Solving Court's line item.

Table 3		
Court Programs Analyst II FY2018		
	CP Analyst II	Total
FTE	0.50	0.50
Mo Salary	\$5,823	
No. of Months	11	
Annual Salary	32,027	32,027
PERA (10.15%)	3,251	3,251
Medicare (1.45%)	464	464
TOTAL PS	35,742	35,742
Operating	475	475
Capital Outlay	4,703	4,703
Subtotal		40,920

Table 4		
Court Programs Analyst II FY2019		
	PSC Coordinator II	Total
FTE	0.50	0.50
Mo Salary	\$5,823	
No. of Months	12	
Annual Salary	34,938	34,938
PERA (10.15%)	3,546	3,546
Medicare (1.45%)	507	507
TOTAL PS	38,991	38,991
Operating	475	475
Capital Outlay	-	-
Subtotal		39,466

Veterans Court Peer Mentors:

In Fiscal Year 2015, the Colorado Judicial Department received funding for veteran treatment court peer mentors. This funding allows for veteran courts to contract out for peer mentor services. Over the last several years, veteran courts have reported that contracting for mentoring services has been challenging due to limitations within the existing appropriation. For example, agencies are not contracting with veteran courts because the funding available is not incentive enough to provide these services. Numerous solicitations for peer mentoring services either went unanswered or the bids far exceeded available funds. This request is for additional funding that will assist veteran courts in finding providers that are willing to offer peer mentoring services for the veteran courts.

Fiscal Impact: Add \$191,250 to the General Fund Appropriation within the Offender Treatment Services line item for veteran treatment courts.

Summary of Fiscal Impact:

Option 1:

Fiscal Impact of Amendment FY2018		
Department/Line Item	GF	FTE
Judicial – Problem Solving Courts (coordinators)	\$432,779	5.75
Judicial – Problem Solving Courts (program analyst)	\$40,920	.5
Judicial – Offender Treatment Services for Veteran Courts (peer mentors)	\$191,250	n/a
Total Cost	\$664,949	6.25

Option 2:

Fiscal Impact of Amendment FY2018		
Department/Line Item	GF	FTE
Judicial – Problem Solving Courts (program analyst)	\$40,920	.5
Judicial – Offender Treatment Services for Veteran Courts (peer mentors)	\$191,250	n/a
Total Cost	\$232,170	.5