

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2012-13 STAFF BUDGET BRIEFING

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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December 21, 2011**

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**FY 2012-13 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)**

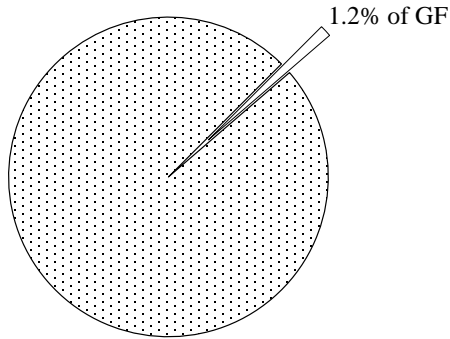
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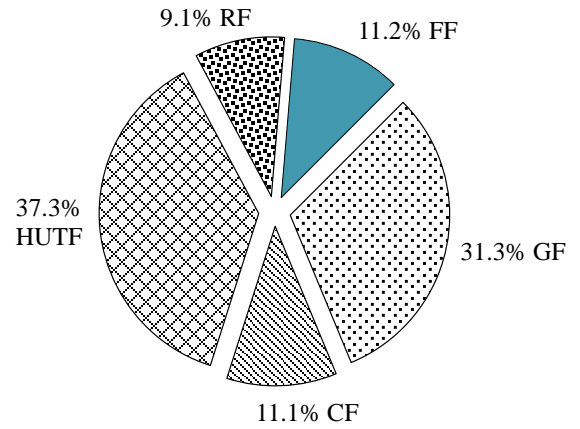
**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Public Safety, Division of Criminal Justice**

GRAPHIC OVERVIEW

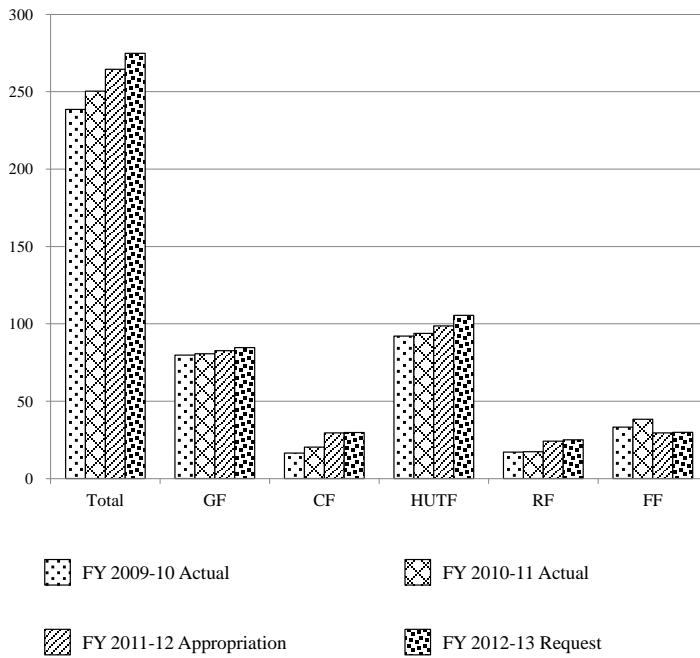
Department's Share of Statewide General Fund



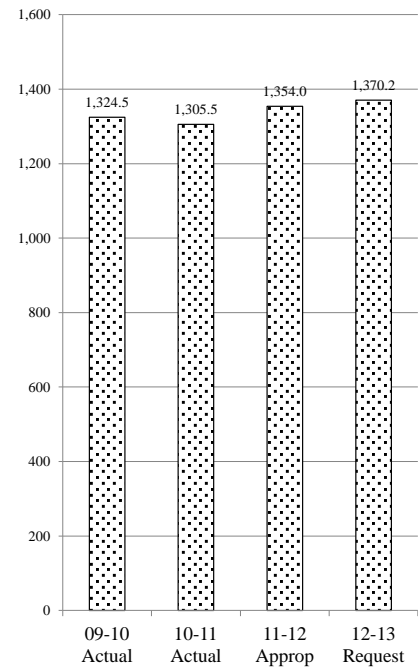
Department Funding Sources



**Budget History
(Millions of Dollars)**

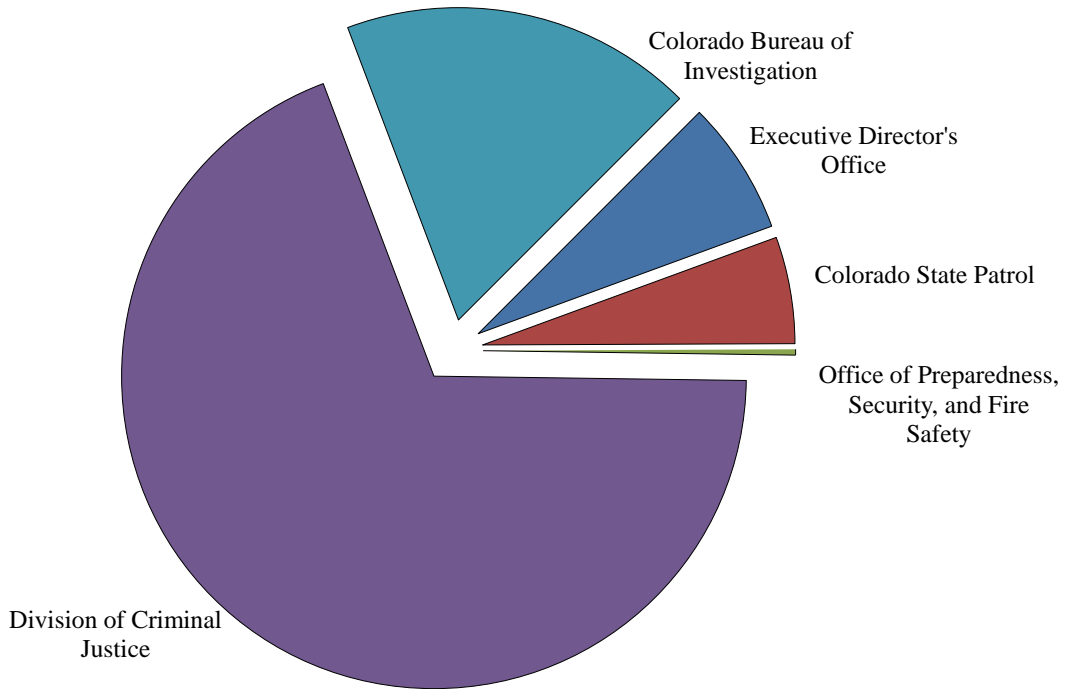


FTE History

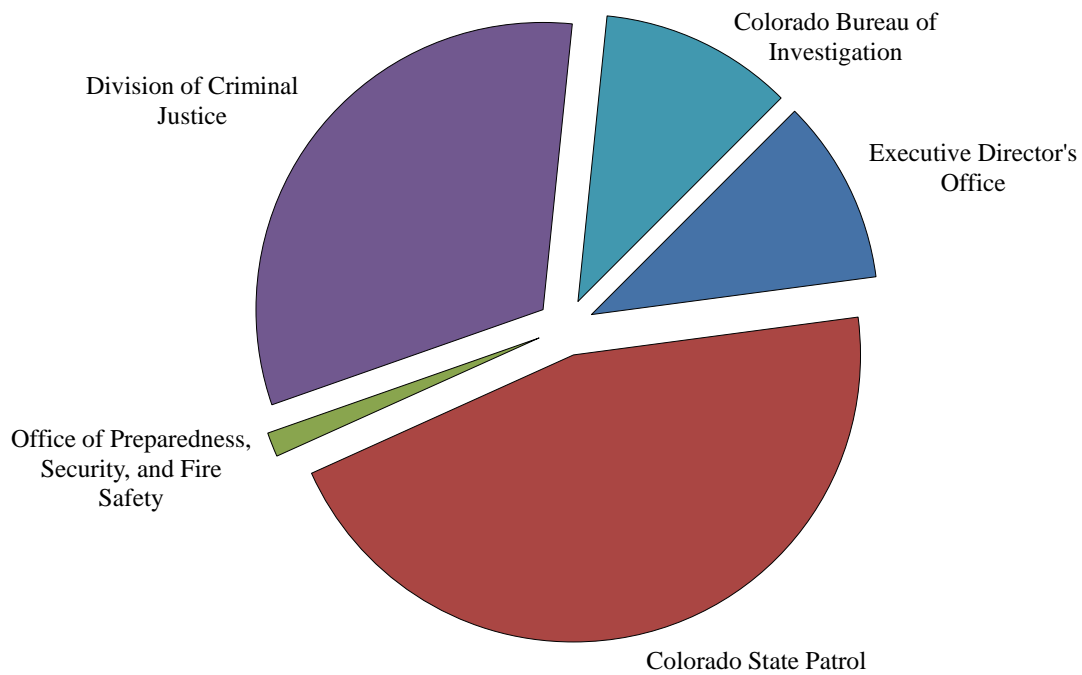


Unless otherwise noted, all charts are based on the FY 2011-12 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



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(Division of Criminal Justice)**

DEPARTMENT OVERVIEW

Key Responsibilities

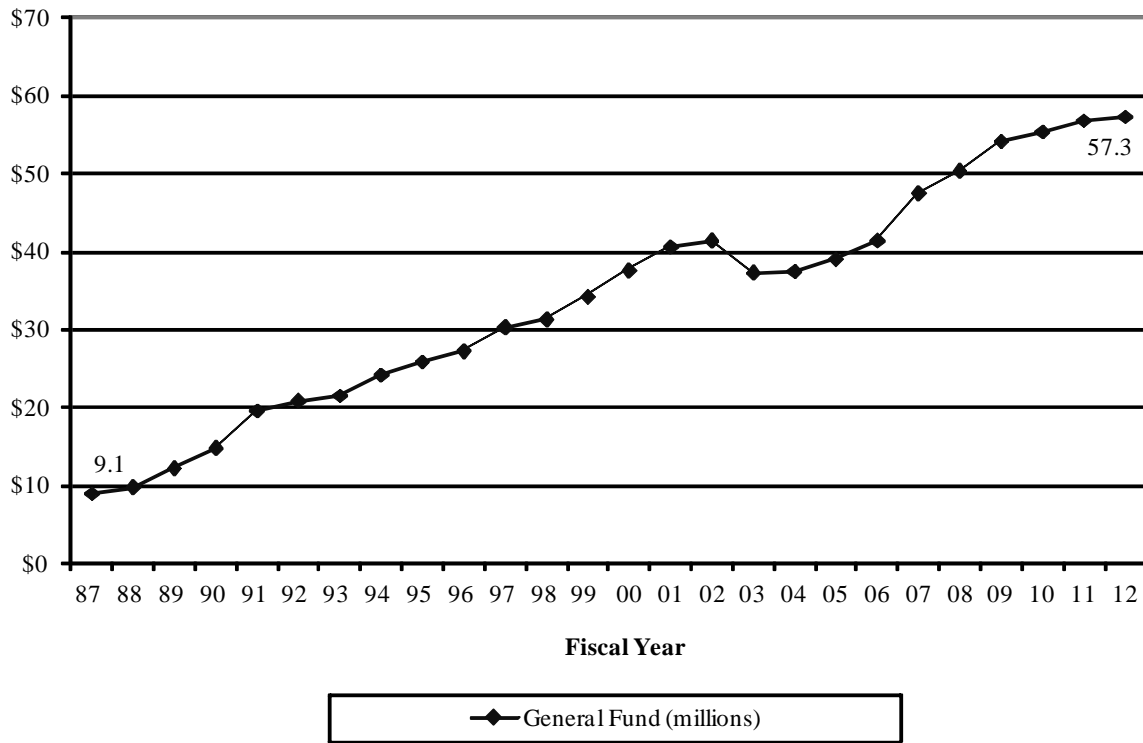
The Division of Criminal Justice has the following responsibilities:

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

Factors Driving the Budget

Historical Growth. The Division of Criminal Justice has grown significantly since it was given responsibility for community corrections programs in FY 1986-87. Since that time, the General Fund appropriations to the Division have grown by \$48.2 million from \$9.1 million to \$57.3 million, reflecting a compound annual growth rate of 7.7 percent over the 25-year period. The following graph depicts the growth of annual General Fund appropriations to the Division of Criminal Justice.

**Division of Criminal Justice - Annual General Fund Appropriations
(in millions of dollars)**



Community Corrections - Residential Placements

The primary factor driving the Division of Criminal Justice General Fund budget is the need for, availability of, and cost of community corrections beds. There are two types of residential community corrections placements: (1) diversion; and (2) transition. Diversion placements are for offenders sentenced directly to community corrections by the Judicial Branch. These offenders are placed in a residential community corrections facility rather than being sentenced to the Department of Corrections. Transition placements are for inmates who have served the majority of their sentence in the Department of Corrections and are nearing parole. A portion of these inmates are placed in a residential community corrections bed in preparation for parole.

Prior to FY 2004-05, the General Assembly funded enough residential beds to place 6.0 percent of the inmate population in residential community corrections placements. Subsequently this target percentage has grown to 11.5 percent.

The Division of Criminal Justice's Office of Community Corrections oversees the state's community corrections program. Community corrections beds are provided by local governments and private providers. Historically, the Joint Budget Committee has treated community corrections providers as community providers, applying the common policy for community provider increases to the community corrections rates. The following table highlights significant community corrections information:

	Actual FY 07-08	Actual FY 08-09	Actual FY 09-10	Actual FY 10-11	Approp. FY 11-12
Transition Residential Beds Funded	1,573	1,688	1,646	1,755	1,662
Diversion Residential Beds Funded	1,615	1,605	1,677	1,650	1,882
Community Corrections Residential Daily Rate per Bed	\$37.18	\$37.74	\$37.74	\$37.74	\$37.74
Change in Reimbursement Rate	n/a	1.5%	0.0%	0.0%	0.0%
\$ million GF actually distributed to community corrections programs or appropriated for distribution to programs	\$46.7	\$50.0	\$50.0	\$51.7	\$53.9
Growth of GF distributions to programs	n/a	6.9%	0.1%	3.3%	4.3%

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DECISION ITEM PRIORITY LIST

Note: This table includes all Department of Public Safety change requests but only the requests involving the Division of Criminal Justice (R-2 and R-8) are shown in full.

Change Request	GF	CF	HUTF	RF	FF	Total	FTE
R-1 Colorado Crime Information Center Operating Fund Increase	\$225,675	\$0	\$0	\$0	\$0	\$225,675	0.0
R-2 Long Bill Line Item Consolidations Executive Director's Office; Colorado State Patrol; Office of Preparedness, Security and Fire Safety; Division of Criminal Justice; Colorado Bureau of Investigation. The Department requests the consolidation of various personal services, operating expenses, and other various line items into program line items, including two line items in the Division of Criminal Justice. The total amount involved in the various re-organizations and mergers is \$101,880,810 and 1,036.2 FTE. <i>Statutory authority: 24-33.5-103, C.R.S.</i>	0	0	0	0	0	0	0.0
R-3 Backup and Emergency Medical Assistance in Mountainous and Rural Areas	0	0	1,802,624	0	0	1,802,624	0.0
R-4 Additional Security for Ralph L. Carr Judicial Center	0	0	0	287,563	0	287,563	10.0
R-5 Comprehensive Law Enforcement Process Improvement Program	0	0	2,314,848	0	0	2,314,848	6.0
R-6 Operating Expense Increase	28,295	0	814,803	0	0	843,098	0.0
R-7 House Bill 10-1113 Indirect Cost Appropriations	0	0	0	83,844	0	83,844	0.0
R-8 Variable Vehicle Rate Technical Change Division of Criminal Justice. Corrects a technical error in the Division of Criminal Justice, (A) Administration, Operating Expenses involving vehicle lease payments and indirect costs. <i>Statutory authority: None.</i>	0	0	0	3,240	(3,240)	0	0.0
R-9 Spending Authority for Dispatching Contract	0	114,310	0	0	0	114,310	0.0

Change Request	GF	CF	HUTF	RF	FF	Total	FTE
NP-1	89,543	48,428	152,722	46,040	(9,355)	327,378	0.0
Vehicle Replacements							
Total	\$343,513	\$162,738	\$5,084,997	\$420,687	(\$12,595)	\$5,999,340	16.0

BASE REDUCTION ITEM PRIORITY LIST

The Department and the Division of Criminal Justice have no base reduction items.

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OVERVIEW OF NUMBERS PAGES

The following tables summarize the total change, in dollars and as a percentage, between the Department's FY 2011-12 appropriation and its FY 2012-13 request.

Total Requested Change for the *Entire Department*, FY 2011-12 to FY 2012-13 (millions of dollars)

Category	GF	CF	HUTF	RF	FF	Total	FTE
FY 2011-12 Appropriation	\$82.7	\$29.5	\$98.6	\$24.2	\$29.5	\$264.5	1,354.0
FY 2012-13 Request	84.6	29.8	105.5	25.0	29.9	274.8	1,370.2
Increase / (Decrease)	\$1.9	\$0.3	\$6.9	\$0.8	\$0.4	\$10.3	16.2
Percentage Change	2.3%	1.0%	7.0%	3.3%	1.4%	3.9%	1.2%

Total Requested Change for the *Division of Criminal Justice*, FY 2011-12 to FY 2012-13 (millions of dollars)

Category	GF	CF	HUTF	RF	FF	Total	FTE
FY 2011-12 Appropriation	\$57.3	\$3.9	\$0.0	\$2.0	\$21.6	\$84.7	60.9
FY 2012-13 Request	57.2	3.9	0.0	2.0	21.6	84.7	60.9
Increase / (Decrease)	(\$0.1)	\$0.0	\$0.0	\$0.0	\$0.1	\$0.0	0.0
Percentage Change	-0.2%	0.3%	n/a	0.5%	0.2%	0.0%	0.0%

The following table highlights the changes contained in the Department's FY 2012-13 budget request, as compared with the FY 2011-12 appropriation, for the Division of Criminal Justice. For additional detail, see the numbers pages in Appendix A.

Requested Changes for the *Department of Criminal Justice*, FY 2011-12 to FY 2012-13

Category	GF	CF	RF	FF	Total	FTE
Restore FY 2011-12 PERA reduction	33,450	14,149	6,800	36,107	90,506	0.0
Indirect cost assessment	0	653	0	19,337	19,990	0.0
Annualize prior year legislation and decision items	16,556	789	0	0	17,345	0.0
Undo FY 2011-12 leap year adjustment	(146,732)	(2,695)	0	0	(149,427)	0.0
Decision Items	0	0	3,240	(3,240)	0	0.0
Total Change	(\$96,726)	\$12,896	\$10,040	\$52,204	(\$21,586)	0.0

**FY 2012-13 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: Performance-based Goals and the Division of Criminal Justice's FY 2012-13 Budget Request

This issue brief summarizes the *Division of Criminal Justice* (DCJ) section of the Department of Public Safety's report on its performance relative to its strategic plan and discusses how the FY 2012-13 budget request advances the Department's performance-based goals. Pursuant to the State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act (H.B. 10-1119), the full strategic plan for the Department will be accessible from the Office of State Planning and Budgeting web site.

The issue brief assumes that the performance-based goals are appropriate for the Department. Pursuant to the SMART Government Act legislative committees of reference are responsible for reviewing the strategic plans and recommending changes to the departments. The issue brief also assumes that the performance measures are reasonable for the performance-based goals. Pursuant to the SMART Government Act the State Auditor periodically assesses the integrity, accuracy, and validity of the reported performance measures. Please note that the Department's full strategic plan includes five overarching highest priority objectives and performance measures and additional division-specific objectives and performance measures. This issue brief only deals with the goal that pertains to the Division of Criminal Justice.

DISCUSSION:

Performance-based Goals and Measures

The fourth of the Department's seven top priority objectives (the only one that pertains to the Division of Criminal Justice) is:

4. Community Corrections.

Objective: Division of Criminal Justice Office of Community Corrections will improve the efficiency and effectiveness of Community Corrections programs.

a. How is the Department measuring the specific goal/objective?

Background:

Risk Factor Analysis (RFA) scores. As required by Section 17-27-108 (1)(b), C.R.S., which was added to statute in 2002, the Office of Community Corrections periodically audits the State's community corrections programs and scores each one on 25 different measures of program performance. A lower score on a given measure indicates better performance. The scores on each of the 25 factors are then added to compute an overall "Community Corrections Risk Factor Analysis" (RFA) score for each program. This RFA score can range from 0 to 100, with an average RFA score in the most recent round of audits equal to 18.2 for a typical community corrections program. The program with the worst score in the most recent round of audits was Crossroads Turning Point (10th Judicial District) with a score of 53.3. The best was Mesa County Community Corrections (21st Judicial District) with a score of 3.0.

Four Performance Levels: Based on the Risk Factor Analysis score, programs are placed into one of four performance categories. Level 1 is a high risk category; it is used for programs that show performance deficits in most areas of the RFA tool and used for new programs that have not yet been scored. Level 2 programs show some performance deficits, but less than in Level 1, such that they are also placed into a high risk category. Level 3 programs are considered to be in the lower risk category. Level 4 programs demonstrate strong performance across all categories and are considered to be in the lowest risk category.

The following table details scores and performance levels for the 32 programs overseen by the Office of Community Corrections as reported in the Department's September 2011 report titled *Community Corrections Risk Factor Analysis Year 7 Results*.

Risk Factor Analysis Results for FY 2010-11

Community Corrections Program	Judicial District	RFA Score (Lower = Better)	Risk Level	
Crossroads Turning Point	10th	53.3	1	RFA > 50 = Level 1 (Highest Risk)
Independence House Pecos	2nd	36.0	2	RFA = 30.1 to 50 = Level 2 (High)
Minnequa Community Corrections	10th	34.0	2	
CMI - Ulster	2nd	30.0	3	RFA = 15.1 to 30 = Level 3 13 Programs (Lower)
Independence House - Fillmore	2nd	29.0	3	
Williams Street Center	2nd	28.0	3	
ICCS -Weld	19th	27.8	3	
Garfield County Community Corrections	9th	25.0	3	
Larimer County Community Corrections	8th	23.0	3	
Pueblo Community Corrections Services, Inc.	10th	22.0	3	
Advantage Treatment Center - Sterling	13th	22.0	3	
CMI - Columbine	2nd	19.8	3	
Phoenix Center	17th	17.8	3	

Community Corrections Program	Judicial District	RFA Score (Lower = Better)	Risk Level	
San Luis Valley Community Corrections	12th	17.0	3	
Correctional Alternative Placement Services	14th	17.0	3	
Southwest Colorado Community Corrections Center (Hilltop House)	6th	16.0	3	
Tooley Hall	2nd	15.0	4	
CMI - Dahlia	2nd	14.6	4	
Community Alternatives of El Paso County, Inc.	4th	14.0	4	
Centennial Corrections Transitions Center	18th	14.0	4	
Time to Change - Commerce City	17th	13.0	4	RFA ≤ 15 = Level 4
Longmont Community Treatment Center (CMI)	20th	12.0	4	(Lowest Risk)
CMI - Fox	2nd	12.0	4	16 Programs
Arapahoe County Residential Center	18th	12.0	4	
Intervention Community Corrections Services	1st	10.0	4	
COMCOR, Inc	4th	9.0	4	
Arapahoe Community Treatment Center	18th	9.0	4	
Boulder Community Treatment Center (CMI)	20th	8.0	4	
Time to Change - Adams	17th	7.0	4	
Peer I - The Haven	2nd	6.0	4	
Peer I	2nd	4.0	4	
Mesa County Community Corrections	21st	3.0	4	
Average Score		18.1		

Programs are audited on a rotating basis. Programs with low Risk Factor Analysis scores are audited less frequently than programs with higher RFA scores. Level 1 and 2 programs are audited at least once every 3 years. The lower-risk level 3 and level 4 programs are audited at least once every 5 years. There about a dozen audits or followup audits in a typical year. The previous table reports the results of the most recent audit for each program. Some of the audits in the table occurred in FY 2010-11, others occurred in previous years.

The components of a Risk Factor Analysis score: The 25 different measures that are summed to compute a Risk Factor Analysis score fall into 4 categories:

Category	Possible Points	Points are based on
Offender Outcomes	20	<ul style="list-style-type: none"> • The number of offenders who escape while enrolled in the program, and • Recidivism, measured as the number of program clients who are charged in district court with new misdemeanors or felonies within 12 months of successful termination from residential supervision. <p>These two measures are adjusted for the escape and recidivism potential of a program's clients. (High-risk client escapes don't count as much as low-risk client escapes.) Outcome measures do not include regressions to the Department of Corrections (i.e. clients who are sent back to DOC) or felonies and misdemeanors committed by currently enrolled clients.</p>

Category	Possible Points	Points are based on
Compliance with a subset of the requirements in DCJ's publication <i>Community Corrections Standards</i> , which serves as an audit guide when DCJ examines community corrections programs.	61	18 measures of how well the program is run, including: <ul style="list-style-type: none"> • Documented staff background checks, • At least 60 hours of annual training for each staff member, • Random off-site offender monitoring at least weekly, • Minimum of 4 random headcounts daily, • Weekly meetings between offenders and the case managers, • Systematic assessment of all incoming offenders, • Written monthly feedback to offenders concerning their progress.
Staff stability	15	Average length of employment of (1) security, (2) case management, and (3) administrative staff. High staff turnover rates have been shown to reduce the effectiveness of correctional programming.
Program reporting	4	Two measures of the promptness with which programs report information.
Total	100	

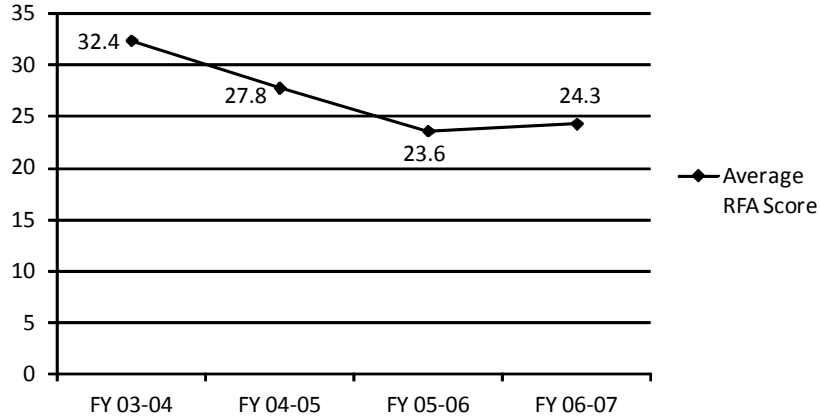
The Division's community corrections performance measure: The Office of Community Corrections will measure its success in improving the efficiency and effectiveness of community corrections programs by tracking annual changes of the average Risk Factor Analysis score of the programs it audits. If this average score declines, the quality of the average community corrections program will be deemed to have improved. If the score rises, the quality of the average program will be deemed to have slipped.

The performance measure provides an incentive for improvement: Note that providers have incentives to improve their Risk Factor Analysis scores. For example, some local community corrections boards use RFA scores to decide which providers will receive the most desirable service contracts. In addition, a program that fails to meet minimum performance levels will see its bed allocations reduced if it fails to improve. Programs are likely to learn from previous audit findings and improve their performance as a result. Thus this measure by itself may induce improvement. Even if the Office of Community Corrections keeps its own oversight efforts constant, the state's community corrections programs will still have an incentive to improve their own scores.

b. Is the Department meeting its objective, and if not, why?

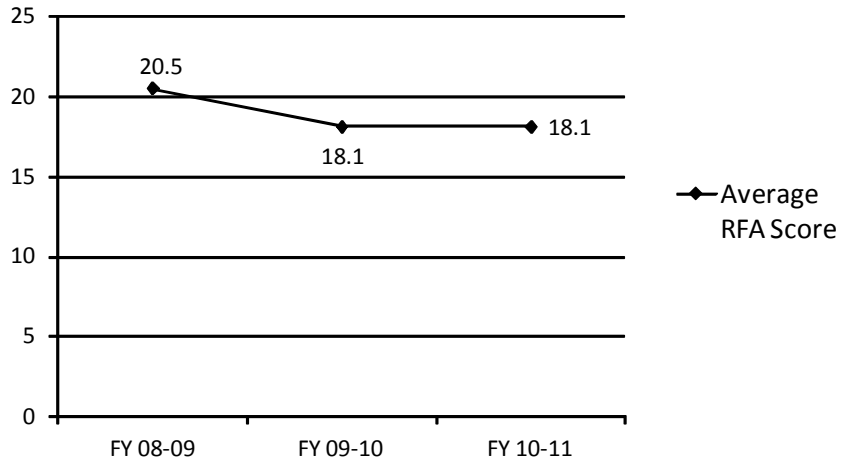
DCJ's Office of Community Corrections began auditing community corrections programs and computing Risk Factor Analysis scores in 2003. As the following chart shows, RFA scores improved substantially during the program's first three years.

**Average Risk Factor Analysis (RFA) Scores
FY 06-07 and Earlier**



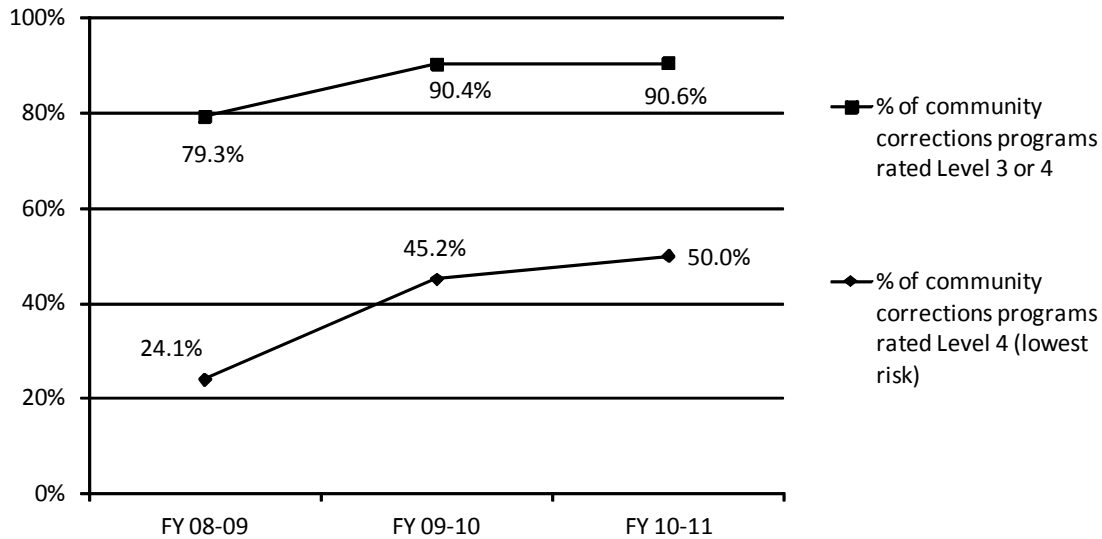
The Office of Community Corrections revised the Risk Factor Analysis instrument in 2008, making pre-2009 comparisons unreliable. The following chart shows RFA results since the revision.

**Average Risk Factor Analysis (RFA) Scores
FY 08-09 and Later**



Progress can also be measured by the percentage of community corrections programs rated either 3 or 4, i.e rated lower risk. The following chart shows the corresponding percentages since FY 2008-09:

Percent of Community Corrections Programs Rated Lower Risk



The Division of Criminal Justice could have used either the average Risk Factors Analysis score or the percentage of community corrections programs rated 3 or 4 to measure its progress in improving community corrections programs, but it choose average RFA and established the following goals for itself:

Performance Measure	Outcome	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14
Improve overall Community Corrections program compliance through an annual decrease in the average Risk Factor Analysis score.	(Goal) Benchmark decrease of RFA score	-5%	-3% to -5%	-1%	-1%	-1%
	Actual decrease of RFA score as reported by DCJ	-5%	-2.4%			
	Actual decrease of average RFA score as computed by JBC Staff ¹	-11.7%	0%			

¹Staff computed the change of the average Risk Factors Analysis score using data reported in Table G of the Department's September 2011 report *Community Corrections Risk Factor Analysis, Year 7 Results*.

As the bottom row of the above table indicates, Staff calculations show that the Division of Criminal Justice reduced the average Risk Factors Analysis score by 11.7 percent in FY 2009-10, exceeding its benchmark, but fell short of the 3 to 5 percent reduction that it sought in FY 2010-11. The Department's calculations, which differ from the Staff calculation, indicate that the benchmark reductions were achieved in both these years.

c. How does the budget request advance the performance-based goal?

The Division of Criminal Justice's FY 2012-13 budget request does not change funding for the staff of the Office of Community Corrections. The only adjustment it makes to the funding for community corrections programs is a decrease to account for the leap day that will occur in February 2012. However, the division does request the consolidation of the operating and personal services lines for the Office of Community Corrections (and for the other offices that appear in DCJ's Administration subdivision), which may result in modest efficiencies. Thus this budget will probably not advance this performance goal.

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BRIEFING ISSUE

ISSUE: Offender Transition from the Department of Corrections Through Community Corrections

This informational issue examines the paths through the correctional system that an incarcerated offender may follow if he or she transitions to parole through a community corrections program.

RECOMMENDATION:

This is an informational issue with no recommendations.

DISCUSSION:

Prior To the Offender Transition Through Community Corrections

The sentence: A sentence to a term of imprisonment is imposed by the judge who presides over the offender's case. In most cases the sentence must fall within the "presumptive" ranges specified in Section 18-1.3-401, C.R.S. For example, a class 4 felony (an "F4" as it is commonly called) has a presumptive range of 2 to 6 years, which allows the judge to choose a sentence anywhere within this range. Section 18-1.3-401, C.R.S. also specifies mandatory periods of parole, which range from one year for felony 6 to five years for felony 2.

Parole Eligibility Date: Offenders who committed non-violent felonies are generally eligible for parole when they have served 50% of their sentence; offenders who commit certain violent felonies are eligible for parole after serving 75% of their sentence; sex offenders with indeterminate sentences, such as a sentence of 4 years to life, are eligible for parole after serving their sentence's lower bound. Special needs offenders who are deemed to pose no further threat to public safety and are unlikely to re-offend are eligible for "special needs parole" at any time under Section 17-22.5-403.5, C.R.S. An example would be a terminally ill offender.

Mandatory Release Date: If an offender is not paroled, he must serve until his mandatory release date (MRD), which equals his sentence.

Reductions in sentence length - earned time. An offender's sentence can be reduced, either by the sentencing judge, who can reconsider a case and adjust the sentence, or through the "earned time" rules of Section 17-22.5-405, C.R.S. Felony 4 through felony 6 offenders who are program compliant and obey prison rules can reduce their sentences by up to 12 days per month. (Note that it is possible for an offender to be program compliant – he's doing well in his GED classes – and yet violate prison

rules – he got in a fight.) Felony 2 and felony 3 offenders can receive up to 10 days of earned time. An offender's sentence is reduced by his earned time, which is awarded by the offender's case manager while in prison, or his parole officer if he is in a community corrections center or on parole. Earned time vests once every six months and cannot subsequently be taken away. Earned time deductions that have not yet vested can be withdrawn for bad behavior.

When an offender receives 12 days of earned time, it shortens his sentence by 12 days, moving the offender's mandatory release date forward by 12 days (see Section 17-22.5-402, C.R.S.) and his parole eligibility date forward by a lesser amount. If the offender is eligible for parole when 50% of his sentence is served, 12 days of earned time moves the parole eligibility date forward by 6 days – i.e. by half the earned time. A program-compliant felony 5 offender with a one-year sentence who obeys prison rules and receives the maximum earned time allowance would thus move his parole eligibility date forward by 6 days for each month served. After 5 months he would have moved his parole eligibility date forward by $5 * 6 = 30$ days or 1 month and would at that point be eligible for parole, having served $5/12$ of his sentence.

Offenders whose crimes were committed before July 1, 1979 are subject to the sentence reduction rules of Section 17-22.5-201, C.R.S. Offenders whose crimes were committed between July 1, 1979 and July 1, 1981 are subject to the "good time" rules of Section 17-22.5-301, C.R.S.

Community Corrections Oversight

Community corrections programs or "halfway" houses are governed by the rules of Title 17, Article 27, C.R.S. They provide offenders with a supervised residential and non-residential environment. They are operated by local governments and by private providers. This presentation focuses on the residential programs to which transition offenders coming out of a Department of Corrections facility are assigned.

Oversight of community corrections programs and the offenders they supervise is divided among three entities:

- Local Community Corrections Boards
- The Division of Criminal Justice (DCJ) at the Department of Public Safety, for which appropriations are in the DCJ section of the Department of Public Safety's Long Bill.
- The Division of Adult Parole, Community Corrections, and the Youth Offender System (YOS) in the Department of Corrections (DOC). In the Long Bill the relevant subsections are the Community Intensive Supervision Subprogram and the Community Supervision Subprogram, which are both in the Community Services Division of DOC's Long Bill.

Community Corrections Boards, which are authorized by Section 17-27-103, C.R.S., are appointed by county commissioners to oversee community corrections programs within their judicial district. There is one board for each judicial district. Boards generally contain a mix of members with legal and law enforcement backgrounds and members of the general public. The boards

- Approve community corrections programs and, along with the Office of Community Corrections at the Division of Criminal Justice (DCJ), oversee their operation
- Receive state funds via contracts with DCJ's Office of Community Corrections, which the boards then pay to Community Corrections Providers in their judicial district via contracts
- Approve the offenders who enter the Community Corrections Programs.

Offender referrals to Community Corrections. Offenders incarcerated in the Department of Corrections are eligible for "referral" to community corrections 19 months before their parole eligibility date and can be placed in a community corrections program 16 months before that date. For inmates with violent offenses the referral and placement dates are 9 and 6 months respectively. [see Section 18-1.3-301, C.R.S., and Department of Corrections Administrative Regulation 250-1]. While in prison, an offender will meet with his case manager and develop a parole plan that identifies a place where the offender will live and work once out of DOC. Up to 4 referrals can then be sent to the judicial districts that contain this destination or are nearby. The referral is sent successively to the offender's first, second, third and fourth choice programs. If an offender is rejected by his first choice, the other community corrections boards will be told of this rejection and the odds of subsequent acceptance diminish substantially.

Acceptance by a community corrections board and by a community corrections program. In order to be placed in a program, an offender must be accepted by both the community corrections board and by a community corrections program. In all districts except Denver, the boards, wishing to cut down on their workloads, ask the community corrections programs to consider the referral first and only bring it to the board if it is acceptable to the community corrections program. Community corrections programs, knowing their board's preferences, are likely to only pass on referrals that the board is likely to accept. For example, this is how it works in the 18th Judicial District, which includes Arapahoe, Douglas, Elbert and Lincoln Counties. Denver is an exception to this rule; all 2nd Judicial District referrals are first considered by the Denver Board.

Boards in larger districts often establish criteria for automatic approval. Denver, for example, gives automatic approval to offenders who didn't use a deadly weapon in the commission of their crime, didn't commit a sex offence, didn't commit felony child abuse, didn't commit arson, didn't commit a drug offense, etc.

When referrals are considered by the board, the entire board votes on the case. Because the entire board must vote, a negative board decision might reflect a dozen different reasons why individual board members voted no. It can thus be difficult for an offender to know why he was rejected and what problems he needs to address. (In contrast most Parole Board decisions are initially made by an individual parole board member with subsequent review by a second board member. Certain offenses, such as violent offenses and sex offenses are referred to the entire Parole board for consideration.)

Offenders must pay their share of community corrections costs and other costs. Though a community corrections program receives payments (of state moneys) from its community corrections board, offenders are responsible for many of their own expenses while enrolled in the community

corrections program and are billed \$17 per day by residential programs (\$3 per day for non-residential programs, which is not an option for transition offenders), starting on the day of arrival. This rate is set annually in a footnote to the Division of Criminal Justice portion of the Long Bill and can be adjusted annually. The reimbursement rate that the state pays to community corrections programs that supply transition services, currently \$37.74 for standard services, is also set in the Division of Criminal Justice portion of the Long Bill.

While enrolled in a program, offenders must pay for their own medical expenses and pay for special programs that they attend outside of the community corrections center. If it takes an offender a while to find a job, his debt to the community corrections program will mount and may grow large relative to his modest earning potential. Depending upon the policies of the community corrections program, the offender may have to delay attending his outside treatment program until he has a job and can pay for the sessions. Some community corrections programs will loan offenders money to pay for outside treatment until they have jobs and can pay for it themselves. If a community corrections program has a high unemployment rate among its clients, it may make things financially difficult for the program.

Life in a residential community corrections program. Offenders typically arrive at a community corrections program without a job and usually must seek employment upon arrival. They eat and sleep at the community corrections center and attend the programs that the center runs, covering such issues as job search and substance abuse. In most, but not all cases, these offenders can leave their halfway house for authorized purposes, such as going to work, seeking medical care, and attending treatment sessions. After completing the authorized task, the offender returns to the halfway house. Halfway houses randomly check on off-site offenders to make sure they are where they are supposed to be. Privileges are more restricted upon arrival and expand as the offender's stay lengthens – provided he remains program compliant, obeys the community corrections program's rules, and obeys Department of Corrections rules.

In the community corrections center, an offender will be assigned a case manager with whom they meet weekly to develop plans and monitor progress. He will also be assigned a community parole officer from the Department of Corrections who will periodically check on him but will not see him nearly as often as a community parole officer would see an offender who is on parole. Note that these transition offenders are not yet on parole. This offender is still subject to the rule book that applies to incarcerated offenders.

In larger areas such as metropolitan Denver and Colorado Springs, community parole officers specialize in certain types of offenders. For example, specialist community parole officers may deal exclusively with offenders in community corrections. In less populous communities parole officer specialization is more difficult; a community parole officer may have to deal with transition offenders in community corrections as well as with parolees. (Note that community parole officer specialization is not limited to community corrections; community parole officers may specialize in sex offenders, gang-affiliated offenders, female offenders, or older offenders. The extra knowledge that a community parole officer builds through specialization can be very helpful.)

The Community Corrections Flowchart. The following flowchart shows several paths that an offender transitioning from DOC might follow as he moves through community corrections.

Comments on several of the boxes in the flowchart.

Intensive Residential Treatment (IRT) is a type of community corrections program. These programs usually take 90 days to complete and offenders focus entirely on the program while enrolled. The offenders do not hold jobs while enrolled and are not required to pay a share of the program's cost. Offenders are confined entirely within the community corrections center that operates the IRT program for the duration of his 90 day treatment. Typically offenders go to these programs because they were identified by their DOC case manager as needing the treatment. The DOC referral that goes to the Community Corrections Board would recommend IRT before the offender enters a standard community corrections program. Alternately, IRT may be requested by a community corrections program based on its assessment of the offender after he arrives.

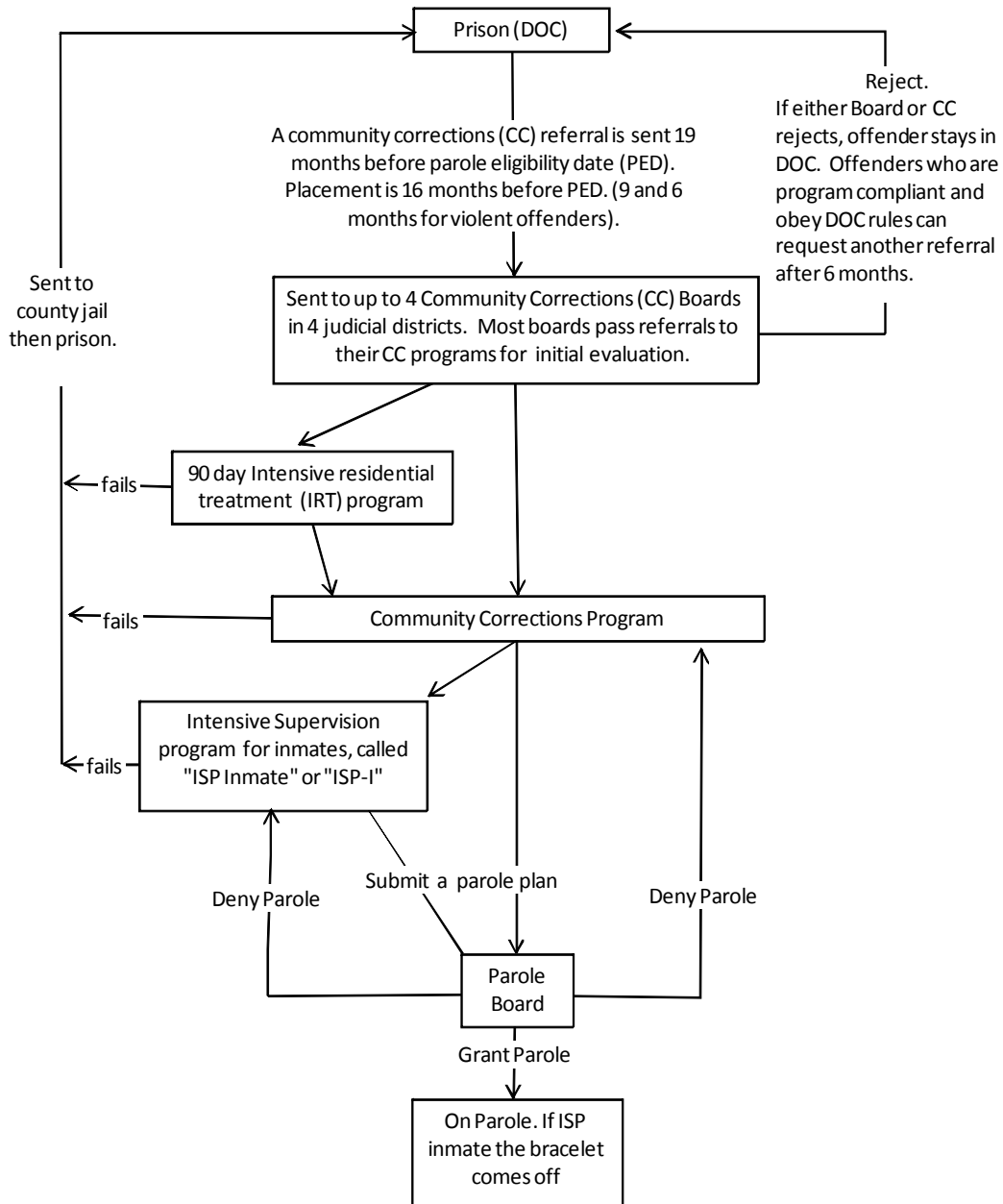
The Parole Board can recommend community corrections. An offender could also go into a community corrections program as the result of a discretionary parole decision by the parole board. The parole board member who hears the offender's parole request may decide that this offender needs to go to community corrections before being released onto regular parole. This could be accomplished in either of two ways: the parole board member could deny parole and specify that the offender go into community corrections first and then reapply for parole. Alternately the board member could make it a condition of parole that the offender enter a community corrections program for a designated amount of time, after which the offender would go on regular parole. IRT could also be thrown into this mix. If no community corrections board and program will accept the offender, the offender would be unable to satisfy his conditions of parole and would remain in prison. If a community corrections program accepts the offender, he would serve his designated time in the community corrections program and then be discharged to regular parole with no need to again see the parole board, perhaps after passing through intensive supervision parole.

Intensive supervision: Pursuant to Section 17-27.5-101, C.R.S., offenders transitioning through community corrections who are within 180 days of their parole eligibility date are eligible for the intensive supervision program for inmates (ISP-Inmate), which allows an offender to live in his own residence. ISP-Inmate involves a high level of supervision, daily telephone contact with supervisors, monitored curfew, employment visitation, home visitation, drug and alcohol screening, treatment referrals, the monitoring of the payment of restitution, and performance of community service. Typically the offender wears a GPS bracelet. A community parole officer supervises the offender.

Offenders who fail. If a transition offender in a community corrections program makes himself difficult for the program, the program director can request that DOC take him back. (This is called "reject after acceptance" because the offender was previously accepted by the program.) In this case, the offender would be taken by his community parole officer to the county jail to await transport back to DOC.

Transition offenders in community corrections programs or in the Intensive Supervision Program - Inmate are still classified as inmates and are subject to the DOC rules that are laid out in the Code of Penal Discipline (COPD). If an offender commits a serious infraction of the Code of Penal Discipline, his community parole officer would take him to the county jail for return to the Department of Corrections.

Back in prison, the offender could, after 6 months of compliance with his DOC programing and DOC rules, request another referral to a community corrections program. He would then reenter the flow chart at the top.



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APPENDIX A: NUMBERS PAGES

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
DEPARTMENT OF PUBLIC SAFETY Executive Director: James H. Davis Division of Criminal Justice Director: Jeanne Smith					
(4) DIVISION OF CRIMINAL JUSTICE					
<i>Primary Functions: Collect and analyze criminal justice system data for planning, research, coordination, and technical assistance to local and state criminal justice agencies. The Division manages several federal grants for juvenile justice, anti-drug programs, and victim assistance and compensation. Additionally, the Division administers all community corrections contracts for both diversion and transition placements.</i>					
(A) Administration					
Personal Services	2,364,341	2,676,350	2,626,649	0	R-2
FTE	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	<u>0.0</u>	
General Fund	1,458,791	1,643,039	1,625,144	0	
FTE	19.2	21.5	21.5	0.0	
Cash Funds	556,863	575,310	558,100	0	
FTE	7.3	7.6	7.6	0.0	
Reappropriated Funds	266,976	376,290	371,187	0	
FTE	3.3	1.9	1.9	0.0	
Federal Funds	81,711	81,711	72,218	0	
FTE	1.2	1.3	1.3	0.0	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
DCJ Administrative Services (New Line)	n/a	n/a	n/a	2,927,422	R-2
FTE				<u>32.3</u>	
General Fund				1,818,479	
FTE				21.5	
Cash Funds				607,427	
FTE				7.6	
Reappropriated Funds				413,438	
FTE				1.9	
Federal Funds				88,078	
FTE				1.3	
Operating Expenses	<u>215,409</u>	<u>243,442</u>	<u>231,067</u>	<u>0</u>	R-2, R-8
General Fund	143,276	165,141	152,766	0	
Cash Funds	34,281	35,257	35,257	0	
Reappropriated Funds	33,475	35,451	35,451	3,240	
Federal Funds	4,377	7,593	7,593	(3,240)	
Recidivism Reduction and Offender Diversion					
Package Contract Analysis - GF	0	0	0		
FTE	0.0	0.0	0.0		
Indirect Cost Assessment	<u>427,614</u>	<u>630,129</u>	<u>655,623</u>	<u>675,613</u>	
Cash Funds	59,763	66,123	70,924	71,577	
Reappropriated Funds	0	0	0	0	
Federal Funds	367,851	564,006	584,699	604,036	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
					Approp v. Request
TOTAL - (A) ADMINISTRATION	3,007,364	3,549,921	3,513,339	3,603,035	2.6%
FTE	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	<u>32.3</u>	<u>0.0</u>
General Fund	1,602,067	1,808,180	1,777,910	1,818,479	2.3%
Cash Funds	650,907	676,690	664,281	679,004	2.2%
Reappropriated Funds	300,451	411,741	406,638	416,678	2.5%
Federal Funds	453,939	653,310	664,510	688,874	3.7%
(B) Victims Assistance					
Federal Victims Assistance and Compensation Grants - FF	9,448,773	9,998,833	9,998,833	9,998,833	
State Victims Assistance and Law Enforcement Program					
Cash Funds	<u>1,166,236</u>	<u>1,250,000</u>	<u>1,250,000</u>	<u>1,250,000</u>	
Reappropriated Funds	0	0	0	0	
Child Abuse Investigation - CF	77,887	317,725	317,415	317,415	
FTE	0.3	0.4	0.4	0.4	
					Approp v. Request
TOTAL - (B) VICTIMS ASSISTANCE	10,692,896	11,566,558	11,566,248	11,566,248	0.0%
FTE	<u>0.3</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	<u>0.0</u>
Cash Funds	1,244,123	1,567,725	1,567,415	1,567,415	0.0%
Reappropriated Funds	0	0	0	0	n/a
Federal Funds	9,448,773	9,998,833	9,998,833	9,998,833	0.0%

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements - FF	658,133	866,249	866,249	866,249	
Juvenile Diversion Programs - GF	1,241,851	1,241,376	1,241,139	1,241,139	
FTE	0.8	0.9	0.9	0.9	
TOTAL - (C) JUVENILE JUSTICE	1,899,984	2,107,625	2,107,388	2,107,388	0.0%
FTE	<u>0.8</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>	<u>0.0</u>
General Fund	1,241,851	1,241,376	1,241,139	1,241,139	0.0%
Federal Funds	658,133	866,249	866,249	866,249	0.0%
(D) Community Corrections					
Community Corrections Boards Administration - GF	1,882,624	1,927,062	2,018,270	2,012,755	
Incentive Funds for Low-Risk Providers - GF	0	0	0	0	
Transition Programs - GF	22,667,755	23,900,379	22,955,321	22,889,432	
Diversion Programs - GF	23,095,307	24,765,812	25,990,772	25,922,920	
Transition Mental Health Bed Differential - GF	750,395	1,169,734	1,268,959	1,265,492	
Diversion Mental Health Bed Differential - GF	405,531	241,046	241,706	241,046	
Specialized Services - GF	53,528	235,000	55,000	55,000	
John Eachon Re-Entry Program - GF	228,887	144,540	144,936	144,540	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
Substance Abuse Treatment Program	<u>1,034,810</u>	<u>1,360,510</u>	<u>2,577,212</u>	<u>2,573,614</u>	
General Fund	523,410	560,306	524,844	523,410	
Cash Funds	511,400	800,204	802,368	800,204	
Reappropriated Funds	0	0	1,250,000	1,250,000	
Outpatient Therapeutic Community Programs - GF	420,329	505,627	555,764	554,245	
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	258	8,392	0	0	
Intensive Residential Treatment (IRT) Pilot Project	<u>194,076</u>	<u>194,076</u>	<u>374,346</u>	<u>373,815</u>	
General Fund	0	0	180,000	180,000	
Cash Funds	194,076	194,076	194,346	193,815	
					Approp v. Request
TOTAL - (D) COMMUNITY CORRECTIONS*	<u>50,733,500</u>	<u>54,452,178</u>	<u>56,182,286</u>	<u>56,032,859</u>	<u>-0.3%</u>
General Fund	50,028,024	53,457,898	53,935,572	53,788,840	-0.3%
Cash Funds	705,476	994,280	996,714	994,019	-0.3%
Reappropriated Funds	0	0	1,250,000	1,250,000	0.0%

* Pursuant to Section 17-27-108 (5), C.R.S., DCJ may transfer up to 10% of appropriations among community corrections line items

(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement Grants - FF	2,679,845	4,998,833	4,998,833	4,998,833	
Sex Offender Surcharge Fund Program - CF	104,378	152,791	152,536	153,325	
FTE	1.3	1.5	1.5	1.5	
Sex Offender Supervision - GF	332,388	321,609	318,565	328,002	
FTE	3.2	3.2	3.2	3.2	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	Change Requests
Treatment Provider Criminal Background Checks	19,155	49,950	49,606	49,606	
FTE	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	19,155	49,950	49,606	49,606	
Reappropriated Funds	0	0	0	0	
Colorado Regional Community Policing Institute	241,403	574,733	569,144	569,144	
FTE	<u>1.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	
Reappropriated Funds	100,000	375,550	371,836	371,836	
FTE	0.5	2.5	2.5	2.5	
Federal Funds	141,403	199,183	197,308	197,308	
FTE	0.5	1.5	1.5	1.5	
Federal Grants - non-appropriated	11,844,544	4,261,687	4,828,759	4,856,599	
FTE	<u>16.2</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	
Cash Funds		0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	11,844,544	4,261,687	4,828,759	4,856,599	
Lifesaver Project Grants - CF	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Criminal Justice Training Fund - CF	45,737	207,542	207,272	207,351	
FTE	0.0	0.5	0.5	0.5	
MacArthur Foundation Grant - CF	81,675	200,000	200,000	200,000	
Methamphetamine Abuse Task Force Fund - CF	9,157	43,739	43,739	43,739	

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Requests
					Approp v. Request
TOTAL - (E) CRIME CONTROL	15,358,282	10,810,884	11,368,454	11,406,599	0.3%
FTE	<u>21.7</u>	<u>27.3</u>	<u>27.3</u>	<u>27.3</u>	<u>0.0</u>
General Fund	332,388	321,609	318,565	328,002	3.0%
Cash Funds	260,102	654,022	653,153	654,021	0.1%
Reappropriated Funds	100,000	375,550	371,836	371,836	0.0%
Federal Funds	14,665,792	9,459,703	10,024,900	10,052,740	0.3%
DEPARTMENT OF PUBLIC SAFETY,					
(4) DIVISION OF CRIMINAL JUSTICE					
TOTAL	81,692,026	82,487,166	84,737,715	84,716,129	0.0%
FTE	<u>53.8</u>	<u>60.9</u>	<u>60.9</u>	<u>60.9</u>	<u>0.0</u>
General Fund	53,204,330	56,829,063	57,273,186	57,176,460	-0.2%
Cash Funds	2,860,608	3,892,717	3,881,563	3,894,459	0.3%
Reappropriated Funds	400,451	787,291	2,028,474	2,038,514	0.5%
Federal Funds	25,226,637	20,978,095	21,554,492	21,606,696	0.2%

R = Change Request (Decision Item or Base Reduction Item)

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APPENDIX B: SUMMARY OF MAJOR LEGISLATION

- ❑ **S.B. 11-076 (Steadman/Becker): Pera Contribution Rates.** For the 2011-12 state fiscal year only, reduces the employer contribution rate for the State and Judicial divisions of the Public Employees' Retirement Association (PERA) by 2.5 percent and increases the member contribution rate for these divisions by the same amount. In effect, continues the FY 2010-11 PERA contribution adjustments authorized through S.B. 10-146 for one additional year. Reduces the Department's total appropriation by \$2,074,036 total funds, of which \$437,930 is General Fund, \$1,430,407 is cash funds, \$102,366 is reappropriated funds, and \$103,333 is federal funds.

- ❑ **H.B. 11-1138 (Gardner B./Morse) Extend Sex Offender Management Board:** Extends the Sex Offender Management Board from July 1, 2010, to September 1, 2016, and makes numerous revisions to the sections of law concerning the board. Makes a General Fund appropriation of \$318,565 and 3.2 FTE and an appropriation from the Sex Offender Surcharge Cash Fund of \$152,536 and 1.5 FTE for FY 2011-12.

- ❑ **H.B. 10-1277 (DelGrosso/Steadman): Sexual Conduct in Correctional Facility.** Extends the prohibition on an employee, contractor, or volunteer of a correctional facility engaging in sexual conduct with an individual in the custody of the facility to employees, contractors, or volunteers of juvenile detention or commitment centers and community corrections facilities. As required by Section 2-2-703, C.R.S., makes a five-year statutory appropriation as follows:
 - for FY 2010-11, transfers \$83,861 from the General Fund to the Capital Construction Fund, and appropriates \$83,861 from the Capital Construction Fund to the Corrections Expansion Reserve Fund; and
 - for FY 2011-12 and FY 2012-13, appropriates a total of \$32,496 General Fund to the Department of Corrections for operating expenses.

Specifies that the act shall only take effect if H.B. 10-1338 is enacted and has a net reduction in General Fund appropriations for FY 2010-11 that is equal to or greater than the \$83,861 General Fund transfer required in H.B. 10-1277.

- ❑ **H.B. 10-1352 (Waller/Steadman): Controlled Substance Crime Changes.** Makes a number of changes to offenses related to controlled substances. Directs the General Assembly to annually appropriate the General Fund savings generated by the bill to the Drug Offender Surcharge Fund, and requires that such moneys be allocated to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are on diversion, on probation, on

parole, in community corrections, or in jail. Appropriates \$36,528 General Fund and 0.5 FTE in FY 2010-11 to the Department of Public Safety, Division of Criminal Justice, for analyzing and reporting on the annual fiscal savings generated by H.B. 10-1352.

□ **H.B. 10-1360 (Pace/Steadman): Parole Placement for Technical Violation.** Allows certain parolees to be placed in a community return-to-custody facility rather than a state correctional facility, including those who:

- commit a technical violation that does not involve the commission of a crime;
- have no active felony warrants, felony detainers, or pending felony criminal charges; and
- are on parole for a class 4 nonviolent felony (except menacing, stalking, any unlawful sexual behavior, or a crime against an at-risk adult or at-risk juvenile).

Appropriates \$1,285,409 General Fund and 0.8 FTE to the Department of Public Safety, Division of Criminal Justice, for community corrections residential treatment beds. Appropriates \$260,000 General Fund to the Department of Public Safety, Division of Criminal Justice, for ten transition community corrections beds specifically for sex offenders, which beds may not be transferred for diversion. For additional information on H.B. 10-1360, see also the "Recent Legislation" section at the end of the Department of Corrections.

For FY 2010-11 appropriates the following amounts to the Department of Public Safety, Division of Criminal Justice: \$114,127 General Fund for costs associated with the Colorado Criminal and Juvenile Justice Commission and \$80,154 General Fund and 0.7 FTE for parole guideline duties and actuarial consultation.

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**APPENDIX C: UPDATE OF FY 2011-12
LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

Long Bill Footnotes

- 1a** Department of Corrections, Management, Executive Director's Office Subprogram; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Judicial Department, Probation and Related Services; and Department of Public Safety, Division of Criminal Justice; and Colorado Bureau of Investigation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from the Drug Offender Surcharge Fund, the Offender Identification Fund, the Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Program Fund, among other programs.

Comment: Of the funds listed, the Department of Corrections shares two with other state agencies: the Sex Offender Surcharge Fund, and the Drug Offender Surcharge Fund. Both are tracked by the Judicial Department.

The Sex Offender Management Board (SOMB) determined the following allocation for state agencies in FY 2012-13:

- \$28,879 to the Department of Corrections for sex offender data collection and risk assessment tests.
- \$302,029 to the Judicial Department for direct services;
- \$163,591 to the Division of Criminal Justice in the Department of Public Safety for training, and
- \$38,250 to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections and the Division of Child Welfare.

The Drug Offender Surcharge Fund is administered by the Judicial Department. Surcharges range from \$200 to \$4,500 for each drug conviction or deferred sentence. The Judicial, Corrections, Human Services, and Public Safety departments cooperatively develop a plan

for the allocation of moneys deposited in the Fund. The Judicial Department estimates the following allocation from the Drug Offender Surcharge Fund in FY 2012-13:

- \$1,245,127 to the Department of Corrections;
- \$1,396,383 to the Judicial Department;
- \$1,270,627 to the Department of Human Services; and
- \$1,107,813 to the Division of Criminal Justice in the Department of Public Safety.

51 Department of Public Safety, Division of Criminal Justice, Community Corrections -- Appropriations for community corrections programs are based on assumptions that providers of community corrections programs will collect client fees of up to \$17 per day for residential programs and up to \$3 per day for nonresidential programs. Pursuant to its authority to administer and execute contracts under section 17-27-108, C.R.S., the Division of Criminal Justice is requested to ensure that every reasonable effort is made to achieve such collections.

Comment: According to the Department, providers are required to submit documentation on the amount of revenue collected from offenders for residential and non-residential programs. In FY 2009-10, the most recent year for which data is available, the Department reported that the average contribution was \$13.00 for residential diversion programs and \$11.97 for residential transition programs. No figures were provided for non-residential programs.

Requests for Information

The Division of Criminal Justice did not have any Requests for Information for FY 2011-12.