

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**FY 2011-12 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 20, 2010**

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**FY 2011-12 BUDGET BRIEFING  
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

**DEPARTMENT OF PUBLIC SAFETY**

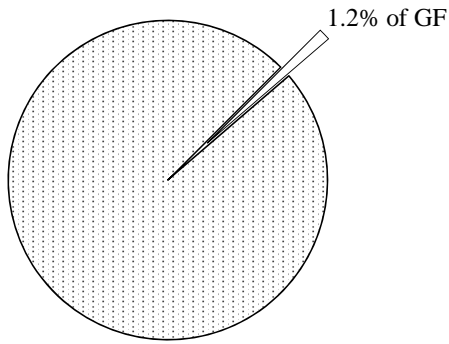
**(Division of Criminal Justice)**

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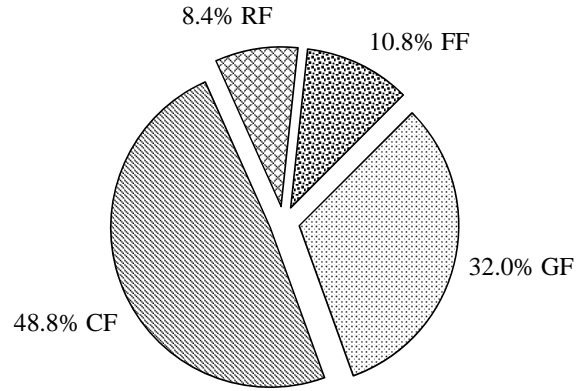
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**FY 2011-12 Joint Budget Committee Staff Budget Briefing  
 Department of Public Safety  
 GRAPHIC OVERVIEW**

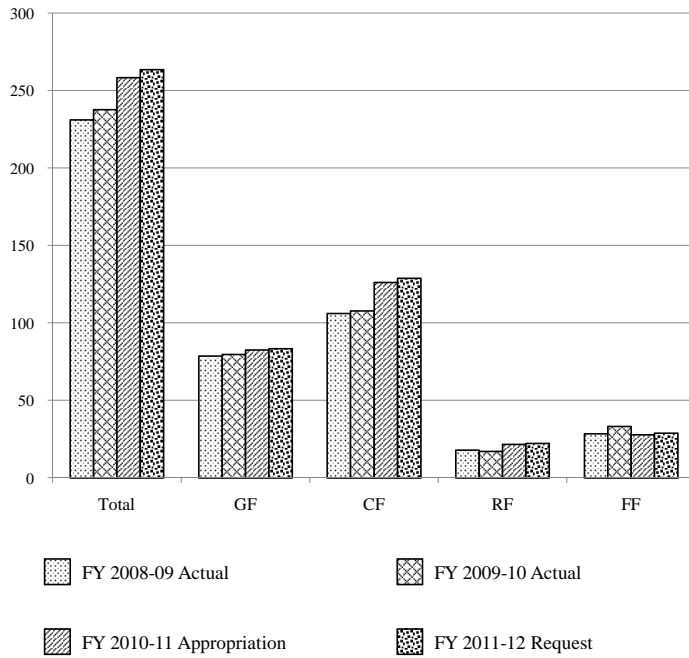
**Department's Share of Statewide General Fund**



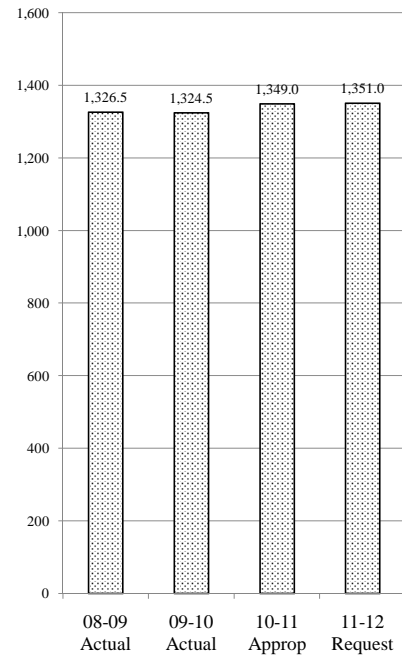
**Department Funding Sources**



**Budget History  
 (Millions of Dollars)**

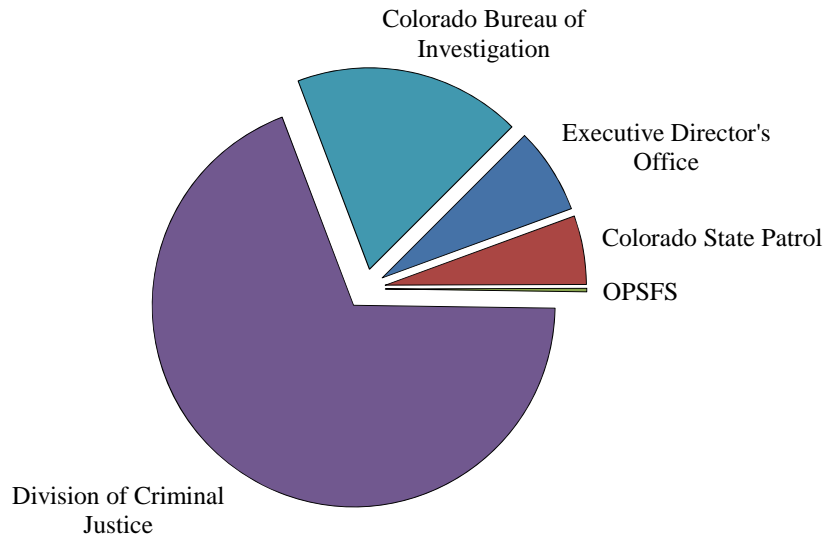


**FTE History**

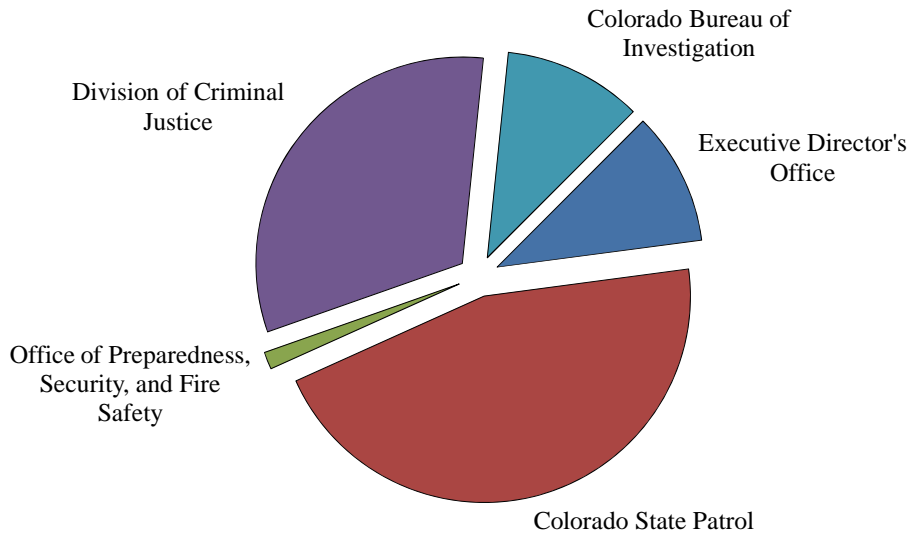


Unless otherwise noted, all charts are based on the FY 2010-11 appropriation.

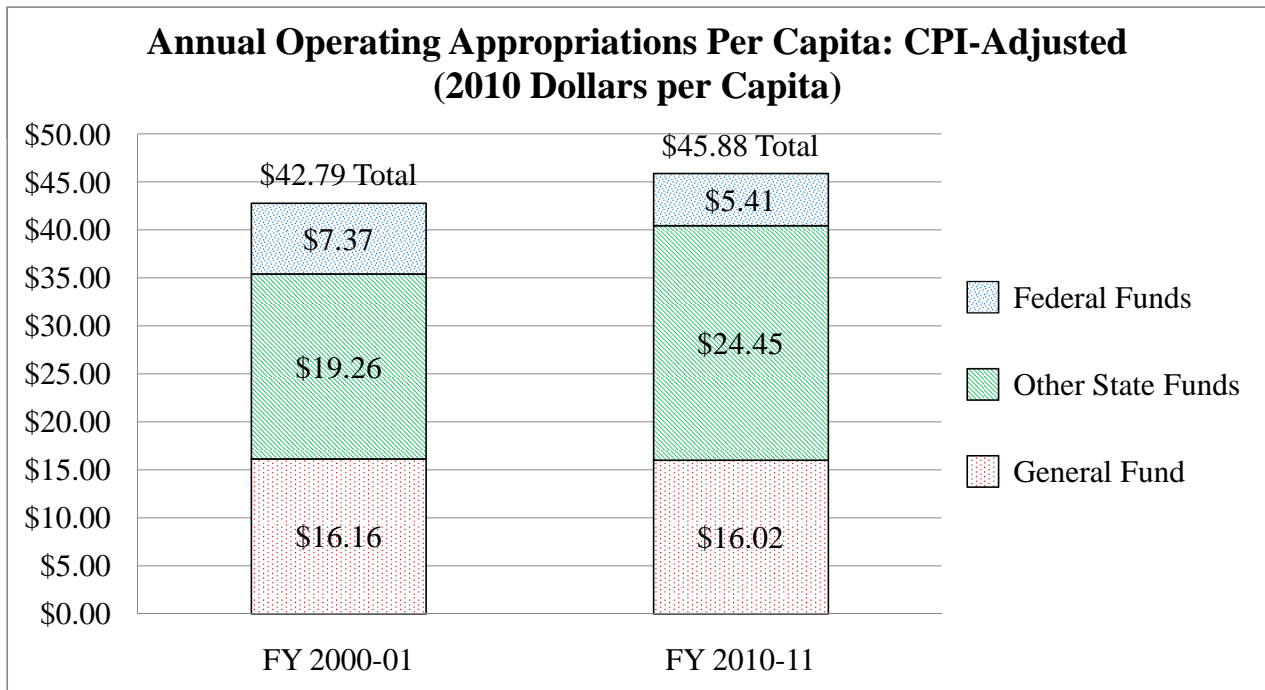
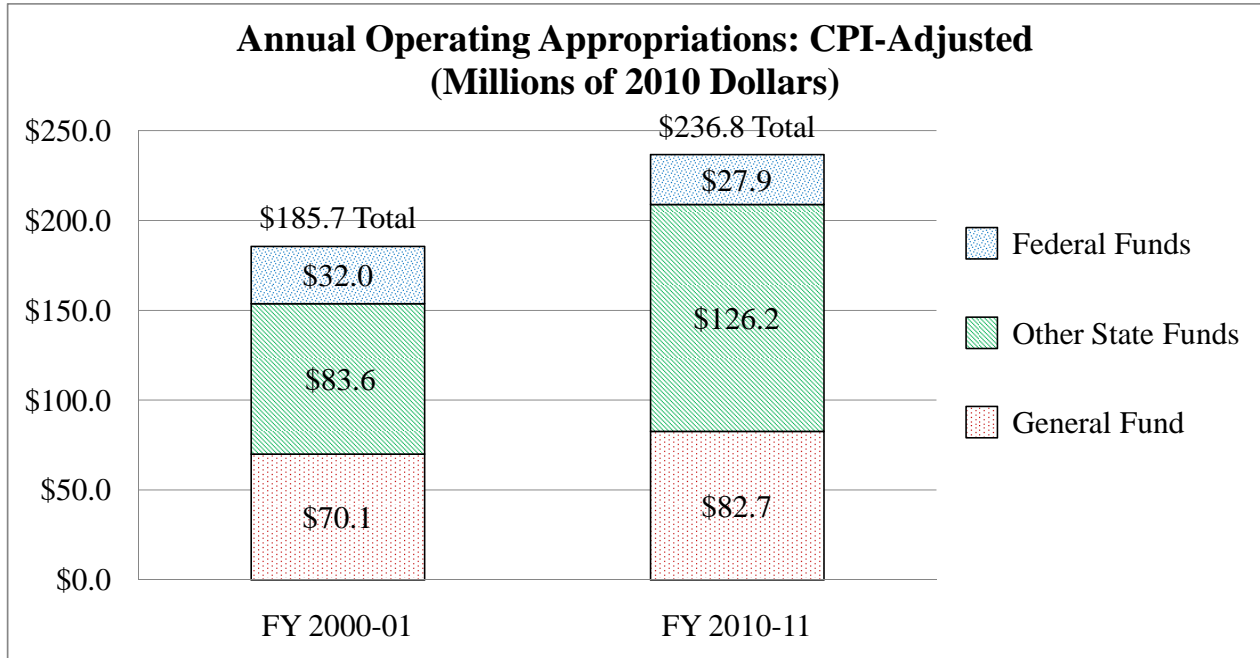
**Distribution of General Fund by Division**



**Distribution of Total Funds by Division**



**FY 2011-12 Joint Budget Committee Staff Budget Briefing**  
**Department of Public Safety**  
**COMPARISON OF FY 2000-01 AND FY 2010-11 APPROPRIATIONS**



NOTES: (1) All appropriations above *exclude* duplicate appropriations (i.e., these appropriations exclude reappropriated funds for FY 2010-11 and, for FY 2000-01, exclude amounts that would have been classified as reappropriated funds). For this department, these excluded amounts primarily reflect indirect cost recoveries, fingerprint and name check processing fees collected from other state agencies, and transfers from other state agencies.

(2) For the purpose of providing comparable figures, FY 2000-01 appropriations are adjusted to reflect changes in the Denver-Boulder-Greeley consumer price index (CPI) from 2000 to 2010. Based on the Legislative Council Staff September 2010 Economic and Revenue Forecast, the CPI is projected to increase 21.9 percent over this period.

(3) In the per capita chart, above, appropriations are divided by the Colorado population (for 2000 and 2010, respectively). Based on the Legislative Council Staff September 2010 Economic and Revenue Forecast, Colorado population is projected to increase by 18.9 percent over this period.

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**DEPARTMENT OVERVIEW**

**Key Responsibilities**

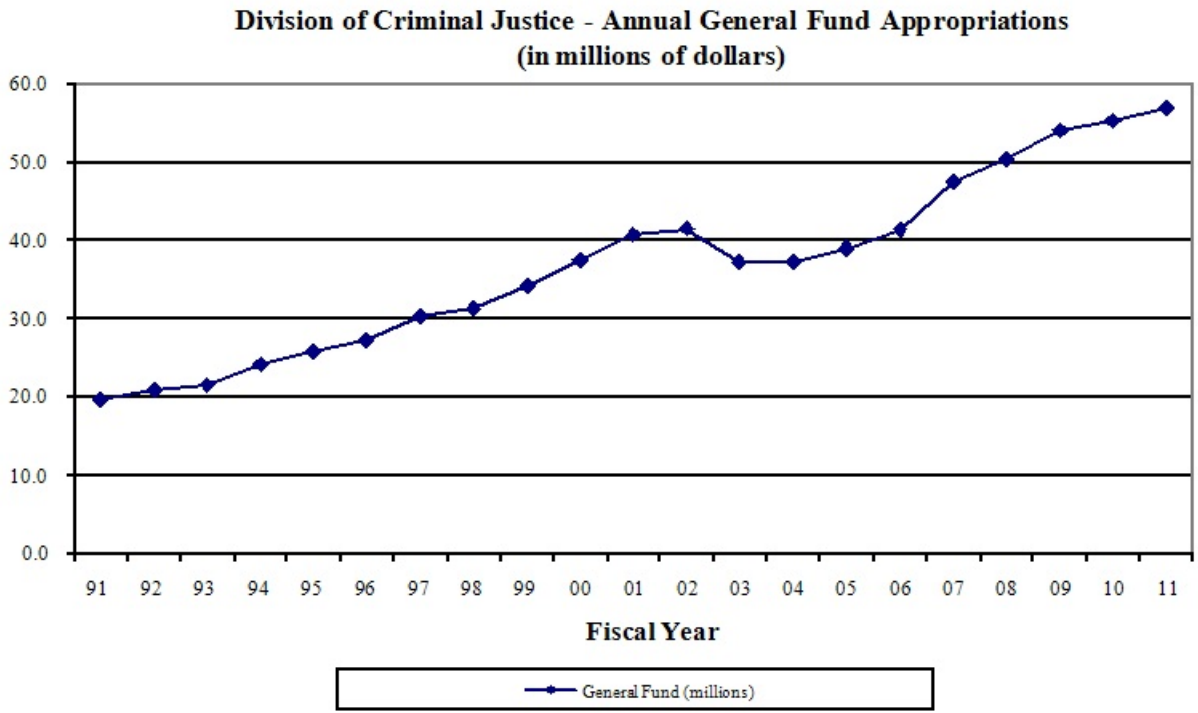
The Division of Criminal Justice has the following responsibilities:

- Manage community corrections contracts, including the following:
  - a. Administer and execute all contracts with units of local government, community corrections boards, and non-governmental agencies for the provision of community corrections programs and services.
  - b. Establish standards for community corrections programs operated by units of local government or non-governmental agencies.
  - c. Audit community corrections programs to determine levels of compliance with standards.
  - d. Allocate funding to local community corrections boards and community corrections programs in a manner which considers the distribution of offender populations and supports program availability proportionate to such distribution and projected need.
- Collect and disseminate information concerning crime and criminal justice for the purpose of assisting the General Assembly and of enhancing the quality of criminal justice at all levels of government.
- Analyze the administration of criminal justice in Colorado, including analysis of problems with the criminal justice system. 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 to control crime and juvenile delinquency.
- Advise and assist law enforcement agencies in Colorado to improve their law enforcement systems and their relationships with other agencies and the statewide system.
- Apply for, administer, and distribute any state, federal, or other funds made available or allotted under Public Law 93-83 and under any other law or program designed to improve the administration of criminal justice, court systems, law enforcement, prosecution, corrections, probation and parole, juvenile delinquency programs, and related fields.

- ❑ Administer a statistical analysis center for the purpose of collecting and analyzing statewide criminal justice statistics.

**Factors Driving the Budget**

**Historical Growth.** The Division of Criminal Justice has grown significantly in the past 20 years. Prior to FY 1986-87, the Division of Criminal Justice was not responsible for community corrections programs. As such, comparisons with prior years are not useful for a comparison with current appropriations. However, from FY 1990-91 through FY 2010-11, the General Fund appropriations to the Division grew by \$37.3 million from \$19.7 million to \$57.0 million. This growth reflects a compound annual growth rate of 5.5 percent over the 20-year period. The following graph depicts the annual General Fund appropriations to the Division of Criminal Justice for the past 20 years.



**Community Corrections - Residential Placements**

The primary factor driving the Division of Criminal Justice 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. These inmates are released to a residential community corrections bed in preparation for parole.

Prior to FY 2004-05, the JBC had funded enough residential beds to place 6.0 percent of the inmate population in residential community corrections placements. Since the 2004 session, funding was approved to place an increasing percentage of the inmate population in community corrections programs. The Division of Criminal Justice is responsible for administering and executing the contracts related to community corrections beds. 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 06-07	Actual FY 07-08	Actual FY 08-09	Actual FY 09-10	Approp. FY 10-11
Diversion Residential Beds Funded	1,231	1,306	1,475	1,631	1,631
Transition Residential Beds Funded	1,523	1,597	1,657	1,563	1,593
Community Corrections Residential Daily Rates per Bed	\$36.63	\$37.18	\$37.74	\$37.74	\$37.74
Change in Reimbursement Rate	N/A	1.5%	1.5%	0.0%	0.0%
Total Comm. Corr. GF Expend. (includes residential and non-residential)	\$46,324,882	\$49,761,910	\$53,163,693	\$53,204,330	\$57,037,575
Growth of GF Expenditure	N/A	7.4%	6.8%	0.1%	7.2%



**FY 2011-12 Joint Budget Committee Staff Budget Briefing  
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(Division of Criminal Justice)**

**DECISION ITEM PRIORITY LIST**

Note: This table includes all Department of Public Safety decision items. However, the full decision item text is shown only for those decision items that affect the sections of the budget covered in this presentation. In some cases, only a portion of the total decision item amount shown will apply to the budget sections addressed in this packet.

<b>Decision Item</b>	<b>GF</b>	<b>CF</b>	<b>HUTF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
1 Colorado State Patrol, Academy Driving Simulator	\$0	\$0	\$145,000	\$0	\$0	\$145,000	0.0
2 Colorado Bureau of Investigation, Gaming Unit Operating Expenses	0	0	0	0	0	0	0.0
3 Colorado State Patrol, EMDT Purchase, Deployment, and Maintenance	0	0	205,142	0	0	205,142	0.0
4 Colorado State Patrol, Utilities Appropriation Increase	0	0	64,150	0	0	64,150	0.0
5 Colorado State Patrol, Long Bill Line Item Consolidation	0	0	0	0	0	0	0.0
6 Colorado State Patrol, COPLINK Program Maintenance Funding	0	0	50,034	0	0	50,034	0.0
NP-4 Statewide Vehicle Lease	9,797	13,486	346,763	(1,760)	(16,589)	351,697	0.0
NP-5 Printing of Statewide Warrants and Mainframe Documents	4,987	0	0	0	0	4,987	0.0
<b>Total Decision Items</b>	<b>\$14,784</b>	<b>\$13,486</b>	<b>\$811,089</b>	<b>(\$1,760)</b>	<b>(\$16,589)</b>	<b>\$821,010</b>	<b>0.0</b>

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**BASE REDUCTION ITEM PRIORITY LIST**

Note: This table includes all Department of Public Safety base reduction items. However, the full base reduction item text is shown only for those base reduction items that affect the sections of the budget covered in this presentation. In some cases, only a portion of the total base reduction item amount shown will apply to the budget sections addressed in this packet.

<b>Base Reduction</b>	<b>GF</b>	<b>CF</b>	<b>HUTF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
NP-1	(\$414,828)	\$0	\$0	\$0	\$0	(\$414,828)	0.0
<p><b>Statewide 2 Percent Across the Board General Fund Personal Services Reduction</b></p> <p><b>Various Line Items.</b> The Governor's Office requests a temporary, one-time 2.0 percent reduction to the General Fund portion of all personal services appropriations for FY 2011-12. <i>Statutory authority: Section 24-37-301, C.R.S., and Section 24-37-304, C.R.S.</i></p>							
NP-2	(442,356)	(124,566)	(1,306,630)	(102,366)	(103,333)	(2,079,251)	0.0
<p><b>Statewide PERA Adjustment</b></p> <p><b>Various Line Items.</b> The Governor's Office requests continuation of S.B. 10-146, concerning a one-time modification to contribution rates of the Public Employees' Retirement Association (PERA). This request would continue to require all state employees participating in PERA defined benefit and defined contribution pension plans to contribute an additional 2.5 percent of salary for retirement in FY 2011-12. <i>Statutory authority: N/A.</i></p>							
NP-3	(4,858)	(202)	(2,000)	(2,718)	(4,598)	(14,376)	0.0
<p>Pro-Rated Benefits</p>							
<b>Total Base Reductions</b>	<b>(\$862,042)</b>	<b>(\$124,768)</b>	<b>(\$1,308,630)</b>	<b>(\$105,084)</b>	<b>(\$107,931)</b>	<b>(\$2,508,455)</b>	<b>0.0</b>

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**OVERVIEW OF NUMBERS PAGES**

The following table summarizes the total change, in dollars and as a percentage, between the Department's FY 2010-11 appropriation and its FY 2011-12 request. A large portion of the Department's cash funds are from the Highway Users Tax Fund (HUTF). These funds are appropriated to the Department for the supervision of the State's highways.

**Total Requested Change, FY 2010-11 to FY 2011-12 (millions of dollars)**

Category	GF	CF	HUTF	RF	FF	Total	FTE
FY 2010-11 Appropriation	\$82.7	\$28.9	\$97.2	\$21.7	\$27.9	\$258.4	1,349.0
FY 2011-12 Request	83.4	29.2	99.8	22.3	28.9	263.6	1,351.0
Increase / (Decrease)	\$0.7	\$0.3	\$2.6	\$0.6	\$1.0	\$5.2	2.0
Percentage Change	0.8%	1.0%	2.7%	2.8%	3.6%	2.0%	0.1%

The following table highlights the individual changes contained in the Department's FY 2011-12 budget request, as compared with the FY 2010-11 appropriation, for the portion of the Department covered in this briefing packet. For additional detail, see the numbers pages in Appendix A.

**Requested Changes, FY 2010-11 to FY 2011-12**

Category	GF	CF	HUTF	RF	FF	Total	FTE
<b>Department Base Request</b>							
Adjustment for federal funds	\$0	\$0	\$0	\$0	\$559,568	\$559,568	0.0
Adjustment for leap year	142,807	2,695	0	0	0	145,502	0.0
Restore prior year PERA reduction	37,534	6,178	0	8,719	35,344	87,775	0.0
Indirect cost assessment	0	4,190	0	0	(6,348)	(2,158)	0.0
Annualize prior year legislation	(1,635)	0	0	0	0	(1,635)	0.0
<b>Subtotal - Base Request</b>	<b>\$178,706</b>	<b>\$13,063</b>	<b>\$0</b>	<b>\$8,719</b>	<b>\$588,564</b>	<b>\$789,052</b>	<b>0.0</b>
<b>Non-Prioritized Requests</b>							
Reinstitute 2.5% PERA reduction	(37,876)	(14,938)	0	(6,800)	(36,107)	(95,721)	0.0
Personal Services Reduction of 2%	(39,707)	0	0	0	0	(39,707)	0.0
<b>Subtotal - Non-Prioritized Requests</b>	<b>(\$77,583)</b>	<b>(\$14,938)</b>	<b>\$0</b>	<b>(\$6,800)</b>	<b>(\$36,107)</b>	<b>(\$135,428)</b>	<b>0.0</b>
<b>Total Change</b>	<b>\$101,123</b>	<b>(\$1,875)</b>	<b>\$0</b>	<b>\$1,919</b>	<b>\$552,457</b>	<b>\$653,624</b>	<b>0.0</b>

**FY 2011-12 Joint Budget Committee Staff Budget Briefing  
Department of Public Safety  
(Division of Criminal Justice)**

**BRIEFING ISSUE**

**ISSUE: Significant Actions Taken from FY 2007-08 to FY 2010-11 to Balance the Budget**

Total appropriations to the Department of Public Safety have increased since FY 2007-08 by \$33.9 million, primarily due to increases in funding to the State Patrol from HUTF "Off-the-Top", funding additional community corrections beds, whose cost is offset in the Department of Corrections, and various common policy increases. Since the most recent economic downturn started in 2008, the General Assembly has taken several actions to reduce General Fund expenditures in this department. However, in total the General Fund appropriation to the Department of Public Safety increased by \$9.3 million (12.7 percent) from FY 2007-08 to FY 2010-11.

**SUMMARY:**

- The General Assembly eliminated the funding for 98 intensive residential treatment beds for transition community corrections offenders.
- The General Assembly eliminated the funding for contract analysis of the Governor's recidivism reduction and offender diversion package.
- The General Assembly reduced the funding for outpatient therapeutic community slots.
- The General Assembly eliminated the funding for community corrections discharge planners.

**DISCUSSION:**

From FY 2007-08 to FY 2010-11, total appropriations to the Department of Public Safety increased by 15.1 percent (\$33.9 million). Most of this increase was provided through cash funds totaling \$18.3 million (of which \$10.0 million was HUTF "Off-the-Top" appropriated to the Colorado State Patrol). The General Fund increased by 9.3 million (of which \$6.7 million was in the Division of Criminal Justice), and federal funds increased by \$4.3 million.

Appropriations to the Department of Public Safety for FY 2007-08 through FY 2010-11 are illustrated in the bar chart and detailed in the table below.

## Department Appropriations FY 2007-08 to FY 2010-11



Department of Public Safety Appropriations FY 2007-08 to FY 2010-11					
	Total Funds	General Fund	Cash Funds	Federal Funds	Reappropriated Funds
FY 2007-08 /a	\$224,565,711	\$73,311,297	\$107,823,137	\$23,571,050	\$19,860,227
FY 2008-09	245,735,484	79,735,441	117,842,353	26,487,831	21,669,859
FY 2009-10	249,790,343	81,989,417	119,897,125	26,566,433	21,337,368
FY 2010-11	258,432,588	82,654,286	126,160,853	27,917,989	21,699,460
Increase/(Decrease.) /b	\$33,866,877	\$9,342,989	\$18,337,716	\$4,346,939	\$1,839,233
Percent Change /b	15.1%	12.7%	17.0%	18.4%	9.3%

a/ FY 2007-08 Appropriations have been adjusted to reflect the same "cash funds" and "reappropriated funds" format implemented in FY 2008-09. Source: Page 447 of the FY 2008-09 Appropriations Report, plus 2009 legislation affecting FY 2007-08 appropriations (H.B. 08-1297 and H.B. 08-1375, Section 15).

b/ Increase/(Decrease) and Percent Change compare FY 2007-08 and FY 2010-11.

As illustrated in the bar chart above, appropriations to the Department increased in FY 2010-11 over FY 2007-08 by approximately \$34.0 million (\$9.3 million General Fund). These increases were primarily due to \$10.0 million growth of the HUTF "Off-the-Top" appropriation to the State Patrol, special bills to all divisions totaling \$10.9 million (including \$2.5 million General Fund), and other increases provided through the regular and supplemental Long Bill process.

Beginning in January of 2009 and continuing through the 2010 Session, the General Assembly has taken a number of actions to reduce General Fund expenditures to the Division of Criminal Justice. These actions are discussed in more detail below.

The table below shows total General Fund growth in the Department of Public Safety of \$9.3 million or 12.7 percent between FY 2007-08 and FY 2010-11.

<b>Department of Public Safety GENERAL FUND Appropriations FY 2007-08 to FY 2010-11</b>						
	<b>Total Divisions</b>	<b>EDO</b>	<b>CSP</b>	<b>OPSFS</b>	<b>DCJ</b>	<b>CBI</b>
FY 2007-08	\$73,311,297	\$3,351,756	\$3,431,980	\$96,798	\$50,362,918	\$16,067,845
FY 2008-09	79,735,441	4,476,297	4,370,568	332,400	54,151,401	16,404,775
FY 2009-10	81,989,417	5,145,787	4,635,980	343,323	55,330,887	16,533,440
FY 2010-11	82,654,286	5,715,521	4,555,909	246,560	57,037,575	15,098,721
Increase/ (Decrease)	\$9,342,989	\$2,363,765	\$1,123,929	\$149,762	\$6,674,657	(\$969,124)
Percent Change /a	12.7%	70.5%	32.7%	154.7%	13.3%	(6.0)%

a/ Increase/(Decrease) and Percent Change compare FY 2007-08 and FY 2010-11.

### **Major Budget Balancing Actions from FY 2007-08 to FY 2010-11**

#### **Intensive Residential Treatment Beds**

The General Assembly eliminated the funding for 98 intensive residential treatment (IRT) beds for community corrections offenders in FY 2008-09, saving \$992,975 General Fund. These IRT beds provided 45 days of residential services for community corrections offenders in need of substance abuse treatment. The 98 IRT beds that were eliminated were intended for transition clients moving from prison to a community corrections facility. Separate services are provided through the Drug Offender Surcharge Cash Fund for diversion clients (those sentenced directly to a community corrections program by a court). However, because of a lack of utilization of the transition IRT beds, the funding for these beds was eliminated.

#### **Contract Analysis of the Governor's Recidivism Reduction and Offender Diversion Package**

The General Assembly eliminated the funding for contract analysis of the Governor's recidivism reduction and offender diversion package in FY 2009-10, saving \$300,000 General Fund. This funding was intended to support the hiring of contractors to perform evaluation and analysis of new criminal justice programs implemented as part of the Governor's recidivism reduction and offender diversion package. This contract services approach resulted from a FY 2007-08 request by the Division to increase FTE in order to perform these functions. Rather than approve the increase in FTE, the General Assembly approved an appropriation for the Division to contract for these services. However, the Division encountered difficulty in locating and engaging contractors for these services. Therefore, the funding was eliminated due to its underutilization by the Division.

## **Outpatient Therapeutic Community Beds**

The General Assembly reduced the funding for outpatient therapeutic community slots by \$272,293 General Fund in FY 2008-09. In the FY 2008-09 Long Bill, the Department was appropriated \$777,920 General Fund to support 160 outpatient therapeutic community slots. It was anticipated that 80 slots would be funded at The Haven and Peer I in Denver, and 80 slots would be funded at Crossroads Turning Points in Pueblo. This funding was intended to support a continuation of services for offenders who had completed therapeutic community programs within a community corrections setting. However, because Crossroads Turning Points did not operate a community corrections facility at the time, there was not the demand for outpatient therapeutic community services that was expected. Therefore, funding was reduced for the outpatient therapeutic slots at Crossroads Turning Points.

## **Community Corrections Discharge Planners**

The General Assembly eliminated the funding for community corrections discharge planners in FY 2009-10, saving \$160,489 General Fund and 2.0 FTE. The funding for community corrections discharge planners was intended to facilitate the proper selection and transfer of offenders with mental health and substance abuse needs from prison into community corrections placements. Historically, it has been difficult placing inmates with mental health or substance abuse needs in community corrections facilities. However, due to the General Fund shortfall, these community corrections discharge planners were never hired, and instead the Division requested their funding be eliminated in order to save General Fund.

**FY 2011-12 Joint Budget Committee Staff Budget Briefing  
Department of Public Safety  
(Division of Criminal Justice)**

**BRIEFING ISSUE**

**ISSUE: Open Allocation for Community Corrections**

Despite efforts to increase the number of offenders in community corrections programs by implementing an open allocation method for providing funding to local community corrections boards, the Department reverted 3.6 percent of the General Fund appropriations for community corrections programs in FY 2009-10.

**SUMMARY:**

- ❑ On July 1, 2009, the Department began to encourage the placement of offenders in community corrections without regard to a specific local allocation of community corrections funding. This open allocation method was intended to provide the fullest utilization of community corrections funding. Prior to the open allocation method, each community corrections board was given a specific allocation of funding by the Department, thereby limiting the boards from accepting offenders above their allocation level.
- ❑ Despite the efforts of the open allocation method for community corrections funding, the Department reverted \$1,688,643 of the General Fund appropriations for community corrections programs in FY 2009-10, which represented 3.6 percent of the total General Fund appropriations for community corrections programs.
- ❑ Community corrections boards are statutorily authorized to accept or reject the placement of any offender into a community corrections program in their respective jurisdictions (Section 17-27-103 (5), C.R.S.). Each board has its own operating procedures and rules, and there is variance in policies among the various boards. There are 23 community corrections boards throughout the State that generally mirror the State's judicial districts.

**RECOMMENDATION:**

Staff recommends that the Committee discuss with the Department at its hearing why it has been unable to expend its General Fund appropriations for community corrections programs and what could be done by the General Assembly to maximize the utilization of community corrections funding.



## **DISCUSSION:**

***Background – Community Corrections Programs.*** Community corrections programs provide an alternative to supervising certain offenders at a lower cost than incarceration in a secure prison setting. There are two primary ways for offenders to be placed into community corrections programs: (1) diversion sentences by judges, and (2) transition placements by the Department of Corrections. Diversion offenders are sentenced to community corrections by judges, pursuant to Section 18-1.3-301 (1)(a), C.R.S., which authorizes such sentences for certain offenders. Also, prior to their parole eligibility date, the Department of Corrections is required to refer inmates for consideration to be placed into community corrections programs (Section 18-1.3-301 (2), C.R.S.). Additionally, the Parole Board is authorized to revoke an offender's parole and require them to be placed in a community corrections placement. However, this is a less common way for an offender to be placed into a community corrections program.

***Community Corrections Boards Protect Public Safety and Allow Local Control.*** There is a review process for placing offenders in communities that is designed to provide local control and protect the public from the placement of offenders not desired by the community. Community corrections boards are statutorily authorized to accept or reject the placement of any offender into a community corrections program in their respective jurisdictions (Section 17-27-103 (5), C.R.S.). Each board has its own operating procedures and rules, and there is variance in policies among the various boards.

In addition, the Division of Criminal Justice receives funding through the "Community Corrections Boards Administration" line item to reimburse the 23 community corrections boards for administrative costs. This line item was created in the 2003 Long Bill. In prior years, DCJ reimbursed community corrections boards with appropriations made to the "Diversion Programs" and "Transition Programs" line items. This line item was intended to enable better tracking of administrative costs for community corrections boards.

Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of the appropriations for community corrections programs to the 23 community corrections boards to offset their administrative costs. Pursuant to the provisions of S.B. 03-177, the maximum reimbursement rate for community corrections boards was reduced to 4.0 percent from April 1, 2003, through July 1, 2006. In FY 2006-07, the appropriation was set at 4.0 percent. For FY 2010-11, the Division of Criminal Justice requested a continuation of 4.0 percent with a reduction of \$25,000, which represents prior reversions. The JBC has the authority to appropriate any amount *up to* 5.0 percent — as such, a lower level of reimbursement is allowed.

***Community Corrections Funding.*** The Division of Criminal Justice receives appropriations for the placement of offenders into community corrections programs. Two primary line items receive the funding: (1) "Transition Programs"; and (2) "Diversion Programs". Historical appropriations and unused appropriations for these lines are shown in the following table.

<b>General Fund Appropriations for Diversion and Transition Community Corrections Programs</b>					
	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
Transition Programs	\$19,636,818	\$22,183,120	\$23,584,899	\$23,502,113	\$22,770,240
Diversion Programs	<u>18,056,218</u>	<u>18,689,690</u>	<u>19,922,141</u>	<u>22,490,369</u>	<u>24,765,812</u>
<b>Total Appropriation</b>	<b>\$37,693,036</b>	<b>\$40,872,810</b>	<b>\$43,507,040</b>	<b>\$45,992,482</b>	<b>\$47,536,052</b>
Minus Unused Approp.*	<u>(26)</u>	<u>(1,182,878)</u>	<u>(126,968)</u>	<u>(884,519)</u>	<u>(1,688,643)</u>
<b>Total Expenditures</b>	<b>\$37,693,010</b>	<b>\$39,689,932</b>	<b>\$43,380,072</b>	<b>\$45,107,963</b>	<b>\$45,847,409</b>
Unused Approp. (%)	0.0%	(2.9)%	(0.3)%	(1.9)%	(3.6)%

\* Includes reversions and year-end transfers to other programs.

Prior to FY 2009-10, the Division of Criminal Justice allocated the appropriations for diversion and transition beds to the 23 community corrections boards. The Division then reevaluated each community corrections boards' allocation on a quarterly basis. However, it was difficult for each of these community corrections boards to time the placement of offenders such that their allocation was fully utilized. In addition, it was difficult for the Division to quickly reallocate dollars among regions. As a result, the Division generally reverted some of the appropriations for community corrections programs each year.

In order to address the appropriation allocation issue, as of July 1, 2009, the Division began to encourage the placement of offenders in community corrections without regard to a specific local allocation of community corrections funding. This open allocation method was intended to provide the fullest utilization of community corrections funding. However, despite the efforts of the open allocation method for community corrections funding, the Department reverted \$1,688,643 of the General Fund appropriations for community corrections programs in FY 2009-10, which represented 3.6 percent of the total appropriations for community corrections programs.

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**BRIEFING ISSUE**

**ISSUE: Community Corrections Subsistence Grace Period**

Current requirements obligate community corrections offenders to pay a subsistence of \$17 per day during their time in a community corrections residential placement. This subsistence requirement begins the first day of their placement in residential community corrections. However, because of the difficulty in finding immediate employment, these offenders may turn to illegal activity in order to meet the required subsistence. As a result, it may be appropriate to allow a subsistence grace period for community corrections offenders.

**SUMMARY:**

- Offenders placed in residential community corrections programs are currently required to pay a subsistence of \$17 per day. This requirement begins immediately upon being placed in a residential community corrections program. This subsistence was increased from \$13 per day to \$17 per day during FY 2002-03 when the provider rate paid to community corrections providers was decreased by 8.0 percent.
- Offenders placed in residential community corrections programs often have a difficult time finding employment immediately upon placement. In addition, many offenders leave prison with child support obligations. Because of the immediate subsistence requirement, some community corrections offenders turn to illegal activity. However, a grace period in the subsistence requirement may provide an opportunity for more offenders to succeed in residential community corrections programs.
- Rather than require the community corrections providers to absorb this reduction in funds, the Committee could choose to fund the subsistence grace period from other appropriations within the Division of Criminal Justice.

**RECOMMENDATION:**

Staff recommends that the Committee consider a subsistence grace period for community corrections offenders and discuss with the Department at its hearing what the best approach would be in terms of the number of offenders and length of grace period. Staff also recommends that the Committee fund this subsistence grace period in the current fiscal year from other FY 2010-11 appropriations within the Division of Criminal Justice rather than require the community corrections providers to absorb the reduction in funds.

## **DISCUSSION:**

During FY 2002-03, a state budget cut of 8.0 percent to the provider rate paid to community corrections providers was offset by a 30.8 percent increase in the offenders' daily subsistence fee to providers (from \$13 to \$17). This increase to the subsistence fee may have impacted the recidivism rate for community corrections offenders. For example, as illustrated in a 2006 recidivism study by DCJ's Office of Research and Statistics, the rate of successful completion of a residential community corrections placement dropped from 63.1 percent to 56.1 percent after the increased subsistence fee was instituted.

The Colorado Commission on Criminal and Juvenile Justice, in its 2008 annual report, supports a recommendation of a two to four week grace period for subsistence payments for offenders in residential community corrections programs. This recommendation, however, did not include requiring the community corrections providers to absorb this reduction in funds.

The Commission report cites research which shows that the time period immediately following release from prison is the riskiest for the offender and the public. For example, the National Research Council reports that the highest rates for reoffending occur in the first days and weeks out of prison. Similarly, in most residential community corrections programs, the time period at greatest risk for reoffense is often the first few weeks of residential treatment, during which many offenders abscond or commit technical violations. However, despite this early risk, offenders are expected to find employment immediately upon arrival at the program in order to pay the required subsistence fee of \$17 per day.

Furthermore, the Commission report indicates that the average Colorado parolee owes approximately \$16,600 in child support when they are released from prison. In addition, national research shows that most individuals returning to the community have difficulty finding employment immediately. These financial pressures and the potential paycheck garnishments that result from unpaid debt can increase the likelihood that an offender will participate in illegal activities and in turn discourage legitimate employment.

The Commission report also states that offenders would experience fewer failures if they underwent a period of stabilization lasting between two to four weeks after arrival at a residential community corrections program. This period of stabilization would include careful assessment of criminogenic needs, life skills training, stabilization with medication, and other individually appropriate treatment.

In addition, subsistence grace periods have proven to be successful at reducing the escape rate for residential community corrections offenders. For example, during FY 2000-01, the Office of Community Corrections within the Division of Criminal Justice, collaborated with Peer 1 and The Haven, two community corrections programs that provide therapeutic community services to high level drug offenders, to use Drug Offender Surcharge Funds to provide an enhanced per diem rate for offenders during the first six months of residential placement. The enhanced per diem offset the costs that would otherwise be levied against offenders for subsistence fees. This allowed offenders

to delay seeking employment and thus avoid trips into the community to job-see early in their placement, allowing them to focus on treatment instead. Escape rates declined from 25.4 percent in FY 1999-00 to 15.3 percent in FY 2000-01 once the enhanced per diem rate was instituted.

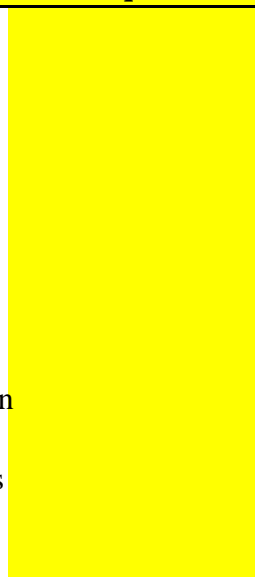
The Division of Criminal Justice estimates that a two-week grace period on payment of fees for offenders in community corrections would cost \$1,585,000 per year. Given the shortage of General Fund, it seems unlikely that the Committee would choose to fund this initiative. However, the Committee could choose to fund this initiative on a pilot basis using other appropriations within the Division of Criminal Justice. For example, the Division reverted \$197,134 General Fund from the "Accelerated Non-Residential Community Corrections Diversion Pilot Program" line item and \$85,298 General Fund from the "Outpatient Therapeutic Community Programs" line item in FY 2009-10. For the current fiscal year, staff estimates that the Committee could reallocate \$175,000 General Fund from the "Accelerated Non-Residential Community Corrections Diversion Pilot Program" line item and \$100,000 General Fund from the "Outpatient Therapeutic Community Programs" line item to fund a subsistence grace period. This total of \$275,000 General Fund could fund a two-week subsistence grace period pilot program for approximately 1,150 community corrections offenders.

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**APPENDIX A: NUMBERS PAGES**

	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriation</b>	<b>Request</b>	<b>Change Requests</b>

**DEPARTMENT OF PUBLIC SAFETY**  
**Executive Director: Kathy E. Sasak**  
**Division of Criminal Justice Director:**  
**Jeanne Smith**



**(4) DIVISION OF CRIMINAL JUSTICE**

(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.)

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
<b>(A) Administration</b>					
Personal Services	2,345,469	2,364,341	2,692,946 a/	2,653,960	NP-1, NP-2
FTE	<u>30.7</u>	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	1,453,749	1,458,791	1,659,635	1,636,760	
FTE	19.2	19.2	21.5	21.5	
Cash Funds	553,349	556,863	575,310	566,813	
FTE	7.3	7.3	7.6	7.6	
Reappropriated Funds	259,646	266,976	376,290	376,943	
FTE	3.0	3.3	1.9	1.9	
Federal Funds	78,725	81,711	81,711	73,444	
FTE	1.2	1.2	1.3	1.3	
Operating Expenses	<u>222,493</u>	<u>215,409</u>	<u>243,442</u> b/	<u>231,067</u>	
General Fund	147,565	143,276	165,141	152,766	
Cash Funds	35,102	34,281	35,257	35,257	
Reappropriated Funds	35,451	33,475	35,451	35,451	
Federal Funds	4,375	4,377	7,593	7,593	
Recidivism Reduction and Offender Diversion Package Contract Analysis - GF	49,796	0	0	0	
FTE	0.0	0.0	0.0	0.0	
Indirect Cost Assessment	<u>521,734</u>	<u>427,614</u>	<u>630,129</u>	<u>627,971</u>	
Cash Funds	64,280	59,763	66,123	70,313	
Reappropriated Funds	0	0	0	0	
Federal Funds	457,454	367,851	564,006	557,658	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
					<b>Request vs. Appropriation</b>
<b>TOTAL - (A) ADMINISTRATION</b>	3,139,492	3,007,364	3,566,517	3,512,998	-1.5%
FTE	<u>30.7</u>	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	1,651,110	1,602,067	1,824,776	1,789,526	-1.9%
Cash Funds	652,731	650,907	676,690	672,383	-0.6%
Reappropriated Funds	295,097	300,451	411,741	412,394	0.2%
Federal Funds	540,554	453,939	653,310	638,695	-2.2%

a/ The FY 2010-11 appropriation includes General Fund increases of \$28,246 and 0.5 FTE pursuant to H.B. 10-1352, \$45,563 and 0.8 FTE pursuant to H.B. 10-1360, and \$180,052 0.7 FTE pursuant to H.B. 10-1374.

b/ The FY 2010-11 appropriation includes General Fund increases of \$8,282 pursuant to H.B. 10-1352, \$7,523 pursuant to H.B. 10-1360, and \$14,229 pursuant to H.B. 10-1374.

**(B) Victims Assistance**

Federal Victims Assistance and  
Compensation Grants - FF

9,704,143      9,448,773      9,998,833      9,998,833

State Victims Assistance and  
Law Enforcement Program

1,245,009      1,166,236      1,250,000      1,250,000

Cash Funds      1,201,849      1,166,236      1,250,000      1,250,000

Reappropriated Funds      43,160      0      0      0

Child Abuse Investigation - CF

0      77,887      317,725      317,725

FTE      0.0      0.3      0.4      0.4



	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
					<b>Request vs. Appropriation</b>
<b>TOTAL - (B) VICTIMS ASSISTANCE</b>	10,949,152	10,692,896	11,566,558	11,566,558	0.0%
FTE	<u>0.0</u>	<u>0.3</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	1,201,849	1,244,123	1,567,725	1,567,725	0.0%
Reappropriated Funds	43,160	0	0	0	N/A
Federal Funds	9,704,143	9,448,773	9,998,833	9,998,833	0.0%
<b>(C) Juvenile Justice and Delinquency Prevention</b>					
Juvenile Justice Disbursements - FF	847,821	658,133	866,249	866,249	
Juvenile Diversion Programs - GF	1,216,094	1,241,851	1,241,851	1,240,902	NP-1
FTE	0.7	0.8	0.9	0.9	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (C) JUVENILE JUSTICE</b>	2,063,915	1,899,984	2,108,100	2,107,151	0.0%
FTE	0.7	0.8	0.9	0.9	
General Fund	1,216,094	1,241,851	1,241,851	1,240,902	-0.1%
Federal Funds	847,821	658,133	866,249	866,249	0.0%
<b>(D) Community Corrections</b>					
Community Corrections Boards Administration - GF	1,879,976	1,882,624	1,927,062	1,932,411	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
Incentive Funds for Low-Risk Providers - GF	0	0	0	0	
Transition Programs - GF	23,257,880	22,667,755	23,341,584 a/	23,403,968	
Diversion Programs - GF	22,111,450	23,095,307	24,765,812	24,833,664	
Transition Mental Health Bed Differential GF	860,914	750,395	1,165,809 b/	1,168,615	
Diversion Mental Health Bed Differential GF	236,587	405,531	241,046	241,706	
Specialized Services - GF	60,294	53,528	55,000	55,000	
John Eachon Re-Entry Program - GF	289,080	228,887	144,540	144,936	
Day Reporting Center - GF	488,789	0	0	0	
Substance Abuse Treatment Program	<u>1,001,064</u>	<u>1,034,810</u>	<u>1,323,614</u>	<u>1,327,212</u>	
General Fund	395,355	523,410	523,410	524,844	
Cash Funds	539,667	511,400	800,204	802,368	
Reappropriated Funds	66,042	0	0	0	
Outpatient Therapeutic Community Programs - GF	388,731	420,329	505,627	507,012	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	n/a	258	197,392	197,933	
IRT Pilot Project	n/a	<u>194,076</u>	<u>973,692</u> c/	<u>974,223</u>	
General Fund		0	779,616	779,616	
Cash Funds		194,076	194,076	194,607	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (D) COMMUNITY</b>					
<b>CORRECTIONS</b>	<u>50,574,765</u>	<u>50,733,500</u>	<u>54,641,178</u>	<u>54,786,680</u>	0.3%
General Fund	49,969,056	50,028,024	53,646,898	53,789,705	0.3%
Cash Funds	539,667	705,476	994,280	996,975	0.3%
Reappropriated Funds	66,042	0	0	0	N/A
a/ The FY 2010-11 appropriation includes a General Fund increase of \$571,344 pursuant to H.B. 10-1360.					
b/ The FY 2010-11 appropriation includes a General Fund increase of \$141,363 pursuant to H.B. 10-1360.					
c/ The FY 2010-11 appropriation includes a General Fund increase of \$779,616 pursuant to H.B. 10-1360.					
<b>(E) Crime Control and System Improvement</b>					
State and Local Crime Control and System Improvement Grants - FF	2,661,403	2,679,845	4,998,833	4,998,833	
Sex Offender Surcharge Fund Program - CF	125,764	104,378	152,791	152,536	NP-2
FTE	1.2	1.3	1.5	1.5	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
Sex Offender Supervision - GF	327,433	332,388	324,050	318,565	NP-1, NP-2
FTE	3.1	3.2	3.2	3.2	
Treatment Provider Criminal Background					
Checks	13,100	19,155	49,950	49,950	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	13,100	19,155	49,950	49,950	
Reappropriated Funds	0	0	0	0	
Colorado Regional Community Policing					
Institute	341,229	241,403	574,733	575,999	
FTE	<u>2.3</u>	<u>1.0</u>	<u>4.0</u>	<u>4.0</u>	
Reappropriated Funds	12,830	100,000	375,550	376,816	
FTE	0.1	0.5	2.5	2.5	
Federal Funds	328,399	141,403	199,183	199,183	
FTE	2.2	0.5	1.5	1.5	
Federal Grants - non-appropriated	4,229,006	11,882,004	4,261,687	4,828,759	NP-2
FTE	<u>11.8</u>	<u>16.2</u>	<u>17.5</u>	<u>17.5</u>	
Reappropriated Funds	37,642	37,460	0	0	
Federal Funds	4,191,364	11,844,544	4,261,687	4,828,759	
Lifesaver Project Grants - CF	75,243	0	0	0	
FTE	0.1	0.0	0.0	0.0	
Criminal Justice Training Fund - CF	38,201	45,737	207,542	207,534	NP-2
FTE	0.0	0.0	0.5	0.5	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	Change Requests
MacArthur Foundation Grant - CF	76,425	81,675	200,000	200,000	
Methamphetamine Abuse Task Force Fund - CF	14,969	9,157	43,739	43,739	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (E) CRIME CONTROL</b>	7,902,773	15,395,742	10,813,325	11,375,915	5.2%
FTE	<u>18.5</u>	<u>21.7</u>	<u>27.3</u>	<u>27.3</u>	
General Fund	327,433	332,388	324,050	318,565	-1.7%
Cash Funds	343,702	260,102	654,022	653,759	0.0%
Reappropriated Funds	50,472	137,460	375,550	376,816	0.3%
Federal Funds	7,181,166	14,665,792	9,459,703	10,026,775	6.0%
					<b>Request vs. Appropriation</b>
<b>DEPARTMENT OF PUBLIC SAFETY, (4) DIVISION OF CRIMINAL JUSTICE</b>					
<b>TOTAL</b>	74,630,097	81,729,486	82,695,678	83,349,302	0.8%
FTE	<u>49.2</u>	<u>53.8</u>	<u>60.9</u>	<u>60.9</u>	
General Fund	53,163,693	53,204,330	57,037,575	57,138,698	0.2%
Cash Funds	2,737,949	2,860,608	3,892,717	3,890,842	0.0%
Reappropriated Funds	454,771	437,911	787,291	789,210	0.2%
Federal Funds	18,273,684	25,226,637	20,978,095	21,530,552	2.6%

Please note: actual years reflect records of the State Controller. Appropriation year equals Long Bill, special bills, roll forwards, and other adjustments.

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**APPENDIX B: SUMMARY OF MAJOR LEGISLATION**

- ❑ **S.B. 10-159 (Foster/Miklosi): Defendant Statement Community Corrections.** Requires community corrections boards to allow offenders who are under consideration for transitional placement into a community corrections facility to submit a written statement concerning the offender's transition plan, community support, and the appropriateness of placement in a community corrections program. Permits the board to allow an offender to designate a person to submit a written statement or give an oral statement on the offender's behalf at a hearing concerning the placement of the offender. Requires community corrections boards to develop written policies and procedures that will be made available to the public concerning the parameters for written and oral statements by victims, as well as the permissibility and parameters for a written or oral statement by a person designated by an offender.
  
- ❑ **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.

- ❑ **H.B. 10-1373 (Carroll T./Hudak): Sentencing Changes for Escape Crimes.** Provides a court with the discretion to order that the mandatory sentence for an escape crime run either consecutively or concurrently with any other sentence being served by the offender who escapes, attempts to escape, or aids the escape of another while serving a direct sentence to community corrections or after being placed in an intensive supervision parole program. Under current law, if an offender knowingly commits an escape crime while in custody or confinement following a felony conviction, the court is required to impose a sentence for the escape crime that runs consecutively with any other sentences being served by the offender.
- ❑ **H.B. 10-1374 (Ferrandino/Penry): Parole Changes Evidence-based Practices.** Directs the Sex Offender Management Board (in consultation with the Department of Corrections, the Judicial Branch, the Division of Criminal Justice in the Department of Public Safety, and the Parole Board) to develop specific sex offender release guidelines for use by the Parole Board in determining when to release a sex offender on parole. Directs the Division of Criminal Justice and the Parole Board to develop an administrative release guideline for use by the Board in evaluating all applications for parole. Requires the Department of Corrections and the Parole Board to develop administrative revocation guidelines for use by the Board in making decisions about parole revocation. Repeals the statutory provision that requires a parole officer to arrest a parolee if he or she does not have lawful permission to be in a particular place (e.g., a county other than the one to which the individual was paroled). Allows up to 12 days of earned time each month be deducted from an offender's sentence provided he or she:

- is serving a sentence for a class 4, class 5, or class 6 felony;
- has not incurred a class I code of penal discipline violation within the 24 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 24 months;
- has not incurred a class II code of penal discipline violation within the 12 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 12 months;
- is program compliant; and
- was not convicted of certain specified felony offenses (four new offenses have been added to the existing list of disqualifying crimes).

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 2010-11  
LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

**Long Bill Footnotes**

- 1 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** -- 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 Sex Offender Surcharge Fund, the Persistent Drunk Driver Cash Fund, and the Alcohol and Drug Driving Safety Fund, among other programs.

Comment: Of the funds listed, the Division of Criminal Justice shares two with other state agencies: the Sex Offender Surcharge Fund, and the Drug Offender Surcharge Fund. The Department indicates that the Judicial Department is responsible for tracking the Drug Offender Surcharge Fund and the Sex Offender Surcharge Fund.

The Sex Offender Management Board determined the following allocation for state agencies from the Sex Offender Surcharge Fund in FY 2011-12:

- \$163,591 to the Division of Criminal Justice for training;
- \$302,029 to the Judicial Department for direct services;
- \$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; and
- \$29,311 to the Department of Corrections for sex offender data collection and risk assessment tests.

The Drug Offender Surcharge Fund is administered by the Judicial Department. The Judicial Department estimates the following allocation from the Drug Offender Surcharge Fund in FY 2011-12:

- \$1,107,813 to the Division of Criminal Justice;
- \$1,745,479 to the Judicial Department;
- \$1,270,627 to the Department of Human Services; and
- \$1,245,127 to the Department of Corrections.

**45 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 2010-11.