

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2010-11 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 22, 2009**

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**FY 2010-11 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE**

DEPARTMENT OF PUBLIC SAFETY

(Division of Criminal Justice)

Table of Contents

Graphic Overview. 1

Department Overview 3

Decision Items. 6

Base Reduction Items.. . . . 8

Overview of Numbers Pages 9

Issues:

 Community Corrections Funding Level.. . . . 11

 Open Allocation for Community Corrections. 19

Appendices:

 A - Numbers Pages. 23

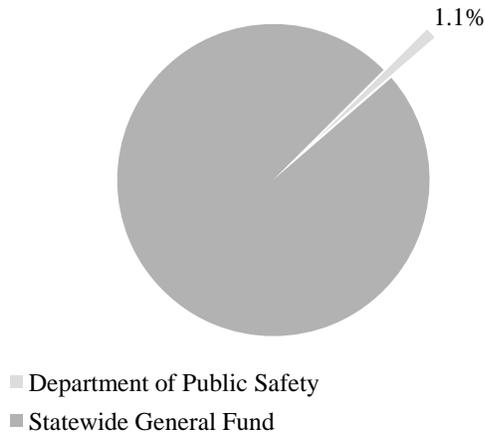
 B - Summary of Major Legislation from 2009 Legislative Session.. . . . 31

 C - Update on Long Bill Footnotes and Requests for Information. 32

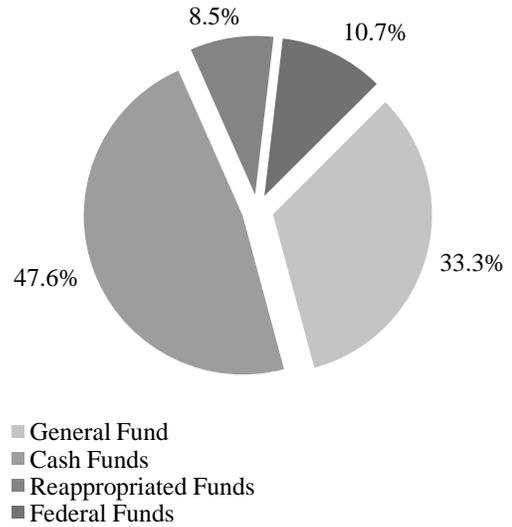
**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety**

GRAPHIC OVERVIEW

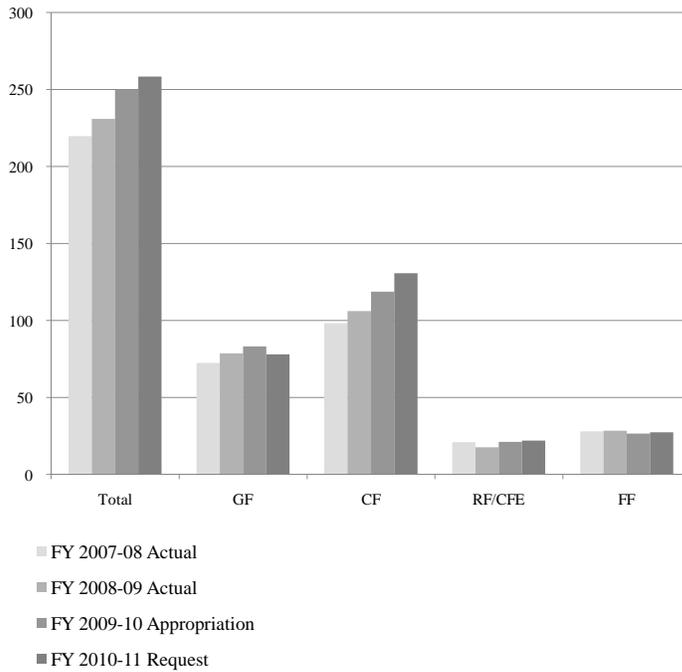
Department's Share of Statewide General Fund



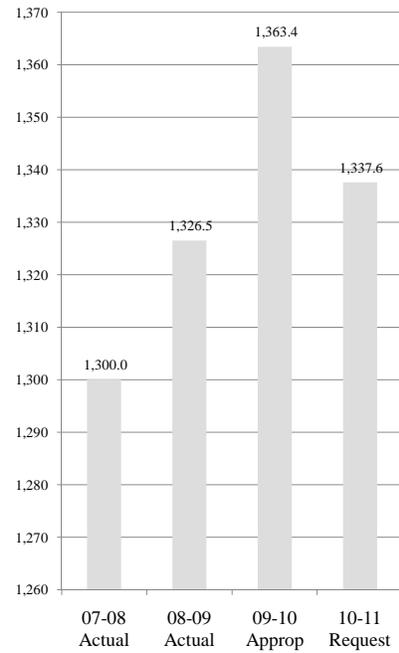
Department Funding Sources



**Budget History
(Millions of Dollars)**

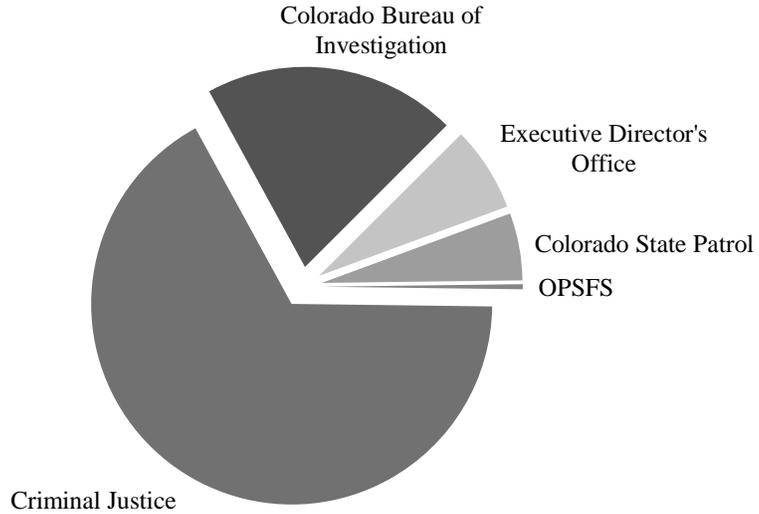


FTE History

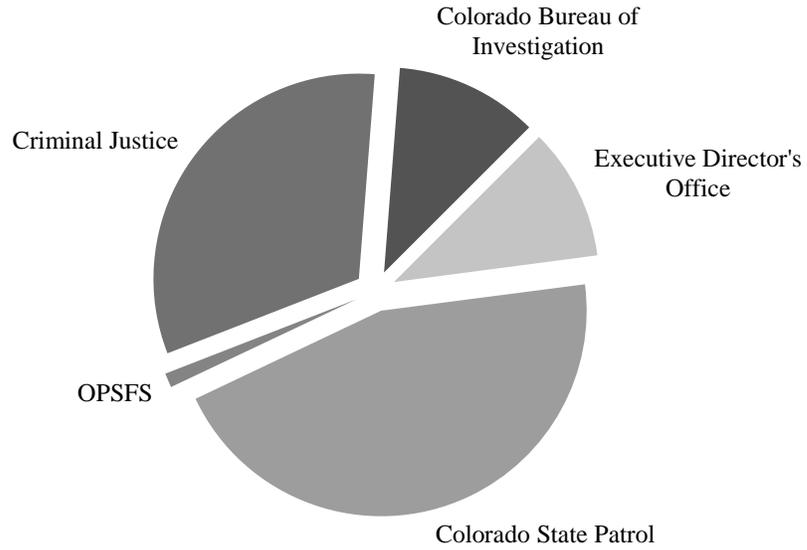


Unless otherwise noted, all charts are based on the FY 2009-10 appropriation.

Distribution of General Fund by Division



Distribution of Total Funds by Division



**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

DEPARTMENT OVERVIEW

Key Responsibilities

The Division of Criminal Justice has the following responsibilities:

1. 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.
2. 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.
3. 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.
4. Advise and assist law enforcement agencies in Colorado to improve their law enforcement systems and their relationships with other agencies and the statewide system.
5. 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.

- 6. 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 1989-90 through FY 2009-10, the General Fund appropriation to the Division grew by \$40.7 million from \$14.9 million to \$55.6 million. This growth reflects a compound annual growth rate of 6.8 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 05-06	Actual FY 06-07	Actual FY 07-08	Actual FY 08-09	Approp. FY 09-10
Diversion Residential Beds Funded	1,231	1,231	1,306	1,475	1,631
Transition Residential Beds Funded	1,384	1,523	1,597	1,657	1,563
Community Corrections Residential Daily Rates per Bed	\$35.39	\$36.63	\$37.18	\$37.74	\$37.74
Change in Reimbursement Rate	N/A	3.5%	1.5%	1.5%	0.0%
Total Comm. Corr. GF Expend. (includes residential and non-residential)	\$41,414,843	\$46,324,882	\$49,761,910	\$53,163,693	\$55,613,335
Growth of GF Expenditure	N/A	11.9%	7.4%	6.8%	4.6%

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(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.

Decision Item	GF	CF	HUTF	RF	FF	Total	FTE
1 Computer Aided Dispatch, Records Management System, and Mobile Data Computer Asset Maintenance	\$0	\$0	\$2,000,000	\$0	\$0	\$2,000,000	0.0
2 Officer Safety Equipment Package	0	0	278,420	0	0	278,420	0.0
3 Additional Gaming Trooper FTE	0	0	0	469,584	0	469,584	4.0
4 InstaCheck Unit Spending Authority Increase	0	74,976	0	0	0	74,976	0.0
5 E-470 Spending Authority Increase	0	78,511	0	0	0	78,511	0.0
6 Gaming Spending Authority Increase	0	0	0	21,790	0	21,790	0.0
7 Vehicles for Fire Inspectors	0	(12,298)	0	0	0	(12,298)	0.0
8 Additional Fleet Vehicles Division of Criminal Justice. The Department requests two additional fleet vehicles for the Division of Criminal Justice. These vehicles would be used in place of reimbursing staff for mileage expenses. The Department indicates that the additional vehicles are needed for training, monitoring, and technical assistance related travel across the State. The request is funded through reductions in various "Operating Expenses" line items within the Division of Criminal Justice. <i>Statutory authority: Section 24-33.5-503 (e), C.R.S.</i>	(734)	0	0	0	(2,002)	(2,736)	0.0
9 Technical Adjustment to Identification and InstaCheck	(40,602)	40,602	0	0	0	0	0.0

Decision Item	GF	CF	HUTF	RF	FF	Total	FTE
10 Technical Adjustment to Communications Services	0	39,834	4,493	(46,184)	1,857	0	0.0
11 Refinance LEAF to HUTF "Off the Top"	0	0	1,082,980	0	0	1,082,980	0.0
NP-1 Annual Fleet Vehicle Replacements Various. This non-prioritized request reflects adjustments in costs for leased vehicles. Leases are managed on a centralized basis by the Department of Personnel and Administration. Adjustments are addressed by the Committee as part of common policy figure setting. <i>Statutory authority: Section 24-30-1104 (2), C.R.S.</i>	52,015	36,510	1,768,059	48,403	22,606	1,927,593	0.0
NP-2 Statewide Information Technology Staff Consolidation Various. This statewide decision item would transfer 33.0 FTE from various department line items to the Governor's Office of Information Technology. The decision item also reduces \$2,995,631 total funds (including \$1,454,875 General Fund) from department IT-related appropriations and appropriates \$2,698,556 total funds (including \$1,309,389 General Fund) to the following three line items: Management and Administration of OIT, Multiuse Network Payments, and Purchase of Services from Computer Center.	(145,486)	(5,925)	(125,482)	(20,182)	0	(297,075)	(33.0)
Total Change Requests	(\$134,807)	\$252,210	\$5,008,470	\$473,411	\$22,461	\$5,621,745	(29.0)

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

**AUGUST 2009 BASE REDUCTION PRIORITY LIST
Requested FY 2010-11 Annualization of August 24, 2009 Reduction Proposals**

Note: This table includes only those annualized executive orders that affect the sections of the budget covered in this presentation.

Base Reduction	GF	CF	HUTF	RF	FF	Total	FTE
1	(160,489)	0	0	0	0	(160,489)	(2.0)
Community Corrections Discharge Planning							
Division of Criminal Justice. The Department requests a reduction of \$160,489 General Fund and 2.0 FTE to remove the funding for discharge planners. This funding was added in the FY 2009-10 Long Bill to facilitate the proper selection and transfer of offenders with mental health and substance abuse needs from prison into Community Corrections placements. <i>Statutory authority: Sections 17-27-101 through 108 and 18-1.3-301, C.R.S.</i>							
2	(96,229)	0	0	0	0	(96,229)	(0.6)
FTE for Recidivism Reduction Package Research and Evaluation							
Division of Criminal Justice. The Department requests a reduction of \$96,229 General Fund and 0.6 FTE to remove the funding for research staff. This funding was added to conduct research and evaluate the effectiveness of criminal justice programs initiated under the Governor's Crime Prevention and Recidivism Reduction Package. <i>Statutory authority: Section 24-33.5-503, C.R.S.</i>							
3	(25,000)	0	0	0	0	(25,000)	0.0
Community Corrections Boards Administration							
Various. The Department requests a reduction of \$25,000 General Fund for community corrections boards administration. Pursuant to statute, the Department is authorized to allocate up to 5.0 percent of appropriations for community corrections programs to the 23 community corrections boards to offset their administrative costs. Currently, the allocation is set at 4.0 percent. <i>Statutory authority: Section 17-27-108, C.R.S.</i>							
Total	(\$281,718)	\$0	\$0	\$0	\$0	(\$281,718)	(2.6)

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

OVERVIEW OF NUMBERS PAGES

The following table summarizes the total change, in dollars and as a percentage, between the Department's FY 2009-10 appropriation and its FY 2010-11 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 2009-10 to FY 2010-11 (millions of dollars)

Category	GF	CF	HUTF	RF	FF	Total	FTE
FY 2009-10 Appropriation	\$83.2	\$26.0	\$92.8	\$21.2	\$26.6	\$249.8	1,363.4
FY 2010-11 Request	78.2	31.8	99.0	22.0	27.4	258.4	1,337.6
Increase / (Decrease)	(\$5.0)	\$5.8	\$6.2	\$0.8	\$0.8	\$8.6	(25.8)
Percentage Change	-6.0%	22.3%	6.7%	3.8%	3.0%	3.4%	-1.9%

The following table highlights the individual changes contained in the Department's FY 2010-11 budget request, as compared with the FY 2009-10 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 2009-10 to FY 2010-11

Category	GF	CF	HUTF	RF	FF	Total	FTE
Department Base Request							
Adjustment for federal funds	\$0	\$0	\$0	\$0	\$939,997	\$939,997	(2.2)
Restore prior year personal services reduction	27,687	10,103	0	6,974	1,485	46,249	0.0
Annualize Governor's executive orders	(281,718)	0	0	0	0	(281,718)	(2.6)
Indirect cost assessment	0	(5,747)	0	0	(10,441)	(16,188)	0.0
Reduce administration operating budget	(4,307)	0	0	0	0	(4,307)	0.0
Annualize prior year decision items	(586)	0	0	0	(942)	(1,528)	0.2
Subtotal - Base Request	(\$258,924)	\$4,356	\$0	\$6,974	\$930,099	\$682,505	(4.6)

Category	GF	CF	HUTF	RF	FF	Total	FTE
Non-Prioritized Requests							
Statewide IT staff consolidation (DI #NP-2)	(49,440)	0	0	0	0	(49,440)	(1.0)
Subtotal - Non-Prioritized Requests	(\$49,440)	\$0	\$0	\$0	\$0	(\$49,440)	(1.0)
New/Expanded Programs							
Additional fleet vehicles (DI #8)	(3,974)	0	0	0	(10,762)	(14,736)	0.0
Subtotal - New/Expanded Programs	(3,974)	0	0	0	(10,762)	(14,736)	0.0
Total Change	(\$312,338)	\$4,356	\$0	\$6,974	\$919,337	\$618,329	(5.6)

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

BRIEFING ISSUE

ISSUE: Community Corrections Funding Level

The policy of placing 11.5 percent of the inmate population from the Department of Corrections (DOC) in community corrections could be modified to achieve budgetary savings. Modifying the level of funding based on the actual usage of residential versus non-residential transition community corrections beds would achieve this savings.

SUMMARY:

- ❑ To date, the policy objective of placing a higher percentage of the inmate population in community corrections programs has had the intended effect. Funding has been provided to place 11.5 percent of the inmate population in community corrections in FY 2009-10, up from 10.0 percent prior to FY 2004-05. As of October 31, 2009, approximately 11.3 percent of the inmate population was placed in a community corrections program.
- ❑ Community corrections beds provide a less expensive alternative to incarceration. However, offenders are often rejected by community corrections boards for placement into the community because of insufficient funding or a lack of beds.
- ❑ If funding for community corrections programs was adjusted to reflect actual usage for this fiscal year, there may be an opportunity for cost savings. Staff has calculated a potential savings of \$1.8 million if 11.5 percent of the inmate population were placed in community corrections programs in FY 2010-11, with a goal of 4.0 percent of the inmate population in non-residential placements and 7.5 percent of the inmate population in residential placements.

RECOMMENDATION:

A discussion with the Division of Criminal Justice and the Department of Corrections may be useful to determine what the appropriate level of funding should be for community corrections programs.

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 Programs are Less Expensive than Prison. The cost of a community corrections placement is less than the cost of incarceration. The table below summarizes the different cost structures.

Comparison of Offender Supervision Costs					
	Community Corrections Costs		Marginal Prison Costs		
	Residential	Non-residential	Private Prison Bed	Per Offender Medical	Marginal Cost of One Inmate
Base Daily Cost (DOC)	\$12.68	\$29.36	\$52.69	\$4.71	\$57.40
Cost borne by DCJ	<u>\$37.74</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Total Daily Cost	\$50.42	\$29.36	\$52.69	\$4.71	\$57.40
Total Annual Cost	\$18,403	\$10,716	\$19,232	\$1,719	\$20,951

* Cost of a private prison bed does not include any overhead costs attributed to the Department of Corrections, nor does it include transportation or other non-medical expenses. The base costs for the DOC are taken from the FY 2008-09 costs as delineated in the Department of Corrections November 2009 budget request. The medical costs reflect the \$143.27 per offender per month costs included in the FY 2009-10 Long Bill.

Funding Community Corrections Programs Can Reduce Need for Prison Beds. The General Assembly cannot directly control the percentage of offenders who are placed in community corrections programs. This is controlled by the local community corrections boards, based on the available bed space for community corrections offenders. Through its ability to appropriate funds for community corrections residential beds, the General Assembly can, however, have an impact on the number of beds that are available in the community. This can directly impact the number of offenders in community corrections programs. More importantly, if these beds are utilized, it can reduce the need for more expensive prison beds.

Policy for Funding Transition Community Corrections Beds. Prior to FY 2004-05, the JBC provided funding for 10.0 percent of the inmate population to be placed in community corrections programs (6.0 percent in residential and 4.0 percent in non-residential placements).

In recent years, the JBC has approved two policy changes with respect to funding community corrections programs for transition offenders.

1. During the 2004 session, the JBC approved an increase in funding for community corrections. The JBC approved funding to place 11.0 percent of the inmate population in community corrections transition programs. Of this percentage, 6.5 percent were to be placed in residential programs and 4.5 percent were to be placed in non-residential programs (ISP). This increase was based on the backlog of offenders in DOC who were awaiting a community corrections placement, and based on the providers' estimated ability to expand the capacity of residential programs.
2. During the 2006 session, the JBC approved another increase in the community corrections funding. The JBC approved funding to place an *average* 11.25 percent of the inmates in community corrections throughout FY 2006-07. The funding assumed that 11.0 percent of the offenders would be in community corrections placements at the beginning of the year, and 11.5 percent of the inmate population would be in community corrections at year end. At year end, it was estimated that 7.0 percent of the population would be in residential placements (up from 6.5 percent at the beginning of the year), and 4.5 percent would be in non-residential placements (no change throughout the year). For FY 2009-10, the funding has remained at 11.5 percent of the inmate population.

Update on Progress Toward Achieving Transition Community Corrections Targets. The percentage of inmates placed in community corrections programs has increased since the beginning of FY 2006-07. See the table on pages 14 through 16. In addition, the number of inmates in a residential community corrections program is above the goal of 7.0 percent of the DOC inmate population as of November 30, 2009 (at 7.4 percent). However, the number of inmates in a non-residential placement is below the goal of 4.5 percent of the DOC inmate population as of November 30, 2009 (at 3.5 percent).

FY 2003-04 (10% Goal)													
	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Average
Total Inmate Population	18,968	19,080	19,199	19,293	19,318	19,454	19,495	19,501	19,554	19,579	19,573	19,569	19,382
Community	1,106	1,098	1,126	1,157	1,178	1,151	1,233	1,316	1,277	1,254	1,302	1,300	1,208
<u>Community ISP</u>	<u>719</u>	<u>702</u>	<u>682</u>	<u>653</u>	<u>661</u>	<u>696</u>	<u>667</u>	<u>654</u>	<u>639</u>	<u>668</u>	<u>653</u>	<u>673</u>	<u>672</u>
Total Community Population	1,825	1,800	1,808	1,810	1,839	1,847	1,900	1,970	1,916	1,922	1,955	1,973	1,880
Percent in Community (6% goal)	5.8%	5.8%	5.9%	6.0%	6.1%	5.9%	6.3%	6.7%	6.5%	6.4%	6.7%	6.6%	6.2%
<u>Percent in Community ISP (4% goal)</u>	<u>3.8%</u>	<u>3.7%</u>	<u>3.6%</u>	<u>3.4%</u>	<u>3.4%</u>	<u>3.6%</u>	<u>3.4%</u>	<u>3.4%</u>	<u>3.3%</u>	<u>3.4%</u>	<u>3.3%</u>	<u>3.4%</u>	<u>3.5%</u>
Total Percent in Community	9.6%	9.4%	9.4%	9.4%	9.5%	9.5%	9.7%	10.1%	9.8%	9.8%	10.0%	10.1%	9.7%

FY 2004-05 (11% Goal)													
	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Average
Total Inmate Population	19,683	19,822	19,848	19,971	20,077	20,144	20,193	20,249	20,318	20,452	20,538	20,704	20,167
Community	1,272	1,287	1,311	1,299	1,247	1,266	1,234	1,229	1,295	1,295	1,303	1,327	1,280
<u>Community ISP</u>	<u>713</u>	<u>733</u>	<u>735</u>	<u>771</u>	<u>797</u>	<u>796</u>	<u>808</u>	<u>832</u>	<u>826</u>	<u>840</u>	<u>824</u>	<u>823</u>	<u>792</u>
Total Community Population	1,985	2,020	2,046	2,070	2,044	2,062	2,042	2,061	2,121	2,135	2,127	2,150	2,072
Percent in Community (6.5% goal)	6.5%	6.5%	6.6%	6.5%	6.2%	6.3%	6.1%	6.1%	6.4%	6.3%	6.3%	6.4%	6.3%
<u>Percent in Community ISP (4.5% goal)</u>	<u>3.6%</u>	<u>3.7%</u>	<u>3.7%</u>	<u>3.9%</u>	<u>4.0%</u>	<u>4.0%</u>	<u>4.0%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.0%</u>	<u>4.0%</u>	<u>3.9%</u>
Total Percent in Community	10.1%	10.2%	10.3%	10.4%	10.2%	10.2%	10.1%	10.2%	10.4%	10.4%	10.4%	10.4%	10.3%

FY 2005-06 (11% Goal)													
	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Average
Total Inmate Population	20,849	21,051	21,115	21,171	21,212	21,336	21,380	21,407	21,590	21,707	21,834	22,012	21,389
Community	1,358	1,337	1,443	1,357	1,322	1,349	1,330	1,358	1,394	1,453	1,447	1,440	1,382
<u>Community ISP</u>	<u>826</u>	<u>833</u>	<u>831</u>	<u>876</u>	<u>869</u>	<u>901</u>	<u>890</u>	<u>878</u>	<u>895</u>	<u>897</u>	<u>914</u>	<u>888</u>	<u>875</u>
Total Community Population	2,184	2,170	2,274	2,233	2,191	2,250	2,220	2,236	2,289	2,350	2,361	2,328	2,257
Percent in Community (6.5% goal)	6.5%	6.4%	6.8%	6.4%	6.2%	6.3%	6.2%	6.3%	6.5%	6.7%	6.6%	6.5%	6.5%
<u>Percent in Community ISP (4.5% goal)</u>	<u>4.0%</u>	<u>4.0%</u>	<u>3.9%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.2%</u>	<u>4.0%</u>	<u>4.1%</u>
Total Percent in Community	10.5%	10.3%	10.8%	10.5%	10.3%	10.5%	10.4%	10.4%	10.6%	10.8%	10.8%	10.6%	10.6%

FY 2006-07 (11% Goal at Beginning of Year --- 11.5% Goal at Year End --- Avg. 11.25%)													
	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Average
Total Inmate Population	22,072	22,031	22,203	22,277	22,332	22,350	22,395	22,403	22,461	22,511	22,469	22,519	22,335
Community	1,436	1,449	1,441	1,471	1,458	1,421	1,392	1,399	1,450	1,439	1,454	1,476	1,441
<u>Community ISP</u>	<u>897</u>	<u>867</u>	<u>870</u>	<u>868</u>	<u>905</u>	<u>928</u>	<u>910</u>	<u>907</u>	<u>917</u>	<u>906</u>	<u>894</u>	<u>869</u>	<u>895</u>
Total Community Population	2,333	2,316	2,311	2,339	2,363	2,349	2,302	2,306	2,367	2,345	2,348	2,345	2,335
Percent in Community (6.5% to 7.0%)	6.5%	6.6%	6.5%	6.6%	6.5%	6.4%	6.2%	6.2%	6.5%	6.4%	6.5%	6.6%	6.4%
<u>Percent in Community ISP (4.5% goal)</u>	<u>4.1%</u>	<u>3.9%</u>	<u>3.9%</u>	<u>3.9%</u>	<u>4.1%</u>	<u>4.2%</u>	<u>4.1%</u>	<u>4.0%</u>	<u>4.1%</u>	<u>4.0%</u>	<u>4.0%</u>	<u>3.9%</u>	<u>4.0%</u>
Total Percent in Community	10.6%	10.5%	10.4%	10.5%	10.6%	10.5%	10.3%	10.3%	10.5%	10.4%	10.4%	10.4%	10.5%

FY 2007-08 (11.25% Goal)													
	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Average
Total Inmate Population	22,491	22,584	22,586	22,673	22,796	22,735	22,814	22,862	22,993	23,047	23,049	22,989	22,802
Community	1,529	1,555	1,540	1,517	1,504	1,520	1,523	1,491	1,487	1,463	1,468	1,491	1,507
<u>Community ISP</u>	<u>876</u>	<u>889</u>	<u>904</u>	<u>934</u>	<u>962</u>	<u>963</u>	<u>943</u>	<u>940</u>	<u>941</u>	<u>976</u>	<u>964</u>	<u>966</u>	<u>938</u>
Total Community Population	2,405	2,444	2,444	2,451	2,466	2,483	2,466	2,431	2,428	2,439	2,432	2,457	2,446
Percent in Community (6.75%)	6.8%	6.9%	6.8%	6.7%	6.6%	6.7%	6.7%	6.5%	6.5%	6.3%	6.4%	6.5%	6.6%
<u>Percent in Community ISP (4.5% goal)</u>	<u>3.9%</u>	<u>3.9%</u>	<u>4.0%</u>	<u>4.1%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.1%</u>
Total Percent in Community	10.7%	10.8%	10.8%	10.8%	10.8%	10.9%	10.8%	10.6%	10.6%	10.6%	10.6%	10.7%	10.7%

FY 2008-09 (11.5% Goal)													
	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Average
Total Inmate Population	22,995	23,072	23,066	23,160	23,184	23,144	23,147	23,099	23,152	23,179	23,117	23,186	23,125
Community	1,466	1,525	1,566	1,602	1,624	1,659	1,683	1,707	1,715	1,745	1,753	1,698	1,645
<u>Community ISP</u>	<u>906</u>	<u>900</u>	<u>916</u>	<u>912</u>	<u>897</u>	<u>891</u>	<u>856</u>	<u>841</u>	<u>825</u>	<u>829</u>	<u>827</u>	<u>799</u>	<u>867</u>
Total Community Population	2,372	2,425	2,482	2,514	2,521	2,550	2,539	2,548	2,540	2,574	2,580	2,497	2,512
Percent in Community (7.0%)	6.4%	6.6%	6.8%	6.9%	7.0%	7.2%	7.3%	7.4%	7.4%	7.5%	7.6%	7.3%	7.1%
<u>Percent in Community ISP (4.5% goal)</u>	<u>3.9%</u>	<u>3.9%</u>	<u>4.0%</u>	<u>3.9%</u>	<u>3.9%</u>	<u>3.8%</u>	<u>3.7%</u>	<u>3.6%</u>	<u>3.6%</u>	<u>3.6%</u>	<u>3.6%</u>	<u>3.4%</u>	<u>3.7%</u>
Total Percent in Community	10.3%	10.5%	10.8%	10.9%	10.9%	11.0%	11.0%	11.0%	11.0%	11.1%	11.2%	10.8%	10.9%

	FY 2009-10 (11.5% Goal)												
	Jul-09	Aug-09	Sep-09	Oct-09	Nov-09	Dec-09	Jan-10	Feb-10	Mar-10	Apr-10	May-10	Jun-10	Average
Total Inmate Population	23,220	23,178	23,122	22,922	22,696								23,028
Community	1,731	1,776	1,775	1,776	1,687								1,749
<u>Community ISP</u>	<u>824</u>	<u>827</u>	<u>808</u>	<u>808</u>	<u>801</u>								<u>814</u>
Total Community Population	2,555	2,603	2,583	2,584	2,488								2,563
Percent in Community (7.0%)	7.5%	7.7%	7.7%	7.7%	7.4%								7.6%
<u>Percent in Community ISP (4.5% goal)</u>	<u>3.5%</u>	<u>3.6%</u>	<u>3.5%</u>	<u>3.5%</u>	<u>3.5%</u>								<u>3.5%</u>
Total Percent in Community	11.0%	11.2%	11.2%	11.3%	11.0%								11.1%

Policy for Funding Diversion Community Corrections Beds. The number of diversion slots funded has not kept up with the growth in the overall inmate population until the recent flattening of the inmate growth. The number of diversion slots funded over the past 15 years and the number of DOC inmates are summarized in the following table.

Summary of Funded Diversion Placements				
Fiscal Year	Residential	Non-Residential	Total Diversion Slots	Year-End Inmate Population
FY 1995-96	715	800	1,515	11,577
FY 1996-97	790	800	1,590	12,590
FY 1997-98	1,022	1,024	2,046	13,663
FY 1998-99	1,022	1,024	2,046	14,726
FY 1999-00	1,248	1,160	2,408	15,999
FY 2000-01	1,310	1,230	2,540	16,833
FY 2001-02	1,262	1,230	2,492	18,045
FY 2002-03	1,182	1,230	2,412	18,846
FY 2003-04	1,231	1,230	2,461	19,569
FY 2004-05	1,231	1,230	2,461	20,704
FY 2005-06	1,231	1,230	2,461	22,012
FY 2006-07	1,231	1,230	2,461	22,519
FY 2007-08	1,306	1,230	2,536	22,989
FY 2008-09	1,475	1,230	2,705	23,186
FY 2009-10	1,631	1,230	2,861	22,633 *
Change over 15-year Period				
Total Percent Change	128.1%	53.8%	88.8%	95.5%
Avg. Annual % Change	5.7%	2.9%	4.3%	4.6%
Change over Last 5 years				
Total Percent Change	32.5%	0.0%	16.3%	2.8%
Avg. Annual % Change	5.8%	0.0%	3.1%	0.6%

* The FY 2009-10 year-end inmate population figure reflects the December 2009 Legislative Council Staff projection.

Opportunity for Adjusting Community Corrections Placements. Staff believes there may be an opportunity to expand community corrections placements and therefore reduce state costs by lowering the need for prison beds. However, it is staff's understanding that both the Department and providers feel that the community corrections programs have reached their current capacity. In fact, it appears that diversion placements are being underutilized and transition placements overutilized in relation to their respective funding levels. In addition, it is staff's understanding that transition residential community corrections placements are being utilized to a greater degree than their funded level while transition non-residential community corrections placements are being utilized to a lesser degree than their funded level. Therefore, staff believes that the funding level for transition community corrections placements should be adjusted to more closely reflect the actual usage between residential and non-residential.

The following table summarizes the hypothetical savings that could be realized if the current funded level of 11.5 percent of the inmate population were placed in community corrections programs in FY 2010-11, with an adjusted goal of 4.0 percent of the inmate population in community ISP (non-residential) placements and 7.5 percent of the inmate population in residential placements.

Hypothetical Savings If Adjusted Percentage of Inmates Were Placed in Community Transition Programs in FY 2010-11					
	Current Funded Slots	Change in Slots	Additional Cost	Savings	Net Savings
Residential	1,563	139	\$0	\$0	\$0
Community ISP	1,075	(167)	\$0	(\$1,791,287)	(\$1,791,287)
Total	2,638	(28)	\$0	(\$1,791,287)	(\$1,791,287)
*Based on funding 4.0 percent of the inmate population in community ISP placements and 7.5 percent of the inmate population in residential placements. Staff has not shown any additional cost or savings for adding residential transition placements because it is assumed this funding would come from currently underutilized diversion funding.					

In comparison, the number of diversion community corrections placements (both residential and non-residential) has remained fairly consistent with the overall growth in the DOC inmate population, given the flattening of the inmate population growth. Although the number of residential diversion slots has increased at a greater rate than the growth in the inmate population, the number of non-residential diversion slots has not changed in the last 10 years. However, because these non-residential placements are not assumed to create savings in the same way that residential placements are, it is unlikely that additional non-residential slots will be requested.

**FY 2010-11 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 community corrections funding to local community corrections boards, a backlog of inmates awaiting community corrections programs still exists in the Department of Corrections (DOC).

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 hampering the boards from accepting offenders above their allocation level.
- ❑ Despite the efforts of the open allocation method for community corrections funding, a backlog of 347 inmates who have been approved for a community corrections placement were in prison awaiting a placement in the community (1.5 percent of the inmate population). Generally, these inmates have been approved by a community corrections board whose local programs do not have vacant placements available. In addition, community corrections boards in other locales are typically hesitant to accept inmates that are not from their jurisdiction or paroling to it.
- ❑ 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.
- ❑ In order to encourage and facilitate the increased utilization of community corrections beds, the following options could be considered by the Committee: (1) standardize community corrections boards' criteria for accepting offenders; (2) regionalize community corrections boards; and (3) transfer community corrections boards administration to DOC and the Judicial Branch.

RECOMMENDATION:

A discussion with the Division of Criminal Justice and the Department of Corrections may be useful to determine what steps should be taken to reduce the backlog of offenders awaiting a community corrections placement.

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 appropriations for community corrections programs to the 23 community corrections boards to offset their administrative costs. Pursuant to the provision of S.B. 03-177, the maximum reimbursement rate for the 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.

Backlog of Offenders Still Exists. According to the Department of Corrections, 347 DOC inmates (approximately 1.5 percent of the total inmate population) in prison have been approved for placement and are awaiting an available community placement (compared to 385 one year ago). This would suggest that it would be feasible to place an even higher number of inmates in community placements, if bed capacity existed for those offenders. According to the Department of Corrections, this backlog exists, in part, because of a shortage of beds in certain jurisdictions.

Policy Options to Increase the Use of Community Corrections Placements. Because of the backlog of offenders awaiting a community corrections placement, staff believes that it would be useful for the JBC to discuss strategies for potentially increasing the use of community corrections with the Division of Criminal Justice and the Department of Corrections. Staff provides the following options for the Committee to consider:

- *Standardize community corrections boards' criteria for accepting offenders.* As mentioned, each community corrections board has its own procedures and criteria for accepting community corrections placements. However, a majority of offenders are approved for community corrections placements without ever being reviewed by the full board. Instead, they are approved by the community corrections boards' administrative staff through a set of criteria established by each board. Staff believes that if these criteria were standardized across each jurisdiction, a majority of offenders could be approved and transferred by either the Department of Corrections (transition) or the Judicial Branch (diversion) without the need for an administrative review by board staff. Currently, community corrections placements can be delayed anywhere between two to four weeks during the board review process. Eliminating the need for this review would likely speed up the placement process, thus saving money for the State and counties by removing these offenders from state prisons and county jails.
- *Regionalize community corrections boards.* Currently, there are 23 community corrections boards throughout the State. One issue that is often reported is that community corrections boards that surround the Denver metro area are hesitant to accept offenders who will be paroling to Denver County. Generally, this is due to not wanting to risk local public safety for an offender who is eventually not going to parole to their jurisdiction. Staff believes that a more regional system would increase the acceptance rate for offenders in metro areas. In addition, staff believes that a regional system better replicates current societal norms. For example, someone may live in Arapahoe County but work in Denver County; however, the community corrections board serving Arapahoe County may reject an offender who plans to parole to Denver County because of the jurisdictional difference. Also, other state departments use a regional system for criminal justice. For example, the Division of Youth Corrections within the Department of Human Services uses a regional system that divides the State into four regions (central, northeast, southern, and western).

- *Transfer community corrections boards' administration funding to DOC and Judicial.* Currently, each of the 23 community corrections boards has between one and three dedicated staff to perform the administrative functions associated with reviewing files for placement. In FY 2009-10, the General Assembly appropriated \$1,952,062 General Fund for community corrections boards administration. Although the local staff likely have more intimate knowledge of the practices and procedures of each community corrections board, staff believes they may also provide an additional layer of communication between the community corrections board and the Department of Corrections or the Judicial Branch that may not be necessary. If all or a portion of this money were allocated to DOC and Judicial, it might make the process for community corrections placement more efficient and thus less costly.

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
 Department of Public Safety
 (Division of Criminal Justice)**

APPENDIX A: NUMBERS PAGES

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	
	Actual	Actual	Appropriated	Request	Change Requests

DEPARTMENT OF PUBLIC SAFETY
Executive Director: Peter A. Weir
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 correction contracts for both diversion and transition placements.)

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
(A) Administration					
Personal Services	2,122,256	2,345,469	2,639,699	2,476,107	NP-2, Aug #1, Aug #2
FTE	<u>26.7</u>	<u>30.7</u>	<u>33.6</u>	<u>30.2</u>	
General Fund	1,197,587	1,453,749	1,611,924	1,429,770	
FTE	14.5	19.2	22.8	19.4	
Cash Funds	376,979	553,349	570,780	580,883	
FTE	5.7	7.3	7.6	7.6	
Reappropriated Funds	459,667	259,646	376,769	383,743	
FTE	5.5	3.0	1.9	1.9	
Federal Funds	88,023	78,725	80,226	81,711	
FTE	1.0	1.2	1.3	1.3	
Operating Expenses	<u>201,260</u>	<u>222,493</u>	<u>267,323</u>	<u>220,710</u>	DI #8, Aug #1, Aug #2
General Fund	137,508	147,565	192,238	142,385	
Cash Funds	26,037	35,102	35,257	35,257	
Reappropriated Funds	33,338	35,451	35,451	35,451	
Federal Funds	4,377	4,375	4,377	7,617	
FTE	0.0	0.0	0.0	0.0	
Recidivism Reduction and Offender Diversion Package Contract Analysis - GF	133,905	49,796	50,000	0	Aug #2
FTE	0.0	0.0	0.0	0.0	
Indirect Cost Assessment	<u>570,030</u>	<u>521,734</u>	<u>674,972</u>	<u>658,784</u>	
Cash Funds	57,393	64,280	70,124	64,377	
Reappropriated Funds	7,817	0	0	0	
Federal Funds	504,820	457,454	604,848	594,407	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
					Request vs. Appropriation
TOTAL - (A) ADMINISTRATION	3,027,451	3,139,492	3,631,994	3,355,601	-7.6%
FTE	<u>26.7</u>	<u>30.7</u>	<u>33.6</u>	<u>30.2</u>	
General Fund	1,469,000	1,651,110	1,854,162	1,572,155	-15.2%
Cash Funds	460,409	652,731	676,161	680,517	0.6%
Reappropriated Funds	500,822	295,097	412,220	419,194	1.7%
Federal Funds	597,220	540,554	689,451	683,735	-0.8%
(B) Victims Assistance					
Federal Victims Assistance and Compensation Grants - FF	8,938,836	9,704,143	9,560,000	9,998,833	DI #8
State Victims Assistance and Law Enforcement Program	<u>871,767</u>	<u>1,245,009</u>	<u>1,250,000</u>	<u>1,250,000</u>	
Cash Funds	834,916	1,201,849	1,250,000	1,250,000	
Reappropriated Funds	36,851	43,160	0	0	
Child Abuse Investigation - CF	0	0	317,725	317,725	
FTE	0.0	0.0	0.4	0.4	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
					Request vs. Appropriation
TOTAL - (B) VICTIMS ASSISTANCE	9,810,603	10,949,152	11,127,725	11,566,558	3.9%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	834,916	1,201,849	1,567,725	1,567,725	0.0%
Reappropriated Funds	36,851	43,160	0	0	N/A
Federal Funds	8,938,836	9,704,143	9,560,000	9,998,833	4.6%
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements - FF	825,650	847,821	750,000	866,249	DI #8
Juvenile Diversion Programs - GF	1,239,596	1,216,094	1,241,851	1,241,851	
FTE	0.0	0.7	0.9	0.9	
					Request vs. Appropriation
TOTAL - (C) JUVENILE JUSTICE	2,065,246	2,063,915	1,991,851	2,108,100	5.8%
FTE	0.0	0.7	0.9	0.9	
General Fund	1,239,596	1,216,094	1,241,851	1,241,851	0.0%
Federal Funds	825,650	847,821	750,000	866,249	15.5%
(D) Community Corrections					
Community Corrections Boards Administration - GF	1,746,231	1,879,976	1,952,062	1,927,062	Aug #3

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
Incentive Funds for Low-Risk Providers - GF	n/a	0	0	0	
Transition Programs - GF	21,401,750	23,257,880	22,770,240	22,770,240	
Diversion Programs - GF	21,978,322	22,111,450	24,765,812	24,765,812	
Transition Mental Health Bed Differential GF	501,173	860,914	1,024,446	1,024,446	
Diversion Mental Health Bed Differential GF	93,621	236,587	241,046	241,046	
Specialized Services - GF	51,050	60,294	55,000	55,000	
John Eachon Re-Entry Program - GF	188,156	289,080	144,540	144,540	
Day Reporting Center - GF	564,713	488,789	0	0	
Substance Abuse Treatment Program	<u>940,660</u>	<u>1,001,064</u>	<u>1,323,614</u>	<u>1,323,614</u>	
General Fund	206,863	395,355	523,410	523,410	
Cash Funds	637,662	539,667	800,204	800,204	
Reappropriated Funds	96,135	66,042	0	0	
Outpatient Therapeutic Community Programs - GF	n/a	388,731	505,627	505,627	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	n/a	n/a	197,392	197,392	
IRT Pilot Project - CF	n/a	n/a	194,076	194,076	
					Request vs. Appropriation
TOTAL - (D) COMMUNITY					
CORRECTIONS	<u>47,465,676</u>	<u>50,574,765</u>	<u>53,173,855</u>	<u>53,148,855</u>	0.0%
General Fund	46,731,879	49,969,056	52,179,575	52,154,575	0.0%
Cash Funds	637,662	539,667	994,280	994,280	0.0%
Reappropriated Funds	96,135	66,042	0	0	N/A
(E) Crime Control and System Improvement					
State and Local Crime Control and System Improvement Grants - FF	3,655,570	2,661,403	5,000,000	4,998,833	DI #8
Sex Offender Surcharge Fund Program - CF	116,242	125,764	153,325	153,325	
FTE	1.5	1.2	1.5	1.5	
Sex Offender Supervision - GF	321,435	327,433	337,747	332,416	DI #8
FTE	3.2	3.1	3.2	3.2	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	Change Requests
Treatment Provider Criminal Background					
Checks	10,453	13,100	49,950	49,950	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	10,453	13,100	49,950	49,950	
Reappropriated Funds	0	0	0	0	
Colorado Regional Community Policing					
Institute	137,220	341,229	775,246	575,999	DI #8
FTE	<u>2.3</u>	<u>2.3</u>	<u>6.2</u>	<u>4.0</u>	
Reappropriated Funds	9,170	12,830	376,816	376,816	
FTE	0.1	0.1	2.5	2.5	
Federal Funds	128,050	328,399	398,430	199,183	
FTE	2.2	2.2	3.7	1.5	
Federal Grants - non-appropriated	4,506,338	4,229,006	3,726,573	4,296,958	DI #8
FTE	<u>14.6</u>	<u>11.8</u>	<u>17.5</u>	<u>17.5</u>	
Reappropriated Funds	59,116	37,642	0	0	
Federal Funds	4,447,222	4,191,364	3,726,573	4,296,958	
Lifesaver Project Grants - CF	53,015	75,243	0	0	
FTE	0.1	0.1	0.0	0.0	
Criminal Justice Training Fund - CF	35,607	38,201	139,488	139,488	
FTE	0.0	0.0	0.5	0.5	
MacArthur Foundation Grant - CF	9,158	76,425	200,000	200,000	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	Change Requests
	Actual	Actual	Appropriated	Request	
Methamphetamine Abuse Task Force Fund - CF	10,122	14,969	43,739	43,739	Request vs. Appropriation
TOTAL - (E) CRIME CONTROL	8,855,160	7,902,773	10,426,068	10,790,708	3.5%
FTE	<u>21.7</u>	<u>18.5</u>	<u>29.5</u>	<u>27.3</u>	
General Fund	321,435	327,433	337,747	332,416	-1.6%
Cash Funds	234,597	343,702	586,502	586,502	0.0%
Reappropriated Funds	68,286	50,472	376,816	376,816	0.0%
Federal Funds	8,230,842	7,181,166	9,125,003	9,494,974	4.1%
					Request vs. Appropriation
DEPARTMENT OF PUBLIC SAFETY, (4) DIVISION OF CRIMINAL JUSTICE					
TOTAL	71,224,136	74,630,097	80,351,493	80,969,822	0.8%
FTE	<u>48.4</u>	<u>49.2</u>	<u>64.4</u>	<u>58.8</u>	
General Fund	49,761,910	53,163,693	55,613,335	55,300,997	-0.6%
Cash Funds	2,167,584	2,737,949	3,824,668	3,829,024	0.1%
Reappropriated Funds	702,094	454,771	789,036	796,010	0.9%
Federal Funds	18,592,548	18,273,684	20,124,454	21,043,791	4.6%

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

**FY 2010-11 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

APPENDIX B: SUMMARY OF MAJOR LEGISLATION

- **H.B. 09-1022 (Solano/Boyd): Recidivism Reduction Grant Program.** Creates a recidivism reduction grant program within the Division of Criminal Justice. Specifies that the grant program is to provide three-year implementation grants for programs to reduce recidivism for individuals with mental illness who have been involved in the criminal justice system. Allows a county government or a collaboration among a group of counties to apply for the grants by filling out an application with information on the strategies, goals, and outcomes of the program as well as information on costs and how the grant funding will be used. Specifies that funding for the program shall not exceed \$600,000 over three years and individual grants will not exceed \$100,000 per applicant in a year or \$200,000 per applicant over three years. The grant program is funded through gifts, grants, and donations.

- **H.B. 09-1181 (McCann/Foster): Victim Statement Community Corrections.** Authorizes a victim to make a statement at the community corrections board hearing concerning an offender's placement in community corrections. Removes the community corrections board's discretion as to whether the victim may make a statement or not.

**FY 2009-10 Joint Budget Committee Staff Budget Briefing
Department of Public Safety
(Division of Criminal Justice)**

**APPENDIX C: UPDATE OF FY 2008-09
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 2010-11:

- \$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 2010-11:

- \$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, Administration, Recidivism Reduction and Offender Diversion Package Contract Analysis -- The appropriation for this line item is intended to fund a contract analysis of the Governor's Recidivism Reduction and Offender Diversion Package funded by the General Assembly in 2007. Any portion of the appropriation in this line item that is not expended prior to July 1, 2010, shall be rolled forward for expenditure in FY 2010-11.

Comment: The Department has not indicated to staff any concerns with the FY 2009-10 appropriation for this line item.

56 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 2008-09, the most recent year for which data is available, the Department reported that the average contribution was \$10.52 for residential diversion programs and \$12.15 for residential transition programs. No figures were provided for non-residential programs.

47 Department of Public Safety, Division of Criminal Justice, Community Corrections -- It is the intent of the General Assembly that the Division of Criminal Justice review its allocations of community corrections funding to judicial districts on a monthly basis to determine the utilization of community corrections beds. It is further the intent of the General Assembly that the Division of Criminal Justice adjust its allocations to judicial districts monthly based on the review of utilization rates, and when appropriate, re-allocate funding to allow maximum use of community corrections beds.

Comment: The Governor vetoed this footnote indicating that it violates the separation of powers by attempting to administer the appropriation. However, the Governor directed the Department to comply to the extent feasible.

48 Department of Public Safety, Division of Criminal Justice, Community Corrections --
It is the intent of the General Assembly that the appropriations for transition and diversion community corrections beds first restore reductions made in FY 2008-09 for intensive residential treatment community corrections beds. It is further the intent of the General Assembly that the intensive residential treatment pilot program be designed for the San Luis Valley community corrections facility.

Comment: The Governor vetoed this footnote indicating that it violates the separation of powers by attempting to administer the appropriation. However, the Governor directed the Department to comply to the extent feasible.

Requests for Information

The Division of Criminal Justice did not have any Requests for Information for FY 2009-10.