

# **COLORADO GENERAL ASSEMBLY**

## **JOINT BUDGET COMMITTEE**



### **FY 2008-09 STAFF BUDGET BRIEFING DEPARTMENT OF PUBLIC SAFETY DIVISION OF CRIMINAL JUSTICE**

**JBC Working Document - Subject to Change  
Staff Recommendation Does Not Represent Committee Decision**

**Prepared By:  
Patrick Brodhead, JBC Staff  
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**For Further Information Contact:**

**Joint Budget Committee Staff  
200 E. 14th Avenue, 3rd Floor  
Denver, Colorado 80203  
Telephone: (303) 866-2061  
Facsimile: (303) 866-2150  
(TDD 866-3472)**

**FY 2008-09 Joint Budget Committee Staff Budget Briefing  
DEPARTMENT OF PUBLIC SAFETY:  
DIVISION OF CRIMINAL JUSTICE**

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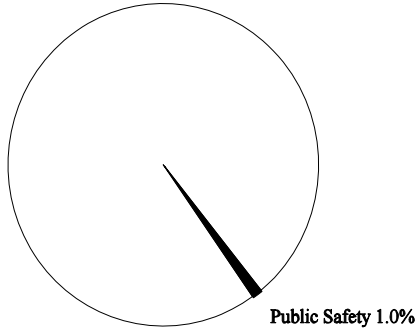
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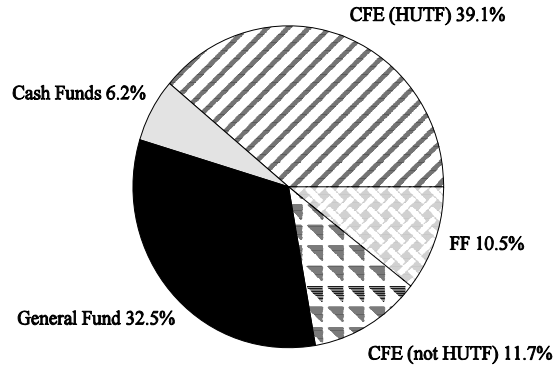
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**FY 2008-09 Joint Budget Committee Staff Budget Briefing  
DEPARTMENT OF PUBLIC SAFETY  
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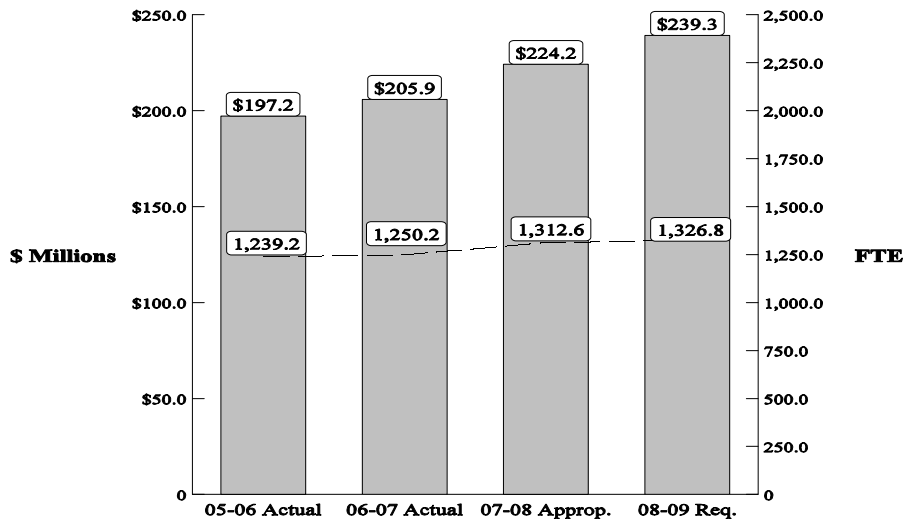
**Share of State General Fund  
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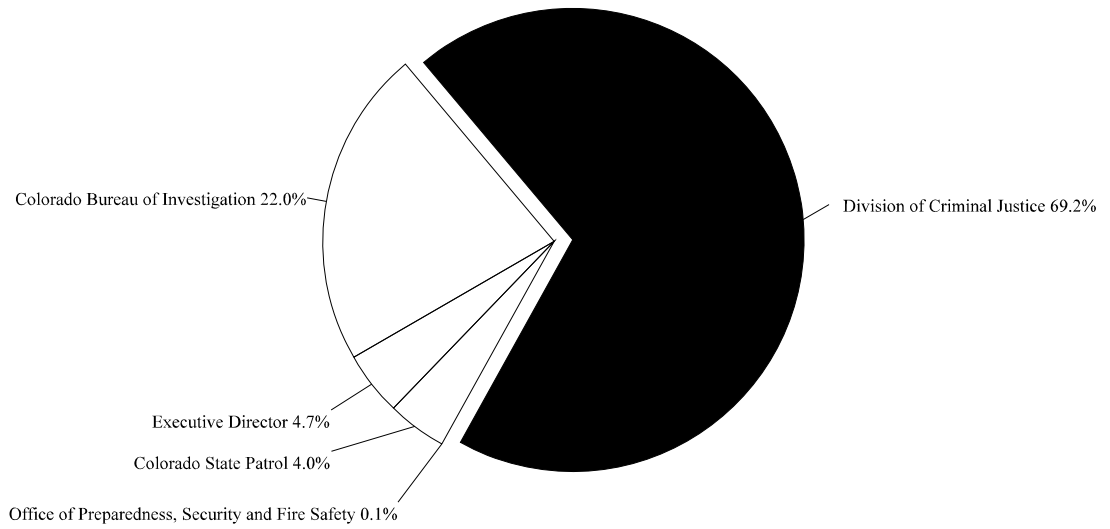
**BUDGET HISTORY**



**FY 08-09 Joint Budget Committee Staff Budget Briefing  
DEPARTMENT OF PUBLIC SAFETY:  
DIVISION OF CRIMINAL JUSTICE**

**OVERVIEW**

**Department of Public Safety: General Fund by Division  
FY 2007-08 Appropriation (\$72.8 million)**



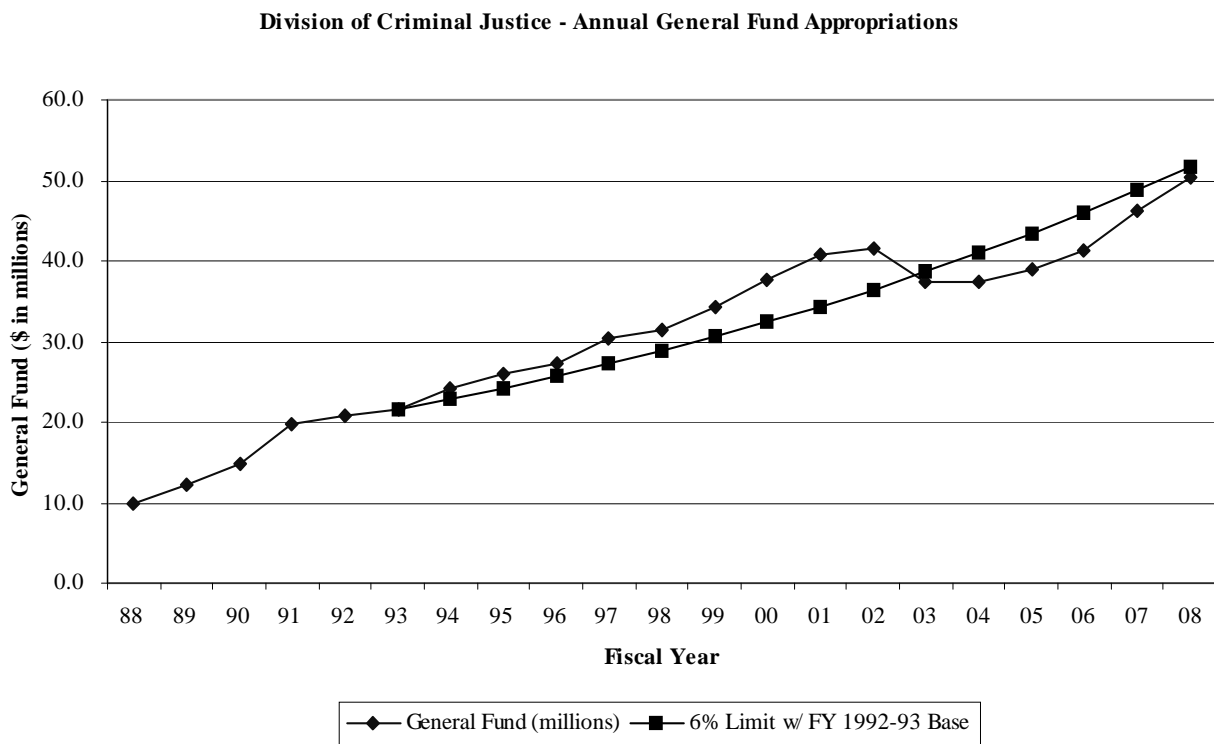
## Key Responsibilities

1. The Division of Criminal Justice has the following key responsibilities with regard to community corrections contracts:
  - 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. From FY 1987-88 through FY 2007-08, the General Fund appropriation to the Division grew by \$40.5 million from \$9.8 million to \$50.3 million. This growth reflects a compound annual growth rate of 8.5 percent over the 20-year period. During the 15 years since the 6.0 percent limit on General Fund appropriations was established, General Fund appropriations to the Division have grown at a compound annual rate of 5.8 percent.

The following graph depicts the annual General Fund appropriations to the Division of Criminal Justice for the past 20 years. From FY 1992-93, the graph also contains a hypothetical line that demonstrates the growth that would have occurred had General Fund appropriations to the Division grown at a rate of 6.0 percent per year.



### Community Corrections - Residential Placements

The primary factor driving the Division of Criminal Justice's budget is the need for, availability of, and cost of community corrections beds. There are two types of residential placements, diversion

and transition. Diversion placements are for offenders sentenced directly to community corrections by the Judicial Department. 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:

	<b>Actual FY 03-04</b>	<b>Actual FY 04-05</b>	<b>Actual FY 05-06</b>	<b>Actual FY 06-07</b>	<b>Approp. FY 07-08</b>
Diversion Residential Beds Funded	1,231	1,231	1,231	1,231	1,231
Transition Residential Beds Funded	1,183	1,310	1,384	1,523	1,597
Community Corrections Residential Daily Rates per Bed	\$34.70	\$34.70	\$35.39	\$36.63	\$37.18
Change in Reimbursement Rate	N/A	0.0%	2.0%	3.5%	1.5%
Total Comm. Corr. GF Expend. (includes residential and non-residential)	\$35,982,499	\$37,670,993	\$41,414,843	\$46,364,383	\$50,335,703
Growth of GF Expenditure	N/A	4.7%	9.9%	12.0%	8.6%

## Major Funding Changes FY 2006-07 to FY 2007-08

The following table summarizes the budgetary changes from last fiscal year to the current fiscal year. A detailed description of the each of the changes can be found after the table.

	Total Funds	General Fund	Cash Funds	Cash Funds Exempt	Federal Funds	FTE
<b>FY 2006-07 Appropriation</b>	<b>\$80,290,606</b>	<b>\$47,484,281</b>	<b>\$2,351,945</b>	<b>\$1,012,677</b>	<b>\$29,441,703</b>	<b>60.7</b>
Caseload increase for community corrections transition programs	1,027,730	1,027,730	0	0	0	0.0
Caseload increase for community corrections diversion programs	924,506	924,506	0	0	0	0.0
1.5 percent provider rate increase for community corrections providers	707,140	695,546	11,594	0	0	0.0
Increase 45 trans. mental health beds	562,833	562,833	0	0	0	0.0
Specialized community corrections diversion programs	223,939	119,995	0	103,944	0	0.0
Increase for Office of Research Statistics	200,000	420,217	0	(35,438)	(184,779)	0.0
Annualize H.B. 06-1058 (Crimes Against Child)	132,000	0	132,000	0	0	(0.1)
Leap year adjustment	128,334	127,239	1,095	0	0	0.0
H.B. 07-1263 (Training Fee Auth.)	116,240	0	116,240	0	0	0.0
H.B. 07-1358 (Commission on Crime)	92,657	92,657	0	0	0	1.0
Community corrections sanctions and incentives model development	82,240	82,240	0	0	0	1.5
Annualize salary increases awarded in FY 2006-07	65,733	31,117	14,443	16,918	3,255	0.0
H.B. 07-1057 (Juv. Just. Family Adv.)	38,503	0	0	38,503	0	0.0
Reduction in federal funds	(11,737,302)	0	0	0	(11,737,302)	(2.2)
Eliminate one-time funding	(1,200,000)	(1,200,000)	0	0	0	0.0
Change in indirect cost assessment	(55,982)	0	8,840	(14,689)	(50,133)	0.0
Base reduction	<u>(13,843)</u>	<u>(5,443)</u>	<u>(2,565)</u>	<u>(4,595)</u>	<u>(1,240)</u>	<u>0.0</u>
<b>FY 2007-08 Appropriation</b>	<b>\$71,585,334</b>	<b>\$50,362,918</b>	<b>\$2,633,592</b>	<b>\$1,117,320</b>	<b>\$17,471,504</b>	<b>60.9</b>
<b>Increase/(Decrease)</b>	<b>(\$8,705,272)</b>	<b>\$2,878,637</b>	<b>\$281,647</b>	<b>\$104,643</b>	<b>(\$11,970,199)</b>	<b>0.2</b>
Percentage Change	(10.8)%	6.1%	12.0%	10.3%	(40.7)%	0.3%



**Caseload increase for community corrections transition programs:** The appropriation includes funding for 74 additional residential community corrections transition placements based on the anticipated increase in the prison population using the December 2006 Legislative Council Staff inmate population projections. The appropriation assumes 6.75 percent of the inmate population will be placed in a community corrections program.

**Caseload increase for community corrections diversion programs:** The appropriation includes funding for 66 additional residential community corrections diversion placements.

**1.5 percent provider rate increase:** The appropriation includes funding for a 1.5 percent increase for community corrections providers.

**Increase in transition mental health beds:** The appropriation adds \$269,989 to pay for 45 additional community corrections beds that specialize in mental health treatment for transition offenders for 180 days. The appropriation also adds \$292,844 for the Joan Eachon Re-entry Program, a 15-bed residential community corrections program that provides intensive mental health services for offenders transitioning from prison.

**Specialized community corrections diversion programs:** The appropriation includes \$119,995 General Fund for a mental health differential payment for diversion community corrections programs for 20 offenders. The appropriation also includes \$103,944 cash funds exempt (reserves in the Drug Offender Surcharge Fund) for a cost differential payment for 20 diversion offenders to be placed in a therapeutic community for enhanced substance abuse treatment.

**Increase for Office of Research and Statistics:** The appropriation includes \$200,000 General Fund to study the impact of the Governor's Recidivism Reduction and Offender Diversion Package. The appropriation also includes an increase of \$220,217 General Fund to offset a reduction in federal funds and indirect cost recoveries from federal funds that were previously used to support the Office of Research Statistics to conduct research required by state law.

**Annualize H.B. 06-1058:** The appropriation includes an increase of \$132,000 cash funds (Child Abuse Investigation Surcharge Fund) and a reduction of 0.1 FTE for the second year impact of H.B. 06-1058, which provides funding for training and multi-disciplinary teams to provide intervention services for victims of child abuse.

**Leap year adjustment:** The appropriation includes increases for a leap year adjustment for community corrections providers that are paid on a per-offender per-day basis.

**Community corrections sanctions and incentives model development:** The appropriation includes \$82,240 General Fund to support 1.5 FTE to develop a community corrections incentives and sanctions model. This model will create a mechanism to reimburse high performing community corrections programs at a higher reimbursement rate than low performing programs.

**Annualize salary increases awarded in FY 2006-07:** The appropriation includes funds to annualize salary increases awarded in FY 2006-07.

**Reduction in federal funds:** The appropriation reflects a reduction of federal funds based on the amount of federal funds that the Division of Criminal Justice estimates receiving in FY 2007-08.

**Eliminate one-time funding:** The appropriation includes a reduction of \$1,200,000 General Fund for community corrections diversion beds that were funded on a one-time basis in FY 2006-07.

**Change in indirect costs:** The appropriation includes an adjustment for indirect cost assessments.

**Base reduction:** The appropriation reflects a reduction of \$13,843 total funds for a 0.5 percent personal services reduction.

**FY 2008-09 Joint Budget Committee Staff Budget Briefing**  
**DEPARTMENT OF PUBLIC SAFETY (Shaded items relate to areas covered in this briefing packet)**  
**Decision Item Priority List**

<b>Priority</b>	<b>Division: Description</b> <i>[Statutory Authority]</i>	<b>GF</b>	<b>CF</b> <i>[Source]</i>	<b>CFE</b> <i>[Source]</i>	<b>HUTF</b>	<b>FF</b> <i>[Source]</i>	<b>TOTAL</b>	<b>FTE</b>
1	<b>Office of Preparedness, Security, and Fire Safety</b>  Provide funding for the Safe2Tell Director position, previously paid by independent grant. The Department is projecting an increase of \$102,554 (GF) and 1.0 FTE in FY 2009-10.  <i>[Sections 16-15.8-101 through 104 and 22-1-126, C.R.S.]</i>	\$97,186	\$0	\$0	\$0	\$0	\$97,186	0.9
2	<b>Colorado Bureau of Investigation</b>  Increase latent print analysis staff within the CBI Laboratory Services Section. The Department is projecting an increase of \$269,042 (GF) and 3.0 FTE for FY 2009-10.  <i>[Sections 24-33.5-412 (a) and (c), C.R.S.]</i>	268,036	0	0	0	0	268,036	3.0

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3	<b>Colorado Bureau of Investigation</b> Consolidate Laboratory Services and Investigative Services Long Bill line items. Request would create "Laboratory and Investigative Services" personal services and operating line items. The Department does not project an increase or decrease in funding as a result of the change.  <i>[Section 24-33.5-412, C.R.S.]</i>	0	0	0	0	0	0	0.0
4	<b>Colorado State Patrol</b> Provide funding for seven additional troopers and three additional dispatchers (10.0 total FTE) as part of the CSP Traffic Safety Improvement Plan. The Department projects an increase of \$730,281 (CFE) and 10.0 FTE in FY 2009-10.  <i>[Section 24-33.5-203, C.R.S.]</i>	0	0	0	928,180	0	928,180	10.0

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5	<b>Division of Criminal Justice</b>  Increase funding to support an additional 161.7 diversion community corrections beds.  <i>[Sections 17-27-101 through 108, C.R.S.]</i>	2,282,157	0	0	0	0	2,282,157	0.0
6	<b>Division of Criminal Justice</b>  Increase cash fund spending authority from the State Victims Assistance and Law Enforcement (VALE) fund.  <i>[Section 24-33.5-506 (1), C.R.S.]</i>	0	395,822	0	0	0	395,822	0.0
7	<b>Division of Fire Safety</b>  Provide funding for personnel to administer the National Fire Incident Reporting System, a position previously funded through federal grants. The Department is projecting an increase of \$82,320 (GF) and 1.0 FTE in FY 2009-10.  <i>[Section 24-33.5-1203, C.R.S.]</i>	78,479	0	0	0	0	78,479	0.9

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8	<p><b>Division of Fire Safety</b></p> <p>Provide funding for personnel to maintain the State's Emergency Resource Mobilization Program and Resource Ordering and Status System (ROSS), a position previously funded through federal grants. The Department is projecting an increase of \$65,465 (GF) and 1.0 FTE in FY 2009-10.</p> <p><i>[Sections 24-33.5-1203, 24-33.5-1210, and 24-33.5-108, C.R.S.]</i></p>	59,863	0	0	0	0	59,863	0.9
9	<p><b>Colorado State Patrol</b></p> <p>Consolidate funding for the Colorado State Patrol from the current 20 line items in the Long Bill to 12 line items. The Department does not project an increase or decrease in funding as a result of the change.</p> <p><i>[Section 24-33.5-220, C.R.S.]</i></p>	0	0	0	0	0	0	0.0

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10	<b>Division of Criminal Justice</b>  Increase funding to support an additional 26 transition community corrections beds.  <i>[Sections 17-27-101 through 108, C.R.S.]</i>	366,951	0	0	0	0	366,951	0.0
11	<b>Division of Criminal Justice</b>  Provider rate increase.  <i>[Sections 17-27-101 through 108, C.R.S.]</i>	659,237	7,323	0	0	0	666,560	0.0
12	<b>Division of Criminal Justice</b>  Refinance administrative FTE with General Fund.  <i>[Section 24-33.5-503 (e), C.R.S.]</i>	93,871	0	(93,871)	0	0	0	0.0
13	<b>Division of Criminal Justice</b>  Evaluation of Governor's Recidivism Reduction and Offender Diversion package.  <i>[None at this time]</i>	100,000	0	0	0	0	100,000	0.0

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14	<b>Division of Criminal Justice</b>  Increase funding to support 160 Outpatient Therapeutic Community aftercare slots.  <i>[Sections 17-27-101 through 108, C.R.S.]</i>	777,920	0	0	0	0	777,920	0.0
15	<b>Division of Criminal Justice</b>  Transfer 0.8 FTE from Crime Control and System Improvement to Juvenile Diversion Programs.  <i>[Section 19-2-303 (1), C.R.S.]</i>	0	0	0	0	0	0	0.0
16	<b>Colorado Bureau of Investigation</b>  Provide additional cash funds spending authority to allow the CBI to fill previously appropriated position in the Colorado Fraud Investigation Unit. The Department projects an increase of \$87,019 in FY 2009-10.  <i>[Section 24-33.5-107, C.R.S.]</i>	0	86,682	0	0	0	86,682	0.0



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<b>Priority</b>	<b>Division: Description</b> <i>[Statutory Authority]</i>	<b>GF</b>	<b>CF</b> <i>[Source]</i>	<b>CFE</b> <i>[Source]</i>	<b>HUTF</b>	<b>FF</b> <i>[Source]</i>	<b>TOTAL</b>	<b>FTE</b>
NP-1	<b>Statewide Decision Item</b>  Provide a statewide multiuse network adjustment. The Department is projecting an increase of \$126,213 (GF) in FY 2009-10.  <i>[Section 24-33.5-107, C.R.S.]</i>	126,213	0	0	0	0	126,213	0.0
NP-2	<b>Statewide Decision Item</b>  Provide statewide funding for C-SEAP Program - Workers' Compensation. The Department is projecting an increase of \$23,748 in FY 2009-10.  <i>[Section 24-33.5-107, C.R.S.]</i>	23,748	0	0	0	0	23,748	0.0
NP-3	<b>Statewide Decision Item</b>  Reduce statewide funding to purchase new vehicles to replace state fleet vehicles meeting replacement mileage criteria.  <i>[Section 24-33.5-107, C.R.S.]</i>	95,830	(21,927)	(19,877)	(624,040)	(3,765)	(573,779)	0.0
	<b>Total Department Request</b>	<b>\$5,029,491</b>	<b>\$467,900</b>	<b>(\$113,748)</b>	<b>\$304,140</b>	<b>(\$3,765)</b>	<b>\$5,684,018</b>	<b>15.7</b>
	<b>Total for Shaded Items</b>	<b>\$4,280,136</b>	<b>\$403,145</b>	<b>(\$93,871)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,589,410</b>	<b>0.0</b>

**FY 2008-09 Joint Budget Committee Staff Budget Briefing  
DEPARTMENT OF PUBLIC SAFETY:  
DIVISION OF CRIMINAL JUSTICE  
OVERVIEW OF NUMBERS PAGES**

The following table highlights the overall changes contained in the Division's FY 2008-09 request.

<b>Requested Changes FY 2007-08 to FY 2008-09</b>						
<b>Category</b>	<b>FTE</b>	<b>GF</b>	<b>CF</b>	<b>CFE</b>	<b>FF</b>	<b>Total</b>
<b>Decision Items</b>						
#5 – Diversion Beds	0.0	\$2,282,157	\$0	\$0	\$0	\$2,282,157
#6 – VALE	0.0	0	395,822	0	0	395,822
#10 – Transition Beds	0.0	366,951	0	0	0	366,951
#11 – Provider Rate Increase	0.0	659,237	7,323	0	0	666,560
#12 – Refinance Administrative FTE	0.0	91,935	0	(91,935)	0	0
#13 – Recidivism Reduction Eval.	0.0	100,000	0	0	0	100,000
#14 – Outpatient Therapeutic Comm.	0.0	777,920	0	0	0	777,920
#15 – Juvenile Diversion Admin. FTE	0.0	0	0	0	0	0
Increase in Federal Funds	0.0	0	0	0	2,722,304	2,722,304
Annualize Recidivism Reduction Package	0.0	406,821	0	0	0	406,821
Annualize PS / PS Reduction	0.0	35,565	20,033	15,221	(1,623)	69,196
Annualize Prior Year Legislation	2.0	121,428	23,248	(1,803)	0	142,873
Change in Indirect Costs	0.0	0	2,750	666	9,841	13,257
Reduction in FTE	(2.1)	0	0	0	0	0
Eliminate Leap Year Adjustment	0.0	(127,534)	0	(2,131)	0	(129,665)
<b>Total Change</b>	<b>(0.1)</b>	<b>\$4,714,480</b>	<b>\$449,176</b>	<b>(\$79,982)</b>	<b>\$2,730,522</b>	<b>\$7,814,196</b>

**FTE Changes.** The Division's request includes two adjustments to FTE for the Division: (1) an increase of 2.0 FTE to annualize the estimated costs of implementing H.B. 07-1358; and (2) a reduction of 2.1 FTE funded by cash funds exempt indirect cost recoveries.

**General Fund.** The majority of the General Fund changes contained in the request is the result of the three decision items related to the community corrections programs, which includes a caseload adjustment and a 0.95 percent provider rate increase.

**Cash Funds and Cash Funds Exempt.** The majority of the changes is attributable to three factors: (1) additional VALE cash funds spending authority; (2) refinancing of administrative FTE to General Fund; and (3) annualization of prior year legislation and personal services.

**Federal Funds.** The Division's budget request reflects an approximately 15.5 percent increase in federal funds based on anticipated funding for victims assistance and compensation grants as well as state and local crime control and system improvement grants.

The table below depicts the Long Bill structure for the Division of Criminal Justice. The pages that follow depict the actual expenditures for the two prior fiscal years, the appropriated amounts for the current year, and requested funds for next year.

<b>Division of Criminal Justice – Long Bill Structure</b>													
<b>(A) Administration</b> <span style="float: right;"><b>\$3.4 million (\$1.6 million General Fund) and 31.9 FTE</b></span>													
Long Bill Lines	Personal Services Operating Expenses Recidivism Reduction and Offender Diversion Package Contract Analysis Indirect Cost Recoveries												
<b>(B) Victims Assistance</b> <span style="float: right;"><b>\$9.5 million (No General Fund) and 0.4 FTE</b></span>													
Long Bill Lines	Federal Victims Assistance & Compensation Grants State Victims Assistance & Law Enforcement Program Child Abuse Investigation												
<b>(C) Juvenile Justice &amp; Delinquency Prevention</b> <span style="float: right;"><b>\$2.0 million (\$1.2 million General Fund) and 0.0 FTE</b></span>													
	Juvenile Justice Disbursements Juvenile Diversion Programs												
<b>(D) Community Corrections</b> <span style="float: right;"><b>\$48.0 million (\$47.2 million General Fund) and 0.0 FTE</b></span>													
Long Bill Lines	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Boards Administration</td> <td style="width: 50%;">Diversion Mental Health Bed Differential</td> </tr> <tr> <td>Transition Programs</td> <td>Specialized Services</td> </tr> <tr> <td>Diversion Programs</td> <td>John Eachon Re-Entry Program</td> </tr> <tr> <td>Transition Mental Health Bed Differential</td> <td></td> </tr> <tr> <td>Day Reporting Center</td> <td></td> </tr> <tr> <td>Substance Abuse Treatment Program</td> <td></td> </tr> </table>	Boards Administration	Diversion Mental Health Bed Differential	Transition Programs	Specialized Services	Diversion Programs	John Eachon Re-Entry Program	Transition Mental Health Bed Differential		Day Reporting Center		Substance Abuse Treatment Program	
Boards Administration	Diversion Mental Health Bed Differential												
Transition Programs	Specialized Services												
Diversion Programs	John Eachon Re-Entry Program												
Transition Mental Health Bed Differential													
Day Reporting Center													
Substance Abuse Treatment Program													
<b>(E) Crime Control and System Improvement</b> <span style="float: right;"><b>\$8.7 million (\$0.3 million General Fund) and 29.3 FTE</b></span>													
Long Bill Lines	<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">State and Local Crime Control &amp; System Improvement Grants</td> <td style="width: 40%;">Lifesaver Project Grants</td> </tr> <tr> <td>Sex Offender Surcharge Fund Program</td> <td>Criminal Justice Training Fund</td> </tr> <tr> <td>Sex Offender Supervision</td> <td></td> </tr> <tr> <td>Treatment Providers Background Checks</td> <td></td> </tr> <tr> <td>Colorado Regional Community Policing Institute</td> <td></td> </tr> <tr> <td>Federal Grants (non-appropriated)</td> <td></td> </tr> </table>	State and Local Crime Control & System Improvement Grants	Lifesaver Project Grants	Sex Offender Surcharge Fund Program	Criminal Justice Training Fund	Sex Offender Supervision		Treatment Providers Background Checks		Colorado Regional Community Policing Institute		Federal Grants (non-appropriated)	
State and Local Crime Control & System Improvement Grants	Lifesaver Project Grants												
Sex Offender Surcharge Fund Program	Criminal Justice Training Fund												
Sex Offender Supervision													
Treatment Providers Background Checks													
Colorado Regional Community Policing Institute													
Federal Grants (non-appropriated)													

\* The other divisions of the Department of Public Safety have been included in a separate briefing document.

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09 Request	Change Requests
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**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.)

**(A) Administration**

Personal Services	1,691,029	1,691,472	2,257,222 a/	2,444,045	DI #12
FTE	<u>24.2</u>	<u>22.8</u>	<u>31.3</u>	<u>31.8</u>	
General Fund	843,391	852,261	1,213,675	1,459,148	
FTE	13.4	12.7	18.0	21.0	
Cash Funds	364,150	380,366	378,950	395,515	
FTE	5.4	5.5	5.5	5.5	
Cash Funds Exempt	400,522	380,926	582,269	507,383	
FTE	4.1	3.4	6.5	4.0	
Federal Funds	82,966	77,919	82,328	81,999	
FTE	1.3	1.2	1.3	1.3	

	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriated</b>	<b>Request</b>	<b>Change Requests</b>
Operating Expenses	<u>165,484</u>	<u>186,448</u>	<u>231,996</u> b/	<u>228,338</u>	
General Fund	112,893	112,893	155,108	153,253	
Cash Funds	26,037	26,037	26,037	26,037	
Cash Funds Exempt	22,177	43,141	46,474	44,671	
Federal Funds	4,377	4,377	4,377	4,377	
 Recidivism Reduction and Offender Diversion Package Contract Analysis - GF	 n/a	 n/a	 200,000	 300,000	 DI #13
Indirect Cost Assessment	<u>544,602</u>	<u>574,750</u>	<u>745,925</u>	<u>759,182</u>	
Cash Funds	52,122	52,816	61,656	64,406	
Cash Funds Exempt	7,383	7,540	7,817	8,483	
Federal Funds	485,097	514,394	676,452	686,293	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (A) ADMINISTRATION</b>	2,401,115	2,452,670	3,435,143	3,731,565	8.6%
FTE	<u>24.2</u>	<u>22.8</u>	<u>31.3</u>	<u>31.8</u>	
General Fund	956,284	965,154	1,568,783	1,912,401	21.9%
Cash Funds	442,309	459,219	466,643	485,958	4.1%
Cash Funds Exempt	430,082	431,607	636,560	560,537	-11.9%
Federal Funds	572,440	596,690	763,157	772,669	1.2%

a/ Includes \$65,442 General Fund and 1.0 FTE appropriated pursuant to H.B. 07-1358 and \$35,170 cash funds exempt appropriated pursuant to H.B. 07-1057.

b/ Includes \$27,215 General Fund appropriated pursuant to H.B. 07-1358 and \$3,333 Cash Funds Exempt appropriated pursuant to H.B. 07-1057.

	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriated</b>	<b>Request</b>	<b>Change Requests</b>
<b>(B) Victims Assistance</b>					
Federal Victims Assistance and Compensation Grants - FF	8,488,757	9,387,272	8,337,696	9,560,000	
State Victims Assistance and Law Enforcement Program	<u>834,768</u>	<u>858,649</u>	<u>879,178</u>	<u>1,275,000</u>	DI #6
Cash Funds	803,446	836,331	879,178	1,275,000	
Cash Funds Exempt	31,322	22,318	0	0	
Child Abuse Investigation - CF	n/a	0	319,000	317,725	
FTE		0.0	0.4	0.4	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (B) VICTIMS ASSISTANCE</b>	9,323,525	10,245,921	9,535,874	11,152,725	17.0%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	803,446	836,331	1,198,178	1,592,725	32.9%
Cash Funds Exempt	31,322	22,318	0	0	N/A
Federal Funds	8,488,757	9,387,272	8,337,696	9,560,000	14.7%
<b>(C) Juvenile Justice and Delinquency Prevention</b>					
Juvenile Justice Disbursements - FF	883,409	826,798	750,000	750,000	
Juvenile Diversion Programs - GF	0	1,178,066	1,241,851	1,241,851	DI #15
FTE	0.0	0.0	0.0	0.8	

	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>Change Requests</b>
	<b>Actual</b>	<b>Actual</b>	<b>Appropriated</b>	<b>Request</b>	
					<b>Request vs. Appropriation</b>
<b>TOTAL - (C) JUVENILE JUSTICE</b>	883,409	2,004,864	1,991,851	1,991,851	0.0%
FTE	0.0	0.0	0.0	0.8	
General Fund	0	1,178,066	1,241,851	1,241,851	0.0%
Federal Funds	883,409	826,798	750,000	750,000	0.0%
<b>(D) Community Corrections</b>					
Community Corrections Boards					
Administration - GF	1,481,335	1,616,882	1,785,979	1,915,940	DI #5, 10, 11
Incentive Funds for Low-Risk Providers - GF ( <i>New Line</i> )	n/a	n/a	n/a	210,659	DI #11
Transition Programs - GF	18,637,680	19,906,942	23,584,899	24,094,894	DI #10, 11
Diversion Programs - GF	19,152,188	20,982,990	19,922,141	22,250,517	DI #5, 11
Transition Mental Health Bed Differential GF	226,080	452,097	739,732	1,018,861	DI #11
Diversion Mental Health Bed Differential GF	n/a	n/a	117,108	239,732	DI #11
Specialized Services - GF	53,021	49,180	55,000	55,000	

	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriated</b>	<b>Request</b>	<b>Change Requests</b>
John Eachon Re-Entry Program - GF	n/a	n/a	285,590	287,493	DI #11
Day Reporting Center - GF	411,649	666,024	533,537	537,189	DI #11
Substance Abuse Treatment Program	<u>831,042</u>	<u>877,383</u>	<u>997,609</u>	<u>1,004,134</u>	DI #11
General Fund	195,637	203,271	206,863	208,196	
Cash Funds	635,405	674,112	686,802	694,125	
Cash Funds Exempt	0	0	103,944	101,813	
Outpatient Therapeutic Community Programs - GF ( <i>New Line</i> )	n/a	n/a	n/a	777,920	DI #14
					<b>Request vs. Appropriation</b>
<b>TOTAL - (D) COMMUNITY</b>					
<b>CORRECTIONS</b>	<u>40,792,995</u>	<u>44,551,498</u>	<u>48,021,595</u>	<u>52,392,339</u>	9.1%
General Fund	40,157,590	43,877,386	47,230,849	51,596,401	9.2%
Cash Funds	635,405	674,112	686,802	694,125	1.1%
Cash Funds Exempt	0	0	103,944	101,813	-2.1%
<b>(E) Crime Control and System Improvement</b>					
State and Local Crime Control and System Improvement Grants - FF	4,364,856	3,962,545	3,500,000	5,000,000	



	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09 Request	Change Requests
Sex Offender Surcharge Fund Program - CF	120,683	138,249	142,229	146,972	
FTE	1.5	1.5	1.5	1.5	
Sex Offender Supervision - GF	300,969	343,777	321,435	326,745	
FTE	3.2	3.2	3.2	3.2	
Criminal Background Checks for Sex Offender Treatment Providers - CF	11,600	17,840	23,500	23,500	
Colorado Regional Community Policing Institute - Total Funds	841,345	203,256	775,246	772,624	
FTE	<u>4.0</u>	<u>3.3</u>	<u>6.2</u>	<u>6.2</u>	
Cash Funds Exempt	41,756	9,200	376,816	375,488	
FTE	0.3	0.0	2.5	2.5	
Federal Funds	799,589	194,056	398,430	397,136	
FTE	3.7	3.3	3.7	3.7	
Federal Grants - non-appropriated	10,545,424	5,979,946	3,722,221	3,722,221	DI #15
FTE	<u>20.0</u>	<u>17.9</u>	<u>18.3</u>	<u>17.5</u>	
Cash Funds Exempt	115,015	43,511	0	0	
Federal Funds	10,430,409	5,936,435	3,722,221	3,722,221	
Lifesaver Project Grants - CFE	n/a	n/a	125,000 a/	124,500	
FTE			0.0	0.1	
Criminal Justice Training Fund - CF	n/a	n/a	116,240 b/	139,488	

	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriated</b>	<b>Request</b>	<b>Change Requests</b>
					<b>Request vs. Appropriation</b>
<b>TOTAL - (E) CRIME CONTROL</b>	16,184,877	10,645,613	8,725,871	10,256,050	17.5%
FTE	<u>28.7</u>	<u>25.9</u>	<u>29.2</u>	<u>28.5</u>	
General Fund	300,969	343,777	321,435	326,745	1.7%
Cash Funds	132,283	156,089	281,969	309,960	9.9%
Cash Funds Exempt	156,771	52,711	501,816	499,988	-0.4%
Federal Funds	15,594,854	10,093,036	7,620,651	9,119,357	19.7%

1064.

b/ Includes \$116,240 Cash Funds appropriated pursuant to the provisions of H.B. 07-1263

					<b>Request vs. Appropriation</b>
<b>DEPARTMENT OF PUBLIC SAFETY,</b>					
<b>(4) DIVISION OF CRIMINAL JUSTICE</b>					
<b>TOTAL</b>	69,585,921	69,900,566	71,710,334	79,524,530	10.9%
FTE	<u>52.9</u>	<u>48.7</u>	<u>60.9</u>	<u>61.5</u>	
General Fund	41,414,843	46,364,383	50,362,918	55,077,398	9.4%
Cash Funds	2,013,443	2,125,751	2,633,592	3,082,768	17.1%
Cash Funds Exempt	618,175	506,636	1,242,320	1,162,338	-6.4%
Federal Funds	25,539,460	20,903,796	17,471,504	20,202,026	15.6%

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

DI = Decision Item

S = Supplemental

BA = Budget Amendment

**FY 2008-09 Joint Budget Committee Staff Budget Briefing  
DEPARTMENT OF PUBLIC SAFETY:  
DIVISION OF CRIMINAL JUSTICE  
FY 2007-08 FOOTNOTE UPDATE**

- 4 All Departments, Totals** -- The General Assembly requests that copies of all reports requested in other footnotes contained in this act be delivered to the Joint Budget Committee and the majority and minority leadership in each house of the General Assembly.

Comment: The Department's budget request indicates that it intends to continue to comply with this request.

- 5 All Departments, Totals** – Every Department is requested to submit to the Joint Budget Committee information on the number of additional federal and cash funds exempt FTE associated with any federal grants or private donations that are applied for or received during FY 2007-08. The information should include the number of FTE, the associated costs (such as workers' compensation, health and life benefits, need for additional space, etc.) that are related to the additional FTE, the direct and indirect matching requirements associated with the federal grant or donated funds, the duration of the grant, and a brief description of the program and its goals and objectives.

Comment: *The Governor vetoed this footnote on May 2, 2007 on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation and by attaching requirements to federal funds and private donations which are not subject to legislative appropriation; (2) it constitutes substantive legislation; and (3) it constitutes an unfunded mandate.. After the General Assembly overrode all Long Bill vetoes, the Department was directed to comply with the footnote to the extent feasible pursuant to the August 16, 2007 letter from the director of the Office of State Planning and Budgeting to the leadership of the General Assembly.*

The Department of Public Safety's budget request includes \$26.4 million in federal funds, including \$20.2 million and 22.5 FTE supported by federal funds in the Division of Criminal Justice.

- 6 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: *The Governor vetoed this footnote on May 2, 2007 on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation and by attempting to dictate the format of the executive budget request; and (2) it constitutes substantive legislation. After the General Assembly overrode all Long Bill vetoes, the Department was directed to comply with the footnote to the extent feasible pursuant to the August 16, 2007 letter from the director of the Office of State Planning and Budgeting to the leadership of the General Assembly.*

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:

- (1) \$163,591 to the Division of Criminal Justice for training;
- (2) \$253,704 to the Judicial Department for direct services;
- (3) \$29,311 to the Department of Corrections for sex offender data collection and risk assessment tests; and
- (4) \$38,250 to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections and the Division of Child Welfare.

The Drug Offender Surcharge Fund is administered by the Judicial Department. The Judicial Department estimates the following allocation from the Drug Offender Surcharge Fund in FY 2008-09:

- (1) \$894,542 to the Division of Criminal Justice;
- (2) \$1,445,479 to the Judicial Department;
- (3) \$995,127 to the Department of Corrections; and
- (4) \$1,002,616 to the Department of Human Services.

**11 Department of Corrections, Totals; Department of Human Services, Mental Health and Alcohol and Drug Abuse Services, Alcohol and Drug Abuse Division; and Division of Youth Corrections; Department of Public Safety, Division of Criminal Justice --** It is the intent of the General Assembly that the impacts of the Governor's Recidivism Reduction and

Offender Diversion Package funded by the General Assembly in 2007, be analyzed using contract funding appropriated for this purpose to the Department of Public Safety, Division of Criminal Justice. The evaluation should specifically address: the Short-term Intensive Residential Remediation Treatment Program (STIRRT) in the Department of Human Services, Diversion Community Corrections Beds in the Department of Public Safety, Mental Health Beds in the Department of Public Safety, and any new programs or services created or implemented through additional budgetary flexibility provided to the Division of Youth Corrections in the Department of Human Services. It is the intent of the General Assembly that the contractor compare the outcomes for offenders who participate in these programs with outcomes for offenders in predetermined control groups. The Department of Public Safety, Division of Criminal Justice, in conjunction with other state departments, is requested to submit an annual progress report to the Joint Budget Committee by November 1 of each year. This report is requested to include a summary of the number of offenders served by each program and a summary of the program evaluation techniques that will be used to examine the effectiveness of each program. The Department of Public Safety, Division of Criminal Justice, is requested to submit a final report to the Joint Budget Committee on or before November 1, 2012. The final report should specifically address whether any of the interventions funded were cost-effective and, based on this, recommendations for continuation, modification or elimination of each program.

*Comment: The Governor vetoed this footnote on May 2, 2007 on the grounds that: (1) it violates the separation of powers by attempting to administer the appropriation; and (2) it constitutes substantive legislation. After the General Assembly overrode all Long Bill vetoes, the Department was directed to comply with the footnote to the extent feasible pursuant to the August 16, 2007 letter from the director of the Office of State Planning and Budgeting to the leadership of the General Assembly.*

The Division of Criminal Justice provided a memo on November 7, 2007 regarding the Recidivism Reduction and Offender Diversion Package and the evaluation techniques that will be used. However, because of timing issues (the Recidivism Reduction and Offender Diversion Package did not take effect until the beginning of FY 2007-08), the Division of Criminal Justice did not have adequate data in which to provide a full status report.

**118 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, 2008, shall be rolled forward for expenditure in FY 2008-09.

*Comment: The Department has not indicated to staff any concerns with the FY 2007-08 appropriation for this line item.*

**119 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 Division, providers are required to submit documentation on the amount of revenue collected from offenders for residential and non-residential programs. In 2006, the most recent year for which data is available, the Department reported that the average contribution was \$13.91 for residential diversion programs and \$13.95 for residential transition programs. No figures were provided for non-residential programs.

**FY 2008-09 Joint Budget Committee Staff Budget Briefing**  
**DEPARTMENT OF PUBLIC SAFETY:**  
**DIVISION OF CRIMINAL JUSTICE**  
**Community Corrections Funding Level**

**ISSUE:**

The policy of placing 11.25 percent of the inmate population from the Department of Corrections (DOC) in community corrections could be modified to achieve budgetary savings. Increasing the appropriation for community placements could reduce the number of prison inmates awaiting community placement.

**SUMMARY:**

- 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 more funds were provided, more beds would be built. However, the expansion of beds may respond slowly to policy changes or significant population increases.
- If funding for community corrections programs were to be increased, there may be an opportunity to increase the percentage of inmates who are placed in community residential programs. Hypothetically, an 11.1 percent increase in the number of inmates placed in community corrections programs could save the State nearly \$2.0 million General Fund.
- Community corrections boards can reject the placement of offenders in their community. While in a community corrections program, offenders are supervised by the facility and the State (either probation or the Department of Corrections). Hence, public safety risks to the community can be managed.
- Many factors suggest that increasing the percentage of inmates placed in the community should be done gradually: (1) slow response time to expand bed capacity because of local planning processes; (2) location of programs may not match the inmate population leaving DOC; and (3) the timing of community corrections expansion may not coincide with increases in inmate population eligible for placement in community corrections programs.

**RECOMMENDATION:**

Staff recommends that the Committee discuss with the Department at its budget hearing the opportunity to increase funding for community corrections programs, and whether the Department feels there is the capacity and ability to increase community corrections utilization.

**DISCUSSION:**

**Background.** Community corrections programs provide a viable 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. Additionally, 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.). Finally, 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.

**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		Prison Costs	
	Residential	Non-residential	State Prison Bed	Private Prison Bed
Base Daily Cost (DOC)	\$11.27	\$26.30	\$78.79	\$58.60*
Cost borne by DCJ	<u>38.67</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Total Daily Cost	49.94	26.30	78.79	58.60
<b>Total Annual Cost</b>	<b>\$18,228</b>	<b>\$9,600</b>	<b>\$28,758</b>	<b>\$21,389</b>

\*Includes the daily rate of \$52.69 paid to private prison providers as well as \$5.91 for DOC-related expenses, such as private prison monitoring and transportation.

**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 Community Corrections Beds.*** Prior to FY 2004-05, the JBC provided funding for 10 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 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* of 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).

***Update on Progress Toward Achieving Community Corrections Targets.*** The percentage of inmates placed in community corrections programs has grown since FY 2003-04. See the table on pages 34 and 35. This growth can at least partially be attributed to the increased funding provided by the General Assembly during the 2004 and 2006 sessions. The first four months of FY 2007-08 are showing the highest percentage of inmates placed in community corrections programs in the past five years. However, even given the increased funding and higher utilization, there still exists a backlog of inmates awaiting placement in a community corrections program.

***Backlog of Offenders Still Exists.*** According to the Department of Corrections, 309 DOC inmates (approximately 1.4 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. However, according to the Department, even if every funded bed were filled, there would still be a backlog of 188 beds.

**Policy for Placing Inmates in Community Corrections Programs.** A policy has been adopted by the General Assembly in recent years to provide sufficient funding to place 11.25 percent of the inmate population into community corrections programs. Of those community placements, 60 percent are targeted for residential programs, and 40 percent are targeted for non-residential programs (community intensive supervision – community ISP).

According to the Department of Corrections, approximately 75 percent of the community ISP offenders are first placed in a residential program prior to their ISP placement. The remaining 25 percent of community ISP inmates are placed directly from prison to a non-residential placement.

**Opportunity for Expanding Community Corrections Placements.** The Department states that, on average, each community residential placement had 2.5 referrals. Two years ago, DOC advised JBC staff that because of the low placement rate, it may not be possible to place more inmates in community beds. There was a perception that many of the offenders rejected were not easily placed. For example, some communities will not accept sex offenders. Staff has since learned that funding may also be an impediment to placing inmates. If more funds and beds were provided, community corrections boards could accept more inmates. Community corrections programs reject many inmates merely because they do not have enough funded beds. Staff believes that there is an opportunity to expand the number of offenders placed into a residential community setting. Given the role of community corrections boards to screen inmates, the expansion could occur without jeopardizing public safety.

The following table summarizes the hypothetical savings that could be realized if 12.5 percent of the inmate population were placed in community corrections programs in FY 2008-09.

<b>Hypothetical Savings if 12.5 Percent of Inmates Were Placed in Community Transition Programs in FY 2007-08</b>					
	<b>Current Slots (11.25% of Inmates)</b>	<b>11.1% Increase in Slots</b>	<b>Additional Cost</b>	<b>Prison Savings</b>	<b>Net Savings</b>
Residential	1,604	178	\$3,244,572	(\$3,807,228)	(\$562,656)
Community ISP	1,069	119	\$1,139,196	(\$2,538,152)	(\$1,398,956)
Total	2,673	297	\$4,383,767	(\$6,345,379)	(\$1,961,612)

\*Based on a population of 23,757 inmates funded in the FY 2007-08 Long Bill.

**Community Beds Are Available.** Because of the large number of jurisdictions and the large number of private community corrections providers, it is difficult to determine the exact number of available beds in the community. Based on conversations with the Colorado Community Corrections Coalition, it is staff's understanding that there are currently approximately 300 unfunded community corrections beds.

In addition, based on a conversation with a representative of Advantage Treatment Centers, Inc. in the 13th judicial district, staff was informed that the community corrections facility in that district

is currently only funded for 36 beds. However, it could accommodate up to 75 beds and is currently providing services to 56 offenders. This individual stated that there were 45 inmates that had been accepted by the 13th judicial district community corrections board; however, the community corrections provider was going to have to reject those placements because of a lack of funding.

***Expansion of Community Corrections Residential Programs Responds to Market Forces and Local Land Use Planning Policies.*** Most community corrections residential programs are operated by the private sector. Some jurisdictions have residential programs that are operated by the county (Mesa, Larimer, Montezuma, and Garfield are examples). Private sector expansion of community corrections programs occurs in response to anticipated growth in community placements, subject to local zoning ordinances that regulate the ability for programs to expand. Typically, it has been assumed by the General Assembly that the number of residential community beds will grow to meet anticipated need for community beds. This expansion is based on the anticipated growth in the prison population. Based on conversations with providers and staff from community corrections boards, further expansion is anticipated. If more funding is provided, more beds will be built. However, it is difficult to project the following: (1) the number of beds that will become available; (2) where they will be built; and (3) the timing that community corrections beds will come on line.

FY 2003-04 (10% Goal)													Average
Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04		
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)													Average
Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05		
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)													Average
Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06		
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									22,584
Community	1,529	1,555	1,540	1,517									1,535
<u>Community ISP</u>	<u>876</u>	<u>889</u>	<u>904</u>	<u>934</u>									<u>901</u>
Total Community Population	2,405	2,444	2,444	2,451									2,436
Percent in Community (6.75%)	6.8%	6.9%	6.8%	6.7%									6.8%
<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>4.0%</u>
Total Percent in Community	10.7%	10.8%	10.8%	10.8%									10.8%

\* Percentage totals may not add due to rounding.

**FY 2008-09 Joint Budget Committee Staff Budget Briefing**  
**DEPARTMENT OF PUBLIC SAFETY:**  
**DIVISION OF CRIMINAL JUSTICE**  
**Community Corrections Reversion Flexibility**

**ISSUE:**

The Division of Criminal Justice (DCJ) has reverted appropriations for community corrections programs in the past several years. Additional flexibility to roll forward appropriations may enable DCJ to spend more of its appropriation, which would also result in more offenders being placed in community corrections programs.

**SUMMARY:**

- The Division of Criminal Justice (DCJ) has reverted between 0.0 percent and 2.9 percent of its appropriations for community corrections programs during the past five fiscal years.
- Reversions occur because the money is allocated to the 23 community corrections boards across the State. It is difficult for each of these boards to time the placement of offenders such that their allocation is fully utilized. It is also difficult for the Division of Criminal Justice to quickly reallocate dollars among regions.
- If DCJ were granted authority to roll forward appropriations for community corrections programs, it may be possible for DCJ to spend more of its appropriation. This would result in more offenders being placed in community corrections programs with a net savings to the State.
- Alternatively, the General Assembly could use the roll forward appropriations to offset General Fund appropriations to the Division in future years. This would provide additional room under the six percent limit on General Fund appropriations because the roll forward appropriations would have already been counted against the six percent limit in the year in which they were originally appropriated.

**RECOMMENDATION:**

Staff recommends that the Committee discuss with the Department at its budget hearing the opportunity to roll forward appropriations for community corrections programs, and whether the Department feels that such an approach would increase the local utilization of community corrections beds and allow better utilization of the community corrections appropriations.

**DISCUSSION:**

**Background.** 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 2002-03</b>	<b>FY 2003-04</b>	<b>FY 2004-05</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>
Transition Programs	\$16,421,148	\$16,634,114	\$18,412,499	\$19,636,818	\$22,183,120
Diversion Programs	<u>18,014,959</u>	<u>\$17,754,294</u>	<u>17,705,786</u>	<u>18,056,218</u>	<u>18,689,690</u>
<b>Total Appropriation</b>	<b>\$34,436,107</b>	<b>\$34,388,408</b>	<b>\$36,118,285</b>	<b>\$37,693,036</b>	<b>\$40,872,810</b>
Minus Unused Approp.*	<u>(\$257,146)</u>	<u>(\$538,090)</u>	<u>(\$428,032)</u>	<u>(\$26)</u>	<u>(\$1,182,878)</u>
<b>Total Expenditures</b>	<b>\$34,178,961</b>	<b>\$33,850,318</b>	<b>\$35,690,253</b>	<b>\$37,693,010</b>	<b>\$39,689,932</b>
Unused Approp. (%)	(0.7)%	(1.6)%	(1.2)%	0.0%	(2.9)%

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

**Current DCJ Funding.** The Division of Criminal Justice allocates the appropriation for diversion and transition beds to the 23 community corrections boards. In order to allocate the funding most appropriately, DCJ reevaluates each community corrections boards' allocation on a quarterly basis. Currently, each community corrections board provides a written report of its expenditures for the quarter, which are then used by the Division to determine whether the board has over-expended or under-expended its allocation. One issue is the lag time that is created by the hard copy reporting; however, the Division indicates that it is switching to a computerized system that will track expenditures more easily. Another concern is that some boards may over-report their expenditures in order to avoid having their allocations reduced. The Division is also optimistic that the new computer reporting system will make it easier to catch those types of instances.

Reversions occur because it is difficult for each of these community corrections boards to time the placement of offenders such that their allocation is fully utilized. It is also difficult for the Division of Criminal Justice to quickly reallocate dollars among regions, given the hard copy reporting and the frequency of reallocations. One option would be to increase the frequency of reallocations from a quarterly basis to a monthly basis. However, the Division has concerns that increasing this frequency would add significant administrative duties for the Division. Additionally, the Division has concerns about reallocating funds on a too frequent basis because it might cause the Division to unnecessarily move funds based on initial trends that do not end up being long-term.

A second option would be to allow the Division to roll forward its unused appropriation for diversion and transition beds to the next fiscal year. This would allow the Division to reallocate any unused portion of the appropriation in the following fiscal year, thus avoiding the reversions that

have occurred in the past. Additionally, it would allow the Division to fully implement initiatives that occur midway through the fiscal year. For example, last session the JBC approved \$1.2 million in supplemental funding for additional community corrections beds. However, because the funding did not become available until the middle of the fiscal year, the Division and the local providers had difficulty spending the increased appropriation. As a result, the Division reverted almost the entire amount that was appropriated during the supplemental period. Given the flexibility to roll forward the appropriation, the Division would have been able to spend the funding for its appropriated purpose.

***Statutory Flexibility Currently Exists.*** Pursuant to Section 17-27-108 (5), C.R.S., the Division of Criminal Justice may transfer appropriations among line items for community corrections programs. This section reads as follows:

(5) The division of criminal justice is authorized to transfer up to ten percent of annual appropriations among or between line items for community corrections program services. Advance notice of such transfers shall be provided to the general assembly, the governor, the executive director of the department of corrections, and the chief justice of the supreme court.

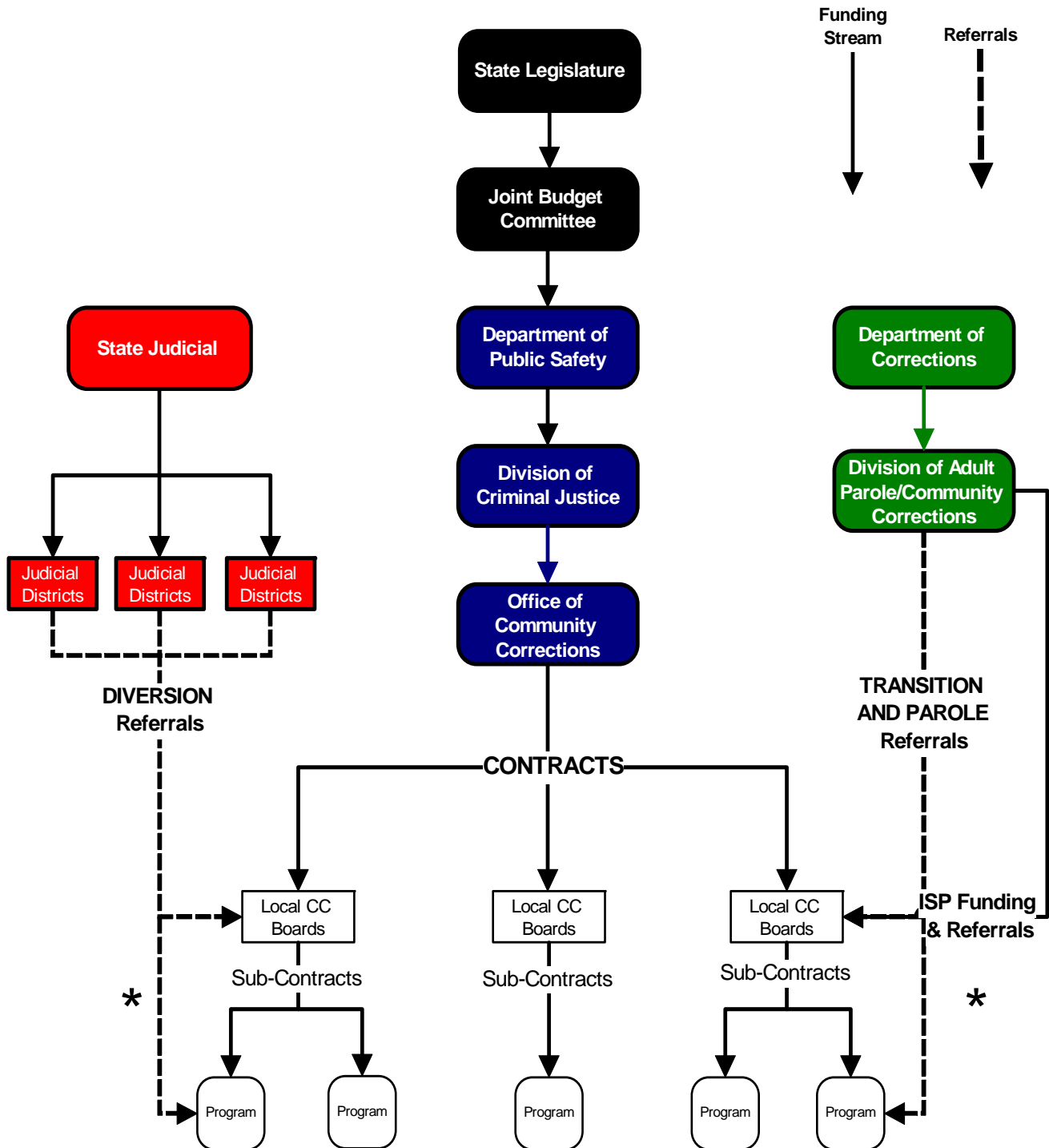
***Additional Flexibility Could Allow Better Utilization of Appropriations.*** The Joint Budget Committee could encourage better utilization of appropriations for community corrections programs by allowing a portion of the appropriation to roll forward each year. In addition to limiting reversions, this approach would facilitate planning at the local level. Reversions from one jurisdiction could offset any potential over-expenditures by another jurisdiction. Local jurisdictions may be able to plan more easily and place more offenders in programs. This could result in savings to the State given that community placements are less expensive than incarceration.

In addition, the General Assembly could choose to appropriate less General Fund to DCJ in future years based on the amounts that roll forward each year (i.e., the General Fund appropriation for the current fiscal year would be offset by General Fund that had rolled forward from previous years). The roll forward amounts would be exempt from the six percent limit on General Fund appropriations in future years because those funds would have already been counted against the six percent in the year in which they were originally appropriated. Therefore, this approach would allow the General Assembly to appropriate less under the six percent limit to the Division and could allow the General Assembly to create more room under the six percent limit for other purposes.

***Creation of Cash Fund.*** In order to implement this roll forward authority, the General Assembly would need to create a cash fund in statute, into which all of the roll forward amounts would be transferred. The General Assembly could choose to allow continuous spending authority from this cash fund; however, JBC staff would recommend that the Committee set the spending authority each year, although that might entail a supplemental change each year.



## COLORADO COMMUNITY CORRECTIONS Funding and Referral System



\* Some referrals are made directly to programs where boards have developed automatic acceptance criteria