

COLORADO GENERAL ASSEMBLY

JOINT BUDGET COMMITTEE



FY 2007-08 STAFF BUDGET BRIEFING DEPARTMENT OF PUBLIC SAFETY DIVISION OF CRIMINAL JUSTICE

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

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December 21, 2006**

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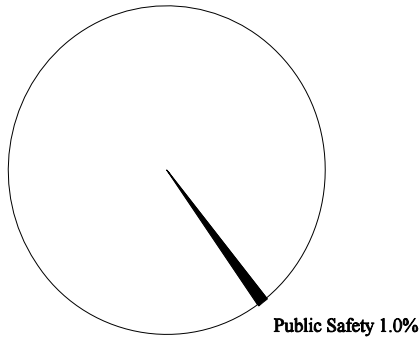
**FY 2007-08 BUDGET BRIEFING
STAFF PRESENTATION TO THE JOINT BUDGET COMMITTEE
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE**

TABLE OF CONTENTS

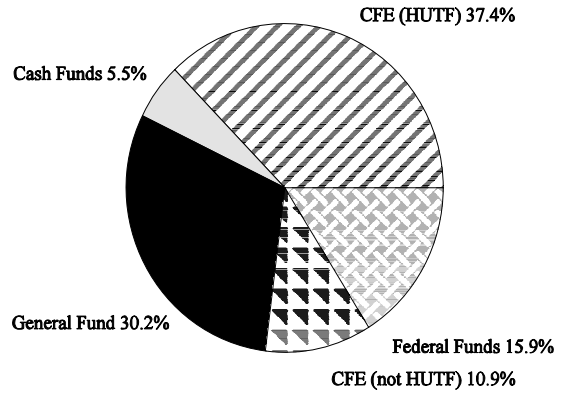
Graphic Overview	1
Division Overview	2
Decision Item Priority List	8
Overview of Numbers Pages	10
Overview of Long Bill Format	11
Numbers Pages	12
Long Bill Footnote Update	19
Briefing Issues:	
Division of Criminal Justice — Strategic Plan and Performance Measures	22
Update on the policy to place 11.5 percent of inmates in community corrections	27
Increasing the appropriation for diversion slots in the community corrections programs could save General Fund dollars	33
Appendix: Flowchart of Community Corrections Funding and Referral System	37

FY 2007-08 BUDGET BRIEFING DEPARTMENT OF PUBLIC SAFETY GRAPHIC OVERVIEW

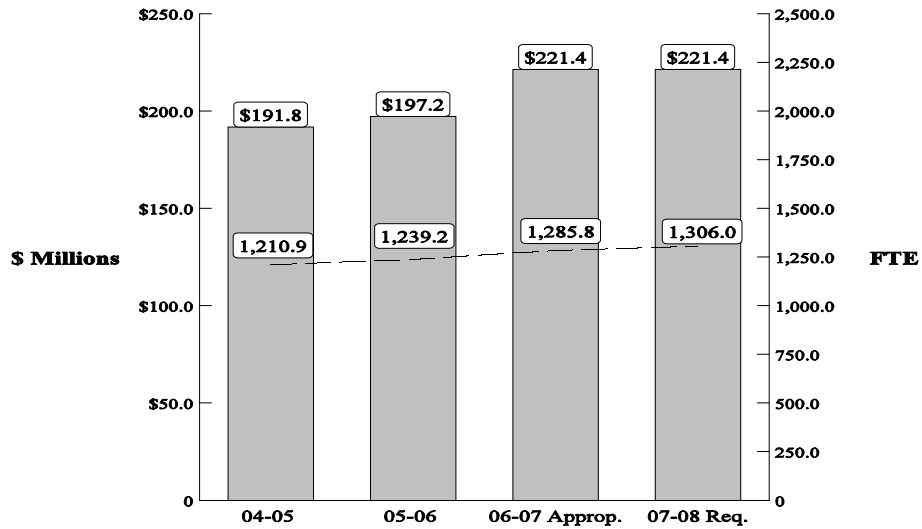
**Share of State General Fund
FY 2006-07**



**Funding Source Split
FY 2006-07**

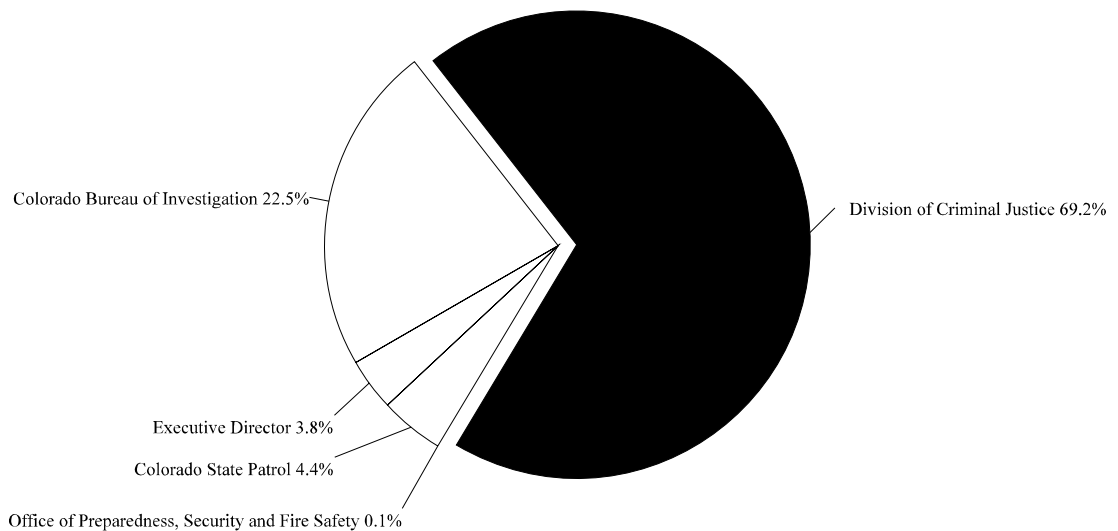


BUDGET HISTORY



**DEPARTMENT OF PUBLIC SAFETY
Division of Criminal Justice
Overview**

**Department of Public Safety: General Fund by Division
FY 2006-07 Appropriation (\$66.9 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.

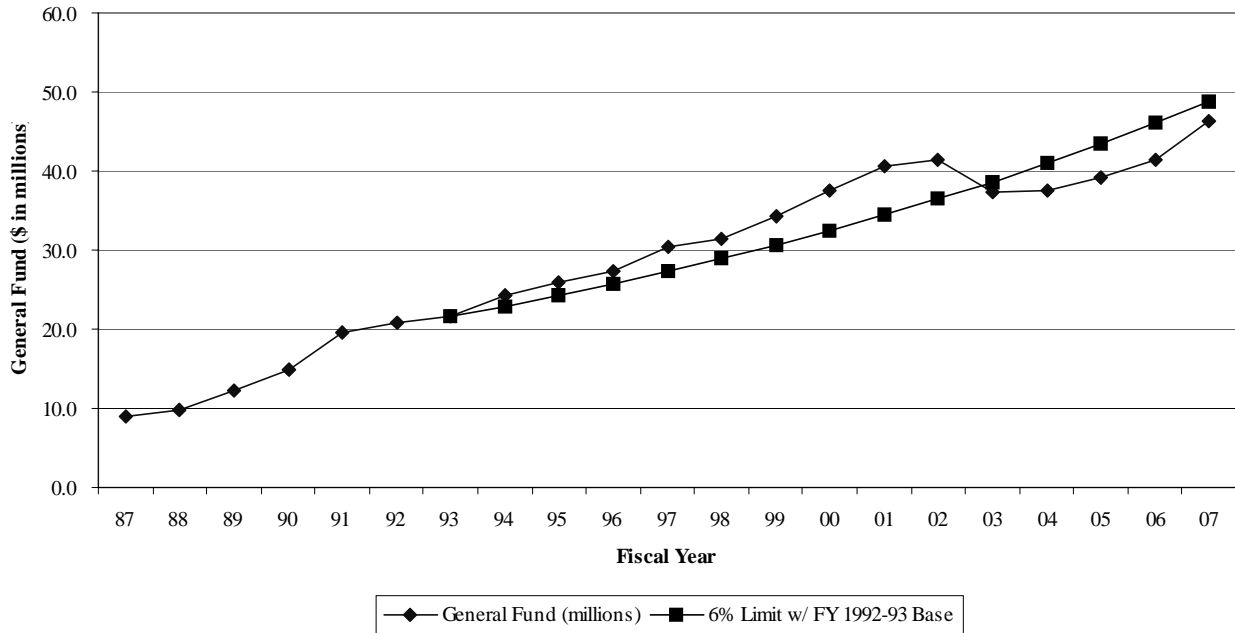
- d. Allocate funding to local community corrections boards and community corrections programs in a manner which considers the distribution of offender populations and supports program availability proportionate to such distribution and projected need.
2. Collect and disseminate information concerning 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 1986-87 through FY 2006-07, the General Fund appropriation to the Division grew by \$37.2 million from \$9.1 million to \$46.3 million. This growth reflects a compound annual growth rate of 8.5 percent over the 20-year period. During the 14 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 5.6 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.

Division of Criminal Justice - Annual General Fund Appropriations



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:

	Actual FY 02-03	Actual FY 03-04	Actual FY 04-05	Actual FY 05-06	Approp. FY 06-07
Diversion Residential Beds Funded	1,231	1,231	1,231	1,231	1,231
Transition Residential Beds Funded	1,096	1,183	1,310	1,384	1,523
Community Corrections Residential Daily Rates per Bed	\$36.21	\$34.70	\$34.70	\$35.39	\$36.63
Change in Reimbursement Rate	N/A	-4.2%	0.0%	2.0%	3.5%
Total Comm. Corr. GF Expend. (includes residential and non-residential)	\$35,327,418	\$35,982,499	\$37,670,993	\$40,157,590	\$43,773,000
Growth of GF Expenditure	N/A	1.9%	4.7%	6.6%	9.0%

Major Funding Changes FY 2005-06 to FY 2006-07

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
FY 2005-06 Appropriation	\$73,906,215	\$41,405,503	\$2,110,359	\$965,123	\$29,425,230	60.2
Caseload increase for community corrections transition programs	1,867,331	1,867,331	0	0	0	0.0
3.5 percent provider rate increase for community corrections providers	1,469,902	1,469,902	0	0	0	0.0
Funding for juvenile diversion programs	1,241,851	1,241,851	0	0	0	0.0
Increase 20 mental health transition beds	235,124	235,124	0	0	0	0.0
S.B. 06-22 (Sexually Violent Predator)	29,000	29,000	0	0	0	0.0
H.B. 06-1058 (Crimes Against Child)	187,000	0	187,000	0	0	0.5
Personal Services Adjustments	56,969	27,975	12,776	11,805	4,413	0.0
5.0 percent provider rate increase for substance abuse treatment programs	39,206	7,595	31,611	0	0	0.0
Allow Office of Research and Statistics to spend gifts, grants, and donations	35,592	0	0	35,592	0	0.0
Change in indirect cost assessment	12,911	0	694	157	12,060	0.0
Increase Sex Offender Surcharge Funds	<u>9,505</u>	<u>0</u>	<u>9,505</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
FY 2006-07 Appropriation	\$79,090,606	\$46,284,281	\$2,351,945	\$1,012,677	\$29,441,703	60.7
Increase/(Decrease)	\$5,184,391	\$4,878,778	\$241,586	\$47,554	\$16,473	0.50
Percentage Change	7.0%	11.8%	11.4%	4.9%	0.1%	0.8%

Caseload increase for community corrections transition programs: The appropriation includes funding for 139 additional residential community corrections placements based on the anticipated increase in the prison population using the December 2005 Legislative Council Staff inmate population projections. The appropriation assumes 6.75 percent of the inmate population is placed in a community corrections program.

3.5 percent provider rate increase for community corrections providers: The appropriation includes funding for a 3.5 percent increase to community corrections providers.

Provide funding for juvenile diversion programs: The appropriation restores 50.0 percent of the appropriation for juvenile diversion programs that was eliminated in the 2002 session as a result of line item vetoes in the 2002 Long Bill (H.B. 02-1420).

Increase 20 mental health transition beds: The appropriation adds funding to pay for 20 community corrections beds that specialize in mental health treatment for offenders in transition to the community.

S.B. 06-22 (Sexually Violent Predator): The bill appropriated \$29,000 General Fund to the Division of Criminal Justice in the Department of Public Safety in FY 2006-07. It is estimated that the Division will incur additional expenses to train and assist local law enforcement officials in notifying the community of additional sexually violent predators.

H.B. 06-1058 (Crimes Against Child): The bill appropriated \$187,000 cash funds (Child Abuse Investigation Surcharge Fund) and 0.5 FTE to the Division of Criminal Justice in the Department of Public Safety in FY 2006-07. The appropriation is to be used by the Division of Criminal Justice to support training and enhanced services that coordinate a multi-disciplinary team response for child sexual abuse intervention..

Personal services adjustments: The appropriation includes the following adjustments to the line items used for personal services: (1) an increase of \$64,316 in total funds to annualize salary survey awarded in FY 2005-06; and (2) a reduction of \$7,347 associated with a 0.2 percent reduction.

5.0 percent provider rate increase for substance abuse treatment programs: The appropriation includes funding for a 5.0 percent increase to substance abuse treatment programs. The affected programs did not receive the 2.0 percent provider rate increase in 2005 that was provided to other programs.

Allow Office of Research Statistics to spend gifts, grants, and donations: The appropriation allows the Department to spend gifts, grants, and donations.

Change in indirect cost assessment: The appropriation makes technical changes to reflect the anticipated indirect cost recoveries from cash funds, exempt cash funds, and federal funds.

Increase from Sex Offender Surcharge Fund: The appropriation increases the funding from the Sex Offender Surcharge Fund by \$9,505 based on increased revenues to the Sex Offender Surcharge Fund. The appropriation partially restores a \$27,662 reduction approved in 2005 to prevent a negative fund balance from occurring.

**FY 2007-08 Budget Briefing
Department of Public Safety
Decision Items**

Priority	Division: Description [Statutory Authority]	GF	CF	CFE	HUTF	FF	TOTAL	FTE
1	Colorado Bureau of Investigation Western Slope Office Relocation Continuation <i>[Section 24-33.5-412 (1) (c), C.R.S.]</i>	\$160,499	\$0	\$200,000	\$0	\$0	\$360,499	0.0
2	Colorado State Patrol Traffic Safety Improvement Plan <i>Section 16-2.5-101-102, C.R.S., Section 16-2.5-114, C.R.S., Section 18-1-901 (3), and Section 24-33.5-201-226, C.R.S.</i>	\$0	\$0	\$367,528	\$0	\$0	\$367,528	5.0
3	Colorado Bureau of Investigation CCIC Audit FTE <i>Section 24-33.5-412, C.R.S.</i>	\$122,888	\$0	\$0	\$0	\$0	\$122,888	2.0
4	Division of Criminal Justice Transition Bed Caseload Increase <i>[Section 17-27-108, C.R.S., authorizes the Division of Criminal Justice to administer community corrections programs.]</i>	\$1,322,887	\$0	\$0	\$0	\$0	\$1,322,887	0.0
5	Colorado State Patrol Victim's Assistance Unit Increase <i>Section 24-4.1-302-304, C.R.S., and Section 42-9-1409 (9), C.R.S.</i>	\$0	\$155,429 <i>VALE Fund</i>	\$0	\$0	\$0	\$155,429	0.0
6	Division of Criminal Justice Community Provider Rate Increase <i>[Section 17-27-108, C.R.S., authorizes the Division of Criminal Justice to administer community corrections</i>	\$898,691	\$0	\$0	\$0	\$0	\$898,691	0.0
N/A	Statewide Decision Item Statewide Multiuse Network Adjustment: Adjust billing for use of multiuse network. <i>[Section 24-30-908 (1), C.R.S.]</i>	\$54,308	\$0	\$0	\$0	\$0	\$54,308	0.0
N/A	Statewide Decision Item Statewide Vehicle Replacement: Purchase new vehicles to replace existing state fleet vehicles meeting replacement criteria. <i>[Section 24-30-1104 (2) (f), C.R.S.]</i>	\$1,736	\$17,961 <i>various</i>	\$3,310	\$462,069	\$11,906	\$496,982	0.0

**FY 2007-08 Budget Briefing
Department of Public Safety
Decision Items**

	Division: Description							
Priority	<i>[Statutory Authority]</i>	GF	CF	CFE	HUTF	FF	TOTAL	FTE
N/A	Colorado State Patrol CSP Vehicle Reconciliation: Allign CSP vehicle appropriations to anticipated expenditures. <i>[Section 24-30-1104 (2) (k), C.R.S.]</i>	\$0	\$0	\$0	(\$409,468)	\$0	(\$409,468)	0.0
Total Department Request		\$2,561,009	\$173,390	\$570,838	\$52,601	\$11,906	\$3,369,744	7.0
Total of Shaded Items		\$2,221,578	\$0	\$0	\$0	\$0	\$2,221,578	0.0

FY 2006-07 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 2007-08 request.

Requested Changes FY 2006-07 to FY 2007-08						
Category	FTE	GF	CF	CFE	FF	Total
Decision Item #4						
Transition Bed Caseload Increase	0.0	1,322,887	0	0	0	1,322,887
Decision Item #6						
Community Corrections Provider Rates	0.0	898,691	0	0	0	898,691
Annualize H.B. 06-1058	(0.1)	0	132,000	0	0	132,000
Annualize Salary Survey / PS Reduction	0.0	28,882	13,043	15,080	2,759	59,764
Change in Indirect Costs	0.0	0	9,283	(15,478)	(14,695)	(20,890)
Additional FTE	0.5	0	0	0	0	0
Request to Refinance Base Appropriation	0.0	0	0	0	0	0
Reduction in Federal Funds	(2.2)	0	0	0	(11,737,302)	(11,737,302)
Total Change	(1.8)	2,250,460	154,326	(398)	(11,749,238)	(9,344,850)

FTE Changes. The Department's request includes three adjustments to FTE for the Department: (1) a reduction of 2.2 federally funded FTE; (2) an increase of 0.5 FTE supported by General Fund; and (3) a reduction of 0.1 FTE to annualize the estimated costs of implementing H.B. 06-1058.

Note: The Department did not request a decision item, or other justification, for the increase of 0.5 FTE to be funded with General Fund appropriations.

General Fund. The majority of the General Fund changes contained in the request is the result of the two decision items related to the community corrections programs, which includes a caseload adjustment and a 2.0 percent provider rate increase.

Cash Funds and Cash Funds Exempt. The changes are attributable to three factors: (1) annualization costs associated with the implementation of H.B. 06-1058; (2) annualization of salary survey allocated in FY 2006-07, which includes the OSPB common policy to reduce personal services by 0.2 percent, and (3) changes to indirect cost recoveries.

Federal Funds. The Department's budget request reflects approximately a 40 percent reduction in federal funds based on anticipated funding to be received from the federal government.

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.

Division of Criminal Justice – Long Bill Structure	
(A) Administration \$3.0 million (\$1.0 million General Fund) and 28.5 FTE	
Long Bill Lines	Personal Services Operating Expenses Indirect Cost Recoveries
(B) Victims Assistance \$9.4 million (No General Fund) and 0.5 FTE	
Long Bill Lines	Federal Victims Assistance & Compensation Grants State Victims Assistance & Law Enforcement Program
(C) Juvenile Justice & Delinquency Prevention \$2.3 million (\$1.2 million General Fund) and 0.0 FTE	
Long Bill Lines	Juvenile Justice Disbursements Juvenile Diversion Programs
(D) Community Corrections \$44.4 million (\$43.8 million General Fund) and 0.0 FTE	
Long Bill Lines	Boards Administration Transition Programs Diversion Programs Mental Health Bed Differential Day Reporting Center Substance Abuse Treatment Program
(E) Crime Control and System Improvement \$19.9 million (\$0.3 million General Fund) and 31.7 FTE	
Long Bill Lines	State and Local Crime Control & System Improvement Grants Sex Offender Surcharge Fund Program 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 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests

DEPARTMENT OF PUBLIC SAFETY
Executive Director: Joe Morales
Division of Criminal Justice
Acting Director: Carol Poole

(4) DIVISION OF CRIMINAL JUSTICE

(Acting Division Director: Carol Poole)

(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, victim assistance and compensation. Additionally, the Division administers all community corrections contracts for both diversion and

(A) Administration

Personal Services	1,859,202	1,672,343	1,986,794	1,875,308
FTE	<u>27.3</u>	<u>24.2</u>	<u>28.5</u>	<u>26.8</u>
General Fund	786,762	816,553	839,479	863,372
FTE	13.5	13.4	13.5	14.0
Cash Funds	347,715	359,807	369,696	380,092
FTE	5.5	5.4	5.5	5.5
Cash Funds Exempt	478,239	408,276	532,954	548,772
FTE	4.8	4.1	6.0	6.0
Federal Funds	246,486	87,707	244,665	83,072
FTE	3.5	1.3	3.5	1.3

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests
Operating Expenses	<u>172,556</u>	<u>165,484</u>	<u>205,313</u>	<u>186,448</u>	
General Fund	112,893	112,893	112,893	112,893	
Cash Funds	26,037	26,037	26,037	26,037	
Cash Funds Exempt	14,669	22,177	43,141	43,141	
Federal Funds	18,957	4,377	23,242	4,377	
Indirect Cost Assessment	<u>709,030</u>	<u>544,602</u>	<u>801,907</u>	<u>781,017</u>	
Cash Funds	49,208	52,122	52,816	62,099	
Cash Funds Exempt	6,951	7,383	22,506	7,028	
Federal Funds	652,871	485,097	726,585	711,890	
					Request vs.
					Appropriation
TOTAL - (A) ADMINISTRATION	2,740,788	2,382,429	2,994,014	2,842,773	-5.1%
FTE	<u>27.3</u>	<u>24.2</u>	<u>28.5</u>	<u>26.8</u>	
General Fund	899,655	929,446	952,372	976,265	2.5%
Cash Funds	422,960	437,966	448,549	468,228	4.4%
Cash Funds Exempt	499,859	437,836	598,601	598,941	0.1%
Federal Funds	918,314	577,181	994,492	799,339	-19.6%

(B) Victims Assistance

Federal Victims Assistance and
Compensation Grants - FF

7,714,352	8,488,757	8,337,696	8,337,696
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	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests
State Victims Assistance and Law Enforcement Program	<u>837,849</u>	<u>834,768</u>	<u>879,178</u>	<u>879,178</u>	
Cash Funds	797,849	803,446	879,178	879,178	
Cash Funds Exempt	40,000	31,322	0	0	
Child Abuse Investigation - CF	N/A	N/A	187,000 a/	318,626	
FTE			0.5	0.4	
					Request vs. Appropriation
TOTAL - (B) VICTIMS ASSISTANCE	8,552,201	9,323,525	9,403,874	9,535,500	1.4%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.5</u>	<u>0.4</u>	
Cash Funds	797,849	803,446	1,066,178	1,197,804	12.3%
Cash Funds Exempt	40,000	31,322	0	0	N/A
Federal Funds	7,714,352	8,488,757	8,337,696	8,337,696	0.0%

a/ House Bill 06-1058 appropriated \$187,000 cash funds (Child Abuse Investigation Surcharge Fund) and 0.5 FTE to the Division Criminal Justice in FY 2006-07.

(C) Juvenile Justice and Delinquency Prevention

Juvenile Justice

Disbursements - FF	970,765	883,409	1,087,889	750,000	
Juvenile Diversion Programs - GF	0	0	1,241,851	1,241,851	

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests

					Request vs. Appropriation
TOTAL - (C) JUVENILE JUSTICE	<u>970,765</u>	<u>883,409</u>	<u>2,329,740</u>	<u>1,991,851</u>	-14.5%
General Fund	0	0	1,241,851	1,241,851	0.0%
Federal Funds	970,765	883,409	1,087,889	750,000	-31.1%

(D) Community Corrections

Community Corrections Boards

Administration - GF	1,444,983	1,481,335	1,649,614	1,738,844	DI #4 and #6
Transition Programs - GF	16,988,958	18,637,680	22,183,120	23,863,353	DI #4 and #6
Diversion Programs - GF	18,485,981	19,152,188	18,689,690	19,114,812	DI #4 and #6
Transition Mental Health Bed Differential - GF	248,345	226,080	467,930	478,582	DI #4 and #6
Specialized Services - GF	55,000	53,021	55,000	55,000	
Day Reporting Center - GF	447,726	411,649	524,414	536,099	DI #4 and #6
Substance Abuse Treatment Program	<u>809,868</u>	<u>831,042</u>	<u>877,345</u>	<u>882,001</u>	DI #4 and #6
General Fund	0	195,637	203,232	207,888	
Cash Funds	809,868	635,405	674,113	674,113	

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests

					Request vs. Appropriation
TOTAL - (D) COMMUNITY					
CORRECTIONS	<u>38,480,861</u>	<u>40,792,995</u>	<u>44,447,113</u>	<u>46,668,691</u>	5.0%
General Fund	37,670,993	40,157,590	43,773,000	45,994,578	5.1%
Cash Funds	809,868	635,405	674,113	674,113	0.0%

(E) Crime Control and System Improvement

State and Local Crime Control
and System Improvement

Grants - FF	6,056,277	4,364,856	7,000,000	3,500,000	
Sex Offender Surcharge Fund Program - CF	123,980	120,683	139,605	142,626	
FTE	1.5	1.5	1.5	1.5	
Sex Offender Supervision - GF	276,800	283,009	317,058 a/	322,047	
FTE	3.2	3.2	3.2	3.2	
Criminal Background Checks for Sex Offender Treatment Providers - CF	1,900	11,600	23,500	23,500	

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
	Actual	Actual	Appropriated	Request	Change Requests
Colorado Regional Community Policing					
Institute - Total Funds	61,390	841,345	2,926,504	776,247	
FTE	<u>0.0</u>	<u>4.0</u>	<u>6.2</u>	<u>6.2</u>	
Cash Funds Exempt	61,390	41,756	378,484	377,817	
Federal Funds	0	799,589	2,548,020	398,430	
Office of Research Statistic - CFE					
FTE	0	0	35,592	35,521	
FTE			0.5	0.5	
Federal Grants - non-appropriated					
FTE	9,331,518	10,545,424	9,473,606	3,907,000	
FTE	23.9	20.0	20.3	20.3	
					Request vs.
					Appropriation
TOTAL - (E) CRIME CONTROL	15,851,865	16,166,917	19,915,865	8,706,941	-56.3%
FTE	<u>28.6</u>	<u>28.7</u>	<u>31.7</u>	<u>31.7</u>	
General Fund	276,800	283,009	317,058	322,047	1.6%
Cash Funds	125,880	132,283	163,105	166,126	1.9%
Cash Funds Exempt	61,390	41,756	414,076	413,338	-0.2%
Federal Funds	15,387,795	15,709,869	19,021,626	7,805,430	-59.0%

a/ Includes \$29,000 General Fund appropriated pursuant to the provisions of S.B. 06-22.

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	Change Requests
	Actual	Actual	Appropriated	Request	
					Request vs. Appropriation
DEPARTMENT OF PUBLIC SAFETY,					
(4) DIVISION OF CRIMINAL JUSTICE					
TOTAL	66,596,480	69,549,275	79,090,606	69,745,756	-11.8%
FTE	<u>55.9</u>	<u>52.9</u>	<u>60.7</u>	<u>58.9</u>	
General Fund	38,847,448	41,370,045	46,284,281	48,534,741	4.9%
Cash Funds	2,156,557	2,009,100	2,351,945	2,506,271	6.6%
Cash Funds Exempt	601,249	510,914	1,012,677	1,012,279	0.0%
Federal Funds	24,991,226	25,659,216	29,441,703	17,692,465	-39.9%

Actual years reflect records of the State Controller. Appropriation year equals Long Bill, special bills, roll forwards, and other

DI = Decision Item

S = Supplemental

BA = Budget Amendment

FY 2007-08 Joint Budget Committee Staff Budget Briefing
DEPARTMENT OF PUBLIC SAFETY
Division of Criminal Justice
FY 2006-07 Footnote Update

- 2 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. Until such time as the Secretary of State publishes the code of Colorado regulations and the Colorado register in electronic form pursuant to section 24-4-103 (11) (b), C.R.S., each principal department of the state is requested to produce its rules in an electronic format that is suitable for public access through electronic means. Such rules in such format should be submitted to the Office of Legislative Legal Services for publishing on the Internet. Alternatively, the Office of Legislative Legal Services may provide links on its internet web site to such rules. It is the intent of the General Assembly that this be done within existing resources.

Comment: The Department is in compliance with this footnote. The Office of Legislative Legal Services has put regulations and standards for the Division of Criminal Justice onto the General Assembly's Internet site at the following address (http://www.state.co.us/gov_dir/leg_dir/olls/HTML/rules.htm).

The Division of Criminal Justice has links to all of its major programs on its web site (<http://dcj.state.co.us>). These sites include links to standards and regulations for all of its major programs, which include: (community corrections, juvenile justice, community policing institute, police corps, domestic violence, sex offender management, and victims programs).

- 3 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 2006-07. 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 the basis that it violates the separation of powers. The Department of Public Safety's budget request includes \$23.7 million in federal funds, including \$17.7 million and 25.3 FTE supported by federal funds in the Division of Criminal Justice.

- 4 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: This footnote was vetoed on the basis that it violates the separation of powers. The Governor directed agencies to comply to the extent feasible. 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 Sex Offender Management Board determined the following allocation for state agencies:

- (1) \$163,591 to the Division of Criminal Justice for training;
- (2) \$275,029 to the Judicial Department for direct services;
- (3) \$29,618 to the Department of Corrections for sex offender data collection and risk assessment tests; and
- (4) \$37,764 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 2006-07:

- (1) \$763,994 to the Division of Criminal Justice;
- (2) \$1,245,060 to the Judicial Department;
- (3) \$651,766 to the Department of Corrections; and
- (4) \$752,616 to the Department of Human Services.

- 110 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 2005, the most recent year for which data is available, the Department reported that the average contribution was \$13.18 for residential diversion programs and \$12.96 for residential transition programs. No figures were provided for non-residential programs.

- 111 Department of Public Safety, Division of Criminal Justice, Community Corrections, Day Reporting Center** -- The appropriation to this line item is intended to pay for day reporting services to an average daily population of 175 offenders at an average cost of \$8.21 per offender per day. It is further the intent of the General Assembly that the Department of Public Safety be authorized to use the appropriation for this line item to reimburse day reporting centers up to a maximum of \$9.50 per offender per day for offenders who require additional day reporting services.

Comment: This footnote was vetoed on the basis that it violates the separation of powers. However, the Governor directed the Department to comply to the extent feasible. This footnote was added in the 2006 session to provide more flexibility for the Department to administer the appropriation. At the end of FY 2006-07, it will be appropriate to examine the extent to which this additional flexibility was utilized.

**FY 2007-08 Joint Budget Committee Staff Budget Briefing
DEPARTMENT OF PUBLIC SAFETY
Division of Criminal Justice**

ISSUE:

Department of Public Safety (Division of Criminal Justice) Performance Measures

DISCUSSION:

Department Mission

Mission Statement:

The mission of the Colorado Department of Public Safety is to provide a safe environment in Colorado by maintaining, promoting, and enhancing public safety through law enforcement, criminal investigations, fire and crime prevention, recidivism reduction, and victim advocacy. The CDPS also provides professional support of the criminal justice system, fire safety community, other governmental agencies, and private entities. Throughout, our goal is to serve the public through an organization that emphasizes quality and integrity.

Goals and Performance Measures

The Department's strategic plan is 68 pages long and is comprised of *four goals, 64 prioritized objectives, and 61 performance measures*. The four goals are as follows:

1. Support and promote a secure environment in Colorado by preventing, analyzing, investigating, and reducing the impact of fire and crime, and improving highway safety.
2. Support and respond to the needs of communities, law enforcement, criminal justice, and fire protection agencies.
3. Promote the effective management of offenders, safeguard the rights and recovery of victims, and strengthen confidence in the criminal justice system.
4. Ensure effective and efficient administration of public safety services to the citizens of Colorado by maintaining a high-caliber workforce and using the best technology and business practices available.

For each goal, a list of prioritized objectives have been identified; however, the majority of the objectives are dedicated to the first two goals (53 of the 64 objectives are divided between the first two goals). Additionally, performance measures have been designated for each prioritized objective,

including a number of performance measures that are contained within the divisional crosswalks of the Department budget request. Within the strategic plan, the Department has only set performance measures for the first 10 prioritized objectives that fall under the first goal. Therefore, the performance measures for the remaining three goals and 54 objectives can only be found within the divisional crosswalks. In addition, for those prioritized objectives that are contained within the strategic plan, a few have also been broken down into sub- objectives that then have performance measures associated with them. The strategic plan also contains some key accomplishments and key trends by division.

Staff Analysis

Joint Budget Committee staff reviewed the selected program's performance measures submitted in the Division of Criminal Justice's budget request. Staff assessed these performance measures using the following common checklist:

1. Do the goals and performance measures correspond to the program's directives provided in statute?
2. Are the performance measures meaningful to stakeholders, policymakers, and managers?
3. Does the Department use a variety of performance measures (including input, output, efficiency, quality, outcome)?
4. Do the performance measures cover all key areas of the budget?
5. Are the data collected for the performance measures valid, accurate, and reliable?
6. Are the performance measures linked to the proposed budget base?
7. Is there a change or consequence if the Department's performance targets are not met?

Summary. Staff believes that the goals and performance measures used by the Department are consistent with the program's directives provided in statute. JBC staff believes that the performance measures are meaningful to stakeholders, policymakers, and managers. The performance measures cover the key areas of the budget. There is no reason to believe that the data collected is not valid, accurate, or reliable. Staff believes that the performance measures are not linked to the proposed budget base. **In particular, the Office of Research and Statistics has not linked its budget request to the objectives in the strategic plan.** There is not a consequence if the Department's performance targets are not met.

Staff believes that some of the performance measures are measures of work load more than measures of performance (e.g., amount of federal funds administered, number of officers trained, etc.). For some measures, there was not a clear link between the Division and the performance measure. For example, the Division established goals for recidivism and program completion for community corrections programs. Although these are valid measures for these types of programs, it is not clear how the Division can affect these outcomes. The Divisions are responsible for contracting with programs.

Objectives and Performance Measures. The following is a summary of selected prioritized objectives and performance measures for the Division of Criminal Justice. Note: some of the performance measures identified were obtained from the program crosswalks rather than the strategic plan.

1. *Administration – Office of Research and Statistics*

Goal: Maintain resources and staff to meet statutory mandates for criminal justice research.

Note: The JBC received a letter from the Justice Assistance Grant Board indicating that federal funds that have historically been used by the Division to conduct research will no longer be available. The Division has advised staff that it does not believe it is possible for it to continue to provide research as required by statute within its existing appropriation. Staff recommends that the JBC discuss this issue with the Division at its hearing before the JBC.

Sample performance measures included:

- a. Accuracy of adult corrections and youth corrections population projections (98%)
- b. Data collection to verify risk assessment model (analyzed data on 6,000 offenders)
- c. Coordinate education workshops on crisis intervention teams (evaluate 2,000 police crisis intervention teams to evaluate effectiveness).

2. *Victims Assistance*

Goals: Distribute federal victim compensation funds, and investigate crime victim complaints; monitor violations for the administration of local crime victim compensation programs; and distribute federal victim compensation funds.

Sample performance measures included:

- a. Administer state Victims Assistance and Law Enforcement Funds (\$830,000 grant funds in FY 2004-05).

3. *Juvenile Justice and Delinquency Programs*

Goal: Effectively administer juvenile diversion funds by distributing them to local governments.

Sample performance measures:

- a. Juveniles required to complete diversion programs (30,000 estimated in FY 2006-07);
- b. Identify and obtain federal grant funds (\$8.9 million in FY 2004-05).

4. *Community Corrections*

Goals: Provide a series of intermediate sanctions and placement options (acceptable to both communities and justice officials) for adult offenders who would otherwise be placed in more costly correctional settings; improve the accountability of adult offenders sentenced to community corrections through payment of restitution to victims; and ensure that programs are in compliance with state contracting provisions.

Sample performance measures include the following:

- a. Ensure that less than 3 percent of offenders commit new crimes while in Community Corrections (1.5 percent actual in FY 2004-05)
- b. Maintain a recidivism rate of less than 40 percent for offenders in the 24 months following successful community corrections program completion (25 percent actual in FY 2004-05).
- c. Ensure that 95 percent of offenders accepted into diversion community corrections programs are not available for probation (97.7 percent actual in FY 2004-05).
- d. Work within state fiscal rules and with local community corrections providers to use 100 percent of the appropriation (99.9 percent in FY 2004-05).
- e. Increase restitution paid by offenders in community corrections by 5.0 percent annually (\$2,515,721 in FY 2004-05).

5. *Crime Control and System Improvement*

Goals: Implement and develop standards for two criminal justice boards: the Domestic Violence Offender Management Board, and the Sex Offender Management Board; enhance public safety by training law enforcement agencies; and administer a wide variety federal grant funds.

Sample performance measures include the following:

- a. Manage and allocate federal victim compensation funds (\$8.3 million actual in FY 2004-05).
- b. Number of Colorado law enforcement personnel completing training (4,683 officers in FY 2004-05).

Questions for Department

Staff recommends that the Committee discuss the following questions with the Department during the FY 2007-08 budget hearing:

1. How do your performance measures influence department activities and budgeting?
2. To what extent do the performance outcomes reflect appropriation levels?

3. To what extent do you believe that appropriation levels in your budget could or should be tied to specific performance measure outcomes?
4. As a department director, how do you judge your department's performance? What key measures and targets do you used?
5. Given that federal funds may no longer be available for purposes of conducting research that is required by statute, please respond to the following questions:
 - a. What plans does the Division of Criminal Justice have for conducting research that is statutorily required?
 - b. Will the Division continue to provide the research required by statute?
 - c. Why hasn't the Division request additional resources for this purpose through the November 2006 budget request for FY 2007-08?
 - d. Will the Division seek statutory changes to eliminate or reduce the requirement for the Division to conduct research?
 - e. Provide a summary of statutorily required research that will not be possible because of the decline in federal funds.

**FY 2007-08 Joint Budget Committee Staff Budget Briefing
DEPARTMENT OF PUBLIC SAFETY
Division of Criminal Justice**

ISSUE: Despite efforts to increase the percentage of inmates in community corrections programs, a backlog of inmates awaiting community corrections programs still exists in the Department of Corrections.

SUMMARY:

- To date, the policy objective of placing a higher percentage of the inmate population in community corrections programs has not been met.
- A backlog of 385 inmates who have been approved for a community placement were in prison awaiting a bed in the community (1.7 percent of the inmate population).
- In the past, JBC has funded additional treatment programs to increase the placement of offenders in community corrections setting. In 2006, legislation to increase the DOC's authority to transition inmates from residential programs to non-residential programs failed. 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.

RECOMMENDATIONS:

1. Staff recommends that the JBC discuss the potential for increasing the percentage of inmates in community corrections programs with the Division of Criminal Justice and the Department of Corrections at their hearings.
2. Staff recommends that the JBC ask the Department of Corrections and the Division of Criminal Justice to respond to the following questions at their respective hearings:
 - a. Why is there a backlog of offenders awaiting a community placement, even though funding has been provided to place these inmates in such programs?
 - b. Could changes be made to the administration of community corrections funds to increase the placement of inmates in community corrections programs (e.g., increase the frequency of changing allocations among judicial districts)? Why or why not?
 - c. What impediments exist to transitioning inmates from community to community ISP? What steps can and should be taken to ensure that the target for community ISP is met?

- d. How much of the community corrections backlog is awaiting a treatment bed? Would it be possible to increase the number intensive residential treatment (IRT) beds (i.e., could providers increase the number treatment beds, or is there a shortage of providers)? Would this help to reduce the backlog? Would it be feasible to increase the number of treatment beds by reducing the number of funded prison beds? Why or why not?
- e. Can the Department identify any legislative opportunities to make it more feasible to increase the population of inmates in community corrections programs? If so, elaborate.

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. Secondly, 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.

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)	\$11.17	\$27.15	\$51.91	\$3.87	\$55.78
Cost borne by DCJ	\$36.63	n/a	n/a	n/a	n/a
Total Daily Cost	\$47.80	\$27.15	\$51.91	\$3.87	\$55.78
Total Annual Cost	\$17,447	\$9,910	\$18,947	\$1,413	\$20,360

* 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 2005-06 costs as delineated in the Department of Corrections November 2006 budget request. The medical costs reflect the \$117.72 per offender per month costs included in the FY 2006-07 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 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* 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 not changed appreciably since the beginning of FY 2006-07. See the table on pages 31 and 32.

Backlog of Offenders Still Exists. According to the Department of Corrections, 385 DOC inmates (approximately 1.7 percent of the total inmate population) in prison have been approved for placement and are awaiting an available community placement (compared to 297 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 173 beds.

Recommendation to Discuss Policy Options to Increase the Use of Community Corrections. Because of the backlog of offenders awaiting a community corrections beds, 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.

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%

* Percentage totals may not may not add due to rounding.

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								22,183
Community	1,436	1,449	1,441	1,471	1,458								1,451
<u>Community ISP</u>	<u>897</u>	<u>867</u>	<u>870</u>	<u>868</u>	<u>905</u>								<u>881</u>
Total Community Population	2,333	2,316	2,311	2,339	2,363								2,332
Percent in Community (6.5% to 7.0%)	6.5%	6.6%	6.5%	6.6%	6.5%								6.5%
<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>4.0%</u>
Total Percent in Community	10.6%	10.5%	10.4%	10.5%	10.6%								10.5%

* Percentage totals may not may not add due to rounding.

**FY 2007-08 Joint Budget Committee Staff Budget Briefing
DEPARTMENT OF PUBLIC SAFETY
Division of Criminal Justice**

ISSUE: Additional funding for diversion slots for community corrections offenders may reduce the need for additional prison beds resulting in an overall cost avoidance.

SUMMARY:

- The number of diversion slots in community corrections programs has not been adjusted in a number of years. Diversion community corrections programs are designed to provide a lower-cost sentencing alternative to prison.
- In recent years, the Division of Criminal Justice (DCJ) has used its statutory flexibility to transfer a portion of its appropriation for transitional programs to diversion programs, suggesting that there is a demand for more diversion community corrections slots.
- Additional diversion slots may result in a cost avoidance in the Department of Corrections, by reducing the number of inmates sentenced to prison.
- Additional diversion slots may reduce the backlog of inmates awaiting diversion beds in county jails.

RECOMMENDATIONS:

1. Staff recommends that the JBC discuss the possibility of increasing the number of diversion slots in community corrections programs with the Division of Criminal Justice at its hearing.
2. Staff recommends that the JBC ask the Department of Corrections and the Division of Criminal Justice to respond to the following questions at their hearings:
 - a. Respond to the JBC staff recommendation for the JBC to consider increasing the appropriation to the Diversion Placements line item in the Community Corrections budget. Would this save the state money?
 - b. Would there be a benefit to having additional diversion beds? Elaborate.
 - c. What increase in the number diversion slots would be appropriate to minimize the possibility of "net widening"?

3. Staff recommends that the JBC consider increasing the number community corrections diversion slots in FY 2007-08. Staff recommends that the JBC consider funding this increase with a corresponding reduction in the appropriation for private prison placements.

DISCUSSION:

Background – Community Corrections Diversion Programs. 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. The number of diversion slots funded over the past decade 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	23,065 *

Summary of Funded Diversion Placements				
Fiscal Year	Residential	Non-Residential	Total Diversion Slots	Year-End Inmate Population
Change over 11-year Period				
Total Percent Change	72.2%	53.8%	62.4%	99.2%
Avg. Annual % Change	5.1%	4.0%	4.5%	6.0%
Change over Last 5 years				
Total Percent Change	-2.5%	0.0%	-1.2%	27.8%
Avg. Annual % Change	-0.5%	0.0%	-0.3%	5.0%

* The FY 2006-07 year-end inmate population figure reflects the December 2006 Legislative Council Staff projection.

Transfer to Diversion Programs. Pursuant to Section 17-27-108 (5), C.R.S., the Division of Criminal Justice is authorized to transfer up to 10.0 percent of the annual appropriation among or between line items for community corrections programs. DCJ used this flexibility in the past two years to fund additional diversion slots, suggesting that there is a demand for additional diversion slots.

1. In FY 2004-05, the Division transferred \$971,038 from the "Transition Programs" line item:
 - a. \$780,199 to the "Diversion Programs" line item to support an average daily population of 61.6 inmates in residential community corrections beds;
 - b. \$164,122 to the "Day Reporting Center" line item; and
 - c. \$26,717 to the "Transitional Mental Health Bed Differential" line item.
2. In FY 2005-06 the Division transferred \$999,112 from the "Transition Programs" line item to the "Diversion Programs" line item to pay for an average daily population of 84.8 inmates in residential community corrections beds.

DCJ contends that using some of its appropriation for transition programs to fund additional diversion slots saved the state money by reducing the number of inmates sentenced to prison. JBC staff notes that using these funds for diversion slots reduces the funds available for transition inmates, which also saves the state money. It is possible that transition inmates are backing up in prison as a result of DCJ's decision to use transition funds for diversion placements. The Department of Corrections reports a backlog of 385 inmates awaiting placement in community corrections as of December 14, 2006.

Diversion Backlog in County Jails. In 2005, staff was advised by some county sheriffs that a backlog of diversion offenders in county jails was contributing to problems of overcrowding. A 2005 survey indicated that there was a backlog of 290 offenders awaiting placement into a diversion program. JBC staff does not have current estimates of the backlog.

Community Corrections Programs are Less Expensive than Prison. A residential diversion placement costs \$47.80 per day (\$17,447 per year) compared with \$55.78 per day (\$20,360 per year) for an offender in a private prison bed.¹ Non-residential diversion placements are even less expensive (\$4.97 per day, or \$1,814 per year).

No Increase Provided Last Year. The possibility of increasing funding for diversion slots was presented to the JBC as a briefing issue last year. No decision item was requested for an increase. During figure setting, JBC staff did not recommend increasing the number of diversion slots. This recommendation was approved by the Committee.

Staff Recommendation to Consider Increasing Diversion Appropriations. Staff believes that there may be a benefit to increasing the number of diversion slots for the following reasons:

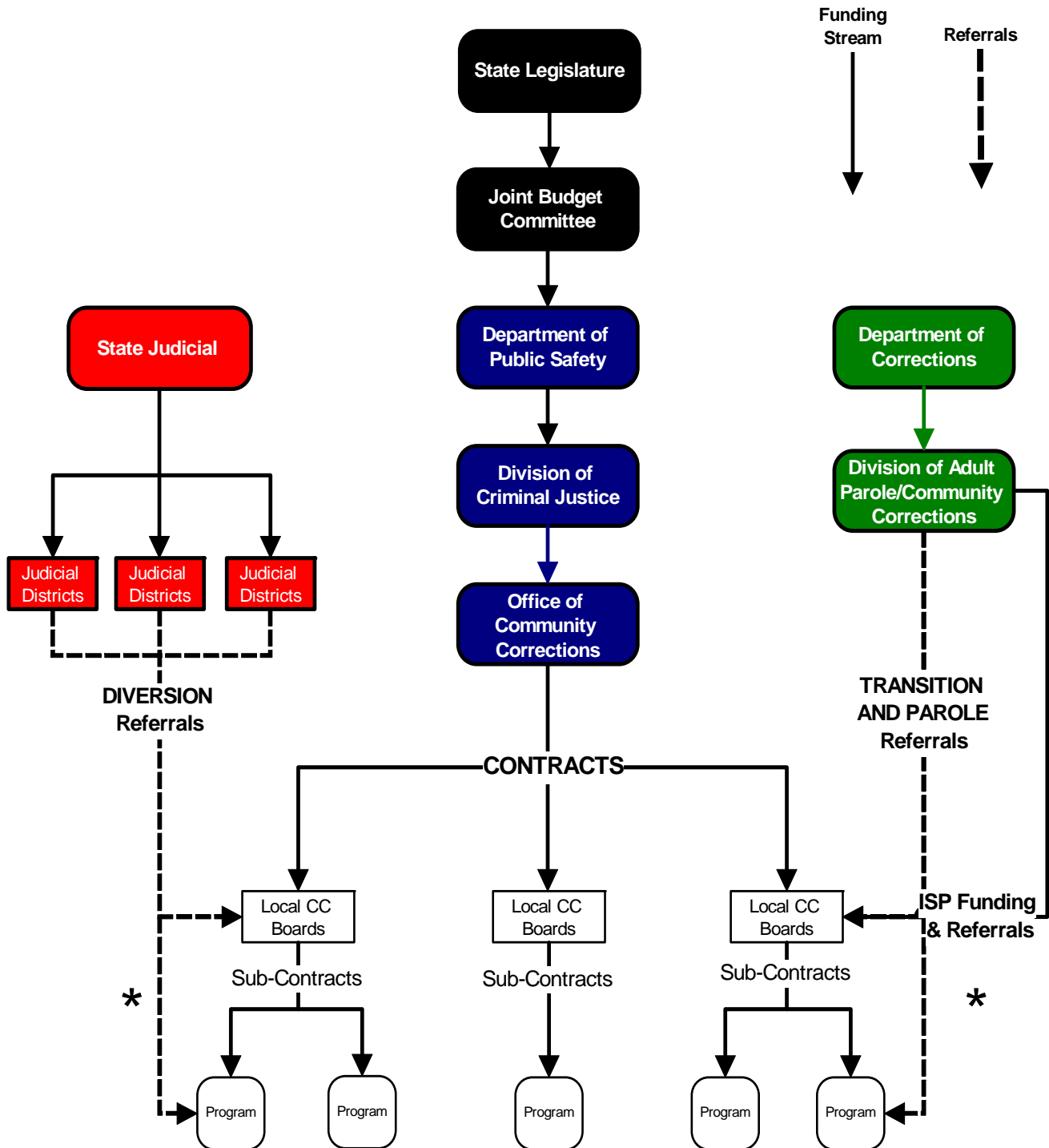
1. No diversion slots have been added in recent years.
2. Increasing the number of diversion slots should reduce the number of inmates entering the Department of Corrections.
3. Community corrections programs offer a lower cost sentencing option for judges.
4. DCJ has demonstrated a need for additional slots through the transfer of funds.
5. Increasing diversion slots could alleviate overcrowding of local jails and eliminate any backlog that may exist for diversion placements.
6. It is possible that transition inmates are backing up in prison as a result of DCJ's decision to use transition funds for diversion placements. The Department of Corrections reports a backlog of 385 inmates awaiting placement in community corrections as of December 14, 2006.

Potential for "Net Widening". Diversion placements are intended to provide judges with a sentencing option for offenders who would otherwise be sentenced to prison. However, it is possible that the additional diversion slots could result in some offenders being placed in a diversion placement that would have otherwise been placed in an even lower cost placement such as probation (i.e., "net widening"). It is not possible to determine to what extent increasing diversion slots will result in net widening. However, the Division of Criminal Justice reports that the "net widening" percentage for diversion placements was 2.3 percent in FY 2004-05 and 3.9 percent in FY 2005-06. The Division believes that this reflects probationers who were sentenced to 30 days in community corrections as a condition of probation.

Staff believes that a gradual increase would reduce the possibility of net widening and would reduce the possibility that funds would be unused.

¹ The estimated cost for a private prison bed includes \$51.91 for the private prison reimbursement rate plus \$3.87 per day for medical costs – which reflects the funded level for FY 2006-07. No other costs were included. The estimated cost for community corrections includes \$36.63 per inmate per day for the Division of Criminal Justice, plus \$11.17 per day for community corrections officers in the Department of Corrections.

COLORADO COMMUNITY CORRECTIONS Funding and Referral System



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