

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2013-14 STAFF FIGURE SETTING
DEPARTMENT OF PUBLIC SAFETY**

(Divisions of Criminal Justice)

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

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Division Overview

The Department of Public Safety's Division of Criminal Justice (DCJ), which is established in Section 24-33.5-501, C.R.S., is comprised of six "offices" and an "institute". This structure provides a good framework for understanding the diverse functions performed by the Division

- **Division Administrative Office:** provides oversight and support for the entire division.
- **Office of Adult and Juvenile Justice Assistance:** administers federally funded grant programs that help local and state law enforcement agencies improve the services they deliver and administers state and federally funded grant programs that target juvenile delinquency.
- **Office of Community Corrections:** provides most of the funding for the state's community corrections programs and for the community corrections boards that provide local oversight and control for those facilities. The Office also sets standards for facilities, audits for compliance, and provides technical assistance.
- **Office of Domestic Violence and Sex Offender Management:** assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, behavioral monitoring, and management of convicted adult domestic violence offenders and sex offenders.
- **Office of Research and Statistics:** analyzes justice policies and problems, evaluates criminal justice programs, conducts recidivism studies, provides research support to the Colorado Commission on Criminal and Juvenile Justice, and distributes information through publications, training programs, and its web site. Its reports include winter and summer forecasts of adult and juvenile correctional and parole populations.
- **Office for Victims Programs:** administers state and federally funded grant programs that help state and local agencies in their efforts to assist crime victims. Recipient agencies include district attorneys, local law enforcement, and local programs that provide victim-assistance services. The Office also runs a Victim's Rights Act Compliance Program, responds to requests for assistance in implementing the victim's rights amendment that is part of the state constitution, and staffs the Victims' Compensation and Assistance Coordinating Committee: is responsible for enforcing compliance with the Amendment.
- **The Colorado Regional Community Policing Institute:** helps strengthen the performance and professionalism of Colorado law enforcement agencies through training, education, and technical assistance programs.

In the Long Bill, the Division of Criminal Justice has five subdivisions that loosely correspond to the above structure:

- (A) Administration
- (B) Victims Assistance
- (C) Juvenile Justice and Delinquency Prevention
- (D) Community Corrections
- (E) Crime Control and System Improvement

Appropriations for most, but not all, of the employees who administer the division's offices are located in (A) Administration, along with related appropriations of operating expenses. This consolidation reflects past decisions of the JBC to combine the appropriations of various offices in the Administration subdivision to give the DCJ more flexibility to respond to changing needs. In some cases, all the appropriations for an office are in (A) Administration. In other cases, additional appropriations for programs administered by an office are contained in subdivisions (B) through (E). For example, appropriations for the employees of the Office of Community Corrections along with supporting operating expenses are in (A) Administration, but there are additional Community Corrections appropriations in (D) Community Corrections.

DEPARTMENT REQUEST AND RECOMMENDATION SUMMARY

Executive Request

The Division requests that its appropriation be increased by \$933,770 total funds (1.1 percent) for FY 2012-13, relative to FY 2011-12. This includes an increase of \$891,204 General Fund (1.6 percent). There is no FTE change.

The two key parts of the request are:

- **R-1 – Continue and increase funding for the Colorado Commission on Criminal and Juvenile Justice.** Legislative authorization for the Commission expires on July 1, 2013. If the Commission expires, appropriations of \$167,443 General Fund and 2.5 FTE, which pay for the DCJ's support of the Commission, will not be needed for FY 2013-14. A renewal bill, S.B. 13-007 (Eliminate Repeal of the CCJJ), has been introduced that would eliminate the sunset. The usual practice for programs that are expiring at the end of the current fiscal year is to place the appropriation in the bill that renews the program because one cannot assume that the renewal bill will be enacted. However, in its November budget request, the Division requested that an appropriation of \$255,443 of General Fund be include in the Long Bill, rather than in the renewal bill. A \$255,443 appropriation would increase funding for the Commission by \$88,000 (= \$255,443 - \$167,443) relative to FY 2012-13 appropriations. The extra \$88,000 pays for a consultant who was previously supported with grant funding that is expiring. The Senate Appropriations Committee decided to include a \$255,443 appropriation for the Commission in S.B. 13-007, so this request is no longer relevant.
- **R-5 – 1.5 Percent Community Corrections Provider Rate Increase.** The common-policy provider rate increase raises appropriations by \$841,645 total funds (\$803,204 General Fund) for FY 2013-14. The increase would raise reimbursement rates for community corrections providers, and for a few other providers in the community corrections subdivision.

Committees of Reference SMART Act Recommendations

Neither the House nor the Senate Judiciary Committees made recommendations concerning the DCJ budget request.

Staff Recommendation

Recommendation: Include S.B. 13-007 in the Long Bill Package

Staff recommends that S.B. 13-007 (Eliminate Repeal of the Colorado Commission on Criminal and Juvenile Justice) be included in the Long Bill package. The Senate Appropriations Committee added an appropriation clause to this bill that provides \$255,443 of General Fund support and 2.5 FTE for the Commission for FY 2013-14. Since a CCJJ appropriation \$167,443 General Fund and 2.5 FTE is being eliminated from the Long Bill for FY 2013-14, the net cost of renewal is \$88,000. This recommendation would provide funding for Department request R-1.

Staff believes that the Commission has done valuable work in the past and will continue to do so in the future. Staff would have recommended that the FY 2013-14 appropriation for the Commission be included in the Long Bill if funding was not in S.B. 13-007.

Division of Criminal Justice						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	83,154,380	57,152,854	3,989,549	2,157,259	19,854,718	60.9
Other Legislation	(27,171)	(37,964)	(1,087,223)	1,098,016	0	(0.5)
SB 13-101 FY 13 Supplemental	0		0	0	0	0.0
TOTAL	\$83,127,209	\$57,114,890	\$2,902,326	\$3,255,275	\$19,854,718	60.4
FY 2013-14 Recommended Appropriation:						
FY 2012-13 Appropriation	\$83,127,209	\$57,114,890	\$2,902,326	\$3,255,275	\$19,854,718	60.4
Colorado Commission on Criminal and Juvenile Justice						
Make S.B. 13-007 (Eliminate Repeal of CCJJ) part of Long Bill package	255,443	255,443	0	0	0	2.5
Eliminate CCJJ approp. from Long Bill	(167,443)	(167,443)	0	0	0	(2.5)
Community Corrections Adjustments						
Provider Rate Increase	2,623,598	2,608,688	0	14,910	0	0.0
Placement Adjustments	(656,328)	(656,328)	0	0	0	0.0
Subsistence Forgiveness	591,200	591,200	0	0	0	0.0
Added funding from Correctional Treatment	235,090	0	0	235,090	0	0.0
Cash Fund						
Increase for Community Corrections Boards	76,717	76,717	0	0	0	0.0
Move appropriation for parolee support to Department of Corrections	(180,000)	(180,000)	0	0	0	0.0
Other Adjustments						
Align appropriation with recent or expected revenue from fund sources	1,119,319	0	(204,766)	(75,000)	1,399,085	(1.5)
Indirect Costs Adjustments	(76,457)	0	(13,595)	(2,573)	(60,289)	0.0
Round Appropriations To Indicate an Estimate	(16,249)	0	0	0	(16,249)	0.0
Move funding from H.B. 12-1310 to EDO	(10,793)	0	0	(10,793)	0	0.0
TOTAL	\$86,921,306	\$59,643,167	\$2,683,965	\$3,416,909	\$21,177,265	58.9
Increase/(Decrease)	\$3,794,097	\$2,528,277	(\$218,361)	\$161,634	\$1,322,547	(1.5)
Percentage Change	4.6%	4.4%	(7.5%)	5.0%	6.7%	(2.5%)
FY 2013-14 Executive Request:	\$84,060,979	\$58,006,094	\$2,914,441	\$3,282,981	\$19,857,463	60.4
Request Above/(Below) Recommendation	(\$2,860,327)	(\$1,637,073)	\$230,476	(\$133,928)	(\$1,319,802)	1.5

Issue Descriptions:

Colorado Commission on Criminal and Juvenile Justice: The recommendation eliminates funding for the CCJJ from the Long Bill and makes the renewal bill S.B. 13-007 part of the Long Bill package.

Community Corrections Adjustments:

Provider rate increase. The recommendation increases most community corrections provider rates by 1.5 percent, but increases the rates for Intensive Residential Treatment and for Therapeutic Communities substantially more.

Placement Adjustments: The recommendation increases appropriations for specialized community corrections beds.

Subsistence Forgiveness: The recommendation funds a subsistence forgiveness experiment for community corrections programs. The recommendation was discussed during briefing.

Added funding from Correctional Treatment Cash Fund: The recommendation appropriates additional funding from the Correctional Treatment Cash Fund.

Increase for Community Corrections Boards: The recommendation appropriates additional funding for Community Corrections Boards.

Move appropriation for parolee support to Department of Corrections. The recommendation moves an appropriation for parolees to the Department of Corrections.

Other Adjustments: The recommendation adjusts appropriations of several federal funds and cash funds from grants to more closely align them with revenue. The appropriation also rounds some informational appropriations to show that they are estimates, moves some funding within the Department, and adjusts indirect costs assessments.

(A) Administration

This subdivision contains appropriations for the employees who staff five of the Division's seven offices as well as the operating expenses that support those employees.

SUBDIVISION REQUEST AND RECOMMENDATION SUMMARY

Request: The Division requests an appropriation of \$3,640,630 and 31.8 FTE, an increase of \$92,125 total funds.

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Recommendation: Staff recommends an increase of \$750 total funds for this line item. Staff is including the appropriations in S.B. 13-007 (Eliminate Repeal of the CCJJ) in this recommendation.

The difference between the staff recommendation and the DCJ request is due to differing adjustments to indirect cost assessments.

Administration						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	3,575,676	1,801,780	672,833	413,509	687,554	32.3
Other Legislation	(27,171)	(37,964)	(93,204)	103,997	0	(0.5)
TOTAL	\$3,548,505	\$1,763,816	\$579,629	\$517,506	\$687,554	31.8
FY 2013-14 Recommended Appropriation:						
FY 2012-13 Appropriation	\$3,548,505	\$1,763,816	\$579,629	\$517,506	\$687,554	31.8
Indirect Costs Adjustments	(76,457)		(13,595)	(2,573)	(60,289)	0.0
Move funding from H.B. 12-1310 to EDO	(10,793)		0	(10,793)	0	0.0
Expiration of authorization for CCJJ	(167,443)	(167,443)	0	0	0	(2.5)
S.B. 13-007 Eliminate Repeal of CCJJ	255,443	255,443	0	0	0	2.5
TOTAL	\$3,549,255	\$1,851,816	\$566,034	\$504,140	\$627,265	31.8
Increase/(Decrease)	\$750	\$88,000	(\$13,595)	(\$13,366)	(\$60,289)	0.0
Percentage Change	0.0%	5.0%	(2.3%)	(2.6%)	(8.8%)	0.0%
FY 2013-14 Executive Request:	\$3,640,630	\$1,851,816	\$591,744	\$506,771	\$690,299	31.8
Request Above/(Below) Recommendation	\$91,375	\$0	\$25,710	\$2,631	\$63,034	(0.0)

LINE ITEM DETAIL

DCJ Administrative Services

This line item was created in the FY 2012-13 Long Bill by combing the subdivision's personal services and operating expenses appropriations in order to increase flexibility. The line item funds most of the personnel for six of the division's offices:

DCJ Administrative Services Staffing summary by program			
	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Estimate
Division Administrative Office	7.0	10.0	10.0
Research and Statistics	5.9	3.3	3.3
Community Corrections	6.2	6.9	6.9
Victim Programs	5.5	5.4	5.4
Adult and Juvenile Justice Assistance	2.7	2.2	2.2

JBC Staff Figure Setting – FY 2013-14
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DCJ Administrative Services Staffing summary by program			
	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Estimate
Domestic Violence FTE of the Office of Domestic Violence and Sex Offender Management	2.5	2.5	2.5
Total	29.8	30.3	30.3

Sex Offender Management FTE are appropriated in subdivision (E) *Crime Control and System Improvement*. The FTE who support the Colorado Commission on Criminal and Juvenile Justice are in the Division Administrative Office.

The sources of cash funds are:

- The Victims Assistance and Law Enforcement Fund (the State VALE fund) established in Section 24-33.5-506 (1), C.R.S., which supports victim programs,
- The Correctional Treatment Cash Fund established in Section 18-19-103 (4) (a), C.R.S.;
- Gifts, grants and donations.

The source of reappropriated funds is indirect cost recoveries which help pay for oversight of all programs by the Division Administrative Office. Indirect cost recovers are collected from:

- State sources (the Correctional Treatment Cash Fund, the Sex Offender Surcharge Fund, and the State VALE fund), and
- Federal sources (VOCA, VAWA, Juvenile Justice, and other federal grants administered by the division).

Request: The Department requests an appropriation of \$2,951,658, which includes the expiration of \$167,443 of General Fund for the Colorado Commission on Criminal and Juvenile Justice and its replacement with \$255,443 of General Fund.

Recommendation: Staff also recommends an appropriation of \$2,951,658 as detailed in Table 1. This appropriation includes the funding for the CCJJ in S.B. 13-007 and places that funding in *DCJ Administrative Services*, the place where that funding will be spent.

Table 1

DCJ Administrative Services						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	2,901,622	1,801,780	602,295	413,509	84,038	32.3
Other Legislation	(27,171)	(37,964)	(84,803)	95,596	0	(0.5)
TOTAL	\$2,874,451	\$1,763,816	\$517,492	\$509,105	\$84,038	31.8
FY 2013-14 Recommended Appropriation:						
FY 2012-13 Appropriation	\$2,874,451	\$1,763,816	\$517,492	\$509,105	\$84,038	31.8
Move funding provided by H.B. 12-1310 to Executive Director's Office	(10,793)	0	0	(10,793)	0	0.0

JBC Staff Figure Setting – FY 2013-14
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DCJ Administrative Services						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
Eliminate CCJJ in Long Bill	(167,443)	(167,443)	0	0	0	(2.5)
S.B. 13-007 Eliminate Repeal of CCJJ – Include in Long Bill Package	255,443	255,443	0	0	0	2.5
TOTAL	\$2,951,658	\$1,851,816	\$517,492	\$498,312	\$84,038	31.8
Increase/(Decrease)	\$77,207	\$88,000	\$0	(\$10,793)	\$0	0.0
Percentage Change	2.7%	5.0%	0.0%	(2.1%)	0.0%	0.0%
FY 2013-14 Executive Request:	\$2,951,658	\$1,851,816	\$517,492	\$498,312	\$84,038	31.8
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

Indirect Cost Assessment

All indirect cost assessments paid from the DCJ's cash and federal funds are combined in this indirect cost assessment line item. All programs in DCJ that are supported by cash, reappropriated, or federal funds pay these assessments, which help pay for (1) statewide indirect costs, (2) departmental indirect costs, and (3) indirect costs within DCJ. The JBC staff member who handles the rest of the Department of Public Safety is responsible for the Department's indirect costs. This explanation summarizes the indirect cost plan.

The indirect cost assessments are based on assessment percentages that are applied to personal services appropriations. These rates are set at levels that will recover current-year indirect costs. The FY 2013-14 Department of Public Safety assessment rate for statewide and departmental indirect costs will equal approximately 10%, a uniform rate that applies to cash, reappropriated, and federal funds. In addition there is an internal indirect cost assessment within DCJ that applies to DCJ personal services appropriations. The FY 2012-13 assessment will equal approximately 36%, meaning that the total assessment in DCJ on cash, reappropriated, and federal personal-services appropriations equals forty-six percent (10% + 36%). The statewide and departmental collections are used to offset the use of General Fund throughout the Department, the internal DCJ assessment is used to offset General Fund within DCJ's Administration subdivision.

The sources of cash funds for indirect cost recoveries are the State Victims Assistance and Law Enforcement (State VALE) Fund established in Section 24-33.5-506 (1), C.R.S., and the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.

The JBC may make changes to staff recommendations or to common policies that alter the recommended indirect cost assessments. **Staff requests permission to re-calculate the indirect cost recoveries if subsequent Committee decisions require changes.**

Request: The Division requests an appropriation of \$688,972, comprised of \$74,252 cash funds, \$8,459 reappropriated funds, and \$606,261 federal funds.

Recommendation: The following table summarizes the Department Request.

Indirect Cost Assessment					
	Total Funds	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:					

JBC Staff Figure Setting – FY 2013-14
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Indirect Cost Assessment					
	Total Funds	Cash Funds	Reappropriated Funds	Federal Funds	FTE
HB 12-1335 (Long Bill)	674,054	70,538	0	603,516	0.0
Other Legislation	0	(8,401)	8,401	0	0.0
TOTAL	\$674,054	\$62,137	\$8,401	\$603,516	0.0
FY 2013-14 Recommended Appropriation:					
FY 2012-13 Appropriation	\$674,054	\$62,137	\$8,401	\$603,516	0.0
Indirect Costs Adjustments	(76,457)	(13,595)	(2,573)	(60,289)	0.0
TOTAL	\$597,597	\$48,542	\$5,828	\$543,227	0.0
Increase/(Decrease)	(\$76,457)	(\$13,595)	(\$2,573)	(\$60,289)	0.0
Percentage Change	(11.3%)	(21.9%)	(30.6%)	(10.0%)	0.0%
FY 2013-14 Executive Request:	\$688,972	\$74,252	\$8,459	\$606,261	0.0
Request Above/(Below) Recommendation	\$91,375	\$25,710	\$2,631	\$63,034	0.0

(B) Victims Assistance

The Office for Victims Programs administers state and federally funded grant programs that provide funding to state and local agencies that assist crime victims. The appropriation for most of the Office's staff is in subdivision (A) Administration. Appropriations for grants that the Office administers are in this subdivision (B). Grant recipients include district attorneys, local law enforcement, and local programs that provide victim-assistance services.

SUBDIVISION REQUEST AND RECOMMENDATION SUMMARY

Request: The Division requests an unchanged continuation appropriation for this subdivision.

Recommendation: The following table shows the single change that staff recommends for this subdivision: reduction of the appropriation for Child Abuse Investigation by \$117,415 to align the appropriation more closely with recent revenue from its cash fund source.

(B) Victims Assistance				
	Total Funds	Cash Funds	Federal Funds	FTE
FY 2012-13 Appropriation:				
HB 12-1335 (Long Bill)	12,217,415	1,817,415	10,400,000	0.4
TOTAL	\$12,217,415	\$1,817,415	\$10,400,000	0.4
FY 2013-14 Recommended Appropriation:				
FY 2012-13 Appropriation	\$12,217,415	\$1,817,415	\$10,400,000	0.4
Align appropriation with recent or expected revenue from fund sources	(117,415)	(117,415)	0	0.0
TOTAL	\$12,100,000	\$1,700,000	\$10,400,000	0.4
Increase/(Decrease)	(\$117,415)	(\$117,415)	\$0	0.0
Percentage Change	(1.0%)	(6.5%)	0.0%	0.0%
FY 2013-14 Executive Request:	\$12,217,415	\$1,817,415	\$10,400,000	0.4
Request Above/(Below) Recommendation	\$117,415	\$117,415	\$0	0.0

LINE ITEM DETAIL

Federal Victims Assistance and Compensation Grants

The Office for Victim Programs manages three federal grant programs, the Victims of Crime Act (VOCA), the S.T.O.P. Violence Against Women Act (VAWA), and the Sexual Assault Service Program (SASP).

VOCA grants enhance, expand, and develop programs to serve victims of crime. These services include counseling, providing shelter, assistance in filing compensation applications, crisis intervention services, assistance in court proceedings, and assistance in filing protection orders.

VAWA grants develop and strengthen effective law enforcement, prosecution, judicial strategies and victim services throughout Colorado in cases involving violent crimes against women, which are defined as domestic violence, sexual assault, stalking and dating violence.

SASP grants provide direct services, including intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for victims of sexual assault, family and household members of victims, and those collaterally affected by the sexual assault.

The Federal Victims Assistance and Compensation Grants line item is an informational appropriation that reflects expected expenditures of federal funds. The following table presents the recommendation and the request.

Request: The Division requests an unchanged continuation appropriation for this subdivision of \$10,400,000 federal funds.

Recommendation: Staff recommends the Committee approve the Division's request.

State Victims Assistance and Law Enforcement Program:

The Victims Assistance and Law Enforcement (VALE) program began in 1984 when the General Assembly enacted the Assistance to Victims of and Witnesses to Crimes Aid to Law Enforcement Act. In 1992 voters boosted victim rights by approving the Victim Rights Amendment, which is found in Article 2, Section 16a of the Colorado Constitution. The amendment states that crime victims have the "right to be heard when relevant, informed, and present at all critical stages of the criminal justice process."

Section 24-33.5-506, C.R.S., establishes the Victims Assistance and Law Enforcement (State VALE) Fund, which is administered by the State VALE Advisory Board. Each judicial district also has its own local VALE fund, which is distinct from the State VALE fund. These local VALE funds receive revenues from surcharges on fines imposed for felonies, misdemeanors, juvenile offenses, and certain traffic infractions within the district. Pursuant to Section 24-4.2-105 (1), C.R.S., 13 percent of each district's surcharge revenue is transferred to the State VALE Fund. Local VALE boards, which are appointed by the chief judge of the judicial district, make grants to agencies that provide services to crime victims within the district in which the monies are collected. The Office for Victim Programs issues standards that govern the administration of Local VALE programs. There are two priority areas for VALE funding: implementation of the

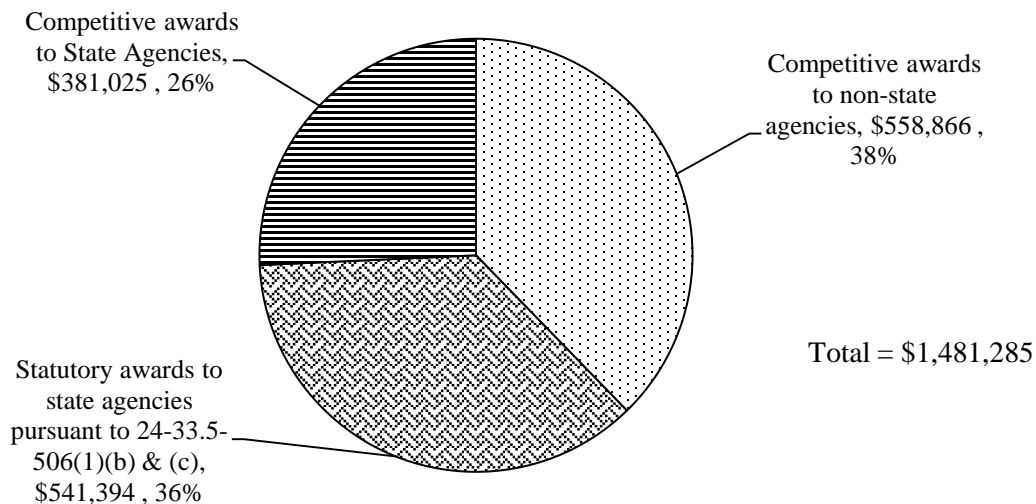
Victim Rights Act and (2) victim and witness services, including crisis intervention services, referrals of victims to appropriate community services and victim compensation programs, translator services, and counseling.

Pursuant to statute, the State VALE fund is appropriated to the Division for

- Payment of DCJ's costs of administering state and federal victim programs,
- Distributions to the
 - Department of Public Safety to support several Victim Advocates positions around the state that provide comprehensive services to victims of traffic crashes (and their families) on Colorado highways where an injury or death occurs.;
 - Division of Youth Corrections (in the Department of Human Services) to provide notification of movements and changes involving the juvenile perpetrator, such as escapes, return to custody, eligibility for visits to the community, hearings, recommitments, transfers to the adult system, and expiration of commitment;
 - Department of Corrections to provide notifications similar to those provided by the Division of Youth Corrections including assistance and support to victims who attend Parole Board Hearings and Community Corrections Board reviews;
 - Office of the State Court Administrator to implement and coordinate statewide victim services programs; and
 - Department of Law to provide notifications to victims of appellate actions involving the perpetrator and cases in which the Department of Law prosecutes the accused perpetrator in a trial court,
- A competitive VALE grant program that makes grants to state government criminal justice agencies and non-profit victim service agencies. A Governor-appointed board reviews grant requests and makes funding recommendations to the Department.

The following chart shows the projected distribution of grants for calendar year 2013.

Awards from the State VALE Fund for CY 2013



Request: The Department requests a continuation appropriation of \$1,500,000 cash funds.

Recommendation: Staff recommends the Committee approve the Division's request.

Child Abuse Investigation

Article 24 of Title 18, C.R.S., establishes a schedule of "surcharges" that are paid by offenders who are convicted of crimes against children, including sex offenses, incest, child abuse, and contributing to the delinquency of a minor. The surcharges range from \$1,500 for a class 2 felony to \$75 for a class 3 misdemeanor. Five percent of the surcharge revenue is credited to the Judicial Stabilization Fund and the remaining 95.0 percent is credited to the Child Abuse Investigation Surcharge Fund, which is created in Section 18-24-103 (2) (a), C.R.S. In recent years cash inflows to the fund equaled

\$77,855 in FY 2009-10,
 \$102,675 in FY 2010-11,
 \$151,102 in FY 2011-12.

DCJ uses this appropriation to make payments to the Colorado Children's Alliance, which distributes the money to 13 Child Advocacy Centers around the state and provides training and technical guidance to the Centers. The Centers offer multi-disciplinary team responses for child sexual abuse intervention in child-friendly, child-appropriate facilities. The types of services supported include forensic interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review.

The FY 2011-12 dip in spending reported in the numbers pages is due to an accounting error that was detected too late to be fixed. There was, in fact, no spending dip. The FY 2011-12 expenditure was inadvertently reported as a FY 2010-11 expenditure, leading to reported expenditure for FY 2010-11 that was about \$90,000 too high. In reality, spending in FY 2010-11 was about \$80,000 and in FY 2011-12 was about \$90,000.

Request: The Department requests a continuation appropriation of \$1,500,000 cash funds.

Recommendation: Staff recommends that the Committee reduce the Division's appropriation to \$200,000 to align it more closely with recent revenues of the Child Abuse Investigation Surcharge Fund.

Child Abuse Investigation			
	Total Funds	Cash Funds	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	317,415	317,415	0.4
TOTAL	\$317,415	\$317,415	0.4
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$317,415	\$317,415	0.4
Align appropriation with recent or expected revenue from fund sources	(117,415)	(117,415)	0.0
TOTAL	\$200,000	\$200,000	0.4

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Increase/(Decrease)	(\$117,415)	(\$117,415)	0.0
Percentage Change	(37.0%)	(37.0%)	0.0%
FY 2013-14 Executive Request:	\$317,415	\$317,415	0.4
Request Above/(Below) Recommendation	\$117,415	\$117,415	0.0

(C) Juvenile Justice and Delinquency Prevention

The Office of Adult and Juvenile Justice Assistance administers federally funded grant programs that help local and state law enforcement agencies improve the services they deliver and administers state and federally funded grant programs that target juvenile delinquency. The appropriation for most of the Office's staff is in subdivision (A) Administration. Appropriations for grants the Office administers are in this subdivision (B).

SUBDIVISION REQUEST AND RECOMMENDATION SUMMARY

The following table shows the single change that staff recommends for this division: rounding a federal funds appropriation down to indicate that it is an estimate.

(C) Juvenile Justice and Delinquency Prevention				
	Total Funds	General Fund	Federal Funds	FTE
FY 2012-13 Appropriation:				
HB 12-1335 (Long Bill)	2,107,388	1,241,139	866,249	0.9
TOTAL	\$2,107,388	\$1,241,139	\$866,249	0.9
FY 2013-14 Recommended Appropriation:				
FY 2012-13 Appropriation	\$2,107,388	\$1,241,139	\$866,249	0.9
Round Appropriation To Indicate an Estimate	(16,249)	0	(16,249)	0.0
TOTAL	\$2,091,139	\$1,241,139	\$850,000	0.9
Increase/(Decrease)	(\$16,249)		(\$16,249)	0.0
Percentage Change	(0.8%)	0.0%	(1.9%)	0.0%
FY 2013-14 Executive Request:	\$2,107,388	\$1,241,139	\$866,249	0.9
Request Above/(Below) Recommendation	\$16,249	\$0	\$16,249	0.0

LINE ITEM DETAIL

Juvenile Justice Disbursements

The Office of Adult and Juvenile Justice Assistance provides federally funded grants to units of local government (including law enforcement, district attorneys, and judicial districts), state agencies, and non-profit/local private community-based agencies to assist in local efforts that enhance or respond to a variety of juvenile justice and delinquency issues from prevention through aftercare. These grants address such issues as jail removal; separation of juveniles from adult inmates; over representation of minorities in the justice system; mental health and

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substance abuse; gender specific services; and juvenile justice system improvement. The monies are used for program development, service delivery, policy design, research and other activities.

The federal funds for this line item are shown for informational purposes only. The funds are from the federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice.

Request: The Division requests a continuation appropriation.

Recommendation: Staff recommends that this appropriation be rounded down to \$850,000 to indicate that it is an estimate. In recent years, the maximum actual expenditure for this line item was \$847,821.

Juvenile Justice Disbursements			
	Total Funds	Federal Funds	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	866,249	866,249	0.0
TOTAL	\$866,249	\$866,249	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$866,249	\$866,249	0.0
Round Appropriation To Indicate an Estimate	(16,249)	(16,249)	0.0
TOTAL	\$850,000	\$850,000	0.0
Increase/(Decrease)	(\$16,249)	(\$16,249)	0.0
Percentage Change	(1.9%)	(1.9%)	0.0%
FY 2013-14 Executive Request:			
Request Above/(Below) Recommendation	\$16,249	\$16,249	0.0

Juvenile Diversion Programs

Juvenile diversion programs are for youth who are accused of having committed crimes. In lieu of going through the normal judicial process, the youth is placed in a program that holds him accountable for his behavior while involving him in programs and activities that help prevent future criminal behavior. Diversion may take place either before charges are filed, or after a formal hearing as an adjunct to probation, or as part of a court sentence. Diversion programs can include diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, general counseling, crisis counseling, and follow-up activities. Programs may include a restorative justice component, if the victim agrees to participate.

The Juvenile Diversion Programs line item helps support various juvenile diversion programs around the state. These programs are operated by district attorneys, counties, and community-based agencies. A typical program is that offered by La Plata Youth Services, which serves children aged ten to seventeen who are charged with a misdemeanor or felony. La Plata's program is six months to one year long; youth are referred in lieu of having charges filed against them, avoiding further court processes and a permanent criminal record. (See the *Annual Report to the Governor* by the Colorado Juvenile Justice and Delinquency Prevention Council & Office of Adult and Juvenile Justice Assistance, Colorado Department of Public Safety, October 2012. According to this report, during FY 2011-12 a total of 1,591 youth were served through 19 state-

funded juvenile diversion programs located in 15 Judicial Districts across the state. A total of 667 youth exited a diversion program during the reporting period, with 82.9% being successful, 5.0% unsuccessfully terminating due to an arrest on a new offense, and 7.9% unsuccessfully terminating due to non-compliance with their diversion contract. A total of 10,949 community service hours were ordered of which 9,556 were completed by diversion program participants and \$49,051 in restitution was collected.)

Request: The Division requests a continuation appropriation of \$1,241,139 General Fund.

Recommendation: Staff recommends that the Committee approve this request.

(D) Community Corrections

The Office of Community Corrections oversees community corrections programs in Colorado. The appropriation for the Office's staff is in subdivision (A) Administration. The appropriations that fund community corrections programs around the state are located in this subdivision (D).

Background on Community Corrections

Community corrections programs, also called halfway houses, are governed by the rules of Title 17, Article 27, C.R.S., and are operated by local governments, private providers, and non-profits. Colorado's 35 halfway houses provide offenders with supervision and structure in both residential and nonresidential settings.

Diversion, transition, and parole. *Diversion* refers to a direct sentence to community corrections by a judge as the result of a felony conviction. In these cases, community corrections serves as an alternative to prison; offenders who succeed in community corrections avoid prison while those who fail are usually sentenced to prison. *Transition* refers to the placement of Department of Corrections prison inmates in local residential facilities prior to their release on parole. While in the structured environment of a halfway house, offenders get jobs, renew contacts with family, and start developing community support systems prior to full release into the community. *Parolees*, former prison inmates who have been paroled by the parole board, are also placed in community corrections facilities. Transition, diversion, and parole offenders live together within the same community corrections facilities.

Residential and nonresidential programs. Most community corrections offenders reside in a community corrections facility, going out to work or to seek work and returning to the facility when work ends. Transition offenders always begin in residential programs; diversion offenders almost always begin in residential programs but occasionally begin in nonresidential programs. Successful residential clients in diversion programs may progress to nonresidential or "day reporting" status; they then live outside the facility but check in as often as daily and are randomly monitored to make sure they are at jobs and other approved locations. Transition offenders who progress to nonresidential status enter the Department of Corrections "ISP-I" program, an Intensive Supervision Program for Inmates. Diversion nonresidential offenders often continue to participate in programs begun while they were in residence at a program.

Specialized treatment for substance abuse, mental health, and sex offenders. All community corrections facilities provide services for their offenders. These services generally include individualized case management, life skills training, drug and alcohol education, anger management classes, money management assistance, educational guidance, and vocational guidance. Often, offenders are required to attend and pay for services beyond those provided by their program.

Some community corrections programs provide more extensive treatment:

Substance abuse only programs. There are two types of programs for offenders with severe substance abuse problems:

- *Intensive Residential Treatment (IRT)*, a 90 day program in which the offender stays around-the-clock in the community corrections facility, receiving treatment, learning job hunting skills, etc., and
- *Therapeutic Communities (TC)*, which have two phases:
 - (1) an inpatient (i.e. residential) phase that lasts 9 to 12 months, and
 - (2) an outpatient (i.e. nonresidential) phase that lasts 9 to 12 months.

These treatment options are provided by two Denver programs (*Peer I* for men and *The Haven* for women) and one in Pueblo (*Crossroads* for men). A small number of diversion offenders at Peer I attend the first phase on an outpatient basis. The outpatient option for the first phase is referred to as Day Treatment.

Combined mental health and substance abuse programs. *Residential Dual Diagnosis Treatment (RDDT)* programs address co-occurring mental health and substance abuse problems. Because substance abuse commonly accompanies mental health problems, there are no programs that deal exclusively with mental health needs. Residential Dual Diagnosis Treatment treatment lasts 6 months or more. Offenders with mental health needs who have *severe* substance abuse problems may be placed in an Intensive Residential Treatment program for 90 days as part of their therapy.

Supervision and treatment programs for sex offenders: These programs provide enhanced supervision and case management for offenders but generally do not provide in-house treatment. Sex offenders receive treatment from an independent provider. The community corrections program pays some of the provider's fees.

Payments by the state: base payments and differentials. The state pays a standard base amount for all residential community corrections beds. If the offender is enrolled in a specialized residential program, the state also pays a "differential" that reflects the higher treatment cost and the fact that offenders enrolled in these programs either do not work or are not allowed to start seeking working until they have been enrolled in the program for several months.

- **Base:** For FY 2012-13, the base residential payment equals \$37.74 per offender per day. If an offender is in a standard community corrections program for a year, the cost is \$13,775 (= 365 *\$ 37.74).

- **Differential:** If the offender is enrolled in a specialized residential program, the state makes an additional differential payment.
- **Nonresidential:** The amount the state pays for *nonresidential* placements varies by program. There are no differentials.

Subsistence Payments by Offenders: Offenders in most (but not all) programs are expected to pay a portion of the cost of their community corrections program:

- Offenders in standard residential community corrections programs are required to work as a condition of being in the program. These residential offenders are expected to pay \$17 per day toward the cost of their room, board, and treatment starting the day they arrive. This payment, usually referred to as "subsistence," amounts to \$6,205 (= 365 * \$17) annually.

Offenders also have other expenses, such as paying for required treatment, paying up to 20 percent of their income for restitution and/or child support, and paying for their own medical, dental, and mental health care, including pharmaceuticals. Offenders in standard programs may have difficulty finding a job, or may lose a job and be unable to pay. An offender's unpaid daily debt to a community corrections program accumulates, but may never be paid in full. According to the *FY 2010 and FY 2011 Colorado Community Corrections Annual Report*, during FY 2010-11, the average offender owed \$658 to his community corrections program at discharge. The average amount of subsistence paid daily by traditional residential community corrections clients was \$12.68 in FY 2009-10 and \$11.14 in FY 2010-11.

- Offenders enrolled in Intensive Residential Treatment are not allowed to work while in the program and thus pay no subsistence.
- Offenders in Residential Dual Diagnosis Treatment and in Therapeutic Communities are not allowed to seek work until they have been enrolled in the program for a considerable amount of time and have stabilized; the delay varies and could last months. As a consequence, their subsistence contributions are initially zero. Despite this fact, ARTS, which operates the Haven and Peer I therapeutic communities reports average subsistence payments that are virtually identical to those reported by traditional community corrections programs.
- Sex offenders are expected to pay the standard rate from the time they arrive but frequently have trouble finding jobs.
- Offenders in "standard" nonresidential programs are expected to pay \$3 daily or approximately \$90 per month.

The following tables show the payments that the state and offenders make for various types of community corrections programs.

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FY 2012-13 Daily Payment Rates for Residential Community Corrections Programs							
Type of bed	Special problems treated	Daily payment by:					Average Total Paid
		State			Offender*		
		Base	Differential	Total	Max	Actual	
Standard residential		\$37.74	\$0.00	\$37.74	\$17.00	\$11.14	\$48.88
Intensive Residential Treatment (IRT)	Substance abuse	37.74	17.78	55.52	0	0	55.52
Therapeutic Community (TC), residential phase of treatment	Substance abuse	37.74	14.34	52.08	17.00	11.13	63.21
Residential Dual Diagnosis Treatment (RDDT)	Substance abuse & mental health	37.74	33.02	70.76	17.00	n/a	n/a
JERP (John Eachon Re-entry Program, a very intensive RDDT)	Substance abuse & mental health	37.74	52.80	90.54	0	0	90.54
Sex Offender	Sex offense	37.74	33.02	70.76	17.00	n/a	n/a

* Max, the maximum amount that can be collected from offenders, is set in the Long Bill. Actual is from the FY 2010 and FY 2011 Colorado Community Corrections Annual Report. It reports the average paid by a standard residential offender during FY 2010-11.

FY 2012-13 Daily Payment Rates for Nonresidential Community Corrections Programs					
Type of bed	Special problems treated	Daily payment by:			Total Paid
		State	Offender		
			Max.	Actual	
Standard non-residential (diversion only)		\$5.12 avg*	\$3.00	\$3.00	\$8.12
Day Treatment (This is the outpatient version of Residential Therapeutic Community Treatment)	Substance abuse	33.27	3.00	3.00	36.27
Therapeutic Community, nonresidential phase of treatment	Substance abuse	13.32	3.00	3.00	16.32

* There are four progressively less restrictive levels of standard nonresidential treatment, which cost the state \$8, \$6, \$3, and \$2 daily with a \$5.12 average.

Oversight of programs and offenders. Oversight of community corrections *programs* is shared by local Community Corrections Boards and the Office of Community Corrections.

Oversight of *offenders* in community corrections programs is provided by the staff of the community corrections program. Transition offenders are also supervised by parole officers from the Department of Corrections. Probation officers are not typically involved in supervision.

Funding sources: Community Corrections programs are primarily funded by the General Fund, but significant support also comes from the Correctional Treatment Cash Fund. A brief history of cash and reappropriated funding is relevant for the staff recommendations.

Correctional Treatment Cash Fund and its predecessors. In the early 1990's Community Corrections programs were funded exclusively by the General Fund. In FY 1997-98 a new funding source appeared, the Drug Offender Surcharge Fund, which paid for the differential cost of a limited number of Intensive Residential Treatment beds. The base payment for these beds

came from the General Fund. In FY 2011-12, H.B. 10-1352 added a flexible funding source that could pay for beds or for other forms of treatment for adult substance abuse and co-occurring disorders.

House Bill 10-1352 made a number of changes to controlled-substance laws that reduced General Fund criminal justice expenditures. The bill directed the General Assembly to annually appropriate the resulting General Fund savings to the Drug Offender Surcharge Fund and required the moneys be allocated to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are on diversion, on probation, on parole, in community corrections, or in jail. The General Fund savings was appropriated to the Judicial Department and then reappropriated to the DCJ and to other state agencies.

Last year, the General Assembly enacted House Bill 12-1310, which:

- 1) Directed three sources of funding for substance abuse treatment into a newly created Correctional Treatment Cash Fund, which serves adult and juvenile offenders. The redirected fund sources include two that provided community corrections funding:
 - a) the Drug Offender Surcharge Fund, and
 - b) the General Fund savings generated by H.B. 10-1352.
- 2) Specified that the transfer of H.B. 10-1352 General Fund savings to the Correctional Treatment Cash Fund must equal at least \$9.5 million annually.
- 3) Created the Correctional Treatment Board and required it to prepare an annual plan for spending the money received by the Correctional Treatment Cash Fund.
- 4) Required the Judicial Department to present the annual plan to the Joint Budget Committee. Since appropriations from the Correctional Treatment Cash Fund are included in the Long Bill, the General Assembly has the final say on allocation and use.
- 5) The annual plan will specify the allocation of funding among state agencies and could include direction to those agencies concerning how the allocated moneys are to be spent. Section 18-19-103 (4) (c), C.R.S., states that the Board may direct that moneys be used for the following purposes:
 - a) Alcohol and drug screening, assessment, and evaluation;
 - b) Alcohol and drug testing;
 - c) Substance abuse education and training;
 - d) An annual statewide conference regarding substance abuse treatment;
 - e) Treatment for assessed substance abuse and co-occurring disorders;
 - f) Recovery support services; and
 - g) Administrative support to the correctional treatment board.

Change 2) increased funding for all programs receiving support from these sources by \$1.8 million.

Change 5) broadened the purposes for which H.B. 10-1352 moneys can be spent. Prior to passage of H.B. 12-1310, former Section 16-11.5-102 (3) (c) (I), required that H.B. 10-1352 moneys be used only to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment. Now these moneys can be spent for any of the purposes listed in 5).

Current funding from the Correctional Treatment Cash Fund. For FY 2012-13 the Division received \$2,666,766 from the Correctional Treatment Cash fund. The Long Bill, as amended by H.B. 12-1310, allocated this funding as shown in the FY 2012-13 column of the table below.

In October 2012, the Correctional Treatment Board met to develop a funding plan for FY 2013-14. The Board reviewed the FY 2012-13 allocation of treatment moneys, noted that it had not yet had enough time to conduct a thorough review, and decided to retain the current allocation with two modifications: it allocated an extra \$250,000 to the Division of Criminal Justice for Community Corrections and an extra \$1.2 million to the Department of Human Services. The Board did not specify how the extra funding was to be distributed among the Division's line items.

During figure setting for the Judicial Branch, the Committee approved the recommendation from the Correctional Treatment Board, which increased DCJ funding from \$2,666,766 to \$2,916,766. The Staff recommendations in this document result in the allocations shown in the FY 13-14 column of the following table, which places most of the increase in the line item titled *Treatment for Substance Abuse and Co-occurring Disorders*. The allocation to *Community Corrections Placement* reflects the 1.5 provider increase. Implicitly the allocation to *Treatment for Substance Abuse and Co-occurring Disorders* includes the 1.5 percent provider increase plus the remaining money.

Allocation within DCJ of Moneys Received from the Correctional Treatment Cash Fund

Division and Line Item	FY 12-13	FY 13-14	Change	% Change
(1) Executive Directors Office				
Health, Life, Dental, Short Term Disability, etc.	\$10,793	\$10,793	\$0	0.0%
(4) Division of Criminal Justice				
Administration Personal Services and Operating Expenses	93,204	93,204	0	0.0%
Community Corrections Placement	994,019	1,008,929	14,910	+1.5%
Treatment for Substance Abuse and Co-occurring Disorders	1,568,750	1,803,840	235,090	+15.0%
Total Received	\$2,666,766	\$2,916,766	\$250,000	+9.4%

House Bill 10-1360 has also provided additional funding for Community Corrections. The bill made offenders with class 4 felonies eligible for a program that sends parole violators to community corrections facilities rather than prison. The bill also restricted the amount of time a parole violator can return to prison to 90 or 180 days based on the offender's risk level. In addition, the bill required the parole board to consider placement in a residential treatment program, such as Intensive Residential Treatment, or an outpatient substance abuse program as an alternative to revocation.

House Bill 10-1360 required the General Assembly to appropriate an unspecified *portion* of the savings generated by the bill for re-entry support services targeting parolees. These services include employment, housing, transportation, substance abuse treatment, mental health treatment, and mental health medication. The bill's appropriation clause increased by \$1,285,409 the DCJ General Fund appropriation for parolee residential treatment beds and increased the appropriation for parolee sex offender beds by another \$260,000. The FY 2011-12 Long Bill added \$180,000 for parolee "aftercare" following Intensive Residential Treatment, which is designed to reduce the odds of relapse. This \$180,000 was identified in the H.B. 10-1360 fiscal note but was not appropriated in the bill's appropriation clause. During figure setting for FY 2012-13, staff recommended that appropriations be shifted toward parolee treatment beds because staff concluded that some of the \$1,285,409 of General Fund provided in H.B. 10-1360 had, for unexplained reasons, increased non-parolee beds. This conclusion was a byproduct of recasting the community corrections appropriations in the new format adopted for the FY 2011-12 Long Bill. (Because Correctional Treatment Cash Fund moneys [i.e. H.B. 12-1352] are reappropriated funds rather than General Fund, it is a simple matter to monitor this source of funding.)

House Bill 10-1360 reports that never appeared: House Bill 10-1360 states that appropriations of H.B. 10-1360 savings are to be made after consideration of a status report that the Division of Adult Parole "shall provide" to the judiciary committees of both houses; however, the bill provided no funding to create the report, nor did it say how frequently the report was to be provided. The bill also required the Division of Criminal Justice to provide a report to the judiciary committees but it again failed to specify a frequency. Neither the Division of Adult Parole nor the DCJ have ever produced these reports. Consequently, no adjustments to the savings resulting from H.B. 10-1360 have been identified since the 2010 fiscal note.

SUBDIVISION REQUEST AND RECOMMENDATION SUMMARY

	Community Corrections				FTE
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	
FY 2012-13 Appropriation:					
HB 12-1335 (Long Bill)	56,344,702	53,781,933	994,019	1,568,750	0.0
Other Legislation	0		(994,019)	994,019	0.0
TOTAL	\$56,344,702	\$53,781,933	\$0	\$2,562,769	0.0
FY 2013-14 Recommended Appropriation:					
FY 2012-13 Appropriation	\$56,344,702	\$53,781,933	\$0	\$2,562,769	0.0
R-5 DCJ Provider Rate Increase	2,623,598	2,608,688	0	14,910	0.0
Placement Adjustments	(656,328)	(656,328)	0	0	0.0
Subsistence Forgiveness	591,200	591,200	0	0	0.0
Added funding from Correctional Treatment Cash Fund	235,090		0	235,090	0.0
Increase for Community Corrections Boards	76,717	76,717	0	0	0.0
Move appropriation for parolee support to Department of Corrections	(180,000)	(180,000)	0	0	0.0

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TOTAL	\$59,034,979	\$56,222,210	\$0	\$2,812,769	0.0
Increase/(Decrease)	\$2,690,277	\$2,440,277	\$0	\$250,000	0.0
Percentage Change	4.8%	4.5%	0.0%	9.8%	0.0%
FY 2013-14 Executive Request:	\$57,186,347	\$54,585,137	\$0	\$2,601,210	0.0
Request Above/(Below) Recommendation	(\$1,848,632)	(\$1,637,073)	\$0	(\$211,559)	0.0

Issue Descriptions:

Provider rate increase. The recommendation increases most community corrections provider rates by 1.5 percent, but increases the rates for Intensive Residential Treatment and for Therapeutic Communities by substantially more.

Placement Adjustments: The recommendation increases appropriations for specialized community corrections beds.

Subsistence Forgiveness: The recommendation funds a subsistence forgiveness experiment for community corrections programs. The recommendation was discussed during briefing.

Added funding from Correctional Treatment Cash Fund: The recommendation appropriates additional funding from the Correctional Treatment Cash Fund.

Increase for Community Corrections Boards: The recommendation appropriates additional funding from Community Corrections Boards.

Move appropriation for parolee support to Department of Corrections. The recommendation moves an appropriation for parolees to the Department of Corrections.

è Staff Initiative: Subsistence Grace Period

Request: The division did not request this initiative.

Recommendation: Staff recommends that the Committee appropriate \$591,200 General Fund for a three month experimental "subsistence grace period" involving 1200 offenders newly arrived in community corrections. During the first four weeks after arrival, these offenders would not be required to make subsistence payments. The appropriation includes \$20,000 to evaluate the experiment.

History of this idea: This staff initiative was described during briefing last December. The idea has been recommended in Colorado Commission on Criminal and Juvenile Justice annual reports since 2008. During the 2011 session, the JBC approved a similar initiative that was subsequently retracted during budget negotiations because of the cost.

Analysis: Most offenders in community corrections programs are expected to pay \$17 of daily "subsistence" to their community corrections program from the day they arrive. Offenders who have difficulty finding a job, or lose a job, can find that their debts to the community corrections

program mount rapidly. There is evidence suggesting that offender indebtedness undermines the effectiveness of community corrections programs, contributing to escapes and to technical violations that result in regressions to the Department of Corrections for transition offenders and to revocations to DOC for diversion offenders. A subsistence grace period would reduce indebtedness.

A subsistence grace period may also reduce the successful offender's length of stay in his residential community corrections program. In order for a diversion client to progress from residential to nonresidential status or for a transition client to progress from residential status to independent living in the community under intensive supervision ("ISP-Inmate" status), the offender must demonstrate that he has retained employment, participated in mandatory treatment, remained drug and alcohol free, and honored his financial responsibilities. Honoring financial responsibilities includes paying off debts to the community corrections program. It is not uncommon for an offender to have satisfied all requirements for progression, except for paying off this debt to the community corrections program. As a result, many offenders are retained in residential community corrections for the sole purpose of discharging their debt. Thus a subsistence grace period will lead some successful offenders to pay off debts earlier and progress sooner. In these cases, the state would essentially be making \$17 per day up-front payments to reduce the number of \$37.74 daily payments it would otherwise make at the end of the offender's stay.

Length of the grace period. When asked during its hearing about the best length for a grace period, the Division stated that a uniform subsistence grace period of 4 weeks is most appropriate for the initial experimental project.

Size of the sample: The Division advises that a minimum sample size equal to one quarter the offenders entering community corrections during a year is required for a reliable experimental project. That's three months of offenders.

Cost of forgiving subsistence payments. About 400 offenders arrive in community corrections programs each month; thus, a three-month 28-day subsistence grace period would cost

$$3 \text{ months} * 400 \text{ offenders per month} * 28 \text{ days} * \$17 \text{ per offender per day} = \$571,200.$$

Cost of evaluation. An additional appropriation is needed to conduct a statistical analysis of the results to determine whether the experiment was successful and estimate the magnitude of the effect. When asked about evaluation costs during its hearing, the Division responded, "An evaluation of simple program completion rates including escapes, technical violations, and other program failures could be accomplished for approximately \$20,000. The report could not be completed for approximately 1 year after the implementation of subsistence forgiveness to allow offenders to complete a full cycle of residential and non-residential placement. A more robust study comparing longer term effects and recidivism rates could not be completed for at least 3 years after implementation and would require approximately \$50,000 and data from multiple systems."

Total cost. The total cost of the experiment would thus be $\$591,200 = \$571,200 + \$20,000$.

Staff recommends that this General Fund appropriation appear as a separate Long Bill line item titled "Subsistence Grace Period Pilot Project." Staff also recommends that the following footnote attach to the appropriation.

N Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence Grace Period Pilot Project – This appropriation is for an experimental 28-day subsistence grace period pilot project and for an evaluation of the project. The Department is requested not to use the appropriation to pay subsistence for programs that do not normally expect clients to make such payments. The Department is requested to submit an evaluation report to the Joint Budget Committee as soon as feasible after the project is completed but no later than November 1, 2015. The Department is encouraged to submit the report in time for FY 2015-16 figure setting, if meaningful results are available at that time. Of this appropriation, \$20,000 for evaluation may roll forward to FY 2014-15 and FY 2015-16.

è R5: Community Corrections Provider Rate Increase

Request: The Division requests an \$803,204 General Fund (\$841,645 total funds) provider rate increase for FY 2013-14 for several of the line items in the Community Corrections portion of the Long Bill. The increase equals 1.5 percent of the affected appropriations.

Recommendation: Staff recommends that the Committee approve a 1.5% increase most of the community corrections rates. These increases correspond to Committee approved common policy. Staff recommends substantially larger increases of the differentials for Intensive Residential Treatment and Therapeutic Communities. The recommended increase is \$2,608,688 General Fund (\$2,623,598 total funds).

Staff recommends the rates and differentials in the following table. The largest changes are highlighted:

	Base Payment			Differential			Total	
	FY 12-13	Recom- mended increase (1.5%)	FY 13-14	FY 12-13	Recom- mended Increase	FY 12-13	FY 12-13	FY 13-14 Recom- mended
Residential								
Standard residential	37.74	0.57	38.31				37.74	38.31
Intensive Residential								
Treatment	37.74	0.57	38.31	17.78	28.52	46.30	55.52	84.61
Therapeutic Community	37.74	0.57	38.31	14.34	8.85	23.19	52.08	61.50
Residential Dual Diagnosis	37.74	0.57	38.31	33.02	0.50	33.52	70.76	71.83
John Eachon Re-entry								
Program	37.74	0.57	38.31	52.80	0.79	53.59	90.54	91.90
Sex Offender	37.74	0.57	38.31	33.02	0.50	33.52	70.76	71.83
Non-residential								
Standard Non-residential	5.12	0.08	5.20				5.12	5.20
Outpatient Day Treatment	33.27	0.50	33.77				33.27	33.77
Outpatient Therapeutic								
Community	13.32	0.20	13.52				13.32	13.52

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Analysis: The following table shows reimbursement rates for community corrections providers since the mid-1990s.

Per Diem Rates											
Fiscal Year	Regular Bed	Non-Res.	IRT	TC	Day Tx	TC Out patient	JERP	Female IRT**	RDDT	Sex Offender	Subsistence Maximum (Regular Residential)
1995	31.15										10.00
1996	32.38	5.12									10.00
1997	33.32	5.12									10.00
1998	34.34	5.12									10.00
1999	35.37	5.12									10.00
2000	36.08	5.12	17.00								10.00
2001	36.80	5.12	17.34	12.92							13.00
2002	37.72	5.12	17.77								13.00
2003*	37.72	5.12	17.77						33.00		13.00
	34.70	4.71	16.35								17.00
2004	34.70	4.71	16.35						30.36		17.00
2005	34.70	4.71	16.35						30.36		17.00
2006	35.39	4.80	16.68						30.97		17.00
2007	36.63	4.97	17.26	13.92	32.30			16.50	32.05		17.00
2008	37.18	5.04	17.52	14.13	32.78		52.02	16.75	32.53		17.00
2009	37.74	5.12	17.78	14.34	33.27	13.32	52.80	17.00	33.02		17.00
2010	37.74	5.12	17.78	14.34	33.27	13.32	52.80	17.00	33.02		17.00
2011	37.74	5.12	17.78	14.34	33.27	13.32	52.80	17.78	33.02	33.02	17.00
2012	37.74	5.12	17.78	14.34	33.27	13.32	52.80	**	33.02	33.02	17.00
2013	37.74	5.12	17.78	14.34	33.27	13.32	52.80	**	33.02	33.02	17.00

*Per Diem reduced mid-year by negative supplemental

**Collapsed into IRT – no longer priced separately

Non-Res = non residential

IRT = Intensive Residential Treatment

TC = Therapeutic Community

Day Tx = Day Treatment

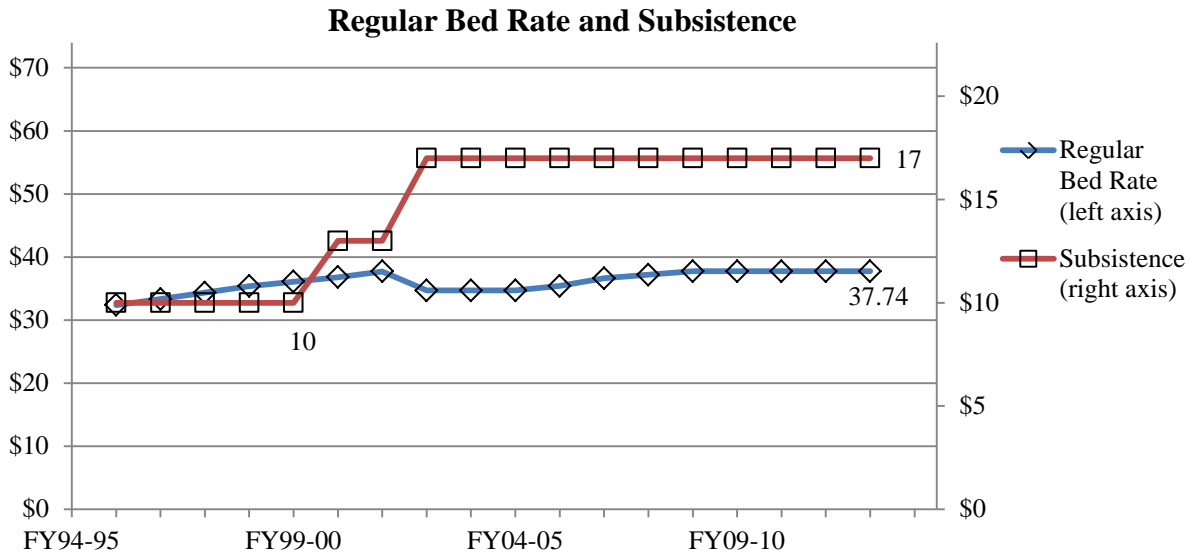
TC Outpatient = Therapeutic Community outpatient

JERP = John Eachon Reentry Program

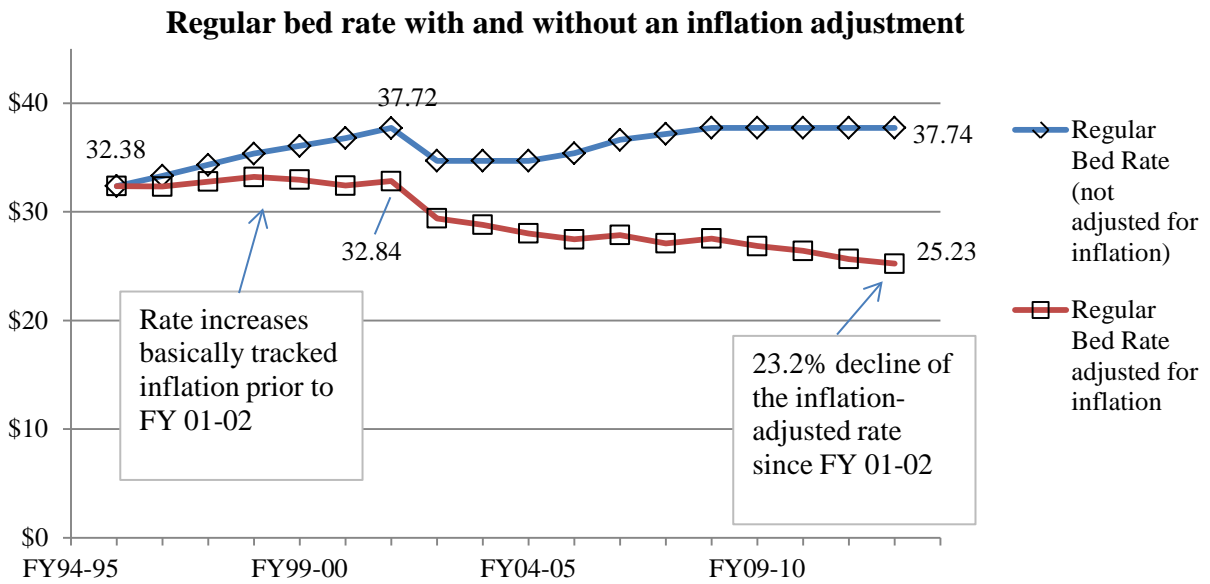
RDDT = Residential Dual Diagnosis Treatment

The three rates with the longest history in this table (the regular bed rate, the non-residential rate, and the Intensive Residential Treatment (IRT) rate) are little changed relative to their levels in FY 2001-02. The only thing that rose substantially over this period was the subsistence payment.

The following graph shows the regular bed rate and the subsistence rate since FY 1995-96. The left and right axes for this chart have been adjusted so both series begin at the same 1, which allows an easy comparison of subsequent changes.

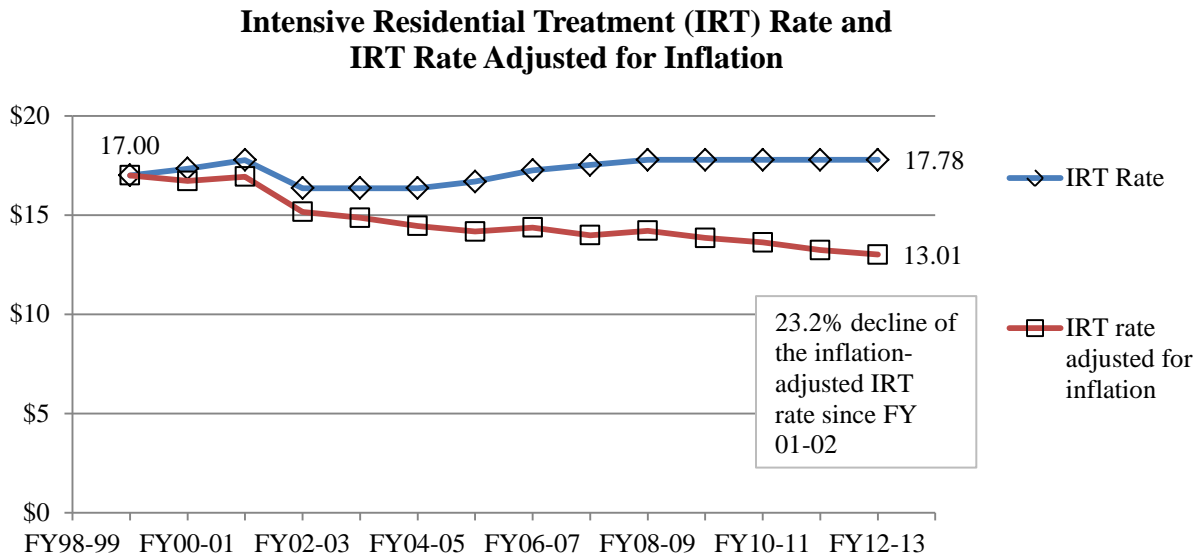


The following graph shows the regular bed rate with and without an inflation adjustment. Adjusted for inflation, the purchasing power of the regular bed rate has declined almost a quarter since FY 2001-02. Note that the purchasing power of the regular bed rate remained approximately constant between FY 1995-96 and FY 2001-02; these were the last years during which the state tried to regularly adjust bed rates to account for inflation. When regular inflation adjustments ended, the purchasing power of the regular bed rate eroded substantially.



Had the regular daily bed rate kept up with inflation since FY 2001-02, the rate would be \$8.75 higher (i.e. 23.2% higher) and the state would be paying a total of \$10.2 million more than it is paying now. One would have to raise the daily regular bed rate by \$13.23 from the current \$37.74 to \$46.97 to restore the purchasing power that has been lost since FY 2001-02.

The following graph shows the Intensive Residential Treatment (IRT) rate and the IRT rate adjusted for inflation. The story is much the same; the purchasing power of this rate has also declined by almost a quarter since FY 2001-02. One would have to raise the IRT bed rate differential to \$23.24 from the current \$17.78 to restore the purchasing power that has been lost since FY 1999-00.



Based on this analysis, staff concludes that a 1.5 percent rate increase for community corrections providers is justified; in fact, a substantially larger increase could be justified.

The inadequacy of some differentials: DCJ hearing question #35 asked about the adequacy of reimbursement rates for therapeutic communities. The Division's response stated that reimbursements for therapeutic communities and for Intensive Residential Treatment providers are inadequate. Staff decided to investigate this statement and explore the adequacy of differentials for Therapeutic Communities, Intensive Residential Treatment programs, and Residential Dual Diagnosis Treatment programs.

Staff surveyed community corrections programs operated by ARTS (Peer I and Haven programs), Correctional Management Incorporated (CMI), Larimer County, and Intervention Community Corrections Services (ICCS). Staff asked about the extra costs that these programs incur when offering specialized programs, as compared with the costs of operating a standard community corrections program. Staff also talked with the Division of Behavioral Health (DBH) in the Department of Human Services in order to understand the DBH staffing and treatment rules that apply to these specialized programs. Finally, staff contacted Arapahoe House, which has treatment programs similar to IRT but does not provide community corrections beds. Staff asked about the rates that Arapahoe house charges.

It soon became apparent that the Division of Criminal Justice was right: reimbursement rates for Therapeutic Communities and especially for Intensive Residential Treatment are substantially lower than the costs of providing the service.

After examining costs for Residential Dual Diagnosis Treatment programs, which requires less clinical staff and less treatment than IRT and TC, JBC staff concluded that a 1.5 percent increase is appropriate for these programs.

Intensive Residential Treatment Background: Intensive residential treatment programs are offered by five community corrections programs in Colorado. The programs are located in Grand Junction, Alamosa, Larimer, Greeley, and Denver. Only the Larimer program has any female beds. Several years ago, ComCor, Inc., a community corrections program in Colorado Springs, stopped offering Intensive Residential Treatment beds because the daily rate was too low. The five programs still offering IRT had an average daily population of 128 during the first half of FY 2012-13. Since treatment lasts 90 days at these programs, this means that IRT programs collectively handle about $4 * 128 = 512$ clients during a typical year. IRT programs serve transition, diversion, and parole clients. The Department of Corrections places offenders with serious substance abuse problems in IRT before placing them in standard community corrections programs. A lack of IRT beds can delay DOC community corrections placements. The Parole Division of DOC also uses IRT beds; parolees experiencing severe substance abuse problems may be sent to an IRT program to head off a return to DOC.

Recommended differential for Intensive Residential Treatment is \$46.30. Because of Division of Behavioral Health (DBH) rules, a provider must maintain a 12:1 ratio of clinical staff to offenders. Thus, decisions concerning IRT expansion must be based on increments of 12 clients. DBH rules also require IRT programs to provide 40 hours of weekly therapeutic and psycho-educational services to all offenders.

Suppose a provider is deciding between adding 12 regular beds and adding 12 IRT beds. If the provider adds 12 regular beds, he will be paid \$37.74 per day (the standard bed rate) and will receive subsistence payments from offenders that average \$11.14 per offender per day, for a total of \$48.88 daily per offender. By contrast, if the provider adds 12 IRT beds, payments will equal \$37.74 (base payment) + \$17.78 (differential) + \$0 subsistence (because IRT clients don't work), for a total of \$55.52, which is only \$6.64 more than the provider would receive for regular beds. An extra \$6.64 for a dozen clients amounts to $\$6.64 * 12 * 365 = \$29,083$ annually. But to run an IRT program, the provider must hire clinical staff, additional case managers, and extra security staff – all for \$29 thousand. No clinical staff are required for regular community corrections clients, and the case manager and security staff requirements are higher for IRT clients than for regular clients. One provider indicated that an extra 2.8 FTE would be necessary for an IRT program at a cost of \$154,000; another stated that even more FTE would be required at greater cost. Using the lower of the two costs, the differential needed to make up for the \$154,000 cost of the additional FTE and the \$48,793 of lost subsistence is $\$46.30$ per day = $(\$154,000 + \$48,793) / (12 \text{ offenders} * 365 \text{ days})$.

A \$46.30 differential plus the base payment of \$38.31 brings the total daily payment by DCJ to \$84.61. For comparison, Arapahoe House provides similar short-term intensive residential treatment beds to the 2nd Judicial District probation office (Denver) for \$180 per day. The staffing requirements for short-term intensive residential treatment beds are very similar to IRT requirements. Larimer County Community Corrections charges \$137.50 daily for its short-term intensive residential treatment beds. Larimer clients include probation offices in a number of

judicial districts and the DOC parole office. Staff concludes that an \$84.61 daily payment by the DCJ for IRT is not excessive.

Recommended differential for Residential Therapeutic Communities (TC) is \$23.19: There are three community corrections programs with therapeutic communities in Colorado: Peer I in Denver, The Haven in Denver (the female analog of Peer I), and Crossroads Turning Point, a male facility in Pueblo. All focus on substance abuse. Peer I and The Haven are associated with the University of Colorado; clients typically stay nine to 12 months in residential treatment, followed by an additional 12 months of outpatient TC treatment. Peer I also offers an intensive shorter program. Clients in therapeutic communities are not allowed to work during their initial months in the program, but subsequently take jobs.

To determine the differential for therapeutic community residential treatment, staff reviewed budget and staffing plans for Peer I. Based on this information, staff concludes that the therapeutic community differential must equal \$23.19 in order for Peer I to break even. Peer I reports that its clients pay an average of \$11.14 for subsistence over the course of their stay, so the total daily amount received by a therapeutic community, including offender subsistence payments, averages $\$38.31 + 23.19 + 11.14 = \72.64 .

LINE ITEM DETAIL

Community Corrections Boards – Administration

This line item funds payments to the state's community corrections boards to help pay their administrative costs. These boards, which are authorized by Section 17-27-103, C.R.S., are appointed by county commissioners to oversee community corrections programs within their judicial district. There's a board for each of the state's 22 judicial districts. Boards generally contain a mix of members with legal and law enforcement backgrounds as well as members of the general public. Each board

- Approves community corrections programs in the judicial district, contracts with the program, and oversee the program's operation. (The DCJ's Office of Community Corrections also oversees the operation of these programs),
- Accepts or rejects offenders who are referred by the courts or by the Department of Corrections for placement in community corrections programs in the district.
- Receives state funds from the Office of Community Corrections, which the boards pays to the community corrections providers in their judicial district.

Pursuant to Section 17-27-108 (4), C.R.S., the state makes payments to community corrections boards for their administrative costs. By statute these payments cannot exceed 5 percent of total community corrections appropriations. Prior to FY 2003-04 these payments equaled 5 percent of the sum of certain Long Bill appropriations for community corrections. From FY 2003-04 until FY 2011-12 these payments equaled 4 percent of a similar sum. For FY 2012-13, the Committee approved a payment to boards equal 3.9% of the total appropriation for *Community Corrections Placements*.

Request: The Division requests an appropriation of \$2,077,571 General Fund for this line item, which is 1.5 percent higher than the FY 2012-13 appropriation, reflecting the provider rate increase.

Recommendation: Staff recommends that the Committee appropriate \$2,123,585, which equals 3.9% of the Community Corrections Placement appropriation, the percentage approved by the Committee last year. The Committee has a long-standing policy of appropriating a percentage of community corrections appropriations to the boards. While a percentage appropriation it is not required by statute, staff recommends that this practice be continued.

Community Corrections Boards Administration			
	Total Funds	General Fund	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	2,046,868	2,046,868	0.0
TOTAL	\$2,046,868	\$2,046,868	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$2,046,868	\$2,046,868	0.0
Set Community Corrections Board Appropriation to 3.9% of the Placement Appropriation	76,717	76,717	0.0
TOTAL	\$2,123,585	\$2,123,585	0.0
Increase/(Decrease)	\$76,717	\$76,717	0.0
Percentage Change	3.7%	3.7%	0.0%
FY 2013-14 Executive Request:	\$2,077,571	\$2,077,571	0.0
Request Above/(Below) Recommendation	(\$46,014)	(\$46,014)	0.0

Staff asks permission to adjust this appropriation to 3.9 percent of the *Community Corrections Placement* appropriation if the Committee makes changes that alter the *Placement* appropriation.

Community Corrections Placement

This line item was created in the FY 2012-13 Long Bill by combining appropriations or parts of appropriations from ten different community-corrections line items. The new line item funds all of the daily payments for offenders in community corrections programs, including payments for diversion, transition, and parole offenders; residential and nonresidential offenders; and offenders in standard and specialized programs.

The cash funds for this appropriation are from the Correctional Treatment Cash Fund established in Section 18-19-103 (4) (a), C.R.S.; they pay for placement in specialized programs that provide specialized substance abuse treatment.

Request: The Division requests an appropriation of 2,077,571 General Fund for this line item, which is 1.5 percent higher than the FY 2012-13 appropriation and reflects the provider rate increase.

Recommendation: Staff recommends the following appropriation for this line item.

JBC Staff Figure Setting – FY 2013-14
Staff Working Document – Does Not Represent Committee Decision

Community Corrections Placement					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	FTE
FY 2012-13 Appropriation:					
HB 12-1335 (Long Bill)	52,483,784	51,489,765	994,019	0	0.0
HB 12-1310	0		(994,019)	994,019	0.0
TOTAL	\$52,483,784	\$51,489,765	\$0	\$994,019	0.0
FY 2013-14 Recommended Appropriation:					
FY 2012-13 Appropriation	\$52,483,784	\$51,489,765	\$0	\$994,019	0.0
R-5 DCJ Provider Rate Increase	2,623,443	2,608,533	0	14,910	0.0
Placement Adjustments	(656,328)	(656,328)	0	0	0.0
TOTAL	\$54,450,899	\$53,441,970	\$0	\$1,008,929	0.0
Increase/(Decrease)	\$1,967,115	\$1,952,205	\$0	\$14,910	0.0
Percentage Change	3.7%	3.8%	0.0%	1.5%	0.0%
FY 2013-14 Executive Request:					
Request Above/(Below) Recommendation	(\$1,179,859)	(\$1,179,859)	\$0	\$0	0.0

A crucial part of this recommendation is the Long Bill footnote that is attached to this appropriation. The footnote details the number of residential and non-residential placements in each of the various categories, along with the corresponding rates. The recommended footnote for FY 2013-14 is shown on page 33.

Analysis: The details of the recommended change of the bed appropriation are summarized by the tables starting on page 34.

- Table 1 presents the current FY 2012-13 appropriation of community corrections "placements" (i.e. residential beds and non residential "slots") along with daily rates, the yearly cost, and the average daily population (ADP) for first 6 months of FY 2012-13.
- Table 2A presents the proposed rate changes.
- Table 2B presents recommended changes to the placement appropriation for FY 2013-14.
- Table 3 presents the resulting placement appropriation for FY 2013-14.

When considering the recommended placement changes, remember that the Section 17-27-108 (5), C.R.S, allows the Division of Criminal Justice to move up to 10 percent of its community corrections appropriations among or between line items. Thus these placement appropriations provide guidance to the Department but are not binding. Nevertheless, based on conversations with the Department, staff believes that the Committee's bed appropriation decisions will influence the distribution of community corrections beds within the state, gradually moving placements into areas where the Committee approves increases.

49 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placement – This appropriation assumes the daily rates and average daily caseloads listed in the following table. The base rate for standard nonresidential services is a weighted average of the rates for four different levels of service. The appropriation also assumes that community corrections providers will collect client fees of up to \$17 per day for residential placements and up to \$3 per day for nonresidential placements. 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.

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	38.31	0.00	38.31	1,300.0	1,326.5	80.0	37,845,395
Intensive Residential Treatment	38.31	46.30	84.61	37.0	49.0	45.0	4,045,627
Inpatient Therapeutic Community	38.31	23.19	61.50	149.0	59.0	15.0	5,005,793
Residential Dual Diagnosis Treatment	38.31	33.52	71.83	70.0	49.0	15.0	3,513,205
John Eachon Re-entry Program	38.31	53.59	91.90	11.0	15.0	0.0	872,131
Sex Offender Residential	38.31	33.52	71.83	8.0	8.0	26.0	1,101,154
Standard Non-residential	5.20	0.00	5.20	780.0	0.0	0.0	1,480,440
Outpatient Day Treatment	33.77	0.00	33.77	8.0	0.0	0.0	98,608
Outpatient Therapeutic Community	13.52	0.00	13.52	<u>77.0</u>	<u>22.0</u>	<u>0.0</u>	<u>488,545</u>
Total				2,440.0	1,528.5	181.0	54,450,899

As an adjunct to this footnote, staff recommends continuation of the following request for information. In combination, the footnote table and the request provide the General Assembly with a detailed snapshot of appropriated and actual community corrections placements.

2 Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence Grace Period Pilot Project – As part of its ~~FY 2013-14~~ FY 2014-15 budget request, the Department is requested to report actual average daily community corrections populations and daily rates for the two most recently completed fiscal years in a format compatible with the community corrections table in Long Bill footnote 49.

*JBC Staff Figure Setting – FY 2013-14
Staff Working Document – Does Not Represent Committee Decision*

1. FY 12-13 Appropriated Community Corrections Placements and Rates with Actual Average Daily Population (ADP) For the First 6 Months of FY 12-13																	
Placement Type	Rates per day			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			
	Base	Differ-entia	Daily Total		ADP Approp	Actual ADP YTD	ADP Over/(Under)	ADP Approp	Actual ADP YTD	ADP Over/(Under)	ADP Approp	Actual ADP YTD	ADP Over/(Under)	ADP Approp	\$ Approp	Actual ADP YTD	ADP Over/(Under)
Residential																	
Standard residential	\$37.74		\$37.74	\$13,775	1,270.0	1,287.1	17.1	1,541.5	1,298.9	(242.6)	70.0	77.8	7.8	2,881.5	\$39,692,951	2,663.8	(217.7)
Intensive Residential Treatment	37.74	\$17.78	55.52	20,265	43.0	37.1	(5.9)	42.0	45.4	3.4	35.0	45.1	10.1	120.0	2,431,776	127.6	7.6
Therapeutic Community	37.74	14.34	52.08	19,009	114.0	150.9	36.9	69.0	58.4	(10.6)	5.0	13.1	8.1	188.0	3,573,730	222.4	34.4
Residential Dual Diagnosis Treatment	37.74	33.02	70.76	25,827	50.0	75.4	25.4	54.0	49.0	(5.0)	20.0	14.5	(5.5)	124.0	3,202,598	138.9	14.9
John Eachon Re-entry Program	37.74	52.80	90.54	33,047	0.0	11.8	11.8	15.0	14.5	(0.5)	0.0	0.0	0.0	15.0	495,707	26.3	11.3
Sex Offender*	37.74	33.02	70.76	25,827	8.0		(8.0)	8.0		(8.0)	10.0	26.1	16.1	26.0	671,512	26.1	0.1
Non-residential																	
Standard Non-residential	5.12		5.12	1,869	970.0	744.7	(225.3)	n/a	n/a		0.0	0.0	0.0	970.0	1,812,736	744.7	(225.3)
Outpatient Day Treatment	33.27		33.27	12,144	8.0	4.1	(3.9)	n/a	n/a		0.0	0.0	0.0	8.0	97,148	4.1	(3.9)
Outpatient Therapeutic Community	13.32		13.32	4,862	52.0	79.7	27.7	52.0	21.0	(31.0)	0.0	0.0	0.0	104.0	505,627	100.7	(3.3)
Total					2,515.0	2,390.8	(124.2)	1,781.5	1,487.2	(294.3)	140.0	176.6	36.6	4,436.5	\$52,483,784	4,054.6	(381.9)
% Over / (Under)						95.1%	-4.9%		83.5%	-16.5%		126.1%	26.1%				-8.6%

* During the first half of 2012-13, an average of 17.7 diversion sex offenders and 27.8 transition sex offender placements were supported with grant funds. These placements are not included in this table.

2 A. Rate Changes Recommended for FY 2013-14 (Δ = change)																	
Placement Type	Per day rate increase			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			
	Base 1.5%													\$ Approp Change			
Residential																	
Standard residential	\$0.57		\$0.57	+\$208											\$599,496		
Intensive Residential Treatment	0.57	\$28.52	29.09	+10,618											1,274,142		
Therapeutic Community	0.57	8.85	9.42	+3,438											646,400		
Residential Dual Diagnosis Treatment	0.57	0.50	1.07	+391											48,428		
John Eachon Re-entry Program	0.57	0.79	1.36	+496											7,446		
Sex Offender	0.57	0.50	1.07	+391											10,154		
Non-residential																	
Standard Non-residential	0.08		0.08	+29											28,324		
Outpatient Day Treatment	0.50		0.50	+183											1,460		
Outpatient Therapeutic Community	0.20		0.20	+73											7,592		
Total															\$2,623,443		
% Change															5.0%		

2 B. Placement Changes Recommended for FY 2013-14 (Δ = change)																	
Placement Type				Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			
					Δ ADP approp	Actual ADP YTD	ADP Over/(Under)	Δ ADP approp	Actual ADP YTD	ADP Over/(Under)	Δ ADP approp	Actual ADP YTD	ADP Over/(Under)	Δ ADP approp	\$ Approp Change	Actual ADP YTD	ADP Over/(Under)
Residential																	
Standard residential				+30.0				-215.0			+10.0			-175.0	(\$2,410,643)		
Intensive Residential Treatment				-6.0				+7.0			+10.0			+11.0	\$222,913		
Therapeutic Community				+35.0				-10.0			+10.0			+35.0	\$665,322		
Residential Dual Diagnosis Treatment				+20.0				-5.0			-5.0			+10.0	\$258,274		
John Eachon Re-entry Program				+11.0				0.0			0.0			+11.0	\$363,518		
Sex Offender				0.0				0.0			+16.0			+16.0	\$413,238		
Non-residential																	
Standard Non-residential				-190.0				0.0			0.0			-190.0	(\$355,072)		
Outpatient Day Treatment				0.0				0.0			0.0			0.0	\$0		
Outpatient Therapeutic Community				+25.0				-30.0			0.0			-5.0	(\$24,309)		
Total				(75.0)				(253.0)			41.0			(287.0)	(\$866,758)		
% Change															-1.7%		

*JBC Staff Figure Setting – FY 2013-14
Staff Working Document – Does Not Represent Committee Decision*

3. Recommended FY 2013-14 Appropriated Community Corrections Placements and Rates with Actual ADP for first 6 months of FY 2012-13																	
Placement Type	Rates per day			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			
	Base	Differ-entia	Daily Total		ADP Approp	Actual ADP YTD	ADP Over/(Under)	ADP Approp	Actual ADP	ADP Over/(Under)	ADP Approp	Actual ADP YTD	ADP Over/(Under)	ADP Approp	\$ Approp	Actual ADP YTD	ADP Over/(Under)
Residential																	
Standard residential	\$38.31		\$38.31	\$13,983	1,300.0	1,287.1	(12.9)	1,326.5	1,298.9	(27.6)	80.0	77.8	(2.2)	2,706.5	\$37,845,395	2,663.8	(42.7)
Intensive Residential Treatment	38.31	\$46.30	84.61	30,883	37.0	37.1	0.1	49.0	45.4	(3.6)	45.0	45.1	0.1	131.0	4,045,627	127.6	(3.4)
Therapeutic Community	38.31	23.19	61.50	22,448	149.0	150.9	1.9	59.0	58.4	(0.6)	15.0	13.1	(1.9)	223.0	5,005,793	222.4	(0.6)
Residential Dual Diagnosis Treatment	38.31	33.52	71.83	26,218	70.0	75.4	5.4	49.0	49.0	0.0	15.0	14.5	(0.5)	134.0	3,513,205	138.9	4.9
John Eachon Re-entry Program	38.31	53.59	91.90	33,544	11.0	11.8	0.8	15.0	14.5	(0.5)	0.0	0.0	0.0	26.0	872,131	26.3	0.3
Sex Offender	38.31	33.52	71.83	26,218	8.0	0.0	(8.0)	8.0	*	(8.0)	26.0	26.1	0.1	42.0	1,101,154	26.1	(15.9)
Non-residential																	
Standard Non-residential	5.20		5.20	1,898	780.0	744.7	(35.3)	0.0			0.0	0.0	0.0	780.0	1,480,440	744.7	(35.3)
Outpatient Day Treatment	33.77		33.77	12,326	8.0	4.1	(3.9)	0.0			0.0	0.0	0.0	8.0	98,608	4.1	(3.9)
Outpatient Therapeutic Community	13.52		13.52	4,935	77.0	79.7	2.7	22.0	21.0	(1.0)	0.0	0.0	0.0	99.0	488,545	100.7	1.7
Total					2,440.0	2,390.8	(49.2)	1,528.5	1,487.2	(41.3)	181.0	176.6	(4.4)	4,149.5	\$54,450,899	4,054.6	(94.9)
Change from prior Year															1,967,115		
% Change from prior year							-2.1%						-2.8%		3.7%		-2.3%

Explanation of the Recommended Changes to Community Corrections Bed Appropriations

Standard Residential: The recommended adjustments shift standard residential beds out of transition, where there has been less demand, into diversion and parole, thus aligning them more closely with recent usage. Diversion use of these beds had been trending down prior to this year but may be reversing. If IRT capacity increases next year because of the recommended higher IRT reimbursement rate, it may result in more DOC placements in transition beds; a lack of IRT beds has sometimes delayed transition placements. In addition, if the subsistence forgiveness experiment reduces escape rates, the population in standard beds may rise. There is a net reduction of 155 standard residential beds, though there are still approximately 12 diversion, 50 transition, and two parole beds in excess of current usage.

Intensive Residential Treatment (IRT): The recommended adjustments increase overall IRT beds by 12, which reflect increased FY 2012-13 utilization and the possibility that the recommended higher rate IRT differential may lead to increased IRT capacity. The new beds focus on transition and parole.

Therapeutic Community (TC): The recommended adjustments increase the number of diversion beds by 35, including 10 for parole, reflecting the recent strong increase in the use of these beds. Most of these are new beds but 10 are taken from transition, also reflecting FY 2012-13 utilization. These adjustments increase the net number of TC beds by 35.0.

Residential Dual Diagnosis Treatment (RDDT): The recommended adjustments redistribute RDDT beds toward diversion and away from transition, and parole to be more congruent with recent usage.

John Eachon Re-Entry Program (JERP): The recommended adjustments increase JERP beds to align them more closely with FY 2012-13 utilization and expected demand for FY 2012-13.

Sex Offender Beds: The recommended adjustment increases by 16 the number of specialized sex offender beds available to parolees in anticipation of increased numbers of sex offenders emerging from the DOC.

Nonresidential Placements: The recommended adjustments reduce the number of nonresidential slots by 190 to align more closely with FY 2012-13 utilization, but leave the appropriation approximately 35 slots above FY 2012-13 utilization. The savings finances speciality residential beds.

Outpatient Day Treatment: No adjustments are recommended to the appropriation for Outpatient Day Treatment.

Outpatient Therapeutic Community (TC): Inpatient TC is followed by outpatient TC. The surge in diversion use of residential therapeutic community placements is translating into increased diversion use of outpatient therapeutic community placements while the decline in transition use of inpatient therapeutic community beds results in decreased transition use of outpatient therapeutic community placements. The recommended adjustments accommodate these trends.

Overall Recommendation Summary: Specialty beds rise by 83 while standard beds decline by 175. The overall number of residential beds declines.

Subsistence Forgiveness Pilot Project (New and temporary line item)

Staff recommends that funding for the subsistence forgiveness experiment be presented as a separate line item to make it easy to track. It will take at least a year to evaluate the project, so this line item will not be in the FY 2014-15 budget. If the experiment produces positive results (lower escape rates, reduced stays for successful offenders) funding for subsistence forgiveness may reappear as a permanent part of the FY 2015-16 budget, if the General Assembly decides to fund it.

Request: The Division did not request this initiative.

Recommendation: As discussed earlier, staff recommends an appropriation of \$591,200 for this new line item. Staff recommends that the line item be titled *Subsistence Forgiveness Pilot Project*.

Treatment for Substance Abuse and Co-occurring Disorders

This appropriation pays for treatment vouchers for offenders in standard community corrections programs who need outpatient treatment for substance abuse and co-occurring disorders. Though this appropriation could be used to pay for residential treatment, it has not been used in this fashion. Funding for the appropriation comes from the Correctional Treatment Cash Fund, but formerly came from H.B. 10-1352 moneys. The "1352" moneys for this appropriation first appeared in Long Bill in FY 2011-12 as part of the *Substance Abuse Treatment Program* line item. During last year's reorganization of community corrections appropriations (before H.B. 12-1310 was enacted), this appropriation was presented as a separate line to better indicate the purposes for which it can be spent.

The title for this line derives from former Section 16-11.5-102 (3) (c) (I), which required that H.B. 10-1352 moneys be used only to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment. Following the passage of H.B. 12-1310, these moneys can be spent for a more extensive set of services: substance abuse screening, assessment, evaluation, testing, education, training, treatment, and recovery support. The appropriation can also be spent for treatment of co-occurring disorders, such as mental health problems. The Correctional Treatment Board can designate how this fund are spent, but thus far has not done so.

Request: The Division requests an appropriation of \$1,592,281 reappropriated funds, which includes an extra \$23,531 for the 1.5 percent provider rate increase.

Recommendation:

- **Increase appropriation by \$235,090.** Staff recommends an appropriation of \$1,803,840 for this line item, an increase of \$235,090. As discussed earlier, the Correctional Treatment Board directed an additional \$250,000 from the Correctional Treatment Cash Fund to the Division and staff recommends that \$235,090 of it be appropriated here.

The large FY 2011-12 reversion of H.B. 10-1352 funds. For FY 2011-12 there was a \$140,875 reversion from the predecessor of this line item (9.3% of the reappropriation to *Substance Abuse Treatment Program*). This was due to a Long Bill add-on (a supplemental) that added \$259,510 of reappropriated funding that arrived too late to be fully used. The Department indicates that it is having no problem expending its FY 2012-13 appropriation and is, in fact, experiencing excess demand for this funding in some parts of the state. Staff concludes that an extra \$235,090 allocated to this line item for FY 2013-14 will be spent.

- **Rename the line item.** To make the line item name correspond more closely with the purposes to which H.B. 12-1310 allows this appropriation to be put, staff recommends retitling the line "Services for Substance Abuse and Co-occurring Disorders".

Treatment for Substance Abuse and Co-occurring Disorders			
	Total Funds	Reappropriated Funds	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	1,568,750	1,568,750	0.0
Other Legislation	0	0	0.0
TOTAL	\$1,568,750	\$1,568,750	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$1,568,750	\$1,568,750	0.0
R-5 DCJ Provider Rate Increase	0	0	0.0
Added funding from Correctional Treatment Cash Fund	235,090	235,090	0.0
TOTAL	\$1,803,840	\$1,803,840	0.0
Increase/(Decrease)	\$235,090	\$235,090	0.0
Percentage Change	15.0%	15.0%	0.0%
FY 2013-14 Executive Request:			
Request Above/(Below) Recommendation	(\$211,559)	(\$211,559)	0.0

Specialized Services

This line item supports the purchase of sex offender treatment, mental health treatment, cognitive training, therapists, counselors, medications, and other specialized outpatient services that are not typically provided for high risk offenders in standard community corrections settings. The *Treatment for Substance Abuse and Co-occurring Disorders* appropriation deals with substance abuse problems, this appropriation focus on non-substance-abuse issue.

The Division attempts to avoid duplication of services, and restricts spending to the highest risk offenders in order to increase the offender's probability of success. This line item provides services to approximately 275 offenders at an average annual cost of \$200 per offender. These "SOS" funds, which are primarily for residential offenders, pay for services that may keep an offender in community corrections when he is at risk of being sent to a secure correctional facility.

Request: The Department requests a continuation appropriation of \$55,000 General Fund.

Recommendation:

1. Staff recommends the Department request. The appropriation for Specialized Services has been \$55,000 since FY 2003-04, when it was reduced from \$110,000 the prior year. The buying power of this \$55,000 has eroded over 10 years but staff does not recommend a provider rate increase because the arrival of H.B. 10-1352 money took substantial pressure off the appropriation. Were it not for the H.B. 10-1352, staff would recommend a provider increase.
2. **Staff further recommends that this line item be renamed "Specialized Offender Services" (or SOS), a name widely used by those in community corrections.**

Offender Assessment Training

This line item pays for training on the standardized offender assessment instrument used by community corrections facilities. The training is offered at six two-day training sessions that are given by multi-agency training teams at various locations around the state.

Request: The Division requests an appropriation of \$10,455 General Fund for this line item, which includes a 1.5 percent provider rate increase as approved by the Committee.

Recommendation: Staff recommends that the Committee approve this recommendation.

Offender Assessment Training			
	Total Funds	General Fund	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	10,300	10,300	0.0
TOTAL	\$10,300	\$10,300	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$10,300	\$10,300	0.0
R-5 DCJ Provider Rate Increase	155	155	0.0
TOTAL	\$10,455	\$10,455	0.0
Increase/(Decrease)	\$155	\$155	0.0
Percentage Change	1.5%	1.5%	0.0%
FY 2013-14 Executive Request:	\$10,455	\$10,455	0.0
Request Above/(Below) Recommendation	\$0	\$0	0.0

Intensive Residential Treatment Aftercare

This appropriation provides continuing non-residential support for parolees who complete a 90 day intensive residential treatment program for substance abuse. Pursuant to Section, 17-2-103 (11) (c), C.R.S., parolees who are in danger of being revoked for substance abuse may be sent to an intensive residential treatment program to avoid revocation. Aftercare reduces the offender's likelihood of slipping back into old substance abuse habits.

This appropriation was identified in the fiscal note for H.B. 10-1360, which (among other things) required the parole board to consider placement in a residential treatment program in lieu of parole revocation. The appropriation was not included in the appropriation clause for H.B. 10-1360, but was added by the FY 2011-12 Long Bill.

Request: The Department requests a continuation appropriation of \$180,000 General Fund for this line item.

Recommendation: Staff recommends that this appropriation be moved to the Department of Corrections. Thus, staff recommends no appropriation for the DCJ.

Analysis: This is the first stage of a two-stage appropriation. The General Fund appropriation to DCJ is transferred to the Department of Corrections, which uses the resulting reappropriated funds to provide aftercare for parolees. Staff recommends that the General Fund appropriation be moved to the Department of Corrections, Community Services Subdivision where it will replace \$180,000 of reappropriated funds on the Community Mental Health Services line item and reduce the amount of bookkeeping work currently required of the Department of Corrections and the Division of Criminal Justice to transfer the funding.

Intensive Residential Treatment Aftercare			
	Total Funds	General Fund	FTE
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	180,000	180,000	0.0
TOTAL	\$180,000	\$180,000	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$180,000	\$180,000	0.0
Move appropriation for parolee support to Department of Corrections	(180,000)	(180,000)	0.0
TOTAL	\$0	\$0	0.0
Increase/(Decrease)	(\$180,000)	(\$180,000)	0.0
Percentage Change	(100.0%)	(100.0%)	0.0%
FY 2013-14 Executive Request:			
Request Above/(Below) Recommendation	\$180,000	\$180,000	0.0

(E) Crime Control and System Improvement

This subdivision contains funding for a diverse group of programs and grants, including appropriations for the Sex Offender Management Board.

SUBDIVISION REQUEST AND RECOMMENDATION SUMMARY

Request: The Division requests continuation funding for this subdivision.

Recommendation: Staff recommends several changes that align appropriations for grants with recent or expected revenues. No General Fund changes are involved

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(E) Crime Control and System Improvement						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:						
HB 12-1335 (Long Bill)	8,909,199	328,002	505,282	175,000	7,900,915	27.3
SB 13-101 FY 13 Supplemental	0	0	0	0	0	0.0
TOTAL	\$8,909,199	\$328,002	\$505,282	\$175,000	\$7,900,915	27.3
FY 2013-14 Recommended Appropriation:						
FY 2012-13 Appropriation	\$8,909,199	\$328,002	\$505,282	\$175,000	\$7,900,915	27.3
Align appropriation with recent or expected revenue from fund sources	1,236,734	0	(87,351)	(75,000)	1,399,085	(1.5)
TOTAL	\$10,145,933	\$328,002	\$417,931	\$100,000	\$9,300,000	25.8
Increase/(Decrease)	\$1,236,734	0	(\$87,351)	(\$75,000)	\$1,399,085	(1.5)
Percentage Change	13.9%	0.0%	(17.3%)	(42.9%)	17.7%	(5.5%)
FY 2013-14 Executive Request:						
Request Above/(Below) Recommendation	(\$8,909,199)	(\$328,002)	(\$505,282)	(\$175,000)	(\$7,900,915)	27.3

LINE ITEM DETAIL

State and Local Crime Control and System Improvement Grants

This federally funded program supports more than 70 state and local programs that are designed to prevent and reduce crime and delinquency by using collaborative evidence-based practices. The program is also designed to improve outcomes through effective and efficient use of resources (financial, community, and human) to bridge gaps within the criminal and juvenile justice system. These funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and evaluation activities that will improve or enhance: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation). These objectives are accomplished through specific programs such as the Communities Against Senior Exploitation Project, Sex Offender Registration and DNA projects, an Engaging Youth in School Not Crime Program, a Regional Technology Improvement Project, and Detentions and Booking Equipment.

Request: The Department requests a continuation appropriation of \$3,000,000 federal funds.

Recommendation: Staff recommends that the Committee increase this appropriation to \$4,900,000 to better align it with expected revenues. The round number indicates that it is an estimate. The following table shows the adjustment.

State and Local Crime Control and System Improvement Grants		
	Total Funds	Federal Funds
FY 2012-13 Appropriation:		

*JBC Staff Figure Setting – FY 2013-14
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State and Local Crime Control and System Improvement Grants			
	Total Funds	Federal Funds	FTE
HB 12-1335 (Long Bill)	3,000,000	3,000,000	0.0
TOTAL	\$3,000,000	\$3,000,000	0.0
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$3,000,000	\$3,000,000	0.0
Align appropriation with recent or expected revenue from fund sources	1,900,000	1,900,000	0.0
TOTAL	\$4,900,000	\$4,900,000	0.0
Increase/(Decrease)	\$1,900,000	\$1,900,000	0.0
Percentage Change	63.3%	63.3%	0.0%
FY 2013-14 Executive Request:	\$3,000,000	\$3,000,000	0.0
Request Above/(Below) Recommendation	(\$1,900,000)	(\$1,900,000)	0.0

Sex Offender Surcharge Fund Program

This line item provides funding for staff support and operating expenses for the Sex Offender Management Board (SOMB), which is created in Section 16-11.7-103, C.R.S. The Board has the following duties:

- Developing a standardized procedure for identification of sex offenders;
- Developing standards and guidelines for a system of program intervention, treatment, and monitoring;
- Developing a plan for the allocation of the sex offender surcharge fund;
- Prescribing a system for the tracking of sex offenders who have been subjected to evaluation, identification, and treatment;
- Developing procedures to research and evaluate sex offender assessment and treatment;
- Training on the Implementation of Standards; and
- Approving the Risk Assessment Screening Instrument.

The appropriation is from the Sex Offender Surcharge Fund created in Section 18-21-103 (3), C.R.S., which imposes a surcharge ranging from \$150 (for a class 3 misdemeanor) to \$3,000 (for a class 2 felony) on those who are convicted of a sex offense or those who receive a deferred sentence for a sex offense. Revenues of this fund are allocated between the Division of Criminal Justice, the Department of Corrections, the Department of Human Services, and the Judicial Branch. Pursuant to Section 16-11.7-103 (4) (c), C.R.S., the Board is required to develop a plan for the allocation of moneys deposited in the Fund, and to submit the plan to the General Assembly. The Sex Offender Management Board met in August 2012 and established a plan for allocating Surcharge funds for FY 2013-14, which will allocate \$163,591 to the Division of Criminal Justice in the Department of Public Safety for administration and implementation of the Sex Offender Treatment and Management Standards. \$3,500 of these funds will be used to provide cross-system training. Some of this funding will be used for this line item; the remainder will be used in (A) Administration.

Request: The Division requests a continuation appropriation of \$153,325 cash funds and 1.5 FTE.

Recommendation: Staff recommends that the Committee approve this request.

Sex Offender Supervision

This line item contains funding for the purposes set forth in the Title 18, Article 1.3, Part 10, Lifetime Supervision of Sex Offenders, and Title 16, Article 11.7, Standardized Treatment for Sex Offenders. As a result of this legislation, the Sex Offender Management Board is required to:

- Develop criteria and standards for lifetime supervision of sex offenders;
- Expand sex-offender-treatment research;
- Provide training on, and assistance with, the criteria, protocols, and procedures regarding community notification concerning sexually violent predators;
- Develop standards for adult sex offenders who have developmental disabilities; and
- Provide training on the implementation of the Developmental Disability Standards.

Request: The Division requests a continuation appropriation of \$328,002 General Fund and 3.2 FTE.

Recommendation: Staff recommends that the Committee approve this request.

Treatment Provider Criminal Background Checks

Section 16-11.8-104 (2) (b), C.R.S. requires domestic violence treatment providers and sex offender treatment providers to pay for a background check that goes beyond the scope of a typical criminal history check. Fees are set to cover the costs of conducting the investigation. Applicants pay a total of \$139.50, of which \$39.50 is for a CBI background check and \$100 is for a professional background check by a private investigator who verifies references, education, credentials, etc. The fees are deposited in the Domestic Violence Offender Treatment Provider Fund and the Sex Offender Treatment Provider Fund, which are established in Sections 16-11.8-104 (2) (b) and 16-11.7-106 (2) (c), C.R.S. The appropriations are from those funds.

Request: The Division requests a continuation appropriation of \$49,606 cash funds and 0.6 FTE.

Recommendation: Staff recommends that the Committee approve this request.

Colorado Regional Community Policing Institute

Since 1995, the Colorado Regional Community Policing Institute has provided training for law enforcement officers throughout the state. This line item funds training classes for an average of 100 individuals per month in community policing, ethics, anti-bias, methamphetamine response, domestic violence, risk assessment, counter-terrorism, and weapons of mass destruction first responder awareness. The Institute provides professional skill development training, including ethics and integrity training and basic law enforcement preparatory training.

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The Institute receives most of its funding from U.S. Department of Justice grants, a federal source. It receives a lesser amount of reappropriated funds for anti-bias training from the Department of Law's Peace Officer Standards Training (P.O.S.T.) Board Cash Fund.

Request: The Division requests a continuation appropriation of \$275,915, comprised of \$175,000 reappropriated funds, \$100,915 federal funds, and 4.0 FTE.

Recommendation: A review of actual expenditures of reappropriated funds for this line item suggests that this portion of the appropriation should be adjusted downward. In FY 2009-10, the program expended \$100,000 of reappropriated funds from the P.O.S.T. and employed 0.5 FTE. During FY 2010-11 and FY 2011-12 expenditures of reappropriated funds remained below \$50,000 and 0.1 FTE.

Based on this review, Staff recommends an appropriation of \$200,000 for this line item, comprised of \$100,000 reappropriated funds, \$100,000 federal funds and 2.5 FTE. The round numbers reflect the fact that these numbers are estimates.

Colorado Regional and Community Policing Institute					
	Total Funds	General Fund	Reappropriated Funds	Federal Funds	FTE
FY 2012-13 Appropriation:					
HB 12-1335 (Long Bill)	275,915	0	175,000	100,915	4.0
TOTAL	\$275,915	0	\$175,000	\$100,915	4.0
FY 2013-14 Recommended Appropriation:					
FY 2012-13 Appropriation	\$275,915	0	\$175,000	\$100,915	4.0
Align appropriation with recent revenue from fund sources	(75,915)	0	(75,000)	(915)	(1.5)
TOTAL	\$200,000	0	\$100,000	\$100,000	2.5
Increase/(Decrease)	(\$75,915)	0	(\$75,000)	(\$915)	(1.5)
Percentage Change	(27.5%)	0.0%	(42.9%)	(0.9%)	(37.5%)
FY 2013-14 Executive Request:					
Request Above/(Below) Recommendation	\$75,915	n/a	\$75,000	\$915	1.5

Federal Grants – Non-Appropriated

The informational appropriation for this line item reflects projected federal funding and FTE for a variety of grant programs. The grants include Project Safe Neighborhood, Title V, Residential Substance Abuse Treatment for State Prisoners, Coverdell, John R Justice, and the National Criminal History Improvement Program.

Request: The Department requests a continuation appropriation of \$4,800,000 federal funds and 17.5 FTE.

Recommendation: Staff recommends that the Committee approve an appropriation of \$4,300,000 federal funds, which is a better estimate of spending and is round number to indicate that it is an estimate. The following table shows the adjustment.

Federal Grants				
	Total Funds	General Fund	Federal	FTE

JBC Staff Figure Setting – FY 2013-14
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		Funds	
FY 2012-13 Appropriation:			
HB 12-1335 (Long Bill)	4,800,000	4,800,000	17.5
TOTAL	\$4,800,000	\$4,800,000	17.5
FY 2013-14 Recommended Appropriation:			
FY 2012-13 Appropriation	\$4,800,000	\$4,800,000	17.5
Align appropriation with recent or expected revenue from fund sources	(500,000)	(500,000)	0.0
TOTAL	\$4,300,000	\$4,300,000	17.5
Increase/(Decrease)	(\$500,000)	(\$500,000)	0.0
Percentage Change	(10.4%)	0.0%	(10.4%)
FY 2013-14 Executive Request:	\$4,800,000	\$4,800,000	17.5
Request Above/(Below) Recommendation	\$500,000	\$500,000	0.0

Criminal Justice Training Fund

Section 24-33.5-503.5, C.R.S., allows the Division of Criminal Justice to charge fees in exchange for providing training programs. The fees are deposited in the Criminal Justice Training Cash Fund. The Division provides a wide array of training programs on such topics as methamphetamine laboratories, crisis intervention with mentally ill offenders, anti-bias policing, sex offender management, and domestic violence management. Moneys in the Fund are subject to annual appropriation by the General Assembly to cover costs associated with training.

In recent years cash inflows of the Criminal Justice Training Cash Fund have equaled

\$71,718 in FY 2008-09,
 \$84,631 in FY 2009-10,
 \$51,089 in FY 2010-11,
 \$65,274 in FY 2011-12.

Request: The Department requests a continuation appropriation of \$207,351 cash funds and 0.5 FTE.

Recommendation: In light of recent revenues, staff recommends an appropriation of \$120,000 cash funds and 0.5 FTE as shown in the following table.

Criminal Justice Training Fund				
	Total Funds	General Fund	Cash Funds	FTE
FY 2012-13 Appropriation:				
HB 12-1335 (Long Bill)	207,351	0	207,351	0.5
TOTAL	\$207,351	\$0	\$207,351	0.5
FY 2013-14 Recommended Appropriation:				
FY 2012-13 Appropriation	\$207,351	0	\$207,351	0.5
Align appropriation with recent revenue from fund sources	(87,351)	0	(87,351)	0.0
TOTAL	\$120,000	0	\$120,000	0.5
Increase/(Decrease)	(\$87,351)	0	(\$87,351)	0.0

JBC Staff Figure Setting – FY 2013-14
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Criminal Justice Training Fund				
	Total Funds	General Fund	Cash Funds	FTE
Percentage Change	(42.1%)	0.0%	(42.1%)	0.0%
FY 2013-14 Executive Request:	\$207,351	0	\$207,351	0.5
Request Above/(Below) Recommendation	\$87,351	n/a	\$87,351	0.0

MacArthur Foundation Grant

This line item provides an appropriation for a juvenile justice mental health program that is funded by a private grant received from the MacArthur Foundation.

Request: The Department requests a continuation appropriation of \$75,000 cash funds. Though last year's spending was \$0, the Division says that funding from this source is expected to continue.

Recommendation: Staff recommends that the Committee approve this request.

Methamphetamine Abuse Task Force Fund

This line item was added during FY 2007-08 to allow the Division to expend private grant funds received from the El Pomar Foundation.

The Division requests a continuation appropriation of \$43,739 cash funds for this line item. Staff recommends that the Committee approve an appropriation of \$20,000 cash funds, which aligns with projected revenue. The source of cash funds is the Methamphetamine Abuse Prevention, Intervention, and Treatment Cash Fund created in Section 18-18.5-105, C.R.S.

Request: The Department requests a continuation appropriation of \$20,000 cash funds.

Recommendation: Staff recommends that the Committee approve this request.

Long Bill Footnotes and Requests for Information

LONG BILL FOOTNOTES

Staff recommends the following **new footnote**:

N **Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence Grace Period Pilot Project** – This appropriation is for an experimental 28-day subsistence grace period pilot project and for an evaluation of the project. The Department is requested not to use the appropriation to pay subsistence for programs that do not normally expect clients to make such payments. The Department is requested to submit an evaluation report to the Joint Budget Committee as soon as feasible after the project is completed but no later than November 1, 2015. The Department is encouraged to submit the report in time for FY 2015-16 figure setting, if meaningful results are available at that time. Of this appropriation, \$20,000 for evaluation may roll forward to FY 2014-15 and FY 2015-16.

Comment: This footnote explains the intent behind the Subsistence Grace Period appropriation and requests an evaluation.

Staff recommends that the community-corrections rates and caseload footnote presented on page 33 of this document be **continued as modified**:

Comment: Because this footnote requires landscape orientation, it is not reproduced here. All of rates and caseload numbers in this table have changed but, due to the size of the table, the FY 2012-13 numbers are not shown in strike type. Please refer to the **earlier tables** that detail the changes.

REQUESTS FOR INFORMATION

Staff recommends that the following request be continued as **modified**:

2 **Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence Grace Period Pilot Project** – As part of its ~~FY 2013-14~~ FY 2014-15 budget request, the Department is requested to report actual average daily community corrections populations and daily rates for the two most recently completed fiscal years in a format compatible with the community corrections table in Long Bill footnote 52.

Comment: In combination, the footnote appropriation table and this request for information will provide the General Assembly with a detailed yet quickly understood snapshot of appropriated, actual and requested community corrections placements.

JBC Staff Staff Figure Setting - FY 2013-14
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Number Pages

	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
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DEPARTMENT OF PUBLIC SAFETY
James Davis, Executive Director

(4) DIVISION OF CRIMINAL JUSTICE

Primary functions: Provide funding and set standards for community corrections programs. Administer grant programs that assist local and state law enforcement agencies and juvenile delinquency programs. Administer grant programs that assist crime victims. Assist the Domestic Violence and Sex Offender Management Boards in developing and implementing standards and policies for the treatment, monitoring, and management of adult domestic violence and sex offenders. Conduct studies analyzing criminal justice policies, problems, and programs and make related recommendations. Forecast offender populations.

(A) Administration

DCJ Administrative Services	<u>0</u>	<u>0</u>	<u>2,874,451</u>	<u>2,951,658</u>	<u>2,951,658</u> *
FTE	0.0	0.0	31.8	31.8	31.8
General Fund	0	0	1,763,816	1,851,816	1,851,816
Cash Funds	0	0	517,492	517,492	517,492
Reappropriated Funds	0	0	509,105	498,312	498,312
Federal Funds	0	0	84,038	84,038	84,038
Personal Services	<u>2,532,483</u>	<u>2,480,579</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	29.8	30.3	0.0	0.0	0.0
General Fund	1,629,983	1,622,861	0	0	0
Cash Funds	502,035	471,907	0	0	0
Reappropriated Funds	315,018	319,893	0	0	0
Federal Funds	85,447	65,918	0	0	0

JBC Staff Staff Figure Setting - FY 2013-14
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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
Operating Expenses	<u>227,876</u>	<u>213,101</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	165,031	151,330	0	0	0
Cash Funds	32,197	31,619	0	0	0
Reappropriated Funds	26,295	28,402	0	0	0
Federal Funds	4,353	1,750	0	0	0
Indirect Cost Assessment	<u>556,576</u>	<u>633,984</u>	<u>674,054</u>	<u>688,972</u>	<u>597,597</u>
Cash Funds	55,428	59,275	62,137	74,252	48,542
Reappropriated Funds	0	0	8,401	8,459	5,828
Federal Funds	501,148	574,709	603,516	606,261	543,227
SUBTOTAL - (A) Administration	3,316,935	3,327,664	3,548,505	3,640,630	3,549,255
<i>FTE</i>	<u>29.8</u>	<u>30.3</u>	<u>31.8</u>	<u>31.8</u>	<u>31.8</u>
General Fund	1,795,014	1,774,191	1,763,816	1,851,816	1,851,816
Cash Funds	589,660	562,801	579,629	591,744	566,034
Reappropriated Funds	341,313	348,295	517,506	506,771	504,140
Federal Funds	590,948	642,377	687,554	690,299	627,265

(B) Victims Assistance

Federal Victims Assistance and Compensation					
Grants	<u>10,401,876</u>	<u>10,369,662</u>	<u>10,400,000</u>	<u>10,400,000</u>	<u>10,400,000</u>
Federal Funds	10,401,876	10,369,662	10,400,000	10,400,000	10,400,000
State Victims Assistance and Law Enforcement					
Program	<u>1,218,391</u>	<u>1,190,080</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>
Cash Funds	1,218,391	1,190,080	1,500,000	1,500,000	1,500,000

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
Child Abuse Investigation	<u>171,962</u>	<u>3,026</u>	<u>317,415</u>	<u>317,415</u>	<u>200,000</u>
FTE	0.3	0.2	0.4	0.4	0.4
Cash Funds	171,962	3,026	317,415	317,415	200,000
SUBTOTAL - (B) Victims Assistance	11,792,229	11,562,768	12,217,415	12,217,415	12,100,000
FTE	<u>0.3</u>	<u>0.2</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>
Cash Funds	1,390,353	1,193,106	1,817,415	1,817,415	1,700,000
Federal Funds	10,401,876	10,369,662	10,400,000	10,400,000	10,400,000

(C) Juvenile Justice and Delinquency Prevention

Juvenile Justice Disbursements	<u>715,124</u>	<u>642,110</u>	<u>866,249</u>	<u>866,249</u>	<u>850,000</u>
Federal Funds	715,124	642,110	866,249	866,249	850,000
Juvenile Diversion Programs	<u>1,235,367</u>	<u>1,240,058</u>	<u>1,241,139</u>	<u>1,241,139</u>	<u>1,241,139</u>
FTE	0.0	0.8	0.9	0.9	0.9
General Fund	1,235,367	1,240,058	1,241,139	1,241,139	1,241,139
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention	1,950,491	1,882,168	2,107,388	2,107,388	2,091,139
FTE	<u>0.0</u>	<u>0.8</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>
General Fund	1,235,367	1,240,058	1,241,139	1,241,139	1,241,139
Federal Funds	715,124	642,110	866,249	866,249	850,000

(D) Community Corrections

Community Corrections Boards Administration	<u>1,892,362</u>	<u>2,012,823</u>	<u>2,046,868</u>	<u>2,077,571</u>	<u>2,123,585</u> *
General Fund	1,892,362	2,012,823	2,046,868	2,077,571	2,123,585

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
Community Corrections Placement	<u>0</u>	<u>0</u>	<u>52,483,784</u>	<u>53,271,040</u>	<u>54,450,899</u> *
General Fund	0	0	51,489,765	52,262,111	53,441,970
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	994,019	1,008,929	1,008,929
Treatment for Substance Abuse and Co-occurring Disorders	<u>0</u>	<u>0</u>	<u>1,568,750</u>	<u>1,592,281</u>	<u>1,803,840</u> *
Reappropriated Funds	0	0	1,568,750	1,592,281	1,803,840
Subsistence Forgiveness Pilot Project	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>591,200</u>
General Fund	0	0	0	0	591,200
Specialized Services	<u>57,722</u>	<u>61,490</u>	<u>55,000</u>	<u>55,000</u>	<u>55,000</u>
General Fund	57,722	61,490	55,000	55,000	55,000
Offender Assessment Training	<u>0</u>	<u>0</u>	<u>10,300</u>	<u>10,455</u>	<u>10,455</u> *
General Fund	0	0	10,300	10,455	10,455
Intensive Residential Treatment Aftercare	<u>0</u>	<u>0</u>	<u>180,000</u>	<u>180,000</u>	<u>0</u>
General Fund	0	0	180,000	180,000	0
Transition Programs including standard residential services and specialized substance abuse treatment	<u>24,171,295</u>	<u>24,430,355</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	24,171,295	24,430,355	0	0	0
Diversion Programs including standard residential services and standard nonresidential services	<u>22,734,780</u>	<u>22,049,315</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	22,734,780	22,049,315	0	0	0

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
Transitional Mental Health Bed Differential	<u>906,459</u>	<u>977,945</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	906,459	977,945	0	0	0
Diversion Mental Health Bed Differential	<u>515,762</u>	<u>484,123</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	515,762	484,123	0	0	0
John Eachon Re-entry Program	<u>242,854</u>	<u>275,114</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	242,854	275,114	0	0	0
Substance Abuse Treatment Program	<u>1,430,180</u>	<u>2,448,432</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	698,944	402,380	0	0	0
Cash Funds	731,236	677,417	0	0	0
Reappropriated Funds	0	1,368,635	0	0	0
Outpatient Therapeutic Community Programs	<u>474,834</u>	<u>548,192</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	474,834	548,192	0	0	0
Intensive Residential Treatment Pilot Project	<u>133,208</u>	<u>291,416</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	125,499	0	0	0
Cash Funds	133,208	165,917	0	0	0
Accelerated Non-Residential Community Corrections Diversion Pilot Program	<u>8,392</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	8,392	0	0	0	0
SUBTOTAL - (D) Community Corrections	52,567,848	53,579,205	56,344,702	57,186,347	59,034,979
FTE	0.0	0.0	0.0	0.0	0.0
General Fund	51,703,404	51,367,236	53,781,933	54,585,137	56,222,210
Cash Funds	864,444	843,334	0	0	0
Reappropriated Funds	0	1,368,635	2,562,769	2,601,210	2,812,769

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
(E) Crime Control and System Improvement					
State and Local Crime Control and System					
Improvement Grants	<u>4,345,184</u>	<u>4,430,567</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>4,900,000</u>
Federal Funds	4,345,184	4,430,567	3,000,000	3,000,000	4,900,000
Sex Offender Surcharge Fund Program					
FTE	<u>1.4</u>	<u>1.4</u>	<u>1.5</u>	<u>1.5</u>	<u>1.5</u>
Cash Funds	112,011	114,569	153,325	153,325	153,325
Sex Offender Supervision					
FTE	<u>3.2</u>	<u>2.8</u>	<u>3.2</u>	<u>3.2</u>	<u>3.2</u>
General Fund	321,609	318,565	328,002	328,002	328,002
Treatment Provider Criminal Background Checks					
FTE	<u>0.3</u>	<u>0.4</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>
Cash Funds	27,618	43,523	49,606	49,606	49,606
Colorado Regional and Community Policing					
Institute	<u>215,162</u>	<u>123,261</u>	<u>275,915</u>	<u>275,915</u>	<u>200,000</u>
FTE	0.8	0.4	4.0	4.0	2.5
Reappropriated Funds	46,668	34,685	175,000	175,000	100,000
Federal Funds	168,494	88,576	100,915	100,915	100,000
Federal Grants	<u>13,818,106</u>	<u>10,623,241</u>	<u>4,800,000</u>	<u>4,800,000</u>	<u>4,300,000</u>
FTE	21.8	21.3	17.5	17.5	17.5
Federal Funds	13,818,106	10,623,241	4,800,000	4,800,000	4,300,000

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
Criminal Justice Training Fund	<u>94,009</u>	<u>80,750</u>	<u>207,351</u>	<u>207,351</u>	<u>120,000</u>
FTE	0.1	0.2	0.5	0.5	0.5
Cash Funds	94,009	80,750	207,351	207,351	120,000
MacArthur Foundation Grant	<u>143,590</u>	<u>0</u>	<u>75,000</u>	<u>75,000</u>	<u>75,000</u>
Cash Funds	143,590	0	75,000	75,000	75,000
Methamphetamine Abuse Task Force Fund	<u>2,780</u>	<u>7,000</u>	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>
Cash Funds	2,780	7,000	20,000	20,000	20,000
SUBTOTAL - (E) Crime Control and System					
Improvement	19,080,069	15,741,476	8,909,199	8,909,199	10,145,933
FTE	<u>27.6</u>	<u>26.5</u>	<u>27.3</u>	<u>27.3</u>	<u>25.8</u>
General Fund	321,609	318,565	328,002	328,002	328,002
Cash Funds	380,008	245,842	505,282	505,282	417,931
Reappropriated Funds	46,668	34,685	175,000	175,000	100,000
Federal Funds	18,331,784	15,142,384	7,900,915	7,900,915	9,300,000
TOTAL - (4) Division of Criminal Justice					
FTE	<u>57.7</u>	<u>57.8</u>	<u>60.4</u>	<u>60.4</u>	<u>58.9</u>
General Fund	55,055,394	54,700,050	57,114,890	58,006,094	59,643,167
Cash Funds	3,224,465	2,845,083	2,902,326	2,914,441	2,683,965
Reappropriated Funds	387,981	1,751,615	3,255,275	3,282,981	3,416,909
Federal Funds	30,039,732	26,796,533	19,854,718	19,857,463	21,177,265

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	FY 2010-11 Actual	FY 2011-12 Actual	FY 2012-13 Appropriation	FY 2013-14 Request	FY 2013-14 Recommendation
TOTAL - Department of Public Safety	88,707,572	86,093,281	83,127,209	84,060,979	86,921,306
<i>FTE</i>	<u>57.7</u>	<u>57.8</u>	<u>60.4</u>	<u>60.4</u>	<u>58.9</u>
General Fund	55,055,394	54,700,050	57,114,890	58,006,094	59,643,167
Cash Funds	3,224,465	2,845,083	2,902,326	2,914,441	2,683,965
Reappropriated Funds	387,981	1,751,615	3,255,275	3,282,981	3,416,909
Federal Funds	30,039,732	26,796,533	19,854,718	19,857,463	21,177,265