

This document contains

1. The March 8, 2012 Division of Criminal Justice Figure Setting Document that JBC staff presented to the JBC.
2. A March 15, 2012 Comeback memo that corrects the figure setting document.

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



FY 2012-13 STAFF FIGURE SETTING

DEPARTMENT OF PUBLIC SAFETY

(Division of Criminal Justice)

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

**Prepared By:
Steve Allen, JBC Staff
March 8, 2012**

For Further Information Contact:

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

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

TABLE OF CONTENTS

Numbers Pages	1
Figure Setting Narrative	
(A) Administration	10
(B) Victims Assistance	14
(C) Juvenile Justice and Delinquency Prevention	18
(D) Community Corrections	20
(E) Crime Control and System Improvement	39
Footnote and Request for Information Summary	45
Appendix, SMART Act Letters From Oversight Committees	46

**Fiscal Year 2012-13 Joint Budget Committee Staff Figure Setting
Department of Public Safety (Division of Criminal Justice)**

NUMBERS PAGES

	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2012-13	Change
	Actual	Actual	Appropriation	Request	Recommend.	Requests
DEPARTMENT OF PUBLIC SAFETY						
Executive Director: James H. Davis						
Division of Criminal Justice Director:						
Jeanne Smith						
(A) Administration						
Personal Services	2,364,341	2,532,483	2,626,649	0	0	R-2
FTE	<u>31.0</u>	<u>29.8</u>	<u>32.3</u>	<u>0.0</u>	<u>0.0</u>	
General Fund	1,458,791	1,629,983	1,625,144	0	0	
FTE	19.2	18.7	21.5	0.0	0.0	
Cash Funds	556,863	502,035	558,100	0	0	
FTE	7.3	6.6	7.6	0.0	0.0	
Reappropriated Funds	266,976	315,018	371,187	0	0	
FTE	3.3	3.4	1.9	0.0	0.0	
Federal Funds	81,711	85,447	72,218	0	0	
FTE	1.2	1.1	1.3	0.0	0.0	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
DCJ Administrative Services (New Line)	0	0	0	2,927,422	2,927,422	R-2
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	0	0	0	1,818,479	1,818,479	
FTE	0.0	0.0	0.0	21.5	21.5	
Cash Funds	0	0	0	607,427	607,427	
FTE	0.0	0.0	0.0	7.6	7.6	
Reappropriated Funds	0	0	0	413,438	413,438	
FTE	0.0	0.0	0.0	1.9	1.9	
Federal Funds	0	0	0	88,078	88,078	
FTE	0.0	0.0	0.0	1.3	1.3	
Operating Expenses	<u>215,409</u>	<u>227,876</u>	<u>231,067</u>	<u>0</u>	<u>0</u>	R-2, R-8
General Fund	143,276	165,031	152,766	0	0	
Cash Funds	34,281	32,197	35,257	0	0	
Reappropriated Funds	33,475	26,295	35,451	3,240	0	
Federal Funds	4,377	4,353	7,593	(3,240)	0	
Recidivism Reduction and Offender Diversion						
Package Contract Analysis - GF	0	0	0		0	
FTE	0.0	0.0	0.0		0.0	
Indirect Cost Assessment	<u>427,614</u>	<u>556,576</u>	<u>655,623</u>	<u>675,613</u>	<u>Pending</u>	
Cash Funds	59,763	55,428	70,924	71,577		
Reappropriated Funds	0	0	0	0		
Federal Funds	367,851	501,148	584,699	604,036		

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
TOTAL - (A) ADMINISTRATION	3,007,364	3,316,935	3,513,339	3,603,035	2,927,422	
FTE	<u>31.0</u>	<u>29.8</u>	<u>32.3</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	1,602,067	1,795,014	1,777,910	1,818,479	1,818,479	
Cash Funds	650,907	589,660	664,281	679,004	607,427	
Reappropriated Funds	300,451	341,313	406,638	416,678	413,438	
Federal Funds	453,939	590,948	664,510	688,874	88,078	
(B) Victims Assistance						
Federal Victims Assistance and Compensation						
Grants - FF	9,448,773	10,401,876	9,998,833	9,998,833	10,400,000	
State Victims Assistance and Law Enforcement						
Program (VALE)	<u>1,166,236</u>	<u>1,218,391</u>	<u>1,250,000</u>	<u>1,600,000</u>	<u>1,500,000</u>	BA
Cash Funds	1,166,236	1,218,391	1,250,000	1,600,000	1,500,000	
Reappropriated Funds	0	0	0	0	0	
Child Abuse Investigation - CF	77,887	171,962	317,415	317,415	317,360	
FTE	0.3	0.3	0.4	0.4	0.4	
TOTAL - (B) VICTIMS ASSISTANCE	10,692,896	11,792,229	11,566,248	11,916,248	12,217,360	
FTE	<u>0.3</u>	<u>0.3</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	1,244,123	1,390,353	1,567,415	1,917,415	1,817,360	
Reappropriated Funds	0	0	0	0	0	
Federal Funds	9,448,773	10,401,876	9,998,833	9,998,833	10,400,000	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
(C) Juvenile Justice and Delinquency Prevention						
Juvenile Justice Disbursements - FF	658,133	715,124	866,249	866,249	865,000	
Juvenile Diversion Programs - GF	1,241,851	1,235,367	1,241,139	1,241,139	1,240,087	
FTE	0.8	0.8	0.9	0.9	0.9	
TOTAL - (C) JUVENILE JUSTICE	1,899,984	1,950,491	2,107,388	2,107,388	2,105,087	
FTE	<u>0.8</u>	<u>0.8</u>	<u>0.9</u>	<u>0.9</u>	<u>0.9</u>	
General Fund	1,241,851	1,235,367	1,241,139	1,241,139	1,240,087	
Federal Funds	658,133	715,124	866,249	866,249	865,000	
(D) Community Corrections						
Community Corrections Boards Administration - GF	1,882,624	1,892,362	2,018,270	2,012,755	2,046,868	
Incentive Funds for Low-Risk Providers - GF	0	0	0	0	0	
Transition Programs - GF	22,667,755	24,171,295	22,955,321	22,889,432	0	
Diversion Programs - GF	23,095,307	22,734,780	25,990,772	25,922,920	0	
Transition Mental Health Bed Differential - GF	750,395	906,459	1,268,959	1,265,492	0	
Diversion Mental Health Bed Differential - GF	405,531	515,762	241,706	241,046	0	
Specialized Services - GF	53,528	57,722	55,000	55,000	55,000	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
John Eachon Re-Entry Program - GF	228,887	242,854	144,936	144,540	0	
Day Reporting Center - GF	0	0	0	0	0	
Substance Abuse Treatment Program	<u>890,202</u>	<u>1,430,180</u>	<u>2,577,212</u>	<u>2,573,614</u>	<u>0</u>	
General Fund	378,802	698,944	524,844	523,410	0	
Cash Funds	511,400	731,236	802,368	800,204	0	
Reappropriated Funds	0	0	1,250,000	1,250,000	0	
Federal Funds	0	0	0	0	0	
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	258	8,392	0	0	0	
Intensive Residential Treatment (IRT) Pilot	<u>194,076</u>	<u>133,208</u>	<u>374,346</u>	<u>373,815</u>	<u>0</u>	
General Fund	0	0	180,000	180,000	0	
Cash Funds	194,076	133,208	194,346	193,815	0	
Community Corrections Placement	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>52,483,784</u>	
General Fund					51,579,765	
Cash Funds					904,019	
Treatment for Substance Abuse and Co-occurring Disorders - RF					1,250,000	
Offender Assessment Training - GF					10,300	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
Intensive Residential Treatment Aftercare	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>180,000</u>	
General Fund					90,000	
Cash Funds					90,000	
TOTAL - (D) COMMUNITY						
CORRECTIONS*	<u>50,588,892</u>	<u>52,567,848</u>	<u>56,182,286</u>	<u>56,032,859</u>	<u>56,025,952</u>	
General Fund	49,883,416	51,703,404	53,935,572	53,788,840	53,781,933	
Cash Funds	705,476	864,444	996,714	994,019	994,019	
Reappropriated Funds	0	0	1,250,000	1,250,000	1,250,000	
Federal Funds	0	0	0	0	0	

* Pursuant to Section 17-27-108 (5), C.R.S., DCJ may transfer up to 10% of appropriations among community corrections line items.

(E) Crime Control and System Improvement

State and Local Crime Control and System

Improvement Grants - FF	2,679,845	4,345,184	4,998,833	4,998,833	3,000,000	
Sex Offender Surcharge Fund Program - CF	104,378	112,011	152,536	153,325	151,376	
FTE	1.3	1.4	1.5	1.5	1.5	
Sex Offender Supervision - GF	332,388	321,609	318,565	328,002	322,750	
FTE	3.2	3.2	3.2	3.2	3.2	
Treatment Provider Criminal Background Checks	19,155	27,618	49,606	49,606	49,338	
FTE	<u>0.0</u>	<u>0.3</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	19,155	27,618	49,606	49,606	49,338	
Reappropriated Funds	0	0	0	0	0	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
Colorado Regional Community Policing Institute	241,403	215,162	569,144	569,144	275,000	
FTE	<u>1.0</u>	<u>0.8</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	
Reappropriated Funds	100,000	46,668	371,836	371,836	175,000	
FTE	0.5	0.1	2.5	2.5	2.5	
Federal Funds	141,403	168,494	197,308	197,308	100,000	
FTE	0.5	0.7	1.5	1.5	1.5	
Federal Grants	11,844,544	13,818,106	4,828,759	4,856,599	4,800,000	
FTE	<u>16.2</u>	<u>21.8</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	
Cash Funds			0	0	0	
Reappropriated Funds	0	0	0	0	0	
Federal Funds	11,844,544	13,818,106	4,828,759	4,856,599	4,800,000	
Lifesaver Project Grants - CF	0	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Criminal Justice Training Fund - CF	45,737	94,009	207,272	207,351	207,158	
FTE	0.0	0.1	0.5	0.5	0.5	
MacArthur Foundation Grant - CF	81,675	143,590	200,000	200,000	75,000	
Methamphetamine Abuse Task Force Fund - CF	9,157	2,780	43,739	43,739	20,000	

	FY 2009-10 Actual	FY 2010-11 Actual	FY 2011-12 Appropriation	FY 2012-13 Request	FY 2012-13 Recommend.	Change Requests
TOTAL - (E) CRIME CONTROL	15,358,282	19,080,069	11,368,454	11,406,599	8,900,622	
FTE	<u>21.7</u>	<u>27.6</u>	<u>27.3</u>	<u>27.3</u>	<u>27.3</u>	
General Fund	332,388	321,609	318,565	328,002	322,750	
Cash Funds	260,102	380,008	653,153	654,021	502,872	
Reappropriated Funds	100,000	46,668	371,836	371,836	175,000	
Federal Funds	14,665,792	18,331,784	10,024,900	10,052,740	7,900,000	

DEPARTMENT OF PUBLIC SAFETY, (4) DIVISION OF CRIMINAL JUSTICE						
TOTAL	81,547,418	88,707,572	84,737,715	85,066,129	82,176,443	
FTE	<u>53.8</u>	<u>58.5</u>	<u>60.9</u>	<u>60.9</u>	<u>60.9</u>	
General Fund	53,059,722	55,055,394	57,273,186	57,176,460	57,163,249	
Cash Funds	2,860,608	3,224,465	3,881,563	4,244,459	3,921,678	
Reappropriated Funds	400,451	387,981	2,028,474	2,038,514	1,838,438	
Federal Funds	25,226,637	30,039,732	21,554,492	21,606,696	19,253,078	

R = Change Request (Decision Item or Base Reduction Item)

S = Supplemental

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

SMART Act recommendations of House and Senate Oversight Committees. The SMART Act allows a Committee of Reference to make formal recommendations to the Joint Budget Committee regarding the budget requests of the state agencies that they oversee. The Senate and House Judiciary Committees made no recommendations regarding the budget request of the Division of Criminal Justice, over which these committees have oversight. The letters from these Committees are reproduced in Appendix 1 at the end of this document.

(4) DIVISION OF CRIMINAL JUSTICE

The Department of Public Safety's Division of Criminal Justice (DCJ), which is established in Section 24-33.5-501, C.R.S., is a diverse unit with multiple funding sources that is comprised of an administrative office plus six offices and an institute that administer programs:

- **Division Administrative Office**, which provides oversight and support for the entire division.
- **Office of Community Corrections**, which 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 Adult and Juvenile Justice Assistance**, which 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 for Victims Programs**, which 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, which is responsible for enforcing compliance with the Amendment.
- **Office of Domestic Violence and Sex Offender Management**, which 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**, which 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

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

publications, training programs, and its web site. Its reports include winter and summer forecasts of adult and juvenile correctional and parole populations.

- **The Colorado Regional Community Policing Institute**, which helps strengthen the performance and professionalism of Colorado law enforcement agencies through training, education, and technical assistance programs.

(A) ADMINISTRATION

(A) Administration

Personal Services: As the following table shows, this line item combines Personal Services appropriations for the Division Administrative Office with Personal Services funding for five of the division's seven programs.

Administration Division	FY 10-11	FY 11-12	FY 12-13	FY 12-13	FY 12-13
Staffing summary by program	Actual	Approp.	Request	Recommend.	% of FTE
Division Administrative Office	7.0	6.2	6.2	6.2	19.2%
Research and Statistics	5.9	8.0	8.0	8.0	24.8%
Community Corrections	6.2	6.9	6.9	6.9	21.4%
Victim Programs	5.5	5.5	5.5	5.5	17.0%
Adult and Juvenile Justice Assistance	2.7	3.2	3.2	3.2	9.9%
Domestic Violence	2.5	2.5	2.5	2.5	7.7%
Total	29.8	32.3	32.3	32.3	100.0%

This line item does not include personal services appropriations for Sex Offender Management or for Community Policing. Appropriations for these programs are presented later in this document.

The following tables present staffing by job function along with the staff recommendation and the request.

Administration Division	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 12-13
Staffing Summary by job function	Actual	Actual	Approp.	Request	Recommend.
Management	1.0	1.0	1.0	1.0	1.0
Professional	16.8	15.2	16.8	16.8	16.8
Budget, Audit, Statistics, and Accounting	8.1	9.4	9.5	9.5	8.5
Information Technology	1.1	0.1	0.0	0.0	0.0
Support	4.0	4.1	5.0	6.0	6.0
Total	31.0	29.8	32.3	33.3	32.3

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Administration - Personal Services	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	2,626,649	1,625,144	558,100	371,187	72,218	32.3
State PERA contribution back to 10.15%	62,587	33,450	14,070	6,800	8,267	0.0
2% base personal services adjustment	(51,600)	(33,398)	(10,264)	(6,339)	(1,599)	0.0
FY 2012-13 Recommendation	2,637,636	1,625,196	561,906	371,648	78,886	32.3
FY 2012-13 Request*	2,689,236	1,658,594	572,170	377,987	80,485	32.3

*The Division requests that this line item be consolidated with Administration Operating Expenses. This table presents the Personal Services portion of the consolidated request.

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, and
- The Drug Offender Surcharge Fund established pursuant to Section 18-19-103 (4), C.R.S.; (3) gifts, grants and donations.

The source of reappropriated funds is indirect cost recoveries from the Drug Offender Surcharge Fund, the Sex Offender Surcharge Fund, and the State VALE fund, as well as recoveries from VOCA, VAWA, Juvenile Justice, and other federal grant programs administered by the division. These re-appropriated funds help pay for oversight of all programs by the Division Administrative Office.

Decision Item: Variable Vehicle Rate Appropriation Change. The Division requests the correction of a technical error that occurred when the General Assembly approved FY 2010-11 Decision Item 8, "DCJ Additional Fleet Vehicles". That decision item included \$3,240 of federal funds spending authority to pay for vehicle costs, which would have been correct if federal funds were charged directly for the use of vehicles. However, variable vehicle costs are in reality paid from indirect cost assessments, which are reappropriated fund. The Decision Item should have requested \$3,240 of additional reappropriated-funds spending authority so DCJ could spend the federal funds indirect cost assessments it is already collecting for use of the vehicle.

Staff recommends that the Committee approve this request and move \$3,250 of the Operating Expense appropriation from federal funds to reappropriated funds.

(A) Administration

Operating Expenses: The Division requests and **Staff recommends that the Committee approve the following appropriation for this line item**, which includes the preceding decision item.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Administration - Operating Expenses	Total	GF	CF	RF	FF
FY 2011-12 Appropriation	231,067	152,766	35,257	35,451	7,593
R-8 Variable Vehicle Rate Appropriation Change	0	0	0	3,240	(3,240)
Second year of the FY 2011-12 budget amendment that reduced General Fund Operating Expense Appropriations by 2 percent for 1 year	7,119	7,119	0	0	0
FY 2012-13 Recommendation	238,186	159,885	35,257	38,691	4,353
FY 2012-13 Request*	238,186	159,885	35,257	38,691	4,353

*The Division requests that this line item be consolidated with Administration Personal Services. This table presents the operating expense portion of the consolidated request.

Funding sources are identical to those for the Administration Personal Services appropriation.

Decision Item: Line item consolidation. The Division requests that Administration Personal Services and Operating Expenses be combined into a single FY 2012-13 Long Bill appropriation called *Administrative Services*. The Personal Services appropriation is approximately 10 times larger than the Operating Expenses appropriation.

Staff asked the Division to provide *specific* examples of how this consolidation could help the DCJ be more efficient and received the following response, which Staff considers good examples of the benefits of this consolidation.

1. When the Community Corrections Office developed and purchased the new Community Corrections Institutional Billing system two years ago, a critical element was left out, partially because of lack of funds. This element was the blueprints for the system that would allow the [Department's] OIT office to maintain and correct problems in the system in the future, instead of being reliant on the vendor for system maintenance and trouble shooting. These costs were not included in the original purchase. The division is attempting to rectify the problem this fiscal year, but is hampered by how the expenditure would be classified in the accounting system. This year, DCJ will have a minimal amount of personal services available to now purchase the system blueprints but, because the costs associated with these blueprints would not be considered personal services, DCJ will be unable to purchase them. Therefore, as the system needs maintenance and troubleshooting, DCJ will have to use the minimal personal services appropriations to pay for the costly personal services maintenance costs. This in turn, prohibits DCJ from backfilling critical positions that have created the minimal savings within the personal services line item.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

2. [The Colorado Grant Management System, the new grant management system that the DCJ has played a leading role in designing and developing,] is an enterprise system that will benefit the entire state, but the bulk of the resources in these beginning stages are coming from only two agencies. Covering these expenses has required expenditures in both personal services and operating, and it has not been possible to predict exactly how much from each category would be needed as the division attempted to assist sister state agencies in joining the project.

Staff recommends that the Committee approve this request and consolidate the Personal Services and Operating Expenses line items into a single line item called *Administration and Programs*.

(A) Administration

Indirect Cost Assessment: All indirect cost assessments paid by Division of Criminal Justice programs are combined in this, the indirect cost assessment line item within the Administration subdivision, though some of the dollars are collected from funds that are appropriated in other parts of DCJ. All programs in DCJ that are supported by cash, reappropriated, or federal funds pay these assessments, which help pay for statewide indirect costs, departmental indirect costs, and 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 2012-13 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 following table presents the recommendation and the request for indirect cost assessments.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Administration - Indirect Cost Assessment	Total	GF	CF	RF	FF
FY 2011-12 Appropriation	655,623	0	70,924	0	584,699
Common policy adjustment	Pending				
FY 2012-13 Recommendation	Pending				
FY 2012-13 Request	675,613	0	71,577	0	604,036

It is possible that the JBC will subsequently approve changes that will alter indirect cost assessments. These changes could affect DCJ, other Divisions of the Department of Public Safety, or statewide common policies. **If subsequent changes occur, staff requests permission to re-calculate the indirect cost recoveries so as to take these changes into account.** This calculation could affect the amount of General Fund appropriations in line items that receive funding from indirect cost recoveries.

The sources of cash funds for indirect cost recoveries are (1) the State Victims Assistance and Law Enforcement (State VALE) Fund established in Section 24-33.5-506 (1), C.R.S.; (2) the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.; and (3) the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.

(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. Grant recipients include district attorneys, local law enforcement, and local programs that provide victim-assistance services.

(B) Victims Assistance

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 new 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.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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. Staff recommends that the appropriation be increased to reflect recent increases in federal funding for these grants and be set at a round number to reflect the fact that it is an estimate.

Administration - Indirect Cost Assessment	Total	GF	CF	RF	FF
FY 2011-12 Appropriation	9,998,833	0	0	0	9,998,833
Recommended adjustment to align with recent actual spending	401,167	0	0	0	401,167
FY 2012-13 Recommendation	10,400,000	0	0	0	10,400,000
FY 2012-13 Request	9,998,833	0	0	0	9,998,833

(B) Victims Assistance

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

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

provide services to crime victims within the district in which the monies are collected. The Office for Victims 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.

The State VALE fund is appropriated to the Division for

- Payment of DCJ's costs of administering state and federal victim programs,
- Distribution to the Department of Public Safety, the Department of Corrections, the Department of Human Services/Division of Youth Corrections, and the Office of the State Court Administrator to implement and coordinate statewide victim services programs,
- Distribution to the Department of Law to pay for its victims' services coordinator, and
- 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.

In FY 2010-11, services were provided to over 29,660 victims of crime through the use of State VALE funds. State VALE funds support statewide and regional conferences that train over 1500 victim service providers. The funds provide training for Sexual Assault Nurse Examiners (SANES), they provide forensic exams for sexual assault victims, and they provide legal representation to victims who may not otherwise receive their Constitutional rights.

Decision Item/Budget Amendment: Spending from the State VALE fund. The Division requests a supplemental spending authority increase of \$350,000 for FY 2012-13 and subsequent years for the State Victim Assistance and Law Enforcement (VALE) grant program within the Division of Criminal Justice.

The increase in spending authority will allow the department to provide additional funding to:

- State agencies that provide constitutionally and statutorily mandated rights to victims of crime;
- Statewide non-profit victim service agencies that provide services to crime victims;
- Support the Colorado's victim services network through training and technical assistance.

The requested additional spending authority will not be used to administer the State VALE program.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Staff analysis: the following table, provided by the Division, summarizes recent end-of-year cash fund balances for the State VALE Fund. This fund has grown moderately over this period and has maintained a balance of approximately \$1.8 million.

State VALE Fund	Actual FY 07-08	Actual FY 08-09	Actual FY 09-10	Actual FY 10-11	Projected FY 11-12	Projected FY 12-13
Cash in Beginning Fund Balance	1,414,136	1,782,321	1,778,631	1,819,165	1,892,162	1,843,088
+ cash transferred in	1,899,457	1,955,288	1,917,640	1,822,218	1,900,000	1,900,000
- cash expenditures	<u>(1,531,272)</u>	<u>(1,958,978)</u>	<u>(1,877,106)</u>	<u>(1,749,221)</u>	<u>(1,949,074)</u>	<u>(1,949,074)</u>
= Available Liquid Fund Balance	1,782,321	1,778,631	1,819,165	1,892,162	1,843,088	1,794,014

Staff believes that there is no reason to maintain a \$1.8 million balance in the fund; most of the balance should be expended to help victims, but enough should be retained in the fund to protect against unanticipated declines in revenues. However, it's difficult to set a suitable spending level. The requested \$350,000 increase will deplete the fund balance in about 4.6 years if other inflows and outflows remain constant. A \$250,000 increase will deplete the balance in 6.1 years. Staff recommends a \$250,000 increase because it is more likely to be sustainable; revenues have more time to rise over a 6 year horizon and catch up with higher spending. If VALE revenues do not rise enough in 6 years, spending from the fund will have to decline.

The Division requests an appropriation of \$1,600,000 cash funds for this line item, a \$350,000 increase over last year. **Staff recommends that the Committee approve a \$250,00 increase, bringing the State VALE appropriation to \$1,500,000.** The appropriation is from the state Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506, C.R.S.

(B) Victims Assistance

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. Cash inflows to the fund equaled \$77,855 in FY 2009-10 and \$102,675 in FY 2010-11.

Surcharge revenue is appropriated to DCJ for distribution to programs that offer a 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.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The following table summarizes the staff recommendation and the division request.

Child Abuse Investigation	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	317,415	0	317,415	0	0	0.4
2% base personal services adjustment	(55)	0	(55)	0	0	0.0
FY 2012-13 Recommendation	317,360	0	317,360	0	0	0.4
FY 2012-13 Request	317,415	0	317,415	0	0	0.4

(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION

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; minority over representation in the justice system; mental health and substance abuse services; 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 and FTE 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.

The following table shows the recommendation and the request. Senate Bill 11-076 gave the Department of Public Safety discretion in allocating the PERA adjustment among line items and the Department choose not to allocate any to this line; hence there is no PERA adjustment. Staff recommends a slight adjustment to the federal funds appropriation to bring it to a round number, reflecting the fact that it is an estimate.

Juvenile Justice Disbursements	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	866,249	0	0	0	866,249	0.0
Recommended adjustment	(1,249)	0	0	0	(1,249)	0.0
FY 2012-13 Recommendation	865,000	0	0	0	865,000	0.0
FY 2012-13 Request	866,249	0	0	0	866,249	0.0

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(C) Juvenile Justice and Delinquency Prevention

Juvenile Diversion Programs: Juvenile diversion programs are for youth who have 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 a formal legal action is 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. In FY 2010-11, the appropriation funded twenty-one grants, ranging from \$142,901 for the Denver District Attorney to \$13,435 for the Teen Court of Huerfano County. 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, September 2010. According to this report, during FY 2009-10 a total of 2,615 youth were served in state-funded juvenile diversion programs. Of the 1,532 youth who exited a diversion program in that period, 82 percent were successfully discharged, 3 percent were unsuccessfully terminated due to an arrest for a new offense, and 11 percent were unsuccessfully terminated due to non-compliance with their diversion contract. A total of 29,525 community service hours were completed by diversion program participants and \$229,058 in restitution was collected.)

The following table presents the recommendation and the request for this line item. Senate Bill 11-076 gave the Department of Public Safety discretion in allocating the PERA adjustment among line items and the Department choose not to allocate any to this line; hence there is no PERA adjustment.

Juvenile Diversion Programs	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	1,241,139	1,241,139	0	0	0	0.9
State PERA contribution back to 10.15%	0	0	0	0	0	0.0
2% base personal services adjustment	(1,052)	(1,052)	0	0	0	0.0
FY 2012-13 Recommendation	1,240,087	1,240,087	0	0	0	0.9
FY 2012-13 Request	1,241,139	1,241,139	0	0	0	0.9

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(D) 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.

KEY COMMUNITY CORRECTIONS FACTS AND TERMS

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. 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 facilities but diversion offenders occasionally begin in nonresidential programs. Successful residential clients may progress and become nonresidential or "day reporting" clients; they live outside the facility but check in as often as daily and are monitored at their jobs and elsewhere. Transition offenders who progress to nonresidential status enter the Department of Corrections "ISP-I" program, which provides intensive supervision for inmates. Diversion nonresidential offenders often continue to participate in programs begun while they were in residence at a program.

Specialized programs for substance abuse, mental health, and sex offenders. All community corrections facilities provide programs 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 purchase services beyond those provided by the program.

Some community corrections programs provide more extensive treatment:

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

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, 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 Peer I (for men) and The Haven (for women) in Denver and by Crossroads (for men) in Pueblo. 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 very commonly accompanies mental health problems, there are no programs that deal exclusively with mental health. Residential Dual Diagnosis Treatment treatment lasts 6 months or more.

Supervision and Treatment Programs for Sex Offenders: There are also a few programs that provide treatment and management services for sex offenders.

Base payments and differentials: The state makes a base payment for a bed in any residential community corrections facility. 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 pay little themselves.

- For FY 2011-12, the base payment equals \$37.74 per offender per day. If an offender is in a standard community corrections program for a year the cost is thus \$13,775 (= 365 *\$ 37.74).
- If the offender is enrolled in a specialized residential program, the state makes an additional payment, called a differential.
- The amount the state pays for nonresidential placements varies by program. There are no differentials.

"Subsistence" payments by offenders: Offenders 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. This payment, often referred to as

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

"subsistence", amounts to \$6,205 (= 365 *\$ 17) annually. Offenders also have other expenses, such as paying for required counseling and courses, paying up to 20 percent of their income for restitution and/or child support, and paying for their own medical, dental, and mental health needs, including pharmaceuticals. Offenders in standard programs who have difficulty finding a job, or lose a job, may be unable to pay. An offender's unpaid daily debt to a community corrections program accumulates, but may never be paid. The average daily amount collected from offenders by community corrections programs is usually several dollar less than \$17 and is related to the unemployment rate of offenders in the facility.

- Offenders with substance abuse and/ mental health problems who are enrolled in specialized residential programs usually are not allowed to work or have limited opportunities to work. As a consequence, though their subsistence contributions are theoretically \$17 daily, in practice their subsistence contributions are small or nonexistent. Sex offenders pay the residential rate.
- 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 to the various types of community corrections programs.

FY 2011-12 Daily Payment Rates for Residential Community Corrections Programs							
Type of bed	Special problems treated	Daily payment by:					Approx Total Paid
		State			Offender*		
		Base	Differential	Total	Max	Actual	
Standard residential		\$37.74	\$0.00	\$37.74	17.00	\$10-13	49.74
Intensive Residential Treatment (IRT)	Substance abuse	37.74	17.78	55.52	17.00	0	55.52
Therapeutic Community (TC), residential phase of treatment	Substance abuse	37.74	14.34	52.08	17.00	0	52.08
Residential Dual Diagnosis Treatment (RDDT)	Substance abuse & mental health	37.74	33.02	70.76	17.00	0	70.76
JERP (John Eachon Re-entry Program, a very intensive RDDT)	Substance abuse & mental health	37.74	52.80	90.54	17.00	0	90.54
Sex Offender	Sex offense	37.74	33.02	70.76	17.00	10-13	82.76

* Max is the maximum amount that can be collected from offenders. Actual is a range estimate of the amount actually collected.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

FY 2012-13 Daily Payment Rates for <i>Nonresidential</i> 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.

Offender contribution rates last changed in the 2003-04 Long Bill when residential rates rose from \$13 to \$17 and nonresidential from \$2 to \$3.

A brief survey of comparative standard community corrections rates in other states found daily rates of \$35 (Indiana), \$59 (California), \$40 (City of Casper, Wyoming), and \$73 (Federal Bureau of Prisons, Wyoming). These rates do not include offender contributions.

Oversight of community corrections programs is shared by:

- Local Community Corrections Boards, and
- The Office of Community Corrections at the Division of Criminal Justice.

Oversight of offenders in community corrections programs is provided by

- The staff of community corrections programs.
- Department of Corrections' parole officers, who supervise transition offenders,
- Judicial Branch probation officers, who supervise diversion offenders.

Appropriations for the staff of the Office of Community Corrections are found in DCJ's Administration Sub Division. Appropriations for the Department of Corrections and the Judicial Branch are found in their respective portions of the Long Bill.

Recommended New Format For Community Corrections Appropriations

The Long Bill appropriations for community corrections programs have grown complex during the past decade as new programs and funding sources have been added. As the excerpt from community

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

corrections portion of the FY 2011-12 Long Bill on the next page shows, there are now ten separate community corrections line items, up from four in 1995. These line items are a complex combination of appropriations for diversion, transition, parole, residential, nonresidential, standard, and specialized community corrections placements. The current structure of the Long Bill makes it very difficult to answer such questions as:

- How much has been appropriated for nonresidential placements?
- How many beds of all types have been appropriated for parolees?
- How much has been appropriated for substance abuse treatment?
- How much does a therapeutic community bed cost?
- How many extra parole beds were supplied by H.B. 10-1360?

The only way to answer these questions is to consult the corresponding figure setting document and painstakingly extract the information from it, while simultaneously consulting the intertwined lines of the Long Bill. The Office of Community Corrections at DCJ told JBC staff that it took one DCJ employee two-and-a-half days to convert the FY 2011-12 Long Bill and the accompanying figure setting document into a table that showed the number of appropriated beds by category. The table was then used as the basis for contracting with local community corrections boards.

Because of this complexity, **Staff recommends the alternative Long Bill presentation for community corrections placements that is shown on the following pages.** Staff believes that this alternative presentation will make community corrections appropriations far more transparent than they currently are. This alternative combines most of the current community corrections appropriations into a single line item with an associated footnote containing a table that details the number of appropriated community corrections beds, the daily rates, and the corresponding appropriations. Beginning this year (FY 2011-12) a similar footnote table appears in the Department of Health Care Policy and Financing portion of the Long Bill, where it details the components of a single-line, multi-fund-source appropriation for Medical Services Premiums.

Staff consulted with legislative legal services about this alternative format and was told that it raises no legal problems.

Current Format for Community Corrections Appropriations in FY 2011-12 Long Bill

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

**PART XVII
DEPARTMENT OF PUBLIC SAFETY**

....

(4) DIVISION OF CRIMINAL JUSTICE

....

(D) Community Corrections⁵¹

Community Corrections		
Boards Administration	2,018,270	2,018,270
Transition Programs including standard residential services at an average rate of \$37.74 per day per offender, and specialized substance abuse treatment at an average rate of \$55.52 per day per offender	22,955,321	22,955,321
Diversion Programs including standard residential services at an average rate of \$37.74 per day per offender, and standard nonresidential services at an average rate of \$5.12 per day per offender	25,990,772	25,990,772
Transitional Mental Health Bed Differential	1,268,959	1,268,959
Diversion Mental Health Bed Differential	241,706	241,706
Specialized Services	55,000	55,000
Joan Eachon Re-entry Program	144,936	144,936

Current Format for Community Corrections Appropriations in FY 2011-12 Long Bill

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
Substance Abuse Treatment Program	2,577,212		524,844		802,368 ^a	1,250,000 ^b	
Outpatient Therapeutic Community Programs	555,764		555,764				
Intensive Residential Treatment Pilot Project	<u>374,346</u>		180,000		194,346 ^a		
	56,182,286						

^a These amounts shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

^b This amount shall be transferred from appropriations made to the Judicial Department.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

51 Department of Public Safety, Division of Criminal Justice, Community Corrections -- Appropriations for community corrections programs are based on assumptions that providers of community corrections programs will collect client fees of up to \$17 per day for residential programs and up to \$3 per day for nonresidential programs. Pursuant to its authority to administer and execute contracts under section 17-27-108, C.R.S., the Division of Criminal Justice is requested to ensure that every reasonable effort is made to achieve such collections.

Recommended New Format For Community Corrections Appropriations in the FY 2012-13 Long Bill

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
DEPARTMENT OF PUBLIC SAFETY						
.....						
(4) DIVISION OF CRIMINAL JUSTICE						
.....						
(D) Community Corrections						
Community Corrections						
Boards Administration	2,046,868	2,046,868				
Community Corrections Placement ⁵¹	52,483,784	51,579,765		904,019 ^a		
Treatment for Substance Abuse and Co-occurring Disorders	1,250,000				1,250,000 ^b	
Specialized Offender Services	55,000	55,000				
Offender Assessment Training	10,300	10,300				
Intensive Residential Treatment Aftercare	180,000	90,000		90,000 ^a		
	<u>56,025,952</u>					

^a These amounts shall be from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

^b This amount shall be transferred from appropriations made to the Judicial Department pursuant to Section 18-19-103 (3.5) (a) (H.B. 10-1352).

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout section 2.

51 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placement – This appropriation assumes the following daily rates and average daily caseloads. The base rate for standard non-residential 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

Recommended New Format For Community Corrections Appropriations in the FY 2012-13 Long Bill

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

for non residential 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			Funds
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	\$37.74	\$0.00	\$37.74	1,270.0	1,541.5	70.0	\$39,692,951
Intensive Residential Treatment	\$37.74	\$17.78	\$55.52	43.0	42.0	35.0	\$2,431,776
Inpatient Therapeutic Community	\$37.74	\$14.34	\$52.08	114.0	69.0	5.0	\$3,573,730
Residential Dual Diagnosis Treatment	\$37.74	\$33.02	\$70.76	50.0	54.0	20.0	\$3,202,598
John Eachon Re-entry Program	\$37.74	\$52.80	\$90.54	0.0	15.0	0.0	\$495,706
Sex Offender Residential	\$37.74	\$33.02	\$70.76	8.0	8.0	10.0	\$671,512
Standard Non-residential	\$5.12	\$0.00	\$5.12	970.0	0.0	0.0	\$1,812,736
Outpatient Day Treatment	\$33.27	\$0.00	\$33.27	8.0	0.0	0.0	\$97,148
<u>Outpatient Therapeutic Community</u>	\$13.32	\$0.00	\$13.32	<u>52.0</u>	<u>52.0</u>	<u>0.0</u>	<u>\$505,627</u>
Total				2,515.0	1,781.5	140.0	\$52,483,784

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

As an adjunct to this appropriation, **staff also recommends the following request for information:**

As part of its FY 2013-14 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.

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 and actual community corrections placements.

Effects on the General Assembly's Control of the Appropriation: An important question that the Committee may wish to consider before approving the staff recommendation is whether it will diminish the General Assembly's control over the appropriations. Staff concludes that it will not, for the following reasons:

- The current Long Bill format includes four daily rates in the line item names. (The \$37.74 standard residential transition rate, the \$55.52 combined base rate plus differential for transition Intensive Residential Treatment, and two diversion rates.) The staff proposal would move these four stated rates into a footnote. Given the uncertain legal status of Long Bill footnotes, would this move diminish the General Assembly's control? The Office of Legislative Legal Services advises that it probably would not. A long line item name that spells out the intent of an appropriation probably has the same legal status as a footnote that spells out the same intent. An additional benefit of the recommendation is that five other rates that are stated only in the accompanying figure setting document, will now be in a Long Bill footnote.
- Based on conversations with the Division of Criminal Justice, it is apparent to staff that DCJ treats rates currently stated in Long Bill line-item names and stated in the accompanying figure setting document as if they are statutory. Staff does not believe that this alternative Long Bill presentation will alter that treatment.
- The combination of multiple line items into a single line arguably gives the Division of Criminal Justice the ability to move appropriations among programs without regard for legislative intent. However, Section 17-27-108 (5), C.R.S, already gives the Division of Criminal Justice the flexibility to move up to 10 percent of its community corrections appropriations among or between line items, after sending notice to the General Assembly, so in essence this flexibility already exists. Since FY 2008-09, these transfers have not exceeded 1.5 percent of the total appropriation for community corrections. The corresponding transfer notices that DCJ sent to General Assembly have accurately described the transfers, but because of the structure of the

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

Long Bill, they are not very informative. The recommended request for information will produce a report that will make it straightforward to measure the difference between each underlying component of the appropriation and actual spending.

It is interesting to note that the flexibility bestowed by Section 17-27-108 (5), C.R.S, seemingly contradicts a provision added to statute by H.B. 10-1360, which states (*italics added*),

17-2-103 (11.5). Each fiscal year, the General Assembly shall appropriate a portion of the savings generated by House Bill 10-1360, enacted in 2010. This appropriation shall be used *only for re-entry support services for parolees* related to obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, mental health medication, or offender specific services. The appropriation shall be made after consideration of the division of adult parole's status report required pursuant to Section 17-2-102 (11).

Thus statute contains a provision that effectively says, "DCJ must spend H.B. 10-1360 money only on parolees," while Section 17-27-108 (5), C.R.S., says "DCJ can transfer community corrections appropriations among line items".

The current structure of the Long Bill makes it difficult to determine whether Long Bill appropriations satisfy the requirements of H.B. 10-1360. While preparing this recommendation, staff concluded that they do not. This conclusion was a byproduct of recasting the FY 2011-12 Long Bill in the new format. Had the Long Bill already been in the recommended alternative format, it would have been a simple matter to make this determination. (There is no corresponding problem for the reappropriated funds that H.B. 10-1352 supplies for community corrections.)

(D) Community Corrections

Community Corrections Boards – Administration: This line item funds payments to the state's community corrections boards. 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 is a board for each of the state's 22 judicial districts. Boards generally contain a mix of members with legal and law enforcement backgrounds and members of the general public. The boards

- Approve community corrections programs and, along with DCJ's Office of Community Corrections, oversee their operation.
- Receive state funds from the Office of Community Corrections, which the boards then pay to community corrections providers in their judicial district.
- Accept or reject offenders who are referred by the courts or by the Department of Corrections for placement.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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 can equal up to 5 percent of total community corrections appropriations, but since FY 2003-04 they have equaled 4 percent of the long bill appropriations titled Transition Programs, Diversion Programs, Transitional Mental Health Bed Differential, and Diversion Mental Health Bed Differential. The appropriations for Specialized Services, the John Eachon Re-entry Program, Substance Abuse Treatment Program, Outpatient Therapeutic Community Programs, and the Intensive Residential Treatment Pilot Project have not been included in this calculation.

Translating the base for the old 4 percent appropriation into the new format is complex. To duplicate the old 4 percent calculation using the recommended new format, 4 percent would have to be multiplied by a hard-to-rationalize combination of community corrections appropriations that consists of the sum of base payments for all residential placements, standard non residential placements, parole Intensive Residential Treatment differentials, sex offender parole differentials, and transition and diversion dual diagnosis differentials. Therapeutic community differentials would be excluded along with transition and diversion Intensive Residential Treatment differentials and John Eachon dual diagnosis beds.

In place of this complex translation of the 4 percent calculation, staff recommends an appropriation for Community Corrections Boards Administration that equals 3.9 percent of the total appropriation for Community Corrections Placements. This leads to the following appropriation.

(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration	
Recommended appropriation for Community Corrections Placements	\$52,483,784
Times: Recommended payment percentage for community corrections boards administration	3.9%
Equals: Staff recommendation (General Fund)	\$2,046,868
Request	\$2,012,755

Staff emphasizes that the change from a 4.0 percent to a 3.9 percent rate does not represent a reduction in payments to local community corrections boards for administration, it is simply a lower rate that is applied to a larger base.

If the Committee approves a different amount for Community Corrections Placements, staff requests permission to adjust this appropriation so it equals 3.9 percent of the appropriation for Community Corrections Placements.

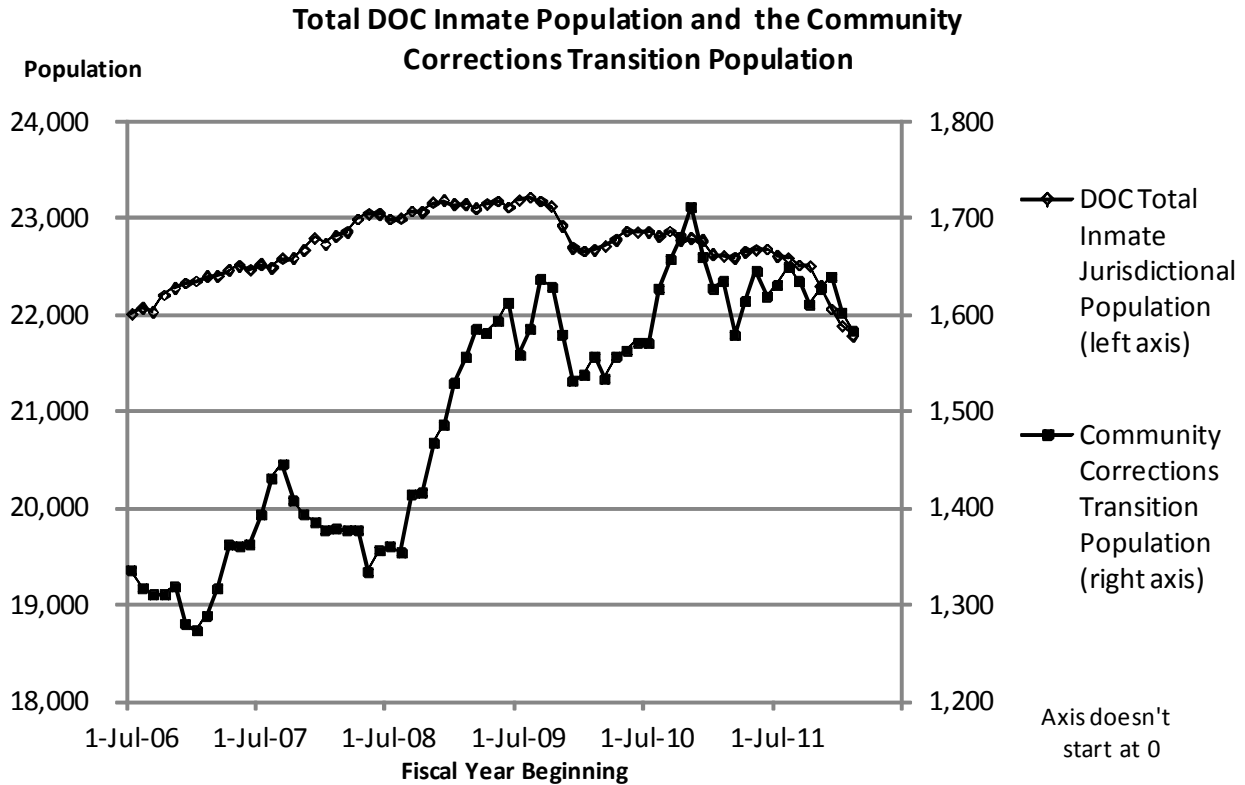
**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(D) Community Corrections

Community Corrections Placement (The recommended new line item): This new line item will fund all of the daily payments for offenders in community corrections programs. It will include diversion, transition, and parole offenders; residential and nonresidential programs; standard programs and specialized services. It combines most, but not all, of the community corrections appropriations for 10 different line items in the current Long Bill. **Staff recommends an appropriation of \$52,483,784 for this new line item, comprised of \$51,579,765 General Fund and \$904,019 cash funds**

The cash funds are from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S. This appropriation is \$6,907 lower than the equivalent appropriation that is contained in the 10 community corrections line items found in the FY 2011-12 Long Bill as adjusted for the lack of a leap day in FY 2012-13. **Staff recommends no increase in provider rates.**

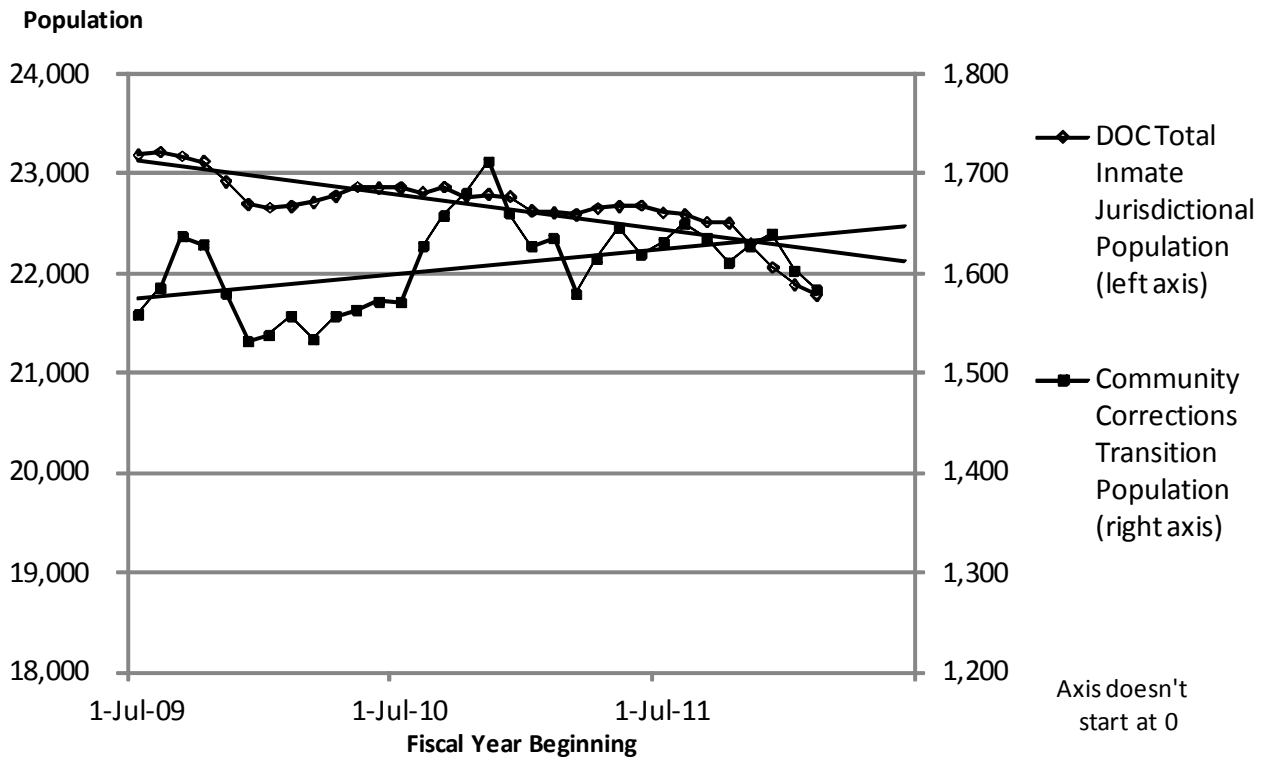
The staff recommendation is based in part on the following graph of the number of transition offenders in community corrections programs in recent years.



**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

As this graph shows, the number of transition offenders has been highly variable, but has not declined in step with the total Department of Corrections inmate population, which peaked in July 2009. In fact a trend line fitted to transition population data from July 2009 to January 2012 has a pronounced upward slope, as shown in the following graph. Staff lacks similar time-series data on diversion clients, but the data that staff does possess indicates that the diversion population is declining, both in absolute size and relative to the transition population.

Trendlines since July 2009



Based on this analysis of the transition population, staff concluded that the Community Corrections Placement appropriation should be maintained at a level that is consistent with the prior community corrections appropriation, adjusted downward slightly to reflect the shorter FY 2012-13, which lacks a leap day. Staff believes that the decline of the diversion population gives the Committee an excellent opportunity to shift the appropriation toward more residential specialty beds, which deal with substance abuse, mental health issues, and sex offender treatment and monitoring. Staff hopes that an increase in the number of specialty beds will modestly accelerate the decline of the total Department of Corrections inmate population by increasing the community-corrections success rates of high risk offenders.

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

The details of the recommended change of the bed appropriation are summarized by the three tables on the next page.

- Table 1 presents the current FY 2011-12 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 11-12.
- Table 2 presents recommended changes to the placement appropriation for FY 2012-13. Note that these changes nearly offset one another; on net they reduce a \$52.5 million appropriation by \$8,435.
- Table 3 presents the resulting placement appropriation for FY 2012-13.

Note that

- Funding for the "Grant Funded" beds in this table, which are supported by federal grants, will end in October when the current federal fiscal year ends. No replacement funding has been identified.
- These appropriations are based on a 365 day year, which is the number of days in FY 2012-13. Because payments are made on a per day basis, leap years, such as FY 2011-12 require larger appropriations.

When considering the recommended placement changes, remember that the Section 17-27-108 (5), C.R.S, already 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 strictly binding. Nevertheless, based on conversations with the Department, staff believes that the Committee's bed appropriation decisions will have a clear influence on the distribution of community corrections beds within the state, gradually moving placements into areas where the Committee approves increases.

1. FY 2011-12 Appropriated Community Corrections Placements and Rates with Actual Average Daily Population (ADP) For the First 6 Months of FY

Placement Type	Rates per day			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			\$ Approp 365 days
	Base	Differ-ential	Total		Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	
	Residential																
Standard residential	\$37.74		\$37.74	\$13,775	1,568.0	1,219.9	348.1	1,316.5	1,490.9	(174.4)	30.0	66.0	(36.0)	2,914.5	2,776.8	137.7	\$40,147,529
Intensive Residential Treatment	37.74	\$17.78	55.52	20,265	38.0	30.2	7.8	37.0	43.4	(6.4)	30.0	33.2	(3.2)	105.0	106.8	(1.8)	2,127,804
Therapeutic Community	37.74	14.34	52.08	19,009	88.0	146.4	(58.4)	89.0	69.1	19.9	10.0	5.5	4.5	187.0	221.0	(34.0)	3,554,720
Residential Dual Diagnosis	37.74	33.02	70.76	25,827	20.0	48.9	(28.9)	85.0	52.9	32.1	20.0	9.8	10.2	125.0	111.6	13.4	3,228,425
John Eachon Re-entry Program	37.74	52.80	90.54	33,047	Grant Funded			7.5	14.1	(6.6)	0.0	0.0	0.0	7.5	14.1	(6.6)	247,853
Sex Offender	37.74	33.02	70.76	25,827	Grant Funded			Grant Funded			10.0	7.9	2.1	10.0	7.9	2.1	258,274
Non-residential																	
Standard Non-residential	5.12		5.12	1,869	1,235.0	917.1	317.9	n/a			0.0	0.0	0.0	1,235.0	917.1	317.9	2,307,968
Outpatient Day Treatment	33.27		33.27	12,144	8.0	5.7	2.3	n/a			0.0	0.0	0.0	8.0	5.7	2.3	97,148
Outpatient Therapeutic Community	13.32		13.32	4,862	52.0	52.0	0.0	52.0	52.0	0.0	0.0	0.0	0.0	104.0	104.0	0.0	505,627
Total Placements					3,009.0			1,587.0			100.0			4,696.0			
Total \$					\$27,216,707			\$23,272,531			\$1,986,111			\$52,475,349			\$52,475,349

2. Recommended FY 2012-13 Changes to Appropriated Placements

Placement Type	Rates per day			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			\$ Approp 365 days
	Base	Differ-ential	Total		Approp Change	Actual ADP	Under/(Over)	Approp Change	Actual ADP	Under/(Over)	Approp Change	Actual ADP	Under/(Over)	Approp Change	Actual ADP	Under/(Over)	
	Residential																
Standard residential					-298.0			+225.0			+40.0			-33.0			(\$454,578)
Intensive Residential Treatment					+5.0			+5.0			+5.0			+15.0			303,972
Therapeutic Community					+26.0			-20.0			-5.0			+1.0			19,009
Residential Dual Diagnosis					+30.0			-31.0			0.0			-1.0			(25,827)
John Eachon Re-entry Program					0.0			+7.5			0.0			+7.5			247,853
Sex Offender					+8.0			+8.0			0.0			+16.0			413,238
Non-residential																	
Standard Non-residential					-265.0			n/a			0.0			-265.0			(495,232)
Outpatient Day Treatment					0.0			n/a			0.0			0.0			0
Outpatient Therapeutic Community					0.0			0.0			0.0			0.0			0
Total Placement Changes					-494.0			194.5			40.0			(259.5)			
Total \$ Changes					(\$3,023,207)			\$2,474,361			\$557,282			\$8,435			\$8,435

3. Recommended FY 2012-13 Appropriated Community Corrections Placements and Rates with Actual ADP for first 6 months of FY 2011-12

Placement Type	Rates per day			Annual cost per placement	Diversion Placements			Transition Placements			Parole Placements			Total Placements			\$ Approp 365 days
	Base	Differ-ential	Total		Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	Approp	Actual ADP	Under/(Over)	
	Residential																
Standard residential	\$37.74		\$37.74	\$13,775	1,270.0	1,219.9	50.1	1,541.5	1,490.9	50.6	70.0	66.0	4.0	2,881.5	2,776.8	104.7	\$39,692,951
Intensive Residential Treatment	37.74	\$17.78	55.52	20,265	43.0	30.2	12.8	42.0	43.4	(1.4)	35.0	33.2	1.8	120.0	106.8	13.2	2,431,776
Therapeutic Community	37.74	14.34	52.08	19,009	114.0	146.4	(32.4)	69.0	69.1	(0.1)	5.0	5.5	(0.5)	188.0	221.0	(33.0)	3,573,730
Residential Dual Diagnosis	37.74	33.02	70.76	25,827	50.0	48.9	1.1	54.0	52.9	1.1	20.0	9.8	10.2	124.0	111.6	12.4	3,202,598
John Eachon Re-entry Program	37.74	52.80	90.54	33,047	0.0	0.0	0.0	15.0	14.1	0.9	0.0	0.0	0.0	15.0	14.1	0.9	495,707
Sex Offender	37.74	33.02	70.76	25,827	8.0	8.0	0.0	8.0	14.1	(6.1)	10.0	7.9	2.1	26.0	7.9	18.1	671,512
Non-residential																	
Standard Non-residential	5.12		5.12	1,869	970.0	917.1	52.9	n/a			0.0	0.0	0.0	970.0	917.1	52.9	1,812,736
Outpatient Day Treatment	33.27		33.27	12,144	8.0	5.7	2.3	n/a			0.0	0.0	0.0	8.0	5.7	2.3	97,148
Outpatient Therapeutic Community	13.32		13.32	4,862	52.0	52.0	0.0	52.0	52.0	0.0	0.0	0.0	0.0	104.0	104.0	0.0	505,627
Total Placements					2,515.0			1,781.5			140.0			4,436.5			
Total \$					\$24,193,499			\$25,746,892			\$2,543,393			\$52,483,784			\$52,483,784

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Explanation of the Recommended Changes to Community Corrections Bed Appropriations

Standard Residential: The recommended adjustments shift standard residential beds out of diversion, into transition, and parole, thus aligning them more closely with usage during the first half of FY 2011-12. In addition there is a net reduction of 33 standard residential beds, though there are still 50 diversion, 50 transition, and 4 parole beds in excess of current usage. The standard bed reduction is offset with increased specialized beds.

Intensive Residential Treatment (IRT): The recommended adjustments increase overall IRT capacity by 15 beds, which reflect FY 2011-12 utilization and expected demand for FY 2012-13. The new beds are added equally to diversion, transition and parole.

Therapeutic Community (TC): The recommended adjustments redistribute these beds away from transition and parole to diversion, thus reflecting FY 2011-12 utilization. These adjustments increase the net number of TC beds by 1.0.

Residential Dual Diagnosis Treatment (RDDT): The recommended adjustments redistribute RDDT beds across Diversion, Transition, and Parole to be more congruent with FY12 utilization. These adjustments result in a net reduction of one RDDT bed.

John Eachon Re-Entry Program (JERP). The recommended adjustments increase JERP beds to align them more closely with FY 2011-12 utilization and expected demand for FY 2012-13. These adjustments increase JERP beds by 7.5.

Sex Offender Beds: The recommended adjustments add eight beds for diversion and eight beds for transition sex offenders. Currently, the DCJ has 30 federally funded sex offender beds (5 diversion and 25 transition), however, the federal grants that support these beds will expire in October 2012. The only remaining state-funded specialized sex offender beds would then be for parole placements, which are paid for with H.B. 10-1360 funds. The recommended adjustments increase by 16 the number of specialized sex offender beds in order to sustain part of the grant-funded capacity that is being lost.

Nonresidential Placements: The recommended adjustments reduce the number of nonresidential slots by 265 to align more closely with FY 2011-12 utilization, but leaves the appropriation 52.9 slots above FY2011-12 utilization. The savings finances speciality residential beds.

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

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

Outpatient Therapeutic Community: No adjustments are recommended to the appropriation for Outpatient Therapeutic Community.

Overall Recommendation Summary: The recommended adjustments moderately decrease the total number of standard residential beds and standard nonresidential placements in order to finance a redistribution to specialized treatment placements for substance abuse, mental health, and sex offender treatment in order to meet the expected demands of higher need and higher risk offenders. The overall adjustments result in a net decrease to appropriations of \$6,907 relative to FY 2011-12 after taking leap year into account.

The remaining appropriations for (D) Community Corrections contain components of the prior community corrections appropriations that do not fit into the footnote placement table. Staff believes that by presenting these appropriations separately, transparency will be enhanced as it becomes more apparent what is being funded.

(D) Community Corrections

Treatment for Substance Abuse and Co-occurring Disorders: This appropriation provides funding for drug treatment services for adult offenders in community corrections pursuant to H.B. 10-1352.

Consistent with the Committee decision made during figure setting for the Judicial Branch, which set appropriations of H.B. 10-1352 dollars for the Department of Corrections, the Department of Public Safety, and the Department of Human Services, **Staff recommends an appropriation of \$1,250,000, reappropriated funds for this line item.** This amount is transferred from appropriations made to the Judicial Department pursuant to Section 18-19-103 (3.5) (a) (H.B. 10-1352).

(D) Community Corrections

Specialized Offender Services: This line item, which was previously in the Long Bill in this same form, supports the purchase of sex offender treatment, mental health treatment, cognitive training, therapists, counselors, medications, and other specialized services that are not typically provided for high risk offenders in standard community corrections settings. The Division attempts to avoid duplication of services, and restricts spending to the highest risk offenders in order to increase the probability of successful community placement. 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 as opposed to sending him to a secure correctional facility.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Staff recommends a FY 2012-13 appropriation of \$55,000 General Fund for Specialized Offender Services, which equals the FY 2011-12 appropriation.

(D) Community Corrections

Offender Assessment Training: Provides funding for training on the standardized offender assessment instrument used by community corrections facilities at six two-day training sessions that are given by multi-agency training teams at various locations around the state over the course of the year, and funding for two-day "train-the-trainers" seminars.

Staff recommends a FY 2012-13 appropriation of \$10,300 for Offender Assessment Training, which equals the FY 2011-12 appropriation.

(D) Community Corrections

Intensive Residential Treatment Aftercare: This appropriation provides continuing non-residential support for parolees who complete the Intensive Residential Treatment program, thus reducing the offender's likelihood of slipping back into old substance abuse habits.

Staff recommends a FY 2012-13 appropriation of \$180,000, which equals the FY 2011-12 appropriation for aftercare. Of this amount, \$90,000 is from the General Fund and \$90,000 is from the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(E) CRIME CONTROL AND SYSTEM IMPROVEMENT

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, 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.

Staff recommends that the Committee adjust this appropriation to \$3,000,000 federal funds, which is consistent with recent federal funding announcements. The round number reflects the fact that it is an estimate.

(E) Crime Control and System Improvement

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.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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 plan submitted on September 11, 2011, which is discussed in Appendix C-4 of the Judicial Branch FY 2012-13 briefing document, indicates that there will be an allocation of \$163,591. However, the plan recommends that a 12.0 percent expenditure restriction be placed on spending in order to avoid exceeding available funds, which would leave the Division of Criminal justice with \$143,960 (= \$163,591 * 88%). In light of this analysis, staff recommends no adjustments beyond the PERA adjustment and the base reduction shown in the following table and notes that available funding will restrict spending to \$143,960 (\$7,416 less than the appropriation) if a 12 percent expenditure restriction is necessary.

Sex Offender Surcharge Fund Program	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	152,536	0	152,536	0	0	1.5
State PERA contribution back to 10.15%	789	0	789	0	0	0.0
2% base personal services reduction	(1,949)	0	(1,949)	0	0	0.0
FY 2012-13 Recommendation	151,376	0	151,376	0	0	1.5
FY 2012-13 Request	153,325	0	153,325	0	0	1.5

(E) Crime Control and System Improvement

Sex Offender Supervision: This line item contains funding for the purposes set forth in H.B. 98-1156 (Lifetime Supervision of Sex Offenders) and H.B. 99-1260 (DNA Testing of 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.

The following table presents the recommendation and the request.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Sex Offender Supervision	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	318,565	318,565	0	0	0	3.2
State PERA contribution back to 10.15%	9,437	9,437	0	0	0	0.0
2% base personal services reduction	(5,252)	(5,252)	0	0	0	0.0
FY 2012-13 Recommendation	322,750	322,750	0	0	0	3.2
FY 2012-13 Request	328,002	328,002	0	0	0	3.2

(E) Crime Control and System Improvement
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 a fee for criminal background checks that go beyond the scope of a typical criminal history check. Fees are set to cover the costs of conducting the investigation.

The following table presents the recommendation and the request. Senate Bill 11-076 gave the Department of Public Safety discretion in allocating the PERA adjustment among line items and the Department choose not to allocate any to this line; hence there is no PERA adjustment.

Treatment Provider Criminal Background Checks	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	49,606	0	49,606	0	0	0.6
State PERA contribution back to 10.15%	0	0	0	0	0	0.0
2% base personal services reduction	(268)	0	(268)	0	0	0.0
FY 2012-13 Recommendation	49,338	0	49,338	0	0	0.6
FY 2012-13 Request	49,606	0	49,606	0	0	0.6

The sources of cash funds are 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.

(E) Crime Control and System Improvement

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 and response, counter-terrorism, and weapons of mass destruction first responder awareness. The Institute provides professional skill development training, including ethics and

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

integrity training, domestic violence training, and basic law enforcement preparatory training under the Colorado Police Corps.

The Institute receives most of its funding from U.S. Department of Justice grants. 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.

The following table presents the recommendation and the request. Senate Bill 11-076 gave the Department of Public Safety discretion in allocating the PERA adjustment among line items and the Department choose not to allocate any to this line; hence there is no PERA adjustment.

Colorado Regional Community Policing Institute	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	569,144	0	0	371,836	197,308	4.0
State PERA contribution back to 10.15%	0	0	0	0	0	0.0
Align appropriation with projected grant revenue from the P.O.S.T. Board and projected federal funds.	(293,229)	0	0	(196,836)	(96,393)	0.0
2% base personal services reduction	(915)	0	0	0	(915)	0.0
FY 2012-13 Recommendation	275,000	0	0	175,000	100,000	4.0
FY 2012-13 Request	569,144	0	0	371,836	197,308	4.0

(E) Crime Control and System Improvement

Federal Grants – Non-Appropriated: The federal funds and FTE shown for this line item reflect projected federal funding for a variety of programs and is shown for informational purposes only. Some of the programs include Project Safe Neighborhood, Title V, Residential Substance Abuse Treatment for State Prisoners, Coverdell, John R Justice, and the National Criminal History Improvement Program. The following table shows the recommendation and the request. Staff does not recommend a base reduction for this line because it is exclusively federal funds and the base reduction will alter the amount received or expended. Staff does recommend an adjustment to change the appropriation to a round number to reflect the fact that it is an estimate.

Colorado Regional Community Policing Institute	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	4,828,759	0	0	0	4,828,759	17.5
State PERA contribution back to 10.15%	27,840	0	0	0	27,840	0.0
Recommended adjustment to create a round number, reflecting the fact that this is an estimate	(56,599)	0	0	0	(56,599)	0.0
FY 2012-13 Recommendation	4,800,000	0	0	0	4,800,000	17.5
FY 2012-13 Request	4,856,599	0	0	0	4,856,599	17.5

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(E) Crime Control and System Improvement

Lifesaver Project Grants: This line item was created through H.B. 07-1064. The bill encourages counties to implement Lifesaver Programs to assist county sheriffs' departments in locating persons who wander due to medical conditions. Pursuant to the bill, the Division of Criminal Justice is to administer a grant program providing funding to counties for capital equipment costs and initial training of up to \$10,000 per county. Lifesaver Programs allow law enforcement agencies to use tracking and monitoring equipment to quickly track persons with Alzheimer's and other diseases who wander away from home.

The source of funding for this line item was a transfer of funds from the Short-term Innovative Health Program Grant Fund in the Department of Public Health and Environment. This revenue source has now expired and there is no other cash fund revenue source to take its place. For this reason, **the Division does not request and staff does not recommend an appropriation for this line item.**

(E) Crime Control and System Improvement

Criminal Justice Training Fund: This line item was created through H.B. 07-1263. The bill allows the Division of Criminal Justice to charge fees in exchange for providing training programs. Currently, the Division provides a wide array of training programs, on topics including methamphetamine laboratories, crisis intervention with mentally ill offenders, anti-bias policing, and sex offender and domestic violence management. Historically the costs of these programs were covered with federal funds, and the programs were free to participants. However, because DCJ did not have statutory authority to assess, accept and spend fee revenue, it was unable to offer expanded training, even to groups that were willing to pay for it prior to the passage of H.B. 07-1263.

House Bill 07-1263 also created the Criminal Justice Training Cash Fund, and specified that the fees charged be deposited in the Fund. All moneys in the Fund are subject to annual appropriation by the General Assembly to cover costs associated with training.

The following table presents the recommendation and the request.

Criminal Justice Training Fund	Total	GF	CF	RF	FF	FTE
FY 2011-12 Appropriation	207,272	0	207,272	0	0	0.5
State PERA contribution back to 10.15%	79	0	79	0	0	0.0
2% base personal services reduction	(193)	0	(193)	0	0	0.0
FY 2012-13 Recommendation	207,158	0	207,158	0	0	0.5
FY 2012-13 Request	207,351	0	207,351	0	0	0.5

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

The source of cash funds is the Criminal Justice Training Fund, created in Section 24-33.5-503.5 (2), C.R.S.

(E) Crime Control and System Improvement

MacArthur Foundation Grant: This line item is intended to fund a juvenile justice mental health program through a private grant received from the MacArthur Foundation.

The Division requests a continuation appropriation of \$200,000 cash funds for this line item. **Staff recommends that the Committee approve an appropriation of \$75,000 cash funds for this line item**, which accords with projected revenue. The source of cash funds is private grant funds from the MacArthur Foundation.

(E) Crime Control and System Improvement

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.

DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE

FOOTNOTE AND REQUEST FOR INFORMATION SUMMARY

Footnotes affecting more than one agency are not included in this figure setting packet. Recommendations for these footnotes will be made in a separate presentation.

Footnotes: Staff recommends the community-corrections footnote that is presented on pages 27 and 28. Because this footnote includes a landscape placement table, it is not reproduced here.

Request for information: Staff also recommends the following new request for information, which is related to the community corrections placement footnote:

N As part of its FY 2013-14 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.

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2012-13 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Appendix

SMART Act Letters From Oversight Committees

State Representative
ROBERT S. GARDNER
P.O. Box 1082
Colorado Springs, Colorado 80901
Capitol: 303-866-2191
E-mail: bob.gardner.house@state.co.us



Chairman:
Judiciary Committee
Vice-Chairman
Legal Services
Member:
Appropriations Committee
Local Government Committee

COLORADO
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DENVER
80203

January 27, 2012

Representative Cheri Gerou
Chair, Joint Budget Committee
200 East 14th Avenue, Third Floor
Denver, Colorado 80203

Dear Representative Gerou:

The SMART Act allows committees of reference to make formal recommendations to the Joint Budget Committee (JBC) regarding state departments' budgets, based on the committee's hearings with their assigned departments. The House Judiciary Committee met on January 26, 2012, to discuss recommendations to the JBC per the SMART Act. At this time, the committee has no formal recommendations for the departments it oversees.

Sincerely,

Representative Bob Gardner, Chair
House Judiciary Committee

- c: Joint Budget Committee Members
House Judiciary Committee Members
Tom Clements, Executive Director, Department of Corrections
Gary Maas, Legislative Liaison, Department of Corrections
John Suthers, Colorado Attorney General, Department of Law
David Blake, Deputy Attorney General for Legal Policy and Government Affairs,
Department of Law
James Davis, Executive Director, Department of Public Safety
Jana Locke, Legislative Liaison, Department of Public Safety
Colonel James Wolfenbarger, Chief, Colorado State Patrol
Sergeant Bobby Juchem, Legislative Liaison, Colorado State Patrol
The Honorable Michael Bender, Chief Justice of the Colorado Supreme Court, Judicial Branch

January 17, 2012

Page 2

Jeff Clayton, Legislative Liaison, Judicial Branch

Douglas Wilson, Colorado State Public Defender, Office of the State Public Defender

Lindy Frolich, Director, Office of the Alternate Defense Counsel

Linda Weinerman, Executive Director, Office of the Child's Representative

Dorothy Macias, Legislative Liaison, Office of the Child's Representative

John Ziegler, Staff Director, Joint Budget Committee

Jessika Shipley, Legislative Council Staff



MORGAN CARROLL
SENATE DISTRICT 29

STATE CAPITOL BUILDING
200 E. COLFAX AVENUE
DENVER, COLORADO 80203
CAPITOL: 303-866-4879
CAPITOL FAX: 303-866-4543
CELL: 303-726-1742

Email: morgan@senatormorgancarroll.com

Senate
State of Colorado
Denver

COMMITTEES

JUDICIARY
CHAIR
AGRICULTURE, NATURAL RESOURCES, AND ENERGY
MEMBER
LEGAL SERVICES
MEMBER

January 26, 2012

Representative Cheri Gerou
Chair, Joint Budget Committee
200 East 14th Avenue, Third Floor
Denver, Colorado 80203

Dear Representative Gerou:

The SMART Act allows a committee of reference to make formal recommendations to the Joint Budget Committee (JBC) regarding state departments' budgets, based on the committee's hearings with their assigned departments. The Senate Judiciary Committee met on January 25, 2012, to discuss recommendations to the JBC per the SMART Act. At its meeting, the committee made:

- 4 recommendations concerning the Department of Corrections;
- 1 recommendation concerning the Department of Law;
- 2 recommendations concerning the Department of Public Safety; and
- 4 recommendations concerning the Judicial Branch, including 1 recommendation concerning the independent agencies within the branch.

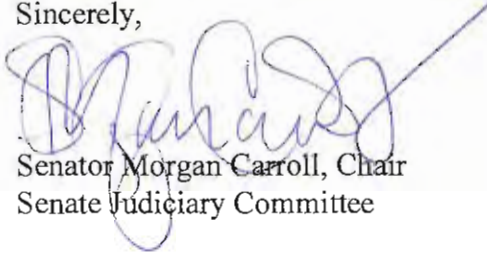
Table 1 summarizes the committee's recommendations for each department. In some instances, the committee voted to express support for certain decision items in each department's budget requests. However, it should be noted that the committee's silence on other decision items is not intended to convey disapproval of those decision items. Furthermore, the committee made its recommendations by considering only the budget requests of specific departments; those recommendations may need to be revisited once the overall demands of the FY 2012-13 budget become clear.



Table 1
Senate Judiciary Committee Recommendations to the Joint Budget Committee

Department	Recommendation
Department of Corrections (4)	The Joint Budget Committee should take steps to ensure that if there are any funds not expended under the per offender per day medical expenses line item (Decision Item 5), those funds should not revert back to the legislature, but should instead be used for a wellness and prevention fund within the department.
	The committee expressed support for Decision Item 1, concerning sex offender treatment expansion, and encouraged methods to ensure that the best treatment models are and continue to be scrutinized in order to ensure the pursuit of the most outcome- and cost-effective approaches.
	The committee expressed support for Decision Item 2, concerning the Colorado Correctional Industries expansion program.
	The Joint Budget Committee should adjust funding for the Department of Corrections' Decision Item 4, concerning external capacity caseload, by either waiting until more accurate inmate population figures are available in March, or by decreasing the funding to match 300 offenders, rather than 724 offenders as requested.
Department of Law (1)	The committee expressed support for Decision Item 1, concerning consumer protection enhancement.
Department of Public Safety (2)	The committee expressed support for Change Request 1, concerning an operating fund increase for the Colorado Crime Information Center.
	The committee expressed support for Change Request 3, concerning backup and emergency medical assistance in mountainous and rural areas.
Judicial Branch (4)	The committee expressed support for Decision Item 1, concerning compensation realignment.
	The committee expressed support for Decision Item 2, concerning protective proceedings, and encouraged research into new ideas concerning how to deliver these services in an innovative and efficient manner.
	The committee expressed support for Decision Item 3, concerning <i>pro se</i> case managers, and for Decision Item 4, concerning the supervision of sex offenders on probation.
	The committee expressed support for all of the Judicial Branch's decision items, including those related to the Office of the State Public Defender, the Office of the Alternate Defense Counsel, and the Office of the Child's Representative, within the context of the limited information that the committee had available as it considered the requests.

Sincerely,



Senator Morgan Carroll, Chair
Senate Judiciary Committee

- c: Joint Budget Committee Members
- Senate Judiciary Committee Members
- Tom Clements, Executive Director, Department of Corrections
- Gary Maas, Legislative Liaison, Department of Corrections
- John Suthers, Colorado Attorney General, Department of Law
- David Blake, Deputy Attorney General for Legal Policy and Government Affairs,
Department of Law
- James Davis, Executive Director, Department of Public Safety
- Jana Locke, Legislative Liaison, Department of Public Safety
- Colonel James Wolfinbarger, Chief, Colorado State Patrol
- Sergeant Bobby Juchem, Legislative Liaison, Colorado State Patrol
- The Honorable Michael Bender, Chief Justice of the Colorado Supreme Court, Judicial Branch
- Jeff Clayton, Legislative Liaison, Judicial Branch
- Douglas Wilson, Colorado State Public Defender, Office of the State Public Defender
- Lindy Frolich, Director, Office of the Alternate Defense Counsel
- Linda Weirnerman, Executive Director, Office of the Child's Representative
- Dorothy Macias, Legislative Liaison, Office of the Child's Representative
- John Ziegler, Staff Director, Joint Budget Committee
- Hillary Smith, Legislative Council Staff

MEMORANDUM

TO: Members of the Joint Budget Committee

FROM: Steve Allen, JBC Staff, 303-866-4961

SUBJECT: Division of Criminal Justice Comeback: Technical Correction to move funding between two already-approved community corrections appropriations without changing total CF and GF appropriations

DATE: March 15, 2012

Staff recommends that the committee approve the community corrections appropriations in Table 2, which make a technical correction to an already approved appropriation. CF and GF are moved between lines, but total GF and CF are not changed.

Background: During figure setting for the Community Corrections Subdivision of the Division of Criminal Justice in the Department of Public Safety, staff recommended and the Committee approved the appropriations shown in Table 1 for two of the community corrections line items:

Table 1

Item	Total	General Fund	Cash Funds
Community Corrections Placements	\$52,483,784	\$51,579,765	\$904,019
<u>Intensive Residential Treatment Aftercare</u>	<u>180,000</u>	<u>90,000</u>	<u>90,000</u>
Total for these two line items	\$52,663,784	\$51,669,765	\$994,019

The cash funds source is the Drug Offender Surcharge Fund created in Section 18-19-103 (4), C.R.S.

The funding for Intensive Residential Treatment Aftercare, which came from H.B. 10-1360, should have been entirely General Fund. Consistent with that bill, staff should have recommended the amounts shown Table 2. Total General Fund and cash fund appropriations are unchanged, but \$90,000 of cash funding has been moved from the Intensive Residential Treatment Aftercare line to the Community Corrections Placements line and an equal amount of General Fund has been moved in the opposite direction.

Table 2

Item	Total	General Fund	Cash Funds
Community Corrections Placements	\$52,483,784	\$51,489,765	\$994,019
<u>Intensive Residential Treatment Aftercare</u>	<u>180,000</u>	<u>180,000</u>	<u>0</u>
Total for these two line items	\$52,663,784	\$51,669,765	\$994,019