

This file contains the following documents that were presented to the Joint Budget Committee:

1. FY 2007-08: Staff Comeback for the Division of Criminal Justice
2. FY 2008-09: Staff Figure Setting Recommendations for the Division of Criminal Justice
3. FY 2008-09: Staff Comeback for the Division of Criminal Justice

MEMORANDUM

TO: Joint Budget Committee

FROM: Patrick Brodhead, JBC Staff (303-866-4955)

SUBJECT: FY 2007-08 Staff Comeback for the Division of Criminal Justice

DATE: March 10, 2008

This memorandum addresses a late request by the Division of Criminal Justice for a supplemental appropriation of \$200,000 cash funds exempt in FY 2007-08 and a budget amendment appropriation of \$200,000 cash funds in FY 2008-09. The request seeks spending authority for a private grant that was received to institute a juvenile justice mental health program. This request was submitted directly to JBC staff by the Division without a formal request from OSPB. It is staff's understanding that OSPB did not submit a supplemental request because the issue surfaced so late in the budget process.

Staff recommends that the Committee approve an add-on to the FY 2007-08 Long Bill of \$200,000 cash funds exempt and an appropriation in FY 2008-09 of \$200,000 cash funds. Although the Division has indicated it will not likely be able to spend the entire grant amount in FY 2007-08, staff believes it is beneficial to give the Division the full amount of spending authority in case DCJ is able to spend it. A discussion of the request follows.

The Division received a grant award from the private MacArthur Foundation in late-November 2007, to participate in their Mental Health/Juvenile Justice (MH/JJ) Action Network, which is intended to provide leadership in systems change work related to youth in the juvenile justice system with mental health needs. As a Network state, Colorado will receive \$100,000 each year for a minimum of three years to work on its primary goal of incorporating early identification of juveniles with mental health issues/needs into all phases of juvenile justice planning and management. As the representative of a Network state, DCJ will also participate in a Strategic Innovation Group (SIG) process, which will address a topic that has been chosen by multiple Network states. It is expected that DCJ will receive an additional \$100,000 per year for its SIG activities.

For its activities under the grant, DCJ has identified Denver as its partner community, and in this first year will work with them to:

1. Determine how the system is currently operating and what tools are being implemented for screening of juveniles with mental health issues using the Sequential Intercept Model or a similar mapping model;
2. Implement a mental health and substance abuse assessment tool for a trial period to gain

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- information to assist in the development of training and protocol; and
3. Train all intake staff of agencies involved in the Denver juvenile justice system in the implementation of the mental health and substance abuse assessment tool and the established protocols.

For its part in the SIG process, DCJ will focus on diverting youth who are in need of mental health treatment out of the juvenile justice system to avoid inappropriate placements and confinements by providing alternatives to incarceration and needed service provision.

This first year of funding (approximately \$200,000) would provide administrative and staff support to the projects, cover the required travel costs, and cover costs for conducting the tasks enumerated above. The Division anticipates a similar funding structure with its budget for years 2 and 3.

The Division, however, has been unable to secure spending authority for these grants through the State Controller's Office. If DCJ is unable to get spending authority for this grant, it will not be able to participate in this juvenile justice mental health program.

COLORADO GENERAL ASSEMBLY

JOINT BUDGET COMMITTEE



FY 2008-09 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:
Patrick Brodhead, JBC Staff
March 10, 2008**

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**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2008-09 FIGURE SETTING**

**JBC Working Document, Decisions Subject to Change
Staff Recommendation Does Not Reflect Committee Decision**

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

Division of Criminal Justice – Long Bill Structure	
(A) Administration \$3.3 million (\$1.5 million General Fund) and 30.3 FTE	
Long Bill Lines	Personal Services Operating Expenses Indirect Cost Recoveries
(B) Victims Assistance \$9.5 million (No General Fund) and 0.4 FTE	
Long Bill Lines	Federal Victims Assistance & Compensation Grants State Victims Assistance & Law Enforcement Program
(C) Juvenile Justice & Delinquency Prevention \$2.0 million (\$1.2 million General Fund) and 0.0 FTE	
Long Bill Lines	Juvenile Justice Disbursements Juvenile Diversion Programs
(D) Community Corrections \$48.0 million (\$47.2 million General Fund) and 0.0 FTE	
Long Bill Lines	Boards Administration Transition Programs Diversion Programs Mental Health Bed Differential Day Reporting Center Substance Abuse Treatment Program
(E) Crime Control and System Improvement \$8.5 million (\$0.3 million General Fund) and 29.2 FTE	
Long Bill Lines	State and Local Crime Control & System Improvement Grants Sex Offender Surcharge Fund Program Sex Offender Supervision Treatment Providers Background Checks Colorado Regional Community Policing Institute Federal Grants (non-appropriated)

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

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09		
				Request	Staff Rec. Old Format	Staff Rec. New Format

DEPARTMENT OF PUBLIC SAFETY
Executive Director: Peter A. Weir
Division of Criminal Justice Director:
Jeanne Smith

(4) DIVISION OF CRIMINAL JUSTICE

(Primary Functions: Collect and analyze criminal justice system data for planning, research, coordination, and technical assistance to local and state criminal justice agencies. The Division manages several federal grants for juvenile justice, anti-drug programs, and victim assistance and compensation. Additionally, the Division administers all community corrections contracts for both diversion and transition placements.)

(A) Administration

Personal Services	1,691,029	1,691,472	2,257,222 a/	2,444,045	2,426,959	2,426,959	DI #12
FTE	<u>24.2</u>	<u>22.8</u>	<u>31.3</u>	<u>31.8</u>	<u>31.8</u>	<u>31.8</u>	
General Fund	843,391	852,261	1,213,675	1,459,148	1,485,449	1,485,449	
FTE	13.4	12.7	18.0	21.0	21.0	21.0	
Cash Funds	364,150	380,366	378,950	395,515	391,913	499,073	
FTE	5.4	5.5	5.5	5.5	5.5	5.5	
Re-appropriated Funds/CFE	400,522	380,926	582,269	507,383	468,092	360,932	
FTE	4.1	3.4	6.5	4.0	4.0	4.0	
Federal Funds	82,966	77,919	82,328	81,999	81,505	81,505	
FTE	1.3	1.2	1.3	1.3	1.3	1.3	
Operating Expenses	<u>165,484</u>	<u>186,448</u>	<u>231,996</u> b/	<u>228,338</u>	<u>228,338</u>	<u>228,338</u>	
General Fund	112,893	112,893	155,108	153,253	153,253	153,253	
Cash Funds	26,037	26,037	26,037	26,037	26,037	33,727	
Re-appropriated Funds/CFE	22,177	43,141	46,474	44,671	44,671	36,981	
Federal Funds	4,377	4,377	4,377	4,377	4,377	4,377	

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09			Change Requests
				Request	Staff Rec. Old Format	Staff Rec. New Format	
Recidivism Reduction and Offender Diversion Package Contract Analysis - GF	n/a	n/a	200,000	300,000	300,000	300,000	DI #13
Indirect Cost Assessment	<u>544,602</u>	<u>574,750</u>	<u>745,925</u>	<u>759,182</u>	<u>759,182</u>	<u>759,182</u>	
Cash Funds	52,122	52,816	61,656	64,406	65,072	72,889	
Re-appropriated Funds/CFE	7,383	7,540	7,817	8,483	7,817	0	
Federal Funds	485,097	514,394	676,452	686,293	686,293	686,293	
							Request vs. Appropriation
TOTAL - (A) ADMINISTRATION	2,401,115	2,452,670	3,435,143	3,731,565	3,714,479	3,714,479	8.6%
FTE	<u>24.2</u>	<u>22.8</u>	<u>31.3</u>	<u>31.8</u>	<u>31.8</u>	<u>31.8</u>	
General Fund	956,284	965,154	1,568,783	1,912,401	1,938,702	1,938,702	21.9%
Cash Funds	442,309	459,219	466,643	485,958	483,022	605,689	4.1%
Re-appropriated Funds/CFE	430,082	431,607	636,560	560,537	520,580	397,913	-11.9%
Federal Funds	572,440	596,690	763,157	772,669	772,175	772,175	1.2%

a/ Includes \$65,442 General Fund and 2.0 FTE appropriated pursuant to H.B. 07-1358 and \$35,170 cash funds exempt appropriated pursuant to H.B. 07-1057.

b/ Includes \$27,215 General Fund appropriated pursuant to H.B. 07-1358 and \$3,333 cash funds exempt appropriated pursuant to H.B. 07-1057.

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants - FF	8,488,757	9,387,272	8,337,696	9,560,000	9,560,000	9,560,000	
State Victims Assistance and Law Enforcement Program	<u>834,768</u>	<u>858,649</u>	<u>879,178</u>	<u>1,275,000</u>	<u>1,275,000</u>	<u>1,275,000</u>	DI #6
Cash Funds	803,446	836,331	879,178	1,275,000	1,275,000	1,275,000	
Re-appropriated Funds/CFE	31,322	22,318	0	0	0	0	
Child Abuse Investigation - CF	n/a	0	319,000	317,725	317,725	317,725	

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09			Change Requests
				Request	Staff Rec. Old Format	Staff Rec. New Format	
FTE		0.0	0.4	0.4	0.4	0.4	
							Request vs. Appropriation
TOTAL - (B) VICTIMS ASSISTANCE	9,323,525	10,245,921	9,535,874	11,152,725	11,152,725	11,152,725	17.0%
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	803,446	836,331	1,198,178	1,592,725	1,592,725	1,592,725	32.9%
Re-appropriated Funds/CFE	31,322	22,318	0	0	0	0	N/A
Federal Funds	8,488,757	9,387,272	8,337,696	9,560,000	9,560,000	9,560,000	14.7%
(C) Juvenile Justice and Delinquency Prevention							
Juvenile Justice Disbursements - FF	883,409	826,798	750,000	750,000	750,000	750,000	
Juvenile Diversion Programs - GF	0	1,178,066	1,241,851	1,241,851	1,241,851	1,241,851	DI #15
FTE	0.0	0.0	0.0	0.8	0.8	0.8	
							Request vs. Appropriation
TOTAL - (C) JUVENILE JUSTICE	883,409	2,004,864	1,991,851	1,991,851	1,991,851	1,991,851	0.0%
FTE	0.0	0.0	0.0	0.8	0.8	0.8	
General Fund	0	1,178,066	1,241,851	1,241,851	1,241,851	1,241,851	0.0%
Federal Funds	883,409	826,798	750,000	750,000	750,000	750,000	0.0%
(D) Community Corrections							
Community Corrections Boards Administration - GF	1,481,335	1,616,882	1,785,979	1,915,940	1,923,750	1,923,750	DI #5, 10, 11
Incentive Funds for Low-Risk Providers - GF (<i>New Line Item</i>)	n/a	n/a	n/a	210,659	210,659	210,659	DI #11
Transition Programs - GF	18,637,680	19,906,942	23,584,899	24,094,894	24,563,964	24,563,964	DI #10, 11

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09			Change Requests
				Request	Staff Rec. Old Format	Staff Rec. New Format	
Diversion Programs - GF	19,152,188	20,982,990	19,922,141	22,250,517	22,271,194	22,271,194	DI #5, 11
Transition Mental Health Bed Differential - GF	226,080	452,097	739,732	1,018,861	1,018,861	1,018,861	DI #11
Diversion Mental Health Bed Differential - GF	n/a	n/a	117,108	239,732	239,732	239,732	DI #11
Specialized Services - GF	53,021	49,180	55,000	55,000	55,000	55,000	
John Eachon Re-Entry Program - GF	n/a	n/a	285,590	287,493	287,493	287,493	DI #11
Day Reporting Center - GF	411,649	666,024	533,537	537,189	537,189	537,189	DI #11
Substance Abuse Treatment Program	<u>831,042</u>	<u>877,383</u>	<u>997,609</u>	<u>1,004,134</u>	<u>1,004,134</u>	<u>1,004,134</u>	DI #11
General Fund	195,637	203,271	206,863	208,196	208,196	208,196	
Cash Funds	635,405	674,112	686,802	694,125	694,125	795,938	
Re-appropriated Funds/CFE	0	0	103,944	101,813	101,813	0	
Outpatient Therapeutic Community Programs - GF (<i>New Line Item</i>)	n/a	n/a	n/a	777,920	777,920	777,920	DI #14
							Request vs. Appropriation
TOTAL - (D) COMMUNITY							
CORRECTIONS	<u>40,792,995</u>	<u>44,551,498</u>	<u>48,021,595</u>	<u>52,392,339</u>	<u>52,889,896</u>	<u>52,889,896</u>	9.1%
General Fund	40,157,590	43,877,386	47,230,849	51,596,401	52,093,958	52,093,958	9.2%
Cash Funds	635,405	674,112	686,802	694,125	694,125	795,938	1.1%
Re-appropriated Funds/CFE	0	0	103,944	101,813	101,813	0	-2.1%

(E) Crime Control and System Improvement

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09			Change Requests
				Request	Staff Rec. Old Format	Staff Rec. New Format	
State and Local Crime Control and System Improvement Grants - FF	4,364,856	3,962,545	3,500,000	5,000,000	5,000,000	5,000,000	
Sex Offender Surcharge Fund Program - CF	120,683	138,249	142,229	146,972	147,156	147,156	
FTE	1.5	1.5	1.5	1.5	1.5	1.5	
Sex Offender Supervision - GF	300,969	343,777	321,435	326,745	327,433	327,433	
FTE	3.2	3.2	3.2	3.2	3.2	3.2	
Criminal Background Checks for Sex Offender Treatment Providers - CF	11,600	17,840	23,500	23,500	23,500	23,500	
Colorado Regional Community Policing Institute - Total Funds	841,345	203,256	775,246	772,624	775,246	775,246	
FTE	<u>4.0</u>	<u>3.3</u>	<u>6.2</u>	<u>6.2</u>	<u>6.2</u>	<u>6.2</u>	
Re-appropriated Funds/CFE	41,756	9,200	376,816	375,488	376,816	376,816	
FTE	0.3	0.0	2.5	2.5	2.5	2.5	
Federal Funds	799,589	194,056	398,430	397,136	398,430	398,430	
FTE	3.7	3.3	3.7	3.7	3.7	3.7	
Federal Grants - non-appropriated	10,545,424	5,979,946	3,722,221	3,722,221	3,722,221	3,722,221	DI #15
FTE	<u>20.0</u>	<u>17.9</u>	<u>18.3</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	
Re-appropriated Funds/CFE	115,015	43,511	0	0	0	0	
Federal Funds	10,430,409	5,936,435	3,722,221	3,722,221	3,722,221	3,722,221	
Lifesaver Project Grants - RF/CFE	n/a	n/a	125,000 a/	124,500	125,000	125,000	
FTE			0.1	0.1	0.1	0.1	
Criminal Justice Training Fund - CF	n/a	n/a	116,240 b/	139,488	139,488	139,488	

	FY 2005-06 Actual	FY 2006-07 Actual	FY 2007-08 Appropriated	FY 2008-09		Change Requests	Request vs. Appropriation
				Request	Staff Rec. Old Format		
MacArthur Foundation Grant - CF/CFE (New Line Item)	n/a	n/a	0	200,000	200,000	200,000	
TOTAL - (E) CRIME CONTROL	16,184,877	10,645,613	8,725,871	10,456,050	10,460,044	10,460,044	19.8%
FTE	<u>28.7</u>	<u>25.9</u>	<u>29.3</u>	<u>28.5</u>	<u>28.5</u>	<u>28.5</u>	
General Fund	300,969	343,777	321,435	326,745	327,433	327,433	1.7%
Cash Funds	132,283	156,089	281,969	309,960	310,144	510,144	9.9%
Re-appropriated Funds/CFE	156,771	52,711	501,816	699,988	701,816	501,816	39.5%
Federal Funds	15,594,854	10,093,036	7,620,651	9,119,357	9,120,651	9,120,651	19.7%

1064.

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

DEPARTMENT OF PUBLIC SAFETY, (4) DIVISION OF CRIMINAL JUSTICE							
TOTAL	69,585,921	69,900,566	71,710,334	79,724,530	80,208,995	80,208,995	11.2%
FTE	<u>52.9</u>	<u>48.7</u>	<u>61.0</u>	<u>61.5</u>	<u>61.5</u>	<u>61.5</u>	
General Fund	41,414,843	46,364,383	50,362,918	55,077,398	55,601,944	55,601,944	9.4%
Cash Funds	2,013,443	2,125,751	2,633,592	3,082,768	3,080,016	3,504,496	17.1%
Re-appropriated Funds/CFE	618,175	506,636	1,242,320	1,362,338	1,324,209	899,729	9.7%
Federal Funds	25,539,460	20,903,796	17,471,504	20,202,026	20,202,826	20,202,826	15.6%

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

DI = Decision Item

S = Supplemental

BA = Budget Amendment

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2008-09 FIGURE SETTING**

**JBC Working Document, Decisions Subject to Change
Staff Recommendation Does Not Reflect Committee Decision**

(4) DIVISION OF CRIMINAL JUSTICE

The Division of Criminal Justice (DCJ) is a research and technical assistance oriented agency whose mission is to improve the public safety of the community, the quality of services to crime victims, and the effectiveness of services to offenders. To help carry out its mission, the Division is the recipient agency of more than 30 federal grants, and in turn administers these funds to several hundred recipient agencies.

(A) ADMINISTRATION

The Division requests one decision item that affects the "Personal Services" line item in the Administration Section of the Division of Criminal Justice's budget.

Decision Item #12 - Refinance Administrative FTE

The Division requests the transfer of an existing 1.0 FTE (0.9 FTE in FY 2008-09 due to the pay-date shift) and \$93,871 for an administrative position from federal indirect costs to General Fund. There is no net increase in FTE as a result of this decision item. The Division states that this change is necessitated by reduced federal funds.

In order to recoup the administrative costs associated with operating federal funds, DCJ assesses indirect cost recoveries to its operations funded with federal grants. This assessment subsequently funds a variety of administrative functions, such as management oversight, budget and accounting functions, and basic administrative support.

The reduction of federal funds has resulted in the loss of 2.0 FTE administrative staff. The Division is requesting the refinancing of 1.0 FTE at the level of General Professional V, with an existing annual salary and benefits cost of \$102,798. This FTE will be transferred from cash funds exempt (federal indirect cost collections) to General Fund dollars. According to the Division, this position is involved in responsibilities such as budget preparation, purchasing, accounts payable, state fiscal year opening and closing, fiscal note and legislative monitoring and coordination, and compliance with state procurement and fiscal rules and regulations.

Decision Item #12 – Refinance Administrative FTE Department of Public Safety – Division of Criminal Justice					
Division	Line Item	Request		Recommendation	
		General Fund	Cash Funds Exempt	General Fund	Re-Approp. Funds
Executive Director's Office	AED	1,318	(1,318)	1,318	(1,318)
	SAED	618	(618)	618	(618)
Div. of Criminal Justice	Personal Services	91,935	(91,935)	91,935	(91,935)
	FTE	<u>1.0</u>	<u>(1.0)</u>	<u>1.0</u>	<u>(1.0)</u>
Total		93,871	(93,871)	93,871	(93,871)
FTE		1.0	(1.0)	1.0	(1.0)

Staff recommends the Committee approve the request to refinance the 1.0 FTE (0.9 FTE in FY 2008-09) administrative staff from re-appropriated funds/cash funds exempt (federal indirect cost collections) to General Fund.

Personal Services:

Staffing Summary	FY 2006-07 Actual	FY 2007-08 Approp.*	FY 2008-09 Request	FY 2008-09 Recomm.
Management	0.7	1.0	1.0	1.0
Professional Staff	13.9	17.0	17.0	17.0
Budget, Audit, Statistics, and Accounting Staff	3.4	9.3	9.3	9.3
Information Technology Staff	0.9	1.0	1.0	1.0
Support Staff	3.9	3.6	3.6	3.6
Annualization of H.B. 07-1358	0.0	0.0	2.0	2.0
Reduction in Federal Funds	<u>0.0</u>	<u>0.0</u>	<u>(2.1)</u>	<u>(2.1)</u>
Total	22.8	31.9	31.8	31.8

* Includes 1.0 FTE appropriated pursuant to H.B. 07-1358 and 0.6 FTE appropriated pursuant to H.B. 07-1057.

The Division requests an appropriation of \$2,444,045 total funds to support 31.8 FTE. **Staff recommends the Committee approve an appropriation of \$2,426,959 total funds and 31.8 FTE for this line item** (see the following table). During the 2003 session, the JBC approved base reductions of \$205,003 General Fund and 3.0 FTE to this line item.

Summary of Personal Services Recommendation Department of Public Safety – (4) Division of Criminal Justice – (A) Administration						
	GF	CF	CFE/ RF*	FF	Total	FTE
FY 2007-08 Long Bill (S.B. 07-239)	1,148,233	378,950	547,099	82,328	2,156,610	30.3
H.B. 07-1358	65,442	0	0	0	65,442	1.0
H.B. 07-1057	35,170	0	0	0	35,170	0.6
Annualize Salary Survey Awarded in FY 2007-08	25,449	12,562	13,800	0	51,811	
Annualize Performance Pay Awarded in FY 2007-08	<u>8,768</u>	<u>4,360</u>	<u>4,785</u>	<u>0</u>	<u>17,913</u>	<u> </u>
Continuation Estimate	1,283,062	395,872	565,684	82,328	2,326,946	31.9
JBC Common Policy Base Reduction (1.0%)	(12,831)	(3,959)	(5,657)	(823)	(23,270)	
Fund Split Adjustment for Re-Approp. Funds	0	107,160	(107,160)	0	0	
DI #12 - Refinance Administrative FTE	91,935	0	(91,935)	0	0	
Annualize H.B. 07-1358	123,283	0	0	0	123,283	2.0
Reduction in Federal Funds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(2.1)</u>
JBC Staff Recommendation	1,485,449	499,073	360,932	81,505	2,426,959	31.8

The sources of cash funds are as follows: (1) \$388,394 is from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$75,265 is from reserves in the Drug Offender Surcharge Fund established pursuant to Section 18-19-103 (4), C.R.S.; and (3) \$35,414 is from gifts, grants and donations.

The source of re-appropriated funds/cash funds exempt is indirect cost recoveries.

(A) Administration
Operating Expenses:

The Division requests an appropriation of \$228,338 total funds, which is a continuation level request. **Staff recommends the Committee approve the requested appropriation of \$228,338 total funds for this line item** (see the following table).

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Operating Expenses					
	General Fund	Cash Funds	CFE/ RF*	Federal Funds	Total Funds
FY 2007-08 Long Bill (S.B. 07-239)	127,893	26,037	43,141	4,377	201,448
H.B. 07-1057	0	0	3,333	0	3,333

H.B. 07-1358	<u>27,215</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>27,215</u>
Total FY 2007-08 Appropriation	155,108	26,037	46,474	4,377	231,996
Fund Split Adjustment for Re-Approp. Funds	0	7,690	(7,690)	0	0
Annualization of H.B. 07-1057	0	0	(1,803)	0	(1,803)
Annualization of H.B. 07-1358	<u>(1,855)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(1,855)</u>
JBC Staff Recommendation	153,253	33,727	36,981	4,377	228,338

* These amounts were classified as cash funds exempt in FY 2007-08 and will be classified as re-appropriated funds in FY 2008-09.

The source of cash funds is as follows: (1) \$26,037 is from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; and (2) \$7,690 is from reserves from the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.

The sources of re-appropriated funds/cash funds exempt are as follows: (1) \$35,451 is from indirect cost recoveries; and (2) \$1,530 is from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (2), C.R.S.

(A) Administration

Recidivism Reduction and Offender Diversion Package Contract Analysis:

This line item funds a contract analysis of the Governor's Recidivism Reduction and Offender Diversion Package. The Division requests one decision item that affects this line item.

Decision Item #13 - Recidivism Reduction Evaluation

The Division requests \$100,000 General Fund to provide the Office of Research and Statistics with additional resources to evaluate the Governor's Recidivism Reduction package for FY 2008-09. The request would allow the Division of Criminal Justice to contract with data collectors, statistical analysts, and other individuals in order to produce an analysis of programs aimed at reducing recidivism. Specifically, the Division expects that the requested appropriation would allow the procurement of approximately 1,700 hours of research-related service for the evaluation of the Recidivism Reduction package.

Staff believes it is beneficial to evaluate those programs aimed at reducing recidivism in order to determine which programs are most effective. As such, **staff recommends the Committee approve an increase of \$100,000 to evaluate the Governor's Recidivism Reduction package.**

Request for Line Item. The Division requests an appropriation of \$300,000 General Fund, which includes \$100,000 General Fund related to Decision Item #13 discussed above. **Staff recommends the Committee approve the requested appropriation of \$300,000 General Fund for this line item** (see the following table).

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Recidivism Reduction and Offender Diversion Contract Analysis					
	General Fund	Cash Funds	CFE/RF	Federal Funds	Total Funds
FY 2007-08 Long Bill (S.B. 07-239)	200,000	0	0	0	200,000
DI #13 - Recidivism Reduction Evaluation	<u>100,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>100,000</u>
JBC Staff Recommendation	300,000	0	0	0	300,000

(A) Administration
Indirect Cost Assessment:

The request is for an increase in funding based on the Department's calculation of statewide and departmental indirect assessments. The request is summarized in the following table.

Department of Public Safety - Division of Criminal Justice (A) Administration - Indirect Cost Assessments				
	Cash Funds	CFE/RF*	Federal Funds	Total Funds
FY 2007-08 Long Bill (S.B. 07-239)	61,656	7,817	676,452	745,925
Fund Split Adjustment for Re-Approp. Funds	7,817	(7,817)	0	0
November 2007 requested adjustment	<u>3,416</u>	<u>0</u>	<u>9,841</u>	<u>13,257</u>
Request / JBC Staff Recommendation	72,889	0	686,293	759,182

* These amounts were classified as cash funds exempt in FY 2007-08 and will be classified as re-appropriated funds in FY 2008-09.

Staff recommends the Committee approve an appropriation of \$759,182 total funds for this line item (see the table above). It is possible that the JBC may approve changes that will affect indirect cost collections. If this occurs, staff will re-calculate the indirect cost recoveries. 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 are as follows: (1) \$47,908 from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$16,498 from the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.; and (3) \$8,483 from the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.

(B) VICTIMS ASSISTANCE

This program provides assistance to victims of crimes and responds to requests for assistance in implementing the Constitutional Amendment for victim's rights. Additionally, the Division staffs the Governor-appointed Victims' Compensation and Assistance Coordinating Committee, which is responsible for enforcing compliance with the Amendment.

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants:

This program was established by the federal Victims of Crime Act (VOCA) of 1984, which initiated cash revenues generated from fines attached to federal convictions. The Division administers two block grant programs supported by these federal funds:

1. Victim Compensation Grants Program – This grant provides assistance to the states in compensating individual victims of crime. All federal funds are awarded to the 22 District Attorneys who administer the decentralized programs according to Colorado statutes.
2. Victim Assistance Grants Program – This federal program provides financial support to crime victim assistance programs which directly improve the health and well-being of victims of crime. Some examples include rape crisis centers, domestic violence shelters, child abuse, and other combination programs.

The Division requests an appropriation of \$9,560,000 federal funds for this line item. **Staff recommends the Committee approve the requested appropriation of \$9,560,000 federal funds for this line item**, which represents the total amount of federal grants anticipated for FY 2008-09.

(B) Victims Assistance

State Victims Assistance and Law Enforcement Program:

The State Victims Assistance and Law Enforcement (VALE) program was initiated by the Assistance to Victims and Witnesses to Crimes Aid to Law Enforcement Act of 1984. The Act authorizes the collection of criminal assessments to support implementing and coordinating statewide or multi-jurisdictional victim services and the constitutional Victim Rights Amendment. The Governor appoints a board, which makes recommendations to the Division on funding for various local and state programs. Of the total fees collected by each local VALE board, 11.7 percent is credited to the State VALE account to fund this program. The Division requests one decision item that affects this line item.

❑ ***Decision Item #6 - VALE Spending Authority***

The Division requests to increase its spending authority for the state Victims Assistance and Law Enforcement (VALE) grant program from \$879,178 to \$1,250,000 as well as an additional \$25,000 increase in the administrative portion of the state VALE cash fund appropriated to the Division to help offset the cost of the Victim Rights Act (VRA) Specialist position. The total request therefore is to increase spending authority by \$395,822.

The Division's spending authority from the state VALE cash fund has remained constant at \$879,178 since FY 2002-03 despite increased revenue of approximately \$250,000 in FY 2005-06 and \$84,180 in FY 2006-07. In addition, the Division expects revenue to increase by at least \$150,000 the next two fiscal years. State VALE funds are used by state and victim service agencies to provide VRA notification and victim services statewide. State agencies that receive state VALE funding include the Colorado State Patrol, the Attorney General's Office, the Department of Corrections, the Division of Youth Corrections, the Division of Probation Services, and the Colorado Bureau of Investigation.

Currently, there is one state FTE, the VRA Specialist, for the VRA Compliance Program. This person reviews all complaints, staffs the VRA Subcommittee, and is responsible for all aspects of the VRA Compliance Program. The position was originally funded in FY 1994-95 as a Program Assistant at a salary of \$24,300. However, due to the increasingly complex nature of VRA compliance issues, the Division has filled this position with a General Professional IV for the past nine years. The request for \$25,000 from the administrative portion of the state VALE cash fund would be used to offset the increased cost of a General Professional IV position. According to the Department, the salary range for a General Professional IV is \$54,360 to \$78,420, while the approximate salary of a Program Assistant with five years of employment would be \$38,988.

Staff believes it is appropriate to increase the spending authority from the state VALE cash fund in accordance with increases in revenue to the fund in order to provide additional funding for victim assistance. In addition, staff believes that the requested increase from the administrative portion of the state VALE cash fund is warranted given that the funding for the VRA Specialist has not increased since the position was created.

Request for Line Item. The Division requests an appropriation of \$1,275,000 cash funds, which includes \$395,822 related to Decision Item #6 discussed above. **Staff recommends the Committee approve the requested appropriation of \$1,275,000 cash funds for this line item.** This cash funds amount 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:

This program was created pursuant to H.B. 06-1058 (Rep. Pommer / Sen. Williams). This bill created a schedule of surcharges to be paid by offenders convicted of crimes against children, including sex offenses against children, incest, child abuse, and contributing to the delinquency of a minor. Of the funds collected, 5.0 percent are credited to the Judicial Stabilization Fund, and 95.0 percent are credited to the Child Abuse Investigation Surcharge Fund, which was created by the bill. Revenue collected pursuant to the surcharges created by the bill are to be appropriated to provide training and enhanced services in programs that coordinate multi-disciplinary team response for child sexual abuse intervention for children who have been victims of certain crimes. The types of services supported by the program include: forensic interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review.

The Division requests an appropriation of \$317,725 cash funds and 0.4 FTE for this line item. Of the amount requested, \$19,420 is to support 0.4 FTE. The remaining amount (\$298,305) is for the training and enhanced services, pursuant to the provisions of the bill.

Staff recommends the Committee approve an appropriation of \$317,725 cash funds (Child Abuse Investigation Surcharge Fund created in Section 18-24-103 (2), C.R.S.) and 0.4 FTE for this line item. This recommendation does not include a reduction of 1.0 percent pursuant to the JBC common policy because there are fewer than 20 FTE. In addition, because this is a "program" line, staff believes that a reduction is not justified because it reduces the funds available for services to child victims.

(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Juvenile Justice Disbursements:

The Division provides grants to local law enforcement agencies to help ensure that juvenile suicides are reduced in lockup, to prevent assaults by adults on juveniles in locked facilities, and to monitor the over representation of minorities in the juvenile justice system. The request is for a continuation appropriation. **Staff recommends the Committee approve an appropriation of \$750,000 federal funds for this line item,** which represents the total anticipated amount of federal funds available for this program in FY 2008-09. These funds are from the federal Office of Juvenile Justice and Delinquency Prevention. The request and the recommendation reflect a reduction of \$337,889 in federal funds (a 31.1 percent reduction from the amount reflected in the 2006 Long Bill).

(C) Juvenile Justice and Delinquency Prevention
Juvenile Diversion Programs:

The Juvenile Diversion programs were supported jointly by state and local sources to provide community-based programs that served as (1) an alternative to filing in juvenile court; (2) a supplement to high risk or high need juveniles on probation; or (3) a treatment/supervision resource for youth placed in communities by the Division of Youth Services. Over 3,500 youth were served annually by the programs. All programs that received state diversion funds are required to provide at least 25 percent local matching funds.

The Juvenile Diversion program lines were vetoed in FY 2002-03 (\$2,483,702 General Fund had been included in the Long Bill, H.B. 02-1420). In FY 2003-04, \$500,000 cash funds exempt (Tobacco Settlement Fund) were appropriated on a one-time basis pursuant to S.B. 03-282 (Sen. Teck / Rep. Witwer). No appropriation was made for FY 2004-05 or FY 2005-06. In FY 2006-07, the JBC voted to restore \$1,241,851 General Fund dollars to this line item. Because the funding was unexpectedly appropriated and many programs had to be re-established, the full FY 2006-07 appropriation could not be spent and \$63,785 was reverted. As a result of this reversion, the Division requests one decision item that affects this line item.

□ ***Decision Item #15 - Juvenile Diversion Program Administrative FTE***

The Division requests the transfer of 0.9 FTE (0.8 FTE for FY 2008-09) for fiscal and programmatic administration of the Juvenile Diversion Program from the "Federal Grants" line item. The request seeks to fund this 0.9 FTE with the current appropriation to this line item (\$1,241,851). Therefore, no additional funding is being requested.

The request seeks to add administrative FTE for the Juvenile Diversion Program in order to effectively manage the Program. The Division anticipates allocating the 0.9 FTE as 0.7 General Professional IV Program Grant Manager and 0.2 FTE General Professional III Financial Grant Manager at a total cost of \$53,202.

Staff believes that it is beneficial to efficiently administer the Juvenile Diversion Program. As such, **staff recommends the Committee approve an increase of 0.9 FTE (0.8 FTE in FY 2008-09) to this line item.**

The Division requests a continuation appropriation, with an increase of 0.8 FTE related to Decision Item #15 discussed above. **Staff recommends that the Committee approve an appropriation of \$1,241,851 General Fund and 0.8 FTE for this line item.**

(D) COMMUNITY CORRECTIONS

This section provides contract administration and monitoring of the approximately 35 community corrections facilities statewide. The Department submitted four decision items affecting community corrections.

1. \$2,282,157 General Fund for Decision Item #5 to fund 161.7 additional diversion residential beds based on the increased demand for these beds.
2. \$366,951 General Fund for Decision Item #10 to fund 26 additional transition residential beds based on projected caseload growth in the prison population.
3. \$666,560 General Fund for Decision Item #11 to increase the provider rates to community corrections providers by 0.95 percent.
4. A reduction of 0.8 FTE for Decision Item #15 related to the transfer of FTE authority for the Juvenile Diversion Program.

Decision Item #11 - Provider Rate Increase

The Division requests an appropriation of \$666,560 General Fund for a 0.95 percent increase in the provider rates for community corrections. In addition, the Division requests using the difference (\$210,659) between its requested provider rate increase (0.95 percent) and the OSPB and JBC common policies (1.5 percent) in order to provide incentive funding to high performing providers. **Staff recommends the Committee approve appropriations based on the requested 0.95 percent provider rate increase.** In addition, staff recommends approval of the requested incentive funding, which will be discussed below under the "Incentive Funds for Low-Risk Providers" line item. The specific rates recommended for each of the affected programs are discussed separately.

Staff notes that in 2003, the provider rates for community corrections programs were reduced by 8.0 percent. No provider rate increase was approved in 2004. In 2005, the JBC approved a 2.0 percent provider rate increase. In 2006, the JBC approved a 3.5 percent provider rate increase for community corrections programs — the statewide common policy in 2006 was for a 3.25 percent provider rate increase. Last year, the JBC approved a 1.5 percent provider rate increase.

(D) Community Corrections

Community Corrections Boards – Administration:

This line item is used by DCJ to reimburse the 23 Community Corrections Boards for their administrative costs. This line item was created in the 2003 Long Bill. In prior years, DCJ reimbursed community corrections boards with appropriations made to the "Diversion Programs"

and "Transition Programs" line items. This line item was intended to enable better tracking of administrative costs for community corrections boards.

Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of appropriations for community corrections programs to the 23 Community Corrections Boards to offset their administrative costs. Pursuant to the provision of S.B. 03-177, the maximum reimbursement rate for the community corrections boards was reduced to 4.0 percent from April 1, 2003, through July 1, 2006. In FY 2006-07, the appropriation was set at 4.0 percent. For FY 2008-09, the Division of Criminal Justice requested a continuation of 4.0 percent. The JBC has the authority to appropriate any amount *up to* 5.0 percent — as such, a lower level of reimbursement is allowed.

The Division requests an appropriation of \$1,915,940 total funds (see the following table):

(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration			
Community Corrections Boards Administration	Request		
	General Fund	CFE/ RF	Total Funds
FY 2007-08 Long Bill (H.B. 07-239)	1,785,979	0	1,785,979
Decision Item #5 (161.7 additional diversion slots)	87,775	0	87,775
Decision Item #10 (26 additional transition slots)	14,113	0	14,113
Decision Item #11 (0.95 percent provider rate increase)	17,253	0	17,253
Annualize Recidivism Reduction Package	15,648	0	15,648
Eliminate Leap Year Adjustment	<u>(4,828)</u>	<u>0</u>	<u>(4,828)</u>
Total	1,915,940	0	1,915,940

Staff recommends that the Committee approve the request for an appropriation equal to 4.0 percent of the appropriations for community corrections programs. Staff believes that the local jurisdictions have made the necessary adjustments to manage the 20.0 percent budget reductions approved in the 2003 session. It is not clear what benefit, if any, would be achieved from restoring funds that are appropriated for administrative purposes. This line is adjusted for caseload increases and provider rate increases. In FY 2007-08, this line was appropriated 4.0 percent of the appropriation for community corrections appropriations.

Staff recommends the Committee approve an appropriation of \$1,923,750 General Fund for this line item, which is calculated as 4.0 percent of the recommended appropriations for the community corrections programs (see the following table). This recommendation is higher than the request because staff assumed funding to place 11.5 percent of the inmate population in community corrections in FY 2008-09 while the request assumed only 11.25 percent. This increased percentage is consistent with the FY 2007-08 percentage, which was increased to 11.5 percent through the supplemental process.

(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration		
Community Corrections Program	Recommended Appropriation	4.0 Percent of Recommended Appropriation*
Transition Programs	24,563,964	982,559
Diversion Programs	22,271,194	890,848
Transition Mental Health Differential	1,018,861	40,754
Diversion Mental Health Differential	<u>239,732</u>	<u>9,589</u>
JBC Staff Recommendation	48,093,751	1,923,750

* If the JBC approves a different amount for any of the Community Corrections Programs listed in this table, staff recommends that this line item be adjusted to reflect 4.0 percent of the total appropriation approved by the JBC for community corrections programs.

Note: If the JBC were to approve an amount equal to the maximum allowed by law (5.0 percent of community corrections appropriations), an additional \$480,938 General Fund would be needed above the amount recommended by JBC staff.

(D) Community Corrections

INCENTIVE FUNDS FOR LOW-RISK PROVIDERS (new line item)

The Division requests the creation of a new line item and an appropriation of \$210,659 General Fund in order to provide incentive funding to community corrections providers that perform highly and create a low risk to public safety. For FY 2008-09, the Division requests the use of the monetary difference (\$210,659) between its requested provider rate increase (0.95 percent) and the OSPB common policy (1.5 percent) in order to provide incentive funding to high performing providers.

Beginning in FY 2007-08, the Division will institute a Certification and Accountability Process (CAAP) for reimbursement of community corrections providers. This new model, in conjunction with field audit and statistical reporting processes, will create a financial incentive for providers to

comply with established standards. Additionally, the CAAP will sanction those providers that routinely demonstrate substandard performance or create undue risks to public safety.

Staff believes it is useful to provide incentives to community corrections providers to perform at a high level and reduce the risk to public safety. As such, **staff recommends the Committee approve an appropriation of \$210,659 General Fund for this new line item.**

(D) Community Corrections

Transition Programs:

These funds support a variety of contract services to supervise, house, and provide treatment services for Department of Corrections inmates and parolees placed in community-based halfway houses and non-residential programs. The majority of the funds provide residential placements in approximately 25 halfway houses throughout the State and two substance abuse treatment facilities. Over 1,000 DOC offenders are served daily by the programs. Most of these offenders are still under the jurisdiction of the Department of Corrections since they have not yet been paroled.

Request for Line Item. The Division requests an appropriation of \$24,094,894 General Fund. This request includes \$352,838 General Fund for Decision Item #10 (transition bed increase), \$221,595 General Fund for Decision Item #11 (0.95 percent provider rate increase), and a reduction of \$64,438 to eliminate the leap year adjustment from the prior year.

Decision Item #10 - Transition Bed Increase

The Division requests an appropriation of \$352,838 General Fund based on the need for additional community corrections residential beds. The request also includes the reduction of the leap year adjustment to account for 366 days in FY 2007-08. The request by line item is summarized in the following table.

Decision Item #10	
Community Corrections Line Item	Request
Community Corrections Boards Administration	\$14,113
Transition Programs*	<u>352,838</u>
Total	\$366,951

* The request for transition programs includes two components: (a) the reduction of a leap year adjustment, and (b) an adjustment for 26 additional transition placements. In addition to the requests shown in this table, the Division requests a provider rate increase through Decision Item #11.

The request for additional transition beds was based on the LCS August 2007 inmate population projections. The following two tables summarize how the *request* was calculated.

Decision Item #10 – Assumptions Used in the <i>Request</i>		
Line Item	Average Population	Residential Population
FY 2008-09 (LCS Proj.)	24,047	1,623 (6.75%)
Minus FY 2007-08 Long Bill	<u>(23,659)</u>	<u>(1,597)</u> (6.75%)
Difference	388	26 (6.75%)

Recommendations. Staff makes the following recommendations with respect to the funding of the "Transition Programs" line item:

1. Use the December 2007 Legislative Council Staff inmate population projections; this approach is consistent with the approach used in prior years and is consistent with the figure setting recommendations for the Department of Corrections.
2. Assume an average DOC bed savings of 161 beds in FY 2008-09 as a result of the increased request for diversion beds.
3. Provide funding to place 11.5 percent of the inmate population in community corrections in FY 2008-09. Of this percentage, JBC staff recommends funding for 7.0 percent to be placed in residential programs and 4.5 percent to be placed in non-residential programs.
4. Approve a 0.95 percent provider rate increase for all programs funded by this line item pursuant to the Division request.
5. Approve an appropriation of \$24,563,964 General Fund for FY 2008-09.

1. Use December 2007 LCS Inmate Population Projection. The inmate population is the most significant factor driving the budget for transition programs. The inmate population projections from the Legislative Council Staff (LCS) and the Division of Criminal Justice (DCJ) are shown in the following table. **Staff recommends using the December 2007 Legislative Council Staff inmate population projections.** This recommendation is consistent with the historical practice. Regardless of which projection is used, a supplemental appropriation will likely be necessary for line items that are directly correlated with the inmate population. The supplemental appropriation will more accurately reflect need given the first six months of actual data that will be available at that time.

Comparison of Inmate Population Projections				
	Request*	December 2007 Projections		
		LCS Recommended	DCJ	Difference
June 30, 2008	23,475	23,322	23,456	(134)
June 30, 2009	24,619	24,327	24,327	0
Avg. Daily Pop. (ADP)	24,047	23,825	23,892	(67)

* The request was based on the August 2007 Legislative Council Staff Projections.

2. ***Bed Savings for Increased Diversion Slots.*** For purposes of calculating the bed need for transition offenders and DOC inmates, JBC staff has assumed that there will be a bed savings of 161 beds related to Decision Item #5 in FY 2008-09. Decision Item #5 discussed below requests an increase of 161.7 diversion community corrections beds in FY 2008-09. For purposes of bed savings, JBC staff has assumed that each additional diversion bed equates to a reduction of one DOC inmate. This assumed reduction in DOC inmates also decreases the need for transition beds.

Note: Regardless of the bed savings that are used to determine the Long Bill appropriation for FY 2008-09, the appropriation for prison beds will be need to be adjusted through the supplemental process based on actual population figures for the first six months of FY 2008-09. If the estimated savings is too high, additional funds may be required through a supplemental appropriation.

3. ***Recommendation for 11.5 Percent of Inmates in Community.*** For FY 2007-08, the JBC approved a policy of placing 11.25 percent of the inmate population in community corrections (6.75 percent in residential community placements and 4.5 percent in non-residential community placements). In addition, during the supplemental process, the JBC approved increasing the percentage of the inmate population in residential community placements to 7.0 percent; therefore, the target percentage of the inmate population in community corrections for FY 2007-08 is 11.5 percent.

The Division is currently below the target percentage (10.9 percent as of December 31, 2007, including 6.7 percent in residential placements and 4.2 percent in non-residential placements). Staff believes it may be feasible to increase the percentage of inmates in community corrections in the future. If additional funds are provided, staff believes that the community may be able to increase the number of transition placements. In the future, any

changes should be made gradually to allow the community corrections programs sufficient time to bring beds online.

Although the placement of offenders remains below the target of 11.5 percent, **staff recommends the Committee approve continuing the target of placing 11.5 percent of the inmate population in community corrections in FY 2008-09.** Based on information provided by the Department of Corrections, 309 DOC inmates had been approved for placement and were awaiting an available community placement in December 2007 (compared with 385 inmates in 2006 and 297 inmates in 2005). This would suggest that it would be feasible to place more inmates in community placements in FY 2008-09.

Recommended Community Corrections Residential ADP			
	Dec. LCS Projection	Comm. Corr. ADP	Percent
June 30, 2008	23,322		
June 30, 2009	24,327		
Avg. Daily Pop. (ADP)	23,825	1,668	7.0%
Minus Additional Diversion Slot Bed Savings	<u>(161)</u>	<u>(11)</u>	7.0%
Recommended ADP	23,664	1,657	7.0%
Minus Current Allocation		<u>(1,597)</u>	
Net Change		60	

4. **Provider Rates.** The following table reflects the recommended provider rates for the transition line item.

Summary of Daily Transition Program Rates		
	FY 2007-08	Recommendation (0.95% Increase)
Residential Beds	\$37.18	\$37.53
CIRT slots (diff. rate)	\$17.52	\$17.69

5. **Recommended Appropriation.** Staff recommends the Committee approve an appropriation of \$24,563,964 General Fund for this line item (see the following table). The staff recommendation is \$469,070 higher than the request because staff assumed funding to place 11.5 percent of the inmate population in community corrections in FY 2008-09 while the request assumed only 11.25 percent.

(4) Division of Criminal Justice – (D) Community Corrections Transition Programs (Residential Placements)						
Type of Placement	Request			Recommendation		
	Beds/Slots	Daily Rate	Cost	Beds/Slots	Daily Rate	Cost
Continuation Beds	1,597	\$37.18	21,672,408	1,597	\$37.53	21,876,425
Add'l Beds for Caseload	<u>26</u>	<u>\$37.18</u>	<u>352,838</u>	<u>60</u>	<u>\$37.53</u>	<u>821,907</u>
Sub-total Beds	1,623		22,025,246	1,657		22,698,332
Parole Beds	80	\$37.18	1,085,656	80	\$37.53	1,095,876
Sex Offender Beds	10	\$37.18	135,707	10	\$37.53	136,985
CIRT Slots (diff. rate)	98	\$17.52	<u>626,690</u>	98	\$17.69	<u>632,771</u>
JBC Staff Recommendation	1,713		23,873,299	1,747		24,563,964

Note: the annual cost was computed assuming 365 days in FY 2008-09. In FY 2007-08, there was an additional day of costs associated with the leap year adjustment approved for FY 2007-08.

(D) Community Corrections

Diversion Programs:

The diversion programs treat an average daily population of approximately 2,400 offenders placed in Community Corrections by District Court Judges. Thirty-three halfway houses and non-residential programs, under subcontract to Community Corrections boards, manage offenders as an alternative to commitment to the Department of Corrections. The request includes a 0.95 percent provider rate increase as well as an increase in the number of community corrections slots. Pursuant to request, staff recommends a 0.95 percent provider rate increase.

Summary of Diversion Rates		
	FY 2007-08 Base Rates	FY 2008-09 Recommendation*
Residential Beds	\$37.18	\$37.53
Non-residential Slots	\$5.04	\$5.09

* The recommendation is in accordance with the Division request.

□ **Decision Item #5 - Diversion Bed Increase**

The Division requests an appropriation of \$2,282,157 General Fund for 161.7 additional diversion residential beds in the Division of Criminal Justice's Community Corrections budget. Diversion beds are intended to provide judges with a sentencing option in lieu of a prison sentence. Diversion offenders are sentenced to community corrections by judges, pursuant to Section 18-1.3-301 (1) (a), C.R.S., which authorizes such sentences for certain offenders.

Staff believes that increasing the number of diversion residential beds is beneficial for the following reasons: (1) Until last year, the number of diversion residential beds had not been increased since FY 1999-00 while the inmate population had grown by 44.2 percent; (2) Increasing the number of diversion residential beds should reduce the number of inmates entering the Department of Corrections; (3) Diversion residential beds are less costly than a prison bed; and (4) DCJ has transferred funds from other line items to support additional diversion residential beds in recent years pursuant to Section 17-27-108 (5), C.R.S. As such, **staff recommends the Committee approve an increase of \$2,303,641 General Fund to this line item.** The recommendation includes \$2,215,039 for the beds, plus \$88,602 for costs associated with administration of the additional beds.

Decision Item #5 – Diversion Bed Increase Department of Public Safety – Division of Criminal Justice				
Line Item	Recommendation			
	Beds	Daily Cost Per Bed	Days Per Year	Total Cost
Diversion Programs	161.7	\$37.53	365	\$2,215,039
Community Corrections Boards Administration (4% of Program Appropriations)				<u>88,602</u>
JBC Staff Recommendation				\$2,303,641

Note: the request assumed a daily rate of \$37.18 per bed. The rate recommended pursuant to the JBC common policy for provider rates is \$37.74 per day. As such, the recommendation is \$34,374 higher than the amount requested.

Request for Line Item. The Division requests an appropriation of \$22,250,517 General Fund, which includes \$2,194,382 General Fund related to Decision Item #5 discussed above, \$188,158 for a provider rate increase related to Decision Item #11 discussed above, and a reduction of \$54,164 to eliminate the leap year adjustment from the prior year. **Staff recommends the Committee approve an appropriation of \$22,271,194 General Fund for this line item,** which includes \$2,215,039 General Fund related to Decision Item #5 discussed above, \$188,158 General Fund for a provider rate increase pursuant to the request, and a reduction of \$54,164 to eliminate the leap year adjustment. Offenders sentenced to diversion beds would, in all likelihood, be sentenced to the Department of Corrections if this sentencing option were not available. As such, staff believes that this appropriation saves General Fund dollars.

(4) Division of Criminal Justice – (D) Community Corrections			
Diversion Programs – Recommendation			
	Slots	Recommendation	
		Daily Rate	Annual Cost
Base Residential Beds	1,297.3	\$37.53	\$17,770,999
Decision Item #5	<u>161.7</u>	\$37.53	<u>\$2,215,039</u>
Subtotal - Residential Beds	1,459		\$19,986,038
Non-residential Placements	<u>1,230</u>	\$5.09	<u>\$2,285,156</u>
JBC Staff Recommendation	2,689		\$22,271,194

Note: the annual cost was computed assuming 365 days in FY 2008-09. In FY 2007-08, there was an additional day of costs associated with the leap year adjustment approved for FY 2007-08.

(D) Community Corrections

Transition Mental Health Bed Differential:

This line item was added to DCJ's budget in FY 2002-03 to provide mental health services for offenders in community corrections beds. The current appropriation supports a differential cost of \$32.53 per day for 40 existing beds in the Transition Program specifically for mentally ill offenders. Also, the current appropriation includes the cost for 45 additional beds for half of FY 2007-08. The amount provided by this line item is in addition to the \$37.18 per inmate per day that community corrections providers receive for their base operating expenses. The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections Transition Mental Health Bed Differential			
	Beds	Request	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)*	85	\$32.53	\$739,732
Decision Item #11 - Provider Rate Increase (0.95%)	0	n/a	\$9,618
Annualize Recidivism Reduction Package	0	n/a	\$270,812
Eliminate Leap Year Adjustment	<u>0</u>	n/a	<u>(\$1,301)</u>
Total	85		\$1,018,861

* The base appropriation includes funding for 40 beds for the entire fiscal year and 45 beds for half of the fiscal year.

Staff recommends the Committee approve an appropriation of \$1,018,861 General Fund for this line item (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Transition Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)*	85	\$32.53	\$739,732
Requested Provider Rate Increase (0.95%)		<u>\$0.31</u>	
JBC Staff Recommendation**	85	\$32.84	\$1,018,861

* The base appropriation includes funding for 40 beds for the entire fiscal year and 45 beds for half of the fiscal year.

** The total recommendation is based on 365 days in FY 2008-09 while the FY 2007-08 appropriation was based upon 366 days to account for the leap year.

**(D) Community Corrections
Diversion Mental Health Bed Differential:**

This line item was added to DCJ's budget in FY 2007-08 to provide mental health services for diversion offenders in community corrections beds. The current appropriation supports a differential cost of \$32.53 per day for 20 beds in the Transition Program specifically for mentally ill offenders. This appropriation only supports these beds for half of FY 2007-08 due to the ramp up time necessary to establish these beds. The amount provided by this line item is in addition to the \$37.18

per inmate per day that community corrections providers receive for their base operating expenses. The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections			
Diversion Mental Health Bed Differential			
	Beds	Request	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)*	20	\$32.53	\$117,108
Decision Item #11 - Provider Rate Increase (0.95%)	0	n/a	\$2,263
Annualize Recidivism Reduction Package	0	n/a	<u>\$120,361</u>
Total	20		\$239,732

* The base appropriation includes funding for 20 beds for half of the fiscal year.

Staff recommends the Committee approve an appropriation of \$239,732 General Fund for this line item (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections			
Diversion Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)*	20	\$32.53	\$117,108
Requested Provider Rate Increase (0.95%)		<u>\$0.31</u>	
JBC Staff Recommendation**	20	\$32.84	\$239,732

* The base appropriation includes funding for 20 beds for half of the fiscal year.

** The total recommendation is based on 365 days in FY 2008-09 while the FY 2007-08 appropriation was based upon 366 days to account for the leap year.

(D) Community Corrections
Specialized Services:

This line item supports the purchase of sex offender counseling, mental health treatment, cognitive training, or other specialized services that are not typically provided for high risk offenders referred to community corrections. 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.

Because of the significant shortage of General Fund dollars, this line item was reduced by 50.0 percent in the 2003 session. The Division believes that some offenders in the community may return to prison as a result of this budget reduction. However, it is not possible to measure this impact.

Given that this line item funds services to high risk offenders in the community, staff recommends against further reductions to this line item. The risk of approving a reduction to this line item is that an offender will stay in prison longer. Typically, treatment is required as a condition of being placed in the community. If an offender cannot pay for treatment, they could be denied placement in a community corrections program.

The Division requests a continuation appropriation for this line item. **Staff recommends the Committee approve a continuation appropriation of \$55,000 for this line item.**

(D) Community Corrections

John Eachon Re-entry Program:

This line item was added to DCJ's budget in FY 2007-08 to provide funding for 15 beds in the Joan Eachon Re-entry Program (JERP) at a rate of \$52.02 per day. The JERP program is a pilot program for offenders with mental illness who are in community corrections programs. Many offenders with mental illness are denied community corrections placements because of their illnesses. This pilot program was created in 2005 with a Federal Bureau of Justice Assistance grant and multiple agency collaboration. This federal grant ended on June 30, 2007, before program outcomes could be fully determined.

The area of serving offenders with mental illness is especially interesting since the recidivism rate for that population is significantly higher than for other populations. This higher recidivism rate translates into prison bed utilization. To the degree that this population could be successfully served in the community after their sentences are complete, it would be useful to determine if the recidivism rate could be reduced with the provision of mental health and substance abuse services.

The Division requests an appropriation of \$287,493 General Fund, which includes \$2,683 General Fund for a provider rate increase related to Decision Item #11 discussed above and a reduction of \$780 General Fund to eliminate the leap year adjustment from the prior year. The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections John Eachon Re-entry Program			
	Beds	Request	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)	15	\$52.02	\$285,590
Decision Item #11 - Provider Rate Increase (0.95%)	0	n/a	\$2,683
Eliminate Leap Year Adjustment	<u>0</u>	n/a	<u>(\$780)</u>
Total	15		\$287,493

Staff recommends the Committee approve an appropriation of \$287,493 General Fund for this line item (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Diversion Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2007-08 Appropriation (S.B. 07-239)	15	\$52.02	\$285,590
Requested Provider Rate Increase (0.95%)		<u>\$0.49</u>	
JBC Staff Recommendation*	15	\$52.51	\$287,493

* The total recommendation is based on 365 days in FY 2008-09 while the FY 2007-08 appropriation was based upon 366 days to account for the leap year.

(D) Community Corrections
Day Reporting Center:

This line item is used for day reporting services to provide structured programs to monitor offenders on a daily basis. The centers serve as a point for delivery of services such as employment assistance and substance abuse monitoring/treatment for offenders who are at risk of violating terms of community placement. Of the money appropriated to this line item, approximately 90 percent has been used historically for probation clients and 10 percent for parole clients.

Day reporting is cheaper than residential community programs, and it is cheaper than prison. To the extent that day reporting prevents offenders from being placed in a more secure custody setting (prison or residential community corrections), it is possible that it could save the state money.

However, offenders who do not receive day reporting services are still supervised in the community. Furthermore, the appropriation to this program is discretionary. It is possible that increasing appropriations to this line item will merely result in net widening – increasing the number of offenders in the system receiving services.

The Division requests an appropriation of \$537,189 General Fund for this line item. This request would fund a continuation of 175 slots at a cost of \$8.41 per client per day (a 0.95 percent increase over the daily rate of \$8.33 per offender for 175 slots in FY 2007-08 related to Decision Item #11 discussed above). In addition, the request includes a reduction of \$1,458 General Fund to eliminate the leap year year adjustment from the prior year. **Staff recommends the Committee approve the requested appropriation of \$537,189 for this line item**, which includes a 0.95 percent provider rate increase in accordance with the Division request and a one-time reduction to eliminate the leap year adjustment provided in FY 2007-08.

(4) Division of Criminal Justice – (D) Community Corrections Day Reporting Center – Request and Recommendation			
	FY 2007-08	FY 2008-09	
		Request	Recommendation*
Number of Slots	175	175	175
Daily Rate	\$8.33	\$8.41	\$8.41
General Fund	\$533,537	\$537,189	\$537,189

** The total recommendation is based on 365 days in FY 2008-09 while the FY 2007-08 appropriation was based upon 366 days to account for the leap year.

**(D) Community Corrections
Substance Abuse Treatment Program:**

This line item funds Intensive Residential Treatment (IRT) beds, Therapeutic Community (TC) beds, and training. The funds are used to pay the difference between the regular residential diversion per diem and the special placement per diem. Prior to FY 2002-03, this line item was funded entirely by cash fund appropriations from the Drug Offender Surcharge Fund. However, because of a fund balance shortage in this Fund, cash fund appropriations to this line item were reduced significantly in FY 2002-03. In order to continue the program, General Fund appropriations were approved to backfill the line item due to the cash fund shortage.

The Division requests an appropriation of \$1,004,134, including \$208,196 General Fund, \$694,125 cash funds, and \$101,813 cash funds exempt. This request includes a 0.95 percent provider rate

increase related to Decision Item #11 discussed above and a reduction of the leap year adjustment from the prior year.

Staff recommends the Committee approve an appropriation of \$1,004,134 for this line item, which includes \$208,196 General Fund and \$795,938 cash funds (Drug Offender Surcharge Fund). The following table summarizes the programs that will be funded with the recommended appropriation. The recommended adjustment reflects a provider rate increase of 0.95 percent and the elimination of the leap year adjustment approved for FY 2007-08.

Recommended Program Funding		
Program	Amount	Description
Diversion Intensive Residential Treatment Program (CIRT)	\$201,828	CIRT differential cost (\$17.61 per day) for 31.4 beds. Reserved for offenders who have been assessed at Treatment Level 5. Generally, the persons referred to CIRT have not succeeded in previous non-residential substance abuse treatment programs. CIRT is a 30 to 45 day program of intensive therapy that removes the person from the community and places the offender in a professionally supervised therapeutic environment.
Female Intensive Residential Treatment (IRT)	\$86,410	Used as a transition program for women exiting prison, or as a cost-effective placement in lieu of regression to prison. Emphasis is placed on substance abuse and relapse. The program serves 14.0 female beds at an incremental cost of \$16.91 per day per day each.
Day Treatment	\$96,623	Specialized drug treatment services for offenders (8 slots at a cost of \$33.10 per slot). Provides non-residential services to TC offenders allowing them to transition out of residential beds more quickly.
Therapeutic Community (TC) Enhancement*	\$608,973	TC enhancement – Provides to the \$14.26 per day for the cost of the first two phases of the intrusive behavior modification and milieu therapy which lasts 4 to 6 months. During these phases the clients do not work and are unable to assist in paying for treatment (117 beds). Of these, 40 are funded with General Fund and 20 are new beds associated with the Governor's recidivism package.

Recommended Program Funding		
Program	Amount	Description
Standardized Offender Assessment (SAO) Training Program	\$10,300	Provides training on the standardized assessment instrument for six two-day training sessions, given by multi-agency training teams at various locations in the state over a course of the year and two two-day seminars for "training the trainers".
JBC Staff Recommendation**	<u>\$1,004,134</u>	
General Fund	208,196	
Cash Funds	795,938	

* 40 of the therapeutic community beds are funded with General Fund.

** The total recommendation is based on 365 days in FY 2008-09 while the FY 2007-08 appropriation was based upon 366 days to account for the leap year.

(D) Community Corrections

OUTPATIENT THERAPEUTIC COMMUNITIES (new line item):

☐ Decision Item #14 - Outpatient Therapeutic Communities

The Division requests the creation of a new line item and an appropriation of \$777,920 General Fund to support 160 Outpatient Therapeutic Community (OTC) aftercare slots for community corrections offenders stepping down from residential Therapeutic Community (TC) stays. The TC program is an evidence-based model for intensive, long-term residential treatment of substance dependence.

The request seeks to provide funding for three OTC programs within the State. The first is PEER I, which is in the Denver metro area, and provides residential treatment for 120 males. The second is The Haven, which is also in the Denver metro area, and provides residential treatment for 89 females and up to 36 infants who live in the program with their mothers. The final OTC program included in this request is Crossroads' Turning Points, which is in Pueblo, and provides a 24-bed women's TC program.

The Division requests funding for an additional 80 clients at PEER I and The Haven, and an additional 80 clients at the Crossroads' Turning Points. The request was calculated using a daily per diem per client rate of \$13.32 or \$4,862 annually.

Staff believes it is beneficial to provide substance dependence aftercare for those community corrections offenders leaving community corrections residential placements that included a TC component. In addition, at least two of the OTC programs that would receive funding under this

request have historically had low recidivism rates (PEER I at 8.8 percent and The Haven at 5.0 percent, while Crossroads' Turning Point does not have recidivism data because it just opened in March, 2006). As such, **staff recommends the Committee approve an appropriation of \$777,920 General Fund for this new line item.**

(E) CRIME CONTROL AND SYSTEM IMPROVEMENT

The Division of Criminal Justice submitted one decision item for this section of the budget. Decision Item #15 includes a transfer of 0.8 FTE from the Crime Control and System Improvement section of the Long Bill to the Juvenile Justice and Delinquency Prevention section.

State and Local Crime Control and System Improvement Grants:

This program provides funding for more than 40 state and local programs designed to improve the apprehension, prosecution, adjudication, and detention of drug offenders. These objectives are accomplished through specific programs such as DARE, the Senior Liaison Program, the Brighton Truancy Prevention Project, Juvenile TASC, Jail Substance Abuse Intervention Project, DNA Forensic Laboratory (Colorado Bureau of Investigation), and several multi-jurisdictional metro task forces. The request is for a reduction in funding based on the anticipated amount of federal funds.

(4) Division of Criminal Justice – (E) Crime Control and System Improvement State and Local Crime Control System Improvement Grants	
	Federal Funds
FY 2007-08 Long Bill (S.B. 07-239)	3,500,000
Change in Anticipated Federal Funds	<u>1,500,000</u>
Total Request / JBC Staff Recommendation	5,000,000

Staff recommends the Committee approve an appropriation of \$5,000,000 federal funds for this line item, which represents the total amount of federal grants anticipated for FY 2008-09. The increase reflects higher anticipated federal funds.

**(E) Crime Control and System Improvement
Sex Offender Surcharge Fund Program:**

This line item provides funding for staff support and operating expense for the Sex Offender Treatment Board. Created in H.B. 92-1021, the Sex Offender Treatment Board is charged with the following duties:

- ▶ Developing a standardized procedure for identification of sex offenders
- ▶ Developing standards and guidelines for a system of program intervention/treatment/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 the assessment and treatment
- ▶ Training on the Implementation of Standards
- ▶ Approving the Risk Assessment Screening Instrument

The Board has completed the guidelines for the assessment of sex offenders and has also developed a preliminary plan for the allocation of the sex offender surcharge fund.

The Division requests a continuation appropriation to support 1.5 FTE for this line item. **Staff recommends the Committee approve an appropriation of \$147,156 cash funds (Sex Offender Surcharge Fund) and 1.5 FTE** (see the following table). This recommendation reflects the recommended allocation of funds from the Sex Offender Surcharge Fund by the Sex Offender Management Board.

Summary of Personal Services Recommendation		
Department of Public Safety – (4) DCJ – (E) Crime Control & System Improvement		
Sex Offender Surcharge Program		
	Cash Funds	FTE
Personal Services (estimate)	131,459	1.5
Operating Expense (estimate)	<u>10,770</u>	—
FY 2007-08 Long Bill (S.B. 07-239)	142,229	1.5
Annualize Salary Survey Awarded in FY 2007-08	3,639	
Annualize Performance Pay Awarded in FY 2007-08	<u>1,288</u>	—
Continuation Estimate	147,156	1.5
JBC Common Policy Personal Services Reduction (1.0%)	<u>0</u>	—
JBC Staff Recommendation	147,156	1.5

(E) Crime Control and System Improvement

Sex Offender Supervision:

This line 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 Treatment Board (SOTB) 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 Division requests a continuation appropriation to support 3.2 FTE for this line item. **Staff recommends the Committee approve an appropriation of \$327,433 General Fund and 3.2 FTE for this line item** (see the following table).

Summary of Personal Services Recommendation		
Department of Public Safety – (4) DCJ – (E) Crime Control & System Improvement		
Sex Offender Supervision Program		
	General Fund	FTE
Personal Services (estimated)	231,895	3.2
Operating Expenses (estimated)	<u>89,540</u>	—
FY 2007-08 Long Bill (S.B. 07-239)	321,435	3.2
Annualize Salary Survey Awarded in FY 2007-08	4,487	
Annualize Performance Pay Awarded in FY 2007-08	<u>1,511</u>	
Continuation Estimate	327,433	3.2
JBC Common Policy Personal Services Reduction (1.0%)	<u>0</u>	—
JBC Staff Recommendation	327,433	3.2

The line item was reduced by \$96,952 and 0.8 FTE during the 2003 session. Because of this reduction and because of the ongoing statutory obligations associated with sex offender supervision, staff does not recommend another reduction to this line item. Statutory changes to the lifetime supervision of sex offenders could result in budgetary savings in this line item as well as budgetary savings in the Judicial Department and the Department of Corrections.

(E) Crime Control and System Improvement
Treatment Provider Criminal Background Checks:

The Division requests a continuation appropriation of \$23,500 cash funds for this line item. **Staff recommends the Committee approve the requested appropriation of \$23,500 cash funds for this line item.** This recommendation is consistent with the fiscal note for H.B. 04-1077 (Rep. Jahn / Sen. Anderson), which created this line item. House Bill 04-1077 requires domestic violence treatment providers and sex offender treatment providers to pay a fees for criminal background checks that go beyond the scope of a criminal history check.

In future years, it may be possible to reduce the spending authority for this line item. Given that the

line item is relatively new, staff believes that there is a benefit to not adjusting the line item. Staff believes that it is important for treatment providers to comply with the law and be subjected to statutorily required criminal background checks (at their expense). If the line were reduced, it is possible that there may not be sufficient spending authority to conduct the required background checks. A few more years of experience will allow the Division to better estimate the necessary spending authority for the required background checks.

The recommended source of cash funds is as follows: (a) \$12,500 is from the Domestic Violence Offender Treatment Provider Fund established pursuant to Section 16-11.8-104 (2) (b), C.R.S.; and (b) \$11,000 is from the Sex Offender Treatment Provider Fund established pursuant to Section 16-11.7-106 (2) (c), C.R.S.

(E) Crime Control and System Improvement
Colorado Regional Community Policing Institute:

The Division requests an appropriation of \$772,624 total funds and 6.2 FTE for resources to provide training to local law enforcement agencies. The request includes \$375,488 cash funds exempt and \$397,136 federal funds

Since 1995, the Colorado Regional Community Policing Institute (CRCPI), has provided training for law enforcement officers throughout the State of Colorado. This line item provides training classes for approximately 400 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 main goal of CRCPI is to provide professional skill development training, including ethics and integrity training, domestic violence training, and basic law enforcement preparatory training under Colorado Police Corps.

Historically, CRCPI had been funded by federal funds received from the U.S. Department of Justice. Additionally, a cash funds exempt appropriation includes two sources of state funds transferred from the Department of Law: (a) fee revenue collected for anti-bias police training pursuant to the provisions of S.B. 03-103; and (b) cash funds from a court settlement from a 1996 class action lawsuit.¹ The settlement awarded \$300,000 to the Attorney General's Peace Officer Standards Training (P.O.S.T.) Board, in conjunction with the American Defamation League, for officer training. Pursuant to the court settlement, these funds must be spent by the P.O.S.T. board on anti-bias training throughout Colorado.

Staff recommends the Committee approve an appropriation of \$775,246 total funds and 6.2 FTE (see the following table). Of the amount recommended, \$398,430 is federal funds and \$376,816 is re-appropriated funds/cash funds exempt. Of the re-appropriated funds/cash funds

¹ 1996 Whitfield settlement (*Whitfield et al. v. The Board of County Commissioners of Eagle County, et al, U.S. District Court-Colorado, Case No. 90-K1541*).

exempt recommendation, \$315,426 reflects funds transferred from an appropriation from the P.O.S.T. Board Cash Fund made to the Department of Law. The remaining \$61,390 is from a transfer of custodial funds administered by the P.O.S.T. Board in the Department of Law.

Department of Public Safety - Division of Criminal Justice Colorado Regional Community Policing Institute				
	CFE/ RF*	Federal Funds	Total Funds	FTE
Personal Services (estimated)	331,995	323,430	655,425	6.2
Operating Expenses (estimated)	<u>44,821</u>	<u>75,000</u>	<u>119,821</u>	—
FY 2007-08 Long Bill (S.B. 07-239)	376,816	398,430	775,246	6.2
Annualize Salary Survey Awarded in FY 2007-08	0	0	0	
Annualize Performance Pay Awarded in FY 2007-08	0	0	0	—
Continuation Estimate	<u>376,816</u>	<u>398,430</u>	<u>775,246</u>	<u>6.2</u>
JBC Common Policy Personal Services Reduction (1.0%)	<u>0</u>	<u>0</u>	<u>0</u>	—
JBC Staff Recommendation	376,816	398,430	775,246	6.2

* These amounts were classified as cash funds exempt in FY 2007-08 and will be classified as re-appropriated funds in FY 2008-09.

(E) Crime Control and System Improvement
Office of Research Statistics:

This line item was added to the Long Bill in 2006 through a decision item. The Division of Criminal Justice received an appropriation of \$35,592 cash funds exempt (gifts, grants, and donations) and 0.5 FTE for a new line item entitled "Office of Research Statistics". The line item was added to authorize the Division's research staff to apply for and accept gifts, grants, and donations for research projects. The Division justified its request, in part, because of a reported reduction in federal funds that had previously been used to support criminal justice research in recent years. The Division also reported that in recent years, it was not able to take advantage of a research opportunity that became available to research the risk level of parolees in the Denver area.

During the FY 2007-08 figure setting process, the Committee approved transferring this line item and appropriation to the Administration section of the Division's budget. Therefore, **staff does not recommend that the Committee approve an appropriation for this line item in this section of the budget.**

**(E) Crime Control and System Improvement
Federal Grants – Non-Appropriated:**

The federal funds appropriation and FTE shown in this line item are from a variety of federal funds. They are shown for informational purposes only. The Division's budget schedules indicate that it spent money from 14 different criminal justice grants in FY 2006-07. In FY 2008-09, 15 criminal justice grants are anticipated. The FTE are part of the classified system.

☐ Decision Item #15 - Juvenile Diversion Program Administrative FTE

The Division requests the transfer of 0.9 FTE (0.8 FTE for FY 2008-09) for fiscal and programmatic administration of the Juvenile Diversion Program from the "Federal Grants" line item. The request seeks to add administrative FTE for the Juvenile Diversion Program in order to effectively manage the Program. The Division anticipates allocating the 0.9 FTE as 0.7 General Professional IV Program Grant Manager and 0.2 FTE General Professional III Financial Grant Manager.

Staff believes that it is beneficial to efficiently administer the Juvenile Diversion Program. In addition, the continual reduction of federal funds to the Division has made it more difficult for DCJ to fund all of its appropriated federal funds FTE. As such, **staff recommends the Committee approve a transfer of 0.9 FTE (0.8 FTE in FY 2008-09) from this line item.**

The Division requests a continuation appropriation, with a decrease of 0.8 FTE related to Decision Item #15 discussed above. **Staff recommends that the Committee approve an appropriation of \$3,722,221 federal funds and 17.5 FTE for this line item** (see the following table).

Staff believes that it is useful for the Long Bill to reflect the anticipated level of federal funding. The recommendation reflects the amount of funds that the Division anticipates receiving from the 15 federal grants anticipated in FY 2008-09.

Department of Public Safety - Division of Criminal Justice Federal Grants		
	Federal Funds	FTE
FY 2007-08 Long Bill (S.B. 07-239)	3,722,221	18.3
Anticipated Reduction in Federal Funds	<u>0</u>	—
November 2007 Budget Request	3,722,221	18.3
Decision Item #15 - Juvenile Diversion Program Administrative FTE	<u>0</u>	<u>(0.8)</u>
Total Request / JBC Staff Recommendation	3,722,221	17.5

(E) Crime Control and System Improvement
LIFESAVER PROJECT GRANTS (new line item):

This new 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 a medical condition. 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. The bill specifies that a maximum of \$380,000 be made available for administrative costs and grants to counties.

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. In Colorado, programs are available in Arapahoe, Boulder, Douglas, Jefferson, and Mesa counties.

The Division requests an appropriation of \$124,500 cash funds exempt and 0.1 FTE for this line item. The request includes a base reduction pursuant to OSPB policy; however, pursuant to JBC policy, staff has not taken a base reduction because the FTE number is less than 20. **Staff recommends the Committee approve an appropriation of \$125,000 re-appropriated funds/cash funds exempt and 0.1 FTE** (see the following table). The source of re-appropriated funds is a transfer of funds from the Short-term Innovative Health Program Grant Fund appropriated in the Department of Health and Environment to the Lifesaver Program Cash Fund, created in Section 24-33.5-415.9 (6), C.R.S.

Department of Public Safety - Division of Criminal Justice Lifesaver Project Grants		
	CFE/RF*	FTE
FY 2007-08 Long Bill (S.B. 07-239)	0	0.0
H.B. 07-1064	125,000	0.1
JBC Common Policy Personal Services Reduction (1.0%)	<u>0</u>	—
JBC Staff Recommendation	125,000	0.1

* These amounts were classified as cash funds exempt in FY 2007-08 and will be classified as re-appropriated funds in FY 2008-09.

(E) Crime Control and System Improvement
CRIMINAL JUSTICE TRAINING FUND (new line item):

This new 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. Typically 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, they were not able 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 Division requests an appropriation of \$139,488 cash funds for this line item. **Staff recommends the Committee approve an appropriation of \$139,488 cash funds for this line item** (see the following table). The source of cash funds is the Criminal Justice Training Fund, created in Section 24-33.5-503.5 (2), C.R.S..

Department of Public Safety - Division of Criminal Justice Criminal Justice Training Fund		
	Cash Funds	FTE
FY 2007-08 Long Bill (S.B. 07-239)	0	0.0
H.B. 07-1263	116,240	0.0
Annualization of H.B. 07-1263	<u>23,248</u>	<u>0.0</u>
Total Request / JBC Staff Recommendation	139,488	0.0

(E) Crime Control and System Improvement
MACARTHUR FOUNDATION GRANT (new line item):

This new line item is intended to fund a juvenile justice mental health program through a private grant received from the MacArthur Foundation. The Department requests an appropriation of \$200,000 cash funds for this line item. **Staff recommends the Committee approve the requested appropriation of \$200,000 cash funds for this line item.**

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2008-09 LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

Staff recommends the following with respect to Long Bill footnotes for the Division of Criminal Justice:

1. Continue one existing footnote
2. Continue one existing footnote, as amended

Note: Footnotes #4, #5, #6, and #11 affect multiple agencies. The staff recommendations for these footnotes will be discussed in another figure setting document.

Staff recommends the following footnote be **continued as a footnote**.

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

Comment: Staff believes that this footnote is helpful to clarify the legislative intent of community corrections provider rates used to make Long Bill appropriations as they relate to the ability of providers to collect fees to offset costs. This footnote was added in the 1994 Long Bill.

Following the 8.0 percent reduction in the reimbursement rate for community corrections providers in 2003, this footnote was amended by the General Assembly to increase the amount that can be collected for client fees collected (from \$13 per day for residential programs to \$17 per day; and from \$2 per day for non-residential programs to \$3 per day). This change in the footnote was motivated, in large part, from concerns expressed by the providers.

Staff recommends continuing the following footnote, as **amended**:

118 Department of Public Safety, Division of Criminal Justice, Administration, Recidivism Reduction and Offender Diversion Package Contract Analysis -- The appropriation for this line item is intended to fund a contract analysis of the Governor's Recidivism Reduction and Offender Diversion Package funded by the General Assembly in 2007. Any portion of

the appropriation in this line item that is not expended prior to July 1, ~~2008~~ 2009, shall be rolled forward for expenditure in FY ~~2008-09~~ 2009-10.

Comment: This footnote is intended to clarify the legislative intent with respect to the Recidivism Reduction and Offender Diversion Package submitted by Governor Ritter in FY 2007-08.

M E M O R A N D U M

TO: Joint Budget Committee

FROM: Patrick Brodhead, JBC Staff (303-866-4955)

SUBJECT: FY 2008-09 Staff Comeback for the Division of Criminal Justice

DATE: March 13, 2008

This memorandum addresses the following two technical errors made during the figure setting for the Division of Criminal Justice: (1) staff incorrectly accounted for the effect of H.B. 07-1057 in the "Personal Services" line item within the Administration subdivision as General Fund rather than cash funds exempt in FY 2007-08; as a result, staff's FY 2008-09 fund split was incorrect; and (2) staff's fund split adjustment in the "Operating Expenses" line item in the Administration subdivision to account for re-appropriated funds was incorrect.

Staff recommends the Committee approve the following appropriation for the "Personal Services" line item in the Administration subdivision:

Summary of Personal Services Recommendation Department of Public Safety – (4) Division of Criminal Justice – (A) Administration						
	GF	CF	CFE/ RF*	FF	Total	FTE
FY 2007-08 Long Bill (S.B. 07-239)	1,148,233	378,950	547,099	82,328	2,156,610	30.3
H.B. 07-1358	65,442	0	0	0	65,442	1.0
H.B. 07-1057	0	0	35,170	0	35,170	0.6
Annualize Salary Survey Awarded in FY 2007-08	25,449	12,562	13,800	0	51,811	
Annualize Performance Pay Awarded in FY 2007-08	<u>8,768</u>	<u>4,360</u>	<u>4,785</u>	<u>0</u>	<u>17,913</u>	—
Continuation Estimate	1,247,892	395,872	600,854	82,328	2,326,946	31.9
JBC Common Policy Base Reduction (1.0%)	(12,479)	(3,959)	(6,009)	(823)	(23,270)	
Fund Split Adjustment for Re-Approp. Funds	0	141,978	(141,978)	0	0	
DI #12 - Refinance Administrative FTE	91,935	0	(91,935)	0	0	
Annualize H.B. 07-1358	123,283	0	0	0	123,283	2.0
Reduction in Federal Funds	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(2.1)</u>
JBC Staff Recommendation	1,450,631	533,891	360,932	81,505	2,426,959	31.8

In addition, staff recommends the Committee approve the following appropriation for the "Operating Expenses" line item in the Administration subdivision:

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Operating Expenses					
	General Fund	Cash Funds	CFE/ RF*	Federal Funds	Total Funds
FY 2007-08 Long Bill (S.B. 07-239)	127,893	26,037	43,141	4,377	201,448
H.B. 07-1057	0	0	3,333	0	3,333
H.B. 07-1358	<u>27,215</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>27,215</u>
Total FY 2007-08 Appropriation	155,108	26,037	46,474	4,377	231,996
Fund Split Adjustment for Re-Approp. Funds	0	9,220	(9,220)	0	0
Annualization of H.B. 07-1057	0	0	(1,803)	0	(1,803)
Annualization of H.B. 07-1358	<u>(1,855)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(1,855)</u>
JBC Staff Recommendation	153,253	35,257	35,451	4,377	228,338

* These amounts were classified as cash funds exempt in FY 2007-08 and will be classified as re-appropriated funds in FY 2008-09.