

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**SUPPLEMENTAL REQUESTS FOR FY 2009-10**

**DEPARTMENT OF PUBLIC SAFETY**

**(Division of Criminal Justice)**

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

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

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

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(Division of Criminal Justice)  
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**Prioritized Supplementals**

**Supplemental Request, Department Priority #ES-3  
Reduce Community Corrections Boards Administration**

	Request	Recommendation
Total	( <u>\$25,000</u> )	( <u>\$25,000</u> )
General Fund	(25,000)	(25,000)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:** On August 24, 2009, the Department requested a FY 2009-10 supplemental reduction of \$25,000 General Fund to the appropriation for community corrections boards administration. The Department also requested that this reduction be made for FY 2010-11 as well.

The Division of Criminal Justice receives funding through the "Community Corrections Boards Administration" line item to reimburse the 23 community corrections boards for 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 2009-10, the appropriation was continued at 4.0 percent.

The Department indicates that the requested reduction of \$25,000 represents prior year reversions of unspent funds. This has occurred because a few boards do not qualify for the full 4.0 percent allocation.

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**Staff Analysis:** Staff makes the following observations regarding this supplemental request.

1. *Supplemental Criteria Met.* Adjustments were requested based on the June 2009 Legislative Council Staff Revenue Forecast. Because this forecast is data that was not available when the original appropriation was made, these adjustments meet the supplemental criteria.
2. *Useful to Save General Fund.* Given the current economic projections, JBC staff believes it is useful for the Committee to save General Fund wherever possible. Because of this, staff believes this request is justified.

**Staff Recommendation:** Staff recommends that the Committee approve the Department's request for a reduction of \$25,000 General Fund.

**Supplemental Request, Department Priority #ES-4  
Eliminate Community Corrections Discharge Planners**

	Request	Recommendation
Total	(\$160,381)	(\$160,381)
FTE	<u>(1.8)</u>	<u>(1.8)</u>
General Fund	(160,381)	(160,381)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:** On August 24, 2009, the Department requested a FY 2009-10 supplemental reduction of \$160,381 General Fund and 1.8 FTE to eliminate the appropriation for community corrections discharge planners. The Department also requested that this reduction be made for the FY 2010-11 annualization of \$160,489 and 2.0 FTE as well.

During the 2009 session, the Joint Budget Committee and subsequently the General Assembly approved a decision item to add two community corrections discharge planners. Given the difficulty in placing inmates with mental health or substance abuse issues, these discharge planners were

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intended to identify where these specific inmates could benefit from specialized community corrections placement. They would then arrange for the transfer of both the inmate and the appropriate accompanying information.

**Staff Analysis:** Staff makes the following observations regarding this supplemental request.

1. *Supplemental Criteria Met.* Adjustments were requested based on the June 2009 Legislative Council Staff Revenue Forecast. Because this forecast is data that was not available when the original appropriation was made, these adjustments meet the supplemental criteria.
2. *Useful to Save General Fund.* Given the current economic projections, JBC staff believes it is useful for the Committee to save General Fund wherever possible. For this reason, staff believes this request is justified.

**Staff Recommendation:** Staff recommends that the Committee approve the Department's request for a reduction of \$160,381 General Fund and 1.8 FTE.

**Supplemental Request, Department Priority #ES-8  
Reduce Funding for the Office of Research and Statistics**

	Request	Recommendation
Total	(\$69,260)	(\$69,260)
FTE	<u>(0.2)</u>	<u>(0.2)</u>
General Fund	(69,260)	(69,260)

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

**Department Request:** On August 24, 2009, the Department requested a FY 2009-10 supplemental reduction of \$69,260 General Fund and 0.2 FTE to the appropriation for the Office of Research and

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Statistics. The Department also requested that this reduction be made for the FY 2010-11 annualization of \$96,229 and 0.6 FTE as well.

The requested reduction includes the following:

- eliminating the funding that has historically been used to publish parole guidelines;
- eliminating the funding for contract evaluation of recidivism reduction programs; and
- reducing the funding for research related to the Colorado Criminal and Juvenile Justice Commission.

**Staff Analysis:** Staff makes the following observations regarding this supplemental request.

1. *Supplemental Criteria Met.* Adjustments were requested based on the June 2009 Legislative Council Staff Revenue Forecast. Because this forecast is data that was not available when the original appropriation was made, these adjustments meet the supplemental criteria.
2. *Useful to Save General Fund.* Given the current economic projections, JBC staff believes it is useful for the Committee to save General Fund wherever possible. For this reason, staff believes this request is justified.

**Staff Recommendation:** Staff recommends that the Committee approve the Department's request for a reduction of \$69,260 General Fund and 0.2 FTE.

**Supplemental Request, Department Priority #3  
Increase Cash Fund Spending Authority for Criminal Justice Training Fund**

	Request	Recommendation
Total	<u>\$68,125</u>	<u>\$68,125</u>
Cash Funds	68,125	68,125

<b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	<b>YES</b>
JBC staff and the Department agree that this request is the result of <i>data that was not available when the original appropriation was made.</i>	

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**Department Request:** The Department requests a FY 2009-10 supplemental appropriation of \$68,125 cash funds due to a projected increase in the demand for training conducted by the Domestic Violence and Sex Offender Management Unit. The Department also requests this increase for FY 2010-11 as well.

The Division of Criminal Justice provides training programs on topics such as methamphetamine laboratories, crisis intervention with mentally ill offenders, human trafficking, and sex offender and domestic violence management. Historically, the Division did not have the statutory authority to assess a fee for training and therefore was not able to offer expanded training even for those groups that were willing to pay for it.

However, H.B. 07-1263 authorized the Division to charge fees in exchange for providing criminal justice training programs. The bill also created the Criminal Justice Training Fund and the initial appropriation for the Fund was \$116,240 in FY 2007-08. Demand for training was anticipated to increase by 20 percent in the second year; therefore, the FY 2008-09 appropriation was set at \$139,488. This was also the appropriation for FY 2009-10.

The Department indicates that the demand for domestic violence and sex offender management training is higher than anticipated for FY 2009-10. Specifically, the Division anticipates hosting additional training and conferences that will produce cash revenue above the cash funds spending authority of \$139,488.

**Staff Analysis:** Staff makes the following observations regarding this supplemental request.

1. *Supplemental Criteria Met.* Adjustments are requested based on an increased demand for domestic violence and sex offender management training. Because this increased demand is data that was not available when the original appropriation was made, these adjustments meet the supplemental criteria.
2. *Useful to Allow Increase for Growth Opportunities.* JBC staff believes it is useful to authorize the Department to increase its cash funds spending authority based on higher than expected demand for training. As such, staff believes that the requested increase is justified.

**Staff Recommendation:** Staff recommends that the Committee approve the Department's request for an increase of \$68,125 cash funds.

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**Other Balancing Options**

These options are presented without staff recommendation in order to maximize the Committee's choices. The Committee may wish to consider these options now or in the future.

**Numbering does not indicate priority.**

<b>Options with <i>Appropriation</i> Impacts</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
1	(1,477,304)	0	0	0	(1,477,304)	0.0
<p><b>Further Reduce the Administration Personal Services Appropriation</b></p> <p>This option would further reduce the appropriation for administration personal services. The Department is currently requesting a supplemental reduction of \$134,620 General Fund to this line item for FY 2009-10. However, the majority of that reduction (\$116,205) represents funding for additional staff approved by the legislature for FY 2009-10 that was never hired by the Department due to the economic downturn. The amount shown above represents the total FY 2009-10 General Fund appropriation for this line item minus the requested supplemental reductions; it does not represent staff's recommendation for reducing the line item.</p>						
2	(147,217)	0	0	0	(147,217)	0.0
<p><b>Further Reduce the Administration Operating Expenses Appropriation</b></p> <p>This option would further reduce the appropriation for administration operating expenses. The Department is currently requesting a supplemental reduction of \$45,021 General Fund to this line item for FY 2009-10. However, the majority of that reduction (\$44,176) represents funding for additional staff approved by the legislature for FY 2009-10 that was never hired by the Department due to the economic downturn. The amount shown above represents the total FY 2009-10 General Fund appropriation for this line item minus the requested supplemental reductions; it does not represent staff's recommendation for reducing the line item.</p>						



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<b>Options with <i>Appropriation</i> Impacts</b>	<b>GF</b>	<b>CF</b>	<b>RF</b>	<b>FF</b>	<b>Total</b>	<b>FTE</b>
3	(1,241,851)				(1,241,851)	
<p><b>Reduce Juvenile Diversion Programs</b></p> <p>This option would reduce the appropriation for juvenile diversion programs. The Juvenile Diversion programs are supported jointly by state and local sources to provide community-based programs that serve 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 Corrections. Over 3,500 youth are served annually by the programs. All programs that receive state diversion funds are required to provide at least 25 percent local matching funds. The Juvenile Diversion program line item was vetoed in FY 2002-03 (\$2,483,702 General Fund had been included in the Long Bill). In FY 2003-04, \$500,000 cash funds exempt (Tobacco Settlement Fund) were appropriated on a one-time basis. 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 to this line item. The amount shown above represents the total FY 2009-10 General Fund appropriation for this line item; it does not represent staff's recommendation for reducing the line item.</p>						
4	(1,927,062)	0	0	0	(1,927,062)	0.0
<p><b>Reduce the Reimbursement Rate to Community Corrections Boards</b></p> <p>Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of the appropriations for community corrections programs to the 23 community corrections boards to offset their administrative costs. Community corrections boards currently receive an appropriation equal to 4.0 percent of the appropriations for community corrections programs. During the previous economic downturn, this reimbursement rate was reduced from 5.0 percent to the current rate of 4.0 percent. In addition, the Department is currently requesting a supplemental reduction of \$25,000 General Fund to this line item for FY 2009-10. However, because the statute authorizes allocations <i>up to</i> 5.0 percent, a lower percentage could be provided. The amount shown above represents the total FY 2009-10 General Fund appropriation for this line item minus the requested supplemental reductions; it does not represent staff's recommendation for reducing the line item.</p>						

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
<b>Executive Director - Peter A. Weir</b>					
<b>Division of Criminal Justice Director - Jeanne Smith</b>					
<b>Supplemental #ES-3 - Reduce Community Corrections Boards Administration</b>					
<i>(4) Division of Criminal Justice</i>					
<i>(D) Community Corrections</i>					
Community Corrections Boards Administration - GF					
	1,879,976	1,952,062	(25,000)	(25,000)	1,927,062
<b>Supplemental #ES-4 - Eliminate Community Corrections Discharge Planners</b>					
<i>(4) Division of Criminal Justice</i>					
<i>(A) Administration</i>					
Personal Services	2,345,469	2,639,699	(116,205)	(116,205)	2,523,494
FTE	<u>30.7</u>	<u>33.6</u>	<u>(1.8)</u>	<u>(1.8)</u>	<u>31.8</u>
General Fund	1,453,749	1,611,924	(116,205)	(116,205)	1,495,719
Cash Funds	553,349	570,780	0	0	570,780
Reappropriated Funds	259,646	376,769	0	0	376,769
Federal Funds	78,725	80,226	0	0	80,226

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Operating Expenses	222,493	267,323	(44,176)	(44,176)	223,147
General Fund	147,565	192,238	(44,176)	(44,176)	148,062
Cash Funds	35,102	35,257	0	0	35,257
Reappropriated Funds	35,451	35,451	0	0	35,451
Federal Funds	4,375	4,377	0	0	4,377
<b>Total for Supplemental #ES-4</b>	2,567,962	2,907,022	(160,381)	(160,381)	2,746,641
FTE	30.7	33.6	(1.8)	(1.8)	31.8
General Fund	1,601,314	1,804,162	(160,381)	(160,381)	1,643,781
Cash Funds	588,451	606,037	0	0	606,037
Reappropriated Funds	295,097	412,220	0	0	412,220
Federal Funds	83,100	84,603	0	0	84,603
<b>Supplemental #ES-8 - Reduce Funding for the Office of Research and Statistics</b>					
<i>(4) Division of Criminal Justice</i>					
<i>(A) Administration</i>					
Personal Services	2,345,469	2,639,699	(18,415)	(18,415)	2,621,284
FTE	30.7	33.6	(0.2)	(0.2)	33.6
General Fund	1,453,749	1,611,924	(18,415)	(18,415)	1,593,509
Cash Funds	553,349	570,780	0	0	570,780
Reappropriated Funds	259,646	376,769	0	0	376,769
Federal Funds	78,725	80,226	0	0	80,226

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
Operating Expenses	222,493	267,323	(845)	(845)	266,478
General Fund	147,565	192,238	(845)	(845)	191,393
Cash Funds	35,102	35,257	0	0	35,257
Reappropriated Funds	35,451	35,451	0	0	35,451
Federal Funds	4,375	4,377	0	0	4,377
Recidivism Reduction and Offender Diversion Package - GF	49,796	50,000	(50,000)	(50,000)	0
<b>Total for Supplemental #ES-8</b>	2,617,758	2,957,022	(69,260)	(69,260)	2,887,762
FTE	30.7	33.6	(0.2)	(0.2)	33.4
General Fund	1,651,110	1,854,162	(69,260)	(69,260)	1,784,902
Cash Funds	588,451	606,037	0	0	606,037
Reappropriated Funds	295,097	412,220	0	0	412,220
Federal Funds	83,100	84,603	0	0	84,603
<b>Supplemental #3 - Increase Cash Spending Authority for Criminal Justice Training Fund</b>					
<i>(4) Division of Criminal Justice</i>					
<i>(E) Crime Control and System Improvement</i>					
Criminal Justice Training Fund - CF	38,201	139,488	68,125	68,125	207,613
FTE	0.0	0.5	0.0	0.0	0.5

	FY 2008-09	FY 2009-10	Fiscal Year 2009-10 Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Totals</b>					
Department of Public Safety					
Totals for ALL Departmental line items	231,033,438	248,005,939	(186,516)	(186,516)	247,819,423
FTE	<u>1,326.5</u>	<u>1,357.2</u>	<u>(2.0)</u>	<u>(2.0)</u>	<u>1,355.2</u>
General Fund	78,635,117	82,378,618	(254,641)	(254,641)	82,123,977
Cash Funds	106,154,300	117,502,488	68,125	68,125	117,570,613
Reappropriated Funds	17,804,851	21,637,002	0	0	21,637,002
Federal Funds	28,439,170	26,487,831	0	0	26,487,831

Key:

N.A. = Not Applicable or Not Available