

Joint Budget Committee



Supplemental Budget Requests FY 2024-25

Department of Public Safety (Executive Director's Office and Division of Criminal Justice)

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

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Overview of Divisions

The Executive Director’s Office (EDO) is responsible for the administrative and management services for the Department’s five other divisions. This includes policy development, human resources, training and recruitment, facility management, and budgeting. This office also includes the Witness Protection Program, the Colorado Integrated Criminal Justice Information System (CICJIS), and the Office of School Safety.

The Division of Criminal Justice (DCJ) provides assistance to state and local agencies in the criminal justice system by analyzing policy, conducting criminal justice research, managing programs, and administering grants.

Summary of Staff Recommendations

Department of Public Safety: Recommended Changes for FY 2024-25						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
H.B. 24-1430 (Long Bill)	\$711,464,079	\$280,867,857	\$283,145,079	\$77,923,588	\$69,527,555	2,354.8
Other legislation	17,778,992	3,084,286	14,389,706	305,000	0	19.2
Current FY 2024-25 Appropriation	\$729,243,071	\$283,952,143	\$297,534,785	\$78,228,588	\$69,527,555	2,374.0
Recommended Changes						
Current FY 2024-25 Appropriation	\$729,243,071	283,952,143	\$297,534,785	\$78,228,588	\$69,527,555	2,374.0
ES1 MCPPI grant program spending authority	1,123,826	0	1,123,826	0	0	0.0
S1 Community corrections caseload increase	0	0	0	0	0	0.0
S2/BA1 CO interoperability platform funding	0	0	0	0	0	0.0
S3/BA2 CBI DNA retesting rollforward	0	0	0	0	0	0.0
S4 Training for sex offender victim reps	0	0	0	0	0	0.0
S5 Technical corrections for CBI and EDO	0	0	0	0	0	0.0
S6 Long Bill letternote clean-up	0	0	0	0	0	0.0
Statewide common policy supplementals	710,010	1,134,299	-327,235	-19,068	-77,986	0.0
Recommended FY 2024-25 Appropriation	\$731,076,907	\$285,086,442	\$298,331,376	\$78,209,520	\$69,449,569	2,374.0
Recommended Increase/-Decrease	\$1,833,836	\$1,134,299	\$796,591	-\$19,068	-\$77,986	0.0
Percentage Change	0.3%	0.4%	0.3%	0.0%	-0.1%	0.0%
FY 2024-25 Executive Request	\$733,546,512	\$287,531,047	\$298,356,376	\$78,209,520	\$69,449,569	2,374.0
Staff Rec. Above/-Below Request	-\$2,469,605	-\$2,444,605	-\$25,000	\$0	\$0	0.0

This document deals with the requests highlighted above: ES1, S1 S2, and S4. Other documents address the other requests.

FY 2024-25 Description of Incremental Changes

S1 Community corrections caseload increase: The request includes an increase of \$1.8 million General Fund to account for newly-added capacity and an expected caseload increase of about 1.0%. Staff recommends denial of the request.

S2 CO interoperability platform funding: The request includes an increase of \$638,349 General Fund, which represents a portion of funding from S.B. 22-196 (Health Needs of Persons in Criminal Justice System). It also seeks roll forward spending authority for the full amount through FY 2025-26. Staff recommends denial of the request, but also provides the JBC with an option to fund it through existing appropriations to the Department.

S4 Training for sex offender victim reps: The request includes a one-time increase of \$25,000 cash funds from the Sex Offender Surcharge Fund. It aims to provide training and technical assistance for new victim representatives. The full cost of the project is \$100,000, with \$75,000 requested for FY 2025-26. Staff recommends denial of the request.

ES1 MCPCI grant program spending authority: In December 2024 the JBC approved a request for \$1.1 million cash funds spending authority for the Multidisciplinary Crime Prevention and Crisis Intervention Grant Program. The supplemental bill will reflect this action.

Statewide common policy supplementals: The request includes an increase of \$710,010 total funds, including \$1.1 million General Fund, for statewide common policy requests originating in other agencies. These requests include payments for vehicle leases, state property risk management, and to the Office of Information technology (OIT). The prioritized versions of these requests will be presented during the supplemental presentations for the Department of Personnel (vehicle and state property) and Office of the Governor (OIT). The recommendation is pending Committee action on common policy supplementals.

Prioritized Supplemental Requests

S1 Community corrections caseload increase

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Request	\$1,806,256	\$1,806,256	\$0	\$0	\$0	0.0
Recommendation	0	0	0	0	0	0.0
Staff recommendation higher/-lower than request	-\$1,806,256	-\$1,806,256	\$0	\$0	\$0	0.0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**
 [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.]

Explanation: JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

Request

The Department request an increase of \$1.8 million General Fund to account for newly-added capacity and an expected caseload increase of about 1.0%.

Recommendation

Staff recommends denial of the request. Data through the end of November suggest that the Department will underspend the current appropriation by \$3.3 million General Fund. That is about 4.2% of the \$76.9 million General Fund appropriation.

Staff does not recommend reducing the appropriation at this time. Staff will update the JBC during figure setting. The JBC can make adjustments to the current budget through the Long Bill process.

S2 CO interoperability platform funding

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Request	\$638,349	\$638,349	\$0	\$0	\$0	0.0
Recommendation	0	0	0	0	0	0.0
Staff recommendation higher/-lower than request	-\$638,349	-\$638,349	\$0	\$0	\$0	0.0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **NO**
 [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.]

Explanation: Staff disagrees with the Department's assertion that this request stems from a "clerical error" due to "confusion."

Request

The Department requests an increase of \$638,349 General Fund, which represents a portion of the second year of funding from S.B. 22-196 (Health Needs of Persons in Criminal Justice System). The request aims to help criminal justice agencies share information through the Colorado Trusted Interoperability Platform (CTIP). Specifically, it aims to "offer some support around treatment provision and continuity of care for individuals experiencing incarceration in Colorado's county jails."

There are two parts to the request.

- 1 \$390,191 for Payments to OIT: The Department contends that it is necessary to pay the contract with OIT for support and development of CTIP. Specifically, "for the development of a solution to integrate a jail management system that was not developed through the pilot or grant program, and would serve 6 additional jails, plus maintain operations for a 7th jail when the adopted this new system per their county's plan." The six counties are Adams, Arapahoe, Boulder, Gilpin, Kit Carson, Larimer, and Weld. Arapahoe County is the 7th that has already adopted the system.
- 2 \$248,218 for DCJ Administrative Services: The Department says this "is needed to pay for staff and operating to administer the grants issued to Jails for this project. The amount is needed to continue to pay the staff till the end of the project." Per the fiscal note, the referenced grants were in the amount of \$1.1 million. The Department currently has roll-forward authority to distribute these grant funds through Dec. 31, 2026.

Recommendation

Staff recommends denial of the request because it does not meet supplemental criteria. Staff respectfully disagrees with the Department's assertion that this request stems from a "clerical error" due to "confusion." Rather, the JBC denied the Department's request to roll forward \$1.8 of a \$2.3 million appropriation in FY 2023-24. The Department thinks this request should have been approved. Information supplied by the Department points to other issues driving the request. Namely, they could not spend the entire FY 2023-24 appropriation because of "OIT

service constraints and third-party contract challenges, which simply needed more time to be managed.”

Alternative option

The JBC may consider transferring \$390,191 General Fund from the *Health, Life, and Dental* line item to the *Payments to OIT* line item for that portion of the request. If the JBC also wanted to pay for the requested staff, it could also transfer \$248,218 General Fund from the *Health, Life, and Dental* line item to the *DCJ Administrative Services* line item. Staff does not recommend roll-forward authority.

Analysis

Historical context: Multiple interacting bills and budget requests

Summary: The Public Safety budget currently includes \$50,000 General Fund for ongoing maintenance and support for CTIP. The Department also has roll-forward authority through FY Dec. 31, 2026 for a \$3.4 million General Fund appropriation through S.B. 22-196. This was booked as an appropriation in FY 2022-23. Of the \$3.4 million, about \$70,000 was encumbered in November 2024.

The current request revolves around six interconnected bills from previous legislation sessions and a budget request submitted by the Executive Branch in January 2024. JBC staff’s analysis includes a second budget request submitted the Department during the last budget cycle. The bills and requests are listed below in chronological order.

Previous legislation

- S.B. 22-196 (Health Needs of Persons in Criminal Justice System)
Appropriated \$3.5 million ARPA funds in FY 2022-23, with \$1.8 million of that amount reappropriated to the Office of Information Technology. Set a repeal date of June 30, 2024.
- S.B. 23-214 (Long Bill)
Appropriated the second year of funding for S.B. 22-196. It appropriated \$2.3 million ARPA funds in FY 2023-24, including \$1.7 million for OIT. This is the appropriation at issue in the current request.
- S.B. 23-277 (Public Safety Programs Extended Uses)
Amended statute to provide roll-forward authority for the \$3.5 million appropriation in S.B. 22-196, including the OIT portion. Allowed the Department to spend the FY 2022-23 appropriation through December 31, 2026. It also extended the repeal date from June 30, 2024 to July 1, 2027.
- H.B. 24-1430 (Long Bill)
None of the funding from the FY 2023-24 Long Bill (S.B. 23-214) was included in the FY 2024-25 Long Bill. However, an appropriation of \$50,000 General Fund was included

following the approval of a budget request. This appropriation aims to support CTIP on an ongoing basis.

- H.B. 24-1465 (Program Changes Refinance Coronavirus Recovery Funds)
Amended the appropriations clause in S.B. 22-196 to provide roll-forward authority for most of the \$3.5 million appropriation for FY 2022-23, including the OIT portion. Allowed the Department to spend the FY 2022-23 appropriation through December 31, 2026.
- H.B. 24-1466 (Refinance Federal Coronavirus Recovery Funds)
- Struck most of the statutory roll-forward authority for S.B. 22-196 that was provided through S.B. 23-277. Amended the appropriations clause in S.B. 22-196 to replace \$3.4 million ARPA funds with \$3.4 million General Fund.

Previous budget requests

- FY 2024-25 R14 Ongoing Funding for Senate Bill 22-196
Submitted with the November 1, 2023 annual budget request. Sought \$50,000 General Fund in FY 2024-25 and ongoing to maintain and expand CTIP. The request stated that, “Ongoing funding for personal services is not required, but additional ongoing operational funding will be necessary to provide maintenance and support to the expansion of the...network.” The JBC approved this request.
- Amendment to FY 2023-24 S1 ARPA Stimulus Funding Rollforward Spending Authority
Submitted January 30, 2024. Sought roll-forward spending authority for \$1.9 of the \$2.3 million appropriated in the FY 2023-24 Long Bill (S.B. 23-214). This included funding for both OIT and FTE to manage the program. JBC staff recommended no roll-forward for FY 2023-24 Long Bill appropriations. The JBC approved this recommendation.

Current budget request

Supplemental Criteria

The current request contends,

“During the 2025 legislative session, the second-year funding should have been extended through FY 2025-26 as well as the ARPA funds refinanced with General Fund. A clerical error was made and therefore this did not occur. The Department believes that this request is in the spirit of legislative intent to provide funding for the entire CTIP project.”

JBC staff asked what the clerical error was. The Department responded with,

“The clerical error made was in the confusion over which part of the bill needed roll-forward authority, therefore resulting in the portion that already had roll-forward authority being given the authorization again. Additional confusion was that the amount of the annualization in the Long Bill would be expended by year end, rather than a continuation of the project.”

The Department is correct on one specific point, but not on the larger point. Roll-forward authority for S.B. 22-196’s FY 2022-23 appropriation was indeed provided twice. Once in statute and once in the appropriations clause. The former was largely struck by H.B. 24-1466.

However, JBC staff recommended against roll-forward authority for the second year of S.B. 22-196 funding, which was included in the FY 2023-24 Long Bill. Specifically, staff argued, “There are no other roll-forward requests submitted associated with Long Bill appropriations and the FY 2023-24 annualization was expected to support operating costs that should revert if not expended.” Staff recommended addressing ongoing expenses through the FY 2024-25 figure setting process. The JBC approved a separate request to provide \$50,000 General Fund for ongoing expenses. No additional funding was recommended or approved.

Inability to spend the FY 2023-24 appropriation unrelated to clerical error

In responses to JBC staff questions, the Department stated the current request aims to, “...accomplish CTIP development work that could not be managed in the FY 2023-24 timeline due to OIT service constraints and third-party contract challenges, which simply needed more time to be managed.”

Specifically, the Department spent \$1.3 of the \$1.7 million ARPA appropriation for OIT in FY 2023-24. And they spent \$43,345 of the \$291,563 ARPA appropriation for administrative FTE. The current request represents the General Fund equivalent of unspent appropriations from FY 2023-24 (see table from request below).

SB 22-196 FY 2023-24 Funding	Allocation	Amount Spent	Amount Remaining (Request)
Payments to OIT	\$1,711,109	\$1,320,978	\$390,131
OAJJA Admin	\$291,563	\$43,345	\$248,218
Total	\$2,002,672	\$1,364,323	\$638,349

The request does not say how many FTE are actually at issue here, nor does it say which job classifications they are. One must presume that it is 2.5 FTE, which were removed from the Long Bill in FY 2024-25.

The fact that the Department only spent 14.9% of last year’s appropriation for FTE suggests that they did not hire all those positions. So, it is not clear why they need that funding in the current fiscal year. It is also not clear how an inability to hire administrative staff is remotely related to the alleged “clerical error” purported to be driving the request.

Funding Options

There is a worthwhile policy conversation to be had here. JBC staff does not think it is a bad idea to help state and local criminal justice agencies provide consistent care for people in their custody, which the CTIP system facilitates. However, one could also question the State’s role in funding this type of project on behalf of counties and their jails. Ultimately, the JBC and the

General Assembly need to decide whether this policy is still a priority and whether the amount requested makes sense.

If the JBC wants to fund some or all of this request, there are ways to do so without increasing General Fund appropriations.

The Department underspent its General Fund appropriation for *Health, Life, and Dental* by 22.3% in FY 2022-23 and 16.8% in FY 2023-24. That is about \$2.0 million and \$1.5 million, respectively. In the current fiscal year, the Department appears poised to underspend its appropriation by 15.1%, or \$1.6 million. The JBC may consider transferring money from that line item to the requested line items to fund the request.

S4 Training for sex offender victim reps

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Request	\$25,000	\$0	\$25,000	\$0	\$0	0.0
Recommendation	0	0	0	0	0	0.0
Staff recommendation higher/-lower than request	-\$25,000	\$0	-\$25,000	\$0	\$0	0.0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **NO**
 [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.]

Explanation: The request makes no attempt to explain why it meets supplemental criteria.

Request

The Department requests a one-time increase of \$25,000 General cash funds from the Sex Offender Surcharge Fund. It aims to provide training and technical assistance for new victim representatives. The full cost of the project is \$100,000, with \$75,000 requested for FY 2025-26.

Recommendation

Staff recommends denial of the request because it makes no attempt to explain why it meets supplemental criteria. But staff does not dispute the merits of the request. And the Fund can probably support a one-time expense of up to \$100,000. But the JBC should be aware that court fees and fines declined by 28.0% in FY 2023-24. This contributed to a total revenue decline of 18.4%.

Analysis

The Sex Offender Management Board (SOMB) Standards and Guidelines require all sex offender management teams to have a victim representative. Per the request, "Sex offender management teams consist of private treatment providers, probation or parole officers, and other professionals as appropriate."

The request aims to: (1) increase the number of victim representatives, (2) increase the number of communities served, (3) increase the number of training and training participants, and (4) increase satisfaction with the services provided. It especially aims to address the absence of victim representation services in smaller rural communities. The request notes that a lack of victim representation stems from cuts to federal funding for victim services, a lack of training, and a lack of victim representatives to choose from.

The Department therefore wants to hire a consultant to help with local community strategic planning and recruitment. The training materials developed by the consultant would be used as a resource in future years.

Previously Approved Interim Supplementals

ES1 MCPCI grant program spending authority

Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
JBC action	\$1,123,826	\$0	\$1,123,826	\$0	\$0	0.0

Committee Action

The JBC approved the Department’s request for \$1,123,826 cash funds from the Multidisciplinary Crime Prevention and Crisis Intervention (MCPCI) Grant Fund.

Statewide Common Policy Supplementals

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

Department's Portion of Statewide Supplemental Requests						
Supplemental	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Annual fleet supplemental	\$1,599,223	\$1,763,714	-\$13,365	-\$73,140	\$100	0.0
Risk management	70,892	0	70,892	0	0	0.0
OIT Real time billing	-960,105	-629,415	-313,870	-16,820	0	0.0
Total	\$710,010	\$1,134,299	\$200	\$200	\$200	0.0

The staff recommendation for these requests is pending Committee action on common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee acts on common policy supplementals. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee at a later date to present the relevant analysis.

JBC Staff Supplemental Recommendations - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2024-25 Requested Change	FY 2024-25 Rec'd Change	FY 2024-25 Total w/Rec'd Change
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Department of Public Safety
Stan Hilkey, Executive Director

S1 Community corrections caseload increase

(4) Division of Criminal Justice

(D) Community Corrections

Community Corrections Placements	<u>70,946,860</u>	<u>76,932,660</u>	<u>1,806,256</u>	<u>0</u>	<u>76,932,660</u>
General Fund	<u>70,946,860</u>	<u>76,932,660</u>	<u>1,806,256</u>	<u>0</u>	<u>76,932,660</u>
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S1 Community corrections caseload increase	70,946,860	76,932,660	1,806,256	0	76,932,660
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	70,946,860	76,932,660	1,806,256	0	76,932,660
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2024-25 Requested Change	FY 2024-25 Rec'd Change	FY 2024-25 Total w/Rec'd Change
S2/BA1 CO trusted interoperability platform					
(1) Executive Director's Office					
(A) Administration					
Payments to OIT	<u>19,226,850</u>	<u>19,641,073</u>	<u>390,131</u>	0	<u>19,641,073</u>
General Fund	7,459,804	14,098,552	390,131	0	14,098,552
Cash Funds	5,435,330	1,035,398	0	0	1,035,398
Reappropriated Funds	6,331,716	4,507,123	0	0	4,507,123
Federal Funds	0	0	0	0	0
(4) Division of Criminal Justice					
(A) Administration					
DCJ Administrative Services	<u>6,367,055</u>	<u>7,505,026</u>	<u>248,218</u>	0	<u>7,505,026</u>
FTE	74.9	61.0	0.0	0.0	61.0
General Fund	5,261,168	5,686,045	248,218	0	5,686,045
Cash Funds	626,235	1,129,887	0	0	1,129,887
Reappropriated Funds	479,652	554,432	0	0	554,432
Federal Funds	0	134,662	0	0	134,662
Total for S2/BA1 CO trusted interoperability platform					
	25,593,905	27,146,099	638,349	0	27,146,099
FTE	<u>74.9</u>	<u>61.0</u>	<u>0.0</u>	<u>0.0</u>	<u>61.0</u>
General Fund	12,720,972	19,784,597	638,349	0	19,784,597
Cash Funds	6,061,565	2,165,285	0	0	2,165,285
Reappropriated Funds	6,811,368	5,061,555	0	0	5,061,555
Federal Funds	0	134,662	0	0	134,662

JBC Staff Supplemental Recommendations - FY 2024-25
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	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2024-25 Requested Change	FY 2024-25 Rec'd Change	FY 2024-25 Total w/Rec'd Change
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S4 Training program sex offender victim rep

(4) Division of Criminal Justice

(E) Crime Control and System Improvement

Sex Offender Surcharge Fund Program	<u>260,003</u>	<u>339,578</u>	<u>25,000</u>	0	<u>339,578</u>
FTE	3.4	2.4	0.0	0.0	2.4
General Fund	85,620	86,907	0	0	86,907
Cash Funds	174,383	252,671	25,000	0	252,671
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S4 Training program sex offender victim rep	260,003	339,578	25,000	0	339,578
FTE	<u>3.4</u>	<u>2.4</u>	<u>0.0</u>	<u>0.0</u>	<u>2.4</u>
General Fund	85,620	86,907	0	0	86,907
Cash Funds	174,383	252,671	25,000	0	252,671
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2024-25
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	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2024-25 Requested Change	FY 2024-25 Rec'd Change	FY 2024-25 Total w/Rec'd Change
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ES1 MCPCI grant program spending authority

(4) Division of Criminal Justice

(A) Administration

Appropriation to Multidisciplinary Crime Prevention
and Crisis Intervention Grant Fund

	<u>14,577,388</u>	<u>3,868,229</u>	<u>1,123,826</u>	<u>4,992,055</u>
General Fund	7,500,000	0	0	0
Cash Funds	7,077,388	3,868,229	1,123,826	4,992,055
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

Total for ES1 MCPCI grant program spending authority	14,577,388	3,868,229	1,123,826	4,992,055
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	7,500,000	0	0	0
Cash Funds	7,077,388	3,868,229	1,123,826	4,992,055
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

Totals Excluding Pending Items					
PUBLIC SAFETY					
TOTALS for ALL Departmental line items	729,044,737	729,243,071	2,469,605	1,123,826	730,366,897
<i>FTE</i>	<u>2,311.1</u>	<u>2,374.0</u>	<u>0.0</u>	<u>0.0</u>	<u>2,374.0</u>
General Fund	288,108,410	283,952,143	2,444,605	0	283,952,143
Cash Funds	290,699,486	297,534,785	25,000	1,123,826	298,658,611
Reappropriated Funds	77,492,395	78,228,588	0	0	78,228,588
Federal Funds	72,744,446	69,527,555	0	0	69,527,555