

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2024-25

DEPARTMENT OF PUBLIC SAFETY

Division of Criminal Justice

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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HOW TO USE THIS DOCUMENT

The Division Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Division Overview. More details about the incremental changes are provided in the sections following the Division Overview and the division summary tables.

Decision items, both division-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

In some of the analysis of decision items in this document, you may see language denoting certain 'levels of evidence', e.g. theory-informed, evidence-informed, or proven. For a detailed explanation of what is meant by 'levels of evidence', and how those levels of evidence are categorized, please refer to Section 2-3-210 (2), C.R.S.

DIVISION OVERVIEW

This document covers figure setting for the Division of Criminal Justice ONLY. The Department of Public Safety's 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 DIVISION OF CRIMINAL JUSTICE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
FY 2023-24 Appropriation	\$166,621,421	\$120,814,778	\$4,836,435	\$6,200,345	\$34,769,863	94.7
TOTAL	\$166,621,421	\$120,814,778	\$4,836,435	\$6,200,345	\$34,769,863	94.7
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$166,621,421	\$120,814,778	\$4,836,435	\$6,200,345	\$34,769,863	94.7
R6 Crime victim services funding	3,000,000	3,000,000	0	0	0	0.0
R15 Provider rate common policy	2,250,994	2,109,150	0	141,844	0	0.0
R2 Ongoing transfer for MCPPI grant program (S.B. 22-145)	500,000	500,000	0	0	0	0.0
Prior year salary increase	428,676	289,139	35,852	27,866	75,819	0.0
Indirect cost assessment	156,707	0	22,335	0	134,372	0.0
R9 FTE for DCJ for various purposes	141,949	141,949	0	0	0	1.8
BA3 Increase from Sex Offender Surcharge Fund	62,100	0	62,100	0	0	0.0
R12 Comm corr performance-based contracting	0	0	0	0	0	0.0
R17 Rename DCJ and relocate Office of School Safety	0	0	0	0	0	0.0
Non prioritized requests	(673,832)	0	(673,832)	0	0	0.0
Annualize prior year budget actions	(8,200,380)	(8,200,380)	0	0	0	0.3
Annualize prior year legislation	(17,626,093)	(17,334,530)	0	0	(291,563)	(4.9)
TOTAL	\$146,661,542	\$101,320,106	\$4,282,890	\$6,370,055	\$34,688,491	91.9
INCREASE/(DECREASE)	(\$19,959,879)	(\$19,494,672)	(\$553,545)	\$169,710	(\$81,372)	(2.8)
Percentage Change	(12.0%)	(16.1%)	(11.4%)	2.7%	(0.2%)	(3.0%)
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$15,920,360	\$3,052,237	\$12,604,928	(\$28,368)	\$291,563	21.1

DESCRIPTION OF INCREMENTAL CHANGES

R6 CRIME VICTIM SERVICES FUNDING: Staff recommends approval of the Department's request for a one-time appropriation of \$3.0 million General Fund to the continuously appropriated Colorado Crime Victim Services Fund.

R15 PROVIDER RATE COMMON POLICY: The recommendation includes an increase of \$2,250,994 total funds, including \$2,109,150 General Fund, for the 2.5 percent provider rate common policy increase.

R2 ONGOING TRANSFER FOR MCPCI GRANT PROGRAM (S.B. 22-145) [LEGISLATION RECOMMENDED]: The recommendation includes: (1) a \$500,000 General Fund appropriation in the Long Bill for the Multidisciplinary Crime Prevention and Crisis Intervention (MCPCI) Grant Program, (2) the elimination of the continuously-appropriated MCPCI cash fund, rather than a transfer of General Fund into that cash fund (3) an extension of the program's repeal date to until July 1, 2027, rather than eliminating the repeal date entirely as requested by the Department, and (4) annually appropriating the other two cash funds created by S.B. 22-145.

PRIOR YEAR SALARY INCREASE: The recommendation includes an increase of \$428,676 total funds, including \$289,139 General Fund, to reflect the FY 2024-25 annualization of FY 2023-24 salary increases.

INDIRECT COST ASSESSMENT: The recommendation includes a net increase in the Division's indirect cost assessment.

R9 FTE FOR DCJ FOR VARIOUS PURPOSES: The recommendation includes an increase of \$141,949 General Fund and 1.8 FTE related to the Office of Community Corrections and the recruitment of domestic violence and sex offender providers.

BA3 INCREASE FROM SEX OFFENDER SURCHARGE FUND: Staff recommends approval of the Department's request for an increase of \$62,100 cash fund from the Sex Offender Surcharge Fund

R12 COMMUNITY CORRECTIONS PERFORMANCE-BASED CONTRACTING: Staff recommends denial of the Department's request for a net increase of \$384,210 General Fund for performance-based contracting incentive payments.

R17 RENAME DCJ AND RELOCATE OFFICE OF SCHOOL SAFETY: Staff recommends denial of the request.

NON-PRIORITIZED REQUESTS: The recommendation includes a decrease of \$673,832 cash funds from the Marijuana Tax Cash Fund related to a pending decision item.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The recommendation includes a net decrease of \$8.2 million General Fund to reflect the FY 2024-25 impact of budget actions in prior years

ANNUALIZE PRIOR YEAR BUDGET ACTIONS			
	TOTAL FUNDS	GENERAL FUND	FTE
FY23-24 R16 Research & stats staff	\$15,038	\$15,038	0.2
FY22-23 R12 Comm corr billing system	8,598	8,598	0.0
FY23-24 R21 Comm corr support staff	1,613	1,613	0.1
FY23-24 One-time victim services funding	(8,000,000)	(8,000,000)	0.0
FY23-24 R19 VINE upgrade	(225,629)	(225,629)	0.0
TOTAL	(\$8,200,380)	(\$8,200,380)	0.3

ANNUALIZE PRIOR YEAR LEGISLATION: The recommendation includes a net decrease of \$17,626,093 total funds related to legislation passed in previous legislative session, as shown in the table below.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year legislation	\$294,699	\$294,699	\$0	\$0	\$0	2.7
HB23-1199 Forensic medical evidence	233,259	233,259	0	0	0	2.9
SB23-164 Sunset SOMB	106	106	0	0	0	0.2
SB22-145 Resources comm. Safety	(15,200,000)	(15,200,000)	0	0	0	(2.0)
HB22-1003 Youth delinquency	(2,100,000)	(2,100,000)	0	0	0	(2.0)
SB22-196 Health needs criminal justice	(291,563)	0	0	0	(291,563)	(2.5)
Sunset CO human trafficking council	(225,642)	(225,642)	0	0	0	(1.8)
Sunset CCJJ remove funds	(220,076)	(220,076)	0	0	0	(2.5)
SB23-242 Comm corr financial audit	(100,000)	(100,000)	0	0	0	0.0
HB23-1108 Victim training judicial	(11,900)	(11,900)	0	0	0	0.0
SB23-054 Missing & murdered indigenous	(4,976)	(4,976)	0	0	0	0.1
TOTAL	(\$17,626,093)	(\$17,334,530)	\$0	\$0	(\$291,563)	(4.9)

MAJOR DIFFERENCES FROM THE REQUEST

- **R2 Ongoing Transfer for MCPCI Grant Program:** Staff recommends \$500,000 of the \$7.5 million General Fund requested by the Department. Staff also recommends abolishing the grant program cash fund and appropriating General Fund directly to the DCJ to run the program.
- **R9 FTE for DCJ for Various Purposes:** The Department requests an increase of \$659,636 General Fund and 5.1 FTE in FY 2024-25. Staff recommends an increase of \$141,949 General Fund and 1.8 FTE for the FTE.
- **R12 Community corrections performance-based contracting:** Staff recommends denial of the request.
- **R17 Rename DCJ and Relocate Office of School Safety:** Staff recommends denial of the request.

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS

→ R17 RENAME DCJ AND RELOCATE OFFICE OF SCHOOL SAFETY

REQUEST: The Department requests that the JBC sponsor legislation to rename the Division of Criminal Justice (DCJ) to the Division of Community Partnerships and Programs (DCPP). The Department also wants this legislation to relocate the Office of School Safety from the Executive Director's Office to the newly-named DCPP. **This would be a net-zero reallocation of funding.**

The Department informally revised the request to remove the portion related to relocating the Office of School Safety. In an e-mail sent to JBC staff on February 21, 2024, a representative of the Department said, "...while we believe that relocating the Office of School Safety into this division would be more efficient, we recognize the concerns you and other members have and would like to remove that request from this decision item."

RECOMMENDATION: Staff recommends denial of the request.

ANALYSIS:

This analysis includes information about the proposed name change and the relocation of the Office of School Safety (OSS). Staff included the OSS analysis because: (1) The notification to remove it from the request was informal, and (2) Staff had already done the analysis. However, staff will exclude that portion of the analysis from their verbal presentation unless the Committee wishes to discuss it.

THE DEPARTMENT'S REASONS FOR THE NAME CHANGE

Per the request and the Department's December 2023 hearing with the JBC, the Department wants to change the name of the Division for three reasons.

First, the Department says it wants to ensure that its customers understand there is a clear distinction between the programs within the Department that do not involve law enforcement.¹ The Department notes that DCJ does not have law enforcement or peace officer-certified personnel. During its SMART Act hearing with the Joint Judiciary Committee, the Department stated that there has been confusion among members of the public, the General Assembly, and even local law enforcement agencies about what the DCJ does.

Second, the Department says in the request that DCJ's focused is "increasingly aimed at public safety partnerships and efforts to support small, start-up and community-based organizations that serve neighborhoods with the greatest need." In its hearing with the JBC, the DCJ also said, "many other statutory mandates that have modified the focus, culture, and stakeholder base of the division. With the name change to better reflect what DCJ does, the Department continues to see administrative alignment with the mission and work of the OSS and the mission and the work of the renamed Division of Community Programs and Partnerships."²

¹ Division of Criminal Justice FY 2024-25 Joint Budget Committee Hearing, December 14, 2023: https://leg.colorado.gov/sites/default/files/fy2024-25_pubsafhrg2.pdf (pg. 13)

² Ibid, pg. 14

Third, the Department felt that during the 2023 legislative session, the JBC did not allow the Department to place the Office of School Safety in DCJ due to “concerns about the perception of putting a school safety program in a criminal justice entity.”³

THE DIVISION’S STATUTORY PURPOSE AND DUTIES

The General Assembly declares that the Division of Criminal Justice’s purpose is to (emphasized in bold by JBC staff), “**improve all areas of the administration of criminal justice in Colorado**, both immediately and in the long term, regardless of whether the direct responsibility for action lies at the state level or with the many units of local government. The implementation of this policy is facilitated by the availability of federal funds, but the policy itself is not dependent thereon.”⁴

Statute assigns dozens of duties the Division, some of which are defunct. Staff included the entire statute for the JBC’s awareness but will not discuss each duty in during their verbal presentation. Section 24-33.5-503 says (with certain parts emphasized in **bold** by JBC staff):

(1) The division has the following duties:

(a) In cooperation with other agencies, **to collect and disseminate information concerning crime and criminal justice for the purpose of assisting the general assembly** and of enhancing the quality of criminal justice at all levels of government in this state;

(b) **To analyze this state’s activities in the administration of criminal justice and the nature of the problems confronting it and to make recommendations and to develop comprehensive plans of action for the improvement of criminal justice and for crime and delinquency control** and related matters for consideration and implementation by the appropriate agencies of state and local government. In developing such plans, the division shall draw upon the planning capabilities of other agencies, particularly the judicial department and the department of corrections.

(c) **To advise and assist law enforcement agencies in this state to improve their law enforcement systems and their relationships with other agencies and the statewide system;**

(d) To act as the state planning agency under the federal “Crime Control Act of 1973”, Pub.L. 93-83;

(e) To do all things necessary to apply for, qualify for, accept, and expend any state, federal, or other moneys made available or allotted under said Public Law 93-83 and under any other law or program, including the Colorado community policing program described in part 6 of this article, designed to improve the administration of criminal justice, court systems, law enforcement, prosecution, corrections, probation and parole, juvenile delinquency programs, and related fields;

(f) **To administer a statistical analysis center for the purpose of collecting and analyzing statewide criminal justice statistics;**

(g) To establish and maintain a jail health-care project to assist detention facilities in acquiring accreditation from the American medical association, provide technical assistance to jails relating to the development, upgrading, and evaluation of inmate health-care delivery systems, act as an educational clearinghouse for information related to jail health care, assist in the development of specialized training programs for detention personnel, provide technical assistance in the planning and construction of new jail facilities relating to inmate health-care delivery systems, and implement cooperation between community and state agencies to improve detention health care;

(h) Repealed.

³ Ibid, pg. 13

⁴ Section 24-33.5-501. Legislative declaration.

- (i) To promulgate rules and regulations which set minimum standards for temporary holding facilities as defined in section 19-1-103;
- (j) To carry out the [Home Detention Program] specified in article 27.8 of title 17, C.R.S.;
- (k) To carry out [substance abuse assessment] duties prescribed in article 11.5 of title 16, C.R.S.;
- (l) To carry out the duties [of a standardized treatment program for sex offenders and the Sex Offender Management Board] prescribed in article 11.7 of title 16, C.R.S.;
- (m) To provide information to the director of research of the legislative council concerning population projections, research data, and other information relating to the projected long-range needs of correctional facilities and juvenile detention facilities and any other related data requested by the director;
- (n) To carry out the [crime stopper reward reimbursement fund] duties prescribed in section 16-11-101.7 (3), C.R.S.;
- (o) To develop, in consultation with the sex offender management board and the judicial branch by January 1, 1999, the risk assessment screening instrument that will be provided to the sentencing courts to determine the likelihood that a sex offender would commit one or more of the offenses specified in section 18-3-414.5 (1)(a)(II), C.R.S., under the circumstances described in section 18-3-414.5 (1)(a)(III), C.R.S.;
- (p) To implement, in consultation with the judicial branch, by July 1, 1999, the risk assessment screening instrument developed pursuant to paragraph (o) of this subsection (1);
- (q) To review existing policies relating to the issuance and use of no-knock search warrants pursuant to part 3 of article 3 of title 16, C.R.S.;
- (r) To inspect secure juvenile facilities and collect data on juveniles that are held in secure juvenile facilities, jails, and lockups throughout the state;
- (r.5) To administer the juvenile diversion program created and authorized in section 19-2.5-402, including the allocation of money for the program;
- (s) Repealed.
- (t) To analyze the data from the state board of parole provided to the division pursuant to section 17-22.5-404 (6), C.R.S., and to provide training to the board, pursuant to section 17-22.5-404 (6), C.R.S., regarding how to use the data obtained and analyzed to facilitate the board's decision making;
- (u) Repealed.
- (v) Notwithstanding section 24-1-136 (11)(a)(I), to provide to the judiciary committees of the senate and the house of representatives, or any successor committees, a status report on the effect on parole outcomes and use of any money allocated pursuant to House Bill 10-1360, enacted in 2010;
- (w) To develop the administrative release guideline instrument for use by the state board of parole as described in section 17-22.5-107 (1), C.R.S.;
- (x) To develop the Colorado risk assessment scale as described in section 17-22.5-404 (2)(a), C.R.S.;
- (y) To develop, in cooperation with the department of corrections and the state board of parole, a parole board action form;
- (z) To provide training on the Colorado risk assessment scale and the administrative release guideline instrument as required by section 17-22.5-404 (2)(c);
- (aa) To receive the information reported to the division by law enforcement agencies pursuant to section 22-32-146, C.R.S., and by district attorneys pursuant to section 20-1-113, C.R.S., and provide the information, as submitted to the division, to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this paragraph (aa), the

division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information.

(bb) To develop the certificate of compliance required by section 16-4-102 (2)(j)(III) that includes specific certifications for:

- (I) Posting the notices required by section 16-4-102 (2)(h)(I)(A) and (2)(i) for inmates and the public to see;
- (II) Creation and provision of the notice required by section 16-4-102 (2)(h);
- (III) Creation and training on the written policies required by section 16-4-102 (2)(j)(I); and
- (IV) Timely updates required by section 16-4-102 (2)(j)(II); and

(cc) Maintain a publicly accessible database of the certificates of compliance, policies, and notices filed by a sheriff pursuant to section 16-4-102 (2)(j)(III).

(dd)

(I) In consultation with the advisory committees created for the grant programs in Senate Bill 22-001, enacted in 2022, and Senate Bill 22-145, enacted in 2022, referred to in this subsection (1)(dd) as the “grant programs”:

- (A) To develop appropriate evaluation metrics for considering grant applications and reporting requirements for grant recipients;
- (B) To receive and analyze the data on each grant program; and
- (C) To identify best practices from each grant program; and

(II) On or before November 15, 2026, to submit a written report to the judiciary committees of the senate and house of representatives, or any successor committees, and to the joint budget committee of the general assembly concerning the effectiveness of programs funded through the grant programs and recommendations for continued funding for any such programs.

(2)

(a)

(I) On or before April 1, 2016, and every April 1 thereafter, the division has the duty to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summonses, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those tickets, summonses, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender, ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data, and provide a reasonable degree of training if necessary.

(II) Notwithstanding section 24-1-136 (11)(a)(I), the division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this subsection (2)(a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information. If the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division may provide the aggregate data gathered by a law enforcement agency to any independent research or community-based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile

and criminal justice systems. The data provided must not include any information that would identify any individual student.

(III) The division shall annually post the report on its website.

(b) The division has the duty to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

(c) The division is only required to perform the duties of this subsection (2) if existing appropriations or resources are available.

The Division also manages nearly two dozen grant programs, not all of which are currently open for funding. Examples include:

- Crime victim services funds
- Justice Assistance Grant
- Juvenile Diversion Program
- Law Enforcement Assistance Grant Program
- Body Worn Cameras for Law Enforcement Grant Program
- Crime Prevention through Safer Streets Grant Program
- Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Program.

JBC Staff Observations: The Name of the Division

The names of things—whether they be bill names, budget request names, program names, or agency names—reflect policy preferences and/or purposes and/or objectives, whether they be enshrined in statute or not. Thus a decision to rename the Division of Criminal Justice (or not) a policy judgement that is beyond JBC staff's purview. However, staff offers the following two observations that were a factor in the recommendation to deny the request.

1) It might be more economical and less confusing to rebrand as the Division of Criminal Justice Services. The Division's statutory purpose and duties are clearly linked to criminal justice. Staff consequently thinks the phrase "criminal justice" should remain in the Division's name given DCJ's criminal justice-focused mission. It is possible that renaming it the "Office of Community Partnerships and Programs" may create a different kind of confusion about the kinds of partnerships and programs the Division administers. In other words, staff thinks the proposed name is vague and ambiguous and does not necessarily solve for the alleged confusion about what the Division does.

However, the Department has stated that stakeholders may be (or are) confused about what the Division does. Staff thinks it would be both more economical and more accurate to add "Services" to the end of the Division's current name. Staff think it would be more economical because it is close enough to the current name that legislation would not be necessary. For example, the Department of Personnel's official statutory name is "Department of Personnel," but it calls itself the "Department of Personnel and Administration."

Staff modeled this suggestion on Virginia's Department of Criminal Justice Services (DCJS). The Virginia DCJS' mission is to "...provide leadership to improve the criminal justice system in Virginia's communities through effective training, partnerships, research, regulation, and support."⁵ This is very similar to the Colorado DCJ's statutory mission "...improve all areas of the administration of criminal

⁵ <https://www.dcjs.virginia.gov/about-dcjs>

justice in Colorado, both immediately and in the long term, regardless of whether the direct responsibility for action lies at the state level or with the many units of local government.”⁶

JBC staff sought the Department’s feedback on this idea. In short, the Department does not want the phrase “criminal justice” in the name at all. A representative from the Department wrote,

“We are really hoping to draw a clear line of distinction between the community programs and the partnerships that DCJ currently has and the false perception of it being a law enforcement agency. I looked at the DCJS in Virginia for reference, but they have law enforcement training, certifications, accreditation and other law enforcement services that our DCJ does not.

Furthermore, both the governor and the general assembly continue to prioritize investments in crime prevention, and this Division is well positioned to manage those efforts. Consider the multidisciplinary grants for example, they have been very successful and the general assembly may well look at these and other types of programs as impactful ways to interrupt criminal behavior. A division name that reflects services unrelated to criminal justice will help support the success of these investments.”

Staff concludes that the proposed name change largely reflects the Executive Branch’s policy preference and portends a larger shift in the Division’s overall mission. JBC staff does not know what is driving the desire to do this; members of the Committee must make their own inferences and draw their own conclusions.

2) The General Assembly may consider narrowing the DCJ’s scope, or at least try to avoid further expansion of its duties. JBC staff agrees that in the 40 years of the DCJ’s statutory existence, the General Assembly has asked the DCJ to do many different things. Statute list over two dozen (perhaps more) duties for the DCJ and requires the DCJ to administer many different grant programs, boards & commissions, etc.

Staff does not think that it is necessary to change the Division’s to reflect an expanding list of statutory mandates, but it may be prudent for the General Assembly to rethink exactly what it wants from the Division of Criminal Justice (or whatever it is named) and whether the Division is the proper place to house future programs. It may also be prudent to consider whether the DCJ is the proper place for existing programs, boards, the Office of Community Corrections, etc. For example, should the General Assembly create a new division that consolidates all existing grant programs across the entire Department? Would something like this help DCJ focus on criminal justice research, criminal justice boards and commissions, and promulgating criminal justice-related rules and standards?

THE DEPARTMENT’S REASONS FOR RELOCATING THE OFFICE OF SCHOOL SAFETY (OSS)

Per the request, “The relocation of the Office of School Safety into a renamed division aligns with the focus on community partnerships, since the OSS is a training, technical assistance, and grant making office, much like the current components of DCJ. As such, we envision there being efficiencies and economies of scale in these areas, and particularly grant making. We also envision there being the opportunity for all of the grant making offices to work together to reduce barriers to grant applicants in order to reach the widest pool of applicants possible.”

⁶ Section 24-33.5-501, C.R.S. Legislative Declaration.

The JBC asked the Department a question about the preceding statement during the December 2023 staff budget briefing. The JBC asked, “Please provide very specific detail about the efficiencies and economies of scale that the Department expects to receive as a result of this initiative. If the Department would achieve increased efficiencies and economies of scale, how will those materialize? Will those improvements allow for a reduction in funding and staff?” The Division responded with,

“The primary economies of scale would be achieved in the areas of grant making and monitoring, and public education and outreach. The OSS is responsible for distributing four grants, and is also charged with assisting local schools in applying for grants, where feasible. Several DCJ offices also contain grant making functions, such as the Office of Adult and Juvenile Justice Assistance and the Office of Victims Programs. DCJ has staff who are experienced in writing grant contracts, which will support the OSS in distributing the grant funds. The Department has experienced difficulty in hiring grants managers in recent years, and having these programs co-located in the same division could facilitate redundancy and back up in this area to overcome any staffing fluctuations. The OSS also conducts outreach and education to schools and the public, and frequently publicizes its workshops. This work overlaps with the public outreach and education that DCJ currently performs through its public information officer.”⁷

JBC Staff Observations: Relocating the Office of School Safety

Staff offers the following two observations.

1) JBC staff concludes that it is not necessary to relocate the Office of School Safety in either statute or the Long Bill for the DCJ and the OSS to work together. The DCJ and OSS are housed in the same physical location: 700 Kipling Street, Suite 1000 Denver, Colorado 80215. In JBC staff’s view, this request suggests that an administrative legal exercise is a prerequisite for people operating out of the same building to collaborate with one another. This administrative exercise includes a reorganization of the Long Bill and the JBC’s sponsorship of a separate bill to change the DCJ’s name in 140 different places in statute and then move the OSS from Part 27 of Article 33.5 to Part 5 of Article 33.5. It is JBC staff’s understanding that other departments are able to work across divisions and Long Bill structures, which suggests that it is possible for the Department of Public Safety in this context.

2) Why consolidate grant functions in the OSS in the first place, much less consolidate grant functions first into the OSS and then into the DCJ?” The Department’s hearing statement about the “difficulty in hiring grants managers in recent years” raises questions about why the Department ever proposed to consolidate tens of millions of dollars of school safety grants into a new Grants Management Unit (GMU) in the new Office of School Safety and request over \$100,000 General Fund for a new Grants Manager for that new GMU.

In the FY 2023-24 budget request to create the OSS, the Department said, “The proposed Grants Management Unit could work to find additional funding for school safety, assist smaller districts and schools in applying for funds, and administer the distribution and management of those funds.”

The JBC asked two questions about this new GMU during the FY 2023-24 briefing and hearing process. First, the JBC asked, “Why is the Department proposing to move school safety programs out

⁷ Division of Criminal Justice FY 2024-25 Joint Budget Committee Hearing, December 14, 2023: https://leg.colorado.gov/sites/default/files/fy2024-25_pubsafhrg2.pdf (pg. 14)

of the Division of Homeland Security and Emergency Management?” The Department responded with (part in **bold** emphasized by JBC staff),

“The grant programs were initially created in DHSEM because the [Colorado School Safety Resource Center] is a training and technical assistance program and does not have the staff or structure to manage grants. DHSEM had an existing grant making program that the school safety grant programs were added to when they were created. The Department is proposing to consolidate and supplement school safety support functions that are currently divided between two divisions into a new Office of School Safety. The request would relocate school safety-related grant programs that are housed in DHSEM into the new office along with the existing CSSRC program. **By consolidating these grant programs and the training and technical assistance functions under one umbrella office, the Department hopes to better serve school districts with a one-stop shop.**”⁸

The JBC also asked, “The Department is requesting funding to create a Grants Management Unit. What grants would the unit be assisting local districts with (state, federal, or otherwise)? Is there a way to structure the Department’s existing grants so that additional support is not necessary?” The Department responded with (part in **bold** emphasized by JBC staff),

“The Grants Management Unit in the new Office of School Safety would consist of 1.0 FTE to manage the grants that are being transferred from DHSEM, as well as help school districts identify and seek new state, federal, or any other grants for school safety purposes. **Under the [then] current structure, DHSEM has the capacity and authority to distribute the grants but does not have the resources to provide additional grant seeking or writing assistance, which would particularly help rural and small school districts.** If approved, the new Grants Management Unit would also administer the additional funds requested for grants to schools for physical security enhancements, such as interior and exterior door locks.”⁹

Now the Department has implied, in JBC staff’s view, that the OSS lacks experience with writing grant contracts and that the Department has, in recent years, struggled to hire grants managers. Thus the Department wants to locate the OSS in the DCJ/DCPP to “force multiply and provide redundancy and backup support in the future” to “to overcome any staffing fluctuations.” The exact mechanism by which “efficiencies,” “economies of scale,” or “force multiplying” would be manifested in this model is not clear to JBC staff. This, among other things, was a factor in staff’s recommendation to deny the request. Staff also recently became aware that the OSS has hired two grants specialists, which at the very least suggests the OSS is capable of managing grants.

⁸ Division of Criminal Justice FY 2023-24 Joint Budget Committee Hearing, December 2, 2022: https://leg.colorado.gov/sites/default/files/fy2023-24_pubsafhrg1.pdf (pg. 5)

⁹ Ibid.

(A) ADMINISTRATION

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

ADMINISTRATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$23,785,171	\$20,344,268	\$2,162,865	\$526,566	\$751,472	60.4
TOTAL	\$23,785,171	\$20,344,268	\$2,162,865	\$526,566	\$751,472	60.4
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$23,785,171	\$20,344,268	\$2,162,865	\$526,566	\$751,472	60.4
R2 Ongoing transfer for MCPCI grant program (S.B. 22-145)	500,000	500,000	0	0	0	0.0
Prior year salary increase	323,839	267,421	28,552	27,866	0	0.0
Indirect cost assessment	156,707	0	22,335	0	134,372	0.0
R9 FTE for DCJ for various purposes	141,949	141,949	0	0	0	1.8
Annualize prior year budget actions	25,249	25,249	0	0	0	0.3
Annualize prior year legislation	(15,526,199)	(15,234,636)	0	0	(291,563)	(3.1)
Non prioritized requests	(673,832)	0	(673,832)	0	0	0.0
TOTAL	\$8,732,884	\$6,044,251	\$1,539,920	\$554,432	\$594,281	59.4
INCREASE/(DECREASE)	(\$15,052,287)	(\$14,300,017)	(\$622,945)	\$27,866	(\$157,191)	(1.0)
Percentage Change	(63.3%)	(70.3%)	(28.8%)	5.3%	(20.9%)	(4)
FY 2024-25 EXECUTIVE REQUEST	\$16,127,076	\$5,938,443	\$8,748,357	\$554,432	\$885,844	62.7
Request Above/(Below) Recommendation	\$7,394,192	(\$105,808)	\$7,208,437	\$0	\$291,563	3.3

DECISION ITEMS - ADMINISTRATION

The following decision items are described in this section:

- R2 Ongoing Transfers for MCPCI Grant Program (S.B. 22-145)
- R9 FTE for DCJ for Various Purposes

→ R2 ONGOING TRANSFER FOR MCPCI GRANT PROGRAM (S.B. 22-145) [LEGISLATION RECOMMENDED]

REQUEST: The Department requests that the JBC sponsor legislation to transfer \$7.5 million General Fund to the continuously appropriated Multidisciplinary Crime Prevention and Crisis Intervention (MCPCI) Grant Fund in FY 2024-25 and every fiscal year thereafter with the aim of “reducing crime, especially violent crime.” Statute currently repeals the grant program on January 1, 2025, so the Department also requests the elimination of this repeal date.

The MCPCI Grant Program is one of three grant programs created through S.B. 22-145 (Resources to Increase Community Safety). Each program has its own continuously appropriated cash fund. A total of \$30.0 million General Fund has been appropriated to these three cash funds, with \$15.0 million going to the MCPCI Grant Program Fund.

PREVIOUS GENERAL FUND APPROPRIATIONS FOR S.B. 22-145 PROGRAMS			
PROGRAM	FY 22-23	FY 23-24*	TOTAL
Multidisciplinary Crime Prevention and Crisis Intervention Grant Program	\$7,500,000	\$7,500,000	\$15,000,000
Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Program	3,750,000	3,750,000	\$7,500,000
State’s Mission For Assistance In Recruiting & Training (SMART) Grant Program	3,750,000	3,750,000	\$7,500,000
Total	\$15,000,000	\$15,000,000	\$30,000,000

*Appropriations included in FY 2023-24 Long Bill

The following table, taken from the request, shows the outputs and outcomes that the Department would measure to assess the effect of funding for this program.

Program Objective	For the multidisciplinary crime prevention and crisis intervention grant program, the objective is to reduce the number of persons who are referred to the justice system.
Outputs being measured	Outputs will be dependent upon the specific program/intervention implemented.
Outcomes being measured	The grantee will be required to submit financial and programmatic reports describing how the grant funds were utilized, including data and other relevant information on performance metrics.
Type and Result of Evaluation	The program has yet to be evaluated. The grant funded programs just completed their first quarter of their projects and it does not provide an adequate amount of data to complete an evaluation. The current evaluation plan for funded programs will include data collection and summary statistics.
	The program has not yet been evaluated as a whole. Individual programs have submitted quarterly reports on their individualized goals and outcomes.
S.B. 21-284 Evidence Category and Evidence Continuum Level	<p>Step 3</p> <p>Theory-informed</p> <p>The funded programs will need to demonstrate standards of promising or proven practices and theory informed strategies.</p>

RECOMMENDATION-PART 1: Staff recommends an appropriation of \$500,000 General Fund for the MCPCI grant program in the FY 2024-25 Long Bill. This appropriation would continue in FY 2025-26 and FY 2026-27.

RECOMMENDATION-PART 2 [LEGISLATION RECOMMENDED]: Staff recommends abolishing the MCPCI Grant Fund and instead appropriating General Fund directly to DCJ. Staff further recommends extending the repeal date until July 1, 2027, rather than eliminating the repeal date entirely. This date is consistent with the current statutory repeal date for the other two grant programs established by S.B. 22-145.

RECOMMENDATION-PART 3 [LEGISLATION RECOMMENDED]: Staff recommends amending statute to require annual appropriations from the other two cash funds created by S.B. 22-145.

Staff based these recommendations on five considerations.

- 1 **Staff concludes that the request for \$7.5 million General Fund on an annual basis is not justified.** Staff analyzed successful grant applications and found that: (1) this grant program appears to duplicate efforts elsewhere in the State’s budget, (2) a significant percentage of awarded funds are for personnel, including administrative personnel and, in some instances, executive directors and other high-level leadership, (3) a similarly significant percentage of funding is for consultants and related contracts, (4) only about one-quarter of awarded funding is for grantees that listed at least one measureable goal or objective related to crime prevention or reduction, (5) some of the objectives listed by awardees are, in staff’s view, not directly connected to the program’s purpose.

Staff concludes that full approval of the request is not justified and that the State should not attempt to fund specific MCPCI programs in perpetuity. However, the Committee may consider providing a smaller appropriation of \$500,000 that aims to provide seed funding for local actors looking to prove (or disprove) the effectiveness of a particular concept. Local jurisdictions or actors can then choose to fund these concepts on an ongoing basis if they think they are beneficial for their community.

- 2 **Staff concludes that an ongoing statutory transfer not advisable.** The Department is asking for an ongoing statutory transfer of \$7.5 million General Fund to the continuously appropriated MCPCI cash fund. Staff instead recommends abolishing the MCPCI cash fund and providing a direct appropriation of \$500,000 General Fund. The amount of \$500,000 is a starting point that is not tied to anything specific; the JBC may select a higher or lower amount of funding.

Staff cautions against an ongoing statutory transfer because it moves the MCPCI Grant Program entirely off budget with minimal oversight and no 15.0 percent reserve requirement due to the transfer mechanism. If the Executive Branch wants this program to be permanent, it is advisable to include money in reserve. Furthermore, JBC staff is not confident in the Executive Branch’s ability to provide timely, comprehensible, and accurate information about cash funds, but especially continuously appropriated cash funds. Staff provides additional details on page 24-27.

Lastly, the Department told the Joint Judiciary Committee in its SMART Act hearing that this request is “all from Cash Funds.”¹⁰ **This statement misrepresents the fact that the Department is asking for \$7.5 million General Fund for this program on an annual basis, off-budget, in perpetuity through the requested statutory transfer mechanism.** This kind of misrepresentation further reduces JBC staff’s confidence in the Executive Branch’s ability to accurately communicate information about this type of funding mechanism.

CDPS FY 2023-24 Budget Requests

- R-01 Colorado Auto Theft Prevention Initiative
 - \$12.5M total funds, \$11.1M from the General Fund, \$1.4M from Cash Funds. Includes 10.1 FTE.
- R-02 Invest in Local Crime Prevention Strategies
 - \$7.5M total funds, all from Cash Funds.
- R-03 Forensic Resources to Reduce Auto Theft
 - \$1.9M total funds, all from the General Fund. Includes 10.1 FTE.
- R-04 Executive Director’s Office Right-sizing
 - \$2.9M total funds, \$781,806 from the General Fund, \$2,147,229 from RF. Includes 23.0 FTE.
- R-05 Colorado Team Awareness Kit Statewide Rollout
 - \$1.3M total funds, all from the General Fund. Includes 5.5 FTE



Source: Department of Public Safety SMART Act hearing presentation, January 10, 2024.

- 3 **Staff concludes that the MCPCI cash fund is no longer necessary.** Senate Bill 22-145 created the MCPCI grant program and its companion cash fund. The bill required appropriations to the cash fund for two consecutive fiscal years (FY 2022-23 and FY 2023-24) and set a January 1, 2025 repeal date for both the program and the cash fund.

Creating a continuously appropriated cash fund on a short-term basis allows the Department to spend a pre-determined amount of money on an as-needed basis for a pre-determined amount of time without seeking further appropriation. A cash fund might make sense in this situation. However, the Executive Branch now wants this program to be permanent. In staff’s view, a permanent program supported by the General Fund, without any other revenue source, does not need a cash fund. Staff therefore recommends abolishing the cash fund. Statute currently allows the Division to make grant payments for this program from direct General Fund appropriations to the Division, further indicating that a cash fund is not necessary to run the program.¹¹

- 4 **Staff thinks the MCPCI grant program repeal date should be consistent with the other two grant programs created by S.B. 22-145.** The Department will report on the effectiveness and recommended funding levels for this grant program—and the others established by S.B. 22-

¹⁰ https://leg.colorado.gov/sites/default/files/images/final_cdps_2024_smart_act.pdf page 5

¹¹ Section 24-33.5-527 (1)(b), C.R.S. “Subject to available appropriations, the division shall make grant payments from money appropriated to the division from the general fund for the program. The division shall work to ensure eligible communities are informed of the existence of the grant program.”

145—no later than November 2026. Based on last year’s request, the Executive Branch determined that this was an effective grant program a few weeks after the first application period closed and that funding should continue at previous levels regardless of the availability and quality of evidence to support that conclusion. Thus JBC staff expects that a November 2026 report will support this conclusion. Keeping a repeal date in statute would require General Assembly to reconsider the merits of the program at a later date.

- 5 **Staff does not think continuous spending authority is necessary for any of the grant programs and the related cash funds created by S.B. 22-145.** The Department may assert that they need continuous spending authority because expenditures for grant reimbursements are unpredictable, in part because grant projects may span multiple fiscal years. Staff thinks these concerns can be addressed by adding one extra year of roll-forward spending authority, though staff is not recommending this. JBC staff knows that this is a viable option because the Department of Natural Resources administers many annually appropriated grant programs in this fashion.

JBC staff thinks one year of roll-forward authority should be sufficient because the request says it usually takes about “two years for quality implementation [of projects].” Annually appropriated funding for these grant programs requires the Department to show the program’s actual expenditures in documents that accompany the annual November 1 budget package and allows the General Assembly to adjust appropriations on an annual basis.

Staff’s recommendation aims to provide the JBC and the General Assembly with greater visibility and control over the budget for the MCPCI Grant Program, and the other grant programs established by S.B. 22-145, while also providing a modest amount of funding for the program.

ANALYSIS:

This request is very similar to a request from last year (FY 2023-24 R5 Invest in Local Crime Prevention Strategies). This analysis occasionally references that request, which sought a one-time, \$9.0 million General Fund appropriation in FY 2023-24 to two of the three cash funds created in S.B. 22-145 (Resources to Increase Community Safety):

- \$4.5 million to the Law Enforcement Workforce Recruitment, Retention and Tuition Grant Fund; and
- \$4.5 million to the Multidisciplinary Crime Prevention & Crisis Intervention Grant Fund.

BACKGROUND ON THE MCPCI GRANT PROGRAM

This program aims to support community-based, multidisciplinary approaches to crime prevention and crisis intervention strategies, specifically in areas where crime is disproportionately high.

ELIGIBLE APPLICANTS AND USES OF FUNDS

Community-based organizations and non-profit agencies, local law enforcement agencies, federally recognized tribes within Colorado, local health and human services agencies, and third-party membership organizations may apply for grants. Grantees may use funds for the following purposes:

- Violence interruption programs;
- Early intervention teams;
- Primary and secondary violence prevention programs;
- Restorative justice services;

- Co-responder programs;
- Other research-informed crime, crisis, and recidivism reduction programs; and
- Support-team-assisted response programs.

ACCOUNTABILITY

Statute requires that each grant recipient provide a financial and narrative report to DCJ. This quarterly report must describe how funds were utilized, including information related to performance metrics.¹² The Department is responsible for determining which metrics grant recipients must provide. The Department's hearing responses say that reporting includes: (1) the project's status and barriers to implementation, (2) project activities, (3) demographics, numbers served, and any other required performance metric, and (4) progress on the project goals and outcomes.¹³

REQUEST JUSTIFICATION

The current request argues that more funding is needed to due to high demand for MCPCI grant funds, saying, "Based on the number of law enforcement agencies, local governments, and community-based organization applying for funding from this grant program, it is clear that more resources are needed." This is almost identical to the language in last year's request, which said, "Based on the number of law enforcement agencies, local governments, and community-based organizations applying for funding from two programs, it is clear more resources are needed." Per the Department, it received 90 applications for a total amount of \$32.3 million and awarded about \$14.0 million.

The current request also asserts that additional funding "will allow for currently funded programs to continue their work, if successful, and for new programs to start with the continued support from [DCJ]." Currently funded programs include, but are not limited to: re-entry, homelessness, co-responder programs, youth prevention and mentoring programs, conflict resolution skills training, multidisciplinary youth violence interventions, tutoring, gang intervention, Police Athletic Leagues, Community Violence Interrupter Programs, Restorative Justice, Wrap-around Services, Positive Youth Development, LGBTQIA2+ services, addiction services, and victim services."

The impact of existing funding is not yet known. The request says that funded programs are still relatively new and that "...there has not yet been a formal evaluation of the impacts of the community-focused interventions. Additional time is needed for participants to engage in the service before we can determine any changes in behaviors."

JBC STAFF ANALYSIS: MCPCI DATA POINTS FOR THE COMMITTEE TO CONSIDER

This subsection discusses: (1) how MCPCI grant funding appears to duplicate other programs, (2) funding awarded for personnel and consultant/contract costs, and (3) some of the objectives listed by successful grant applicants.

DUPLICATION OF OTHER PROGRAMS

The request asserts, "Sustained funding for the [MCPCI] Grants Program establishes a consistent, structured, and uniform approach for the state." JBC staff disagrees. Staff concludes that many MCPCI grant projects duplicate, or very similar to, programs found elsewhere in the State's budget.

¹² Section 24-33.5-527 (5), C.R.S.

¹³ Division of Criminal Justice FY 2024-25 Joint Budget Committee Hearing, December 14, 2023: https://leg.colorado.gov/sites/default/files/fy2024-25_pubsafhrg2.pdf (pg. 8)

Youth-focused services in the Departments of Human Services and Public Safety

The MCPCI program has awarded about \$5.3 million for projects focused on youth/juvenile/young adult issues, which represents about 37.4 percent of all awarded funds. The table below shows these projects.

MCPCI GRANT PROJECTS FOCUSED ON YOUTH/JUVENILES/YOUNG ADULTS			
GRANTEE/ORGANIZATION	PROJECT TITLE	AMOUNT REQUESTED	AMOUNT AWARDED
Denver Police Department	DPD Youth Crime Prevention and Crisis Intervention Program	\$1,105,339	\$1,045,813
Joint Initiatives for Youth and Families	JI Pathways Juvenile Assessment Center	878,149	658,612
Denver Youth Program	Denver Youth Program	833,026	440,234
Mission Possible	Mission: Program Enhancement and Increase Service Capacity	374,517	336,212
Rio Grande County Public Health Department	PROSPER San Luis Valley: Partnership Strengthening Juvenile Delinquency Prevention	261,920	255,148
Apprentice of Peace Youth Organization Trailhead Institute	AOPYO Mentoring Program	250,000	252,740
Educating Children of Color, Inc.	A multi-disciplinary approach to achieve educational equity, empower youth, and dismantle the cradle-to-prison pipeline	250,595	225,075
Collaborative Healing Initiative Within Communities (CHIC)	Re-Enter, Re-Build, Re-Start (R3)	198,438	211,173
Fully Liberated youth	Crime Prevention through School-Based Intervention Services to High-Risk Young People	300,000	200,000
Pagosa Community Initiative	Family and Therapeutic Services	360,341	180,170
Inside Out Youth Services	ALLY Up for LGBTQIA2+ Violence Prevention	332,937	166,469
Riverside Educational Center	Crime Prevention via Prosocial Youth Programming: Removing Transportation Barriers	275,000	165,000
Relevant Word Ministries	SEATO Girls Mentoring Program	156,595	156,595
Sexual Assault Victim Advocate Center	Sexual Assault Prevention Programming	287,918	143,758
Youth Transformation Center	Restorative Justice and Boomerang	231,280	115,640
Alamosa County Sheriff's Office	Multidisciplinary Crime Prevention and Crisis Intervention - San Luis Valley Justice League Advocate Program	111,581	110,649
Colorado Springs Police Athletic Activity League	Colorado Springs Police Athletic Activity League Violence Prevention	105,000	105,000
Longmont Community Justice Partnership	LCJP Youth Pre-File Program	132,959	102,138
Denver Healing Generations	Denver Healing Generations Network	100,000	100,000
Kingdom Builders Family Life Center	Improving Delivery of Violence Prevention/Intervention Programs	96,700	96,700
Project PAVE Inc.	Youth Violence Prevention Education & Healing Circles	87,109	87,109
RiseUp Community School	Proactive Restorative Programming	50,000	50,000
Hilltop Community Resources, Inc.	Hilltop's Montrose Youth Crime Prevention Project	113,976	25,000
City of Fort Morgan, Police Department	Fort Morgan Police Department New Horizons youth and community outreach program	7,200	7,192
Subtotal youth-focused awards		\$6,900,580	\$5,236,427
Total MCPCI Awards		\$19,369,399	\$13,988,781

JBC staff identified approximately \$40.1 million total funds across the Department of Human Services and the Department of Public Safety aimed at similar youth-focused services. The following list should not be viewed as an exhaustive total across all state agencies, nor should each line item be viewed as a perfect “apples-to-apples” comparison to individual MCPCI grant projects. Rather, the aim is to show the range of services that collectively appear to duplicate services provided by many MCPCI grant projects.

FUNDING FOR YOUTH-FOCUSED SERVICES THROUGH OTHER STATE AGENCIES AND PROGRAMS**DEPARTMENT OF HUMAN SERVICES-DIVISION OF YOUTH SERVICES (DYS)**

LINE ITEM	DESCRIPTION	FY24 TOTAL FUNDING	FY25 TOTAL REQUEST
Tony Grampas Youth Services Program	The Tony Grampas Youth Services (TGYS) Program provides state funding for community-based programs that target youth and their families for intervention services designed to reduce the occurrence of youth crime and violence. It also promotes prevention and education programs that are designed to reduce the occurrence and reoccurrence of child abuse and neglect and reduce the need for state intervention in child abuse and neglect prevention and education. The program funds a wide range of community programs for children and youth, including those focusing on youth mentoring, restorative justice, before-and after-school programs, school dropout prevention, violence prevention services, and youth marijuana use and abuse prevention and intervention programs.	\$12,592,536	\$16,248,192
Interagency Prevention Programs Coordination	The interagency prevention systems coordination oversees the development and implementation of the Colorado Statewide Youth Development Plan and addresses the coordination of youth development programs across multiple state and local agencies. The goal of the plan is to quantify existing and needed services for youth ages 9-21 and to align existing limited resources to help promote positive youth development. The program receives General Fund to support personnel costs and other costs associated with implementation of the plan and coordinating with stakeholders	147,386	153,164
Appropriation to the Youth Mentoring Services Cash Fund	This line item was created to reflect the General Fund appropriation to the Youth Services Mentoring Cash Fund. This appropriation was made for the purpose of reappropriating funds to the Tony Grampas Youth Services Program, specifically to be used for youth mentoring grants.	500,000	500,000
Subtotal DYS		\$13,239,922	\$16,901,356

DEPARTMENT OF HUMAN SERVICES BEHAVIORAL HEALTH ADMINISTRATION (BHA)

LINE ITEM	DESCRIPTION	FY24 TOTAL FUNDING	FY25 TOTAL REQUEST
Mental Health Services for Juvenile and Adult Offenders	The line item provides funding for Community Mental Health Centers to provide case management services, wrap-around services, medications, and treatment services for juvenile and adult offenders who have mental health problems and are involved in the criminal justice system. Each Center is allowed to determine how they wanted to use these funds. Many Centers have chosen to use this allocation to support a co-responder model (similar to programs authorized by S.B. 17-207 and funded through the Criminal Justice Diversion Programs line item) or to support problem-solving courts that focus on individuals with mental health disorders.	\$6,088,309	\$6,210,075
Children and Youth Mental Health Treatment Act	The Children and Youth Mental Health Treatment Act provides funding for mental health treatment services for children and youth under age 21. The program is designed to make services available for children and youth who are at risk of out-of-home placement, but a dependency and neglect action is neither appropriate nor warranted. Services may include mental health treatment services and care management, including any residential treatment, community-based care, or any post-residential follow-up services that may be appropriate.	8,297,597	8,455,159
Temporary Youth Mental Health Services Program	Supports the Temporary Youth Mental Health Services Program (also known as “I Matter”) created in H.B. 21-1258 (Rapid Mental Health Response for Colorado Youth) and then extended in H.B. 22-1243 (School Security and School Behavioral Health Services Funding). The program reimburses mental health counselors for providing up to six mental health sessions for each child or youth (defined as someone no more than 18 years old or up to 21 years old if that individual is receiving special education services) that is screened into the program.	6,000,000	0
Subtotal BHA		\$20,385,906	\$14,665,234

DEPARTMENT OF PUBLIC SAFETY-DIVISION OF CRIMINAL JUSTICE (DCJ)

LINE ITEM	DESCRIPTION	FY24 TOTAL FUNDING	FY25 TOTAL REQUEST
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Juvenile Justice Disbursements	The Office of Adult and Juvenile Justice Assistance provides federally funded grants to units of local government, state agencies, and non-profit/local private/community-based agencies. The grants address such issues as separation of juveniles from adult inmates; over representation of minorities in the justice system; mental health and substance abuse; gender specific services; and juvenile justice system improvement. The funds are from the federal Office of Juvenile Justice and Delinquency Prevention.	\$800,000	\$800,000
Juvenile Diversion Programs	Diversion programs can include diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, general counseling, crisis counseling, and follow-up activities. These programs are operated by district attorneys, counties, and community-based agencies.	3,561,677	3,561,677
Youth Delinquency Prevention and Intervention Grants Program	This program aims to enhance delinquency prevention efforts and provide early intervention responses to those who have entered or are at risk of entering the juvenile justice system is necessary to prevent youth delinquency, reduce the impact on victims of youth crimes, and ensure that all young people in Colorado have an equal opportunity to prosper. Repeals July 31, 2024.	2,100,000	0
Subtotal DCJ		\$6,461,677	\$4,361,677
Total Selected Departments & Divisions		\$40,087,505	\$35,928,267

Mental Health and Co-Responder Programs in the Departments of Human Services and Local Affairs

Staff also concludes that a similar dynamic exists for MCPCI grant projects with a mental health focus, particularly for co-responder programs. JBC staff calculates that \$6.3 million was awarded to projects with a significant mental health focus, which represents about 45.0 percent of all awarded funds. Of this amount, about \$3.6 million was awarded for co-responder projects, which includes projects where a co-responder program is part of a larger project. There is some overlap between the mental health-focused projects and youth-focused projects.

MCPCI GRANT PROJECTS FOCUSED ON MENTAL HEALTH			
GRANTEE/ORGANIZATION	PROJECT TITLE	AMOUNT REQUESTED	AMOUNT AWARDED
Denver Police Department	DPD Youth Crime Prevention and Crisis Intervention Program	\$1,105,339	\$1,045,813
Axis Health System	Axis + La Plata County Sheriff's Office Co-Responder Program	838,487	805,185
Mesa County, Colorado	Mental Health Collaboration	786,489	786,489
SummitStone Health Partners	LINC (Larimer Interagency Network of Co-Responders) Expansion	963,916	786,305
Douglas County	Community Response Team Expansion	781,110	520,740
Summit County Sheriff's Office	SMART Co-Responder Team Request	512,257	512,257
CCMRH-Open Heart Advocates	At W.I.T.S. End	463,000	319,522
From The Heart Foundation	WRAP Around Youth And Adult Prevention Services	298,410	257,580
Apprentice of Peace Youth Organization Trailhead Institute	AOPYO Mentoring Program	250,000	252,740
Rio Blanco County Sheriff's Office	Rio Blanco Co-Responder Program	216,530	216,530
Southeast Mental Health Services	Rocky Ford Resource Center	400,000	200,000
Pagosa Community Initiative	Family and Therapeutic Services	360,341	180,170
Inside Out Youth Services	ALLY Up for LGBTQIA2+ Violence Prevention	332,937	166,469
South Metro Fire Rescue	South Metro Public Health	150,000	124,000
Project PAVE Inc.	Youth Violence Prevention Education & Healing Circles	87,109	87,109
Mesa County Criminal Justice Services Department	Crisis Intervention Team Training	38,000	38,000
Subtotal mental health focus		\$7,583,925	\$6,298,909
Subtotal co-responder focus		\$4,098,789	\$3,627,506
Total MCPCI Awards		\$19,369,399	\$13,988,781

Rather than attempt to quantify all mental health-related spending elsewhere in the budget, staff focused on co-responder programs. JBC staff estimates that the Executive Branch requested about \$18.0 million total funds for line items that support co-responder programs in the Departments of Human Services and Local Affairs.

FUNDING FOR CO-RESPONDER PROGRAMS THROUGH OTHER STATE AGENCIES			
DEPARTMENT OF HUMAN SERVICES-BEHAVIORAL HEALTH ADMINISTRATION			
LINE ITEM/BILL	DESCRIPTION	FY24 TOTAL FUNDING	FY25 TOTAL REQUEST
Mental Health Services for Juvenile and Adult Offenders	This multi-purpose line item provides funding for Community Mental Health Centers to provide case management services, wrap-around services, medications, and treatment services for juvenile and adult offenders who have mental health problems and are involved in the criminal justice system. Each Center is allowed to determine how they wanted to use these funds. Many Centers have chosen to use this allocation to support a co-responder model (similar to programs authorized by S.B. 17-207 and funded through the Criminal Justice Diversion Programs line item) or to support problem-solving courts that focus on individuals with mental health disorders.	\$6,088,309	6,210,075
Criminal Justice Diversion Programs	This multi-purpose line item provides funding for various criminal justice diversion programs, which includes co-responder programs. This line item supported about \$4.8 million for co-responder programs in FY 2022-23.	9,730,499	9,837,273
Subtotal-Behavioral Health Administration		\$15,818,808	\$16,047,348

DEPARTMENT OF LOCAL AFFAIRS-DIVISION OF LOCAL GOVERNMENT			
LINE ITEM	DESCRIPTION	FY24 TOTAL FUNDING	FY25 TOTAL REQUEST
Peace Officers Mental Health Support Grant Program	Supports the "Peace Officer Behavioral Health Support and Community Partnership Grant Program." Behavioral health or community-based social services providers are eligible to apply in partnerships with law enforcement or public safety agencies for the purposes of co-responder community responses and community-based alternative responses.	\$2,000,000	\$2,000,000
Subtotal-Local Affairs		\$2,000,000	\$2,000,000
Total-DHS and DOLA		\$17,818,808	\$18,047,348

PERSONNEL AND CONSULTANT/CONTRACT COSTS FOR MCPCI Awardees

JBC staff looked through the application documents for all successful grant applications and found that, of the \$14.0 million awarded through the MCPCI program,

- \$6.1 million is for awardee personnel costs
- Of that \$6.1 million, \$2.2 million is for awardee administrative costs
 - This includes positions responsible for oversight, middle management, etc. JBC staff tried to calculate this on case-by-case basis based on job title and/or position descriptions. This includes program and project managers, financial administration, director-level positions, etc.
- Of the \$2.2 million for administrative costs, \$841,820 is for high-level leadership positions. This includes positions such as:
 - Executive Director of the organization
 - Co-founder of the organization
 - Director of Outreach
 - Director of Programs/Grants
 - Housing Director
 - Director of Community Engagement
 - Director of Fiscal Management

JBC staff also found that an additional \$4.9 million was awarded for expenses classified as “Consultants/Contracts.” For example, the largest grant included \$1,061,102 for various consultant/contract expenses, including \$248,622 for Denver Public Schools to hire two Court Liaisons for students and families navigating the juvenile justice system and reentering schools. A different awardee sought and was awarded \$400,000 for General Contractor costs to renovate a building that would house the awardee’s new offices and allow them to expand their network. Another awardee sought and was awarded \$238,692 for wages and overtime for two sheriff’s deputies, which they classified as “Consultants/Contracts” funding. Similarly, a different awardee sought and was awarded \$347,160 for wages and benefits for two police officers.

OBJECTIVES

Per the request, the MCPCI program’s objective is to “reduce the number of persons who are referred to the justice system.” JBC staff found that about 27.6 percent of successful grant applications (\$3.9 million awarded) included at least one measureable goal or objective related to crime prevention or reduction. It is not necessarily the case that the listed goals and measurements will tell the State whether the intervention/program *caused* a change in behavior. Rather, it shows that some applicants specifically articulated a goal *and* measurement related to crime reduction or prevention. For example, applicants said things like,

- 80% of program participants will remain in good standing with the law as measure by any non-traffic crimes committed
- 70% of the 130 program participants will not recidivate as measured by clients meeting with their case manager who will work with the client and their parole office to track and measure recidivism rates.
- 70% of program participants avoided or mitigated involvement with the criminal justice system as measured by “criminal justice contacts (TBD)”

In JBC staff’s view, some of the goals and objectives listed by successful applicants are either tenuously connected to the goal of the MCPCI program (or not really connected at all). For example, some applicants listed objectives such as:

- Participants learn pertinent self-care practices as measured by finishing Tai Chi exercises and Qi Gong breathing exercises weekly.
- Participants will be able to express their feelings through open dialogue sessions as measured by participation in a minimum of 3 group mentoring sessions
- Purchase building as measured by a determination that the physical space needs to be between 16,000-20,000 square feet and located in Aurora
- The awardee will host a groundbreaking and launch construction phase as measured by a Notice to Proceed to the General Contractor and documentation of groundbreaking ceremony.
- Eliminate audio and visual problems for virtual and hybrid meetings as measured by the purchase of Meeting Owls.
- Generate an annual report for 2022 for broad distribution and inclusion on the website as measured by the distribution of the report to partners and funding bodies for fundraising efforts.

A larger number of objectives are better classified as outputs rather than outcomes. An output is a measure of the activities, goods, or services provided by a practice or policy. An outcome measures what a practice or policy is meant to improve for its target population. In other words, an output measures *what* somebody is doing, but it does not necessarily speak to whether they are doing it well

or whether *what* they are doing bears some relation to *why* they are doing it. Some example MCPCI outputs are:

- The program will coordinate two workshops/activities/support groups per month for students
- Direct educational activities will reach 500 adults in high-crime neighborhoods as measured by census and social media outreach analytics
- Create therapeutic groups for our most at-need students in grades 7-12. Groups will include LGBTQ, juvenile probation, mental health, and youth voice. Measured by attendance taken at each group and documented.
- The program onboards 40 youth per program year as measured by comprehensive intake assessments.
- 85% of program participants complete a Personal Empowerment Plan as measured by the completion of a Personal Empowerment Plan
- Improve equity in crisis response by training 100% of program staff in cultural competency appropriate for the population served as measured by tracking attendance of said training.

Staff concludes that it will be very difficult to determine whether many MCPCI grant projects measurably reduce the number of persons who are referred to the justice system. Consequently, it will be difficult to determine whether the MCPCI program is achieving that overall goal.

JBC STAFF ANALYSIS: PROPOSED FUNDING MECHANISM

The Department is asking for an ongoing statutory transfer of \$7.5 million General Fund to the continuously-appropriated MCPCI cash fund. Staff instead recommends abolishing the MCPCI cash fund and providing a direct appropriation of \$500,000 General Fund. Staff's recommendation is based on the following considerations:

- An ongoing statutory transfer moves the MCPCI Grant Program entirely off budget with minimal legislative oversight and no 15.0 percent reserve requirement due to the transfer mechanism. If the Executive Branch wants this program to be permanent, it is advisable to include money in reserve.
- In JBC staff's view, a cash fund for this type of program is not necessary. A permanent program supported by the General Fund, without any other revenue source, does not need a cash fund. Statute currently allows the Division to make grant payments for this program from direct General Fund appropriations to the Division.¹⁴
- The Department misrepresented the request to the Joint Judiciary committee, saying that the request was "all from cash funds," which is not true. The request actually represents an ongoing commitment of \$7.5 million General Fund, off-budget, through the requested statutory transfer mechanism.
- JBC staff is not confident in the Executive Branch's ability to provide timely, comprehensible, and accurate information about continuously appropriated funds. The rest of this section focuses on this point.

¹⁴ Section 24-33.5-527 (1)(b), C.R.S. "Subject to available appropriations, the division shall make grant payments from money appropriated to the division from the general fund for the program."

GATHERING AND INTERPRETING INFORMATION ABOUT CASH FUNDS CAN BE CHALLENGING

JBC staff does not have real-time access to cash fund balances, revenue streams, and other key pieces of information about cash funds. JBC staff must therefore acquire/receive information about cash funds from state agencies. This information is either: (1) provided in the annual budget request package on November 1, or (2) provided at the request of a JBC member or JBC staff. In both cases, information about cash funds is usually provided in a document called a Schedule 9 Cash Fund Summary Report.

This JBC staffer finds it difficult to take the information in these Schedule 9 reports at face value because: (A) The assumptions and calculations built into the numbers in the report are rarely explained, (B) the reports include accounting jargon that is not comprehensible for laypeople, and (C) the reports can be, and often are, inaccurate.

JBC staff experienced some of these challenges with the Schedule 9 reports for the cash funds created by S.B. 22-145. First, the Schedule 9 reports for these cash funds were not included in the Department's November 1 budget submission, nor were they included in OSPB's response to a JBC request for information about all of the continuously appropriated cash funds manage by all state agencies. The Department provided these reports after a request from JBC staff.

The next page shows the initial Schedule 9 report received by JBC staff for the MCPCI cash fund. The JBC will see that:

- The report does not mention General Fund anywhere, despite the \$15.0 million General Fund appropriated to the cash fund in FYs 2022-23 and 2023-24.
- The General Fund transfer into the fund is categorized as "Other Assets" and is consequently excluded from the Net Cash Assets figure.
- The expected expenditures in FY 2022-23 and FY 2023-24 total \$6,500,648, which is less than half of what was appropriated to the fund (\$15.0 million) and less than what was appropriated to the fund in FY 2022-23 (\$7.5 million).
- The cash fund and program repeal on January 1, 2025, yet the report shows ongoing expenditures of \$7.5 million in FY 2024-25 and FY 2025-26. The report does not mention the current budget request.
- The reader does not know how much of the fund balance has been encumbered or obligated for grants.

The cash fund reports for the other two cash funds created by S.B. 22-145 showed similar issues. However, JBC staff emphasizes that these issues are not unique to the Department of Public Safety. For example, the inclusion of Schedule 9 reports for continuously appropriated cash funds in the November 1 budget package varies between (and sometimes within) state agencies. The amount of detail in these reports vary from agency to agency. And it is common for the reports to be difficult to interpret.

Schedule 9: Cash Funds Reports					
Department of Public Safety					
FY 2024-25 Budget Request					
Fund 527M - Multidisciplinary Crime Prevention & Crisis Intervention Fund					
24-33.5-527 C.R.S. (2023)					
	Actual	Actual	Appropriated	Requested	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Year Beginning Fund Balance (A)	\$0	\$0	\$4,388,870	\$9,388,870	\$9,388,870
Changes in Cash Assets	\$0	\$5,786,102	-\$1,397,232	\$5,000,000	\$0
Changes in Non-Cash Assets	\$0	\$0	\$7,500,000	\$0	\$0
Changes in Long-Term Assets	\$0	\$0	\$0	\$0	\$0
Changes in Total Liabilities	\$0	-\$1,397,232	-\$1,102,768	-\$5,000,000	\$0
TOTAL CHANGES TO FUND BALANCE	\$0	\$4,388,870	\$5,000,000	\$0	\$0
Assets Total	\$0	\$5,786,102	\$11,888,870	\$16,888,870	\$16,888,870
Cash (B)	\$0	\$5,786,102	\$4,388,870	\$9,388,870	\$9,388,870
Other Assets (Detail as necessary)	\$0	\$0	\$7,500,000	\$7,500,000	\$7,500,000
Receivables	\$0	\$0	\$0	\$0	\$0
Liabilities Total	\$0	\$1,397,232	\$2,500,000	\$7,500,000	\$7,500,000
Cash Liabilities (C)	\$0	\$1,397,232	\$2,500,000	\$7,500,000	\$7,500,000
Long Term Liabilities	\$0	\$0	\$0	\$0	\$0
Ending Fund Balance (D)	\$0	\$4,388,870	\$9,388,870	\$9,388,870	\$9,388,870
Logical Test	TRUE	TRUE	TRUE	TRUE	TRUE
Net Cash Assets - (B-C)	\$0	\$4,388,870	\$1,888,870	\$1,888,870	\$1,888,870
Change from Prior Year Fund Balance (D-A)	\$0	\$4,388,870	\$5,000,000	\$0	\$0
Cash Flow Summary					
Revenue Total	\$0	\$7,650,301	\$7,687,777	\$7,687,777	\$7,687,777
Fees	\$0	\$0	\$0	\$0	\$0
Interest	\$0	\$150,301	\$187,777	\$187,777	\$187,777
Unrealized Gain/Loss	\$0	\$0	\$0	\$0	\$0
Transfer-in	\$0	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000
Expenses Total	\$0	\$3,000,648	\$3,500,000	\$7,500,000	\$7,500,000
Cash Expenditures	\$0	\$3,000,648	\$3,500,000	\$7,500,000	\$7,500,000
Change Requests (If Applicable)	\$0	\$0	\$0	\$0	\$0
Net Cash Flow	\$0	\$4,649,653	\$4,187,777	\$187,777	\$187,777
Fund Expenditures Line Item Detail					
	Actual	Actual	Estimated	Requested	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Division of Criminal Justice					
Multidisciplinary Crime Prevention & Crisis Intervention Grants	\$0	\$3,261,431	\$3,500,000	\$7,500,000	\$7,500,000
Division Subtotal	\$0	\$3,261,431	\$3,500,000	\$7,500,000	\$7,500,000
TOTAL	\$0	\$3,261,431	\$3,500,000	\$7,500,000	\$7,500,000

A revised version of the same report is shown below. It includes information about grant obligations, but it excludes the General Fund appropriation from the “Assets” category. Thus the balance of the fund still does not represent the amount of money that is available for expenditure.

Schedule 9: Cash Funds Reports					
Department of Public Safety					
FY 2024-25 Budget Request					
Fund 527M - Multidisciplinary Crime Prevention & Crisis Intervention Fund					
24-33.5-527 C.R.S. (2023)					
	Actual	Actual	Appropriated	Requested	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Year Beginning Fund Balance (A)	\$0	\$0	\$4,388,870	\$1,804,924	\$2,123,793
Changes in Cash Assets	\$0	\$5,786,102	-\$3,282,563	\$668,177	\$1,090,400
Changes in Non-Cash Assets	\$0	\$0	\$0	\$0	\$0
Changes in Long-Term Assets	\$0	\$0	\$0	\$0	\$0
Changes in Total Liabilities	\$0	-\$1,397,232	\$698,616	-\$349,308	\$0
TOTAL CHANGES TO FUND BALANCE	\$0	\$4,388,870	-\$2,583,947	\$318,869	\$1,090,400
Assets Total	\$0	\$5,786,102	\$2,503,540	\$3,171,717	\$4,262,117
Cash (B)	\$0	\$5,786,102	\$2,503,540	\$3,171,717	\$4,262,117
Other Assets(Detail as necessary)	\$0	\$0	\$0	\$0	\$0
Receivables	\$0	\$0	\$0	\$0	\$0
Liabilities Total	\$0	\$1,397,232	\$698,616	\$1,047,924	\$1,047,924
Cash Liabilities (C)	\$0	\$1,397,232	\$698,616	\$1,047,924	\$1,047,924
Long Term Liabilities	\$0	\$0	\$0	\$0	\$0
Ending Fund Balance (D)	\$0	\$4,388,870	\$1,804,924	\$2,123,793	\$3,214,193
Logical Test	TRUE	TRUE	TRUE	TRUE	TRUE
Net Cash Assets - (B-C)	\$0	\$4,388,870	\$1,804,924	\$2,123,793	\$3,214,193
Grant Obligations (Encumbrances)			\$11,568,956	\$7,915,845	\$7,500,000
Change from Prior Year Fund Balance (D-A)	\$0	\$4,388,870	-\$2,583,947	\$318,869	\$1,090,400
Cash Flow Summary					
Revenue Total	\$0	\$7,650,301	\$7,587,777	\$7,536,098	\$7,542,476
5900 - Interest Income - Nonexempt	\$0	\$150,301	\$87,777	\$36,098	\$42,476
900R - Operating Transfer from Public Safety	\$0	\$7,500,000	\$7,500,000	\$7,500,000	\$7,500,000
Expenses Total	\$0	\$3,261,431	\$10,870,340	\$6,867,921	\$6,452,076
Cash Expenditures	\$0	\$3,261,431	\$10,870,340	\$6,867,921	\$6,452,076
Change Requests (If Applicable)	\$0	\$0	\$0	\$0	\$0
Net Cash Flow	\$0	\$4,388,870	-\$3,282,563	\$668,177	\$1,090,400
Fund Expenditures Line Item Detail					
	Actual	Actual	Estimated	Requested	Projected
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Division of Criminal Justice					
Personal Services	\$0	\$107,507	\$161,789	\$166,643	\$171,642
Operating	\$0	\$7,551	\$2,500	\$2,500	\$2,500
Grants - Cities & Counties		\$365,231	\$3,137,594	\$1,751,412	\$2,444,503
Grants - Intergovernmental		\$71,492	\$59,025	\$65,258	\$62,142
Grants - Non Governmental and Non-Subrecipient		\$2,709,651	\$7,509,432	\$4,882,108	\$3,771,289
TOTAL	\$0	\$3,261,431	\$10,870,340	\$6,867,921	\$6,452,076

None of the three continuously-appropriated cash funds created by S.B. 22-145 were included in OSPB's response to the JBC's request for information about continuously appropriated funds.

Lastly, these Schedule 9 reports suggest that the Department is struggling to spend down the balance of the other two funds created by S.B. 22-145: the Law Enforcement Workforce Recruitment, Retention, & Tuition Fund and the SMART Policing Fund. This is particularly true for the SMART Policing Fund, which shows that the Department expects to spend just \$1.36 million of the \$7.5 million General Fund appropriated to that fund (18.1 percent) by the end of FY 2025-26. The Department expects to spend down most of the \$7.5 million appropriation for the Law Enforcement Workforce Fund by the end of FY 2025-26.

All of the information discussed in this subsection leads JBC staff to conclude that the JBC should annually appropriate the other two cash funds created by S.B. 22-145. Staff suspects that requiring an appropriation would yield more accurate information about how much money is in each fund and how much the Department actually expects to spend (as compared to the Schedule 9 reports).

SUMMARY OF RECOMMENDATIONS

JBC staff recommendation #1 is to provide an annual appropriation of \$500,000 General Fund for the MCPCI grant program from FY 2024-25 through FY 2026-27. This is based on staff's conclusion that an annual allocation of \$7.5 million General Fund was not justified because: (1) the focus of some MCPCI grant projects appears to duplicate programs in other state agencies, (2) the difficulty of determining whether individual grant projects have any meaningful impact on crime prevention and reduction, and (3) a significant amount of funding is for personnel, some of which is dedicated to director-level leadership positions.

JBC staff recommendation #2 is for the JBC to sponsor legislation to abolish the MCPCI Grant Fund and instead appropriate General Fund for the program directly to DCJ. Staff concludes that it is not advisable to provide an ongoing statutory transfer of General Fund to a continuously-appropriated cash fund. Staff also concludes that the cash fund is not necessary.

Staff further recommends extending the repeal date for the MCPCI program from January 1, 2025 to July 1, 2027, rather than eliminating the repeal date entirely. This date is consistent with the current statutory repeal date for the other two grant programs established by S.B. 22-145.

JBC staff recommendation #3 is to annually appropriate the other two continuously-appropriated cash funds created by S.B. 22-145.

If the JBC approves staff's recommendations, all of the recommended appropriations and statutory changes would be included in the orbital bill.

→ R9 FTE FOR DCJ FOR VARIOUS PURPOSES

REQUEST: The Department requests an increase of \$659,636 General Fund and 5.1 FTE in FY 2024-25, with \$536,141 appropriated to DCJ and the remainder appropriated to the Executive Director's Office for centrally appropriated compensation costs. This would annualize to \$578,153 General Fund and 5.4 FTE in FY 2025-26.

The request aims to “...meet increasing demand for services, address identified programmatic and operational gaps, and ensure all efforts support equity diversity and inclusion (EDI) in the most streamlined approach possible.” It continues, saying, “The request is directly related to specific Wildly Important Goals (WIGs),” such as reducing aggravated assaults and developing a comprehensive strategic plan.

The request includes the following components:

- **\$78,000 on a one-time basis for a consultant** that would help with strategic initiatives. Specifically, the consultant would gain input from internal and external stakeholders, synthesize information for the Department's leadership, and facilitate work sessions within DCJ to “build a visionary blueprint to make Colorado one of the top ten safest states in the country.”
- **\$221,595 and 1.8 FTE to implement a statewide Training and Technical Assistance Hub.** This portion of the request is basically a repeat of a request from last year (R11 Technical assistance for safer communities). In that request, the Department asked for \$555,358 General Fund and 2.8 FTE. JBC staff recommended denial of the request and the JBC approved staff's recommendation.

Like last year's request, these new FTE would “provide technical assistance to potential and existing grantees to build capacity, apply for funding, and increase the evidence-based practices across Colorado.”

- **\$110,798 and 0.9 FTE for project manager in DCJ's Office of Community Corrections.** This project manager would follow-up on deficiencies identified during performance-based contracting audits and reviews.
- **\$74,647 and 0.9 FTE to recruit domestic violence and sex offender providers.** The request emphasizes the recruitment of providers from diverse groups. This new staffer would develop resources for providers, conduct outreach and provide assistance, analyze provider needs, and work with universities to assist with provider recruitment.
- **\$53,326 and 0.5 FTE for a human trafficking trainer.** This position already exists and was partially funded by a grant that is now ending.
- **\$111,170 and 0.9 FTE for a Victim Rights Act Specialist** who would “...be the statewide expert on victim support.” They would provide training and technical assistance for agencies with Victim Rights Act (VRA) responsibilities and process all formal VRA complaints.

RECOMMENDATION: Staff recommends an increase of \$141,949 General Fund and 1.8 FTE for the FTE related to the Office of Community Corrections and the recruitment of domestic violence and sex offender providers.

*ANALYSIS:***RECOMMENDED FTE**\$77,116 for a Community Program Specialist IV for the Office of Community Corrections

Per the request, this FTE will “...follow-up on deficiencies identified through PBC audits/reviews. This includes the provision of corrective actions and technical assistance. The position will ensure all corrective actions reach resolution, and provide additional resources to monitor both the quality and safety of community corrections programming. Increases in staffing over the last several years were aimed to ensure the office had the capacity to complete the audits and evaluations. This additional position will cover gaps in resources for follow up on those audits, action plans, and technical assistance and will act as a project manager for open corrective actions, ensuring all end in resolution.”

The JBC asked the Department a question about this position during the December 2023 staff budget briefing. The JBC asked, “Please provide additional information on the \$110,798 for the project manager and what, exactly, is driving that need.” The Division responded with,

“Per the statutory duties of the DCJ as defined by 17-27-108, C.R.S. it is the obligation of the Division to set the standards for the operation of community corrections programming, audit those standards, and to ensure programs are held accountable to those requirements as a regulatory body. In addition, the statute requires DCJ to provide technical assistance to stakeholders. In an effort to improve outcomes and the quality of community corrections programming, DCJ has increased auditing efforts, technical assistance, and improved processes in relation to follow up to critical incident reports and complaints.

DCJ completes three (3) different types of audits, in addition to auditing any incident specific issues as needed. This includes the provision of corrective actions and technical assistance. Since the beginning of calendar year 2023, DCJ has completed 21 audits with 19 requiring some level of corrective action, conducted inquiry into 32 complaints, and tracked 259 critical incidents. Corrective action responses range from required policy and procedure changes to probationary status.

While overall DCJ is seeing improvements in performance on audits, continued improvement is still needed in the area of compliance with Standards. The position will ensure all corrective actions reach resolution, and provide additional resources to monitor both the quality and safety of community corrections programming. This additional position will cover gaps in resources for follow up on those audits, action plans, and technical assistance and will act as a project manager for open corrective actions, ensuring all end in resolution.”

JBC staff agrees that statute authorizes the Division to establish standards and requires the Division enforce those standards through audits.¹⁵ However, statute also authorizes local community corrections boards to “establish and enforce standards for the operation of any community corrections program located within the physical boundaries of the jurisdiction of the governing body or bodies which created such board.”¹⁶ These standards, “...may exceed, but shall not conflict with, standards established for community corrections programs by the division of criminal justice...”

¹⁵ Section 17-27-108 (2), C.R.S.

¹⁶ Section 17-17-103 (4), C.R.S.

It is not clear how well or how often local community corrections boards exercise their authority to establish and enforce standards. These local boards reportedly, “often look past violations or fail to follow up to see if problems are addressed,” though it is not clear why this might be the case.¹⁷ Consequently, JBC staff agrees that the Division could use an additional FTE to ensure compliance with statewide standards given the potential lack of oversight at the local level.

\$64,833 for Administrator III to recruit domestic violence and sex offender treatment providers

The request pertains to both the Domestic Violence Offender Management Board (DVOMB) and the Sex Offender Management Board (SOMB). Per the request, these boards have,

“...received feedback from provider agencies, including the Department of Corrections, about the challenges associated with hiring and retaining qualified treatment providers. As a result, the ODVSOM hired a consultant to analyze these gaps and needs and provide recommendations for strategies to enhance the provider pool. In particular, DVSOMB and the consultant looked at the gaps related to providers from diverse groups (e.g., Spanish speaking, other racial and ethnic minority groups, LGBTQ, etc.). As a result, the [Office of Domestic Violence and Sex Offender Management] has begun to do outreach to different organizations that represent or have providers from these diverse groups (e.g. universities and client serving organizations). DVSOMB needs to continue and expand this work, which was identified as a priority by the Colorado State Legislature during the recent Sex Offender Management Board Sunset Review process, with these additional resources. The funding would be used for activities such as development of resources for recruitment and retention of providers; outreach, support, and assistance for agency directors to assist with recruitment and retention; analyzing recruitment and retention provider needs; and working with universities to provide assistance and support with provider recruitment.”

During its December 2023 hearing with the JBC, the Division said,

“The FTE for DVSOMB is an effort to work with partners around the state to address the provider shortage for these populations. By increasing providers in the state, systems can more effectively treat individuals and improve long-term outcomes for Colorado communities. In addition, this was an area of emphasis for the Legislature during the Sex Offender Management Board Sunset Bill review. More specifically, the need for treatment providers reflecting the diversity of the population was noted. This initiative is attempting to identify the best ways to recruit and retain providers, particularly those of diverse backgrounds, as well as those who can provide treatment in the DOC, another area of concern. The hope for this funding is to identify the best way to recruit new providers and work with local treatment agencies to carry out the recruiting message and function. The state resources would be used to support local community efforts.”

JBC staff is more or less neutral about the recommendation to approve funding for this portion of the request, which owes more to possible legislative intent (as expressed to and articulated by the Division) than to anything else. The request does not discuss the extent of the provider

¹⁷ Clark, Moe. “She reported her medication was stolen at a Colorado halfway house. She was blamed instead.” The Denver Post. December 5, 2022. <https://www.denverpost.com/2022/12/05/halfway-houses-colorado-theft-grievances-crime/> In context, the quote refers to follow-up on complaints made by offenders in community corrections facilities, but it is JBC staff’s understanding that the issue is more broad than that.

availability problem. It says that there are 246 adult sex offender treatment providers and 185 juvenile treatment providers approved by the SOMB. It also says that there are 28 adult polygraph examiners and 15 juvenile polygraph examiners. But the number of needed providers is not mentioned. And, in JBC staff's view, it is not clear that hiring this single FTE will meaningfully impact the number of providers in the State.

FUNDING AND FTE NOT RECOMMENDED

\$78,000 for a consultant for strategic planning initiatives

The request says the following:

“As DCJ works toward the goal of becoming one of the top ten safest states, the development of a comprehensive five-year strategic plan must be developed. With increasing crime trends, including aggravated assaults, automobile thefts and others, a proactive approach is critical. This plan must include a multi-disciplinary approach given the complexity of crime as issues related to mental and behavioral health, housing, school safety, economic well-being, and others all influence crime. Not only will this plan assist with identifying immediate actions, but it will also identify meaningful and multidisciplinary approaches to addressing crime...

[The requested funds would be used for] the development of a five-year strategic plan and developing resources to support our government and non-profit partners to expand grant funding opportunities, particularly to rural and underserved communities that do not traditionally apply for state funding, and develop evidence-based strategies to reduce crime. The consultant would: implement different methods of gaining input from both external and internal stakeholders; synthesize this information for the leadership team; and facilitate work sessions with DCJ leadership and our [requested Training and Technical Assistance] staff to build a visionary blueprint to make Colorado one of the top ten safest states in the country.”

During its December 2023 hearing with the JBC, the Division said,

“The funding for a consultant allows DCJ to bring in an outside expert to assist in our efforts to continually improve the delivery of services and funding across the state. Over the last several years, the division has increased its programs and support for government agencies and non-profit organizations to support sustainable solutions to the unique challenges each jurisdiction faces. The funding will improve organizational effectiveness and assist us in decreasing barriers to stakeholders by taking a holistic examination across the policies and practices of our six offices.”

Staff thinks this is probably something the Division should do within existing appropriations or seek funding through other sources. The “visionary blueprint to make Colorado one of the top ten safest states in the country” appears to originate within the Governor’s Office. As such, the JBC can make a policy decision about whether they want to provide funding to the Division for this purpose.

\$221,595 and 1.8 FTE to implement a statewide Training and Technical Assistance Hub

This portion of the request is basically a repeat of a request from last year (R11 Technical assistance for safer communities). In that request, the Department asked for \$555,358 General Fund and 2.8 FTE. JBC staff recommended denial of the request and the JBC approved staff’s recommendation.

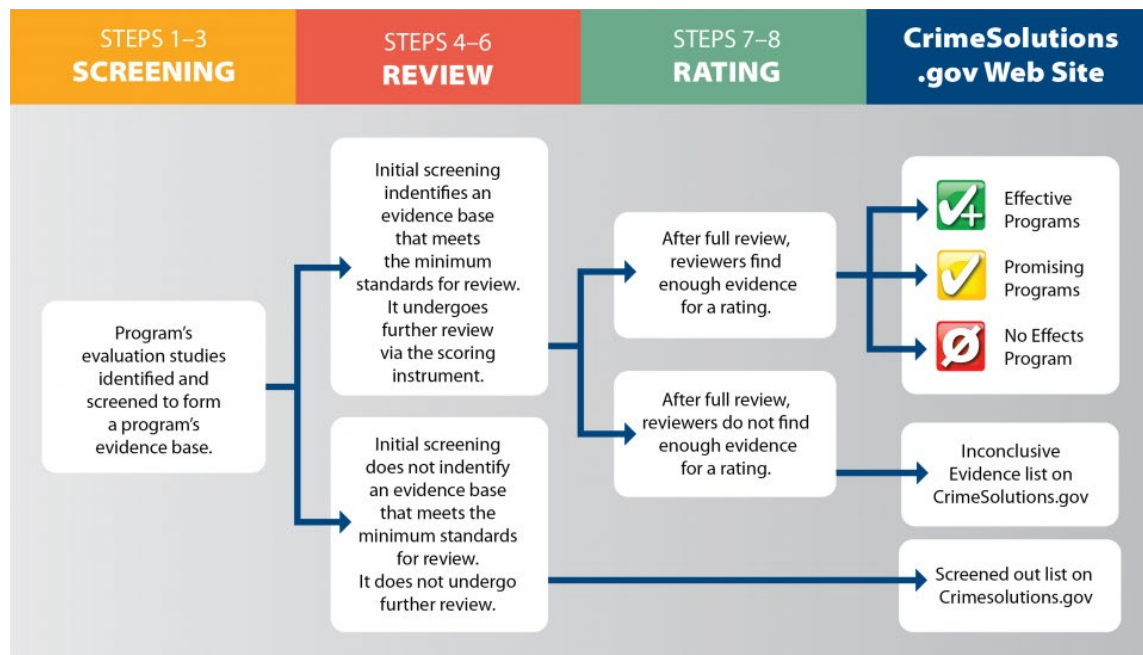
Per the current request,

“The implementation of the various grant programs over the past few years has helped DCJ identify the need to provide more training and technical assistance to smaller agencies, those that serve communities of color, and rural agencies throughout the grant process. Such assistance is particularly critical for agencies and communities that may not have the resources or experience with grant opportunities. Examples include small agencies in rural Colorado along with smaller community-based agencies that lack the resources and knowledge relative to larger agencies. This provides DCJ the opportunity to further incorporate EDI practices into the grant process.

...The FTE will be used to provide technical assistance to potential and existing grantees to build capacity, apply for funding, and increase the evidence-based practices across Colorado. In an effort to build on current efforts to ensure equity in grant making, the TTA Hub would expand the grant office’s ability to increase the level of assistance available. DCJ has identified the need to allocate additional staff time to provide an effective level of customer service and increase funding to rural and underserved populations. The increased capacity will provide the resources to engage with the community statewide through hosting focus groups and pre-application community events to reach underserved populations and reduce barriers to accessing funding. In addition, the TTA Hub will be able to foster communities of learning so grantees can learn from each other and assist DCJ in providing a more informed, equitable, and consistent granting process. The FTE will provide much needed research and support to communities in developing appropriate, evidence-based strategies to reduce crime.”

Like last year, JBC staff notes that there are already free resources available for grant applicants. For example, the National Institution of Justice under the U.S. Department of Justice has a website called CrimeSolutions (all one word, per the website).¹⁸ CrimeSolutions contains research on programs and practices **and** indicates whether those programs and practices are effective, promising, or have no effect. These programs and practices “...are identified, screened, reviewed, and rated using a standardized process.” The image below shows this process.

¹⁸ <https://crimesolutions.ojp.gov/>



Source: National Institute of Justice, <https://crimesolutions.ojp.gov/how-crimesolutions-works>

Research can be filtered by evidence rating, amount of evidence, topic, subtopic, program or practice type, delivery setting, race/ethnicity, age, target population, and gender. For example, there are 17 subtopics under the Crime & Crime Prevention topic, including but not limited to: community crime prevention, drugs, fraud, hate crimes, gangs, human trafficking, property crimes, and violence.

Last year, the Executive Branch submitted a comeback after the Committee adopted JBC staff's recommendation to deny the request. The comeback said,

“DCJ agrees that this tool is useful in providing agencies and community-based organizations with general ideas about potential solutions to the public safety challenges in their jurisdictions. However, these resources do not provide much specificity on solutions for particular issues or how to adapt them to particular communities.

Dedicated staff for this purpose can help local jurisdictions tailor this research to the specific issues they are facing and the specific context of their community. More importantly, dedicated staff could connect communities around the state facing similar issues, such as fentanyl or auto theft, so agencies aren't “reinventing the wheel” in their organization or missing the opportunity to collaborate with others doing similar work. Over time, this will evolve into a strong statewide network.”

JBC staff has three thoughts about last year's comeback response. First, local jurisdictions can choose to hire their own technical and training assistance staff to navigate research, tailor it to their communities, and help organizations within their communities. Second, JBC staff is not sure why the requested FTE are a prerequisite to have local jurisdictions and community organizations connect and avoid “reinventing the wheel,” nor is staff sure how 2.0 FTE will somehow translate into a strong statewide network. Third, the State has tried the centralized “hub” model before and it was eventually defunded due a lack of evidence that it was effective.

As JBC staff wrote in the FY 2023-24 briefing cycle, these [two] FTE would be asked to provide an extremely wide range of services to an extremely large population of potential customers. In staff's view, broad mandates of this sort are ineffective. Staff has previously encountered the idea of a statewide technical assistance hub within the Division of Criminal Justice. From FY 2013-14 to FY 2020-21, the State spent about \$1.0 million General Fund annually on the Evidence-based Practices and Implementation Capacity (EPIC) program housed within DCJ. This 9.0 FTE team was tasked with building capacity for the implementation of evidence-based policies in Colorado's criminal justice system.

During the 2021 legislative session, the JBC approved JBC staff's recommendation to defund the EPIC program. Staff's reasoning was based, in part, on a conclusion that EPIC's scope was too broad. Staff's analysis argued, "...EPIC's design lacks accountability mechanisms, in part because its scope of service is too broad. EPIC is essentially a General Fund-subsidized customer service organization that lacks the authority or influence to guarantee that client agencies build and adhere to [evidence-based policy] implementation principles."¹⁹ Staff also argued that there was little evidence to suggest EPIC was achieving the goals laid out in statute.

The current request for a Technical Assistance Hub is not a revamped version of EPIC, which staff confirmed in a conversation with the Department in November 2022. However, that conversation indicated that the vision for this new Hub is more akin to a customer assistance group that would take requests, provide some of information (short-term projects measured in days, not weeks), and then refer the requester to other resources. The Hub would not follow the request through implementation. Despite this clarification, staff remains skeptical that this is an effective use of state resources, especially given how the request fails to describe other potential alternatives and why those alternatives may be insufficient.

\$53,326 and 0.5 FTE for a human trafficking trainer

The request says,

"[The Office of Victims Programs] has relied on grants to conduct human trafficking training across the state in an effort to raise awareness of human trafficking. These grants have come to an end leaving a funding gap for [Human Trafficking] training. The International Labor Organization, Walk Free and the International Organization for Migration reported a new estimate of Global Human Trafficking Prevalence of 27.6 million individuals daily are in forced labor situations. This is an increase of 2.7 million from their last report released in 2017.

The enabling legislation for the human trafficking council included a mandate to develop training on the topic of human trafficking, but there was no funding allocated to administer the training after its development. Several different trainings have been developed over the past several years as well as the creation of a train the trainer program. Having someone to oversee the training requests, deliver training, update training, and manage the train the trainer program takes a full time FTE. Up to this point, the Office for Victims Programs has been able to fund a portion of this position with a grant, but that grant is ending. In 2022, there were 883 individuals that attended one of the training programs offered. The requests for training continue to increase and part-time staff will be needed to continue to meet these needs."

¹⁹ JBC Staff Figure Setting FY 2021-22: https://leg.colorado.gov/sites/default/files/fy2021-22_pubsaffig2.pdf (page 7)

It is not clear to JBC staff that General Fund can be used for this purpose. Pursuant to Section 24-33.5-523 (6), C.R.S. [Human Trafficking Prevention Training], “The division may accept and expend money, gifts, grants, donations, services, and in-kind donations from any public or private entity for any direct or indirect costs associated with the duties of this section...The division shall not provide training until sufficient money is available from gifts, grants, and donations to cover the costs associated with implementing and providing the training.” It is not clear to staff whether there is gift, grant, or donation funding available to provide the training, so it is not clear that funding this FTE with General Fund would be helpful even if it is legally possible.

Additionally, the bill that extended the repeal date for this program (S.B. 23-074 Sunset Modify Human Trafficking Prevention Training) from September 1, 2023 to September 1, 2030, did not include an appropriation because the fiscal note assumed that the 0.5 FTE required by the bill would be funded through \$50,000 in gifts, grants, and donations.

\$111,170 and 0.9 FTE for a Victim Rights Act Specialist

The Department requested and JBC staff recommends \$3.0 million General Fund related to R6 Crime Victim Services Funding. This would be an appropriation to the continuously appropriated Colorado Crime Victim Services Fund. Statute provides that, “The division may use up to five hundred thousand dollars of the money transferred to the fund pursuant to subsection (4) of this section and up to five percent of any other money transferred or appropriated to the fund for development and administrative costs incurred by the division pursuant to this section.” Subsection 4 of this statute refers to a \$32.0 million transfer of ARPA funding and a transfer of \$6.0 million General Fund to the Crime Victim Services Fund.

JBC staff concludes that the Division could use a portion of recommended \$3.0 million appropriation to the Crime Victim Services Fund to support the requested FTE, or a portion of the previously transferred \$38.0 million total funds. If the Committee adopts JBC staff's recommendation to deny funding for this requested FTE, the Executive Branch is welcome to explain why it cannot use the total allocation of \$41.0 million (including the \$3.0 million additional General Fund recommended in R6) to support this FTE cost \$111,170 for a Victim Rights Act specialist.

LINE ITEM DETAIL — ADMINISTRATION

DCJ ADMINISTRATIVE SERVICES

This line item funds personnel and operating costs for several functions within the Division of Criminal Justice (DCJ). This includes the Office of Community Corrections, the Office of Research and Statistics, the Office of Domestic Violence Offender Management, the Office for Victims Programs, and DCJ's administrative unit. The primary cash fund sources are the Victims Assistance and Law Enforcement Fund (the State VALE fund) established in Section 24-33.5-506 (1), C.R.S., and the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

STATUTORY AUTHORITY: Title 24, Article 33.5, Part 5 (Division of Criminal Justice); Section 17-27-108, C.R.S. (Community Corrections), Section 17-22.5-404 C.R.S. (Parole Guidelines); Section 24-33.5-506, C.R.S. (Victims assistance and law enforcement fund), Title 16, Article 11.8, (Management of Domestic Violence Offenders).

REQUEST: The Division requests an appropriation of \$7,757,424 total funds and 62.7 FTE, as reflected in the table below.

RECOMMENDATION: Staff recommends \$7,363,232 total funds and 59.4 FTE, as reflected in the table below.

DIVISION OF CRIMINAL JUSTICE, ADMINISTRATION, DCJ ADMINISTRATIVE SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$8,072,226	\$5,344,268	\$2,066,730	\$526,566	\$134,662	60.4
TOTAL	\$8,072,226	\$5,344,268	\$2,066,730	\$526,566	\$134,662	60.4
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$8,072,226	\$5,344,268	\$2,066,730	\$526,566	\$134,662	60.4
Prior year salary increase	323,839	267,421	28,552	27,866	0	0.0
R9 FTE for DCJ for various purposes	141,949	141,949	0	0	0	1.8
Annualize prior year budget actions	25,249	25,249	0	0	0	0.3
Non prioritized requests	(673,832)	0	(673,832)	0	0	0.0
Annualize prior year legislation	(526,199)	(234,636)	0	0	(291,563)	(3.1)
TOTAL	\$7,363,232	\$5,544,251	\$1,421,450	\$554,432	(\$156,901)	59.4
INCREASE/(DECREASE)	(\$708,994)	\$199,983	(\$645,280)	\$27,866	(\$291,563)	(1.0)
Percentage Change	(8.8%)	3.7%	(31.2%)	5.3%	(216.5%)	(1.7%)
FY 2024-25 EXECUTIVE REQUEST	\$7,757,424	\$5,938,443	\$1,129,887	\$554,432	\$134,662	62.7
Request Above/(Below) Recommendation	\$394,192	\$394,192	(\$291,563)	\$0	\$291,563	3.3

MULTIDISCIPLINARY CRIME PREVENTION AND CRISIS INTERVENTION GRANT PROGRAM

This line item provides appropriations for the Multidisciplinary Crime Prevention and Crisis Intervention Grant Program.

STATUTORY AUTHORITY: Section 24-33.5-527 (1)(b), C.R.S.

REQUEST: The Division request an appropriation of \$7,500,000 cash funds to provide spending authority from the continuously-appropriated Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund related to the requested \$7,500,000 General Fund transfer to that cash fund.

RECOMMENDATION: Staff recommends an appropriation of \$500,000 General Fund.

INDIRECT COST ASSESSMENT

This line item funds the indirect cost assessments collected from the Division of Criminal Justice.

STATUTORY AUTHORITY: State of Colorado Fiscal Rules, Rule 8-3 (Cost Allocation Plans).

REQUEST: The Division requests an appropriation of \$869,652 total funds, including \$118,470 cash fund and \$751,182 federal funds.

RECOMMENDATION: Staff recommends approval of the request.

DIVISION OF CRIMINAL JUSTICE, ADMINISTRATION, INDIRECT COST ASSESSMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$712,945	\$0	\$96,135	\$0	\$616,810	0.0
TOTAL	\$712,945	\$0	\$96,135	\$0	\$616,810	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$712,945	\$0	\$96,135	\$0	\$616,810	0.0
Indirect cost assessment	156,707	0	22,335	0	134,372	0.0
TOTAL	\$869,652	\$0	\$118,470	\$0	\$751,182	0.0
INCREASE/(DECREASE)	\$156,707	\$0	\$22,335	\$0	\$134,372	0.0
Percentage Change	22.0%	0.0%	23.2%	0.0%	21.8%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$869,652	\$0	\$118,470	\$0	\$751,182	0.0
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(B) VICTIMS ASSISTANCE

The Office for Victims Programs administers state and federally funded grant programs that provide funding to state and local agencies that assist crime victims. Grant recipients include district attorneys, local law enforcement, and local programs that provide victim-assistance services. The subdivision also contains appropriations for Child Abuse Investigation, the Sexual Assault Victim Emergency Payment Program, and the Statewide Victim Information and Notification System (VINE).

VICTIMS ASSISTANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$37,193,537	\$10,186,362	\$1,797,693	\$0	\$25,209,482	9.1
TOTAL	\$37,193,537	\$10,186,362	\$1,797,693	\$0	\$25,209,482	9.1
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$37,193,537	\$10,186,362	\$1,797,693	\$0	\$25,209,482	9.1
R6 Crime victim services funding	3,000,000	3,000,000	0	0	0	0.0
Prior year salary increase	75,819	0	0	0	75,819	0.0
Annualize prior year budget actions	(8,225,629)	(8,225,629)	0	0	0	0.0
TOTAL	\$32,043,727	\$4,960,733	\$1,797,693	\$0	\$25,285,301	9.1
INCREASE/(DECREASE)	(\$5,149,810)	(\$5,225,629)	\$0	\$0	\$75,819	0.0
Percentage Change	(13.8%)	(51.3%)	0.0%	0.0%	0.3%	(4)
FY 2024-25 EXECUTIVE REQUEST	\$32,043,727	\$4,960,733	\$1,797,693	\$0	\$25,285,301	9.1
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	(0.0)

DECISION ITEMS - VICTIMS ASSISTANCE

The following decision items are described in this section:

- R6 Crime Victim Services Funding

➔ R6 CRIME VICTIM SERVICES FUNDING

REQUEST: The Department requests a one-time appropriation of \$3.0 million General Fund to the continuously appropriated Colorado Crime Victim Services Fund. JBC staff notes that \$3.0 million represents the total amount of funding for this purpose in FY 2024-25. The request shows that the \$3.0 million would be *in addition to* the \$8.0 million General Fund appropriation included in the FY 2023-24 Long Bill. However, that \$8.0 million appropriation was one-time and should have been excluded from the FY 2024-25 base.

The request aims to partially offset a projected \$40.0 million decline in federal funding. The decline stems from: (1) A federal trend to pursue deferred prosecutions which resulted in fewer fines being collected, (2) inconsistent Congressional adjustments to the cap on Victim of Crimes Act awards, and (3) Fewer large scale prosecutions against companies that resulted in very large deposits into the federal Crime Victims Fund, and (4) More carve-outs for special projects being taken from the federal Crime Victims Fund.

RECOMMENDATION: Staff recommends approval of the request. The request does not speak to how the Department arrived at the requested amount of \$3.0 million. The request acknowledges that it would not “level current funding with the previous levels of Federal funding, [but] a General Fund appropriation of \$3 million to the Division of Criminal Justice will help to ensure some victim service grants can continue to be awarded regardless of the instability of the federal Crime Victim Services Fund.”

JBC staff therefore assumes that the requested amount of \$3.0 million is subjective. JBC staff recommends approval of the request, but the JBC may consider a different amount that is more in line with its policy preferences.

LINE ITEM DETAIL - VICTIMS ASSISTANCE

FEDERAL VICTIMS ASSISTANCE AND COMPENSATION GRANTS

The Office for Victim Programs manages three federal grant programs:

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

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

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

STATUTORY AUTHORITY: Section 24-33.5-503 (1)(e), C.R.S., Section 24-33.5-507 and 510, C.R.S.

REQUEST: The Division requests \$25,285,301 federal funds and 8.6 FTE.

RECOMMENDATION: Staff recommends approval of the request.

STATE VICTIMS ASSISTANCE AND LAW ENFORCEMENT (VALE) PROGRAM

The Office for Victims Programs administers the State VALE fund and helps monitor, coordinate and support the victim rights, compensation, and assistance programs that are operated by Colorado's many state and local criminal justice agencies. The Victims Assistance and Law Enforcement (VALE) program began in 1984 when the General Assembly enacted the Assistance to Victims of and Witnesses to Crimes Aid to Law Enforcement Act. In 1992, voters approved the Victim Rights Amendment, which is found in Article 2, Section 16a of the Colorado Constitution. The amendment states that crime victims have the "right to be heard when relevant, informed, and present at all critical stages of the criminal justice process."

STATUTORY AUTHORITY: Section 24-33.5-506, C.R.S. (Victims assistance and law enforcement fund), Title 24, Article 4.2 (Assistance to Victims of and Witnesses to Crimes and Aid to Law Enforcement Act), Colorado Constitution Article 2, Section 16a (Victim Rights Amendment).

REQUEST: The Division requests a continuation-level appropriation of \$1,500,000 cash funds for this program.

RECOMMENDATION: Staff recommends approval of the request.

CHILD ABUSE INVESTIGATION

Child abuse investigations are frequently conducted by Child Advocacy Centers (CACs), which are located in most of the state's judicial districts. About 80 percent of the children served by these centers are victims of sexual abuse. Appropriations for this line item come from the General Fund and the Child Abuse Investigation Surcharge Fund. The DCJ uses these appropriations to make grants to the Colorado Children's Alliance, which distributes the money to Child Advocacy Centers and provides training and technical guidance to the centers. The CACs use the grants to cover between 2 and 20 percent of their operating expenses, with the remainder coming from other sources, such as Victims of Crime Act grants, United Way, and local fundraising efforts

The cash funding for this appropriation stems from Article 24 of Title 18, C.R.S., which establishes a schedule of "surcharges" that are paid by offenders who are convicted of crimes against children, including sex offenses, incest, child abuse, and contributing to the delinquency of a minor. Five percent of the surcharge revenue is credited to the Judicial Stabilization Fund and the remaining 95 percent is credited to the Child Abuse Investigation Surcharge Fund, which is created in Section 18-24-103 (2)(a), C.R.S.

STATUTORY AUTHORITY: Article 24 of Title 18, C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$1,297,693 total funds, consisting of \$1,000,000 General Fund and \$297,693 cash funds from the Child Abuse Investigation Surcharge Fund, and 0.3 FTE.

RECOMMENDATION: Staff recommends approval of the request.

APPROPRIATION TO THE COLORADO CRIME VICTIM SERVICES FUND

This line item provides a mechanism to appropriate money to the continuously-appropriated Colorado Crime Victim Services Fund.

STATUTORY AUTHORITY: Section 24-33.5-505.5, C.R.S.

REQUEST: The Division requests an appropriation of \$3,000,000 General Fund.

RECOMMENDATION: Staff recommends approval of the request.

DIVISION OF CRIMINAL JUSTICE, VICTIMS ASSISTANCE, APPROPRIATION TO THE COLORADO CRIME VICTIM SERVICES FUND						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$8,000,000	\$8,000,000	\$0	\$0	\$0	0.0
TOTAL	\$8,000,000	\$8,000,000	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$8,000,000	\$8,000,000	\$0	\$0	\$0	0.0
R6 Crime victim services funding	3,000,000	3,000,000	0	0	0	0.0
Annualize prior year budget actions	(8,000,000)	(8,000,000)	0	0	0	0.0
TOTAL	\$3,000,000	\$3,000,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$5,000,000)	(\$5,000,000)	\$0	\$0	\$0	0.0
Percentage Change	(62.5%)	(62.5%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$3,000,000	\$3,000,000	\$0	\$0	\$0	0.0
Request Above/(Below)						
Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

SEXUAL ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM

This line item provides funding for emergency payments for victims of sexual assault who need additional time to determine whether or not they wish to pursue legal action. House Bill 13-1163 created the Sexual Assault Victim Emergency Payment Program for this purpose. In such cases, the evidence collection portion of a medical forensic exam is paid for by the DCJ. The victim can decide at a later date to have the crime investigated and prosecuted.

STATUTORY AUTHORITY: Section 18-3-407.7, C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$167,933 General Fund and 0.2 FTE.

RECOMMENDATION: Staff recommends approval of the request.

STATEWIDE VICTIM INFORMATION AND NOTIFICATION SYSTEM (VINE)

This appropriation provides funding for a victim notification system operated by the County Sheriffs of Colorado (CSOC), which was constructed with the help of federal grants. The notification system—Colorado Automated Victim Information Notification Everyday (VINE)—is part of a nationwide VINE system that covers 47 states. Implemented after the passage of H.B. 13-1241, the system allows crime victims and other concerned citizens to access information about criminal cases and the custody status of offenders at any time via telephone, internet, or e-mail. VINE obtains information directly from Colorado county-jail booking systems, but does not provide information about the custody status of Colorado Department of Corrections offenders. Victims can register to be automatically notified by any combination of e-mail, fax, letter, or phone when their offender is released, transferred, or escapes. The Colorado online VINE system can be found at the following link: <https://colorado-vine.com/>.

STATUTORY AUTHORITY: Section 24-33.5-515, C.R.S., (Statewide automated victim information and notification system).

REQUEST: The Division requests an appropriation of \$492,800 General Fund.

RECOMMENDATION: Staff recommends approval of the request.

DIVISION OF CRIMINAL JUSTICE, VICTIMS ASSISTANCE, STATEWIDE VICTIM INFORMATION AND NOTIFICATION SYSTEM (VINE)						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$718,429	\$718,429	\$0	\$0	\$0	0.0
TOTAL	\$718,429	\$718,429	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$718,429	\$718,429	\$0	\$0	\$0	0.0
Annualize prior year budget actions	(225,629)	(225,629)	0	0	0	0.0
TOTAL	\$492,800	\$492,800	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$225,629)	(\$225,629)	\$0	\$0	\$0	0.0
Percentage Change	(31.4%)	(31.4%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$492,800	\$492,800	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Office of Adult and Juvenile Justice Assistance administers federally funded criminal and juvenile justice grant programs that help local and state law enforcement agencies improve the services they deliver and administers the state juvenile diversion grant program. The appropriation for most of the Office's staff is in subdivision (A) Administration.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION					
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION					
FY 2023-24 Appropriation	\$6,461,677	\$5,261,677	\$400,000	\$800,000	6.2
TOTAL	\$6,461,677	\$5,261,677	\$400,000	\$800,000	6.2
FY 2024-25 RECOMMENDED APPROPRIATION					
FY 2023-24 Appropriation	\$6,461,677	\$5,261,677	\$400,000	\$800,000	6.2
Annualize prior year legislation	(2,100,000)	(2,100,000)	0	0	(2.0)
TOTAL	\$4,361,677	\$3,161,677	\$400,000	\$800,000	4.2
INCREASE/(DECREASE)	(\$2,100,000)	(\$2,100,000)	\$0	\$0	(2.0)
Percentage Change	(32.5%)	(39.9%)	0.0%	0.0%	(4)
FY 2024-25 EXECUTIVE REQUEST	\$4,361,677	\$3,161,677	\$400,000	\$800,000	4.2
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	(0.0)

LINE ITEM DETAIL - JUVENILE JUSTICE AND DELINQUENCY PREVENTION

JUVENILE JUSTICE DISBURSEMENTS

This line item is included in the Long Bill for informational purposes only and provides an estimate of expected federal grants to the Division for Juvenile Justice Programs. The Office of Adult and Juvenile Justice Assistance provides federally funded grants to units of local government (including law enforcement, district attorneys, and judicial districts), state agencies, and non-profit/local private community-based agencies. The grants address such issues as separation of juveniles from adult inmates; over representation of minorities in the justice system; mental health and substance abuse; gender specific services; and juvenile justice system improvement. The funds are from the federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice.

STATUTORY AUTHORITY: Section 24-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$800,000 federal funds and 1.2 FTE.

RECOMMENDATION: Staff recommends approval of the request.

JUVENILE DIVERSION PROGRAMS

Juvenile diversion programs serve youth accused of having broken the law. In lieu of going through the normal judicial process, the juvenile is placed in a diversion program that holds them accountable for their behavior while involving them in programs and activities that reduce the likelihood of future criminal activity. Diversion programs can include diagnostic needs assessment, restitution programs, community service, job training and placement, specialized tutoring, general counseling, crisis counseling, and follow-up activities. These programs are operated by district attorneys, counties, and community-based agencies.

STATUTORY AUTHORITY: Section 19-2.5-402, C.R.S. (Juvenile diversion program – authorized).

REQUEST: The Division requests a continuation-level appropriation of \$3,561,677 total funds and 3.0 FTE as shown in the table below.

RECOMMENDATION: Staff recommends approval of the request.

DIVISION OF CRIMINAL JUSTICE, JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUVENILE DIVERSION PROGRAMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$3,561,677	\$3,161,677	\$400,000	\$0	\$0	3.0
TOTAL	\$3,561,677	\$3,161,677	\$400,000	\$0	\$0	3.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$3,561,677	\$3,161,677	\$400,000	\$0	\$0	3.0
TOTAL	\$3,561,677	\$3,161,677	\$400,000	\$0	\$0	3.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$3,561,677	\$3,161,677	\$400,000	\$0	\$0	3.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(D) COMMUNITY CORRECTIONS

The Division's Office of Community Corrections manages the State's community corrections system. The term "community corrections" refers to a network of public, private, and nonprofit service providers. These providers serve the State by: (1) Providing a sentencing option for criminal behavior short of prison, (2) Providing an intermediate level of supervision less than prison but more than probation or parole, and (3) Providing rehabilitative services to offenders.

COMMUNITY CORRECTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$90,050,315	\$84,376,536	\$0	\$5,673,779	\$0	0.0
TOTAL	\$90,050,315	\$84,376,536	\$0	\$5,673,779	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$90,050,315	\$84,376,536	\$0	\$5,673,779	\$0	0.0
R15 Provider rate common policy	2,250,994	2,109,150	0	141,844	0	0.0
R12 Comm corr performance-based contracting	0	0	0	0	0	0.0
TOTAL	\$92,301,309	\$86,485,686	\$0	\$5,815,623	\$0	0.0
INCREASE/(DECREASE)	\$2,250,994	\$2,109,150	\$0	\$141,844	\$0	0.0
Percentage Change	2.5%	2.5%	0.0%	2.5%	0.0%	(4)
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$65,988)	(\$37,620)	\$0	(\$28,368)	\$0	0.0

DECISION ITEMS – COMMUNITY CORRECTIONS

The following decision items are described in this section:

- Staff initiated Eliminate Community Corrections Long Bill footnote
- R12 Community Corrections Performance-based Contracting
- Update on community corrections cost analysis (S.B. 23-242)

➔ STAFF INITIATED ELIMINATE COMMUNITY CORRECTIONS LONG BILL FOOTNOTE

REQUEST: The Department did not request this item but is aware of it.

RECOMMENDATION: Staff recommends eliminating the Long Bill footnote that prescribes specific per-diem reimbursement rates for specific types of community corrections services.

ANALYSIS: The Key Takeaway

JBC staff concludes the current Long Bill footnote helps to perpetuate a bad process for making decisions about the community corrections budget. Staff summarizes the process over the last 10-12 years as follows: apply a very modest common policy increase for 4-5 years until JBC staff initiates a targeted rate increase to dramatically boost rates. Current JBC staff will not initiate targeted rate adjustments for community corrections.

WHY FOCUS ON THIS ISSUE?

JBC staff chose to focus this issue for two broad and connected reasons. The **first** is the role of the community corrections in the criminal justice system. Community corrections provides an intermediate alternative to incarceration that is less expensive than incarceration.²⁰ There are over 2,400 offenders in community corrections residential facilities. Many of these offenders would otherwise be sentenced to or remain in prison. For example, there are about 900 people in community corrections that are transitioning to the community from state prisons and about 1,500 people who were “diverted” from a prison sentence.

The **second** reason is that the Department of Corrections has a finite amount of prison capacity. The DCJ’s prison population forecast expects the prison population to rise and eventually exceed the DOC’s ability house inmates in existing facilities before the end of the decade. Community corrections is just one of many policy tools available to address this issue. But community corrections is unique as an “intermediate” tool that provides more supervision than parole and probation while also providing housing, treatment, and other services. The quality of these services has been the subject of scrutiny in recent years. But JBC staff thinks the State will be better positioned to deal with, and perhaps forestall, a potential prison capacity crisis if it takes steps now to improve and expand the services and supervision offered by the community corrections system, as well as the oversight of that system.

However, staff has also concluded that there are many obstacles to developing a larger and more effective community corrections system. These obstacles are, in staff’s view, statutory, structural, perceptual, cultural, historical, and budgetary. One budget obstacle identified by staff—which may also be a cultural and historical obstacle—is the obscure, technical, and influential way the Long Bill footnote guides the amount and allocation of funding for community corrections.

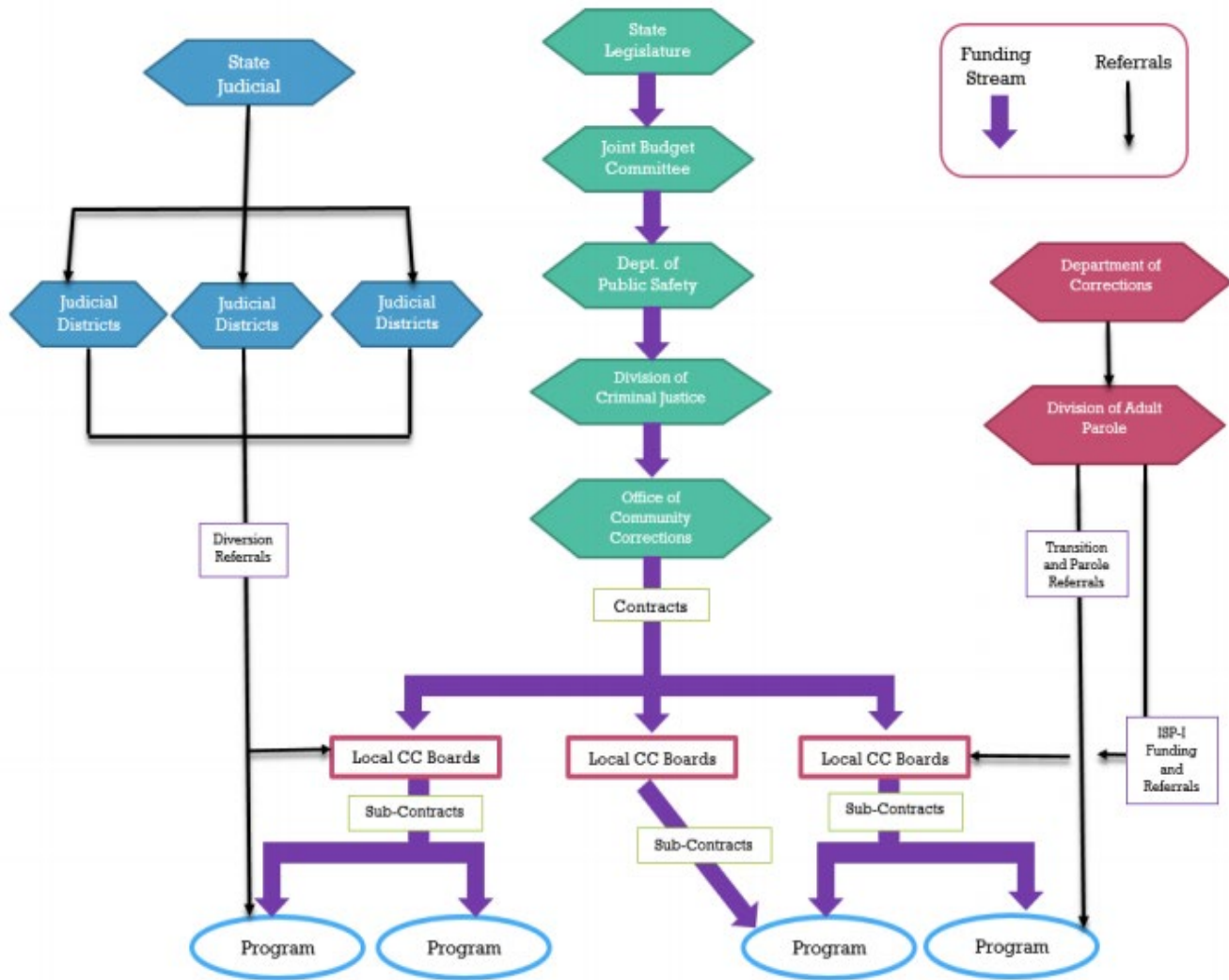
THE BASICS: HOW COMMUNITY CORRECTIONS IS FUNDED

The State currently allocates money for community corrections based on the projected caseload (number of placements in the system) and per-diem reimbursement rates established in the Long Bill footnote. The State also provides a fixed “facility payment” that is not tied to caseload, as well as funding for some of the administrative costs incurred by local community corrections boards.

DCJ allocates appropriations for community corrections through contracts with local community corrections boards (usually a unit of local government), who then subcontract with providers for services in their communities. In some cases, DCJ contracts directly with certain providers for specialized supervision and treatment services.

Placements are a function of referrals from the different parts of the criminal justice system, the willingness of community corrections boards and providers to accept referred offenders into their community and facilities, and in some cases the willingness of an offender to participate in community corrections. The graphic on the next page shows the entire process.

²⁰ It is true that community corrections services now cost more than private prisons. However, most DOC inmates are housed in more expensive state prisons. Community corrections is cheaper than incarceration when accounting for the entire DOC prison system.



Source: DCJ FY 2018-19 Community Corrections Annual Report

PER-DIEM RATES AND THE LONG BILL FOOTNOTE

The General Assembly first established per-diem rates for community corrections in the Long Bill in 1992. These rates are factored into the Long Bill appropriation and, over the last ten years, specified in a Long Bill footnote attached to that appropriation. The full text of the footnote is shown on below and on the next page, with the key element bolded by JBC staff.

“Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- **This appropriation assumes the daily rates and average daily caseloads listed in the following table.** The appropriation assumes that offenders will not be charged a daily subsistence fee. The base rate for standard nonresidential services assumes a weighted average of the rates for four different levels of service. This appropriation also assumes that the residential base per-diem rate in the table included in this footnote will be increased by 1.0 percent for programs meeting recidivism performance targets and 1.0 percent for programs meeting program completion performance targets.”

Rate type	Rate	Average Daily Placements	Appropriation
Residential base rate	\$69.01	710	\$17,932,939
Base rate plus 1.0% incentive	\$69.70	720	\$18,367,344
Base rate plus 2.0% incentive	\$70.39	1,219	\$31,404,780
Specialized Differentials			
Intensive Residential Treatment	\$34.00	146	\$1,816,824
Inpatient Therapeutic Community	\$34.00	80	\$995,520
Residential Dual Diagnosis Treatment	\$34.00	120	\$1,493,280
Sex Offender	\$34.00	116	\$1,443,504
Standard Non-residential	\$9.94	792	\$2,881,328
Outpatient Therapeutic Community	\$27.67	50	\$506,288
Total		3,503	\$76,841,807

Why does the footnote exist?

JBC staff suspects that historical inertia is the primary reason. Reimbursement rates for community providers are rarely specified in the Long Bill. They are not specified in the Long Bill sections for the Department of Health Care Policy and Financing, the Department of Human Services, the Department of Early Childhood, or for medical and behavioral health services in the Department of Corrections.

The Long Bill footnote for community corrections is not required by statute and does not have the force of law. It merely describes a series of assumptions. Because the footnote is only an assumption, the DCJ may allocate funding as needed should those assumptions prove inaccurate. For example, some or all of the \$1.5 million assumed for Residential Dual Diagnosis Treatment (RDDT) placements can be allocated for Standard Residential placements if it turns out that there are fewer RDDT placements than assumed and more Standard placements than assumed. The DCJ could also, theoretically, execute contracts at different per-diem rates, though it historically sticks to the rates assumed by the footnote.

Even though the per-diem rate footnote is not legally necessary, per-diem rates (and adjacent topics like daily fees paid by offenders, service costs, staffing levels, performance based contracting) tend to dominate conversations about the DCJ budget. Over the past decade, it has been a regular and often central feature of many briefing, department hearing, and figure setting documents. For example, it features in figure setting for FY 2013-14; in the briefing, hearing, and figure setting for FY 2014-15; in the briefing and hearing for FY 2015-16; in figure setting for FY 2019-20; in figure setting for FY 2020-21; in the briefing and hearing for FY 2021-22; in briefing, hearing, and figure setting for FY 2022-23; and in the briefing and hearing for FY 2023-24. And, of course, in the current cycle.

The focus on this issue stems from multiple factors, including, but not limited to:

- A desire to use community corrections as a cost saving measure in lieu of prison;
- Capacity challenges in both community corrections and in prisons;
- Assertions from providers that reimbursement rates are insufficient; and
- Population declines during the coronavirus pandemic, which reduced income for providers.

In JBC staff's view, this begs the following question: If the level of specificity in the community corrections footnote is not found elsewhere in the State budget, and if this very specific Long Bill footnote is not legally necessary, and if it consistently dominates conversations while perpetuating a

bad process for making budget decisions (discussed in the next subsection), why does the footnote exist at all?

Staff concludes that historical inertia is the primary reason; the Long Bill has specified per-diem rates for community corrections since 1992. Yet the past thirty years of per-diem rates in the Long Bill have not yielded an accurate, repeatable, and sustainable process for figuring out what the per-diem rate ought to be. Rather, the Long Bill currently represents a complicated mix of different processes and mechanisms developed over time by different JBC staff analysts attempting to achieve different things.

THE PROCESS FOR DETERMINING PER-DIEM RATES

There informational constraints on the General Assembly’s ability to determine the “right” amount of funding for community corrections. Perhaps the biggest constraint is that the JBC does not know how much it actually costs to provide community corrections services, much less what it would cost to provide high quality services. The DCJ says they do not know either.

Despite these informational constraints, the burden for determining per-diem rates has fallen exclusively on the JBC and JBC staff. The situation over the past decade or so may be summarized as follows: The Executive Branch has not requested targeted rate increases for community corrections providers for many years (or perhaps ever?). Based on some data suggesting that per-diem rates were insufficient, and with no targeted requests emerging from within the Executive Branch, previous JBC staff felt compelled to initiate significant targeted rate increases in four or five year intervals to keep the community corrections providers afloat. And, in the process, attempting to save the State money by ensuring that the State does not lose a dramatic amount of community corrections capacity that would otherwise be absorbed within the more expensive state prison system.

There is no need for the Executive Branch to request targeted rate increases if the JBC and JBC staff are going to do the work and perpetuate the expectation that they will continue to do so. As one DCJ staffer told community corrections stakeholders in 2021, “...we look to the expertise of the Joint Budget analysts and their expertise in that area [of per-diem rates.]”²¹ JBC staff understands why the DCJ may have drawn this conclusion; multiple JBC staffers had initiated per-diem rate changes over the preceding decade.

This view also precedes current DCJ staff and leadership. During the FY 2014-15 budget cycle, the JBC asked the DCJ, “What would be a fair provider rate?” The Division responded with, “The Department believes that the rate proposed by the Office of State Planning and Budgeting is sufficient to support current operations. The executive branch is open to working with JBC staff to improve community corrections.”²²

The response from ten years ago is very similar to what the Division said just a few months ago. The JBC recently asked, “Does the Department have a plan for assessing rate adequacy or provider costs in the time between now and when the [system wide financial] audit would be complete? Please discuss any potential steps that the General Assembly may wish to take regarding rates during this interim period [while waiting for the results of the financial audit of the community corrections system]. The

²¹ DCJ Performance Based Contracting Payment Models Workshop, October 21, 2021:

<https://www.youtube.com/watch?v=QJauziXvWVA>.

²² Division of Criminal Justice FY 2014-15 Hearing, January 6, 2014:

https://leg.colorado.gov/sites/default/files/pubsafhrg2_1.pdf (page 8)

Department explained how challenging it is to obtain information about per-diem rates, ending with, “Despite all of these challenges, the Department is committed to continuing to try to assess rate adequacy and working with JBC staff to find solutions.”²³ The Division also responded to a question about the adequacy of the Governor’s proposed 2.0 percent common policy increase, “Each year, the Executive Branch’s provider rate request is determined through consideration of both increasing costs on partners and the balancing pressures on the state budget.”²⁴

JBC staff’s per-diem rate “expertise” is largely a fiction. JBC staff does not engage with community corrections on a daily basis; DCJ’s Office of Community Corrections does. JBC staff analysts may acquire a modicum of expertise over time. But most analysts are necessarily generalists who must be able to talk about a diverse array of topics across multiple departments, in addition to coordinating and/or performing dozens of internal processes. In JBC staff’s view, acquiring true expertise in the area of per-diem rates for community corrections would be full-time job, though it may not be possible to acquire true expertise on a topic where key information is largely unavailable (e.g. proprietary financial statements).

Perhaps most importantly, relying on JBC staff to “fill the void” a couple of times per decade is a bad process. It is a bad process because it is inherently variable and inconsistent given that it relies on different people who have different skill sets, analytical processes and abilities, and inclinations to dedicate one’s time to this issue at the expense of another.

Current JBC staff will not initiate targeted provider rate increases. Rather, current staff is seeking, and has sought, to develop processes that are accurate, repeatable, and sustainable over time. Staff the FY 2023-24 budget cycle to float multiple ideas that would be an improvement over historical practice. One of those ideas was a third-party analysis of provider financials aimed at learning, among other things, what it costs to provide community corrections services. The Department indicated its preference for that idea over the others.²⁵ JBC staff made the recommendation and the result was S.B. 23-242 (Community Corrections Financial Audit). Despite what appears to be a game effort by the Office of Community Corrections, the State has been unable to find anybody to perform the cost analysis.

In sum, community corrections is a key part of Colorado’s criminal justice system and, consequently, could play a key role in improving the system and reducing the cost of incarceration. Funding for community corrections has largely followed the common policy adjustment until JBC staff feels compelled to intervene despite information constraints.

In JBC staff’s view, Long Bill footnote contributes to this problem. This footnote assumes specific per-diem rates for specific types of services. Despite the fact that these per-diem rates are merely assumptions, JBC staff concludes that their existence promotes a status quo where:

- 1 The Division absolved of the ownership of reimbursement rates and, consequently, the obligation to seek targeted rate adjustments when necessary, even though statute requires that the division,

²³ FY 2024-25 DCJ Hearing Agenda, December 14, 2023: https://leg.colorado.gov/sites/default/files/fy2024-25_pubsafhrg2.pdf (page 3).

²⁴ Ibid.

²⁵ FY 2023-24 DCJ Hearing Agenda, December 14, 2022: https://leg.colorado.gov/sites/default/files/fy2023-24_pubsafhrg2.pdf (page 3).

“shall allocate appropriations for community corrections to local community corrections boards and community corrections programs **in a manner which considers the distribution of offender populations and supports program availability proportionate to such distribution and projected need.**” [Section 17-27-108 (3), C.R.S.]

- 2 The reimbursement rate setting process is owned solely by a lone JBC staffer despite lacking the expertise, capacity, information, and statutory mandate to own it.

IMPLICATIONS OF ELIMINATING THE FOOTNOTE

Would the State lose community corrections capacity if the footnote ceases to exist?

No, not necessarily. Staff is only aware of one other proposal that would have eliminated per-diem rates from the Long Bill. During the FY 2021-22 budget cycle, the Department submitted a budget request to transition community corrections funding to a competitive grant system that would have done away with per-diem rates by allowing providers to bid on contracts at “true-cost.” The problem with that request, as JBC staff saw it, was that it was underdeveloped (lacking key details) and paired with a \$22.0 million cut to the existing appropriation. Staff recommended that the JBC deny the request, which it did.

However, JBC staff revived the idea during the FY 2023-24 budget cycle as an alternative to the existing process. The Department declined to recommend this option, saying,

“Given all of the factors that impact the potential long-term viability of the community corrections system, and the potential for either significant loss of capacity or, alternately, a significant increase in budget, the DCJ cannot recommend this option. Resources would need to be dedicated to thoroughly analyze the feasibility of a grant-based funding model.”²⁶

Removing per-diem rates from the Long Bill does not mean that providers will automatically start bidding at “true cost,” leading to reduced capacity. The DCJ does not need the Long Bill footnote to maintain a similar rate structure in its contracts with boards and providers. If transparency about rates is a concern, the JBC could ask for that information as a Request for Information. The JBC could also consider sponsoring legislation to add a reporting requirement to statute.

Does removing the footnote improve the process for determining appropriations for community corrections?

JBC staff thinks it would for two reasons: (1) the administrative burden of determining reimbursement rates would fall on the Executive Branch entity that manages the community corrections system on a daily basis, rather than on individuals in the Legislative Branch who engage with the community corrections system on a limited basis, (2) stakeholders should discuss rate adequacy with the Division before speaking to the JBC or JBC staff. Eliminating the footnote requires the Division to engage on the issue of per-diem rates, rather than defer to JBC staff’s alleged expertise.

How might the JBC ensure that it has adequate information about per-diem rates if the footnote no longer exists?

²⁶ FY 2023-24 DCJ Hearing Agenda, December 14, 2022: https://leg.colorado.gov/sites/default/files/fy2023-24_pubsafhrg2.pdf (page 4).

JBC staff is recommending a request for information that asks the Division to provide the per-diem reimbursement rate for each provider by type of service and the number of beds for each type of service.

→ R12 COMMUNITY CORRECTIONS PERFORMANCE-BASED CONTRACTING

REQUEST: The Department requests a net increase of \$384,210 General Fund for performance-based contracting (PBC) incentive payments starting in FY 2024-25. The net increase of \$384,210 represents:

- 1 An increase of funding for community corrections providers that are meeting performance targets related to security audits, adherence to evidence-based practices, and key performance indicators related to staff training and retention. Providers would earn these funds as a percentage of the base per-diem rate. In this case, they could earn up to 2.0 percent on top of the base per-diem rate.
- 2 A decrease of funding tied to a 1.0 percent decrease in the per-diem rate paid to low performing providers.

This request represents the next phase of DCJ's performance based contracting plan, which was first implemented in FY 2022-23. Providers can currently earn up to 2.0 percent of the base per-diem rate if they are meeting performance targets related to recidivism and program completion. With the 1.0 percent reduction to the base and the 2.0 percent increase for the new process measures, the highest performing providers could earn an additional 3.0 percent of the base per-diem rate. The table below, taken from the request, shows the broad strokes of that plan.

Table 1 - PBC Initial Payment Model FY23 - FY27

Initial Payment Model					
	Fiscal Year 22 - 23	FY 23 - 24	FY - 24 - 25	FY 25 - 26	FY 26 - 27
Base per diem	100%	100%	99%	99%	99%
Risk Informed Outcomes:					
Successful Completion	1%	1%	1%	1%	1%
Recidivism	1%	1%	1%	1%	1%
CORE/PACE/KPIs	Evaluating	Evaluating	2%	2%	2%
Max Payment	102%	102%	103%	103%	103%

CORE refers to security audits, PACE refers to evidence-based practices, and KPI refers to key performance indicators.

RECOMMENDATION: Staff recommends denial of the request for two reasons. First, staff thinks the Executive Branch and the General Assembly should acquire accurate information about the cost to provide community corrections services *before* reducing the base per-diem rate in proposed performance-based contracting model.

Second, as staff has written previously, staff does not recommend providing incentive payments for process measures like security audits, adherence to evidence-based practices, and key performance indicators related to staff training and retention.²⁷ Staff thinks the General Assembly should focus on

²⁷ JBC Staff Budget Briefing FY 2022-23, Department of Public Safety (Division of Criminal Justice), December 2, 2021: https://leg.colorado.gov/sites/default/files/fy2022-23_pubsafbrf2.pdf (pg.11)

providing incentive payments for the outcomes that result from strong processes, rather than pay extra for those processes.

ANALYSIS:

ADDITIONAL BACKGROUND ON PROPOSED INCENTIVE PAYMENTS

Facility Security

DCJ's Office of Community Corrections conducts Core Security Audits (CSAs) to measure a provider's compliance with a group of safety and security-focused standards included in the Colorado Community Corrections Standards. These metrics are within the provider's control because they measure actions taken by the provider to provide adequate security and supervision. In that regard, the CSA is a process measure, not an outcome measurement; it measures what the providers are doing, not whether people are actually safe.

The CSA measures provider performance on a 3-point scale, with higher scores indicating better performance. A score of 0.0-0.99 means the provider needs to take immediate steps to improve. A score of 1.0-1.99 suggests the provider needs improvement. A score of 2.0-2.99 is satisfactory, and a score of 3.00 fully meets DCJ's standards.

The request says that the target for this metric has been established as an overall score of a 2 on the audit, representing satisfactory compliance with standards. In other words, providers with a score of 2 or higher would receive the incentive payment. Per the Department's December 2023 hearing with the JBC,

“Of the seven programs who received a Core Security audit in the last year for whom we have baseline scores, five demonstrated improvement. One program had a very minor decline in their performance while the other program with a decline prompted disciplinary action from the Department. While PBC aims to incentivize high performance, the Department also maintains its regulatory authority to hold programs accountable when performance drops below acceptable levels.”

Neither the request nor the hearing response indicates what the baseline scores were for these programs. However, staff does know what the baseline scores are for the entire community corrections system. Those baseline scores are shown in the table below.

CORE SECURITY AUDIT MEASURES AND BASELINE SCORES		
MEASURE	GENERAL INTENT OF STANDARD	BASELINE SCORE (AVG. ALL FACILITIES)
On-grounds surveillance	For program staff to have an ongoing awareness of the dynamics and activity within the facility as a method for monitoring and maintaining safety for the clients, visitors, staff, and the community.	2.40
Entry urine sample	To detect the presence and levels of alcohol and/or other drugs in the client's system at the time of program entry.	2.25
Random headcounts and facility walkthroughs	To provide randomized but routine physical accountability monitoring of clients.	2.18
Recording authorized absences	To maintain thorough and accurate documentation of authorized absences of clients from the facility for use in legal proceedings regarding client escapes and absconsions.	2.09
Substance testing processes	To guide substance monitoring practices that are performed using safe and sanitary methods and are documented in a manner that meet legal and statutory requirements.	2.07
Furlough monitors	To provide randomized, but routine accountability monitoring of clients in the community on furlough status.	1.94
Milieu management	To guide policy, practices, and procedures to ensure that facilities are sufficiently staffed with personnel that are trained to adequately perform client supervision.	1.87
Contraband and client property	To enhance safety of clients, visitors, staff, and the community through practices designed to detect and control dangerous, illegal, or inappropriate items in the facility.	1.78
Confirming positive test results	To provide confirmation of positive substance test results, or a written admission of use, for clients that are being transferred to a higher level of custody as a result of the substance use.	1.67
Random off-site monitoring	To provide randomized, but routine, accountability monitoring of clients in the community.	1.66
Escape	To guide policies, procedures, and practice to ensure that escapes are reported to the proper law enforcement entities in a timely and accurate manner.	1.65
Medications	To address client misuse/nonuse of medication through education and behavioral interventions that promote client health and safety.	1.56
Job search	To provide randomized, but routine accountability monitoring of clients in the community on job search in the least intrusive manner for employers.	1.06
Home visits	To have randomized interactions with non-residential clients in their home environments with a primary purpose assessing their level of safety, stability, and functioning as a means for identifying support and intervention needs.	1.00

Per information provided by the Department on February 26, 2024, three of the seven evaluated providers would receive an incentive payment for achieving scores higher than 2.0 on their CORE Security Audit.

Program	Benchmark	Core Score	Getting PBC?
Advantage Treatment Center – Alamosa	2.00	1.34	No
Advantage Treatment Center – Montrose	2.00	2.03	Yes
CoreCivic - Adams Transitional Center	2.00	1.61	No
CoreCivic - Commerce Transitional Center	2.00	1.49	No
Intervention Community Corrections Services - Adams	2.00	1.66	No
Intervention Community Corrections Services - Jefferson	2.00	1.34	No
Larimer County Community Corrections	2.00	2.10	Yes
Mesa County Community Corrections	2.00	2.50	Yes

Evidence-based Practices

The Division measures these practices through a tool call the Program Assessment for Correctional Excellence, or “PACE.” PACE is a process measure that indicates whether a provider is using evidence-based correctional practices. DCJ evaluates performance on 4-point scale, with higher scores indicating better performance. A score of 0 means the provider needs to initiate implementation of evidence-based practices (EBPs). A score of 1 means the provider has started implementing EBPs, but has a long way to go. A score of 2 means the program is implementing EBPs, but could improve competency. A score of 3 means the program excels at implementation of EBPs and has demonstrated strong competency. A score of 4 means the program has demonstrated full mastery of EBPs.

PACE General Scoring Anchors	
4	Program demonstrates full mastery of current Evidence-Based Practice(s) (EBP)
3	Program excels at implementation of EBP(s) and demonstrates advanced competency
2	Program is implementing EBP(s) with an opportunity for improved competency
1	Program needs to further develop implementation of EBP(s)
0	Program needs to initiate implementation of EBP(s)

The request says that the target for this metric is set based on the results of the baseline evaluations across the state. In other words, providers with a score that is higher than the baseline would receive the incentive payment. Per the Department’s December 2023 hearing with the JBC, “Of the eight programs who underwent a PACE evaluation in the past year, seven demonstrated an improvement over their baseline score while the eighth maintained their initial performance score.”

Neither the request nor the hearing response indicates what the baseline scores were for these programs. However, staff does know what the baseline scores are for the entire community corrections system. Those baseline scores are shown in the table below. Each of the seven components shown in the table has multiple subcomponents, each with their own score. Staff excluded these subcomponents to make the table more comprehensible.

PACE MEASURES AND BASELINE SCORES		
MEASURE	DESCRIPTION OF MEASURE	BASELINE SCORE (AVG. ALL FACILITIES)
Assess actuarial risk	Standardized offender intake assessments are accurate; clients receive feedback on top needs, strengths, etc.	1.10
Enhance intrinsic motivation	Staff and client/offender interactions are genuine and respectful, competent use of motivational interviewing techniques	1.57
Target intervention	Good case management practices and matching treatment with risks and needs	1.80
Skill train with directed practice	Staff adequately clarify their roles and competently facilitate prioritized skill practice	0.91
Increase positive reinforcement	Progression based on demonstrated behavioral progress, staff affirm client strengths	1.60
Respond to violation behavior with effective practices	Strong procedures guide response to violations, termination decisions use evidence-informed decision making tool	1.86
Engage ongoing support in natural communities	Staff help client/offender use pro-social support systems, including networks within and outside of the facility	1.98

Per information provided by the Department on February 26, 2024, three of the seven evaluated providers would receive an incentive payment for achieving scores higher than 1.99 on their PACE evaluations.

Program	Benchmark	PACE Score	Getting PBC?
GEO Group- Arapahoe County Residential Center	1.99	1.66	No
CoreCivic - Adams Transitional Center	1.99	1.88	No
Advantage Treatment Center – Lamar	1.99	2.55	Yes
Advantage Treatment Center – Sterling	1.99	2.61	Yes
Garfield County Community Corrections	1.99	1.83	No
Hilltop House	1.99	1.80	No
Intervention Community Corrections Services - Weld	1.99	1.91	No
CoreCivic - Longmont Community Treatment Center	1.99	1.99	Yes

Key Performance Indicators (KPIs)

The request says, “In addition to adherence to standards and use of evidence informed practices, staff training and retention are critical to the provision of high-quality services and provision of customer service. As a component of PBC, key performance indicators provide an opportunity to programs to set their own metrics based on their own data and unique factors of the communities where they operate. All KPIs and the metric targets have to be approved by the local community corrections board and the OCC.”

The request does not provide specifics about these measures, nor does it include how much of the requested funding is tied to these measures. Per information provided by the Department on February 26, 2024, five of the seven evaluated providers would receive an incentive payment for achieving these KPI scores that are unknown to JBC staff.

Program	Benchmark	KPI Score	Getting PBC?
CoreCivic - Centennial Community Transition Center	75%	50%	No
Embrace-El Paso County	75%	100%	Yes
GEO Group - Community Alternatives of El Paso County	75%	75%	Yes
Intervention Community Corrections Services - Boulder	75%	100%	Yes
Intervention Community Corrections Services - Pueblo	75%	75%	Yes
CoreCivic - Dahlia	75%	50%	No
Independence House Pecos	75%	100%	Yes

→ UPDATE ON COMMUNITY CORRECTIONS COST ANALYSIS (S.B. 23-242)

During the 2023 legislative session, the Joint Budget Committee (JBC) sponsored legislation to obtain accurate information about community corrections provider finances and the cost of providing community corrections services. This was done to help make more informed decisions about the community corrections per-diem reimbursement rate.

Senate Bill 23-242 (Community Corrections Financial Audit), a Long Bill package bill, requires the Division of Criminal Justice (DCJ) in the Department of Public Safety to contract with an independent third party to audit community corrections programs by January 1, 2024, and every five years thereafter. The bill appropriated \$100,000 General Fund for this purpose and required that the audit findings be reported to the JBC and the DCJ no later than July 1, 2025.

The Division has not yet contracted with a vendor despite what appears to be a good faith effort to do so. On November 15, 2023, the Department notified JBC staff that the Request for Proposals (RFP) to do the financial audit received no bids. The DCJ's Office of Community Corrections provided JBC staff with updated information about the implementation of S.B. 23-242 on March 4, 2024.

In short, the cost analysis/audit may cost more than originally envisioned. The Division has been in contact with the Office of the State Auditor (OSA) and other vendors. The takeaways from these discussions are:

- OSA stated they did a procurement of an audit of Colorado community colleges and there were less sites than the community corrections audit and it cost \$300,000;
- A vendor said that they charge \$15,000-20,000 per site for this type of evaluation. With 26 community corrections sites, the total cost would be between \$390,000-520,000. The vendor stated that due to the limitations, uniqueness of each program and jurisdiction, different data collection methods, etc. that they would have to do a full evaluation of each program and that it was too much liability for them not to do that.
- One vendor stated that they would want time to just scope the project which could easily take the whole \$100,000 currently allocated. They said that they need to complete a risk analysis to determine the methodology. They also mentioned the fact that each program will be unique and use different databases and methods for providing the data they need to do the analysis.

Per the Division, “vendors who look at financial records have a very high degree of integrity and are very concerned about liabilities and their reputation. They are only willing to take on a project like this if they can do it right and are not willing to cut corners to keep the budget down.”

If the JBC is still interested in the community corrections cost analysis and is comfortable with additional funding, staff recommends an increase of \$400,000 General Fund in FY 2023-24 with roll-forward spending authority through FY 2024-25. This would be accomplished through a Long Bill add-on to adjust the appropriations clause in S.B. 23-242. Taking no action would likely result in a \$100,000 General Fund reversion at the end of the current fiscal year.

LINE ITEM DETAIL - COMMUNITY CORRECTIONS

COMMUNITY CORRECTIONS PLACEMENTS

This line item funds the per diem payments for offenders in community corrections programs, including payments for diversion, transition, and parole offenders; residential and nonresidential offenders; and offenders in standard and specialized programs.

STATUTORY AUTHORITY: Title 17, Article 27, C.R.S. (Community Corrections Programs), Section 18-1.3-301, C.R.S.

REQUEST: The Division requests an appropriation of \$78,762,853 General Fund.

RECOMMENDATION: Staff recommends \$78,762,852 General Fund in accordance with the JBC's provider rate common policy increase of 2.5 percent. This reflects staff recommended denial of R12 Community Corrections Performance-based Contracting.

DIVISION OF CRIMINAL JUSTICE, COMMUNITY CORRECTIONS, COMMUNITY CORRECTIONS PLACEMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$76,841,807	\$76,841,807	\$0	\$0	\$0	0.0
TOTAL	\$76,841,807	\$76,841,807	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$76,841,807	\$76,841,807	\$0	\$0	\$0	0.0
R15 Provider rate common policy	1,921,045	1,921,045	0	0	0	0.0
R12 Comm corr performance-based contracting	0	0	0	0	0	0.0
TOTAL	\$78,762,852	\$78,762,852	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,921,045	\$1,921,045	\$0	\$0	\$0	0.0
Percentage Change	2.5%	2.5%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below)						
Recommendation	\$1	\$1	\$0	\$0	\$0	0.0

CORRECTIONAL TREATMENT CASH FUND RESIDENTIAL PLACEMENTS

Condition of probation beds: Most diversion clients in community corrections are directly sentenced by a judge to community corrections. However, judges can also sentence an offender to community corrections for a portion of a probation sentence. For example, a judge might sentence an offender with a substance use problem to two years of probation with the condition that the offender begin probation by serving 90 days in an Intensive Residential Treatment (IRT) program. Or an offender on probation who is in danger of failing due to substance abuse issues and is at risk of being resentenced to DOC could be sent to IRT as a condition of probation. Such placements are encouraged by S.B. 13-250 (Drug Sentencing Changes) and the allocation from the Correctional Treatment Board provides the funding to enable them. This line item appropriates that funding.

STATUTORY AUTHORITY: Section 18-1.3-104.5 (2)(a), C.R.S. (Alternatives in imposition of sentence in drug felony cases - exhaustion of remedies); Section 18-1.3-301 (4)(a), C.R.S. (Authority to place offenders in community corrections program).

REQUEST: The Division requested an appropriation of \$3,011,018 reappropriated funds from the Correctional Treatment Cash fund.

RECOMMENDATION: Staff recommends \$3,025,777 reappropriated funds in accordance with the JBC's provider rate common policy increase of 2.5 percent.

COMMUNITY CORRECTIONS FACILITY PAYMENTS

This line item provides each community corrections facility with a fixed payment that is independent of the number of residents. An associated footnote indicates that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment, reflecting the increased costs they incur due to having a larger facility. The footnote also establishes legislative intent that these payments be used for performance enhancing expenditures, including, but not limited to, staff recruitment and retention.

STATUTORY AUTHORITY: Title 17, Article 27, C.R.S. (Community Corrections Programs), Section 18-1.3-301, C.R.S.

REQUEST: The Division requests an appropriation of \$4,616,157 General Fund.

RECOMMENDATION: Staff recommends \$4,638,785 General Fund in accordance with the JBC's provider rate common policy increase of 2.5 percent.

COMMUNITY CORRECTIONS BOARDS ADMINISTRATION

This line item funds payments to the state's community corrections boards to help pay their administrative costs. Over the years, appropriations to boards have equaled a varying percentage of a varying subset of the appropriations to community corrections programs. The appropriation cannot exceed 5.0 percent of total payments to programs.

STATUTORY AUTHORITY: Section 17-27-103, C.R.S. (Community corrections boards – establishment – duties).

REQUEST: The Division requests an appropriation of \$2,769,066 General Fund.

RECOMMENDATION: Staff recommends \$2,782,640 General Fund in accordance with the JBC's provider rate common policy increase of 2.5 percent.

SERVICES FOR SUBSTANCE ABUSE AND CO-OCCURRING DISORDERS

Provides funding for specialized substance abuse treatment services for offenders in intensive residential treatment programs, therapeutic communities, and Drug Abuse Residential Treatment Program (DART). Funding comes from the Correctional Treatment Cash Fund and can be spent for substance abuse screening, assessment, evaluation, testing, education, training, treatment, and recovery support. The appropriation can also be spent for treatment of co-occurring mental health problems.

STATUTORY AUTHORITY: Section 18-19-103, C.R.S.

REQUEST: The Division requested an appropriation of \$2,776,237 reappropriated funds.

RECOMMENDATION: Staff recommends \$2,789,846 reappropriated funds in accordance with the JBC's provider rate common policy increase of 2.5 percent.

SPECIALIZED OFFENDER SERVICES

This line item, sometimes referred to as the "SOS" appropriation, supports the purchase of mental health treatment, cognitive training, therapists, counselors, medications, sex offender treatment, and other specialized outpatient services that are not typically provided by standard community corrections programs. The *Services for Substance Abuse and Co-occurring Disorders* appropriation deals with substance abuse problems; this appropriation focuses on other problems that high risk offenders may have.

STATUTORY AUTHORITY: Section 17-27-101 to 108, C.R.S.

REQUEST: The Division requested an appropriation of \$289,483 General Fund.

RECOMMENDATION: Staff recommends \$290,902 General Fund in accordance with the JBC's provider rate common policy increase of 2.5 percent.

OFFENDER ASSESSMENT TRAINING

This line item funds a series of formal classroom training in Risk/Needs assessment, Risk/Needs/Responsivity Theory, Principles of Effective Intervention for Offenders, and Evidence Based Practice Instruction.

STATUTORY AUTHORITY: Section 17-27-101 to 108, C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$10,507 General Fund.

RECOMMENDATION: Staff recommends an appropriation of \$10,507 General Fund.

(E) CRIME CONTROL AND SYSTEM IMPROVEMENT

This subdivision contains appropriations for a diverse group of programs, including support staff for the Sex Offender Management Board and a federal grant appropriation that contains federally funded FTE who work in a variety of the Department's offices.

CRIME CONTROL AND SYSTEM IMPROVEMENT						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$9,130,721	\$645,935	\$475,877	\$0	\$8,008,909	19.0
TOTAL	\$9,130,721	\$645,935	\$475,877	\$0	\$8,008,909	19.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$9,130,721	\$645,935	\$475,877	\$0	\$8,008,909	19.0
BA3 Increase from Sex Offender Surcharge Fund	62,100	0	62,100	0	0	0.0
Prior year salary increase	29,018	21,718	7,300	0	0	0.0
Annualize prior year legislation	106	106	0	0	0	0.2
TOTAL	\$9,221,945	\$667,759	\$545,277	\$0	\$8,008,909	19.2
INCREASE/(DECREASE)	\$91,224	\$21,824	\$69,400	\$0	\$0	0.2
Percentage Change	1.0%	3.4%	14.6%	0.0%	0.0%	(4)
FY 2024-25 EXECUTIVE REQUEST	\$9,221,945	\$667,759	\$545,277	\$0	\$8,008,909	19.2
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

DECISION ITEMS - CRIME CONTROL AND SYSTEM IMPROVEMENT

The following decision items are described in this section:

- BA3 Sex Offender Surcharge Fund Increase.

→ BA3 INCREASE FROM SEX OFFENDER SURCHARGE FUND

REQUEST: The Department requests an increase of \$62,100 Cash Fund spending authority for FY 2024-25 and ongoing funding in accordance with the allocation approved by the Sex Offender Management Board (SOMB) for program staff supporting the operations of the board as well as training and technical assistance to the Sex Offender Management Board. On September 15, 2023, the SOMB met and approved the increase in spending authority for FY 2024-25 and ongoing.

RECOMMENDATION: Staff recommends approval of the request. This is largely a pro-forma annual request that is approved by the SOMB.

LINE ITEM DETAIL – CRIME CONTROL AND SYSTEM IMPROVEMENT

STATE AND LOCAL CRIME CONTROL AND SYSTEM IMPROVEMENT GRANTS

This line item is included in the Long Bill for informational purposes only and provides an estimate of expected federal grants to the Division for crime control and system improvement. These funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and

evaluation activities that will improve or enhance: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation).

STATUTORY AUTHORITY: Section-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$3,000,000 federal funds.

RECOMMENDATION: Staff recommends approval of the request.

SEX OFFENDER SURCHARGE FUND PROGRAM

This line item funds staff support and operating expenses for the Sex Offender Management Board (SOMB). The Board has the following duties:

- Develop a standardized procedure for identification of sex offenders;
- Develop standards and guidelines for program intervention, treatment, and monitoring;
- Develop a plan for the allocation of the Sex Offender Surcharge Fund;
- Develop a system for monitoring sex offenders who have been identified, evaluated, and treated;
- Develop procedures to research and evaluate sex offender assessment and treatment;
- Provide training on the implementation of standards; and

STATUTORY AUTHORITY: Title 16, Article 11.7, C.R.S. (Standardized Treatment Program for Sex Offenders) and Section 18-21-103 (3), C.R.S. (Sex Offender Surcharge Fund).

REQUEST: The Department requests an appropriation of \$339,578 total funds and 2.4 FTE, as shown in the table below. Cash funding comes from the Sex Offender Surcharge Fund.

RECOMMENDATION: Staff recommends approval of the request.

DIVISION OF CRIMINAL JUSTICE, CRIME CONTROL AND SYSTEM IMPROVEMENT, SEX OFFENDER SURCHARGE FUND PROGRAM						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
FY 2023-24 Appropriation	\$268,892	\$85,621	\$183,271	\$0	\$0	2.4
TOTAL	\$268,892	\$85,621	\$183,271	\$0	\$0	2.4
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$268,892	\$85,621	\$183,271	\$0	\$0	2.4
BA3 Increase from Sex Offender Surcharge Fund	62,100	0	62,100	0	0	0.0
Prior year salary increase	8,586	1,286	7,300	0	0	0.0
TOTAL	\$339,578	\$86,907	\$252,671	\$0	\$0	2.4
INCREASE/(DECREASE)	\$70,686	\$1,286	\$69,400	\$0	\$0	0.0
Percentage Change	26.3%	1.5%	37.9%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$339,578	\$86,907	\$252,671	\$0	\$0	2.4
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

SEX OFFENDER SUPERVISION

This line item funds some of the requirements that statute places on the Sex Offender Management Board, including:

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

STATUTORY AUTHORITY: Title 16, Article 11.7, C.R.S. (Standardized Treatment Program for Sex Offenders), Title 18, Article 1.3, Part 10 (Lifetime supervision of sex offenders).

REQUEST: The Department requests an appropriation of \$580,852 General Fund and 5.2 FTE.

RECOMMENDATION: Staff recommends approval of the request.

TREATMENT PROVIDER CRIMINAL BACKGROUND CHECKS

Domestic violence treatment providers and sex offender treatment providers are required to undergo and pay for a background check that goes beyond the scope of a typical criminal history check. Fees are set to cover the costs of conducting the investigation and are deposited in the Domestic Violence Offender Treatment Provider Fund and the Sex Offender Treatment Provider Fund. The appropriations are from those funds.

STATUTORY AUTHORITY: Section 16-11.8-104 (2)(b), C.R.S., and Section 16-11.7-106 (2)(a)(III), C.R.S.

REQUEST: The Department requests a continuation-level appropriation of \$49,606 cash funds and 0.6 FTE.

RECOMMENDATION: Staff recommends approval of the request.

FEDERAL GRANTS

This informational appropriation reflects projected federal funding and FTE for a variety of grant programs in a variety of areas. The FTE listed here work in six of the DCJ's offices.

STATUTORY AUTHORITY: Section-33.5-503 (1)(e), C.R.S.

REQUEST: The Division requests a continuation-level appropriation of \$5,008,909 federal funds and 10.5 FTE.

RECOMMENDATION: Staff recommends approval of the request.

CRIMINAL JUSTICE TRAINING FUND

With this line item, the DCJ provides an array of training opportunities for law enforcement on such topics as methamphetamine laboratories, crisis intervention with mentally ill offenders, anti-bias

policing, sex offender management, and domestic violence management. Section 24-33.5-503.5, C.R.S., allows the Division of Criminal Justice to charge fees when it provides training. The fees are deposited in the annually-appropriated Criminal Justice Training Cash Fund.

STATUTORY AUTHORITY: Section 24-33.5-503.5, C.R.S. (Training program – assess fees).

REQUEST: The Department requests a continuation-level appropriation of \$240,000 cash funds and 0.5 FTE.

RECOMMENDATION: Staff recommends approval of the request.

METHAMPHETAMINE ABUSE TASK FORCE

This line item was added during FY 2007-08 to allow the Division to expend private grant funds received from the El Pomar Foundation. The source of cash funds is the Methamphetamine Abuse Prevention, Intervention, and Treatment Cash Fund created in Section 18-18.5-105, C.R.S.

STATUTORY AUTHORITY: Section 18-18.5-101 through 105, C.R.S.

REQUEST: The Division requested a continuation-level appropriation of 3,000 cash funds.

RECOMMENDATION: Staff recommends approval of the request.

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING** the following footnote:

- N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- The amount of the 10 appropriation assumes that the Department will provide an equal payment to all programs, with the exception that facilities with an average of 32 or more security FTE will receive a second facility payment. It is the General Assembly's intent that programs use these funds to invest in performance-enhancing measures. These measures include, but are not limited to, employee recruitment and retention. The General Assembly further intends that programs will provide a plan for the use of these funds to their local boards and the Division of Criminal Justice and maintain records that show how these funds are used.

COMMENT: This sets the expectations for the facility payments line item.

Staff recommends **DISCONTINUING** the following footnotes:

- N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- This appropriation assumes the daily rates and average daily caseloads listed in the following table. The appropriation assumes that offenders will not be charged a daily subsistence fee. The base rate for standard nonresidential services assumes a weighted average of the rates for four different levels of service. This appropriation also assumes that the residential base per-diem rate in the table included in this footnote will be increased by 1.0 percent for programs meeting recidivism performance targets and 1.0 percent for programs meeting program completion performance targets.

Rate type	Rates	Average Daily Placements	Estimated Allocation
Residential base rate	\$69.01	710	\$17,932,939
Base rate plus 1.0% incentive	\$69.70	720	\$18,367,344
Base rate plus 2.0% incentive	\$70.39	1,219	\$31,404,780
Specialized differentials			
Intensive residential treatment	\$34.00	146	\$1,816,824
Inpatient therapeutic communities	\$34.00	80	\$995,520
Residential dual diagnosis treatment	\$34.00	120	\$1,493,280
Sex offender treatment	\$34.00	116	\$1,443,504
Standard non-residential	\$9.94	792	\$2,881,328
Outpatient therapeutic community	\$27.67	50	\$506,288
Total			\$76,841,807

COMMENT: See discussion in Staff Initiated Eliminate Community Corrections Long Bill Footnote.

- N Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes

funding for condition-of-probation placements at rates corresponding to those in footnote XX.

COMMENT: Because this footnote is connected to the previous footnote, staff concludes it is no longer necessary.

REQUESTS FOR INFORMATION

Staff recommends **DISCONTINUING** the following requests for information:

- N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- The Department is requested to provide a report with year-to-date community corrections placements shortly after January 1, ~~2023~~ 2024. The January report should also include an estimated placements table for FY ~~2023-24~~ 2024-25. If the Department estimates that the actual number of Community Corrections facility payments in either FY ~~2022-23~~ 2023-24 or FY ~~2023-24~~ 2024-25 will differ from the number on which the FY ~~2022-23~~ 2023-24 facility payments appropriation is based, the Department is requested to include that information in its January report. These estimates are not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations. The Department is requested to submit a brief narrative with the estimates. The Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. The Department is also requested to ask providers if they are still charging offender subsistence fees and, if so, to identify those providers in the report.

COMMENT: This request for information has existed in various forms for many years. It provides the basis for staff-initiated caseload adjustments, as well as adjustments to other community corrections line items.

Staff recommends **ADDING** the following footnote:

- N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- The Department is requested to provide a report with year-to-date community corrections placements by November 1, 2024. The Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. Lastly, the Department is requested provide the contracted per-diem reimbursement rate for each provider by type of service, as well the number of beds for each type of service.

COMMENT: This request for information has existed in various forms for many years. It provides the basis for staff-initiated caseload adjustments, as well as adjustments to other community corrections line items.

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

(4) DIVISION OF CRIMINAL JUSTICE

(A) Administration

DCJ Administrative Services	<u>4,344,548</u>	<u>8,998,869</u>	<u>8,072,226</u>	<u>7,757,424</u>	<u>7,363,232</u> *
FTE	47.5	64.6	60.4	62.7	59.4
General Fund	3,774,489	8,571,244	5,344,268	5,938,443	5,544,251
Cash Funds	85,143	(79,288)	2,066,730	1,129,887	1,421,450
Reappropriated Funds	484,916	506,913	526,566	554,432	554,432
Federal Funds	0	0	134,662	134,662	(156,901)
Appropriation to Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund	<u>0</u>	<u>0</u>	<u>7,500,000</u>	<u>7,500,000</u>	<u>500,000</u> *
General Fund	0	0	7,500,000	0	500,000
Cash Funds	0	0	0	7,500,000	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Appropriation to Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Fund	<u>0</u>	<u>0</u>	<u>3,750,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	3,750,000	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Appropriation to SMART Policing Grant Fund	<u>0</u>	<u>0</u>	<u>3,750,000</u>	<u>0</u>	<u>0</u>
General Fund	0	0	3,750,000	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Indirect Cost Assessment	<u>834,409</u>	<u>822,776</u>	<u>712,945</u>	<u>869,652</u>	<u>869,652</u>
General Fund	0	0	0	0	0
Cash Funds	112,734	85,620	96,135	118,470	118,470
Reappropriated Funds	0	0	0	0	0
Federal Funds	721,675	737,156	616,810	751,182	751,182
SB22-145 Appropriations to cash funds	<u>0</u>	<u>19,248,230</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	0	15,000,000	0	0	0
Cash Funds	0	4,248,230	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Appropriation to the Body-worn Cameras for Law					
Enforcement	<u>5,128,345</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General Fund	5,128,345	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (A) Administration	10,307,302	29,069,875	23,785,171	16,127,076	8,732,884
FTE	<u>47.5</u>	<u>64.6</u>	<u>60.4</u>	<u>62.7</u>	<u>59.4</u>
General Fund	8,902,834	23,571,244	20,344,268	5,938,443	6,044,251
Cash Funds	197,877	4,254,562	2,162,865	8,748,357	1,539,920
Reappropriated Funds	484,916	506,913	526,566	554,432	554,432
Federal Funds	721,675	737,156	751,472	885,844	594,281
(B) Victims Assistance					
Federal Victims Assistance and Compensation Grants	<u>51,193,886</u>	<u>39,847,700</u>	<u>25,209,482</u>	<u>25,285,301</u>	<u>25,285,301</u>
FTE	8.6	1.7	8.6	8.6	8.6
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	51,193,886	39,847,700	25,209,482	25,285,301	25,285,301
State Victims Assistance and Law Enforcement					
Program	<u>829,102</u>	<u>842,771</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>
General Fund	0	0	0	0	0
Cash Funds	829,102	842,771	1,500,000	1,500,000	1,500,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Child Abuse Investigation	<u>1,295,566</u>	<u>1,295,602</u>	<u>1,597,693</u>	<u>1,597,693</u>	<u>1,597,693</u>
FTE	0.3	0.0	0.3	0.3	0.3
General Fund	1,000,000	1,000,000	1,300,000	1,300,000	1,300,000
Cash Funds	295,566	295,602	297,693	297,693	297,693
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Appropriation to the Colorado Crime Victim Services					
Fund	<u>0</u>	<u>0</u>	<u>8,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u> *
General Fund	0	0	8,000,000	3,000,000	3,000,000
Sexual Assault Victim Emergency Payment Program	<u>150,699</u>	<u>164,244</u>	<u>167,933</u>	<u>167,933</u>	<u>167,933</u>
FTE	0.2	0.1	0.2	0.2	0.2
General Fund	150,699	164,244	167,933	167,933	167,933
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Statewide Victim Information and Notification					
System (VINE)	<u>424,720</u>	<u>369,273</u>	<u>718,429</u>	<u>492,800</u>	<u>492,800</u>
General Fund	424,720	369,273	718,429	492,800	492,800
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (B) Victims Assistance	53,893,973	42,519,590	37,193,537	32,043,727	32,043,727
FTE	<u>9.1</u>	<u>1.8</u>	<u>9.1</u>	<u>9.1</u>	<u>9.1</u>
General Fund	1,575,419	1,533,517	10,186,362	4,960,733	4,960,733
Cash Funds	1,124,668	1,138,373	1,797,693	1,797,693	1,797,693
Reappropriated Funds	0	0	0	0	0
Federal Funds	51,193,886	39,847,700	25,209,482	25,285,301	25,285,301

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	<u>488,740</u>	<u>568,211</u>	<u>800,000</u>	<u>800,000</u>	<u>800,000</u>
FTE	1.2	0.3	1.2	1.2	1.2
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	488,740	568,211	800,000	800,000	800,000
Juvenile Diversion Programs	<u>3,351,213</u>	<u>3,461,948</u>	<u>3,561,677</u>	<u>3,561,677</u>	<u>3,561,677</u>
FTE	3.0	2.0	3.0	3.0	3.0
General Fund	2,989,461	3,080,570	3,161,677	3,161,677	3,161,677
Cash Funds	361,752	381,378	400,000	400,000	400,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
HB22-1003 Youth Delinquency Prevention & Intervention Grants	<u>0</u>	<u>1,925,179</u>	<u>2,100,000</u>	<u>0</u>	<u>0</u>
General Fund	0	1,925,179	2,100,000	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention	3,839,953	5,955,338	6,461,677	4,361,677	4,361,677
FTE	<u>4.2</u>	<u>2.3</u>	<u>6.2</u>	<u>4.2</u>	<u>4.2</u>
General Fund	2,989,461	5,005,749	5,261,677	3,161,677	3,161,677
Cash Funds	361,752	381,378	400,000	400,000	400,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	488,740	568,211	800,000	800,000	800,000

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
(D) Community Corrections					
Community Corrections Placements	<u>47,000,611</u>	<u>64,670,265</u>	<u>76,841,807</u>	<u>78,762,853</u>	<u>78,762,852</u> *
General Fund	47,000,611	64,670,265	76,841,807	78,762,853	78,762,852
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Correctional Treatment Cash Fund Residential Placements	<u>2,622,806</u>	<u>2,742,972</u>	<u>2,951,978</u>	<u>3,011,018</u>	<u>3,025,777</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	2,622,806	2,742,972	2,951,978	3,011,018	3,025,777
Federal Funds	0	0	0	0	0
Community Corrections Facility Payments	<u>6,810,772</u>	<u>4,292,000</u>	<u>4,525,644</u>	<u>4,616,157</u>	<u>4,638,785</u> *
General Fund	6,810,772	4,292,000	4,525,644	4,616,157	4,638,785
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Community Corrections Boards Administration	<u>2,447,271</u>	<u>2,592,693</u>	<u>2,714,771</u>	<u>2,769,066</u>	<u>2,782,640</u> *
General Fund	2,447,271	2,592,693	2,714,771	2,769,066	2,782,640
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Services for Substance Abuse and Co-occurring Disorders	<u>1,738,740</u>	<u>2,048,830</u>	<u>2,721,801</u>	<u>2,776,237</u>	<u>2,789,846</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	1,738,740	2,048,830	2,721,801	2,776,237	2,789,846
Federal Funds	0	0	0	0	0
Specialized Offender Services	<u>204,965</u>	<u>165,942</u>	<u>283,807</u>	<u>289,483</u>	<u>290,902</u> *
General Fund	204,965	165,942	283,807	289,483	290,902
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Offender Assessment Training	<u>2,090</u>	<u>3,715</u>	<u>10,507</u>	<u>10,507</u>	<u>10,507</u>
General Fund	2,090	3,715	10,507	10,507	10,507
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (D) Community Corrections	60,827,255	76,516,417	90,050,315	92,235,321	92,301,309
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	56,465,709	71,724,615	84,376,536	86,448,066	86,485,686
Cash Funds	0	0	0	0	0
Reappropriated Funds	4,361,546	4,791,802	5,673,779	5,787,255	5,815,623
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
(E) Crime Control and System Improvement					
State and Local Crime Control and System					
Improvement Grants	<u>6,270,201</u>	<u>4,277,869</u> 0.1	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	6,270,201	4,277,869	3,000,000	3,000,000	3,000,000
Sex Offender Surcharge Fund Program	<u>176,216</u>	<u>200,823</u>	<u>268,892</u>	<u>339,578</u>	<u>339,578</u> *
FTE	2.4	2.6	2.4	2.4	2.4
General Fund	81,504	53,643	85,621	86,907	86,907
Cash Funds	94,712	147,180	183,271	252,671	252,671
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Sex Offender Supervision	<u>375,364</u>	<u>385,290</u>	<u>560,314</u>	<u>580,852</u>	<u>580,852</u>
FTE	3.2	3.8	5.0	5.2	5.2
General Fund	375,364	385,290	560,314	580,852	580,852
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Treatment Provider Criminal Background Checks	<u>20,910</u>	<u>9,615</u>	<u>49,606</u>	<u>49,606</u>	<u>49,606</u>
FTE	0.0	0.6	0.6	0.6	0.6
General Fund	0	0	0	0	0
Cash Funds	20,910	9,615	49,606	49,606	49,606
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Federal Grants	<u>3,702,880</u>	<u>4,377,417</u>	<u>5,008,909</u>	<u>5,008,909</u>	<u>5,008,909</u>
FTE	10.5	0.5	10.5	10.5	10.5
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	3,702,880	4,377,417	5,008,909	5,008,909	5,008,909
Criminal Justice Training Fund	<u>24,167</u>	<u>154,702</u>	<u>240,000</u>	<u>240,000</u>	<u>240,000</u>
FTE	0.5	0.0	0.5	0.5	0.5
General Fund	0	0	0	0	0
Cash Funds	24,167	154,702	240,000	240,000	240,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Methamphetamine Abuse Task Force Fund	<u>113</u>	<u>303</u>	<u>3,000</u>	<u>3,000</u>	<u>3,000</u>
General Fund	0	0	0	0	0
Cash Funds	113	303	3,000	3,000	3,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
SUBTOTAL - (E) Crime Control and System Improvement	10,569,851	9,406,019	9,130,721	9,221,945	9,221,945
<i>FTE</i>	<u>16.6</u>	<u>7.6</u>	<u>19.0</u>	<u>19.2</u>	<u>19.2</u>
General Fund	456,868	438,933	645,935	667,759	667,759
Cash Funds	139,902	311,800	475,877	545,277	545,277
Reappropriated Funds	0	0	0	0	0
Federal Funds	9,973,081	8,655,286	8,008,909	8,008,909	8,008,909
TOTAL - (4) Division of Criminal Justice	139,438,334	163,467,239	166,621,421	162,581,902	146,661,542
<i>FTE</i>	<u>77.4</u>	<u>76.3</u>	<u>94.7</u>	<u>113.0</u>	<u>91.9</u>
General Fund	70,390,291	102,274,058	120,814,778	104,372,343	101,320,106
Cash Funds	1,824,199	6,086,113	4,836,435	16,887,818	4,282,890
Reappropriated Funds	4,846,462	5,298,715	6,200,345	6,341,687	6,370,055
Federal Funds	62,377,382	49,808,353	34,769,863	34,980,054	34,688,491
TOTAL - Department of Public Safety	139,438,334	163,467,239	166,621,421	162,581,902	146,661,542
<i>FTE</i>	<u>77.4</u>	<u>76.3</u>	<u>94.7</u>	<u>113.0</u>	<u>91.9</u>
General Fund	70,390,291	102,274,058	120,814,778	104,372,343	101,320,106
Cash Funds	1,824,199	6,086,113	4,836,435	16,887,818	4,282,890
Reappropriated Funds	4,846,462	5,298,715	6,200,345	6,341,687	6,370,055
Federal Funds	62,377,382	49,808,353	34,769,863	34,980,054	34,688,491

APPENDIX B: DCJ COMMUNITY CORRECTIONS PROJECTIONS (RFI #1)

Memorandum

To: The Honorable Shannon Bird, Chair, Joint Budget Committee

CC: Rep. Renee Zenzinger, Vice Chair, Joint Budget Committee
Rep. Rod Bockenfeld, Joint Budget Committee
Sen. Jeff Bridges, Joint Budget Committee
Sen. Barbara Kirkmeyer, Joint Budget Committee
Rep. Emily Sirota, Joint Budget Committee
Justin Brakke, Joint Budget Committee, Senior Legislative Analyst
Pete Stein, Office of State Performance and Budgeting, Budget Analyst
Stan Hilkey, Colorado Department of Public Safety (CDPS) Executive Director
Matt Lunn, Division of Criminal Justice (DJC) Division Director
Teresa Anderle, CDPS Budget Director
Joel Malecka, CDPS Legislative Liaison

From: Katie Ruske, Manager
Office of Community Corrections

Re: Response to Request for Information (CDPS RFI #1)

Date: January 2, 2024

This memorandum is to provide a formal response to the Request for Information #1 (Colorado Department of Public Safety/CDPS) to the Joint Budget Committee (JBC) and its staff. The CDPS RFI #1 reads as follows:

Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and Community Corrections Facility Payments -- The Department is requested to provide a report with year-to-date community corrections placements shortly after January 1, 2024. The January report should also include an estimated placements table for FY 2024-25. If the Department estimates that the actual number of Community Corrections facility payments in either FY 2023-24 or FY 2024-25 will differ from the number on which the FY 2023-24 facility payments appropriation is based, the Department is requested to include that information in its January report. These estimates are not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations. The Department is requested to submit a brief narrative with the estimates. The Department is also requested to report performance

measures and performance-related incentive payments for all community corrections boards and programs. The Department is also requested to ask providers if they are still charging offender subsistence fees and, if so, to identify those providers in the report.

Projected Community Corrections Placements (FY 2024-25)

Caseload projections for the upcoming fiscal year remain complicated by the ongoing effects of staffing challenges. In addition, there is not a strong trend in the Average Daily Population (ADP) data to inform projections. However, both ADP numbers and actual invoicing do indicate that numbers have increased during Fiscal Year 2023-24. In previous years, factors utilized to make caseload projections have included trend caseload data and local and state level issues potentially affecting caseload. As such, the following projections demonstrate no change in total projected base bed placements and are based on the best information available to the Department. While there are indications that additional capacity may become available and utilized, there is not enough certainty at this time to predict additional capacity needs for FY 2024-25.

Table 1 – Projected Placements in Community Corrections (FY 2024-25)²⁸

Placement Type	FY 25 Projections	FY 24 Appropriation	Net Changes
Residential Base Beds			
Standard Residential 99%	395	N/A	395
Standard Residential	596	710	(114)
Standard Residential 1%	783	720	63
Standard Residential 2%	685	1219	(534)
Standard Residential 3%	190	N/A	190
Specialized Differentials			
Intensive Residential Treatment (GF)	182	146	36
Inpatient Therapeutic Community	0	80	(80)
Residential Dual Diagnosis Treatment	120	120	0
Sex Offender Treatment Beds	116	116	0
Non-residential			
Standard Non-residential	792	792	0
Outpatient Therapeutic Community	25	50	(25)
Total Base Beds (General Fund Only)	2,649	2,649	0

Data and Factors Driving the Projections:

Pursuant to the RFI language, the estimates above are *not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations.* The Department has observed the following major factors that are driving the projected placement needs in community corrections:

Current ADP Considerations

As part of the analysis, the Department has reviewed the Average Daily Population (ADP) over the course of 10 years, with a focus on more recent data. An Excel spreadsheet accompanying the memo demonstrates ADP for the current fiscal year as well as previous fiscal years. While there is an indication of an overall trend of an increase in ADP since the pandemic drop, numbers do not strongly indicate a need for additional capacity at this time. Census numbers will need to be monitored closely

²⁸ Areas highlighted with blue shaded cells indicate areas of change from the FY 2023-24 appropriations table in Footnote 105.

for the remainder of this fiscal year to determine if the ADP continues to trend upward and additional funding is needed.

Performance – Based Per Diem

Preliminary data analysis has been completed for the risk-informed outcomes defined in the performance-based contracting model. The outcome measure of successful program completion and recidivism adjusted for risk are currently defined as the risk-informed outcomes. Each outcome represents an opportunity of a 1% increase above the base per diem. In addition, the Core Security Audits and PACE evaluations were completed for the relevant cohorts. The remaining cohort is assigned to key performance indicators (KPI) and that data is not yet available. Therefore, for the purposes of this analysis it was assumed all programs in the cohort would meet their KPI targets. Meeting the performance metrics for Core Security, PACE or KPIs represent an additional 2% increase. Programs not currently eligible for PBC were assigned the standard per diem rate for the analysis in Table 1. Below is a summary of the percentage of programs in each PBC category:

- 13% of programs did not meet any metrics and will receive 99% of the per diem rate.
- 22% of programs met a metric resulting in receiving 100% of the per diem rate.
- 26% of programs met metric/metrics resulting in receiving 101% of the per diem rate.
- 25% of programs met metrics resulting in receiving 102% of the per diem rate.
- 13% of programs met all metrics resulting in receiving 103% of the per diem rate.

Projected Population Increases

- Prison population forecasts, crime data, and other indicators continue to suggest that community corrections should expect to see an increase in capacity need. While there is some initial data that seems to suggest the ADP is increasing in community corrections, the increases expected by the Department have not been realized. There are many potential factors that could be contributing. Given that anticipated increases have not yet been fully realized, the Department has not requested additional capacity at this time and will actively monitor the situation.

Specialized Beds

- **Therapeutic Communities:** During this fiscal year, ARTS provided notification that it would be closing the last remaining community corrections therapeutic community and moving to a Medicaid model program. Given this closure, the capacity for this programming was removed in Table 1. The program will continue to provide outpatient therapeutic services as part of the transition to closure, therefore this capacity was also reduced.
- **Waitlists for Intensive Residential Treatment:** A survey given in November of 2023 indicated that many programs that provide Intensive Residential Treatment currently have waitlists. The total number of waitlisted individuals was 126. At the same time there were a reported 24 open beds. There are many factors that impact these numbers; however, given the need indicated by the waitlist and the potential for need to grow with the closure of therapeutic communities, an additional capacity of 36 has been added to Table 1.

Local Level Implications

- **Local Changes in the 2nd Judicial District, Denver:** While the ARTS therapeutic community has closed in Denver, the Denver Department of Public Safety continues to work

towards plans of rebuilding capacity. It is anticipated that in Fiscal Year 2024-25 an additional program will be opened.

- **Larimer County Community Corrections Updates:** Larimer County Community Corrections built and opened a brand-new female facility. The existing building is now undergoing renovations and the total capacity for the county will remain similar. Once all renovations are completed and both buildings are fully operational, Larimer will have an increased overall physical capacity of around 100 beds. If all work is completed as planned, this increase in capacity could be realized halfway through Fiscal Year 2023-24. The Department will continue to monitor the effects on capacity to determine if an increase in allocation will be needed.

Consideration of Board Administrative Funds

Section 17-24-108 (4), C.R.S. authorizes the allocation of up to five percent of community corrections appropriations for the local unit of government to be utilized for the administrative duties required to operate and facilitate community corrections. The funds cover essential duties including regulatory and oversight functions, fiscal management, and data collection. To ensure adequate funding for board administrative duties, board administrative funds should be adjusted proportional to any caseload adjustments.

Updated Average Daily Population (ADP) Data with Year-To-Date Figures

The RFI requests that the Department provide updated Average Daily Population (ADP) data to the JBC staff shortly after January 1, 2024. The data is provided in Microsoft Excel format separate from this memorandum.

Facility Payments Appropriations

The Department anticipates a need for 28 Facility Payments in FY 2024-2025. The current appropriation provides for the sufficient allocation of Facility Payments for the facilities expected to operate in FY 2024-2025, plus the additional payments to Embrave and Larimer County Community Corrections that are required by Footnote 107 (FY 2023-2024).