

**COLORADO GENERAL ASSEMBLY
JOINT BUDGET COMMITTEE**



**FY 2016-17 STAFF FIGURE SETTING
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 Department 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 Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-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.

Division Overview

Brief Overview

The Department of Public Safety's Division of Criminal Justice (DCJ):

- Provides funding and oversight for the state's community corrections programs and for the local boards that oversee and control those facilities;
- Administers state and federally funded grant programs that help state and local agencies assist crime victims, operates the state's Victim's Rights Act Compliance Program, and assists in implementing Colorado's Victim's Rights Amendment;
- Administers federally funded grant programs that help local and state law enforcement agencies improve the services they deliver and administers state and federally funded grant programs that target juvenile delinquency;
- Assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, monitoring, and management of convicted adult domestic violence and sex offenders;
- Analyzes criminal justice data, evaluates criminal justice programs, conducts recidivism studies, provides research support to the Colorado Commission on Criminal and Juvenile Justice, and distributes information through publications, training programs, and its web site; and
- Helps strengthen the performance and professionalism of Colorado law enforcement agencies through training, education, and technical assistance programs.

Detailed Overview

The Division of Criminal Justice is organized into the following offices. This office structure provides a good framework for thinking about the Division's diverse functions.

Office of Administration: provides oversight and support for the entire division.

Office of Community Corrections: provides most of the funding for the state's community corrections programs and for the community corrections boards that provide local oversight and control of these programs. The Office also sets standards for facilities, audits for compliance, and provides technical assistance and training for boards and programs.

Office for Victims Programs: administers federally funded grant programs for crime victims and the State VALE (Victim Assistance and Law Enforcement) grant program. These grant programs help state and local agencies assist and support victims of crimes, including sexual assault victims and child abuse victims. Some grants also support related criminal investigations. Recipients include district attorneys, local law enforcement agencies, and local programs that

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provide victim-assistance services. The Office also runs a victim's rights act compliance program and responds to requests for assistance in implementing Colorado's victim's rights amendment.

Office of Adult and Juvenile Justice Assistance: administers (1) federally funded criminal and juvenile justice grant programs and (2) the state's juvenile diversion grant program.

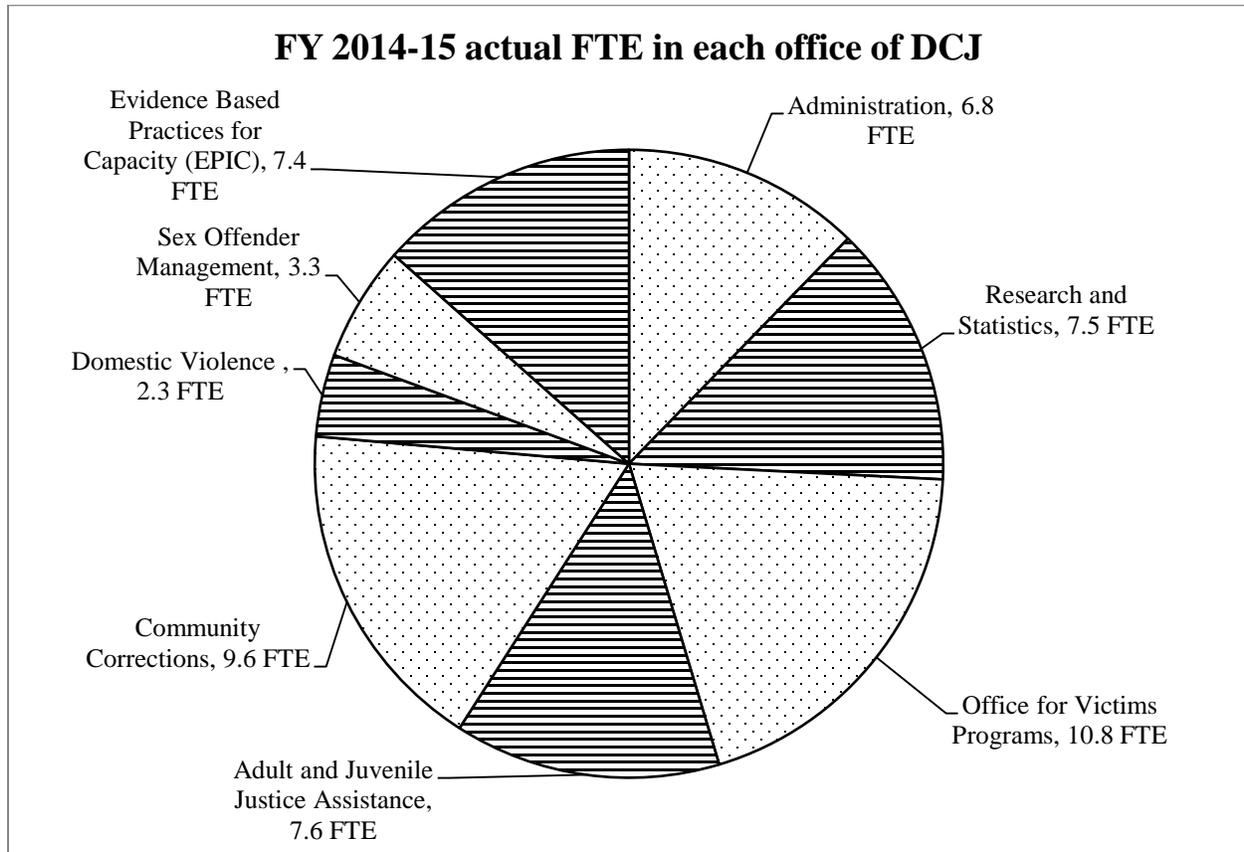
Office of Domestic Violence and Office of Sex Offender Management: assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, monitoring, and management of convicted adult domestic violence offenders and convicted adult and adjudicated juvenile sex offenders. Both boards maintain lists of approved treatment providers and help train providers.

Office of Research and Statistics: collects and disseminates criminal justice information, analyzes justice policies and problems, evaluates criminal justice programs, and provides support to the Colorado Commission on Criminal and Juvenile Justice. The Office's reports include forecasts of adult and juvenile correctional and parole populations that are used by the JBC.

Office of Evidence Based Practices for Capacity (EPIC): works with criminal justice agencies around the state to implement and maintain evidence-based practices.

The following table and chart show actual FY 2014-15 staffing for each office. Note that 57 percent (=31.3/55.2) of the Division's FTE are supported by the General Fund and that 53 percent (=28.1/53.4) are located in (A) Administration.

Office	FY 2014-15 FTE					FTE funded in (A) Admin.
	FTE in office	GF FTE	CF FTE	RF FTE	FF FTE	
Administration	6.8	4.2	0.0	2.6	0.0	6.8
Research and Statistics	7.5	5.3	1.0	0.0	1.2	6.0
Office for Victims Programs	10.8	1.1	4.2	0.0	5.5	4.2
Adult and Juvenile Justice Assistance	7.6	1.3	0.0	0.0	6.3	1.3
Community Corrections	9.6	6.6	0.0	1.0	2.0	7.5
Domestic Violence	2.3	2.3	0.0	0.0	0.0	2.3
Sex Offender Management	3.3	3.2	0.1	0.0	0.1	0.0
Evidence Based Practices for Capacity (EPIC)	7.4	7.4	0.0	0.0	0.0	0.0
DCJ Total	55.2	31.3	5.3	3.6	15.1	28.1



In the Long Bill, the Division of Criminal Justice has five subdivisions. These divisions, which loosely correspond to parts of the "office" structure presented above, are as follows:

- (A) Administration
- (B) Victims Assistance
- (C) Juvenile Justice and Delinquency Prevention
- (D) Community Corrections
- (E) Crime Control and System Improvement

Appropriations for most, but not all, of the state-supported employees who administer the division's offices are located in (A) Administration, along with related appropriations of operating expenses. The consolidation in (A) Administration reflects past decisions of the JBC to combine the appropriations of various offices in the Administration subdivision to give the DCJ more flexibility to respond to changing needs. In a few cases, all the appropriations for an office are in (A) Administration. In other cases, additional appropriations for programs administered by an office are contained in subdivisions (B) through (E). For example, appropriations for the employees of the Office of Community Corrections along with supporting operating expenses are in (A) Administration, but there are additional Community Corrections appropriations for non-FTE expenditures in (D) Community Corrections.

SUMMARY OF STAFF RECOMMENDATIONS

Division of Criminal Justice						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	\$102,983,230	\$68,574,129	\$2,955,654	\$5,757,251	\$25,696,196	74.4
2015 Session Bills	1,006,519	1,006,519	0	0	0	2.9
Staff Initiative CC1: Com. Cor. FY 15-16 Long Bill caseload supplemental	<u>(3,027,687)</u>	<u>(3,027,687)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$100,962,062	\$66,552,961	\$2,955,654	\$5,757,251	\$25,696,196	77.3
FY 2016-17 Recommended Appropriation						
FY 2015-16 Appropriation	\$100,962,062	\$66,552,961	\$2,955,654	\$5,757,251	\$25,696,196	77.3
Align appropriation with expected revenue	1,850,000	0	0	0	1,850,000	(0.5)
Staff initiative CC3 Com. cor. caseload adjustment for FY 2016-17	1,477,721	1,477,721	0	0	0	0.0
Annualize prior legislation	721,399	721,399	0	0	0	(0.4)
BA1 Juvenile diversion programs	400,000	0	400,000	0	0	0.3
BA02 Cognitive behavioral treatment pilot	212,912	212,912	0	0	0	2.7
Indirect cost assessment adjustment	138,875	0	(4,433)	0	143,308	0.0
Annualize prior year budget actions	83,546	60,833	8,184	5,356	9,173	0.0
R6 Community corrections provider rate decrease	0	0	0	0	0	0.0
R3 Jail survey impacts	0	0	0	0	0	0.0
R1 Realignment of EDO	(317,089)	(307,669)	53,526	(62,946)	0	(4.5)
Staff Initiative CC2 leap day adjustment for FY 2016-17	(147,247)	(147,247)	0	0	0	0.0
R5 Eliminate Policing Institute line item	(100,000)	0	0	(50,000)	(50,000)	(2.5)
Begin phase-out of SB13-283 funding	<u>(79,992)</u>	<u>(79,992)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$105,202,187	\$68,490,918	\$3,412,931	\$5,649,661	\$27,648,677	72.4
Increase/(Decrease)	\$4,240,125	\$1,937,957	\$457,277	(\$107,590)	\$1,952,481	(4.9)
Percentage Change	4.2%	2.9%	15.5%	(1.9%)	7.6%	(6.3%)
FY 2016-17 Executive Request:						
Request Above/(Below) Recommendation	(\$1,676,668)	\$79,342	\$75,000	\$0	(\$1,831,010)	0.2

Description of Incremental Changes

FY 2015-16

Staff Initiative CC1: Com. Cor. FY 15-16 Long Bill caseload supplemental: The recommendation reduces FY 2015-16 appropriations for community corrections programs by \$3,027,687 General Fund reflecting the reduced caseload that community corrections programs have experienced this year.

FY 2016-17

Align appropriation with expected revenue: The recommendation increases informational appropriations of federal funds by a net of \$1,850,000 to align them more closely with the revenue that is likely to be available.

Staff initiative CC3 Com. Cor. Caseload adjustment for FY 2016-17: The recommendation increases the appropriation of community corrections placements in anticipation of the reopening of a closed community corrections program.

Annualize prior legislation: The recommendation adjusts appropriations to reflect the second year impact of 2015 legislation. The most significant annualizations is \$780,019 General Fund for S.B. 15-124 (Reduce Parole Revocations for Technical Violations).

BA1 Juvenile Diversion Programs: The recommendation provides \$400,000 of funding from the Marijuana Tax Cash Fund for screening, assessment and treatment of marijuana and general substance abuse needs of juveniles who are in diversion programs.

BA2 Cognitive behavioral treatment pilot: The recommendation funds part of the Cognitive behavioral treatment pilot request.

Indirect cost assessment adjustment: The recommendation adjusts indirect cost assessments.

Annualize prior year budget actions: The recommendation annualizes salary survey and merit pay awards.

R6 Community corrections provider rate decrease: The recommendation does not decrease the provider rate as requested by the department, in accord with Committee policy.

R3 Jail survey impacts: The recommendation does not fund request R3 Jail survey impacts.

R1 Realignment of EDO: The recommendation implements the DCJ portion of a Department of Public Safety decision item that was previously approved by the Committee.

Staff Initiative CC2 leap day adjustment for FY 2016-17: The recommendation reduces FY 2016-17 appropriations for Community Corrections Placements by \$147,247 to remove leap day funding that was needed for FY 2015-16.

R5 Eliminate Policing Institute line item: The recommendation eliminates appropriations for a line item that is no longer receiving funding.

Begin phase-out of SB13-283 funding: The recommendation begins the phase out of Marijuana Tax Cash Fund funding for an S.B. 13-283 study.

Major Differences from the Request

The recommendation reduces FY 2015-16 appropriations for community corrections programs by \$3,027,687 General Fund, reflecting the reduced caseload that community corrections programs have experienced this year. The recommendation also moves reappropriations that trace to the Correctional Treatment Cash Fund to a new line item to reduce the likelihood that they will be used to fund programs they were not intended to fund. The Department did not request these changes.

The recommendation partially reverses the FY 2015-16 supplemental by increasing FY 2016-17 General Fund appropriations for Community Corrections programs by \$1,477,721.

The recommendation annualizes funding for S.B. 15-124 (Reduce Parole Revocations for Technical Violations), thus increasing FY 2016-17 General Fund appropriations by \$780,019, and establishes a new line item in the FY 2016-17 Long Bill for S.B. 15-124 appropriations to reduce the likelihood that they will be spent for unintended uses. The Department did not request annualization of this bill.

The recommendation provides \$212,912 General Fund for request BA02 Cognitive behavioral treatment pilot (CBT), which would have required that \$1,911,426 of General Fund in the *Community Corrections Placements* line item be moved within that line item to a new CBT pilot program and to other line items.

The recommendation does not fund request R3 Jail survey impacts, which would have required an appropriation of \$75,000 Cash Funds from the Marijuana Tax Cash Fund.

The recommendation begins the phase out of Marijuana Tax Cash Fund funding for an S.B. 13-283 study that should be concluded by December 31 of this year, thus reducing appropriations by \$79,992. The recommendation anticipates a further reduction of \$79,992 for FY 2017-18 to complete the phase out. The Department did not request this reduction.

The recommendation reduces FY 2016-17 appropriations for Community Corrections Placements by \$147,247 to remove leap day funding that was required for FY 2015-16.

The recommendation increases net informational appropriations of federal funds by \$1,850,000 to more closely align them with revenue. The Department did not request these informational changes.

Decision Items Affecting Multiple Subdivisions

➔ R1 Realignment of EDO

The Committee approved R1 *Realignment of EDO* during the figure setting presentation by the other Department of Public Safety analyst.

➔ Align appropriations with expected revenue

Request: This staff-initiated change was not requested by the Department.

Recommendation: Staff recommends that

- The federal funds informational appropriation for Federal Victims Assistance and Compensation Grants be increased by \$8,000,000 to reflect an expected increase in VOCA grant funding.
- The federal funds informational appropriation for Juvenile Justice Disbursements be reduced from \$750,000 to \$450,000.
- The federal funds informational appropriation for State and Local Crime Control and System Improvement Grants be reduced from \$4,900,000 to \$3,000,000.
- The federal funds informational appropriation for Federal Grants be reduced from \$9,000,000 to \$5,000,000 federal funds.

Analysis: In accord with Committee policy, these adjustments set federal funds appropriations to a staff estimate of next year's expenditures. Round numbers emphasize that they are estimates. These informational appropriations do not restrict the Department's ability to spend federal funds. If the Department receives more federal funds than appropriated, it can spend it.

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(A) Administration

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

Administration						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	\$4,383,673	\$2,547,865	\$730,130	\$509,482	\$596,196	38.1
2015 Session Bills	226,500	226,500	0	0	0	2.9
H.B. 16-1248 (Public Safety Supplemental)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$4,610,173	\$2,774,365	\$730,130	\$509,482	\$596,196	41.0
FY 2016-17 Recommended Appropriation						
FY 2015-16 Appropriation	\$4,610,173	\$2,774,365	\$730,130	\$509,482	\$596,196	41.0
BA02 Cognitive behavioral treatment pilot	212,912	212,912	0	0	0	2.7
Indirect cost assessment adjustment	138,875	0	(4,433)	0	143,308	0.0
Annualize prior year budget actions	65,624	44,262	6,833	5,356	9,173	0.0
R3 Jail survey impacts	0	0	0	0	0	0.0
R1 Realignment of EDO	(314,782)	(307,669)	55,833	(62,946)	0	(4.4)
Begin phase-out of SB13-283 funding	(79,992)	(79,992)	0	0	0	0.0
Annualize prior legislation	<u>(58,620)</u>	<u>(58,620)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(0.4)</u>
TOTAL	\$4,574,190	\$2,585,258	\$788,363	\$451,892	\$748,677	38.9
Increase/(Decrease)	(\$35,983)	(\$189,107)	\$58,233	(\$57,590)	\$152,481	(2.1)
Percentage Change	(0.8%)	(6.8%)	8.0%	(11.3%)	25.6%	(4)
FY 2016-17 Executive Request						
Request Above/(Below) Recommendation	\$251,447	\$176,447	\$75,000	\$0	\$0	(0.0)

DECISION ITEMS – ADMINISTRATION

➔ R1 Realignment of EDO

The Committee approved request R1 *Realignment of EDO* during figure setting for the non-DCJ portions of the Department of Public Safety.

➔ Funding for S.B. 13-283 retail marijuana study - reduction in FY 2016-17 and subsequent elimination

Request: The Division did not make this request.

Recommendation: Staff recommends that the appropriation from the Marijuana Tax Cash Fund to the Department for the *DCJ Administrative Services* line item be reduced by \$79,992 for FY 2016-17 and reduced by an additional \$79,992 for FY 2017-18. The total reduction over two years equals \$159,983. This will eliminate funding for DCJ's study of marijuana implementation. The DCJ Administrative Services line item combines appropriations for numerous programs and projects, including this S.B. 13-283 study of retail marijuana.

Analysis: The Department considers its study of retail marijuana implementation pursuant to S.B. 13-283 to be an ongoing requirement that continues in future years and has requested unchanged base funding for the study for FY 2016-17. Request R3 *Jail survey impacts*, which will be discussed below would expand the scope of the study for one year.

Senate Bill 13-283 implemented Amendment 64 (Retail Marijuana). Among its provisions is the following:

24-33.5-516. Study marijuana implementation. (1) The division [of criminal justice] shall gather data and undertake or contract for a scientific study of law enforcement's activity and costs related to the implementation of section 16 of article XVIII of the state constitution over the two-year period beginning January 1, 2006, and *over the two-year period beginning January 1, 2014.*

(Italics and bracketed text have been added to this quote.)

Senate Bill 16-041, which awaits a hearing in the House State, Veterans, and Military Affairs Committee, would strike the requirement that the DCJ study law enforcement costs.

Staff interprets this quote to mean that the DCJ must gather data for the two calendar year period January 1, 2014 to December 31, 2015, compare it with data for the two calendar year period January 1, 2006 to December 31, 2007, write a report, and be finished. The use of the word "implementation" emphasizes the focus on Amendment 64's initial years. Bolstering this logic is the following provision from the same bill, which requires continuing monitoring of marijuana health effects by the Department of Public Health and Environment:

25-1.5-110. Monitor health effects of marijuana. The department [of public health and environment] shall monitor changes in drug use patterns, broken down by county and race and ethnicity, and the emerging science and medical information relevant to the health effects associated with marijuana use. The department shall appoint a panel of health care professionals with expertise in

cannabinoid physiology to monitor the relevant information. The panel shall provide a report by January 31, 2015, *and every two years thereafter* to the state board of health, the department of revenue, and the general assembly.

(Italics and bracketed text have been added to this quote.)

Had the General Assembly intended the DCJ study to continue indefinitely, it would have added a phrase similar to "and every two years thereafter" to the requirements for the DCJ study.

The DCJ disagrees and wrote in a March 3 e-mail, "This work is on-going. The legislation does not have a date for the report, so we are treating it as annual updates in the absence of other direction."

Staff believes that there is no date for a report because of the following provision, which envisions a possible funding delay:

24-33.5-516. Study marijuana implementation. (3) The division [of criminal justice] is not required to perform the duties required by this section until the marijuana cash fund, created in section 12-43.3-501, C.R.S., has received sufficient revenue to fully fund the appropriations made to the department of revenue related to articles 43.3 and 43.4 of title 12, C.R.S., and the general assembly has appropriated sufficient moneys from the fund for such duties.

(Bracketed text has been added to this quote.)

Despite this subsection, appropriations for the study of marijuana implementation have been made in a timely fashion and there should have been no delay in getting the study going.

The DCJ's FY 2016-17 budget request asks for continuing base funding for the study. So far, appropriations from the Marijuana Tax Cash Fund for the study have equaled \$89,398 in FY 2013-14, \$159,983 in FY 2014-15, and \$159,983 in FY 2015-16, for a total of \$409,364, not counting POTS allocations for Health, Life, and Dental, AED, SAED, etc. The study period concluded on December 31, 2015. The FY 2015-16 appropriation provides funding through June 30, 2016, six months after the study period ends. If the appropriation continues unchanged into FY 2016-17, as requested by DCJ, study costs will total \$569,347 by June 30, 2017 and will have provided 18 months of funding for analyzing the data and writing the report.

The DCJ marijuana study is extensive (though it would be made simpler by S.B. 16-041), but staff believes that it can be concluded within one year after the study period ends.

Staff recommends that the Committee appropriate \$79,992 for FY 2016-17 for this study (a one-half year appropriation), which means that the appropriation for DCJ Administrative Services from the Marijuana Cash Tax Fund should be reduced by \$79,992 for FY 2016-17. This provides funding to conclude the study by Dec. 31, 2016, one year after the study period ends. Staff recommends a further reduction of \$79,992 for FY 2017-18 to eliminate the appropriation.

→ R3 Jail survey impacts

Request: The Department requests a one-time increase of \$75,000 Cash Funds from the Marijuana Tax Cash Fund in FY 2016-17 for a survey of incoming inmates at county jails. The survey, which will be conducted by a contractor, will gather information about homelessness among jail populations. The staff of the DCJ will analyze the data using the already existing appropriation for the study of law enforcement activities related to retail marijuana implementation that is required by S.B. 13-283. This report was discussed in the previous, staff-initiated decision item. The DCJ will then incorporate their findings regarding the impacts on homelessness among jail populations into the report.

Recommendation: Staff recommends that the Committee not approve this request. If the Committee does approve this request, it should not approve the previous staff recommendation that funding for the S.B. 13-283 retail marijuana study be eliminated

Analysis: Hearing question 8 asked the DCJ what would be learned from the study and how the resulting information would be used. In response, the DCJ wrote:

The study is intended to clarify: (1) if there is an increase in the homeless population in the jails involved in the study, (2) if those homeless jail inmates are long-time citizens or came to Colorado because of the legalization of marijuana, (3) the reason for homelessness, (4) the underlying charges associated with the homeless population (not whether legal marijuana is linked to criminal behavior), and (5) if the increase in...homeless, marijuana-involved jail inmates suggests that there is an increased need for substance abuse treatment programming in these jails. The information will be included in the Division's reporting pursuant to S.B. 13-283, and briefings will be held with the Governor's Marijuana Advisory Group and the police chiefs' and sheriffs' associations.

Staff questions whether a study of homelessness is within the intended scope of the S.B. 13-283 study requirements, which are contained in Section 24-33.5-516, C.R.S:

24-33.5-516. Study marijuana implementation. (2) To be included in the study, the division or contractor must have data for both of the two-year periods described in subsection (1) of this section. The study must include information concerning:

(a) Marijuana-initiated contacts by law enforcement, broken down by judicial district and by race and ethnicity;

(b) Comprehensive school data, both statewide and by individual school, including suspensions, expulsions, and police referrals related to drug use and sales, broken down by specific drug categories;

(c) Marijuana arrest data, including amounts of marijuana with each arrest, broken down by judicial district and by race and ethnicity;

- (d) Traffic accidents, including fatalities and serious injuries related to being under the influence of marijuana;
- (e) Diversion of marijuana to persons under twenty-one years of age;
- (f) Diversion of marijuana out of Colorado;
- (g) Crime occurring in and relating to the operation of marijuana establishments;
- (h) Utilization of parcel services for the transfer of marijuana;
- (i) Data related to drug-endangered children, specifically for marijuana;
- (j) Probation data;
- (k) Data on emergency room visits related to the use of marijuana and the outcomes of those visits, including information from Colorado poison control center;
- (l) Outdoor marijuana cultivation facilities;
- (m) Money laundering relating to both licensed and unlicensed marijuana; and
- (n) The role of organized crime in marijuana.

Senate Bill 16-041 would strike requirement (2) (a) of this subsection.

This list does not mention homelessness. Although Section 24-33.5-516, C.R.S., does not limit the study to the listed items, staff believes that the General Assembly would have expressly listed a topic as important as homelessness if it wanted it included.

Had the General Assembly been interested in homelessness and marijuana, it also seems likely that it would have requested a broad study of the effects of retail marijuana on homelessness, not just a narrow study focused on jail populations. Homelessness affects many services and institutions at the state and local level. A broad study would be much more expensive.

If this request is approved, a contractor will collect the data and it will be analyzed by the marijuana-study staff of the DCJ. Thus this request depends upon continued appropriations for the S.B. 13-283 study of marijuana.

LINE ITEM DETAIL – ADMINISTRATION

DCJ Administrative Services

This line item was created in the FY 2012-13 Long Bill by combining the subdivision's personal services and operating expenses appropriations in order to increase the Division's flexibility. The line item funds many but not all of the division's FTE.

The sources of cash funds are:

- The Victims Assistance and Law Enforcement Fund (the State VALE fund) established in Section 24-33.5-506 (1), C.R.S., which supports victim programs,
- The Marijuana Cash fund created in Section 12-43.3-501 (1) (a), C.R.S. This appropriation is for a study of law enforcement activities related to retail marijuana implementation.
- Gifts, grants and donations.

JBC Staff Figure Setting – FY 2016-17
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The source of reappropriated funds is indirect cost recoveries which help pay for oversight of all programs by the Division Administrative Office. Indirect cost recoveries are collected from:

- Federal sources (VOCA, VAWA, Juvenile Justice, and other federal grants administered by the division), and
- State sources (the Sex Offender Surcharge Fund, the State VALE fund)

Statutory Authority: Title 24, Article 33.5, Part 5 (Division of Criminal Justice), Section 17-22.5-107, C.R.S. (Parole release and revocation guidelines.), Section 17-22.5-404 C.R.S. (Parole Guidelines), Section 22-32-146. (School use of on-site peace officers as school resource officers), Section 24-33.5-506, C.R.S. (Victims assistance and law enforcement fund), Title 16, Article 11.8, (Management of Domestic Violence Offenders).

The following table summarizes the request and the recommendation for DCJ Administrative Services.

Division of Criminal Justice, Administration, DCJ Administrative Services						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	\$3,847,056	\$2,547,865	\$671,251	\$509,482	\$118,458	38.1
2015 Session Bills	226,500	226,500	0	0	0	2.9
H.B. 16-1248 (Public Safety Supplemental)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$4,073,556	\$2,774,365	\$671,251	\$509,482	\$118,458	41.0
FY 2016-17 Recommended Appropriation						
FY 2015-16 Appropriation	\$4,073,556	\$2,774,365	\$671,251	\$509,482	\$118,458	41.0
BA02 Cognitive behavioral treatment pilot	212,912	212,912	0	0	0	2.7
Annualize prior year budget actions	65,624	44,262	6,833	5,356	9,173	0.0
R3 Jail survey impacts	0	0	0	0	0	0.0
R1 Realignment of EDO	(370,615)	(307,669)	0	(62,946)	0	(4.4)
Begin phase-out of SB13-283 funding	(79,992)	(79,992)	0	0	0	0.0
Annualize prior legislation	<u>(58,620)</u>	<u>(58,620)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(0.4)</u>
TOTAL	\$3,842,865	\$2,585,258	\$678,084	\$451,892	\$127,631	38.9
Increase/(Decrease)	(\$230,691)	(\$189,107)	\$6,833	(\$57,590)	\$9,173	(2.1)
Percentage Change	(5.7%)	(6.8%)	1.0%	(11.3%)	7.7%	(5.1%)
FY 2016-17 Executive Request:	\$4,094,312	\$2,761,705	\$753,084	\$451,892	\$127,631	38.9
Request Above/(Below) Recommendation	\$251,447	\$176,447	\$75,000	\$0	\$0	(0.0)

Indirect Cost Assessment

All indirect cost assessments paid from the DCJ's cash and federal funds are combined in this indirect cost assessment line item. All programs in DCJ that are supported by cash, reappropriated, or federal funds pay these assessments, which help pay for (1) statewide indirect costs, (2) departmental indirect costs, and (3) indirect costs within DCJ. The JBC staff member who handles the rest of the Department of Public Safety is responsible for the Department's indirect costs. This explanation summarizes the indirect cost plan.

The indirect cost assessments are based on assessment percentages that are applied to personal services appropriations. These rates are set at levels that will recover current-year indirect costs. The FY 2015-16 Department of Public Safety assessment rate for statewide and departmental indirect costs will equal approximately 10%, a uniform rate that applies to cash, reappropriated, and federal funds. In addition there is an internal indirect cost assessment within DCJ that applies to DCJ personal services appropriations. The FY 2015-16 assessment will equal approximately 36%, meaning that the total assessment in DCJ on cash, reappropriated, and federal personal-services appropriations equals forty-six percent (10% + 36%). The statewide and departmental collections are used to offset the use of General Fund throughout the Department, the internal DCJ assessment is used to offset General Fund within DCJ's Administration subdivision.

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

The JBC may make changes to staff recommendations or to common policies that alter the recommended indirect cost assessments. **Staff requests permission to re-calculate the indirect cost recoveries if subsequent Committee decisions require changes.**

Statutory Authority: [State of Colorado Fiscal Rules](#), Rule 8-3 (Cost Allocation Plans).

Request: The Division requests an appropriation of \$536,617 total funds.

Recommendation: Staff recommends the Department's request.

Division of Criminal Justice, Administration, Indirect Cost Assessment						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	\$536,617	\$0	\$58,879	\$0	\$477,738	0.0
H.B. 16-1248 (Public Safety Supplemental)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$536,617	\$0	\$58,879	\$0	\$477,738	0.0

JBC Staff Figure Setting – FY 2016-17
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Division of Criminal Justice, Administration, Indirect Cost Assessment						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2016-17 Recommended Appropriation						
FY 2015-16 Appropriation	\$536,617	\$0	\$58,879	\$0	\$477,738	0.0
Indirect cost assessment adjustment	138,875	0	(4,433)	0	143,308	0.0
R1 Realignment of EDO	<u>55,833</u>	<u>0</u>	<u>55,833</u>	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$731,325		\$110,279	\$0	\$621,046	0.0
Increase/(Decrease)	\$194,708	\$0	\$51,400	\$0	\$143,308	0.0
Percentage Change	36.3%	0.0%	87.3%	0.0%	30.0%	0.0%
FY 2016-17 Executive Request:	\$731,325	\$0	\$110,279	\$0	\$621,046	0.0
Request Above/(Below) Recommendation	\$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. The appropriation for most of the Office's staff is in subdivision (A) Administration. Appropriations for grants that the Office administers are in this subdivision (B). 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	Federal Funds	FTE
FY 2015-16 Appropriation					
S.B. 15-234 (Long Bill)	<u>\$13,302,653</u>	<u>\$1,102,653</u>	<u>\$1,800,000</u>	<u>\$10,400,000</u>	<u>0.6</u>
TOTAL	\$13,302,653	\$1,102,653	\$1,800,000	\$10,400,000	0.6
FY 2016-17 Recommended Appropriation					
FY 2015-16 Appropriation	\$13,302,653	\$1,102,653	\$1,800,000	\$10,400,000	0.6
Align appropriation with expected revenue	8,000,000	0	0	8,000,000	0.0
R1 Realignment of EDO	<u>(2,307)</u>	<u>0</u>	<u>(2,307)</u>	<u>0</u>	<u>(0.1)</u>
TOTAL	\$21,300,346	\$1,102,653	\$1,797,693	\$18,400,000	0.5
Increase/(Decrease)	\$7,997,693	\$0	(\$2,307)	\$8,000,000	(0.1)
Percentage Change	60.1%	0.0%	(0.1%)	76.9%	(4)
FY 2016-17 Executive Request					
Request Above/(Below) Recommendation	(\$8,000,000)	\$0	\$0	(\$8,000,000)	(0.0)

DECISION ITEMS – VICTIMS ASSISTANCE (NONE)

The Committee approved request R1 *Realignment of EDO* during figure setting for the non-DCJ portions of the Department of Public Safety.

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. A list of [CY 2015 VOCA Grant Awards](#).

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. A list of [CY 2015 VAWA Grant Awards](#).

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. A list of [CY 2015 SASP Grant Awards](#).

The Federal Victims Assistance and Compensation Grants line item is an informational appropriation that reflects expected expenditures of federal funds. The following table presents the recommendation and the request.

Actual funding for these programs has been relatively constant in recent years.

Fiscal Year	Actual Federal Grants
2008-09	9,704,143
2009-10	9,448,773
2010-11	10,401,876
2011-12	10,369,662
2012-13	10,828,211
2013-14	10,156,492
2014-15	10,079,589

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 a continuation appropriation for this subdivision of \$10,400,000 federal funds.

Recommendation: Staff recommends that the Committee approve an \$18,400,000 federal funds appropriation for this line. The increase is due to a large VOCA award. This is a one-time increase of \$26 million for a 4 year period.

JBC Staff Figure Setting – FY 2016-17
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Division of Criminal Justice, Victims Assistance, Federal Victims Assistance and Compensation Grants				
	Total Funds	General Fund	Federal Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	\$10,400,000	\$0	\$10,400,000	0.0
TOTAL	\$10,400,000	\$0	\$10,400,000	0.0
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$10,400,000	\$0	\$10,400,000	0.0
Align appropriation with expected revenue	8,000,000	0	8,000,000	0.0
TOTAL	\$18,400,000		\$18,400,000	0.0
Increase/(Decrease)	\$8,000,000	\$0	\$8,000,000	0.0
Percentage Change	76.9%	0.0%	76.9%	0.0%
FY 2016-17 Executive Request:	\$10,400,000	\$0	\$10,400,000	0.0
Request Above/(Below) Recommendation	(\$8,000,000)		(\$8,000,000)	0.0

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 enhanced victim rights by approving the Victim Rights Amendment, which is found in Article 2, Section 16a of the Colorado Constitution. The amendment states that crime victims have the "right to be heard when relevant, informed, and present at all critical stages of the criminal justice process."

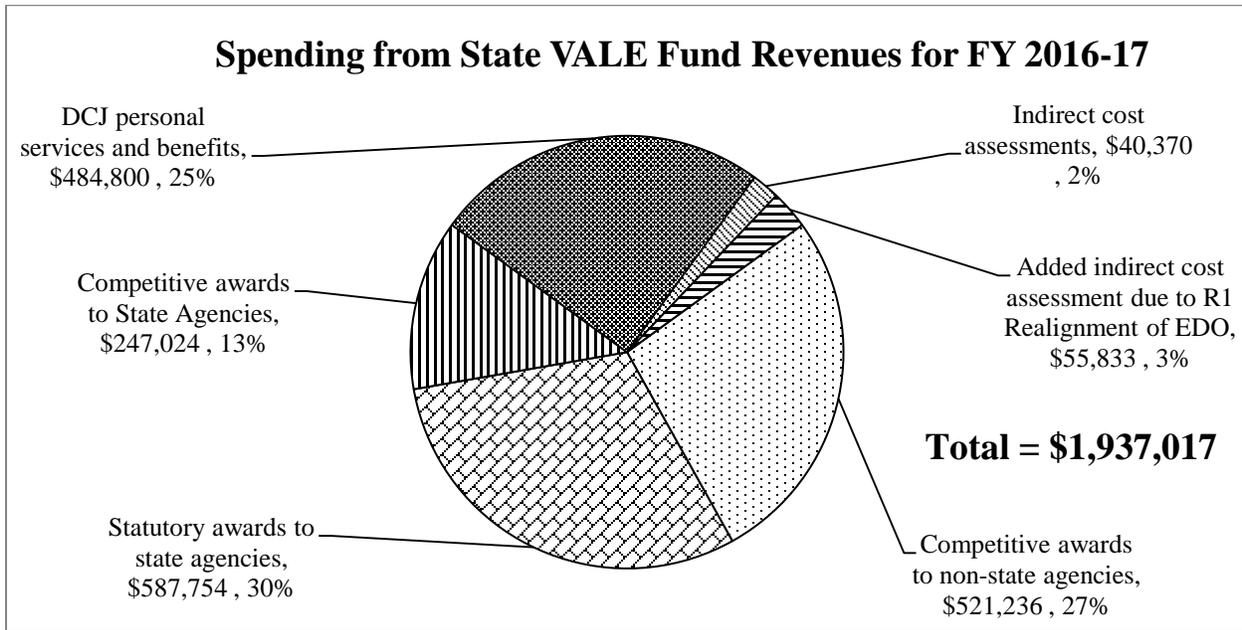
Background on the State VALE fund. Section 24-33.5-506, C.R.S., establishes the Victims Assistance and Law Enforcement Fund (the State VALE Fund), which is administered by the State VALE Advisory Board. Each judicial district also has its own local VALE fund, distinct from the State VALE fund. These local VALE funds receive revenues from surcharges on fines imposed for felonies, misdemeanors, juvenile offenses, and certain traffic infractions within the district. Pursuant to Section 24-4.2-105 (1), C.R.S., 13 percent of each district's surcharge revenue is transferred to the State VALE Fund. Local VALE boards, which are appointed by the chief judge of the judicial district, make grants to agencies that provide services to crime victims within the district in which the monies are collected. The Office for Victims Programs issues standards that govern the administration of Local VALE programs. There are two priority areas

for VALE funding: implementation of the Victim Rights Act and (2) victim and witness services, including crisis intervention services, referrals of victims to appropriate community services and victim compensation programs, translator services, and counseling.

Pursuant to statute, the State VALE fund is appropriated to the Division for

- Payment of DCJ's costs of administering any state or federally authorized victim programs,
- Distributions to the:
- Department of Public Safety to support several Victim Advocates positions around the state that provide comprehensive services to victims of traffic crashes (and their families) on Colorado highways where an injury or death occurs.;
- Division of Youth Corrections (in the Department of Human Services) to provide notification of movements and changes involving the juvenile perpetrator, such as escapes, return to custody, eligibility for visits to the community, hearings, recommitments, transfers to the adult system, and expiration of commitment;
- Department of Corrections to provide notifications similar to those provided by the Division of Youth Corrections including assistance and support to victims who attend Parole Board Hearings and Community Corrections Board reviews;
- Office of the State Court Administrator to implement and coordinate statewide victim services programs; and
- Department of Law to provide notifications to victims of appellate actions involving the perpetrator and cases in which the Department of Law prosecutes the accused perpetrator in a trial court,
- A competitive VALE grant program that makes grants to state government criminal justice agencies and non-profit victim service agencies. A Governor-appointed board reviews grant requests and makes funding recommendations to the Department.

The following chart shows the distribution of projected of projected spending from the State VALE fund for FY 2016-17, including grants.



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 Department requests a continuation appropriation of \$1,500,000 cash funds for this program.

Recommendation: Staff recommends that the Committee approve the Division's request.

Child Abuse Investigation

In Colorado, child abuse investigations are frequently conducted by Child Advocacy Centers (CACs), which are located in 15 of the state's 22 judicial districts. About 80 percent of the children these centers serve are victims of sexual abuse with the remainder divided approximately equally between serious physical abuse and witnesses to violence. Some of the children are human trafficking victims.

CAC's conduct a single, sensitive, thorough, and neutral forensic interview in suspected cases of abuse. The centers also provide counseling and refer clients for therapy. Colorado law enforcement personnel are encouraged to take a child to a CAC as soon as they determine that the case is appropriate for a CAC. A forensic interview at the CAC may provide evidence for prosecution and can help guide further criminal investigations.

In about 15 percent of cases, circumstances indicate that a forensic physical exam of the child may provide evidence for prosecution. Under such circumstances, an exam is conducted by a SANE nurse (Sexual Assault Nurse Examiner nurse) and the cost of the exam is paid by law enforcement. In other cases there is little likelihood that an exam will produce evidence (because,

JBC Staff Figure Setting – FY 2016-17
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for example, the abuse occurred months earlier) but a SANE nurse may still conduct an exam, paid for by the CAC, to make sure that the child is physically okay.

Prior to FY 2014-15 the only state support for Child Abuse Investigations at Child Advocacy Centers came from the Child Abuse Investigation Surcharge Fund, but beginning in FY 2015-16 the Committee augmented this cash funding with a General Fund appropriation.

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 CAC's use the grants to cover between 2 and 20 percent of their operating expenses, with the remainder coming from other sources, such as VOCA grants, United Way, and local fund raising efforts

The cash funding for this appropriation derives 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. The surcharges range from \$1,500 for a class 2 felony to \$75 for a class 3 misdemeanor. Five percent of the surcharge revenue is credited to the Judicial Stabilization Fund and the remaining 95 percent is credited to the Child Abuse Investigation Surcharge Fund, which is created in Section 18-24-103 (2) (a), C.R.S. The following table shows the fund's recent revenues.

Fiscal Year	Child Abuse Investigation Surcharge Fund Revenue
2010-11	\$102,675
2011-12	151,152
2012-13	182,990
2013-14	203,646
2014-15	239,261

Statutory Authority: Article 24 of Title 18, C.R.S.

Request: The Department requests an appropriation of \$500,000 General Fund and \$297,693 cash funds. The cash funds appropriation reflects the impact of R1 Realignment of EDO.

Recommendation: Staff recommends that the Committee approve this request.

Division of Criminal Justice, Victims Assistance, Child Abuse Investigation				
	Total Funds	General Fund	Cash Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	<u>\$800,000</u>	<u>\$500,000</u>	<u>\$300,000</u>	<u>0.4</u>
TOTAL	\$800,000	\$500,000	\$300,000	0.4

JBC Staff Figure Setting – FY 2016-17
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Division of Criminal Justice, Victims Assistance, Child Abuse Investigation				
	Total Funds	General Fund	Cash Funds	FTE
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$800,000	\$500,000	\$300,000	0.4
R1 Realignment of EDO	(2,307)	0	(2,307)	(0.1)
TOTAL	\$797,693	\$500,000	\$297,693	0.3
Increase/(Decrease)	(\$2,307)	\$0	(\$2,307)	(0.1)
Percentage Change	(0.3%)	0.0%	(0.8%)	(25.0%)
FY 2016-17 Executive Request:	\$797,693	\$500,000	\$297,693	0.3
Request Above/(Below) Recommendation	\$0	\$0	\$0	0.0

Sexual Assault Victim Emergency Payment Program

Forensic medical exams provided to victims of sexual assault who cooperate with law enforcement are paid for by the appropriate law enforcement agency. House Bill 13-1163, created the Sexual Assault Victim Emergency Payment Program for victims of sexual assault who need additional time to determine whether they want to pursue legal action. 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. (Victims can undergo an exam within 120 hours (5 days) of the assault, although up to 72 hours is preferable.)

Statutory Authority: Section 18-3-407.7, C.R.S.

Request: The Department requests a continuation appropriation of \$167,933 General Fund and 0.2 FTE.

Recommendation: Staff recommends that the Committee approve this request.

Statewide Victim Information and Notification System (VINE)

This appropriation helps support a victim notification system operated by the County Sheriffs of Colorado (CSOC). The notification system, known as the Colorado Automated Victim Information Notification Everyday (VINE) system, is part of a nationwide VINE system that covers 47 states. VINE obtains information directly from county-jail booking systems. Colorado's system does not provide information about the custody status of Colorado Department of Corrections offenders.¹ The system allows crime victims to obtain free, reliable information about the custody status of offenders 24 hours a day. Victims can register to be automatically notified by any combination of e-mail, fax, letter, or phone when their offender is

¹ The fiscal note for H.B. 13-1241 estimated that it would cost \$155,000 to extend the VINE system to CDOC.

released, transferred, or escapes. The nationwide VINE system can be accessed at <https://www.vinelink.com>.

Colorado's VINE system was constructed and later upgraded with the aid of \$1.5 million of Federal Grants. These grants were the subject of a February 2015 [federal audit](#) by the U.S. Department of Justice's Office of the Inspector General which questioned \$688,587 of expenditures by the Sheriffs.

The statutory legislative declaration in Section 24-33.5-515 (2), C.R.S. states that the General Assembly *may* annually make general fund appropriations to support the program.

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

Request: The Department requests a continuation appropriation of \$434,720 General Fund for this item. This amount includes \$334,800 for the private IT contractor (Appriss) that maintains the VINE systems for Colorado and for other states that participate in VINE, \$89,920 for the county sheriffs to operate the program, and \$10,000 for DYCS, which participates in the VINE system and will receive this funding via a reappropriation.

Recommendation: Staff recommends that the Committee approve this request.

(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. Appropriations for grants the Office administers are in this subdivision (B).

Juvenile Justice and Delinquency Prevention					
	Total Funds	General Fund	Cash Funds	Federal Funds	FTE
FY 2015-16 Appropriation					
S.B. 15-234 (Long Bill)	<u>\$1,991,139</u>	<u>\$1,241,139</u>	<u>\$0</u>	<u>\$750,000</u>	<u>0.9</u>
TOTAL	\$1,991,139	\$1,241,139	\$0	\$750,000	0.9
FY 2016-17 Recommended Appropriation					
FY 2015-16 Appropriation	\$1,991,139	\$1,241,139	\$0	\$750,000	0.9
BA1 Juvenile diversion programs	400,000	0	400,000	0	0.3
Align appropriation with expected revenue	<u>(250,000)</u>	<u>0</u>	<u>0</u>	<u>(250,000)</u>	<u>0.0</u>
TOTAL	\$2,141,139	\$1,241,139	\$400,000	\$500,000	1.2
Increase/(Decrease)	\$150,000	\$0	\$400,000	(\$250,000)	0.3
Percentage Change	7.5%	0.0%	0.0%	(33.3%)	(4)
FY 2016-17 Executive Request					
Request Above/(Below) Recommendation	\$250,000	\$0	\$0	\$250,000	(0.0)

DECISION ITEMS - JUVENILE JUSTICE AND DELINQUENCY PREVENTION

➔ BA1 Juvenile Diversion Programs

Request: The Department requests an appropriation of \$400,000 cash funds from the Marijuana Tax Cash Fund and 0.3 FTE in FY 2016-17 and subsequent years for Juvenile Diversion Programs, comprised of \$340,000 for screening, assessment and treatment of marijuana and general substance abuse needs and \$60,000 for grant administration and development of assessment and treatment protocols. Services will be provided by grantees in judicial districts around the state. The Department also requests a 0.3 FTE reduction of the informational FTE

appropriation for the Federal Grants line item, apparently to offset the FTE increase for juvenile diversion programs.

Recommendation: Staff recommends that the Committee approve this request, except that staff does not recommend an FTE reduction for the Federal Grants line item.

Analysis: Approximately 70 percent of youth involved in the criminal justice system have mental health and/or substance use issues. However, due to a lack of funding, only 42 percent of diversion participants receive services that fully assess and treat their identified needs. The lack of sufficient funding to screen, assess, and treat substance use issues undermines the effectiveness of diversion programs.

Note that juvenile diversion participants are often not eligible for S.B. 91-94 funding, as they are typically lower risk, first-time offenders, and S.B. 91-94 serves a higher risk population.

The Marijuana Tax Cash Fund is expected to produce sufficient revenue to support this appropriation.

Staff recommends that there be no adjustment to the Federal Grants line item, which is an unrelated informational appropriation that is an estimate. As such, it should not include a fractional FTE appropriation.

Statutory authority: Section 39-28.8-501, C.R.S., which establishes the Marijuana Tax Cash Fund, states that permissible uses of the fund "prioritize appropriations related to legalized marijuana, such as drug use prevention and treatment, [and] protecting the state's youth." It adds that the fund can be used, "To provide services for adolescents and school-aged children in school settings or through community-based organizations," and "To treat people with any type of substance-abuse disorder, especially those with co-occurring disorders."

LINE ITEM DETAIL – JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Juvenile Justice Disbursements

The Office of Adult and Juvenile Justice Assistance provides federally funded grants to units of local government (including law enforcement, district attorneys, and judicial districts), state agencies, and non-profit/local private community-based agencies to assist in local efforts that enhance or respond to a variety of juvenile justice and delinquency issues from prevention through aftercare. These grants address such issues as 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 monies are used for program development, service delivery, policy design, research and other activities.

The federal funds for this line item are shown for informational purposes only. The funds are from the federal Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice. The following table shows actual federal funding in recent years.

Fiscal Year	Actual Federal Grants
2008-09	847,821
2009-10	658,133
2010-11	715,124
2011-12	642,110
2012-13	477,964
2013-14	358,373
2014-15	396,396

Statutory Authority: Section-33.5-503 (1) (e), C.R.S.

Request: The Division requests a continuation appropriation of \$750,000 federal funds.

Recommendation: Staff recommends that the Committee approve an appropriation of \$500,000 federal funds which accords with recently received revenues and is a round number.

Juvenile Diversion Programs

Juvenile diversion programs serve youth accused of having broken the law. In lieu of going through the normal judicial process, the youth is placed in a diversion program that holds him accountable for his behavior while involving him 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. Programs may include a restorative justice component, if the victim agrees to participate.

This line item helps support various juvenile diversion programs around the state. These programs are operated by district attorneys, counties, and community-based agencies. A typical program is that offered by La Plata Youth Services, which is receiving \$36,551 during FY 2015-16 and serves children aged ten to seventeen who are charged with a misdemeanor or felony. La Plata's program is six months to one year long; youth are referred in lieu of having charges filed against them, avoiding further court processes and a permanent criminal record.

During FY 2014-15 a total of 2,255 Colorado juveniles were served by 21 diversion programs that received state support in 18 Judicial Districts. Over three quarters (77.8%) of the juveniles had committed misdemeanors or petty offenses; the remainder had committed felonies. Two thirds were male. A total of 1,258 youth exited a diversion program during the reporting period, with 84 percent exiting successfully, 4 percent exiting unsuccessfully due to an arrest for a new offense, and 8 percent exiting unsuccessfully due to technical violations. Those who exited unsuccessfully faced further juvenile justice sanctions. According to a study of participants from 2011 through 2014, 14.4 percent recidivated within one year of program exit. In 2014-15,

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participants completed 17,048 community service hours and paid \$161,056 in restitution. During FY 2013-14, the cost to the state per participant equaled \$1,079; judicial districts may also provide local funds.²

Statutory Authority: Section 19-2-303, C.R.S. (Juvenile diversion program – authorized)

Request: The Division requests a \$400,000 increase of the cash funds appropriation for this line item. The cash funds are from the Marijuana Tax Cash Fund. The General Fund appropriation would remain constant at \$1,241,139.

Recommendation: Staff recommends that the Committee approve this request.

Division of Criminal Justice, Juvenile Justice and Delinquency Prevention, Juvenile Diversion Programs				
	Total Funds	General Fund	Cash Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	<u>\$1,241,139</u>	<u>\$1,241,139</u>	<u>\$0</u>	<u>0.9</u>
TOTAL	\$1,241,139	\$1,241,139	\$0	0.9
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$1,241,139	\$1,241,139	\$0	0.9
BA1 Juvenile diversion programs	<u>400,000</u>	<u>0</u>	<u>400,000</u>	<u>0.3</u>
TOTAL	\$1,641,139	\$1,241,139	\$400,000	1.2
Increase/(Decrease)	\$400,000	\$0	\$400,000	0.3
Percentage Change	32.2%	0.0%	0.0%	33.3%
FY 2016-17 Executive Request:	\$1,641,139	\$1,241,139	\$400,000	1.2
Request Above/(Below) Recommendation	\$0	\$0	\$0	(0.0)

² *Annual Report to the Governor* by the Colorado Juvenile Justice and Delinquency Prevention Council & Office of Adult and Juvenile Justice Assistance, October 2015, and *Statewide Evaluation of the DCJ Juvenile Diversion Program*, by the Omni Institute, September 2014, with updates provided by the DCJ.

(D) Community Corrections

The Office of Community Corrections oversees community corrections programs in Colorado. The appropriation for the Office's staff is in subdivision (A) Administration. The appropriations that fund community corrections programs around the state are located in this subdivision (D).

Community Corrections				
	Total Funds	General Fund	Reappropriated Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	\$67,671,730	\$62,473,961	\$5,197,769	0.0
2015 Session Bills	780,019	780,019	0	0.0
Staff Initiative CC1: Com. Cor. FY 15-16 Long Bill caseload supplemental	<u>(3,027,687)</u>	<u>(3,027,687)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$65,424,062	\$60,226,293	\$5,197,769	0.0
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$65,424,062	\$60,226,293	\$5,197,769	0.0
Staff initiative CC3 Com. cor. caseload adjustment for FY 2016-17	1,477,721	1,477,721	0	0.0
Annualize prior legislation	780,019	780,019	0	0.0
R6 Community corrections provider rate decrease	0	0	0	0.0
BA02 Cognitive behavioral treatment pilot	0	0	0	0.0
Staff Initiative CC2 leap day adjustment for FY 2016-17	<u>(147,247)</u>	<u>(147,247)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$67,534,555	\$62,336,786	\$5,197,769	0.0
Increase/(Decrease)	\$2,110,493	\$2,110,493	\$0	0.0
Percentage Change	3.2%	3.5%	0.0%	(4)
FY 2016-17 Executive Request				
Request Above/(Below) Recommendation	(\$97,105)	(\$97,105)	\$0	0.0

DECISION ITEMS – COMMUNITY CORRECTIONS

➔ Staff Initiative CC1 Com. Cor. FY 15-16 Long Bill caseload supplemental

Request: The Department did not request this supplemental.

Recommendation: Staff recommends that

- The FY 2015-16 *Community Corrections Placements* line item be reduced by \$5,481,428 total funds. The reduction is comprised of \$2,837,559 General Fund and \$2,643,869 reappropriated funds that trace to the Correctional Treatment Cash Fund. This reduction eliminates the reappropriated funds from this line item
- The \$2,643,869 of reappropriated funds removed from the *Community Corrections Placements* line item be moved to a new line item called *Intensive Residential Treatment Probation Placements* in the Community Corrections portion of the Long Bill.
- The *Community Corrections Facility Payments* appropriation be reduced by \$190,128 General Fund.

The total General Fund reduction equals \$3,027,687, the total appropriation of reappropriated funds tracing to the Correctional Treatment Cash Fund is unchanged.

The footnote attached to the *Community Corrections Placements* appropriation in the Long Bill details the projected caseloads and assumptions upon which the Long Bill appropriation is based. Staff recommends that the footnote be amended as follows:

- 71 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 and is based on the following assumptions: ~~the caseload for Diversion-Intensive Residential Treatment includes at least 48 condition-of-probation placements;~~ the base rate for standard nonresidential services is a weighted average of the rates for four different levels of service; community corrections providers will collect client fees of up to \$17 per day for residential placements and up to \$3 per day for nonresidential placements; client fees may be partially or fully waived in specialized residential and non-residential programs with the approval of the Division of Criminal Justice; pursuant to its authority to administer and execute contracts under Section 17-27-108, C.R.S., the Division of Criminal Justice will ensure that every reasonable effort is made to achieve such collections; and outpatient therapeutic community programs: (1) will receive the standard non-residential base rate for all offenders in their programs, including Department of Corrections clients; (2) will receive the outpatient therapeutic community base rate for all clients in program phases other than the post graduate phase, including Department of Corrections clients; (3) will not receive the outpatient therapeutic community base rate or the non-residential base rate for probation clients; (4) will collect client fees of up to \$3 per day; and (5) will not receive payment from the Department of Corrections for services covered by the standard non-residential base rate or the outpatient therapeutic community base rate. Of this appropriation, \$1,545,409 is from the savings produced by H.B. 10-1360 pursuant to Section 17-2-103 (11.5), C.R.S., for parolee Intensive Residential Treatment beds and for parolee sex offender beds.

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	42.09	0.00	42.09	1,240.0 1,174.0	1,187.0 1,129.0	120.4 109.0	39,135,017 37,156,715
Intensive Residential Treatment	42.09	46.71	88.80	41.0 39.0	54.0 43.0	49.0 52.0	6,223,104 4,355,107
Inpatient Therapeutic Community	42.09	27.73	69.82	95.0 78.0	59.0 51.0	10.0 15.0	4,179,170 3,679,793
Residential Dual Diagnosis Treatment	42.09	35.29	77.38	73.0 68.0	52.0 42.0	19.1 14.0	4,067,093 3,511,814
John Eachon Re-entry Program	42.09	55.04	97.13	8.0 6.0	12.0 11.0	0.0 0.0	708,694 604,343
Sex Offender Residential	42.09	35.29	77.38	53.0 57.0	23.0 20.0	21.0 13.0	2,740,769 2,548,897
Standard Non-residential	6.13	0.00	6.13	670.0 581.0	5.0	5.0	1,521,511 1,325,956
Outpatient Day Treatment	34.68	0.00	34.68	4.0 2.0	0.0	0.0	50,506 25,386
Outpatient Therapeutic Community	22.00	0.00	22.00	67.9 <u>55.0</u>	19.3 <u>24.0</u>	6.0	747,995 <u>684,420</u>
Total				2,251.9 2,060.0	1,411.3 1,325.0	230.5 214.0	59,373,859 53,892,431

Analysis: The caseload in community corrections facilities is not as large as was expected at the time of figure setting last year. The biggest single reason for the caseload decline is the closure in August 2015 of Phoenix Center in the 17th Judicial District (Adams County). During FY 2014-15, Phoenix Center which had a capacity of over 200, served an average daily residential population of 155. In addition, populations in some other community corrections facilities have declined.

The reappropriated funds for *Community Corrections Placements* come from the Correctional Treatment Cash Fund. The Correctional Treatment Board's annual plan calls for this money to be used to provide condition of probation intensive residential treatment beds for probationers. This funding source needs to be clearly separated from the General Fund so that it will not accidentally be used to pay for diversion, transition, or parole placements, which appears to have happened during FY 2014-15. Putting the appropriation on a separate line should eliminate this problem. The recommendation removes these reappropriated funds from the footnote attached to the *Community Corrections Placements* line item.

➔ New line item for S.B. 15-124 Intensive Residential Treatment placements

Request: The Department did not request this adjustment.

Recommendation: Staff recommends that the FY 2016-17 annualized appropriation for S.B. 15-124 (Reduce Parole Revocations for Technical Violations) of \$1,560,038 General Fund for parolee Intensive Residential Treatment beds be presented on a separate line item in the Community Corrections portion of the FY 2016-17 Long Bill called *S.B. 15-124 Placements*.

Analysis: S.B. 15-124 provided \$780,019 General Fund for 48 intensive residential treatment beds for parolees for six months during FY 2015-16. These beds target parolees with substance use problems who are in danger of being returned to prison. The appropriation for these beds comes from the savings generated by S.B. 15-124.

Only 6 months of beds were funded in the bill because of the expectation that it would take six months for the bill's impact to be felt. Annualization provides 48 intensive residential treatment beds for parolees for an additional six months, thus funding these beds for the entire year. The DCJ did not request annualization of this appropriation and the fiscal note does not address the bill's second year fiscal impact, but staff believes this annualization is implied by the 6 month IRT bed appropriation in the bill. Without annualization, 48 beds for six months in FY 2015-16 would turn into 24 beds for 12 months in FY 2016-17; no IRT provider would expand for six months knowing of a 50 percent contraction starting in month 7. One of the bill's sponsors has confirmed this interpretation. Annualization of S.B. 15-124 adds \$780,019 to the bill's original appropriation.

Staff originally reported this appropriation in the numbers pages as part of the *Community Corrections Placements* line item, but it is a new appropriation for a new program that appears to be having a substantial impact on revocations for technical violations and staff now believes that it should be tracked separately. This is best achieved with a separate line item and staff has presented it separately for FY 2015-16 in the numbers pages.

➔ Staff Initiative CC2 Community corrections leap day adjustment for FY 2016-17

Request: The Department did not request this adjustment.

Recommendation: Staff recommends that the FY 2016-17 appropriation for the *Community Corrections Placements* line item be reduced by \$147,247 General Fund to reverse the FY 2015-16 appropriation for the leap day that occurred in February 2016.

Analysis: Community corrections facilities receive a daily per diem fee for each client and leap years need an extra day of appropriations.

➔ Staff Initiative CC3 Community corrections caseload adjustment for FY 2016-17

Request: The Department did not request this adjustment.

Recommendation: Staff recommends that the FY 2016-17 *Community Corrections Placements* line item be increased by \$1,382,656 General Fund to reflect an expected caseload increase. In addition, staff recommends that the *Community Corrections Facility Payments* appropriation be increased by \$95,064 General Fund to reflect the expected reopening of a facility. The combined General Fund increase equals \$1,477,720 (= \$1,382,656 + \$95,064)

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Staff further recommends that the following footnote appropriation table be placed in the Long Bill and attached to the *Community Corrections Placements* line item to detail the appropriation. This table includes all S.B. 15-124 beds.

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	42.09	0.00	42.09	1,214.0	1,169.0	119.0	38,437,851
Intensive Residential Treatment	42.09	46.71	88.80	39.0	43.0	52.0	4,343,208
Inpatient Therapeutic Community	42.09	27.73	69.82	78.0	51.0	15.0	3,669,739
Residential Dual Diagnosis Treatment	42.09	35.29	77.38	68.0	42.0	14.0	3,502,219
John Eachon Re-entry Program	42.09	55.04	97.13	6.0	11.0	0.0	602,692
Sex Offender Residential	42.09	35.29	77.38	57.0	20.0	13.0	2,541,933
Standard Non-residential	6.13	0.00	6.13	581.0	5.0	5.0	1,322,333
Outpatient Day Treatment	34.68	0.00	34.68	2.0	0.0	0.0	25,316
Outpatient Therapeutic Community	22.00	0.00	22.00	55.0	24.0	6.0	682,550
Total				2,100.0	1,365.0	224.0	55,127,841

Analysis: This recommendation is based on the assumption that Phoenix Center in Adams County, which closed in August, will reopen and will provide an average of 90 standard residential beds during FY 2016-17 at a cost of \$1,382,656 (= 42.09 * 90 * 365) General Fund. The reopening of this facility will also require an additional facility payment. Adams County has acquired Phoenix Center and states that it will reopen the facility after renovation as a community corrections center. Renovation could take an extended time. In addition to providing standard beds, the Phoenix Center provided IRT and sex offender beds. Staff does not know how many specialized beds will be offered at the reopened Phoenix Center, but statute allows the DCJ to move Community Corrections appropriations among line items and staff expects some of this standard bed appropriation to be used to fund more expensive specialized beds. Reopening also requires a facility payment.

Unlike last year, the recommendation does not include placements or a facility payment for a projected 12-bed Intensive Residential Treatment program in Pueblo, for which staff recommended funding last year. It now appears unlikely that a facility of this sort will open during FY 2016-17. At this time there are 6 community corrections dual diagnosis beds in southeastern Colorado and no IRT beds. There is some question whether those Intensive Residential Treatment beds will ever open.

➔ R6 Community corrections provider rate decrease

Request: The Department requests that provider rates for community corrections programs be reduced by 1.0 percent.

Recommendation: In accord with committee common policy, Staff recommends no change for the rates paid to community providers.

Analysis: If the Committee later decides that it wants a 1.0 percent community provider rate decrease, the reduction would be \$551,278 for the *Community Corrections Placements* appropriation, \$33,272 for *Community Corrections Facility Payments*, and \$22,538 for Community Corrections Boards Administration.

➔ BA2 Cognitive behavioral treatment pilot

Request: The Department requests that \$1,911,426 of the FY 2016-17 General Fund appropriation for *Community Corrections Placements* be redirected to other uses as follows:

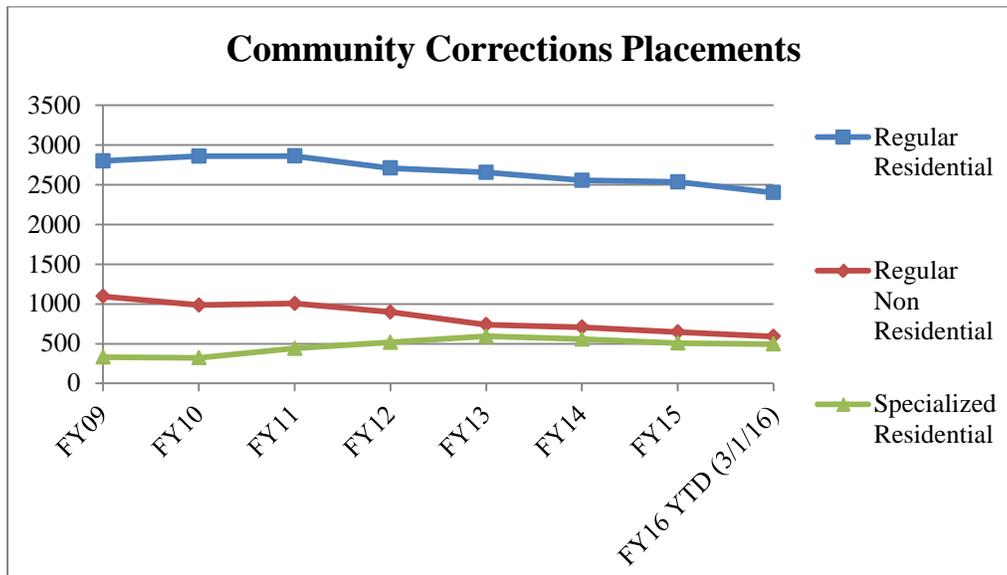
\$1,400,000 General Fund for a new Cognitive Behavioral Treatment (CBT) pilot program for high risk offenders. The Department believes the program should run for at least five years to give it a reasonable test. Financing would be done within the *Community Corrections Placements* line item without changing the line item's appropriation. A new row for the CBT pilot program would be added to the *Community Corrections Placements* table and placements would be moved from other rows to that row. This amount moved to the row for the new CBT program would rise to \$1,650,000 General Fund for FY 2017-18. At the current standard residential bed rate of \$42.09, the standard bed appropriation in the table would be reduced by 91. The new CBT program would have 48 beds and would be intensive, offering 60 hours of CBT programming per week.

The appropriation for community corrections placements would be reduced by \$511,426 General Fund and the money would be appropriated to other line items as follows:

- \$100,000 to increase the appropriation for *Specialized Offenders Services*, rising to \$200,000 in FY 2017-18.
- \$56,000 to increase the appropriation to *Community Corrections Boards*, rising to \$66,000 in FY 2017-18.
- \$20,000 for consultant services, remaining constant at \$20,000 in FY 2017-18 and then ending.
- \$335,426 to hire 3.0 employees and pay related operating and startup expenses as well as benefits. Due to the payday shift this amounts to 2.7 FTE in FY 2016-17. It increases to \$346,567 and 3.0 FTE in FY 2017-18. The employees are General Professional V, paid \$6,931 per month. The total General Fund appropriation is \$355,426.

Recommendation: Staff recommends that the Committee approve the \$20,000 General Fund appropriation for consultant services and 2/3 of the General Fund appropriation for the new employees. Pursuant to Committee policy, JBC staff does not recommend appropriating benefits to the EDO for this small number of employees, which means that they will cost \$192,912 General Fund in the first year. Staff further recommends a General Fund appropriation that is not offset by reductions of the *Community Corrections Placements* line item, which has already received a large recommended reduction in this document, the combined effect of a FY 2015-16 supplemental and a much smaller caseload increase for FY 2016-17. Finally, staff is persuaded that very qualified individuals are needed for these jobs, thus justifying higher pay.

Analysis: The Department's proposed method of paying for the new program is not novel. It has been used by the JBC in the recent past. The following graph shows that regular residential and non residential placements have been declining since FY 2010-11. For several years during this the period, money freed by declining regular placements funded an increased number of specialized beds. However, growth of specialized placements leveled off and even declined after FY 2012-13.

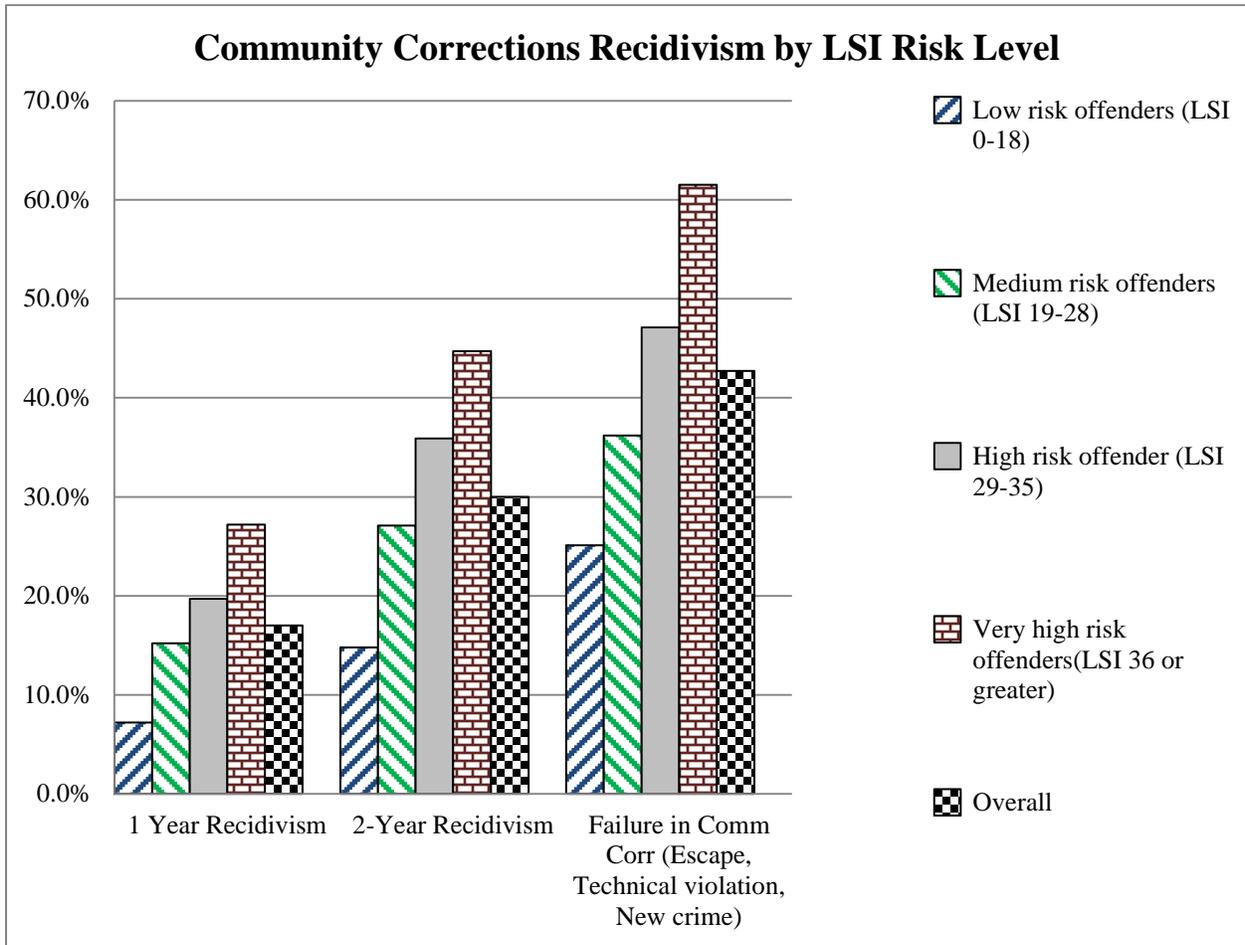


When the Department wrote this request, it did not know (at least at first) that JBC staff would seek a negative supplemental for Community Corrections Placements and it certainly did not know that JBC staff would move two large funding sources out of the Community Corrections Placements line item to protect them from unintended uses. The Department probably thought there would be a large reversion that could easily pay for a new Cognitive Behavioral Treatment program.

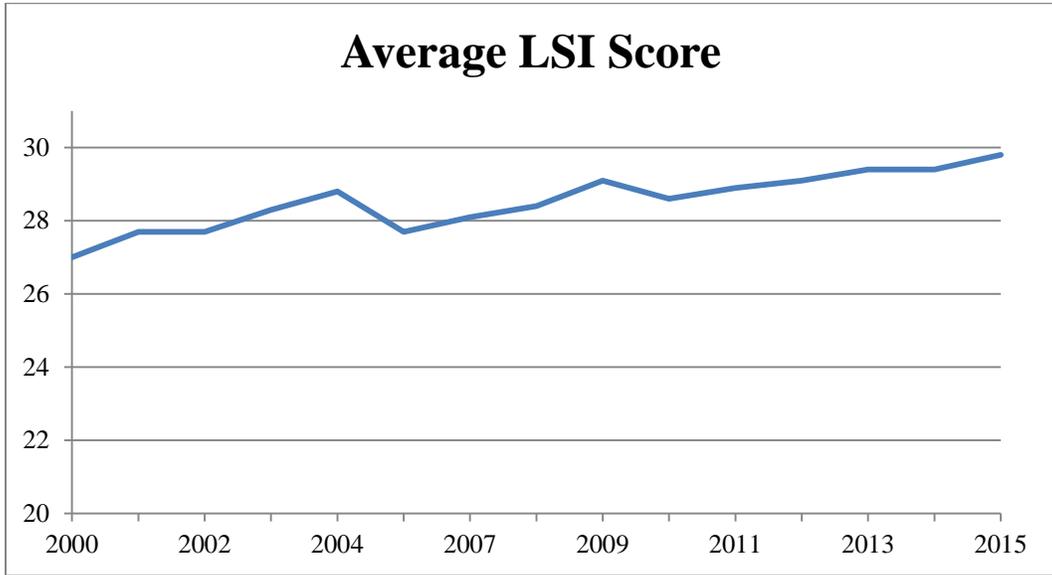
The Department makes a convincing case that performance of the State's community corrections programs has declined. This case is best summarized with a series of graphs.

The LSI (Level of Supervision Inventory) is a well know assessment instrument that has been empirically shown to be linked to the risk of recidivism as well as the need for services to reduce

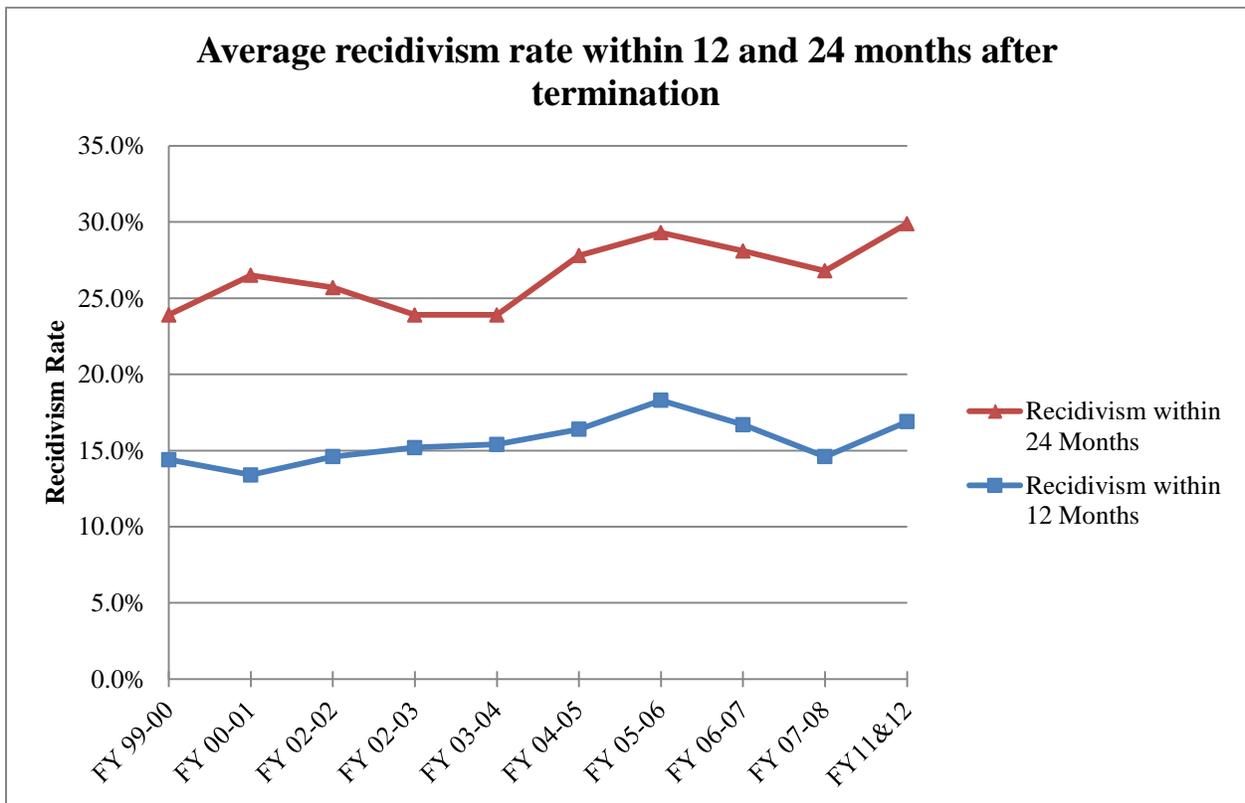
recidivism. Based on LSI scores, offenders are often classified in terms of risk. The following chart shows the connection between recidivism and LSI scores.

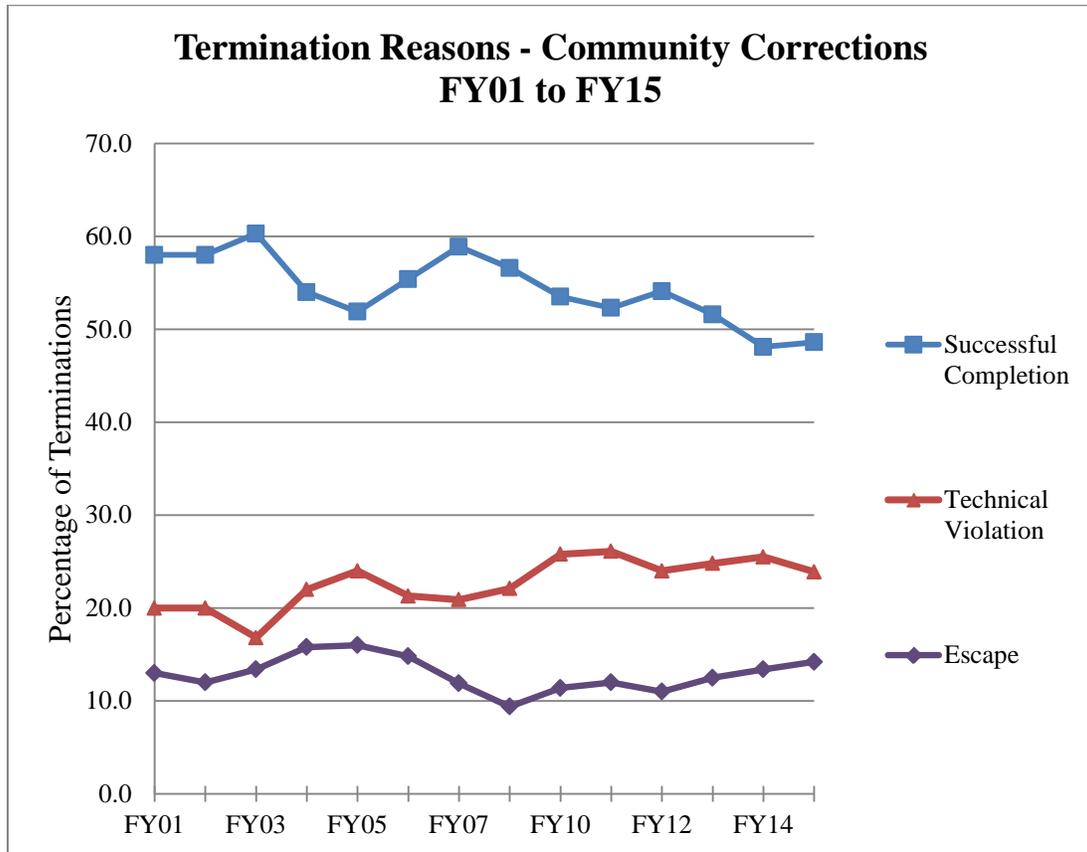


As the following graph shows, the average LSI score of offenders in community corrections programs have been increasing since the year 2000. Offenders in community corrections have become increasingly risky.



As LSI scores rose, recidivism rates increased while successful program completion by community corrections clients declined.





To address these problems, the Department proposes the creation of a Cognitive Behavioral Treatment pilot program with 48 beds to receive high risk offenders and treat them for approximately 3 months. Participants would receive 25 hours per week of direct clinical services and 35 hours of other programming for a total of 60 hours per week. The request points to research suggesting 300 hours of treatment are required to reduce recidivism of high risk offenders. Subsequently the clients would be moved to regular community corrections facilities. At least at first, the program would only serve diversion clients. Clients would not work while in the CBT program. The program would be operated by a county government in the Denver area. The DCJ prefers a county government because the three county-run community corrections programs already in the state produce better outcomes than other community corrections facilities. Because of the high cost of treatment, the program would require a differential that would bring the total per diem to \$94.

The proposal accords with a recent CCJJ recommendation:

***CCJJ Recommendation FY15-CC#5:** The General Assembly should provide funding for a specialized program in the community corrections budget for very high risk offenders. This program requires a differential per diem, appropriate standards of practice, and services to address what criminologists term the “top four criminogenic needs.”*

The top four criminogenic needs are antisocial thinking, antisocial companions, antisocial personality/temperament, and impulse control skill deficits. Cognitive behavioral treatments include intensive behavioral change interventions to address these needs; it is the recommended treatment by the CCJJ.

A second and equally important component of DCJ's request is for the resources it needs to develop a program evaluation tool that will be used to appraise the new program and other programs around the state. Again there is a relevant CCJJ recommendation:

CCJJ Recommendation FY15-CC#8: *The Division of Criminal Justice (DCJ) shall develop a program evaluation tool that will assess each program's adherence to evidence-based principles and practices and identify each program's capacity for providing appropriate programming to very high risk offenders. The DCJ should receive funding from the General Assembly to obtain expert consultation on the development of the instrument and to complete a statewide assessment of community corrections programs using the new tool. The current Risk Factor Analysis requirement of DCJ shall be removed from statute.*

Discussion: *The current DCJ Risk Factor Analysis for community corrections programs does not measure the quality of programming nor does it measure adherence to the Principles of Effective Correctional Intervention. The new instrument should be rooted in best practice principles. With project specific funding, DCJ's Office of Community Corrections should hire a consultant to review the new instrument and hire staff to immediately assess all community corrections programs.*

The request indicates that 3 specialist FTE (called "program evaluators"), supported by a consultant, are needed to develop, test, and validate the program evaluation tool. They would then use the tool to evaluate programs and determine the extent to which the programs adhere to evidence based practices. The evaluators would focus on the new CTB program but would also examine, in a systematic fashion, other programs around the state. When deficiencies are uncovered, they would mentor the program in order to help it operate in accord with evidence base practices. The program evaluators would become the evidence-base practice experts for community corrections within the Department and throughout the state.

Staff is uncomfortable with the proposed pilot program for several reasons:

1. A five year time frame for a pilot program is a long time to lock in expenditures of \$1.4 million followed by \$1.65 million per year. Once the evidence-based practice experts are up to speed, they may have better ideas on how to spend that much money. What if they decide an alternative program is better than a CBT program?
2. By separating out funding for S.B.14-124 placements and for Correctional Treatment Cash Fund placements, there is much less available in the Community Corrections Placements line item for projects like this. Is there enough?

3. The CBT pilot program was not run through the Results First model to determine whether it would produce costs in excess of benefits for Colorado. Evaluation of new programs is one of the key things that Results First is designed to do. IRT programs look promising for example, but produce negative costs and benefits ratios in Colorado.

4. Creation of this program may reduce the number of clients available to other community corrections programs. Some of these programs are now only just breaking even.

For these reasons, staff recommends funding only part 2 of this project and funding it at a reduced level of two FTE with a consultant in support. If the CBT program is not approved, they will not need that third FTE but there is still be plenty of other programs to evaluate and coach.

Community Corrections Background in case you need it: In 1974 the General Assembly enacted the Community Corrections Act, which allowed Colorado offenders to be placed in residential community corrections facilities. The Act provided the court system, the Department of Corrections (DOC) and the State Board of Parole with a broader range of correctional options for offenders under their jurisdictions. Until 1986, the Department of Corrections and the Judicial Department separately administered their portion of Colorado's community corrections system. In 1986 the General Assembly combined administration in the Department of Public Safety's Division of Criminal Justice.

Colorado's community corrections programs, also known as halfway houses, provide offenders with supervision and structure in both residential and nonresidential settings. They are operated by local governments, private providers, and non-profits. Residential offenders live in local residential facilities and go out during the day to work or seek work. On a controlled basis they also go out to visit family, receive medical care, or receive treatment for behavioral problems.

Diversion Offenders are either directly sentenced to community corrections or are required to enter community corrections as a condition of probation. For diversion clients, community corrections serves as an alternative to prison. Offenders who succeed in community corrections avoid prison while those who fail are usually sentenced to prison. Diversion offenders who succeed in residential programs enter non-residential community corrections programs. They then live outside the facility but check in as often as daily and are randomly monitored to make sure they are at jobs and other approved locations. They may continue to participate in programs at the community corrections facility.

Transition offenders are Department of Corrections prison inmates who are approved for placement in community corrections facilities prior to release on parole. While in the structured environment of a halfway house, offenders get jobs, renew contacts with family, and start developing community support systems prior to full release into the community. Transition offenders who succeed in residential programs typically enter the Department of Corrections'

ISP-Inmate program (Intensive Supervision Program for Inmates) where they are supervised by DOC staff rather than community corrections staff.

In addition to diversion and transition offenders, community corrections facilities also house a moderate number of parolees, i.e. former prison inmates who have been paroled by the Parole Board. Parolees live with transition and diversion offenders within the same community corrections facilities.

All community corrections facilities provide services for their offenders. These services generally include individualized case management, life skills training, drug and alcohol education, anger management classes, money management assistance, educational guidance, and vocational guidance. Often, offenders are required to attend and pay for services beyond those provided by their program.

Specialized treatment for substance abuse, mental health, and sex offenders. Some community corrections programs provide more specialized and extensive treatment:

Substance abuse only programs. There are two types of programs for offenders with severe substance abuse problems:

- *Intensive Residential Treatment (IRT)*, a 90 day program in which the offender stays around-the-clock in a community corrections facility, receiving treatment, learning job hunting skills, etc., and
- *Therapeutic Communities (TC)*, which have two phases:
 - (1) inpatient (i.e. residential), which lasts 9 to 12 months, and
 - (2) outpatient (i.e. nonresidential), which lasts 9 to 12 months.

These treatment options are provided by two Denver therapeutic communities, *Peer I* for men and *The Haven* for women. A small number of diversion offenders at Peer I attend the inpatient phase on an outpatient basis, an option called Day Treatment.

Combined mental health and substance abuse programs. *Residential Dual Diagnosis Treatment (RDDT)* programs, which typically last 6 months or more, address co-occurring mental health and substance use problems. The John Eachon Re-entry Program (JERP), which focuses on offenders from the first judicial district (Jefferson County), is a more intensive RDDT program for offenders with very high needs. Some offenders make sufficient progress in RDDT and JERP to move to standard community corrections for the remainder of their stay.

Supervision and treatment programs for sex offenders: These programs provide enhanced supervision and case management for offenders but generally do not provide in-house treatment; the sex offenders receive treatment from an independent provider. The community corrections program pays some of the provider's fees.

Payments by Offenders (Subsistence): Offenders in most (but not all) community corrections programs are expected to pay a portion of the cost of their program:

- **Subsistence in standard residential programs:** Offenders in standard residential community corrections programs are required to work as a condition of being in the program. These residential offenders are expected to pay \$17 per day toward the cost of their room, board, and programs offered by the facility. This expected payment, called subsistence, equals \$6,205 (365 * \$17) annually.

Offenders in standard programs are sometimes unable to pay the full amount. They may have difficulty finding a job, for example, or may lose a job. They also may have other expenses that make it difficult to pay the full amount, such as the cost of required treatment, restitution, child support, job-related costs like transportation, dental and medical care. (Residential community corrections offenders generally do not qualify for Medicaid. Residential offenders can purchase insurance on a health exchange and some do.)

An offender's unpaid daily debt to a community corrections program begins accumulating on the day of arrival, but may never be paid in full. During FY 2014-15, the average offender owed \$526 to his community corrections program at termination. The average amount of subsistence paid daily by standard residential community corrections clients was \$12.68 in FY 2009-10, \$11.14 in FY 2010-11, and \$11.56 in FY 2011-12, and \$11.36 in FY 2012-13 and FY 2013-14.³

- **Subsistence in specialized programs:** Offenders enrolled in specialized residential community corrections programs, such as Intensive Residential Treatment, Therapeutic Communities, and Residential Dual Diagnosis Treatment, either do not pay subsistence or only pay it only for a portion of the time they are in residence.
- **Nonresidential programs:** Offenders in "standard" nonresidential programs are expected to pay \$3 daily or approximately \$90 per month.

Payments by the state: per diem, differentials, and facility payments

Per diem: Prior to FY 2014-15 the state paid community corrections facilities a flat per-offender-per-day fee to house regular clients. Specialized programs received this "per diem" payment plus per-offender-per-day "differentials" that paid for the higher cost of specialized treatment and compensated providers for the much lower subsistence received from clients in specialized programs. In addition, there was a separate per diem payment for non-resident offenders.

³ These statistics come from the *Colorado Community Corrections FY15 Annual Report* and prior reports.

The FY 2014-15 Long Bills added a new facility fee that is paid to all community corrections facilities regardless of size. The facility payment was based on the following model staffing plan, which derived from data provided by a selection of community corrections providers. This model plan shows the minimum staffing required for well-designed facilities of 50 to 140 beds.

JBC staffing model for community corrections facilities with no specialized beds					
	Facility Size				% staff increase as beds rise 180% from 50 to 140
Average daily population (ADP) of resident offenders	50.0	80.0	110.0	140	180%
Total Staff	19.9	22.6	26.8	29.5	48%

This staffing plan shows the economies of scale that characterize community corrections facilities. Staffing does not expand proportionately as the size of a facility expands; as the resident population increases by 180 percent from 50 to 140 offenders, staffing rises by only 48 percent.

Facility payments: The facility fee was designed to make the playing field more level for smaller community corrections facilities, which cannot take advantage of economies of scale. A fixed facility fee is proportionately more valuable for a small facility than for a large one. For FY 2015-16, the per diem equals \$42.09 per day; combining this with a facility fee of \$95,064 results in an average payment per-client-per-day of $\$42.09 + \$95,064/50/365 = \$47.30$ for a 50 bed facility and $\$42.09 + \$95,064/230/365 = \$43.22$ for a 230 bed facility.

In order to make the model staffing plan and the related efficiencies of scale work, a community corrections program must be located in a reasonably compact facility that can be adequately monitored by two security staff members during the night and a slightly higher number during the day. A single building with a centrally located security office is essential to realize the economies of scale. If a facility is not compact, more security staff are required, at higher cost. A FY 2015-16 review of community corrections data revealed that the largest facilities, which are the most spread out, are more likely to have added security-staff costs. To deal with this problem, beginning in FY 2015-16 community corrections facilities with an average of 32 or more security FTE receive a second facility payment.

Oversight of programs and offenders.

Oversight of community corrections *programs* is shared by local Community Corrections Boards and the Office of Community Corrections. Oversight of *offenders* in community corrections programs is provided by the staff of the community corrections program. Transition offenders are also supervised by parole officers from the Department of Corrections. Probation officers are not typically involved in supervision.

Funding for Community Corrections

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Community Corrections programs are primarily supported by the General Fund, but significant funding also comes from the Correctional Treatment Cash Fund. Pursuant to Section 18-19-103, C.R.S. the Correctional Treatment Board prepares an annual spending plan for the Correctional Treatment Cash Fund and submits it to the Joint Budget Committee for approval. This year's plan, which was approved during figure setting for the Judicial Branch, allocates \$5,299,574 to the Department of Public Safety to be allocated as follows:

Division and Line Item	FY 15-16	FY 16-17	Change
(1) Executive Directors Office			
Health, Life, Dental, Short Term Disability, etc.	\$19,463	\$12,196	(\$7,267)
(4) Division of Criminal Justice			
DCJ Administrative Services	87,852	89,609	1,757
Community Corrections Placements (for condition of probation IRT beds)	2,643,869	2,643,869	0
Services for Substance Abuse and Co-occurring Disorders	2,553,900	2,553,900	0
Total Received	\$5,305,084	\$5,299,574	(\$5,510)

The Committee also granted JBC staff permission to shift CTCF moneys among the line items in the Department of Public Safety if necessary to cover the salary and benefits for the 1.0 FTE supported by the Correctional Treatment Cash Fund, as long as the overall total for the Department does not change. Staff anticipates that these shifts will be less than \$10,000.

General Fund from H.B. 10-1360. House Bill 10-1360 made a number of cost-saving changes to the parole process. Section 17-2-103 (11.5), C.R.S. requires the General Assembly to appropriate an unspecified portion of the resulting General Fund savings for re-entry support services targeting *parolees*. The only guidance available concerning the amount of savings to appropriate comes from the Fiscal Note and the appropriation clause for H.B. 10-1360. Together these imply that \$1,545,409 of General Fund should be appropriated to the DCJ for parolee Intensive Residential Treatment beds and parolee sex offender beds.

LINE ITEM DETAIL – COMMUNITY CORRECTIONS

Community Corrections Placements

This line item funds all of the daily 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 \$59,040,913 total funds for this line item, which reflects a 1.0 percent provider rate decrease, a negative adjustment for the leap day occurred on February 29, 2016, and the Cognitive Behavioral Treatment Pilot program.

Recommendation: Staff recommends an appropriation of \$55,127,841 for Community Corrections Placements.

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Division of Criminal Justice, Community Corrections, Community Corrections Placements				
	Total Funds	General Fund	Reappropriated Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	\$59,373,859	\$56,729,990	\$2,643,869	0.0
2015 Session Bills	0	0	0	0.0
Staff Initiative CC1: Com. Cor. FY 15-16 Long Bill caseload supplemental	<u>(5,481,428)</u>	<u>(2,837,559)</u>	<u>(2,643,869)</u>	<u>0.0</u>
TOTAL	\$53,892,431	\$53,892,431	\$0	0.0
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$53,892,431	\$53,892,431	\$0	0.0
Staff initiative CC3 Com. cor. caseload adjustment for FY 2016-17	1,382,657	1,382,657	0	0.0
R6 Community corrections provider rate decrease	0	0	0	0.0
BA02 Cognitive behavioral treatment pilot	0	0	0	0.0
Staff Initiative CC2 leap day adjustment for FY 2016-17	<u>(147,247)</u>	<u>(147,247)</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$55,127,841	\$55,127,841	\$0	0.0
Increase/(Decrease)	\$1,235,410	\$1,235,410	\$0	0.0
Percentage Change	2.3%	2.3%	0.0%	0.0%
FY 2016-17 Executive Request:	\$59,040,913	\$56,397,044	\$2,643,869	0.0
Request Above/(Below) Recommendation	\$3,913,072	\$1,269,203	\$2,643,869	0.0

The *Community Corrections Placements* recommendation includes a Long Bill footnote that is attached to this line item. The footnote, which can be found in the *Long Bill Footnotes* section of this document, contains the following table, which details the number of residential and non-residential placements of each type upon which the appropriation is based, along with the corresponding rates.

The recommended footnote table for FY 2016-17 is shown below.

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	42.09	0.00	42.09	1,214.0	1,169.0	119.0	38,437,851
Intensive Residential Treatment	42.09	46.71	88.80	39.0	43.0	52.0	4,343,208

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Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Inpatient Therapeutic Community	42.09	27.73	69.82	78.0	51.0	15.0	3,669,739
Residential Dual Diagnosis Treatment	42.09	35.29	77.38	68.0	42.0	14.0	3,502,219
John Eachon Re-entry Program	42.09	55.04	97.13	6.0	11.0	0.0	602,692
Sex Offender Residential	42.09	35.29	77.38	57.0	20.0	13.0	2,541,933
Standard Non-residential	6.13	0.00	6.13	581.0	5.0	5.0	1,322,333
Outpatient Day Treatment	34.68	0.00	34.68	2.0	0.0	0.0	25,316
Outpatient Therapeutic Community	22.00	0.00	22.00	55.0	24.0	6.0	682,550
Total				2,100.0	1,365.0	224.0	55,127,841

Intensive Residential Treatment Probation Placements.

Request: The Department did not request this line item.

Recommendation: Staff recommends an appropriation of \$2,643,869 reappropriated funds for this line item..

Analysis: Explanation of 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 IRT program. Or an offender on probation who is in danger of failing due to substance abuse issues and is at risk of being sent to DOC could be sent to IRT. Such placements are encouraged by S.B. 14-250 (Drug Sentencing Changes) and the allocation from the Correctional Treatment Board provides the funding to enable them.

S.B. 15-124 Placements.

Request: The Department did not request this line item.

Recommendation: Staff recommends an appropriation of \$1,560,038 reappropriated funds for this line item..

Analysis: This proposal was discussed extensively earlier.

Community Corrections Facility Payments

This line item provides each community corrections facility with a fixed payment that is independent of the number of residents. Because a fixed facility fee is proportionately more valuable to a small facility than a large one, the fee makes the playing field more level for small

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community corrections facilities, which cannot take advantage of economies of scale. An associated footnote indicates that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment.

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

Request: The Division requested an appropriation of \$3,388,090, a 1 percent decrease over the FY 2015-16 Facility Payments appropriation which reflects reduction of the facility payment from \$95,064 to \$94,113.

Recommendation: Staff recommends that the *Facility Payments* appropriation be increased by \$95,064, reflecting the reopening of Phoenix Center. This appropriation corresponds to 35 facility payments.

Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments			
	Total Funds	General Fund	FTE
FY 2015-16 Appropriation			
S.B. 15-234 (Long Bill)	\$3,422,313	\$3,422,313	0.0
Staff Initiative CC1: Com. Cor. FY 15-16 Long Bill caseload supplemental	<u>(190,128)</u>	<u>(190,128)</u>	<u>0.0</u>
TOTAL	\$3,232,185	\$3,232,185	0.0
FY 2016-17 Recommended Appropriation			
FY 2015-16 Appropriation	\$3,232,185	\$3,232,185	0.0
Staff initiative CC3 Com. cor. caseload adjustment for FY 2016-17	95,064	95,064	0.0
R6 Community corrections provider rate decrease	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$3,327,249	\$3,327,249	0.0
Increase/(Decrease)	\$95,064	\$95,064	0.0
Percentage Change	2.9%	2.9%	0.0%
FY 2016-17 Executive Request:	\$3,388,090	\$3,388,090	0.0
Request Above/(Below) Recommendation	\$60,841	\$60,841	0.0

Community Corrections Boards Administration

This line item funds payments to the state's community corrections boards to help pay their administrative costs. These boards, which are authorized by Section 17-27-103, C.R.S., are appointed by commissioners of the counties that make up each of Colorado's 22 judicial

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districts. The boards oversee community corrections programs within the district. Boards generally contain a mix of members with legal and law enforcement backgrounds as well as members of the general public. Boards

- Approve community corrections programs in the judicial district, contract with the programs, and oversee program operations. (DCJ's Office of Community Corrections also oversees the programs);
- Accept or reject offenders who are referred by the courts or by the Department of Corrections for placement in community corrections programs in the district; and
- Receive pass-through state funds from the Office of Community Corrections, which the boards pay to the community corrections providers in their judicial district for housing offenders.

Pursuant to Section 17-27-108 (4), C.R.S., the state makes payments to community corrections boards for their administrative costs. By statute these payments cannot exceed 5 percent of total community corrections appropriations. Over the years, appropriations to boards have equaled a varying percentage of a varying subset of the appropriations to community corrections programs. For FY 2015-16, the payment equaled 3.6 percent of the sum of the *Community Corrections Placements* and the *Facility Payments* appropriations.

The Division of Criminal Justice pays greater amounts to boards that do more work. Boards that perform the basic functions of screening offenders and administering contracts, receive 3 percent of the amount paid to their community corrections programs. Boards that do more extensive work, such as monitoring their community corrections programs for compliance and fidelity, educating community and local officials about community corrections, and providing training and technical assistance, receive a higher percentage.

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

Request: The Division requests an appropriation of \$2,287,280 General Fund for this line item, which reflects the effect of the Cognitive Behavioral Treatment Pilot program and the community corrections provider rate decrease.

Recommendation: Staff recommends a continuation appropriation of \$2,253,818 General Fund, which equals 3.6 percent of the sum of the *Community Corrections Placement* recommendation, the recommendation for the two specialized treatment line items, and the *Community Corrections Facility Payments* recommendation.

Division of Criminal Justice, Community Corrections, Community Corrections Boards Administration			
	Total Funds	General Fund	FTE
FY 2015-16 Appropriation			
S.B. 15-234 (Long Bill)	<u>\$2,253,818</u>	<u>\$2,253,818</u>	<u>0.0</u>

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Division of Criminal Justice, Community Corrections, Community Corrections Boards Administration			
	Total Funds	General Fund	FTE
TOTAL	\$2,253,818	\$2,253,818	0.0
FY 2016-17 Recommended Appropriation			
FY 2015-16 Appropriation	\$2,253,818	\$2,253,818	0.0
R6 Community corrections provider rate decrease	0	0	0.0
BA02 Cognitive behavioral treatment pilot	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$2,253,818	\$2,253,818	0.0
Increase/(Decrease)	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%
FY 2016-17 Executive Request:	\$2,287,280	\$2,287,280	0.0
Request Above/(Below) Recommendation	\$33,462	\$33,462	0.0

Services for Substance Abuse and Co-occurring Disorders

This appropriation pays for outpatient treatment for offenders in standard community corrections programs who have problems with substance abuse and co-occurring disorders. 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. The Correctional Treatment Board's funding plan, as approved by the JBC, drives appropriations for this line item.

Statutory Authority: Section 18-19-103, C.R.S.

Request: The Division requested a continuation appropriation of \$2,553,900 cash funds for this line item for FY 2016-17.

Recommendation: Staff recommends approval of the DCJ request, which corresponds to the appropriation indicated in the Correctional Treatment Board's FY 2016-17 funding plan. This appropriation was approved by the JBC during figure setting for the Judicial Branch.

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. The appropriation provides services to approximately 275 offenders at an average annual cost of approximately \$200 per offender.

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Statutory Authority: Section 17-27-101 to 108, C.R.S.

Request: The Department requests an increase of \$156,760 General Fund for this line item, which is the combination of a 1 percent provider rate decrease and a \$100,000 General Fund increase for BA2 Cognitive behavioral treatment pilot.

Recommendation: Staff recommends an appropriation of \$157,897 General Fund and assumes no community provider rate change, in accord with Committee-approved common policy.

Division of Criminal Justice, Community Corrections, Specialized Offender Services			
	Total Funds	General Fund	FTE
FY 2015-16 Appropriation			
S.B. 15-234 (Long Bill)	<u>\$57,333</u>	<u>\$57,333</u>	<u>0.0</u>
TOTAL	\$57,333	\$57,333	0.0
FY 2016-17 Recommended Appropriation			
FY 2015-16 Appropriation	\$57,333	\$57,333	0.0
R6 Community corrections provider rate decrease	0	0	0.0
BA02 Cognitive behavioral treatment pilot	<u>0</u>	<u>0</u>	<u>0.0</u>
TOTAL	\$57,333	\$57,333	0.0
Increase/(Decrease)	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%
FY 2016-17 Executive Request:	\$156,760	\$156,760	0.0
Request Above/(Below) Recommendation	\$99,427	\$99,427	0.0

Offender Assessment Training

This line item pays for training of community corrections staff members so they can learn how to use a standardized offender assessment instrument. Training is offered at two-day training sessions that are given by multi-agency training teams at various locations around the state.

Statutory Authority: Section 17-27-101 to 108, C.R.S.

Request: The Division requests a continuation appropriation of \$10,507 General Fund for this line item.

Recommendation: Staff recommends that the Committee approve this request.

(E) Crime Control and System Improvement

This subdivision contains funding for a diverse group of programs, including support staff for the Sex Offender Management Board.

Crime Control and System Improvement						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation						
S.B. 15-234 (Long Bill)	<u>\$15,634,035</u>	<u>\$1,208,511</u>	<u>\$425,524</u>	<u>\$50,000</u>	<u>\$13,950,000</u>	<u>34.8</u>
TOTAL	\$15,634,035	\$1,208,511	\$425,524	\$50,000	\$13,950,000	34.8
FY 2016-17 Recommended Appropriation						
FY 2015-16 Appropriation	\$15,634,035	\$1,208,511	\$425,524	\$50,000	\$13,950,000	34.8
Annualize prior year budget actions	17,922	16,571	1,351	0	0	0.0
BA1 Juvenile diversion programs	0	0	0	0	0	0.0
Align appropriation with expected revenue	(5,900,000)	0	0	0	(5,900,000)	(0.5)
R5 Eliminate Policing Institute line item	<u>(100,000)</u>	<u>0</u>	<u>0</u>	<u>(50,000)</u>	<u>(50,000)</u>	<u>(2.5)</u>
TOTAL	\$9,651,957	\$1,225,082	\$426,875	\$0	\$8,000,000	31.8
Increase/(Decrease)	(\$5,982,078)	\$16,571	\$1,351	(\$50,000)	(\$5,950,000)	(3.0)
Percentage Change	(38.3%)	1.4%	0.3%	(100.0%)	(42.7%)	(4)
FY 2016-17 Executive Request	\$15,570,947	\$1,225,082	\$426,875	\$0	\$13,918,990	32.0
Request Above/(Below) Recommendation	\$5,918,990	\$0	\$0	\$0	\$5,918,990	0.2

DECISION ITEMS - CRIME CONTROL AND SYSTEM IMPROVEMENT

R5 Eliminate Policing Institute line item

Request: The Department requests that the Colorado Regional Community Policing Institute line item be eliminated, thus reducing appropriations of \$50,000 federal funds, \$50,000 reappropriated funds, and 2.5 FTE to zero. The reappropriated funds are from the P.O.S.T. Board in the Department of Law.

Recommendation: Staff recommends that the Committee approve this request

Analysis: The Colorado Regional Community Policing Institute provided training for law enforcement officers around the state. The Institute received most of its funding from U.S.

Department of Justice grants, a federal source. It also received a lesser amount of reappropriated funds for anti-bias training from the Department of Law's Peace Officer Standards Training (P.O.S.T.) Board Cash Fund. Funding from the P.O.S.T. Board ceased in FY 2012-13 and Federal funds have gradually dwindled, disappearing entirely in FY 2014-15. The Department does not expect to receive further funding for this line item.

➔ Sex Offender Surcharge Fund Allocation

Request: As required by statute, the Sex Offender Management Board has developed and submitted its annual plan for the allocation of moneys in the Sex Offender Surcharge Fund. The Board proposes the following FY 2016-17 allocations totaling \$533,911 cash funds, which are identical to last year's allocations except for an increase of \$730 to the Department of Corrections. Since moneys in the Fund are subject to appropriation by the General Assembly after consideration of the Board's annual plan, the Committee must approve or disapprove these allocations.

- \$302,029 (56.6 percent) to the Judicial Department for direct services, beginning with the funding of sex offender evaluations, assessments and polygraphs required by statute during pre-sentence investigations;
- \$163,591 (30.6 percent) to the Division of Criminal Justice in the Department of Public Safety for administration and implementation of the Sex Offender Treatment and Management Standards. \$3,500 of these funds will be used to provide cross-system training. These dollars may be matched by grants as available.
- \$38,250 (7.2 percent) to the Department of Human Services to be used for training and technical assistance to county departments, the Division of Youth Corrections, and the Division of Child Welfare.
- \$30,041 (5.6 percent) to the Department of Corrections to be used to manage sex offender data collection, including entry of psychological and risk assessment test results and demographics for use in treatment planning and research.

Recommendation: Staff recommends that the Committee approve FY 2016-17 cash fund appropriations of \$533,911, corresponding to the bulleted list above, to the Judicial Department, the Division of Criminal Justice, the Division of Youth Corrections, the Division of Child Welfare and the Department of Corrections.

Analysis: The Sex Offender Surcharge Fund, which is created in Section 18-21-103 (3), C.R.S., consists of 95 percent of sex offender surcharge revenues. These surcharges range from \$150 to \$3,000 for adult offenders. Surcharges for juveniles are half as large. Revenues for FY 2014-15 equaled \$499,659 and next year probably won't equal the \$533,911 recommended appropriation. If revenue is less than the amount appropriated, allocations to each recipient will be reduced proportionately. Why appropriate more than is likely to be received? If revenue rises substantially there is no reason that recipient agencies should not be allowed to spend it; statutorily, the money cannot be used for any other purposes.

The fund is managed by the Judicial Department, which retains 5 percent of revenues for its management duties and reports on the fund in its annual budget submission. Moneys in the fund can be appropriated to the Judicial Department's Probation Services, the Department of Corrections' Sex Offender Treatment Subprogram, the Department of Public Safety's Division of Criminal Justice, and the Department of Human Services' Division of Youth Corrections. The Fund can be used to pay for the direct and indirect costs associated with the evaluation, identification, treatment, and continued monitoring of sex offenders.

Department of Public Safety Request for Information #1 asks state agencies involved in multi-agency programs (such as programs funded by the Sex Offender Surcharge Fund) to designate one lead agency to submit a comprehensive annual budget request to the Joint Budget Committee, including prior year, request year, and a three year forecast of revenue and expenditures from the fund by agency. For this Fund, the request and reporting functions are split between two entities: the Sex Offender Management Board submits the comprehensive budget request (the plan described above) and the Judicial Department submits the report showing past, present, and projected future fund revenues and expenses. Each recipient agency also submits its portion of the request separately with its own budget document.

Statutory Authority: Section 16-11.7-103 (4) (c) C.R.S. (Duties of the Sex Offender Management Board), and Section 18-21-103, C.R.S., (Sex offender surcharge fund).

LINE ITEM DETAIL – CRIME CONTROL AND SYSTEM IMPROVEMENT

State and Local Crime Control and System Improvement Grants

This federally funded grant program supports more than 70 state and local programs that are designed to prevent and reduce crime and delinquency by using evidence-based practices. The program is also designed to improve outcomes through effective and efficient use of resources (financial, community, and human) to bridge gaps within the criminal and juvenile justice system. These funds may be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, as well as research and evaluation activities that will improve or enhance: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs (other than compensation). These objectives are accomplished through specific programs such as the Communities Against Senior Exploitation Project, Sex Offender Registration, DNA projects, the Engaging Youth in School Not Crime Program, a Regional Technology Improvement Project, and Detention and Booking Equipment for jails.

As the following table shows, federal funding for this program has varied significantly in recent years.

Fiscal Year	Actual Federal Grants
2008-09	\$2,661,403

Fiscal Year	Actual Federal Grants
2009-10	2,679,845
2010-11	4,345,184
2011-12	4,430,567
2012-13	3,168,960
2013-14	2,693,589
2014-15	2,669,648

Statutory Authority: Section-33.5-503 (1) (e), C.R.S.

Request: The Department requests a continuation appropriation of \$4,900,000 federal funds.

Recommendation: Since this is an appropriation of federal funds that varies substantially from year to year in an unpredictable fashion, staff recommends that the appropriation be set equal to a round number. Staff recommends that the Committee approve a \$3,000,000 federal funds appropriation, which will more closely align the appropriation with recent revenue.

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 the tracking of 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
- Approve the risk assessment screening instrument.

The appropriation is from the Sex Offender Surcharge Fund, which imposes a surcharge ranging from \$150 (for a class 3 misdemeanor) to \$3,000 (for a class 2 felony) on those who are convicted of a sex offense or those who receive a deferred sentence for a sex offense. Revenues of this fund are divided among the Division of Criminal Justice, the Department of Corrections, the Department of Human Services, and the Judicial Branch. Pursuant to Section 16-11.7-103 (4) (c), C.R.S., the Sex Offender Management Board is required to develop a plan for the allocation of moneys deposited in the Fund, and to submit the plan to the General Assembly. The Sex Offender Management Board met in August 2014 and established a plan for allocating Surcharge funds for FY 2016-17, which will allocate \$163,591 to the Division of Criminal Justice in the Department of Public Safety for administration and implementation of the Sex Offender Treatment and Management Standards. \$3,500 of these funds will be used to provide cross-system training. Some of this funding will be used for this line item; the remainder will be used in (A) Administration.

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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 Division requests an appropriation of \$162,269 cash funds and 1.5 FTE, which includes \$1,351 for annualization of salary survey and merit pay.

Recommendation: Staff recommends that the Committee approve this request.

Division of Criminal Justice, Crime Control and System Improvement, Sex Offender Surcharge Fund Program				
	Total Funds	General Fund	Cash Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	<u>\$160,918</u>	<u>\$0</u>	<u>\$160,918</u>	<u>1.5</u>
TOTAL	\$160,918	\$0	\$160,918	1.5
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$160,918	\$0	\$160,918	1.5
Annualize prior year budget actions	<u>1,351</u>	<u>0</u>	<u>1,351</u>	<u>0.0</u>
TOTAL	\$162,269		\$162,269	1.5
Increase/(Decrease)	\$1,351	\$0	\$1,351	0.0
Percentage Change	0.8%	0.0%	0.8%	0.0%
FY 2016-17 Executive Request:	\$162,269	\$0	\$162,269	1.5
Request Above/(Below) Recommendation	\$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).

JBC Staff Figure Setting – FY 2016-17
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Request: The Division requests an appropriation of \$352,765 General Fund and 3.2 FTE, which includes \$5,185 for annualization of salary survey.

Recommendation: Staff recommends that the Committee approve this request.

Division of Criminal Justice, Crime Control and System Improvement, Sex Offender Supervision			
	Total Funds	General Fund	FTE
FY 2015-16 Appropriation			
S.B. 15-234 (Long Bill)	<u>\$347,580</u>	<u>\$347,580</u>	<u>3.2</u>
TOTAL	\$347,580	\$347,580	3.2
FY 2016-17 Recommended Appropriation			
FY 2015-16 Appropriation	\$347,580	\$347,580	3.2
Annualize prior year budget actions	<u>5,185</u>	<u>5,185</u>	<u>0.0</u>
TOTAL	\$352,765	\$352,765	3.2
Increase/(Decrease)	\$5,185	\$5,185	0.0
Percentage Change	1.5%	1.5%	0.0%
FY 2016-17 Executive Request:	\$352,765	\$352,765	3.2
Request Above/(Below) Recommendation	\$0	\$0	0.0

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. Applicants pay a total of \$139.50, of which \$39.50 is for a CBI background check and \$100 is for a professional background check by a private investigator who verifies references, education, credentials, etc. The fees are deposited in the Domestic Violence Offender Treatment Provider Fund and the Sex Offender Treatment Provider Fund, which are established in Sections 16-11.8-104 (2) (b) and 16-11.7-106 (2) (c), C.R.S. 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 Division requests a continuation appropriation of \$49,606 cash funds and 0.6 FTE.

Recommendation: Staff recommends that the Committee approve this request.

Colorado Regional Community Policing Institute

The Colorado Regional Community Policing Institute provided training for law enforcement officers around the state. As discussed at the beginning of this subdivision, the funding for this line item has dried up and the Department does not expect to receive more.

Statutory Authority: Section-33.5-503 (1) (e), C.R.S.

Request: The Division requests that the reappropriated and federal funds for this line item, which each equaled \$50,000 for FY 2015-16 be reduced to \$0, thus eliminating the line item.

Recommendation: Staff recommends that the Committee approve this request.

Division of Criminal Justice, Crime Control and System Improvement, Colorado Regional and Community Policing Institute					
	Total Funds	General Fund	Reappropriated Funds	Federal Funds	FTE
FY 2015-16 Appropriation					
S.B. 15-234 (Long Bill)	<u>\$100,000</u>	<u>\$0</u>	<u>\$50,000</u>	<u>\$50,000</u>	<u>2.5</u>
TOTAL	\$100,000	\$0	\$50,000	\$50,000	2.5
FY 2016-17 Recommended Appropriation					
FY 2015-16 Appropriation	\$100,000	\$0	\$50,000	\$50,000	2.5
R5 Eliminate Policing Institute line item	<u>(100,000)</u>	<u>0</u>	<u>(50,000)</u>	<u>(50,000)</u>	<u>(2.5)</u>
TOTAL	\$0		\$0	\$0	0.0
Increase/(Decrease)	(\$100,000)	\$0	(\$50,000)	(\$50,000)	(2.5)
Percentage Change	(100.0%)	0.0%	(100.0%)	(100.0%)	(100.0%)
FY 2016-17 Executive Request:	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0		\$0	\$0	0.0

Federal Grants

This informational appropriation reflects projected federal funding and FTE for a variety of grant programs. The grants include Project Safe Neighborhood, Title V, Residential Substance Abuse Treatment for State Prisoners, Coverdell, John R Justice, and the National Criminal History Improvement Program.

The amount of federal funding that the department receives from year to year has been extremely variable.

Fiscal Year	Actual Federal Grants	Actual FTE
2008-09	\$4,191,364	11.8
2009-10	11,844,544	16.2

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Fiscal Year	Actual Federal Grants	Actual FTE
2010-11	13,818,106	21.8
2011-12	10,623,241	21.3
2012-13	8,592,869	19.7
2013-14	5,046,069	13.9
2014-15	4,569,205	14.3

Statutory Authority: Section-33.5-503 (1) (e), C.R.S.

Request: The Department requests an appropriation of \$9,018,990 federal funds and 17.2 FTE. The dollar appropriation is \$18,990 higher than the FY 2015-16 appropriation, which reflects the annualization of salary survey and merit pay.

Recommendation: Since this is an informational appropriation of federal funds that varies substantially from year to year in an unpredictable fashion, staff recommends that the appropriation be set equal to a round number. Even though employees of the Division received salary survey and merit pay increases, Staff recommends that these increases not be added to the appropriation, since the resulting appropriation gives a misimpression of precision. Staff recommends that the Committee approve an appropriation of \$5,000,000 federal funds and 17.0 FTE, which are a better estimate of spending and are round numbers to indicate that this is an estimate. The following table shows the adjustment.

Division of Criminal Justice, Crime Control and System Improvement, Federal Grants				
	Total Funds	General Fund	Federal Funds	FTE
FY 2015-16 Appropriation				
S.B. 15-234 (Long Bill)	\$9,000,000	\$0	\$9,000,000	17.5
TOTAL	\$9,000,000	\$0	\$9,000,000	17.5
FY 2016-17 Recommended Appropriation				
FY 2015-16 Appropriation	\$9,000,000	\$0	\$9,000,000	17.5
Annualize prior year budget actions	0	0	0	0.0
BA1 Juvenile diversion programs	0	0	0	0.0
Align appropriation with expected revenue	(4,000,000)	0	(4,000,000)	(0.5)
TOTAL	\$5,000,000		\$5,000,000	17.0
Increase/(Decrease)	(\$4,000,000)	\$0	(\$4,000,000)	(0.5)
Percentage Change	(44.4%)	0.0%	(44.4%)	(2.9%)
FY 2016-17 Executive Request:	\$9,018,990	\$0	\$9,018,990	17.2

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Request Above/(Below) Recommendation	\$4,018,990	\$4,018,990	0.2
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EPIC Resource Center

The EPIC (Evidence-based Practices Implementation for Capacity) Resource Center helps agencies serving juvenile and adult offender populations develop, implement, and sustain evidence-based practices. The Center was developed in 2009 as an initiative of the Colorado Commission on Criminal and Juvenile Justice and was initially funded with federal Justice Assistance Grant funds, which ended in 2013.

Statutory Authority: Section 24-33.5-514, C.R.S., (Evidence-based practices implementation for capacity program).

Request: The Division requests an appropriation \$872,317 General Fund and 9.0 FTE, which reflects the annualization of \$11,386 of salary survey and merit pay.

Recommendation: Staff recommends the Division's Request

Division of Criminal Justice, Crime Control and System Improvement, EPIC Resource Center			
	Total Funds	General Fund	FTE
FY 2015-16 Appropriation			
S.B. 15-234 (Long Bill)	\$860,931	\$860,931	9.0
TOTAL	\$860,931	\$860,931	9.0
FY 2016-17 Recommended Appropriation			
FY 2015-16 Appropriation	\$860,931	\$860,931	9.0
Annualize prior year budget actions	11,386	11,386	0.0
TOTAL	\$872,317	\$872,317	9.0
Increase/(Decrease)	\$11,386	\$11,386	0.0
Percentage Change	1.3%	1.3%	0.0%
FY 2016-17 Executive Request:			
Request Above/(Below) Recommendation	\$0	\$0	0.0

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 Criminal Justice Training Cash Fund. Moneys in the Fund are subject to annual appropriation by the General Assembly to cover costs associated with providing training.

The following table shows recent revenues of the Criminal Justice Training Cash Fund.

Fiscal Year	Criminal Justice Training Cash Fund Revenue
2008-09	\$71,718
2009-10	\$84,631
2010-11	\$51,089
2011-12	\$65,274
2012-13	\$85,032
2013-14	\$54,498
2014-15	\$87,193

The ending fund balance for FY 2013-14 equaled \$110,608.

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

Request: The Department requests a continuation appropriation of \$120,000 cash funds and 0.5 FTE.

Recommendation: Staff recommends that the Committee approve the Department's request.

MacArthur Foundation Grant

This line item provides an appropriation for a juvenile justice mental health program that is funded by a private grant received from the MacArthur Foundation.

Statutory Authority: Section-33.5-503 (1) (e), C.R.S.

Request: The Department requests a continuation appropriation of \$75,000 cash funds.

Recommendation: Staff recommends that the Committee approve this request.

Methamphetamine Abuse Task Force Fund

This line item was added during FY 2007-08 to allow the Division to expend private grant funds received from the El Pomar Foundation. The 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.

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Request: The Department requests a continuation appropriation of \$20,000 cash funds.

Recommendation: Staff recommends that the Committee approve this request.

Long Bill Footnotes and Requests for Information

LONG BILL FOOTNOTES

Staff recommends **continuing** the following footnotes, with modifications in struck type and small caps:

- 71 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 and is based on the following assumptions: ~~the caseload for Diversion Intensive Residential Treatment includes at least 48 condition-of-probation placements;~~ the base rate for standard nonresidential services is a weighted average of the rates for four different levels of service; community corrections providers will collect client fees of up to \$17 per day for residential placements and up to \$3 per day for nonresidential placements; client fees may be partially or fully waived in specialized residential and non-residential programs with the approval of the Division of Criminal Justice; pursuant to its authority to administer and execute contracts under Section 17-27-108, C.R.S., the Division of Criminal Justice will ensure that every reasonable effort is made to achieve such collections; and outpatient therapeutic community programs: (1) will receive the standard non-residential base rate for all offenders in their programs, including Department of Corrections clients; (2) will receive the outpatient therapeutic community base rate for all clients in program phases other than the post graduate phase, including Department of Corrections clients; (3) will not receive the outpatient therapeutic community base rate or the non-residential base rate for probation clients; (4) will collect client fees of up to \$3 per day; and (5) will not receive payment from the Department of Corrections for services covered by the standard non-residential base rate or the outpatient therapeutic community base rate. Of this appropriation, \$1,545,409 is from the savings produced by H.B. 10-1360 pursuant to Section 17-2-103 (11.5), C.R.S., for parolee Intensive Residential Treatment beds and for parolee sex offender beds AND 48 BEDS INTENSIVE RESIDENTIAL TREATMENT BEDS ARE FROM SAVINGS PRODUCED BY S.B. 15-124.

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Residential	42.09	0.00	42.09	1,214.0	1,169.0	119.0	38,437,851
Intensive Residential Treatment	42.09	46.71	88.80	39.0	43.0	52.0	4,343,208
Inpatient Therapeutic Community	42.09	27.73	69.82	78.0	51.0	15.0	3,669,739
Residential Dual Diagnosis Treatment	42.09	35.29	77.38	68.0	42.0	14.0	3,502,219
John Eachon Re-entry Program	42.09	55.04	97.13	6.0	11.0	0.0	602,692
Sex Offender Residential	42.09	35.29	77.38	57.0	20.0	13.0	2,541,933

JBC Staff Figure Setting – FY 2016-17
Staff Working Document – Does Not Represent Committee Decision

Placement Type	Rates			Caseload			Appropriation
	Base	Differential	Total	Diversion	Transition	Parole	
Standard Non-residential	6.13	0.00	6.13	581.0	5.0	5.0	1,322,333
Outpatient Day Treatment	34.68	0.00	34.68	2.0	0.0	0.0	25,316
Outpatient Therapeutic Community	22.00	0.00	22.00	55.0	24.0	6.0	682,550
Total				2,100.0	1,365.0	224.0	55,127,841

Comment: Changes to the text of this footnote are shown with struck type small caps; however, struck type and small caps have not been used in the table because every number in the table changed.

- 72 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- It is the intent of the General Assembly that the Intensive Residential Treatment (IRT) bed allocation in the San Luis Valley should not be reduced below 36 beds for the Southern Central Colorado Region to ensure bed capacity for this part of the state.

Comment: This footnote was added by the Committee last year. Staff presumes that the Committee wishes to include this footnote in the FY 2016-17 Long Bill.

- 73 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- These payments may be withheld in whole or in part from facilities that: (1) fail to maintain an average ratio of at least one case manager for every 20 residents; (2) fail to ~~raise~~ maintain average pay and benefits of security staff members ~~by at least 1 percent~~; or (3) fail to ~~raise~~ maintain the average pay and benefits of case managers ~~by 1 percent~~. A facility is exempt from requirement (2) if the sum of average pay and benefits for security staff members exceeds \$33,000 annually. A facility is exempt from requirement (3) if the sum of average salary and benefits for case managers exceeds \$38,500 annually. For purposes of this footnote, payroll taxes are not benefits. Community corrections programs are encouraged to exceed these goals. It is the intent of the General Assembly that community corrections facilities with an average of 32 or more security FTE receive a second facility payment.

Comment: The two-part payment system for community corrections was designed to establish more reasonable payment levels for community corrections programs, with the expectation that programs would use the extra money to increase salaries, reduce case-worker caseloads, and improve program quality. This footnote gives programs a substantial incentive to comply with the intent.

Based on community corrections data provided by DCJ to JBC Staff it appears that in almost all cases this footnote has achieved its objectives. Offender to case-manager ratios are 20 or lower in almost all facilities, and all facilities have met the salary-benefit increase expectations.

Staff asks permission to adjust the maintenance goals in this footnote if the Committee later approves a provider rate change differs from the zero change currently approved.

REQUESTS FOR INFORMATION

Staff recommends **continuing** the following requests for information, with modifications in struck type and small caps:

5. Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements – As part of its ~~FY 2015-16~~ FY 2016-17 budget request, the Department is requested to report actual average daily community corrections placements for recently completed fiscal years with a level of detail compatible with the table in Long Bill footnote N. This document should also report condition of probation placements AND S.B. 15-124 PLACEMENTS. THE DEPARTMENT IS REQUESTED TO UPDATE THE REPORT WITH YEAR-TO-DATE COMMUNITY CORRECTIONS PLACEMENTS SHORTLY AFTER JANUARY 1, 2017.

Comment: In combination, the footnote community corrections table and this request for information provide a detailed yet quickly understood snapshot of appropriated, actual, and requested community corrections placements.

7. Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements – The Department is requested to report the following information for ~~FY 2014-15~~ FY 2015-16 for community corrections facilities of different sizes: (1) the average number of total staff, security staff, and case managers, (2) the average wage and salary of security staff and case managers, (3) the average cost of benefits, excluding payroll taxes, for security staff and for case managers, (4) the average length of employment for security staff and for case managers, and (5) average case manager caseloads for resident and non-resident offenders. The Department is requested to continue collecting periodic financial statements and starting salary information from community corrections programs. The Department is requested to retain the data received from each facility. To reduce data collection costs, the Department may ask programs to provide aggregate data. The Department does not need to sample all providers every year. The Department is requested to submit the report by January 1, ~~2016~~ 2017.

Comment: One of the challenges that Staff faced when analyzing the adequacy of the current per diem rate was the lack of historical data on salaries, benefits, turnover, and length of service at community corrections facilities. Staff believes that inflation adjusted average salaries and benefits declined after FY 2001-02, when the inflation-adjusted per diem began to decline, but Staff has only anecdotal data to back this up. Staff also suspects that the average length of service has declined in response to lower salaries, but again has no data. This request, if repeated in future years, will require the DCJ to collect relevant data for future analysis.

8. Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements – As part of its ~~FY 2016-17~~ FY 2016-17 budget request, the Department is requested to report the estimated impact on community corrections facilities and community corrections boards of any standards or rules that the Department ~~has~~ issued or revised during ~~FY 2014-15~~ THE MOST RECENTLY CONCLUDED FISCAL YEAR. This report should include a summary of the new standards or rules, an estimate of the amount of time it will take facilities or boards to comply, an estimate of the number of additional FTE that will be required for compliance, and an estimate of additional financial costs that facilities or boards may incur. The Department is also requested to report any new or revised standards, rules, or laws from the federal government, the state government, local governments, or other parties that are likely to have a similar impact on community corrections facilities or on community corrections boards. The Department does not need to estimate the costs of standards, rules, and laws issued by other governments or other parties.

Comment: While estimating the cost of operating a community corrections facility, Staff became aware of the costs that DCJ standards and rules can have on community corrections programs. Some rules may even affect the state budget by increasing contractor costs. Staff recommends that the report requested by this RFI be made a regular part of future DCJ budget submissions. Staff does not recommend requesting a cost-benefit analysis of standards and regulations because benefits are frequently hard to quantify.

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

- 2 Department of Public Safety, Division of Criminal Justice, Community Corrections, Subsistence Grace Period Pilot Project – The Department is requested to submit the evaluation report for the Subsistence Grace Period Pilot Project to the Joint Budget Committee as soon as feasible after the project is completed but no later than November 1, 2015. The Department is encouraged to submit the report in time for FY 2015-16 figure setting, if meaningful results are available at that time. The Department is requested to examine whether a subsistence grace period alters length of stay; rates of successful completion, technical violation, or escape; the amount owed to programs at termination; and the amount of savings at termination. The Department is requested to examine whether the effects depend upon the risk level of the offender. The Department is requested to estimate the magnitude of the effects and the precision of the estimates. The Department is also requested to conduct a cost-benefit analysis to determine whether the benefits, if any, observed during the period covered by this study, exceed the cost. The report need not be limited to these questions.

Comment: As discussed during briefing, the pilot project is now concluded. It was unsuccessful.

3. Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements – It is requested that the Division of Criminal Justice work with Denver Community Corrections, the Department of Health Care Policy and Financing, ARTS (Addiction Research and Treatment Services), and other relevant

parties to determine whether outpatient therapeutic community clients can qualify for Medicaid reimbursement and determine whether Medicaid reimbursement would reduce state costs. The Division is requested to report the findings by January 1, 2016.

Comment: The required report was submitted in a timely fashion and this request is no longer needed.

JBC Staff Staff Figure Setting - FY 2016-17
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Number Pages

	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

(4) DIVISION OF CRIMINAL JUSTICE

ice policies, problems, and programs and make related recommendations. Forecast offender populations. Encourage the use of evidence-based criminal justice practices.

(A) Administration

DCJ Administrative Services	<u>2,490,935</u>	<u>3,029,318</u>	<u>4,073,556</u>	<u>4,094,312</u>	<u>3,842,865</u> *
FTE	28.1	28.1	41.0	38.9	38.9
General Fund	1,718,610	2,030,133	2,774,365	2,761,705	2,585,258
Cash Funds	380,508	609,986	671,251	753,084	678,084
Reappropriated Funds	346,731	330,936	509,482	451,892	451,892
Federal Funds	45,086	58,263	118,458	127,631	127,631
Indirect Cost Assessment	<u>529,050</u>	<u>511,154</u>	<u>536,617</u>	<u>731,325</u>	<u>731,325</u> *
Cash Funds	35,777	53,591	58,879	110,279	110,279
Reappropriated Funds	5,556	0	0	0	0
Federal Funds	487,717	457,563	477,738	621,046	621,046
SUBTOTAL - (A) Administration	3,019,985	3,540,472	4,610,173	4,825,637	4,574,190
FTE	<u>28.1</u>	<u>28.1</u>	<u>41.0</u>	<u>38.9</u>	<u>38.9</u>
General Fund	1,718,610	2,030,133	2,774,365	2,761,705	2,585,258
Cash Funds	416,285	663,577	730,130	863,363	788,363
Reappropriated Funds	352,287	330,936	509,482	451,892	451,892
Federal Funds	532,803	515,826	596,196	748,677	748,677

JBC Staff Staff Figure Setting - FY 2016-17
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
(B) Victims Assistance					
Federal Victims Assistance and Compensation					
Grants	<u>10,156,492</u>	<u>10,079,589</u>	<u>10,400,000</u>	<u>10,400,000</u>	<u>18,400,000</u>
Federal Funds	10,156,492	10,079,589	10,400,000	10,400,000	18,400,000
State Victims Assistance and Law Enforcement					
Program	<u>1,449,421</u>	<u>1,394,955</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>
Cash Funds	1,449,421	1,394,955	1,500,000	1,500,000	1,500,000
Child Abuse Investigation	<u>171,663</u>	<u>698,267</u>	<u>800,000</u>	<u>797,693</u>	<u>797,693</u> *
FTE	0.1	0.0	0.4	0.3	0.3
General Fund	0	500,000	500,000	500,000	500,000
Cash Funds	171,663	198,267	300,000	297,693	297,693
Sexual Assault Victim Emergency Payment					
Program	<u>114,000</u>	<u>142,911</u>	<u>167,933</u>	<u>167,933</u>	<u>167,933</u>
FTE	0.1	0.1	0.2	0.2	0.2
General Fund	114,000	142,911	167,933	167,933	167,933
Statewide Victim Information and Notification					
System (VINE)	<u>424,720</u>	<u>424,720</u>	<u>434,720</u>	<u>434,720</u>	<u>434,720</u>
General Fund	424,720	424,720	434,720	434,720	434,720
SUBTOTAL - (B) Victims Assistance	12,316,296	12,740,442	13,302,653	13,300,346	21,300,346
FTE	0.2	0.1	0.6	0.5	0.5
General Fund	538,720	1,067,631	1,102,653	1,102,653	1,102,653
Cash Funds	1,621,084	1,593,222	1,800,000	1,797,693	1,797,693
Federal Funds	10,156,492	10,079,589	10,400,000	10,400,000	18,400,000

JBC Staff Staff Figure Setting - FY 2016-17
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	<u>358,373</u>	<u>396,396</u>	<u>750,000</u>	<u>750,000</u>	<u>500,000</u>
Federal Funds	358,373	396,396	750,000	750,000	500,000
Juvenile Diversion Programs	<u>1,241,081</u>	<u>1,211,494</u>	<u>1,241,139</u>	<u>1,641,139</u>	<u>1,641,139</u> *
FTE	0.7	0.7	0.9	1.2	1.2
General Fund	1,241,081	1,211,494	1,241,139	1,241,139	1,241,139
Cash Funds	0	0	0	400,000	400,000
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention					
	1,599,454	1,607,890	1,991,139	2,391,139	2,141,139
FTE	<u>0.7</u>	<u>0.7</u>	<u>0.9</u>	<u>1.2</u>	<u>1.2</u>
General Fund	1,241,081	1,211,494	1,241,139	1,241,139	1,241,139
Cash Funds	0	0	0	400,000	400,000
Federal Funds	358,373	396,396	750,000	750,000	500,000
(D) Community Corrections					
Community Corrections Placements	<u>52,607,485</u>	<u>55,483,640</u>	<u>53,892,431</u>	<u>59,040,913</u>	<u>55,127,841</u> *
General Fund	51,588,617	53,173,366	53,892,431	56,397,044	55,127,841
Reappropriated Funds	1,018,868	2,310,274	0	2,643,869	0
Intensive Residential Treatment Probation Placements.	<u>0</u>	<u>0</u>	<u>2,643,869</u>	<u>0</u>	<u>2,643,869</u>
Reappropriated Funds	0	0	2,643,869	0	2,643,869
S.B. 15-124 Placements	<u>0</u>	<u>0</u>	<u>780,019</u>	<u>0</u>	<u>1,560,038</u>
General Fund	0	0	780,019	0	1,560,038

JBC Staff Staff Figure Setting - FY 2016-17
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
Community Corrections Boards Administration General Fund	<u>2,110,912</u> 2,110,912	<u>2,288,343</u> 2,288,343	<u>2,253,818</u> 2,253,818	<u>2,287,280</u> 2,287,280	<u>2,253,818</u> * 2,253,818
Community Corrections Facility Payments General Fund	<u>0</u> 0	<u>2,994,323</u> 2,994,323	<u>3,232,185</u> 3,232,185	<u>3,388,090</u> 3,388,090	<u>3,327,249</u> * 3,327,249
Services for Substance Abuse and Co-occurring Disorders Reappropriated Funds	<u>1,693,722</u> 1,693,722	<u>2,313,132</u> 2,313,132	<u>2,553,900</u> 2,553,900	<u>2,553,900</u> 2,553,900	<u>2,553,900</u> 2,553,900
Specialized Offender Services General Fund	<u>68,528</u> 68,528	<u>51,977</u> 51,977	<u>57,333</u> 57,333	<u>156,760</u> 156,760	<u>57,333</u> * 57,333
Offender Assessment Training General Fund	<u>9,514</u> 9,514	<u>3,942</u> 3,942	<u>10,507</u> 10,507	<u>10,507</u> 10,507	<u>10,507</u> 10,507
Subsistence Grace Period Pilot Project General Fund	<u>581,998</u> 581,998	<u>0</u> 0	<u>0</u> 0	<u>0</u> 0	<u>0</u> 0
SUBTOTAL - (D) Community Corrections	57,072,159	63,135,357	65,424,062	67,437,450	67,534,555
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	54,359,569	58,511,951	60,226,293	62,239,681	62,336,786
Reappropriated Funds	2,712,590	4,623,406	5,197,769	5,197,769	5,197,769

(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement Grants Federal Funds	<u>2,693,589</u> 2,693,589	<u>2,669,648</u> 2,669,648	<u>4,900,000</u> 4,900,000	<u>4,900,000</u> 4,900,000	<u>3,000,000</u> 3,000,000
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JBC Staff Staff Figure Setting - FY 2016-17
Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
Sex Offender Surcharge Fund Program	<u>68,308</u>	<u>154,823</u>	<u>160,918</u>	<u>162,269</u>	<u>162,269</u>
FTE	1.3	1.2	1.5	1.5	1.5
Cash Funds	68,308	154,823	160,918	162,269	162,269
Sex Offender Supervision	<u>323,555</u>	<u>339,386</u>	<u>347,580</u>	<u>352,765</u>	<u>352,765</u>
FTE	3.4	3.4	3.2	3.2	3.2
General Fund	323,555	339,386	347,580	352,765	352,765
Treatment Provider Criminal Background Checks	<u>12,587</u>	<u>25,989</u>	<u>49,606</u>	<u>49,606</u>	<u>49,606</u>
FTE	0.0	0.1	0.6	0.6	0.6
Cash Funds	12,587	25,989	49,606	49,606	49,606
Colorado Regional and Community Policing Institute	<u>12,328</u>	<u>0</u>	<u>100,000</u>	<u>0</u>	<u>0</u> *
FTE	0.0	0.0	2.5	0.0	0.0
Reappropriated Funds	0	0	50,000	0	0
Federal Funds	12,328	0	50,000	0	0
Federal Grants	<u>5,046,069</u>	<u>4,569,205</u>	<u>9,000,000</u>	<u>9,018,990</u>	<u>5,000,000</u> *
FTE	13.9	14.3	17.5	17.2	17.0
Federal Funds	5,046,069	4,569,205	9,000,000	9,018,990	5,000,000
EPIC Resource Center	<u>708,850</u>	<u>724,683</u>	<u>860,931</u>	<u>872,317</u>	<u>872,317</u>
FTE	5.8	7.3	9.0	9.0	9.0
General Fund	527,134	724,683	860,931	872,317	872,317
Federal Funds	181,716	0	0	0	0

JBC Staff Staff Figure Setting - FY 2016-17
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	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
Criminal Justice Training Fund	<u>55,002</u>	<u>80,389</u>	<u>120,000</u>	<u>120,000</u>	<u>120,000</u>
FTE	0.0	0.0	0.5	0.5	0.5
Cash Funds	55,002	80,389	120,000	120,000	120,000
MacArthur Foundation Grant	<u>7,970</u>	<u>51,228</u>	<u>75,000</u>	<u>75,000</u>	<u>75,000</u>
Cash Funds	7,970	51,228	75,000	75,000	75,000
Methamphetamine Abuse Task Force Fund	<u>1,954</u>	<u>2,040</u>	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>
Cash Funds	1,954	2,040	20,000	20,000	20,000
SUBTOTAL - (E) Crime Control and System					
Improvement	8,930,212	8,617,391	15,634,035	15,570,947	9,651,957
FTE	<u>24.4</u>	<u>26.3</u>	<u>34.8</u>	<u>32.0</u>	<u>31.8</u>
General Fund	850,689	1,064,069	1,208,511	1,225,082	1,225,082
Cash Funds	145,821	314,469	425,524	426,875	426,875
Reappropriated Funds	0	0	50,000	0	0
Federal Funds	7,933,702	7,238,853	13,950,000	13,918,990	8,000,000
TOTAL - (4) Division of Criminal Justice					
FTE	<u>53.4</u>	<u>55.2</u>	<u>77.3</u>	<u>72.6</u>	<u>72.4</u>
General Fund	58,708,669	63,885,278	66,552,961	68,570,260	68,490,918
Cash Funds	2,183,190	2,571,268	2,955,654	3,487,931	3,412,931
Reappropriated Funds	3,064,877	4,954,342	5,757,251	5,649,661	5,649,661
Federal Funds	18,981,370	18,230,664	25,696,196	25,817,667	27,648,677

JBC Staff Staff Figure Setting - FY 2016-17
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	FY 2013-14 Actual	FY 2014-15 Actual	FY 2015-16 Appropriation	FY 2016-17 Request	FY 2016-17 Recommendation
TOTAL - Department of Public Safety	82,938,106	89,641,552	100,962,062	103,525,519	105,202,187
<i>FTE</i>	<u>53.4</u>	<u>55.2</u>	<u>77.3</u>	<u>72.6</u>	<u>72.4</u>
General Fund	58,708,669	63,885,278	66,552,961	68,570,260	68,490,918
Cash Funds	2,183,190	2,571,268	2,955,654	3,487,931	3,412,931
Reappropriated Funds	3,064,877	4,954,342	5,757,251	5,649,661	5,649,661
Federal Funds	18,981,370	18,230,664	25,696,196	25,817,667	27,648,677