

COLORADO GENERAL ASSEMBLY JOINT BUDGET COMMITTEE



FY 2010-11 STAFF FIGURE SETTING

DEPARTMENT OF PUBLIC SAFETY

(Division of Criminal Justice)

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

**Prepared By:
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March 12, 2010**

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**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2010-11 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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FY 2010-11 Joint Budget Committee Staff Figure Setting
Department of Public Safety
(Division of Criminal Justice)

FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11		
Actual	Actual	Appropriated	Request	Recommend.	Change Requests

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

(4) DIVISION OF CRIMINAL JUSTICE

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

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11		
	Actual	Actual	Appropriated	Request	Recommend.	Change Requests
(A) Administration						
Personal Services	2,122,256	2,345,469	2,639,699	2,429,448	2,439,085	BA #ES-4, ES-8, NP-OIT, NP-PERA, NP-Furlough
FTE	<u>26.7</u>	<u>30.7</u>	<u>33.6</u>	<u>30.2</u>	<u>30.3</u>	
General Fund	1,197,587	1,453,749	1,611,924	1,396,137	1,405,774	
FTE	14.5	19.2	22.8	19.4	19.5	
Cash Funds	376,979	553,349	570,780	575,310	575,310	
FTE	5.7	7.3	7.6	7.6	7.6	
Reappropriated Funds	459,667	259,646	376,769	376,290	376,290	
FTE	5.5	3.0	1.9	1.9	1.9	
Federal Funds	88,023	78,725	80,226	81,711	81,711	
FTE	1.0	1.2	1.3	1.3	1.3	
Operating Expenses	<u>201,260</u>	<u>222,493</u>	<u>267,323</u>	<u>213,628</u>	<u>213,408</u>	DI #8, BA #ES-10, NP-Mail, LS-3
General Fund	137,508	147,565	192,238	135,303	135,107	
Cash Funds	26,037	35,102	35,257	35,257	35,257	
Reappropriated Funds	33,338	35,451	35,451	35,451	35,451	
Federal Funds	4,377	4,375	4,377	7,617	7,593	
Recidivism Reduction and Offender						
Diversion Package Contract Analysis - GF	133,905	49,796	50,000	0	0	BA #ES-8
FTE	0.0	0.0	0.0	0.0	0.0	
Indirect Cost Assessment	<u>570,030</u>	<u>521,734</u>	<u>674,972</u>	<u>676,770</u>	<u>676,770</u>	BA #1
Cash Funds	57,393	64,280	70,124	66,643	66,643	
Reappropriated Funds	7,817	0	0	0	0	
Federal Funds	504,820	457,454	604,848	610,127	610,127	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	FY 2010-11 Recommend.	Change Requests
TOTAL - (A) ADMINISTRATION	3,027,451	3,139,492	3,631,994	3,319,846	3,329,263	
FTE	<u>26.7</u>	<u>30.7</u>	<u>33.6</u>	<u>30.2</u>	<u>30.3</u>	
General Fund	1,469,000	1,651,110	1,854,162	1,531,440	1,540,881	
Cash Funds	460,409	652,731	676,161	677,210	677,210	
Reappropriated Funds	500,822	295,097	412,220	411,741	411,741	
Federal Funds	597,220	540,554	689,451	699,455	699,431	
(B) Victims Assistance						
Federal Victims Assistance and Compensation Grants - FF	8,938,836	9,704,143	9,560,000	9,998,833	9,998,833	DI #8
State Victims Assistance and Law Enforcement Program	<u>871,767</u>	<u>1,245,009</u>	<u>1,250,000</u>	<u>1,250,000</u>	<u>1,250,000</u>	
Cash Funds	834,916	1,201,849	1,250,000	1,250,000	1,250,000	
Reappropriated Funds	36,851	43,160	0	0	0	
Child Abuse Investigation - CF	0	0	317,725	317,725	317,725	
FTE	0.0	0.0	0.4	0.4	0.4	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	FY 2010-11 Recommend.	Change Requests
TOTAL - (B) VICTIMS ASSISTANCE	9,810,603	10,949,152	11,127,725	11,566,558	11,566,558	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	834,916	1,201,849	1,567,725	1,567,725	1,567,725	
Reappropriated Funds	36,851	43,160	0	0	0	
Federal Funds	8,938,836	9,704,143	9,560,000	9,998,833	9,998,833	
(C) Juvenile Justice and Delinquency Prevention						
Juvenile Justice Disbursements - FF	825,650	847,821	750,000	866,249	866,249	DI #8
Juvenile Diversion Programs - GF	1,239,596	1,216,094	1,241,851	1,241,851	1,241,851	
FTE	0.0	0.7	0.9	0.9	0.9	
TOTAL - (C) JUVENILE JUSTICE	2,065,246	2,063,915	1,991,851	2,108,100	2,108,100	
FTE	0.0	0.7	0.9	0.9	0.9	
General Fund	1,239,596	1,216,094	1,241,851	1,241,851	1,241,851	
Federal Funds	825,650	847,821	750,000	866,249	866,249	
(D) Community Corrections						
Community Corrections Boards						
Administration - GF	1,746,231	1,879,976	1,952,062	1,927,062	1,927,062	BA #ES-3
Incentive Funds for Low-Risk Providers - GF	n/a	0	0	0	0	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11		
	Actual	Actual	Appropriated	Request	Recommend.	Change Requests
Transition Programs - GF	21,401,750	23,257,880	22,770,240	22,770,240	22,770,240	
Diversion Programs - GF	21,978,322	22,111,450	24,765,812	24,765,812	24,765,812	
Transition Mental Health Bed Differential GF	501,173	860,914	1,024,446	1,024,446	1,024,446	
Diversion Mental Health Bed Differential GF	93,621	236,587	241,046	241,046	241,046	
Specialized Services - GF	51,050	60,294	55,000	55,000	55,000	
John Eachon Re-Entry Program - GF	188,156	289,080	144,540	144,540	144,540	
Day Reporting Center - GF	564,713	488,789	0	0	0	
Substance Abuse Treatment Program	<u>940,660</u>	<u>1,001,064</u>	<u>1,323,614</u>	<u>1,323,614</u>	<u>1,323,614</u>	
General Fund	206,863	395,355	523,410	523,410	523,410	
Cash Funds	637,662	539,667	800,204	800,204	800,204	
Reappropriated Funds	96,135	66,042	0	0	0	
Outpatient Therapeutic Community Programs - GF	n/a	388,731	505,627	505,627	505,627	
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	n/a	n/a	197,392	197,392	197,392	

	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Appropriated	FY 2010-11 Request	FY 2010-11 Recommend.	Change Requests
IRT Pilot Project - CF	n/a	n/a	194,076	194,076	194,076	
TOTAL - (D) COMMUNITY						
CORRECTIONS	<u>47,465,676</u>	<u>50,574,765</u>	<u>53,173,855</u>	<u>53,148,855</u>	<u>53,148,855</u>	
General Fund	46,731,879	49,969,056	52,179,575	52,154,575	52,154,575	
Cash Funds	637,662	539,667	994,280	994,280	994,280	
Reappropriated Funds	96,135	66,042	0	0	0	
(E) Crime Control and System Improvement						
State and Local Crime Control and System Improvement Grants - FF	3,655,570	2,661,403	5,000,000	4,998,833	4,998,833	DI #8
Sex Offender Surcharge Fund Program - CF	116,242	125,764	153,325	152,791	152,791	BA #NP-PERA
FTE	1.5	1.2	1.5	1.5	1.5	
Sex Offender Supervision - GF	321,435	327,433	337,747	324,050	324,050	DI #8, BA #LS-3,
FTE	3.2	3.1	3.2	3.2	3.2	NP-PERA, NP-Mail

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11		
	Actual	Actual	Appropriated	Request	Recommend.	Change Requests
Treatment Provider Criminal Background						
Checks	10,453	13,100	49,950	49,950	49,950	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	10,453	13,100	49,950	49,950	49,950	
Reappropriated Funds	0	0	0	0	0	
Colorado Regional Community Policing						
Institute	137,220	341,229	775,246	574,733	574,733	DI #8,
FTE	<u>2.3</u>	<u>2.3</u>	<u>6.2</u>	<u>4.0</u>	<u>4.0</u>	BA #NP-PERA
Reappropriated Funds	9,170	12,830	376,816	375,550	375,550	
FTE	0.1	0.1	2.5	2.5	2.5	
Federal Funds	128,050	328,399	398,430	199,183	199,183	
FTE	2.2	2.2	3.7	1.5	1.5	
Federal Grants - non-appropriated	4,506,338	4,229,006	3,726,573	4,261,687	4,261,687	DI #8,
FTE	<u>14.6</u>	<u>11.8</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	BA #NP-PERA,
Reappropriated Funds	59,116	37,642	0	0	0	NP-Mail
Federal Funds	4,447,222	4,191,364	3,726,573	4,261,687	4,261,687	
Lifesaver Project Grants - CF	53,015	75,243	0	0	0	
FTE	0.1	0.1	0.0	0.0	0.0	
Criminal Justice Training Fund - CF	35,607	38,201	139,488	207,542	207,542	BA #3,
FTE	0.0	0.0	0.5	0.5	0.5	NP-PERA
MacArthur Foundation Grant - CF	9,158	76,425	200,000	200,000	200,000	

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	
	Actual	Actual	Appropriated	Request	Recommend. Change Requests
Methamphetamine Abuse Task Force					
Fund - CF	10,122	14,969	43,739	43,739	43,739
TOTAL - (E) CRIME CONTROL	8,855,160	7,902,773	10,426,068	10,813,325	10,813,325
FTE	<u>21.7</u>	<u>18.5</u>	<u>29.5</u>	<u>27.3</u>	<u>27.3</u>
General Fund	321,435	327,433	337,747	324,050	324,050
Cash Funds	234,597	343,702	586,502	654,022	654,022
Reappropriated Funds	68,286	50,472	376,816	375,550	375,550
Federal Funds	8,230,842	7,181,166	9,125,003	9,459,703	9,459,703

DEPARTMENT OF PUBLIC SAFETY,					
(4) DIVISION OF CRIMINAL JUSTICE					
TOTAL	71,224,136	74,630,097	80,351,493	80,956,684	80,966,101
FTE	<u>48.4</u>	<u>49.2</u>	<u>64.4</u>	<u>58.8</u>	<u>58.9</u>
General Fund	49,761,910	53,163,693	55,613,335	55,251,916	55,261,357
Cash Funds	2,167,584	2,737,949	3,824,668	3,893,237	3,893,237
Reappropriated Funds	702,094	454,771	789,036	787,291	787,291
Federal Funds	18,592,548	18,273,684	20,124,454	21,024,240	21,024,216

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

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2010-11 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(4) DIVISION OF CRIMINAL JUSTICE

The Division of Criminal Justice (DCJ) is a research and technical assistance oriented agency whose mission is to improve the public safety of the community, the quality of services to crime victims, and the effectiveness of services to offenders. To help carry out its mission, the Division is the recipient agency of more than 45 federal grants, and in turn administers these funds to several hundred recipient agencies.

(A) ADMINISTRATION

Personal Services:

Staffing Summary	FY 2008-09 Actual	FY 2009-10 Approp.	FY 2010-11 Request	FY 2010-11 Recommend.
Management	1.0	1.0	1.0	1.0
Professional Staff	16.1	17.0	17.0	17.0
Budget, Audit, Statistics, and Accounting Staff	8.1	8.6	8.6	8.6
Information Technology Staff	0.6	1.0	1.0	1.0
Support Staff	4.9	6.0	6.0	6.0
Annualize Prior Year Decision Item	n/a	n/a	0.2	0.2
BA #ES-4 - Eliminate Community Corrections Discharge Planners	n/a	n/a	(2.0)	(2.0)
BA #ES-8 - Reduce Office of Research and Statistics	n/a	n/a	(0.6)	(0.6)
BA #NP - OIT Consolidation	<u>n/a</u>	<u>n/a</u>	<u>(1.0)</u>	<u>(1.0)</u>
Total	30.7	33.6	30.2	30.2

☐ *Budget Amendment #NP - PERA 2.5 Percent Reduction*

The Division requests a reduction of \$87,775 total funds, which reflects the Division's share of a prioritized budget amendment in the Department of Personnel and Administration for a 2.5 percent increase in the employee contribution to the Public Employees Retirement Account (PERA). That

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budget amendment was discussed in the figure setting presentation for the Department of Personnel and Administration. Of this amount, the Division requests that \$46,659 total funds be reduced from the Administration Personal Services line item.

The Committee has already voted to approve this budget amendment during the figure setting presentation for the Department of Personnel and Administration.

❑ *Budget Amendment #ES-4 - Eliminate Community Corrections Discharge Planners*

On August 24, 2009, the Division requested a FY 2009-10 supplemental reduction of \$160,381 General Fund and 1.8 FTE to eliminate the appropriation for community corrections discharge planners. This request seeks to reduce the FY 2010-11 annualization of \$160,489 General Fund and 2.0 FTE as well. Of this amount, the Division requests that \$126,769 General Fund and 2.0 FTE be reduced from the Administration Personal Services line item.

During the 2009 session, the Joint Budget Committee and subsequently the General Assembly approved a decision item to add two community corrections discharge planners. Given the difficulty in placing inmates with mental health or substance abuse issues, these discharge planners were intended to identify where these specific inmates could benefit from specialized community corrections placement. They would then arrange for the transfer of both the inmate and the appropriate accompanying information.

Staff recommends that the Committee approve the request for a reduction of \$160,489 General Fund and 2.0 FTE

❑ *Budget Amendment #ES-8 - Reduce Office of Research and Statistics*

On August 24, 2009, the Division requested a FY 2009-10 supplemental reduction of \$69,260 General Fund and 0.2 FTE to the appropriation for the Office of Research and Statistics. This request seeks to reduce the FY 2010-11 annualization of \$87,699 General Fund and 0.5 FTE as well. Of this amount, the Division requests that \$35,666 General Fund and 0.5 FTE be reduced from the Administration Personal Services line item.

The total requested reduction includes the following:

- eliminating the funding for contract evaluation of recidivism reduction programs; and
- reducing the funding for research related to the Colorado Criminal and Juvenile Justice Commission.

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Staff recommends that the Committee approve the request for a reduction of \$87,699 General Fund and 0.5 FTE

❑ *Budget Amendment #NP - Restore FY 2009-10 Furloughs*

The General Assembly included a statewide personal services reduction equivalent to 1.82 percent of each agencies' appropriation in the FY 2009-10 Long Bill (S.B. 09-259). The net FY 2009-10 impact of the one-time reduction was \$26.5 million, of which \$16.1 million was General Fund. The executive branch was given the flexibility to develop and implement a plan to meet the mandated reduction. During the supplemental process, the Governor requested an adjustment to the personal services reductions within the FY 2009-10 Long Bill to reflect the actual staffing actions taken within each agency to achieve a decrease of 1.82 percent.

The Division requests an appropriation of \$46,249 total funds in order to restore the reductions made in FY 2009-10.

Staff recommends that the Committee approve the request for an appropriation of \$46,249 total funds.

❑ *Budget Amendment #NP - OIT Consolidation*

The Division requests a reduction of \$48,333 General Fund and 1.0 FTE, which reflects the Division's share of a prioritized budget amendment in the Governor's Office to consolidate the Office of Information Technology. That budget amendment was discussed in the figure setting presentation for the Governor's Office.

The Committee has already voted to approve this budget amendment during the Governor's Office figure setting presentation.

Request for Line Item. The Division requests an appropriation of \$2,429,448 total funds and 30.2 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$2,439,085 total funds and 30.3 FTE for this line item** (see the following table).

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(Division of Criminal Justice)
FY 2010-11 FIGURE SETTING RECOMMENDATIONS
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Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Personal Services						
	GF	CF	RF	FF	Total	FTE
FY 2009-10 Appropriation	\$1,611,924	\$570,780	\$376,769	\$80,226	\$2,639,699	33.6
Annualize Prior Year Decision Item	<u>10,564</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,564</u>	<u>0.2</u>
Continuation Estimate	\$1,622,488	\$570,780	\$376,769	\$80,226	\$2,650,263	33.8
BA #NP - PERA 2.5 Percent Reduction	(33,633)	(5,573)	(7,453)	0	(46,659)	
BA #ES-4 - Eliminate Community Corrections Discharge Planners	(126,769)	0	0	0	(126,769)	(2.0)
BA #ES-8 - Reduce Office of Research and Statistics	(35,666)	0	0	0	(35,666)	(0.5)
BA #NP - Restore FY 2009-10 Furloughs	<u>27,687</u>	<u>10,103</u>	<u>6,974</u>	<u>1,485</u>	<u>46,249</u>	—
JBC Staff Recommendation	\$1,454,107	\$575,310	\$376,290	\$81,711	\$2,487,418	31.3
BA #NP - OIT Consolidation	<u>(48,333)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(48,333)</u>	<u>(1.0)</u>
JBC Staff Recommendation with OIT Consolidation	\$1,405,774	\$575,310	\$376,290	\$81,711	\$2,439,085	30.3

The sources of cash funds are as follows: (1) \$427,586 is from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$78,304 is from reserves in the Drug Offender Surcharge Fund established pursuant to Section 18-19-103 (4), C.R.S.; (3) \$33,737 is from gifts, grants and donations; and (4) \$35,683 is from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (2), C.R.S.

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

(A) Administration
Operating Expenses:

☐ ***Budget Amendment #ES-10 - Reduce Operating Expenses Appropriations***

On August 24, 2009, the Division requested a FY 2009-10 supplemental reduction of \$3,588 General Fund for operating expenses. This request seeks to reduce the FY 2010-11 annualization of \$4,307 General Fund as well.

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This reduction will limit the ability of Division personnel to travel, which may reduce the frequency of complete audits of community corrections facilities. While the Division is statutorily obligated to perform community corrections audits pursuant to Section 17-27-108 (II) (A), C.R.S., audits have been conducted at a greater frequency than is required by law in recent years. This reduction would maintain legal compliance with the statute but likely would not allow for a greater number of audits.

Staff recommends that the Committee approve the request for a reduction of \$4,307 General Fund.

☐ *Budget Amendment #NP - Statewide Mail Equipment*

The Division requests an appropriation of \$122 General Fund, which reflects the Division's share of a non-prioritized budget amendment in the Department of Personnel and Administration. That budget amendment was discussed in the figure setting presentation for the Department of Personnel and Administration. For this line item, the request includes an increase of \$37 General Fund.

The Committee has already voted to approve this budget amendment during the figure setting presentation for the Department of Personnel and Administration.

☐ *Decision Item #8 - Additional Fleet Vehicles*

The Division requests a reduction of \$2,736 total funds, including \$734 General Fund and \$2,002 federal funds, to allow for the acquisition of two additional fleet vehicles. These vehicles would be used in place of reimbursing staff for mileage expenses. The request funds these additional fleet vehicles through reductions in various operating expenses line items throughout the Division used to pay for employee mileage expenses. For this line item, the request seeks an increase of \$4,400 total funds, including \$1,160 General Fund and \$3,240 federal funds.

Division staff travel throughout the State performing community corrections audits and providing various training courses. In FY 2007-08, the Division spent approximately \$38,200 reimbursing staff for over 80,000 personal vehicle miles driven. In FY 2008-09, over \$30,400 was spent for about 60,000 personal vehicle miles driven. The reduction in mileage reimbursement was due to the increased availability of a state vehicle through the Department and Fleet Management.

The request seeks one 4-wheel drive hybrid SUV and one hybrid sedan. The request assumes a lease payment of \$700/month for the SUV and \$300/month for the sedan. In addition, the request assumes a variable vehicle cost of \$0.193 per mile and a total of 60,000 vehicle miles driven. Under these assumptions, the request estimates a total cost of \$23,580 for the two leased vehicles.

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The new state reimbursement rate for mileage on a two-wheel drive vehicle effective January 1, 2010, is \$0.45 per mile. Therefore, personal vehicle mileage reimbursement for 60,000 miles at the current two-wheel drive reimbursement rate would be \$27,000. This is \$3,420 more than the cost of leasing the two additional fleet vehicles. In addition, this savings would increase if the 4-wheel drive reimbursement rate (\$0.48 per mile) was included in this calculation.

Staff recommends that the Committee approve the request for a reduction of \$2,736 total funds and an increase of two additional fleet vehicles.

☐ *Budget Amendment #LS-3 - 5.0 Percent Reduction for General Fund Operating Appropriations*

The Division requests a reduction of \$11,596 General Fund, which represents a 5.0 percent reduction for General Fund operating expenses appropriations within the Division. For this line item, the requested reduction is \$7,119 General Fund.

The Division indicates that the requested reduction will limit its expenditures on per mile vehicle charges, personal vehicle reimbursements, and other travel-related items.

Staff recommends that the Committee approve the request for a reduction of \$11,596 General Fund.

Request for Line Item. The Division requests an appropriation of \$213,628 total funds for this line item. **Staff recommends that the Committee approve an appropriation of \$213,408 total funds for this line item** (see the following table).

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Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Operating Expenses					
	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2009-10 Appropriation	\$192,238	\$35,257	\$35,451	\$4,377	\$267,323
Annualize Prior Year Decision Items	(10,953)	0	0	0	(10,953)
Annualize Mail Upgrade	(196)	0	0	(24)	(220)
BA #ES-10 - Reduce Operating Expenses Appropriations	(4,307)	0	0	0	(4,307)
BA #ES-4 - Eliminate Community Corrections Discharge Planners	(33,720)	0	0	0	(33,720)
BA #ES-8 - Reduce Office of Research and Statistics	(2,033)	0	0	0	(2,033)
BA #NP - Statewide Mail Equipment	37	0	0	0	37
BA #LS-3 - 5.0 Percent Reduction for Operating Appropriations	(7,119)	0	0	0	(7,119)
DI #8 - Additional Fleet Vehicles	<u>1,160</u>	<u>0</u>	<u>0</u>	<u>3,240</u>	<u>4,400</u>
JBC Staff Recommendation	\$135,107	\$35,257	\$35,451	\$7,593	\$213,408

The source of cash funds are as follows: (1) \$26,037 is from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$7,690 is from reserves from the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.; and (3) \$1,530 is from the Short-term Innovative Health Program Grant Fund created in Section 25-36-101 (2), C.R.S.

The source of re-appropriated funds is from indirect cost recoveries.

(A) Administration

Recidivism Reduction and Offender Diversion Package Contract Analysis:

This line item funds a contract analysis of the Governor's Recidivism Reduction and Offender Diversion Package.

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Request for Line Item. The Division does not request a FY 2010-11 appropriation for this line item. For this reason, **staff does not recommend that the Committee approve an appropriation for this line item** (see the following table).

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Recidivism Reduction and Offender Diversion Contract Analysis		
	General Fund	FTE
FY 2009-10 Appropriation	\$50,000	0.0
BA #ES-8 - Reduce Office of Research and Statistics	<u>(50,000)</u>	<u>0.0</u>
JBC Staff Recommendation	\$0	0.0

**(A) Administration
Indirect Cost Assessment:**

The Division requests an increase of \$1,798 total funds based on the Department's calculation of statewide and departmental indirect assessments. The request is summarized in the following table.

Department of Public Safety - Division of Criminal Justice (A) Administration - Indirect Cost Assessments				
	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2009-10 Appropriation	\$70,124	\$0	\$604,848	\$674,972
BA #1 - Technical to Correct Total Compensation Errors	2,266	0	15,720	17,986
November 2010 Requested Adjustment	<u>(5,747)</u>	<u>0</u>	<u>(10,441)</u>	<u>(16,188)</u>
JBC Staff Recommendation	\$66,643	\$0	\$610,127	\$676,770

Staff recommends that the Committee approve an appropriation of \$676,770 total funds for this line item (see the table above). It is possible that the JBC may approve changes that will affect indirect cost collections. If this occurs, staff will re-calculate the indirect cost recoveries. This

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calculation could affect the amount of General Fund appropriations in line items that receive funding from indirect cost recoveries.

The sources of cash funds are as follows: (1) \$43,659 from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$14,976 from the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.; and (3) \$8,008 from the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.

(B) VICTIMS ASSISTANCE

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

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants:

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

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

The Division requests an appropriation of \$9,998,833 federal funds for this line item. **Staff recommends that the Committee approve the requested appropriation of \$9,998,833 federal funds for this line item** (see the following table).

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Department of Public Safety - Division of Criminal Justice (B) Victims Assistance - Federal Victims Assistance and Compensation Grants				
	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2009-10 Appropriation	\$0	\$0	\$9,560,000	\$9,560,000
Anticipated Federal Grants	0	0	440,000	440,000
DI #8 - Additional Fleet Vehicles	<u>0</u>	<u>0</u>	<u>(1,167)</u>	<u>(1,167)</u>
JBC Staff Recommendation	\$0	\$0	\$9,998,833	\$9,998,833

(B) Victims Assistance

State Victims Assistance and Law Enforcement Program:

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

The Division requests a continuation appropriation of \$1,250,000 cash funds for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$1,250,000 cash funds for this line item.** This cash funds amount is from the state Victims Assistance and Law Enforcement Fund created in Section 24-33.5-506, C.R.S.

(B) Victims Assistance

Child Abuse Investigation:

This program was created pursuant to H.B. 06-1058 (Rep. Pommer / Sen. Williams). This bill created a schedule of surcharges to be paid by offenders convicted of crimes against children, including sex offenses against children, incest, child abuse, and contributing to the delinquency of a minor. Of the funds collected, 5.0 percent are credited to the Judicial Stabilization Fund, and 95.0 percent are credited to the Child Abuse Investigation Surcharge Fund, which was created by the bill. Revenue collected pursuant to the surcharges created by the bill are to be appropriated to

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provide training and enhanced services in programs that coordinate multi-disciplinary team response for child sexual abuse intervention for children who have been victims of certain crimes. The types of services supported by the program include: forensic interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review.

The Division requests a continuation appropriation of \$317,725 cash funds and 0.4 FTE for this line item. Of the amount requested, \$20,695 is to support 0.4 FTE. The remaining amount (\$297,030) is for the training and enhanced services, pursuant to the provisions of the bill.

Staff recommends that the Committee approve the requested continuation appropriation of \$317,725 cash funds and 0.4 FTE for this line item. This cash funds amount is from the Child Abuse Investigation Surcharge Fund created in Section 18-24-103 (2), C.R.S.

(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Juvenile Justice Disbursements:

The Division provides grants to local law enforcement agencies to help ensure that juvenile suicides are reduced in lockup, to prevent assaults by adults on juveniles in locked facilities, and to monitor the over representation of minorities in the juvenile justice system. These funds are from the federal Office of Juvenile Justice and Delinquency Prevention.

The Division requests an appropriation of \$866,249 federal funds for this line item. **Staff recommends that the Committee approve the requested appropriation of \$866,249 federal funds for this line item** (see the following table).

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Department of Public Safety - Division of Criminal Justice (C) Juvenile Justice and Delinquency Prevention - Juvenile Justice Disbursements				
	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2009-10 Appropriation	\$0	\$0	\$750,000	\$750,000
Anticipated Federal Grants	0	0	125,000	125,000
DI #8 - Additional Fleet Vehicles	<u>0</u>	<u>0</u>	<u>(8,751)</u>	<u>(8,751)</u>
JBC Staff Recommendation	\$0	\$0	\$866,249	\$866,249

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

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

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

The Division requests a continuation appropriation of \$1,241,851 General Fund and 0.9 FTE for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$1,241,851 General Fund and 0.9 FTE for this line item.**

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(D) COMMUNITY CORRECTIONS

This section provides contract administration and monitoring of the community corrections facilities statewide.

(D) Community Corrections

Community Corrections Boards – Administration:

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

Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of appropriations for community corrections programs to the 23 Community Corrections Boards to offset their administrative costs. Pursuant to the provision of S.B. 03-177, the maximum reimbursement rate for the community corrections boards was reduced to 4.0 percent from April 1, 2003, through July 1, 2006. In FY 2006-07, the appropriation was set at 4.0 percent. For FY 2009-10, the Division of Criminal Justice requested a continuation of 4.0 percent. The JBC has the authority to appropriate any amount *up to* 5.0 percent — as such, a lower level of reimbursement is allowed.

☐ *Budget Amendment #ES-3 - Reduce Community Corrections Boards Administration*

On August 24, 2009, the Department requested a FY 2009-10 supplemental reduction of \$25,000 General Fund to the appropriation for community corrections boards administration. This request seeks to reduce the FY 2010-11 annualization of \$25,000 General Fund as well.

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

Staff recommends that the Committee approve the requested reduction of \$25,000 General Fund.

Request for Line Item. The Division requests an appropriation of \$1,927,062 General Fund for this line item (see the following table).

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(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration			
Community Corrections Boards Administration	Request		
	General Fund	Reapprop. Funds	Total Funds
FY 2009-10 Appropriation	\$1,952,062	\$0	\$1,952,062
BA #ES-3 - Reduce Community Corrections Boards Administration	<u>(25,000)</u>	<u>0</u>	<u>(25,000)</u>
Total Request	\$1,927,062	\$0	\$1,927,062

Staff recommends that the Committee approve the request for an appropriation equal to 4.0 percent of the appropriations for community corrections programs. Staff believes that the local jurisdictions have made the necessary adjustments to manage the 20.0 percent budget reductions approved in the 2003 session. It is not clear what benefit, if any, would be achieved from restoring funds that are appropriated for administrative purposes. This line item is adjusted for caseload increases and provider rate increases. In FY 2009-10, this line item was appropriated 4.0 percent of the appropriation for community corrections appropriations.

Staff recommends that the Committee approve the requested appropriation of \$1,927,062 General Fund for this line item, which is calculated as 4.0 percent of the recommended appropriations for the community corrections programs minus the amount related to Budget Amendment #ES-3 (see the following table).

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(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration		
Community Corrections Program	Recommended Appropriation	4.0 Percent of Recommended Appropriation*
Transition Programs	\$22,770,240	\$910,810
Diversion Programs	24,765,812	990,632
Transition Mental Health Differential	1,024,446	40,978
Diversion Mental Health Differential	<u>241,046</u>	<u>9,642</u>
Subtotal	\$48,801,544	\$1,952,062
BA #ES-3 - Reduce Community Corrections Boards Administration	_____	<u>(\$25,000)</u>
JBC Staff Recommendation	\$48,801,544	\$1,927,062

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

(D) Community Corrections
Transition Programs:

These funds support a variety of contract services to supervise, house, and provide treatment services for Department of Corrections inmates and parolees placed in community-based halfway houses and non-residential programs. The majority of the funds provide residential placements in approximately 32 halfway houses throughout the State and three substance abuse treatment facilities. Over 1,500 DOC offenders are served daily by the programs. Most of these offenders are still under the jurisdiction of the Department of Corrections since they have not yet been paroled.

The Division requests a continuation appropriation of \$22,770,240 General Fund for this line item.

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

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1. Use the December 2009 Legislative Council Staff inmate population projections; this approach is consistent with the approach used in prior years and is consistent with the figure setting recommendations for the Department of Corrections.
2. Provide funding to place 11.5 percent of the inmate population in community corrections in FY 2010-11. Of this percentage, JBC staff recommends funding for 7.0 percent to be placed in residential programs and 4.5 percent to be placed in non-residential programs.
3. Do not approve a provider rate adjustment for programs funded by this line item.
4. Approve an appropriation of \$22,770,240 General Fund for FY 2010-11.

1. ***Use December 2009 LCS Inmate Population Projection.*** The inmate population is the most significant factor driving the budget for transition programs. The inmate population projections from the Legislative Council Staff (LCS) and the Division of Criminal Justice (DCJ) are shown in the following table. **Staff recommends that the Committee use the December 2009 Legislative Council Staff inmate population projections.** This recommendation is consistent with the historical practice. Regardless of which projection is used, a supplemental appropriation will likely be necessary for line items that are directly correlated with the inmate population. The supplemental appropriation will more accurately reflect need given the first six months of actual data that will be available at that time.

Comparison of Inmate Population Projections				
	Request*	December 2009 Projections		
		LCS Recommended	DCJ	Difference
June 30, 2010	22,385	22,385	22,280	105
June 30, 2011	21,900	21,900	21,669	231
Avg. Daily Pop. (ADP)	22,143	22,143	21,975	168

* The request was based on the December 2009 Legislative Council Staff projections.

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

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percent; therefore, the target percentage of the inmate population in community corrections for FY 2008-09 was 11.5 percent.

The Division requests continuing the target percentage of 11.5 percent in FY 2010-11. As such, **staff recommends that the Committee approve continuing the target of placing 11.5 percent of the inmate population in community corrections in FY 2010-11.**

Recommended Community Corrections Residential ADP			
	Dec. LCS Projection	Comm. Corr. ADP	Percent
June 30, 2010	22,385		
June 30, 2011	21,900		
Avg. Daily Pop. (ADP)	22,143	1,550	7.0%
Minus Additional Diversion Slot Bed Savings	<u>0</u>	<u>0</u>	7.0%
Recommended ADP	22,143	1,550	7.0%
Minus Current Allocation		<u>(1,563)</u>	
Net Change		(13)	

3. **Provider Rates.** The following table reflects the recommended provider rates for the transition line item. The Division is not requesting and staff is not recommending a provider rate increase for FY 2010-11.

Summary of Daily Transition Program Rates		
	FY 2009-10	FY 2010-11 Recommendation
Residential Beds	\$37.74	\$37.74
CIRT slots (diff. rate)	\$17.78	\$17.78

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- 4. Recommended Appropriation.** Staff recommends the Committee approve an appropriation of \$22,770,240 General Fund for this line item (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Transition Programs (Residential Placements)						
Type of Placement	Request			Recommendation		
	Beds/Slots	Daily Rate	Cost	Beds/Slots	Daily Rate	Cost
Continuation Beds	1,563	\$37.74	\$21,530,481	1,563	\$37.74	\$21,530,481
Add'l Beds for Caseload	<u>0</u>	<u>\$37.74</u>	<u>0</u>	<u>0</u>	<u>\$37.74</u>	<u>0</u>
Sub-total Beds	1,563		\$21,530,481	1,563		\$21,530,481
Parole Beds	80	\$37.74	1,102,008	80	\$37.74	1,102,008
Sex Offender Beds	10	\$37.74	137,751	10	\$37.74	137,751
CIRT Slots (diff. rate)	<u>0</u>	<u>\$17.78</u>	<u>0</u>	<u>0</u>	<u>\$17.78</u>	<u>0</u>
JBC Staff Recommendation	1,653		\$22,770,240	1,653		\$22,770,240

**(D) Community Corrections
Diversion Programs:**

The diversion programs treat an average daily population of approximately 2,400 offenders placed in community corrections by district court judges. Thirty-five halfway houses and non-residential programs, under subcontract with local community corrections boards, manage offenders as an alternative to commitment to the Department of Corrections. The request does not seek an increase in the number of diversion community corrections slots nor a provider rate increase. Pursuant to the request, staff does not recommend a provider rate increase. The following table reflects the recommended provider rates for the diversion programs line item.

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Summary of Diversion Rates		
	FY 2009-10 Base Rates	FY 2010-11 Recommendation*
Residential Beds	\$37.74	\$37.74
Non-residential Slots	\$5.12	\$5.12

* The recommendation is in accordance with the Division request.

Request for Line Item. The Division requests a continuation appropriation of \$24,765,812 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$24,765,812 General Fund for this line item** (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Diversion Programs – Recommendation			
	Slots	Recommendation	
		Daily Rate	Annual Cost
Base Residential Beds	1,631	\$37.74	\$22,467,188
Request for Additional Beds	<u>0</u>	\$37.74	<u>0</u>
Subtotal - Residential Beds	1,631		\$22,467,188
Non-residential Placements	<u>1,230</u>	\$5.12	<u>2,298,624</u>
JBC Staff Recommendation	2,861		\$24,765,812

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

This line item was added to DCJ's budget in FY 2002-03 to provide mental health services for offenders in community corrections beds. The current appropriation supports a differential cost of \$33.02 per day for 85 existing beds in the transition program specifically for mentally ill offenders. The amount provided by this line item is in addition to the \$37.74 per inmate per day that community corrections providers receive for their base operating expenses.

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The Division requests a continuation appropriation of \$1,024,446 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$1,024,446 General Fund for this line item** (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Transition Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2009-10 Appropriation	85	\$33.02	\$1,024,446
Additional Transition Community Corrections Beds	<u>0</u>	<u>n/a</u>	<u>0</u>
JBC Staff Recommendation	85	\$33.02	\$1,024,446

(D) Community Corrections

Diversion Mental Health Bed Differential:

This line item was added to DCJ's budget in FY 2007-08 to provide mental health services for diversion offenders in community corrections beds. The current appropriation supports a differential cost of \$33.02 per day for 20 beds in the diversion program specifically for mentally ill offenders. The amount provided by this line item is in addition to the \$37.74 per inmate per day that community corrections providers receive for their base operating expenses.

The Division requests a continuation appropriation of \$241,046 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$241,046 General Fund for this line item** (see the following table).

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(4) Division of Criminal Justice – (D) Community Corrections Diversion Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2009-10 Appropriation	20	\$33.02	\$241,046
Additional Diversion Community Corrections Beds	<u>0</u>	<u>n/a</u>	<u>0</u>
JBC Staff Recommendation	20	\$33.02	\$241,046

**(D) Community Corrections
Specialized Services:**

This line item supports the purchase of sex offender counseling, mental health treatment, cognitive training, or other specialized services that are not typically provided for high risk offenders referred to community corrections. The Division attempts to avoid duplication of services, and restricts spending to the highest risk offenders in order to increase the probability of successful community placement. This line item provides services to approximately 275 offenders at an average annual cost of \$200 per offender.

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

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

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

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(D) Community Corrections

John Eachon Re-entry Program:

This line item was added to DCJ's budget in FY 2007-08 to provide funding for 15 beds in the John Eachon Re-entry Program (JERP) at a rate of \$52.02 per day. The JERP program is a pilot program for offenders with mental illness who are in community corrections programs. Many offenders with mental illness are denied community corrections placements because of their illnesses. This pilot program was created in 2005 with a Federal Bureau of Justice Assistance grant and multiple agency collaboration. For FY 2009-10, the number of funded beds was reduced in half from 15 to 7.5 at the request of the Division.

The Division requests a continuation appropriation of \$144,540 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$144,540 General Fund for this line item** (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections John Eachon Re-entry Program			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2009-10 Appropriation	7.5	\$52.80	\$144,540
Provider Rate Change (0.0%)		<u>\$0.00</u>	
JBC Staff Recommendation	7.5	\$52.80	\$144,540

(D) Community Corrections

Day Reporting Center:

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

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In FY 2009-10, the funding for this line item was transferred to the Judicial Branch. Therefore, the Division does not request an appropriation for this line item in FY 2010-11. As such, **staff does not recommend that the Committee approve an appropriation for this line item.**

(D) Community Corrections

Substance Abuse Treatment Program:

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

The Division requests a continuation appropriation of \$1,323,614, including \$523,410 General Fund and \$800,204 cash funds, for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$1,323,614 for this line item** (see the following table). The source of cash funds is the Drug Offender Surcharge Fund.

Recommended Program Funding		
Program	Amount	Description
Diversion Intensive Residential Treatment Program (CIRT)	\$202,860	CIRT differential cost (\$17.70 per day) for 31.4 beds. Reserved for offenders who have been assessed at Treatment Level 5. Generally, the persons referred to CIRT have not succeeded in previous non-residential substance abuse treatment programs. CIRT is a 30 to 45 day program of intensive therapy that removes the person from the community and places the offender in a professionally supervised therapeutic environment.
Female Intensive Residential Treatment (IRT)	\$86,870	Used as a transition program for women exiting prison, or as a cost-effective placement in lieu of regression to prison. Emphasis is placed on substance abuse and relapse. The program serves 14.0 female beds at an incremental cost of \$17.00 per day per day each.

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Recommended Program Funding		
Program	Amount	Description
Day Treatment	\$97,148	Specialized drug treatment services for offenders (8 slots at a cost of \$33.27 per slot). Provides non-residential services to TC offenders allowing them to transition out of residential beds more quickly.
Therapeutic Community (TC) Enhancement	\$926,436	TC enhancement – Provides \$14.34 per day for the cost of the first two phases of the intrusive behavior modification and milieu therapy which lasts 4 to 6 months. During these phases the clients do not work and are unable to assist in paying for treatment (177 beds). Of these beds, 100 are funded with General Fund.
Standardized Offender Assessment (SAO) Training Program	\$10,300	Provides funding for training on the standardized assessment instrument at six two-day training sessions, given by multi-agency training teams at various locations in the state over the course of the year, and funding for two-day seminars for "training the trainers".
JBC Staff Recommendation	<u>\$1,323,614</u>	
General Fund	523,410	
Cash Funds	800,204	

(D) Community Corrections
Outpatient Therapeutic Communities:

This line item was added in FY 2008-09 to support 160 outpatient therapeutic community (OTC) aftercare slots for Community Corrections offenders stepping down from residential therapeutic community (TC) stays. The TC program is an evidence-based model for intensive, long-term residential treatment of substance dependence. The line item provides funding for three OTC programs within the State. The first is PEER I, which is in the Denver metro area, and provides residential treatment for 120 males. The second is The Haven, which is also in the Denver metro area, and provides residential treatment for 89 females and up to 36 infants who live in the program with their mothers. The final OTC program is Crossroads' Turning Points, which is in Pueblo, and

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provides a 24-bed women's TC program. The line item originally funded 80 outpatient clients at PEER I and The Haven, and 80 outpatient clients at the Crossroads' Turning Points.

This line item was reduced in half during the FY 2008-09 supplemental process because Crossroads' Turning Points did not operate a community corrections facility and therefore could not receive outpatient therapeutic community funding designated for community corrections offenders. The Division has indicated that Crossroads Turning Points has begun operation of a therapeutic community program for community corrections offenders as of the end of FY 2008-09; however, because Crossroads' has a current TC program of only 24 beds and the average length of stay for residential community corrections is typically 6-8 months, the funding for these outpatient slots was set at 24 clients.

The Division requests a continuation appropriation of \$505,627 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$505,627 General Fund for this line item.**

(4) Division of Criminal Justice – (D) Community Corrections Outpatient Therapeutic Communities – Request and Recommendation			
	FY 2009-10	FY 2010-11	
		Request	Recommendation
Number of Slots	104	104	104
Daily Rate	\$13.32	\$13.32	\$13.32
General Fund	\$505,627	\$505,627	\$505,627

(D) Community Corrections

Accelerated Non-Residential Community Corrections Diversion Pilot Program:

This line item was added in FY 2009-10 for a pilot project to assess the safety and efficacy of a shortened residential community corrections program and a lengthened and enhanced non-residential community corrections program for 40 lower-risk diversion offenders. The enhanced non-residential community corrections program includes electronic monitoring and enhanced case management. The offender is required to pay up to \$13 per day for electronic monitoring, and if appropriate, an additional \$3 per day for electronic monitoring of drug or alcohol usage.

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The Division requests a continuation appropriation of \$197,392 General Fund for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$197,392 General Fund for this line item.**

**(D) Community Corrections
Intensive Residential Treatment Pilot Project:**

This line item was added in FY 2009-10 to conduct a pilot project that extends the Intensive Residential Treatment (IRT) of selected substance abuse offenders in community corrections from 45 days to 90 days. The pilot program began in July 2009 and is expected to continue for at least two years. The pilot program provides an extended IRT experience for 30 offenders whose community corrections placements are funded through the Drug Offender Surcharge Cash Fund.

The Division requests a continuation appropriation of \$194,076 cash funds for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$194,076 cash funds for this line item.**

(E) CRIME CONTROL AND SYSTEM IMPROVEMENT

State and Local Crime Control and System Improvement Grants:

This program provides funding for more than 70 state and local programs designed to prevent and reduce crime and delinquency by using collaborative evidence-based practices. The program is also designed to improve outcomes through effective and efficient use of resources (financial, community, 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 Communities Against Senior Exploitation Project, Sex Offender Registration and DNA projects, an Engaging Youth in School Not Crime Program, a Regional Technology Improvement Project, and Detentions and Booking Equipment.

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The Division requests an appropriation of \$4,998,833 federal funds for this line item. **Staff recommends that the Committee approve the requested appropriation of \$4,998,833 federal funds for this line item** (see the following table).

(4) Division of Criminal Justice – (E) Crime Control and System Improvement State and Local Crime Control System Improvement Grants	
	Federal Funds
FY 2009-10 Appropriation	\$5,000,000
Change in Anticipated Federal Funds	0
DI #8 - Additional Fleet Vehicles	<u>(1,167)</u>
Total Request / JBC Staff Recommendation	\$4,998,833

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

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

- ▶ developing a standardized procedure for identification of sex offenders;
- ▶ developing standards and guidelines for a system of program intervention/treatment/monitoring;
- ▶ developing a plan for the allocation of the sex offender surcharge fund;
- ▶ prescribing a system for the tracking of sex offenders who have been subjected to evaluation, identification, and treatment;
- ▶ developing procedures to research and evaluate the assessment and treatment;
- ▶ training on the Implementation of Standards; and
- ▶ approving the Risk Assessment Screening Instrument

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

The Division requests an appropriation of \$152,791 cash funds and 1.5 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$152,791 cash funds**

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and 1.5 FTE for this line item (see the following table). The source of cash funds is the Sex Offender Surcharge Fund. This recommendation reflects the recommended allocation of funds from the Sex Offender Surcharge Fund by the Sex Offender Management Board.

Summary of Personal Services Recommendation		
Department of Public Safety – (4) DCJ – (E) Crime Control & System Improvement		
Sex Offender Surcharge Program		
	Cash Funds	FTE
Personal Services (estimate)	\$142,555	1.5
Operating Expense (estimate)	<u>10,770</u>	—
FY 2009-10 Appropriation	\$153,325	1.5
BA #NP - PERA 2.5 Percent Reduction	<u>(534)</u>	—
JBC Staff Recommendation	\$152,791	1.5

**(E) Crime Control and System Improvement
Sex Offender Supervision:**

This line item contains funding for the purposes set forth in H.B. 98-1156, Lifetime Supervision of Sex Offenders and H.B. 99-1260, DNA Testing of Sex Offenders. As a result of this legislation, the Sex Offender Treatment Board (SOTB) is required to:

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

The Division requests an appropriation of \$324,050 General Fund and 3.2 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$324,050 General Fund and 3.2 FTE for this line item** (see the following table).

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Summary of Personal Services Recommendation		
Department of Public Safety – (4) DCJ – (E) Crime Control & System Improvement		
Sex Offender Supervision Program		
	General Fund	FTE
Personal Services (estimated)	\$248,010	3.2
Operating Expenses (estimated)	<u>89,737</u>	—
FY 2009-10 Appropriation	\$337,747	3.2
Annualize Prior Year Decision Items	<u>(197)</u>	
Continuation Estimate	\$337,550	3.2
BA #LS-3 - 5.0 Percent Reduction to General Fund Operating Appropriations	(4,477)	
BA #NP - PERA 2.5 Percent Reduction	(3,901)	
BA #NP - Statewide Mail Equipment	12	
DI #8 - Additional Fleet Vehicles	<u>(5,134)</u>	—
JBC Staff Recommendation	\$324,050	3.2

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

House Bill 04-1077 (Rep. Jahn / Sen. Anderson) created this line item. House Bill 04-1077 requires domestic violence treatment providers and sex offender treatment providers to pay a fee for criminal background checks that go beyond the scope of a criminal history check.

The Division requests a continuation appropriation of \$49,950 cash funds and 0.6 FTE for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$49,950 cash funds and 0.6 FTE for this line item.**

The recommended sources of cash funds are as follows: (a) \$29,950 is from the Domestic Violence Offender Treatment Provider Fund established pursuant to Section 16-11.8-104 (2) (b), C.R.S.; and (b) \$20,000 is from the Sex Offender Treatment Provider Fund established pursuant to Section 16-11.7-106 (2) (c), C.R.S.

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

Since 1995, the Colorado Regional Community Policing Institute (CRCPI), has provided training for law enforcement officers throughout the State of Colorado. This line item provides training classes for an average of 100 individuals per month in community policing, ethics, anti-bias, methamphetamine response, domestic violence, risk assessment and response, counter-terrorism, and weapons of mass destruction first responder awareness. The main goal of CRCPI is to provide professional skill development training, including ethics and integrity training, domestic violence training, and basic law enforcement preparatory training under Colorado Police Corps.

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

The Division requests an appropriation of \$574,733 total funds and 4.0 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$574,733 total funds and 4.0 FTE for this line item** (see the following table). Of the amount recommended, \$199,183 is federal funds and \$375,550 is reappropriated funds. Of the reappropriated funds recommendation, \$9,200 reflects funds transferred from an appropriation from the P.O.S.T. Board Cash Fund made to the Department of Law. The remaining \$366,350 is from fee revenue.

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

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Department of Public Safety - Division of Criminal Justice Colorado Regional Community Policing Institute				
	Reapprop. Funds	Federal Funds	Total Funds	FTE
Personal Services (estimated)	\$331,995	\$323,430	\$655,425	6.2
Operating Expenses (estimated)	<u>44,821</u>	<u>75,000</u>	<u>119,821</u>	—
FY 2009-10 Appropriation	\$376,816	\$398,430	\$775,246	6.2
Change in Anticipated Federal Funds	<u>0</u>	<u>(198,430)</u>	<u>(198,430)</u>	<u>(2.2)</u>
Continuation Estimate	\$376,816	\$200,000	\$576,816	4.0
BA #NP - PERA 2.5 Percent Reduction	(1,266)	0	(1,266)	
DI #8 - Additional Fleet Vehicles	<u>0</u>	<u>(817)</u>	<u>(817)</u>	—
JBC Staff Recommendation	\$375,550	\$199,183	\$574,733	4.0

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

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

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

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

The federal funds appropriation and FTE shown in this line item are from a variety of federal funds. They are shown for informational purposes only.

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The Division requests an appropriation of \$4,261,687 federal funds and 17.5 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$4,261,687 federal funds and 17.5 FTE for this line item** (see the following table).

Department of Public Safety - Division of Criminal Justice Federal Grants		
	Federal Funds	FTE
FY 2009-10 Appropriation	\$3,726,573	17.5
Change in Anticipated Federal Funds	573,427	
Annualize Prior Year Decision Items	(942)	—
Continuation Estimate	\$4,299,058	17.5
BA #NP - PERA 2.5 Percent Reduction	(35,344)	
BA #NP - Statewide Mail Equipment	73	
DI #8 - Additional Fleet Vehicles	(2,100)	—
JBC Staff Recommendation	\$4,261,687	17.5

(E) Crime Control and System Improvement
Lifesaver Project Grants:

This line item was created through H.B. 07-1064. The bill encourages counties to implement Lifesaver Programs to assist county sheriffs' departments in locating persons who wander due to a medical condition. Pursuant to the bill, the Division of Criminal Justice is to administer a grant program providing funding to counties for capital equipment costs and initial training of up to \$10,000 per county. The bill specifies that a maximum of \$380,000 be made available for administrative costs and grants to counties.

Lifesaver Programs allow law enforcement agencies to use tracking and monitoring equipment to quickly track persons with Alzheimer's and other diseases who wander away from home. In Colorado, programs are available in Arapahoe, Boulder, Douglas, Jefferson, and Mesa counties.

The source of funding for this line item was a transfer of funds from the Short-term Innovative Health Program Grant Fund appropriated in the Department of Health and Environment to the Lifesaver Program Cash Fund, created in Section 24-33.5-415.9 (6), C.R.S. However, H.B. 07-1064

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included a transfer from the Short-term Innovative Health Program Grant Fund to the Lifesaver Program Cash Fund only in FY 2007-08. Therefore, there is no revenue to support funding this line item. For this reason, the Division does not request an appropriation for this line item. As such, **staff does not recommend that the Committee approve an appropriation for this line item.**

**(E) Crime Control and System Improvement
Criminal Justice Training Fund:**

This line item was created through H.B. 07-1263. The bill allows the Division of Criminal Justice to charge fees in exchange for providing training programs. Currently, the Division provides a wide array of training programs, on topics including methamphetamine laboratories, crisis intervention with mentally ill offenders, anti-bias policing, and sex offender and domestic violence management. Historically the costs of these programs were covered with federal funds, and the programs were free to participants. However, because DCJ did not have statutory authority to assess, accept and spend fee revenue, they were not able to offer expanded training, even to groups that were willing to pay for it prior to the passage of H.B. 07-1263.

House Bill 07-1263 also created the Criminal Justice Training Cash Fund, and specified that the fees charged be deposited in the Fund. All moneys in the Fund are subject to annual appropriation by the General Assembly to cover costs associated with training.

❑ ***Budget Amendment #3 - Spending Authority for the Criminal Justice Training Fund***

The Division requested a FY 2009-10 supplemental appropriation of \$68,125 cash funds due to a projected increase in the demand for training conducted by the Domestic Violence and Sex Offender Management Unit. This request seeks to reduce the FY 2010-11 annualization of \$68,125 cash funds as well.

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

However, H.B. 07-1263 authorized the Division to charge fees in exchange for providing criminal justice training programs. The bill also created the Criminal Justice Training Fund and the initial appropriation for the Fund was \$116,240 in FY 2007-08. Demand for training was anticipated to

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increase by 20 percent in the second year; therefore, the FY 2008-09 appropriation was set at \$139,488. This was also the appropriation for FY 2009-10.

The Division indicates that the demand for domestic violence and sex offender management training is higher than anticipated for FY 2009-10. In addition, the Division anticipates greater demand for training in FY 2010-11. Specifically, the Division anticipates hosting additional training and conferences that will produce cash revenue above the cash funds spending authority of \$139,488.

Staff recommends that the Committee approve the requested appropriation of \$68,125 cash funds.

Request for Line Item. The Division requests an appropriation of \$207,542 cash funds and 0.5 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$207,542 cash funds and 0.5 FTE for this line item** (see the following table). The source of cash funds is the Criminal Justice Training Fund, created in Section 24-33.5-503.5 (2), C.R.S.

Department of Public Safety - Division of Criminal Justice Criminal Justice Training Fund		
	Cash Funds	FTE
FY 2009-10 Appropriation	\$139,488	0.5
BA #3 - Spending Authority for the Criminal Justice Training Fund	68,125	
BA #NP - PERA 2.5 Percent Reduction	(71)	—
JBC Staff Recommendation	\$207,542	0.5

**(E) Crime Control and System Improvement
MacArthur Foundation Grant:**

This line item is intended to fund a juvenile justice mental health program through a private grant received from the MacArthur Foundation.

The Division requests a continuation appropriation of \$200,000 cash funds for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$200,000 cash funds for this line item.** The source of cash funds is private grant funds from the MacArthur Foundation.

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**(E) Crime Control and System Improvement
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 Division requests a continuation appropriation of \$43,739 cash funds for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$43,739 cash funds for this line item.** 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.

FY 2009-10 LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

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

1. Continue one existing footnote
2. Discontinue three existing footnotes

Staff recommends the following footnote be continued:

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

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

Following the 8.0 percent reduction in the reimbursement rate for community corrections providers in 2003, this footnote was amended by the General Assembly to increase the

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amount that can be collected for client fees collected (from \$13 per day for residential programs to \$17 per day; and from \$2 per day for non-residential programs to \$3 per day). This change in the footnote was motivated, in large part, from concerns expressed by the providers.

Staff recommends **discontinuing** the following footnotes:

- 45 Department of Public Safety, Division of Criminal Justice, Administration, Recidivism Reduction and Offender Diversion Package Contract Analysis --** The appropriation for this line item is intended to fund a contract analysis of the Governor's Recidivism Reduction and Offender Diversion Package funded by the General Assembly in 2007. Any portion of the appropriation in this line item that is not expended prior to July 1, 2010, shall be rolled forward for expenditure in FY 2010-11.

Comment: The line item appropriation to which this footnote is attached was eliminated during the FY 2009-10 supplemental process. That elimination was continued into FY 2010-11; therefore, it is appropriate to discontinue this footnote for FY 2010-11.

- 47 Department of Public Safety, Division of Criminal Justice, Community Corrections --** It is the intent of the General Assembly that the Division of Criminal Justice review its allocations of community corrections funding to judicial districts on a monthly basis to determine the utilization of community corrections beds. It is further the intent of the General Assembly that the Division of Criminal Justice adjust its allocations to judicial districts monthly based on the review of utilization rates, and when appropriate, re-allocate funding to allow maximum use of community corrections beds.

Comment: This footnote was vetoed by the Governor because he indicated that it was attempting to administer the appropriation. However, he directed the Department to comply with the footnote to the extent feasible. It is staff's understanding that the Department has begun an open allocation method for community corrections appropriations. As a result of this open allocation method, it is staff's understanding that community corrections bed utilization is being maximized. Therefore, staff believes it is appropriate to discontinue this footnote.

- 48 Department of Public Safety, Division of Criminal Justice, Community Corrections --** It is the intent of the General Assembly that the appropriations for transition and diversion community corrections beds first restore reductions made in FY 2008-09 for intensive residential treatment community corrections beds. It is further the intent of the General

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Assembly that the intensive residential treatment pilot program be designated for the San Luis Valley community corrections facility.

Comment: This footnote was vetoed by the Governor because he indicated that it was attempting to administer the appropriation. However, he directed the Department to comply with the footnote to the extent feasible. It is staff's understanding that the intensive residential pilot program was designated for the San Luis Valley community corrections facility. Therefore, staff believes it is appropriate to discontinue this footnote.

Other Balancing Options

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

Numbering does not indicate priority.

Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
1	(497,056)	0	0	0	(497,056)	0.0
Reduce the Provider Rate to Community Corrections Programs by 1.0 Percent This option would reduce the provider rate paid to Community Corrections programs by 1.0 percent. This rate could be further reduced with the above calculated savings for each 1.0 percent reduction. Staff notes that the Community Corrections provider rate was decreased by 8.0 percent during the last economic downturn. The current department-adjusted rate of \$37.74 is just slightly above the FY 2001-02 rate of \$37.72.						
2	(488,015)	0	0	0	(488,015)	0.0
Reduce the Reimbursement Rate to Community Corrections Boards by 1.0 Percent						

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Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
<p>Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of the appropriations for community corrections programs to the 23 Community Corrections boards to offset their administrative costs. Community Corrections boards currently receive an appropriation equal to 4.0 percent of the appropriations for Community Corrections programs. This option would reduce that percentage to 3.0 percent. This rate could be further reduced with the above calculated savings for each 1.0 percent reduction. During the previous economic downturn, this reimbursement rate was reduced from 5.0 percent to the current rate of 4.0 percent.</p>						
3	(1,241,851)	0	0	0	(1,241,851)	0.9
<p>Reduce Juvenile Diversion Programs</p> <p>This option would reduce the appropriation for juvenile diversion programs. The Juvenile Diversion programs are supported jointly by state and local sources to provide community-based programs that serve as (1) an alternative to filing in juvenile court; (2) a supplement to high risk or high need juveniles on probation; or (3) a treatment/supervision resource for youth placed in communities by the Division of Youth Services. Over 3,500 youth are served annually by the programs. All programs that receive state diversion funds are required to provide at least 25 percent local matching funds. The Juvenile Diversion program line item was vetoed in FY 2002-03 (\$2,483,702 General Fund had been included in the Long Bill). In FY 2003-04, \$500,000 cash funds exempt (Tobacco Settlement Fund) were appropriated on a one-time basis. No appropriation was made for FY 2004-05 or FY 2005-06. In FY 2006-07, the JBC voted to restore \$1,241,851 General Fund to this line item. The current FY 2009-10 appropriation is \$1,241,851 General Fund.</p>						
4	(1,265,492)	0	0	0	(1,265,492)	0.0
<p>Reduce or Eliminate the Transition Mental Health Differential and Diversion Mental Health Differential</p> <p>These appropriations provide mental health services for offenders in community corrections programs. The current appropriations support a differential payment of \$32.53 for 85 transition clients and 20 diversion clients. This differential payment is in addition to the \$37.74 appropriated as a base per diem for community corrections beds. These line items were added during FY 2002-03.</p>						

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Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
<p>5</p> <p>Reduce or Eliminate the Appropriation for the John Eachon Re-entry Program</p> <p>This line item was added to DCJ's budget in FY 2007-08 to provide funding for 15 beds in the John Eachon Re-entry Program (JERP) at a rate of \$52.02 per day. The JERP program is a pilot program for offenders with mental illness who are in community corrections programs. Many offenders with mental illness are denied community corrections placements because of their illnesses. This pilot program was created in 2005 with a Federal Bureau of Justice Assistance grant and multiple agency collaboration. For FY 2009-10, the number of funded beds was reduced in half from 15 to 7.5 at the request of the Division.</p>	(144,540)	0	0	0	(144,540)	0.0
<p>6</p> <p>Reduce or Eliminate the General Fund Appropriation for Therapeutic Community Enhancement in the Substance Abuse Treatment Program</p> <p>The Substance Abuse Treatment Program funds Intensive Residential Treatment (IRT) beds, Therapeutic Community (TC) beds, and training. The funds are used to pay the difference between the regular residential diversion per diem and the special placement per diem. Prior to FY 2002-03, this line item was funded entirely by cash funds appropriations from the Drug Offender Surcharge Fund. However, because of a fund balance shortage in this Fund, the cash funds appropriation to this line item was reduced significantly in FY 2002-03. In order to continue the program, General Fund appropriations were approved to backfill the line item due to the cash funds shortage. The Therapeutic Community Enhancement provides \$14.34 per day for the cost of the first two phases of the intrusive behavior modification and milieu therapy which lasts 4 to 6 months. During these phases the clients do not work and are unable to assist in paying for treatment (177 beds). Of these beds, 100 are funded with General Fund and 77 are funded from the Drug Offender Surcharge Fund.</p>	(523,410)	0	0	0	(523,410)	0.0

**DEPARTMENT OF PUBLIC SAFETY
(Division of Criminal Justice)
FY 2010-11 FIGURE SETTING RECOMMENDATIONS
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Options with <i>Appropriation</i> Impacts	GF	CF	RF	FF	Total	FTE
<p>7</p> <p>Reduce or Eliminate the Appropriation for Outpatient Therapeutic Community Programs</p> <p>This line item was added in FY 2008-09 to support 160 outpatient therapeutic community aftercare slots for community corrections offenders stepping down from residential therapeutic community stays. The line item funds 80 outpatient clients at PEER I and The Haven in Denver, and 24 outpatient clients at the Crossroads' Turning Points in Pueblo.</p>	(505,627)	0	0	0	(505,627)	0.0
<p>8</p> <p>Reduce or Eliminate the Appropriation for the Accelerated Non-Residential Diversion Pilot Program</p> <p>This line item was added in FY 2009-10 for a pilot project to assess the safety and efficacy of a shortened residential community corrections program and a lengthened and enhanced non-residential community corrections program for 40 lower-risk diversion offenders. The enhanced non-residential community corrections program includes electronic monitoring and enhanced case management. The offender is required to pay up to \$13 per day for electronic monitoring, and if appropriate, an additional \$3 per day for electronic monitoring of drug or alcohol usage.</p>	(197,392)	0	0	0	(197,392)	0.0