

COLORADO GENERAL ASSEMBLY

JOINT BUDGET COMMITTEE



FY 2009-10 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 13, 2009**

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**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2009-10 FIGURE SETTING**

**JBC Working Document, Decisions Subject to Change
Staff Recommendation Does Not Reflect Committee Decision**

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**FY 2009-10 Joint Budget Committee Staff Figure Setting
Department of Public Safety
(Division of Criminal Justice)**

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommend.	Change Requests
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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.)

(A) Administration

Personal Services	1,643,116	2,122,256	2,432,778	2,685,948	2,685,948	DI #3, BA #4
FTE	<u>22.8</u>	<u>26.7</u>	<u>31.8</u>	<u>33.6</u>	<u>33.6</u>	
General Fund	839,479	1,197,587	1,453,751	1,639,611	1,639,611	
FTE	12.7	14.5	21.0	22.8	22.8	
Cash Funds	369,696	376,979	534,881	580,883	580,883	
FTE	5.5	5.7	5.5	7.6	7.6	
Reappropriated Funds	349,734	459,667	362,435	383,743	383,743	
FTE	3.4	5.5	4.0	1.9	1.9	
Federal Funds	84,207	88,023	81,711	81,711	81,711	
FTE	1.2	1.0	1.3	1.3	1.3	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
Operating Expenses	<u>186,448</u>	<u>201,260</u>	<u>228,338</u>	<u>294,497</u>	<u>272,514</u>	DI #3, 9, NP-1,
General Fund	112,893	137,508	153,253	219,412	197,429	NP-2, BA #NP-1,
Cash Funds	26,037	26,037	35,257	35,257	35,257	OIT
Reappropriated Funds	43,141	33,338	35,451	35,451	35,451	
Federal Funds	4,377	4,377	4,377	4,377	4,377	
Recidivism Reduction and Offender						
Diversion Package Contract Analysis - GF	n/a	133,905	300,000	150,000	50,000	DI #8, BA #8
FTE		0.0	0.0	0.0	0.0	
Indirect Cost Assessment	<u>574,750</u>	<u>570,030</u>	<u>667,506</u>	<u>674,714</u>	<u>674,714</u>	OIT
Cash Funds	52,816	57,393	72,397	67,805	67,805	
Reappropriated Funds	7,540	7,817	0	0	0	
Federal Funds	514,394	504,820	595,109	606,909	606,909	
TOTAL - (A) ADMINISTRATION	2,404,314	2,893,546	3,628,622	3,805,159	3,683,176	
FTE	<u>22.8</u>	<u>26.7</u>	<u>31.8</u>	<u>33.6</u>	<u>33.6</u>	
General Fund	952,372	1,335,095	1,907,004	2,009,023	1,887,040	
Cash Funds	448,549	460,409	642,535	683,945	683,945	
Reappropriated Funds	400,415	500,822	397,886	419,194	419,194	
Federal Funds	602,978	597,220	681,197	692,997	692,997	

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommend.	Change Requests
(B) Victims Assistance						
Federal Victims Assistance and Compensation Grants - FF	9,387,272	8,938,836	9,560,000	9,560,000	9,560,000	
State Victims Assistance and Law Enforcement Program	<u>858,649</u>	<u>871,767</u>	<u>1,275,000</u>	<u>1,250,000</u>	<u>1,250,000</u>	BA #4
Cash Funds	836,331	834,916	1,275,000	1,250,000	1,250,000	
Reappropriated Funds	22,318	36,851	0	0	0	
Child Abuse Investigation - CF	n/a	0	317,725	317,725	317,725	
FTE		0.0	0.4	0.4	0.4	
TOTAL - (B) VICTIMS ASSISTANCE	10,245,921	9,810,603	11,152,725	11,127,725	11,127,725	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.4</u>	<u>0.4</u>	<u>0.4</u>	
Cash Funds	836,331	834,916	1,592,725	1,567,725	1,567,725	
Reappropriated Funds	22,318	36,851	0	0	0	
Federal Funds	9,387,272	8,938,836	9,560,000	9,560,000	9,560,000	
(C) Juvenile Justice and Delinquency Prevention						
Juvenile Justice Disbursements - FF	826,798	825,650	750,000	750,000	750,000	
Juvenile Diversion Programs - GF	1,178,066	1,239,596	1,241,851	1,241,851	1,241,851	
FTE	0.0	0.0	0.8	0.9	0.9	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
TOTAL - (C) JUVENILE JUSTICE	2,004,864	2,065,246	1,991,851	1,991,851	1,991,851	
FTE	0.0	0.0	0.8	0.9	0.9	
General Fund	1,178,066	1,239,596	1,241,851	1,241,851	1,241,851	
Federal Funds	826,798	825,650	750,000	750,000	750,000	
(D) Community Corrections						
Community Corrections Boards						
Administration - GF	1,616,882	1,746,231	1,923,750	2,184,248	1,963,083	DI #4, 19
Incentive Funds for Low-Risk Providers - GF	n/a	n/a	210,659	0	0	DI #4
Transition Programs - GF	19,906,942	21,401,750	24,563,964	23,390,120	22,770,240	DI #4, BA #5, BA #6
Diversion Programs - GF	20,982,990	21,978,322	22,490,369	24,173,090	25,041,314	DI #4, 19, BA #7
Transition Mental Health Bed Differential GF	452,097	501,173	1,018,861	1,024,446	1,024,446	DI #4
Diversion Mental Health Bed Differential GF	n/a	93,621	239,732	241,046	241,046	DI #4
Specialized Services - GF	49,180	51,050	55,000	55,000	55,000	
John Eachon Re-Entry Program - GF	n/a	188,156	287,493	144,540	144,540	DI #4, BA #9

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		Change Requests
	Actual	Actual	Appropriation	Request	Recommend.	
Day Reporting Center - GF	666,024	564,713	537,189	0	0	DI #4, BA #3
Substance Abuse Treatment Program	<u>877,383</u>	<u>940,660</u>	<u>1,184,959</u>	<u>1,220,860</u>	<u>1,218,932</u>	DI #4, 19
General Fund	203,271	206,863	389,021	420,656	418,728	
Cash Funds	674,112	637,662	795,938	800,204	800,204	
Reappropriated Funds	0	96,135	0	0	0	
Outpatient Therapeutic Community Programs - GF	n/a	n/a	777,920	777,888	505,627	DI #4
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF (<i>New Line Item</i>)	n/a	n/a	n/a	197,392	197,392	DI #5
IRT Pilot Project - CF (<i>New Line Item</i>)	n/a	n/a	n/a	194,076	194,076	DI #17
TOTAL - (D) COMMUNITY						
CORRECTIONS	<u>44,551,498</u>	<u>47,465,676</u>	<u>53,289,896</u>	<u>53,602,706</u>	<u>53,355,696</u>	
General Fund	43,877,386	46,731,879	52,493,958	52,608,426	52,361,416	
Cash Funds	674,112	637,662	795,938	994,280	994,280	
Reappropriated Funds	0	96,135	0	0	0	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
(E) Crime Control and System Improvement						
State and Local Crime Control and System Improvement Grants - FF	3,962,545	3,655,570	5,000,000	5,000,000	5,000,000	
Sex Offender Surcharge Fund Program - CF	126,319	116,242	147,156	153,325	153,325	
FTE	1.5	1.5	1.5	1.5	1.5	
Sex Offender Supervision - GF	317,058	321,435	327,433	337,747	337,550	DI #NP-2
FTE	3.2	3.2	3.2	3.2	3.2	
Treatment Provider Criminal Background Checks	17,840	10,453	49,950 a/	58,950	49,950	DI #16
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	16,200	10,453	49,950	58,950	49,950	
Reappropriated Funds	1,640	0	0	0	0	
Colorado Regional Community Policing Institute	203,256	137,220	775,246	775,246	775,246	
FTE	<u>3.3</u>	<u>2.3</u>	<u>6.2</u>	<u>6.2</u>	<u>6.2</u>	
Reappropriated Funds	9,200	9,170	376,816	376,816	376,816	
FTE	0.0	0.1	2.5	2.5	2.5	
Federal Funds	194,056	128,050	398,430	398,430	398,430	
FTE	3.3	2.2	3.7	3.7	3.7	

	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
Federal Grants - non-appropriated	5,979,946	4,506,338	3,722,221	3,726,573	3,722,221	DI #NP-2
FTE	<u>17.9</u>	<u>14.6</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	
Reappropriated Funds	43,511	59,116	0	0	0	
Federal Funds	5,936,435	4,447,222	3,722,221	3,726,573	3,722,221	
Lifesaver Project Grants - CF	n/a	53,015	125,000	125,000	0	
FTE		0.1	0.1	0.1	0.0	
Criminal Justice Training Fund - CF	n/a	35,607	139,488	139,488	139,488	DI #18
FTE		0.0	0.0	0.5	0.5	
MacArthur Foundation Grant - CF	n/a	9,158	200,000	200,000	200,000	
Methamphetamine Abuse Task Force Fund - CF	n/a	10,122	43,739 S/	43,739	43,739	
TOTAL - (E) CRIME CONTROL	10,606,964	8,855,160	10,530,233	10,560,068	10,421,519	
FTE	<u>25.9</u>	<u>21.7</u>	<u>29.1</u>	<u>29.6</u>	<u>29.5</u>	
General Fund	317,058	321,435	327,433	337,747	337,550	
Cash Funds	142,519	234,597	705,333	720,502	586,502	
Reappropriated Funds	54,351	68,286	376,816	376,816	376,816	
Federal Funds	10,093,036	8,230,842	9,120,651	9,125,003	9,120,651	

a/ Includes \$26,450 cash funds appropriated pursuant to H.B. 08-1232.

	FY 2006-07 Actual	FY 2007-08 Actual	FY 2008-09 Appropriation	FY 2009-10 Request	FY 2009-10 Recommend.	Change Requests
DEPARTMENT OF PUBLIC SAFETY, (4) DIVISION OF CRIMINAL JUSTICE						
TOTAL	69,813,561	71,090,231	80,593,327	81,087,509	80,579,967	
FTE	<u>48.7</u>	<u>48.4</u>	<u>62.1</u>	<u>64.5</u>	<u>64.4</u>	
General Fund	46,324,882	49,628,005	55,970,246	56,197,047	55,827,857	
Cash Funds	2,101,511	2,167,584	3,736,531	3,966,452	3,832,452	
Reappropriated Funds	477,084	702,094	774,702	796,010	796,010	
Federal Funds	20,910,084	18,592,548	20,111,848	20,128,000	20,123,648	

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

DI = Decision Item

S = Supplemental

BA = Budget Amendment

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2009-10 FIGURE SETTING**

**JBC Working Document, Decisions Subject to Change
Staff Recommendation Does Not Reflect Committee Decision**

(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 30 federal grants, and in turn administers these funds to several hundred recipient agencies.

Decision Item #14 - FTE to Support the Colorado Commission on Criminal and Juvenile Justice Director Position

The Division requests \$53,182 General Fund and 0.3 FTE to support the Colorado Commission on Criminal and Juvenile Justice Director position. The 0.3 FTE and related funding would be appropriated in the Governor's Office, as this position would be a part of that Office. The Governor's Office has applied for, and been awarded, a two-year Justice Assistance grant for approximately \$69,000 to cover about half of the Division's projected cost of a full-time director position for FY 2009-10 and FY 2010-11.

House Bill 07-1358 created the Colorado Commission on Criminal and Juvenile Justice, a 26-member board that is tasked with reviewing the system of justice in Colorado and making recommendations for policy, legislative, and other changes. The bill included funding for research staff within the Division; however, the bill did not contemplate nor was there any funding for a director position.

Staff has many concerns related to this request. First, H.B. 07-1358 did not include any reference to a director position for the Colorado Commission on Criminal and Juvenile Justice. In addition, the bill specifically states that the members of the Commission shall serve without compensation, with the exception of reimbursement for travel expenses. Therefore, staff has concerns that adding a director position would be contrary to statute. Second, the Division has proposed funding a portion of this position with a federal grant. Staff has concerns that if that federal money does not materialize, the General Assembly may feel obligated to backfill that funding with General Fund. In addition, the two-year grant will only run through FY 2010-11; however, H.B. 07-1358 authorizes the Commission to run through FY 2011-12. Therefore, at a minimum, the General Assembly will likely be asked to fund the entire cost of the director position with General Fund for that final year of the Commission. Third, H.B. 07-1358 states that the Director of the Division of Criminal Justice shall serve as a non-voting member of the Commission. Staff believes that any coordinating function envisioned for the director position could be accomplished by this non-voting member. In addition,

staff believes there is some argument that the bill envisioned this person performing a Commission Director-type function because this is the only other person required to be on the Commission other than the 26 voting members. Finally, staff believes that the Governor's Office could fund a position with the federal grant moneys. Given that all of the 26 members have other job responsibilities outside of the Commission, staff has difficulty understanding how this position would require a full-time employee. In addition, staff does not believe that the position warrants the \$131,000 base salary that the Division is proposing. As such, **staff does not recommend that the Committee approve the request for \$53,182 General Fund and 0.3 FTE to support the Colorado Commission on Criminal and Juvenile Justice Director position.**

(A) ADMINISTRATION

Personal Services:

Staffing Summary	FY 2007-08 Actual	FY 2008-09 Approp.	FY 2009-10 Request	FY 2009-10 Recommend.
Management	1.0	1.0	1.0	1.0
Professional Staff	15.3	17.0	17.0	17.0
Budget, Audit, Statistics, and Accounting Staff	6.2	9.2	9.2	9.2
Information Technology Staff	0.7	1.0	1.0	1.0
Support Staff	3.5	3.6	3.6	3.6
DI #3 - Community Corrections Discharge Planning	<u>0.0</u>	<u>0.0</u>	<u>1.8</u>	<u>1.8</u>
Total	26.7	31.8	33.6	33.6

Decision Item #3 - Community Corrections Discharge Planning

The Division requests \$160,381 General Fund and 1.8 FTE for discharge planners to facilitate the proper selection and transfer of offenders with mental health and substance abuse needs from prison into Community Corrections placements. The request will annualize to \$160,489 and 2.0 FTE in FY 2010-11.

It is estimated that at least 20 percent of the prison inmate population has a mental health diagnosis, and more than 75 percent have substance abuse treatment needs. These inmates often times occupy some of the most expensive beds in the Department of Corrections (DOC). However, DOC has indicated that its case managers have difficulty expeditiously selecting appropriate Community Corrections placements and arranging for the transfer of these inmates due to their caseload. As a result, a backlog of these inmates exists which causes the Community Corrections beds specifically allocated for these inmates to not be filled. The request seeks to fund individuals who would specifically focus on placing these inmates in the appropriate Community Corrections setting.

The request indicates that it is borrowing from the hospital setting discharge planners who arrange for the transfer of patients from the general hospital to a skilled nursing setting or to home care. Similarly, these Community Corrections discharge planners would identify where specific transition inmates could benefit from a Community Corrections placement and would make the arrangements for the transfer of the inmate and the appropriate information.

Because of the historical difficulty of placing DOC inmates in Community Corrections placements, particularly those with mental health illnesses, **staff recommends that the Committee approve an appropriation of \$160,381 General Fund and 1.8 FTE related to this decision item.**

□ ***Budget Amendment #4 - Spending Authority Transfer for State VALE Administration***

The Division requests a transfer of \$25,000 cash funds from the State Victims Assistance and Law Enforcement (VALE) Program line item to the Administration Personal Services line item. The request is a budget amendment to a FY 2008-09 supplemental request that was approved by the Joint Budget Committee.

During the 2008 session, the Joint Budget Committee and subsequently the General Assembly approved a decision item to increase spending authority from the State VALE fund by \$395,822. Of this amount, \$370,822 was intended to increase State VALE grants for victim rights compliance, and \$25,000 was intended to augment a Victim Rights Act (VRA) Specialist position within the Department. However, the request specified that the entire \$395,822 should be appropriated to the State Victims Assistance and Law Enforcement Program line item rather than requesting that \$25,000 be appropriated to the Administration Personal Services line item. As a result, the Long Bill did not include an appropriation to support the VRA Specialist. This technical error was corrected by a FY 2008-09 supplemental request and this budget amendment would continue that correction.

Staff recommends that the Committee approve the requested transfer of cash funds from the State Victims Assistance and Law Enforcement (VALE) Program line item to the Administration Personal Services line item.

Request for Line Item. The Division requests an appropriation of \$2,685,948 total funds and 33.6 FTE for this line item. The request includes an increase of \$116,205 General Fund and 1.8 FTE associated with Decision Item #3 (Community Corrections Discharge Planning), and an increase of \$25,000 cash funds related to Budget Amendment #4 (Spending Authority Transfer for State VALE Administrative Expenses). **Staff recommends that the Committee approve the requested appropriation of \$2,685,948 total funds and 33.6 FTE for this line item** (see the following table).

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Personal Services						
	GF	CF	RF	FF	Total	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	1,453,751	534,881	362,435	81,711	2,432,778	31.8
Annualize Prior Year Decision Item	8,358	0	0	0	8,358	
Annualize Salary Survey Awarded in FY 2008-09	47,357	16,380	15,911	0	79,648	
Annualize Performance Pay Awarded in FY 2008-09	<u>13,940</u>	<u>4,622</u>	<u>5,397</u>	<u>0</u>	<u>23,959</u>	
Continuation Estimate	1,523,406	555,883	383,743	81,711	2,544,743	31.8
JBC Common Policy Base Reduction (0.0%)	0	0	0	0	0	
DI #3 - Community Corrections Discharge Planning	116,205	0	0	0	116,205	1.8
BA #4 - Spending Authority Transfer for State VALE Administrative Expenses	<u>0</u>	<u>25,000</u>	<u>0</u>	<u>0</u>	<u>25,000</u>	
JBC Staff Recommendation	1,639,611	580,883	383,743	81,711	2,685,948	33.6

The sources of cash funds are as follows: (1) \$388,394 is from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$75,265 is from reserves in the Drug Offender Surcharge Fund established pursuant to Section 18-19-103 (4), C.R.S.; (3) \$35,414 is from gifts, grants and donations; and (4) \$34,818 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:

Decision Item #9 - Community Corrections Auditing and Advisory Board Travel Budget

The Division requests \$27,174 General Fund to support the travel expenses of its Community Corrections auditors and the members of the Governor's Community Corrections Advisory Council. The request indicates that two members of the Governor's Community Corrections Advisory Council have to travel to attend the projected six annual meetings, for a total cost of \$7,788. The remaining \$19,386 is requested to fund the travel expenses for six audits that require travel for three auditors each.

Staff has concerns about the request because it includes audits of programs that the Division has requested be discontinued for FY 2009-10. For example, the Division indicated that it would audit Intensive Residential Treatment (IRT) programs as well as day reporting programs; however, the

Division requests that the funding for those programs be eliminated in FY 2009-10. Therefore, staff believes the request overestimates the number of audits that will be performed in FY 2009-10. In addition, staff is hesitant to fund travel expenses for the Governor's Community Corrections Advisory Council given that there is no statutory mandate to have such a council. Also, staff believes that the two members who travel to meetings could likely participate through teleconference or videoconference if the travel expenses are too great for the Division to absorb. As such, **staff does not recommend that the Committee approve the request for \$27,174 General Fund to support the travel expenses of its Community Corrections auditors and the members of the Governor's Community Corrections Advisory Council.**

❑ ***Decision Item #NP-2 - Postage Increase and Mail Equipment Upgrade***

The Division requests \$1,636, including \$694 General Fund and \$942 federal funds, which reflects the Division's share of a prioritized decision item in the Department of Personnel and Administration. That decision item will be discussed in the figure setting presentation for the Department of Personnel and Administration. The request includes increases related to postage costs and mail equipment upgrades. For this line item, the request includes an increase of \$497 General Fund.

Staff's recommendation for this request is pending the Committee's action in the Department of Personnel and Administration related to Decision Item #NP-2. Staff asks permission to include in the FY 2009-10 Long Bill any amount that is approved related to Decision Item #NP-2.

❑ ***OIT Budget Amendment - Consolidate Office of Information Technology***

The Division requests an increase of \$1,383 cash funds and a decrease of \$5,688 General Fund, 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 will be discussed in the figure setting presentation for the Governor's Office. For this line item, the request includes a decrease of \$5,688 General Fund.

Staff's recommendation for this request is pending the Committee's action in the Department of Personnel and Administration related to the OIT Budget Amendment. Staff asks permission to include in the FY 2009-10 Long Bill any amount that is approved related to the OIT Budget Amendment.

Request for Line Item. The Division requests an appropriation of \$294,497 total funds for this line item. The request includes an increase of \$44,176 General Fund associated with Decision Item #3 (Community Corrections Discharge Planning), an increase of \$27,174 General Fund related to Decision Item #9 (Community Corrections Auditing and Advisory Board Travel Budget), and an increase of \$497 General Fund associated with Decision Item #NP-2 (Postage Increase and Mail Equipment Upgrade). The request also includes a decrease of \$5,688 General Fund associated with

the OIT consolidation. **Staff recommends that the Committee approve an appropriation of \$272,514 total funds for this line item** (see the following table).

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Operating Expenses					
	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2008-09 Long Bill (H.B. 08-1375)	153,253	35,257	35,451	4,377	228,338
DI #3 - Community Corrections Discharge Planning	44,176	0	0	0	44,176
DI #9 - Community Corrections Auditing and Advisory Board Travel Budget	0	0	0	0	0
DI #NP-2 - Postage Increase and Mail Equipment Upgrade					Pending
OIT Consolidation	_____	_____	_____	_____	<u>Pending</u>
JBC Staff Recommendation	197,429	35,257	35,451	4,377	272,514

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. The Division requests one decision item that affects this line item.

Decision Item/Budget Amendment #8 - Recidivism Reduction Package Research and Evaluation

The Division requests a reduction of \$150,000 General Fund for research and analysis of the Recidivism Reduction Package. The funding in this area is intended to fund the hiring of contractors to perform evaluation and analysis of new criminal justice programs. This contract services approach resulted from a FY 2007-08 request by the Division to increase FTE in order to perform these functions. Rather than approve the increase in FTE, the General Assembly approved an appropriation for the Division to contract for these services. However, the Division has encountered difficulty in locating and engaging contractors for these services. This difficulty has ranged from trouble identifying contractors to problems with adhering to the State's contracting rules. As a result,

the Division's November budget submission included a request to fund 0.9 FTE to perform research and analysis; however, the Division has since withdrawn that request.

During the FY 2008-09 supplemental process, this line item was reduced to \$50,000 based on year-to-date expenditures. The Division has indicated its difficulty using these contract dollars; however, the request to include FTE to coordinate this research was withdrawn by the Division. Staff has concerns that the Division will be unable to expend the full \$150,000 in FY 2009-10. Therefore, based on the FY 2008-09 actual usage, **staff recommends that the Committee approve \$50,000 General Fund for this line item.**

Request for Line Item. The Division requests an appropriation of \$150,000 General Fund for this line item, which includes a reduction of \$150,000 General Fund related to Decision Item/Budget Amendment #8 discussed above. **Staff recommends that the Committee approve an appropriation of \$50,000 General Fund 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 2008-09 Long Bill (H.B. 08-1375)	300,000	0.0
DI/BA #8 - Recidivism Reduction Package Research and Evaluation	<u>(250,000)</u>	<u>0.0</u>
JBC Staff Recommendation	50,000	0.0

(A) Administration

Indirect Cost Assessment:

The Division requests an increase of \$7,208 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 2008-09 Long Bill (H.B. 08-1375)	72,397	0	595,109	667,506
OIT Consolidation	1,383	0	0	1,383
November 2009 requested adjustment	<u>(5,975)</u>	<u>0</u>	<u>11,800</u>	<u>5,825</u>
JBC Staff Recommendation	67,805	0	606,909	674,714

Staff recommends that the Committee approve an appropriation of \$674,714 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 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) \$47,908 from the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) \$16,498 from the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.; and (3) \$8,483 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 \$9,560,000 federal funds for this line item. **Staff recommends that the Committee approve the requested appropriation of \$9,560,000 federal funds for this line item**, which represents the total amount of federal grants anticipated for FY 2009-10.

(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 one decision item that affects this line item.

The Division requests an appropriation of \$1,250,000 cash funds, which includes a reduction of \$25,000 related to Budget Amendment #4 (Spending Authority Transfer for State VALE Administrative Expenses) discussed above. **Staff recommends that the Committee approve the requested 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 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, \$19,420 is to support 0.4 FTE. The remaining amount (\$298,305) 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 (Child Abuse Investigation Surcharge Fund created in Section 18-24-103 (2), C.R.S.) and 0.4 FTE for this line item.

(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. The request is for a continuation appropriation of \$750,000 federal funds. **Staff recommends that the Committee approve the requested continuation appropriation of \$750,000 federal funds for this line item**, which represents the total anticipated amount of federal funds available for this program in FY 2009-10. These funds are from the federal Office of Juvenile Justice and Delinquency Prevention. The request and the recommendation reflect a reduction of \$337,889 in federal funds (a 31.1 percent reduction from the amount reflected in the 2006 Long Bill).

(C) Juvenile Justice and Delinquency Prevention

Juvenile Diversion Programs:

The Juvenile Diversion programs were supported jointly by state and local sources to provide community-based programs that served 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 were served annually by the programs. All programs that received 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 dollars 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. As a result of this reversion, the Division requests one decision item that affects this line item.

The Division requests a continuation appropriation of \$1,241,851 General Fund and 0.9 FTE for this line item. The request includes 0.1 FTE to annualize a prior year decision 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.**

(D) COMMUNITY CORRECTIONS

This section provides contract administration and monitoring of the approximately 35 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.

The Division requests an appropriation of \$2,184,248 General Fund (see the following table):

(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration			
Community Corrections Boards Administration	Request		
	General Fund	Reapprop. Funds	Total Funds
FY 2008-09 Long Bill (H.B. 08-1375)	1,923,750	0	1,923,750
DI #4 - Increase Community Corrections Transition and Diversion Beds	241,972	0	241,972
DI #19 - Additional Inpatient Therapeutic Community Beds for Souther Colorado	<u>18,526</u>	<u>0</u>	<u>18,526</u>
Total	2,184,248	0	2,184,248

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 2008-09, this line item was appropriated 4.0 percent of the appropriation for community corrections appropriations.

Staff recommends the Committee approve an appropriation of \$1,963,083 General Fund for this line item, which is calculated as 4.0 percent of the recommended appropriations for the community corrections programs (see the following table). This recommendation is lower than the request because staff assumed funding to place 11.5 percent of the inmate population in community corrections in FY 2009-10 while the request assumed only 11.7 percent.

(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
Diversions Programs	25,041,314	1,001,653
Transition Mental Health Differential	1,024,446	40,978
Diversions Mental Health Differential	<u>241,046</u>	<u>9,642</u>
JBC Staff Recommendation	49,077,046	1,963,083

* 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
Incentive Funds for Low-Risk Providers

The Division does not request an appropriation for this line item in FY 2009-10. The funding for this line item was requested to be removed through Decision Item #4/Budget Amendment #7 (Community Corrections Transition and Diversion Beds) in order to reflect the fact that the Division has included the FY 2008-09 JBC common policy 1.5 percent provider rate increase for all providers, rather than implementing this incentive program. As such, **staff does not recommend that the Committee approve an appropriation for this line item.**

**(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 25 halfway houses throughout the State and two substance abuse treatment facilities. Over 1,000 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.

Request for Line Item. The Division requests an appropriation of \$23,390,120 General Fund. The request includes a reduction of \$1,173,844 General Fund associated with Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds), discussed below.

❑ **Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds**

The Division requests a reduction of \$1,173,844 General Fund for transition beds and an increase of \$1,347,125 General Fund for diversion beds. The decrease to the transition program includes a net decrease of 49 base beds (the elimination of 98 IRT base beds offset by an increase of 49 base beds for prison caseload increases) and the elimination of the IRT differential per diem. The number of additional transition beds included in the request reflects the assumption that a certain percentage of the DOC inmate population will be in a residential Community Corrections transition bed. For FY 2009-10, the Division requests that percentage be increased from 7.0 percent to 7.2 percent.

The increase in the diversion program includes an additional 152 diversion beds. The original request included an increase of 397 diversion beds; however, that request was reduced to 152 through the budget amendment. The request related to transition beds is summarized in the following table.

Decision Item #4/Budget Amendments #5, 6 & 7	
Community Corrections Line Item	Request
Community Corrections Boards Administration	\$0
Transition Programs	<u>(1,173,844)</u>
Total	(1,173,844)

The request for additional transition beds was based on the DCJ August 2008 inmate population projections. The following table summarizes how the *request* was calculated.

Decision Item #4/Budget Amendments #5, 6 & 7 – Assumptions Used in the Request		
Line Item	Average Population	Residential Population
FY 2009-10 (DCJ Proj.)	23,832	1,716 (7.2%)
Minus FY 2008-09 Long Bill	(23,814)	(1,667) (7.0%)
Difference	18	49 (7.2%)

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

1. Use the December 2008 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. Approve the elimination of the IRT base beds and differential per diem.
3. Assume an average DOC bed savings of 176 beds in FY 2009-10 as a result of the increased request for diversion beds.
4. Provide funding to place 11.5 percent of the inmate population in community corrections in FY 2009-10. 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.
5. Do not approve a provider rate increase for programs funded by this line item.
6. Approve an appropriation of \$22,770,240 General Fund for FY 2009-10.

1. Use December 2008 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 2008 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 2008 Projections		
		LCS Recommended	DCJ	Difference
June 30, 2009	23,530	23,567	23,627	(60)
June 30, 2010	24,133	24,203	24,114	89
Avg. Daily Pop. (ADP)	23,832	23,885	23,871	15

* The request was based on the August 2008 Division of Criminal Justice projections.

2. ***Eliminate IRT Base Beds and Differential Per Diem.*** These beds were eliminated during the FY 2008-09 supplemental process because of historical underutilization. In addition, the Division has a request to pilot a substitute program for the IRT beds. As such, **staff recommends that the Committee approve the Department's request to eliminate the IRT base beds and differential per diem.**

3. ***Bed Savings for Increased Diversion Slots.*** For purposes of calculating the bed need for transition offenders and DOC inmates, JBC staff has assumed that there will be a bed savings of 152 beds related to Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds) and 24 beds associated with Decision Item #19 (Additional Inpatient Therapeutic Community Beds for Southern Colorado) in FY 2009-10. For purposes of bed savings, JBC staff has assumed that each additional diversion bed equates to a reduction of one DOC inmate. This assumed reduction in DOC inmates also decreases the need for transition beds.

Note: Regardless of the bed savings that are used to determine the Long Bill appropriation for FY 2009-10, the appropriation for prison beds will be need to be adjusted through the supplemental process based on actual population figures for the first six months of FY 2009-10. If the estimated savings is too high, additional funds may be required through a supplemental appropriation.

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

The Division requests increasing the target percentage to 11.7 percent in FY 2009-10 by increasing the assumed percentage of the inmate population in residential community placements to 7.2 percent. The Division has historically been below the target percentage, as the actual percentage of inmates in community placements lags behind the target percentage. Although staff does believe that increasing the target percentage tends to pull up the actual percentage, staff believes that the increase in FY 2007-08 to 7.0 percent should be given more time to take affect. 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 2009-10.**

Recommended Community Corrections Residential ADP			
	Dec. LCS Projection	Comm. Corr. ADP	Percent
June 30, 2009	23,567		
June 30, 2010	24,203		
Avg. Daily Pop. (ADP)	23,885	1,672	7.0%
Minus Additional Diversion Slot Bed Savings	(152)	(11)	7.0%
Recommended ADP	23,733	1,661	7.0%
Minus Current Allocation		(1,657)	
Net Change		4	

5. **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 2009-10.

Summary of Daily Transition Program Rates		
	FY 2008-09	FY 2009-10 Recommendation
Residential Beds	\$37.74	\$37.74
CIRT slots (diff. rate)	\$17.78	\$17.78

6. **Recommended Appropriation.** Staff recommends the Committee approve an appropriation of \$22,770,240 General Fund for this line item (see the following table). The staff recommendation is lower than the request because staff assumed funding to place 11.5 percent of the inmate population in Community Corrections in FY 2009-10 while the request assumed 11.7 percent.

(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	1,657	\$37.74	22,825,341	1,657	\$37.74	22,825,341
Eliminate IRT Base Beds	(98)	\$37.74	(1,349,960)	(98)	\$37.74	(1,349,960)
Add'l Beds for Caseload	<u>49</u>	<u>\$37.74</u>	<u>674,980</u>	<u>4</u>	<u>\$37.74</u>	<u>55,100</u>
Sub-total Beds	1,608		22,150,361	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	1,698		23,390,120	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-three halfway houses and non-residential programs, under subcontract to Community Corrections boards, manage offenders as an alternative to commitment to the Department of Corrections. The request an increase in the number of community corrections slots but no provider rate increase. Pursuant to request, staff recommends no provider rate increase. The following table reflects the recommended provider rates for the diversion line item.

Summary of Diversion Rates		
	FY 2008-09 Base Rates	FY 2009-10 Recommendation*
Residential Beds	\$37.74	\$37.74
Non-residential Slots	\$5.12	\$5.12

* The recommendation is in accordance with the Division request.

☐ **Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds**

The Division requests \$1,347,125 General Fund for 152 additional diversion residential beds. Diversion beds are intended to provide judges with a sentencing option in lieu of a prison sentence. Diversion offenders are sentenced to community corrections by judges, pursuant to Section 18-1.3-301 (1) (a), C.R.S., which authorizes such sentences for certain offenders.

Staff believes that increasing the number of diversion residential beds is beneficial for the following reasons: (1) until FY 2007-08, the number of diversion residential beds had not been increased since FY 1999-00 while the inmate population had grown by 44.2 percent; (2) increasing the number of diversion residential beds should reduce the number of inmates entering the Department of Corrections; (3) diversion residential beds are less costly than a prison bed; and (4) DCJ has transferred funds from other line items to support additional diversion residential beds in recent years pursuant to Section 17-27-108 (5), C.R.S. As such, **staff recommends that the Committee approve an increase of \$2,177,568 General Fund for 152 additional diversion beds.** The recommendation includes \$2,093,815 for the beds, plus \$83,753 for costs associated with administration of the additional beds.

Decision Item #4/Budget Amendments #5, 6 & 7 – Diversion Bed Increase				
Line Item	Recommendation			
	Beds	Daily Cost Per Bed	Days Per Year	Total Cost
Diversion Programs	152	\$37.74	365	\$2,093,815
Community Corrections Boards Administration (4% of Program Appropriations)				<u>83,753</u>
JBC Staff Recommendation				\$2,177,568

❑ **Decision Item #19 - Additional Inpatient Therapeutic Community Beds for Southern Colorado**

The Division requests \$481,668 General Fund to increase the diversion inpatient capacity of the southern Colorado therapeutic community program by 24 beds. The request seeks to fund these beds at a rate of \$54.98 per day, which includes both the cost of a base diversion bed (\$38.31) plus the therapeutic community fee enhancement (\$14.56). These assumed rates include a provider rate increase that has since been withdrawn. The request indicates that these beds are necessary to meet the demands in the region. In addition, the request states that therapeutic communities produce considerably better results with a consistent population closer to 40 beds.

During FY 2008-09, the General Assembly approved the funding of 16 inpatient therapeutic community beds in southern Colorado. The requested beds would bring the total to 40 beds. Although staff does not question the regional demand for these beds or the efficacy of having a larger population, it is staff's understanding that the therapeutic community program in southern Colorado has determined that it needs additional beds in order to make the program cost effective. Because staff believes that the program may not be economically feasible with only 16 beds and because staff believes there is a demand for these beds in southern Colorado, **staff recommends that the Committee approve an increase of \$474,469 General Fund for 24 additional inpatient therapeutic community beds.**

Decision Item #19 – Additional Inpatient TC Beds for Southern Colorado				
Line Item	Recommendation			
	Beds	Daily Cost Per Bed	Days Per Year	Total Cost
Diversion Programs	24	\$37.74	365	\$330,602
Substance Abuse Treatment Program	24	\$14.34	365	\$125,618
Community Corrections Boards Administration (4% of Program Appropriations)				<u>18,249</u>
JBC Staff Recommendation				\$474,469

Request for Line Item. The Division requests an appropriation of \$24,173,090 General Fund, which includes \$1,347,125 General Fund related to Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds) and \$335,596 General Fund associated with Decision Item #19 (Additional Inpatient Therapeutic Community Beds for Southern Colorado). **Staff recommends that the Committee approve an appropriation of \$25,041,314 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	1,475	\$37.74	\$20,318,273
Decision Item #19	24	\$37.74	<u>330,602</u>
Decision Item #4/Budget Amendments #5, 6 & 7	<u>152</u>	\$37.74	<u>2,093,815</u>
Subtotal - Residential Beds	1,651		22,742,690
Non-residential Placements	<u>1,230</u>	\$5.12	<u>2,298,624</u>
JBC Staff Recommendation	2,881		\$25,041,314

(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. The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections			
Transition Mental Health Bed Differential			
	Beds	Request	
		Daily Rate	Total Cost
FY 2008-09 Appropriation (H.B. 08-1375)*	85	\$33.02	\$1,018,861
Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds	<u>0</u>	<u>n/a</u>	<u>5,585</u>
Total	85	\$33.02	\$1,024,446

Staff recommends the Committee approve an 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 2008-09 Appropriation (H.B. 08-1375)	85	\$33.02	\$1,018,861
Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds	<u>0</u>	<u>n/a</u>	<u>5,585</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 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. The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections			
Diversion Mental Health Bed Differential			
	Beds	Request	
		Daily Rate	Total Cost
FY 2008-09 Long Bill (H.B. 08-1375)	20	\$33.02	\$239,732
Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds	<u>0</u>	<u>n/a</u>	<u>1,314</u>
Total	20	\$33.02	\$241,046

Staff recommends the Committee approve an appropriation of \$241,046 General Fund for this line item (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Diversion Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
FY 2008-09 Long Bill (H.B. 08-1375)	20	\$33.02	\$239,732
Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds	<u>0</u>	<u>n/a</u>	<u>1,314</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 a continuation appropriation of \$55,000 General Fund for this line item.**

(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. This federal grant ended on June 30, 2007, before program outcomes could be fully determined.

A typographical error occurred when this line item was originally added to the Long Bill, and the line item was titled "Joan Eachon" rather than "John Eachon". **Staff recommends that the Committee approve changing the title of the line item in the FY 2009-10 Long Bill to "John Eachon Re-entry Program".**

The area of serving offenders with mental illness is especially interesting since the recidivism rate for that population is significantly higher than for other populations. This higher recidivism rate translates into prison bed utilization. To the degree that this population could be successfully served in the community after their sentences are complete, it would be useful to determine if the recidivism rate could be reduced with the provision of mental health and substance abuse services.

☐ ***Budget Amendment #9 - Reduce Appropriation for the John Eachon Re-entry Program***

The Division requests a reduction of \$144,540 General Fund for the John Eachon Re-entry Program (JERP). The request seeks to reduce the appropriation by half thereby reducing the number of beds available for offenders with serious mental illness by half from 15 to 7.5. The request indicates that in FY 2007-08, the Division expended approximately 65 percent of the total available appropriation for JERP. The Division indicates that the FY 2009-10 utilization rates have been similar if not even lower. As such, **staff recommends that the Committee approve a reduction of \$144,540 General Fund for the John Eachon Re-entry Program.**

Request for Line Item. The Division requests an appropriation of \$144,540 General Fund, which includes an increase of \$1,587 General Fund related to Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds) and a reduction of \$144,540 General Fund associated with Budget Amendment #9 (Reduce Appropriation for the John Eachon Re-entry Program). The request is summarized in the following table.

(4) Division of Criminal Justice – (D) Community Corrections John Eachon Re-entry Program			
	Beds	Request	
		Daily Rate	Total Cost
FY 2008-09 Long Bill (H.B. 08-1375)	15	\$52.80	\$287,493
Decision Item #4/Budget Amendments #5, 6 & 7 - Community Corrections Transition and Diversion Beds	0	n/a	1,587
BA #9 - John Eachon Re-entry Program Appropriation Reduction	<u>(7.5)</u>	\$52.80	<u>(144,540)</u>
Total	7.5		\$144,540

Staff recommends that the Committee approve an 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 2008-09 Long Bill (H.B. 08-1375)	7.5	\$52.80	\$144,540
Provider Rate Increase (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.

Day reporting is cheaper than residential community programs, and it is cheaper than prison. To the extent that day reporting prevents offenders from being placed in a more secure custody setting (prison or residential community corrections), it is possible that it could save the state money.

However, offenders who do not receive day reporting services are still supervised in the community. Furthermore, the appropriation to this program is discretionary. It is possible that increasing appropriations to this line item will merely result in net widening – increasing the number of offenders in the system receiving services.

❑ **Budget Amendment #3 - Eliminate Day Reporting Program**

The Division requests a reduction of \$539,744 General Fund to eliminate the day reporting program. The Division requested eliminating this program during the the FY 2008-09 supplemental process for the second half of FY 2008-09. This budget amendment eliminates the program for FY 2009-10.

Although staff believes there is some benefit to having day reporting as an option, as requested, **staff recommends that the Committee approve a reduction of \$539,744 General Fund related to this decision item.**

Request for Line Item. The Division does not request an appropriation for this line item in FY 2009-10. As such, **staff does not recommend that the Committee approve an appropriation for this line item** (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Day Reporting Center – Request and Recommendation			
	FY 2008-09	FY 2009-10	
		Request	Recommendation
Number of Slots	175	0	0
Daily Rate	<u>\$8.45</u>	<u>\$8.45</u>	<u>\$8.45</u>
General Fund	\$539,744	\$0	\$0

**(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 fund appropriations from the Drug Offender Surcharge Fund. However, because of a fund balance shortage in this Fund, cash fund appropriations to this line item were 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 fund shortage.

The Division requests an appropriation of \$1,220,860, including \$420,656 General Fund and \$800,204 cash funds. The request includes a decrease of \$95,911 General Fund and an increase of \$4,266 cash funds associated with Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds). The request also includes an increase of \$127,546 General Fund related to Decision Item #19 (Additional Inpatient Therapeutic Community Beds for Southern Colorado).

Staff recommends that the Committee approve an appropriation of \$1,218,932 for this line item, which includes \$418,728 General Fund and \$800,204 cash funds (Drug Offender Surcharge Fund). The following table summarizes the programs that will be funded with the recommended appropriation.

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.
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	\$821,754	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 (157 beds). Of these beds, 80 are funded with General Fund.

Recommended Program Funding		
Program	Amount	Description
Standardized Offender Assessment (SAO) Training Program	\$10,300	Provides training on the standardized assessment instrument for six two-day training sessions, given by multi-agency training teams at various locations in the state over a course of the year and two two-day seminars for "training the trainers".
JBC Staff Recommendation	<u>\$1,218,932</u>	
General Fund	418,728	
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 included in this request is Crossroads' Turning Points, which is in Pueblo, and provides a 24-bed women's TC program. The line item funds 80 outpatient clients at PEER I and The Haven, and 80 outpatient clients at the Crossroads' Turning Points.

The Division requests an appropriation of \$777,888 General Fund for this line item. The request includes a reduction of \$32 General Fund associated with Decision Item #4/Budget Amendments #5, 6 & 7 (Community Corrections Transition and Diversion Beds).

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 is expected to begin operation of a therapeutic community program for Community Corrections offenders by the end of FY 2008-09; therefore, the Department anticipates that there will be sufficient demand in FY 2009-10 to justify the funding. However, given a current program of only 24 beds, staff has concerns about whether there will be sufficient demand for 80 outpatient slots. Because the average length of stay for residential Community Corrections is typically 6-8 months, staff believes that the maximum amount of demand

for these outpatient slots at any one time would be 24 clients. As such, **staff recommends that the Committee approve an 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 2008-09	FY 2009-10	
		Request	Recommendation
Number of Slots	160	160	104
Daily Rate	\$13.32	\$13.32	\$13.32
General Fund	\$777,888	\$777,888	\$505,627

(D) Community Corrections

**ACCELERATED NON-RESIDENTIAL COMMUNITY CORRECTIONS DIVERSION PILOT PROGRAM
(new line item):**

The Division requests this new line item related to Decision Item #5 (Accelerated Non-Residential Community Corrections Diversion Pilot Program). The Division requests \$197,392 General Fund 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 request results in a net savings of \$638,604 General Fund due to a reduction taken in the Department of Corrections' budget related to this request. As mentioned previously, the average length of stay in a residential Community Corrections is 6-8 months. The request indicates that offenders placed on early non-residential supervision would remain in that placement for about the same time as offenders who complete a standard period of residential Community Corrections.

The enhanced non-residential Community Corrections program would include electronic monitoring and enhanced case management. The offender would be required to pay up to \$13 per day for electronic monitoring, and if appropriate, an additional charge of \$3 per day to offenders could provide electronic monitoring of drug or alcohol usage. However, the request seeks funding for the enhanced case management of \$13.52 per offender per day (40 offenders x \$13.52 per diem x 365 days = \$197,392). This funding is intended to be used by two facilities to hire case management supervision staff for seven days per week.

Staff has concerns about the charges being applied to offenders in the non-residential program. Under residential Community Corrections programs, offenders pay a subsistence of up to \$17 per day for the residential portion of the program as well as treatment programs. However, under current economic conditions, offenders often have trouble finding jobs and paying the subsistence fee. As

a result, the average amount collected by Community Corrections programs for subsistence is closer to \$13 per offender per day. Under the model proposed by the Division, an offender chosen for early non-residential placement would still have to pay a fee of up to \$13 for electronic monitoring (and potentially more if the electronic monitoring of drug and alcohol usage is included); however, that offender would no longer be provided with a residence, and instead, he or she would have to pay for housing costs on top of the non-residential fee. Given that many Community Corrections offenders struggle to meet the residential subsistence fee, staff has concerns that these same offenders will be able to afford a comparable fee plus additional costs for housing.

Although staff does have concerns about the potential fees being charged, the request indicates that the offenders who would be chosen for this pilot program would be those that have stable employment. In addition, given the overall savings associated with this request, staff believes the request is justified. As such, **staff recommends that the Committee approve the requested appropriation of \$197,392 General Fund for this line item.**

(D) Community Corrections

INTENSIVE RESIDENTIAL TREATMENT PILOT PROJECT (new line item):

The Division requests this new line item related to Decision Item #17 (Spending Authority for Intensive Residential Treatment Beds). The Division requests \$194,076 cash funds (Drug Offender Surcharge Cash Fund) 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 request anticipates that the pilot program will begin in July 2009 and continue for at least two years.

Under the request, the Division assumes the existence of three IRT programs; however, the General Fund funding has been eliminated under the Governor's request. There are still 30 beds that are funded with cash funds (Drug Offender Surcharge Cash Fund). In any case, under the request, the Division would randomly identify 10 offenders at each facility to participate in the 90-day pilot program. Because the pilot groups would turn-over every three months, 120 offenders would complete the 90-day IRT program each year. The request indicates that the outcomes could then be compared between the offenders who completed the 45-day program and those who completed the 90-day program.

There are some obvious flaws in the request in that there won't be a group of offenders to compare to the 90-day program because this pilot is requesting to identify 30 offenders, and there are only 30 beds currently funded if the General Fund beds are eliminated. In any case, the request indicates that the 90-day model has been shown to produce better outcomes in other studies. As a result, staff believes that the 90-day model is preferable even if there is not a control group of which to compare. As such, **staff recommends that the Committee approve an 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 40 state and local programs designed to improve the apprehension, prosecution, adjudication, and detention of drug offenders. These objectives are accomplished through specific programs such as DARE, the Senior Liaison Program, the Brighton Truancy Prevention Project, Juvenile TASC, Jail Substance Abuse Intervention Project, DNA Forensic Laboratory (Colorado Bureau of Investigation), and several multi-jurisdictional metro task forces. The request is for an increase in funding based on the anticipated amount of federal funds.

(4) Division of Criminal Justice – (E) Crime Control and System Improvement State and Local Crime Control System Improvement Grants	
	Federal Funds
FY 2008-09 Long Bill (H.B. 08-1375)	5,000,000
Change in Anticipated Federal Funds	<u>0</u>
Total Request / JBC Staff Recommendation	5,000,000

Staff recommends that the Committee approve an appropriation of \$5,000,000 federal funds for this line item, which represents the total amount of federal grants anticipated for FY 2009-10.

**(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

- ▶ 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 a continuation appropriation of \$153,325 cash funds and 1.5 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$153,325 cash funds (Sex Offender Surcharge Fund) and 1.5 FTE for this line item** (see the following table). 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)	134,001	1.5
Operating Expense (estimate)	<u>13,155</u>	—
FY 2008-09 Long Bill (H.B. 08-1375)	147,156	1.5
Annualize Salary Survey Awarded in FY 2008-09	4,779	
Annualize Performance Pay Awarded in FY 2008-09	<u>1,390</u>	—
Continuation Estimate	153,325	1.5
JBC Common Policy Personal Services Reduction (0.0%)	<u>0</u>	—
JBC Staff Recommendation	153,325	1.5

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

This line 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 \$337,747 General Fund and 3.2 FTE for this line item. The request includes an increase of \$197 General Fund associated with Decision Item #NP-2

(Postage Increase and Mail Equipment Upgrade). **Staff recommends that the Committee approve an appropriation of \$337,550 General Fund and 3.2 FTE for this line item** (see the following table).

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)	243,323	3.2
Operating Expenses (estimated)	<u>84,110</u>	—
FY 2008-09 Long Bill (H.B. 08-1375)	327,433	3.2
Annualize Salary Survey Awarded in FY 2008-09	7,787	
Annualize Performance Pay Awarded in FY 2008-09	<u>2,330</u>	
Continuation Estimate	337,550	3.2
DI #NP-2 - Postage Increase and Mail Equipment Upgrade	Pending	
JBC Common Policy Personal Services Reduction (0.0%)	<u>0</u>	—
JBC Staff Recommendation	337,550	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.

Decision Item #16 - Increase Cash Spending Authority for Sex Offender Treatment Provider Fund

The Division requests \$9,000 cash funds (Sex Offender Treatment Provider Fund) due to a projected increase in the number of sex offender treatment provider applications, each of which requires a background investigation. The request would increase the existing spending authority out of the Sex Offender Treatment Provider Fund from \$11,000 to \$20,000. The original spending authority of \$11,000 was established based on an estimate of 17 new applications and 71 re-applications per year, at a rate of \$125 per application.

The request anticipates 34 new applications and 105 re-applications in FY 2009-10. The increase in new applications is attributed to an initiative by the Division to increase providers in under-served areas, while the request only indicates that re-applications have fluctuated. The Division provided the following table related to historical revenue and expenditures related to these background checks.

Decision Item #16 - Historical Background			
Check Revenue and Expenditures			
Fiscal Year	Revenues	Expenses	Fund Balance
FY 2005-06	\$9,100	\$8,200	\$2,798
FY 2006-07	\$7,700	\$9,300	\$1,269
FY 2007-08	\$8,300	\$8,500	\$1,056

Staff has concerns that the Division over-estimated the number of applications and re-applications that it will receive in FY 2009-10. For example, the request anticipates 17 additional new applications in FY 2009-10 as a result of an initiative to increase providers in under-served areas. This amounts to doubling the number of new applications for sex offender providers in one year, which seems to staff like an unrealistic expectation. In addition, according to the table above, the greatest amount of background check revenue received over the past three years equates to approximately 73 applications/re-applications. However, the Division is anticipating 139 applications/re-applications in FY 2009-10, almost double the largest number from the past three years. Again, staff believes this is an unrealistic expectation. As such, **staff does not recommend that the Committee approve an increase related to this decision item.**

Request for Line Item. The Division requests an appropriation of \$58,950 cash funds and 0.6 FTE for this line item. The request includes an increase of \$9,000 associated with Decision Item #16 (Increase Cash Spending Authority for Sex Offender Treatment Provider Fund). **Staff recommends that the Committee approve a 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) \$12,500 is from the Domestic Violence Offender Treatment Provider Fund established pursuant to Section 16-11.8-104 (2) (b), C.R.S.; and (b) \$11,000 is from the Sex Offender Treatment Provider Fund established pursuant to Section 16-11.7-106 (2) (c), C.R.S.

(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 approximately 400 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 had been funded by federal funds received from the U.S. Department of Justice. Additionally, a reappropriated funds appropriation 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 \$775,246 total funds and 6.2 FTE for this line item. The request includes \$376,816 reappropriated funds and \$398,430 federal funds.

Staff recommends that the Committee approve an appropriation of \$775,246 total funds and 6.2 FTE (see the following table). Of the amount recommended, \$398,430 is federal funds and \$376,816 is reappropriated funds. Of the reappropriated funds recommendation, \$315,426 reflects funds transferred from an appropriation from the P.O.S.T. Board Cash Fund made to the Department of Law. The remaining \$61,390 is from a transfer of custodial funds administered by the P.O.S.T. Board in the Department of Law.

Department of Public Safety - Division of Criminal Justice Colorado Regional Community Policing Institute				
	Reapprop. Funds	Federal Funds	Total Funds	FTE
Personal Services (estimated)	360,193	323,430	683,623	6.2
Operating Expenses (estimated)	<u>16,623</u>	<u>75,000</u>	<u>91,623</u>	_____
FY 2008-09 Long Bill (H.B. 08-1375)	376,816	398,430	775,246	6.2
Annualize Salary Survey Awarded in FY 2008-09	0	0	0	
Annualize Performance Pay Awarded in FY 2008-09	<u>0</u>	<u>0</u>	<u>0</u>	_____
Continuation Estimate	376,816	398,430	775,246	6.2
JBC Common Policy Personal Services Reduction (0.0%)	<u>0</u>	<u>0</u>	<u>0</u>	_____
JBC Staff Recommendation	376,816	398,430	775,246	6.2

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

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*).

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.

The Division requests an appropriation of \$3,726,573 federal funds and 17.5 FTE for this line item. The request includes an increase of \$942 federal funds associated with Decision Item #NP-2 (Postage Increase and Mail Equipment Upgrade). **Staff recommends that the Committee approve an appropriation of \$3,722,221 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 2008-09 Long Bill (H.B. 08-1375)	3,722,221	17.5
Anticipated Reduction in Federal Funds	<u>0</u>	—
November 2008 Continuation Budget Request	3,722,221	17.5
DI #NP-2 - Postage Increase and Mail Equipment Upgrade	<u>Pending</u>	—
JBC Staff Recommendation	3,722,221	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 Division requests an appropriation of \$125,000 cash funds and 0.1 FTE for this line item. The source of cash funds is 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, it is staff's understanding that H.B. 07-1064 included a transfer from the Short-term Innovative Health Program Grant Fund to the Lifesaver Program Cash Fund only in FY 2007-08. Therefore, staff does not believe there is revenue to support this request. As such, **staff does not recommend that the Committee approve an appropriation for this line item** (see the following table).

Department of Public Safety - Division of Criminal Justice Lifesaver Project Grants		
	Cash Funds	FTE
FY 2008-09 Long Bill (H.B. 08-1375)	125,000	0.1
Staff Reduction Due to Lack of Funding	(125,000)	(0.1)
JBC Common Policy Personal Services Reduction (0.0%)	<u>0</u>	<u>—</u>
JBC Staff Recommendation	0	0.0

(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. Typically 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.

❑ **Decision Item #18 - FTE Authority for the Criminal Justice Training Fund**

The Division requests authority to employ 0.5 FTE from funds collected in the Criminal Justice Training Fund. The 0.5 FTE (Administrative Assistant III) would coordinate training courses offered under the Colorado Regional Community Policing Institute (CRCPI) Training Unit.

CRCPI provides training classes in community policing, crisis intervention, ethics, anti-bias, methamphetamine response, domestic violence, risk assessment and response, counter-terrorism, and weapons of mass destruction first responder awareness. These training courses are offered to various law enforcement agencies for a fee, as authorized by H.B. 07-1263. However, the Division indicates that the demand for these training courses have eclipsed the Division's ability to coordinate those courses. As a result, the Division requests 0.5 FTE to assist with coordination services, such as site development, instructor recruitment, marketing, registration, and evaluation.

Staff believes these training courses provide a benefit to the State and certainly a benefit to law enforcement agencies. These courses are particularly helpful in rural areas where other training resources may not be available. As such, **staff recommends that the Committee approve an appropriation of 0.5 FTE associated with this decision item.**

Request for Line Item. The Division requests an appropriation of \$139,488 cash funds and 0.5 FTE for this line item. The request includes an increase of 0.5 FTE associated with Decision Item #18 (FTE Authority for the Criminal Justice Training Fund). **Staff recommends that the Committee approve the requested appropriation of \$139,488 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 2008-09 Long Bill (H.B. 08-1375)	139,488	0.0
DI #18 - Authority for the Criminal Justice Training Fund	<u>0</u>	<u>0.5</u>
JBC Staff Recommendation	139,488	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. The source of cash funds is private grant funds from the MacArthur Foundation. **Staff recommends that the Committee approve the requested appropriation of \$200,000 cash funds for this line item.**

(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. 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. **Staff recommends that the Committee approve the requested appropriation of \$43,739 cash funds.**

**DEPARTMENT OF PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
FY 2008-09 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. Continue one existing footnote, as amended
3. Add one footnote

Staff recommends the following footnote be **continued**:

- 56 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 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 **continuing** the following footnote, as **amended**:

- 55 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, ~~2009~~ 2010, shall be rolled forward for expenditure in FY ~~2009-10~~ 2010-11.

Comment: This footnote is intended to clarify the legislative intent with respect to the Recidivism Reduction and Offender Diversion Package submitted by Governor Ritter in FY 2007-08.

Staff recommends **adding** the following footnote:

N 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.

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	(486,206)	0	0	0	(486,206)	0.0
<p>Reduce the Provider Rate to Community Corrections Programs by 1.0 Percent</p> <p>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.</p>						
2	(480,937)	0	0	0	(480,937)	0.0
<p>Reduce the Reimbursement Rate to Community Corrections Boards by 1.0 Percent</p> <p>Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of the appropriations for community corrections programs to the 23 Community Corrections boards to offset their administrative costs. Community Corrections boards currently receive an appropriation equal to 4.0 percent of the appropriations for Community Corrections programs. 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>						

Options with <i>Appropriation</i>	GF	CF	RF	FF	Total	FTE
Impacts						
3					0	
<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 2008-09 appropriation is \$1,241,851 General Fund.</p>						
4					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>						