

JOINT BUDGET COMMITTEE



STAFF BUDGET BRIEFING FY 2022-23

DEPARTMENT OF PUBLIC SAFETY (Division of Criminal Justice)

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

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ADDITIONAL RESOURCES

Brief summaries of all bills that passed during the 2020 and 2021 legislative sessions that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report:
<https://leg.colorado.gov/publications/appropriations-report-fiscal-year-2021-22>

The online version of the briefing document, which includes the Numbers Pages, may be found by searching the budget documents on the General Assembly's website by visiting leg.colorado.gov/content/budget/budget-documents. Once on the budget documents page, select the name of this department's *Department/Topic*, "Briefing" under *Type*, and ensure that *Start date* and *End date* encompass the date a document was presented to the JBC.

DIVISION OF CRIMINAL JUSTICE

DIVISION OVERVIEW

The Division of Criminal Justice (DCJ) contains the following offices.

- **Office of Administration:** provides oversight and support for the entire division.
- **Office for Victims Programs:** administers federally funded grant programs for crime victims and the State VALE (Victim Assistance and Law Enforcement) grant program. These grant programs help state and local agencies assist and support victims of crimes, including sexual assault victims and child abuse victims.
- **Office of Adult and Juvenile Justice Assistance:** administers (1) federally funded criminal and juvenile justice grant programs and (2) the state's juvenile diversion grant program.
- **Office of Community Corrections:** provides most of the funding for the state's community corrections programs and for the community corrections boards that provide local oversight and control of these programs. The Office also sets standards for facilities, audits for compliance, and provides technical assistance and training for boards and programs.
- **Office of Domestic Violence and Office of Sex Offender Management:** assists the Domestic Violence Offender Management Board and the Sex Offender Management Board in developing and implementing standards and policies for the evaluation, treatment, monitoring, and management of convicted adult domestic violence offenders and convicted adult and adjudicated juvenile sex offenders. Both boards maintain lists of approved treatment providers and help train providers.
- **Office of Research and Statistics:** collects and disseminates criminal justice information, analyzes justice policies and problems, evaluates criminal justice programs, and provides support to the Colorado Commission on Criminal and Juvenile Justice. The Office's reports include forecasts of adult and juvenile correctional and parole populations used by the Joint Budget Committee (Committee).

DEPARTMENT BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23 *
General Fund	\$171,309,553	\$153,179,304	\$173,885,290	\$184,899,538
Cash Funds	239,452,903	239,790,945	248,657,305	252,601,162
Reappropriated Funds	52,591,767	47,103,491	54,542,492	49,972,035
Federal Funds	70,080,226	69,917,976	68,372,541	75,005,706
TOTAL FUNDS	\$533,434,449	\$509,991,716	\$545,457,628	\$562,478,441
Full Time Equiv. Staff	1,908.1	1,922.3	1,971.5	2,092.3

*Requested appropriation.

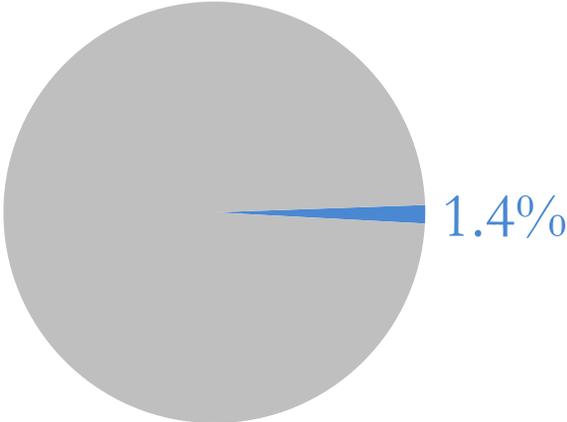
DIVISION BUDGET: RECENT APPROPRIATIONS

FUNDING SOURCE	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23 *
General Fund	\$90,630,993	\$72,419,704	\$88,655,885	\$81,902,103
Cash Funds	4,858,563	4,462,773	10,478,858	4,491,641
Reappropriated Funds	5,796,833	5,790,030	7,354,766	7,431,052
Federal Funds	34,638,209	34,706,986	34,429,079	40,736,542
TOTAL FUNDS	\$135,924,598	\$117,379,493	\$140,918,588	\$134,561,338
Full Time Equiv. Staff	85.0	85.2	78.0	78.2

*Requested appropriation.

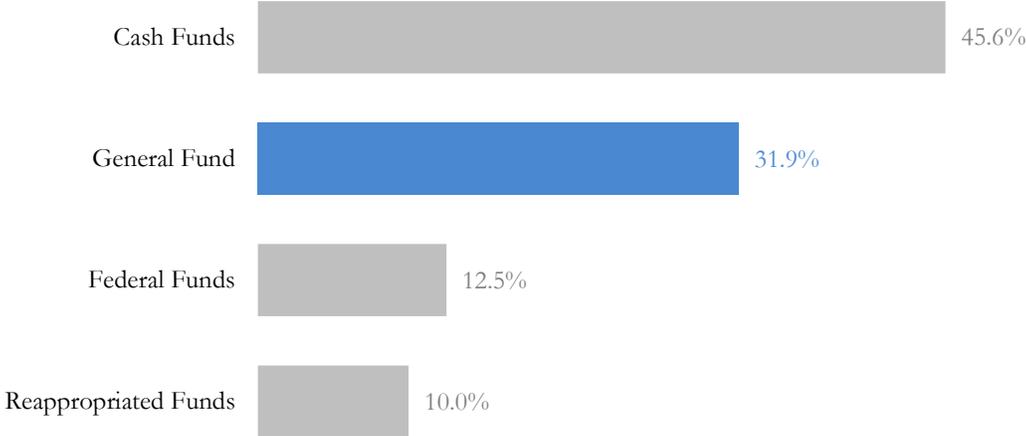
DEPARTMENT BUDGET: GRAPHIC OVERVIEW

Department's Share of Statewide General Fund



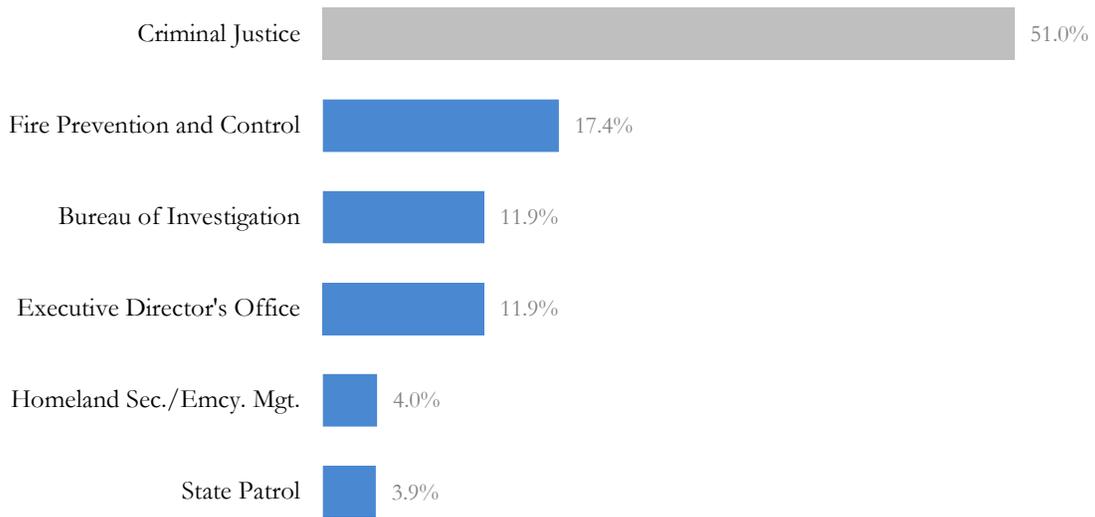
Based on the FY 2021-22 appropriation.

Department Funding Sources



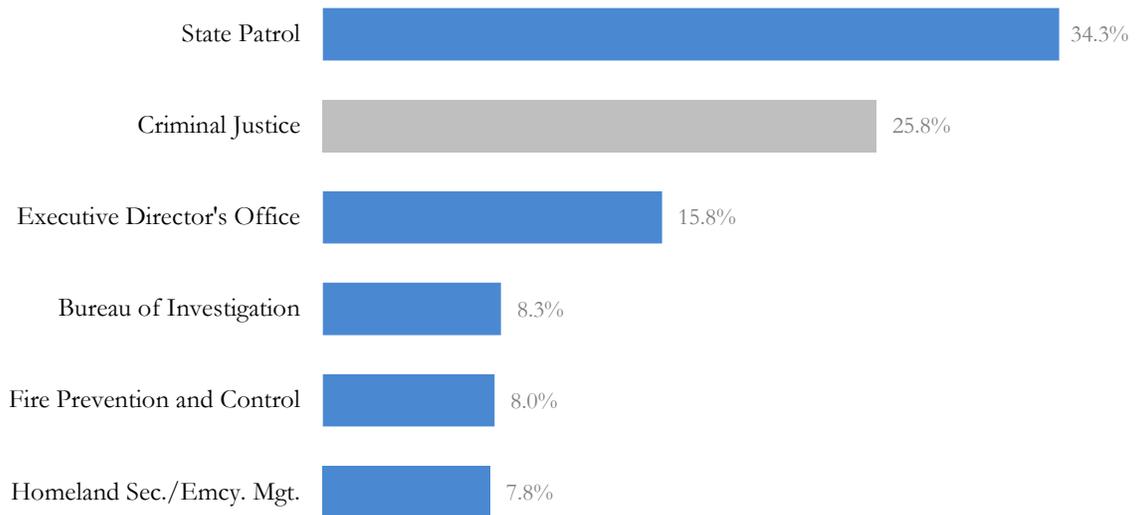
Based on the FY 2021-22 appropriation.

Distribution of General Fund by Division



Based on the FY 2021-22 appropriation.

Distribution of Total Funds by Division



Based on the FY 2021-22 appropriation.

GENERAL FACTORS DRIVING THE BUDGET

OFFICE OF COMMUNITY CORRECTIONS

The term “community corrections” refers to a network of locally-managed organizations—public, private, and nonprofit—that serve the State by: (1) Providing a sanction for criminal behavior short of prison, (2) Providing an intermediate level of supervision less than prison but more than probation or parole, and (3) Providing rehabilitative services to offenders to reduce the risk of reoffending.

The Department’s single largest General Fund appropriation reimburses these service providers: \$66,063,973 in FY 2021-22, or 38.0 percent of the Department’s total General Fund appropriation (\$173.9 million). DCJ allocates funding through contracts with local community corrections boards, who then subcontract with providers in their communities. In some cases, DCJ contracts directly with certain providers for specialized supervision and treatment services. Providers are paid based the number of offenders placed in their programs (called “caseload” during the annual budget process), the per-diem rate set by the General Assembly, and the services they provide.

CASELOAD

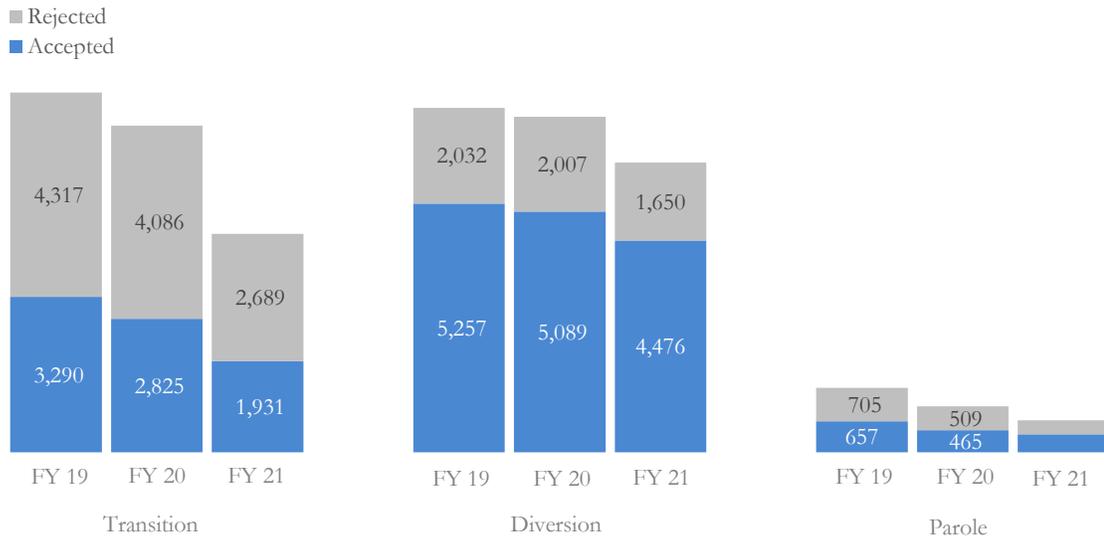
The number of placements depends on the raw number of referrals from the different parts of the criminal justice system, the willingness of community corrections boards and providers to accept referred offenders into their community and facilities, and in some cases the willingness of an offender to participate in community corrections.

Referrals to community corrections come from the courts, the Department of Corrections, and the Parole Board. These referrals are commonly referred to as diversion, transition, and parole placements.

- 1 **Diversion:** an offender is sentenced directly to community corrections by the courts in lieu of a prison sentence;
- 2 **Transition:** a Department of Corrections inmate has served time in prison and is released to a residential community corrections facility in preparation for parole; and
- 3 **Parole:** offenders are required to spend part of their time on parole in community corrections.

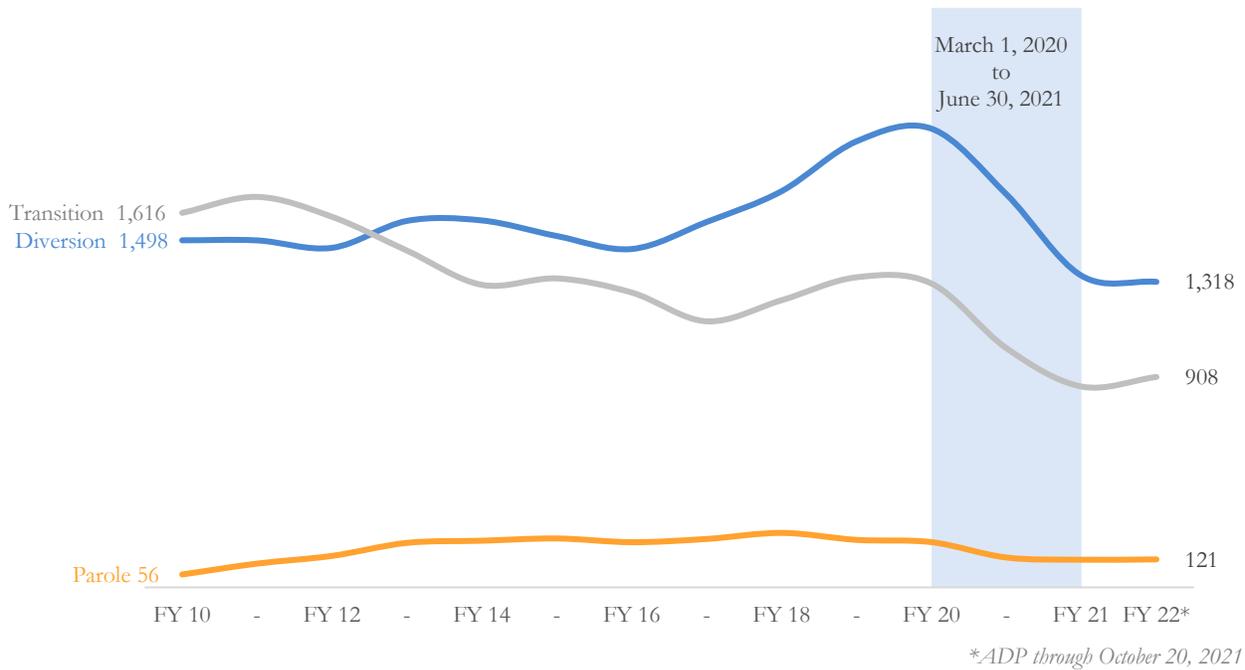
Individuals will not be placed in community corrections unless community corrections boards and providers both accept the referral. In recent years diversion referrals have been accepted at a much higher rate ($\approx 70\%$) than transition referrals ($\approx 40\%$).

Community corrections referrals **accepted** vs. rejected (FY 2018-19 through FY 2020-21)



As indicated by the acceptance rates, diversion placements are the most common and have increased in recent years. From FY 2009-10 to FY 2020-21, the share of residential diversion placements grew from 45.5 to 57.5 percent. The following graph shows the average daily number of residential placements (ADP) over the past decade.

Residential **diversion placements** increasing over time, but total caseload decreased significantly between March 2020 and June 2021



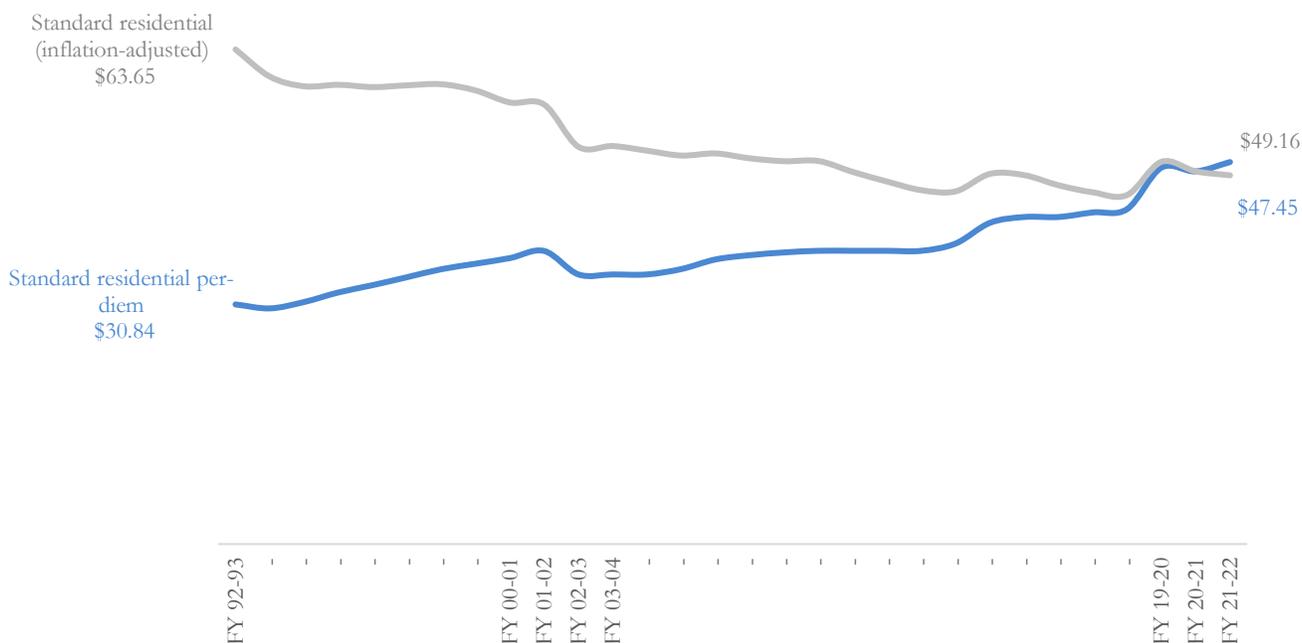
Apart from court referrals and acceptance by local boards and providers, the number of diversion placements depends on general criminal justice system variables like the State's adult population, laws, crime rates, and law enforcement and prosecution intensity.

The number of DOC inmates transitioning to community corrections has a different set of factors. DCJ laid out 21 such factors in a hearing with the JBC in 2018.¹ For example, DOC inmates can and do reject referrals to community corrections. DCJ also noted that DOC receives little feedback from boards and providers regarding acceptance or rejection decisions.

PER-DIEM RATES

In tandem with the number of placements, the daily rate paid to providers also drives appropriations. The General Assembly first established per-diem rates for community corrections in the Long Bill in 1992. These rates usually go up or down based on common policy decisions made by the JBC and approved by the General Assembly. Most community corrections placements fall under the “standard residential rate,” which has increased at an average rate of 1.7 percent per year since 1992.

When adjusting for inflation, standard residential rates have decreased by 25.5% since first established in Long Bill in 1992 (FY 2020-21 dollars)



SPECIALIZED PROGRAMS

All residential community re-entry facilities provide programs for their offenders, such as drug and alcohol education, anger management classes, parenting, and money management. However, some residential programs provide more extensive specialized therapy and receive higher per-diem payments as a result (shown in the table below). These therapies include, but are not limited to:

¹ https://leg.colorado.gov/sites/default/files/fy2018-19_pubsafhrg2.pdf

- *Intensive Residential Treatment (IRT)*, a 90-day residential substance-abuse program;
- *Therapeutic Communities (TC)*, which focuses on substance abuse, sometimes in combination with mental illness;
- *Residential Dual Diagnosis Treatment (RDDT)* programs, which address co-occurring mental health and substance abuse problems.

Placement Type	Rate	Diversion	Transition	Parole	Appropriation
Standard residential	\$49.16	1,402	1,064	92	\$45,897,331
Cognitive behavioral treatment pilot program	\$94.07	24	24	0	\$1,648,106
Intensive Residential Treatment	\$94.85	161	28	35	\$5,608,687
Inpatient Therapeutic Community	\$82.14	68	37	3	\$3,238,097
Residential Dual Diagnosis Treatment	\$83.86	82	25	13	\$3,672,860
Sex Offender	\$83.86	75	28	13	\$3,550,431
Standard Non-residential	\$6.65	774	6	6	\$1,908,464
Outpatient Therapeutic Community	\$23.86	39	23	0	\$539,997
Total	-	2,515	1,250	195	\$66,063,973

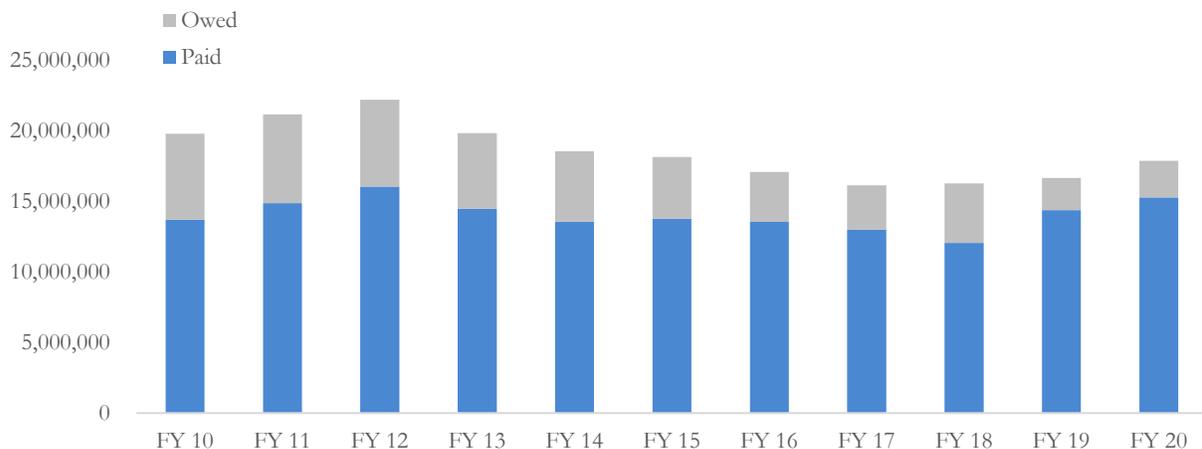
Table from footnote 98 of SB 21-205 (Long Bill)

SUBSISTENCE

The Long Bill appropriation for community corrections assumes that some amount of funding will come directly from community corrections clients through a “subsistence fee.” For FY 2021-22, the daily fee for residential placements is \$17.00 and the daily fee for nonresidential placements is \$3.00.² These fees have not changed much over time. For example, the \$17.00 residential fee has not changed since FY 2002-03, when it was increased from \$13.00 per day. Prior to that, the fee was \$10.00 in the mid- to late-1990s.

The following chart shows the total amount of inflation-adjusted subsistence charged annually (both paid and owed). DCJ’s data notes that these figures should be considered an estimate; they should not be understood as an exact figure.

Subsistence fees charged in the community corrections system
(Inflation-adjusted, FY 2020-21 dollars)



² Per the Long Bill footnote, these fees may be waived for specialized residential and nonresidential programs.

SUMMARY: FY 2021-22 APPROPRIATION & FY 2022-23 REQUEST

DEPARTMENT OF PUBLIC SAFETY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2021-22 APPROPRIATION:						
SB 21-205 (Long Bill)	131,399,088	86,636,385	4,478,858	5,854,766	34,429,079	78.0
Other legislation	9,519,500	2,019,500	6,000,000	1,500,000	0	0.0
TOTAL	\$140,918,588	\$88,655,885	\$10,478,858	\$7,354,766	\$34,429,079	78.0
FY 2022-23 REQUESTED APPROPRIATION:						
FY 2021-22 Appropriation	\$140,918,588	88,655,885	\$10,478,858	\$7,354,766	\$34,429,079	78.0
R12 Community corrections billing	425,922	425,922	0	0	0	0.0
R17 Provider rate increase	785,730	732,111	0	53,619	0	0.0
Indirect cost assessment	224,252	0	(19,478)	0	243,730	0.0
Technical adjustments	0	0	(6,000,000)	0	6,000,000	0.0
Annualize prior year budget actions	(5,438,616)	(5,542,658)	28,118	21,100	54,824	0.0
Annualize prior year legislation	(2,354,538)	(2,369,157)	4,143	1,567	8,909	0.2
TOTAL	\$134,561,338	\$81,902,103	\$4,491,641	\$7,431,052	\$40,736,542	78.2
INCREASE/(DECREASE)	(\$6,357,250)	(\$6,753,782)	(\$5,987,217)	\$76,286	\$6,307,463	0.2
Percentage Change	(4.5%)	(7.6%)	(57.1%)	1.0%	18.3%	0.3%

R12 COMMUNITY CORRECTIONS BILLING: The Department requests an increase of \$425,922 General Fund in FY 2022-23 and \$286,602 General Fund in FY 2023-24. The Department also requests a 3.0 percent increase every year thereafter, beginning in FY 2024-25.

The purpose of the request is to allow DCJ to maintain a new Community Corrections Information and Billing (CCIB) system. The CCIB system is the central hub for community corrections funding. It is used by DCJ's Office of Community Corrections, staff from each of the 22 Community Corrections boards, and staff from each of the 30 residential and nonresidential Community Corrections facilities in Colorado. The new CCIB system was originally funded through an IT Capital request, replacing an older system that was developed in 2008.

In consultation with JBC staff for Information Technology Projects and Joint Technology Committee (JTC) staff, staff recommends that the Committee refer this request to the Joint Technology Committee (JTC), pursuant to Joint Rule 45(b). JBC staff for Information Technology Projects will present this recommendation in a single document for Committee action at a later date.

R17 PROVIDER RATE INCREASE: The Department requests an increase of \$785,730 total funds, including \$732,111 General Fund, in FY 2022-23. This amount aligns with the 1.0 percent common policy increase requested in the Governor's FY 2022-23 budget request.

TECHNICAL ADJUSTMENTS: The request includes a net-zero reallocation of cash funds as federal funds.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS: The request includes a net decrease of \$5,438,616 total funds for prior year budget actions.

ANNUALIZE PRIOR YEAR BUDGET ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year salary survey	\$209,490	\$105,448	\$28,118	\$21,100	\$54,824	0.0
FY 21-22 R4 Body cam grant funding	(4,000,000)	(4,000,000)	0	0	0	0.0
FY 16-17 Cognitive behavioral therapy pilot	(1,648,106)	(1,648,106)	0	0	0	0.0
TOTAL	(\$5,438,616)	(\$5,542,658)	\$28,118	\$21,100	\$54,824	0.0

ANNUALIZE PRIOR YEAR LEGISLATION: The request includes a net decrease of \$2,354,538 total funds FY 2022-23 impact of bills passed in previous sessions.

ANNUALIZE PRIOR YEAR LEGISLATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB18-200 PERA unfunded liability	\$27,399	\$12,780	\$4,143	\$1,567	\$8,909	0.0
HB 21-1250 Law enforcement accountability	(2,000,000)	(2,000,000)	0	0	0	0.0
SB 20-217 Law enforcement integrity	(362,437)	(362,437)	0	0	0	0.2
HB 21-1280 Pretrial detention reform	(19,500)	(19,500)	0	0	0	0.0
TOTAL	(\$2,354,538)	(\$2,369,157)	\$4,143	\$1,567	\$8,909	0.2

ISSUE 1: PERFORMANCE BASED CONTRACTING IN COMMUNITY CORRECTIONS

The Division of Criminal Justice and the General Assembly have discussed performance-based contracting (PBC) in community corrections for many years. In January 2022, the Division will submit a proposal for PBC in response to a request for information included in the FY 2021-22 budget. During figure setting for FY 2022-23, the Committee may have to decide whether to fund PBC. If it decides to fund PBC, it will have to decide which measurements to use and how much funding to provide. This issue provides an overview of PBC aimed at the following goals: (1) Stimulating discussion about the policy goals of PBC and the community corrections system, and (2) Soliciting feedback from the Committee about the information it needs to make a decision about PBC during figure setting, if necessary.

SUMMARY

- PBC is a funding method that uses increased financial compensation to achieve larger policy objectives. Statute provides plenty of possible policy objectives to emphasize.
- If the Committee picks measurements that are appropriately aligned with desired objectives, the State may see improvement in community corrections outcomes. However, those outcomes are not guaranteed because there is little evidence available to support the effectiveness of PBC in criminal justice settings.
- PBC discussions have focused on three general performance measures: risk-informed outcomes influenced but not controlled by providers and facility security and evidence-based practice process measures controlled by providers.
- Staffing challenges could hinder the achievement of desired outcomes.
- Recent discussions suggest a delayed timeline for the implementation of PBC, with the first incentive payment not distributed until FY 2023-24. This is a change from previous discussions where implementation was thought to be possible in FY 2022-23.

RECOMMENDATIONS

This issue generally avoids recommendations on specific details of the PBC model, in part because DCJ is still working on their RFI response, in part because many of those details require more attention than provided here. However, staff does feel comfortable offering the following recommendations:

- If the Committee is interested in pursuing PBC, staff recommends implementation sooner rather than later. Staff recommends discussing the timeline and needed resources for implementation with the Department during the hearing.
- If the Committee proceeds with PBC, staff recommends incentive payments for outcomes only, not process measures. Staff is not sure why the General Assembly would pay providers for the methods used to achieve outcomes, as long as those methods are legal and ethical. If the methods are sound, the results should follow.

DISCUSSION

Staff structured this issue around the following questions:

- What is performance-based contracting?
 - What has the JBC discussed and funded so far?
 - Is PBC an evidence-based practice?
- Which community corrections objectives should PBC support?
 - Why does the community corrections system exist?
 - Which measurements tell us whether objectives have been achieved?
 - Should the General Assembly pay for outcomes or processes?
 - What might hinder the achievement of desired objectives?
- How much funding should the General Assembly provide?
 - How large should the incentives be?
 - Should base per-diems decrease, increase, or remain flat over time?
- What is an acceptable timeline?

WHAT IS PERFORMANCE-BASED CONTRACTING?

Performance-based contracting (PBC) aims to improve community corrections services and outcomes by tying at least a portion of a contractor's payment to performance measures. These measures are currently undetermined; DCJ's January 2022 RFI response will propose a set of measures and the Committee will have to decide if those measures are an acceptable basis for incentive payments.

The idea of tying pay to performance dates back to at least 2002, but the current "PBC" effort started in the first half of the 2010s.³ In December 2013, JBC staff briefed the Committee on the basic tenets and challenges of measuring performance. In that briefing, staff recommended legislation to enable PBC and an increase in funding on an "experimental" basis.⁴ The Committee did not approve staff's recommendation but indicated interest in the topic. This led, in part, to a 2015 plan approved by the Governor's Community Corrections Advisory Council.⁵ This plan laid out some basic attributes of a PBC system and provided a roadmap to guide its development.

WHAT HAS THE JBC DISCUSSED AND FUNDED SO FAR?

The General Assembly first provided funding for PBC in FY 2018-19 when the JBC approved an increase of \$350,180 General Fund and 3.6 FTE, which annualized to 4.0 FTE and \$365,320 in FY 2019-20. DCJ used these funds to evaluate community corrections providers' adherence to evidence-based practices through a tool called the Program Assessment for Correctional Excellence (PACE). These initial evaluations provided a baseline for at least one possible component of incentive payments. In other words, future performance payments could be based—at least in part—on whether providers' PACE scores show improvement from that initial evaluation.

In FY 2019-20, the Committee approved an increase of \$75,000 General Fund for DCJ to contract with a third-party to analyze and develop outcome measurements and propose a payment model. The

³ Community Corrections in Colorado: A Report of Findings, DCJ Office of Research and Statistics, February 2002, pg. 65 ([Link](#) to report)

⁴ https://leg.colorado.gov/sites/default/files/pubsafbrf2_2.pdf

⁵ Performance Based Contracting (PBC) for Colorado Community Corrections: General Attributes of a PBC Plan, Governor's Community Corrections Advisory Council, August 2015 ([Link](#) to plan)

contractor—Urban Institute—produced their report in October 2020.⁶ Certain components of that report are discussed later in this issue.

IS PBC AN EVIDENCE-BASED PRACTICE?

A significant amount of research supports the PACE evaluation tool. With outside help, DCJ consulted 422 research articles to develop the tool. It is not yet known whether strong PACE scores correlate with specific outcomes for the offender population, but the tool itself is rooted in research that says it will.⁷

However, there is little evidence available to support the notion that PBC will lead to better outcomes on a system-wide level; there simply are not many instances of PBC in criminal justice systems. The primary—and perhaps only—real-world example of criminal justice-related PBC in the U.S. occurred in Pennsylvania. Between July 2014 and June 2015, the Pennsylvania Department of Corrections (PDOC) tied incentive payments to baseline recidivism rates. Providers who outperformed those baseline rates earned an incentive payment; those that performed below the baseline could have their contracts terminated. At the end of that period, the PDOC reported an 11.0 percent decline in recidivism.

It is not clear how the PDOC defined recidivism, nor is it clear whether they controlled for other variables that may have affected the recidivism rate. Also, the Pennsylvania community corrections system is not structured like Colorado. The Colorado community corrections system takes “diversion” placements directly from the courts, “transition” placements from the Colorado Department of Corrections, and “parole” placements as a condition of parole. Community corrections in Pennsylvania only includes “transition” and “parole” placements.⁸ Furthermore, the PDOC operates its own community corrections centers and also contracts directly with private providers, whereas in Colorado the authority to execute community corrections contracts rests with DCJ (a third-party), rather than the DOC (for inmates) and Judicial (for diversion placements). The average number of placements in the PDOC system is similar to Colorado, but annual spending per inmate exceeds Colorado by about \$11,000 (PDOC \approx \$28,778 in 2017-18, Colorado \approx \$17,000).⁹ Staff notes that these figures should be taken lightly because staff has not yet confirmed the underlying calculations for the PDOC figure.

Section Summary

By tying pay to performance, Colorado may see improvement in service delivery and offender outcomes. PBC has been discussed for the better part of a decade, assisted by a modest amount of funding approved by the JBC. Some of that funding supported an evidence-based evaluation tool, but it is not known whether PBC itself will improve outcomes across the entire system. The next section discusses what the term “outcome” really means and what PBC—and community corrections as a whole—should be trying to achieve.

⁶ [Link](#) to Urban Institute report

⁷ For a more detailed explanation of the PACE tool, see Appendix D.

⁸ What is a Community Corrections Center?, John E. Wetzel, The PAPPC Journal, Spring 2012 ([Link](#) to document)

⁹ Criminal Justice Series Correctional Institutions, Pennsylvania House Appropriations Committee, February 2019 ([Link](#) to document). Staff recognizes that this is a potentially biased source but could not find another source before this briefing. Staff can do additional research at the Committee’s request.

WHICH COMMUNITY CORRECTIONS OBJECTIVES SHOULD PBC SUPPORT?

This issue discusses four different types of measurements: (1) *Outputs* that show what you are doing; (2) *Process* measures that indicate whether you are doing things correctly; (3) *Proxy* measures that show that you have accomplished something correlated with an outcome; and (4) *Outcomes* that show whether you are succeeding or failing in pursuit of the primary objective.

Ideally, the primary objective should be tied to the reason that a program or system exists. For example, if the purpose/objective of a program or system is to make the public safer, an outcome would tell you whether the public is indeed safer through specific safety-related measurements.

If outcomes are not defined and measured properly, it will be difficult to assess whether PBC is working as intended. This means that the General Assembly would have to weigh in on the outcomes that it wants to see and provide funding based on measurements related to those outcomes. In other words, what is a “win” for community corrections and how will the State know if the system is “winning” by using the PBC method?

*WHY DOES THE COMMUNITY CORRECTIONS SYSTEM EXIST?*¹⁰

People do not end up in community corrections unless they are convicted of a felony listed in the Colorado Criminal Code.¹¹ This code formally designates unwanted human behaviors as “illegal.” These behaviors are categorized by type and ranked by seriousness (the perceived harm incurred). More harmful offenses are called “felonies” and less harmful offenses are called “misdemeanors.” Statute also separates serious felonies from less serious felonies; it does the same for misdemeanors. Most people in community corrections have been convicted of class 4, 5, or 6 felonies (72.8 percent in FY 2019-20) and class 3 or 4 drug felonies (12.1 percent). Most of these convictions are for behaviors related to controlled substances, assault, vehicle violations, and burglary.¹²

By formally designating a behavior as illegal, the State vests itself with the authority to impose consequences for that behavior. These consequences are known as “sentences.” Per statute, sentences exist for multiple reasons. In abridged form, they are: (1) proportional punishment, (2) fairness, (3) deterrence, (4) rehabilitation, and (5) healing for victims.¹³ Public safety is not mentioned explicitly, but is understood to be a key purpose as well.¹⁴ Community corrections exists, in part, to further these purposes of sentencing, so it may be prudent to briefly examine what each of these means.¹⁵

- 1) Proportional punishment: The courts may refer an offender *convicted of a felony* to community corrections unless statute requires sentencing to the Department of Corrections, such as for certain violent crimes.¹⁶ Various caveats apply, but statute generally allows judges to use their discretion to divert certain felony offenders from what would otherwise be a prison sentence.
- 2) Fairness: Prohibiting a behavior and establishing the consequences in law provides “fair warning” and eliminates “unjustified disparity.”

¹⁰ Staff simplified this section to facilitate discussion and make the document easier to read. Colorado’s criminal statutes are much more complicated than presented here, but staff believes they have captured the basics.

¹¹ Title 18, C.R.S. There are crimes listed in other parts of statute, but most are contained in Title 18.

¹² DCJ Community Corrections Annual Report FY 2019-20 ([Link](#) to report)

¹³ Section 18-1-102.5, C.R.S.

¹⁴ See legal annotations for Sections 18-1-102 and 102.5, C.R.S.

¹⁵ Section 17-27-101.5 (1)(a), C.R.S.

¹⁶ Section 18-1.3-301 (1)(a), C.R.S.

- 3) Deterrence: The threat or use of punishment—the infliction of pain—to influence an individual’s decision to engage in unlawful behavior. An individual is “deterred” if they refrain from illegal behavior because they fear the punishment that will follow. It is also considered deterrence if an individual is punished and, because they were punished, they avoid that behavior in the future.
- 4) Rehabilitation: Assumes that one or more underlying factors contribute to criminal behavior. These are often referred to as “criminogenic” factors. Resolving or reducing these factors reduces the risk of reoffense. Staff notes that the community corrections system was originally aimed at rehabilitation. In 1974, the General Assembly established community corrections with the purpose of “reintegrating the offender not needing maximum security into the community through rehabilitative, education, treatment, and vocational programs.”
- 5) Healing for victims: Generally refers to reparation of the harm incurred by the offender on the victim. Reparation may include monetary restitution paid by the offender to the victim, retribution enacted by the state on the victim’s behalf, and/or engagement between the victim and offender resulting in actions that repair the harm.

In addition to furthering the general purposes of sentencing, statute also provides the following purposes of community corrections:

- (a) Improve public safety by reducing the incidence of future crime through design and implementation of research-based policies, practices, programs, and standards;
- (b) Prepare, select, and assist people who, after serving a statutorily defined period of incarceration, will be transitioned and returned to the community through supported partnerships with local community corrections boards;
- (c) Set individualized conditions of community corrections supervision and provide services and support to assist people in community corrections in addressing identified risks and needs; and;
- (d) Achieve a successful discharge from community corrections supervision through reduction of risks and needs and satisfactory compliance with conditions of placement.¹⁷

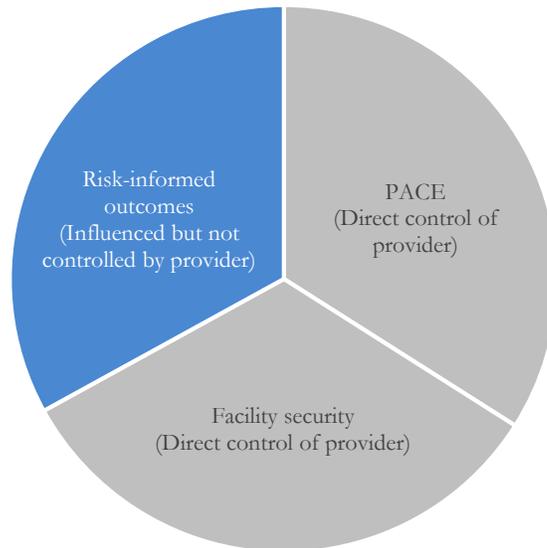
Between the purposes of sentencing and the purposes of community corrections, there are plenty of policy objectives to pursue through PBC. However, if the Committee decides to support PBC, it will have to choose which objectives to emphasize. Following that decision, the Committee would have to choose specific measurements that indicate achievement of those larger policy objectives.

WHICH MEASUREMENTS TELL US WHETHER OBJECTIVES HAVE BEEN ACHIEVED?

PBC discussions have centered around three general performance measures: outcomes informed by risk, facility security, and the PACE tool. Most outcomes are not directly controlled by the provider, whereas facility security and PACE are process measures within the provider’s control.

¹⁷ Section 17-27-101.5, C.R.S.

General PBC Performance Measures



Funding for PBC can be weighted according to importance as determined by the General Assembly, so the pie chart above could show any number of proportions for each general measure. For example, if the total incentive payment was 6.0 percent higher than the base, the chart above shows each measure making up an equal third of the total payment: 2.0 percent outcomes, 2.0 percent PACE scores, 2.0 percent facility security. The remainder of this subsection explains each general performance measure so the Committee may consider which measures they may want to select, if any, to achieve broader policy objectives discussed in the previous section.

Risk-informed Outcomes

The community corrections system includes offenders with different levels of risk. Previous PBC discussions have stressed that the system needs to serve high-risk offenders. Consequently, those discussions have highlighted the need to adjust for risk when measuring outcomes so programs will continue accepting high risk offenders. In other words, if outcomes are not adjusted for risk, local boards and programs may reject high-risk offenders because they are harder to work with.

With those concerns in mind, the original 2015 PBC plan emphasized four risk-adjusted measurements:

- 1) Recidivism: Facility recidivism rate/average risk score of offenders at the facility
- 2) Completion: Facility program completion rate/average risk score of offenders at the facility
- 3) New crime rate: Facility new crime rate/average risk score of offenders at the facility
- 4) Escape rate: Facility escape rate/average risk score of offenders at the facility

The more recent Urban Institute report underlined the same measures, plus employment and risk reduction, and calculated baselines to judge future performance. Their report also mentioned two additional measures that have not been calculated, shown at the bottom of the table below.

RISK-INFORMED OUTCOMES AND BASELINE MEASURES (AVERAGE FROM FY 2014-2018)			
MEASURE	DESCRIPTION	LOW/ MEDIUM RISK	HIGH/ VERY HIGH RISK
Successful completion	Offender successful completes all required programming	55.0%	49.0%
Employment gain/retain	Offender unemployed at start gained employment while in program, offender employed at start stays employed	75.0%	69.0%
Escape rate	Offender walks away from program, now considered an "unauthorized absence" misdemeanor per statute for certain crimes	16.0%	19.0%
Technical violations	Offender violates conditions of sentence and/or program rules (e.g. nonparticipation in programming, contraband, substance use, etc.)	27.0%	30.0%
Recidivism*	Felony reconviction two years from program start	17.0%	19.0%
Risk reduction	Change in Level of Service Inventory (LSI) score from intake, updated every six months. LSI is a 54-point evidence-based risk assessment tool that measures risk for recidivism. Low risk = 0-17, Medium = 18-27, High = 27-54	(4.6)	(5.7)
Treatment matching	Measures how well programs match treatment with risks and needs	n/a	n/a
Staff retention	Measures how well programs are retaining their staff	n/a	n/a

Data taken from Urban Institute Report, pg. 14
**Recidivism data for FY 2014-17 only*

The Committee could choose one, some, all, or none of these measures for outcome-based incentive payments. However, whatever the Committee chooses should align with larger policy objectives for the community corrections system. The following subsections discuss whether and how each measure aligns with the purposes of community corrections.

Successful Completion

This measure aligns with the statutory purposes of community corrections if there has been a measureable reduction in risks and needs and the offender has complied with the conditions of their placement.¹⁸ A potential drawback is that this measure is largely within the program's control and could encourage programs to retain offenders whose behavior warrants revocation and termination for safety reasons.¹⁹ Another potential drawback is that the measure does not inherently show progress toward a policy objective like rehabilitation. In principle, successful completion indicates that at least some of the criminogenic factors leading to the initial behavior have been resolved or reduced. If universally true, it would be a good proxy measure for rehabilitation-related outcomes. However, in practice it is possible for both offenders and programs to "go through the motions" and do just enough for the offender to finish the program, regardless of whether any rehabilitation has occurred.

Employment Gain/Retain

This is another proxy measure, but it is not explicitly aligned with the statutory purposes of community corrections. Previous DCJ reports across multiple decades have highlighted a positive correlation between employment and program completion, but the link between employment and recidivism is not clear.²⁰ The Urban Institute's report supports these findings. Employment gain/retention may indicate a level of physical and emotional stability perhaps acquired through community corrections programming. This stability might reduce the risk of re-offense. Employment might also reduce recidivism by giving an individual a larger purpose and/or reduce idle time that may drive a person toward risk-seeking behaviors.

¹⁸ Section 17-27-101.5 (1)(d), C.R.S.

¹⁹ JBC staff briefing, December 23, 2013, pg. 33 ([Link](#) to document)

²⁰ 1991 report, pg. 2 ([Link](#) to report); 2006 report, pg. 11-12 ([Link](#) to report)

Escape Rate

This measure is loosely aligned with the public safety-related purposes of community corrections, which provides an intermediate level of supervision between prison and probation. If an offender walks away from their facility, an intermediate level of supervision is not possible. It is not clear how the relatively new crime of “unauthorized absence”—a class 3 misdemeanor—plays into this measure.²¹

Technical Violations

This measure is loosely aligned with the public safety-related purposes of community corrections. It also indicates whether the offender is complying with the conditions of their placement. Violations fall into two broad categories: substance use and non-substance use. The former could be actual use of prohibited substances or merely the possession of those substances in the facility. The latter could be visiting unauthorized locations while in the community or failure to participate in programming. Like successful completion rates, providers have some control over the measure and may behave differently if the measure is tied to financial incentives. For example, providers may tolerate more violations with the aim of reducing the number of offenders that are discharged for those violations. This may be good or bad, depending on how one views the appropriateness of technical violations.

Recidivism

This measure aligns directly with the statutory purposes of community corrections.²² The biggest challenge with using this measure is that it captures the effects of other parts of the criminal justice system. For example, a transition offender has likely been through multiple DOC programs before arriving at community corrections. When they complete community corrections, they go to parole. A felony reconviction within two years of starting a community corrections program captures these factors and many other variables.

In staff’s view, it would be ideal to compare recidivism for groups of community corrections offenders with comparable groups of offenders who do not go to community corrections. This would give the State a better idea of how community corrections performs relative to other systems like probation, parole, or certain DOC reentry programs. However, staff is unaware of any existing analyses that make this type of comparison, which is very difficult to do.

Risk Reduction

This measure aligns directly with the statutory purposes of community correction, but it may not be possible or practical to use it for incentive payments. Level of Service Inventory (LSI) assessments are conducted at six month intervals, so it would not be possible to measure risk reduction for offenders that stay in community corrections less than six months.

Facility Security

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

²¹ Section 18-8-208.2, C.R.S.

²² Section 17-27-102.5 (1)(a), C.R.S.

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

The following table shows the standards included in the CSA, along with initial baseline scores. Each standard has multiple subcomponents, each with their own score. Staff has excluded these subcomponents to keep the table manageable, but they can be found in DCJ’s report.²³

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

Program Assessment for Correctional Excellence (PACE)

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

²³ [Link](#) to Colorado Community Corrections Core Security Baseline Report

The following table shows the seven main components of PACE and the initial baseline scores. Each component has multiple subcomponents, each with their own score. Staff has excluded these subcomponents to keep the table manageable, but they can be found in DCJ’s report.²⁴ Descriptions represent JBC staff’s attempt to simplify the technical concepts contained in each measure.

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

SHOULD THE GENERAL ASSEMBLY PAY FOR OUTCOMES OR PROCESSES?

If the Committee supports PBC, staff recommends funding outcomes, not processes. Staff is not sure why the General Assembly would pay providers for the methods used to achieve those outcomes, assuming those methods are legal and ethical. If the methods are sound, results should follow.

The Committee may consider a combination of ultimate outcomes, like recidivism, and proxy measures related to outcomes. For example, if the Committee wanted to emphasize rehabilitation as the broader policy objective, it could select proxy measures that show that the community corrections program measurably reduced or resolved some of the criminogenic factors leading to the initial conviction. If the Committee wanted to emphasize a broader policy goal like safety through strong facility security and supervision, the Committee may consider selecting measures directly connected to safety: the number of fights in facilities, new crimes committed while in the program, the amount of contraband seized, etc.

The Committee may also consider funding outcome measures tailored to the different types of offenders in the system. For example, if one purpose of community corrections is to stabilize and support DOC inmates as they return to society, are there outcome measures that would tell us whether that is occurring? Could the State measure specific skill sets necessary for life after prison? Could the State provide higher incentive payments for employment gain for transition offenders, rather than for diversion offenders who might already be employed?

WHAT MIGHT HINDER THE ACHIEVEMENT OF DESIRED OUTCOMES?

This is a difficult question to answer without knowing which outcomes will be emphasized in a PBC system. However, staff offers the following discussion for the Committee’s consideration.

²⁴ [Link](#) to Colorado Community Corrections PACE Baseline Report

Staffing

Staffing problems in community corrections have been reported for decades, with recent statewide employment trends possibly exacerbating the problem. DCJ reported staffing problems, including a lack of staff and high turnover rates, in 1991 and 2002.²⁵ The difficulty of recruiting and retaining staff with existing per-diem rates was also discussed by JBC staff in 2013.²⁶ A later JBC staff analysis in 2019 discussed a gap between reported costs—including costs for staff—and per-diem rates.²⁷ And as staff noted in the General Factors section of this document, the per-diem rate for standard residential placements has declined by about 25.0 percent since the early 1990s when accounting for inflation.

Community corrections is a staff-intensive endeavor. The Community Corrections Standards require program staff do specific things and in some cases require a specific number of program staff to be present in the facility at all times. The PACE tool requires program staff to implement and execute a wide-array of technical, evidence-based practices. The aforementioned DCJ reports mentioned additional challenges. For example, the 1991 report says, “New staff tended to be ‘tested’ by the residents, a process typical in situations where authority changes. Programs with stable staff can avoid these additional ‘testing’ periods (it usually occurs when clients enter the program).” The 2002 report highlighted low salaries, saying, “...it is not surprising that facilities have difficulty hiring qualified and educated staff. This variation in skill level across facilities means that offenders have very different experiences in community corrections depending on the facility in which they are housed.”

Staff cannot prove that these past challenges remain in today’s system, but anecdotal reports and recent actions by DCJ suggest that they are. On November 18, DCJ sent a letter to community corrections providers about the prospect of an additional \$137,367 facility payment in January 2022.²⁸ DCJ did this to “aid with the financial impacts of the ongoing pandemic and the staffing issues.” However, the extra payment comes with conditions. Qualifying facilities will have to submit a plan for spending the payment on COVID-related items and activities (PPE, testing, facility cleaning) and/or staffing (hiring bonuses, retention bonuses, increased salaries, etc.). Then they have to follow-up with an actual expenditure report by July 30, 2022.

Despite this additional payment, staff has concluded that it is reasonable for providers to question whether PBC incentive payments will improve outcomes if it is true that base per-diems are “too low.” For example, if the \$49.16 base residential per-diem is about \$20.00 too low, it follows that increasing the per-diem by 2.0 or 3.0 percent annually may not substantially improve a provider’s ability to hire and retain qualified staff, if only because inflation will account for some or all of that increase.

Section Summary

There is a broad spectrum of policy objectives that can be pursued through a PBC funding model. For example, should community corrections be focused mainly on security and supervision, or mainly

²⁵ 1991 report, pg. 44-45 ([Link to report](#)); 2002 report, pg. 11 ([Link to report](#))

²⁶ JBC Staff Budget Briefing, December 2013, pgs. 17-30 ([Link to document](#))

²⁷ JBC Staff Figure Setting, March 2019, pgs. 16-20 ([Link to document](#))

²⁸ The extra payment would be made possible by a transfer of \$3,896,651 General Fund from the Community Corrections placements line item to the Community Corrections Facility Payments line item. This figure assumes that all facilities will submit plans. The Division expects significant reversions in the Placements line item due to lower-than-expected census and has the statutory authority to transfer up to 10.0 percent of total annual appropriations for community corrections between line items. The letter is attached in Appendix D.

on rehabilitation? Or should it focus equally on both? Is it possible focus on both and see improvement in each?

Broader policy objectives could guide the distribution of funds through the measurements selected and the proportion of funds dedicate to those measurements. The General Assembly could emphasize any number of outcomes that are largely beyond a provider's direct control. It could also emphasize the quality of services within a provider's direct control by providing larger incentive payments for process measures like facility security and/or PACE scores. Or it could emphasize each equally. The next step would be to decide how much to appropriate for incentive payments.

HOW MUCH FUNDING SHOULD THE GENERAL ASSEMBLY PROVIDE?

The FY 2021-22 base appropriation for provider payments is about \$66.1 million General Fund.²⁹ This appropriation is based on expected caseload and per-diem rates. In future years, this base amount would go up or down with caseload and/or changes to base per-diem rates. In a PBC system, incentive payments would probably require additional appropriations in excess of whatever the base ends up being.

HOW LARGE SHOULD THE INCENTIVES BE?

If the Committee decides to support PBC, it will have to decide how much funding it is willing to provide for incentive payments. Should total funding be 2.0 percent higher than the base? 5.0 percent? 10.0 percent?

The next step is deciding how to allocate that funding. Should incentive payments be allocated through higher per-diem rates? If so, how much higher? Should that higher rate be a single pass/fail rate, or should providers be able to earn progressively higher rates for progressively better performance? The same could be said for a flat-rate payment model that presets the total incentive payment.

Staff assumes that providers would prefer higher per-diem rates because the only limit on revenue would be the number of placements in their facility. However, a flat-rate payment model would provide the Committee with a reliable cap on total appropriations for incentive payments.

SHOULD BASE PER-DIEMS DECREASE, INCREASE, OR REMAIN FLAT OVER TIME?

The Committee will also have to decide what to do about base per-diem rates. Previous discussions, including the JBC staff briefings and the Urban Institute's report, proposed either freezing base per-diems at current levels or reducing base per-diems over time. Either course of action would theoretically provide additional motivation for providers to improve performance because non-improvement would lead to stagnant or reduced compensation. In other words, it could prevent a situation where providers deliberately avoid improvements because they can continue business as usual with base rates. A potential downside is the possibility that nonperforming providers may opt out of the system entirely, either by refusing to take community corrections placements or by shutting down their program. This would reduce system capacity if other providers do not step in to fill the void.

The General Assembly could also increase base per-diems to match the common policy provider rate adjustment. This course of action could help the system retain capacity over time. It may also offer

²⁹ Line item is Community Corrections Placements. There are other line items that support allocations to providers, but the majority of funding comes through Placements line based on per-diem rates and actual placements in the system.

just enough funding to support a baseline level of performance among providers who are not earning incentive payments. A potential downside is that fewer providers may pursue the improvements necessary to earn incentive payments if they can maintain their programs at base rates.

The Committee may consider an alternative to both options. The Committee could use one-time funding to significantly increase base per-diems on a temporary basis, perhaps for the current fiscal year and for FY 2022-23. In the first year of incentive payouts, the base rate would return to normal and stay there for as long as PBC remains in place. The temporary boost in per-diems would: (1) help providers recover more quickly from a rapid and sustained decline in the number of placements in the system, and (2) ensure that providers have adequate financial resources to help them make the improvements necessary to earn incentive payments in future years. This latter point is especially salient given that staff quality is a significant component of PACE. After that period, freezing per-diems at current levels would—in theory—motivate a greater number of providers to make improvements.

WHAT IS AN ACCEPTABLE TIMELINE?

The next decision point is timing of the first incentive payments and the frequency of incentive payments thereafter. Based on information shared during a stakeholder workshop on November 3, 2021, the first incentive payment for outcome measurements would probably occur in FY 2023-24. This is a change from previous discussions. During discussions between DCJ and JBC staff in spring 2021, DCJ indicated it may be able to implement PBC in FY 2022-23, which is why staff recommended the RFI with a deadline in January 2022. The purpose of the RFI was to inform the FY 2022-23 figure setting process, so staff recommends adding a discussion item to the hearing agenda regarding the timeline for initial implementation.

The next issue concerns payment frequency. If the Committee wants to use facility security and PACE scores for incentive payments, DCJ will have to continuously audit community corrections programs and measure their improvement relative to the baseline. This takes time and resources. For example, it would likely take about two years to complete a full audit cycle for PACE. DCJ's four evaluators would have to visit at least 27 different facilities, with each evaluation taking 10-12 weeks (based on the initial assessment phase). This means that providers would have to wait at least two years to get the payoff from improved performance. If the Committee desires a more frequent cycle of improvement, evaluation, and payment, DCJ would likely need additional staff.

If the Committee sees PBC as a worthy endeavor, staff recommends avoiding further delays in implementation.

APPENDIX A
NUMBERS PAGES
(DIGITAL ONLY)

Appendix A details actual expenditures for the last two fiscal years, the appropriation for the current fiscal year, and the requested appropriation for next fiscal year. This information is listed by line item and fund source. *Appendix A is only available in the online version of this document.*

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
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DEPARTMENT OF PUBLIC SAFETY
Stan Hilkey, Executive Director

(4) DIVISION OF CRIMINAL JUSTICE
(A) Administration

DCJ Administrative Services	<u>4,366,598</u>	<u>4,744,625</u>	<u>6,561,157</u>	<u>6,763,147</u> *
FTE	45.5	42.0	47.5	47.7
General Fund	3,306,219	3,502,523	4,211,184	4,362,184
Cash Funds	608,353	866,391	1,722,463	1,750,786
Reappropriated Funds	452,026	375,711	492,848	515,515
Federal Funds	0	0	134,662	134,662
Appropriation to the Body-worn Cameras for Law Enforcement	<u>0</u>	<u>0</u>	<u>6,000,000</u>	<u>0</u>
General Fund	0	0	6,000,000	0
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Indirect Cost Assessment	<u>743,318</u>	<u>855,375</u>	<u>514,537</u>	<u>738,789</u>
General Fund	0	0	0	0
Cash Funds	102,171	77,454	114,088	94,610
Reappropriated Funds	0	0	0	0
Federal Funds	641,147	777,921	400,449	644,179

*Line item contains a decision item

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
SUBTOTAL - (A) Administration	5,109,916	5,600,000	13,075,694	7,501,936	(42.6%)
<i>FTE</i>	<u>45.5</u>	<u>42.0</u>	<u>47.5</u>	<u>47.7</u>	0.4%
General Fund	3,306,219	3,502,523	10,211,184	4,362,184	(57.3%)
Cash Funds	710,524	943,845	1,836,551	1,845,396	0.5%
Reappropriated Funds	452,026	375,711	492,848	515,515	4.6%
Federal Funds	641,147	777,921	535,111	778,841	45.5%

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants	<u>34,606,523</u>	<u>44,556,466</u>	<u>25,093,968</u>	<u>25,148,792</u>
FTE	8.6	13.6	8.6	8.6
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	34,606,523	44,556,466	25,093,968	25,148,792
State Victims Assistance and Law Enforcement Program	<u>1,244,549</u>	<u>1,034,240</u>	<u>3,000,000</u>	<u>3,000,000</u>
General Fund	0	0	0	0
Cash Funds	1,244,549	1,034,240	1,500,000	1,500,000
Reappropriated Funds	0	0	1,500,000	1,500,000
Federal Funds	0	0	0	0
Appropriation to the Victims Assistance and Law Enforcement Fund	<u>0</u>	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
Cash Funds	0	0	1,500,000	0
Federal Funds	0	0	0	1,500,000

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Child Abuse Investigation	<u>1,296,545</u>	<u>1,296,529</u>	<u>1,297,693</u>	<u>1,297,693</u>	
FTE	0.3	0.0	0.3	0.3	
General Fund	1,000,000	1,000,000	1,000,000	1,000,000	
Cash Funds	296,545	296,529	297,693	297,693	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Sexual Assault Victim Emergency Payment Program	<u>166,228</u>	<u>167,892</u>	<u>167,933</u>	<u>167,933</u>	
FTE	0.2	0.1	0.2	0.2	
General Fund	166,228	167,892	167,933	167,933	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Statewide Victim Information and Notification System (VINE)	<u>424,720</u>	<u>424,720</u>	<u>434,720</u>	<u>434,720</u>	
General Fund	424,720	424,720	434,720	434,720	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Forensic Nurse Examiners Telehealth Program	<u>0</u>	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>	
Cash Funds	0	0	3,000,000	0	
Federal Funds	0	0	0	3,000,000	
State Victim Compensation Program	<u>0</u>	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>	
Cash Funds	0	0	1,500,000	0	
Federal Funds	0	0	0	1,500,000	

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
SUBTOTAL - (B) Victims Assistance	37,738,565	47,479,847	35,994,314	36,049,138	0.2%
<i>FTE</i>	<u>9.1</u>	<u>13.7</u>	<u>9.1</u>	<u>9.1</u>	<u>(0.0%)</u>
General Fund	1,590,948	1,592,612	1,602,653	1,602,653	0.0%
Cash Funds	1,541,094	1,330,769	7,797,693	1,797,693	(76.9%)
Reappropriated Funds	0	0	1,500,000	1,500,000	0.0%
Federal Funds	34,606,523	44,556,466	25,093,968	31,148,792	24.1%

(C) Juvenile Justice and Delinquency Prevention

Juvenile Justice Disbursements	<u>744,011</u>	<u>468,618</u>	<u>800,000</u>	<u>800,000</u>
<i>FTE</i>	1.2	4.8	1.2	1.2
General Fund	0	0	0	0
Cash Funds	0	0	0	0
Reappropriated Funds	0	0	0	0
Federal Funds	744,011	468,618	800,000	800,000
Juvenile Diversion Programs	<u>2,907,948</u>	<u>3,394,272</u>	<u>3,561,677</u>	<u>3,561,677</u>
<i>FTE</i>	3.0	2.4	3.0	3.0
General Fund	2,508,067	3,041,371	3,161,677	3,161,677
Cash Funds	399,881	352,901	400,000	400,000
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

SUBTOTAL - (C) Juvenile Justice and Delinquency					
Prevention	3,651,959	3,862,890	4,361,677	4,361,677	0.0%
<i>FTE</i>	<u>4.2</u>	<u>7.2</u>	<u>4.2</u>	<u>4.2</u>	<u>0.0%</u>
General Fund	2,508,067	3,041,371	3,161,677	3,161,677	0.0%
Cash Funds	399,881	352,901	400,000	400,000	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	744,011	468,618	800,000	800,000	0.0%

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
(D) Community Corrections					
Community Corrections Placements	<u>68,820,643</u>	<u>46,963,685</u>	<u>66,063,973</u>	<u>65,076,507</u>	*
General Fund	68,820,643	46,963,685	66,063,973	65,076,507	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Correctional Treatment Cash Fund Residential Placements	<u>2,328,955</u>	<u>2,254,188</u>	<u>2,707,740</u>	<u>2,734,817</u>	*
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,328,955	2,254,188	2,707,740	2,734,817	
Federal Funds	0	0	0	0	
Community Corrections Facility Payments	<u>4,237,254</u>	<u>4,067,764</u>	<u>4,299,753</u>	<u>4,342,751</u>	*
General Fund	4,237,254	4,067,764	4,299,753	4,342,751	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Community Corrections Boards Administration	<u>2,538,726</u>	<u>2,507,862</u>	<u>2,577,165</u>	<u>2,602,937</u>	*
General Fund	2,538,726	2,507,862	2,577,165	2,602,937	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

*Line item contains a decision item

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Services for Substance Abuse and Co-occurring Disorders	<u>2,264,500</u>	<u>1,875,912</u>	<u>2,654,178</u>	<u>2,680,720</u> *	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,264,500	1,875,912	2,654,178	2,680,720	
Federal Funds	0	0	0	0	
Specialized Offender Services	<u>191,208</u>	<u>173,609</u>	<u>270,138</u>	<u>272,839</u> *	
General Fund	191,208	173,609	270,138	272,839	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Assessment Training	<u>5,224</u>	<u>9,838</u>	<u>10,507</u>	<u>10,507</u>	
General Fund	5,224	9,838	10,507	10,507	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (D) Community Corrections	80,386,510	57,852,858	78,583,454	77,721,078	(1.1%)
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0%</u>
General Fund	75,793,055	53,722,758	73,221,536	72,305,541	(1.3%)
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	4,593,455	4,130,100	5,361,918	5,415,537	1.0%
Federal Funds	0	0	0	0	0.0%

*Line item contains a decision item

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
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(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement

Grants	<u>1,877,788</u>	<u>6,283,174</u>	<u>3,000,000</u>	<u>3,000,000</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	1,877,788	6,283,174	3,000,000	3,000,000	
Sex Offender Surcharge Fund Program	<u>228,275</u>	<u>229,939</u>	<u>235,479</u>	<u>239,417</u>	
FTE	2.4	2.5	2.4	2.4	
General Fund	83,356	82,712	83,471	83,471	
Cash Funds	144,919	147,227	152,008	155,946	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Sex Offender Supervision	<u>316,211</u>	<u>343,161</u>	<u>375,364</u>	<u>386,577</u>	
FTE	3.2	3.8	3.2	3.2	
General Fund	316,211	343,161	375,364	386,577	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

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	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
Treatment Provider Criminal Background Checks	<u>34,414</u>	<u>40,748</u>	<u>49,606</u>	<u>49,606</u>	
FTE	0.6	0.3	0.6	0.6	
General Fund	0	0	0	0	
Cash Funds	34,414	40,748	49,606	49,606	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Federal Grants	<u>3,962,068</u>	<u>3,624,399</u>	<u>5,000,000</u>	<u>5,008,909</u>	
FTE	10.5	3.2	10.5	10.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	3,962,068	3,624,399	5,000,000	5,008,909	
Criminal Justice Training Fund	<u>81,480</u>	<u>215</u>	<u>240,000</u>	<u>240,000</u>	
FTE	0.5	0.0	0.5	0.5	
General Fund	0	0	0	0	
Cash Funds	81,480	215	240,000	240,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Methamphetamine Abuse Task Force Fund	<u>2,068</u>	<u>113</u>	<u>3,000</u>	<u>3,000</u>	
General Fund	2,068	0	0	0	
Cash Funds	0	113	3,000	3,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2019-20 Actual	FY 2020-21 Actual	FY 2021-22 Appropriation	FY 2022-23 Request	Request vs. Appropriation
EPIC Resource Center	<u>869,659</u>	<u>925,061</u>	<u>0</u>	<u>0</u>	
FTE	9.0	8.5	0.0	0.0	
General Fund	869,659	925,061	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (E) Crime Control and System Improvement	7,371,963	11,446,810	8,903,449	8,927,509	0.3%
FTE	<u>26.2</u>	<u>18.3</u>	<u>17.2</u>	<u>17.2</u>	0.0%
General Fund	1,271,294	1,350,934	458,835	470,048	2.4%
Cash Funds	260,813	188,303	444,614	448,552	0.9%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	5,839,856	9,907,573	8,000,000	8,008,909	0.1%
TOTAL - (4) Division of Criminal Justice	134,258,913	126,242,405	140,918,588	134,561,338	(4.5%)
FTE	<u>85.0</u>	<u>81.2</u>	<u>78.0</u>	<u>78.2</u>	0.3%
General Fund	84,469,583	63,210,198	88,655,885	81,902,103	(7.6%)
Cash Funds	2,912,312	2,815,818	10,478,858	4,491,641	(57.1%)
Reappropriated Funds	5,045,481	4,505,811	7,354,766	7,431,052	1.0%
Federal Funds	41,831,537	55,710,578	34,429,079	40,736,542	18.3%
TOTAL - Department of Public Safety	134,258,913	126,242,405	140,918,588	134,561,338	(4.5%)
FTE	<u>85.0</u>	<u>81.2</u>	<u>78.0</u>	<u>78.2</u>	0.3%
General Fund	84,469,583	63,210,198	88,655,885	81,902,103	(7.6%)
Cash Funds	2,912,312	2,815,818	10,478,858	4,491,641	(57.1%)
Reappropriated Funds	5,045,481	4,505,811	7,354,766	7,431,052	1.0%
Federal Funds	41,831,537	55,710,578	34,429,079	40,736,542	18.3%

APPENDIX B FOOTNOTES AND INFORMATION REQUESTS

UPDATE ON LONG BILL FOOTNOTES

The General Assembly includes footnotes in the annual Long Bill to: (a) set forth purposes, conditions, or limitations on an item of appropriation; (b) explain assumptions used in determining a specific amount of an appropriation; or (c) express legislative intent relating to any appropriation. Footnotes to the 2021 Long Bill (S.B. 21-205) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/SB21-205>. The Long Bill footnotes relevant to this document are listed below.

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

COMMENT: This footnote is part of the community corrections placements appropriations.

- 99 Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes funding for 48 condition-of-probation placements at rates corresponding to those in footnote 110.

COMMENT: This footnote makes it clear that all Intensive Residential Treatment (IRT) Beds receive the same reimbursement from the Division of Criminal Justice.

100 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- The amount of the appropriation assumes that the Department will make lower facility payments to programs that have lower costs due to case management staffing shortfalls or security and case management salary shortfalls relative to the staffing and salary model upon which the appropriation is based. Because per diem rates are unchanged for FY 2021-22, these appropriations further assume that salary and staffing levels deemed adequate for FY 2020-21 will be deemed adequate for FY 2021-22 and that community corrections facilities with an average of 32 or more security FTE will receive a second facility payment.

COMMENT: The footnote explains the intent of the General Assembly when setting the appropriations for the Community Corrections Facility Payment line item.

UPDATE ON LONG BILL REQUESTS FOR INFORMATION

The Joint Budget Committee annually submits requests for information to executive departments and the judicial branch via letters to the Governor, the Chief Justice, and other elected officials. Each request is associated with one or more specific Long Bill line item(s), and the requests have been prioritized by the Joint Budget Committee as required by Section 2-3-203 (3), C.R.S. Copies of these letters are included as Appendix L of the annual Appropriations Report. The requests for information relevant to this document are listed below.

REQUESTS AFFECTING MULTIPLE DEPARTMENTS

1 Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation -- State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs.

COMMENT: The Department has not yet submitted its response.

DEPARTMENT OF PUBLIC SAFETY

1 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements, Correctional Treatment Cash Fund Residential Placements, and

Community Corrections Facility Payments -- As part of its FY 2022-23 budget request, the Department is requested to report actual average daily community corrections placements for recently completed fiscal years with a level of detail compatible with the table in Long Bill footnote 98. This document should also report condition of probation placements. The Department is requested to update the report with year-to-date community corrections placements shortly after January 1, 2022. The January report should also include an estimated placements table for FY 2022-23. If the Department believes that a supplemental adjustment to the FY 2021-22 Community Corrections Placements appropriation is needed, the Department is requested to also submit an estimated placements table for FY 2021-22. If the Department estimates that the actual number of Community Corrections facility payments in either FY 2021-22 or FY 2022-23 will differ from the number on which the FY 2021-22 facility payments appropriation is based, the Department is requested to include that information in its January report. These estimates are not intended to be formal statistical forecasts, but informal estimates based upon year-to-date caseload, knowledge of facilities that are opening and closing or expanding and contracting, and upon other factors that influence the community corrections appropriations. The Department is requested to submit a brief narrative with the estimates.

COMMENT: The Department is not required to submit a response until January 2022.

- 2 Department of Public Safety, Division of Criminal Justice, Community Corrections -- As part of its FY 2022-23 budget request, the Department is requested to submit a proposal for the implementation of performance based contracting. This proposal should include payment models, outcomes to evaluate the performance of community providers and local community corrections boards, baseline targets for the Program Assessment for Correctional Excellence (PACE) and core security audits, the frequency of PACE and core security audits, and a warning system for underperforming providers. The Department is requested to submit this proposal no later than January 3, 2022.

COMMENT: The Department is not required to submit a response until January 2022.

APPENDIX C

DEPARTMENT ANNUAL PERFORMANCE REPORT

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Department of Natural Resources is required to publish an **Annual Performance Report** for the *previous fiscal year* by November 1 of each year. This report is to include a summary of the Department's performance plan and most recent performance evaluation for the designated fiscal year. In addition, pursuant to Section 2-7-204 (3)(a)(I), C.R.S., the Department is required to develop a **Performance Plan** and submit the plan for the *current fiscal year* to the Joint Budget Committee and appropriate Joint Committee of Reference by July 1 of each year.

For consideration by the Joint Budget Committee in prioritizing the Department's FY 2022-23 budget request, the FY 2020-21 Annual Performance Report and the FY 2021-22 Performance Plan can be found at the following link:

<https://www.colorado.gov/pacific/performancemanagement/department-performance-plans>

APPENDIX D
PACE TOOL AND PAYMENT LETTER TO PROVIDERS

*Note: This backgrounder was extracted from the FY 2018-19 JBC staff figure setting document for DCJ

PACE TOOL BACKGROUND

Initial Development: The Program Assessment for Correctional Excellence (PACE) began as a collaborative effort in 2014. Stakeholders from community corrections boards and providers, sitting on what was then called the Evidence-Based Practice Statewide Steering Committee, came together and began to develop the items and metrics for the initial prototype of the PACE. After 2 years and a great deal of effort on the part of this committee, eventually a consultant was brought in to further develop, finalize and validate the PACE. The consultant chosen was Brad Bogue and his partners at J-SAT, a national consulting company specializing in correctional evidence-based practices. The Factors within the PACE are based on the National Institute of Corrections Principles of Effective Intervention. Mr. Bogue was one of the original authors of this seminal work on the implementation of evidence-based practices in community corrections. The Principles of Effective Intervention were initially developed in 2004 through an exhaustive review of the relevant research in the field regarding what practices were most effective at reducing recidivism among community-based correctional populations. With the support of Mr. Bogue and his team, the DCJ built from this work and identified specific and dynamic practices that would demonstrate the degree to which programs had implemented these Principles.

Dynamic Contents of PACE tool: Ultimately this collaborative work resulted in the current PACE tool which contains 7 factors directly aligned with the National Institute of Corrections - Principles of Effective Intervention. The tool is made up of 22 items spanning these 7 factors and more than 85 metrics that comprise the 22 items and 7 factors. These metrics and items all measure dynamic factors which research demonstrates lead to improved recidivism outcomes for clients when implemented effectively. In addition to the 7 primary factors measured through the PACE tool (Risk/Need Assessment, Enhance Intrinsic Motivation, Target Intervention, Skill Train with Directed Practice, Increase Positive Reinforcement, Respond to Violation Behavior with Effective Practices, Engage Ongoing Support in Natural Communities), the PACE process also includes an evaluation of each program's Capacity for Implementation. This information is used to help programs develop strategies to support improved evidence-based practice implementation through some of the aspects of Implementation Science. The PACE is intentionally and necessarily dynamic, meaning that it can measure program growth and progress over time regarding the degree to which they have effectively implemented appropriate evidence-based practices.

Validation Methods: Through the initial development of the tool with Brad Bogue and J-SAT, one of the primary objectives was to ensure that the PACE tool had valid content. To this end, a new literature review was undertaken and a total of 422 high quality published research studies, pulled from the fields of criminology, behavioral health and implementation science, were identified to support the content of the PACE. Additionally, the structure of the PACE and the rigor with which data is collected and documented was developed specifically to ensure that once a statewide baseline is completed, a predictive/outcome validity study of the PACE could be conducted. Funds for this validity study have not yet been requested by the Division. As a matter of procedure, given the budget cycle and the timeline for baseline completion, the initial budget amendment to launch the PACE did not include funding for the predictive validity study. However, it has always been the intent to request these funds when it was appropriate and the statewide baseline measurement was completed. The primary intention of this outcome study will be to determine the degree to which the PACE overall, as well as items and sub-items, are predictive of client outcomes (i.e. if higher scores on the PACE

relate to improved outcomes, both short term and long term, for clients). This will help determine which elements of the PACE are measuring what they intended to measure and which may need to be modified and/or removed to improve a revised PACE for future program evaluations.

Evidence Based Principles and Practices: Each item within the PACE was carefully selected after an extensive review of the research. Only those practices, which demonstrate the effective implementation of proven evidence-based principles, were included in the final PACE. These practices are those which, if implemented fully and effectively by programs, can and will reduce recidivism among clients. The PACE was also designed not only as a mechanism for program measurement, but as a tool which can help programs to improve practices over time.



Office of Community Corrections
700 Kipling Street, Suite 1000
Lakewood, CO 80215

TO: Community Corrections Boards and Providers

FROM: Katie Ruske, Manager, Office of Community Corrections

RE: Fiscal Year 2021-22 Additional Facility Payment

The census in community corrections has not seen the increases and rebound that were expected as time has passed on from the start of the pandemic. At the same time, the community corrections system, just like so many others, is experiencing difficulties in hiring and retaining staff at this time. In an effort to aid with the financial impacts of the ongoing pandemic and the staffing issues, the Department will be issuing an additional facility payment to all facilities continuing to serve clients on and after January 1, 2022 if the conditions set forth can be met. The additional facility payment is to be utilized for the coverage of specific costs related to the COVID-19 pandemic and/or for the hiring and retention of staff.

The conditions of the additional facility payment are as follows:

- The provider must develop a specific and detailed plan for the utilization of the funds. Examples of acceptable uses of the funds include:
 - COVID - Purchase of PPE, facility cleaning, COVID testing, and similar financial costs as a direct result of the pandemic
 - Staffing - Hiring bonus, referral bonus, retention bonus, increased salaries for hard to retain positions
- The plan will first be submitted to the local community corrections board for approval.
- Once approved by the local community corrections board, the plan is to be submitted to the Office of Community Corrections for approval.
- Once all approvals have been received, the Office of Community Corrections will authorize and send the additional facility payment.
- A report detailing the actual use of the funds in accordance with the plan and with available supplemental documentation will be turned in to the local community corrections board and the Office of Community Corrections by July 30, 2022.
- Local community corrections boards, the local jurisdiction holding a provider's contract and the Office of Community Corrections have the authority to do any further compliance review deemed necessary.

All plans and reports shall be submitted to: cdps.dcj.occ@state.co.us

