

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**FY 2011-12 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 15, 2011**

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**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**TABLE OF CONTENTS**

Numbers Pages.....	1
Figure Setting Narrative	
(A) Administration.....	9
Non-Prioritized Decision Items.....	9
(B) Victims Assistance.....	13
(C) Juvenile Justice and Delinquency Prevention.....	16
(D) Community Corrections.....	17
(E) Crime Control and System Improvement.....	32
Footnote Recommendations.....	40

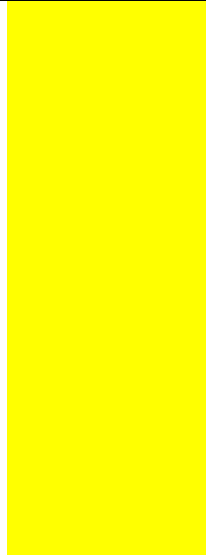
**FY 2011-12 Joint Budget Committee Staff Figure Setting  
 Department of Public Safety  
 (Division of Criminal Justice)**

	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	
	<b>Actual</b>	<b>Actual</b>	<b>Appropriation</b>	<b>Request</b>	<b>Recommend. Change Requests</b>

**DEPARTMENT OF PUBLIC SAFETY**  
**Executive Director: Jim Davis**  
**Division of Criminal Justice Director:**  
**Jeanne Smith**

**(4) DIVISION OF CRIMINAL JUSTICE**

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



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
<b>(A) Administration</b>						
Personal Services	2,345,469	2,364,341	2,673,350	2,634,106	2,626,649	DI NP-1, NP-2, BA NP-2
FTE	<u>30.7</u>	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	1,453,749	1,458,791	1,640,039	1,616,906	1,625,144	
FTE	19.2	19.2	21.5	21.5	21.5	
Cash Funds	553,349	556,863	575,310	566,813	558,100	
FTE	7.3	7.3	7.6	7.6	7.6	
Reappropriated Funds	259,646	266,976	376,290	376,943	371,187	
FTE	3.0	3.3	1.9	1.9	1.9	
Federal Funds	78,725	81,711	81,711	73,444	72,218	
FTE	1.2	1.2	1.3	1.3	1.3	
Operating Expenses	<u>222,493</u>	<u>215,409</u>	<u>243,442</u>	<u>231,067</u>	<u>231,067</u>	
General Fund	147,565	143,276	165,141	152,766	152,766	
Cash Funds	35,102	34,281	35,257	35,257	35,257	
Reappropriated Funds	35,451	33,475	35,451	35,451	35,451	
Federal Funds	4,375	4,377	7,593	7,593	7,593	
Recidivism Reduction and Offender						
Diversion Package Contract Analysis - GF	49,796	0	0	0	0	
FTE	0.0	0.0	0.0	0.0	0.0	
Indirect Cost Assessment	<u>521,734</u>	<u>427,614</u>	<u>630,129</u>	<u>627,971</u>	<u>627,971</u>	
Cash Funds	64,280	59,763	66,123	70,313	70,313	
Reappropriated Funds	0	0	0	0	0	
Federal Funds	457,454	367,851	564,006	557,658	557,658	

	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
<b>TOTAL - (A) ADMINISTRATION</b>	3,139,492	3,007,364	3,546,921	3,493,144	3,485,687	
FTE	<u>30.7</u>	<u>31.0</u>	<u>32.3</u>	<u>32.3</u>	<u>32.3</u>	
General Fund	1,651,110	1,602,067	1,805,180	1,769,672	1,777,910	
Cash Funds	652,731	650,907	676,690	672,383	663,670	
Reappropriated Funds	295,097	300,451	411,741	412,394	406,638	
Federal Funds	540,554	453,939	653,310	638,695	637,469	
<b>(B) Victims Assistance</b>						
Federal Victims Assistance and Compensation Grants - FF	9,704,143	9,448,773	9,998,833	9,998,833	9,998,833	
State Victims Assistance and Law Enforcement Program	<u>1,245,009</u>	<u>1,166,236</u>	<u>1,250,000</u>	<u>1,250,000</u>	<u>1,250,000</u>	
Cash Funds	1,201,849	1,166,236	1,250,000	1,250,000	1,250,000	
Reappropriated Funds	43,160	0	0	0	0	
Child Abuse Investigation - CF	0	77,887	317,725	317,725	317,415	
FTE	0.0	0.3	0.4	0.4	0.4	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	FY 2011-12 Recommend.	Change Requests
<b>TOTAL - (B) VICTIMS ASSISTANCE</b>	10,949,152	10,692,896	11,566,558	11,566,558	11,566,248	
FTE	0.0	0.3	0.4	0.4	0.4	
Cash Funds	1,201,849	1,244,123	1,567,725	1,567,725	1,567,415	
Reappropriated Funds	43,160	0	0	0	0	
Federal Funds	9,704,143	9,448,773	9,998,833	9,998,833	9,998,833	
<b>(C) Juvenile Justice and Delinquency Prevention</b>						
Juvenile Justice Disbursements - FF	847,821	658,133	866,249	866,249	866,249	
Juvenile Diversion Programs - GF	1,216,094	1,241,851	1,241,851	1,240,902	1,241,139	NP-1
FTE	0.7	0.8	0.9	0.9	0.9	
<b>TOTAL - (C) JUVENILE JUSTICE</b>	2,063,915	1,899,984	2,108,100	2,107,151	2,107,388	
FTE	0.7	0.8	0.9	0.9	0.9	
General Fund	1,216,094	1,241,851	1,241,851	1,240,902	1,241,139	
Federal Funds	847,821	658,133	866,249	866,249	866,249	
<b>(D) Community Corrections</b>						
Community Corrections Boards						
Administration - GF	1,879,976	1,882,624	1,927,062	1,932,411	2,018,270	
Incentive Funds for Low-Risk Providers - GF	0	0	0	0	0	
Transition Programs - GF	23,257,880	22,667,755	23,341,584	23,403,968	22,955,321	

	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation	FY 2011-12 Request	FY 2011-12 Recommend.	Change Requests
Diversion Programs - GF	22,111,450	23,095,307	24,765,812	24,833,664	25,990,772	
Transition Mental Health Bed Differential GF	860,914	750,395	1,165,809	1,168,615	1,268,959	
Diversion Mental Health Bed Differential GF	236,587	405,531	241,046	241,706	241,706	
Specialized Services - GF	60,294	53,528	55,000	55,000	55,000	
John Eachon Re-Entry Program - GF	289,080	228,887	144,540	144,936	144,936	
Day Reporting Center - GF	488,789	0	0	0	0	
Substance Abuse Treatment Program	<u>1,001,064</u>	<u>1,034,810</u>	<u>1,323,614</u>	<u>1,327,212</u>	<u>2,577,212</u>	
General Fund	395,355	523,410	523,410	524,844	524,844	
Cash Funds	539,667	511,400	800,204	802,368	802,368	
Reappropriated Funds	66,042	0	0	0	1,250,000	
Outpatient Therapeutic Community Programs - GF	388,731	420,329	505,627	507,012	555,764	
Accelerated Non-Residential Community Corrections Diversion Pilot Program - GF	n/a	258	8,392	197,933	0	

	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>		
	<b>Actual</b>	<b>Actual</b>	<b>Appropriation</b>	<b>Request</b>	<b>Recommend.</b>	<b>Change Requests</b>
IRT Pilot Project	n/a	<u>194,076</u>	<u>973,692</u>	<u>974,223</u>	<u>374,346</u>	
General Fund		0	779,616	779,616	180,000	
Cash Funds		194,076	194,076	194,607	194,346	
<b>TOTAL - (D) COMMUNITY</b>						
<b>CORRECTIONS</b>	<u>50,574,765</u>	<u>50,733,500</u>	<u>54,452,178</u>	<u>54,786,680</u>	<u>56,182,286</u>	
General Fund	49,969,056	50,028,024	53,457,898	53,789,705	53,935,572	
Cash Funds	539,667	705,476	994,280	996,975	996,714	
Reappropriated Funds	66,042	0	0	0	1,250,000	
<b>(E) Crime Control and System Improvement</b>						
State and Local Crime Control and System						
Improvement Grants - FF	2,661,403	2,679,845	4,998,833	4,998,833	4,998,833	
Sex Offender Surcharge Fund Program -						
CF	125,764	104,378	152,791	152,536	0	NP-2
FTE	1.2	1.3	1.5	1.5	0.0	
Sex Offender Supervision - GF						
FTE	3.1	3.2	3.2	3.2	0.0	NP-1, NP-2
Treatment Provider Criminal Background						
Checks	13,100	19,155	49,950	49,950	49,606	
FTE	<u>0.0</u>	<u>0.0</u>	<u>0.6</u>	<u>0.6</u>	<u>0.6</u>	
Cash Funds	13,100	19,155	49,950	49,950	49,606	
Reappropriated Funds	0	0	0	0	0	



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12		
	Actual	Actual	Appropriation	Request	Recommend.	Change Requests
Colorado Regional Community Policing Institute	341,229	241,403	574,733	575,999	569,144	
FTE	<u>2.3</u>	<u>1.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	
Reappropriated Funds	12,830	100,000	375,550	376,816	371,836	
FTE	0.1	0.5	2.5	2.5	2.5	
Federal Funds	328,399	141,403	199,183	199,183	197,308	
FTE	2.2	0.5	1.5	1.5	1.5	
Federal Grants - non-appropriated	4,229,006	11,882,004	4,261,687	4,828,759	4,828,759	NP-2
FTE	<u>11.8</u>	<u>16.2</u>	<u>17.5</u>	<u>17.5</u>	<u>17.5</u>	
Reappropriated Funds	37,642	37,460	0	0	0	
Federal Funds	4,191,364	11,844,544	4,261,687	4,828,759	4,828,759	
Lifesaver Project Grants - CF	75,243	0	0	0	0	
FTE	0.1	0.0	0.0	0.0	0.0	
Criminal Justice Training Fund - CF	38,201	45,737	207,542	207,534	207,272	NP-2
FTE	0.0	0.0	0.5	0.5	0.5	
MacArthur Foundation Grant - CF	76,425	81,675	200,000	200,000	200,000	
Methamphetamine Abuse Task Force Fund - CF	14,969	9,157	43,739	43,739	43,739	

	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>		
	<b>Actual</b>	<b>Actual</b>	<b>Appropriation</b>	<b>Request</b>	<b>Recommend.</b>	<b>Change Requests</b>
<b>TOTAL - (E) CRIME CONTROL</b>	7,902,773	15,395,742	10,813,325	11,375,915	10,897,353	
FTE	<u>18.5</u>	<u>21.7</u>	<u>27.3</u>	<u>27.3</u>	<u>22.6</u>	
General Fund	327,433	332,388	324,050	318,565	0	
Cash Funds	343,702	260,102	654,022	653,759	500,617	
Reappropriated Funds	50,472	137,460	375,550	376,816	371,836	
Federal Funds	7,181,166	14,665,792	9,459,703	10,026,775	10,024,900	
<b>DEPARTMENT OF PUBLIC SAFETY,</b>						
<b>(4) DIVISION OF CRIMINAL JUSTICE</b>						
<b>TOTAL</b>	74,630,097	81,729,486	82,487,082	83,329,448	84,238,962	
FTE	<u>49.2</u>	<u>53.8</u>	<u>60.9</u>	<u>60.9</u>	<u>56.2</u>	
General Fund	53,163,693	53,204,330	56,828,979	57,118,844	56,954,621	
Cash Funds	2,737,949	2,860,608	3,892,717	3,890,842	3,728,416	
Reappropriated Funds	454,771	437,911	787,291	789,210	2,028,474	
Federal Funds	18,273,684	25,226,637	20,978,095	21,530,552	21,527,451	

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(4) DIVISION OF CRIMINAL JUSTICE**

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

**(A) ADMINISTRATION**

**Personal Services:**

Staffing Summary	FY 2009-10 Actual	FY 2010-11 Approp.	FY 2011-12 Request	FY 2011-12 Recommend.
Management	1.0	1.0	1.0	1.0
Professional Staff	16.8	16.8	16.8	16.8
Budget, Audit, Statistics, and Accounting Staff	8.1	8.5	8.5	8.5
Information Technology Staff	1.1	0.0	0.0	0.0
Support Staff	<u>4.0</u>	<u>6.0</u>	<u>6.0</u>	<u>6.0</u>
Total	31.0	32.3	32.3	32.3

**☐ *Decision Item NP #1 - 2.0 Percent Across the Board Personal Services Reduction***

The Division requests a reduction of \$39,707 General Fund, which reflects the Division's share of a statewide decision item in the Department of Personnel and Administration to reduce personal services appropriations by 2.0 percent. That decision item was discussed in the figure setting presentation for the Department of Personnel and Administration. Of this amount, the Division requests that \$33,798 General Fund be reduced from the Administration Personal Services line item.

**The Committee has already voted to approve a 1.5 percent personal services reduction during the figure setting presentation for the Department of Personnel and Administration.**

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

***☐ Budget Amendment NP #1 - 1.0 Percent General Fund Reduction to Personal Services/Operating***

The Division requests a reduction of \$19,854 General Fund, which reflects the Division's share of a statewide budget amendment in the Department of Personnel and Administration to reduce personal services appropriations by 1.0 percent. That decision item was discussed in the figure setting presentation for the Department of Personnel and Administration. The request seeks to reduce this amount from the Administration Personal Services line item.

**The Committee has already voted to approve the request for a 1.0 percent General Fund reduction to personal services during the figure setting presentation for the Department of Personnel and Administration.**

***☐ Decision Item NP #2 - PERA 2.5 Percent Reduction***

The Division requests a reduction of \$95,721 total funds, which reflects the Division's share of a prioritized decision item in the Department of Personnel and Administration for a 2.5 percent increase in the employee contribution to the Public Employees Retirement Account (PERA). That decision item was discussed in the figure setting presentation for the Department of Personnel and Administration. Of this amount, the Division requests that \$62,587 total funds be reduced from the Administration Personal Services line item.

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

***☐ Budget Amendment NP #2 - PERA 2.0 Percent Reduction***

The Division requests a reduction of \$76,577 total funds, which reflects the Division's share of a prioritized budget amendment in the Department of Personnel and Administration for a 2.0 percent increase in the employee contribution to the Public Employees Retirement Account (PERA). That budget amendment was discussed in the figure setting presentation for the Department of Personnel and Administration.

**The Committee did not vote to approve this decision item during the figure setting presentation for the Department of Personnel and Administration.**

***Request for Line Item.*** The Division requests an appropriation of \$2,634,106 total funds and 32.3 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$2,626,649 total funds and 32.3 FTE for this line item** (see the following table).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Department of Public Safety – (4) Division of Criminal Justice (A) Administration - Personal Services						
	GF	CF	RF	FF	Total	FTE
FY 2010-11 Long Bill (H.B. 10-1376)	\$1,405,774	\$575,310	\$376,290	\$81,711	\$2,439,085	30.3
H.B. 10-1352 - Controlled Substance Crime Changes	28,246	0	0	0	28,246	0.5
H.B. 10-1360 - Parole Placement for Technical Violation	45,563	0	0	0	45,563	0.8
H.B. 10-1374 - Parole Changes Evidence Based Practices	180,052	0	0	0	180,052	0.7
S.B. 11-150 - Supplemental Bill	<u>(19,596)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(19,596)</u>	—
<b>FY 2010-11 Total Appropriation</b>	<b>\$1,640,039</b>	<b>\$575,310</b>	<b>\$376,290</b>	<b>\$81,711</b>	<b>\$2,673,350</b>	<b>32.3</b>
Annualize S.B. 10-146 - PERA Contribution Rates	33,633	5,573	7,453	0	46,659	
Annualize H.B. 10-1352 - Controlled Substance Crime Changes	5,649	0	0	0	5,649	
Annualize H.B. 10-1374 - Parole Changes Evidence Based Practices	5,091	0	0	0	5,091	
Annualize S.B. 11-150 - Supplemental Bill	<u>19,596</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>19,596</u>	—
<b>Continuation Estimate</b>	<b>\$1,704,008</b>	<b>\$580,883</b>	<b>\$383,743</b>	<b>\$81,711</b>	<b>\$2,750,345</b>	<b>32.3</b>
DI NP-2 - PERA 2.5 Percent Reduction	(33,450)	(14,070)	(6,800)	(8,267)	(62,587)	
BA NP-2 - PERA 2.0 Percent Reduction	0	0	0	0	0	
BA NP-1 - 1% General Fund Reduction to Personal Services	(19,854)	0	0	0	(19,854)	
Common Policy Personal Services Reduction (1.5%)	<u>(25,560)</u>	<u>(8,713)</u>	<u>(5,756)</u>	<u>(1,226)</u>	<u>(41,255)</u>	—
<b>JBC Staff Recommendation</b>	<b>\$1,625,144</b>	<b>\$558,100</b>	<b>\$371,187</b>	<b>\$72,218</b>	<b>\$2,626,649</b>	<b>32.3</b>

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

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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

**(A) Administration  
Operating Expenses:**

The Division requests an appropriation of \$231,067 total funds for this line item. **Staff recommends that the Committee approve the requested appropriation of \$231,067 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 2010-11 Long Bill (H.B. 10-1376)	\$135,107	\$35,257	\$35,451	\$7,593	\$213,408
H.B. 10-1352 - Controlled Substance Crime Changes	8,282	0	0	0	8,282
H.B. 10-1360 - Parole Placement for Technical Violation	7,523	0	0	0	7,523
H.B. 10-1374 - Parole Changes Evidence Based Practices	<u>14,229</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>14,229</u>
<b>Continuation Estimate</b>	<b>\$165,141</b>	<b>\$35,257</b>	<b>\$35,451</b>	<b>\$7,593</b>	<b>\$243,442</b>
Annualize H.B. 10-1352 - Controlled Substance Crime Changes	(2,335)	0	0	0	(2,335)
Annualize H.B. 10-1374 - Parole Changes Evidence Based Practices	<u>(10,040)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(10,040)</u>
<b>JBC Staff Recommendation</b>	<b>\$152,766</b>	<b>\$35,257</b>	<b>\$35,451</b>	<b>\$7,593</b>	<b>\$231,067</b>

The sources of cash funds are: (1) the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) reserves from the Drug Offender Surcharge Fund established in Section 18-19-103 (4), C.R.S.; and (3) 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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(A) Administration**

**Indirect Cost Assessment:**

The Division requests a reduction of \$2,158 total funds based on the Department's calculation of statewide and departmental indirect assessments. The request is summarized in the following table.

<b>Department of Public Safety - Division of Criminal Justice (A) Administration - Indirect Cost Assessments</b>				
	<b>Cash Funds</b>	<b>Reapprop. Funds</b>	<b>Federal Funds</b>	<b>Total Funds</b>
FY 2010-11 Long Bill (H.B. 10-1376)	\$66,123	\$0	\$564,006	\$630,129
November 2010 Requested Adjustment	<u>4,190</u>	<u>0</u>	<u>(6,348)</u>	<u>(2,158)</u>
<b>JBC Staff Recommendation</b>	<b>\$70,313</b>	<b>\$0</b>	<b>\$557,658</b>	<b>\$627,971</b>

**Staff recommends that the Committee approve the requested appropriation of \$627,971 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: (1) the State Victims Assistance and Law Enforcement Fund established in Section 24-33.5-506 (1), C.R.S.; (2) the Sex Offender Surcharge Fund established in Section 18-21-103 (3), C.R.S.; and (3) 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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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

Department of Public Safety - Division of Criminal Justice (B) Victims Assistance - Federal Victims Assistance and Compensation Grants				
	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2010-11 Long Bill (H.B. 10-1376)	\$0	\$0	\$9,998,833	\$9,998,833
Anticipated Federal Grants	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>JBC Staff Recommendation</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,998,833</b>	<b>\$9,998,833</b>

**(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.



**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The Governor appoints a board, which makes recommendations to the Division on funding for various local and state programs. Of the total fees collected by each local VALE board, 11.7 percent is credited to the State VALE account to fund this program.

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

**(B) Victims Assistance  
Child Abuse Investigation:**

This program was created pursuant to H.B. 06-1058 (Rep. Pommer / Sen. Williams). This bill created a schedule of surcharges to be paid by offenders convicted of crimes against children, including sex offenses against children, incest, child abuse, and contributing to the delinquency of a minor. Of the funds collected, 5.0 percent are credited to the Judicial Stabilization Fund, and 95.0 percent are credited to the Child Abuse Investigation Surcharge Fund, which was created by the bill. Revenue collected pursuant to the surcharges created by the bill are to be appropriated to provide training and enhanced services in programs that coordinate multi-disciplinary team response for child sexual abuse intervention for children who have been victims of certain crimes. The types of services supported by the program include: forensic interviews, therapeutic intervention, medical evaluations, victim advocacy, case tracking, and case review.

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

**Staff recommends that the Committee approve an appropriation of \$317,415 cash funds and 0.4 FTE for this line item.** This cash funds amount is from the Child Abuse Investigation Surcharge Fund created in Section 18-24-103 (2), C.R.S.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(C) JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

**Juvenile Justice Disbursements:**

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

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

Department of Public Safety - Division of Criminal Justice (C) Juvenile Justice and Delinquency Prevention - Juvenile Justice Disbursements				
	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds
FY 2010-11 Long Bill (H.B. 10-1376)	\$0	\$0	\$866,249	\$866,249
Anticipated Federal Grants	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>JBC Staff Recommendation</b>	<b>\$0</b>	<b>\$0</b>	<b>\$866,249</b>	<b>\$866,249</b>

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

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

The Juvenile Diversion program lines were vetoed in FY 2002-03 (\$2,483,702 General Fund had been included in the Long Bill, H.B. 02-1420). In FY 2003-04, \$500,000 reappropriated funds (Tobacco Settlement Fund) were appropriated on a one-time basis pursuant to S.B. 03-282 (Sen. Teck / Rep. Witwer). No appropriation was made for FY 2004-05 or FY 2005-06. In FY 2006-07, the JBC voted to restore \$1,241,851 General Fund to this line item. Because the

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

funding was unexpectedly appropriated and many programs had to be re-established, the full FY 2006-07 appropriation could not be spent and \$63,785 was reverted.

The Division requests an appropriation of \$1,240,902 General Fund and 0.9 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$1,241,139 General Fund and 0.9 FTE for this line item** (see the following table).

Department of Public Safety - Division of Criminal Justice (C) Juvenile Justice and Delinquency Prevention - Juvenile Diversion Programs						
	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	Total Funds	FTE
FY 2010-11 Long Bill (H.B. 10-1376)	\$1,241,851	\$0	\$0	\$0	\$1,241,851	0.9
Common Policy Personal Services Reduction (1.5%)	(712)	0	0	0	(712)	—
<b>JBC Staff Recommendation</b>	<b>\$1,241,139</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,241,139</b>	<b>0.9</b>

**(D) COMMUNITY CORRECTIONS**

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

**(D) Community Corrections**

**Community Corrections Boards – Administration:**

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

Pursuant to Section 17-27-108, C.R.S., the Division is authorized to allocate up to 5.0 percent of appropriations for community corrections programs to the 23 Community Corrections Boards to offset their administrative costs. Pursuant to the provision of S.B. 03-177, the maximum

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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 \$1,932,411 General Fund for this line item (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 2010-11 Long Bill (H.B. 10-1376)	\$1,927,062	\$0	\$1,927,062
Leap Year Adjustment	<u>5,349</u>	<u>0</u>	<u>5,349</u>
<b>Total Request</b>	<b>\$1,932,411</b>	<b>\$0</b>	<b>\$1,932,411</b>

**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 2010-11, this line item was appropriated 4.0 percent of the appropriation for community corrections appropriations.

**Staff recommends that the Committee approve an appropriation of \$2,018,270 General Fund for this line item,** which is calculated as 4.0 percent of the recommended appropriations for the community corrections programs, including an adjustment for leap year (see the following table).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

<b>(4) Division of Criminal Justice – (D) Community Corrections Community Corrections Boards Administration</b>		
<b>Community Corrections Program</b>	<b>Recommended Appropriation</b>	<b>4.0 Percent of Recommended Appropriation*</b>
Transition Programs	\$22,955,321	\$918,213
Diversions Programs	25,990,772	1,039,631
Transition Mental Health Differential	1,268,959	50,758
Diversions Mental Health Differential	<u>241,706</u>	<u>9,668</u>
<b>JBC Staff Recommendation</b>	<b>\$50,456,758</b>	<b>\$2,018,270</b>

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

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

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

The Division requests an appropriation of \$23,403,968 General Fund for this line item.

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

1. Use the December 2010 Legislative Council Staff inmate population projections; this approach is consistent with the approach used in prior years and is consistent with the figure setting recommendations for the Department of Corrections.
2. Provide funding to place 11.5 percent of the inmate population in community corrections in FY 2011-12. 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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

3. Do not approve a provider rate adjustment for programs funded by this line item.
4. Approve an appropriation of \$22,955,321 General Fund for FY 2011-12.

1. **Use December 2010 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 2010 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 2010 Projections		
		LCS Recommended*	DCJ	Difference
June 30, 2011	22,319	22,319	22,314	5
June 30, 2012	21,663	21,663	21,425	238
Avg. Daily Pop. (ADP)	21,991	21,991	21,870	122

\* The recommendation is based on the December 2010 Legislative Council Staff projections.

2. **Recommendation for 11.5 Percent of Inmates in Community.** For FY 2007-08, the JBC approved a policy of placing 11.25 percent of the inmate population in community corrections (6.75 percent in residential community placements and 4.5 percent in non-residential community placements). In addition, during the FY 2007-08 supplemental process, the JBC approved increasing the percentage of the inmate population in residential community placements to 7.0 percent; therefore, the target percentage of the inmate population in community corrections for FY 2008-09 was 11.5 percent.

The Division requests continuing the target percentage of 11.5 percent in FY 2011-12. 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 2011-12.**

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Recommended Community Corrections Residential ADP			
	Dec. LCS Projection	Comm. Corr. ADP	Percent
June 30, 2011	22,319		
June 30, 2012	21,663		
<b>Avg. Daily Pop. (ADP)</b>	<b>21,991</b>	<b>1,539</b>	<b>7.0%</b>
Minus Additional Diversion Slot Bed Savings	<u>0</u>	<u>0</u>	7.0%
<b>Recommended ADP</b>	<b>21,991</b>	<b>1,539</b>	<b>7.0%</b>
Minus Current Allocation		<u>(1,623)</u>	
<b>Net Change</b>		<b>(84)</b>	

3. **Provider Rates.** The following table reflects the recommended provider rates for the transition line item. The Division is not requesting and staff is not recommending a provider rate increase for FY 2011-12.

Summary of Daily Transition Program Rates		
	FY 2010-11	FY 2011-12 Recommendation
Residential Beds	\$37.74	\$37.74
CIRT slots (diff. rate)	\$17.78	\$17.78

4. **Recommended Appropriation.** Staff recommends the Committee approve an appropriation of \$22,955,321 General Fund for this line item (see the following table).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

<b>(4) Division of Criminal Justice – (D) Community Corrections Transition Programs (Residential Placements)</b>			
<b>Type of Placement</b>	<b>Recommendation</b>		
	<b>Beds/Slots</b>	<b>Daily Rate</b>	<b>Cost</b>
Continuation Beds	1,623	\$37.74	\$22,418,239
Add'l Beds for Caseload	<u>(84)</u>	<u>\$37.74</u>	<u>(1,160,279)</u>
<b>Sub-total Beds</b>	<b>1,539</b>		<b>\$21,257,960</b>
Parole Beds	80	\$37.74	1,105,027
Sex Offender Beds	10	\$37.74	138,128
Sex Offender Beds with Enhanced Rate	10	\$70.76	258,982
CIRT Slots (diff. rate)	<u>30</u>	<u>\$17.78</u>	<u>195,224</u>
<b>JBC Staff Recommendation</b>	<b>1,639</b>		<b>\$22,955,321</b>

**(D) Community Corrections**

**Diversion Programs:**

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



**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Summary of Diversion Rates		
	FY 2010-11 Base Rates	FY 2011-12 Recommendation*
Residential Beds	\$37.74	\$37.74
Non-residential Slots	\$5.12	\$5.12

\* The recommendation is in accordance with the Division request.

The Division requests an appropriation of \$24,833,664 General Fund for this line item. **Staff recommends that the Committee approve an appropriation of \$25,990,772 General Fund for this line item** (see the following table).

(4) Division of Criminal Justice – (D) Community Corrections Diversion Programs – Recommendation			
	Slots	Recommendation	
		Daily Rate	Annual Cost
Base Residential Beds	1,631	\$37.74	\$22,528,742
Additional Beds	<u>84</u>	\$37.74	<u>1,157,108</u>
<b>Subtotal - Residential Beds</b>	<b>1,715</b>		<b>\$23,685,850</b>
Non-residential Placements	<u>1,230</u>	\$5.12	<u>2,304,922</u>
<b>JBC Staff Recommendation</b>	<b>2,945</b>		<b>\$25,990,772</b>

**(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 105 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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The Division requests an appropriation of \$1,168,615 General Fund for this line item. **Staff recommends that the Committee approve an appropriation of \$1,268,959 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
Continuation Beds	105	\$33.02	\$1,268,959
Additional Transition Community Corrections Beds	<u>0</u>	<u>n/a</u>	<u>0</u>
<b>JBC Staff Recommendation</b>	<b>105</b>	<b>\$33.02</b>	<b>\$1,268,959</b>

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

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

The Division requests an appropriation of \$241,706 General Fund for this line item. **Staff recommends that the Committee approve the requested appropriation of \$241,706 General Fund for this line item** (see the following table).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(4) Division of Criminal Justice – (D) Community Corrections Diversion Mental Health Bed Differential			
	Beds	Recommendation	
		Daily Rate	Total Cost
Continuation Beds	20	\$33.02	\$241,706
Additional Diversion Community Corrections Beds	<u>0</u>	<u>n/a</u>	<u>0</u>
<b>JBC Staff Recommendation</b>	<b>20</b>	<b>\$33.02</b>	<b>\$241,706</b>

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

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

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

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

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

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(D) Community Corrections**

**John Eachon Re-entry Program:**

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

The Division requests an appropriation of \$144,936 General Fund for this line item. **Staff recommends that the Committee approve the requested appropriation of \$144,936 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
Continuation Beds	7.5	\$52.80	\$144,936
Change in Beds or Provider Rate	<u>0.0</u>	<u>0.00</u>	<u>0</u>
<b>JBC Staff Recommendation</b>	<b>7.5</b>	<b>\$52.80</b>	<b>\$144,936</b>

**(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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

In FY 2009-10, the funding for this line item was transferred to the Judicial Branch. Therefore, the Division does not request an appropriation for this line item in FY 2011-12. As such, **staff does not recommend that the Committee approve an appropriation for this line item.**

**(D) Community Corrections  
Substance Abuse Treatment Program:**

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

The Division requests an appropriation of \$1,327,212, including \$524,844 General Fund and \$802,368 cash funds, for this line item. **Staff recommends that the Committee approve an appropriation of \$2,577,212 total funds for this line item** (see the following table). The source of cash funds is the Drug Offender Surcharge Fund. The source of reappropriated funds is a transfer from the Judicial Department pursuant to H.B. 10-1352.

<b>Recommended Program Funding</b>		
<b>Program</b>	<b>Amount</b>	<b>Description</b>
Diversion Intensive Residential Treatment Program (CIRT)	\$203,415	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.

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

<b>Recommended Program Funding</b>		
<b>Program</b>	<b>Amount</b>	<b>Description</b>
Female Intensive Residential Treatment (IRT)	\$87,108	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	\$97,415	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	\$928,974	TC enhancement – Provides \$14.34 per day for the cost of the first two phases of the intrusive behavior modification and milieu therapy which lasts 4 to 6 months. During these phases the clients do not work and are unable to assist in paying for treatment (177 beds). Of these beds, 100 are funded with General Fund.
Standardized Offender Assessment (SAO) Training Program	\$10,300	Provides funding for training on the standardized assessment instrument at six two-day training sessions, given by multi-agency training teams at various locations in the state over the course of the year, and funding for two-day seminars for "training the trainers".
Drug Offender Surcharge Fund	\$1,250,000	Provides funding for drug treatment services for adult offenders in community corrections pursuant to H.B. 10-1352.
<b>JBC Staff Recommendation</b>	<b><u>\$2,577,212</u></b>	
General Fund	\$524,844	
Cash Funds	\$802,368	
Reappropriated Funds	\$1,250,000	

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(D) Community Corrections  
Outpatient Therapeutic Communities:**

This line item was added in FY 2008-09 to support 160 outpatient therapeutic community (OTC) aftercare slots for Community Corrections offenders stepping down from residential therapeutic community (TC) stays. The TC program is an evidence-based model for intensive, long-term residential treatment of substance dependence. The line item provides funding for three OTC programs within the State. The first is PEER I, which is in the Denver metro area, and provides residential treatment for 120 males. The second is The Haven, which is also in the Denver metro area, and provides residential treatment for 89 females and up to 36 infants who live in the program with their mothers. The final OTC program is Crossroads' Turning Points, which is in Pueblo, and provides a 24-bed women's TC program. The line item originally funded 80 outpatient clients at PEER I and The Haven, and 80 outpatient clients at the Crossroads' Turning Points.

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

The Division requests an appropriation of \$507,012 General Fund for this line item. **Staff recommends that the Committee approve an appropriation of \$555,764 General Fund for this line item** (see the following table).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

(4) Division of Criminal Justice – (D) Community Corrections Outpatient Therapeutic Communities – Request and Recommendation			
	FY 2010-11	FY 2011-12	
		Request	Recommendation
Number of Slots	104	104	114
Daily Rate	\$13.32	\$13.32	\$13.32
General Fund	\$505,627	\$507,012	\$555,764

**(D) Community Corrections**

**Accelerated Non-Residential Community Corrections Diversion Pilot Program:**

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

The Division requests an appropriation of \$197,933 General Fund for this line item. **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 Accelerated Non-Residential Community Corrections Diversion Pilot Program – Request and Recommendation			
	FY 2010-11	FY 2011-12	
		Request	Recommendation
Number of Slots	40	40	0
Daily Rate	\$13.52	\$13.52	\$13.52
General Fund	\$197,392	\$197,933	\$0



**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**(D) Community Corrections**

**Intensive Residential Treatment Pilot Project:**

This line item was added in FY 2009-10 to conduct a pilot project that extends the Intensive Residential Treatment (IRT) of selected substance abuse offenders in community corrections from 45 days to 90 days. The pilot program began in July 2009 and is expected to continue for at least two years. The pilot program provides an extended IRT experience for 120 offenders per year whose community corrections placements are funded through the Drug Offender Surcharge Cash Fund. The funding in this line item also supports outpatient care for 120 offenders per year at \$1,500 per offender.

The Division requests an appropriation of \$974,223 total funds for this line item. **Staff recommends that the Committee approve an appropriation of \$374,346 total funds for this line item** (see the following table).

<b>(4) Division of Criminal Justice – (D) Community Corrections Intensive Residential Treatment Pilot Project – Request and Recommendation</b>			
	FY 2010-11	FY 2011-12	
		Request	Recommendation
<b>Residential Treatment</b>			
Number of CF Slots	30	30	30
Daily Rate	\$17.97	\$17.97	\$17.70
Cash Funds	\$194,076	\$194,076	\$194,346
Number of GF Slots	0	30	0
Daily Rate	\$55.52	\$55.52	\$55.52
General Fund	\$0	\$599,616	\$0
<b>Outpatient Treatment</b>			
Number of GF Slots	0	120	120
Rate	\$1,500	\$1,500	\$1,500

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

General Fund	\$0	\$180,000	\$180,000
Total Funds	\$194,076	\$973,692	\$374,346

**(E) CRIME CONTROL AND SYSTEM IMPROVEMENT**

**State and Local Crime Control and System Improvement Grants:**

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

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

(4) Division of Criminal Justice – (E) Crime Control and System Improvement State and Local Crime Control System Improvement Grants	
	Federal Funds
FY 2010-11 Long Bill (H.B. 10-1376)	\$4,998,833
Anticipated Federal Grants	<u>0</u>
<b>Total Request / JBC Staff Recommendation</b>	<b>\$4,998,833</b>

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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

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

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

The Sex Offender Management Board had a repeal date of July 1, 2010. House Bill 10-1364 (Ryden/Hudak) would have extended the repeal date for the Board from July 1, 2010, to July 1, 2015. However, Governor Ritter vetoed that bill. As a result, the Board repealed on July 1, 2010. House Bill 11-1138 (Gardner B./Morse) extends the Sex Offender Management Board from July 1, 2010, to September 1, 2020, and it includes a fiscal note to restore the funding that was in place before the sunset of the Board.

The Division requests an appropriation of \$152,536 cash funds and 1.5 FTE for this line item. **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)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

<b>Summary of Personal Services Recommendation</b>		
<b>Department of Public Safety – (4) DCJ – (E) Crime Control &amp; System Improvement</b>		
<b>Sex Offender Surcharge Program</b>		
	<b>Cash Funds</b>	<b>FTE</b>
Personal Services (estimate)	\$142,021	1.5
Operating Expense (estimate)	<u>10,770</u>	—
<b>FY 2010-11 Long Bill (H.B. 10-1376)</b>	<b>\$152,791</b>	<b>1.5</b>
Annualize S.B. 10-146 - PERA Contribution Rates	<u>534</u>	—
<b>Continuation Estimate</b>	<b>153,325</b>	<b>1.5</b>
Common Policy Personal Services Reduction (1.5%)	(2,138)	
DI NP #2 - PERA 2.5 Percent Reduction	(789)	
BA NP#2 - PERA 2.0 Percent Reduction	0	
Reduction to Reflect Board Repeal	<u>(150,398)</u>	<u>(1.5)</u>
<b>JBC Staff Recommendation</b>	<b>\$0</b>	<b>0.0</b>

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

This line item contains funding for the purposes set forth in H.B. 98-1156 (Lifetime Supervision of Sex Offenders) and H.B. 99-1260 (DNA Testing of Sex Offenders). As a result of this legislation, the Sex Offender Management Board 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 \$318,565 General Fund and 3.2 FTE for this line item. **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)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

<b>Summary of Personal Services Recommendation</b>		
<b>Department of Public Safety – (4) DCJ – (E) Crime Control &amp; System Improvement</b>		
<b>Sex Offender Supervision Program</b>		
	<b>General Fund</b>	<b>FTE</b>
Personal Services (estimated)	\$243,912	3.2
Operating Expenses (estimated)	<u>80,138</u>	—
<b>FY 2010-11 Long Bill (H.B. 10-1376)</b>	<b>\$324,050</b>	<b>3.2</b>
Annualize S.B. 10-146 - PERA Contribution Rates	<u>3,901</u>	
<b>Continuation Estimate</b>	<b>\$327,951</b>	<b>3.2</b>
Common Policy Personal Services Reduction (1.5%)	(3,717)	
DI NP #2 - PERA 2.5 Percent Reduction	(4,426)	
BA NP#2 - PERA 2.0 Percent Reduction	0	
Reduction to Reflect Board Repeal	<u>(319,808)</u>	<u>(3.2)</u>
<b>JBC Staff Recommendation</b>	<b>\$0</b>	<b>0.0</b>

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

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

The Division requests a continuation appropriation of \$49,950 cash funds and 0.6 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$49,606 cash funds and 0.6 FTE for this line item.**

<b>Summary of Personal Services Recommendation</b>		
<b>Department of Public Safety – (4) DCJ – (E) Crime Control &amp; System Improvement</b>		
<b>Treatment Provider Criminal Background Checks</b>		
	<b>General Fund</b>	<b>FTE</b>
FY 2010-11 Long Bill (H.B. 10-1376)	\$49,950	0.6
Common Policy Personal Services Reduction (1.5%)	<u>(344)</u>	—
<b>JBC Staff Recommendation</b>	<b>\$49,606</b>	<b>0.6</b>

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The sources of cash funds are: (1) the Domestic Violence Offender Treatment Provider Fund established pursuant to Section 16-11.8-104 (2) (b), C.R.S.; and (2) 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 an average of 100 individuals per month in community policing, ethics, anti-bias, methamphetamine response, domestic violence, risk assessment and response, counter-terrorism, and weapons of mass destruction first responder awareness. The main goal of CRCPI is to provide professional skill development training, including ethics and integrity training, domestic violence training, and basic law enforcement preparatory training under Colorado Police Corps.

Historically, CRCPI has been funded by federal funds received from the U.S. Department of Justice. Additionally, it is funded with a reappropriated funds appropriation that includes two sources of state funds transferred from the Department of Law: (a) fee revenue collected for anti-bias police training pursuant to the provisions of S.B. 03-103; and (b) cash funds from a court settlement from a 1996 class action lawsuit.<sup>1</sup> 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 \$575,999 total funds and 4.0 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$569,144 total funds and 4.0 FTE for this line item** (see the following table). Of the amount recommended, \$197,308 is federal funds and \$371,836 is reappropriated funds. Of the reappropriated funds recommendation, \$9,200 reflects funds transferred from an appropriation from the P.O.S.T. Board Cash Fund made to the Department of Law. The remaining \$362,636 is from fee revenue.

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<sup>1</sup> 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*).

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

Department of Public Safety - Division of Criminal Justice Colorado Regional Community Policing Institute				
	Reapprop. Funds	Federal Funds	Total Funds	FTE
Personal Services (estimated)	\$330,729	\$125,000	\$455,729	4.0
Operating Expenses (estimated)	<u>44,821</u>	<u>74,183</u>	<u>119,004</u>	—
<b>FY 2010-11 Long Bill (H.B. 10-1376)</b>	<b>\$375,550</b>	<b>\$199,183</b>	<b>\$574,733</b>	<b>4.0</b>
Annualize S.B. 10-146 - PERA Contribution Rates	<u>1,266</u>	<u>0</u>	<u>1,266</u>	—
<b>Continuation Estimate</b>	<b>\$376,816</b>	<b>\$199,183</b>	<b>\$575,999</b>	<b>4.0</b>
Common Policy Personal Services Reduction (1.5%)	<u>(4,980)</u>	<u>(1,875)</u>	<u>(6,855)</u>	—
<b>JBC Staff Recommendation</b>	<b>\$371,836</b>	<b>\$197,308</b>	<b>\$569,144</b>	<b>4.0</b>

**(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 \$4,828,759 federal funds and 17.5 FTE for this line item. **Staff recommends that the Committee approve the requested appropriation of \$4,828,759 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 2010-11 Long Bill (H.B. 10-1376)	\$4,261,687	17.5
Change in Anticipated Federal Funds	559,568	
Annualize S.B. 10-146 - PERA Contribution Rates	<u>35,344</u>	—
<b>Continuation Estimate</b>	<b>\$4,856,599</b>	<b>17.5</b>
DI NP #2 - PERA 2.5 Percent Reduction	<u>(27,840)</u>	—
<b>JBC Staff Recommendation</b>	<b>\$4,828,759</b>	<b>17.5</b>

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

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

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

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

The source of funding for this line item was a transfer of funds from the Short-term Innovative Health Program Grant Fund appropriated in the Department of Health and Environment to the Lifesaver Program Cash Fund, created in Section 24-33.5-415.9(6), C.R.S. However, H.B. 07-1064 included a transfer from the Short-term Innovative Health Program Grant Fund to the Lifesaver Program Cash Fund only in FY 2007-08. Therefore, there is no revenue to support funding this line item. For this reason, the Division does not request an appropriation for this line item. **As such, staff does not recommend that the Committee approve an appropriation for this line item.**

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

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

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



**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

The Division requests an appropriation of \$207,534 cash funds and 0.5 FTE for this line item. **Staff recommends that the Committee approve an appropriation of \$207,272 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 2010-11 Long Bill (H.B. 10-1376)	\$207,542	0.5
Annualize S.B. 10-146 - PERA Contribution Rates	<u>71</u>	—
<b>Continuation Estimate</b>	<b>\$207,613</b>	<b>0.5</b>
Common Policy Personal Services Reduction (1.5%)	(262)	
DI NP #2 - PERA 2.5 Percent Reduction	<u>(79)</u>	—
<b>JBC Staff Recommendation</b>	<b>\$207,272</b>	<b>0.5</b>

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

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

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

**(E) Crime Control and System Improvement  
Methamphetamine Abuse Task Force Fund:**

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

The Division requests a continuation appropriation of \$43,739 cash funds for this line item. **Staff recommends that the Committee approve the requested continuation appropriation of \$43,739**

**DEPARTMENT OF PUBLIC SAFETY  
(Division of Criminal Justice)  
FY 2011-12 FIGURE SETTING RECOMMENDATIONS  
JBC WORKING DOCUMENT - SUBJECT TO CHANGE**

**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.

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**FY 2010-11 LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION**

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

Continue one existing footnote.

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

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

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

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

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