

Joint Budget Committee



Staff Budget Briefing FY 2025-26

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 2024 legislative session that had a fiscal impact on this department are available in Appendix A of the annual Appropriations Report: <https://leg.colorado.gov/sites/default/files/fy24-25apprept.pdf>

The online version of the briefing document 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.

Ballot measures not included in this document

This document does not address the impact of Proposition 130 (Funding for Law Enforcement) or Proposition KK (Firearms and Ammunition Excise Tax). However, the JBC should be aware that the Department's Long Range Financial Plan says that the Division of Criminal Justice will need more staff to oversee the disbursement of funds related to Proposition KK.

Overview of Division

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:** allocates funding for the State's community corrections programs and local boards. 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.

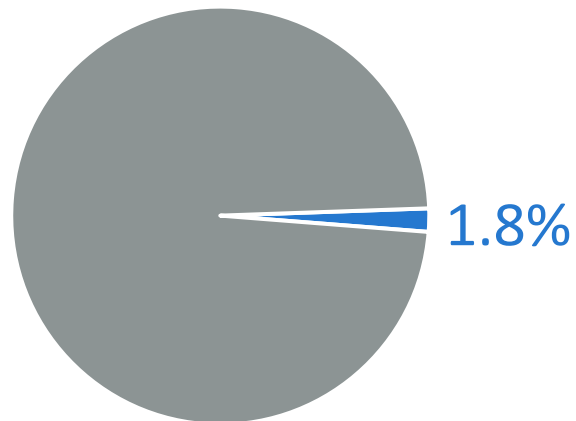
Recent Appropriations

Division of Criminal Justice: Recent Appropriations				
Funding Source	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26*
General Fund	\$126,762,035	\$121,214,778	\$98,599,087	\$102,988,992
Cash Funds	6,230,932	4,836,435	18,484,505	24,039,853
Reappropriated Funds	6,016,434	6,200,345	7,524,282	7,576,911
Federal Funds	34,736,542	34,769,863	34,980,054	34,860,447
Total Funds	\$173,745,943	\$167,021,421	\$159,587,928	\$169,466,203
Full Time Equivalent Staff	89.5	94.7	93.5	95.7

*Requested appropriation

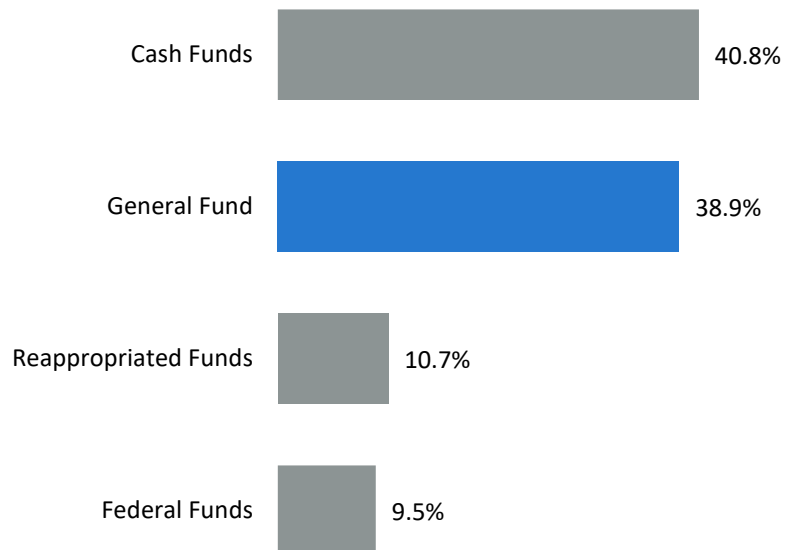
Graphic Overview

Department's Share of Statewide General Fund



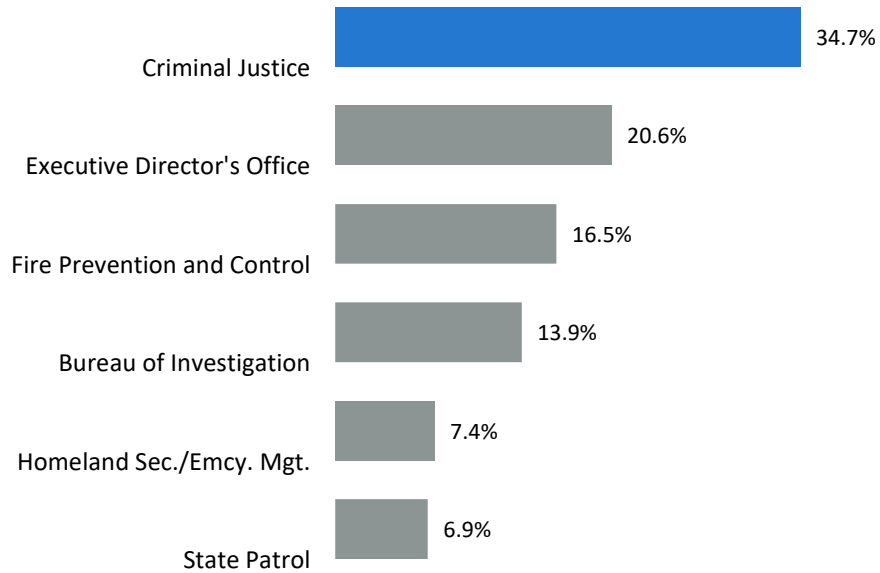
Based on the FY 2024-25 appropriation.

Department Funding Sources



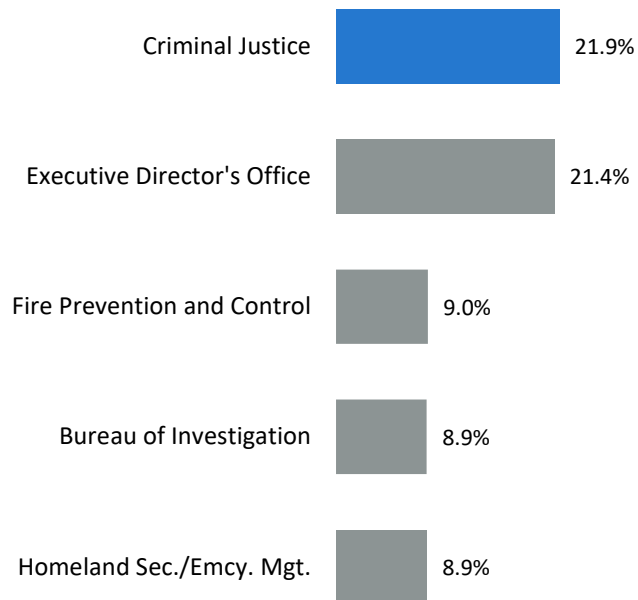
Based on the FY 2024-25 appropriation.

Distribution of General Fund by Division



Based on the FY 2024-25 appropriation.

Distribution of Total Funds by Division



Based on the FY 2024-25 Appropriation

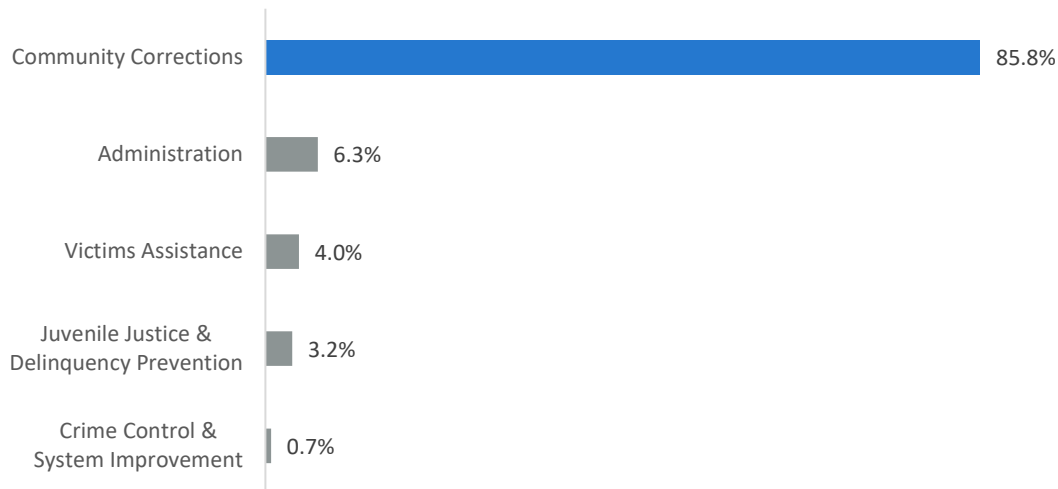
Cash Funds Detail

Department of Public Safety Division of Criminal Justice Cash Funds Detail				
Fund Name	FY 2024-25 Approp.	Note	Primary Revenue Sources	Primary Uses in Dept.
State's Mission for Assistance in Recruiting and Training	\$7,031,919		General Fund transfers totaling \$7.5 million.	Supports the State's Mission for Assistance in Recruiting and Training (SMART) Policing Grant Program.
Multidisciplinary Crime Prevention and Crisis Intervention Cash Fund	\$3,868,229		General Fund transfers totaling \$18.0 million.	Supports the Multidisciplinary Crime Prevention and Crisis Intervention Grant Program.
Law Enforcement Workforce Recruitment, Retention, and Tuition Cash Fund	\$3,593,030		General Fund transfers totaling \$7.5 million.	Supports the Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Program.
State Victims Assistance and Law Enforcement Fund	\$2,166,437		Assessments on criminal offenders.	Grant awards to agencies that provide services to victims of crime and related administrative costs.
Marijuana Tax Cash Fund	\$942,174		See Marijuana Tax Policy Overview budget briefing.	See Marijuana Tax Policy Overview budget briefing.
Sex Offender Surcharge Fund	\$252,671		Assessments on criminal offenders.	Supports the staff and operating expenses for the Sex Offender Management Board.
Various cash funds	\$630,045		Various fees and criminal offense surcharges.	Various programs.
Total	\$18,484,505			
None of these cash funds are exempt from TABOR.				

General Factors Driving the Budget

The Long Bill budget for the Division of Criminal Justice contains five subdivisions. The Community Corrections subdivision receives the largest share of General Fund appropriations to the Division and is the focus of this section. The number of placements in the community corrections system and reimbursement rates for those placements are the primary factors driving the DCJ budget.

Distribution of General Fund by Subdivision for the Division of Criminal Justice
Total General Fund Appropriation FY 2024-25 = \$98,599,087



What is community corrections?

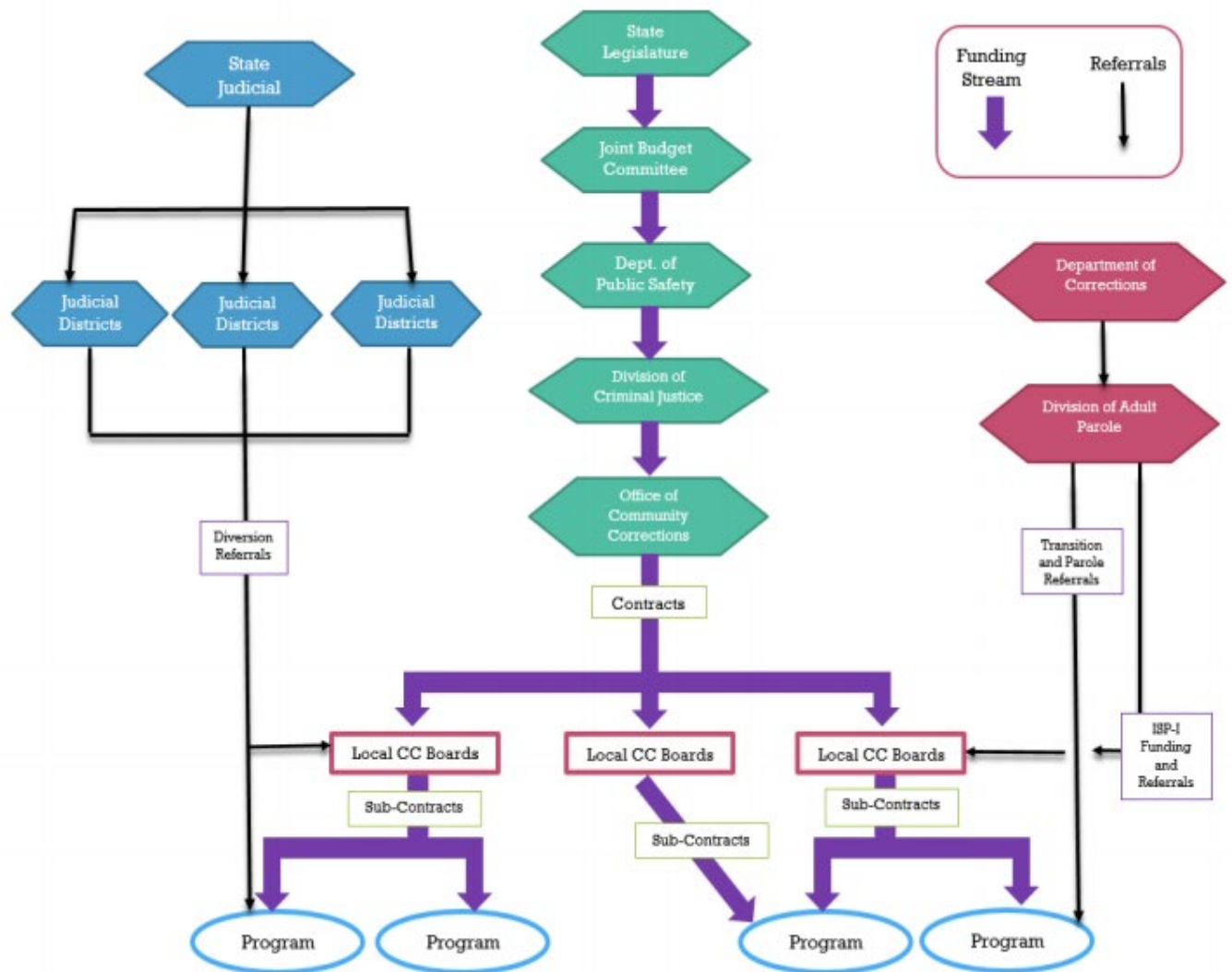
Community corrections is an alternative to prison for felony offenders. It provides an intermediate level of supervision that is less than prison but more than probation and parole.

The community corrections system is made up of:

- A network of public, private, and non-profit entities that provide both residential and non-residential services. Residential facilities are sometimes called “halfway houses.”
- DCJ’s Office of Community Corrections, which administers the system, provides standards and training, and allocates funding.
- Local community corrections boards that contract with providers for services, screen offender referrals, and oversee programs in their jurisdiction. These boards are generally made up of community members with a variety of professional backgrounds and areas of expertise. But they frequently include individuals who work in the criminal justice system.

- Felony offenders. There is a small percentage of offenders in community corrections as a condition of probation, but they are not paid for from the General Fund. ¹

DCJ allocates funds through contracts with local community corrections boards, who then subcontract with providers for services in their communities. In some cases, DCJ contracts directly with certain providers for specialized supervision and treatment services.



Source: DCJ FY 2018-19 Community Corrections Annual Report

¹ Statute prohibits the use of General Fund for pretrial supervision placements or misdemeanor placements.

Caseload

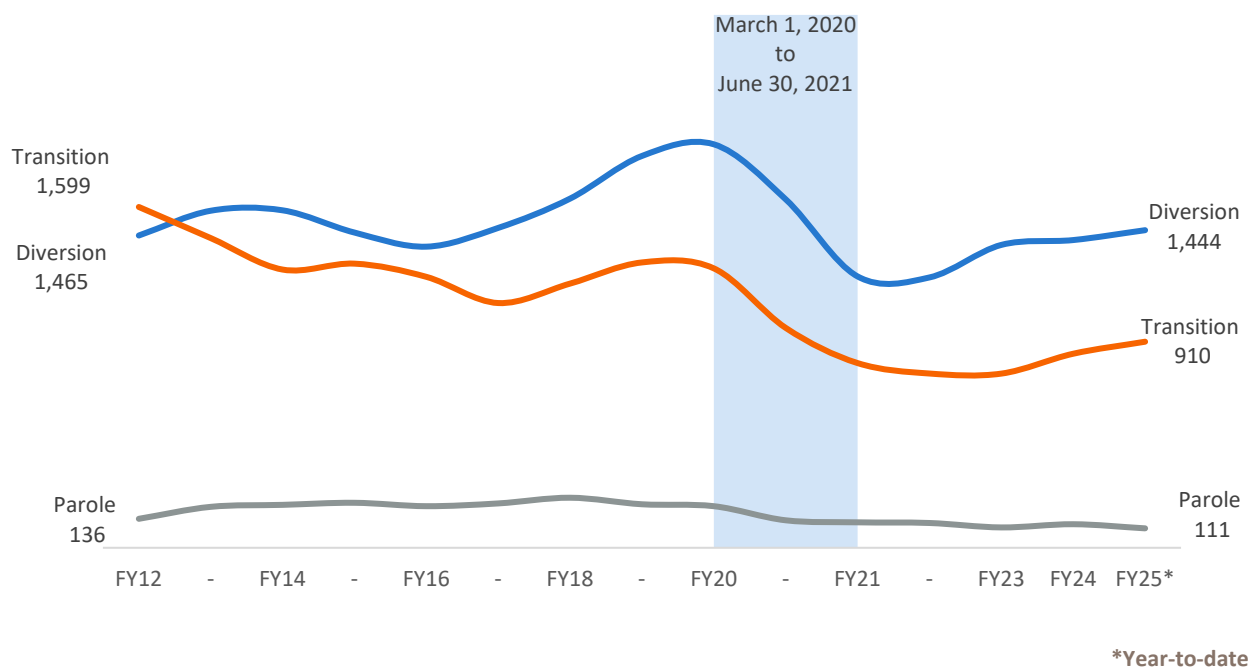
The number of placements in the system (a.k.a. caseload) depends on many factors. These include the number of referrals from the different parts of the criminal justice system, the willingness of community corrections boards and providers to accept referred offenders into their community and facilities, 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.

Diversion placements are more common. The following graph shows the average daily number of residential placements (ADP) over the past decade.

Placements directly from the courts (diversion) outpaced placements from the Department of Corrections (transition) over the last decade.



Per-diem Rates

The per-diem 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 are factored into the Long Bill appropriation and specified in a Long Bill footnote attached to that appropriation (see table below).

Rate type	Rate	Average Daily Placements	Appropriation
Residential base rate	\$70.39	884	\$22,712,037
Base rate plus 1.0% incentive	\$71.09	783	\$20,317,167
Base rate plus 2.0% incentive	\$71.80	875	\$22,931,125
Specialized Differentials			
Intensive Residential Treatment	\$63.61	182	\$4,225,612
Residential Dual Diagnosis Treatment	\$63.61	90	\$2,089,589
Sex Offender	\$34.68	116	\$1,468,351
Standard Non-residential	\$10.14	792	\$2,931,271
Outpatient Therapeutic Community	\$28.22	25	\$257,508
Total			\$76,932,660

Offender “subsistence fees”

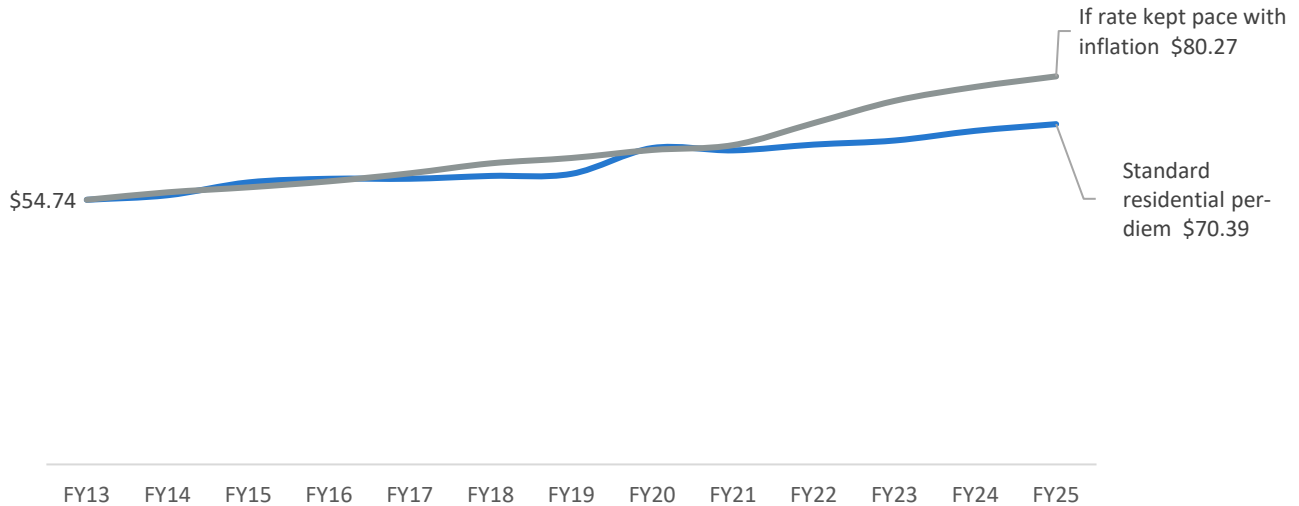
Prior to FY 2022-23, this Long Bill footnote assumed that providers would collect a daily “subsistence fee” directly from offenders. From the early 2000s to FY 2021-22, the daily fee for residential placements was \$17.00 and the daily fee for nonresidential placements was \$3.00. These fees accounted for about \$12.0-\$15.0 million in annual revenue for providers. This figure does not include *owed* subsistence fees. Some providers did not achieve a 100.0 percent collection rate.

This changed in the FY 2022-23 budget when the JBC replaced the subsistence fee assumption with an assumption that subsistence fees would not be collected. Per-diem rates increased to offset the revenue that providers could no longer collect from offenders. The standard residential rate went up by \$17.84 between FY 2021-22 and FY 2022-23, a 36.3 percent increase. The total cost of this increase was about \$16.4 million General Fund.

How rates go up or down

Per-diem rates usually go up or down based on common policy decisions made by the JBC and approved by the General Assembly. However, the last decade saw at least five targeted increases to the standard residential base rate. These increases—initiated by both JBC staff and the JBC—the base rate keep pace with the Denver metro area consumer price index until FY 2021-22 (see graph on next page).

The standard residential base rate kept pace with inflation for many years after the Great Recession. This changed in FY 2021-22 and FY 2022-23 when inflation increased by 13.4%



For FY13 through FY22, the rate = Long Bill rate plus \$17.00 subsistence fee

However, the difference between inflation and the current rate becomes more pronounced as one goes further back in time. If one used FY 2003-04 as a starting point, the current rate would be \$92.77 if it matched inflation.

Specialized programs

The community corrections appropriation also accounts for the number of offenders receiving “standard” services versus those receiving specialized services. Residential community corrections 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 rates as a result (shown in the table below). Specialized programs include:

- *Intensive Residential Treatment (IRT)*, a 90-day residential substance-abuse program intended for high risk and high needs individuals with severe substance use disorders;
- Residential Dual Diagnosis Treatment (RDDT), which address co-occurring mental illness and substance abuse problems; and
- Sex offender treatment, which provide supervision and treatment as required by the Sex Offender Management Board Standards.

Summary of Request

Department of Public Safety						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
FY 2024-25 Appropriation						
H.B. 24-1430 (Long Bill)	\$144,017,924	\$97,827,261	\$3,991,327	\$7,219,282	\$34,980,054	91.7
Other legislation	15,570,004	771,826	14,493,178	305,000	0	1.8
Total	\$159,587,928	\$98,599,087	\$18,484,505	\$7,524,282	\$34,980,054	93.5
FY 2025-26 Requested Appropriation						
FY 2024-25 Appropriation	\$159,587,928	\$98,599,087	\$18,484,505	\$7,524,282	\$34,980,054	93.5
R3 Training for sex offender victim reps	75,000	0	75,000	0	0	0.0
R5 Community corrections caseload	6,106,748	6,106,748	0	0	0	0.0
R11 DCJ 1% General Fund reduction	-110,000	-110,000	0	0	0	0.0
Crime prevention environmental design	3,400,000	0	3,400,000	0	0	0.9
Youth delinquency prevention grant [requires legislation]	2,000,000	0	2,000,000	0	0	0.9
Annualize prior year legislation	94,708	94,708	0	0	0	0.3
Annualize prior year budget actions	-1,518,915	-1,701,551	70,636	52,629	59,371	0.1
Indirect cost assessment	-169,266	0	9,712	0	-178,978	0.0
Total	\$169,466,203	\$102,988,992	\$24,039,853	\$7,576,911	\$34,860,447	95.7
Increase/-Decrease	\$9,878,275	\$4,389,905	\$5,555,348	\$52,629	-\$119,607	2.2
Percentage Change	6.2%	4.5%	30.1%	0.7%	-0.3%	0.0

Incremental Change Descriptions

R3 Training for sex offender victim reps

Request: One-time increase of \$75,000 cash funds from the Sex Offender Surcharge Cash Fund.

Purpose: Develop and retain victim representatives in sex offender management teams.

Description: The Department wants to hire a consultant to help with local community strategic planning and recruitment. The training materials developed by the consultant would be used as a resource in future years.

R5 Community corrections caseload increase

Request: Increase of \$6.1 million General Fund.

Purpose: Support capacity expansions in various community corrections programs and expected growth in the community corrections population.

Description: The request would support 200 standard residential beds and 24 specialized beds. It also supports a 2.4% increase in the community corrections population. Expanded capacity includes:

- Denver: A new 90-bed program called MOORE Center, which opened in May 2024. At the time of this request, the program had an active waitlist.
- Denver: Reopening 90-bed Dahlia facility in January 2026.
- Larimer County Community Corrections: Added 100 beds toward the end of FY 2023-24. It has an active waitlist for these beds.
- A Colorado Springs facility added an Intensive Residential Treatment Program and a facility in Lamar added a Sex Offender Supervision and Treatment Program.

R11 DCJ 1% General Fund reduction

Request: Decrease of \$110,000 General Fund.

Purpose: “Ensure that Colorado can make meaningful investments while maintaining a balanced budget.”

Description: Reduces the DCJ Administrative Services line item by 1.0%. The request says that it may limit staff training and travel, but it will not impact services.

Crime prevention environmental design

Request: One-time increase of \$3.4 million from the Marijuana Tax Cash Fund. This is part of the Statewide R7 Marijuana Tax Cash Fund request. The request seeks roll-forward authority through FY 2026-27.

Purpose: Reduce crime, increase safety, and increase overall quality of life.

Description: Funds the Safer Streets grant program, which was created by S.B. 22-001 (Crime Prevention through Safer Streets). Specifically, it would support “Crime Prevention Through Environmental Design,” or CPTED. CPTED holds that “the environment impacts crime, both as cause and prevention, and effective implementation requires a collaborative effort from law enforcement agencies and community partners.” Primary uses of these funds include physical safety measures, natural access control, and maintenance and property management.

Youth delinquency prevention grant [requires legislation]

Request: Increase of \$2.0 million from the Marijuana Tax Cash Fund and 0.9 FTE. This is part of the Statewide R7 Marijuana Tax Cash Fund request. Funding would be ongoing.

Purpose: Reduce violence, crime, and delinquency among youth.

Description: Funds the Delinquency Prevention and Young Offender Intervention Pilot Grant Program, which was created by H.B. 22-1003 (Youth Delinquency Prevention and Intervention Grants). The program received a total of \$4.2 million General Fund through FY 2022-23 and FY 2023-24.

The request requires legislation because the authorizing statute from H.B. 22-1003 repealed at the end of FY 2023-24. The request also wants to increase allowable administrative costs from 7.5% to 10.0% to lower the barrier to entry for grantees.

Annualize prior year legislation

The request includes the out-year impact of prior legislation, as shown in the table below.

Annualize prior year legislation						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
HB 24-1219 First responder health benefits	\$50,000	\$50,000	0	0	0	0.0
HB 24-1345 Sunset Human Trafficking Council	46,364	46,364	\$0	\$0	\$0	0.2
HB 23-1199 Forensic medical evidence	-1,656	-1,656	0	0	0	0.1
Total	\$94,708	\$94,708	\$0	\$0	\$0	0.3

Annualize prior year budget actions

The request includes a net decrease to reflect the impact of budget decisions in prior years, as shown in the table below.

Annualize prior year budget actions						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Prior year salary survey	\$295,960	\$197,389	\$42,169	\$33,684	\$22,718	0.0
Prior year step plan	179,292	95,227	28,467	18,945	36,653	0.0
FY23 R12 Community corrections info system	6,405	6,405	0	0	0	0.0
FY25 R6 Crime victim services funding	-2,000,000	-2,000,000	0	0	0	0.0
FY25 R9 FTE for DCJ	-572	-572	0	0	0	0.1
Total	-\$1,518,915	-\$1,701,551	\$70,636	\$52,629	\$59,371	0.1

Indirect cost assessment

The request includes a net decrease in the Division's indirect cost assessment.

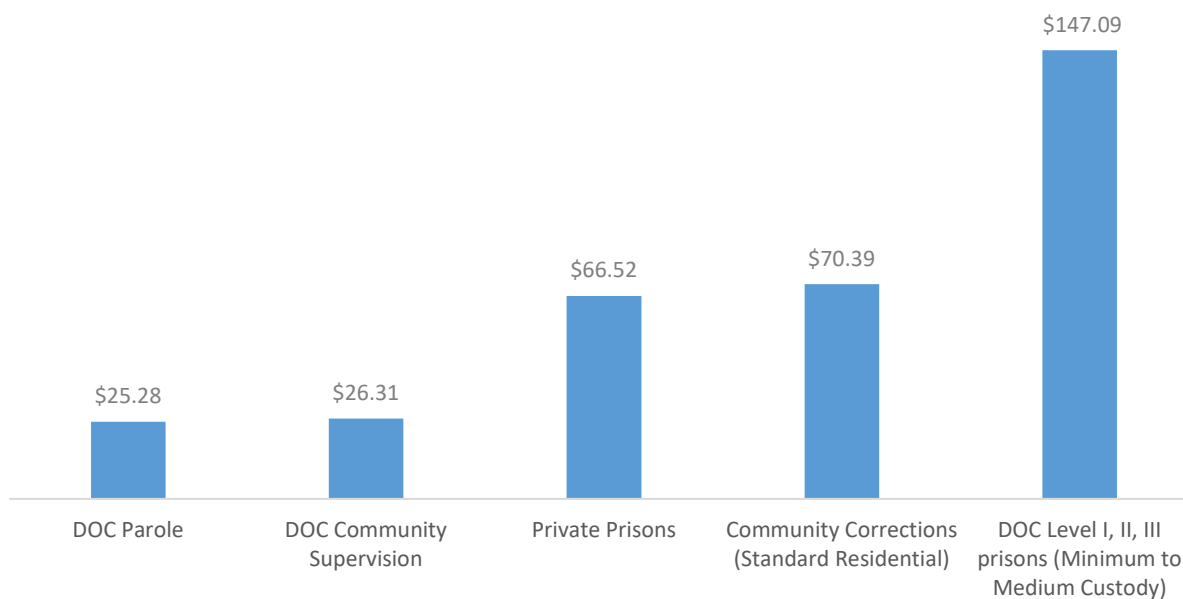
Issue #1: Community supervision vs. prison cost comparison

This short issue brief compares the cost of placement in the community to the cost of imprisonment in a DOC facility.

Summary

Historically, saving money has been one of the main arguments for increasing the number of DOC inmates in the community. The per-diem rate for community corrections is currently higher than the rate for private prisons, but the cost of imprisonment across the DOC system is still considerably higher than community corrections.

Cost of different types of community supervision vs. prison



Issue #2: DOC inmates in the community

Increasing the number of DOC inmates being supervised in the community could: (1) reduce the DOC's General Fund costs, (2) delay or mitigate prison capacity issues, and/or (3) provide inmates with services and supervision better matched to their needs. It also allows inmates to earn enough money to pay child support and/or restitution to their victims. They also pay taxes. But there are real and/or perceived public safety risks associated with placing inmates in the community. Victims and others may feel like the inmate has not done enough time in prison.

Should more DOC inmates be placed in the community? If the answer to this question is "No," this issue brief will be of little value. If the answer to this question is "Yes," this issue brief explains why it is the latest iteration of a decades-long discussion.

Summary

The JBC, JBC staff, the DCJ, and the DOC have discussed this issue multiple times over nearly two decades. Previous Joint Budget Committees have tried many different funding strategies. The General Assembly passed a bill in 2018 to improve the efficiency of transition placements. But in the last few years, the proportion of DOC inmates in the community has been at or near a 20-year low. This might stem, in part, from the coronavirus pandemic and sentencing reforms passed just prior to the pandemic. But community placements were declining prior to COVID. The long-term persistence of the issue requires a different explanation.

The community corrections system is not designed to help the DOC deal with prison capacity pressures or help the State to manage its budget. Statute declares that community corrections exists, in part, to provide a broader range of correctional options to the courts, the DOC, and the Parole Board. But their ability to use this option is limited by the system's design.

The system is designed to let local authorities decide which offenders are allowed to live in their community. Community corrections boards and providers have the authority deny referrals for any reason. The aim of this design is to increase local support for the programs serving offenders in that community.

The system is further designed to place offenders within the geographic boundaries of judicial districts regardless of whether a bed is available for that offender. It allows those districts to reject placements from outside those geographic boundaries.

The risks of community placement are localized. So too is the authority to approve or reject community placements. But the costs of local decisions are socialized, borne by the DOC and the General Fund. Low risk tolerance and value judgements at the local level can, and do, by design, constrain the DOC's ability to release qualified inmates to the community and reduce its demands on the General Fund. Efforts to use community corrections for budgeting or prison capacity purposes must contend with this arrangement.

Points to Consider

Seek more useful diagnosis of trends and barriers

- There has been a large decline in the percentage of inmates in the DOC's Intensive Supervision-Inmate (ISP-I) program. Why? The JBC should consider posing this question to both the DOC and the DCJ and ask that they prioritize the factors that are hindering the number and efficiency of DOC community placements.
- The proportion of DOC inmates transitioning to community correction is also lower than it was a decade ago, despite efforts to the contrary. Why? The JBC should consider posing this question to both the DOC and the DCJ and ask that they prioritize the factors that are hindering the number and efficiency of DOC community placements.

Previous hearing questions and responses about these issues produced abundant detail but lacked a useful structure for making decisions. For example, in the FY 2018-19 budget cycle, the JBC asked, "Please discuss the issues that are causing the reduction in the number of transition offenders in community corrections and the fiscal year reversions." The response began with,

"Reductions in the number of transition offenders placed in community corrections is never a function of a single entity, single organization, or single practice. Rather, there are intra-organizational as well as inter-organizational barriers and inefficiencies that result in fewer placements over time. Resolving the under-utilization of community corrections capacity and the over-utilization of prison capacity requires a systemic approach to address the technical, adaptive, and organizational barriers that lead to decreased utilization."

The response identified and categorized 21 different issues hindering DOC transition placements. On the one hand, it is good to know that state agencies possess that level of knowledge and thoughtfulness about complicated systems. On the other hand, JBC staff is not sure how a layperson could digest that amount of information and use it to make strategic policy decisions. Hence staff's suggestion to seek prioritized feedback, rather than general feedback.

It may not be possible for the DCJ and DOC to provide this information in time for the hearing. But it would be helpful to learn what they do know and what, if anything, needs to happen to acquire a more useful diagnosis of the problem.

Ask system actors to weigh-in

The JBC should consider asking the DCJ to work with local boards, programs, and other interested parties to provide prioritized answers to the following question: **How can the State ensure that qualified DOC inmates are approved for a placement in a program that provides an appropriate level of supervision and services? What steps should the State take, or not take, and in what order?**

Discussion

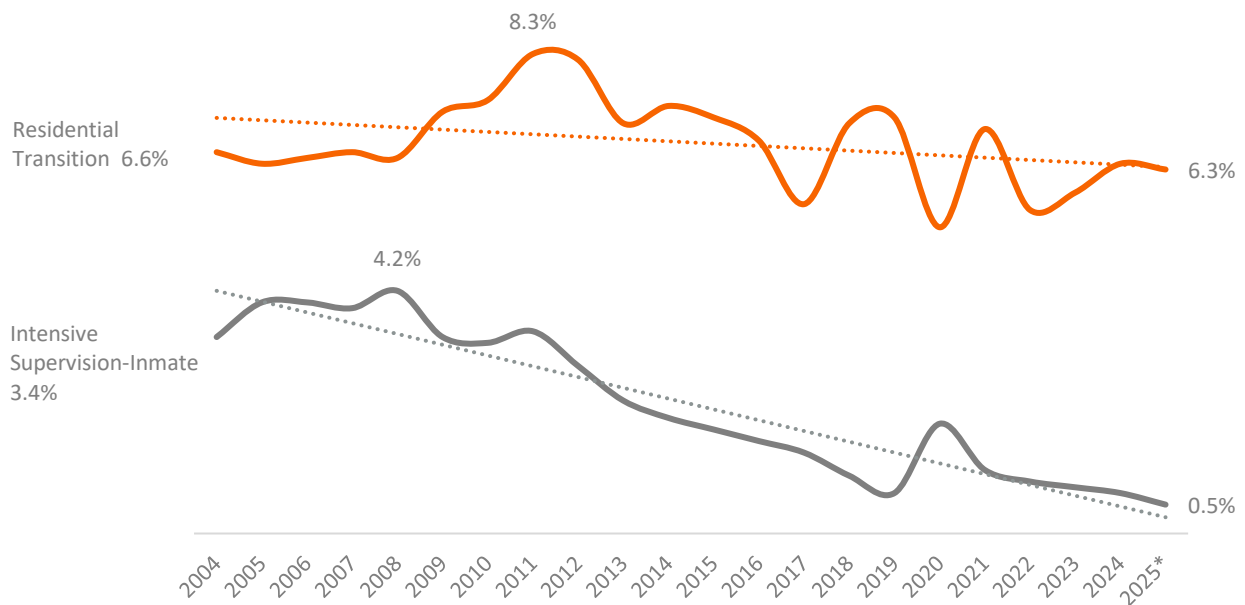
Reduced DOC inmates in the community

Key takeaway: A smaller proportion of DOC inmates in the community has increased the number of inmates that must be accounted for in the DOC's prison caseload adjustments.

A small percentage of DOC inmates reside in the community rather than prison. About 6.3% of the DOC's total inmate population were assigned to residential community corrections on October 31, 2024. Just 0.5% were assigned to the Intensive Supervision-Inmate (ISP-I) program.

The following graph shows the historical percentage of DOC inmates in community corrections and the ISP-I program. The current percentage of transition placements is generally below historical norms, especially as compared to the early 2010s. ISP-I placements have been trending way down since the late 2000s.

There has been a large decline in the proportion of DOC inmates in the Intensive Supervision-Inmate program (End of fiscal year)



*As of October 31, 2024

The combined percentage of 6.8% is much lower than pre-pandemic rates. This is especially true for ISP-I placements. In the 15 years preceding the pandemic, the average combined rate of community placements was 9.7%, of which 2.7% were ISP-I placements. Transition placements peaked in 2012 at about 1,890, compared to about 1,098 now. ISP-I placements peaked at over 950 inmates in 2008, compared to 91 now.

Who is eligible for transition or ISP-I placements?

Transition placements

- Offenders who have committed violent offenses: 180 days prior to parole eligibility date (PED)
- Offenders who have not committed violent offenses: 16 months prior to PED
- Does not have an active felony warrant or detainer
- Has not refused community placement

ISP-I placements

General Purpose of ISP-I

“This has been used both as a population management tool, as well as a step-down from community corrections centers for those who are not parole eligible due to time frames or who are not yet paroled by the board, but have completed the community corrections programming.”²

From a DOC facility directly to a private residence:

- 180 days to PED
- Acceptable institutional behavior
 - Participation in DOC recommended programs
 - No Code of Penal Discipline violations within 12-18 months
 - No gang activity within two years
 - No felony detainers
 - SB 20-085 (Sex Offender Community Corrections Requirements) treatment and other requirements for Lifetime Sex Offenders

From community corrections facility to a private residence:

- 180 days to PED
- Progression through community corrections programming
- No felony detainers

There may be other requirements for both transition and ISP-I placements. But these are most commonly mentioned requirements identified by JBC staff.

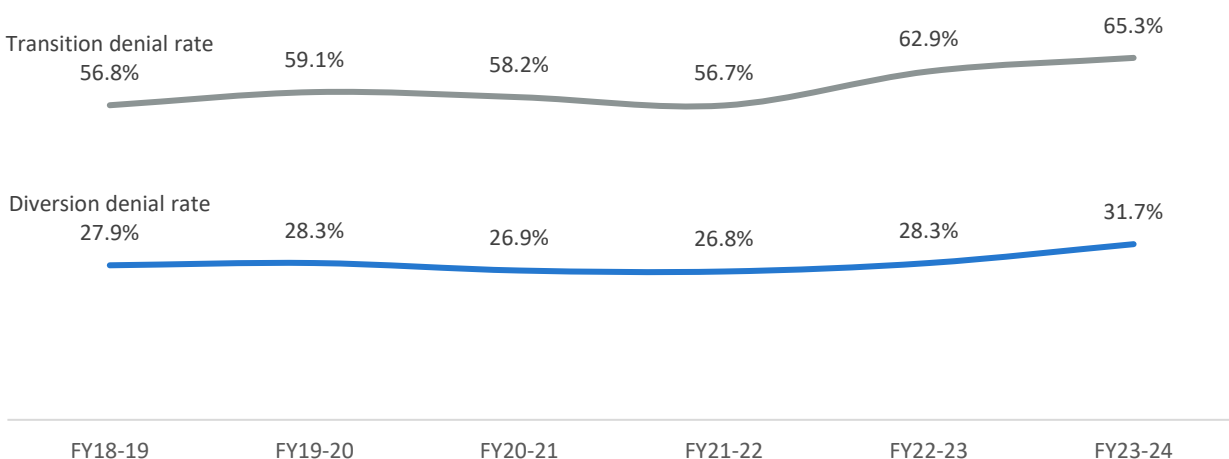
² Overview of ISP-I Program, presented to the Sentence Progression Working Group of the Sentencing Reform Task Force, August 9, 2022. [Link](#) to document.

Transition referral denial rates

Offenders will not be placed in community corrections unless both community corrections boards and providers accept the referral.³ This applies to all placement types: transition, diversion, parole, and ISP-I.

Transition referrals are consistently denied at a much higher rates than diversion referrals directly from the courts. Staff found that transition denials over the past couple years were split roughly evenly between boards and providers.

Overall transition and diversion denial rates, combines both board and provider denials



What drives transition denial rates?

JBC staff cannot conclusively answer this question at this time. Staff has heard of multiple factors that could be playing a role, but staff currently lacks the data needed to rank them in order of importance/prevalence. This list of factors is not exhaustive.

One inmate can be denied multiple times in multiple jurisdictions

It is possible that unique factors in the transition referral process are skewing transition denial rates. Each transition denial does not equal one person. It can equal one person denied three times in three different jurisdictions. Per the DCJ,

“A transition primary referral is a referral that is sent to the jurisdiction that an inmate is planning to parole to. Secondary and tertiary referrals are those that have been denied by the primary jurisdiction and sent to alternate jurisdictions for screening. In some jurisdictions, the number of secondary and tertiary transition referrals exceeds the number of primary referrals received.”

³ Section 17-27-103 (5)(a), C.R.S. provides the boards with rejection authority. For programs, it is Section 17-27-104 (3), C.R.S.

Mandatory initial referrals from DOC required by law

Automatic referral mechanisms required by statute may increase transition denial rates. Statute requires that the DOC submit a referral to community corrections when the inmate is eligible for community corrections. This referral is required even if the inmate's case manager thinks the inmate is not ready for community placement. The only things that prevent these mandatory referrals are an active felony warrant detainer, the inmate's refusal of the referral, or unacceptable institutional behavior.⁴

In 2018, the DCJ had this to say about the mandatory initial referral:

"The Department believes that the current statutory structure for initial mandatory referrals to community corrections from the CDOC is obsolete as it is driven by time and crime type only. The current referral process is lacking any pre-screening or human decision making process where a targeted and intentional decision is made to refer appropriate inmates to community corrections from a risk/need/behavioral/and readiness perspective. Referrals are not recommendations; but rather, serve as mechanical processes to refer inmates who meet basic statutory criteria."⁵

Unique local control model?

Colorado community corrections' model of local control is unique. Particularly with regards to transition placements from the DOC. The DCJ's hearing responses for the FY 2021-22 budget cycle explain:

"Over the years, the Department has researched community corrections in other states, including cost and funding. Colorado's community corrections system is unique in that it emphasizes local control over placements and outcomes. The Department is not aware of another state with the same state and local control partnership that exists in Colorado for community corrections, and more specifically residential community corrections...Many states that operate state funded residential programs that are comparable do so for the sole use of the DOC and its clients. As a result, they are operated without any aspect of local control."⁶

This differs somewhat from the DCJ's view in 2010:

"According to the National Institute of Corrections (NIC), Colorado's system is somewhat unique in that it makes greater use of residential community corrections beds than many other states. However, where state-local partnerships are found, local boards

⁴ Section 18-1.3-301 (2)(b). "Unless the offender has an active felony warrant or detainer or has refused community placement, the executive director of the department of corrections shall refer an offender who has displayed acceptable institutional behavior for placement in a community corrections program..."

⁵ FY 2018-19 DCJ Hearing, January 8, 2018: https://leg.colorado.gov/sites/default/files/fy2018-19_pubsafhrg2.pdf (page 4)

⁶ FY 2021-22 DCJ Hearing, December 15, 2020: https://leg.colorado.gov/sites/default/files/fy2021-22_pubsafhrg.pdf (page 7)

and/or local community corrections residential facilities generally have the authority to reject clients whom they believe to be unsafe or inappropriate for halfway house placement.”⁷

Regardless of the nationwide prevalence of local control, it is true that the risks of community placement are primarily localized. But costs of local decisions to deny placements are socialized, borne by the DOC and the General Fund. Low risk tolerance and value judgements at the local level can, and do, constrain the DOC’s ability to put qualified inmates in the community and reduce its demands on the General Fund. For example, per the DCJ’s Office of Community Corrections, “Cases with a sex offense conviction were frequently denied; in some judicial districts, these cases are automatically excluded from consideration.”

It is also possible that board members fear retribution if an offender they approved for placement harms a member of the public or their property. This may be especially true in smaller districts where decision makers are more familiar in the community.

“Structured decision making” versus “professional judgement”

Referrals may be denied even if board’s own tools or metrics suggest the inmate is qualified. The General Assembly passed a bill in 2018 to improve the efficiency of transition placements from the DOC. Among other things, the bill required that local community corrections boards use “a structured, research-based decision-making process that combines professional judgment and actuarial risk and needs assessment tools.”⁸

Every board now has some version of this structured-decision making (SDM) tool, but the design varies because each board had the freedom to design their own tool. Some tools simply guide the board’s discussion, while others make specific recommendations.

However, even in cases where the SDM tool makes a specific recommendation, the board is not obligated to follow that recommendation. Boards can (and do) use their “professional judgement” as allowed by statute to reject a referral despite suggested approval by the SDM tool.

There are many ways that this plays out in practice, though staff lacks hard data about prevalence. Staff has heard anecdotes about otherwise qualified inmates being denied due to static factors they cannot change. For example, an inmate may be denied due to their original offense, even if they have completed DOC programming and behaved well.

A different example is denial following a statement from the victim. There was not an explicit connection between the statement and the board’s decision, but anecdotal reports suggest this is not uncommon.

⁷ FY 2010-11 DCJ Hearing, January 6, 2010: https://leg.colorado.gov/sites/default/files/pubsafhrg2_4.pdf (page 10)

⁸ Section 17-27-103 (5)(b), C.R.S.

Lastly, some placements are denied because the inmate comes from a different district. Reasons for this may vary, but staff heard an anecdote about a district not wanting to import crime.

The morality of these examples is beyond JBC staff's purview. The point is that structured decision making tools do not necessarily mean that decision making is structured around the inmate's qualifications or needs. Nor is decision making structured around the State's prison management or budget needs.

Individual referral quantity/quality

Decision makers may err on the side of caution by denying a placement when they are confronted with too much information. Or not enough of the right information. While attending a recent conference, staff heard from a few board members about the unwieldy size and scope of the referral packets that they receive. Key information can sometimes be buried in the middle of dozens of pages (or more) of other information that may not be as relevant for decision making. The quality of referrals was also mentioned in a 2018 DCJ hearing response.⁹ One district is trying to supplement these referral packets with material compiled by an employee who interviews the inmate who has been referred.

ISP-I referrals

JBC staff possesses less data and knowledge about the decline in ISP-I placements. Referral data from the past two fiscal years shows that about half of ISP-I direct-to-community referrals were denied. But there were only 36 such referrals in FY 2023-24 and 86 referrals in FY 2022-23. Other types of referrals involving placement in community corrections were accepted at much higher rates, around 80-90%. But at the time of this writing, staff does not have (or has not found) data from the late 2000s, when ISP-I utilization was much higher.

Prior attempts to increase community placements

Over the past two decades, the JBC has tried or discussed many different policies and budget mechanisms to increase the number of community placements.

Utilization Targets

Prior JBCs tried to increase community placements by budgeting for a target utilization rate. The JBC built the budget on an assumption that, for example, 7.0% of DOC inmates would be in community corrections and 4.5% would be in ISP-I.

JBC staff in 2006 and 2018 found that these targets were never met. In both instances there were backlogs of people waiting for placement in community corrections even though money

⁹ https://leg.colorado.gov/sites/default/files/fy2018-19_pubsafhrg2.pdf, page 3.

and physical space were available for that purpose. Current JBC staff will not recommend utilization targets because no incentive, guarantee, or design currently exists to achieve them.

Open Allocation

In FY 2009-10, the DCJ tried allocating money in different way to encourage more placements. This was called an “open allocation method.” It aimed to be more flexible with the allocation of money. The DCJ did this because the previous method allocated specific amounts to specific boards based on estimated placements. This was practice was thought to discourage boards and providers from accepting placements above their allocation level.

JBC staff found that it did not work. Staff observed,

“Despite the efforts of the open allocation method for community corrections funding, a backlog of 347 inmates who have been approved for a community corrections placement were in prison awaiting a placement in the community (1.5 percent of the inmate population). Generally, these inmates have been approved by a community corrections board whose local programs do not have vacant placements available. In addition, community corrections boards in other locales are typically hesitant to accept inmates that are not from their jurisdiction or paroling to it.”¹⁰

The Division pushed back on some of JBC staff’s observations during its hearing. Current JBC staff does not know how long the DCJ used this method after FY 2009-10. The data show that transition placements trended upwards for a few years after that and then dropped continuously until the coronavirus pandemic. ISP-I placements dropped steadily after FY 2008-09.

Standardized Acceptance Criteria

In the FY 2010-11 budget cycle, JBC staff proposed that the JBC consider standardizing acceptance criteria for use by community corrections boards. At the time, the DCJ did not think it would be helpful.

“Virtually all community corrections boards presently use essentially the same minimum criteria for acceptance. Every board will accept almost any offender with no past or current history of significant violence. Therefore, the Department believes that the state would not obtain any benefit from statutorily-created, standardized acceptance criteria.”¹¹

Current JBC staff is not aware of any policies that were adopted following this discussion.

¹⁰ FY 2010-11 JBC Staff Briefing, Division of Criminal Justice, December 22, 2009. https://leg.colorado.gov/sites/default/files/pubsafbrf2_6.pdf. (Page 19)

¹¹ FY 2010-11 DCJ Hearing, January 6, 2010: https://leg.colorado.gov/sites/default/files/pubsafhrg2_4.pdf (page 13)

However, staff is aware of at least six judicial districts currently have auto-accept criteria: the 2nd (Denver), the 4th (El Paso and others), 8th (Larimer and others), 17th (Adams and others), the 18th (Arapahoe and others), and the 19th (Weld). JBC staff does not know what those criteria are yet. But their existence in a handful of large districts with varying political preferences is intriguing enough to warrant more discussion.

Are there any criteria that are present in most or all of these districts? If so, would the number of placements meaningfully change if more districts adopted similar criteria? Are there any budget mechanisms that could incentive such criteria? Could similar mechanisms increase risk tolerance? The JBC may consider asking the DCJ to weigh in with what they know and what something like this could or should look like.

Pay for every possible bed to maximize placements

During the supplemental process for FY 2019-20, previous JBC staff recommended funding every potentially available bed in the system. This was done to encourage boards and providers to maximize placements in their facilities. The underlying issue it sought to address was that of uncertainty. Providers were, and are, hesitant to accept more placements than their contract allowed. If the number of beds in the contract is less than the number of beds in the facility, it puts providers in a position where they incur costs for which reimbursement is not guaranteed.

The JBC approved JBC staff's recommendation, but the coronavirus pandemic hit a couple of months later and that funding was stripped away. Current JBC staff will not recommend doing that because there is no guarantee that enough offenders will be accepted in the districts with beds to fill. But more flexible funding may be worth considering even if there is no guarantee of success.

Budget Reduction Options

The DCJ request includes a reduction of \$110,000 General Fund. This represents 0.10% of the DCJ's General Fund budget in FY 2024-25. It also includes transfer of \$453,858 from a cash fund to the General Fund. This issue brief reviews these proposals and additional options identified by staff.

Summary

- The DCJ represents 0.6 percent of total state General Fund appropriations in FY 2024-25.
- The Division requests an increase of \$4.4 million General Fund (4.5 percent increase) in FY 2025-26. This includes the proposed reduction of \$110,000.
- A 5.0% reduction to the current budget is about \$5.0 million General Fund.
- Staff included additional options ranging from \$7.0 to \$22.0 million General Fund. Staff is not recommending these options at this time.

Discussion

Funding History FY 2018-19 to FY 2024-25

The DCJ's General Fund budget increased by 2.4 percent since FY 2018-19 after adjustments for inflation. This is less than the statewide increase in General Fund appropriations of 11.3 percent over the same period.¹²

DCJ FY 2018-19 to FY 2024-25 Appropriations Comparison - Adjusted for Inflation					
Fund	FY 2018-19		FY 2024-25	Increase/-Decrease after inflation adjustment	
	Nominal	FY 24-25 Dollars		Amount	Percent
General Fund	\$76,769,169	\$97,230,980	\$98,599,087	\$1,368,107	1.4%
Total Funds	\$121,964,885	\$154,473,019	\$159,587,928	\$5,114,909	3.3%

¹² FY 2024-25 appropriations are adjusted to *exclude* the impact of H.B. 24-1466 (Refinance Federal Coronavirus Recovery Funds) which provided for a one-time decrease of \$587.2 million in General Fund appropriations for FY 2024-25, spread across the Corrections, Human Services, and Judicial Departments. Temporary personal services reductions in these departments were backfilled with federal funds from the American Rescue Plan Act (ARPA). Fiscal year 2018-19 appropriations are adjusted for inflation, calculated based on the Legislative Council Staff September 2024 forecast, which reflects an increase in the Denver-Aurora-Lakewood consumer price index of 26.7 percent between FY 2018-19 and FY 2024-25.

Context for the \$21.8 million unadjusted increase

Line item-by-line item analysis

JBC staff compared the DCJ's FY 2018-19 budget to its FY 2024-25 budget on a line item-by-line item basis. This comparison focused only on changes in General Fund appropriations.

Key Takeaways

- Community corrections placements account for most of the increase.
- The DCJ Administrative Services line item grew by \$2.3 million, or 66.4%. However, most of this growth stems from legislation passed by the General Assembly.
- A one-time increase of \$2.0 million for victim services accounts will be removed from the budget for FY 2025-26.
- The juvenile diversion program saw an increase of \$1.9 million.

DCJ Budget Changes FY 2018-19 to FY 2024-25: Line item-by-line item					
Category	Line item	FY 18-19	FY 24-25	Change (\$)	Change (%)
All	Totals	\$76,769,169	\$98,599,087	\$21,829,918	28.4%
Community Corrections	Community Corrections Placements	\$62,125,411	\$76,932,660	\$14,807,249	23.8%
	Community Corrections Facility Payments	4,194,886	4,616,157	421,271	10.0%
	Community Corrections Boards Administration	2,507,688	2,769,066	261,378	10.4%
	Specialized Offender Services	263,549	289,483	25,934	9.8%
	Offender Assessment Training	10,507	10,507	0	0.0%
	Subsistence Payment	275,000	0	-275,000	-100.0%
	Subtotal Community Corrections	\$69,091,534	\$84,607,366	\$15,240,832	22.1%
Administration	DCJ Administrative Services	\$3,417,845	\$5,686,045	\$2,268,200	66.4%
Victims Assistance	Appropriation to the Colorado Crime Victim Services Fund	0	2,000,000	2,000,000	n/a
	Statewide Victim Information and Notification System (VINE)	434,720	492,800	58,080	13.4%
	Child Abuse Investigation	1,097,693	1,597,693	500,000	45.6%
	Sexual Assault Victim Emergency Payment Program	167,933	167,933	0	0.0%
	Subtotal Victims Assistance	\$1,700,346	\$4,258,426	\$2,558,080	150.4%
Juvenile Justice and Delinquency Prevention	Juvenile Diversion Programs	\$1,241,139	\$3,161,677	\$1,920,538	154.7%
Crime Control and System Improvement	Sex Offender Surcharge Fund Program	83,262	86,907	3,645	4.4%
	Sex Offender Supervision	358,535	580,852	222,317	62.0%
	EPIC Resource Center	888,694	0	-888,694	-100.0%
	Subtotal Crime Control and System Improvement	\$1,330,491	\$667,759	-\$662,732	-49.8%
Other Bills	H.B. 24-1054 Jail standards commission	0	305,000	305,000	n/a
	HB 24-1219 First responder health benefit	0	200,000	200,000	n/a
	Subtotal Other Bills	\$0	\$505,000	\$505,000	n/a

Increases to budget far less than requested by department

The JBC approved about \$13.6 million less General Fund than what the DCJ requested over the past two fiscal years. This figure excludes the future impact of a requested annual transfer of \$7.5 million General Fund to a grant program cash fund in perpetuity. The JBC approved a lesser amount of \$3.0 million General Fund on a one-time basis.

Differences between DCJ request and JBC action					
Fiscal Year	Request Title	Request Amount	JBC staff Rec.	JBC Approved	Difference between approved and request
2024-25	R2 Multidisciplinary Crime Prevention and Crisis Intervention Program*	7,500,000	500,000	3,000,000	-4,500,000
	R6 Crime victim services	3,000,000	3,000,000	6,000,000	3,000,000
	R9 FTE for DCJ	553,625	159,433	159,433	-394,192
	R12 Performance-based contracting	384,210	0	0	-384,210
	JBC community corrections adjustments	0	0	-1,361,164	-1,361,164
	Community provider rate common policy	1,687,320	2,109,150	1,602,501	-84,819
	Subtotal-selected items	\$13,125,155	\$5,768,583	\$9,400,770	-\$3,724,385
2023-24	R5 Transfers to S.B. 22-145 cash funds	9,000,000	0	0	-9,000,000
	R11 Technical assistance hub	555,358	0	0	-555,358
	R16 Expand Office of Research and Statistics	233,443	233,443	233,443	0
	R19 VINE upgrade	283,709	283,709	283,709	0
	R21 Community corrections support staff	77,657	77,657	77,657	0
	Community provider rate common policy	2,466,401	2,133,447	2,133,447	-332,954
	S2 Repeal CO Commission on Criminal and Juvenile Justice	-162,869	-212,869	-212,869	-50,000
	Subtotal-selected items	\$12,453,699	\$2,515,387	\$2,515,387	-\$9,938,312
Total		\$25,578,854	\$8,283,970	\$11,916,157	-\$13,662,697

Budget Requests for General Fund Relief

The Executive Branch's request includes net General Fund relief of \$563,858, as shown in the table below.

Budget Requests for General Fund Relief				
Option	General Fund	Other Funds	Bill? Y/N	Description
Revenue Enhancements				
Sweep interest from Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund	\$453,858	-\$453,858	Y	This fund supports the Multidisciplinary Crime Prevention and Crisis Intervention Grant Program. The Executive Branch's Statewide request R1 proposes to sweep \$258,527 in FY 2024-25 and \$195,331 in FY 2025-26. The JBC sponsored legislation during the 2024 session to transfer \$3.0 million General Fund into this cash fund.
Subtotal - Revenue	\$453,858	-\$453,858		
Expenditure Reductions				
R11 DCJ 1% General Fund reduction	\$-110,000	\$0	N	Part of a statewide request to reduce program lines by 1.0%
Subtotal - Expenditures	\$-110,000	\$0		
Net General Fund Relief	\$563,858			

Additional Options for the JBC's Consideration

The table below summarizes options identified by the JBC staff that the Committee could consider in addition to or instead of the options presented in the budget request. Staff is not recommending this options but included them for the JBC's awareness. A 5.0% General Fund reduction to the DCJ budget is about \$5.0 million.

Additional Options for General Fund Relief				
Option	General Fund	Other Funds	Bill? Y/N	Description
Revenue Enhancements				
SMART Policing Grant Fund transfer to General Fund	\$3,000,000	-\$3,000,000	Y	Demand for this program appears to be lower than expected. The \$3.0 million figure is roughly sum of unencumbered and unexpended money remaining in the fund, plus interest.
Subtotal - Revenue	\$3,000,000	-\$3,000,000		
Expenditure Reductions				
Reinstitute subsistence payments for offenders in community corrections	-\$927,830	\$0	N	Offenders in community corrections used to pay a \$17.00 daily fee to providers. This was called a subsistence fee. The General Assembly removed this fee in FY 2022-23 at a cost of about \$16.4 million General Fund. Every \$1.00 of subsistence fee would save \$927,830.
Reverse increase for specialized provider rates	-\$2,700,000	0	N	For FY 2024-25 JBC approved a per-diem rate increase of about \$30.00 for intensive residential treatment and residential dual diagnosis. Reversing this decision would save about \$2.7 million General Fund.
Remove performance-based contracting incentives	-650,375	0	N	The Long Bill currently includes funding for incentive payments up to 2.0% of the base residential rate. These incentive payments relate to recidivism and program completion. They were added to the Long Bill in FY 2022-23.
Subtotal - Expenditures	-\$4,278,205	\$0		
Net General Fund Relief	\$7,278,205			

Revenue Enhancements

SMART Policing Grant Fund transfer to General Fund

Description: Bill to transfer \$3.0 million from the SMART Policing Grant Fund to the General Fund.

Key Considerations: In the program's first two years of existence, it received General Fund transfers totaling \$7.5 million. Less than \$500,000 has been spent so far. The program's cash fund earned almost as much in interest.

Fee impact: None. Money in the Fund comes entirely from the General Fund and interest.

Additional background:

- The grant program and related cash fund were created in 2022 through S.B. 22-145 (Resources to Increase Community Safety). The SMART Policing Grant Program aims to “increase the number of P.O.S.T.-certified and non-certified law enforcement officers who are representative of the communities they police and provide training for those additional law enforcement officers.”
- The program initially had a repeal date of January 1, 2025. Senate Bill 23-277 (Public Safety Programs Extended Uses) extended the repeal date to July 1, 2027.
- Senate Bill 22-145 required a total of \$7.5 million General Fund to be transferred to the SMART Policing Fund: \$3.75 million in both FY 2022-23 and FY 2023-24.
- The Fund was originally continuously appropriated to the Department. The JBC sponsored H.B. 24-1421 (Modify Public Safety Program Funding) made this cash fund subject to annual appropriation by the General Assembly.

Expenditure Reductions

Reinstitute subsistence payments for offenders in community corrections

Description: Adjust Long Bill footnote to assume that offenders in community corrections will pay some amount per day (known as “subsistence” fees). Every \$1 in subsistence fees would save a little over \$900,000 General Fund from reduced per-diem rates paid by the State.

Key Considerations: The FY 2022-23 Long Bill eliminated subsistence fees and increased per-diem rates to compensate providers accordingly. This cost about \$16.0 million General Fund.

Anecdotal reports about this change are mostly positive. Offenders in community corrections are able to save more money. They can then put that money toward immediate and future needs, like housing. It also allows for more restitution payments to victims. Lastly, it guarantees revenue for providers, who were sometimes unable to collect subsistence fees from offenders. It also led to scenarios where the offender became indebted to the provider.

The only downside reported to JBC staff is that providers may be hesitant to approve more placements than their contracts guarantee. A subsistence payment means that providers could offset at least a portion of the cost of services while waiting on the General Assembly to increase funding for those additional placements.

Additional background: The Long Bill appropriation for community corrections used to assume that some amount of funding would come directly from community corrections clients through a “subsistence fee.” This subsistence fee existed for decades, rising from \$10.00 in the 1990s to \$17.00 in the early 2000s. It stayed at \$17.00 until FY 2022-23.

The fee was not a statutory requirement. It was an assumption in a Long Bill footnote. The FY 2022-23 Long Bill replaced that assumption with an assumption that the fee not be collected.

Per-diem rates increased by \$17.00 to offset the loss in revenue that providers would experience.

Reverse increase for specialized provider rates

Description: Reverse an increase of about \$30.00 to per-diem rates for intensive residential treatment and residential dual diagnosis services. This would save about \$2.7 million General Fund.

Key Considerations: Service providers alleged that these specialized services were at risk of disappearing because reimbursement rates were too low.

Additional background: Intensive residential treatment is a 90-day substance-abuse program intended for individuals with severe substance use disorders. Residential dual-diagnosis addresses co-occurring mental health and substance abuse disorders. The Long Bill supports a combined total of 272 of these beds. The Department is requesting 24 additional IRT beds for FY 2025-26 (R5 Community Corrections Caseload Adjustment).

Remove performance-based contracting incentives

Description: The FY 2024-25 Long Bill provides \$650,375 General Fund to pay up to a 2.0% incentive to providers who meet benchmarks for recidivism and program completion. This is called “performance-based contracting,” or PBC. This is not a statutory mechanism. Rather, it is baked into the Long Bill footnote for community corrections placements. Eliminating PBC would save \$650,375 General Fund.

Key Considerations: Staff recommends that the JBC ask the Division to provide an update on PBC for its hearing.

Additional background: PBC incentives began in FY 2022-23. This was the culmination of almost a decade of discussions about PBC. At a high-level, PBC works like this:

- The Office of Community Corrections (OCC) determines the baseline performance measured upon which future performance is measured.
- Performance measures account for risk. There are measures for lower risk offenders and measure for higher risk offenders.
- The OCC determines whether providers met those standards and then reports on the results, by district and provider, so they can be factored into the appropriation.

The Division requested \$384,210 General Fund in FY 2024-25 to increased PBC funding and add more performance measures. The JBC denied this request, consistent with JBC staff’s recommendation.

Footnotes and Requests for Information

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 2024 Long Bill (H.B. 24-1430) can be found at the end of each departmental section of the bill at <https://leg.colorado.gov/bills/HB24-1430> The Long Bill footnotes relevant to this document are listed below.

- 104 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. The appropriation assumes that offenders will not be charged a daily subsistence fee. This appropriation also assumes that the residential base per-diem rate in the table included in this footnote will be increased by 1.0 percent for programs meeting recidivism performance targets and 1.0 percent for programs meeting program completion performance targets.

Rate type	Rate	Average Daily Placements	Appropriation
Residential base rate	\$70.39	884	\$22,712,037
Base rate plus 1.0% incentive	\$71.09	783	\$20,317,167
Base rate plus 2.0% incentive	\$71.80	875	\$22,931,125
Specialized Differentials			
Intensive Residential Treatment	\$63.61	182	\$4,225,612
Residential Dual Diagnosis Treatment	\$63.61	90	\$2,089,589
Sex Offender	\$34.68	116	\$1,468,351
Standard Non-residential	\$10.14	792	\$2,931,271
Outpatient Therapeutic Community	\$28.22	25	\$257,508
Total			\$76,932,660

Comment: This footnote has been in the Long Bill for at least a decade, or close to it. It expresses the General Assembly's assumptions in the appropriation, including the number of placements and the per-diem rates for those placements. Performance-based incentive rates were added to the Long Bill in FY 2022-23.

- 105 Department of Public Safety, Division of Criminal Justice, Community Corrections, Correctional Treatment Cash Fund Residential Placements -- This appropriation includes funding for condition-of-probation placements at rates corresponding to those in footnote 104.

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

106 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Facility Payments -- The amount of the appropriation assumes that the Department will provide an equal payment to all programs, with the exception that facilities with an average of 32 or more security FTE will receive a second facility payment. It is the General Assembly's intent that programs use these funds to invest in performance-enhancing measures. These measures include, but are not limited to, employee recruitment and retention. The General Assembly further intends that programs will provide a plan for the use of these funds to their local boards and the Division of Criminal Justice and maintain records that show how these funds are used.

Comment: The footnote explains the intent of the General Assembly when setting the appropriations for the Community Corrections Facility Payment line item. Some version of this footnote has been a part of the Long Bill for about a decade. The related line item was created in FY 2014-15.

Update on Requests for Information

The Joint Budget Committee annually submits requests for information (RFIs) to executive departments and the judicial branch via letters to the Governor, other elected officials, and the Chief Justice. 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 an Appendix in the annual Appropriations Report (Appendix H in the FY 2024-25 Report):

<https://leg.colorado.gov/sites/default/files/fy24-25apprept.pdf>

The RFIs 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 complied with this request.

Department of Public Safety Requests

- 1 Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- The Department is requested to provide a report with year-to-date community corrections placements by November 1, 2024 and again on February 15th. The Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. Lastly, the Department is requested show the contracted per-diem reimbursement rate for each provider by type of service, as well the number of beds for each type of service.

Comment: The Department complied with this request. See Appendix B.

Department Annual Performance Report

Pursuant to Section 2-7-205 (1)(b), C.R.S., the Department of Public Safety is required to publish an **Annual Performance Report** for the *previous state 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 2025-26 budget request, the FY 2023-24 Annual Performance Report and the FY 2024-25 Performance Plan can be found at the following link:

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

Appendix A: Numbers Pages

Appendix A details actual expenditures for the last two state 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: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 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>8,998,869</u>	<u>6,367,055</u>	<u>7,505,026</u>	<u>11,220,834</u>
FTE	64.6	74.9	61.0	62.3
General Fund	8,571,244	5,261,168	5,686,045	5,889,136
Cash Funds	(79,288)	626,235	1,129,887	4,589,975
Reappropriated Funds	506,913	479,652	554,432	607,061
Federal Funds	0	0	134,662	134,662
Appropriation to Multidisciplinary Crime Prevention and Crisis Intervention Grant Fund	<u>0</u>	<u>14,577,388</u>	<u>3,868,229</u>	<u>3,868,229</u>
General Fund	0	7,500,000	0	0
Cash Funds	0	7,077,388	3,868,229	3,868,229
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0
Appropriation to Law Enforcement Workforce Recruitment, Retention, and Tuition Grant Fund	<u>0</u>	<u>6,198,923</u>	<u>3,593,030</u>	<u>3,593,030</u>
General Fund	0	3,750,000	0	0
Cash Funds	0	2,448,923	3,593,030	3,593,030
Reappropriated Funds	0	0	0	0
Federal Funds	0	0	0	0

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Appropriation to SMART Policing Grant Fund	<u>0</u>	<u>4,099,115</u>	<u>7,031,919</u>	<u>7,031,919</u>	
General Fund	0	3,750,000	0	0	
Cash Funds	0	349,115	7,031,919	7,031,919	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Appropriation to the Jail Standards Advisory Committee					
Cash Fund	<u>0</u>	<u>0</u>	<u>610,000</u>	<u>610,000</u>	
General Fund	0	0	305,000	305,000	
Reappropriated Funds	0	0	305,000	305,000	
First Responder Employer Health Benefit Trusts	<u>0</u>	<u>0</u>	<u>200,000</u>	<u>250,000</u>	
General Fund	0	0	200,000	250,000	
Indirect Cost Assessment	<u>822,776</u>	<u>863,046</u>	<u>869,652</u>	<u>700,386</u>	
General Fund	0	0	0	0	
Cash Funds	85,620	96,135	118,470	128,182	
Reappropriated Funds	0	0	0	0	
Federal Funds	737,156	766,911	751,182	572,204	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
SUBTOTAL - (A) Administration	29,069,875	32,105,527	23,677,856	27,274,398	15.2%
<i>FTE</i>	<u>64.6</u>	<u>74.9</u>	<u>61.0</u>	<u>62.3</u>	<u>2.1%</u>
General Fund	23,571,244	20,261,168	6,191,045	6,444,136	4.1%
Cash Funds	4,254,562	10,597,796	15,741,535	19,211,335	22.0%
Reappropriated Funds	506,913	479,652	859,432	912,061	6.1%
Federal Funds	737,156	766,911	885,844	706,866	(20.2%)

(B) Victims Assistance

Federal Victims Assistance and Compensation Grants	<u>39,847,700</u>	<u>27,707,312</u>	<u>25,285,301</u>	<u>25,344,672</u>	
<i>FTE</i>	1.7	0.0	8.6	8.6	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	39,847,700	27,707,312	25,285,301	25,344,672	
Appropriation to the Colorado Crime Victim Services Fund	<u>0</u>	<u>0</u>	<u>2,000,000</u>	<u>0</u>	
General Fund	0	0	2,000,000	0	
State Victims Assistance and Law Enforcement Program	<u>842,771</u>	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>	
General Fund	0	0	0	0	
Cash Funds	842,771	0	1,500,000	1,500,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Child Abuse Investigation	<u>1,295,602</u>	<u>1,594,753</u>	<u>1,597,693</u>	<u>1,597,693</u>	
FTE	0.0	0.0	0.3	0.3	
General Fund	1,000,000	1,300,000	1,300,000	1,300,000	
Cash Funds	295,602	294,753	297,693	297,693	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Sexual Assault Victim Emergency Payment Program	<u>164,244</u>	<u>192,933</u>	<u>167,933</u>	<u>167,933</u>	
FTE	0.1	0.0	0.2	0.2	
General Fund	164,244	192,933	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>369,273</u>	<u>773,876</u>	<u>492,800</u>	<u>492,800</u>	
General Fund	369,273	773,876	492,800	492,800	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (B) Victims Assistance	42,519,590	30,268,874	31,043,727	29,103,098	(6.3%)
FTE	1.8	0.0	9.1	9.1	(0.0%)
General Fund	1,533,517	2,266,809	3,960,733	1,960,733	(50.5%)
Cash Funds	1,138,373	294,753	1,797,693	1,797,693	0.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	39,847,700	27,707,312	25,285,301	25,344,672	0.2%

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
(C) Juvenile Justice and Delinquency Prevention					
Juvenile Justice Disbursements	<u>568,211</u>	<u>562,261</u>	<u>800,000</u>	<u>800,000</u>	
FTE	0.3	0.3	1.2	1.2	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	568,211	562,261	800,000	800,000	
Juvenile Diversion Programs	<u>3,461,948</u>	<u>3,482,792</u>	<u>3,561,677</u>	<u>3,561,677</u>	
FTE	2.0	2.0	3.0	3.0	
General Fund	3,080,570	3,221,677	3,161,677	3,161,677	
Cash Funds	381,378	261,115	400,000	400,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
HB22-1003 Youth Delinquency Prevention & Intervention					
Grants	<u>1,925,179</u>	<u>2,094,427</u> 0.3	<u>0</u> 0.0	<u>2,000,000</u> 0.9	
General Fund	1,925,179	2,094,427	0	0	
Cash Funds	0	0	0	2,000,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (C) Juvenile Justice and Delinquency Prevention	5,955,338	6,139,480	4,361,677	6,361,677	45.9%
FTE	<u>2.3</u>	<u>2.6</u>	<u>4.2</u>	<u>5.1</u>	<u>21.4%</u>
General Fund	5,005,749	5,316,104	3,161,677	3,161,677	0.0%
Cash Funds	381,378	261,115	400,000	2,400,000	500.0%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	568,211	562,261	800,000	800,000	0.0%

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
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(D) Community Corrections

Community Corrections Placements	<u>64,670,265</u>	<u>70,946,860</u>	<u>76,932,660</u>	<u>83,039,408</u>	
General Fund	64,670,265	70,946,860	76,932,660	83,039,408	
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>2,742,972</u>	<u>2,779,924</u>	<u>3,888,613</u>	<u>3,888,613</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,742,972	2,779,924	3,888,613	3,888,613	
Federal Funds	0	0	0	0	
Community Corrections Facility Payments	<u>4,292,000</u>	<u>4,369,587</u>	<u>4,616,157</u>	<u>4,616,157</u>	
General Fund	4,292,000	4,369,587	4,616,157	4,616,157	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Community Corrections Boards Administration	<u>2,592,693</u>	<u>2,704,495</u>	<u>2,769,066</u>	<u>2,769,066</u>	
General Fund	2,592,693	2,704,495	2,769,066	2,769,066	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Services for Substance Abuse and Co-occurring Disorders	<u>2,048,830</u>	<u>1,901,114</u>	<u>2,776,237</u>	<u>2,776,237</u>	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	2,048,830	1,901,114	2,776,237	2,776,237	
Federal Funds	0	0	0	0	
Specialized Offender Services	<u>165,942</u>	<u>181,604</u>	<u>289,483</u>	<u>289,483</u>	
General Fund	165,942	181,604	289,483	289,483	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Offender Assessment Training	<u>3,715</u>	<u>6,158</u>	<u>10,507</u>	<u>10,507</u>	
General Fund	3,715	6,158	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	76,516,417	82,889,742	91,282,723	97,389,471	6.7%
<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	71,724,615	78,208,704	84,617,873	90,724,621	7.2%
Cash Funds	0	0	0	0	0.0%
Reappropriated Funds	4,791,802	4,681,038	6,664,850	6,664,850	0.0%
Federal Funds	0	0	0	0	0.0%

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
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(E) Crime Control and System Improvement

State and Local Crime Control and System Improvement

Grants	<u>4,277,869 0.1</u>	<u>4,171,737</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	4,277,869	4,171,737	3,000,000	3,000,000	
Sex Offender Surcharge Fund Program	<u>200,823</u>	<u>260,003</u>	<u>339,578</u>	<u>428,137</u>	
FTE	2.6	3.4	2.4	2.4	
General Fund	53,643	85,620	86,907	89,918	
Cash Funds	147,180	174,383	252,671	338,219	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Sex Offender Supervision	<u>385,290</u>	<u>594,298</u>	<u>580,852</u>	<u>607,907</u>	
FTE	3.8	4.4	5.2	5.2	
General Fund	385,290	594,298	580,852	607,907	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Treatment Provider Criminal Background Checks	<u>9,615</u>	<u>40,710</u>	<u>49,606</u>	<u>49,606</u>	
FTE	0.6	0.8	0.6	0.6	
General Fund	0	0	0	0	
Cash Funds	9,615	40,710	49,606	49,606	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
Federal Grants	<u>4,377,417</u>	<u>6,266,600</u>	<u>5,008,909</u>	<u>5,008,909</u>	
FTE	0.5	0.5	10.5	10.5	
General Fund	0	0	0	0	
Cash Funds	0	0	0	0	
Reappropriated Funds	0	0	0	0	
Federal Funds	4,377,417	6,266,600	5,008,909	5,008,909	
Criminal Justice Training Fund	<u>154,702</u>	<u>235,225</u>	<u>240,000</u>	<u>240,000</u>	
FTE	0.0	0.0	0.5	0.5	
General Fund	0	0	0	0	
Cash Funds	154,702	235,225	240,000	240,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Actual	FY 2024-25 Appropriation	FY 2025-26 Request	Request vs. Appropriation
Methamphetamine Abuse Task Force Fund	<u>303</u>	<u>0</u>	<u>3,000</u>	<u>3,000</u>	
General Fund	0	0	0	0	
Cash Funds	303	0	3,000	3,000	
Reappropriated Funds	0	0	0	0	
Federal Funds	0	0	0	0	
SUBTOTAL - (E) Crime Control and System Improvement	9,406,019	11,571,573	9,221,945	9,337,559	1.3%
<i>FTE</i>	<u>7.6</u>	<u>9.1</u>	<u>19.2</u>	<u>19.2</u>	<u>0.0%</u>
General Fund	438,933	679,918	667,759	697,825	4.5%
Cash Funds	311,800	453,318	545,277	630,825	15.7%
Reappropriated Funds	0	0	0	0	0.0%
Federal Funds	8,655,286	10,438,337	8,008,909	8,008,909	0.0%
TOTAL - (4) Division of Criminal Justice	163,467,239	162,975,196	159,587,928	169,466,203	6.2%
<i>FTE</i>	<u>76.3</u>	<u>86.6</u>	<u>93.5</u>	<u>95.7</u>	<u>2.4%</u>
General Fund	102,274,058	106,732,703	98,599,087	102,988,992	4.5%
Cash Funds	6,086,113	11,606,982	18,484,505	24,039,853	30.1%
Reappropriated Funds	5,298,715	5,160,690	7,524,282	7,576,911	0.7%
Federal Funds	49,808,353	39,474,821	34,980,054	34,860,447	(0.3%)

Appendix B: Response to RFI #1

This memorandum is to provide formal response to the Request for Information #1 (Colorado Department of Public Safety/CDPS) to the Joint Budget Committee (JBC) and its staff that reads as follows:

Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- The Department is requested to provide a report with year-to-date community corrections placements by November 1, 2024 and again on February 15th. The Department is also requested to report performance measures and performance-related incentive payments for all community corrections boards and programs. Lastly, the Department is requested show the contracted per-diem reimbursement rate for each provider by type of service, as well the number of beds for each type of service.

[Attachments excluded from this appendix].

It should be noted that the Department has included ADP [average daily placement] data with a start date of July 1, 2023 to allow for more opportunities to analyze trends. The data provided does not represent anticipated capacity increases for FY 2024-25 as the result of ADP trends and known capacity expansions at Denver and Larimer County programs.

In addition to these requests, the Division of Criminal Justice (DCJ) has created the [FY25 Community Corrections Placements Budget Dashboard](#) to allow for access to updated information related to the current year spending. It is important to note that the simple projection calculations utilized for the dashboard do not consider any anticipated increases in capacity related to opening beds, or ADP trend increases.

The RFI additionally requires the Department to report on all performance measures and performance – related incentives for community corrections boards. For FY 2024-25 the Department made the policy decision to continue with the [implementation plan](#) as originally presented and approved by the General Assembly. Performance – based contracting (PBC) represents the ability to maximize performance, efficacy, and the quality of community corrections services through the use of incentives. An improved community corrections system in turn leads to greater public safety, successful rehabilitation of individuals, and long-term fiscal savings in relationship to reduced recidivism. The implementation plan for this fiscal year included the addition of performance metrics related compliance with safety and security measures, evaluation of performances related to the evidence-based principles of recidivism reduction, and staff quality. All of these performance areas are indicated by research and best practices to improve both the quality of services and overall outcomes. Based on the actual performance of programs, the implementation for the additional measures and updated payment model for FY 2024-25 results in an estimated utilization of \$72,908 of community placement allocation for incentives.

As requested, the performance measures and corresponding per diem rates for all programs by judicial district are:

1st Judicial District

Intervention Community Corrections Services - Jefferson, Low/Medium Adjusted Risk

Successful Completion: 50% - Does Not Meet Target

Recidivism: 23% - Does Not Meet Target

CORE: 1.77 - Does Not Meet Target

Program Per Diem: **\$69.69**

2nd Judicial District

Independence House Pecos, High Adjusted Risk

Successful Completion: 60%, Does Not Meet Target

Recidivism: 24%, Does Not Meet Target

KPIs: 100%, Meets Target

Program Per Diem: **\$71.09**

IMPACT Center

First Client in Fiscal Year 2022-2023 (1/3/23)

Becomes eligible for PBC Fiscal Year 2026-27

Program Per Diem: **\$70.39**

Project Elevate

First Client in Fiscal Year 2021-2022 (5/5/22)

Becomes eligible for PBC Fiscal Year 2025-26

Program Per Diem: **\$70.39**

Moore Center

First Client in Fiscal Year 2023-2024 (5/28/24)

Becomes eligible for PBC Fiscal Year 2027-28

Program Per Diem: **\$70.39**

4th Judicial District

ComCor Inc./EMBRAVE

Successful Completion: 57%, High Adjusted Risk, Does Not Meet Target

Recidivism: 29%, Low/Medium Adjusted Risk, Does Not Meet Target

KPIs: 100%, Meets Target

Program Per Diem: **\$71.09**

GEO - Community Alternatives of El Paso County, Inc, Low/Medium Adjusted Risk

Successful Completion: 54%, Does Not Meet Target

Recidivism: 30%, Does Not Meet Target

KPIs: 75%, Meets Target

Program Per Diem: **\$71.09**

6th Judicial District

Southwest Colorado Community Corrections Center, Inc. (Hilltop House), High Adjusted Risk

Successful Completion: 62%, Meets Target

Recidivism: 12%, Meets Target

PACE: 1.80, Does Not Meet Target

Program Per Diem: **\$71.09**

7th Judicial District

Advantage Treatment Center - Montrose, High Adjusted Risk

Successful Completion: 81%, Meets Target

Recidivism: 15%, Meets Target

CORE: 2.03, Meet Target

Program Per Diem: **\$72.50**

8th Judicial District

Larimer County Residential Facility, High Adjusted Risk

Successful Completion: 71%, Meets Target

Recidivism: 21%, Does Not Meet Target

CORE: 2.10, Meets Target

Program Per Diem: **\$71.80**

9th Judicial District

Garfield County Community Corrections, High Adjusted Risk

Successful Completion: 63%, Meets Target

Recidivism: 21%, Does Not Meet Target

PACE: 1.83, Does Not Meet Target

Program Per Diem: **\$70.39**

10th Judicial District

Intervention Community Corrections Services - Pueblo, High Adjusted Risk

Successful Completion: 41%, Does Not Meet Target

Recidivism: 25%, Does Not Meet Target

KPIs: 100% Met, Meets Target

Program Per Diem: **\$71.09**

12th Judicial District

Advantage Treatment Center - Alamosa, High Adjusted Risk

Successful Completion: 58%, Does Not Meet Target

Recidivism: 14%, Meets Target

CORE: 1.34, Does Not Meet Target

Program Per Diem: **\$70.39**

13th Judicial District

Advantage Treatment Center - Sterling, High Adjusted Risk

Successful Completion: 74%, Meets Target

Recidivism: 19%, Meets Target

PACE: 2.61, Meets Target

Program Per Diem: **\$72.50**

15th Judicial District

Advantage Treatment Center - Lamar, High Adjusted Risk

Successful Completion: 69%, Meets Target

Recidivism: 31%, Does Not Meet Target

PACE: 2.55, Meets Target

Program Per Diem: **\$71.80**

17th Judicial District

CoreCivic - Commerce Transitional Center

Successful Completion: 48%, High Adjusted Risk, Does Not Meet Target

Recidivism: 22%, Low/Medium Adjusted Risk, Does Not Meet Target

CORE: 1.49 - Does Not Meet Target

Program Per Diem: **\$69.69**

CoreCivic - Adams Transitional Center

Successful Completion: 54%, High Adjusted Risk, Does Not Meet Target

Recidivism: 18%, Low/Medium Adjusted Risk, Meets Target

CORE: 1.61, Does Not Meet Target

Program Per Diem: **\$70.39**

CCS - Adams, High Adjusted Risk

Successful Completion: 54%, Does Not Meet Target

Recidivism: 16%, Meets Target

CORE: 1.66, Does Not Meet Target

Program Per Diem: **\$70.39**

18th Judicial District

CoreCivic - Arapahoe Community Treatment Center, Low/Medium Adjusted Risk

Successful Completion: 62%, Meets Target

Recidivism: 17%, Meets Target

PACE: 1.88, Does Not Meet Target

Program Per Diem: **\$71.09**

GEO - Arapahoe County Residential Center, High Adjusted Risk

Successful Completion: 53%, Does Not Meet Target

Recidivism: 16%, Meets Target

PACE: 1.66, Does Not Meet Target

Program Per Diem: **\$70.39**

CoreCivic - Centennial Community Transition Center, High Adjusted Risk

Successful Completion: 64%, Meets Target

Recidivism: 18%, Meets Target

KPIs: 50%, Does Not Meet Target

Program Per Diem: **\$71.09**

19th Judicial District

Intervention Community Corrections Services - Weld, High Adjusted Risk

Successful Completion: 52%, Does Not Meet Target

Recidivism: 21%, Does Not Meets Target

PACE: 1.91 - Does Not Meet Target

Program Per Diem: **\$69.69**

20th Judicial District

Intervention Community Corrections Services - Boulder, High Adjusted Risk

Successful Completion: 60%, Does Not Meet Target

Recidivism: 7%, Meets Target

KPIs: 100% Met, Meets Target

Program Per Diem: **\$71.80**

CoreCivic - Longmont Community Transition Center, High Adjusted Risk

Successful Completion: 67%, Meets Target

Recidivism: 13%, Meets Target

PACE: 1.99, Meets Target

Program Per Diem: **\$72.50**

21st Judicial District

Mesa County Community Corrections, High Adjusted Risk

Successful Completion: 76%, Meets Target

Recidivism: 20%, Does Not Meets Target

CORE: 2.50, Meets Target

Program Per Diem: **\$71.80**

Appendix C: Community corrections and local control

Offenders will not be placed in community corrections unless both community corrections boards and providers accept the referral.¹³ This applies to all placement types: transition, diversion, parole, and ISP-I. This element of local control has been around a long time. But it has not always looked the same.

Community corrections was originally conceived in the 1970s. Its “designed purpose” was “protecting society against the hardened criminal while reintegrating the offender not needing maximum security into the community through rehabilitative, educational, treatment, and vocational programs.” This concept emphasized a “community approach” by “locating of the offender within his community” and utilizing community resources.¹⁴

Local control was exercised through the right to approve community corrections facilities, programs, and contracts for services drawn up by the then Department of Institutions (now Department of Corrections). But it does not appear that local governing authorities had the authority accept or reject individual placements. For example, the authorizing statute says, “Any unit of local government...may establish, maintain, and operating such community corrections facilities...for the custody, care and treatment and rehabilitation of offenders in the custody of the department who are deemed by the department to have the potential for rehabilitation and who are assigned by the department to the community correctional facility.”¹⁵

This changed in 1993, when most of the current statutes for community corrections were adopted. This includes the statutes that gives local boards and providers the authority to “to accept or reject any offender referred for placement...” In 2002, the courts confirmed that a community corrections sentence can be revoked for any reason or for no reason at all.¹⁶

The intent of local control is to increase local support for community corrections programs. The DCJ explained in January 2010,

“According to the [National Institute of Corrections, or NIC], local support in Colorado and elsewhere has largely been created through the participation of local elected officials and prominent citizens in the offender screening process. As these citizens become more connected to community corrections, they are more inclined to

¹³ Section 17-27-103 (5)(a), C.R.S. provides the boards with rejection authority. For programs, it is Section 17-27-104 (3), C.R.S.

¹⁴ S.B. 74-055 (An act concerning the state correctional system). Session Laws 1974, Chapter 77, page 321.

¹⁵ Session Laws 1974, Chapter 77, page 324.

¹⁶ People v. Rodriguez 55 P.3d 173 (Colorado App. 2002)

encourage or permit favorable zoning and physical expansion, and they are more willing to support the placement of difficult offenders.

The NIC has also pointed out that, although relatively few clients in community corrections reoffend during placement, it is much more likely that the decision to accept such offenders into community placement will be supported by local elected officials and citizens when they had a role in that decision. The NIC believes that the withdrawal of decision-making authority from local boards would prompt much more vocal criticism of the state at those times when community corrections clients commit new crimes.

In many jurisdictions, local officials and citizens actually direct local resources toward the support of local felon reentry, a stance they would be much less likely to take if they were not so invested in community corrections. In some cases, these local resources have provided dramatically enriched treatment opportunities for offenders, with a corresponding further reduction in recidivism rates.”¹⁷

In that same document, however, the DCJ observed that increasing bed capacity is difficult due to zoning issues.

“The creation of beds in community corrections is challenging, in part as the result of zoning issues and in part due to capital costs.

For example, additional community corrections capacity would be desirable in Adams County. The last provider to add new beds in Adams County required three years to complete the project, most of which was devoted to zoning hearings and a lawsuit that unsuccessfully sought to prevent construction of the facility.

Some jurisdictions have lessened the impact of zoning issues by creating new capacity on public property adjacent to correctional facilities. Weld County will soon open a new, county-owned facility that was more acceptable to local residents because it is part of the government complex, across the street from a sheriff's training facility and near the county jail. The Department has encouraged the development of this facility, and has recommended that other jurisdictions adopt the same model, which has proven to be especially effective in the Larimer and Mesa Counties.”

Current JBC staff has heard of similar issues over the past five years. On the other hand, staff is also aware of various counties that have invested quite heavily in their community corrections programs. It is possible that zoning issues and community investment occur in the same jurisdiction.

JBC staff does not have enough evidence to draw firm conclusions about whether local control is achieving the aim of increasing local support. What is evident, however, is that DOC community placements are at a 20-year low.

¹⁷ Department of Public Safety, FY 2010-11 Joint Budget Committee Hearing, January 6, 2010. https://leg.colorado.gov/sites/default/files/pubsafhrg2_4.pdf. Pages 10-11.