



2009

**Edward Byrne
Memorial
Justice Assistance
Grant
(JAG)
Recovery Act
Application**

**Submitted to the Bureau of Justice Assistance
U.S. Department of Justice**

By

**Colorado Department of Public Safety
Division of Criminal Justice
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This application summarizes Colorado's proposed 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Recovery Act program activities for April 1, 2009 – March 30, 2013. The Justice Assistance Grant is made possible through the Bureau of Justice Assistance, Office of Justice Programs, and United States Department of Justice.

Bill Ritter, Jr.
Governor, State of Colorado

Peter A. Weir
Executive Director
Colorado Department of Public Safety

Jeanne M. Smith
Director
Division of Criminal Justice

Al Dominguez
Chair, Justice Assistance Grant Board

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I. INTRODUCTION

In the past decade Colorado's revenue shortfalls and subsequent state budget reductions seriously affected Colorado's criminal and juvenile justice systems. In communities across the state, services for families, problem youth and adult offenders, including prison treatment programs, have been significantly reduced. In its *Summer 2008 Interim Adult Prison and Parole Population Projection Reports*¹, the Division of Criminal Justice's Office of Research and Statistics (ORS) reported that the overall prison population grew by only 2.1 percent during FY 2008, and by 2.3 percent the prior year, the lowest annual growth rates observed since prior to 1995. This decline in the rate of growth appears to have begun mid-year of FY 2007, and has continued since largely due to a narrowing of the differential between admissions and releases, as releases have increased over the last two fiscal years, while the rate of growth in admissions has stabilized over the last two years after a period of increase. The Summer 2008 projections forecast an overall adult inmate population increase of 21.7 percent between FY 2008 and FY 2014.

The costs associated with these increased corrections placements are especially concerning as the Department of Corrections has noted that supervision of four offenders on intensive supervised parole is less expensive than incarcerating one inmate for a year. Further, while expenditures for each of the major criminal justice functions (police, corrections, judicial) have all steadily increased from 1983 to 2003, the corrections system realized the highest rate increase, 403% since 1982 compared with 129% for judicial and 154% for police. In fact, these justice system expenditures in Colorado have grown in opposition to a decrease in the crime rate which fell from 7.080 per 1,000 residents in 1982 to 4.353 per 1,000 residents in 2002, a decrease of 38.5 percent. Despite the decreased crime rate, the ORS notes that the estimated cost of justice expenditures has almost doubled, from \$371 to \$713 per Colorado household, after adjusting for inflation².

Growth in the Average Daily Population (ADP) of juveniles committed to the Division of Youth Corrections (DYC) has been extremely slow over the past two fiscal years, possibly due to the implementation of several system improvement efforts, such as the Continuum of Care Initiative, which have been put in place. Growth in the ADP barely exceeded zero percent in FY 2006, and the year to date (YTD) ADP at the end of FY 2007 dropped by 2.0 percent. Due to the slow and negative growth observed in the past 28 months, the expected ongoing impact of the Continuum of Care Initiative, and the decline in juvenile filings and new commitments over the past two years, the current year's projections by the ORS predict very slow or negative growth in the commitment ADP which is to drop by 10.8 percent between the FY 2007 and FY 2008. Due to an increase in the Colorado 10-17 year old population expected to begin in 2009, ORS projects an increase in the projected growth of new commitments, expected to increase after FY 2009, by a maximum of 3.9 percent in FY 2010. This is followed by a period of expected slow growth, at 3.0 percent in FY 2011, 1.5 percent in FY 2012, 1.6 percent the following year, and an increase to 2.6 percent in FY 2014.³

In the juvenile justice arena, several system improvement efforts have been put in place to address these issues over the past several years. In 2003, Senate Bill 286 established a “cap” or limit of 479 on the number of state-funded detention beds. In FY 2000-01, the detention average daily population (ADP) was 583.0 and in Fiscal Year 2007-08, the fourth fiscal year of implementation of the statutory cap, the detention ADP was 408.8, a 1.5% decrease from the prior year. At the same time that ADP decreased, in this past year detention admissions rose by 1.9%, an increase after an 18-year low in FY 2006-07 and disrupting a five year period of decline. Although DYC continues to operate successfully within the detention bed caps, at the local level, there continues to be evidence of increased capacity strain across detention facilities and judicial districts in the state. While there were some positive indications that strain might be decreasing in some facilities and districts, capacity strain continues to be a concern for other facilities and districts. While the statewide bed cap of 479 was never exceeded on any day in FY 2007-08, every day one or more facilities experienced high capacity strain (defined as bed occupancy of 90% or higher). On any given day the system averaged about five (42%) facilities at or above 90% capacity. ⁴

In addition to the legislatively imposed detention cap, DYC has also vigorously promoted ongoing detention reform through efforts to inform the understanding and development of the detention continuum by focusing on two key concepts. The first is that detention is a status, and not a place, and the second is that detention consists of a continuum of options, only one of which is secure detention, which the SB 94 program seeks to reduce. In carrying out these concepts, the SB 94 Program also supports the State’s Children’s Code that seeks to balance the needs of young persons with the concern for the safety of all members of society. Their work was further supported when the Colorado General Assembly authorized DYC to engage in a demonstration of enhanced flexibility in treating and transitioning committed youth from residential to non-residential settings that became known as the Continuum of Care Initiative.

Despite these promising initiatives, the juvenile justice system still has troubling issues which require attention and planning. Commitments of girls in Colorado went up 52% from 2003 to 2006, in particular the commitment of Hispanic girls which increased by 60%. Girls’ detention for assault also rose during this time period. Over the past 10 years girls detainment for assault rose 20%, in the past three years this rate has gone up 28%. Detention for property offenses for girls has doubled and residential placements for drug abuse violations almost tripled.⁵ Violent crime arrests of girls increased over 60% from 1990 to 2003, and not unlike the adult prison population, mental health and substance abuse disorders are prevalent in the juvenile commitment population. In FY 2007-08, the Division of Youth Corrections reported that 21% and 25% of the newly committed boys and girls were assessed with “high-moderate to severe” mental health needs. The percent of newly committed youth assessed as in need of substance abuse treatment services were also alarmingly high, at approximately 59% of the boys and 67% of the girls.⁶

The struggling economy has also adversely affected the law enforcement community. The March 12, 2009 edition of the Denver Post noted layoffs for eleven deputies within the Denver Sheriff's Office (population of Denver 554,000) with discussions being held about the possibility of future layoffs.⁷ In the past year, despite concerns about response times in emergencies, the Sheriff of El Paso County (population 587,000) who also serves as JAG Board member reported the need to park his vehicles at night rather than allow officers to patrol the streets due to the lack of funding for gas. Smaller jurisdictions, such as Green Mountain Falls (population 1,000) note a decrease in the number of hours when a deputy is physically on duty as opposed to "on call" status resulting in a decrease of the number of hours of active patrol for the jurisdictions from 120-130 hours per week to 96-100 hours per week.

In 2007, in an effort to address these concerns within the adult and juvenile justice systems, the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was created as "an acknowledgement of the need for fundamental policy changes in Colorado's juvenile and criminal justice systems".⁸ The Commission's mandate is "to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost effective use of public resources" and its work focuses on "evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds". The first year, the Commission focused its efforts on recidivism and the curbing of correctional costs for adult offenders while enhancing public safety. The rationale for the specific focus on adult offender recidivism is clear- over half (53%) of those released from prison return within three years, most as a result of a revocation of parole and probation, not due to a new crime. Over this past year, CCJJ members and other experts across the state engaged in many meetings and discussions which resulted in 66 recommendations to the Governor to improve the community transition process in Colorado.

Because the Justice Assistance Grant (JAG) Board struggles each year to adequately fund projects intended to address the unmet criminal and juvenile justice needs across the state, the Director of the Division of Criminal Justice's Office of Research and Statistics met with the Board at its strategic planning meeting in November 2008 to discuss the work of the CCJJ and to discuss specific recommendations developed as a result of their work. As a result of that and other discussions, the JAG Board modified the order of its priorities for Colorado's 2009 Justice Assistance Grant and although no specific recommendations of the CCJJ are being promoted by the JAG Board, it expressed interest in receiving applications for funding that are based upon the CCJJ recommendations.

On February 17, 2009 the President signed into law the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), Public Law 111-5, which included Justice Assistance Grant funding to state, local and tribal law enforcement to support efforts to prevent or reduce crime and violence. This funding has the same priorities as Formula JAG funds with a special emphasis on projects which will serve to create or preserve jobs. JAG funding also supports all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts,

corrections, treatment, and justice information sharing initiatives and JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures. Therefore, job creation and preservation are primary goals of this Recovery funding but projects that also promote economic recovery and public safety through such measures as purchasing of equipment and supplies necessary for law enforcement and criminal and juvenile justice related programming, from prevention through aftercare and reentry can be appropriately funded.

This 2009 Justice Assistance Grant- Recovery application reflects the goals and objects of the Edward Byrne Memorial Justice Assistance Grant as well as the goals of the Recovery Act as they support Colorado's goals of preventing and reducing crime and violence through improvements to the State's criminal and juvenile justice systems.

II. SUMMARY OF STATE PRIORITIES AND PLANNING DECISIONS

During its November 17, 2008 meeting, the JAG Board determined its priorities within the seven federal purpose areas for Colorado's 2009 Justice Assistance Grant. These priorities remain the same for the JAG Recovery funding. As will be seen below, the order of the priorities are different from the 2008 JAG application due to the JAG Board's commitment to improving the adult and juvenile justice systems through support for projects within prevention and education program as well as planning, evaluation and technology improvement program areas.

- Prevention and education programs
- Planning, evaluation, and technology improvement programs
- Law enforcement programs
- Corrections and community corrections programs (including reentry)
- Prosecution and court programs
- Drug treatment programs and enforcement programs
- Crime Victims and Witness Protection (other than compensation)

PREVENTION AND EDUCATION PROGRAMS

DESCRIPTION: Community and neighborhood programs in this category assist citizens in preventing and controlling crime.

Over the past two years, the JAG Board has affirmed its support for quality, evidence or research-based prevention and education programming and reflects the Board's commitment to long-term planning and systemic change which occur when focusing on long-term prevention. It is understood by the JAG Board that if the state is committed to truly addressing crime and reducing recidivism, it must offer resources that can impact crime before it occurs. To that end, prevention and education programs including delinquency

prevention and community policing efforts will be supported. As in past years, the JAG Board will continue to encourage the commitment of other resources that could support such services including funding from local governments which should be building such programming into their structure when prevention is identified as a priority within their community.

Projects funded in this area have included mentoring programs and provision of services to at-risk youth who often suffer with substance abuse and mental health treatment needs.

PLANNING, EVALUATION, AND TECHNOLOGY IMPROVEMENT PROGRAMS

DESCRIPTION: Projects in this area support criminal justice planning at the state and local level through research and evaluation. This includes projects that facilitate integration of information technology in the criminal justice system with a goal of sharing of information across systems and across separate and distinct jurisdictions. These projects also include research and evaluation projects which serve to improve the criminal and juvenile justice systems knowledge about areas of needs, programs that are proven effective which ultimately serve to promote system improvement.

This priority area includes research, information systems and system improvement projects all of which have been historically supported by the JAG Board. The principle focus of the research and evaluation component is on the improvement and expansion of current knowledge about the criminal justice system to improve decision-making and program implementation. This includes a commitment to review applications which are in alignment with recommendations of the Colorado Commission on Criminal and Juvenile Justice (CCJJ) as well as the Governor's Recidivism Package. Information systems grants are largely geared toward system integration, inter-operability and information sharing. Law enforcement agencies, as well as the whole criminal justice system, rely on accurate records and current data to effectively accomplish their responsibilities. Accurate fingerprint records, as one example, are vital to law enforcement. These projects have been prioritized because of the value they provide local and state agencies by increasing public safety through more complete, current and accurate information. Better information enables better decision-making, and promotes better coordination among the agencies whose current information systems are not linked to one another.

LAW ENFORCEMENT PROGRAMS

DESCRIPTION: These projects improve the operational effectiveness of law enforcement through a variety of techniques such as resource allocation, purchasing new equipment, and changing policies and/or procedures, among many other options. A key concept of this area is integrating services so that law enforcement agencies can better prioritize requests around the need for services and maximization of resources in fighting crime.

Types of projects funded in the past include purchase of basic law enforcement equipment and supplies such as mobile data terminals, computers, cameras, police cruisers, and tactical equipment, etc. which state and local law enforcement agencies were unable to purchase due to falling revenues. Projects also included programs to divert mentally ill offenders at the arrest stage, sex offender apprehension units, and tactical teams to address emergency situations. This category used to include multi-jurisdictional task forces which are now listed under the Drug Treatment and Enforcement program area.

CORRECTIONS AND COMMUNITY CORRECTIONS PROGRAMS (INCLUDING REENTRY)

DESCRIPTION: Programs and strategies in this category prevent further penetration into the criminal justice system by providing additional public correctional resources, improving the corrections system (including treatment in prisons and jails), supporting intensive supervision programs, and promoting long-range corrections and sentencing strategies.

In Colorado, the types of projects funded in this purpose area include services to special populations such as offender and inmate populations with mental illness, sex offenders, domestic violence offenders, juvenile offenders and the homeless/offender population. Each of these sets of offenders presents very unique challenges. Colorado has proactively established standards for the treatment and supervision of adult and juvenile sex offenders and domestic violence offenders, while recognizing the public safety issues, the need for specialized guidance and better oversight to assure appropriate level(s) of intervention and supervision are achieved.

Colorado has also been a leader in addressing the systems issues related to serving offenders with mental illness. Through the increased awareness of the needs of this population, and the needs of the various systems that have contact with this population, Colorado has been able to establish innovative programs to best address both needs. Through such programs, offenders with mental illness are receiving more appropriate services because those who work in the systems have a better understanding of their needs and the role they can play in either providing direct service or appropriate and timely referrals to other agencies/systems.

PROSECUTION AND COURT PROGRAMS

DESCRIPTION: These programs improve the operational effectiveness of the court process by: 1) expanding prosecutorial, defender, and judicial resources, and 2) implementing court programs with a special emphasis on management and process improvement based on better utilization of personnel or case routing.

Examples of programs funded in this area include an internet sexual predators unit located in a district attorney's office, specialized drug prosecutors, specialized courts addressing substance abuse and/or mental health, etc.

DRUG TREATMENT AND ENFORCEMENT PROGRAMS

DESCRIPTION: These programs and strategies identify and meet the treatment needs of adult and juvenile offenders with substance abuse and/or co-occurring mental illness using a collaborative multi-disciplinary approach. This priority area now includes Multi-Jurisdictional Task Forces that integrate federal, state and/or local law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations.

The need for substance abuse treatment in Colorado is undeniable. According to the 2005 National Survey on Drug Use and Health (NSDUH), Colorado ranked first among the 50 states in “illicit drug use” in the past month (other than marijuana) and cocaine use in the past year. Alcohol continues to be the most abused substance in the state. Despite this, a study conducted by Columbia University’s National Center on Addiction and Substance Abuse, “Shoveling Up: The Impact of Substance Abuse on State Budgets”, January 2001, found that Colorado spent the least on treatment, prevention and research of all the 47 reporting states. Furthermore, a Substance Abuse and Mental Health Administration (SAMHSA) report (2004) found that 52% of persons with co-occurring disorders received no treatment at all, and of those receiving treatment, 34% received MH services only, 2% received SA services only, and 12% received both. The programs funded in this priority area focus on the unmet treatment needs of both adults and juveniles with a strong focus on treatment for co-occurring issues.

Programs in this area can target clients in the full spectrum of the criminal/juvenile justice system and have included programming such as gender-specific treatment for female offenders, aftercare programming for substance abusing offenders, substance abuse evaluation, testing and treatment for juvenile offenders, among others.

CRIME VICTIMS AND WITNESS PROTECTION (OTHER THAN COMPENSATION)

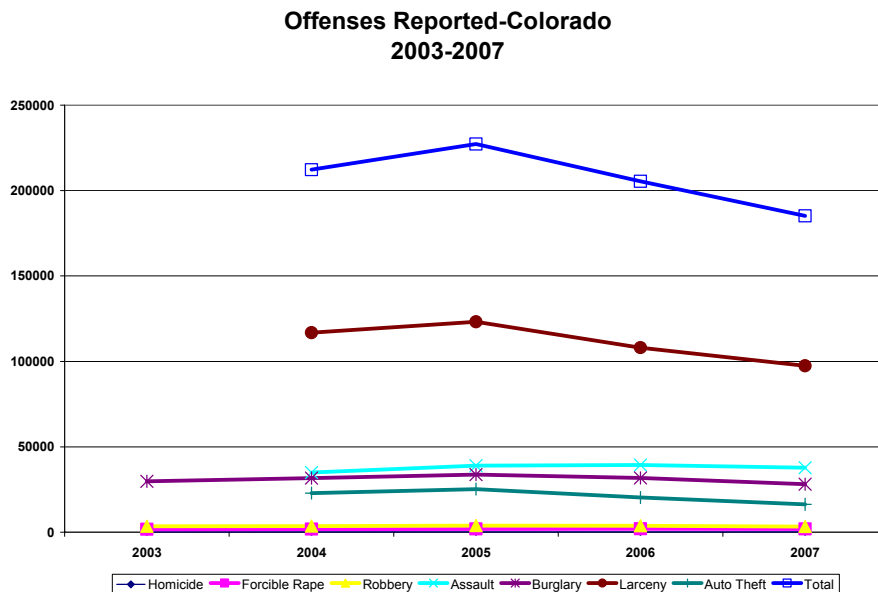
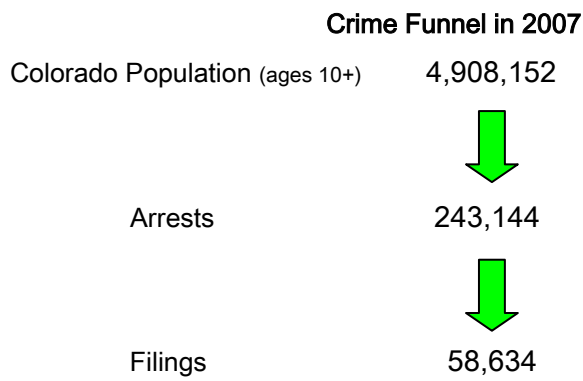
DESCRIPTION: Programs to coordinate and integrate law enforcement, prosecution, judicial efforts, and victim services to identify and respond to victims of crime.

In Colorado, victim’s services are funded primarily through the Division of Criminal Justice’s Office of Victim’s Programs (OVP) which administers the federal Stop Violence Against Women Act (VAWA), Victim’s Compensation, and Victims of Crime Act (VOCA) funding as well as the State Victim’s Assistance and Law Enforcement (VALE) funds. OVP additionally provides Victims Rights Act Compliance assistance to victims of crime to ensure that their rights were protected by criminal justice agencies. This newest program area for JAG funding includes many projects previously categorized under other program areas such as specialized prosecution for victims of sexual assault or domestic violence and projects responding to drug endangered children.

III. ANALYSIS OF NEED

THE CRIME FUNNEL

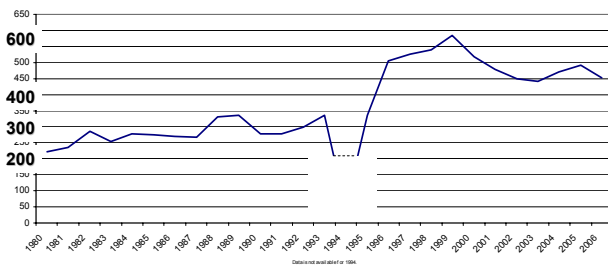
According to the Colorado Bureau of Investigation's *Crime in Colorado 2007 Report*, a total of 196,768 adult arrests were made by law enforcement agencies in Colorado in 2007. Another 46,376 arrests of juveniles occurred. From 2006-2007, Colorado has seen an overall reduction in crime, an 11.7 percent reduction based on population increase. Aside from larceny (97,452), serious assault (37,805) was the most common offense reported in Colorado in 2007, followed by burglary (28,119) with both reflecting decreases from the previous year, 5.9 and 13.4 percent respectively, the percent change based on population increases.



What is the nexus between drug abuse and crime in Colorado? Although arrests for drug violations seemed to have peaked in the late 1990's and early 2000's for both adults and juveniles, the impact of drug abuse can be felt throughout the criminal and juvenile justice systems. According to a Bureau of Justice Statistics' (BJS) "Survey of Prisoners in 2004", property (30 percent) and drug offenders (26 percent) were more likely to commit their crime for drug money than were violent (10 percent) and public order offenders (7 percent). Nearly a third of state and a quarter of federal prisoners committed their offense while under the influence of drugs in 2004, with drug offenders (44 percent) most likely to have committed their crimes while using drugs, followed by property offenders (39 percent).¹⁰

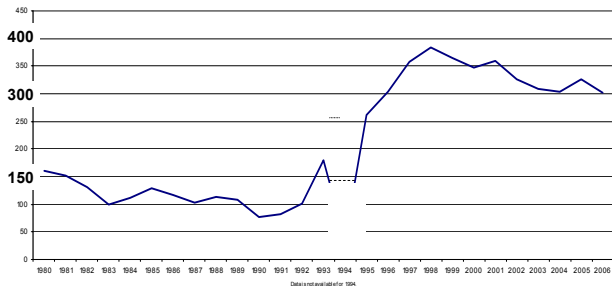
Colorado
Adult Drug Violations Arrest Rates,
1980-2006

Source: CBI Crime in Colorado Reports



Colorado
Juvenile Drug Violations Arrest Rates,
1980-2006

Source: CBI Crime in Colorado Reports



In the juvenile arena, the flow through the system includes several checks and balances through a screening process to assure appropriate placement of youth who require secure detention.

Juvenile Justice Filtering Process to Detention- FY 2007-2008¹¹

Total Juvenile Population (ages 10-18)

530,504 (100%)



Juvenile Arrests

46,376 (8.8%)



Detention Screens

12,088 (2.3%)



Detention Admissions

10,792 (2.0%)

Certain crimes require the detention of accused juveniles to maintain public safety and that of the juvenile. A statewide detention screening procedure is in place to verify the need for secure detention or to find appropriate community-based services. Colorado Senate Bill 91-94 (SB 94) was signed into law on June 5, 1991 as the Colorado State General Assembly recognized the increasing demands for secure detention and commitment capacity for delinquent youth. This became the impetus for the Division of Youth Corrections (DYC) SB 94 Program. The General Assembly determined that developing a broader array of less restrictive, community-based services would be more cost effective than a narrow approach of building and maintaining additional state-run facilities. Additionally, serving youth appropriately in their communities and thus closer to home can result in better outcomes for youth and the communities. Detention screening provides the initial information to determine whether a juvenile should be held in secure detention. The chief judge in each of the 22 judicial districts appoints an individual, team or agency to perform the intake screening function for juveniles taken into temporary custody. The screener uses a statewide detention screening and assessment tool, the Juvenile Detention Screening and Assessment Guide (JDSAG). The guide uses a decision tree format that is based on the identification of factors that contribute to a juvenile's risk of out-of-home placement and on criteria that matches youth needs with the most appropriate placements.

The detention screening tool assigns each youth to one of five profiles, profiles that reflect factors related to the youth's need for placement in a secure setting, such as failing to appear for court dates or receiving new charges, rather than risk to re-offend or risk posed to the community. These profiles are primarily used to guide decisions across different levels of initial placement. It should be kept in mind that youth who are screened are a small subset of youth who have been arrested (approximately a quarter: 12,008 of 46,376), and an even smaller subset of all Colorado youth (2.3%, or 12,008 of 530,504). The most frequently used initial placement continues to be secure detention, with 77.6% of all youth placed at that level. The next highest placement level is release to home (12%). Even for those youth placed initially in secure detention, most then move on to community-based and on any given day, the community-based part of the detention continuum provides services to about 86% of youth served. Community-based services add a great deal of value to the SB 94 program by enabling youth's needs to be met in the community. Although most youth are served in the community-based side of the DYC continuum, there is a continuing need to further develop appropriate services for youth in the community. For example, contrary to national best practice standards, on any given day over 150 youth in secure detention placements (38% of the total) are either being held in detention as a sanction in response to new charges or technical violations while on probation (25%) or as direct sentences to a detention placement (13%). Addressing this use of secure detention requires both changes in policy at the district level and development of specialized resources for community placement.¹²

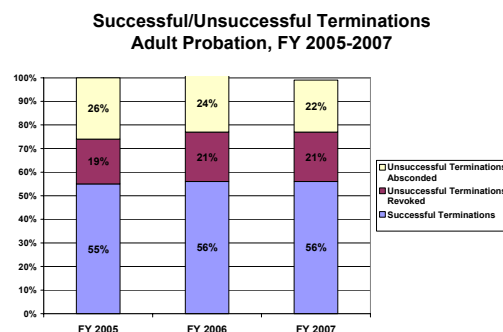
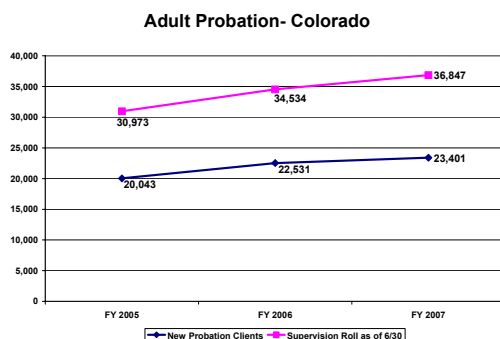
PROSECUTION AND COURT

There were 189,235 case filings at the district court level (excluding water cases) during fiscal year 2007, a .10% reduction from 2006. Almost one quarter (23 percent) of these filings were for criminal cases but what is notable is that the criminal filings decreased 4.85% from 2006 to 2007, from 46,501 to 44,245. Colorado's district courts terminated 188,968 cases during fiscal year 2007. During the past ten years, district court filings have increased over 12 percent to the current level of filings. The growth has occurred primarily in criminal and juvenile matters, including delinquency and dependency and neglect matters. There were 551,197 case filings at the county court level during fiscal year 2007; a third for civil cases.¹³

Problem Solving Courts have grown in popularity in Colorado over the past several years and now there are more than fifty operational problem solving courts in sixteen Colorado jurisdictions. These courts include adult drug courts, juvenile drug courts, mental health courts, family/dependency and neglect courts, truancy courts, prostitution drug courts and DWI courts. Problem Solving Courts focus on closer collaboration with the service communities in their jurisdictions than traditional courts and have been proven to show long-term effectiveness. These courts stress collaborative, multidisciplinary problem-solving to address the underlying issues for those appearing in Court rather than focusing on the immediate matter before the court. Problem solving courts in Colorado have historically been implemented at the local level from little collaboration with other jurisdictions or state agencies. In March 2008, Colorado's Chief Justice established a Problem Solving Court Advisory Committee which has been given the charge to address issues such as compliance to the key components of problem solving courts, staffing models, funding models, program evaluation, and sustainability.¹⁴

Probation

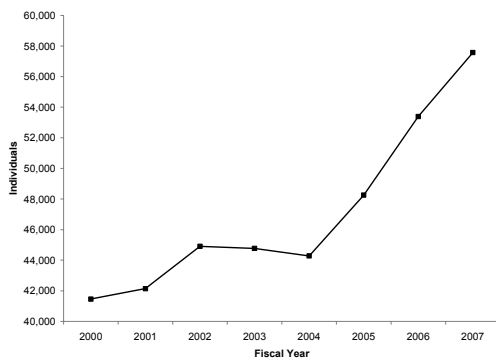
From FY 2005 to FY 2007, the number of new state adult probation clients rose 14.4% and the number of active cases as of June 30 increased by 15.9%. Between FY 2005 and 2007, the successful/unsuccessful ratio remained fairly stable at 55% and 45% respectively¹⁵ and when reviewing the termination status for 417 adult probations that were taken back to court in 2006 because they did not follow the conditions of supervision, 8.6% went to community corrections, 46.5% had their probation reinstated, 15.8% were sentenced to jail/work release and 29% went to prison. Of those sentenced to prison, 17% had a current conviction for a violent crime, 68% had a prior arrest/conviction for a violent crime and 3% had no prior history. About one quarter had current convictions for drug crimes¹⁶.



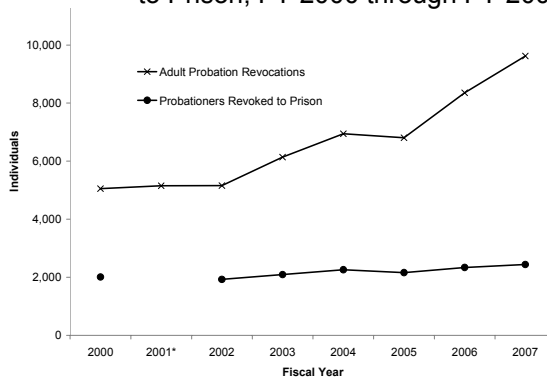
The Table below displays the adult probation census at the end of each fiscal year (FY) between FY 2000 and FY 2007. These numbers include regular adult probation, private probation, and specialized programs. These specialized programs include Adult Intensive Supervision (AISP), the Female Offender Program (FOP), the Sex Offender Intensive Supervision Probation (SOISP), and the Specialized Drug Offender Program (SDOP). Between FY 2000 and FY 2007, probation revocations increased 90.4 percent, whereas the number of individuals on probation increased by only 38.8 percent. An estimated 21.4 percent increase in probationers revoked to the Department of Corrections (DOC) occurred during the same time frame. However, the proportion of probation revocations resulting in sentences to prison actually declined, from 39.8 percent in FY 2000 to 28.0 percent in FY 2006, and is projected to decline further in FY 2007.

PROBATION CENSUS AND REVOCATIONS, FY 2000 TO FY 2007 ¹⁷					
Fiscal Year (FY)	EOFY Adult Probation Census ¹⁸	Adult Probation Revocations ¹⁹	Probationers Revoked to Prison ¹⁸	Percent of Revoked Probationers Sentenced to DOC	Percent of Probation Census Revoked to DOC
2000	41,462	5,053	2,011	39.8%	4.9%
2001*	42,141	5,154	n/a	n/a	n/a
2002	44,905	5,159	1,928	37.4%	4.3%
2003	44,767	6,141	2,094	34.1%	4.7%
2004	44,276	6,946	2,260	32.5%	5.1%
2005	48,249	6,805	2,160	31.7%	4.5%
2006	53,390	8,357	2,338	28.0%	4.4%
2007**	57,565	9,623	2,441	25.4%	4.2%
Percentage Growth FY 2000 to FY 2007					
Growth	38.8%	90.4%	21.4%		

Colorado Probation Census, FY 2000 through FY 2007^{20 ***}



Colorado Probation Failures and Revocations* to Prison, FY 2000 through FY 2007²¹



* FY 2001 probation revocations to prison are not available. Note: Revocations reported here include absconders.

** Recidivism data concerning FY 2007 probation terminations are not yet available. The estimate is extrapolated based on the percentages of revocations resulting in incarceration from the prior four years.

*** This census includes adult regular probation, adult specialized programs, and adult private probation.

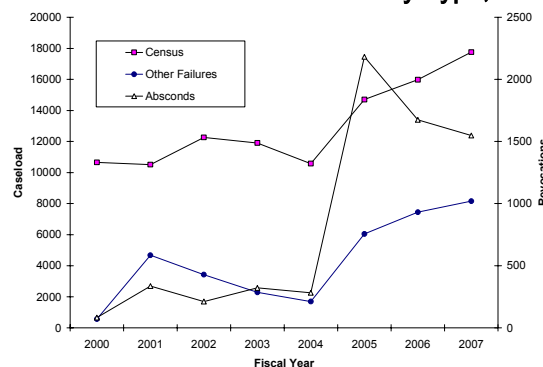
Approximately 39 percent of the new court commitments to DOC over the past seven years resulted from probation revocations which varied by only a few percentage points each year. This constancy is in contrast to the significant increases in the probation population. The number of revocations has increased considerably in fiscal years 2006 and 2007.

Department of Corrections (DOC) New Court Commitments and Proportion Originating from Probation Revocations, FY 2000 to FY 2007²²			
Fiscal Year (FY)	New Court Commitments to Prison	Probationers Revoked to Prison	Percent of DOC New Court Commitments Originating from Probation
2000	4,212	2,011	47.4%
2001*	4,475	n/a	n/a
2002	5,076	1,928	38.0%
2003	5,283	2,094	39.6%
2004	5,318	2,260	42.5%
2005	5,789	2,160	37.3%
2006	6,149	2,338	38.0%
2007**	6,379	2,441	38.3%*

Determining the reasons for adult probation revocations can be difficult to discern. As seen in the Table on page 17, the regular adult probation caseload has increased 28.6 percent over the past 7 years. The number of absconds from regular adult probation has remained relatively stable, increasing by only 5.7 percent, while other failures increased by just over 100 percent. Specialized programs grew by 37.5 percent, with absconders increasing by 45.3 percent and other failures by 63.6 percent.

The greatest increases in both caseload and revocations have occurred in the private probation sector, with a 66.6 percent increase in caseload and massive increases in revocations. This increase is particularly notable in the case of absconter failures, at 1787.8 percent. Other private probation failures increased by 1357.1 percent.

Colorado Private Probation Census and Failures by Type, FY 2000 to FY 2007²³



* FY 2001 probation revocations to prison are not available

** Recidivism data concerning FY 2007 probation terminations are not yet available. The estimate is extrapolated based on the percentages of revocations resulting in incarceration from the prior four years.

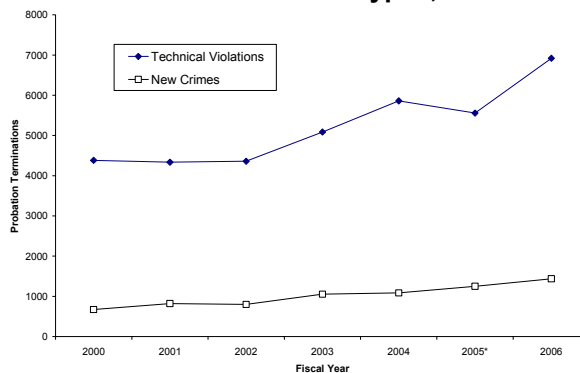
**Growth in Colorado Adult Probation and Probation Failures by Type,
FY 2000 to FY 2007²⁴**

Fiscal Year (FY)	Regular Adult Probation			Private Probation			Specialized Adult Programs		
	Census	Abscond	Other* Revocation	Census	Abscond	Other* Revocation	Census	Abscond	Other* Revocation
2000	28653	3026	1517	10659	82	70	2150	170	341
2001	29466	2892	1704	10514	336	584	2161	153	434
2002	30155	2663	2095	12266	211	428	2484	206	391
2003	30525	3205	2480	11903	321	285	2339	148	399
2004	30898	3799	2618	10572	282	211	2806	171	382
2005	30973	3537	2650	14703	2182	756	2573	240	543
2006	34534	3238	2878	15982	1674	931	2874	254	564
2007	36847	3197	3053	17761	1548	1020	2957	247	558
Percentage Growth FY 2000 to FY 2007									
	28.6%	5.7%	101.3%	66.6%	1787.8%	1357.1%	37.5%	45.3%	63.6%

The State Court Administrator's Office reports that the increase in private adult probation revocations is due strictly to the inclusion of DUI probationers who in the past were only monitored and not included in probation census numbers. Starting in 2005, these offenders have been placed on formal private probation supervision and are therefore subject to revocation. In FY 2007, over 8,000 private probationers were DUI offenders who would have received only monitoring prior to 2005. DUI offenders under formal probation have been found to have higher revocation and abscondion rates compared to monitored DUI offenders.

Probation failures due to technical violations increased by 57.9 percent over the past 7 years. However, probation failures due to new crimes increased by 114.2 percent over the same time frame.

Colorado Adult Probation Failure Types, FY 2000 to FY 2006²⁵**



* "Other" revocations include probation terminations for both technical violations and new crimes.

** Includes adult regular probation, specialized adult programs and adult private probation.

**COLORADO ADULT PROBATION* FAILURE TYPES,
FY 2000 TO FY 2006**

Fiscal Year (FY)	EOFY Adult Probation Census²⁶	Technical Violations²⁶	New Crimes²⁷
2000	41,462	4382	671
2001	42,141	4335	819
2002	44,905	4361	798
2003	44,767	5087	1054
2004	44,276	5861	1085
2005*	48,249	5556	1249
2006	53,390	6920	1437
Percentage Growth FY 2000 to FY 2007			
Growth	28.8%	57.9%	114.2%

Clearly, more detailed analysis of probation revocations would provide information useful in identifying the sources of these increases in probation revocations. In the meantime, the Division of Probation Services is creating an action plan for reducing the technical violation rate and prison placement. A technical violations committee has been working to implement strategies to reduce technical violations in all probation programs. Strategies of this plan include the delivery of consequences closer in time to the point of the violation and the use of intermediate sanctions and incentives.

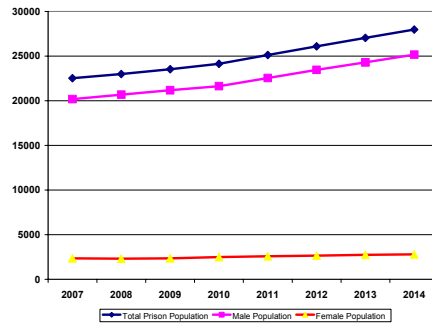
CORRECTIONS (PRISON/PAROLE) AND COMMUNITY CORRECTIONS

Prison

In November 2007, the Department of Corrections (DOC) requested nearly a half billion dollars from Colorado's Joint Budget Committee for new construction. It has been estimated that construction costs are 10% of the cost of operations over 50 years, therefore the associated long-term costs with this request could be staggering. According to the Prison Population Projections completed by the Colorado Division of Criminal Justice's Office of Research and Statistics, the overall adult prison population is forecast to increase by 21.7 percent between FY 2008 and FY 2014, from an actual population of 22,989 in June 2008 to a projected population of 27,974 offenders by June 2014. This growth rate is significantly lower than the 6-year projection of 30.7 percent previously projected in December 2007 as the overall prison population grew unexpectedly by only 2.1 % during FY 2008 and by 2.3% in the prior year, the lowest annual growth rates observed since 1995. This decline appears to have begun in mid-year of FY 2007 with one observable factor being the narrowing of the differential between admissions and releases²⁸.

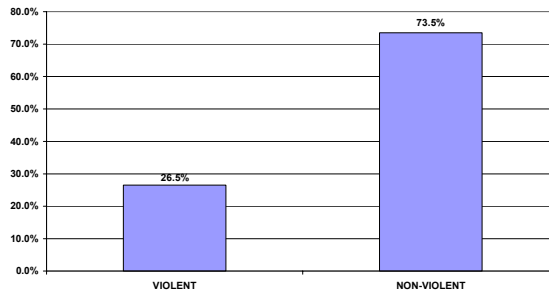
* Includes adult regular probation, specialized adult programs and adult private probation.

Adult Prison Population Projections, Total and by Gender
2007-2014

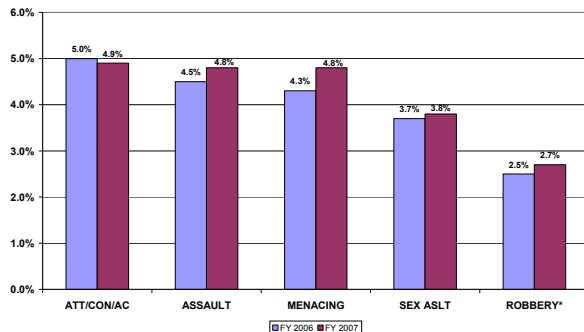


In order to address the needs of the increasing corrections population we need to understand what it looks like. According to the DOC's 2007 Fiscal Report²⁹, 26.5 percent of offenders committed in FY 2007 received a conviction for a violent offense versus 25.8% of those committed in 2006. Assault and menacing comprised 4.8% of the total commitments each and sex assault represented 3.8% of the commitments in 2007. Nonviolent offenses comprised 73.5% of the commitments in 2007 with the largest categories consisting of drugs, nonviolent inchoate, and escape/contraband offenses. Drug offenses continue to represent the largest overall category of commitments at 22.1%.

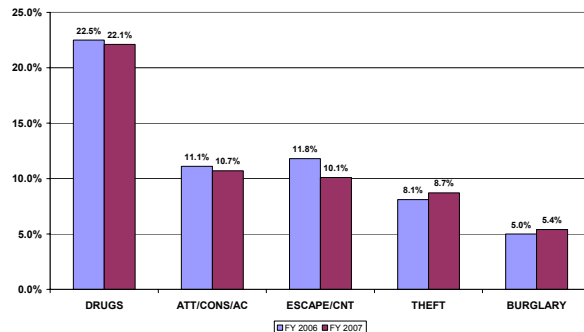
WHO'S IN PRISON IN COLORADO?
FY 2007 DOC Commitments



Top Five Violent Commitment Offenses
FY 2006 vs. FY 2007

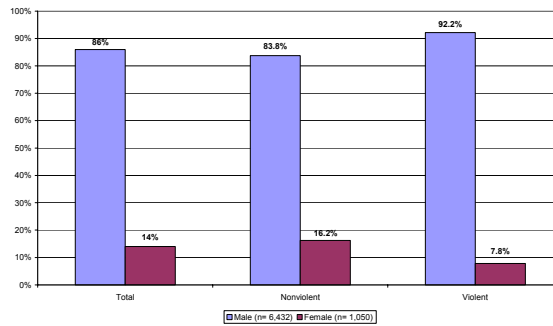


Top Five Non-Violent Offenses
FY 2006 vs. FY 2007



The Department of Corrections also reports that male commitments were 2.1% and female commitments 7.6% higher in FY 2007. Offense types for female commitments differed from male commitments, with violent offenses representing only 14.8% of the female commitments compared to 28.5% of the male commitments. Further, drug offenses represented 27.9% of the female commitments and only 21.2% of the male commitments.

**Gender Differences
FY2007 DOC Commitments**



In an effort to further understand the offender population needs the Division of Criminal Justice's Office of Research and Statistics (ORS) collected court data on a sample of 2,659 individuals convicted and sentenced to 4 placements during 2006: Department of Corrections, Probation only, probation/community corrections, and probation & jail³⁰.

	Department of Corrections (DOC)		Probation Only		Probation/Community Corrections		Probation & Jail	
	Women (n=187)	Men (n=1201)	Women (n=264)	Men (n=621)	Women (n=28)	Men (n=88)	Women (N=59)	Men (n=221)
Violent*	8.6%	22.0%	12.5%	21.9%	0.0%	11.4%	5.1%	22.3%
Drug	25.7%	19.2%	30.7%	28.7%	35.7%	34.1%	25.4%	20.9%
Escape	27.3%	18.5%	0.0%	0.0%	3.6%	1.1%		
Non Violent	38.5%	40.4%	56.8%	49.4%	60.7%	53.4%	69.5%	56.9%
Total	100%	100%	100%	100%	100%	100%	100%	100%

What was found was that of the Non-Violent** offenders sentenced to prison:

Males (n=791):	Females (n=143):
<ul style="list-style-type: none"> • 1.7% have NO criminal history • 61.0% have no history of violent crime • 16.2% have a history of drug crimes • 10% have escape or other nonviolent crimes in their past • 11.1% have an unknown history 	<ul style="list-style-type: none"> • None have NO criminal history • 36.9% have a history of violent crime • 32.7% have a history of drug crimes • 15.5% have escape or other nonviolent crimes in their past • 14.9% have an unknown history

* Crime categories were defined as: Violent: Any Murder, Any Assault, Kidnapping, Sexual Assault, Weapons, 1st Degree Robbery, 1st Degree Burglary, 1st Degree Arson, "Other" Violent, Non Violent: Extortion, Criminal Trespassing, Any Theft, Forgery, Fraud, 2nd and 3rd Degree Robbery, 2nd and 3rd Degree Burglary, 2nd and 3rd Degree Arson, Alcohol, Misc, Motor Vehicle, Misc. Misdemeanors, Misc. Inchoate, Sex Offender Failure to Register, "Other" Sex Crimes, Sexual Exploitation (M), Indecent Exposure (M), Obscenity (F6), "Other" Non Violent

** Non-violent offenders include those with no violent conviction or filing charges

NEEDS for services and programming of those sentenced to DOC:

<p>Males (n=1201):</p> <ul style="list-style-type: none"> • 23% have mental health problems • 39% have a history of mental illness • 49% have alcohol problems • 79% have drug problems • 11% were homeless • 73% were unemployed • Average Level of Service Inventory (LSI) Score 31.49 (High) 	<p>Females (n= 187):</p> <ul style="list-style-type: none"> • 36% have mental health problems • 53% have a history of mental illness • 39% have alcohol problems • 91% have drug problems • 11% were homeless • 73% were unemployed • Average Level of Service Inventory (LSI) Score 31.49 (High)
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The personal cost is also felt by the offenders themselves. Drug dependent or abusing inmates in state prisons (14 percent) were twice as likely as other inmates (6 percent) to report being homeless during the year before admission to prison. They also reported lower levels of employment in the month prior to admission (68 percent compared to 78 percent of other inmates)³¹.

The concern about disproportional minority commitment within the justice system is a national concern. Of the 175,000 admitted to prison nationwide in 2002, 54% were African American, yet African Americans make up less than 13% of the US population, according to a new report by the Justice Policy Institute.³² In Colorado, the Department of Corrections population more closely represents the general population although disparity still exists.

	White	Hispanic	African American	Native American	Asian
State Population Estimates (2005) ³³	74.1%	18.2%	4.0%	2.7%	1.0%
DOC Population as of Sept. 30, 2008 ³⁴	45.3%	31.5%	19.7%	2.5%	1.0%

In the juvenile arena, Colorado has also found that the majority of new commitments have historically been Anglo, Hispanic/Latino and African American youth respectively³⁵.

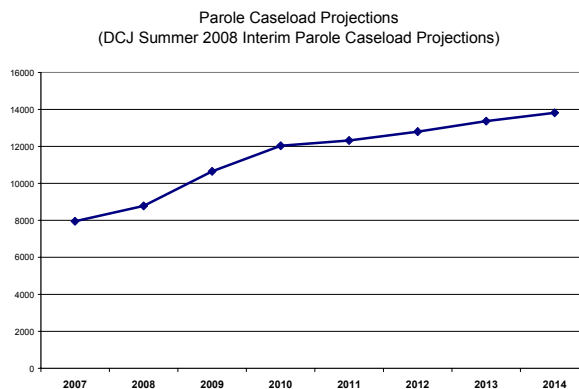
Commitment Trends	State Population Estimates (ages 10-18)	FY 2005-06		FY 2006-07	
		Males	Females	Males	Females
White	66.3%	38.5%	51.8%	44.9%	48.0%
African American	5.2%	18.4%	14.3%	16.7%	12.2%
Hispanic*	24.9%	39.8%	30.4%	35.0%	35.7%
Native American	.91	2.4%	1.8%	1.6%	1.0%
Asian-American	2.6%	0.2%	0.9%	0.8%	1.0%
Other	.09%	0.6%	0.9%	1.0%	2.0%

* State rate for Hispanic arrest data was calculated by applying a formula based on the percentage of arrests that Hispanic youth represent in jurisdictions where we have Hispanic arrest data and where a large portion of the state's youth population and Hispanic youth population reside.

Parole

According to the Department of Corrections³⁶, parolees range in age from 18 years to 82 years with an overall average of 36; 64.5% are between the ages of 20 and 39 years of age. The most serious offense is a drug offense (31%) followed by theft (13.6%) and escape (7.4%). The profile and size of the parole population has changed over the last several years largely due to several legislative changes. In 1993, a mandatory parole period was created through HB 1302 and earned time credits while on parole were authorized in 1996 through HB 1087. Between 1991 and 2003, the average length of stay (ALOS) on parole steadily increased from 13.4 months in FY 1999 to 15.8 months in FY 2003. However, the parole ALOS began to decline over the past several years to 14.9 in FY 2007.

According to the Office of Research and Statistics³⁷, the parole caseload grew by 10.5 percent in FY 2008 and is predicted to increase 21.2 percent in this next year (from 8,783 to 10,648). By the end of FY 2014, the parole caseload is expected to reach 13,815, a 57.3 percent increase from FY 2008.³⁸



It is apparent from the numbers that Colorado is facing a fiscal crisis due to the associated costs of increasing prison and parole populations, including those returning to prison. What may be surprising is that returns to prison are not necessarily a result of offenders committing new crimes but due in large part to technical violations. In FY 2007, approximately 8,500 offenders were released on parole. In that same year, almost 40% of admissions to prison in Colorado were parole returns, representing about 4,000 offenders; one fourth of which returned with a new crime and the remainder returned for technical violations. Of those offenders returning for a new crime, 15% had a violent crime as their most serious offense compared to 28% of new court commitments. A third, approximately 330 parolees who returned with a new crime had escape as their most serious offense. The increase observed in parole returns with a new crime beginning in FY 2004 is possibly due to the passage of SB 03-252 which (among other things) limits the time a parolee can be revoked for a technical violation to 180 days, provided that the parolee was incarcerated for a nonviolent offense.

Community Corrections

Community Corrections in Colorado is a system of specific halfway house facilities that provide residential and non-residential services to convicted offenders. Colorado currently has 35 residential and 24 non-

residential operations. These facilities, often referred to as programs, receive state funds but are based and operated in local communities. These programs provide an intermediate sanction at the front end of the system between probation and prison, or reintegration services at the tail end of the system between prison and parole. Community corrections placements allow offenders access to community resources, including treatment and employment opportunities, while living in a staff secure correctional setting. For two years in a row, the Governor's Recidivism Plan focused additional resources toward this part of the criminal justice system.

ILLEGAL SUBSTANCE USE/ABUSE

According to the Alcohol and Drug Abuse Division (ADAD)³⁹ of the Colorado Department of Human Services, substance abuse continues to be a problem in Colorado, although rates of use have declined since 1979 due to prevention efforts, treatment and enforcement. In 2004, it was estimated that there were approximately 250,000 substance abusers in Colorado, of which adolescents (ages 12-17) represented 11% (27,600). According to the 2005 National Survey on Drug Use and Health (NSDUH), Colorado ranked first among the 50 states in "illicit drug use" in the past month (other than marijuana) and cocaine use in the past year. Alcohol continues to be the most abused substance in the state.

Alcohol

Colorado ranks 19 percent higher than the national average and fifth in the nation in per capita consumption of alcohol. Alcohol has consistently been the most frequently mentioned drug in emergency room visits for Denver's Population and Metropolitan Statistical Area (PMSA).

Cocaine

Of five major drugs (cocaine, heroin, other opiates, methamphetamine and marijuana), cocaine ranked third statewide in treatment admissions. In 2007, cocaine was reported as a primary drug in 20.3 percent of treatment admissions (excluding alcohol) statewide. Statewide, cocaine-related deaths climbed from 92 in 1997 (23.6 per million), rising to a high of 217 in 2005 (39.2 per million) but declining to 206 in 2006. Cocaine still remains the largest proportion of all drug samples analyzed in federal state and local forensic labs statewide, 30.9 percent.⁴⁰

Heroin

Of the five major drugs (cocaine, heroin, other opiates, methamphetamine, and marijuana), heroin ranked fourth statewide in treatment admissions in both 2006 and 2007 (reported as primary drug in 7.3 percent in 2007). Heroin was also listed as primary drug in 17.9 percent of first time treatment admissions.

The proportion of heroin samples analyzed by NFLIS reporting labs decreased from 7.6 % in 2006 to 3.6% in 2007 in the state. According to local law enforcement, heroin is supplied by the Mexican Drug

Trafficking Organizations to raise cash in order to buy other high profit drugs such as cocaine and methamphetamine.⁴¹

Marijuana

Of the five major illicit drugs, marijuana ranks first in treatment admissions and amounts seized, second in emergency department reports and hospital discharges. Excluding alcohol, marijuana has continued to account for the highest numbers of treatment admissions statewide but the percentage of statewide treatment admissions for marijuana has decreased from 42.3 percent in 2001 to 34.7 percent in 2007. Males (76.9 percent in 2007) and Whites (51.8 percent) claim the highest proportion of treatment admissions or marijuana; however the proportion of Black marijuana admission has dramatically risen from 2000 to 2006 (7.4% to 14.6% respectively). Marijuana users not only tend to be the youngest of drug-using groups but also to start using at the youngest age. Since 2000, age of onset has remained stable statewide and in 2007, the mean and median ages of onset statewide were 14.2 and 14. Federal drug seizures for marijuana nearly doubled in 2007 (1,149.5 kgs) from 2006 (656.8 kgs). Marijuana follows cocaine as the second largest portion of all drug samples analyzed statewide.⁴²

Methamphetamine

In 2007, methamphetamine ranked second in statewide treatment admissions (excluding alcohol); 29.5 percent of all treatment admissions. Methamphetamine admissions are primary White (79.7 percent) but the proportion of Hispanic/Latino rose from 8.5 to 15.8 percent from 2000 to 2007 statewide.

The number of methamphetamine lab closures has decreased drastically since 2003 (345 lab closures in 2003 to 44 labs in 2007), but the quantity of meth seized in law enforcement raids dramatically rose from 2003 (14.8 kgs) to 2006 (50.3 kgs) and again decreasing in 2007 (8 kgs). Contributing to this decline is legislation which restricts the purchase of cold medicines and precursor chemicals, law enforcement interdiction methods and increased community awareness and cooperation with law enforcement. Local law enforcement report the vast amount of available meth in Colorado is produced in Mexico and the rest produced locally. It appears that some local methamphetamine cookers are using "one-pot method" in which anhydrous ammonia, water, pseudo ephedrine tablets and the reactive metal lithium are combined in one container for an easier, less complicated process. Numerous hazards exist in this environment including potential toxicities from the chemicals and gases produced, fires, explosions and chemical and thermal burns. Children living in a lab are at heightened risk for physical, psychological and sexual abuse as well as possible exposure to methamphetamine or dangerous chemicals, booby traps, violence, weapons and pornography.⁴³

Acknowledging the need for involving a diverse partnership of state government, local governments, and the private sectors, including legislators, child advocates, public health officials, drug treatment providers,

child welfare workers, law enforcement officers, judges, and prosecutors, the Colorado General Assembly passed legislation in 2006 establishing a State Methamphetamine Task Force with a mandate to:

1. Assist local communities with implementation of the most effective practices to respond to illegal methamphetamine production, distribution, and use;
2. Develop statewide strategies in collaboration with local communities to address prevention, intervention, treatment and enforcement; and
3. Take a comprehensive approach to and provide assistance and recommendations concerning prevention, intervention and treatment and the response of the criminal justice system to the methamphetamine problem in Colorado.

The Meth Task Force began meeting in July 2006 and set six priorities, the cornerstone being the development of a blueprint for comprehensively addressing meth and other illegal drug use and the affects these drugs have on communities, families and children. This “Colorado Blueprint” is a four part continuous course of action involving policy, implementation, practice and science. It provides a general structure to help order the work done in communities by multiple disciplines and to support collective learning about how to effectively address all the issues related to the manufacture, distribution and use of methamphetamine.⁴⁴

Other Drugs

During 2007, there were 16,650 treatment admissions in Colorado including 127 admissions for other depressants, 36 for “other” stimulants, 59 for club drugs, 31 for hallucinogens, and 142 for other drugs. The combination of these five categories represents 2.5 percent of treatment admissions (excluding alcohol) statewide.⁴⁵

Drug Endangered Children

The Colorado Drug Endangered Children Program (CDEC) was established in 2003 in order to allow multiple agencies and disciplines to work together to address issues related to children exposed to dangerous environments involving methamphetamine production. To that end, the Colorado DEC, in partnership with the State Meth Task Force, selected twelve Learning Sites from across Colorado which represent promising communities who are interested in collaborating to address drug endangered children’s issues. The Learning Sites range from single agencies to entire county-wide efforts.⁴⁶ In addition, CDEC and the Meth Task Force co-sponsored the airing of an award-winning documentary, *Childhelp Crystal Darkness*. This program was broadcast on January 7th, 2009 on almost all of the Colorado television stations, preempting all programming to be in unison. Several radio stations simultaneously aired audio broadcasts. The documentary was filmed in Colorado and featured interviews with the Governor, First lady and Attorney General as well as dozens of community leaders, law enforcement officials, recovery specialists and local recovering meth addicts. During the airing of the

program, a call center was set up with local recovery experts to answer calls for information and help resulting in 596 recorded calls.

In 2006, the Division of Criminal Justice (DCJ) and the Colorado Department of Human Services reauthorized their Memorandum of Understanding (MOU) regarding Drug Endangered Children. In addition, the JAG-funded Task Forces were required to submit to DCJ with their 2007 JAG subgrant application, a current MOU between them and their local department of social services, detailing the process by which they are working to address the needs of children. These MOUs will be expected to be maintained and current for all JAG-funded Task Forces.

TREATMENT

Substance Abuse

The need for substance abuse treatment services in Colorado is undeniable. According to state estimates from the 2004 and 2005 National Surveys on Drug Use and Health, Colorado ranked 1st among the 50 states in illicit drug use other than marijuana; and was among the five states with the highest illicit drug use in the past month, cocaine use in the past year, non-medical use of pain relievers in the past year, alcohol dependence in the past year, and illicit drug dependence in the last year. Colorado ranked fifth among the 50 states in the proportion needing but not receiving treatment for illicit drug use in the past year and seventh for needing but not receiving treatment for alcohol use in the past year. In 2004, ADAD estimated that there were approximately 250,000 substance abusers in Colorado; approximately 27,600 (11 percent), of which were adolescents (ages 12-17). Even though adult and adolescent Coloradoans use illicit drugs at higher levels than the national average, overall drug use has declined in the past 20 years due to prevention, treatment and enforcement.

FFY 2005 data indicated that 77,787 clients received substance abuse prevention services and another 47,008 received detoxification services. An additional 20,663 were discharged from substance abuse treatment programs. In reviewing 2005 and 2006 treatment data, ADAD also showed a 9 percent increase in the number of treatment discharges and 12 percent increase successful discharges from CY2005 to CY 2006. The largest increases in successful discharges were in Day Treatment (44%) and Intensive Residential (27%).⁴⁷

The Colorado Alcohol and Drug Abuse Division's (ADAD) largest revenue source for funding prevention, intervention, substance abuse treatment, and detoxification services, is the federal government in the form of a Substance Abuse Prevention and Treatment (SAPT) Block Grant. In its 2008 SAPT application, ADAD noted its intention to use no less than 95% of its allocation (\$22,549,114) for alcohol and other drug abuse prevention activities and treatment services by contracting with regional Managed Service Organizations across the state.⁴⁸ In 2005, legislation was passed which gave Colorado's Department of Health Care Policy and Financing (HCPF) authority to seek approval from the federal government to create a Medicaid-funded outpatient substance abuse treatment benefit. The Medicaid substance abuse

outpatient benefit became operational July 1, 2006. The last query ADAD made of HCPF, showed approximately 47 providers enlisted to deliver this benefit.

Substance abuse treatment can significantly reduce further penetration into the juvenile justice system. Courts, probation, schools, the Division of Youth Corrections (DYC), and county departments of human services/social services refer youth and families for drug and alcohol services including detoxification, outpatient, intensive outpatient, school-based counseling, and residential services. Colorado's Alcohol and Drug Abuse Division (ADAD) has included adolescents as a priority population for treatment despite the fact that the federal SAPT Block Grant does not. Since youth are not an identified federal treatment priority population in the Block Grant, ADAD has written into contracts with the Managed Service Organizations (MSO) that they will partner with SB 94 (Alternatives to Detention) Advisory Committees, Child Welfare, Division of Youth Corrections (DYC) and probation departments to serve this population. Since many of these systems also sustained funding reductions, the overall impact to adolescent treatment has been compounded. Many youth and families have little to no assistance in covering the costs of treatment. Additionally, the majority of families have inadequate or no private insurance coverage for treatment.

Mental Health

Colorado's public mental health system comprises community based mental health programs overseen by the Division, and the two state mental health Institutes, both of which are organizationally part of the Office of Behavioral Health and Housing (the Office) within the Department of Human Services (the Department), and the community based Medicaid mental health programs overseen by the Department of Health Care Policy and Financing (HCPF). Administration and program oversight of the public mental health system was officially bifurcated in 2004 by a statutory initiative whereby most community mental health programs funded with Medicaid dollars are now directly administered and managed by HCPF, the single, state Medicaid agency.⁴⁹

Colorado's public mental health system has been impacted by the downturn in the state's economy since state fiscal year 2002. This downturn resulted in a number of impacts, especially in the levels of funding for public mental health services. The total State General Fund dollars appropriated to provide services to children and adults with serious emotional disturbances or serious mental illnesses were reduced from \$18,777,197 in FY 2002, to \$15,671,434 in FY 2003 (or a decrease of \$3,105,763 or 16.54 percent). Between FY 2003 and FY 2004, State General Fund revenues further declined by \$1,601,635 (an additional 10.22 percent). Overall, total State General Funds were reduced by \$4,707,398 or 25.06 percent over the three fiscal years (Joint Budget Committee, Hearing on the Department of Human Services, December 2004). During the same three-year period, State General Fund appropriations to the Medicaid Mental Health Capitation program also declined, despite increases in the number of those eligible.⁵⁰

According to the Mental Health Consensus project, people with mental illness are significantly overrepresented in jails, stay in jail longer than other defendants, cost more than non-mentally ill defendants to house due to pharmaceutical and extra personnel cost, and are more likely to return to incarceration. A one day snapshot of the mental health population in one county detention center revealed that: 73% had co-occurring substance abuse, 82% needed costly psychotropic medications to control their symptoms, 82% were indigent, 55% were homeless at the time of arrest, and 73% had a history of arrests. (Larimer County Detention Center, February 5, 2004)

The Colorado Legislature has assumed a major leadership role in addressing the growing numbers of people with mental illness in correctional facilities by appointing a legislative oversight committee and task force to make recommendations about this serious problem. During the 2008 Legislative Session the Task Force accomplished the following legislative tasks:

- Suspend rather than terminate Medicaid eligibility for persons entering the criminal justice system;
- Offenders Apply For Public Benefits – requiring appropriate personnel in facilities to provide assistance for offenders in applying for Medicaid, CHIP +, SSI and SSDI at least 120 days prior to release from commitment;
- Jail Inmate Application Assistance encouraging counties to develop relationships, partnerships, and prerelease agreement with appropriate agencies and to assist jail inmates prior to release in accessing public benefits for which they may qualify;
- Juvenile Justice Mental Health Process requires the court, prosecution, defense, probation officer, guardian ad litem (appointed by the court to represent the best interests of a juvenile), parent, or legal guardian in a juvenile delinquency proceeding to advise the court if there is a reasonable belief that the juvenile could benefit from mental health services and provides a mental health screening and assessment if the juvenile could benefit from mental health services.

In the last few years, the Committee and Task Force have considered several other bills including the required development of a standardized screening process for all adults and juveniles in criminal justice systems and established two pilot programs for youth to provide integrated services in order to prevent juvenile justice involvement. The Colorado Legislature considered a change in the involuntary commitment law, pilot programs for adults to prevent criminal justice involvement, and a variety of other strategies to either provide better services or to prevent individuals from cycling through the criminal justice system. Colorado was one of the states that made a presentation at the first National Corrections Conference on Mental Illness. Moreover, the Division of Behavioral Health within the Department of Human Services helped to create a model screening tool for the adult criminal justice system through its work on the Task Force.

IV. COORDINATION OF JAG AND OTHER JUSTICE RELATED INITIATIVES AND FUNDING

The Office of Adult and Juvenile Justice Assistance (OAJJA) within the Colorado Department of Public Safety, Division of Criminal Justice, administers the Justice Assistance Grant for the State of Colorado. This Office is in a unique position to be able to maximize federal resources by reducing duplication of programming, assuring best practices in both the adult and juvenile arenas, and broadening the knowledge of community needs through its planning process. The office also administers a Prisoner Reentry Grant and the Anti-Gang Initiative funds from BJA; the Title V, Title II (Formula) and JABG funding from Office Juvenile Justice and Delinquency Prevention (OJJDP); the National Criminal History Improvement Program (NCHIP) from the Bureau of Justice Statistics; the Paul Coverdell Forensic Grant from the National Institute of Justice; and also the state-funded Juvenile Diversion program. Responsibility for a multitude of grant programs within one office assures elimination of duplication and improved cross system collaboration.

The JAG grant manager for the multi-jurisdictional task forces maintains a working relationship with the Rocky Mountain High Intensity Drug Trafficking Area (HIDTA) Director. HIDTA has established regular meetings with Colorado and Wyoming Drug Unit Commanders. Many of the JAG-funded Task Forces do not qualify for HIDTA funds but are invited and actively participate in these meetings. Because of overlapping funding from JAG and HIDTA with several Task Forces, we work with HIDTA to compare Task Force budgets to assure no duplication within budget line items and that the goals and objectives of each project are complimentary to one another.

Similar to HIDTA funds, law enforcement agencies also apply for and receive Homeland Security funding. As in past years, the JAG Board, was concerned about maintaining consistency with the state's Homeland Security Strategy and funding priorities when appropriate. Due to this, a representative from Colorado's Department of Local Affairs, Division of Emergency Management, where Colorado's Homeland Security Grant Program is located, presented at the December 6, 2007 JAG Board meeting. A discussion regarding the Homeland Security Grant funding priorities, the state strategy and the need for continued collaboration between the JAG Board and Homeland Security was held. It is anticipated that a Homeland Security representative will be accessed during the state's JAG subgrant funding process to ensure consistency across the two federal programs.

The Division continues to house the Project Safe Neighborhood (PSN) grant; a nationwide commitment to reduce gun crime in America. The effectiveness of PSN is based on the ability of local, state, and federal agencies to cooperate in a unified offensive led by the U.S. Attorney (USA) in each of the 94 federal judicial districts across the United States. Through collaboration with federal, state, and local law enforcement, each US Attorney will implement the five core elements of Project Safe Neighborhoods-

partnerships, strategic planning, training, outreach, and accountability- in a manner that is contoured to fit the specific gun crime problems in that district. The goal is to create safer neighborhoods by reducing gun violence and sustaining that reduction.

The Division of Criminal Justice also houses the office that administers the various state and federal victims' grants. The strong relationship between OAJJA and the Office for Victims Programs (OVP) provides another opportunity to reduce funding duplication and assures that victim-centered practices are coordinated in any JAG or juvenile project that impacts victims. The Colorado Regional Community Policing Institute (CRCPI) is also housed within the Division of Criminal Justice. CRCPI offers training and technical assistance to law enforcement agencies and communities throughout Colorado. In addition to training, CRCPI sponsors conferences and seminars, provides community policing publications and resource materials and technical assistance to police agencies and communities at no cost, under the sponsorship of the US Department of Justice, Office of Community Oriented Policing Services (COPS). The Department of Public Safety has several other Divisions and Offices, including the Colorado State Patrol and Office of Preparedness, Colorado Bureau of Investigations, and Security & Fire Safety which interact almost daily with the Division of Criminal Justice.

The Division of Criminal Justice's Office of Research and Statistics (ORS), as Colorado's designated Statistical Analysis Center (SAC), is the principal agency responsible for general criminal justice research and Byrne/JAG program evaluation activities. The research projects funded by Byrne/JAG have informed state legislators, policy advisors and practitioners about many findings in the criminal justice arena. In 2006, the Justice Research and Statistics Association (JRSA) honored ORS with the Phillip Hoke National Publication Award for Excellence in Research/Policy Analysis for its "Evaluation of the Youthful Offender System (YOS) in CO: 2004" Report. ORS also received mention for its "Crime and Justice in Colorado" Report. Both these studies were supported by JAG/Byrne federal funds and can be viewed on DCJ's website http://dcj.state.co.us/ors/research_documents.htm.

Finally, because the Division of Criminal Justice is integrally involved in many cross disciplinary policy and implementation projects on a variety of criminal justice topics, we collaborate with many state and local agencies to achieve common goals and share the costs of cross system projects. One key example is the Colorado Commission on Criminal and Juvenile Justice, established pursuant to state legislation passed during the 2007 session. This Commission, housed within the Colorado Department of Public Safety along with the Division of Criminal Justice and OAJJA, has several legislatively mandated duties which include:

- Conducting an analysis of sentencing policies and practices, including the effectiveness of sentences in meeting its purpose of sentencing and the need to prevent recidivism and re-victimization;
- Investigating effective alternatives to incarceration, factors contributing to recidivism, evidence-based recidivism reduction and cost-effective crime prevention; and

- Completing an annual report of findings and recommendations.

The Commission is comprised of twenty six members representing the criminal and juvenile justice system, corrections, mental health, drug use, victim's rights, higher education, local government and other related systems. Their work has played a part in informing the JAG Board and the Division of Criminal Justice in the development of this JAG application as they have engaged in an evidence-based analysis of the criminal and juvenile justice system in Colorado and provided an annual report with sixty-six recommendations to the Governor in December of 2008. The work of the commission is assisted by DCJ's Office of Research and Statistics and resources within the Department of Corrections for data collection, research analysis and publication of any resulting findings and reports.

V. ORGANIZATIONAL CAPABILITIES

The Colorado legislature created the Division of Criminal Justice (DCJ) to "... improve all areas of the administration of criminal justice in Colorado, both immediately and in the long term, regardless of whether the direct responsibility for action lies at the state level or with the many units of local government" (24-33.5-501 C.R.S. 1973 as amended). The mission of the Division of Criminal Justice is to improve the public safety of the community, the quality of services to crime victims, and the effectiveness of services to offenders. The DCJ accomplishes this by analyzing policy, conducting criminal justice research, managing programs, and administering grants. As the State Administering Agency (SAA) responsible for administering Office of Justice Programming and other federal funds, the DCJ developed an *Administrative Guide and Instructions for Federal Office of Justice Programs and Grants* which is a reference document for subgrant agencies receiving federal funds through the Division of Criminal Justice. The Guide helps agencies understand and meet the financial, administrative, and audit requirements for the use of these funds and subgrantees are expected to download (http://dcj.state.co.us/grant_forms/2005AdminGuide/AdminGuide_2005.pdf), print and read the *Guide* upon receipt of their award. The DCJ also provides Project Director/Financial Officer Training for subgrantees shortly after each award is made.

VI. TIMELINE/PROJECT PLAN

The Office of Adult and Juvenile Justice Assistance (OAJJA) within the Division of Criminal Justice is responsible for administration of the Justice Assistance Grant (JAG), including the JAG funds made available through the American Recovery and Reinvestment Act of 2009 (2009 JAG Recovery). After reviewing the mandates and responsibilities for these 2009 JAG Recovery funds, discussing the need for expeditious distribution of the funds but recognizing the importance for adequate review and oversight of proposed projects, the following timeline for funds distribution has been developed.

2009 JUSTICE ASSISTANCE GRANT- RECOVERY FUNDS

TIMELINE

Federal Award Period- April 1, 2009 to March 31, 2013

April 1, 2009	Develop Announcement of Available funds – Modification of current JAG announcement, listing who can apply, purposes of funds, restrictions on funding, required performance measures and reporting requirements to be specific to JAG Recovery funding
April 1, 2009	Develop JAG–Recovery Subgrant Application – Modification of current JAG application for funds and application instructions, and reporting forms to be specific to JAG Recovery funding
April 15, 2009	Announcement e-mailed/Announcement, instructions and application placed on DCJ website
May 27, 2009	Subgrant Application Deadline
June 5, 2009	Copies of applications sent to Justice Assistance Grant Board Members
July 6-10, 2009	Funding Conference – Initial funding decisions for JAG Recovery
July 14, 2009	Notification of initial funding recommendations to applicants
July 27, 2009	Requests for Reconsideration Deadline
Aug. 3-7, 2009	Reconsideration Meeting by JAG Board- final funding decisions for JAG Recovery applications
Aug. 10, 2009	Memo to Governor - listing projects recommended for funding including project descriptions and federal award amount
Aug. 28, 2009	Statement of Grant Award (SOGA) to Subgrantees
Fall 2009	Project Director/Financial Officer Training for all subgrantees – will be combined with 2009 JAG Formula subgrantee PD/FO training, outlining responsibility for managing a JAG Recovery subgrant at a fiscal and programmatic level, including required performance measures and reporting requirements

Project Duration: **October 1, 2009– September 30, 2011** (leaves the DCJ 1 ½ years to re-obligate deobligated (and interest) funds by end of federal grant award period which is March 31, 2013)

As with the Formula JAG funding, awards will be issued after a competitive grant solicitation process where subgrant applications are received and reviewed by OAJJA staff and the JAG Board. Awards will be made to applicants whose project applications and proposals:

- Have ability to create or preserve jobs.
- Address a priority problem/program area.
- Clearly identify the need through use of statistics/information.
- Include research or evidence-based programming or activities.
- Include goals and objectives which are time-framed and measurable.
- Include a budget which is reasonable and justified including a cost basis.
- Clearly describe the method(s) to be used to measure the success of the project.
- Describe the involvement and mutual support within the community, describes the impact on other agencies and organizations and explains how the project makes the best use of resources.
- Present a clear and compelling case for funding, employs best practices, and/or demonstrates a high probability of success.
- Show evidence that the applicant has successfully managed projects in the past and those previous projects were successful, and were managed effectively and applicant complied with all administrative and reporting requirements.
- Program is innovative or addresses a significant problem in a creative way.
- Shows applicant agency ability to provide timely (within 5 days of quarter end date) and accurate quarterly financial and programmatic reports, including reporting on performance measures established under the Recovery Act (jobs saved and jobs retained by type).

VII. PROJECT OBJECTIVES/PERFORMANCE MEASURES

The DCJ's Office of Adult and Juvenile Justice Assistance (OAJJA) developed quarterly report forms for the JAG Formula grant program which collect performance measures which are specific to the seven Purpose Areas of the JAG to assess whether grant objectives are being met. These will be revised to include the additional performance measures established for the JAG Recovery funding which include number of jobs saved (by type) and number of jobs created (by type) due to Recovery Act funding. Within 5 days of each quarter end date, subgrantees will be required to provide to OAJJA data regarding jobs saved and created, as well as information regarding JAG Recovery funds expended or obligated. This data will then be aggregated and reported to the Bureau of Justice Assistance within 10 days of each

quarter's end. The more comprehensive quarterly subgrant reports will be due to the OAJJA within the regularly required 30 days after the end of each calendar quarter of the subgrant.

VIII. JUSTICE ASSISTANCE GRANT (JAG) BOARD

Al Dominguez (05/91)*

Board Chair

Former District Attorney, 19th Judicial District

Maurice Williams (06/95)

Board Vice-Chair

Central Region Assistant Director

Division of Youth Corrections

Dean Askew (12/00)

Former Executive Director, Street Beat, Inc.

Alan Cook (05/07)

Cortez Addictions Recovery Services, Inc.

Frank Daniels (06/08)

Former District Attorney, 21st Judicial District

Linda Ferry (05/07)

Victim Comp Administrator

Denver District Attorney's Office

Susan Gilbert (05/07)

Chief Probation Officer, 21st JD

Rick Holman (06/02)

Chief, Breckenridge Police Department

Eileen Kinney (05/07)

Division of Probation Services

State Court Administrator's Office

Susan Krill-Smith (05/07)

Synergy Adolescent Treatment Services

Terry Maketa (04/03)

El Paso County Sheriff

Cecelia Mascarenas (05/07)

Former Parole Board member

John Patterson (04/03)

Chief, Cherry Hills Police Department

Steve Reynolds (05/07)

Community Corrections Board Member

J. Grayson Robinson (04/03)

Arapahoe County Sheriff

Joanie Shoemaker (05/07)

Department of Corrections

Charles Smith, PhD (05/07)

Deputy Director, Behavioral Health Services

CO Department of Human Services

Marian Smith (05/91)

Former County Commissioner, Garfield County

* Date of appointment to the Board

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