

ADULT DIVERSION FUNDING COMMITTEE



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Court Services Division
Colorado Judicial Branch

Via email & AmpliFund

June 6th, 2023

Beth McCann, District Attorney
Office of the District Attorney, 2nd Judicial District
201 W. Colfax Ave, 8th Floor
Denver, CO 80202

Benita Martin
Office of the District Attorney, 2nd Judicial District
201 W. Colfax Ave. 8th Floor
Denver, CO 80202

Re: FY24 Adult Diversion and Correctional Treatment Fund Award

Dear District Attorney McCann and Ms. Martin,

I write to you on behalf of the Adult Diversion Funding Committee with good news about overall adult diversion funding and specifically in response to your FY24 Adult Diversion and Correctional Treatment Fund application. Focused on addressing unmet behavioral health needs of those involved in the criminal legal system, SB 22-196 provides a total \$4,000,000 to strengthen and expand Colorado's §18-1.3-101, C.R.S., pretrial adult diversion programs in FY23 and FY24. This funding represents a huge step towards serving victims of crime and empowering those charged with its commission to disentangle themselves from the criminal legal system through rehabilitation and access to assistance needed for better individual, family, and community outcomes. As you have recognized in your application, diversion also increases efficiencies by freeing up prosecutorial, defense, and judicial resources for cases that most need them and reduces the pipeline of individuals who may require competency evaluation and restoration.

Funds unspent in FY23 are available in FY24 for allocation by the Funding Committee without further legislative appropriation. To foster program sustainability, the Funding Committee will allocate half of the \$4,000,000 appropriation in FY23 and half in FY24, less amounts required for administration of these federal funds. As shown on the attached table and pursuant to §13-3-115, C.R.S., the Funding Committee awards your program FY24 adult diversion funding of **\$494,100** and Correctional Treatment funding of **\$45,000**. Awards are subject to reallocation after the third quarter of FY24. Any discouraged or prohibited items in your funding request have been removed.

In past years, the state general fund provided adult diversion funding. This year, the federal American Rescue Plan Act (ARPA) provides diversion funding through the Colorado Behavioral Health Cash Fund, pursuant to SB22-196. The federal character of the monies, along with language in SB22-196, may change administration of these funds at the state and program level, including but not limited to requiring:

- Compliance with federal funding authorities;
- Use of Sam.gov to ensure that non-DA service providers, including but not limited to treatment, restorative justice, or other providers of goods or services to diversion participants, are not precluded from receiving federal dollars;
- Prohibition against certain expenditures (e.g., restitution, training people who are not DA employees, participant incentives/stipends, food/coffee at meetings, anything that could be construed as entertainment or recreation, etc.);

- Use of timesheets, similar to the attached, for time and effort reporting to support staffing compensation for operating the adult diversion program;
- Completion of the attached risk assessment questionnaire;
- Shorter, inflexible quarterly reporting deadlines; and
- Contract terms reflecting federal requirements.

To move forward with grant acceptance, please:

- Review §18-1.3-101, C.R.S., regarding adult diversion program requirements and prohibitions;
- Review attached SB22-10 and SB22-196, §§4 and 5, for statutory amendments to the adult diversion and funding committee statutes, which emphasize diversion of those with behavioral health disorders, although not to the exclusion of other diversion participants;
- Review, and complete the award acceptance and risk assessment on the attached form within 7 days of receipt;
- Using SAM.gov, confirm the eligibility to receive federal funds of entities with which the DA's office will subcontract or from whom the office may purchase goods or services, and continue using SAM.gov prior to transactions with additional entities;
- Attend the live or recorded program orientation (time and date TBD). DA staff and subcontractors who will be involved in day-to-day diversion program operations, reporting, grant accounting, or compliance are encouraged to attend; and
- Review, complete, and return the interagency agreement prepared by the State Court Administrator's Office as soon as possible after receiving and reviewing it.

Under the "Diversion Program Resources" link on the adult diversion web page, <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=adultdiv>, you will find Colorado laws and federal funding authorities relevant to operating your program, as well as reporting deadlines and other diversion resources. The federal funding resources you may wish to review, if they are unfamiliar, include:

- State and Local Fiscal Recovery Funds Compliance and Reporting Guidance, U.S. Department of Treasury, <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>;
- U.S. Treasury Final Rule, <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>;
- Uniform Guidance, 2 CFR Part 200, <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-11/part-200>; and
- System for Award Management (SAM.gov), the official website of the U.S. government to check the status of entities to receive federal dollars.

Please contact me at adultdiversion@judicial.state.co.us with any questions. I look forward to working with you!

Sincerely,

Desiree Hermocillo
 Court Programs Analyst
 Criminal Justice Programs Unit
 State Court Administrator's Office

Encls: FY24 Award Acceptance
 Sample Timesheet
 SB22-196 Excerpt
 SB22-10

Adult Diversion, Sec. 18-1.3-101, C.R.S. (Federal ARPA Funding)	
\$494,100.00	
Program Expenses	Approved Budget
DA Adult Diversion Staff Compensation	350,700.00
salary reimbursement (see award letter for details)	250,500
benefits	100,200
DA Staff Training (compliance with local per diem/travel rules required)	
Consultants/Contract Support	18,000.00
restorative justice	2,500.00
harm reduction	7,000.00
other consultant services or contract support	8,500.00
Non-CTF Behavioral Health Assessment, Evaluation, Treatment (Non-CTCF)	50,400.00
assessment, evaluation, and treatment	
drug/alcohol monitoring/testing	
Case Management/Participant Support Services	16,000.00
salary reimbursement	0.00
benefit reimbursement	0.00
invoiced fee for services or hourly rate by provider	16,000.00
Participant Stabilization Needs	59,000.00
educational/vocational assistance for employment (class fee, uniform, office attire, tools)	11,200.00
emergency/transitional housing (rent assistance, hotel vouchers, etc.)	30,000.00
utility assistance	2,000.00
day care assistance	2,000.00
groceries (including grocery cards, etc.)	4,000.00
medication (including MAT), general medical/dental treatment, prescription lenses	1,000.00
transportation (ride services, gas cards, bus passes, etc.)	4,800.00
cell phones/phone cards	2,000.00
fees for vital documents, ID, or applications	
peer mentors	
clothing	2,000.00
Total Direct Expenses	494,100.00
Quarterly Reimbursement Request	
FY 24 Adult Diversion Award Balance	494,100.00

*Remaining FY23 Funds included in FY24 ARPA Funding Award

(ARPA funds can be utilized for expenditures through Dec. 2024)

Correctional Treatment, Sec. 18-19-103, C.R.S. (Non-Federal)	
\$45,000.00	
Program Expenses	Approved Budget
Substance Use Disorder or Co-Occurring Screening, Assessment, & Evaluation	4,800.00
Alcohol and Drug Testing	10,200.00
Participant Substance Use Education/Training	0.00
Substance Use Disorder/Co-Occurring Treatment	30,000.00
Recovery Support Services (See approved CTB recovery support services document)	0.00
educational/vocational assistance for employment (class fee, uniform, office attire, tools)	
emergency housing, utilities, day care, food	
medication (including MAT), general medical/dental treatment, prescription lenses	
transportation assistance	
therapy/educational supplies/books	
sobriety coaches/peer mentors	
rec center passes	
restorative justice interventions	
miscellaneous fees	
treatment/classes - anger management, parenting, other interventions (non-SUD/non-co-occurring)	
Total Expenses	45,000.00
Quarterly Reimbursement Request	
FY 24 CTF Award Balance	45,000.00

FY24 Adult Diversion (AD)/Correctional Treatment (CT) Award Acceptance

*If you will not accept this award, please notify us by June 19th, 2023 by emailing adultdiversion@judicial.state.co.us.
Otherwise, please return this completed form by June 19th, 2023 to adultdiversion@judicial.state.co.us.*

PROGRAM INFORMATION

Judicial District: 2 nd JD	Primary Contact: Benita Martin	Phone: (720)913-9086
Payment Address: 201 W Colfax Ave Dept 801, Denver, CO 80202		Email: bam@denverda.org
FY24 AD Award: \$494,100	FY24 CT Award: \$45,000	

SECTION 2. AWARD ACCEPTANCE

I have received and reviewed the FY24 award letter from the Adult Diversion Funding Committee. I accept the award, as set forth in the award letter, and intend to enter into an Interagency Agreement executed with the State Court Administrator's Office.

District Attorney printed name: Beth McCann

District Attorney signature: Beth McCann

Date: 6/13/23