

STATE OF COLORADO

COLORADO DEPARTMENT OF CORRECTIONS

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Bill Ritter, Jr.
Governor

Aristedes W. Zavaras
Executive Director

December 1, 2009

Representative Terrance Carroll
Speaker
House of Representatives

Senator Brandon Shaffer
President
Colorado State Senate

Representative Mike May
Minority Leader
House of Representatives

Senator Josh Penry
Minority Leader
Colorado State Senate

Re: Annual Report concerning the status of private contract prisons

Gentlemen:

It is our pleasure to attach for your review and use the Annual Report concerning the status of private contract prisons.

This report is submitted as directed in 17-1-201 (CRS) Corrections Privatization - Requests for Proposals Process - Duties of department.

If you have any questions, please feel free to call me at (719) 226-4701.

Sincerely,

ARISTEDES W. ZAVARAS
Executive Director

Attachment

xc: Bob Cantwell, Director of Prisons
Karl Spiecker, Chief Financial Officer
Lou Archuleta, Deputy Director of Prisons
Sean Foster, Associate Director of Private Prisons Monitoring Unit
Amy Zimmer, Department of Education



Colorado Department of Corrections



*REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND TO THE PRESIDENT OF THE SENATE
December 1, 2009*

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CONCERNING THE STATUS OF PRIVATE CONTRACT CORRECTIONAL FACILITIES

The External Capacity Subprogram, Private Prison Monitoring Unit (PPMU), provides oversight of standards and practices in contracted County Jails and Private Prisons to ensure consistent treatment of offenders throughout Colorado Corrections facilities. The Subprogram funds payment for two housing entities: (A) County Jails - temporary housing to adjudicated offenders awaiting evaluation or placement through the Denver Reception and Diagnostic Center or subsequent placement in the BVCC Colorado Corrections Alternative Program (Boot camp), (B) Private Prisons - contracted long-term facilities providing housing which offer programs and services similar to those within the Department of Corrections. The mission of the Private Prison Monitoring Unit (PPMU) is to provide effective and efficient oversight of the private contract facilities, ensuring the safety and security of the public, staff and offenders. Its vision is to provide a seamless transition of services between public and private facilities, resulting in consistent offender management and program services. To successfully accomplish these goals, the PPMU enforces contract provisions which direct the private contract prison operations. In addition to facility monitors, the PPMU staff includes program area specialists, who are able to provide credible feedback and advice to facility management in their respective areas. The facility monitors spend a minimum of 20 hours per week in the facilities providing operations oversight, conducting security and program audits, and training contract staff in essential functions such as Code of Penal Discipline (COPD) processes and case management. The PPMU conducts unannounced staff and visitor program interdictions to discourage the introduction of contraband into the facilities.

The Private Prisons Monitoring Unit (PPMU) was created in 1999 as an offshoot from Offender Services. The current fiscal year funding comes from the General Fund. The Department is mandated statutorily to monitor the private prisons. The level of resources needed for monitoring private prison operations is largely dependent upon the number and size of the facilities, their geographical location and the number of offenders housed in each. As the private prison population continues to increase, the duties and responsibilities of the Private Prisons Monitoring Unit (PPMU) also increases.

In most cases, the Department contracts directly with local municipalities, County or City, who are in turn responsible for local oversight and to support the facility operation in the event of an emergency. These political subdivisions have subcontracted the operation of the facilities to private correctional corporations. The per diem rates for housing state offenders in private contractual facilities had previously been determined by the annual general appropriations bill. The enactment of HB 08-1363 amended CRS:17-1-105.5. Contract rates that the per diem would be at rates that are negotiated by the Department; except that the rate is not to exceed maximum rate provided in the annual general appropriation bill. The per diem rates for FY 08/09 were set \$54.93 per offender per bed-day to house state prisoners in private prisons and a per diem rate of \$50.44 per offender per bed-day to house state prisoners in local jails.

Due to the state of the economy, the Department, along with the JBC, approved the reduction of the per diem

rates for the private prisons to the 2007-2008 levels effective February 1, 2009 - June 30, 2009. The rate during this time period went from \$54.93 to \$52.69. This per diem rate reduction is just for the private prisons only. Park County Jail was not affected.

As stated in the General Appropriations Bill SB 09-259; Payments to house state prisoners, the per diem rate payment to in-state private prisons is set at \$54.93 per offender per day and the per diem rate payment to local jails is set at \$50.44 per offender per day. However; there is a footnote to this section that reads: "Due to current fiscal restraints, it is the intent of the General Assembly not to fund any supplemental requests from the Department of Corrections that are requested as a result of the Department of Corrections paying a higher per diem rate to private prisons than \$52.69." The FY 09/10 per diem rate for local jails remains at \$50.44.

The private facilities are a considerable distance away from the office of the PPMU requiring overnight stays to enable the monitors to get the required 20 hours a week of monitoring time. With the expansions of three CCA facilities, the PPMU utilizes two facility monitors at each of those prisons. Even before the current fiscal crisis, PPMU management took steps to manage their budget more efficiently by developing a plan to alternate hotel lodging. We currently lease a house on Ft. Lyon Correctional Facility property in Las Animas, CO for the Bent County Correctional Facility monitors and we also lease a Correctional Industries mobile home in Burlington, CO for the Kit Carson Correctional Facility monitors.

The general population capacity of all of the private facilities is 7,440. There are seven private contract prisons in Colorado. Four of these facilities are owned and operated by Corrections Corporation of America, a Tennessee based public corporation. The CCA facilities are:

| Facility | GP Bed Capacity/GP Beds Occupied | Type of Offender |
|---|--|------------------|
| Bent County Correctional Facility (BCCF) | 1,388/1,303 | Male |
| Crowley County Correctional Facility (CCCF) | 1,616/1,595 | Male |
| Huerfano County Correctional Center (HCCC) | 752/0 (Currently housing AZDOC offenders only) | Male |
| Kit Carson Correctional Center (KCCC) | 1,488/1,253 | Male |

In February 2009, CCA requested that Colorado offenders be moved out of HCCC to vacant CCA beds due to the fact they were going to utilize HCCC for Arizona offenders. According to CRS 17-1-105, "Powers of Executive Director." CDOC Executive Director approves all offenders going to the privates. To that end, CCA paid all the expenses for several CDOC staff who traveled to the Arizona Department of Corrections to review offender files for possible placement at HCCC. Statutorily, PPMU must still monitor any private prison in the state of Colorado. The CDOC developed a new contract that is directly between CDOC and CCA. Beginning in April, Arizona Department of Corrections began moving offenders into HCCC until the final number of 676 offenders was placed. Per the contract, CDOC must provide a monitor to effectively administer the contract. A monitoring fee of \$0.41 per non-state offender per day, is charged to recoup the State's expense of monitoring the facility.

The fifth private correctional facility is the High Plains Correctional Facility (HPCF) which is located in Brush, Colorado. This facility is owned and operated by Cornell Companies, Inc., a Texas-based privately-held corporation. HPCF incarcerates female offenders. The general population bed capacity at HPCF is 280 and presently 243 general population beds are occupied.

There is a sixth private correctional facility which is the Cheyenne Mountain Re-Entry Center (CMRC), owned and operated by CEC (Community Education Centers)-based in Roseland, New Jersey. This facility is a pre-parole and revocation center that is monitored jointly by the Private Prisons Monitoring Unit and Adult Parole and Community Corrections. We include their population figures when reporting population amounts of all the private facilities. Currently, the facility has a General Population bed capacity of 728 with a current General Population count of 699 offenders.

The seventh private correctional facility is the Hudson Correctional Facility (HCF) which is located in Hudson, CO. On January 27, 2006, a request for proposal (RFP) was issued to solicit proposed long-term solutions from the private sector for up to 750 Level III/medium security adult female prison beds and services to be provided in the State of Colorado. This contract was awarded to Cornell Companies and the site selected was in Hudson, CO. It was planned that the facility would initially house female offenders, but due to the decrease in this population, it was determined it would instead house male offenders. The official groundbreaking of the facility was September 10, 2008 and the opening ceremony was conducted on November 17, 2009. The facility opened with a General Population bed capacity of 1,188 beds. At this time, the Colorado Department of Corrections will not be utilizing the Hudson Correctional Facility to house any Colorado offenders. The facility will house at least 800 offenders from the Alaska Department of Corrections. Currently there are 254 Alaskan offenders at the facility. According to CRS 17-1-105, "Powers of Executive Director", CDOC Executive Director approves all offenders going to the privates. To that end, the Alaska Department of Corrections paid all the expenses for several CDOC staff who traveled to the Alaska Department of Corrections to review offender files for possible placement at HCF. Statutorily, PPMU must still monitor any private prison in the state of Colorado. The CDOC developed a new contract that is a directly between CDOC and Cornell Companies. Per the contract, CDOC must provide a monitor to effectively administer the contract. A monitoring fee of \$0.51 per non-state offender per day, is charged to recoup the State's expense of monitoring the facility.

As required in 17-1-202 (1)(c) C.R.S., each private contract prison must achieve accreditation by the American Correctional Association (ACA) within two years of opening, which reflects achievement of national standards in corrections. All contract facilities have achieved accreditation with the exception of the newest facility, Hudson Correctional Facility.

The Colorado PPMU has been recognized nationally as a model in progressive contract facility management. The unit continues to be called upon by other agencies for feedback and information by those who are interested in pursuing or improving contract housing services for their offenders. Officials come to Colorado to discuss our procedures and experiences and tour contract facilities in Colorado.

Exhibit A:

SERVICES PROVIDED BY PRIVATE CONTRACT PRISONS

The private contract facilities are mandated by statute to provide a range of dental, medical, psychological services and diet, education, and work programs at least equal to those services and programs provided by comparable state correctional facilities. As Huerfano County Correctional Center and Hudson Correctional Facility are not currently housing any Colorado offenders, no information is provided on program services. The following tables describe program services that are available this year at the private facilities:

PRIVATE PRISONS: Bent County Correctional Facility, Crowley County Correctional Facility, Kit Carson Correctional Center and High Plains Correctional Facility

Offender Custody Level/Mix Medium, Minimum R, and Minimum

Number of Offenders 5,384 Contracted ADP.

Physical Plant These contracted facilities are rated as capable of safely maintaining 5,026 (GP & Seg beds) offenders.

| Special Needs Offenders | | BCCF | CCCF | KCCC | HPCF |
|--------------------------------|--|------|------|------|------|
| Sex Offenders | | 367 | 458 | 341 | 6 |
| Mental Health/Chronic Needs | | 251 | 356 | 238 | 110 |
| Medical 4 (no 5's at privates) | | 24 | 5 | 2 | 8 |

OFFENDER ASSIGNMENTS:

| Institutional Support | | BCCF | CCCF | KCCC | HPCF |
|-----------------------|--|------|------|------|------|
| Food Service | | 128 | 212 | 202 | 42 |
| Laundry | | 28 | 10 | 8 | 11 |
| Maintenance | | 5 | 20 | 15 | 0 |
| Recreation | | 63 | 70 | 32 | 13 |
| Porters | | 775 | 0 | 414 | 45 |
| Clerks | | 23 | 0 | 0 | 0 |
| Library | | 0 | 0 | 0 | 0 |
| Law Library | | 0 | 3 | 7 | 7 |

| Industries | | BCCF | CCCF | KCCC | HPCF |
|-------------|--|------|------|------|------|
| Recycling | | 2 | 0 | 0 | 0 |
| K-9 Program | | 0 | 0 | 0 | 22 |
| Canteen | | 0 | 0 | 0 | 0 |

| Academic/Vocational | <u>Academic Education</u> | BCCF | CCCF | KCCC | HPCF |
|---------------------|------------------------------|------|------|------|------|
| | ABE/GED | 154 | 195 | 161 | 25 |
| | Cognitive Education | 0 | 0 | 0 | 0 |
| | <u>Vocational Education</u> | BCCF | CCCF | KCCC | HPCF |
| | Video Productions | 0 | 0 | 0 | 0 |
| | Voc. Equipment | 0 | 0 | 0 | 0 |
| | Machine Shop | 0 | 0 | 0 | 0 |
| | Computer | 76 | 75 | 53 | 17 |
| | CAD | 0 | 0 | 0 | 0 |
| | Janitorial | 30 | 0 | 0 | 23 |
| | Sheet Metal | 0 | 0 | 0 | 0 |
| | Social Science | 29 | 1 | 0 | 1 |
| | Electronics | 41 | 12 | 0 | 0 |
| | Construction Technology | 0 | 78 | 0 | 0 |
| | Horticulture | 0 | 21 | 8 | 0 |
| | Business Technology | 0 | 0 | 28 | 0 |
| | Canine Behavior Modification | 0 | 0 | 0 | 8 |
| | Industrial Technology | 0 | 0 | 0 | 17 |

| Clinical Services/ Treatment | | BCCF | CCCF | KCCC | HPCF |
|---------------------------------|---------------------------|------|------|------|------|
| | Sex Offender Treatment | N/A | N/A | N/A | N/A |
| | Mental Health/Core Curr | 0 | 34 | 0 | 0 |
| | Drug and Alcohol Recovery | 42 | 26 | 11 | 0 |

| Unassigned | <u>Temp. Unassigned Offenders</u> | BCCF | CCCF | KCCC | HPCF |
|------------|-----------------------------------|------|------|------|------|
| | Unassigned | 316 | 237 | 208 | 32 |

Food Service The four private facilities provide meals to over 4,400 offenders. The three CCA facilities contract for this service with Canteen, Inc. HPCF operates its own food service.

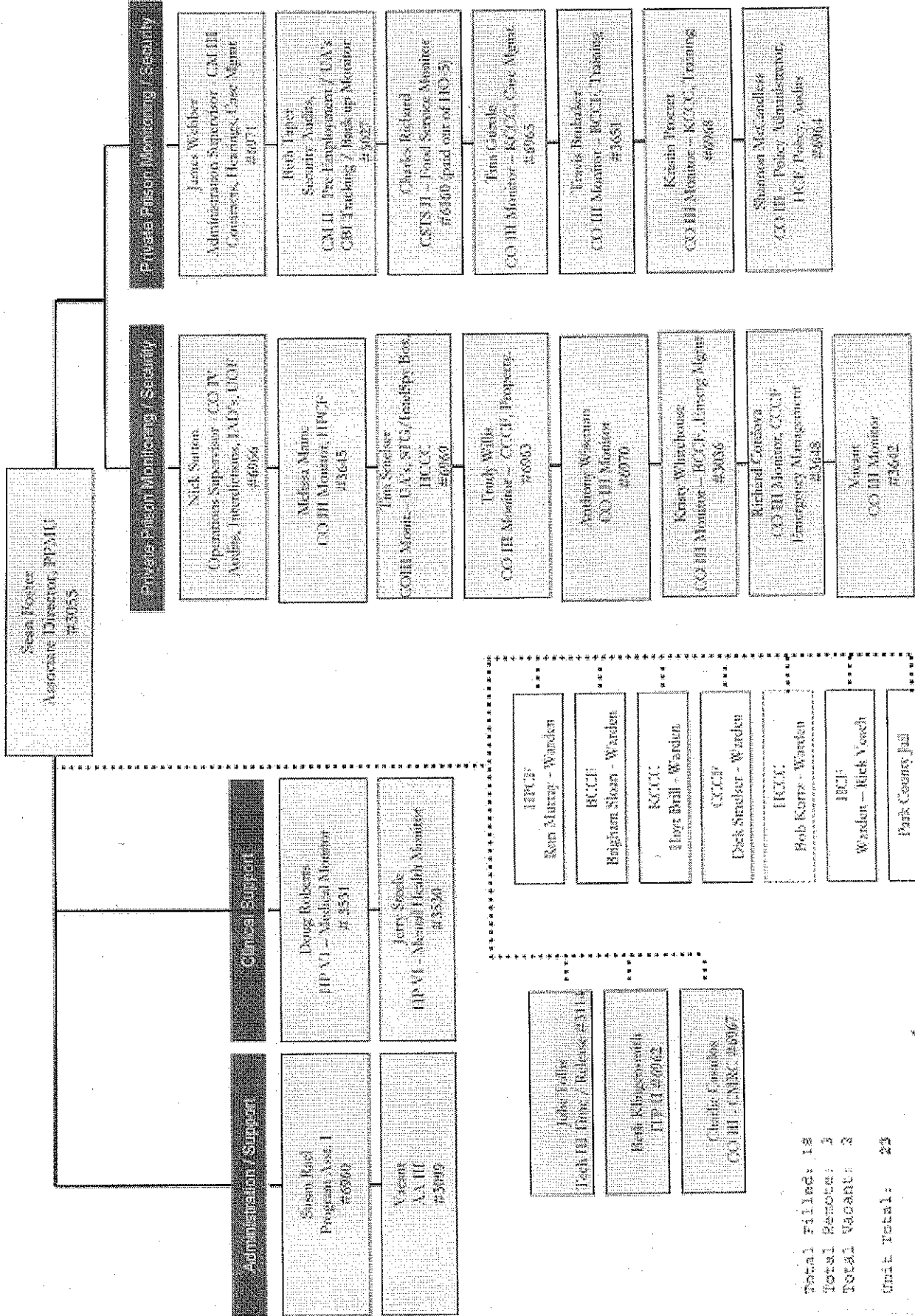
Laundry Provides laundry services and delivery to approximately 4,400 offenders

Community Labor/
Relations BCCF runs a recycling center using 2 offenders. It is the largest single recycling program in the U.S covering approximately 36,900 square miles in area. The processing center handles the following materials: old newspaper, clear glass, brown glass, steel cans and aluminum cans. CCCF does a number of projects for Habitat for Humanity to include building cabinets-most recently for 16 local homes, the home economics room at Crowley High School and the nurses station at Crowley Co Nursing Center. The VITP Truss Shop manufactures roof trusses and recently delivered trusses to 12 homes. CCCF also has the Birdhouse Program where offenders decorate birdhouses with positive messages for local nursing homes that the facility adopts, schools and hospitals. The Project Linus program at CCCF is designed to allow offenders to crochet blankets, scarves, mittens, etc. to donate to charities through out the world. CCCF has a greenhouse where plants are grown and then donated to community gardens, schools, nursing homes, etc. Community Labor does not apply to Kit Carson Correctional Center, High Plains Correctional Facility and Cheyenne Mountain Re-Entry Center.

Unique Features of Facility KCCC, HCCC and HPCF currently participate in a K-9 companion program and KCCC participates in Wheels for the World; a wheelchair refurbishing program. In addition, BCCF has a reading program for offenders where they can read a book to their child while being recorded. The CD and book are then mailed to the offender's child. CCCF conducts CDOT Flagger certification classes. The facility teams up with the Department of Labor for several apprentice programs. Those programs are Cabinet Making, Laundry Machine Repair, Maintenance Repair, Construction Painter, Plumbing and Combination Welder. CCCF continues its partnership with Friends of Retired Greyhounds in an Adoption/Foster Care Program. HPCF has classes in Flaggering.

Exhibit B - PPMU Organizational Chart

Colorado Department of Corrections
Private Prisons Monitoring Unit (PPMU) - Organizational Chart / Effective September 01, 2019



Total Filled: 18
Total Remote: 3
TOTAL VACANT: 3
Unit Total: 24

Sean Foster *[Signature]*

Date: 09/01/19

Remove Positions Contracts