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Governor

Colorado Department of Corrections



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Executive Director

*REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND TO THE PRESIDENT OF THE SENATE
December 1, 2011*

CONCERNING THE STATUS OF PRIVATE CONTRACT CORRECTIONAL FACILITIES

The External Capacity Subprogram (Private Prisons Monitoring Unit) in the Long Bill provides options to the Colorado Department of Corrections (DOC) for housing offenders in non-DOC facilities when numbers exceed the DOC's facilities physical capacity. The Private Prisons Monitoring Unit (PPMU) was created in 1999 as an offshoot from Offender Services. Prison Operations oversees the PPMU and the unit works most closely with Offender Services (Central Classifications) to ensure that all offenders housed in a contracted facility meet the required custody level utilizing the departments' classification assessment process. Per **C.R.S.: 17-1-104.9 Custody levels for state inmates at private prisons** – prohibits DOC from placing state offenders classified higher than medium custody in private prisons located within Colorado or outside the state unless there is a correctional emergency.

Compensation is provided from appropriations made available by the Colorado General Assembly. General Assembly Long Appropriations Long SB 11-209 states:

Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners, Payments to in-state private prisons at a rate of \$54.93 per offender per day, and Payments to pre-release parole revocation facilities at a rate of \$54.93 per offender per day -- 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. If caseload changes would result in a negative supplemental from the Department of Corrections given a private prison per diem rate of \$52.69, it is further the intent of the General Assembly to reduce the appropriation to the Department of Corrections accordingly. Therefore, the per diem rate currently in use is \$52.69. It may appear to be less costly to house an offender in a private facility, but that is misleading for a variety of reasons. The cost of housing offenders in state facilities varies based on the custody level of the facility – the higher the level, the higher the cost. As the private facilities are classified as Level III (medium) or below, it is not as costly as in some state facilities. The private facilities also don't have the higher medical costs as some state facilities as, per contract; they do not receive offenders who are classified as having high medical or mental health needs. Some other factors that may contribute to a lower cost per day for an offender housed in a private facility are certain expenses that the private facilities don't incur as they are the responsibility of the state. Some of these would be transportation costs, initial intake of offenders and therapeutic communities for offenders with severe treatment needs.

The Private Prison Monitoring Unit (PPMU) currently contracts with six jurisdictions for housing and program services. Compensation is provided from appropriations made available by the Colorado General Assembly. In addition, the private contract prisons are authorized to house out of state offenders in their facilities after appropriate file review and approval by the PPMU, under the authority of the Executive Director. The main objective of the PPMU is to ensure that private contract prison operations adhere to the standards set by the American Correctional Association (ACA) and the administrative regulations of the DOC. The provisions of each contract stipulate services to be provided, specific security and non-security related administrative regulations to be followed that include: training available through the PPMU and the DOC Corrections Training Academy, medical, food service, and educational service level to be maintained at each facility. The PPMU has facility monitors and program specialists who regularly monitor the facilities and program areas to verify compliance with the terms and conditions of the contracts and to provide for a transition of services between public and private facilities.

Colorado currently contracts with the following corporations/agencies to provide services to the CDOC: Corrections Corporation of America (CCA), GEO Group, Inc., Community Education Centers (CEC) and Park County. The following six private / contract correctional facilities are currently being utilized:

- Three Corrections Corporation of America (CCA) facilities to include; 1) Kit Carson Correctional Center (KCCC) located in Burlington, CO, 2) Crowley County Correctional Facility (CCCF) located in Olney Springs, CO, and 3) Bent County Correctional Facility (BCCF) located in Las Animas, CO.
- The State also employs the services of the Park County Jail (PCJ) located in Fairplay, CO. Currently, female offenders housed at PCJ are there on a transitional basis awaiting transfer to Denver Women's Correctional Facility and/or La Vista Correctional Facility located in Pueblo, CO. Park County Jail can house up to 250 offenders for the State of Colorado.
- The fifth private correctional facility is Cheyenne Mountain Re-Entry Center (CMRC) located in Colorado Springs, CO, and owned and operated by Community Education Centers (CEC) based in West Caldwell, New Jersey. This facility is a pre-parole and revocation center that is monitored jointly by PPMU and Adult Parole and Community Corrections.
- The most recently constructed private correctional facility is the Hudson Correctional Facility (HCF) which is located in Hudson, CO. This facility is owned and operated by Cornell Companies, a subsidiary of GEO Group. 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 does not utilize the Hudson Correctional Facility to house any Colorado offenders. GEO Group contracted with the state of Alaska to house Alaska Department of Corrections offenders. The first Alaska offenders arrived the weekend after Thanksgiving 2009 and currently, there are 1,048 offenders at the facility. The contract that CDOC developed is directly between CDOC and Cornell Companies, Inc. Statutorily, per CRS Title 17-1-202, PPMU must still monitor any private prison in the state of Colorado; therefore, per the contract, CDOC must provide a monitor to effectively administer this 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. In April 2010 it was announced that the GEO Group, Inc. would acquire Cornell Companies, Inc. That transaction was finalized on August 12, 2010. Cornell Companies is now a wholly-owned subsidiary of GEO. It remains intact as an entity and none of Cornell's contracts were assigned to any other party and remain in the name of Cornell. At this point, nothing changes in the contracts with Cornell. The one contract with Cornell is for the Hudson Correctional Facility.

The CDOC and CCA developed a new contract that went into effect July 1, 2011. The total duration of the contract, including the exercise of any options, is good for five years. There were several changes to the contract and several of those were made to better define certain sections. To highlight some of the changes:

- Clarified an issue with the grievance procedure pertaining to process.
- Created an improved requirement to review policies and approve variance requests.
- Better defined the Design Capacity for each facility.
- Added language to make sure the Contractor was obligated to provide appropriate medication to releasing offenders.
- Added language to clarify when and how the Contractor may double bunk offenders.
- Added new requirement regarding time frame for the Contractor to provide COPD appeals to PPMU.
- Cleared up language regarding Offender Drug Screening with regard to random testing.
- Increased amount of days Contractor has to fill yellow and white positions (from 45 to 60).
- Clarified training hours on required training.
- Revisions to the staffing patterns at each facility to reflect current needs.
- Cleared up some language pertaining to the Colorado Open Records Act and the responsibility of the Contractor.
- The Food Services exhibit had some changes; such as a new calorie per day average when to a range of 2700-2800 calories per day and some food group specification changes were made.
- The Medical exhibit had several changes. Many sections were re-worded and clarified; such as defining offender access to programs due to their medical conditions.

Due to the declining DOC offender population, which has resulted in a decrease in the private facilities' population this past year and the state's current budget issues, PPMU lost five (5) full-time monitor positions and an equal amount of operating allocations. PPMU currently has two facility monitors at the Bent County and Crowley County facilities and one at the Kit Carson and Hudson facilities. These facility monitors are required to spend 20 hours weekly of monitoring time each at their assigned facilities. PPMU also has one medical monitor, one mental health monitor and one food service monitor. These monitors are responsible for monitoring all of the private facilities and routinely visit them on a monthly basis. The current capacity level and workload is expected to continue indefinitely. As of November 14, 2011 the current population of the private facilities is 4,486:

Facility	Facility Capacity	Current Count	Type of Offender
Bent County Correctional Facility (BCCF)	1,466	1,377	Male
Crowley County Correctional Facility (CCCF)	1,720	1,627	Male
Kit Carson Correctional Center (KCCC)	1,562	802	Male
Cheyenne Mountain Re-entry Center (CMRC)	776	631	Male
Park County Jail (PCJ)	250	49	Female (males if necessary)

The Colorado Department of Corrections' Private Prisons Monitoring Unit 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 interest 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.

PRIVATE CONTRACT PRISONS PROGRAM SERVICES

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. The following tables describe program services that are available this year at the CCA private facilities-which are featured due to the nature of the facility being comparable to state facilities.

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

Custody Level/Mix Medium, Minimum R, and Minimum

Number of Offenders 4,748 Contracted ADP

Special Needs Offenders		BCCF	CCCF	KCCC
	Sex Offenders	536	654	279
	Mental Health/Chronic Needs	296	356	134
	Medical 4 (no 5's at privates)	8	39	11

<u>OFFENDER ASSIGNMENTS:</u>		BCCF	CCCF	KCCC
Institutional Support	Food Service	161	217	162
	Laundry	32	9	5
	Maintenance	6	15	7
	Recreation	63	58	15
	Porters	384	0	212
	Clerks	19	3	0
	Library	0	0	0
	Law Library	0	4	5

Industries		BCCF	CCCF	KCCC
	Recycling	2	0	0
	K-9 Program	0	0	16

Academic/Vocational	<u>Academic Education</u>	BCCF	CCCF	KCCC
		ABE/GED	126	212
	<u>Vocational Education</u>	BCCF	CCCF	KCCC
	Voc. Electronics	38	26	0
	Voc. Custodial	36	0	0
	Voc. Computer	67	0	51
	In Unit	40	641	0
	AA/NA	0	114	0
	Voc. Plumbing	0	0	18
	Horticulture	0	0	31

Clinical Services/ Treatment	Mental Health/Core Drug and Alcohol Recovery	BCCF 0 4	CCCF 20 641	KCCC 0 57
Unassigned	<u>Temp. Unassigned Offenders</u> Unassigned	BCCF 291	CCCF 175	KCCC 116
Food Service	The private facilities provide meals to over 4,200 offenders. The three private CCA facilities contract for this service with Canteen, Inc.			
Laundry	Provides laundry services and delivery to approximately 4,200 offenders.			

Community Labor/Relations/Unique Programs

CCA's Bent County Correctional Facility (BCCF) has a Community Relations Board comprised of members of various outside law enforcement agencies, vendors, school officials and city/county government employees. The board meets twice a year.

BCCF supports several community organizations to include: Las Animas Southeast and East Central Recycling Association/Board, Las Animas/Bent County Golf Course Advisory Board, Las Animas School District Accountability Committee, Las Animas FFA Advisory Board, Las Animas/Bent County Community Center Board (Boys and Girls Club), 4-H Project Leaders, Bent County Deputy Officers (Reserve Officers), Las Animas/Bent County Chamber of Commerce, Bent County Development Foundation, Las Animas High School Booster Club and the Bent County Ball Association, Bent County Health Care Center Board of Directors, Bent County Fair Board.

BCCF offenders also contribute to the community by participating with the Southeastern Colorado Recycling Center. Offender work detail is supervised by a CCA/BCCF Sergeant. It is the largest single rural recycling program in the U.S., covering approximately 36,900 square miles in area. The processing center handles the following materials: old newspaper, office pack, mixed glass, steel cans and aluminum cans.

BCCF also 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. There is also programming done in every housing unit, with the offenders taking self-help classes.

CCA's Crowley County Correctional Facility (CCCF) has a community relations committee that consists of facility managers as well as community representatives, including nearby residents, local officials/leaders and local media. The committee holds a quarterly community relations luncheon. Members of the community exchange ideas, voice concerns discuss the facility's operation and activities and addresses community questions or concerns. 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 County Nursing Center. The Habitat for Humanity project is a vocational program for the offenders at CCCF. 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. In addition, CCCF is involved in other local organizations which include 16th Judicial Drug Task Force, Salvation Army, Rocky Mountain SER (Employment Service partnership), Ordway Chamber of Commerce, the Colorado Department of Transportation, and the school systems/towns of Rocky Ford, Crowley, Manzanola, and Fowler.

CCCF conducts CDOT Flagger certification classes. The facility teams up with the Department of Labor for several apprentice programs. Those programs are Cabinet Making, Cook/Bake 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. This program allows offenders to foster greyhounds that have been taken from the racetracks and given a second chance. This allows the dogs the opportunity to transition into a home setting.

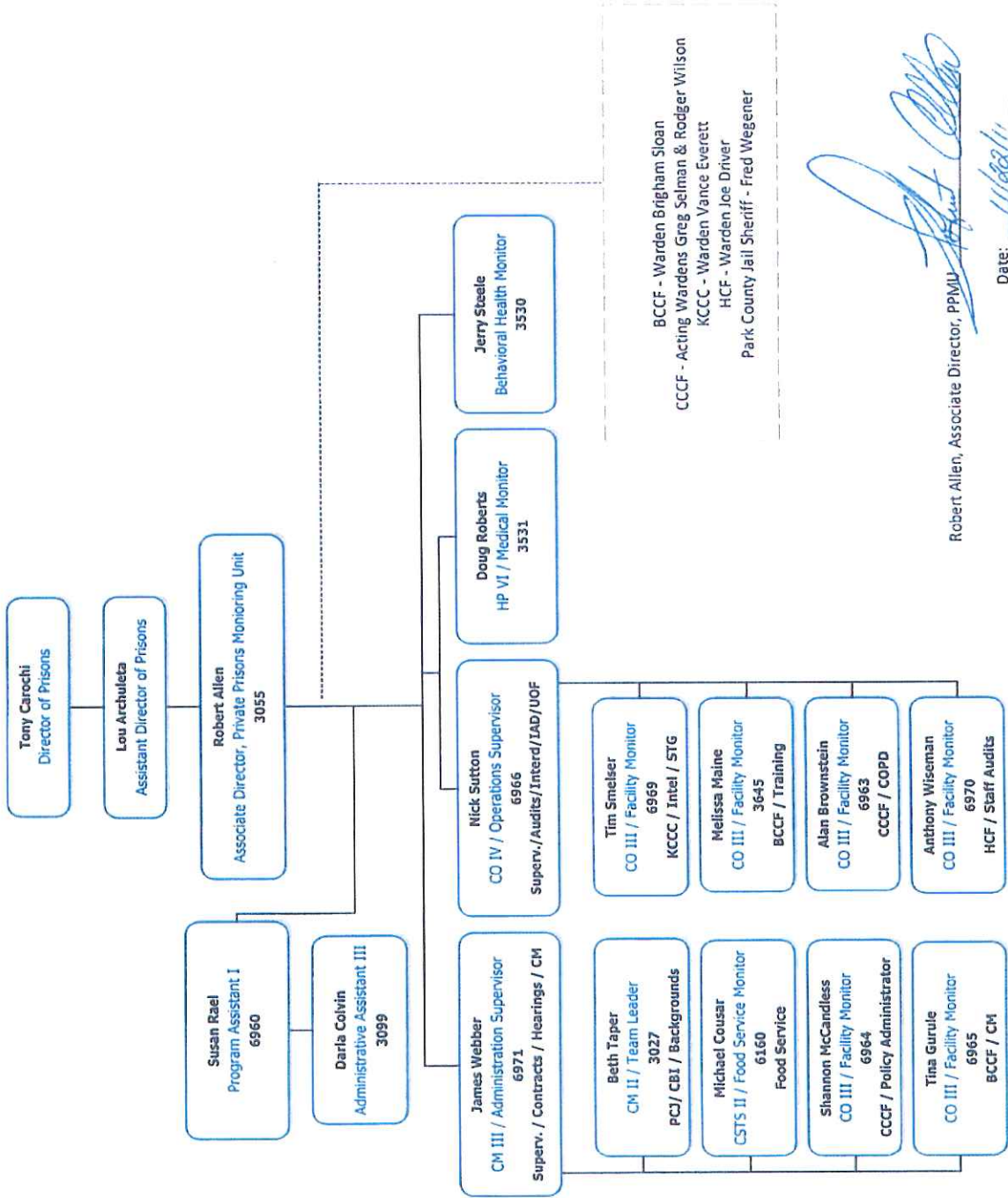
CCA's Kit Carson Correctional Center (KCCC) holds community relations meetings with 14 leaders of the city of Burlington and Kit Carson County. These meetings are effective in clearly communicating information between the facility and the community/county. KCCC staff is involved in the community. Areas of involvement are Boy Scouts and Girl Scouts of America, Rotary Club, Chamber of Commerce, Preventive Justice Arts Council, Prairie Family Center, Library, Old Town and Kit Carson County Carrousel, Fort Morgan Community College classes, and the many activities of the Burlington School system.

KCCC also conducts CDOT Flagger certification classes as well as classes for Commercial Drivers License (CDL). KCCC currently participates in a CCI Canine Companion Program. This prepares animals for final placement that will enable them to provide assistance to handicapped persons. They also have a dog program named "Second Chance Dog Program." This provides second chance training for pound dogs in order to be adopted by families in the surrounding area.

Exhibit B - PPMU Organizational Chart

Colorado Department of Corrections
Private Prisons Monitoring Unit

Effective: November 1, 2011



PPMU Unit Totals:
Total Filled: 15
Total Vacant: 0
Remote: 1
Al Knox - CMRC
Grand Total: 16

Robert Allen, Associate Director, PPMU
Date: 11/28/11