

STATE OF COLORADO

COLORADO DEPARTMENT OF CORRECTIONS

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John W Hickenlooper
Governor

Tom Clements
Executive Director

November 30, 2012

Honorable Frank McNulty, Speaker
House of Representatives

Honorable Brandon C. Shaffer, President
State Senate

Honorable Mark Ferrandino, Minority Leader
House of Representatives

Honorable Bill Cadman, Minority Leader
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 (C.R.S.) Corrections Privatization - Requests for Proposals Process - Duties of the department.

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

Sincerely,

TOM CLEMENTS
Executive Director

Attachment

xc: Tony Carochi, Director of Prisons
Karl Spiecker, Director of Finance and Administration
Lou Archuleta, Assistant Director of Prisons
Robert Allen, Associate Director of Private Prisons Monitoring Unit
Amy Zimmer, Department of Education



John W. Hickenlooper
Governor

Colorado Department of Corrections



Tom Clements
Executive Director

*REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND TO THE PRESIDENT OF THE SENATE
December 1, 2012*

CONCERNING THE STATUS OF PRIVATE CONTRACT PRISONS

INTRODUCTION

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 prisons. The Private Prisons Monitoring Unit (PPMU) was created in 1999 under the supervision of Prison Operations. The PPMU was established to ensure that private contract prisons adhere to the standards set by the American Correctional Association (ACA), the administrative regulations of the DOC, and to ensure the safety of the public. The provisions of each contract stipulate services to be provided, specific security and non-security related administrative regulations to be followed, training available through the PPMU and the DOC Corrections Training Academy, medical, food service, and the educational service level to be maintained at each prison. The PPMU has prison monitors and program specialists who regularly monitor the prisons 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 prisons.

PPMU assigns monitors to the private prisons and each is required to spend a minimum of 20 hours per week in the prisons. PPMU also has one medical monitor position, one mental health monitor position and one food service monitor position. These positions are responsible for monitoring all of the private prisons and routinely visit them on a monthly basis.

The DOC's PPMU has been recognized nationally by other state correctional systems as a model in progressive contract prison management. The PPMU continues to be called upon by other agencies for feedback and information by those interested in pursuing or improving contract housing services for their offenders.

The PPMU works most closely with the Central Classifications unit of Offender Services to ensure that all offenders housed in a private contract prison meet the required custody level utilizing the Departments' classification assessment process. Colorado Revised Statutes Section 17-1-104.9, *Custody*

levels for state offenders at private prisons, prohibits the DOC from placing state offenders classified higher than medium custody in private contract prisons located within or outside Colorado unless there is a correctional emergency. Private contract prisons are authorized to house out-of-state offenders in their prisons after appropriate file review and approval by the PPMU, under the authority of the Executive Director.

PRIVATE CONTRACT PRISONS

The DOC currently monitors five private contract prisons and one contract with a jail, all of which currently hold male offenders only. Of these five, DOC contracts with three local jurisdictions through inter-governmental agreements for housing and program services. The three local communities, in turn, contract with Corrections Corporation of America (CCA) to provide services to the DOC. The DOC also contracts directly with two private contract providers, which include a direct contract with Community Education Centers (CEC) for a pre-release and revocation prison, and a direct contract with The GEO Group, Inc. for contract monitoring of a private prison in Hudson, CO, that houses out-of-state offenders.

The three prisons under CCA operation include Bent County Correctional Facility (BCCF), Crowley County Correctional Facility (CCCF), and Kit Carson Correctional Center (KCCC). These prisons operate under the supervision of the DOC PPMU. Prisons capacities are as follows: 1,466 at BCCF, 1,720 at CCCF, and 1,562 at KCCF.

In 2001, Colorado Revised Statute 17-1-206.5 authorized the construction and operation of, at a minimum, a 300-bed, level III private prison to serve as a pre-parole and revocation prison. Subsequently, the Cheyenne Mountain Reentry Center (CMRC), operated by CEC and under the supervision of Adult Parole, Community Corrections, and the Youthful Offender System (YOS), became one of the private prisons currently utilized by the state of Colorado. The prison opened in 2005 and has a bed capacity of 776, of which 48 are punitive beds.

At this time, the DOC does not utilize the Hudson Correctional Facility (HCF) to house any Colorado offenders. GEO contracted with the Alaska Department of Corrections (ADOC) to house their offenders. Colorado Revised Statutes mandate the PPMU to monitor any operating private contract prison in the state of Colorado. Per the Alaska contract with GEO, the DOC must provide a monitor to effectively administer this contract as well as provide a criminal investigator at the prison. A monitoring fee of \$0.51 per non-state offender per day is charged to recover the State's expense of monitoring the prison.

The ADOC contract with GEO expired in June 2012; a new contract was fully executed on April 27, 2012. One of the aspects of the new contract allows 60 days for the return of offenders to Alaska when determined inappropriate for housing at HCF by PPMU. To highlight some of the other contract changes:

- Revised and updated Prison Rape Elimination Act (PREA) language to conform to current standards mandated by PREA.

- Added a training request document for the prison to request to attend a Colorado-based training (advanced or otherwise).
- Added an incident reporting document that demonstrates information needed when submitting reportable incidents to PPMU.
- Added a PPMU reporting form, which is the actual form to use for reportable incidents to PPMU.
- Updated the Contract Monitor Guide.

The ADOC has completed construction on a 1,536 bed facility in Wasilla, Alaska. It is anticipated that the ADOC will return their offenders to Alaska at that time. The GEO Group, Inc. is in the process of marketing the HCF beds for potential clients.

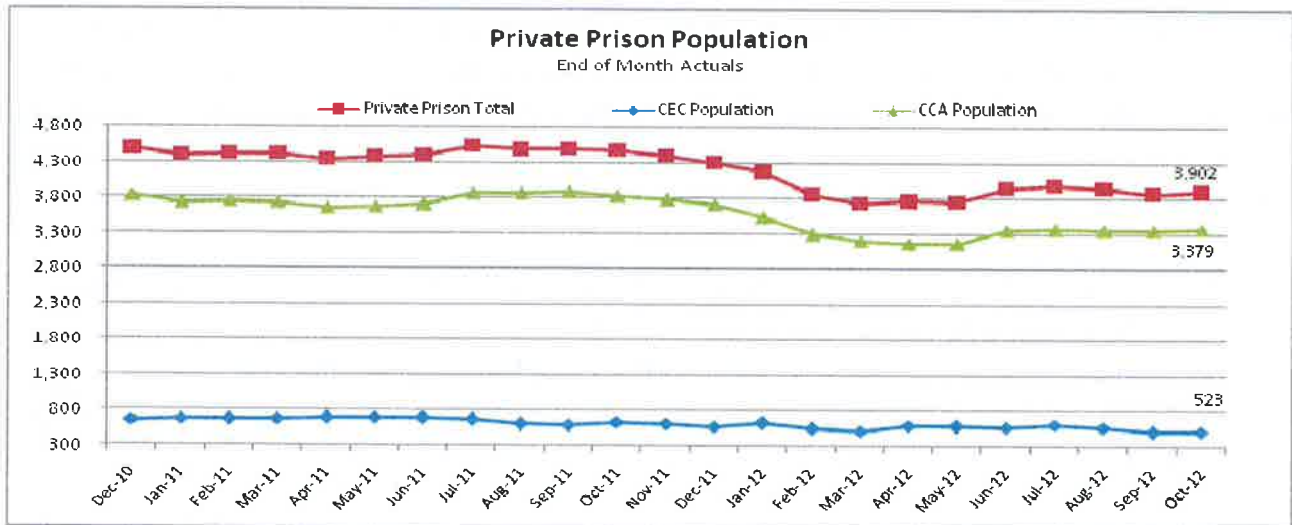
Payments to the private contract prison vendors or local municipality through the inter-governmental agreements is provided through appropriations made available by the Colorado General Assembly. HB 12-1335 allocates payments to in-state private prisons at a rate of \$52.69 per offender per day. Additionally, payments to pre-release parole revocation prisons are paid at the same rate of \$52.69 per offender per day. HB 12-1335 also provides for local jails to be reimbursed at a rate of \$50.44 per offender per day.

For FY 2012-13 the DOC was funded to maintain a minimum of 3,300 Colorado offenders in the three CCA prisons. On May 18, 2012, DOC met with CCA in order to determine the minimum distribution of Colorado offenders across the three CCA prisons:

- BCCF – 1,388 offenders
- CCCF – 1,192 offenders
- KCCC – 720 offenders

There is no minimum number of offenders established for CMRC in Colorado Springs, CO. However, the Long Bill is funded at a level sufficient for an average daily population of 604 offenders for FY 2012-13. Figure 1 shows the population of the combined CCA prisons and CMRC over time.

Figure 1. Private Prison Population over Time



Throughout the past several years the prison population has declined in Colorado resulting in private prison operators looking elsewhere for additional out-of-state contracts. In June 2012, PPMU received notification from CCA that it had been awarded a contract with the Idaho Department of Corrections to house up to 768 Idaho DOC offenders at KCCC. PPMU then completed and entered into a contract with CCA for housing of Idaho offenders at KCCC. The first group of 130 Idaho offenders was received at KCCC on August 21, 2012. Currently, 250 Idaho offenders reside at KCCF with complete operational separation.

PRIVATE CONTRACT PRISON POPULATION CHARACTERISTICS

The populations housed at state and private prisons differ substantially because state prisons are mandated by statute to maintain specialized prisons to manage offenders with severe medical and mental health needs, as well as offenders who are classified at higher custody levels due to their behavior while incarcerated. According to the clinical needs matrix in Administrative Regulation 700-02, *Medical Scope of Service*, offenders housed in private prisons must be classified at a medium custody level (Level III) or below and have low to moderate needs levels, although the criteria for placement at CMRC differ somewhat (i.e., are more restrictive regarding offenders with mental illness and sex offenders). In summary, offenders housed in private contract prisons must meet the following criteria:

- Level III (medium) custody or below
- Low to moderate needs levels
 - Medical needs of 1-4 on a scale of 5, whereas 1 represents the lowest needs
 - Mental health needs 1-3 on a scale of 5, whereas 1 represents the lowest needs (CCA accepts some 4s)
 - Developmental disability 1-3 on a scale of 5, whereas 1 represents the lowest needs
 - Sexual violence 1-2 on a scale of 5, whereas 1 represents the lowest needs, low treatment priority, or some sex offenders nearing release (CCA accepts most sex offenders)
 - Some disabilities as defined in the Americans with Disabilities Act, such as diabetes, but not mobility, vision, or hearing issues
- No life without parole

Other issues that are considered but do not necessarily preclude offenders from being placed in private prisons include security threat group affiliation, custody issues, and parole eligibility date (PED).

Table 1 shows how offenders at state and private prisons differ on demographic, needs, criminal risk, and criminal history variables. The sample for Table 1 consisted of 16,220 male offenders housed in Colorado's state or private prisons on September 30, 2012. No female offenders are currently housed in private prisons.

Compared to state prisons, offenders at both CCA and CMRC have less serious offenses and lower custody levels; are far less likely to have been in administrative segregation; have fewer disciplinary violations; have lower medical needs, mental health needs, vocational needs, anger needs, and self-destructiveness needs. In addition, offenders at CMRC have lower sex offender needs than offenders in state prisons, whereas offenders at CCA have higher sex offender needs than offenders at state prisons.

Offenders at CMRC have higher substance abuse needs than offenders at CCA or private prisons.

Table 1. Demographics, needs, criminal risk, and offense history by prison type

		CMRC	CCA	State Prisons
Ethnicity^{a,b}	Asian American	1.2%	0.9%	1.1%
	African American	23.9%	18.7%	19.3%
	Native American	4.4%	2.8%	2.6%
	Hispanic	31.5%	33.7%	33.6%
	Caucasian	39.0%	43.9%	43.5%
Degree^b	GED/High school diploma	81.6%	77.5%	76.8%
	None	18.4%	22.5%	23.2%
Gang status^{a,c}	Gang affiliation	30.1%	23.5%	31.7%
	No gang affiliation	69.9%	76.5%	68.3%
Custody^{a,b,c}	Minimum	18.1%	13.5%	22.6%
	Minimum-R	47.1%	29.5%	25.1%
	Medium	34.4%	56.9%	18.3%
	Close	0.4%	0.2%	26.3%
	Admin. Segregation	0.0%	0.0%	7.7%
Ever in ad seg in this Incarceration^{b,c}	No	97.7%	96.0%	79.8%
	Yes	2.9%	4.0%	20.2%
Offense degree^{a,b,c}	1	0.0%	0.8%	6.4%
	2	2.1%	8.6%	11.6%
	3	19.7%	37.6%	32.7%
	4	41.7%	35.0%	34.2%
	5	27.2%	14.8%	11.9%
	6	9.3%	3.2%	3.2%
Needs Levels				
Mental health^{b,c}	3 – 5	20.1%	22.6%	33.2%
Sex offender^{a,b,c}	3 – 5	8.3%	39.1%	29.9%
Substance abuse^{a,b}	3 – 5	83.5%	73.6%	74.0%
Medical^{a,b,c}	3 – 5	20.8%	16.3%	25.8%
Academic^{a,b}	3 – 5	18.7%	22.6%	23.3%
Vocational^{a,b,c}	3 – 5	41.9%	50.2%	54.8%
Developmental disability^c	3 – 5	4.3%	4.0%	5.0%
Anger^{a,b,c}	3 – 5	32.9%	40.7%	48.6%
Self-destructiveness^{a,b,c}	3 – 5	5.6%	9.0%	13.6%
LSI-R^{a,c}	Mean	31.7	30.7	31.4
	Standard deviation	7.0	8.2	8.0
COPD(1&2)^{b,c}	Mean	1.9	1.6	3.3
	Standard deviation	3.2	4.2	6.0

^a Indicates a significant difference at $p < .05$ between CMRC and CCA prisons; ^b indicates a significant difference at $p < .05$ between CMRC and state prisons; and ^c indicates a significant difference at $p < .05$ between CCA and state. Percents may not total 100 due to rounding.

PRIVATE CONTRACT PRISON PROGRAM SERVICES

Private contract prisons are mandated by statute to provide a range of dental, medical, and psychological services, as well as diet, education, and work programs. These programs are mandated to be at least equal to those services and programs provided by comparable state correctional facilities. The following describes program services that are available this year at the CCA private prisons, which are featured due to the nature of the prison being comparable to state facilities.

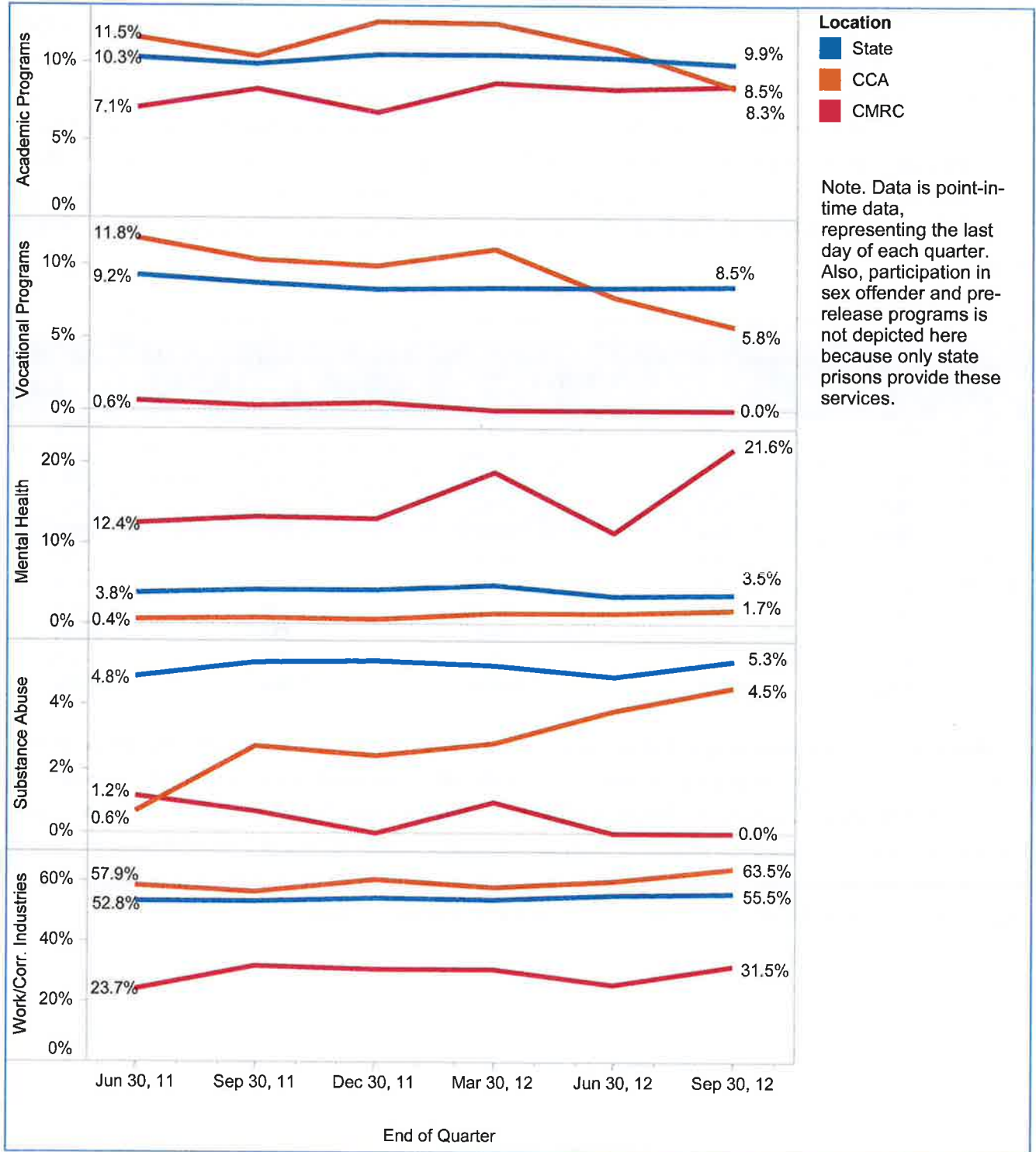
Offenders at state prisons receive more substance abuse treatment than offenders at CCA or CMRC, despite significantly higher substance abuse needs levels at CMRC. As can be seen in Table 2, 40 CMRC offenders completed drug and alcohol treatment (such as Strategies for Self-Improvement and Change) in fiscal year (FY) 2010-11 and only 14 did so in FY2011-12, based on treatment data from the Alcohol and Drug Services database. A smaller percentage of the FY2011-12 average daily population of 608 at CMRC completed drug and alcohol treatment compared to the three CCA prisons and state facilities (2%, 8%, and 13% respectively). However, it was beyond the scope of this study to evaluate the quality of the treatment programs.

Table 2. Offenders who Completed Alcohol and Drug Treatment, Fiscal Years 2010-11 and 2011-12

Facilities	Treatment Level	FY2010-11		FY2011-12	
		# Offenders Completed	% Completers of Annual ADP	# Offenders Completed	% Completers of Annual ADP
CMRC	4b	40	5.81%	14	2.30%
CCA	3	6	0.16%	13	0.36%
	4a	85	2.22%	93	2.60%
	4b	275	7.19%	187	5.23%
	Total	366	9.57%	293	8.20%
State Prisons	2	107	0.72%	182	1.26%
	3	15	0.10%	6	0.04%
	4a	179	1.21%	226	1.56%
	4b	728	4.93%	736	5.08%
	4d	713	4.83%	783	5.40%
	Total	1,742	11.80%	1,933	13.33%

In addition to receiving less substance abuse treatment, offenders at CMRC also participate less in programs overall (with the exception of anger management groups shown in the mental health category) than offenders at CCA or state prisons (see Figure 2). This pattern has been consistent over time. In general, CCA has a roughly comparable number of education programs, treatment programs, and employment opportunities as the state. It is important to note a decline in academic and vocational programs at CCA over the past 6 months and an increase in substance abuse treatment over the entire 15 month period shown.

Figure 2. Percent of Offender Population Employed or Enrolled in Programs



COMMUNITY LABOR/RELATIONS/UNIQUE PROGRAM

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 staff employed at the prison support the community through projects for Local School Boosters, Clubs and Athletic Groups; Southeast and East Central Recycling Association; Las Animas/Bent County Golf Course Advisory Board; Parent Teacher Association; 4-H Project Leaders; Bent County Deputy Officers (Reserve Officers); Las Animas/Bent County Chamber of Commerce; Bent County Development Foundation; Bent County Health Care Center Board of Directors; and the Bent County Fair Board.

BCCF has for the past several years contributed to the community by participating with the Southeastern Colorado Recycling Center. However, this past summer that program was suspended due to a lack of county funding which paid for a BCCF staff member (1/2 wages and benefits). The recycle plant is still open, but no longer uses offender labor.

BCCF also has a reading program for offenders to read and record their reading for their child. A CD with the offender's voice and a book are then mailed to the offender's child. Offenders also contribute to the community by recording books and newspaper editions for the blind, learning disabled, and elderly.

Crowley County Correctional Facility

CCCF has a community relations committee that consists of prison managers as well as community representatives, including nearby residents, local officials/leaders, and the local media. The committee holds a quarterly community relations luncheon. Members of the community exchange ideas, address community questions and concerns, and discuss the prison's operation and activities.

CCCF completes a number of projects for Habitat for Humanity. The Habitat for Humanity project is a vocational program for the offenders at CCCF. The Vocational Instructor Training Program Truss Shop manufactures roof trusses. CCCF also has the Birdhouse Program where offenders decorate birdhouses with positive messages for local nursing homes, schools and hospitals.

In addition, CCCF staff 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, and the Colorado Department of Transportation, the school systems/towns of Rocky Ford, Crowley, Manzanola, and Fowler.

The Project Linus Program at CCCF is designed to allow offenders to crochet blankets, scarves, mittens, etc. to donate to charities throughout the world. CCCF has a greenhouse where plants are grown and then donated to community gardens, schools, nursing homes, etc.

CCCF teams up with the Department of Labor for several apprentice programs. The 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 to be adopted into a home setting.

Kit Carson Correctional Center

KCCC holds community relations meetings with 14 leaders of the city of Burlington and county of Kit Carson. These meetings are effective in communicating information between the prison and the city/county.

KCCC staff is involved in the community. Areas of involvement include 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 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 Colorado Correctional Industries Canine Companion Program. This prepares animals for final placement that will enable them to provide assistance to handicapped persons. KCCC also has the "Second Chance Dog Program." This program provides "second chance" training for pound dogs to be adopted by families in the surrounding area.

Cheyenne Mountain Re-entry Center

As the pre-parole and revocation prison for the state of Colorado, CMRC works to prepare each offender for an orderly transition to community placement. In addition to pre-parole services, the scope of the prison's programming is centered on services and monitoring that address the failure of a nonviolent parolee whose parole has been revoked. CMRC is contractually required to provide various pre-parole programs as well as other educational and cognitive programs. These programs are intended to address the following:

- Criminogenic behaviors and social influences that allow for recidivism and to reinforce pro-social and positive lifestyle habits that will assist residents in successfully transitioning upon their reentry into the community.
- The programs are structured around the Positive Peer Community model which is designed to address issues unique to pre-parole offenders with an emphasis on community stabilization, employment, relapse prevention, and preparation for supervised community living.
- Various strategic therapeutic interventions and behavior modification techniques are used to promote and reinforce positive change.

- Providing a comprehensive array of assessments to determine an individualized course of treatment for each resident. Areas assessed include risk, academic, vocational, medical/mental health, substance abuse and employability factors.
- Cognitive, behavioral, and psycho-educational programs are also utilized. Depending on a resident's treatment needs, rehabilitation programs include drug and alcohol, psychiatric, personal development, and mental health categories.

Programmatic emphasis is focused on community stabilization, employment, relapse prevention, and preparation for supervised community living. Services include assessment, treatment, education, life skills, and medical/mental health care.

Two programs that are new at CMRC in FY 2012-13 are the *Going Home* veterans program and the Community Corrections Technical Regression Pilot Program. *Going Home* is designed to help currently incarcerated veterans transition from CMRC back into their communities by providing them with the tools to find viable employment, finish Adult Basic Education classes, complete a General Education Diploma, or enroll in postsecondary education. *Going Home* is open to all veterans who are within 6 months of release, have actively served in the military for 180 days or served in a campaign, and have been discharged with an Honorable, other than Honorable, General, or Bad Conduct discharge. Dishonorably discharged veterans will be accepted on an individual basis. The Community Corrections Technical Regression Pilot Program is a cooperative effort among DOC, CMRC, and community corrections boards in Larimer, El Paso, and Mesa counties. The intent of the program is to allow offenders who have had a technical violation in a community corrections setting to return to a community center after 6 months of programming at CMRC. Currently case managers do not typically place offenders back in community corrections after a regression. It is hoped that offenders will take advantage of this second chance to ultimately become productive, law-abiding citizens.