



# COLORADO

## Department of Corrections

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Executive Director

## ANNUAL REPORT CONCERNING THE STATUS OF PRIVATE CONTRACT PRISONS

A REPORT SUBMITTED TO THE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
AND TO THE PRESIDENT OF THE SENATE  
DUE DECEMBER 1, 2016, PURSUANT TO C.R.S. 17-1-201(2)

*PREPARED BY  
OFFICE OF PLANNING AND ANALYSIS  
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## INTRODUCTION

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In the 1990s and 2000s there was a trend of increasing prison populations, which outpaced construction of state facilities. This growth necessitated the use of private prisons to assist in housing Colorado offenders. In 1995, House Bill (HB) 1352 created Title 17, Part 2 of the Colorado Revised Statutes (CRS) concerning the request for proposal process for corrections privatization. This report is intended to comply with the annual reporting provision listed in CRS 17-1-201(2):

NO LATER THAN DECEMBER 1 OF EACH FISCAL YEAR, BEGINNING WITH THE 1996-97 FISCAL YEAR, THE EXECUTIVE DIRECTOR SHALL SUBMIT A REPORT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE CONCERNING THE STATUS OF CONTRACTS IN EFFECT, AND, WITH RESPECT TO COMPLETED PRISONS, THE EFFECTIVENESS OF EACH PRIVATE CONTRACT PRISON GOVERNED BY A CONTRACT WITH THE DEPARTMENT.

In 1999, the Colorado Department of Correction (CDOC) Prison Operations created the Private Prisons Monitoring Unit (PPMU) to oversee private contract prisons. The PPMU was established to ensure that private contract prisons adhere to both CDOC policies and American Correctional Association (ACA) standards, to issue competitive bids and award contracts, and to monitor compliance with contracts. The provisions of each contract stipulates specific Administrative Regulations be maintained at each facility. These specific regulations include: CDOC training, food, medical, educational, and other services. The PPMU staff consists of facility monitors and program specialists who regularly screen the facilities and program areas to verify compliance with the terms and conditions of the contracts. These staff members provide transition services between public and private facilities. The facility monitors report to their assigned private facility and work there a full-time shift with routine 40 hours Monday through Friday. Also, PPMU staffs a medical monitor, a mental health monitor, and a food service monitor. These monitors conduct routine visits to all facilities and are responsible for specifically monitoring all of the applicable service functions for compliance.

The PPMU works closely with CDOC's Central Classification Unit (CCU) to ensure that all offenders housed in private contract prisons meet the required custody level as determined by the inmate classification assessment. CRS 17-1-104.9, *Custody levels for state inmates at private prisons*, prohibits CDOC 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 after appropriate file review and approval by the PPMU, under the authority of the CDOC Executive Director.

## CONTRACTS

During fiscal year (FY) 2016, CDOC had four private prison contracts and one jail contract. Of the four prison contracts, three were established as inter-governmental agreements with local jurisdictions (Bent, Crowley, and Kit Carson counties), for inmate housing and program services. In turn, the three local communities contracted with Corrections Corporation of America (CCA) to provide services to CDOC. The Kit Carson Correctional Facility contract expired effective July 31, 2016 and CDOC had all Colorado offenders removed as of July 27, 2016. The fourth contract was between CDOC and Community Education Centers (CEC) for the Cheyenne Mountain Re-entry Center (a pre-release and revocation facility) in El Paso County. The Park County Jail (Fairplay, CO) contracted with CDOC to provide an additional 250-bed capacity; however, this bed space was not utilized by PPMU (External Capacity) and this contract terminated effective August 30, 2016. Adult Parole continues to utilize this facility (as they do Washington County and Fremont County) for parole revocation beds. **Table 1** summarizes the facilities and vendors with whom the state had contracts, along with facility capacities and population as of June 30, 2016.

<i>Facility</i>	<i>Operated by</i>	<i>Physical Plant Capacity</i>	<i>Assigned</i>
Bent County Correctional Facility (BCCF)	CCA	1,466	1,212
Crowley County Correctional Facility (CCCF)	CCA	1,720	1,221
Kit Carson Correctional Center (KCCC)	CCA	1,562	416
Cheyenne Mountain Re-entry Center (CMRC)	CEC	776	643
Park County Jail	Park County	250	0

Over the last several years, the prison population has declined in Colorado resulting in private prison operators investigating out-of-state contracts. The Idaho Department of Corrections contracted with CCA for a 768 bed capacity at Kit Carson Correctional Center until the contract terminated effective March 29, 2016. On this date, all out-of-state offenders from Idaho were removed and returned to Idaho's state facilities.

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## FUNDING

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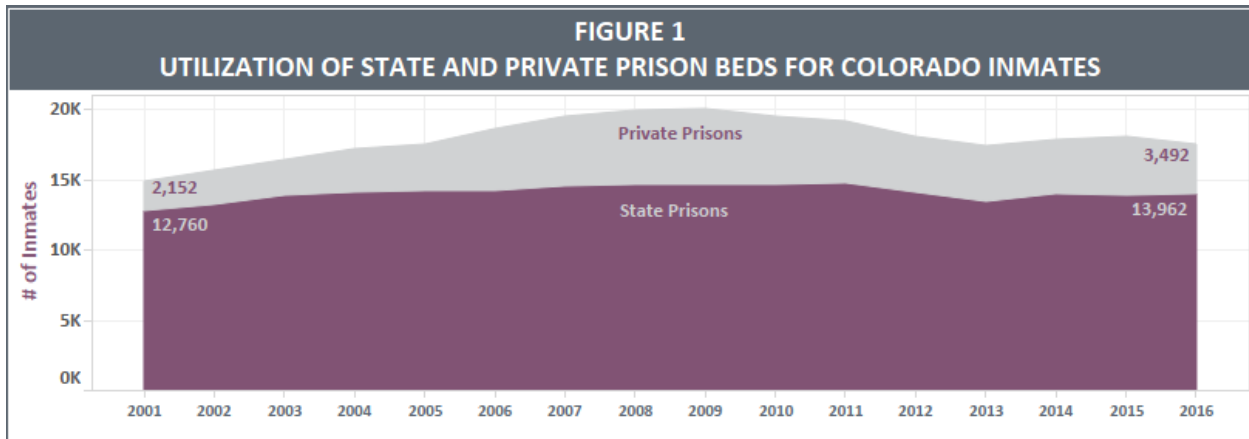
Compensation to the private contract prison vendors and local municipality through the inter-governmental agreements is provided through appropriations made available by the Colorado General Assembly. Private prisons are reimbursed at a rate of \$56.02 per inmate per day and jails are reimbursed at a rate of \$53.64 per inmate per day. Funding for private prisons is primarily provided through the External Capacity Subprogram in the Long Bill. The total amount appropriated in SB 15-234 during FY 2015-2016 for private prisons is \$77,819,594 of which \$12,035,219 is designated for Cheyenne Mountain Re-entry Center (CMRC), the pre-release and revocation facility. This funding is sufficient to house approximately 3,359 offenders in private prisons throughout the fiscal year. It should be noted that guidelines for the minimum number of offenders who can be housed in any of the private prisons have not been established.

Funding allocated to CCA from CDOC is based on offender needs to include sufficient staffing of the facility. The CDOC's PPMU audits all CCA sites to ensure that funding is properly allocated and used. In FY 2016, all three CCA sites as well as the one CEC site were below staffing requirements as determined under contractual agreements between the vendors and CDOC. Due to staff vacancies not being filled, liquidated damages were applied to the CCA & CEC for each occurrence. These liquidated damages that were assessed are broken down as follows:

- Bent County Correctional Facility \$82,527.89
- Crowley County Correctional Facility \$79,322.62
- Kit Carson Correctional Center \$202,112.35
- Cheyenne Mountain Re-entry Center \$249,393.89

## PRIVATE PRISON UTILIZATION

As the inmate population grew during the 1990s and 2000s, so did Colorado's use of private contract prisons. At the peak of Colorado's inmate population in 2009, offenders in private prisons accounted for 26.89% of all incarcerated offenders. There was an increase in the entire prison population between 2013 and 2015; however, the private prison rate has remained fairly steady (varying between 21.07% and 23.09%) when compared to the incarcerated population over the last five years. As of June 30, 2016, the private prison population rate declined to 20.01% of the incarcerated population. **Figure 1** shows the trends regarding utilization of state and private prisons since 2001. As exhibited in the figure, the CDOC's population and proportion of offenders in private prison reached a high point in 2009, gradually declined from 2009 to 2013, and has oscillated slightly in the subsequent years.





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## PRIVATE PRISON POPULATION

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The populations housed in state and private prisons differ substantially. These differences can be attributed to CRS 17-1-201(2), which mandates that state prisons maintain specific specialized prisons to manage offenders with severe medical issues, mental health needs, and high custody levels. In contrast, private prisons cannot house offenders with high or severe needs levels or those who are above a medium custody level. Each inmate is carefully reviewed before being placed in a private prison to ensure that these stipulations are met. The criteria for private prison eligibility generally includes the following:

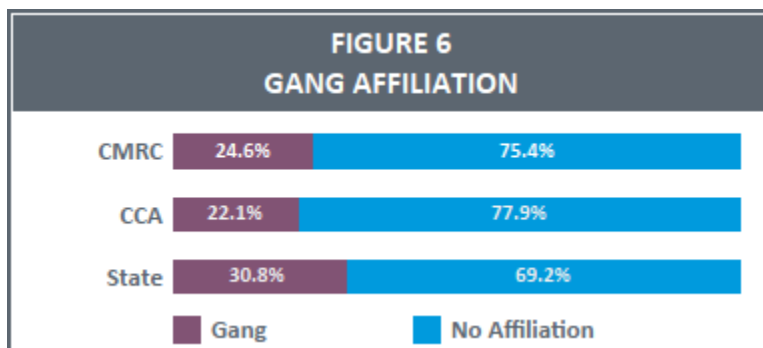
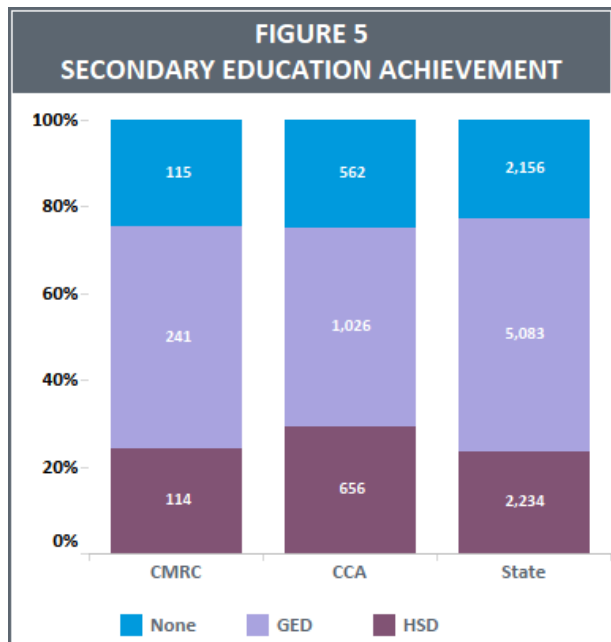
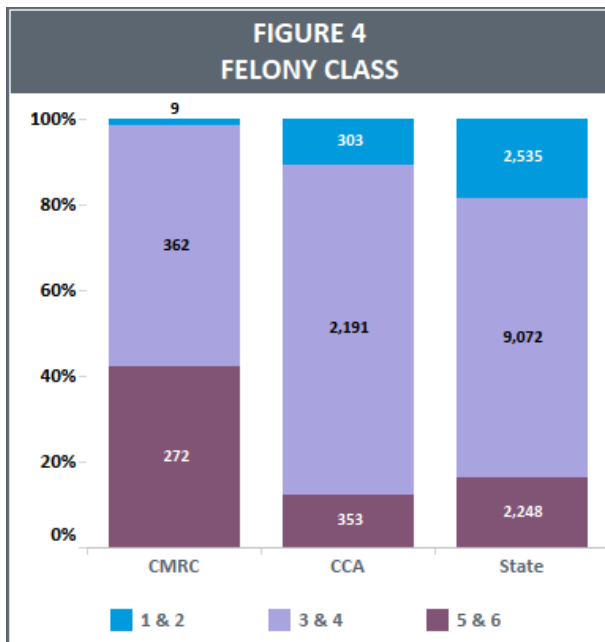
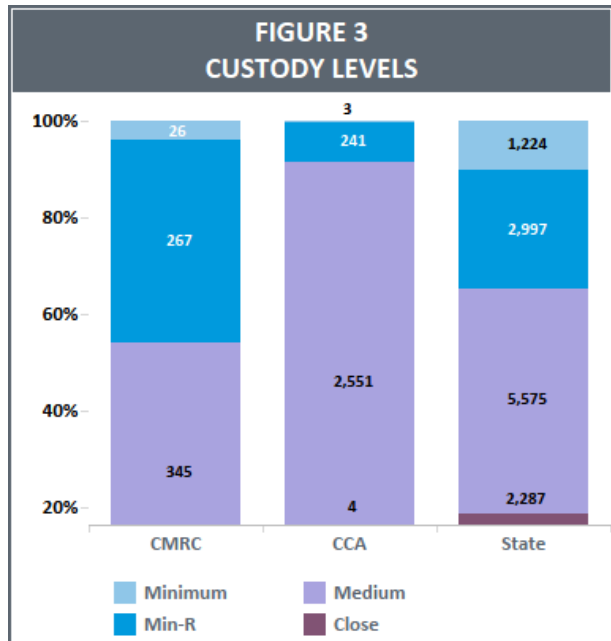
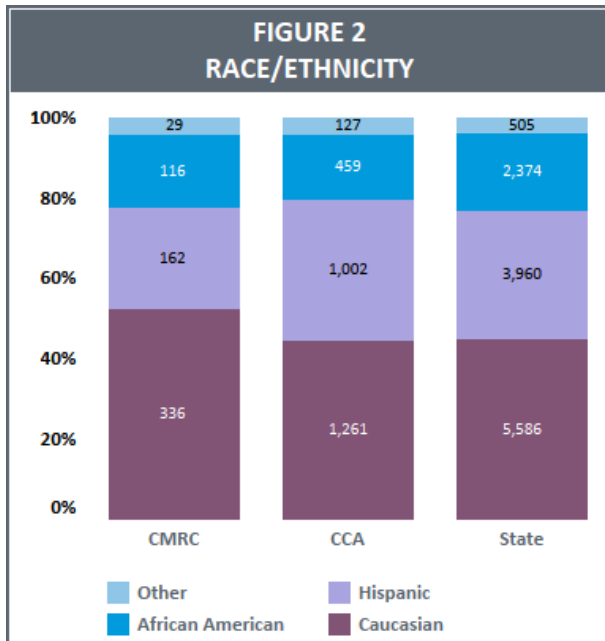
- Level III (medium) custody or below
- Low to moderate needs levels
  - Medical needs levels 1 - 4
  - Mental health needs levels 1 - 3
  - Developmental disability needs levels 1 - 3
- Sex offenders that are not actively participating in treatment (CCA)
- Some disabilities as defined in the Americans with Disabilities Act, such as diabetes, but not mobility, vision, or hearing issues
- Offenders not serving sentences of life without parole

Other matters that are considered but do not necessarily preclude offenders from being placed in private prisons are:

- Security threat group affiliation
- Custody issues
- Parole eligibility date

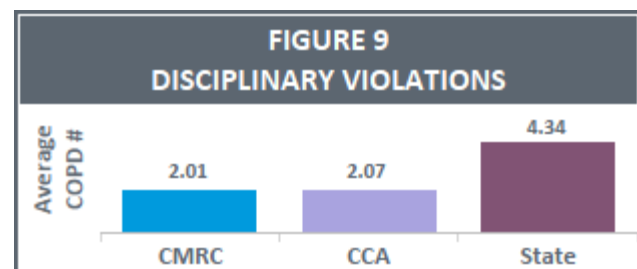
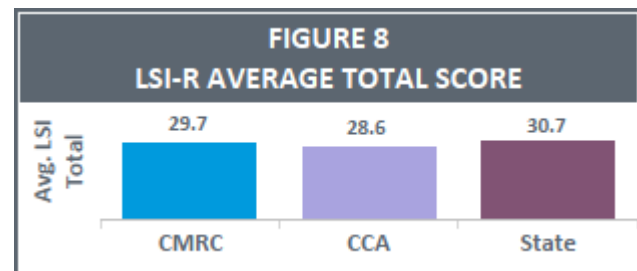
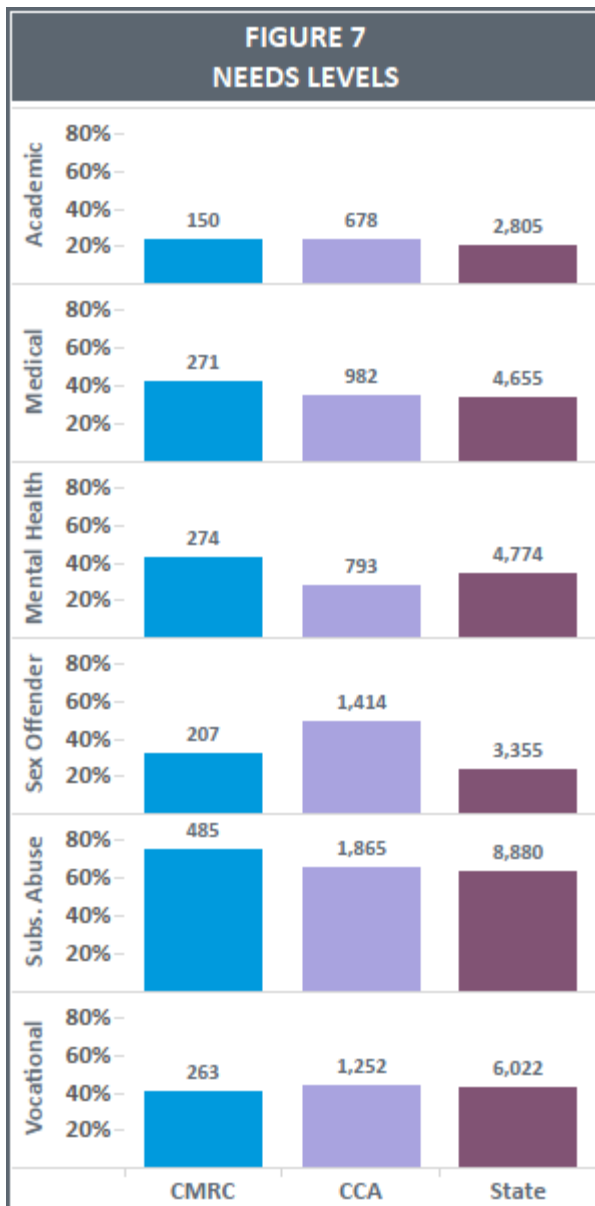
These criteria are largely responsible for the significant differences in the private prisons' population compared to populations housed in state facilities. Subsequent figures detail the differences in the two offender populations regarding demographic, need, criminal risk, and criminal history variables. The comparison consists of a total of 12,440 state facility male offenders and 3,492 private facility male offenders housed in Colorado as of June 30, 2016. There are no female offenders currently housed in private prisons; thus, the 1,522 state facility female offenders housed in Colorado as of June 30, 2016 are excluded from the comparison.

Figures 2-6 detail the characteristics of offenders in CMRC, CCA facilities, and state prisons. Due to CMRC's focus on pre-release and revocation, as well as, its more restrictive placement criteria.



The comparisons show little difference in risk scores as measured by the Level of Supervision Inventory-Revised (LSI-R). However, offenders in state prisons are more prone to gang alliances and disciplinary violations. The comparisons do show noticeable differences in custody and treatment, which suggests that offenders in state prisons tend to have higher custody levels and treatment needs than offenders in private prisons. Close custody offenders, protective custody (PC), and/or residential treatment program (RTP) statuses are exclusively housed in state prisons (except for those awaiting transfer out of a private prison). This is mandated by CRS 17-1-201(2), which explains the higher rates of these offender types in the state prisons. Treatment needs levels are broad categories rated on a 1-5 sliding scale; for this report, only moderate to high needs (levels 3, 4, and 5) are shown. CCA facilities house the highest rate of sex offenders. These offenders are ineligible for sex offender treatment due to not meeting

criteria or refusing to participate. Offenders in CMRC have the lowest academic and vocational needs, conversely, these offenders have the highest rate of substance abuse treatment needs. Mental health needs are higher at state facilities than at CCA facilities. Major mental illness is patterned similar to broad mental health needs (Figures 7-9). The medical needs levels do not adequately portray those with very serious and resource intensive medical needs because the number of these types of offenders housed in a private prison is small compared to the overall private prison population.

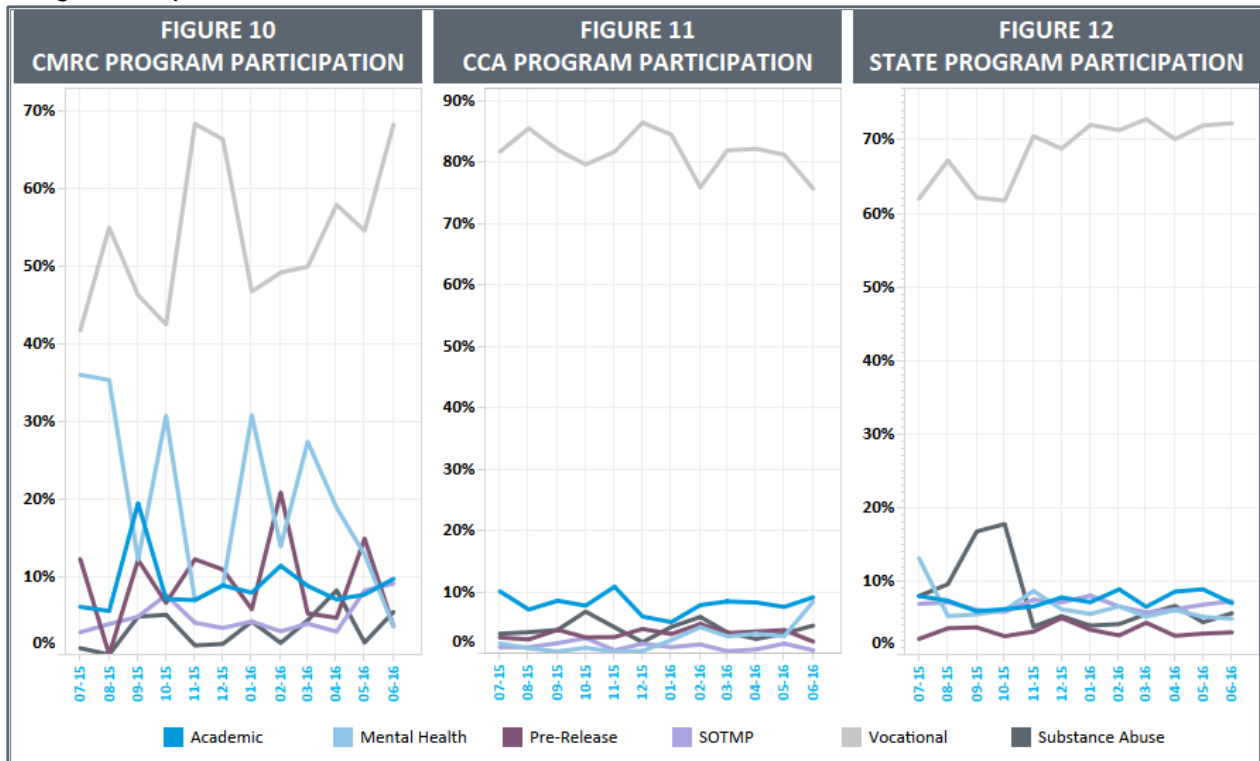


## PRIVATE PRISON PROGRAM SERVICES

Private contract prisons are mandated by CRS 17-1-201 (2) to provide a range of dental, medical, psychological services, nutrition, education, and work programs. The following narrative describes the program services that were available during FY 2016 at the CCA and CEC private facilities.

Participation in treatment programs is tracked monthly through the CDOC Dashboard Measures (see <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>). Since the implementation of achievement earned time per HB 12-1223 in August 2012, standardized coding of program discharges, successful program completions, and achievements, have been tracked on the CDOC Dashboard Measures. The dashboard measures summarize participation for all prison offenders; this report analyzes that data by the three location categories (CMRC, CCA facilities and state facilities) to better understand how services in private prisons compare to those in state prisons. It should also be noted, this review is not an evaluation of the quality of the provided treatment programs.

Figures 10-12 show the percent of offenders enrolled in programs at the end of each month in FY 2016. Offenders can be enrolled in more than one type of program at a time, but are not duplicated within a category if enrolled in multiple classes within a single discipline.



State prisons offer the greatest variety and quantity of rehabilitation programs, although in August of 2014, CMRC began offering sex offender maintenance programs. CMRC delivers the highest volume of mental health programs. Under contractual requirements, CCA and CMRC sites are required to provide:

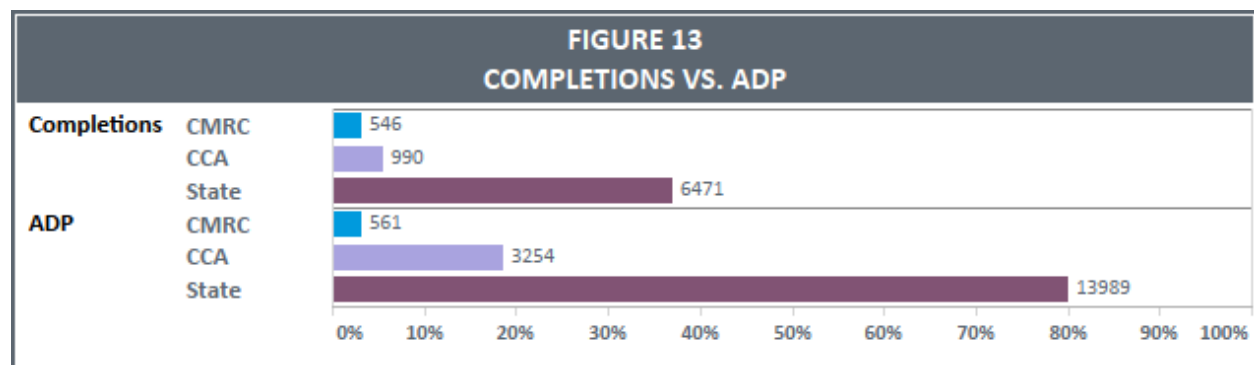
“MEANINGFUL WORK AND/OR PROGRAM OPPORTUNITIES TO THE OFFENDER POPULATION SO THAT 80% OF THE ELIGIBLE POPULATION IS ENGAGED IN MEANINGFUL EMPLOYMENT FOR AT LEAST FOUR (4) HOURS PER DAY, FIVE DAYS PER WEEK. THIS PROVISION IS EXPRESSLY SUBJECT TO CDOC ADMINISTRATIVE REGULATION 850-03, INCLUDING THE DEFINITION OF AN ELIGIBLE OFFENDER”.

As the data currently demonstrates, private prisons are not meeting the 80% specified engagement in meaningful employment, but remain substantially lower.

Table 2 shows successful completions and achievements in each program area by the three locations during FY 2016.

<i>Program Area</i>	<i>CMRC</i>	<i>CCA</i>	<i>State</i>
Academic	11	106	311
Mental Health	310	142	1,465
Pre-Release	126	163	1,150
Sex Offender	25	0	172
Substance Abuse	47	349	1,150
Vocational	27	230	2,223
<b>Total</b>	<b>546</b>	<b>990</b>	<b>6,471</b>

Figure 13 compares the completion rates to the average daily population (ADP). These data show the program completion rate in state prisons was lower compared to their ADP (80.1% vs. 37.1%), CCA facilities had a lower completion rate compared to their ADP (5.7% vs. 18.6%) and CMRC had a minimally lower completion rate compared to their ADP (3.1% vs. 3.2%).



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## COMMUNITY LABOR/ RELATIONS/ UNIQUE PROGRAMS

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### *BENT COUNTY CORRECTIONAL FACILITY*

Bent County Correctional Facility (BCCF) has a Community Relations Board that meets quarterly and is comprised of members of various outside law enforcement agencies, vendors, school officials, and city/county government employees. BCCF staff employed at the facility support the community through projects for Local School Boosters and Clubs and Athletic Groups. Other community groups include: 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 a commercial driver's license program for offenders to obtain practical training from computer simulators. Upon completion of the program and CDCO sentence, the offender will be eligible to take the practical driving test and a physical in order to obtain a commercial license.

BCCF has a reading program that allows an offender to audio record readings of books and newspaper editions. Recordings of children's books are provided to the offender's child. Recordings of other books and newspaper editions are provided to the blind, learning disabled, and elderly. BCCF helps in other areas of the community as needed. They produce posters for events and refurbish school buses, prior to the beginning of each school year.

BCCF recently began a computerized braille program for offenders to learn how to transcribe certain reading materials into braille. This program was at the KCCC facility and was recently transferred to BCCF upon closure of KCCC.

### *CROWLEY COUNTY CORRECTIONAL FACILITY*

Crowley County Correctional Facility (CCCF) has a community relations committee that consists of facility managers, community representatives, residents, local officials/leaders, and the local media. During quarterly community relations meetings, members of the community exchange ideas, address community questions and concerns, and discuss the facility'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 Truss Shop Program manufactures roof trusses. In addition, CCCF staff is involved in other local organizations including the Salvation Army, Rocky Mountain Service Employment Redevelopment, and the Ordway Chamber of Commerce. 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 collaborates with the Department of Labor for several apprentice programs. These apprentice programs include: cabinet making; maintenance repair; construction painting; plumbing; and horticulture. CCCF continues its partnership with Friends of Retired Greyhounds in an Adoption/Foster Care Program. This program allows offenders to foster former racetrack greyhounds awaiting adoption into a home setting.

### ***KIT CARSON CORRECTIONAL CENTER***

Kit Carson Correctional Center (KCCC) held quarterly community relations meetings with leaders of the city of Burlington. These meetings were designed to communicate information between the facility and the city/county. KCCC staff were involved in many organizations within the community. These organizations included: the 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 Burlington School system.

KCCC participated in a Canine Companions for Independence Program. This program prepared animals to provide assistance to handicapped persons for final placement. KCCC also had the "Second Chance Dog Program." This program provided "second chance" training for pound dogs to help facilitate adoption from families in the surrounding area.

KCCC closed the facility at the end of July 2016. The majority of offenders were sent to BCCF and CCCF. The small portion of remaining offenders were sent to CMRC and various state facilities.

### ***CHEYENNE MOUNTAIN RE-ENTRY PROGRAM***

Community Education Centers operates unique programs at Cheyenne Mountain Re-entry Center (CMRC). These consist of the Sex Offender Maintenance Program and the Positive Peer Community Program (PPCP). CMRC engages in supportive and educational services through community groups, providers, and federal, state, and local agencies. These community groups include: The Veterans Administration; The Colorado Victim Awareness Council; Arapahoe County Child Support; Iron Worker Union LU 847 of Denver; and Colorado Circles of Support.

CMRC facilitates an offender pre-release program which addresses areas that have an impact on offender success. A customer service training program offers college credits to offenders who successfully complete the course. Also available, the Positive Peer Community program uses evidence-based and best practices to address criminal addictive thinking patterns and behavior.

CMRC will begin offering 'Moral Reconciliation Therapy' (MRT) in the fall of 2016. MRT is a systematic cognitive-behavioral program, which implements a strategy to decrease recidivism by increasing moral reasoning.





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