



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, 2017, PURSUANT TO C.R.S. 17-1-201(2)

PREPARED BY
OFFICE OF PLANNING AND ANALYSIS
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TABLE OF CONTENTS

| | |
|---------------------------------------|---|
| INTRODUCTION | 1 |
| CONTRACTS | 3 |
| FUNDING..... | 4 |
| PRIVATE PRISON UTILIZATION | 5 |
| PRIVATE PRISON POPULATION..... | 6 |
| PRIVATE PRISON PROGRAM SERVICES | 9 |

INTRODUCTION

In the 1990s and 2000s there was a trend of increasing prison populations, which outpaced construction of state facilities. This growth required 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 Corrections’ (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 are in compliance with CDOC policies, contract specifications, and American Correctional Association (ACA) standards. The provisions of each contract stipulates that CDOC training requirements as well as food, medical, educational, and other service requirements are met. The PPMU staff consists of facility monitors and program specialists. The facility monitors are assigned to specific facilities. Although the PPMU Monitors are expected to work a routine 40 hours work week; monitors are expected to audit all shifts during the reporting month. PPMU also 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.

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, whether 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) 2017, CDOC had three private prison contracts. Of the three prison contracts, two were established as inter-governmental agreements with local jurisdictions (Bent and Crowley counties), for inmate housing and program services. In turn, the two local communities contracted with CoreCivic (previously known as Corrections Corporation of America) to provide services to CDOC. The third 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. In April 2017, The GEO Group, Inc. merged with Community Education Centers. As part of GEO's restructuring, CEC's operational performance obligations were subcontracted to GEO Reentry Services, LLC. **Figure 1** summarizes the facilities and vendors with whom the state had contracts, along with capacities and the jurisdictional on-grounds population as of June 30, 2017.

| FIGURE 1 | | | |
|---|-------------|---------------------|-----------|
| Private Prison Contracts as of June 30, 2017 | | | |
| Facility | Operated by | Population Capacity | Assigned* |
| Bent County Correctional Facility (BCCF) | CoreCivic | 1,388 | 1,367 |
| Cheyenne Mountain Re-entry Center (CMRC) | CEC/GEO | 700 | 639 |
| Crowley County Correctional Facility (CCCF) | CoreCivic | 1,710 | 1,694 |

* Excludes 99 restrictive housing management beds from Crowley County Correctional Facility, 78 restrictive housing management beds from Bent County Correctional Facility, and 48 restrictive housing management beds from Cheyenne Mountain Re-entry Center pursuant to contract and use.

FUNDING

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 through June 30, 2017. 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 2016-2017 for private prisons was \$73,258,385 of which \$11,430,041 was designated for Cheyenne Mountain Re-entry Center (CMRC), the pre-release and revocation

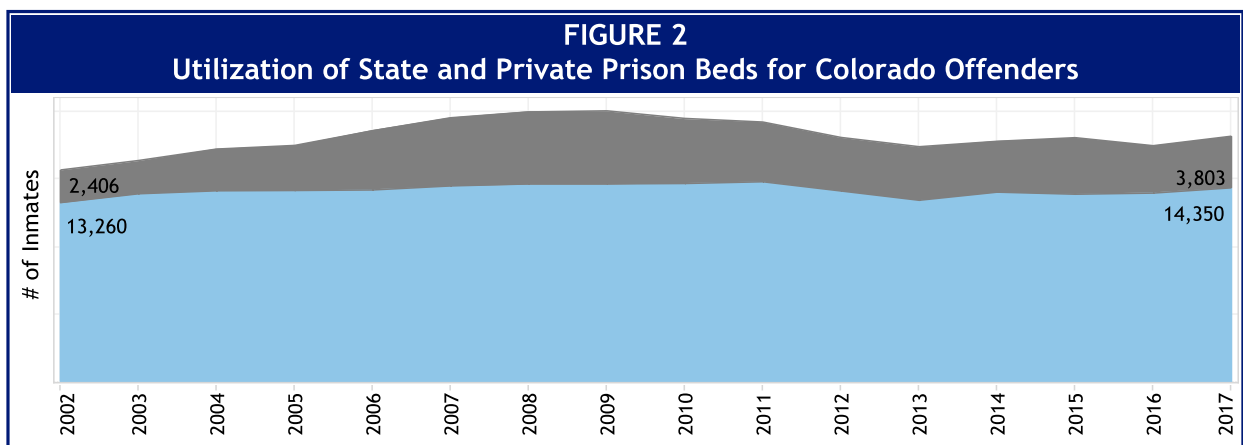
facility. This funding is sufficient to house approximately 3,583 offenders in private prisons throughout the fiscal year. Funding allocated to CoreCivic facilities from CDOC is based on offender bed needs. The Department of Corrections does not provide a bed guarantee to any private vendor to commit or guarantee a minimum census at any private prison.

The CDOC's PPMU audits all private contract prisons to ensure that funding is properly allocated and used. Pursuant to the contracts, liquidated damages may be assessed for unresolved contract deficiencies.

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 2014 and 2017; however, the private prison rate has remained fairly steady (varying between 21.1% and 20.0%) when compared to the incarcerated

population over the last five years. As of June 30, 2017, the private prison population rate increased slightly to 21.0% of the incarcerated population. **Figure 2** shows the trends regarding utilization of state and private prisons since 2002. 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.



PRIVATE PRISON POPULATION

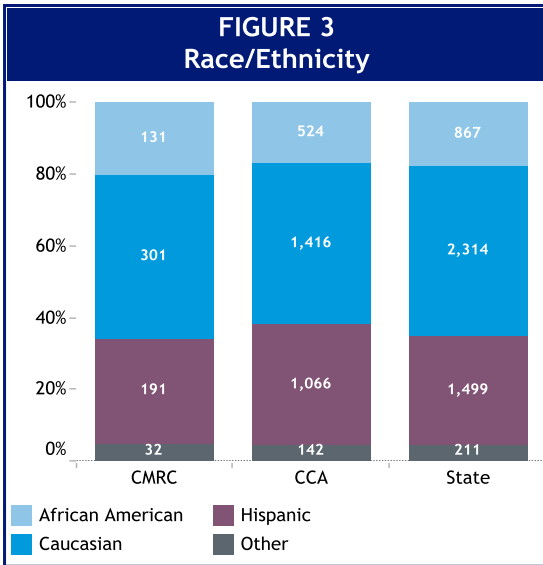
The three private contract prisons work collaboratively with the department to house offenders with a wide range of needs. There are some difference in the populations housed in state and private prisons. These differences can be attributed to CRS 17-1-201(2), which mandates that state prisons maintain specific specialized prisons to manage offenders with severe medical issues, mental health needs, and high custody levels. The Department of Corrections uses a scale of 1 through 5 to identify need level of an offender with 1 indicating the lowest need and 5 indicating the highest need. Private Contract Prisons house offenders with medical needs M-4 and below if the offender is medically stable and mental health needs at P-3 and below. By statute, private prisons cannot house offenders who are above a medium custody level. The criteria for private prison eligibility generally includes the following:

- Level III (medium) custody or below
- Low to moderate needs levels

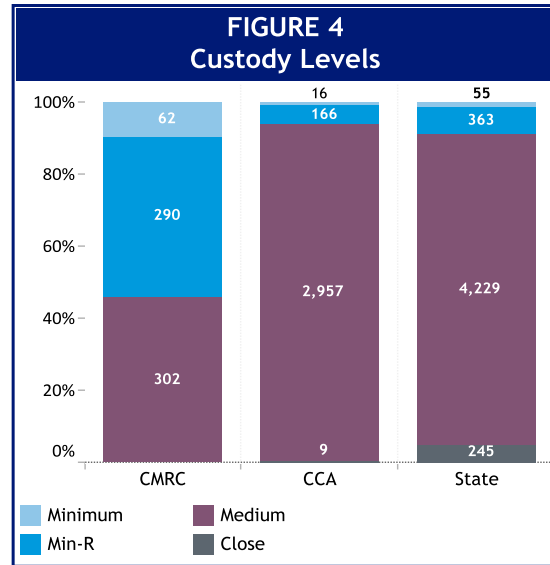
- Medical needs levels 1 - 4
- Mental health needs levels 1 - 3
- Intellectual needs levels 1 - 3
- Security Threat Groups - all affiliations
- Sex offenders that are not actively participating in treatment
- Sex Offender Maintenance Program offenders - (administered at CMRC)
- Some disabilities as defined in the Americans with Disabilities Act

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 4,891 Level III state facility male offenders and 3,803 private facility male offenders housed in Colorado as of June 30, 2017. 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, 2017 are excluded from the comparison.

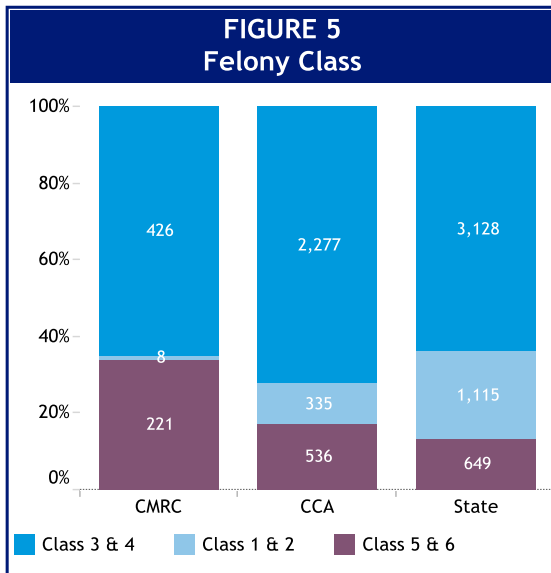
Figures 3 through 7 detail the characteristics of offenders in CMRC, CoreCivic facilities, and state Level III prisons.



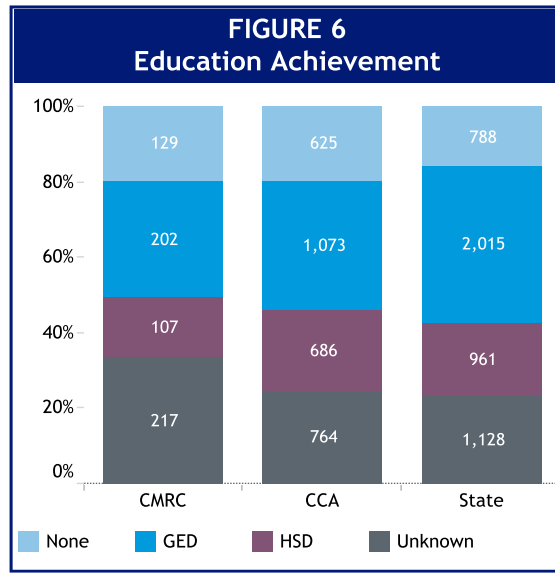
* State includes only Level III Male Facilities for comparison. Data unavailable for some offenders.



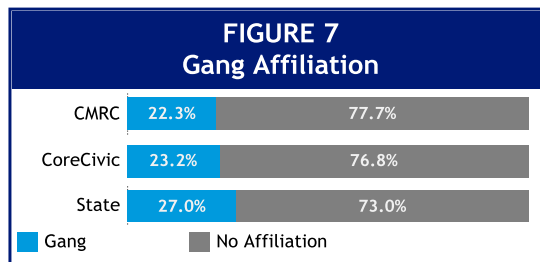
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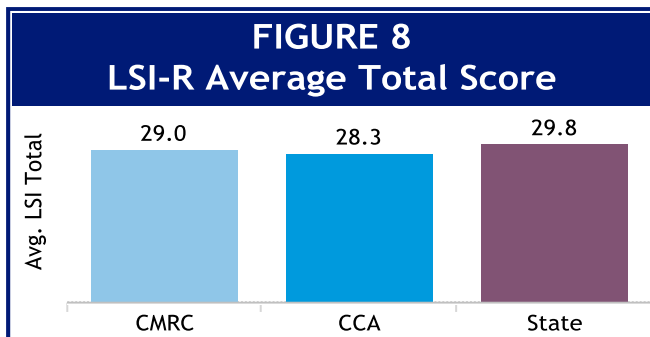


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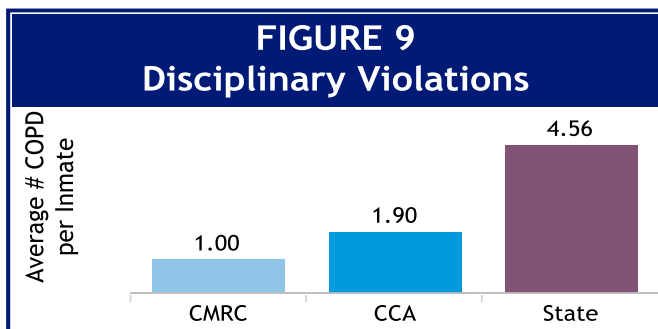


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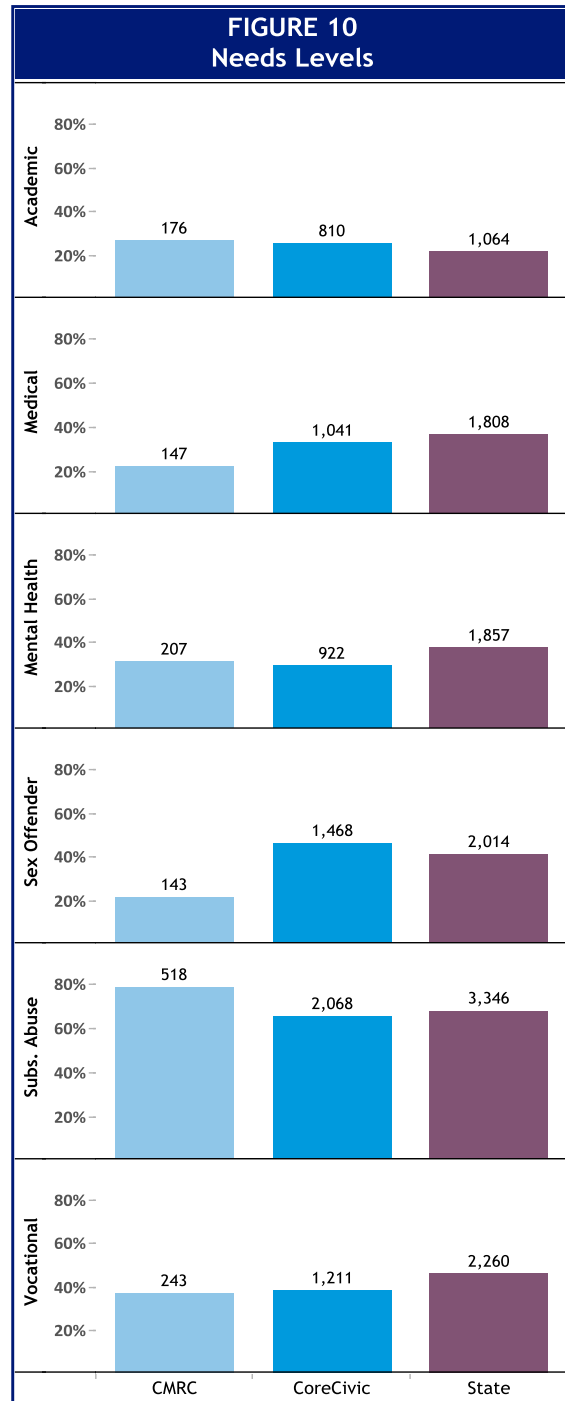
The comparisons show little difference in risk scores as measured by the Level of Supervision Inventory-Revised (LSI-R) (Figure 8). Offenders in state prisons are more prone to disciplinary violations (Figure 9). This may be because offenders in state prisons can have higher custody levels corresponding to crime severity. Treatment needs levels are shown in Figure 10. These 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. CoreCivic 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 vocational needs.



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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.

Participation in treatment programs is tracked monthly through the CDOC Dashboard Measures (see <https://www.colorado.gov/pacific/cdoc/departamental-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. Under contractual requirements, CoreCivic 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”.

Figure 11 shows successful completions and achievements in each treatment program area by the three locations during FY 2017.

| FIGURE 11 | | | |
|--|------------|--------------|--------------|
| Successful Completions and Achievements in Program Area | | | |
| Program Area | CMRC | CoreCivic | State |
| Academic | 19 | 139 | 165 |
| Mental Health | 126 | 346 | 503 |
| Pre-Release | 138 | 190 | 290 |
| SOTMP | 30 | 0 | 155 |
| Substance Abuse | 85 | 231 | 495 |
| Vocational | 18 | 185 | 571 |
| Total | 416 | 1,091 | 2,179 |

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