



# 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, 2018, PURSUANT TO C.R.S. 17-1-201(2)

PREPARED BY  
*OFFICE OF PLANNING AND ANALYSIS*  
DECEMBER 2018

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## INTRODUCTION

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In the 1990s and 2000s there was a trend of increasing prison populations which outpaced the 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 comprise of facility monitors and program specialists. The facility monitors are assigned to specific facilities. These monitors are expected to audit all shifts during the reporting month. The 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 the 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. Colorado Revised Statutes (CRS) 17-1-104.9, prohibits the 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) 2018, the CDOC had three private prison contracts. Of these, two were established as inter-governmental agreements with local jurisdictions (Bent and Crowley counties) for inmate housing and program services. In turn, the two counties contracted with CoreCivic to provide services to the CDOC. The third

contract was between the CDOC and the GEO Group (GEO) for the Cheyenne Mountain Reentry Center in El Paso County. **Figure 1** summarizes the facilities and vendors with whom the CDOC had contracts, along with the population capacity and jurisdictional on-grounds population as of June 30, 2018.

<b>FIGURE 1 Private Prison Contracts as of June 30, 2018</b>			
Facility	Operated by	Population Capacity	Assigned*
Bent County Correctional Facility (BCCF)	CoreCivic	1,388	1,385
Cheyenne Mountain Reentry Center (CMRC)	GEO	700	679
Crowley County Correctional Facility (CCCF)	CoreCivic	1,710	1,709

\* Excludes 104 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 Reentry Center pursuant to contract and use.

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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 \$56.80 per inmate per day through June 30, 2018. Funding for private prisons is primarily provided through the External Capacity Subprogram in the Long Bill. The total amount appropriated in SB 17-254 during FY 2017-2018 for private prisons was \$61,762,219 of which \$11,863,209 was designated for Cheyenne Mountain Reentry Center

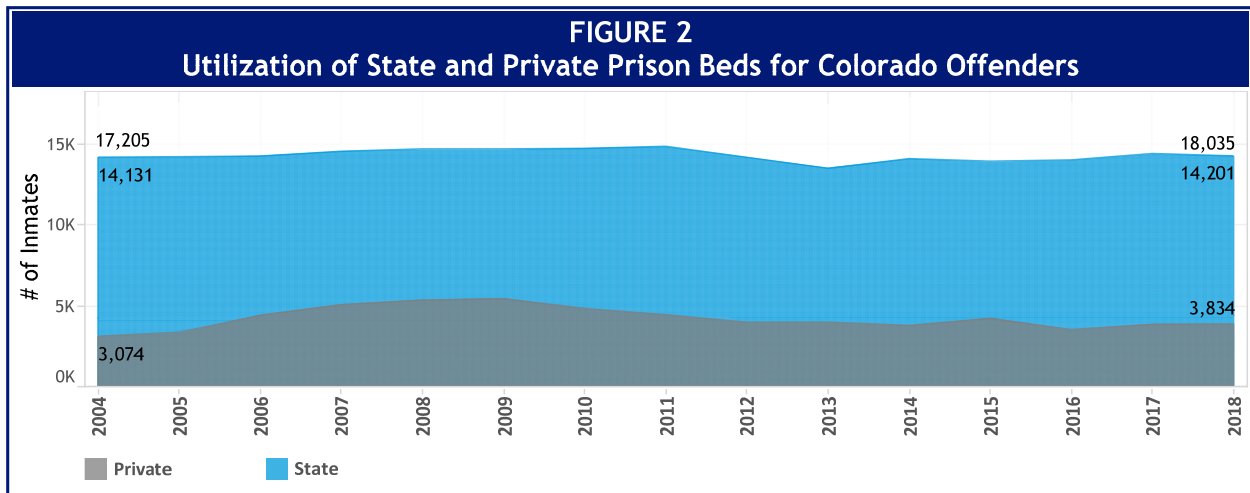
(CMRC). This funding is sufficient to house approximately 3,519 offenders in private prisons throughout the fiscal year. Funding allocated to CoreCivic facilities from CDOC is based on offender bed needs. The Department of Corrections does not provide a bed guarantee to any private vendor to commit or 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. The entire prison population has seen a small rise between FY 2014 and FY 2018, from 17,778 to 18,035 total offenders. The private prison rate has also seen a small rise, from 21.1% of the

incarcerated population in FY 2014 to 21.3% of the incarcerated population as of June 30, 2018. Figure 2 shows the trends regarding the utilization of state and private prisons since 2004. 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 wavered slightly in the subsequent years.





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## PRIVATE PRISON POPULATION

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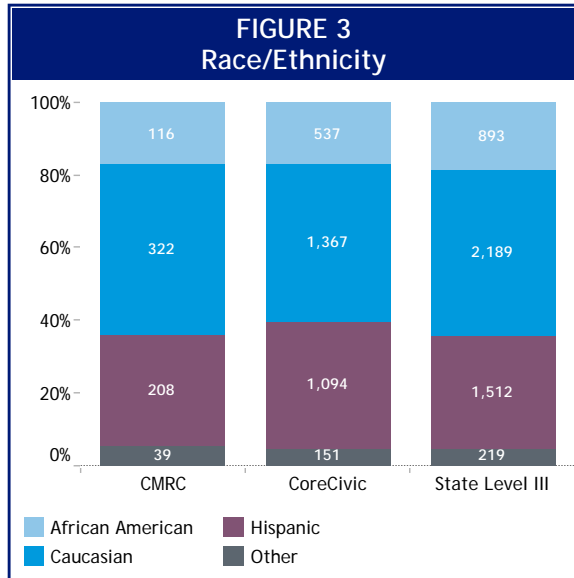
The executive director establishes the correctional standards by which the private prisons are expected to operate. (CRS 17-1-202 (III) (e)). These standards are memorialized in annual contracts. CRS 17-1-104.9 requires that the department not place state inmates classified higher than medium custody in private contract prisons. The three private contract prisons work collaboratively with the Department to house offenders with a wide range of needs. There are some differences in the populations. The CDOC uses a scale of 1 through 5 to identify the needs level of an offender, with 1 indicating the lowest need and 5 indicating the highest need. Private Contract Prisons house offenders with medical needs of 4 and below (if the offender is medically stable) and mental health needs of 3 and below. This allows the state to manage offender with higher needs including higher custody levels and management issues.

The criteria for private prison eligibility include:

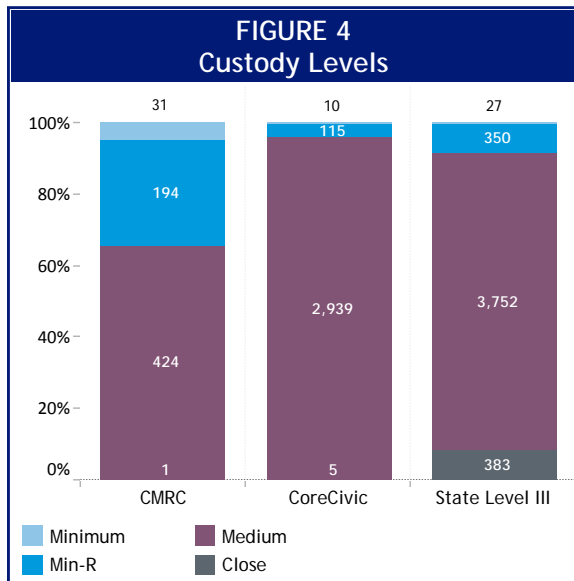
- Level III (medium) custody or below
- Low to moderate needs levels
  - Medical needs levels 1 - 4
  - Mental health needs levels 1 - 3
  - Intellectual needs levels 1 - 3
- Security Threat Groups - all affiliations
- Sex offenders that are not actively participating in treatment
- Sex Offender Maintenance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

Subsequent figures detail differences in the two offender populations regarding demographic, needs, criminal risk, and criminal history variables. The comparison consists of 4,813 Level III state facility male offenders and 3,834 private facility offenders housed in Colorado as of June 30, 2018. There are no female offenders currently housed in private prisons; thus female offenders are excluded from the comparison.

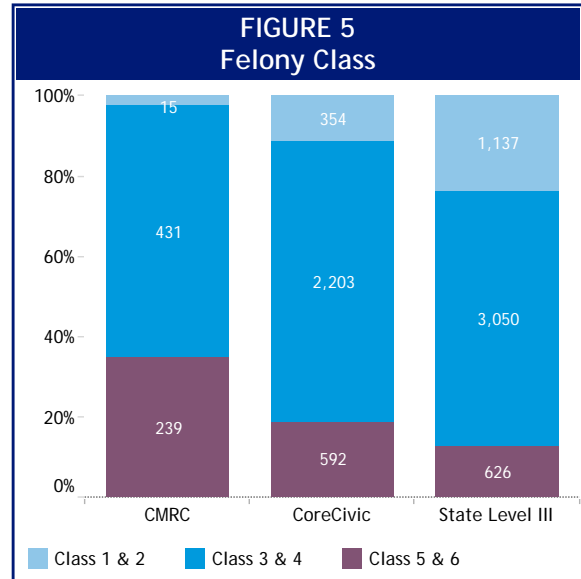
Figures 3 through 7 detail characteristics of offenders in CMRC, CoreCivic facilities, and in State Level III facilities.



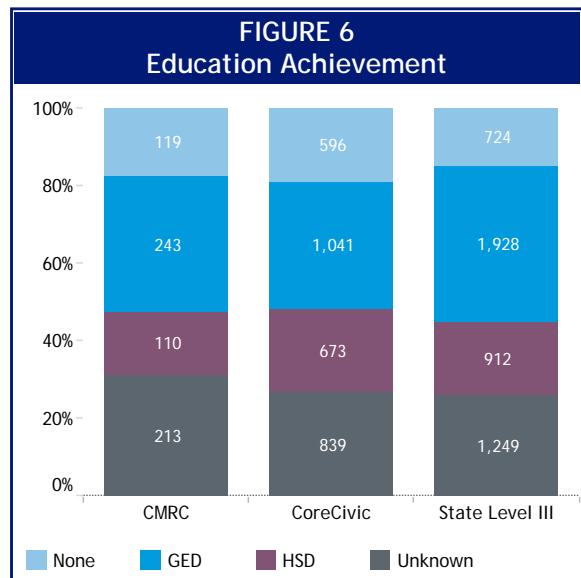
\* State includes only Level III Male Facilities for comparison. Data unavailable for some offenders.



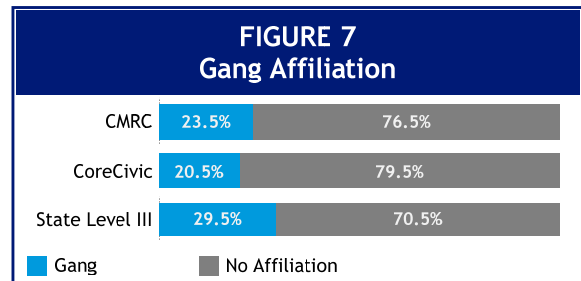
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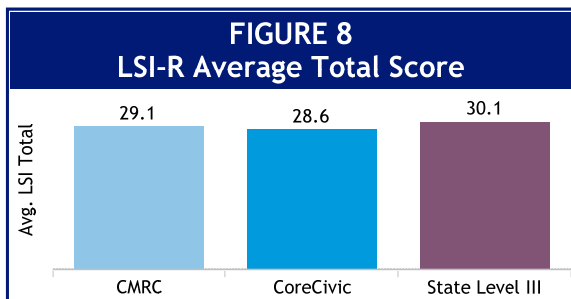


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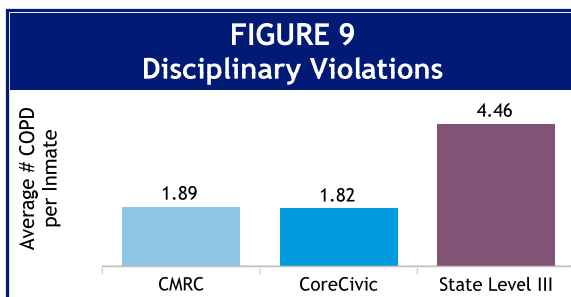


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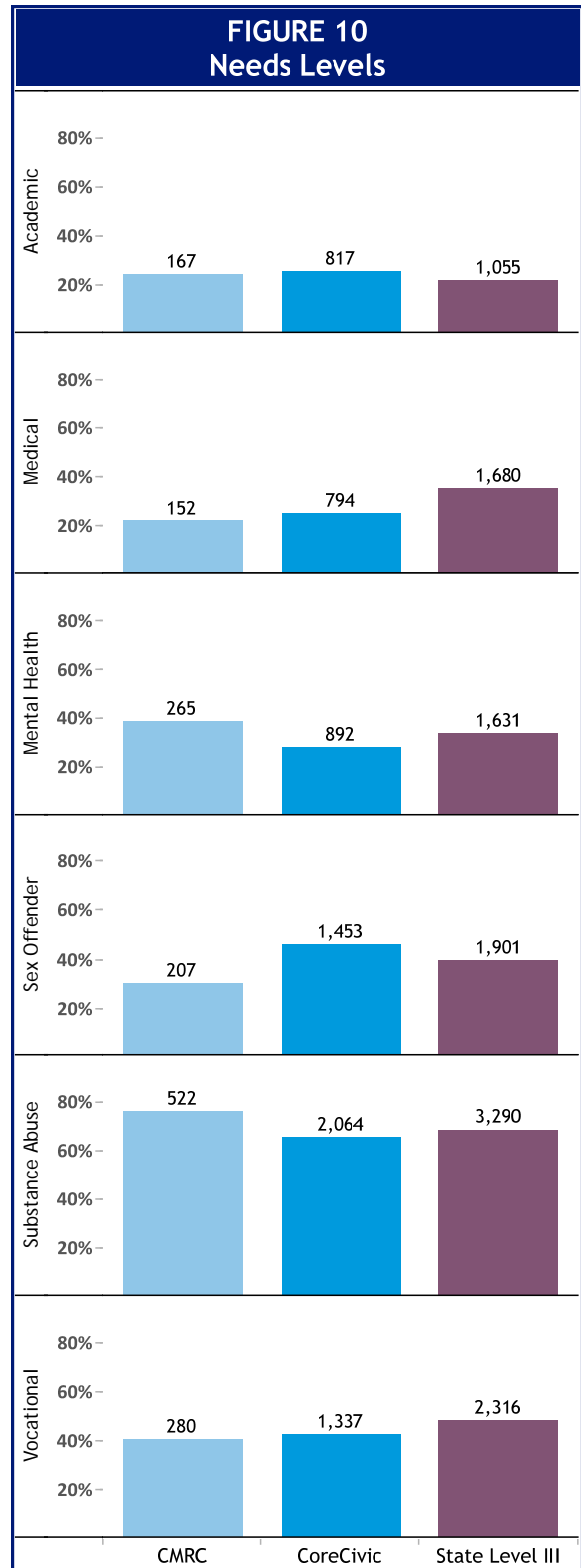
Figure 8 shows little difference in risk scores as measured by the Level of Supervision Inventory-Revised (LSI-R). Offenders in state prisons are more prone to disciplinary violations (Figure 9). Treatment needs levels are shown in Figure 10. These categories are rated on a 1-5 sliding scale; for this 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 currently ineligible for sex offender treatment due to not meeting treatment criteria, such as being within 4 years of their Parole Eligibility Date (PED), or in some instances for having previously refused treatment.



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## PRIVATE PRISON PROGRAM SERVICES

The CDOC is required by CRS 17-1-103 to provide a range of dental, medical, psychological services, nutrition, education, and work programs in the private contract prisons it monitors. 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 2018.

<b>FIGURE 11</b>			
<b>Successful Completions and Achievements in Program Area</b>			
Program Area	CMRC	CoreCivic	State
Academic	11	177	202
Mental Health	36	201	441
Pre-Release	104	199	272
SOTMP	12	0	199
Substance Abuse	100	143	389
Vocational	22	205	615
<b>Total</b>	<b>285</b>	<b>925</b>	<b>2,118</b>

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