



COLORADO

Department of Corrections

DEAN WILLIAMS
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, 2020, PURSUANT TO C.R.S. 17-1-201(2)

PREPARED BY
THE OFFICE OF PLANNING AND ANALYSIS
DECEMBER 2020

TABLE OF CONTENTS

INTRODUCTION	1
CONTRACTS	2
FUNDING	3
PRIVATE PRISON UTILIZATION	4
PRIVATE PRISON POPULATION	5
PRIVATE PRISON PROGRAM SERVICES	9
CORECIVIC COVID-19 MEASURES	11

INTRODUCTION

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 inmates. In 1995, House Bill (HB) 1352 created Title 17, Part 2 of the Colorado Revised Statutes (C.R.S.) concerning the request for proposal process for corrections privatization. This report is intended to comply with the annual reporting provision listed in C.R.S. 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 stipulate that CDOC training requirements as well as food, medical, educational, and other service requirements are met.

The PPMU staff are comprised 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 weekly visits to all facilities and are responsible for specifically monitoring all of the applicable service functions.

The PPMU works closely with the CDOC's Offender Services to ensure that all inmates housed in private contract prisons meet the required custody level as determined by the inmate classification assessment.

CONTRACTS

During fiscal year (FY) 2020, 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 Re-entry Center in El Paso County. The GEO Group exercised the option to terminate their contract effective February 7, 2020. All data is reported through the contract termination date. **Figure 1** summarizes the facilities and vendors with whom the CDOC had contracts, along with the population capacity and assigned jurisdictional on-grounds population as of June 30, 2020.

FIGURE 1			
Private Prison Contracts as of June 30, 2020			
Facility	Operated by	Population Capacity	Assigned*
Bent County Correctional Facility (BCCF)	CoreCivic	1,388	1,232
Cheyenne Mountain Reentry Center (CMRC)	GEO	710	0
Crowley County Correctional Facility (CCCF)	CoreCivic	1,850	1,588

** Excludes 48 restrictive housing management beds from Crowley County Correctional Facility and 78 restrictive housing management beds from Bent County Correctional Facility pursuant to contract and use.*

FUNDING

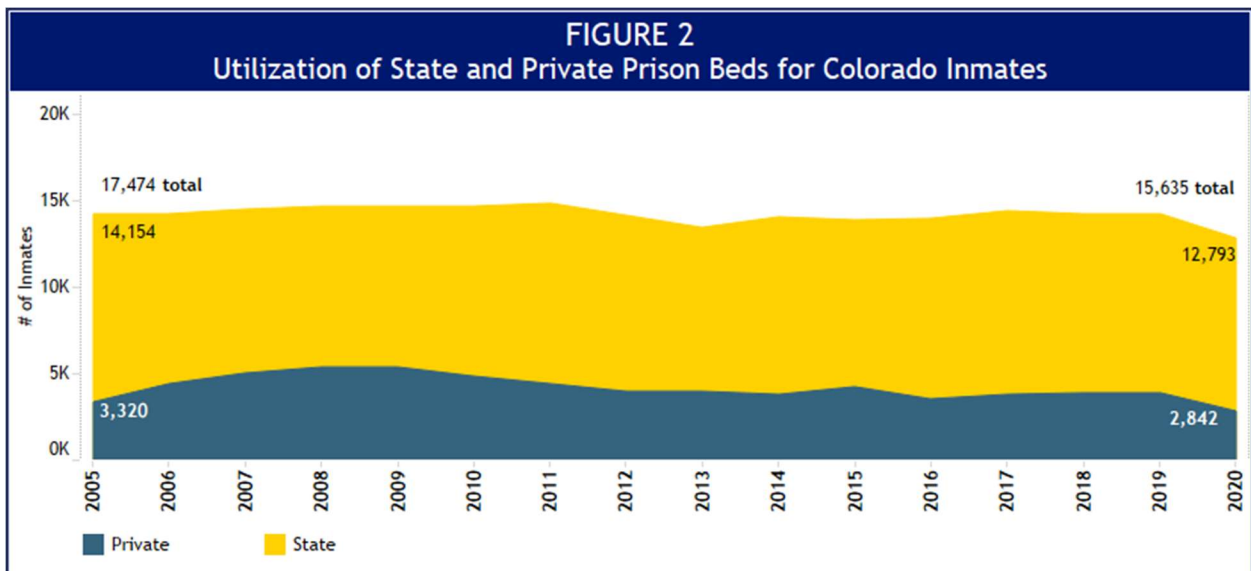
Compensation to the private contract prison vendors and local municipality through the inter-governmental agreements is provided through appropriations made available by the Colorado General Assembly. Private prisons are reimbursed at a rate of \$57.94 per inmate, per day through June 30, 2020. Funding for private prisons is provided through the External Capacity Subprogram in the Long Bill. The total amount appropriated in SB 19-207 during FY 2019-2020 for private prisons was \$75,585,163 of which \$8,469,112 was designated for Cheyenne Mountain Re-entry Center (CMRC).

This funding is sufficient to house approximately 3,564 inmates in private prisons throughout the fiscal year. Funding allocated to the three facilities from the CDOC is based on inmate bed needs. The CDOC 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, inmates in private prisons accounted for 26.9% of all incarcerated inmates. The entire prison population has seen a small rise between FY 2016 and FY 2019, moving from 17,454 to 18,115 total inmates, followed by a decrease to 15,635 total inmates in FY 2020. During the same time, the private prison rate has dropped, from 20.0% of the incarcerated population in FY 2016 to 18.2% of the incarcerated population as of June 30, 2020. **Figure 2** shows the trends regarding the utilization of state and private prisons since 2005. As exhibited in the figure, the CDOC's population and proportion of inmates in private prison reached a high point in 2009, gradually declined from 2009 to 2012, and has wavered slightly in the subsequent years.



PRIVATE PRISON POPULATION

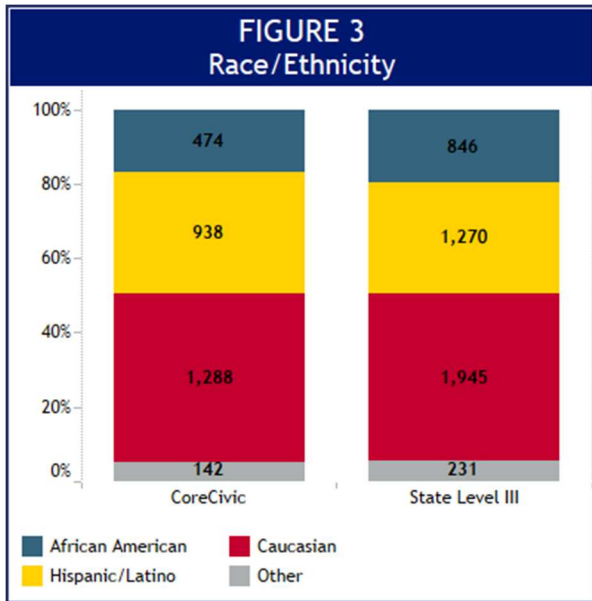
The executive director establishes the correctional standards by which the private prisons are expected to operate (C.R.S. 17-1-202 (III) (e)). These standards are memorialized in annual contracts. C.R.S. 17-1-104.9 requires that the department not place state inmates classified higher than medium custody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

The criteria for private prison eligibility include:

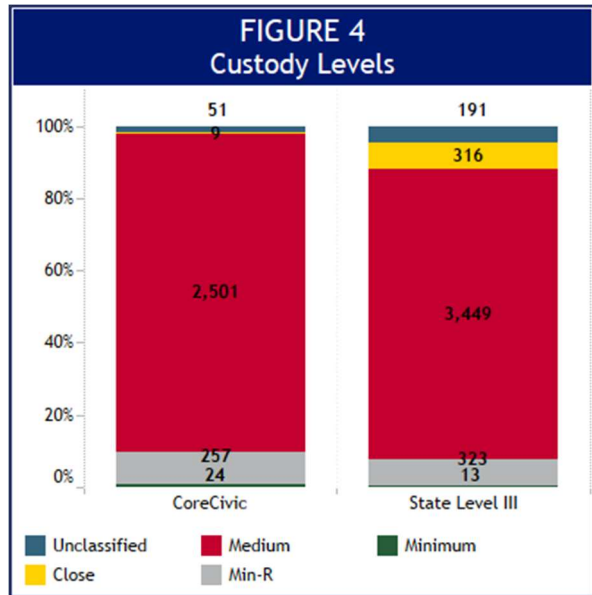
- Level III (medium) custody or below
- Low to moderate needs levels
 - Medical needs levels 1-4
 - Mental health needs levels 1-3
 - Intellectual needs 1-3
- Sex offenders who are not actively participating in treatment other than the Sex Offender Maintenance programs

Subsequent figures detail differences in the two inmate populations regarding demographic, needs, criminal risk, and criminal history variables. The comparison consists of 4,292 Level III state facility male inmates and 2,842 private facility inmates housed in Colorado as of June 30, 2020. There are no female inmates currently housed in private prisons; thus, female inmates are excluded from the comparison.

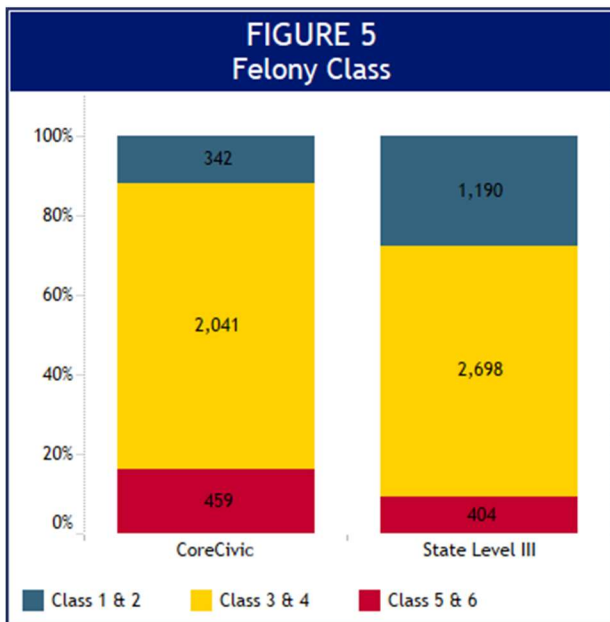
Figures 3 through 7 detail the characteristics of inmates in CoreCivic facilities (BCCF and CCCF) and in state Level III facilities as of June 30, 2020. GEO (CMRC) is not included in this comparison because the contract was terminated in February 2020 and no inmates were housed there on June 30, 2020.



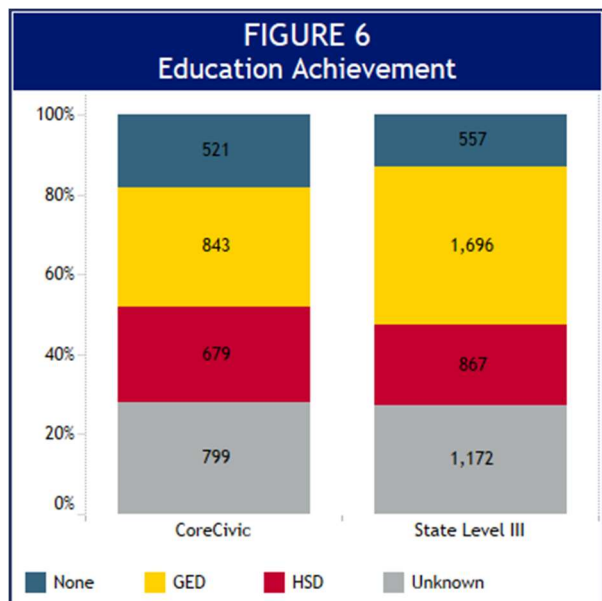
* State includes only Level III male facilities for comparison. Data unavailable for some inmates.



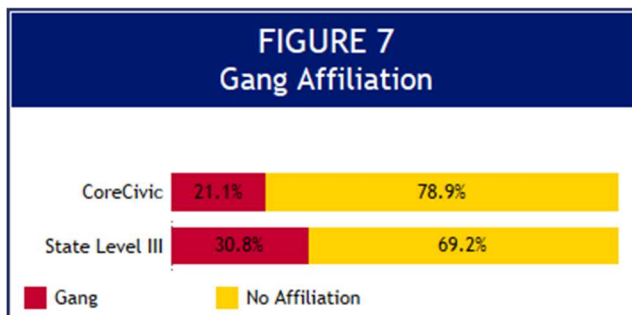
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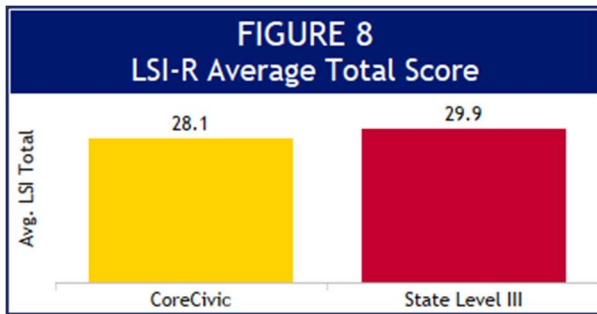


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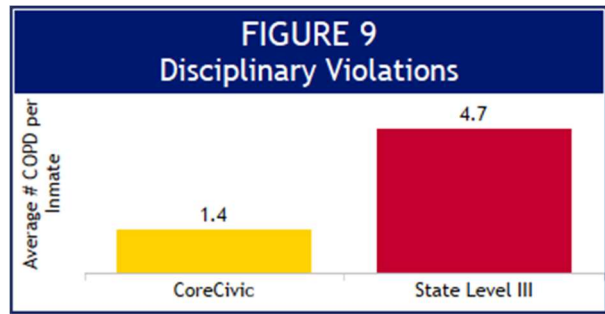


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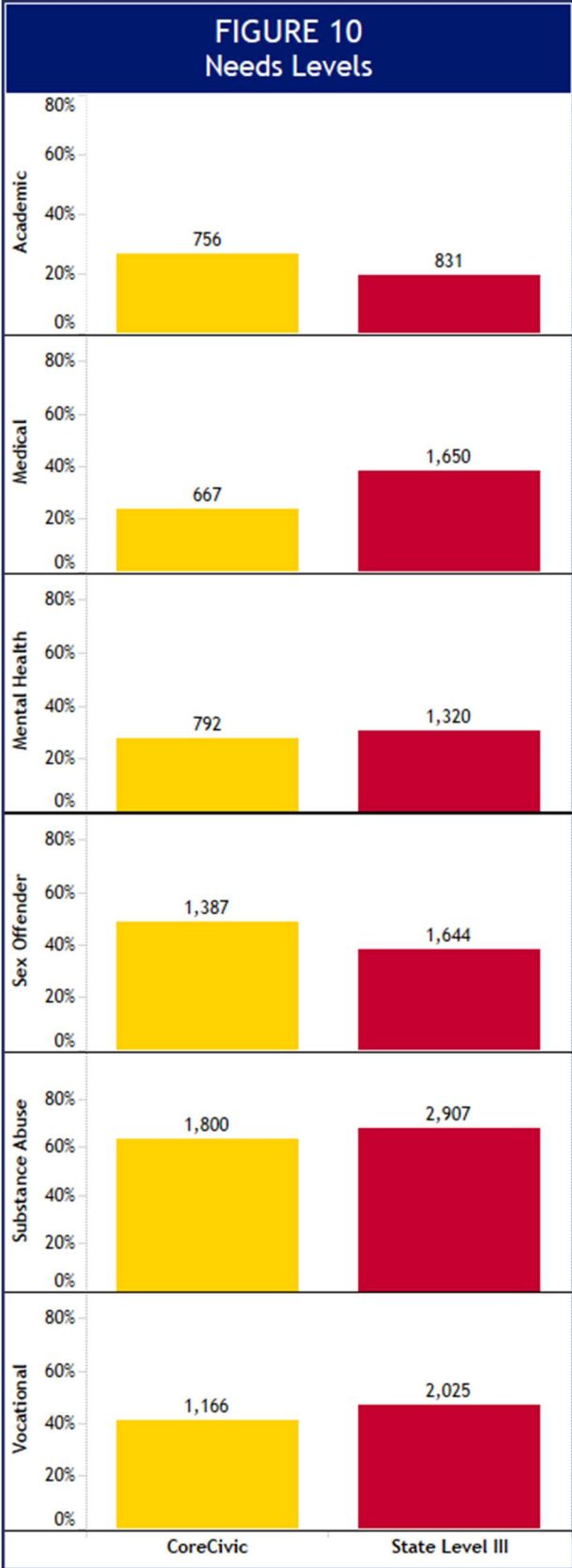
Figure 8 shows little difference in risk scores as measured by the Level of Supervision Inventory-Revised (LSI-R). Inmates in state prisons are more prone to disciplinary violations (**Figure 9**). Treatment needs levels are shown in **Figure 10**. These categories are rated on a 1-5 sliding scale; for this report, only moderate to high needs levels (3, 4, and 5) are shown. CoreCivic facilities house a higher rate of sex offenders. These inmates are currently on the global referral list for sex offender treatment because they are not yet within 4 years of their Parole Eligibility Date (PED), or in some instances, inmates may be ineligible for previously refusing treatment.



* State includes only Level III male facilities for comparison.



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PRIVATE PRISON PROGRAM SERVICES

The CDOC is required by C.R.S. 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/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 inmates. Under contractual requirements, CoreCivic and GEO sites are required to provide, “Meaningful work and/or program opportunities to the inmate population so that 80% of the eligible population is engaged in meaningful employment for at least three (3) hours per day, five days per week.”

Figure 11 shows successful completions and achievements in each treatment program area by the three locations during FY 2020. **Figure 12** shows the programs and treatment services offered in each location during FY 2020.

FIGURE 11			
Successful Completions and Achievements in Program Area			
Program Area	GEO (CMRC)	CoreCivic	State
Academic	22	155	100
Mental Health	74	347	407
Pre-Release	97	164	144
SOTMP	0	0	273
Substance Abuse	35	212	438
Vocational	24	109	662
Total	252	987	2,024

* State includes only Level III male facilities for comparison. GEO (CMRC) data reflects a partial year due to the contract termination in February 2020. Data unavailable for some inmates.

FIGURE 12
Private Prisons Programs and Treatment Services

Mental Health and Substance Abuse Groups

Type	Program	Bent County Correctional Facility	Crowley County Correctional Facility	Cheyenne Mountain Reentry Center
Anger Management	CALM: Controlling Anger and Learning to Manage it	-	-	-
	Fear: The Anger Trigger	-	-	-
	SAMHSA Anger Management Program	✓	✓	✓
Major Mental Illness	BRIGHT: CBT for Depression and Co-Occurring Drug/Alcohol Problems	✓	✓	✓
	CBT for Anxiety and Depression	✓	✓	✓
	CBT for Bi-Polar Disorder	-	-	-
	CBT for Social Anxiety	✓	✓	-
	CBT for Social Anxiety in Schizophrenia	-	-	-
	Commitment to Change Volume I	✓	-	-
	Commitment to Change Volume II	✓	-	-
	Commitment to Change Volume III	✓	-	-
	DBT: Basic Skills Group	✓	✓	-
	Illness Management and Recovery (IMR) Complete Program	✓	✓	-
	Stairways for Borderline Personality Disorder	-	-	-
	STEPPS for Borderline Personality Disorder	-	-	-
	Wellness Recovery Action Plan (WRAP)	✓	✓	✓
Substance Abuse Programs	DUI Education	-	-	✓
	Strategies for Self Improvement and Change (SSIC Level 4B Outpatient)	✓	✓	✓
	Victim Impact	✓	✓	✓
Others	Gender Dysphoria Support Group	✓	✓	✓
	Mental Health First Aid for MH Peer Assistants	✓	✓	✓
	Sex Offender Treatment and Maintenance Program (maintenance)	-	-	✓

Program Overview

Type	Program	Bent County Correctional Facility	Crowley County Correctional Facility	Cheyenne Mountain Reentry Center
Education	Adult Basic Education (ABE)	✓	✓	-
	English as a Second Language (ESL)	✓	-	-
	General Equivalency Diploma (GED)	✓	✓	✓
Vocational Education	Braille	✓	-	-
	Career Programs (Core Foundations)	-	✓	-
	Commercial Driver's License (CDL)	✓	-	-
	Construction Technology I and II	-	✓	-
	Construction Truss Program	-	✓	-
	Customer Service	-	-	✓
	Electronics	-	✓	-
	Fresh Start Program (Red Rocks CC, Pikes Peak CC and Solid Rock DC)	-	-	✓
	Horticulture (Nursery and Greenhouse)	-	✓	-
	Introduction to Computer Information Systems	✓	-	-
	OSHA Program (HVAC and Gas/Oil)	-	-	✓
	Woodshop Apprentice Program	-	✓	-
Re-entry/ Pre-Release	7 Habits on the Inside	✓	-	✓
	CBI-SA	-	-	✓
	DOC Pre-Release	✓	✓	✓
	Go Further	✓	✓	-
	Living in Balance	-	-	✓
	Parents on a Mission	✓	✓	✓
Thinking for a Change	✓	-	✓	

CORECIVIC COVID-19 MEASURES

Bent County Correctional Facility (BCCF) and Crowley County Correctional Facility (CCCF) implemented Center for Disease Control (CDC) recommendations for COVID-19 guidelines, as well as the procedures and guidelines instituted by the CDOC. CoreCivic has a strict policy to protect its staff, the inmate population, and the public from exposure. In addition to providing paid leave if a staff member is exhibiting symptoms of COVID-19 and requires testing, if a staff member believes to have come in contact with an individual who is positive or is pending testing for COVID-19, then the staff member is placed on paid leave pending the outcome of the individual's test results.

For social distancing and to ensure the health of the inmate population, BCCF suspended programs and modified food service operations to accommodate meal service to the cells instead of group setting in the dining halls. Inmate movement is limited by unit and pod to prevent exposure across unit or populations. BCCF has also housed medically high-risk inmates in one pod. The facility has not experienced an outbreak of COVID-19 among the inmate population.

CCCF suspended programs in March 2020. On April 29, 2020, the Colorado Department of Public Health and Environment (CDPHE) confirmed an outbreak of COVID-19 within the inmate population at CCCF. The facility's response to the occurrence limited the exposure and severity of the outbreak. The exposure was limited to two pods within one living unit, for a total of 63 inmates. CCCF, at the time of the outbreak, had 1,800 inmates living in six living units, with a total of 24 pods. During the period of the outbreak, CCCF completed 1,492 COVID-19 tests with 301 inmates. The facility response and collaboration with CDOC and CDPHE successfully limited inmate exposure.

FOR MORE INFORMATION, CONTACT:
Colorado Department of Corrections
Office of Planning and Analysis
1250 Academy Park Loop
Colorado Springs, CO 80910
DOC_OPA@state.co.us
719-226-4373