



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, 2021, PURSUANT TO C.R.S. 17-1-201(2)

PREPARED BY
THE OFFICE OF PLANNING AND ANALYSIS
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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) 2021, the CDOC had two private prison contracts, which 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. **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, 2021.

FIGURE 1			
Private Prison Contracts as of June 30, 2021			
Facility	Operated by	Population Capacity	Assigned*
Bent County Correctional Facility (BCCF)	CoreCivic	1,285	1,033
Crowley County Correctional Facility (CCCF)	CoreCivic	1,700	1,521

** 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 \$57.36 per inmate, per day through June 30, 2021. Funding for private prisons is provided through the External Capacity Subprogram in the Long Bill. The total amount appropriated in HB 20-1360 during FY 2020-2021 for private prisons was \$63,730,014.

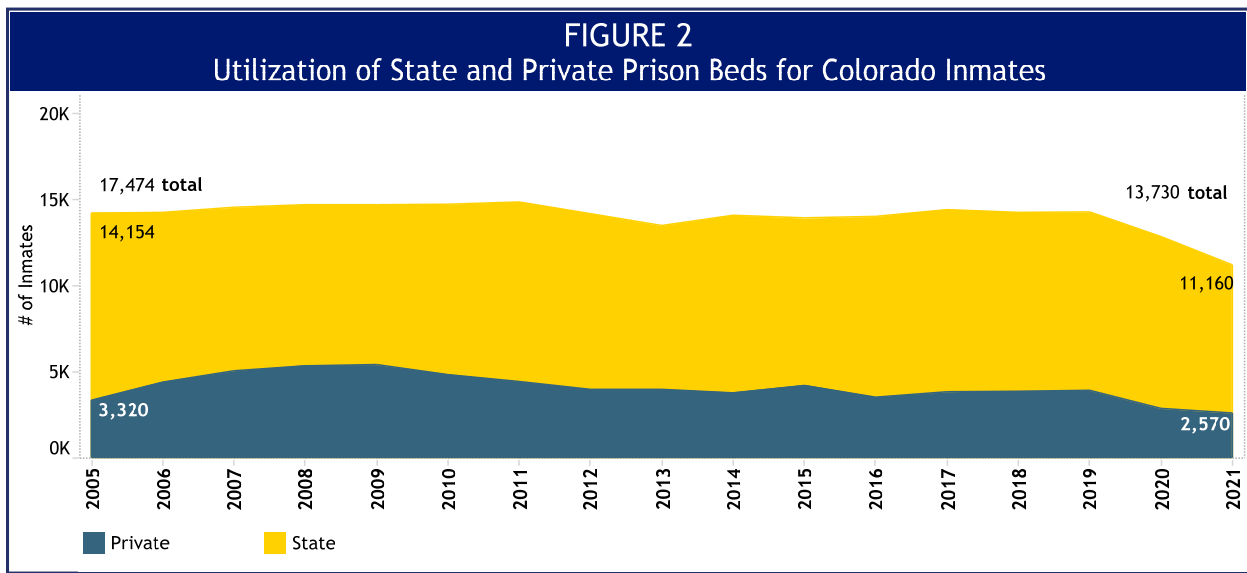
This funding is sufficient to house approximately 3,044 inmates in private prisons throughout the fiscal year. Funding allocated to the two facilities from the CDOC is based on inmate bed needs. The CDOC does not provide a bed guarantee to any private vendor to commit or guarantee a minimum census at 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. In July 2021, due to the facilities' struggle to recruit and retain staff and ensure identified minimum staffing patterns were met, \$207,666.76 and \$65,846.25 in liquidated damages were assessed to CCCF and BCCF, respectively. Additional efforts have been made by both CoreCivic and CDOC to address these staffing concerns. These efforts are detailed in the CoreCivic Staffing section of this document.

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 13,730 total inmates in FY 2021.

During the same time, the private prison rate has dropped, from 20.0% of the incarcerated population in FY 2016 to 18.7% of the incarcerated population as of June 30, 2021. Figure 2 shows state and private prison utilization levels and trends since 2005. Private prison population remained relatively consistent until 2019 at which point they began declining. State prison population peaked in 2009 and has been slowly and steadily declining since then.



PRIVATE PRISON POPULATION

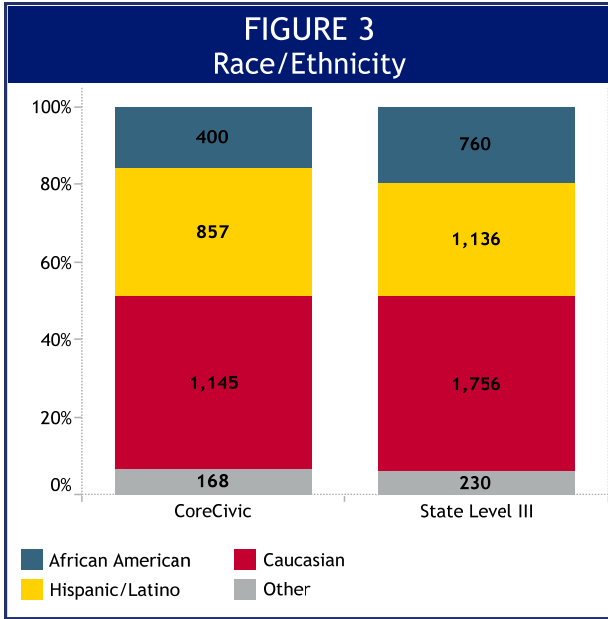
The CDOC executive director establishes the correctional standards by which the private prisons are expected to operate (C.R.S. 17-1-202 (III) (e)). These standards are memorialized in annual contracts. C.R.S. 17-1-104.9 requires that the department not place state inmates classified higher than medium custody in private contract prisons. The two 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

Subsequent figures detail differences in the two inmate populations regarding demographic, needs, criminal risk, and criminal history variables. The comparison consists of 3,883 Level III state facility male inmates and 2,570 private facility inmates housed in Colorado as of June 30, 2021. 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 male facilities as of June 30, 2021. Data are unavailable for some inmates.



* State excludes one inmate whose race/ethnicity is unknown.

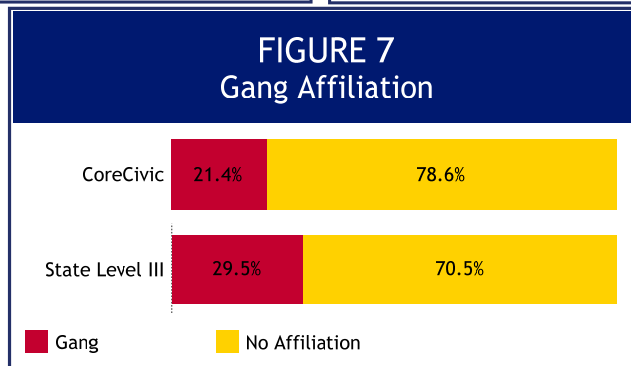
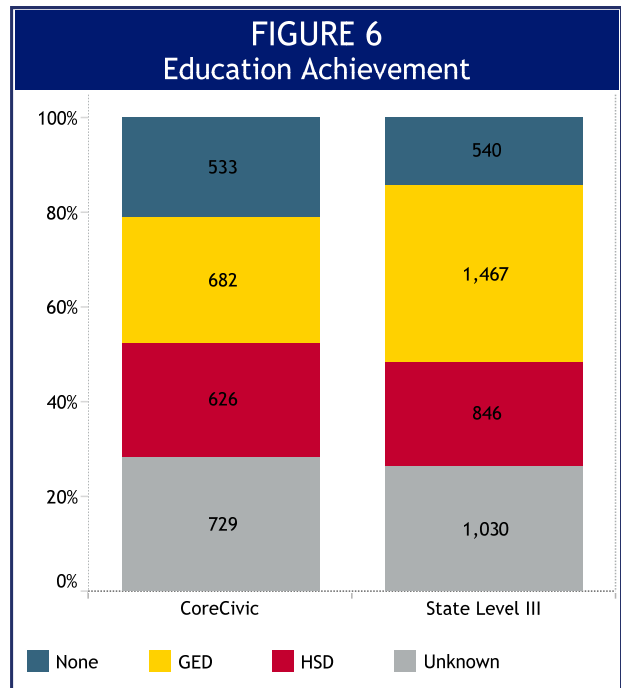
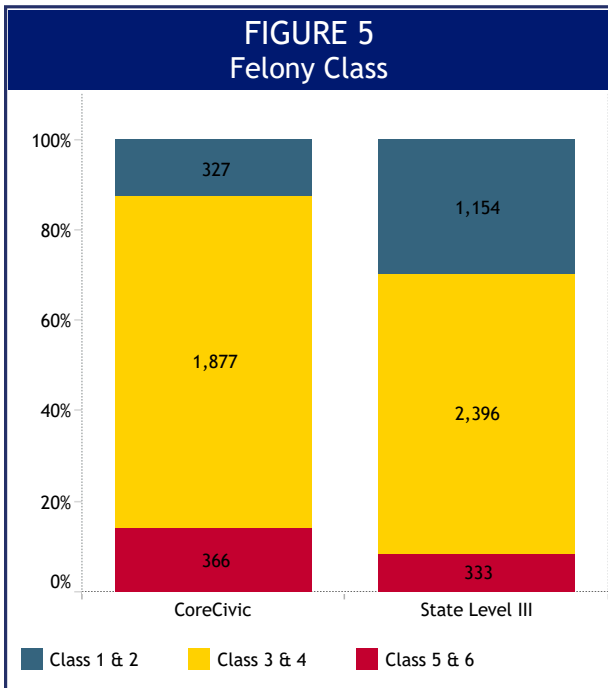
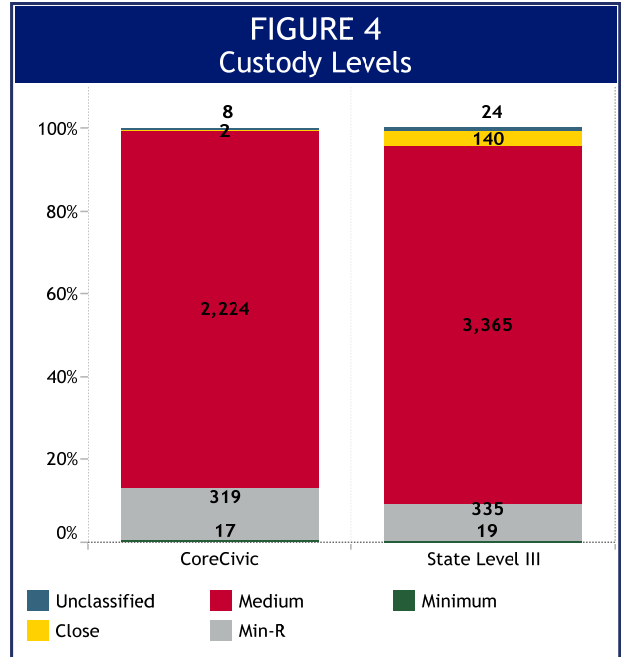


Figure 8 shows little difference in risk scores as measured by the Level of Supervision Inventory-Revised (LSI-R). Inmates in state level III male prisons are more prone to disciplinary violations (**Figure 9**). Treatment needs levels are shown in **Figure 10**. These categories are rated on a 1-5 sliding 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.

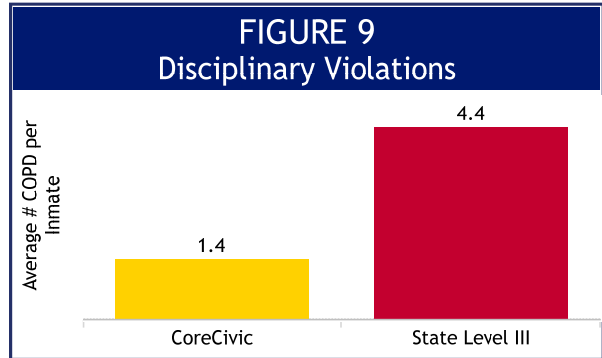
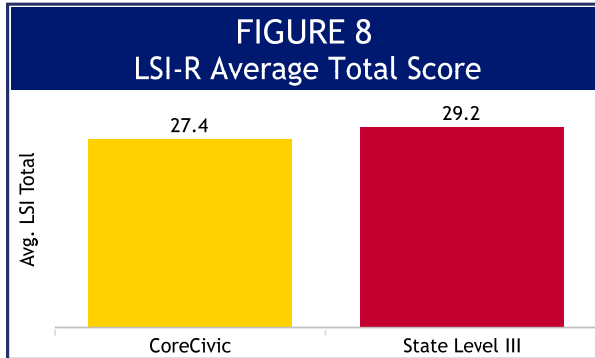
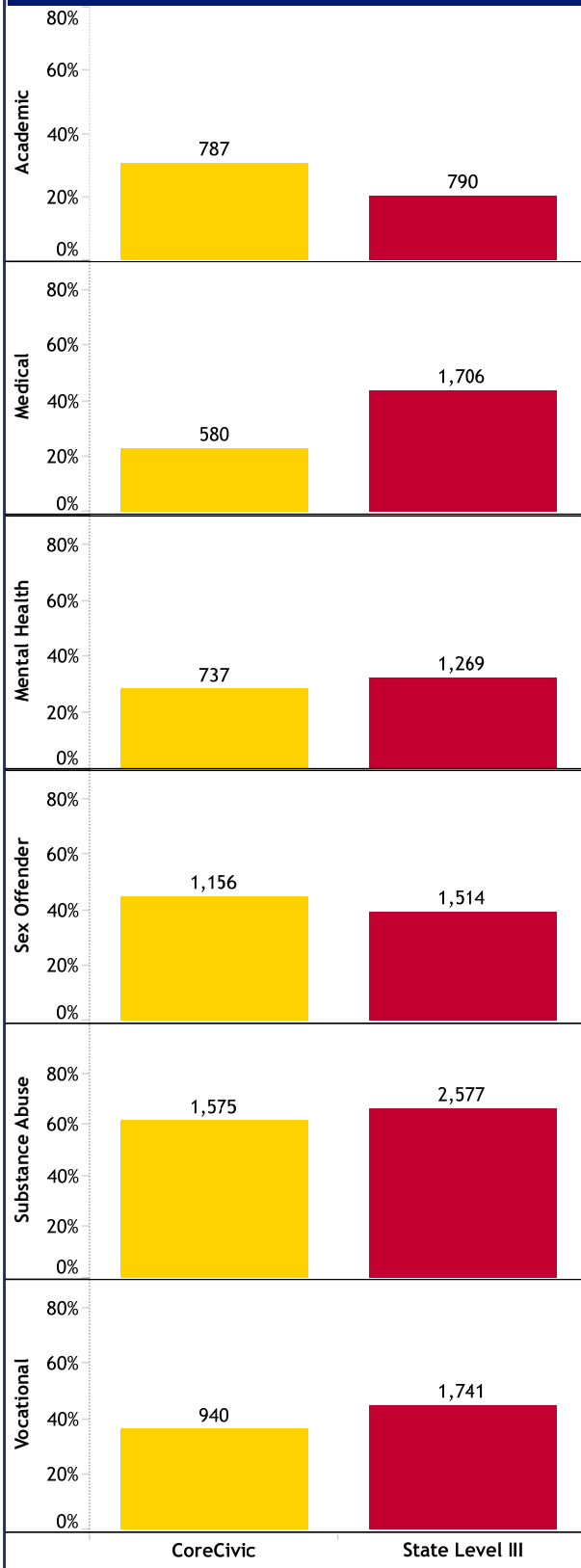


FIGURE 10
Needs Levels 3-5



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 House Bill (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, 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 the number of inmates who successfully completed a program in each area in CoreCivic and state level III male facilities during FY 2021. Some inmates may have successfully completed multiple programs within the same area, but they are only counted once per area. **Figure 12** shows the programs and treatment services offered in each CoreCivic location during FY 2021.

FIGURE 11		
Successful Completions in Program Area		
Program Area	CoreCivic	State
Academic	3	10
Cognitive Education		75
College Partner		52
CTE	18	56
Industry Certificates	8	100
Mental Health	5	99
Pre-release	14	29
SOTMP		131
Substance Abuse	23	147
Total	71	699

* In FY 2021, changes were made to program completion tracking. Program completions were also affected by COVID-19.

FIGURE 12
Private Prisons Programs and Treatment Services

Mental Health and Substance Abuse Groups

Type	Program	Bent County Correctional Facility	Crowley County Correctional Facility
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
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 Apprentices 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

As the COVID-19 Pandemic continued, Bent County Correctional Facility (BCCF) and Crowley County Correctional Facility (CCCF), owned and operated by CoreCivic, continued to adhere to the Center for Disease Control and Colorado Department of Public Health recommendations to mitigate and respond to COVID-19 outbreaks, as well as the procedures and guidelines instituted by the Colorado Department of Corrections. CoreCivic has a strict policy to protect its staff, the inmate population, and the public from exposure. Both staff and inmates went through regular and frequent testing for COVID-19, and were required to wear appropriate masks, which were provided by CoreCivic.

From March 2020 through June 2021, BCCF and CCCF suspended many programs, modified food service operations, and limited unit-to-unit contact between staff and inmates to encourage social distancing and to ensure the health of the inmate population. Beginning in February 2021, COVID-19 vaccinations were made available to inmates and staff at both facilities. BCCF and CCCF had a very high (almost 90%) vaccination compliance rate among inmates. Beginning in July 2021, BCCF and CCCF resumed programs and other normal operations, while still following appropriate COVID mitigation strategies. As of October 5, 2021, CCCF has 141 staff fully vaccinated (2 weeks past the second dose of vaccine) and BCCF has 129 staff fully vaccinated. CoreCivic facilities in Colorado are mandating their employees to be fully vaccinated or have an approved exemption to vaccination by October 31, 2021, in support of the mandatory vaccination expectation required of all state CDOC employees.

CORECIVIC STAFFING

As with many employers and industries in Colorado and across the country, the two private prisons have been challenged to hire and retain staff. Through COVID-19 protocols and phase III operations, the staffing shortages were easier to adapt to with no movement or programs. Minimal staffing levels were sufficient to accomplish core functions to maintain safe correctional practices.

CDOC approached CoreCivic with concerns regarding staffing levels in the private prisons in the Spring of 2021. The CDOC and CoreCivic continue to meet regularly to maintain open communication and discuss progress. In July 2021, the CDOC and CoreCivic agreed on a temporary modification to minimum staffing patterns at both BCCF and CCCF, identified as “critical staffing.” The critical staffing levels identified mandatory security and housing posts that must be staffed for safe and efficient operations as the facilities provide programming and treatment to inmates, ensuring critical operational needs are met.

CoreCivic also has several aggressive strategies to improve recruitment and retention, including short-term and long-term housing projects in Las Animas and Crowley. The company raised salaries for nurses beginning April 1, 2021 and raised hourly wages for the correctional series by \$2.00 per hour beginning July 1, 2021. In November, 2021, \$1.3 million were awarded from the American Rescue Plan Act to fund three, \$1,000 bonuses to all CoreCivic staff working at Bent and Crowley Correctional Facilities to support their retention efforts. CoreCivic representatives have expressed a strong desire to work with the CDOC and to meet expectations for staffing and contract requirements.

As of November of 2021, CDOC is working with CoreCivic on critical staffing levels due to ongoing staffing turnover and current staffing shortages/vacancies. PPMU monitors are documenting deficiencies, such as insufficient security rounds, failure to provide inmate programs per contract requirements, and failure to accurately document and report incidents. When these deficiencies are identified, the facility is responsible for developing and completing a corrective action plan to address and prevent future issues. All corrective action plans are submitted to PPMU for approval and follow-up.

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