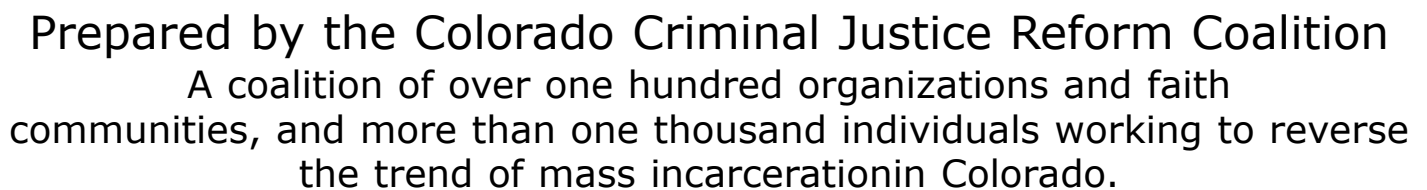


# Colorado Prison Facts 2004



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**Colorado Criminal Justice Reform Coalition  
Organizational Endorsers**

9 to 5 Colorado	Denver	It Takes A Village	Aurora
African American Leadership Institute	Denver	Jobs with Justice	Englewood
Alexandria Temple of Universal Metaphysics	Denver	Left Hand Book Collective	Boulder
ACLU of Colorado	Denver	Libertarian Party of Colorado	Arvada
American Friends Service Committee	Denver	Lutheran Office of Governmental Ministry	Denver
Amnesty International	Denver	Mighty Muse Writing Project	Colorado Springs
Arapahoe House	Thornton	Mountain Forum for Peace	Nederland
Bayaud Industries, Inc.	Denver	NAACP Region IV Prison Project	Denver
Black Professional Business Association of Colorado	Denver	National Alliance for the Mentally Ill	Littleton
Blessed Sacrament Catholic Church	Denver	National Lawyers' Guild	Denver
Boulder Green Alliance	Boulder	Neighborhood Rites of Passage	Denver
Boulder Unity Church	Boulder	New Foundations Nonviolence Center	Denver
Brother Jeff's Cultural Center & Cafe	Denver	Northern Colorado CURE	Fort Collins
Carbondale Clay Center	Carbondale	Northern Colorado Social Legislation Network	Fort Collins
Catholic Charities	Denver	Open Door Youth Gang Alternatives	Denver
Cell Door Magazine	Mancos	Padres Unidos	Denver
Center for Justice, Peace and Environment	Fort Collins	PeaceJam Foundation	Arvada
CHARG Resource Center	Denver	Peacemaker Institute	Boulder
Charity's House Ministries	Centennial	People of Color Criminal Justice Committee	Denver
Christian Men's Resource Center	Denver	Physicians for Social Responsibility	Denver
Coloradans Against the Death Penalty	Denver	Pikes Peak Justice & Peace Commission	Colorado Springs
Colorado Anti-Violence Program	Denver	Pikes Peak Metropolitan Community Church	Colorado Springs
Colorado Black Women for Political Action	Denver	Poudre Valley Greens	Fort Collins
Colorado Coalition Against Domestic Violence	Denver	Prison Dharma Network	Boulder
Colorado Coalition for the Homeless	Denver	Reclaim Democracy	Boulder
Colorado Criminal Defense Bar Association	Denver	Rocky Mountain Mennonite Conference	Pueblo
Colorado Cuba Information Project	Denver	Rocky Mountain Peace & Justice Center	Boulder
Colorado CURE	Denver	Saint Mary's Cathedral	Colorado Springs
Colorado New Jewish Agenda	Denver	Saint Thomas of Aquinas Univ. Parish (Social Concerns Committee)	Boulder
Colorado NOW	Denver	San Luis Valley Christian Comm. Services	Alamosa
Colorado Progressive Coalition	Denver	San Luis Valley Welfare Advocates	Alamosa
Colorado Vincentian Volunteers	Denver	School Mediation Center	Boulder
Colorado West Regional Mental Health	Glenwood Springs	Second Chance Program	Denver
Colorado Women's Agenda	Denver	Sopris Greens	Carbondale
Compassionate Use Respects Everyone	Boulder	Southern Colorado CURE	Peyton
Conflict Center	Denver	Summit Greens	
Cynergetics Institute	Colorado Springs	Under the Umbrella	Aurora
Denver Harm Reduction Project	Denver	Urban League of Denver	Denver
Denver Inner City Parish	Denver	Urban League of the Pikes Peak Region	Colorado Springs
Denver Justice & Peace Commission	Denver	Victim Offender Reconciliation Program	Boulder
Denver Women's Commission	Denver	Victim Offender Reconciliation Program	Denver
EAGR Project	Denver	Vincentian Center for Spirituality & Work	Denver
End the Politics of Cruelty	Denver	Volunteers of America	Denver
Fatherhood Coalition of Metro Denver	Denver	Washington Park UCC	Denver
First Congregational Church, UCC (Justice & Peace Committee)	Colorado Springs	Weld County Partners	Greeley
Fort Collins Mennonite Conference	Fort Collins	Women United for Justice Community and Family	Boulder
Free Speech TV	Boulder	Women's Empowerment Program	Denver
Friends and Families of the Imprisoned	Aurora	Women's Int'l League for Peace & Freedom	Boulder
Gray Panthers of Colorado	Denver	Women's Int'l League for Peace & Freedom	Greeley
Harm Reduction Project	Salt Lake City, UT	Women's Lobby	Denver
High Desert Greens	Glade Park	Word is Out Women's Bookstore	Boulder

# Colorado Criminal Justice Reform Coalition

*Prevention, treatment, and alternatives work  
Prison should be the last resort*

## Prison Growth

- ▶▶ There are currently over **19,000 people under correctional supervision** in Colorado (this includes people in prison and in community corrections, it does not include people in county jails, on parole, or on probation). This is a **528% increase** in prison population during the last 24 years. During the same time, the population of the state increased 59%.

Sources: Colorado Dept. of Corrections, "Monthly Population Report," as of November 30, 2003.  
Colorado Dept. of Corrections, *Statistical Reports*  
Census Data

- ▶▶ From 1990 to the present day the State of Colorado has opened **12 new prisons** (in addition to four new private prisons which opened during the same period). The Department of Corrections currently has plans for one new state prison, two new private prisons, one private prison expansion project, and unspecified plans for 3,000 additional prison beds over the next 5-7 years.

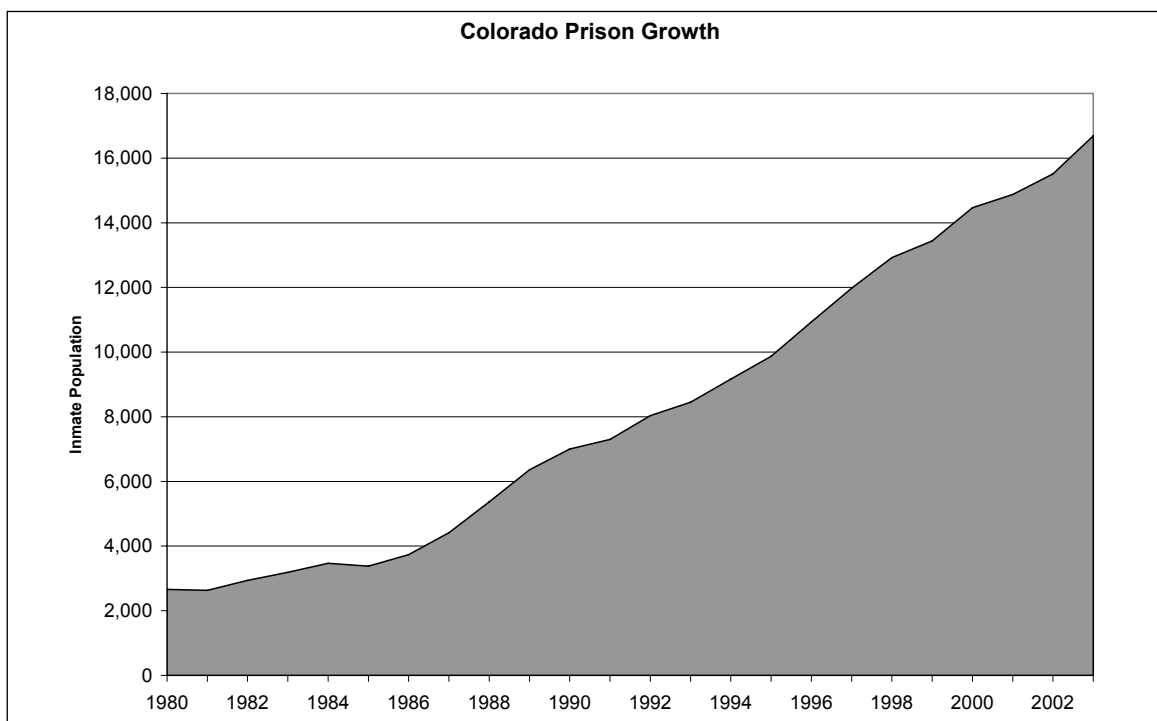
Sources: Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2001*, by Kristi Rosten (2002).  
Colorado Dept. of Corrections, presentation before the Capital Development Committee, February 11, 2003.

- ▶▶ Currently, **13% of all state employees** work for the Department of Corrections (DOC) (second only to the Department of Higher Education). In fact, the DOC has more employees than the Departments of Education, Natural Resources, Public Health, Public Safety, and Military Affairs **combined**.

Source: Colorado Joint Budget Committee, *Fiscal Year 2003-04 Appropriations Report*.

- ▶▶ One factor contributing to the growth of the prison population is the **declining use of parole**. Use of parole has been steadily declining during the Owens administration. Currently 51% of state prisoners (over 9,000 inmates) are eligible for parole. Of these inmates, 17% are housed in minimum security prisons and 12% are housed in the community.

Sources: Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2002*, by Kristi Rosten (2003) 78, 101.



# Colorado

## Criminal Justice Reform Coalition

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### Why are so many people in prison?

The explosive growth of prison populations has been a nationwide trend during the 1980s and '90s. Colorado is no exception. Three primary factors have increased the number of people in prison in our state:

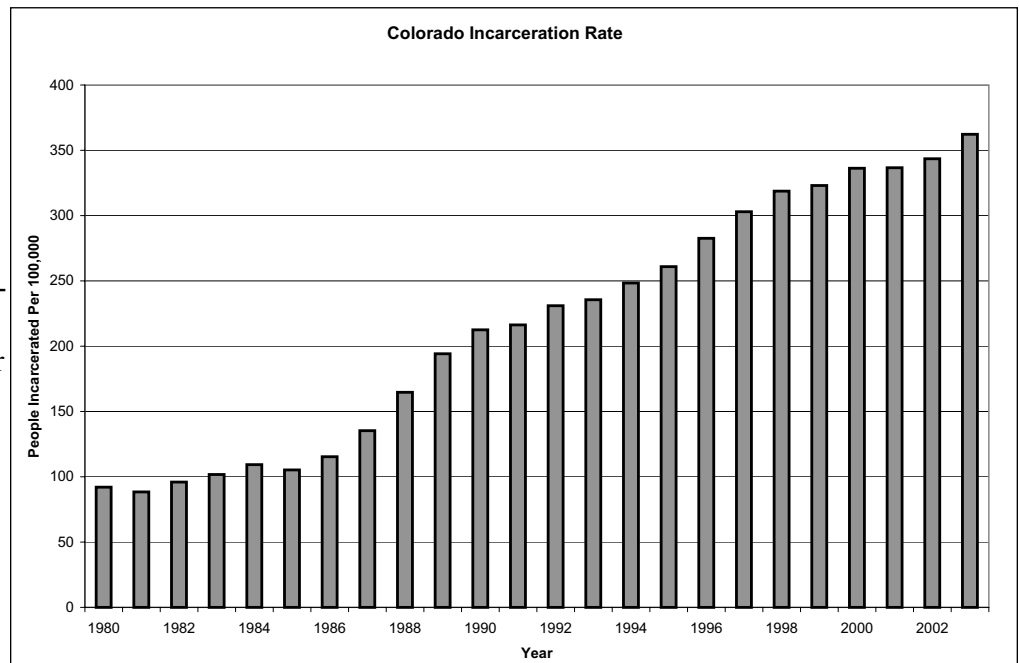
1. Increasing sentence length and mandatory sentencing
2. The war on drugs
3. Parole practices

### Sentencing Laws

In 1985, the legislature passed House Bill 85-1320 (The Mielke-Arnold Bill) which doubled the maximum sentence for all felonies. As a result, the *minimum* sentence for crimes of violence was also substantially increased. The Mielke Bill has been widely acknowledged as the birth of Colorado's prison explosion. In a 1998 report on Colorado's adult criminal justice system, the Legislative Council remarked that within three years of the passage of the Mielke Bill, the average sen-  
tence length had increased by two-thirds, while the average  
length of stay (in prison) had increased by 40%.<sup>1</sup>

The **habitual offender statutes** impose mandatory sentences. Depending on an offender's previous criminal record, a judge must impose a sentence which is higher than the normal presumptive range.<sup>2</sup> This system is similar in some ways to three-strikes-and-you're-out legislation seen in other states.

**Mandatory sentences** *require* that a judge sentence a defendant to prison in certain circumstances. Mandatory sentencing erodes judicial discretion and transfers tremendous power to the prosecutor since he or she is the one who decides under what crime to charge a defendant.



### Notes

<sup>1</sup> Colorado Legislative Council Staff, *An Overview of the Colorado Adult Criminal Justice System*, Research Pub. No. 487 (January 2001), 32, 62-63.

<sup>2</sup> Ibid, 36-37.

# Colorado Criminal Justice Reform Coalition

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## Cost of Incarceration

- ▶ From FY 1980 to FY 2004, the operating budget for the Colorado Department of Corrections (DOC) **increased over 1,500%**.

Source: Joint Budget Committee, *Appropriations Report* (FY 1983 through FY 2004)

- ▶ In 1991 the General Assembly limited annual growth of the General Fund to 6%. If the DOC operating budget had only increased by 6% per year for every year since then, it would be \$299 million for fiscal year 2004. Instead, the DOC received \$469 million -- **57% over the target** according to the 6% rule.

Source: Joint Budget Committee, *Appropriations Report* (FY 1983 through FY 2004)

- ▶ During the eighteen years from FY 1987 to FY 2004, capital construction costs for building new prisons totalled \$792 million. An additional \$31 million was spent on building maintenance during the same period.

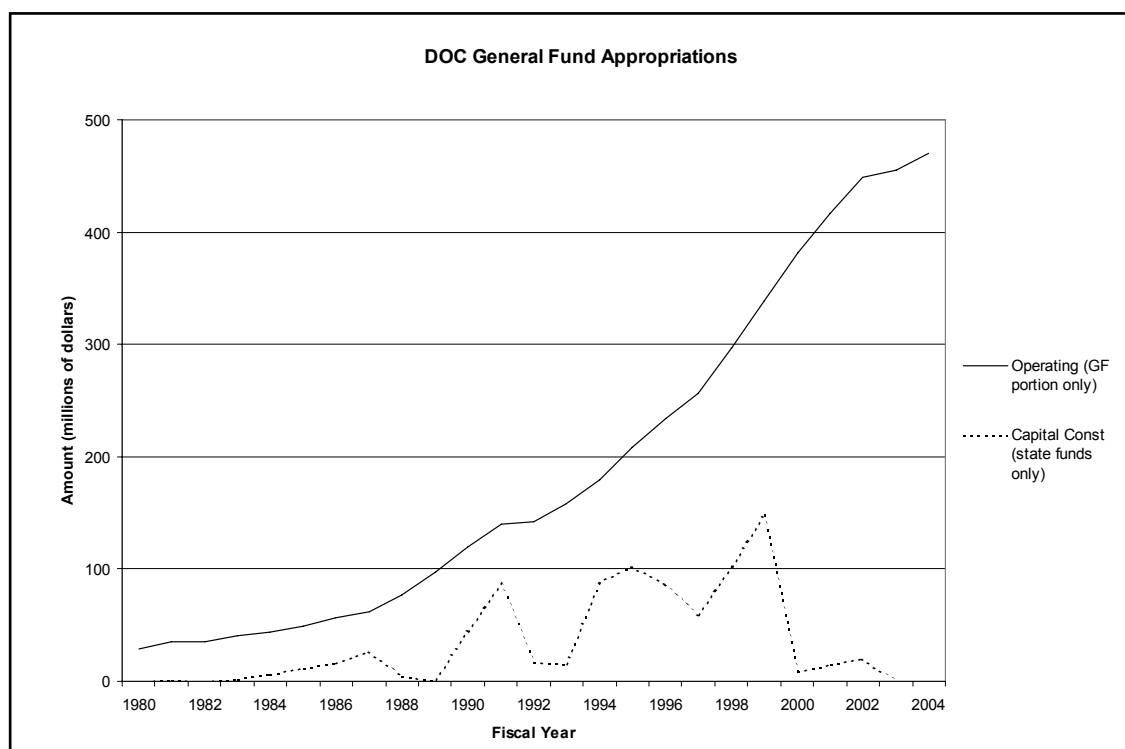
Sources: Colorado Legislative Council., *An Overview of the Colorado Adult Criminal Justice System* (1996 and 2001 editions).  
Annual appropriations bills.

- ▶ From 1980 to 2003, the population of the state of Colorado increased by **59%** while the prison population increased by **528%**.

Source: Census Data  
Colorado Dept. of Corrections, *Statistical Reports*.

- ▶ From 1990 to the present day the State of Colorado has opened **12 new prisons** (in addition to four new private prisons which opened during the same period). In 2003, the Colorado General Assembly approved more than **\$100 million in debt** to build a new 948-bed administrative segregation facility.

Sources: Colorado Dept. of Corrections. 2001. "Statistical Report for Fiscal Year 2000." By Kristi Rosten.  
Colorado General Assembly, Session Laws 2003, §190.



# Colorado Criminal Justice Reform Coalition

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## Use of Taxpayer Money

During Fiscal Year 2002, Colorado taxpayers paid an average of **\$28,218** (or \$77.31 per day) for each prisoner housed in the Department of Corrections. The annual costs ranged from a low of \$18,902 (adult males housed at YOS in Pueblo) to \$62,927 (at the San Carlos Correctional Facility in Pueblo). In contrast, for the same time period, offenders who were housed in non-prison settings cost from \$3,477 (for parole) to \$11,027 (for community intensive supervision program) for the entire year.<sup>1</sup>

## Different Costs Associated with Incarceration

The above figures are only part of the total cost of incarceration. Direct government costs include:

- ♦ repair and maintenance
- ♦ capital construction costs
- ♦ courts and law enforcement

Indirect government costs consist of cost of:

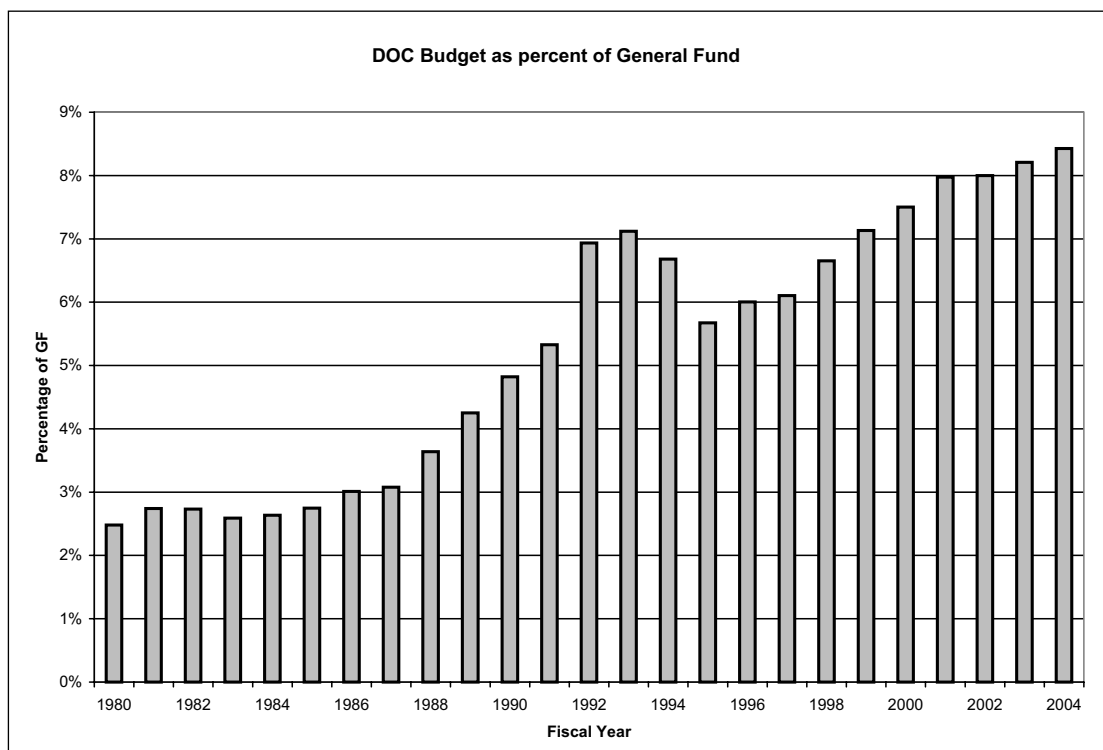
- ♦ overhead government organizations (e.g., State Auditor's Office, budget office, legislative activity concerning corrections, Dept. of Personnel)
- ♦ public assistance for families of persons who are incarcerated
- ♦ the "opportunity costs" arising from not being able to use correctional resources for other purposes

Finally, society pays costs due to lost earning capacity of those who are in prison, along with the general impacts on the social and natural environments.<sup>2</sup>

## Notes

<sup>1</sup> State of Colorado, Dept. of Corrections, "Statistical Report for Fiscal Year 2002," by Kristi Rosten (2003), 28.

<sup>2</sup> Douglas C McDonald, "The cost of corrections: in search of the bottom line" *Research in Corrections* v. 2, n.1 (Feb. 1989) 7.



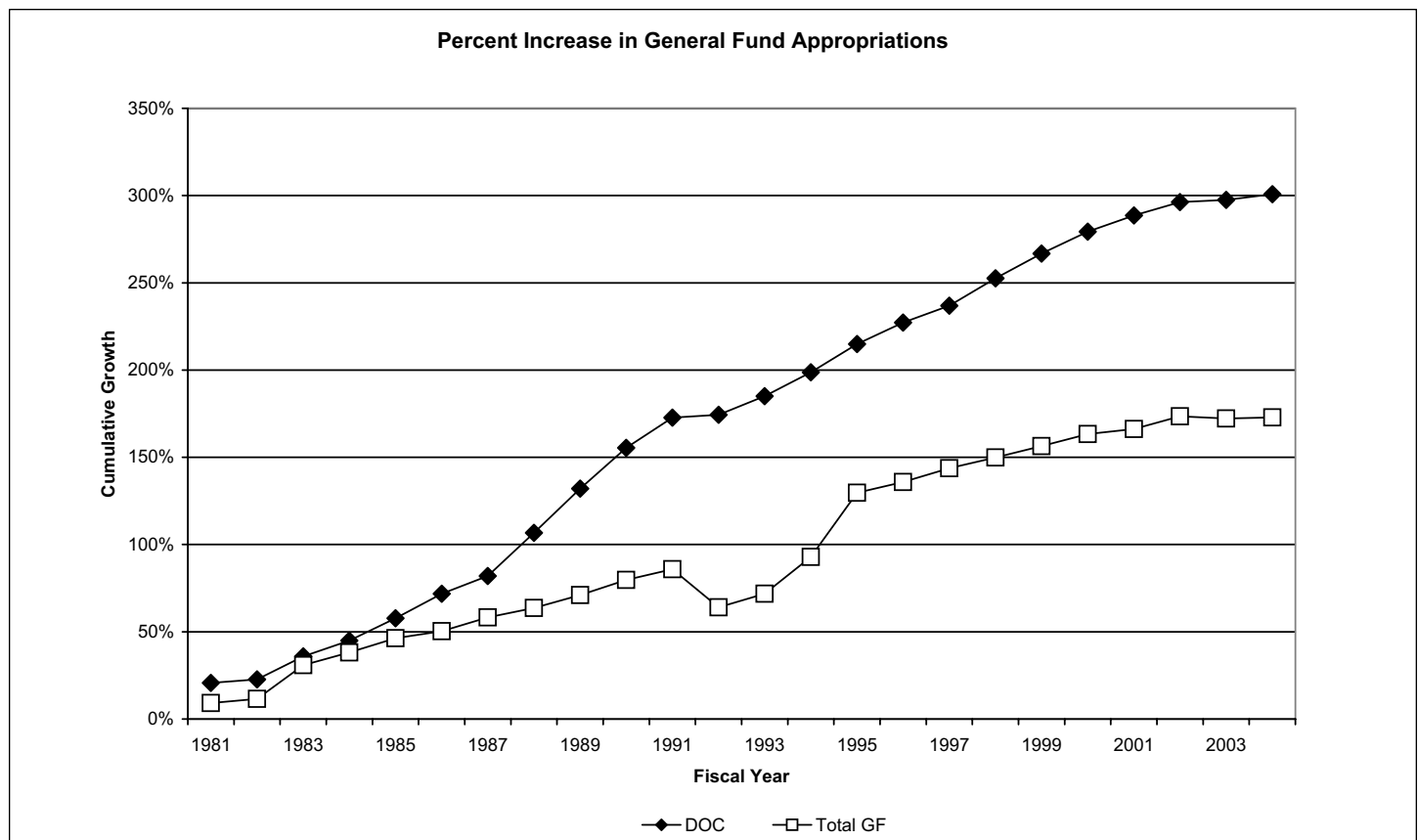
## State Funds Allocated for Colorado Prisons 1988 - 2004

Fiscal Year	Operational Budget (General Fund Only)	New Construction (State Fund Only)	Repair/Maint. (State Funds Only)	TOTAL
1987-88	\$ 77,357,098	\$ 2,580,100	\$ 1,465,000	\$ 81,402,198
1988-89	98,405,594	0	945,325	97,939,126
1989-90	119,580,765	42,716,050	922,490	163,219,305
1990-91	140,312,220	86,081,218	500,000	226,893,438
1991-92	142,590,290	17,544,710	33,000	160,168,000
1992-93	157,880,897	14,265,323	707,500	172,853,720
1993-94	179,395,227	86,166,596	1,342,340	266,904,163
1994-95	208,494,064	101,840,563	803,140	311,137,767
1995-96	234,119,810	85,580,416	1,437,276	321,137,502
1996-97	256,812,283	57,337,215	1,517,217	315,666,715
1997-98	296,952,037	99,538,359	1,610,483	398,100,879
1998-99	339,125,488	144,081,263	3,432,540	486,639,291
1999-00	381,636,624	3,534,914	5,382,191	390,553,729
2000-01	417,132,087	10,489,377	4,029,332	431,650,796
2001-02	449,096,900	14,214,739	6,316,934	469,628,573
2002-03	445,100,120	191,715	0	455,291,835
2003-04	469,771,508	0	0	469,771,508
<b>TOTAL</b>	<b>\$4,422,351,219</b>	<b>\$766,162,558</b>	<b>\$30,444,768</b>	<b>\$5,218,958,545</b>

### Sources:

Operating budget figures from Joint Budget Committee, *Appropriations Report* (FY 1991 through FY 2004). Figures through FY 2002 are actual expenditures, FY 2003 and 2004 are appropriated funds.

Capital construction budgets through FY 2001 from Legislative Council Staff, *An Overview of the Colorado Adult Criminal Justice System* (1996 and 2001 editions). FY 2002 through 2004 figures come from annual long appropriations bills.



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# Colorado

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## Criminal Justice Reform Coalition

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### Women

- ▶▶ Colorado's female incarceration rate has **grown faster** than the male incarceration rate. Between 1993 and 2003, the female incarceration rate increased twice as much as the male rate.

Source: Legislative Council Staff, *Forecasts 2003-2008* (Dec. 2003), 49.

- ▶▶ **Eighty-six percent** of women sent to Colorado's prisons in 2002 were convicted of a **non-violent offense**. The five most frequent crimes for which women were sent to prison in 2001 were:
  - ♦ drugs - 35%
  - ♦ theft - 12%
  - ♦ attempt/conspiracy/accessory to a nonviolent crime - 12%
  - ♦ escape/contraband - 10%
  - ♦ forgery - 7%

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 36.

- ▶▶ The United States incarcerates nearly **10 times more** women than the countries of Western Europe, despite the fact that the overall female population of the two regions is approximately the same.

Source: Amnesty International, *Not Part of My Sentence: Violations of the Human Rights of Women in Custody* (Washington, DC: Amnesty Int'l, 1999) 15.

- ▶▶ In the last ten years, the Colorado Department of Corrections (DOC) has built **900 new beds** for women prisoners at a cost of \$93.8 million.

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 10.

- ▶▶ In Colorado, the rate of imprisonment for black women is more than twelve times the rate for white women. The rate for Latina women is nearly twice times that of white women.

Source: Colorado Dept. of Corrections, *Statistical Report for 2000*, by Kristi Rosten (2001), 80.  
Census Data

- ▶▶ **A majority of women prisoners (65%) are mothers** of children under 18 years old. Studies have shown that children are greatly affected (academically, behaviorally, and socially) by the incarceration of their mother. A multi-generational impact has also been observed. National data show that foster care for a prisoner's child costs between \$15,000 and \$20,000 per year. **Children with an incarcerated mother are 5 to 6 times more likely to become incarcerated** than other children who live in poverty, but whose mothers have never been in prison. A 1998 *U.S. News and World Report* article found that 51% of girls and 24% of boys in juvenile detention in Colorado had a mother who had been or was currently incarcerated.

Sources: U.S. Dept. of Justice, Bureau of Justice Statistics, "Incarcerated Parents and Their Children," by Christopher Mumola (2000).  
Toni Locy, "Like Mother Like Daughter," *U.S. News and World Report*, October 1998  
Gregory Hungerford, "The Children of Inmate Mothers in Ohio," West Virginia University, 1993.

- ▶▶ Women prisoners are three times more likely than men to be seriously mentally ill. In 2002, 42.7% of female inmates had a diagnosis of serious mental illness (compared to 13.9% of male prisoners).

Source: Colorado Dept. of Corrections, *Budget Request for FY 2004-05*, 625.



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# **Colorado**

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## ***Criminal Justice Reform Coalition***

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### **People of Color**

- ▶▶ **Latino/a citizens** account for **17.1%** of the population in Colorado, but make up **28.7%** of the prison population.

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 80.  
Census Data

- ▶▶ Similarly, **African-Americans** make up **3.7%** of Colorado's population, but represent **22.4%** of the state's prison population.

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 80.  
Census Data

- ▶▶ **Anglos**, however, are **82.7%** of the state's population, but only **45.8%** of the prison population

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 80.  
Census Data

- ▶▶ Throughout the country, disproportionate minority incarceration can largely be attributed to drug laws. According to the leading federal survey on drug use, most current illicit drug users are white. The survey identifies 69% of all users as caucasian, 12% as African-American, and 14% as Latino/a. Yet, nationwide, blacks constitute 35% of those arrested on drug charges, over 45% of federal prisoners serving drug sentences, and 58% of state prisoners serving felony drug sentences.

Sources: Substance Abuse and Mental Health Services Administration, *National Household Survey on Drug Abuse* (Rockville, MD: SAMHSA, 1999), 13  
U.S. Dept. of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 2000* (Albany, NY: State Univ. of New York, 2001), 366, 526.  
---, ---, "Prisoners in 2001," by Allen Beck (Washington, DC: GPO, 2002), 14.

- ▶▶ Among persons convicted of drug felonies in state courts, **Anglos were less likely than African-Americans to be sent to prison**. Thirty percent of convicted whites were sent to prison, whereas 48% of convicted black defendants received prison sentences.

Source: U.S. Dept. of Justice, Bureau of Justice Statistics, "State Court Sentencing of Convicted Felons, 2000," by Matthew Durose and Patrick Langan, NCJ 198822 (Washington, DC: GPO, 2003), table 2.5.

- ▶▶ According to the U.S. Department of Justice, a male born in 2001 faces the following odds of going to prison during his lifetime:

- 1 in 3 for African-Americans
- 1 in 6 for Latinos
- 1 in 17 for Caucasians

Source: U.S. Dept. of Justice, Bureau of Justice Statistics, "Prevalence of Imprisonment in the U.S. Population, 1974-2001," by Thomas Bonczar, NCJ 197976 (Washington, DC: GPO, 2003), 8.

# Colorado Criminal Justice Reform Coalition

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## Mentally Ill

- ▶ According to the Colorado Department of Corrections (DOC), in 2003, **16% of inmates** in the state prison system had a **serious** mental illnesses. This is more than **five times** the rate of mental illness reported in 1991. The DOC also found (in a 1998 study) that there are an insufficient number of community-based mental health programs to treat people before they end up in prison.

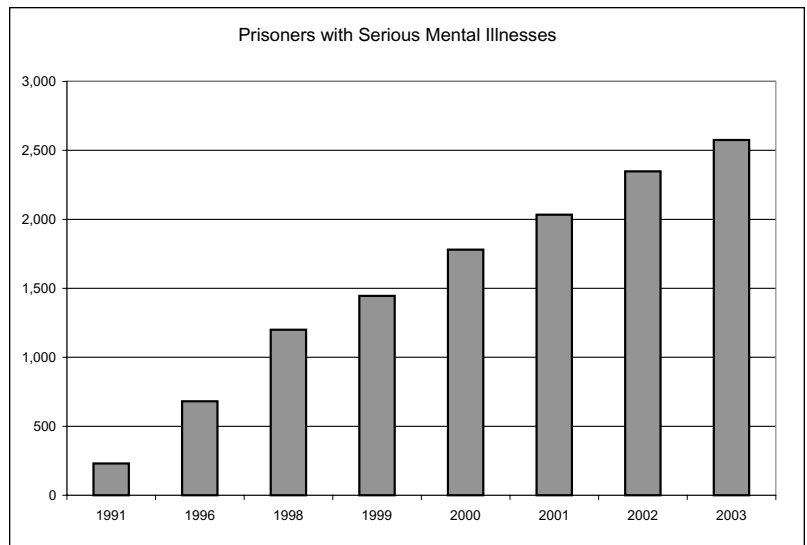
Sources: Colorado Dept. of Corrections, *Budget Request for FY 2002-03*, 106.  
---, *Offenders with Serious Mental Illness*, executive summary (1998), 1-6.

- ▶ The DOC projects that by 2008, **one out of every five** prisoners in Colorado will suffer from a serious mental illness.

Source: Colorado Dept. of Corrections, *Budget Request for FY 2004-05*, 625.

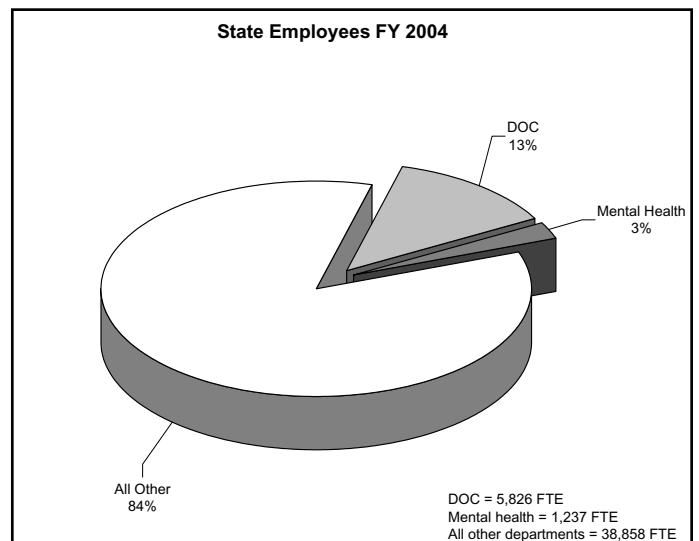
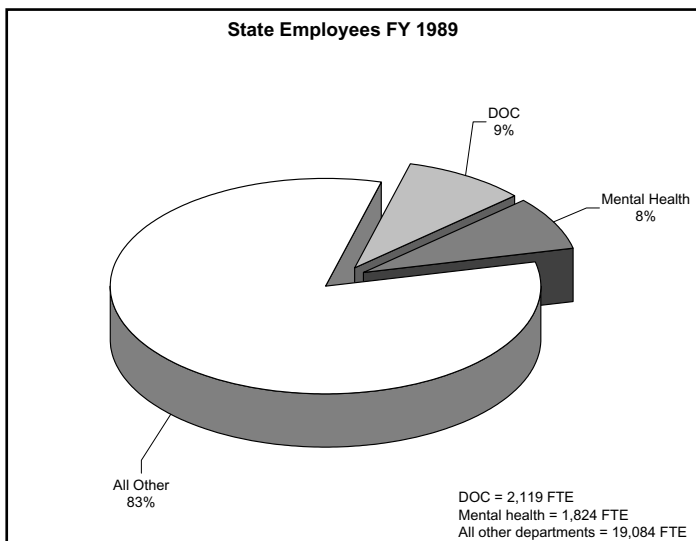
- ▶ In 1995, the DOC built the **San Carlos Correctional Facility** in Pueblo to provide psychiatric and psychological services for prisoners with serious mental illnesses. Since San Carlos combines intensive psychiatric care with the security functions of a prison, it has the highest operating cost (at **\$186.10 per inmate per day**, or **\$67,927 per year**).

Source: Colorado Dept. of Corrections, *Statistical Report for 2002*, by Kristi Rosten (2003), 28.



- ▶ In Fiscal Year 1988-89, the **DOC** and the state's **mental health programs** were funded at roughly the same level. **Today, the DOC budget is one-and-three-quarters that of mental health.** During the same time period, the DOC has increased its number of employees by 175% while the number of mental health employees have fallen by 32%.

Source: State appropriations reports for FY 1991-92 and FY 2003-04



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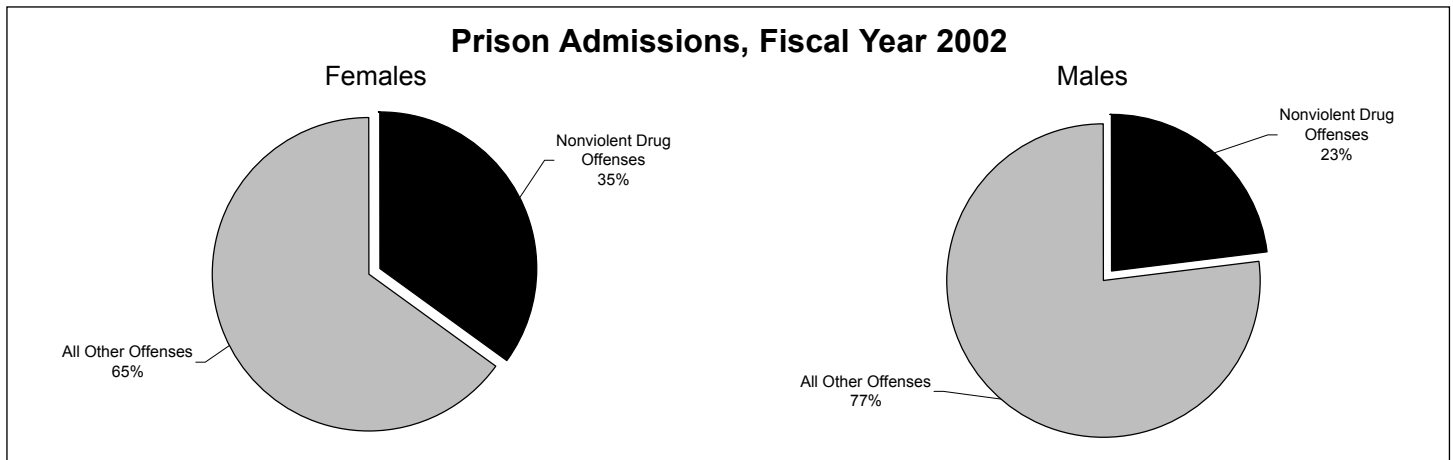
## Drug Policy

The Colorado Criminal Justice Reform Coalition believes current drug laws and policies are overly-punitive, ineffective, inhumane, racially-biased, expensive, and one of the the driving forces behind the largest expansion of the prison population in Colorado history.

### Incarceration

- ▶ Over the past decade, the number of people sent to prison in Colorado for a drug offense has increased 476%, making drug offenders the fastest growing and largest category of felons in prison. Between fiscal years 1987 and 2001, the percentage of prisoners whose most serious offense is a non-violent drug charge quadrupled from 5% to 20%.

Sources: Colorado Legislative Council. An Overview of the Adult Criminal Justice System. Research Pub No. 452. 9-10. Colorado Department of Corrections. 2002.  
Colorado Dept. of Corrections, *Statistical Reports* (FY 1989 through FY 2002).



- ▶ As of June 30, 2002, there were 3,691 people in prison for a drug offense. This costs taxpayers over \$101 million dollars per year. Approximately 50% were convicted of simple possession.

Sources: Colorado Department of Corrections. 2002, *Statistical Report for Fiscal Year 2002* by Kristi Rosten (2003), 70.  
Colorado Department of Corrections. 2001, "Profile of Drug Offenders in Colorado Department of Corrections."

- ▶ Nationwide, the United States incarcerates more people for drug offenses (458,131), than the European Union does for **all offenses combined** (356,626), even though the EU has 100 million more citizens than the U.S.

Source: Phillip Beatty, Barry Holman, and Vincent Schiraldi, *Poor Prescription: The Costs of Imprisoning Drug Offenders in the United States*, (Center on Juvenile and Criminal Justice, 2000), 3.

### Arrest Patterns

- ▶ In 1999, there were 16,761 adult drug arrests in Colorado. Eighty-eight percent of arrests were for drug possession - 50% for possession of marijuana, 22% for possession of cocaine, 11% for possession of other controlled substances. Only 11.5% of drug arrests were for drug distribution. The adult arrest rate for a drug crime increased from a rate of 222.1 per 100,000 adult residents (in 1980) to 598.1 per 100,000 adult residents (in 1999).

Sources: Colorado Bureau of Investigation, 1999 State Adult Drug Arrests  
Colorado Department of Public Safety, Division of Criminal Justice, 1980-1999 Offense/Arrest Data by Crime 2002.

### Substance Abuse

- ▶ According to the latest national survey of substance abuse patterns, Colorado has the **fifth highest rate of drug dependence and abuse** of the fifty states and the District of Columbia. Colorado also has the **sixth worst treatment gap** (i.e., number of people in need of, but not receiving, treatment) of the fifty states and DC. With the current economic crisis in Colorado, the treatment gap will only widen.

Sources: U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Services Administration, *State Estimates of Substance Abuse from the 2000 National Household Survey on Drug Abuse*, v. 1 (October 2002), 134-35.

---, ---, *National and State Estimates of the Drug Abuse Treatment Gap: 2000 National Household Survey on Drug Abuse* (July 2002), 20.

- ▶ A 2001 study by the National Center for Alcohol and Substance Abuse found that Colorado has the **lowest per capita spending** on substance abuse prevention, treatment, and research out of the 46 reporting states.

Source: Columbia University, National Center on Addiction and Substance Abuse, *Shoveling up: The Impact of Substance Abuse on State Budgets* (2001), 25.

- ▶ Substance abuse in Denver is considerably more severe than in the nation as a whole. A 2002 study of substance abuse patterns in Denver revealed that:

- Rates of binge drinking and chronic drinking are about 40% higher than national rates
- Denver residents are hospitalized for alcohol-related illnesses at nearly twice the national average
- Denver arrests and incarcerates drug offenders at more than twice the national rate
- Substance abuse costs Denver residents, businesses and government at least \$1.5 billion a year

Source: Drug Strategies, *Denver: On the Horizon, Reducing Substance Abuse and Addiction* (2002), 2.

- ▶ According to the Department of Corrections, 82% of women and 82.4% of men in prison are in need of substance abuse treatment.

Source: Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2002*, by Kristi Rosten (2003), 46.

### Substance Abuse Treatment

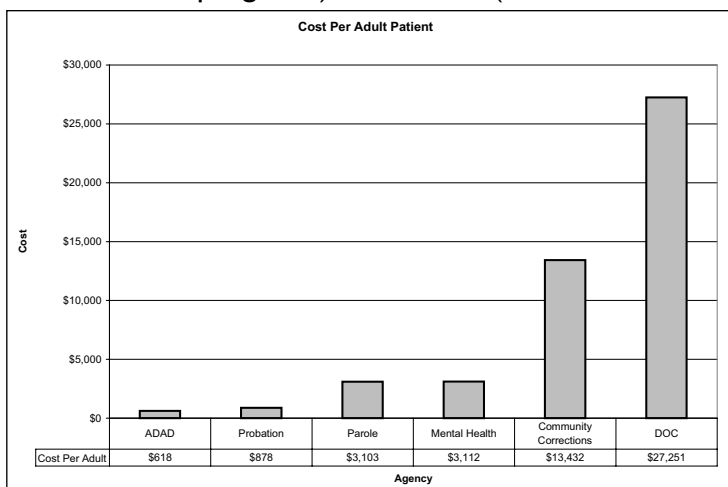
- ▶ Treatment is effective. In 1998, the Colorado Drug and Alcohol Abuse Division conducted a survey of people who had completed community-based substance abuse treatment programs. The findings showed:

- Within one year of completing treatment, 78% of patients reported no substance abuse
- Of those patients who had been arrested prior to treatment, 80% had no re-arrest after treatment
- Unemployment among the patients surveyed dropped 41% after completion of treatment

Source: Colorado Dept. of Human Services, Alcohol and Drug Abuse Division, *Problems in Colorado: Characteristics & Trends*.

- ▶ Treatment is cost effective. A 2001 report on Colorado substance abuse treatment found that community-based treatment ranges from \$400 (for education-based programs) to \$20,075 (residential therapeutic community) per patient per year -- contrasted with \$28,218 to incarcerate someone. Cost comparisons from a 2002 report are shown to the right.

Sources: Interagency Advisory Committee on Adult and Juvenile Correctional Treatment, "Statewide Bulletin: Analysis of Offender Substance Abuse Treatment Needs and the Availability of Treatment Services" (December 2001).  
Colorado Dept. of Human Services, Alcohol and Drug Abuse Division, *The Costs and Effectiveness of Alcohol and Drug Abuse Programs in the State of Colorado*, Report to the Colorado General Assembly (October, 2002).



### Racial Disparity

- ▶▶ People of color are dramatically over-represented in our prisons. **Sixty-nine percent of people in Colorado prisons for drug possession or use are people of color.**

Source: Colorado Dept. of Corrections, *Statistical Report for FY 2002*, by Kristi Rosten (2003), 73.

- ▶▶ African-Americans (who represent 3.7% of the total state population) constitute 22.4% of the state prison population and 43% of people in prison for drug possession or use.

Source: Colorado Dept. of Corrections, "Criminal History Profile of Incarcerated Drug Offenders" (Aug. 17, 2001) ---, *Statistical Report for FY 2002*, by Kristi Rosten (2003), 73.  
Census data.

### Drug Courts

- ▶▶ In recent years, drug courts have become popular and rapidly expanding tool used in processing drug cases. However, Colorado District Judge Morris B. Hoffman (Second Judicial District) has written, "[a]lthough many studies and many kinds of studies have examined drug courts, none has demonstrated with any degree of reliability that drug courts work." Judge Hoffman goes on to say "[r]educations in recidivism are so small that if they exist at all they are statistically meaningless. Net-widening is so large, that even if drug courts truly were effective in reducing recidivism, more drug defendants would continue to jam our prisons than ever before." Furthermore, according to Hoffman,

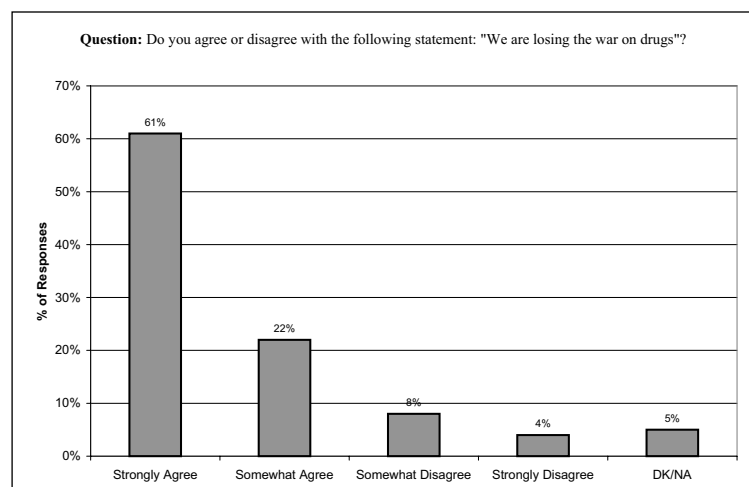
By existing simply to appease two so diametric and irreconcilable sets of principles, drug courts are fundamentally unprincipled. By simultaneously treating drug use as a crime and as a disease, without coming to grips with the inherent contradictions of those two approaches, drug courts are not satisfying either the legitimate and compassionate interests of the treatment community or the legitimate and rational interests of the law enforcement community. They are, instead, simply enabling our continued national schizophrenia about drugs.

Source: Morris B. Hoffman, "The Drug Court Scandal," *North Carolina Law Review* 78(1437), Chapel Hill, NC: N.C. Law Rev. Assoc, 2000, 1477, 1480, 1496.

### Public Opinion

- ▶▶ In 2001, CCJRC commissioned an opinion poll of Colorado voters' attitudes toward drugs and drug policy. The poll revealed that Coloradans believe the war on drugs is a failure. Seventy-three percent of those polled want to see decreased penalties for drug possession in order to redirect funds to prevention, education and treatment.

Complete results available at [www.ccjrc.org](http://www.ccjrc.org)



### Background on Drug Policy in Colorado

In 2000, Colorado voters approved Amendment 20, which authorizes the medical use of marijuana to alleviate certain debilitating medical conditions. In 2002, the General Assembly passed House Bill 1404, which radically reformed asset forfeiture laws by requiring a criminal conviction prior to forfeiture and raising the burden of proof in civil forfeiture actions to "clear and convincing evidence." HB 1404 also ends the practice of law enforcement and district attorneys keeping proceeds from forfeiture--instead, after reimbursing victims and lienholders proceeds are split equally between substance abuse treatment and the local government for allocation for public safety. In 2003, Senate Bill 318 became law, lowering felony classifications for possession of one gram or less of a controlled substance. SB 318 also provides that cost-savings from the prison system be allocated to expanding substance abuse treatment.

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## Parole Practices

- ▶ In 2002, of the 7,802 total admissions to prison, **28% were admissions for technical violations on parole** - this means that a procedural violation occurred, **but no new crime was committed**.

Source: Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2002*, by Kristi Rosten (2003), 31.

- ▶ In 2002, **half (51.6%) of people in prison were past their parole eligibility date**. In 1997, only 39.2% of people in prison were past their parole eligibility date.

Source: Colorado Dept. of Corrections, *Statistical Reports for 1997 and 2002*.

- ▶ In Fiscal Year 2001, the Parole Board processed **18,143 parole decisions** with the following results:

### Parole Board Release Decisions

Disposition	Number of Cases	Percentage of Cases
Deferred	7,222	39.8
Granted parole, but not released until mandatory	4,246	23.4
Hearing waived by applicant	4,206	23.0
Tabled	1,590	8.7
Other	725	4.0
Paroled	154	0.8
<b>Total</b>	<b>18,143</b>	<b>100.00</b>

← Cost per day = \$301,466

Source: Colorado Department of Corrections. *Parole Board Hearings and Decisions*, Nov 1, 2002; meeting with Mr. Van Pelt, Chairman, Colorado Parole Board Feb. 2002.

- ▶ In Fiscal Year 2001, the Parole Board conducted **5,363 Parole Revocation Hearings** with the following results:

### Parole Board Revocation Hearings

Disposition	Number of Cases	Percentage of Cases
Returned to prison	2,181	40
Decision postponed	1,187	22
Warrant issued	964	18
Continued on parole	943	17
Revoked to jail or community corrections	88	1.6
<b>Total</b>	<b>5,636</b>	<b>100</b>

Source: Colorado Department of Corrections. *Parole Board Hearings and Decisions*, 11/1/01.

## Trends in Parole

In 1993, the Colorado Legislature passed legislation mandating all felons who are sentenced on or after July 1, 1993 to serve a period of **mandatory parole** when they are released from prison (even if they serve every day of their sentence). The length of the mandatory parole period is determined by the class of the felony.<sup>1</sup> For inmates released in 1996, recidivism rates (defined as a return to prison for a new crime or a technical violation) over the following three years were 70.3% for those released on mandatory parole as compared to 50.9% for those released on discretionary parole (i.e., an early release).<sup>2</sup>

As a result, more offenders are on parole, and more get revoked and returned to prison (primarily for technical violations, not new crimes). The idea behind mandatory parole (to provide supervision while an offender is transitioning back into society) is well-intentioned; however, the way in which it is carried out presents many problems. The implementation of mandatory parole has increased the number of parolees, however, the number of *discretionary* (i.e., early) paroles has sharply declined in recent years.

During Fiscal Year 2000, **one in three people who were sent to prison were sent on technical parole violations**.<sup>3</sup> In response to this trend, the General Assembly enacted Senate Bill 03-252 which limits the amount of time a person can serve in prison on a technical parole violation to 180 days. **SB 252 has an estimated cost savings to taxpayers of \$27.2 million over five years.**

<sup>1</sup> Colorado Legislative Council, *Study on the State Parole System*, Research Publication No. 439 (n.p.: 1998) 23-24.

<sup>2</sup> Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2000*, by Kristi Rosten (Colorado Springs: DOC, 2001) 65.

<sup>3</sup> Colo. DOC, *Statistical Report* 31.

<sup>4</sup> Colo. Leg. Council, *Study on the State Parole System* 36, 40-41, 73-74, 76, 86.

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# **Colorado**

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### **For-Profit Incarceration**

A **private prison** is a correctional facility operated by a for-profit corporation. Many private prison companies are publicly traded, including the industry leaders: Corrections Corporation of America (NYSE: CXW) and the GEO Group (formerly Wackenhut Corrections Corporation) (NYSE:GGI).

- ▶▶ In 2002, **2,352 Colorado prisoners** were housed in private, for-profit facilities (15% of the prisoner population).

Source: Colorado Dept. of Corrections, *Statistical Report for Fiscal Year 2002*, by Kristi Rosten (2003), 101.

- ▶▶ In 2002, Colorado ranked twelfth in number of state inmates housed in private facilities (2,452) and twelfth again in the percentage of state inmates housed in for-profit prisons (13%).

Source: U.S. Dept of Justice, Bureau of Justice Statistics, *Prisoners in 2002*, by Paige Harrison and Allen Beck (July 2003), 6.

- ▶▶ Colorado has **six for-profit adult prisons**—one which exclusively houses federal inmates, four which house state prisoners (from Colorado and other states), and one which houses only Wyoming inmates.
- ▶▶ The four private prisons housing state inmates in Colorado are:
  1. Bent County Correctional Facility (capacity 724) – operated by Corrections Corporation of America (CCA).
  2. Crowley County Correctional Facility (capacity 1,135 with a planned 624 bed expansion) – operated CCA.
  3. Huerfano County Correctional Facility (capacity 778) – operated by CCA.
  4. Kit Carson Correctional Center (capacity 820) – operated by CCA.

In addition, the Brush Correctional Facility (operated by GRW, Inc., 245 beds) houses female inmates from Wyoming. The Department of Corrections expects to start housing Colorado women in this facility during 2004.

- ▶▶ There are two private prisons currently in the planning stage:
  1. A 750-bed facility in Pueblo - planned by the GEO Group (formerly Wackenhut Corrections Corporation), currently pending litigation.
  2. A 750-bed facility in Colorado Springs - planned by Community Education Centers.

In addition, an ad hoc committee of local officials from the city of Lamar and Prowers County is working with Cornell Companies to build a 750-1,1000 bed private prison in southeastern Colorado.

- ▶▶ In addition to the specific facilities being planned, the Department of Corrections has announced that it anticipates needing an additional three thousand private prison beds in the next 5-7 years.

Source: Colorado Dept. of Corrections, testimony before the General Assembly, Capital Development Committee (Feb. 11, 2003).

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### **Definition**

This document focuses on privately-owned, for-profit corporations which operate correctional facilities. In addition, this paper specifically addresses adult private prisons in Colorado that house inmates sentenced to the Colorado prison system.

### **Background on Private Prisons**

While privately-owned prisons first came to the U.S. after the Civil War, the contemporary for-profit prison industry was born in the mid-1980s, when **Corrections Corporation of America (CCA)** began operation. The other industry leader, **the GEO Group (formerly Wackenhut Corrections Corporation)**, built its first prison in Aurora, CO, to house immigrants for the Immigration and Naturalization Service<sup>1</sup> (INS, now known as the Bureau of Immigration and Customs Enforcement, part of the Department of Homeland Security).

With the number of prisoners in the U.S. rising so rapidly during the 1990s, state and federal agencies began to turn to private operators to house prisoners. As a result, the percentage of prisoners in private facilities has rapidly increased. In 1987, approximately one-half of one percent of state and federal prisoners were housed in private facilities,<sup>2</sup> by 2002 the number had risen to 6.5%.<sup>3</sup>

### **Financial Information**

Recent figures give **Corrections Corporation of America (CCA)** the leading market share in the U.S. (at 52%) with the GEO Group (formerly Wackenhut Corrections Corporation) coming in second (with 22% market share, although **GEO** does have the largest international market share).<sup>4</sup> Stock prices for CCA and Wackenhut plummeted in 2000, due largely to the corporations' records of overbuilding. Although stock prices have since risen (thanks largely to CCA's 1-for-10 reverse stock split and numerous lucrative contracts from the federal government), the industry is still on shaky ground.

### **Ethical Problems**

The concept of profiting from incarceration is one that rightly bothers many people. Put simply:

***For-profit private prisons, jails and detention centers have no place in a democratic society.***

***Profiteering from the imprisonment of human beings compromises public safety and corrupts justice.***<sup>5</sup>

Once the profit motive is introduced to prison operations, questions arise as to the priorities of prison operators. For instance, it is hard to believe that corporate prison operators have any incentive to address the following issues:

- overcrowding (especially since most are paid on a per diem basis)
- alternatives to incarceration
- impartial execution of quasi-judicial functions of a prison (i.e., disciplinary procedures, calculating earned-time, etc)
- reducing recidivism<sup>6</sup>

### **Risks to Public Safety**

Many for-profit prisons throughout the country have made the news due to practices which have endangered public safety, according to the American Federation of State, County and Municipal Employees (AFSCME), "corrections is an inherently dangerous profession. The best way to deal with the dangers inside the walls of a prison is to have an experienced corrections staff that is properly trained and paid decent wages and benefits." However, data shows that one



method for private prison corporations to turn a profit is to pay employees low wages. Thus, in 1999 the average turnover rate for correctional officers in government-run prisons was 16%, compared to 53% in for-profit prisons.<sup>7</sup> The record in Colorado supports the allegations of AFSCME and indicates that public law enforcement officials are often left to deal with incidents once they have reached crisis proportions in private facilities.

A disturbance in Correctional Service Corporation's (CSC) **Crowley County Correctional Facility (CCCF)** in 1999 began when a non-Colorado inmate (from Washington) started a riot over inadequate foodservice. Colorado emergency response teams were needed to regain control of the facility.<sup>8</sup> A follow-up investigation (conducted by state DOC employees) determined that CSC employees were not properly trained to detect possible problems, handle disturbances, or even properly use their radios.<sup>9</sup>

In retrospect, these problems at CCCF should not have come as too much of a surprise, since the prison's warden, Mark McKinna (a 23-year veteran of the Colorado DOC), admitted that the facility faced management problems since compensation and benefits are lower than at state prisons, resulting in approximately 70 percent of correctional officers at CCCF having no prior correctional experience. Sure enough, in the first month of operation, CCCF experienced a two-day lockdown, fired three employees and accepted three employee resignations.<sup>10</sup>

The **Huerfano County Correctional Center**, once held up as a national model for CCA's network of prisons was recently in the news when a federal lawsuit resulted in two former correctional officers pleading guilty to beating an inmate on several occasions.<sup>11</sup> The two CCA employees who were named in the lawsuit declined a trial and agreed to serve at least two years each in prison. There is evidence that other correctional officers were present for the assaults.<sup>12</sup>

CCA's prison in Burlington has received large amounts of media attention. Staffing and security problems there have resulted in a near-empty prison, lawsuits by prisoners and ex-staff, and doubt as to whether the facility can successfully operate. Among the more serious problems at the **Kit Carson Correctional Center (KCCC)** are:

- A riot in 1999 which started due to petty issues concerning a vending machine but which quickly escalated due to staff actions. In fact, charges against the rioting prisoners were dropped due to the judge's strong concerns about improper staff response to the incident.<sup>13</sup>
- Chronic staffing shortages have resulted in the prison being more than half empty at times.<sup>14</sup> In a memorable incident, one supervisor who was confronted about having too few officers on duty "flew into a rage," destroying a metal detector and abruptly leaving the facility. He was later arrested on his way out of town. He cited too much overtime worked and forgetting to take his medication (for bi-polar disorder) as the reasons for his outburst.<sup>15</sup>
- Inadequate staff screening has resulted in an ex-felon and a relative of an inmate working at the prison.<sup>16</sup>
- During the first year of operation, more than half of the correctional officers quit or were fired<sup>17</sup> and the warden, doctor, kitchen manager, and internal investigator were all fired as well. The former warden and investigator both allege that their firings were in retaliation for reporting problems with CCA management.<sup>18</sup>

Two things stand out as particularly troublesome in regards to KCCC. First, the State of Colorado renewed the contract for KCCC (at a 2% increase per prisoner per day) despite the fact that the legislature and the CDOC both had expressed concerns about the prisons performance.<sup>19</sup> Second, CCA (always focusing on profits) has put their energy into bringing federal inmates into the KCCC in order to stop losses at the ill-performing prison.<sup>20</sup> While state and local agencies have put much effort into dealing with problems at KCCC, apparently CCA has been focusing on the bottom line. This strategy seems to have paid off for CCA, since KCCC has since made money by housing inmates from Kansas and Wyoming.<sup>21</sup>

### **Murky Cost Data**

One of the primary arguments in favor of private, for-profit prisons is that they can operate prisons at less cost than government can. Two in-depth analyses of such claims have concluded that **there is no evidence to suggest that private prisons save money.** In a 1996 review of cost studies, the U.S. General Accounting Office found that the five studies

that they examined, “offer little generalizable guidance for other jurisdictions about what to expect regarding comparative operational costs and quality of service.”<sup>22</sup>

In a more recent review of costs, Abt Associates found that there was too little reliable data to support or refute the argument that private prisons cost less. In the summary of the section on cost comparisons, the researchers remark that “the main finding of this review is that only a very small percentage of those facilities operated by private firms have been evaluated systematically to determine how much more or less the relevant government would spend in the absence of contracting for operations.”<sup>23</sup>

CCJRC conducted a study in 2002, examining the myth of cost savings from prison privatization in Colorado. The report, *Private Prisons and Public Money* (available online at [www.ccjrc.org](http://www.ccjrc.org)) found that in addition to the \$54.66 per inmate per day that Colorado paid private prison operators, the Department of Corrections was providing \$9.23 worth of state-sponsored services per day for every inmate housed in a private prison. Once these hidden costs are taken into account, the true cost of private prisons are comparable to similar state-operated facilities. *Note:* the numbers have changed since 2002 because the Department of Corrections’ budget has been cut and private prison per diem rates were reduced to \$50.37 during the 2003 legislative session.

## Notes

- <sup>1</sup> Douglas McDonald, et al, *Private Prisons in the United States: An Assessment of Current Practice*. Commissioned by U.S. Attorney General (Cambridge, MA: Abt Associates, 1998), 4-5.
- <sup>2</sup> Ibid 7; Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics 1999*, edited by Ann Pastore and Kathleen Maguire (Washington, DC: GPO, 2000), 503.
- <sup>3</sup> Department of Justice, Bureau of Justice Statistics, “Prisoners in 2002,” by Paige Harrison and Allen. Beck (Washington, DC: GPO, 2003), 6.
- <sup>4</sup> Charles W. Thomas, “Private Adult Correctional Facility Census,” (n.p.: University of Florida, 2000).
- <sup>5</sup> Statement of Principles of the Public Safety and Justice Campaign (Charlotte, NC).
- <sup>6</sup> Gerald McEntee, “Remarks by American Federation of State, County and Municipal Employees” (presented to the Forum on Correctional Issues, Congressional Correctional Officers Caucus, U.S. Capitol, May 9, 2000), [2].
- <sup>7</sup> Camille and George Camp, *The 2000 Corrections Yearbook* (Middletown, CT: Criminal Justice Institute, 2000) I-152, III-100.
- <sup>8</sup> Carla Crowder, “To quell riot, state help was called in,” *Denver Rocky Mtn. News* March 17, 1999.
- <sup>9</sup> “Crowley prison adapting to state-ordered changes,” *AP State & Local Wire* April 30, 1999.
- <sup>10</sup> Kit Miniclier, “Staffing crunch hits prisons,” *Denver Post* November 24, 1998.
- <sup>11</sup> “Ex-prison supervisors told they will be jailed for beating inmate,” *AP State & Local Wire* October 27, 2000.
- <sup>12</sup> Carla Crowder, “Abuse cases raise questions about prison staffs in state,” *Denver Rocky Mtn. News* Nov 12, 2000.
- <sup>13</sup> Carla Crowder, “Trouble behind bars,” *Denver Rocky Mtn. News* July 3, 2000.
- <sup>14</sup> Kit Miniclier, “Prison seeks way to stem losses,” *Denver Post* May 5, 2000.
- <sup>15</sup> Carla Crowder, “Senior officer at Burlington prison is jailed,” *Denver Rocky Mtn. News* April 29, 2000.
- <sup>16</sup> Carla Crowder, “Private prison hired felon as guard,” *Denver Rocky Mtn. News* Sept. 30, 1999; Crowder 7/3/00.
- <sup>17</sup> Carla Crowder, “Prison in Burlington understaffed,” *Denver Rocky Mtn. News* Oct. 22, 1999.
- <sup>18</sup> “Kit Carson prison goes through tumultuous first year,” *AP State & Local Wire* Nov. 29, 1999.
- <sup>19</sup> Crowder 7/3/00
- <sup>20</sup> “Federal inmates may come to Burlington,” *AP State & Local Wire* May 5, 2000.
- <sup>21</sup> “CCA Announces New Contracts with Kansas and Wyoming,” December 10, 2001, CCA Press Release.
- <sup>22</sup> General Accounting Office, “Private and Public Prisons,” GAO/GGD-96-158 (Washington, DC: GPO, 1996), 3.
- <sup>23</sup> McDonald, et al., 46.