

Joint Budget Committee



Interim Supplemental Request FY 2025-26

Department of Corrections

JBC Working Document - Subject to Change

Staff Recommendation Does Not Represent Committee Decision

Prepared by:

Justin Brakke, JBC Staff

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Joint Budget Committee Staff

200 E. 14th Avenue, 3rd Floor • Denver • Colorado • 80203

Telephone: (303) 866-2061 • TDD: (303) 866-3472

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Interim Supplemental Request

Private Prison Utilization

Department request and JBC staff recommendation						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Department request	\$2,778,474	\$2,778,474	\$0	\$0	\$0	0.0
JBC staff recommendation	\$2,778,474	\$2,778,474	\$0	\$0	\$0	0.0
Staff rec. above/-below request	\$0	\$0	\$0	\$0	\$0	0.0
Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]						YES
Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]						YES

Explanation: JBC staff agrees that the request meets the JBC's supplemental criteria because it is based on unforeseen circumstances and data that was not available when the original appropriation was made.

Department request

The Department requests over-expenditure authority of \$2.8 million General Fund. This would fund 153 male private prison beds—Level 3 medium security—at the Crowley County Correctional Facility from October 1, 2025 to June 30, 2026.¹ These 153 beds are the last currently-unfunded Level 3 capacity in the DOC prison system.

The request summarizes the factors driving it:

“The prison population in the latter half of FY 2024-25 was higher than previously projected, and the latest projections from the Division of Criminal Justice (DCJ) show an increase in the prison population in FY 2025-26. Additionally, there are two capital projects temporarily decreasing the state’s bed capacity in FY 2025-26. Without additional capacity, the jail backlog will continue to strain local resources and cost the state more in General Funds.”

The request notes that the majority of new intakes from local jails are initially classified at Medium Custody and placed in Level III beds.

¹ 273 days * \$66.52 per inmate per day rate * 153 beds = \$2,778,474 General Fund.

Staff recommendation

Staff recommends approval of the Department's request.

Reasons for recommendation

- JBC staff found that the Department's calculation for prison caseload was accurate and aligned with the standard methodology.
- The total male inmate population is well above the population expected by the FY 2025-26 budget. And the prison population—a subset of the inmate population—at the end of July 2025 was already approaching the average prison population expected by the budget *for the entire fiscal year*. The budget expected an average male inmate population of 16,079 across the entire fiscal year, with most of those—14,873—housed in DOC prisons. The actual inmate population at the end of July 2025 was 16,439, with 14,847 housed in prisons. The Division of Criminal Justice projects that the inmate population will grow to 16,568 by the end of December 2025. The request estimates that 15,044 of these inmates will be housed in prisons.
- Level 3 male General Population prison beds are reportedly scarce. Per the request, there were only 61 vacant Level 3 General Population male beds in the DOC's system at the end of July 2025, a vacancy rate of about 0.71%. The data show that medium custody is the most common type of classification for new intakes from local jails.

Points to consider

- JBC staff's analysis focuses narrowly on population figures and Level 3 male prison beds. The request includes additional information about court admissions, technical parole violations, and the jail backlog, which staff will analyze for the budget briefing in Nov./Dec.
- One part of the caseload calculation in the request drives the requested number of beds *down*. The estimated proportion of projected inmates in prison—90.8%—is lower than the figure requested by the Department in the last budget cycle—92.5%. The difference amounts to hundreds of prison beds *not* included in the request. The lower proportion in the current request stems from the increase in the local jail backlog between April and June 2025, from which the DOC drew its figures for its calculations in this request.
- JBC staff does not know exactly how many Level III beds are General Population, as compared to specialized beds with stricter criteria for placement. But the availability of Level 3 beds—or lack thereof—has been a consistent theme over the past couple of years.
- The most recent prison capacity and population data available to JBC staff is from July 31, 2025. The Monthly Prison Population and Capacity report for August 2025 has not been posted to the DOC website yet (as of 9/17/25). It is usually published in the first week of the following month.

Analysis

Calculating the 153-bed increase

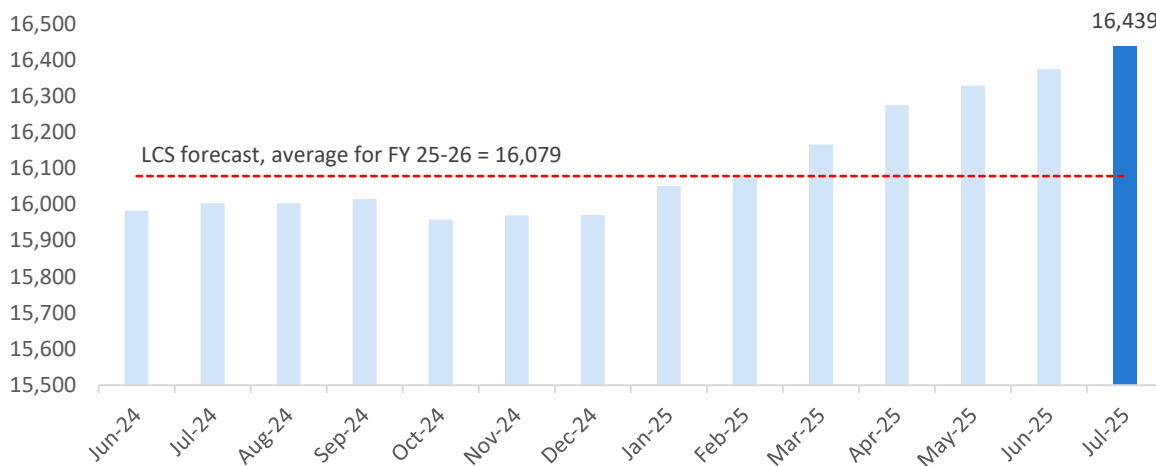
Summary: The request uses the standard methodology for calculating prison caseload. However, the calculated increase would be larger if it assumed that a larger percentage of the total male inmate population will be in prison. The request assumes that 90.8% of the male inmate population will be housed in DOC prisons. The FY 2025-26 budget assumed that 92.5% of the male inmate population would be in prison. If the current request applied the 92.5% figure, the calculated bed increase would be 424, or 281 beds higher than the request.

The total male inmate population

The current request is based on an inmate population forecast from the Division of Criminal Justice (DCJ), published in June 2025. The current FY 2025-26 budget is based on an inmate population forecast from the Legislative Council Staff (LCS), published in December 2024. These forecasts focus on the “total inmate population,” which includes inmates who are not housed in DOC prisons (e.g. local jails, community corrections).

The total male inmate population at the end of July 2025 was higher than the number of inmates assumed by the FY 2025-26 budget. The budget assumed that the average male inmate population over the entire fiscal year would be 16,079. However, it was 16,439 at the end of July. DCJ projects that it will reach 16,568 by the end of December 2025.

The total male inmate population far exceeds the forecast that served as the basis for the FY 2025-26 budget, as of July 31, 2025



Calculating the percentage of the total male inmate population in prison

Population forecasts include inmates who are not housed in prisons. But the task here is to figure out how many inmates are/will be in prison. To do this, the DOC calculates the percentage of the total inmate population that was actually in prison over a recent three-month period. The request uses April through June 2025, which show an average of 90.8%.

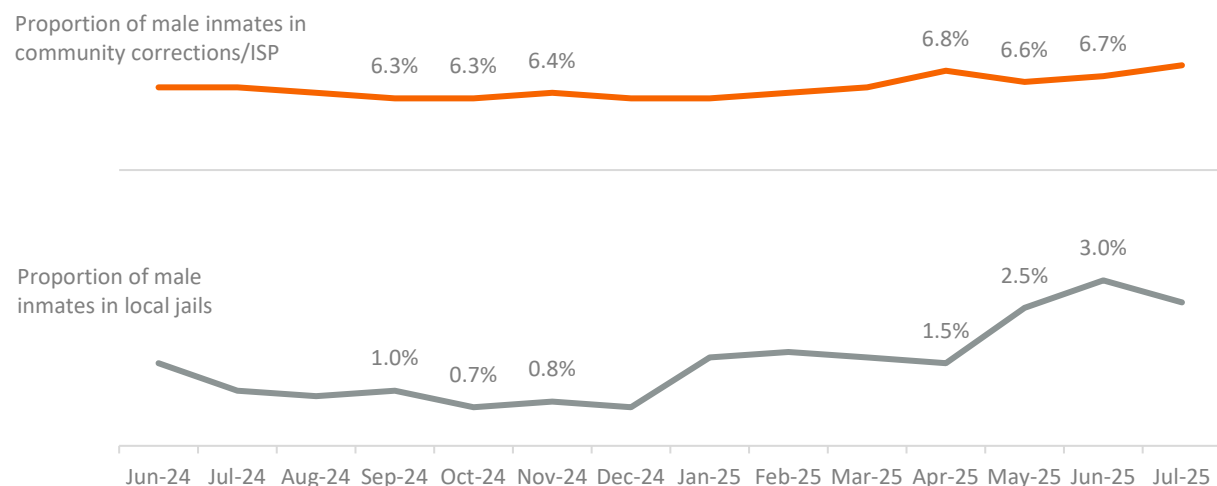
DOC request: Percentage of total male inmate population in prison			
Month	Total Male Inmate Population	Male Prison Population	Percentage
Jun-25	16,375	14,743	90.03%
May-25	16,329	14,809	90.69%
Apr-25	16,275	14,896	91.53%
Average			90.8%

The figure of 90.8% is lower than the figure used to calculate the current budget. The current budget assumes that 92.5% of male inmates will be in prison.² If one applied 92.5% to this request, the calculated increase in male prison beds is be 281 beds higher than the request, for a total increase of 424 beds.

Estimated male prison population: 90.8% vs. 92.5% of male inmate population in prison			
	Request	92.5% of male inmates in prison	Difference
DCJ Jun. 2025 forecast for end of Dec. 2025, total male inmate population	16,568	16,568	0
Estimated percentage of total male inmate population in prison	90.8%	92.5%	1.7%
Estimated male prison population	15,044	15,325	281

The increase in the local jail backlog from April through June 2025 is the main factor driving this difference. In other words, a larger proportion of DOC inmates were held in local jails during this time period, driving down the proportion of inmates housed in DOC prisons, thereby driving down the calculated number of beds sought in this request. Staff found that the proportion of inmates in community corrections and intensive supervision increased slightly, but not to the extent that the local jail backlog did.

Proportion of DOC male inmates in community corrections, intensive supervision, and local jails



² Based on inmate population figures from September through November 2024.

Full prison caseload calculation

The prison caseload calculation points to a 143-bed shortfall based on the DCJ's June 2025 population forecast. The request seeks an increase of 153 Level 3 private prison beds. All Level 3 male prison beds in the DOC's system will be funded if the JBC approves the DOC's request and JBC staff's recommendation.

Male prison caseload calculation based on DOC request		
Line		FY 25-26
A	Funded state bed capacity	12,216
B	Add 100 bed for Transgender Unit at Sterling	100
C	Beds offline due to Arkansas Valley capital project	-63
D	Subtotal starting state bed capacity [A + B + C]	12,253
E	Less: 2.5% vacancy rate [E * 0.025]	-306
F	Subtotal available state male beds [D + E]	11,947
G	Funded private prison beds	2,954
H	Subtotal available male prison capacity [F + G]	14,901
I	Projected male prison population at end of December 2025 (Jun. 2025 DCJ forecast)	15,044
J	Bed surplus/-shortfall [H - I]	-143

Factors driving the request for Level 3 beds

Summary: Level 3 beds are consistently in high demand. Data over the last few years show relatively low vacancy rates at this level, with the vacancy rate being very low at the end of July 2025. The DOC wants to fund additional Level 3 male prison beds to address a higher-than-expected inmate population, ease the local jail backlog, and offset the impact of two ongoing capital projects at Level 3 facilities. Importantly, most new intakes from local jails are classified as medium custody and placed in Level 3 beds.

Background: What are Level 3 beds?

They provide level of security that is suitable for inmates classified as medium-custody or below. Medium custody is the most common custody classification, representing over 60% of the prison population.

Statute defines security levels for DOC prisons.³ A Level 3 facility represents a middle level of security, with Level I being the lowest and Level 5 being the highest.⁴

Similarly, the DOC also assigns a security level, or "custody classification," to individual inmates. This is one of the primary factors guiding an inmate's placement within the prison system. Generally, inmates needing high levels of security cannot be placed in low-security facilities and

³ Section 17-1-104.3 (1), C.R.S.

⁴ Section 17-1-104.3 (1)(a)(III), C.R.S. "Level III facilities generally shall have towers, a wall or double perimeter fencing with razor wire, and detection devices. The perimeter of level III facilities shall be continuously patrolled. Appropriately designated close classified inmates, medium classified inmates, and inmates of lower classification levels may be incarcerated in level III facilities, but generally inmates of higher classifications shall not be incarcerated in level III facilities."

living units. But inmates needing low levels of security can be placed in higher security facilities.⁵

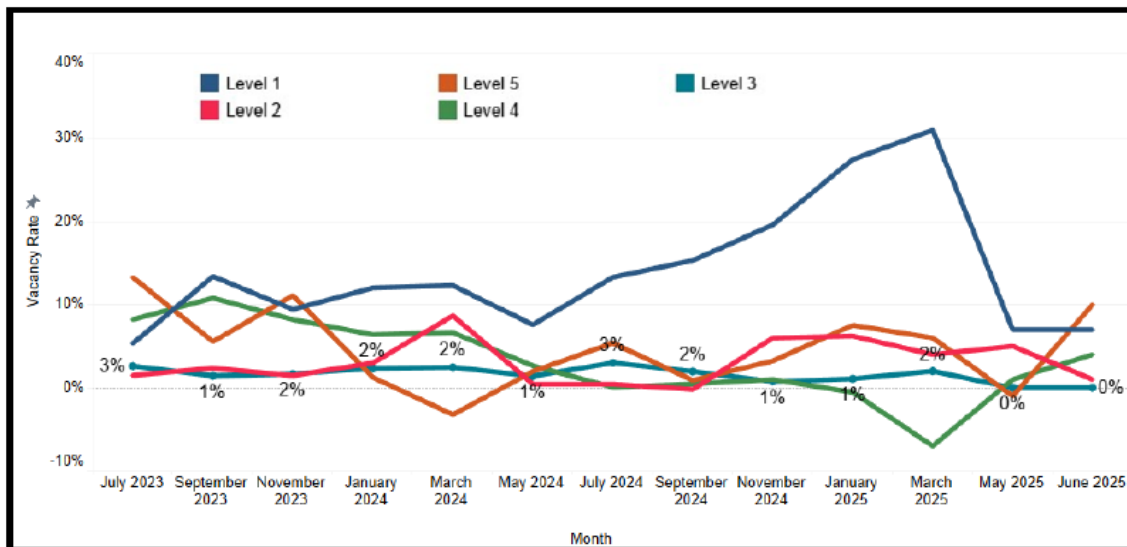
The following table demonstrates the general relationship between inmate custody classification and facility security levels. A “Yes” means that an inmate with that classification can be placed in a facility with the corresponding security level.

Security/Custody Levels	(Most secure) Level V	Level IV	Level III	Level II	Level I
Close (Most secure)	Yes			No	
Medium	Yes			No	
Minimum-restricted	Yes				No
Minimum	Yes				

Availability of Level 3 beds

Per the DOC’s request, “As of July 31, 2025, the vacancy rate for male, Level III, General Population beds was 0.71% (or 61 beds).” JBC staff does not know exactly how many Level III beds are General Population, as opposed to specialized beds with stricter criteria for use. But the availability of Level 3 beds has been a consistent theme over the past couple of years. The DOC included the following graph in its request, which shows that Level 3 vacancy rates have hovered between 1-3% over the past couple of years.

Figure 1. Male Bed Vacancy Rates by Security Level (Level III with data labels), FY 2023-24 and 2024-25



Data obtained from Prison Operations (Data based on Male General Population bed vacancy rates from the first of the month)

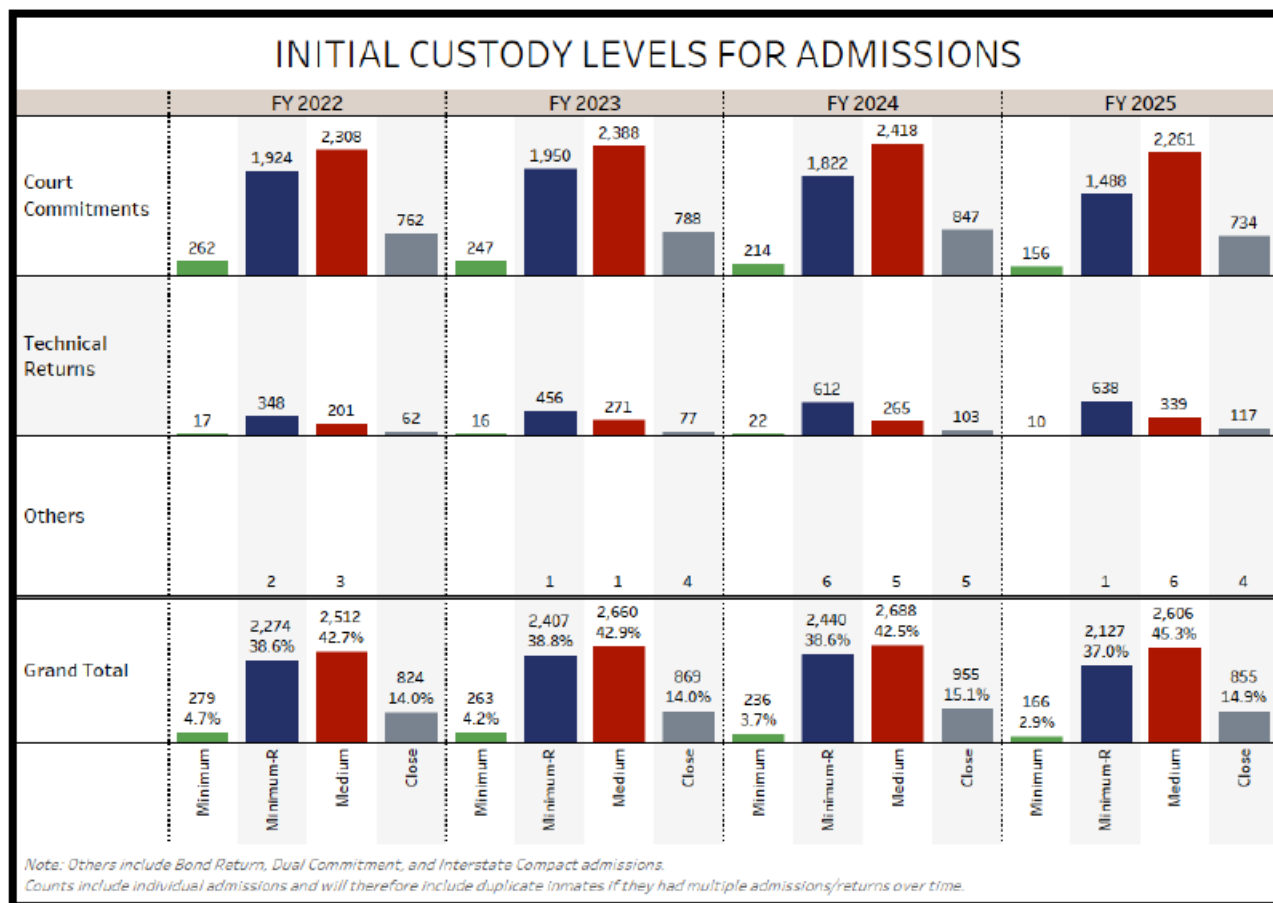
Source: DOC request, page 4.

⁵ Under certain conditions, such as a work assignment or participation in a program.

Majority of new intakes from local jails classified as medium custody

The request aims to reduce a relatively large local jail backlog, at least on a short-term basis. On July 31, 2025, there were 420 male inmates in local jails, or about 2.6% of the total male inmate population. In September 2024 those numbers were 152 and 0.9%, respectively.

Per the request, "...the majority of incoming inmates [from local jails] are classified as Medium Custody and assigned to Level III beds." The DOC included the following graph in its request, which shows that medium custody is consistently the most common classification for new intakes from local jails.



Source: DOC request, page 5. Data from the DOC's Office of Planning and Analysis.

Ongoing capital projects reduce capacity in Level 3 facilities

About 130 Level 3 beds are currently offline due to capital projects, compounding the availability of Level 3 beds more generally. The DOC is vacating 60-63 Level 3 beds at Arkansas Valley at any one time for a project running from September 2024 to December 2026.⁶ The

⁶ Arkansas Valley Correctional Facility (AVCF) Critical Living Unit Shower, Drain & Toilet Room Improvements project. Approved in FY 2022-23 "to upgrade plumbing to the inmate Living Units (LUs) to meet Colorado

DOC also took 70 Level 3 beds offline at Buena Vista in July 2025 and will bring them back online in October 2025.⁷

The requested private prison beds are the last unfunded Level 3 capacity

All state-operated Level 3 prison beds are currently funded, with a handful of those temporarily offline due to the aforementioned capital projects. The requested Level 3 private prison beds would fully fund all remaining private prison beds and, consequently, fully fund all Level 3 male prison beds.

Department of Public Health and Environment (CDPHE) sanitary standards and Americans with Disabilities Act (ADA) accessibility requirements,” per the DOC’s request.

⁷ Buena Vista Correctional Complex (BVCC) Critical Security Improvements project. Approved in FY 2021-22 to “replace open bar doors and cell fronts to solid doors with cuffing slots that can be centrally operated,” per the DOC’s request.