

September 16, 2025

To: The Joint Budget Committee

cc: House & Senate Judiciary Committee, Senate President, Speaker of the House

**Re: Opposition to DOC supplemental request for more prison beds**

Dear Members of the Joint Budget Committee:

Please accept this letter on behalf of CCJRC and the undersigned organizations that urge you to deny the Department of Corrections (DOC)'s supplemental budget request of \$2.8 million for 153 additional private prison beds for men in FY 2025–26.

DOC bases its request on recent prison population projections from the Division of Criminal Justice that show an increase in the male prison population, arguing, “[c]aseload needs are driven by external factors, and the request is derived from projections outside DOC.”

This framing ignores DOC's own role in driving prison bed demand. Caseload adjustments are not automatic, based solely on population projections. Before funding more beds, there should be scrutiny of whether DOC is doing all it can within its control to reduce demand for more prison beds.

**System Efficiency Opportunities in lieu of Prison Expansion**

Before approving additional prison beds, we suggest JBC inquire further and get data on what DOC has done or plans to do regarding:

- **Use of community corrections:** Hundreds of community corrections beds are available. While DOC does not control decision-making by the local Boards or programs, it does influence the volume of applications submitted, particularly for those inmates who are initially denied and become eligible for re-referral after six months, who are rarely given that second chance.
- **Parole plan delays:** People often appear before the Parole Board for discretionary release without a parole plan that has been investigated and approved by DOC. Having an approved parole plan is a statutory criteria the Parole Board must consider, and DOC's failure to meet this responsibility causes unnecessary delays and deferrals. If there is no parole plan or the Parole Board finds it unsatisfactory, DOC is legally required to submit an approved plan within 30 days. Too often, DOC fails to meet this deadline, leaving people stuck in prison longer than necessary.
- **Conditional release bottlenecks:** DOC often fails to update the Parole Board when people who have been approved for conditional release complete their required programs, preventing their parole release from being finalized.
- **Technical parole revocations:** Over 1,100 men were returned to prison last year for technical violations, a 19% increase in FY24–25.
- **Community corrections regressions:** More than 500 people were sent back to prison from community corrections programs for technical violations or walking away from programs.
- **Review of COVID-era practices that eased population pressures for reinstatement,** like instructing the Parole Board to issue a summons in lieu of arrest for technical parole violations, and expedited parole hearings for those admitted to prison past their parole eligibility date.

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<sup>1</sup> OSPB Submission of September 2025 Supplemental Requests, Department of Corrections at 9 (September 8, 2025)

## **Intentionally Avoiding Prison Population Management Measures**

In 2018, the General Assembly unanimously passed Prison Population Management Measures (PPMM) to respond when DOC vacancy rates fell below 3%. DOC manipulated the prison bed vacancy rate by inflating its jail backlog. Rather than being held accountable, DOC received an additional \$1.3 million for jail payments. PPMM has only just been triggered for the first time, and it is too soon to know its impact, yet DOC is already asking for more beds.

## **Medium Bed Shortage**

The 2021 Prison Utilization Study found over 1,900 inmates, initially classified as minimum security, were overridden to medium security based solely on the length of time before their parole release date, even though “[m]ost have no history of violent prison behavior (82%) or any escape history (85%). Most have no recent disciplinary conduct and are either participating in or completed a rehabilitative program and/or have a satisfactory prison employment record.” DOC policy (AR600-01) requires anyone with more than 60 months to their parole eligibility date to be classified as medium security. Modifying this AR would reduce demand for medium security beds.

## **Operational Capacity**

DOC counts people in jail backlog in its prison population, but excludes funded jail beds from its operational capacity. This methodology drives the “need” for more prison beds. Even though jail backlog is a short-term placement, so is placement at the Denver Reception and Diagnostic Center, and those beds are included in DOC’s operational capacity.

## **DOC Opposes Reforms**

Over the past two years, DOC has opposed every policy reform proposal offered by CCJRC, despite decades of past collaboration to improve the system.

## **Independent Audit Needed**

Just as the recent audit of DOC’s budget revealed many areas for improvement, we recommend an independent audit of DOC’s policies and practices regarding transition to community, including both parole and community corrections, to identify improvements that could reduce prison bed need and improve reentry outcomes..

Two weeks ago, Governor Polis ordered \$103 million in cuts across agencies, including nearly \$55 million from Medicaid, more than \$12 million from higher education, and a \$5 million cut from the Colorado Department of Public Health and Environment. More than \$100 million was swept from a voter-approved housing fund. These painful cuts fall on Colorado’s most vulnerable residents. Other state departments have been required to tighten their budgets and manage their programs more efficiently. DOC should be held to the same standard.

Approving this supplemental request means choosing prisons over healthcare, over housing, and over higher education. We are confident this is not a choice Coloradans support, especially when DOC could instead choose to adopt more effective practices to manage the prison population.

The JBC should deny DOC’s request to allow the PPMM to take effect, and then reassess if additional beds are needed. Even with a projected increase of about 23 men per month, that growth can be managed through the steps outlined above.

Thank you for your attention and for the difficult and weighty responsibility you all have. Please let us know if you have any questions or need any additional information.

Sincerely,

Christine Donner



Executive Director, Colorado Criminal Justice Reform Coalition

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<sup>2</sup> CGL, Colorado State Prison Utilization Study, at 52-56 (January 15, 2021)

***On behalf of:***

ACLU of Colorado	LifeTown Colorado
Advocates for Change	Lucero Law LLC
Alternatives to Violence Program Colorado (AVP)	Matson Sandler Law LLC
American Friends Service Committee, Colorado	Meza & Associates
Appeal to Justice	NAMI Colorado
Arapahoe County Green Party	National Action Network Colorado
Astor Investigations	New Era Colorado
Centennial Mental Health Center	Office of Alternate Defense Counsel
Center for Employment Opportunities	Office of the Colorado State Public Defender
CHIC	Prison Fellowship
Cobalt	PSL/National Lawyers Guild
College Gateway Program	Pueblo Indivisible
COLOR: Colorado Organization for Latina Opportunity and Reproductive Rights	Purple Mountain Recovery Inc
Colorado Black Women for Political Action	Recover Simply
Colorado Common Cause	Redeemed Ones Jail Prison Ministry, Inc
Colorado Criminal Defense Bar	Remerg
Colorado Criminal Justice Reform Coalition	Restorative Justice Practice
Colorado Freedom Fund	Restoring Connections
Colorado Legal Defense Group	Servicios De la Raza
Colorado Mountain News	Small Town Project
Colorado Radio for Justice	Soul 2 Soul Sisters
COPA (Colorado Providers Association)	Spero Justice Center
CrossPurpose	Stand for Children
Crowley Foundation Inc	Texas Prisons Community Advocates
Denver Justice Project	The Absolute Word Prison Ministry
Destination Sober Living, LLC	The Arc of Larimer County
El Paso County Green Party	The Empowerment Program
End Slavery Colorado	The Hall Law Office
First Congregational United Church of Christ	The Mountain West Co.
First Universalist Church of Denver	The Reentry Initiative
Harm Reduction Action Center	The Sentencing Project
Haugen Law & Advocacy	Third Street Counseling, LLC
Hazelbrook	Together Colorado Transforming Justice Team
Humaniticares LLC	Transformative Justice Project of Colorado
Jeri D. Shepherd Attorney at Law	Vanguard Justice LLC
Krizman Law	Women's Lobby of Colorado
	Young and Aspiring Americans for Social and Political Activism (YAASPA)