

**CLASS ACTION SETTLEMENT AGREEMENT**

This Class Action Settlement Agreement (“Agreement”) is made this 3rd day of November, 2015, by Anthony Gomez and Dominic Duran (collectively “Named Plaintiffs”), by and on behalf of a class of similarly situated persons (the “Class”), and Rick Raemisch, in his official capacity as the Executive Director of the Colorado Department of Corrections, and Travis Trani, in his official capacity as the Warden of the Colorado State Penitentiary and Centennial Correctional Facility (collectively “CDOC”).

**RECITALS**

WHEREAS, Named Plaintiffs, individually and on behalf of the Class, brought a lawsuit against CDOC alleging that the lack of outdoor exercise at the Colorado State Penitentiary violates the Eighth Amendment, Civil Action No. 13-cv-3399-WJM-KMT (D. Colo.) (the “Lawsuit”);

WHEREAS, CDOC denies and continues to deny any and all liability or wrongdoing to Named Plaintiffs and to the Class. By entering into this Agreement, CDOC does not admit any impropriety, wrongdoing or liability of any kind whatsoever, including any as to the claims raised in the Lawsuit, and on the contrary, expressly denies the same; and CDOC has entered into this Agreement solely for the purpose of avoiding the expense, inconvenience, distraction and delay of the Lawsuit, without admitting any wrongdoing or liability whatsoever. The Parties agree that this Agreement does not constitute evidence of or an admission of any liability, omission or wrongdoing of any kind by the CDOC, the State of Colorado, or any former or current employee, official, agent, or attorney of the CDOC or State of Colorado;

WHEREAS, the Named Plaintiffs, on behalf of the Class, and CDOC desire to settle the claims asserted in the Lawsuit and to enter into a settlement agreement related to the Lawsuit and

the claims giving rise thereto, in accordance with the provisions and upon the terms and conditions hereafter set forth.

## **AGREEMENT**

### **I. CONDITIONS PRECEDENT.**

This Agreement shall be conditioned upon and shall be effective only upon, the occurrence of all of the following events (“Effective Date”):

- A. Filing of the pleading described in Paragraph VII(A);
- B. Grant by the Court of preliminary approval of this settlement and the plan for issuance of notice thereof;
- C. Notice to the Class in accordance with Section VIII of this Agreement;
- D. A Final Approval Hearing held in accordance with Paragraph VII of this Agreement;
- E. Final approval (“Final Approval”) of this Agreement by the Court following a Final Approval Hearing; and
- F. Expiration of the time to appeal the Final Approval without the filing of an appeal; or, if an appeal is filed, final adjudication or resolution of the same.

### **II. DEFINITIONS.**

- A. “AR” means an Administrative Regulation of the Colorado Department of Corrections.
- B. “CCTU” means Close Custody Transition Unit as defined in Paragraph III(F) of AR 600-09.
- C. “Class Counsel” means Lindsey Webb of the Civil Rights Clinic of the University of Denver Sturm College of Law, and Amy Robertson and Lauren Fontana of the Civil Rights Education and Enforcement Center.
- D. “CSP” means Colorado State Penitentiary.

- E. “FPP” means the Close Custody Outdoor Recreation Yards - Colorado State Penitentiary: Facility Program Plan attached as Exhibit 1.
- F. “MCU” means Close Custody Management Control Unit as defined in Paragraphs III(C), (D) and (E) of AR 600-09.
- G. “Module” means an exercise area surrounded on four sides and the top by chain link or steel mesh.
- H. “Party” refers to CDOC and/or to Class Counsel on behalf of the Class.
- I. “RHM” means Restrictive Housing Maximum Security Status as defined in Paragraph III(J) of AR 650-03.
- J. “Sterling” means Sterling Correctional Facility.
- K. “Yard” means one of the exercise areas to be constructed at CSP pursuant to the FPP.

### **III. CONSTRUCTION**

- A. By January 1, 2016, subject to the exception in Paragraph III(B), CDOC will house MCU and CCTU inmates at CSP.
- B. By January 1, 2016, CDOC will house RHM inmates at Sterling.
- C. On a date expected to be on or before December 2016, CDOC will complete the construction of the Yards at CSP described in the FPP. If by October 1, 2016, CDOC determines that it will not be able to complete construction of the Yards by December 31, 2016, it will file a status report to the Court, explaining the cause of the delay, and the Parties will meet and confer to establish a reasonable deadline for completion.
- D. On or before January 1, 2016, CDOC will complete the construction of sixteen exercise Modules, eight such Modules in each of two recreation yards at Sterling attached to Living Units 5 and 6. The Modules will be at least 180 square feet in size and will

consist of chain link walls and chain link ceiling. The sides of the Modules will be at least 12 feet high. The configuration of the Modules is set forth in Exhibit 2 hereto.

#### **IV. POLICIES**

- A. Once the Yards are built at CSP, CDOC will permit every inmate in MCU to exercise in those Yards one hour per day, three days per week, absent safety and/or security concerns, and/or exigent circumstances.
- B. Once the Yards are built at CSP, CDOC will continue to permit every inmate in MCU to exercise for a total of four hours per day, seven days per week, absent safety and/or security concerns, and/or exigent circumstances. This time includes both the time referred to in Paragraph IV(A) and time spent exercising in the day hall and attached indoor recreation cell.
- C. In the time frame between today and the completed construction of the Yards at CSP, CDOC will permit every inmate in MCU at CSP to continue to exercise in the day hall and attached indoor recreation cell four hours per day, seven days per week, absent safety and/or security concerns, and/or exigent circumstances.
- D. Once the Yards are built at CSP, CDOC will permit every inmate in CCTU to exercise in those yards one hour per day, three days per week, absent safety and/or security concerns, and/or exigent circumstances.
- E. Once the Yards are built at CSP, CDOC will continue to permit every inmate in CCTU to exercise for a total of six hours per day, seven days per week, absent safety and/or security concerns, and/or exigent circumstances. This time includes both the time referred to in Paragraph IV(D) and time spent exercising in the day hall and attached indoor recreation cell.

- F. In the time frame between today and the completed construction of the Yards at CSP, CDOC will permit every inmate in CCTU to exercise in the day hall and attached indoor recreation cell six hours per day, seven days per week, and in the gym and adjacent courtyard for one hour one day per week, absent safety and/or security concerns, and/or exigent circumstances.
- G. Once the Modules are built at Sterling, CDOC will permit every inmate in RHM to exercise in those Modules one hour per day, three times per week, absent safety and/or security concerns, and/or exigent circumstances.
- H. Once the Modules are built at Sterling, CDOC will permit every inmate in RHM to exercise in the exercise areas attached their living unit one hour per day, two times per week, absent safety and/or security concerns, and/or exigent circumstances. This time is in addition to the time referred to in Paragraph IV(G).
- I. In the time frame between now and their transfer to Sterling, CDOC will permit the inmates in RHM at CSP to exercise in accordance with the requirements of AR 650-03 (effective January 15, 2015), absent safety and/or security concerns, and/or exigent circumstances.
- J. CDOC will document all recreation opportunities offered to inmates, as required by AR 600-09 and AR 650-03, by date, time, and unit to which recreation is offered, including any denials by CDOC of recreation time.
- K. CDOC will retain one or more Modules in the courtyard of CSP (“CSP Modules”), and will permit inmates who cannot exercise in the Yards due to exigent circumstances to exercise in the CSP Modules for one hour per day, three days per week, absent safety and/or security concerns, and/or exigent circumstances.

- L. The decision that an inmate will be limited to exercising in the CSP Modules in lieu of the Yards, as referred to in Paragraph IV(K), will require approval by the Director of Prisons.
- M. CDOC will evaluate any inmate who is limited to exercising in the CSP Modules as referred to in Paragraph IV(K) every three months in order to determine whether the exigent circumstances permitting such limitation still exist.
- N. If in the future, up until final dismissal of this Lawsuit, CDOC amends its Administrative Regulations or other regulations, policies, or procedures in such a way that the definition of RHM, MCU or CCTU changes materially or it becomes otherwise impossible to implement the policies required in this Section IV, CDOC and Class Counsel will meet and confer in good faith to amend the language above and seek Court approval for such amendment so as to implement as faithfully as possible the intent of this Section.

#### **V. DISPUTE RESOLUTION**

- A. If CDOC or Class Counsel believes that a dispute exists relating to the performance or interpretation of this Agreement, it shall notify the other Party in writing, describing the dispute and clearly identifying that they are invoking the dispute resolution process.
- B. The other Party shall respond in writing to such notice within 10 business days of receipt of the notice.
- C. Within 10 business days of receipt of the response described in the previous paragraph, counsel for both Parties shall meet and confer by telephone or in person and attempt to resolve the issue informally.

D. Only if the Parties are unable to resolve the dispute through the informal process described in Paragraphs V(A) through V(C) may the dispute be submitted for judicial resolution.

## **VI. ATTORNEYS' FEES AND COSTS**

- A. The Parties agree that as part of this Settlement Agreement, the Colorado Office of Risk Management, on behalf of the CDOC, will pay Class Counsel a reasonable amount of attorneys' fees and costs in an amount to be determined through negotiation and subject to approval by the Claims Board, if required by statute, or, if that is not successful, by submission to the Court.
- B. The amount of attorneys' fees and costs that the Colorado Office of Risk Management , on behalf of the CDOC, will pay Class Counsel will be determined as follows:
1. Within 30 days of Preliminary Approval, Class Counsel will prepare and submit to counsel for the CDOC a bill for their reasonable attorneys' fees and costs incurred in the litigation of this matter as well as a reasonable estimate of the fees required to complete work on this matter through Final Approval and the inspection contemplated by Paragraph IX(B), and a demand for some or all of that amount.
  2. The Colorado Office of Risk Management, on behalf of the CDOC, will have 30 days to make an offer to pay some or all of the amount of the demand.
  3. If the Colorado Office of Risk Management, on behalf of the CDOC, does not make an offer or if Class Counsel is not satisfied with the offer, within 30 days of the offer (or the deadline, if no offer is made) in Paragraph VI(B)(2),
    - a. Class Counsel may submit a fee petition to the Court of no more than fifteen pages accompanied by billing records, an affidavit of counsel attesting to the

billing records, and an affidavit of an expert supporting the reasonableness and necessity of the fees and costs Class Counsel requests.

- b. Within 30 days of the filing of the fee petition, CDOC may respond to the fee petition with a brief not to exceed fifteen pages, an affidavit of counsel, and an expert affidavit.
  - c. Within 15 days of CDOC's brief, Class Counsel may submit a reply brief not to exceed seven pages.
- C. The Colorado Office of Risk Management, on behalf of the CDOC, specifically recognizes and acknowledges that if the Parties are not able to resolve the amount of Class Counsel's reasonable fees and costs and Class Counsel submits a fee petition to the Court, Class Counsel will be entitled to collect their reasonable attorneys' fees and costs incurred in connection with the preparation of the fee petition, including but not limited to costs incurred in retaining an expert to prepare an affidavit to support the reasonableness and necessity of the fees and costs they request, *provided however*, that if the Court awards Class Counsel less than 60% of the fees requested in the fee petition, Class Counsel shall be responsible for their own fees and costs incurred in connection with the preparation of the fee petition.
- D. The Colorado Office of Risk Management, on behalf of the CDOC, will pay Class Counsel any amounts owed under this Section within 30 days of Final Approval and approval by the State Claims Board, if approval by the Claims Board is necessary.
- E. Pursuant to C.R.S. 24-30-202.4 (as amended) the State Controller may withhold debts owed to State agencies by Dominic Duran and/or Anthony Gomez under the vendor offset intercept system for: (a) unpaid child support or child support arrearages; (b)



unpaid balance of tax, accrued interest and other charges specified in Article 21, Title 39, C.R.S.; (c) unpaid loans due to the Student Loan Division of the Department of Higher Education; (d) owed amounts required to be paid to the Unemployment Compensation Fund; (e) medical bills paid in part or in full by Medicare or Medicaid, and (f) other unpaid debts owing to the State or any state agency thereof, the amount of which is found to be owing as a result of final agency determination or reduced to judgment as certified by the State Controller. The State Controller has determined that this amount is \$2,488.81, as of October 22, 2015.

## **VII. COURT APPROVAL**

- A. No later than seven days before the Preliminary Approval Hearing, Plaintiffs shall file an Unopposed Motion for Preliminary Approval of Class Settlement requesting that the Court:
1. Grant preliminary approval of this Settlement Agreement;
  2. Approve of the proposed notice and proposed plan for dissemination of the notice to the Class;
  3. Order the following procedures for objections:
    - a. Any member of the Class may object to the Settlement Agreement by filing, within 90 days after the Notice Deadline, written objections with the Clerk of the Court.
    - b. Only such objecting Class Members shall have the right, if they seek it in their objection, to present objections orally at the Final Approval Hearing.
  4. Schedule a Final Approval Hearing for a date at least 120 days after the Notice Deadline.

- B. Motion for Final Approval. At least two weeks prior to the final approval hearing, Plaintiffs shall file, and CDOC shall not unreasonably oppose, a mutually acceptable motion seeking final approval of the Settlement and responding to any objections to the Settlement.

**VIII. NOTICE TO THE CLASS OF THE PROPOSED SETTLEMENT.**

- A. Notice of this Agreement (the “Notice”), in a form agreed to by the Parties, will be provided to Class members who are classified as RHM, MCU or CCTU at the time the Notice is sent, informing such Class members of a general description of the terms of this Agreement, the amount of Class Counsel’s reasonable fees and costs either agreed to by the Parties or requested by Class Counsel, the right of Class members to object to the Agreement or the amount of fees and costs, and the deadline for such objection.
- B. The Parties will cooperate on a plan to provide the Notice to Class members who are currently classified as RHM, MCU or CCTU.
- C. The Notice and the plan for providing notice must satisfy the requirements of Federal Rule of Civil Procedure 23 and applicable legal precedent, and must be approved by the Court.
- D. The Parties will provide Notice as required by this Section or as ordered by the Court within 30 days of any agreement reached or petition filed under Paragraph VI (“Notice Deadline”).

**IX. ADMINISTRATIVE CLOSURE, INSPECTION AND DISMISSAL**

- A. Following final approval of the class settlement, the Parties will request that the Litigation be administratively closed.

- B. After the Yards are constructed at CSP, Class Counsel will have the opportunity to inspect those Yards and the exercise Modules in the yards at Sterling. The Parties agree there will be no further discovery in this action pending inspection of the Yards and Modules.
- C. Following the inspection referred to in Paragraph IX(B), provided that the CSP Yards and the Sterling Modules are completed as required in this Agreement, the Parties will file a stipulation to dismiss the case. Prior to final submission of a stipulation of dismissal, the Parties agree to file a Joint Motion to Substitute the Colorado Department of Corrections as a Defendant in place of the currently named Defendants, in which the Parties move to dismiss with prejudice each and every individually named Defendant and to substitute the CDOC as the sole Defendant in the Lawsuit.
- D. This Settlement is subject to the provisions of the Prison Litigation Reform Act.

**X. RELEASE**

- A. The Named Plaintiffs and the Class intend this Agreement as a complete settlement and release of all actual and potential issues arising from the Lawsuit between themselves and the CDOC and every present or former employee, agent, representative, insurer, and attorney of the CDOC. Through this Agreement, the Named Plaintiffs and the Class express their intent to resolve all existing and potential disputes derived from the Lawsuit with all such entities and persons. The Agreement concludes every actual or potential dispute and claim arising from the Lawsuit between the Named Plaintiffs and the Class and any released entity and individual, whatever the nature of any such claim and dispute.
- B. Subject to Paragraph X(F) and X(G) hereof, effective on the date of Final Approval of this Agreement, Named Plaintiffs, on behalf of themselves and all members of the Class

and their executors, successors, heirs, assigns, agents and representatives, in consideration of the relief set forth herein, the sufficiency of which is expressly acknowledged, unconditionally and forever do fully and finally release, acquit and discharge CDOC and its present, former or future directors, managers, supervisors, employees, attorneys, insurers, agents, and representatives, from any and all actions, causes of action, claims, charges, demands, losses, judgments, liens, indebtedness and liabilities arising out of the subject matter of the Lawsuit for injunctive relief, declaratory relief, and costs and attorneys' fees arising out of the claims of the Class for injunctive or declaratory relief.

C. The Named Plaintiffs and the Class further agree and covenant that they did not sue and that in the future, they will not sue, or assert any federal, state, or administrative cause of action of any type or kind, at law or in equity, whether before a court of law or an administrative agency, to the extent that such suit or action had not been filed by the date of the Court's preliminary approval of this Agreement, against the CDOC, the Office of Risk Management, the State of Colorado or any current and former employee, official, agent, or attorney of any such entity respecting any purported claim, cause of action or liability arising out of any acts attributable to any of them that arise from the matters asserted in the Lawsuit, as well as during the negotiations generated in the course of reaching this Settlement Agreement and Release, to the extent such claim, cause of action, or liability is for injunctive relief or attorneys' fees relating to such injunctive relief.

D. The Named Plaintiffs and the Class understand and acknowledge that no promise or inducement was offered to them except as expressly set forth herein; that this Agreement

is executed without any reliance on any statement or representation by any person or Party released, or by their representatives, attorneys, insurers, or anyone else, concerning the nature or extent of any injury or damage, or legal liability for any such matter, or for any tax or other implication, or respecting any other fact or matter relating to the matters asserted in the Lawsuit; that they are of lawful age and legally competent to execute this Agreement, and to accept full responsibility for the consequences of such action. The Named Plaintiffs, on behalf of the Class, understand and agree that this Release shall be forever binding and that no cancellation, rescission or modification of, or release from the terms of, this Release shall be made based upon any mistake of fact or of law. The Named Plaintiffs and the Class also acknowledge that any consideration paid as a result of this Agreement is paid to obtain a release of all claims for injunctive relief and related attorneys' fees arising out of the Lawsuit, including for any and all unknown, undiagnosed and untreated physical, psychological, or emotional injuries, that either occurred in the past and are yet to be known, as well as any that may occur in the future and therefore be incapable of prediction. The Named Plaintiffs and the Class also acknowledge that any portion of the consideration paid as a result of this agreement is paid for their voluntary and knowing assumption of all the risk relating to the Lawsuit of all unknown or undiscovered injuries, damages, and losses in terms of future complications, any further physical, psychological, and emotional pain, discomfort and distress, future damages and losses, including economic and non-economic losses, and that they shall, under no circumstances, seek to reopen and present any prior, new, or further claim for injunctive relief or related attorneys' fees relating to the Lawsuit against any person or entity released under the provisions of this Settlement Agreement.

E. The Parties agree and acknowledge that this Settlement Agreement is not confidential.

The Named Plaintiffs and the Class understand and agree that, upon a valid request made pursuant to applicable public disclosure laws, including, without limitation, the provisions of Section 24-72-101, et seq., C.R.S. (Open Records Act), all as presently or subsequently amended, the CDOC and the Colorado Risk Management Division are obligated to provide a requesting person a copy of this Settlement Agreement and Release. The Named Plaintiffs and the Class agree that they will make no attempt whatsoever to hold the State of Colorado, the CDOC, the Colorado Risk Management Division, any other state department or division, as well as any administrator, officer, agent, employee, or attorney for any such entity, liable on any basis for any release of documentation or information released in compliance with any applicable law.

F. Nothing in this Agreement releases any claims for damages.

G. Nothing in this Agreement releases any claims under any order or settlement entered prior to the filing of the Litigation.

H. The headings used in this Settlement Agreement and Release are used only for the convenience of the Parties. As such, these headings shall not possess any legal effect whatsoever or, in any other way alter or modify the meaning or interpretation of this Settlement Agreement and Release.

## **XI. COMMUNICATIONS.**

Any notice or communication required or permitted to be given to Named Plaintiffs, the Class, Class Counsel or CDOC under this Agreement shall be given in writing by email and U.S. Mail, addressed as follows:

**To CDOC:**

Nicole Gellar  
Chris Alber  
Colorado Department of Law  
Civil Litigation and Employment Law Section  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
[nicole.gellar@state.co.us](mailto:nicole.gellar@state.co.us)  
[chris.alber@state.co.us](mailto:chris.alber@state.co.us)

**To Named Plaintiffs, the Class or Class Counsel:**

Lindsey Webb  
University of Denver Sturm College of Law  
2255 E. Evans Ave., Suite 335  
Denver, CO 80208  
[lwebb@law.du.edu](mailto:lwebb@law.du.edu)

and

Amy F. Robertson  
Civil Rights Education and Enforcement Center  
104 Broadway, Suite 400  
Denver, CO 80203  
[arobertson@creelaw.org](mailto:arobertson@creelaw.org)

If the above addresses or the appropriate contact change, it is the responsibility of the Party whose address is changing to give written notice of said change to all other Parties within 30 business days following the effective date of said change.

**XII. MODIFICATION OF AGREEMENT.**

Prior to Final Approval, this Agreement can only be amended by written agreement of the Parties hereto. Following Final Approval, no modification of this Agreement shall be effective unless it is pursuant to Court Order.

**XIII. SEVERABILITY**

If any provision or any part of this Agreement shall at any time be held unlawful, or inconsistent with applicable law, in whole or in part, under any federal, state, county, municipal or other law, ruling or regulation, then the remaining provisions of this Agreement shall remain effective and enforceable.

**XIV. EXECUTION IN COUNTERPARTS**

This Agreement may be signed in counterparts, each of which will be deemed an original for all purposes and all of which together will constitute one and the same agreement. This Agreement may be executed by facsimile or electronic signature by any party and such signature will be deemed binding for all purposes..

**XV. EFFECTIVE DATE/CONTROLLER APPROVAL.** This Settlement Agreement and Release shall not be deemed valid until it is approved **and** signed by the State Controller or such assistant as he may designate, as provided by Section 24-30-202(1), C.R.S. (1988). This provision is applicable to any agreement providing for payment of money by the State of Colorado. The effective date of this Settlement Agreement and Release is the date it is signed by the State Controller or his designee. No signature of the State Controller or his designee shall be provided until after all other required signatures are affixed to this Settlement Agreement and Release.

**XVI. DUTY TO SUPPORT AND DEFEND DECREE**

Named Plaintiffs, Class Counsel, and CDOC by their signatures below, each agree to abide by all of the terms of this Agreement in good faith and to support it fully, and shall use their best efforts to defend this Agreement from any legal challenge, whether by appeal or collateral attack.



**XVII. CONTROLLING LAW**

This Agreement shall be interpreted and enforced pursuant to the laws of the State of Colorado.

**XVIII. ENTIRE AGREEMENT**

This Agreement contains all the agreements, conditions, promises and covenants among Named Plaintiffs, the Class, Class Counsel, and CDOC regarding matters set forth in it and supersedes all prior or contemporaneous agreements, drafts, representations or understandings, either written or oral, with respect to the subject matter of the present Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement of the date first written above.

DATED: 10/29/15

BY: *Anthony Gomez*  
Anthony Gomez  
Plaintiff

DATED: 10/29/15

BY: *Dominic Duran*  
Dominic Duran  
Plaintiff

**COLORADO DEPARTMENT OF  
CORRECTIONS**

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
Rick Raemisch  
Executive Director

**XVII. CONTROLLING LAW**

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IN WITNESS WHEREOF, the Parties have executed this Agreement of the date first written above.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
Anthony Gomez  
Plaintiff

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
Dominic Duran  
Plaintiff

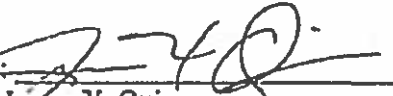
**COLORADO DEPARTMENT OF  
CORRECTIONS**

DATED: 11/2/15

BY:  \_\_\_\_\_  
Rick Raemisch  
Executive Director

**OFFICE OF ATTORNEY GENERAL**

DATED: 11-2-15

BY: 

James X. Quinn  
First Assistant Attorney General  
State of Colorado, Department of Law  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6610  
Facsimile: (720) 508-6032  
[james.quinn@state.co.us](mailto:james.quinn@state.co.us)

**STATE OF COLORADO**

DATED: 11-2-15

BY: 

June Taylor  
Executive Director  
Department of Personnel and  
Administration

**STATE OF COLORADO  
CONTROLLER**

DATED: 11-03-15

BY: 

Robert Jaros, CPA, MBA, J.D. or  
Designee State Controller

APPROVED AS TO FORM:

DATED: 11/2/2015

BY: 

Lindsey Webb  
University of Denver Sturm College of Law  
2255 E. Evans Ave., Suite 335  
Denver, CO 80208  
[lwcb@law.du.edu](mailto:lwcb@law.du.edu)

and

Amy F. Robertson  
Lauren Fontana  
Civil Rights Education and Enforcement Center  
104 Broadway, Suite 400  
Denver, CO 80203  
[arobertson@creclaw.org](mailto:arobertson@creclaw.org)

*Counsel for the Named Plaintiff and the Class*

DATED: 11/2/2015

BY: 

Nicole Gellar  
Chris W. Alber  
Assistant Attorney General  
Colorado Department of Law  
Civil Litigation and Employment Law Section  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6612  
Facsimile: (720) 508-6032  
[chris.alber@state.co.us](mailto:chris.alber@state.co.us)

*Counsel for the Colorado Department of Corrections*

**STATE of COLORADO**  
**COLORADO DEPARTMENT**  
**of**  
**CORRECTIONS**



**Close Custody Outdoor Recreation**  
**Yards –**  
**Colorado State Penitentiary**

**Facility Program Plan**

July 25, 2014

**Exhibit 1**

**Facility Program Plan**  
**Close Custody Outdoor Recreation Yards**  
Colorado State Penitentiary  
**Dated: July 25, 2014**

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## **I. MISSION AND PROGRAMMATIC INTENT**

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### **A. Executive Summary – Project Description**

This Facility Program Plan (FPP) outlines the requirements for design and construction to provide group outdoor recreation space for Close Custody Management Control Unit offenders at the Colorado State Penitentiary (CSP).

The project's conception was initially in response to a Final Order and Judgment in the Civil Action between Plaintiff Troy Anderson and the State of Colorado, Department of Corrections, regarding conditions of confinement in the Administrative Segregation housing classification, but eventually evolved as a larger response to the State's reform of its housing classifications; namely, phasing out of Administrative Segregation entirely and replacing it with new Restrictive Housing and updated Close Custody Management policies.

Issues related to the proposed modifications to incorporate effective Outdoor Recreation for Close Custody Management Unit offenders include, but are not limited to, the following:

- Upgrading the Perimeter Security Barrier;
- Offender Movement to and from the Outdoor Recreation Yards;
- Managing Different Offender Populations; and
- Working Within a Secure Operating Facility.

At CSP, three on-grade recreation yards, each with two sub-recreation yards for up to 16 offenders in a group, will be constructed. The secure perimeter will be enhanced with a double line fence, non-lethal electrified fence for detection and deterrence, video surveillance and improved site lighting. A new Gatehouse and two vehicle sallyports will also be constructed. The project at CSP also considers changes to all spaces and functions in the facility due to re-purposing CSP to contain offenders with the same custody level but with varying restrictions and privileges. The Sterling Correctional Facility (SCF) will become involved with managing a portion of the new Close Custody Management Unit offender population, but no physical modifications are anticipated as a result of the re-purposing.

The total project budget is \$4,780,979. A significant portion of the work at CSP will be performed by Colorado Correctional Industries (CCI) Heavy Equipment and Building Technologies programs.

The rated capacity of CSP will not change. No future expansion is anticipated. No additional staff will be required in association with the work described in this proposal.

Currently the selection of the Architect/Engineer (A/E) team is not a part of this Project Request. A/E selection could occur early so that construction could begin late 2015 and occupancy at the end of 2016.

## **B. Colorado Department of Corrections Vision and Mission Statements**

### **VISION STATEMENT**

“Building a Safer Colorado for Today and Tomorrow”

### **MISSION STATEMENT**

“To protect the citizens of Colorado by holding offenders accountable and engaging them in opportunities to make positive behavioral changes and become law-abiding, productive citizens.”

The Colorado State Penitentiary (CSP) is a Level V security correctional institution for adult male offenders with a rated capacity of 756. Its main purpose until recently was to house the department’s most violent, dangerous and disruptive offenders in an Administrative Segregation status. CSP also houses a population of Medium Custody offenders in its Incentive Unit. These offenders provide logistical support for the facility. The Sterling Correctional Facility is also a Level V security correctional institution for adult male offenders with a rated capacity of 2,488. Together CSP and SCF will house the vast majority of offenders in a revised Close Custody classification and Restrictive Housing Maximum Security Status. These facilities accomplish the vision and mission of the Colorado Department of Corrections (CDOC) by:

- Providing a safe work environment for all CDOC staff by effectively managing high risk offenders who have demonstrated they pose a risk to the safe and orderly operations of general population facilities;
- Improving offender behavior utilizing incentive and cognitive based programs which facilitate offender reintegration into less secure environments.

## **C. Programmatic Intent**

The intent of the Close Custody Outdoor Recreation Yards project is to provide the physical modifications and upgrades to CSP in order to align it operationally to the Department’s recent policy changes regarding its former Administrative Segregation Housing status, and to respond to certain court-decreed minimum legal standards for outdoor recreation for its new Close Custody Management Control and Transition Units.

Operationally, offenders designated as Restrictive Housing Maximum Security (MS) Status will be housed in a manner similar to the way they were in the former Administrative Segregation but generally for a shorter period of time. MS Status is the most restrictive offender management status and is for those offenders who have demonstrated through their behavior they pose a significant risk to the safety and security of staff and other offenders as well as to the safe and orderly operation of general population.

MS Status offenders will be housed at CSP in one or more of the six housing units, depending on the population at any given time. These offenders will recreate out of cell individually in the existing Exercise Rooms. There is no plan to modify these rooms in this project. MS Status is designed to be a progressive management process, and offenders will be evaluated every thirty days to discuss behavior, status, and potential custody issues. Assignment is a maximum of twelve months, except



for cases with extenuating circumstances. In most cases, it is expected that the offender will progress to an appropriate housing assignment at a Close Custody classification level.

Close Custody is a general population offender classification level that requires an increased level of housing, supervision, controlled movement, and monitoring over lower custody classifications. Close custody offenders may have an additional designation based on their unique management needs, and are housed accordingly. The new Close Custody Management Control Unit (MCU) is a designation that provides an increased level of housing, supervision and control in addition to maintaining the safety of the public, staff and offenders over general population Close Custody offenders. MCU offenders will be housed at SCF in one or more of the four living units, depending on the population at any given time. Overflow MCU offenders will be housed at CSP. MCU offenders can be further classified for housing in MCU-High Risk (MCU/HR), MCU-Protective Custody (MCU/PC), or Close Custody Transition Units (CCTU). MCU/HR and MCU/PC offenders will be housed at SCF with access to the individual Exercise Rooms in the SCF living units. SCF also has a secure outdoor recreation yard for group recreation. CCTU offenders will be housed at CSP. All offenders in Management Control and Transition Unit housing will have some opportunity for group interaction, as prolonged isolation is generally not conducive to reintegration. One goal of the classification reform initiatives is to better prepare offenders for placement in a less controlled environment and for eventual release, and the group interaction setting supports this goal.

Regarding the minimum standards for outdoor recreation, the existing spaces at CSP do not meet certain American Corrections Association (ACA) physical standards for outdoor recreation areas, and do not satisfy certain court-decreed minimum legal standards for an outdoor exercise area that is “fully outside and that includes overhead access to the elements, e.g., to sunlight, rain, snow and wind...”. At CSP, this project will include constructing three on-grade recreation yards, each with two sub-recreation yards for up to 16 offenders in a group, along with provisions for up to forty-eight future individual steel panel wire mesh outdoor exercise rooms for the most violent offenders.

### ***Background to Administrative Segregation Re-Classification***

In October 2011 a report was issued titled “Colorado Department of Corrections – Administrative Segregation Classification and Review” by James Austin, Ph.D. and Emmitt Sparkman. The Austin/Sparkman report was a result of a request by the CDOC to the National Institute of Corrections (NIC) to have an external review of its offender classification system and its Administrative Segregation policies and practices. The number of offenders assigned to Administrative Segregation in Colorado had peaked at 1,505 in August of that year, and the CDOC determined a re-validation of the offender classification system in general and especially with respect to its Administrative Segregation policies was in order. The report found, in part, that the CDOC Administrative Segregation population was approximately 7% of its overall prison population, which was significantly above the national average of 1 to 2%. Further, the average length of stay in Administrative Segregation was approximately two years with the median length of stay of 14 months. It also found that the decision to refer an offender to Administrative Segregation was largely controlled at the various facilities with some oversight at the Central Office. Finally, access to outdoor recreation was deficient at all of the Administrative Segregation units except for Centennial Correctional Facility (CCF)-North, SCF and San Carlos Correctional Facility (SCCF).

The report went on to recommend, in part, that the criteria for admission to Administrative Segregation be narrowed, and that Administrative Segregation not be used as Disciplinary Segregation. Further, mental health reviews should be required before placement in Administrative Segregation and that monthly reviews follow thereafter, with the review being an out-of-cell interview. Also, offenders should be allowed at minimum a 30-minute out-of-cell contact with their caseworker each month. In addition, the CDOC should create a simplified four-level system with specific rules and privileges associated with each phase, and a timeline by which offenders could return to the general population within nine months if compliant with the program. Finally, it was recommended that the CDOC strengthen the role and influence of the Central Office on who is admitted to and released from Administrative Segregation.

Influenced by the findings and recommendations of this report, the CDOC immediately introduced several reform initiatives to reduce the Administrative Segregation population, and has recently implemented changes that have phased out the use of Administrative Segregation entirely, replacing it with a new Restrictive Housing policy (AR 650-03) and an updated Management of Close Custody Offenders policy (AR 600-09). These policies define and include the use of the new Maximum Security Status, and the new Close Custody Management Control and Transition Units.

### ***Background to Minimum Legal Standards for Outdoor Recreation***

During the period between April 30 and May 12, 2012, a case was tried in the 10<sup>th</sup> United States District Court regarding the Civil Action between Troy Anderson, Plaintiff, and the State of Colorado, Department of Corrections. The Plaintiff alleged that his civil rights were violated and asserted, among other things, a denial of access to the out-of-doors and outdoor exercise.

During the proceedings, the CDOC presented reasons as to why the existing exercise rooms were adequate and provided opportunities for exercising in an outdoor environment to counter the first claim type. They also explained the security measures that were necessary at this classification level and the restrictions due to staffing issues. However, in the Final Order and Judgment, the Judge ruled that the Plaintiff had proven that failure to provide reasonable access to the out-of-doors and outdoor exercise constituted cruel and unusual punishment, and ordered the CDOC to develop a plan to provide Mr. Anderson “access for at least one hour, at least three times a week, to outdoor exercise in an area that is fully outside and that includes overhead access to the elements, e.g., to sunlight, rain, snow and wind, unless inclement weather or disciplinary needs make that impossible.”

This Final Order and Judgment and its rulings apply only to the legal proceedings in the case between Troy Anderson and the State of Colorado – Department of Corrections. However, the CDOC anticipates the potential for future legal proceedings on similar grounds, especially with regard to reasonable access to the out-of-doors and outdoor exercise opportunities for offenders housed at CSP. In fact, a class-action lawsuit involving all current offenders housed at CSP and allowed access only to the current individual exercise rooms has been initiated. The project defined in this Facility Program Plan is in part intended to satisfy the directives issued in the Anderson case as well as to negate future litigation.

## **D. Significant Issues**

Issues related to the proposed modifications to incorporate effective Outdoor Recreation for Close Custody Management Control Unit offenders will be addressed in a comprehensive analysis by CDOC and design professionals during the design phase, which is currently not a part of this Project Request. Significant issues to deal with include, but are not limited to, the following:

- Upgrading the Perimeter Security Barrier;
- Offender Movement to and from the Outdoor Recreation Yards;
- Managing Different Offender Populations; and
- Working Within a Secure Operating Facility.

### ***Upgrading the Perimeter Security Barrier:***

At CSP, moving offenders outside the building envelope on a regular basis will necessitate a reconfiguration of the site security perimeter. Due to natural and man-made constraints, the perimeter itself cannot be expanded greatly, but must be pushed outward to some small degree to allow for the anticipated new construction. Because close custody offenders will be regularly exercising in such close proximity to the secure perimeter, systems and construction must be provided for increased monitoring and deterrent. In addition, where the security perimeter is penetrated for access, sallyports are anticipated.

### ***Offender Movement to and from Outdoor Recreation Yards:***

The original CSP design did not anticipate regular offender movement vertically to destinations outside the Housing Units. Each tower is served by a single large-capacity elevator, intended to transport services, such as food and laundry carts, on a regular basis, and offenders occasionally. The size, number and placement of these elevators make them ineffective for a steady flow of vertical offender movement. The operation to move offenders to and from the outdoor recreation yards will rely on offenders to move vertically through existing stairways at the rear of each Housing Unit. Offenders will be escorted to the stairway door at their tier level and will make their way down the stairs unescorted to be met by security staff at the exterior door to the recreation yard complex. Offenders will return to their Housing Unit in a similar manner. At the exterior door offenders will pass through a metal detector both going to and returning from the recreation yard complex.

### ***Managing Different Offender Populations:***

CSP has been operating predominately as a Level V facility with highly restrictive offender movement, limited programs available to the offender, and with an emphasis for services delivered to the cell. Offenders (with the exception of the Incentive Unit) were basically confined to their cells 23 hours a day, and when removed from their cells for exercise, showers or appointments, were fully restrained and escorted individually. Offenders were highly isolated, with no contact with other offenders, and for the most part were managed consistently.

In contrast, the re-purposing of CSP will include housing up to four distinct offender populations, Maximum Security Units, Close Custody Management Control Units, Close Custody Transition Units, and the Medium Custody Incentive Unit. Each population will have a different set of restrictions and privileges that could result in the need for physical changes to the facility. Some changes will be limited to the housing units while some changes will involve the support space outside the housing units.

In addition, Housing Units will potentially house different populations at different times, depending on the numbers assigned to those populations. Housing Units may also contain different populations by dayroom within a single Housing Unit. Operationally the facility must be designed to be managed with flexibility to account for these shifts in populations.

***Working Within a Secure Operating Facility:***

CSP will remain a fully operational and secure correctional facility containing incarcerated offenders, some violent and dangerous, during construction of the Recreation Yards and any modifications to the buildings themselves that are identified and incorporated in the project. Temporary reduction in the offender population is not planned, based on limited renovation work at the interior of the buildings affecting only a few areas of the existing facility. Relative to any work within the existing security perimeter, control of construction labor force, tools and stored material will decrease the overall efficiency of the construction effort, adding a premium to the bid construction costs. A construction sequence that maintains effective security ahead of construction efficiency could add a premium to the construction costs as well.

**E. Effects on CSP Spaces and Functions**

With CSP undergoing a re-purposing from a predominately restricted offender population to a facility with multiple populations, each having a different set of restrictions and privileges, the effects on the various spaces and functions must be reviewed. Generally, a correctional facility is designed around five basic space and function types:

- Administration
- Security
- Housing
- Services
- Programs

Each of the above space and function types are broken down in further detail. For CSP, each area was reviewed for the impact re-purposing CSP would have on it.

***1. ADMINISTRATION***

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Administration provides the overall management of the facility, both staff and offenders, and is responsible for most of the facility-to-public interface.

***Central Administration***

No modifications to the existing CSP Central Administration suite are anticipated.

***Operational Administration***

No modifications to the existing CSP Operational Administration suite are anticipated.

***Reception/Lobby***

The security checkpoint in the existing Reception/Lobby will be relocated to the Gatehouse, and the Reception/Lobby will now be fully within the security perimeter. In order to relieve Visiting space constraints, the Reception/Lobby could be used for the Incentive Unit Contact Visitation. Slight modifications to the entry doors, or a possible new sallyport separating the Lobby from the main entry, would be needed. The old checkpoint can serve as an observation post during visiting hours.

***Staff Locker/Wellness Center***

The CSP Staff Locker area is considered inadequate based on historic operation, and is located within the secured perimeter of the facility. While not a direct component of this project, additional staff locker space could be considered in the new Gatehouse design to relieve this situation.

***2. SECURITY***

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Security is responsible for the overall safety of the staff, the public, and the offenders. Security is dispersed throughout the entire facility but is concentrated at the interface with the public and in areas of offender movement control and containment.

***Master Control***

The Master Control Room will need to be modified to provide appropriate space and effective observation of the new perimeter detection, deterrent and surveillance systems for the upgraded security perimeter.

***Shift Commander***

No modifications to the existing CSP Shift Commander Suite are anticipated.

***Tactical Room***

No modifications to the existing CSP ERT/SORT Center are anticipated.

***Armory and Lock Control***

No modifications to the existing CSP Non-Lethal Armory and Lock Control are anticipated.

### ***Housing Control Rooms***

Controls in the Housing Control Rooms have many interlocks such that certain doors cannot be opened simultaneously (i.e., no two cell door can be opened at the same time, or a cell door and a shower door cannot be opened at the same time, etc.). This was done to assure no two offenders could inadvertently be released at the same time into the dayroom.

With the introduction of new, less restrictive housing classifications, many of these controls are no longer needed. The CSP staff is in the process of re-programming the security controls to remove the appropriate interlocks where offenders will be less restricted in their movements. This work should be accomplished prior to the start of this project, but if not, would need to be incorporated into it.

### ***Intake/Administration and Orientation (A&O)/Release***

No modifications to the existing CSP Intake/A&O/Release area are anticipated.

### ***Visiting***

CSP contains 27 non-contact visiting booths and a relatively small Contact Visiting Room located at Level 400. Due to the increased visiting privileges for MCU classification, and the presence of Medium offenders, the existing Contact Visiting Room is inadequate, and alternatives need to be considered. The use of the Lobby as contact visitation for non-restrictive housing offenders was discussed earlier and remains an option to help relieve the current space constraints. More flexible scheduling options are also a possibility. In any expanded visitation area, added video surveillance will be required. In addition, the existing contact visitation area will require increased video surveillance.

## ***3. HOUSING***

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Housing facilities provide sleeping and personal hygiene quarters, dayrooms and interior space for movement and supportive administrative management, counseling, case management, education, programs, vocational instruction (custodial) and other functions for offenders. Housing will be programmed according to the particular needs and restrictions associated with the custody level served.

### ***Maximum Security Status Housing Units:***

Offenders will be assigned to this status generally no more than 12 months. These offenders will be restrained for all movement and staff interaction. Programs and services will continue to be delivered to the cell door or via in-cell television, with the exception of a monthly out-of-cell status/review meeting with the case manager. Offenders on Maximum status will be allowed recreation in the existing exercise rooms accessed within the dayroom and on each tier. For this project, provisions are being made to construct future outdoor individual recreation yards of approximately 234 square feet adjacent to the new group recreation yards, should the CDOC decide the benefit to this, or should the CDOC be required to do so in the future. If this were

to occur, additional staffing requirements for escort and supervision would need to be evaluated.

***Close Custody Management Control Housing Units***

CSP will house Close Custody Management Unit offenders, MCU and CCTU (MCU/HR, MCU/PC and most MCU offenders are to be housed at SCF).

- MCU offenders will be allowed out of cell in groups of no more than eight for dayroom activities. When being escorted out of the dayroom area, offenders may be restrained, except in the stairways to the new Recreation Yards. Staff interaction with unrestrained offenders must be approved by the Appointing Authority. Programs and services will be delivered to the cell door or via television, with staff support at the cell door. Recreation opportunities will be in the new at-grade recreation yards in groups of no more than eight.
- CCTU offenders will be allowed out of cell in groups of no more than sixteen for dayroom activities. When being escorted out of the dayroom area, offenders will not normally be restrained. Staff may have unrestrained interaction with offenders. Recreation opportunities will be in the new at-grade recreation yards in groups of no more than sixteen.

***Day Rooms***

Because of their increased use, dayrooms will need to be outfitted with fixed tables and seats for dining and dayroom recreation, chin-up bars for indoor exercise opportunities, television brackets and televisions for entertainment TV, microwave ovens, and telephones, along with any associated electrical circuitry and communications cabling. In addition, pass-through ports need to be incorporated into the sliding doors at the dayroom entrance, should the need arise to introduce tear gas or other disturbance-quelling devices, as well as to pass medication, meals and other supplies.

The facility staff is in the process of retrofitting the appropriate dayrooms with these items. This work should be accomplished prior to the start of this project, but if not, would need to be incorporated into it. In addition, with the anticipated increase in offenders being escorted out of the Housing dayrooms to appointments and assignments, one metal detector associated with each Housing Unit entrance will be added.

***4. SUPPORT SERVICES***

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Support Services provide the essential functions that keep the facility operating each day. These operations provide the food, clothing, medical attention and environmental conditioning necessary to sustain an acceptable standard of living for the occupants of the facility.

***Clinical Services Facilities***

No modifications to the existing CSP Clinical Services Facilities are anticipated.

***Housing Unit – Exam/Consult Cells:***

CSP has one Exam/Consult Cell in each Housing Unit (6 total) for medical exams and minor treatment within housing areas, including mental health consultation or intervention in a controlled atmosphere. These spaces will be used on a more regular basis, and should be re-purposed back to their original function, if taken over by another function.

***Mental Health Offices:***

Similarly, each Core Area supporting a CSP Housing Unit contains two Mental Health Offices (12 total). These and their adjacent Multi-Purpose program areas will be used on a more regular basis, and should be re-purposed back to their original function of individual and group consultation and therapy sessions, if taken over by another function.

***Food Service Facilities***

No modifications to the existing CSP Food Service Facilities area are anticipated. There are no plans to significantly change the current operation for meal delivery. Meals will be delivered to the cell door or dayroom door depending on the offender’s classification.

***Laundry Facilities***

The volume of laundry to be processed will increase due to two factors; increased privilege levels allowing for more personal laundry items, and increased outdoor recreation year-round adding the need for thermal clothing and more outerwear. Most laundry is sent to Centennial Correctional Facility, but some is processed in the CSP laundry. More analysis of the overall ECCPC laundry capacities is needed in order to determine how this laundry increase will be handled. CSP can increase its processing by increasing the offender assignments.

***Canteen Services***

No modifications to the existing CSP Canteen Services are anticipated, even though an increase in those services is anticipated.

***Physical Plant Services***

Physical improvements proposed in the Facility Program Plan will generally require maintenance, upkeep, replacement, electronic programming, etc. Increased maintenance will be accomplished by the existing combined CSP/CCF maintenance staff.

***Warehousing Facilities***

No modifications to the existing CSP Warehouse are anticipated.

***5. PROGRAMS***

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The Programs category covers many areas of daily operations that are supplemental in nature for the welfare and enrichment of the offender. These development and training opportunities



encourage positive offender behavior and enhance the offender's chances for successful community re-integration.

***Academic and Vocational Education:***

Academic and Vocational Programming for the MS Status and MCU offenders will be delivered through in-cell programming. CCTU and Incentive offenders have the opportunity to take classes in a classroom setting. Over the years spaces originally intended for this function have been taken over by other functions. The multi-purpose rooms need to be re-purposed back to their original function, and space for the current functions found elsewhere. In addition, two computer laboratories are needed for testing purposes. An analysis of existing space within the Core of CSP needs to occur to find and/or relocate the needed functions. At this time there is no proposal for additional space to be built, but minor interior remodeling will be necessary to satisfy the proposed realignments.

***General Library Services:***

General Library Services for the MS Status and MCU offenders will be delivered to the cell front. CCTU (at the discretion of the Appointing Authority) and Incentive offenders have the opportunity to visit the General Library. However, space is limited and offender populations must remain separated. Further, the current General Library is not ADA accessible, and the number of available volumes is deficient, according to the Colorado State Library – Institutional Library Development Office. Many of the problems associated with the General Library pre-date this Facility Program Plan and, as such, may not be resolved through this project. At a minimum, with the anticipated increase in offender visits, additional security surveillance should be installed. If at all possible, a realignment of the space, with an attempt to increase space or use space more efficiently, should be reviewed as part of the overall interior renovation being proposed.

***Legal Access Services:***

Legal Access Services finds itself occupying space not originally intended for it, and finds its space limited now and deficient in the future when increased offender visits occur. Discussions on how to rectify these problems should be a part of the overall interior renovation being proposed. In order to mitigate the situation, Legal Services will be delivered to the cell front for MS Status, MCU and CCTU offenders.

***Case Managers:***

No modifications to the existing CSP Case Managers offices are anticipated.

***Recreational Facilities:***

One indoor Gymnasium for group use exists at the Upper Level 400 to accommodate Incentive Unit offenders and CCTU offenders at the discretion of the Appointing Authority. The main intent of the project described in this FPP is to add new group recreation yards, and to plan for new individual recreation yards, and those descriptions can be found elsewhere in this FPP.

***Religious Programs:***

CSP religious programs will generally be delivered to the individual cell via closed circuit television. The facilities provided for Academic Education video production and distribution can be used for Religious Programs delivery. With an increasingly non-restricted offender population, or for special occasions or needs, the gymnasium or visiting room can be utilized.

## II. SCOPE OF WORK

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### A. Project Overview

The project described in this Facility Program Plan (FPP) involves construction and modifications required to provide group outdoor recreation spaces to Close Custody Management Control offenders at CSP. Access to these spaces, located at grade behind each Housing Tower, will be through the existing stairs at the rear of each Tower. New metal detectors are needed at the interface between each Housing Tower entrance/exit as well as at each Housing Unit entrance/exit. In addition, improvements to the secure perimeter are required. These improvements include a double line fence with razor wire, a detection and deterrent system, and enhanced surveillance. A new Gatehouse is required to process both staff and facility visitors out at the double line security perimeter. Finally, upgrades to exterior lighting are required for enhanced observation.

No work is anticipated at SCF under this Facility Program Plan.

### B. Background and History of CSP

The Colorado State Penitentiary (CSP) is a State owned and operated Level V Security correctional institution for adult male offenders, with a current rated capacity of 756 offenders. CSP is located within the East Cañon City Prison Complex (ECCPC) of correctional institutions and support facilities. The CSP facility is prominently located along Evans Boulevard, the main access road to ECCPC off of State Highway 50, approximately two miles east of Cañon City, in Fremont County, Colorado. The facility is also highly visible from Highway 50, separated by approximately one-half mile of open field.

Following completion of Phase I construction in 1993, CSP has served as the primary Level V Security facility in the CDOC system. Housing within CSP occurs in three separate towers surrounding support, programs and administration space. Each tower consists of two housing units stacked, with each unit consisting of two tiers, a penthouse and basement/crawlspace areas. Each tower has one elevator, used primarily for vertical transportation for daily service and program delivery, and occasional offender movement, mostly to Intake and Medical.

The initial operational intent of the facility was to allow no offenders access to any part of the CSP facility outside its exterior walls. As such, two unique design responses came about as a result of this intent. First, the building's exterior wall was considered one of the two required lines in the facility's secure perimeter; the second line being a single row of security fencing with no razor ribbon wire. Therefore, "no-man's land", or the space between the inner and outer perimeter lines where no offender is allowed, is considered all the space from the exterior walls outward to the single perimeter fence.

Second, outdoor exercise rooms were designed as a part of the building's interior space and are accessed from each dayroom. There is one outdoor exercise room for every eight offenders, one on each tier. In Phase I construction (Tower 2 C/D units and Tower 3 E/F units), the exercise rooms are 92 square feet with an eight-foot high concrete ceiling. In Phase II construction (Tower 1 A/B units), the design was slightly modified and the exercise rooms are 137 square feet with an eight-foot high concrete ceiling.

In both phases, the exercise rooms are lit, unheated, have security glazed doors and windows facing the dayroom and have two tall narrow openings, approximately six inches wide by five feet tall, facing the exterior. The openings are covered with perforated metal plate. The intent of these openings was to provide the occupant of the exercise room a view to the outside and the ability to sense the outside environment.

### C. Detailed Description of Project Elements

#### *CSP Project Elements:*

Outdoor Group Recreation Yards: There will be three fenced group recreation yards, one per Housing Tower, of approximately 2,400 square feet per yard, with each yard subdivided into two separate spaces, containing the following:

- 2 concrete half-court basketball courts
- 2 concrete exercise pads
- 2 walking tracks
- 2 groups of tables and benches with sun cover
- 1 raised covered officer's observation station overlooking both yards
- Concrete flatwork each side for future groups of 8 – 234 square foot individual outdoor recreation yards for high risk security offenders

Each sub-recreation yard will manage up to 16 offenders, or one dayroom, and there will be no shared space or ability to mingle groups, except for the access to and from the Housing Tower. The raised observation station will not be able to access either sub-recreation yard. The purpose of these outdoor recreation yards is to provide a response to the court-decreed minimum legal standards for outdoor recreation and to provide group interaction opportunities for offenders progressing through the Management Control Unit program.

Double Line Fence: The perimeter fence will be upgraded to provide a stand-alone Level V perimeter without relying on the exterior of the building as a part of the perimeter. Upgrades include:

- 12-foot high security fence installed outside the existing line of 12-foot high security fence where practical. Note: Existing fence may need to be reconfigured for security issues
- Razor ribbon wire in a coiled pyramid array at base of the new outer security fence
- Barbed wire and supports to top of new outer fence
- Horizontal concrete rat barrier inside of existing inner fence
- Two vehicle sallyports with remote operated sliding gates
- Non-lethal electrified fence (NLEF) on inner security fence

The purpose in upgrading the fence is to provide the appropriate level of detection and deterrent for a Level V facility when offenders are regularly outdoors in close proximity to the perimeter.

Gatehouse: When the existing exterior building wall constituted the second security perimeter, the security checkpoint and sallyport into the facility could occur just inside the building's main entrance. With the addition of the outer perimeter fence, penetration of the secure perimeter now will technically occur at the double line fence, and a new Gatehouse to provide that checkpoint is needed. The Gatehouse will be a site adapt of the design that was developed at the Centennial Correctional Facility, and will include:

- Vestibule/Waiting Area
- Security Officer Station
- Toilet
- In-processing Area
- Out-processing Area
- Electrical/Communication
- Mechanical/Storage
- Metal Detector
- Visitor Lockers

The staff position currently at the main security desk just off of the Lobby will be relocated to the Gatehouse, and the main security desk no longer used for security screening into and out of the facility. The purpose of the Gatehouse is to provide a sheltered and conditioned space to provide the necessary security processing of staff and facility visitors without having those staff and visitors penetrate the secure perimeter without proper screening.

Relocated Perimeter Patrol Road, Drainage and Landscaping: With the addition of the double line fence, the existing perimeter road will need to be relocated and reconfigured. Currently, as the perimeter patrol road circles the facility to the north, it follows existing contours to climb a hill for a panoramic, but distant, view of the back side of the facility. With the addition of an NLEF, the patrol road will need to remain close to the outer fence for security monitoring. The perimeter patrol is responsible for visually clearing any alarm detected by the NLEF system, and this cannot be managed from a distance. Additional grading will need to occur to allow the road to stay in close proximity to the outer fence.

In addition, the site drains naturally from north to south, and rock-lined drainage swales had been designed to carry surface water around the building to the east and west. These swales are where the new recreation yards are to be constructed, and the drainage patterns will have to be studied and re-engineered. Finally, there is existing landscape that will need to be removed and /or relocated, if salvageable.

New Perimeter Lighting: The new recreation schedule will require extending recreation time into the evening hours, which could include dusk or even darkness in winter months. New lighting will be required to illuminate the recreation yards so they may be properly observed when occupied. In addition, new LED perimeter lighting to provide lighting levels at the fence perimeter for a Level V facility per CDOC standard is being studied and will likely be a part of this project to some degree.

Metal Detectors: Metal Detectors will be required at the entrance/exit (same point) at the Housing Tower stairways to the new recreation yards. Tower 2, because of the use of the existing recreation yard by the Incentive Unit, has an existing metal detector. Towers 1 and 3 will require new metal detectors. In addition, since increased offender movement outside of the Housing Units is anticipated for out-of-cell appointments and assignments, a new metal detector is needed at the entrance/exit to each Housing Unit at its interface to the central Support space, for a total of eight additional detectors.

Video Surveillance: Video surveillance cameras will be needed to monitor inmate activity in each outdoor recreation yard when staff is not available to provide direct supervision. Multiple video surveillance cameras will also be needed in each stairwell to monitor offender movement.

#### **D. Facility Infrastructure and Site Improvements**

The majority of the project described in this FPP falls under the category of site improvements and has been described in detail elsewhere. Those include briefly the upgrades to the security perimeter, to include a pedestrian sallyport and two vehicle sallyports, reconfiguration of the paved service road, reconfiguration of the gravel perimeter patrol road, revised site lighting (discussed in detail below), and the construction of three new recreation yards.

There is no need for any utility service upgrades to support the new work described in this project. Any utility work will be only to relocate existing utilities that interfere with the new construction.

##### ***Site Lighting Improvements:***

The existing security/perimeter lighting is to be upgraded to illuminate the new outdoor recreational yards, the new guardhouse, the new perimeter double fence, and the new perimeter security patrol road. There are currently nine (9) existing 50 foot tall poles around the existing perimeter single fence, with each pole containing three (3) 1000W HID luminaires. Seven (7) of these nine (9) poles are to remain in their current locations. The two (2) perimeter poles closest to the parking lot are to be relocated inside the perimeter to better illuminate the new vehicle sally ports. All twenty-seven (27) perimeter pole mounted HID luminaires are to be demolished and returned to the owner. There are currently four (4) 50 foot tall poles in the parking lot area, with each pole containing two (2) 1000W HID luminaires, which are to remain as-is. There are currently twelve (12) 100W HID bollards along the front entry sidewalk. Four (4) of the twelve (12) bollards closest to the parking lot area are to be demolished and returned to the owner to accommodate the new guardhouse location. All other bollards are to remain as-is. There are currently thirty-two (32) exterior building mounted 1000W HID luminaires around the perimeter of the CSP building. All 32 exterior building mounted luminaires are to remain as-is.

To accommodate the new CSP facility layout, a new LED lighting and controls system is being proposed to replace the existing HID lighting and controls system for the new perimeter double fence, new patrol road, new guardhouse, and new outdoor recreational yards only. A new wireless LED luminaire control system is also being proposed, which will allow dimming of the new perimeter LED luminaires. Seven (7) of the nine (9) existing perimeter 50' poles are to be reused to support four (4) new high lumen output LED luminaires each. The two (2) relocated 50 foot poles are to be reinstalled and reused to support four (4) new high lumen output LED luminaires each. (High Lumen Output = 68,000 lumens per luminaire.) Two new concrete pole

bases are to be provided for the two (2) relocated 50 foot poles. The existing circuits for the existing perimeter pole mounted HID luminaires are to be reworked to accommodate the new LED perimeter pole mounted luminaires. The existing circuits for the existing sidewalk HID bollards are to be reworked to accommodate the removal of four (4) bollards. Four (4) new LED wallpacks are being proposed for exterior illumination directly around the new guardhouse. The result of the proposed new LED lighting and controls system is to provide upgraded perimeter luminaires, a higher level of perimeter luminaire control, and illumination the new outdoor recreational yards and new patrol road.

## **E. Alternate Solutions**

The CDOC explored several alternate solutions prior to proposing the current scope of work. Initially, the solution was to site-adapt a design implemented by the Ohio DOC for its Ohio State Penitentiary, a facility similar in design to CSP. Ohio had to respond to a similar court-decree to provide more open, entirely out-of-doors recreational opportunities for its maximum custody offenders housed in this facility. The solution was to construct elevators at the intersection of two dayroom stacks, four per tower or twelve total, to connect a grouping of four dayrooms to on-grade semi-enclosed individual and group exercise rooms. Each on-grade recreational yard would serve 64 offenders. There were three major issues with this concept.

At the time, the CDOC was still operating under the premise that the offenders would be managed as Administrative Segregation offenders, requiring a high level of restraint and two dedicated escort staff to move the offender to and from his cell to the on-grade exercise yards. It was estimated that an addition of up to fifty security staff would be required to operate this solution. Second, the construction cost for this design concept was estimated to be from \$10 million to \$12 million. Third, due to the building configuration, some of the proposed locations would not accommodate an elevator and on-grade recreation yard, and no feasible alternative was developed at these locations.

Next, the CDOC considered the construction of semi-enclosed, 180 square foot modules attached to the building at each dayroom. The modules would be constructed of concrete and/or wire mesh panels, offering some protection to the elements, some exposure to the elements, and some opportunity for horizontal views. There would be a total of 96 modules, each serving eight offenders for individual exercise only. Since the modules would be stacked, they would only be as tall as the cells on the tiers they served. The advantage to this solution is that it required no additional staff, as access to the new modules would be from the tier on which the offender was housed. The disadvantage to this solution is that exercise remained isolated, with no opportunity for group interaction. Again, the solution was explored at the time when all CSP offenders were to be managed under the former Administrative Segregation status. The construction cost for this design concept was estimated to be from \$11 million to \$15 million.

The CDOC briefly considered converting portions of the roof at CSP to recreation yards, but the logistics of moving offenders vertically, plus questions concerning the structural capacity of the roof, the presence of numerous mechanical equipment and roof penetrations, and security concerns quickly eliminated this solution as not feasible.

## **F. Consequences if Not Funded**

If the project described in this Facility Program Plan is not funded, improvements that would allow full access to the out-of-doors and to recreation space for offenders impacted by the phasing out of the Administrative Segregation status will not occur. Offenders at CSP with a Close Custody classification will not have the same recreational opportunities as Close Custody offenders at other CDOC facilities. Further, there would be no space to safely and effectively allow for group interaction in a recreational setting that is consistent with the management directives provided in the revised AR 600-09 Management of Close Custody Offenders. In addition, the CDOC could be viewed as not responding to the court order to provide “outdoor exercise in an area that is fully outside and that includes overhead access to the elements, e.g., to sunlight, rain, snow and wind...”. As a result, further legal challenges to the existing conditions at CSP for adequate out-of-door and recreational space could be anticipated.



### III. COST AND BUDGET ANALYSIS

#### A. Project Cost Summary

The project budget for the CSP Close Custody Outdoor Recreation Yard Project is \$4,780,979.

#### B. Description of Scope included in the Budget Summary

See FPP Section II for description of programmatic, infrastructure, and site elements included in this Budget.

#### C. Project Summary Budget Table

An expanded Preliminary Budget Analysis is included as Appendix B. The budget includes the following costs for construction and renovation:

Project Summary Budget Table		
Description	Subtotal	Total
A. Land Acquisition		N/A
B. Professional Services		200,152
C. Construction		3,952,334
Services/Utilities (Off-Site)	165,000	
Site Improvements	2,830,834	
New Construction	181,500	
Renovation	775,000	
Other	0	
D. Equip. and Furnishings		217,500
Equipment	167,500	
Furnishings	0	
Communications	50,000	
E. Miscellaneous		
Art in Public Places (0.1%)	3,952	3,952
F. Project Contingency		407,041
<b>G. Total Budget Request</b>		<b>4,780,979</b>

#### D. Extraordinary Cost Impact

This Budget reflects the following extraordinary costs, due to factors beyond the CDOC’s control:

- Construction cost premiums related to operational disruption of CSP facility security and building support functions is anticipated, while control of construction labor force, tools, and stored material will decrease the overall efficiency of the construction effort, adding a premium to construction costs;

- Construction cost premiums related to out-of-sequence work or highly regulated schedule restraints due to overriding security constraints;
- Cost of temporary structures and barriers due to work within a secured/occupied CSP facilities;
- Cost premiums to match existing products and equipment to existing CSP systems; and
- Significant construction market cost fluctuations within the Colorado Front Range market area due to labor force and material availability, contractor workload and current backlog, and relative construction bid market environment.

## **IV. PROPOSED CAPACITY AND FUTURE EXPANSION**

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### **A. Proposed Capacity**

CSP currently houses up to 756 offenders in a mix of Maximum Security Status, Close Custody Management Control, Close Custody Transition, Close Custody general population, and Medium Custody general population offenders (Incentive Unit). The presence of Close Custody general population offenders is a temporary condition. It is operating at its current rated design capacity.

Upon completion of the Close Custody Outdoor Recreation Yard project, the rated design capacities of CSP will not have changed as a result of the project.

### **B. Future Expansion**

There are no current plans for future expansion of the CSP building, therefore, there are no provisions for expansion of facilities, infrastructure, or site improvements beyond that anticipated in this Facility Program Plan.

There are no current plans to increase the offender population at CSP. The cells housing the offenders affected by this project are currently single-bunked and would not meet standards for double-bunking.

Provisions will be made to add up to forty-eight individual outside exercise rooms in the future at CSP should the need arise or should the addition benefit the CDOC. The appropriate grading for the building pads, as well as the concrete pads themselves, will be constructed as a component of this project.

## **V. PROPOSED STAFFING AND ASSIGNMENTS**

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### **A. Staffing Changes**

Staffing patterns for CSP and SCF will not change significantly as a result of the work described in this FPP. However, due to less restrictions and increased privileges for offenders, and generally more activity involving escorts and direct supervision, CSP and SCF will need to modify their staffing patterns within the current staff assignments.

### **B. Offender Assignments**

For MCU and CCTU offenders, assignments will be based on the new direction contained in the revised AR 600-09 Management of Close Custody Offenders. An offender's programming and needs requirements will be assessed and provided to the offender by the assigned case manager upon intake to the facility or unit (if progressing within the MCU program).

Incentive Unit offender assignments are not anticipated to change as a result of this project.

## **VI. CONSTRUCTION DELIVERY**

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### **A. Construction Delivery Strategy**

For the Close Custody Recreation Yards Project at CSP, much of the site improvement work will be performed by the Colorado Correctional Industries (CCI) Heavy Equipment program and the Building Technologies program. The Heavy Equipment program will provide the following:

- Excavation and earthwork
- Perimeter Patrol Road reconfiguration
- Service Road realignment (asphalt/curb/gutter)
- Restoration of site
- Installation of Recreation Yard fencing
- Installation of Recreation Yard physical improvements (basketball court, running track, concrete pad and walkways, ramps, tables and chairs, observation platform).

The Building Technologies program will construct the Gatehouse.

Specialty systems, such as the NLEF (including the perimeter fence), the site lighting improvements, and the video surveillance system, will be furnished and installed by private contractors on a competitive bid basis.

CDOC may choose one of several routes for project management. The entire project at CSP can be bid as a single project, with the self-performed work identified and Correctional Industries placed under the General Contractor's control as a subcontractor. Or, the work to be bid could be issued in a single package with a General Contractor managing the various subcontractors and coordinating closely with the CDOC's self-performed work, with Correctional Industries independent of the General Contractor. Finally, the various specialty systems could be bid separately, such that the project would have multiple prime contracts along with a large component of self-performed work. In this scenario, the entire project could be managed in-house by Facilities Management Services, or a private sector project manager could be employed for the role.

**B. Project Schedule with Milestones:**

<b>Project Schedule with Milestones</b>			
<b>Phase</b>	<b>Start Date(s)</b>	<b>Completion Date(s)</b>	<b>Remarks</b>
CDOC Review and Approval of Facility Program Plan (FPP)	July 2014	Aug 2014	
Submittal and Approval by Capital Development Comm.	Sept 2014	Dec 2014	
FPP Addenda Complete	Jan 2015	Feb 2015	
Approval of Funding Request	May 2015	May 2015	
Advertise, Award, Contract for Professional Services	Sept 2014	Dec 2014	Under Separate Contract
A/E Professional Services (excluding Bid and Construction Administration)	Dec 2014	June 2015	Under Separate Contract
Bid, Award, Contract for Construction	July 2015	Sept 2015	
Construction Phase	Oct 2015	Sept 2016	
Punchlist	Oct 2016	Nov 2016	
Occupancy	Dec 2016		

As with any construction project, variables beyond the control of the CDOC may impact overall implementation of the project described in this Program Plan, including but not limited to:

- Significant variation in the Colorado Front Range construction market;
- Unforeseen site conditions, including subsurface geological and hydrological features; and
- Phasing issues due to Security concerns (subject to further definition in the Physical Planning Phase);
- Construction duration may be expedited based on premiums to the construction cost to achieve early completion (including additional workforce, workforce overtime premiums above assumed 40 hour work week, and other contractor incentives) which typically result in a reduction in project scope.

**END OF FACILITY PROGRAM PLAN**

## **VII. APPENDICES**

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**Appendix A – Close Custody Outdoor Recreation Yard Improvements – Capital Construction Request – July 25, 2014**

CC-C: CAPITAL CONSTRUCTION REQUEST FOR FY 2015-16									
Agency or Institution: Project Title: Project Year(s): Agency or Institution Priority Number:	Department of Corrections Colorado State Penitentiary Close Custody Outdoor Recreation Yards FY 2015-16 2	Signature Department or Institution Approval: Signature CCHE Approval: Signature OSPB Approval:		Date Date Date					
	Name and e-mail address of preparer: <a href="mailto:richard.gordon@state.co.us">richard.gordon@state.co.us</a>								
	REVIS <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, submission date:		Total Project Costs	Total Prior Year Appropriations	Current Request FY 2015-16	Year 2 Request	Year 3 Request	Year 4 Request	Year 5 Request
	<b>A. Land Acquisition</b>								
(1)	Land/Building Acquisition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
<b>B. Professional Services</b>									
(1)	Master Plan/PP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(2)	Site Surveys, Investigations, Reports	\$ 70,576	\$ -	\$ 70,576	\$ -	\$ -	\$ -	\$ -	
(3)	Architectural/Engineering/ Basic Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(3b)	Construction Administration	\$ 70,576	\$ -	\$ 70,576	\$ -	\$ -	\$ -	\$ -	
(4)	Code Review/Inspection	\$ 10,000	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	
(5)	Construction Management	\$ 25,000	\$ -	\$ 25,000	\$ -	\$ -	\$ -	\$ -	
(6)	Advertisements	\$ 24,000	\$ -	\$ 24,000	\$ -	\$ -	\$ -	\$ -	
(7a)	Inflation for Professional Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(7b)	Inflation Percentage Applied		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
(8)	Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(9)	Total Professional Services	\$ 200,152	\$ -	\$ 200,152	\$ -	\$ -	\$ -	\$ -	
<b>C. Construction or Improvement</b>									
(1)	Infrastructure	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	(a) Service/Utilities	\$ 165,000	\$ -	\$ 165,000	\$ -	\$ -	\$ -	\$ -	
	(b) Site Improvements	\$ 2,830,834	\$ -	\$ 2,830,834	\$ -	\$ -	\$ -	\$ -	
(2)	Structure/Systems/ Components	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	(a) New (GSF): 1,210	\$ 181,500	\$ -	\$ 181,500	\$ -	\$ -	\$ -	\$ -	
	New \$150/GSF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	(b) Renovate GSF: 72,657	\$ 775,000	\$ -	\$ 775,000	\$ -	\$ -	\$ -	\$ -	
	Renovate \$10.67/GSF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(3)	Other (Specify)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(4)	High Performance Certification Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(5a)	Inflation for Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(5b)	Inflation Percentage Applied		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
(6)	Total Construction Costs	\$ 3,952,334	\$ -	\$ 3,952,334	\$ -	\$ -	\$ -	\$ -	
<b>D. Equipment and Furnishings</b>									
(1)	Equipment	\$ 167,500	\$ -	\$ 167,500	\$ -	\$ -	\$ -	\$ -	
(2)	Furnishings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(3)	Communications	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	
(4a)	Inflation on Equipment and Furnishings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(4b)	Inflation Percentage Applied		0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
(5)	Total Equipment and Furnishings Cost	\$ 217,500	\$ -	\$ 217,500	\$ -	\$ -	\$ -	\$ -	
<b>E. Miscellaneous</b>									
(1)	Art in Public Places=1% of State Total Construction Costs (see SB 10-94)	\$ -	\$ -	\$ 3,952	\$ -	\$ -	\$ -	\$ -	
(2)	Annual Payment for Certificates of Participation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(3)	Relocation Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(4)	Other Costs [specify]	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(5)	Other Costs [specify]	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(6)	Other Costs [specify]	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(7)	Other Costs [specify]	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
(8)	Total Misc. Costs	\$ 3,952	\$ -	\$ 3,952	\$ -	\$ -	\$ -	\$ -	
(9)	Total Project Costs	\$ 4,373,938	\$ -	\$ 4,373,938	\$ -	\$ -	\$ -	\$ -	
<b>G. Project Contingency</b>									
(1)	5% for New	\$ 29,958	\$ -	\$ 29,958	\$ -	\$ -	\$ -	\$ -	
(2)	10% for Renovation	\$ 377,083	\$ -	\$ 377,083	\$ -	\$ -	\$ -	\$ -	
(3)	Total Contingency	\$ 407,041	\$ -	\$ 407,041	\$ -	\$ -	\$ -	\$ -	
(4)	Total Budget Request [F+G(3)]	\$ 4,780,979	\$ -	\$ 4,780,979	\$ -	\$ -	\$ -	\$ -	
<b>I. Source of Funds</b>									
	CCF	\$ 4,780,979	\$ -	\$ 4,780,979	\$ -	\$ -	\$ -	\$ -	
	CF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	RF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
	FF	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	





**DEPARTMENT OF  
[NAME OF DEPARTMENT]**

*John W. Hickenlooper*  
Governor

*FY 2015-16 Capital Construction Request  
July 25, 2014*

*Rick Raemisch*  
Executive Director

Signature

Date

*Department or CCHE Capital Construction Priority: 02  
Colorado State Penitentiary Close Custody Outdoor Recreation Yards*

Summary of Capital Construction Request	Total Funds	CCFE	Cash Funds*	Federal Funds
<b>FY 2015-16</b>	<b>\$4,780,979</b>	\$4,780,979	\$0	\$0

**Request Summary:**

This FY 2015-16 Capital Construction Request seeks CCFE funding of \$4,780,979 for the construction to provide group outdoor recreation space to close custody management control offenders at Colorado State Penitentiary (CSP) with overhead access to the elements. This request is in response to recent legal rulings with regards to Administrative Segregation housing conditions as well as the Department’s phasing out of the administrative segregation beds as currently defined. This request coordinates the legally required facility adjustments with the evolving policy changes for administrative segregation. These changes will require the repurposing of CSP to house primarily close custody offenders and meet recreation and security requirements that meet the current legal standards in outdoor recreation. Professional services for the project design are ongoing with funding provided by the Department.

**Project Description:**

A Facility Program Plan (FPP) for this project request is currently being finalized and will be made available to the Capital Development Committee/Joint Budget Committee through the Governor’s Office of State Planning and Budgeting upon final Department and third party review.

**Colorado State Penitentiary Improvements:**

Improvements are required to provide group outdoor recreation spaces to close custody management control offenders. Recreation yard improvements will be accessible through the existing three stair towers with the offenders exercising in groups of up to 16. Perimeter improvements include the following:

- Outdoor group recreation yards. Three fenced group recreation yards, one per housing tower, of approximately 24,000 square feet per yard will be provided with each containing the following:
  - 2- concrete half-court basketball courts
  - 2- concrete exercise pad
  - 2- walking tracks
  - 2 groups of tables and chairs with sun cover
  - Raised covered officer’s observation station

- Concrete flatwork for future two groups of 8-234 square foot individual outdoor recreation yards for higher security offenders
- Double fence. The external security requirements for a Level V facility require a double fence, razor wire, and detector devices. At CSP the existing exterior security is achieved with a single perimeter fence and the exterior building wall constituting the second security perimeter. With the addition of the new outdoor recreation yards, the exterior building wall is no longer the primary security perimeter, therefore, requiring a second security perimeter around the facility. The security measures included with the double fence include the following:
  - 12 foot high security fencing to complete double fencing around the facility perimeter
  - Rat barrier at new outer security fencing
  - Razor coil pyramid at base of new outer security fencing
  - Barbed-wire support and coils at top of new security fencing
  - Two vehicle sallyports with sliding gates
  - NLEF (non-lethal electric fence) on inter security fencing
- Gatehouse. The existing exterior building wall constituted the second security perimeter and contained the entrance and security checkpoint into the facility. With the addition of the second perimeter fence this is no longer the case and a new approximately 1,200 square foot Gatehouse will be provided as the entry and checkpoint into the facility for staff and visitors. The Gatehouse specs are based on the Gatehouse at Centennial Correctional Facility and include the following spaces:
  - Vestibule/waiting area
  - Guard station
  - Toilet
  - In-processing area
  - Out-processing area
  - Secure storage
  - Electrical/communication
  - Mechanical/storage
  - Metal detector
- Relocated perimeter road and re-grading of exterior landscape. The addition of the outdoor recreation yards and double perimeter security fencing will required the existing perimeter road around the facility and portions of the exterior landscape to be relocated and re-graded.
- New perimeter lighting. The anticipated outdoor exercise access schedule, to provide offenders with necessary recreation time, will require extending recreation time into the evening hours. New perimeter lighting will be required to illuminate the outdoor recreation yards and the new double perimeter security fencing.
- Exterior security cameras. Security cameras are required as no additional staff will be provided to monitor offenders using the outdoor recreation yards. The cameras will be indirectly monitored by existing control center posts.
- Metal detectors at entrance/exit from housing stair towers to new recreation yards.

A CSP Site Plan for the proposed layout of spaces identified in this request is included in the Facility Program Plan.

**Background and Justification:**

In August of 2011, the administrative segregation population within the DOC peaked at 1,505. As of April 2014, the administrative segregation population stood at 449. During May and June 2014, administrative segregation, as currently defined, will be completely phased out by DOC. Offenders will be placed on Maximum status but this placement will be for a limited duration and based on offender behavior. This change will result in the need to adjust the mission at CSP. In addition, recent and pending court rulings direct the DOC to provide *“access for at least one hour, at least three times per week, to outdoor exercise in an area that is fully outside and that includes overhead access to the elements, e.g., to sunlight, rain, snow and wind, unless inclement weather or disciplinary needs make that impossible.”* These legal requirements create a need to adjust the facility physical structure at CSP to house close custody offenders and create the fundamental basis for this request and associated urgency.

CSP is a Level V security correctional institution for adult male offenders with current facility capacity of 756 offenders and employs 426 staff. CSP is situated in the East Canon City Prison Complex (ECCPC) and is sited on approximately 80 acres, with approximately 460,000 square feet of floor space. CSP originally opened Phase I on August 16, 1993 with a capacity of 504 offenders. In January 1998, Phase II added an additional 252 beds. Housing within CSP occurs in 3-four tiered towers of 252 beds per tower.

In order to accommodate large numbers of close custody offenders under the Maximum status designation for offenders at CSP new recreation yards, as well as additional exterior security improvements, need to be constructed. While CSP was originally constructed as a close custody facility, numerous physical plant changes are still required to enable the mission change. This project request is for the construction of three group recreation areas (one per housing tower), each containing two recreation yards based on the previously completed design by the architectural/engineering team. The construction of the group recreation yards will require additional security improvements to the facility including a new security gatehouse at the entrance, non-lethal electrical fence, relocation of perimeter security roads, re-grading of the exterior landscape, upgrade of perimeter lighting, and exterior security cameras. In addition, provisions for future individual outdoor recreation spaces for higher security offenders will be included.

The conceptual budget for the repurposing of CSP into a close custody facility is estimated at approximately \$4,780,979.

**Life Cycle Cost (LCC) Analysis:**

The Facility Program Plan for this project, currently being developed, will include alternatives to this supplement project request for which the LCC Analysis can be based.

**Consequences if not Funded:**

If this project request is not funded, full access to outdoor recreation space for offenders impacted by the phasing out of administrative segregation will be delayed. In addition, the DOC could be viewed as not meeting the court order to provide *“outdoor exercise in an area that is fully outside and that includes overhead access to the elements, e.g., to sunlight, rain, snow and wind, unless inclement weather or disciplinary needs make that impossible.”* Subsequent litigation is pending and further suits are anticipated at CSP in this regard

**Operating Budget Impact:**

No additional FTE will be required for this supplemental project request. Existing staff will be utilized for the operation of this request.

Utilities: \$2,200 per fiscal year.

Maintenance and operating impacts- \$840 per fiscal year

**Assumptions for Calculations:**

- Estimated expenditures for land purchases; N/A
- Estimated expenditures for construction and professional services;

A conceptual budget for construction has been developed by DOC Facility Management Services and is based on data from RS Means Building Construction Cost Data and historical data from past construction projects of similar scope and size. Professional services, other than construction administration, are not a part of this project request as the design services are being funding through the Department. Verification of the budget will be performed by the architect/engineer (A/E) within the Facility Program Plan (FPP) currently under development.

- A list of equipment and furnishings, including estimated prices;

A budgetary estimate for equipment, including cameras (\$36,000), DVR's & switches (\$16,500), metal detectors (\$40,000), and furnishings, including exterior recreation yard equipment (\$75,000) was provided based on past purchases for similar items

- Calculations for art in public places, as necessary;

Art in public places was calculated on the total costs of new construction and site improvements at one-tenth of one percent per C.R.S. 24-48.5-313 (2013).

- Inflation assumptions by year and component;

This is a new project request, no inflation has been assumed.

- A discussion of costs associated with High Performance Certification Program (HPCP), or LEED certification, and the target certification level. If HPCP certification will not be pursued, please provide an explanation as to why the project is exempt from this requirement;

This is a renovation project (Outdoor Recreation Spaces) and consists of outdoor, unheated recreation space, thus exempt from the HPCP. The Gatehouse at CSP is approximately 1,210 square feet and thus under the 5,000 square feet threshold for HPCP requirements and certification will not be pursued. The DOC will strive to implement applicable HPCP standards and principles throughout the project, as cost effective and practicable as possible.

**Supplemental Justification (if necessary):**

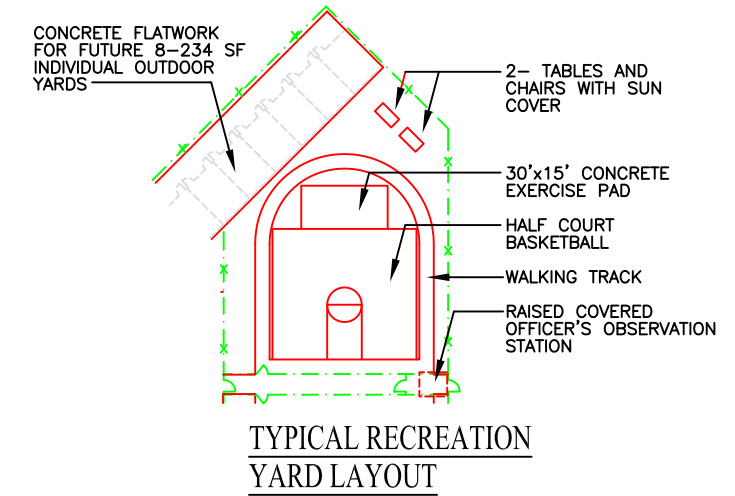
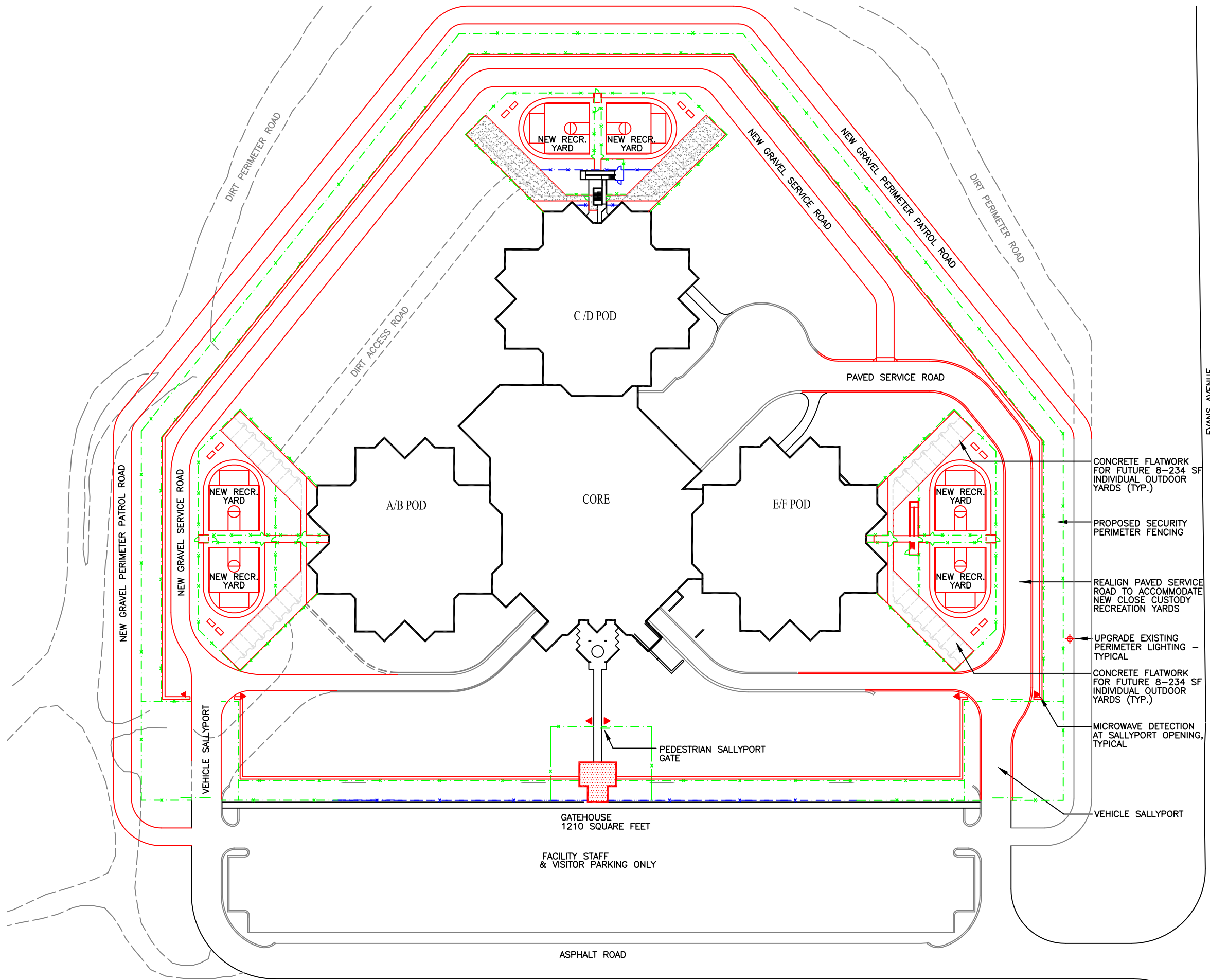
N/A

<b>ADDITIONAL REQUEST INFORMATION</b>	
<b>Please indicate if three-year roll forward spending authority is required.</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of project's most recent program plan:	The FPP for this project is currently being finalized. As final Department and third party review are complete the FPP will be forwarded to OSPB.
Please provide the link to the program plan or attached	See note above

the first page of the analysis to this document:	
Request 6-month encumbrance waiver?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
New construction or modification?	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Renovation <input type="checkbox"/> Expansion <input type="checkbox"/> Capital Renewal
Total Estimated Square Footage	<b>CSP</b> Gatehouse 1,210 GSF; Fenced outdoor recreation yards (including flatwork for future individual outdoor yards) 72,657 GSF
Is this a continuation of a project appropriated in a prior year?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If this is a continuation project, what is the State Controller Project Number?	N/A

<b>ESTIMATED PROJECT TIME TABLE</b>		
<b>Steps to be completed</b>	<b>Start Date</b>	<b>Completion Date</b>
Architectural/Engineering professional services for design through construction documents – NOT A PART OF THIS PROJECT REQUEST		03/2015
Bidding, award, contract for construction based on design previously completed.	08/2015	<b>10/2015</b>
CSP Construction	11/2015	<b>10/2016</b>
CSP Punchlist	10/2016	<b>11/2016</b>
CSP Project completion and occupancy	11/2016	<b>12/2016</b>

**Appendix B – Preliminary Site Plan Concepts**



- CONCRETE FLATWORK FOR FUTURE 8-234 SF INDIVIDUAL OUTDOOR YARDS (TYP.)
- PROPOSED SECURITY PERIMETER FENCING
- REALIGN PAVED SERVICE ROAD TO ACCOMMODATE NEW CLOSE CUSTODY RECREATION YARDS
- UPGRADE EXISTING PERIMETER LIGHTING - TYPICAL
- CONCRETE FLATWORK FOR FUTURE 8-234 SF INDIVIDUAL OUTDOOR YARDS (TYP.)
- MICROWAVE DETECTION AT SALLYPORT OPENING, TYPICAL
- VEHICLE SALLYPORT

NEW CONSTRUCTION INDICATED IN RED  
 NEW SECURITY FENCE INDICATED IN GREEN

**CSP - SITE PLAN**  
**RECREATION YARD PROJECT**  
 SCALE: 1" = 40'-0"  
 0 10' 40' 80' 160'  
 5' 20'

EARTHWORK QUANTITIES

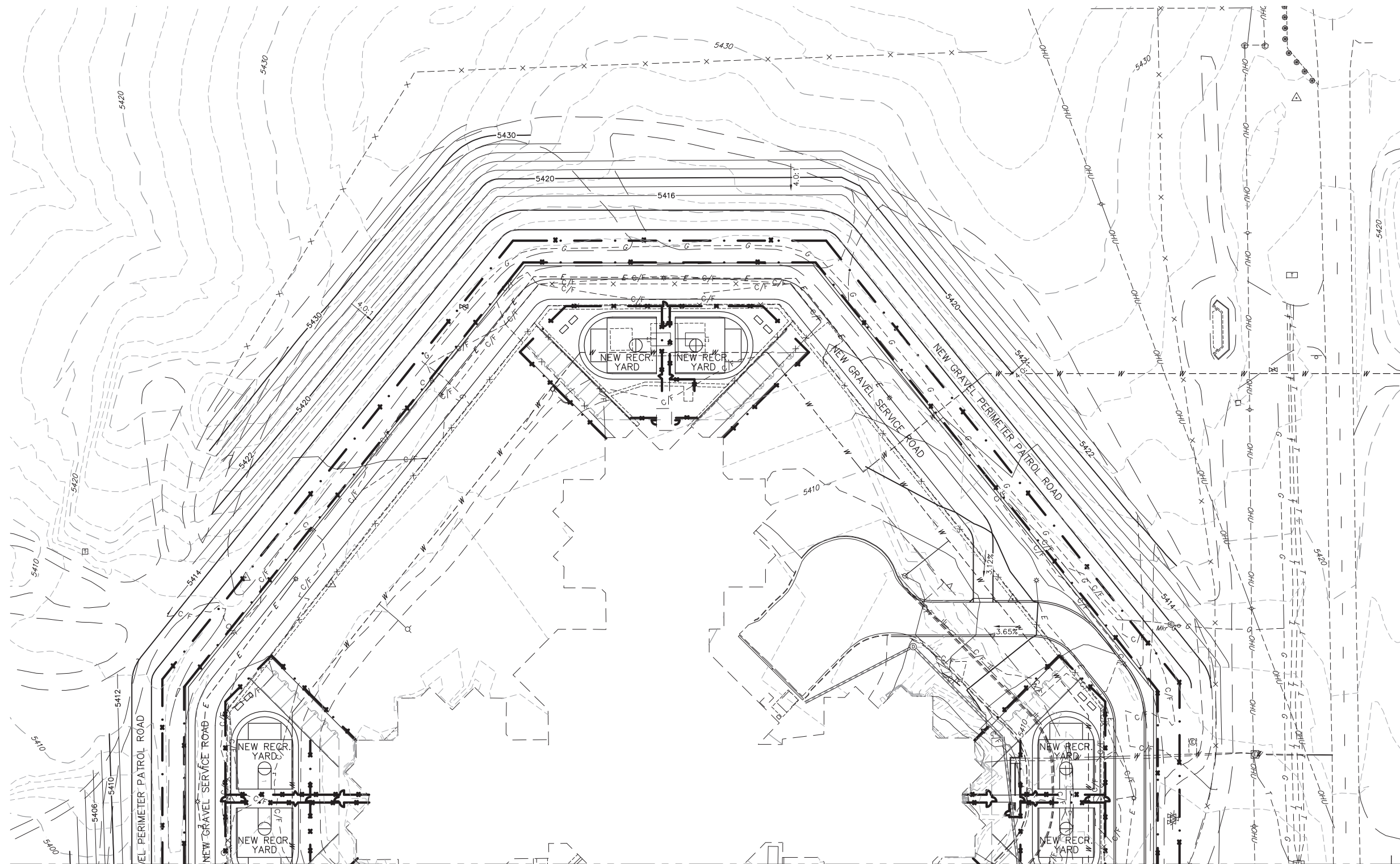
	Cut (cy)	Fill (cy)	Net Export *	Area
CSP Outdoor Rec Yards	22,329	19,118	3,210	9.73

NO MATERIAL SHALL BE IMPORTED OR EXPORTED WITHOUT TOWN APPROVED HAUL ROUTE.

UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, THE USER APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.

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 115 SOUTH WEBER STREET  
 SUITE 101  
 COLORADO SPRINGS, CO 80903  
 (719) 635-4473  
 CONTACT: MIKE GAINES

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MATCH LINE  
 SEE SHEET 2

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CDOC/Decorative No. 25090.00

H-SCALE	V-SCALE	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	No.	REVISION	BY	DATE
CSP OUTDOOR RECREATION YARDS									
PRELIMINARY GRADING PLAN									
SHEET 1 OF 7									



EARTHWORK QUANTITIES

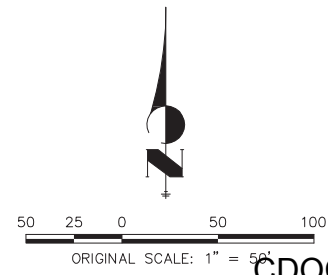
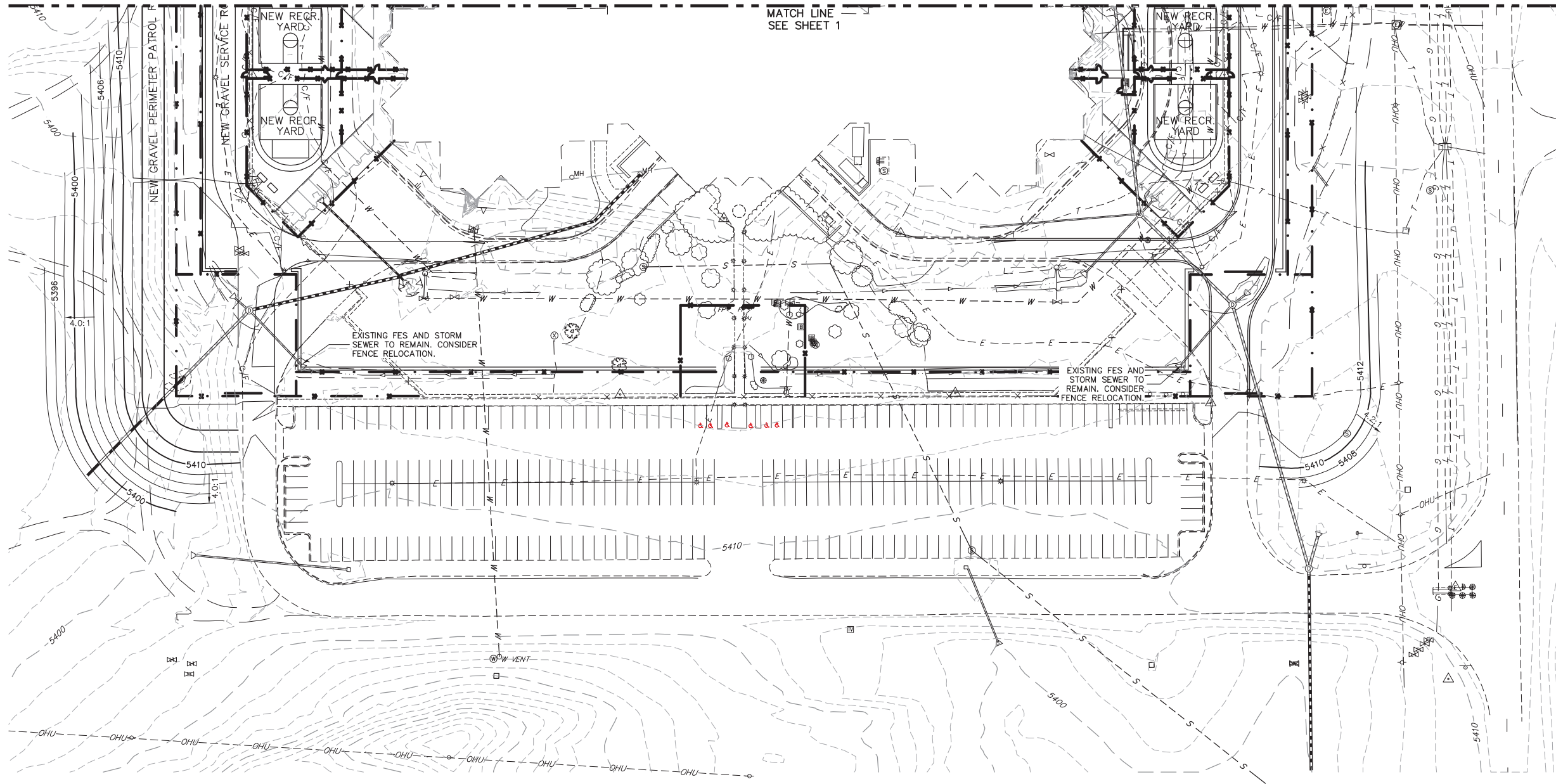
	Cut (cy)	Fill (cy)	Net Export *	Area
CSP Outdoor Rec Yards	22,329	19,118	3,210	9.73

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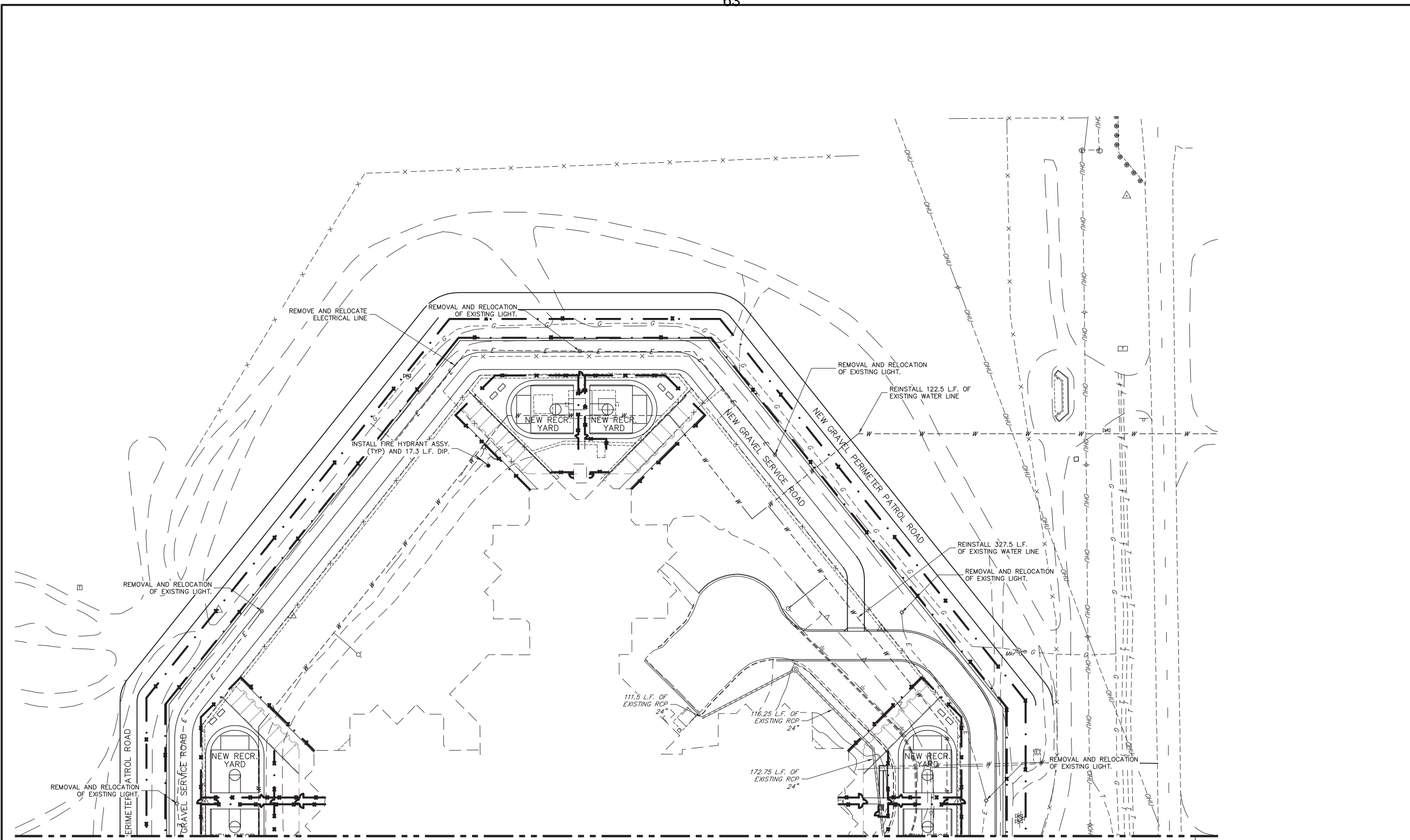
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BY	DATE	No.	REVISION

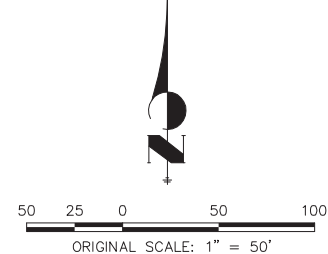
CSP OUTDOOR RECREATION YARDS  
 PRELIMINARY GRADING PLAN



MATCH LINE  
SEE SHEET 4

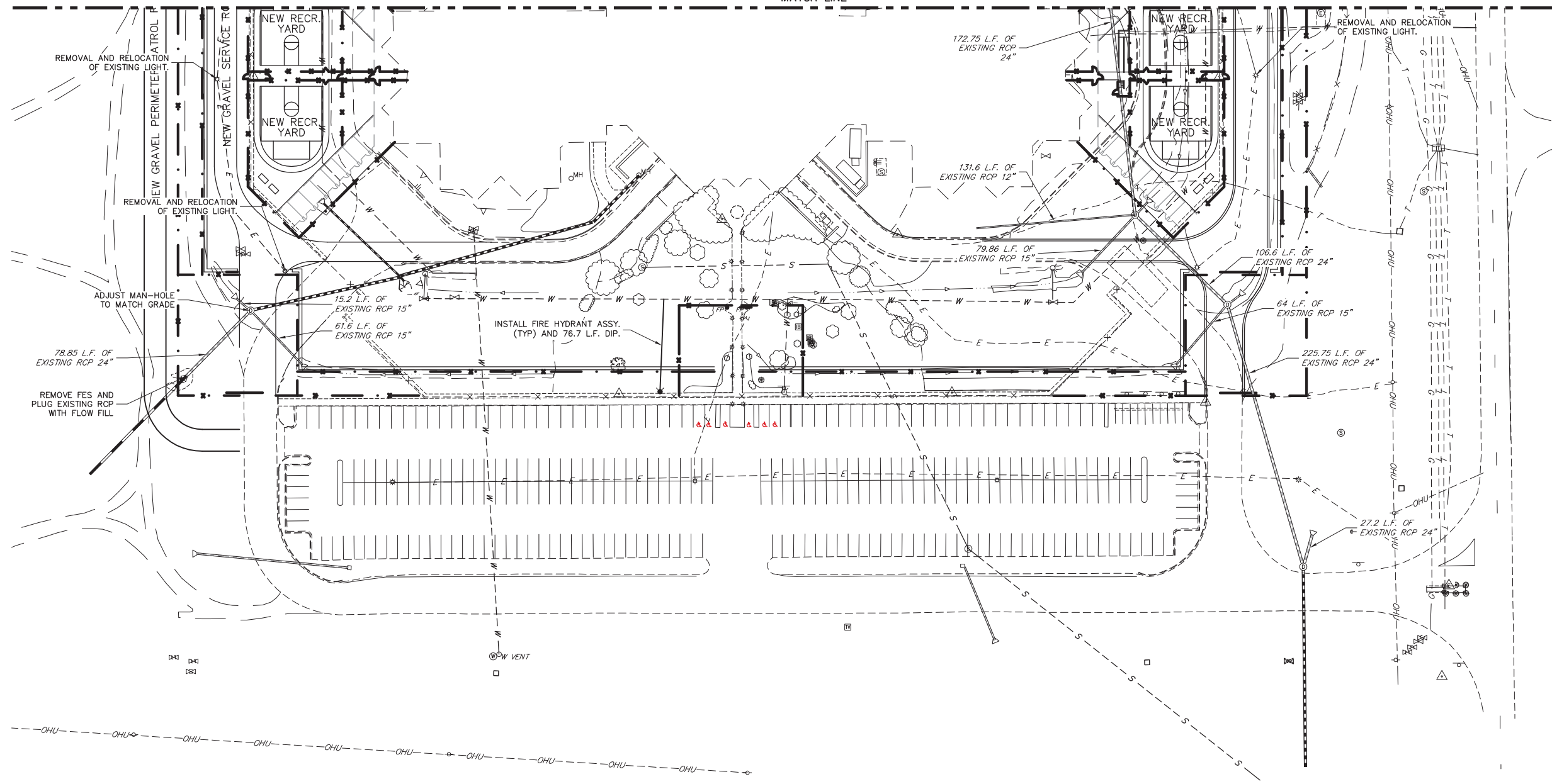
**LEGEND**

- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER



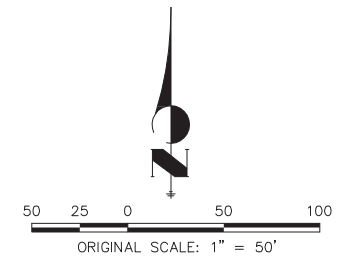
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<p>PREPARED FOR <b>MGA STRUCTURAL ENGINEERS, INC</b> 115 SOUTH WEBER STREET SUITE 101 COLORADO SPRINGS, CO 80903 (719) 635-4473 CONTACT: MIKE GAINES</p>	<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, THEIR USE IS NOT TO BE APPROVED FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.</p>
<p>CSP OUTDOOR RECREATION YARDS</p>	<p>UTILITY RELOCATION PLAN</p>
<p>SHEET 3 OF 7</p>	<p>DATE: 7/3/2014 DESIGNED BY: MGB DRAWN BY: ADM CHECKED BY:</p>
<p>H-SCALE: 1"=50' V-SCALE: N/A</p>	<p>No. REVISION</p>
<p>CDOC/Decoteau 008979</p>	

SEE SHEET 3  
MATCH LINE



**LEGEND**

- PROPOSED WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING WATER LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER



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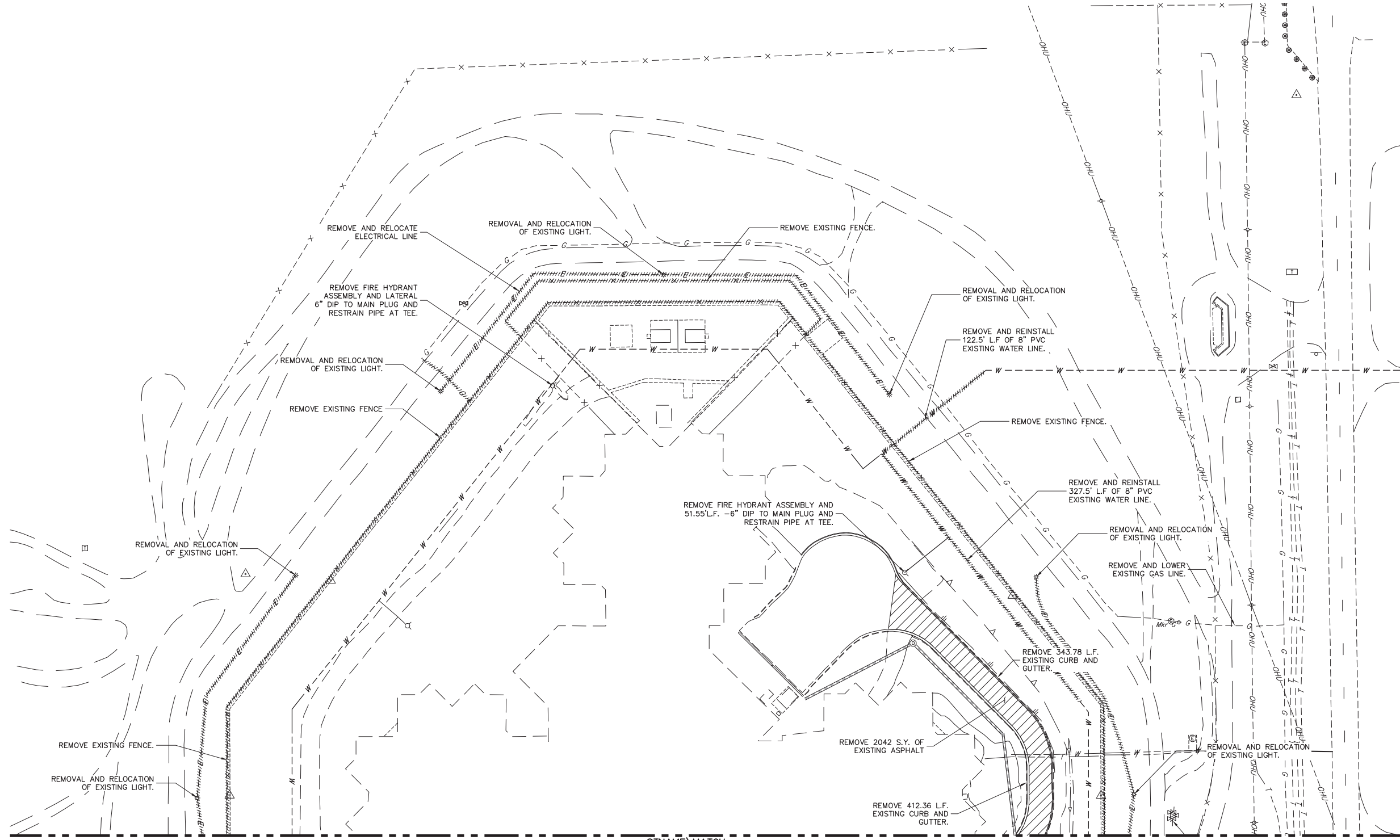
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BY	DATE	No.	REVISION

CSP OUTDOOR RECREATION YARDS	H-SCALE	1"=50'
	V-SCALE	N/A
	DATE	7/3/2014
DESIGNED BY	MGB	ADM
DRAWN BY	ADM	
CHECKED BY		

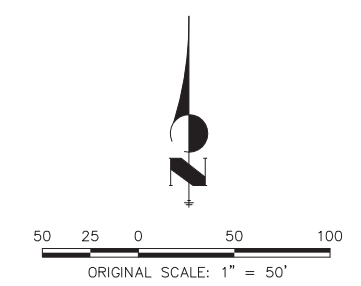




STNAME MATCH  
SEE SHEET 6

**LEGEND**

=====	EXISTING CURB & GUTTER	□	EXISTING ELECTRIC PEDESTAL
—OHU—○	EXISTING OVERHEAD UTILITY W/POLE	⊙	EXISTING WATER MANHOLE
—G—	EXISTING GASLINE	⊙	EXISTING TELEPHONE PEDESTAL
—W—	EXISTING WATERLINE	⊙	EXISTING TELEPHONE MANHOLE
—X—	EXISTING FENCE	⊙	EXISTING WATER VALVE
—T—	EXISTING TELEPHONE	⊙	EXISTING FIRE HYDRANT
—E—	EXISTING ELECTRIC LINE	⊙	GASLINE REMOVAL
—S—	EXISTING SANITARY SEWER W/MANHOLE	⊙	WATERLINE REMOVAL
—⊙—	EXISTING STORM SEWER W/MANHOLE	⊙	FENCE REMOVAL
—	EXISTING EDGE OF ASPHALT	⊙	ELECTRIC LINE REMOVAL
—	EXISTING EDGE OF GRAVEL	⊙	STORM SEWER REMOVAL
—	EXISTING EDGE OF CONCRETE		
—	PROPOSED EDGE OF ASPHALT		
—	PROPOSED EDGE OF CONCRETE		
—	PROPOSED CURB AND GUTTER		
▨	ASPHALT REMOVAL (FULL DEPTH)		



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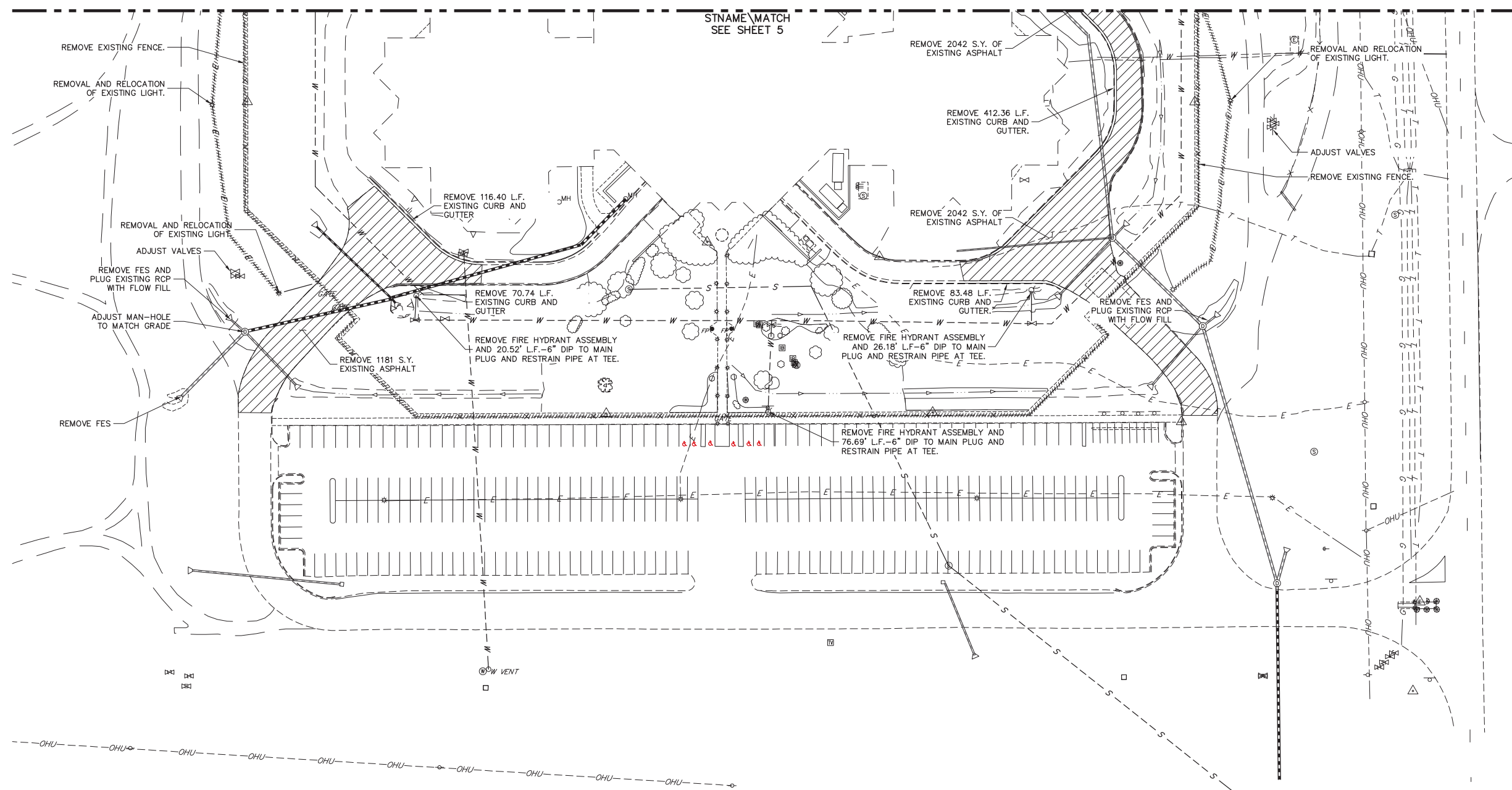
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No.	REVISION	BY	DATE

CSP OUTDOOR RECREATION YARDS	DESIGNED BY	CWB
	DRAWN BY	ADM
DEMOLITION PLAN	CHECKED BY	

STNAME MATCH  
SEE SHEET 5

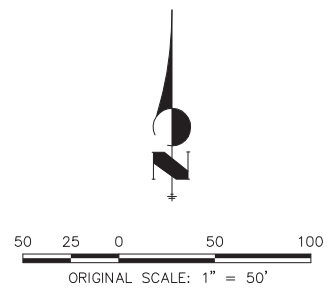


**LEGEND**

- |           |                                   |   |                             |                       |
|-----------|-----------------------------------|---|-----------------------------|-----------------------|
| =====     | EXISTING CURB & GUTTER            | □ | EXISTING ELECTRIC PEDESTAL  |                       |
| -OHU-     | EXISTING OVERHEAD UTILITY W/POLE  | ⊙ | EXISTING WATER MANHOLE      |                       |
| -G-       | EXISTING GASLINE                  | ⊙ | EXISTING TELEPHONE PEDESTAL |                       |
| -W-       | EXISTING WATERLINE                | ⊙ | EXISTING TELEPHONE MANHOLE  |                       |
| -X-       | EXISTING FENCE                    | ⊙ | EXISTING WATER VALVE        |                       |
| -T-       | EXISTING TELEPHONE                | ⊙ | ⊙                           | EXISTING FIRE HYDRANT |
| -E-       | EXISTING ELECTRIC LINE            |   |                             | GASLINE REMOVAL       |
| -S-       | EXISTING SANITARY SEWER W/MANHOLE |   |                             | WATERLINE REMOVAL     |
| -S-       | EXISTING STORM SEWER W/MANHOLE    |   |                             | FENCE REMOVAL         |
| - - - - - | EXISTING EDGE OF ASPHALT          |   |                             | ELECTRIC LINE REMOVAL |
| - - - - - | EXISTING EDGE OF GRAVEL           |   |                             | STORM SEWER REMOVAL   |
| - - - - - | EXISTING EDGE OF CONCRETE         |   |                             |                       |
| =====     | PROPOSED EDGE OF ASPHALT          |   |                             |                       |
| =====     | PROPOSED EDGE OF CONCRETE         |   |                             |                       |
| =====     | PROPOSED CURB AND GUTTER          |   |                             |                       |
|           | ASPHALT REMOVAL (FULL DEPTH)      |   |                             |                       |



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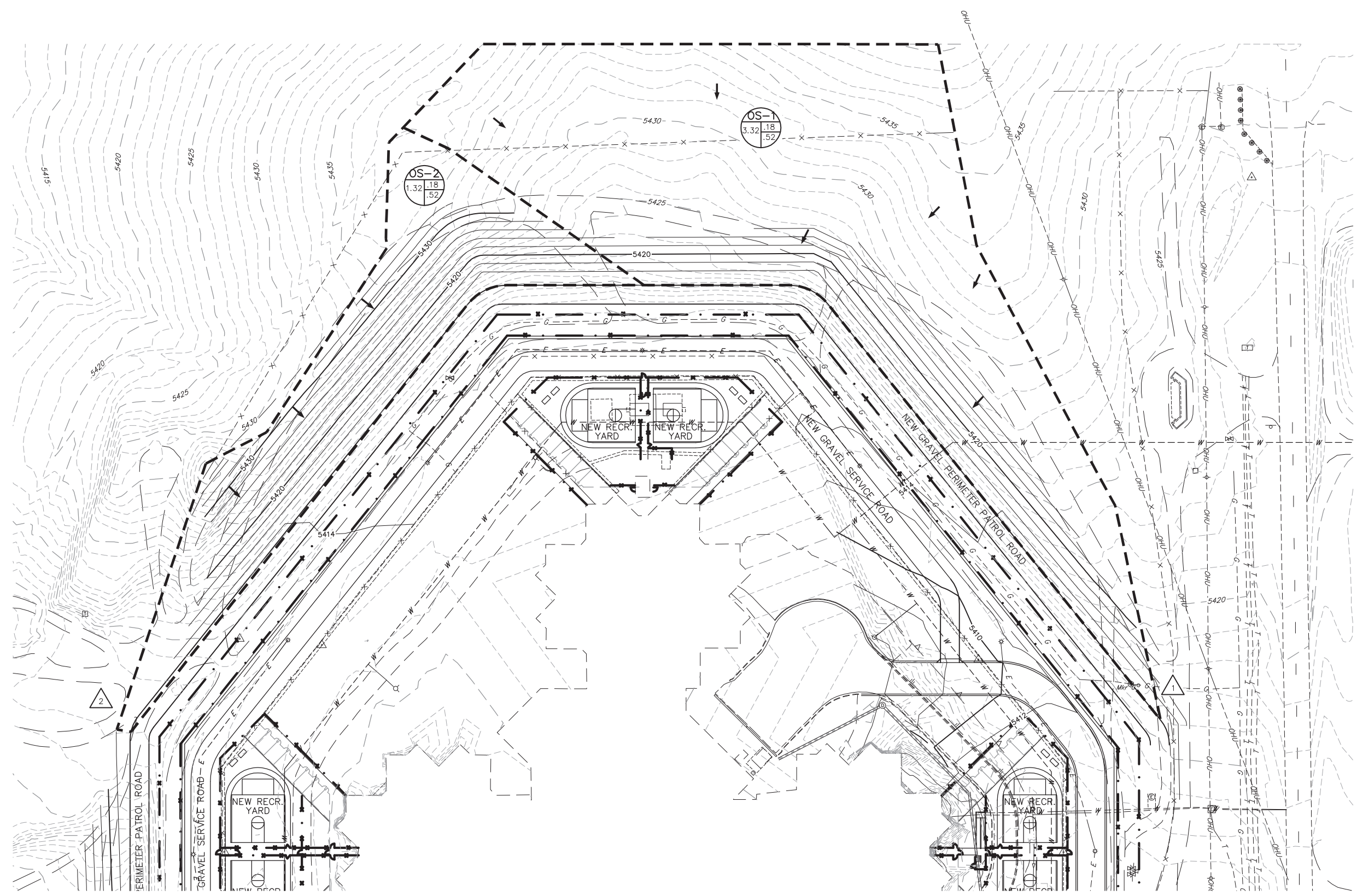
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CSP OUTDOOR RECREATION YARDS  
DEMOLITION PLAN





**LEGEND**



BASIN ID  
 A: SUB-BASIN DESIGNATION  
 B: AREA (AC)  
 C: MINOR STORM COEFFICIENT  
 D: MAJOR STORM COEFFICIENT



DRAINAGE DISCHARGE  
 DESIGN POINT



FLOW DIRECTION



SUB-BASIN DRAINAGE AREA

**BASIN SUMMARY TABLE**

Tributary Sub-basin	Area (acres)	Cs	C100	t <sub>r</sub> (min)	Q <sub>s</sub> (cfs)	Q <sub>100</sub> (cfs)
OS1	3.32	0.18	0.52	13.94	1.9	10.4
OS2	1.32	0.18	0.52	13.94	0.8	4.2



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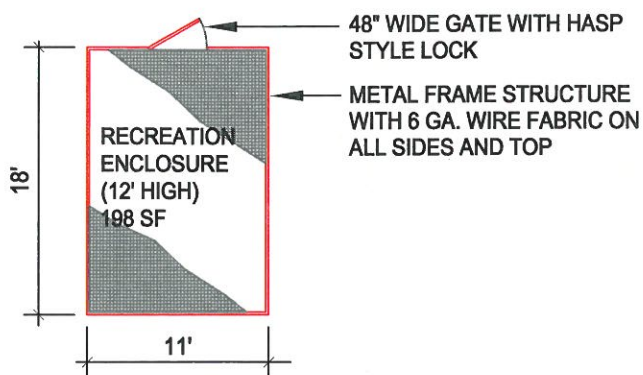
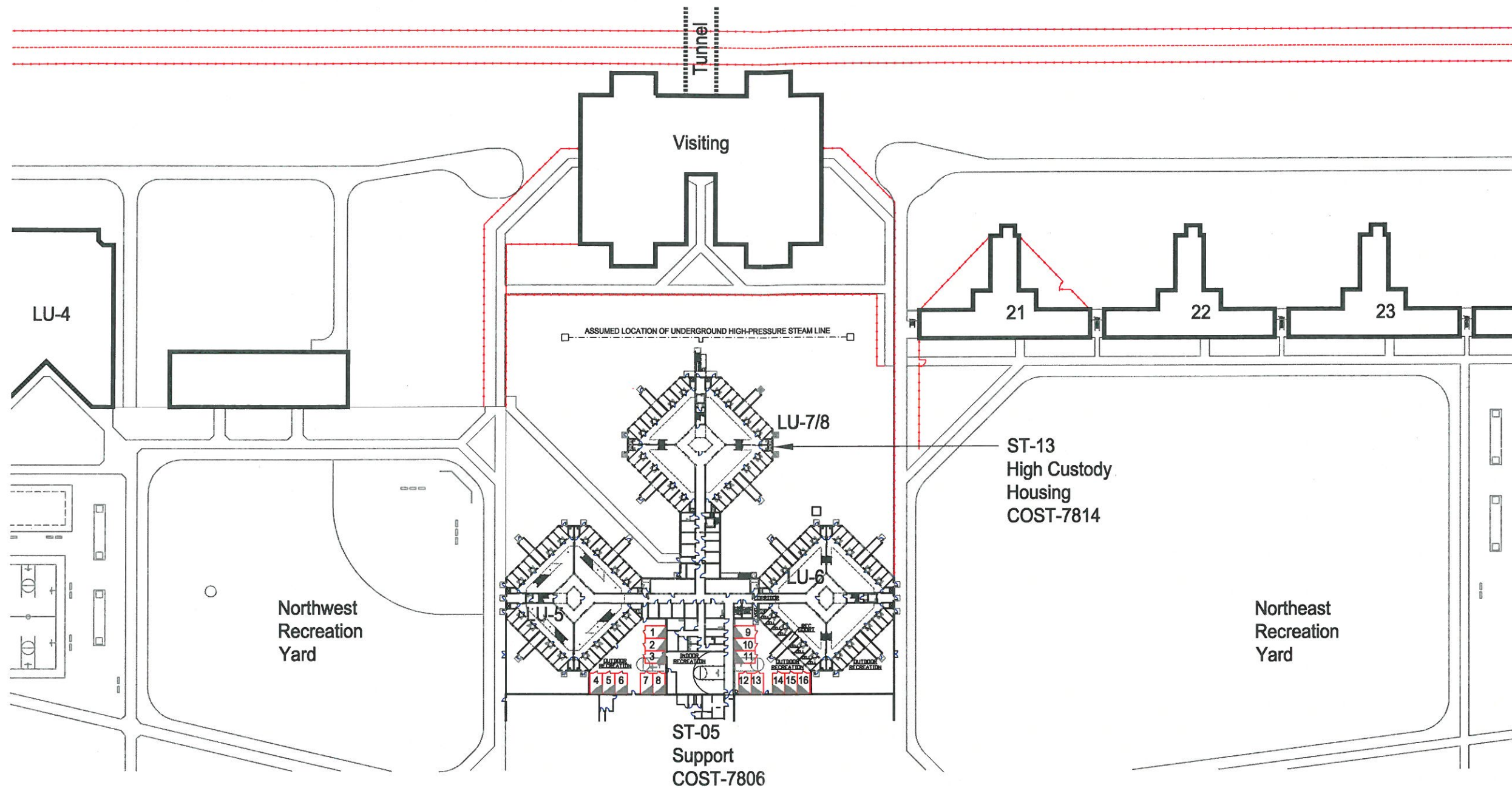
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No.	REVISION	BY	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

CSP OUTDOOR RECREATION YARDS  
 PRELIMINARY DRAINAGE PLAN  
 SHEET 7 OF 7

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High Custody Housing  
Outdoor Recreation Yards  
Option 3 - 16 Individual Recreation Enclosures



Colorado Department of Corrections  
Sterling Correctional Facility



SEPT. 16, 2015  
PL16-025