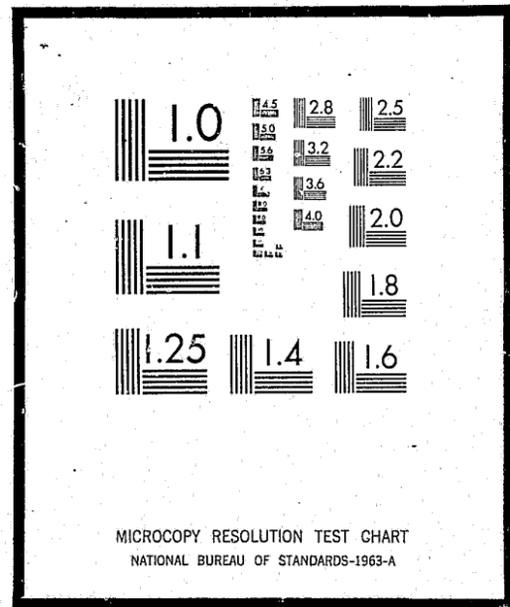


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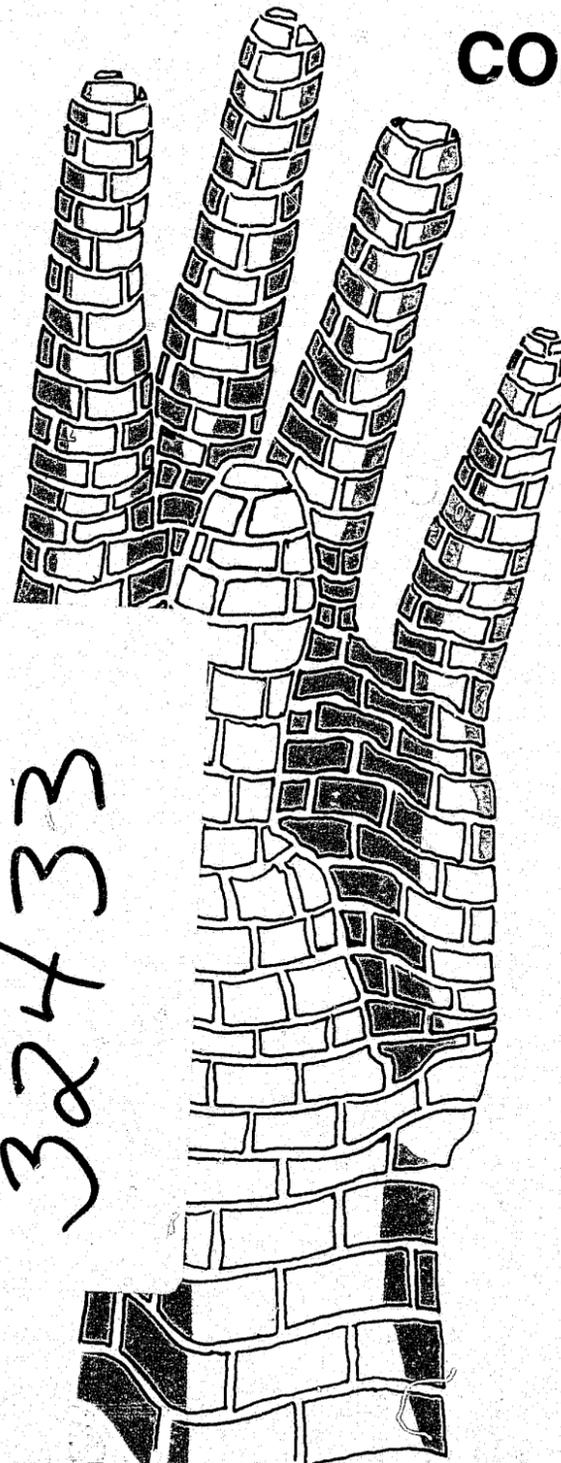
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## COLORADO PRISON STUDY



A report of the Colorado Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Colorado Advisory Committee.

September 1974

# COLORADO PRISON STUDY

A report prepared by the Colorado Advisory  
Committee to the U. S. Commission on  
Civil Rights

## ATTRIBUTION:

The findings and recommendations contained in this report are those of the Colorado Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

## RIGHT OF RESPONSE:

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

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Wayne K. Patterson, Denver, former member of the Advisory Committee and the Prison Subcommittee, resigned in February 1974, after expressing disagreement with the body of a preliminary draft of the report. Other former Advisory Committee and Prison Subcommittee members who served during the past year include John R. Bermingham, Denver, Elizabeth M. Hyblom, Colorado Springs, and Francisco E. Martinez, Alamosa.

\*Persons who are also members of the Prison Subcommittee of the Colorado Advisory Committee to the U. S. Commission on Civil Rights.

LETTER OF TRANSMITTAL

COLORADO ADVISORY COMMITTEE  
TO THE U. S. COMMISSION ON CIVIL RIGHTS  
September 1974

MEMBERS OF THE COMMISSION  
Arthur S. Flemming, Chairman  
Stephen Horn, Vice Chairman  
Frankie Freeman  
Robert S. Rankin  
Manuel Ruiz, Jr.

John A. Buggs, Staff Director

Sirs and Madam:

The Colorado Advisory Committee submits this report of its study of Colorado prisons as part of its responsibility to advise the Commission on relevant civil rights problems within this State.

The Advisory Committee undertook this study in September 1972 in response to reports of racial disturbances within some Colorado correctional facilities. We examined conditions in State adult and juvenile corrections institutions and at the Federal Youth Center, Colorado's only Federal correctional facility, looking at staffing, inmate job assignments, academic and vocational programs, medical services, and the functions of parole and clemency boards, among other areas of concern.

In many of these, we found inadequacies. Minority staff, for instance, are represented in very small numbers, particularly at those institutions located in rural areas. Medical and psychological services at the Penitentiary are sorely lacking, and women inmates, both State and Federal, are denied many programs and activities available to the men. Further, discrepancies are evident in job assignments, where minority prisoners are relegated to the less desirable jobs.

The Advisory Committee is making recommendations for remedial action both to Federal and State officials. On the Federal level, one of our recommendations is that Federal women prisoners presently incarcerated at the Colorado Women's Correctional Institution be transferred to Federal or State facilities located as near to their families as possible. We are also recommending that work release, day pass, and extended visit (furlough) programs at the Federal Youth Center be expanded, so that more young Federal prisoners have the opportunity to re-integrate into the community and maintain close contact with their families.

We urge you to concur in all of our recommendations and to assist this Advisory Committee in follow-up activities which will lead to more just and equitable treatment of Colorado's prisoners. We hope that you will make our concerns relating to Federal prisoners in this State known to Norman Carlson, Director of the Federal Bureau of Prisons.

Respectfully,

/s/

MAX TORRES  
Acting Chairman

#### ACKNOWLEDGMENTS

Field investigations for this report were conducted by Anita Espinosa-Larsen, former Equal Opportunity Specialist from the Commission's Mountain States Regional Office, with members of the Colorado Advisory Committee's Prison Subcommittee. Also participating in the preparation of the report were staff members Grace M. Buckley and William H. Levis, under supervision of Joseph C. Muskrat, former director of the Mountain States Regional Office. The Advisory Committee wishes also to acknowledge the continuous support of Phyllis Brekke, Paulette Cuny, LouAnn DeVargas, and Esther Johnson.

In addition, the Advisory Committee is indebted to its consultant, Dr. Uvaldo Palomares, Director of the Institute for Personal Effectiveness in Children, San Diego, Calif., for his evaluation of certain classification devices used by the Colorado Division of Youth Services.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D. C., by editor Bonnie Mathews, assisted by Mary Frances Newman and Rosa Crumlin, under the direction of Charles Ericksen, chief editor. Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Assistant Staff Director for Field Operations.

#### THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

#### THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

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I. INTRODUCTION

On September 23, 1972, the Colorado State Advisory Committee to the U. S. Commission on Civil Rights elected to conduct a study of prisons in Colorado. The study would be primarily concerned with racial and ethnic segregation in prison programs and operations, and the steps which could be taken by State and Federal penal authorities to reduce racial tensions and abate racial and ethnic discrimination in all phases of operations in correctional institutions. The State Advisory Committee appointed three committee members (Max Torres, Robert Frye, and Suzanne Rogers) to a Prison Subcommittee and later added appointments to the Subcommittee. These individuals were selected for their expertise and interest in penal reform.

The Advisory Committee also wanted to determine whether recent incidents at correctional facilities in Colorado resulted from racial and ethnic discrimination. Committee members were concerned, for example, that a major disturbance at the Colorado State Penitentiary in the fall of 1971 was followed by restrictions on the membership of

two cultural self-help groups at the institution, the Black Cultural Development Society and the Latin American Development Society. Additionally, Federal Youth Center reports indicating racial strife at that facility had been relayed to the Advisory Committee. There had been administrative changes in the Division of Youth Services, Colorado Department of Institutions, and the Advisory Committee wanted to ascertain whether progressive changes had been initiated. The State Advisory Committee also was aware that there were few minority personnel at the Colorado State Penitentiary, and wanted to determine whether this was also the case at all correctional facilities, and what affirmative efforts were being taken by the various institutions and the State Personnel Department to increase minority hiring.

The Advisory Committee studied the conditions in the correctional institutions themselves and the effects of these conditions on majority and minority inmates. The scope of the study included such areas as physical conditions of prisons, program and job assignments, the availability and type of academic and vocational opportunities, the system of reward and punishment, and the functions of parole and clemency boards.

The adult correctional facilities studied were the Colorado State Penitentiary, the Colorado Women's Correctional Facility, and the Colorado State Reformatory. The Federal Youth Center, the only Federal correctional facility in the State, also was included in the study, as well as the Mount View School for Girls, and the Lookout Mountain School for Boys, the State juvenile facilities.

While this report does not cover every aspect of the State's corrections system, the Advisory Committee is certain that the information gathered for the preparation of this report on the correctional facilities in the State is a factual, impartial study that will serve to point out areas that need correction.

Prior to beginning its investigations, Commission staff met with State and Federal corrections officials to discuss the purpose and scope of its prison study in Colorado. Field work included tours of the physical facilities at all six correctional institutions. Staff and members of the Prison Subcommittee interviewed personnel at each institution, and also conducted interviews with some 50 minority and non-minority inmates of the various institutions. Commission staff observed two days of parole and parole revocation hearings, and one day of clemency hearings. Additional interviews were conducted with former inmates, families of inmates and ex-offenders, community representatives, and representatives from community rehabilitation programs. Racial and ethnic statistics were gathered from each institution regarding many aspects of institutional operations covering both inmates and personnel. Other statistical data were obtained from the Colorado State Reformatory and from a compilation of Colorado State Penitentiary figures. Copies of policies, rules, and procedures were gathered from corrections and prison officials.

Outside expert consultation services were secured for examination of measurement and classification devices used by Colorado's Youth Services Division to determine the psychological make-up and possible

academic deficiencies of the youths in State facilities. The purpose of these services was to ascertain whether and to what extent these devices might be culturally biased against minority residents at Mount View School for Girls and the Lookout Mountain School for Boys.

Advance drafts of the report's sections were sent to the superintendents of each of the correctional institutions and to the chairmen of parole and clemency boards. Their comments were sought and changes made where appropriate.

II. FEDERAL FACILITIES

A. FEDERAL YOUTH CENTER

The Federal Youth Center, located in metropolitan Denver, is the only Federal correctional facility in the State and the only Federal youth correctional institution west of the Mississippi. It was opened in 1940 as an adult facility for Federal prisoners, and in 1944 was designated as a youth institution. Its director is Lee B. Jett. The Center houses young men convicted of Federal crimes. The average sentence is three to four years.

Population and Staffing

According to statistics provided by Mr. Jett, as of June 7, 1973, the Center had 176 employees. It housed 389 youthful offenders, ranging in age from 15 to 23. The following chart shows the breakdown of inmates and staff by race and ethnicity:

1. Center personnel are hired through the U. S. Civil Service Commission.
2. The category, Chicano, includes Spanish-surnamed individuals and others of Spanish speaking background, unless otherwise specified. The category, white, includes Caucasians, except those defined as Chicano.

	RESIDENT POPULATION		STAFF POPULATION		
	Number	Percent	Percent	Number	
American Indian	73	18.8%	1.1%	2	American Indian
Asian American	2	0.5%	0.0%	0	Asian American
Black	58	14.9%	9.7%	17	Black
Chicano	71*	18.3%	2.3%	4	Chicano
White	169	43.4%	85.9%	153	White
Unknown	16	4.1%	0.0%	0	Unknown
Total	389	100.0%	100.0%	176	Total

\*This figure includes 64 Mexican nationals.

Of the total Spanish-speaking resident population, 64 are Mexican nationals who were arrested for offenses, mostly drug-related, while in the United States. They face deportation action on completion of their sentences. Most of the Center's employees are drawn from the Denver metropolitan area which is 11.4 percent Chicano and 4.2 percent black; the city of Denver is 16.8 percent Chicano and 9.1 percent black.

The American Indian population at the Center comes mainly from the Four-Corners area, where Utah, New Mexico, Arizona, and Colorado meet.

A further breakdown of staff population figures shows that eight percent (six professionals and eight office and clerical workers) are women. All are white. No Chicanos are represented among the 58 persons employed in the managerial, professional and technical categories, nor are there any among the Center's 14 clerical and office workers.

3. Center Director Jett stated that this is an unusually high number of Mexican nationals, due to a sudden influx of Mexican youths who were sentenced to the Center in a short period of time.

Three blacks, including Center Director Lee Jett, are among the 24 top officials and managers. The other 21 are white. Three blacks and 28 whites constitute the professional force at the Center. Skilled craftsmen include 22 whites, two blacks, and one Chicano.

The custodial staff includes the two American Indian employees, three of the four Chicanos, eight of the 17 blacks, and 66 of the 153 whites. The director supplied specific information on bilingual staff who have a great deal of direct contact with residents. Of 80 correctional officers (guards), 10 are bilingual, as are four of the 21 teachers. One of the five managers in the team system is bilingual.

#### Academic and Work Programs

Academic instruction at the Center includes elementary and junior high school levels, special education, English as a second language (ESL), and General Education Degree (GED) classes. There are also two post-secondary study-release programs, the Newgate program and an independent study-release program. During fiscal year 1973 Newgate study-release program funded by the Office of Economic Opportunity operated at the University of Colorado, and during fiscal year 1974 it has been at Arapahoe Community College. The other study-release program is an unstructured, independent study program which requires no institutional funding. All costs for tuition, books and transportation are carried by residents.

4. The team system is the method through which staff offer aid and direction to residents in their daily life at the Center. It will be discussed further.

Residents are placed in different school programs based on their scores on various tests given upon admission to the institution. Test forms and levels are adjusted according to the residents' abilities. Total nonreaders and Spanish-speaking students are programmed as special cases into remedial classes or an ESL course. Of the Center's 64 Mexican nationals, 45 are enrolled in ESL, according to Mr. Jett. Assignments to the study-release programs are based on eligibility test scores and minimum custody status.

Minority enrollment in the elementary, secondary, and special education programs is greater than white enrollment especially in proportion to their numbers in the Center population. Mr. Jett said that this is a reflection of the academic achievement scores these residents obtained when tested during orientation program. Center figures show:

Elementary, Secondary, and Special Education Enrollment

	<u>American Indian</u>	<u>Asian American</u>	<u>Black</u>	<u>Chicano</u>	<u>White</u>	<u>Total</u>
Percent	18.6%	1.7%	21.2%	30.5%	28.0%	100.0%
Number	22	2	25	36	33	118

Between November 1972 and June 1973, a \$150,000 grant from the Office of Economic Opportunity for the Newgate program was terminated. The Bureau of Prisons then funded the program with \$28,000 and the Federal Youth

5. These tests include the Stanford Achievement Test (SAT), the General Aptitude Test Battery (GATB), and the Non-Verbal Aptitude Test Battery (NATB). Letter from Lee B. Jett, Director, Federal Youth Center, to William Levis, U. S. Commission on Civil Rights, Feb. 12, 1974.

6. Statistics provided by Lee B. Jett, Director, Federal Youth Center, June 7, 1973.

Center itself provided \$5,000. This drastic reduction in funding resulted in the reduction of participants from 30 to 15 and a decrease in minority participation from seven students to three students. The percentage enrollment of white students increased from 76.7 percent to 80.0 percent which was explained by Director Jett as a reflection of differences in academic achievement scores by whites and minorities.

During the same period, the Center's other study-release program had a slight enrollment increase, from 11 to 13 students. In spite of the increase, minority participation in the program dropped from eight (72.7 percent) to four (30.8 percent).

The following chart reflects the distribution and total enrollment in the two programs between November 1972 and June 1973:

	<u>American Indian</u>		<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total</u>
	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	
<u>Newgate Program</u>									
November 1972	3.3%	1	10.0%	3	10.0%	3	76.7%	23	30
June 1973	0.0%	0	6.7%	1	13.3%	2	80.0%	12	15
<u>Independent Study-Release</u>									
November 1972	36.4%	4	27.3%	3	9.1%	1	27.3%	3	11
June 1973	7.7%	1	15.4%	2	7.7%	1	69.2%	9	13

7. Statistics provided by Lee B. Jett, Director, Federal Youth Center, Nov. 15, 1972, and June 7, 1973.

The Federal Youth Center offers a number of vocational training programs which are open to students with high school diploma or GED. These include training in building trades, auto mechanics, auto body repair, industrial arts, industrial technology, and welding. Statistics provided by Mr. Jett show the enrollment as of June 7, 1973:

	<u>American Indian</u>		<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total</u>
	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	
Industrial Arts	24.6%	15	23.0%	14	21.3%	13	31.1%	19	61
Auto Mechanics	23.8%	5	14.3%	3	19.0%	4	42.9%	9	21
Industrial Technology	33.3%	20	10.0%	6	16.7%	10	40.0%	24	60
Building Trades	28.6%	6	14.3%	3	33.3%	7	23.8%	5	21
Auto Body Repair	16.7%	4	4.2%	1	45.8%	11	33.3%	8	24
Welding	25.9%	7	11.1%	3	37.1%	10	25.9%	7	27

Several inmates expressed concern to Commission staff that some courses, such as welding, provided insufficient training for gaining employment on release. According to the Colorado State Board for Community Colleges and Occupational Education, a minimum of 720 hours of classwork is recommended before taking the examination of the American Welding Society (a four-position test including arc and gas welding, production welding and non-ferrous metals), or for job entry. Some local advisory boards recommend as many as 900 or 1,080 hours.

The Center's welding course offers only 400 hours of training.

8. Interview Report #6, Feb. 1973, with a group of three residents.

9. Telephone conversation with Lee Palmer, Technical Trades and Industrial Education Office, Occupational Education Division, Colorado State Board for Community Colleges and Occupational Education, 1525 Sherman St., Denver, Colorado, Feb. 25, 1974.

Minority inmates voiced concern about vocational counselling at the Federal Youth Center. One minority inmate maintained that some minority inmates have been counselled into manual dexterity vocational programs, such as welding and carpentry, based on IQ and aptitude test results without taking into account the inmates' preferences and educational background. Although he had several college credits, this inmate said, a counselor at the Center had counselled him into the carpentry program. Other minority inmates interviewed expressed the belief that they were channelled into vocational, rather than academic, areas because they were of a minority group. The IQ and aptitude tests are given to all residents when they enter the institution.

According to officials at the institution, job assignments at the Center are handled as follows:

1. Initial [job] assignments are made by the assignment officer and generally follow institutional needs. [These are temporary assignments to such jobs as maintenance and yard work, made during the residents' several weeks in the diagnostic area.]
2. Permanent assignments made after classification are made on the basis of a team decision (in which the inmate takes part) and reflect team decisions about the individual's needs, interests, and aptitudes. The team consists of the case manager, the dormitory officer, two correctional counselors, a school advisor, and the inmate, all as voting members.

10. Interview Report #1, Nov. 1972.

11. Interview Report #6, Feb. 1973 (See tables pp. 8-10 for statistics on participation in academic and vocational training).

[Resident] needs are determined on the basis of case study by the caseworker, drawing upon extensive pre-sentence histories, clinical reports by a Ph.D Clinical Psychologist, a battery of personality and aptitude tests<sup>12</sup> conducted at the school and reports on behavior from the counselors and dormitory officers.<sup>13</sup>

Jobs to which inmates are assigned range from laundry room work to teacher's aides. In interviews with Advisory Committee members, inmates generally labelled teacher's aide, clerical, warehouse, and outside detail assignments as the most desirable. Mr. Jett stated that job assignments are different from week to week due to frequent shifts in population.<sup>14</sup>  
<sup>15</sup>

12. The tests administered to all residents include the Revised Beta (nonverbal) IQ test, and the Minnesota Multi-Phasic Personality Inventory (MMPI), as well as the aptitude and achievement tests mentioned earlier. Both the IQ test and the MMPI are provided in Spanish as well as English. According to the Federal Youth Center Director, the results of the MMPI are made part of the inmate information system and used for statistical analysis only. The results of the Revised Beta are used as an IQ indicator, but not as absolute measures because of the effects of possible cultural bias. Letter from Lee B. Jett, Director, Federal Youth Center, to William Levis, U. S. Commission on Civil Rights, Feb. 12, 1974.

13. Memorandum from J. E. Brent, Special Assistant to Director, to Lee B. Jett, Director, Federal Youth Center, Nov. 10, 1972.

14. Interview Reports #1 and #4, Nov. 1972.

15. Letter from Lee B. Jett, Director, Federal Youth Center, to Joseph C. Muskrat, U. S. Commission on Civil Rights, Nov. 28, 1973.

Federal Youth Center statistics indicate job assignments for November 15, 1972, as follows:

JOB ASSIGNMENTS BY RACE AND ETHNICITY

	<u>American Indian</u>		<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total</u>
	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	
Kitchen and Dining Room	22.2%	12	11.1%	6	25.9%	14	40.7%	22	54
Maintenance Details	40.0%	8		0	20.0%	4	40.0%	8	20
Outside Details	31.3%	5	6.3%	1	12.5%	2	50.0%	8	16
Laundry	25.0%	4	12.5%	2	43.8%	7	18.8%	3	16
Clerks	4.3%	1	21.7%	5	8.7%	2	65.2%	15	23
Rear Gate	33.3%	2		0	33.3%	2	33.3%	2	6
Clothing Room	14.3%	1	42.9%	3	14.3%	1	28.6%	2	7
Painters	60.0%	3		0	40.0%	2		0	5
Warehouse	25.0%	1		0		0	75.0%	3	4
Plumbing Shop		0	60.0%	3	40.0	2		0	5
Powerhouse	46.2%	6	7.7%	1		0	46.2%	6	13
Study-Release Drvr.		0	100.0%	1		0		0	1
Mail Runner	100.0%	1		0		0		0	1
Garage		0	50.0%	1		0	50.0%	1	2
Work-Release Drvr.		0		0		0	100.0%	1	1
Electric Shop		0		0	33.3%	1	66.7%	2	3
Teacher's Aide	16.7%	1	33.3%	2		0	50.0%	3	6
Orderlies	<u>35.2%</u>	<u>19</u>	<u>9.3%</u>	<u>5</u>	<u>20.4%</u>	<u>11</u>	<u>35.2%</u>	<u>19</u>	<u>54</u>
Total	27.0%	64	12.7%	30	20.3%	48	40.1%	95	237 (100.0%)

The Federal Youth Center offers a special work-release program which enrolls no more than 20 residents at any one time. As of November 15, 1972, 69.2 percent of the participants were white, 7.7 percent were American Indian, and 23.1 percent were Chicano. There were no blacks enrolled in the program as of that date.

Work-release programming is designed for residents returning (on parole or upon finishing their sentences) to the Denver area. For residents going to other areas, the Federal Youth Center utilizes Federal, State and local community treatment centers (halfway houses) located in large cities throughout the country. In Colorado, it has a contract with one center in Boulder and a letter authorizing residents to be sent to a State operated halfway house in Colorado Springs.

#### Treatment Programs

A pilot alcoholism treatment program was initiated at the Federal Youth Center during 1972 under the direction of staff at Fort Logan Mental Health Center in Englewood. The program, designed for Indian youths, counsels and trains victims of alcoholism. The program's long-range goal is to return them to their communities to set up alcoholism rehabilitation programs. According to Federal Youth Center Director Jett and William T. Woodward, member, U. S. Board of Parole, most of the Indian youths at the facility were convicted for alcohol-related felonies. Some were convicted for burglary and/or vandalism on an Indian reservation.

According to Mr. Jett, 22 percent of the youths committed to the Federal Youth Center during the last quarter of 1973 were convicted

16. Empathy House, in Boulder, is located at 985 16th St.; the Adult Forensic Service in Colorado Springs is located at 3036 W. Colorado Ave.

17. Interview with Lee B. Jett, Director, Federal Youth Center, Nov. 9, 1972. Interview with William T. Woodward, March 5, 1973.

for narcotics offenses. Certain other convictions at the facility, Mr. Jett said, were for drug-related crimes, but he did not give an estimate of the number.

Inmates attempting to bring drugs into the institution are few, because a strip search is made of each resident leaving the institution for work or study-release and for furloughs. The same practice is repeated upon the inmate's return to the institution. According to the director, the introduction of drugs is not a significant problem. Some of the residents interviewed, however, said that use of drugs in the institution is widespread.

There is a voluntary drug program which has 11 inmates enrolled, according to the Federal Youth Center administration; however, the program is not sufficient to meet the increasing needs of the residents. The institution's library, according to inmates, does not provide literature on drug abuse, although many booklets, some of which are printed in Spanish, are available upon request. Inmates expressed the opinion that staff are not sufficiently knowledgeable about drugs to counsel residents.

18. Telephone conversation with Lee B. Jett, Director, Federal Youth Center, Feb. 27, 1974. Statistics from a report of sentences issued Jan. 15, 1974. Narcotics offenses include sale or possession of illegal drugs including marijuana.

19. Interview with Lee B. Jett, Director, Federal Youth Center, Dec. 6, 1973.

20. Interview Reports #1 and #6, Nov. 1972 and Feb. 1973.

### Medical and Dental Services

There is one physician at the Center (generally this person is serving a two-year period of service as a military obligation). There is also one dentist.<sup>21</sup> There are 10 consultant physicians in various specialty areas who are available as needed. The principal consultant is available at the institution twice weekly and handles emergencies during evenings and on weekends. The Center also has a contract with a community hospital to handle emergencies. There were 104 scheduled medical appointments in April, 125 in May, and 86 in June, 1973.<sup>22</sup>

Some inmates said they thought that medical care at the facility is inadequate.<sup>23</sup> Several inmates maintained that tranquilizing drugs are used to subdue residents. Mr. Jett stated that it is impossible to determine how frequently tranquilizing drugs are administered. They are normally prescribed by a psychiatrist or the principal consultant, he said, and might be given to youth housed temporarily at the Center for mental competency determinations. From time to time they might be given to other residents, under close medical or psychiatric supervision. He said that he had no reason to believe there has been any abuse in this area.<sup>24</sup>

21. The Center dentist is black and the doctor is white.

22. Statistics provided by Lee B. Jett, Director, Federal Youth Center, Dec. 6, 1973. The numbers do not include initial physical examinations, sick calls, or dental calls.

23. Interviews during field tour, Nov. 11, 1972, and Interview Report #1 Nov. 1972.

24. Letter from Lee B. Jett, Director, Federal Youth Center, to William H. Levis, U. S. Commission on Civil Rights, Feb. 12, 1974.

### Inmate/Staff Interaction

Counselling is available to residents through a "team system." The Federal Youth Center has four teams. Each team consists of a case manager, two counselors, the educator or instructor, and the dormitory officer who form a "living unit" to aid and direct some 75 to 100 inmates.

Some inmates expressed the belief that the "living unit" does not perform its function because the interaction necessary for meaningful counselling requires more staff. Inmates also said that members of the "living unit" do not actually live with the residents, and they felt its members spend too little time with residents to establish meaningful dialogue.<sup>25</sup> Mr. Jett stated that while all counselling programs could be improved, he thought the Center has one of the best in the system.<sup>26</sup>

Minority inmates interviewed maintained that staff insensitivity to minority inmates contributed to existing racial hostilities. One youth stated that the institution experienced an inmate racial disturbance at least once a year. A minor altercation occurred November 12, 1972, he said, between a Chicano and a black. According to this inmate's account, the hostilities were fueled because the individuals were not counselled by any staff members, and tensions mounted gradually with more inmates taking either the side of the Chicano youth or

25. Interview Report #1, Nov. 1972 and Interview Report #6, Feb. 1973.

26. Letter from Lee B. Jett, Director, Federal Youth Center, to Joseph C. Muskrat, U. S. Commission on Civil Rights, Nov. 28, 1973.

supporting the black youth until a racial disturbance developed. According to the youth, inmate-against-inmate attacks in the dormitories continued into the night. He maintained that this type of disturbance had been repeated, with staff ignoring the potential for full-scale inmate violence.<sup>27</sup>

Similar incidents were described involving white residents against Indian residents. In one such case, according to another minority inmate, the Indians were kept in isolation overnight and released, and the whites were kept in isolation for a longer period of time. The staff action, according to the inmate, resulted in increased tension between the groups. The most recent incident occurred May 21, 1973, when 120 or more Indian inmates and several whites were involved in a disturbance that caused damage to the Center's library doors and resulted in an injury to a correctional officer.<sup>28</sup> A counselling contract with the American Indian Movement (AIM), funded through the Bureau of Indian Affairs (BIA), was terminated effective June 30, 1973. According to the Denver Post, BIA spokesmen denied that the disturbance motivated their decision, but did not give reasons for non-renewal.<sup>29</sup> Mr. Jett

27. Interview Report #1, Nov. 1972.

28. Interview Report #3, Nov. 1972.

29. "AIM Loses Contract for Youth Counselling," The Denver Post, May 31, 1973, p. 24.

said that an election was conducted in the late spring of 1973 by the Indian residents, who voted to oust AIM. He said that this was one of the factors that led to the termination of the contract.<sup>30</sup>

Commenting on the existence of racial tensions, Mr. Jett stated that whenever the staff sees one minority group significantly outnumbering the others, they predict racial problems with one group pressuring another. It is only because of staff's active interaction with residents, he said, that there have been no riots since he's been at the institution.<sup>31</sup>

According to inmates there is a communication barrier between staff and residents which directly affects the residents' possibilities for parole. Staff reports, included in each resident's file, become an important lever in parole considerations.<sup>32</sup> A staff member who has racial prejudices may weigh his criticisms of an individual inmate unfavorably. Also, a feeling of distrust on the part of a resident might be interpreted by an officer as "rebelliousness."

Instances of racism were alleged by a number of minority inmates interviewed by Commission staff. One minority inmate stated that on several occasions he had heard the staff condescendingly refer to blacks and Chicanos as "boy" during assignments of chores when whites

30. Interview with Lee B. Jett, Director, Federal Youth Center, Dec. 6, 1973.

31. Letter from Lee B. Jett, Director, Federal Youth Center, to Joseph C. Muskrat, U. S. Commission on Civil Rights, Nov. 28, 1973.

32. Interview Reports #4 and #6, Nov. 1972 and Feb. 1973.

were not addressed in this fashion.<sup>33</sup> Two minority inmates said that they were convinced that the staff at the Federal Youth Center subtly encouraged tensions between blacks and Chicanos and between whites and Indians. Both referred to racial incidents where they said, staff could have intervened, isolated the principals, and counselled those inmates witnessing the episode.<sup>34</sup>

### Parole

The Federal Parole Board in Washington, D. C., is made up of eight members who serve staggered terms of six years. Five adult parole and three juvenile parole members are appointed by the U. S. Attorney General. All present members have served in the field of corrections for many years. The board reviews parole considerations annually for 22,000 residents of Federal correctional facilities. In addition, a division of parole examiners conducts parole reviews at Federal prisons every other month.

An inmate may receive a parole hearing once a year. The normal parole hearing procedure, as outlined by Mr. Jett, involves a parole examiner, the applicant, and a court reporter. The parole examiner reviews the applicant's file, the nature of the conviction, the inmate's plans upon release, and the progress made during incarceration. The parole examiner then dictates a summary and a recommendation

33. Interview Report #2, Nov. 1972.

34. Ibid., also Interview Report #3, Nov. 1972.

which are submitted to the Federal Parole Board in Washington, D. C., where the decision is made.<sup>35</sup> One inmate stated that the parole hearings held once a year were too short for an inmate to plead his case adequately.<sup>36</sup>

Commission staff attended parole hearings in March 1973. The average time given to consideration of a case was about 15 minutes, with individual interviews ranging from 10 to 20 minutes. Present at the parole hearing were a caseworker, Lou Kinnear; a member of the U. S. Board of Parole, William T. Woodward; and the applicant.

The parole examiner reviewed the applicant's file prior to the actual interview. The interview covered questions about the individual's criminal record, his intentions upon release from the institution, and the physical conditions constituting a guardianship upon his release. Few questions were asked regarding the degree of rehabilitation, redirection, or reorientation the youth felt he had achieved during his period of incarceration. There was no set form for the interviews. Questions were spontaneous and usually posed in response to a previous question. Many questions appeared to cover information available in the inmate's file. Some questions dealt with the individual's home life prior to his conviction. A Mexican youth with little facility in English experienced difficulty comprehending questions during his hearing. An interpreter had not been provided.

35. Interview with Lee B. Jett, Director, Federal Youth Center, March 1973.

36. Interview Report #3, Nov. 1972.

Transfer System

Under the transfer system at the Federal Youth Center, residents accused of attempted escape and serious rule infractions such as suspicion of drug trafficking are sent to harsher Federal institutions such as El Reno in Oklahoma and Lompoc, California. According to two inmates, however, residents are threatened with these transfers for infractions of all kinds. <sup>37</sup> One inmate stated that individuals whose behavior is difficult to control are often transferred. <sup>38</sup> Two other inmates alleged that they were not given a fair disciplinary hearing before administrative officials at the Federal Youth Center, and that allegations that they had attempted to escape had not been investigated. These inmates also alleged that they were not given the opportunity to call an attorney, or to speak with the director, his assistant, or any administrative official despite their repeated requests. <sup>39</sup>

Physical Facilities

Although inmates interviewed generally felt the physical facilities to be fairly adequate, one inmate stated that in his dormitory there was one shower for 70 inmates, forcing, in many cases, group showers. <sup>40</sup> Classroom space, vocational program areas, and library areas were generally termed adequate by the inmates.

37. Interview Reports #1 and #4, Nov. 1972.

38. Interview Report #2, Nov. 1972.

39. Letters #1 and #2, referred from Colorado Pinto Program, June 1973.

40. Interview Report #2, Feb. 1973.

The isolation cells were described by inmates interviewed as crowded, cold, uncomfortable, and frustrating for long periods of time. Inmates stated that the isolation areas are frequently used to hold as well as to punish. Inmates indicated that there is little activity to occupy an inmate's time during a period in the "hole." <sup>41</sup> Inmates are allowed to read, and they are given regular meals.

Outside Contacts

Several outside groups help at the Federal Youth Center. The Jazz Club, a black-oriented club, was expanded into a black culture group in April 1973. As previously noted, until June 30, 1973, there was a rehabilitative counselling program operated by AIM and funded by the BIA with a \$23,172 grant. There is an Indian culture group, sponsored by the White Buffalo Council of Denver, which meets every Monday evening. An art instructor comes to the Center twice a week for a total of four hours. While the art classes are primarily aimed at Indian students, there are black, Chicano, and white participants. The groups average between one and 12 members. There is no outside contact for Chicanos at the present time, although the Federal Youth Center director said that he would welcome outside groups interested in counselling Chicano youth. <sup>42</sup>

41. Interview Report #3, Nov. 1972.

42. Interview with Lee B. Jett, Director, Federal Youth Center, Nov. 9, 1972.

The Jazz Club, according to black inmates interviewed, has been a token effort at self-help. Although the program was a welcome activity, they said, some minority inmates would prefer a group that would provide broader aspects of culture. One black inmate said that the director had objected to a black play planned by black inmates because it was "too black, too militant," and he feared it might polarize the races. According to the inmate, the play could have presented a sociology lesson for all the inmates in the facility. <sup>43</sup> Questioned about the play, the director responded, "I may well have determined that a black play was too racist. If there was an Indian play or a Chicano play and I felt they were the same, I would not permit them. Those are my prerogatives and my decisions." <sup>44</sup>

43. Interview Report #1, Nov. 1972.

44. Interview with Lee B. Jett, Director, Federal Youth Center, Dec. 6, 1973.

### III. STATE ADULT FACILITIES

#### A. COLORADO STATE REFORMATORY

The Colorado State Reformatory's main facility is located in Buena Vista, approximately 120 miles southwest of Denver and 80 miles west of the Colorado State Penitentiary in Canon City. An honor unit in Delta, which is in western Colorado, and a work-release facility in Denver make up the rest of the institution. The Reformatory is one of three correctional facilities administered by the Adult Division of Corrections of the Colorado Department of Institutions. The other two are the Colorado State Penitentiary and the Colorado Women's Correctional Institution.

The Warden at the Reformatory is C. Winston Tanksley. Inmates' ages range from 16 to 45, with a median age at admission of 21 years. The average time served by inmates is 10 1/2 months.

#### Population and Staffing

Approximately 550 inmates are housed at Reformatory facilities, including the Honor Unit in Delta. Staff for all facilities is approximately 175. Hiring and recruiting for the Reformatory, as for other State correctional institutions, is handled by the State Department of Personnel.

As of May 1973, minority population at Reformatory facilities was 46.2 percent. Minority representation on the staff was 3.4 percent. A breakdown of residents and staff shows the following:

	RESIDENT POPULATION		STAFF POPULATION		
	Number	Percent	Percent	Number	
American Indian	11	2.0%	1.1%	2	American Indian
Asian American	3	0.6%	0.0%	0	Asian American
Black	97	18.1%	0.6%	1	Black
Chicano	137	25.5%	1.7%	3	Chicano
White	289	53.8%	96.6%	169	White
Total*	537	100.0%	100.0%	175	Total

\*The total does not include inmates housed in the isolation area (capacity 18 persons), nor those on furlough.

The few minorities on staff as of May 1973 were all in managerial, professional, or technician positions. A breakdown shows:

JOB LEVELS OF REFORMATORY STAFFING -- BY RACE AND ETHNICITY

	Officials and Managers	Professionals	Technicians	Office and Clerical	Craftsmen (skilled)	Operatives (semi-skilled)	Service Workers	Total
American Indian	1	0	1	0	0	0	0	2
Black	0	1	0	0	0	0	0	1
Chicano	0	1	2	0	0	0	0	3
White	24	32	70	15	9	17	2	169
Total	25	34	73	15	9	17	2	175

45. Statistics provided by Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, May 8, 1973.

Of the 175 employees, 13 are female. Twelve of those are white, working either in clerical (eight) or professional (four) positions. The 13th female, an instructor, is the facility's only black employee.

Reformatory Warden Tanksley said that there are few minority employees at Colorado State Reformatory because it is difficult for them to obtain suitable housing. Blacks have virtually no success in the purchase or rental of a home in Buena Vista, he said, adding that the black female instructor at the institution was forced to take up residence on the grounds of the State Reformatory. Warden Tanksley noted that most of the Chicano families live in mobile homes. He suggested that the problem might lie with recalcitrant realtors in the area and the three banks which handle mortgage loans. His concerns have been referred by the Advisory Committee to the Colorado Civil Rights Commission which has jurisdiction over housing discrimination complaints.

Labor force statistics indicate that large concentrations of minorities live within commuting distance of Colorado State Reformatory and that in that area, proportionately more minorities are unemployed than whites.

In Lake County, which includes the towns of Leadville and Climax, the Chicano labor force numbers 555 (24.0 percent) out of a total labor force of 2,313; and, of a total of 70 unemployed, 25 (35.7 percent) are

46. Interview with C. Winston Tanksley, Warden, Jan. 17, 1973.

47. A letter from the Colorado Civil Rights Commission regarding this issue may be found in Appendix A.

Chicano. In Chaffee County, which includes the towns of Buena Vista and Salida, <sup>48</sup> of a labor force of 2,406, 205 (8.5 percent) are Chicano -- of the 148 unemployed, 17 (11.5 percent) are Chicano. There are few other minorities residing in those areas. <sup>49</sup>

About 80 percent of the inmates at the Reformatory are under 25 years of age. Of 611 residents in December 1972, 276 were between 18 and 20 years of age and 207 were between 21 and 24 years. The highest percentage, 47.5, are serving time for theft. Narcotics offenses account for 20.9 percent, and robbery for 12.6 percent. Other categories of offenses decline steadily from 9 percent. <sup>50</sup>

The recidivism rate at the Reformatory is very high. September 1972 statistics show that 25.8 percent of the 616 residents had prior institutionalization at Lookout Mountain School for Boys, the Colorado juvenile correctional facility for boys; 21.8 percent had served time previously in Colorado State Reformatory; 12 percent had served time in other penal institutions; 5.8 percent had prior institutionalization at the Colorado State Hospital in Pueblo, a mental health facility; and 1.8 percent at other mental hospitals. <sup>51</sup>

48. Leadville is 34 miles from Buena Vista; Climax is 47 miles away; and Salida is 25 miles from Buena Vista.

49. General Social and Economic Characteristics, Colorado, Series PC(1)-C7, U. S. Bureau of the Census, 1970, Table 131.

50. Population Movement Report, Colorado State Reformatory, Division of Corrections, Colorado Department of Institutions, Dec. 1972.

51. Report No. 12, Office of Research, Planning, and Evaluation, Colorado State Reformatory, Division of Corrections, Colorado State Department of Institutions, Sept. 11, 1972. These recidivist rates encompass all those institutions under the supervision of the Colorado Department of Institutions. The individual inmate might be a recidivist from more than one institution, may be a recidivist from the same institution more than once, or a combination of the two.

### Drug Abuse

At the present time, a comprehensive drug abuse program is not available at the Reformatory, although information collected by the Advisory Committee indicates that many offenders' problems could be drug-related.

While 120 inmates are in the facility for narcotics offenses, <sup>52</sup> a much higher number have indicated substantial use of drugs. A 1972 report prepared at the institution indicated that 201 inmates had used narcotic drugs, 326 had used marijuana, and 176 had used hallucinogens. <sup>53</sup> The total of these figures is 703, larger than the inmate population of 616, suggesting that residents had familiarity with drugs from more than one category. In January 1973, one inmate died at the Reformatory from a drug overdose. <sup>54</sup>

Several relatively small groups aimed at ending drug abuse are presently active at the Reformatory. One has an in-depth therapy approach and is headed by a staff person from the State Hospital. It has existed for several years. As of December 1, 1972, 15 residents were receiving this type of therapy. A Narcotics Anonymous group (Narcanon), started in April 1972, has 12 to 15 residents at a time participating in 10 two-hour therapy and counselling sessions. In

52. Narcotics offenses include possession or sale of all types of illegal drugs, including marijuana and hashish.

53. Report No. 12, Office of Research, Planning, and Evaluation, Colorado State Reformatory, Sept. 11, 1972.

54. Interview with C. Winston Tanksley, Warden, Colorado State Reformatory, Jan. 1973.

addition, several other staff members from the Reformatory do individual  
 55  
 drug counselling and work with inmate self-help groups. The total  
 proportion of inmates receiving treatment is limited, however, and many  
 of the Reformatory personnel apparently lack sufficient knowledge about  
 56  
 drug abuse.

Several inmates stated that the two libraries at this institution  
 57  
 do not provide drug abuse literature for inmates. Two inmates inter-  
 viewed said they thought all inmates needed information regarding the  
 58  
 effects of drugs on the human body.

#### Incentive Program

The Incentive Program at the Colorado State Reformatory is the  
 institution's overall inmate treatment and rehabilitation plan, in use  
 since late 1971. The program governs most aspects of inmates' daily  
 lives: housing assignments, work, school, and recreation, and its  
 emphasis is on reward for positive behavior.

55. Information provided by Edgar Sampson, Research and Planning Officer,  
 and Ken Clark, sponsor of Narcotics Anonymous, Colorado State Reformatory,  
 Nov. 20, 1973.

56. In addition to one State hospital staff member and the sponsor of the  
 Narcanon group, there are three Reformatory staff members who are specially  
 trained in drug abuse and drug counselling; 23 other staff members have  
 attended drug training sessions at outside institutions.

57. Reformatory officials documented that the institution does have drug  
 abuse literature available to inmates, mainly through the staff library.  
 They have very little information in Spanish, however.

58. Interviews with inmates during tour of facility by Commission staff,  
 Jan. 17, 1973.

59  
 The philosophy expressed in the incentive manual for staff is that  
 inmates must be encouraged to develop "desirable habits related to social  
 adjustment" and "those actions and habits characteristic of a productive  
 employment." The supervisors operate on the premise that many residents  
 of the Reformatory have never achieved job success "to any substantial  
 degree in free society" because they lack a "saleable skill." An Incentive  
 Committee, consisting of three staff members at the institution, administer  
 the program.

The Reformatory is divided into four wings or "levels." Inmates  
 start at West Wing, the lowest level, and work their way up to the North,  
 South, and, finally, the East Wing, the highest level in the program.  
 New residents are automatically assigned to the West Wing upon completion  
 of their classification period in the Admission and Orientation Wing, or  
 the "fish tank," as the inmates call this area. They are kept separate  
 from other residents in the classification area for two and one-half to  
 four weeks.

To move from one level to the next in the program, an inmate must  
 complete an application at least three days prior to the Incentive  
 Committee's meeting which considers inmates' transfer requests.  
 Inmates denied transfers are reviewed by the three-man committee at  
 one week to one month intervals, depending upon the incentive level.  
 Each transfer consideration must be preceded by the filing of a new  
 application.

59. Manual: Colorado State Reformatory Incentive Program, July 1, 1972.

During a tour of the facilities by Commission staff, a resident guiding the tour explained that the four housing levels have differing effects on inmates.

The West Wing is austere and spartan, providing few physical embellishments. Inmates assigned to these quarters have no television privileges, they are not permitted free time outside their quarters, and they receive no pay for work. Their possessions are limited to institution-issued items, commissary items, and family pictures. Their only unlimited privilege is reading. The average stay is two and one-half weeks,<sup>60</sup> but returned escapees may stay five weeks or more. They also may be returned from other wings for rule infractions.<sup>61</sup>

The second level, North Wing, provides inmates some free time in the evenings. They may also decorate their quarters to a limited extent with personal items. Lights and the institution's radio system are curtailed nightly at ten o'clock. The normal length of stay is one month, with transfer requests considered by the committee every two weeks.

The third level, South Wing, provides greater freedom of movement and more recreation opportunities than the lower levels. Inmates are permitted to wear their own clothes in the evening, on weekends and

60. Information supplied by Edgar Sampson, Research and Planning Officer at the Reformatory from a sampling of 100 ex-inmates during early 1973. The average stay in the other wings ranges from five to 14 weeks.

61. Inmate interviews during tour, Jan. 17, 1973. Inmates may be demoted to any of the lower wings depending upon the case.

holidays, and when they have visitors. Lights, television, and radio are curtailed at midnight. The normal length of stay in this wing is two months, and consideration of requests for transfer to East Wing is given by the committee every month.

The fourth level, East Wing, provides as much freedom to inmates as possible within the confines of the correctional institution. According to inmates, there are few restrictions on lights out, television, and radio. Inmates are expected to have achieved a sense of responsibility and self-discipline. Each East Wing resident has a key to his quarters which he may leave at will provided he is present for the daily head count. Residents are accountable for their behavior in and out of the wing. They may wear their own clothing at all times.

Inmates may earn leave time which accumulates at the rate of 24 hours per month, beginning on the date of assignment to the East Wing. Leave is available for furloughs (12 hours or more), or for gate passes (less than 12 hours). Gate passes, granted by East Wing personnel, are restricted to daylight hours within a 50-mile radius of the institution.

Furlough forms must be submitted to the Incentive Committee one week in advance.<sup>62</sup> Residents granted furloughs are restricted to the State, and the incentive manual states they must abide by the rules outlined on the application form. The leave application form, however, does not specify rules.

62. The leave request form, however, stipulates a 14-day advance application and verification. A copy of the form was provided to Commission staff by the Colorado State Reformatory.

Rather, it contains questions regarding details of where the inmate plans to stay, with whom, and the dates and times the resident will leave and return to the institution, the mode of travel, and the willingness of an individual (guardian) to sign a "body" receipt for the resident.

The number of furloughs granted between December 1972 and May 1973<sup>63</sup> was as follows:

	<u>American Indian</u>	<u>Black</u>	<u>Chicano</u>	<u>White</u>	<u>Total</u>
Percent	1.0%	18.0%	31.0%	49.0%	100.0%
Number	4	48	85	134	271

For repeaters in the Reformatory, the minimum time is doubled for each three of the housing levels: West Wing, four weeks; North Wing, two months; South Wing, four months. Inmates returning to the institution following escape are also subject to the extended minimum time of residency in each wing. Incentive Committee members may also confiscate<sup>64</sup> all funds from the incentive wage account of returned escapees.

Each of the four wings at the Reformatory is supervised by a nine-man team: Group Living Supervisor, Assistant Group Living Supervisor, Case Manager, Case Aide, and five counselors. At least two members of the unit team are present daily from 5:00 a.m. to 10:00 p.m. All members

63. Statistics provided by Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, May 8, 1973. (See p. 26 for racial and ethnic breakdown of inmates.)

64. The description of the wings and the furlough system at the Reformatory come from several sources: the manual, Colorado State Reformatory Incentive Program, July 1, 1972; inmate interviews during tour, Jan. 17, 1973; and memorandum to Reformatory employees and residents from Warden C. Winston Tanksley, Aug. 15, 1972. According to Reformatory staff, no wages had been confiscated during the preceding two years.

of the nine-man team are responsible for periodic evaluations of inmates' progress. Supervisors have wide latitude in rating inmates. Their evaluations are based on such items as attendance, promptness, performance, cooperation, responsibility, and attitude because "these traits are deemed desirable to hold and to progress in employment outside the institution." A long-range aim of the Incentive Program is to reinforce these traits by daily practice in the institution so they will be carried and retained after an inmate's release.<sup>65</sup>

Although staff at the Colorado State Reformatory pointed out that the emphasis of the Incentive Program is on rewards rather than punishment, several inmates disagreed. They stated that punishment is more frequent than the rewards. They related several incidents, as examples, where they felt inmates were placed in isolation when different treatment might have had a more positive effect.<sup>66</sup>

The racial and ethnic breakdown of the four wings, as of May 8, 1973, was:<sup>67</sup>

	<u>American Indian</u>		<u>Asian American</u>		<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total</u>
	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	
West Wing	3.0%	1	0.0%	0	27.0%	9	30.0%	10	39.0%	13	33
North Wing	1.0%	1	0.0%	0	18.0%	16	31.0%	28	51.0%	46	91
South Wing	3.0%	3	0.0%	0	19.0%	22	24.0%	28	54.0%	63	116
East Wing	1.0%	2	2.0%	3	17.0%	23	26.0%	36	54.0%	74	138
TOTAL	2.0%	7	1.0%	3	19.0%	70	27.0%	102	52.0%	196	378

65. Ibid.

66. Inmate interviews during Advisory Committee tour, Jan. 17, 1973.

67. Statistics provided by Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, May 8, 1973. (See p. 26 for racial and ethnic breakdown of inmates.)

Although minority inmates comprised a disproportionately high 60 percent of the West Wing's population, the other three wings were within a few percentage points of racial balance.

Three other housing units are part of the Reformatory Complex -- the Incentive Development Area (IDA), the Delta Honor Unit, and a work-release facility.

The Incentive Development Area is a special isolation area for cases requiring protection from themselves and others. Its capacity is 18 persons, and residents are in frequent contact with treatment personnel.

The Delta Honor Unit is not located at the Reformatory, but in Delta in western Colorado. It is a forestry and conservation training facility and residents may be sent there prior to release or directly from the admission wing, based on staff determination. Criteria for making this determination are: that the inmate not be a security risk, that he not have need for Reformatory programs such as vocational training and psychiatric counselling, and that he express an interest in the type of work offered at the Honor Unit.

Whites comprise half of the institution's total population, but make up two-thirds of the Honor Unit population and about one-third of the population of the IDA isolation area.

Racial and ethnic statistics for these areas provided May 8, 1973,  
68  
show:

Incentive Development Area (isolation)

November 1972 to April 1973

	<u>American Indian</u>	<u>Asian American</u>	<u>Black</u>	<u>Chicano</u>	<u>White</u>	<u>Total</u>
Percent	6.2%	0.7%	22.1%	37.2%	33.8%	100.0%
Number	9	1	32	54	49	145
<u>Delta Honor Unit</u>						
Percent	3.2%	0.0%	16.8%	12.6%	67.4%	100.0%
Number	3	0	16	12	64	95

For the past five years, the Reformatory has operated a small work-release facility in Denver. The program had 26 participants (14 whites, six blacks, six Chicanos) as of May 1973. Inmates praised it as a good program, especially for those with wives and families, and expressed the hope that it could be expanded.  
69

68. Statistical memorandum from Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, May 8, 1973. Use of the IDA as an isolation area was discontinued after January 1974. Due to overcrowding at the institution, it was converted into general living quarters. (Telephone interview with C. Winston Tanksley, Warden, Colorado State Reformatory, March 1974.)

69. Inmate interviews during tour, Jan. 17, 1973.

Job Assignments

Jobs at the Reformatory are assigned by a staff committee in the diagnostic section. Assignments are based on an inmate's needs as determined by his background evaluation, employment history, educational achievement, and physical and psychological condition. Residents interviewed generally favored jobs as clerical aides to the psychiatric, diagnostic, and treatment staff. They preferred those jobs that would place them in positions where they could learn what the staff expected of them so they could reach East Wing in the minimum time. One inmate expressed the opinion, for example, that personnel in the psychology department developed a close working relationship with inmates assigned to jobs in that department, and this resulted in more favorable "reports" for those inmates.

The chart on the following page shows inmate job assignments by race and ethnicity, according to Reformatory statistics as of May 1973. The proportion of whites ranges from a low of 36 percent in service jobs (such as shoe repair, laundry, dry cleaning, canteen and store room), to a high of 80 percent in the sought-after communications jobs.

70. Conversation with Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, Feb. 27, 1974.

71. Inmate interviews taped during Advisory Committee tour, Jan. 17, 1973.

INMATE JOB ASSIGNMENTS -- BY RACE AND ETHNICITY

Job Assignments	American Indian		Asian American		Black		Chicano		White		Total
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	
Asst. Academic Instructor	0%	0	17%	2	17%	2	0%	0	67%	8	12
Clerical	2%	1	0%	0	23%	10	9%	4	66%	29	44
Choral Group	0%	0	0%	0	29%	2	0%	0	71%	5	7
Communications	0%	0	0%	0	10%	1	10%	1	80%	8	10
Farm	9%	1	0%	0	9%	1	27%	3	54%	6	11
Supportive Janitorial	3%	1	0%	0	16%	6	43%	16	39%	14	37
Maintenance	2%	2	0%	0	14%	12	28%	25	56%	49	88
Service	3%	2	2%	1	26%	14	32%	17	35%	19	53
Stewards	0%	0	0%	0	10%	2	38%	8	52%	11	21
Total	2%	7	1%	3	18%	50	26%	74	39%	149	283 (100%)
Unassigned		0		0		13		26		39	78

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The inmate's housing level determines the pay for job assignments. Inmates in the West Wing receive no pay. The scale for other wings is: 50 cents per day for the North Wing, 70 cents per day for the South Wing, and \$1 per day for the East Wing. Thus, housing assignments have an impact on parole since inmates must save \$100 to be eligible for parole.

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Vocational and Academic Programs

There are 12 vocational programs at the Reformatory involving 116 inmates. Statistics provided by the institution show that as of May 8, 1973, minorities were excluded from significant participation in the more popular automotive, electronics, and engine repair programs, and overrepresented in programs teaching the less-skilled trades--food services, auto body, and janitorial.

Statistics as of May 1973 for academic programs indicate that the ethnic group most academically deficient is Chicano. White inmates dominate the college courses. Only 7 percent of the college level program participants are black, although blacks represent more than 18 percent of the inmate population, and only 17 percent are Chicano, although Chicanos make up about 25 percent of the inmate population.

Charts on the following page reflect the enrollment by race and

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ethnicity in vocational and academic programs.

72. The steward's job is an exception. In this job the pay scale is not related to housing assignments, and inmates earn up to \$1.50 per hour.

73. Regulations require that inmates save \$100 to be eligible for parole so they will have living expenses when they are first paroled.

74. Statistics provided by Edgar Sampson, Research and Planning Officer, Colorado State Reformatory, May 8, 1973.

VOCATIONAL AND ACADEMIC PROGRAM ENROLLMENT -- BY RACE AND ETHNICITY

Vocational Program*	Black		Chicano		White		Total
	Percent	Number	Percent	Number	Percent	Number	
Auto Body and Fender	27%	3	36%	4	36%	4	11
Automotive	0%	0	18%	2	82%	9	11
Barber	40%	2	60%	3	0%	0	5
Carpentry	20%	2	20%	2	60%	6	10
Dairy	0%	0	40%	2	60%	3	5
Electronics	11%	1	11%	1	77%	7	9
Food Service	38%	5	38%	5	24%	3	13
Janitorial	25%	3	42%	5	33%	4	12
Machine Shop	0%	0	40%	4	60%	6	10
Printing	17%	2	50%	6	33%	4	12
Small Engine Repair	0%	0	17%	1	83%	5	6
Welding	25%	3	17%	2	58%	7	12
Total	18%	21	32%	37	50%	58	116

Academic Program*	American Indian		Black		Chicano		White		Total
	Percent	Number	Percent	Number	Percent	Number	Percent	Number	
0.0-3.9 Grade Placement	0%	0	17%	3	50%	9	33%	6	18
4.0-8.9 Grade Placement	4%	1	18%	5	50%	14	29%	8	28
GED Class	0%	0	19%	3	50%	8	31%	5	16
College Courses	3%	2	7%	4	17%	10	72%	42	58
Total	3%	3	13%	15	34%	41	51%	61	120

\*There were no Asian Americans or American Indians participating in the Vocational Programs, and no Asian Americans in the Academic Programs.

Censorship

Minority inmates at the Colorado State Reformatory maintained that the institution's censorship policies prevented them from obtaining racially and culturally oriented literature. One inmate stated that he was deprived of a book written by Angela Davis. Two inmates related that efforts of the inmate council had finally succeeded in gaining approval for inmates to subscribe to the magazine, Playboy. Although several minority inmates stated that ethnically oriented publications would be discouraged by the institution, the warden expressed an appreciation for ethnic activism.

Warden Tanksley stated that the Reformatory allows only those periodicals that are on the approved list of the American Correctional Association which includes a few minority oriented periodicals. The exception to this rule, he said, is that inmates are allowed to subscribe to Playboy. The institution orders some of these materials for the library, and others may be sold at the canteen, or subscribed to by individual inmates.

75. Interview, C. Winston Tanksley, Warden, Colorado State Reformatory, Jan. 17, 1973.

76. Telephone interview with Warden C. Winston Tanksley, Colorado State Reformatory, March 1974.

B. COLORADO STATE PENITENTIARY

The Colorado State Penitentiary system consists of three major facilities for men and one for women--all located in Canon City, 115 miles southwest of Denver--and two small units for males in the Denver metropolitan area. Combined, they house approximately 1,300 male and female prisoners.

The Canon City facilities for males include Maximum Security, Medium Security, and Pre-Parole Center. The women's facility there is the Colorado Women's Correctional Institution. The two units in Denver are Camp George West (the honor unit) and the York Street work-release facility. All are under the general supervision of the Penitentiary warden.

Population and Staffing

The total inmates, both male and female, in the Colorado State Penitentiary system, as of May 1973, was 1,282. Although minorities comprise less than 18 percent of Colorado's approximately 2,452,150 inhabitants, more than 53 percent of the State prison system population is minority. These inmates are attended by a staff of 454, which is 3.3 percent minority. The chart on the following page gives a breakdown of the ethnic and racial population of the prison system.

77. Estimated 1973 population statistics provided by Art Thompson, State Planning Division, Denver, Colo., June 1973. Penitentiary statistics provided by Fred Wyse, Acting Warden, Colorado State Penitentiary, May 24, 1973. Recruitment and hiring for the Colorado State Penitentiary, as for the other State correctional institutions, is the responsibility of the State Department of Personnel.

ETHNIC AND RACIAL POPULATION

TOTAL STATE -- PRISON INMATES -- PRISON STAFF

	Population -- State of Colorado		Inmates in State Penitentiary System		Staff of State Penitentiary System	
	Percent	Number	Percent	Number	Percent	Number
American Indian	0.5%	12,305	1.3%	17	0.0%	0
Asian American and Other	0.9%	21,912	0.0%	0	0.0%	0
Black	3.4%	82,162	20.4%	262	0.2%	11
Chicano	13.1%	322,092	32.1%	412	3.3%	15
White	82.1%	2,013,697	46.1%	591	96.5%	438
Total	100.0%	2,452,150	100.0%	1,282	100.0%	454

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The State Penitentiary in Canon City employs the vast majority of the Penitentiary system's staff. Canon City is situated in Fremont County and is within commuting distance of parts of Pueblo County, both of which have relatively low minority populations. Fewer than 500 black families reside in either county. In Fremont County, Chicanos constitute 7.9 percent of the labor force. Their unemployment rate is 15 percent, compared to 4.1 percent for the county's total labor force. In the Pueblo metropolitan area, about 40 miles from Canon City, however, Chicanos constitute 28.1 percent of the labor force. There is an 8.0 percent unemployment rate among Chicanos there, compared with 5.6 percent for the total Pueblo labor force.

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At all facilities visited by the Advisory Committee, both minority and non-minority inmates said that minorities were badly under-represented on prison staff. Several inmates described the problem as not just lack of minority staff, but the fact that most staff persons they had contact with were from rural areas and could not relate well to urban prisoners.

The work force for the Colorado State Penitentiary is recruited and hired by the State Department of Personnel. Prison officials stated that there are few minority applicants.

1. Maximum Security Facility

The Maximum Security facility in Canon City houses the bulk (55.4 percent) of the prisoners in the Colorado Penitentiary system. Inmates

78. U. S. Census of Population, 1970, Series PC(1) C7, General Social and Economic Characteristics, Tables 85, 98, 121, and 131.

placed at this institution are those whom the prison personnel consider security risks or threats to other inmates. It also holds mentally disturbed inmates who are transfers from the State Hospital in Pueblo.

#### Population and Staffing

The facility housed 710 inmates as of May 24, 1973. Of those, 48.5 percent were minority. A breakdown of major ethnic groups shows:

#### INMATE POPULATION BY RACE AND ETHNICITY

	<u>American Indian</u>	<u>Black</u>	<u>Chicano</u>	<u>White</u>	<u>Total</u>
Percent	0.7%	20.7%	27.0%	51.5%	100.0%
Number	5	147	192	365	710

The Advisory Committee requested a similar breakdown of staff at the Maximum Security facility, as well as identification of the types and levels of jobs held by personnel. Acting Warden Fred Wyse responded with figures for the State Penitentiary system as a whole, with no indication of the types of jobs held by minorities. The response showed that only 16 minority group members--one black and 15 Chicanos--were on the entire State Penitentiary staff of 454.

#### Housing and Living Conditions Of Prisoners

The Maximum Security facility is divided into a reception center for new arrivals, several cellhouses of varying degrees of security, an isolation area, and a hospital. Until January 1974 inmates were assigned

79. Statistics provided by Acting Warden Fred Wyse, Colorado State Penitentiary, May 24, 1973.

to cellhouses on a random basis as they were admitted to the institution. The cellhouses are numbered one, three, five, six, and seven.

The racial and ethnic breakdown of the cellhouses, by tier, is as follows:

	<u>American Indian</u>		<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total</u>
	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	
<u>Reception Center</u>									
1st tier	0.0%	0	0.0%	0	13.8%	4	86.2%	25	29
2nd tier	0.0%	0	15.4%	4	19.2%	5	65.4%	17	26
3rd tier	0.0%	0	21.4%	6	21.4%	6	57.1%	16	26
TOTAL	0.0%	0	12.0%	10	18.1%	15	69.9%	58	83
<u>Cellhouse 1</u>									
1st tier	0.0%	0	4.2%	3	28.2%	20	67.6%	48	71
2nd tier	2.6%	2	15.4%	12	44.9%	35	37.2%	29	78
3rd tier	0.0%	0	58.6%	34	29.3%	17	12.1%	7	58
4th tier	0.0%	0	51.6%	16	38.7%	12	9.7%	3	31
TOTAL	0.8%	2	27.3%	65	35.3%	84	36.6%	87	238
<u>Cellhouse 3</u>									
TOTAL	2.0%	1	12.0%	6	24.0%	12	62.0%	31	50
<u>Cellhouse 5</u>									
TOTAL	0.0%	0	33.3%	9	0.0%	0	66.7%	18	27
<u>Cellhouse 6</u>									
1st tier	0.0%	0	24.2%	8	12.1%	4	63.6%	21	33
2nd tier	3.0%	1	3.0%	1	30.3%	10	63.6%	21	33
TOTAL	1.5%	1	13.6%	9	21.2%	14	63.6%	42	66
<u>Cellhouse 7</u>									
1st tier	0.0%	0	6.3%	4	38.1%	24	55.6%	35	63
2nd tier	1.1%	1	31.2%	29	11.8%	11	55.9%	52	93
3rd tier	0.0%	0	40.4%	40	37.4%	37	22.2%	22	99
TOTAL	0.4%	1	28.6%	73	28.2%	72	42.7%	109	255

80. As of Jan. 1, 1974, the Penitentiary instituted a central classification system with prescriptive planning by a staff committee for individual inmates at each facility, including assignments to housing and jobs. Telephone interview with Alex Wilson, Associate Warden, Colorado State Penitentiary, Feb. 1974.

81. Statistics provided by Acting Warden Fred Wyse, Colorado State Penitentiary, May 24, 1973.

Minority inmates interviewed alleged that there is some degree of segregation at all the correctional facilities in Canon City, most notably in the desirable cellhouses and tiers. At the Maximum Security facility, inmates generally expressed a preference for Cellhouse Six.

In Cellhouse Six, there was a disproportionately large percentage of whites: 63.6 percent, with 13.6 percent black, and 21.2 percent Chicano residents. Inmates also generally favored the first tier in a cellhouse.

In the cellhouses listed, the white percentage usually increases from least favorable tier to most favorable tier. It was also alleged that the white inmates were able to spend more time than minorities in the

"fish tank," or reception area, where the living conditions are considered better than in other cell areas of the facility. May 1973 statistics indicate a 70 percent white residency in the reception area.

Cellhouse Three contains maximum isolation cells. It also houses State Hospital transferees (mental patients) on the second floor.

These transferees have little or no access to psychiatric care in the

82. Acting Warden Gordon Heggie stated that Cellhouse six has the worst physical facilities, but that inmates prefer it because it is where the craft work is centralized. Letter from Gordon W. Heggie, Acting Warden, Colorado State Penitentiary, to William H. Levis, U. S. Commission on Civil Rights, Dec. 17, 1973.

83. Inmate interview #7, Colorado State Penitentiary, Nov. 1972.

84. It should be noted that since all newly-admitted inmates are assigned to the reception area for a short period of time, the racial and ethnic composition of its residents may change significantly from week to week. Inmates whose work assignments are in that area reside there for longer periods of time.

85. Col. Rev. Stat. 1-2-4(3) (1963), empowers the director of the Department of Institutions to have a mentally ill or retarded person transferred from the State hospital to the Penitentiary for safekeeping if that person is too dangerous to be confined at the State Hospital.

cellhouse, according to some patients interviewed. They complained that they do not have access to exercise yards or institution programs, and cannot mingle with the general prison population. At the time of the Advisory Committee's initial visit in November 1972, one transferee said they were permitted to shower only twice a week. The rule was changed shortly thereafter to provide these men a shower every other day. The transferee credited the Advisory Committee's investigation for the improved condition.

Most of these inmates had been transferred to Cellhouse Three from the State Hospital for assaultive behavior constituting a threat to others or to themselves. Several inmates interviewed, however, cited specific examples of assaultive mental patients who had not been similarly transferred. One inmate alleged that there were two instances where State Hospital transferees in Cellhouse Three had taken their own lives. The inmate stated that in his present state of mind he contemplated suicide every day of his incarceration.

86. Transferee interviews #8 and #9, Jan. 22, 1973. Acting Warden Gordon Heggie stated that psychiatric care is provided to State Hospital transferees, but many of these have been categorized as "untreatable." Letter to W. H. Levis, U. S. Commission on Civil Rights, Dec. 17, 1973. A psychiatrist and six staff travel from the State Hospital to the Penitentiary and the Reformatory four days a week.

87. Transferee interview #9, Jan. 22, 1973.

88. Acting Warden Gordon Heggie stated that transfer of a State Hospital patient to the Penitentiary is a medical decision, not an administrative choice. Letter to W. H. Levis, U. S. Commission on Civil Rights, Dec. 17, 1973.

89. Transferee interview #9, Jan. 1973.

In the past year several transferees have filed suit in Denver District Court to halt the transfer practice. However, the Colorado statute permitting such transfers has been held valid.<sup>90</sup> The Denver chapter of the Mexican American Legal Defense and Education Fund has been gathering information and interviewing State Hospital transferees at the Penitentiary in order to test, in a court of law, these individuals' right to treatment.

There is no statute or official policy governing inmate transfers from one State correctional institution to another. Prison officials state that they have transferred younger inmates at the inmates' request from Maximum Security to the State Reformatory either to protect them from homosexual advances or to prevent their association with seasoned criminals. An inmate also might be transferred from one facility to another if it appears that his life is in danger, or if he constitutes a threat to other inmates.<sup>91</sup> Other transfers, usually to more restrictive custody status, are made for disciplinary reasons, and are preceded by a hearing before a disciplinary committee.

90. For the basis of these unreported decisions see Pigg v. Patterson, 370 F. 2d 101 (1966) and Col. Rev. Stat. 71-2-4(3) (1963) which stated, "The Director, Department of Institutions, is further empowered, when it is reported to him that any mentally ill or retarded person is so dangerous that he cannot be safely confined in any institution for the care and treatment of the mentally ill or retarded under his supervision, to order said mentally ill or retarded person transferred to the Colorado State Penitentiary for safekeeping." A Colorado case reaffirming the Pigg decision is Schauer v. Smeltzer, 175 Col. 348, 488 P. 2d 899 (1971).

91. Field notes, Governor's Clemency Advisory Board hearings, May 1, 1973.

Inmates alleged, however, that prisoners transferred from Medium Security to Maximum Security are not always allowed hearings, and that the general lack of standards can result in unfair transfers which they are powerless to question. They also said there is no due process in mental health transfers from the State Hospital to Maximum Security.<sup>92</sup>

Statistics provided by Penitentiary officials show that transfers to a more severe custody status, at least between December 1972 and May 1973, were infrequent: 16 out of a total of 306 transfers during that period.<sup>93</sup>

Transfers, State Adult Correctional Facilities  
(December 1972 to May 1973)

Maximum Security to Medium Security	189
Maximum Security to State Reformatory	7
State Reformatory to Maximum Security	5
Medium Security to Maximum Security	11
Medium Security to Pre-Parole	94
Pre-Parole to Medium Security	0
Total	306

92. Inmate interviews #8, #9, and #20, January and February 1973. Some court cases have held that an inmate who is subject to transfer has the right to timely advance written notice, a hearing before an impartial board, and an opportunity to present evidence on his behalf. See Williams v. Robinson, 432 F. 2d 637 (1970); White v. Gillman, 360 F. Supp. 64 (1973). Gomes v. Travisono, 353 F. Supp. 457 (1973), affirmed in part, No. 73-1065 (1st Cir., Dec. 28, 1973); and Stone v. Egeler, No. M70-72 CA2 (W. D. Mich., Dec. 18, 1973).

93. Statistics provided by Acting Warden Fred Wyse, May 24, 1973.

### Vocational Programs

Few vocational opportunities exist at the Maximum Security facility. Some inmates are allowed to commute to the nearby Medium Security facility to take such vocational courses as auto body repair, machine shop, and welding. As of May 1973, however, only 56 Maximum Security inmates were involved in these programs.<sup>94</sup> Inmates complained that only those inmates who had money, or those who were able through friends and family to obtain money, could purchase equipment in order to become involved in some kind of hobby work. This cut down their idle time and provided them an opportunity to earn some money.<sup>95</sup>

### Job Assignments

Approximately 560 of the 710 inmates in the Maximum Security facility held jobs as of May 1973. Generally these inmates were not participating in vocational training or school programs.

Penitentiary officials stated that there is no specific system for assigning jobs to new inmates. Job vacancies are filled as and where needed, they said.<sup>96</sup> However, minority inmates who comprise approximately half of the facility's population, alleged in interviews, that racial and ethnic discrimination was evident in job assignments. They held that minority inmates were often given the "dirty" jobs, and that the "easy" jobs were frequently assigned to whites.

94. Statistics provided by Acting Warden Fred Wyse, May 24, 1973.

95. Inmate interviews #7, #10, and #11, Nov. 1972 and Jan. 1973.

96. As of Jan. 1974, the Penitentiary instituted a central classification system where each inmate is counseled individually before being assigned a job or other program by a staff committee. Telephone interview with Associate Warden Alex Wilson, Colorado State Penitentiary, Feb. 1974.

A sample of assignments to jobs considered by inmates as desirable and less desirable jobs,<sup>97</sup> as of May 24, 1973, shows:<sup>98</sup>

#### JOB ASSIGNMENTS CONSIDERED DESIRABLE

<u>Job Assignment</u>	<u>Spanish Surname</u>	<u>Black</u>	<u>American Indian</u>	<u>White</u>	<u>Percent Minority</u>
Hospital	1	5	0	21	22%
Control Center	1	0	0	10	9%
Storeroom	0	5	0	16	24%
West Gate (outside)	2	2	1	16	24%
Electric Shop	0	0	0	14	0%

#### JOB ASSIGNMENTS CONSIDERED UNDESIRABLE

<u>Job Assignment</u>	<u>Spanish Surname</u>	<u>Black</u>	<u>American Indian</u>	<u>White</u>	<u>Percent Minority</u>
Boilerhouse	7	5	0	3	80%
Coal Pile	5	2	0	4	64%
Laundry	12	8	0	6	77%
Kitchen	27	23	2	18	74%
Janitorial	7	12	0	8	70%

97. Inmate interviews #7, #10, and #12, Nov. 1972 and Jan. 1973.

98. For a full schedule of Maximum Security inmate job assignments, see Appendix B.

### Academic Programs

The State Penitentiary offers adult basic education, with emphasis on GED preparation. As of May 1973, a total of 112 Maximum Security inmates were enrolled. The GED curriculum consists of three levels, aimed at inmates testing at grades one through six, grades seven through nine, and grades 10 through 12. The three programs are handled by three full-time and two part-time teachers who hold classes at both the Maximum and Medium Security facilities. As of May 1973, there were 28 inmates from Maximum Security and 23 from Medium Security enrolled in the GED preparatory program, with another 20 inmates participating in a GED class at night. In addition to these classes, the Penitentiary offers night classes in typing (seven students), black studies (17 students), and a special class for Spanish-speaking inmates (25 students).

There is ample classroom space (eight classrooms) at the Maximum Security facility, but there is a scarcity of teachers. The educational supervisor indicated that the biggest need of the basic education program is to hire at least three more teachers to enable more students at each level to take advantage of the program.

The Penitentiary also offers a college program through Southern Colorado State College's extension division at Pueblo in which inmates may earn an associate of arts degree with 93 credit hours of work. At

99. Statistics provided by Acting Warden Fred Wyse, May 24, 1973.

100. Interviews during tour, Jan. 1973. According to Acting Warden Gordon W. Heggie, additional teachers repeatedly have been requested in the budget. Letter to W. H. Levis, U. S. Commission on Civil Rights, Dec. 17, 1973.

the present time, bachelor of arts or sciences degrees are not available at the prison. Each semester, four to six courses are offered to Maximum and Medium Security inmates whose eligibility is determined through intelligence test scores. During the Spring semester in 1973, 37 inmates were enrolled in the college classes.

### Medical and Psychological/Psychiatric Services

Care for all major medical problems at the State Penitentiary system's four Canon City units (Maximum Security, Medium Security and Pre-Parole Center for men, and Women's Correctional Institution) is provided at the Maximum Security facility. The Medium Security facility nearby, and the women's facility, located several miles away, each have an infirmary with first aid services, where a doctor takes sick call twice a week. Sick call at the Pre-Parole Center is held once a week. Staff to work with the institutions' combined population of 1,300 prisoners consists of two full-time doctors and several paramedical support staff. For specialized medical attention, inmates must be sent to St. Thomas More Hospital in Canon City or to the State Hospital in Pueblo. Dental care for all inmates is provided by the one prison dentist. Psychological services are available from the Penitentiary's three full-time psychologists and a psychiatric team from the State Hospital in Pueblo, which visits both the Penitentiary and the Reformatory, dividing four days per week between the facilities. The team includes a psychiatrist, five mental health workers, and a

registered nurse. In addition, the Chief Medical Officer at the prison, who is a psychiatrist, is available for emergencies.

According to the standards set for health and medical services issued by the American Correctional Association (ACA), "the full range of modern scientific care can only be carried out by adequate and qualified medical, dental, nursing, laboratory, and other support personnel." The ACA recommends that "the basic medical staff for a penal institution of approximately 500 inmates should include the following: one full-time medical officer, one full-time psychiatrist serving as assistant medical officer, one full-time dental officer, one full-time psychologist, five full-time medical technicians, and a suitable complement of consultants in the various medical and surgical specialties." It further recommends that "for every additional 500 to 1,000 inmates at least one additional medical officer and one medical technician should be added. An additional dental officer is required for each 1,000 additional inmates."<sup>101</sup>

By ACA minimum standards, the State Penitentiary system's health and medical services are barely adequate, especially in view of the existence of separate and distinct facilities housing the inmates. Another dentist and a full-time psychiatrist are needed as well as additional support personnel. The addition of a full-time doctor, while not mandated, would accord with the ACA standards.

101. Manual of Correctional Standards, issued by the American Correctional Association, 4321 Hartwick Rd., College Park, Md., 1966, pp. 437-443.

In interviews with Advisory Committee members, inmates alleged numerous incidents of inadequate medical attention. They charged that they must complain repeatedly before they are examined for illnesses.

The prison medical officers stated that physical examinations and routine delousing treatments are given to all new inmates in the Reception Center. Inmates who request physicals after that time are examined by appointment. The officials said there are inadequate funds for annual physical examinations for all inmates. They further commented that "many inmates, possibly with a continuing fear of their incarceration, magnify small aches and discomforts to major proportions and seek professional care for situations they would handle by being able to walk down to the corner drugstore if they were free."<sup>102</sup>

A few inmates alleged that dental care was inadequate, that dentures made at the institution, for example, were loose and ill-fitting. The dentist at the Penitentiary indicated that with an operating budget of less than \$2 per patient per year, only basic dental work is done. The institution cannot afford either material or machinery to make good stainless steel full dentures or to do major dental surgery, he said. He added that when inmates arrive at the Penitentiary they are given initial dental check-ups, but any other dental work after that is by request.<sup>103</sup>

102. Letter from H. C. Dones, M. D., B. J. Baxter, M. D., and John W. Griffin, Associate Warden (Treatment), Colorado State Penitentiary, to Gary M. Jackson, member, Colorado State Advisory Committee, Feb. 27, 1974.

103. Letter from William J. Powell, DDS, Colorado State Penitentiary, to Gary Jackson, member, Colorado State Advisory Committee, Feb. 27, 1974.

Regarding psychological and psychiatric treatment, several inmates declared that after their initial interview with the prison psychologist, they decided not to return for treatment because they felt it was irrelevant to their needs. Inmates stated that they felt the small psychological team was inadequate to serve more than 1,000 inmates, particularly the State Hospital transfers.

#### Drug Use

Narcotics offenses ranked fifth among the 20 crime categories compared in a 1971 study of the Penitentiary. Of the new arrivals, 55 (11.4 percent) were sentenced for narcotics offenses. According to the supervisor of classification and records at the Penitentiary, probably 25 to 30 percent of all inmates' offenses are drug-related; that is, are for crimes where drugs were indirectly as well as directly involved.

Several Maximum Security inmates indicated to the Advisory Committee members that illicit drugs are available at all the men's facilities, and particularly at the Maximum Security facility. They estimated that there is three times as much drug abuse at the Maximum Security facility as at Medium Security. Inmates who denied using

104. Inmate interview #7, Nov. 1972.

105. Narcotics offenses include possession or sale of illegal drugs including marijuana. Nearly half of the convictions for narcotics offenses, in fact, involved marijuana or hashish only.

106. Statistical Report of Colorado State Penitentiary, 1971, prepared under the direction of Anna Padilla and Don Skonieczka, Denver Opportunity.

107. Telephone conversation with Robert W. Adkisson, Supervisor of Classification and Records, Colorado State Penitentiary, Feb. 26, 1974.

108. Inmate interviews #7, #10, #11, and #12, Nov. 1972 and Jan. 1973.

drugs frequently stated that it is the high cost of the drugs that prevents them from becoming involved. Inmates sometimes ascribed drug abuse as the cause for inmate against inmate violence.

Inmates also claimed that drug trafficking involves guards as well as inmates. Prison officials conceded that there is drug trafficking in the Penitentiary. They added that the only way this could be absolutely stopped would be to return to total custody in which no visiting would be allowed and everyone would have to be thoroughly and repeatedly searched. Hardly anyone, they said, would be willing to return to the total lock-up system.

Although there are inmate self-help groups such as Narcanon and Cenikor, there is not a comprehensive program for the treatment of drug abuse at the Maximum Security facility, nor at any of the male correctional facilities. Prison officials state that a comprehensive drug program would be almost prohibitively expensive, costing more money than presently allocated for all medical programs combined.

#### Inmate/Inmate and Inmate/Staff Relations

Inmates claimed that threats of violence from other inmates in the institution made the possession of a weapon necessary for self-protection. Several inmates asserted that almost every inmate had some form of

109. Letter from H. C. Dones, M. D., B. J. Baxter, M. D., and John W. Griffin, Associate Warden (Treatment), Colorado State Penitentiary, to Gary Jackson, member, Colorado State Advisory Committee, Feb. 27, 1974.

110. Inmate interviews #7 and #12, Nov. 1972 and Jan. 1973.

111. Letter from H. C. Dones, M. D., B. J. Baxter, M. D., and John W. Griffin, Associate Warden (Treatment), Colorado State Penitentiary, to Gary M. Jackson, member, Colorado State Advisory Committee, Feb. 27, 1974.

weapon hidden either in his cell or somewhere on the grounds of the prison compound. Some inmates said that possession of weapons deterred other inmates from stealing items from their cells. 112

Several inmates also attributed incidents of inmate violence to a basic lack of communication between guards and inmates due to their mutual distrust. They said that violence had resulted from inmates overhearing conversations between guards. From such conversations, they said, rumors circulated that mushroomed into allegations against particular inmates. 113

Both minority and white inmates expressed the belief that certain prison staff subtly encouraged racial division and that this resulted in tension and hostility. Inmate interviews revealed divisions between blacks and Chicanos, between whites and blacks, and between whites and Chicanos. Several blacks and Chicanos denied personal racial hostility but rather perceived tensions between racial groups as inspired by prison staff. 114 Some white inmates said they had been harassed by guards for their friendships with Chicano inmates. One said a counselor had questioned him about his associations with Chicanos after the inmate had placed several Chicanos on his correspondence list. According to the inmate, the counselor objected to the additions and added, "Is that all you run around with, Mexicans?" 115

112. Inmate interviews #13 and #14, Nov. 1972 and Jan. 1973.

113. Inmate interviews #7, #10, and #13, Nov. 1972 and Jan. 1973.

114. Inmate interviews #7, #10, and #12, Nov. 1972 and Jan. 1973.

115. Inmate interviews #13 and #14, Nov. 1972 and Jan. 1973.

All inmates interviewed, regardless of racial or ethnic grouping, related incidents of what they felt was petty enforcement of rules by some prison personnel. One inmate stated that constant remarks by correctional officers to inmates such as: "Tuck that shirt in, keep that top button buttoned," created tension between inmates and guards. 116 Most inmates interviewed felt that some correctional officers needed them deliberately to remind them of their convict status.

There is pre-service and some in-service training for guards at the Penitentiary. Women officers attend the sessions for male guards. There is a 40-hour orientation for new guards to familiarize them with the physical layout and give them a general idea of the facilities. Then, for a six-month probationary period after a guard is hired, there are two hours of classes held weekly which include visual presentations and lectures by prison personnel and outside speakers. Subject matter ranges from custody and daily operations to understanding human behavior. Attendance at these classes is required. 117

#### Minority Self-Help Groups

Two minority self-help groups exist within the Maximum Security facility: the Black Cultural Development Society (BCDS) and the Latin-American Development Society (LADS). 118 The BCDS was begun in

116. Inmate interview #7, Nov. 1972.

117. In Feb. 1974, the guards' union forced the Penitentiary to drop the requirement that new guards attend training classes, unless overtime was paid for this. The Penitentiary did not have the ability to pay overtime.

118. There are a number of other types of inmate self-help groups at the Penitentiary also, as well as an inmate council.

1965, and at one time had a membership which fluctuated between 100 and 150 inmates. LADS was established in 1968, with a membership which fluctuated between 125 to 200 inmate members. In the fall of 1971, after a food strike at the State Penitentiary, the membership of each group was restricted by prison officials to 60 inmates.

Both groups organized to assist their own members, to prevent hostilities among themselves, and to learn and support self-pride. One inmate related an incident, for example, where two Chicano gangs were fighting against each other, and after older Chicano inmates in LADS had counseled the two groups, the tensions were reduced. Minority inmates also felt a need to organize in order to have a voice with the administration, according to group representatives.

These organizations also established lines of communication between inmates and the community-at-large, which led to the emergence of community rehabilitation groups which will be discussed later in this report.

#### Homosexuality

Both officials and prisoners said that homosexual activity exists at the Colorado State Penitentiary, but they did not perceive it as widespread. They agreed that although attempts are made to prevent homosexual attacks, acts of this nature do sometimes occur.

119. Inmate interview #7, July 1973.

Protection for vulnerable inmates is provided by transferring them to the State Reformatory or placing them in the Reception Center. All of the men interviewed felt that expanding the furlough system or allowing conjugal visits would cut down on homosexual attacks and homosexuality, generally. Many inmates said they did not have personal objections to homosexual relationships between consenting adults.

#### 2. Medium Security Facility

The Medium Security facility in Canon City houses 28.6 percent of the prisoners in the Colorado Penitentiary system, roughly half as many as are assigned to Maximum Security. It is also under the supervision of the Warden of the Penitentiary. Inmates assigned there are generally those whom the administration does not consider to be security risks or to be dangerous to other prisoners.

#### Population and Staffing

The facility housed 366 inmates as of June 15, 1973. A breakdown by ethnic and racial groups shows:

#### INMATE POPULATION BY RACE AND ETHNICITY

	<u>American Indian</u>	<u>Black</u>	<u>Chicano</u>	<u>White</u>	<u>Total</u>
Percent	1.1%	17.2%	33.1%	48.6%	100.0%
Number	4	63	121	178	366

120. Inmate interviews #7, #21, and #28, Nov. 1972 and Jan. 1973.

121. Numerical roster provided by Lt. L. N. Worley, Colorado State Penitentiary, June 15, 1973.

The Advisory Committee requested a similar breakdown of staff, including types and levels of jobs held by minority personnel. Acting Warden Fred Wyse provided only figures for the State Penitentiary system as a whole, for May 24, 1973, which showed 16 minorities - one black and 15 Chicanos - on the Penitentiary system staff of 454.

#### Housing and Living Conditions of Prisoners

Members of the Colorado Advisory Committee observed considerable physical mobility within this institution. Inmates were free to come and go from one cell block to another, or to stroll in the exercise yard. Their manner, whether standing in line for clothing or meals, or working in vocational trades, appeared relaxed and open.

Inmates interviewed at this facility said that the more open atmosphere was helpful for self-study. One young inmate stated that he had finally come to grips with himself while housed there. He said that other inmates had offered help and advice which he had not received through programs at this institution.

#### Vocational Programs and Academic Instruction

The vocational programs available to inmates at the Medium Security facility include auto body repair, machine shop, barber shop, auto mechanics, electronics, and welding. Some vocational programs, as at the Federal Youth Center, are restricted to inmates with high school diplomas or GED's. Participation in the barber program is controlled

122. Inmate interviews #15 and #16, Jan. 1973.

by the State Board of Barber Examiners which, by statute, may revoke licenses of individuals who have been convicted of felonies. The Board, however, has ruled that convictions for sex crimes, particularly deviant sex crimes, and for narcotics are the only felonies for which they will refuse licensing. State statute also requires that applicants for an apprentice barber license have an eighth grade education. The State Penitentiary goes further, requiring a GED certificate or high school diploma for participation in the vocational barber program, which limits enrollment to only a small percentage of inmates.

Inmates in Medium Security have access to four levels of academic programs: adult basic education (grades one through four), secondary (grades five through eight), GED preparatory (grades nine through 12), and college. A breakdown, by race and ethnicity, shows:

	Black		Chicano		White		Total
	Percent	Number	Percent	Number	Percent	Number	
Basic Education and GED Preparatory	26.1%	6	43.5%	10	30.4%	7	23 (100.0%)
College	20.7%	6	20.7%	6	58.6%	17	29 (100.0%)

Only 6.3 percent of the facility's 366 inmates were participating in the basic education and GED programs, and only 7.9 percent in the college program during the 1973 spring semester.

123. Col. Rev. Stat. 15-1-13(1) (1973).

124. The State Cosmetology Board, which regulates beauty schools, has similar powers under the authority of Col. Rev. Stat. 32-1-18(2) (1963). This Board, however, has adhered strictly to the law, unlike the Barber Board.

125. Col. Rev. Stat. 15-1-9 (1963).

126. Telephone interview with N. C. Robinette, Supervisor, Vocational Programs, Colorado State Penitentiary, Oct. 16, 1973.

127. Statistics provided by Acting Warden Fred Wyse, Colorado State Penitentiary, May 24, 1973. There were no American Indians participating in these academic programs.

### Job Assignments

As at the other facilities, a disproportionately large number of the most desirable jobs are assigned to white inmates. Farm, dairy, and feed mill jobs are considered desirable by inmates because they are outside the prison and provide more freedom of movement. Assignments to these include: 31 whites (75.6 percent), 10 Chicanos (24.4 percent), and no blacks or Indians. In garden and yard jobs, also considered desirable, there are 17 whites (60.7 percent), 8 Chicanos (28.6 percent), and 3 blacks (10.7 percent). Of 18 inmates assigned to construction, another desirable job because it provides experience in a saleable skill, 14 are whites (77.8 percent), 3 are Chicanos (16.7 percent), and 1 is Indian (5.6 percent).<sup>128</sup>

On the other hand, of the 14 inmates assigned to laundry, 10 are minority (71.4 percent), and 4 are white (28.6 percent). Minorities also are overrepresented in the Steward's Department (kitchen): of 33 inmates, 10 (30.3 percent) are black, 16 (48.5 percent) are Chicano, 1 is American Indian (3.0 percent), and only 6 (18.2 percent) are white.<sup>129</sup>

### Medical Services

The main medical facility for the Penitentiary is located at the Maximum Security area. There is an infirmary at the Medium Security facility, where a doctor takes sick call twice a week. Inmates in both

128. Statistics were provided by Lt. L. N. Worley, Colorado State Penitentiary, June 15, 1973. Also inmate interviews #15, #16, and #27, Jan. 1973. See p. 47 for racial and ethnic breakdowns of inmates.

129. Kitchen jobs are unpopular at Medium Security, but are popular among Reformatory inmates because they are high paying at that institution.

Medium and Maximum Security complained that medical treatment was inadequate. One inmate criticized the lack of emergency medical treatment at the Medium Security facility. He had been attacked by several other inmates, he said, and another inmate stopped the bleeding by applying pressure to his head until he could reach an area where he could receive medical treatment.<sup>130</sup> A doctor is not available at the Medium Security facility to take care of emergency situations. Officials have stated that with the present budget and staff, it would be impossible to keep a full-time physician at Medium Security. They indicated that the emergency services at the main institution and the local hospital are as adequate for inmates as such services are to persons outside the prison.<sup>131</sup>

### 3. Pre-Parole Center

The Pre-Parole Center in Canon City provides a transition stage for inmates who are scheduled for parole. Inmates remain there for about six weeks. Inmates who are scheduled to be released, having served their maximum term, are not required but may choose to go to the Center. As of May 1973, 50 men were housed there.<sup>132</sup> Established in February 1959, the Center differs in design and atmosphere from the other adult correctional facilities. There is a large, comfortable lobby area for visitors, for example, providing a relaxed, informal atmosphere for inmate visits.

130. Inmate interview #17, Oct. 1972.

131. Letter from H. C. Dones, M. D., B. J. Baxter, M. D., and John W. Griffin, Associate Warden (Treatment), Colorado State Penitentiary, to Gary Jackson, member, Colorado Advisory Committee, Feb. 27, 1974.

132. Statistics provided by Edward G. Swain, Parole Supervisor II, Pre-Parole Release Center, May 29, 1973.

Inmates said that meals are generally better at the Center. During family visits they may offer coffee and doughnuts to their guests in the dining room, and they are free to stroll the grounds at will.

Inmates interviewed at this facility said their most difficult problem was the lack of activities to fill their idle time. Because inmates are at the Center only a short time, there are few programs and inmates do not have access to programs at the nearby Medium Security facility.

Edward G. Swain, the supervisor and a former Presbyterian minister with 18 years experience in corrections, directs a staff of 18 persons. He encourages volunteers to speak at the facility on a variety of subjects. During 1972 there were 217 volunteers in the lecture program. Lawyers, for example, lectured on legal responsibilities. Other subjects ranged from birth control methods to filling out job applications. The lectures provide opportunities for inmate contact with a variety of people from the outside community.

That the Center is 115 miles from Denver and distant from other large metropolitan areas makes contacts with prospective employers difficult, parole candidates told Advisory Committee members. One

133. Inmate interviews #20 and #21, Jan. 1973. Pre-Parole officials state that there are indoor and outdoor recreational facilities and equipment available at the Center, as well as a library. Letter from Gregory V. Bodakian, Pre-Parole Center, to William H. Levis, U. S. Commission on Civil Rights, Nov. 1973.

134. "Pre-Parole, Glimmer in the Gloom," Interpreter, Vol. 7, No. 4, Oct., Nov., and Dec. 1972.

inmate pointed out that his family could not afford the trip from Denver to Canon City with any regularity, and that travel expense for families was a problem for the many inmates from the Denver area.

#### 4. Work-Release and Honor Programs

The Work-Release program operates out of a facility located in Denver. As of May 24, 1973, 18 inmates participated in the program. According to staff and inmates, the program provides a working transition into the community by giving them outside contacts and a work situation that most closely resembles life outside the prison. These inmates experience few restrictions on their freedom and have more privileges. Most important to the inmate, he is finally in a position where he can earn some money to establish himself in the community at large upon his release.

The Honor Program operates at Camp George West in the Denver metropolitan area. This facility also is designed to provide inmates with a transition into the community, but places more restrictions on their activities. Inmates generally are sent to the honor facility for good behavior at the Penitentiary, but some inmates are there for personal reasons, such as a divorce, a family emergency, or a court appearance. There are approximately 35 inmates.

135. Inmate interview #20, Jan. 1973.

136. Statistics provided by Acting Warden Fred Wyse, May 24, 1973.

137. Inmate interviews #12, #15, #16, and #23, January 1973.

138. Statistics provided by Acting Warden Fred Wyse, May 24, 1973.

C. COLORADO WOMEN'S CORRECTIONAL INSTITUTION

The Colorado Women's Correctional Institution is part of the State Penitentiary system, and is located in one of Canon City's residential areas. The overall supervisor is the Warden of the Penitentiary, and May C. Gillespie, Associate Warden, has immediate responsibility for the facility. Built in 1968, it is the newest of all the State correctional facilities. The living area has three wings, each containing 30 rooms, and a large day room where inmates can sew, watch television, and play cards. The facility also contains a library, a hobby and craft room, classrooms, and an auditorium-chapel.

Population and Staffing

The facility housed 67 women as of July 1973. About 30 percent of the inmates were Federal prisoners and 70 percent were State prisoners. The women's facility employs 34 persons to supervise these inmates. The racial and ethnic breakdowns of staff and inmates show:

	<u>Inmate Population</u>		<u>Staff Population</u>		
	<u>Number</u>	<u>Percent</u>	<u>Percent</u>	<u>Number</u>	
American Indian	1	1.5%	0.0%	0	American Indian
Black	22	32.8%	0.0%	0	Black
Chicano	15	22.4%	0.0%	0	Chicano
White	29	43.3%	100.0%	34	White
Total	67	100.0%	100.0%	34	Total

139. Statistics provided by May Gillespie, Associate Warden, July 6, 1973. The State Personnel Department is responsible for hiring at all State correctional institutions.

Minority and non-minority inmates both said that the addition of minority personnel would help to bridge the communication gap between inmates and staff. An example was cited of a Mexican alien inmate with a poor understanding of English. The woman feared she had unwittingly signed relinquishment papers for a baby she had delivered in the institution a year and a half previously. The woman did not trust the associate warden's explanation that the papers she had signed were to enable foster care and medical care for the child.

Mrs. Gillespie, the associate warden, stated that the woman had received copies of all the papers she had signed and that an inmate had interpreted for the woman during all the transactions involving foster placement of the child. Mrs. Gillespie said she felt the woman just did not trust the staff.

A white inmate expressed preference for a female psychologist and for minority counselors and guards. She said that at the Denver County jail she had received more help from minority personnel than from whites.

One member of the Prison Subcommittee stated that during the tour of the facility it was his impression from several comments and anecdotes he had heard that the inmates were fearful of some type of retribution.

140. Inmate interview #46, Jan. 1973. The inmate was deported to Mexico on June 15, 1973, and picked up her baby in New Mexico at that time. Letter from May Gillespie, Associate Warden, Colorado Woman's facility, to John L. Todd, District Director, May 22, 1973.

141. There is a female psychologist at the Penitentiary, but the psychologist who regularly visits the women is a man. There is no female psychiatrist.

142. Letter from Father Stephen L. Handen, member, Prison Subcommittee, Colorado State Advisory Committee, to Anita Espinosa-Larsen, U. S. Commission on Civil Rights, Nov. 24, 1972.

In fact, some inmates interviewed stated they were hesitant to speak with Commission staff because they feared reprisals from the prison staff.  
143

#### Administrative Policies

One major concern expressed by inmates was the institution's philosophy regarding treatment and rehabilitation. Most of the 20 inmates interviewed complained that they were treated like children in their day-to-day existence at the facility, and that the correctional staff and the associate warden utilized petty rules to implement this philosophy. Rules described as petty included the strict regulation of TV watching, the requirement of a certain distance between chairs in the TV room to prohibit bodily contact between inmates, the requirement that slacks be worn when sitting or lying on the ground, and extensive regulations regarding personal possessions and conduct.  
144

According to Associate Warden Gillespie, "No one is happy to be in prison and we don't want them to be happy when they're in prison." She conceded that the regulations might appear petty to those who were unfamiliar with the reasons necessitating such rules. She stated that written rules were posted in the institution, but the disciplinary procedures for rule infractions were not similarly posted.  
145

143. Inmate interviews #42 and #46, Jan. 1973.

144. When Advisory Committee members requested a copy of the institutional rules which they had observed during a tour of the facility, Associate Warden Gillespie said that the rules were under revision and no copy was available. She provided her own handwritten copy of some rules. See Appendix C.

145. Interview with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Feb. 22, 1974.

Inmates alleged to Advisory Committee members that reading material is severely censored at the institution, and that there is a limit on mail sent and received. One inmate stated that she could not write to her sister-in-law because she was a former inmate of the institution. Other inmates charged that if an official does not approve of the content of a letter, it will be torn up. Another inmate said that she was permitted to write only one letter per week to her husband because both are in correctional institutions.  
146

According to Mrs. Gillespie, there are no limits on the number of letters inmates may send and receive, and they may send three postage-free letters per week. Incoming mail is opened for contraband but is not censored nor are passages deleted, she said. Outgoing mail is spot-read by a night officer. If a letter's content does not meet approval, it is returned to the inmate who wrote it. Inmates are forbidden, for example, to discuss plans for escapes or crimes in letters. Mrs. Gillespie said that it is not within her discretion to change mail policies; that they are determined by higher administrative regulation. She explained that the institution does not permit inmate correspondence with inmates in other institutions unless those involved are relatives or spouses, including common-law spouses.  
147

146. Inmate interviews #37, #39, #41, #42, and #43, Jan. 1973.

147. Telephone conversation with May Gillespie, Feb. 26, 1974.

According to inmates, prison rules stipulate that inmates may have visitors four times per month for three hours each time. One inmate stated that when her children came to visit, she was not allowed to see them all at once. Half had to wait in the car. She complained that this was very hard both on her and the children. <sup>148</sup>

Inmates also indicated that rules limit visitors to weekends. Attorneys are allowed to visit during the week, but the Advisory Committee is aware of at least two instances where attorneys stated they were discouraged from or denied visits during the week. <sup>149</sup> Other inmates alleged that there is a ban on inmates speaking Spanish. According to one inmate, this makes it difficult for her to understand what is expected of her. She said that she was placed in isolation for four days for speaking Spanish, although she is a Mexican national and speaks little English. Several other inmates also said they were placed in isolation for speaking Spanish. <sup>150</sup>

Mrs. Gillespie stated that although visiting hours are scheduled for weekends and holidays, exceptions are made to accommodate individual circumstances during the week. She said that visitors can remain at the institution all day on visiting day if they wish, and inmates are free to embrace their spouses and hold their children. Mrs. Gillespie

148. Inmate interviews #33 and #45, Jan. 1973.

149. Statements by Robert Carvell, attorney, Colorado Springs, Spring 1972, and by Francisco Martinez, attorney, Alamosa, Jan. 1973.

150. Inmate interviews #34, #35, #46, #47, and #48, Jan. 1974.

explained that an inmate is allowed four visitors at one time, and that if the visiting area becomes crowded the visiting officer may limit visitors. <sup>151</sup>

Mrs. Gillespie said that speaking Spanish "is forbidden in a large group, English is the business language of the institution." She denied that inmates are punished or placed in isolation for speaking Spanish, and stated that other inmates interpreted for those with difficulty in English.

A general administrative procedure at the women's facility is the preparation of personal files on individual inmates. Inmates expressed frustration that they are not allowed to know what information has been placed in their files until they come up for parole hearings. Thus, they felt they have no opportunity to verify or deny it, or to be assured that positive progress and behavior reports are included. One Federal prisoner, for example, said she had been told to collect progress reports from all her supervisors and teachers prior to parole consideration in Washington, D. C. She later found that the report from her GED instructor, which she felt was her most important report, had not been sent, and consequently her original parole date was postponed. Another inmate maintained that inmates who supply staff with information about other inmates receive better progress and behavior reports. <sup>152</sup>

151. Interview with May Gillespie, Associate Warden, Feb. 22, 1974.

152. Inmate interviews #37, #42, and #45, Jan. 1973.

Mrs. Gillespie stated that inmates receive a copy of any major report that is included in their files. She explained that inmate progress reports are condensed for parole hearings.<sup>153</sup>

According to a former inmate, an erroneous notation in her file by the psychologist contributed to a denial of her request to have her sentence commuted. The notation, which indicated prior confinement for drug abuse at a mental facility in Lexington, Ky., later proved to be inaccurate. A review of Executive Clemency Advisory Board files by the Advisory Committee indicated that the inmate was not recommended for clemency when she first applied in March 1970 due to the length of her sentences and the short time she had been in the institution. She reapplied for clemency consideration in January 1971, and when she objected to the notation in her file, the prison psychologist explained that it was a "mistake." It was not removed, however, until May 1971, more than three months after clemency was denied by the Governor.<sup>154</sup>

Institution rules prohibit inmates from giving small gifts to staff members. Mrs. Gillespie explained that staff are not to accept gifts from inmates because some inmates might expect favors in return. Several inmates described one staff member as fearful of reprisals for her

153. Interview with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Feb. 22, 1974.

154. Inmate interview #34, Jan. 1973, See also copies of three letters relating to this incident, Appendix D.

expressions of kindness to inmates. Several inmates stated that the one or two staff members who displayed acts of kindness toward inmates did not do so openly for fear of recrimination from the prison administration.<sup>155</sup>

#### Lesbianism

According to Mrs. Gillespie, "We don't say we don't approve of lesbianism, but we say what you do on the streets is your own business; we can't have acting-out homosexual acts here." She explained that the institution prohibits "acting-out lesbian relationships" because they can lead to violence. She estimated that 20 percent of the women in the Colorado facility are "situational homosexuals." Of those, six or seven are aggressive lesbians, she said.<sup>156</sup>

Advisory Committee research indicates that, generally, the violence and brutal attacks which can accompany male homosexuality in correctional facilities are absent in women's prisons. Mrs. Virginia McLaughlin, Warden of the Federal Reformatory for Women in Alderson, W. Va., has said, "One of the problems in women's prisons is staff preoccupation with homosexuality. My own personal feelings are that what goes on between consenting adults is their own business. We try to say we are not moralistic about it."<sup>157</sup>

155. Inmate interviews #41, #42, and #46, Jan. 1973.

156. Interview with May Gillespie, Associate Warden, Feb. 22, 1974.

157. Ben Badikian and Leon Dash, "The Shame of the Prisons," Washington Post Series, Jan./Feb. 1972, at 85, and 87.

There is a ban on physical contact at the institution, known as the "no touch" rule. This is rigidly enforced because prison staff fear lesbian unions among inmates. An example of the type of thing it is designed to stop, Mrs. Gillespie said, is two people hugging each other closely.<sup>158</sup>

Many inmates stated that lesbianism indeed existed and that guards were required to report any suspicious relationship between two women. Some inmates said that if they expressed spontaneous affection to other inmates, they were certain to receive reprimands. One inmate said that she screamed and hugged a friend who had received notification of parole, and she was reprimanded and punished for this display of affection. Other inmates related incidents of punishment for inferred lesbianism. One woman said that she had been punished for an unwitnessed act. The most frequent forms of punishment for reports of lesbianism were the loss of privileges and early evening lockup of inmates' rooms. Some inmates also asserted that they were placed in isolation for such infractions. A white inmate said that minority lesbian contacts were more rigidly prohibited than those between whites.<sup>159</sup>

Mrs. Gillespie stated that a rule prohibiting inmates from going into other's rooms is strongly enforced. Punishment for infractions of this regulation might include loss of evening privileges, but she said

<sup>158</sup>. Interview with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Feb. 22, 1974.

<sup>159</sup>. Inmate interviews #41 and #47, Jan. 1973.

that the maximum disciplinary area (isolation) had not been used for a year and a half. She credited the prevention of homosexual rapes to staff surveillance of inmates and asserted that minority inmates were not watched more closely than whites.<sup>160</sup>

Several women who talked with Advisory Committee members admitted to lesbian relationships and defended them. Other inmates who were not interested in lesbian relationships stated that consenting adults should not be prohibited from such relationships.<sup>161</sup>

None of the inmates interviewed indicated that unwelcome sexual attacks existed. Some suggested that the "no touch" rule was one of many subtle frustrations that led women to form lesbian unions. Some inmates also stated that the scarcity of counselors, psychiatrists, or teachers in whom to confide led some inmates to confide intimately in other inmates. These contacts sometimes resulted in lesbian relationships. Many inmates who admitted to such relationships expressed surprise that they had arrived at a point where they accepted and welcomed a lesbian relationship.<sup>162</sup>

#### Medical and Psychological Services

Medical and dental services for women inmates are provided by staff from the Maximum Security facility at the Penitentiary. There is a small infirmary where first aid is available, but there are no

<sup>160</sup>. Interview with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Feb. 22, 1974.

<sup>161</sup>. Inmate interviews #39, #41, #43, and #45, Jan. 1973.

<sup>162</sup>. Inmate interviews #39, #41, #42, #45, and #48, Jan. 1973.

emergency services. All women receive annual physical examinations and pap smears, and a physician from the main medical facility takes sick call twice a week. Women inmates submit requests for appointments with the dentist at the Maximum Security facility. A prison psychologist visits the women's facility weekly to head a group therapy session, and the women are also visited on a regular basis by the psychiatric team from the State Hospital in Pueblo, which also leads a therapy group.

Women inmates indicated concern about psychological services. One inmate stated that she would not go to group therapy because the psychologist called the women names. Several inmates said that the psychological team met with inmates once a week, which was too infrequent for any real benefit.

The prison psychologist, George Levy, readily admitted that he calls the women names. He stated that he uses "attack therapy" in the women's group which meets weekly at the women's facility. He explained that in his group the women call each other names and that they even call him names.

Mrs. Gillespie stated that she has noted significant improvement in the behavior of individuals participating in Mr. Levy's therapy group. She said that the psychiatric team which visits the women's

163. This group is limited in size to eight women whom he sees approximately 14 months each.

164. Inmate interviews #36, #37, and #42, Jan. 1973.

165. Interview with George Levy, psychologist, Colorado State Penitentiary, Feb. 22, 1974.

facility from the State hospital also obtains positive results with inmates participating in group therapy.

Several inmates confided in interviews that they became psychologically addicted to tranquilizers while at the women's institution, and said they felt that tranquilizing medication was dispensed too frequently.

Mr. Levy, the prison psychologist, expressed the opinion that too many of the women inmates were on tranquilizers. He acknowledged that individuals in the stressful artificial atmosphere of a prison setting might need more tranquilizing medications than other people, and could become psychologically addicted to them. He indicated that he did not agree with their use.

Former inmates charged inadequate medical care concerning prenatal and postnatal services during incarceration. A minority ex-offender stated that although she had a long history of miscarriages, she was forced to endure hard janitorial assignments at the Women's Correctional facility during her pregnancy. She said she believed that these conditions resulted in the baby being born dead. Another ex-offender stated that two days after the birth of her child at a private hospital, she was returned to the prison hospital. Three months after the delivery, she suffered a serious internal infection. She had to have

166. Inmate interviews #43, #48, and #50, Jan. 1973.

167. Interview with George Levy, psychologist, Colorado State Penitentiary, Feb. 22, 1974.

another operation, she said, and although the surgical wound had not healed she was discharged to work. When she refused to work, she said,  
168  
prison officials placed her in isolation for one week.

Mrs. Gillespie said that prenatal care is provided by outside doctors and that a doctor in St. Thomas More Hospital in Canon City completes the six-week postnatal checkup. She further stated that an inmate is not returned to a job assignment until she has been discharged by the doctor. She described the "pregnancy detail" as a minimal work  
169  
assignment which includes shining the chrome fixtures.

According to some inmates, the staff member in charge of the kitchens did not want to be bothered with special medical diets and reported directly to the associate warden any inmates who were not eating. One inmate stated that inmates had no input into menu planning, and when suggestions were made, the kitchen supervisor often  
170  
replied, "This isn't the Hilton Hotel." Other inmates said that the food at the institution was extremely high in starches, and the majority of the women interviewed affirmed that they had gained weight.

In an interview with Commission staff, the kitchen supervisor said that she, personally, made up the menus for inmates on special diets (e.g., bland diets, ulcer diets, gall bladder diets), had them typed,

168. Former inmate interviews #34 and #35, Jan. 1973.

169. Interview with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Feb. 22, 1974.

170. Inmate interviews #42 and #47, Jan. 1973. The associate warden said that inmates on special diets are given a list of food and encouraged to learn what they should select.

and distributed to the inmates needing them. She said she also briefed the women who carried trays to hospitalized inmates as well as the women in the serving line. She stated that food prepared for low calorie diets was cooked without butter, that the meat was broiled, and that salads and fresh fruit, when available, were substituted for  
171  
other foods.

#### Family-Related Problems

"The worst punishment to women is being away from their families and the people they love," Associate Warden Gillespie told a news  
172  
reporter.

Inmates expressed worry and frustration over their inability to arrange temporary care for their children. One inmate, a Federal prisoner, stated that although a Federal women's facility was located in the area where she was convicted, she was ineligible to be sent there because the facility only held inmates with drug problems. Her family, she said, could not afford to visit her in Colorado. She added that arranging for the welfare of children is more difficult for a Federal  
173  
prisoner because of the great distances involved.

171. Interview Report #40, Kitchen Supervisor, Women's Correctional facility, Jan. 1973.

172. "Women Inmates Miss Families - Isolation Worst Punishment," Sandra Dillard, The Denver Post, July 18, 1973, at 85.

173. Inmate interview #42, Jan. 1973.

### Availability of Programs and Privileges

The academic programs available to women inmates include a GED Preparatory Class which had 21 women enrolled as of July 1973, and one college level class, a sociological study of mankind, with 14 women enrolled. It is difficult, therefore, for women to work toward an associate of arts degree. The associate warden stated later that there are also elementary (up to sixth grade) and secondary classes (grades six through nine), but she did not supply statistics on inmate participation. The institution lacks bilingual instruction for Spanish-speaking inmates, and does not offer a black studies course, as provided for male inmates.

Women inmates have access to four vocational training courses: food services, janitorial services, industrial sewing, and secretarial-clerical. As of July 1973, 54 of the 67 women inmates were enrolled in these courses, indicating a high degree of interest in vocational training among inmates. A breakdown by race and ethnicity for the academic and vocational programs, with the exception of the college class, shows a high level of minority participation. This is reflected in the chart on the following page.

174. Statistics provided by May Gillespie, Associate Warden, Colorado Women's Correctional facility, July 6, 1973.

### VOCATIONAL AND ACADEMIC PROGRAM ENROLLMENT -- BY RACE AND ETHNICITY

	Black		Chicano		White		Total	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number
<u>Academic</u>								
GED Preparatory	47.6%	10	28.6%	6	23.8%	5	100.0%	21
Homology	14.3%	2	7.1%	1	78.6%	11	100.0%	14
<u>Vocational</u>								
Food Services	33.3%	4	50.0%	6	16.7%	2	100.0%	12
Janitorial Services	60.0%	3	20.0%	1	20.0%	1	100.0%	5
Industrial Sewing	25.0%	3	16.7%	2	58.3%	7	100.0%	12
Secretarial-Clerical	24.0%	6	44.0%	11	32.0%	8	100.0%	25

Regarding vocational programs, Mrs. Gillespie commented that she would like to add cosmetology to the training programs.<sup>175</sup> Inmates stated that the vocational programs available at the women's facility were limited, and provided training mostly for low-entry jobs. They added that the secretarial-clerical training is limited to inmates with a GED. The associate warden verified that secretarial training is limited to inmates who have a GED or who are in the GED class.

Many privileges accorded to male prisoners are not available to women. They have no separate honor unit, pre-parole facility, nor work-release program, and no opportunity for contact with the outside community.<sup>176</sup> Women are not allowed furloughs or day passes, as the men are. The women's facility does not have a law library, and women are not allowed to visit the law library at the Maximum Security facility.

Mrs. Gillespie said she does not favor a work-release program, but would prefer earlier release for the women. She stated that she discouraged cultural self-help groups coming to the institution because "they tend to be divisive." She agreed that legal services and

175. Interview with May Gillespie, Associate Warden, Feb. 22, 1974.

176. There is an honor wing at the facility where there is less supervision of inmates.

# CONTINUED

# 1 OF 3

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176. There is an honor wing at the facility where there is less supervision of inmates.

available legal materials are inadequate. She stated that she feels the women need legal assistance in dealing with child custody, divorce, and property problems. <sup>177</sup>

Both men and women prisoners expressed a preference for work that allows them to be outside. The grounds at the women's facility, however, do not provide yard work assignments that the larger grounds provide at the men's facilities. Two women are assigned to yard work in the winter and spring, and four in the summer. Women inmates said there is no form of exercise provided, nor are they permitted to walk the grounds on a regularly scheduled basis. Outside activities are infrequent, and of short duration, they said. Inmates stated, for example, that a nearby baseball field is off-limits because the matron is unable to keep it under surveillance from her post. An evening exercise class was initiated in October 1972, but was discontinued. According to one inmate, many women were reluctant to participate because they had to wait until the next morning to shower. Inmates maintained that they should not be deprived of these freedoms and privileges simply because their total numbers are small or because they are women. <sup>178</sup>

Mrs. Gillespie said that the outside exercise area is sometimes off-limits in bad weather, but there is an indoor room that may be used for exercise. She said that she had requested a part-time recreation director but the position had not been funded. <sup>179</sup>

177. Interviews with May Gillespie, Associate Warden, Colorado Women's Correctional facility, Jan. and Feb. 22, 1974.

178. Inmate interviews #39, #48, #50, and #51, Jan. 1973.

179. Interview with May Gillespie, Associate Warden, Feb. 22, 1974.

Federal prisoners at the women's facility maintained that they lacked some of the privileges available to State prisoners. For example, they said, State prisoners have access to legal representation denied them because of the distance between the facility and the county from which they were sentenced. They stated that State prisoners have access to parole and clemency considerations more often than Federal prisoners who, they agreed, receive only five-to-ten minute parole hearings once a year from a parole agent who covers many facilities. They also stated that as Federal prisoners they are prohibited from leaving the institution and thus cannot attend any outside activities. State inmates, they said, may go to bazaars which are held yearly in Canon City to enable inmates to sell their handicrafts.

180. Inmate interviews #37, #42, and #43, Jan. 1973.

#### IV. PAROLE AND CLEMENCY BOARDS

##### A. EXECUTIVE CLEMENCY ADVISORY BOARD

The Executive, or Governor's Clemency Advisory Board consists of 12 male members, three of whom also serve as the Colorado Parole Board. Three of the members are minority.<sup>181</sup> The Board is unpaid and meets monthly to consider clemency requests. Hilbert Schauer, chairman of the Board and former head of the Colorado Department of Institutions. The Board may review the sentences of all convicts confined in any of the State adult correctional institutions and recommend to the Governor the reduction or modification, if any, of their sentences. At the Governor's request, the Board advises him concerning applications for pardon, reprieve, or commutation, and makes investigations as necessary regarding such applications.<sup>182</sup>

181. There are two Mexican Americans and one black member.

182. Ccl. Rev. Stat. 39-18-1 (9) (1963).

All inmate applications to the Governor for clemency are supposed to be accompanied by a report from the warden as to the inmate's conduct during incarceration. Inmate applications should also include evidence of good character prior to confinement. The Governor is to give the evidence regarding conduct and character the weight that he feels is just and proper in each case.<sup>183</sup>

A Commission staff member and a Prison Subcommittee member observed 17 cases heard by the Clemency Advisory Board on May 1, 1973.<sup>184</sup> Hearings conducted during the morning session averaged 30 to 35 minutes. During the afternoon session, the disposition of each individual case lasted from 25 to 30 minutes. There was no set outline of questions followed by Board members.

Much of the interview period was devoted to reviewing details of inmates' lives prior to their arrest and conviction. Board members asked about inmates' plans upon release. One member posed questions to inmates regarding their motives for the crime committed. Most inmates appeared to be at a loss to find reasons for the crime committed. During the questioning of one inmate convicted of murder, a Board member asked: "Where did you stab him? Did you stab him in the back?" and another replied to an inmate, "You're not here because you're a good craftsman, you're here because you broke the law. If you're the sort

183. Col. Rev. Stat. 105-6-2 (1963).

184. Permission to attend these hearings was granted by then Governor John Love via Hilbert Schauer.

of person who's going out robbing filling stations, you shouldn't be out." Other comments made by Board members included: "Did you commit any offenses out in California before they caught you?" and "That was a senseless act of violence, a cowardly act, too."<sup>185</sup>

During the Board's deliberation on clemency requests, the psychological evaluations in personal files were discussed. Board members frequently pointed out that an improved psychological evaluation was a better indication of an inmate's readiness for release than an inmate's answers to questions.<sup>186</sup>

In assessing the variables for making clemency recommendations, the Board made a complete review of the crime itself, events leading up to the crime, and the inmate's motive or his personal explanation for his crime. The Board in some instances spent little time discussing the inmate's degree of rehabilitation. Many inmates had no specific release plans since they could not be assured of commutation of their sentences. Many inmates said they felt that they could not make specific plans until a decision had been reached on their clemency requests.<sup>187</sup>

#### B. COLORADO PAROLE BOARD

The three members of the Colorado Parole Board are appointed by the Governor to serve full-time for terms of six years. They are

185. Field notes of Governor's Clemency Advisory Board hearings, May 1, 1973.

186. Ibid.

187. Ibid.

required to have knowledge of parole, rehabilitation, correctional administration, and the functioning of the criminal justice system, and to have experience in corrections, education, psychology, or related fields. They have sole power to grant or refuse parole, to fix the conditions of parole, and to conduct proceedings involving applications for revocation or suspension of parole. <sup>188</sup> The Parole Board meets monthly at each of Colorado's adult correctional facilities, the State Reformatory, the Women's Correctional facility, the State Penitentiary, and at the main office in Denver, to interview inmates who are due for parole consideration. The three-man Board is chaired by Gordon Heggie.

Commission staff observed parole hearings at the parole board offices where Penitentiary and Reformatory inmates in work release programs were interviewed, at the women's prison, and at the Maximum Security facility in Canon City where inmates from the Medium and Maximum Security facilities were interviewed. The procedure of the Colorado Parole Board varied considerably from that of the Governor's Clemency Advisory Board. Commission staff observed that the smaller board employed less formal procedures and provided inmates more time to express themselves. Each of the three members of the Parole Board took turns conducting half-hour to hour-long, in-depth interviews with the inmates, with the other two members asking specific questions after

188. Col. Rev. Stat. 39-18-1 (1963).

the general interview was completed. The three Parole Board members asked numerous questions about the inmate's plans upon release, identifying specific problems the inmates would face in adapting to life outside the correctional facilities. Inmates were more relaxed and verbal at these hearings than at hearings of the Governor's Clemency Advisory Board, and were provided more time to express their views. <sup>189</sup>

The men in work-release programs exhibited more confidence in their ability to adjust to the community-at-large and to become self-supporting. Many of these inmates had made specific plans for housing and jobs, and had made outside contact in preparation for their release. Some of the men appeared eager to take on family responsibilities. Women inmates, on the other hand, who do not have access to work-release programs or job counselling, had not made specific plans or preparations for release. <sup>190</sup>

During the board's interviews with inmates convicted of alcohol-related crimes, responses to questions indicated that meaningful rehabilitative counselling efforts had not been made with these men. Many had been taking Antabuse for a long period of time prior to their parole consideration, without accompanying counselling. <sup>191</sup> They were expected to continue taking the drug after parole, but were not

189. Field notes of Colorado Parole Board hearings, May 1973.

190. Ibid.

191. Antabuse (or Disulfiram) is an alcohol antagonist. When mixed with alcohol in the blood it causes a violent physical reaction.

referred to treatment programs. One inmate continued to deny committing a crime while intoxicated, and seemed unable to deal with his alcoholism problem. Most inmates appeared willing to agree to whatever conditions would be set by the board in order to better their chances for parole. 192

#### Parole Revocation Hearings

Parole revocation hearings are held to determine the disposition in a case where an inmate has violated one or more terms of his parole. A new parole agreement designed for use by the Colorado Parole Board effective January 1, 1973, includes five conditions of parole with the number six left for additional conditions to be added by the Parole Board.

The new parole agreement includes the following: 1) a release condition stating where the parolee will go upon release and the name of the parole agent to whom he will report; 2) a residence condition stating that he will establish a residence and will remain at that residence, and that he will not change the address or leave the State or county without the knowledge of the parole agent; 3) a conduct condition that he will obey all State and Federal laws and municipal ordinances and will not associate with known criminals; 4) a report condition stating that he will make written or in-person reports as directed by the parole agent; 5) and finally, a condition that he shall not possess, own, or have in possession any firearms or deadly weapon. 193

192. Field notes, Colorado Parole Board hearings, May 1973.

193. Parole Agreement, Colorado Parole Board, Jan. 1, 1973. See Appendix E.

The old parole agreement, which still applies to those inmates paroled prior to January 1, 1973, specified 14 conditions, nine more than the revised agreement, with a 15th designated for additional conditions. The old parole agreement required the parolee, among other conditions, to: maintain good behavior and proper attitude toward his or her parole agent; submit to urinalysis for detection of narcotic usage at the discretion of the parole agent; avoid association with individuals of bad reputation; seek the parole agent's permission to acquire or operate a motor vehicle; and seek the parole agent's permission to marry, engage in business, or enter contracts other than employment contracts.

On June 29, 1972, the U.S. Supreme Court, in Morrissey v. Brewer, 194 established prisoners' rights to due process in parole revocation hearings. According to Colorado Parole Board Chairman Gordon Heggie, inmates' rights established in this case were recognized by the Colorado Parole Board as of July 7, 1972. 195

194. Morrissey v. Brewer, 408 U. S. 471 (1972), Parole Revocation rights at hearings.

195. An outline to be followed by the parole revocation hearings was developed in accordance with the Morrissey v. Brewer decision. See Appendix E. In 1973 the Colorado State legislature adopted the Morrissey v. Brewer standards by statute. See Col. Rev. Stat. 39-17-4 (1963).

V. COMMUNITY REHABILITATION PROGRAMS

Two community-based rehabilitative services, developed in the Denver area to aid ex-offenders, are the Colorado Pinto Project and a program called Employ-eX, Inc., both located in West Denver. These programs are, to most minority inmates, a direct result of the activism of the two inmate self-help groups, the Latin American Development Society and the Black Cultural Development Society, which continue to operate behind the walls of the Colorado State Penitentiary.

The Colorado Pinto Project was initiated following a unity conference held within the men's penitentiary in September 1971 to inform community representatives of conditions in the State's correctional facilities. The conference was encouraged by then Warden Wayne Patterson after numerous requests for such a conference were made by

196. Inmate interviews #7, #15, and #16, Jan. 1973.

197. The conference, called El Concilio de Unidad, was held at Colorado State Penitentiary, Canon City, Sept. 24-25, 1971.

the Mexican American Education Program at the University of Colorado, by community representatives from the metropolitan Denver area, and by the inmates themselves. The Mexican American Education Program co-ordinated the venture with the Latin American Development Society in the prison. It was the first time in the history of the Penitentiary that a community group had met with prisoners behind walls. More than 400 Chicano citizens and 200 inmates of the Colorado State Penitentiary participated. Although the unity conference was a Chicano undertaking, the issues raised also concerned black, white, and Indian inmates. The conference consisted of various workshops on youth, women, drugs, education, and crime during which participants proposed changes in the penal system. The Colorado Pinto Project emerged from these discussions.

Through its sponsor, Denver Opportunity, the U. S. Department of Labor funded the program for \$336,000 for an 18-month period ending in January 1974, and at that time extended its funding on a temporary basis, for some \$60,000. The program's current director, Charles Padilla, has made some staff reductions and is seeking additional funding for the project. The services provided by the Pinto program include job counselling and placement in vocational training programs, and counselling with subsequent placement in area colleges and universities. According to its former

198. Report on the Concilio de Unidad, State Penitentiary, Canon City, Sept. 24-25, 1971, Totinem Publishing Company, Lakewood, Colo.

director, Patrick Vigil, the program has been an outstanding success, having aided more than 400 ex-offenders. <sup>199</sup> More than half the paid employees in the program are ex-offenders.

The Employ-eX service is funded by the Law Enforcement Assistance Administration in the U. S. Department of Justice with a yearly grant of \$99,000 and a \$33,000 services allotment. Established in 1972, the program is sponsored by the Denver Commission on Community Relations. The entire staff is composed of ex-offenders. Aimed at all races, the program works with ex-offenders who have served prison terms for such crimes as armed robbery, assault, rape, and burglary. The director of the program, himself an ex-offender, said that the program aims to lower the criminal recidivism rate estimated at 80 percent. One of the agency's most valuable services to the ex-offender is fulfilling immediate needs upon release such as food, clothing, and shelter. The agency also helps the ex-offender to obtain employment to become self-supporting as quickly as possible. <sup>200</sup> The agency estimates that they have aided more than 300 ex-offenders.

Both of these rehabilitative programs have gathered public support for services and are recruiting community representatives for volunteer services.

199. "Project Pinto Cuts Rate of Ex-Inmate Recidivism," Frank Moya, Rocky Mountain News, Denver, Colo., Jan. 22, 1973, at 5.

200. "Employ-eX as Link to Community for Ex-Offenders," Marice Doll, The Denver Post, May 25, 1973, at 39.

## VI. JUVENILE INSTITUTIONS

The Division of Youth Services of the Colorado Department of Institutions currently administers State youth correctional facilities: the Mount View School for Girls in Morrison; the Lookout Mountain School for Boys in Golden; and two affiliated camps, Lathrop Park and Golden Gate; and the Closed Adolescent Treatment Center (CATC), a co-educational facility. <sup>201</sup> Recently amended legislation also gives Youth Services Chief Gerald Agee responsibility for the administration of five detention centers previously administered by the counties in which they are located. Youth Services staff will thus be required to serve 10 separate facilities. Changes are expected in the procedures of some of the facilities as a result. These changes are in the initial stages, however, and cannot be analyzed at this time.

The Boys' and Girls' Schools share some services. The educational facilities and the instructional staff located at the Lookout Mountain School for Boys serve residents of both schools. The girls are bused

201. Col. Rev. Stat. 22-8-18 (1963).

daily to the Boys' School campus. The diagnostic staff also serves both boys and girls. The receiving centers<sup>202</sup> and the diagnostic staff for residents of both schools are located at the Mount View School for Girls. The receiving centers are in the process of being relocated, however, to facilitate compliance with the amended legislation discussed above.

Resident Population and Staffing

The Division employs approximately 350 persons. Its three facilities house slightly less than 350 persons. During May and June 1973, the facilities housed 256 male and 76 female residents.<sup>203</sup> Racial and ethnic backgrounds of those 332 wards, and of the Division's staff were:

	RESIDENT POPULATION		STAFF POPULATION*		
	Number	Percent	Percent	Number	
American Indian	4	1.4%	0.0%	0	American Indian
Asian American	2	0.6%	0.3%	1	Asian American
Black	40	12.0%	8.8%	31	Black
Chicano	115	34.6%	23%	33	Chicano
Eskimo	1	0.1%	0.0%	0	Eskimo
White	170	51.2%	81.0%	286	White
Other	0	0.0%	0.6%	2	Other (Indian/Guamanian)
Total	332	100.0%	100.0%	353	Total

\*These figures include dietary, supply, maintenance, parole, and administration personnel as well as the staff who have direct contact with residents.

202. The receiving centers house youths when they are first sent to the schools. While in the receiving center youths go through testing and classification for subsequent treatment.

203. Statistics on resident population provided by Division of Youth Services, Colorado Department of Institutions, May 16, 17, 29, 1973 and June 7, 1973. Recruitment and hiring of staff for Division of Youth Services, as in the rest of the Department of Institutions, is the responsibility of the State Department of Personnel.

While 48.7 percent of the population of Colorado's youth correctional facilities is minority, only 19 percent of the staff is minority. A further breakdown of staff indicates that 258, or about three fourths of Youth Services employees, are in the managerial, professional, and technical categories. Fifty-four, or 21 percent of these, are minority.<sup>204</sup>

Two minority staff members expressed concern over lack of minority staff contribution to decisions affecting the residents.<sup>205</sup> A minority staff member who spends from two weeks to two months in direct contact with newly-arrived residents in the receiving center before their assignment to cottages, and thus could provide valuable assistance, was not included in cottage staffing sessions.<sup>206</sup>

A. BOYS' FACILITIES

Lookout Mountain School for Boys is a State training school for the placement of court adjudicated delinquents and of Children in Need of Supervision (CHINS), ages 12 to 18. Approximately 85 percent are delinquent and about 15 percent are in the CHINS category. Residents serve an average of six months. The school is located in Golden, Colo., approximately 15 miles from downtown Denver. Youth Services Division administers two other boys' facilities,

204. Ibid.

205. Field notes, Feb. 1973.

206. After the initial program assignment of residents, weekly staffing sessions are held in the cottages. These sessions provide aid and direction for the welfare of residents and influence the overall plans for youths. Interview with Gerald Agee and staff, Dec. 1973.

Lathrop Park and Golden Gate, located in rural areas. Golden Gate, which houses 53 boys, is located in the hills outside of Golden. Lathrop Park, housing 52 boys, is located near Walsenburg in south-central Colorado. A racial and ethnic breakdown of youths housed in the three facilities in June 1973 shows:

	<u>Lookout Mountain</u>		<u>Lathrop Park</u>		<u>Golden Gate</u>		<u>Total</u>	
	Percent	Number	Percent	Number	Percent	Number	Percent	Number
American Indian	0.0%	0	1.9%	1	5.7%	3	1.8%	4
Asian American	0.0%	0	0.0%	0	1.9%	1	0.5%	1
Black	23.5%	27	11.6%	6	3.7%	2	15.9%	35
Chicano	31.3%	36	34.6%	18	32.1%	17	32.3%	71
Eskimo	0.9%	1	0.0%	0	0.0%	0	0.5%	1
White	44.3%	51	51.9%	27	56.6%	30	49.1%	108
Total	100.0%	115	100.0%	52	100.0%	53	100.0%	220

#### Academic and Vocational Needs and Treatment Programs

All youths at Lookout Mountain are required to participate in the education program. Girls from Mount View attend school at Lookout Mountain with the boys. The academic school is an individualized

207. Statistics provided by Division of Youth Services, Department of Institutions, May 16, 17, 29, 1973 and June 7, 1973. In addition to the breakdown shown above, 24 youths--10 Chicanos and 14 whites--were housed in the receiving center for diagnostic purposes.

prescriptive program with a staff of one administrator and five teachers, one in each major academic area. It is aimed at students at both elementary and secondary levels, with some remedial work. There is also limited programming for youths with learning disabilities, but no special emphasis is placed on treatment of those disabilities at Lookout Mountain. The student-teacher ratio is approximately nine to one in all education programs.

Varied learning programs are used at the two youth camps to meet a variety of diagnosed needs. Between December 1972 and March 1973, the Division of Youth Services diagnosed 270 learning handicaps for 87 percent of the male resident population: 35 percent perceptual, 23 percent hearing, 9 percent auditory, 40 percent motor, and 26 percent language processing. At Golden Gate the emphasis is on programs to overcome learning disabilities in such areas as reading, mathematics, and motor skills, with additional programs aimed toward the General Education Development (GED) test. There are one administrator and two teachers at the facility. At Lathrop Park, the emphasis is on individualized remedial help in mathematics, reading, and writing skills, and on the development of "interpersonal social skills," "social skills," and "skills and morals." There are one administrator and three teachers in the Lathrop program, plus a half-time remedial reading specialist and a student assistant each semester.

208. "Program for Students with Learning Disabilities - Golden Gate Youth Camp." Proposal for funds provided by Title I of the Elementary and Secondary Education Act (ESEA), for fiscal year 1974, by Youth Services Division, Colorado Department of Institutions, July 1, 1973, pp. 1-3. See also, Proposal "Learning Disabilities Program - Lathrop Park Youth Camp," pp. 1-3.

The proposal for Title I funds describes four main programs directed at all male youth, "designed to mitigate the social alienation characteristic of our institutionalized population." Of one program, Social Management, the proposal states that "white, middle-class standards are emphasized in the course. Therefore, for students who are not white or middle class, this course is basically for the purpose of acculturation." Another program, also "designed to mitigate the social alienation characteristic of our institutionalized population," is a minority studies course. While the former course is "for the purpose of acculturation," the latter proposal outlines the objectives of this course as "(1) to reduce the conflicts of identity crises and poor self-image by increasing awareness and pride in one's own group, and (2) to reduce inter-cultural conflict by increasing competency in functioning with other ethnic groups." The two other main programs are Family Management and Sports and Recreation.

The justification for both these courses, as outlined in the proposal, was identical:

- (1) A five-year survey which shows that 27.1% of the population comes from families receiving public assistance, and (2) a breakdown of student population which shows that 48.3% of the student population is composed of ethnic minorities: 19.8% black, 26.6% Chicano, and 1.9% Alaskan Indian [sic].

209. "Program Description," proposal for ESEA Title I funds for fiscal year 1974 by Youth Services Division, Colorado Department of Institutions, July 1, 1973 Part II C2, pp. 4-5.

Additionally, as pointed out by Youth Services Chief Agee, the majority of white residents are from middle-class economic backgrounds, whereas the majority of the minority population are from low economic backgrounds.

At both the Boys' School and the youth camps, education is primarily "pre-vocational," the objective of which is to develop attitudes, work habits, and vocational and academic skills which would assist the students later in obtaining jobs. The Boys' School administers six vocational programs: auto shop, print shop, business education, general machine shop with welding and carpentry, and a home economics program. Girls may be transported to the Boys' School classes. In addition, as of June 1973, 34 students, 26 from the Boys' School and eight from the Girls' School, were receiving training outside the youth facilities in colleges or through on-the-job training. The two youth camps each have one vocational instructor. Also, as of June 1973, eight youths from Lathrop Park and four from Golden Gate were receiving training in the community.

#### Classification Systems

Certain classification tools, in conjunction with staff evaluations, are used to determine various personality factors of newly committed

210. Proposal for funds for fiscal year 1974 to Colorado State Board for Colleges and Occupational Education, Special Programs Section for Division of Youth Services Vocational Program, from Division of Youth Services, Education Section, Vocational Sector.

211. Statistics supplied by Colorado Division of Youth Services, Education Section, as of June 1973.

youths to identify the level of psychological maturation, or "I-level,"<sup>212</sup> and to indicate types and degrees of learning deficiencies. These tests and evaluations influence assignments to treatment programs and facilities, and in some cases, to housing units.<sup>213</sup> Thus, if any of the tools used in evaluating a youth and making judgements about his or her treatment are culturally biased, they could lead to inappropriate or inadequate treatment programs for culturally different youths.

Within the classification system, two items of particular concern to the Advisory Committee were the Jesness Inventory of Asocial Behavior,<sup>214</sup> a written, standardized psychological test, and the "I-level" classification system. The latter is used in conjunction with other resources such as case histories, staff evaluations, and psychological examinations for placement of youth in treatment programs.<sup>215</sup> "I-level" determinations also influence housing assignments within each youth facility. (See following section on housing assignments.)

Youth Services has used the Jesness Inventory as a screening device at the Receiving Center to detect such personality problems as depression, runaway tendencies, and misconceptions of what is acceptable behavior in

212. For a simple explanation of "I-level," see Appendix H.

213. Letter from Gerald Agee to Joseph C. Muskrat, Regional Director, Mountain States Regional Office, United States Commission on Civil Rights, Oct. 4, 1973. See Appendix G.

214. The Jesness Inventory uses 155 attitude questions to indicate the delinquency tendencies of a youth. For a definition and explanation of the 11 psychological subtypes of the Jesness Inventory, see Appendix I.

215. See Appendix H.

society. Until August 1973, it was administered to all youth entering the Receiving Center. It was the only psychological test administered among the tests routinely given to new residents. Since that date, it has been used only selectively. Other tests given to new arrivals include achievement, visual perception, auditory discrimination, and basic language skills tests. All the test results and their interpretations are then passed on to the "I-level" team (including caseworkers, psychologists, and counselors) for consideration. Based on analysis of the test results, the "I-level" interview, staff evaluations, and case histories, the team makes an "I-level" classification of each resident<sup>216</sup> and selects a particular treatment program.

The Advisory Committee, recognizing the specialized nature of the classification tools and systems, retained as a consultant Dr. Uvaldo Palomares, a clinical psychologist and Director of the Institute for Personal Effectiveness in Children, San Diego, Calif. Dr. Palomares has an extensive and varied background in psychology and education, elementary through graduate level. The focus of much of his work and writing has been the culturally and educationally disadvantaged child: the Mexican American student, and particularly the testing of Mexican American children, and the rural migrant worker.

216. For a limited time period, Youth Services staff sought to determine whether a correlation existed between the results of the "I-level" interview and the results of the computer scored Jesness Inventory. They concluded there was no definite correlation. See Appendix G.

Dr. Palomares and his staff studied both the Jesness Inventory of Asocial Behavior and the "I-level" for possible cultural bias content with regard to black and Chicano youth. They provided the Advisory Committee with an item analysis of the first 13 questions of the Jesness Inventory to demonstrate the manner in which they analyzed possible cultural bias content in the questions. Dr. Palomares also provided a narrative report of his findings regarding the Jesness Inventory, the "I-level" classification system, and two other programs, one used at the Mount View School for Girls and the other at the Closed Adolescent Treatment Center (CATC). He stated in this report:

In the case of the JI [Jesness Inventory] and its accompanying classification and treatment systems, [the 'I-level' system of classification, the Taylor Program at the Girls' School, and the treatment program at the CATC] controls for cultural bias have not been scientifically instituted nor have any of the professionals using the instrument questioned the lack of cultural controls along the way. It is therefore recommended that their use be suspended with Mexican American and Black populations until the Jesness Inventory classification and treatment system be studied for cultural bias.

Both Dr. Palomares and Commission staff sought comments from Dr. Carl F. Jesness, the developer of the Jesness Inventory, regarding possible bias in its application to minority children. Dr. Jesness responded, in part:

217. See Appendix K.

218. These two programs will be examined in detail in a later section of this report relating to the Girls' School and the CATC.

219. See Appendix L, Cultural Bias and the Jesness Classification and Associated Treatment System, by Uvaldo Palomares and his staff.

The test can be used by any professional who is familiar with the guidelines and precautions related to the use and interpretations of any well validated test. All tests, like interviews, are subject to error and need to be regarded as data that improve the probability of predictions.

Dr. Jesness stated that no effort was made to control for cultural bias in the development of the test and that he felt it would be useful to examine the effects of culture on the inventory.

Dr. Palomares and Dr. Jesness both indicated that application and interpretation of personality tests should be objective and uniform. The Prison Subcommittee sought to ascertain whether or not staff at the youth facilities altered the application or the interpretation of the Jesness Inventory. Employees interviewed in the school psychologist's office stated that the test sometimes was read to youth with poor reading comprehension. Some youths were given the Jesness Inventory a second time after a few weeks at a youth institution. One employee remarked that in those cases the test results often varied markedly.

220. Letter from Carl F. Jesness, Ph. D., State of California Department of Youth Authority, to Anita Espinosa-Larsen, Equal Opportunity Specialist, U. S. Commission on Civil Rights, July 13, 1973. Copies of Mrs. Espinosa-Larsen's request for comments and Dr. Jesness' response can be found in Appendix J.

221. Telephone call from Dr. Uvaldo Palomares to Dr. Carl F. Jesness, July 2, 1973. See Appendix M.

222. Dr. Jesness developed a manual to be used in the application and evaluation of the test: "The Jesness Inventory-Manual," Consulting Psychologists Press, Palo Alto, Calif., 1966.

223. Interviews with school psychologist's student interns and staff, Receiving Center, Mount View School for Girls, March 29, 1973.

Youth Services Chief Agee stated that staff who are responsible for administering the Jesness Inventory and conducting "I-level" interviews with youth must complete a six-week preparatory course. <sup>224</sup> Several staff persons, however, stated that frequently the Jesness was administered by <sup>225</sup> staff who had no specific training.

#### Housing Assignments

Housing assignments at all Youth Services facilities are influenced by individual "I-level" determinations, and achievement and aptitude test results. The two youth camps are not secure facilities, so youth who are considered to be assaultive, or to have runaway tendencies, are generally housed at Lookout Mountain.

At Lookout Mountain, residents are assigned to cottages (numbered four through eight) based on their "I-level" designation. The Division of Youth Services provided the Prison Subcommittee with the following figures on the racial and ethnic composition of Boys' School cottages on May 16, 1973:

LOOKOUT MOUNTAIN SCHOOL FOR BOYS -- COTTAGE ASSIGNMENTS

Cottage	4	5	6	7	8	ITC	Total	Percent
Black	7	10	0	4	4	2	27	23.5%
Chicano	9	2	4	9	7	5	36	31.3%
Eskimo	1	0	0	0	0	0	1	0.9%
White	6	9	12	6	10	8	51	44.3%
Total	23	21	16	19	21	15	115	100.0%
I-level designation by cottage*	MP	NA	NA	CFM	NX	ITC		
	CFM							

\*Subtypes: MP - Manipulator, CFC - Conformist Cultural, NA - Neurotic Acting Out, CFM - Conformist Immature, NX - Neurotic Anxious, ITC - Intensive Treatment Center.

224. Interview with Gerald Agee, Chief, Division of Youth Services, Colorado Department of Institutions, July 17, 1973.

225. Interviews with school psychologist's student interns and staff, Receiving Center, Mount View School for Girls, March 29, 1973.

Dr. Palomares and Dr. Jesness both stated that black and Chicano youth tend to cluster in the I-3 subtype (CFC, CFM, and MP) delinquent categories, and Dr. Jesness suggested that "this clustering of minority groups is probably related to culture, rather than to individual personality traits." <sup>226</sup> Further, a member of the psychological team at the Boys' School stated, "It is clear from a survey of the 'I-level' research literature that there is a consistent association, ranging in the studies from moderate to very strong, between 'I-level' classification and race. The nature of this relationship is relatively straightforward: Non-white youth tend to be identified more frequently as I-3s, while white youth tend to be categorized more frequently as I-4s (NA and NX)." <sup>227</sup>

The statistics indicate that two cottages (4 and 7) house youth categorized as CFC, CFM, and MP ("I-level" classification I-3), the categories where minorities were more frequently represented. The statistics further indicate that two cottages (5 and 6) house youths of the same subtype, Neurotic Acting Out. One cottage has 10 black residents, the other has none.

During a tour of the Lookout Mountain facilities in February 1973, Advisory Committee members were told by Youth Services staff that the residents in the two cottages with the "I-level" classification I-3

226. See Appendix L and Appendix M.

227. Position paper on "I-level" by Darlene Miller, Ph. D., psychologist, Youth Services Division, Colorado Department of Institutions, July 1973.

(Subtypes CFC, CFM, and MP) needed a lot of staff attention, and the cottage designated NX (Neurotic Anxious) housed the weaker, more timid residents. <sup>228</sup> A Youth Services staff member referred to the NA <sup>229</sup> (Neurotic Acting Out) cottages as the "big shot" cottages, housing areas deemed more desirable by the residents. The director of the Boys' School stated that these cottages house youths "having a basic aggressive acting out behavior stance." He commented that he could understand "how the less mature or sophisticated treatment units might perceive this group as 'big shots' from their frame of reference and from observing this group's behavior profile and mannerisms. This does not mean, however," he stated, "that this group is allowed any special privileges." <sup>230</sup> According to one cottage counselor at the time, however, the I-3 cottage residents, predominantly black and Chicano, <sup>231</sup> scorned the other cottages.

This staff person also told the Advisory Committee that he felt there was a pattern of subtle housing segregation of residents at the Boys' School by racial and ethnic grouping and that this was a direct

228. See Appendix G for further information.

229. Field notes, Feb. 1973.

230. Memorandum from Loren Adlfinger, Director, Lookout Mountain School for Boys, to Gerald Agee, Chief, Division of Youth Services, Dec. 11, 1973.

231. Interview with Tom Ornelas, former cottage counselor, Jan. 22, 1973.

<sup>232</sup> result of "I-level" determination. He and another staff person cited a case where they believed a Chicano youth was incorrectly given an I-3 classification so that staff could assign him to the CFC-CFM cottage. They believed he had been mislabeled and one of the staff persons recommended that he be retested in Spanish. He scored much differently <sup>233</sup> in the retest and was subsequently reassigned to another cottage.

Within each cottage, a behavior modification program operates, utilizing a point system and four levels, or teams. Each resident is first placed on the lowest team. Points are awarded for good behavior, attitude, and quality of work done within the cottage, in the schoolroom, and in vocational classes. A youth must earn a certain number of points to move to a higher team and receive the privileges granted to members of that team. Privileges earned <sup>234</sup> the highest level include participation in off-campus activities, weekends off, and extended home visits. Staff counselors in each cottage determine the point system for the cottage, and thus the system varies from one cottage to another.

#### B. MOUNT VIEW SCHOOL FOR GIRLS

The Mount View School for Girls in Morrison houses court adjudicated delinquents and Children in Need of Supervision (CHINS), ages 12 to 18. About 14 percent are delinquent and 86 percent are CHINS. It is located

232. Ibid.

233. Interviews with Tom Ornelas, former cottage counselor, Lookout Mountain School for Boys, Jan. 22, 1973, and Luis Ornelas, student intern, school psychologist's staff, Feb. 12, 1973. At this time, the Jesness Inventory was being used as a factor in determining "I-level."

234. Ibid.

about 20 miles from Denver. According to Gerald Agee, chief of the Division of Youth Services, the average time served is less than six months. <sup>235</sup> As of May 29, 1973, the racial and ethnic breakdown of the 56 residents, by living unit, was as follows:

RESIDENT POPULATION BY RACE AND ETHNICITY

Race or Ethnicity	Hutton Cottage	Rudgers Cottage	Taylor Cottage	Total
American Indian	0	1	0	1 (1.8%)
Black	1	0	1	2 (3.6%)
Chicano*	8	11	6	25 (44.6%)
White	<u>6</u>	<u>6</u>	<u>16</u>	<u>28 (50.0%)</u>
Total**	15	18	23	56 (100.0%)

\*This category includes girls of Chicano/white background.

\*\*14 additional girls are housed at the receiving center for diagnostic purposes (2 blacks, 9 whites, 1 Asian American, and 2 "other").

Classification System

The classification system at the Mount View School for Girls is administered by the same diagnostic staff that performs this function for the Boys' School. The Jesness Inventory, case histories, staff evaluations, and the "I-level" interview were the primary psychological

<sup>235</sup> Interview, Gerald Agee, Chief, Division of Youth Services, July 17, 1973.

classification tools at the time of the Advisory Committee's investigation. Thus, the same potential exists for cultural bias in the treatment programs. The girls also are tested for learning disabilities in areas such as mathematics, reading, and motor skills.

As at the Boys' School, girls are assigned to the three cottages based on their "I-level" subtype. The subtype classifications are incorporated into two treatment groups by the Girls' School:

"Expressives" and "Instrumentals," whereas at the Boys' School the subtypes are put into the I-2, I-3, and I-4 classifications. The "Instrumentals" (Neurotic Acting Out, Cultural Conformist, and Manipulator) are assigned to Rudgers, where the treatment emphasis is on "Guided Group Interaction." The "Expressives" (Neurotic Anxious, Conformist Immature, and some Unsocialized Aggressives and Passives) <sup>236</sup> are assigned to Taylor, where the treatment emphasis is on "Behavior Modification." Hutton Cottage, the Total Living Center, is a coeducational facility for extremely handicapped youths. Assigned to this cottage are I-2s and the low I-3s (Conformist Immature).

In January 1973, a minority inmate filed a complaint of discrimination with the Colorado Civil Rights Commission alleging that Girls' School staff intentionally segregated minority from white residents in

<sup>236</sup> The Girls' School defines "Instrumentals" as girls who are aggressive, who are leaders and doers, and the "Expressives" are defined as followers and thinkers.

the cottages. Youth Services officials, after an investigation, determined that the segregation was not intentional but resulted from the classification system. Hilbert Schauer, Director of the Department of Institutions, stated:

There was, on January 3, 1973, a concentration of minority members in one specific group within a unit due to the classification system employed. This is not true, however, in other treatment units.

There are no separate dining rooms and all girls are required to eat in the same dining areas. There are no cottage rules regarding seating arrangements, yet treatment group members tend to sit together during weekdays and to mix more frequently on weekends.<sup>237</sup>

Dr. Palomares, in his analysis of certain youth services classification tools and treatment systems, stated that in his examination of Taylor Cottage's behavior modification program he found no consideration given to possible mislabeling due to cultural bias. He also observed that no effort to control for cultural bias was made in the development of norms for the guided interaction therapy program.<sup>238</sup>

#### Treatment Programs

Rudgers Cottage's treatment technique, Guided Group Interaction, emphasizes frequent, guided, group discussions. These discussions center on areas such as relationships with peers, appreciation of the

237. The inmate's allegation, with a letter about the complaint from the Director of the Colorado Civil Rights Commission to the Executive Director of the State Department of Institutions, and the response from the Director, Department of Institutions, are included as Appendix N.

238. See Appendix J.

feelings of others, and attitude toward and quality of work. The group leader often will appoint one of the residents to lead the group discussions.

Taylor Cottage has a treatment program which emphasizes structure. This program has four facets: the Economy System, Individual Contracts and Evaluations, Positive Peer Group Support, and the Behavior Level System. In the Economy System, residents earn points through assigned cottage duties and "cottage department." The girls "buy" long-term needs and off-ground privileges.<sup>239</sup> Generally, points are given for following rules and for performing physical chores. The girl with the highest number of points per week is given first choice of available cottage jobs. The jobs vary in points earned daily.<sup>240</sup> In the second facet of the Taylor Program, the girls contract with treatment staff to correct behavior, set goals, attend school, and to evaluate their progress every three weeks.

The Positive Peer Group Support facet is similar to the Guided Group Interaction program at Rudgers Cottage. Two hours daily, Monday through Friday, are set aside for group interaction. A counselor guides the group's discussion in which individual residents are evaluated using a model behavior rating scale. The group then has the

239. A half-hour at the pool table may be earned for 30 points, for example, and a three-minute collect phone call outside the Denver area may be earned for 60 points.

240. See Appendix O for a list of jobs and points earned for each job.

"responsibility to act in a positive way" on such undesirable traits as pressure, stealing, fighting, failure to cooperate, inappropriate language, A.W.O.L., failure to participate, and insubordination.

The fourth facet of the Taylor Program, the Behavior Level System, is meant to encourage girls to move up through a series of five progressive levels according to their behavior and attitudes. At each level the girl may earn certain privileges,<sup>241</sup> and Level V is called the "emancipation level," the step before departure from the cottage. Girls may be reduced to the first level for bad behavior such as fighting. This is a 10-day tight security level with no privileges the first day and minimal privileges added each day. Youth Services staff stated that racial and ethnic breakdowns of girls at each behavior level were unavailable.

C. CLOSED ADOLESCENT TREATMENT CENTER (CATC)

The Closed Adolescent Treatment Center is a new facility located on the grounds of Mount View Girls' School. It holds boys and girls, ages 12-18, who usually remain a minimum of one year. The facility has been in operation since November 1, 1972. It was started with a Law Enforcement Assistance Administration grant, and contracts with Fort Logan Mental Hospital, a State facility located in metropolitan Denver, for its 26 staff members.

241. Privileges include a weekend visit per month, a weekly monetary allowance, and participation in a school program off-campus.

As of May 1973, CATC housed 18 residents, with the following

242  
breakdown:

<u>Black</u>		<u>Chicano</u>		<u>White</u>		<u>Total Residents</u>
M	F	M	F	M	F	
1	0	4	3	7	3	18

The youths assigned to this facility must have: 1) prior institutionalization;<sup>243</sup> 2) assaultive or self-destructive behavior; and 3) been runaways.

Gerald Agee, Youth Services Chief, stated that the CATC was a novel approach to juvenile corrections. The isolation of difficult cases from the other juvenile offenders, and the center's heavy emphasis on psychological techniques have been successful in treatment of hardened juvenile offenders, according to CATC staff. Although a certain amount of freedom exists, the facility is locked and there are more physical restrictions than at the Girls' and Boys' Schools. Individual rooms have solid doors with small peep holes, enabling staff to check routinely on the residents, who are locked in their rooms at night.

242. Statistics provided by Colorado Division of Youth Services, May 29, 1973.

243. Gerald Agee, Youth Services Chief, stated that these 18 youths collectively represent 52 institutions. (Interview, July 17, 1973.)

The system of classifying residents at CATC is similar to that used at the Girls' School. Residents are divided into "Instrumental" and "Expressive" classifications and two staff groups are matched with the two resident groups.

The treatment program has two major facets. The Behavior Modification program combines a point and level system, similar to the program at the Boys' School and the Behavior Level program at Taylor Cottage, Mount View School for Girls.

CATC's other treatment method, Guided Interaction Therapy, is a guided group discussion program similar to those at Rutgers and Taylor Cottages at the Girls' School and the Peer Culture program at the Boys' School.

CATC staff establish the rules governing residents at the center, and encourage residents to "book" (write a ticket on) other residents for breaking rules. There is a discipline committee composed of one student from each Guided Interaction Therapy group and two staff members.

The educational program requires residents to attend school 1 1/2 hours daily. Additional schooltime is available on a voluntary self-study basis. Points may be earned in four categories: cooperation and independence, quality of work, care of machines and other materials, and relationship with peers and adults during the school period. The points are compensated up to \$2.50 weekly for the residents' commissary use.

## VII. FINDINGS AND RECOMMENDATIONS

### A. ADULT INSTITUTIONS

#### Findings: Staffing

The Advisory Committee finds that, without exception, Colorado's adult correctional facilities and the Federal Youth Center fail to employ minorities in any significant numbers. In fact, the Women's Correctional facility has no minority employees. At the State Penitentiary the few black and Chicano employees are in low-entry positions such as guards. At all the correctional facilities, minority inmates and some white inmates interviewed stated that they could better relate to minority personnel, particularly the counselors and caseworkers.

An additional problem, particularly at the State facilities in rural Canon City and Buena Vista, is that prison personnel, for the most part, are rural non-minorities. Yet the inmate body reflects a predominance of inmates from urban areas, with an overrepresentation of minorities compared to their population in the State.

Several incidents which came to the attention of the Advisory Committee demonstrated the special need for bilingual personnel having direct contact with the inmates.

Inmates at Colorado correctional facilities expressed distrust of many prison staff members and often were convinced that staff could not relate to their needs. These frustrations create inner tensions and open hostilities. Violence often is directed at other inmates and, to a lesser degree, towards guards. Inmates also stated that the atmosphere exacerbated racial tensions.

#### RECOMMENDATIONS: (Staffing)

1. The Colorado State Advisory Committee to the U. S. Commission on Civil Rights therefore recommends that the Colorado State Penitentiary, the Colorado State Reformatory, and the Federal Youth Center take the

following immediate steps to increase minority representation at all staff levels to more closely reflect the population of offenders served at those State and Federal facilities:

- a. Prepare a recruitment plan for minorities, with specific time goals.
  - b. Conduct a review of job classifications for positions within the institutions, and of job descriptions, to insure that they are pertinent to job duties and to their responsibilities and goals, with particular emphasis on the special needs of bicultural residents.
  - c. Where unmet needs exist, work with the State Personnel Department and the U. S. Civil Service Commission to develop new position categories and to rewrite job descriptions for existing positions.
2. The State Department of Personnel and the U. S. Civil Service Commission should initiate studies to determine the needs of bicultural offenders which are not met by existing positions in the State adult correctional facilities and the Federal Youth Center. Where unmet needs exist, these agencies should cooperate with the appropriate institutional staff to develop new job categories and rewrite descriptions for existing jobs.
3. The Advisory Committee recommends that the Colorado State Penitentiary expand its program of pre-service and in-service training of guards and other correctional personnel. This training should be required of all guards as part of their regular work schedule. It should include more extensive training in social and human relations, and the addition of training in minority group cultures.
- The Advisory Committee further recommends that the State Reformatory and the Federal Youth Center similarly expand their pre-service and in-service training programs. The State Women's facility should institute its own training program geared specifically to the needs of women. The institutions might make use of the resources of local community colleges to supplement in-house training resources.
4. The Advisory Committee recommends that State corrections officials tap the resources of educators, the Colorado Civil Rights Commission, and community organizations such as the Denver Commission on Community Relations, the Colorado Pinto Project, Employ-eX Inc., and the various action centers in Denver, to develop a coalition of individuals who could provide expertise and direction in sensitizing corrections personnel at all State facilities.

Findings: Alcoholism and Drug Abuse

A significant proportion of inmates at both the State and Federal facilities were incarcerated for narcotics and drug-related crimes. Alcohol abuse, particularly at the Federal Youth Center, also was related to many convictions. Inmate accounts indicate that drugs are available in all the adult correctional facilities. The drug trafficking and drug usage lead to exploitation of inmates by other inmates and to inmate attacks.

There are no comprehensive drug abuse programs at these facilities. Free drug literature is available from various organizations, but there is a dearth of such literature at most facilities. With the exception of a pilot program on alcoholism counselling at the Federal Youth Center and an Alcoholics Anonymous group at the men's facility, there are no comprehensive alcoholism programs available.

RECOMMENDATION: (Alcoholism and Drug Abuse)

1. The Advisory Committee recommends that Federal and State funds be allocated for the implementation of drug and alcohol abuse programs at all adult facilities.<sup>244</sup> The Committee further recommends that the alcoholism counselling program at the Federal Youth Center be expanded to all inmates who need it. The Federal Youth Center should obtain information and assistance from Federal drug programs already in existence.

244. Additional funding through L.E.A.A. and H.E.W. programs is available specifically for drug abuse.

42 U.S.C. §3750 - It is the purpose of [the Law Enforcement Assistance Administration] to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

42 U.S.C. §3781 - a) "Law enforcement" means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

21 U.S.C. §1177 (a) The Secretary [of H.E.W.] shall (3) Make grants to public and private nonprofit agencies, organizations or institutions and enter into contracts with the public and private agencies, organizations, institutions and individuals to establish, conduct and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems.

All facilities should provide inmates with a list of sources from which they can obtain free literature on drug and alcohol abuse.<sup>245</sup>

Findings: Medical and Psychological/Psychiatric Services

There are only two doctors and one dentist to serve nearly 1,300 inmates at the Penitentiary's four separate facilities. Because of insufficient funds for dental services, there is neither staff nor facilities for preventive dental care or for any major dental work. Male inmates do not receive annual physical or dental checkups. Since the Penitentiary's major medical services are located at the Maximum Security facility, inmates housed at the women's facility, at Medium Security, and at the Pre-Parole Center have to be taken there to receive emergency medical care. Inmates at all facilities also stated that tranquilizing drugs were freely dispensed over long periods of time.

Inmates characterized the psychological and psychiatric services available at the State correctional facilities as inadequate and superficial. Although mental patients transferred from the State Hospital in Pueblo are still wards of the hospital, they do not receive intensive treatment. There is only one full-time psychiatrist at the Penitentiary. Transferees stated that they were desperate for professional psychiatric help. Several admitted to prior suicide attempts. The psychiatric team from the State hospital in Pueblo must travel to both the Penitentiary and the Reformatory to see inmates. Some inmates of the women's facility maintained that the psychological staff was unresponsive to their particular needs, and expressed preference for a woman professional.

RECOMMENDATIONS: (Medical and Psychological/Psychiatric Services)

1. The Advisory Committee recommends that medical, dental, psychological, and psychiatric staff be increased to provide needed services on a regular basis for all inmates at State correctional facilities. The Committee additionally recommends that emergency care be guaranteed at each facility of the Penitentiary. Further, prison personnel, the inmate council, and recognized inmate leaders should be given courses in first aid. The Advisory Committee recommends that adequate prenatal and postnatal care be provided by the prison for all women inmates who need such care.

The Advisory Committee further recommends that the practice of dispensing tranquilizing drugs to inmates at both State and Federal facilities be

<sup>245</sup>. See Appendix F for list of free literature on drug abuse.

reviewed to assess the possible harmful effects over a prolonged period of time. Outside drug experts should be retained for such a study.<sup>246</sup>

Findings: Incentive Programs

The Advisory Committee finds that programs at the Colorado State Reformatory designed to alter inmate behavior are based on "middle-class" standards and can be discriminatory to minorities. Minority inmates stated that they have little or no input in decisions affecting their work assignments and privileges. The inmates must conform to the standards of good behavior established by staff without any inmate, particularly minority inmate, input. The rating system used in the incentive system allows considerable subjectivity in staff evaluations of inmates' progress.

RECOMMENDATION: (Incentive Programs)

1. The Advisory Committee recommends that the incentive program at the State Reformatory and the team system at the Federal Youth Center be evaluated to provide for cultural and individual differences of the inmates. Inmates should have input into those decisions affecting their development during incarceration. Outside groups should be retained to

<sup>246</sup>. The Colorado State Legislature should consider budgetary increases to provide these needed services. Also Col. Rev. Stat. 48-5-3(5) (1963) provides that any institution of Colorado can conduct a drug withdrawal or maintenance treatment center as long as it is licensed by the State Department of Health. Col. Rev. Stat. 3-11-3(b) (1963) - The Director of the Department of Institutions has the duty "to improve, develop, and carry forward programs of therapy counselling, aftercare, and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to overcome the disability causing their partial or total dependence on the State." Additional funding can be requested from the legislature and administered by the Governor who has "the final authority and decision in all matters relating to the executive budget..." (Col. Rev. Stat. 3-31-3 and 6 (1963).)

study these systems, and a survey of inmate needs should be undertaken immediately by each facility.<sup>247</sup> The results of such studies should be made available to the public and to proper authorities.

#### Findings: Vocational and Academic Instruction

The Advisory Committee finds that vocational programs at both State and Federal facilities generally provide insufficient training for employment in most recognized trades and skills. They are few in number and in variety, and the percentages of inmates participating are very low. At the Maximum Security facility at the Penitentiary, for example, where there are the most inmates, vocational programs are extremely limited. Inmates who are allowed to participate in programs at the Medium Security facility are bused there daily. Women inmates are limited to a few traditional domestic and secretarial programs that provide entrance only into low-paying jobs. The GED requirement for participation in some vocational programs has denied some inmates the opportunity to participate in those programs.

Academic programs at the Federal Youth Center are fairly extensive, but there are only limited positions for enrollment in college level programs. At the State adult institutions, inmate participation in the education programs is low, and there is a scarcity of teachers.

#### 247. Ethnic Heritage Programs

20 U.S.C. §900a - The Commissioner is authorized to make grants to, and contracts with, public and private nonprofit educational agencies, institutions and organizations to assist them in planning, developing, establishing, and operating ethnic heritage studies programs, as provided in this subchapter.

#### 20 U.S.C. §241a - Title I of ESEA

...the Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means which contribute particularly to meeting the special educational needs of educationally deprived children.

20 U.S.C. 241c(a)(2)(c) allows grants for children in institutions for delinquent children, or in adult correctional institutions.

#### RECOMMENDATIONS: (Vocational and Academic Instruction)

1. The Advisory Committee recommends that State and Federal adult correctional facilities expand existing vocational and academic programs to provide inmates with the necessary experience to secure gainful employment upon release. Additional programs should be developed, based on the types of employment opportunities currently available in the community at large.<sup>248</sup>
2. Where feasible, the institutions should also utilize existing resources outside of the correctional facilities. Local community colleges, for example, offer both vocational and academic programs, and should be contacted to determine what arrangements could be made for participation of inmates. The institutions should also explore the possibility of cooperative agreements with labor unions to provide training for job entry at apprentice or journeyman levels.
3. Where GED requirements for participation in vocational programs are not necessary, they should be dropped. Programs should focus on the minimum academic requirements necessary for development of particular vocational skills.
4. The Advisory Committee further recommends that academic teaching staff at the State adult correctional facilities be increased to enable more inmates to participate in the programs. The Federal Youth Center should expand college level opportunities for its students.

#### Findings: Work-Release and Job Assignments

The Advisory Committee finds that work-release programs are available to only a very small percentage of State and Federal prisoners. Inmates, without exception, expressed the belief that this type of program is successful above all others and decried its limited availability. The Advisory Committee found that the small number of female inmates prevented their access to such programs.

248. Col. Rev. Stat. 3-11-3(b) (1963) - The Director of the Department of Institutions has the duty "to improve, develop, and carry forward programs of therapy, counselling, aftercare, and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to overcome the disability causing their partial or total dependence on the State."

The Advisory Committee finds that at all institutions there are discrepancies in job assignments. The more desirable jobs--according to inmates interviewed--outside, clerical, and aide jobs, for example, generally are assigned to white inmates. The less desirable job assignments more often are given to minorities.

RECOMMENDATIONS: (Work-Release and Job Assignments)

1. The Advisory Committee recommends that more work-release programs for men from the Penitentiary and Reformatory be instituted in more communities, and that a special work-release program be established for the women inmates. The Federal Youth Center, located in the Denver area, should provide transportation to expand work-release opportunities.<sup>249</sup>

2. The Advisory Committee recommends that each correctional facility, where feasible, establish a rotation system for job assignments that will guarantee inmates of all racial and ethnic backgrounds equal opportunity to hold the desirable jobs, and require them to take turns at less desirable jobs. The inmates should have input into identification of the "desirable" and "undesirable" jobs.

Findings: Women's Corrections

The Advisory Committee finds that women inmates, both State and Federal, are deprived of meaningful rehabilitation programs. The small number of female inmates makes such programs costly, and the rural location of the correctional facility does not provide job opportunities that an urban location can offer. The Advisory Committee also finds that Federal regulations prohibit Federal prisoners from leaving the facility to participate in any outside activities with State inmates.

RECOMMENDATIONS: (Women's Corrections)

1. The Advisory Committee recommends that the State establish several half-way houses for women inmates in Colorado's metropolitan areas. The Committee also recommends that work-release programs, academic and

249. 20 U.S.C. §887b(a) - The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private nonprofit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counselling programs. All projects shall include an evaluation component.

vocational programs, and furlough opportunities be provided female inmates in this setting.<sup>250</sup> If the experience of using half-way houses for women justifies the action, the Advisory Committee recommends that the State consider the feasibility of phasing out and eventually closing the Women's facility.

The Committee further recommends that Federal women inmates from out-of-state be transferred to Federal women's facilities near their place of residence where possible, giving them the proximity to the proper courts and the outside privileges to which they presently do not have access.<sup>251</sup>

Findings: Transfer System

The Advisory Committee finds that State institutions have no official policy regarding transfers from one State adult correctional institution to another. Inmates who do not want to be transferred may not have understood the reasons behind the action.

Inmates transferred for their own safety, either because they are in danger of attacks by other inmates, or because they are in danger of homosexual rape, are frequently kept in tight security areas. Thus, these inmates are in effect punished because the transfer procedures prevent them from participating in prison programs.

250. Col. Rev. Stat. 3-11-3(b) (1963) - The Director of the Department of Institutions has the duty "to improve, develop, and carry forward programs of therapy, counselling, aftercare, and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to overcome the disability causing their partial or total dependence on the State."

Col. Rev. Stat. 3-31-3 and 6 (1963) - Additional funding can be requested from the legislature and administered by the Governor who has "the final authority and decision in all matters relating to the executive budget...." The Legislature additionally should propose legislation to provide funding for these facilities and services.

251. 18 U.S.C. §4082(b) - The Attorney General may designate as a place of confinement any available, suitable and appropriate institution or facility, whether maintained by the Federal Government or otherwise, and whether within or without the judicial district in which the person was convicted, and may at anytime transfer a person from one place of confinement to another.

It is evident to the Advisory Committee that State Hospital transferees suffer severe deprivations when they are transferred to the State correctional facilities. They are housed in maximum security cells without exercise or access to vocational or academic training and without adequate psychiatric care.

RECOMMENDATIONS: (Transfer System)

1. The Advisory Committee recommends that an official policy governing inmate transfers be instituted for all State adult correctional facilities in Colorado, with a provision ensuring procedural due process for the inmates.<sup>252</sup> The Department of Institutions should form a committee including inmates, the Colorado Parole Board, State correctional officials, and legislative committees to assist in designing this policy. Federal Parole Board members should establish such a policy for Federal prisoners.
2. The Advisory Committee recommends that the Institutions Committee of the State Legislature reevaluate the statute governing State Hospital transfers to State correctional facilities.

The Advisory Committee further recommends that the State establish facilities at the State Hospital at Pueblo for custody and treatment of potentially dangerous persons, instead of sending them to the Penitentiary where they are incarcerated in a maximum custody setting without adequate treatment.

Findings: Mail

The Advisory Committee finds that State Penitentiary restrictions on inmates' mail include a limit on numbers of letters sent and received, institution-approved correspondents, and at the Women's facility, staff censorship of content of letters sent by inmates. All mail is opened by officials and inspected for contraband. Inmates at both State and Federal facilities generally are not permitted to receive cultural or activist literature. Women inmates are not permitted to have feminist literature.

<sup>252</sup>. Some recent cases have held that an inmate who is subject to involuntary transfer has the right to timely advance written notice, a hearing before an impartial board, and an opportunity to present evidence on his behalf. See Williams v. Robinson, 432 F. 2d 637 (1970); White v. Gillman, 360 F. Supp. 64 (1963); Gomes v. Travisono, 353 F. Supp. 457 (1973), affirmed in part, No. 73-1065 (1st Cir., Dec. 28, 1973); and Stone v. Eysler, No. M70-72 CA2 (W. D. Mich., Dec. 18, 1973).

RECOMMENDATIONS: (Mail)

1. The Advisory Committee recommends that the practice of censoring personal mail be discontinued wherever it exists. The Committee recognizes the need for opening inmates' mail to discern possible contraband, but letter content should remain private.<sup>253</sup>
2. The Committee further recommends that women inmates be allowed to receive feminist literature, and that minority and non-minority inmates have access to cultural and activist literature.<sup>254</sup>

Findings: Self-Help Groups

Two minority self-help groups exist at the State Penitentiary: the Black Cultural Development Society and the Latin American Cultural Development Society at the Maximum Security facility. These two groups are very popular among inmates, and they have assisted prison officials in avoiding potentially dangerous situations among inmates. These groups have also provided a liaison with the community outside the prison.

<sup>253</sup>. According to The Rights of Prisoners, David Rudovsky, Avon Books, New York, 1973, "The claim by [prison] administrators that censorship is necessary...rests on the theory that the mails might be used to transmit contraband, to plan escapes, or to engage in other unlawful schemes. The likelihood of any of these dire predictions becoming reality is very slim indeed. The experience in jurisdictions which permit an unlimited right to communication indicates that there is, in fact, no support for these fears." p. 47. Also see Carothers v. Follette, 314 F. Supp. 1014 (S.D. N.Y. 1970) which held that: "Any prison regulation or practice which restricts the right of free expression that a prisoner would have enjoyed if he had not been imprisoned must be related both reasonable...and necessarily...to the advancement of some justifiable purpose of imprisonment. For instance, a prison regulation restricting freedom of expression would be justifiable if its purpose were to rehabilitate the prisoner or maintain the security and discipline that is concomitant to incarceration.... A prisoner could be punished only if he acted or threatened to act in a way that breached or constituted a clear and present danger of breaching the justifiable regulation." See also Morales v. Schmidt, 340 F. Supp. 544 (W.D. Wisc. 1972).

<sup>254</sup>. Ibid.

The warden at the State Reformatory credited outside minority activism with the reduced proportion of Chicanos at the institution. However, there are no minority inmate self-help groups at that facility, although inmates expressed confidence in the value of such groups.

The associate warden at the Women's facility, on the other hand, stated that she discourages racial groups because she felt they have a tendency to be divisive. She expressed a willingness, however, to meet with women's groups which can provide assistance to women inmates.

Although the Federal Youth Center's location in the Denver metropolitan area lends itself to the establishment of communication between inmates and the community, cultural self-help groups do not exist at the facility. The director has stated that he would welcome such groups.

RECOMMENDATIONS: (Self-Help Groups)

1. While recognizing the need to limit the size of inmate meetings in the interest of orderly operation of the institution, the Advisory Committee recommends that the State Penitentiary remove any size restrictions on inmate membership in the Black Cultural Development Society and the Latin American Cultural Development Society at the Maximum Security facility.
2. The Advisory Committee recommends that the Colorado State Reformatory, the Women's Correctional facility, and the Federal Youth Center encourage the formation of inmate self-help groups in those institutions.
3. The Advisory Committee further recommends that State and Federal adult correctional facilities establish direct lines of communication with community resource groups which can provide valuable rehabilitative services to inmates through self-help groups.

Findings: Restrictive Rules at the Women's Correctional Facility

The Advisory Committee finds that arbitrary and restrictive rules deprive women inmates of small freedoms afforded to men inmates. There appeared to be no threat to the security of the institution which would warrant some of these rules. The Subcommittee finds that the tensions created in inmates by the stressful atmosphere sometimes led to their dependency on tranquillizing drugs. Further, the abundance of rules and regulations prevents the inmates from making many personal decisions for themselves.

Inmate interviews indicated to the Advisory Committee that lesbian relationships existed among some women inmates. Inmates stated that a major cause of these relationships was an overwhelming need to confide in someone. Institution rules limiting close friendships among inmates and increased surveillance by prison personnel appear to create an atmosphere of furtiveness among inmates.

The Advisory Committee further finds that outlets for tension and opportunities for outside contacts are limited or nonexistent for women inmates. They are allowed little meaningful recreation, limited family visits, and no passes or furloughs. Federal prisoners at the Women's facility face even more restrictions than State prisoners, since they are never permitted to leave the institution grounds.

RECOMMENDATIONS: (Restrictive Rules at the Women's Correctional Facility)

1. The Advisory Committee recommends that a revision of rules and regulations be undertaken by inmates and administration at the Women's Correctional facility. Regulations should be designed to develop the inmates' sense of responsibility for their own decisions. The small number of women inmates should facilitate this proposed change in regulations.
2. The Advisory Committee recommends that a program of gate passes and furloughs be instituted at the Women's facility.
3. The Advisory Committee recommends that increased recreational opportunities be provided for women inmates, and that at least a part-time physical education instructor be hired.

Findings: Day Passes and Furloughs

The Advisory Committee finds that the system of allowing inmates gate passes and extended visits (furloughs) is unstructured at both State and Federal facilities, and few inmates are allowed to participate. In addition, day passes are restricted in some instances to within a 50-mile radius of the institution. Inmates receiving furloughs are sometimes required to have a family member or guardian assume responsibility for their return by signing a "body receipt."

RECOMMENDATIONS: (Day Passes and Furloughs)

1. The Advisory Committee recommends that the gate pass and furlough system be reviewed and restructured, and that the regulations governing these privileges be provided to all inmates. More inmates should be allowed these privileges.

The Advisory Committee further recommends that the 50-mile restriction for gate passes and the "body receipt" requirement for furloughs be eliminated.

Finding: Clemency and Parole Boards

The Advisory Committee finds that the Executive Clemency Advisory Board is too large to provide a meaningful exchange between the board and inmates being interviewed. Neither the clemency board nor the Colorado Parole Board includes women members, and the Parole Board has no minority membership.

In addition, inmates are not advised of the issues to be covered during clemency hearings. The boards employ neither a basic set of questions nor a structured outline. It was observed that the clemency board sometimes addresses itself to issues unrelated to the inmates' progress while incarcerated.

The Advisory Committee further found that inmates were not afforded the opportunity for legal counsel during either clemency or parole hearings.

RECOMMENDATIONS: (Clemency and Parole Boards)

1. The Advisory Committee recommends that the Executive Clemency Advisory Board be divided into smaller groups to afford the inmate a more informal atmosphere in which to plead his/her case.
2. The Advisory Committee recommends that the Governor appoint women members to both the clemency and the parole boards, and that minority members be appointed to the parole board. The Legislature should amend Col. Rev. Stat. 39-18-1 (1963) to provide these additional members.
3. The Advisory Committee recommends that both the clemency and parole boards develop information sheets for inmates outlining the issues to be covered and the conduct expected of inmates at hearings. It further recommends that both boards formulate a basic list of questions designed to assess inmates' development and degree of rehabilitation during their period of incarceration.
4. The Advisory Committee recommends that inmates be afforded the opportunity for legal representation during clemency and parole hearings, as they are at parole revocation hearings. The State Legislature should provide legislation to insure that inmates may be represented by counsel at such hearings.

B. JUVENILE INSTITUTIONSFinding: Staffing

The Colorado State Advisory Committee finds that the Colorado Division of Youth Services employs a larger percentage of minorities than either the State adult facilities or the Federal Youth Center. Yet, while approximately 49 percent of the total residents of juvenile facilities are minority, only 19 percent of the total staff are minority. The ratio of 9.3 percent Chicano staff to nearly 35 percent Chicano residents, for example, the Advisory Committee finds unacceptable to meet the needs of

the bicultural resident population. It also appears to the Advisory Committee that in positions providing direct staff and inmate interaction, such as counselor and psychologist, there are few minorities.

RECOMMENDATIONS: (Staffing)

1. The Advisory Committee recommends that the Director of the Division of Youth Services take the following immediate steps to increase minority representation at all staff levels to more closely reflect the population of youths being served at the Division's facilities:
  - a. Prepare a recruitment plan for minorities, with specific time goals.
  - b. Conduct a review of job classifications for positions within the Division, and of job descriptions, to insure that they are pertinent to job duties and to the responsibilities and goals of the Division, with particular emphasis on the special needs of bicultural residents.
  - c. Where unmet needs exist, work with the State Personnel Department to develop new position categories and rewrite job descriptions for existing positions.
  - d. Evaluate the present use made of minority personnel working in the Division, with the purpose of using them to the fullest extent possible in the treatment of minority residents.
2. The State Department of Personnel should initiate a study to determine where there are needs of bicultural juvenile offenders which are not met by existing positions in the Division of Youth Services. Where unmet needs exist, it should cooperate with the Division of Youth Services to develop new job categories and rewrite descriptions for existing jobs.

Findings: Classification and Treatment Systems

The Colorado State Advisory Committee finds that the Jesness Inventory of Asocial Behavior does not take into account cultural differences between white and minority youth. The Advisory Committee also feels that the "I-level" classification system and related treatment systems such as the Token Economy System and the Peer Group Support and Behavior Modification Programs indicate a similar bias. This lack of control for cultural bias in the classification systems may have allowed serious psychological mislabeling of minority residents and subsequent unsound

treatment. Further, staff interpretation and evaluation of classification devices has increased the potential for cultural bias in these systems. The Advisory Committee acknowledges that since this matter was brought to the attention of Youth Services officials, use of the Jesness has been cut down considerably, but is still used occasionally on a selective basis.

RECOMMENDATIONS: (Classification and Treatment Systems)

1. The Advisory Committee recommends that use of the Jesness Inventory be discontinued at all Juvenile facilities for minority residents.
2. The Advisory Committee recommends that the "I-level" classification system and the treatment programs, such as the Token Economy System in the Taylor Program and the Behavior Modification and Peer Group treatments in use at all the facilities, be reviewed and redesigned. Controls should be instituted to prevent cultural bias against blacks, Chicanos, American Indians, and other minority groups, and to take into consideration economic and sex differences.

Findings: Academic and Vocational Programs

The Advisory Committee finds that although the academic education program at the Lookout Mountain Boys' School offers small classes and some remedial work for its students, it does not give the emphasis to programs designed to upgrade specific academic deficiencies that are offered to youth at Lathrop Park and Golden Gate.

Further, proposed courses were intended to acculturate low-income minority youths to existing middle-class standards. Paradoxically, another proposed program was a minority studies course, designed to bolster self-image and cultural pride. To the Committee, these two courses appear to be in conflict.

The Committee finds that vocational training opportunities at the Boys' School for male and female residents tends to stress "pre-vocational" training, or developing the proper attitudes and work habits. While this type of instruction is valuable, it is by no means an adequate substitute for concrete training for job entry skills.

RECOMMENDATIONS: (Academic and Vocational Programs)

1. The Advisory Committee recommends that the Division of Youth Services consider the feasibility of enrolling residents of the Boys' and Girls'

Schools in public schools in the area. The Committee further recommends that instructional staff be utilized to offer individualized, concentrated tutoring for residents in areas of academic deficiency.

2. The Advisory Committee recommends that programs designed to acculturate minority youth to middle-class standards, if found to destroy cultural pride, be eliminated, and that all instructional programs be reviewed and revised to take into account cultural differences.
3. The Advisory Committee further recommends that co-educational vocational programs at the Boys' School be expanded. These programs should provide meaningful job training as well as pre-vocational training. The on-the-job and community college vocational training opportunities for girls and boys should also be expanded.<sup>256</sup>

<sup>255.</sup> There is no statute prohibiting the enrollment of these residents in public schools.

<sup>256.</sup> The Director of the Department of Institutions has the duty "to improve, develop, and carry forward programs of therapy, counselling, aftercare, and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to overcome the disability causing their partial or total dependence on the state." Col Rev. Stat. 3-11-3(b) (1963).

APPENDIX A

Letters to Winston Tanksley,  
 Director, Colorado State Reformatory Regarding  
 Alleged Housing Discrimination.



STATE OF COLORADO  
 JOHN A. LOVE  
 GOVERNOR

COMMISSIONERS  
 GEORGE MORRISON, JR.  
 CHAIRMAN  
 DENVER  
 MAX TORRES  
 VICE CHAIRMAN  
 TRINIDAD  
 MRS. DOROTHY WHAM  
 SECRETARY  
 MRS. ARMANDO J. SISNEROS  
 DENVER  
 HARVEY DEUTSCH  
 AURORA  
 REV. MILTON E. PROBY  
 COLORADO SPRINGS  
 MRS. AURORA MARQUEZ  
 DURANGO

STAFF  
 JAMES F. REYNOLDS  
 DIRECTOR  
 WARREN D. ALEXANDER  
 DEPUTY DIRECTOR  
 JEFFERY I. SANDMAN  
 ASSISTANT ATTORNEY GENERAL

BRANCH OFFICES  
 DENVER  
 2420 WELTON  
 374-3228  
 1100 SANTA FE  
 442-3333  
 ALAMOSA  
 815 MAIN STREET  
 789-9101  
 COLORADO SPRINGS  
 27 EAST VERMILIO  
 472-2075  
 GRAND JUNCTION  
 2 NORTH THIRD  
 243-2142  
 PUEBLO  
 119 W. 6TH STREET  
 200 TITLE BUILDING  
 444-3320

COLORADO CIVIL RIGHTS COMMISSION

312 STATE SERVICES BUILDING • 1525 SHERMAN STREET  
 DENVER, COLORADO 80203 • TELEPHONE (303) 892-2621

*Rec'd  
 5/7/73*

Mr. Winston Tanksley, Director  
 Colorado State Reformatory  
 Buena Vista, Colorado 81211

Dear Mr. Tanksley:

In reference to a letter of February 14, 1973, addressed to you by Anita Espinosa-Larsen of the U.S. Commission on Civil Rights, I would like to say that the Colorado Civil Rights Commission will be glad to attempt to resolve some of the problems which minority employees of the State Reformatory have encountered if you or other persons to whom you may refer us can give us some statements of incidents which have occurred. We would particularly appreciate any incidents which may have occurred within the last three months.

As soon as such information is received from you, we will take immediate steps to have a Commissioner sign a complaint and an investigation can be initiated.

Sincerely,

(Mrs.) Eleanor G. Crow  
 Supervision Civil Rights Specialist

EGC/lms

cc: Anita Espinosa-Larsen ✓  
 Wendell Phillips

MOUNTAIN STATES REGIONAL OFFICE  
 1726 Champa Street,  
 Ross Building, Suite 216  
 Denver, Colorado 80202  
 Telephone: (303) 837-2211

February 14, 1973

Mr. Winston Tanksley,  
 Director  
 Colorado State Reformatory  
 Buena Vista, Colorado

Dear Mr. Tanksley:

Enclosed are your original copies of the local paper you had provided for our examination.

After a discussion with Ms. Eleanor Crow, Supervising Civil Rights Specialist at the Colorado Civil Rights Commission it is clear that the Colorado Civil Rights Commission does indeed have jurisdiction over the alleged housing discrimination patterns in your area.

A class-action complaint or a commissioner's complaint can be filed with some documentation from you.

The branch office nearest you is in Colorado Springs:

Mr. Wendell Phillips  
 27 East Vermijo Street  
 Colorado Springs, Colorado 80903  
 Telephone: 632-2075

I can appreciate your minority recruitment efforts, particularly in light of the alleged discrimination in housing.

Sincerely,

ANITA ESPINOSA-LARSEN  
 Equal Opportunity Specialist

cc: Ms. Eleanor Crow  
 Wendell Phillips  
 George Morrison, CCRC Chairman

APPENDIX B

Job Assignments by Race and Ethnic Group,  
 Colorado State Penitentiary - Maximum Security Facility

Job assignments (specify wage if any)	Spanish- Surname	black	Indian	Oriental	White	Other	Total
ASSIGNMENT OFFICE AVERAGE DAILY WAGE .40	0	0	0		4		4
AUDITORIUM .35	0	4	0		4		8
BIG YARD .30	4	4	0		0		8
BLACKSMITH SHOP .30	2	2	0		8		12
BOILERHOUSE .30	7	5	0		3		15
CANTEEN .30	3	0			4		7
CAPTAIN'S OFFICE .40	0	0	0		1		1
CARPENTER SHOP .30	4	3	0		8		15
CELLHOUSE-1-HELP .25	6	1	0		5		12
CELLHOUSE-1-UNASS. (MEDICALLY) .15	3	1	0		4		8
CELLHOUSE-3-RUNNER .20	0	1	0		0		1
CELLHOUSE-3-UNASS. NO WAGES PAID	12	5	1		31		49
CELLHOUSE-5-HELP .20	0	0	0		1		1
CELLHOUSE-5-UNASS. (MEDICALLY) .15	0	0	0		1		1
CELLHOUSE-6-HELP .25	4	0	0		4		8
CELLHOUSE-6-UNASS. (MEDICALLY) .15	0	0	0		4		4
CELLHOUSE-7-HELP .25	8	0	0		6		14
CELLHOUSE-7-UNASS. (MEDICALLY) .15	0	1	0		3		4

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	Spanish- Surname	black	Indian	Oriental	White	Other	Total
CHAPLAIN'S OFFICE .40	0	1	0		1		2
CLASS. AND REC. .30	5	0	0		3		8
COMPOUND .30	0	0	0		1		1
COAL PILE .20	5	2			4		11
CONSTRUCTION 1 & 3 .35	5	2	0		10		17
CONTROL CENTER .30	1	0	0		10		11
ELECTRIC SHOP .30	0	0	0		14		14
HOSPITAL(HELP) .25	1	5	0		21		27
INMATE BARBER SHOP .20	5	2	0		0		7
INSIDE DRIVERS .25	1	0	0		1		2
INSIDE GARAGE .25	1	0	0		3		4
JANITORIAL SERVICE .30	7	12	0		8		27
K.C.S.P. RADIO .25	2	4	0		3		9
LAUNDRY .30	12	8	0		6		26
LIBRARY .30	0	0	0		3		3
MIDWAY .30	0	0	0		3		3
OFFICER'S BARBER SHOP TIPS	0	1	0		2		3
OFF. TAILOR SHOP(TIPS)	1	0	0		1		2

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APPENDIX C

Regulations in Use at the  
 Colorado Women's Correctional Institution,  
 Submitted by May Gillespie, Associate Warden,  
 to the Advisory Committee During Tour of Facility

6-3-72

## TV RULES (Before Revision)

1. TV programs for each day room will be selected by a committee of three residents of the day room. These will be selected once a week. The committee will be a new committee each week.
2. TV will be turned on by the Officer at 6:00 p.m. on week days and at 1:00 p.m. on Saturdays and Sundays. It is to be turned off at 10:00 p.m.
3. Chairs are to be placed far enough apart so that bodily contact is not necessary. Hands are to be kept to yourself.
4. If a resident wishes to leave TV and go to her room, she may do so at break time - 7:00, 7:30, 8:00, 8:30, 9:00, 9:30 p.m.
5. If you wish to smoke at TV, please bring your own cigarettes and ash tray.
6. You may bring packaged snacks and drinks. We will expect the day room to be tidied afterwards.
7. You may knit or crochet at TV.
8. There is to be no talking at TV, except during Commercials. Be considerate of the others who are there to see and hear the program. If talking persists, the offender will be sent to her room.
9. Residents may come to TV after classes, details, if they do so quietly without disturbing others.
10. It is the Officers perogative [sic] to turn off the TV if there should be a general confusion or disregard of these rules.
11. You may not save chairs for others.

## YARD RULES (Before Revision)

1. Rough horseplay in the yard will result in loss of yard privileges. This includes rock throwing or throwing any other dangerous article.
2. If you wish to sit or lie on the ground or sidewalks, you should be wearing jeans or cutoffs.
3. Observe the "Off Limit" signs.

## DAY ROOMS

1. No loud singing in the day rooms.
2. When a medicine line is called, go directly and do not loiter.
3. The Beauty Shop will be open when Mrs. Hill is on duty. Other times, special permission may be granted to use the two front stations.
4. Bedroom slippers may be worn in the day room, but not outside.
5. Put cans (pop cans, etc.) in the box for cans and the papers in the wastebasket.
6. Please get all of your borrowing and loaning done before 10:00 a.m. lock up and do not ask officers to deliver articles.
7. No resident is to go any farther down the Dormitory Hall than her own room.
8. All state-issue items for a room, such as sheets, drapes, rugs, etc. - must be kept in that room.
10. [sic] When cleaning your rooms, do not pile your possessions out in the hallway. When you shake your rugs, please take them out to the end of the cement steps.
11. If you have your own sewing machine, radio, typewriter, fan, etc., they must be kept in your own room and not loaned to others.
12. Two people at a time may visit at the doors of another day room. At no time may she visit inside another dayroom.
13. Due to the fact that the Beauty Shop is open 6 1/2 days per week, all beauty work will be done in the beauty shop or your own room. This includes manicures, hair styling, hair washing, combing, setting, brushing, etc.

14. When a resident is preparing to go home, the following procedures should be followed:

She will be admitted to the hospital and her room and belongings will be checked out by a wing officer.

The room will be checked for cleanliness.

The following state property should be in the room: Bedspread, rug, drapes, blanket, lamp & shade, chair, waste paper basket, cup, spoon, glass.

15. On the day of release, each resident may take one suitcase and one box (or two suitcases). These must be in the Hospital to be checked out a day ahead of time.
16. On all days except Sundays and Holidays, you will be awakened at 6:30 a.m. to be ready for breakfast at seven a.m. On these days, breakfast and lunch are for everyone (unless excused by illness) to attend. The evening meal is optional.  
  
On Sundays & Holidays, a Continental breakfast is served until 9:00 a.m. - you may or may not go. You may sleep in as long as you wish on these days. There will be no day room activities until 10:30 on these days.
17. Because of other scheduled programs, telephone calls will be made on Tues., Wed. & Thurs. after 6:30 p.m.

## LAUNDRY RULES

1. When doilies, sweaters, etc. need to be blocked, they may be wet & extracted and stretched in the laundry room between 12:00 noon and 2:00 p.m. The articles must be prepared and removed while the laundry officer is on duty. Articles left for one day may be removed the following morning.
2. Clothing: The laundry will do five outfits per week.  
Wed. - dresses  
Thurs. - Jeans & blouses  
Fri. - linens and blankets
3. Place clothing in hampers in day rooms with hangers so laundry girls can take them down before breakfast.
4. Mark your clothing with laundry marker.

5. Clothing must be picked up at laundry after supper.
6. Any State Clothing that is turned in must be washed in the machines and ironed by resident turning it in. This includes robes, P.J.'s, sweaters, & dresses.

APPENDIX D

Correspondence Concerning Request for Commutation of Sentence

Mrs. Esther Davalos, 1971.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
PUBLIC HEALTH SERVICE  
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

May 4, 1971

REFER TO:

NATIONAL INSTITUTE OF MENTAL HEALTH,  
CLINICAL RESEARCH CENTER  
LEESTOWN PIKE  
LEXINGTON, KENTUCKY 40507

Esther Davalos  
Box 500, Register No. 39932  
Colorado Women's Correctional  
Institution  
Canon City, Colorado 81212

RE: MONTAYA, Esther

Dear Mrs. Davalos:

We have received your letter requesting that we verify the fact that you have not been a patient in this hospital for drug addiction.

This is to advise you that we have checked our records and we cannot find any record of anyone ever being admitted to this hospital under the name of Esther Montoya or Esther Davalos.

We hope this will clear this matter up for you. We are returning your letter.

Sincerely yours,

*Barbara Ann Maxwell, RRL*  
Barbara Ann Maxwell, RRL  
Chief, Medical Record Service

ebc  
Encl.



DEPARTMENT OF INSTITUTIONS  
HILBERT SCHAUER - EXECUTIVE DIRECTOR  
DIVISION OF CORRECTIONS  
HARRY C. TINSLEY, CHIEF  
328 STATE SERVICES BUILDING  
DENVER, COLORADO 80203  
TELEPHONE (303) 892-2696

May 6, 1971

Mrs. Esther Davalos  
Register No. 39932  
P. O. Box 500  
Canon City, Colorado

Dear Mrs. Davalos:

Your letter relative to your record showing that you had been in Lexington as a result of your drug addiction problem has been received and investigated.

You are correct in that there is no place that shows that you have been in the Lexington institution. I do find that Mr. Levy in his report makes reference in a general way to the ineffectual program for intensive therapy in Lexington. I discussed this with Mr. Levy and he stated that he had made a mistake in his statement. As I read his statement it appears as being very general and giving Mr. Levy's opinion of the Lexington program but not indicating that you had been personally there. I think it is perhaps the way that it is read and the intent that is placed on the statement.

I do not know what Mr. Lapp of the Rehabilitation Division thinks about the Lexington statement. The only think I can say is this, if you do feel you have a drug addiction problem I feel certain that the Rehabilitation Division would be very willing to assist you in handling your drug problem if you so desire when you are released. If you do not feel you have a drug problem, or do not want to have the assistance of the Rehabilitation Division that is strictly your business. You are the only one who really knows whether you have a drug addiction problem or not, and I would be hopeful that if you do have one and are willing to recognize it that you would do something about it.

Sincerely,

*Harry C. Tinsley*  
Harry C. Tinsley  
Chief of Corrections

HCT:or



**State of Colorado**

EXECUTIVE CHAMBERS

DENVER

JOHN A. LOVE  
Governor

January 27, 1971

Mrs. Esther Davalos  
Register No. 39932  
P. O. Box 500  
Canon City, Colorado

Dear Mrs. Davalos:

Your letter regarding your sentence in the Colorado State Penitentiary and your desire to receive clemency on this sentence has been received and given further consideration than when your case was reviewed by the Clemency Advisory Board in March, 1970.

After reviewing all the facts relative to your case, your adjustment in the institution, and something about your overall background, I do not feel that any executive clemency is warranted.

I am well aware that you would like to be released earlier than your parole eligibility date, which is now in October, 1971, as you undoubtedly could be of assistance to your children. However, it is rather difficult to grant executive clemency on family hardship conditions alone.

I sincerely trust that you will continue to have a good satisfactory record in that institution so that when you are considered for parole at the expiration of your minimum sentence the Parole Board will see fit to look at your parole application favorably.

Sincerely,

*John A. Love*  
John A. Love

JAL:oz

APPENDIX E

Parole Agreements and Outline for Parole Revocation Hearings

Used by the Colorado Parole Board.

NOTIFICATION

January 1, 1973

TO: \_\_\_\_\_ CSR No. \_\_\_\_\_  
CSP No. \_\_\_\_\_

The COLORADO STATE BOARD OF PAROLE, in session at \_\_\_\_\_  
on \_\_\_\_\_ has considered your application for parole  
and believing you can abide by the conditions set forth in your parole agreement, hereby grants you parole effective on \_\_\_\_\_

PAROLE AGREEMENT

I agree to be supervised by the Division of Parole and to be accountable for my actions and conduct to the Division of Parole, including urinalysis or other tests for narcotics or chemical agents, and search of my person, my residence, other premises under my control, or any vehicle under my control.

I further agree to abide by all conditions of parole as set forth in this agreement, including any additional conditions consistent with the laws of the State of Colorado. I fully understand that violation of any condition can lead to suspension or revocation of my parole and return to the institution from which I am paroled. Should I be charged with an additional crime while I am on parole and be permitted to post bond, I understand I may be returned to the institution to await the decision of the Board of Parole.

CONDITIONS OF PAROLE

1. RELEASE: Upon release from the institution, I shall go directly to \_\_\_\_\_ as designated by the Board of Parole and report to \_\_\_\_\_ by mail / in person.
2. RESIDENCE: I shall establish a residence of record and shall remain at this residence in fact and on record and shall not change this residence nor leave the State or County to which I have been paroled without the knowledge and consent of my Parole Agent.
3. CONDUCT: I shall obey all state and federal laws and municipal ordinances, and shall at all times and in all respects maintain myself as a law abiding citizen. I will not associate with known criminals.
4. REPORT: I shall make written and / or in person reports as directed by the Parole Agent.
5. WEAPONS: I shall not own, possess, nor have in my custody nor under my control any firearm or other deadly weapon.
6. ADDITIONAL CONDITIONS:

I have read, or have had read to me, this entire document and have full understanding of it, and I have received a copy of this document.

\_\_\_\_\_  
Signature of Parolee  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Notary Public

PAROLE AGREEMENT  
Prior to January 1, 1973

TO \_\_\_\_\_ CSP \_\_\_\_\_  
CSR NO. \_\_\_\_\_

The Colorado State Board of Parole, at a meeting held at \_\_\_\_\_, on \_\_\_\_\_  
\_\_\_\_\_ having considered the matter of your parole and believing that you can abide by the conditions thereof, in order that you may complete your sentence outside of an institution, hereby grants parole to you effective \_\_\_\_\_. This parole is granted upon your agreement to abide by the conditions thereof and a violation of any such conditions can result in its suspension or revocation or both, in which case you will be returned to the institution from which you have been paroled for such length of time, as the Board of Parole shall decide.

I agree to abide by all of the conditions of my parole hereinafter set forth, and I do hereby waive extradition to the State of Colorado from any state or territory of the United States or from the District of Columbia, and agree that I will not contest any effort to return me to the State of Colorado at any time before the expiration of my maximum sentence. I have read or have had read to me this entire document, and I understand the conditions and the waiver, also I have received a copy of it.

\_\_\_\_\_  
Signature of Parolee  
\_\_\_\_\_  
Date

CONDITIONS OF PAROLE

1. RELEASE: Upon release from the institution from which the person is paroled, the parolee shall go directly to \_\_\_\_\_ as designated by the Board of Parole and report to \_\_\_\_\_
2. RESIDENCE: The parolee may not change (his or her) place of residence or leave the state or county of such residence without the written approval of (his or her) Parole Agent.
3. CONDUCT: The parolee must at all times obey all state and federal laws and municipal ordinances and conduct (himself or herself) as a good citizen.
4. WORK: The parolee must as soon as possible commence and continue in gainful employment or attend full time a recognized educational institution. Any change of employment must be immediately reported to and approved by (his or her) Parole Agent.
5. REPORT: The parolee must submit a written monthly report of (his or her) activities to (his or her) Parole Agent on a form supplied by the Department of Parole. This report shall be due not later than the fifth day of the calendar month succeeding the month covered by the report and the report shall be true, correct and complete in all respects. The parolee will also report in person when directed by the Parole Agent, and allow the Parole Agent to visit the parolee at the Parole Agent's direction.
6. COOPERATION AND ATTITUDE: The parolee must cooperate at all times with (his or her) Parole Agent and must maintain good behavior and proper attitude.
7. ALCOHOLIC BEVERAGES AND NARCOTICS: The parolee shall not drink alcoholic beverages or indulge in the use of or sale of narcotics, and will submit to urinalysis for narcotic addiction at the Parole Agent's direction.
8. WEAPONS: The parolee shall not own, possess, use, or have under his control any firearms or other deadly weapons.
9. ASSOCIATES: The parolee must avoid association with former inmates of penal institutions unless such association is approved by (his or her) Parole Agent in writing, and (he or she) must avoid association with individuals of bad reputation.
10. MOTOR VEHICLES: The parolee may not purchase or otherwise acquire any motor vehicle or operate one without the permission of (his or her) Parole Agent, in which case (he or she) must also possess a valid operator's license.
11. CIVIL RIGHTS: The parolee may not marry without written permission of (his or her) Parole Agent, or engage in business or enter into contracts other than contracts of employment without the permission of (his or her) Parole Agent.
12. RESTRICTED TRAVEL: The parolee shall not return to the county in which (he or she) was imprisoned without permission of (his or her) Parole Agent.
13. PERMISSION TO SEARCH: The parolee will allow a Parole Agent to search (his or her) person, vehicle, or residence with or without a warrant any time (he or she) is requested to do so.
14. BOND: Should the parolee be charged with an additional crime while on parole and be permitted to post bond, (he or she) may be returned to the institution from which (he or she) was paroled to await the decision of the Board of Parole.
15. ADDITIONAL CONDITIONS:

## Outline - Parole Revocation Hearings

I JURISDICTION

Date:

Purpose (Hearing of Suspension)

Where (Which Institution)

Members Present (Heggie, Kaplan, Sutton)

Are you represented by Counsel

II IDENTIFICATION

Parolee's Name

Date of Birth

Registry Number

III FURTHER IDENTIFICATION

Date Received

Type of Crime

Court

Date Paroled

Who arrested (Where - When)

IV PAROLE AGREEMENT

Acknowledgement of signature

Acknowledgement that he hasn't received a Discharge

V PRELIMINARY HEARING

Were you afforded a Preliminary Hearing?

Where

When

VI NOTICE OF HEARING

Acknowledge his signature

Read his Rights

Discussion of his rights (his wish to proceed with/ or without them)

NAMES OF ANY VISITORS PRESENT

NAMES OF ANY ADVERSE VISITORS PRESENT OR DESIRED

HIS ACKNOWLEDGEMENT OF READINESS TO PROCEED

VII HEARING (Facts)VIII FINDINGS

Acknowledge re-entry into room

Name- Number

The Board finds you in violation of conditions.....

You will be reviewed.....

APPENDIX F

Sources of Information

on Drug Abuse

Free pamphlets provided by State of New York Narcotic Addiction Control Commission (NACC), Executive Park, P. O. Box 8200, Albany, N. Y. 12203:

Amphetamines - The Stimulant Drugs  
Barbiturates - The Depressant Drugs  
Cocaine

Drugs: Who What Why?

Ex-Addict Truck Drivers

A Handbook of Drug Terms (Revised), February 1972

Help a Narcotic Addict

help someone help himself - hire the ex-addict

hire an ex-addict

L S D

Kool Kat Talks About Drugs and Medicine, Pax Productions, Inc.

NACC - The Attack on Narcotic Addiction and Drug Abuse, Vol. 6,

No. 2, Spring 1973; Vol. 6, No. 1, Fall-Winter 1973

Over-the-Counter Drugs

What About Drugs and Employees?

The Use of Drugs by Teenagers for Sanctuary and Illusion, by

Norman J. Levy, M.D., Reprint by NACC.

Free pamphlets printed in Spanish, New York Narcotic Addiction Control Commission:

Ayuda a un Adicto a Narcoticos

Barbituricos-Las Drogas Depresivas

Cocaina

La Droga: Enemiga del Hombre

L S D

Film Information, New York Narcotic Addiction Control Commission:

Film Catalog

Trick Bag

Who's Afraid

Free Pamphlets from Do It Now Foundation, National Media Center, P. O. Box 5115, Phoenix, Ariz. 85010:

el olfateo del espectro

Prueba Heroin

La Verdad A Cerca De Los Barbituricos

Drug Education Materials for Sale, Price List, Revised June 1973, Do It Now Foundation, National Media Center, P. O. Box 5115, Phoenix, Ariz. 85010.

APPENDIX G

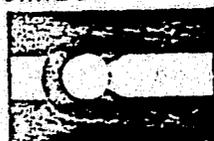
Letter from Gerald L. Agee, Chief, Division of Youth Services, Colorado Department of Institutions, to Joseph

C. Muskrat, October 4, 1973.

OCT 05 1973

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STATE OF COLORADO



**DEPARTMENT OF INSTITUTIONS**

HILBERT SCHAUER - EXECUTIVE DIRECTOR

DIVISION OF YOUTH SERVICES

GERALD L. AGEE, CHIEF

3900 SOUTH CARR STREET - DENVER, COLORADO 80235

TELEPHONE (303) 986-2277

John D. Vanderhoof  
Governor

October 4, 1973

Mr. Joseph Muskrat  
U. S. Commission on Civil Rights  
Suite 216 - Ross Building  
1726 Champa Street  
Denver, CO 80202

Dear Mr. Muskrat:

At your request I submit the following information concerning the use of the Jesness Inventory in the Division of Youth Services:

The Jesness Inventory was administered to all youth who came through the Division of Youth Services Receiving Center beginning in July of 1971. It was used as a screening device to learn the following personality factors of youth who were recently committed to the Department of Institutions.

1. Depression;
2. Proneness to run away as a method of handling problems;
3. Whether youth had been reared in such a manner as to know whether or not the actions which brought them to the Department of Institutions were violations of law or not. In other words, if a youth had been committed for burglary, did the youth realize that this was unacceptable behavior to society, or did he believe that he was there simply because he got caught?

The Jesness was used in this manner until August 9, 1973, approximately two weeks after you and Ms. Espinosa-Larsen came to see me with your evidence stating that it may be a culturally biased test.

While the Jesness was being used in this manner, the results were never used as a placement decision; that is, it was never used to determine what program a child would go in to. The results were passed on to the caseworker where the child was placed as a possible treatment aid.

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Mr. Joseph Muskrat

Page 2

October 4, 1973

Determination of placement in the program is done after determining several things:

1. Medical problems;
2. Educational handicap problems;
3. Interpersonal maturity level - I-Level
4. Case conferences with all personnel that have worked with the child prior to and after commitment;
5. Psychological and psychiatric examination, if indicated;
6. Behavior observation while in the diagnostic program;
7. Staffing conference made up of several staff members and persons who worked with the child prior to commitment.

The I-Level diagnosis of a child is determined by an interview which lasts approximately an hour and a half. The interview is taped, second rated by another diagnostician, and in some cases, third rated. Since this is a time consuming and costly process, in August of 1971 we received word that there was an experimental program which had been computerized in California in an attempt to shorten the I-Level diagnostic process. This program consisted of scoring the Jesness Inventory for I-Level purposes. In August, 1971, we began sending random samplings of the Jesness Inventory to California to be scored on the computer. We discontinued this process in May of 1972. During that time we sent the Jesness tests of approximately 200 youth who had also been I-Level interviewed. These were scored on the computer and were used only to determine the correlation of I-Level and Jesness Inventory to determine if in fact the I-Level could be determined by utilization of the Jesness Inventory. It was determined in May of 1972 that this process could not be used to shorten the I-Level process. It was, therefore, discontinued. The computer program was discontinued in California also. At no time during the sampling of cases were the results used to determine placement or any other use except research.

On August 9, 1973, a memo went out informing everyone that the Jesness would no longer be utilized as a routine screening process in the Division of Youth Services. Since that time, the Jesness has been used occasionally if the psychologist is having difficulty matching up other material which has been gathered; for example, educational material which has been sent from the school does not correlate with the educational tests given by the psychologist.

Mr. Joseph Muskrat  
Page 3  
October 4, 1973

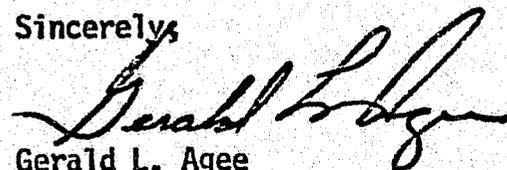
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Many times we receive material from the public school which indicates that the child is functioning at a dull-normal rate, and yet our testing indicates that the child is normal or above. In an effort to determine why the two do not match up, the Jesness may be used as one of many ways to see if the psychologist can determine the problem.

The only other use for the Jesness at the present time is if a caseworker who is working with the child in a treatment program is having difficulty understanding certain types of behavior and we have little or no background material. The caseworker may request the psychologist's aid, and the Jesness may be used as a personality inventory tool in an effort to determine why the child is reacting to treatment the way he is.

If you have further questions, please let me know.

Sincerely,



Gerald L. Agee

nlh

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APPENDIX H

The "I-Level" System of Classification

A SHORT COURSE IN "I-LEVEL"

Ed. Note:

The term "I-Level" has been mentioned several times in Within and Without and we have received requests for an explanation in layman's language. The following is not intended to be anything more than that.

The Interpersonal Maturity Level Classification System, popularly known as I-Level, is a tool used to differentiate juvenile offenders for treatment programming. This tool is based on three assumptions: 1) that all delinquents are not alike; 2) that delinquents can be divided into treatment-relevant groups; 3) that each type is known to be more responsive to certain treatment approaches.

One fact that is generally agreed upon in the field of juvenile corrections is that delinquents are different in the causes and expression of their delinquency and in their capacity to change toward socially acceptable patterns.

I-Level describes several successive stages of maturity with emphasis on interpersonal relationships. The stages range from the least mature (newborn infant) to the most mature (an ideal which is seldom reached). Each stage is defined by a crucial interpersonal problem which must be solved before progress to the next stage can be made. Some persons become fixed at a certain level.

The juvenile population, for practical purposes, falls between levels 2 and 4. At Level 2 (I<sub>2</sub>) the individual sees others as "givers" or "withholders." He is impulsive and is unaware of and uninterested in his effect on others. At Level 3 (I<sub>3</sub>) he understands that his behavior has some effect on whether he gets what he wants or not. He views other people, however, by the extent

of their usefulness to him. He may conform to the rules of whoever is in control at the moment. He will respond to power, by conforming to it, avoiding it, or counteracting it. He may try to hide his disturbed feelings or expressions of strong emotional attachment to others.

At Level 4 (I<sub>4</sub>) he has internalized a set of values which he uses to judge the behavior of himself and others. He is more aware of his effect on others and wants to imitate the people he admires. This may cause him to identify with delinquent models. He may fail to meet his own set of internalized values and may feel guilt and inadequacy as a result of this conflict. These levels are definable steps in an unbroken progression.

The three major types above are broken down further into nine subtypes which define or categorize how the individual responds to his view of the world and how others respond to him:

<u>Level Name</u>	<u>Delinquent Subtype</u> (Response Set)
I <sub>2</sub> Aa.....	Unsocialized, Aggressive
Ap.....	Unsocialized, Passive
I <sub>3</sub> Cfm.....	Conformist, Immature
Gfc.....	Conformist, Cultural
Mp.....	Manipulator (Counter-active)
I <sub>4</sub> Na.....	Neurotic, Acting-Out
Nx.....	Neurotic, Anxious
Ci.....	Cultural Identifier
Se.....	Situational Emotional Reaction

I-Level is NOT a treatment method. It is a classification tool which allows treatment to be more effective. It is now being used in many correctional facilities across the nation and has been shown to be reliable and useful in developing individual treatment strategies.

SOURCE: Within and Without, Colorado Division of Youth Services, Volume 1, No. 3, April 1973

APPENDIX I

The Jesness Inventory of Asocial Behavior

## DEFINITION OF JESNESS INVENTORY SYMBOLS

Social Maladjustment Scale (SM) - 63 items. Social Maladjustment refers here to a set of attitudes associated with inadequate or disturbed socialization, as defined by the extent to which a youth shares the attitudes of persons who do not meet environmental demands in socially approved ways.

Value Orientation Scale (VO) - 39 items. Value Orientation refers to a tendency to share attitudes and opinions characteristic of persons in the lower socioeconomic classes.

Immaturity Scale (Imm) - 45 items. Immaturity reflects the tendency to display attitudes and perceptions of self and others that are usual for persons of a younger age than the subject.

Autism Scale (Au) - 28 items. Autism measures a tendency, in thinking and perceiving, to distort reality according to one's personal desires or needs.

Alienation Scale (AI) - 26 items. Alienation refers to the presence of distrust and estrangement in a person's attitudes toward others, especially those representing authority.

Manifest Aggression Scale (MA) - 31 items. Manifest Aggression reflects an awareness of unpleasant feelings, especially of anger and frustration; a tendency to react readily with these emotions; and an obvious discomfort concerning the presence and control of these feelings.

Withdrawal Scale (WD) - 24 items. Withdrawal indicates the extent of a youth's dissatisfaction with self and others, and a tendency toward isolation from others.

Social Anxiety Scale (SA) - 24 items. Social Anxiety refers to conscious emotional discomfort in getting along with people.

Repression Scale (Rep) - 15 items. Repression reflects the exclusion from conscious awareness of feelings and emotions that the individual normally would be expected to experience; or it reflects his failure to label these emotions.

Denial Scale (Den) - 20 items. Denial indicates a reluctance to acknowledge unpleasant events or conditions encountered in daily living.

Asocial Index. Asocialization refers to a generalized disposition to resolve social or personal problems in ways that show a disregard for social customs or rules.

The Inventory score that is most closely related to, and most predictive of, delinquent behavior is the Asocial Index. Asocialization, as measured by the Inventory, refers to a generalized tendency to behave in ways that transgress established social rules. Because it is a generalized tendency, a single violation of rules, or those violations associated primarily with situational social factors or legal errors, may not necessarily suggest the presence of the character trait. An awareness of what is and what is not socially approved is also implied, as is a knowledge of the "rules".

The Asocial Index formula was derived by the statistical procedure called the discriminant function. The discriminant function, developed by Fisher (1936) is a statistic described as being able to distinguish better than any other linear function between specified groups on whom common measurements are available (Johnson, 1949). The statistic makes it possible to take into account the relative amount of information for differentiation provided by the ten Inventory scales, and to combine the information, making use of the intercorrelations. \*

## INDEX AND EXPLANATION OF JESNESS INVENTORY SYMBOLS

### SM - social maladjustment

Items for this scale were selected to show differences between delinquents and non-delinquents at all age levels tested. Social maladjustment is defined by the extent to which the individual shares attitudes expressed by persons who show an inability to meet, in socially approved ways, the demands of living. Items show delinquents tend to: show a negative self-concept, feel unhappy, worried and misunderstood, distrust authority, blame others for problems, bothered by feelings of hostility, generously evaluate parents, sensitive to criticism, and accept much behavior which is generally regarded as antisocial.

### VO - value orientation

Items selected for this scale were those which differentiated various social class groups based on ratings for the fathers' occupation. This scale measures a tendency to share attitudes and opinions characteristic of people in lower socioeconomic classes. The themes measured by the items include: trouble, luck and thrills, fear of failure, gang orientation, toughness, and a tendency to view internal tension in terms of specific symptoms.

### Imm - immaturity

Items selected discriminated between age groups in a non-delinquent sample. This scale measures the tendency to display attitudes and perceptions of self and others which are usual for persons of a younger age. Items suggest that more immature subjects: are naive in evaluating their own and others' motivations, tend to repress or suppress problems, lack insight, and frequently express anxiety through somatic symptoms.

### Au - autism

Autism is defined as the tendency for the individual's thinking to be regulated unduly by personal needs. Planning and perceiving are unrealistic, and the self does not seem to be clearly differentiated from non-self or objective reality. Item content shows the high scorer to see himself as smart, good-looking, tough, hear things, daydream, and feel something is wrong with his mind. The high scorer also prefers to be alone, is fearful and expresses many somatic complaints.

### AI - alienation

Alienation measures the presence of distrust and estrangement in the subject's attitudes toward those representing authority. Delinquents score higher than non-delinquents at every age tested. Item content shows those high in alienation to: show poor interpersonal relationships, be critical and intolerant of others, project hostile feelings onto others, and deny personal problems.

### MA - manifest aggression

Manifest aggression measures an awareness of unpleasant feelings of anger and aggression and a tendency to react quickly with emotion. The high scorer is concerned about controlling his feelings, expresses disappointment with others and is frustrated in his efforts to understand and feel comfortable with himself.

### Wd - withdrawal

Withdrawal-depression measures a tendency to isolate one's self from others and perceive a lack of satisfaction with self and others. High scorers see themselves as depressed, sad and misunderstood. They prefer to be alone, feel lonesome, feel that fighting is bad and are displeased by others' aggressiveness.

### SA - social anxiety

Social anxiety measures a perceived emotional discomfort associated with interpersonal relationships. High scorers feel and acknowledge nervous tension, see themselves as sensitive to criticism and unduly shy. Items also suggest an intropunitive orientation for the high scorer.

### Rep - repression

Repression measures the exclusion from conscious awareness of, or a failure to label, feelings ordinarily experienced. High scorers do not admit negative feelings such as anger, dislike or rebellion and are generally uncritical of themselves or others.

**Den - denial**

Denial measures the subject's reluctance to accept or acknowledge unpleasant aspects of reality which are found in day to day living. This scale emerged as a separate cluster from repression and does not correlate highly with the repression scale. High scorers see their parents as without fault and admit no conflict with them; deny personal inadequacies or unhappiness, and are unwilling to criticize others. Low scores indicate a willingness to admit problems, conflicts and inadequacies. \*

\* SM - DEN Sequential I-Level Classification, Carl F. Jesness, Ph.D., Marvin Bohnstedt, Ph.D., Martin J. Molof, Ph.D., Robert Wedge, June 1973  
California Department of Youth Authority

**APPENDIX J**

Correspondence with Carl F. Jesness, Ph.D.  
State of California Department of Youth Authority

## DEPARTMENT OF YOUTH AUTHORITY

NORTHERN RECEPTION CENTER-CLINIC  
3001 RAMONA AVENUE  
SACRAMENTO, CALIFORNIA 95826

July 13, 1973

Ms. Anita Espinosa-Larsen  
Equal Opportunity Specialist  
Mountain State Regional Office  
U.S. Commission on Civil Rights  
1726 Champa Street  
Ross Building, Suite 216  
Denver, Colorado 80202

Dear Ms. Espinosa-Larsen:

I find it difficult to answer your letter because I am not completely sure that I understand the question. The Jesness Inventory norms were based upon what I believe to be a representative sample which included a large number of black and Chicano children.

We have found that there are slightly more children of these groups at the I<sub>3</sub> I-level in proportion to their numbers than there are white children. I do not know to what factor this difference should be attributed, whether it be related to their cultural background or not, to their attitudes or other reasons. Of course, I am referring to delinquent children so that what I say has no relationship to black or Chicano children in general. I assume there are different reasons for children becoming delinquent (i.e., blacks may become involved in delinquent behavior for somewhat different reasons than Chicano or white children). This may have some relationship to the distribution of children in the different I-level categories. Also, keep in mind that these differences are statistically significant but, in fact, are not large enough to be of much practical importance.

I have always been very unclear about the meaning of "cultural bias". The items in the Inventory are extremely simple and straightforward. If someone answers them in a particular direction, it enables certain predictions to be made. For the purposes of treatment I would not ordinarily be concerned about the reason they answered the item in that manner. For example, if someone says they "hate cops", I take that they may react to policemen in certain predictable ways that may have a relationship to their delinquency. It might help them stay out of trouble if they could be taught to moderate this attitude. Future studies should explore the reasons they respond in various ways, but learning the various reasons will not necessarily help change the behavior.

It is my opinion that the test can be used by any professional who is familiar with the guidelines and precautions related to the use and interpretations of any well validated test. All tests, like interviews, are subject to error and need to be regarded as data that improve the probability of predictions. At this time my greatest concern is that the Inventory data can be of help in predicting the most effective ways of relating to these children and establishing effective treatment programs for them.

I am sorry I cannot be more helpful in answering your inquiry. If you could clarify the question for me perhaps I could respond more adequately.

Yours truly,

*Carl F. Jesness*  
Carl F. Jesness, Ph.D.  
Project Director.

(FJ:lj)

cc: J. Black

June 28, 1973

Dr. Carl F. Jesness  
Consulting Psychologists Press  
577 College Avenue  
Palo Alto, California

Dear Dr. Jesness:

In a study undertaken by this office of correctional facilities in Colorado we have discovered that two institutions presently use the Jesness Inventory for classification purposes.

Although the Manual refers to economic disadvantage, there is no mention of a cultural fair control.

Could you please remit to this office at your earliest convenience your comments regarding possible cultural biases for black and Chicano children inherent in this measurement device as well as in the I-level psychological maturation sub-type level system of classification.

We respectfully await your reply.

Sincerely,

ANITA ESPINOSA-LARSEN  
Equal Opportunity Specialist

cc: Dr. Palomares

APPENDIX K

Item Analysis in the Jesness Inventory,

By Dr. Uvaldo Palomares

Items two through thirteen are analyzed with respect to how each item may be culturally biased, as follows:

Item two: "It makes me nervous to sit still very long".

Due to historical influences revolving around the areas of employment and general life style, Mexican-Americans have, by necessity, been active. Manual labor is characteristic of their employment as opposed to more sedentary types of jobs. Their life-style has been generally characterized by the demands of an environment lacking in "modern conveniences". Many families are large, involving the constant care of small children. A Mexican-American taking the JI may be more prone than other individuals to respond "yes" to item two due to these factors and because, although he does indeed rest and relax, he may not associate his idea of relaxation with the words "sit still" in the item. A further influence might be an awareness he may likely have that he is nervous as he "sits still" taking the JI.

Item three: "I get into a lot of fights".

A Mexican-American youth, particularly a boy, would probably be more likely to respond "yes" to this item than other youngsters in the general population. This is due to the fact that life in the Mexican-American barrio involves a constant proving of oneself, a struggle that frequently involves physical aggression. Many young boys, and even girls, are repeatedly fighting with each other, not due to inner pathology, but due to the cultural influences which demand maintaining or enhancing one's position in the pecking order. Two factors are likely responsible for this behavior. One influence, culturally based, relates to "machismo", an attitude of male dominance and aggression which permeates the culture. The other influence is based in history and prevailing conditions and

relates to the frustration of the Mexican-American youth, who undergoes an inner struggle as a member of an economically and educationally disadvantaged minority, who must function in both cultures. His frustration easily turns to aggression and his peers are available targets. These characteristics relate typically to Mexican-Americans, (the latter factor relating also to other minority group members) and add extra weight to their likelihood to respond "yes" to item 3.

Item four: "I worry too much about doing the right thing".

As was mentioned above in the response to item two, Mexican-Americans, as members of an economically and educationally disadvantaged minority group, must function in two cultures. Not only does the Mexican-American youngster, struggle with expressing himself in a language other than his mother-tongue, but his culture and values place him in a position apart from the culture-at-large which dominates the world outside his home, or barrio and he can't very well avoid it. At times he is seen by members of the dominant culture as being "less worthy" due to the fact that he is a Mexican-American. Such conditions, would make it difficult for anyone to feel at ease. A proneness, therefore, may be present to some degree in Mexican-Americans to agree with item 4 not necessarily due to basic insecurity within the individual but to prevailing conditions which surround him.

Item five: "I always like to hang around with the same bunch of friends".

As members of a sub-group which is culturally different and generally less advantaged than the dominant cultural group, Mexican-Americans are far more prone to stick together, hence small closed groups are developed. The support lacking in the outside world then comes to the individuals in the group from the other members and from the feelings of power derived from being a part of

a collective body. Again, a likelihood to agree with this item in a Mexican-American may not necessarily relate to deep emotional insecurity within, but to the reality that he is different and separate from the culture-at-large.

Item six: "I am smarter than most boys I know".

To be "smart" is an Anglo cultural value. Mexican-Americans generally value intelligence but not to the degree that it is valued in the culture-at-large. Being physically powerful, for example is a much higher value among significant groups of Mexican-Americans. Statistics reveal that Mexican-American students by-and-large achieve on a lower level than their Anglo counterpart in the Anglo dominated school system. Unfortunately they conclude then that they are not as "smart" as the children of the culture-at-large. These two factors would therefore increase the likelihood that a Mexican-American youngster would disagree with item 4 indicating a depressed self-image. It is important that it be realized in the case of the Mexican-American that his negative response to this item does not necessarily relate to deep self dislike, but very possibly to the fact that to him it may not be very important whether or not he is "smart". As a Mexican-American he may not consider himself to be smart but still may like himself very much. It may also be due to the fact that he indeed has seen evidence that other children, probably Anglos succeed in school better than he does and has concluded that he is not as "smart" as they are.

A further question arises with respect to the term "boys" in the item. Since the test is administered to both sexes it is puzzling as to why the item did not specify "boys and girls". A search through the entire test (Appendix V) does not reveal another item stating, "I am smarter than most girls I know", which would balance item six.

Item seven: "It makes me mad that some crooks get off free".

There may be little difference between the manner in which a Mexican-American, because he is a Mexican-American, would respond to this item compared to members of the general population. The possibility does exist, however, that Mexican-Americans are sufficiently aware that when apprehended and tried for crimes they, as a group, do not generally have the resources available to them that certain others sometimes do (money for experienced lawyers, knowledge of their rights, "pull" with the establishment, etc.). Judicial systems are typically culturally influenced. Countries in Latin America, particularly Mexico, are known for using family and friendship ties for solving judicial matters. The Mexican-American is in tune with this kind of system and is therefore at a cultural disadvantage in dealing with the judicial system in the United States, yet he sees others "getting off free". The awareness that a Mexican-American youth may have of these factors may have a certain degree of influence on him when responding to item 7.

Item eight: "My feelings get hurt easily when I am scolded or criticized".

Many groups of Mexican-Americans are still influenced today by an historical-cultural value to highly respect persons in positions of authority. They are not encouraged to question these individuals, at least not to their faces, and are expected to make any behavioral changes these persons demand of them without a word. Since Mexican-Americans do not generally know personally as friends or relatives persons in positions of authority in the United States, these persons become even more austere. They, therefore, may be seen as being in a somewhat more vulnerable position to easily having their feelings hurt when scolded or criticized by these persons than their counterparts in the culture-at-large, who are not influenced by these cultural attitudes and factors. In fact, children in the culture-at-large are in some cases, praised for such actions as questioning someone, for example. Due to these factors a

Mexican-American may be more likely to answer "yes" to item eight not necessarily because he lacks a reservoir of self-esteem but because his cultural conditioning and prevailing factors put him in a vulnerable position.

Item nine: "Most police will try to help you".

Unfortunately the police do not have the reputation of being "helpful" in the barrio. This, of course, varies from locality to locality, but in general the police are not respected by significant groups of Mexican-Americans. This is due to some of the unfortunate practices of the police in the barrio and to the prevailing cultural attitude in Mexican-Americans, which is seen in all Latin American countries, that the police are to be avoided whenever possible. The Mexican-American youth because he is from the barrio may be more likely to respond negatively to this item than the youngster from the culture-at-large who lives elsewhere and has a different cultural orientation to the police.

Item ten: "Sometimes I feel like I want to beat up on somebody".

As was pointed out in the discussion on item three, Mexican-American youngsters endure a great deal of frustration from growing up and being expected to function simultaneously in two cultures. One of the ways this frustration finds an outlet, particularly in boys, is through physical aggression. It was also pointed out that the cultural attitude of male dominance and power, "machismo" permeates the culture. It is therefore somewhat acceptable within some Mexican-American groups to "beat up" other people. In these groups a high value is placed on the young male's ability to win fights and a fiery temper is seen as something to respect even if it tends to be irrational. In this way frustration finds an acceptable and effective outlet. At least for young Mexican-American males these factors may lead to a positive response to item ten, not necessarily because of psychopathic tendencies but due to prevailing stress and cultural attitudes.

# CONTINUED

## 2 OF 3

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Item eleven: "When somebody orders me to do something I usually feel like doing just the opposite".

Mexican-Americans by and large have not reached levels in their employment which offer them independence and leadership. Generally they are found in manual labor, domestic and serving roles and are, therefore, constantly taking orders. Sometimes they are ordered to do something simply because they are Mexican-American and have been stereotyped by members of the culture-at-large as people who obediently fill servitudinal roles. This is particularly true of the women who take orders from everyone including Mexican-American men. Even if this seldom happens a growing number of Mexican-Americans are sensitive to the possibility that it might. These Mexican-Americans are struggling to throw off stereotypes and to develop personal pride in themselves. A positive response may therefore be more likely to come from them to this item due to these historical-attitudinal factors. By the same token, a negative response may come from those Mexican-Americans who are so used to following orders and being subservient that they are either afraid to admit to anger when given orders or are repressing their bad feelings. These individuals, usually females, have been thoroughly conditioned by the culture to serve others as their permanent life role and have not been encouraged to express any dissatisfaction. In either case, a "yes" or a "no" response to item eleven relates to cultural factors, i.e. to cultural conditioning or to a growing awareness of how this conditioning has led to stereotyping and downgrading of Mexican-Americans.

Item twelve: "Most people will cheat a little in order to make some money".

As was pointed out in the discussion on item six being "smart", which generally connotes being academically successful to many groups of Mexican-Americans, is not highly valued, but being "clever" is. Being clever relates to manipulating people and situations to one's advantage and very probably to

"cheating a little in order to make a little money". These groups of Mexican-Americans expect everyone to be involved in these maneuvers to some extent. Classic honesty and forthrightness, generally seen as Anglo values, may very likely be looked upon by these Mexican-Americans as ineffective in dealing with situations. Add to these cultural attitudes the fact that most Mexican-Americans are economically depressed and extra weight is placed on the likelihood that Mexican-Americans will respond affirmatively to item twelve. This is not necessarily due to pathological factors but to socio-cultural ones.

Item thirteen: "A person never knows when he will get mad or have trouble".

Running into "trouble" is fairly common to many Mexican-Americans who may be somewhat "trouble-prone" due to their lack of knowledge relating to the finer points of dealing with the culture-at-large, especially systems and authority figures. For many Mexican-Americans living at once in two cultures is very dissonant and confusing and difficulties do arise. An example of this is the problems Mexican-Americans often have in dealing to their advantage with the judicial system in the United States, which was discussed in item seven. Naturally, anger is often associated with these kinds of difficulties in which these Mexican-Americans feel "picked-on", frustrated and confused. This kind of "trouble" and resultant anger occurs in the lives of some Mexican-Americans frequently and results not necessarily from impulsive acting-out or other maladaptive strategies but often from the fact that these Mexican-Americans are "tuned-into" their own culture and not to the culture at large. These factors may lead to a "yes" response to item thirteen for some Mexican-Americans.

APPENDIX L

CULTURAL BIAS AND THE JESNESS  
CLASSIFICATION AND ASSOCIATED TREATMENT SYSTEM

by

Dr. Uvaldo Hill Palomares and Staff of the Institute for  
Personal Effectiveness in Children.

CULTURAL BIAS AND THE JESNESS CLASSIFICATION  
AND ASSOCIATED TREATMENT SYSTEM

Like socioeconomic level, culture is a significant phenomenon to be considered when developing, administering, interpreting, and finally using the results of tests. (Palomares) (Moreno) (Mercer). Any organized measure used for assessment and gathering data on individual human beings have a high potential for cultural bias. Tests used to measure ability and personality factors are more likely to include cultural bias than other types of tests. It is therefore critical that as instruments, such as the Jesness Inventory (JI), successive levels of integration (I-Level) classification system and differential treatment modalities are developed that systematic controls for cultural bias, be instituted. After an intensive review of the JI Manual and the Closed Adolescent Treatment Center Program (CATCP) Description, it became apparent that neither has instituted a scientifically systematic effort to control for cultural bias. The failure to include controls for cultural bias associated with the Mexican-American and Black communities should lead to serious questions related to the use of the JI with these populations.

It is highly desirable and professionally responsible to institute scientific efforts to ascertain the level of cultural bias, if any, with samples of culturally divergent populations before introducing the use of the instrument with these groups. In this way, the instrument is either found to be culturally unbiased, or if biased, something is done to control for it. This procedure is increasingly falling on the hands of test developers and not on the affected lay population. (Harris-Goodenough) (Peabody). The reason for this is that misclassification and consequent mislabeling results in very serious effects on the lives of persons who were unfairly tested by culturally biased instruments.

In the case of the JI and its accompanying classification and treatment systems, controls for cultural bias have not been scientifically instituted nor have any of the professionals using the instrument questioned the lack of cultural controls along the way.\* It is therefore recommended that their use be suspended with Mexican-American and Black populations until the Jesness Inventory classification and treatment system be studied for cultural bias.

In the event that there is some resistance to the notion that the proof of cultural relevancy of instruments, such as the JI, lies in the hands of the test developers, a point by point discussion relating to

\*See Appendix M for a telephone conversation between Carl F. Jesness, Ph.D. and Uvaldo H. Palomares, Ed.D. related to the issue of cultural bias in the JI and its subsequent uses.

the manner in which cultural bias may be operating in the test, classification system and treatment system for Mexican-Americans is herein given. The conclusion of the systematic analysis made by the staff of the Institute for Personal Effectiveness in Children (IPEC) was that the JI integration level (I - Level 1) classification system and CATCP are significantly culturally biased as to be halted immediately. The suspension of its use should remain in effect until a more culturally fair classification and treatment system can be instituted and/or the present system can be radically revised.

ANALYSIS OF THE JESNESS INVENTORY FOR CULTURAL BIAS  
WITH MEXICAN-AMERICANS

A. Personality Characteristics and Cultural Bias.

A critical ingredient in the JI is that classification of personality characteristics are matched to problems of the individual and then to treatment. The measurement of personality characteristics can be a very tenuous proposition. In the case of the JI and the data for the classification emerges from verbal and written responses given by individuals under standardized conditions. These responses, properly analyzed, lead to the "personality characteristic."

Personality characteristics are in large measure learned from, and deeply ingrained responses to, an individual's cultural milieu. It is in one's relationship to others and in generally accepted behavioral norms that personality is examined in the JI. These relationships amongst individuals are influenced to a high degree by the cultural context in which they are taking place. There are a number of behavioral characteristics which are acceptable and appropriate in the Mexican-American culture but are not seen as such in the Anglo culture and vice-versa. In an early study using the Rorschach, the Indians of Patagonia were used as a sample. According to their responses to the cards they all were judged to be highly disturbed and antisocial personalities, this behavior being directed against each other and against individuals of other cultures. Yet anyone coming into contact with the Patagonians would not have seen them that way.

To control for the possibility that Mexican-Americans might tend to respond outside the normal limits as a group on certain items, a test developer must control for cultural bias. It is very possible that Mexican-Americans who operate well within the normal limits both in their own culture and in the culture-at-large, might still, because of cultural influences, cluster their responses in directions which lead to erroneous classifications.

Another possibility is that because of culturally related behavioral norms, Mexican-Americans may, in the JI, cluster under one personality characteristic, when, in fact, behaving in others. It is hypothesized that this is highly probable, unless some detailed investigation is done to prove otherwise. After examining the I - Level subtypes which the JI proposes to isolate, it is IPEC's prediction that Mexican-Americans, because of cultural background, tend to cluster in the cultural conformist manipulator category.

With respect to treatment, it is the opinion of the IPEC staff that any system used with Mexican-Americans, associated with their responses to the JI could be counter-productive and damaging. Mislabeled individuals through the use of inaccurate measurements and their subsequent misplacement in remediation situations should be avoided due to the ill effects on the individuals in question. (Mercer) (Ball) (Casteneda). It has been observed by these researchers in separate studies, that mislabeled children are subject to the following:

1. They tend toward identification of the attitudes and behaviors of those surrounding them, going against the attitudes and modes of behavior in their own cultural group.
2. They react accordingly to the low expectancies that are placed on them by significant others.
3. Once mislabeled, they find it difficult to escape their classification both in relation to other people and internally, inside themselves.
4. Discipline and structures tend to become more severe or lax for these children. Usually they become more severe. They become aware that they are treated differently.
5. Often those in charge of implementing treatment are not sufficiently knowledgeable regarding meaningful treatment in light of the variety of classifications which confront them.

In summary, it is improbable that personality classifications are arrived at with the use of the JI that are culturally unbiased. Effective treatment, associated with these classifications, demands that they be accurate in order to assure that damage does not occur from mislabeling and misplacement. Even if classification is accurate, those interpreting the test results and prescribing appropriate treatment must know the relationship of both to the Mexican-American. An examination of the JI, CATCP Description and the General Explanation of the Taylor Program (TP), has revealed that no consideration has been given to these issues.

## B. Normative Sampling, Cultural Bias and the Jesness Inventory

When the testing was done for the development of norms for the JI, I - Level classification system, matching staff to students, treatment system (Behavior Modification and Guided Interaction Therapy), areas in California were used which have significant numbers of Mexican-Americans. Although this is the case, no mention is made in any of the documents of an effort to control for cultural bias. It is the hypothesis of the IPEC Staff that Mexican-Americans were a part of the sample in the research which has led to the present adolescent treatment modalities. It is puzzling that some systematic attempt was not made to examine the cultural bias inherent in the system. Another question relates to the fact that no effort was made to question the developers for such data.

## C. The Jesness Inventory Test Items and Cultural Bias.

The majority of the items in the JI carry potential for cultural bias. An examination of the first item demonstrates this issue:

1. "When you're in trouble, it's best to keep quiet about it."

In the middle and upper class value system, it is generally seen as being best to deal with issues of this nature to try to resolve them, if and when it is possible. Many community helpers specialize in this area and generally deal with less of a communication gap with these groups than as with lower-middle and lower class individuals whose values are generally more complicated along these lines. Generally in the lower class value system one might discuss trouble with intimate friends, but not likely with societal helpers, such as counselors and "test givers." Similarly in the Mexican-American value system, one would generally try to resolve problems and communicate between peers, but the matter would be kept away from institutional people. Mexican-Americans tend to trust other Mexican-Americans in the community more than outsiders. The rationale for this value and behavior can be seen as logical and survival oriented, not based on pathology, but on historical-cultural values. For this reason Mexican-Americans, as a group, may tend to agree with this question more often than would a middle-class, Anglo individual whose cultural values are very different along these lines.

This first item taps the alienation scale and social maladjustment scale when agreed with, both of which feed into I-Levels. It is obvious therefore that Mexican-Americans might tend to be seen as being more alienated and socially maladjusted as individuals when this, in reality, is not the case. All of the items in the test should be questioned in this manner and proper normative research should be carried out to confirm or reject the hypothesis of cultural bias herein given. See the attached item analysis of the next twelve items (items 2-13 on the JI).

The crucial work done to theoretically tie the I-Level category with staff/student selection, Behavior Modification Treatment and Group Interaction Therapy was not available. Although highly complex, in terms of daily interpretation and use, the tie between the Jesness' eleven categories and the nine level integration systems is available. (The CATCP uses only two). What was not available for examination was the theoretical and research work of Arthur Dorsey. In all of the intensive work done by the IPEC team no studies were located that show that behavior modification or interactional therapy have been examined with Mexican-Americans. It is doubtful that such controls were instituted. It was also the opinion of the IPEC Staff that the training and experiential level needed to understand and appreciate the testing, scoring and subsequent treatment systems was not apparent in the personnel described by the institutions in question. Treatment without a thorough understanding of the classification system and the cultural values of Mexican-Americans can further entrench antisocial behaviors in these individuals.

#### SUMMARY OF THE ANALYSIS OF THE JESNESS INVENTORY I.- LEVEL

##### SYSTEM AND TREATMENT SYSTEM

Cultural bias can be very influential in personality classification with such instruments as the Jesness Inventory. Any pairing of staff and students or treatment system based on such an inventory demands a thorough examination of the inventory with respect to cultural bias. This analysis reveals definite grounds for the assumption that cultural bias is operating in all aspects of the testing, interpretation and treatment. The rationale upon which the Jesness Inventory is based does not consider culture as a significant factor. No Mexican-American (or other cultural group) was used as a normative sample. The vast majority of the test items were culturally laden, thus could lead to misinterpretation. The staff seems to be unaware of the significance of culture in the test itself, in its administration, and in treatment.

The JI, I-Level, and Differential Diagnosis Treatment Systems, are highly complex. In order for them to operate effectively a staff must completely understand them and be carefully trained. Any deviation in the scoring of any of the assessment instruments or altering of the Behavior Modification or the Guided Interactional System invalidates the usefulness of these systems for the normative (Anglo) samples. The type of staff available to implement all phases of these systems makes it seem improbable that even the normative sample is receiving adequate service from the JI, I-Level and Differential Diagnosis Treatment Systems.

Due to these factors it is recommended that the use of the Jesness Inventory be ceased with Mexican-Americans until the entire Jesness influenced system is examined and changed in the ways suggested in this report.

BIBLIOGRAPHY

1. Ball, Geraldine. "Is Human Life More Important Than Tradition and Profit?" AMAE Journal, May 1973, I, pp. 46-51.
2. Castaneda, Alfredo. "Culturally Democratic Learning Environments: A Cognitive Styles Approach."
3. Harris-Goodenough I. Q. Test.
4. Mercer, Jane. "Implications of Current Assessment Procedures for Mexican-American Children." AMAE Journal, May 1973, I, pp. 25-33.
5. Palomares, Uvaldo H. "Examination of Assessment Practices and Tools and the Development of a Pilot Intelligence Test for Chicano Children." Submitted to the Office of Economic Opportunity, Grant No. CG 9634 A/O, Washington, D. C. 1972.
6. Peabody Picture Vocabulary I. Q. Test.

APPENDIX M

Summary of Telephone Conversation Between  
Dr. Uvaldo Palomares and Dr. Carl F. Jesness

July 2, 1973

Telephone call made to Carl F. Jesness, Ph.D. by Uvaldo H. Palomares, Ed.D. at the Youth Center Research Project, 3001 Romana Avenue, Sacramento, Calif., 95826 (Telephone Number - (916) 452-1411)

Date: July 2, 1973.

Subject of Call: After reviewing the documents available with respect to the use being made of the Jesness Inventory (JI), certain questions remained unanswered.

These questions and Dr. Jesness' responses follow:

1. (a). Was there an effort made to examine, and if necessary to correct for cultural bias, in the development of the JI?

"No." Dr. Jesness reported that when the original work was being done no effort was made to control for cultural bias. He reported that at that time cultural bias was not a foremost concern of the developer. In fact, according to his recollection, data relating to ethnic group origin, that would have been needed to examine the instrument for cultural bias, was not collected.

1. (b). Was there any effort made to examine the items themselves through the use of item analysis or any other means to see if cultural bias was having an effect?

"No."

2. How clearly developed is the tie between JI and I-Level?

Dr. Jesness reports that the I-Level is much more useful in determining remediation procedures than the JI. He admitted that more work could be done to help to clarify the tie between the two, but that the relationship "makes a lot of sense."

3. How well examined is the tie between I-Level and DDTS?

Dr. Jesness was also involved in this phase and reported that, again, the developmental research done to clarify the treatment systems did not include cultural considerations. In fact, the treatment systems (Behavioral Modification and Guided Interactional Therapy) were developed on a "common sense" notion. That is, that certain subjects, having certain problems, were subjectively judged to respond to certain methods of treatment. No research was done to see if either the Behavioral Modification or Guided Interaction Therapy System worked better than chance or more effectively than other methods now being employ. Dr. Jesness reported that they just seemed to make "good sense."

The Guided Interactional Therapy approach requires professional, systematic training. Most of the staffs hired by institutions do not render the approach systematically and/or fully understand the approach. Dr. Jesness reported that he is now in the process of integrating a new system based on Interactional Analysis which is less dependent on pre-service training of staff members.

4. Were Mexican-Americans used in the normative samples in the DDTS field development?

"No."

Some ideas added by Dr. Jesness were:

"It would be useful to examine the effects of culture on this inventory."

"Mexican-Americans tend to cluster in the culturally immature category."

"Blacks tend to cluster in the cultural conformist, manipulator category."

"This clustering of minority groups is probably related to culture, rather than to individual personality traits."

APPENDIX N

Correspondence Between James F. Reynolds, Director,  
Colorado Civil Rights Commission and Hilbert Schauer,  
Executive Director, Department of Institutions,  
Concerning Allegation of Discrimination at  
Mount View School for Girls.



## STATE OF COLORADO

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## COLORADO CIVIL RIGHTS COMMISSION

312 STATE SERVICES BUILDING • 1525 SHERMAN STREET  
DENVER, COLORADO 80203 • TELEPHONE (303) 892-2621

June 11, 1973

The Honorable Hilbert Schauer  
Executive Director  
State Department of Institutions  
328 State Services Building  
1525 Sherman St.  
Denver, Colorado 80203

Dear Mr. Schauer:

I am enclosing a statement made to one of our  
Civil Rights Specialists by a young lady who is  
an inmate of the Girls School at Morrison.

It would seem that such practices as described  
should be investigated promptly. Of course, if  
such segregation is practiced, it is discrimination  
based on race, color, national origin and ancestry  
and in violation of both the Governor's Executive  
Order and the Colorado Public Accommodations Act,  
C.R.S. 1963, 25-1-1 et. seq. as amended 1969. In  
addition, this could also jeopardize Federal funds.

I will expect a prompt reply on this subject.

Sincerely,

James F. Reynolds  
Director

JFR:EGC:rd

cc: Kay H. Colvin, Acting Director, Girls' School  
Anita Espinoza-Larsen, U.S. Commission on Civil  
Rights

Jose Cruz, CCRC, Grand Junction

I was sent to Mt. View Girls School on September 14 or 15 of 1972. During the time that I have been there they have made the following changes:

On January 3, 1973, they began separating and segregating us girls. They have made the Black and Chicana girls all sleep on one floor and the Anglo girls sleep on the second. They have also made us eat in separate dining rooms and at separate tables. They have even gone so far as making us watch separate televisions.

We have been also told that we could not speak Spanish at any time or we are locked in our room till grouping the next morning if we are caught.

In short, we are not allowed to speak with, associate with or sleep with or anything else with the Anglos. We are completely segregated and I believe discriminated against by the institution.

STATE OF COLORADO



JOHN A. LOVE - GOVERNOR

## DEPARTMENT OF INSTITUTIONS

HILBERT SCHAUER, EXECUTIVE DIRECTOR  
 MATT McBRIDE, DEPUTY DIRECTOR  
 326 STATE SERVICES BUILDING  
 DENVER, COLORADO 80203  
 TELEPHONE (303) 892-2595

June 27, 1973

Mr. James F. Reynolds, Director  
 Colorado Civil Rights Commission  
 312 State Services Building  
 Denver, CO 80203

Dear Mr. Reynolds:

Your letter of June 11, together with the statement from one of the students at Mount View School for Girls, was received and investigated by our Division of Youth Services.

Juveniles committed under the Children's Code to this Department are diagnosed and classified and placed in treatment units according to a classification system based on personality development and maturity. They are not placed on the basis of race, color, national origin or ancestry but rather on how the youngster sees himself, his environment, others about him, and how he reacts to these perceptions.

There was, on January 3, 1973, a concentration of minority members in one specific group within a unit due to the classification system employed. This was not true, however, in other treatment units.

There are no separate dining rooms and all girls are required to eat in the same dining areas. There are no cottage rules regarding seating arrangements, yet treatment group members tend to sit together during weekdays and to mix more frequently on weekends.

In regard to television viewing, about January 3, 1973, a problem did exist which was not related to racial differences but relating to individual girls who had a tendency to dominate the use of the television. The treatment team, in order to control the situation, decided to alternate the use of color TV and a black and white set every other week by group.

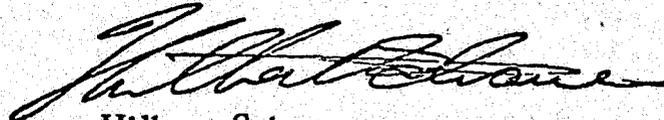
June 27, 1973

It appears that the allegation that girls are not permitted to speak Spanish is unfounded. There is no rule in any of the treatment units with regard to the use of Spanish, although in an individual situation where two-way communication is required with a staff member who does not speak Spanish, it would be necessary to communicate in English.

I am not suggesting that all is perfect by any means at any of our institutions, yet I would insist, however, that during recent years we have moved in positive ways to correct deficiencies to assure appropriate treatment for all the students. Authorities who have visited, inspected, or investigated these institutions have seen fit to be complimentary of our efforts.

Perhaps it would be helpful to you if you made firsthand observations of the efforts being made in Youth Services Programs and we, in turn, could have the benefit of your thoughts. We therefore extend to you a cordial invitation to visit at your convenience.

Sincerely,



Hilbert Schauer

HS:11

xc: Mr. Warren Alexander  
Mr. Jerry Agee ←

APPENDIX O

Jobs And Point System At  
Taylor Cottage, Mount View School for Girls.

General ActivitiesDaily Points

1. Up at first morning call		2
2. Morning chores (bed made, room cleaned, personal hygiene)		3
3. Required presence at breakfast		1
4. Homecoming chores (clothes changed, bundles out, spread off)		3
5. In room when directed (bedtime, crises, for personal time out)		2
6. Ready for bed		2
Changing sheets	Mon.	2
Gowns and robes changed	Tues.	2
Towel bundles	Thurs. & Sun.	2
Under clothing	(every day)	2
Taking baths		2

Cottage Jobs

7. Kitchen (choice of this job prohibits additional choice)		6 evening 6 morning 6 lunch
8. Secretary		13
9. Dining room (permits 1 additional choice)		12
10. Rec. Room upstairs		11
11. Rec. Room downstairs		10
12. Cottage Checker		9
13. Room checker		9
14. Halls up & down, baseboards		10
15. Bathrooms (up and down)		6
16. Outside area		6
17. Laundry room		5
18. Pans and brushes		3
19. Tub room (up and down)		4
20. Hopper (up and down)		3
21. Steps		5
22. Showers (up and down)		2
23. Ash trays (each morning)		2
24. Trash		3
25. Bath Monitor		5

SOURCE: General Explanation of Taylor Program, description provided to residents of Taylor Cottage by the Mount View School for Girls, pp. 2-3.

