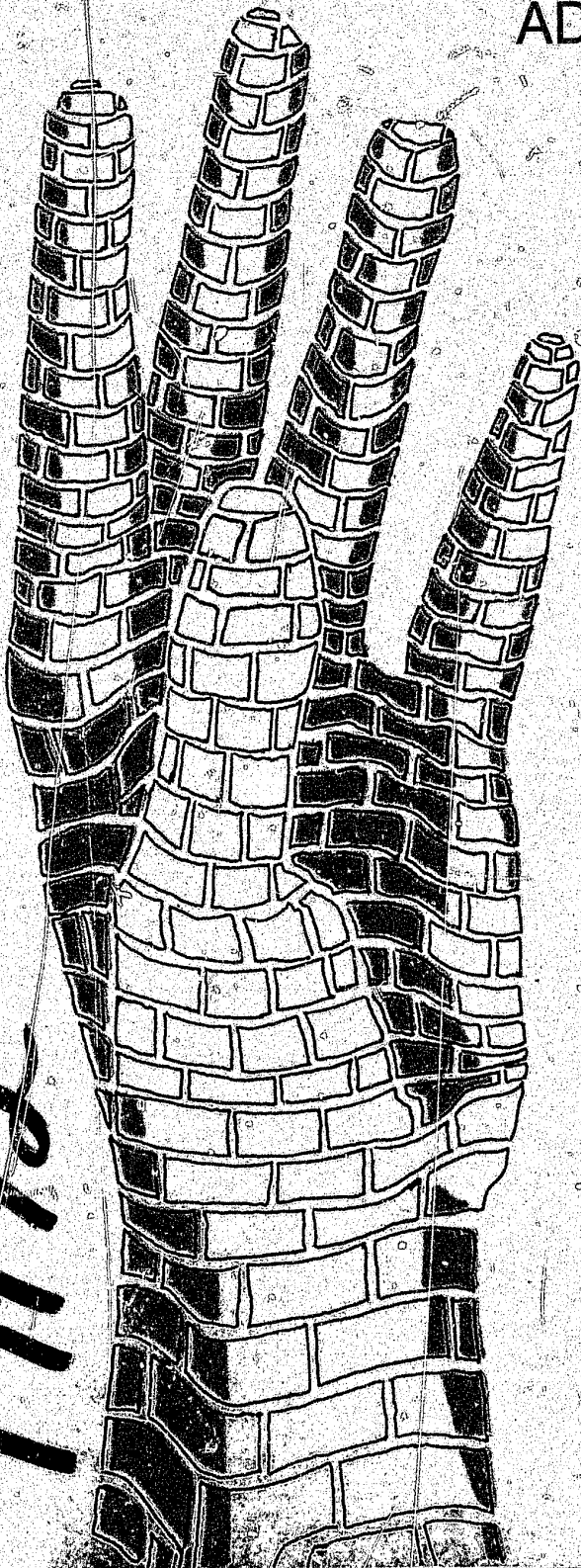


ADULT CORRECTIONS IN ARIZONA



—A report of the Arizona 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 be attributed to the Commission but only to the Arizona Advisory Committee.

December 1974

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ADULT CORRECTIONS IN ARIZONA

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

ATTRIBUTION:

The findings and recommendations contained in this report are those of the Arizona 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.

ARIZONA ADVISORY COMMITTEE TO THE
U. S. COMMISSION ON CIVIL RIGHTS
December 1974

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Sirs and Madam:

The Arizona Advisory Committee submits this report of its study of the adult correctional institutions in Arizona as part of its responsibility to advise the Commission on relevant civil rights problems within this State.

The Advisory Committee undertook this study in October 1973 as one element of the Commission's national prison project. Over the years, some severe problems within Arizona's correctional institutions had been neglected. With a new and progressive administration in the State Department of Corrections, the Advisory Committee felt that the time was right to examine these problems and recommend reform where we found it needed.

We investigated conditions and programs at the Arizona State Prison, at the State's two adult minimum security facilities, and in the three adult community correctional centers, or halfway houses. We sought to view them in relation to various minimum standards of civil and human rights of prisoners. We explored such areas as physical conditions, medical and health care, work programs, academic and vocational education, mail and visiting rules, and disciplinary procedures. We also looked for discrepancies in treatment of inmates based on race, ethnicity, and sex.

We found evidence of progress in many of these areas, but we also found gross inadequacies. A new minimum security institution emphasizing vocational training has opened, and another similar facility is planned. Yet the State prison remains badly overcrowded. In many cases two men share a 6- by 8-foot or 6- by 9-foot cell. Only a minority of inmates at the prison hold meaningful jobs or are paid for their work, and those who do earn wages are sorely underpaid, with some earning as little as six cents per hour. In the past year, two full-time doctors and a psychiatrist have been hired at the prison, where previously there were none. Medical and psychiatric services, however, still demand improvement. Psychotic prisoners are often placed in permanent lockup at the prison, with little treatment other than tranquilizing medication. Although a bill has gone to the Arizona Legislature to create an educational district within the Department of Corrections, presently academic and vocational programs are available to only a small percentage of inmates. Finally, inmate lawsuits at the State prison have resulted in a Federal court ruling encompassing new rules, regulations, and disciplinary procedures. Witnesses at the Advisory Committee meeting, however, questioned whether these are being properly implemented and pointed out areas where they felt there is still unfair treatment.

The majority of the Advisory Committee's recommendations are directed at State administrators and at the State legislature. Nearly all of the recommendations support the urgent need for basic minimum standards for inmates' constitutional and human rights, which the Advisory Committee believes all prisoners deserve. We urge you to concur in these recommendations, and we hope that this report will be a useful contribution to the Commission's national study. We believe that the Commission's study and recommendations at a national level will reinforce the efforts that this Advisory Committee has undertaken in Arizona.

Respectfully,

/s/

MORRISON WARREN
Acting Chairman

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.

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Mountain States Regional Office, Denver, Colo., for its help in the preparation of this report. Research, writing, and review assistance were provided by Grace Buckley, Paulette Cuny, Anita Espinosa-Larsen, William Levis, and William Muldrow, with support from Phyllis F. Brekke, Lou Ann DeVargas, and Esther Johnson. All worked under the overall supervision of Joseph C. Muskrat, former regional director, and Joseph T. Brooks, acting regional director.

Final edit and review was conducted in the Commission's Office of Field Operations in Washington, D.C., by Charles A. Ericksen, chief editor, with support from Rosa L. Crumlin, Mary Frances Newman, and Bruce E. Newman.

The Advisory Committee also wishes to acknowledge the extensive cooperation and effort offered by the Arizona Department of Corrections throughout the course of its investigation and open hearing.

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I. INTRODUCTION

A. Purpose of the Arizona Advisory Committee Study

In past years, prisons have been isolated from society in terms of both geographical location and public awareness of their internal operations. Their purpose has been to protect the public from the criminals they were designed to hold, and to punish criminals for their offenses.

The great majority of prisons are still located in rural areas, far from the resources of cities. But a few new facilities are being built nearer metropolitan areas in order to benefit from their educational and legal resources, employment and training opportunities, and health services. Most people still lack knowledge about prison conditions, but this also has changed somewhat in recent years. Citizens' groups, the courts, and State legislatures are responding to the frustrated and angry pleas of prisoners and the requests of some correctional officials for protection of inmates' human and civil rights. While incarceration necessarily deprives prisoners of

their freedom and certain rights and privileges which they would enjoy in free society, inmates do not lose their fundamental constitutional rights.

As a result, a definition of these basic rights is developing, and a body of standards for correctional reform is beginning to emerge, emphasizing rehabilitation and personal rights. There continues to be a critical need for a more comprehensive body of law and for an overall set of guidelines establishing basic rights of persons denied freedom for alleged or convicted criminal activity. In this context, the U.S. Commission on Civil Rights has undertaken a broad inquiry into conditions in State and Federal correctional institutions in selected States. The Arizona study is one of 14 State advisory committee projects throughout the country. The sum of these will be weighed in considering preparation and release of a statutory Commission report on prison conditions.

The Commission's prison project was created by consultant Donald Goff, former general secretary of the New York Correctional Association and a former member of the Goldman Panel, appointed by New York Governor Rockefeller after the Attica riot in September 1971 to protect the constitutional rights of inmates of that institution. The project is designed to accomplish several goals: to develop information on the need for a set of guidelines to establish basic rights of inmates; to develop information on the extent to which women and minority inmates in particular are denied opportunities or

rights afforded to the general prisoner population, and whether the adoption of uniform minimum standards of treatment will improve the lot of these groups; and to develop evidence and support for such minimum standards and for a set of model prisoner rights.

In this regard, Mr. Goff prepared a set of Minimum Civil and Human Rights for Sentenced Inmates in Correctional Institutions, a model baseline to be used as an instrument to elicit response and ideas from individuals and organizations participating in the study. The standards were drawn from principles established by the courts; from models designed by such organizations as the American Correctional Association, the United Nations, and the National Advisory Commission on Criminal Justice Standards and Goals; and from Mr. Goff's own experience. The feasibility of adopting such a baseline will be considered as a culmination of the State Advisory Committee findings and recommendations concerning prison conditions and programs.

B. Methodology

In October 1973, two representatives from the Commission's Mountain States Regional Office met with Arizona Governor Jack Williams and Attorney General Gary M. Nelson to outline the purpose and design of the State Advisory Committee's study of adult corrections in Arizona. They endorsed the proposed study and offered their cooperation. Commission representatives also met with the director of

the State Department of Corrections, John J. Moran, to discuss the project. The Department of Corrections extended full cooperation to the State Advisory Committee and provided tours of all State adult correctional facilities to Commission staff and members of the Advisory Committee.

Commission staff interviewed some 50 male inmates of the Arizona State Prison during November and December 1973 and January 1974. More than 20 interviews were conducted with inmates in the Women's Division, and some 25 inmates were interviewed at Safford Conservation Center, Fort Grant Training Center, and halfway houses in Phoenix and Tucson. Approximately 30 men and women prisoners were asked and agreed to testify based on their knowledge of issues included in the study at an open meeting held by the Arizona Advisory Committee on March 14, 1974, in Phoenix and March 15, 1974, in Florence.

Commission staff also spoke with officials at each adult correctional facility. Heads of departments, teachers, counselors, medical and dental personnel, correctional officers, and members of classification and disciplinary committees were interviewed regarding their individual roles at the institutions. More than 35 such officials testified at the March meeting. The Advisory Committee also obtained extensive statistical data from the Department of Corrections regarding all aspects of life in the institutions. In addition, State legislators and representatives from the Post-Conviction Clinic,

citizens' groups, and ex-offender organizations in the community were interviewed and provided testimony at the open hearings.

During the course of the field investigations, copies of the Commission's Research Document for Establishment of Base Line for Minimum Standards for Civil and Human Rights of Inmates in Correctional Institutions were sent to corrections officials, administrators of the State's adult correctional facilities, and to post-conviction, ex-offender, and community organizations for their detailed comments. Responses to these queries were presented at the open hearings.

This report first will present what the Advisory Committee believes is a factual picture of conditions, programs, and policy at Arizona's adult institutions, based on testimony received at the hearing, interviews, and material provided by the Department of Corrections. The Advisory Committee then offers conclusions and specific recommendations for change in areas varying from inmate housing and rehabilitation programs to health care and disciplinary procedures. The Committee hopes that these recommendations will be supportive of the new administration of the Department of Corrections in pursuing their goals of change and improvement of the correctional system in Arizona.

C. State Population and Crime Statistics

Arizona's population in 1970 was 1,770,900 people. Between 1950 and 1970 it has increased by an overall 136.3 percent. Nearly 80 percent of Arizona's population now lives inside urbanized areas, and

nearly 50 percent inside central cities. In 1950, only 55 percent of Arizona's population was urban.¹

The largest ethnic minority group in Arizona consists of Mexican Americans,² who comprise 18.8 percent of the State population. Native Americans make up 5.3 percent of the population, and blacks 3.0 percent. The majority of persons of Spanish-speaking background (81.0 percent) and of blacks (90.5 percent) live in urbanized areas, whereas the majority of Native Americans (82.6 percent) reside in rural areas.³

In 1972, with a population of 1,945,000, Arizona had a total crime index of 72,857: 8,731 violent crimes and 64,126 property crimes.⁴ This breaks down to a rate of 3,745.9 crimes per 100,000 persons.⁵ Arizona's total crime rate is lower than for the Western

1. U.S. Census of Population: 1970, Number of Inhabitants-Arizona, Series PC(1)A4, Tables 1 and 2.

2. The U.S. Commission on Civil Rights uses "Spanish-speaking background" to identify persons of Spanish heritage or descent. "Mexican American," however, will be used in this report because the report is regional in scope and "Mexican American" is a term generally used in Arizona.

3. U.S. Census of Population: 1970, General Social and Economic Characteristics-Arizona, Series PC(1)-C4, Table 48 and U.S. Census of Population: 1970, Subject Report-American Indians, Series PC(2)-IF, Table 3. The Bureau of Indian Affairs estimates that at least 6 percent of Arizona's population is Native American.

4. Crimes against the person consist of murder, forcible rape, robbery, and aggravated assault. Property crimes are burglary, larceny of \$50 or more, and theft.

5. Crime rates relate the incidence of crime to population, and are based on crimes reported to the police. It should be noted that not all crimes are reported. If they were, according to FBI data, the rate would be from 3 to 30 percent higher.

region as a whole,⁶ whose rate is 4,030.3 per 100,000 people, and higher than the crime rate for the total U.S., which is 2,829.5 per 100,000 people. The following table shows total crime indices for the State.

1972 CRIME INDICES - ARIZONA					
	<u>Population</u>	<u>Total Crime Index</u>	<u>Crimes Against the Person</u>	<u>Crimes Against Property</u>	
PHOENIX & TUCSON	1,455,000	62,421 (85.7%)	7,243 (83.0%)	55,178 (86.0%)	
OTHER CITIES	191,000	6,186 (8.5%)	841 (9.6%)	5,345 (8.3%)	
RURAL	299,000	4,250 (5.8%)	647 (7.4%)	3,603 (5.7%)	
STATE TOTAL	1,945,000	72,857 (100.0%)	8,731 (100.0%)	64,126 (100.0%)	

Source: Uniform Crime Reports -- Crime in the United States, 1972, Table 4, issued by Clarence M. Kelley, director, FBI, Aug. 8, 1973.

6. The Western region includes the States of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming.

staff hierarchy within the prison in order to afford inmates certain basic rights with regard to training and work assignments, treatment, and rules and discipline.⁷

A joint interim committee of the Arizona Legislature was formed in 1967 to study State institutions for juveniles, and, working with a citizens advisory group of experts, issued a report in January 1968. Among the report's major recommendations was that "the legislature establish a unified correctional system in Arizona" under a State department of corrections. State Senate Bill 131 was subsequently introduced by members of the Senate Committee on State Government, and in June 1968 Arizona first established its State Department of Corrections.⁸

The Arizona Civil Rights Commission undertook an investigation at Arizona State Prison in 1970, limited in scope to allegations of disparate treatment of racial and ethnic minority prisoners and lack of minority personnel. Perhaps the most significant finding of this study was that minorities, particularly blacks, were grossly under-represented among prison administrators and other supervisory personnel.⁹

7. "Correctional Services in Arizona -- 1958," report of a survey conducted by the National Probation and Parole Association in collaboration with the Osborne Association, Inc. and the United Children's Bureau.

8. "Report to the State Legislature - Proposed Structural Reorganization of Correctional Programs in Arizona," Joint Study Committee in Juvenile Institutions, Arizona State Legislature, January 1968.

9. Investigation of Arizona State Prison by Wilbur R. Johnson, executive director, Arizona Civil Rights Commission, Sept. 22, 1970.

II. OVERVIEW OF ARIZONA'S ADULT CORRECTIONS SYSTEM

A. Prior Studies of Arizona's Correctional System

When the National Probation and Parole Association (NPPA) conducted a survey of correctional services in Arizona in 1958, there was one institution in the State for adult offenders, Arizona State Prison in Florence. Run solely by its own officials, the prison was not overseen by any higher body, and was very much a "football of politics," the report commented. As a result, the NPPA concluded, "There was no program, no one was concerned about the prison or its inmates to any degree, and it was allowed to sink deeper and deeper into a morass of poor management, brutal treatment, human neglect, and human waste." The study credited the then warden with substantial efforts to change this situation and made numerous recommendations for improvement. These included the creation of a State Board of Corrections to oversee prison operations and the establishment of a responsible structured

In October 1972, Ellis McDougall, Commissioner of the Georgia Department of Offender Rehabilitation, reviewed the structure and programs of the Arizona Department of Corrections under a Law Enforcement Assistance Administration technical assistance contract. Among MacDougall's 30 recommendations were the following: that the Department of Corrections structure be substantially reorganized; that the Women's Division of the Arizona State Prison be eliminated and female inmates be placed in community correctional centers (halfway houses); and that the concept of halfway houses be expanded and other houses purchased. About Arizona State Prison as a whole, he concluded: "In all of my experience, I have never seen a more difficult institution to operate....It seems to have every correctional problem existing in all other prisons put together." His main recommendation was that an indepth study be made of the institution. Further recommendations included reducing the intense overcrowding at the prison; increasing the numbers of counselors, teachers, vocational instructors, and psychologists; making available additional psychiatric services; and assuring that correctional staff receive meaningful training, better salaries, fringe benefits, and overtime pay.

10. Arizona Department of Corrections, prepared by Ellis MacDougall, commissioner, Department of Offender Rehabilitation, Georgia, for the Corrections Division, Institute of Government, University of Georgia, LEAA Technical Assistance Contract No. J-LEAA-015-71, November 1972.

The Arizona Citizens' Commission on Prisons was organized in May 1972 to present to the public and government officials the need for prison reform in Arizona. The immediate purpose was to press for changes in conditions at Arizona State Prison. Following a 16-day work stoppage at the prison that same month, the Commission sponsored public hearings in Tucson in July 1972 to investigate allegations of unjust and unconstitutional treatment of prisoners. Testimony was heard primarily from ex-offenders. The executive secretary of the organization, Flint Anderson, testified at the Arizona Advisory Committee's open meeting. He expressed the view that since the Arizona Citizens' Committee on Prisons was formed, the State legislature and the director of the State Department of Corrections, John Moran, have committed themselves to reform the correctional system, with special emphasis on community-based treatment of offenders.

B. Structure of the Arizona Department of Corrections

Not until 1968 did the Arizona Legislature create a Department of Corrections to administer all correctional programs in the State. Prior to that time, the Arizona State Prison, the State juvenile facilities, and the adult and juvenile parole services each functioned as completely separate entities.

11. Open meeting (also referred to as informal hearing) on Arizona Adult Corrections, held by Arizona Advisory Committee to the U.S. Commission on Civil Rights, Mar. 14-15, 1974, Transcript, p. 100. Page numbers in parentheses in the body of the report will hereinafter indicate references to testimony heard at the Arizona Advisory Committee open meeting.

The first director of the Department of Corrections, Allen Cook, held that office from 1968 to 1973. He and one deputy supervised all staff and institutions under the department's jurisdiction.

In 1973 Mr. Cook was succeeded by John J. Moran, the present director. Mr. Moran undertook a substantial reorganization of the structure of the department along the lines recommended by Ellis MacDougall in his 1972 report. He established four deputy director positions and a special office for inmate education and staff training programs. The deputy directors head offices for administration; community services; institutions; and research, program planning, and evaluation. Through this new structure, responsibilities are more efficiently distributed and more emphasis is given at the central office level to community-based treatment and to planning programs for prisoners in the various correctional institutions. Mr. Moran voiced his commitment in testimony before the Arizona Advisory Committee:

We are convinced without question and are dedicated to the fact that we can best protect the public by having decent, humane, quality programs of sufficient variety that inmates have the opportunity to do something with themselves while they're under our care....

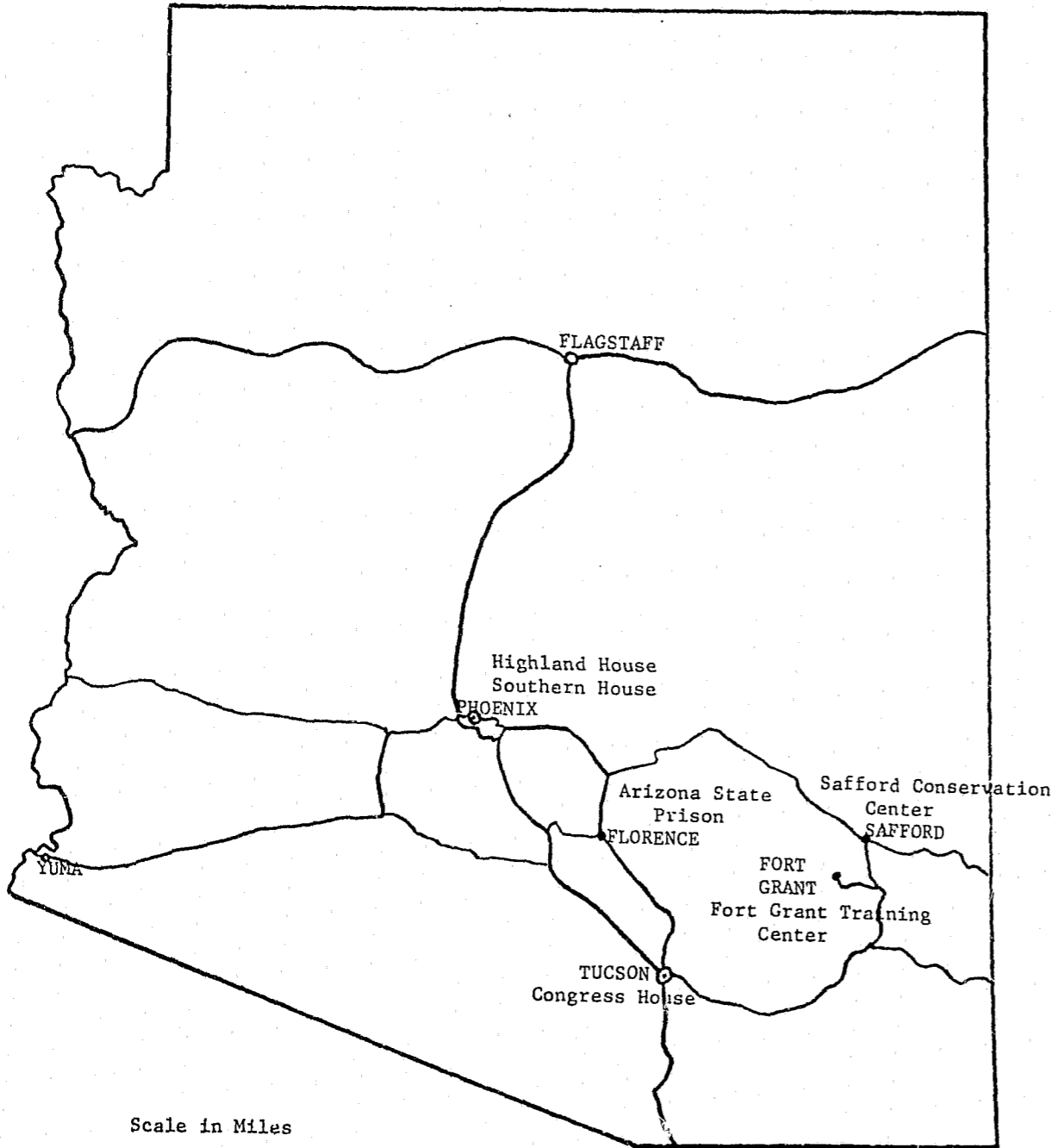
In our philosophy, planning, and program development, we readily and clearly understand and accept the uniqueness of each human being....We are therefore committed to the development of institutional services and programs and also community-based programs designed within reason and resources available to meet these specific and unique needs. (pp. 53 and 55)

The Department of Corrections administers three adult correctional institutions and three adult community correctional centers, or halfway houses.¹² Arizona State Prison is the largest and oldest facility. It has a men's and women's division. Safford Conservation Center, a minimum security facility for men, opened in 1970, and Fort Grant Training Center, previously a juvenile institution, became an adult minimum security facility for men in November 1973. The first adult halfway house opened in 1971 in Phoenix. Since then, the State has established two additional adult halfway houses, one in Phoenix and one in Tucson. Facility locations are indicated on page 14.

In 1970 the Arizona Legislature authorized the Department of Corrections to build a new medium security facility (41 ARS 1641), and the department began preliminary planning for a 500 person facility in the Phoenix area. During the planning period it was determined that two smaller facilities should be constructed instead, one in Phoenix and one in Tucson. In 1973 the legislature appropriated \$5.1 million for the construction of the first of the two facilities, which will house 240 to 300 men and will probably be located in the Phoenix area. The new facility will be designed for the young adult offender (probably under 25 years), and will emphasize vocational training and intensive social and psychological counseling and treatment.

¹² The Department of Corrections also administers two juvenile facilities, the Arizona Youth Center and the Arizona Girls School, and five halfway houses for juveniles, as well as the adult and juvenile parole functions.

LOCATION OF ARIZONA ADULT CORRECTIONAL INSTITUTIONS



As of November 1973, it was anticipated that construction of the facility would be completed in the late fall of 1975.¹³

C. Characteristics of Adult Offenders

The Arizona Department of Corrections provided the Advisory Committee with statistics showing age at commitment and committing offense of adult offenders in State correctional institutions:

ADULT RESIDENT POPULATION
(As of January 1, 1974)

AGE AT COMMITMENT BY ETHNIC GROUP

Age	Black	Mexican American	Native American	White	Other	Total	
Below 19	16	18	1	33	0	68	(3.8%)
19 - 20	42	48	11	106	0	207	(11.5%)
21 - 30	178	208	31	484	1	902	(50.1%)
31 - 40	59	80	11	222	0	372	(20.6%)
41 - 60	59	39	4	126	1	229	(12.7%)
61 +	9	1	1	13	0	24	(1.3%)
Totals	363	394	59	984	2	1802	(100.0%)
Percentage of Total	20.1%	21.9%	3.3%	54.6%	0.1%		

Source: Arizona Department of Corrections, research/information system section, Feb. 5 and Feb. 8, 1974.

13. Preliminary Plans of The Arizona Correctional Training Facility. Arizona Department of Corrections, Malcolm Geddys, Superintendent, ACTF, July 1973 (updated Nov. 1, 1973).

ADULT RESIDENT POPULATION
(As of January 1, 1974)

COMMITTING OFFENSE BY ETHNIC GROUP

	Black	Mexican American	Native American	White	Other	Total
<u>Crimes vs. Persons</u>	230 (25.7%)	146 (16.3%)	35 (3.9%)	478 (53.3%)	7 (0.8%)	896 (49.7%)
Homicide	78	50	5	161	-	294
Kidnapping	7	13	5	25	-	50
Sexual Assault	24	19	4	50	-	97
Robbery	72	35	7	138	1	253
Assault	49	29	14	102	1	195
Other	-	-	-	2	5	7
<u>Crimes vs. Property</u>	88 (15.9%)	125 (22.6%)	16 (2.9%)	318 (57.6%)	5 (0.9%)	552 (30.6%)
Burglary	47	85	8	143	-	283
Larceny	19	20	4	47	2	92
Auto Theft	5	4	2	35	-	46
Forgery	8	5	1	47	-	61
Fraud	4	4	-	35	-	43
Other	5	7	1	11	3	27
<u>Dangerous Drugs</u>	30 (10.9%)	108 (39.1%)	7 (2.5%)	128 (46.4%)	3 (1.1%)	276 (15.3%)
<u>Sex Offenses</u>	3 (6.3%)	8 (16.7%)	1 (2.1%)	36 (75.0%)	-	48 (2.7%)
<u>Other</u>	8 (26.7%)	3 (10.0%)	-	19 (63.3%)	-	30 (1.7%)
TOTALS	359 (19.9%)	390 (21.6%)	59 (3.3%)	979 (54.3%)	15 (0.8%)	1802 (100.0%)

Source: Arizona Department of Corrections

III. ADULT CORRECTIONAL INSTITUTIONS

A. Arizona State Prison (ASP) - Men's Division

Arizona State Prison is located in Florence, a town of about 2,000 residents approximately 65 miles southeast of Phoenix and 100 miles north of Tucson. The State's largest adult correctional institution, it opened in 1912, replacing the territorial prison at Yuma. Little of the 1912 facility still stands.

ASP Men's Division is primarily a maximum security facility, surrounded by high concrete walls with gun towers. The main yard contains three cellblocks; ¹⁴ the main line kitchen and dining area; hospital; guard headquarters; diagnostic center; and a combination auditorium, chapel, library, and office facility. Some 1,000 inmates are housed in the main yard. Attached to it is a

¹⁴ Cellblock 2, which also contains a dormitory, is the oldest living area, built in the 1930's. Cellblocks 3 and 4 were constructed in the early 1960's, and house both general population inmates and those on lockup status or in disciplinary isolation.

second yard, also walled. This contains the Institute for Educational Rehabilitation (IER), housing up to 150 general population inmates in dormitory-style quarters, with a small restricted area for minors (up to age 18) sentenced to the adult facility. The IER yard also contains the academic and vocational school facilities. Adjacent to it are the outdoor recreation area and athletic field.

During the 1950's a minimum security "Outside Trusty" (OT) area was built outside the walls and currently houses about 200 inmates in dormitories surrounded by a high chain-link fence. Attached to the rear of the main yard of the prison is the industrial yard, which contains most of the factories run by Correctional Industries. Nearby the prison are three farms, employing Outside Trustees and supervised by Correctional Industries.

The original prison (the main yard) was designed to hold 700 to 800 inmates. The prison currently has about twice that number, however, and during the years 1969 and 1970 it held as many as 1,700 men. The small space within the main prison walls appears literally crammed full of buildings. The Department of Corrections plans to make several improvements in the facilities at ASP. Two of the older buildings in the main yard have been demolished, and architectural plans have been developed for a new kitchen and two dining rooms to replace the antiquated, inadequate existing kitchen and dining facilities. There are also plans to replace the existing hospital, which is housed in old and extremely cramped quarters.

Finally, the department is going to establish a new inmate visiting area in a structure presently used as a warehouse. The existing visiting area is small and dark, with inadequate space to accommodate the large number of main yard inmates and their visitors.

As of January 1974, ASP held 1,400 prisoners (1,346 men and 54 women) and had a staff of 439 full-time and one half-time employees, including 45 women. A breakdown by race and ethnicity shows:

ARIZONA STATE PRISON
RESIDENT AND STAFF POPULATION BY RACE AND ETHNIC GROUP
(As of January 1974)

	RESIDENTS		STAFF		
	Number	Percent	Percent	Number	
Black	288	20.5%	==== 1.6%	5	Black
Mexican American	336	24.0%	==== 13.4%	59	Mexican American
Native American	51	3.6%	==== 0.7%	3	Native American
White	714	51.0%	==== 84.0%	370.5	White
Other	<u>11</u>	<u>0.8%</u>	==== <u>0.5%</u>	<u>2</u>	Other
Total	1400	99.9%*	==== 100.2%*	439.5	Total

*Column does not add to 100.0% due to rounding.

Source: Arizona Department of Corrections. Statistics for employees in the Men's and Women's Divisions were not provided separately, although this was requested by the State Advisory Committee.

The above ratios of minority staff to inmates indicate clear discrepancies in the proportion of minority staff to inmates at the prison. Department of Corrections director Moran admitted at

the informal hearing that the prison, and indeed the department as a whole, is "woefully weak in that area." Part of the reason for the discrepancy, he said, is the remote location of the institution. He indicated that the department has "gone out actively after particular individuals" and has "worked through some community groups in an attempt to get minority staff." (pp. 86-87). He offered statistics, however, indicating that of 286 line correctional officers in the men's prison, only 4 (1 percent) are black and 34 (12 percent) are Mexican American. Further, out of 47 higher-ranking guards (sergeants, lieutenants, captains, and majors), there is one black, a sergeant. Both majors are Mexican American, and 12 other officers are Mexican American, for a total of 30 percent.

B. Arizona State Prison - Women's Division

Across a country road from the main prison is the Women's Division - also a walled facility - housing between 50 and 60 women in three dormitories. It is a spacious facility, built in 1962 to replace a severely overcrowded, substandard "women's ward" designed for 20 inmates. The facility includes an administration, classroom, and visitors' building; several dormitory units; a kitchen/dining room; recreation/library facilities; infirmary; isolation area; and

15. Statistics provided by the Arizona Department of Corrections, as of January 1974.

a laundry, sewing rooms, and more classrooms. Surrounding the buildings are lawns, gardens, and an outdoor recreation area, all of which are inside the walls. The Women's Division looks to the main facility for services such as maintenance and for certain staff resources (doctors, dentist, teachers, etc.) but is responsible to a deputy director of the Department of Corrections for programs.

WOMEN'S DIVISION - ASP
RESIDENT AND STAFF POPULATION BY RACE AND ETHNIC GROUP
(As of November 1973)

	RESIDENTS		STAFF		
	Number	Percent	Percent	Number	
Black	11	20.4%	==== 8.3%	2	Black
Mexican American	7	13.0%	==== 4.2%	1	Mexican American
Native American	3	5.5%	==== 0.0%	0	Native American
White	29	53.7%	==== 87.5%	21	White
Other	4	7.4%	==== 0.0%	0	Other
Total	54	100.0%	==== 100.0%	24	Total

Source: Arizona Department of Corrections, and interview with Marjorie Ward, Superintendent, Women's Division - ASP

While minorities comprise nearly half (46.3 percent) of the resident population, they make up only 12.5 percent of the staff.

C. Safford Conservation Center

Safford Conservation Center, opened in July 1970, is located in a remote area of southeastern Arizona 8 miles outside of Safford, a town of approximately 5,500 people. A minimum security facility, it imposes few restrictions on the freedom of the residents. The 160 to 170 centermen (as its residents are referred to) live in dormitories and work either for city and county agencies or at maintaining the facility itself. In the summer some inmates live at a conservation camp in the mountains and do forestry work.

Racial and ethnic breakdowns of residents and staff at Safford indicate that of 166 centermen, 36 percent are minority, while only 9 percent of the 33 staff are minority:

SAFFORD CONSERVATION CENTER
RESIDENT AND STAFF POPULATION BY RACE AND ETHNIC GROUP
(As of January 1974)

	RESIDENTS		STAFF		
	Number	Percent	Percent	Number	
Asian American	0	--	==== 3.0%	1	Asian American
Black	36	21.7%	==== --	0	Black
Mexican American	22	13.3%	==== 6.1%	2	Mexican American
Native American	2	1.2%	==== --	0	Native American
White	<u>106</u>	<u>63.9%</u>	==== <u>90.9%</u>	<u>30</u>	White
Total	166	100.1%*	100.0%	33	Total

*Column does not add to 100.0% due to rounding.

Source: Arizona Department of Corrections

D. Fort Grant Training Center

Fort Grant is located at the site of a former army base in a rural area approximately 40 miles southwest of Safford, in eastern Arizona. Like Safford Conservation Center, it is a minimum security facility without walls or fences and with dormitory-style living. The treatment program at Fort Grant emphasizes vocational rehabilitation, and the facility offers a variety of vocational training programs funded through the State Departments of Economic Security and Education.

Until the fall of 1973, Fort Grant was a juvenile institution called the State Industrial School for Boys. Gradually, the juveniles were transferred to other facilities and adult offenders are being transferred there, primarily from the State prison in Florence. According to Cliff Anderson, superintendent, Fort Grant's capacity is approximately 400 men; however, the Department of Corrections' present plans are to hold about 250 men there. At the time of the Advisory Committee's informal hearing, some 150 men had been transferred to Fort Grant, and there were 88 staff. Its racial and ethnic composition is shown on the following page.

E. Community Correctional Centers (Halfway Houses)

The concept of adult halfway houses in Arizona is relatively new. The first adult house opened in 1971. There are presently three adult halfway houses: Highland House and Southern House in Phoenix and Congress House in Tucson. Each has a supervisor, several

FORT GRANT TRAINING CENTER

RESIDENT AND STAFF POPULATION BY RACE AND ETHNIC GROUP
(As of January 1974)

	RESIDENTS		STAFF	
	Number	Percent	Percent	Number
Black	13	16.0%	2.6%	2
Mexican American	12	14.8%	15.4%	12
Native American	3	3.7%	--	0
White	53	65.4%	82.1%	64
Total	81	99.9%*	100.1%*	78

*Column does not add to 100.0% due to rounding.

Source: Arizona Department of Corrections

staff counselors, and capacity for approximately 12 male residents. There are no halfway houses for women inmates.

Inmates are chosen to live in halfway houses by a Department of Corrections screening committee and are transferred from one of the other State correctional facilities to the houses. Generally, they are within six months or less of their parole date or the date when their maximum term has been served. Residents of the halfway houses may come and go freely to their jobs and may receive passes to spend weekends with their families on an almost unlimited basis. The staff give residents as much assistance as they desire in finding jobs or in counseling in such areas as budget, family, or other personal problems. The major limitation of the halfway houses is that so few inmates can benefit from the experience.

As of January 1974, 38 men resided in the three halfway houses, supervised by a total of 16 staff (including a cook for each house). A racial and ethnic breakdown of residents and employees follows:

COMMUNITY CORRECTIONAL CENTERS
RESIDENT AND STAFF POPULATION BY RACE AND ETHNIC GROUP
(As of January 1974)

	RESIDENTS		STAFF	
	Number	Percent	Percent	Number
Black	6	15.8%	18.8%	3
Mexican American	5	13.2%	--	0
Native American	0	--	--	0
White	27	71.1%	81.3%	13
Total	38	100.1%*	100.1%*	16

*Column does not add to 100.0% due to rounding.

Source: Arizona Department of Corrections

IV. FINDINGS

A. Classification, Reclassification, and Transfers of Inmates

Nearly every adult inmate entering Arizona's correctional system starts out at Arizona State Prison, where he or she goes through the classification process. At the Men's Division, a new inmate spends the first five weeks of his commitment in the Diagnostic Reception Center, where he is assigned a number, given a physical examination and a battery of tests, and is interviewed on a regular basis by a correctional counselor. At the end of this period, the inmate goes before the institution's initial Classification Committee, where he is assigned a job and a housing unit and may be considered for placement in an education or vocational training program at the prison. The Classification Committee may also recommend the inmate directly to the Honor Placement Committee for consideration for minimum custody status assignment to the Outside Trusty area, Safford, Fort Grant, or the halfway houses. New inmates at the Women's Division are also interviewed and given tests, but they are integrated almost immediately into the mainstream of prison life.

The diagnostic and orientation period is critical in an inmate's life at the prison because crucial decisions are made about his or her future. As stated in Model Rules and Regulations in Prisoners' Rights and Responsibilities, "An adequate classification process is necessary as a complement to programs designed for reintegration. This cannot be achieved unless inmates are adequately aware of what classification involves." ¹⁶ At ASP, the classification system has improved to some extent in the past several years; however, it is still lacking in a number of areas. Superintendent Harold Cardwell commented at the March meeting that, "It certainly could be improved upon. We need more testing and so forth, I think." (p. 408) Thomas Thackery, then associate superintendent for care and treatment, testified that he felt it is adequate for the majority of inmates, but it is continually being changed. (p. 409)

The prison's Classification Committee consists of the Diagnostic Center administrator, the associate superintendent for custody, and a representative of Correctional Industries. It is responsible for making work and some program assignments. Initial job assignments are to the yard or kitchen detail or to a farmwork gang. Then, in theory, a prisoner may be classified into a job in which he has expressed an interest. This is not always the case, however, since

¹⁶ Model Rules and Regulations on Prisoners' Rights and Responsibilities, Sheldon Krantz, Robert A. Bell, Jonathan Brant, and Michael Magruder, Center for Criminal Justice, Boston University School of Law, 1973, p. 86.

at any one time there are limited vacancies, and the better-paying, skilled, or otherwise desirable jobs are not always available. Many inmates interviewed indicated they simply stay in the jobs to which they were arbitrarily assigned.

Cellblock assignments are made by the classification officer and are based on evaluation of an inmate's custody status and his work assignment, and cell partners are assigned on the basis of age, physical stature, similar job or program assignment, and types
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of crime.

Inmates at ASP are considered for participation in academic and vocational education programs at their own request. Thus, it is of particular importance that, while in the Diagnostic Center, they be made aware of the programs available to them. Nord Monahan, the vocational rehabilitation counselor from the State Department of Economic Security, is responsible for interviewing and screening inmates who wish to participate in the vocational training school at the prison. He indicated in an interview with Commission staff that he is not able to meet with new inmates in the Diagnostic Center, although he feels it would be beneficial to have regular meetings

17. Assigning inmate housing based on work and program assignments was only recently initiated at the prison in early 1974.

there to inform new inmates of the types of vocational training
18
available and of the eligibility requirements.

Duane Vild, director of Central Arizona College's program at the prison, and John Paulson, an elementary and secondary education teacher, expressed similar opinions. At one time, Mr. Paulson said, there was a program in which he made regular visits to the Diagnostic Center to explain the prison's education program and encourage inmates to enroll. There is no longer such an assembling of new inmates, he said, nor is there any education counselor with responsibility to inform new inmates of program options. Mr. Vild also expressed interest in an education orientation for new inmates. He said that he used to be able to interview all applicants for the college program but is no longer allowed to do so. John Wright, education program administrator for the Department of Corrections, testified at the hearing that there are plans to institute some type
19
of educational orientation program at the prison.

Thus, correctional counselors in the Diagnostic Center are left with much of the responsibility for making new inmates aware of program opportunities and other activities open to them. It appears

18. Interview with Nord Monahan, vocational rehabilitation counselor at Arizona State Prison, for Arizona Department of Economic Security, Division of Vocational Rehabilitation, December 1973.

19. Interviews with John Paulson, teacher/administrator, Arizona State Prison, and with Duane Vild, evening division, Central Arizona College, November 1973. See also Transcript, p. 822.

that while many such major responsibilities fall to these counselors, they have little authority in the hierarchy of prison personnel, and often have extremely large caseloads. Diagnostic Center counselors differed in their opinions of the respect given their position. One counselor remarked that the Classification Committee solicits his comments regarding new inmates with whom he has worked and takes his word into consideration along with custody reports and the inmate's own feelings. He felt the committee has improved over time. Another counselor, on the other hand, felt that although he devotes many hours to working with and evaluating new inmates, his recommendations and those of other Diagnostic Center counselors are not always respected by the Classification Committee.²⁰

Another important aspect of the initial classification process at the prison is the testing of inmates. Newly committed inmates are given a number of achievement, aptitude, and personality tests, the results of which are used in conjunction with case histories and interviews to make determinations about an individual's future program. One or two of the tests are available in Spanish, and several of the tests can be administered verbally if an inmate has difficulty reading. According to the Diagnostic Center administrator, two

20. Interviews with Vincent Wehrman and William Sager, correctional counselors, Diagnostic Center, Arizona State Prison, November 1973 and February 1974.

counselors are bilingual and are available to assist in interpreting test results or translating for new inmates who speak only Spanish.²¹ Even so, said Thomas Thackery, former associate superintendent for care and treatment, the testing is not always fair, since not all tests are translated into Spanish or given verbally, and the tests may not take into account differing cultural backgrounds of individuals.²²

The prison's vocational rehabilitation counselor commented that inmates often earn low scores in aptitude tests when they are first committed because they are tense and upset, or for other reasons, and this renders them ineligible for the vocational training school. Yet, no one informs them that they may specifically request retesting and reconsideration.²³

If an inmate at Arizona State Prison wishes to change his housing, work, or program assignment, he must submit a written request to the Reclassification Committee. This committee also determines changes in a prisoner's custody status and may release prisoners from maximum custody back into the general population or,

21. Interview with William Hogan, Diagnostic Center administrator, Arizona State Prison, November 1973.

22. Interview with Thomas Thackery, former associate superintendent for care and treatment, Arizona State Prison, November 1973.

23. Interview with Nord Monahan, vocational rehabilitation counselor at ASP, for Arizona Department of Economic Security, Division of Vocational Rehabilitation, December 1973.

for certain reasons, assign a prisoner to maximum custody "lockup" status for "care and treatment." The prison's Rules Infraction Board, or disciplinary committee, has sole jurisdiction over decisions concerning the disposition of the rule infractions. It may recommend to the Reclassification Committee, however, that a prisoner be reclassified to maximum custody status, whether or not it finds her/him guilty of rule infraction. It also may direct that a prisoner whom it has found guilty be kept in maximum custody after he or she finishes doing time in isolation.

The prison's Honor Placement Committee screens inmates requesting transfer to minimum custody status, either in the institution's Outside Trusty area or to Fort Grant, Safford, or the halfway houses. According to ASP regulations, the criteria for evaluation and selection of inmates for minimum custody facilities are among the following:

...offense, time served to date, time to be served before next parole hearing, detainers, escape history or potential, degree of notoriety of the inmate, institutional adjustment and disciplinary record in the prison to date, work and disciplinary record at other institutions, use of drugs and alcohol in the community and in institutions, emotional stability, strength and location of family ties, work experience, and skills.²⁴

After the initial screening by the Honor Placement Committee, the inmate is interviewed by a Department of Corrections committee which is responsible for final decisions on transfers to other facilities.

24. Arizona State Prison, Superintendent's Bulletin #73/16, Dec. 10, 1973.

A department committee also screens residents of Fort Grant and Safford for transfer to the halfway houses. Selection of inmates for transfer used to be done completely on paper, by means of written application and comments. According to one department official, the present practice of allowing an inmate the opportunity to speak for himself is a definite improvement.²⁵ The Arizona Advisory Committee received racial and ethnic statistics from the Department of Corrections regarding inmates transferred to minimum security institutions. Breakdowns for residents of the three halfway houses indicate a substantially higher percentage of whites than their percentage of the total inmate population at all institutions:

RESIDENT POPULATION: ALL INSTITUTIONS VS. HALFWAY HOUSES
(As of January 1974)

	ALL INSTITUTIONS		HALFWAY HOUSES		
	Number	Percent	Percent	Number	
Black	359	19.9%	==== 15.8%	6	Black
Mexican American	390	21.6%	==== 13.2%	5	Mexican American
Native American	59	3.3%	==== --	0	Native American
White	979	54.3%	==== 71.1%	27	White
Other	15	0.8%	==== --	0	Other
Total	1,802	99.9%*	==== 100.1%*	38	Total

*Column does not add to 100.0% due to rounding.

Source: Arizona Department of Corrections.

25. Interview with Dave Beamis, division chief for Community Correctional Centers, Arizona Department of Corrections, December 1973.

Blacks and Native Americans are slightly underrepresented, and Mexican Americans are underrepresented by more than 8 percent. A member of the Department of Corrections screening committee denied at the hearing that the disparities are a result of any intentional discrimination. (p. 381) Another official pointed out that the racial composition of the houses can change on a daily basis since men generally remain there only a few months. Over a period of time, he stated, any discrepancies are likely to be equalized. He added that there is no "quota" system to fill the halfway houses because the primary emphasis is on individualized treatment for all inmates. Figures provided by the Department of Corrections for total halfway house residents since 1971 and for another selected date, however, indicate similar discrepancies.

HALFWAY HOUSE RESIDENTS

	TOTAL SINCE APR. 4, 1971		AS OF MAR. 13, 1974	
	Number	Percent	Percent	Number
Black	54	18.5%	== 20.5%	8
Mexican American	36	12.3%	== 10.3%	4
Native American	6	2.1%	== 2.6%	1
White	<u>196</u>	<u>67.1%</u>	== <u>66.7%</u>	<u>26</u>
Total	292	100.0%	100.1%*	39

*Column does not add to 100.0% due to rounding.

Source: Letter from Thomas W. Korff, assistant to the director, Arizona Department of Corrections, to Joseph C. Muskrat, former director, Mountain States Regional Office, U.S. Commission on Civil Rights, Apr. 12, 1974, and Transcript, pp. 384-385.

B. Housing

Donald Goff, consultant to the U. S. Commission on Civil Rights, concludes that "The minimum standard in housing is the right to be housed in clean, decently kept, appropriately equipped surroundings with a minimum of 50 square feet per person."²⁶

According to both inmates and personnel at Arizona State Prison - Men's Division, living conditions in the prison have improved since the new administration took over in 1973. The cellblocks are kept cleaner and receive better and more regular maintenance. They continue to be overcrowded, however, although this is being alleviated to some extent by transfers of 200 to 250 men to the Fort Grant facility.

The main yard at the prison contains three cellblocks, the Diagnostic Center, one dormitory, and the hospital, and as of February 1974, housed 930 inmates. The regular cells in CB3 and CB4, the newer cellblocks, are approximately 6- by 9-feet, or 54 square feet. Three hundred and two of the cells in these two building hold two men apiece, and the remaining 74 are either "maximum confinement" or isolation cells, housing one man each. In CB2, the cells are about 48 square feet each, and all 156 of them are defined by the prison as

26. "Minimum Standards of Civil and Human Rights for Inmates in Correctional Institutions," prepared by Donald H. Goff for the U.S. Commission on Civil Rights, May 9, 1973 (First Revision, July 29, 1973; Second Revision, Aug. 18, 1973).

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two-man cells. Based upon the prison administration's definition of two-man cells, the total capacity of the main yard housing is 1,179 persons. However, measured against the accepted standard of 50 square feet per individual, the capacity of main yard housing is 721 persons. With 930 men housed, the main yard housing is significantly overcrowded.²⁸

The oldest cellblock, CB2, suffers from age, neglect, and poor design. Inmates living there said the ventilation is poor, the plumbing has constant problems, and the cell doors often become jammed when officers are trying to take inmates out for program. One inmate commented on the large number of birds nesting and flying about among the girders supporting the roof. Inmates agreed, however, that the new prison administration has cleaned up the building to some degree.

The remaining housing for men at ASP is dormitory style, except for 40 "protective custody" cells in the IER yard. The quality of and space afforded in the dorms varies from old, stuffy, crowded conditions in the dormitory in the basement of CB2 to relatively spacious newer dorms in IER.

27. There are an additional 50 beds in the dormitory in the basement of CB2, 19 beds in the hospital, and 120 one-man cells in the Diagnostic Center.

28. Statistics provided by Arizona Department of Corrections, as of Feb. 10, 1974.

Until early 1974, housing assignments at the prison were made by the classification officer on a somewhat random basis, taking into consideration primarily a prisoner's custody status. They are now made subsequent to the Classification Committee's determination of an inmate's job or program assignment. Men arising early in the morning to work in the main kitchen are all taken to breakfast from the same area at the same time, and men living in IER, where the school buildings are located, are now primarily those participating in education programs or those who hold jobs within IER.²⁹ Racial and ethnic breakdowns of cell and dormitory assignments indicate that in the three cellblocks at the prison and in the runs within cellblocks, the racial and ethnic composition does not vary markedly from that of the total prison population. In dormitory style quarters in IER and the OT area, however, statistics indicate a high degree of racial and ethnic segregation in some of the wings and dormitory areas. Breakdowns for the eight wings in IER Dormitory #1, for example, are shown on the following page.

Five wings are totally segregated by race, two are predominantly white, and only one is integrated. IER Dormitory #2, housing 58 inmates, also is predominantly white, with 4 blacks, 5 Mexican

29. Transcript, pp. 451-454: testimony of Capt. Robert Goldsmith, correctional officer, Arizona State Prison.

HOUSING ASSIGNMENTS - IER DORMITORY # 1
(As of February 11, 1974)

	Black	Mexican American	White	Total
1A Wing	8	0	0	8
2A Wing	0	8	0	8
1B Wing	0	1	7	8
2B Wing	0	1	7	8
1C Wing	0	0	8	8
2C Wing	0	8	0	8
1D Wing	0	4	3	7
2D Wing	<u>6</u>	<u>0</u>	<u>0</u>	<u>6</u>
TOTAL	14	22	25	61

Source: Arizona Department of Corrections.

Americans, and 49 whites. Dormitory #3 is smaller, housing only 19 inmates. It is substantially integrated, with 2 blacks, 9 Mexican Americans, and 8 whites. There are no Native Americans among the 182 inmates housed in IER, although there were 31 in the total prison population in February 1974.

Statistics for one of the two housing areas in OT show substantial segregation in the rooms, each of which houses up to eight inmates:

HOUSING ASSIGNMENTS - AREA 2, O.T.
(As of February 1974)

	Black	Mexican American	Native American	White	Total
Room 1	0	0	0	8	8
2	0	1	0	7	8
3	0	4	1	3	8
4	5	0	0	0	5
5	6	0	0	0	6
6	0	0	0	8	8
7	0	6	0	0	6
8	0	0	0	8	8
9	0	1	0	7	8
10	0	2	0	6	8
11	7	0	0	0	7
12	0	0	0	8	8
13	0	7	1	0	8
14	0	5	0	0	5
15	0	0	0	7	7
16	0	3	3	0	6
17	0	0	0	8	8
18	0	3	0	5	8
19	0	2	0	5	7
20	5	0	0	1	6

Source: Arizona Department of Corrections.

30. Statistics provided by Arizona Department of Corrections, as of Feb. 11, 1974.

Eleven of the 20 rooms are completely segregated, and 3 are predominantly segregated. Six rooms house a mixture of races.

Prison officials state that inmate requests are considered in making housing assignments; therefore, it is possible that some segregation is by choice. The segregation in these dormitories, however, represents a broad pattern.

Individual cells at the prison are furnished with a bed, linens, wash basin, small table, and toilet. In two-man cells, there are bunk beds as well as the other basic furnishings. In the 6- by 8 or 6- by 9-foot cells, the living area is somewhat cramped, since each inmate also may have a radio, small television, tape player, or stereo, and two boxes for books, personal possessions, and clothing. Inmates are given copies of written cellblock regulations explaining what they are allowed to have in their cells. In dormitories or multiple-occupancy rooms, inmates may have wall lockers and footlockers, or a desk-bureau combination with a chair, as well as a bed and linens.

There is little privacy for the men, either in cells or dormitories. Inmates may hang clear plastic across the front of their cells to facilitate cooling by a fan but may not cover the front of their cell or toilet area. Except for inmates in lockup, showers are taken

31. Arizona State Prison Cell Block Regulations, revised Oct. 1, 1973. See also material provided to Arizona Advisory Committee by Arizona Department of Corrections in response to "Minimum Standards for Civil and Human Rights of Inmates in Correctional Institutions," by Donald H. Goff, Mar. 12, 1974. Hereafter this document will be referred to as "Materials provided by Arizona Department of Corrections, Mar. 12, 1974."

in groups. Light and heat in cellblocks and dormitories at the prison are controlled by correctional officers, not by individual inmates. Inmates are locked in when occupying their cells, and cells are locked when not occupied. There is slightly more freedom in the dorms, where inmates are locked in at night and generally locked out during the day.

Inmate housing at the Women's Division at ASP is for the most part comprised of open dormitories. There are also several isolation cells and one dormitory containing separate rooms which are used primarily for disciplinary reasons. Nearly all of the 20 or more inmates interviewed by Commission staff expressed concern about the cramped space and lack of privacy in the dormitories. There are two main dormitories, one of which has two wings. The dormitory wings, designated for 24 women, are separated into cubicles with low dividers between them. The cubicles measure approximately 6- by 6-feet, and contain two beds each, with small dressers and stools and an upright box which can be curtained and used as a closet. The women are allowed to wear street clothes and have personal possessions and decorations to the extent permitted by the small living space. However, inmates are not allowed to have TVs or stereos in their cubicles. During a tour of the facility, Commission staff and Advisory Committee members observed clothing on hangers along the wall and on window curtain rods, there being no room in the cubicles.

32. Ibid., p. 29.

Women inmates may come and go from the dormitories freely during the day, but they are locked in at night. As in the Men's Division, correctional officers control the light and heat.

The living quarters and housing rules at Fort Grant and Safford reflect the minimum security setting at these facilities. Fort Grant has seven dormitories, one of which consists of about 20 individual rooms once used for disciplinary purposes and now occupied by inmates on the maintenance crew. The individual rooms are fairly large; one inmate described them as being about 8- by 12-feet. With a radio and TV, they are "just about like an apartment," he said. (p. 308) The other residents live in open dormitories and are provided with bed and linens, wall lockers and footlockers, nightstand, and bulletin board. Inmates may have personal possessions within reason. The dorms are never locked. An inmate recently transferred to Fort Grant from the prison commented:

At the prison I felt like an animal, you know, locked up.
And at Fort Grant now I feel loose. I have no tension.
I can do practically anything I want, you know, within
reason, that abides by the rules. (p. 314)

At Safford there are three dormitories, each holding 56 men. Several maintenance men live in other areas. Personal furnishings are similar to those provided at Fort Grant, and, unlike the prison, men may have reading lamps so that they can control the light after the main lights go out. The quality of the housing differs markedly between Fort Grant and Safford. At Safford the dormitories are modular

units, which one Safford official termed "pretty dilapidated." He said they were brought to Safford from another location where they had been used for Job Corps housing.³³ Inmates pointed out that the dorms are crowded and that many men have put TV antennas up through the roof, creating holes so that the roofs leak when it rains.³⁴ Money has never been appropriated for improvement or new facilities.

The halfway houses are available to a small minority of inmates as a transition stage before total freedom. At the March open meeting, a resident of Highland House described the physical setting and summed up the atmosphere of the house when he said:

I don't know how many members of the panel are familiar with the old railroad boarding house,...they take a big rambling house and make it a home for guys who work and live away from their normal homes, and that's just what the Highland House is. It's a large house with five bedrooms, two of them being rather large; it has three baths, a kitchen, a dining room, a living room, an office - it's our home....
(p. 363)

C. Rehabilitation Programs

1. Academic Education

The Department of Corrections has demonstrated a commitment to improving educational opportunities within its institutions by creating in 1973 an office of client education and staff development.

33. Interview with Earl Dowdle, administrator, and Lloyd Bramlet, captain, Safford Conservation Center, Dec. 20, 1973.

34. Interviews with Lawrence Marquez and Sid Gering, Safford inmates, December 1973.

The administrator of this office is responsible for coordinating present educational programs and planning for future needs at all institutions.

The academic education program for both women and men at Arizona State Prison, however, has limited funds, teachers, and facilities. It serves only a small percentage of inmates. The elementary and secondary education program at the prison has two elements: "basic education," for inmates who are shown through testing to be below sixth grade level; and General Education Development (GED) preparatory, to prepare inmates to take a high school equivalency examination. The basic education program attempts to meet the needs of three groups of inmates: Spanish-speaking inmates who are learning English; inmates with definite learning disabilities who need extensive remedial work; and inmates who are behind in reading and math skills but who are not handicapped. All other students are in GED preparatory classes, where the teachers attempt to give them instruction based on individual needs.

The four full-time teachers generally hold classes mornings and afternoons, enabling inmates to attend classes 3 hours a day and work at institutional jobs for the remainder. According to teacher John Paulson, one instructor is assigned full time to basic education,

35. Interviews with James McLaughlin, correctional education program administrator, and John Paulson, teacher, ASP, November 1973.

one full time to GED prep, and one full time to the Learning Center. He himself teaches GED prep and handles all classes at the Women's Division, as well as acting as a part-time administrator. In early 1974 another teacher was hired half time as a basic education instructor for Spanish-speaking inmates. All of the teachers are white males.

Statistics provided by the Department of Corrections indicate that 130 men were initially enrolled in basic education and GED prep classes for the fall semester 1973. However, John Wright, overall administrator of education for the Department of Corrections, commented in December 1973 that enrollment in the program was low, with 70 inmates attending in the morning classes, but only 17 in the afternoon. He said that a particular problem is "ineffectual processing and classification," where an inmate can "fall through the holes in the system." Mr. Wright noted at the March hearing that only 30 percent of the total inmate population has either a high school diploma or a GED and said that an educational orientation program is being developed so that inmates will learn of the education programs available.

36. The Learning Center, opened in 1972, contains paced reading machines and other special education materials. Its construction and equipment were funded by the Law Enforcement Assistance Administration (LEAA).

37. Interview with John Paulson, teacher/administrator, ASP, November 1973.

38. Interview with John Wright, administrator, office of client education and staff development, Arizona Department of Corrections, December 1973, and Transcript, p. 822.

The Women's Division has no full-time teachers of its own. One of the GED teachers from the Men's Division has spent one afternoon a week at the Women's Division. Beginning in the 1974 spring semester, he goes over to the Women's Division for 1 or 2 hours, 5 days a week. The teacher said he tries to work with students individually to meet their different academic needs. Fifteen women were enrolled for the spring semester 1974, 5 in basic education and 10 in GED preparatory.³⁹ The superintendent said that all inmates speak English, so there is no English as a Second Language (ESL) class.⁴⁰

The college level program at ASP, in existence since 1970, is under the overall control of prison officials but is funded and administered by Central Arizona College in nearby Coolidge. The community college has a full-time coordinator at the prison and supplies teachers and materials for evening college classes. The college allows inmates to enroll in the program whether or not they have a high school diploma. However, the prison administration discourages those without a diploma from participating.⁴¹ Nearly

39. Statistics provided by Arizona Department of Corrections, as of January 1974.

40. Interview with Marjorie Ward, superintendent, Women's Division, ASP, November 1973.

41. Interview with James McLaughlin, evening division, Central Arizona College, November 1973 and Transcript, p. 842.

20 different classes are offered each semester, encompassing a variety of subjects. Inmates may enroll in up to four at a time. Duane Vild, the college representative at the prison, chooses the courses. They are primarily designed to fulfill the requirements for an associate of arts degree, he said, and he tries to allow diversity and take into account inmate interests. He said that he chooses courses in four areas: occupational, business, leisure (e.g. drawing, drama, oral interpretation), and liberal arts and social science courses laying a foundation for a four-year degree. During the 1974 spring semester, two ESL classes were offered for the first time to Spanish-speaking inmates.⁴²

During the 1973-74 fall and spring semesters, some 300 to 350 inmates were enrolled in the college program. Spring semester 1974 enrollment included 55 blacks (17.7 percent), 53 Mexican Americans (17.0 percent), seven Native Americans (2.3 percent), and 196 whites (63.0 percent), for a total of 311 students.⁴³ Mr. Vild said at the March hearing that four men have earned associate of arts degrees so far, and he expected 12 more to graduate in June 1974. (pp. 843-844)

42. Interview with Duane Vild, correctional education program administrator, ASP, November 1973.

43. Statistics provided by Arizona Department of Corrections, as of January 1974.

At the Women's Division, Central Arizona College usually offers four classes a semester, three in liberal arts and one in physical education. According to staff, most of the 50 or so women in the institution enroll in at least one class each semester. None of the women has earned an associate of arts degree so far. One inmate, now paroled, said in an interview that her goal was a bachelor of arts degree, which she felt would be impossible to earn at the prison because of the length of time it would take. She said she felt that through testing she would be able to exempt herself from taking certain required introductory courses, but although she spoke with Mr. Vild, no one ever came to give the tests. She said she had also written to other schools in an attempt to enroll in correspondence courses but had been refused.

While Safford does not emphasize academic education as a major program, both it and Fort Grant offer GED preparatory and college level courses. All of the men at Safford are required to work full time (approximately 6 hours per day), and may take classes in their free time in the evenings, with a few exceptions. There are two GED teachers, each of whom instructs 10 to 15 students at a time. Both are white males. According to the Department of Corrections, 56 centermen earned GED's during the 1972-1973 school year. Enrollment

44. Inmate interview, Women's Division, ASP, November 1973.

45. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 104.

for the spring 1974 semester was 12 men in one class (3 black, 4 Mexican American, 5 white) and 16 in the other (6 black, 3 Mexican American, 7 white). Six college courses were offered in spring 1974 by Eastern Arizona College, primarily in math and economics. Eight inmates were enrolled in these classes.

The emphasis at the new Fort Grant facility is vocational rehabilitation, but GED preparatory and college classes are also offered. As of January 1974 there were five full-time GED teachers. Two are minority - one black, one Mexican American. Northern Arizona University and Eastern Arizona College instituted programs at Fort Grant beginning the fall 1974 semester for associate and bachelor of arts degrees. Emphasis, according to the superintendent, is now on technology and applied science. Men in academic programs, like those in vocational training and maintenance jobs, earn 15 cents per hour. Fort Grant is the only adult correctional facility where the men are paid for going to school as well as for work. There are no funds appropriated for this purpose at the other institutions.

A major problem contributing to the fragmentation and inadequate planning in the department's educational programs for adults is the

46. Statistics provided by Arizona Department of Corrections, as of Jan. 1, 1974.

47. Transcript, p. 336, and interview with Cliff Anderson, superintendent, Fort Grant Training Center, February 1974. At that time Fort Grant was in the process of transferring inmates into the facility and was housing approximately 80 inmates.

lack of a consistent flow of adequate funds, according to John Wright, Department of Corrections educational program administrator.

Mr. Wright indicated that he would like to expand education to include a functional literacy program for all prisoners; increased vocational opportunities; and "life skills" courses encompassing such areas as how to obtain legal assistance, health care, unemployment compensation, and even library cards or driver's licenses.⁴⁸

A possible solution to the problem of the Department of Corrections' inadequate education funds and programs was proposed in State legislation introduced in January 1974 to establish an educational district within the department. The bill (Senate Bill 1039), which passed in the Senate but not in the House, would require a common school (eighth grade) education for all prisoners. It would also provide for high school and vocational training programs, and make the department eligible for State and Federal funds for programs such as special education and bilingual education.

2. Vocational Training

The National Commission on Criminal Justice Standards and Goals stresses the importance of an individualized, relevant, well-planned vocational program as "part of a reintegrative continuum, which

48. Interview with John Wright, Arizona Department of Corrections, December 1973 and Transcript, pp. 820-821.

includes determination of needs, establishment of program objectives, vocational training, and assimilation into the labor market."⁴⁹

With very few exceptions, vocational education at all of Arizona's adult correctional institutions is funded through a four-party contract among the State Department of Economic Development's Division of Vocational Rehabilitation (DVR); the State Department of Education's Vocational Education Division; Central Arizona College; and the State Department of Corrections. Under the agreement, DVR and the Department of Education pay the salaries of instructors and the initial and ongoing costs of equipment and materials; Central Arizona College provides instructors and administers the funds; and the Department of Corrections supplies facilities, utilities, and students.

There are strict eligibility requirements for vocational school participation established by State and Federal regulations governing the funding of the program. First, an inmate must have a physical or mental disability. Officials commented that this requirement is interpreted quite loosely; many inmates, for example, can be said to have "behavioral disorders." Further, the program will not accept prisoners who already have a "saleable skill" or who test below certain scores on the General Aptitude Test Battery (GATB) given to

49. Corrections, report of the National Commission on Criminal Justice Standards and Goals, January 1973, p. 369.

all new inmates. And finally, there is the criterion of "employability" which establishes that an inmate must be eligible for parole or release within 6 months after completion of training. This, according to officials, is to insure that the training is not a waste of the taxpayers' money. All inmate applicants are also screened by institutional administration on the basis of custody status and security risk. Those prisoners considered "disruptive" are likely to be eliminated.

A survey undertaken by DVR for the State Parole Board measured the success of the vocational training program for Arizona offenders; it found that the recidivism rate for ex-offenders who had graduated from the schools was only 14 percent, compared with an overall rate of 43 percent for Arizona adult correctional institutions generally. Limited funds and strict eligibility requirements, however, greatly restrict the number of inmates who may receive the benefits of vocational training. Their numbers have increased substantially with the opening of Fort Grant as an adult vocational training center, but overall participation remains low.

Arizona State Prison offers seven vocational courses, each of which may accommodate up to 15 students. The courses generally run

50. Explanation of requirements given by Richard Trump, Arizona Department of Economic Security, Division of Vocational Rehabilitation, December 1973.

51. Ibid.

from 6 months to a year. A breakdown of participation in the four-party contract program by race and ethnicity follows:

ARIZONA STATE PRISON - VOCATIONAL TRAINING PROGRAMS
(As of January 1974)

	Asian American		Black		Mexican American		Native American		White		Total
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Auto Body Repair	0	--	1	8.3%	4	33.3%	0	--	7	58.3%	12
Auto Mechanics	0	--	0	--	3	42.9%	1	14.3%	3	42.9%	7
Drafting	0	--	3	21.4%	1	7.1%	0	--	10	71.4%	14
Graphic Arts	1	9.1%	0	--	1	9.1%	0	--	9	81.8%	11
Upholstery	0	--	1	8.3%	6	50.0%	0	--	5	41.7%	12
Welding	0	--	2	15.4%	4	30.8%	1	7.7%	6	46.2%	13
Total	1	1.4%	7	10.1%	19	27.5%	2	2.9%	40	58.0%	69

Source: Arizona Department of Corrections.

The statistics indicate a predominance of white inmates in drafting and graphic arts, and high percentages of minorities, particularly Mexican Americans, in other courses. Overall, there is a far lower percentage of black inmates in the programs (10.1 percent) than their percentage of the inmate population (20.5 percent). In the only other vocational program at the prison, a data processing school run by Correctional Industries, 26 of the 31 participants are white.

52. This figure includes 12 trainees and 19 experienced programmers.

Before the vocational training school opened at the prison, the State agencies involved undertook a survey of the job market and of the costs and security questions which must be considered in establishing such a program in Florence. Nord Monahan, DVR's vocational rehabilitation counselor at the prison, said he would like to see the vocational school expanded, not by adding inmates to existing courses, but by creating new courses. He commented that the job market appears to be flooded with upholsterers, for example, so that ex-offenders may have difficulty finding work. In drafting and printing, he added, sometimes skills are out-of-date, or beginning pay is very low. He pointed to the auto specialties (auto refrigeration, brakes, etc.) at Fort Grant as skills which are in demand. ⁵³ John Wright also commented at the March hearing, "Early on, the Department of Corrections realized that we need to get diversified and more comprehensive vocational programs, and we're dealing with that particular problem through the educational bill." (p. 821)

At the Women's Division - ASP, the department recently tried another approach to broaden vocational opportunities for women inmates. Mrs. Ward, the superintendent, testified that a new program is to be started where inmates will be bused to Gila River Career Center, a Bureau of Indian Affairs-funded training center, in Sacaton, to enroll

⁵³. Interview with Nord Monahan, DVR counselor, Arizona State Prison, January 1974.

in vocational programs of their choice. Initially, only a few trusted inmates will participate, and the program will be expanded if it works out, she said. Until this year, the women were offered one vocational program, a 1 year secretarial/office management class. Numerous inmates interviewed indicated they were eager for other choices; however, Mrs. Ward testified, "We must remember that the institution is very small and it becomes very expensive to operate according to their needs." (pp. 209-210)

Fort Grant Training Center is the Department of Corrections' showcase for vocational rehabilitation. Recently converted from a juvenile to an adult minimum security facility, Fort Grant offers vocational training in 12 areas through a four-party contract similar to that at the prison. The training courses are taught by staff or Eastern Arizona College, and according to Cliff Anderson, superintendent, will soon be offered for college credit. (p. 336) The Fort Grant program includes cabinetmaking, cooks and bakers school, auto specialties, construction trades, sheet metal, and machine shop, in addition to the six courses offered at ASP.

Since the program at Fort Grant has been under way less than a year, it is not yet possible to evaluate its success in terms of job placement or recidivism rates. Fort Grant staff members and residents expressed enthusiasm without exception, however. Superintendent Anderson testified at the March informal hearing that the Arizona

Apprenticeship Council had indicated a willingness to participate and to help with apprenticeship programs. The Council had previously worked with Fort Grant when it was a juvenile facility. The carpenters and sheet metal workers unions have also indicated willingness to help, Mr. Anderson said. (pp. 337-338)

Safford Conservation Center offers five vocational courses. They are provided by Eastern Arizona College on a tuition basis. Unlike Arizona State Prison and Fort Grant, Safford is not part of a four-party agreement for training, and thus its program is not bound by the same eligibility requirements. The Center does, however, require a GED or high school diploma for participation in four of its courses. Following is a breakdown by race and ethnicity:

SAFFORD CONSERVATION CENTER - VOCATIONAL TRAINING
(As of January 1974)

	Black		Mexican American		White		Total
	Number	Percent	Number	Percent	Number	Percent	
Auto Mechanics	3	16.7%	4	22.2%	11	61.1%	18
Photo/Journalism	3	17.6%	2	11.8%	12	70.6%	17
Radio & TV Repair	5	27.8%	4	22.2%	9	50.0%	18
Upholstery	0	--	2	18.2%	9	81.8%	11
Total	11	17.2%	12	18.8%	41	64.1%	64

Source: Arizona Department of Corrections. A breakdown of participation in the food services program was not provided.

The statistics indicate that blacks, who form 21.7 percent of the inmate population, are underrepresented in vocational classes, while Mexican Americans are slightly overrepresented (18.8 percent compared to 13.3 percent), and white participation is about equal to its percentage of the total population.

Safford's vocational classes, like GED and college classes, are open to all interested centermen who meet the qualifications and have free time on evenings or weekends. The food service classes are held during the day, and arrangements are made regarding job hours.

Officials and inmates alike agreed that there is an overall problem with all vocational training programs offered through the four-party contract. One of the entrance requirements is that an inmate must be eligible for release within 6 months after completing a course. There is no guarantee, however, that the State Parole Board will grant parole to a person at that time. In fact, as was pointed out by a number of officials, many prisoners are turned down by the Parole Board, even twice, and thereby lose their skills because they are not able to use them in the institutions. Two potential solutions to this problem were expressed by the Department of Corrections and institutional staff, but neither has been implemented. First, the institutions could develop additional avenues and they could make greater use of existing ways for using the skills that men

and women have to offer. The latter has been done, to some extent. The former might include, for example, making arrangements with private and public agencies for use of prisoners' skills in such areas as secretarial work, drafting, auto repair, and upholstery. Secondly, as John Wright suggested in testimony before the Advisory Committee, the department could more fully acknowledge the value of vocational training programs by considering parole for inmates who have graduated from the schools. (pp. 822-823)

3. Work

A number of studies have developed criteria by which work programs in correctional institutions may be evaluated. Donald Goff, Civil Rights Commission consultant, states that "All inmates should have the right to work in the institution at meaningful employment under healthful and safe conditions with adequate remuneration." He also quotes the 1970 "Report of the President's Task Force on Prisoner Rehabilitation," which states that inmate work experiences "should be the heart of the correctional process." And as one of its principles, the American Correctional Association (ACA) states:

54. See also interviews with John Wright, Arizona Department of Corrections; Richard Trump and Nord Monahan, Arizona Department of Economic Security, DVR; James McLaughlin, Arizona State Prison; Duane Vild, Central Arizona College; and Cliff Anderson, superintendent, Fort Grant Training Center; November and December 1973.

55. "Minimum Civil and Human Rights for Sentenced Inmates in Correctional Institutions," prepared by Donald H. Goff for the U.S. Commission on Civil Rights, May 9, 1973.

To hold employable offenders in correctional institutions without the opportunity to engage in productive work is to violate one of the essential objectives of rehabilitation... [Work programs should be established] with a view to imparting acceptable work skills, habits, attitudes, and work discipline.⁵⁶

The work programs in Arizona's correctional institutions vary considerably in content, scope, and function. In Arizona's largest correctional institution, the Men's Division of the State Prison at Florence, there are two work programs in operation. One is the institutional maintenance program, which employs approximately 800 inmates and is concerned with upkeep of the institution through such jobs as porter work, yard work, electrical maintenance, kitchen, laundry, plumbing, and carpentry. It is funded by the State and at the time of the hearing provided approximately 200 inmates with pay. (pp. 469-470) All employed inmates also earn two-for-one time, which means that for every day they work (or do not refuse to work), two days are subtracted from their total sentence.

The second program, Correctional Industries, is self-supporting, deriving its revenue from the sale of products and services to State agencies. In contrast to the institutional maintenance program, the stated objectives of Correctional Industries include providing constructive work, training in work habits and work skills, a sense of

56. "Declaration of Principles of the American Correctional Association," 1970.

job satisfaction and confidence in using skills, and a restoration of self-respect. Profit also is an objective, since "revenues... will help alleviate the burden to the taxpayer for the costs of maintaining the prison system."⁵⁷

Correctional Industries utilizes many of the same skills as the institutional maintenance program. It includes labor at the prison's ranches and farms, and work such as data processing, metal fabrication, and printing, which demands greater knowledge and ability. According to its chief, Ken Murray, Correctional Industries employs anywhere from 240 to 350 inmates, depending upon seasonal demand for labor. (pp. 468-469) All of the jobs are paid.

The Inmate Incentive Wage Plan, under which inmates in both work programs are paid, is administered by a committee composed of seven members of the ASP administrative staff. It renders decisions and makes recommendations regarding prison job classifications and pay scales. Under the plan an inmate qualifies for pay increases based on monthly ratings of his performance. The plan also is used as a means of discipline. Destruction of property, attempted escape, poor work, or inefficient output may result in either a downgrading or loss of a paying job altogether.⁵⁸

57. "Correctional Industries - What Are They?," State of Arizona Department of Corrections, 1973.

58. "Inmate Incentive Wage Plan," Arizona State Prison memorandum, July 12, 1971.

The institutional Classification, reclassification, and Honor Placement Committees are responsible for making initial inmate work assignments and changes in work assignments at the prison. Inmates themselves participate to a minor degree in determining the jobs they will hold. When an inmate is first committed, the prison obtains information concerning his work background, and takes into consideration "security risk, individual behavior, previous experience and interest levels" in making work assignments. An inmate may seek an interview with one of the committees to request a particular job or to change jobs.⁵⁹ Criteria for determining which inmates will be assigned paid jobs are not clearly defined, except that, according to one ASP official, most of the men in paid jobs do have a skill. (p. 476) An analysis of the activities of the total population of the Men's Division reveals the employment pattern shown on the following page.

Arizona law makes it clear that work is not voluntary and that every prisoner is required to work.⁶⁰ These statistics indicate, however, that nearly 14 percent of the inmate population neither hold jobs nor participate in a "non-labor" vocational training

59. Material prepared by Arizona Department of Corrections, Mar. 12, 1974, pp. 33-34.

60. 31 ARS 251-252 and *Watson v. Industrial Commission*, 100 Ariz. 327 (1966).

ASP - MEN'S DIVISION: INMATE EMPLOYMENT
(As of January 1, 1974)

	Employed Inmates		Paid Inmates	
	Number	Percent of Total Population	Number	Percent of Total Population
Correctional Industries*	190	14.7%	190	14.7%
Institutional Maintenance	804	62.2%	200	15.5%
Non-Labor Assignments**	120	9.3%	0	--
Total Employed/Paid	1,114	86.2%	390	30.2%
Total Unemployed	178	13.8%		
Total Population	1,292	100.0%		

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*Correctional Industries statistics as of Dec. 21, 1973.

**Non-labor assignments include inmates enrolled in the vocational training school or confined in the hospital.

Source: Arizona Department of Corrections. The number of paid employees in the institutional maintenance program is provided in Transcript, p. 469, testimony by Arthur E. Gomes, administrative service officer, ASP.

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program; the institution does not have sufficient positions for all inmates in these programs. The Standard Minimum Rules for Treatment of Prisoners of the United Nations, however, emphasize: "Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day."⁶¹

The statistics further indicate that less than one-third of the inmate population receives any financial remuneration. One Safford inmate, who was at ASP off and on from 1958 to 1974, testified that he held a variety of institutional maintenance jobs but was never paid for work until late 1973, when he started working in the refrigeration-air conditioning shop. (pp. 441-442) In the institutional maintenance work program, approximately 600 inmates work without pay. Last year less than \$24,000 was appropriated to pay for work in this program. The institution is seeking funds from the State, a total of \$126,000 for fiscal year 1975, in order to pay all inmates an average of 20 cents per hour. (pp. 470-471) Still, there is no assurance that these funds will be forthcoming.

The Standard Act for Correctional Services of the National Council on Crime and Delinquency with the ACA, 1966, states:

⁶¹. Quoted by Donald Goff in "Minimum Civil and Human Rights for Sentenced Inmates in Correctional Institutions," May 9, 1973.

Inmates shall be compensated, at rates fixed by the director, for work performed, including institutional maintenance and attendance at training programs....⁶²

Superintendent Cardwell also expressed the belief that there should be pay for all inmates. He said:

We have included in our budget this year a request to pay all inmates. I feel that the present system pays a man for what he knows. It's my feeling that they should be paid for the degree of responsibility that they accept for their own actions and whether a man is a ditch digger or a legal clerk shouldn't make any difference as far as the pay is concerned. We shouldn't pay him for what he knows when he comes in the door, but the effort he puts forth to accept his own responsibility and the need for less security. If we're going to pay him, it should be for the need for less supervision.

And I think that anyone doing their assignment, whether it be school or work, should receive a nominal amount. I do believe that incentive toward becoming better inmates and accepting more of their own responsibility, instead of having to have someone look over their shoulder, is a good thing. (pp. 412-413)

Correctional Industries, although it employs only 14.7 percent of the inmates, pays wages for all its positions. Salaries amounted to \$64,000 last year. According to Mr. Murray, the cost is expected to increase to \$72,000 in fiscal year 1975. ⁶³ The Department of Corrections is prohibited by State law from compensating any prisoner

62. Ibid.

63. Interview with Ken Murray, chief, Division of Correctional Industries, Arizona Department of Corrections, December 1973.

more than 35 cents per hour, or less than 2 cents per hour. ⁶⁴ Fifty percent of all money earned by an inmate in excess of \$2 per week is retained in a trust account for the inmate and paid to him upon parole or discharge.

Statistics on participation in the Correctional Industries and institutional maintenance programs by race and ethnicity are provided on the following two pages. ⁶⁵

They indicate that although whites constitute 50.9 percent of the total prison population, they comprise 57.9 percent of the workers in the Correctional Industries program. Blacks in the program are represented by a proportion approximately equal to their percentage of the total prison population, and Mexican Americans are considerably underrepresented. The latter two groups are underrepresented in the institutional maintenance program. The pattern repeats itself in the statistics of the Correctional Industries' pay plan, where whites are heavily overrepresented in the top four pay grades, while minorities have higher proportions in the middle ranges.

64. 31 ARS 254.

65. Statistics provided by Division of Correctional Industries, Arizona Department of Corrections, Dec. 21, 1973, and letter from Thomas Korff, assistant to the director, Arizona Department of Corrections, to William H. Levis, U.S. Commission on Civil Rights, June 10, 1974.

ASP MEN'S DIVISION -- CORRECTIONAL INDUSTRIES

WORK ASSIGNMENTS BY RACE AND ETHNICITY
(As of Dec. 21, 1973)

	Black	Mexican American	Native American	White	Total
Ranches (#1-4)	9 (30.0%)	10 (33.3%)	0	11 (36.7%)	30
Industrial Yard Offices	1 (10.0%)	4 (40.0%)	0	5 (50.0%)	10
Cannery	2 (16.7%)	5 (41.7%)	0	5 (41.7%)	12
Carpenter Shop	3 (30.0%)	0	0	7 (70.0%)	10
Dairy	5 (29.4%)	4 (23.5%)	0	8 (47.1%)	17
Data Processing ("Adapt")	2 (5.5%)	2 (6.5%)	1 (3.3%)	26 (83.9%)	31
Mattress Shop	0	0	0	2 (100.0%)	2
Metal Fabrication	0	0	1 (50.0%)	1 (50.0%)	2
Print Shop	1 (12.5%)	1 (12.5%)	0	6 (75.0%)	8
Sign Shop	4 (36.4%)	3 (27.3%)	0	4 (36.4%)	11
Silk Screen	1 (16.7%)	1 (33.3%)	0	3 (50.0%)	5
Slaughterhouse	1 (33.3%)	1 (33.3%)	0	1 (33.3%)	3
Tag Plant	9 (22.5%)	3 (7.5%)	0	28 (70.0%)	40
Warehouse	5 (62.5%)	0	0	3 (37.5%)	8

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PAY SCALES BY RACE AND ETHNICITY
(As of Dec. 21, 1973)

	Black	Mexican American	Native American	White	Total
33 cents per hour	1 (16.7%)	1 (16.7%)	0	4 (66.7%)	6
29 cents " "	0	1 (20.0%)	0	4 (80.0%)	5
26 cents " "	4 (22.2%)	2 (11.1%)	0	12 (66.7%)	18
25 cents " "	2 (13.3%)	2 (13.3%)	1 (6.7%)	10 (66.7%)	15
21 cents " "	4 (33.3%)	1 (8.3%)	0	7 (58.3%)	12
18 cents " "	17 (29.3%)	5 (8.6%)	1 (1.7%)	35 (60.3%)	58
17 cents " "	1 (14.3%)	4 (57.1%)	0	2 (28.6%)	7
13 cents " "	2 (20.0%)	1 (10.0%)	0	7 (70.0%)	10
10 cents " "	12 (20.3%)	18 (30.5%)	0	29 (49.2%)	59

Source: Arizona Department of Corrections

INMATE EMPLOYMENT BY RACE AND ETHNICITY
ASP Men's Division

	Black	Mexican American	Native American	White	Other	Total
ASP Inmate Population (as of Jan. 1, 1974)	277 (20.5%)	329 (24.4%)	48 (3.6%)	685 (50.9%)	7 (0.5%)	1346
Inmates Working in Correctional Industries (as of Dec. 21, 1973)	43 (22.6%)	35 (18.4%)	2 (1.1%)	110 (57.9%)	0 (0.0%)	190
Inmates Working in Institutional Maintenance (as of Apr. 21, 1974)	28 (16.8%)	36 (21.6%)	8 (4.8%)	93 (55.9%)	2 (1.2%)	167

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Source: Arizona Department of Corrections

It is difficult to assess the desirability of various job assignments, since each industry has a range of positions requiring different skills and abilities. However, in Correctional Industries pay for jobs is based primarily on skill levels (and to some extent on seniority), so that the more highly skilled and more highly paid jobs are likely to be more desirable jobs. One desirable job might be data processing, an industry requiring skills much in demand by outside agencies. Here again, whites hold a far greater percentage of jobs (83.9 percent) than their proportion within the Correctional Industries program (57.9 percent). There is some feeling among inmates that less desirable jobs are given to minority inmates. This appears to be borne out to some extent by the statistics. The Department of Corrections, although asked to do so, did not provide the Advisory Committee with racial and ethnic breakdowns of institutional maintenance jobs by pay level. Industries Chief Ken Murray commented that many inmates choose to join the work gangs as field laborers even if they are skilled because they do not want their skills exploited by the State to make license plates or road signs. He estimated that two-thirds of the Industries jobs are either skilled or semi-skilled. No information was available on the percentage of skilled maintenance jobs.

66. Interview with Ken Murray, chief, Correctional Industries Division, Arizona Department of Corrections, December 1973.

Although one of Correctional Industries' stated objectives is training, there is, in fact, no formal training provided, except in the data processing school. Mr. Murray stated that Industries will give an inmate informal training if he shows motivation. Job supervisors, he said, might work with an unskilled inmate but generally, they recruit for skilled Industries jobs from among skilled inmates.

Working and health conditions at the prison are inspected by a variety of State agencies as well as by institutional staff. Accidents do occur, however, and several cases of injuries to fingers, hands, and eyes were reported during the Advisory Committee hearings. Inmates are precluded from receiving industrial compensation for such injuries, but they are covered by a blanket insurance policy carried by the State. An injured inmate also may bring civil action against the State through his own or a court-appointed attorney. (pp. 458-461)

Inmates in the Women's Division usually number from 50 to 60 and are employed largely in maintaining the institution. Work assignments are made by Marjorie Ward, superintendent. She testified that she will look at a new inmate's background, "what she did on the streets,"

67. Ibid.

68. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 35.

and then assign work based on skills and job vacancies. For the few work release jobs outside the walls, she screens inmates who are then interviewed by the prospective employer. (p. 207)

One of the non-paying jobs, that of volunteer at the Arizona Children's Colony, a school for retarded children, is the result of a newly created program which allows inmates to work full time outside the institution. A breakdown of the women's job assignments by race and ethnicity is provided on the following page.

Several additional paying jobs have been established since January 1974. Ms. Ward testified at the hearing that Correctional Industries was planning a key punch program to employ two women. Also, three women recently began work in the Pinal County Assessor's Office in Florence, earning \$.50 per hour. Still another inmate, she said, is employed as a dog groomer in nearby Coolidge. (p. 206)

With the addition of these paying positions, approximately 12 women are earning wages for their work. Ms. Ward said she did not believe any hard feelings develop among inmates over the fact that a few are paid, while the majority are not. At least one inmate disagreed, however, saying that she had worked longer in the laundry

69. Interview with Marjorie Ward, superintendent, Women's Division - ASP, November 1973.

ASP - WOMEN'S DIVISION: ETHNIC BREAKDOWN BY WORK ASSIGNMENT
(As of January 1974)

	Black	Mexican American	Native American	White	Other	Total
<u>Non-Paying Assignments</u>						
Laundry	1	2	0	1		4
Sewing	2	0	1	3		6
Porter	3	0	0	2		5
Hospital Aide	0	0	0	1		1
Library	0	0	0	1		1
Yard Worker	1	0	0	3		4
VTS*	1	1	1	8		11
Kitchen Helper	1	4	0	6		11
Work - Arizona Children's Colony	0	0	1	3		4
	9	7	3	28		47
<u>Paying Assignments</u>						
Laundry (15¢/hr)	1	0	0	0	1	2
Kitchen (21¢/hr)	2	0	0	0	0	2
Sewing Room (18¢/hr)	0	0	1	1	0	2
	3	0	1	1	1	6
Total Inmates	12 (22.6%)	7 (13.2%)	4 (7.5%)	29 (54.7%)	1 (1.9%)	53

*This category refers to the vocational training school rather than a regular job assignment.

Source: Arizona Department of Corrections.

than any other woman and yet had not been assigned a paying job. She indicated some resentment at this.⁷⁰

The National Advisory Commission on Criminal Justice Standards and Goals indicated concern with what it found regarding work assignments in women's prisons:

Of primary concern in women's prisons is the almost total lack of meaningful programming. Work assignments serve institutional and system wide needs....

Women do the laundry, sewing, and other 'female' tasks for the correctional system. Such programming does nothing to prepare a woman for employment and in fact greatly increases her dependency.⁷¹

The Women's Division is no exception since many of the positions are traditionally 'female' tasks such as sewing, laundry, secretarial/ clerical, keypunch, and work with children.

Work assignments are integrated with vocational training to a limited degree, again in traditional areas. The only institutional vocational education is in the secretarial/business field, and several women who have graduated from the course have been permitted to do secretarial work for the county. The two keypunch positions also are meant to be integrated with training.

70. Interview with Armentha Richardson, inmate, Women's Division - ASP, January 1974.

71. Corrections, report of the National Advisory Commission on Criminal Justice Standards and Goals, January 1973, p. 379.

Most of the men at Fort Grant are involved, at least half time, in vocational training programs. At the time of the hearing, 20 to 30 of Fort Grant's 150 inmates,⁷² selected for transfer by the Honor Committee at ASP, made up the full-time maintenance crew. The majority of these are long-term inmates, whereas most of the men in school will be eligible for parole or release within 6 months to a year after they complete their vocational training.

As of January 1, 1974, the 24 maintenance crew jobs at Fort Grant included:⁷³

Kitchen	2	Carpentry	3
Dairy and Farm	2	Painting	1
Laundry and Tailor Shop	1	Service Station	1
Barber Shop	1	Porters	4
Electrical	2	Gym	2
Plumbing	3	Clerks	2

Residents who attend school also work 2 1/2 days per week, and maintenance men may attend school in the evenings. Work assignments are made by the Lieutenant in charge, who takes into account the

72. The Department of Corrections plans to increase this number to between 200 and 300 inmates in the near future.

73. Statistics provided by Arizona Department of Corrections.

requests of individual inmates, institutional maintenance needs, and the skill and training needs of the individual. An effort is made to integrate work assignments with vocational needs.

According to inmate testimony, morale is generally high at Fort Grant. (pp. 306-335) Only one man has been returned to ASP for refusal to work. The pay is a uniform 15 cents an hour for all Fort Grant residents, whether in school or on the maintenance crew. Dairy and kitchen employees receive an additional wage for hours worked beyond 40 hours per week. There is some dissatisfaction with this pay as it was felt that different jobs should pay different rates.

The State Health Commission makes regular inquiry into health and safety conditions. So does the State Division of Vocational Rehabilitation, which inspects the physical plant and operations.

At present there is no work release program at Fort Grant. One currently is being developed, however, in cooperation with the Department of Corrections Division of Community Services.

74. Material provided by Arizona Department of Corrections, Mar. 12, 1974, pp. 33, 35.

75. Interview with Kenneth Hundley, assistant superintendent, Fort Grant Training Center, Feb. 19, 1974.

76. Interview with Bill Shepard, Fort Grant inmate, Dec. 19, 1973.

77. Material provided by Arizona Department of Corrections, Mar. 12, 1974.

The total program at Safford Conservation Center includes limited counseling, education, vocational training, and a work program which differs in some aspects from those of the other State correctional institutions. Jobs at Safford fall into three main categories: maintenance jobs, which employ approximately 70 inmates in capacities ranging from unskilled to clerical; about 100 jobs with governmental agencies in Graham County, including unskilled labor and skilled trades such as electricians, brickmasons, and carpenters; and jobs with the U.S. Forest Service involving firefighting and other forestry work in the summer.

Inmates at Safford are required to work from 6 to 8 hours a day. A breakdown of inmate job assignments by race, ethnicity, and pay scale is provided on the following page.

On-the-job training is one of the stated purposes of the work program. The Forest Service trains some of its inmate employees. When asked at the Advisory Committee hearing about training, Safford Superintendent Earl Dowdle gave the example that inmates have learned to operate heavy construction equipment. (p. 300) However, it appears that the majority of work assignments are not integrated

78. Letter from Thomas W. Korff, assistant to the director, Arizona Department of Corrections, to Joseph C. Muskrat, former director, Mountain States Regional Office, U.S. Commission on Civil Rights, Apr. 12, 1974.

SAFFORD CONSERVATION CENTER - JOB ASSIGNMENTS
(As of March 12, 1974)

	Black	Mexican American	Native American	White	Total	Wage Scale
<u>Institutional Maintenance</u>						
Kitchen	4	2		12	18	\$.15-.25/hr.
Porter	3			2	5	.14
Garage	1	2		6	9	.16-.25
Nurses Aide				1	1	.23
Clerk				2	2	.22
Electrician	2				2	.15-.25
Plumber				2	2	.25
Laundry		2			2	.24
Reclamation Crew	4	4		10	18	.12-.20
Carpenter				2	2	.16
Library				1	1	.16
Gas Station				1	1	.22
Clothing Room		1		1	2	.16
Construction	2				2	.20
<u>Outside Community</u>						
Graham County Crew	4	3		19	26	.20-.30
City of Safford	11	16	4	24	55	.20-.30
City of Thatcher	4	1		3	8	.20-.30
City of Pima	1	1		3	5	.20-.30
Game & Fish				3	3	.20-.30
Forest Service	1	1		3	5	.20-.30
Canal Crew				2	2	.20-.30
Solomon Crew				1	1	.20-.30
TOTAL	37(22%)	33(19%)	4(2%)	98(57%)	172(100%)	

Source: Arizona Department of Corrections.

with vocational training due to the lack of jobs which utilize the skills learned by inmates.

According to Everett Bowman, the work supervisor, the job assignment process is systematic and thorough. Bowman stated that he reviews the personal record of each inmate who arrives at the center, including the ASP Diagnostic Center's recommendation for job assignments as part of the individual's training and rehabilitation program, his job experience prior to commitment, his physical condition, and the results of achievement and aptitude tests. Individual job assignments are agreed upon based on a subsequent conversation with the inmate, who is then placed on a waiting list for that particular job. When there is more than one applicant, the best-qualified man is chosen.

Institutional jobs at Safford pay from 15 to 25 cents per hour. This amount is determined by dividing up the available money appropriated by the legislature for the program according to a percentage of the market wage for each job. Thus, the greater the number of men employed, the lower the wage paid to each man. (p. 293)

There exist substantial discrepancies among the pay received by inmates working for the institution, those working for the city or county, and those who work for the Federal government. An obvious greater discrepancy exists between the wages of inmates and their

79. Material provided by the Arizona Department of Corrections, Mar. 12, 1974, pp. 34-35.

80. Letter from Everett H. Bowman, correctional work program supervisor, Safford Conservation Center, to William H. Lewis, U.S. Commission on Civil Rights, Mar. 13, 1974.

counterparts in the free world. Men who work for tax-supported State agencies in the community receive 20 cents per hour for unskilled labor and 30 cents per hour for skilled. They work side-by-side with free-world men under free-world supervisors earning as much as \$20,000 per year. Inmates who work for the U.S. Forest Service receive \$1.25 per hour, while civilian firefighters who work beside them receive \$3.50 to \$4.50 per hour. (pp. 280, 281, 284) Inmate wages were set 3 years ago, according to Mr. Bowmar, on the basis that:

...These men are wards of the State; the State is keeping them. Therefore we don't feel that they should be receiving the same wages as a free-world man. (pp. 293-294)

The work program at the three community correctional centers, or halfway houses, is aimed at improving the individual inmate's chance of success following his release.⁸¹ According to Fred Ballard,

supervisor at Highland House in Phoenix, a major goal is to help residents find stable job situations in the community where they can earn money while at the same time making the adjustment to free society.⁸² Residents have complete freedom to come and go to their jobs while living at the centers. They may obtain passes to spend weekends with their families on an almost unlimited basis. Testimony

81. Survey of Arizona's Correctional System, Arizona State Justice Planning Agency, 1973, p. 88.

82. Interview with Fred Ballard, supervisor, Highland House, Phoenix, Ariz., December 1973.

during the hearing and personal interviews with halfway house residents revealed enthusiasm for halfway house job programs.

⁸³
(p. 358) A full range of job opportunities is open to the men, and the pay they receive provides for their own immediate needs, helps to provide for their relatives, and gives them a "stake" upon their release. (pp. 363-364)

Testimony indicated that often men have difficulty finding and holding jobs because of the stigma of being an ex-convict. The program at the halfway houses provides help in this regard by enlisting the cooperation of State officials and community business people. That residents appreciate this was indicated at the hearing.

One resident commented:

I came to realize that at the halfway house I had an opportunity to ask for help, and so I just went wholeheartedly and asked for help. Where I would have been if I had not had the halfway house behind me...I don't know. (p. 358)

Several halfway house residents participate in a "work furlough" program in which a man may live at home with his family and provide his own transportation to and from work. Acceptance in the program involves an administrative decision by the director of the Department of Corrections, according to Dave Beamis, chief of the community

83. See also interviews Tona Baca, Baqui Montez, Larry Ward, Frank Wise, and James Thompson, December 1973.

correctional center division. He testified at the open meeting that only 25.4 percent of the inmates released through the halfway houses are back in prison. (p. 379) Officials are proud of this record since this proportion is considered to be quite low compared to recidivism for Arizona correctional institutions as a whole. The implications are, as indicated by Highland House supervisor Fred Ballard, that an increased appropriation to expand the halfway house program would reduce the total cost to the taxpayer of the prison system. It also could mean that inmates selected for the program are the ones most likely to succeed on the outside. (p. 378)

D. Inmate/Staff Relations - Recruiting and Training of Correctional Officers

As statistics in the introductory section of this report show, there are substantial disparities between the proportions of minority inmates and minority personnel in Arizona's adult correctional facilities. At the prison, for example, the staff is about 16 percent minority, while there are 49 percent minority inmates. The National Advisory Commission on Criminal Justice Standards and Goals comments that:

It is impossible to state an ideal figure for a national standard in minority recruitment because of the array of programs and the varying number of minority clients and community residents. Judgements need to be made in each case, but the overwhelming evidence is that an imbalance exists and must be remedied....Black inmates want black

staff with whom they can identify. The same is true of Chicano and Indian inmates, probationers, and parolees.⁸⁴

Inmates interviewed by Commission staff at Arizona State Prison agree, and the Department of Corrections concedes the lack of minority staff and the need for recruitment.

Hand-in-hand with this need stands the need for a staff that is able to maintain relationships of mutual respect with inmates. Sgt. Herbert Padilla, training officer at the prison, said that the quality of correctional officers being hired in the last year or two has improved with one reason being that increased starting salaries have attracted a higher caliber of applicant.

Mr. Padilla stated that a high school degree is required for the position of correctional officer. There is no specific requirement for training in sociology or psychology, he said, but officers are encouraged by the prison to take courses at Central Arizona College in Coolidge, and often arrangements can be made to have this paid for with State or Federal funds.⁸⁵

Training of new correctional officers by the Department of Corrections has undergone extensive review and change since the new administration took over in 1973. The department created a new

84. Corrections, report of the National Advisory Commission on Criminal Justice Standards and Goals, January 1973, p. 475.

85. Interview with Sgt. Herbert Padilla, training officer, Arizona State Prison, November 1973.

supervisory office of client education and staff development, which is to be concerned in part with training of institutional personnel at all levels. John Wright, who heads this office, stated that his priorities are first to develop and implement a training program for guards at the prison, and then to do the same at Fort Grant. Thirdly, he said, corrections personnel need training in the philosophy of parole and community treatment, and last, in executive staff organization.⁸⁶

A new program for training of newly-hired correctional officers for Arizona State Prison has been partially in effect since September 1973. The program initially was to include 5 weeks of preservice training, but this was pared to 3 weeks due to a shortage of officers on duty. The other 2 weeks of training would be held after officers had spent 3 months working in the prison. At the time of the hearing, the second phase of the training sessions had not yet begun.

Mr. Wright said that the new training syllabus was developed as part of the planned program for associate of arts degree in corrections through the State community colleges. Officers will earn 6 credit hours toward the degree by completing the training. Prior to

86. Interview with John Wright, chief, office of client education and staff development, Arizona Department of Corrections, December 1973.

September, according to Mr. Wright, new officers at the prison were given a total of 2 weeks of training and orientation, covering only "the nuts and bolts" of the job.⁸⁷

Two training officers at the prison coordinate the sessions. In late 1973 the Department of Corrections received a \$150,000 Federal grant to hire five additional departmentwide training officers.

Initial training includes an introduction to corrections in general, the history of corrections in Arizona, and complete coverage of all prison rules and regulations, from clothing and supplies to disciplinary procedures. There are approximately 18 hours of instruction specifically concerned with relationships with inmates, "understanding the inmate, how to communicate with him, and how the officer may serve as a change agent." In addition, there is training in the use of basic weapons--firearms, chemical agents, and the baton--as a means of control.⁸⁸ Officers at the prison carry a weapon, generally a baton, at all times and address inmates by their numbers. Guards comment that there are too many inmates to recall names.

87. Ibid.

88. See Arizona State Prison Correctional Service Officer (CSO) Training Syllabus, March 1974.

There is at present no training for officers in minority group cultures. According to the Department of Corrections, however, the second phase of training presently in preparation "will provide between 40 and 80 hours of instruction in basic behavioral science." It also plans to include classes in human relations, black history, and Mexican history.

Matrons, as officers are called at the Women's Division, do not receive any formal training; rather, they go through a brief orientation. They are not trained in the use of weapons or in self-defense and never carry weapons. Their relationships with inmates are informal, and matrons address the women by their names, not by numbers, and sometimes by their first names.

Nor are new officers at Fort Grant and Safford given any more training than an orientation to the institutions. Their relations with residents are informal, and they do not carry weapons. One officer at Fort Grant, who worked there when it was a juvenile facility, commented that some guards were sent to the prison for five days of training and orientation just before adults were transferred there.

89. Material provided by Arizona Department of Corrections, Mar. 12, 1974, pp. 13-14.

90. Interview with Florencio Aranda, correctional service officer, Fort Grant Training Center, December 1973.

E. Disciplinary Procedures

As indicated by the number of inmate lawsuits filed in Arizona and throughout the nation, disciplinary procedures are more controversial and have resulted in more change than any other area of prison reform. Gary Nelson, Arizona's attorney general, said in testimony before the Advisory Committee:

...the people who become offenders, whether they're incarcerated or not...are human beings, and must be treated that way to the maximum extent possible consistent with where they are and why they are there. And while this may, to us, in 1974, seem to be very clear, simple, understandable thing, it hasn't always been that way. (pp. 17-18)

It was not that way in Arizona until December 22, 1972. On that date, Federal District Judge William Copple issued interim rules and regulations on discipline at the Arizona State Prison. The interim order was the result of numerous civil rights complaints from inmates filed with the court. An order approving the final revision of the new rules and regulations for the prison was approved on October 19, 1973.

Part VI of the final version of the order defines rules and regulations for the prison and violations of those rules. The violations fall under eight separate categories, including: violations of statutes; violations against persons; and violations pertaining to the security and orderly operation of the prison,

contraband, property, and fraud, policy and procedures, personal appearance and sanitation, and safety.⁹¹

The final rules specify that disciplinary action taken in a particular situation should depend on the number, frequency, and severity of rule violations. The resulting penalties include calling the inmate's attention to the violation; personal counseling; verbal or written reprimand; work, cellblock, or dormitory movement restriction; loss of privileges; assignment to disciplinary isolation for not more than 15 days for any one offense or a maximum of 30 days for multiple offenses; loss of good-time credits; and the end of two-for-one work assignment. All formal dispositions of violations must be made by the disciplinary committee, which has jurisdiction over disciplinary isolation and denial of two-for-one and good-time credits. A prisoner is not to lose two-for-one time credits for any time spent in administrative segregation prior to the action of the disciplinary committee. He/she may be kept in administrative segregation prior to his/her disciplinary hearing but may not⁹² be kept in disciplinary isolation.

The court ordered that the disciplinary committee must hold a hearing on an inmate's alleged offense(s) within a prescribed period of time, usually within 10 days of the offense, unless the inmate

91. Memorandum and Order (final), Taylor v. Arizona, No. Civ. 72-21 PHX-WPC, (D.C. Ariz., Oct. 19, 1973).

92. Ibid.

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and/or the administration has asked for a delay. At the hearing, the inmate is entitled to have his/her own counsel or to be represented by another inmate or staff member. The inmate is entitled to hear all witnesses against him/her and examine those witnesses. In addition, the inmate is entitled to call volunteer material witnesses in his/her defense.

At the conclusion of the hearing, the disciplinary committee must issue written findings. It may impose appropriate sanctions if it finds the inmate guilty and may recommend treatment services. The committee also may recommend that the Reclassification Committee review the custody status, work or training assignment, or housing location of guilty or innocent inmates. If an inmate is sentenced to disciplinary isolation, he/she is entitled to the same three meals a day as the general population, excluding desserts; medical care as needed and authorized by medical technicians (who must visit the inmate once every 24 hours) and physicians; showers and exercise 3 times a week unless unfeasible; plus a change of clothing at least once a week. The inmate also has limited visiting privileges. Finally, if the inmate objects to the decision of the disciplinary committee, he/she has the right to appeal the decision to the department's inmate appeals officer. He/she also may appeal the conviction based solely on alleged denial of due process.

93. Ibid.

The final rules and regulations replace an outdated inmate rule book which did not clearly delineate inmate offenses, procedures for resolving disciplinary charges, or possible sanctions. The new rules and regulations are much clearer, although they do not embody all of the standards recommended by the National Commission on Criminal Justice Standards and Goals, or procedures approved by other jurisdictions. Some jurisdictions, for example, have ruled that an inmate cannot be charged with violation of a vague or broad rule. The National Commission proposed that disciplinary hearings be held within 72 hours after an inmate is charged. Arizona State Prison rules do not adhere to these standards.

In addition, the new rules vary significantly in two points from the suggestions of James V. Bennett, former director of the U.S. Bureau of Prisons and member of the board of the American Correction Association and the American Bar Association Commission on Correctional Facilities and Services. In a deposition taken on November 9, 1972, to help draft the interim rules in Arizona, Mr. Bennett was asked under what circumstances it is customary to put an inmate in lockup (the adjustment center). Mr. Bennett answered that "violation of the rules is the only valid reason for putting them [inmates] in there."⁹⁴ The Copple order, however, permits the Department of Corrections to place inmates who have not been found guilty of a disciplinary violation in the adjustment

94. Deposition of James V. Bennett, Nov. 9, 1972, p. 9.

center. Mr. Bennett's testimony also differed from Judge Copple's final order regarding the length of time an inmate may be placed in isolation. The order specified that any inmate may be sentenced to up to 15 days in isolation for any one offense and up to 30 days for several offenses. Mr. Bennett stated that:

The general impression now is that he should not be in disciplinary segregation (isolation) for more than 15 days, and if for some reason he is not able to go back into the general population, he can be transferred to administrative segregation (lockup).⁹⁵

The new rules do not specify the punishment for particular offenses. The Federal Court has allowed the Department of Corrections to exercise discretion in this area and in return the Department has pledged that:

...the rules and regulations for prisoners shall be only those which are necessary and reasonable; that any actions or penalties imposed on violators of those rules shall be fair, reasonable and consistent with the degree of severity of the violation; and that throughout the disciplinary process the individual prisoner's basic constitutional and legal rights will be observed.⁹⁶

John Frank, attorney for the plaintiffs, concurred with the vast majority of the rules and disciplinary procedures approved by Judge Copple, but expressed concern that Judge Copple did not keep the suit alive in order to rule on further complaints and modify the

95. *Ibid.*, p. 26.

96. Final Memorandum and Order, *Taylor v. Arizona*, No. Civ. 72-21, (D.C. Ariz., Oct. 19, 1973).

rules if necessary. Mr. Frank was particularly concerned about "tacking," which allows the disciplinary committee to tack one offense onto another so that an inmate could receive 30 days in isolation instead of the 15 days recommended by James Bennett and approved by Judge Copple in his interim order.⁹⁷ The judge disagreed with Mr. Frank, stating that the:

...interim order was solely for the purpose of affording defendants an opportunity to submit proposed rules for the Court's consideration. Further, the Court will not assume that the present prison administration will not administer their disciplinary rules fairly and evenly.⁹⁸

Inmates still see tacking as a legitimate concern, however. At the Advisory Committee's informal hearing in March, inmate Michael Hogan expressed the belief that while most line officers act in good faith to comply with the Copple order, some officers divide one offense into two so that an inmate can get up to 30 days in the "hole." (pp. 688-690)

In response, Assistant Attorney General Cleon Duke said that Federal courts at both the district and appeals levels have ruled that a sentence of 30 days in isolation is not in itself cruel and unusual punishment. He stated that the courts are "...much more

97. Interview with John Frank, Phoenix attorney, December 1973, and "Objections to Defendants Proposed Rules and Regulations and Discipline Program of the Arizona State Prison," Taylor v. Arizona, No. Civ. 72-21, (D.C. Ariz., July 25, 1973).

98. Memorandum and Order, Taylor v. Arizona, No. Civ. 72-21, (D.C. Ariz., Aug. 23, 1973), p. 5.

concerned with the type of treatment someone receives while in an isolation situation, more so than about the length." (p. 762)

One inmate testifying at the hearing disagreed with Duke's assertions. Sam Akins served time in isolation both in Kentucky, where 8 days is the maximum, and in Arizona. "Before the (final) Copple decision," Mr. Akins said, "a man could only get 15 days...but now you can get 15 days for each sentence (up to 30 days) and it's almost impossible to get a write-up without violating more than one rule." As far as he is concerned, even 15 days is too much. He stated:

Isolation is a cell with a solid door, no windows, a room that's dark most of the time. You don't have any literature. The only thing you can take in is toothpaste and toothbrush and maybe a towel, something like that, but you don't have any literature or anything to entertain yourself or to dim the boredom that's there. It's a real pure form of punishment for men. I would prefer a beating to being in isolation for 15 days. When you're going to get 30 days...then it's just all out of proportion. (pp. 728-729)

According to the Department of Corrections, while inmates in isolation are not permitted to participate in any activity or to receive any items enjoyed by the general prison population, they are furnished with regular prison clothing, a mattress and blanket, reading material, and legal papers. No mail may be sent or received.

99. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 88.

All inmates in lockup, as well as those in disciplinary isolation, are supposed to receive showers and exercise three times a week. The staff may forego inmate exercise and showers for specific reasons to be filed in writing with the assistant superintendent. According to Dwight M. Carey, assistant superintendent for operations, "...unless unusual circumstances existed, the (inmates on lockup) were showered and given exercise periods 3 times weekly." Inmates, however, complained that the rules are not followed in this area.

To verify inmate allegations, it would be necessary to check daily reports filed by correctional officials concerning inmates in lockup. Records supplied by the Department of Corrections document that showers and exercise were given to inmates on June 8, 1973. No other information was provided, and without a more complete record, it is impossible to verify or deny the allegations.

Prisoners voiced other complaints about the part of the Copple decision which permits the prison administration to take away two-

100. Memorandum from Dwight Carey, assistant superintendent, ASP, to Tom Korff, assistant to the director, Department of Corrections, Mar. 28, 1974.

101. Transcript, pp. 602-603, and interviews with Marvin Walden and Michael Hogan, inmates, Arizona State Prison, November 1973.

for-one time without finding an inmate guilty of a rule infraction.

In the opinion of one inmate:

...if rumor has it that an individual is dealing in contraband or they believe on information they receive from informers that someone is dealing in contraband but they can't prove it, they will lock him up in the adjustment center, for an indeterminate period of time, I might add. (pp. 679-680)¹⁰³

Inmates also questioned the provision that even when the disciplinary committee finds an inmate innocent of a rule violation, it may refer him to the prison's Reclassification Committee. The latter committee has jurisdiction over custody status and may assign the inmate, whether or not he is guilty, to maximum custody or lockup status if he fits into one of six categories. According to the superintendent, all inmates assigned to maximum custody status for "care and treatment" are placed there in the best interest of the institution and not for disciplinary reasons. Except psychotics and those awaiting action from the disciplinary committee, none of those inmates earns two-for-one time.

102. As the law stands now, every inmate has a statutory right to receive two-for-one credit. As a result, all inmates except those who refuse to work and those on disciplinary status are supposed to receive two-for-one work credits. 31 ARS 252; State v. Rice, 110 Ariz. 210 (1973); Watson v. Industrial Commission, 100 Ariz. 327(1966); Montgomery v. Eymann, 96 Ariz. 55(1964); Orme v. Rogers, 32 Ariz. 502(1927).

103. Several other inmates also expressed this view in interviews with Civil Rights Commission staff.

104. The six categories include inmates known as severe escape risks; inmates with acute behavior and management problems; known aggressive homosexuals; inmates known to constitute serious physical danger to themselves, to other inmates, and/or to the staff; inmates who request protective lockup; and psychotic inmates. (Superintendent's Bulletin-73/16, Arizona State Prison, Dec. 10, 1973.)

Both inmates and free-world people disagreed with the prison administration's use of "care and treatment," and the denial of two-for-one. Michael Hogan stressed that "(c)are and treatment consists of being locked in your cell 24 hours a day, 7 days a week." (p. 679) Bruce Rinaldi, director of the University of Arizona College of Law's Post-Conviction Clinic, which was active at that time, agreed. "Some of these people that kept getting disciplinary violations were then classified in need of treatment," he said. "And as a result, they were placed on permanent lockup -- under the guise of receiving treatment and care." (p. 755) Mr. Rinaldi emphasized that a person should be placed in care and treatment for treatment. "If you don't give him treatment, you have to let him go," he added. He claimed that the prison administration puts inmates in lockup to keep them "out of its hair," and said he has received letters from inmates alleging this practice. (p. 757)

Both Mr. Rinaldi and Mr. Hogan expressed one other concern about reclassifying an inmate to "care and treatment": That he/she loses two-for-one time credits while on lockup status. "The problem of reclassifying someone to a position where he can lose two-for-one," said Mr. Hogan, "is essentially a disciplinary thing. You don't sentence a man to another 30 days on the prison sentence...unless you're trying to punish him; you're not giving him care and treatment." (pp. 682-683)

While Mr. Rinaldi said he believes that most inmates do receive two-for-one credits, he expressed concern that the prison administration feels that the credits are not a matter of right and can be taken away by administrative discretion. Mr. Rinaldi said that his feelings about two-for-one were not unique:

...I might just add that Warden Cardwell...has even indicated to me that he thinks two-for-one is an abomination and that he wishes there was some other sentencing procedure, because you're never certain why the judge gives a person a certain period of time. (pp. 760-761)

B. J. Harris, inmate appeals officer for the Department of Corrections, felt that the concerns expressed by Mr. Rinaldi and Mr. Hogan were not substantial. Mr. Harris said that the prison has approximately 25 inmates in care and treatment and that the administration recognizes this situation as a fact of life in an institution in which there are more than 1,000 prisoners. He also emphasized his belief that the problem was administrative and thus not to be handled through a disciplinary proceeding. (p. 779)

An inmate appeals officer, Mr. Harris reviews all appeals filed by prisoners within 48 hours of written decisions against them by the disciplinary committee. He reviews the entire record, including a tape recording of the disciplinary hearing, and then has 10 working days to issue his decision. Although he reviews the findings of the disciplinary committee, Mr. Harris has no authority to postpone the sanctions

authorized by the committee. It is up to that committee itself to take such action. Thus, a prisoner may already have served his sentence in isolation before Mr. Harris' decision is sent down. If he reverses the order of the disciplinary committee, he may remove any sanctions from the prisoner's record. (pp. 785-786)

Between October 19, 1973, and January 28, 1974, Mr. Harris reviewed 169 inmate appeals. Of those, he denied in total 145 (85.8 percent), denied in part 3 (1.8 percent), modified 3 (1.8 percent), set rehearings for 5 (3.0 percent), and upheld 13 (7.7 percent).¹⁰⁵

A number of inmates who were interviewed during the investigation of the Arizona adult correctional institutions or who testified at the March hearing alleged that the disciplinary committee discriminated against inmates because of their race or color. In order to investigate these allegations thoroughly, the Advisory Committee asked the Department of Corrections to provide a list of disciplinary proceedings between October 19, 1973, and January 28, 1974. The information provided was compared with the total population of Arizona State Prison¹⁰⁶ as of January 1, 1974:

105. Arizona State Department of Corrections - disciplinary action reports, male division, October 1973 - January 1974.

106. Ibid., and letter from Richard K. Geisenhoff, assistant director, Women's Division, ASP, to William H. Levis, U.S. Commission on Civil Rights, Mar. 11, 1974.

MEN'S DIVISION - ASP: DISCIPLINARY PROCEEDINGS

Inmates Charged			Percentage of Total Population
Number	Percent		
131	26.6%	Black	20.5%
142	28.8%	Mexican American	24.4%
11	2.2%	Native American	3.6%
193	39.1%	White	50.9%
16	3.2%	Other	0.5%
493	99.9%*	Total	99.9%*

WOMEN'S DIVISION - ASP: DISCIPLINARY PROCEEDINGS

16	31.4%	Black	20.4%
12	23.5%	Mexican American	13.0%
1	2.0%	Native American	5.6%
22	43.1%	White	53.7%
0	--	Other	7.3%
51	100.0%	Total	100.0%

*Column does not add to 100.0% due to rounding.

The statistics indicate that the percentage of black and Mexican American prisoners charged with rule infractions is from 4 to 11 percent higher than their proportion of the prison population, while fewer whites are charged than their percentage of the total population.

Several women prisoners alleged that Richard Geisenhoff, assistant administrator of the Women's Division, handed out more extreme punishment for the same offenses to black inmates and to those who associated with blacks than to other inmates. Documents provided by Mr. Geisenhoff confirmed that on three occasions one black inmate and the persons with whom she associated received more severe punishment than nonblack inmates for the same or similar offenses. On all three occasions, the black inmate and her companion received 15 days isolation each, while the nonblack inmates received 10 days isolation. ¹⁰⁷ Mr. Geisenhoff was the only member of the disciplinary committee to pass judgment in all the cases. He stated that "...it's difficult to take any one single case out of context. The sentences imposed by the disciplinary court are based on a number of different things, one being prior record." While denying that one consideration could be racial differences, he said that the composition of the board members could make a difference in sentencing. (pp. 181 and 185)

After testimony alleging racial discrimination was heard by the Advisory Committee, several other inmates demanded to be heard to

107. Ibid.

defend Mr. Geisenhoff. They stated that he has never shown bias or prejudice to any inmate. One inmate testified that "...it is only the minority group that is crying prejudice...." When asked what she meant by minority, she said that she meant "minority in terms of black inmates at the prison." Another inmate, however, added that it was a "minority of them [black inmates], and not a race of people." (pp. 903-905)

Other female inmates complained about unequal treatment by matrons. One woman said that three different sets of inmates were cited for the same offense. They were sentenced to 5, 10, or 15 isolation days because the staff reported the events differently. Another inmate confirmed two of the situations and complained that many of the institution's rules were petty and unnecessary. ¹⁰⁸ A matron retorted that the rules, including no sitting on another inmate's bed and no talking after lights out, may seem petty but have definite purpose. She said that the more freedom you give inmates, the more lenient they expect you to be. ¹⁰⁹

The isolation facilities at the Women's Division differ slightly from the men's. There are 10 closed isolation cells, each with a bed, toilet, and washbasin. Staff members visit isolated inmates during the day, and women are allowed to receive and send mail and are supplied reading material.

108. Interviews with inmates, Women's Division - ASP, December 1973.

109. Interview with Ms. Pribble Hatten, matron, Women's Division - ASP, December 1973.

Both Fort Grant and Safford are minimum security facilities without high surrounding walls or isolation cells. Safford has no cells of any type and must use jail facilities in town to physically confine an inmate. If a centerman is found guilty of a rule infraction by the three-man disciplinary committee, he is assigned extra work. If an inmate is found guilty of a serious offense, he is reclassified for transfer back to Arizona State Prison. Safford administrator Earl Dowdle said that, although he has contacted the Parole Board on occasion concerning the possible forfeiture of accrued good-time credits for an inmate, he has never recommended that an inmate be placed in isolation.

Because the Copple order only applies to Arizona State Prison, Fort Grant does not follow it to the letter. Superintendent Cliff Anderson said that the training center is not as strict as the prison. According to Kenneth Hundley, the assistant superintendent, an inmate receives a write-up only for a major violation or after three minor infractions. There is a three-man disciplinary committee which usually confines a man to quarters for such a write-up. Fort Grant has two isolation cells which Mr. Anderson said are used on occasion to sober up an inmate who has been found intoxicated. "They're not intended

110. Interview with Earl Dowdle, administrator, Safford Conservation Center, December 1973.

to serve as a lengthy detention facility," he said. "There are numerous other disciplinary measures that are available to us." The ultimate measure is sending an inmate back to Florence, which Mr. Anderson said he has done only once since the fall of 1973.

111
(p. 349)

F. Legal Services and Access to Legal Materials

The U.S. Supreme Court has twice affirmed that inmates in correctional institutions must have access to the courts and to legal counsel. In 1941 the High Court ruled that, "The state and its officers may not abridge or impair [an inmate's] right to apply to a federal court for a writ of habeas corpus." Twenty-eight years later it held that inmates have a right to legal assistance in preparing such a writ. While the Court ruled that prison authorities could place reasonable restriction on the time and place of such aid, it also stated that an inmate is entitled to legal assistance from a fellow prisoner in preparing writs of habeas corpus where there is no reasonable alternative.

111. See also interview with Kenneth Hundley, assistant superintendent, Fort Grant Training Center, Dec. 19, 1973.

112. Ex Parte Hull, 312 U.S. 546 (1941). A writ of habeas corpus alleges unlawful imprisonment in violation of inmate's civil rights.

113. Johnson v. Avery, 393 U.S. 483 (1969).

Until 1969, Arizona State Prison officials had the power to determine which inmates could receive legal aid. In that year the Federal district court invalidated the uncontrolled discretion of prison officials to decide who may receive inmate legal counseling.¹¹⁴ Since then inmates in Arizona correctional institutions have had limited access to legal services.

In the late 1960's the Department of Corrections entered into a contract with the University of Arizona College of Law to provide post-conviction assistance to inmates. The contract expired in June 1974. According to Bruce Rinaldi, director of the Post-Conviction Clinic, the U.S. Supreme Court has ruled that any person standing trial or appealing his conviction has the right to be represented by an attorney. Once a person has appealed and lost, he no longer has a right to legal representation, except to contest the legality of confinement. The clinic was set up to make available to inmates a post-conviction remedy in this and most other areas. In most cases, relief will be in the form of a writ of habeas corpus to the Federal or State court alleging that the inmate's incarceration is illegal. (pp. 739, 740, and 768). The scope of the Post-Conviction Clinic was very limited, however, as a

¹¹⁴. Prewitt v. Arizona ex rel. Eyman, 315 F. Supp. 793, affirmed 418 F. 2d 572, cert. den. 397 U.S. 1054.

letter from former director Andrew Silverman to the then-superintendent of the State Prison indicates:

Only post-conviction law matters will be discussed. Matters pertaining to any complaints involving administrative policies or procedures in the institution are not part of the Post-Conviction Clinic program. If any inmate seeks the clinic's assistance on matters involving administrative policies or procedures in the institution, the clinic will inform the inmate that those matters fall outside the scope of clinic activities.¹¹⁵

Mr. Rinaldi testified at the March hearing that he only reluctantly adhered to that agreement. When the clinic started in 1968, the Supreme Court had not decided Johnson v. Avery, which held a year later that a prisoner has a right to legal services. It was Mr. Rinaldi's feeling that:

...with the advent of that opinion, we (the clinic) are no longer in the prison owing to the good graces of the warden. ...Prior to Johnson v. Avery, we were there because the warden allowed us to be there, and as part of the agreement we said if we are allowed to do post-conviction work we will not enter into any kinds of civil rights complaints, that is, suits directed against the prison administration based upon prison conditions. That was the original agreement. Since then we've stuck to that agreement. (pp. 744-745)

It appears that although the prison administration limited the scope of the Post-Conviction Clinic, the superintendent did not so inform the inmates. A memorandum from Superintendent Harold Cardwell in October 1973 states:

¹¹⁵. Letter from Andrew Silverman, former director, Post-Conviction Clinic, University of Arizona College of Law, to Arthur E. Gomes, acting superintendent, ASP, Sept. 13, 1972.

Inmates housed in Cell Block 3 [at that time all lockup] who desire or require legal assistance in the preparation of an appeal or other legal matter concerning their present commitment may write to: The Post Conviction Legal Assistance Clinic...Attention: Bruce Rinaldi, Director.

The memo adds that inmates seeking assistance in the filing of civil rights or Federal court matters also should write for Federal guidance. Although Mr. Cardwell's memorandum does not so indicate, the Post-Conviction Clinic was restricted by the prison in other ways. Mr. Rinaldi was unable to assist inmates who already had attorneys, and his participation in disciplinary proceedings was limited. Under the prison's new disciplinary procedures approved by the Federal district court, an inmate facing disciplinary action may be represented by retained counsel, a prison staff member, or a willing inmate. The State prison superintendent objected to Mr. Rinaldi's representing inmates, however, while he was also serving as director of the clinic, since disciplinary hearings are not technically post-conviction matters. Speaking for Superintendent Cardwell, Assistant Attorney General Cleon M. Duke said:

...if Bruce wishes to attend as a private attorney...for that person, that's a different situation, but when he attends in his capacity, which is the way the warden has interpreted it up to now, as head of the...clinic, it doesn't comply with the contract. (p.722)

116. Memorandum to inmate population from Harold J. Cardwell, superintendent, Arizona State Prison, "Legal assistance or counsel for inmates in Cell Block 3," Oct. 24, 1973.

In response, Mr. Rinaldi said that Superintendent Cardwell fully understands his position and that "on some occasions when I feel the situation warrants it, I, as a private practitioner...have undertaken to represent (inmates) in a disciplinary hearing." (p. 774)

Outside of the Post-Conviction Clinic, there is no organization to represent inmates who need legal assistance. Courts, model standards, and the chairman of the Special Committee on Corrections and Rehabilitation, State Bar Association of Arizona, have deplored the lack of legal services for inmates. David Tierney, chairman of the bar association group, stated that there are fewer legal services available for post-conviction assistance within Arizona's prison system than in other States. (p. 108) Yet nothing has been done to fill the void of Mr. Rinaldi's organization. The Arizona Citizen's Committee on Prisons attempted to recruit 30 lawyers to assist inmates in legal actions, but their efforts have been unsuccessful. It is the Department of Corrections which must initiate such a legal assistance program, according to the National Commission on Criminal Justice Goals and Standards. Gary Nelson, Arizona attorney general and a member of that commission, endorsed the standards, which include legal assistance for post-conviction actions, civil rights actions, and major disciplinary proceedings. (p. 26)

Even if the Post-Conviction Clinic had continued under present restrictions, there are a myriad of complaints that it could not handle concerning disciplinary proceedings, prison administration suits, and individual civil actions.¹¹⁷ That void is filled by the "jailhouse lawyer."¹¹⁸ The Department of Corrections has pledged adherence to Johnson v. Avery, which permits the use of jailhouse or inmate lawyers if adequate legal services are not available. Inmates at the State prison have complained, however, that access to jailhouse lawyers is restricted because contact with any fellow inmates is discouraged.¹¹⁹ Only eight inmates are allowed to use the law library at one time, for example, so inmates must consult each other in their cells, during meals, or on the athletic field. While general population inmates do have some access to jailhouse lawyers, prisoners in lockup are more

117. Since post-conviction clinics such as the one in Arizona are limited as to the assistance they can provide inmates, some courts have held that the clinics' services are not enough to protect inmate rights. One court ruled that a clinic was insufficient because, as in Arizona, it was unable to file civil rights actions against prison officials. (Williams v. Dept. of Justice, 433 F. 2d 958 (5th Cir. 1970), Cross v. Powers, 328 F. Supp. 899 (W.D. Wis. 1971)).

118. A "jailhouse lawyer" is an inmate who has sufficient legal expertise to advise other inmates as to their legal rights, and who files documents in court in their behalf.

119. Interviews with Waymond Small, Michael Hogan, and Larry Fassler, inmates, Arizona State Prison, Nov. 29-30, 1973.

restricted, even though many are in lockup for rule infractions.¹²⁰ In Superintendent Cardwell's October 1973 memorandum outlining legal assistance procedures for prisoners in lockup, he stated that inmates may seek assistance from the Federal court (through its clerk) in filing civil rights and other Federal complaints.¹²¹ But as one inmate testified, "It's well known that the clerk of court is able to assist inmates only in the matter of putting the document in a proper form and in the filing procedures -- not in the research, nor in the compiling of the complaint." (p. 697) The memo also stated that a prisoner in lockup for disciplinary reasons may ask for a general population inmate to assist him. But he is prevented from seeking assistance from other prisoners similarly restricted.

Women inmates at Arizona State Prison are entitled to the same access to legal assistance as the men. Women prisoners have contacted the Post-Conviction Clinic on occasion. Richard Geisenhoff, assistant administrator, commented, "The inmates have free access to the public defender that defended them at their trial, and if they so wish and

120. Inmates cited for rule infractions are entitled to representation at a disciplinary hearing by retained counsel, a willing inmate, or a staff member. An inmate can be cited for a rule infraction which would be a criminal offense if the prison decides to press charges. The prison has the option to charge the inmate with a disciplinary infraction and/or criminal offense. An inmate, however, is entitled to legal counsel only for a criminal offense.

121. Memorandum to inmate population from Harold J. Cardwell, superintendent, Arizona State Prison, Oct. 24, 1973.

are able to afford it, they can certainly hire their own private attorneys to represent them." (pp. 216-217) According to one woman, an inmate who was a legal secretary assists women with most of their legal problems.¹²²

While inmates in the other correctional facilities in Arizona are supposed to have access to the same legal services as the prison, it is apparent that they do not. Both Safford and Fort Grant are distant from Phoenix and Tucson. Because of this, inmate contacts with lawyers and the Post-Conviction Clinic are limited. Safford centermen said that inmates can correspond with the clinic but that no legal representatives from the clinic have ever been to the conservation center.¹²³ (p. 273)

Residents at Fort Grant have also been able to contact the Post-Conviction Clinic for assistance. In addition, the training center conducts a legal course for inmates. The course instructor, however, is not an attorney, although one inmate said the man had assisted him with a civil matter relating to property in another State. (p. 320)

122. Interview with Mary Munoz, inmate, Women's Division - ASP, December 1973.

123. See also interview with Sid Gering, inmate, Safford Conservation Center, Dec. 20, 1973.

In order to eliminate the need for the Department of Corrections to provide legal counsel every time an inmate feels one is necessary, several jailhouse lawyers suggested the appointment of an ombudsman to provide counseling and screen inmate complaints. One envisioned the Federal court's appointing someone who could do away with up to 98 percent of inmate complaints. If there were merit to an inmate's grievance, the ombudsman could go to the director of the department to resolve the situation without court action.¹²⁴ (pp. 700-702)

In addition to mandating access to adequate legal counseling, the U.S. Supreme Court has affirmed that correctional institutions must provide an appropriately equipped law library for inmates.¹²⁵ The National Commission on Criminal Justice Standards and Goals also calls for access to an adequate law library. The National Commission stated that such a library should include the U.S. and State Constitutions, statutes, decisions, procedures, rules and their decisions, and legal works discussing the foregoing. In addition, there should be case law material, court rules and practices, treatises, legal periodicals to aid current research, and appropriate legal digests and indices.¹²⁶

124. See also interview with Larry Fassler, inmate, Arizona State Prison, Nov. 30, 1973.

125. Younger Gilmore, 404 U.S. 15(1971).

126. Model Rules & Regulations on Prisoners' Rights and Responsibilities, Krantz, Bell, Brant, and Magruder, 1973.

The Department of Corrections has admitted that its law libraries are inadequate and asked West Publishing Company to conduct a study outlining what materials are needed for an adequate beginning. The company submitted a proposal to the department, and B. J. Harris, inmate appeals officer, pledged that the department would implement its extensive recommendations as soon as the necessary funds are forthcoming. Mr. Harris testified at the March open meeting that the department recently purchased \$1,600 worth of legal materials. Since the West proposal calls for an initial expenditure of \$27,000, he admitted that the department must go further to furnish the law libraries of the four adult institutions adequately. Harris stated that the department has a \$25,000 grant from the Law Enforcement Assistance Administration (LEAA) earmarked for upgrading the law libraries at Safford, Fort Grant, and at the prison. The main prison library will serve as a clearinghouse for both men and women inmates, he said. (pp. 780-781)

At the time of the March hearing, only the law library in the main yard at the prison had been upgraded. The books are located in a new library facility and have been substantially updated and increased in the last year. The library now has the Arizona statutes and case reports, U.S. statutes, and Supreme Court cases. However, it does not have Federal case reports for the Federal district court or Federal

circuit court serving Arizona, and lacks the Criminal Law Reporter, which reports the most current cases weekly. The West study recommended the inclusion of such books in all the law libraries in addition to more than 15 publications and texts on criminal law.¹²⁷ Books for the law libraries at other facilities began to arrive in late summer of 1974.

The prison also provides a small law library for inmates in lockup. According to inmates, it contains only the Arizona Revised Statutes, and it is difficult to obtain access to those volumes or to other legal materials. (p. 693)

Although the main law library at the prison is being upgraded, access to it is limited because of its size. Only eight persons are able to work there at any one time. This makes it difficult for jailhouse lawyers to counsel fellow inmates. It is often impossible for inmates to assist other prisoners to use lawbooks in their cells. Further, because of the complexity of legal issues, it may be necessary to consult many different volumes and several weekly reporting services; but Arizona State Prison cellblock regulations restrict the amount of legal materials an inmate may keep in his cell.¹²⁸ Inmates complained

127. West Publishing Company proposal to Arizona Department of Corrections, Jan. 24, 1973.

128. Each inmate is allowed two cardboard storage boxes, approximately one cubic foot each, for legal papers and personal law books. Each inmate also may have a maximum of five hard-bound books in his possession plus course textbooks, for a maximum of 12 books. (Cellblock regulations, Arizona State Prison, revised Oct. 1, 1973.)

that this severely limits access to both legal materials and adequately informed jailhouse lawyers.

While the Arizona State Prison law library approaches adequacy, the other State correctional facilities do not. The Women's Division has access to the main law library across the street, but legal research is difficult and on a piecemeal basis. Presently, the women have direct access only to the Arizona Revised Statutes. These are kept in the superintendent's office.

According to Superintendent Marjorie Ward, "If they (inmates) need any further lawbooks from the main prison, all they do is give us a note on it, (and) we go across and get it for them." (p. 219) The needs of the Women's Division were not included in the West study.

Safford Conservation Center is similar to the other State correctional institutions in that it does not offer formal instruction on how to use legal materials. The West proposal, if implemented, would offer such instruction to inmates.¹²⁹ According to one inmate, the camp has only one copy of the Arizona Revised Statutes for inmate use. The statutes are located in the captain's office and may be used when the captain is free to provide them. (p. 273)

129. West Publishing Company proposal to Arizona Department of Corrections, Jan. 24, 1973.

Access to legal materials is very limited at Fort Grant also. Cliff Anderson, superintendent, stated, "We have two sets of lawbooks for the inmate's use right now. I have a set in my office." These lawbooks include an outdated 1931 set of Corpus Juris, a legal encyclopedia. Fort Grant is presently receiving additional legal materials under the LEAA grant, as recommended in the West proposal.

G. Medical Care and Health

1. Medical Services

Inmates in both State and Federal institutions have sought redress in the Federal courts for the medical treatment they have received or failed to receive. The result of the case law in this area has been to establish that a prisoner has a Federally-protected right to medical treatment. The exact nature of that right depends on the state of the law in each particular jurisdiction.¹³⁰ As the National Advisory Commission on Criminal Justice Standards and Goals has stated,¹³¹ "Adequate medical care is basic, as food and shelter are basic."

In the past 2 years medical services in Arizona's adult institutions have improved to a substantial degree, but they are by no means sufficient in any of the facilities. Using model standards of the

130. Constitutional Rights of Prisoners, John W. Palmer, J.D., 1973, pp. 126-128.

131. Corrections, report of the National Advisory Commission on Criminal Justice Standards and Goals, 1973, p. 36.

American Correctional Association, Commission consultant Donald Goff concludes that the basic medical staff for an institution of approximately 800 inmates should include the following: one full-time chief medical officer; one full-time psychiatrist, serving as an assistant medical officer; one full-time dental officer; one full-time psychologist; five full-time registered nurses or licensed practical nurses; and a suitable complement of consultants in various medical and

132 surgical specialties. Arizona State Prison's 1,400 inmates (men and women) are presently served by three licensed medical doctors, one of whom is also a psychiatrist. This represents a substantial change from a year ago. Until March 1973 the prison did not have a full-time doctor, and until October 1973 there was no psychiatrist.

The prison has one dentist, who has been there since mid-1973. He commented that prior to his coming the institution was without a den-

133 tist for 8 or 9 months. There also is one psychologist; six paramedical personnel - correctional nursing supervisors (CNS's) and correctional medical assistants (CMA's); and one nurse at the Women's Division, who at the time of the March hearings was not certified as

132. "Minimum Standards of Civil and Human Rights of Inmates in Correctional Institutions," Donald H. Goff, May 6, 1973.

133. Interview with Joseph Scalzo, DDS, Arizona State Prison, November 1973.

134 a registered nurse. The prison receives backup services from Pinal County and Maricopa County General Hospitals and contracts services from Good Samaritan Hospital in Phoenix and other individual consultants.

These personnel, with the exception of the nurse, staff a 19-bed hospital and small dental clinic located in the main yard of the prison. The Women's Division has a small infirmary run by the nurse, and new dental equipment. The main yard hospital is small and cramped to an extreme. It is an old facility with old equipment. The dentist said his equipment is 10 years old and badly in need of repair or replacement and that he has only half the space he needs for a full dental lab and office. 135 The Department of Corrections has plans and funds to demolish the old hospital and build a new 20-bed facility with new medical and dental equipment and additional space, but work has not yet begun.

A paramedic or the nurse gives all new inmates at both the Men's and Women's Divisions an admission physical examination which includes, according to the chief medical officer, a review of the inmate's

134. According to Dr. Rolland Deputy, chief medical officer, ASP, there are slots for 10 paramedics (Transcript, p. 572).

135. Interviews with Dr. Rolland Deputy and Dr. Joseph Scalzo, ASP, November 1973.

present and past medical history and a gynecological examination for the women. Inmates are not given yearly physicals, but they do receive yearly chest x-rays, the doctor said. (pp. 573-574)¹³⁶
 Inmates interviewed said this is not always the case.

The medical staff would hardly be operational without the paramedics. They hold sick call every weekday in the main yard cellblocks, the Diagnostic Center, the IER Yard, and the OT area. This is a somewhat hurried process which takes place before prisoners go out to work. The paramedic hears complaints and screens men who need to see a doctor. He may give out only aspirin, cold medication, and cough syrups without a prescription. Otherwise he must obtain the doctor's signature on a prescription, which is then dispensed by the prison pharmacist, placed in a special envelope with instructions on usage, and generally given to the inmate by the correctional officers on duty in the cellblocks and dormitories.¹³⁷ The same is generally true for the Women's Division.

The doctors maintain regular office hours only on weekdays in the daytime, so paramedics must fill in the gaps evenings and weekends at the Men's Division. One paramedic is always on duty, and one of the

136. See also interview with Dr. Rolland Deputy, ASP, November 1973.

137. Interviews with Pat Goodwin and James Lackliter, paramedical staff, Arizona State Prison, December 1973 and February 1974.

doctors is on call. If there is an illness or other medical emergency at night, the correctional officer on duty is to contact the paramedic on duty, who is responsible for calling the doctor if necessary. The nurse at the Women's Division works 8 hours a day weekdays. There is no medical staff person on duty there at night or on weekends to handle emergencies. Correctional staff may call the nurse or one of the doctors at home.

The prison hospital is equipped to do minor surgery, but any case requiring anesthesia must be taken out to another hospital. The paramedic who is responsible for the emergency room said that he himself sometimes handles minor surgery such as stitches or sutures. Paramedics interviewed said they had had experience while in the armed services. For major illnesses the doctors determine the type of care needed, and the paramedic arranges for the patient to be taken to Phoenix to see a specialist or for surgery.¹³⁸ Similar procedures are followed at the Women's Division.

A radiologist will come to Florence if needed, and an optometrist comes in once a week. There is some question as to whether or not an inmate may have an outside physician at his/her own expense. The Department of Corrections stated in correspondence that this was

138. Ibid.

permitted, but the two doctors and the Women's Division nurse said
 139
 it was not. Neither the Men's nor the Women's Division has a
 special diet kitchen, so any prescribed medical diets must be main-
 tained as well as is practicable under the circumstances.

Many interviewed prisoners voiced complaints, minor and major,
 about the extent and quality of medical services, but few had
 criticisms of dental care, even though there is only one overworked
 dentist with poor equipment. Dr. Scalzo, the dentist, expressed
 great concern over dental services, however. He testified that he
 and one dental assistant see approximately 17 to 26 inmates a day.
 He said the Department of Corrections has increased and upgraded
 his equipment to a higher level of adequacy in the past few months,
 but there is still a need for better equipment. His dental
 laboratory was closed for security reasons. (pp. 577-579)

Dr. Scalzo said that his priorities are: first, handling
 toothaches and extractions, and second, filling cavities. As of
 December 1973, he was unable to do any teeth cleaning or general
 preventive dentistry due to lack of time. A lot of dental work used
 to be done once a year when the State Dental Board held its dental
 hygiene exam at the prison, he said. This was terminated in 1973,

139. Material provided by Arizona Department of Corrections, Mar. 12,
 1974, p. 59. See also Transcript, pp. 238 and 574, and interviews with
 Dr. Rolland Deputy and Dr. Bradford Rodgers, ASP, November 1973.

however, because of disturbances in the prison. Dr. Scalzo does not
 have the equipment to do any major dental surgery or to handle
 emergencies. Dentists in the Florence area are overloaded also;
 prisoners must be sent to Phoenix for major work. Since the dental
 lab was closed, partial and full dentures must be ordered from
 outside sources with State funds. (pp. 577-579)
 140

Inmates in all adult institutions are permitted by State statute
 to participate in certain medical research programs.
 141
 None of the
 institutions except the Men's Division-ASP has such a program. Cutter
 Laboratories, of Berkeley, Calif., has operated a program for 7 years
 in which 500 millimeters of blood at a time is bought from inmate
 volunteers. The plasma is removed and sent to Berkeley to make anti-
 rabies serum, and the blood re-injected into the volunteer. Inmates
 may volunteer up to twice a week. They are given a physical and
 paid six or seven dollars each time. For every volunteer, Cutter Lab
 donates 50 cents to the inmate athletics and recreation fund. There
 is also a rabies and tetanus program. Prisoners volunteer to receive
 a series of 14 rabies or tetanus injections at one dollar per injection

140. See also interview with Joseph Scalzo, DDS, ASP, November 1973.

141. 31 ARS 321-323.

so that their blood can be used to make serum. ¹⁴² Both programs are popular because many prisoners have no other way of earning money.

Prisoners with serious mental illnesses are held in lockup in individual cells in CB3. As of January 1974 there were 35 men held there. Dr. Neighbors, the psychiatrist, estimated that 60 prisoners were severely ill, brain-damaged, or seriously epileptic. She said that in November 1973, soon after she came to the prison, she was ¹⁴³ only able to visit the psychotic patients once a week. The psychologist, William Rhode, testified at the March open meetings that he thinks she now sees them two or three times a week. (p. 582)

Dr. Neighbors expressed her concern that there is no paramedic assigned specifically to the psychiatric runs to distribute the medications which are prescribed on a continuous basis and to check on whether patients have taken them. She also said that these prisoners, who are not well enough to mingle with the general population, desperately need a separate area for treatment. Many also could benefit from ¹⁴⁴ intensive group therapy, but there is none at the prison. Inmates are committed to the State hospital in Phoenix if prison staff feel it

142. Interview with Otis Arndt, center manager, Cutter Laboratories, ASP, November 1973.

143. Interview with Dr. Frances Neighbors, psychiatrist, ASP, November 1973.

144. Ibid.

is necessary. Mr. Rhode, the psychologist, estimated that about 25 men are sent there each year. (p. 581) Although it has a 100-bed maximum security unit, the State hospital is only a temporary holding facility for observation rather than treatment. Prisoners generally ¹⁴⁵ are returned to the prison after a short time.

Dr. Neighbors is also responsible for individual evaluations for the parole board and the prison Classification and Honor Placement Committees. In addition, she is considered one of the physicians on call for the prison during off-hours. (pp. 581-582) She does not maintain any regular office hours, she said, because if she did, inmates would "come out of the woodwork" to see her. And she does not interview new inmates to determine if any are in need of psychiatric care. Mr. Rhode screens inmates for her, she said, so that she can see the sickest people first. Theoretically she is available for consultation at the Women's Division as well. She said she occasionally ¹⁴⁶ has a patient there, but she only goes there if she is asked. Women inmates commented that she rarely is seen at the facility.

Mrs. Mercy Johnson, the nurse at the Women's Division, said that women inmates receive routine gynecological examinations and that if a woman wants birth control pills upon release, the nurse will either

145. Interview with Dr. Bradford Rodgers, physician, ASP, November 1973.

146. Interview with Dr. Frances Neighbors, psychiatrist, ASP, November 1973.

obtain them for her or inform her of places, such as family planning clinics, where she can obtain them on the outside. Mrs. Johnson said she believes that the State allows abortions but that it has never come up at the prison. She said she thought the institution would provide for an abortion if it was within a medically safe period of time. And she assumed pre- and post-natal care would be provided. Superintendent Marjorie Ward stated that the mother of an infant born in the institution would retain parental authority and that the infant would be given to the Pinal County Welfare Department for foster placement. The welfare department also would arrange visits with the mother if she so desired. (pp. 205, 243, 244)

Safford is the only adult facility that does not employ any medical personnel. "Doc" Tegerdine, a life-term inmate and former chiropractor, is on call 24 hours a day to administer first aid. The "Doc" lives adjacent to the two-bed infirmary, which is located in the back of the administration building. If a centerman does not feel well, he sees "Doc," who determines if the man should see a doctor or dentist. Mr. Tegerdine said that all residents must see him before they go into town to see a doctor. He said that he may grant residents sick leave (or lay-in) for half a day to as much as a week and that the administration does not overrule him. He also may dispense aspirin and cough syrup but may not give out any prescription drugs. Residents

must sign for all prescription medicines, which are dispensed in the administration building.¹⁴⁷

Because of its limited medical facilities, Safford does not give the centermen physicals. According to Earl Dowdle, administrator, they:

...are given a medical clearance prior to leaving the prison, which verifies that they are physically fit to work. (p. 301)

Their medical records follow them to Safford.

Nor is there a psychologist or psychiatrist at Safford. If a resident requires psychiatric services, he is returned to the prison in Florence.

Although Safford does not have civilian medical personnel, a doctor is always on call. If an emergency occurs, the camp will transport the man in its convenience vehicle to a doctor in town and also will take men to Phoenix to see specialists. The camp will pay only for emergency medical, dental, and eye work, however, and residents must pay for any other services, including teeth cleaning. Mr. Dowdle said that the camp makes exceptions to this rule within reason. He said, for example, that the State paid for one man to have a pin taken out of his hip.¹⁴⁸

147. Interview with "Doc" Tegerdine, inmate, Safford Conservation Center, Dec. 20, 1973.

148. Interview with Earl Dowdle, administrator, Safford Conservation Center, Dec. 20, 1973.

Centermen agreed that Safford provides basic medical care in most cases. "Doc" Tegerdine said, however, that the administration's hands are tied because Safford does not have enough money to pay for all needed medical care. All medical work is done in the first few weeks of each fiscal quarter, he said. Another inmate concurred and said that near the end of the fiscal year, "you can forget about
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medical care unless you are a stretcher case."

Medical care at Fort Grant is provided by a physician and three paramedics. They give inmates physical examinations upon admission and hold sick call daily except on weekends. As at the prison, there are no medical staff at the facility evenings and weekends, but a doctor is always on call. Residents may, at their own expense, retain an outside doctor as a consultant. Specialized medical services are generally contracted to Mt. Graham Community Hospital in Safford, and in individual cases an inmate might be sent to Phoenix. There are no dental services at Fort Grant; rather, residents see a dentist in Safford, as often as necessary, and expenses are generally paid by the institution. The institution will replace dentures if dental needs pose a health danger, and it will replace eyeglasses.

149. Interviews with "Doc" Tegerdine and Darwin Vanderlinden, inmates, Safford Conservation Center, Dec. 19-20, 1973.

Psychiatric services surpass those at all the other facilities. Fort Grant activities are supervised by a mental health team from the University of Arizona which offers individual and group counseling and group psychotherapy on a voluntary basis. A psychological testing service recently has been instituted.

2. Health

Basic personal hygiene items such as soap, toothpaste, razors, shaving cream, and sanitary napkins are provided to adult inmates under the supervision of the Department of Corrections. These items also are available for purchase at the commissary at each institution. Male inmates at the prison are permitted to shower once a day; women prisoners are required to shower daily, but may do so more often. The rules are essentially the same for residents at Fort Grant and
150
Safford.

Clothing is provided inmates at all institutions except the halfway houses, although inmates at the Women's Division and Safford may wear their own clothing and shoes if they wish. Fort Grant residents may wear personal clothing during off-hours, for visits to town, and for other trips outside the institution. Special work clothing is provided for inmates with jobs in food service, hospitals, and

150. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 65.

other special work areas at all institutions. Safford, Fort Grant, and Correctional Industries at the prison also supply workers with special equipment such as hard hats, rubber gloves, goggles, and boots when they are needed. Clothing at the prison is laundered daily in the prison laundry. At the other institutions it is laundered weekly -- at Safford in the camp laundry, and at Fort Grant on a contract basis.¹⁵¹ Several inmates at Safford and at the prison complained that laundry is not washed loose but rather in the laundry bag, where it does not get really clean.

Institutional food varies in quality and variety from one facility to another. All menus are prepared by each institution's food service supervisor and checked for nutritional balance; however, comments from inmates indicate that within the same budget restrictions and with the same kinds of ingredients, food at the Women's Division and Fort Grant has more variety and is better prepared than at the other two facilities. Menus at the prison are not particularly varied, and the necessary mass-production methods of cooking limit creativity in the types of meals offered. At Safford, inmates and staff said that the camp has the same food budget for the current 170 men as it did for 100 men; consequently, menus are necessarily stretched

¹⁵¹. Ibid., p. 66.

somewhat thin. Officials at all of the institutions state that they try to meet the needs of inmates on special medical diets (e.g., fat-free, salt-free, or ulcer diets). None of the facilities has a special diet kitchen, however, and all are limited by budgetary restrictions so that it is difficult for inmates to stay on strict diets.

H. Mail and News Media Access

Until recently the Federal district court in Arizona held that as long as mail censorship did not interfere with an inmate's access to the courts, it was a concomitant of incarceration and a universally accepted practice.¹⁵² That this judicial philosophy has changed is evidenced by new mail regulations adopted in 1973 by the Department of Corrections as a result of a suit brought before Judge C. A. Muecke of the Federal district court.¹⁵³ The policy statement in the introduction to the new regulations provides the rationale for the liberalization of the rules regarding handling of mail:

The flow of mail between persons outside a facility of the Department of Corrections with institution residents is encouraged for the purpose of maintaining constructive family and community ties, facilitating resolving of legal

¹⁵². *Prewitt v. Arizona ex rel. Eyman*, 315 F. Supp. 793, 794 (1969).

¹⁵³. Memorandum and Order, *Hook v. Arizona ex rel.*, Civ. No. 73-97 PHX-CAM, (D.C. Ariz., Oct. 19, 1973).

affairs, assisting the attainment of educational or vocational goals, and stimulating motivations for self-improvement. Supervision of mail on a selective basis is an essential precaution required in the institution in the interest of the safety of personnel and security of the facility...Citizens outside the institution have a right to be informed as to the operation of their correctional facilities directly from the residents of them.¹⁵⁴

The new regulations provide that incoming mail may be opened for inspection for contraband only, and that in the case of mail from an attorney, judge, or court this may be done only in the presence of the inmate. All outgoing correspondence, except that addressed to the director or deputy director of the Department of Corrections, is also subject to inspection for contraband. Letters to an inmate's immediate family or to the publisher or editor of any news periodical, radio, or television station may not be censored or even read. Up to 10 percent of other outgoing correspondence may be censored for material which might pose a threat to the security of the institution or which is obscene or "of such a nature as to hinder treatment or rehabilitation
¹⁵⁵
of the inmate."

Contrary to previous policy, which limited inmates to a mailing list of 10 persons, the new regulations permit an unlimited number of correspondents, excluding ex-inmates, prisoners in other penal

154. "Mail Regulations," Arizona Department of Corrections, revised as of Sept. 24, 1973.

155. Ibid.

institutions, minors without parental consent, and victims of a crime committed by the inmate. Gift packages from those persons whose names appear on the resident's approved visiting list are permitted but are opened and inspected. All books and periodicals mailed directly from the publisher or retailer are allowed "unless they contain material which constitutes a threat to the safety,
¹⁵⁶
security, or order of the institution."

Judge Muecke's order applies to all of Arizona's adult institutions. During Commission staff interviews with prisoners in December 1973, centermen at Safford expressed the belief that the new regulations were not being strictly followed. After that time and at the March hearing, interviews with and testimony of both inmates and officials indicated that all institutions are complying with the new regulations, with few exceptions. José Estrada, mail room supervisor at the State prison, stated that there is not even 10 percent censorship of outgoing mail; only a very small percentage is censored, perhaps two or three pieces per day. This is generally mail he has reason to suspect might contain plans for escape or contraband. So
¹⁵⁷
far no such plans or contraband have been found, he said. Evan Hook, the inmate responsible for the suit which brought changes in

156. Ibid.

157. Interview with José Estrada, mailroom supervisor, ASP, December 1973, and Transcript, pp. 516-520.

the regulations, complained at the March hearing that a letter which he wrote to the New York Times was inspected for contraband and sealed by officials and that 2 days later those inmates mentioned in the letter were called into the warden's office, allowed to review the contents of the letter, and questioned about it. Mr. Hook believed that this letter was never sent out. (p. 508) Such a procedure is a violation of the mail regulations, which as stated above, prohibit the reading of mail directed to the news media.

Publications requested by inmates are permitted within guidelines laid down by the department. Foreign language publications and newspapers from ex-offender organizations are allowed. The prison's assistant superintendent for programs, Neil Kette, testified that individual issues of a particular periodical may be banned, as was done in the case of a homosexual magazine, because the contents were "not conducive to good order in the institution." Three issues of a Phoenix underground newspaper, the New Times, were banned from the prison for the same reason. (p. 520) These three issues contained articles about the June 1973 murders of two correctional officers at the prison, about Superintendent Cardwell when he was warden of Ohio State Penitentiary, and about the Women's Division.

With the exceptions noted above, there appears to be a high degree of satisfaction on the part of both inmates and administration

regarding the new regulations. John Moran, director of the Department of Corrections, stated at the hearing that:

...on the first of December 1973 the new mail rules and regulations went into effect and they are very, very satisfactory.... (p. 504)

Carl Kummerlove, an ASP inmate, seconded this in his testimony:

...I know personally [that] members of the Department of Corrections were extremely cooperative [in implementing the new rules]....In this particular case, I think we should put a plus on the Department of Corrections for their cooperation and their help in coming up with a very satisfactory set of regulations for the mail. (pp. 511-512)

Testimony indicates also that outside reporters may interview inmates and that the use of cameras and television is permitted, subject to the warden's authorization. (p. 515) Commission interviewers encountered a television crew from a local Phoenix station while visiting the prison in November 1973.

I. Visits

In Arizona there are no statutes dealing specifically with an inmate's rights to have visitors. The authority to promulgate rules in this area has been given to the director of the Department of Corrections. In approving the department's new disciplinary rules, Federal District Judge Copple held that an inmate in isolation may not be denied visitors who did not know he/she was in solitary confinement. The implication is that visitation is a right rather than merely

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 a privilege for the general prison population inmate. Model rules for the Massachusetts Department of Corrections state that: "Visits from friends and relatives are an inmate's most important contact with the outside world, and every effort should be made to allow each inmate maximum use of this privilege."¹⁵⁹

At the State prison and at Fort Grant each inmate is limited to a list of 10 approved visitors, not counting the inmate's attorney or family members under six in age, although special circumstances may permit exceptions to this rule.¹⁶⁰ This rule is a great source of prisoner dissatisfaction. Two inmates testified at the hearing concerning the hardship the visitation rule imposes upon men or women whose visitor lists are largely filled up with relatives. (pp. 487, 494) George Ortiz, ASP visiting officer, also stated:

I totally agree with the inmates that they shouldn't be limited to 10 persons; they shouldn't be limited totally to family members on their visiting list.
 (p. 523)

Safford Conservation Center and the halfway houses place no restrictions on the number of visitors permitted.

158. Memorandum and Order, Taylor v. Arizona, No. Civ. 72-21 PHX-WPC (D.C. Ariz., Oct. 19, 1973).

159. Model Rules and Regulations on Prisoner's Rights and Responsibilities, Krantz, Bell, Brand, and Magruder, 1973, p. 57.

160. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 69. See also "Fort Grant Training Center Inmate Rules and Regulations."

Space limitations for visiting are another source of discontent at the prison, as this not only restricts the number of visitors an inmate may see at any one time, but, according to inmates, also makes relaxed visiting difficult. The present main yard visiting room at ASP is very crowded and limited to a capacity of 103 people. The Department does have concrete plans, however, to construct a new, larger area to remedy this condition.¹⁶¹ (p. 523) Visiting space in the Women's Division also is limited. One inmate said that the administration has on occasion instituted a rule that only two adult visitors are allowed in at a time because of the overcrowding.¹⁶² Conditions are somewhat better for Outside Trusties at the prison in that they have access to a lounge and picnic area. Bad weather poses the problem of inadequate shelter, however. Safford and Fort Grant both have outside visiting areas with tables and barbecue pits as well as visiting space indoors.

The amount of visiting time permitted varies considerably among the correctional institutions. ASP main yard prisoners and the women inmates are allowed a 2-hour period on weekdays and three

161. See also interview with George G. Ortiz, visiting officer, ASP, November 1973.

162. Interview with ASP - Women's Division inmate Dorothy Scroggins, December 1973.

2-hour periods on weekends and holidays. Visitors are limited to one visit every 7 days, which may work a hardship on people who come from another State.¹⁶³ Exceptions may be made, but one inmate described an experience where visits on 2 consecutive days were charged against a following week's visit. (p. 487) Attorneys are allowed to visit during normal working hours but not on weekends. Outside Trustees are not permitted visitors on weekdays without special permission, but they may visit from 8:30 a.m. to 3:30 p.m. on weekends with no restrictions as to the number of visitors at any particular time. Visits at Fort Grant, Safford Conservation Center, and the halfway houses are also restricted to weekends and holidays.¹⁶⁴ According to one inmate, this limitation to weekend visits poses problems not only because it overcrowds the facilities, but also because it restricts visiting by people who work on weekends. (p. 483) An updating of visiting regulations at Fort Grant provides exceptions where weekend visitation poses a hardship on the inmate's family.¹⁶⁵ A 72-hour furlough for

163. Memorandum from Neil E. Kette, assistant superintendent, ASP, to inmate population, Jan. 1, 1974.

164. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 70.

165. "Fort Grant Training Center Inmate Rules and Regulations," p. 10.

inmates every 3 to 4 months is also being considered at the institution. This would require legislative approval. (p. 345)

The ASP visiting officer said that during visiting hours, supervision is minimal in most cases, although an officer is always present in the visiting area. No screens separate visitors and inmates, and they are allowed to embrace and kiss "gently" upon seeing each other and at the termination of the visit. (p. 527)

In the Men's Division - ASP, visitors pass through a metal detector, but in the Women's Division they are searched. All parcels brought by friends and relatives are either channeled through the mail room for inspection or checked by the officer on duty in the case of Fort Grant and Safford. Inmates are searched before and after each visit.¹⁶⁶

J. Inmate Activities

1. Inmate Organizations and Outside Groups

Yale Simons, founder of Seventh Step Foundation in Arizona, said at the March open meeting:

If we're going to reach people, we're going to reach them through clubs. I think somebody has got to put out an order some place, to the warden, to the penitentiaries, that

166. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 71.

says this is a top priority. Free-world people have got to come to the penitentiary. Free-world people can reach others in the penitentiary. (pp. 618-619)

Two kinds of inmate organizations exist at Arizona's adult institutions; one type is brought in to the prisoners by concerned free-world citizens; the other is established among inmates out of mutual interest and for self-help purposes. Such inmate bodies must have a staff sponsor, and some also have outside sponsors.

A number of groups have organized in the Men's Division of Arizona State Prison. The major ones include Seventh Step Foundation, Pima County Volunteers, and the Mexican American Chicano History Organization (MACHO). The State also operates an ex-offender program, which has offices within the prison. MACHO is the only minority self-help group for men at ASP. At one time, there was a black heritage group which had inmate officers and outside visitors, but this group was dissolved in 1973. One inmate speculated that this was because Warden Cardwell felt the group was too radical because inmates were teaching self-pride and talking about Angela Davis. According to black inmates, they are having difficulty organizing another black group due to lack of administrative assistance. (p. 648)

167. See also interview with Sam Akins, ASP inmate, December 1973.

Neil Kette, assistant superintendent for programs, stated at the March meeting that he recently had received a proposal from black inmates. It was not adequate, he said, and they had no staff sponsor, so it was returned to them to be "cleaned up." (pp. 654-655)

MACHO has approximately 180 members among the prisoners. It has three staff sponsors. An average of 120 members attend weekly meetings. The inmate president of the group, Ralph Miranda, said that MACHO tries to assist Mexican Americans in taking advantage of all opportunities which the institution has to offer. The members work with the administration and with education and vocational training supervisors to encourage Mexican American prisoners to move out of unskilled jobs in the yard and the gun gangs (field work crews supervised by armed, mounted guards), and enroll in school or vocational training classes. MACHO will provide information to interested inmates and "run interference" for them, doing paperwork, and interpreting tests. MACHO members also interpret for inmates who have trouble communicating in English, assist in tutoring, and are currently translating the disciplinary and mail rules into Spanish. (pp. 635-637)

Mr. Miranda expressed the belief that there should be facilities where inmate groups can help prisoners who are due to be released; securing jobs, finding lodging, helping with family and financial

problems, and contacting schools. They would need, he felt, a large office with typewriters, mimeograph machines, and communications with the outside world. Currently, MACHO is provided a room for weekly meetings. (pp. 635-637)

Luz Baeza, director of Chicanos Por La Causa, a community organization in Phoenix, is the "outside contact man" for MACHO. At the invitation of the inmates, he became involved with MACHO in early 1973 and sees his primary responsibility as trying to establish contacts with the business community in order to create job guarantees for Mexican American ex-offenders. He also invites businessmen to MACHO meetings and distributes MACHO literature in the community. (pp. 623-624)

Seventh Step Foundation is an ex-offender and pre-parole program, the main purposes of which are to help prisoners prepare for life on the "outside" and to give ex-offenders assistance in obtaining food, clothing, lodging, and job interviews when they are first released.

In the prison, Seventh Step is run by a committee of eight long-term inmates, who act as liaison between the prisoners and free-world volunteers. The volunteers, who include businessmen,

168. See also interview with Luz Baeza, January 1974.

civic leaders, and public officials, meet with the inmates on a weekly basis. Any prisoner who wishes to do so may attend the meetings; attendance averages 60 to 70 people each week. Yale Simons, founder of Seventh Step, described the weekly meetings as a type of group therapy. Inmates near release are questioned by other inmates and free-world people about ideas, feelings, and goals. A prisoner is expected to be honest with the group and with himself. (pp. 611-612)

The Pima County Volunteers also run a pre-release program at the prison. Their volunteer counselors work with inmates for approximately 3 months before the prisoners appear before the parole board. Volunteers are assigned to inmates on a one-to-one basis to establish a personal relationship and help determine what kind of parole plan would be best for the inmate. They assist prisoners to find lodging, jobs, and supportive community-based treatment, and will represent them before the parole board. They also provide drug counselors, who visit the prison and make drug evaluations.

There are 280 volunteers in the program. They also work with women inmates at ASP. Their services are limited to inmates from Pima County unless an inmate from another county wishes to live in Pima County after release.

According to former director Ann Soelter, the Volunteers were not allowed in the prison for one 2-week period, during December 1973, but Sharon Lizese, the present director, testified at the March open meeting that she feels cooperation by the administration currently is excellent.¹⁶⁹

The Pima County Volunteers recently have begun working with Fort Grant and are negotiating to visit inmates at Safford.

The State's Model Ex-Offender Program at the prison is operated by the Department of Economic Security, which assigns a counselor to work with both men and women inmates who are due for parole or release.

The only requirement for participation in this program is that the inmate intend to reside in Arizona after release. A counselor meets with an inmate 60 days prior to his/her eligibility for release, assisting him/her to set up goals for future employment, housing, family needs, or resolving alcohol, drug, or psychiatric problems.

Artur Johnson, program director, stated that he did not feel working with inmates for 60 days was sufficient time to prepare them for release. He felt 18 months are needed for maximum benefit.¹⁷⁰

169. Interview with Ann Soelter, former director, Pima County Volunteers, December 1973, and Transcript, p. 609.

170. Interview with Artur Johnson, director, Model Ex-Offender Program, November 1973.

Through Model Ex-Offender, the State offers a \$300 stipend to inmates when they are first released. Presently, they only receive \$50 "gate money" from the prison. This is not sufficient to meet their needs, according to an Ex-Offender Program official.¹⁷¹

Still another program involved with ex-offenders operates out of Pima Community College to provide information and assistance in the areas of housing, food, food stamps, welfare, jobs, tuition, books, and school materials. Although the program does not operate within the prison at present, Hal Delhaye, the director, expressed a desire to change this. (p. 627)

Other smaller inmate organizations existing at ASP include Narcanon and a new Alcoholics Anonymous group. There is also a Junior Chamber of Commerce chapter housed in the OT area whose members have been allowed out of the prison to do maintenance work for the Florence Little League. (pp. 656-657)

Several of the same organizations exist at the Women's Division -- ASP, including Pima County Volunteers, Model Ex-Offender, and an Alcoholics Anonymous group. Two representatives from the Pima County Mental Health Services also visit the women: one runs a drug counseling group and the other provides intensive individual counseling. The work of both is praised by prisoners.

171. Interview with Edward Crowley, manager of central services, Model Ex-Offender Program, November 1973.

In addition, women inmates have started a chapter of the Self-Improvement Society. This group invites outside guests to its meetings. Inmates have also been allowed to start Chicana and black heritage clubs, for which several of the matrons are sponsors.

Although it has been in existence since 1970, Safford Conservation Center has few inmate organizations or visiting groups. It does have an Alcoholics Anonymous and a Narcanon group.

Fort Grant also has an Alcoholics Anonymous group and a newly established chapter of Seventh Step. Fort Grant is the only adult facility with an inmate advisory council. The council consists of two men from each of the seven dormitories. It meets every other Monday morning with Assistant Superintendent Kenneth Hundley to discuss complaints and any activities or other matters of interest to the resident population. Mr. Hundley testified at the March hearing that issues which have come up at these meetings recently are relevant to the institution as a whole, rather than the individual "snivelling" that used to arise. He said he tries to find a solution to inmate problems during the course of the meetings or soon thereafter. (pp. 322, 343, 344) Residents and staff alike agreed that the arrangement was fruitful.

There is no inmate council at either the Men's or Women's Division -- ASP or at Safford. One inmate from the Men's Division testified that there has never been an inmate council during the 12 years he has been imprisoned, although there have been attempts to create one. (pp. 631-632) A woman inmate stated that she thought an inmate council was a good idea because inmates would perhaps have a better understanding of and more input into administration decisions. (p. 133) One of the correctional officers at the Women's Division testified, however, that she was opposed to an inmate council because the inmates would "get too big for their britches and would want to start running things." (p. 234) During an interview in December 1973, Marjorie Ward, the superintendent, said she felt there was no need for an inmate council, but she testified at the March hearing that the Women's Division was in the process of forming such a body.¹⁷²

2. Library

Although inmates continually strive to assert their constitutional rights through litigation in many areas, they have not focused their attention on library facilities. The inherent right to free

¹⁷². Interview with Marjorie Ward, superintendent, Women's Division, ASP, December 1973, and Transcript, p. 231.

expression guaranteed by the First Amendment and implicit in a library has become the battle cry for those dissatisfied with outmoded mail regulations. The prison library, however, is basically untouched by litigation and model standards.

Nor does Arizona law mention inmate access to library materials. The statutes only state that the director of the Department of
173
Corrections may pursue all programs which promote rehabilitation. No State funds are appropriated for support of the library. In fact, most of the funds for library services are drawn from inmate funds held in trust by the department "for the benefit, education, and
174
welfare of inmates."

All four adult correctional institutions in Arizona have inmate libraries. Although they cater to vastly different numbers of inmates (from 50 to 1,000 persons), their facilities vary little in physical size and numbers of books.

The Safford Conservation Center's inmate library is quite typical. Books are found in one room of the Center's education building. The inmate who acts as camp librarian orders the bulk of

173. 31 ARS 201.01 (B).

174. 41 ARS 1604.03.

inmate books through the State Library Extension Service (LES) in Phoenix and uses the library's \$600 annual budget only to buy books not available through LES. He generally selects book based on inmate requests. While there is no list of banned books, the librarian claimed as an example that he was unable to order the Kama Sutra, a sexually explicit book from India. Both he and another inmate agreed that the library has a good selection of books,
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including some volumes in Spanish.

Facilities at Fort Grant are slightly larger. According to one inmate, the library has tables where inmates may do homework, and it is one of the best libraries that he has seen, much better than the
176
one at the Arizona State Prison. The inmate felt that the atmosphere in the Fort Grant library is better than at the Phoenix public library. (p. 321) Fort Grant, like other facilities, is part of the Library Extension Service and has books in Spanish. Most library books come from LES, although some are donated. While there is no established banned list, books which deal with the
177
manufacture of explosives are not permitted.

175. Interviews with Sid Gering and Lawrence Marquez, inmates, Safford Conservation Center, Dec. 19-20, 1973, and Transcript, p. 251.

176. The inmate was referring to the old library in Florence rather than the one that will be discussed later in this report.

177. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 110.

The Women's Division library in Florence is located in the same building that houses the dining hall. Superintendent Marjorie Ward stated that most of the library's 4,500 to 5,000 books come from the Library Extension Service. She said that inmates choose the library books. She has never censored a book since she has been at the institution, she said, although she would do so if she felt a danger to the institution. Women inmates may also request books from the much larger Men's Division library across the street. (pp. 250-178 251)

The central library for the men is located in a new multi-purpose structure in the main yard of the prison. It is open from 12:30 p.m. to 8:30 p.m. Monday through Friday, and closes daily between 4:00 p.m. and 5:00 p.m. for inmate count. Both IER and OT inmates have their own smaller library facilities but may also request books from the main yard. The main yard building, opened in the fall of 1973, has no toilet facilities and is the only library for the approximately 1,000 main yard inmates. It is also under-equipped. While it has eight to nine manual typewriters for

178. See also handwritten Women's Division - ASP response to "Minimum Standards for Civil and Human Rights of Inmates in Correctional Institutions" by Donald H. Goff, March 1974.

legal and nonlegal use, there are no audiovisual aids. The librarian said that there are no funds for such equipment. 179

A main yard officer, Robert Au, supervises the library. He has only a high school education and was chosen for the job by chance. Au said he is interested in library science but admits that he needs training. He has attended workshops held by the Library Extension Service on the fundamentals of cataloging and card filing. Mr. Au has several inmate assistants. Ray Reese, the head clerk, coordinates contacts with LES. In addition, there are a legal clerk, filing porter, and catalog clerk. 180 Because of the small size of the library, Mr. Reese said he and Mr. Au decided that only 25 people (plus 8 in the law section) could be in the library at one time. The cellblock officer determined, however, that only six inmates at one time from each cellblock may receive passes to go to the library. (p. 875) Inmates have complained that this unfairly limits access to the library, especially the law section.

While most books are acquired through LES, the library receives some books donated by outside groups, including Central Arizona College. Mr. Au bemoaned the fact that there are no prison funds

179. Interview with Robert Au, correctional service officer, ASP, Nov. 28, 1973.

180. Ibid.

for the library. If he needs to buy a book, he said, he must send in a requisition slip to the business office. If he receives the book at all, it is several months later. He said that Library Extension Service is much faster. Books which used to take 2 or 3 months to order through LES now arrive in 6 to 12 days.¹⁸¹

Mr. Au stated that he selects books based on inmate requests. He said that autobiographies, biographies, science fiction, westerns, and philosophy are the most popular.¹⁸² Still, the library is not always successful in obtaining what inmates want. Mr. Reese estimated that if 100 inmates ordered books from LES, 60 would receive their orders. He said that LES has been told not to send books that deal with judo, gunmaking, powder manufacturing, or communism. He also said that the library does not have any books about the American Indian Movement (AIM) or any group such as that. (pp. 874-878)

Because of its lack of funds, the library must request complimentary copies of magazines. Mr. Au said that most periodicals supply free issues. The library has black heritage magazines and some Spanish-language books.¹⁸³

181. Ibid.

182. Ibid.

183. Ibid.

It is difficult for inmates in lockup to get books from the library at present; at one time in the past, they had no access at all to library books. Lockup is now located in more than one cell-block, and distribution is even more difficult than before.¹⁸⁴

Mr. Reese said that only Mr. Au can deliver books to inmates in lockup. In order to do so, Mr. Au must lock up the library because he has no staff assistant. (p. 876)

3. Recreation

Main yard general population inmates at ASP must request and receive two different passes to reach the athletic field for exercise.¹⁸⁵ The large, dusty athletic field has very little shade, and summer temperatures are typically those of the desert, with the afternoon maximum exceeding 100 degrees almost every day. The low relative humidity helps to moderate the severity of the heat, but according to the U.S. Weather Bureau, it is not wise to stay in the sun for more than 30 minutes at a time in such a climate.¹⁸⁶

The athletic field contains two body-building areas, a boxing ring, speed bags, three shuffleboard courts, a handball court,

184. Until 1974, all prisoners in lockup were held in CB 3.

185. Interview with Jeff Martin, athletic recreation director, ASP, Nov. 29, 1973.

186. Institute of Atmospheric Physics, University of Arizona and U.S. Department of Commerce Weather Bureau, Climatography of the United States, No. 20-2.

basketball court, football field, softball field, and horseshoe pits. Inmates may play table tennis, dominoes, and checkers in the baseball dugouts.

Daily recreation hours are from 9:00 a.m. to 11:30 a.m. and from 1:00 p.m. to 3:30 p.m. for all inmates not involved in school, work, or other activities. For those inmates, recreation is available in the early evening, daylight hours permitting, and on weekends. During the inclement weather the men must remain in their cells because there is no indoor recreation area. Inmates are not required to exercise, but those who choose to go out to the athletic field for recreation are required to remain there for the entire 2 1/2 hour period. One inmate commented that this can be very unpleasant in the summer due to the heat, and thus inmates are reluctant to go out.

In the IER yard there is a weight lifting area and an old basketball court, and inmates are also permitted to use the big athletic field. Outside teams come in to play basketball, baseball, fast pitch softball, and flag football. Recreation is available to IER inmates during the same hours as in the main yard.

187. Interview with Waymond Small, ASP inmate, Nov. 29, 1973.

Outside Trusties have facilities and recreation hours similar to those of the main prison but are kept separate from inmates inside the walls. In addition, they have traveling basketball and softball teams.

Inmates confined in the psychiatric run or in disciplinary isolation are allowed exercise 3 times a week for 1 hour in a walled, cement-slab enclosure measuring roughly 45 feet by 20 feet. According to one inmate, this area contains a basketball net but no basketball and occasionally a volleyball. (p. 883)

The athletic director for ASP, Jeff Martin, has been there for 12 years. He has a correctional officer as his assistant, several employees, and one weekend employee. Mr. Martin coordinates all recreation activities, from movies to outdoor sports. He organizes intramural football and softball, makes arrangements for outside teams to play at ASP, and purchases all athletic equipment. On holidays he organizes a field day, which includes track, field, and novelty events. He initiated a project to build dugouts for the main yard athletic field.

188. Money for recreational equipment and movies comes from proceeds from the inmate store and from inmate blood donations.

189. Interview with Jeff Martin, athletic recreation director, ASP, Nov. 29, 1973.

ASP has no inside recreational facilities for men. Mr. Martin
190
stated that he has tried for 12 years to get a fieldhouse. The
only regular indoor activities are movies, which are shown twice a
week and on holidays. The auditorium where movies are shown cannot
be used in place of a gym, however, because the floor is slanted.
One inmate commented that when he was in a Kentucky institution, he
could enjoy a fieldhouse and a gymnasium with a swimming pool. He
said, "That takes care of giving an inmate something to do on a
rainy day or a day the weather's too hot." (p. 640)

If an inmate can afford to purchase a TV, stereo, or radio, he
may have one in his cell. There are no common rooms in the cell-
blocks. Dormitories in IER and OT contain common rooms where there
are communal television sets. A math teacher from the local high
school teaches an evening band course for interested inmates. There
191
are no organized drama or arts and crafts activities.

The Woman's Division of ASP has an outside tennis court and an
area where inmates may play basketball, baseball, volleyball,
croquet, shuffleboard, and tetherball. A physical education instructor
from Central Arizona College teaches track, softball, volleyball, and
tennis twice a week.

190. Ibid.

191. Ibid.

Recreation is available during off-duty hours to all women
inmates except those in isolation. They are allowed exercise 3
times a week for an hour. A moderate-sized hall is used for
indoor recreation. It has tables for pool and table tennis.
Movies are shown in the hall twice a week. In each dorm there is
a large dayroom, which accomodates television and other activities
such as card games, dominoes, and checkers. One inmate testified
that since the dayroom must accommodate everyone in the dorm, it
is often very noisy. (p. 226) Inmates are allowed to watch the
common room TV anytime except from 8:00 a.m. - noon, during which
period they are on work assignments, but are not allowed to have
their own TV sets. They may have their own radios with earphones.

Other organized activities at the Women's Division in which
inmates may become involved include a modern dance class and a
choir. The choir practices twice a week and sings at local churches
and other functions when invited. During the past year, the women
have put on several plays and invited the local community to attend.
Superintendent Ward said that just before the Advisory Committee
hearing, the women had presented a play attended by nearly 100
outside guests. (p. 227)

There are many recreation opportunities at Safford Conservation
Center, and inmates have a great deal of freedom. There is a weight

lifting and boxing area, and an athletic field for basketball, baseball, and softball. Inmates also may sign out for an hour's walk. The men are permitted 6 hours per day for recreation. Under the supervision of a recreation specialist, the centermen have organized a bowling team, which practices in town twice a week and competes in two local bowling leagues. There are also inmate softball, baseball and basketball teams, which play other teams in Graham County. Inmates may pay 50 cents to go into town to swim and sometimes, on invitation, accompany staff members to play golf or go fishing on their days off.

At Safford, movies are shown in the messhall on Saturday evenings. Men also may watch TV or play table tennis in the common room in each dormitory. They are permitted their own TV, stereo, or radio, which they may play anytime so long as they use earphones. On weekends, the dining room is left open all night so that a man can listen to music, write letters, play cards, or otherwise pass the time. As at the prison, money for recreational equipment comes from the inmate amusement and recreation fund, which consists of profits from the commissary and interest earned on inmate trust funds.

While recreation opportunities at Safford are substantial, the recreation facilities at Fort Grant are by far the most impressive

of all the institutions. There is a large indoor gym with a weight room and a band room, where Fort Grant's two bands practice for regular performances given in neighboring communities. One band is country and western; the other plays rock music. Fort Grant provides the instruments.

Movies are held in an auditorium seating 300 to 400 people, which, in one inmate's opinion, "is better than they have downtown."
(p. 319) Movies are shown 3 times a week.

Each dorm has a color TV, pool table, and table tennis. The men may also have their own TV, stereo or radio, with earphones. The hobby shops offer equipment for leatherwork, jewelry making, and woodworking. One of the supervisors said that if a man wants to set up a hobby shop for himself and can justify his interest, the officials have no objection.¹⁹²

For outside athletics, Fort Grant residents have their own softball and boxing teams and a basketball team, which has joined the city league. They are permitted to practice on the athletic field anytime they wish when they are not at work or in school. The center has tennis courts and a swimming pool.

¹⁹². Interview with Capt. Kenneth Abbey, Fort Grant Training Center, December 1973.

4. Religion

Under the First Amendment all persons are guaranteed the right to the free exercise of their religious beliefs. Recognizing that this right is 'preferred,' that is, of particular significance under the Constitution, the courts have held that freedom of religion does not terminate at the prison door.¹⁹³

While the Department of Corrections has not specifically defined what constitutes a religion for program purposes, it has stated that any definition which could be developed by a council of churches would be acceptable.¹⁹⁴

Arizona State Prison pays a resident Protestant and Catholic chaplain on a full-time basis to serve both men and women inmates. The chaplains are responsible for holding religious services and counseling inmates. (p. 663)

Each chaplain holds Sunday morning services in the men's main yard chapel and at the Women's Division. Reverend Voth, the Protestant chaplain, stated that a rabbi is paid by the State to come to the prison for major Jewish holidays. Any other time he comes to ASP, however, is on his own initiative. Jewish inmates have requested that a Jewish group in Phoenix subsidize a rabbi to visit ASP more

193. The Rights of Prisoners, an American Civil Liberties Union handbook, David Rudovsky, 1973, p. 61.

194. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 92.

often. The Mormons visit ASP twice a month on a volunteer basis.

Coordination of such services and activities is handled by Reverend Voth.¹⁹⁵

Attendance at religious services is not required. Reverend Voth stated, however, that:

For matters of security, we try to have the men, as a general rule, attend the service to which they sign themselves to when they first come into the institution and give a designation. So, Protestants go to Protestant services, Catholics go to Catholic services. But if a Jewish person comes to me and says he would like to attend Protestant services, after determining his sincere desire to do this and that he's not trying to play some game - like perhaps pass a little dope or something, during workshop or play some other kind of game we're suspicious of - if I feel he's sincere, a memo's put up and that man can attend. (pp. 661-662)

Father Murphy, the Catholic chaplain, stated that he used to hold Spanish mass for Spanish-speaking inmates on Saturday evenings. He testified, however, that he discontinued those services because the men attending Saturday evening services were coming to Sunday services as well. Reverend Voth stated that he and Father Murphy provide non-English-speaking inmates with bibles and religious literature printed in Spanish and seek out Spanish-speaking inmates to assist illiterate inmates in oral religious instruction. (pp. 668-669)

195. Interview with Rev. John Voth, Protestant chaplain, ASP, Nov. 29, 1973.

According to the Department of Corrections, "Virtually anyone¹⁹⁶ with legitimate religious credentials may visit an inmate."

Director John Moran described a meeting he held with local American Indians regarding the possibility of a medicine man coming to the prison. The outcome of the first meeting was simply that they would pursue the matter further and meet again. ASP staff is looking into this, Mr. Moran stated, but added, "It's clear we cannot have 36-hour sessions, and it's clear we cannot serve peyote in prison, but with these two eliminations, we're pursuing it."

(pp. 220, 673) Reverend Voth interjected at the hearing, "Remember there are 17 Indians in the place." (p. 671) According to statistics provided as of Jan. 1, 1974, however, there were 51 Native Americans in ASP, 48 men and 3 women.¹⁹⁷

Religious dietary laws at ASP are handled in the same way as medical diets. If an inmate were to request a special diet, Reverend Voth said, it would be worked out with the assistance of the chaplains. According to Father Murphy, the bishop has excused anyone of the Catholic denomination in an institution from following special dietary laws. (pp. 660, 661, 664)

196. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 91.

197. Statistics provided by Arizona Department of Corrections, research information system section, as of Jan. 1, 1974.

It appears that the chaplains at ASP have some leeway in organizing religious activities and making contact with inmates outside of regular religious services. The Protestant chaplain conducts group bible studies and special drug groups for men who desire to work out their problems with a pastor rather than with a counselor. He has also organized a Christian Fellowship group which meets Thursday nights. This group is led by inmates and Reverend Voth's role is to bring in outside people, both ministers and laymen. He said he has had requests to bring in black ministers, but at the time of the interview he had not yet done so.

¹⁹⁸
(p. 663)

On occasion, at the request of the prison administration, the chaplains have arranged special functions for religious holidays.

Both chaplains testified that they make regular visits to inmates in lockup. Reverend Voth said that he tries to visit lockup at least once a week to talk to the men and pass out a variety of religious materials. He said he also tries to help inmates in lockup with correspondence to their own religious leaders.¹⁹⁹ (p. 662)

198. See also interview with Rev. John Voth, Protestant chaplain, ASP, Nov. 29, 1973.

199. Ibid.

Reverend Voth expressed the belief that before he came, no direction was given to inmates in the Diagnostic Center about the availability of the prison chaplains. He said now he participates for an hour per week in inmate orientations in the Diagnostic Center. He also gets constant referrals from the Diagnostic Center, yard counselors, guards, and other inmates. Reverend Voth said he does some personal counseling and indicated that he is willing to have this role. Reverend Voth organized a group counseling session in IER. He stated that he spent an afternoon a week there for 6 months and now has a group of people who come to see him.

Reverend Voth indicated that he feels he is "spread too thin." Ideally, he said, he would like to organize all the churches in the State to work with inmates from their locales rather than have another resident chaplain.

A number of nationally-recognized correctional studies have recommended that a religious advisory council consisting of clergy of faiths representative of the religious beliefs of the inmate population assist correctional officials on matters of religious programming. There is no such religious advisory council in Arizona to advise the department on religious matters.

200. Ibid.

201. Ibid.

202. "Minimum Civil and Human Rights for Sentenced Inmates in Correctional Institutions," prepared by Donald H. Goff, May 9, 1973.

At Fort Grant Training Center, although it is newly opened as an adult facility, there is a chapel and resident Catholic and Protestant chaplains. At Safford, however, there is no chapel, nor is there a resident chaplain. A Catholic priest comes in once a week, and a room is set aside for religious services each week. Inmates at Safford may also go into town to attend religious services if a staff person is willing to accompany them. (p. 272)

K. Commissary

The men's prison provides inmates with certain basic personal items free of charge including towels and bed linen, soap, toothpaste, and shaving cream. Similar items are provided to women inmates. According to the Department of Corrections, all institutions also make tobacco available to inmates inasmuch as not all inmates can afford to pay for such goods.

Each institution has an inmate store or commissary; the Women's Division is served by the store in the men's prison. The prison commissary sells various brands and kinds of personal hygiene items, cosmetics, smoking materials, stationery, soft drinks, packaged snacks, and ice cream. The only restriction is on main yard

203. Material provided by Arizona Department of Corrections, Mar. 12, 1974, p. 114.

prisoners, who may not purchase items in bottles or aerosol cans. The Fort Grant and Safford canteens sell similar goods. Prices vary, but generally the cost of commissary items is less than in the outside community. Prices are figured at wholesale cost plus 10 percent for handling charges.

The facilities arrange commissary hours so that all inmates have an opportunity to either visit or order items. At ASP women inmates and prisoners in lockup or in the hospital are given order forms, which are taken over to the store by correctional officers. The officers have the orders filled and return the purchases to the inmates, who sign the order slip to indicate the individuals received what they ordered. Inmates at the prison are not allowed to order special items through the commissary, but may order items from mail order houses or local drug stores. The parcels come through the mail room, where they are checked and given to the inmates. The store manager said that if there is sufficient demand, he will stock a particular item. Fort Grant and Safford residents are permitted to order items through the canteen manager.

204. Ibid., pp. 112-113.

205. Interview with Gilbert Dockery, inmate store manager, ASP, December 1973.

Inmates at the prison are allowed to spend up to \$20 every 2 weeks except for Outside Trustees, who may spend \$20 per week. At Fort Grant, where all residents are paid, there is no limit on spending, and at Safford a centerman may spend up to half his earnings at the commissary. Profits from the commissary system at each institution are transferred into the inmate athletic and recreation fund, which pays for such activities as movies and athletic equipment.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Hiring and Staff Training

All of the adult correctional institutions in Arizona sorely lack minority employees. This is especially true for Safford and Fort Grant, which are located in an area remote from any major city. The percentage of minority staff, ranging from 9 percent at Safford to 18 percent in the halfway houses, does not approach the percentage of minority inmates, which is as high as 49 percent at the State prison.

In addition, there are few minority teachers or counselors at any of the institutions; and minorities -- blacks and Native Americans in particular -- are underrepresented among upper-level correctional officers and administrative staff. Two Mexican Americans were promoted to newly-created positions of major in 1973, but this is an exception.

The new administration at the Department of Corrections under John J. Moran has instituted a longer and more indepth preservice training program and is encouraging higher education for correctional officers at Arizona State Prison through participation in programs at the local community college. New emphasis is given to human relations, which is to be commended, but no real sensitivity training in minority group cultures or relations has been instituted. The department describes plans for black and Mexican history classes, but this approach is insufficient.

Arizona State Prison offers little inservice training to its correctional staff. Although the department plans to increase overall preservice and inservice training for employees at other male institutions, present training, simply an orientation period, is scant. Training is as valuable in a minimum security setting as it is in a maximum security facility. Nor do matrons at the Women's Division receive any formal preservice training.

RECOMMENDATION # 1: The Arizona Advisory Committee to the U.S. Commission on Civil Rights recommends that the Arizona Department of Corrections make concentrated efforts to recruit minority institutional staff, both in line officer, teacher, and counseling positions, and in higher level categories. This is essential to increase initial good faith, trust, and respect between staff and inmates. The department should make further use of contacts with minority group organizations, both local and statewide, and should seek the assistance of State Department of Economic Security employment counselors in widening its recruitment efforts.

RECOMMENDATION # 2: The Department of Corrections should expand inservice training for correctional officers at the State prison, particularly in the area of human relations and minority group cultures. Training for new officers, while it has improved substantially, should be intensified and personalized in the area of minority group cultures and relations. Preservice training at Fort Grant and Safford should be developed along the lines of the new program at the prison, including human relations training and "feedback" sessions held after new officers have spent several months on the job. Newly-hired women correctional officers should attend portions of training sessions held for the men, particularly those sessions dealing with areas applicable to both divisions, such as rule infractions, discipline, psychology, relationships with inmates, and minority group cultures.

Funds for expansion of training programs could be obtained through Federal grants, requests to the State legislature, or coordination with Central and Eastern Arizona College or branches of the State university system. Correctional officers should be able to earn incentive pay increases for

furthering their education in such fields as corrections, social science, and psychology in programs at these educational institutions.

At least one of the new training officer positions within the Department of Corrections should be filled with a minority group person.

B. Classification, Reclassification, and Transfers of Inmates

The classification and reclassification process at the State prison affects both inmates entering the adult correctional system and those who are transferring from the prison to minimum custody facilities. The prison has established what it hopes is a smooth and practical system of classification, but at times the prisoner is not recognized as an individual.

Officials concede that aptitude, achievement, and personality tests given new inmates may not be wholly valid for persons who are culturally different from the majority or who have difficulty understanding, writing, or expressing themselves in English. Those prisoners who, for whatever reason, refuse to take the tests or do very poorly are allowed but not encouraged to retake the tests. Nor is the importance of the test results on their program opportunities made clear to them.

Staff and inmates alike commented upon the need for new inmates to be made aware of job and educational opportunities open to them at the prison and of eligibility requirements for such programs. Similarly, inmates are not always familiarized with the various facilities or advised of the activities in which they may participate or with the possibilities and requirements for transfer to minimum custody status or institutions. Information concerning all of these areas is offered on a haphazard rather than a systematic basis. Correctional counselors, not always familiar with these areas themselves, often are left with the responsibility for imparting this information to inmates. Neither the role of the correctional counselor, nor his authority to make decisions and take action, is clearly defined. Counselors both in the Diagnostic Center and in the yard generally have extremely heavy caseloads.

The prison has a good system of committees for making classification and reclassification decisions concerning individual prisoners. Committee memberships, however, are comprised of top level staff,

which is adequate for the interinstitution committee, which handles transfers, but not for the prison itself, where middle-level employees often have close contact with the inmate population.

Transfer decisions at the prison are made by the Honor Placement Committee and a Department of Corrections screening committee. Statistics indicate that minimum security facilities have lower percentages of minority residents than the prison. The halfway houses in particular have a greater proportion of white residents than are represented in the total inmate population; overall transfers to these desirable centers show a similar pattern.

RECOMMENDATION # 1: The Advisory Committee recommends that the Department of Corrections and Arizona State Prison obtain and review an evaluation of all tests given to new inmates in the adult correctional system to determine their validity for persons who are from different cultural backgrounds, who have poor comprehension of English, or who are poor readers and writers. Further efforts should be made to ensure that tests are valid and that test results reflect as accurately as possible the capabilities and needs of inmates. Inmates who have done very poorly, perhaps due to anger or tension, or who initially refused to take tests should be encouraged to take or retake tests.

RECOMMENDATION # 2: All inmates in the Diagnostic Center at the prison should be made aware of the activities and job and program opportunities open to them at the prison and of the eligibility requirements for such programs and for transfer to minimum custody facilities. Care and treatment staff, including teachers, the DVR counselor, chaplain, recreation supervisor, and head correctional counselor, should meet with the men in small groups to advise them of the various opportunities. Representatives from various inmate organizations should be included in the meetings.

RECOMMENDATION # 3: The role of correctional counselor at the prison, both in the Diagnostic Center and in the yard, should be clearly defined for inmates as well as staff. More counselors should be hired so that caseloads are smaller, and counselors should be given more authority in relation to custody staff to make decisions.

RECOMMENDATION # 4: The Classification and Reclassification Committees at Arizona State Prison should rotate their membership every few months. The balance between custody and care and treatment staff on the committees should be maintained, and middle-level employees such as teachers, counselors, chaplains, lieutenants, and sergeants, should sit on the committees along with upper-level administrators.

RECOMMENDATION # 5: While the Advisory Committee recognizes the need for the Department of Corrections to weigh carefully all aspects of an individual inmate's case in making transfer decisions, the Committee recommends that the Department make every effort to increase the proportion of minorities who are transferred to and benefit from the minimum security facilities, especially the halfway houses.

The Advisory Committee further recommends that in light of the success of the halfway house program the Department of Corrections request and the State legislature appropriate funds to establish several additional halfway houses in the metropolitan areas, one of which should be for women inmates.

C. Housing

In spite of continuing transfers of men to the Fort Grant Training Center, the State prison remains seriously overcrowded. The main yard in particular is cramped and there is little space around the buildings. In all three cellblocks, the majority of cells, though only 48 to 54 square feet each, are used to house two men. Construction of the proposed medium security facility, to be located in the Phoenix area, is up to 2 years away. CB 2 has been better maintained since the new prison administration took over in the summer of 1973, according to inmates and guards, but it still suffers from age, neglect, and poor design as well as overcrowding. There is very little privacy for any of the men, either in cellblocks or dormitories. Many women inmates also complained of the complete lack of privacy in their dormitories and shower and toilet facilities.

Several of the dormitories in the IER and OT areas at the prison are almost totally segregated by race and ethnic group.

Resident housing at Fort Grant is satisfactory. At both Fort Grant and Safford men may have reading lamps, which is better than at the prison, where all lighting is controlled by guards. At Safford, however, the modular dormitories are somewhat dilapidated and crowded, and, according to residents, the roofs leak. Money has never been appropriated to improve facilities there.

RECOMMENDATION # 1: The Department of Corrections should request and the State legislature should appropriate funds to redesign the layout of new buildings planned for the main yard at Arizona State Prison. The plans should include provision for: (1) increasing the open area between the buildings, both for efficiency, security, and psychological reasons; and (2) tearing down the high concrete walls around the main yard and the Industries yard, enlarging the main yard area substantially, and replacing the walls with double cyclone fences with electronic devices.

RECOMMENDATION # 2: Speedy selection of an urban site by the Department of Corrections for its planned medium security facility is imperative. The department should name the site and move ahead with dispatch to construct and open the new facility in order to alleviate the overcrowding at the State prison.

RECOMMENDATION # 3: The Department of Corrections and the superintendent of the State prison should undertake immediate efforts to end the segregation, whether or not it is intentional, in IER and OT dormitories at Arizona State Prison.

RECOMMENDATION # 4: The Women's Division -- ASP should make greater use of existing space in its open dormitories and separate rooms to enlarge the amount of living space allotted to each inmate. In the open dormitories, partitions between cubicles should be made higher in order to allow the women increased privacy.

D. Academic Education

Senate Bill 1039, introduced during the 1974 State legislative session but not passed, is crucial for the improvement and expansion of education programs in all adult institutions in Arizona. It would

provide the sorely-needed funding and structure to eliminate the glaring inadequacies of current programs, especially at the State prison.

The academic program for both men and women at the prison is very weak. Inmates are not actively encouraged to enroll in programs, and there are insufficient teachers, especially for the prescriptive approach needed to assist inmates with widely differing achievement levels. In the past year or so, limited remedial and ESL programs have been started, but they are inadequate to meet the variety of inmate needs. There is no "social" or "life-skills" element to the education program at all.

Another overall problem at the prison is that there is no ongoing education funding. Education funds are not delineated within the ASP budget; therefore, teachers must request a special purchase order in order to obtain supplies and are unable to plan ahead adequately.

The college program is relatively successful, and men and women are beginning to earn associate of arts degrees. Although a variety of courses is offered, enrollment never reaches the maximum due to a lack of active orientation and encouragement of inmates. In addition, the prison has not taken full advantage of the many types of programs and classes that Central Arizona College has to offer.

Academic education at Fort Grant is combined with vocational training. At Safford it is subordinate to the work program. Fort Grant provides sufficient time and staff for residents to take full advantage of secondary and college programs. At Safford inmate participation in academic classes is relatively low, and courses are only offered on weekday evenings after work and on weekends. Eastern Arizona College, which runs college classes at Fort Grant and Safford, will not allow inmates on campus -- an unfortunate situation inasmuch as inmates at both facilities are on minimum security status.

RECOMMENDATION # 1: When it reconvenes in January 1975, the Arizona legislature should immediately consider and pass legislation similar to SB 1039 to make the Department of Corrections an educational district. Given the budgetary limitations on current education programs run by the department and its inability to procure valuable Federal funds

due to its present status, it is essential that such legislation be enacted.

RECOMMENDATION # 2: Although all inmates will be required to acquire an eighth grade education if Senate Bill 1039 is passed, all adult institutions should immediately institute an educational orientation program for newly committed inmates. The orientation should describe and encourage participation in available education programs.

RECOMMENDATION #3: The Arizona State Prison administration should meet with representatives from Central Arizona College to discuss all possible programs and courses which would be feasible for and of benefit to men and women inmates. Such areas as supervised hobby and arts and crafts work and additional vocational training courses should be explored. A method should also be developed to obtain broad-based inmate input into ideas for possible programs.

Similar discussions should be held by administrators at Fort Grant and Safford with representatives from the higher education institutions in the area, and attempts should be made to arrange with Eastern Arizona College to allow inmates to take courses on campus if suitable arrangements can be made with the correctional institutions.

E. Vocational Training

Although there are a number of vocational training courses offered to inmates at Arizona State Prison and Fort Grant, participation is strictly limited by Federal and State regulation governing funding and by security considerations. At Fort Grant these limitations have little impact because the Department of Corrections' selection process for transfers to Fort Grant takes this into consideration, and all men at Fort Grant either attend the vocational school or work on the maintenance crews. At the prison, however, the many prisoners who are not eligible for parole within the prescribed time period are denied the opportunity of vocational training. Only 70 to 80 students at a time are enrolled in the vocational schools. The Correctional Industries data processing school offers the only other vocational training and it has fewer than 15 participants.

The "employability" rule also creates problems both at Fort Grant and at the prison. Inmates are not automatically paroled after they have completed a course, and are for the most part unable to obtain

work utilizing their skills at the institution. Only inmates at Fort Grant are paid for participation in vocational programs, and they earn only 15 cents per hour. The State prison and Safford have no funds for this purpose.

Department of Corrections statistics indicate low minority participation in certain vocational courses, and low overall participation by black inmates in the school at the prison. Vocational counseling for all inmates under the Department of Corrections is primarily the responsibility of the one DVR representative assigned to the State prison. It is impossible for every male and female prisoner to receive intensive counseling under these circumstances.

Women inmates, until very recently, were offered nothing in the area of vocational training except a secretarial course. Now women are transported to a training center in Sacaton to take courses. Only a very few inmates have been permitted to enroll so far, however.

At Safford, vocational training is offered in free hours after work and on weekends, with the exception of the fry-cooks school offered during the day. There is little attempt to integrate training with the work program, which is given primary emphasis at the camp.

RECOMMENDATION # 1: The Department of Corrections should give priority to efforts to expand vocational training for female and male inmates at the State prison. If the 1975 State legislature passes the bill creating an educational district within the department, the department should apply for Federal funds for this purpose. (See Recommendation D1 - Academic Education) If it does not, the department should work with other agencies in the four-party contract to acquire additional funds to expand the program by this means and should make greater use of Central Arizona College's vocational training classes offered by the evening division. This is not an ideal solution, however, due to the restrictions on participation in the present program.

Expanded vocational programs at ASP and Fort Grant should include a wider range of marketable skills, rather than large increases in the numbers of students learning skills offered in existing programs.

RECOMMENDATION # 2: All prisoners, whether destined to remain at ASP or be transferred to a minimum security facility, should have access to intensive counseling by trained vocational counselors to determine their desires and capabilities. The State Department of Economic Security, Division of Vocational Rehabilitation, should assign additional counselors full time to the prison, to be responsible for indepth counseling and screening of men and women for the vocational schools at ASP and at Fort Grant. An effort should be made to increase substantially participation by minorities in vocational programs where they are currently not represented and to encourage all prisoners, particularly minorities, to think about entering trades they have not previously considered.

If the vocational program at the State prison is expanded beyond that offered under the four-party agreement, the prison and Safford Conservation Center should hire additional full-time qualified vocational counselors as needed. These should be available to the women as well as the men.

RECOMMENDATION # 3: The Department of Corrections should, at all adult correctional institutions, undertake greatly expanded efforts to integrate vocational training into work assignments and on-the-job training. Within budgetary limitations, marketable, skilled job opportunities should be increased, both at the State prison and at Safford, and where this is not feasible, perhaps each inmate could work half-time, so that two inmates could benefit from using skills at one job.

As long as the "employability" requirement exists, the State is wasting money if it does not enable newly-trained inmates to use their skills. Thus, inmates who have successfully completed the vocational training courses under the four-party contract at ASP and Fort Grant should be given the opportunity to move either into a rewarding skilled job within the institutions or into a work release program or halfway house setting where they are assisted in obtaining skilled free-world jobs.

RECOMMENDATION # 4: The Department of Corrections should request and the State legislature should appropriate funds in order to pay all inmates an hourly wage for participation in vocational training programs.

F. Work

The work programs at adult institutions administered by the Arizona Department of Corrections vary greatly in quality and effectiveness. The programs at Fort Grant, Safford, and the halfway houses, although each has deficiencies, are superior to the programs at ASP. The former have a stated rehabilitative purpose and make at least some effort to provide inmates with marketable job skills. Although the Correctional Industries program at the prison also names rehabilitation as a goal, in fact it does little to rehabilitate participants. Only about one-third of the jobs in that program require skilled workers, and the concern appears to be more for making Industries financially profitable than for training the inmates. The institutional maintenance program at ASP also makes little contribution toward the rehabilitation of the inmates. All institutions included, the overall work program of the Department of Corrections fails to measure up to standards developed for correctional institutions. A major reason is that, in general, the dominant emphasis is placed upon maintaining the institutions and reducing the financial burden to taxpayers rather than upgrading the abilities of the inmates and teaching them skills which are marketable upon release. There are notable exceptions, but the majority of tasks cannot be considered meaningful employment. In none of the institutions is the work program well-integrated with vocational training.

In spite of the fact that, by law, all prisoners are required to work, many inmates at the State prison have no employment at all. This is often because there is no work, and more significantly, no meaningful work, for them to do. Although staff members and committees at ASP theoretically take into account inmate wishes, abilities, and potential in initial counseling and screening, this process often is meaningless when the only jobs available are yard crews and gun gangs in the fields.

In both the Men's and Women's Divisions of ASP more than half of the inmates who do work receive no pay. The wage scale in all institutions is extremely low, and its administration at the prison is

sometimes arbitrary and unfair. Pay within the institutions ranges from the six cents an hour paid to prisoners on the gun gangs at ASP to \$1.25 an hour paid to Safford inmates who fight fires for the U.S. Forest Service. Many men at Safford and a few women inmates in Florence work side-by-side with free-world people for only a fraction of the latter's pay.

There is considerable racial and ethnic imbalance in the various work programs of the Department of Corrections. White inmates occupy paying positions and are engaged in more desirable programs in proportions greater than their percentage of the total inmate population. The Advisory Committee does not advocate exact racial balance in the work programs. It believes, however, that an effort should be made to assure that, taking into account individual skills and desires, minorities have the same access as whites to desirable jobs.

With the exception of the halfway houses and Safford, work release programs are limited. Few work furloughs are granted in which inmates both work and live in the community.

RECOMMENDATION # 1: The Arizona Department of Corrections should integrate the work program of the State prison into a total rehabilitative effort so that all inmates are continually involved in meaningful jobs, vocational training, or a combination of the two, along with whatever routine maintenance work might be required of them. Plans for the work assignments of individual prisoners during their period of confinement should be developed in the initial counseling process. The individual's own desires, as well as his potential ability, should be considered. He/she should be kept informed of the reasons for his/her selection or rejection for specific programs. Sufficient contact should be maintained with outside industry and business to insure that techniques and equipment used by inmates will result in skills which will be marketable upon release.

RECOMMENDATION # 2: The Department of Corrections and the Arizona legislature should insure that all inmates in the adult corrections system are paid for their work. Present wages at all institutions are inordinately low, and should be evaluated by the department in conjunction with the State Department of Economic Security and the State legislature in terms of current market wages and services (such as food, clothing, shelter, and health care) provided by the institutions.

In light of this evaluation, the State legislature should appropriate sufficient funds so that all prisoners may be paid fair and equitable wages, not simply a token increase. Increases in wages for individual inmates should be based on incentive and motivation. The legislature should revise 31 ARS 254 to permit changes in the upper and lower limits on prisoners' wages.

RECOMMENDATION # 3: The Department of Corrections should undertake to greatly increase the number of inmates in work release and work furlough programs. The department should plan and the State legislature should appropriate funds for minimum security work release facilities in the vicinity of Fort Grant and Safford and in Phoenix and Tucson. In order to justify such appropriations the State legislature should undertake a study to determine the effectiveness of such programs in lowering the rate of recidivism, and consequently lowering the net cost to the taxpayer of maintaining correctional institutions.

RECOMMENDATION # 4: All adult correctional institutions should take affirmative action to increase the number of minority group inmates in the more desirable jobs requiring greater skills at higher pay. The Department of Corrections should work to insure that increased proportions of minority inmates participate in the programs at Fort Grant and Safford.

G. Disciplinary Procedures

The disciplinary rules adopted by the Department of Corrections are a giant step forward from those listed in the previous inmate handbook. Still, the newly-enacted disciplinary procedures have their shortcomings. Although most offenses are delineated, some violations are defined only vaguely, allowing for staff discretion in charging inmates with infractions. The possibilities of arbitrarily doubling an inmate's disciplinary sentence by "tacking" on more than one offense are especially real when the offenses remain vague. Also the disciplinary committee has wide discretion in setting penalties since the new rules do not specify punishment for particular offenses.

Once an inmate is charged with an offense, he/she may spend at least 10 days in lockup before a hearing. The hearing is held before a disciplinary committee made up of peers of the charging officer rather than impartial observers. Although an inmate is guaranteed due process in such a hearing, the prison superintendent has limited legal representation by the University of Arizona College of Law's Post-Conviction Clinic. An inmate may appeal the disciplinary decision to the Department of Corrections' inmate appeals officer, but the new rules do not provide for direct review by the State or Federal courts.

While the State courts have given authority for the denial of two-for-one time only to the disciplinary committee, the new rules authorize the committee to recommend that the Reclassification Committee review two-for-one job assignments and custody status of both guilty and innocent inmates, thus unfairly allowing both committees to determine disciplinary sanctions.

Once sentenced to isolation, an inmate is denied most visitation and all correspondence rights. Showers and exercise are provided only 3 times a week and only paramedical staff visit inmates daily. Inmates assigned to lockup status by the Reclassification Committee, like those placed in isolation, also lose two-for-one time credits.

Statistics show that a higher percentage of blacks and Mexican Americans than their population at the State prison are charged with rule violations, both in the Men's and Women's Division. In addition, in some cases women inmates are given different sentences for the same or similar offenses, partially because the offenses are reported differently.

RECOMMENDATION # 1: The Department of Corrections should more clearly delineate disciplinary offenses so that inmates are not unfairly charged with more than one offense at the discretion of the reporting officer. The department should promulgate rules which list the punishment for particular offenses.

The department also should review the charging and sentencing procedures at the Women's Division to assure that they are being implemented in a just and nondiscriminatory manner.

RECOMMENDATION # 2: The Department of Corrections should shorten the maximum amount of time an inmate spends in lockup status before he is brought before the disciplinary committee. The department should adopt the 72-hour standard proposed by the National Commission on Criminal Justice Standards and Goals.

The Department of Corrections should revise its disciplinary rules to insure that an inmate spends no more than 15 days in isolation for any and all offenses. To do otherwise is to ignore the human deprivations that 15 days in isolation create. Any sentence beyond 15 days should be spent in lockup.

RECOMMENDATION # 3: The Department of Corrections should revise the disciplinary rules to insure that only the disciplinary committee, and not the Reclassification Committee, may remove an inmate from a position where he/she is earning two-for-one time credits.

RECOMMENDATION # 4: The Advisory Committee believes that inmates should have the right to appeal decisions of the disciplinary committee beyond the Department of Corrections' inmate appeals office to an independent ombudsman, who has the authority to file actions in State and Federal court on their behalf. This ombudsman could be a faculty member from a reconstituted Post-Conviction Clinic; an assistant attorney general; a special member of the Board of Pardons and Paroles, appointed by the Governor; or a special appointment of the State legislature whose position is funded through an LEAA grant.

RECOMMENDATION # 5: The Department of Corrections should revise the disciplinary rules so that all inmates sentenced to isolation have full visitation and correspondence rights. Inmates in isolation and in lockup should also be given daily showers and exercise. In addition, they should have direct access to a medical doctor as well as daily visits by paramedics.

RECOMMENDATION # 6: The Department of Corrections should reconstitute the disciplinary committee so that it does not contain peers of the charging officers.

RECOMMENDATION # 7: The Department of Corrections should establish a procedure to periodically review disciplinary rules.

H. Legal Services and Access to Legal Materials

Inmates have the legal right to access to the Federal courts and to legal services. Additionally, they have the right to confer with jailhouse lawyers where there is no other reasonable alternative to outside legal counsel. The Department of Corrections entered into a contractual agreement with the University of Arizona College of Law to provide prisoners with post-conviction assistance, but the University discontinued the program in June 1974. No other group provides this type of legal assistance. The Arizona Citizens' Committee on Prisons attempted to recruit 30 attorneys to help inmates, but their efforts were unsuccessful.

Even while the university sponsored the Post-Conviction Clinic, its role was limited by the prison superintendent. Although inmates facing disciplinary action may be represented by retained counsel, Superintendent Cardwell objected to the clinic director's representing inmates himself. The prison also limited the clinic to post-conviction complaints. Inmates seeking assistance regarding civil rights and administrative complaints were instructed to write to the Federal court for assistance, although the Federal court cannot file a complaint for an inmate.

In addition, the prison restricts the assistance that jailhouse lawyers may provide. Each inmate is allowed to keep in his cell two cardboard boxes with his personal documents including not more than five lawbooks, which unfairly limits the number of lawbooks available to jailhouse lawyers. The prison administration also limits inmate access to legal assistance by restricting law library attendance to eight inmates at one time, due to the small size of the library. This forces inmates to consult each other in their cells, on the athletic fields, or during meals. Further, prisoners in lockup status may not obtain assistance from other inmates in lockup. Neither the Department of Corrections nor the Federal court has provided the inmates with an ombudsman, who could act as an intermediary to negotiate many inmate complaints.

In January 1973, the Department of Corrections received a proposal from the West Publishing Company to equip the law libraries of all department institutions in compliance with Federal law. Since

that date, little has been done to upgrade material. The State prison has purchased some new material for its library, but more books are needed to conform with the West proposal. The other adult facilities lack even the most general lawbooks. Until the material is purchased, many inmates will be unaware of their constitutional rights.

While the West proposal would upgrade most institution libraries, the study did not review the adequacy of the Women's Division library separately from that of the main prison. Until they are provided their own adequate law library, the women inmates will be denied legal materials even if the men's prison is fully stocked.

Presently, only Fort Grant conducts a legal course for inmates, although the West proposal calls for inmate legal training at all institutions. The new lawbooks in the main yard library at the prison, for example, are useless to the vast majority of inmates until they are trained in their use.

RECOMMENDATION # 1: The Department of Corrections, in coordination with LEAA and the University of Arizona College of Law or Arizona State University College of Law, should re-establish the Post-Conviction Legal Assistance Clinic. The reconstituted clinic should assist inmates in filing civil rights and administrative complaints in addition to post-conviction actions. Law students and professors should be able to represent inmates at disciplinary hearings.

With the assistance of the State bar association of Arizona, the department should establish a program to provide additional legal counsel for post-conviction relief, civil rights and administrative complaints, and disciplinary hearings. The Department of Corrections must insure that this assistance is readily available to all inmates under its jurisdiction.

RECOMMENDATION # 2: The Department of Corrections should provide those inmates who are jailhouse lawyers with an area outside their cells where they may counsel other inmates and store documents and lawbooks. The department should not restrict inmate access to jailhouse lawyers.

RECOMMENDATION # 3: The Advisory Committee recommends the appointment of an independent ombudsman with authority to meet with department representatives concerning legitimate inmates complaints and to take necessary action in State and Federal court. (See Recommendation G4 under Disciplinary Procedures.) This procedure could eliminate many frivolous complaints and would provide both the department and the Federal court with information about illegal procedures of which they would not otherwise be aware.

RECOMMENDATION # 4: With the assistance of the State legislature and LEAA, the Department of Corrections should implement immediately at all institutions the recommendations of the West Publishing Company concerning inmate law libraries. In addition, the department should provide the same legal material outlined in the West proposal to the Women's Division and to inmates in lockup status at the State prison.

With assistance from the West Publishing Company, the State bar association, and the two State Colleges of Law, the department should conduct classes for all interested inmates on how to use the law library. Inmates should be actively encouraged to participate.

I. Medical Care and Health

Medical staffing at the State prison and at Safford Conservation Center is woefully inadequate. At the prison the situation has improved somewhat, but overall it remains lacking. Two years ago there was no full-time medical officer. Now there are three, serving both men and women. Prisoners are supposedly given admission physicals by paramedical staff, but inmates at the Men's Division do not receive routine physicals. There is no doctor on duty around-the-clock, a poor policy in so large an institution. At the Men's Division one paramedic remains on duty at night, but at the Women's Division there is no one. One of the doctors is "on call." It is apparent that the institution depends largely on its 5 to 10 paramedics to provide medical care on a day-to-day basis. While the importance of paramedical staff in the institutional setting should not be disparaged, it is essential that they have adequate supervision and that doctors be immediately available for consultation and emergencies.

There is some question as to whether the prison will permit a prisoner to have an outside physician consult with institutional staff at his or her own expense. The Department of Corrections reluctantly admits that it is allowed but strongly discouraged. There is also some question as to whether nonmedical personnel at the prison may dispense medication. It appears that many diagnoses are made by paramedics, who then must receive the signature of a doctor on a prescription. Once it is made up by the pharmacist, it is dispensed to the men by paramedics and sometimes correctional officers. At the Women's Division the nurse must go through the same process. When she receives prescriptions from the pharmacist, she often gives them to matrons to dispense in the dorms.

There is only one dentist, one psychiatrist, and one psychologist to serve all 1,400 inmates at the State prison. All are extremely overworked, and at present operate in shockingly small and poorly equipped facilities, as do the physicians.

One of the consequences of the lack of psychiatric/psychological staff at the prison is that new inmates are not always carefully screened to uncover psychiatric problems. More serious, prisoners with severe psychiatric problems are held in lockup with a minimum of treatment or therapy, and depend largely on tranquilizing medication. Those inmates who are committed to the State hospital for observation are generally returned after a short time because the State hospital has no maximum security area designed for treatment on long term basis. It serves only as a temporary holding facility.

Safford has no medical or paramedical personnel. While the inmate who serves as "first aid man" may be a qualified chiropractor, the camp should not depend on him to meet its needs, as it apparently does at present. Safford also lacks dental and psychological services. It should be noted that Fort Grant, open as an adult facility less than a year, has a doctor, three paramedics, and a psychiatric team from the University of Arizona to serve its inmates. Yet Safford, open since 1970, continues to be neglected in this area, as it is in other areas such as food budget and housing facilities. Men there complained that there is not sufficient food. While all the institutions attempt to meet the needs of inmates requiring special medical diets, none has a diet kitchen or other special facility to prepare such diets.

Otherwise, all of the institutions appear to meet most of the general health needs of inmates. Menus are prepared by a dietician at each facility. Basic personal hygiene items are provided to men and women free of charge. Showers may or must be taken daily. Sufficient clothing is provided and laundered frequently, and special clothing is provided for certain work areas.

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RECOMMENDATION #1: Arizona State Prison should commence construction of its planned new main yard hospital and dental facility immediately. A careful analysis should be made of total costs of adequate modern medical and dental equipment, and if present appropriations are not sufficient, the Department of Corrections should request and the State legislature should appropriate funds for adequate new equipment.

The department should also request immediately and the legislature should appropriate funds for an adequate infirmary for Safford Conservation Center, as well as additional funding for food based on the needs of Safford's current resident population.

RECOMMENDATION # 2: The Arizona Department of Corrections should request and the State legislature should appropriate funds to acquire additional medical personnel at the State prison and place such personnel at Safford Conservation Center. The Advisory Committee recommends that the prison receive an additional full-time psychiatrist, psychologist, several psychiatric social workers, a dentist, and several paramedical staff. Safford should have one physician, one psychiatrist or at least a psychologist, and at least one nurse or paramedic, all employed on a full-time basis.

Inmates at all adult facilities should be allowed to consult outside doctors at their own expense.

The Advisory Committee further recommends that each institution carefully screen all paramedics to assure that they are fully competent to fill that role. The responsibilities of the paramedic should be strictly adhered to (as should the lines of supervision among all medical staff at the institutions) in order to protect inmates from any risk of faulty services. Under no circumstances should nonmedical personnel make diagnoses or dispense medication. A doctor should be on duty at all times at the prison, and a paramedic should be on duty at all times at Safford and Fort Grant.

RECOMMENDATION # 3: Inmates entering all adult institutions should receive thorough physical examinations by experienced medical personnel. All men and women should be given regular annual physicals while they are inmates in any of the institutions.

The State legislature should pass a law requiring such routine annual physicals for all adult inmates under the jurisdiction of the Department of Corrections in order to assure that the institutions are able to respond to all medical and health problems of inmates.

RECOMMENDATION # 4: All newly committed inmates at the State prison should undergo a careful screening by a psychiatrist, psychologist, or psychiatric social worker to determine if prisoners need psychiatric attention.

The Arizona State Hospital in Phoenix should plan and the State legislature should appropriate funds for a maximum security unit designed to hold psychotic prisoners on a long term basis rather than to be used as a temporary holding facility. The Advisory Committee believes that it is essential for prisoners with severe psychiatric problems to receive continuous treatment, which they presently do not receive at the State prison due to lack of staff. Where the prison is unable, for whatever reason, to meet inmate psychiatric needs, prisoners should be taken to Phoenix to see psychiatrists on a consultant basis, or it should be arranged for contracted psychiatrists to visit men and women at the prison. All psychotic inmates remaining at the prison should be held in an area completely separate and closed off from contact with other prisoners, rather than in CB 3.

J. Mail and News Media Access

The mail regulations which the Federal district court ordered the Department to adopt in November 1973 have resulted in a situation which is generally satisfactory to both inmates and prison officials. There is some evidence of noncompliance on the part of officials with regard to the prohibition against reading mail addressed to the news media. Ambiguities in some of the terms and phrases of the regulations, such as "censorship," and "security, safety, or order of the institution," have resulted in arbitrary and seemingly unjustified actions on the part of officials.

RECOMMENDATION # 1: The Department of Corrections should revise its mail regulations to clarify the term "censorship" so that the distinction between the examination and/or

reading of inmate's mail and the deletion of passages or articles from letters or publications is made plain. "Censorship" should be used to designate deletion or prohibition of portions of mail, and "reading" or "examination" should be used to designate the inspection of mail content.

RECOMMENDATION # 2: These mail regulations should also be revised to define more precisely the phrase "security, safety, or order of the institution." In this regard, the justification of censorship and the examination of inmates' mail should be based only upon prohibitions regarding letters or articles dealing with plans for escape, violence, arrangements for contraband or other such crimes. Otherwise, any material which can be lawfully mailed should be allowed.

K. Visits

All of Arizona's adult institutions have deficiencies relating to crowded visiting facilities, restrictions upon visiting hours, and/or regulations concerning the list of approved visitors. Although officials of the Department of Corrections indicated that there are plans to construct a new visiting area at ASP, the present facilities are very inadequate. The results are undue restrictions upon the number of visitors permitted, noise and confusion making communication difficult, and a lack of privacy for family visits. At Fort Grant and Safford lack of facilities does not appear to be a problem.

Restriction to a list of 10 approved visitors imposes a real hardship upon inmates with large families. In such cases it is difficult to preserve family ties and at the same time develop and maintain other outside contacts. Both are important to the inmates' well-being while in prison and for their adjustment to society upon release. The limiting of visiting hours to weekends for Outside Trustees at the prison and for inmates at Fort Grant and Safford is excessively restrictive and creates difficulties for visitors who might only be able to come during the week. Lack of overnight accommodations or food facilities for visitors also makes it difficult for those who travel a great distance.

RECOMMENDATION # 1: The Arizona Department of Corrections should review present plans for enlarging visiting facilities at Arizona State Prison to insure not only that there is provision for adequate space but that the design permits

a reasonable degree of privacy as well as an atmosphere conducive to easy, informal visiting. There should also be an outside picnic area for main prison inmates such as exists at other adult facilities. At least limited overnight accommodations and food facilities should be provided for visitors who might require them.

RECOMMENDATION # 2: Each institution should revise its rules to permit an increase in the number of visitors an inmate's approved list and to permit visits on a regular basis during the week for Outside Trustees at Arizona State Prison and inmates at Fort Grant and Safford.

RECOMMENDATION # 3: The Department of Corrections should request and the State legislature should promulgate legislation to permit weekend furloughs for minimum security inmates at the State prison, Fort Grant, and Safford.

L. Inmate Activities

1. Inmate Organizations

There are several inmate self-help groups within both the Men's and Women's Divisions at ASP, and a number of pre-parole and ex-offender organizations are permitted to visit the institution. MACHO is the only minority self-help group for the men, while two have been formed by the women. The prison administration appears to be noncommittal about the creation and ongoing activities of such groups.

Fort Grant has few inmate organizations, and Safford has fewer. Neither of these facilities is visited by outside groups on a regular basis, partly because of their remote location.

Fort Grant is the only institution which has an inmate advisory council. Residents and staff alike feel that it is helpful. The Women's Division -- ASP indicated plans to create an inmate council. There never has been an inmate council at the State prison. Although theoretically a man at the prison may take a complaint to any of the upper level staff or write the director of corrections, these are not always effective mechanisms.

RECOMMENDATION # 1: In view of the varied interests of inmates and the importance of increasing involvement of the public in prisons, the Arizona Department of Corrections and

each adult correctional institution should encourage as many inmate self-help groups and outside organizations as are operationally feasible. Institutions should encourage other types of outside groups which can provide treatment and program opportunities as well as pre-parole organizations.

RECOMMENDATION # 2: Arizona State Prison, both Men's and Women's Divisions, and Safford Conservation Center should allow and encourage inmates to elect a formal, representative inmate advisory council. The council could concern itself with and advise the administration on living and work conditions, education, treatment, recreation programs, and special projects but should have no actual authority over any inmate. It should meet regularly, probably weekly, with the administration.

2. Library

The State of Arizona does not appropriate funds specifically for support of inmate libraries; funds are drawn primarily from inmate trust accounts. For their books, libraries at each correctional institution depend mainly on the State Library Extension Service and donations.

The libraries for residents at Fort Grant, Safford, and the Women's Division are adequate, as is access to those libraries. Inmates had no complaints. The library in the main yard at the State prison, however, leaves much to be desired. Although located in a new building, the library is small, has no toilet facilities, and is poorly equipped. Its small capacity means only about 20 of the more than 1,000 inmates can use it at one time. While it is open weekday afternoons and evenings, it is closed on weekends, limiting inmate access still further. The only librarian is untrained, and because he has no staff assistant, he must close the library when he delivers books to prisoners in lockup or in the hospital.

While officials state that there is no standard for banning books and no list of banned literature, all the institutions do in fact ban certain books from the libraries.

RECOMMENDATION # 1: The Department of Corrections should request and the State legislature should appropriate funds for improved library services for adult offenders,

particularly at Arizona State Prison. Library facilities should have hours on weekends as well as on weekdays.

Every adult institution should employ a trained librarian as part of its staff, and the State legislature should appropriate sufficient funds for this purpose.

RECOMMENDATION # 2: The Department of Corrections should develop clear and specific standards as to what literature is not allowed in the institutions. Only those books which describe making weapons or bombs should be excluded. Books expressing a political philosophy should not be excluded, since they do not present any threat to the security of the institution.

3. Recreation

Opportunities for athletics and general recreation at Fort Grant and Safford are varied and extensive, and at the Women's Division are adequate, except that dormitory common rooms are sometimes crowded and noisy for watching TV and women are not allowed TV's in the dorms themselves.

At the Men's Division -- ASP, however, prisoners voiced numerous complaints, as did the recreation supervisor. A major problem is the lack of any type of indoor recreation area for main yard inmates. The only indoor facility is the auditorium, where movies are shown. The floor is too slanted for athletics. The outdoor area, though large, is unsuitable for activities both in inclement weather and in the blistering midsummer heat. If inmates do go out to the athletic field, they must remain there for a full 2 1/2 hours with very little shade. There are common rooms for inmates living in dormitories, but none in the main yard cellblocks.

RECOMMENDATION # 1: The Department of Corrections should request and the State legislature should appropriate funds for an indoor recreation area for prisoners in the Men's Division -- ASP. This should include three elements: a gymnasium, or at least a room of sufficient size for active athletics such as basketball and volleyball; a room with equipment such as table tennis, pool, card tables, and a TV; and a room or rooms for hobby and craft work.

4. Religion

Arizona State Prison employs two chaplains, one Catholic and one Protestant, to meet the religious needs of both men and women inmates. The Protestant chaplain is responsible for coordinating all religious activities other than Catholic at the prison and for arranging visits from any outside religious leaders. Two chaplains, representing the dominant religious beliefs of the prisoner population, are probably sufficient, but only a few leaders of minority religions visit the prison with any regularity. Due to the remote location of the State prison, Fort Grant, and Safford, it is inconvenient for religious groups or leaders to visit these institutions. Fort Grant, although newly established, employs two resident chaplains. But Safford, in existence for 4 years, has no resident chaplain and no chapel for services by outside religious leaders.

RECOMMENDATION # 1: The Department of Corrections should instruct the superintendent of each adult facility to establish a program of regular visits by representatives of minority religions to the institutions after obtaining inmate input regarding religious interests. Individual religious leaders, including black and Mexican American clergy and Native American medicine men, should be encouraged to visit both individuals and groups of inmates; and inmates should be encouraged to request visits from their local clergymen. In case of religious leaders who are willing to visit the institutions on a regular basis to hold services, the Department of Corrections should pay for their time on a fee basis.

The State legislature should amend 31 ARS 202 to enable such payments and it should appropriate sufficient funds.

RECOMMENDATION # 2: The Department of Corrections should request and the State legislature should appropriate funds to hire resident Protestant and Catholic chaplains for Safford Conservation Center and to build a chapel for Safford residents. Residents should continue to be able to accompany staff members to religious services held in the community.

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