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CIVIL RIGHTS COMMISSION

March 15, 1974

Volume III

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1 CIVIL RIGHTS COMMISSION

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5 SPEAKER

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MORNING SESSION
Division One Courtroom
Pinal County Courthouse
Florence, Arizona

March 15, 1974

(Representative Diane B. McCarthy is now Acting
Chairperson.)

THE CHAIRPERSON: Ladies and Gentlemen, this open
hearing of the Arizona State Advisory Committee of the
U.S. Commission on Civil Rights will come to order.

I'm Diane McCarthy, member of the Arizona Advisory
Committee to the U.S. Civil Rights Commission and your
Chairman for the day.

The other members of this Committee are on my right,
Ms. Cathy Palmquist, Mr. Bill Levis, the Regional Attorney
for the Civil Rights Commission. On my left, Dr. John Glass,
Mr. Ted Williams, Mr. Peterson Zah. All members of the state
advisory commission on civil rights and Mr. Muskrat, the
Director of the Mountain States Regional Office.

This hearing is being held pursuant to rules applicable
to state advisory committees and other requirements promul-
gated by the U. S. Commission on Civil Rights.

1 The Commission on Civil Rights is an independent, bi-
2 ~~partisan agency of the~~ U.S. Government-established by Congress
3 in 1957 and authorized by the Civil Rights Act of 1957,
4 '60 and '64 to, number one, investigate complaints
5 alleging that citizens are being deprived of their right
6 to vote by reason of their race, color, sex, religion or
7 national origin.

8 Number two, collect and study information concerning
9 legal developments which constitute a denial of equal pro-
10 tection of the laws under the Constitution.

11 Number three, appraise federal laws and policies with
12 respect to denials of equal protection of the laws.

13 Number four, serve as a national clearing house for
14 civil rights information.

15 And five, investigate allegations of vote fraud in
16 federal elections.

17 The Commission is constituted state advisory committees
18 to advise the Commission of all relevant information con-
19 cerning their respective states on matters within the juris-
20 diction of the Commission. To advise the Commission upon
21 matters of mutual concern in the preparation of reports
22 of the Commission to the President and Congress, to receive
23 reports, suggestions and recommendations from individuals,
24 public and private organizations and public individuals upon
25 matters pertinent to inquiry conducted by the state committees

1 and to attend, as observers, any open hearings or confer-
2 ences which the Commission may hold within the state.

3 This is an informal hearing today and not an adver-
4 sary proceeding nor a court of law. Individuals have been
5 invited to share with the Committee, information relating
6 to the adult correctional system in Arizona.

7 Each person who will participate has voluntarily
8 agreed to meet with the Commission. Every effort has been
9 made to invite persons who are knowledgeable about the
10 problems and progress in the area to be dealt with these
11 two days of hearings.

12 In an effort to get a well-balanced picture of
13 prisons in Arizona we've invited state officials, prison
14 officials, inmates, former inmates and community organiza-
15 tion representatives.

16 I think I might add, by way of explanation for those
17 of you who are visitors here today, approximately 50 to 60
18 prisoners, inmates at the adult prison at Florence were
19 interviewed prior to the hearing, approximately 20 of those
20 have been chosen and they are here today as a result of
21 their knowledge of the issues concerned and have been
22 chosen by the U.S. Commission on Civil Rights members. Staff
23 members.

24 In an effort to get a well-balanced picture as I say
25 of the prison, we have the people here today.

1 Since this is a public hearing, the press, radio and
2 television stations as well as individuals, are welcome.
3 We are very concerned that we bring out all the information
4 relating to the matter under inquiry. We are also con-
5 cerned, however, that no individual be the victim of slander
6 or libelous statements. As a precaution against this
7 happening, each person making a statement here today or
8 answering questions, has been interviewed prior to this
9 meeting.

10 However, in the unlikely event that such a situation
11 should develop it will be necessary for me to call this
12 to the attention of the person making the statement and
13 request that he desist in his action. If the testimony the
14 person is offering, however, is of sufficient importance,
15 it may be necessary for the Committee to hear the informa-
16 tion in a closed session.

17 The person against whom the allegations are being
18 made also will have ample opportunity to make a statement
19 in closed session before the Committee, if he so desires.

20 In any event, prior to the time that the Committee
21 submits its report to the Commission, every effort will
22 be made to obtain a complete picture of the situation as it
23 exists in Arizona today.

24 During these two days of hearings the Commission will
25 examine conditions existing within each of Arizona's adult

1 correctional facilities, ranging from physical surroundings
2 to such areas as health and medical care, disciplinary pro-
3 cedures, inmate jobs and extent of the education and voca-
4 tional training programs. We will also examine whether
5 differences in treatment exist because of race, ethnic
6 group or sex.

7 This meeting will provide the basis for a written
8 report by this Committee containing findings and recommenda-
9 tions concerning Arizona's adult correctional system. It
10 is also part of a nationwide study undertaken by the Civil
11 Rights Commission and the information gathered will be
12 part of the statutory Commission report to the President
13 and the Congress on prison conditions nationally.

14 I'd like to establish a few ground rules this
15 morning before we do start. If there are any TV cameras,
16 tape recorders, used or information to be published while
17 inmates are in the room, we will ask their permission before
18 any of these things are done.

19 If someone from the audience wishes to speak, we
20 would ask that you raise your hand to be recognized by the
21 Chairman. If it's a person from the audience from whom
22 we have not heard prior testimony we would ask that you
23 meet with one of the staff members here present to give
24 written testimony which will be entered into the record
25 of these two days of hearings.

1
2 We are asking all speakers to limit themselves in
3 their opening statements, as you can well-imagine, we have
4 a full day of hearing and we're already a little late
5 getting started.

6 With that, the first participants in our meeting this
7 morning are Warden Harold Cardwell, Warden of the Arizona
8 State Prison. Mr. Dwight Burd and Mr. Tom Thackery.

9 MR. LEVIS: Gentlemen, could you please state your
10 name, occupation and address, starting with Mr. Thackery?
11 ~~MR. THACKERY: Mr. Thomas Thackery, Associate Super-~~
12 ~~intendent for Care and Treatment. Do you want my home~~
13 ~~address?~~

14 MR. LEVIS: You can give it, if you'd like, yes.

15 MR. THACKERY: Is that what you were asking for?

16 MR. LEVIS: You can give your Florence address, please?

17 MR. THACKERY; Well, I live in Mesa, Arizona.

18 MR. LEVIS: Warden Cardwell?

19 MR. CARDWELL: Harold J. Cardwell, Warden, or Super-
20 intendent of Arizona State Prison, address at Florence,
21 Arizona.

22 MR. BURD: Dwight G. Burd, Associate Superintendent
23 of Custody, I live here in Florence.
24
25

HAROLD J. CARDWELL

1
2
3 Q (By Mr. Levis.) Warden Cardwell, how long have you
4 been warden at the Arizona State Prison?

5 A (By Mr. Cardwell.) Since June 27, 1973.

6 Q Could you give us a brief description of your admin-
7 istration?

8 A I'd rather not go into any long-winded things, as
9 you can see I've had a voice problem for about two weeks.

10 I came here shortly after the two guards were killed,
11 takeover on June the 27th. And have been organize --
12 organized our program since that time.

13 I think we've made a start in the direction that
14 we want to go, I think our staff has developed and are
15 following the way that I feel, as far as civil rights is
16 concerned, I'd like to say that I fully believe in civil
17 rights of everybody at Arizona State Prison, including
18 inmates and staff alike, and I'm trying to make the prison
19 a place where people can live without fear all the time
20 and also to develop programs that will help inmates adjust
21 to normal life on the outside.

22 Q Mr. Burd, could you give us a brief description of
23 the administration, the setup, assistant wardens, associate
24 wardens, how the administration is set up at Arizona State
25 Prison?

1
2
3 DWIGHT G. BURD

4 A (By Mr. Burd.) Well, for example, we have two
5 deputy superintendents, one in charge of care and treatment
6 and one in charge of custody and we have two associate
7 superintendents, Mr. Thackery and myself.

8 I'm in charge of custody, as I stated earlier, he's
9 in charge of care and treatment.

10 Q Are there any other associates or assistants such
11 as for educational programs or --

12 A We have educational program officer, yes.

13 Q And there's also, I think, administrative service
14 officer or business manager?

15 A Right, sir.

16 Q Could you briefly describe to the Committee, the
17 size of the prison, both the staff and inmates?

18 A Inmates, I'm correct, I think we have 1,323 male
19 inmates at the prison and approximately, on the custody
20 staff, we have approximately, I'd say around 275 employees.

21 Q Could you describe the various facilities for in-
22 mates at the Arizona State Prison?

23 A You mean, for example --

24 Q Minimum, maximum and medium custody, what kind of
25 facilities do you have, cell blocks?

A We have three cell blocks, cell block 2, 3 and 4.

1 And within the confines of the main prison and we have one
2 dormitory within the main prison. Then we have what we
3 call the IER section, then we have the outside trustee
4 area.

5 Q The main yard, is that maximum security, then?

6 A Yes.

7 Q And how many inmates are in the main yard?

8 A I'm just guessing, approximately probably a little
9 over 900.

10 Q And what other facilities are located in the main
11 yard?

12 A Pardon?

13 Q What other types of facilities are located in the main
14 yard?

15 A Well, the hospital is in the main prison, naturally,
16 and your industrial yard and so forth is in the main.

17 Q This is within the walls?

18 A Right, sir.

19 Q Is it a diagnostic center?

20 A Diagnostic center.

21 Q And also hospital or infirmary?

22 A Right.

23 Q Now, let's see, would you also describe what IER is
24 and also the outside custody area?

25 A IER stands for institution, education, rehabilitation.

1 We're presently housing most of the inmates in this
2 yard, housed over there, are attending vocational school.
3 And approximately around 179 over there, and outside trustee
4 area we probably have around, oh, about 246 inmates living
5 outside the wall on minimum.

6 Q Could you describe generally how an inmate would go
7 either to IER or outside trustee area, for what reasons
8 an inmate would go there?

9 A An inmate that's housed in IER or outside trustee
10 area, outside trustee area has to be screened by honor
11 placement committee which consists of four members of the
12 staff. And for the IER section, he has to be screened by
13 four members of what we call the reclassification staff.

14 Q Warden Cardwell, it's our understanding that the
15 Arizona State Prison is seriously overcrowded, I just
16 wondered if you agreed with that statement and what is being
17 done to alleviate the conditions?

18 A (By Mr. Cardwell.) I don't necessarily agree that
19 it's severely overcrowded, I do believe cell block 2, which
20 contains very small cells and has two men to the cell is
21 overcrowded. The department has developed other programs
22 to try to relieve the crowding, by transferring people to
23 Fort Grant, the training facility, and to Safford.

24 We have, in our budget request, some money asked for,
25 for more housing. The intake of the prison is entirely in

1 the hands of the courts and the outgoing is entirely in the
2 hands of the parole board and it leaves the prison rather
3 in a squeeze in between. It has no control on either the
4 intake or outgoing.

5 Q Now, you stated that cell block 2 contains two-man
6 cells, are the other two cell blocks two-man cells or one-
7 man cells?

8 A They're two-man cells too, but the cells are larger.
9 I believe they're adequate in cell block 3 and 4, cell
10 block 2 cells are small enough and I believe they ought to
11 be one-man cells, but with our population it's impossible
12 to do that at the present time.

13 Q What type of new facility is being planned for the
14 Arizona State Prison?

15 A I can't answer that. I'd have to defer to the
16 department on that.

17 Q It was our understanding that a new kitchen or
18 dining room?

19 A Oh, yes, we have new kitchen that's ready for bid,
20 the tech. drawings are completed and I understand it's
21 going to be put up for bid in the near future. We hope it
22 will be completed in the next year.

23 There's also money been appropriated for a new in-
24 firmary or a hospital complex, and architectural working on
25 the plans for that at this time --

1 Q And both of those will be within the main prison,
2 behind the walls, you say?

3 A That's the present plans.

4 Q How big is the area behind the walls for the 900
5 inmates?

6 A I don't know. I can estimate three or four acres.

7 Q Mr. Thackery, do you know?

8 MR. THACKERY: No, I don't know.

9 Q Mr. Burd?

10 A (By Mr. Burd.) No, sir.

11 Q We also understand there's a new visiting room
12 being built or being designed?

13 A (By Mr. Cardwell.) We're in the process of building
14 a new visiting room. It's a slow process because the bids
15 that we got for it was outside of our budget and so we're
16 building it with our own people. But it is coming along.
17 I won't say the completion would be before mid-summer,
18 though.

19 Q Now, we understand that there's an inmate classifica-
20 tion system at the Arizona State Prison when they come in.

21 Do you feel that this classification program is
22 adequate for inmates?

23 A It certainly could be improved on. We need more
24 testing and so forth. I think. I would rather defer
25 that to Mr. Kette, who is a lot more knowledgeable in that

1 area than I am, who will be here to testify later today.

2 Q Mr. Thackery, do you have any comments on the classi-
3 fication system as presently set up?
4

5
6 THOMAS THACKERY
7

8 A (By Mr. Thackery.) The initial classification?

9 Q Right.

10 A Well, I think it's adequate for the majority of in-
11 mates, we're right now going through kind of a change in
12 a lot of the paper work and things that are done in the
13 diagnostic center. I'm not certain that all of the tests
14 administered are really that accurate. I think they're
15 fairly accurate. As yet we do not have tests designed for
16 some of the -- some of our bilinguals but we're in the
17 process of translating letters of verification to the
18 families and things like this.

19 But I would say it's a fairly adequate classification
20 system.

21 Q Are there bilingual counselors?

22 A Yes.

23 Q Approximately how many of the inmates do not speak
24 English or are bilingual?

25 A That do not speak English?

1 Q Or can not read in English or --

2 A Gee, I don't know. Most of them that we run into
3 that have no knowledge of English or don't speak English
4 are those that are nationals, Mexican Nationals and it's
5 a fairly small percentage, but I don't know the exact
6 percentage.

7 Q Do you happen to know the ethnicity of the inmates
8 at the Arizona State Prison? Just a rough estimate?

9 A I would say about -- the percentage, racially, I
10 would say it's about 54% White, 23% Mexican-American, and a
11 little over 20%, this is very rough, about 20% Black, and
12 just about 1% that would make up American Indian and other
13 races.

14 Q How about Mexican Nationals?

15 A I don't know the exact percentage of --

16 A (By Mr. Cardwell.) I'd say it's about 1% of Mexican
17 Nationals of a total --

18 Q So you're talking about ten to 15 men?

19 A Yes.

20 Q Mr. Kette -- excuse me, Mr. Thackery, could you give
21 us just a brief description of your overall responsibilities
22 at the prison?

23 A (By Mr. Thackery.) Yes. I have supervision over
24 the case work counselors at the prison, the diagnostic re-
25 ception center, the time-keeping, the record-keeping aspects

1 and also chairman of the honor placement committee.

2 It's, since I've gone to work there, some of the re-
3 sponsibilities have been changed, some added and some taken
4 away and I think that's due to the -- what expansion we've
5 had in administrative staff.

6 Q Are inmates assigned cell block partners or cell
7 blocks through your office or is that done through Mr.
8 Burd's office?

9 A It's a joint responsibility between Mr. Burd and
10 myself, the man who does the actual assigning is a uniformed
11 officer, a captain, however it's -- it's also very closely
12 related to treatment and therefore it's kind of a joint
13 responsibility.

14 A (By Mr. Cardwell.) I might explain there's been
15 some change in that since I came here. We're now putting
16 people, housing them according to their work and school
17 assignments, as Mr. Burd said earlier, for example, the
18 vocational people who are going to vocational school are
19 all housed in the IER section now, and I feel the responsi-
20 bility is both care and treatment and custody as far as
21 housing and I think they work together very well.

22 Q Mr. Cardwell, it was our understanding that pre-
23 viously IER was for the young adults, is that correct?

24 A That's true.

25 Q When was it changed?

1 A. About three or four months ago.

2 Q. And are the young adults scattered throughout the
3 other facilities at the institution or --

4 A. They are.

5 Q. Are there plans made to keep them at the institution
6 or to transfer them to other institutions?

7 A. Well, there are plans to have an institution built
8 for them, the first offenders under 25.

9 Q. That would be the South Mountain Facility or --

10 A. That was one of the names in the last few months.

11 Q. You spoke about jobs previously, it's our under-
12 standing that only a small percentage of the inmates are
13 paid for jobs. And I wondered if you'd comment on this
14 and what is being done to get more inmates paid for jobs?

15 A. This is true.

16 At present the people working for prison industries
17 are paid and about 200 people that work for administrative
18 jobs or maintenance jobs within the institution are paid.
19 As a result, about 400 or 420 are paid and the rest of them
20 aren't.

21 We have included in our budget this year a request
22 to pay all inmates. I feel that the present system pays
23 a man for what he knows, it's my feeling that they should
24 be paid for the degree of responsibility that they accept
25 for their own actions and whether a man is a ditch digger or

1
2 a legal clerk, shouldn't make any difference as far as the
3 pay is concerned. We shouldn't pay him for what he knows
4 when he comes in the door, but the effort he puts forth
5 to accept his own responsibility and the need for less
6 security, if we're going to pay him it should be for the
7 need for less supervision.

8 Q So you feel that all inmates who work should be paid?

9 A Absolutely.

10 Or, I'll go further than that, I think all inmates
11 who work at an assignment should be paid whether it be
12 school or work.

13 Q Do you feel they should all be paid the same wage or
14 different wages for different jobs?

15 A Well, really, I don't think we're paying them to
16 make money, but to -- for a subsistence sort of a thing.
17 At the present time, to buy cigarettes, which to me are a
18 necessity, I notice I don't have an ashtray, also toothpaste,
19 candy, pop, this kind of thing, I think is a necessity in
20 this day and age.

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

1 And so I would, I'd say all inmates should be paid
2 the same, it would be my opinion that maximum security
3 should not get as much as minimum security, for example.
4 But there should be some incentive toward developing behavior
5 that causes us less problems and less staff necessary
6 to supervise them.

7 THE CHAIRPERSON: I only had one more question of
8 Warden Cardwell.

9 Would you explain to the Commission the change in
10 the number of guards that you have put on since last year,
11 when you took over at first?

12 A I can't accurately tell you how many, we were author-
13 ized 100 and we've had so many turnovers, and at the present
14 time we're about ten or 12 short, so we've added about 70
15 personnel in that period of eight, nine months.

16 THE CHAIRPERSON: Do you feel, then, that the staff
17 that you have now is adequate to handle the prison population?

18 A I'd like to have more. It's adequate. I think
19 we're getting by, yes. One of our problems is we have
20 adequate people as long as everything's going well.

21 If it -- things are not going well, and you need more
22 staff, there's no provisions in the laws, the Representative,
23 I'm sure, knows, we're paying overtime at the time we need
24 people. One of our big problems now is paying back over-
25 time that was built up back before the early part of '73, and

1 our lack of staff at this time is mostly on trying to get
2 that old overtime paid back to the men in compensatory time.

3 I believe if we could get all that off the books,
4 that all of our staff is adequate to handle the situation
5 where we didn't have to leave off this average seven or
6 eight people a day to make up overtime.

7 Which occurred some time ago.

8 THE CHAIRPERSON: One of the things that was mentioned,
9 and Warden, I'll relieve your voice and ask the question
10 of Mr. Burd, because I would imagine he can answer it too,
11 one of the things that was brought out this morning was
12 that the inmates are now housed according to either the
13 kind of work they do or where they're going to school.

14 Would you comment on how well you think that system
15 like that is working?

16 A (By Mr. Burd.) I think it's working out real well.
17 All the way around for the inmates, and for us, also .

18 A (By Mr. Cardwell.) Might I comment on that?

19 THE CHAIRPERSON: Yes.

20 A One of the things that I noticed in the way they were
21 housed previously, was there was so much cross traffic and
22 it took so much more supervision and then, when you try
23 to get a, let's say the industrial workers or the vocational
24 school or the academic school, whatever it be, that you
25 had to pick them up from four or five different places in-

1 stead of one and I think it's cut down the amount of super-
2 vision necessary considerably, don't you, Tom?

3 A (By Mr. Thackery.) Oh, yes, it's much easier, plus
4 we also have some followup now to those that aren't going
5 to work or aren't attending school and finding out why
6 and this type of thing. It's much easier to keep track.

7 THE CHAIRMAN: Any other Commission members have a
8 question?

9 Mr. Williams?

10 Q (By Mr. Williams.) Mr. Thackery, could you give me
11 an idea of the outside trustee area, how people are chosen
12 for that particular position? And what they do?

13 A Yes, the decision, the screening for inmates, for
14 any minimum custody assignment, which also includes recom-
15 mendations for Safford and the Halfway Houses and Fort
16 Grant, done by the honor placement committee. And it is
17 made up of four members, I am -- I act as chairman of it.
18 Dwight Burd is a member, a representative from correctional
19 industries is also a member, and normally it is the gentleman
20 that's in charge of the farms and ranches and the area that
21 employs most inmates who are housed outside in the trustee
22 area, and the other member is the correctional service
23 captain, who is in charge of the outside area.

24 And we meet once a week and we screen inmates on the
25 basis of recommendations from initial classification committee

1 or the reclassification committee, and also the requests of
2 inmates. And it's a -- it's a very thorough screening, not
3 only of the inmate's record and jacket and adjustment while
4 he's been in our institution but in other institutions as well
5 as a personal interview.

6 Each inmate is personally interviewed by the
7 Committee and a decision is made by majority vote. And
8 there are all kinds of things that go into our decision,
9 active detainers, escape record, sentence, the amount of
10 time that's been served, when he'll be eligible for parole,
11 you know, all of these things.

12 Q Do you have statistics on the racial breakdown of
13 the outside trustee area and the IER, whether that follows
14 the general distribution of the main prison?

15 A I do not have them at hand right now. Although I
16 would say that it -- that it does match the percentages of
17 the main prison.

18 A (By Mr. Cardwell.) I think statistics were furnished
19 the Committee with that on it at the time that the
20 statistics were taken.

21 THE CHAIRPERSON: Mr. Levis tells me that that informa-
22 tion has been entered into the record as of January 1, 1974,
23 the racial distribution at all institutions.

24 A Could I add one thing? I think that is in the
25 record at that time, and I think this may fluctuate one way

1
2 or the other at times, but very minor, because it is not
3 one of the considerations in honor placement, whether the
4 man is Black, brown or yellow or white, and I think over
5 a period of a year it will balance out, whatever that
6 figure was.

7 THE CHAIRPERSON: Dr. Glass?

8 Q (By Dr. Glass.) Madame Chairman, I don't know who
9 this question is directed at, whoever cares to answer.

10 I notice that, and I'm real pleased with this term
11 correctional officers, but that carries quite a connotation,
12 in my opinion.

13 I'm wondering how much these men have been upgraded,
14 the correctional officers at the prison, what kind of
15 basic training they have as far as relating to these men
16 in prisons, I'd like to hear some comment on that?

17 A (By Mr. Cardwell.) I think that we submitted our
18 training format to the Committee, I think it has been
19 changed and upgraded, Mr. Moran's staff, who has assigned
20 people to do this and there is some basic human relations
21 and these kind of courses being taught in addition to strict
22 custody courses.

23 And we have plans to increase this. In fact, the
24 last of this month there's a retraining class for two additional
25 weeks after a man has been on the job a while, go back for
some of these things, and I believe it is approved and I

1 think the Committee has a copy of the agenda.

2 Q Maybe this is an unfair question, but I'd like to
3 get your opinion about this Seventh Step program, how
4 effective you think it is in the prison and should it be
5 pursued more than it is?

6 A I don't want to -- I don't want to come out publicly
7 on the side of any program, I'm not opposed to Seventh
8 Step, I've seen it do good in a lot of places. I think
9 a lot depends on the local leadership of it.

10 At the present time, I think it's a very positive
11 program at Arizona State Prison, I have seen prisons
12 where it wasn't. I think here, at the present time, the
13 leadership is excellent and it's gone along quite well.

14 DR. GLASS: Thank you.

15 THE CHAIRPERSON: Mr. Muskrat?

16 Q (By Mr. Muskrat.) Warden Cardwell, this, it's my
17 understanding that in several of the states in the prison
18 systems they 're experimenting with hiring exoffenders to
19 work on the staff and serve as guards at the prisons. May
20 I ask you two questions, number one, have you given any
21 thought to this procedure, and number two, if you've not,
22 I'm raising it right now, could I have your opinion on it?

23 A I don't know whether we have any exoffenders working
24 on our staff at the present time or not. I'm sorry, I can't
25 answer that. I will say this, that I, in my previous ex-

1 perience, have hired some exoffenders, I'm not opposed to
2 it if they're -- meet the criteria, just because they're
3 exoffenders wouldn't rule them out of a job, as far as
4 I'm concerned. After a thorough investigation of their
5 background and how well they've adjusted to society,
6 after they got out, and so forth. In fact, I was
7 recently trying to recruit an exoffender to come out here
8 to work and somebody offered him a better job.

9 THE CHAIRPERSON: Are there any other questions of
10 the panel?

11 If not, we thank you very, very much for coming
12 this morning.

13 MR. CARDWELL: I want to apologize for my voice,
14 I'm really a tenor and not a bass.

15 THE CHAIRPERSON; We have been notified this morning
16 that Mr. Robert C. Camacho, one of the inmates who had
17 originally been schedule to appear this morning, will not
18 appear, he stated that he does not wish to appear and I
19 wish to have this inserted into the record.

20 Mr. Taylor, would you kindly state your name, your
21 occupation and your address, for the record, please?

22 MR. TAYLOR: My name is Melvin Taylor, I'm an inmate
23 in the Arizona State Prison, and I'm assigned to yard detail.

24 THE CHAIRPERSON: Thank you.

25 We do have reporters present here this morning who

1 are taking notes, do you have any objection to any of the
2 things you say being published?

3 MR. TAYLOR: No.

4 THE CHAIRPERSON: Thank you very much.

5 Q (By Mr. Williams.) Mr. Taylor, how long have you been
6 at the Arizona State Prison and what cell block do you reside
7 in in the prison?

8
9
10 MELVIN TAYLOR

11
12 A (By Mr. Taylor.) I've been in prison, in the Arizona
13 State Prison, approximately three years and I live in
14 CB2.

15 Q How old are you, Mr. Taylor?

16 A Twenty-two.

17 Q Have you been assigned to the IER?

18 A No.

19 Q Have you applied for that, to the IER?

20 A When I first came to prison I was on death row,
21 but after I was released off of death row, I tried to get
22 over there and I was turned down.

23 Q Do you know why?

24 A No, I never was given a reason.

25 Q Do you know any of the racial breakdowns of the in-

1 mates on IER?

2 A The what?

3 Q The racial breakdown, the Blacks, the Mexican-
4 Americans and Indians, so on, the number?

5 A No, I couldn't tell you the number, I don't know that.

6 Q Do you think that the inmates prefer IER to behind
7 the walls?

8 A The young ones, the ones who are -- yes, the young
9 inmates prefer IER.

10 Q How large is cell block 4?

11 A I don't know, but it's a pretty big building.

12 Q Are you familiar with the other cell blocks, the
13 sizes, could you give me a description of what they are like?

14 A The cells?

15 Q The cells of the other cell blocks?

16 A Well, I started with CB2 with, it's a big building and
17 the plumbing in there is bad, for the toilets and both
18 faucets. They done cleaned it up a lot now, since the new
19 administration came in, but the doors get jammed all the
20 time and this here is a real inconvenience for the inmates
21 who are going to school who are enrolled in school, and
22 when the doors get jammed it's upon the gang run, a lot
23 of the fellows on gang run are in school and this here
24 really inconveniences them a lot.

25 And, well, the living conditions in the joint, as a

1 whole, I would just put it like that there, for the cells,
2 well, if I'm comparing by other prisons, what I read about
3 in the paper, the standards, well, I would say they're
4 average, they're not, you know, they're not comfortable.

5 Q How many hours a day are you actually in the cell?

6 A Oh, well, personally, I spend most of my time in
7 the cell. There's safety in the cell.

8 Q You don't go to school or work?

9 A Yes, I go to school at night, but if they don't
10 call me out to work on a yard detail, I don't go out.

11 Q Is concern for your safety, is that a normal thing,
12 are most of the inmates concerned with their safety at
13 the Arizona State Prison?

14 Are most of the inmates, do most inmates have a
15 concern for their safety at the prison?

16 A For their personal safety?

17 Q Yes.

18 A Yes.

19 Q Why is that?

20 A Because anything can happen to you.

21 Your question is too general. If you give me some-
22 thing to go on I can, but if you mean is there a security
23 there, protecting me, no, because -- I need some water.

24 If you meant by the statement was the security there
25 to protect inmates, it's not, because when, right after the

1 two officers got killed and this here was -- when they
2 opened the prison back up and we were going to work and
3 going to chow, this here was at the climax of the security
4 in the prison, it was very tight, real tight.

5 And it was an inmate got burned up and nobody know
6 who done it, who did it, and at that time you couldn't
7 stand up at another man's cell without going to the hole
8 or getting written up. And he got burned up and nobody
9 do it.-- know who done it.

10 And I think there was Tuesday or either Monday night,
11 an inmate right next door to me got stuck, and nobody
12 know who done it.

13 And CB2 is a real tight building, they have tight
14 security in there, but as long as inmates are commotion to
15 move about, come in and out the cells you can't prevent
16 inmates from getting stuck and burned up if somebody
17 wanted to do it.

18 Q Can you explain to me the two for one credit, how
19 that works?

20 A Well, I only believe in two for one, so I don't
21 even -- it don't even concern me, but from what I hear
22 about it that if you sent, say the judge give you eight,
23 years, four to eight, well, the reason why he would give
24 it to you like that because you're doing, he give you four
25 to eight because you'll work on the bottom number, the

1 ~~minimum and you~~ would, if you're working you would get two
2 for one time and you will cut that four in half and it would
3 be two years.

4 Q Why don't you believe that?

5 A Because I'm doing life.

6 Q That makes sense.

7 You mentioned earlier that some of the inmates were
8 free to run around or were loose at certain times, why is
9 this?

10 A No, I didn't mean that they just run wild, it's just
11 that when you come out your cell for a shower, or you're
12 out on the tier, you have to come out of the tier and you
13 have to go to the shower, you just don't run wild, not on
14 CB2.

15 Q (By Mr. Zah.) I think I have two questions.

16 Could you describe your, you know, in the cell, what
17 kind of, let's say your own property do you have, you know,
18 such as radios or --

19 A Yes, I have a GE stereo and books, and a fan and my
20 clothes, that's about all.

21 Q You were saying something about improvement, you
22 know, that has been made in terms of keeping the facilities
23 clean since the new administration came in. What other
24 kinds of changes has occurred since then?

25 A Well, -- well, I can say that the yard is cleaner,

1 you know, the buildings are cleaner.

2 But as far as rehabilitation is concerned, all the
3 effort is being directed toward security control and punish-
4 ment of the inmates. But as far as trying to get some
5 programs in the prison, constructive programs toward re-
6 habilitating the inmates, I haven't seen any change there.
7 The same thing that was existing before the administration
8 came in is there today.

9 MR. ZAH: Thank you.

10 THE CHAIRPERSON: Any other questions of the panel?

11 I have a few questions, Mr. Taylor.

12 You stated that you're on yard detail. Do you get
13 paid for working in the yard?

14 A. No, I don't get paid.

15 THE CHAIRPERSON: How are you chosen to do that work?

16 A. I was just chosen, that's all.

17 THE CHAIRPERSON: You didn't volunteer to do the
18 work, you were asked?

19 A. No, I was assigned to it.

20 THE CHAIRPERSON: You were assigned to it?

21 Can you tell me if the field workers -- there are
22 field workers at a -- at the state prison, aren't there?

23 A. Right.

24 THE CHAIRPERSON: They get paid for the work that they
25 do?

1 A The ones on gang,.... I hear they get six cents an
2 hour, something like that.

3 THE CHAIRPERSON: Do you know about the jobs inside
4 the walls that get paid, can you comment about those paying
5 jobs?

6 A Well, out in the industrial yard or the tagk plant
7 you get paid, in the signss. shop you get paid, you may
8 start off in those places you might start off by, I think
9 it's something like ten cents an hour, you'll go up, and
10 the laundry you get paid, just, I think -- yes, and some
11 kitchen workers, they get paid.

12 THE CHAIRPERSON: Is part of the money -- we heard
13 yesterday in testimony from both Safford and Fort Grant
14 that part of the money is put away in a trust fund, is
15 that the same at the state prison?

16 A I don't know anything about that.

17 THE CHAIRPERSON: Thank you.

18 Q (By Mr. Zah.) I visited the facilities over at
19 Fort Grant and then the Safford Center. And one of the
20 things that I kept hearing as I was talking to the camp men
21 was that facilities here at Florence in terms of mouse and
22 cockroaches, you know, being seen in the cells, would you
23 like to comment on that?

24 Personally, if you had any experience?

25 A Well, I'm a real meticulous, good and clean, so my

1 cell, personally, I see roaches but I never see mice but
2 I hear other, you know, inmates complaining a lot about
3 roaches in the cells. But let me say this here: It used
4 to be real bad with roaches all over the place, but it's
5 changed now, since the new administration come in. It
6 used to be real bad.

7 Q When you say it has changed, do they spray the area
8 or -- more frequently than let's say the last administration,
9 or what?

10 A They spray, I forget when it was, it was at least about
11 in December or January, that was the last time they sprayed.
12 And they done a pretty good job. But you can see the
13 roaches building back up now.

14 DR. GLASS: Let's -- get back to this security again,
15 not too long ago they took out about two carloads of
16 weapons and knives and everything else, are you saying that
17 now, that men are carrying a lot of weapons in the prison
18 again, already?

19 A No, I didn't say that, no, I didn't say that.

20 Q (By Dr. Glass.) Well, you said your life is
21 threatened and your life is usually threatened with a knife
22 or some kind of an instrument of torture and it's pretty
23 hard to kill a man with your hands in the prison without
24 a guard being present, isn't it?

25 A No, if -- you mean beating somebody to death, you mean?

1 Q Yes.

2 A He could -- he probably would hear if the inmate
3 would holler out, you know.

4 Q That's what I say, but I sort of got the impression
5 from you that there were still knives in the prison and
6 weapons that a man could take another man's life with
7 very easily.

8 A Sure.

9 Let me kind of clarify that. I don't -- I don't
10 know if there's really knives in the prison like they took
11 out, you know, and guns and etcetera, but it's obviously
12 there, you know.

13 Just like in this court right now, if you want to
14 bash somebody's head in you just grab something to do
15 that, and just as long as they have the cell blocks, you
16 can't eliminate certain things.

17 I didn't mean to say that everybody's running around
18 with a shank on them or a gun on them or trying to stick
19 everybody, I was too general when I said that. The rest of
20 my life is not threatened by anyone, that I'm conscious of.

21 Q Another question that I'd like to ask you, I've
22 heard for considerable length of time that there are no
23 programs for lifers, that you fall in this category.

24 A Yes, sir.

25 Q And have they offered you any type of a program, being

1 a lifer at the prison, at all, any type of vocational or
2 rehabilitative program in any way?

3 A NO, they don't offer anybody anything, if you don't
4 have the initiative to try to do something for yourself,
5 nothing will get done, then even if you have the initiative
6 you got to have a whole lot of drive because the atmosphere
7 there is nonacademic.

8 Q Do you have much drive in that direction? Have you
9 ever made any effort to try to change things or to try to
10 get into a program yourself, being a lifer, or to put some
11 pressure on the administration to try and get things
12 changed around a little bit?

13 A Yes, I definitely have personally, because -- since
14 I've been there I have my GED and I done finished two
15 semesters of night school at CAC colleges that they offer
16 and I'm in my third now.

17 Q Well, then, you are in a program?

18 A Right.

19 Q Well, that's why I wondered, I thought that, I
20 understood you to say that there wasn't any program here
21 for lifers?

22 A Well, what I mean by that is that I mean -- see, the
23 program, like the CAC there, you know, the college, the GED
24 is there, and the vocational trades is there. But if you're
25 going to start -- see, in -- most inmates who get in these

1 here programs they're just trying to impress the board,
2 they're trying to impress the administration to get an
3 early release and so therefore, the program, they're really
4 not there for rehabilitation -- well, inmates usually really
5 not serving the purpose that they're supposed to serve,
6 they do it more constructive programs that was here to
7 prepare inmates for when they leave prison. For when they
8 do leave prison they would have a -- they could secure
9 a position out there in society.

10 It would be better, that's what I'm speaking. And
11 it's none of them programs there now.

12 DR. GLASS: That's all I have, thank you.

13 THE CHAIRPERSON: Dr. Glass and Mr. Williams, we'll
14 excuse both of you to go into executive session at this
15 time.

16 And the rest of us will continue on.

17 Mr. Taylor, I have just a few more questions, if
18 you please.

19 You spoke a while ago about preferring IER, can you
20 elaborate on why you would prefer the IER portion to the
21 main yard?

22 A. Well, when I was first released off of death row,
23 well, they have -- in IER they have a -- they have a minor
24 division people over there for maybe 15 years on up to 25.
25 And I'd just rather have been over there with my own peers.

1 THE CHAIRPERSON: You mentioned, and I think Dr.
2 Glass talked about it, the security changes, can you go
3 into the security changes that have come about in the
4 last year?

5 A. Yes.

6 Most of them were really -- I can't -- they have
7 changed but I can't see where they're really geared for
8 securing anything because most of them is a waste of money.

9 THE CHAIRPERSON: Well, now, what do you mean a waste
10 of money?

11 A. To give you a good example, like they bought new
12 clubs and flashlights and everything for the officers and
13 that's there for security. I don't see no purpose they
14 serve but to try to intimidate the inmates.

15 They put up lights all over the place in the build-
16 ings, well, yes, that, that there was a good idea, putting
17 up the lights, but -- and they got tighter, more rigid
18 with the inmates and all that there do create tension.

19 To give you an example, is right after the --
20 they opened the prison back up after two guards got killed,
21 they said if you going to be in front of anybody's cells
22 on another runing, you have to get permission from Cary
23 (Phonetic) or Kette, one, but now when you come out from
24 the shower, if the shower's full you have to go downstairs,
25 this officer tells you to go downstairs but now he notice that

1 you can't leave the rung and if you refuse to go down-
2 stairs you get wrote up and if you go downstairs and the
3 officer's down there, if he don't like you he can write
4 you up there. So that there creates a problem, right there.

5 Then another thing, you can not talk, the new
6 security, the way they got it now you can't talk to an
7 officer because all he got -- he got power to write you up,
8 he won't listen to you.

9 THE CHAIRPERSON: What you're saying is you don't
10 talk to any officers, then?

11 A. Not none of the -- no, not none of the regular
12 officers, if you have a problem or something, if you can't
13 get to one of the captains or majors you might be able to
14 get -- you might be able to kick it over then. But let me
15 say this, with the new security in now, you have to go
16 through a whole lot of red tape to get anything done.

17 In, say like to get to the hospital? If -- on the
18 weekend, if the M.D. or C.M., whatever he is, if he's not
19 there, you not going to the hospital and at night, if you
20 sick, you're not going. You're just going to take an act
21 o' congress to get you to the hospital or to get to the
22 library, you may be on the library list for two weeks to get
23 to the library. Legal library that is, or just the main
24 library, with the new security there.,

25 THE CHAIRPERSON: There's a difference, then, between

1 the legal library and the regular library?

2 A Well, when you go, you have to state your preference,
3 which one you want to go into, legal library or regular
4 library.

5 THE CHAIRPERSON: Do you have to wait to get into
6 either of those?

7 A Yes, they have a waiting list.

8 THE CHAIRPERSON: You mentioned that you are in
9 school, that you finished your GED, you're through with
10 two semesters at Central Arizona College, right?

11 A Right.

12 THE CHAIRPERSON: Did you have to go through a lot
13 of red tape to get into school?

14 A No, that's -- no, that's, the whole burden is
15 put up on the inmate there, if he want to go he can go, most
16 likely if he's not on lockup.

17 THE CHAIRPERSON: Are the books provided to you
18 for school?

19 A Yes, they provide them.

20 THE CHAIRPERSON: And you have sufficient number
21 of books and sufficient time to do your school work then?

22 A Right.

23 THE CHAIRPERSON: I have no further questions.
24 Anyone else on the --

25 A I have some things here I wanted to bring out.

1 THE CHAIRPERSON: Go ahead, Mr. Taylor.

2 A I know some inmates around, they're forced to take
3 this here drug called, what is it, proxine (Phonetic) and
4 then this here drug, they're forced to take it, if they
5 don't take it they'll be locked up in isolation all the
6 time.

7 MR. MUSKRAT: Madame Chairman, may I interrupt --

8 THE CHAIRPERSON: Yes, Mr. Muskrat, you're already
9 right --

10 MR. MUSKRAT: I would like to interview this witness
11 because I feel that --

12 THE CHAIRPERSON: This is entirely new testimony,
13 Mr. Taylor, that has not been presented before.

14 MR. MUSKRAT: You see, Mr. Taylor, we have a
15 statute and our statute provides that if any testimony
16 that's unexpected from a witness in a hearing, if any
17 testimony is given by a witness at a hearing which may tend
18 to defame or degrade someone, then the Committee has to go
19 into executive session and hear that testimony and then
20 decide whether or not to hear it in public.

21 So, with your permission, what I'd like to do with
22 you is meet you in private and hear what you have to tell
23 this Committee and then, if the Committee feels that it's
24 relevant, then the Committee will meet with you in executive
25 session and decide whether or not to hear it. But we can

1 not let you proceed with that at this time. Okay?

2 A. Okay.

3 THE CHAIRPERSON: Mr. Wilson, glad to have you here,
4 will you state your name, your occupation and your place
5 of residence?

6 MS. PALMQUIST: Madame Chairman, we will go into
7 executive session?

8 MR. MUSKRAT: Rep. Guerrero, why don't you let me
9 interview this witness and find out what he's got to say,
10 I really don't know, he just started to talk about inmates
11 being forced to take drugs, I have no idea what he says.

12 Why don't you let me get an idea what he says and
13 report back to you and then you can decide what you want
14 to do.

15 THE CHAIRPERSON: Mr. Wilson, would you state your
16 name, your occupation and your address, please?

17
18
19 ARTHUR C. WILSON

20
21 A. (By Mr. Wilson.) The name is Arthur C. Wilson,
22 Arthur Calvin Wilson, I reside at Safford Conservation
23 Center. An inmate there, and my occupation is refrigeration-
24 air conditioning mechanic.

25 THE CHAIRPERSON: Thank you, Mr. Wilson.

1 There are reporters present in the room, do you have
2 any objection to anything you say being published in the
3 newspaper?

4 A. No, Ma'am, I do not.

5 THE CHAIRPERSON: All right, thank you very much.

6 Mr. Wilson, we understand from the testimony that
7 you have already presented to staff members that you once
8 lived in a dormitory in cell block 2 at Arizona State
9 Prison, how old is that cell block and how many other
10 cell blocks are there in the main yard?

11 A. I'm afraid I don't know how old the building is,
12 it's quite an old building. It was there when I went there
13 in '58, 1958, it was an old building then, and it's still
14 an old building. It's been remodeled, well, I don't know,
15 a couple of times since I was there -- since I lived in
16 the building in 1958.

17 From 1958 or 1961 I lived there and since then I've
18 lived in dormitories there in the institution and have not
19 lived in CB2 since.

20 THE CHAIRPERSON: How long have you been gone from
21 Florence, Mr. Wilson?

22 A. I believe I went the 13th of January.

23 THE CHAIRPERSON: You went to Safford?

24 A. Or February. 13th of February I was transferred to
25 Safford.

1 THE CHAIRPERSON: All right.

2 Could you describe the physical layout of the cell
3 blocks, particularly cell block 2?

4 A It's three tiers, and I'm not sure of the height
5 of the tiers, but they would be in comparison, I would say
6 to a story, to a one-story building and it's three times
7 this.

8 The living quarters in the building. Now, the
9 building itself is the tallest building in Arizona State
10 Penitentiary, but the inside of the building only housed,
11 I believe three tiers high and it's divided with three
12 tiers on one side of the building and three tiers on the
13 other side, facing each other, with the backs being solid
14 and the front or the walls are solid, in an

15 In other words, they have three sides of walls and
16 the front is bars that you may see out of.

17 THE CHAIRPERSON: Are these cells locked during the
18 day?

19 A Yes, Ma'am, they are locked all the time, either --
20 if you're in the cell you're locked in and if you're out of
21 the cell your cell is locked while you're out of your cell.

22 THE CHAIRPERSON: In other words, you are not locked
23 in your cell all day long?

24 A Oh, no, Ma'am, no Ma'am, in and out of the cell.

25 THE CHAIRPERSON: What types of furnishings in the cell

1 are provided to you and what kind of furnishings are you
2 allowed to have?

3 A Well, at the time I was celling in cell block 2,
4 you were allowed to have just about any type of furniture
5 that you could hustle. You had a bed, and at that time
6 they did not have lockers and tables built into the cell
7 itself, so you would, through your hobby supplies, you would
8 order your materials and build any type of cabinets or
9 shelving in your cell or, as the convicts call, stealing it
10 from the administration. The wood and build your own
11 stuff and put it in your cell.

12 Lockers to lock up your personal belongings and
13 shelves to put your personal belongings and things on in
14 the cell.

15 THE CHAIRPERSON: What about things like radios,
16 television, stereos?

17 A Well, of course, at that time there were no televisions
18 in the institution at all, that was before they even had
19 the institutional televisions that they put in, where you
20 had a community center that you would congregate to watch
21 TV.

22 But in later years, when we were allowed to have the
23 TV's, you could have a television, radio, stereo, but at
24 the time I lived there, we could only have radios and stereos
25 which we were allowed to have if you were able to purchase

1 them, well, you might have them anytime that you --

2 THE CHAIRPERSON: Anything that you wanted?

3 A. That would fit into your ability.

4 THE CHAIRPERSON: What jobs did you have while you
5 were at the prison?

6 A. Well, the first job that I had in 1958 after arriving
7 at the prison, I was the diet cook in the hospital. And
8 then, from diet cooking I went to main line kitchen and
9 at that time they had inmates were the lead cooks or the
10 head cooks, they didn't have any free stewards or anything
11 there and I was the lead cook or the head cook, whatever
12 you, however you wish to refer to it. Of the institution
13 itself, inside the walls.

14 Then I was this for a few months, and then I
15 escaped from the institution by going over the wall and
16 when I came back off of escape, well, naturally I went to
17 disciplinary lockup and then we had a, well, it's sometime
18 referred to as a sitdown strike and sometimes referred to
19 as a riot in '68, in the institution.

20 And this lockup from the escape was prolonged into
21 about a 20-month lockup that I was on deadlock for about
22 20 months. I came out of lockup and I went to work back
23 in the kitchen again and then transferred from the kitchen
24 -- or no, when I came out of lockup I went on a gang, at
25 that time they had gangs were working, I went on the gang,

1 I was on the gang.

2 I think it was required 60 days after coming out of
3 lockup to work on the gangs, before you were allowed another
4 two-point job, and now everyone gets two for one, but then
5 you only got two for one if you was on a special job that
6 called for this meritorious credits.

7 So, I went on the gang for about 40, 45 days and
8 premature to my 60-day probationary period on the gang,
9 I was removed from the gang and put to work in the cannery
10 out in the industrial yard. I worked there for a week
11 and didn't like it and transferred to the knitting mill or
12 referred to as textile mill at the time, and then I had
13 an accident out there in which I lost the thumb from my
14 right hand. And I went back in the kitchen off of, when
15 I went out of the hospital on that went back in the kitchen
16 and I worked in the kitchen until '65. From '61 until '65.

17 Then I went outside trustee as a steam fireman in the
18 steam plant, worked nights there from 10:00 at night till
19 6:00 in the morning and I was out there 13 months and then
20 I was discharged from the institution and went to Phoenix.

21 THE CHAIRPERSON: Most of the jobs that you've had
22 in the prison, were they paying jobs?

23 A No, the only paying job I have ever had in the prison,
24 here at Florence, was just before I went to Safford, I had
25 just got on a pay job in the refrigeration-air conditioning

1 shop there in Florence.

2 THE CHAIRPERSON: All the pay that you received as
3 a part of your job, is that given to you to spend in the
4 commissary or do they put away a portion of it to be given
5 to you on release?

6 A: They do now. I am not sure how much the institution
7 here withholds, but at Safford, half of our earnings go
8 into a savings account, which were supposed to be held
9 until we are released.

10 But in some emergency or something, they would allow
11 us to draw or to borrow from this savings and repay it at a
12 later date or, in other words, it is our money.

13 But it is saved for us to be released later.

14 THE CHAIRPERSON: You were talking about two for one
15 and you said that a long time ago in the prison that if
16 you had, if you had a job and were showing meritorious work
17 I think was what you used, you got two for one and you
18 say now that everybody gets two for one?

19 A: Yes, Ma'am, they do, regardless of whether they work
20 or not.

21 THE CHAIRPERSON: What about people in maximum security
22 do they get two for one too?

23 A: Well, now this is, of course, a meritorious credit,
24 and this is only given if you're meritable of this credit.
25 I mean if you have disciplinary action against you, at which

1 time the disciplinary committee decides that you will go in
2 isolation for a period of time, then your two for one
3 credits, your meritorious credits are stopped for a
4 certain period of time. Whatever this period of time is set
5 down in the rules and regulations.

6 But to all who are functioning under a normal
7 status in the institution, they do receive two for one
8 credits with the exception of, I understand your lifers
9 that are on mandatory life sentences are only allowed two
10 for one to come from their maximum, if and when they're
11 ever commuted to a minimum custody of a minimum release
12 date and a maximum where they get a spread of release dates,
13 why, then they may receive all of the accumulated two for
14 one for the entire time they've been there.

15 THE CHAIRPERSON: Thank you, Mr. Wilson.

16 Are there any other questions of Mr. Wilson, from
17 the Committee?

18 Q (By Ms. Palmquist.) I have one.

19 Mr. Wilson, did you tell me, you mentioned you had
20 several jobs, and some of them for short periods of time.
21 Why were you switched from one job to another?

22 A In some cases by my own request, and in some cases
23 because I was needed somewhere else.

24 Q You mentioned that you'd been head cook, and you
25 were only there for a few months, I got the impression that

1 you had -- were fairly satisfied with that and yet you
2 mentioned that you were switched to another job.

3 A Well, at that time, I wasn't satisfied anyplace,
4 I had just started a 12 to 18-year sentence and my thoughts
5 were on trying to get out of the institution, which I did.

6 I put a ladder over the wall and let the bullets
7 fly and away I went.

8 The next time, after I was out of disciplinary
9 action and everything, and went back into population, went
10 back to work in the kitchen, I worked there for a little
11 over four years. The same job.

12 Q Also, you mentioned that funds are held in trust
13 for you. And that you are able to withdraw them for an
14 emergency, what would you classify an emergency?

15 A Well, if -- well, for instance, if you were com-
16 pletely broke and you needed personal items, you may borrow
17 it from your trust fund, but now of course, this is com-
18 pletely at Safford, these are the Safford administration
19 allows this.

20 In the institution at Florence, your savings, you
21 do not draw even in emergency there. But at Florence you
22 may draw, or if -- well, if I had sickness at home or death
23 at home and I was allowed to attend a funeral or allowed to
24 attend a sickbed or something, which under certain circum-
25 stances this has been done, I don't know if it's still being

1 done or not, but in that event, why, I could draw every-
2 thing I had off of my trust fund, if I needed to in order
3 to supply me with transportation money and so on and so
4 forth, and this would be the emergency I was referring to.

5 MS. PALMQUIST: Thank you.

6 THE CHAIRPERSON: Are there any other questions of
7 Mr. Wilson?

8 If not, Mr. Taylor and Mr. Wilson, we appreciate
9 your coming before this Committee this morning.

10 Thank you.

11 MR. MUSKRAT: Mr. Taylor, if you would meet with
12 Ms. Anita Espinosa-Larsen, of our staff, she will inter-
13 view you.

14 THE CHAIRPERSON: The next gentlemen from whom we
15 will hear, will be Mr. Rhode, who is replacing Mr. Hogan,
16 Captain Robert Goldsmith, Ken Murray and Mr. Bud Gomes, if
17 they will please come forward?

18 Gentlemen, if you would be kind enough, starting
19 with Mr. Rhode, to state your name, your occupation and
20 your address, please?

21 MR. RHODE: Mr. William Rhode, Assistant Psychologist,
22 Arizona State Prison.

23 MR. MURRAY: Ken Murray, Correctional Industries
24 Administrator, working title chief of correctional industries,
25 Scottsdale, Arizona.

1 MR. GOMES: I'm Arthur E. Gomes, I'm Administrative
2 Service Officer at Arizona State Prison and I reside at the
3 Arizona State Prison.

4 MR. GOLDSMITH: I'm Robert Goldsmith, Correctional
5 Service Captain, Arizona State Prison, I also reside at
6 the prison.

7 THE CHAIRPERSON: Mr. Rhode, since Mr. Hogan can't
8 be here this morning and you are taking his place, I would
9 like to ask you some questions about the diagnostic recep-
10 tion center, if I might.

11 MR. RHODE: You may.

12 THE CHAIRPERSON: Are you -- well, I take it from
13 the interview that we have had with Mr. Hogan, that he is
14 the head of the reception center, is that correct?
15

16
17
18 WILLIAM RHODE

19 A. (By Mr. Rhode.) That is correct.

20 THE CHAIRPERSON: And then you work for Mr. Hogan?

21 A. Yes.

22 THE CHAIRPERSON: At the reception center.

23 Would you review the procedure used now at the center
24 when new inmates are processed?

25 A. Inmates arrive at the prison with proper security from

1 whatever county they come from, between the front gates
2 their personal property, clothing and so forth is taken
3 from them. Itemized, and they are placed in white coveralls.
4

5 They are brought, then, into the diagnostic center
6 inside the yard. Fingerprinted, photographed, housed in the
7 diagnostic center. And then a five-week course of testing,
8 familiarization with the institution, counseling sessions
9 at which they are assigned a counselor.

10 THE CHAIRPERSON: And then you say the inmate is
11 in there for five weeks?

12 A. Five weeks.

13 THE CHAIRPERSON: And all during that time he goes
14 through testing procedures to find out what?

15 A. Well, he goes through a variety of testing pro-
16 cedures, he takes the California Achievement Test to determine
17 grade or academic achievement levels, he takes the
18 Minnesota Multiphasic Personality Inventory to determine a,
19 along with the psychological inventory to determine per-
20 sonality makeup.

21 He takes the revised Betae(Phonetic) IQ test, which
22 is selfexplanatory, and he takes the Gapy (Phonetic),
23 General Aptitude test battery, to determine his particular
24 aptitude, work skills and that sort of thing.

25 THE CHAIRPERSON: Then, at the end of the testing,
at the end of this five-week period, you, at the diagnostic

1 center, I would assume, make some kind of a record?

2 A We have an initial classification at the end of the
3 five-week session at which I'm a member, Mr. Hogan is the
4 chairman, generally we have an individual from prison
5 industries and a representative from the classification office
6 at the prison and the four of us try, then, to determine
7 some, to some degree, the path that the inmate's going to
8 take from the time he leaves the center till release.

9 THE CHAIRPERSON: What are the choices at that point?

10 A Well, the immediate, at present, the immediate
11 assignment would be to something such as the yard work
12 detail at the main line kitchen or possibly directly into
13 the academic school, GED school

14 Now, these are short term assignments, 30 days at
15 most. The initial assignment is relatively short to allow
16 us to complete the formulation of his, what we call his
17 file, his jacket.

18 Many times we're still receiving such information
19 from the FBI, family, personal friends, and the record is
20 incomplete at the time that he leaves the diagnostic
21 center.

22 THE CHAIRPERSON: Are any of the tests that are
23 given during this initial period, given in a language other
24 than English?

25 A Yes.

1 THE CHAIRPERSON: And what language is that, sir?

2 A They're given in Spanish. Not all tests are given,
3 the California, or I'm sorry, the Minnesota Multiphasic
4 Personality Inventory is administered in Spanish if the
5 inmate desires to take it in Spanish. I now have available
6 the Wechsler Adult Intelligence Scale in Spanish. Which
7 I'm trying to get a man to give, it's a complicated test.

8 That's all I have in Spanish.

9 THE CHAIRPERSON: Is there a provision made for
10 inmates who can not read or who have difficulty with written
11 tests?

12 A Many times we administer a test to an individual
13 who has difficulty reading by reading the test to him.
14 The IQ test we give is not a performance test, it does not
15 require any reading skill, it is a simple, or it's -- it's
16 not a verbal test, it is a performance test and requires
17 no reading skill.

18 The instructions are given by the administrator of
19 the test verbally, and a practice session is given with each
20 particular area of the test.

21 THE CHAIRPERSON: Are certain scores on tests re-
22 quired before an inmate can enter into any or enter into
23 some programs?

24 A No, there's no definite score level, no.

25 THE CHAIRPERSON: In other words, you don't have to

1 have a 70 on everything before you can get into it?

2 A No.

3 THE CHAIRPERSON: All right, thank you very much,
4 Mr. Hogan.

5 Captain Goldsmith, I have some questions of you,
6 please.

7 How long have you been at Arizona State Prison,
8 Captain?

9
10
11 ROBERT GOLDSMITH

12
13 A (By Mr. Goldsmith.) It will be 11 years June the
14 23rd, this year.

15 THE CHAIRPERSON: And I understand you are responsible
16 for making the inmate housing assignments in the prison?

17 A Currently I'm on a special assignment, writing
18 standard operating procedures and this particular task is
19 in the hands of another captain at this time.

20 THE CHAIRPERSON: You have done this, though, in the
21 past?

22 A Yes, I have.

23 THE CHAIRPERSON: I think what the Committee would
24 like to hear is the procedure used for making housing
25 assignments within the prison?

1 A Okay.

2 The housing of inmates is made now in accordance with
3 the particular job that he is assigned to. As an example,
4 you have industrial yard inmates who are assigned to work
5 in the industrial yard, living in one section of cell
6 block 4, while we have those inmates who are assigned
7 to academic schools living in another section of cell
8 block 4.

9 We have the inmates who are assigned to work in the
10 main line kitchen assigned to one section of cell block 3.
11 So, according to whatever job he is assigned to, I place
12 the inmate in that particular section that houses the
13 work at -- that particular work assignment.

14 THE CHAIRPERSON: Can you tell us if there is any
15 racial segregation in the cells?

16 A Only upon the request of the inmates?

17 THE CHAIRPERSON: Okay, it's not determined by the
18 person making the assignments?

19 A No.

20 THE CHAIRPERSON: Are homosexuals segregated?

21 A Some are, some are not. As we are aware that there
22 are different types. You have that type of homosexual who
23 will practice this if given the opportunity, in an institution,
24 therefore he has to be segregated to a certain degree.

25 Primarily, we try to house that particular type of

1 an individual in a cell by himself.

2 While you have another type of a homosexual who can
3 prevent himself from practicing homosexuality and therefore
4 there is no need to segregate this particular individual.

5 THE CHAIRPERSON: Do you handle reassignments as
6 well as initial assignments to cells?

7 A Yes.

8 THE CHAIRPERSON: And how do you -- what generally
9 calls for reassignment or how is that done?

10 A Well, many times, many times you have requests
11 directed from individual inmates who request a cell with
12 someone else that they know, and trust quite well, and
13 where they work in the same, at the same jobs, therefore
14 whenever I receive this type of a request, of course I give
15 screening to it, I look into the situation to make
16 certain that there is no pressure involved on either side,
17 of the inmate's making this request, and should I determine
18 that there isn't, then the individuals are celled together.

19 However, on the other hand, if an individual inmate
20 requests a cell with another inmate and through a little
21 investigation I find out that there is pressure being
22 applied on the other inmate to cell with this individual
23 when in fact he doesn't want to cell with him, then I deny
24 the request.

25 THE CHAIRPERSON: What are the different types of

1 housing available for inmates at the prison?

2 A The different types of housing?

3 THE CHAIRPERSON: Yes.

4 A We have the main yard, this is where my particular
5 job is in the main yard. We have the three cell blocks
6 which are two-man cells, we have cell block 2, cell block
7 3, cell block 4, and we also have one dormitory, and then
8 we have the diagnostic reception center, which houses the
9 new inmates and there is one inmate per cell assigned there.

10 THE CHAIRPERSON: Then you do the assignment of cells
11 for all of the inside yard and the IER? Or you did?

12 A Yes, I assign inmates to IER as a result of their
13 classification. Are they being classified to attend voca-
14 tional training school that is located over there, then
15 naturally I assign the inmate to live in that particular
16 section.

17 Once he gets into that section I have no control
18 over what dormitory he cells in.

19 THE CHAIRPERSON: What about the outside trustee
20 area?

21 A The outside trustee area, again inmates are moved
22 from the main prison section of the main yard to the out-
23 side trustee area as a result of the job placement classi-
24 fication committee.

25 Whenever they make this decision that an inmate is

1 assigned to the outside trustee area, the part that I play
2 is to initiate a move slip, moving this individual to the
3 outside trustee area. What dormitory he lives in out
4 there is not under my control.

5 THE CHAIRPERSON: You stated in earlier testimony
6 to staff members, that inmates are allowed to have their
7 own radios and televisions. Does the institution have an
8 ear phone and TV system for groups?

9 A The dormitories do have centrally-located television
10 sets in the day room, where all inmates can gather and
11 watch TV.

12 The cell blocks, inmates are permitted to purchase
13 their own TV sets. The cell blocks do have a central antenna
14 system where the antenna wiring is channeled directly
15 into each individual cell where the inmate can plug his
16 TV into that antenna system.

17 THE CHAIRPERSON: How many hours per day are the
18 inmates either locked in or locked out of their living area?

19 A I assume you're referring to what we call general
20 population inmates?

21 THE CHAIRPERSON: Yes, sir, I am.

22 A It's difficult to say, it depends entirely upon their
23 particular job assignment as some jobs require a certain
24 amount of hours during the day, while others require less.
25 Then even at that, when they are not required to be on the

1 job working, they do have the alternative of going to the
2 athletic field and participating in the athletic program
3 there on a daily basis.

4 We begin our normal daily routine at about 5:30
5 in the morning when we start feeding the entire population
6 and they're in and out to their job assignments and also
7 to the recreation fields, library, visits throughout the
8 day.

9 In the evening time they go to college courses,
10 those that are enrolled in college, and at 9:00 o'clock,
11 or 9:30 we have an institutional count and at that time,
12 after the count clears, all inmates are locked in their
13 cells until, and remain there until the next morning when
14 our next daily routine begins.

15 THE CHAIRPERSON: Thank you very much.

16 Mr. Murray, how are the inmate job assignments made?
17

18
19 KEN MURRAY
20

21 A (By Mr. Murray.) Madame Chairman, first thing that
22 happens, the classification committee assigns the inmate to
23 the specific job or manpower request form that is submitted
24 to them. And basically, the inmate has some aptitude and
25 dexterity and skills that fit within the industry.

1 Now, we have some 18 different types of industries
2 to give the inmate a broad scope of choice of what he
3 may wish to participate in, from a skill level standpoint or
4 acquiring of skills. These inmates then come into that
5 specific industry, whether it be the tag plant, the sign
6 shop, the cannery, engraving, photo silkscreen, whatever
7 his interest may be, and our supervisors then attempt
8 in every manner, shape or form, to fulfill the desires
9 of the inmate. Depending on his ability to produce or
10 his initiative to want to learn and this type of thing.

11 This is done from the reasons of many, one, a man
12 may want to be a press operator, let's say, in the tag
13 plant, this is a very dangerous machine to be around, he
14 must be knowledgeable of the hazards, he must be know-
15 ledgeable that he's hazardous to his other fellow employees
16 if he pushes a wrong button and actuates the machine. So,
17 as a result of that, we try to break him into this type of
18 thing gradually.

19 If he has this desire we may put him in as a material
20 handler and I'm talking sheet metal, type materials now, or
21 metal materials, and then we will put him on helping on the
22 shear, which is then one step towards his ultimate goal that
23 he has in mind as a machine operator.

24 Ultimately, we will allow this inmate and we try to
25 cultivate the inmate into this area of machine operations

1 by association and selfmotivation. Then he will be allowed
2 to run the press. Then he will be allowed to go over
3 and work on the press, per se, as maybe a helper in a
4 progression-type thing.

5 Now, I'm talking specifically of mechanical items.
6 We have a data processing section, an EDP section in our
7 correctional industry program, which we have some 28 inmates
8 that are employed in. And we try to take them from the
9 aptitude testing that's given at the intake summary level,
10 and/or by request, that they be given a specific aptitude
11 test for the IBM-type aptitude, and we will take them in
12 in the various jobs starting from what we call data con-
13 version, which could be a very simple thing of reading wind
14 direction charts, SO2 charts, from the environmental health,
15 putting the data off of the chart onto the sheets, and
16 then he will be associated with keypunch-type operations.

17 These are again progressive steps towards ultimate
18 objective of a program.

19 And I might add that we do have keypunch machines
20 within the institution, we have a direct line terminal, off-
21 line terminal to the computer in Phoenix and our end objec-
22 tive is to bring the inmate along to where he can be a
23 programmer, he can go out into the field and he can make
24 a reasonable living for himself and his family.

25 On the programming end of it we have done some very

1 complex programs for the state. And we have most
2 agencies standing in line for our graduates, so to speak.

3
4 And I'm kind of proud to say that of about seven
5 or eight programmers who have gotten out of the institution,
6 five of those have been employed by state agencies.

7 THE CHAIRPERSON: Mr. Guerrero had a question along
8 the same line.

9 Q (By Rep. Guerrero.) Mr. Murray, presently, any
10 inmate working around the area of making license plates or
11 highway signs, carpenter shop, if one of these inmates
12 should happen to lose a finger or hand or some physical
13 part of his body, one one of these presses, and I'm aware
14 that this may have happened in the past, is there -- are
15 these inmates covered under any sort of workmen's compen-
16 sation or do they have any health insurance or anything
17 that -- that they're covered under?

18 A To answer your question, Representative Guerrero, to
19 my knowledge, there is no compensation insurance. They,
20 of course, are subject to civil action against the State
21 of Arizona, and -- or our insurance carrier and are therefore
22 reimbursed based on the decision.

23 They are heard, their case is heard preliminarily,
24 I understand, by the industrial commission.

25 But to have an insurance policy, per se, for inmates,
it is covered under our blanket policy for the State of Arizona.

1 Q And this would be personal injury that you could sue
2 anybody that would hit you in an automobile, for instance,
3 and they are entitled to this same right to take court
4 action to recover physical damage.

5 Then, Mr. Murray, he has no recourse other than to
6 hire a private attorney to pursue this type of action, is
7 that correct?

8 A Well, if he's an inmate I believe he can request the
9 court-appointed attorney. And therefore get representation
10 legally from that act.

11 Q Have you known of any cases, Mr. Murray, where this
12 has happened in the past, where they have recovered damages
13 for loss of fingers or hands or whatever it might be?

14 A In one instance I remember, since I've been associated
15 and head of the industry program, we did have an accident
16 where one of the inmates lost an eye, and I understand that
17 the -- there was an insurance settlement to that inmate.
18 The amount of which I am not aware of.

19 Q Have there been, Mr. Murray, injuries during your
20 tenure here? And I might ask anybody here on the panel if
21 they're aware of any prisoners having suffered such injuries
22 and not recovered any sort of compensation to that injury?

23 A I'll defer to Mr. Gomes, which would be prior to my
24 tenure.

25

ARTHUR E. GOMES

1
2
3 A (By Mr. Gomes.) Rep. Guerrero, I'm aware of one
4 case at this time, that's in the process of being taken to
5 court. It involves an inmate who was working on the
6 correctional industries ranch, and he suffered an injury
7 in cutting open a bale of hay. The wire snapped up and hit
8 him in the eye. And just last week I did see some civil
9 action on that coming through the paper work. I don't
10 believe it's been heard yet, but that case I'm aware of.

11 There was another case of a young man who, I believe
12 hurt his finger in some manner, and I believe he did get
13 a settlement.

14 These are the only -- and the third one that happened
15 many years ago, involving another young man who was riding
16 on the top of a truck that was carrying hay, and as they
17 went down the canal bank he reached up to an overhead line,
18 it was a high voltage line, he suffered a severe burn.
19 Unfortunately that case didn't come to a final decision, he
20 was killed committing a robbery when he got out.

21 But those are the only three I know of.

22 Q Well, Mr. Gomes, I'm aware of one incident that may
23 have happened, oh, somewhere in the neighborhood of eight
24 years ago, and this exinmate or exoffender came and spoke
25 to me and he had lost several fingers off his hand. And he

1 had spoken with attorneys and at that point he didn't think
2 that he could -- they advised him that he couldn't recover
3 any damages. I don't know if it was due to the statute of
4 limitations or what it was, but this is what I wanted to
5 ask, if there's -- I know there's nothing by statute at this
6 point, is that correct?

7 A (By Mr. Murray.) I would like to address myself to
8 that. I believe the statute precludes them from industrial
9 compensation.

10 Q They are precluded?

11 A Yes, they are, Representative.

12 THE CHAIRPERSON: Mr. Murray, to continue with some
13 more questions, as you can well imagine, the Committee is
14 very interested in the work assignments the prisoners have,
15 etcetera, so I hope you'll bear with us. We have a rather
16 lengthy set of questions to go through here.

17 A Right.

18 THE CHAIRPERSON: You have stated about a tie into a
19 computer in Phoenix, where is that located, sir?

20 A Well, the computer section, finance department and the
21 now new department of administration, is centralizing their
22 data processing center and they call it the DP center,
23 which is now located about Third and Osborn. And this is
24 a model 6000, Honeywell computer that is pulling together
25 many agencies, various data processing requirements. And

1 we have a direct phone line hookup to that computer from
2 inside the all of the prison. And our terminal, if I'm
3 addressing myself to your question correctly, is located
4 inside the wall. And is used by the inmates and we train
5 them in terminal operators, in fact, one of our graduates
6 is now running a terminal as a computer operator classifica-
7 tion under the state system, for the department of adminis-
8 tration in the senate building.

9 THE CHAIRPERSON: You state that you do the training,
10 is this done by correctional officers?

11 A The training that is being -- ~~that has been done at ADAPT~~ ADAPT
12 (P), has been a combination of a lot of different types of
13 training. Many of the hardware manufacturers or software
14 manufacturers, like Honeywell, IBM, Univac, those people,
15 have been very gracious and very kind to the state and they
16 have sent down for two-week periods, three-week periods,
17 and maybe stretching over six months periods, various
18 specialists in the various languages and/or progressions in
19 the programming aspect and have conducted classes within
20 our ADAPT area to train these people, so that they're just
21 not knowledgeable in cobalt, they know PL1, PL2 and some
22 of the more exotic languages that are adaptable to what
23 they're going to find in the free world and we have conducted
24 classes, in fact, there's one going on right now in the ADAPT
25 section, being taught by a Honeywell man, Mr. Garrison, I

1 believe his name is, who is a training specialist for
2 Honeywell.

3 We have hired a -- a -- and in our employ of correc-
4 tional industries, is a data-processing man who is con-
5 ducting classes, primary classes for those students who
6 have expressed a desire in becoming programmers and they
7 have come over as a student to learn and to attend these
8 classes and to go on to some portions of some on-the-job
9 training, coupled with the training.

10 Yes, we have conducted our own training.

11 THE CHAIRPERSON: Thank you.

12 To go back again a moment, to the job assignments
13 themselves, are inmates -- are individual inmate requests
14 considered in making the job assignments?

15 A Yes, we try, in industries, to follow the philosophy
16 that you can lead the horse to water but you can't get him
17 to drink. May be a little difficult thing, and I don't
18 think if an inmate comes into the, let's take for instance,
19 the tag plant and he suddenly decides that he does not
20 care to pursue this skill or he comes into ADAP or he comes
21 into any one other of our operations, we do not mandate his
22 job requirement. There are procedures by which he can re-
23 quest reclassification through the reclassification committee,
24 and be reassigned to another job.

25 This is one of the things that we feel is pretty im-

1 portant in the training of a man, if you want to do the job,
2 you're interested in the job, you're going to learn and
3 you're going to do it well and you're going to excell.

4 THE CHAIRPERSON: Are inmates assigned routinely to
5 any jobs?

6 A Well, I'll have to answer that with a qualified yes,
7 I believe, because I can say that there are some routine-
8 type jobs that are required, for instance porters are re-
9 quired, gardeners are required within our operation.

10 I would like to point out again, as I mentioned
11 earlier, this association and progress by association. We
12 had an instance in the industrial yard of an inmate who was
13 a gardener and he was routinely assigned as a gardener.
14 And he expressed a desire to become a welder. And we took
15 him through the various stages of metal cutting, metal handling,
16 fabrication, welding this type of thing, and in his tenure
17 with us he did indeed become a welder and a good welder.

18 So, there are some routinely assigned jobs, yes.
19 Clerks, porters, this type of thing.

20 THE CHAIRPERSON: Speaking of welding, are there
21 written specifications for some of the jobs there at the
22 prison?

23 A Yes, all job descriptions within the correctional
24 industries and interrelated with those that the administra-
25 tion has, we have job descriptions and they're compatible in

1 all cases and we do this for one specific reason, to cut
2 down labor piracy, if you want to call it that, so that we
3 do not try to entice away from the administration those
4 inmate positions that are compatible and are faced with
5 ours and conversely, so that we're not in a labor controversy
6 and we can say, well, we can pay the inmate an extra few
7 pennies more and entice him away from administration.
8

9 Because they have their problems equally as well, so
10 ~~pay scale-wise,~~ classification-wise, on those jobs that are
11 compatible and identical. In fact, all jobs we do have job
12 descriptions.

13 THE CHAIRPERSON: If you had to classify the jobs
14 now being performed within the prison into skilled, semiskilled
15 and unskilled, what would be the percentage of the three?

16 A I would guess that you're probably looking at about
17 30% to 33 and a third percent that are unskilled. The
18 other two-thirds it would kind of be a tossup as to whether
19 they were highly skilled or semiskilled. I think I would
20 put them all in the skilled category.

21 THE CHAIRPERSON: Mr. Zah, I would turn the micro-
22 phone over to you.

23 MR. ZAH: Yes, Mr. Gomes, I --

24 REP. GUERRERO: I had one question you

25 Q (By Rep. Guerrero.) Mr. Murray, could you give us any
indication as to what the present population is at this point,

1 of the institution here in Florence, penitentiary?

2 A (By Mr. Murray.) Well, I'd have to defer that to
3 Mr. Gomes, I'm not familiar, it's in the 1,400 level
4 someplace, I believe, if you want to take total population,
5 if that was your question. I do not become concerned with
6 that.

7 I can give you the population numbers that we hire.

8 Q Total inmate population?

9 A I'll have to defer that to Mr. Gomes.

10 A (By Mr. Gomes.) Thirteen hundred eighty-three, I
11 think this morning, I'm not sure, representative and about
12 54 of those are women.

13 THE CHAIRPERSON: Does that include the inside walls
14 and outside the area?

15 A Yes, that's the total population, total population,
16 just about that.

17 THE CHAIRPERSON: Mr. Zah, I believe you had some
18 questions?

19 Q (By Mr. Zah.) Yes.

20 Mr. Gomes, I just wanted you know, to know, I guess
21 for the record, you know, in terms of you being a business
22 manager for the facilities, you know, what does that entail,
23 in so far as your responsibilities?

24 A The administrative service officer is the title, and
25 it encompasses the preparing of the institutional budget,

1 the application and the spending of the budget to see
2 that the funds that are allocated to the institution are
3 properly expended for the purpose for which they were pre-
4 sented to the institution, in charge of the business office,
5 which includes purchasing, property inventory, payment of
6 claims against the institution, warehousing and purchasing
7 of all commodities required by the institution and general
8 accountability of these purchases and expenditures, and
9 the distribution of these materials and supplies.

10 My position also encompasses the handling of the
11 payroll and the transportation, maintenance of vehicles;
12 the operation of the prison laundry.

13 Q I think there has to be, you know, I think what we
14 ought to do is perhaps, you know, clarify one point.

15 I think this morning, when Warden Cardwell was
16 testifying, he says that there was 1,323, I believe, inmates,
17 you know, at this point.

18 A I think he wasn't counting the women inmates, and I
19 don't know at what point he observed that figure, I'm taking
20 that figure from the last time I looked at the count and
21 it was last week sometime.

22 I was giving a general estimate of what it is. We
23 could give you that figure immediately, by just making a
24 telephone call, but we're, total population were about 1,383.

25 Q I think, you know, the reason why I ask that is, you

1 know, it prefaces my next question, that is in so far as,
2 you know, the inmates that you have at the correctional
3 industries, how many do you actually employ there?

4 A Well, I don't employ the inmates at the -- in the
5 correctional industries program, Mr. Murray handles that,
6 I think I'd rather have him answer that question.

7 A (By Mr. Murray.) Mr. Zah, maybe I could clarify
8 a couple of questions for the Committee.

9 There is a division of employment responsibility be-
10 tween correctional industries and the prison administration.
11 If the prison administration positions are appropriated,
12 funded positions. Correctional industries is a selfsupported
13 operation, and its revenues are derived from the sale of
14 goods to state agencies, limited by law to state or tax-
15 supported agencies.

16 And as a result of that we are a 100% selfsupporting
17 operation. To give you an order of magnitude of salary
18 pay, we roughly paid \$64,000.00 to inmates the last fiscal
19 year and we expect that to increase to about \$72,000.00
20 or maybe a little more, this coming fiscal year.

21 Now, we employ roughly 240 inmates and you must
22 realize that these -- these are full time positions that
23 we try to employ. You must realize these cycle due to
24 the seasons.

25 For instance, during the canning season or the

1 harvest season, you have more people in the fields per-
2 forming that function. During the license plate issue year,
3 which is a new issue and everybody gets new license plates,
4 we employ more inmates in the tag plant than we do on a
5 normal average.

6 So, the average numbers I'm giving you are kind of
7 average numbers for the total.

8 Now, we have gone as high as 350 total employees.
9 Now, recently, we have picked up the employment of three
10 work gangs or field workers, if you wish to call them that,
11 and as I heard testimony here earlier, we pay those inmates
12 at a rate of six cents an hour.

13 And they do all sorts of things, they help us harvest,
14 they clean the ditches and they weed and they do this type
15 of thing. So, if you want to take 240 inmates and add
16 these three crews, which approximate 26 per crew, you're
17 talking roughly about 300.

18 A (By Mr. Gomes.) I think I could add some information
19 to that so you get a better picture of the total inmate
20 pay plan.

21 The institution, I'm talking about the institution
22 and not the correctional industries division, employs about
23 200, we have about 200 wage incentive pay plans. We
24 operate under the same rules and regulations as correctional
25 industries, we have the same type job description. In fact,

1 the wage incentive pay plan board consists of Mr. Murray,
2 myself, two deputy wardens, and we meet, we establish any
3 new jobs that might be recommended by the staff, we promote,
4 we assign a wage to the job, the particular job depending
5 upon the type of work being performed.

6 We have three steps in each grade, so that an indi-
7 vidual, when he starts at the bottom of the ladder, if he
8 progresses rapidly and to the satisfaction of his
9 superior, he may go to the second step and then to the
10 third step in that grade.

11 All money earned over \$2.00 is -- 50% of the money
12 earned over \$2.00 is placed in a fund, a reserve account
13 and it's given to the individual when he is discharged.
14 The other half he may expend at will in the commissary or
15 if he wants to send it home or whatever he wants to do with
16 it.

17 We spent about \$23,000.00 or \$24,000.00 last year
18 and we're asking for \$126,000.00 next year, because we
19 want to, as the warden stated, try to place everybody on
20 the wage incentive pay plan.

21 Q I was just interested in that aspect of the program,
22 and I'm also looking at the interview that you had with the
23 staff, and there you said \$57,500.00 for last year on inmate
24 pay.

25 A About \$23,000.00 or \$24,000.00, we had \$26,000.00

1 funded.

2 Q How much do you anticipate to spend, let's say
3 this year, this fiscal year?

4 A This year? That would be pretty hard to say with,
5 the men being discharged and vacancy factors, but I would
6 say it would equal or probably come close to \$30,000.00 this
7 year. But that's pretty difficult thing to estimate be-
8 cause with the inmates being transferred from our insti-
9 tution to Fort Grant, to Safford, we have a vacancy factor
10 certainly equal to what we did last year.

11 Q You stated that the inmate pay in terms of jobs, that
12 you have, you know, it fluctuates back and forth, but you
13 have roughly around 200?

14 A We have 200 wage incentive pay plan positions that
15 may be filled by inmates who qualify for the position.

16 Q Under your proposed budget of 100 --

17 A Twenty-six.

18 Q -- twenty-six, how much more jobs will that create?

19 A We think that we can pay up to 800 inmates at an
20 average of 20 cents an hour. It figures out to that. And
21 hopefully, if the department of corrections can reduce the
22 population by virtue of the new intermediate institution
23 and other transfers up to Fort Grant, and Safford, that
24 our population, hopefully, will come down to where we would
25 be paying all of the inmates.

1 A (By Mr. Rhode.) Mr. Zah, may I interject some-
2 thing here?

3 Many inmates are not employed because they're in
4 other types of programs. Such as going to school full time,
5 vocational training programs, some are not receiving two
6 for one for disciplinary reasons, some are on protective
7 custody, so for a variety of reasons the rest of the insti-
8 tuition is not on paid positions as well as the unavailability
9 of complete pay.

10 A (By Mr. Murray.) I'd like to address myself,
11 Madame Chairman, to Mr. Zah, another item as I -- is germane
12 to the pay plan.

13 It was the department of corrections that put through
14 the bill or supported the bill that put through to allow
15 payment for inmates in 1970. And up to that time, inmates
16 received no compensation.

17 Q (By Rep. Guerrero.) Mr. Murray -- I guess I might
18 address this to Mr. Murray.

19 Of the industries within the institution, are any of
20 these industries in competition with outside industries?

21 A Yes.

22 Q For instance --

23 A Excuse me. Yes, Rep. Guerrero, we are in competition
24 to outside industry in the fact that we do make many products
25 other than license plates, believe it or not. We make mat-

1 tresses for the state institution, hospital-type, dormitory-
2 type or universities. We make decals, all of the state
3 seals, various decals that you see on state vehicles and
4 some city vehicles. We do printing for state institution,
5 tax-supported agencies, again I keep qualifying that be-
6 cause that is the reason the law was written, to keep us out
7 of competition.

8 Now, to address myself to you as a Committee, we have
9 received a tremendous support from the free world people in
10 starting new industries within correctional industries, to
11 the effect that they will even come down and make a plan,
12 floor plan layout for an operation and I'd like to cite one
13 instance.

14 Our mattress factory. We started out a mattress shop,
15 and the purchasing department for the state came to us and
16 said, these institutions, such as Arizona College, the
17 colleges at Arizona need dormitory mattresses. We have
18 never made, other than institutional-type mattresses, which
19 are belted mattresses, we'd never made innerspring mattresses.

20 They approached us on this subject of why don't we
21 get into that business? And we correctional industries then
22 solicited within the metropolitan areas of Phoenix and
23 Tucson, those mattress producers such as Sealy, Ortho, Sleep-
24 eze, etcetera, and said, look, fellows, we understand that
25 we're going to be in competition with you and we may take

1 some of your volume of business and they said, gee, that's
2 wonderful, we know that with your limited manpower that you
3 are going to have, that piece of the pie that you're going
4 to take is going to be so infinitesimal that we won't even
5 miss it and we will send our people down.

6 We will lay out your plant, we will locate the equip-
7 ment and we will send our foremen down and superintendents
8 to help you get started.

9 And this they did, and we produced 850 sets to furnish
10 the new dorm. at Northern Arizona University for their
11 opening.

12 And these people came down, worked with our inmates,
13 and helped us get the mattress shop off of dead center and
14 off to a flying start. Now, their benefit was they were
15 receiving from us trained people, in some very highly skilled
16 positions, such as the ones that can run a tape edge machine,
17 the man that makes the buildup of the mattress spring,
18 puts the innerspring on, the man who puts the belting on,
19 the man who does the tufting for the button and in every
20 one of our industries we receive this kind of support from
21 the free world enterprises. And they appreciate this and
22 it gives the inmate in a position to go to these people
23 with the modern technologies that are now available in the
24 free world, and which we continue to try to update, too.

25 And say, yes, we know how to make a mattress and they

1 can put him right out.

2 Q To pursue a little further, Mr. Murray, how are
3 these products distributed, are they distributed by the
4 state or are they distributed by private corporations for
5 a profit?

6 A No, sir, they are distributed strictly, wholly and
7 totally by your function, correctional industries, our own
8 sales force, our own trucks that haul the products, if it's
9 within that purview of volume.

10 Our distribution for delivery of the end product
11 sometimes, by mail, depending on the size of it, but in
12 no case do we distribute to any private corporation for
13 profit. The only time that we are in a position under the
14 law to sell to any private corporation is to save the
15 state loss from surpluses of end commodities of correctional
16 industries and that's under the Arizona Statute.

17 REP. GUERRERO: Thank you.

18 A (By Mr. Gomes.) I would like to add that the insti-
19 tution purchases quite a few commodities from the correctional
20 industries division, for instance, we purchase all our milk,
21 we purchase all our mattresses and signs that we require
22 and desk signs and desks, whatever they produce and we can
23 use, why, we first go to correctional industries.

24 Usually, in most cases, practically all cases, we
25 can buy the product cheaper, we save the state money by this

1 method.

2 Q (By Mr. Zah.) I got one last question.

3 Under your pay plan, who determines what job is going
4 to be paid, let's say positions, and then in the process of
5 selecting people or inmates who will be working on those
6 jobs, you know, how are they being processed or selected?

7 A In our wage incentive pay plan, most of our posi-
8 tions I would put in the category of skilled or semiskilled
9 like the lead plumber, the lead cook, the lead electrician,
10 the lead carpenter, truck driver, auto mechanic, deisel
11 mechanic, painter, welder.

12 Our force, our wage force is -- pay plan is comprised
13 of those men who do have a skill, most of them. Some of
14 them come from within the institution via the vocational
15 training program, for instance, welders may graduate from
16 welding school and will be placed in a welding position in
17 the wage incentive pay plan.

18 First of all, the committee that governs the wages
19 incentive pay plan establishes the positions, this was
20 done in the initial funding when we had \$26,000.00, if my
21 memory serves me right, I think we got \$42,000.00 this
22 year, but I don't have those figures with me.

23 They establish the positions, and they establish a
24 job description and the position is given a number. These,
25 this inventory of positions is distributed to the supervisors

1 throughout the system. They, in turn, recruit through the
2 classification committee those persons who are qualified
3 to fill these positions and the classification committee
4 then assigns an inmate to that particular position.

5 A (By Mr. Rhode.) Mr. Zah, this begins in the initial
6 classification-diagnostic center, we give, after that
7 initial 30-day assignment to either the main line kitchen
8 or the yard work detail, while the jacket is being com-
9 pleted.

10 We also, at that time, give what we call a backlog
11 job position, so that at the end of that 30-day position,
12 when the man goes back to the reclassification committee,
13 30 days later, he is then looked at if he has any specific
14 job skills and those skills are then backlogged or he's
15 placed in a job on those skills.

16 A (By Mr. Gomes.) I might add they have another benefit
17 that you've heard about today, ARS 31-251 and 252 provide
18 those inmates with a position, that are working in a position,
19 those inmates who can't work, are sick or unable, they
20 receive two for one credit, two days credit for every day
21 received and under 252 in addition to the two for one, they
22 get what is called statutory time.

23 Statutory time runs like this, if I can remember it,
24 after he completes his first year, on a sentence he has, he
25 gets credited with two months, and the second year he's

1 credited with an additional two months and then the
2 third year it's four months. The fourth year is four months,
3 the fifth year I think is five months, and then five
4 months from that time on. So you can see a person, as the
5 warden pointed out, who has the incentive to do what is
6 right, who tries to accept responsibility and live up to
7 those responsibilities, can, in most cases, earn money,
8 cut his sentence down in half, practically. And as Mr.
9 Rhode said, the whole process, we attempt to begin it right
10 at the diagnostic center when he comes in.

11 A (By Mr. Rhode.) Two for one begins the day the man
12 arrives at the institution in the diagnostic center and it
13 can only be stopped for some reason, disciplinary action.

14 A (By Mr. Gomes.) I might -- excuse me, Bill, I might
15 point out one other important fact. Our supervisors,
16 when requesting help, can not ask the committee for John
17 Doe, they can not say I want inmate 26570, they say I have
18 a position, I need a welder, I need a mechanic, and we do
19 not have the supervisors asking for specific persons.

20 THE CHAIRPERSON: Do we have any other questions of
21 the Committee? For these Gentlemen?

22 I only have one and that one, Mr. Rhode, when you
23 mentioned about some of the men are employed, some of them are
24 going to school, some either in vocational or education,
25 about what percentage of the total prison population would

1 you say spends some of their day in an activity other than
2 just sitting around?

3 A. (By Mr. Rhode.) I would say better than 90%. The
4 only people who are unassigned, per se, are the people who
5 are being treated by psychiatrist or those locked up for
6 disciplinary reasons, or protective custody.

7 THE CHAIRPERSON: So, everyone else does spend --

8 A. Everyone else has an assignment.

9 THE CHAIRPERSON: Gentlemen, thank you very much for
10 appearing here this morning.

11 Since the two members who have gone into executive
12 session are not back yet, we will take a break until they
13 do return.

14
15 (Short recess.)

16
17 THE CHAIRPERSON: The Committee meeting will again
18 come to order.

19 Mr. Hook and Mr. Kummerlove, we're waiting for Mr.
20 Wilson. In the meantime, we'll just go ahead and start with
21 the questioning, if that's all right with you.

22 Let me state beforehand, that no witness shall be
23 televised, filmed or photographed during any session nor
24 shall his testimony be broadcast or recorded for broad-
25 casting, if he objects. Do either of you object?

1 MR. KUMMERLOVE: Very definitely.

2 MR. HOOK: Definitely.

3 MR. KUMMERLOVE: What about newspapers?

4 THE CHAIRPERSON: We can't preclude any newspaper
5 reporter from writing anything that's in the paper, we
6 do have newspaper reporters present.

7 MR. KUMMERLOVE: Well, may I make a statement? I
8 would request that my name not be used, not because of me
9 or not because of what I have to say here, but because I
10 have a wife, children and family in Phoenix, and my wife,
11 her work is such that it would be detrimental to her and
12 she's not the one serving time here, I am.

13 And any use of my name, per se, I have no objection
14 to using what I say as long as it's an unidentified inmate,
15 you know, that type of thing, but I would like to ask the
16 newspaper people if they would not use my name.

17 Because it would be detrimental to her. Very honestly,
18 it would be, because of the work she does.

19 THE CHAIRPERSON: Yes, if you would kindly, for the
20 record, state your name, your address and your occupation,
21 please?

22 MR. KUMMERLOVE: My name is Karl Kummerlove, my
23 address, Arizona State Prison at the moment, and my occupation?

24 THE CHAIRPERSON: Yes.

25 MR. KUMMERLOVE: You mean prison occupation or previous

1 occupation?

2 THE CHAIRPERSON: Either.

3 MR. KUMMERLOVE: Well, I was previously an engineer.

4 THE CHAIRPERSON: All right.

5 Mr. Hook?

6 MR. HOOK: My name is Evan Hook, I am an inmate of
7 Arizona State Prison and I am employed in the maintenance
8 department of the prison.

9 THE CHAIRPERSON: And Mr. Wilson is back again, for
10 the record. Mr. Wilson, state your name, address and
11 occupation?

12 MR. WILSON: Arthur Calvin Wilson and my occupation
13 is refrigeration-air conditioning mechanic, and also a cook.

14 THE CHAIRPERSON: Your address?

15 MR. WILSON: Safford Conservation Center, Safford,
16 Arizona.

17 THE CHAIRPERSON: Mr. Guerrero?

18 Q (By Rep. Guerrero.) Mr. Wilson, would you please
19 describe the visiting procedure at ASP?

20

21

22

ARTHUR C. WILSON

23

24 A (By Mr. Wilson.) At ASP?

25

Q Yes.

1 A Well, during my stay in ASP there were visiting
2 privileges over a two-hour period, seven days a week. On
3 Saturdays and Sundays it's both morning and afternoon. I
4 think they have three visiting periods during Saturday and
5 Sunday and on weekdays there's one visiting period from
6 1:00 p.m. until 3:00 p.m. And they're open visits, you have
7 physical contact with your visit when they enter and when
8 they leave. And there's, I would judge it to be about an
9 eight- or ten-inch partition in between, down the center of
10 a visiting table.

11 The inmates visit on one side of the counter, if
12 they're locked into a screen lock in, it's a cyclone fence
13 gate on the front as you enter, and your visits are on the
14 outside of the -- all in one enclosure, all within one
15 building.

16 Q Mr. Kummerlove, I wonder if you might respond, do
17 you feel that these conditions are sufficient or how do
18 you feel they should be like?

19
20
21 KARL KUMMERLOVE

22
23 A (By Mr. Kummerlove.) Well, I'm in the minimum security
24 area and have been for some period of time, and it might be
25 better, for the sake of an up-to-date rundown on the visiting

1 conditions within the institution to have someone else comment
2 on it.

3 However, I would be happy to comment on the
4 minimum security arrangements, if you would care to add that.

5 Q Okay.

6 A Okay.

7 At the present time in the minimum security arrangement,
8 I would say that generally speaking, the visiting facilities
9 are very good, in fact, compared to the facilities as I
10 remember them from inside the prison, they are, let's say,
11 good enough that many people would like to be in the minimum
12 security facility to have the advantage of the new arrange-
13 ments that we now have on visiting.

14 We have sort of a picnic area where your visitors are
15 permitted to bring box lunches, previously they could also
16 have a little barbecue and so forth and bring that. There
17 seems to be some question over that at the moment, but the
18 facilities are very good, you can -- the best way I can
19 describe it would be to say it would be like a picnic
20 area.

21 Recently a swing set was installed and a couple of
22 rubber tires that young kids can run back and forth under-
23 neath was put in, the visits are different in several
24 respects. However, one is that we are only permitted to
25 have visits on weekends. However, the visiting period is

1 not limited in time. In other words, if your visitor
2 came at 8:30, when the first period begins, your visitors
3 could remain until 3:00 o'clock in the afternoon on
4 Saturdays or Sundays so they're not limited to a two-hour
5 time period.

6 We are also permitted to have up -- a -- any number
7 of visitors, if you have four or five people in your family
8 for example, they could all come together. There's no re-
9 striction on that, there are restrictions inside the walls
10 on the number because of space and other reasons.

11 Before I say anymore, I want to make it clear that
12 I think the visiting setup in the minimum security area is,
13 in my opinion, very good.

14 There are several items, however, which I would like
15 to refer to in my notes here that I would like to mention
16 at this time, because I do feel that there is some signifi-
17 cance to these.

18 One is the limits or the restrictions to weekend
19 visits only does impose problems for some people and these
20 are the things that we run into. Number one, even though
21 the area has been expanded it is very crowded normally, on
22 Saturdays and Sundays because everyone has to visit at the
23 same time, so this is a problem.

24 Number two, in the event of bad weather, rain or some
25 dust or something, there is a small room that's available

1 for visiting, but it certainly couldn't accomodate more than
2 three or four groups, if that many. I would say I would
3 limit it to three groups of visitors because it is extremely
4 small, just a very small room and in case of bad weather
5 there is a definite problem that you have.

6 In addition, the weekend visits have also caused
7 difficulties because in some cases just recently, well,
8 we've had problems with gasoline, particularly on weekends,
9 and I know of individuals who could not visit because they
10 could not get fuel on the weekend.

11 I also know, and have available, information on one
12 individual who had a visit on a Sunday, they could not obtain
13 fuel in Florence and that visitor had to remain overnight
14 in Florence and go back on Monday. And this is an actual
15 fact.

16 So, that's another disadvantage of having visits
17 restricted.

18 There is also, of course, the major disadvantage and
19 that is that some people, because of work and other reasons,
20 simply can not visit on a weekend. And my own personal
21 case, I have a daughter who works on weekends, her days off
22 are Monday and Tuesday. She has not been down here to visit
23 me since this new rule was implemented unless she takes off
24 from work.

25 My wife, her work is such that many weekends she is

1 unable to come down because her work is in a social-civic-
2 type nature, and she is free to come during the week, almost
3 anytime. So she has not been down here now to visit me for
4 three weeks, simply because she couldn't come on weekends.
5 And for no other reason.

6 Now, prior to this change we were allowed to have
7 visits on afternoons from 1:00 o'clock to 3:00 o'clock during
8 weekdays, and generally it would only be a few people come
9 down and I suppose on some days maybe nobody even came down
10 for visits, but it did accomplish a number of things. It
11 permitted those people who can't come on weekends to come
12 and visit even though they had to come under a restricted
13 time condition. It also took care of some of the overcrowding
14 that we have in the visiting area on weekends, and divided
15 the load up, so to speak.

16 Also, if you had a weekend when you would have real
17 bad weather, people won't come down to visit generally, if
18 it's a rainy day or a real bad day because of the fact that
19 we don't have very much cover for them to be under.

20 Then those people might tend to put off and come the
21 next week, and then you have maybe one and a half times as
22 many the next weekend, because of this.

23 So, I feel that this presents a problem and I feel
24 it's unfair to those people whose visitors can not come on
25 weekends. I think that this, this is bad.

1 Now, of course, I suppose that the institution could
2 say if you're going to have a visit during the week, then
3 you can visit in the regular visiting room, which is inside
4 the walls. And as soon as you do that, then again you're
5 taking the advantage of having reasonably pleasant and
6 nice visiting conditions away from those inmates who have
7 earned the right to be in a minimum security area. And so
8 I would say that that wouldn't, in my opinion, at any rate,
9 be right either.

10 I bring this up because I think it's something that
11 should be looked into, and it may be that the administration
12 at the prison plans to make some changes in this, I don't
13 really know, but before I came I checked with Mr. Ortiz,
14 and asked him for a definite ruling on this, he in turn
15 informed me that he checked with Mr. Kette and that Mr.
16 Kette said there would be no exceptions to this particular
17 rule that OT's or trustees in the minimum security area
18 could only visit on weekends. That was the final rule.

19 So, I feel that is one problem area.

20 There is also another one, and that is in addition
21 to this the regulations for visits are set up so that if
22 you have an out of town visitor, the regulations state
23 each approved visitor residing out of the State of Arizona,
24 will be permitted to visit two consecutive days on Saturday
25 and Sunday, one day of which will be charged against a follow-

1 ing week's visit. To me this imposes a totally unrealistic
2 restriction on those who must travel long distances at
3 considerable expense to visit relatives here.

4 And I will give some specific examples. We have in
5 the OT area, one individual who has a sister who visits him
6 yearly. She is a nun in Chicago. She works without pay for
7 the church. Her finances are very limited. Under the
8 present regulations, if she came to visit him she could
9 then visit Saturday and a Sunday, but she would have to
10 wait an entire week and come back on the next following
11 Saturday before she could visit him again and then she
12 couldn't come the next day, which was Sunday.

13 So that means in order for her to come and visit him
14 three times, she would have to spend a whole week someplace,
15 just doing nothing. Because she would not be permitted
16 to come visit.

17 In my own case, I have an identical situation, my
18 mother would fall into the same category if she came out
19 here to visit, as a matter of fact, she wanted to come and
20 I recently told her not to until there may be some change
21 in the regulations and she's old, she may not have more
22 than a few years to go, and it's kind of cruel for me to
23 have to say, mother, please don't come visit because I
24 don't want you to have to spend a whole week here in between
25 before you can see me again.

1 So, I feel this is a problem area. I don't feel
2 either of these problems are insurmountable, but couldn't
3 be worked up, but I bring them up mainly because they are
4 problem areas.

5 It may be that some arrangements could be made to
6 take care of people who can not, positively can not visit
7 on weekends or to make other arrangements for people who
8 come long distances out of state, at considerable expense.

9 So I feel that -- I don't feel these are great
10 things because I think solutions to these are very simple,
11 it takes two hours' time, for example, to have an officer
12 available on weekdays. Then there's one other very im-
13 portant thing, and this is a place to visit both inside
14 and outside and that's the limit of ten visitors, we have
15 a visiting list.

16 As you may or may not be aware, we'll probably
17 discuss here in a few moments, we recently had the mailing
18 regulations changed so we may write to virtually anyone and
19 the mailing situation I think is a tremendous improvement.
20 In fact, I'm sure many other prisoners in the country would
21 be happy to have regulations as we now have here.

22 However, in the area of visiting, we are still
23 limited to ten people and if a person has a large family
24 and there are some inmates here who may have four or five
25 children, six children, their visitors, by virtue of the

1 limit of ten, are their families, period, that's it. No
2 one else, because the ten spaces are taken up by family
3 members only.

4 And I don't feel this is fair, because it imposes
5 undue restrictions and I'd like to read this to you,
6 a maximum number of individuals with whom an inmate may visit
7 is ten. If an inmate has a large family, his entire list
8 may be restricted to family members only. If the family
9 members exceed ten, he must then select ten from among them,
10 in some cases exceptions may be made for sibling, if all
11 of his ten reside near the prison, he may receive visits
12 frequently. If not, he may seldom receive visits. If he
13 comes from a relatively wealthy family, distant visitors
14 may be able to come frequently. If his family lives far
15 distance and does not possess sufficient means to travel
16 to and from the prison, he may very well be denied visits.

17 And I think this is very, this is important. Also,
18 often a serious problem may occur when inmates are required
19 to select ten visitors from among family, friends and close
20 associates. If the family members predominate, the
21 solidarity previously established with friends and associates
22 may be terminated.

23 If friends predominate, family relationships can be
24 severely disrupted and I do, personally, know of cases where
25 brothers or sisters have been removed from the visiting list

1 in order to put someone else on and have gotten rather irri-
2 tated and mad about it and have caused some problems. And
3 I say that any breakdown in either of the -- these ties,
4 that is friends, close associates and family, may be very
5 difficult to reestablish once they have been severed, thus
6 this restriction, in my opinion, could very well be detri-
7 mental to an inmate's eventual rehabilitation and return into
8 society.

9 And I feel very strongly on that point. And I would
10 like to suggest that consideration be given to removing all
11 close family members, that is brothers, sisters, children and
12 so forth, from that list of ten and not applying that list
13 to them and then saying, above your family, okay, if they
14 think ten is a reasonable number, you may have ten other
15 visitors from other areas. But take the family out of that,
16 let the family visit as long as it's a close family, whether
17 you have two people or you have ten people.

18 Let them all come, and then add ten over that. That
19 way I think everyone will be treated a little more equitably.

20 Some people, this really doesn't apply to me because
21 quite frankly, I don't smoke, but there is a new regulation
22 coming into effect that pertains to cigarettes in the
23 visiting area, and the regulation as I understand it, will
24 state that an inmate may carry one pack to the visiting area,
25 when leaving the area he may not bring any back with him, any

1 remaining in the pack will be confiscated.

2 As I say, I don't smoke, that regulation means nothing
3 to me but to some inmates, they're hardpressed to pay 37
4 cents or 38 cents or whatever it might be for a pack of
5 cigarettes and they may only smoke two during the visits,
6 then that means when they leave, the balance of what's in
7 the pack would be confiscated, taken away from them. It
8 would seem to me that some other arrangements could be made
9 so this might not occur to those people.

10 Q Mr. Kummerlove, I wonder if I might not ask you a
11 question at this point.

12 To the best of your knowledge, do they use cigarettes
13 inside of the institutions for just about like money?

14 A Do they use cigarettes for money?

15 I would say that very definitely there are instances
16 where this has occurred, yes.

17 Q Well, are you limited, say as to the amount of money
18 that you can receive or have in your possession or anything?

19 A You're not allowed to have any money in your posses-
20 sion as such, but if you're referring to cigarettes as money,
21 normally in the inmate store we're allowed three cartons of
22 cigarettes as the limit to a number that the inmate may
23 purchase at a store. I'm not sure, there may be different
24 rules inside the main prison, I can not speak for that, but
25 the sales are limited but we are not allowed any money, so
there is no money.

1 Q Thank you.

2 A I think probably I've covered most of these areas
3 with respect to visiting and my other comments will be
4 relative to mail, so --

5 Q (By Ms. Palmquist.) I want to ask you, you mentioned
6 that you'd talked to Mr. Kette about regulating or changing
7 of the visiting exceptions and is that the only time that
8 you've had the opportunity --

9 A No, what I said was I talked to Mr. Ortiz, who is
10 the visit control officer in the prison, he, in turn,
11 informed me that he had talked to Mr. Kette and --

12 Q Is this one single instance?

13 A This was just two days ago, yes, when I found out
14 that I was coming to this hearing, I made a specific point
15 to ask him about it so that I wouldn't come up here and say
16 something that wasn't so.

17 That's what I was told and I'm sure Mr. Ortiz will
18 verify this, at least I would hope he would.

19 Q (By Rep. Guerrero.) Would that conclude your remarks
20 on this?

21 A With respect to visiting, yes.

22 Q I'd like to direct the same question to Mr. Wilson,
23 to see what his opinions are on the same question.

24 What do you feel conditions should be like, Mr. Wilson?
25 As far as visiting privileges?

1 A. (By Mr. Wilson.) Well, I would have to agree with
2 Mr. Kummerlove on the family, all members of your family,
3 your immediate family being allowed to visit you without
4 being credited to your accredited visiting list. I know
5 that it posed quite a problem to me when I was in the
6 institution, because I do have a big family. I'm one of a
7 large family parties that, I was always bugged by relatives
8 that were on my approved list with another relative wanting
9 to get on my approved list and I just simply did not have
10 the room on my list for them.

11 I had more relatives than I had placements to put
12 them on. And some of the relatives won't even write me
13 today because they weren't the privileged that went on my
14 mailing list, so I would have to agree that the family re-
15 lations should be free of restrictions in that sense to
16 visit, and to correspond.

17 Of course, now we have free correspondence, we can
18 correspond with anyone we care to correspond with, so the
19 correspondence I've patched up some of my drags by writing
20 to the relatives that I hadn't been able to correspond with
21 before and I've kind of made amends and they understand
22 now.

23 The same way with my visiting, I have had relatives
24 who have tried to travel from as far as Washington State to
25 here to visit me, only to be told they could not visit be-

1 cause they were not on my approved mailing list and visiting
2 list, and of course, they were very put out and so was I,
3 when I heard about it. So, it creates dissention in your
4 free society relatives, plus dissention in your free society
5 -- to your inmate society. To be told that one of your
6 relatives showed up and was not allowed to visit with you,
7 would naturally create a dissention against the adminis-
8 tration, although it might be a hard, fast rule and you
9 know that the administration is not at liberty to discriminate
10 by allowing you to do something they wouldn't allow another
11 inmate to do.

12 It still creates a certain amount of dissention.

13 As for visiting setup, it's, it is much better than
14 it was some time ago, because now you have personal contact
15 with your visits, even the inside walls, where during the --
16 oh, for several years that I was inside of the walls, the
17 only visits you had was through a thick screen mesh of about
18 four to six inches in width. And you could at times barely
19 see the contour, the outline of the face of your visitor
20 and you take 20, 30 people all trying to talk to each other
21 and try to talk through this little screen wire, it was
22 quite a problem.

23 So, it is rather difficult for me to imagine anything
24 being wrong with the present visiting setup after going
25 through such an ordeal with the other setup.

1 However, I know that there is because young families
2 especially, who have young children, new-born babies and
3 things, they love to hold their babies and things, that are
4 not officially allowed to do that, although I understand
5 and I have seen it done without any big blowup on it or any-
6 thing. But this should be allowed, it should be allowable
7 that a man could hold his own child while he's having these
8 visits.

9 This would improve the relations, I believe, in the
10 family, improve relations with the administration as well.
11 Between the administration and the inmate. Because I
12 don't know about each individual inmate, but the majority
13 of the inmates that I've talked to, the more consideration
14 they are shown by the administration, the better will is
15 toward the administration and the more appreciative
16 they are of this. And it creates a better will between in-
17 mate and administration and consequently you live better
18 and you get along better.

19 There's less dissention, there's less tensions and so
20 on, so forth, that are built up.

21 But as I say, I've been out of prison long enough
22 now, I've been in Safford and our visiting privileges there
23 are not restricted just to weekends, this is your regular
24 visiting privileges is on weekends, Saturdays and Sundays,
25 and through the week an appointment has to be made for a

1 visit in order to be sure that the inmate is available for,
2 to receive a visitor, because you may be anywhere out in
3 the country. Up on the mountain or on a fire or anything
4 else, matter of fact, I just instructed my wife today be
5 sure and call before she comes to Safford because we're on
6 standby for fires and we sent two crews out last night, or
7 this morning about 2:30, 3:00 o'clock this morning, we sent
8 out 30 men to fires.

9 And I'd hate for her to drive from Mesa all the way
10 to Safford, some 400-mile trip there and back, and get up
11 there and find out I was up in the mountain somewhere and
12 couldn't be reached.

13 Q Mr. Wilson, I wonder, were you known as a jailhouse
14 lawyer when you were here in the institution?

15 A Well, I don't -- I suppose that I have been referred
16 to as that, but I mean I do legal writing and I do legal
17 research and not only on my own behalf, but in anyone's
18 behalf.

19 Q Mr. Wilson, did you have any difficulty acquiring
20 the statutes in order to read? Do you have statutes available
21 to you where you are now?

22 A They have a fairly decent law library and they're
23 improving it inside the walls or at least they was whenever
24 I left. Of course, it isn't adequate, but it is -- you can
25 make do with it. And as I say, they are adding to this

1 library as they can, I believe that they're making an honest
2 effort.

3 Q But there is no complete set of statutes in the insti-
4 tution or where you are now?

5 A Where I am now?

6 Q Yes, is that correct?

7 A Well, we have available law books there, yes, I
8 think as a matter of fact, Mr. Bramlet just got a brand
9 new set of, I believe it's Arizona Statutes, that he just got
10 the other day.

11 Q Do you have the most recent revisions, say after a
12 session concludes, any laws that have been passed, and not
13 dated, do you have that also included as a pocket part, are
14 there any pocket parts included in the books?

15 A I haven't had an occasion to seek out the available
16 material in Safford since I've been up there. But I do know
17 for a fact that from up there we can get a copy of anything
18 that we want, if they don't have it there they'll go and
19 get it for us.

20 Q Thank you.

21 A But this is at Safford.

22 REP., GUERRERO: Well, at this point, Madame Chairman,
23 I'd like to yield to Ms. Palmquist.

24 Q (By Ms. Palmquist.) Mr. Hook, can you review your
25 role as a plaintiff in the case of the mail ruling which re-

1 sulted in the new mail ruling?
2
3

4 EVAN HOOK
5

6 A (By Mr. Hook.) Yes, I can.
7

8 I originally arrived here in late August of 1972.
9 And during the course of establishing new correspondents
10 and a new mailing list which was in effect at that time,
11 I was denied the right in certain circumstances to write
12 to governmental agencies, to write to certain friends of
13 mine, and there were a lot of problems in the mail rules
14 and regulations at that time. So, as a result, I filed a
15 civil suit in federal court, claiming discrimination.

16 At that time, we were also not allowed to receive many
17 types of publications such as Playboy Magazine, many legal
18 type publications, and others of this nature. So, because
19 of this situation, I appealed the case to the federal court
20 system on the basis of the constitutionality of it.

21 Then, after a long review between the courts, the
22 cooperation of the attorney generals and also the lawyer
23 who was appointed to represent the inmate population by the
24 federal court, we worked out a reasonable set of rules and
25 regulations which have been implemented as of 1 December
and are working very well and other than a few minor points

1 are -- everybody is happy with them.

2 Q Are there any limit on the number of letters that
3 you're allowed to mail a week?

4 A No, there are none. And the actual flow of the mail
5 is working very well now, in fact, we try to cooperate with
6 the mail room on any small, minute problems that come up,
7 are worked out between us rather than having to take any
8 legal action.

9 Q Would you tell me a little bit about the outgoing
10 mail, is it censored, read or is it just sealed and sent?

11 A Outgoing mail to attorneys, for example, which is
12 a confidential-type relationship, are taken over to -- the
13 letters are taken to the mail room where they're checked for
14 contraband and sealed in the presence of the mail room
15 officer, however, on all outgoing letters, how many are
16 censored, I do not know.

17 The regulations call for approximately 10% of non-
18 family members or nonfamily type correspondence but whether
19 they are or are not actually read, we have no idea.

20 But there is, even if they are there is no rubber
21 stamping or a censored stamp put upon them.

22 All the inmates right, at the present time, are
23 very, very happy with the progress that we've made as I
24 say, other than a small few problems.

25 I would, if possible, like to make a few comments on

1 the visiting aspect, which I am within the walls of the
2 main yard of the prison which have not been covered yet by
3 Mr. Kummerlove or Mr. Wilson, if I may.

4 First of all, I would like to stipulate that the
5 time limits for people driving down here to visit people
6 from out of state, from Yuma, from Flagstaff or even the
7 majority from Phoenix or Tucson, are quite limited.

8 For the Committee's benefit, during the weekdays,
9 visiting hours are from 1:00 to 3:00 in the afternoon.

10 On weekends, and holidays, there are three visiting
11 periods, one from 8:00 to 10:00 in the morning, one from
12 10:30 to 12:30 p.m., and one from 1:00 to 3:00 p.m..

13 Usually the inmates who are newer to the institution
14 are regulated to have their visits come to the early
15 morning hours. However, in many cases because of these time
16 limitations, people will arrive late, the administration
17 will call the people late, and consequently as a result
18 of driving all of this distance, why, they don't receive
19 the full benefit.

20 Another thing, for example, Flagstaff is approximately
21 300 -- 250 to 300 miles one way, so somebody coming from
22 the Flagstaff area conceivably would only have in certain
23 circumstances I know of, 25 to 35 to 45 minutes to spend.

24 Secondly, in regarding the time limitations, or
25 rather the visiting lists, it's as Mr. Kummerlove mentioned,

1 there are rules for visitors to add to the mailing list,
2 and at the present time, to my knowledge, there is no
3 criteria for adding new visitors. In my case recently,
4 happened in my own personal case, I requested that a person
5 be put on my visiting list, the visitation officer sent the
6 appropriate forms to the individual who in turn completed
7 them and returned the paper work.

8 However, the prison, because of the rules and regu-
9 lations denied that this person be put on my visiting list
10 for the reasons stated. Have never met him personally,
11 can write all you wish but not visit, however, when the mail
12 rules and regulations were implemented, department of cor-
13 rections' policy states regarding the mail rules, and which
14 could be very easily transferred to the visitors, if I may
15 quote, "The flow of mail between persons outside of a
16 facility of the department of corrections with institution
17 residents is encouraged for the purpose of maintaining
18 constructive family and community ties, facilitating
19 resolving of legal affairs, assisting the attainment of edu-
20 cational or vocational goals and stimulating motivations for
21 selfimprovement. Supervision of mail on a selective basis
22 is an essential precaution required in the institution in
23 the interest of the safety of personnel and security of the
24 facility.

25 "Correspondence with persons outside the institution

1 has potentially beneficial effects, including but not
2 limited to, maintaining family or other community resources
3 desirable for planning, for release on parole or after dis-
4 charge by completion of sentence."

5 "Citizens outside the institution have a right to
6 be informed as to the operation of their correctional
7 facilities directly from the residents of them. However,
8 with the implementation of these rules for the mail regula-
9 tions I feel that the present visiting rules and regulations
10 are completely reverse-type situation, and they are doing
11 everything in their power in many ways, to disassociate
12 or to cut off the communication with residents from the
13 outside world.

14 Q (By Ms. Palmquist.) Mr. Hook, could you state what
15 led to your filing the mail suit against the prison?

16 A Yes, Ma'am, I had tried to write to various people
17 who were not on the original mailing list that I made out
18 upon my arrival at this institution. And there was a con-
19 flict because of two different lists that were submitted.
20 There was a great deal of trouble at that time, with the
21 individuals concerned, who were taking care of it, of the
22 mailing list out in the administration. There were a
23 number of unnecessary delays and sometimes it would take three
24 to six to eight weeks to obtain a change in the mailing list.

25 I also had wanted to set up a program for myself to

1 write to various governmental agencies requesting informa-
2 tion of various natures due to a program which I want to
3 pursue when I am finally released from the institution.

4 However, due to the restrictive mail rules and regu-
5 lations, I would get notices back for this type of mail,
6 not on approved list, unnecessary correspondence, not busi-
7 ness-type mail, etcetera. And many people within the
8 institution, other inmates, were having a great deal of
9 trouble in corresponding with people, and establishing con-
10 tact with the people outside the institution. Both family
11 and friends.

12 THE CHAIRPERSON: Mr. Moran, did you want to make a
13 statement?

14 MR. MORAN: Yes, Madame Chairman, could we specifically
15 pinpoint the time frame that this gentleman is referring to
16 in his most recent remarks?

17 THE CHAIRPERSON: Yes, sir. ~~From Mr. Hook,~~ would you respond
18 to that, please, when you were speaking about not being able
19 to send out for these particular publications and all?

20 A. Yes, that was from December 31st of 1972, up until
21 November 30th of 1973, at which time, on the first of
22 December of 1973, the new mail rules and regulations went
23 into effect and they are very, very satisfactory and I would
24 like to take this opportunity to thank the cooperation of the
25 department of corrections and the attorney general's office

1 for their cooperation.

2 THE CHAIRPERSON: Thank you, Mr. Hook, you may
3 proceed.

4 Q (By Rep. Guerrero.) Mr. Hook, is that a copy of the
5 new mail rules?

6 A Yes, it is.

7 Q Do we have that to enter as an exhibit --

8 THE CHAIRPERSON: Is that an additional copy that
9 you have?

10 A Yes.

11 THE CHAIRPERSON: Thank you, it was entered yesterday,
12 for the record.

13 We had it in different form, I wonder if we can
14 accept this?

15 A (By Mr. Kummerlove.) The only difference there is
16 that's a copy that was run off without the cover, it's the
17 same thing.

18 REP. GUERRERO: We had a copy presented last night,
19 it was in different form, I thought maybe we could accept
20 this also.

21 THE CHAIRPERSON: Thank you, Mr. Hook.

22 Mr. Guerrero, did you have any additional questions
23 of the gentleman?

24 REP. GUERRERO: Yes, I did.

25 Q (By Rep. Guerrero.) Mr. Hook, is outgoing mail

1 censored, read or simply sent? What are the procedures
2 for you mailing a letter?

3 Are you in minimum security or --

4 A No, I'm in the maximum security area, within the
5 main walls of the prison itself.

6 Q What are the procedures?

7 A The procedure's now, that when an inmate writes a letter,
8 he will deposit it within the mail box which is located
9 conveniently within the institution or in many cases if he
10 happens to be near the mail room, to drop it off. In the
11 case of legal mail, should he prefer that the letter be
12 sealed in his presence so that there can be -- it can be ascer-
13 tained that there are no copies made or if read, he presents
14 it to the mail room officer who in turn will check the
15 letter for contraband.

16 It is sealed in his presence and forwarded.

17 In the case of personal mail, it's deposited and to
18 what extent it is read or censored, I have no idea. However,
19 the rules did call for 10%, and -- but any letters that have
20 gone out to my knowledge have no rubber stamping that they
21 have been censored, etcetera. So we have no way of knowing,
22 of course.

23 Q Is this procedure in the rules or is it policy?

24 A Yes, it is in the rules and regulations and stipulated.

25 Q Mr. Hook, in your mind, what do you feel can be

1 considered as contraband leaving the institution?

2 A The largest thing that would be contraband, in my
3 opinion, would be money or cash. If at all. To what extent
4 I have no idea or knowledge. But this would be the most
5 logical type of contraband that would leave the institution.

6 Q What's your opinion of the 10% censorship clause?

7 A I think that is a reasonable safeguard on the part
8 of the department of corrections to ascertain the safety and
9 state security that is required by the institution, of rules
10 and regulations and most inmates will concur in that.

11 The biggest comment that was made in the past was the
12 restrictions placed on to whom you could write, it wasn't
13 necessarily the censorship itself, but to whom you could
14 write. And then the rubber stamping that the correspondence
15 had been censored.

16 Q Mr. Hook, are foreign language publications permitted
17 in the institution?

18 A Yes, they are, I receive quite a few myself at this
19 time.

20 Q Is there any restriction on the types of foreign
21 language literature or mail?

22 A Not to my knowledge at this time. I have heard of no
23 circumstances where foreign language literature is disallowed.

24 Q Mr. Hook, is incoming mail, censored, read or simply
25 searched for contraband?

1 A: To the best of my knowledge, I have seen it opened,
2 checked for contraband and then given to the individual.
3 Also, in the case of all legal mail and mail to the courts
4 and certified mail, the inmate is requested and given a mail
5 pass to go to the mail room where the letter is opened in
6 his presence, checked for contraband and immediately given
7 to him so in a case like that all legal mail or from the
8 courts is not ready by staff personnel whatsoever.

9 Q I have one further question, Madame Chairman, and I'll
10 conclude with my questioning.

11 I'd like to direct this question to Mr. Wilson.

12 What access do inmates have to the news media, can
13 you answer that?

14 A (By Mr. Wilson.) To the news media?

15 Q Yes, sir.

16 A Supposed to have free access to them. But in all
17 cases it don't work out like that. I mailed a document to
18 the New Times Newspaper, and this document, I have it with
19 me right now, just as it was given to the mail clerk. The
20 mail clerk at first objected to it being sealed and I
21 went and got the decision, that Mr. Hook is talking about on
22 mail privileges and showed it to him and he read where that
23 it was not supposed to be censored or read, but might be
24 inspected for contraband.

25 So, he instructed me to seal it and it would go out that

1 day. This letter was placed in the hands of the mail
2 clerk on the 26th day of December, 1973, and on the 28th
3 day of December, 1973, two other inmates from the institution
4 whose name is used in this document, was called to the --
5 to the administration office out in the warden's office,
6 and questioned by the warden in regards to this document.
7 I was never questioned in regard to it. But the letter
8 was sealed, properly stamped, and addressed to a news media,
9 given to the mail department, and two days later it shows
10 up in the warden's office with the seal broken on it and the
11 letter opened and two other inmates allowed to review the
12 contents of the letter.

13 And the letter was not allowed to be sent out, but
14 was returned by one of the inmates with instructions that
15 if he was to make such a statement he might put it in a --
16 in an envelope with his return address on it and it would
17 go out. But that it would not go out with my return address
18 on the envelope.

19 REP. GUERRERO: Thank you.

20 That concludes my questioning.

21 A (By Mr. Kummerlove.) Could I make a statement on mail,
22 if I may?

23 THE CHAIRPERSON: Fine.

24 A I have here two documents, one of which I would like
25 to turn over to the Committee, which contain certain state-

1 ments pertaining to visiting and mail rulings. I've already
2 reviewed, and one which I'd like to give to Mr. Moran,
3 if that's satisfactory, just so he'll know what you're
4 getting.

5 REP. GUERRERO: Madame Chairman, is Mr. Moran going
6 to be given one of these copies?

7 THE CHAIRPERSON: If that's Mr. Kummerlove's request,
8 yes.

9 A Yes, I want him to know what I --

10 THE CHAIRPERSON: We will be glad to enter that
11 statement in as an exhibit.

12 A Also, there's one other comment that I think I
13 would like to make with respect to the mail and that is
14 Mr. Hook has covered very adequately, I think, generally
15 speaking.

16 Two years ago I found the mail situation, and two
17 years ago now I found the mail situation here really deplor-
18 able, really bad. I won't go into the details, but I was
19 so angry about it and I personally had had experiences that
20 were so bad that I decided to do something about it, so I
21 engaged in a project which took about a year and a half.

22 The result of my project was a booklet which is this
23 booklet, which I have here which is 53 pages, ten exhibits
24 and 98 court decisions, state regulations and penal
25 association, etcetera, remarks relative to inmate mail.

1 I intended to send this to members of the legislature
2 and in fact did send some copies to Mr. Leo Corbet, Scott
3 Alexander and John Scott Ulm, hoping that maybe we could
4 get the legislature to do something about the mail situ-
5 ation because it was so bad and the administration at that
6 time seemed to have, I could care less attitude about it.

7 I also sent a copy of this document to Mr. Moran, and
8 who had, at that time, just come into the department of
9 corrections.

10 Here's a copy of Mr. Moran's reply, which states,
11 "Dear Mr. Kummerlove, I appreciate receiving additional
12 information relative to our study of mail problems and
13 regulations. You certainly have done a very scholarly job.
14 We are presently in the process of revising the mail room
15 regulations for the prison and the necessary changes should
16 come about very soon."

17 I want to mention this only to show that I have
18 done a considerable amount of work in the area of mail.

19 The new regulations which I know personally, members
20 of the department of corrections were extremely cooperative.
21 Mr. Moran, Mr. Thackery and others. In fact, on occasion
22 I have been asked specific questions about the new regulations,
23 and I think that a hearing of this type, 90% of what you
24 hear is going to be anti-department of corrections from the
25 inmates who sit before you.

1 In this particular case, I think we should put a plus
2 on the department of corrections for their cooperation and
3 their help in coming up with a very satisfactory set of
4 regulations for the mail.

5 There are some problems in the implementation of
6 this, they are gradually being worked out and I really feel
7 that Arizona State Prison probably has one of the better,
8 definitely one of the better mail regulations in effect in
9 prisons throughout the country right now.

10 THE CHAIRPERSON: Are there any other questions that
11 the Committee would like to ask of these three gentlemen?

12 Q (By Ms. Palmquist.) I'd like to ask just one more
13 question of Mr. Hook.

14 Who determines what reading material is brought into
15 the prison?

16 A (By Mr. Hook.) I'm sorry.

17 Q Who determines what reading material is allowed in
18 the prisons?

19 A Actually, the mail room itself, I don't know which
20 particular officer but there have been a few problems with
21 the mail rules and regulations in this area, and if there
22 is a publication in question, I assume it is forwarded to
23 Mr. Kette, who has overall supervision for a final decision.
24 However, I do not know.

25 MS. PALMQUIST: Thank you.

1 THE CHAIRPERSON: Are there any other questions?
2 If not, Gentlemen, we very much appreciate your
3 coming and speaking before the Committee this morning.

4 Thank you.

5 The Chair would like to call next, Mr. George Ortiz,
6 Jose Estrada and Neil Kette, if they would come forward.

7 Gentlemen, would you please state your name and your
8 address and your occupation?

9 MR. ORTIZ: George G. Ortiz, Post Office Box 816,
10 Florence, Arizona. I'm the visitation officer out at the
11 Arizona State Prison.

12 THE CHAIRPERSON: Thank you.

13 Name address and occupation?

14 MR. ESTRADA: My name is Joe Estrada, my box is
15 Box 10, Florence, Arizona, and my position is mail room
16 supervisor.

17 MR. KETTE: Neil Kette, Deputy Superintendent, Programs,
18 my residence is on State property at Florence, Arizona.

19 THE CHAIRPERSON: Thank you, very much.

20 Ms. Palmquist?

21 Q (By Ms. Palmquist.) Mr. Kette, do you have responsi-
22 bility for overall supervision of the mail and visiting
23 regulations?

24

25

1 NEIL KETTE

2
3 A (By Mr. Kette.) Yes, Ma'am.

4 Q It's the Committee's understanding that in October,
5 '73, new mail regulations were issued by the prison pursuant
6 to a court ruling in the Hook case, is this correct?

7 A Along about that time, yes.

8 Q I'd like to ask you who determines what reading
9 material is allowed in the institution?

10 A That comes in through the postal service?

11 Q Right.

12 A All of the mail is collected at the Florence Post
13 Office by our mail supervisor, and taken to the institution
14 where it's broken down.

15 Any materials that seem to be questionable by the
16 mail supervisor is set aside and sent to my office. The
17 material is screened by me, by a -- the other deputy super-
18 intendent and by the warden.

19 If we feel that the literature should go directly
20 into the inmate, then it's returned to Mr. Estrada, who
21 forwards it to the inmate. If we feel that the material
22 needs some other thinking, we forward the materials to Mr.
23 Jack Schuster at the department of corrections, where he and
24 Mr. Harris, an attorney for the department, screen the
25 material. They make the final decision as to whether it will

1 or will not go into the institution.

2 Q When it's at your level, are you all, do you all view
3 a particular piece or several pieces at a time, or indi-
4 vidually?

5 A We view each piece as an individual item, the
6 materials come to me and I will go to the warden and the
7 other deputy.

8 Q And -- when you look at the material, do you look
9 at it individually, as individuals, or do you get together,
10 the three of you get together and discuss it?

11 A We look at it individually and then discuss it.

12 Q May outside newspaper reporters interview inmates?

13 A Can outside reporters? With the warden's authori-
14 zation.

15 Q What about television cameras, are they permitted in?

16 A Well, we've had any number of cameras in there, so I
17 guess it's all right.

18 Q You don't know if there's a regulation or anything
19 on this?

20 A Well, there is a regulation, many of the regulations
21 obviously require the warden's permission to take cameras
22 or to give inmates access to the news media.

23 We haven't prohibited the commercial, general circu-
24 lation news media from contacting the inmates, of course,
25 the inmates do have access to the mails.

1 Q Mr. Estrada, who is your immediate supervisor?

2

3

4

JOE ESTRADA

5

6 A (By Mr. Estrada.) Mr. Neil Kette.

7

Q And are you in complete charge of the mail room?

8

A Yes, Ma'am.

9

Q How long have you been at the prison and how long
10 have you been in your present position?

11

A I've been at the state prison, I've been working
12 there a little over ten years, and supervising the mail
13 room since October the 1st of '73.

14

Q What was your position before that time?

15

A I was a regular mail clerk.

16

Q Could you tell me how many correspondents an inmate
17 may have? How many correspondents?

18

A There's no limit to it now.

19

Q Are inmates allowed to send out any number of free
20 letters?

21

A Yes, Ma'am.

22

Q Do all the inmates come to the mail room for their
23 mail?

24

A No. The only inmates that come to the mail room is
25 when they have a package to pick up, certified mail, legal

1 mail, and that's about it.

2 Q Do you censor outgoing mail?

3 A Outgoing mail? 10%.

4 Q Would you explain that a little bit?

5 A Well, I, if I think a letter should be read -- I
6 mean, when we read we don't read letters going to the mother,
7 the father, grandmother, grandfather, stepchildren, step-
8 parents, none of that mail is censored. Just friends or --
9 we don't actually pick out anybody, we just decide to pick
10 up, censor anybody's mail in the --

11 Q Is it a random sampling, you say?

12 A Ma'am?

13 Q Are you saying it's a random sampling?

14 A Yes.

15 A (By Mr. Kette.) May I comment here, so we know what
16 we're talking about? Let's define the term censorship.

17 We do not censor mail, within that 10% Mr. Estrada
18 will look at a certain percent up to 10%. But we do not
19 censor anything.

20 Q (By Ms. Palmquist.) Have you uncovered plans for
21 escape or contraband so far?

22 A (By Mr. Estrada.) No, Ma'am.

23 Q Is outgoing mail to attorneys and judges searched for
24 contraband?

25 A Yes, Ma'am.

1 Q Are there other categories of individuals such as
2 elected officials to whom inmates may send sealed mail?

3 A The only ones that go sealed as going to Mr. Moran
4 and his deputy, the only that goes out sealed, the rest
5 has to be brought to the mail room, we inspect it for con-
6 traband and the inmate seals it right in front of our
7 presence.

8 Q Is it possible for the inmates to correspond with
9 outside newspaper reporters?

10 A What's that again?

11 Q Is it possible for inmates to correspond with out-
12 side newspaper reporters?

13 A They correspond with newspapers.

14 Q Is the search for contraband done by hand or is it
15 done by machine or some other procedure?

16 A By hand.

17 Q Is incoming attorney mail opened at any time?

18 A The only time legal mail from attorneys or judges
19 are opened is in front of the inmate's presence.

20 Q What about packages coming in?

21 A Package? Those are opened up, not in front of the
22 inmates because, of course, the inmate can't come to the mail
23 room, so we have to open them up, package them up, itemize
24 everything. Then they would make a list and call them to the
25 mail room window and they sign for their packages.

1 Q Are foreign language publications permitted in the
2 institution?

3 A Yes.

4 Q What about newspaper and -- are newspapers and
5 magazines censored?

6 A No.

7 Q May inmates order items from catalogues?

8 A Yes.

9 Q (By Rep. Guerrero.) I might address this to Mr.
10 Kette.

11 You did say that foreign language publications are --
12 or somebody on the panel -- were permitted in the insti-
13 tution?

14 A (By Mr. Kette.) Yes.

15 Q Mr. Kette, under the Hook mail regulations, there
16 are certain magazines which are approved and some that are
17 bad. Is this the approved list that --

18 A That is a guideline, sir.

19 Q -- I have a list of --

20 A I know what you have there.

21 Q -- a magazine list --

22 A Yes, that is a guideline. There are any number of
23 magazines and periodicals that come into the institution
24 that do not appear on there.

25 Q Well, Mr. Kette, I wish you would observe this and see

1 if this is an approved magazine list?

2 A All of the magazines that appear on here would be
3 permitted into the institution.

4 Q They would be permitted?

5 A Yes, sir.

6 THE CHAIRPERSON: Mr. Guerrero, Mr. Kette, there
7 are other magazines, however, that would also be allowed?

8 A (By Mr. Kette.) Yes, this is not a final, definite
9 list, there are other publications that can and do come
10 to the institution that go in.

11 THE CHAIRPERSON: Mr. Guerrero, did you have additional
12 questions?

13 Q (By Rep. Guerrero.) Yes, I did, Madame Chairman.

14 Well then, Mr. Kette, are these a list of the pub-
15 lications or newspapers which have been banned?

16 A You'll notice, sir, where next to the term underground
17 newspapers, it states individual issues. These three
18 issues that are on the letter were banned.

19 Q They were banned?

20 A Yes, sir.

21 Q The three were banned?

22 A They were banned.

23 Those particular issues. Now, perhaps the next month's
24 issue or the next week's issue that would come into the
25 institution would be approved and go into the institution.

1 Q Have there been any additional publications which
2 have been banned since that point in time?

3 THE CHAIRPERSON: Mr. Guerrero, I would also ask
4 that you submit both of those pieces of paper to be
5 introduced as exhibits in the record, so we'll know which
6 papers we're referring to.

7 REP. GUERRERO: I'd like to submit those as exhibits
8 at this point.

9 MR. LEVIS: Could I make a point for clarification?

10 THE CHAIRPERSON: Go ahead.

11 Q (By Mr. Levis.) Mr. Kette, as I understand it, that
12 magazine list which Mr. Guerrero showed you also contains
13 the instructions for packages, is that not correct?

14 A Yes, it does.

15 Q And these are the present regulations?

16 A This old -- this is a revision of an old form that
17 was used prior to my coming to Arizona. It hasn't been
18 updated, to my knowledge. That's why you'll notice on the
19 back a couple of magazine titles were scribbled in.

20 Q I see. But this list, or newleaflet-like this has
21 not been passed out among inmates?

22 A You'll have to ask Mr. Estrada about that.

23 A (By Mr. Estrada.) No, sir.

24 MR. LEVIS: Madame Chairman, then I think it should
25 be entered as exhibits.

1 THE CHAIRPERSON: Are there additional questions,
2 Mr. Guerrero, do you have additional questions?

3 REP. GUERRERO: No, that concludes my remarks.

4 THE CHAIRPERSON: Mr. Levis, did you have questions?

5 Q (By Mr. Levis.) I just have one question, relating
6 to censorship.

7 It's my understanding that under the new mail regu-
8 lations and as you stated it's only individual issues that
9 can be banned from the institution, is that not correct?

10 A (By Mr. Kette.) That's correct, sir.

11 Q And these are the magazines that were banned as of
12 the date that I requested?

13 A That's correct, yes.

14 Q Do you or Mr. Estrada know of any other individual
15 issues of any magazines have been banned since that date?

16 A There is only one that has been prohibited from
17 going in, that particular magazine was sent to the depart-
18 ment of corrections. I felt that it shouldn't go in, there
19 was a split vote at the departmental level and the magazine
20 did not go in.

21 Q Was there any particular reason for that vote?

22 A It was a homosexual magazine, and I forget what the
23 title of that one was, David, I believe, was the title of that
24 that particular magazine.

25 Q What were the reasons under the new mail regulation-

1 this was not permitted?

2 A We didn't feel that the content of the articles or
3 the picture layout was particularly conducive to good order
4 of the institution.

5 Q It was under the security or good order provision
6 of the regulations?

7 A Yes, sir.

8 Q Mr. Ortiz, could you please explain the visiting
9 procedures as visiting officer?

10

11

12

GEORGE G. ORTIZ

13

14 A (By Mr. Ortiz.) Well, when an inmate is first brought
15 to our institution, of course, he's taken to the diagnostic
16 receiving center. There, of course, all his medical back-
17 ground and family background is all compiled there. Upon
18 that information compiled, it's forwarded to my office where
19 the inmate has a list of the ten people that he wants to
20 come down to visit him and also his family background.

21

22

23

24

25

And when we have any changes for additions or deletions,
the inmate has to send in a written request to our office
to have either a person added or deleted. Of course, this
is checked against the family background to see if that
person is on his family background or checked to see if it

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isn't on someone else's visiting list.

And, of course, it's added and then the notice is sent to the inmate, letting him know the date that it was added, and then he can in turn notify these people if they are on the visiting list and they can come in.

If we have any question about the person that they are requesting to add on, we have a questionnaire that we forward to these people and upon receiving it back, we determine whether they should or should not be added on.

Q Mr. Ortiz, I have in front of me a copy of the Arizona State Mailing and Visiting List for inmates and I realize the mailing list has been changed, based on the court case that's been discussed previously, but I just wondered if the visiting list as contained here and the provisions for who may be on the visiting list and other provisions are the same?

A (By Mr. Kette.) If I might interject, you heard the testimony of three inmates prior to our coming up here, and from the viewpoint of the administration we totally agree that their complaints are valid, legitimate, this is probably one of the most deplorable situations that I, personally, have ever viewed in my 14 years in corrections.

We have made a number of temporary changes, we have a number of long-range plans in mind. The problem with our visiting right now, among other things, is space limitations.

1 Shall we go from there?

2 Q (By Mr. Levis.) Mr. Ortiz, I just wondered if that
3 was the correct list for visiting while it is not for mail?

4 A (By Mr. Ortiz.) Yes.

5 MR. LEVIS: Can I have this entered in as an exhibit,
6 Madame Chairman?

7 THE CHAIRPERSON: The part dealing with the visiting
8 only.

9 DR. GLASS: Madame Chairman?

10 THE CHAIRPERSON: Yes, Dr. Glass.

11 Q (By Dr. Glass.) What exceptions do you make in these
12 relatives that come from quite a distance to visit the
13 prisoners, which as I know, a rather expensive thing, and
14 I'm sure they like to spend more time, I'd like to hear
15 your comment on that.

16 A (By Mr. Kette.) Well, it depends on the individual
17 situation, who the relatives are, where the inmate might
18 be housed or where he might be working when the relatives
19 arrive, there are any number of things that have to be
20 taken into consideration. Whether in fact they are on the
21 man's official list or whether we might have to make an
22 exception for those people.

23 Q You would do that, though, in cases?

24 A Oh, we do it all the time, certainly.

25 THE CHAIRPERSON: Dr. Glass, do you have any other

1 questions?

2 Q Yes, I do have another one here.

3 In a very few words, could you condense what,
4 you mentioned a while ago as to what your future planning is,
5 in just a few words?

6 A As the warden mentioned in his opening statements,
7 we are in the process of building a new visiting room. We
8 plan on open visiting with tables and with the family
9 setting together, hopefully around the tables. This will
10 be for the main yard inmates.

11 We have long-range plans as you probably know from
12 your tour of the institution, our visiting facilities for
13 our honor men is quite poor and it is only a temporary
14 situation.

15 We hope to build a large visiting area on the site of
16 the institution where the OF area is now located, and we do
17 have some plans for some shelter houses, some grills where
18 the folks can cook out and that type of thing. Of course,
19 along with expanded visiting area, we do anticipate revising
20 the types of people who will be able to visit.

21 I totally agree with the inmates that they shouldn't
22 be limited to ten persons, they shouldn't be limited totally
23 to family members on their visiting list. These are things
24 that we have in mind, but these are things that we can not
25 implement today or tomorrow. But these are long-range goals.

1 DR. GLASS: Thank you, Mr. Kette.

2 Madame Chairman, that's all I have.

3 THE CHAIRPERSON: Are there any other questions to
4 be asked of Mr. Kette --

5 Q (By Ms. Palmquist.) I want to ask Mr. Kette one
6 thing.

7 What sort of supervision is under gone when visitors
8 are present?

9 A I am not into that area at all, Mr. Ortiz can probably
10 answer that for you.

11 A (By Mr. Ortiz.) We have an officer that is in the
12 visitation room and first, when a visitor comes in to see
13 an inmate, they are allowed to embrace each other and kiss
14 each other gently, upon seeing each other. And then they
15 sit across a table from each other and they are not allowed
16 to hold hands or anything after that.

17 Q Is ^{there} a certain number, if you have so many visitors an
18 inmate, and you have to add on his list?

19 A No, Ma'am, depending on the personnel that we have
20 available, generally we have probably from one to two in
21 the visiting room to see that nothing gets out of hand.

22 Q Are the visitors searched before they see the inmates?

23 A They do have a search procedure that they go through,
24 it's a metal detector instrument that they go through.

25 THE CHAIRPERSON: Are there any other questions?

1 If not, Gentlemen, thank you very much for coming
2 today.

3 We'll now go back to the medical and health panel,
4 and I would like to call Mr. Richard Clugston, Mr. Billy
5 Bible and Mr. Raymond Kidwell.

6 Also Mr. Melvin Taylor.

7 The Commission will again come to order.

8 Gentlemen, the Commission rules state -- if we could
9 please have order?

10 Gentlemen, the Commission rules state that no witness
11 shall be televised, filmed or photographed during a
12 session nor shall his testimony be broadcast or recorded
13 for broadcasting if he objects, do any of the four of you
14 object?

15 MR. TAYLOR: No.

16 MR. CLUGSTON: No.

17 MR. BIBLE: No.

18 THE CHAIRPERSON: Fine, thank you very much.

19 I would ask Dr. Glass to make the first statement,
20 please.

21 DR. GLASS: The allegation here that --

22 THE CHAIRPERSON: Excuse me, Dr. Glass, wait just a
23 minute, please, for the record, we don't have their names,
24 addresses and occupations.

25 Mr. Taylor, would you start, please?

1 MR. TAYLOR: My name is Melvin Taylor, I live in
2 Florence, Arizona State Prison, I'm assigned to yard detail.

3 MR. BIBLE: My name's William Bible and I'm a prisoner
4 in the state prison and I work for correctional industries.

5 MR. CLUGSTON: Richard Clugston, I live at the
6 prison, at the prison hospital.

7 MR. KIDWELL: My name is Raymond Kidwell, I live in
8 Phoenix, Arizona, at this time.

9 THE CHAIRPERSON: Thank you.

10 Dr. Glass?

11 DR. GLASS: It was stated here, by Mr. Kidwell, that
12 he had been taking Demerol and water was substituted
13 instead of giving him his Demerol treatments for pain.

14 However, after a great deal of discussion on this,
15 we have the medical director, Dr. Deputy, has agreed that he
16 did give him water, we have called in an outside doctor
17 here, who's well-qualified to get an unbiased opinion about
18 this, who substantiated the reasons for this being that
19 in cases where a man could be addicted to a drug, why, this
20 is done, and at this time, I would like to call on Dr. McHard,
21 if he would, to come up and make a statement as to this
22 effect.

23 THE CHAIRPERSON: Doctor?

24 DR. GLASS: Just sit right down there.

25 THE CHAIRPERSON: Doctor, for the record, would you

1 state your name, your address and your occupation, please?

2
3
4 DONALD EUGENE McHARD

5
6 A (By Dr. McHard.) My name is Donald Eugene McHard,
7 my address is 5802 East Donna Lane, Paradise Valley,
8 Arizona. And I'm a physician.

9 THE CHAIRPERSON: Go ahead, Doctor.

10 A The issue at hand was whether or not the adminis-
11 tration of a shot of sterile water in place of a shot of
12 Demerol was usually accepted medical procedure. And it was
13 our feeling it is; it is done. It's not an unusual
14 occurrence. It's not -- does not reflect any impropriety
15 or anything like that.

16 THE CHAIRPERSON: Dr. Glass, did you have any other
17 questions you wanted to ask of the doctor?

18 DR. GLASS: I believe not.

19 THE CHAIRPERSON: Thank you very much, Doctor.

20 Excuse me, are there any questions of the panel?

21 Thank you very much, Doctor.

22 Dr. Glass, do you want to continue?

23 DR. GLASS: I think this was the main issue that we
24 had to bring up, isn't that correct?

25 MR. LEVIS: Concerning the session that was -- the

1 executive session.

2 DR. GLASS: Yes.

3 MR. LEVIS: Yes.

4 DR. GLASS: Okay, I think that's all I have to --

5 THE CHAIRPERSON: Mr. Williams?

6 MR. WILLIAMS: That's all for Mr. Kidwell, but Ms.
7 McCullah.

8 MS. McCULLAH: Yes, Madame Chairman, I'd like to
9 direct my questions to Mr. Bible.

10 Q (By Ms. McCullah.) Mr. Bible, before you entered
11 prison, you were a male nurse?

12

13

14

WILLIAM BIBLE

15

16 A Yes, I was.

17 Q Are you a nurse in the prison now?

18 A No, I'm not.

19 Q You are a homosexual?

20 A Yes, I am.

21 Q Is that why you do not work in the hospital?

22 A I understand that's one of the reasons.

23 Q Without getting into any personalities, what are the
24 major problems relating to medical and health care?

25 A I'm sorry, I didn't hear the last part.

1 Q Without getting into any personalities, what are
2 the major problems in the area of health and medical care
3 at the prison?

4 A There are -- there is a staff in the hospital of
5 MTA's or CMA's who prescribe and administer medication. And
6 to my knowledge, they are not licensed.

7 THE CHAIRPERSON: Mr. Bible, excuse me just a moment.
8 Would you describe, first of all, what you mean by
9 MTA and CTA?

10 A I don't know what they are, I don't know what the
11 initials stand for, they are civilians employed by the
12 prison who work in the hospital.

13 Q (By Mr. Levis.) Mr. Bible, it is my understanding
14 that you said that it was the CMA's or the MTA's that
15 prescribe medicine?

16 A Right.

17 Q It's my understanding that only a physician can pre-
18 scribe medicine and without going further into this area,
19 I think we'll have to discontinue any testimony that re-
20 lates to any acts that would possibly involve a session that
21 would possibly defame and degrade any individual and I
22 think we're more concerned with just the general overall
23 conditions relating to medical and health care and what
24 dental problems you see and not get into any specifics.

25 A I think that is a general problem, when you're ill,

1 you need a doctor, not an MTA.

2 Q And it's your contention that you can only see an
3 MTA?

4 A Before you get to the doctor. And it's very difficult
5 to get to the doctor.

6 Q I think the question is, then, is, your concern is
7 that you have trouble seeing a doctor and you see an MTA
8 first?

9 A Not only me, but all of us.

10 THE CHAIRPERSON: Mr. Levis, I think we have -- we're
11 getting in deeper, it would seem to me, rather than extracting
12 ourselves.

13 Mr. Duke?

14 MR. DUKE: Madame Chairman, may I be recognized?

15 Could we request what Mr. Bible defines what he means
16 by medication and prescription in kind of general terms?

17 I don't know what they mean and I don't know if the
18 other Commissioners would, either. Could we please have,
19 are we talking about what type of -- aspirin, band aids, or
20 are we talking about things of a more severe nature?

21 DR. GLASS: Madame Chairman, may I suggest that we
22 take this up in closed session, this is an issue here that
23 I can see is going to get rather involved.

24 THE CHAIRPERSON: I'll defer to Mr. Levis.

25 MR. LEVIS: Madame Chairman, until the questions are

1 defined or whatever medication is or those issues are de-
2 fined, I don't think it's necessary to go into executive
3 session.

4 MR. MUSKRAT: May I add to this, hopefully not add to
5 the confusion but you see, Mr. Bible, our problem is this,
6 is we have a statute that says we can not defame and degrade
7 anyone without first giving them an opportunity to respond.

8 Now, if your testimony, as it develops, is going to
9 be that MFA's, who are laymen, who are not doctors, are
10 dispensing prescriptions, medicine, which by law can only
11 be prescribed by a physician, that's a violation of the
12 law, you see, and that act would defame or degrade those
13 persons and we would then be required, by law, to bring them
14 in, have you make your allegations in a closed session and
15 let them respond to it.

16 Now, if you feel that your testimony is such that
17 you know this is the only way that you can tell us about
18 the problem, then perhaps we should hear that, that's a
19 decision that the Committee will have to make.

20 If, on the other hand, you feel that you can describe
21 the medical conditions at the prison without accusing
22 anybody of violating the law, then we'd certainly like to
23 hear that.

24 A. Well, I'd like to do both.

25 THE CHAIRPERSON: First of all, would you define what

1 you mean by drugs and medicine?

2 A Right, any drug, any agent that by federal law
3 must be prescribed by a physician and dispensed by a pharmacist,
4 a doctor or a nurse. Anything that's labeled -- I have
5 bottle in my pocket I think, it says it must be dispensed
6 by a physician. But it was ordered for me from an MTA.

7 MR. LEVIS: Madame Chairman, I think if we went any
8 further than this we would first have to go into a closed
9 session.

10 THE CHAIRPERSON: Would the members of the subcommittee
11 who were on this panel, care to excuse themselves and go
12 into closed session on this?

13 The rest of us can continue the questioning, it would
14 seem to me, of the other witnesses we will hear.

15 Mr. Duke?

16 MR. DUKE: We are going to have a bit of a problem
17 here, Madame Chairman, since we are represented by only
18 one counsel, at this session, if you're going to continue
19 here and in areas that may again with the other people cause
20 problems, we would request that since my presence in the
21 closed session would be mandated, and it possibly would out
22 here, also, we'd request that we do one or the other,
23 either adjourn to closed session to hear this problem -- I
24 know that this is maybe, we can't require this, it's within
25 your prerogative, but we would make that request, we do one

1 or the other, since we are dealing in a fairly problem
2 area.

3 THE CHAIRPERSON: I think you've a point very well
4 taken, Mr. Duke, since you can't be in both places at once.

5 I would suggest that we break a half-hour, for lunch,
6 that should give us ample time to hear Mrs. Bible.

7 All right, so we'll reconvene at 12:45.

8
9 (Noon recess until 1:10 p.m.)

10
11 THE CHAIRPERSON: I'd like to reconvene the Commission
12 hearings for the afternoon session.

13 We have already introduced the gentlemen here to
14 testify, Mr. Taylor, Mr. Bible, Mr. Clugston and Mr. Kidwell.
15 I would like to defer at this time to Mr. Levis, our regional
16 attorney.

17 MR. LEVIS: Madame Chairman, before we adjourned, Mr.
18 Bible was testifying and he brought up some allegations con-
19 cerning dispensing of medication. And as is provided for by
20 our statute, which is available for anyone's use, and by our
21 rules and regulations, any testimony that could possibly
22 defame, degrade or incriminate any person, has to first be
23 heard in closed session.

24 The Committee then met in closed session again heard
25 Mr. Bible's allegations and it was the determination of the

1 Committee that the substance of his allegations were not
2 substantiated and that they should not be heard in open
3 session.

4 And I would again like to direct my remarks to Mr.
5 Bible, the rest of the panel, that we are not to get into
6 the area of any testimony which may defame or degrade any
7 persons. We're concerned with the general conditions
8 prevalent in the medical and health care of inmates at
9 the Arizona State Prison and we would direct you to limit
10 your testimony to your general impressions of the medical
11 and health care at the institution.

12 And if I may, I'd like to question Mr. Bible, if I
13 could, please?

14 THE CHAIRPERSON: Fine.

15 Q (By Mr. Levis) Mr. Bible, before we adjourned, we
16 were discussing medical and health care at the facility.
17 And your concerns about medical and health care and what you
18 felt were general problems and I wish you would direct
19 your remarks to that and not to specifics.

20 A (By Mr. Bible.) All right.

21 Q If you could, please.

22 A All right.

23 I'd like to cover my observations of psychiatric
24 patients.

25 Q I would appreciate it if you would just limit yourself

1 to your observations of when you have been in need of
2 medical and health care and the problems that you've seen
3 in that area, what I mean by that, is, what are the procedures
4 for receiving medical and health care.

5 Do you first go to a doctor or do you see a CMA, which
6 I understand is a correctional medical assistant, if you
7 could do that, I would appreciate it.

8 A. Right.

9 You have to see a CMA first, if you are not seriously
10 ill or seriously injured, CMA will examine you and determine
11 the nature of your problem and he will report that problem
12 or condition to the doctor.

13 The information the doctor receives from the CMA is
14 his basis for prescribing or treating unless the CAM
15 prescribes or treats.

16 Q Now, again, is that your observation or again we're
17 talking -- when we're talking about prescribe, as I under-
18 stand CMA's may prescribe aspirin, milk of magnesia and other
19 nonprescription drugs, is that right?

20 A. Patent drugs, yes, patent medicines they can order.

21 Q Okay.

22 A. This is personal observation and personal experience.

23 Q Is there a routine daily sick call?

24 A. Right. Every morning. There is a CMA in the cell
25 block and on your way to breakfast, you talk with the CMA.

1 Q Now, I understand that you feel this is a hurried
2 process?

3 A Very.

4 You're -- there's 84 men that live on each run, and
5 two runs are let out for breakfast at a time, so about 160
6 men are on the way out and you have to block their traffic
7 to see the CMA. You can line up against the wall, but
8 it's a hurryup process and you take enough time to tell him
9 your name, your prison number, briefly describe your problem
10 and tell him the cell you live in. And he'll order some-
11 thing for you.

12 Which will be delivered to you by the guards that
13 evening. At least that's my experience.

14 When I come in from work if I have medication waiting
15 for me, I pick it up from the guards at about 4:00 o'clock
16 in the afternoon.

17 Q Now, you say there's one CMA for each cell block
18 based on your observation?

19 A I think so, right.

20 Q And so each cell block has how many men?

21 A Oh, I don't know, there must be at least 400 or 500
22 men in CB4, I really couldn't say.

23 Q And based on your experience, how long does this
24 process take in the morning to go through sick call?

25 A Probably 45 minutes to an hour is the length of time

1 it takes for the entire building to be emptied out to go to
2 breakfast and come back from breakfast and so it's during
3 the initial turnout that you see the CMA, on your way to
4 breakfast.

5 Q And it's only the persons who want to see the CMA who
6 will see him, is that correct?

7 A Correct.

8 Q And what do you file in single file?

9 A Well, he sits inside the master guard station and
10 we're out, we're on the run. And we talk with him through
11 the bars. And you pretty much have to line up against the
12 bars to not block traffic.

13 If you had -- if you had a complaint that needed
14 an examination, you'd have to get the guard to open the
15 guard cage and let you inside so you could have contact
16 with the CMA.

17 Q Now, can you see a doctor without seeing a CMA, or
18 do you have to first go through a CMA?

19 A I have never seen a doctor without seeing a CMA.

20 Q And as I understand it the infirmary is separate --

21 A Let me clarify it, I have seen a dentist, that's no
22 problem, the dentist department, dentistry is a different
23 area, so I would not include that doctor.

24 Q Now, when you go to see the doctor, do you have to
25 receive a pass to go to the infirmary?

1 A. Oh, yes, you have to have -- you pick up a green pass
2 in the cell block if the doctor puts you on the master pass
3 list.

4 You take the green pass to the yard office, you
5 trade it for a white pass, you take the white pass to the
6 hospital, you see the doctor, you take the white pass back
7 to the yard office, leave it there and pick up your green
8 pass, take it back to the cell block to the person who
9 issued it to you.

10 Q. So the doctor has to review your record based on
11 what the CMA says and then he has to approve seeing you
12 before you get a pass to see him?

13 A. That's right.

14 Q. How many doctors are there at the institution?

15 A. Three, I guess, the two general practitioners, I
16 guess, and a psychiatrist. I really don't know.

17 Q. And there is one dentist?

18 A. Right.

19 Q. Based on your experience are there any backup services
20 available to the Arizona State Prison in case of emergencies?

21 A. Well, I've seen men taken downtown, I have been to
22 outside physicians myself, but that's not easy matter to, do
23 or no easy feat to accomplish.

24 Emergencies are taken right out, generally. But if
25 you have a problem that requires a specialist, you must go

1 through a lot of changes to get --

2 Q You have to go through the doctor first?

3 A Right.

4 Q And he has to approve it before you can go see a
5 specialist?

6 A Right. That's right.

7 Q And you said there was a dentist, based on your
8 experience, what does he do?

9 A He does an excellent job.

10 Q I don't mean that, I mean does he replace fillings,
11 or does he only do surgery or --

12 A I see. He's -- he has done one extraction for me,
13 he made a prosthesis for me, he's done fillings for me. I
14 have no complaints there.

15 Q Is there also facilities, or an optometrist who
16 comes in to replace glasses?

17 A Right, I understand he comes in once a week or once
18 every two weeks.

19 Q And you say there is a psychiatrist, is there a psycho-
20 logist?

21 A Yes, there is.

22 Q So, there's one psychiatrist, one psychologist, two
23 general practitioners and a dentist?

24 A A dentist.

25 Q And there's a dental assistant also?

1 A Yes, yes.

2 Q Do you happen to know how many medics or CMA's
3 there are?

4 A I don't know. I would guess six, eight. I really
5 don't know.

6 Q Now, to see the psychiatrist, you have to first go
7 through the psychologist?

8 A That's my understanding.

9 Q And then the psychologist would recommend you to
10 see the psychiatrist?

11 A The psychologist would see you, right.

12 Q Now, I also understand that there's a facility called
13 Cutter Laboratories?

14 A Right.

15 Q And that's where the inmates can donate blood, is
16 that correct?

17 A Well, they sell plasma, the plasma is separated
18 from the whole blood and they do that depending on their
19 program, either once or twice a week.

20 Q As I understand it, that's separate from the medical
21 facilities?

22 A Yes, it is.

23 Q Even though it's located in the same building?

24 A It's in the same building, but it's a separate
25 department.

1 Q What kind of personal hygiene items are supplied,
2 and what items can you buy at the commissary?

3 A You can buy soap, shampoo, toothpaste, deodorants,
4 basic needs, basic hygienic needs.

5 Q Do they supply any items to inmates who don't have
6 any money?

7 A Yes, they do.

8 Q Such as what?

9 A Soap, toothpaste, shaving cream, towels.

10 Q And how often are clothes laundered and how many
11 sets are you allowed to have?

12 A If I'm not mistaken, we can have four sets of clothing,
13 and they're sent to the laundry once a week, it's not always
14 easy to maintain your four sets of clothing. Orders through
15 the clothing room are not always filled.

16 Q Based on your experience?

17 A Based on my experience.

18 MR. LEVIS: I have no further questions of Mr. Bible.

19 THE CHAIRPERSON: Are there any other questions of
20 Mr. Bible from the Committee?

21 Q (By Dr. Glass.) Madame Chairman, I'd like to ask
22 just a couple questions here.

23 You mentioned that they had a psychiatrist or a
24 psychologist here. What is your observation on the needs
25 of people that need some psychiatric care and how are they

1 taken care of here, from your observations?

2 A My personal opinion that there are a great many
3 people who need a psychiatrist in the prison, in the main
4 yard. My personal observations, people that are considered
5 psychiatric cases are kept on a -- well, most of them are
6 kept on lockup status, if they're serious cases.

7 Q What do you mean, lockup?

8 A That means that they are confined to their cell in
9 the same building that the adjustment center is in. And
10 it's my observation that these people are not allowed any
11 more privileges than the people who are in adjustment center
12 for punishment. They eat the same food, they get the same
13 exercise privileges, which is very restricted. Their
14 personal property is very restricted. It's -- it appears,
15 or I guess one argument would be that they're in punishment
16 situation and atmosphere of punishment, because they are
17 psychiatric patients?

18 Q Is there no facilities set aside to take care of
19 these people at all, special facility or are they just
20 put in a cell and how long do they stay in their cell or
21 what freedom do they have?

22 A It's been about two months since I've been in that
23 building, but psychiatric patients are confined to their
24 cells.

25 Q For what periods of time?

1 A I guess, until a psychiatrist decides to release them
2 into general population.

3 THE CHAIRPERSON: Are there any other questions?

4 DR. GLASS: Thank you, Madame Chairman, that's all
5 I have.

6 The judgment that you gave, as far as people being
7 in their cells, I gather patients being in lockup and all
8 that, is in your estimation, I gather, from what you have
9 heard, is that right, not that you know from your own
10 knowledge?

11 A I have never been in one of those cells as a psychiatric
12 patient, but I have observed this with my own eyes.

13 THE CHAIRPERSON: Thank you, Mr. Bible.

14 Are there any other questions of Mr. Bible?

15 If not, are there any other questions of the Committee
16 of the gentlemen here?

17 Mr. Williams?

18 MR. WILLIAMS: Yes, Mr. Clugston.

19

20

21

RICHARD CLUGSTON

22

23 Q (By Mr. Williams.) Mr. Clugston --

24 A (By Mr. Clugston.) Yes.

25 Q -- did you, or to the best of your knowledge, do you

1 know whether or not inmates receive any kind of routine
2 physical on admission to the state prison?

3 A. I'm sorry, sir, would you repeat that?

4 Q. Yes, do you know whether or not inmates receive any
5 kind of routine physical on admission to the state prison?

6 A. There are none, to my knowledge.

7 Q. Any chest x-rays once a year, anything like that?

8 A. This past week in the hospital, they've been jerking
9 everybody out of the ward up there and giving them an x-ray,
10 but before that this wasn't done, that I know of, unless it
11 was a specific thing, like a broken bone or a suspected
12 broken bone or something like this. They've x-rayed it but
13 other than that, there weren't any x-rays.

14 You generally received one in DC, when you first come
15 to the prison but not on any admittance to the hospital.

16 Q. Would you relate to the Committee, we understand you
17 are blind.

18 Would you relate to the Committee how this came about,
19 the circumstances of your loss of sight?

20 A. Well, my eyes were burned when I was still in DC by
21 a welder. They were fencing in the CR numbers to separate them
22 from the regular prison numbers. They had a crew in there
23 welding.

24 I was working in the area, being assigned porter
25 there. I helped them sometimes or was working in that area,

1 I guess from the exposure, they were burned, but anyway,
2 they began to swell and I got big pus pockets under my eyes.

3 I asked the office, one of ~~the officers~~ there in DC,
4 if I could go to the hospital to get my eyes checked and
5 he said that I'd be coming out of DC pretty soon, so there
6 wasn't -- and it was a Sunday and there wasn't any point
7 in -- they were having visits and the escort officers were
8 covering, it would be too much of a hassle to get me over
9 there and there wouldn't be anybody there anyway, that would
10 look at me.

11 So he told me to wait, which I did, until I come out
12 of DC. After I left DC, I went to the hospital proper, after
13 I got in the main population, and asked to see the doctor.
14 They said they would put me on the list and that they
15 would call me.

16 So the next couple months, that's the way it went,
17 I kept going over there every day or two and they kept
18 telling me I was on the list and that I would be called.

19 MR. LEVIS: Excuse me, Mr. Williams, for the record,
20 Mr. Clugston, DC is the diagnostic center?

21 A Yes, sir, it is.

22 Q (By Mr. Williams.) Were you taken to see a specialist?

23 A Yes, sir, on the 29th of September. This was, the
24 accident occurred in July, this was in September.

25 Q Have there been any attempts at this point, in time, to

1 offer you any training that would help you with your handicap?

2 A. No, sir, none whatever.

3 Q. Have you requested such training?

4 A. I'm sorry, I'm confused.

5 Q. I'm talking about training for the blind.

6 A. Oh, no, this didn't come until just this year.

7 Q. Okay, but has the prison officials made any attempt
8 to offer you any training for the blind, up to this point
9 in time?

10 A. None whatever.

11 In late June -- in June of '73, I was recommended for
12 a commute by one of the doctors, so that I might be allowed
13 to go to the veterans administration for their blind
14 training center in California, but this was denied at the
15 parole board.

16 Q. Have you requested any training that would assist
17 you in dealing with your handicap?

18 A. I wrote several letters, the American Foundation for
19 the Blind, I wrote to the Phoenix Vocational Rehabilitation
20 Center, I wrote letters to Mr. -- or to the department of
21 corrections and, golly, everybody I could think of, but I
22 either didn't get any answer at all or it was just, I was
23 ignored.

24 MR. WILLIAMS: Thank you.

25 THE CHAIRPERSON: Are there any other questions of Mr.

1 Clugston?

2 Are there any other questions of any of the four
3 panelists?

4 Q (By Mr. Williams.) Yes, one more from Mr. Taylor.
5 Mr. Taylor, in your yard work, are you also assigned
6 to a garbage detail?

7 A (By Mr. Taylor.) Yes.

8 Q Could you give me an idea of what you observe in the
9 detail, what it's like?

10 A Well, on garbage detail we empty the garbage that
11 comes out of the kitchen, and often we observe in the garbage
12 can they're throwing away good food out of the kitchen.

13 Q Why is this food being thrown away?

14 A I couldn't tell you, it's not spoiled because they
15 would serve it on the line that night. Then, the next
16 morning they'd throw it away and let me relate one incident.

17 While on garbage detail, this was Monday, I think
18 it was, we told the officer running the kitchen to give
19 us some cake because we knew there was some left over be-
20 cause the kitchen workers told us it was in there. He
21 said it wasn't, so we settled for that. And we told him
22 that we were going to tell the warden that he's throwing
23 away good food.

24 So, the following day he wouldn't put the trash off
25 in the regular kitchen trash, he put it off in the trash being

1 behind CBJ3, what he was throwing away.

2 THE CHAIRPERSON: Did you see him do that, Mr. Taylor?

3 A I seen it in the trash.

4 THE CHAIRPERSON: But you didn't see the man himself
5 do that?

6 A No, I didn't see himself do it, but the inmates
7 follow the orders of the guard who run the kitchen.

8 THE CHAIRPERSON: Mr. Williams, did you have some
9 other questions?

10 MR. WILLIAMS: No, that's all.

11 Q (By Mr. Muskrat.) Can I ask one more of Mr. Taylor.

12 Mr. Taylor, the inmates who get, can you go back for
13 second and third helpings of anything that is -- that is
14 being served at that meal?

15 A No, as a matter of fact, you get a writeup if you
16 go back.

17 Q So, in other words, then, it's your testimony that
18 inmates are receiving only one serving and there is food
19 left over that could be given for second or even third
20 servings and it's thrown away in the garbage, is that your
21 testimony?

22 A Right.

23 Q Can you offer any explanation or do any of your panel
24 members know the reason for this?

25 A (By Mr. Bible.) No reason for it.

1 MR. MUSKRAT: Thank you, that's all I have.

2 THE CHAIRPERSON: Are there any other questions?

3 Mr. Levis?

4 MR. LEVIS: I just have a few questions for Mr.
5 Kidwell.

6

7

8

RAYMOND KIDWELL

9

10 Q (By Mr. Levis.) Mr. Kidwell, as I understand it, you
11 were recently paroled?

12 A (By Mr. Kidwell.) Yes, sir.

13 Q When was that?

14 A This was January the 31st, on or about the 31st.

15 Q And before that you were an inmate at the Arizona
16 State Prison?

17 A Yes, sir, I was.

18 Q And as I understand it, for most of the time leading
19 up to your parole, you were confined in the infirmary?

20 A To the prison hospital, Good Samaritan, St. Joseph's,
21 Pinal Hospital.

22 Q For most of the time?

23 A Yes, sir.

24 Q Because of the injury, as I understand it, to your
25 back?

1 A Yes, sir.

2 Q And you are presently getting care for that back
3 injury?

4 A Yes, sir.

5 MR. LEVIS: I have no further questions.

6 THE CHAIRPERSON: If there are no further questions
7 from any of the panel members, we would like to thank you,
8 Gentlemen, for being here this afternoon.

9 A (By Mr. Kidwell.) There's just one thing I would
10 like to bring up, is some discrepancies, you were asking
11 about discrepancies of medical treatment. I've a receipt
12 here where I had to pay for my own wheelchair for 13 months,
13 \$175.13, because I was denied access to a prison wheelchair
14 and --

15 THE CHAIRPERSON: Mr. Kidwell, would you wait just a
16 moment, please?

17 A This is not hearsay, you know. There can be no
18 rebuttal to it.

19 THE CHAIRPERSON: Well, talking with our counsel here,
20 it really isn't pertinent to the issues that we have here
21 at hand.

22 A Yes, Ma'am.

23 MR. LEVIS: I have no further questions.

24 REP. GUERRERO: I have a question, Madame Chairman,
25 I'd like to pursue this just for a minute.

1 Q (By Rep. Guerrero.) Is there, or are there wheel-
2 chairs available for inmates at state expense at the insti-
3 tution?

4 A Yes, sir, there is.

5 Q What was the reason that you weren't afforded a
6 wheelchair, was there a shortage of wheelchairs?

7 A Well, at this one time there was a shortage, sir,
8 and one of the wheelchairs had a flat tire on it, it was
9 the type with the tube in it and I requested, through the
10 guard and through a couple of inmates and through the
11 hospital administrator, to have it fixed, and the tire
12 was taken off and, you know, and then I was told that there
13 was some on order.

14 And during the meantime they refused to get another
15 chair for me to use and I had to be -- another inmate nurse
16 on the ward had to drag me in a chair from my bed to the
17 bathroom to clean myself, and to use the bathroom, and
18 then finally my stepfather rented this wheelchair for me
19 to use. And then, when the prison received new wheelchairs,
20 I was told that I would have to continue using the same
21 chair that I had, that I was not allowed to use one of the
22 chairs that were brought in.

23 THE CHAIRPERSON: Thank you, Mr. Kidwell.

24 Mr. Guerrero, this testimony has already been brought
25 out by Mr. Kidwell, prior to this.

1 REP. GUERRERO: I'm sorry, I wasn't aware of that.

2 THE CHAIRPERSON: Thank you very much.

3 Are there any other questions to be asked?

4 MR. MUSKRAT: I have just one question.

5 Q (By Mr. Muskrat.) Mr. Kidwell, if you had to pay
6 for your own wheelchair, I will, with the Chairman's per-
7 mission, Mr. Moran and Mr. Cardwell will appear here at the
8 end of this hearing and I will ask them if there's any way
9 you can be reimbursed for your wheelchair, if that will help
10 you any?

11 A Yes, sir, I'll certainly appreciate that.

12 MR. MUSKRAT: I will certainly appreciate that.

13 A There's other things I'd like to bring out, but I
14 don't know whether it's permissible to bring it out in this
15 court or not.

16 Seems like everything's got to be hush-hush. You know
17 know, under the table. I don't understand.

18 THE CHAIRPERSON: We're not giving that impression,
19 Mr. Kidwell.

20 A I mean I'd just like to tell it like it is, you know,
21 and let it go at that.

22 MR. MUSKRAT: Mr. Kidwell, we would certainly like
23 for you to tell it like it is, and like to hear it like it is.

24 Now, we have, as I explained to Mr. Biblé, one problem,
25 now, if you will -- if you can tell it like it is generally,

1 you see, then we're not -- then we're okay.

2 Now, if you accuse anyone, if you make any kind of
3 slanderous statement toward anyone, or if you accuse anyone
4 of a crime or an act that would constitute a crime, and
5 that person is identifiable, even you don't have to name
6 him, but if you say -- if there's one doctor, let's say, and
7 you accuse him of something that would constitute mal-
8 practice, then that is an identifiable person, and then we
9 have to go back into executive session and give them a
10 chance to respond.

11 Now, we would like very much to hear from you, we're
12 very pressed for time, we're about two hours late now, but
13 if you could keep your testimony in general terms so that
14 we don't have to go into executive session and if you could
15 make it as brief as possible, with the Chair's permission --

16 A Okay, sir, I just want to make one other point.

17 Here I have possession of a letter that was written,
18 postmarked October the 13th, 1973. This letter was to my
19 attorney, this was shortly, I was brought back to the prison
20 on a Friday afternoon, I wrote this letter asking for help
21 from my attorney to get pain medication or some kind of help,
22 I couldn't even see the doctor.

23 And on Monday morning I suffered a pulmonary embolism
24 was taken back to Good Samaritan Hospital, almost dead, and
25 this letter was returned to me marked returned for better

1 address, and I can see what no better address they could
2 want on it, and my contention is, the reason why it was
3 returned is because of my asking for help. And making
4 these accusations.

5 THE CHAIRPERSON: What was the date again on that,
6 Mr. Kidwell?

7 A October the 13th, 1972.

8 THE CHAIRPERSON: Was that prior to the new mail
9 regulations going into effect?

10 A Yes, it was.

11 Q (By Mr. Levis.) And it was prior to the new adminis-
12 tration --

13 A Yes, sir, it was.

14 Q -- and new position, new warden, new director?

15 A Yes, and although this letter was postmarked October
16 the 13th, the letter wasn't returned to me until January
17 of 1973.

18 THE CHAIRPERSON: Are there any other questions to be
19 asked?

20 Mr. Duke?

21 MR. DUKE: Just one comment, I believe that is all
22 prior to the dates of this investigation.

23 THE CHAIRPERSON: Right. I think we've established
24 that for the record, that it was prior to that.

25 A (By Mr. Clugston.) May I say something?

1 THE CHAIRPERSON: Yes, sir.

2 A. I've gone blind in this prison because no one knew
3 what to do. I sat from in July of '72 until May of '73
4 without any kind of medical attention whatever, my eyes
5 with the one exception of the time they took me from the
6 hospital on September the 29th of 1972, to an eye clinic in
7 Phoenix to have my eyes examined. The prognosis of that
8 was that I was already legally blind at that point, and
9 that my eyes were in a guarded condition.

10 I was returned to the prison the same day, turned
11 back into the population and received no further medical
12 attention of any kind from that point up until I came back
13 into the hospital in March, on the 16th day of March of
14 '73.

15 MR. LEVIS: Madame Chairman, I'd like to point out
16 again, as I understand it, this incident occurred before
17 the new administration and it's my understanding that the
18 present chief medical officer was appointed in March of 1973.

19 A. That's correct.

20 MR. LEVIS: Thank you.

21 A. And in fact, he was the one that got the thing
22 started or that tried to get me out of there, the parole
23 board, of course, denied this in August of last year.

24 THE CHAIRPERSON: Thank you very much, Mr. Clugston.

25 A. But I'd like to say that the general attitude in the

1 prison seemed to be that I had to defend myself because I
2 had a problem, I had to justify the problem, I had to
3 verify it, I had to do everything, the entire attitude was
4 one of -- that I had to be running a game on them of some
5 kind.

6 THE CHAIRPERSON: Now, you're speaking of the time
7 prior to the present administration, is that correct, Mr.
8 Clugston?

9 A Both to and for part of it, since.

10 Q (By Mr. Muskrat.) Mr. Clugston, didn't you testify
11 that you haven't received any kind of training for the blind?

12 A I haven't received any kind of training whatever.

13 Q You live in the infirmary, do you not?

14 A Yes, I do.

15 Q And what do you do all day?

16 A I sit in a chair.

17 Q Oh, my God.

18 A I can't go by myself, I have to -- I have to be led
19 everywhere that I go. I did teach myself to go from the
20 hospital ward out into the hospital patio, where I set in
21 a chair out there. I have done this since, well, for the
22 best part of a year now. I just sit in a chair or lie on
23 my bed.

24 THE CHAIRPERSON: Are your meals brought to you,
25 Mr. Clugston?

1 A. Well, yes, Ma'am, but this presented a problem too,
2 I became very messy with my eating, and I was ridiculed a
3 lot with this, and I became pretty selfconscious about it.
4 Well, the injuries, all I've lived on sandwiches for most
5 of the last six or seven, eight months.

6 A. (By Mr. Kidwell.) And I can testify to that because
7 I made most of them for him.

8 THE CHAIRPERSON: Thank you, Mr. Kidwell.

9 A. (By Mr. Clugston.) Just, I have a whole box full of
10 Braille under my bed, that one of the men were, one of the
11 outside people were kind enough to bring for me from the
12 Phoenix Rehabilitation Center.

13 I don't know how to teach it to myself and no one
14 there knows how to teach it to me, so I set.

15 My day, when I get up, is in that chair until I go
16 to bed. That's all I can do.

17 DR. GLASS: Madame Chairman?

18 THE CHAIRPERSON: Yes, Dr. Glass?

19 Q. (By Dr. Glass.) I'd like to ask you a question.

20 Has any effort been made to try to rectify some of
21 these problems that you have, to your knowledge? I mean in
22 the last, say the last 60 days or 90 days, or anything like
23 that?

24 A. In February I went before the board of pardons and
25 paroles again, they did recommend me to the governor for a

1 commutation of my minimum sentence, which will allow me to
2 go back in front of the board again, if Governor Williams
3 signs it, so that I could be paroled and take advantage of
4 training at the blind center, Palo Alto, California, which
5 the VA has offered to me which they have been offering to me
6 continuously since in the fall of 1972.

7 DR. GLASS: Thank you. That's all I have.

8 THE CHAIRPERSON: Thank you.

9 Are there any other questions of any Committee
10 members?

11 Mr. Bible, you had your hand up, did you wish to make
12 another statement?

13 A (By Mr. Bible.) Yes, I would just like to verify
14 the tone of indifference that these men mentioned. I had
15 a brace for my neck and it was confiscated in a shakedown
16 and destroyed. And that was just recently.

17 A (By Mr. Clugston.) I might add that during this
18 period, being in training and trying to keep from just sitting
19 in that chair and becoming a vegetable, I have attempted
20 at different times, to do things, I've taken a lot of falls,
21 I've banged myself up, I'm bruised from one end to the other,
22 but the general, everyone just says, well, we've never
23 been up against this kind of a problem before so we don't
24 know what to do about you.

25 THE CHAIRPERSON: Again we'd like to thank all of you

1 for coming this afternoon, and offering this testimony to
2 us. Thank you very much.

3 The Chair would now call Dr. Rolland Deputy, Dr.
4 Joseph Scalzo, Mr. William Rhode and Mr. Donald W. Stoner,
5 please come forward.

6 Gentlemen, I'd like to have you state your name, your
7 occupation and your address for the record, please. Dr.
8 Deputy, we'll begin with you.

9 DR. DEPUTY: Rolland Deputy, Arizona State Prison
10 Medical Department, I live on prison grounds.

11 THE CHAIRPERSON: Thank you.

12 MR. RHODE: William Rhode, Associate Psychologist,
13 Arizona State Prison.

14 DR. SCALZO: Joseph Scalzo, prison dentist, Scottsdale,
15 Arizona.

16 MR. STONER: Don Stoner, Food Service Director, my
17 residence is Coolidge, Arizona.

18 THE CHAIRPERSON: Mr. Williams, I believe you wanted
19 to start the questioning.

20

21

22

ROLLAND DEPUTY, M.D.

23

24

25

Q (By Mr. Williams.) Dr. Deputy, can you give me a
rough idea of the qualifications for the doctors at the state

prison?

1 A (By Dr. Deputy.) Well, they have to be a graduate
2 of an accredited medical school, have a license in the State
3 of Arizona.

4 Q How many doctors --

5 THE CHAIRPERSON: Mr. Williams, could I interrupt just
6 one minute, please?

7 Mr. Moran has asked to make a statement about Mr.
8 Clugston and I'd like him to come forward and make that
9 statement right now, while the testimony is fresh.

10 Mr. Moran;

11 MR. MORAN: Thank you very much.

12 I'd just like to say -- I'd simply like to say that
13 the administration of the institution and the department of
14 corrections has been fully aware and in total sympathy with
15 Mr. Clugston's situation. It has not at all been ignored.

16 I would simply like to suggest that I personally
17 have talked with Mr. Clugston, and how good his memory may
18 be I don't know, but I personally talked with him in the
19 hospital on at least three occasions. He has written to me
20 on several occasions, I have always promptly answered his
21 letters.

22 The department of corrections did everything that was
23 legally possible under the circumstances for Mr. Clugston.
24 While I do not have our complete central office file on this
25 case, I do have the local institution record. However, my

1 memory in this regard is quite good, because a week never
2 went by that we weren't concerned about Mr. Clugston.

3 We did, in fact, under the statutes, recommend a
4 commutation to the parole board on behalf of Mr. Clugston
5 several months ago, in order that he might be released from
6 the institution, placed in a special program of the
7 veterans administration prior to coming on with a total
8 blindness.

9 Needless to say we recognize that any training that
10 could be made available to him prior to total blindness
11 would be of significant value to him.

12 We pursued these efforts, we have much correspondence
13 written by competent professional people with the veterans
14 administration hospital and other agencies. He's been
15 referred to several specialists outside the institution,
16 this is all documented.

17 We were unable under present statutes, the VA hospital
18 was in the State of California, we were unable to transfer
19 this man while still under sentence. The VA hospital would
20 not accept Mr. Clugston as a patient while he was still
21 under sentence or under commitment, so that we have no
22 quarrel with what Mr. Clugston said, however, he is a bit
23 inaccurate with respect to some of the details.

24 We did everything we possibly could to get him out.

25 I would receive and I have a few of them here with me,

1 typewritten letters from Mr. Clugston, which obviously had
2 to have been prepared by someone else. I have no idea who
3 that other inmate might have been, I assume it was an inmate,
4 so I have no way of knowing whether my letters in turn got
5 to Mr. Clugston.

6 So, I would just like to simply say that that situa-
7 tion was by no means ignored by anyone, and I dare say, per-
8 sonally, I probably spent more time worrying about that
9 case than any other.

10 Thank you.

11 THE CHAIRPERSON: Thank you, Mr. Moran.

12 MR. MUSKRAT: May I ask a question, Madame Chairman,
13 of Mr. Moran?

14 Mr. Moran, you detailed your efforts to get Mr.
15 Clugston out of ASP. So that he can obtain training. But
16 those efforts have been unsuccessful. And my question then
17 is, if Mr. Clugston is going to have to remain a prisoner
18 in ASP, and a blind man as a result of an accident that
19 occurred in a vocational education class at ASP, what are
20 you going to do about training him yourself, what are you
21 going to do about obtaining some kind of state funds or
22 sending him to some state school or bringing some teacher
23 in to the institution to train him?

24 MR. MORAN: Mr. Muskrat, initially, I'd like to say
25 that I'm not sure that it's been clearly established that

1 in fact his present very tragic condition occurred as a
2 result of an accident, and certainly I'm not really sure
3 that's the case.

4 Secondly, needless to say, his present situation
5 requires very special kinds of programming, it's not
6 routinely available in the immediate area. I think,
7 realistically it's not something that you can get locally
8 and bring into the institution, if we could legally get him
9 out of there we could virtually place him anywhere and we
10 would have the funds to pay for it somewhere else.

11 We place people in specialized programs all the
12 time on a contractual basis. The funding really is not the
13 problem, it's the legal technicalities of law.

14 The only leeway we have in any situation like this,
15 without again touching all of the necessary statutory
16 legal bases involving both the parole board and the commu-
17 tation which goes through the parole board to the governor,
18 would be to discharge an individual within 90 days of max.
19 out date, this is the only flexibility we have in that
20 regard that we fully control.

21 I can only tell you that our budget proposal that has
22 been submitted for the next fiscal year, lays the major, if
23 not the total emphasis on professional staff in the many
24 program areas that you've been concerned with, education and
25 training and medical staff and psychiatric staff, psychology

1 and so on. So we're trying to budget a request, we're trying
2 to develop new relationships with other agencies with
3 regard to voc. rehab., for example, we've a very fine
4 relationship with them.

5 Our records would indicate that Mr. Clugston did not
6 express an interest in voc. rehab. services until February
7 of this year and knowing the voc. rehab. people as I
8 do, they're very prompt, they show up within a matter of
9 days.

10 So, I don't have a specific answer that would meet
11 his problem, because of the restrictions that now relate to
12 the situation under the statute.

13 Q (By Ms. McCullah.) Madame Chairman, I've a question
14 for Mr. Moran.

15 Mr. Moran, the VA facilities that were offering this
16 sort of training to this inmate, since it is a federal agency
17 and I imagine they have corresponding programs in the dif-
18 ferent states, why isn't any effort to ever mention the VA
19 facilities in Arizona, have you explored those possibilities
20 there?

21 MR. MORAN: I didn't explore them personally, but,
22 some staff people did it, but we were told that the specific
23 and obviously the very specialized program that we would
24 require to prepare him for his future was handled in a special
25 program, I believe around San Francisco, so naturally that's

1 where we headed, but there was not that kind of full-blown
2 program for the blind in the immediate Arizona area.

3 There are other programs, but not for that.

4 Q (By Mr. Zah.) Madame Chairman, I'd like to ask a
5 question too.

6 I think, I don't know how the rest of the Committee
7 members and other people felt, but I was really deeply moved
8 by, you know, what happened. And if I am not out of order,
9 what I'd like to request is that a record of all the effort
10 that has been made regarding what this man was trying to
11 get, when he was first contacted in so far as, you know,
12 your administration is concerned, and then all the outline
13 of effort that was made by your department, I think ought
14 to be given to the Committee to see, and perhaps make
15 a judgment if there was, you know, a vigorous effort made
16 by the department to help this man.

17 I'm saying it, you know, only because I was, you
18 know, deeply moved by what he had to say and just, you
19 know, by looking at him and I think most of us really do feel
20 that way.

21 And for instance, I'd like to know when you went out
22 to talk to him and perhaps what was said, and then, when he
23 requested a certain assistance, what did the department or
24 the facilities here, you know, do in response to this request?
25 I think, personally, I'd like to, you know, make a judgment

1 for my own self, to see if, you know, there was enough
2 effort made to satisfy this person's need.

3 MR. MORAN: We would totally agree with that and if
4 you hadn't requested it we would have requested the oppor-
5 tunity to do so.

6 We will do that as promptly as we can and it can
7 not be done today, much of this is in Phoenix, we will
8 get it to you as soon as we can.

9 MR. MUSKRAT: May I add something to that request,
10 Mr. Moran, it seems to me that what you've been trying to do
11 is to get Mr. Clugston out of the facility, you've been
12 unsuccessful and I posed a question to you, if you can't
13 get him out of the facility, what have you been doing to
14 bring the training to him? If you can not bring him to the
15 training.

16 And your response to that was that there are legal
17 technicalities involved.

18 Now, what I would like is perhaps in conjunction with
19 Mr. Joe Duke, your attorney, if you could tell us what those
20 legal barriers are to, or monetary barrier or what those
21 barriers are to getting those training to come into Mr.
22 Clugston at ASP. Then I think the Committee might well
23 consider a recommendation that a law be changed or a law be
24 enacted or something like that, in order to remove those
25 barriers.

1 MR. MORAN: I wasn't very clear, the legal barriers
2 exist with respect to being able to get him out of the
3 institution to a program, I'm not aware of any legal
4 barriers that would prevent programs from coming in.
5 However, here again I think we're talking about, it's
6 the same old thing, the location of the institution, the
7 need for very specialized people who are not readily avail-
8 able and that's the only answer I can give you, but there's
9 not much of anything we can bring in to him at the present
10 time.

11 There are no legal restrictions on him. It just
12 isn't there except as you heard Mr. Clugston say, and I
13 made reference to it, if you can call it whatever voc. rehab.
14 can do. And I don't know their full capability, but I
15 would wonder if they are really fully equipped to deal with
16 this very difficult kind of situation.

17 THE CHAIRPERSON: Mr. Moran, I think as a member of
18 this Commission, not sitting as chairman, but it would also
19 be my recommendation that after reviewing all of the evidence
20 that we have heard today, the testimony from you on what
21 the department has done, it would be in our best interest
22 to also pursue as a Commission, and I would ask the indul-
23 gence of all the members on this, to again contact the
24 governor on behalf of Mr. Clugston.

25 For the record, I would again mention that the depart-

1 ment of corrections does stand between the courts and the
2 board of pardons and paroles and has no control over either,
3 so it seems if we could intervene in this case for a
4 commutation it would seem to me to be a greater merit for
5 Mr. Clugston to be out and around and available for some
6 kind of training.

7 MR. MORAN: I would agree and just conclude with one
8 thing, the medical situation is very difficult, it is very
9 bad, we do have a man that has lost his sight, but again
10 there are other considerations involved in the thinking and
11 the decision making of the parole board as well as those
12 involved in commutation.

13 We're talking about the type of sentence, the nature
14 of the offense, a lot of other things and I would just es-
15 pecially suggest that these other matters are from a dif-
16 ferent point of view to be sure, but equally as serious
17 as the medical position.

18 And it's not an easy judgment to make.

19 THE CHAIRPERSON: Thank you, Mr. Moran, I appreciate
20 that.

21 REP. GUERRERO: I wanted to ask Mr. Moran something.

22 THE CHAIRPERSON: Does it regard this?

23 Keep in mind that Mr. Moran will be back on tonight
24 before we close.

25 REP. GUERRERO: Well, just in this particular case.

1 I wonder if Mr. Moran has thought about the idea of
2 approaching the governor or the parole board to review
3 this particular case?

4 MR. MORAN: We supported his initial request for
5 commutation and will support any other request for commu-
6 tation that comes in, since this is clear in the record,
7 this was given to Mr. Clugston in writing and we'll provide
8 it to this Commission.

9 That's our position, we support the commutation.

10 THE CHAIRPERSON: Thank you.

11 Thank you, Mr. Williams, for your indulgence.

12 Q (By Mr. Williams.) Okay, Dr. Deputy, we were talking
13 about the medical staff at the prison facility. What other
14 personnel do you have, medical staff, and what are their
15 qualifications?

16 A (By Dr. Deputy.) You mean doctors or --

17 Q Doctors and medics, whatever you have.

18 A Dr. Rogers, Bradford Rogers, is a general practitioner,
19 Francis Nabors (phonetic) is a resident psychiatrist.

20 Q Also the medics or --

21 A You have all that, I'm sure, in the documentation
22 that I sent to you.

23 Q How many medics do you have employed?

24 A I have ten.

25 Q Ten medics are employed.

1 What kind of work shift do they -- what's their
2 normal work shift?

3 A. Normal work shift? Eight hours a day.

4 Q. Is there someone available to see patients for sick
5 call 24 hours a day?

6 A. Right.

7 Q. This is seven days a week?

8 A. What?

9 Q. Seven days a week?

10 A. Right.

11 Q. Is there any kind of routine physical given when the
12 inmates enter the prison facility?

13 A. Yes, that's done in the diagnostic center.

14 Q. Could you give us a brief outline of what is entailed
15 in this physical?

16 A. Well, the general physical examination will include
17 chest x-ray, urinalysis, PDRL, and I usually get a coccidio-
18 mycosis and a TB test, blood pressure taken, take past
19 history, present history and any symptoms or any things
20 that they complain of, when then they're referred over to
21 see the doctor.

22 These initial physicals are done by CMA's.

23 Q. CMA's do the initial physicals and those are given
24 to all inmates entering the facility?

25 A. Right.

1 Q Do you give chest x-rays on a regular, routine basis?

2 A I didn't hear you.

3 Q Chest x-rays on a routine basis for inmates that are
4 already incarcerated?

5 A Yes, yes.

6 Q Can you describe any plans that are now either de-
7 veloped or being developed to build additional medical
8 facilities at the prison?

9 A I can't hear you.

10 Q Additional facilities? Are there any plans now in
11 effect to build additional medical facilities?

12 A Well, we're working on plans for a new infirmary.

13 Q You're working on plans, do you know whether or
14 not they'll, what stage they're in?

15 A I think they're in the drafting stage, I'm not sure.
16 I have approved them and --

17 Q Can an inmate call an outside physician of his own
18 choice?

19 A What?

20 Q Can an inmate call an outside physician of his own
21 choice?

22 A No.

23 Q What kind of backup do you have for the physicians
24 at the hospital, for emergencies?

25 A Well, we have available facilities of Pinal General

1 Hospital and we have also facilities at Maricopa County
2 Hospital.

3 Q Are there local physicians in the Florence area
4 that have backup for you?

5 A I don't think at the present time we have any local
6 backup physicians, but Dr. Tucker and Dr. Moreno were on a
7 contract at one time and I'm sure in the case of emergencies,
8 either one of those or both of them would respond.

9 Q Can you give me an idea of the range of illnesses that
10 are treated at the infirmary?

11 A Oh, colds and sore throats and general things. Once
12 in a while we pick up somebody that has appendicitis and
13 we have to send them out, hepatitis, we get a few cases of
14 hepatitis, quite a summer of accidental injuries, some of
15 them needed sutures and some of them are football injuries
16 that have to be treated.

17 MR. WILLIAMS: Thank you, Doctor.

18 THE CHAIRPERSON: Does that finish your testimony?

19 MR. WILLIAMS: For Dr. Deputy.

20 Q (By Mr. Levis.) Madame Chairman.

21 I think we heard testimony before from at least one
22 inmate that he did not receive a physical exam when he
23 was admitted. Do you happen to know when the physical exams
24 for admission were begun at the institution?

25 A I didn't follow what you were trying to get at.

1 Q Do you happen to know when routine admission physicals
2 started at the institution?

3 A They were started before I ever came there.

4 Q Mr. Rhode, do you have any knowledge of that?
5

6 WILLIAM RHODE
7

8 A (By Mr. Rhode.) Yes, if I might add I've been at
9 the institution now approximately four years in the diagnostic
10 center, during all the time I've been there we've done
11 routine intake physicals.

12 Q Of all inmates?

13 A Of all inmates coming into the institution, that
14 includes parole violators coming back, and in some cases
15 court returnees who have been out that have been taken back
16 out to court, and remain in the diagnostic center for,
17 if they're in for three or four days they again can get hit
18 with another physical.

19 Q So, it's at least the last four years, to the best
20 of your --

21 A To the best of my knowledge, yes.

22 Q Dr. Scalzo, as I understand it, you're the dentist at
23 the Arizona State Prison for both the women and the men,
24 is that correct?
25

1 DR. JOSEPH SCALZO

2
3 A (By Dr. Scalzo.) That's correct.

4 Q And how long have you been at ASP and what type of
5 dentistry do you do? What I mean by that, is it just
6 emergencies or is it general dentistry or what?

7 A I've been at the prison for a little over a year now,
8 and we are attempting to do every type of general dentistry
9 available that you would be -- a person would have available
10 to them on the streets.

11 Q How many people are on the dentist's staff and how
12 many inmates do you see, approximately, a day?

13 A My dental clinic consists of myself and a male dental
14 assistant. And I see, on the average, well, anywhere be-
15 tween 17 and 26 patients a day.

16 THE CHAIRPERSON: Dr. Glass, did you have a question?

17 DR. GLASS: Yes, I'd like to examine this fellow a
18 little bit.

19 Q (By Dr. Glass.) Doctor, I wanted to ask you one
20 question, do you have all the necessary equipment to work
21 with here at the prison?

22 A When I arrived at Arizona State, the equipment that
23 was located in the dental clinic was in my estimation quite
24 poor. Since the new administration and since Mr. Moran has
25 taken over the department of corrections, they have worked

1 100% with me in obtaining the necessary equipment to upgrade
2 the dental clinic to where I feel it was equal to what I
3 had in private practice.

4 Now, that doesn't mean at the present moment we have
5 all we need, but we are definitely working on it.

6 We've increased, I'd say a good 50% of what I would
7 like to have.

8 Q That's a pretty good size case load you have here,
9 I happen to know a little bit about that, I just wondered
10 how one dentist could handle this many patients?

11 A Well, as you know, I have approximately 1,300 people
12 that I am responsible for. My routine is not what I would
13 normally do in my private practice where I used to see ten,
14 to 12 patients a day, and this was sort of treating every
15 patient for an hour or maybe three-quarters of an hour.

16 But being we have so many patients to see, I feel
17 that one, I am there to take care of the emergencies, yes.

18 Two, when these are taken care of, then we can go on
19 and do the more sophisticated dentistry such as restorations,
20 prosthetics, etcetera, but at the present time we are getting
21 more of this done.

22 Q Sounds like the dental department here is in pretty
23 good shape, we hear that from the inmates, too. Thank you.

24 THE CHAIRPERSON: Are there any other questions of Dr.
25 Scalzo? I know that --

1 MR. LEVIS: If I could just ask a few questions.

2 Q (By Mr. Levis.) I understand there's going to be
3 a new medical facility?

4 A Correct.

5 Q And I just wondered how that will compare in size to
6 the one you have now and what is being done to improve the
7 facility?

8 I understand that you said that since Mr. Moran's
9 been in there's been some improvement but what is going to
10 be done at the new facility?

11 A Well, we haven't really increased the size, the prob-
12 lem is that with the number of patients that we, or the
13 number of inmates we have at the prison we could use two
14 dentists, but with the present facility the physical outlay
15 is such that it would be impossible to have two men working
16 at one time. So, we'd be duplicating a lot of what each
17 other would be doing.

18 With the new facility going in we have two rooms now
19 that would be separated, right now I have two chairs in
20 the main infirmary which are not separated by walls or
21 anything, they're sitting in a large room.

22 But with the new facility we will have two separate
23 rooms where we could possibly have two dentists working at
24 one time.

25 Q How does the facility at the women's division compare

1 with that at the men's division?

2 A I'm glad you asked, because we just got finished
3 putting in a whole new dental clinic over there, the one
4 previous again was very poor, and as of this date we have
5 just completed putting in a brand new unit, chair, presser,
6 x-ray and I would compare it to any modern dental office
7 in Phoenix or Scottsdale.

8 MR. LEVIS: I have no further questions.

9 THE CHAIRPERSON: Thank you, Dr. Scalzo, we know you
10 have to leave to catch an airplane so you may be excused.

11 DR. SCALZO: Thank you very much.

12 THE CHAIRPERSON: You're welcome.

13 Any other questions of the panel for these three?

14 DR. GLASS: Yes, Madame Chairman.

15 Q (By Dr. Glass.) Mr. Rhode, I brought this question
16 up to the inmates, I'd like to hear you elaborate on this
17 a little bit.

18 I understand there are quite a few patients in the
19 prison that do have mental problems.

20 A (By Mr. Rhode.) That's true.

21 Q And this was of great interest to me because I think
22 most of them have mental problems one way or another. But
23 there are some that need some extreme care, either psychiatric
24 care or something, I'm wondering if you could elaborate on
25 what facilities there are to take care of these people,

1 number one, and who is presently taking care of these people?

2 A Okay. On facilities we have available a separate
3 run at one of the cell blocks which is the psychiatric run.
4 The inmates that you heard about earlier are confined there,
5 and are continued on what we call two for one. People who
6 are locked up because they are mentally ill, can not be
7 put out into the general population, do retain their two for
8 one status, earn two days' credit for one day's good behavior.

9 We have available, Dr. Nabors, the psychiatrist, and
10 myself, and that constitutes the mental health team, or
11 whatever you wish to call it.

12 She is currently taking care of the particular in-
13 mates who need to be confined, but further than that we have
14 available the services of the state hospital upon completion
15 of a commitment proceeding. And we have committed, or I
16 have been involved in commitments of approximately 75 inmates
17 over the last three years.

18 I checked my record the other day and I believe I
19 committed 26 in the last calendar year.

20 Q How extensively does this psychiatrist counsel these,
21 consult with these inmates? What's her time that she spends
22 here?

23 A Let me back that up a little bit.

24 She is responsible for evaluations requested by the
25 parole board, requested by the classification committee, the

1 honor placement committee of the men subject to going to
2 Fort Grant or something of this nature. And has a psychiatric
3 history, they'll request an evaluation, she has a variety of
4 duties to perform and aside from that, she also is counted
5 on as one of our medical or physicians on call. Not just
6 for psychiatric reasons but she is also on for general
7 medical practice.

8 As to how often she sees the patients in the cell
9 block, that she may have on medication or doing something
10 else with, I'd say approximately three -- twice to three
11 times a week. I really couldn't be certain unless I could
12 ask her.

13 Q Let me ask you, why aren't these patients sent to
14 the state hospital for treatment? They do have a large ward
15 over there for inmates.

16 A Most of the patients presently confined in that par-
17 ticular ward, have been, at one time, to the state hospital.
18 Have been returned with the evaluation by the maximum
19 security people in the state hospital, with the diagnoses
20 that they've reached the maximum benefit of the state hos-
21 pital, that they can provide and they send them back on a
22 recommendation of that type.

23 At that same time, they generally, if necessary,
24 provide a prescription for medication.

25 Q What happens to them after they send them back here?

1 After they've been released from the state hospital?

2 A. We have moved a number of individuals from there who
3 have successfully -- who have successfully, let's say re-
4 turned to some degree of normalcy, where they can be placed
5 in the population in guarded terms.

6 We have a number of these former patients, former
7 people who are locked up currently, living in the general
8 population and working in the general population. It may
9 be necessary to maintain them on medication for a period of
10 time, but it is not necessary to keep them confined.

11 Now, we have available in the, I believe it's 34
12 cells, and I would say that right now we have approximately
13 20 people locked up for psychiatric evaluation and obser-
14 vation and treatment.

15 Q. Well, from what the testimony we heard from one of
16 the inmates, these people are practically -- sounded as
17 though they're put away like animals in these cells, they
18 don't get out or anything. I'd like to hear you elaborate
19 on just what freedoms the people have and how you cope with
20 this?

21 A. I will.

22 They have a, I believe it's three exercise periods
23 a week in which they're taken outside, weather permitting,
24 it usually does, to -- for good, lengthy periods of exercise,
25 they have available the services of a library, books that

1 they may read, certain items are taken from them, such as
2 razors, belts, bootlaces, this type of thing. That is
3 taken away. That is basically a security precaution.

4 Q I understand.

5 A Now, their food is delivered, as it is to the rest
6 of the people on lockup for disciplinary reasons, their
7 food is delivered to them and generally we use paper plates.
8 Again, another security precaution.

9 It is the same diet that is fed in the main line
10 kitchen unless the man also has a medical condition which
11 precludes that particular diet.

12 DR. GLASS: Thank you, Mr. Rhode.

13 THE CHAIRPERSON: Ms McCullah?

14 Q (By Ms. McCullah.) Mr. Rhode, do you also provide
15 psychiatric services to the women's division?

16 A Yes, psychiatric services are available to the women's
17 division.

18 Q Could you tell us what are the visits, what kind of
19 a routine?

20 A I'm not aware of how often Dr. Nabors goes over there.

21 Q Do you visit the women's division or are they brought
22 over to the medical center?

23 A Generally I'm on call to the women's division. If
24 they want me to see somebody they'll call me up and ask me
25 to come over and see them.

1 Q Then between you and Dr. Nabors, you take care of
2 both the men and women's division?

3 A That's correct.

4 Q Thank you.

5 Madame Chairman, I'll continue with Mr. Rhode.

6 You mentioned the state facilities, that you do send
7 inmates to the state facilities. In your opinion, how do
8 you rate the facilities at the state hospital?

9 A I think they do a very fine job with the people that
10 we send up there.

11 Q All right.

12 Could you explain the difference between the criminally
13 insane and psychotic?

14 A You mean the difference between criminal insanity and

15 Q Right, and psychotics?

16 A I don't think I'll get into the definition of criminal
17 insanity. I don't believe I can.

18 Q All right.

19 You mentioned medications. Do you use this as a form
20 of treatment?

21 A Dr. Nabors does, yes.

22 Q Does that entail the use of drugs?

23 A It does.

24 Q Could you indicate the types of drugs by name?

25 A Thorazine, stelazine or proxiline (Phonetic).

1 Q What is the reaction after the drug is taken, you
2 know, what is the consequence to the inmate, what does it
3 do, in other words?

4 A It is a method of controlling or calming the inmate
5 down. Such as a large dose of a tranquilizer.

6 Q I'd like to just have your general opinion on what
7 could be done to expand the psychiatric services at ASP?

8 A I believe that we could put to good use, another two
9 psychologists and another psychiatrist.

10 Q What about any sort of linkups with the universities?

11 A I have -- something I should add here, I have had
12 available and I still have available the consulting services
13 of Dr. Warren Gorman (Phonetic) of Scottsdale, and the
14 department recently contracted with a Dr. Russell Martin of
15 Tucson for psychiatric services. So these two individuals,
16 particularly Dr. Gorman, over a good period of time, have
17 expanded our services to some degree.

18 Q How often are they available?

19 A Dr. Martin is available one day a week, arrives on
20 ~~Thursday of each week now.~~ Dr. Gorman is more at his discretion
21 than mine, he comes down when he is able to come down.

22 Q But he is available?

23 A Yes.

24 Q Under his discretion?

25 A Yes.

1 THE CHAIRPERSON: Mr. Guerrero?

2 Q (By Rep. Guerrero.) She asked a lot of questions I
3 was going to ask, but I wanted to ask one question to
4 Doctor -- Mr. Rhode?

5 A Mr. Rhode.

6 Q Do you have access to the files between the physicians
7 and the inmate?

8 A Do I have access to the medical file?

9 Q Yes, do you review them when they leave or when
10 they return?

11 A Yes.

12 Q Has it been your occasion or has -- has it been your
13 occasion to, while reviewing an inmate's record, while
14 having been at the Arizona State Hospital, that he may have
15 showed a degree of improvement while there?

16 A Yes, on a good many occasions.

17 Q Then upon his return to the institution, has this
18 condition improved or gotten worse?

19 A I would say for the most part, I don't know of any-
20 body who has gotten worse by going to state hospital.

21 Q I mean after they come back to the institution?

22 A A number of people have required recommitment to
23 state hospital.

24 Q Well, when they are returned, is there a recommendation
25 that they, or to your information, that they have maybe

1 responded to certain therapies, and that there's a certain
2 medication possibly prescribed that they continue using?

3 I know psychiatrists have gone a long ways and they
4 have had a lot of these patients respond to medication. I
5 wonder if there's been any recommendation upon release
6 from the Arizona State Hospital, that the patient has re-
7 sponded to a certain effort by the physicians down there
8 and that maybe should be continued? Is there recommendation
9 of that?

10 A On almost all returnees from the state hospital,
11 there's a recommendation for the continuation of medication.
12 I -- there is one point here, the only exception to that
13 may occasionally be when they do not find an inmate that
14 we have committed to them to be mentally ill. And that
15 has occurred on numerous -- on occasions.

16 Q Mr. Rhode, is there occasion that this medication of
17 the practice of administering this medication has been dis-
18 continued while he had to be returned to the institution?

19 A When he returns to the institution, the medication
20 is continued as per directed and then it is left to Dr.
21 Nabors' discretion as to how long the inmate will be kept
22 on that medication.

23 Prior to Dr. Nabors' arrival at the institution, it
24 was up to the medical doctor of the facility from the prison
25 to determine how long the individual would remain on the

1 medication and we usually did that, we usually determined
2 that by a consultation with the doctors at the state hospital.

3 Q Well, Mr. Rhode, it's been my knowledge, that, known
4 of similar cases or cases, you know, relating to mental
5 health where a person once having been diagnosed as needing
6 the certain type medication that the medication remains con-
7 tinuous, there's cases where it's not to be discontinued.

8 A That's true.

9 Q Does the physician here have the option to discontinue
10 that recommendation?

11 A Yes, the physician does, there are also times when
12 the medication, after being given for a while, must be
13 changed.

14 Q Well then, my question is, if a person has responded
15 to certain medication at the state hospital, and the medi-
16 cation here is use through certain medication, then he is
17 returned to the institution, the medication is discontinued
18 and the person is recommitted, wouldn't it seem reasonable
19 to you, wouldn't it appear to you that possibly that that
20 medication should continue in spite of what this physician
21 here might come up with?

22 A Maybe I haven't made myself clear.

23 For the most part that medication is continued,
24 but there are points with various types of medication where
25 the medication, where you no longer wish to give that

1 medication and you substitute another medication.

2 Dr. Deputy, here, would be much more qualified to
3 give you responses to what constitutes a changeover in
4 medication, why should the medication be changed after a
5 period of time as to what, you know, what happens to the
6 physical body, let's say, of the individual, but the medi-
7 cations that we use, and we have available to us at the
8 institution, do, from time to time, require changing and
9 also the condition of the individual dictates when that
10 medication may be changed, also.

11 I can cite numerous examples, but I think that would
12 be really in the doctor's field.

13 REP. GUERRERO: Madame Chairman, the reason I wanted
14 to bring this out is because there's a theory or -- that a
15 lot of problems relating to mental health do probably
16 relate to physical or chemical deficiencies, pardon me,
17 chemical deficiencies and because when and how, whether the
18 evaluation is correct or it will be -- would be -- gee whiz,
19 you know, I could go on once I'm talking, I'm trying to cut
20 it short, see, so I'm just wondering whether there's
21 anybody to review these cases that are -- where a patient
22 is showing a degree of improvement and he's sent back here
23 and then they got to send him back and then he's back to
24 the same condition in which he originally went into the
25 hospital, this is what I was thinking about.

1 THE CHAIRPERSON: I see what you're after there, Mr.
2 Guerrero, I think the problem that Dr. Deputy would be the
3 one to respond to that, rather than Mr. Rhode, if you're
4 talking about some kind of chemical imbalance or physical
5 problem rather than psychiatric.

6 A (By Dr. Deputy.) Well, I think a lot of these
7 medications have to be changed because like all medications,
8 the individual develops a tolerance to them and so they
9 get to the point no matter how much you give them, you don't
10 get the desired result, so you change to something else
11 and then you get the result.

12 The other thing that would change the medication
13 would be some physical problem developing on top of his
14 mental problem, that would require other medication and some
15 medications are incompatible with certain other medications.
16 So you may have to change for that reason.

17 THE CHAIRPERSON: Thank you very much, Doctor, does
18 that answer your question?

19 REP. GUERRERO: Well, yes, but you know, it still
20 appears sort of ridiculous to me to know that, and I got into
21 this several years ago and I went round and round with
22 Dr. Bowers to see that a patient reaches a degree of improve-
23 ment only to be readmitted and I don't know if he's more
24 interested in that budget he's got down there or the patient.

25 THE CHAIRPERSON: Do you have any other comments or

1 questions, Mr. Guerrero?

2 Mr. Stoner, you've been very patiently sitting there,
3 we do have several questions for you.

4 DR. GLASS: Madame Chairman, before we get on, I'd
5 like to ask another question here of, I guess Mr. Rhode.
6 (By Dr. Glass.) Dr. Deputy, this, I'd like to check
7 on one thing. You mentioned a while ago that no outside
8 physicians were allowed in the prison wall. That is
9 patients can't call in someone, I just wondered when the
10 last time a private doctor was called in to the prison here?

11 A Well, I think that probably the last one was a chest
12 physician that came in to see Mr. Merideth. That doesn't
13 mean that if they can't call in an outside doctor, we do have
14 situations where we do bring them in, most of these people
15 are set up to see outside doctors which is a much more
16 convenient way to handle it.

17 Q What I was really referring to was an inmate calling
18 in an outside doctor?

19 A Well, if we'd do that we'd have half of the doctors
20 from Phoenix and Tucson up there every week.

21 Q Well, according to this booklet that we received,
22 that does state in there that they can have an outside
23 physician. I realize this would present a lot of problems
24 but I think this should be corrected.

25 A If we'd permit that we'd have inmates making all

1 kinds of diagnoses and we could have all kinds of doctors
2 up there and wouldn't know what to do with them.

3 THE CHAIRPERSON: Dr. Glass, do you have any other
4 questions?

5 DR. GLASS: Yes, I would like to ask Mr. Rhode another
6 question to get back on this policy of this three days
7 a week for mental patients.

8 I just wondered how you arrived at this conclusion,
9 that these people should get three recreation times a week?

10 A (By Mr. Rhode.) For the most part, it's a matter of
11 convenience to custodial staff, that is about all we're
12 able to do. That building currently is a lockup facility for
13 the most part and because of it you have food being given to
14 each inmate, you have showers being given to each inmate,
15 you have exercise periods being given to each inmate and
16 it's a simple demand on time in the facilities.

17 Q You mean you take them out individually?

18 A We take them out in two's or three's.

19 Q One at a time?

20 A Two's or three's, you know, depending on the par-
21 ticular inmate.

22 Q Is your feeling that this is adequate or not?

23 A I'd like to see it expanded but in order to do so we
24 would have to have more officers in that particular building.

25 Q Do you feel like this compounds their problem to be

1 kind of confined for this much time, or not?

2 A. Some it does, yes.

3 Q. Do you use any discretion in that respect?

4 A. Pardon?

5 Q. Do you use any discretion in that respect, where
6 you feel like that this is having a bad effect on an indi-
7 vidual, you will let him take him out more often if you
8 feel this way, or is it a routine policy?

9 A. We're looking at it from really the other end, we're
10 trying to get these people back into the main stream, back
11 into the population and that's the way we're working,
12 trying to go the opposite direction and get the person to
13 the, into a capacity to function within the institution.

14 Now, if a man has a relapse into a psychotic state
15 the first thing we have to do is bring it under control
16 and then if the doctor, Dr. Nabors feels we can not quite
17 handle the situation in the institution, we will commit
18 the inmate to the state hospital as maximum security patient.

19 DR. GLASS: Thank you, Mr. Rhode.

20 Madame Chairman, that's all I have.

21 THE CHAIRPERSON: Ms. McCullah?

22 Q. (By Ms. McCullah.) Dr. Deputy, I'd like to pursue
23 this question on whether or not inmates are allowed to
24 call in physicians at their own expense.

25 The reason why I am asking is because we have two

1 different answers here, you're saying no, they're not
2 allowed to, and yet the answers that we received to ques-
3 tions that were given on the baseline from Mr. Moran, they
4 are allowed to call in physicians at their own expense.

5 A (By Dr. Deputy.) I'm not sure what the regulation is
6 on that, whether they can or can't. You'd probably have to
7 ask Mr. Moran that question. Or Mr. Schuster.

8 THE CHAIRPERSON: Mr. Schuster, would you care to
9 respond to that?

10 MR. SCHUSTER: I was in conversation over something
11 else.

12 THE CHAIRPERSON: We can restate it, we have had
13 conflicting reports here about whether or not an inmate
14 may call in his own doctor at the inmate's expense.

15 MR. SCHUSTER: Last fiscal year we spent half a
16 million dollars on medical costs for the inmates so as a
17 procedural matter, we do not encourage them to call in their
18 own doctors.

19 We are now using those funds to provide the doctors
20 you've talked to today and the other medical facilities
21 within the institution. If there are things that we can not
22 handle within those parameters, specialized things, we will
23 consider it on an individual case where they may call in
24 people if they wish to go to that added expense.

25 THE CHAIRPERSON: So that the inmate can under --

1 A MR. SCHUSTER: The answer is yes but with equivocations.

2 THE CHAIRPERSON: Under certain circumstances?

3 MR. SCHUSTER: Yes.

4 THE CHAIRPERSON: Mr. Stoner, can you state for us
5 your background and your experience with the job of food
6 service director?

7

8

9

DONALD W. STONER

10

11 A (By Mr. Stoner.) I have 30 years experience in the
12 Air Force as a food service officer, I'm a retired major
13 from the U.S. Air Force and I think I'm fully qualified.

14 THE CHAIRPERSON: Thank you.

15 Are you responsible for preparing the menus and
16 ordering the food for the prison population?

17 A I am.

18 THE CHAIRPERSON: Do you check the menus to assure that
19 they are nutritionally balanced?

20 A I write them.

21 THE CHAIRPERSON: So you don't have to check them,
22 you write them.

23 To what extent is the menu varied from week to week?

24 A As much as the monetary system will allow, plus the
25 growth of our gardens that we have at the farm.

1 THE CHAIRPERSON: How much of the fresh vegetables,
2 for instance, do you have to purchase or how much is grown
3 at this farm?

4 A Well, it depends on the growing period, at one
5 period I may be buying everything off the market and then,
6 right now I'm buying nothing but fruits off the market.

7 THE CHAIRPERSON: Do you have your own hogs and
8 cattle there at the prison?

9 A Yes, we do have.

10 THE CHAIRPERSON: And you do your own butchering and
11 I don't know if that's part of the food service program or
12 not?

13 A It's not part of my business, but it is handled by
14 correctional industries, correctional industries raises all
15 of our hogs and we get all our pork from correctional
16 industries. We get part of our beef from correctional
17 industries, when they can not furnish it we buy it off
18 the local market.

19 THE CHAIRPERSON: In your opinion, are the budget and
20 facilities at the prison adequate in order for you to do
21 your job and to see that the food is adequate and attractively
22 served?

23 A Boy, you said a mouthful that time.

24 We, as you know, we are -- presently have a new
25 facility, almost ready for construction. We have four other

1 facilities that in most cases are adequate, we have some
2 new equipment on order that will bring them up to what we
3 consider as adequate. And when we get the new facility,
4 I think we will have a completely adequate facility
5 throughout.

6 THE CHAIRPERSON: Thank you.

7 Are there diets for inmates with special diet, like
8 ulcer diet, diabetic diet?

9 A There are some that we try to put on that diet,
10 the doctor and I just went through a long period with a
11 young gentleman he put on a diabetic diet last week, and he
12 refused to eat it. We have many people on a diet right now,
13 prepare a special diet for, and destroy everything that
14 we served off of.

15 THE CHAIRPERSON: Do you supervise these diets,
16 prepare the menus?

17 A Yes.

18 THE CHAIRPERSON: Is special clothing provided for
19 inmates and staff who work in the kitchen facility?

20 A It is. White clothing.

21 THE CHAIRPERSON: When one of the inmates was testi-
22 fying here earlier today, he stated that as part of his
23 duty, it was his duty to carry out garbage and he saw food
24 being thrown away, and he also mentioned that inmates were
25 not allowed to have second helpings. I'd like to have your

1 comment on those?

2 A. All right, I'd like to give my comments on both of
3 them.

4 First place, he doesn't carry out the garbage, he
5 loads the garbage off the garbage rack into the garbage
6 truck. He is not assigned to the kitchen.

7 The portion on seconds, the -- this is caused by a
8 purely security operation, because you have men coming
9 through a serving line one way, if you allowed him to come
10 back through the other direction you would have people
11 coming against each other.

12 Now, the people serve themselves to everything
13 except the controlled diet, they take whatever they want,
14 we've got people who put it on their plate but if they want
15 more they can get it, so we figure if a man takes what he
16 wants, that he should eat what he takes and he should ask
17 for what he wants and this is basically the concept that
18 we operate on.

19 And the -- the control of the garbage is the best way
20 that we can tell whether or not the people are getting enough
21 food because we watch the garbage cans all the time.

22 Back to the garbage again, any item that has been
23 prepared over 24 hours, if we have not re-served it we must
24 destroy it because that's as long as we can keep it without
25 re-serving it.

1 This will happen when we have served an item, we'll
2 reuse it and the second time around it's got to go.

3 THE CHAIRPERSON: Is that just an internal rule
4 that you have there at the prison?

5 A. No, I'm sorry, but that's a -- that's health depart-
6 ment rule.

7 THE CHAIRPERSON: All right, are there any other
8 questions of Mr. Stoner?

9 Q (By Rep. Guerrero.) I have a question.

10 Mr. Stoner, what is the procedure in going through the
11 line?

12 A. Through the serving line?

13 Q Yes, sir.

14 A. The inmates are brought to the door of the dining hall,
15 escorted to the door, they go through the serving line in
16 single file, go out into the dining room, pick up their
17 drinks and go straight to their tables, sit down, eat their
18 meal at their leisure.

19 They get up and go outside the dining room where they
20 are assembled and taken back to either their place of duty
21 or to their cell blocks.

22 Q Mr. Stoner, what if an inmate has been out here working
23 hard all day, out in the sun, and he comes in and he finds
24 that he didn't maybe get enough in the original portion,
25 he's hungry, he's been working all day, isn't it just as easy

1 for him to get up and go right back through that line again,
2 instead of disposing of the food and using the food that
3 has been left as a gauge to see how much these guys eat?

4 A He certainly can, he can go back through that line
5 as many times as he wants to.

6 Q I always thought there was no seconds on that?

7 A If he wants to go back through the line he can get
8 seconds, he sure can, they do it all the time.

9 THE CHAIRPERSON: Mr. Stoner, I'm sorry, I maybe
10 misunderstood what you said a little earlier, that for
11 security reasons you didn't allow them to go back?

12 A We're talking about two different things, maybe I
13 should explain myself.

14 When people are coming through the serving line,
15 you have a constant line coming through. Now, they can go
16 outside the dining hall and go back and go back through the
17 line again and this is what a great number of them that
18 want more to eat do.

19 THE CHAIRPERSON: I see, rather than going through
20 inside, they must go outside and back through?

21 A They just go back and leave their tray and start over
22 again and walk right out the door and go back around.

23 THE CHAIRPERSON: So they could get fourths or fifths
24 or whatever?

25 A The number of trays that we wash, believe me, we've

1 got people going through two and three times, Ma'am.

2 THE CHAIRPERSON: Must they ask permission of the
3 guards then, to go out and around?

4 A. Yes, they do.

5 THE CHAIRPERSON: You do have -- you keep a count,
6 then, of people coming back?

7 A. No, we don't.

8 THE CHAIRPERSON: But they must notify the guards that
9 they're going around?

10 A. The guard has to let them go back around, yes.

11 THE CHAIRPERSON: Thank you.

12 Q (By Rep. Guerrero.) Mr. Stoner, is there any barrier
13 between where they eat and where the serving line is?

14 A. Yes, sir, there's a solid wall.

15 Q. A solid wall?

16 A. Yes, sir, with one door coming into the dining room.

17 Q. And the only way they can get back through the line
18 from within the building would be to go right back from the
19 end of the line right up to the beginning of the line?

20 A. Yes, either -- to one end or the other.

21 See, the serving line goes completely across the end
22 of the dining room, and one end of it is the outside of the
23 building and they come through there and come into the door
24 on the inside and come out into the dining room.

25 Now, if they go back through the door goes into the

1 dining room. they're going right back against the group
2 of people that's trying to come through the other way,
3 which only leads to organized confusion.

4 THE CHAIRPERSON: Are there any other questions of
5 Mr. Stoner?

6 DR. GLASS: I'd like to --

7 REP. GUERRERO: One further question.

8 THE CHAIRPERSON: Yes, sir, Mr. Guerrero.

9 Q (By Rep. Guerrero.) Mr. Stoner, you stated earlier
10 that there have been inmates that have been placed on a diet
11 and they have refused to eat it. How about those inmates
12 who have been put on a diet and have not refused to eat it,
13 is this diet provided to them?

14 A Until the doctor removes him from it. The doctor
15 places a man on a diet, I don't --

16 Q Is the food in the diet, is it fairly well, is it
17 made available to the inmate?

18 A Yes, it is.

19 REP. GUERRERO: Thank you.

20 THE CHAIRPERSON: Dr. Glass, you had a question?

21 Q (By Dr. Glass.) Mr. Stoner, what calorie diet would
22 you say is the average calorie diet that these men are on?

23 A At the present?

24 Q Yes.

25 A Between 3,400 and 3,600, right now.

1 Q And another question, do you and Dr. Deputy consult
2 on diet and nutrition amongst yourselves, do you have a
3 consultation occasionally or on what basis do you --

4 A Only in case he wants to talk to me about a diet
5 or wants to call me about something specifically.

6 Q I just wondered if you did deliberate with him on
7 diets.

8 Thank you, Mr. Stoner, and Madame Chairman, that's
9 all I have.

10 THE CHAIRPERSON: Are there any other questions of
11 the panel?

12 Mr. Williams?

13 Q (By Mr. Williams.) Yes, Dr. Deputy, could you out-
14 line the medical facilities at the women's prison?

15 A (By Dr. Deputy.) Well, we have an infirmary if you --
16 six beds in it and the office, examining room and a
17 dental unit over there.

18 Q Are there any other doctors responsible for women's
19 facility aside from yourself?

20 A Well, I'm primarily responsible, but I'm not here,
21 why, Dr. Rogers is on call or Dr. Nabors goes over there.

22 Q Is there any other medical staff there besides the
23 doctors?

24 A Yes, I have a nurse full time and one part time. Both
25 RN's.

1 Q What do you do for emergencies at women's facility?

2 A What?

3 Q What do you do in case of emergency, what services
4 do you use?

5 A Use the Pinal General Hospital.

6 MR. WILLIAMS: Fine, thank you.

7 THE CHAIRPERSON: Thank you. If there are no other
8 questions of the panelists, we thank you very much, Gentlemen,
9 for coming this afternoon.

10 The Chair would like to call next, inmates Sam Akins,
11 James Miller and Ralph Miranda.

12 Could we have Ms. Sharon Lizese, Mr. Yale Simons, Mr.
13 Luis Baeza, and Mr. Hal Delhaye?

14 We have had a slight change here. Ms. Lizese has
15 to get back to Tucson, so we'll do the outside panelists
16 first and the inmates second.

17 If you would, for the record, state your name,
18 occupation and address, we'll just go ahead and get started.

19 MS. LIZESE: I'm Sharon Lizese, Pima County Correctional
20 Volunteer Center, in Tucson.

21 MR. BAEZA: Luis Baeza, 903 East Picarolo (phonetic),
22 Phoenix, Arizona.

23 MR. SIMONS: My name is Yale Simons, I'm the founder
24 of the Seventh Step Foundation in Arizona, and I'm a human
25 relations counselor.

1 MR. DELHAYE: Hal Delhaye, I'm a counselor at the
2 Pima Community College and director of the exoffender
3 program.

4 Q (By Mr. Levis.) Ms. Lizeze, could you give a brief
5 description of your program and how it relates to exinmates?
6

7
8 SHARON LIZESE

9
10 A (By Ms. Lizeze.) We do what we term a prerelease
11 program, we start with an inmate three to three and a half
12 months prior to the time that he is to appear before the
13 parole board. During that time, a volunteer is assigned
14 to that inmate on a one to one basis to establish both the
15 personal relationship, you know, what kind of advocacy-friend
16 role, as well as to help him determine what kind of parole
17 plan would be best for him.

18 We do things such as look for a place for the person
19 to live, a job, some kind of supportive community-based
20 treatment for that individual.

21 And then we represent the person at the parole board.

22 Q Before the parole board?

23 A Before the parole board.

24 Q How do you determine which inmates to counsel and how
25 many volunteers do you have in this program?

1 A Okay, we first of all, we determine, we receive
2 requests from the prison, this comes through the prison
3 counselors, most of our requests come directly from the in-
4 mates themselves.

5 Our screening procedures are fairly subjective in that
6 we go up and the volunteer and the inmate start talking and
7 make some kind of decision as to whether or not the inmate
8 will fit into our program. However we're trying to sophisti-
9 cate this screening, and the department of corrections, at
10 our request, did contact the services of Dr. Russell Martin
11 from the University of Arizona Psychiatry Department.

12 These services started in February and they're really
13 helpful to our program because Dr. Martin comes up to the
14 prison once a week on Thursdays, and evaluates and makes
15 recommendation to us on specific inmates that have requested
16 our services. And we also have drug counselors from the
17 Tucson area that come up to do drug evaluations and that helps
18 us.

19 Q How many volunteers do you have in this program?

20 A That's a really hard thing for me to answer, we have
21 280 volunteers in our whole program, we have, our volunteers
22 work with an inmate prior to parole, if that person is
23 paroled they continue working with them. We have approxi-
24 mately 90 parolees out on the streets right now, which is
25 90 volunteers, but at the present time we also have about 18

1 volunteers working with new people coming up for parole.

2 Q What happens if a person is not paroled, whom you
3 aid?

4 A We keep that person on our records and if he requests
5 that we work with him we continue working with him.

6 We are not, we do not see him until three months
7 prior to that parole hearing but our volunteers usually keep
8 in contact via the mail.

9 Q Are your services limited to inmates from Pima County?

10 A Yes, they are.

11 Q And what has been your success --

12 A Let me be, just one thing, with one exception and
13 that is if there is an inmate from Maricopa County who defi-
14 nitely wants to go to Pima County, if there's any way pos-
15 sible, we can work with that person, we do.

16 Q I have, I think, two more questions.

17 What has been your success rate before the parole
18 board on the inmates that you've counseled, approximately?

19 A That's a really hard question for me to answer. I'd
20 say 50-50.

21 You know, I think that the majority of our inmates
22 benefit, I'd like to think they benefit when we represent
23 them before the parole board because we have a specific,
24 concrete program.

25 Q What type of cooperation have you received from the

1 department of corrections?

2 A We have received excellent cooperation from the
3 department of corrections, a lot of support, any time we
4 had a problem, they've sat down and worked out things.

5 Like we've really received excellent cooperation
6 and I'd like to say also that in the last two and a half
7 months since I became a director of our agency and I
8 really can't speak for previous times, we've really had an
9 excellent working relationship with the prison administration.

10 We have negotiated things that make it easier for
11 us to screen our clients and they've just been very helpful.

12 Q You work only with inmates at the Arizona State
13 Prison or at the other facilities?

14 A We have just begun to work with Fort Grant and we
15 are renegotiating to work with inmates at Safford.

16 MR. LEVIS: I have no more questions of this witness.

17 THE CHAIRPERSON: Are there any other questions of
18 Ms. Lizeze?

19 If not, we'll excuse you, I know you have to go.

20 MS. LIZESE: Thank you, I appreciate that.

21 MR. LEVIS: Mr. Simons, if you could basically, just
22 give us a description of your program and how it relates to
23 the inmate population?

24

25

1 YALE SIMONS

2
3 A (By Mr. Simons.) Okay. I came prepared to make a
4 speech, but if you'd rather ask me some questions, I got a
5 couple pages of notes here and the reason I brought that is
6 because I do have a couple of recommendations I'd like to
7 make to this Committee, to see if you can't do something
8 about it.

9 But I'll tell you basically about a program. The
10 Seventh Step Foundation starts in the prison, we go in the
11 prison one night a week where we have a group therapy
12 session. Our attendance there is about 60 to 70 people
13 in that meeting that evening.

14 And we get down to where the man is, where his head's
15 at, what he's going to do when he gets out, the type of
16 help he needs, and that's what our program is.

17 We have a Halfway House in the City of Phoenix, we
18 have a place from the state, we try to get him employment,
19 and this is all done through, mostly the exconvicts.

20 I happen to be a Square John, I just volunteer my
21 time, along with many others who do, but it's basically run
22 by exconvicts, it's an exconvict program, or a convict
23 program.

24 Q (By Mr. Levis.) Could you briefly describe the
25 weekly sessions?

1 A Well, we have a committee composed of eight convicts
2 in the joint.

3 Q These are volunteers, I take it?

4 A No, these are -- these are eight convicts who are in
5 the joint.

6 Q What I mean by that, is, they volunteer for the
7 program?

8 A Well, yes, most of them are lifers, most of them
9 doing a long time. Sam Akins, one of the committeemen
10 that you're going to hear next. They run the program in the
11 prison. They get people prepared that, when we come in
12 the prison on Monday night, the free world people that they
13 take the podium, the only thing we ask them to do is tell
14 the truth and be honest, it's pretty hard for a guy who's
15 never told the truth for 40 years, but somehow this magic
16 works.

17 They start reading the steps, the seven steps to
18 freedom and talk about the steps and start putting the
19 story down, there are convicts in the room, the free world
20 people jump up, start to question them and we start to
21 first reach him to get his mind straightened around, that
22 if he's going to join the free world, we don't insist on
23 this, he can do what he wants, but if he does want to
24 join, we expect him to tell the truth, be honest and he
25 can expect a lot of help from our group.

1 Q Now, you talk about the seven steps, is this a --
2 a platform or something of the foundation?

3 A Yes, it's very similar to Alcoholics Anonymous,
4 AA program has 12 steps, we have seven steps, the first
5 step is facing the truth, about myself and the world around
6 us. That's the first step, we talk about that.

7 We talk about different steps on different evenings,
8 but that's basically what it is, getting down, have him
9 tell the truth and decide he needs to change.

10 Q Now, I think you talked about an inmate advisory
11 council that Mr. Akins is on, is that selected by the in-
12 mates within Seventh Step or by the --

13 A Well, you can't call this an inmate advisory council,
14 this is an inmate committee that works with people who
15 are going to the meetings, they can work with, through the
16 week in the prison, of -- we don't have that going on
17 right now, I might say, but this is how our program should
18 be working.

19 Q What kind of cooperation have you received from the
20 department of corrections regarding the program?

21 A Well, I went to the city council yesterday for a
22 couple of hours and I heard Mr. Moran kind of defend
23 himself and defend what they're doing. I felt kind of
24 proud about that, because I think I heard him say he's been
25 here 18 months and for 18 months I've been pinching myself

1 because it's been too good to be true. That this state
2 could have a man, and I'm not blowing any smoke at him,
3 because he knows or anybody else that knows me, if I didn't
4 feel that way I wouldn't say it, that this is the greatest
5 thing that's happened to the State of Arizona, getting
6 John Moran in here and I've suffered through this program
7 for ten years, I know what I'm talking about, about what
8 we went through.

9 Now, if I may continue, do you want to ask me
10 some more questions or --

11 Q Yes, is there any way that you could submit your
12 comments into the record, a written copy of your comments?

13 A What I'm going to say?

14 Q I mean you said you had some recommendations, is
15 that for change?

16 A I know you've been very, very late, but man this is
17 very, this is the closest thing to my life, is talking
18 about prisons and working with prisons is what I do, this is
19 where I'm at.

20 And if I could indulge and I don't want to do it
21 because I know you're late, but I need maybe eight or ten
22 minutes to run this by you, maybe not that long, I talk fast.

23 Maybe you won't have to ask me any questions when you
24 get through --

25 Q Go ahead and talk fast, see what happens.

1 A. These are the questions I would like you to ask,
2 so let me answer.

3 I told you about John Moran, -- now, you see, some
4 of the staff, the people he's brought on board, guys like
5 Mr. Schuster, McFarland, Wright, Leo Bowman, man, if you
6 had these people in the free world doing business, this is
7 the top caliber people. These are people that I respect
8 greatly.

9 Now I want to talk about Warden Cardwell. What's
10 happening in that penitentiary. I told you I've been to
11 that penitentiary for the last ten, 11 years, every week,
12 sometimes more than once a week.

13 The majority, and I say the greatest majority, 90%
14 or 95% of the convicts locked up in that joint say
15 that they would rather have this administration than the
16 administration before. Now, maybe you can make a comparison,
17 let me tell you about the positive things because I think
18 positively and I speak positively about things that can
19 be done.

20 The joint is safe, there's nobody getting shived, you
21 don't hear of any killings going on, it's immaculate, it's
22 almost antiseptic, everybody knows what the rules are.

23 Our committee, our meeting ends at 8:15 and you can
24 look at that, you have to look at the clock, you know the
25 meeting's over. It's 8:15. The mail privileges you heard

1 is really greatly improved, you don't wait at the gates
2 anymore, we come for a meeting at 6:30, in five minutes
3 we're at our meeting. We have stayed out at those gates
4 for an hour and a half on occasion, couldn't get in be-
5 cause of the disorganization, it is very, very organized.

6 The Christmas banquet, I think a lot of Don Stoner,
7 I think he's a good whatever -- whatever his job is, the
8 newspaper they put out now, they kidded the warden at the
9 banquet and I thought he was going to get upset about it,
10 but he wasn't, took it very good naturedly.

11 Now, five years ago Warden Cardell, I think would
12 be, would be classified as a great warden. I think at
13 that time what the public was saying was we got to punish
14 people when they come in the penitentiary. And we've got
15 to be strict discipline, and we've got to have things in
16 order, and I think Warden Cardwell has delivered this.

17 I think there's one thing that we need in this peni-
18 tentiary, because we are, we've got great emphasis on
19 security, and I don't want to fight with that because my
20 God, there's nobody getting hurt in there. But, and I
21 don't want to say it's overdone, which is my opinion, but
22 I'm not the warden, I've never run an institution, he does,
23 it's his responsibility.

24 Now, I think that we're oriented in our penitentiary
25 what most wardens have been oriented thorough the years, is that

1 they think when a man goes to a penitentiary that judge
2 gives him five years and ten days that that's their re-
3 sponsibility. I think that's what's been handed down to
4 us that that's all they got to do is keep that place safe,
5 give enough to eat, see that nobody gets hurt and when it's
6 five years and ten days are up, he goes home.

7 Well, there's more than that today. They made a
8 survey not too long ago, that 72% of the people, business
9 people in the country have been asked or whatever they ask,
10 what do you want to happen today and they say we need some
11 remotivation and we've got to get these people back in the
12 main stream of society.

13 Now, here's one recommendation I'd like to make
14 to this board. That I heard a judge at the legislature
15 about a year ago, say, a superior court judge, say that
16 the law says that when a man commits a crime of burglary
17 or whatever he commits, the punishment shall be not more
18 than five years or less than two years or whatever. Now,
19 there are some, and he said when I send someone to the
20 penitentiary I'm sending that man there for punishment.

21 Now, I think there are some people in our penal
22 systems all throughout the country, I don't want to single
23 out Arizona, that this is what they believe. Now, this is
24 what we've got to change, we've got to change the wording in
25 the laws that doesn't use the word punishment, that they shall

1 be sent there for punishment. I think this is a very, very
2 important point that I'd like to make to this Committee,
3 because I think it could be a national thing, I think that
4 that's where we're hung up. And I think the responsibility
5 of the warden should be spelled out, that his responsibility
6 is the same as mine and yours, that he is also there to see
7 that men do not return to the penitentiaries.

8 They do whatever they can and especially in the way
9 of programming.

10 Now, we don't have an AA program in that penitentiary
11 today, I think it's -- it's criminal not to have an AA
12 program ongoing in that penitentiary.

13 We do not have a Narc-anon group going in the peni-
14 tentiary. Now, why don't we have them?

15 We don't have it because we don't have the sponsors.
16 You need a sponsor to sit in the room. Now, I don't think
17 a sponsor, my own opinion now, the sponsor doesn't have to
18 sit in the room, if they're worried about what happens in
19 the room a guard can sit in the room. There isn't anything
20 happens in any penitentiary in the room, and I've been going
21 in there for ten years, that if anybody does anything, that
22 there wouldn't be somebody let the man know about what's
23 happening in that room. I don't think there's any real
24 fear about it.

25 But the answers is all typed up around security. We

1 have had two electric typewriters taken away from our
2 committee that we need to operate. Now, I don't know why it
3 was taken away, I couldn't find any answers. Simple things
4 like last Monday night we're meeting in the auditorium,
5 I said where's our banner -- we've got a great big banner
6 with Seventh Step. Well, you can't get any permission to
7 hang that banner on the wall.

8 There was one thing I did get settled, I got that
9 settled with Mr. Kette, I believe Mr. Kette's in the back of
10 the room, they did allow 15 people to come instead of ten
11 because of free world people. Well, if, hell, if I was
12 the warden I'd leave 40 people in there, because that's
13 where it's at and I guess with the gas situation he couldn't
14 get any more than 15 people out there, so I won't fight
15 about that.

16 Now, there are small things that are happening in
17 there that's real frustrating. I think we don't have, there's
18 no real communication with the top people. My impression
19 of the penitentiary is really it's like an army, you got
20 a general and a couple of other generals and it's hard to
21 reach at, everything goes by chain of command.

22 Now, this isn't all negative because maybe that's the
23 way they've to run it, but I'm telling you [if we're going
24 to reach people we're going to reach them through clubs,
25 we're going to reach them through like the Pima County

1 volunteers and I think somebody has got to put out some order
2 someplace to the warden, to the penitentiaries that say
3 this is a top priority. Free world people have got to come
4 to the penitentiary, free world people can reach others in
5 that penitentiary.

6 Now, unless that's spelled out very, very clearly,
7 and it's made very, very plain, I don't think we're going
8 to get that done.

9 I'd like to see money put in the budget for our
10 warden and some of his staff to go visit places like Washington,
11 Oregon, Tennessee, who are doing some great things in
12 penologies. I've been to these joints, I've seen what they
13 do, these people should have money enough to travel around
14 and to see, bring some other things out.

15 I want to get to the parole board, if I could.

16 THE CHAIRPERSON: Mr. Simons, we appreciate very much
17 the comments that you had to make about the prison. However,
18 I know that you are very well-aware of the fact that the
19 parole board is not within the scope of the work we're doing
20 here these two days and I would have to ask you not to make
21 any remarks about the parole board, please.

22 A. Okay.

23 Anybody have any questions?

24 Q. (By Rep. Guerrero.) I have a question.

25 A. I'm sorry, I didn't mean to be funny about it, maybe

1 I'm a little excited, but that's the way I talk.

2 Q (By Rep. Guerrero.) I have a question, Madame Chairman.

3 Mr. Simons, you're very well familiar with all the
4 different groups that have been organized within the walls
5 of the institution.

6 A Yes, sir.

7 Q Could you tell me what happened to the Black heritage
8 group? There was one here, oh, just recently, last couple
9 of years, I think, I know last time I was here there was
10 one in effect. What happened to that group?

11 A Well, I can't speak from any personal knowledge, if
12 you want some scuttlebut, I'll give you that, but I don't
13 have any personal knowledge what happened, just, I think
14 at that time the Blacks were in a position where they went
15 the other way and thought they had to really fight the
16 system, get down with the system and I understand they had
17 some things going on in the prison that the administration
18 didn't like --

19 Q Well, maybe I better wait, that might get somebody's
20 goat.

21 Thank you, Mr. Simons.

22 Are there any other questions of Mr. Simon?

23 DR. GLASS: Yes, I have a question.

24 Q (By Dr. Glass.) I've heard it said, and I was --

25 I have to admit that I had been active in the Seventh Step

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program, to the Committee, and the effect of this has been devastating as far as to people that are not progressive in the department of corrections, I might add. And these programs that Yale just talked about, about getting free world people to the prison, I don't know if Warden Cardwell is aware of how many of these people have been brought down to this prison through the Seventh Step program to educate legislators, to educate the public on what prison conditions are.

And it's been through a lot of these efforts that I think this Committee should know that, lot of these things you can talk about John Moran and all this, but I'll tell you it weren't easy to get him there, believe me, it took a lot of work on the part of a lot of people to bring these things about, and I feel that one thing, I understand in the prison they don't have any room for the Seventh Step program to be carried on here where they can communicate with the prisoners.

I'd like to hear someone comment on that.

THE CHAIRPERSON: I think that might be one of the questions, Dr. Glass, that we can save to the end today because we are going to have both Warden Cardwell and Mr. Moran back, as I understand it, this evening, so if we can just hold that question until they come back this evening.

Are there any other questions from Mr. Simons?

1 After this invitation by Chico Miranda and after Mr.
2 Moran got here, there were no hazards as far as getting
3 inside, you know, meeting with Macho and whathaveyou.

4 What we do as far as Macho is concerned and the mundo
5 libre is we try to set up a communication system, an under-
6 standing with the business world, hay todo la camarada
7 Americana, what we're trying to do is talk to the business
8 people, and try to ask them if they will guarantee Chicanos
9 pintos a job.

10 I -- one of the things that I've asked the Chicanos
11 in la pinta was this: What is it, why is there a reason
12 that you have to organize a macho organization where
13 supposedly they're already in existence some programs
14 that are supposed to be assisting the los pintos in general
15 in obtaining a job?

16 Obviously, one of the reasons was that, you know,
17 Chicanos have that much problem, that little bit more of a
18 problem in obtaining a job. One of the things that I try
19 to do outside el mundo libre, is try to keep in touch with
20 Macho organization and the entire Macho organization so
21 functions according to their thoughts, their philosophies,
22 what they want to do, so on, so forth.

23 I, one of my biggest problems in la mundo libre is
24 to be able to get and -- a guarantee or a job for a Chicano.

25 Now, for example, I went to this gentleman who is a

1 businessman and I asked him about giving a job to a Chicano
2 who was going to go before the board and had talked to me
3 at one previous meeting, a Macho meeting. He, he stated
4 the name of it -- it was a Chicano name. And he stated I
5 can not do that, I mean I can't guarantee a job to no one,
6 whoever comes here gets a job. Which is fine. I tried to
7 explain to the gentleman what my role was in terms of
8 working with Macho and the only thing I was doing was trying
9 to build that understanding between the business world and
10 the pintos.

11 I can imagine that I was almost to the, to a certain
12 point in same position as the gentleman here to my left, and
13 I can imagine maybe that he would probably get a little bit
14 more of a better reaction than I would.

15 Simply and I'll say that, yo soy Chicano.

16 After that, I came back later on to test out the
17 situation as far as what was going through my mind if this
18 individual actual saying no because I am Chicano or just
19 simply that it's a fact that he can not give a job to -- under
20 this circumstances to anyone.

21 Q Mr. Baeza, what is Macho doing presently at the
22 prison, what I mean by that is are they doing anything to
23 aid the administration, possibly like translating the rules
24 into Spanish or --

25 A Okay, as far as I know, Macho, like I said, I leave --

1 as far as Macho organization concerned, soy lo pinto,
2 everything that is done is done by those people, they de-
3 cide, they work with the administration, according to --
4 according to minutes sent to me, according to talking with
5 different individuals in the Macho organization, they're
6 having pretty good working relationship with the adminis-
7 tration at the Arizona State Prison.

8 Q You're the outside advisor, as such?

9 A To a certain extent, yes. In terms of -- I'm kind
10 of the -- well, they have out there as far as contact is
11 concerned.

12 Q And you meet with them several times a month or so?
13 Do you meet with them?

14 A Yes.

15 Q And do you --

16 A They have a, Macho has an executive board, that
17 meets almost every Friday. And I go there only by invitation
18 by Macho.

19 MR. LEVIS: I have no further questions from this
20 witness.

21 THE CHAIRPERSON: Are there any other questions of
22 Mr. Baeza?
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HAL DELHAYE

Q (By Mr. Levis.) Mr. Delhaye, could you give us a brief description of the exoffender program at the Pima Community College, how it relates to offenders and exoffenders?

A (By Mr. Delhaye.) We started the exoffender program in Pima College about three and a half years ago, involving students, because we recognized the student needs about prison drug problems, people were getting arrested on campus and that kind of thing, and we made a poll to direct our special services which was federally funded through special services at the college.

And for two and a half years, functioned as a student aid with another young man. And within the last year and a half the college recognized the program as being a viable thing that the community needed and they have now funded us two full time counselors with student and faculty.

The kinds of things that the program does, and it was designed for, was to provide some of the supportive services that excons. people involved in the litigation process and even people, juveniles and even people that haven't got into the process yet, but could, potentially, you know, do so, through grapevine people have heard the kind of things we've done.

And they have asked for us to intercede in their behalf.

1 We've -- we work with approximately 480 exoffenders and people
2 involved in the litigation process. And we provide the
3 kinds of resources such as housing, food, food stamp informa-
4 tion, welfare, jobs, tuition, books, and school materials.

5 Q (By Dr. Glass.) Mr. Delhaye, how do these people
6 contact your organization?

7 A We get them through the grapevine, we get them through
8 recruitment on our part, we get them through legitimate
9 professional agencies.

10 Q Do you get any through the department of corrections,
11 have you worked with the department any?

12 A Yes, we do, especially on the education.

13 Q Have you had cooperation from the department?

14 A Yes, we haven't had any problems with the department
15 of corrections. I've hesitated contacting on the other
16 kind of peripheral involvement. I've been with the other
17 administration because I've been so busy, but I assume we'll
18 be probing in that direction specially since the last two
19 days of hearings.

20 I'd like to get on the bandwagon and laud Mr. John Moran,
21 I'm not sure that I shouldn't caution you that maybe Governor
22 Williams is going to get on your case also about having a
23 hotel. He's said that once before, for the people that never
24 heard that.

25 But we're involved with approximately 180 active

1 enrollees in our project right now, not all of them being in
2 school.

3 Q (By Mr. Levis.) You aren't presently, then, at the
4 Arizona State Prison?

5 A No, I was seven years in Louisiana State Prison.

6 Q No, I mean present participation at the Arizona
7 State Prison?

8 A No, no.

9 Q But you said you may have plans to get there? }

10 A I do have plans,

11 Q How did you get involved in the exoffender program
12 that you sort of formulated at the Pima Community College?

13 A I spent seven years in the Louisiana State Penitentiary
14 and came out with the bright idea maybe I could help some
15 people stay out of prison and made some suggestions.

16 I had somewhat of a program like this, called,
17 obviously; Operation Teenager, in Louisiana and I borrowed
18 some of the ideas from that and came up with this and pre-
19 sented it to the board of governors and president of Pima
20 College and they accepted it.

21 Q Is your program restricted to people in Pima County
22 or do you work with people all over the state?

23 A Well, the national movement in the community college
24 area is in the purest sense was supposed to be reaching out
25 into the community, it was a kind of getting away from the

1 institutional kind of community colleges and I make them
2 stick to that, I go through the community and that's --
3 there's no borders in the community so we work with people
4 from out of state, we work with people from out of county
5 and just about anybody that needs help and we've got some
6 resources we refuse to say no.

7 MR. LEVIS: Madame Chairman, I have no further
8 questions from Mr. Delhaye at this time and I think he's
9 on the agenda for later tonight.

10 THE CHAIRPERSON: Yes, I know you are.

11 Are there any other questions of Mr. Delhaye or --

12 DR. GLASS: I'd like to make one closing statement
13 here and that is that we need more people like this in
14 the community that are doing what Mr. Delhaye and Mr. Simons
15 and some of the other organizations are doing, we need a
16 lot more of this, that's what educates the public about
17 what our problems are.

18 THE CHAIRPERSON: Thank you, Dr. Glass, and thank
19 you, Gentlemen, for being here today.

20 We'll adjourn for a recess for ten minutes.

21
22 (Recess.)

23 (End of Volume III.)
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25