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L E G I S L A T I V E C O U N C I L

Report to the

COLORADO GENERAL ASSEMBLY

COLORADO'S CORRECTIONAL PROGRAMS

This is a Brief Summary of the Complete Report Which Has Been Released by the Council as Research Publication No. 21. Copies of the Complete Report Are Available Upon Request from the Office of the Legislative Council, Room 343, State Capitol.



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The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between session, research activities are concentrated on the study of relatively broad problems formally proposed by legislators and the publication and distribution of factual reports to aid in their solution. During the sessions, the emphasis is on supplying legislators on individual request with personal memoranda providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives, without these involving definite recommendations for action. Fixing upon definite policies, however, is facilitated by the facts provided and the form in which they are presented.

*Speaker Hamil resigned from the legislature effective July, 1956.

FOREWORD

This study was conducted according to the provisions of House Joint Resolution No. 12 (1956). This Resolution directed the Legislative Council to do the following:

1. Study the four state correctional institutions for the purposes of
 - (a) evaluating the existing laws relating to management and control;
 - (b) evaluating the existing laws and practices relating to the functions of each institution;
 - (c) evaluating the existing laws relating to the sentencing and rehabilitation of offenders.
2. Study population trends for effect and impact on institutional programs.
3. Make an evaluation of the organization of correctional institutions and the procedures used in other states.

At its quarterly meeting held on March 28, 1956, the Council discussed H.J.R. 12 with the director of institutions, the heads of the four correctional institutions, and the director of the parole department. At that meeting, the Council received assistance from these officials, heard their ideas in regard to "needs" at the correctional institutions and their opinions on the practicality of establishing some sort of central correctional agency.

Since July 1, 1956, Harry O. Lawson, Research Associate on the Legislative Council staff, has had primary responsibility for making this study of the four correctional institutions and of the laws pertaining to them, as directed by H.J.R. 12. All four of the institutions were visited, with one week spent at Canon City, four days spent at Buena Vista, and three days each at the industrial schools. The purpose of these institutional visits was to become acquainted with their facilities, programs, staffing and organizational patterns, and "needs".

The laws for all four institutions and for the Department of Institutions have been abstracted and analyzed, and questionnaires were sent to several states which have some form of central coordinating agency for correctional institutions. Data on the lack of sentencing uniformity has been collected and compiled by the classification and records officer at Canon City, and a preliminary analysis of this material has been made.

Acknowledgements

In carrying out this study, the Council has worked with and had the cooperation of the heads of the four institutions and their staffs: Wayne K. Patterson and members of his parole department staff; "Bill" Williams, director of the State Planning Commission; Herb Allen, director of the Department of Public Institutions; and Dr. Ellis Graham of the State Department of Education. Other state agencies and officials have also been of assistance, especially Harry S. Allen, executive secretary of the Legislative Subcommittee on Appropriations.

Approach to the Study

While H.J.R. 12 directed only that a study of the four institutions be made, it became readily apparent--once research was underway--that the functions of probation and parole also had to be considered, inasmuch as both play an important role in the over-all correctional program, which includes the following facets: probation, sentencing, institutional assignment and classification, institutional confinement and rehabilitation, and parole.

The importance of the role of parole in the total correctional picture can be seen from the following two facts: first, approximately 98 per cent of the persons who are confined in correctional institutions eventually return to society, so that, generally, the institutional programs cannot be considered terminal in nature. Second, 93.7 per cent of all adults released from our correctional institutions in 1955 were released on parole (1,083 out of 1,156), and virtually all juveniles were also released on parole.

In approaching this study, the following frame of reference was used as guideposts, to give some perspective to the study material (these were in part suggested by A Manual of Correctional Standards, of the American Correctional Association):

1. There are two institutional purposes: protection of society, and rehabilitation. Proper rehabilitation not only saves the state the cost of an inmate's confinement, but also assists him to become a productive member of society, able to support himself and his family and to live a normal life. A good probation system can keep an increased number of people out of our institutions in the first place, thus reducing the aggregate number which the institutions must confine.
2. A good parole system can accomplish a great deal toward keeping a man from returning to a correctional institution once he is released under the parole department's supervision. But no matter how effective a parole system may be, it cannot do the job expected of it if the rehabilitation programs at the institution are not doing a sufficient job in preparing a man for release.
3. In developing institutional rehabilitation programs, it is not desirable to strengthen one institution while ignoring the others, nor is it desirable to develop programs at each institution without over-all coordination and common goals.
4. It is difficult to coordinate institutional programs unless the functions of each institution are clearly defined--both as to each institution's purpose and in regard to the other institutions.
5. Rehabilitation programs, no matter how well planned and staffed, cannot be really successful without uniform sentencing procedures and proper institutional classification and assignment.

Order of Presentation

The material presented in this report is discussed in the following order:

- Section I Findings and Alternatives for Colorado
- Section II Administrative Relationships and Laws Pertaining to the Four Correctional Institutions
- Section III State Correctional Institutions and Their Programs
- Section IV Probation and Parole
- Section V Sentencing Practices
- Section VI Population Projections for the Four Correctional Institutions
- Section VII Correctional Programs in Other States

The report is lengthy, but to have reduced it in size would have meant "short changing" the reader. The entire fabric of the correctional function in Colorado is woven from the threads of many programs and an effort at over simplification would result in providing a report which was only a "mill end" rather than a complete "bolt" of cloth.

FINDINGS AND ALTERNATIVES FOR COLORADO

In general, this report presents an inventory of Colorado's correctional institutions and their programs, and the laws pertaining to their organization and operations. A brief look has been taken at the operation of the state's parole and probation programs and how they fit into the total correctional picture. Population projections were used to hazard a prediction as to what future needs may be, and a summary of some other state correctional programs has also been included.

At its September 26, 1956, quarterly meeting, the Legislative Council decided that this report should represent the first phase of what should be a continuing study of the correctional institutions in Colorado, and the possible direction the correctional program might take. As such, it contains no recommendations to the Forty-first General Assembly other than that this study, as directed by the provisions of HJR 12 (1956) be continued.

In any future study, special emphasis should be placed on an analysis of sentencing laws and recommendations for changing them where needed. The Legislative Council has requested the assistance and cooperation of the Colorado Bar Association and the District Attorneys' Association in making an analysis of present sentencing laws and needed changes.

Findings

Findings of this initial study of the state's correctional institutions, programs, and laws appear below, as well as a presentation of what appear to be immediate and long-term problems with respect to Colorado's correctional institutions.

1. THERE IS NO OVER-ALL STATE CORRECTIONS PROGRAM AT THE PRESENT TIME. INSTEAD, THERE ARE FOUR SEPARATE CORRECTIONAL PROGRAMS, LACKING OVER-ALL COHESIVENESS AND COMMON GOALS. In general, the four institutions are doing a credible job, considering the limitations of staff and facilities. The existence of four separate correctional programs instead of one is a handicap in the operation of these institutions and their programs for these reasons:

- * Prevents comprehensive, integrated planning and programming for the four institutions. There is no over-all plan, which would weigh and balance the needs of each institution with respect to the goals of a common program and within the limitations of funds, staff, and facilities. Instead, each institution has had to develop its own building program and project its staff needs independently of the other three. The need for over-all planning will be even greater if the inmate population of the four institutions rises to expected levels during the next decade.
- * Prevents an over-all, planned farm and industries program, which could maximize the potential of the reformatory and penitentiary in manufacturing products for use by state agencies, institutions, and political subdivisions. Such a program would also allocate farm

production according to what each institution could produce best, the surplus of which could be used by other institutions and might result in the closing down of inefficient farm programs without rehabilitative value. An integrated industries program would not only save the state money, but would provide useful and beneficial work for inmates. The state can well be pleased with the industries program developed on a one-institution basis at the penitentiary, but this program is limited in expansion unless there is a central plan which would base industrial expansion and diversification upon the needs of the state institutions, agencies, and political subdivisions, and thus provide a ready market for the products.¹ As is done in other states, it might be desirable to locate some industries with definite vocational training value at the reformatory.

- * Prevents a standardized method of reporting data pertaining to the flow and composition of the inmate population, and of a central repository for this data which makes it impossible to make any significant analysis of trends in inmate population, rate of crime, and other factors which could assist all agencies in the law enforcement and correctional field.
- * Prevents the possibility of any one agency or central source having a total picture of the state's correctional operations, and leads to each institution developing its own independent program often unaware of what the other three institutions are doing.

Among other advantages of a single program, instead of four separate programs, would be the possible sharing of a limited supply of professional personnel, such as clinical psychologists, social workers, and in-service training officers. Such personnel might be shared between institutions, if feasible, or retained on some sort of rotation basis among the institutions, at least in a consultative capacity.

2. THERE IS A NEED FOR INCREASED EMPHASIS ON THE DEVELOPMENT OF EDUCATION, VOCATIONAL TRAINING, MENTAL HYGIENE, AND COUNSELING AT EACH INSTITUTION, WITH SPECIAL CONCENTRATION AT THE TRAINING SCHOOLS AND THE REFORMATORY.

- * It is generally agreed that these programs are of great assistance in returning inmates successfully to society. The institutions themselves recognize this and have made similar recommendations.
- * One-third of the inmates of the penitentiary served at least one term in the reformatory. Almost 20 per cent have served at least one sentence at the boys' school. Measures should be taken to decrease this "graduation". An expansion of the vocational training, education, and mental health services at the training schools and reformatory level may be one way to do it.

1. Any industrial expansion plan should contain adequate safeguards for private industry and free labor; a joint institutional industries advisory board composed of representatives of management and organized labor might be of assistance in this respect.

- * It costs the state from \$1,200 to \$1,500 per year to keep an inmate in a correctional institution. With the adoption of the forty-hour week and necessary staff expansion, the cost will be even higher. Program improvements at the training school and reformatory level, where the average stay is much shorter than at the penitentiary, may decrease the expected population growth at the penitentiary, thereby saving the state a great deal of money. In addition, there are the added savings to society from changing a youthful offender into a useful, productive citizen.
- * None of the four institutions has an academic program that extends through high school. The girls' school is the only institution with vocational training tied in with the academic program. Vocational training at the other three institutions, what there is of it, is tied in with maintenance, industrial, and farm operations, with no accredited vocational teachers and no class room instruction.

3. IT IS DIFFICULT FOR THE INSTITUTIONS TO DO A GOOD JOB IN PREPARING A MAN FOR RETURN TO SOCIETY WHEN SENTENCES DO NOT CORRESPOND TO THE LENGTH OF TIME AN OFFENDER MAY NEED TO BE CONFINED BEFORE THERE IS A CHANCE OF SUCCESSFULLY RETURNING HIM TO SOCIETY.

- * It makes it difficult for the parole board and the parole department if, first, the board is faced with having to parole a man who has served his time and has met institutional requirements, even though he is not ready for release, and, second, if the parole department has to supervise offenders who should have remained on the inside.
- * It does the offender an injustice if he might successfully be returned to society but cannot because of the length of his minimum sentence above the statutory minimum for the crime.
- * It does society an injustice if offenders are released, even under parole supervision, who are certain not to make a satisfactory adjustment on the outside.

4. SEVERAL LAWS REGARDING THE CORRECTIONAL INSTITUTIONS ARE CONFUSING AND/OR ARCHAIC. IN SOME INSTANCES, THE STATUTES NEED TO BE CHANGED, AND OTHER LAWS SHOULD EITHER BE ENFORCED OR REPEALED.

- * See Section II of this report for recommendations.

5. THERE IS A DEFINITE NEED FOR SOME KIND OF INSTITUTIONAL FACILITY FOR GIRLS OF REFORMATORY AGE.

- * There is no program for these girls at the Denver county jail which at present is designated as the reformatory for women.
- * There are no facilities for these girls at the girls' training school, although the laws at present allow commitment there of girls between the ages of 18 and 21.
- * There is some question as to the advisability of keeping many of these girls on probation merely because there is no place to send them. This, in and of itself, is hardly a criterion for granting probation.

6. PRELIMINARY ANALYSIS INDICATES THAT THERE IS A DEFINITE NEED FOR UNIFORM MINIMUM PROBATION STANDARDS, APPLIED ON A STATE-WIDE BASIS, COUPLED WITH AN EXTENSION OF PROBATION SERVICES.

- * Probation services for both adults and juveniles leave much to be desired outside of the metropolitan Denver area and the more populated centers, such as Pueblo, both in the granting of probation and the provision of qualified full-time probation officers for adequate supervision. The success of the probation system so far, considering the lack of full-time qualified personnel in some areas of the state, is an indication of its potential.
- * The cost of supervising an offender on probation is about one-tenth the cost of institutional confinement. With the already realized and anticipated increases in institutional population and the cost of confinement and the construction of new facilities, effort should be made to extend probation services and reduce the commitment rate of first-time offenders, if at all possible. The present rate of adult probation success is 85 per cent, and the successful probationers seldom commit another offense.
- * Expansion of juvenile probation services also should not be overlooked. More than 50 per cent of juvenile court cases result in probation being granted. Yet, only four counties have at least one full-time probation officer.

7. IT IS DIFFICULT IN THE EXTREME TO MEASURE ACCURATELY THE SUCCESS OR FAILURE OF A CORRECTIONAL PROGRAM, ESPECIALLY BY THE RATE OF PAROLE VIOLATION OR RECIDIVISM, BECAUSE OF THE MANY INTANGIBLES INVOLVED.

- * Other factors besides the success or failure of the institutional program may cause parole violation or another offense, after parole is successfully completed.
- * An expanded successful probation program would mean that the institutions would get the more maladjusted, difficult offenders. The rate of parole violation and/or recidivism with this group of offenders would be expected to be higher. This rate of increase would not necessarily be the fault of the institutional program.
- * A lack of adequate parole supervision, because of increased case loads per parole officer, could also cause parole failure.
- * Good institutional adjustment does not necessarily mean a successful adjustment when an offender is returned to society.

8. EITHER THE DEPARTMENT OF INSTITUTIONS SHOULD BE GIVEN THE STAFF AND FUNDS TO PERFORM ITS FUNCTIONS AS OUTLINED BY STATUTE OR THE STATUTES SHOULD BE REPEALED AND THE DEPARTMENT ABOLISHED OR GIVEN NEW FUNCTIONS.

Some Immediate Problems and Alternatives

1. Establishment of a facility for female offenders of reformatory age.

There are several possible approaches to this problem. Continued use of the Denver county jail should not be recommended, because of the lack of staff and facilities for providing a program for state charges confined there. Warden James Dolliver of the Denver county jail told the group assembled at the annual meeting of the Colorado Parole and Probation Officers' Association in Glenwood Springs in September, 1956, that his institution could not provide an adequate program for reformatory-age girls confined there.

If the continued intention of the General Assembly is to have these girls confined at the girls' training school, funds should be provided to build facilities to house them and to set up a program for them at that institution.

It would be far too costly for the state to build its own separate institution for these girls, because there probably would not be enough of them confined during the next few years to make it economically feasible. A possible solution would be the building of an institution jointly with other western states through an interstate compact. This institution could be located in Colorado or in another state and might have separate facilities in the same institution for females of both reformatory and penitentiary age.

If such an institution were built, the women's department of the penitentiary--which Warden Tinsley feels is a security problem because of its location adjacent to the main prison--could be closed down and the inmates transferred.

2. Establishment of an integrated farm and industries program.

This program could be set up by making use of existing statutes which give the Department of Public Institutions the authority to coordinate prison industries.

If this were done, a well-qualified person should be added to the staff of the Director of Public Institutions, and two statutory changes would be desirable. The first change would be necessary to bring farms and agricultural production under the department's control, and the second would remove the stipulation that all goods be sold "at or near prevailing market prices".

Another alternative, if this program is considered desirable, would be to set it up in the Controller's office as part of a division of institutional services, and to repeal the statutes giving this authority to the Department of Public Institutions.

There are two further decisions to be made in regard to a farm and industries program. First, should this program take in all institutions on the production end, or just the correctional institutions? Second, should action be taken to integrate this program now, or should it be delayed until decisions have been made on what over-all changes are needed in the state's correctional program?

3. Uniform minimum state probation standards and extension of probation services.

Preliminary analysis indicates that the setting of minimum standards might increase the quality of probation services outside of the metropolitan area and the more populated districts and counties. At the present time, most judges are opposed to a centralized probation system, especially for adults. What might be done instead would be the combining of some districts for probation service only, thus insuring each district of the services of a qualified, full-time probation officer. This expanded probation service for adult offenders might be financed by state grants-in-aid to the judicial districts, if minimum standards are met. A grant-in-aid program might be justified on the grounds that for every offender on probation, the state presently is saving money at county expense.¹

State grants-in-aid for probation services for juveniles also based on meeting minimum standards might be of help in extending these services throughout the state. Other possibilities include the creation of regional juvenile courts each with at least one full-time qualified probation officer or setting up a centralized agency to handle both juvenile probation and parole services.

On the other hand, it might be desirable to include a more extensive analysis of probation as a next step in the corrections study before reaching any decision as to needed changes.

4. Qualified teaching, testing, and counseling personnel at the four institutions.

Under present circumstances, the hiring of professional personnel is dependent upon these four things: First, the institution's opinion as to need, as may be translated through its budget request; second, the appropriation to hire such personnel; third, a civil service pay classification which will enable the institution to hire qualified personnel, once they have the money; and fourth, the availability of qualified personnel willing to work at the established pay rate. (It is reported that present pay scales and classification procedures make it difficult to hire qualified personnel to fill these jobs at the institutions, even when appropriations to do so are available.)

It might be desirable to provide the Department of Institutions with a qualified staff officer in charge of classification and training, to assist the institutions in developing these programs. This is a job now being capably done by Dr. Ellis Graham of the staff of the State Department of Education. The addition of this position to the Department of Institutions staff would help to centralize services for correctional institutions within one agency, especially if a farm and industries program were to be coordinated by the same department. Again, this implies a basic decision as to whether or not the Department of Institutions, as now constituted, is the proper agency for these functions.

1. County funds now finance adult probation services.

5. Adequate parole supervision for juvenile parolees.

It has been pointed out that additional parole personnel is needed at the juvenile institutions because present case loads make it difficult, if not impossible, to give adequate supervision to all juvenile parolees. This supervision could be a deterrent in many cases in the continuance of criminal acts, especially if home conditions are less than satisfactory.

The basic question involved is whether or not the juvenile parole function should continue to be part of the institutional program, transferred to some other agency, or to a new agency set up expressly for this purpose.

The juvenile institutions feel that they should retain this function and should also continue to determine when to release a juvenile on parole. They point out further that they could do an adequate job of supervision if provided with additional personnel. They believe that the parole officers will become better acquainted with the school program and the youngsters they will supervise upon release, if they are attached to the institution.

By removing both parole determination and supervision from the juvenile institutions, more objective criteria might be used in determining release and there could be full-time resident supervision in districts throughout the state similar to the method used by the adult parole department. The institutions would still refer inmates to the juvenile parole board and their recommendations would carry weight in the board's decision. Each institution could have a parole officer in residence and the other juvenile parole officers could pay periodic visits to the institutions to become acquainted both with the program and the youngsters.

Long Range Problems

The need for a much better coordinated correctional program is the major long range problem. Consideration and decision concerning some of the problems and findings listed above may bring about sufficient improvement for the present, and thus delay the need for an effective central agency to coordinate the total program, including closer liaison between the institution and the probation and parole functions.

In the long run, however, the increase in the number of people going through the courts, either receiving probation or being committed to an institution, and eventually being paroled will increase the need for some kind of centralized coordination and control. The magnitude of the correctional program and all its aspects can be seen from these estimates for 1965, the end of the present 10-year building program. These estimates are based on expected state population increase and assume the present commitment rates without any expansion of probation services: penitentiary 1,887; reformatory 472; boys' school 283; girls' school 160; adults on probation 2,000; adults on parole, 2,400; juveniles on parole 550. If the average sentence at the reformatory and boys' school is increased from eight to 12 months, there will be corresponding increase of one-half in the inmate population of these two institutions making the prediction for the reformatory, 708 and for the boys' school, 422.

The question that must be answered sooner or later is: Should Colorado have a central agency to supervise corrections?

First, the objections to a central correctional agency.

Objections to a Central Correctional Agency

1. The expense involved.

It would be quite expensive to set up a well-staffed central correctional agency. Without a well-qualified staff, the agency would amount to little more than the Department of Institutions does at present. As it is difficult to measure the success of a corrections program, can this additional expense be justified? Is there any assurance that a central agency will result in any improvement over what exists at present?

2. A central authority does not solve the problem of limited facilities and staff at the institutional level.

A central agency cannot successfully impose a program upon the institutions if the facilities and staff requirements are not sufficient to carry it out. (Data from other states supports this contention.) If facilities and staff are provided, won't this solve the problems and make a central agency unnecessary?

3. More red tape for the correctional institutions.

The institutions have more than enough red tape now in their dealings with the various state agencies on matters involving purchasing, financial management, construction, and personnel, among others. A central agency would merely add to the administrative channels that exist and cause delay and additional paper work.

4. Colorado does not have sufficient penal population or the problems to make a central agency necessary.

A central authority may be needed in the larger states such as California or even Indiana, but Colorado is too small to need an additional central agency.

5. A central agency might standardize procedures too much and not allow enough flexibility on the part of the institutions in developing and administering their programs.

6. If juvenile institutions and adult institutions are combined in one agency, the juvenile institutions might lose their identity and have their program subordinated to the adult institutions.

7. Solution of the various small problems and correction of program trouble spots would make a central agency unnecessary.

Arguments for a Central Agency

1. Need for overall planning and control.

With the increased correctional needs and a limit on the resources available to meet them, it is important that there be overall planning and programming.

This planning would allow allocation of resources to the institutions on the basis of overall goals rather than on an individual institutional basis. If this is done, there is less chance that any part of the program would be slighted or any institution make gains at the expense of the others.

2. Elimination of duplication of effort and facilities.

The central agency would not have to be another administrative channel for the institutions to go through. Rather, if properly organized, it could funnel and expedite procedures involving personnel, purchasing, finance etc., and give the institutions one agency to deal with on the state level instead of several.

The central agency would be able to curtail the need for new facilities by avoiding duplication. For example, setting up one classification and admission center for the penitentiary, the new medium security institution and the reformatory, and--with the cooperation of the parole department--use of the same pre-parole unit for both the penitentiary and the reformatory.

3. Provide competent professional staff services.

It would be costly and perhaps not necessary to maintain in residence at all the institutions such personnel as professional dieticians, training officers, and complete psychiatric teams. These services could be provided the institutions on an advisory and consultive basis. In addition, the central agency could provide supervision and consultation on fiscal matters, the farm and industry program and education and vocational training, as well as devising a system of sharing professional personnel between institutions whenever feasible.

4. A central agency will not take responsibility away from the institutions, but will assist them in carrying out their functions.

It would not be the intention or purpose of the central agency to interfere with the control of the wardens and superintendents. The agency's function is to develop common goals and give assistance to the institutions in carrying out their programs.

5. Provide centralized statistics and records control.

A central agency could standardize reporting procedures involving various kinds of inmate and institutional data. A method of central collection could be set up, which would eventually have enough data for various research projects and analysis. Standardized records and central controls would eliminate the duplication of effort on the part of institutions in compiling complete case histories on inmates on whom this was already done by another state correctional institution.

6. Utilization of personnel and facilities.

While it is true that a central agency needs adequate facilities and staff on the institutional level, the arguments above and the experience in other states indicate that given the necessary facilities and staff, a central correctional agency can make better use of them through planning and avoiding duplication.

7. Closer liaison with parole and probation agencies.

A central agency can effect closer liaison with the probation and parole agencies than the individual agencies can themselves. This liaison could come about through top level agreements and understanding of goals and purposes and the cooperation in the solution of common problems.

8. Subordination of juvenile institutions.

This is a problem to consider once a central agency is decided upon, not a reason for not considering the establishment of such an agency. Even within one agency, there might be an assistant director for the juvenile program to avoid the possibility of subordination, with a sharing of services which have application to all institutions such as diet and nutrition, business management, farms and industries, and records and statistics.

Alternatives in Setting up a Central Correctional Agency

There are several basic questions to be answered and several approaches which might be taken in setting up a central correctional agency. These questions are posed and the approaches summarized briefly below:

1. Should the central agency be set up independently of all other agencies or should it be incorporated within the framework of an existing department?
2. Should both juvenile and adult institutions be under the same central agency?
3. Should either parole or probation or both come under the central correctional agency?
4. Should the central agency have a board of control, an advisory board, or no board at all?

* * * * *

1. Should the central agency be set up independently of all other agencies or should it be incorporated within the framework of an existing department?

Even the anticipated population increases of the correctional institutions in the next decade do not clearly indicate the need for a separate agency. Such an agency might prove more costly than one set up within an existing department, because it would have to provide professional staff services which might duplicate services available within an established department. The alternative would be to utilize the services of other agencies, but such practice would partially negate the justification for a separate agency. It is possible that Colorado will eventually be large enough to consider an independent department of corrections, but it doesn't necessarily need one now.

Possibilities of setting the agency up within existing departments include the Department of Institutions, the Department of Education, the Department of Social Welfare or the Office of the Controller. Although it is done in some other states, there is little precedent or reason why in Colorado a central corrections agency should be placed within either the education or welfare departments. It is possible that the correctional agency might be buried under those circumstances.

Department of Institutions. The Department of Institutions remains a good possibility, because of the area of its main activity and because existing statutes provide a framework for setting up a correctional division. Specifically (3-11-3) which states that "the governor may appoint such other personnel subject to civil service law and within the departmental appropriation, as he feels necessary for operation of the department". Also to be considered are the statutes cited in Section II outlining the duties of the director of the department in respect to the institutions and prison industries.

One drawback to placing the correctional division within the Department of Institutions is the present method of appointment and the salary scale of the director. In the past the position of director has been primarily a political appointment and is subject to reflecting a change in administrations. The salary set for this position is \$8,500 which makes it impossible to attract a well-qualified man for the job. This salary limit also imposes a lesser limit on the man chosen to head the correctional division and upon his subordinates. It is obvious that competent well-qualified personnel cannot be recruited under these circumstances.

If some of these objections are worked out and the Department of Institutions is considered the proper agency for a correctional division, these are alternative methods of organization:

- a. Provision of all central staff services and supervision within the division. These staff services might include farm and industry program, classification and training, food and nutrition, records and statistics, and business management, among others.
- b. A director and a small staff to administer and supervise the corrections program with the services to be provided by the department as a whole under the director of corrections in-so-far as they apply to the correctional program.
- c. A division of the department of institutions into three functional units: corrections, mental health, and welfare institutions. Under this arrangement each division would be responsible for its program and some services with the remainder to be provided by the department as a whole or another division.

Office of Controller. The office of the controller might also be the place to set up a division of institutional management of which corrections would be one agency. The possible organization of this division and the correctional agency would be approximately similar to establishment under the department of institutions.

Provisions of the administrative code appear to make it possible to set up a division of institutional management within the office of the controller. Section 3-3-1 states in part that the powers and duties of the division of accounts and control shall be:

- (1) to keep in continuous touch with the operations, needs, plans of the several other state agencies.
- (2) appraise quality and quantity of services rendered by each department and agency and the needs for such services and for any new services.

- (3) to develop plans for improvements and economies in organization and operation of departments and install such plans as are approved by the respective heads of departments or as are directed to be installed by the governor or the General Assembly.
- (4) to develop in cooperation with the several departments comprehensive, long range plans for capital improvements and the means for financing them.
- (5) prescribe operation reports.
- (6) approve expenditures.

2. Should both juvenile and adult institutions be under the same central agency?

Some authorities on delinquency programs and juvenile institutions object strongly to having a combined correctional agency for both juveniles and adults. It is explained that juveniles constitute a completely different problem from adult offenders and that the juvenile program does become subordinated to the adult correctional program.

On the other hand, some states appear to have successfully combined the two (for example, Indiana, Wisconsin, and Rhode Island). At the present or even in the next decade or so, it doesn't seem likely that Colorado will be large enough to warrant two separate agencies for corrections. There is one exception, however. If it is considered desirable to set up a community services program to combat delinquency on the community level (these programs have been considered successful elsewhere), then this program could be incorporated as one division of a juvenile agency which would also include the juvenile institutions.

Among the alternatives to a separate agency for just the juvenile institutions alone are:

- a. A division of childrens services which would also include the juvenile training schools as well as the other state supported children's institutions.
 - b. As assistant director for juvenile programs and training schools within the central correctional agency.
 - c. A central agency for adult institutions only, leaving the juvenile training schools to operate their own independent programs, at least for the time being.
3. Should either parole or probation or both come under the central correctional agency?

This is an area which must be explored more thoroughly before any decision can be made. As yet the state does not even have a centralized probation system, nor is there much enthusiasm toward setting one up. Therefore, the question in respect to integration of probation into a central correctional agency is quite academic at the present time. Other states have integrated either or both their adult and juvenile parole departments with their central correctional agency.

The next phase of this study should include an analysis of the success or failure of this integration to develop some criteria upon which a decision may be made.

4. Should the central agency have a board of control, an advisory board, or no board at all?

The effectiveness of boards of control, at least those with part-time members is questionable. The states that have boards of control for their correctional program either have full-time, qualified and well paid members, or confine their activities to limited policy making leaving the administrative responsibility to the director of the agency.

It is doubtful that it would be advisable to set up a board of control at all for a central correctional agency within another department. Such a board would represent another layer of authority between the director of the department and the director of the correctional agency. In that situation, to whom would the director of the correctional agency be responsible: to the board or to the director of the parent department? If the director of the correctional agency were responsible to the board, would the board be responsible to the director of the parent department or directly to the governor?

It might be better in this situation to have only an advisory corrections board, if any board is needed at all. Another alternative would be to have a board for the department of which the correctional agency is a part. This board could include among its membership one or two qualified persons interested in and acquainted with the field of corrections. If this were a board of control or a policy making board, the director of the department would be responsible to it and the director of the correctional agency responsible to him. The establishment of an advisory board at the department level might also be considered; a board similar to the present Board of Institutions.

Again, further study and analysis of the functioning of both boards of control and advisory boards in the field of corrections is needed before a satisfactory answer can be made.

Summary

In this section, the findings of the first phase of the correctional study have been listed. On the basis of the research to date, immediate and long range problems have been enumerated and discussed. Also presented in this section was a preliminary analysis of various forms a central correctional agency might take and some arguments pro and con on the usefulness of a central correctional agency in Colorado.

In toto this report presents the basic data which resulted from initial research in the field of corrections and provides a base for further study.

