



## Prison system delays disabled inmates' aid

### '03 agreement to comply with U.S. law not honored

*By Sara Burnett, Rocky Mountain News (Contact)*

Monday, March 24, 2008

The Colorado prison system has missed two court-ordered deadlines to improve facilities and services for disabled inmates, some of whom have gone without glasses, wheelchairs or hearing aids for months or even years, according to court records.

The claims stem from a federal lawsuit filed in 1992 by six disabled inmates who said Colorado prisons didn't comply with the federal Americans with Disabilities Act.

The case later became a class-action lawsuit on behalf of all disabled state prisoners.

In 2003, the state Department of Corrections agreed in a multimillion-dollar settlement to make changes by 2005.

The changes included making prisons handicapped-accessible, ending lower pay for so-called "handicapped" inmate jobs and ensuring that disabled inmates had access to sign language interpreters and Braille or large-print documents.

The state didn't comply by 2005, so the deadline was extended to July 2007.

#### Meeting in private

In a court document filed that month, attorneys for the inmates claimed the state still hadn't held up its end of the agreement.

The parties were scheduled to appear before U.S. District Judge John Kane last week for a compliance hearing.

That hearing did not occur, however, because the two sides have instead been meeting in private in hopes of reaching another agreement.

"Obviously, it's been a very, very lengthy process," said Paula Greisen, an attorney who represents the inmates.

Greisen said she couldn't comment on the discussions, which she called "extensive," or on which areas the inmates believe are still out of compliance.

A spokeswoman for the Department of Corrections referred all questions to the state attorney general's office, which represents the prison system.

Nate Strauch, a spokesman for the office, said the lawyers are "seeing what DOC can do to comply."

As part of the 2003 settlement, the state paid about \$1 million to

Greisen and other attorneys for the inmates, and awarded \$48,500 to 21 prisoners.

At the time, state officials said it could cost about \$3 million to make all the physical changes necessary, from installing accessible drinking fountains and toilets to relocating recreational activities to accessible areas.

The settlement also created a system for prisoners to collect damages for past violations.

### **1,400 claims filed**

Strauch said about 1,400 claims have been filed.

Many have been dismissed as frivolous, while the state has paid out about \$30,000 for others.

Court records show those claims have varied from \$125 for a diabetic inmate whose soft-sided shoes were taken away from him to \$400 for a woman who often went weeks without batteries for her hearing aid, during which time she was unable to hear.

In a case a hearing officer said bordered on "outrageous," a prison staffer took away a man's wheelchair because he was suspected of smuggling food in it. The man was granted \$2,000, according to a court document.

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### **The payout**

#### **A sample of damages paid to inmates as a result of the 2003 settlement between the Department of Corrections and a class of disabled prisoners:**

\$700 was awarded to **Roy J. Pollard**, 76, "for the inconvenience of not being able to hear for seven years." The DOC took away Pollard's hearing aids when he entered custody. Despite three exams that determined he needed a hearing aid, he didn't receive one until 2004. He was convicted in Larimer County for theft and violating the organized crime control act.

\$2,000 was given to **Samuel J. Powers**, 49, for DOC's delay in providing a cane or wheelchair to Powers, who had "significant spinal problems" that affected his legs, and for making him do intense labor and stand in lines when he was unable to do so. Also, in 2004, a staff member took away Powers' wheelchair because he was suspected of using it to smuggle food to his cell. He was convicted in La Plata County of controlled substance abuse.

\$250 was awarded to **Lawrence R. Warfield**, 50, because he was denied glasses for two years, then had the glasses taken away. The vision problem occurred after staff at the El Paso County Jail put ear drops in his eyes. He was convicted of theft in El Paso County.

\$225 was given to **Marvin Vasicek**, 69, for being denied use of a wheelchair, not having diabetic food options available and occasionally missing breakfast to have blood tests for diabetes. He was convicted in Arapahoe County of sexual assault and wrongs to children.

## **Comments**

- March 24, 2008  
1:43 a.m.  
Suggest removal  
clyde writes:  
Every inmate in the DOC has been convicted of a felony, meaning they have affected another's life in a very negative way. Were they not to have screwed someone else over, they would not be in prison. I feel sorry for them and their problems, but I feel much sorrier for the people they have hurt. Life's a bitch, and it's worse when you're a felon.
- March 24, 2008  
6:52 a.m.  
Suggest removal  
plotz writes:  
If the prison system did what the law requires of them...then the number of claims, the amount of work, cost of processing, review,etc,etc would go way down. Yes, many of the claims are more than likely nonsense. But many others are legit. The trouble lies partially in the staff of most prisons who adhere to the joke/maxim: "how do you know an inmate is lying? his/her lips are moving". All prisoner's know this and some try to take advantage of it anyway...as a way of getting back. Also, a number of prison staff is not known for their high education, people skills, or anything professional. Some are failed military/police types, others are career bureaucrats with little oversight on them, others burned out. The prison system (on the legit side) is a Mafia and or a good ole boy network and they know they can get away with many things or sweep things under the carpet. The prisoner's also form their Mafia's, etc.
- March 24, 2008  
7:15 a.m.  
Suggest removal  
Earl writes:  
this has a simple solution to it. have their families bring them the glasses or hearing aids or wheel chairs. Paper cups take care of the water issue and as for exerise yards just increase the hard labor time and they will be too tired to want to go out for a walk as they would have done that all day long.
- March 24, 2008  
8:03 a.m.  
Suggest removal  
blu\_boi writes:  
With one in every 32 American adults now in prison and that number rising daily there's a better chance of being thrown in jail than scratching a winning \$5 lottery ticket. And if you're thinking you can't end up in jail if you don't break the law, keep in mind that we elect lawyers to write laws so new laws are put on the books daily not because there is a need for new laws but because these lawyers we elect want their name on a law for prosperity. Unless you live in a monastery there is a good chance that during your daily activities you break laws more often than you break wind. If you are unfortunate enough to get caught and to poor to afford an attorney you will most likely end up in jail. My opinion is that prisoners convicted of victimless crimes should be released immediately and prisoners convicted of non-violent crimes should be out and working to repay damages. That would free up space in our prisons for violent criminals. In the mean time denying a disabled prisoner access to hearing aids, eye glasses, wheel chairs ... is cruel and unusual punishment and this crap of giving the lawyers millions of dollars to represent these men and women and then paying compensation of \$250 to the prisoners that suffered is criminal in itself.
- March 24, 2008  
8:15 a.m.  
Suggest removal  
rickg19611 writes:  
ROFLMAO.... "With one in every 32 American adults now in prison".... better check your math.  
And if you can't count correctly, then your comments whining about the treatment of those poor 'victimized' criminals is just as deranged.
- March 24, 2008  
8:16 a.m.  
Suggest removal  
davies writes:  
I work for the Department (one of those "career bureaucrats") and I think it's unfortunate the Department is unable to respond to this story due to the lawsuit. I am personally aware that a great deal of time and effort has been expended to comply with the terms of the lawsuit. I don't know if the cases in this story are described accurately, but it should be noted that the Department manages over 20,000 inmates overall, and if these are the most egregious cases from the lawsuit, then I think one can assume that most inmates are treated reasonably well overall.
- March 24, 2008  
8:35 a.m.  
Suggest removal

blu\_boi writes:

<http://www.reuters.com/article/domest...>

<http://www.ojp.usdoj.gov/newsroom/pre...>

Then you have the prison system taken over by private corporations like Corrections Corporation of America making profits off crime, with share holders that make money according to the number of prisoners. More prisoners = more money. What incentive is there to reduce crime and rehabilitate offenders? None

- March 24, 2008

8:43 a.m.

Suggest removal

ftlodance writes:

So maybe, just maybe, when you commit a crime - ESPECIALLY SEXUAL ASSAULT AND WRONGS TOWARDS CHILDREN - you give up your rights. Call me heartless, but it seems to me that if you make the decision to become incarcerated through your actions, you should not get money from the HARD WORKING LAW ABIDING citizens of this fine state. You should serve your time and not get ANY special attention. You have diabetes? I'm sorry, maybe you should not have been sexually assaulting kids and then you could be at home with the care you need. You need a cane, maybe you shouldn't have been abusing drugs and gotten arrested... You need a hearing aid? How about you shouldn't be participation in organized crime. Sorry, check and mate.

CATCH A CLUE.

- March 24, 2008

8:45 a.m.

Suggest removal

buffsblg writes:

Try to know your facts Earl. prisoners families are not allowed anything, that is a security risk.

The bottom line is that with the long sentences that are imposed by politicians to appease voters who really do not understand the criminal system we have older inmates with greater medical needs. That leads to higher costs for taxpayers and more work for an understaffed prison medical system.

I understand that rickg would prefer summary execution for repeat offenders and torture for first timers, but for those with some humanity left, providing minimal medical care even for those who have done wrong is not just the legal thing to do but the moral thing as well.

- March 24, 2008

8:58 a.m.

Suggest removal

MarineGrunt writes:

Don't do the crime if you can't do the time!!!

Yes, there might be folks making money off the useless layer of retards that fills out jails... WHY NOT!!! 70%+ are coming back no matter what, why not make a buck. I love how most here keep skipping over the fact that these folks did something to someone that caused pain and/or loss. NEVER MIND this fact!! Let's make sure they have all they need after they tried to take it from law abiding citizens!!

Those folks whining about the unfair system are the ones causing it to overflow and give us this problem.

- March 24, 2008

9:10 a.m.

Suggest removal

Scott writes:

If these felons think that this is bad, then they better pray that the U.S. does not outsource its prison system management to some place like Mexico, Philippines, Turkey, Saudi Arabia, etc.. Suck it up "con" and take it like the man that you aren't. The victims of your "poor misunderstood childhood", or whatever psycho-babblist excuse, have to "suck it up" everyday after YOU destroyed their lives.

If you can't do the time, don't do the crime. BTW, don't bend over in the shower ;-)

Scott

- March 24, 2008

9:31 a.m.

Suggest removal

blu\_boi writes:

MarineGrunt, I was considering replying to your comment but your use of the word "retard" gave me pause and my thoughts turned to the college prison education programs that have been proven to drastically reduce the repeat offender rate. Educating people is less expensive than incarceration and is of value to society as a whole.

Educated individuals are also less likely to use words like "retard" when talking about fellow human beings.

- March 24, 2008

9:33 a.m.

Suggest removal

DahmersCookbook writes:

- March 24, 2008  
9:41 a.m.  
Suggest removal  
MarineGrunt writes:  
WOW.. did you learnt that in yours college classes, blu\_boi?  
Could you please point me to the data that shows your point of view? If you go from 70% to 68%, not really an impressive #! Or were you talking about your daddy? Just asking... You can question my education. I have no reason to prove to you I have a Engineering degree.  
OK, do not like retard? How about assclown? Or does this offend your feelers too?  
Nice to see a single word can throw you off from commenting about this story!! Does this mean you have to keep all shiny things out of your line of sight? "Bacon, Bacon, Bacon... I smell BACON!"
- March 24, 2008  
10:02 a.m.  
Suggest removal  
blu\_boi writes:  
[http://www.bop.gov/news/research\\_proj...](http://www.bop.gov/news/research_proj...)  
<http://www.gather.com/viewArticle.jsp...>  
MarineGrunt, Here's the information you requested. The first is a pdf file of a government research project and the second is an article written by Arnie King. A simple google search will show many other examples of the value of education in reducing the percentage of repeat offenders.
- March 24, 2008  
10:14 a.m.  
Suggest removal  
davies writes:  
#1: Most people in prison have worked pretty hard to get there. Take a look at the case histories and all the things that precede a prison sentence: the repeated offenses, the probation, the ankle monitoring, the classes and community service, the jail time. Then there are the larger offenses that were plea-bargained down to lesser offenses. A great many of the so-called non-violent offenders who were convicted of simple drug possession/usage were actually dealers who plea-bargained. And dealing the stuff is not 'victimless'; it just creates more illegal users and causes more theft and violence. Wait until you have a nephew that gets hooked on crystal meth after just one use, and then we'll see if you still want to put the dealer through college. Which he/she will quit and go back to the streets.  
#2, Inmates do not receive "minimal health care". The State is obligated to provide them with health care comparable to what is available to the general population. If "buffsblg" truly believes in providing inmates with only minimal health care, he/she is much more hard line than the Colorado DOC.
- March 24, 2008  
11:42 a.m.  
Suggest removal  
rickg19611 writes:  
LOL.... listening to the handful of criminal worshippers whining because their buddies didn't get their handouts in time is laughable.  
One nut claims that 1 in 32 of adult Americans are in prison. Of course they're only off by several million, but facts and truth don't matter to the idiots defending criminals. If anyone is stupid enough to believe that 1 in 32 of adult Americans is in prison, then the rest of their arguments are too stupid to ever consider.  
Other nuts try to excuse their criminal buddies by saying that criminals shouldn't given long prison terms because they will get old and cost more to care for than younger prisoner. Guess that nut wants the laws changed so that no one over 50 is ever prosecuted.... afterall... to that nut and the 2-3 nuts that would agree with hi, then the ONLY thing that matters is saving money. Of course, they ignore the cost to society caused by criminals roaming the streets committing more crimes, rather than in jail where they belong.
- March 24, 2008  
11:53 a.m.  
Suggest removal  
MarineGrunt writes:  
blu\_boi... I tip my hat to you! First time anyone had pointed me to data to back up a claim. Thank you!  
My two issues with the PDF is it was written in 1995 with the latest data from 1993, and referencing data from as far back as 1977. Not valid data points for todays society to convince me, sorry. Plus, a lot of the data was taken on small, and I mean 35 data points normalized out might work on hard drive failure distributions, but not humans!  
Does education help? Yes. Data points to it.  
Do these folks rate to live a comfy life in prison? Hell no! Your a criminal, this is a way to show you societies displeasure with your actions and an attempt to maddy you stop doing stupid stuff!

- March 24, 2008  
12:16 p.m.  
Suggest removal  
blu\_boi writes:  
Incarceration is more costly than education. A more efficient use of tax dollars is to educate rather than re-incarcerate offenders. I'm not suggesting violent offenders be forgiven their crimes or sentences reduced, only that educational opportunities be available for prisoners while serving their time. Combining rehabilitation and education with punishment is the only way I see to stop the revolving doors at our prisons. In the mean time see to it that disabled prisoners have hearing aids, eye glasses, wheelchairs, canes etc.
- March 24, 2008  
1:01 p.m.  
Suggest removal  
JK writes:  
They should make the inmates sign over their settlement checks to the victims of their crimes. I am tired of all the rights they are entitled to. Make their families pay for their special needs, time to stop seeing the criminals as victims.
- March 24, 2008  
1:02 p.m.  
Suggest removal  
rickg19611 writes:  
Why should tax payers be forced to pay for an inmate's glasses? He/she already gets free room, food, medical care, clothing, etc. Let the inmate pay for their own glasses, hearing aids, etc.  
Or at least make those stupid enough to advocate taxpayers funding it pay the bills for it. They'd suddenly see the stupidity of giving inmates whatever they demand if they had to pay for it themselves, instead of forcing the rest of the state to pay for it.
- March 24, 2008  
1:20 p.m.  
Suggest removal  
Woogford writes:  
I think giving inmates free education is a great idea. I'll just pull back that \$30K it costs my kids to go to college and tell them to rob a liquor store.  
If an inmate needs glasses or a wheelchair they should have to come up with the money like the rest of us. I get sick and tired of hearing about prisoners rights. Humane treatment is one thing but beyond that they should have nothing extra. Isn't prison supposed to be a deterrent to crime? Bring on the nutraloaf!
- March 24, 2008  
1:41 p.m.  
Suggest removal  
davies writes:  
1. "Incarceration is more costly than education." - Fine; correct.  
2. "A more efficient use of tax dollars is to educate rather than re-incarcerate." - Well OK, but this is not a one versus the other choice. You need to educate more prisoners NOW to avoid re-incarceration later. That means more money NOW to save money later; all well and good but Transportation, Higher Ed and other agencies will make the same case for their budgets. And you also need willing students. Unlike incarceration, you really can't educate someone against their will. The statistics say the guys who get an education while in prison will re-offend less. But these are generally the same guys who are already more motivated to change their lives. So getting an education alone is not necessarily the reason these guys re-offend less than others. It's because they decided to change.  
3. "In the meantime see to it that disabled prisoners have hearing aids, eyeglasses, wheelchairs, canes etc." - OK fine. And how about we also agree not to draw conclusions after hearing only one side of the story? And how about we use common sense and consider the fact that one of the best ways to avoid work is to feign a disability? And even if the instances in this story are valid claims, how about we consider the fact that when managing 20,000 mostly dishonest, dangerous and/or unmotivated individuals, a certain amount of skepticism on the part of prison employees is likely to keep prisons running safer and more economically?  
Or you can just keep insisting it is a simple matter of compassion, for the sake of your own feeling of moral superiority.
- March 24, 2008  
2:30 p.m.  
Suggest removal  
OhBrother writes:  
hmmm, I thought the article said an inmate did have his own hearing aid and they took it away. So he should have to work to gain enough \$ to buy it back, right?  
I'm also glad that most people posting are aware that no one has EVER been falsely convicted of a crime. I guess cases like Tim Master and hurricane Carter or fake, those guys should be thrown back in prison today.

would have any doubts in our legal system. It would have nothing to do with a legal process that isn't perfect or the occasional error that allows actual criminals to go free, no that would be nonsense. In conclusion, I think people in jail should have no rights and if they ever complain they should be beaten. There all 100% guilty, we all know if you ever go to jail you deserve whatever happens to you in there because it's your fault your behinde bars in the first place

- March 24, 2008

3:34 p.m.

Suggest removal

mrNiceGuy writes:

What the "F" are we paying for if these people aren't even provided with basic health necessities. That is the true crime there! Seriously, feed a bunch of guys stale old food, let them wander around a cel/yard/rec room all day, do an ol' fashion beat down on a couple. What do we pay for?????

- March 24, 2008

3:58 p.m.

Suggest removal

blu\_boi writes:

meNiceGuy, we're paying tax dollars to private corporations to incarcerate offenders while at the same time selling shares on the stock exchange so some CEOs can retire in the Cayman Islands. A normal citizen who profits off criminal activity is thrown in these prisons that these corporations build to house criminals to make money for their share holders and corporate executives.

In other words profiting from criminal activity is illegal unless you are a corporation.

- March 24, 2008

4:06 p.m.

Suggest removal

rickg19611 writes:

What a lie.... "we're paying tax dollars to private corporations to incarcerate offenders"..... pretending that the Colorado prison system is NOT government owned, managed, and administered. Government bureaucrats are running the system and the only complaint that RATIONAL citizens should have is that the legal system is forcing these government agencies to coddle criminals.

Funny how the left wing (aka criminal defenders) are willing to incarcerate anyone working for those "evil" corporations, but the same nuts want criminals to roam the streets.

I'm not sure if it's just stupidity on their part, or screwed up priorities. Either way, it's a good thing that leftwingers make up such a small, marginal, irrelevant minority.

- March 24, 2008

4:32 p.m.

Suggest removal

JMac writes:

rickg,

There are numerous private prisons in which Colorado inmates are currently incarcerated.

<https://exdoc.state.co.us/secure/comb...>

Just as in Colorado, Corrections Corporation of America (NYSE: CXW), has a multitude of prisons across the US.

<http://www.correctionscorp.com/facili...#>

- March 24, 2008

4:37 p.m.

Suggest removal

blu\_boi writes:

rickg, There are quite a few private "For Profit" prisons in Colorado.

Here's four...

Bent County Correctional Facility

Crowley County Correctional Facility

Huerfano County Correctional Center

Kit Carson Correctional Center

Just do a little investigating and I'm sure you'll find more.

You should also check the facts before calling someone a liar.

- March 24, 2008

4:40 p.m.

Suggest removal

happymike44 writes:

I was accused of committing a crime even with eyewitnesses against the supposed victim. I suffer from a condition called meniers syndrome. This is a inner ear imbalance problem. I must take medication everyday or be throwing up all day long. Well the officer went against everything that he had been told. I went into custody. For the whole time I was in custody and my lawyer proved later at a bond hearing my innocence. I did not receive my medication which means I was throwing up the whole time and did not get taken to a hospital. When I finally did get my medication I had to sit outside the prison

and wait for the vomiting to stop. So for all you out there with no heart remember what goes around comes around. So if you do not get treated well by the police don't complain, accept it like a man and just suffer through it. To the disabled prisoners good for you for protecting your basic civil right. To the prison wardens shame on your incompassionate treatment of others, especially the disabled. Their punishment does not mean you are allowed to be inhumane to the prisoners. From me the guy who did not get taken to the hospital, I will never forgive those guards for their mistreatment of me. This has left me with a distrust of the police and the prison system, because I know what a group of inhumane persons you were to me. I find it hard to forgive you for your mistreatment of others, as well as myself. Quit complaining if you did wrong suck it up and live with it. By the way the d.a. acknowledged I had been falsely arrested, The reason I did not sue I fear that officer and his friend will harm me or my family.

- March 24, 2008

6:26 p.m.

Suggest removal

Fresh writes:

Happy mike,

If that is the only reason why you didn't sue then you are an idiot of epic levels.

**LOCAL**

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**BUSINESS**

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**ENTERTAINMENT**

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**NATION**

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**SPORTS**

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**OPINION**

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**LIVING**

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**WORLD**

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