

Patrick Vance Law Office  
1175 Osage St., #200  
Denver, CO. 80204  
[Patrickgvancelaw@msn.com](mailto:Patrickgvancelaw@msn.com)



303 350-1550  
Fax: 303 350-1555

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### **JAIL REPORT FOR DIRECT FILE COMMITTEE**

On February 17, 2009, I visited the area of the Adams County Jail where juveniles that are in custody on direct file cases are incarcerated. I visited the jail area and talked with Lieutenant Mark Mitchell, Court Services Supervisor, Susan Argo, and Technical Services Manager, Melanie Gregory.

At the time of my visit, the Adams County Jail was holding four juveniles that had been charged as adults. Three of the Juveniles were charged in Adams County and one was being held as a courtesy for Douglass County. Since this initial visit, several other juveniles have been jailed at the Adams County Jail.

No part of the Adams County Jail was designed to hold juveniles. The Jail simply constructed a wall to make two units out of one adult pod. Normally one adult pod holds up to 16 inmates (32 with double bunking) with each inmate having a small cell. The juvenile pod has eight cells. One of the cells has been made into a shower. The remaining seven cells hold juveniles. The jail states they have capacity for 14 juveniles, two for each small cell.

There is a small common area in the half pod that has been constructed for the juveniles. In the common area is one table where the juveniles can sit. Other than Bible Study for less than an hour two or three days a week, there is nothing that is supervised by the Jail Staff that goes on in the juvenile pods. There are never any programs for juveniles that are held in the pod. The juvenile half pod is nothing more than a series of holding cells, a shower and a small common area with one community table made of steel.

The juvenile pod is overseen by a deputy who sits in the control room where she oversees the activities of the adults in one other adult pod, the half adult pod separated from the juveniles by the wall and the juveniles in their half pod. The other half of the pod houses adults. The adults and juveniles are separated only by the walls. The wall between the two adult pods is constructed of cinderblocks. However, the wall that divides one pod into the juvenile half pod and the adult half pod is constructed of wood. The juveniles can't see the adults through this wooden wall. The walls were not constructed to be a sound barrier between the adults and the juveniles. The deputy in the control room normally cannot see the juveniles unless she leaves her post. She can see the juveniles through a monitor in the control area.

The juveniles are housed in the middle of a very crowded adult jail. In order for the juveniles to move from their half pod area, the entire jail has to be shut down. According to the jail staff, this happens approximately ten times a day. It happens whenever a juvenile has to go to court, to GED classes or leave the pod for medical reasons. Each shut down of the jail lasts between five and ten minutes. The jail is shut down to allow juveniles to travel within the adult jail between one and two hours every day. This is considered an inconvenience by the jail staff.

The juveniles are treated exactly like adults and the jail has no programs designed for juveniles. They eat in their pod and are moved from their confined area only to go to Court, medical or to participate in GED classes. The GED classes are the same classes as the adults attend, although not at the same time. The only other programs that juveniles can access are Cognitive skills for 45 minutes per week and Juvenile Library for less than three hours one day of the week. The GED classes are offered three times a week for an hour and a half or less. See attached Weekly Programs Schedule. The Juveniles report that there have been whole weeks where the GED classes have been cancelled.

The jail makes no consideration based on the age of the juveniles. They eat the same food and have access to no programs designed for juveniles. There is no education for the juveniles apart from GED classes that they are allowed to attend. All of the juveniles go to GED classes, however at the maximum for only approximately four hours each week. Since there is no education at all for the juveniles, there obviously is no special education for those juveniles that are in need of that. The jail was not aware of any of the educational needs of the juveniles and didn't know if any of the juveniles jailed in their jail had IEPs. There was no therapy of any kind, including therapy for alcohol or drug problems.

In addition to no education, the juveniles are getting no programs with any educational or rehabilitative value. There are no classes for drugs. There is no work being done for those juveniles that are associated with gangs. There is no recreation and no planned exercise. The juveniles are more confined than the adults as the need to keep them separate requires that they be confined in one small section of the adult jail.

There were no juvenile females in the jail when I visited. When a female juvenile is jailed in the Adams Jail, there is no place to keep her since she has to be segregated from all the adults and all the male juveniles. When they do have a female juvenile, she is kept in isolation, normally with no contact with any other inmate. It also results in even more shutdowns of the rest of the jail, and allowing the female juvenile to go anywhere in the jail is an inconvenience to the jail staff. If the female juvenile has no visitation she is virtually isolated. There are no programs in her isolated cell.

The deputies that work with the juveniles have no special training. There, in fact, is nothing the jail does differently with the juveniles than adults except they are more isolated because of the attempt to keep them segregated from the adult population. \

On April 3, 2009, I visited the Adams County Jail again. This time I visited with some of the juveniles that were jailed there with the permission of their lawyers. The information that I received from each of the juveniles was consistent with each other, what we learned from the jail staff and my observations.

I met one of the juveniles in the contact visiting area of A-pod. He was introduced to me by his attorney, Dan Bowen. The three of us, including the juvenile, could look below us into the Adult Pod that was visible from the contact area. There was one adult inmate that was in the pod that was in view. You could see cell 5 of the Adult pod from where we were standing.

To visit with their attorneys in the contact room or other visiting areas, the juvenile had to walk past the adult pod and climb the stairs where attorneys or other professionals are waiting. The juveniles also pass by this adult pod anytime they leave their half pod area to go to court, GED classes or medical. During the very few times they are allowed to go outside to the yard, they also pass through the adult pod.

When Dan Bowen was visiting his client on April 3, 2009, he saw his client within 7 feet of an adult who was meeting with his attorney, Lauren Cutuly. The adult inmate is charged in Adams in case number 07CR3129 with burglary with a weapon and aggravated robbery. The adult was a big man well over 200 pounds in weight. Dan Bowen's client also had contact with two other adults at the time of his meeting on April 3, 2009. One was an adult inmate meeting with his attorney, Fran Simonet, in the adult visiting area of A-pod. Dan Bowen reported to me that the other adult was working in the common area at the bottom of the stairs his client had to climb to reach the contact room to consult with his attorney. Finally, Dan Bowen reported to me that his young client told him that he frequently walked by the glass door in the adult pod that houses adult males inmates dressed in red. He was aware that the reason they were dressed in red and placed in this particular pod was for fighting and other disruptive behavior.

During my second visit to the Adams jail, I was interested mostly in finding out the sounds and sights of the jail from the juvenile's perspective, and the difference in an average day for a juvenile jailed in the Adams Adult Jail from one housed in a Juvenile Facility.

The first thing you notice is that the juveniles are not separated by sight and sound from the adults. I could see an adult from the contact room where I met Mr. Bowen's client. The sounds of the adults are 24/7 for the juveniles. There is what the juveniles describe as a "Crazy Old Dude" that screams much of the night. There are lawyers who have heard these screams while visiting with their clients. The juveniles can hear the adults yelling and arguing on both sides of their small pod, through the wooden makeshift wall and the normal concrete walls.

There are now seven juveniles at the Adams jail. The juveniles presently in the Adams Jail reflect the minority over-representation that statistically is found around the

country with four of the juveniles being African-American, one Hispanic and one an American Indian. Another Juvenile, who was Asian, was released the day before my visit.

The jail gets the juveniles up every day at 4:30 am. The wake-up call usually follows a night with little sleep. Each of the juveniles is locked in the cell for the night. Since there are only seven juveniles in the jail now, each of the juveniles has his own cell. I didn't have an opportunity to measure the cell, but the juveniles estimated that each cell was about 7 by 8 feet. If there are more than seven juveniles in the pod, the juveniles have to double up in a cell. They sleep on a mattress that is thrown over a steel bunk. There is also a toilet and a sink in each cell.

The juveniles report trouble sleeping at night for several reasons. One is that it is very hot in the cells and they often wake up sweating. One juvenile described it as "burning hot". Another reason is the noise from the adult pods such as the yelling of the "Crazy Old Dude". Also, they either have to leave the light in their room on, or every half hour a jailer will come by and shine a flashlight on them.

When 4:30 am comes, their cells are opened to the small half-pod area. In addition to the metal table, there are five stools secured to the concrete floor, a couple of other chairs, one TV and a table where there are a few books of no interest to the juveniles, and some board games, such as monopoly.

There are two jail staff members that are in the A-pod area, but the staff doesn't come into the juvenile half-pod very often; usually only for a purpose such as to bring breakfast. Breakfast comes shortly after 4:30 am. Breakfast is described by the juveniles as watery oatmeal and what was described as something like a dog-biscuit. They also get milk. One of the juveniles told me he didn't eat breakfast because it was so bad. Nobody cares if you eat breakfast or not. When there are seven juveniles in the pod, there is not enough room for each of them to put their tray on the one table.

At 5:40 am the juveniles are locked back in their cells again. There is little to do during lockdown and usually the juveniles are locked in their cells by themselves. They can hear the adults from their cells. They have no TV. They have their choice to read the Bible or they can take one book with them from the small collection of books in the cell. Most of the juveniles simply do nothing during lockdown. They stay on lock down until 8:00 am. In addition to the yelling and arguing, the juveniles at times hear adults banging on their cell walls.

Between 8:00 pm and 11:00 pm there is nothing that goes on. They can look at TV. What they watch is up to them. There is no adult supervision. They are mostly surrounded by concrete and steel. There is nothing of any comfort in the cell. There is graffiti, much of it gang-related scratched onto the walls and doors.

They eat lunch at 11:00 am. This is described as the best meal of the day. They are locked down again at noon and stay in lock-down until 3:00 pm. At 4:00 pm they

have a sack lunch. They go back into lockdown at 5:40 and stay locked down until 7:20. They spend the rest of the evening in their half-pod until lock-down for the night.

The only education the juveniles receive is they are taken to another part of the jail for GED classes. The rest of the jail must be on lock down while the juveniles are moved. The juveniles say they all have to go, but they don't have to participate. The juveniles explain they all have to go for the convenience of the jail. There is one teacher who gives the 16 and 17 year olds GED material to work on and the 14 and 15 year olds are given a packet of things to do. The juveniles describe little teaching that goes on. Also, the juveniles say that the teacher often does not come during the scheduled GED classes.

The juveniles never have contact visits with their parents and siblings. They visit their parents from their pod through a video screen. When they go to Court, they are not allowed to talk to their parents, or even look at them. If they do, they are put back into a holding cell. Incidentally, in many jurisdictions across the state, the juveniles are chained together when they are taken to Court.

The juveniles are getting almost no exercise. There is a yard, but each of the juveniles I interviewed remembered being allowed to go to the yard only once or twice for about a half hour in a three to four week time period.

One of the juveniles I talked to was a 14 year old. He had been in the Adams Jail almost three weeks. He had previously been kept at the Marvin Foote Juvenile Facility in Arapahoe County. The differences between the two facilities was stark.

At Marvin Foote the day also starts early. However, it begins with hygiene where it is mandatory for the juveniles do such tasks as brush their teeth. At the Adult Jail, there is nobody to care about these types of things. There is then a good, healthy breakfast. The pod is comfortable. Instead of being surrounded by the sights of concrete, steel and graffiti and the sounds of arguments, yelling and banging, the pod is carpeted, quiet and clean. Also, there is at least one adult in the juvenile pod at all time. There is no gang graffiti.

The staff at Marvin Foote are all professionals. The kids refer to them as staff. Unlike some of the experiences the juveniles reported at the Adams Jail, the staff at Marvin Foote never say anything inappropriate or anything to bait them. Two of the Juveniles at the Adult Jail reported a disrespectful statement they heard from a jailer at Adams County about President Obama that they thought was racist. I was told by one juvenile this would never happen at Foote.

Visits with their parents are contact visits. They are taken to visitation rooms where they can visit with their parents, grandparents and siblings. They can touch and hug their mothers, fathers, brothers and sisters. All the juveniles reported that being able to see their family in this way was the most important part of their day.

After breakfast, the kids have group, which is led by staff. For much of the day they go to school where they study math, English, history and science. They also have an art and a computer class. They have two teachers in each class. I don't know about Foote, but at the juvenile facility in Weld County (Platte Valley), most of the teachers have been crossed-trained in special education.

Besides good education, the juveniles have other programming that is geared to help them become law-abiding, informed and better equipped to live better lives. Between 4:00 and 5:00 pm they listen to music in their pod. Staff chooses the music they will listen to, which varies from day to day. At 5:30 pm they go to the dining room for dinner, where they eat another balanced meal. After that they return to their pod where they set up News Group. They then listen to local, national and world news, always under the supervision of staff.

At Foote, all the juveniles are required to exercise daily. Each day every juvenile is taken outside for planned exercise. If the weather is bad, they go to the gym. At Foote, the juveniles earn privileges by their behavior, their progress and their attitude. Each juvenile can work toward reaching a higher level which earns them new levels of trust, responsibility and privileges. You can't buy commissary at Foote. Instead you have to earn it. You buy commissary with the points you earn. At the jail, you can't earn anything. If someone puts money on your books, you can buy commissary. You also can't make phone calls to your family if you don't have money on your books – if not, you can't. At Foote, the opposite is true. The two experiences could not be more different. The Foote experience is clearly designed to socialize these children toward success by better education, habits and attitudes. The experience in the County Jail is the exact opposite.

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Patrick G. Vance