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# Revolving door to state prisons

By Ann Imse, Rocky Mountain News  
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Half the inmates released from Colorado prisons return within three years, adding to dire prison overcrowding. Dunston Sidner, like many felons with drug addictions and mental illness, has received little treatment, repeatedly fails parole and ends up back behind bars. So far, he's cost taxpayers at least \$200,000.

Dunston Sidner just can't get it right.

And it's costing taxpayers a fortune.

Sidner is a balding, 56-year-old Vietnam veteran with a serious mental illness, walking blackouts and an unrelenting craving for crack cocaine.

His two convictions for possession of pea-sized bits of crack since 1995 might have been resolved with probation or a few months in a halfway house.

But Sidner can't stay sober. He can't stay put. And he can't stay on a job.

As a result, he's been to prison repeatedly on those two charges because he's failed every attempt at probation, parole and community corrections.

The state Department of Corrections hasn't done much to increase his odds of



Barry Gutierrez © The Rocky

Half the inmates released from Colorado prisons return within three years, adding to dire prison overcrowding. Dunston Sidner (above), like many felons with drug addictions and mental illness, has received little treatment, repeatedly fails parole and ends up back behind bars. So far, he's cost taxpayers at least \$200,000.

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making it. Twice, prison officials released him to a homeless shelter packed with other addicted felons and surrounded by drug dealers. Last time, he was let loose without his psychiatric medications. He lasted barely a week before wandering off, a parole violation.

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The result? He's been stuck in a revolving door of probation, prison, parole and halfway houses for 12 years, at a cost to taxpayers of at least \$200,000.

He spent the past 10 months in the Denver jail, awaiting trial on a charge of escape for leaving the homeless shelter without telling his parole officer. While he was there, Denver Health installed a pacemaker and a defibrillator in his heart, billing taxpayers \$42,000 for that and other care.

Only a last-minute decision last week to drop the escape charge saved taxpayers from spending another \$111,000 to \$666,000 on him because he faced a prison sentence of four to 24 years.

Figuring out how to keep Sidner and others like him - minor criminals, drug addicts, the mentally ill - from returning to prison is one key to solving Colorado's corrections crisis.

The state's prison population is soaring five times faster than the national average. Taxpayers are facing an \$800 million bill for new state prisons over the next five years, and that doesn't include the cost of running them.

Colorado's new governor and legislators have made it clear they aren't happy about this.

"The costs (of prisons) are spiraling out of control and eating into our ability to fund education and health care," Gov. Bill Ritter said in his State of the State speech days after taking office.

Many credit Colorado's tough lock-'em-up policies with reducing the state's crime rate. So the trick will be reducing the growth in inmates without boosting crime.

Ritter's strategy: Cut recidivism - the 50 percent of inmates who return to prison within three years of release. Each released prisoner who stays straight saves \$125,000 in prison construction and \$27,840 a year in prison operating costs, according to state budget figures.

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Ritter has proposed investing \$8 million next year on programs aimed at reducing repeat offenses, mostly with mental health and substance abuse treatment. He estimates a \$14 million long-term savings.

Numerous studies say these programs reduce the likelihood of prisoners ending up back behind bars, but their funding was slashed in Colorado during years of tight budgets.

Ritter, a former prosecutor, hopes to turn around lives, cut crime - and build fewer prisons.

## Early addiction

Dunston Sidner is well-spoken and polite as he sits in the Denver jail. He's honest about his mental problems and addiction.

"I can't stand in front of a judge and say, 'I won't do this anymore,' " he says.

In many ways, Sidner is typical of the state's 22,395 prisoners. Like him, 82 percent are substance abusers, and 19 percent are mentally ill, corrections officials say. Like him, 74 percent of inmates were convicted of nonviolent crimes.

After years of drug use, Sidner's memories are vivid, but sometimes conflicting.

He grew up in Denver and volunteered in 1970 for the Army when he was 20. He went to Vietnam and came home with a heroin addiction and an other-than-honorable discharge for punching a sergeant who he says raped and murdered a 10-year-old Vietnamese girl.

"I couldn't abide by the things I was seeing, the hateful, evil stuff over there," he says, tears welling up.

At home, he dealt in stolen goods to pay for his heroin and got a two- to five-year prison sentence in 1975 for two theft felonies. His wife divorced him, taking his three kids. He wandered the country, working blue-collar jobs. His addiction switched to crack.

Unlike many nonviolent offenders in prison, he proudly insists he hasn't ripped off anyone to support his addictions for the past 30 years.

"I pay for my drugs with hard-earned cash. I've never robbed and beaten up people. I've never sold drugs."

But every attempt to pull himself up has run into a wall of self-destruction. He sabotaged his graduation from an orthopedic tech program by shooting up with a near-lethal dose of morphine.

In 1994, he asked for help. Records show he spent two weeks in the psychiatric ward at the Veterans Administration Hospital in Omaha.

He says he was diagnosed with post-traumatic stress disorder but denied long-term care. VA

spokeswoman Rebecca Sawyer Smith said the hospital asked the VA for a benefits ruling that his mental illness stemmed from his Vietnam service. The ruling never came. Meanwhile, Sidner vanished.

Somehow, he stayed out of serious trouble with the law from 1980 to 1995.

But on the evening of March 4, 1995, Denver police picked him up for loitering at 22nd and Stout streets. They found one-hundredth of an ounce of crack in his pocket.

That was the beginning of 12 years in and out of prisons and jails.

## Disappearing act

Dunston Sidner can't seem to make it through parole. That's not unusual - 2,766 people had their parole revoked in Colorado last year.

Sidner's 23 arrests since 1995 include nine misdemeanors, such as loitering, that are common to the homeless.

Twice he was convicted of crack possession and failed probation or community corrections. Eventually, he was sentenced to four years in prison on the first crack case and two years on the second.

Each crack sentence carried three years of mandatory parole after prison.

Colorado has two kinds of parole. One is early release for good behavior before an inmate has completed his prison time.

The other is mandatory parole, required by the legislature for everyone convicted since 1993. That means the parolee must keep a job, pass drug tests and follow other rules for a period of years after finishing prison.

Violating parole brings six more months in prison. That is happening repeatedly and driving up the prison population.

Sidner has gone back to prison four times for violating parole by disappearing.

The legislature hoped the tight rules of mandatory parole would steer offenders away from crime. But 65 percent of Colorado's mandatory parolees get locked up again within three years. That's nearly triple the rate for the prisoners sentenced before 1993 who don't undergo mandatory parole upon release.

Doug Wilson, the state's chief public defender, said parolees often have nowhere to live. They must find a job in a society reluctant to hire felons. Then they must report to parole during working hours without losing the job and pay for required treatment classes on minimal wages, he said. If they get caught drinking or fail a drug test, they go back to prison.

Like Sidner, many parolees make things worse when they've violated a rule - they stop reporting to their parole officers.

The result: nearly 1,700 escape charges filed last year, nearly all for leaving parole and community corrections. So six months back in prison for a revoked parole mushrooms into a longer prison term for escape.

An escape conviction that pushes an inmate into habitual offender status can put him behind bars for decades longer.

## Scarce treatment

For every dollar spent in prison on substance abuse treatment, there's a \$7 return, largely in reduced crime, a California study found.

In Colorado, 82 percent of inmates are substance abusers, but only 16 percent received treatment last year, according to the Department of Corrections.

Sidner got one class on addiction in 1998.

Inmates don't fare much better when it comes to getting treated for mental illness.

Jim Michaud, mental health chief for corrections, said his staff mostly screens for crises and has little time for treatment.

Corrections officials noted Sidner's mental illness at least a dozen times during prisoner screenings.

Prison clinics recommended one-on-one counseling behind bars, residential treatment on parole, even a trip to the state mental hospital. None of that happened.

Corrections gave him antidepressants regularly beginning in 2001. His only other treatment was a 100-hour class in basic mental health in 1998.

Like Sidner, 3,400 Colorado inmates, or about 15 percent, have double-barreled problems - mental illness and substance abuse. Many self-medicate with illegal drugs.

Succeeding at drug treatment is a long shot "if you're not thinking right because of mental health issues," said Bob Mowatt, head of Denver probation.

Nevertheless, officials sent Sidner seven times to community substance abuse treatment programs not meant for the mentally ill. Within a few days or months in such programs, Sidner would be gone.

Colorado has almost no programs for this kind of inmate. The state has just 32 spaces for the mentally ill in its highest level of drug treatment, called "therapeutic community."

It provides group counseling in a special section of a few prisons. A note in Sidner's file said he refused a slot in the program, but he was never held in the prisons that offer it.

Corrections officials say a study found that a year or more in the therapeutic community, both inside prison and on parole, cut recidivism from 45 percent to 8 percent.

The in-prison part costs \$10 a day, but fewer than 600 a year graduated from it.

After Sidner's seven failures in outside drug programs for the mentally sound, the parole board in 2005 and again in 2006 ordered him to spend six months in residential treatment for mental illness and addiction.

Independence House Fillmore is the only such program outside prisons for the 650 parolees a year who are both mentally ill and addicted. It has room for 40.

Sidner wasn't sent there. Instead, he was paroled to the street, homeless.

Tim Hand, assistant director of parole, said his office eventually tried to send Sidner to Independence House, and "he fought us on the whole idea."

Sidner doesn't remember that. But it's not unusual for the mentally ill to think they don't need help.

Hand says he would prefer to send problem parolees like Sidner to a community corrections halfway house before releasing them to the street.

"But we don't have the beds, and we don't have the money," Hand said.

Colorado could save more than \$5 million a year if it had room in community corrections for the 385 prison inmates who qualify, according to the legislature's Joint Budget Committee. Prison costs twice as much.

With so few facilities, 70 percent of parolees in Denver are dropped on the street, homeless, with \$100, an amount unchanged since 1973.

Hand said the legislature provides no money for housing parolees, but he scrounges in his budget to come up with \$35-per-week vouchers for shelters.

Corrections officials are supposed to give mentally ill inmates a 30-day supply of their psychiatric medications upon release from prison, but that often doesn't happen, said Denver probation's Mowatt.

## Escape

In 2006, Sidner was released from the prison hospital at Fort Lyon, where he was treated for medical problems. He was so comfortable he gave up his psychiatric medications, and he said he didn't want to leave.

This was the second time he was dropped on the street instead of being sent to residential treatment.

Julie David, his parole officer, remembers Sidner as "disoriented" when he arrived from Fort Lyon. Within a week, Sidner says, another parole officer refused to pay for his bed in the Salvation Army's Crossroads shelter, saying he had failed to look for jobs.

So on a snowy night, he walked miles back from the parole office to the shelter on the banks of the Platte River north of downtown, hoping to get a mat on the floor.

He said a dozen drug dealers sidled up to the shelter line, packed with recently released parolees and drug addicts. They knew Sidner by sight. They tempted him with crack. The smoke wafted in his face.

"I'm smelling the drugs," he said. "I knew if I stood in line 10 minutes more, I would buy. So I took off."

Sidner walked to a sister's house 10 miles away.

"We both decided it would be better to turn myself in," he said, but then he wandered off. "I decided I was going to get high. The heck with it, I might as well as long as I'm out here."

Back in a drug-dealing alley downtown, a Denver police officer saw him, Sidner said. "He said, 'Come here, Sidner.' "

Moving out of the shelter without approval from his parole officer was an automatic escape charge.

In 2006, the Denver district attorney filed 536 escape cases - nearly all for walking away from parole or community corrections.

Sidner faced four to 24 years for the escape under the state's habitual criminal law, said Doug Wilson, the chief public defender.

Wilson's deputy, Kathleen Lord, said taxpayers "have no idea how much all this is costing them. And how much are we gaining by charging him with escape?"

Lynn Kimbrough, spokeswoman for the Denver district attorney, said, "We don't make our filing decisions based on a cost-benefit analysis. The legislature has made this a very serious charge."

On Feb. 8, just days before Sidner's scheduled trial, Chief Deputy District Attorney Greg Long picked up the file and recognized Sidner from drug court. He dropped the escape charge.

Pursuing the case "would be a waste of time," Long told the court. And a waste of money, he added afterwards.

In a parole board hearing set for today, Sidner may be ordered back to prison for six more months on a parole violation, then he would be paroled again.

But the prosecutor wishes the prisons could just keep him until he's done so he won't fail parole again.

"I don't think there's any hope without mental health treatment," Long said, adding that's not likely in the resource-short criminal justice system. He's hoping the VA will step up, and a sister has offered to take Sidner in.

Ari Zavaras, the new Department of Corrections chief, says all this supports the focus on cutting recidivism. But it will require a sea change "that permeates the whole agency."

"It has to start the day they walk in the door, so from day one we are preparing them for re-entry to the community."

## Prison and parole by the numbers

### 22,395 prisoners in Colorado

- **Substance abusers:** 82 percent
- **Mentally ill:** 19 percent
- **Nonviolent:** 74 percent are serving time for nonviolent offenses
- **Repeat offenders:** 50 percent of all released prisoners will return to prison within three years
- **Homeless In Denver:** 70 percent of parolees have no housing
- **Escapees:** 1,700 people were charged with escape last year in Colorado, nearly all from parole or community corrections
- **Repeat offenders:** 38 percent of prisoners admitted last year were incarcerated because they violated their early release or post-sentence parole or were convicted of new charges, including escape.

*Sources: Colorado Department Of Corrections And Judicial Department*

## Cost of a crack addict

These are the public costs for Dunston Sidner since 1995

**Prison** 8 times 2,019 days \$80,000

**Denver jail** 23 times 576 days \$46,000

**Denver Health Jail** medical care, including a heart pacemaker \$42,000

**Parole** \$5,600

**Community Corrections** \$4,353

**Probation** \$670

**District court** not available

**Prosecutor** not available

**Public defender** not available

**Detox and shelters** \$24,000

**Total** \$202,623 *Sources: State And City Billings Records For Sidner, The Average Cost Per Day For Prison, Jail And Parole Estimated By Those Systems And A Denver ...*

## Parole and community

"I'd work with parole and community corrections and the courts to identify and case-manage these people who have a medical condition that is causing them to become incarcerated."

Dr. Allan Liebgott director of corrections medicine, Denver Health Medical Center

## Resources limited

"If there was some intervention in the mental illness, you might not see the self-medicating and the drug and alcohol abuse. . . . Resources and programs are limited. Hopefully, they'll expand.

Doug Carrigan director, Independence House Fillmore, Colorado's sole residential center for mentally ill drug offenders

## Hard to get hired

"They have only a few days to get a job, but if you are on parole, it's very hard to get hired. The system is not set up for them to succeed.

Carolyn Lucero director of the Stout Street Foundation, a residential program for addicts

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