



STEAMBOAT SPRINGS POLICE SERVICES

2027 Shield Dr., P.O. Box 775088, Steamboat Springs, CO 80477-5088

(970)879-4344 FAX (970)871-7090

Officer Report for Incident P1910417

Address: 325 7TH ST; SS SCHOOL DISTRICT
STEAMBOAT SPGS CO 80487

Offense Codes:

Offense: 0243 CITIZEN COMPLAINT

Agency: SSPD

Responding Officers: SILVA S

Responsible Officer: SILVA S

When Reported: 13:17:12 09/10/19

Disposition: CLO 09/12/19

Occurred Between: 13:17:12 09/10/19 and 13:17:12 09/10/19

Responding Officers:

SILVA S

Unit :

D61

Responsible Officer: SILVA S

Clearance: RTF REPORT TO FOLLOW

When Reported: 13:17:12 09/10/19

BAC:

Agency: SSPD

Disposition: CLO **Date:** 09/12/19

Occurred between: 13:17:12 09/10/19

and: 13:17:12 09/10/19

Complainant:

Last:

DOB: **/**/**

First:

Dr Lic:

Mid:

Address:

Involvements

Date	Type	Description	
09/26/19	Name	MAULDIN, KENNETH RAY JR	RP

Narrative

STEAMBOAT SPRINGS POLICE SERVICES
MISCELLANEOUS INCIDENT REPORT

SYNOPSIS:

On September 9, 2019, I, Detective Sam Silva, was briefed on this incident by Commander Stabile. It was originally reported through a widely distributed e-mail sent by Ken Mauldin. He sent the e-mail to numerous people including City Council Members, County Commissioners, the Police Chief and the Sheriff. The title of the e-mail was "Sexually obscene material in SSHS classroom". The contents of the e-mail is as follows:

Hello,

Because I believe this situation represents a broader concern for the community, I have included the District Superintendent, SSHS Principle, RE-2 Board of Education, Steamboat Springs City Council, Routt County Commission, SSPD Chief of Police, Routt County Sheriff, and the Routt County District Attorney in this communication.

While attending the SSHS PIC meeting yesterday I was shocked to learn that a high school teacher had introduced patently obscene sexual material into what I understand to be a literature classroom within the last few days. The material in question is a poem titled "Howl" by Allen Ginsberg. Those present were confidently and professionally assured by the SSHS Principle that the material was not approved for inclusion in a SSHS classroom, and will never be presented again. I recognize that we can't 'un-ring the bell' and that the specific event in question has passed.

I will spare recipients excessive quotations of the obscene references throughout the text and focus my comments on the concerns that I have related to a response to the incident. Any recipients that are unfamiliar with the poem can read it in it's entirety here: <https://poets.org/poem/howl-parts-i-ii>

As examples, here are two relevant quotes from the poem "Howl" for your consideration:

1. "...who howled on their knees in the subway and were dragged off the roof waving genitals and manuscripts, who let themselves be fucked in the ass by saintly motorcyclists, and screamed with joy,"
2. "... and continued along the floor and down the hall and ended fainting on the wall with a vision of ultimate cunt and come eluding the last gyzym of consciousness, who sweetened the snatches of a million girls trembling in the sunset,"

My understanding is that the teacher admitted to the classroom introduction of this material in writing to the SSHS Principle.

I suspect we would all agree that exposing minors to such graphic, sexually obscene material would shock the conscience of the community. I can assure everyone that the parents who remained behind after the PIC meeting for the reading of the poem experienced a shocked conscience. The parent reading the poem, who's 16 year-old daughter was reportedly in the classroom involved, was so upset he could hardly hold the paper still enough to read the text. In fact, it was such a profound shock to the conscience that one parent asked the father reading the poem aloud to other parents to "please stop."

First, I would be disappointed if the SSHS staff and/or District Office has not referred the circumstances of this issue to the Steamboat Springs Police Department. It seems reasonable that distributing, assigning reading, and discussing such patently obscene sexual material with minors may meet the statutory elements of promotion of obscenity to minors under Colorado law. Obviously, if this teacher had provided the *exact same text* and initiated the *exact same discussion* with a group of minors sitting in McDonald's, resting off the core trail, or anywhere else in our community, law enforcement would have likely been notified to determine if a crime occurred. Colorado's obscenity statute (C.R.S. 18-7-102) provides an exception for law enforcement activities,

but provides no exceptions for teachers in a classroom. In the event that District staff or other parents haven't already reported this event to law enforcement, this email represents a report from a citizen.

Second, I was disappointed to learn that the teacher involved in what could reasonably be argued as the promotion of obscenity to minors was in the SSHS building yesterday, and presumably still responsible for the administrative custody of minors in a classroom.

It is my view that such poor professional judgement, combined with actions that may rise to a criminal act, should result in the immediate removal of the teacher from the classroom while additional facts are gathered and disciplinary measures are considered.

I look forward to everyone's thoughts on this important matter.

Regards,
Ken Mauldin
Steamboat Springs

After being briefed on the incident I read the poem in full. The poem was approximately 10 pages long. It did contain the above quoted texts as well as other sexual references. I also read information from Poets.org regarding the poem and it's author, Allen Ginsberg (1926-1997). According to the web site, "Shortly after Howl and Other Poems was published in 1956 by City Lights Bookstore, it was banned for obscenity. The work overcame censorship trials, however, and "Howl" became one of the most widely read poems of the century, translated into more than twenty-two languages."

I then reviewed the C.R.S. Statute 18-7-102, Obscenity. Subsection (1.5)(a) states "A person commits wholesale promotion of obscenity to a minor or possesses with intent to wholesale promote to a minor any obscene material." The definition of "Obscene" given in Statute 18-7-101(2) Definitions states, "(a) The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex; depicts or describes patently offensive representations of descriptions of masturbation, excretory functions, sodomy, and sexual bestiality.....; and (c) Taken as whole, lacks serious literary, artistic, political, or scientific value."

Based specifically on the subsection (c) of the definition of "Obscene", a poem that was regarded as "one of the most widely read poems of the century, translated into more than twenty-two languages", "Howl" would not lack literary or artistic value, therefore it would not meet the statutory definition of "Obscene"; in which case the statutory requirements of 18-7-102 would not be met to charge for the promotion of obscenity to minors.

I submitted copies of the poem "Howl" and the biography of poet Allen Ginsberg from Poets.org to SSPD Records to be attached to the case file.

PHOTOS TAKEN: None

BODY WORN CAMERA: None

MOBILE AUDIO VIDEO: N/A

LOCATION OF CONSUMPTION: N/A

PROPERTY VALUE: N/A

IS THIS A "USE OF FORCE" INCIDENT? No

DOES THIS REQUIRE NCIC/CCIC ENTRY OR CANCELLATION? No

REPORTING OFFICER:
Detective Sam Silva, D61

REPORT DATE:
September 10, 2019

Name Involvements:

RP : 31785

Name: MAULDIN , KENNETH RAY

1141 THORNBURG ST; PO BOX 773567

STEAMBOAT SPGS, CO 80487

DOB: 07/23/67

Race: W

Sex: M

Phone: (678)386-7783

Dr Lic: 142270803

Height: 5'09"

Weight: 175

Eyes: BRO

Hair: BRO