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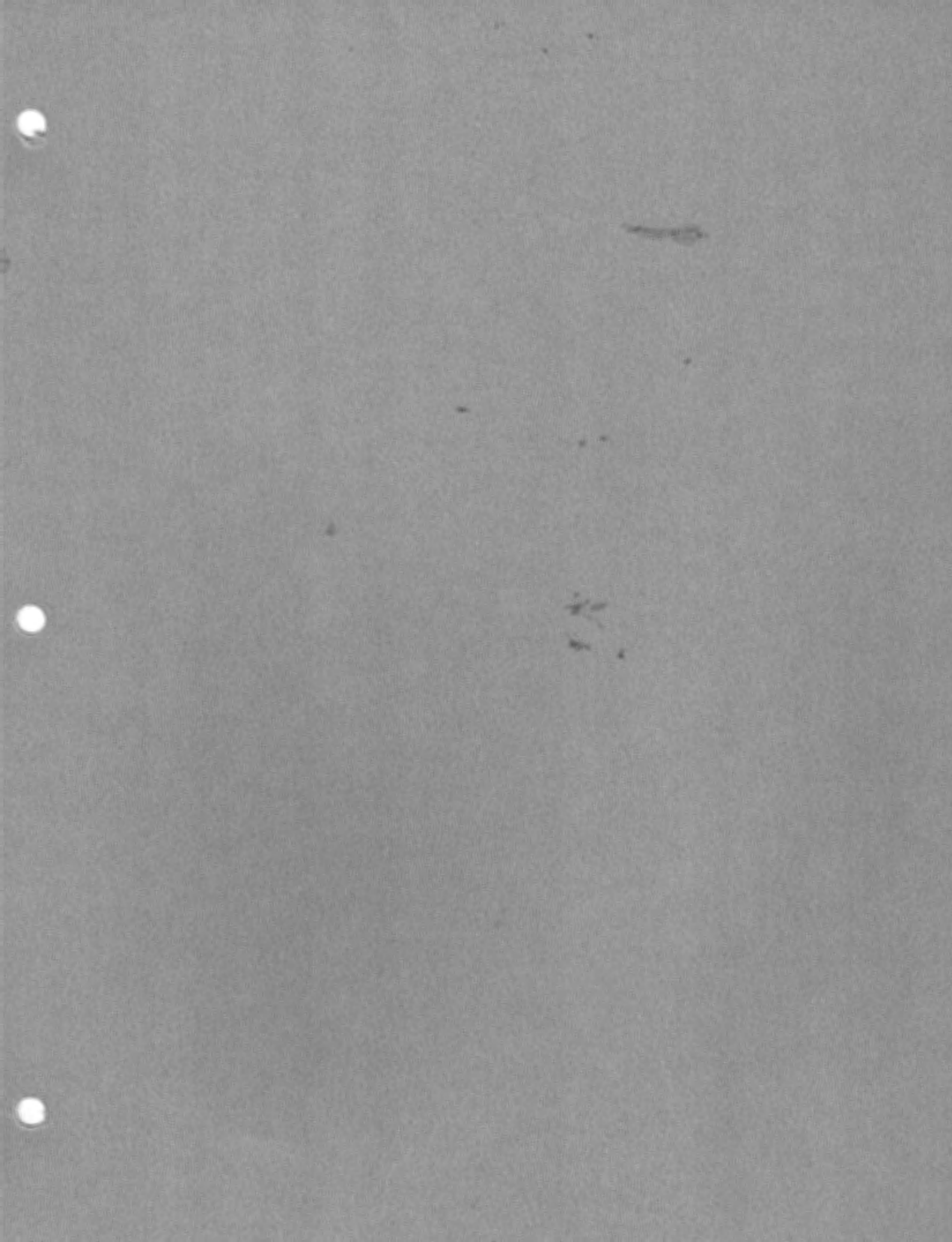
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CALIFORNIA CORRECTIONAL SYSTEM STUDY

PAROLE TASK FORCE REPORT

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SUMMARY OF RECOMMENDATIONS

Juvenile Parole

1. The Youth Authority administration should totally commit itself and maintain its commitment to a participatory style of management.

In the event that consolidation occurs between the Youth Authority and Department of Corrections, it is imperative that this style of management be put into operation from the very start of the new Department of Correctional Services, in line with the new nature of the State correctional apparatus recommended by the System Task Force.

2. The Youth Authority should strengthen its ongoing development and use of classification systems, with particular emphasis on integrating such efforts between institutions and parole.
3. First line supervisors should be carefully selected on the basis of ability to maximize effectiveness of line workers under them and should be retained in such positions only as long as they are doing this. They should be delegated increasing authority and responsibility, should be involved more in decision-making crucial to the agency, and should receive greatly increased training in effective managerial techniques.
4. The Youth Authority should make every possible effort to revive and expand its para-professional program. Similarly, it should recruit and involve volunteers to a much greater extent.
5. The State should amend section 1029 of the Penal Code and any other laws or policies that prohibit the hiring and permanent appointment of ex-felons as peace officers provided they have shown evidence of being rehabilitated and have successfully completed a probationary period of employment.
6. The Youth Authority and the State personnel board should engage in an ongoing re-evaluation of personnel policies and procedures, especially those related to hiring and promotion, with participation in such evaluation by all levels of staff.
7. The State should hold "open" examinations, i.e., not restricted to current State employees, for every civil service position. Similarly, the State should participate with the counties in developing a personnel system that would allow the transfer or promotion of employees between various correctional agencies, without loss of benefits, provided they meet the necessary requirements.
8. The State should create the equivalent of a Parole Agent III position that would involve direct supervision of clients (i.e., carrying a caseload).

Summary of Recommendations

9. *The State should develop a training network of State and county trainers and training resources, similar to the CO-ACT Model, to provide or coordinate necessary training for all parole (and other correctional) staff.*
10. *The standard for parole caseloads should be reduced to at least that set for probation subsidy caseloads (i.e., substantially below 50 cases).*
11. *Administration should continue strong efforts to inform staff of the future direction of the agency together with the full implications for staff, to involve staff in the future shaping of their agency, and to train them for the types of roles that will be played by the State.*
12. *A careful evaluation of clerical and stenographic needs should be made to formulate a more realistic ratio of such assistance for parole staff.*
13. *The State should increase its efforts to inform and involve the public in all levels of correctional services, and to maximize its use of community resources.*
14. *No ward should be retained on parole involuntarily more than two years unless it can be demonstrated to the parole board, at least every six months, that the protection of the community is substantially increased by so doing.*
15. *The Youth Authority should make a stronger commitment not only to the further experimentation with but also the implementation of differential community-based treatment, in lieu of institutionalization, particularly with those youths for whom such a program has already been demonstrated effective.*
16. *The State should enact permissive legislation, allowing the State and individual counties to contract with each other for either jurisdiction to handle both probation and parole services in any county.*

Adult Parole

17. *The administrative structure of the CDC Parole and Community Services Division should be reviewed to assess the advisability of reducing the number of administrative levels through which communications must be channeled.*

Summary of Recommendations

18. *Whenever a particularly important or possibly controversial change in policy, procedure, or legislation is to be communicated, the communication should be made by the appropriate headquarters administrator on a face-to-face basis (at regional or district staff meetings) with all divisional staff concerned, to allow for questions from those who need interpretation of the change, and to avoid possibly conflicting interpretations by intermediate administrators.*
19. *The deputy director, assistant deputy director, and other appropriate headquarters staff should spend the maximum amount of time possible in direct contact with field staff, especially the line workers, to increase opportunities for direct two-way communication and to enhance the line worker's feelings of importance and "belonging".*
20. *Division administrators should constantly place great emphasis, in their contacts with regional and district administrators and with unit supervisors, on the vital importance of their responsibility to maintain open, two-way communication between top management and line staff.*
21. *In view of the heavy pressures exerted on parole agents as a result of both volume and program expansion, they should be given continuous and explicit support and assistance at the level of their major decision-making responsibility--the application of philosophy and policy to the specific case.*
22. *A strong and continuous effort should be made to develop much greater participation by all staff in the decision-making process, both as to expression of opinion on important issues and as to feedback to staff regarding the reasoning behind decisions made.*
23. *The California Department of Corrections should establish an overall caseload standard at least equal to that of probation subsidy programs (substantially below 50), but should at the same time develop more sophisticated strategies of differential treatment.*
24. *Parole agents should be given every possible encouragement to make recommendations completely consistent with their honest opinions in cases up for revocation hearing. Whenever a parole board decides contrary to staff recommendations, the board should indicate the basis for its decision.*
25. *The California Department of Corrections should expand its efforts to hire, train, and promote minority group members.*
26. *The Department of Corrections should develop its own fully staffed recruitment program.*

Summary of Recommendations

27. Funds should be budgeted and approved to allow for substantial expansion of trainee and parole aide programs.
28. Every effort should be made to re-vitalize and strengthen the department's in-service training (or staff development) program.
29. A plan should be developed and funded for the systematic, specialized training of staff with in-service training responsibilities.

In addition, Recommendations 6 through 9 and 16 in Chapter III on the California Youth Authority are also applicable to the California Department of Corrections.

Narcotic Addict Outpatient Program

30. The State should provide funds adequate to the development and continued operation of a meaningful and efficient research program for the NAOP.
31. A community relations program should be incorporated in NAOP's organizational structure.
32. A liaison committee concerned with decisions concerning clients should be formed with representatives from both the Authority and program staff.
33. California's top correctional administrators should appoint a select body of persons whose sole and specific job, in conjunction with academicians and correctional and medical practitioners across the nation, is to design, within a specified but adequate period of time, a training model for those engaged in the handling of drug addiction.

Community-based correctional programs

34. The State should strengthen and expand its Community Parole Center Program for youth with increased emphasis on developing programs that will allow earlier institutional release and fewer returns.
35. In the event youth and adult services are consolidated, the State should experiment with using these Community Parole Centers for adults as well as for youths. Otherwise, the Department of Corrections should increase its Community Correctional Centers but model them more after the Youth Authority's centers, i.e., with increased emphasis on integrating institutions and parole and on becoming an integral part of the community.

Summary of Recommendations

36. *The State should expand its use of community-based work furlough centers for inmates, particularly for women, and should use them for other types of furloughs such as vocational training and educational programs.*
37. *The State should enact legislation permitting inmates on furlough to reside in privately operated facilities via contractual arrangements.*

Paroling Authorities

38. *All parole board members should be appointed by the Governor, through a process of merit selection, and should be confirmed by the Senate.*
39. *Appointments should normally be to full-time positions and should be for six year overlapping terms.*
40. *The Director of the Department of the Youth Authority should be neither the chairman nor a member of the Youth Authority Board.*
41. *All of the parole boards should form liaison committees with the appropriate institutional and parole staff to discuss and resolve problems of mutual concern.*
42. *Consideration should be given to integrating the Women's Board of Terms and Parole into the Adult Authority, in which case at least two women members should be added to the Adult Authority.*

If this occurs, a Women's Advisory Committee should be created to advise the new Department of Correctional Services and all the boards on special concerns relative to women and girls.

43. *The Adult Authority, Youth Authority Board, and Narcotic Addict Evaluation Authority should be renamed the Adult Parole Board, Youth Parole Board, and Narcotic Parole Board, respectively.*
44. *The Narcotic Parole Board should be made a full-time board.*
45. *Each board should, through a process of merit selection, appoint an administrative officer and whatever number of hearing officers may be necessary, to perform whatever duties it wishes to delegate.*
46. *The proposed Department of Correctional Services and the various parole boards should form a training committee to develop specific training programs in correctional decision-making for all board members and hearing representatives, as well as for any correctional staff for whom it may be relevant.*

Summary of Recommendations

47. *Each California parole board should regularly publish and distribute both informational brochures and annual reports.*
48. *The California Penal Code should be amended to set one year as the minimum term to be served prior to parole for every person committed to state prison.*
49. *The Adult Authority and Women's Board of Terms and Parole or, if they are consolidated, the Adult Parole Board should set terms as soon as adequate evaluative materials are available. The burden of proof should be on the system to justify any subsequent extension of those terms.*
50. *All of the parole boards should review each case regularly (such as every six months) to evaluate whether individual inmates are ready for parole.*
51. *The Adult Authority should make every possible effort to reduce its median term for inmates to a period approaching the national average.*
52. *Conditions of parole should be clear, kept to a minimum, and tailored to the individual case.*
53. *Although many of the following procedural safeguards already exist in respect to revocation hearings, they should be adopted by all of the boards and should be codified:*
 1. *Boards should meet at least once a week to consider revocation matters.*
 2. *Hearings should be conducted by at least two board members or hearing representatives; if hearing representatives are used, their decisions should be confirmed by at least two board members.*
 3. *Written advance notice of the charges should be given to the parolee and, in the case of juveniles, to his parents as well.*
 4. *The parolee should be present at least at his final revocation hearing.*
 5. *The parolee should be able to hire and confer with an attorney prior to the hearing; attorneys should be able to write to and personally confer with board members prior to the hearing.*

Summary of Recommendations

6. Any witnesses should be able to write to board members; parents of juveniles should be able to confer with board members prior to the hearing.
 7. Correctional institutional or parole staff should be available, at the parolee's option, to assist him in "telling his story" to the board.
 8. Every effort should be made to minimize the parolee's time in custody before disposition. The final revocation hearing should be held no more than 14 working days after the parolee is delivered to the reception center; hearings should not be postponed unless necessary and should never be postponed beyond 30 days unless it is absolutely crucial.
-
54. All of the boards should conduct regular hearings in more major population centers of the State.
 55. The Adult Authority, Women's Board of Terms and Parole, and Youth Authority Board should make efforts to consolidate initial and final revocation hearings whenever appropriate.
 56. The board members or hearing representatives who hear a case should personally notify the parolee of their disposition or recommendation at the end of the hearing.
 57. All of the parole boards should hold a formal hearing to consider discharge for every parolee who has completed two years on parole since release from a prison, juvenile institution, CRC, or county jail sentence. In the event discharge is denied, the board should hold a subsequent hearing on that case at least every six months. In all of these hearings, the "burden of proof" should be on the parole system to justify retention of the parolee under supervision any longer. These requirements should be codified.

"Ideally, it is constructive in character, individualistic in its service, flexible in its use of resources and geared to changing needs."

The Practitioner in Corrections

California Probation, Parole and
Correctional Association

CHAPTER I

INTRODUCTION AND STUDY METHODS

If there is a single principle to which all members of the criminal justice system agree, it is that all parts of the system are highly interdependent and interrelated. The effectiveness of any one segment of the system has a direct relationship with the effectiveness of all other segments, i.e., failure in one part of the system increases the burden on other parts of the system.

It is the fact of interrelatedness, commonly referred to as a "continuum of services", which makes it difficult to assess any one segment of the continuum as a separate entity. This is true within as well as among segments. For example, decisions made by parole boards are influenced by their perception of the effectiveness of the rehabilitative work that has been done with the parole applicant by institutional staff, and the parole board's decisions, in turn, affect the parole supervision program. Parolees released too early and those released too late will require different kinds and intensities of parole supervision than those released when they have reached the point of maximum benefit from institutional treatment.

Almost all persons know that parole falls at the very end of the correctional continuum. This is where those who have tried, and failed, wind up. It is where the public screams the loudest when even the best parole supervision goes awry, and the parolee once again attacks the community. It is the point at which felons and juvenile delinquents are often presumed by the public to have "mended their wicked ways", but instead may recidivate at an alarming rate.

This all suggests that parole has the most difficult task of all--that it carries the heavy end of the correctional burden. This suggestion is partly true, though not altogether. Parole has its own responsibilities and should properly discharge them, or be called to account. But a more basic fact is that once an offender reaches the parole status, all other parts of the correctional system must also then stand trial. Either they have paved the path for acceptable behavior or they have not--and the extent to which they have succeeded will directly affect parole outcome.

Yet, were it not for these connecting links, necessary social controls would be completely out of the question. The immediate problem is that the correctional field has not yet learned how to use the "continuum" of services to best advantage.

This concern flows through the very heart of the present study: to discover ways in which jails, institutions, probation departments, courts, parole services, and community correctional programs can better integrate their assorted responsibilities, to the end that crime and delinquency can be better controlled (and reduced if possible), and offenders persuaded that acceptable coping behaviors are not beyond their reach.

I. SCOPE OF PAROLE TASK FORCE

This part of the Correctional System Study is concerned with parole services for both juvenile and adult offenders. Items selected for study were generally as follows:

1. Administrative structure, especially the positioning of authority and lines of communication.
2. A review of California laws as they pertain to the parole system.
3. Stated administrative policies (philosophy, personnel practices, program objectives).
4. Policies as reflected in line staff parole practice.
5. Kinds and quality of results achieved by the parole system with respect to client rehabilitation.
6. Community-based correctional programs.
7. The Narcotic Addict Outpatient Program.
8. The total Parole Board system--its structure and function.

The major study findings are presented under two main headings: Juvenile Parole System and Adult Parole System. However, certain aspects of the study were of specialized nature and are thus presented apart from the main body of study findings.

II. STUDY METHODS

The planning phase of the study was begun by considering the purpose and function of the parole process and determining what steps should first be taken in examining California's parole system. Since the charge was to cover the entire parole system, not just parts of it, decisions concerning timing, staffing patterns, and orientation for field staff were also necessary.

Subsequent planning involved the selection of field staff, setting the date for the beginning of field work, determining field assignments, and

making arrangements for a review of California laws pertaining to parole. In addition, contact was made with NCCD's Research Center to discuss alternative ways of obtaining necessary data and information relative to the study.

Involved in planning also were several conferences with the study director. These were for the purpose of clarifying the Parole Task Force's role in the study and to inform staff of the study's overall objectives.

To provide continuity with the other Task Forces, the parole study was concentrated in the same fifteen counties selected by the overall Correctional System Study. Field work was carried out by a research team of ten persons, all of whom were experienced correctional practitioners from other states. Study techniques employed by the research team were as follows:

Interviews with Parole Staff

In order to get the widest possible representation, interviews were held with line staff, district and regional supervisors, unit supervisors, and top administrative staff of both the California Department of the Youth Authority and the California Department of Corrections.

The purpose of these interviews was two-fold: (1) to gather factual information; and (2) to discover what philosophical differences exist among parole staff, and to consider how these differences impinged on the parole program.

Interviews with Parolees

Task Force staff interviewed adult and juvenile parolees, both individually and in groups. The purpose was to learn how parolees viewed the parole system, and to ascertain whether they felt that they had or had not been helped by the parole process.

Interviews with Paroling Authorities

Contact was made with all four parole boards, and 18 out of 24 members were interviewed. This aspect of the study was considered especially important since the respective boards make the final decision as to whether an offender may enter parole status. It also provided opportunity for determining whether or not board members and parole staff thought alike with respect to offenders, and what kinds of changes in board structure the board members deemed necessary to enable them to do a more effective job.

An additional four members of the Adult Authority who were not interviewed individually were interviewed together with the entire Authority relative to revocation hearings.

Auxiliary Interviews

Some contacts were made with police officers and sheriffs, probation officers, mental health workers, and with volunteers. However, these were few in number due to time restrictions. The combined numbers of juvenile and adult parole system representatives interviewed are as follows:

Regular parole staff	368
Supervisory staff	85
Collateral persons	82
Parolees	352
Administrative staff	38
Parole Board members	18
Board representatives	5
Board administrative officers	2

Questionnaires

Three sets of questionnaires were used in conducting the study. One was designed for juvenile and adult parole agents, (the same questionnaire in both cases), another for juvenile and adult parolees, (the same questionnaire in both cases), and the third for parole agencies elsewhere in the country. The staff questionnaire contained both qualitative and quantitative items in approximately equal amount. This was partly true for the parolee questionnaire, but eliciting attitudes and feelings was the main objective. The out-of-state questionnaire was developed for the purpose of learning something about the workings of other parole systems, with particular reference to new programs and ideas which appeared to be promising in the field of parole.

Questionnaire returns were as follows:

- . Of 750 distributed to parole staff, 456 (61%) were completed and returned.
- . Of approximately 1,000 distributed to parolees, 435 (44%) were completed and returned.
- . Of 69 sent to out-of state parole agencies, 49 (71%) were completed and returned.

Attendance at Parole Board Hearings

While time and distance factors precluded attendance at all phases of paroling and revocation hearings of each of the four boards, Task Force staff did observe a number of hearings of the Adult Authority and Youth Authority. Following these hearings, board members or hearing representatives and parolees were interviewed to elicit their comments about and reactions to the decision-making process. Unfortunately, however, the small number of hearings attended

provided limited information concerning many aspects of the paroling and revocation functions.

Observation and Interaction

There were many instances during the course of the study where Task Force staff were invited to sit in on budget hearings, staff conferences, unit meetings, group counseling sessions with clients, and other related assemblies. In some situations, the role of the individual study staff member was that of observer; i.e., though invited to attend, he did not actively participate in the meeting. He was thus able to pay close attention to what was being said and to the interactions of other individuals in the group. In other instances, Task Force staff were indeed very much involved in group activity and discussion. This provided an excellent opportunity for increased insight and understanding of parole system problems and issues.

Summary

The findings and recommendations of the Parole Task Force are based principally on interviews with all levels of staff and with parolees, questionnaires distributed to staff and clients, interviews with parole board members, and direct observations of their proceedings, general observation of parole operations, a review of the relevant literature, and regular meetings and discussions with the overall Correctional System Study staff.

CHAPTER II

PAROLE MODEL

Parole must be viewed, not as a separate system, but as one of many connecting and overlapping systems, all of which pertain to human behavior in general and to the parole process in particular. Further, behavior must be recognized as an attribute common to all persons party to the parole process. To understand parole, then, one must look not merely at what the parolee says and does, but also at the activities of his various helpers and at community attitudes toward him. In short, one must look at the parolee as he interacts with the criminal justice system and with his total environment.

Given these principles, any effort to design a model for the practice of parole must be based on the belief that parole is basically a matter of human relationships and human interactions. To the fullest extent possible, the model presented here is intended to reflect this belief, and applies to both adult and juvenile parole processes.

It should also be noted that, while many of them are not repeated here, the Parole Task Force strongly endorses those generic principles applicable to the entire correctional system which are outlined and discussed in the System Task Force Report.

I. DEFINITION

Parole is defined as "the release of an offender from a penal or correctional institution after he has served a portion of his sentence, under the continued custody of the State and under conditions that permit his reincarceration in the event of misbehavior."¹

"Parole is a continuation of the prison sentence under conditions of prescribed freedom within the community."²

The first of these definitions of parole was written by the U. S. Attorney General in 1939; the second is contained in the Parole Agent Manual of the California Department of Corrections. It is interesting to note that the former calls attention to the ominous pendulum of reimprisonment ever swinging over the parolee's head whereas the latter stresses a community-based process with considerable "freedom" for the parolee. This difference reflects a substantial shift of focus in correctional thinking over the years. However, to formulate a truly progressive definition of parole, it is necessary to incorporate the concepts of rehabilitation and reintegration. The Parole Task Force suggests the following definition:

Parole is the legally sanctioned release of an offender from a correctional institution to the open community under temporary restrictions for the community's protection and under professional guidance and supervision directed at reintegrating him into society.

II. PURPOSE

The predominant aim of parole is to protect society by preventing, or reducing the likelihood of, further illegal behavior. The second objective is to help the parolee make a good adjustment to necessary social controls, and to discover ways that he can put his abilities to self-satisfying and socially constructive use, i.e., to rehabilitate and reintegrate him into society. The Parole Task Force views these two goals as normally compatible and maintains that the community is best protected by the rehabilitation and reintegration of the parolee.

III. PROFESSIONAL BASE

As in probation, parole practice has traditionally been predicated upon the philosophy and tenets of the behavioral sciences. While the approach or emphasis has varied between and within various jurisdictions, parole has drawn variously from the disciplines of social work, psychology, psychiatry, sociology, and, in recent years, criminology. Thus, although parole is not a discrete professional entity, its practitioners are frequently accorded professional status. It is expected that parole officers will adhere primarily to a professional role involving the dispensing of competent social services from one person (parole agent) to another (parolee), and also coordinating the community's services aimed at reintegrating the offender back into the society. It should further be the case that within legal and ethical limits these services, in whatever combination proves most efficacious, should be directed at preparing the parolee for the resumption of responsibility for himself and his behavior.

IV. WORKING TOOLS FOR PAROLE

The needs and capacities of parolees vary greatly from one person to another. For this reason, parole agents must have at their disposal, and know how to use, many different kinds of personal skills. They must also rely on a wide variety of community resources both for routine and for unusual types of case situations. Accordingly, the normal array of "working tools" that a parole agent must be able to provide include:

1. Positive client/professional working relationship (this must include the ability to relate to and effect behavioral change in parolees)
2. Flexible plan of treatment, participated in by the parolee
3. Individual counseling
4. Family counseling
5. Group counseling

6. Community contacts and referral sources pertaining to:

- a. employment
- b. education
- c. medical care
- d. family relationships
- e. peer relationships
- f. reception of client back into community
- g. halfway houses
- h. parole centers
- i. recreation
- j. volunteer assistance
- k. religion

V. RELATIONSHIPS WITH OTHER PARTS OF THE CORRECTIONAL CONTINUUM

If the parolee is to succeed on parole, he must leave the institution with the feeling that he wants to and can succeed. To help foster that attitude, the parole agent assigned to the prospective parolee should take an active part in pre-release planning. Ideally he should be assigned at the time the offender is committed to an institution. This not only provides continuity of service, but also allows more time for a primary relationship, essential to the parole process, to develop between the agent and offender. At the same time, the parole agent can and should consult directly with institutional personnel, who are frequently able to supply information regarding the client leading to a more effective treatment plan than would have been possible through written reports alone.

Optimally, planning for parole should begin the moment an offender is placed in an institution. What he does and what he learns in the institution has a direct bearing on the timing of his release, so frequent assessment of his adjustment to the institutional program is most important. Also necessary is a systematic program whereby some correctional person (preferably the parole agent) is concurrently working in the community with the offender's family and local community resources in preparation for his release. As the President's Commission on Law Enforcement and Administration of Justice has pointed out:

"It is of little use to improve the reading skills and motivation of an . . . offender if the community school system will not receive him when he is placed on parole. . . . It makes little sense for a correctional institution to offer vocational training if an offender cannot find related work when he returns to the community."³

In light of recent trends to minimize parole conditions and make them more consistent with life in the free community parole agents should work closely with law enforcement bodies with the aim of reducing the myriad minor reasons for revoking parole. For obvious reasons, close contact between the two groups has always been necessary. But if violation criteria are to be changed, police officials should be so apprised and accompanying changes made in their contacts with parolees.

VI. DECENTRALIZATION OF PAROLE SERVICES

Throughout the various Task Force Reports, it has been emphasized that correctional services should be delivered at the local community level to the greatest degree possible. This principle is especially crucial for the field of parole, since it has the obvious advantage of keeping the parole agent "where the action is". The decentralized "store front" or community center approach is highly recommended in that it places the agent where he is most likely to:

1. Be immediately available to his own clients
2. Be able to handle crises situations, both those of clients and of the neighborhood in general
3. Come to know, first hand, what the community is like and what its attitudes toward parolees are
4. Be able to develop and use community resources for his clients
5. Provide close supervision of clients, and thus reduce the likelihood of their posing a threat to the community

There are at least four other advantages to be gained from the decentralization of parole services. All are extremely important to the parole function. First, by decentralizing services they are made visible to the public eye, thus encouraging a greater amount of public understanding of the correctional system's operation. Heightened understanding is the only way community support, cooperation, and participation can be elicited.

Secondly, decentralization means that the parole agent is in a good position to recruit volunteers and develop a corps of aides who could be of great assistance both to parolees and parole agents. The community's role, both at auxiliary agency and volunteer levels, should range from direct program participation to acting in advisory capacity in decision-making processes.

Third, the increased interaction resulting from combined professional and community efforts would make it possible for parole practitioners to express accountability not only to clients but to the public they serve.

Fourth, the increased involvement of the community would facilitate its acceptance of and responsibility for reintegrating its own members.

While it is not necessary that community-based parole functions be carried out by the local jurisdiction, State-county contracts should be permissible whereby a county provides parole services for persons residing in its jurisdiction.

VII. PAROLE BOARDS: STRUCTURE, FUNCTIONS, MEMBERS

Parole boards should be independent decision-making bodies who represent the public as a check-and-balance in the correctional system (similar to the role of the court at the local level). They should neither be under the control of the correctional agency whose clients they evaluate, nor in any way policy-making for that agency. In brief, one of their greatest values lies in their independence. On the other hand, every effort should be made to develop close, cooperative working relationships between the boards and agency staff.

The duties of parole boards should be to establish policies and procedures regarding all aspects of the paroling function; to make all decisions regarding the granting, revoking, and terminating of parole (including the setting and modification of conditions of parole) unless these responsibilities are delegated to hearing representatives; if the latter occurs, to serve as a review board on contested or appealed cases heard by hearing representatives and to hold hearings on cases which are highly controversial.

Both the number of boards and the number of members on each should be no larger than necessary to adequately perform their functions.

Appointments should be through merit selection, and members should serve for six-year overlapping terms. All members should have an educational and experiential background which would enable them to understand the causes of illegal behavior and methods by which such behavior could be modified.

Continuous training in correctional decision-making and parolee problems should be provided to all board members and any hearing representatives:

"....It is vital that board members know the kinds of individuals with whom they are dealing and the many institutional and community variables relating to their decisions. The rise of statistical aids to decision-making and increased responsibilities to meet due process requirements make it even more essential that board members be sufficiently well trained to make discriminating judgments about such matters."⁴

VIII. PAROLING LAWS AND PRACTICE

The Report of the President's Commission on Law Enforcement and Administration of Justice has asserted, "While there should always be a maximum time for confinement, the law should not establish a mandatory minimum sentence."⁵

The offender should, whenever possible, be present during parole hearings and should be personally informed of all decisions by whomever makes the decisions.⁶

During revocation hearings, parolees should be permitted opportunity to provide both written and oral materials in their defense, including written statements prepared by other persons. In the event that parolees admit a law violation upon which the revocation is based, they should have the opportunity to present matters in mitigation or extenuation.

IX. SOME MAJOR REQUIRMENTS FOR PAROLE SUPERVISION

Because of their direct applicability to this model, the principle suggestions of the President's Crime Commission regarding parole supervision are quoted here. The Parole Task Force urges that they form the base for developing a formal statement of parole standards in California.

1. "Research is needed to develop two kinds of information: (1) an effective classification system through which to describe the various types of offenders who require different styles of supervision and the types of parole officers who can provide them; and (2) a set of treatment theories and practices which can be applied successfully to the different types of parolees."⁷
2. "....pre-release and immediate post release programming should receive a very high priority among efforts to strengthen parole services."⁸
3. "The [parole] officer should be in contact with the offender's family prior to release and make arrangements when necessary with schools, mental health services, potential employers, and other community resources."⁹
4. The rules and conditions of parole "....seem to be best when they are relatively few, simple, and specifically tailored to the individual case. But no matter how well rules are chosen, the final test lies in how well they are applied and sanctioned. This involves great skill and sensitive judgment on the part of the parole officer. Training, rigorous personnel screening methods, and effective staff supervision are critically needed if that level of skill and judgment is to be developed and maintained."¹⁰
5. "The task of a parole officer is generally seen as developing close working relationships with police departments rather than performing law enforcement functions directly."¹¹

6. "The best estimate available from current research seems to be that caseloads should generally average 35 per officer. At that level, some offenders who needed it could be closely supervised in caseloads of 20 or lower, and others could be handled adequately in caseloads as high as 75 or even more."¹²

(While California has for some time been working in the direction of reduced caseloads, they have continued to remain considerably higher than the standard recommended by the President's Commission.)

7. "...parole services should make use of volunteers and subprofessional aides in demonstration projects and regular programs."¹³
8. "...parole officials should develop new methods and skills to aid in reintegrating offenders through active intervention on their behalf with community institutions."¹⁴
9. "Substantial service-purchase funds should be made available to....parole agencies for use in meeting imperative needs of individual offenders that cannot otherwise be met."¹⁵

X. RECAPITULATION

While there have been many changes in parole practice over the past thirty years, such as new treatment techniques, expanded research, more sophisticated experimentation and so on, the basic principles and philosophy have for the most part remained the same. For example, the following statement drawn up by delegates to the 1939 National Parole Conference still stands as a model of progressive parole theory and practice today (with one exception which will be noted below):

"A Declaration of the Principles of Parole: WE, THE DELEGATES TO THE NATIONAL PAROLE CONFERENCE, ASSEMBLED AT THE REQUEST OF THE PRESIDENT OF THE UNITED STATES, AND REPRESENTING THE GOVERNORS OF THE SEVERAL STATES, THE JUDICIARY, FEDERAL, STATE, AND MUNICIPAL LAW ENFORCEMENT OFFICIALS, THE CHURCH, THE COMMUNITY, AND THE VARIOUS PENAL AND CORRECTIONAL SYSTEMS IN THE UNITED STATES, RECOGNIZING THAT

Practically all imprisoned offenders are by operation of law ultimately released, and that Parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that For Parole Fully to Achieve Its Purpose:

1. The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;
2. The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;
3. The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;
4. The parole program of treatment and training should be an integral part of a system of criminal justice;
5. The period of imprisonment should be used to prepare the individual vocationally, physically, mentally, and spiritually for return to society;
6. The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoner's release;
7. The paroled offender should be carefully supervised and promptly reimprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the obligations of a law abiding citizen;
8. The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustments;
9. The state should provide adequate financial support for a parole system, including sufficient personnel selected and retained in office upon the basis of merit;
10. The public should recognize the necessity of giving the paroled offender a fair opportunity to earn an honest living and maintain self-respect to the end that he may be truly rehabilitated and the public adequately protected."¹⁶

The only point that does not fit a progressive model for parole today is number 7. As mentioned early in this chapter, a modern statement of parole philosophy must remove the emphasis on prompt reimprisonment and replace it with a stress on releasing the offender on parole to the community as soon as possible, consistent with public protection, and make every effort to keep him there through effective rehabilitation and reintegration.

FOOTNOTES

¹U.S. Attorney General's Survey of Release Procedures, 1939. For other definitions, see Strahorn, Probation, Parole, and Legal Rules of Guilt, 26 J. Crim. L., C&P.S. 168 (1935-36); McCay v. Harris, 108 Utah 407, 160 P. 2d. 721 (1945).

²Department of Corrections, Parole Agent Manual, State of California (Sacramento, 1964), Foreword.

³President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (Washington: U.S. Government Printing Office, February 1967), p. 165.

⁴President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections (Washington: U.S. Government Printing Office, 1967), p. 67.

⁵Ibid., p. 208.

⁶Joint Commission on Correctional Manpower and Training, The Legal Challenge to Corrections (Washington, 1969), p. 38.

⁷Task Force Report: Corrections, op. cit., p. 68.

⁸Ibid.

⁹Ibid.

¹⁰Ibid., p. 69.

¹¹Ibid.

¹²Ibid., p. 70.

¹³Joint Commission on Correctional Manpower and Training, op. cit., p. 168.

¹⁴Ibid., p. 169.

¹⁵Ibid., p. 170.

¹⁶National Conference on Parole, Parole in Principle and Practice: A Manual and Report (New York: National Council on Crime and Delinquency, 1957), pp. 182-183.

CHAPTER III

THE JUVENILE PAROLE SYSTEM: STUDY FINDINGS

This chapter will deal with the parole operations of the California Youth Authority. While some comments will be made about the Youth Authority Board, as perceived by parole agents, major discussion of the Board will be reserved for Chapter VII.

In keeping with the overall mission of this study, which is to suggest ways of improving the correctional system, the current juvenile parole system will not be described in minute detail. Rather, attention will be focused primarily on those issues considered most relevant to needed systems change, accompanied by observations and discussion which emphasize future direction more than present achievements. However, the point must be made that the Parole Task Force considers California's youth parole system to be one of the most progressive in the country, and one strongly committed to continual striving for further improvement. The reader is asked to keep this in mind as study findings are presented and discussed.

During the course of this study, as often happens in studies of any duration, a significant change occurred which made current evaluation of the CYA parole operation very difficult. This was the recent Increased Parole Effectiveness Program which became operational under a grant from the California Council on Criminal Justice in April, 1971. The potential impact of this program is so widespread that it may well alter or even remedy many of the deficiencies found by Task Force staff. However, because the predicted impact is still potential, part or complete remedy of problems can not and should not be assumed at this time.

Of necessity, then, this Report is mostly based on the key observations and findings of Task Force staff obtained at the time of their field work in October, 1970. It is expected that recommendations made will follow logically from those findings. (Reference will be made, however, to the Increased Parole Effectiveness Program in a special section near the end of the chapter.)

After examining the administrative structure and the general philosophy and policies of CYA parole, the chapter will look at the primary functions and resources of the parole operation, examine parole through the eyes of the client, and evaluate the current program. The last two sections of the chapter will deal with: (1) the Increased Parole Effectiveness Program; and (2) State versus local responsibility for parole services.

If the Youth Authority and Department of Corrections are consolidated, as is recommended in the System Task Force Report, references to the Youth Authority would then be applicable to the new Department of Correctional Services.

I. ADMINISTRATIVE STRUCTURE

Large correctional organizations, like other bureaucratic entities, have traditionally developed a pyramid type of structure and employed what is often referred to as "scientific management". This involves a triangular line authority organization with policy-making, decision-making, and controls centralized at a single focal point--the top. The President's Commission on Law Enforcement and Administration of Justice described as follows "the internal organization of most correctional agencies":

"Their bureaucratic structure is typically hierarchical, with rigid chains of communication and command. Official directives tend to lose their rationale and justification as they filter down through the system. For every official directive there are likely to be many unofficial interpretations which occur in discussions outside of the official channels of communication. Many subordinate officials have to depend upon unofficial versions of policy in order to gain any sense of what is expected of them".¹

While this style of management was very much in vogue thirty or forty years ago, many business and industry organizations have long since abandoned "scientific" or military type management because it proved ineffective in accomplishing production objectives with a minimal number of internal stresses.

The Youth Authority has also developed and maintained this type of administrative structure in its parole operations. The Parole Manual describes the Department's lines of authority and communication as follows:

"The formal lines of administration within the Division of Parole starts at the top with the Office of the Director to the Division Chief; to the Deputy Chiefs; to the Regional Supervisors of Parole; to the Supervising Parole Agents; to the Parole Agents. Unless otherwise specifically directed, assignment of work and general orders of operation shall move along this line. Suggestions, grievances, and special requests of any and all nature shall be made by each person to his immediate superior."²

In the recent past, CYA has been making serious efforts to decentralize its authority structure by encouraging a more active participatory role among lower level management and line staff. Some examples are as follows: substantial authority has been delegated to regional administrators; many offices and parole centers have been relocated in smaller units, closer to clientele; staff of all levels have been placed on department-wide committees, such as the Human Relations Advisory Committee; additional training and administrative staff have been assigned to the various regions.

Despite these changes, inherent handicaps such as size and geography, and the rigid chain of command traditions imbued in many middle-management personnel, continue to pose problems. Also, the great bulk of staff services (such as research, program development, personnel management, and other specialized functions) are still located far from most field operations. It would therefore appear, despite the substantial progress in decentralization, that the Youth Authority has not yet made a total commitment to a participatory style of management which pushes decision-making power, program responsibility, and necessary supportive service to the lowest possible level.

Top level administrators disputed this, but the evidence was clear from staff comments and responses. During interviews, line parole agents often expressed the view that authority was too concentrated at "the top"; that they had little or no voice in policies; that action rarely, if ever, seemed to be taken on suggestions they made through the chain of command; and that their innovativeness and sometimes "risk-taking" treatment efforts were often hampered by lack of support. Several agents stated that the cardinal rule in the agency was "protect the agency" or "don't rock the boat". They said that when "the pressure was on", they were often not backed up by their superiors. In brief, they perceived their agency as taking a conservative posture and leaving the "risk-taking" to individual agents.

These attitudes were also expressed in questionnaire data results. Table I reveals that two-thirds of all staff (including administrators and supervisors) felt that they had little or no voice in decision-making within their agency. Both upward and downward communication were perceived as unsatisfactory, especially by line workers who also saw CYA as discouraging flexibility and creativity, and as being basically conservative in its outlook.

An additional problem cited was that services units within the Youth Authority, such as budget and personnel, traditionally have been oriented more toward controlling instead of serving field operations and line staff. For example, one supervisor asserted that the role of the Personnel Board and personnel policy was geared to keeping staff in line. It was also stated that, to a large degree, budget personnel control program, yet involve line workers in their decisions only minimally, if at all.

These findings make it apparent that the Youth Authority still has a long way to go to create a truly participatory style of management as recommended by the President's Commission.³ (The type of organizational structure and administrative style recommended by the Correctional System Study is discussed in detail in the System Task Force Report.) At the same time, there is substantial reason for an optimistic outlook. The Director himself recently informed the Rehabilitation Services Division staff at their annual conference that the traditional Youth Authority "is in the full agony of its death throes", though, unfortunately, "some members of our staff still cling to and harken back to an organization that has ceased to exist". He also asserted:

"I can assure you that the Youth Authority is going to continue changing at an accelerated rate. Flexibility in both management and program is critical to our future growth and development."⁴

TABLE I
STAFF PERCEPTIONS OF YOUTH AUTHORITY STRUCTURE AND ORGANIZATION
(Percentage distribution*)

QUESTION	ALL STAFF (N=186)	LINE WORKERS (N=145)	ADMINISTRATORS & SUPERVISORS (N=41)
1. Estimate to what extent you have a voice in the decision-making of your agency.			
Strong voice	7	5	15
Inbetween	26	29	17
Little or no voice	67	66	69
2. Estimate how good the <u>downward</u> communication (i.e., from agency head down) in your agency is.			
Good	19	18	22
Fair	32	30	39
Poor	49	52	39
3. Estimate how good the <u>upward</u> communication (i.e., from line workers up) in your agency is.			
Good	18	14	26
Fair	29	28	32
Poor	54	58	42
4. Estimate how progressive and "risk-taking" your agency is.			
Clearly progressive	16	15	20
Inbetween	32	30	37
Clearly conservative	53	54	44
5. Estimate the degree to which your agency encourages flexibility and creativity.			
Clearly encourages	27	27	24
Inbetween	37	32	56
Clearly discourages	36	41	20

*Columns may not total 100% for a specific question due to rounding.

Recommendation

1. The Youth Authority administration should totally commit itself and maintain its commitment to a participatory style of management.

In the event that consolidation occurs between the Youth Authority and Department of Corrections, it is imperative that this style of management be put into operation from the very start of the new Department of Correctional Services, in line with the new nature of the State correctional apparatus recommended by the System Task Force.

II. PHILOSOPHY AND POLICIES

In Theory

The Youth Authority Act spelled out its purpose in 1941 as follows:

"To protect society more effectively by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons guilty of public offenses."⁵

Over the past thirty years, the Youth Authority has in large part retained this stated objective, but in addition has attempted to place equal weight on the two goals mentioned in the Act, viz. protection of society and the rehabilitation of youth. In discussing CYA goals and philosophy, many agents referred to the Parole Manual, which describes the duties of parole agents as follows:

"The parole agent serves two distinct yet compatible purposes in the treatment of delinquency: (1) assisting the wards assigned to him in their rehabilitation, and (2) the protection of society. He must maintain the clear perspective of his duties so that the needs of his wards and the safety of the community are maintained in the proper balance and one not being met to the exclusion of the other."⁶

Parole Task Force staff viewed both of these statements of purpose as satisfactory, but with certain reservations. First, while the attempt to balance rehabilitation and community protection is necessary, the primary goal should clearly be stated as protection of the public (as is done in the Youth Authority Act), in the event the two objectives conflict with each other. Secondly, important as rehabilitation is, helping a client to readjust to society may be even more important as a secondary goal. The concept of reintegration is relatively new, and it carries a specific message: The parole system (and other correctional systems as well) needs to concentrate increasingly on how offenders relate to their total environment rather than, as one academician put it, "dinking around with their psyches".

In this regard, the Youth Authority very recently formulated a new statement of its correctional mission--a statement which endorses the position taken by the Correctional System Study, viz:

"...the Department seeks to reduce the probability [rate] of continuing illegal behavior of youth under the jurisdiction of a criminal justice agency."⁷
(emphasis added.)

In Practice

Parole staff were asked both what is and what should be their primary goal. Table II indicates that almost all of the parole staff stated that the primary goal should be either rehabilitation or public protection, with a strong preference for the former. In spite of the official statements quoted in the preceding section, staff could not agree on what is the actual goal of the Youth Authority. It is clear, however, that many agents feel that their department does not stress rehabilitation to the extent that it should. One might surmise that considerable dissatisfaction, confusion, or, at least, disagreement must result--an inference generally supported by Task Force interviews with staff.

TABLE II
STAFF PERCEPTIONS OF GOALS

QUESTION	PERCENT RESPONSE
1. What should be the <u>primary</u> (i.e., most important) goal of corrections?	
Punishment	1
Keeping offenders "off the streets"	0
Protection of society	37
Rehabilitation of offenders	57
Other	4
Unclear or no opinion	2
2. What actually is the primary goal of <u>your agency</u> ?	
Punishment	2
Keeping offenders "off the streets"	5
Protection of society	40
Rehabilitation of offenders	33
Other	6
Unclear or no opinion	13

Further evidence of ambivalence or lack of clarity was provided by staff response to the question: "Estimate how clear the philosophy and policies of your agency are". Thirty-five percent of all employees said they were definitely unclear while only 20% felt they were clear. This finding is consistent with those presented in Table I in the previous section.

When interviewed, many parole agents indicated that they did not really know what was expected of them in their daily work. When asked to elaborate, they pointed to the dual power structure of the Youth Authority administration and Board as the core of the problem. On the one hand, they said that it was their understanding that CYA administration was responsible for setting policy and for implementing policy in daily practice. Policies were to be interpreted and passed down the chain of command. In reality, however, they did not perceive it as working this way at all. For although Section 501 of the Parole Agent Manual declares that orders and directives flow down from the Office of the Director, the Manual also explicitly states:

"When an order is made on the case of a ward by a duly constituted Board or Panel thereof of the Youth Authority, the staff shall expeditiously execute the order."⁸

In effect, then, not only is the parole agent responsible both to the Board and to the Department, but there is a pervasive feeling that policy for everyday parole agent duties is set by the Board, not by the Department. The problem is exacerbated by the fact that most agents believe that Board policy runs counter to Departmental policy. At the center of this concern was the common perception of the Board as overly conservative, too concerned about community reaction (mainly law enforcement), and focusing too much on legal points, documentation of client visits, etc.

A few even went so far as to say that there was little point in abiding by any policy other than those set by the Board since they so often took precedence over the dictates of both administration and the Parole Agent Manual. While the Parole Agent Manual theoretically spells out a rather complicated procedure for resolving such inconsistencies and conflicts,⁹ many parole agents obviously either do not use it or do not feel it is effective.

Although not comfortable with this arrangement, several agents pointed to some practical advantages. One is that it permits an immediate supervisor to be of considerable help to line staff, even though indirectly. The supervisor has direct contact with the Board since he normally presents all cases in his unit to it. Hence, he is in a position to intercede for the agent by helping him to convince the Board of specific recommendations which the agent believes to be necessary for the accomplishment of treatment objectives.

Another advantage is that since the agents know what the Board expects by way of written reports and what the many inclinations or "biases" are of its individual members, it is not difficult to "slant" reports in a direction that manipulates the Board. While the agents are aware of and very much concerned about the ethics involved in this situation, many feel that it is often the only way to achieve desirable treatment objectives. In short, the

Board is considered to be so conservative with respect to revocation decision-making that some parole agents are willing to compromise their own ethics for what they perceive as the best interests of their clients.

Although this situation is not unique to parole, it should be remedied. As with probation officers who write different reports for different judges, parole agents will probably always be tempted to mold their reports in such a way as to obtain the disposition they desire. However, this inclination must be strongly resisted if the correctional profession is to maintain its integrity. Removing the Youth Authority Board completely from the Department of the Youth Authority (as recommended in Chapter VII) should enable staff to write the facts honestly and objectively as they see them, without fear of repercussions of any kind. (The Probation Task Force is recommending that probation officers not be appointed by the Judiciary for the same reason.) Separating the Board from the Authority should also help to clarify and unify the philosophy and policies of the Department since they will then emanate from a single source. This is not to suggest that the two bodies should remain aloof from one another. On the contrary, every effort must be made to develop and maintain coordinated and cooperative relationships between the Board, the Youth Authority, and all parole personnel.

III. FUNCTIONS

The two primary functions or tasks of parole are classification and rehabilitation/reintegration of offenders. Generally speaking, the California Youth Authority has been a national leader in both of these areas, particularly in terms of program planning and development.

Classification

Considerable time and effort is expended in reception centers and other institutions to classify all wards by one or more systems that have relevancy to treatment techniques. However, much of this effort seems lost when youths are paroled. For example, two-fifths of all line agents indicated that they use no classification system whatever with their clients. An additional 30% replied that they used one, but found it of no significant help in treating their clientele. This corroborates Task Force interview findings which indicated very little sophisticated use of a classification system. A sizeable number of staff mentioned that they had been trained in I-Level classification. But they added that they did not normally use it, ostensibly because it was complicated and time-consuming. One agent classified all his cases according to astrology, supposedly facetiously, and felt that it was as meaningful as anything else. Task Force staff found little evidence to dispute this.

There were a few noteworthy exceptions to the situation described above. These were found in special programs with significantly reduced caseloads, such as the Community Treatment Project and the Guided Group Interaction Program.¹⁰ A particularly progressive direction pursued in some units was the "matching"