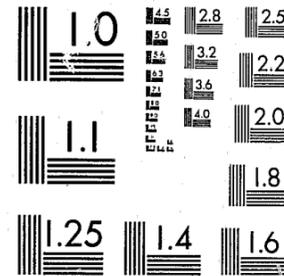


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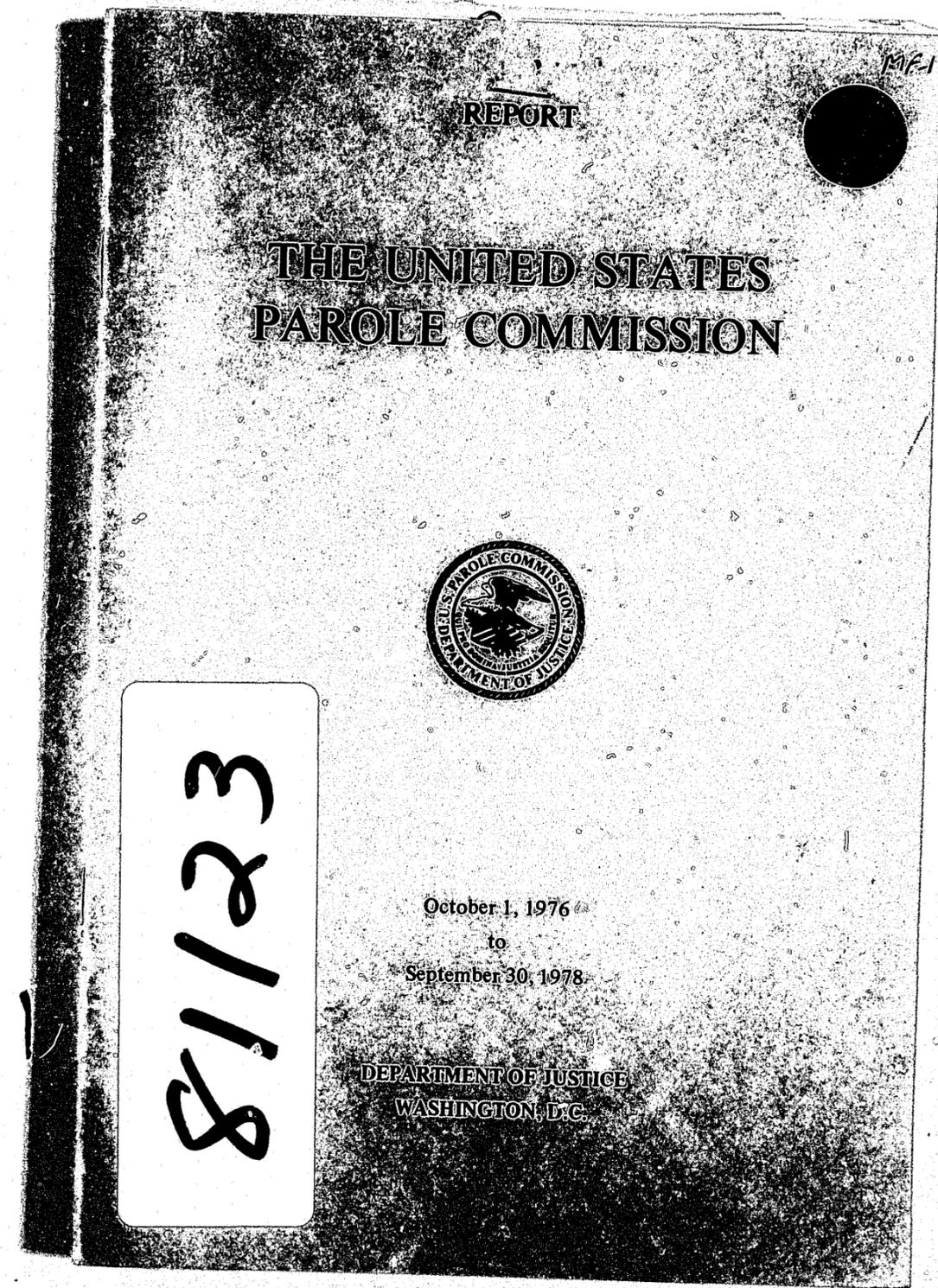
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REPORT

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THE UNITED STATES
PAROLE COMMISSION



October 1, 1976

to

September 30, 1978

DEPARTMENT OF JUSTICE

WASHINGTON, D.C.

U.S. Department of Justice
National Institute of Justice

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INTRODUCTION

The period covered by this report (October 1, 1976 to September 30, 1978) began shortly after the effective date of the *Parole Commission and Reorganization Act* (Public Law 94-233, effective 5/14/76), a major revision of federal parole law.

Thus, it has been a period of substantial testing and evaluation as the Commission has worked to adopt, implement and revise, as necessary, the regulations and procedures required to carry out the mandate of this *Act*.

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PART ONE THE COMMISSION

The United States Board of Parole was created by Congress in 1930. In 1976, the Parole Commission and Reorganization Act (Public Law 94-233, effective 5/14/76) retitled the agency as the United States Parole Commission. Placed within the Department of Justice for administrative purposes, the Commission is an agency with independent decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release).

The *Parole Commission and Reorganization Act* provides for nine Commissioners, appointed by the President by and with the advice and consent of the Senate. One Commissioner is designated as Chairman. Each of the five Regional Offices of the Commission is under the supervision of a Commissioner, and three Commissioners comprise a National Appeals Board in Washington, D.C.

On a cooperative basis, the Commission uses the services of staff employed by the Bureau of Prisons, who are assigned to the correctional institutions throughout the Nation. That staff prepares classification summaries, progress reports, and other reports concerning parole applicants.

Field supervision of released prisoners is provided by United States Probation Officers, who are employed by the United States District Courts. According to statute, they function as "parole officers" for federal prisoners. Reports concerning the adjustment of parolees and mandatory releasees are prepared by these officers and submitted to the Commission.

PART TWO

PROGRAM HIGHLIGHTS

THE PAROLE COMMISSION AND REORGANIZATION ACT

Shortly before the beginning of the reporting period, the *Parole Commission and Reorganization Act* became effective (Public Law 94-233). This *Act* retitled the Board of Parole as the United States Parole Commission. It provides for a nine member Commission, the use of hearing examiner panels to conduct parole interviews and revocation hearings, the establishment of explicit guidelines for decision-making, provision of written reasons for parole denial, and a two level appeals system.

The primary provisions of the *Act* are listed below.

- The U.S. Parole Commission is created with a membership of nine Commissioners. The Youth Correction Division was eliminated and its duties absorbed within the new Commission.
- No less than five Regions are mandated; a Regional Commissioner is placed in charge of each. Three Commissioners comprise a National Appeals Board. Authority and responsibilities of the Commission, the Chairman, and the Regional Commissioners are set forth.
- Eligibility for parole for prisoners with long sentences, including life terms, is reduced to ten years, from the previous fifteen years.
- Explicit Guidelines for Decision-Making are mandated.
- Reasons for denial of parole must be provided to the prisoner in writing. Decisions outside the guidelines must be for 'good cause' and must contain specific written reasons for such departure.
- Parole applicants have the right to examine their own case file (with limited exceptions) prior to the parole hearing.
- Parole applicants may be accompanied at their hearings by a representative of their choice, who may make a statement on the applicant's behalf.
- If a prisoner's sentence is less than seven years, he must be reviewed no later than at 18 month intervals after the initial hearing. If this sentence is seven years or more, he

must be reviewed no later than at 24 month intervals following the initial hearing.

- Prisoners with terms of five years or more and satisfactory institutional conduct must be paroled after service of two-thirds of the term, unless the Commission finds that there is a 'reasonable probability' of further crime.
- A two-level appeal system is provided.
- Regular and special conditions of release set by the Commission may be modified only after an opportunity has been offered to the releasee to comment on the proposed modifications. Such modifications are also appealable.
- The Commission must review a parolee's progress under supervision after two years and annually thereafter, and may terminate such supervision prior to completion of the sentenced term. Termination of supervision ends the jurisdiction of the Commission over the releasee.
- After five years of supervision in the community, the Commission must terminate jurisdiction unless it finds, after a hearing, that there is a likelihood of further crime. Such decision is appealable.
- At the discretion of the Commission, alleged violators may be summoned to a hearing in lieu of being arrested on a warrant, and may be released under supervision pending a revocation hearing.
- Reviews of parole violation warrants placed as a detainer, while a prisoner is serving a subsequent sentence, must be reviewed within 180 days and a decision made with regard to disposition of the warrant.
- Alleged parole violators have the right to confront "adverse" witnesses at a preliminary interview and any revocation hearing held in the local community. At such interview or at any revocation hearing, the prisoner may be represented by an attorney (either retained or court-appointed). Voluntary witnesses may also be present.
- A preliminary interview is not necessary if the releasee has been convicted of a crime committed while under supervision.
- The Commission may subpoena witnesses in revocation proceedings.
- Following revocation, the parolee receives credit for time under supervision in the community unless he has been convicted of a crime committed while under supervision. If he absconded from supervision he is credited with the time from the date of release to supervision to the date of such absconding.

- Attorney representation, privately retained or court appointed, is permitted not only in revocation proceedings but also at any termination hearing scheduled after five years on parole or relative to disposition of a detainer filed by the Commission.

The reporting period was dominated by the necessity to critically evaluate parole operations following changes and adjustments that were made to comply with the *Parole Commission and Reorganization Act*. The Commission's Procedures Manual was extensively revised. In effect, it was a period of testing and adjusting organization and operating procedures to implement the provisions of this *Act*.

STRUCTURE OF THE COMMISSION

One Member of the Commission is assigned to each of the five Regional Offices. The Chairman and the three-member National Appeals Board are located in Washington, D.C. Regional Offices are in the following locations:

Philadelphia, Pennsylvania
 Atlanta, Georgia
 Kansas City, Missouri
 Dallas, Texas
 Burlingame, California (near San Francisco)

Each Regional Office is responsible for the parole functions pertaining to federal prisoners confined in any of the correctional institutions within its boundaries. It also has jurisdiction over all federal parolees and mandatory releasees within its boundaries, who are supervised by United States Probation Officers assigned to the United States Courts.

A corps of Hearing Examiners is assigned to the Regional Offices. One Examiner in each Region is designated as an Administrative Hearing Examiner and supervises, under the direction of the Regional Commissioner, the staff assigned to the Region. Two Examiners and the Chief Hearing Examiner are located at the Central Office in Washington, D.C.

The Washington, D.C. office is responsible for the administrative management of the Commission and consists of four functional sections:

Hearing Examiners
 Legal
 Research
 Administration

These sections are managed by the Chairman of the Commission. The National Appeals Board is also located in the Central Office.

Policy is determined by the Commissioners meeting together at quarterly and special meetings. Rules and regulations of the Commission are published in the *Federal Register* of the United States as part of the *Code of Federal Regulations* in accordance with the *Administrative Procedure Act*. The Chairman is the Commission's Chief Executive Officer and has substantial powers and responsibilities of management established by law.

EXPLICIT GUIDELINES FOR DECISION-MAKING

Operating out of the Regional Offices, Hearing Examiners conduct personal hearings with federal prisoners who are eligible by law for parole consideration. They also conduct personal hearings with alleged parole or mandatory release violators retaken on the basis of a warrant or summons issued by the Commission. Examiners travel in two-man panels to each of the Bureau of Prisons institutions on a bi-monthly schedule. They also hold hearings as required at certain state institutions where federal prisoners may be confined and at United States Courthouses where local revocation hearings may be scheduled.

After review of the examiners' recommended decision at the Regional Office, a written notice and reasons are provided to the subject on an official *Notice of Action*. If the Regional Commissioner wishes to reverse a recommended decision of the panel or to modify it outside certain prescribed limits, he must refer the case to the Commissioners stationed in Washington, D.C. for a concurring vote.

To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making, the United States Parole Commission has established explicit guidelines for parole release decision-making. These guidelines are set forth at 28 *Code of Federal Regulations* 2.20 and 2.21.

Developed from a three year project funded by the Law Enforcement Assistance Administration, the guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics. The time ranges specified by the guidelines are established for cases with good institutional behavior.

Where the circumstances warrant, decisions may be made outside of the guidelines, either above or below. However, when the Commission makes a decision outside the guidelines, specific written reasons must be provided. In this manner, discretion is structured and checked without removing the ability for individual case decision-making.

The Commission considers revision of the guidelines periodically. Proposed changes are published for public comment in accordance with the *Administrative Procedures Act*. During the reporting period, several revisions to the offense severity ratings were adopted, and an improved parole prognosis (salient factor) score was developed and implemented.

APPELLATE REVIEW

Any prisoner who is not paroled may file an appeal to the Regional Commissioner. A special form for this purpose is provided. The prisoner has thirty days in which to file an appeal after he receives his official *Notice of Action*. The Regional Commissioner may affirm, modify, or reverse the decision in compliance with the Commission's procedural rules.

If the prisoner wishes to appeal the ruling of a Regional Commissioner, he may file an appeal with the National Appeals Board. Decisions of the National Appeals Board are final.

During the reporting period the Commission modified the permissible grounds for appeal to make them more explicit. The modified statement of grounds for appeal adopted by the Commission is as follows:

- That the guidelines were incorrectly applied.
- That a decision outside the guidelines was not supported by the reasons or facts as stated.
- That especially mitigating circumstances justify a different decision.
- That a decision was based on erroneous information and the actual facts justify a different decision.
- That the Commission did not follow correct procedure in deciding the case, and a different decision would have resulted if the error had not occurred.
- There was significant information in existence but not known at the time of the hearing.
- There are compelling reasons why a more lenient decision should be rendered on grounds of compassion.

DEVELOPMENT OF PRESUMPTIVE PAROLE PROCEDURES

After a pilot test of the concept in the Commission's Western Region, the Commission implemented a new parole procedure that has come to be called "presumptive parole." The purpose of the presumptive parole procedure is to provide the prisoner at the beginning of his service of sentence a date on which it is presumed that release will take place, provided that the prisoner maintains a good institutional conduct record and has developed adequate release plans. This procedure is designed to remove much of the dysfunctional uncertainty and anxiety surrounding the parole process, while retaining the flexibility to deal with substantial changes in circumstances.

Presumptive parole procedures went into effect in September 1977. Since that date, all prisoners sentenced to a maximum term of less than seven years are heard within 120 days of commitment, or as soon thereafter as practicable. This procedure also applies to prisoners who have sentences of seven years or more with no minimum term. Prisoners who have sentences of seven years or more with a minimum term are heard during the month before completion of the minimum term.

At the initial hearing, the Commission may:

- set an effective date of parole within six months of the date of the hearing;
- set a presumptive release date (by parole or mandatory release) more than six months but not more than four years from the date of hearing;
- schedule a four-year reconsideration hearing.

In addition, statutory interim hearings at eighteen month intervals for those with sentences of less than seven years (and twenty-four month intervals for those with sentences of seven years or more) are scheduled subsequent to the initial decision to consider whether there are substantial positive or negative changes in circumstances (e.g., outstanding institutional program achievement, disciplinary infractions) that may warrant modifying the presumptive date originally set.

In addition, a pre release record review is conducted prior to each presumptive date. This review is to determine whether the conditions of a presumptive release date have been satisfied. Parole may be retarded up to one-hundred twenty days for development and approval of release plans. A parole rescission hearing may be ordered where misconduct appears to be present.

PRISONER EXCHANGE TREATIES

During the reporting period, Mexico and the United States signed a treaty for the mutual exchange of prisoners incarcerated for crimes while transient aliens within each nation's jurisdiction.

In December 1977, 154 U.S. Citizens convicted of crimes in Mexico were transported to the United States. With special effort, parole hearing examiners conducted hearings to provide prompt parole decisions for this large influx of exchange prisoners. Subsequent exchanges involving single individuals and smaller groups have been handled by routine scheduling of hearings by the appropriate regional office of the Parole Commission.

Canada and Bolivia have followed this precedent by establishing similar treaties with the United States during the reporting period.

PART THREE

LEGAL

The primary functions of the General Counsel's Office are to advise Commissioners and staff on interpretation of the agency's enabling statute and policy, draft implementing rules and regulations, and assist U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the *Privacy Act* (5 U.S.C. § 552a). Counsel's Office responds directly to requests submitted under the *Freedom of Information Act* (5 U.S.C. § 552). Finally, legal counsel has responsibility for analyzing applications for exemption from prohibitions imposed by federal law against persons who have been convicted of certain crimes from occupying labor union, management, or pension fund positions, and ensuring the conduct of appropriate hearings under the *Administrative Procedures Act*. The General Counsel's Office is also required under the recent *Government in the Sunshine Act* to certify agency actions in closing Commission meetings, or portions thereof, to the public.

Litigation

In *Moody v. Daggett*, 429 U.S. 78 (1976), the Supreme Court resolved an issue which had caused a serious split among the Circuit Courts of Appeal across the country—whether a parolee convicted of a new federal offense while on release supervision must be promptly accorded a revocation hearing prior to the completion of his new sentence. The Court determined that the Commission could justifiably postpone the hearing until after the new sentence expired without violating due process of law, reasoning that the parolee was not deprived of a liberty interest by the Commission until he was arrested on the violator warrant. Several Circuit Courts have extended the *Moody* holding to situations where the parolee was serving a new *state* sentence for an offense committed while on parole.

The question of what constitutes "reasonable delay" in conducting parole revocation hearings following execution of the violator warrant was answered in large part by the *Parole Commission and Reorganization Act* (PCRA) which requires the hearing to be held within specific time limits of either 60 or 90 days, depending whether the parolee is entitled to a local or

institutional revocation proceeding. In those cases where a delay in affording the hearing has occurred in excess of these limits, courts have still properly looked for a showing of prejudice to the parolee in deciding whether release from custody is an appropriate judicial remedy.¹

A principal area of litigation developed from a jurisdictional theory originally enunciated by the Eighth Circuit in *Kortness v. U.S.*, 514 F.2d 167 (8th Cir. 1975), whereby a sentencing judge could vacate the sentence of a prisoner under 28 U.S.C. §2255 when the Parole Commission's action in denying the offender parole does not comport with his intent at the time of sentencing. After a series of limiting decisions, the Eighth Circuit expanded the applicability of the *Kortness* theory, eliminating the previous restriction that the court could not vacate the sentence if the Commission afforded the prisoner-petitioner a hearing at the one-third point of his sentence.² The Third Circuit utilized this theory of relief pursuant to §2255 for prisoners sentenced not only under former 18 U.S.C. §4208(a)(2), but also for offenders who were sentenced as a regular adult (with a minimum sentence of one-third of the imposed term) or who were sentenced to specific periods of parole ineligibility by the court.³ Since several other circuits have reached conclusions opposite to those of the Third and Eighth Circuit decisions, the government has petitioned the Supreme Court for a writ of certiorari in the *Edwards* and *Addonizio* cases in an attempt to resolve this conflict between the sentencing courts and the executive branch.

The Seventh Circuit Court of Appeals held that the seriousness of a particular offense was a valid, substantive basis for parole denial, where the Commission described the aggravating factors of the crime in its written reasons for parole denial.⁴ Several district courts ruled that reasons for parole denial, which basically track the prisoner's evaluation under the paroling policy guidelines, satisfy the standard of particularity set by the new statute and the due process mandate established by some appellate courts.

Finally, a significant issue developed on the Commission's consideration of offense behavior in the case of a prisoner sentenced under the *Youth Corrections Act* (18 U.S.C. §5005 *et seq.*). Although a few district courts decided that a *Youth Act* sentence foreclosed consideration of offense severity by the Commission in the parole decision-making process,⁵ others sided with the Commission's view that Congress did not intend such a result.⁶ This dispute was in large part resolved by the legislative amendment of 18 U.S.C. §5017(c) in the *Parole*

Commission and Reorganization Act which ensured that the statutory criteria for paroling youth offenders were parallel to those for adult criminals. However, some courts have held that this amendment cannot be applied retroactively to youth offenders sentenced prior to the amendment without violating the *ex post facto* prohibition of the Constitution,⁷ neglecting, in the Commission's view, that the amendment merely affirmed prior Commission practice in considering the seriousness of a youthful offender's crime and did not alter the parole criteria to the prisoner's detriment.

Treaties

The Commission's legal staff participated with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with Mexico, Bolivia, Canada, and other countries. As previously noted successful exchanges were accomplished with the three countries named above.

File Disclosure Function

During the reporting period the Commission's regional offices processed approximately 4,500 disclosure requests for prisoners to see their own files under the Privacy Act, and Counsel's Office processed approximately 150 disclosure requests by the press and other third parties under the *Freedom of Information Act*. The *Parole Commission and Reorganization Act* provided for an additional method of disclosure, broader than that allowed under the *Privacy Act*, which prisoners may utilize prior to hearings. The existence of dual disclosure methods caused two disclosure standards to be adopted for use at different times during the periods of incarceration and parole. On March 9, 1976, the Attorney General issued a directive liberalizing the disclosure available under the *Privacy Act* by allowing the withholding only of material which would cause a sufficient prospect of actual harm if released. This directive enabled the Commission to begin efforts during the reporting period to substitute one disclosure standard for the two, and to merge the methods into one systematic procedure for the release of Commission file documents.

FOOTNOTES

1. *Smith v. U.S.*, 577 F.2d 1026 (5th Cir. 1978); *Bryant v. Grinner*, 563 F.2d 871 (7th Cir. 1977).
2. *Edwards v. U.S.*, 574 F.2d 937 (8th Cir. 1978).
3. *Addonizio v. U.S.*, 573 F.2d 147 (3rd Cir. 1978) and cases cited therein.
4. *Garcia v. U.S. Board of Parole*, 557 F.2d 100 (7th Cir. 1977).
5. *E.g., Mayet v. Sigler*, 403 F.Supp. 1243 (M.D. Pa. 1975).
6. *See, e.g., Fronczak v. Warden*, 431 F.Supp. 981 (W.D. Okla. 1976) aff'd, 553 F.2d 1219 (10th Cir. 1977).
7. *DePeralta v. Garrison*, 575 F.2d 749 (9th Cir. 1978) and *Shepard v. Taylor*, 556 F.2d 648 (2nd Cir. 1977).

PART FOUR RESEARCH

Since 1973, the Commission has carried on an active program of research. During the reporting period, the Commission's research program added the following research papers to those previously issued:

- • • *Workload and Decision Trends: Statistical Highlights (10/74-9/76)*, Report 13, February 1977.
- • • *Salient Factor Scoring Manual: Revised (SFS 76A)*, Report 14, March 1977.
- • • *Salient Factor Score and Releasee Behavior: Three Validation Samples*, Report 15, August 1977.
- • • *Guideline Application Manual*, Report 16, November 1977, was approved by the Commission May 1, 1978 and published as Appendix 4 of the Procedures Manual.
- • • *Post Release Arrest Experiences of Federal Prisoners—A Six Year Followup*, Report 17, December 1977.
- • • *Workload and Decision Trends: Statistical Highlights (10/74-9/77)*, Report 18, December 1977.
- • • *Reporting Recidivism Rates: The Criterion/Followup Issue*, Report 19, March 1978.
- • • *Parole Decision-Making Coding Manual Presumptive Date Format*, Report 20, July 1978.

From the research completed, the Commission has revised its parole prognosis instrument (4/77), has issued a more detailed set of instructions for application of the paroling guidelines (5/78), and has developed a set of draft standards for termination of supervision (5/78).

Current research projects include:

1. A study to assess the impact of the granting of presumptive parole dates on institutional programming and discipline.
2. A study to evaluate the reliability of the calculation of salient factor scores, offense severity ratings, and guideline ranges.
3. A validation of the salient factor score as calculated in the field through use of the newly operational joint FBI—Bureau of Prisons—Parole Commission Automated Outcome System.

In addition, the research unit has provided assistance in the development of criteria and guidelines for decision-making on a

continuing basis to the Minnesota, Florida, Oregon, and New York parole authorities, and has served as a resource for other state systems upon request. The unit has also provided an active part of the Commission's training capacity by participating in seminars for federal judges and probation officers, and conducting in-house seminars for Parole Commission staff. Research staff have also presented lectures and papers at various professional conferences, authored journal articles, and addressed university classes on related topics.

PART FIVE WORKLOAD AND DECISION TRENDS

The following tables are designed to display statistical highlights of the Commission workload and decision trends during the four year period from October 1974 to September 1978. October 1974 was the effective date of full regionalization, and automated data collection began at this time. Granting of presumptive parole dates began in September 1977, and, the automated data collection system was modified at this time to reflect the new procedure.

**TABLE I. HEARING EXAMINER WORKLOAD
HEARINGS AND RECORD REVIEWS
BY REGION AND YEAR**

A. INITIAL HEARINGS

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	2,685	2,413	1,809	2,292	2,857	12,056
10/75-9/76	2,369	2,625	1,697	2,309	2,556	11,556
10/76-9/77	1,960	2,319	1,481	1,920	2,329	10,009
10/77-9/78	2,095	2,905	1,928	2,466	2,525	11,919

B. ONE-THIRD HEARINGS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	320	290	191	395	403	1,599
10/75-9/76	336	372	219	448	398	1,773
10/76-9/77	272	262	225	444	350	1,553
10/77-9/78	180	213	126	285	238	1,042

*One-Third hearings are being phased out under presumptive date procedures which began in September 1977.

C. STATUTORY REVIEW HEARINGS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/77-9/78	197	205	90	263	241	996

*Statutory Review hearings are being phased out under presumptive date procedures. They will be replaced by Interim Statutory Review hearings which will begin in 1979.

**TABLE I. HEARING EXAMINER WORKLOAD—Continued
HEARINGS AND RECORD REVIEWS
BY REGION AND YEAR**

D(1). PRE-HEARING RECORD REVIEWS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	1,330	1,435	1,127	1,262	1,419	6,573
10/75-9/76	1,086	1,295	781	1,011	1,134	5,307
10/76-10/77	1,043	1,040	642	777	839	4,341
10/77-9/78	715	908	363	614	604	3,204

*Pre-hearing Record Reviews are being phased out under presumptive date procedures. They will be replaced by Presumptive Date Record Reviews.

D(2). PRESUMPTIVE PAROLE DATE RECORD REVIEWS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/77-9/78	303	283	222	260	275	1,343

*Presumptive Date Record Reviews began in October 1977.

E(1). REVIEW HEARINGS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	565	549	594	620	1,129	3,457
10/75-9/76	313	699	537	553	971	3,273
10/76-9/77	725	559	446	412	691	2,833
10/77-9/78	404	555	234	286	458	1,937

*Review hearings are being phased out under presumptive date procedures. They will be replaced by Presumptive Date Rescission hearings.

**E(2). RESCISSION HEARINGS
PRESUMPTIVE PAROLE DATES***

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/77-9/78	33	27	20	12	14	106

*Presumptive Date Rescission hearings began in October 1977.

**F. RESCISSION HEARINGS
EFFECTIVE PAROLE DATES**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	120	59	109	116	112	516
10/75-9/76	131	103	123	127	112	596
10/76-9/77	138	141	81	129	89	578
10/77-9/78	95	154	79	103	80	511

**TABLE I. HEARING EXAMINER WORKLOAD—Continued
HEARINGS AND RECORD REVIEWS
BY REGION AND YEAR**

G. REVOCATION HEARINGS—LOCAL

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	35	14	10	41	34	134
10/75-9/76	81	23	36	72	44	256
10/76-9/77	46	20	44	76	44	230
10/77-9/78	45	44	25	70	53	237

H. REVOCATION HEARINGS—INSTITUTIONAL

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	214	209	191	259	328	1,201
10/75-9/76	262	283	263	399	353	1,560
10/76-9/77	330	348	292	434	368	1,772
10/77-9/78	284	344	223	360	311	1,522

I. OTHER HEARINGS*

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	135	46	82	37	202	502
10/75-9/76	98	55	53	37	162	405
10/76-9/77	79	51	42	60	196	428
10/77-9/78	80	54	46	46	137	363

*Other hearings include: Special Review, Mandatory Parole, and Dispositional Revocation hearings.

J. TOTAL CONSIDERATIONS

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	5,404	5,015	4,113	5,022	6,484	26,038
10/75-9/76	4,876	5,455	3,709	4,956	5,730	24,726
10/76-9/77	4,595	4,740	3,252	4,252	4,906	21,744
10/77-9/78	4,431	5,692	3,356	4,765	4,936	23,180

**TABLE II. PAROLE GRANTS* AND WARRANTS
BY REGION AND YEAR**

**A. PERCENT GRANTED PAROLE/REPAROLE
ADULT SENTENCES—FINAL DECISIONS ONLY**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	63.0	66.4	55.6	50.6	57.3	58.8
10/75-9/76	45.3	55.3	41.5	31.3	41.3	43.3
10/76-9/77	43.9	55.1	41.5	35.2	41.7	44.1
10/77-9/78	50.9	55.7	45.8	55.8	60.0	54.3

**B. NUMBER OF PAROLE/REPAROLE GRANTS
ADULT SENTENCES ONLY**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	1,454	1,430	928	988	1,680	6,480
10/75-9/76	910	1,188	654	611	1,066	4,429
10/76-9/77	664	1,106	593	519	864	3,746
10/77-9/78	868	1,320	686	1,058	1,332	5,264

**C. NUMBER OF PAROLE/REPAROLE GRANTS
ALL SENTENCE TYPES**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	2,115	1,918	1,361	1,542	1,950	8,886
10/75-9/76	1,391	1,705	948	1,096	1,264	6,404
10/76-9/77	1,149	1,541	961	957	1,088	5,696
10/77-9/78	1,397	1,881	950	1,641	1,601	7,470

**D. WARRANTS ISSUED FOR PAROLE AND MANDATORY
RELEASE CASES
ALL SENTENCE TYPES**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	626	424	385	613	599	2,647
10/75-9/76	654	531	509	681	630	3,005
10/76-9/77	661	487	460	551	531	2,694
10/77-9/78	487	509	503	535	540	2,574

*While the percentage granted parole has served as a traditional indicator of paroling policy, it has considerable limitations as a measure. First, it does not consider that types of offenders entering the system may be changing. The rate of parole grants for auto thieves (whose number entering the federal system appears to be declining) may not be the same as for narcotic dealers (whose number appears to be rising). Second, the measure is dependent upon sentencing practices. Everything else equal, the longer the sentence, the higher the likelihood of parole at some point. Conversely, if sentence length goes down substantially, the parole rate (everything else equal) may be expected to go down.

**TABLE III. GUIDELINE USAGE
PERCENT OF DECISIONS WITHIN, ABOVE, AND BELOW
THE GUIDELINES*
BY YEAR AND REGION**

**A. INITIAL, ONE-THIRD, AND STATUTORY
REVIEW HEARINGS**

1. ALL REGIONS

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	84.4	6.9	8.7
10/75-9/76	81.8	11.3	6.8
10/76-9/77	79.9	13.5	6.6
10/77-9/78	79.2	10.8	10.1

2. NORTHEAST REGION

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	83.6	3.0	13.4
10/75-9/76	86.3	6.0	7.7
10/76-9/77	82.0	11.2	6.8
10/77-9/78	78.7	11.0	10.2

3. SOUTHEAST REGION

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	86.7	4.1	9.2
10/75-9/76	85.7	5.4	8.9
10/76-9/77	83.4	6.3	10.3
10/77-9/78	79.0	8.9	12.1

4. SOUTH CENTRAL REGION

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	84.9	9.6	5.5
10/75-9/76	77.5	16.7	5.8
10/76-9/77	78.9	17.0	4.1
10/77-9/78	78.0	16.5	5.6

5. WESTERN REGION

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	86.5	7.4	6.1
10/75-9/76	79.9	15.9	4.2
10/76-9/77	78.2	17.3	4.5
10/77-9/78	82.0	8.1	9.8

*For the purpose of this analysis, only discretionary decisions outside the guidelines are counted as above or below. Thus, decisions to deny parole where the mandatory release date is below the guideline range, and decisions at initial hearings to grant an effective parole date above the guideline range are counted as within. Cases continued to Statutory Review or One-Third hearings below the guideline range (i.e., decisions below the guideline range because of policy limitations) were excluded from the analysis.

TABLE III. GUIDELINE USAGE—Continued
A. INITIAL, ONE-THIRD, AND STATUTORY REVIEW HEARINGS—Continued

6. NORTH CENTRAL REGION

YEAR	WITHIN	ABOVE	BELOW
10/74-9/75	81.2	10.8	8.0
10/75-9/76	78.2	15.0	6.8
10/76-9/77	76.7	17.3	6.0
10/77-9/78	77.7	11.3	11.0

B. REVOCATION HEARINGS**
1. ALL REGIONS

YEAR	WITHIN	ABOVE	BELOW
5/76-9/76	78.9	10.7	10.4
10/76-9/77	82.3	8.4	9.3
10/77-9/78	80.0	8.0	12.1

2. NORTHEAST REGION

YEAR	WITHIN	ABOVE	BELOW
5/76-9/76	81.6	8.1	10.3
10/76-9/77	84.0	8.3	7.7
10/77-9/78	80.9	9.7	9.4

3. SOUTHEAST REGION

YEAR	WITHIN	ABOVE	BELOW
5/76-9/76	74.3	12.4	13.3
10/76-9/77	79.9	7.6	12.5
10/77-9/78	78.9	8.5	12.6

4. SOUTH CENTRAL REGION

YEAR	WITHIN	ABOVE	BELOW
5/76-9/76	83.8	11.9	4.3
10/76-9/77	87.2	10.1	2.7
10/77-9/78	87.5	10.1	2.4

5. WESTERN REGION

YEAR	WITHIN	ABOVE	BELOW
5/76-9/77	77.0	11.2	11.7
10/76-9/77	80.3	6.3	13.4
10/77-9/78	80.8	2.8	16.4

6. NORTH CENTRAL REGION

YEAR	WITHIN	ABOVE	BELOW
5/76-9/76	79.3	9.0	11.2
10/76-9/77	81.4	10.5	8.1
10/77-9/78	74.2	10.4	15.4

**Revocation guidelines became effective in May 1976. Data is presented from that date to the present.

TABLE IV. PERCENT GRANTED PAROLE AT REVIEW CONSIDERATIONS* BY YEAR AND REGION

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	90.8	83.0	73.9	82.7	69.4	80.0
10/75-9/76	79.9	78.0	66.8	74.0	54.9	71.0
10/76-9/77	73.1	81.2	75.2	77.1	64.2	74.3
10/77-9/78	83.5	82.2	82.4	89.2	81.5	83.7

*Includes Review hearings and Pre-Hearing and Presumptive Parole Date record reviews. Review hearings and Pre-Hearing record reviews are being phased out and are being replaced by Presumptive Parole Date reviews which began in Fiscal 1978. The parole rates for Presumptive Parole Date record reviews, taken alone, are: All regions = 95.5%, Northeast = 93.1%, Southeast = 95.5%, South Central = 93.2%, Western = 97.7%, and North Central = 97.8%.

TABLE V. REPRESENTATION BY YEAR AND REGION

A. PERCENTAGE OF PAROLE CONSIDERATION HEARINGS WITH REPRESENTATIVES

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	33.7	23.8	18.3	26.5	34.8	28.5
10/75-9/76	35.2	27.5	22.0	28.5	38.8	31.1
10/76-9/77	31.2	27.3	25.9	29.0	39.7	31.2
10/77-9/78	34.6	30.3	23.7	29.9	43.4	32.9

B. PERCENTAGE OF REVOCATION HEARINGS WITH ATTORNEY AND/OR OTHER REPRESENTATIVE

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	47.0	34.5	23.9	52.0	38.4	40.1
10/75-9/76	49.9	36.3	31.2	50.0	36.2	41.6
10/76-9/77	43.3	41.3	35.4	56.3	43.0	44.9
10/77-9/78	44.7	42.5	31.9	50.9	46.3	44.2

**TABLE VI. REGIONAL APPELLATE DECISIONS
NUMBER OF APPEALS AND PERCENT AFFIRMED
BY YEAR AND REGION**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	(1,025) 82.9%	(498) 98.0%	(498) 88.8%	(536) 78.2%	(868) 88.8%	(3,425) 86.7%
10/75-9/76	(998) 96.8%	(713) 98.0%	(515) 91.3%	(777) 90.6%	(1,089) 97.8%	(4,092) 95.4%
10/76-9/77	(736) 98.2%	(605) 98.8%	(554) 92.1%	(866) 94.6%	(675) 89.3%	(3,436) 94.6%
10/77-9/78	(901) 96.9%	(735) 98.9%	(735) 90.5%	(682) 84.5%	(1,034) 85.6%	(4,087) 91.2%

**TABLE VII. NATIONAL APPELLATE DECISIONS
NUMBER OF APPEALS AND PERCENT AFFIRMED
BY YEAR AND REGION**

YEAR	NORTH EAST	SOUTH EAST	SOUTH CENTRAL	WESTERN	NORTH CENTRAL	TOTAL
10/74-9/75	(450) 95.1%	(178) 94.9%	(194) 90.7%	(174) 93.1%	(391) 96.2%	(1,387) 94.5%
10/75-9/76	(510) 93.5%	(308) 93.8%	(249) 90.4%	(334) 91.6%	(671) 93.4%	(2,072) 92.8%
10/76-9/77	(424) 84.4%	(289) 88.2%	(267) 85.4%	(296) 91.2%	(468) 87.6%	(1,744) 87.2%
10/77-9/78	(451) 70.6%	(363) 75.2%	(429) 66.9%	(326) 74.8%	(446) 79.8%	(2,015) 73.4%

PART SIX THE COMMISSIONERS

CURRENT

CECIL C. MCCALL (Georgia), Chairman

Mr. McCall was appointed to the Parole Commission on November 11, 1977 and designated by the President as Chairman.

Immediately prior to joining the Commission, Mr. McCall was a member of the Georgia State Board of Pardons and Paroles, and had served as Chairman of that Board from 1972 to 1976. Formerly he had been Deputy Commissioner of the Georgia Department of Offender Rehabilitation; Director of the Georgia Department of Probation; and Southeastern Regional Director of the National Foundation.

Mr. McCall is an honor graduate of the University of South Carolina and has done post-graduate work in criminal justice at Georgia State University.

Mr. McCall is a member of the American Correctional Association, National Council on Crime and Delinquency, and Association of Paroling Authorities, and has written numerous articles for professional journals and association publications.

BENJAMIN J. MALCOLM (New York), Vice Chairman

Mr. Malcolm was appointed to the Commission on November 11, 1977, and designated as Vice Chairman/Chairman of the National Appeals Board.

Mr. Malcolm holds a bachelor's degree from Morehouse College and a master's degree in Public Administration from New York University. From 1948 to 1967 he was a Parole Officer, and Deputy Chief Parole Officer for the New York City Parole Commission. During this 20-year span, Mr. Malcolm was credited with organizing one of the first drug treatment units in New York City for ex-offenders. He also established and directed an intensive parole unit for adolescents for which he was cited in the New York Times Magazine.

From 1967 to 1970 he served as Assistant Director of Labor Relations for the City of New York.

In December 1970 he was appointed Deputy Commissioner of the New York City Department of Corrections, and in January 1972 was appointed Commissioner to head one of the

largest correctional systems in the country. During his six years as Commissioner, Mr. Malcolm was credited with making many improvements in the City's correctional system. He was cited for his work by many civic, community, educational and governmental bodies. From 1972-1977, he was an adjunct Associate Professor at John Jay College, Long Island University and West Point. He has authored several articles and has lectured extensively in colleges, universities, civic organizations and before Governmental bodies across the country. He served on the Mayor's Criminal Justice Coordinating Council and the Governor's Crime Control Planning Board and various other civic organizations.

He is presently a member of the National Urban League's Advisory Council on Criminal Justice, American Correctional Association, and the Association of Paroling Authorities.

During World War II, he served in both the European and Pacific Theaters of Operation as a First Lieutenant.

WILLIAM E. AMOS (Arkansas)

Dr. Amos was appointed to the Commission July 17, 1969 and served as Chairman of the Youth Corrections Division from May 1, 1972 until the consolidation of Youth and Adult functions under the Parole Commission and Reorganization Act in May 1976. Dr. Amos presently serves as the Regional Commissioner of the South Central Region.

Dr. Amos received a BSE degree from the State College of Arkansas, an MA degree from the University of Tulsa, and an MA and EdD from the University of Maryland. He also received a certificate as a School Psychologist from American University. Dr. Amos has served as a psychologist for a child guidance clinic, and as a principal and superintendent of public schools in Arkansas. While in the United States Army, he was director of education at the United States Disciplinary Barracks. He has also served as a Special Agent in the United States Secret Service, as Superintendent of the Cedar Knoll School for juvenile delinquents, as Assistant Director of the President's Commission on Crime for the District of Columbia, and as Chief of the Division of Counseling and Test Development in the United States Department of Labor. Dr. Amos was President of the Western Society of Criminology from 1975-1976 and President of the American Society of Criminology from 1976-1977.

O. J. KELLER (Florida)

Mr. Keller was appointed to the Commission on September 1, 1978, and designated Regional Commissioner for the Southeast Region.

Mr. Keller received a BA degree from Williams College and an MA degree from Northern Illinois University. In 1960, he was appointed Chairman of the Illinois Youth Commission and served as a member of the Commission from 1961 through 1963. Between 1965 and 1967 he worked as a research fellow for the Center for Studies in Criminal Justice at the University of Chicago. This work resulted in a book, co-authored with Benedict Alper, entitled "Halfway Houses: Community-Based Corrections." In 1967, he was appointed Director of the Florida Division of Youth Services, and in 1973 as Secretary of the Florida Department of Health and Rehabilitative Services. In 1975, he joined the criminal justice faculty of the University of Florida. During his last year and a half at the university, he directed a federally-funded project involving the diversion of juvenile delinquents from the formal court process.

Mr. Keller is a past president of the National Association of State Juvenile Delinquency Program Administrators and of the American Correctional Association. He was a member of the Corrections Task Force of the National Advisory Commission on Criminal Justice Standards and Goals, vice-chairman of the "Children in Trouble" forum of the 1970 White House Conference on Children and Youth, chairman of the Florida Task Force on Juvenile Delinquency, and a member of the Governor's Commission on Criminal Justice Standards and Goals.

RICHARD T. MULCRONE (Minnesota)

Mr. Mulcrone was appointed to the Commission on October 18, 1978, and designated Regional Commissioner for the North Central Region.

Until his appointment to the Parole Commission, Mr. Mulcrone served as Chairman of the Minnesota Corrections Board since its creation as Minnesota's first full-time paroling authority in 1973.

Mr. Mulcrone has been a police officer, worker with street gangs, probation officer, family court referee, and a county court administrator during his twenty-two year career in Minnesota.

Mr. Mulcrone is past president of the Minnesota Association of County Probation Officers and of the Minnesota Corrections Association. He served on the Governor's Commission on Crime Prevention and Control for seven years and was a member of the Minnesota Sentencing Guidelines Commission.

JOSEPH A. NARDOZA (New York)

Mr. Nardoza was appointed to the Commission November 24, 1975, and designated as Regional Commissioner for the Northeast Region.

Mr. Nardoza received a BBA degree from the Baruch School of the City University of New York in 1965, and received a master's degree in Public Administration from the City University of New York in 1968.

He began his career with the New York City Police Department in 1948, completing twenty years of service in 1968 as a Lieutenant. In 1969 he became a Law Enforcement Program Specialist in Organized Crime for the Law Enforcement Assistance Administration, and in 1971 became the Regional Administrator for the New York Region of that agency. Beginning in 1973 he served as the Assistant Administrator of the Office of Regional Operations of the Law Enforcement Assistance Administration, stationed in Washington, D.C.

DOROTHY PARKER (Virginia)

Mrs. Parker was appointed to the Commission on October 19, 1976, and was designated a member of the National Appeals Board.

Mrs. Parker received an LL.B. degree from Columbia Law School in 1938, after having received a BA degree from Barnard College in 1936. She engaged in the private practice of law in New York City between 1938 and 1964, except during 1942 when she was Executive Director of the Independent Citizens' Committee to Re-elect Mayor La Guardia, and 1945 when she was Executive Assistant to the Director, UNRRA Clothing Collection.

Between 1965 and 1970 she served in various capacities in the Office of General Counsel, Department of Health, Education, and Welfare. Beginning in 1970 she was the Minority Counsel for the Senate Committee on the Judiciary and in that capacity served on the Subcommittee on Constitutional Amendments and Subcommittee on Refugees and Escapees.

AUDREY ANITA ROJAS KASLOW (California)

Mrs. Kaslow was appointed to the Commission on November 22, 1977, and designated as Regional Commissioner for the Western Region.

ROBERT VINCENT (Oklahoma)

Dr. Vincent was appointed to the Commission on November 11, 1977, and designated as Regional Commissioner for the North Central Region. On August 1, 1978, Dr. Vincent was designated as a Commissioner with the National Appeals Board in Washington, D.C.

Dr. Vincent attended Oklahoma State University and the University of Oklahoma where he received a B.A., M.S., and Ph.D. in Psychology. He then held positions as Research Psychologist at Battelle Memorial Institute, and President of two research and consulting companies. From 1972 until the time of his appointment to the Parole Commission, he held the position of Assistant Chancellor for Governmental Affairs, Oklahoma Regents for Higher Education.

FORMER

J. ROBERT COOPER (Georgia)

Mr. Cooper was appointed to the Commission on May 18, 1976, and designated as Regional Commissioner for the Southeast Region.

Mr. Cooper received a law degree from the University of Georgia, having previously attended the Junior College of Augusta and Emory University. He was a private attorney in Gainesville, Georgia beginning in 1959, and then became Juvenile Court Judge of Hall County, Georgia, where he served more than five years. He was elected a Member of the Georgia House of Representatives, serving from 1967 to 1970. Mr. Cooper also served as an aviator in the United States Navy, retiring as a Commander in 1972, and prior to appointment to the Commission was an Assistant U.S. Attorney.

Mr. Cooper's term ended September 30, 1978.

CURTIS C. CRAWFORD (Missouri)

Mr. Crawford was appointed to the Board on November 9, 1970, and assumed the post of Acting Chairman on October 9,

1976. He also served as the first Regional Director for the Northeast Region, a member of the National Appeals Board, Chairman of the National Appeals Board, and Vice Chairman of the Commission.

Mr. Crawford received an AB degree from West Virginia State College and an LL.B. from Lincoln University at Jefferson City, Missouri. His career experience included private law practice, serving as Assistant Circuit Attorney and later Chief Trial Assistant for St. Louis, and serving as a provisional judge in the St. Louis Court of Criminal Corrections. He also served as Director of the Legal Aid Society of St. Louis and District Director of the Office of Small Business Administration in St. Louis.

Mr. Crawford's term ended November 10, 1977.

GEORGE J. REED (Oregon)

Mr. Reed served on the Board (Commission) during two separate periods. Initially, he was appointed in 1953 and remained until 1965. During that period, he was Chairman of the Youth Correction Division and then Chairman of the Board. When he returned to the Board in 1969, he again became Chairman and held that post until July 1, 1972, when he relinquished it to Mr. Sigler. Mr. Reed also served as a member and Chairman of the National Appeals Board and Vice Chairman of the Commission.

Mr. Reed is a graduate of Pasadena College. He did graduate study in sociology and criminology at the University of Southern California. He is a Fellow of the American Society of Criminology. In California he was a deputy probation officer for Los Angeles County and a field deputy director of the Youth Conservation Commission.

During his absence from the Board he was the chief probation and parole officer for the State of Nevada, professor of criminology at the College of Sequoias, and Director of the Lane County Juvenile Court in Eugene, Oregon.

Mr. Reed retired January 30, 1978.

PAULA A. TENNANT (California)

Mrs. Tennant was appointed to the Board on November 9, 1970, serving on the Youth Division until her designation as the first Regional Director (Commissioner) of the Western Region.

Mrs. Tennant received an LL.B. degree from the Lincoln University Law School at San Francisco in 1954. She served as an Assistant United States Attorney in the Territory of Alaska, Deputy District Attorney and District Attorney of Lassen County, California. She then was in private law practice in California until she was appointed to the California Youth Authority Board in 1968. She remained in that position until she received her appointment to the Commission. She also served in the Navy for three years.

Mrs. Tennant's term ended November 10, 1977.

END