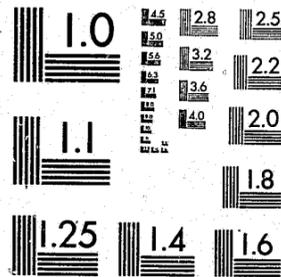


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Assembly Criminal Justice Subcommittee
on Juvenile Justice

Chino, California
November 13, 1981

CHAIRMAN JIM CRAMER: I am very pleased to be able to use the facilities of the City of Chino. Mayor Larry Walker is here, and I much appreciate him spending some time with us this morning and being here. Larry, this is a very, very nice place we are having our meeting in and thank you for allowing us to use them.

MAYOR LARRY WALKER: Thank you, Jim. On behalf of the City of Chino I would like to welcome the Subcommittee to the city today to hold this hearing. I understand that another one of the members will be here shortly, and I understand that the Assembly has gone back into session this morning somewhat unexpectedly so Assemblyman Stirling won't be able to make it, but as I think all of those who are here to testify and many of those community members here well know, the Department of Corrections is an extremely important institution to the City of Chino, perhaps somewhat involuntarily, but we do have a California Youth Authority establishment in the city as well as other corrections installations. We are therefore very concerned and very interested in what goes on there and the kinds of policy decisions that are made and continue to be made with regard to not only who goes in there, who gets out of there, but how it is run in the meantime, so we welcome the opportunity to have these hearings and this hearing in the City of Chino.

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We wish you well. We hope it is a productive hearing both today in terms of information and subsequently in terms of potential improvements in the legislative and administrative carrying out of the issues that are discussed here today.

So, again welcome to the City of Chino. I apologize for not being able to stay for the vast majority of the hearing, but I appreciate the invitation to join you here today as we welcome you to the use of our facilities. We hope that they are satisfactory for you. Thank you very much.

CHAIRMAN CRAMER: Okay, Larry, we appreciate it. I should explain the circumstances I find myself in here this morning. I left Sacramento last evening at 6:30. Got on the plane with a minute to spare with the idea that the Assembly was to be in recess until Monday. After I had left Sacramento, the Senate acted on a bill that was the subject of some discussion at the time I was there, so the Assembly felt compelled to meet this morning. So the majority of the members of the Assembly are in Sacramento right now. Dave Stirling, a part of this Committee, is in Sacramento. Mr. Harris, a part of this Committee, is on an airplane right this moment and will be picked up and be here later. The Speaker knows that these hearings are going on, and he also knows my phone number here, and if I have to leave, I have to leave, and I would apologize to you, but that is the circumstances I find myself in this morning and dealing with these hearings.

There was a good deal of work in preparation for the testimony that is to be presented here today. I had everyone who is going to testify here subpoenaed because I didn't want anyone to be _____. I am not being here at the request of the

Assembly because I thought it was important for those individuals who are going to testify here today to have that circumstance of that order. Those individuals who do testify will be placed under oath pursuant to the request of the subpoena. And of course, our purposes are to begin to discuss the California Youth Authority, its policies, its programs, and consistent with the agenda, we are going to be talking about essentially the parole decisions and policies associated with that, the early release policies which have already started being developed, the day pass issue that is used by the Youth Authority and I think quite properly the issues of public safety associated with that are to be discussed. We will discuss and take testimony on the security within the institution, security outside the institution in terms of the parole supervision of individuals. We are interested in the facility design. We are concerned and want to take testimony over the facts of overpopulation and crowding and whether or not that has an impact on the ability to supervise and to train and to have programs which assist the youth that are within the California Youth Authority. We are interested in taking testimony over the staff training for those people inside and outside the institution in terms of their preparation in dealing with the responsibilities that they have. We will probably take some testimony over employee relations and the circumstances and the frustrations, that in a large institution really exist. I think everyone here understands that this is not an appeal board for employees in terms of whether or not they were promoted or feel they were not fairly treated or things of that sort. We are more interested in the long term circumstances and philosophy of what the Youth Authority is about and whether or not

there needs to be a change statutorily in the purposes, future of the California Youth Authority; whether or not there ought to be a different kind of system in terms of how we approach the youth.

The Subcommittee I'm the Chairman of has this as a part of this responsibility. We are looking at the entire juvenile justice system. We will do that over about an 18 month period to see whether AB 3121 which was written about three years ago needs to have some modifications, some change in its structure as a result of the kinds of pressures that the youth present California and its court systems now.

I appreciate the witnesses who are here. I appreciate the people who are here. I think we are going to be here taking testimony all day subject to the limitations I've told you. If Willie Brown calls me, and I have to go to Sacramento, then I will have to go to Sacramento. But I don't expect that to happen. I expect the Assembly today to meet briefly, concur on a couple of bills that were passed by the Senate, have caucus committees appointed, and the real action from the Assembly to be done Monday. So with that we will start.

I suppose I should introduce Jeff Ruch. He is an attorney. He is a part of the Criminal Justice Committee, part of the Assembly. He is helping and working with me here today on these hearings. Darlene Fridley is the secretary of the Criminal Justice Committee. Jacqueline Vaughn is a part of my staff. The sergeant I've just met today and I'm sure I don't know your name.

Actually, these hearings will be recorded and will be reduced to writing and will be a part of a record which we will use in terms of future legislative changes which may occur as a

result of these hearings and hearings in Sacramento.

Is Mr. Roberts here? Doyle, would you raise your right hand please? Do you solemnly swear and uphold that the testimony you are about to give to this Committee shall be the truth, the whole truth, and nothing but the truth.

MR. DOYLE ROBERTS: I do.

CHAIRMAN CRAMER: All right sir. You have been served with a subpoena to appear before this Committee here today, sir?

MR. ROBERTS: Yes, sir. My name is Doyle Roberts for the record. I was a former career executive with the California Youth Authority for 25 years, 20 years in field service and five years as Superintendent of the Southern Reception Center Clinic. I am pleased to be here in Chino and have a few minutes of the Committee's time.

The brutal facts are that the Youth Authority is no longer clear as to its goals and as a public department, but somewhere in the last decade, the Youth Authority veered away from its protection of society and has organized for the treatment of neglected, dependent middle-class children. That is a part of the youth population that is not, and has never been, in the California Youth Authority.

The Youth Authority gets youthful offenders who are no longer tolerated in the community. The system, the criminal justice system, has already diverted all of the individuals whose behavior is tolerable. The Youth Authority deals with one half of one percent of the youth population. Wards of the Youth Authority are individuals who have deliberately, maliciously, premeditatedly violated society's rules. They know it, they enjoy it, and they

are not afraid. They like the lure of easy money. They like the thrill of easy sex and the freedom to do as they damn well please.

The YA wards are sociopathic individuals who have declared war on the community. To say that they are neglected educationally or emotionally disturbed children who need tender loving care, a short stay in a therapeutic community, a visit to camp, and replacement in the community as soon as possible is the wrong treatment and is an insult to the community and it violates every young individual's sense of justice.

The result is a poor record of success of the Youth Authority to the community. The reason for this wrong treatment for offenders is a lack of direction and supervision of the department on behalf of the Legislature. The resources of the Youth Authority are organized for helping offenders and not for the protection of the public. The Legislature must assert the public's need for more effective organization.

Two of the five branches of the agency as it is now organized are essentially nonproductive. If we are going to make productive citizens out of sociopaths, you must organize the agency towards that goal. The Youth Authority needs institutions. The Youth Authority needs parole services. The Youth Authority needs administrative guidance. There is a simple test of the organization's effectiveness. Are the majority of former offenders more tolerable in the community? The brutal fact is that the organization cannot pass that simple test.

As presently organized, the YA is a watchdog without teeth and is attempting to control delinquency by wagging its administrative tail. My recommendation in addition to rewriting

the goals of the department is that some restrictions be placed for appropriate experience for appointment to an agency organized to protect the public. The current criteria for appointments is too broad. Chairing your local PTA organization is commendable but hardly appropriate to head a multi-million dollar public protection agency.

I recommend that the Legislature also place a limit on career executive assignments to the department of the Youth Authority. I would think one would be enough. Political appointees need help but every position in the Youth Authority that exceeds a poverty level of salary should not be subjected to this career executive assignment. To recruit, to retain, to promote dedicated people who will work in a sometimes dangerous, sometimes disgusting, but always vital organization, the Legislature must demand open competitive merit systems at all levels in the bureaucracy.

The final point I would like to make is a little more positive. The Legislature should be congratulated for already giving the YA the facilities and the manpower necessary to do the job. When the message is willing to hold an organization responsible for action, you will see no change, no reorganization, and no reallocation of resources. As an example of poor organization, I think there is a shortage of line personnel in the institution. There is also a shortage of parole agents in the field. Six post coverage of eleven units is imperative and crime goes on in the community seven days a week, not just Monday through Friday, eight to five. The state can't finance this organizational change from the costs of its excess branches in the Youth Authority. It has been fifteen years since the state looked at how the department was

organized. It is the poor organization of the department that has managers without programs and administrators without anything to administer.

The overcrowding of the clinics for the past five years could have been solved administratively by relocating the special programs. It is quite expensive to continue administrative organization based on the level rather than the function of services. Ten years ago, the YA had more people locked up and more wards on parole. Last year, the Youth Authority was disposing of surplus property. This year, they want to build additional facilities. This is an example of crisis management.

It is the responsibility of the Legislature to see that the Youth Authority is organized to function for the protection of the public. The Youth Authority has the people, it has the capability, it just lacks the will and the motivational leadership to reform.

Thank you very much.

CHAIRMAN CRAMER: When you talk about line personnel shortages and parole personnel shortages, do you have a feeling in terms of the size or additions that might be necessary for those programs?

MR. ROBERTS: Well, I think you need to go across the board in institutions to be sure that you have some competent youth counselor on duty during all hours of the day. At the present, they have one guy on at night in a live-in unit of fifty people with five post coverage. That means that if one individual takes someone into a group for counseling, then you've got one guy watching fifty. It is very dangerous and not very effective

organization if you want to control the behavior of sociopaths.

The other thing in terms of the field operation is that you've got one guy assigned into an area, and he is working Monday through Friday. Yet crime doesn't knock off at five o'clock on Friday so you would have to increase probably by a number of one-third the number of field parole agents in order to assure that you are going to have coverage seven days a week and surveillance of offenders in the state.

CHAIRMAN CRAMER: Do you feel that exposes, speaking of parole officers first, do you feel that exposes them unnecessary or undue risks?

MR. ROBERTS: Well, I think if you look in terms of what we are trying to do with young offenders, if you have one man with fifty, you don't have any backup for him. He goes on vacation, he gets sick, there you turn loose fifty parolees in the community without any effective supervision. Nobody knows them, knows what they are doing. I just think that it's long overdue, some attempt to have a professional in the community seven days a week.

CHAIRMAN CRAMER: Within the institutions, the staffing levels that you are talking about, those were designed when?

MR. ROBERTS: Well, they were designed I think by multiplying the number of staff with the number of people and they are coming out with the criteria. Some special units have rich staffing, and others have less, but you simply don't have enough youth counselors, group supervisors in the institutions to have a trained, professional individual on duty there twenty-four hours a day, seven days a week.

CHAIRMAN CRAMER: Do you have a feeling that there has

been a change in the nature of the population of people within the institution?

MR. ROBERTS: Well, as I attempted to say, and what I would like to make clear is that the criminal justice system weeds out all the middle-class, nondelinquents, the neglected, the ones who don't have two parents, and need more educational benefits, but they are dealing with a hard-core offender who deliberately, maliciously, premeditatively violated the law. If you are going to put them in Disneyland and say that you just need tender, loving care, the results are we are going to have continual growth of crime.

CHAIRMAN CRAMER: In terms of the organizational portions of the Youth Authority, is there an organizational chart available?

MR. ROBERTS: I don't believe they've made one in the last few years because they don't think it would look like a pyramid, it would look like an inverted pyramid. There are so many staff in Sacramento and the central headquarters. I don't expect the Legislature to dictate exactly what kind of organization the department should have, but you should demand cost effectiveness and efficient use of the limited number of people that they have. But even if you looked at the chart, it would be kind of phony because if you wanted to establish a task force to look at something, you go down and pull people off the line and put them into a staff position for a time and then the institution would be forced to hire backups, and I just think that the department is organized in these branches to elevate the classification rather than for the responsibilities concerning people are not being held

accountable for what they are doing. So if you have five branches, it sounds better than three divisions, and if you are going to be a branch administrator, at a career executive III level, you've got to have a career executive II working for you, and you've got to have three or four Is working for him. So I think this great creep in increasing numbers at higher levels means that it is impossible to get a decision because you can't figure out who made it, when, and at what level.

CHAIRMAN CRAMER: Do you have a feeling, and you may not, but do you have a feeling of what that costs to have those kinds of career executives within the Youth Authority?

MR. ROBERTS: I had coffee with the business manager of the Youth Authority the other day, and while we were discussing five minutes, we figured out \$800,000 that we could save right there that is not presently doing anything for the Youth Authority.

CHAIRMAN CRAMER: In what area, \$800,000, as I sit here it seems...

MR. ROBERTS: Well, I'm thinking about changing the Legislature in terms of subvention programs for the county. We have a whole branch that spends their time trying to figure out for the county how to get more money from the state which seems to be counterproductive. I think the county is perfectly capable of figuring out ways to get money out of the Legislature without paying somebody to do it.

CHAIRMAN CRAMER: They are resourceful and aggressive, I agree with that. You are talking about an AB 90 kind of a thing?

MR. ROBERTS: Yes. That was formerly probation subsidy but which became subvention. It is the diversion of criminals from

the system. And a person, I think, in layers of administration, is pretty expensive at least in the money.

CHAIRMAN CRAMER: You talked about surplus land earlier in your presentation.

MR. ROBERTS: Well, the Southern Reception Center Clinic has 14 acres of property adjacent to the institution and it has been cared for by the institution, so we declare that surplus and sell it off to someplace else because we don't need it. Yet there is the property located in the City of Norwalk and would certainly have been available for expanding an institution that has been chronically overcrowded.

CHAIRMAN CRAMER: You testified also on the hiring practices?

MR. ROBERTS: Well, the changes in hiring practices is the same as that, we in California are under the assumption that there is a merit system and only the best people are recruited, the best people promoted. At the current system in effect that has been kind of violated, and it is a simple technique. Instead of having three people and the top three of a list from which you have made a choice to employ, now you can put forty people in that top three, and you can pick the one that you like rather than the one that...

CHAIRMAN CRAMER: How would you modify that system?

MR. ROBERTS: Well, first place, I would suggest that the State Personnel Board monitor those and not trust the department's own personnel department to do those things.

CHAIRMAN CRAMER: So you are not really saying change the system, you are just saying make it more accountable. Is

that what you are saying?

MR. ROBERTS: Make it more accountable.

CHAIRMAN CRAMER: Are you suggesting to me that there are people, or you are doing more than that, you are saying to me that there are promotions within the system not based upon their ability to perform the job?

MR. ROBERTS: Exactly. Exactly, but based upon relationships. It's saying that if you give me a choice of anybody here in this room to select, I know a couple of people that I could immediately pick because of propinquity and my knowledge. There may be better qualified people sitting in the room that I don't know and never saw before so unless you can have some sort of open competition, you're not going to get the best people.

CHAIRMAN CRAMER: Is that a fact in your judgement the (inaudible) and the supposition...

MR. ROBERTS: Well, I think that is what is accounting for the low morale is that if you hire people to do a job and then you award people who have not done their job and let the original ones continue on, I don't think you are going to get very much morale, and I think that morale is definitely the responsibility of organization.

CHAIRMAN CRAMER: So if I understand what you are saying to me, you are essentially asserting that because the organization is oriented toward personnel as opposed to the task...

MR. ROBERTS: Well, I'm saying the organization is related to a certain philosophy of treatment which says, "Okay, if I'm going to select somebody, I want somebody who agrees with what I'm doing," and if you believe that the inmates of the Youth

Authority are just simply unloved, neglected children who can't relay their gratification, then you warehouse them for a few days, bribe them to be good and teach them to manipulate the system. I think that the organization is currently, unless it gets some different guidance, I thought reading the law that's pretty clear that you set up a public agency to protect the public as a right for it. But I think that it's drifted away from that, and it needs legislative guidance to come back and say hey, we put you up there for the public's purposes and not for individual rights.

CHAIRMAN CRAMER: You know one of the things that is going on in the state and I guess in the country right now is a serious reevaluation of whether or not we are going to abandon rehabilitation for a warehousing system of institutions. Do you have some thoughts on that philosophical issue?

MR. ROBERTS: I think that society has a right to protect itself and that a few years ago, I was in charge of an experimental program for the Youth Authority to say what needed to be done with certain types of offenders and we came through it and said, hey some of the people that were coming to the Youth Authority 15 years ago could have been handled in the community if they had proper supervision. We also said that there were some people coming to the Youth Authority that the public damn well better lock the door and throw away the key. Everybody heard the first ten percent, and nobody heard about those others and I've seen that it's those other people that are in the Youth Authority at this time.

The system, the juvenile court, the welfare department, the probation department, weeds out all of those neglected,

unloved people who don't have an ideal living situation. Certainly, if you look at the statistics of the Youth Authority, and I know you have, it says, well, a great percentage of them come from broken homes. A great percentage of society any more comes from broken homes. It says, well, they don't do well in school. A lot of people don't do well in school. I don't give a damn whether they do well in school or not, if they don't violate society's rules. So somehow or other, we've got the know-how, we've got the facility to control, but we've got to focus on controlling what we have rather than pretending we are doing something that we are not.

CHAIRMAN CRAMER: So you're not prepared to recommend that we abandon an effort at rehabilitation?

MR. ROBERTS: I'm saying that you can control and change the behavior of individuals, but I don't think you can do it by patting them on the head and giving them a sugar cookie.

CHAIRMAN CRAMER: I agree with that. If we were to be involved in rewriting the basic statement of the purpose of the California Youth Authority, what would be your recommendation, if you have one?

MR. ROBERTS: I would say that in the first thing that we are there for the protection of society and controlling the disbehavior of members of the youth population. I really haven't rewritten it yet. I would be happy to do that if...

CHAIRMAN CRAMER: That, I think, is a long term purpose of these hearings -- to decide whether or not the basic goals of the California Youth Authority ought to be revised.

MR. ROBERTS: I am recommending that you do revise them by emphasizing the protection of society.

CHAIRMAN CRAMER: All right, sir. I hope I have asked you all the appropriate questions for your testimony. I appreciate your coming here today.

MR. ROBERTS: Thank you very much.

CHAIRMAN CRAMER: Fine. Mr. Okel, John Okel. Is he present? John, would you raise your right hand please. Do you solemnly swear and uphold that the testimony that you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. JOHN OKEL: I do.

CHAIRMAN CRAMER: Thank you, John. You were also served a subpoena.

MR. OKEL: I was. Mr. Chairman. Members of the Committee. I am Mr. John Okel, Past President of the California Youth Authority Parole Agents Association and current Chairman of the California State Employees Correctional Council. I am employed full-time as a parole agent by the Youth Authority. At present, I have 20 years of experience in the department, ten in institutions and ten in the parole services branch, actually a little more than ten.

I, and the groups I represent, welcome this opportunity to share with you in the Legislature information which we believe is significant and important. This opportunity represents something unusual for us, those of us who work on the line and on the streets, with those committed to the Youth Authority. It offers the chance for us to speak for ourselves directly without the restraints of official departmental controls. Do not be surprised if some of what you hear contrasts sharply with statements, official

statements, of the department. The truth often has more than one side or one perspective.

I have been asked to direct my testimony to the areas of parole decisions, early releases, and time cuts. I will attempt to be as specific as I can, and at the same time, not reveal confidential or protected information.

First, I would like to point out that the Youth Authority is as much a parole operation as it is an institution operation. As of July 31, 1981, there were about 13,180 wards under commitment to the Youth Authority. Of those, about 7,000 are on parole living in the communities under parole supervision. About 5,900 are confined in Youth Authority institutions, and the remainder on other status.

Thus, decisions which are made to release to parole and those made after the release and while on parole impact greatly on public safety and the problems of crime in our communities, the charge of the committee appears to want to focus attention on juvenile justice. You must be aware, we hope the public is aware, as must the Legislature and the people of California, that we in the Youth Authority, and in particular the parole branch, are not dealing with juveniles. Rather, they are adults, young as they are, who are over age 18. The latest data available to us indicates that the average age of those on parole is around 20.6 years. Clearly, they are not juveniles.

Likewise, their crimes and behavior are not characteristic of kids. Roughly ninety-eight percent of all wards under commitment to the Youth Authority are for felony crimes. Those facts in mind, let us get to the subject of parole decisions.

There are two types of parole decisions generally.

There are those made by the Youthful Offender Parole Board on information supplied by the Youth Authority. And then there are those made by the department and its parole staff following release to parole. Both areas represent issues of vital and important concern to public safety and the welfare of the people of California. There has been, and continues to be, areas of significant neglect and misrepresentation relative to both kinds of decisions.

They are important enough that in our opinion, they often endanger the public safety, and are, in fact, counter productive to the goals and objectives of the Youth Authority.

Let's deal with the decision to parole. This decision is made by the Youthful Offender Parole Board. It is based almost totally upon information and data supplied by the staff of the Youth Authority. The first major problem with the decision is that it is based upon incomplete and insufficient data. The Youth Authority does not have any standard consistent written criteria for deciding on who, when, and under what conditions a ward is to be taken before the parole board for parole consideration. The decision to take a ward before the board in itself is nebulous and extremely vague. It is made for many different reasons. During the past year or more, it has been made on the basis of a need for bed space more than any other reason, and in many cases, this has been an overriding factor that transcends rehabilitation and/or public safety.

Most significant about the decision to parole is that the threat or danger a ward may pose to the public safety is not

truly given any serious consideration. There are no standards by which to judge or measure if a ward is in fact a danger to the community, at least none that are written and understood by one and all. Only rarely are wards given a psychiatric examination to determine if they pose a danger to the public. Those reports are often ignored. The document on which the Youthful Offender Parole Board makes its decision and which is prepared by the staff of the Youth Authority is inadequate and replete with holes and gaps relative to pertinent information. Our association brought to the attention of the director of the Youth Authority the problems and deficiencies of the institution case report in June 1980. I believe the committee has a copy of that letter that we wrote to Director West.

Partly because this same report is used to prepare a placement or reentry report, to this date we have never received a meaningful response, little action has been taken. The fact stands out as a glaring neglect on the part of the Youth Authority since this report plays such an important and significant role in the decision to parole.

To be specific, reports are: incomplete, vital and important information is left out. There is little, if any, up-to-date information about such things as pending DDMS or disciplinary actions, even violations of institution rules, use of drugs, escape attempts, and so forth. These things are most often not contained in the report and are not seen by the board. They are not specific. While such things as trade training or school may be mentioned briefly, rarely does a report detail how many hours the wards spent in trade or is he employable in that trade, or how many hours he

spent in school taking what specific classes and what kind of a grade was achieved. Only vague, general kinds of comments are made.

Reports lack specific information about driver's license status, need for registration, I'm talking about sex or drug registration, how many hours per week and what progress, if any, was made if a ward participated in therapy or psychological treatment. There are rarely any kinds of useful information about the ward's ability to handle stress, what changes he may have made while in custody, how he accepts supervision and direction. For sure, all of these factors are significant and important in any adjustment the ward may make when released to parole, and it appears to us they are equally important to the Youthful Offender Parole Board when making a decision to release to parole.

If staff are asked by the board to supply more information than is in this report, staff are forbidden by policy to give it, even if it is the truth and is factual. Again, there is rarely any information of any kind in this report which speaks to the issue of the threat the ward may present to the public safety, at least nothing of real value.

A few quick examples of the kind of information that is included or excluded in what we are taking about. I picked out four briefings. These are actual cases. I will not identify these people by name, I will simply do like the courts do. One: Michael C. This was a request I got for placement on 10/9/81. The report was dated 10/9/81. Problem: the ward was arraigned in Chino Municipal Court on 10/8/81, the day before the report was written, on charges of assault and battery on a staff and is

presently confined in San Marin County Jail. No mention of this attack on staff was made in the report either to the board or to parole staff. One has to wonder what else was left out. Two: Richard E. Dated 9/16/81 states, and this is typical, I am quoting, "The ward will obtain a job when released and attend night school to acquire a trade. The ward has no work history and no trade training. The ward started school program, but has dropped below average." I'm not a miracle worker. No mention that the ward is a highly active gang member was made.

CHAIRMAN CRAMER: Okay, circumstances like that, you are asked to supervise the individual?

MR. OKEL: Yes. I'm asked to prepare a placement plan for a ward that will include attending night school, acquiring a trade, and a job, but he hasn't been trained for any vocational training. He is doing lousy in school now, and he is a heavy gang member, but none of this is mentioned in the report to me, and that is the same report that goes to the Youthful Offender Parole Board and on which they base their decision to parole him.

There is another one. This is one that rather upset me. Marco D. I received a request for placement to place with the mother. The fact is, the ward's mother died in November of 1980 and the step-father is presently confined in the California Rehabilitation Center, Corona. I went out to the house, knocked on the door, asked to talk to Mrs. D., and this son asked me what was wrong with me, that Mrs. D. died back in November. I examined the records and I discovered that while the ward was at SRCC that was true and that staff had actually taken the ward out to visit the mother at the cemetery, excuse me, at the funeral home,

but no record was made of it. No mention was made of it in the reports, and they are sending me out to place this ward with a person who has been dead for ten months.

CHAIRMAN CRAMER: Is that internal communication failure?

MR. OKEL: No, I think it's a consistent, it is possible. But because it happens so often, I have to believe it's due to a lack of training, due to a lack of guidance, proper supervision, due to a lack of attention. It is a consistent pattern that happens over and over.

Four, and the last one of the examples: A request for placement for David J. to be placed in Baldwin Park. Plan to include night school at Cal State, Northridge in San Fernando, some forty miles away. Problem, the ward has no driver's license, he has no car, and the family has no means of getting him to and from the eighty mile round trip daily. Further, the family was unable to support him, and he needed a job so he could support himself. The report on which the board released this young man made no mention of any of this yet he was released anyway.

Until recently, there was no method for input from local officials, like district attorney, police, or victims, into the decision to parole. In fact, I and other officers of our association have heard Youth Authority administrators and some board members state that the public has no right to have any input, and that they are not interested in hearing from the public relative to the decision to parole.

To be sure, the decision to parole and grant parole is important. Much too important to be based upon faulty and

inadequate information. In this respect, the Youthful Offenders Parole Board bears the responsibility as does the Youth Authority. When asked, you will be told that a ward is to be taken before the parole board "when he is ready for parole," whatever that means. There is no set definition of that phrase. It means anything to anyone who wants to use it. It is broad, expansive, covers much too much an area to be reliable. The Youth Authority has used that term to bring up any ward before the parole board any time they choose. I might paraphrase at this time that I know of a case in particular of a murderer currently confined at the Youth Training School who is being brought up relatively every sixty days for parole based primarily on the fact that there is a great deal of public opposition from the D.A., the victim's mother, and other people to his release. They just keep bringing him up, bringing him up, and bringing him up so some day, when they catch people off guard, they will end up releasing him.

The attitude towards public safety by the Youth Authority has been, and this is in my opinion, the public be damned. Ask the criteria on when one is ready for parole, the Youth Authority won't tell you because they can't. How could you verify what I have said? The truth of these allegations can be easily obtained. Simply audit ten or fifteen percent of the ward case files in parole offices. These are people who have already been released. It will offer the most complete record. This is important because that is where the real information is contained. Focus attention upon the following areas: clinical summary, the institution case report, psychiatric reports if any, and educational reports if any.

Now, parole decisions after release. Most major

decisions after the ward is released are based upon a desire by the Youth Authority to provide services. That is the emphasis in the decision making is upon services as opposed to the enforcement of parole.

Briefly, I will ad-lib here. When I'm talking about services, I'm talking about paying guys rent, buying clothes, paying for some schooling, about getting him some medical care, giving him gas money, that kind of thing, that's services. When I'm talking about enforcement conditions, I'm talking about enforcing the conditions of parole, enforcing the law, preventing future criminal behavior, providing supervision, surveillance, control, that sort of thing.

CHAIRMAN CRAMER: Excuse me. Do you have a budget for services?

MR. OKEL: Yes.

CHAIRMAN CRAMER: What would that cost if you...

MR. OKEL: I really don't know, Mr. Cramer, the exact amount. I'm not saying that services don't have a proper and legitimate role in the parole function. What I am saying is that in a critical situation, the thing that must be given the highest priority is our enforcement responsibilities, not our service responsibilities. Our duty to protect the public comes first based on policy, procedure, and practice in the parole services branch. That is not true.

Particular neglect is evident in the areas of notice to victims, cooperation with local law enforcement, parole holds, and the like. All too often, decisions do not include the threat the parolees may be to public safety. To be sure, no written policy

exists to support this. Only the fact that those who go along with the program by the administration are the people who are promoted and get the special assignments. Those in the parole branch who actively provide supervision controls and surveillance of parolees and enforce the conditions of parole and the laws are often treated with disdain and contempt.

Your attention is directed to the survey done by Opinion Research Corporation in 1980. That was a survey for which the Youth Authority paid nearly \$55,000. It was pretty adequately done. I've provided a copy for the committee. I urge you to read it. It contains some very significant aspects. A careful examination will tell you just what kind of relationship exists between line staff and administration.

Finally, we come to the early release situation in the Youth Authority. You have heard a great deal since November of 1980 about the early release policies of the department. The department steadfastly denies any such policy or program exists. They are simply not telling you the truth.

I have provided the committee copies of a memo dated November 4, 1980, from Deputy Director Ruth Kranovich. It describes briefly how the department, Youthful Offender Parole Board, and the Youth and Adult Correctional Agency agree to adopt procedures to affect early releases of wards from Youth Authority custody.

CHAIRMAN CRAMER: Is there a criteria for that early release?

MR. OKEL: No.

CHAIRMAN CRAMER: How do you decide?

MR. OKEL: That's a good question. What has actually turned out, happened, Mr. Cramer, is that everybody is systematically brought up early, regardless of their offense or regardless of their commitment, regardless of sentence, and I am going to get to that in just a second.

Call it a program or policy, the thing does exist and wards are systematically taken up for parole consideration early. In some cases, very early, six months to a year. It is not at all unusual for wards sent to the Youth Authority for six years to be on the streets in twelve months. As a matter of fact, I might add, the press often picks up on this guy or that guy was sent to the Youth Authority for five years. That is a lot of baloney. I've been with the Youth Authority twenty years, and I have never seen anybody spend five or six years in the Youth Authority. The average is much, much less.

The data on the institutional length of stay, and there is a copy in the file for the committee, for 1980 clearly indicates that the average time served in custody for murder of all kinds is around thirty months, for manslaughter - 22 months, for armed robbery - 17½ months, assault to murder - 20 months, assault with a deadly weapon - 16 months, and so on. Hardly the four and five and six years that is so commonly bantered about.

The fact is that the decision to release early is based on available bed space, what we call "beds and bucks." The Youth Authority has admitted it changed policy in this area. It did so publicly before the Public Employees Relations Board in a response to an unfair labor practice charge that we had filed. It is simple to verify the fact of early releases. Simply focus

attention, again when you audit the case files, on the ward case files in parole offices, focus attention upon the clinical summary and the institutional case report in each ward's file. Check out the following areas and there are five of them: the commitment date, the commitment court, the length of sentence (that's the length of sentence given by the court), the parole continuance date, and board orders. When comparing that information with factors like progress and training, treatment school, therapy, and so forth, as opposed to those wards confined three years ago, you will readily see that all wards are serving less time.

Why? What has changed? Special programs? No. Better progress? No. Higher level of achievement? No. Simply less bed space? Yes.

You will notice that we have suggested that most of the critical and important information is contained in the ward case files. It is left there only and not gathered elsewhere because those files are protected by privacy laws, and the Youth Authority knows it.

I realize that much has been presented to you, and it is our hope that your committee and the Legislature will give close attention to the problems of the Youth Authority. This department has operated in a clandestine manner and without proper guidance and controls for too long.

CHAIRMAN CRAMER: One of the things inherent in what you are saying, I suppose, is the fact that there needs to be a longer period of time for control or supervision of these individuals?

MR. OKEL: There is no doubt about it, Mr. Cramer. It is a simple fact, you have to have somebody in your custody under

your control, whether he be a criminal or psychiatric patient, or medical patient or whatever, in order to train or treat that person. They do not receive training and treatment on the streets.

CHAIRMAN CRAMER: If we were to modify the statutes to give you or the Youth Authority or the institutions of justice powers to stretch or to extend sentences, would that be of any use to you?

MR. OKEL: I believe such power now presently exists in the law. I believe the problem is that, in my judgement and in the judgement of the people that I represent, that the Legislature needs to provide some controls and some direction for the administrators in the Youth Authority. What I am saying is that the laws we have now in this area, they are probably adequate, but they are being bastardized. They are being ravaged by current administrators who have a philosophy that it is the criminal that needs to be protected and not society. I have heard many, many times that expression, that phrase used by my leaders. We have to protect these kids, they call them kids, at the expense of society. And I think therein lies the area of where corrective action needs to be taken. The department needs to be told what it is expected to do and what it is expected not to do by the Legislature.

CHAIRMAN CRAMER: Well, I think I at least fairly represent the atmosphere in the Legislature, and I am sure that there are no supporters of the idea of lessening the protection for citizens in the community from those individuals being paroled. If an individual is committed from the Juvenile Court to the Youth Authority, jurisdiction is 21?

MR. OKEL. Not always. In some cases it ends at 23,

but most always at 21.

CHAIRMAN CRAMER: Those are the most active, I assume, in violations of the law, those individuals of that age category?

MR. OKEL: Well, it varies. Not having done a lot of good research on it, but based on my experience, because they are younger, more impulsive, lack controls, they tend to create, violate the law a little bit more. But this relates, Mr. Cramer, partly to something Mr. Roberts pointed out in terms of more parole officers in the streets.

Many studies have been done several times to demonstrate that when parole, in this state or any other, provides a greater degree of supervision, of surveillance, of controls, that automatically you have a greater degree of violations. Simply put, if you watch them closer, you are going to catch them doing things they shouldn't.

Okay, and that is part of the problem. We are pushed, we are directed, we are guided into providing services and to concentrating our efforts in this area to the neglect of the enforcement area. There are a lot of our young people who are doing things we don't catch them at simply because we don't have the time.

CHAIRMAN CRAMER: You are saying to me a successful parole officer is one who doesn't violate people's parole in terms of the...

MR. OKEL: That appears to be the judgement of the administration, yes. They keep records on success rates, and violation rates. It is almost like quota systems. Sometimes I get the feeling that we are growing potatoes instead of dealing

with people. There are records kept on that, yes, and evaluation is made on violation rate by office.

CHAIRMAN CRAMER: So if you violate people's parole, you are thought of as a failure in terms of the supervision?

MR. OKEL: Well, you are thought of as a law and order cop kind of unit who's not stressing the kinds of things that the director and her staff would like expressed. We are not helping kids. See that is the other misnomer is that if the interpretation is and the message that goes out is that you are enforcing laws, you are not helping people.

CHAIRMAN CRAMER: Do you have an impression of the relationship of parolees and institutions from the Youth Authority and the police in the individual communities?

MR. OKEL: Yes, I do, having spent many years at both. I have found that as a department, in my judgement, generally statewide, I have travelled greatly over the last couple of years in my role as a leader, that our relationships with a great many law enforcement agencies stink. They don't trust us for a lot of reasons. There are many of us who work very actively as individuals to cultivate and maintain close, reliable, every day relationships with the law enforcement agencies with which we work. So some of us have very good ones, but it depends solely upon the efforts and the time spent by each individual parole officer. The department, as a department, has a rather poor image and relationship with local law enforcement, and I encourage you, don't take my word for it and don't take the Youth Authority's word either, go ask some of the cops. As an example, when the issue on firearms for parole agents came up. And I realize

that this committee doesn't want to cover that, the Director of the Youth Authority told us and told others that they really felt that it was proper for me as a parole officer, if I need to arrest a parolee, I go get me a couple of cops, and we go over to this guy's house, and then I sit in the car at the curb while the police do my job. And the director and his staff find nothing wrong with that. The only problem is they forgot to ask the policeman if that was what he wanted to do, if he wanted to do my job, and I think you will find they don't.

CHAIRMAN CRAMER: Do you have communications in the sense of if you are in a car, do you have a radio?

MR. OKEL: No, we don't. Most of the time we operate alone, unarmed, without any radio communications. We have to kind of use our wits. The director's attitude is that we should "duck and run" if I've got time. I've never figured out. always have the time to duck and run. The problem with that is when I am in Bassett or Baldwin Park, ten o'clock at night, and I go go down a dead-end street, and I am confronted, I don't have Pearl West there to give me some good advice on what I ought to do then. I've never been able to figure it out, but it also relates that a radio would help immensely. I could get help. The area that I work in, particularly Baldwin Park, gives me one of their radios, one of their own radios that I carry with me, and I have my own call letters so that if I get in that kind of a situation, and I need help, I can get it, but that doesn't help during the daytime when I'm just tooling on down the street like Joe Parole Agent thinking I'm doing a good job, and I encounter a dangerous situation. I have no help except to be able to run.

CHAIRMAN CRAMER: So you don't have any immediate way to gather information that a police system might have in assisting you in your work.

MR. OKEL: That is correct. I've had situations where I've approached a house to talk to a parolee, it is not uncommon because the only way you can supervise a parolee is by seeing them in their homes, at work, or at, when they don't know you are coming. If I sit in my office, as has often been suggested by our administrators, what we call an office operation, and I wait for the parolee to come see me, I only see what he wants me to see. He is not going to come in loaded and all messed up, packing his gun in my office, now is he? I'm going to see him in his community, and when I approach these homes, I have no way of knowing what is going on in there. I have my experience, my background, my training, but quite often I will approach somebody, there will be four or five of his friends there, some of them loaded, some of them packing guns, some of them with warrants out for them. It gets a little bit scary once in a while.

CHAIRMAN CRAMER: How many people do you supervise or does an average parole officer supervise at this time in California?

MR. OKEL: About forty. In the Youth Authority, it is about forty per parole agent on the average. Some have a little more, some have a little less. I would say somewhere between thirty-eight and fifty gives you a spectrum in that.

CHAIRMAN CRAMER: How often would you say that you see those people that you are supervising?

MR. OKEL: I see them on an average of twice a month or more. Sometimes more. Quite often as you are driving down the

street you will see a parolee walking, or he is standing on the corner drinking beer with his buddies, and that sort of thing. But on the average, it is twice a month or more. Some, more.

CHAIRMAN CRAMER: And you are encouraged, or do I misunderstand you, you are encouraged to do most of this in the office as opposed to in the street?

MR. OKEL: Well, no, they won't tell you that publicly. What I am saying is that when we bring up the subject, that in order to take and supervise parolees properly and go into the communities, their response is, well, you can always have him come into the office. So, what is the message? Many parole agents do that, by the way.

CHAIRMAN CRAMER: I have spent time in the criminal justice system. Do you feel that a psychiatrist's evaluation of the future expectations for an individual's file propensity is going to be useful to you as a parole officer?

MR. OKEL: Yes, it is. Many times. I may or may not agree with his conclusions about whether the person should be released. One thing of value is that it tells me most psychiatrists and psychologists will evaluate pretty accurately and pretty honestly how the person handles stress. How he responds to direction and control. How do you like being told what to do and what not to do. And these kinds of things which will help me in determining how to deal with this guy when he starts acting squirrely, strange, and when I need to get on him.

CHAIRMAN CRAMER: As you say there is a reduction in the time a person spends within the institution, is there also a reduction in time in terms of their supervision on parole?

MR. OKEL: Yes, there is.

CHAIRMAN CRAMER: Has that reduction been consistent with the reduction in time spent in the institution or is it...?

MR. OKEL: I don't really know. I would assume that it has. I know that in our office, the average length of time on parole at the present is about 16 months. Some offices in Orange County have closer to two years, so it is right in that general area. What we are experiencing right now is that those people who get off parole sixteen months or so probably have done well enough they don't need a parole officer. We have a great many who are being sentenced to state prison where we didn't before.

CHAIRMAN CRAMER: If the average age is 20.6 that you are dealing with, when you give them up on parole you are talking about a person about 22, 23 years old?

MR. OKEL: On the average, yes, sir.

CHAIRMAN CRAMER: Do you have a feeling for how many of those individual's parole is terminated as a result of reoffending and going to state prison?

MR. OKEL: Well, I know based on my experience, we are talking about the failure rate or recidivism. The department banters about a figure of somewhere in the neighborhood of fifty-five percent. Real problems with that. Okay. I'll tell you what is not counted as a failure. Again, what is not counted as a failure. If I have a parolee who holds up the local stop and rob (that's the 7-11), and he gets himself blown away and killed in the process, we don't count him as a failure. Why? Well, we didn't revoke his parole or he wasn't sentenced to state prison. If a guy dies of an overdose, he's not counted as a failure. If

a guy goes to another state, we have almost no method of tracking him since they only track about seven percent of the total. And even more interesting, we have many people on parole who have committed new crimes that convicted and sentenced locally, a year, two years in the county jail, they're still on parole, and they are not figures either.

CHAIRMAN CRAMER: Do you know why?

MR. OKEL: Not always. Many, many times we violate them. We leave them to serve their sentence in the county jail, but they are not counted as failures. Now, I don't object to them serving some of their sentences in the county jail. For some of them, that may be the most therapeutic thing that can happen to them. Welcome to the real world. I object to the Youth Authority counting them one of the successes.

CHAIRMAN CRAMER: So do I.

MR. OKEL: Well.

CHAIRMAN CRAMER: Do you have some guidance or policy statement in terms of when an individual has violated on parole?

MR. OKEL: We have a purported criteria on which we are supposed to report it to the board. Generally, that is when he has been arrested and violated the law, convicted, when he is a danger to the public, things of that sort. There is no problem with the reporting criteria. It is good; it's consistent enough and constraint enough to require parole officers to report criminal or even noncriminal behavior yet flexible enough to allow for reason and common sense. So there is really no problem in terms of the guidelines for reporting. Admittedly, part of our problem in terms of revocation, both at the state level and at

the county level, is the overcrowded jails and our overcrowded institutions. Okay, that is a problem.

I have no quarrel and most of the people I work with have no quarrel with that. Our quarrel is with administration who in our words obstructs us, who hampers us, who harrasses us from performing our enforcement responsibilities. Keeps pushing us that service is the only thing that is important. We do provide service, but we also provide enforcement, many of us.

The other part of the tragedy of that, and where we are really concerned, is that the department has gone out and actively recruited people who fit their mold, their philosophy. Service oriented people, the people who are not going to lock a parolee up, the people who are not going to do a search, or control behavior, and we feel that that is not only going to hurt the mission of our branch, the parole branch, but it keeps the department from doing the job it is supposed to be doing.

CHAIRMAN CRAMER: I gather from what you said to me that at least the information that you would like to be used more in a parole decision, is made available to you as an individual responsible for the supervision of an individual on parole.

MR. OKEL: That is correct.

CHAIRMAN CRAMER: So there is no communication problem there?

MR. OKEL: No, there isn't.

CHAIRMAN CRAMER: When you say there is a random parole decision, that's my own words, is there a written policy for identifying who should be considered for parole within the Youth Authority system ?

MR. OKEL: None that I know of. The parole board gives a continuance date, as an example, say Johnnie J.'s next continuance or his parole continuance date is December 1982; however, there is nothing in the rules to prohibit staff of the Youth Authority from bringing him up the day after tomorrow if they want to, and then next month, and the next month after that. It is a very vague and nebulous kind of standard. The criteria is very, very difficult to pin down so that what we have is a system whereby Youth Authority staff can bring up a ward before the parole board any time they want to.

CHAIRMAN CRAMER: But I would assume, and correct me if from your perspective, people in the Youth Authority system are no more interested in having individuals in the community hurt than anyone else so when you talk to me about an individual who is convicted of murder in one of the examples you gave where the district attorney, wherever he is, and the victims, whoever they are concerned about the early of that individual, why would the Youth Authority or some person in the Youth Authority be interested in having him to come on the streets so quickly?

MR. OKEL: That is a very good question, Mr. Cramer.

CHAIRMAN CRAMER: I don't understand the motivation in that.

MR. OKEL: I believe that, and I can only give you my opinion based upon my experience and what I know, I believe that the Youth Authority is currently being led by people whose basic philosophy is that no matter what this individual did, we should not lock him up at all. We should put him in the community. Okay, and let's get him out there as fast as we can. That's part

of it. I'm talking about the leadership now. From the standpoint of the line staff, the youth counselors, group supervisors, and parole agents who have to work with these people in the institutions, my experience is that they object to this as strenuously as we do. A later speaker, one who works in the institutions, will elaborate on this for you.

They are prohibited by administration from giving the board the truth, the whole truth, and nothing but the truth. They are restricted from telling the board everything it needs to know. Why? Because if you tell the board, they're not going to parole them.

CHAIRMAN CRAMER: So, your basic premise is the one you originally stated that as the solution to crowding is to put people on the street.

MR. OKEL: Beg your pardon, again.

CHAIRMAN CRAMER: The solution to crowding is putting people on the street.

MR. OKEL: Well, that appears to be their method they are using. That is correct.

CHAIRMAN CRAMER: Do you think the courts, from your observation of the people who are asked to supervise on parole, are sending too many people to the Youth Authority who might otherwise be more effectively handled in the community?

MR. OKEL: No, no, not at all. I agree with Mr. Roberts. Twenty years ago we had what we call juvenile delinquents, you know, runaways, the whole group. No, what we have now are hard-core young criminal offenders. They are not delinquents at all. Okay. And the other hard-cold fact is that we have that many more

people in California now than we had ten or fifteen years ago; we have that many more crooks. We haven't built any new institutions in ten years. As a matter of fact, the Youth Authority has actually closed down beds as has other institutions. Okay. Bed space is a real problem. I don't see how we are going to get around building new institutions. I realize the bond issue, well, that's four or five years down the road. I think that there are people in the Youth Authority that we could release right now, and there are those that we couldn't safely release for many years. I have problems in deciding who, and I think the department does, on which is which.

CHAIRMAN CRAMER: I think it is absolutely a crucial decision obviously.

MR. OKEL: It surely is.

CHAIRMAN CRAMER: Well, I appreciate that, John, for everything you did today.

MR. OKEL: Thank you.

CHAIRMAN CRAMER: Is Mr. Bruce Latimer here today? Would you raise your right hand, please? Do you solemnly swear and uphold that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. BRUCE LATIMER: I do.

CHAIRMAN CRAMER: Are you here by subpoena, sir?

MR. LATIMER: Yes, I am. Okay, to follow what John said, I am an institutional parole agent. I have been an institutional parole agent for approximately three years. Prior to that I worked as a group supervisor for about eight years and as a youth counselor for about three years. I've worked all of my time at Nelles School.

What John was trying to describe, and let me fill in on some technicalities that go on here. If a kid comes in for an armed robbery, he may be given six years by the court. According to the category, the category the board was assigning, two years, so his parole consideration date, his PCD date would be two years on an armed robbery job.

CHAIRMAN CRAMER: Would that, at least for my reference, would that be because they are trying to encourage the individual to cooperate and not cause trouble within the institution that that parole date is set that quickly?

MR. LATIMER: Yes. Yes. As I go on you will see how that gets used. I want to set the parameters so that we know what we are doing here. Okay. He gets two years at that time. Of that two years, the young man can earn one-third of that time off. Now, up until, for about an eight month period of time, the Youth Authority went through this "kick everybody out" policy which the board didn't go along with it. It terminated it sometime in May of this year.

In our institution a kid could earn, at that time, almost two-thirds of his time off, approximately 57 to 60 percent of the time off. It almost doubled that one-third.

CHAIRMAN CRAMER: Is that because of cooperation within programs as well as the one-third off built in the statute?

MR. LATIMER: I don't understand the question, sir.

CHAIRMAN CRAMER: As I understand our determinant sentencing law, you get one-third off as a policy statement assuming you perform, or at least don't cause trouble, within the institution. Do they get an additional time as a result of cooperation

in programs? How do you get to 57 or 60 percent off?

MR. LATIMER: That was basically some more cooperation. Somebody who was doing what they could call an exceptional job. The only trouble is, in our institution, almost a third or better of the institution was doing an acceptable job while the institution was out of control.

CHAIRMAN CRAMER: Out of control? What sense?

MR. LATIMER: The wards were basically out of control on the street when they came to the institution. We ran, like Doyle Roberts said, the sugar cookie type of situation, and they were out of control in the institution. A good example, in June, I believe, on my unit I had a rat pack go down between the Strips and the Pirates.

CHAIRMAN CRAMER: You have gangs in the Youth Authority?

MR. LATIMER: I beg your pardon?

CHAIRMAN CRAMER: You have gangs in the Youth Authority?

MR. LATIMER: Oh, yes, sir. Yes, sir. All gang members are in the Youth Authority. The rat pack took place, there were two separate rat packs, one took place in a room which involved four young men. The other took place in the dorm area on the cottage I worked. There were 18 wards involved in that. We were told to drop the one on the 18 wards. There were too many wards to prosecute. We prosecuted the four.

CHAIRMAN CRAMER: Who told you that?

MR. LATIMER: The program administrator.

CHAIRMAN CRAMER: Too many to prosecute?

MR. LATIMER: Too many to prosecute. It would be an embarrassment to the institution.

CHAIRMAN CRAMER: All right.

MR. LATIMER: Now we are talking about, we have the available confinement time for an armed robbery, six years, reduced down to two years for parole consideration date. Of that, he can earn one-third off. Until recently, there was a chance he could earn two-thirds off, plus we were to send for parole plans sixty days ahead instead of thirty days to give every ward an extra thirty days off. Now, that the board did not go along with so that was rescinded. But that was an attempt by the Youth Authority, and an attempt by the people in my institution to give greater time cuts. These are not time cuts. These are what they earn supposedly. When we are talking about time cuts, we are talking about things over and above what they earn. In other words, you could get a two-thirds time reduction and still get an additional time cut.

CHAIRMAN CRAMER: Okay. In Texas, as an example, they have a work system there where for every day you work in an industrial circumstance or a job within the prison, for that day you work, you get a day reduction of sentence. But you are not saying that to me.

MR. LATIMER: No. I'm saying that a kid goes to school and if he does not cause any problems in school, basically, he is going to get three days off in a month.

CHAIRMAN CRAMER: So if he attends...

MR. LATIMER: If he attends, he is graded on his ability, which is usually underrated, and he doesn't cause any problems. He can sit there and play dominos, and literally, I'm not making this as an example, he could literally play dominos, and

get those three days off.

CHAIRMAN CRAMER: Okay.

MR. LATIMER: Okay, then he is graded on his citizenship on the cottage and on his treatment. These numbers, by accident, if the kid is doing nothing, I mean absolutely nothing. He is a total destruction in the institution, he will automatically earn thirty days off of his parole consideration date no matter what in a year. He can't miss.

Any time that he spends in the adjustment cottage does not count against him. In other words, that is jail for jail in our institution.

CHAIRMAN CRAMER: If you go to a disciplinary facility within the institution, some rule has been violated.

MR. LATIMER: That is true.

CHAIRMAN CRAMER: And that is not considered.

MR. LATIMER: The system is set up so that the ward has to win. I mean, there is no way you can get away not giving him a time cut. It is an automatic system.

CHAIRMAN CRAMER: Is there anything he could do there that would lose the good time he has earned?

MR. LATIMER: Yes. Okay, now we are getting into the next phase. When in June or July, whenever it was, when the board wouldn't go along with the large time cut system, we were told, we got a memo down from Sacramento, and we were told in different meetings and thing like this because most rules in the Youth Authority are not written, they are oral. The oral rules are the ones you follow. If you follow the written rules, you are in trouble. I am not trying to be facetious there. I genuinely mean what I said.

I realize the absurdity of it, and I feel ridiculous in telling you this but it is true.

Anyway, what they wanted to do was to reduce down what they call DDMS time. DDMS is Discipline Decision Making Systems. It is a court within the Youth Authority to make sure for serious offenses that the ward would lose some of his rights like time or whatever, that is fully adjudicated. In other words, he has an investigation, he has a fact finding, he has the level set and then he is given a certain amount of time or discipline. He has two levels of appeal to go through in his discipline so that when the recommendation is followed through, he has had all of the legal rights, or all of the legal rights have been protected.

We were told to reduce down the time we give at board. In other words, adding time if there is offense like battering another ward or rap pack. We were told to reduce that time down by forty percent.

CHAIRMAN CRAMER: That's orally told that?

MR. LATIMER: I believe that in my paper, I could come up with something in writing on that, and if you would like it, I will research it and get it for you.

CHAIRMAN CRAMER: I would appreciate that.

MR. LATIMER: Okay. So now we are looking at reducing the DDMS time. We were running right around forty percent. I think our _____ was given 176 days or something like that. That is conjecture on my part. I'm not sure what the exact time was. We weren't reducing that down adequately so the assistant superintendent put out a memo to the effect that the program administrator was to screen all DDMS processes. So now if I bring a

young man up for four months on a serious battery, it will be reduced down to one month, before he ever goes to his levels of appeal, before he goes beyond. Once he is found guilty, and he is sentenced, then the sentence is reduced. Once it is reduced, the only one who can add to that sentence is the board. So we are greatly reducing down, so we are reducing down, so we are reducing again, we are talking about beds and bucks. We are talking about the public be damned. We don't care what this kid does in the institution. Our whole thing is to get them out as soon as possible.

CHAIRMAN CRAMER: Do you have a serious crowding problem in your institutions?

MR. LATIMER: Do I have a serious what, sir?

CHAIRMAN CRAMER: Crowding problem in your institutions?

MR. LATIMER: That is a relative question. My institution, when I first started working there, had sixty wards on a unit. On my particular unit, I have forty-nine wards now, and we are saying we are overcrowded now.

CHAIRMAN CRAMER: Is that from court decisions on how you house people, or is that a Youth Authority policy according to how you house people?

MR. LATIMER: Youth Authority policy.

CHAIRMAN CRAMER: Because you are right. There is going to be a bond issue before the public in June of 1982 for \$4 million to build additional facilities, so we ought to be able to rely on the fact that those facilities if in fact are needed.

LATIMER: I think the facilities will probably be needed at that time, but to say that we are overcrowded now is not

necessarily true. To say we are crowded and that we would benefit by having a lower population may be correct, but when I started working there we had 60 wards on a unit, and we were four post coverage. Now we are a five and six post coverage with 50 wards on a unit. So it is costing us a great deal more money to house less kids.

Now, recently the Youth Authority is in the process of coming out with a new board report format. John was talking about how inadequate the board reports that he got in parole are. Okay, this new format segments the board report so that no one central body would get a full look at the kid. I will send one report to board which will say a certain amount of information. I will send a separate report requiring different information to parole, and I will write a third report which may or may not go to the board.

CHAIRMAN CRAMER: What is that third report for?

MR. LATIMER: Well, that's basically for population management system, and some of this may make sense except the segmenting of these board reports. When I asked why we were doing this, I never got a direct answer. Basically, I got an answer that it was policy and that was it, and not to ask any questions further. That was implied, that wasn't stated. But basically what it is doing is it is taking, that John felt that the reports he was getting in the past were inadequate, they are going to be further inadequate today. He is not going to find out anything about how the kids perform in the institution at all. And the board is not going to find out what kind of information we're trying to send out to parole.

A lot of the pertinent information about the ward, we

were told, to keep out of that report.

CHAIRMAN CRAMER: That means also doesn't it that when you have the chance to supervise somebody on parole successfully, you are taking away some of the tools which might be helpful to an individual in working with such person?

MR. LATIMER: Exactly. Basically what goes into that board report is nothing more than a continental sketch of the kid's name, his address, where he wants to be placed at, and if he has any possible job. What he is actually doing in the institution itself is supposed to be very, very restricted.

CHAIRMAN CRAMER: So he has no exposure to see into the institution.

MR. LATIMER: We are dealing in a departmentalized type of situation. We are also being put in this situation as an adversary to the board. Instead of working as before, we are put in an adversary position where we are trying to get over on the board instead of working together to establish some better working criteria for that kid. This, in my opinion, came down when Pearl West was no longer head of the board. Pearl used to direct the board and now she doesn't. This also is my conjecture in the future with the public being able to look at records more and more. It is going to be harder and harder to find those records.

In my particular institution, what is interesting is the parole agent is in charge of treatment. I am in charge of all the things that they do towards that treatment. I am also in charge of the board report that is written, and I'm supposed to oversee that. As of two weeks ago, I no longer sign that board report. I no longer have to have anything to do with that board

report. That has been allocated to my superior, my treatment team supervisor, and this is true, at Nelles, so that the administration now is making the final decision instead of having the people who are working directly with that ward, make the decisions on what goes into that board report and that it adequately reflects what the kid is doing. Now that power has moved up a step, so now it is on an administrative level.

You know, I am trying to get these across because the subtleties of what happened in the Youth Authority. It is nothing clear cut. Now they are going to, why as an institutional parole agent, I cannot give my professional opinion in board, when asked by a board member, what do I think of that ward. It is because supposedly we are making a team decision on the unit, and a team decision writes that board report. The irony is recently, that team can be overridden by the team supervisor, a person who does not supervise kids, and who is not on the unit, the program administrator, an administrator over the TTS, and the superintendent of the institution. So the six or seven people that are working with this ward for a year or two directly at least five days a week, who know what the ward looks like, who knows all the functions of the ward, do not have the power to exactly express what they want or what needs to be, an adequate expression of the ward.

CHAIRMAN CRAMER: So your supervision of that individual is essentially undermined by the fact that you can't influence what is going to happen to him.

MR. LATIMER: At times, yes. If an administrator decides that that ward is going home, that ward is going home, and it makes no difference what our input is, the people who have to work with him.

I think I have covered most of what I was slated to talk about. Are there any questions along those lines?

CHAIRMAN CRAMER: No, I think, I hope I have understood what you have been saying to me in terms of the implications of dealing with individuals within the institution. I appreciate your remarks very much, Mr. Latimer.

MR. LATIMER: Okay.

CHAIRMAN CRAMER: Thank you.

MR. LATIMER: Thank you.

CHAIRMAN CRAMER: Is Mr. Friscoe here, Mr. Ervin Friscoe? Mr. Friscoe, would you raise your right hand please? Do you solemnly swear and uphold that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. ERVIN FRISCOE: Yes, I do.

CHAIRMAN CRAMER: Were you here as a result of subpoena?

MR. FRISCOE: Yes, I am. My name is Ervin Friscoe. I am a parole agent with the California Youth Authority. I've been with the agency eleven years. I began at the Youth Training School as a youth counselor. I remained there three and a half years. I then went to our Southern Clinic on an in-grade pass as a youth counselor and remained there a year and a half. I then went out to field parole on a promotion and spent five years in our watch unit as a case carrying parole agent. I am now assigned to the law enforcement communications team. This unit does gang intelligence for the Youth Authority.

I think one of the reasons that I was requested here was to speak on parole decisions and policies that I am familiar

with and I will get into that area. But one of the things that I would like to get on the record while I have the opportunity before the microphones is to enunciate something about the dichotomy of the parole agent's position as caseworker or counselor and as the law enforcement agent.

We are peace officers, namely, peace officers, safety retirement. We benefit from that as parole agents. I notice that in the room here we have about seven case carrying parole agents.

One of the things I would like for them to do is, if they have made an arrest since the first of November, is to raise their hand, any of them. If they have made an arrest in the last sixty days, would they raise their hand. Six. Okay, the main salary, I think, of about \$2,300 for a beginning parole agent. I wonder if the citizens of the state are getting what they are paying for; what our mandate is for public safety. I think the inability or the lack of initiative in that area by the administration of the agency really robs the citizens of what they in fact think they are paying for. I recognize the citizens want something done in terms of treatment for young people. By the same token, when our young people that we supervise get into the area of similar behavior, I think the citizens, taxpayers, also would like some response in that area, and I question whether or not they are getting that on a consistent basis.

CHAIRMAN CRAMER: If you are aware of a law violation, the policy I gather is that you report that to the police and they make the arrest. Is that what you are saying to me?

MR. FRISCOE: I don't know what the specific policy is now because I'm not a case carrier, but the policy though by law

is, I would think that would take law, is that we are peace officers. If we see a crime committed and know of one being committed, we should make an arrest and proceed from that.

The agency policy is to report known criminal behavior to the parole board. The option of arresting a parolee for criminal behavior, I think, is specifically left to the individual parole agent. He can go ahead and do something in that area or by the same token, he can go out and request assistance from local police officers to help him to effect an arrest.

My experience is that it usually goes the other way -- that nothing is done immediately. The issue is addressed when in fact the police officers come in contact with the individual. What basically I'm saying, is there is no enforcement arm or mechanism within the Youth Authority, and as a law enforcement agency, I think that that would be at least, if not the first priority, the second priority, also because we are mandated to do some treatment things. But I don't know where at any point that that is a mandate, I mean that that is a priority within the agency either in parole services or in our institutional setting unless something is severe enough to warrant outside prosecution. It is generally held in-house. Things that we do in our disciplinary decision making system would in effect meet the criteria for felony filing generally. It has to be something very severe to get to that level, but it is held on an inside basis.

I would like to relate to you an experience that I had as a youth counselor although Ms. West and the current administration were not in charge. I think the same general philosophy is ongoing. I had an inmate who was in custody for murder. He had

been beaten up by his brother-in-law. He was about 15 or 16, and he just got big enough so he confronted the brother-in-law and when he was 18 he trapped the brother-in-law in the bathroom and shot him in the head. He had originally been committed on a robbery. He had been paroled and now was recommitted. He was coming back from our kitchen at the Youth Training School and he had apparently stolen a pie or something, and the youth cop was asking him what he had under his shirt, and he, in tandem with another individual, diverted this youth counselor. He picked up a typewriter and hit the youth counselor in the head. It blinded him, paralyzed him on the left side, and eventually he died about 18 months later. Anyway, this individual while committed for murder under the Youthful Offender Act then was prosecuted outside for assault with a deadly weapon, it did not approach what the commitment to the Youth Authority was for murder, but he is now an adult in an adult situation and instead of that murder conviction going with him to the Department of Corrections, he was sentenced only to the Department of Corrections as an adult on the assault with a deadly weapon. The murder conviction didn't go with him.

Anyway, to make a long story short. I left the Youth Training School for the Southern Clinic and went out on parole and met this individual about a week after I was out in parole. So in effect, by killing this youth counselor, he got out earlier because he went to SRCC. That I bring up to make by basic point is that they are committed to us with some very serious crimes and I know we have new dichotomies and that type of thing. I just question, couldn't we develop a mechanism that assumes an individual does reach majority, 21, he is committed to us for 187, make that double

187, why should we let him go necessarily at 21. Can't we develop a mechanism to take this individual a step further, some medium ground as opposed to discharge?

CHAIRMAN CRAMER: I think there is serious discussion going on as to whether or not we should have a three-tiered system in our prisons in a sense that you take the historic person who came to the Youth Authority and have that level of an institution, then...

MR. FRISCOE: The status offender?

CHAIRMAN CRAMER: I beg your pardon.

MR. FRISCOE: Is that the status offender you are making reference to?

CHAIRMAN CRAMER: No, I'm not. I'm talking about individuals being convicted of a crime, but not the kind of violent crime that we are beginning to see more and more of. You have a youthful offender underprison system which does not have a top. It is just a matter of a mix of the people in that institution plus an adult facility.

MR. FRISCOE: Well, I certainly think something like this is needed, a bridging mechanism. I think one of the major reasons, in addition to bed space, in the paroling process is the fact that they reach a certain age, and let's move them on. They have been with us long enough. Sort of an age promotion out the door because they will be going completely pretty soon.

CHAIRMAN CRAMER: I'm not sure graduation into parole in the sense of...

MR. FRISCOE: But in effect that is what we have when you take the statistical data, something like forty percent of

the people in the Department of Corrections are ex-YA parolees. In effect, we are graduating them right up. Those that make it, a lot more of those are being converted into the county jail systems and the systems out of the state.

Anyway, the basic reason that I am here is to discuss paroling decisions. It was difficult for me to address because I haven't worked inside since '75 as an institutional agent. The areas that I can address are the people that are taken before the parole board for revocation and violation hearings while out on the parole setting. I've had very little experience. Occasionally, it is some that I have had some questions about, but by and large, I find pretty good credibility in terms of the parole board and the board hearing staff relative to civil service positions. Again, it's not 100 percent, but I've had very good experience. So in terms of the institutional experience I can't say anything negative in terms of the institutional type experience because it has been so long that I've been removed from that setting.

CHAIRMAN CRAMER: How do you feel in a proper case you are being supported in terms of violations, that sort of thing, in your work as a...

MR. FRISCO: Generally, with the hearing representatives of the Youth Authority Parole Board and generally with the parole board members, I've had very good experience. Again, I've been in a staff assignment since September of 1980 and things may have changed -- different employees, that type of thing.

One of the parolees that I had for a violation hearing, who was in fact revoked, made the papers the other day for a triple killing. He was on parole originally for murder and he was

revoked for pointing a 12-gauge shotgun at a Los Angeles Police Department officer. It wasn't a triple killing per se; I count the six-month fetus as a human, one of the victims was a six-months pregnant woman that he was accused of killing.

In fact, we got him when he was about 14 and he's now 20. He's done about -- if you count the fetus -- four murders in the last six years and he's been on the street, I would say, about half that time.

CHAIRMAN CRAMER: That's the kind of person you feel should not be on parole at all?

MR. FRISCOE: I question whether he should have been released. I think there should have been some mechanism to get him into the prison system, or some system, as opposed to being released.

The incident that he was committed to the Youth Authority for was a gang killing. He got on the RTD Bus, he and some friends in Los Angeles, a Mexican National was in the seat, they needed the seat, they shot him and threw him off the bus.

CHAIRMAN CRAMER: For a seat?

MR. FRISCOE: Yes, for a seat.

Once he was paroled, the family of the Mexican National was suing the RTD. The attorney representing this family wanted some information from him. He said he'd be glad to testify for a cut of whatever settlement they got.

Anyway, he pulled a gun on a police officer, he revoked his parole, they sent him back to the "Y" for a year, then he got a three month time cut. He's been out about the last thirteen months and he was just apparently involved in this double homicide

which made the papers the day before yesterday.

CHAIRMAN CRAMER: Historically, it's a real mistake to point a gun on a peace officer.

MR. FRISCOE: Well, he's very fortunate he survived to go on and kill another day apparently. Those types of decisions, although I won't say those are the majority decisions, that's one I'm familiar with. Again, as I say, my personal experience with these decisions is very cooperative of in terms of whatever my recommendations are.

CHAIRMAN CRAMER: Is there a pretty good tracking system for parole success or parole supervision in terms of what happens?

MR. FRISCOE: The tracking system is basically left to the individual parole agent. If he really wants to go ahead and do something he can do it; like the surveillance aspect of it. Tracking overall? No. I don't think there's any mechanism for tracking parolees, for example, who are on "missing" status. What we have is called a case summary and it's done 30, 60, or 90 days or crises, depending on the level of supervision that the parolee needs. We declare him missing if we haven't had a face to face contact in 30 days. For example, if a person has not been seen since October 13 (today is November 13) the parole agent is mandated to issue a warrant and write a case summary for the individual who is missing. This person is then listed as missing on a case summary that goes to the field folder in Sacramento and that's the end of it.

Now, does somebody go out and look for this person? No, unless the individual parole agent himself takes it upon

himself to do that. There's no mechanism for finding that individual and bringing him back to parole supervision for revocation of

CHAIRMAN CRAMER: So if he chooses to move from LA, as an example, to Bakersfield and you don't see him, there's no particular to find him in Bakersfield.

MR. FRISCOE: Not unless he's at a traffic stop or something and the police stop him for driving without lights and they find our warrant that he's missing.

CHAIRMAN CRAMER: Do you think it would be useful, statutorily, as an individual processes himself through the juvenile system to count those as prior in dealing with that individual as he becomes an adult?

MR. FRISCOE: I think absolutely. The only way you can get that type of thing on record though is if you have -- if a guy is back into the system for a crime, then you have a _____ of probation officer doing the presentence report who calls you on an individual and says, "Do you remember so and so? How did he do when you had him? What did he come to YA for?" That's the only way you can get that kind of material. There is no formal mechanism for it.

CHAIRMAN CRAMER: Do you think that would be helpful to you?

MR. FRISCOE: Unquestionably. But, generally, we don't get them once we discharge them. They rarely are ever recommitted to the Youth Authority. They usually go on to a higher level of custody.

CHAIRMAN CRAMER: So we just continue to have victims.

MR. FRISCOE: Yes. One of the things that I was very -- I tried to develop a lot of _____ that were the victims. As you go along, you know, counting the total it's just beyond belief. Every situation they're in, somebody ends up hurt or robbed or something. You know, it's mind-boggling and I just question whether or not our bosses, the taxpayers, are aware of what's walking around in their midst. I think they'd faint if they could read some of these case folders.

CHAIRMAN CRAMER: People are getting tired of being hurt.

MR. FRISCOE: Hopefully, _____ mechanism do something about it.

CHAIRMAN CRAMER: Is there anything else you can add to help me with today?

MR. FRISCOE: No, there's nothing else I want to add.

CHAIRMAN CRAMER: Thank you very much, Mr. Frisco, for coming.

Jim Hooper. Would you raise your right hand, please? Do you solemnly swear or affirm that the testimony that you are about to give this committee shall be the whole truth and nothing but the truth?

MR. JIM HOOPER: I do.

CHAIRMAN CRAMER: Are you here by subpoena, sir?

MR. HOOPER: Yes.

I've been asked to address the committee concerning the day pass and furlough programs, as well as security and public safety. With that, I'd like to refer to some statements from a letter we wrote to the director. This is from the parole agents' association that's in the California Youth Authority. Further,

let me state that I'm one of the past presidents, as well as John. One of the past presidents that wrote this letter has passed away and is not able to testify that he wrote this letter, but I can verify that I saw the letter when he did write it.

It was sent to Pearl West on the 18 of April 1979. I'm going to quote from it, just picking a few things. I will be to supply the entire letter.

"This association is expressing concern over the administration of the day pass program within the Youth Authority. Our chief concerns involve the following:

There is rarely, if at all, any notice of a meaningful nature given to parole staff prior to the granting of a day pass.

2. There do not appear to be any specific reasons, goals, or objectives before granting a day pass.

There is rarely any investigation for examination of community conditions prior to signing a day pass.

Institutional staff are totally lacking in any significant knowledge of existing community conditions or problems.

There is little or no effort by institutions to obtain such information.

There are no real significant controls on wards placed on day passes which would enhance the public safety.

There is no notice of any kind to local law enforcement agencies that wards are, in fact, in the community."

And one other thing that I would add at this time that was not in the letter, and that is that the victims -- or potential victims -- are not notified when the person is placed on a day pass. And I don't mean they've got to make a broad statement

to them that such and such is coming out. I'm talking about people that he might have threatened, or might have testified against him in court, or something like that.

CHAIRMAN CRAMER: What is the basic policy of the Youth Authority in terms of giving day passes?

MR. HOOPER: My understanding at this time is the individual has to have served two-thirds of his sentence. That may or may not be correct. That's my own understanding. In order to grant it, they have to have served two-thirds of their sentence.

CHAIRMAN CRAMER: What would be the purpose of a day pass? To look for a job?

MR. HOOPER: The stated purposes of day passes have been many, but the primary ones that are used are to look for employment. Now when an individual is serving three years for murder at a two year mark -- or whatever the two-thirds is, I don't understand that particular one. Another one is to look for trade training or look into school programs. The same type of rationale. Another one is, that's more commonly than those used, is to reestablish his relationship with the family. The real puzzling thing to me on that factor is that the family usually visits him in the institution more than once a month, and is very well aware of his circumstances and he they. So I don't understand those type of reasons either.

ASSEMBLYMAN CRAMER: Is this a reward system or is this a right?

MR. HOOPER: Well, the impression that is given is that the two-thirds mark is a right.

My opinion, as well as others, as well as the executive council of our association, was that it's being used as a control

mechanism by the institutions and by the Youth Authority administration: to control the population in the institution, to keep them satisfied so they will not do anything violent or destructive.

CHAIRMAN CRAMER: Do you have a feeling for how many people might be on a day pass within the system?

MR. HOOPER: A few months ago we were given the figures that on any given weekend at YTS -- which is right close to here -- there are between forty and sixty inmates on a day pass.

CHAIRMAN CRAMER: What sort of supervision do they have during the day that they're on a pass?

MR. HOOPER: None. They're released to the parents or relatives, or whoever they're going out on the day pass with. There is absolutely none. The institution, more likely than not, never contacts the parole office to establish whether or not this individual is a violent gang member of whatever, or a leader, or establish what his current circumstances are in the community as to whether or not there may be two opposing gangs warring. And there might have been a murder two nights before. Anything like that; it is not really checked into.

Police agencies are not notified. The district attorney is not notified. The parole officer is not notified. The victim of a violent crime -- could it be a murder or rape, anything like that -- is not notified. As a matter of fact, we have a memo from the chief of institutions in the south, directing that institutions need not notify any parole operations.

CHAIRMAN CRAMER: These people -- at least gang members -- still have turf to protect and that sort of thing. So there's no notice. They can come back into or go on into somebody's area?

MR. HOOPER: Exactly. That's right. It's also very disconcerting, Mr. Cramer, that an individual in a community -- a field parole agent, particularly, will go into a police agency. And to that police agency, if it's the area where I work, or any other parole agent, to that police agency I am the Youth Authority to that agency. And when they confront me or another parole agent with the fact that "John Doakes" was in the community on a given day and I have no knowledge of it, it rather catches me rather flat footed and unaware. And they're pointing fingers and asking questions to which I have no response, because I had no knowledge that that was going on. This happens frequently, it's not a once in a while situation.

CHAIRMAN CRAMER: I assume that the reason the police are aware of this is something has happened.

MR. HOOPER: Either something has happened or one of their officers saw this individual there for one reason or another. More likely that is the situation. He just happens to see him in the community. And when I come in and they ask me where he is, and I say he's locked up in such and such institution, or he's away at one of the institutions, typically they say, "No, he was here yesterday. He was on the corner of Alameda and Second, you can't argue with them. They know who he is and they know what he has done, and they know where he's supposed to be. They want to know why in the hell he isn't there.

CHAIRMAN CRAMER: Is there a reporting mechanism? Assuming you give a guy a day pass, or a lady, do they have to tell the institution that they went to this particular place or that place to look for a job, or they have to report about involving themselves

in some sort of training.

MR. HOOPER: No. Ironically, these programs that I spoke about earlier...the reasons for the day pass is to go out and enroll in school. Most schools that I know about run Monday through Friday, and most of these day passes are happening on Saturday. So I don't know how they register for school on Saturday, but apparently they know the registrar.

CHAIRMAN CRAMER: Does the inside people -- do the people within the institutions, do they help or schedule the meetings an individual might have as a result of being given a day pass? Is there some preparation?

MR. HOOPER: No, not very often, if it is and you mean with a potential employer, or you mean just schedule, time schedule.

CHAIRMAN CRAMER: I was just thinking to myself, that if you're going to let somebody go for a particular purpose, I assume that he's going to have it or she's going to have a very difficult time scheduling appointments, and I assume within the institution, there would be some assistance in that regard before you would allow an individual to go on a day pass.

MR. HOOPER: Sometimes that is true where there is some scheduling, but that is an exception and not the rule.

CHAIRMAN CRAMER: Then you think most of the day passes are not given during the week, but are given on weekends?

MR. HOOPER: That's correct. Let me further state that if, in fact, YTS had -- let's take the middle, the median -- fifty inmates out on a day pass on this coming Saturday, tomorrow, let me ask or pose the question to you. How do you suppose the controlling of those inmates coming back in off of day passes is

going to happen to stop contraband and drugs or weapons is going to happen without being a maximum, a major cost to do the proper staffing and proper security of people coming back into that institution? I would be willing to bet you that it is not happening. We're talking about skin searches and total observation for a while that's determined that, in fact, the security of that institution is not being breached.

Now, also along with these day passes, some of the inmates that have come out on day passes because they've been violated or revoked, their parole's been revoked, have threatened to do bodily harm to police officers, and in particular, I'm more interested in the fact that they've threatened to do harm to parole agents. I had one incident like this happen a year ago to myself, where this individual had made threats that he was going to kill me when he got out. I found out that he'd been back in the community at least four or five times that I was totally unaware of. I had revoked his parole and had to chase him through the community of Azusa, both by foot and a little by vehicle, in order to make the apprehension on him when we had a warrant for his arrest. And, I had no knowledge that he was in the community; no warning at all. And yet he had been there at least four or five times. Now, I think that's irresponsible and really insensitive to my security. Also, some of these people that are being sent out on day passes are recommended for these time cuts, etc., and specifically day passers are under some pretty heavy medication. Just this last week, I received a request for furloughs and day passes and possible referral to parole, yet within the next couple of weeks for a young man who is on 150 milligrams of Millaril

plus Benadril to help him sleep. These people want to give him a day pass, and a furlough, and possibly put him on parole. He's in our intensive treatment program down at the clinic at SRCC.

CHAIRMAN CRAMER: Who's making those recommendations?

MR. HOOPER: The staff.

CHAIRMAN CRAMER: Within the institution? These people, do they have to have somebody to provide them transportation, or when they are put on a day pass they...

MR. HOOPER: Usually the parent or relative comes and retrieves them. These day passes and furloughs, if I can continue, have been met with objections from district attorneys and police departments. Most recently, the Riverside City Police Department, as well as the district attorney there, have written letters to Pearl West objecting to day passes, period, for any reason, for people coming into Riverside. There have been letters written by chiefs of police just about in -- oh, well, I'm not going to venture a guess, in a lot of cities in eastern Los Angeles County and San Bernardino County; chiefs of police and sheriffs and district attorneys stating their opinion about day passes and furloughs and what kind of nonsupervision is going on. And all of these letters have been met with a very curt response that: it's our business and none of yours, and we will do what we want to. I don't think that's very responsive to the security of the community, either.

CHAIRMAN CRAMER: Well, that's a more extended period of time?

MR. HOOPER: Yes, it can be. Well, it can be open-ended really, but usually it's a week or two.

CHAIRMAN CRAMER: And that goes around the parole system

completely? And that's an internal decision as to whether or not an individual should be furloughed?

MR. HOOPER: That's correct. It sometimes does include parole decisions, though.

CHAIRMAN CRAMER: Two or three weeks you said?

MR. HOOPER: It could be two, we've had some that were open-ended that have gone on for months. I can't cite you an example of one recently, but I know of one a year and a half ago, two years ago.

CHAIRMAN CRAMER: Who supervises an individual on furlough?

MR. HOOPER: Sometimes there is a request that parole staff make contact with them, usually there is. But like I say...

CHAIRMAN CRAMER: Have you finished? I would like a copy of the letter that...

MR. HOOPER: Okay, I'll get you a copy of it; I don't have one with me.

CHAIRMAN CRAMER: Okay, Mr. Hooper, thank you very much.

Is Mr. Diaz here? Joe Diaz. Mr. Lona, Joe Lona? Excuse me, sir, would you raise your right hand? Do you solemnly swear and affirm the testimony that you are about to give this committee shall be the truth, the whole truth and nothing but the truth?

MR. JOE LONA: Yes.

CHAIRMAN CRAMER: You're here pursuant to the subpoena of this committee?

MR. LONA: Yes. My name is Joe Lona, currently employed at the Fred C. Nelles School, as a youth counselor, also doing

polygraphs for the Youth Authority. I've been with the Youth Authority for ten years. I've been in Washington Cottages, a specialized unit, Spanish speaking, for the last two years and four months. What I would like to speak about is security and the public coming down to getting better security.

I'd like to relate something that happened this year, in fact, at our institution, which seemed to be quite rampant for a while, and that is assaults on staff. They did an assault on a youth counselor, very respected, an older gentleman by the name of Mr. Wicks, which brought about great changes in our institution. I've spent all of my ten years with the Youth Authority at the Fred C. Nelles; unfortunately, too many times the type of action I initiated has to come about before changes in the institution, itself, can come about. This is all I can speak about, as I said, is the Fred C. Nelles School. Mr. Wicks got assaulted there by approximately six wards. He was beaten very badly. If I remember correctly, it was about April of this year. I remember it was on a Thursday. That Monday I'd been involved in employee action at the institution. To my detriment, I'd like to say, since I've been there. That Monday, of the week that Mr. Wicks got assaulted, I'd had a meeting with the superintendent, a Mr. Kayson, on my own, at my own initiation, because I'd seen the program as it was progressing. The program we had was very, very detrimental to the staff. In the previous eight years, there have been more assaults on staff in the last two years at Fred C. Nelles School than in the eight years before that, combined. I have seen this with my own eyes; I have talked with my fellow employees on the line; everyone was apprehensive of the wards. There was what I would have to

call a molly-coddling program going on at that time. Anyway, Monday of the week that Mr. Wicks got assaulted, I had met with Mr. Kayson, the superintendent, and Mr. Bob Brown, our new assistant superintendent, and brought several factors to their attention: that the wards had, in my opinion, and the opinion of the rest of the line staff, "taken over the institution." Staff was restrained from doing the job. The institution, rather the adjustment center, AC, was crowded, was full to capacity every day, almost. We were told we could not send wards to the so-called box for disciplinary reasons. Overpopulation had taken over our institutions like I'm well aware that it's taken over the Youth Authority. We had taken away the so-called timeout rooms, which are temporary detention rooms, on the units. We could no longer use that in order to house wards. We have an open dorm setting and I question the taking away of the so-called timeout rooms, because there's nothing in my mind that says a ward has to sleep in an honor room, so-called. The senior's office was taken away; he was housed in the laundry room. The parole agent was threatened with losing his room; wards were not being disciplined and it had trickled down through the so-called grapevine that wards are not to be prosecuted for certain nonvictim crimes; like bringing in narcotics into the institution. Anyway, I brought all this to the superintendent's attention. Security checks were not being made on the units; we were prohibited from going down on -- it's always been the line staff watching themselves. We have a so-called sound security system that's inoperable a great deal of the time. We make security checks in the dorms. We did not have panic buttons, so-called, and FM alarm systems until the tragedy happened here in

YTS some years back, and we got them. They're inoperable at times. The program administrator, head of security at that time, determined that we were not to go down into the dormitory at all without security persons present. This was fine and dandy, except they were never present.

As it stands now, between the hours of ten and midnight, we're supposed to make half-hour dorm checks most of the time, and I have no answer for it. Most of the time we did not have a security person present. Anyway, I hope you don't mind my rambling a little.

CHAIRMAN CRAMER: No.

MR. LONA: The Monday of that week that I spoke with Mr. Kayson, I brought these things to his attention. And my final remarks to the gentleman, and to the assistant superintendent at that time, were that if the program was not reevaluated, closely looked at, and line staff especially were not backed up, that someone was going to get hurt terribly bad or killed. That was on a Monday and on a Thursday, Mr. Wicks got attacked. So, I turned to the people that I have always turned to, that have always been the victims, to line staff for support. I drew up a petition and I urged them to sign it and circulated this for a couple of days in the institution, and I got about approximately eighty signatures.

CHAIRMAN CRAMER: How many?

MR. LONA: Approximately 80 signatures. I made it a point to cut across all classification, job classifications, not just youth counselors. Then I went to the teachers, because teachers have been assaulted; I went to the youth counselors, because youth counselors have been assaulted; I went to the groups

of providers, which is security persons. They have been assaulted because they are the ones who have to go up there and drag these guys to the box when there's room, and it's really something serious. I went to the kitchen workers and they're tremendously afraid of the wards, and they've been assaulted. They cut across all strata. I contacted the State Employees Association and they came in with their committee and we had a meeting with the superintendent.

I would like to say in all fairness that conditions have changed, and they've improved. We got a new program administrator who is now backing our staff, a lot more than the former one was. We got a new assistant superintendent, who was there, he's brand new and he's initiated some changes. We've got security lockers on the unit now that are slowly being resupplied in case of emergency situations, which we've had, riots at Nelles, which we've never had before. And we've got security positions allocated, more security positions. That hasn't been this year alone. The early part of this year, at nighttime, on a unit with, say, fifty wards on the average, and an open dorm setting, in the middle of the night, if you'd have a fight down there, they were sending one security person in there. Then all of a sudden there seems to be a tremendous surge in the Youth Authority to delineate between so-called management and line personnel, which means that the assistant head security group supervisor on duty is not to dirty his hands helping his man and he's supposed to send one man into the (coughing in mike) to break up the fight and take out two wards. Well, the youth counselors or group supervisor on duty watches fifty other people, or forty-eight other people.

At any rate, this is the kind of action that has been, in my experience with the Youth Authority, necessary in order to bring about change.

CHAIRMAN CRAMER: So you got some response from your petition that was -- you delivered that to the warden of your institution?

MR. LONA: To the superintendent. Yes. I brought up the topic that it was summertime, summertime coming around. We're overcrowded, tremendously overcrowded on our unit, especially now. We're getting Spanish speaking commitments of either Mexican Nationals, or persons from Central America. They're being shipped to us from all over the State of California, solely because they are Spanish speaking. We happen to have the only unit, and it is not even being recognized as such, in order to deal with these people. This week alone, for a couple of days, we had a population of 54 wards in that unit. At times we only have two staff working with it. It is somewhat farcical to think that you can do any counseling with fifty-four wards, when ninety-nine percent of your time is spent just in supervision.

CHAIRMAN CRAMER: Mexican Nationals are aliens, I assume. What happens to them after they served their time with the Youth Authority?

MR. LONA: They are remanded to immigration for deportation back to Mexico, or to their country of origin. Up until recently we weren't sending them back to El Salvador, but they're going back.

CHAIRMAN CRAMER: So we keep them here for the crime they've committed, and when they've served their time here...

MR. LONA: They're remanded to immigration. Yes.

CHAIRMAN CRAMER: I don't quite understand the distinction. I assume that if you're on a unit, you're basically responsible for the peace and quiet and serenity of the individuals within that unit, is that right?

MR. LONA: Yes, if you want to put it in those words. Basically, my job classification calls for counseling.

CHAIRMAN CRAMER: And so, if there's trouble there you have to call somebody else in to take care or suppress that trouble?

MR. LONA: Yes. I'll tell you...I'll go this far and say that a few of us old timers, because we had a mass exodus of experienced employees. At Nelles right now, we are being -- I would have to put in these words, inundated by inexperienced staff, intermittent staff that have been brought in to fill the vacancies that experienced staff left when they went elsewhere.

CHAIRMAN CRAMER: Why are the people leaving in your...

MR. LONA: They were leaving because of the conditions that I just spoke to you about.

CHAIRMAN CRAMER: When you said "assault", that's a word of (art?) for me. Does that mean the use or threat of use of physical violence in an incident...

MR. LONA: Well, I'll take it one step further, and say the assault is coupled with the batteries.

CHAIRMAN CRAMER: So, people are being hit and hurt.

MR. LONA: Well, Mr. Wicks is never coming back to the Youth Authority. He was beaten pretty badly. If it hadn't been for another youth counselor being present and jumping into the thing, there's no doubt in my mind that he would have been killed.

Mr. Pat Corelli -- we have what we call a green sheet that comes out from the Youth Authority headquarters, and they gave him a big send-off and all that -- he retired this year. What they failed to mention was that he retired because he got badly beaten in the adjustment center.

Here's another topic that -- rather another area that really really hasn't been looked into by our administration. It was -- it had an adjustment center; they have approximately 18 rooms that are usable. They had one person, they still do, one person working the adjustment center. You've got violent offenders in there. People say, for example -- they assaulted staff; they're sent to the adjustment center. If you open their door, they've got three or four or five guys coming out of the rooms at one time being taken back to their units by security. Some of these guys are deadly enemies of one another, or they just hate society in general -- which is what happened to Mr. Corelli. Mr. Corelli got hit and he got hit to the point that he retired. He is still suffering now, medical problems.

CHAIRMAN CRAMER: You have facilities where, when you open the door, people have immediate access to you?

MR. LONA: Exactly. I'll tell you what was done. The person now working in AC of the adjustment center has been equipped with an FM alarm which he has, and he's been equipped with mace, and he's been authorized to carry handcuffs.

CHAIRMAN CRAMER: What, aside from the crowded conditions -- do you have any other opinion as to why there are substantially more assaults now than there were in years past?

MR. LONA: Yes. I would have to go along with some of

my colleagues -- it's informally and that is that the type of program that we had; it turned over the institution to the youngsters. They're being allowed whatever they wanted, per se, almost exactly. I'll tell you we were being told not to send them to the adjustment center. The question that I brought up was, even if we wanted to send them, for example, to the adjustment center, there's nowhere to have them. We have an open dorm setting; they're agitating the group. We have no timeout rooms in which to lock them into. If I were to handcuff a ward, which I was told I can't do and I better not do it, because he's violent and acting out. Like a ward that kicked out a window on me and was brought right back to the unit because there was no room in the adjustment center. If I were to handcuff him into the shower area to keep him from agitating the group or running rampant on the unit, I could be reprimanded for that, then. Pardon my language, but what the hell am I supposed to do? You call security and they're busy somewhere else; possibly breaking up a mini riot or a fight on some other unit. This is what we had. Now, what I'm saying is that it is slowly being turned around. I'd have to say that in all fairness.

CHAIRMAN CRAMER: So, your ability to be a counselor or to work in that fashion is being undermined because you don't have any authority to discipline those individuals within your responsibility?

MR. LONA: Exactly. I'd have to say this, that in my opinion, the term to counsel within the Youth Authority is very, very relative to the conditions that you have. You cannot counsel if you are not in a secure setting. And that's the long and short of it.

CHAIRMAN CRAMER: What would you have me do to help you work with your job?

MR. LONA: Okay, in order to help us work at our job, we would have to have more personnel. Now I understand it means more money, you'd have to have more personnel all the way around the (coughing) staff goes. You'd have to have counselors counseling and security staff supervising, which is not what we have now. We have a dichotomy of roles there. You're moving, we don't have feeding facilities on the unit. Night fall, for example, now is at approximately 5:00 p.m. On any given Friday in our unit, for example, we've got an average of fifty young men and two counselors moving a group from the unit in darkness to the dining hall and back to our unit. Now, anything could happen on the way over there, and there's no way in the world that we can secure that group and yet we're expected to.

CHAIRMAN CRAMER: There's no lighting?

MR. LONA: No, sir. I mean we have lighting, but it isn't what -- it isn't total lighting, no.

CHAIRMAN CRAMER: I appreciate your coming here. Thank you.

What I think I'm going to do, if it's agreeable to all of you, is to recess until 1:30. The rest of those people who are here as witnesses, I would like for them to return here at 1:30 pursuant to the order in the subpoena that you've been served. Thank you very much.

Recess

CHAIRMAN CRAMER: It's a little bit past 1:30. Is Mr. Hector Rodriguez here, please? Mr. Rodriguez, will you raise

your right hand, please? Do you solemnly swear or affirm that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. HECTOR RODRIQUEZ: I do

CHAIRMAN CRAMER: You're here as a result of the subpoena served upon you?

MR. RODRIQUEZ: Yes, I am.

CHAIRMAN CRAMER: Would you state your name for the record?

MR. RODRIQUEZ: My name is Hector Rodriquez, youth counselor, currently employed with the California Youth Authority.

I was asked to speak on population and overcrowding of the institution. I have some alarming figures here. Not only do I have these alarming figures, but working at the Southern Reception Center for Southern California, it is evident that we do have an overcrowded population. However, if you should ever go to the Southern Reception Center for Southern California to see this overpopulation, you won't see it during the day. The wards are constantly being moved around from the living units to the gymnasium to a multipurpose room where various games have been designed for them to play. Then they come back to the living units, they rest for 15 minutes, and then once again the process repeats itself. This process repeats itself as long as there is daytime to permit this. If you do go to the institution, the best time to see the overpopulation is approximately 9:00 at night. Walk into any of the units you will see approximately between 20 and 30 individuals sleeping on the floor. You'll hear over the radio various (inaudible) making child movements. You're talking about 78 wards

forced to -- for youth counselors, many of them are regular staff. The population is a problem for the Youth Authority, it is a problem for the state. At the Southern Reception Center, we've been fortunate that we have not had any outbursts or any riots. I cannot say this for Nelles, I cannot say this for the Youth Training School.

There was one incident at the Youth Training School that was held quite recently. The other institution that I named there was several riots, I would say approximately between three and four were happening during the summer months. The numbers I am about to give you are not my own numbers, but these are the Youth Authority's numbers. The number of wards in the institutions have increased from 5,214 to 5,782, which is 10.9 percent.

CHAIRMAN CRAMER: For what period of time?

MR. RODRIQUEZ: We're talking about through 1980 to 1981. Currently, the Youth Authority has 2,172 juvenile court commitments and 1,015 criminal court commitments.

CHAIRMAN CRAMER: Adult court?

MR. RODRIQUEZ: Criminal court commitments. Now the Youth Authority has realized that the populations are getting larger so what they're trying to do is try to divert other wards into other agencies, like Palmer Corrections, to the federal government, etc. Despite this, our population has still 15 youth to go and I have these figures. In July we had 174 cases that were referred to other agencies; 75 cases that were rejected, which makes it 43 percent. In August there were 157 cases, and 62 percent of them were rejected. In September we had 70 cases and 41 percent were rejected. Despite this, the population has continued to grow. In

October, the population was 5,900. This is the highest rate of criminal court male commitments since 1965 and 1966. The largest intake in the history of California Youth Authority. Mind you, these are their numbers in the California Youth Authority. Now, the question is what are we going to do about it? Maybe the bond will take care of it. We're talking about in the future, four or five years, 1988.

CHAIRMAN CRAMER: Yes, it's my understanding that it takes at least four years from filing to completion.

MR. RODRIQUEZ: However, between now and then, the population is going to continue. What do we do with these individuals? Currently, at Metropolitan State Hospital, there are three facilities that are vacant. I have gone down there and seen those facilities. I have been to those facilities because I used to work at Metropolitan State Hospital. There used to be a cooperation between California Youth Authority; the Department of Mental Health to be able to house some of those individuals of the California Youth Authority on the grounds there.

Now, this brings up a lot of questions, a lot of concerns that the Department of Mental Health does not want to deal with. Granted, they are valid concerns, because these individuals are considered dangerous. There's a question of security, etc. However, and I want to add to this, it's much better a temporary situation than a full-scale riot. And we're sitting on top of a timebomb, like putting water into a balloon; it grows, it grows; it grows and before you know it, there's a break somewhere and if something is not done soon, I would hate to see yourself or anybody else in Sacramento pick up a newspaper; how we had a major

riot in one of our institutions in the California Youth Authority, and I would hate to see that -- I do not want to see a repeat of what happened at the penitentiary in New Mexico. That is why I'm here speaking on the issue of population.

CHAIRMAN CRAMER: What are the other two facilities that you mentioned--three vacant facilities?

MR. RODRIQUEZ: Three vacant facilities at Metropolitan State Hospital.

CHAIRMAN CRAMER: Do you think that is possible to be converted to a youth--for the use of the California Youth Authority as a housing facility?

MR. RODRIQUEZ: Yes, I do. There would have to, however, be some gates, fencing around the building to make it safe for the community so that they would not attempt to escape. The units themselves are built similar to the ones that we have now in the California Youth Authority.

CHAIRMAN CRAMER: Do you think it's conceivable that through a (inaudible) of some sort, that a minimum kind of institution could be created that required less cost in terms of this development?

MR. RODRIQUEZ: Yes, yes, certainly. I was talking to my program administrator, I believe he mentioned expanding the Southern Reception Center. He mentioned the figures of, I think it was \$88 million or \$8 million, I don't recall.

CHAIRMAN CRAMER: Let's hope it was \$8 million and not \$88 million.

MR. RODRIQUEZ: But, something has got to be done, or else if you think the California Youth Authority has problems now,

you'll have more problems in the future.

CHAIRMAN CRAMER: How long - at your particular facility how long are the wards normally there?

MR. RODRIQUEZ: I work in a special unit. I would say an average of thirteen months; however, on the other side of the institution, ideally, they should be there two months, because we are a reception unit and they are placed in various other institutions. However, this two months has been expanding now to six months, five months, because there isn't any room at the other institutions.

CHAIRMAN CRAMER: So the inmates that are sleeping on the floor, for what period of time are you talking about for them to be there?

MR. RODRIQUEZ: About four months. There's a process that they go through, they go through various psychological testing and educational testing. They are seen by a psychologist, many of them are even going back into court and the final process takes about four months, sometimes even longer. I know two inmates that have been there six months.

CHAIRMAN CRAMER: The rejection rates that you mentioned earlier, is that based upon a policy of the Youth Authority or is that based upon the crowded conditions of the Youth Authority?

MR. RODRIQUEZ: That's based upon their policy. The new policy that came into effect, that was July.

CHAIRMAN CRAMER: What was the nature of the change of the criteria for rejection?

MR. RODRIQUEZ: Some of the criteria that was set - that they would not benefit from treatment that is 70(17?) percent of

them would not benefit from treatment, four percent for other reasons. They do not state what those reasons were.

CHAIRMAN CRAMER: What happens to those individuals that are rejected? Apparently some court somewhere said I will refer you to the Youth Authority because we feel we can't handle you locally. Are they just sent back to the local area to be dealt with?

MR. RODRIQUEZ: They're turned back to the courts and other alternatives and dispositions are at that time handled through the courts. There is no statistical information yet available as to what the alternate decisions were.

CHAIRMAN CRAMER: What age category, if there is a general age category, for those who are rejected?

MR. RODRIQUEZ: We're talking about individuals over the age of 18 at the time of the commitment, for instance.

CHAIRMAN CRAMER: Over 18 at the time of commitment? So, potentially some of those people went into the adult prison system?

MR. RODRIQUEZ: True.

CHAIRMAN CRAMER: Is there anything else?

MR. RODRIQUEZ: No, there's nothing else.

CHAIRMAN CRAMER: Thank you, sir, I appreciate your coming in. Bob Gomez. Mr. Gomez, do you solemnly swear or affirm that the testimony you are about to give this committee shall be the truth, the whole truth and nothing but the truth?

MR. ROBERT GOMEZ: I do.

CHAIRMAN CRAMER: You are here pursuant to a subpoena of this committee?

MR. GOMEZ: Yes, sir.

CHAIRMAN CRAMER: Would you state your name for the record, please?

MR. GOMEZ: My name is Robert Gomez, I'm a parole agent. I think I should give you a little background about me, to give you some idea of why I'm qualified to be here at all. I've been associated with the California Youth Authority for 22 years. Half of that experience has been with the Youth Training School of Chino, right here in Chino. While at the Youth Training School, I held the position of group supervisor, senior group supervisor, assistant head group supervisor, and treatment team supervisor. I transferred to field parole in November 1970, and continue to hold the parole agent position in the Riverside area.

I have also worked as a correctional officer at San Quentin prison and a police officer in the City of San Francisco, prior to going to work for the Youth Authority in December of 1959. When I left the Youth Training School in 1970 to become a parole agent, I found myself assigned to a caseload of 86 parolees spread over hundreds of square miles. I was a sworn peace officer with a badge, I.D., the power of arrest, search and seizure. I was assigned to a beat-up old car with no means of communication in it, and told to go out into the world and do good. There was no academy to attend, no formal training program, no equipment other than the car. Driver training was not even discussed. I was given a book of report formats to make sure I followed correct reporting procedures. I wondered why the department was not complying with 832 PC, since it mandated that peace officers shall receive a course of training in the exercise of his powers of arrest within 90 days of beginning employment. I complained to my immediate

superior and also to the parole zone administrator. Three years later, the Youth Authority parole agents received a watered-down 832 PC training. It became necessary to file a grievance in 1979 demanding update peace officer training since we had had no peace officer training for many years. The department agreed to our grievances and scheduled parole agents to attend our Modesto training academy for 36 hours. It should be noted that most peace officers in California go to the academy from between 16 to 22 weeks before they assume any peace officer duties whatsoever. Parole agents worked from 1973 to 1980 with no peace officer training at all. Many of us were quite concerned that we were working in high risk positions with little or no training; irrelevant training and little or no safety equipment. The department advised us at the time that only \$79,000 was budgeted for parole agent training. We wondered why so little when the departmental budget was over \$200 million annually. We also wondered where the money was going each year, considering the absence of training.

It should be noted that the time of our grievance hearing regarding training, the deputy director of the Youth Authority, Charles Kuhl, indicated that training may not be a right. He also stated that training may be a negotiable item for collective bargaining purposes. Mr. Kuhl was advised of court decisions regarding failure to train and also that the department may be subject to vicarious liability if staff were hurt or killed because of failure to train. It became necessary to present the Youth Authority selection, recruitment and training problems to a member of the State Legislature. As a result of these meetings, SCR 52 was born in 1980, directing the Commission of Peace Officers Standards

to conduct a study of basic training standards for peace officers in the corrections area and adopt a plan of action relating to the development of more appropriate training standards. The POST report is due in January 1982.

As examples of the kind of inadequate training the Youth Authority provides its peace officers, I offer the following specifics: In 1981, parole agents were required to take tear gas training, mace training. The entire course took one hour and 55 minutes, including training period, coffee break, and a twenty question test. It turned out that we were given the civilian and security guard training, rather than approved peace officer training course. Consider the fact that many, if not most, parole agents drive from 1,000 to 2,500 miles a month on the job in all kinds of weather, road conditions and traffic. However, the department does not provide on-the-road driver training, skid pad and emergency maneuvers training, or any training at all at a driving facility. Parole agent driver training consists of watching a slide presentation in the classroom and pressing buttons, with certain answers to problems that are flashed on the screen. This training occurs once every three years. During the court of our grievance regarding the training of parole agents, we acquired a training budget list for the last several years. This list is supposed to cover parole agent training. A copy will be provided to the committee.

It is quite evident that this training list is mainly a paper list. It does not speak specifically to parole agents. It does not say what training was mandatory or if all its agents attended. The so-called training subjects, marked with an asterisk,

do not apply to parole or have little if anything to do with the supervision of parolees by parole agents.

In many cases only selected people attended this training. In other cases, supervisors were trained in lieu of parole agents who actually performed the parole tasks.

The committee will notice that parole training for fiscal year 1979 to 1980, is substantial compared to previous years. This is the result of parole agent grievances addressing training, safety, firearms, and parole vehicles. Training should be given by people who have paid their dues; people who have long experience with the subject matter being presented to the trainees. Crisis intervention training was conducted by a (inaudible) person named _____, aka Donald Lieberman. He was assisted by a parole agent (grade III) from somewhere who liked to wear silk flowered shirts unbuttoned to his navel. Several female parole agents were seen knitting during the training to impress the committee on what they thought about the training.

PCP training was conducted by a neophyte whose main claim to fame is that he is ignorant and has a big mouth. He has had no street knowledge of the subject whatsoever. The Modesto training in arrest, search, and transportation was conducted by two rookie youth counselors from the youth training school on assignment to the department training office. In company with them was a female parole agent with just a few years experience, a retired parole agent, and a Modesto academy staff member who had no parole experience, whatsoever.

A Youth Authority transportation officer did the best he could, but the conditions under which he transports people is

different from parole. They all did the best they could. It is the department's fault for not seeking out more experienced trainers. I told them where they could be obtained. Our local training officers have been parole agents at the "II" category, and most of these people, for one reason or another, are training officers because they couldn't cut it in the field.

Investigation to report writing training was satisfactory in that several of the reports were used - my reports were used - for examples of how investigations and reports should be done. My training has been rather extensive both in police departments and corrections, and in other areas which I will cover later.

During the training grievance hearings, administration was told that the California specialized training institute could and would provide training in any area the department wished. They indicated they have the staff, and the money, to handle the task at no cost to the department, other than to provide adequate room and board for the trainers. The department's response was that they questioned the expertise of the institute's staff to train parole agents. This writer also advised that special agents of the Riverside Police Department, who are highly trained and experienced with arrest, search, seizure, and transportation, would provide training for parole agents at no cost to the department. The department did not take advantage of this service. It is my opinion that the department wanted complete control over the content, the presentation of training, and would only allow us to see it their way. I indicated during the critique of the Modesto Training of last year that trainers from outside agencies should participate in and evaluate the quality of the training that other

peace officers receive. The reason for this is that most parole agents have so little meaningful peace officer and enforcement experience, and training, that they don't have the background to differentiate good training from bad. If all you know is Youth Authority training, and it's slanted in one direction, you are effectively kept ignorant of the total ramifications of the job.

During September of 1980, the Governor signed SB 1447, as an urgency measure, which changed Section 830.5 of the Penal Code. This change gave Youth Authority parole agents full peace officer powers while functioning in the course of their duties. To this date, the department has not provided parole agents any training covering the expanded peace officer powers. And we are talking about fourteen months.

On the contrary, I have it on competent authority that the department is working on policy to circumvent the expanded peace officer powers that SB 1447 provided to Youth Authority parole agents. At this date, the last time I checked, that policy had been revised six times and they still haven't come up with something to tell us just exactly what we are supposed to do. There has been little or no training that stresses the parole agent's enforcement role. For example: community survival skills and investigation; interrogation; recording and reporting; search; use of mechanical restraints; tear gas; self-defense; law enforcement liaison. The CYA currently has a "do nothing, hands off, laid back" parole division. The director has said, "we are not supposed to arrest parolees, we're supposed to help them." That's a quote.

She has also gone on record saying that most young

criminals will mature out of their criminal lifestyle and that they should be protected from further intrusion into the criminal justice system. I believe this statement was made in Claremont, at one of the Claremont colleges.

The department currently stresses affirmative action, women in corrections, retirement, personal evaluation for upward mobility, sexual harassment, cultural diversity in human relations - which really computes to race relations and ward rights. As an example, of how far afield the department is, I offer the following: In the event that a CYA ward is alleged to have violated the law, rule, or condition of parole, he can be given a polygraph examination to determine if he is telling the truth. However, the results of the polygraph examination can only be used if it tends to exonerate him. It cannot be used against him in any way if the test discloses that the ward is lying. It is a peculiar but standard practice for administration to call a training session or supervisors' meeting, superintendents' meeting, etc. when there is an open house golf game, professional association or social function, going on at the same time in the same general area. This proves quite costly and digs in the training funds to pay per diem, air fares, and expenses. Another major expense regarding parole is the fact that many people working in Youth Authority headquarters in Sacramento, are holding down parole agent I, II, and III positions, when these people have nothing to do with supervising parolees at all.

In order to acquire some sort of relevant training, I have taken it upon myself to attend many training sessions on my own given by other agencies. For example: PCP training, sponsored

by the Southern California Narcotics Officers Association. Prison gangs, sponsored by the California Peace Officers Association. Officer survival, sponsored by the California Specialized Training Institute. Penal Code 832 firearms training given by the San Bernardino Sheriffs' Training Academy. Counseling the drug user at UCR Extension. Eclectic counseling, also at UCR Extension. 1980 legal updates, sponsored by the California Peace Officers Association and presented by the Attorney General's office. Outlawing motorcycle gangs, given by the Inland Empire Gang Investigators. It would be very difficult to provide specific dates for this training, since the department lost the Riverside Parole Officers' training records. We no longer have the records available.

I expect the Youth Authority will deny or hide the fact that parole agents have been and are being led away from the intent of the Legislature regarding our role to protect the public. The department's training record speaks for itself. The absence of a reporting and recording system regarding the enforcement role of the parole agent is evident. Arrests, searches, detentions, revocations, assistance to other enforcement agencies, investigations by parole agents and parole offices are not formally recorded or reported. There is no "scorecard." Because I am confident that these functions are not recorded for department fear of pointing out to all parole agents that enforcement functions are expected of them.

According to the director, parole agents are being selected for "other attributes." During the month of September, I had the opportunity to visit 28 Department of Corrections and Youth Authority parole offices around the state. At the end of the month,

I concluded that in general the Youth Authority doesn't really have a parole operation. With the exception of certain individual agents from office to office, I found that the Youth Authority is held in ill repute by other agencies within the criminal justice system - including the Department of Corrections. It would appear that people are being selected who perpetuate an antiestablishment, antiauthority, no cooperation, attitude that we, who do cooperate with law enforcement, must answer for.

On the other hand, the Department of Corrections parole officers are in direct contrast to our parole agents. They appear to be more victim-oriented. There is no indication of an elitist or noncooperative attitude. On the contrary, CDC agents at all levels, up to and including district administrators, indicated that Youth Authority caused endless problems for them with various criminal justice agencies.

In summation, it is my position that the Legislature will have to act to see to it that the proper people are recruited for the Youth Authority. As it stands now, convicted felons, including thieves and at least one murdered, have been hired as Youth Authority peace officers. Candidates for Youth Authority peace officer positions must be subject to a thorough background investigation and polygraph examinations. All parole agents must be trained prior to assuming a caseload in arrest, search, seizure, and use of restraints, preservation of evidence, interrogation, violation investigation, report writing, court procedure, board procedure, basic criminal law, supervising parolees, firearm safety, self-defense, elements of casework, drug identification and control, gang identification and control, community survival skills, driver

emergency avoidance skills. Regular updated training must take place, I think, on a yearly basis or once every two years, at a minimum.

The department has established policy for various important functions but has steered clear of holding anyone to these tasks. The director, herself, told me it was okay to supervise from my office, personally. The department should be held accountable and liable for proper training. By failing to provide proper training, the department is leading many parole agents into a false sense of security. Parole agents must be trained to understand what and who they are dealing with. Peace officers are expected to enforce the law. All enforcement functions are potentially dangerous; they should be recorded and reported. The department should properly train and equip parole agents to do the job in the safest way possible for staff, parolee, and public.

That concludes my statement.

CHAIRMAN CRAMER: Can I ask you a couple of questions? You said there were - you used the phrase selective people picked for training.

MR. GOMEZ: Yes.

CHAIRMAN CRAMER: What did you mean by that?

MR. GOMEZ: Rather than include a total group of parole agents, all the Parole Agents I for example, people that actually work with parolees in a given training assignment, they'll pick a person here or there and have them attend the training. And it probably goes down in the books so it would appear that everybody had been trained; when only a few parole agents have actually been trained.

CHAIRMAN CRAMER: The report that is coming from POST in January, that, hopefully, is designed to put together a package designed to train parole officers as opposed to training line peace officers? Is that the basis?

MR. GOMEZ: It's geared towards corrections people rather than police officers per se.

CHAIRMAN CRAMER: I assume there's some different role.

MR. GOMEZ: Yes, there is some.

CHAIRMAN CRAMER: I assume, also inherent in your remark, is the fact that while enforcement of the rules associated with a person being on parole is the important thing, working with that individual, I suppose, is an important part of your task also.

MR. GOMEZ: That's not the problem. We are doing that in great abundance, as everybody has spoken to so far. The problem with the authority now is that they are so slanted in one direction they are trying to push you off into the casework, and totally eliminate the enforcement. Without the enforcement role, you might just as well end parole as it is today, because there are other people in the communities that are able to do all the casework services that we can provide.

CHAIRMAN CRAMER: I'm just trying to balance your statements: the focus on one part of it, but I assume the other part of it is also...

MR. GOMEZ: I'm heavy on the enforcement side because they are so heavy on the casework side. I'm trying to bring it into balance myself.

CHAIRMAN CRAMER: Do you feel you've had adequate training in terms of the services you render your people you're serving

on parole?

MR. GOMEZ: The training I have received in the Youth Authority in the last, let's say, ten or fifteen years has been inadequate. The training I sought myself has been adequate.

When I started in the Youth Authority many years ago at the Youth Training School, we were under the leadership of Herman Start and our superintendent was Lyle Egan. During those years we had very good training, excellent training, at the Youth Authority. It's changed.

CHAIRMAN CRAMER: Do you feel there's a need - I recognize there's a law suit pending and I don't want to involve myself in that law suit, but I gather from your remarks you feel there may be a need for firearms?

MR. GOMEZ: Yes, yes. If a parole agent does in fact do all the things that a parole agent is supposed to do: arrest, detain, revoke, investigate, and search, he is in jeopardy every time he does these things. The department's position is that we are safe as long as we have a policeman with us. The policemen will tell you, "Jack, if shooting starts, everybody is up for grabs. I'm going to watch out for me, you watch out for you."

CHAIRMAN CRAMER: I think that's reasonable (inaudible). Is there anything else you wish to add to your statement?

MR. GOMEZ: No, thank you.

CHAIRMAN CRAMER: Thank you very much.

Mr. Leyton, John Leyton. Mr. Leyton, do you solemnly swear or affirm that the the testimony you are about to give this committee is the truth, the whole truth, and nothing but the truth?

MR. JOHN LEYTON: I do.

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CHAIRMAN CRAMER: You are here subsequent to a subpoena of this committee?

MR. LEYTON: I am.

My name is John Leyton, I started with the Youth Authority in 1972. I would like to address the training of the Youth Authority. There is none per se. What I mean by that is: I started in 1972, I had one week's training of "I" level. About two or three years later, I had some gas training, mace that is, and then about three years later they made it mandatory that we take mace training for four hours once a year.

Since I've been at the Youth Authority, I found that programs are implemented then you get the training, but the training is down the road two or three years later. You should have the training prior to implementing the programs. And this is what I wish to address.

On a promotional basis, people don't get promoted from experience and knowledge. It is highly political. It doesn't matter how experienced you are. If you have integrity and you're honest and you're the type of person that would serve the Youth Authority well, then (inaudible) and the Youth Authority really don't need you.

However, I haven't had any problems on promotion. I was up for promotion a couple of times and I refused to be promoted. At the time I was a union activist and to do good by my coworkers, to help them along and get more training (which we didn't have) the only thing I've seen that we really progressed on that we do now have is crisis intervention. The Youth Authority sent around a survey and they said that this was one training we really needed

so not it is compulsory to take this particular course. I think it's every three years they have it slated that you must take it.

On other training, the need is only when there is a problem. When there's a problem, maybe they can find the money. But if you ask for training and said that you really need some training - maybe to move up and promotion - they don't have the money. But if you notice around July, when they have extra money, they can take you out to some hotel room and train you. So they can spend some money so they can get some more. Maybe they'll train you maybe a month before July. This is what I've seen in the past, and hopefully by bringing it to this body that it can be looked into. And that training, in all phases...I've had knowledge, first hand, from some of the group supervisors who just before collective bargaining the Youth Authority made a mad rush to elevate certain positions - like the senior GS and the senior youth counselor, to supervisor positions. They gave the test, 200 or 300 passed the test, it was just an oral test, but the people who really had something to offer the Youth Authority were very low on the list. For example, we had this one group supervisor who was working out of control. He had been working control for years as a GS. They have tried to get this level - group supervisor - elevated to senior GS, and just this year...

CHAIRMAN CRAMER: Excuse my ignorance, what does the GS stand for?

MR. LEYTON: I'm sorry, group supervisor.

The group supervisor's position was elevated to senior group supervisor for the control center. This was done at the time we were in the process of winning collective bargaining. Since then

collective bargaining bill 839 had been passed, we were now in the midst of it. There have been some GSs that have been elevated to the position of senior GS is what I'm saying.

I said there were some who had been working the position a long time that were very low on the list. These people were the ones who had to train the announced senior GSs. And what I'm saying, it would seem to me that if, when it was just the GS spot, the GSs had been operating the control center real smooth and had been doing everything they should have been doing, and didn't have any problems; but when it came to promotion other people were higher on the list and these GSs had to train them, train the supervisors. To me, this doesn't make sense. It seems to happen also on units with the youth counselors and the senior youth counselors. The youth counselors, when it came to promotion, were usually not the ones who make senior youth counselor. They would end up being the one who had to do the training for the senior counselors not the supervisors, those were already supervisors I'm saying. The treatment team supervisors they themselves can't do the training.

So what I'm saying, the structure of training, having training on a continuing basis for the Youth Authority so you can have some type of upward mobility as far as promotions to me is just not fair. I mean, if you're not a friend, or a shady type character, one that can be manipulated, then you won't be a person that will get a promotion.

CHAIRMAN CRAMER: I'm not sure that I want to be a personnel board here today; I'm positive I don't want to be that. But what I am very interested in is, from your experience, such training as does occur - in your experience in the Youth Authority -

is that from personnel inside the institution itself?

MR. LEYTON: Well, I understood that at least a year ago... We were having a lot of problems on the unit, so we said we really need some type of way to restrain young men without causing great harm to them, since we came out also with a new procedure. (The (inaudible) procedures and something that was updated on it during that time.) In other words, what I'm saying is not that the _____ system was not there; that it came with stronger enforcement. The supervisors came with stronger enforcement and with their administrators. And so, that was the survey taken since there was a lot of complaints from the youth counselors that we must have something in the form of training. So there was a survey sent around, so the thing that came into being was the crisis intervention. This is where you find a ward that's going to make this really high tension, that you can just by talking to the ward bring him from a high to a low - so to speak - in the crisis intervention terminology. So this is the type of thing I'm talking about.

CHAIRMAN CRAMER: Now the trainers for the crisis intervention, as an example, are people presently working for the California Youth Authority. Do they bring people from the outside to train you, or are there people in the institution who train you?

MR. LEYTON: These were people in the institution who train.

CHAIRMAN CRAMER: I assume a wide variety of task and speciality needs in the California Youth Authority. Are you saying to me that in none of the wide variety of tasks are trained, or are you saying that there's not training in some particular area.

MR. LEYTON: What I'm saying is that when I came to the Youth Authority I believed, and what I've seen since I've been here, that you should be told about the job, what you are to do. Not get the job and then a year later told what you are to do or train on what you are to do. I instructed on specifics on what you should do. Like I mentioned about the gas training. I mean, the first time I walked through the door I was supposed to, by being (inaudible) the staff, able to carry mace for restraint because I was working out of security. And so the training for me didn't come until some thirteen months later.

CHAIRMAN CRAMER: Is there a probationary period, as there are in other state jobs, at the California Youth Authority?

MR. LEYTON: Yes, there is.

CHAIRMAN CRAMER: And you become a permanent employee after some period of time?

MR. LEYTON: Right.

CHAIRMAN CRAMER: And you experienced none of this training before you became a permanent employee?

MR. LEYTON: In theory, yes. In theory what I meant is that I went to some training prior because I came from a particular program myself. So I'm saying that I went to some theory, had some theory, but I couldn't carry mace. And we didn't even have the academy when I came. We only had four to five hours at the sheriff's academy, and now we do have what is called academy but it's only two weeks.

CHAIRMAN CRAMER: You feel then that there's been some movement and some progress in the available training for new employees now?

MR. LEYTON: Well, yes. In that sense, yes. But I don't feel it's enough for a (inaudible) peace officer. I don't think it is. But I'm saying the YA feels it is and that they have made some progress; they have a two-week academy over the four or five hours they originally had.

CHAIRMAN CRAMER: And all people in those kinds of positions go through that two-week training now?

MR. LEYTON: Okay. If you are (inaudible) staff and you come under 832, yes. You are supposed to go to two weeks training prior to becoming a permanent staff. Yes.

CHAIRMAN CRAMER: So those individuals who are not involved in security do not have this training. Is that the situation? situation?

MR. LEYTON: Yes, that's the situation.

CHAIRMAN CRAMER: Are there other training programs in the Youth Authority for things like the report writing or things of that sort?

MR. LEYTON: Our report writing? I had report writing one time since I've been in the Youth Authority - which is nine years and nine months. Now this is what I'm speaking to: I'm saying that we should have report writing, specialized continuing training to deal with specific classifications - no matter what your classification is. This is what I'm saying.

CHAIRMAN CRAMER: You feel that's not being done at all?

MR. LEYTON: Only to special ones, like I said. There were people who were put into certain positions that were sent to two weeks...a weeks training here, a couple of days training here, to my knowledge. And what I mean by that, if you needed someone

to (inaudible) ward's rights' procedure, you would take this staff and maybe send them to Sacramento to some training the state had set up, for maybe a couple of days a week. But when you're a regular team building, and what I mean by team building is to continue to have a task treatment team building to deal with the problems of the wards here at the institution, you don't have that on a continuing basis.

CHAIRMAN CRAMER: Do you have anything else to add at this time?

MR. LEYTON: No, I wouldn't.

CHAIRMAN CRAMER: Is Mr. Myerhofer here? No? Next witness, please.

Do you solemnly swear or affirm that the testimony you are about to give this committee should be the truth, the whole truth, and nothing but the truth?

MR. LEROY CAMPBELL: Yes, I do.

CHAIRMAN CRAMER: You are here pursuant to a subpoena to this committee?

MR. CAMPBELL: Yes.

CHAIRMAN CRAMER: State your name for the record, sir.

MR. CAMPBELL: My name is Leroy C. Campbell, employed with the Youth Authority for twenty-one years. I've been asked to speak to the committee on DDMS (Disciplinary Decision Making System of the California Youth Authority), specifically at the Southern Reception Center and Clinic, and also in the intensive treatment program where I am presently employed.

I'd like to take this opportunity to say to the committee that DDMS is a farce in the California Youth Authority. A

farce. The system does nothing to impact young people who are committed to the Youth Authority: felonies, you name it. These young men continue the same kind of behavior that they commit or do out in the community. There is no difference in our ward population as far as the antisocial behavior is concerned as to what exists out in the community when they're out there.

We do not have a system in the Youth Authority that adequately disciplines youngsters for their antisocial behavior against themselves, against staff, and also against the community. At best, DDMS, at the Southern Reception Center and Clinic, is nothing more than pacification of the ward. Wards are not held accountable for their behaviors in relation to our society at large. They are not held accountable for their behavior.

CHAIRMAN CRAMER: I was just wondering, what kind of violations would you be looking at when you talk about discipline?

MR. CAMPBELL: Specifically: assaults on staff, assaults on wards, physical assaults.

CHAIRMAN CRAMER: Nothing is done to deal with those kinds of...

MR. CAMPBELL: Yes, something is done. We go through DDMS, you know, the phases of the DDMS system. Mainly the wards are confronted through that system, but the end result of being confronted bears no impact as far as changing his behavior is concerned. He continues on in the same vein as far as assaults on staff or assaults on wards.

CHAIRMAN CRAMER: You believe that's because there's no penalty associated with the result of the hearing?

MR. CAMPBELL: Most definitely. Most definitely.

There can be no change in the ward's behavior unless they have some penalty. I'm saying that the Youth Authority is totally committed to no punishment for wards. You cannot change behavior from that perspective. You must have a meeting of the minds as to what discipline is. Discipline has to be something of a deterrent. At present there is no deterrent in the Youth Authority, as far as the DDMS is concerned, to change behavior to that which is acceptable in our society.

I've been around the Youth Authority, as I say, for twenty-one years. I've seen it under Heman Stark and partly under Allen Breed when discipline was a meaningful thing. If we sent a youngster to the adjustment center, that youngster went there not to lie in his bed for an eight hour period and get three meals served to him. If he went there for thirty days, or two weeks, or what have you, that boy was taken out of that particular adjustment center and he had to work. Work is an unheard of thing in the Youth Authority, you see. Our youngsters don't know what that is work. As a matter of fact, they frown upon work. Work is not an acceptable way, I mean, as far as what they should learn. They should learn to work, but no this is not the case.

CHAIRMAN CRAMER: What kind of work were they doing in years past?

MR. CAMPBELL: I'd like to think of it as "beautiful work." They were taken out and any construction that had to be done on the road, or something like that, in the Youth Authority facility; he went out there and he worked to, you know, rebuild that road. He had some ditches that had to be dug - of course we don't have that much rain anymore, but when we did have it

in order for our drainage system to work properly he dug a ditch. You know, he had a price for the penalty involved. I'm saying, there is no penalty today for youth committed to the Youth Authority. There is no punishment. Contrary to belief, punishment can be a deterrent.

The wards committed to the Youth Authority are coming to us today and they are telling us emphatically, "this is Disneyland." You come here to enjoy yourself, kick back, get three meals a day. Think in terms of how you can impress your peers through lifting iron all day instead of lifting minds. You can go to any facility in the Youth Authority, take a good look at them and you will see iron for days - weights, that is. You will see youngsters that's all they're doing, pushing weights, pushing iron; doing nothing to push their minds.

We have to change back to where young men learn to use their minds; not their muscle. In fact, by them building their muscles to such proportion (we call it size 18 guns, their arms, or 20 inches there, they call them guns, you know what I mean). What we are emphatically doing is preparing those youngsters for an early death on the streets of California. No peace officer is going to take any chance dealing with a youngster that size. They are never going to take any chances whatsoever with him.

CHAIRMAN CRAMER: What do you think? Is it the procedures you follow in your disciplinary program? Or is it the policy, in your opinion, of the department to not have discipline?

MR. CAMPBELL: It's a policy of the department not to have...

CHAIRMAN CRAMER: Is that a written policy?

MR. CAMPBELL: Well, we don't get into those things as far as the Youth Authority. I would say that the unwritten thing as far as policy is concerned is the thing that moves the Youth Authority, not what is written. The thing that is written has no impact, but the thing that is unwritten, as far as the Youth Authority is concerned, has the greatest impact upon DDMS. DDMS at the present time, sir, that system is eroded. It is taking away from peace officers, because peace officers cannot really do their duties because DDMS is eroding their authority away.

CHAIRMAN CRAMER: Do you think that's because there have been too many rights furnished to the inmate there?

MR. CAMPBELL: Most definitely, most definitely.

Let me use an example that just happened about two weeks ago. I happened to be working on the diagnostic side of the Southern Reception Center and Clinic when a unit called for (inaudible). That's sixty-four wards left, four staff working. From the hour that we were required to take these youngsters from the living unit and take them to the chow hall, these youngsters were kicking up their heels. When I say kick up their heels, the counselors could say to them (the regular counselors, the ones who are assigned to work that unit), "put it on quiet." No impact. The boys continue to talk. They went on to the chow hall, got loud in the chow hall, the counselors put them on silence, no impact. The wards were not maintaining silence. From the chow hall these youngsters took food after they had filled their bellies, stuffed their bellies and everything, took food and they placed it in their pockets. And from the dining room to their living unit - which is approximately 70 yards - food was taken out of their pockets and put on the street

and kicked from the chow hall to the living unit. When we got these youngsters back to the unit, the acting senior, the (inaudible) man decided, hey, we're not going to tolerate this kind of behavior from these youngsters, we're going to have to put them down. Which meant that there would be no evening program for these youngsters. All right? The four counselors involved agreed that this was what we were going to do. All right, we put them down. And we explained to each youngster why we were doing what we were doing, because they were not accepting any responsibility for their behavior, so we put them down.

Within an hour to an hour and a half, maybe two hours, this came to the attention of the administration that the wards were down. Immediately, the grievance was filed by one of the wards - an emergency grievance. See, we had told the wards exactly what was going down with, there would be no program - admit also that the packages that they received - the youngsters had received something like fifty-five packages on that particular day. If they want to receive their packages - until the counselors deemed it was necessary, or that they, you know, that they were showing some good behavior, we were going to give them their packages then.

All right, getting back to this youngster who filed the emergency grievance; immediately the assistant head came down to the unit to hear that or see this youngster or meet with this youngster concerning the emergency and this youngster wanted those packages. He didn't want the packages for himself, he wanted them for the entire group. So I want to tell you that those youngsters received all fifty-five of them that had received visits from their parents, did receive those packages. The counselor's

authority was turned over by an assistant head on duty. Immediately, after this happened, the wards kicked up again. They were not accepting what we were doing, because they saw, you know, because we were firm enough in our discipline that they weren't going to get the packages at this point and they weren't going to get any program at this point. They were just going to be down for the evening. All right.

As soon as those packages were given back to these wards, that meant that we had kicked up again and with such force that it was almost unbelievable; yelling our obscenities out the windows. I want you to know that Norwalk - the Southern Reception Center and Clinic - is right there in the heart of the community of Norwalk and this kind of thing is quite disturbing to people within ten or fifteen yards of one of those live-in units.

Also I read about it that of course in (inaudible) for twenty-one years, I told the acting senior at that time I said leave it to me and I will meet with the superintendent concerning this matter. Because I did not see anyone removed from the line coming on the line and eroding the authority of the men who are on the line and women who are on the line who have that responsibility to see that discipline is a reality - that the wards that we are working with. So anyway, I met with the superintendent a few days later on the matter and I read on to him exactly what I read on to you. Unfortunately, I must report to this committee, that after I ran down to you, we had total backing from the administration. As a matter of fact, a notation was placed in the log that any time that counselors saw the kind of things that we saw was happening, that we had total backing from the administration to make sure

that discipline was a reality as far as the counselors are concerned.

CHAIRMAN CRAMER: That's the continuing policy now, of that particular facility?

MR. CAMPBELL: Yes, and I do believe that that will hold because - well first of all, we are right there in the heart of Norwalk community and we cannot afford to - look, it's a very easy thing when you are overcrowded like Norwalk is overcrowded and has been now for six months or more, it's very easy for these youngsters who have committed some very vicious crimes - I mean, to get out there in that community and we don't want that to happen, but if it does happen, then we are up against it. Because there is no way we can beat the community of Norwalk. That's my testimony to the committee.

CHAIRMAN CRAMER: So, in terms of any legislation that we might work on, the rights furnished the inmates at least ought to be something considered by the Legislature. Is that your...

MR. CAMPBELL: Most definitely, most definitely.

MR. RUCH: How does (inaudible) handle this procedure in its existence, this particular procedure?

MR. CAMPBELL: I don't have the exact figures. I would say something like six or seven years (inaudible) 1973.

MR. RUCH: What sort of sanctions can they impose, say for an assault on staff?

MR. CAMPBELL: Well, we have from a year and up, you know, the sanctions, but you are very seldom going to have those sanctions are not going to hold. I mean, you are not going to get that youngster doing that...

MR. RUCH: What would be the typical penalty for an assault on staff?

MR. CAMPBELL: I'd say maybe six months in (inaudible) maybe six months time.

MR. RUCH: Are these things being referred to the prosecuting authorities?

MR. CAMPBELL: Occasionally we get that. Occasionally, we'll get - as a matter of fact, we just had one that happened at the ITP and that one is definitely going to the authority outside of authority. We had a senior psychologist assaulted, deadly assaulted, he was just knocked down and our superintendent went directly to the outside authority to prosecute that youngster to the limit of the law.

MR. RUCH: There is a panel or a grievance that is taken, what does the procedure look like?

MR. CAMPBELL: For the wards, the grievance procedure, yes it's usually a panel consisting of a ward, a clerk (inaudible). I mean, there will be a counselor who works strictly with wards, ward's rights on that panel, and there would be another counselor whoever - say the grievance is against - he would be there to help him with whatever decision that you come up with.

MR. RUCH: Either a ward or staff member could bring up a matter before this panel?

MR. CAMPBELL: Yes, the staff could also bring a matter before the panel, but most of the time it's wards that are bringing charges against the staff.

MR. RUCH: Do you think the procedure itself is all right?

MR. CAMPBELL: Yes, the procedure is all right. It's the output, yes, definitely the output, of the procedure. Boys believe today in the Youth Authority that they can get off through the ward's grievance procedure. They are not going to face the penalties that they should face. They definitely have the staff, the staff do not have them. They are in control of the situation, instead of the staff being in control. They believe that today.

CHAIRMAN CRAMER: You mentioned earlier about work programs being used as discipline.

MR. CAMPBELL: Yes, we don't have it in the Youth Authority, but I would love to see that come back. We have too much dead time. The youngsters are doing dead time in the Youth Authority today. In the (inaudible) they go to the adjustment center or they just sleep and eat and conjure up where their offense is in relation to their peers and also staff. There's no deterrent. The ward culture is what is in control at the present time. It's not staff, it's the ward's culture. Their culture is damaging to say the least to all society; inside the institution and also outside on parole.

CHAIRMAN CRAMER: Thank you very much. Mr. Myerhofer. Do you solemnly swear or affirm that the testimony that you are about to give to this committee shall be the truth, the whole truth, and nothing but the truth?

MR. MICHAEL MYERHOFER: I do.

CHAIRMAN CRAMER: You are here pursuant to a subpoena of this committee?

MR. MYERHOFER: Yes, I am. My name is Michael Myerhofer, I am currently a parole agent at the Youth Training School. I'll

give a brief overview of my background, but prior to that I'd like to make sure that we distinguish between the DDMS system, which is a disciplinary system within the Youth Authority, and the grievance procedure. They are totally separate. They do not dovetail into each other in any way. They are two separate entities with two different purposes.

I'm here today to deal with the DDMS function. I've been with the Youth Authority since January of 1972. I started as a youth counselor at the Youth Training School; I became a senior youth counselor at the Youth Training School. I spent one year at SRCC, then I transferred back to the Youth Training School. I am currently a parole agent and also one of the DDMS investigators at the school.

I'd like to give you a brief overview of what DDMS is. First of all, just the initials, themselves, stand for the Disciplinary Decision Making System. It primarily was introduced - its primary purpose really is not to produce discipline or even to change behavior. Its primary purpose is to ensure due process. I think that needs to be clearly understood.

It began approximately in 1973. Up until that point in time, at least at the Youth Training School, it was possible for individual staff, one staff for one person, to recommend time adds or time cuts for individual wards. It was a very arbitrary type of a situation and many times gets quite artificial.

The DDMS system attempted to formalize procedures for the addition of time based on negative behavior - primarily serious behavior. What it has attempted to do, and has done, is to ensure that there would be proper steps taken so that wards - we

call them wards by the way, not inmates - would be given the opportunity to go through an appeal process. When that was done, if the time-add was warranted, then they would go to the Youth Authority Board, and at that time time would be recommended and the Youth Authority Board would make a decision.

First of all, I personally believe DDMS has had sort of a positive impact on the Youth Authority, and I think that needs to be said right up front. I think there are current problems in the DDMS system that need to be addressed. But I'm certainly not here to look at one side of the coin; I don't think that is the purpose of the committee.

The establishment of due process in a lot of ways took a lot of heat off individual staff. It took a lot of the pressure off of them to just be the bad guys. It gave the wards the opportunity to go through a formal process, to attempt to win their case based on standards that they were used to on the streets. As a matter of fact, based on standards that have been established on the court system. I don't believe that it has seriously impacted spontaneous behavior, for instance. I don't believe it has seriously impacted negative behavior due to heavy gang involvement. I do believe it has had a very positive impact on those kinds of behavior by wards that would require some planning and thought, even as much as two or three minutes worth of thought. I think it has given wards the - not the opportunity, but the reason sometimes to back away from behavior that they might not have backed away from prior to DDMS. I think that needs to be said.

I think one of the major problems currently with DDMS is that the department, as I view it, has reached kind of a maintenance

status. They implemented the program, there was a lot of training involved in the program, they spent a lot of money training staff, developing the program, and at this point in time, I'm not aware of any refresher training for instance. I think there should be refresher training on a yearly basis. We've certainly had a rather large turnover of what we call line staff, which would be group supervisors and youth counselors, who are primarily the people who do behavior reports that result in DDMS action. But I have yet to see, over the last five years, any consistent training with respect to those staff and what's expected of them in terms of how to do reports, what to look for in behaviors, observation techniques. I think the department has kind of reached a point where it no longer spends the kind of money it did to start the program. Naturally it wouldn't, because the expenditures wouldn't be as much. But I think they've kind of reached a status quo position. They are not looking necessarily to growth. At least that's my opinion at this point in time. They are just kind of standing still on it. And I think that's a mistake.

I think if we view the DDMS function from institution to institution, that we are going to find it lacks a lot of consistency. There are certainly not standardized procedures that have been operationalized with respect to investigative techniques, even with respect to the fact finding process. We have formalized written procedures, but that leaves a lot to be desired when you consider the individual people actually doing investigations and actually make decisions as to guilt or innocence. I think it would be important for the department, possibly, to consider the establishment of a classification of investigators to operate

within the institutions. I think by doing that they could standardize both technique and procedure to a much greater extent than is possible now.

I think we have a very serious problem area with actual behavior. Quite often - I think most often - the event - the behavior itself and the separation of time...If a ward is found guilty of a negative behavior, and it's serious enough to justify taking the ward to the Youth Authority Board for recommendation of a time-add, that's quite a lengthy process. Sometimes as much as six to seven months.

CHAIRMAN CRAMER: Six or seven months?

MR. MYERHOFER: I'll get to that. You seriously might have a ward who six months after his behavior is given a six month time-add, he quite seriously may have forgotten what the behavior was about by that time. I think it's an error in the appeal process. Frankly, I think the appeal process is too lengthy. I think we've gone too far toward the area of due process with respect to the appeal process, and I think it can be corrected.

I think one other problem area we faced, and certainly more recently, has been a response to the population crisis. Negative behaviors are just that. If we adopt a position that says because we have bed space problems we will no longer look at this behavior as seriously as we did a year ago, then I think we are bastardizing our system. We have reached the point in the department, certainly at our institution, but I think on the department-wide basis, where particular kinds of behaviors where it might warrant time before, even though might still be listed on the

books, as warranting a recommendation for a time-add, the policy basically is we will not recommend time for that. We will recommend other disposition, which has always been allowed. We could always recommend extra work. We could always recommend lockup time in a room. But I think there has been a very dramatic move away from the addition of time, in just a year's period of time. Where a year ago we felt it was justifiable to give time, all of a sudden we don't. It has nothing to do with treatment. It has to do with the population crunch. To me, that's erroneous, that is a mistake.

I think the department used to move into the area of training with respect to DDMS. I think there needs to be yearly refreshers for all staff. I think they need to be consistently given information that will allow them to make rational and appropriate decisions on the spot; allow them to do rational, appropriate reports; to rationally and appropriately come to hearings and say this is what I saw and be accurate. We don't have that kind of training on a large scale basis. I, like I say, haven't seen that in five years.

I mentioned the establishment of an investigative classification within the department. I think there should be one. We have DDMS investigators, that's my title, but it's not a classification. I think if there was such a classification it would provide for standardization. It would provide for consistency from institution to institution. I think with that there should certainly be the establishment of testing standards for hiring into that classification. I think it's a classification the department sorely needs at this time.

I think the appeals process needs to be streamlined, radically. I do not understand - I understand what happened, I don't agree that it has to happen this way. I think between what we call our fact finding hearing, which is basically that point in the process where the ward is found guilty or innocent of a charge, I think between that point and his Youth Authority appearance, if there is a recommendation for time, it should never exceed sixty days. I even think that's a little long. Sometimes we have problems in terms of scheduling ward cases because of population issues. But I think sixty days certainly should be an upper limit. As I said before, sometimes we have gone as much as six months on an individual case. I think most cases probably exceed sixty days minimum. I think that could be corrected and quite easily. I think it could be corrected by taking a look at the appeal process. When recommendations for time are made, they are made by a group of people who are most in contact with that ward on a regular basis, or have been. They are made by the people who have supervised that ward; who have provided for that ward. It's a treatment program. They make the recommendation based on the ward's overall program, based on what they determine to be a need to continue treatment, based on the ward's previous history. However, when the appeal process begins, it is then left in the hands of one person at two different steps, to individual people, and that person can make a decision that totally - literally totally - disregards the initial recommendation. That person may have momentary contact with that ward. They may interview him for ten minutes. He may have no other knowledge of his background other than maybe possibly reading his file. I think that's a mistake.

I think the people in most direct contact with that ward should be the ones to make the recommendation that stands.

CHAIRMAN CRAMER: Does the appeal process - can the penalties be upgraded or made more difficult or is it always a reduction of...

MR. MYERHOFER: The appeals do not know - they may not be upgraded, they may only be reduced. Now, the Youth Authority Board has the authority to give greater sanctions than are recommended. We can take a ward, and it's gone both ways, we have had cases where we've gone in for a six months recommendation and the board reduced it, whatever, a month, two months, we've also gone in for a two or three month recommendation and the board has increased it by two or three months. The board has that authority, we do not. Our only power is recommendation, and that even more dramatically emphasizes to me why the people most - in most direct contact with that ward - should have that power of recommendation. They should really know more about that person. They deal with him, every day, over a long period of time. They see his behavior on a first-hand basis.

The Youth Authority Board has a particular function. So do we in the institution. I think the appeal process is - well I think it's too much of a safeguard - I think we've gone a little too far in attempting to give due process to the wards in a particular case.

CHAIRMAN CRAMER: When it gets to the board, that's the request of the ward, or is that mandatory?

MR. MYERHOFFER: All time is mandatory, they must go to the board for approval. All time-adds and all time-cuts all

referral to parole are simply recommendations. The board - the Youth Authority Board - has the power of approval or modification.

I wanted to respond to a certain extent to prior testimony. I did initially first address the committee - the due process issue is critical if we are really going to understand the DDMS process. Again, I want to emphasize that DDMS was not developed as a purpose of discipline or necessarily the punishment. It was developed as a due process tool. I do agree with Mr. Campbell, when he says that because of whatever dynamics are currently happening around the Youth Authority, extraneous outside the Youth Authority, that we are under pressure to give less time to serious offenses. For more serious offenses, they tend to be somewhat consistent. But, you get into intermediate type behaviors, fights, it's a fine way to say it, but less assaultive behaviors. There is pressure to give less time than we would have in the past. And that is the population issue.

Assaultive behavior on staff, in my experience at YTS, is they have not attempted to touch those, they've left those alone. We do make every effort to go to court on those serious type cases. Our hands are somewhat tied, because the court has to make that decision. Now, that's what the district attorney has to do basically. We're in the hands of the district attorney any time we go to him. And the standards of evidence in court are so much different than they are in the DDMS. Beyond a reasonable doubt is a heck of a lot different than what we call preponderance, and we have to face that reality in the department and sometimes that's hard to face. But it's a fact. Sometimes our hands are tied with respect - a ward may need the time, he may need serious

time-add, so that because he's not ready, he's unsafe, he's dangerous, he's continuing to be dangerous in the institution, sometimes our hands are tied by law, because of our judicial requirements. With juvenile offenders, we are very limited.

I think it can be a deterrent, but I don't think it's an effective deterrent, I don't think it ever has been. I think it maybe deters those individual wards who in the past were to have thought about it, and then committed the act, I think maybe you would back them off a little bit, but not the spontaneous type of actions, not the gang-related behaviors, I think those will continue basically as they have in the past, if not increased.

CHAIRMAN CRAMER: Is gangs a serious problem in the Youth Authority system?

MR. MYERHOFER: Yes, extremely serious. At this point in time there is actually no policy written that I am aware of that deals with it as a behavior problem.

CHAIRMAN CRAMER: What kind of gangs are they? Are these the street gangs of Los Angeles, or are they...

MR. MYERHOFER: Basically, well, with youth - with respect to youth training schools, primarily, Los Angeles, surrounding areas, Ventura, but primarily the Los Angeles areas. They are black and Chicano gangs primarily.

CHAIRMAN CRAMER: Is that how they are set up, on a racial basis?

MR. MYERHOFER: I'm not a gang expert. I don't want to pretend to be. That is basically all I have to say.

CHAIRMAN CRAMER: The grievance procedure of the ward against the staff, how does that work?

MR. MYERHOFER: Well, I object to that phrase, frankly. I don't see it as a grievance procedure, ward against staff, even though at many times you may be grieving an individual staff member. You also grieve issues, policies. It works very simply: the ward now has the right to file a written grievance and the right to have that grievance heard at various stages.

CHAIRMAN CRAMER: Who hears them?

MR. MYERHOFER: It can be handled on an informal basis, an immediate informal basis. It can be graduated to what's called a Level I panel, which would consist of nonvoting mediator and four other voters, including the grievant. It can move from that point to a superintendent's level, and there is another intermediate step, and it can continue to outside arbitration.

CHAIRMAN CRAMER: If you don't like my characterization of it, how would you characterize it?

MR. MYERHOFER: I just did. I just answered you. It's a grievance procedure that can involve policy and the action of staff.

CHAIRMAN CRAMER: It's been effective in your eyes?

MR. MYERHOFER: Yes and no. I think - this is solely an opinion, an observation, whatever. It is my opinion that the grievance procedure has, probably, to a certain extent, had an impact on staff assaults for instance. I think it's probably had some impact on the reduction of staff assaults if anything.

CHAIRMAN CRAMER: If they can't talk about it forget about it. Is that your...

MR. MYERHOFER: Well, yes, I think so. Prior to the grievance procedure, the ward had no recourse, so as a staff member

you had to expect the ward to come out at you because that's all there was. If you couldn't get on with him and deal with the problem very quickly, you could expect some very assaultive behavior: either intensive verbal assault or actual physical attack. I think the grievance procedure has done something to impact that.

I think, like anything else, much like the DDMS system in terms of the formality of the structure, it kind of reached the status quo point. Then we went through a cycle where there were not enough grievances to satisfy the department's need for numbers. I don't know if we're at that situation now, that was certainly my feeling a couple of years ago.

I think there are a lot of frivolous grievances. I think there are a lot of nonsense grievances that are allowed to be filed that should not be filed. I think we have established a policy that is so restrictive in its ability to say no, that again we've gone too far in the direction of due process.

I happen to be a person who believes in due process. I think there is value in the DDMS system. I think there is value in the DDMS system. I think there is value in the grievance system. At the same time, I think we've gone too far with it. I think some of the grievances are absurd, and I think the department thinks that some of the grievances are absurd. But they've locked themselves into having to hear them. I think we should have the ability, at a very quick point in time, to say no.

CHAIRMAN CRAMER: Anything else? All right, sir, thank you very much.

MR. MYERHOFER: Okay.

CHAIRMAN CRAMER: I'm going to take a five minute break

to make a phone call, so if you'll excuse me just a moment.

Is Mr. Tony Zavala here please? Mr. Zavala, would you raise your right hand, please? Do you solemnly swear or affirm that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. TONY ZAVALA: I do.

CHAIRMAN CRAMER: Would you state your name.

MR. ZAVALA: My name is Tony Zavala, I'm a parole agent in Orange County. I've been with the department since 1962. I worked institutions for approximately eight years, and the rest of the years on parole.

CHAIRMAN CRAMER: You've been asked to come here and testify or furnish your impressions of employees relations within the Youth Authority system?

MR. ZAVALA: Yes. At the present time my assessment, from talking with individuals in my office and throughout the state, that the morale is quite low in the department. I believe that is directly attributed to management of staff, and management's failure to listen and have dialogue with subordinates. It appears that everything comes down from the top and nothing goes up.

I believe there was a study not too long ago indicating that, especially Region IV - which covers the area from Santa Barbara to the Mexican border, sidestepping Los Angeles - was having some morale problems. To this day I don't know if anything has been done to find out, you know, whether the administration is interested in finding out, or whether they are interested in alleviating or improving morale.

One thing I think is the area concerning safety, where it is my understanding that some parole officers are fearful of going out into certain communities at night, afraid for their own personal safety. I think morale is affected by the fact that the promotional, the examination, process appears to be very subjective, disallowing individuals to compete with others. For example, Orange County is situated in the south and has been stereotyped as being a Bircher, red neck area, and therefore anyone from Orange County is considered along those lines.

I was talking with a manager who indicated to me that there had been no promotions in Region IV for almost thirteen years. He wrote a letter to the director and the director responded by saying that there appeared to be something there, however, she would investigate. The conclusion of her investigation she indicated that it was just accidental that the situation existed.

The reason I point that is is because it also affects morale.

CHAIRMAN CRAMER: Could I ask a question about that? I assume there are lateral transfers to other regions. Is that possible within the Youth Authority system?

MR. ZAVALA: If there's a position open in another office.

CHAIRMAN CRAMER: I assume that if there was a lateral transfer, there could have been promotions for those people after they transferred?

MR. ZAVALA: Possibly. But what we have seen is that promotions took place outside of the region into the region. So, you know, this is one of the reasons that a number of staff have quit taking exams. They say it's hopeless and fruitless because

of the way the exams are conducted.

CHAIRMAN CRAMER: That thirteen years involved a series of administrations actually.

MR. ZAVALA: Going back to Alan Breed.

CHAIRMAN CRAMER: Go ahead.

MR. ZAVALA: Also it affects staff's morale to the point that basically what they're doing is not talking in terms of the future but talking in terms of retirement - trying to get out, figuring out how they can retire and that kind of thing.

The other thing that affects morale is the fact that a number of colleagues are having to leave because of medical illnesses. They have to medically retire: heart conditions, heart problems, stress, things of that nature. Although they are not - sometimes we don't know them personally, we feel we have something in common because they are a fellow worker, perhaps in another office. In regard to stress and that sort of thing, I believe the department has made no major effort in trying to get to the problem and try to understand the problems that parole agents have out in the field in its various units.

I think to look at the problems one would have to look at management and ask the question: Is management really managing? Are they setting the leadership standards and are they being reasonable in listening to their subordinates? I have often found that they are nowhere to be found. In communicating with them about certain heinous crimes such as homicides, then it becomes somewhat of a joke in trying to relate to them the problems that are involved: working with the police; detention. The temporary detention process has been so muzzled that it is sometimes not worth

using, because you have to go through so much to either bring protection to the ward or to the public.

I look at management also to answer the question: are they really concerned with victims or do they think the wards are the victims?

I think this thing has been going on for so many years. I doubt that there's very little that can be done immediately to make any changes - especially in the morale of individuals. When I began working for the department I was proud; I now sometimes become embarrassed. I still feel that my job as a parole agent is to protect the public and if I fail in that, I don't belong here. I think they have to think in terms of the victim. I think they better take a look at the kind of managers they have with some ideas of making some changes.

CHAIRMAN CRAMER: Are these exams for promotion written or oral or both?

MR. ZAVALA: They can be both. The exams that I've participated in have been oral. You see the same tired faces there, over and over again. If, for some reason, you are not part of their region, or socialize, or whatever, you don't score on the exam. That is my feeling.

CHAIRMAN CRAMER: As you look towards management, if their enforcement policies were more consistent with your image, you know, what should be done for protection of victims, protection of wards? Would that be a step forward in your eyes in terms of pride in your job?

MR. ZAVALA: I don't want to give the impression that I'm a police officer. I realize that I'm not, but I can wear the hat.

I would like to see the administration think in terms of really believing what it says, and that is the protection of the public and not just mouthing it. From earlier testimony, the wards have the right to grieve and they have the DDMS procedure. I am also one of those who feel they should have due process, but not to the point of abuse of process, or at the expense of the rights of others. But there has to be some reasonableness, both in institutions and in parole.

CHAIRMAN CRAMER: The dialogue that you're talking about. When you say that, do you have some vision of what you - when you say that I'm not exactly sure what you mean, that there are regional area meetings or that sort of thing. I assume they do exist.

MR. ZAVALA: Well, regional meetings - it depends on the kind of meeting we're talking about. Normally, the field agent is going about his business, knocking on doors at night. Supervisors meet with the regional and supervisors have various kinds of meetings. Sometimes we may (inaudible)...changes or whatever, and sometimes we may not. If there's a concern about a policy, we bring it up to the manager and hopefully, some day, it will get beyond the manager.

CHAIRMAN CRAMER: In terms of training? You heard the testimony earlier today?

MR. ZAVALA: I wasn't here for the earlier testimony.

CHAIRMAN CRAMER: Do you feel that that would be of assistance to you in your performance of your task, in terms of policies and programs of the Youth Authority, if there was more training?

MR. ZAVALA: Well, training is always necessary. In fact,

I think that only somewhat recently did the department engage in having more training available. There was a time when that was not the case. The chosen few were being trained and the others either trained themselves or didn't get any.

CHAIRMAN CRAMER: Did you have an image committee at one time at the Youth Authority?

MR. ZAVALA: There was an image committee set up to find out why the image of the region was low. I was asked to get to the meeting and after I spoke I was never invited back. I don't know what happened to that.

CHAIRMAN CRAMER: I gather that as these feelings of frustration or disappointment occur, that there is a lack of faith in the management support or interest in you and others in the California Youth Authority.

MR. ZAVALA: Very true.

CHAIRMAN CRAMER: The hiring practices, have they affected the image or the attitude of people towards the California Youth Authority?

MR. ZAVALA: Of the people within the authority? Yes.

CHAIRMAN CRAMER: How has that impacted (inaudible)?

MR. ZAVALA: Well, I think there are a number of excellent, qualified people that have worked for the department who have given up and not taken any more exams. Because they know in their mind's eye that...What for? It's useless.

CHAIRMAN CRAMER: They feel that the examination process is inherently unfair.

MR. ZAVALA: Yes, I believe that strongly.

CHAIRMAN CRAMER: Is there anything else, sir?

MR. ZAVALA: Well, I mentioned earlier about some agents that I have learned are fearful of going out at night to do a job. I think, you know, they are in fear of their own personal safety. They feel that if they were injured that the department could care less about what happens to them. We had some mace given to us, and I understand that it doesn't even work on dogs.

CHAIRMAN CRAMER: I don't think it effects people that are using PCP. I know that.

MR. ZAVALA: That's my understanding also.

If a person has to do a job where they feel unsafe, then you know that that's going to affect the job. Early in the years that I was in the department I trained myself and I kind of feel confident with myself in the martial arts. But I've had things come up where, for example, a young man supposedly issued a contract on me. When I talked to the supervisor, some years ago, about it, he said be careful. So I was armed with my own wits. This young man today, I understand, is being held in custody and is being charged with the murder of his father.

I could go on and on and tell you things, but I think it's just belaboring the point. But anyway, I just gave that example in my case.

CHAIRMAN CRAMER: You are a subscriber then to the theory that weapons training and the authority to have weapons would be useful protection for officers?

MR. ZAVALA: I believe that we're being propelled towards that. The profile of the Youth Authority ward today is not like it was in the fifties and in the sixties. Today we're getting murders, rapists, young men who are involved in various kinds of

sexual crimes. And, you know, it seems to me we're trying to deal with them like we dealt with the wards that we had back in the early sixties.

CHAIRMAN CRAMER: Yes, I do believe that to be one of the challenges the Youth Authority is facing now - the change of the nature of the people that they are doing business with.

MR. ZAVALA: It appears they don't want to leave the thinking of Father Flannigan that there's no such thing as a bad boy. Until that changes, we're going to have a lot of problems, and the community is going to be very upset and concerned and they're going to be raising a cry because they, in fact, want some safety.

CHAIRMAN CRAMER: Are you familiar with parole officers being assaulted in the field?

MR. ZAVALA: The one that quickly comes to mind is the man who was shot. Another that I learned very recently, in the Department of Corrections, was taken hostage in May, I believe, of this year. If an agent avoids those dark areas at night, his chances of getting assaulted are limited, but that's not really doing the job.

CHAIRMAN CRAMER: Is there anything else, sir?

MR. ZAVALA: No.

CHAIRMAN CRAMER: Mr. Zavala, I appreciate your coming in today. Thank you.

Richard Journey. Is Mr. Journey present? Would you raise your right hand, please, sir. Do you solemnly swear or affirm that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

DR. RICHARD JOURNEY: I do.

CHAIRMAN CRAMER: Thank you, sir. You're here pursuant to a subpoena of this committee.

DR. JOURNEY: Yes.

CHAIRMAN CRAMER: Would you state your full name for the record, please?

DR. JOURNEY: My name is Richard John Journey, and I'm the psychologist in the Youth Authority in Norwalk at Southern Reception Center and Clinic, in a very special program there for only about forty wards. The program is labeled an intensive treatment program.

The Youth Authority has a number of specialty programs like this which are either called intensive treatment programs, or are called specialized counseling programs. They are usually relatively small. In this case, about forty of the wards are in the program. These programs are heavily staffed and extra heavily funded with psychiatrists, psychologists, extra youth counselors, and group supervisors, and teachers, and nurses, and a number of other people.

I've had occasion to visit all of these programs except for one up north. I'm going to talk mainly about the one program I am in, and my remarks do not necessarily reflect on any of these other specialized counseling programs or intensive treatment programs. My impression, which sometimes is a little old, about the other programs, which may be six or eight months old, is that the morale of the other programs is quite good. There is a certain dynamic movement and involvement of all the different levels of the program. For instance, not only the so-called professionals

like myself, but also the people who sometimes are not called professionals and maybe should be, the youth counselors.

I was very impressed with many of the other programs, with the integration of people working in the program, and a certain amount of dynamic satisfaction. So my comments will be mainly limited only to my own program.

In my program then I would call it mediocre. I would say it's been coasting for the three years that I've been working in it on some old relics of the past. Like maybe a little bit of behavior modification ideas left over. I would say there has not been much changed or added programatically.

There's no dynamic involvement of staff to help plan changes in the program. I think that's very striking which leads to a real morale problem, and, quite possibly, a problem with services to the wards - especially in such a heavily funded program.

The second point I want to make is that there is, in what I have noticed during the three years I've been there, a strong class system or strata of the employees. The first strata I would label as administration and the "professionals," which includes people like myself: psychologists and psychistrists and social workers. The other strata, which I don't think is very much in tandem with this first stratum, is the line staff, which includes people like the youth counselors and the group supervisors, and can be extended in many ways to even include the teachers and the nurses too.

I think there is a very low morale, possibly within the whole program, but especially within the line staff, which includes those youth counselors and group supervisors. I think that,

especially in that line staff, they are not informed of what is going on in the program. They don't take any real part in planning the program, they are not really consulted in the program. Even during our present reform, which is now just starting, especially since the superintendent of the institution is going to investigate our small program. Even now, I think, even with some reforms which may be coming up, I think it's becoming more bureaucratized so that even I don't know what's going on any more.

Talk about training, I use to have some privy to some talk about such things, but even I don't know what's happening anymore. I just find out things that are being planned I don't know anything about either, so I guess I can feel a little bit of what youth counselors have been feeling for years.

The third thing I want to say is that the line staff are not trained for the services. Not trained well at all in my estimation - and I think in their own estimation too if that were looked into. For the services they are to provide, I'm speaking especially of the youth counselors who may or may not be doing a good job in the individual case with what they have, the training they receive. I think they're given almost no training at all for counseling in the very intricate, sensitive services which they are to deliver to our wards. I was particularly struck whenever I visited another one of our specialized counseling or intensive treatment programs, how the morale of our own youth counselors is so low. They are, in a sense, segregated only to custody as opposed to the professionalism I've seen in the other specialized programs in the Youth Authority, of the youth counselors. It's really striking, the morale difference and the professionals. We

tend to keep our line staff very much in line to jealously guard our so-called professional decision-making abilities and we tend not to trust them, I believe. I think that that policy that we've been following for a long time - there again, it's not going to be written policy, it will be lived out policy of how things are done rather than how they're spoken. I think that's really taken a toll on our staff. Not that they don't do sometimes really good jobs. But as a whole, I think the morale is extremely low. I think this is a contradiction to their job specifications. I think that the youth counselor job specification calls, definitely, for a part in treatment, both delivery of treatment and planning of treatment. And I think this is to a great extent ignored.

There are always excuses: there's not enough money for training - that's a nice old excuse, it's been used for many years. Or a new excuse, which I just heard recently, is we are following a medical model and it is the therapist - either like myself a psychologist, or a social worker - who is to run the show and dictate the decisions and to tell them what to do. And, basically, that's custody.

The fourth point I want to make is that the administration of the program, in my estimation and observation, will not make decisions except in responding to crisis. I do not see any real planning of the program. I think the program has been on automatic pilot for the past three years. I think that certainly if there is planning there's no planning with staff. And the youth counselors and group supervisors and teachers and nurses and some other people clearly are not consulted at all. They don't have any contribution to planning what the program is about.

There are some severe limitations in administrators. Some of them have severe problems in dealing with people, with a great deal of suspicion and causing themselves, by their improper ways of dealing with people, a great deal of divisiveness - particularly with the very authoritarian model. Only the so-called professionals can have the higher responsibilities and leave the line staff to do line things - which is mostly custody.

There are token gestures lately being made, which I do not know if they will actually go anywhere.

The last point I want to make is that good personnel practices would call (an employee-employer relationships) would call for a climate in environment and feeling for the people working there in safety and confidence. And I think on the other hand we have seen - both for the line staff and also for some professionals - a climate of fear and possibly coercion by abuses of the supervisory process and some personnel practices.

We have seen such - I certainly have seen them - in the past of, for instance, anonymous smearing of staff members. Where the person, the staff member, who in a sense smears the reputation of another individual is never accountable in any way. The person is never identified, a smear can be made on another staff member without that person who smears having to ever identify themselves or face up to the person who is being smeared. Obviously, the problem of such practice is at the doorstep of not only the staff member who speaks so irresponsibly, and perhaps cowardly, but, in not wanting to be identified, also onto the doorstep of the administration who allows such practices to continue. Certainly for the three years I have been there.

CHAIRMAN CRAMER: When something of that sort is told to someone else, does that resolve into some personnel action, or is that merely just downgrading an individual's reputation?

DR. JOURNEY: Well, there are always different types of cases. Sometimes a person will eventually leave under those circumstances - possibly promoted out under the pressure. There are also times in which the person is switched over to another institution. We have had one case where - I only know of one person who has been removed from our program under pressure from one of the supervisory personnel and has actually made it back to the program under a great deal of grievances and such. I only know of one who made it back. Most of the time they disappear into another institution or have to suffer within our own program.

Even though we are at a time of reform, and perhaps pressure from the outside, I think that the system will remain quite stable and should continue for a long time pretty much as it is with, perhaps, some good window dressing and some nominal changes. As long as the people who are in power continue to cement their own positions with their particular proven styles of acting.

And that's pretty much what I have to say.

CHAIRMAN CRAMER: I was wondering, you say you are treating, or have forty wards, as part of your - what is the profile of those on...

DR. JOURNEY: Oh, yes. Our profile is, supposedly, the most severe cases within the Youth Authority. The intensive treatment programs supposedly take the ones who are more critical. That is to say, those who are psychotic - in particular in a psychotic crisis - or are suicidal, or are severely depressed, or other crisis

of that nature. There are other programs, like the specialized counseling program which have their own criteria. Supposedly not psychotic individuals.

CHAIRMAN CRAMER: Are these people taken out of the general population; kept isolated for a period of time?

DR. JOURNEY: Within our program? Yes. Often what happens is that wards in the mainline population are screened for our program; then admitted if they are judged satisfactory in meeting the criteria. Usually, as you can imagine, there's some sort of crisis - alleged. They may allege they have hallucinations and then we have to judge whether that is indeed a psychotic crisis - at least as far as we can see. Or they have, for instance, harmed themselves by cutting themselves up or hanging themselves, or some critical thing like that. Or they are quite unusual, you know, really withdrawn or very difficult for a regular program to handle. So I think that it may very well be that the -- There's no question that these programs do fill a need. For instance, one of the needs is that the line staff in the regular programs would feel hardpressed to take care of such crises with their already over-extended staffing patterns.

CHAIRMAN CRAMER: Are you, or at least your program, the final judge as to whether to accept that individual for treatment within your system?

DR. JOURNEY: I think that is correct. We have our own screening committee which will evaluate a referral to our program; then we may either accept or reject the referral. Sometimes we will keep them for a trial basis and then observe and then make a recommendation as to whether they should stay with us or not.

CHAIRMAN CRAMER: The training. Who plans the training, or who does the training for your system?

DR. JOURNEY: Again, looking at how things work, I would say that within our program only that the training has been haphazard. Whoever gets to get the money first has basically been getting it. It is true that that has been limited to the privilege class, and I must confess that I'm part of the privilege class which tends to get the money for training. We, I think, as a group have done very little to even share our knowledge with the line staff in any formal presentations of training to them. There have been efforts, of course, but I think if you look at the three year history there's been very little.

CHAIRMAN CRAMER: From your remarks I gather you believe this to be a local aberration of the administration for your program?

DR. JOURNEY: Yes. The examples I've seen in the other programs I was struck with the professionalism of these counselors. It's not that we have bad people as youth counselors by any means, but rather that they just don't have any training in any of these specialized counseling services or crisis services, or those kind of services. I was just amazed when I got to the other programs and saw how the youth counselors hold their heads up high. They are quite expert and even go around the Youth Authority or even to other institutions, even training other people once they have become recognized experts. They are sent out of the Youth Authority for specialized training to San Francisco and other places. It's very impressive. But I've seen none of that at all in our own program - except for one individual who was going for a Ph.D one time as a counselor. But that was a real exception.

CHAIRMAN CRAMER: Well, with that kind of a structure in your program, are there differences of opinion on treatment?

DR. JOURNEY: Well, we have great conflict between many of our therapist versus the line staff. The conflict involves - sometimes it involves a very strong suspicion of the therapist "professional" (I put professional in quotes because I'm just quoting how it's often used). There's a real conflict in this trust of the line staff youth counselor. The youth counselors themselves can talk about, what I've heard, how they feel they've been impeded in their work. Even in their work of security by the action of the therapists and psychologists and whoever. That's more a matter for the youth counselors themselves to testify to. I've heard them very strongly make these remarks.

CHAIRMAN CRAMER: Is suicide a serious problem in the Youth Authority?

DR. JOURNEY: It is always a problem. It always has to be evaluated. Sometimes it may be a jesture to even get out of a difficult situation on another mainline program. The ward may be doing it just to get out where it's cushy and more comfortable (like our program is considered a country club program compared to some of the mainline programs). And often, if they know the ropes, they will even try something like that in order to get over there, but often at times too under the pressure or incarceration. When they're just incarcerated some of them will have psychotic experiences and will attempt suicide. There might even be drugs, PCP flashbacks, somebody may attempt something like that too.

CHAIRMAN CRAMER: But it's not an increasing problem I take it?

DR. JOURNEY: I don't know as an increasing problem, but I don't have any statistics on that either.

CHAIRMAN CRAMER: Do you have a treatment program in the Youth Authority for sex offenders and things like that?

DR. JOURNEY: I think we don't. There is talk about starting things like that. I have heard that up at Preston School of Industry in the intensive treatment program, they are thinking of providing their own services for sex offenders. I don't know how they are thinking of doing that. I know of a couple of staff members over at the youth training school in the specialized counseling program who have provided a specialized group for sex offenders. But that's a group within a larger, more general, diversified population of a specialized counseling program. I think the Youth Authority is sadly lacking in the program for sexual offenders. It is said, and I don't have any statistics, that we are noticing more of the very serious sex offenders. I know that in my own caseload with the counselors, we have had several serious sex offenders.

CHAIRMAN CRAMER: Thank you very much.

Evelyn Domingo-Llacuna. Raise your right hand, please. Do you solemnly swear or affirm that the testimony you are about to give this committee shall be the truth, the whole truth, and nothing but the truth.

MS. EVELYN DOMINGO-LLACUNA: I do.

CHAIRMAN CRAMER: You are here pursuant to a subpoena from this committee?

MS. DOMINGO-LLACUNA: Yes.

CHAIRMAN CRAMER: Would you state your name and spell

Your name for the record, please?

MS. DOMINGO-LLACUNA: My name is Evelyn Domingo-Llacuna. The last name is spelled D-o-m-i-n-g-o hyphen L-l-a-c-u-n-a.

Unlike the previous witnesses, I do not provide services to wards. I work as a research analyst out of Sacramento and here at the southern reception center. I'm part of a team evaluating six programs that include intensive treatment programs that Dr. Journey mentioned. Three of these six programs are very richly funded. In fact, the staff ratio is probably one to one. The other three are getting less funding with maybe a staff ward ratio of maybe one to two, or one to three.

I would like to address two things. First, I have something very briefly to say on what it's like working for the YA; I have been employed for the last three years. Second, I would like to redirect attention to the placement, treatment, and rehabilitation of diverse groups of wards admitted to the Youth Authority. There has been a lot of talk about public safety and security, and this is all very important. However, I also think some time should be spent on examining the role that has been originally been created for the YA - which is rehabilitation. How much of it is available? Of those that are available are services for rehabilitation adequate? Are they effective?

A person working for the Youth Authority? The Youth Authority style is authoritarian. Both in its treatment of wards as well as in its management of staff. Within the institution, maybe partly because of the type of clientele served, there is probably more of a punitive and dictatorial rather than a rehabilitative democratic or humanistic orientation that staff takes

toward wards. And this seems to be taken all the way up to management, who a lot of employees experience as treating them in a punitive and dictatorial way rather than in a democratic and humanistic way. Management is also extremely arbitrary, unresponsive, and even discriminatory in the treatment of employees. There's probably a group of staff in the YA who feel like misfits, and those happen to be the ones whose duty directly relates to rehabilitation. I'm referring to psychologists, social workers, and youth counselors involved in treatment groups who are use to treating people in a more democratic and humanistic way. These people will probably have trouble being treated in a punitive way. A condition that probably leads to reduced efficiency.

I have heard a lot of staff complain. As two staff members here have already pointed out, they complain of low morale as well as fear of reprisal for being vocal about problems. In fact, there's one thing that maybe the committee might like to look into: The simple count of the number, or proportion rather, of grievances within the Youth Authority as compared to the proportion of grievances found in other state agencies.

The second point of rehabilitation is placement of wards: The six programs that we are evaluating are supposed to serve an even more special population within the already nonmornal population of the Youth Authority. The ward is often diagnosed to have severe emotional disturbances. They are not appropriate for mental hospitals because they are usually assaultive and would be a threat to the safety of the usual mental health population. These wards have often been considered as basket cases. Nobody really knows where they belong. Nobody really wants them. In fact, some staff

working with these wards really only have two options: they either destroy themselves or they destroy other people.

To rehabilitate them seems to me to require long, intensive treatment; even a restructuring of their lives. That would require more than what the currently richly funded programs are now capable of providing. Also, when released practically all of these kids are not ready for parole. They are released anyway because in some cases the confinement time is up.

Actually there are other wards - and I'm speaking of the population that we're now currently working with - in intensive and special counseling programs, which, according to some psychologists and case worker specialists that I have talked to, appears difficult to find good treatment programs for them in the YA. I'm referring to the younger, less sophisticated ward. We have programs for psychotics and severely emotionally disturbed, but my attention has been called to the fact that there aren't programs for the younger, less sophisticated ward.

The other point that I wanted to bring up is something that Mr. Cramer already asked a question about: sex offenders that are admitted to the YA. With the intensive treatment and special counseling program, we did a very quick survey of how many sex offenders we have. We have about a third of the population who are committed to the YA for a sex offense, or who in their offense history has some special offense.

There are no programs, such as the intensive treatment programs, that are exclusively for sex offenders. Most of them are too young to be admitted to Atascadero. Sometimes they're not from the adult court so they cannot be committed to Atascadero. I

guess sometimes they're just too young.

The Youth Authority is starting what they call a ward assignment system, but which some centralized position is going to place wards in different programs in different institutions. We still have to see how this is going to work. I don't know at this point how it's going to (inaudible) on the screening for wards in special programs.

CHAIRMAN CRAMER: Would you explain that to me? What you just stated.

MS. DOMINGO-LLACUNA: The Youth Authority is starting a ward assignment system (that's what they call it), and there's supposed to be an evaluation of it around February or April. But what it is is a referral process. In fact, it's an assignment process. It's more than just a referral process.

There is going to be a central division, or a division within Sacramento that will assign wards to different firms and different institutions. I'm not, at this point, thoroughly acquainted with it.

CHAIRMAN CRAMER: Is that a reception center kind of...

MR. DOMINGO-LLACUNA: No, I think it transcends that.

CHAIRMAN CRAMER: Where do they get their information?

MS. DOMINGO-LLACUNA: As far as I know, they have set up some kind of a scale that will take into consideration things like level of criminality. Like I said, I still have to get reacquainted with what they're going to do with it. They have started to implement it in many of the northern programs. It hasn't come to the southern reception clinic yet. I think they just started it at the youth training school.

That's about it.

CHAIRMAN CRAMER: I'm very interested in that assignment program, I 'll find out about that.

Do you write reports on these six programs that you evaluate?

MS. DOMINGO-LLACUNA: Yes.

CHAIRMAN CRAMER: How often?

MS. DOMINGO-LLACUNA: We do psychological testing. I do interpretation and analysis of the psychological testing. And we have just recently come out with a report - it's not officially released yet, but it has gone to the administrators - on the psychological characteristics of wards admitted to intensive treatment in special counseling programs.

We're supposed to be evaluating several different aspects of this program, not just the type of wards admitted and not just whether there are changes. Also, we're supposed to look into what aspects of the program works.

CHAIRMAN CRAMER: What distribution are these reports given?

MS. DOMINGO-LLACUNA: It's given to all program administrators and staff. I think it's available to anybody who would want a copy of it.

CHAIRMAN CRAMER: All right. Thank you very much.

I'm getting tired. We have a sign-up sheet for witnesses who weren't subpoenaed, and I have not really the knowledge of what they intend to present. I would hope that their remarks would not be repetitive and would be brief and to the point. Mr. Goggin, I believe, signed up to request to make statement.

Mr. Goggin, do you solemnly swear or affirm that the testimony that you are about to give this committee shall be the truth, the whole truth, and nothing but the truth?

MR. DAVE GOGGIN: I promise to tell the truth and nothing but the truth. I'm sure the brief time remaining will not admit the whole truth.

CHAIRMAN CRAMER: Well, it's always difficult at times to arrive at what is the truth, and I'm not omniscient.

MR. GOGGIN: Like yourself, it has been a long day and I'm feeling a bit strained. I would primarily like to request that spokesmen for the California Youth Counselors' Association be included, and that ample time be accorded us for the next hearing, to be taking place, I understand, next month on the 8th.

CHAIRMAN CRAMER: We intend to have hearings in this general subject matter on December 8, 1981 in Sacramento.

MR. GOGGIN: Okay. I would like to formally request that.

I would like to say a few words. Today I have listened to a number of people who I think have courageously and articulately given factual information. But it's only, in my opinion, bits and pieces of a far, far more serious problem. We have heard today symptoms, symptoms of a far greater ill.

Nine years I have been employed inside the Youth Authority institution. Thirteen years in the juvenile justice system. During the latter half of that time I held elected state offices in an organization known as the California Youth Counselors' Association. Sometimes it is now described as nearly defunct, and sometimes as defunct. There are reasons for that. At the time I took over that organization, it was the principal form for line staff

working inside the institution of the Youth Authority of California. During that period of time, I believe I witnessed a severe growth deterioration of a department of the Youth Authority, moving rapidly towards the Stone Age in terms of its value in services which it renders to the State of California.

To be brief, and I must be brief, but a few words of description of that Youth Authority today in its administration: incompetent; corrupt. The department itself in many respects must be viewed as a total ripoff. I would give you a couple of examples if you'd like.

CHAIRMAN CRAMER: No, I think that what I would like to do, if you don't mind, rather than to go into that kind of characterization of the Youth Authority at this time, I would most prefer an opportunity to do as I've done with all the other witnesses who have come here to testify. That is to have them interviewed, you know, and the materials discussed with them, prior to testimony - if that would be agreeable with you.

MR. GOGGIN: It certainly would be. I would like to also suggest that other officers of our association be afforded that too.

CHAIRMAN CRAMER: I'll see that that's done.

Just for my own information, is that Janice Baptista?

VOICE: Heidi? Hymie? Oh, excuse me, here's a person who writes with my skills. Is that person (inaudible). Oh, is that right. If so, is he a part of your organization, sir?

MR. GOGGIN: Say the name again.

VOICE: Hymie.

MR. GOGGIN: Perhaps, I don't know. It's not a

designated spokesman.

I might then, if there's a moment remaining, there's one thing I would like to suggest.

It is my personal contention at this point that the problems that are now so great within the California Youth Authority, and indeed some of it has been attested to here today, could not have happened in its own right. While I would be eager myself to lay the full blame on a few individuals, it is clearly my contention today that this could not have happened without the tacit or direct cooperation of the State Personnel Board, the office of the Secretary of Corrections, the Governor of the State of California, and the Attorney General's Office. Without their cooperation the problems to which we will wish to speak would not be a possibility.

I do not know, but in the interest of a realistic outcome of your committee hearings, I would hope that we would be afforded the opportunity to include the active role that has been played by the other organizations of this state, other state officials addressing the issues.

CHAIRMAN CRAMER: I will see that you and those people you are interested in having interviewed are interviewed.

MR. GOGGIN: Thank you very much.

CHAIRMAN CRAMER: I appreciate the patience from all of you today that were here and sat through at least the beginnings of these hearings involving the California Youth Authority. I think it's quite apparent that a particular group of people were asked to come here and testify today. There will be other people asked to testify from northern California, and, of course, management will be asked to testify also in terms of the California

Youth Authority and their perceptions of it.

I would not want to leave this hearing today with the idea in mind that this will be the only hearing. That there would not be a balanced effort at gaining as much insight as is possible into the California Youth Authority.

If there is a need for legislative change to in effect seek and carry out that legislative change, it is with the hope that my brothers and sisters in the Legislature would support that effort. I fully intend, and I have committed myself, to be involved in this process. I appreciate your cooperation.

Thank you very much.

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