

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

• *PROMOTING INTEGRITY* •



**REVIEW OF THE PROCESS USED BY
THE CALIFORNIA YOUTH AUTHORITY AND
THE YOUTHFUL OFFENDER PAROLE BOARD TO
ESTABLISH WARD PROGRAM REQUIREMENTS**

DECEMBER 2002

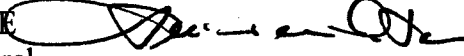
GRAY DAVIS, GOVERNOR



Memorandum

Date: December 31, 2002

To: JERRY HARPER, Director, California Youth Authority
RAUL GALINDO, Chairman, Youthful Offender Parole Board

From: STEVE WHITE 
Inspector General

Subject: REVIEW OF THE PROCESS USED BY THE CALIFORNIA YOUTH AUTHORITY
AND THE YOUTHFUL OFFENDER PAROLE BOARD TO ESTABLISH WARD
PROGRAM REQUIREMENTS

Enclosed is the final report of the review conducted by the Office of the Inspector General of the process used by the California Youth Authority and the Youthful Offender Parole Board to establish ward program requirements. The review was conducted under the authority granted to the Office of the Inspector General under *California Penal Code* Section 6126.

The Office of the Inspector General found that the California Youth Authority, which is the agency with the expertise and the statutory responsibility for assessing the treatment needs of wards, only recommends generally what programs wards should complete. Meanwhile, the Youthful Offender Parole Board—which has the statutory authority only to recommend programs and which lacks treatment expertise—is the agency that actually specifies the treatment programs the ward must complete before parole. Furthermore, the board appears to order more programs than wards can reasonably complete by the parole consideration date. The Office of the Inspector General recommends that the California Youth Authority take responsibility for making formal recommendations for treatment programs to be completed by wards based on assessments completed during the intake process and that the Youthful Offender Parole Board discontinue conducting initial hearings.

Before the report was finalized, the Office of the Inspector General furnished a draft version to the California Youth Authority and the Youthful Offender Parole Board for response. The written responses, which are included in the final report as Attachments A and B, respectively, indicate that the department and the board have taken steps to implement these recommendations.

Please call me if you have questions concerning this matter.

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL



**REVIEW OF THE PROCESS USED BY
THE CALIFORNIA YOUTH AUTHORITY AND
THE YOUTHFUL OFFENDER PAROLE BOARD TO
ESTABLISH WARD PROGRAM REQUIREMENTS**

REPORT

DECEMBER 2002

● PROMOTING INTEGRITY ●

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EXECUTIVE SUMMARY

This report presents the results of a review by the Office of the Inspector General of the process used by the California Youth Authority and the Youthful Offender Parole Board to establish program requirements for California Youth Authority wards. The review grew out of a request from Senator John Burton, Chairman of the Senate Rules Committee, on March 15, 2002 asking for information about what programs the Youthful Offender Parole Board may require of wards committed to the California Youth Authority and how the California Youth Authority is delivering the programs. In the course of responding to Senator Burton's questions, the Office of the Inspector General became aware of a number of issues relating to the process by which the California Youth Authority and the Youthful Offender Parole Board decide what treatment programs wards must complete before parole that appeared to merit additional view.

The Office of the Inspector General found from the review that, in a backward process, the California Youth Authority, which is the agency with the expertise and the statutory responsibility for assessing the treatment needs of wards, only recommends generally what programs wards should complete. Meanwhile, the Youthful Offender Parole Board—which has the statutory authority only to recommend programs and which lacks treatment expertise—is the agency that actually specifies the treatment programs the ward must complete before parole. Furthermore, the board appears to order more programs than wards can reasonably complete by the parole consideration date.

Specifically, the Office of the Inspector General found the following:

FINDING 1. The Office of the Inspector General found that having the Youthful Offender Parole Board conduct initial hearings adds little value to the process and frequently results in parole consideration dates exceeding regulatory guidelines and requirements that the ward complete more treatment programs than can reasonably be accomplished.

The Youthful Offender Parole Board conducted 2,522 initial hearings in calendar year 2001. Yet, the involvement of the board serves little purpose and often results in the board setting a parole consideration date beyond the guidelines for specified offenses set out in Title 15 of the *California Administrative Code*. The board also uses the initial hearings to impose requirements that the ward complete specified treatment programs before parole, often without regard to whether the programs can be completed within the initially determined confinement period. The process ignores that the California Youth Authority is the state agency with the statutory responsibility and expertise to assess the treatment needs of wards—authority and expertise that the Youthful Offender Parole Board lacks.

FINDING 2. The Office of the Inspector General found that the California Youth Authority does not develop plans defining how each ward will complete his or her treatment programs before the parole consideration date, thereby jeopardizing the ward's scheduled release.

The Office of the Inspector General found that the California Youth Authority does not prepare a specific plan for each ward based on the board orders to spell out how the ward will fulfill the recommended treatment programs. The absence of such a plan makes it difficult for wards to complete the programs before the parole consideration date. Without such a plan, the wards' progress in completing the board-ordered programs depends significantly on the discretion and initiative of the staff at the individual California Youth Authority institutions.

FINDING 3. The Office of the Inspector General found that despite incurring significant expense in providing a broad array of treatment programs for wards, the State has not sought to measure the effectiveness of the programs.

California Youth Authority institutions offer a widely differing array of treatment programs. Programs with similar titles may differ significantly in such features as total number of hours included, duration in weeks, program capacity, and scheduling frequency. It is evident that decisions about program curriculum and course content are being made at the discretion of the staff at each California Youth Authority institution and that there is little consistency in the way programs are being structured and delivered. To date, the California Youth Authority has not attempted to measure the effectiveness of any of the programs provided at the institutions. In essence, the state is spending millions of dollars on treatment programs without knowing whether the programs provide any real benefit to the wards or to the public.

RECOMMENDATIONS

The Office of the Inspector General recommends the following:

- **The California Youth Authority should take responsibility for making formal recommendations for treatment programs to be completed by wards based on assessments of wards completed during the intake process and on consideration of the time required to complete the programs during the ward's expected confinement period.**
- **The Youthful Offender Parole Board, in coordination with the California Youth Authority, should immediately discontinue conducting initial hearings.**
- **The California Youth Authority, in consultation with the Youthful Offender Parole Board, should review the various programs currently being offered at the institutions and eliminate those found to be least effective.**
- **The California Youth Authority should immediately initiate an effort to promote consistency and uniformity in the curriculum and content of programs being offered to wards and devise means to fully assess their effectiveness.**
- **The Youthful Offender Parole Board should develop a training program specifically designed to enable the board hearing staff to fully understand the board's role and responsibilities in the hearings and to ensure that the**

hearing staff is thoroughly familiar with California Youth Authority programs and requirements.

- **The California Youth Authority should develop a standardized format for a ward treatment plan and require such plan to be prepared as a part of the ward's initial assessment. Training should be provided to the staff to ensure consistency in the preparation of the treatment plan.**
- **The Youthful Offender Parole Board should function in an oversight capacity by reviewing the California Youth Authority's recommended program and formal treatment plan for wards and evaluating the ward's behavior and progress at the first annual and subsequent annual hearings.**

INTRODUCTION

The Office of the Inspector General was established by *California Penal Code* Section 6125 to provide oversight of the Youth and Adult Correctional Agency and its subordinate departments. Pursuant to *California Penal Code* Section 6126, the Inspector General may initiate audits and investigations to identify areas of noncompliance with policies and procedures, specify deficiencies, and recommend corrective actions.

The present review was prompted by a request on March 15, 2002 from Senator John Burton, Chairman of the Senate Rules Committee that the Office of the Inspector General provide information about what programs the Youthful Offender Parole Board may require of wards committed to the California Youth Authority to complete before they are released from custody. Senator Burton asked the Office of the Inspector General to determine what programs the board is ordering and how the California Youth Authority is delivering these programs, and he asked for detailed information about the length and availability of each program by institution and about the level of participation by wards. Senator Burton also requested information about how many wards are on waiting lists to enroll in board-ordered programs and about how wards are prioritized for placement in the programs.

The Office of the Inspector General responded to Senator Burton's questions in a letter dated April 5, 2002. During the process of compiling the information needed to respond to Senator Burton's questions, however, the Office of the Inspector General became aware of a number of issues that suggested that the process merited additional review. Accordingly, the Office of the Inspector General initiated a review of the process used by the California Youth Authority and the Youthful Offender Parole Board to establish program requirements for California Youth Authority wards.

BACKGROUND

The California Youth Authority is responsible for housing juveniles between the ages of 12 and 25 who have been convicted of a criminal offense committed before their 18th birthday and have been bound over to the California Youth Authority by a juvenile or criminal court. The California Youth Authority operates 11 institutions and four youth forestry camps. As of March 19, 2002 the department housed 6,143 wards, including 274 females. The California Youth Authority also supervises 4,358 individuals currently on parole.

The department's main mission is to protect the public from criminal activity, but it is also mandated to provide a range of training and treatment services to youthful offenders while they are incarcerated and on parole. The law specifically states that "The Youth Authority must accept a person (who) can be materially benefited by its reformatory and educational discipline..."¹ a clear reference to providing treatment and training programs to the juvenile offender.

Offenders committed to the California Youth Authority do not receive determinate sentences (a specified number of years to serve) from the court. Instead, the Youthful Offender Parole

¹ *California Welfare and Institutions Code* Section 1731.5. (B)

Board, a separate administrative body, determines the length of commitment. The length of commitment initially set by the Youthful Offender Parole Board, however, can, and often does, differ from the actual length of time served by the ward, but the total time served cannot exceed the confinement time established by the court.

The average length of commitment set at initial hearings for California Youth Authority wards held during 2001 was 17.8 months. For wards paroled in 2001, however, the average length of stay at California Youth Authority institutions was 28.3 months. Following are average lengths of stay in the California Youth Authority for wards in various commitment categories who paroled in 2001:

- 12.5 months Parole violators
- 29.2 months Wards recommitted for new offenses
- 34.6 months Wards committed for the first time

What is the Youthful Offender Parole Board? The Youthful Offender Parole Board is a department within the Youth and Adult Correctional Agency. The board is composed of seven full-time members appointed by the Governor and confirmed by the Senate for four-year terms. By law, the board is responsible for granting parole and setting the conditions thereof, revoking or suspending parole, recommending training and treatment programs for wards, and hearing annual progress reports on ward behavior and successful completion of the ordered programs. Board members are required to conduct only specific types of hearings, however, and much of the actual work of the board is delegated to the board's hearing staff.

How does the training and treatment decision-making process work? When a ward is committed to the California Youth Authority by a criminal or juvenile court, the California Youth Authority conducts an assessment of the offender's history. The assessment covers his or her education, criminal offense(s), psychological and mental health, and other factors that might be important in determining which training and treatment programs would be most beneficial to the ward's rehabilitation. The California Youth Authority also considers which institution is best suited to a ward's placement.

After reviewing information provided by law enforcement and the courts about the new ward, the California Youth Authority submits a packet of information to the board. The packet typically includes a narrative discussion of clinical impressions of the ward and a general discussion of treatment needs, along with a recommendation for two or three institutions where the ward might be housed. The packet may or may not include formal recommendations for treatment programs. The practice of the Northern Youth Correctional Reception Center-Clinic is generally to not make specific program recommendations. Conversely, the Southern Youth Correctional Center-Clinic typically provides recommendations for treatment programs. When the board receives a ward's case file, the board hearing staff reviews the file, interviews the ward, and develops a list of programs for the ward to complete before parole.

How are the board-ordered programs decided and implemented? When a ward is placed in an institution, it is the responsibility of the California Youth Authority to ensure that the ward is safely housed and receives the treatment and training the board has recommended.

The California Youth Authority is responsible for enforcing state educational requirements for youths under age 18, including special education provisions for qualified offenders up to the age of 21. Wards must attend school up to age 18 or until they complete a high school curriculum or receive their general educational development (high school equivalency) certificate. Those not completing high school before parole may have high school completion made a condition of their parole.

Additional programs the board can impose include the following:

- Victim Awareness
- Gang Awareness
- Anger Management
- Formal Substance Abuse
- Informal Substance Abuse
- Informal Sex Offender
- Vocational Training
- Employability
- Parenting Skills
- Inner Wounded Child
- Social Thinking Skills
- Impulse Control/Behavior Modification
- Domestic Violence
- Relating to Females
- 187 Group²
- Pre-Parole Program

The board can also request that the California Youth Authority screen wards for possible inclusion in the following programs:

- Intensive Treatment Program
- Specialized Counseling Program

² Refers to *California Penal Code* Section 187, the section dealing with homicide.

- Formal Sex Offender Program

Following its initial hearing on the case, the board issues an order recommending the programs the ward must complete during his or her time with the California Youth Authority and specifying a parole consideration date. The parole consideration date is the earliest anticipated date the ward might be released to parole, depending on behavior during confinement and completion of all recommended programs.

The board must review each ward's case annually to determine whether his or her programs should be modified or continued and whether the parole consideration date should be changed. In general, a ward must complete all programs ordered by the board before he or she will be paroled, with the exception that offenders who reach the age of 25 or have otherwise exhausted their available confinement time are automatically released from custody, whether or not they have completed the required programs.

Previous study on the department's ability to carry out board programming orders. In March 2000, the California Youth Authority conducted a study for the Youth and Adult Correctional Agency to examine how well the California Youth Authority was carrying out its responsibility to provide training and treatment programs to its wards. Using a sample of 100 wards housed in California Youth Authority institutions, the study found that 50 percent of the wards ordered to complete high school³ were unable to do so before parole, in which case completing high school became a condition of parole. The study also found that some wards who had been ordered to obtain a general educational development certificate did not pass the test, thereby failing to complete their training program. The study also noted that a recent law requiring intensive treatment programs and specialized counseling programs for certain violent sexual offenders had reduced the availability of treatment beds for other wards with mental health needs. The study pointed out the potential problems that can arise from housing predatory sex offenders in a mental health setting.

While the study by the California Youth Authority did not address the same issues as the current review by the Office of the Inspector General, it did indicate that concerns about the delivery of programs to California Youth Authority wards are not new. The purpose of the review by the Office of the Inspector General was to evaluate how treatment and training programs are being determined and delivered to California Youth Authority wards.

OBJECTIVES, SCOPE AND METHODOLOGY

To gain an overall understanding of the process used to determine ward treatment and training programs, the Office of the Inspector General reviewed applicable statutes and regulations and interviewed officials at the California Youth Authority and the Youthful Offender Parole Board. The Office of the Inspector General also reviewed and analyzed the results of previous reviews and studies relating to this issue. In addition, the Office of the Inspector General selected a statistical sample of 121 wards currently housed by the California Youth Authority to measure how the treatment programs ordered are being

³ The law requires the California Youth Authority to identify all non-high school graduates, develop a graduation plan, and enroll those wards in appropriate classes.

delivered. The Office of the Inspector General reviewed the master files of the 121 wards to determine the following:

- What programs, if any, did the California Youth Authority initially recommend that the board impose on the wards?
- What programs did the board order for the wards?
- Did the board impose any additional programs, not included in the California Youth Authority's recommendation, for the wards at the initial or subsequent hearings?
- What is the wards' current completion status for the ordered programs?
- Did program requirements affect the wards release date?
- How does the California Youth Authority measure the effectiveness of the programs?

To respond to Senator Burton's questions, the Office of the Inspector General also sent a questionnaire to all 11 California Youth Authority institutions for information about programs being offered at each institution. The findings and recommendations contained in this report were derived from an analysis of the information obtained from the wards' files and the institution responses to the questionnaire.

FINDINGS AND RECOMMENDATIONS

FINDING 1

The Office of the Inspector General found that having the Youthful Offender Parole Board conduct initial hearings adds little value to the process and frequently results in parole consideration dates exceeding regulatory guidelines and requirements that the ward complete more treatment programs than can reasonably be accomplished.

California Welfare and Institutions Code, Section 1720 (a) requires the Youthful Offender Parole Board to conduct an initial hearing immediately after the California Youth Authority completes the ward's assessment. According to California Youth Authority records, the Youthful Offender Parole Board conducted 2,522 initial hearings in calendar year 2001. Yet the involvement of the board serves little purpose and often results in the board setting a parole consideration date beyond the guidelines set out for specified offenses in Title 15 of the *California Administrative Code*. The board also uses the initial hearings to impose requirements that the ward complete specified treatment programs before parole, often without regard to whether the programs can be completed within the initially determined confinement period. The process ignores that the California Youth Authority is the state agency with the statutory responsibility and expertise to assess the treatment needs of wards—authority and expertise that the Youthful Offender Parole Board lacks.

The initial hearings are held ostensibly to accomplish the following objectives:

- ***To determine the ward's offense category.*** The wards are classified into seven offense categories depending on their commitment offense. Wards who committed the most violent offenses are assigned to Category I, while those who committed the least violent offenses are assigned to Category VII.
- ***To set the ward's initial parole consideration date.*** The parole consideration date is the earliest anticipated date the ward will be released on parole, depending on behavior during confinement and completion of all recommended programs.
- ***To recommend the ward's treatment program requirements.*** Based on information presented by the California Youth Authority staff and the results of the ward's interview during the hearing, the Youthful Offender Parole Board recommends the programs to be completed by the wards before they are paroled.

The Office of the Inspector General questions the usefulness of the initial hearings because of the following:

- ***Determining the ward's offense category entails minimal discretion.*** There is no apparent need for the Youthful Offender Parole Board to be involved in the determination of the ward's offense category because the decision involves little discretion. In making the determination, the Youthful Offender Parole Board must adhere to requirements prescribed in *California Administrative Code, Title 15, Sections 4951 through 4957*. For each offense category, Title 15 provides a detailed listing of commitment offenses applicable to the ward's most recent commitment offense. For example, individuals with a most recent commitment offense of first or second degree murder under Sections 187, 189, and 190 of the *California Penal Code* are automatically

placed in Category I, while individuals most recently committed for concealable firearms violations under Sections 12021 and 12025 of the *California Penal Code* are placed in Category 6. Therefore, determining the ward’s offense category merely involves comparing the ward’s most recent commitment offense to the criteria delineated in Title 15. This is a routine procedure that could easily be performed by the California Youth Authority during the ward’s assessment process.

- ***The board often extends the parole consideration date beyond regulatory guidelines.*** The parole consideration date is also prescribed in *California Administrative Code*, Title 15; yet, the Youthful Offender Parole Board routinely extends the date during the initial hearing. Title 15 prescribes a “parole consideration date interval” for each of the seven offense categories, which in essence specifies the ward’s initial parole consideration date. For example, the regulation specifies a parole consideration interval of seven years for wards in Category 1 and one year for Category 6. Title 15, Section 4945 allows the Youthful Offender Parole Board discretion to deviate from the prescribed guidelines based on special circumstances that may call for shorter or longer parole consideration intervals. Examples of factors that may affect the parole consideration date are the ward’s prior history of delinquency or criminal behavior, involvement with dangerous or deadly weapons, the extent of injury to victims, staff evaluation, maturity, motivation of the ward, and prognosis for success or failure.

A review of the pattern of deviation from prescribed guidelines shows an increasing trend on the part of the Youthful Offender Parole Board to extend the parole consideration date during initial hearings. This trend is especially prominent for the less serious offenders in Categories 5 through 7. In the Office of the Inspector General’s sample of 121 wards, 43 wards fell into Categories 5 through 7. A review of the records of these 43 wards showed that parole consideration dates for 30 of the wards (70 percent) were extended beyond Title 15 guidelines during the initial hearings by an average of 5.47 months per ward. The following chart provides a historical comparison of deviation by the Youthful Offender Parole Board from Title 15 guidelines during initial hearings:

DEVIATION FROM TITLE 15 GUIDELINES PRESCRIBING PAROLE CONSIDERATION DATES

	1993	1997	2001	OIG Sample
Below	16%	9%	7%	2%
At Guideline	70%	43%	31%	28%
Above	14%	48%	62%	70%

The Youthful Offender Parole Board and the California Youth Authority attribute the trend of extended parole consideration dates to the tendency of the counties to send wards with increasingly violent histories or gang involvement to the state system. There is no empirical evidence to support or refute this belief, however, as the decision to extend the parole consideration date can be highly subjective. Furthermore, as the Title

15 guidelines for determining parole consideration date were established as appropriate for the offense categories, it would be reasonable to expect that deviation from the guidelines would represent exceptions rather than the norm. That 70 percent of wards committed for less-violent offenses received extended parole consideration dates during the initial hearings suggests either that the guidelines are seriously flawed or that there is a strong tendency on the part of the Youthful Offender Parole Board to be more stringent when exercising discretion during the initial hearings.

In the sample of 121 wards examined by the Office of the Inspector General, the California Youth Authority hearing staff recommended “time adds” for 35 wards for failure to complete treatment and training, while the board hearing staff ordered time adds for 53 wards. The same sample showed that the California Youth Authority recommended “time cuts” for 31 wards, while the board hearing staff approved time cuts for only 15 wards. In total, for the 121 wards in the Office of the Inspector General’s sample, the board’s decisions resulted in a net average increase in confinement time of 2.11 months per ward beyond the California Youth Authority’s recommendations.

- ***Assessing treatment needs is the responsibility of the California Youth Authority.*** The California Youth Authority, not the Youthful Offender Parole Board, has the statutory responsibility for assessing the education and treatment needs of wards committed by the courts to state custody, as well as the trained personnel necessary to carry out those assessments. In the current backward process, however, treatment programs for wards are routinely determined by the hearing staff of the Youthful Offender Parole Board, which has statutory authority only to *recommend* programs to be completed by California Youth Authority wards, while the California Youth Authority only recommends programs in a general way.

Even though the Youthful Offender Parole Board has actual authority only to recommend programs, both the California Youth Authority and the Youthful Offender Parole Board operate under the assumption that the board’s specifications about the programs a ward must complete before parole have the force and effect of an order. That assumption rests on the board’s authority to deny a parole consideration date and extend a ward’s period of confinement because of failure to complete the programs. Whether considered a recommendation or an order, the board’s action at a ward’s initial hearing is central to determining to what programs the ward will be assigned and will be required to complete during the confinement period.

When a ward is received at one of the two California Youth Authority reception centers, the staff, including psychiatrists, psychologists, and social workers, conducts an assessment of his or her educational and treatment program needs. The assessment is accomplished by reviewing the ward’s educational and personal background, commitment offense, current behavior, and current emotional and psychological needs. The California Youth Authority staff then submits a report summarizing the information to the Youthful Offender Parole Board before the ward’s initial hearing, along with a list of institutions recommended for the ward’s placement.

Youthful Offender Parole Board case representatives subsequently review the material provided by the California Youth Authority, interview the ward, and draw up a list of

recommended programs, excluding standard educational requirements, which are handled solely by the California Youth Authority. In this process, the treatment expertise and perspective of the California Youth Authority staff charged with assessing a ward's treatment needs may be outweighed in the board's program decisions by the custody-oriented perspective and training of the board and the board hearing staff. The Office of the Inspector General observed that the board hearing staff routinely checks off programs to be provided without documentation linking the programs to the ward's history and treatment needs as identified by the California Youth Authority. A review of the files of the 121 wards in the sample also showed that on average, wards were ordered to complete programs with little consideration for the initially determined confinement period. In addition, there appears to be little correlation between offense categories and programs recommended by the board. For example, in the Office of the Inspector General's sample of 121 wards, wards in Offense Category 1, which has a parole consideration guideline of seven-years, were ordered to complete an average of 4.45 programs per ward. Meanwhile, the sample wards in Offense Category 7, which has a guideline of one year or less, were ordered to complete 4.43 programs. As of May 31, 2002, the wards in the sample falling into Category 1 had completed 2.64 (66 percent), of the board-ordered programs, while wards in Category 7 had completed only .29 (6 percent) of the programs.

The board hearing staff members who recommend the treatment programs are not necessarily trained in fields related to the programs at issue and in some cases appear to lack basic understanding of the programs available. The case hearing representative must have experience in the correctional field that may or may not include experience specifically in treatment programs. At the same time, the California Youth Authority staff members who have the treatment background and who conduct the ward's initial assessment do not review the available programs and make recommendations according to the ward's needs, but instead leave that function up to the board.

Eliminating the initial hearings before the Youthful Offender Parole Board would enable both the board and the California Youth Authority to redirect the staff resources committed to this hearing function to other more productive activities. For example, the board hearing staff could use the time saved to gain more knowledge about the California Youth Authority's programs and to become more familiar with each ward's program needs.

FINDING 2

The Office of the Inspector General found that the California Youth Authority does not develop plans defining how each ward will complete his or her treatment programs before the parole consideration date, thereby jeopardizing the ward's scheduled release.

The Office of the Inspector General found that the California Youth Authority does not prepare a specific plan for each ward based on the board orders to spell out how the ward will fulfill the recommended treatment programs. The absence of such a plan makes it difficult for wards to complete the programs before the parole consideration date. Without such a plan, the wards' progress in completing the board-ordered programs depends

significantly on the discretion and initiative of the staff at the individual California Youth Authority institutions.

The Office of the Inspector General found that the average confinement time of the 121 wards in the sample as of May 31, 2002 was approximately 36 months. The wards had been ordered to complete an average of 5.4 programs, and, after approximately three years of confinement, had completed an average of 1.6 programs (approximately 30 percent of the programs ordered). Those statistics are consistent with data from the California Youth Authority showing that while the average confinement time given to wards at the initial hearing was 17.8 months in 2001, the average length of stay was 28.3 months. The extended confinement time results from board-imposed additional time either because of disciplinary action or because of the ward's failure to complete board-imposed programs. That the wards in the sample had completed only 30 percent of the board-ordered programs after three-years of confinement also raises questions about the adequacy of efforts by the California Youth Authority to provide programs to wards.

Numerous factors may affect a ward's progress in completing board-ordered programs. Some wards refuse to attend programs, while others may be precluded from attending programs because of disciplinary problems. The California Youth Authority staff has also asserted that the statistics could be skewed by the practice of the institutions to schedule a formal drug-counseling program for the end of the wards' confinement period to ensure maximum effectiveness. The Office of the Inspector General noted that the program completion rate was indeed negatively affected by the formal drug-counseling program. Only 15 of the 82 wards (18 percent) who had been ordered to attend the program had completed it by May 31, 2002. Yet, the review also showed that the results for other frequently ordered programs were almost as dismal. For example, only 33 of the 116 sample wards (33 percent) who were ordered to attend the "Victim Awareness" program and only nine of the 44 wards (20%) who were ordered to attend the "Impulse Control" program had completed those programs by May 31, 2002.

If a formal treatment plan were prepared for each ward, the Youthful Offender Parole Board staff could review and monitor the ward's progress during the annual hearings, identify causes for lack of progress, and seek appropriate action to remedy the problems. Without a formal treatment plan outlining specific actions to be undertaken and a time-frame for completion, wards cannot reasonably be held accountable for lack of progress in completing programs.

FINDING 3

The Office of the Inspector General found that despite incurring significant expense in providing a broad array of treatment programs for wards, the State has not sought to measure the effectiveness of the programs.

The Office of the Inspector General observed from a survey questionnaire submitted to all 11 of the California Youth Authority institutions that the facilities offer a widely differing array of treatment programs. Few institutions offer all programs and some provide relatively few. The survey also revealed that even programs with the same title differ significantly in such features as total number of hours included, duration in weeks, program capacity, and

scheduling frequency. It is evident that decisions about program curriculum and course content are being made at the discretion of the staff at each California Youth Authority institution and that there is little consistency in the way programs are being structured and delivered.

Given the lack of consistency among the programs being offered at the institutions, it would be difficult, if not impossible, for the staff of the Youthful Offender Parole Board to appropriately determine which institution's program is most suitable for a given ward. The problem is further compounded by the large number—at least 16—of formal and informal programs that the Youthful Offender Parole Board can order wards to complete to be eligible for parole consideration. To date, the California Youth Authority has not attempted to measure the effectiveness of any of the programs provided at the institutions. In essence, the state is spending millions of dollars on treatment programs without knowing whether the programs provide any real benefit to the wards.

Because none of the programs have been demonstrated to be effective, the State would incur little risk in eliminating those that appear to be the least worthy. That action would streamline the current process for determining ward program needs and allow resources to be redirected to more beneficial activities.

CONCLUSION

The Youthful Offender Parole Board could and should be an essential component of the state's youth correctional system. Its role should be two-fold: to protect public safety by assessing the parole eligibility of wards and to provide an independent check on the California Youth Authority to ensure that wards are fairly treated and are afforded the opportunity to complete the programs they need to rehabilitate themselves. But the current process is flawed. The board staff is making decisions that affect wards without fully understanding the California Youth Authority's programs and operations. The problem is further compounded by the haphazard manner in which programs are being delivered at the institutions and by the absence of any meaningful effort to evaluate program effectiveness. The State clearly needs to revamp the current process to provide a more effective means of delivering programs to wards in the California Youth Authority system.

RECOMMENDATIONS

The Office of the Inspector General recommends the following:

- **The California Youth Authority should take responsibility for making formal recommendations for treatment programs to be completed by wards based on assessments of wards completed during the intake process and on consideration of the time required to complete the programs during the ward's expected confinement period.**
- **The Youthful Offender Parole Board, in coordination with the California Youth Authority, should immediately discontinue conducting initial hearings.**

- **The California Youth Authority, in consultation with the Youthful Offender Parole Board, should review the various programs currently being offered at the institutions and eliminate those found to be least effective.**
- **The California Youth Authority should immediately initiate an effort to promote consistency and uniformity in the curriculum and content of programs being offered to wards and devise means to fully assess their effectiveness.**
- **The Youthful Offender Parole Board should develop a training program specifically designed to enable the board staff to fully understand the board's role and responsibilities in the hearings and to ensure that the staff is thoroughly familiar with California Youth Authority programs and requirements.**
- **The California Youth Authority should develop a standardized format for a ward treatment plan and require such plan to be prepared as a part of the ward's initial assessment. Training should be provided to the staff to ensure consistency in the preparation of the treatment plan.**
- **The Youthful Offender Parole Board should function in an oversight capacity by reviewing the California Youth Authority's recommended program and formal treatment plan for wards and evaluating the ward's behavior and progress at the first annual and subsequent annual hearings.**

ATTACHMENT A

**RESPONSE OF
THE CALIFORNIA YOUTH AUTHORITY**

Memorandum

Date: November 18, 2002

To: John Chen
Chief Deputy Inspector General
Office of the Inspector General

From: Richard Kai
Office of the Director

Subject: **Review of the Report "Process Used by the California Youth Authority and the Youthful Offender Parole Board to Establish Ward Program Requirements"**

Thank you for the opportunity to review the Office of the Inspector General's (OIG) draft report entitled "Process Used by the California Youth Authority and the Youthful Offender Parole Board to Establish Ward Program Requirements.

As you know, the Department and the Youthful Offender Parole Board have focused extensively during the last year on improving both the operations and the effectiveness of the process employed by both Departments to establish ward program requirements. This effort, which involved assistance and recommendations from numerous sources including your office, has resulted in several changes that have either been recently adopted or are in the process of being adopted. These changes generally mirror the conclusions and recommendations contained in your report. The changes that have already been implemented include the following:

- As of November 1, 2002, the California Youth Authority accepted responsibility for calculating wards' parole consideration dates (PCDs) in accordance with the guidelines established in the California Code of Regulations, Title 15, Division 4.5.
- As of November 1, 2002, the California Youth Authority accepted responsibility for recommending treatment programs for wards based on the clinical assessment conducted at the Department's reception centers.
- As of November 1, 2002, the Youthful Offender Parole Board discontinued conducting initial hearings.

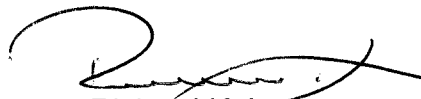
In addition, the Department will implement the following changes during the next calendar year:

- The Department is developing a standardized format to serve as a ward's individualized treatment plan that will be provided to all wards during the initial assessment at the Department's reception centers.

- The Department has begun the process of reviewing all treatment programs currently offered at its institutions and camps and will eliminate programs that are nonessential. The Department will also simplify and standardize CYA programs and implement methods to evaluate their effectiveness.
- The Department is developing a process for ensuring wards are placed in needed treatment programs on a timely basis and tracking ward progress towards their treatment goals.
- The Department, in conjunction with the Youthful Offender Parole Board, is developing a training program for board staff to ensure that staff are familiar with all treatment programs provided by the Department.
- The Department is developing a process to provide an annual report on the progress of each ward to the ward's county of commitment.

I am confident that these improvements will result in a more cohesive process for providing wards with their treatment goals, and will also result in more standardized and effective treatment programs.

Thank you for your continued interest and support of the operations of the Department. Should you have any questions or comments, please call me at 262-1467.



Richard Kai
Chief Deputy Director

ATTACHMENT B

**RESPONSE OF
THE YOUTHFUL OFFENDER PAROLE BOARD**

State of California

Youthful Offender Parole Board

916-322-0800 - FAX 916-322-8802

Memorandum

Date: December 20, 2002

To: John Chen, Chief Deputy Inspector General
Office of the Inspector General

From: Susan Wallace, Executive Officer

Subject: **Response to the Report "Process Used by the California Youth Authority and the Youthful Offender Parole Board to Establish Ward Program Requirements"**

Thank you for the opportunity to respond to the above referenced report recommending improvements to the Youthful Offender Parole Board (YOPB or Board) and the California Youth Authority (CYA) operations. The YOPB and CYA, incorporating suggestions from many participants, (including your office) have worked cooperatively to improve the effectiveness of the ward's rehabilitative process. As a result, many recommendations included in your report have already been implemented. Following is a brief sample.

- The Board discontinued conducting initial appearance hearings as of November 1, 2002. CYA now fully assesses each ward's treatment and training needs, establishing a treatment plan in an initial case review (non-appearance) process. The ward's initial parole consideration date (PCD) and category is set according to the baseline established in the California Code of Regulations, Title 15. There is no upward or downward deviation considered in this process. CYA's Court and Intake Services Unit makes an initial technical assessment of PCD and category, which is reviewed for accuracy by the Board and later incorporated in a Board Order at the first appearance hearing for each ward.
- The CYA reports they are in the process of a review of their programs offered at each institution and camp and will eliminate the least effective programs. They also plan to create consistent (time and content) programming among all institutions and camps. The Board suggests this plan be extended to include parole services and programs.
- The Board is systematically reviewing all CYA institution and camp offered programs. YOPB members and hearing officers are now regularly observing and reviewing treatment and programs. The Board critiques the process, shares observations internally and then with CYA staff. This program review is now part of the YOPB's formal hearing officer operational training.

The YOPB will continue working with your office, the CYA and The Youth and Adult Correctional Agency to implement changes as needed on an ongoing basis to continue to improve the process.

The report refers to the Board extending parole consideration dates beyond regulatory guidelines. Some have suggested the Board acts outside the scope of regulatory authority in setting parole consideration dates for wards. While the Inspector General does not make such an inference, there has been occasion when others have drawn this conclusion.

The Board always acts within Title 15 guidelines in setting parole consideration dates. Title 15 sets a recommended time considered to be an approximation of how long it will take a ward, applying him/herself to be parole ready with sufficient time to address the emotional, psychological or dysfunctional family issues driving his/her criminal delinquency. It may be helpful to think of these time frames as a baseline.

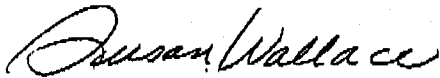
Part of Title 15 guidelines allows the Board to add or subtract 6 months from the baseline, in order to address the individual ward's needs. Upward or downward deviations are guided by various factors enumerated in the regulations. While it is accurate to say that the Board sometimes adds to or subtracts from the baseline, it is inaccurate to state that the Board extends the parole consideration date beyond regulatory guidelines.

Additionally, the Board respectfully addresses the question posed as to why so many wards received extended parole consideration dates when initial (appearance) hearings were being conducted by the Board. The Inspector General concludes that either the Title 15 guidelines are flawed or the YOPB has a strong tendency to be more stringent when exercising discretion. The Inspector General accurately points out that no empirical evidence exists to support or refute the possibility that counties tend to send wards with increasingly violent histories or gang involvement to the state system. Since the Board is no longer conducting initial hearings with upward or downward deviation in time, this question may now be moot.

The increase in percentages of upward deviations (time adds) is consistent with the implementation of the sliding fee scale legislation imposed upon the counties several years ago. The sliding fee scale legislation requires counties to pay a greater percentage of the cost for less serious (low category) offenders committed to the CYA. The inference is that the sliding fee scale encourages counties to treat less serious (low category) offenders and keep them at the county level. This was the apparent legislative intent of the statutory change. Consequently, it is reasonable to infer that of the low category offenders, those most troubled and difficult to treat are sent to CYA. A ward with chronic behavior problems, even though his/her commitment offense is of a low category, is likely to require a greater number of treatment interventions based upon an objective clinical assessment of the ward's needs.

If it is the case that wards committing to the YA with less serious offenses (low category wards) are more troubled and need more programs and services than the lower level offenders kept and treated by the county, then it may be that the Title 15 baseline provided for these less serious offenders may not be allowing enough time for the necessary rehabilitative programs to enable the wards to become parole ready. To that extent some evaluation of trends would be useful and could potentially result in consideration of regulatory change to reflect the changed circumstances.

Thank you for your recommendations and guidance towards improving the state's juvenile treatment and parole process. The YOPB is committed to helping troubled juveniles more effectively attain their rehabilitative goals. I look forward to your continued advice and assistance in creating better procedures towards that goal.



Susan Wallace
Executive Officer

(SLW)