

44156

Utah Council on Criminal Justice Administration's
Project on Criminal Justice
Standards and Goals

CORRECTIONS

ADULT PAROLE

44156

Approved by
Utah Corrections Task Force and
Utah Council on Criminal Justice Administration
255 South 3rd East
Salt Lake City, Utah 84111



CALVIN L. RAMPTON
GOVERNOR

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY

NCJRS

DEC 13 1977

ACQUISITIONS

Dear Citizens:

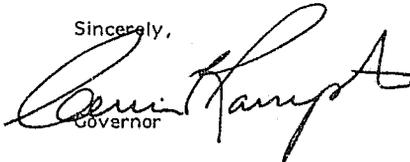
This pamphlet is one of a series of reports of the Utah Council on Criminal Justice Administration. The Council's five Task Forces: Police, Corrections, Judicial Systems, Community Crime Prevention, and Information Systems, were appointed on October 16, 1973 to formulate standards and goals for crime reduction and prevention at the state and local levels. Membership in the Task Forces was drawn from state and local government, industry, citizen groups, and the criminal justice profession.

The recommendations and standards contained in these reports are based largely on the work of the National Advisory Commission on Criminal Justice Standards and Goals established on October 20, 1971 by the Law Enforcement Assistance Administration. The Task Forces have sought to expand their work and build upon it to develop a unique methodology to reduce crime in Utah.

With the completion of the Council's work and the submission of its reports, it is hoped that the standards and recommendations will influence the shape of our state's criminal justice system for many years to come. Although these standards are not mandatory upon anyone, they are recommendations for reshaping the criminal justice system.

I would like to extend sincere gratitude to the Task Force members, staff, and advisors who contributed something unknown before--a comprehensive, inter-related, long-range set of operating standards and recommendations for all aspects of criminal justice in Utah.

Sincerely,


Governor

ADULT PAROLE

This report was published by the
Utah Council on Criminal Justice Administration with the
aid of Law Enforcement Assistance Administration funds.

Raymond A. Jackson
Chairman

Robert B. Andersen
Director

**Utah Council on
Criminal Justice Administration
(Membership)**

D. Gilbert Athay
Attorney at Law

Gerald Bonser
Moab City Councilman

Melvin J. Burke, Commissioner
Uintah County Commission

Mrs. Barbara Burnett
Citizen Representative

George Buzianis, Commissioner
Tooele County Commission

Donald E. Chase, Commissioner
Box Elder County Commission

Kenneth Creer, Mayor
City of Springville

Judge Bryant H. Croft
Third District Court

Edgar M. Denny, Administrator
Dept. of Employment Security

Richard C. Diamond, Mayor
Wasatch Front Regional Council

Roscoe Garrett, Commissioner
Juab County Commission

Glen Greener, Commissioner
Salt Lake City Commission

Capt. Norman "Pete" Hayward
Salt Lake County Sheriff's Office

Marion Hazleton
Citizen Representative

Rex Huntsman
Sevier County Sheriff

Chief Joseph Hutchings
St. George Police Department

Raymond A. Jackson, Comm.
Department of Public Safety

S. Mark Johnson, Judge
Bountiful City Court

Paul C. Keller, Judge
Juvenile Court, District Five

Reverend Jerald H. Merrill
Citizen Representative

J. Duffy Palmer
Davis County Attorney

Dr. Sterling R. Provost
Utah State System of Higher Ed.

Paul S. Rose, Exec. Director
Department of Social Services

Walter D. Talbot, Superintendent
of Public Instruction

Robert B. Hansen
Deputy Attorney General

Ernest D. Wright, Director
Division of Corrections

James F. Yardley, Commissioner
Garfield County Commission

What is the Utah Council on Criminal Justice Administration (UCCJA)?

In 1968 the Omnibus Crime Control and Safe Streets Act was passed resulting in the creation of the Law Enforcement Assistance Administration (LEAA) in the U.S. Department of Justice. The act required the establishment of a planning mechanism for block grants for the reduction of crime and delinquency.

This precipitated the establishment of the Utah Law Enforcement Planning Council (ULEPC). The council was created by Executive Order of Governor Calvin Rampton in 1968. On October 1, 1975, the council was expanded in size and redesignated the Utah Council on Criminal Justice Administration (UCCJA).

The principle behind the council is based on the premise that comprehensive planning, focused on state and local evaluation of law-enforcement and criminal-justice problems, can result in preventing and controlling crime, increasing public safety, and effectively using federal and local funds.

The 27-member council directs the planning and funding activities of the LEAA program in Utah. Members are appointed by the governor to represent all interests and geographical areas of the state. The four major duties of the council are:

1. To develop a comprehensive, long-range plan for strengthening and improving law enforcement and the administration of justice . . .
2. To coordinate programs and projects for state and local governments for improvement in law enforcement.
3. To apply for and accept grants from the Law Enforcement Assistance Administration . . . and other government or private agencies, and to approve expenditure . . . of such funds . . . consistent with . . . the statewide comprehensive plan.
4. To establish goals and standards for Utah's criminal-justice system, and to relate these standards to a timetable for implementation.

CORRECTIONS TASK FORCE

Mrs. Barbara Burnett (Chairperson)

Judge Merrill Hermansen
Third District Juvenile Court

Ernest D. Wright, Director
Division of Corrections

John McNamara, Administrator
Utah State Juvenile Court

David Hughes
Board of Corrections

Judge Don Tibbs
Sixth Judicial District

Jim Massey, Attorney
S.L. County Bar Legal Services

Joel Millard
Project Reality

Mrs. Beverly White
Utah State Representative

Lt. Gary DeLand
S.L. County Sheriff's Office

Claude Pratt, Superintendent
State Industrial School

Michael Leavitt
Citizen Representative

Ms. Ruth Ann Jefferies
State Planning Office

Joe Bogaty, District Agent
Adult Probation & Parole

Willard Malmstrom, Director
Office of Youth Development

Mrs. Sheila Gelman
Citizen Representative

Ms. Carmen L. Boutet
Department of Social Services

A.O. Archuleta, Chief
Clearfield Police Department

Mrs. Janet Andersen
Citizen Representative

Earl Dorius
Office of the Attorney General

Utah Council on Criminal Justice Administration
Corrections Staff Members

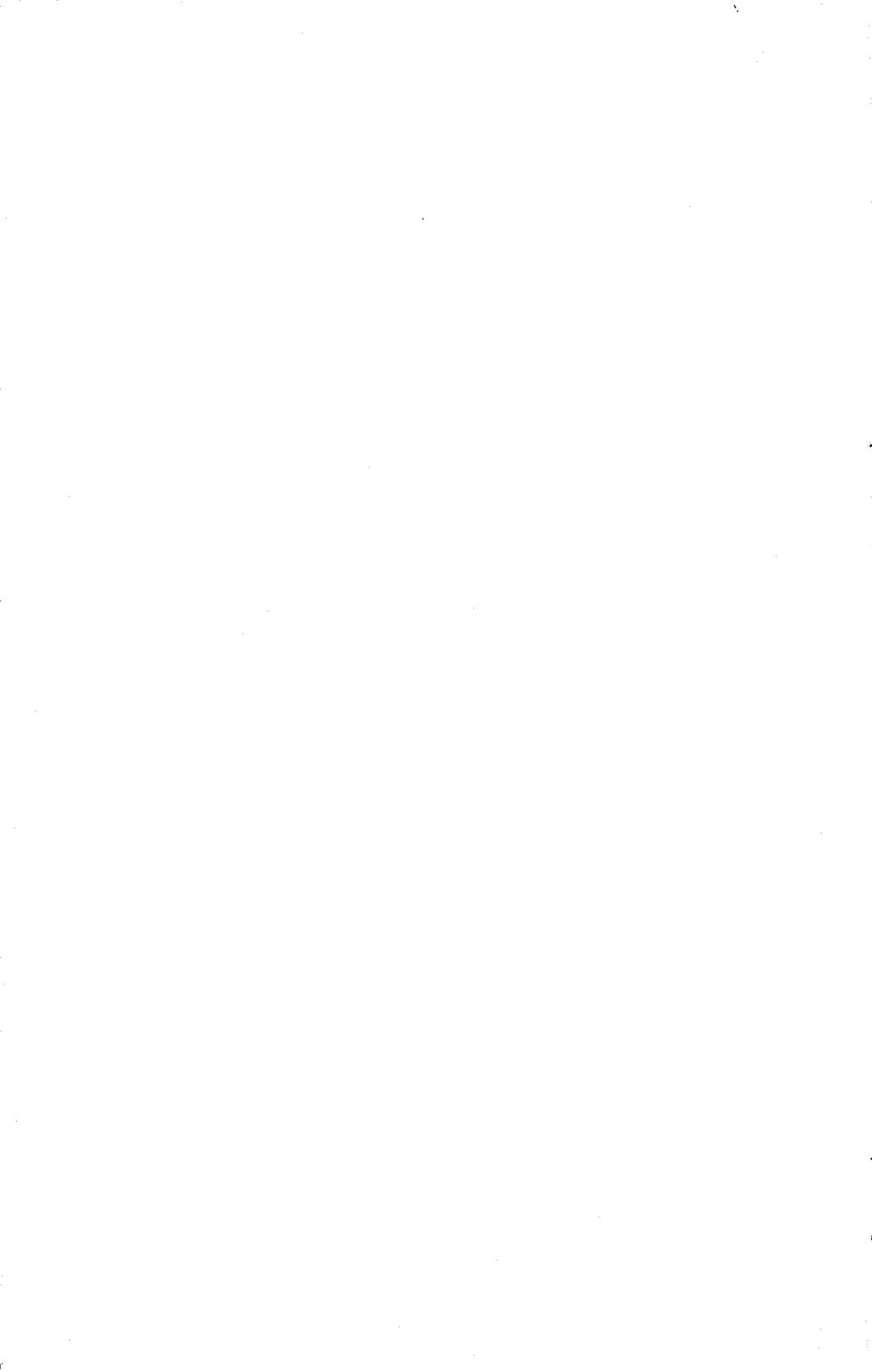
Gary L. Webster

Kathleen Hardy

Stephen V. Love

TABLE OF CONTENTS

Introduction	1
Standard 10.1 Organization of Paroling Authority.....	3
Standard 10.2 Parole Authority Personnel.....	4
Standard 10.3 The Parole Grant Hearing	6
Standard 10.4 Revocation Hearings.....	8
Standard 10.5 Organization of Field Services.....	11
Standard 10.6 Community Services for Parolees.....	12
Standard 10.7 Measures of Control	14
Standard 10.8 Manpower for Parole.....	16



INTRODUCTION

Almost every offender who enters a correctional institution is eventually released to the community. Most of the released offenders re-enter the community on parole.

The classic definition of parole was provided in the *Attorney General's Survey of Release Procedures* in 1939 as "release of an offender from a penal or correctional institution, after he has served a portion of his sentence, under the continued conditions that permit his reincarceration in the event of misbehavior." Although some jurisdictions place limitations on parole use, offenders generally can be released on parole and repeatedly return to confinement for parole violation until their original commitment has expired.

Although there is an adult parole system in all 50 states, there is still much argument about the value and purpose of parole. To many people, parole is seen as "leniency" while others view it as a proper use of sentencing and flexibility which enables the offender to serve the proper amount of time. Few things about parole evoke consensus, but there is some agreement that reduction of recidivism is an objective and a measure of success.

There are two generally acknowledged functions of parole:

1. Maintaining supervision and control to reduce the likelihood of criminal acts while the offender is serving his sentence in the community (surveillance).
2. Providing assistance and services to the parolee so that non-criminal behavior becomes possible (helping function).

Ideally, these concerns should be integrated; but in day-to-day parole supervision, they frequently clash. Decisions must constantly be made between the relative risk of a law violation at the present time and the probable long-term gain if the offender is allowed freedom and opportunity to develop a legally approved lifestyle.

The beginning of parole in the United States is identified with the Elmira Reformatory in New York, which opened in 1896. In the Elmira system sentences were indeterminate, dependent on marks earned by good behavior. Release was for a six-month parole term, during which the parolee had to report regularly to a volunteer guardian or sponsor.

Elmira's approach to imprisonment attracted a great deal of attention. The designation of certain institutions for youthful felons as "reformatories" and the practice of permitting indeterminate sentences and parole spread rapidly through the United States during the last quarter of the 19th Century and the beginning of the 20th Century. This sentencing system, including provisions for parole was extended to prisoners of all ages. The Board of Pardons, which has responsibility for parole in Utah, was established in the Utah Constitution in 1896.

There are many issues concerning parole under discussion by correctional groups. Some, primarily in the area of parole revocation, have been or are being litigated through the courts. The standards as passed have reflected the best thinking of national leaders and have been adapted to the needs of Utah. Many of the national standards have been designed for correctional systems much larger than Utah's. Where there was case law at the time the standards were passed, the case law is reflected in the standard.

The standards fall into two natural groups. The first four standards concern the paroling authority. The second four standards concern the field services to parolees.

The intent of **Standard 10.1 "Organization of Paroling Authority"** is to remove state paroling authorities from being controlled by either the correctional system or political influence.

Standard 10.2 "Parole Authority Personnel" recommends that parole board members be appointed to a six-year term by the Board of Corrections with compensation set by the Board of Corrections.

Standard 10.3 "The Parole Grant Hearing" recommends that the Board of Pardons develop policies for parole grant hearings, suggesting allowing for the personal appearance of the inmate.

Standard 10.4 "Revocation Hearings," follows the guidelines set down by the United States Supreme Court in *Morrissey verses Brewer*, 408-US-471-1972. In that decision, the United States Supreme Court set down very stringent guidelines that must be followed by all state paroling authorities.

Standards relating to field services for parolees begin with **Standard 10.5, "Organization of Field Services"** which recommends that by 1978 there should be a consolidation of institutional and parole services into a department or division of

correctional services. This would create closer coordination between the institution and field services.

The recommendations of **Standard 10.6 "Community Services for Parolees"** suggest that parole officers become "brokers of services," trained in all facets of community resources that can be made available to parolees. Also recommended is classification of caseloads and special caseloads with specific types of problems (e.g., drug abuse).

Standard 10.7 "Measures of Control" recommends extensive modifications be made in the standard parole agreement.

Standard 10.8 "Manpower for Parole" recommends development of a comprehensive manpower and training program for parole officers.

Each standard is presented with a brief description of how Utah is meeting the standard and a suggested method to implement the standard.

STANDARD 10.1 ORGANIZATION OF PAROLING AUTHORITIES

Utah should, by 1977, establish parole decisionmaking bodies for adult offenders that are independent of correctional institutions. These boards may be administratively part of an overall statewide correctional services agency, but they should be autonomous in their decisionmaking authority and separate from field services. The board responsible for the parole of adult offenders should have jurisdiction over both felons and misdemeanants.

1. The board should be specifically responsible for setting policy and for issuing and signing warrants to arrest and hold alleged parole violators.

2. Board members should have close understanding of correctional institutions and be fully aware of the nature of their programs and the activities of offenders.

3. The parole board should develop a citizen committee, broadly representative of the community and including ex-offenders, to advise the board on the development of policies.

UTAH STATUS AND COMMENTS

Although the Utah State Board of Pardons is within the Division of Corrections, it is statutorily removed from inappropriate influence, either political or otherwise. The appointment of board members is made by the Board of Corrections, who are in turn appointed by the Governor (Section 77-62-2 UCA). The members can be removed only for "cause after notice and hearing." The Board of Pardons hearings are not reviewable by the Board of Corrections (Section 64-9-2 UCA).

Policies and procedures of the Board of Pardons have been established largely by the board and the executive secretary. There has been little input from the community or the ex-offender. Recently, however, the rules and regulations established by the board have been open to public scrutiny. On the surface there is limited interest on the part of the community to provide input into policies and guidelines set up by the board.

METHOD OF IMPLEMENTATION

Utah now meets the standard, except for #3, which calls for an advisory citizen committee to the Board of Pardons. This could be met by a closer working relationship between the state paroling authorities and the Board of Corrections. The latter supposedly is a citizen committee appointed by the Governor to provide a policy guideline to the Division of Corrections; however, this board could also be a sounding board for the community in general. As required by law, the Board of Pardons, has open public hearings regarding the policies, and input can be made by the community and the ex-offender at that time. Involvement, however, must come from some generated community concern.

STANDARD 10.2 PAROLE AUTHORITY PERSONNEL

Utah should specify by statute, where appropriate, by 1977 the qualifications and conditions of appointment of parole board members.

1. Members should include: one attorney, one from the behavioral science field, and one citizen.

2. Members should have a high degree of skill in comprehending legal issues and statistical information and ability to develop and promulgate policy.

3. Members should be appointed by the Board of Corrections for six-year terms from a panel of nominees. Nominees considered should be representative of relevant professional groups and should include all minority and socio-economic groups.

4. Parole boards in the small states should consist of no less than three members. In most states, they should not exceed five members.

5. Parole board members should be compensated at a rate set by the Board of Corrections.

6. Parole board members should participate in continuing training on a national basis. The exchange of parole board members and hearing examiners between states for training purposes should be supported and encouraged.

UTAH STATUS AND COMMENTS

As has been noted in Standard 10.1, the Utah State Board of Pardons is appointed by the Board of Corrections to a six-year staggered term. There are no educational or professional guidelines that must be followed by the Board of Corrections; however, it has been standard practice of the Board of Corrections to appoint individuals who have background in and knowledge of behavioral sciences and law. The board is on a part-time basis and is compensated (by statute) at the rate of \$25.00 per board meeting. There is no on-going training program for board personnel except for the occasional national seminars in which members participate.

METHOD OF IMPLEMENTATION

This standard is substantially what Utah now has. The need for any constitutional or legislative amendments to meet the standard does not exist.

STANDARD 10.3 THE PAROLE GRANT HEARING

The Board of Pardons immediately should develop policies for parole release hearings that include opportunities for personal and adequate participating by the inmates concerned; procedural guidelines to insure proper, fair, and thorough consideration of every case; prompt decisions and personal notification of decisions to inmates; and provision for accurate records of deliberations and conclusions.

A proper parole grant process should have the following characteristics:

1. Hearings should be scheduled with inmates no more than one year after they are received in an institution. Inmates shall have the right to appear personally at hearings.

2. At these hearings, decisions should be directed toward the quality and pertinence of program objectives agreed upon by the inmate and the institution staff.

3. When a release date is not agreed upon, a further hearing date within one year should be set.

4. Inmates should be notified of any decision directly and personally by the board member or representative before the paroling authority leaves the institution.

5. The paroling authority hearing the case should specify in detail and in writing within thirty days the reasons for its decision whether to grant parole or to deny or defer it.

6. Parole procedures should permit disclosure of information on which the paroling authority bases its decisions. Sensitive information may be withheld, but in such cases, non-disclosure should be noted in the record so that subsequent reviewers will know what information was not available to the offender.

UTAH STATUS AND COMMENTS

The Utah State Board of Pardons, by statute, is given a good deal of discretion as to the manner in which parole hearings are handled. Although the statute imposes indeterminate terms with maximums and minimums, the opinion of the Utah State Attorney

General's Office is that the State Board of Pardons is not bound by the minimum sentence. The State Constitution gives the paroling authority jurisdiction to release an individual who has been committed to the Utah State Prison any time the board is inclined. The only exception is the maximum sentence and the board is bound, by statute, with the maximum.

As a matter of board policy, the Utah State Board of Pardons hears an individual who has been committed to the Utah State Prison at the end of six months if the individual is committed to a term less than life. If the inmate is committed with a life sentence, he is heard by the paroling authority at the end of one year. Again, by board policy, parole hearings are open public hearings. Anyone can appear before the Board of Pardons and testify in reference to the release or the retention of the inmate. The exception to this is counsel, which is allowed to appear only as an interested attorney, because the board feels that if an individual is allowed to be represented by counsel, the board must provide counsel to all individuals appearing upon a request for parole release.

Parole hearings in the State of Utah are taken verbatim by a certified reporter. Thus, the inmate or the institution has available the entire board proceedings. The exception to this is the decisionmaking process. Once the hearing is terminated, the board goes into executive session to make its decision. As soon as a decision is made, the executive secretary informs the inmate and other interested parties of that decision. Reasons for release or denial of release are also provided to the inmate at this time. However, these reasons are verbal. Full disclosure is made by the Board of Pardons to the inmate and his representative at the time of his personal appearance before the board. The only exception to this is extremely sensitive information that occasionally is withheld from the inmate. The Board of Pardons takes into consideration the institution's treatment program in determining a parole release. Another consideration is the indeterminate sentence since the board views this as legislative intent, as well as the nature of the offense, background information of the inmate, and his prior criminal record.

In almost all instances of denial the board grants a one year rehearing date, except in cases of aggressive offenses carrying a life sentence. Offenses such as robbery, murder, rape, and kidnapping are usually given longer rehearing dates before the Board of Pardons.

METHOD OF IMPLEMENTATION

Because of the broad discretion that the Board of Pardons now possesses, it appears that no legislation would be required for the board to comply with this standard.

STANDARD 10.4 REVOCATION HEARINGS

The Board of Pardons immediately should develop and implement a system of revocation procedures to permit the prompt confinement of parolees exhibiting behavior that poses a serious threat to others. At the same time, it should provide careful controls, methods of fact-finding, and possible alternatives to keep as many offenders as possible in the community. Return to the institution should be used as a last resort, even when a factual basis for revocation can be demonstrated.

1. Warrants to arrest and hold alleged parole violators should be issued and signed by parole board members. Tight control should be developed over the process of issuing such warrants. They should never be issued unless there is sufficient evidence of probable serious violation. In some instances, there may be a need to detain alleged parole violators. In general, however, detention is not required and is to be discouraged. Any parolee should be granted a prompt preliminary hearing. Administrative arrest and detention should never be used simply to permit investigation of possible violations.

2. Parolees alleged to have committed a new crime but without other violations of conditions sufficient to require parole revocation should be eligible for bail or other release pending the outcome of the new charges, as determined by the court.

3. A preliminary hearing conducted by an individual not previously involved in the case should be held promptly on all alleged parole violations, including convictions of new crimes, in or near the community in which the violation occurred, unless waived by the parolee after due notification of his rights. The purpose should be to determine whether there is probable cause to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions and a determination of the value question of whether the case should be carried further, even if probable cause exists. The parolee should be given notice that the

hearing will take place and of what parole violations have been alleged. He should have the right to present evidence, to confront and cross-examine witnesses, and the right to request counsel.

The person who conducts the hearing should make a summary of what transpired at the hearing and the information he used to determine whether probable cause existed to hold the parolee for the final decision of the parole board on revocation. The findings and conclusions of the paroling authority shall be made in writing and available to the parolee. If the evidence is insufficient to support a further hearing, or if it is otherwise determined that revocation would not be desirable, the offender should be released to the community immediately.

4. At parole revocation hearings, the parolee should have written notice of the alleged infractions of his rules or conditions; the right to be represented by counsel, including the right to appointed counsel if he is indigent; the opportunity to be heard in person, the right to subpoena witnesses in his own behalf, and the right to cross-examine witnesses or otherwise challenge allegations or evidence held by the state. Parole should not be revoked unless there is substantial evidence of a violation of one of the conditions of parole. The paroling authority should provide a written statement of findings, the reasons for the decision, and the evidence relied upon.

5. Each paroling authority should develop alternatives to parole revocation, such as warnings, special conditions of future parole, variations in intensity of supervision or surveillance, fines, and referral to other community resources. Such alternative measures should be utilized as often as is practicable by board action, but not requiring a formal board hearing.

6. If return to a correctional institution is warranted, the offender should be scheduled for subsequent appearances for parole considerations when appropriate. There should be no automatic prohibition against reparole of a parole violator.

UTAH STATUS AND COMMENTS

Prior to the U.S. Supreme Court decision of *Morrissey v. Brewer*, the Utah State Board of Pardons procedure appeared to be a more appropriate procedure for Utah than what has now been established. Previously, the Utah State Board of Pardons would issue a warrant based upon the recommendation of the Adult

Probation and Parole section. The individual involved would be arrested and immediately returned to the Utah State Prison. Prior to his return to the institution, he would be provided, in writing, a copy of parole violation information setting down the allegations that would be brought against him at a parole violation hearing. He would be informed of his rights to counsel and if he could not afford counsel, counsel would be appointed by the state paroling authority. The parolee would appear at the next regularly scheduled meeting of the Board of Pardons and, at that time, would be given an opportunity to enter his plea to the allegation.

If a not guilty plea were entered, an evidentiary hearing would be conducted where all pertinent evidence would be presented. The board would then make a determination based upon this administrative hearing.

Since the *Morrissey vs Brewer* decision, the Utah State Board of Pardons has concisely followed this standard, except for providing counsel at the pre-revocation hearing. The only fault of *Morrissey v. Brewer* in the state of Utah is that a parolee is now held for a longer period of time due to the length of the process as required by this decision.

Although *Morrissey v. Brewer* is a landmark decision, as far as corrections is concerned, it has apparently had an adverse effect of the parole violation procedure in Utah and is not providing any greater due process than was provided prior to the decision.

METHOD OF IMPLEMENTATION

The procedure has already been implemented by Utah. All requirements are being met, except providing counsel at the pre-revocation hearing. A recent decision by the U.S. Supreme Court, *Gagnon v. Scarpelli*, may require providing counsel at the pre-revocation hearing, or at least informing an individual of his right to request counsel at that hearing. Therefore, the Division of Corrections may have to provide this counsel at the pre-revocation hearing proceedings.

STANDARD 10.5 ORGANIZATION OF FIELD SERVICES

Utah should provide, by 1978, for the consolidation of institutional and parole field services in departments or divisions of correctional services. Such consolidations should occur as closely as possible to operational levels.

1. Juvenile and adult correctional services may be part of the same parent agency, but should be maintained as autonomous program units within it.

2. Regional administration should be established so that institutional and field services are jointly managed and coordinated at the program level.

3. Joint training programs for institutional and field staffs should be undertaken, and transfers of personnel between the two programs should be encouraged.

4. Parole services should be delivered, wherever practical, under a team system in which a variety of persons, including parolees, parole managers, and community representatives participate.

5. Teams should be located, whenever practical, in the neighborhoods where parolees reside. Specific team members should be assigned to specific community groups and institutions designated by the team as significant.

6. Organizational and administrative practices should be altered to provide greatly increased autonomy and decisionmaking power to the parole teams.

UTAH STATUS AND COMMENTS

The Division of Corrections, encompasses both field and institutional staff. Although coordination among the staff personnel exists, there are few transfers between these two programs. Because of the relatively small size of Utah, it has been impossible to provide regionalization of institutions. However, the state has developed a number of halfway houses that have provided some regionalization of services. In the metropolitan Salt Lake City area, a parole unit has been established that takes the team approach recommended under the standard. A good deal of

latitude has been given to parole teams which are following these guidelines.

The vast majority of parolees in the State of Utah are handled by the parole team located in Salt Lake City. Parolees being supervised in the rural areas also have contact with the parole team, as does the supervising agent of these parolees. There is a coordinated rehabilitative effort being made by the Division of Corrections, of all individuals being released from the Utah State Prison under a parole status.

METHOD OF IMPLEMENTATION

Utah complies with most of this standard. Paragraph 1 will probably be dealt with in the Unified Corrections Study. In order to meet Paragraph 1, legislation must be passed. There are obvious problems with this recommendation due to the present structure of the juvenile system; however, with proper legislation, it appears that these difficulties could be overcome.

STANDARD 10.6 COMMUNITY SERVICES FOR PAROLEES

Utah should begin immediately to develop a diverse range of programs to meet the needs of parolees. These services should be drawn to the greatest extent possible from community programs available to all citizens, with parole staff providing linkage between services and the parolees needing or desiring them.

1. Stringent review procedures should be adopted, so that parolees not requiring supervision are released from supervision immediately and those requiring minimal attention are placed in minimum supervision caseloads.

2. Parole officers should be selected and trained to fulfill the role of community resource manager.

3. Parole staff should participate fully in developing coordinated delivery systems of human services.

4. Funds should be made available at the discretion of the parole officer based on need for parolees without interest charge. Parole staff should have authority to waive repayment to fit the individual case.

5. Parole and state employment staffs should develop effective communication systems at the local level. Joint meetings and training sessions should be undertaken.

6. Each parole agency should have one or more persons attached to the central office to act as liaison with major program agencies, such as the Office of Economic Opportunity, Office of Vocational Rehabilitation, and Department of Labor.

7. Institutional vocational training tied directly to specific subsequent job placements should be supported.

8. Small community-based group homes should be available to parole staff for pre-release programs, for crisis, and as a substitute to recommitment to an institution in appropriately reviewed cases of parole violation.

9. Special caseloads should be established for offenders with specific types of problems such as drug abuse.

UTAH STATUS AND COMMENTS

Based upon the team approach for parole supervision, the State of Utah is providing specialized caseloads and treatment programs for the parolee. Where the parolee is in need of minimal supervision, this is being provided. An attempt is being made toward some specialization in reference to the drug offender, the alcoholic, and the sex offender. Each parole officer has developed an expertise in reference to community resources. Parole officers are provided with extensive information regarding the availability of services in the community in which they are working.

Beginning the fiscal year 1973, the legislature provided funding to the Adult Probation and Parole Section so that a stipend could be issued to a parolee who is in need of financial assistance. This stipend program is provided for parolees trying to find employment. The Adult Probation and Parole section has the authority to issue two checks in the amount of \$55 each to a parolee during the time he is attempting to locate employment. Although repayment of this money is suggested, it is not required. This new program has proven rather successful.

METHOD OF IMPLEMENTATION

The State of Utah is largely complying with Standard 10.6. The exception to this would be paragraph 8 which suggests establishing small community-based group homes. Although Utah has no group homes, there are three halfway house facilities available for individuals being released under a parole status. These facilities are used prior to the time the offender is under parole supervision and have resulted in a number of individuals being placed in community programs rather than being returned to the institution under a parole violation status. Due to the relatively small population in rural areas, it is almost impossible to develop comprehensive programs in rural Utah. However, the vast majority of individuals being released under a parole status reside in the Salt Lake City metropolitan area.

STANDARD 10.7 MEASURES OF CONTROL

Utah should take immediate action to reduce parole rules to an absolute minimum, retaining only those critical in the individual case, and to provide for effective means of enforcing the conditions established.

1. After considering suggestions from correctional staff and preferences of the individual, parole boards should establish in each case the specific parole conditions appropriate for the individual offender.
2. Parole staff should be able to request the board to amend rules to fit the needs of each case and should be empowered to require the parolee to obey any such rule when put in writing, pending the final action of the parole board.
3. Special caseloads for intensive supervision should be established and staffed by personnel of suitable skill and temperament. Careful review procedures should be established to determine which offenders should be assigned or removed from such caseloads.
4. Parole officers should develop close liaison with police agencies so that any formal arrests necessary can be made by police. Parole officers, therefore, may not need to be armed.

UTAH STATUS AND COMMENTS

The parole agreement now used by the Utah State Board of Pardons is relatively short in comparison with most jurisdictions whose parole agreements have approximately 30 to 50 separate violations. In 1973, the agreement was modified by the board and is relatively concise. However, a number of requirements on the new parole agreement could be removed since they are usually unenforceable. The Board of Pardons, working in close cooperation with the institution and Adult Probation and Parole makes special conditions to meet individual needs. These conditions range from prohibiting an individual from drinking intoxicants to requiring participation in some type of rehabilitative program in the community.

After an individual has been released from the Utah State Prison and there appears to be a need for additional conditions, the board cooperated with Adult Probation and Parole in modifying the parole agreement and requiring an individual's participation in a program or his compliance with a special condition based upon needs as determined by the parolee and field staff. Several years ago the Adult Probation and Parole section had a difficult time establishing intensive supervision caseloads because of a lack of manpower. The state now has a specialized parole unit, which provides intensive supervision to individuals who need it. Termination of intensive supervision is based upon the needs of the individual parolee. Parole officers have developed a close working relationship with the police agencies; although agents in the state of Utah are peace officers by statute (UCA 77-62-3).

The Division of Corrections feels that parole officers need the peace officer power and should be required to wear firearms when necessary.

METHOD OF IMPLEMENTATION

The standard has been implemented for the most part by the Division of Corrections. However, there is a need for on-going dialogue between the Division of Corrections staff, both institutional and field, with the State Board of Pardons in order to modify parole agreements to meet the needs of the division and the parolee.

**STANDARD 10.8
MANPOWER FOR PAROLE**

By 1975, Utah should develop a comprehensive manpower and training program which would make it possible to recruit persons with a wide variety of skills, including significant numbers of minority group members and volunteers, and use them effectively in parole programs.

Among the elements of state manpower and training programs for corrections that are prescribed in Chapter 3, "Manpower Development and Training," the following apply with special force to parole.

1. A functional workload system linking specific tasks to different categories of parolees should be instituted by each state and should form the basis of allocating manpower resources.
2. Educational qualifications for parole officers should be graduation from an accredited four-year college or judged qualified by background and/or experience.
3. Provisions should be made for the employment of parole personnel having less than a college degree to work with parole officers on a team basis, carrying out the tasks appropriate to their individual skills.
4. Career ladders that offer opportunities for advancement of persons with less than college degrees should be provided.
5. Recruitment efforts should be designed to produce a staff roughly proportional in ethnic background to the offender population being served.
6. Ex-offenders should receive consideration for employment in parole agencies.
7. Use of volunteers should be extended substantially.
8. Training programs designed to deal with the organizational issues and the kinds of personnel required by the program should be established in each parole agency.

UTAH STATUS AND COMMENTS

As has been noted in previous standards, Utah has developed a specialized parole unit in its urban areas. The parole unit takes a team approach to a particular parolee and the problems that the parolee is meeting in the community. The majority of parolees, under the supervision of Adult Probation and Parole, have the availability of this team approach since they live in the metropolitan Salt Lake City area. In the rural areas of the state, probationers and parolees are assigned to a probation or parole officer due to the obvious unavailability of a team approach. In the foreseeable future, a team approach could not be developed in those rural areas.

The educational level of an entering probation and parole officer is a Bachelor's Degree. The only exception to this is probation aids, which enter at a lower salary level than a probation and parole officer and require educational as well as casework experience. The opening of a case aide position was done largely to attempt to attract minorities who do not possess a Bachelor's Degree. Utah has a career ladder which permits individuals entering as a probation aide to move into a probation and parole officers slot. This would be done through education and experience. The probation and parole officer ladder provides an opportunity for all individuals entering the system to move into the higher category levels, as well as into administration. During the past several years, numerous individuals in the corrections system have moved in these directions.

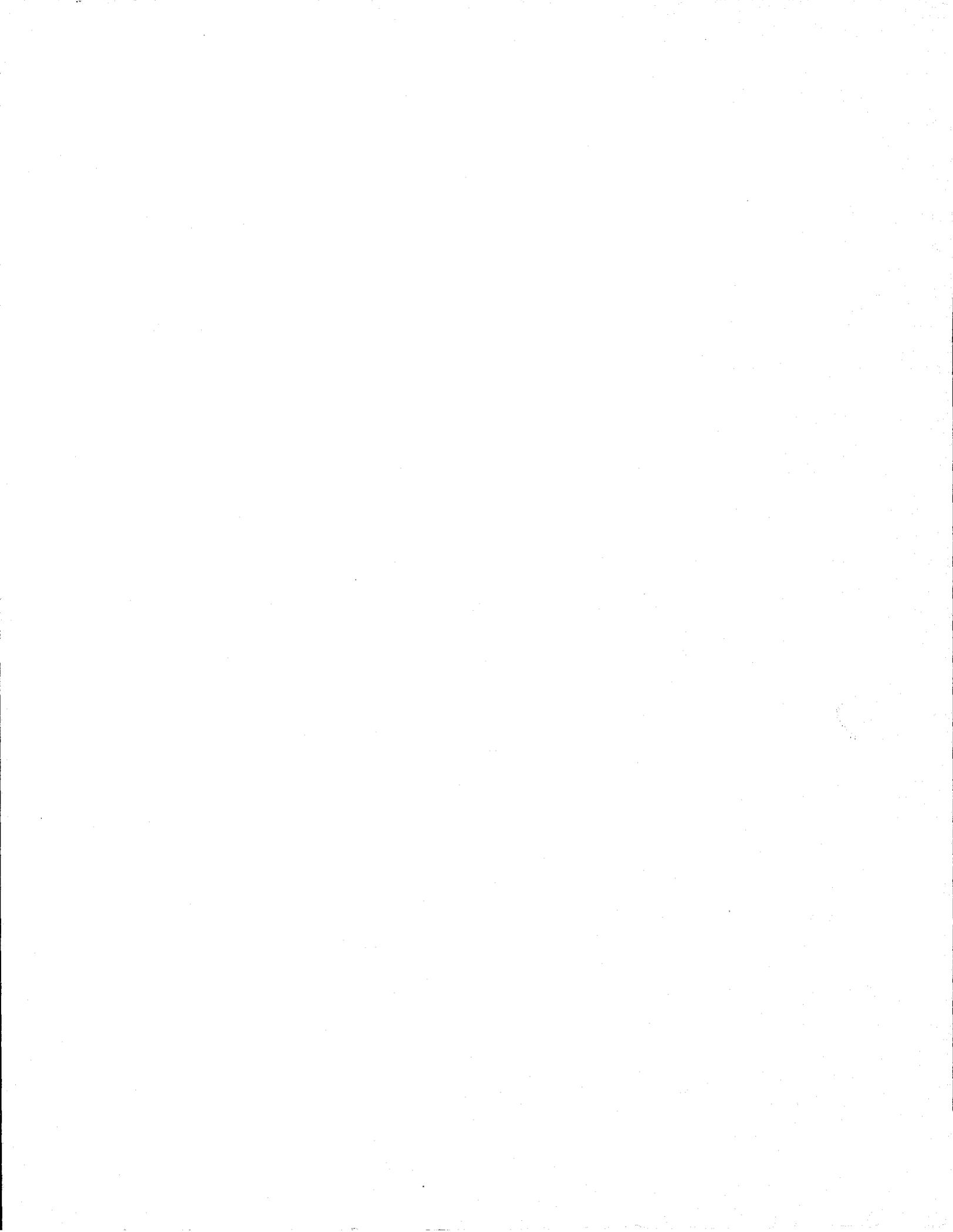
Not only has the state attempted to hire minorities, they have also attempted to hire ex-offenders. Utah has been relatively successful in the hiring of ex-offenders both in the parole and the institutional setting.

Utah is in the process of developing a comprehensive state-wide volunteer system. A state volunteer coordinator will recruit and train volunteers, who will be placed in all facets of the correctional system. Hopefully, the development of a volunteer system will lessen the burden of high caseloads that presently exists in corrections.

METHOD OF IMPLEMENTATION

Utah meets this standard with the exceptions of high caseloads and the volunteer system. As suggested, a state coordinator

of volunteer services has been established and the Division of Corrections is recruiting and training volunteers to be used in all phases of the correctional system in Utah. Regarding high caseloads, the volunteer could provide some assistance in this area. The parole unit that has previously been established in Utah has relatively small caseloads compared with the majority of probation and parole officers. At the time the parole unit was established, it was recommended that caseloads be held to maximum of 50. Although caseloads have exceeded this number; they have been held down as much as possible. Because of the continued increase in caseload size and individuals being referred to the Division of Corrections, additional manpower needs to be provided through legislative action.



END