PAROLE AND PROBATION COMPACT ADMINISTRATORS' ASSOCIATION
Secretariat
THE COUNCIL OF STATE GOVERNMENTS

MINUTES--FOURTEENTH ANNUAL MEETING

Miami Beach, Florida
August 29-30, 1959

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REGISTRATION LIST

* Means Compact Administrator

**ALABAMA:** * L.B. Stephens, Board of Pardons and Paroles
  **ARKANSAS:** * Walter Hofmann, Chairman, Board of Pardons and Paroles
  **CALIFORNIA:** * W. P. Bell, Director, Board of Pardons, Paroles & Probation
  **COLORADO:** * Fred Finsley, Chairman, Adult Authority
    Roy Votaw, Deputy Compact Administrator
  **CONNECTICUT:** * Edward W. Grout, Executive Director, State Dept. of Parole
    James P. Eakins, Supervisor, Interstate Compact
  **FLORIDA:** * Charles M. McGrath, representing the Compact Administrator
    Francis R. Bridges, Jr., Florida Parole Board
    Roy W. Russell, Florida Parole Commission
    J. Hopkins Parker, Florida Parole Commission
  **IDAHO:** * Marsh W. Maxwell, representing the Compact Administrator
  **ILLINOIS:** * T. Edward Austin, Superintendent, Div. of Supervision of Parolees
  **INDIANA:** * Paul L. Myers, Department of Correction
    George F. Denton, Deputy Compact Administrator
  **IOWA:** * R. W. Bobzin, Secretary, Iowa Board of Parole
  **KENTUCKY:** * Ralph G. Maurer, representing the Compact Administrator
  **LOUISIANA:** * Curvey F. Landry, Deputy Compact Administrator
    Otis C. Edwards, Jr.
  **MASSACHUSETTS:** * Martin P. Davis, Director of Parole Service
    Elliott Sands, representing Albert Carter, State Prob. Commissioner
  **MINNESOTA:** * Thomas R. Jones, Chairman, State Board of Parole & Probation
  **MISSOURI:** * George N. Elder, Chairman, Board of Probation and Parole
    Donald V. Cline, Deputy Compact Administrator
  **NEW HAMPSHIRE:** * Robert A. Johnson, State Parole Officer, representing the
    Compact Administrator
  **NEW JERSEY:** * Donald Goff, representing the Compact Administrator
  **NEW YORK:** * Russell G. Oswald, Chairman, State Board of Parole
    L. Stanley Clevenger, Deputy for Parole
    Harold Canavan, Associate Member
    Edward J. Taylor, Deputy for Probation
    Mitchell Wendell, Research Consultant, New York Committee on
    Interstate Cooperation
  **NORTH CAROLINA:** * George W. Randall, Chairman, Parole Board
    Miss Fleda Summers, Deputy Administrator for Probation
  **OHIO:** * Rowland R. Lutz, Chief, Bureau of Probation and Parole
    Percy Lowery, Probation and Parole
  **OKLAHOMA:** * Campbell LeFlore, Pardon and Parole Officer
  **OREGON:** * H. M. Randall, Director of Parole and Probation
  **PENNSYLVANIA:** * Paul J. Gernert, Chairman, Board of Parole
    George Hemshaw, Deputy Compact Administrator
    Representative Blaine Hocker
    Representative Harris C. Breth
  **PUERTO RICO:** * Ramon Perez de Jesus, Chairman, Parole Board
  **RHODE ISLAND:** * Justin E. McCormick, Division of Probation and Parole
  **SOUTH CAROLINA:** * J. C. Todd, Director, Probation, Pardon and Parole Board
  **TENNESSEE:** * Charles W. Crow, Executive Secretary, Board of Pardons & Paroles
  **VERMONT:** * Rudolph H. Morse, Director, Probation and Parole
  **VIRGIN ISLANDS:** * Louis Hoffman, Compact Administrator
Registration List (cont'd.)

VIRGINIA:  * Charles P. Chew, Director of Parole
          P. C. Shields
WASHINGTON: * James D. Skaggs, Compact Administrator
          * Harris G. Hunter, Chairman, Board of Prison Terms and Paroles
WEST VIRGINIA:  * Robert L. Galvin, Board of Probation and Parole
                  John S. Holy, Chairman, Board of Probation and Parole
WISCONSIN:  * Sanger B. Powers, Director, Division of Correction

FEDERAL ADVISORY MEMBERS:

Harry C. Dupree, Chairman, Army and Air Force Clemency and
Parole Board, Washington 25, D.C.
Colonel Ernest H. T. Schechinger, Special Assistant to the
Secretary of the Army, Washington 25, D.C.
George Reed, Chairman, U. S. Parole Board, Washington 25, D.C.

COUNCIL OF STATE GOVERNMENTS:

William L. Frederick, Eastern Representative
Jane Parks, Assistant

OTHERS:

Milton Rector, Director, National Probation and Parole Association
Earle W. Gilkey, District of Columbia
Robert R. Hannon, The Osborne Association
Frederick Ward, National Probation and Parole Association
Sanford Bates, American Bar Association Liaison Committee on
the Model Penal Code
Kenyon J. Scudder, The Osborne Association
Gus Moeller, Federal Bureau of Prisons
OPENING BUSINESS SESSION

The Fourteenth Annual Meeting of Administrators was held at the Americana Hotel, Miami Beach, Florida on August 25-30. About 66 persons attended the meeting, including representatives from 34 states.

The meeting was called to order at 10:00 A.M. by the President of the Association, Mr. W. P. Ball of Arkansas. An invocation was given by Rev. Walter Hoffman of Arizona. Compact Administrator Francis R. Bridges, Jr. welcomed the group on behalf of the State of Florida. Mr. Ball then made a brief talk in which he reviewed some of the accomplishments of the Association. He cited particularly the Association's work on the problem of detainers and he thanked Dr. Mitchell Wendell of the New York Joint Legislative Committee on Interstate Cooperation for his assistance to the Association in this field. Mr. Ball stressed the importance of the annual meeting in developing mutual understanding and new methods of operation and he concluded his remarks by suggesting that the problems to be considered would be resolved successfully if the Administrators would, as they had in the past, predicate their discussions on the "spirit rather than the letter" of the compact's provisions.

Greetings were presented from Mr. Will Turnbladh, former Director of the National Probation and Parole Association, who is now serving as Commissioner of Corrections in Minnesota. A letter was also read from Compact Administrator Herman Fails of Idaho expressing regret at being unable to attend the meeting because of illness. Later in the meeting a resolution was adopted expressing the best wishes of the Association for Mr. Fails' speedy recovery. The Association also asked the Secretariat to convey its best wishes and appreciation for past services to Mr. Lee Mailler of New York, the Association's 1957-58 President. Mr. Justin McCormick of Rhode Island announced the death of Compact Administrator Joseph Hagan and the Association directed that a resolution be drafted for transmittal to Mr. Hagan's family.

It was agreed that a photograph should be taken at the meeting and that one copy should be given to each state delegation present.

The Association's Treasurer, Compact Administrator Francis Bridges of Florida, presented his Annual Report, which was referred to the Auditing Committee. Mr. Bridges' report is attached. See Appendix A.

Mr. William L. Frederick of the Council of State Governments presented the Annual Report of the Secretariat. This report is attached. See Appendix B.

Mr. Milton Rector, Director of the National Probation and Parole Association, reported to the group on parole and probation activities of interstate interest. He called attention to three acts on which his Association has been working, the Standard Correctional System Act, the Standard Family Court Act and the Standard Juvenile Court Act.

The Standard Correctional System Act includes provisions covering matters which also are dealt with by some provisions of the Model Penal Code. The Code has been the subject of much controversy and has contained in its various drafts provisions objectionable to most parole and probation administrators.

The Standard Family Court Act provides for the creation of such a court as a division of the trial court of general jurisdiction. It would have jurisdiction over all matters concerning children and jurisdiction over adults in matters involving desertion, support, alimony, divorce, separation, annulment, paternity, mental illness
and mental deficiency. It is designed to tie in with existing juvenile court laws without the necessity of revising those laws.

The Standard Juvenile Court Act will be available in revised form in the next issue of the National Probation and Parole Association Journal. The revised version contains two major changes. It places the juvenile court at the level of the trial court of general jurisdiction in the state and it makes a state agency responsible for court services, including juvenile detention.

In addition to describing the acts mentioned above, Mr. Rector described various activities of the National Probation and Parole Association. He told the group that Alaska was revising its codes and had asked for assistance based on the experience of other states. He also said that the report of the Saginaw, Michigan, Probation Department was almost ready. The model Department, which was organized as a laboratory project, meets good probation standards in every respect.

Mr. Rector said that the "Citizen Action Program" was reaching the end of its five-year grant, and he expressed the hope that the Ford Foundation would extend the grant to other states which would like citizen action programs. He said that his Association also hoped to see the establishment of a National information center and treatment council which might permit the bringing in of experts to review such matters as short term treatment and the type of research which should be done if federal grants are made available. A central catalogue may also be developed which will contain information about past and present research caseloads and so forth.

Mr. Rector said that his Association's Advisory Council of Judges was most anxious to aid in improving compact operations and he said that his organization was preparing brochures on the Parole and Probation Compact and the Juvenile Compact which would be sent to judges.

Appointment of Committees

Mr. Baill appointed the following committees: RESOLUTIONS: Charles P. Chew, Virginia, Chairman; Walter Hoffman, Arizona; Charles W. Crow, Tennessee; Thomas R. Jones, Minnesota; Martin P. Davis, Massachusetts. AUDITING: Fred Fineley, California, Chairman; Edward V. Grout, Colorado; Paul L. Myers, Indiana. NOMINATING: L. B. Stephens, Alabama, Chairman; H. M. Randall, Oregon; Russell G. Oswald, New York; Campbell LeFlore, Oklahoma; Curvey P. Landry, Louisiana.

DISCUSSION SESSION

Guarantee of Employment

The group discussed the question of allowing parolees and probationers to go to other states for supervision without a guarantee of employment. A number of administrators said that such a guarantee should not be required and pointed out that the compact language in this regard reads, "can obtain employment", not, "has obtained employment." They also noted that such a guarantee may serve as a deterrent to rehabilitation since the parolee finds it exceedingly difficult to find a job at long distance, and his relatives are often not equipped to find one for him. This sometimes means that he is held in prison for lack of a suitable parole plan, or that he is forced to take a job which is not suitable in order to be supervised in the receiving state.

A question was raised as to whether state laws requiring parolees to have jobs before leaving prison on parole would apply to compact cases. Dr. Wendall said that
he did not believe such laws could apply since the receiving state serves only as an agent for the sending state and may not determine the conditions of parole in the sending state. Mr. Finsley of California noted that the compact says that the same standards of "supervision" must be used for interstate parolees as for intrastate parolees, but he said that this did not mean that the conditions for being placed under supervision must be the same for interstate and intrastate parolees. He also requested that he be informed if any of his line officers refused to supervise an interstate parolee who belonged in California on the grounds that he did not have a guarantee of employment. A number of Administrators stated that they would accept a parolee or probationer without a guarantee of employment as long as his relatives would be able to take care of him and he would not become a public charge.

Attention was called to the fact that states should be careful not to use residence as an excuse for sending a parolee or probationer to an unsuitable plan in the receiving state. It was suggested that a committee be established to determine the degree of kinship which should be included in the word "family" but after discussion it was agreed that it would be unwise to make any strict rule in this regard since an explicit definition might prevent the placement of a parolee with relatives with whom he had close emotional ties, but only a distant blood relationship.

Mr. Chew of Virginia suggested that part of the problem in placing parolees and probationers in receiving states might lie in the sending state's past record. He said that states with liberal policies in accepting cases for supervision usually received the same cooperation when they attempted to send cases to other states for supervision. In this connection, Mr. Ball suggested that all Administrators should make an effort to review situations in which members of their departments declined to supervise interstate cases in order to assure that the reasons were adequate and conformed with the Association's policies.

Mr. Oswald of New York suggested that the compact be amended so that parolees could be sent to the receiving state not only when they had residence or relatives there but also "when it appears that there is the possibility of developing a plan for the individual in the receiving state which will best serve to assist in his ultimate rehabilitation". It was agreed that the compact did not have to be amended in this regard, but it was also agreed that Mr. Oswald's suggested amendment represented the Association's view of desirable policy and should be included in the minutes verbatim as a guide to receiving states.

Channeling of Compact Cases

Mr. Eakins of Colorado said that he had had to extradite a probationer from Oklahoma because a question had arisen as to whether he was actually a compact case when it was discovered that he had been sent directly to local officials for supervision. Mr. Eakins pointed out that the Administrators of certain states such as Oklahoma do not supervise probationers directly and he asked if it would be possible for them to accept and file carbons of requests for supervision of probationers. He pointed out that receipt of such carbons would not place any duty on the Administrator to supervise the probationer but that they would serve as evidence that the probationer had been sent under authority of the compact. Mr. LeFlore said that he would be willing to agree to this procedure.

Written Agreements to Return Parolees

The group discussed whether states should require written agreements from sending states to return parolees on request from the receiving state. Mr. Finsley of California called attention to the fact that some disagreements regarding returns
be the result of differences in parole standards. He did express the belief that
discretion over return lay with the sending state under the compact, and said that
the compact would have to be amended before the use of such agreements would be ap-
propriate. Mr. Jones of Minnesota said that he thought the main difficulty was
caused by refusal of some states to take back serious cases. Mr. Bridges of Florida
pointed out that the degree of the violation was not the only important factor. He
said that the importance of the grapevine should not be overlooked. If an interstate
parolee constantly breaks parole rules with impunity, this becomes known to other
parolees and causes many supervisory difficulties. Mr. Bridges pointed out that his
state attempted to maintain a high standard of supervision for all interstate cases
and did not request return unless the parolee had actually become a serious supervi-
sory problem. He expressed the belief that the sending state should accept the
judgment of the receiving state regarding the need to return cases, particularly when
the receiving state has a good record and it is known that the state would not re-
quest return until it had made conscientious efforts to help the parolee. Mr.
Finsley called attention to the fact that his state had returned 110 cases during the
preceding year, but he also said that the compact administrator should be advised
when disagreements arise over returns and he did express the hope that other compact
administrators would inform him of all serious cases. Mr. Davis of Massachusetts
said that he doubted that most administrators would have authority to sign written
agreements regarding return. He suggested that if any effort were made to amend the
compact to provide such authority, funds would have to be provided by the legislature
to assure that the agreements could be carried out.

Quarterly Reports

There was a discussion of the need for quarterly reporting. Some administrators
expressed a willingness to accept less frequent reporting as long as up to date re-
ports could be furnished immediately in case of violation or other emergencies and as
long as adequate violation reports could be received. On the other hand, some admin-
istrators stated that quarterly reports should be on file in the sending state so
that they could be reviewed whenever necessary. It was noted that some states had
very long parole periods, and it was suggested that, the sending state's parole law
permitting, this problem might be solved by individual agreements between administra-
tors to diminish reporting after the parolee had been under supervision for a period
long enough to indicate that his adjustment would be satisfactory. Attention was
called to the fact that the Compact Rules and Regulations permit agreements between
administrators to report less often than quarterly, although the sending state is
entitled to receive quarterly reports if it does not wish to make such agreements.
One Administrator pointed out that it was appropriate for the sending state to make
the final determination in this matter since the receiving state only serves as
agent for the sending state. Attention was called to the fact that the Rules and
Regulations permit the sending of carbons of the running case record on a quarterly
basis as a substitute for the Quarterly Report.

Release of Federal Prisoners

Mr. Chew of Virginia reported on his committee's meeting with Mr. James Bennett
and other officials of the Federal Bureau of Prisons. He called attention to the
fact that the agreements reached at that meeting were summarized in the Secretariat's
Memorandum of May 7. A summary will also be found in the Secretariat's Report,
Page 2 of Appendix B of these minutes/. Mr. Gus Moeller of the Federal Bureau of
Prisons said that all federal wardens had been notified of the agreements. Mr. Chew
said that the federal officials had been most cooperative in the matter of release
of federal prisoners and in the matter of transfer of prisoners to prisons located
within or close to the retaking state. He expressed the hope that all Administrators would be equally cooperative when dealing with the Federal Bureau of Prisons. The Resolutions Committee was requested to draft a resolution thanking Mr. Bennett for his cooperation and such a resolution was drafted and adopted by the Association at the final business session.

Mr. George Reed, Chairman of the United States Parole Board, reviewed briefly the development of cooperation between the Association and the Board. He said that, in response to the Association's suggestions, the Board had changed its policy of refusing to parole to detainers some six years ago and now would parole any good parolee risk to a detainer. The Board has decided that it will be unnecessary to have such parolees sign a special agreement to accompany the retaking officers. Since the parole order is for parole to a detainer, accompanying the retaking officer is considered to be one of the conditions of parole. Thirty days notice of release on parole will be given to the states and the Parole Board will have an alternative parole plan ready in case the detainer is not picked up.

Return Principles

Mr. Stephens of Alabama, Chairman of the Association's Council, reported that the Council had been unable to agree upon a set of return principles to present to the Association. He suggested that the following motion be adopted in lieu of adoption of a set of return principles:

"That this Association go on record as favoring the continuance of the practice regarding return principles that has been followed over the years, namely that when a receiving state requests return, the request be honored unless another plan satisfactory to both states can be found."

This motion was adopted. Mr. Finley of California pointed out that those convicted of new crimes in the receiving state often had no ties in the sending state by the time they had finished their new sentence. He expressed the belief that such prisoners usually should remain in their state of residence, the receiving state, and he asked to be recorded as understanding that the motion would not bind sending states to retake such cases.

There was a general discussion of problems involved in fulfilling requests for returns. A suggestion was made that there should be a grievance committee to settle disputes over returns, but the suggestion was not adopted since the Association's constitution designates the Association's Council as the body which interprets the compact. Attention was called to the importance of complete information in violation reports. There appeared to be general agreement that states which had a policy of returning on request found it easier to get their poorer parole risks supervised. Emphasis was placed on the importance of persuading judges and counties of the need to return violators and it was suggested that all Administrators should make special efforts to educate judges and county officials in this regard. Mr. Powers of Wisconsin informed the group that Wisconsin law provides that the state may return probationers to the court or county. Funds of the State Department of Corrections are used for such returns. Mr. Bobzin of Iowa said that the judges of his state included a statement in the probation order that the probationer would be returned in case of violation. It was agreed that Mr. Powers and Mr. Bobzin would send copies of their laws in this regard to the Secretariat for distribution to the Association. Mr. Ball asked Mr. Frederick if the Council of State Governments could sponsor legislation similar to Wisconsin's legislation for adoption by all of the states. Mr. Frederick
said that the Council of State Governments' Committee of State Officials on Suggested State Legislation could be asked to consider such legislation, and if that body approved it, the proposed act could then be included in "Suggested State Legislation", which the Council publishes annually. He said that the proposals in "Suggested State Legislation" were usually reviewed rather carefully by each state's Commission on Interstate Cooperation, and the legislators on these commissions could probably be of great assistance in securing adoption of the proposed act. It was agreed that the Secretariat should prepare a tentative draft of such an act and distribute it to the Association for review in advance of the next annual meeting. Any final draft approved at the 1960 annual meeting could be submitted to the Committee of State Officials on Suggested State Legislation for possible inclusion in "Suggested State Legislation: Program for 1961."

Joint Return of Violates

Mr. Frederick reported that Minnesota and Wyoming were in the process of signing the Contract Concerning Costs of Return of Violators. The following states have also signed the contract: Michigan (for parolees only), New York, Oregon, Pennsylvania, Tennessee and Utah. The following states have the necessary deputization legislation and are able to sign the contract but have not done so: Colorado, Kansas, Kentucky, Massachusetts, New Jersey, New York, Washington, Wisconsin.

Mr. Gernert of Pennsylvania reported that the Attorney General of Pennsylvania has ruled that non-residents were included in the definition of "any person" in Pennsylvania's deputization act, and that salaries might be paid to agents deputized for the joint return of violators since the civil service provisions in Pennsylvania's Parole Law do not apply to such agents.

Honoring of the Waiver of Extradition and Return from a Third State

Mr. Frederick called attention to the fact that a revised edition of Table V of Chapter 2 of the Parole and Probation Compact Manual had been distributed with Newsletter 56. The table indicated that local officials in some states did not honor the compact waiver of extradition. It was agreed that the officials of these states should ask their Attorneys General for rulings as to the validity of the waiver of extradition.

Dr. Wendell of New York emphasized the importance of using the official compact waiver form. He pointed out that its use had been upheld in a number of important court decisions and he said that it had been carefully drafted to cover the parolee's constitutional rights. Mr. Canavan of New York said that an opinion of the Attorney General of New York had cast doubt on the validity of ordinary waivers. Mr. Oswald of New York pointed out that the signing of a waiver as a condition of parole might be considered signature under duress whereas the signing of the compact waiver in consideration for the privilege of living out of state would have less of an implication of duress. While emphasizing the importance of using the compact waiver for compact cases, Dr. Wendell commented that the validity of an ordinary waiver should probably not be affected by a claim of signature under duress in states where parole is legally a privilege rather than a matter of right.

There was a discussion of the right of the sending state to retake a compact case when the individual has fled from the receiving state to a third state. Attention was called to the case of In re Nicholas Casamento, 24 N.J. Misc. 437 (1945) in which it was held that this might be done. The court held that Casamento's waiver was valid, and that Casamento could not demand extradition proceedings in New Jersey since he had agreed, in consideration of the privilege of
leaving Pennsylvania to live in New York, that he would return when wanted and that he would not contest "any effort" to return him.

Dr. Wendall called attention to the fact that states should be careful to use the present version of the Compact waiver form, under which the parolee agrees not to contest "any effort by any jurisdiction" to return him to the sending state. While the Compact waiver signed in the Casamento case was not this specific, the new version should be used since its language is more specific.

It was agreed that the sending state is legally responsible for the cost or return from a third state since the receiving state is only serving as supervisory agent for the sending state.

Attention was called to the following cases in which parolees were also returned from a third state: In re Severe, Superior Court, Guilford County, North Carolina, September 21, 1953, and People ex rel Marro v. Ruthazer, Supreme Court, New York County, Special Term, Part II, March 28, 1955.

Evidence of Violation

Mr. Frederick described the case of In re Dan Jerrel, 93 NW 2d 614 (S.D., 1958), in which the South Dakota Supreme Court upheld the use of the compact return procedure, but ruled that Jerrel had been incarcerated in South Dakota improperly because insufficient evidence of violation was presented at the hearing at which his probation was revoked. Mr. Frederick pointed out that this decision was probably occasioned by the fact that Jerrel was not given an adequate opportunity to state his case to the court. There was a general discussion of the types of evidence required for revocation of parole and probation. Mr. Jones of Minnesota said his state’s courts treated the written statements of the receiving state’s agents as if they came from Minnesota agents since, under the compact the receiving state serves as agent for the sending state. Mr. Lutz of Ohio suggested that the field officer’s violation report should be sent with a covering letter from the receiving state’s compact administrator indicating that the case has been reviewed. The parole board will accept this dual opinion more readily than it will the single opinion of the field officer. It was suggested, to give the report an official cast, it would be well to use the official compact form for reporting violations. Mr. Bridges of Florida called attention to the importance of giving full information about the violation and Mr. McCormick of Rhode Island said that it would be helpful to have all significant documents attached to the report, such as the statement of the arresting officer. Mr. Clevenger cautioned the group against relying on the fact of an arrest if there has been no conviction. There might have to be some other misconduct other than that which caused the arrest if the charge on which the man was arrested has not been proved.

Contributing to Violations

The group discussed a 1959 Maine act which makes it a criminal offense to cause or contribute to parole and probation violations after being warned in writing by the Maine Parole and Probation Board. The Maine act was drafted to apply to Compact cases as well as intrastate cases. While contempt of court actions can sometimes be used against persons who cause intrastate cases to violate, such persons are in contempt of the sending state court rather than the receiving state court in intrastate cases. Thus, Maine officials felt it would be helpful to cover interstate cases by statute.
Representatives from Iowa, Indiana and Wisconsin said that their states had statutes covering interference with parolees and Mr. Frederick asked that copies be sent to the Secretariat. It was agreed that the Maine Compact Administrator should be asked to report on the use of the new Maine act at the 1960 meeting.

Agreement on Detainers

Mr. Frederick said that the Agreement on Detainers had been ratified by Connecticut, New Jersey, New York and New Hampshire. Since the meeting the Agreement has also been ratified by Pennsylvania. Tentative rules and forms have been drafted for use under the Agreement and have been submitted to the Agreement Administrators for approval.

Merger of Sentence:

Dr. Wendell of New York described a proposal regarding intrastate merger of sentence which he had drafted at the request of the 1958 annual meeting. He explained that the proposal was intended to cover situations where a person already under sentence for other crimes is tried for a new crime. The draft act permits the judge to merge the new sentence with the uncompleted sentences and fix a single sentence. The new single sentence cannot be less than the total of the sentences already in existence and it cannot be more than the total of the maximum penalty for the new crime plus the maximum aggregate penalty for the old sentences. In other words, the court may impose no new penalty, but merely fix a single sentence representing the total of all previous sentences; or it may take this total, add a sentence for the new crime and combine both into any sentence which does not exceed the maximums for the old sentences and the new sentence. The new sentence governs and all courts whose orders are affected must modify their orders accordingly. Parole is automatically terminated by the new sentence unless the parole board orders continuance or suspension in lieu of termination.

Dr. Wendell said that the purpose of merger of sentence was to permit a unified program for the prisoner who has committed multiple offenses. Part of the problem of multiple offenses is solved by the proposals which a number of states have adopted for intrastate and interstate disposition of the detainers. The detainers legislation permits those who are already in prison to stand trial on pending charges before their present sentence has expired. This is of great benefit since it permits the prisoner to find out how much time he is going to serve. However, it does not solve all of the problem since it may leave the prisoner with a number of sentences to be served in different institutions and the total of the sentences may be disproportionate to his rehabilitative needs. A merger of sentence law, under which all of his sentences would be consolidated, would permit him to serve his time in one institution, and it would make possible an appropriate total sentence and more effective program of rehabilitation.

Dr. Wendell told the group that Mr. Sol Rubin of the National Probation and Parole Association had also been working on the problem of merger of sentence and had offered a number of helpful suggestions regarding the proposed act. He said that Mr. Rubin had also drafted a proposal and called upon him to describe it.

Mr. Rubin said that his proposal differed from Dr. Wendell's draft in that it called for the merging of smaller sentences into the largest sentence. In other words, if one sentence was for five years, and the person also had a two-year sentence, he would not have to serve seven years, but only five years. Under Dr. Wendell's draft the judge may add the earlier sentence to the sentence he is imposing.
There was a brief discussion of the proposals. The sentiment of a number of Administrators appeared to be that a part of the purpose of merger of sentence legislation might be achieved if sentences were flexible and the parole board had authority to allow concurrent serving of sentences in appropriate cases, and to parole at any time.

Mr. Powers of Wisconsin asked if either of the proposed drafts eliminated the need for multiple trials in cases where an individual commits a series of crimes in different jurisdictions during one criminal episode. Dr. Wendell said that this type of case would have to be covered by another statute. The following motion was adopted:

"The Association requests the incoming President to appoint a Committee on Merger of Sentence and to request Dr. Wendell to proceed in cooperation with the Committee and other groups such as the National Probation and Parole Association to work on merger of sentence and present a draft to the next annual meeting, possibly including Mr. Rubin's draft as an alternative."

Joiner with Puerto Rico, the Virgin Islands and Hawaii

Mr. Frederick said that all states would be signatory to the Compact with Hawaii, and he said that Hawaii execution pages would be sent after the meeting to all states which had not already joined with Hawaii. He asked the Administrators of states eligible to join with Puerto Rico and the Virgin Islands to send their execution pages to the Secretariat as soon as possible.

Interstate Compact on Juveniles

Mr. Frederick said that the Interstate Compact on Juveniles had been ratified by 26 states. He called attention to the fact that Arizona, Georgia, Kentucky, Michigan, South Carolina and Puerto Rico would be in session during 1960 and had not adopted the Compact. He asked the Administrators to do as much as they could to encourage these states to adopt the Compact next year.

Model Penal Code

Sanford Bates, a member of the American Correctional Association's Liaison Committee on the Model Penal Code told the Administrators that the American Law Institute's Committee on this subject planned to present a final draft of the Code to the Institute in May and would probably not hold any further hearings. He reminded the Administrators that they had discussed certain objectional provisions of the Code at three previous meetings and adopted resolutions empowering the Executive Committee to act on their behalf at any meeting which might be held to consider the actions of the American Law Institute. He said that such meetings were held, and although the American Law Institute Committee was informed of the Administrators' objections, the Committee had shown a reluctance to make certain recommended changes. The most objectionable provisions of the Code, which were in earlier drafts and may still be in the final draft, are as follows:

1. The burden is placed on the parole board to prove that a prisoner is a menace and should not be released.

2. The parolee is entitled to have a lawyer at his parole hearing.
(3) The conditions of parole are spelled out rather than being flexible.

Mr. Bates said that he would like to see a provision in the Code which would bar courts from reviewing decisions of the parole board if they have been made according to law. He also pointed out that a provision entitling parolees to have lawyers at parole hearings would be an intrusion on custody since the parolee had his day in court, and counsel to protect his rights, at the time he was sentenced.

Mr. Bates asked the Compact Administrators to write to members of the American Law Institute about the Code. He also suggested that the Compact Administrators ask any lawyers on their state parole boards to write to the Institute's members. American Law Institute membership lists may be secured from Mr. Bates at 12 Baldwin Street, Pennington, New Jersey.

The Administrators adopted the following motion:

"The Executive Committee is authorized to act on behalf of the Association and take whatever action is necessary with regard to objectionable provisions in the Model Penal Code."

Legislative Participation

Mr. Garnett of Pennsylvania introduced the Honorable Harris G. Breth and the Honorable Blaine C. Hacker of the Pennsylvania House of Representatives. Representatives Breth and Hacker told the group that they had found the meeting to be very informative and they suggested that the Administrators might wish to invite legislators to their meetings in the future so that they would have a better understanding of compact problems and legislation desired by the Association. It was agreed that each Administrator should keep this suggestion in mind and feel free to invite legislators from his state whenever he wished.

FINAL BUSINESS SESSION

Brochure on the Compact: The Secretariat was directed to print a brochure about the Compact similar to the mimeographed brochure which was distributed to the membership during 1959. Mr. Frederick said that the brochure would be sent to the Executive Committee and the Council for approval before it was printed.

Annual Meeting: The group agreed unanimously to recommend to the Executive Committee that the Annual Meeting be held in conjunction with the Annual Meeting of the American Correctional Association, which is scheduled for August 28-September 2 in Denver, Colorado.

Resolutions Committee: The Association heard the report of the Resolutions Committee and adopted all resolutions unanimously. The text of the resolutions will be found in Appendix C.

Auditing Committee: The Auditing Committee reported that it found the Annual Report of the Treasurer to be in order and the Auditing Committee's report was adopted unanimously.
Nominating Committee: The group heard the report of the Nominating Committee and elected the following 1959-60 officers by acclamation.

President: Sanger B. Powers, Wisconsin
Vice President: Paul Gernert, Pennsylvania
Treasurer: Francis R. Bridges, Jr., Florida
Secretariat: Council of State Governments

Executive Committee (in addition to the Officers)

W. P. Ball, Arkansas, Chairman
Charles Crow, Tennessee
R. W. Bobzin, Iowa
Thomas R. Jones, Minnesota
Martin Davis, Massachusetts
Royland R. Lutz, Ohio

Council

Russell G. Oswald, New York, Chairman
Edward W. Grout, Colorado
Campbell Le Flore, Oklahoma
Curvey P. Landry, Louisiana
J. C. Todd, South Carolina

Mr. Ball turned the gavel over to Mr. Powers. The Association gave a rising vote of thanks to Mr. Ball for his service as President. The meeting adjourned at 1:30 P.M.
We, the undersigned auditors have examined the accounts of Francis R. Bridges, Jr., Treasurer of the Interstate Compact Administrators Association, and find that the receipts and disbursements are in accordance with his annual report as submitted at the Annual Meeting. We attach herewith statements from the Capitol City National Bank of Tallahassee and the Industrial Savings Bank of Tallahassee which verify the balances reported by the Treasurer.

Signed:  
Fred Finsley, California, Chairman  
Edward W. Grout, Colorado  
Paul L. Meyers, Indiana

Auditors

Miami Beach, Florida  
August 30, 1959

CAPITAL CITY NATIONAL BANK  
of TALLAHASSEE

Tallahassee, Florida

June 30, 1959

Mr. F. R. Bridges, Jr.  
P. O. Box 1107  
Tallahassee, Florida

Dear Mr. Bridges:

This is to advise you that the balance of Interstate Compact Administrators Association if $632.05 as of this date.

Sincerely yours,
(Signed)  
FRED N. LOWRY  
Vice President

INDUSTRIAL SAVINGS BANK  
of TALLAHASSEE

June 30, 1959

Mr. Francis R. Bridges, Jr.  
P.O. Box 1107  
Tallahassee, Florida

Dear Francis:

This is to certify that, at the close of business on this date, June 30, 1959, the bank's records show that Savings Account No. 4718 carried in the name of INTERSTATE COMPACT ADMINISTRATORS ASSOCIATION has a balance on deposit of $1,020.13. This is after the posting of the June quarter interest credit of $7.58.

If you need additional information we shall be glad to furnish it.

Sincerely,
INDUSTRIAL SAVINGS BANK OF TALLAHASSEE

R. Spencer Burress  
Vice President - Cashier
TREASURER'S REPORT

FISCAL YEAR JULY 1, 1958-JUNE 30, 1959

BALANCE ON HAND, JULY 1, 1958

$ 1599.06

INCOME:
Membership Dues..........................$ 1285.00*
Interest on Savings Account.................. 20.13

TOTAL..................................$ 1305.13

EXPENDITURES:

Council of State Governments
(stamp refund and other costs)........ 72.30
Mimeograph and mailing costs................. 918.74
Expenses, Office, Treasurer.................. 33.61
Luncheon Cost, Detroit meeting............... 227.36

TOTAL..........................$ 1252.01

BANK BALANCES: (close business June 30, 1959)

Capital City National Bank, Tallahassee, Florida...$ 632.05
Industrial Savings Bank, Tallahassee, Florida...... 1020.13

TOTAL..........................$ 1652.18

* All States (with the exception of Alaska) and the then Territory of Hawaii and the Commonwealth of Puerto Rico paid their membership dues. In addition California paid two associate memberships; Louisiana, one; New Jersey, one; New York, one; North Carolina, one; Pennsylvania one.
SECRETARIAT’S REPORT, 1959

The following is a report on our activities and the status of the Association’s projects:

As you know, the Virgin Islands joined the Compact this year. Alaska’s legislature was too busy with basic measures made necessary by statehood to consider the Compact, but we are hopeful that the Compact will be ratified there within the next year or two. We have offered our assistance to the District of Columbia in securing Congressional action ratifying the Compact for the District, and the District of Columbia's Parole Board has advised us that they have the matter "under careful consideration" and will, in the meantime, make every effort to cooperate fully on an informal basis.

We are doing our best to complete the exchange of documents between the states and the Virgin Islands and Puerto Rico. As you know, states with statutes or attorney general's opinions defining the word, "states" to include the Virgin Islands and Puerto Rico may sign with these jurisdictions. Later in the meeting we will review the status of joinder and let you know if your state is eligible to sign, but has not done so.

Hawaii ratified the Compact in 1957 and will be a member with all states as soon as Hawaii's new Governor signs the Compact documents. Hawaii documents will be sent to all states which have not joined with Hawaii already under authority of their definition of the word, "states". States which are already members with Hawaii will not receive new documents.

Wyoming ratified the Out-of-state Incarceration Amendment this year.

Enabling legislation for the Agreement on Detainers, which your Association helped to develop was adopted this year by New Hampshire and is close to passage in Pennsylvania. The Agreement is already in effect between Connecticut, New Jersey and New York. Rules and forms (for interim use until an Association is formed) have been developed for the approval of the Agreement Administrators.

The Interstate Compact on Juveniles, which your Association also helped to develop, was ratified this year by Oregon, making a total of 26 members, including Hawaii, which will be a member when the Compact documents are signed. Later in the meeting we will want to discuss with you ways in which the adult compact administrators can assist in securing additional ratifications of the Juvenile Compact. You may be interested to know that the Juvenile Compact Administrators adopted a resolution this year asking the Council of State Governments to hold a National Governors Conference on Juvenile Delinquency in 1961.

At the 1958 meeting you asked Dr. Wendell to study the matter of merger of sentence and report to the 1959 meeting. You have already received copies of a draft of an intrastate merger of sentence act by mail and copies are in your agenda folder. This subject will be discussed tomorrow, and it is our thought that you may want to authorize the President to appoint representatives to a committee on this subject similar to the committee which drafted the Interstate Detainers Agreement.

You asked the Association's Council to revise the set of return principles which were considered at your 1958 meeting and Mr. Stephens, Chairman of the Association's Council, has a report for you on this subject.
Last year we discussed the fact that the Bureau of Prisons felt that it must release prisoners to local sheriffs instead of to out-of-state retaining officers. You asked Mr. Chew, Mr. Reed and me to discuss this matter with Mr. Bennett, the Director of the Federal Bureau of Prisons. We have done so and certain agreements have been reached, which are described in the memorandum we sent to you on May 7. (A copy of the memorandum will be found in your agenda under the Background Material tab.) You will notice that Mr. Bennett agreed to release prisoners directly to state officers of the state in which the prison is located and to release prisoners wanted under the Compact directly to officials from other states who are acting under the Compact. Other prisoners must be released to sheriffs rather than to out of state officers, but Mr. Bennett will try to transfer them to prisons within the state which wants them if he is given sufficient notice. The agreement reached at the meeting will be discussed later in the day and we have invited Mr. Bennett to be here in case there are additional questions about the Bureau of Prison's policy.

Since the last annual meeting the Compact has been upheld by the Supreme Courts of South Dakota and Alabama. The South Dakota decision, In re Dan Jerrel, was sent to you for your Manuals with Compact Newsletter 55. In this case the court held that the Compact procedure might be used even though extradition proceedings have been initiated and then dropped. This case raised some questions as to the type of evidence of violations needed at parole revocation hearings and the matter is on the agenda for discussion at this meeting. The Alabama case, Alabama ex rel Bridges v. Waters, followed the line of thinking already taken by the Alabama Supreme Court in Voo's v. Alabama, so we will probably not reprint it.

During the year we have sent you a number of mailing of newsletters and other material. The most recent newsletter, newsletter 56, carried new tables for Chapter 2 of the Manual regarding permission to use guns, permission to use autos, notification of visits, application of felon registration laws and effectiveness of the waiver of extradition. We also sent you forms for reporting on the interstate movement of parolees and probationers for the fiscal year ending June 30, 1959. About half of the states have returned these and we hope that the rest of you will get them in as soon as possible.

In past years we have given you a report on reciprocal support legislation. As you know, this legislation is now in effect in all jurisdictions of the United States, including the territories. A new reciprocal support manual will be issued around November, and we will be glad to send a copy to any administrator who wants one. The Reciprocal Support Conference will be held this year on November 11-14 at the La Concha Hotel, San Juan, Puerto Rico. If any of you would like to receive information about the meeting, please give a note to Jane. All of you are welcome to attend.
RESOLUTIONS

I. WHEREAS, Mr. Herman P. Failes, Compact Administrator for the State of Idaho, has for many years been an active participant and an officer of this Association but is unable this year to attend the meeting of the Association due to his health,

THEREFORE, BE IT RESOLVED, that this Association express to Mr. Failes its regret over his not being able to attend and extend to him its most sincere hopes for a speedy recovery.

II. WHEREAS, the management and employees of the Americana Hotel at Miami Beach, Florida have provided such excellent accommodations for our meeting and have been so helpful in many other ways,

THEREFORE, BE IT RESOLVED, that this Association express its sincere appreciation to the management and employees of the Americana Hotel.

III. WHEREAS, for a number of years this Association has been concerned with the problem of taking custody of parole violators from federal correctional institutions and,

WHEREAS, a committee called on Mr. James V. Bennett, Director, Federal Bureau of Prisons to discuss this matter and found him most understanding and cooperative to the end that the difficulties are much relieved,

THEREFORE, BE IT RESOLVED, that this Association express to Mr. Bennett its appreciation for his cooperative support in bringing about relief from this problem.

IV. WHEREAS, the Council of State Governments through our Secretariat, Mr. William L. Frederick and his Assistant, Miss Jane Parks, have been of such value in offering leadership and guidance to our Association,

THEREFORE, be it resolved, that this Association express to our Secretariat and through therein to the Council of State Governments, our most sincere appreciation for the services they have rendered.

V. WHEREAS, Dr. Mitchell Wendell has rendered such valuable service in initiating and preparing drafts of legislation for improvement in the Interstate Compact and likewise has made such significant contributions by his counsel at various meetings,

THEREFORE, BE IT RESOLVED that this Association express to Dr. Wendell and to the New York Joint Legislative Committee on Interstate Cooperation its sincere appreciation for his service.

VI. WHEREAS, Joseph H. Hagan, Administrator of Probation and Parole for the State of Rhode Island passed away on August 13, 1959; and

WHEREAS, the said Joseph H. Hagan had served 31 years in the correctional field, and served as Administrator of the Interstate Compact for the Supervision of Parolees and Probationers since the adoption of the Compact, was one of the original organizers and served as its first President, and

WHEREAS, the Joseph H. Hagan was dearly beloved, honored and respected by all of us,

BE IT RESOLVED, that this meeting of the said Administrators, express its deep sense of grief and loss in his passing by a minute of silent prayer,

FURTHER, that the Secretary be instructed to forward a copy of this resolve to his two sons, Joseph H. Hagan, Jr. and James G. Hagan.