MINUTES -- FIFTEENTH ANNUAL MEETING
August 27-28, 1960
Denver Hilton Hotel, Colorado

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGISTRATION LIST</td>
<td>1</td>
</tr>
<tr>
<td>OPENING BUSINESS SESSION</td>
<td>1</td>
</tr>
<tr>
<td>LUNCHEON SESSION</td>
<td>2</td>
</tr>
<tr>
<td>DISCUSSION SESSION</td>
<td></td>
</tr>
<tr>
<td>Waiver for Parolees in Federal Narcotics Hospitals</td>
<td>3</td>
</tr>
<tr>
<td>Supervision for Those Answering Detainers or Committed to Mental Hospitals and Prisons</td>
<td>4</td>
</tr>
<tr>
<td>Direct Correspondence with Prisoners</td>
<td>4</td>
</tr>
<tr>
<td>Detainers</td>
<td>4</td>
</tr>
<tr>
<td>Nolan v. Nash</td>
<td>5</td>
</tr>
<tr>
<td>Merger of Sentence</td>
<td>5</td>
</tr>
<tr>
<td>Model Penal Code</td>
<td>7</td>
</tr>
<tr>
<td>Joinder with Puerto Rico and the Virgin Islands</td>
<td>7</td>
</tr>
<tr>
<td>Western Probation and Parole Association Resolution</td>
<td>7</td>
</tr>
<tr>
<td>Interstate Compact on Juveniles</td>
<td>7</td>
</tr>
<tr>
<td>Retaking Out of State Cases</td>
<td>8</td>
</tr>
<tr>
<td>Brochure on the Compact</td>
<td>8</td>
</tr>
<tr>
<td>Crime Investigations Compact</td>
<td>9</td>
</tr>
<tr>
<td>Use of Travel Permits to Establish Permanent Residence</td>
<td>9</td>
</tr>
<tr>
<td>Furnishing of Information in Reports</td>
<td>9</td>
</tr>
<tr>
<td>Presentence Investigations</td>
<td>9</td>
</tr>
<tr>
<td>Commitments to the California Youth Authority</td>
<td>10</td>
</tr>
<tr>
<td>Ruling of the Attorney General of Pennsylvania</td>
<td>10</td>
</tr>
<tr>
<td>Other Matters</td>
<td>10</td>
</tr>
<tr>
<td>FINAL BUSINESS SESSION</td>
<td>11</td>
</tr>
</tbody>
</table>

APPENDIX A - Report of the Auditing Committee

APPENDIX B - Secretariat's Report

APPENDIX C - Resolutions
REGISTRATION LIST

* Denotes Compact Administrator

ALABAMA:  * L. B. Stephens, Executive Director, Board of Pardons and Paroles

ARIZONA:  * Walter Hofmann, Chairman, Board of Pardons and Paroles

ARKANSAS:  * W. P. Ball, Director, Board of Pardons, Paroles and Probation

CALIFORNIA:  Sidney Diamond, Member, Adult Authority
* Fred Finsley, Chairman, Adult Authority
Claib J. Fitzharris, Vice Chairman, Adult Authority
Ervis Lester, Member, Adult Authority
Walter T. Stone, Chief, Adult Parole Division
Roy C. Votaw, Deputy Compact Administrator

COLORADO:  John C. Casey, Member, Parole Board
James P. Eakins, Supervisor, Interstate Compact
Hon. Philip B. Gilliam, Judge of the Juvenile Court of Denver
* Edward W. Grout, Executive Director, Department of Parole
Gordon Hauge
Carl Jacobson, Chief Probation Officer
Hon. Stephen L. R. McNichols, Governor of Colorado
Wayne Patterson, Warden, Reformatory
Archie Reeves, Member, Parole Board
Alex Wilson, Department of Parole

CONNECTICUT:  Charles M'Crath, Field Director, Connecticut Prison Association, Representing the Compact Administrator

FLORIDA:  * Francis R. Bridges, Jr., Florida Parole Board

GEORGIA:  * William H. Kimbrough, Chairman, State Board of Pardons and Paroles

HAWAII:  William M. Kaina, Administrative Assistant to Lieutenant Governor, Representing the Compact Administrator

ILLINOIS:  * T. Edward Austin, Superintendent, Div. of Supervision of Parolees

INDIANA:  George F. Denton, Department of Correction
* Paul L. Myers, Department of Correction

IOWA:  * R. W. Bobzin, Secretary, Board of Parole

KANSAS:  * Don E. Winterburg, Board of Probation and Parole

KENTUCKY:  Ralph G. Maurer, Deputy Administrator

MARYLAND:  * Wallace Reidt, Director, Department of Parole and Probation

MASSACHUSETTS:  Albert B. Carter, Commissioner of Probation
* Martin P. Davis, Director of Parole Service
Senator Harold R. Lundgren, Member of Senate
(Registration List - continued)

MICHIGAN:  William F. Eardley, Deputy Administrator

MINNESOTA:  Robert R. Bergherr, Supervisor, Department of Adult Corrections
            T. F. Telaeder, Deputy Administrator

MISSOURI:   Donald V. Cline, Deputy Compact Administrator
            * George N. Eider, Chairman, Board of Probation and Parole
            Calvin K. Hamilton, Assistant Attorney General

MONTANA:    W. E. McConnell, Assistant Director, State Board of Pardons
            * W. E. Shaffer, Director, State Board of Pardons

NEBRASKA:   Loretta A. Walker, Deputy Compact Administrator

NEVADA:     * Edward C. Cupit, Chief Parole and Probation Officer

NEW HAMPSHIRE:  Robert G. Johnson, State Parole Officer, Representing Compact Administrator

NEW MEXICO:  * Manuel N. Brown, Director of Parole

NEW YORK:   Robert F. Burnaugh, Field Supervisor, Probation and Parole
            Harold Canavan, Division of Parole
            L. Stanley Cleveenger, Administrative Director, Div. of Parole
            * Russell G. Oswald, Chairman, State Board of Parole

NO. CAROLINA: * Johnson Matthews, Chairman, Parole Board

OHIO:       * Rowland R. Lutz, Chief, Bureau of Probation and Parole
            John W. Shoemaker, Administrative Assistant, Bureau of Probation and Parole

OREGON:     Robert E. Jones, Deputy Compact Administrator

PENNSYLVANIA:  * Paul J. Gernert, Chairman, Board of Parole

PUERTO RICO:  * Ramon Perez-de-Jesus, Chairman, Parole Board

SO. CAROLINA:  J. C. Todd, Director, Probation, Pardon and Parole Board

TENNESSEE:  * Charles W. Crow, Executive Secretary, Board of Pardons and Paroles

TEXAS:       Vincent O'Leary, Deputy Compact Administrator

UTAH:        * W. Keith Wilson, Chief Agent, Dept. of Adult Probation and Parole

VERMONT:     * Rudolph H. Morse, Director, Probation and Parole
            Robert G. Smith, Associate Warden, Vermont State Prison

VIRGIN ISLANDS:  * Louis Hoffman, Chairman, Virgin Islands Parole Board
            Lionel A. Todman, Probation and Parole Officer
(Registration List - continued)

VIRGINIA:  * Charles P. Chew, Director of Parole

WASHINGTON:  Garrett Heyns, Director, Department of Institutions
              * Harris G. Hunter, Chairman, Board of Prison Terms and Paroles

WEST VIRGINIA:  * John S. Callebs, Board of Probation and Parole
                 John S. Holy, Chairman, Board of Probation and Parole

WISCONSIN:   * Sanger B. Powers, Director, Division of Correction

WYOMING:     * Norman G. Baillie, State Parole and Probation Officer

FEDERAL ADVISORY MEMBERS:

Henry C. Dupree, Chairman, Army and Air Force Clemency and Parole Board
George Reed, Chairman, U. S. Board of Parole, Department of Justice
Colonel Ernest H. T. Schechinger, Special Assistant to Secretary of Army

OTHERS:

J.D. Garrett, District of Columbia Parole Board
Sanford Bates, American Bar Association Liaison Committee on the Model Penal Code
Earle W. Gilkey, Case Work Supervisor, District of Columbia Parole Board
R. R. Hannum, The Osborne Association, Inc., New York City
Hugh Reed, National Council on Crime and Delinquency
Frederick Ward, National Council on Crime and Delinquency

COUNCIL OF STATE GOVERNMENTS

William L. Frederick, Eastern Regional Director
Jane Parks, Assistant
Mitchell Wendell, Consultant
OPENING BUSINESS SESSION

The Fifteenth Annual Meeting of Administrators was held at the Denver Hilton Hotel in Denver, Colorado on August 27-28. About 85 persons attended the meeting, including official representatives from 41 states.

The meeting was called to order at 10:00 A.M. by the President of the Association, Mr. Sanger B. Powers of Wisconsin. An invocation was given by the Reverend Walter Hofmann of Arizona. Compact Administrator Edward W. Grout of Colorado then introduced Governor Stephen L. R. McNichols who welcomed the delegates on behalf of the State of Colorado. Governor McNichols called attention to the states' increasing concern with hospitals and penal problems. He told the group that Colorado had expended large sums in these fields. He said that the big job was to convince the public that they were getting something for their money since many persons still do not understand the need for parole or other correctional services. He remarked that he had found that the issuance of figures regarding the relative cost of parole and imprisonment helped to secure public acceptance of expenditures for parole. Governor McNichols said that many Colorado parolees and probationers had been aided by interstate supervision, and he thanked the Compact Administrators for the assistance and cooperation they had extended to the State of Colorado in this regard.

After the Governor's address a roll call was taken. The group voted to dispense with the reading of the minutes of the 1959 Annual Meeting. Mr. Powers announced that Compact Administrator Campbell LeFlore of Oklahoma had died during the year. The group stood in a moment of silence and the Resolutions Committee was requested to draft a suitable resolution. The Committee was also asked to draft a resolution expressing the Association's best wishes to Compact Administrator Hal Randall of Oregon who had been unable to attend the meeting because of illness.

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

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

Mr. Hugh Reed, Assistant Director of the National Council on Crime and Delinquency, (formerly known as the National Probation and Parole Association) presented a brief report for his organization. He said that the change in name did not mean that there had been a change in his organization's activities. For a number of years the organization has been working intensively in fields such as juvenile delinquency as well as probation and parole. It was felt that the new name would be less confusing to foundations and juvenile agencies not acquainted with the organization's actual activities.

Mr. Powers appointed the following Committees: RESOLUTIONS: Charles P. Chew, Virginia, Chairman; L. Stanley Cleveenger, New York; T.F. Telander, Minnesota; Manuel N. Brown, New Mexico; Robert Johnson, New Hampshire; Racon Perez de Jesus, Puerto Rico. AUDITING: R. W. Bobzin, Iowa, Chairman; Walter Hofmann, Arizona; Paul L. Myers, Indiana. NOMINATING: W. P. Ball, Arkansas, Chairman; Loretta A. Walker, Nebraska; James P. Eakins, Colorado; Martin P. Davis, Massachusetts; George N. Elder, Missouri.
The Association's Annual Luncheon was held on Saturday. After an introduction by Mr. Powers, the Honorable Philip B. Gilliam, Judge of the Juvenile Court of Denver, addressed the group. He said that his many years of experience on the bench had shown him that delinquency and crime were often caused by pressures in the environment and the fact that people were not happy enough. He suggested that those who have had love and opportunity should question sometimes whether or not they have had "too big a bite of the apple" and must conclude that the special gifts that life had given them brought also a special responsibility. Those who have lived under happy circumstances have had the chance to develop moral and emotional strength, and they must work to help others who have not had this good fortune.

Judge Gilliam expressed the belief that those who are to succeed in their task must see it realistically. The pleasant generality that "there is no such thing as a bad boy" is not true. Delinquents and criminals usually are hostile, angry people. They have been taught violence by their environment and most of them use it. Many of them are convinced that crime "does pay" and is the only way for them to secure the material things they must have to be considered a success in our society. Correctional officials and others working to save these people must face the fact that their task will never be easy. Still they must try to work with a feeling of love and responsibility for each person, for the price of each failure is the loss of a human being.

Entirely aside from the human tragedy involved, Judge Gilliam pointed out, we must also consider the waste of our financial resources, which are already too small to allow us to provide as fully as we would like for the education and welfare of the underprivileged. The cost of maintaining a delinquent in an institution for a year is about $3,000 and the juvenile training school is often only the first step in an individual's criminal career. We spend more annually on the human beings we have failed to save than we do on education.

Judge Gilliam commented on the multiplicity of lobbies for worthy causes and unworthy ones in Congress, and he called attention to the fact that, despite the size of the problem and the vast expenditures involved, there was no corrections lobby. He warned the group that, because of population increases alone, crime and delinquency would probably double within a fairly short time, bringing about the need for sizeable additions in funds and staff. He expressed the view, however, that these things alone would not do the job. The problem will become increasingly larger as long as we permit our present moral climate to exist. We have allowed ourselves to lose the values which make nations strong and men good, and we have taken for our standard an easy morality which allows for a little cheating on all codes of behavior. Judge Gilliam expressed the view that the United States would be in the gravest danger if its people lost the moral force and character which once had made them great. He said that the time had come for those who had had the opportunity to know the value of our earlier standards to rise up to fight for them. Beliefs in decency, honor, love or religion are not always fashionable, he said. The man who fights for the codes he believes in will often fight alone, but we must all do this. We must be "Angry Americans", he said, who knew what our beliefs are and who have the strength to be unpopular, if we must, to uphold them.
DISCUSSION SESSIONS

WAIVER FOR STATE PAROLEES IN FEDERAL NARCOTICS HOSPITALS

Mr. Frederick said that the State of Michigan had asked the Secretariat to look into the problem of securing information about state parolees and probationers who had entered the federal narcotics hospital at Lexington, Kentucky. Officials at Lexington had advised Michigan that, under Section 344d of the Public Health Service Act (42 U.S.C. 260(d)) they could not report on the presence, progress or release dates of patients who had entered the hospital under voluntary commitment procedures. The Secretariat consulted with the Public Health Service in Washington, and was informed that such information could be provided if the parolee or probationer was willing to waive his right to have his records at Lexington kept confidential. Such waiver was upheld in Webley v. Chapman, United States District Court, Eastern District of Kentucky, June 2, 1954. The Public Health Service has a special form for this purpose. Another form, which accomplishes the same purpose, has been used at Lexington for some time for New York State cases. Copies of both forms are available from the Secretariat.

The group discussed the possibility of using the compact to send cases to the federal narcotics hospitals at Lexington and Fort Worth, Texas. If this were done, a parolee or probationer upon release from the hospital could be held by the Kentucky or Texas parole authorities and retained by the sending state under the compact. A question was raised as to whether the Kentucky or Texas Administrators would be willing to have the compact used in this way and, if so, if they would provide any supervisory services such as reporting on the parolee's progress or advising the sending state of the parolee's impending release. Mr. O'Leary of Texas said that this would have to be decided by the Tarrant County parole and probation officers, who supervise compact cases in the Fort Worth area. They are already providing some services to other states in narcotics cases, but their willingness to continue would probably depend on the volume of the cases. Mr. Reed expressed some doubt as to whether the federal hospitals would be willing to participate in a plan where they had to turn a patient over to state officers or take any action which had the aspect of detaining a patient who had entered the hospital voluntarily. Dr. Wendell said it probably wasn't necessary to send the parolee under the compact, although this method would have advantages.

It was noted that use of the waiver forms solves the problem only in cases where a parolee enters the hospital with the consent of state authorities. If he has absconded and entered the hospital on his own, there is some question whether hospital authorities would feel they had authority to ask him to sign the waiver. Without his waiver they would be unable to furnish any information despite the fact that lack of it would prevent the state from preparing a parole plan to help the individual after his release from the hospital. Moreover, there is some danger in the fact that voluntary patients may leave the hospital at will, without completing their treatment. If the hospital cannot inform state parole authorities of the individual's departure, the problem of retaking him will be difficult, and an addicted absconder may be at large. There is also some question whether parolees may not simulate addiction or become addicted deliberately once they know that there is a possibility of using the hospital as a cover for escape.

The following motion was adopted unanimously:

"that the Secretariat and the Executive Committee be requested to work with the Public Health Service on the problem of
exchange of information about parole absconders in federal narcotics hospitals and report back to the 1961 meeting."

Mr. Reed of the United States Board of Parole offered to do what he could to assist the Administrators in this matter.

**SUPERVISION FOR THOSE ANSWERING DETAINERS OR COMMITTED TO MENTAL HOSPITALS OR PRISON**

Dr. Manuel Brown of New Mexico said it would be most helpful if the receiving state could keep the sending state advised of probable release dates of interstate parolees who have been committed to prisons or mental hospitals. He also said there were some cases in which the receiving state could maintain better contact with prison and hospital officials. He pointed out that some receiving states close their records on such cases. With regard to parolees who have come to the receiving state to answer detainers, Dr. Brown said it would be helpful if the receiving state would keep the sending state advised of developments and, in certain instances, provide supervision after the court hearing and new sentence.

Most Administrators appeared to be willing to provide such services when requested to do so. It was noted, however, that the receiving state should not be requested to contact hospitals or perform other services which the sending state could handle adequately by mail.

Dr. Wendell called attention to the fact that the receiving state must not close its records on interstate parolees or probationers who are incarcerated or institutionalized in the receiving state. This may jeopardize the sending state's right to retake the man after his release. The case should be placed in the "inactive" file instead, if no supervision is to be provided.

Attention was called to the fact that states should be careful to have alternative plans ready in case the parolee is acquitted of the charge on which his detainer was based. Attention was also called to the fact that the Compact Administrator should be notified when a parolee or probationer enters his state to answer a detainer. Mrs. Walker and several other Administrators expressed the view that the Compact Administrator should always be notified when a parolee or probationer comes to the state, for whatever reason.

**DIRECT CORRESPONDENCE WITH PRISONERS**

There was general agreement that officials of one state should not engage in direct correspondence with prisoners of another regarding prospects for interstate supervision. Some Administrators felt that prisoners should not be prevented from mailing letters in this regard to officials of other states. A suitable procedure might be for the official receiving such a letter to acknowledge it but state that he cannot act or give information on the case without a request from compact officials in the state which has the prisoner incarcerated.

**DETAINEES**

1. Agreement on Detainers: Mr. Frederick explained that the Agreement on Detainers permits those who are serving prison sentences to be taken to other states
for trial on pending charges. The prisoner or the prosecutor may initiate proceedings under the Agreement. If trial is not had in the new jurisdiction within a specified time, the indictment, information or complaint is dismissed with prejudice. Five states have adopted this Agreement. In response to a question from the floor, Dr. Wendell said that use of bail was unlikely since the Agreement provides that the prisoner must be held in a suitable jail and must be returned safely to the state in which he was incarcerated. Various other provisions of the Agreement were brought to the attention of the group. Mr. Oswald of New York said that his state was using the Agreement successfully and he urged that other states adopt it. Mr. Frederick asked the Administrators to let him know if their states were interested in the Agreement. He said that he would like to have copies of the bill if the Agreement was introduced in any of the legislatures during 1961.

2. **Intrastate Detainers:** Mr. Frederick said that many states had solved the problem of intrastate detainers by statute or court decisions. The Secretariat has available draft legislation regarding mandatory disposition of detainers within the state.

**NOLAN V. NASH**

Hon. Calvin Hamilton, Assistant Attorney General of Missouri, discussed claims made by Walter E. Nolan before the state and federal courts. The compact was not at issue. Nolan had moved back and forth between Missouri and Illinois several times to answer detainers and he claimed that Missouri had lost jurisdiction over him. His petition for a writ of habeas corpus was denied by the Circuit Court of Cole County in August 1959, and the Missouri Supreme Court also denied such a petition in September of 1959. Nolan thereupon applied for a writ of certiorari to the United States Supreme Court. Among other things he claimed that, under Missouri's extradition law, his waiver of extradition should have been signed before a court of record. He also claimed that Missouri had waived jurisdiction by paroling him to a detainer. Missouri's brief argued that the extradition law did not apply since Nolan's parole to a detainer was not extradition. It also pointed out that since the Constitution of Missouri reserved the right to commute sentences to the Governor, the Missouri Parole Board could not have waived further service of Nolan's Missouri sentence. The United States Supreme Court denied Nolan's petition. **Nolan v. Nash, #489 Misc. Doc., October Term, 1959.** Thereafter Nolan filed another petition in the Federal District Court, which held that a federal court could not inquire into the decisions of the state parole board since no federal question was involved. As of August, 1960 another petition of Nolan's was pending on appeal before the Missouri Supreme Court.

**MERGER OF SENTENCE**

Dr. Wendell called attention to the fact that a draft of an intrastate act on merger of sentence had been printed in the agenda. [Copies of this draft were mailed to all Administrators before the Annual Meeting. Copies are also available from the Secretariat.] Tracing the background of the act, Dr. Wendell reminded the group that the Association had been working on the problem of multiple offenders for a number of years. One aspect of the problem, that of determining early in the correctional process how much time an inmate will have to serve and where, can be taken care of by adoption of the Agreement on Detainers and the intrastate detainers legislation which the Association's representatives helped to draft during the
meetings of the Committee on Detainers and Multiple Offenses. However, the detainers proposals do not take care of an important aspect of the multiple offender problem -- the need for a single, efficient correctional program. The multiple offender who has committed crimes in a number of different jurisdictions may have to serve far more time than is needed for his rehabilitation. Moreover, his sentences may be to several different institutions so that it is difficult to plan a proper training program for him. Dr. Wendell said that the Committee on Detainers and Multiple Offenses had published a Massachusetts merger of sentence act for informational purposes. Thereafter, the Association asked him to draft an intrastate merger of sentence act, with a view toward action on the interstate merger problem at some later date. A preliminary draft of the intrastate act was reviewed at the Association's 1959 meeting and at an April meeting of its Merger of Sentence Committee. The present revision is the outcome of discussions at those meetings. It places the decision whether or not to merge sentences in the hands of the judge. It also provides a great deal of flexibility regarding the amount of time to be ordered. The judge may merge all minimums into the longest minimum, aggregate all minimums, or assign a minimum some place in between these two extremes. The options are similar for maximums. Dr. Wendell pointed out that the draft had been made as flexible as possible to accommodate differing attitudes regarding the purposes of correction. Correctional officials in some states feel criminals should serve only the time needed to rehabilitate them. In other states, the view is that imprisonment is "payment for crime." This latter group would find mandatory reduction of sentence totals unpalatable.

Several delegates expressed a preference for sentencing systems in which there is no minimum. The court merely sets the maximum and the correctional authority determines the amount of time to be served and sends the prisoner to the institution it deems appropriate. It was pointed out that a judge cannot predict what will happen during the correctional process. The correctional authority has an opportunity to watch the prisoner's progress and is better able to determine how much time he needs to serve. Dr. Wendell suggested that it might be difficult to persuade many states to adopt such a system since judicial control over sentencing is traditional in this country. The consensus appeared to be that the approach taken by the draft act should be retained since separate legislation can be adopted by states which desire to place more responsibility in the hands of their correctional authorities.

It was noted that the draft act would not preclude sentences to the custody of a correctional authority. While the act places discretion over the minimums in the hand of the judge, it provides optional language to be used by states where the correctional agency determines the institution. Prisoners could be sent and transferred by the correctional authority to any institution of a class appropriate to the merged sentence.

It was noted that Section 5 of the act might create a situation where a judge might merge an unfinished penitentiary term into a longer minor sentence and remove a penitentiary prisoner to the county jail.

It was suggested that language should be added to exclude probation and suspended sentences from the scope of the act. Dr. Wendell said that this had been discussed by the Merger of Sentence Committee. It was their view that such language was not necessary since it is a general practice to revoke parole, probation and suspended sentences when there is a new sentence.
Mr. Bates of New Jersey called attention to the fact that Sections 7.06 and 7.07 of the American Law Institute’s draft of the Model Penal Code might contain provisions. Mr. Frederick said that the drafts available in April did not accomplish the same purposes as the Association’s draft. It was agreed that Dr. Wendell should continue to work on the draft act and that Dr. Wechsler, reporter for the American Law Institute project, should be consulted to see if the approach taken by the Association’s draft could be used in the Model Penal Code or if there were any new revisions in Sections 7.06 and Section 7.07 which should be reviewed for the Association’s draft. Mr. Frederick asked all administrators to send their comments regarding the present Association draft to the Secretariat.

**MODEL PENAL CODE**

Hon. Sanford Bates reported on revisions in the parole provisions of the Model Penal Code. He said that all but one of the provisions to which the Association had objected had been changed satisfactorily. This provision concerns the parole board’s right to determine whether or not a prisoner should be released on parole. The language provides that "it shall be the policy" of the board to release on parole unless these conditions exist. Mr. Bates said that a federal judge advised the American Law Institute that this change would prevent prisoners from securing writs of habeas corpus based on this provision of the Code. However, he also said that some state people were still uneasy about the provision. Mr. Reed said that the Counsel to the United States Board of Parole had also expressed some doubts.

Mr. Bates called attention to the fact that there would be further discussion of the Code during the Congress of Corrections. He said that there might be objection to certain probation provisions of the Code which had not been reviewed as yet by the Association and also called attention to Section 402, which establishes an independent parole board.

A number of delegates rose to compliment Mr. Bates on his efforts to have objectionable provisions of the Code amended. There was a standing vote of thanks. Later in the meeting a Resolution of thanks was also adopted. See Appendix C.

**JOINER WITH PUERTO RICO AND THE VIRGIN ISLANDS**

Mr. Frederick reported that all but some 18 states had signed the compact with Puerto Rico and the Virgin Islands. He said that some states still needed legislation defining these jurisdictions as "states" for purposes of the compact and he urged that the necessary legislation be adopted during the 1960 sessions. [Lists of states which have not signed will be published in the next Compact Newsletter.]

**WESTERN PROBATION AND PAROLE ASSOCIATION RESOLUTION**

The group discussed a resolution of the Western Probation and Parole Association which requested the Parole and Probation Compact Administrators to appoint a committee to review the rules and regulations to see if changes were needed. This matter was referred to the Executive Committee.

**INTERSTATE COMPACT ON JUVENILES**

Mr. Frederick called attention to the fact that twenty-eight states had adopted the Juvenile Compact, Kentucky and Alaska being the latest to join. He asked that the Administrators of all non-signatory states do their best to secure ratification during 1961.
RETAKING OUT OF STATE CASES

Mr. Finsley called attention to the fact that the Juvenile Compact made the sending state responsible for cost of returns. He inquired what effect this had on local responsibility and he also asked if it had succeeded in eliminating the problem of failure to return because of lack of funds. Dr. Wendell said that the provision did not alter existing internal arrangements regarding payment of costs by counties and relatives. With respect to the return fund problem, Mr. Frederick said that the provision merely makes the sending state responsible for costs. It does not provide funds and Juvenile Compact Administrators have the same problems the adult compact administrators do when adequate sums have not been appropriated for use in the return of cases.

Methods used in Iowa and Wisconsin to assure return of probationers were outlined. In Wisconsin, probationers are supervised by the State Department of Public Welfare, which uses its own funds for return. In Iowa, judges assign interstate cases to the Iowa Board of Parole for transfer, but they include in the judgment entry an order that the probationer be returned by the county sheriff at no expense to the Board of Parole. There was a brief discussion of these arrangements, but no consensus as to how states might best proceed in this field.

There was a discussion of the fact that some California violators are extradited instead of being returned under the compact. Mr. Finsley explained that this is done so that state extradition funds may be used to pay costs of return. If a county uses the compact procedure instead of going through the extradition process, these funds are not available.

Attention was called to the fact that some courts do not have their probationers sign waivers before going to other states since they believe the compact has eliminated their right to extradition. Dr. Wendell said that this was not so. By signing the compact, the states waived their own right to require extradition, but they could not waive the rights of individuals. Parolees and probationers should sign form III, the waiver of extradition, before leaving the sending state.

It was noted that the Chief of Police of Chicago refuses to release compact cases without extradition. Mr. Austin of Illinois said he was working with the Attorney General on this matter. The Chief of Police interprets a municipal ordinance as preventing use of the compact procedure.

BROCHURE ON THE COMPACT

Mr. Frederick said that the National Council on Crime and Delinquency expected to prepare a brochure on the compact. He said that, if the brochure became available, he would send copies to the Executive Committee to see if it would meet the Association’s needs. If so, the Association would be saved the expense of printing its own brochure. The following motion was adopted; as amended:

"that the Secretariat prepare a brochure if the National Council on Crime and Delinquency’s brochure does not suit the Association’s needs and that the Secretariat prepare a modest leaflet if there is going to be a long delay before the National Council on Crime and Delinquency brochure is available."

- 3 -
CRIME INVESTIGATIONS COMPACT

Dr. Wendell reported that there was some interest in the promulgation of a compact to facilitate the investigation of crime across jurisdictional lines. While there is already some cooperation in this regard, there are a number of problems. For instance, local officials do not always feel they are authorized to act for other jurisdictions; at the same time, investigators from other jurisdictions may be barred from examining vital records or engaging in other activities necessary to the investigation. In response to a question from the floor, Dr. Wendell said that the FBI was not always able to provide assistance in interjurisdictional investigations.

Mr. Cornert of Pennsylvania asked what the Association's interest in the Compact would be. Dr. Wendell said it might have some bearing on parole and probation investigations. He said that the assistance of the Association would also be helpful because of the Administrator's experience with law enforcement and correctional problems. Several administrators cited the importance of maintaining efficient state law enforcement machinery in order to prevent this function of government from being taken over completely by the federal government.

The following motion was adopted:

"that this Association expresses a keen interest in the Crime Investigations Compact and pledges its cooperation, if necessary, in the development of the Compact."

USE OF TRAVEL PERMITS TO ESTABLISH PERMANENT RESIDENCE

Mr. Finsley of California reported that there had been 60 cases in which parolees and probationers had come to California on travel permits for the purpose of establishing permanent residence. No notification was sent to the California Administrator's office and requests for investigation and supervision were not sent until the individuals had found jobs and settled in the state. There was a consensus that this procedure should be decried.

FURNISHING OF INFORMATION IN REPORTS

Mr. Gilkey of the District of Columbia said that investigation requests to the District should include the FBI number.

Attention was called to the fact that a clear physical description of the prisoner should be included with the information furnished to the receiving state in forms I and II, and the receiving state should have this information before the individual arrives. This will speed the search if he doesn't report as directed.

One administrator suggested that receiving states should send more detailed acceptance reports, giving fairly complete information about the prospective home and living conditions. The feeling of some of the administrators appeared to be that the sending state should inform the receiving state when it wanted special details or when the acceptance report did not give adequate information.

PRE-SENTENCE INVESTIGATIONS

There was a discussion of the fact that Ohio refused to report on its investigation of prospective supervisory situations until the sending state's court
actually placed the individual on probation. Mr. Bridges pointed out that this often meant that the sending state's court must hold the probationer for several weeks after sentence until it heard the results of Ohio's investigation. As a result, many courts dispatch the probationer immediately without waiting for Ohio's report. Mr. Lutz said that Ohio felt that some courts granted probation because another state had offered supervision instead of basing their decision on the individual's merits. He said that it was possible that Ohio's policy could be modified on an individual state basis if there appeared to be a need; but he also expressed the opinion that most courts would not have to wait any longer than a day or two for the Ohio reports. It appeared from the discussion that most other Administrators furnish their investigation reports before sentence.

COMMITMENTS TO THE CALIFORNIA YOUTH AUTHORITY

A question was raised as to whether California Youth Authority cases should be supervised under the adult compact or the juvenile compact. The California delegation explained that the Youth Authority handled two types of cases; those turned over to it by the Juvenile Court and those turned over to it by the Superior Court. Under the Compact, the individual's status as a juvenile depends on the determination made by the court of the sending state. Youth Authority cases coming from the California Juvenile Courts have been adjudicated delinquent and must be supervised under the juvenile compact. However, those coming from the Superior Court may have been sentenced under adult criminal proceedings. Such persons would come under the adult compact. It was pointed out that an adult probation or parole officer could be deputized as a juvenile officer for purposes of supervision of juveniles beyond the juvenile age in the receiving state. It was also noted, however, that care should be taken to apply juvenile rules to such persons. There may be civil rights questions involved in treating a person who has not been convicted in criminal proceedings as a parolee or probationer.

RULING OF THE ATTORNEY GENERAL OF PENNSYLVANIA

Mr. Gernert said that the Attorney General of Pennsylvania had ruled that, if the compact is not used, probationers sent to other states have been released and are no longer on probation. Mr. Gernert said that he would send a copy of the opinion to the Secretariat.

OTHER MATTERS

Changes in New York's Parole Law

Mr. Oswald informed the Association that legislation adopted by New York in 1960 permits discharge from supervision after five years. A review of interstate cases is now underway and the necessary information regarding discharges will be sent to all Administrators.

Mr. Oswald also said that New York's law had been changed so that it was no longer mandatory for those who committed new felonies on parole to be returned to prison for a minimum of five years.

Pennsylvania Publications

Mr. Powers called attention to the fact that Mr. Gernert of Pennsylvania had distributed at the table publications of the Pennsylvania Parole Board entitled,
Handbook on Parole Functions for Police Officers in Pennsylvania and The Church and the Challenge. Mr. Gernert said that the latter publication, designed to enlist church and citizen aid for parolees, had been printed at the request of the Penal Study Committee of the United Presbyterian Church.

Virgin Islands Request

Mr. Hoffman said that the Virgin Islands has virtually no background material regarding corrections. He asked the Administrators to aid him by sending him material, especially with regard to prison facilities and parole systems. Plans are being made for improvements in these areas at the present time.

FINAL BUSINESS SESSION

Mr. Powers read a letter of resignation from one of the Association's Federal Advisory Members, Colonel H. T. Schechinger. Mr. Reed Cozart, United States Pardon Attorney, was elected to replace him.

A motion was adopted authorizing payment of the photographer's bill for the group picture taken during the annual meeting.

The group discussed proposals for revision of Chapter 1 of the Parole and Probation Compact Manual and agreed that the use of state pages should be continued. With regard to Chapter 2, the group agreed that material regarding the Administrators Association and other material not directly connected with compact supervision could be eliminated in the revised edition.

A motion was adopted to express a preference to the Executive Committee that the 1961 meeting be held in conjunction with the Congress of Corrections in Columbus, Ohio.

Mr. Hofmann of Arizona presented the report of the Auditing Committee for its Chairman, Mr. Bobzin of Iowa. The report was adopted unanimously. See Appendix A.

Mr. Clevenger of New York presented the report of the Resolutions Committee for its Chairman, Mr. Chew of Virginia. This report was adopted unanimously and is attached. See Appendix C. The Secretariat was requested to forward Resolution IX, regarding attendance at annual meetings to states which did not send delegates. Mr. Ball presented the report of the nominating committee, which included a motion that the new Treasurer take office on October 1 to facilitate the transfer of accounts. The report was adopted unanimously and the Secretariat was directed to cast one ballot for the following slate:

President:  
Vice President:  
Treasurer:  
Secretariat:  

Executive Committee: (in addition to the officers listed above)

Sanger B. Powers, Wisconsin, Chairman  
Edward C. Cupit, Nevada  
John J. Shea, Maine  
Vincent O'Leary, Texas  
L. B. Stephens, Alabama  
Charles P. Chew, Virginia  

Paul J. Gernert, Pennsylvania  
Francis R. Bridges, Jr., Florida  
Martin P. Davis, Massachusetts  
Council of State Governments

Council

Fred Finsley, California, Chairman  
Ramon Perez de Jesus, Puerto Rico  
T. Edward Austin, Illinois  
Manuel N. Brown, New Mexico  
George N. Elder, Missouri

- 11 -
A unanimous motion was adopted congratulating Mr. Sanger Powers on his efforts as President of the Association and on the skill and dispatch with which he had handled the meeting.

Mr. Powers turned the gavel over to Mr. Gernert and at 1:00 P.M. the meeting adjourned.
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: R. W. Bobzin, Chairman
       Walter Hofmann, Arizona
       Paul L. Heyers, Indiana

Denver, Colorado
August 28, 1960

Auditors

CAPITOL CITY NATIONAL BANK
OF Tallahassee
Tallahassee, Florida
July 7, 1960

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

Dear Mr. Bridges:

This is to certify that the balance in the account of Interstate Compact Administrators Association as of June 30, 1960 was $753.02.

Yours very truly,

(Signed)
FRED N. LOWRY
Vice President

INDUSTRIAL SAVINGS BANK
OF TALLAHASSEE
July 8, 1960

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

Dear Francis:

In response to your telephone request of this morning, this letter is to advise that, at the close of business on June 30, 1960, the balance in our savings account Number 4718, carried in the name of "Interstate Compact Administrators Association", was $1,051.08.

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

Sincerely yours,

F. Spencer Durress
Vice President - Cashier
INTERSTATE COMPACT ADMINISTRATORS' ASSOCIATION

TREASURER'S REPORT

FISCAL YEAR JULY 1, 1959 - JUNE 30, 1960

BANK BALANCES JULY 1, 1959 ........................................... $ 1652.18

REVENUE:

MEMBERSHIP DUES * ........................................... $ 1295.00
INTEREST ..................................................... 30.95
SALE PHOTOGRAPHS........................................ 13.00

TOTAL ........ $ 1338.95

EXPENSES:

OFFICE, SECRETARIAT ........................................ $ 778.22
OFFICE, TREASURER ........................................... 30.00
1959 MEETING COSTS ......................................... 277.93
SPECIAL EXPENSES ** ....................................... 100.88

TOTAL ........ $ 1187.03

BANK BALANCES JULY 1, 1960 ........................................... $ 1804.10

* With exception of Wyoming, all States in the Union as of July 1, 1959, paid dues. The then Territory of Hawaii, the Commonwealth of Puerto Rico and the Virgin Islands also paid $25.00 in dues, each. States paying associate membership dues included: California, $10.00; Louisiana, $5.00; Massachusetts, $5.00; New Jersey, $5.00; New York, $10.00; North Carolina, $5.00; Pennsylvania, $5.00

** Miami Beach photographs, $89.61; Floral offering Eragau funeral, $11.27.
SECRETARIAT'S REPORT - 1960

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

As you know, Alaska signed the Compact this year. Alaska also ratified the Out of State Incarceration Amendment, becoming the eighth state to enter into that agreement. All but some 18 of the states have signed the Compact with Puerto Rico and the Virgin Islands. A number of the states which have not signed with these jurisdictions need legislation to do so and, later in the meeting, we will take a roll call to see which of these states plan to introduce legislation during 1961. The only major jurisdiction of the United States which is not party to the Compact with any state is the District of Columbia. We hope that the District will join the Compact in the near future and stand ready to provide any assistance which may be helpful in this connection.

With regard to other compacts in which the Association has an interest, Alaska and Kentucky ratified the Juvenile Compact during 1960, although Kentucky has not signed the documents as yet. This brings to twenty-eight the number of states which have passed the necessary enabling legislation for this compact. The Agreement on Detainers was ratified by Pennsylvania after your last annual meeting, and five states are now party to this Agreement.

At last year's meeting you adopted a motion requesting your President to appoint a Committee on Merger of Sentence which might work with Dr. Wendell and representatives of interested organizations in the drafting of an intrastate merger of sentence act. The Committee met on April 7 and an intrastate merger of sentence act, drafted by Dr. Wendell on the basis of discussions at the meeting was sent to all of you some time ago. Copies of the act also have been bound into your agenda for discussion during the meeting.

Last year there was a discussion of ways in which funds might be secured for the return of probationers. You asked us to draft model legislation based on statutes of Iowa and Wisconsin. On further investigation we concluded that we would need further discussion of the approach you would like the draft to take. It is our impression that most of the problems with respect to the return of probationers arise in states with no centralized probation system. Wisconsin authorities are able to use state funds to return probationers because probationers are under the supervision of a state agency. There is no specific statute applying merely to the return of interstate cases. The Iowa procedure was established voluntarily by the Iowa Courts. There is no statute. Probationers are turned over to the Compact Administrator when they are transferred to other states, but the probation order contains a directive to the sheriff to return the probationer without expense to the Board of Parole if the Board of Parole or the Court revokes his out-of-state probation. One of the basic questions to be decided with regard to the model act would be the matter of responsibility for costs. Should the money come from the locality, or should the Compact Administrator be authorized to expend funds for return of all cases channeled through his office?

With regard to the Association's plan for the cooperative return of violators, eight states are now party to the contract, Minnesota and Wyoming having signed toward the end of 1959. The following states have the necessary deputization legislation, but have not signed the contract: Colorado, Kansas, Kentucky, Massachusetts, New Jersey, Washington and Wisconsin.
Last year you requested us to print a brochure about the compact similar to the mimeographed brochure we distributed to all of you in 1959. After the meeting we learned that the National Council on Crime and Delinquency Control had such a brochure in preparation so we decided to wait to see if that would serve your needs and avoid the expense of a separate printing. We had hoped that it would be available for you to look at during this meeting, but it is not ready. As soon as it is we will send copies to the officers and members of the Executive Committee to see if it will be suitable for the Association's needs. If they feel that you would prefer to have your own printed, we will do so as soon as possible.

There have been a few legal interpretations of the Compact since the last meeting, and we summarized these for you in our Newsletter of March, 1960. To touch the high points, a Florida Circuit Court ruled that a parolee, while serving a new term in the receiving state, could be retaken by the sending state upon the request of the receiving state. The Attorney General of North Carolina ruled that states might use either extradition or the compact procedure to retake compact cases; that out of state parolees being held in custody for the sending state are not entitled to bail; and that out of state parolees might be arrested on the issuance of a temporary revocation warrant by the North Carolina Administrator.

The Attorney General of Florida ruled that extradition must be used to retake a parolee from a third state to which he has absconded. (This opinion conflicts with the Court's opinion in the New Jersey case of In re Nicholas Casamento.)

The Attorney General of Pennsylvania ruled that Pennsylvania civil service requirements do not apply to out of state officers appointed as retaking agents under the cooperative return program.

There are a few other developments in the corrections field in which you might be interested although they do not concern the Parole and Probation Compact directly.

Plans are underway to use the Western Corrections Compact, which has been ratified by nine states, in connection with a research program for defective delinquents. The program is being sponsored by the Western Interstate Commission for Higher Education. A center for personnel training and research on defective delinquents will be established in one of the Western states by the Commission and selected types of delinquents will be sent to this facility under authority of the Western Corrections Compact. Incidentally, a compact similar to the Western Corrections Compact has been developed in New England and Rhode Island became the first state to ratify it during 1960.

You also may be interested to know that the Council of State Governments, at the request of the National Association of Attorneys General, is making a survey of state practices with regard to the reporting of criminal statistics. We have sent out a questionnaire to determine what police, court, correctional and juvenile delinquency statistics are presently available in each state, including statistics from localities. We hope to be able to find out what central agency, if any receives such reports in each state. The questionnaire was drafted after a meeting with representatives of the FBI, the American Correctional Association and a number of other groups in the corrections, law enforcement and judicial fields.

For those of you in the probation field who are concerned with reciprocal support cases, the annual national conference on reciprocal support will be held from December 3 to 5 in Los Angeles. We will be glad to see that you get information about the conference if you will leave a note with Jane. We will also be glad to send you a complimentary copy of the 1960 edition of the Reciprocal Support Manual if you want one.
RESOLUTIONS

I. WHEREAS, the State of Colorado, through its hospitality committee, has done such an outstanding job in making the members of this Association welcome to their state; and

WHEREAS, the committee made possible for the membership the rare privilege of listening to an outstanding address by the Honorable Philip B. Gilliam, Judge of the Juvenile Court of Denver,

THEREFORE, BE IT RESOLVED, that this Association express to the members of this committee its sincere appreciation for a job well done; and

BE IT FURTHER RESOLVED, that the Secretariat be instructed to write a letter of appreciation to Judge Gilliam for his inspiring address.

II. WHEREAS, the management and employees of the Denver Hilton Hotel at Denver, Colorado 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 of the Denver Hilton Hotel.

III. WHEREAS, Campbell LeFlore, Administrator of Parole and Probation for the State of Oklahoma, passed away on April 10, 1960; and

WHEREAS, the said Campbell LeFlore had served many years in the correctional field and was a valued member of this Association while serving asCompact Administrator for the State of Oklahoma; and

WHEREAS, the said Campbell LeFlore was dearly beloved, honored and respected by all of us,

THEREFORE, 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; and

BE IT FURTHER RESOLVED, that the Secretariat be instructed to forward a copy of this resolve to members of his bereaved family.

IV. WHEREAS, Mr. Hal Randall, Compact Administrator for the State of Oregon, 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. Randall its regret over his inability to attend and extent to him its most sincere hope for a speedy and complete recovery.

V. 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, guidance and service to our Association,

THEREFORE, BE IT RESOLVED, that this Association express to our Secretariat and Miss Parks and to the Council of State Governments through the Secretariat our most sincere appreciation for the services they have rendered.
VI. 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 services.

VII. WHEREAS, Sanford Bates, formerly the Compact Administrator from the State of New Jersey and a member of this Association has given unselfishly of his time in presenting the viewpoints of this Association to the Committee of the American Law Institute designated to draw up a Model Penal Code,

THEREFORE, BE IT RESOLVED, that this Association express to Mr. Bates its sincere appreciation for the outstanding leadership he has given to this important task.

VIII. WHEREAS, much of the progress of this Association has come about through improved communication and cooperation among administrators, not relying on a strict interpretation of the Compact, but expressing confidence and respect one for the other,

THEREFORE, BE IT RESOLVED, that in all our relationships we try to improve our mutual cooperation to the end that not only the letter but the spirit of the compact be demonstrated by our actions.

IX. WHEREAS, the implementation of the Compact must be based upon a broad knowledge of both the Compact and the Administrators; and

WHEREAS, the Compact Administrators' Association Annual Meeting has proven to be a place where problems can be submitted for solution and personal relationships established,

THEREFORE, BE IT RESOLVED, that special effort be made to urge every state to send a representative to the meeting of the Association of Administrators of the Interstate Compact.