PAROLE AND PROBATION COMPACT ADMINISTRATORS' ASSOCIATION

MINUTES OF THE SEVENTEENTH ANNUAL MEETING

Bellevue Stratford Hotel

Philadelphia, Pennsylvania

September 15, 1962

THE COUNCIL OF STATE GOVERNMENTS

36 West 44th Street
New York 36, New York

November, 1962

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REGISTRATION LIST
* Denotes Compact Administrator

ALABAMA  * L.B. Stephens, Executive Director, Board of Pardons & Paroles
          Sam Eslanger, Board of Pardons and Paroles
          Dave Williams, Board of Parole

ALASKA   * W. P. Ball, Director, Board of Pardons, Paroles & Probation

CALIFORNIA  John W. Brewer, Adult Authority
           E. A. Burkhart, Adult Parole Division
* Fred Finsley, Chairman, Adult Authority
           Thomas H. Pendergast, State Dept. of Corrections
           Roy C. Votaw, Youth Authority

COLORADO * Edward W. Grout, Executive Director, Department of Parole

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

IDAHO    * Saul H. Clark, Administrator, Interstate Compact

ILLINOIS * George J. Stamper, Superintendent, Div. of Supervision of Parolees

INDIANA  George F. Denton, Deputy Compact Administrator, Div. of Parole

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

KANSAS  William C. Henry

KENTUCKY Libby M. Gardner, Deputy Administrator
* James M. Wells, Director, Probation and Parole

MAINE    G. Raymond Nichols, Division of Probation and Parole
* John J. Shea, Director, Probation & Parole, Dept. of Mental Health and Corrections

MARYLAND Ralph S. Falconer, Executive Secretary, Dept. of Parole & Probation
* Paul C. Wolman, Director, Department of Parole & Probation

MASSACHUSETTS  Albert B. Carter, Deputy Administrator, State Commissioner of Probation
* Martin P. Davis, Director of Parole Service

MINNESOTA T. F. Telander, Director of Field Services, Div. of Adult Corrections

MISSOURI J. Raymond Bills, Deputy Administrator
* George M. Elder, Chairman, Board of Probation and Parole
           Ben B. Stewart, Board of Probation & Parole

NEBRASKA Mrs. Loretta A. Walker, Administrative Assistant, Board of Pardons

NEW HAMPSHIRE Robert Johnson

NEW JERSEY Manten E. Morris, Chief, Bureau of Parole, Dept. of Institutions and Agencies
Registration List (continued)

NEW YORK
Harold V. Canavan, Division of Parole
L. Stanley Clevenger, Deputy Administrator for Parole
* Russell G. Oswald, Chairman, State Board of Parole

NORTH CAROLINA
* W. C. Cohoon, Director, Probation Commission
  W. C. Williams, Deputy Administrator of Parole

OHIO
* Roland R. Lutz, Chief, Bureau of Probation and Parole

OREGON
* H. M. Randall, Director of Parole and Probation

PENNSYLVANIA
James H. Brown, Probation and Parole Officer
Gabriel J. D’Urso
* Paul J. Cernert, Chairman, Board of Parole
George K. Henshaw, Director of Interstate Services, Board of Parole
Rev. C. R. Rahn
Elton R. Smith, Superintendent, of Parole Supervision

RHODE ISLAND
* Walter W. Siwicki, Div. of Probation and Parole

SOUTH CAROLINA
* J. C. Todd, Director, Probation, Pardon and Parole Board

TENNESSEE
* Herman L. Yeatman, Director, Div. of Probation & Parole

TEXAS
Vincent O’Leary, National Council on Crime & Delinquency
Ray W. Williams, Division of Parole Supervision

VERMONT
* Rudolph H. Morse, Director, Probation and Parole
  Russell G. Sholes, Member, Board of Institutions
  Robert G. Smith, Warden, Vermont State Prison
  John V. Woodhull, Commissioner of Institutions

VIRGINIA
* Charles P. Chew, Director of Parole
  Russell H. Quynn
  P. C. Shields

WASHINGTON
* Harris G. Hunter, Board of Prison Terms and Paroles

W. VIRGINIA
* J. Alexander Creasey, Board of Probation and Parole

WISCONSIN
Delmar Huebner, Chief of Field Services, Div. of Corrections
* Sanger B. Powers, Director, Division of Corrections

D. C.
Earle W. Gilkey, Case Work Supervisor, Board of Parole

FEDERAL ADVISORY MEMBERS
Richard Chappell, Chairman, U. S. Parole Board, Washington, D.C.

OTHER
Miss Lily Fine, Chief Parole Officer, N.Y. City Parole Commission
R.R. Hannum, The Osborne Association, Inc. N.Y.C.
John F. Kreppein, Chief Probation Officer, Queens Co. Court, N.Y.C.
Milton Rector, Dir., National Council on Crime & Delinquency, N.Y.C.

COUNCIL OF STATE GOVERNMENTS
William L. Frederick, Eastern Regional Director
Jane Parks, Assistant
MEETING SUMMARY

The Seventeenth Annual Meeting of the Parole and Probation Compact Administrators' Association met in Philadelphia at the Bellevue Stratford Hotel on September 15, 1962. Approximately 75 persons attended the meeting including delegates from 39 jurisdictions, federal advisory members and guests.

Reverend T. S. Brown, Member of the Pennsylvania Board of Parole, gave the Invocation at the Annual Luncheon and Reverend Clarence R. Rahn, Pastor of the Jacksonville Evangelical Charge, Temple, Pennsylvania, was the luncheon speaker. Mr. Rahn's talk concerned the history and folkway of that special group known as the Pennsylvania Dutch.

After the meeting officials of Pennsylvania and their wives served as hosts and hostesses at a reception which was highlighted by traditional Pennsylvania Dutch costumes and customs.

OPENING BUSINESS SESSION

The Conference's Opening Business Session was called to order at 9:30 A.M. by the Association's President, Compact Administrator Francis R. Bridges, Jr., of Florida. After an invocation and roll call, Paul J. Gernert, host Administrator introduced Senator Charles Weiner, Chairman of Pennsylvania's Commission on Interstate Cooperation. Senator Weiner welcomed the group, and called attention to the importance of the Compact for meeting the problems caused by the ever-increasing mobility of our population. He pointed out that 35 million persons a year change residence in the United States. He said that the value of permitting supervises to be near their families, coupled with the special need for out-of-state supervisory arrangements for those trained for occupations peculiar to certain areas of the country, make efficient compact operations essential. Noting that most breakdowns occur at the local level or because of inadequate departmental appropriations, he suggested that Compact Administrators should make special efforts to publicize their activities in order to inform localities, legislators and the public of the need for Compact services.

Mr. Bridges announced the following committee appointments: Nominating Committee: Mr. Stephens of Alabama, Chairman; Messrs. Telandier, Minnesota; Denton, Indiana; Carter, Massachusetts; Hunter, Washington. Resolutions Committee: Mr. Grout of Colorado, Chairman; Messrs. Shea, Maine; Ball, Arkansas; Todd, South Carolina; Morse, Vermont. Auditing Committee: Mr. Bobzin of Iowa, Chairman; Messrs. Lutz, Ohio; Randall, Oregon.

Mr. Bridges made a brief statement regarding the office of President and the Association's goals. He traced some of the early history of the Association and noted that the Compact is the only agreement which has been signed by every state in the union. He commented on the assistance given by The Council of State Governments in encouraging the development of the Association. He told the group that in accordance with the Council's by-laws he had been a member of the Council's Board of Managers during the year along with Presidents of other Associations affiliated with the Council and state delegates. He also said that the Association had been designated as the Council's representative on the parole institute program.
and he reported that he had attended the meetings on behalf of the Association so far. Commenting on the importance of this new program, he expressed the hope that all delegates would give it their utmost support.

Compact Administrator Martin P. Davis of Massachusetts gave his annual report as Treasurer. This report was referred to the Auditing Committee. (The text of the report as approved by the Auditing Committee is attached. See page 12.)

The minutes of the Sixteenth Annual Meeting were approved without change.

Mr. William L. Frederick, Eastern Regional Director of The Council of State Governments, gave the annual report of the Secretariat. (This report is attached. See page 13.)

Mr. Frederick announced that the Executive Committee had decided that attendance at lunch should be limited to Compact Administrators or their proxies, associate and federal advisory members of the Association, and guests specifically invited by Compact Administrators.

**DISCUSSION SESSION**

New England Corrections Compact

There was a brief discussion of Massachusetts' ratification of the New England Corrections Compact. All other New England States are already members.

Report of the National Council on Crime and Delinquency

Mr. Milton Rector, Director of the National Council on Crime and Delinquency, reported on some of his association's activities. A summary of his remarks follows:

One of the most significant developments in the field of parole during the year has been the establishment of a grant of $80,000 for a series of regional parole board institutes. The grant was made available by the President's Committee on Juvenile Delinquency and Youth Crime. The institutes are designed to acquaint members of parole boards with new ideas and with standards and philosophies which have received general acceptance in the field of parole. The President's Committee's interest in the matter springs from the fact that many young offenders are handled by parole boards rather than by juvenile agencies. Programs for the institutes will be developed from suggestions given by parole officers and other experts, and it is hoped that all members of parole departments will take an active part in the project. Mr. Vincent O'Leary will serve as Director of the Program and Mr. Ben Overstreet will also be serving full time on the NCCD staff as Parole Specialist. The institutes are being sponsored by NCCD, the President's Committee on Juvenile Delinquency and Youth Crime, the U.S. Board of Parole, the Association of Paroling Authorities and the Parole and Probation Compact Administrators' Association on behalf of The Council of State Governments.

Another major activity of NCCD is maintenance of a research and information center. It recently published Current Projects on Crime and Delinquency which contains abstracts of research and demonstration projects being carried on in the United States and a number of other different countries. This publication will be issued annually. No attempt is made to evaluate the projects. All that are
sent in are listed. The information center is interested in new ideas and other developments as well as reports of demonstration and research projects. NCCD hopes to have IBM and copying facilities available soon so as to be able to provide copies of material in its files in answer to inquiries.

In addition to the abstracts in Current Projects, NCCD will soon have abstracts of articles from a number of countries available. It is expected that the list of participating nations will expand considerably in the near future. Work is almost completed on a number of other projects, including a model state correctional system act, a report on criteria for parole selection and a study of the youthful offender. The latter should be ready in January. It is being prepared in connection with an international study for the U.N. which will be finished late in 1963.

NCCD recently completed a tentative draft of a model sentencing act. This is being considered for legislative introduction in Minnesota and Michigan. A series of reports on parole prediction appeared in the July issue of the NCCD Journal. A bail bond study was also completed this year and the probation department in New York is asking for funds for an intake service designed to give judges background information for use in determining bail. NCCD also participated with the President's Committee on Juvenile Delinquency and Youth Crime and The Council of State Governments in the preparation of Juvenile Delinquency: A Report on State Action and Responsibilities.

Association Representative for Parole Institute Program

The Association agreed by unanimous motion that Mr. Bridges should continue to represent the Association in the parole institute program until the Association's 1963 meeting.

Congressional Action on Compacts

Mr. Frederick and the Association's Counsel, Dr. Wendell, reported on attempts which are being made by the House Judiciary Committee to obtain access to the records of interstate compact administrators. A summary of their remarks follows.

During 1961 a Subcommittee of the House Judiciary Committee subpoenaed all the records of the Port of New York Authority, an agency formed by compact between New York and New Jersey. The Governors of New York and New Jersey felt that the demand for certain of the records represented an intrusion upon the administrative affairs of the states and they ordered the Executive Director of the Authority to withhold them. Subsequently, the Director was cited for contempt of Congress and convicted in the Federal District Court, but the Court of Appeals over-ruled the conviction saying that the Committee had exceeded the authority of the Congressional resolution under which it acted.

The Judiciary Committee has made a number of other attempts to gain access to compact records. Its chief method is the insertion of a provision authorizing subpoena of all records in bills granting consent to compacts. In two cases where consent was urgently needed, state officials were forced to make a choice between accepting the records provision or facing the loss of their bill. The Committee's interest in gaining power over compacts for itself is evidenced by the fact that its Chairman, Congressman Celler, introduced a juvenile compact consent bill containing the records provision even though consent is not needed for that compact and the Juvenile Compact Administrators did not ask for the introduction of a bill.

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At their 1962 Annual Meeting, the Juvenile Compact Administrators adopted a strong resolution opposing the Committee's efforts to gain access to Compact records.

It should be noted that the subpoena to the Port Authority called for all books, papers and records including daily work sheets and personal memoranda. An equivalent subpoena to Administrators of the Juvenile or Parole and Probation Compact or the Detainers Agreement would require the production of such things as case records, advice given to officials regarding the disposition of cases and presentence reports whether confidential by law or not.

There is no problem about Congressional consent to the Parole and Probation Compact or the Agreement on Detainers since they fall under the Crime Control Consent in Advance Act. However, there may be a problem if the District of Columbia decides to join. Congress acts as the District's legislature and the records provision could be included in the enabling act. This also applies to the Agreement on Detainers, and since the federal government is eligible for participation in that Agreement, there is an additional possibility of a bill being introduced containing the records provision.

At the conclusion of Mr. Frederick's and Dr. Wendell's comments, the group agreed that the Association should oppose bills for federal membership in the Agreement on Detainers, or District of Columbia membership in the Agreement or the Parole and Probation Compact, if such bills contain the records provision. During the final business session two resolutions to this effect were adopted unanimously. See resolutions on pages 16-17.

RIGHTS OF PAROLEES AND PROBATIONERS

Parole Violation Hearings and Due Process

Mr. Richard A. Chappell, Chairman of the United States Board of Parole, discussed some legal questions which have arisen over parole violation hearings. A summary of his remarks follows:

Right to Hearing: Federal parolees are given hearings. Nineteen states do not have statutes requiring them and there is no firm precedent indicating that hearings are required in the absence of statute. It is clear, however, that some courts are beginning to construe statutes which provide for hearings to mean that certain elements of due process must be preserved.

Right to Counsel: A federal statute gives parolees the right to appear at violation hearings. The federal courts have disagreed on what this implies regarding counsel. In the District of Columbia the Court of Appeals has ruled that the right to appear includes the right to bring counsel. On the other hand, another Circuit has taken the opposite view. Since a grant of parole is discretionary, that court reasons, the decision to continue parole is also discretionary, so the parolee is not entitled to all of the trappings of due process. The Federal Parole Board has now adopted a policy of permitting counsel. Only 30 or 40 parolees have taken advantage of this, and in most of these cases their lawyers have conceded that they do not contest the facts of the violation, but rather have appeared to plead for one more chance. The Board takes the view that counsel should be treated as if he were in the position of friend of the court rather than advocate.

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There are good arguments for and against the practice of permitting counsel. On the negative side, experience has demonstrated that attorneys are very little help, have less information than the board, and tend to delay matters. It appears that, as a matter of principle, the board should be considered capable of making a fair decision regarding a violation. It should be noted that an excess of procedural stumbling blocks could make parole very expensive. On the other hand, the knowledge that its actions are under legal surveillance may serve to keep the Board's standards high. Also, the presence of counsel may serve to improve the morale of the parolee. He is given a written statement so he is familiar with the charges against him and the fact that he can bring an attorney may make him feel that he has had his day in court if the decision goes against him.

The policy of permitting counsel has created further constitutional questions. One parolee has raised an equal protection argument over the fact that indigent parolees do not have the same access to counsel as those who have funds. Even where counsel has been appointed there may be difficulties. A conviction was overturned in one circuit because the court felt the defendant's counsel had been incompetent. This has encouraged the entry of a new type of plea regarding violation hearings, namely that an indigent parolee's rights were not fully protected by appointment of counsel because the free services provided by the attorney were inferior and inadequate.

So far none of the cases regarding counsel at violation hearings have gone to the United States Supreme Court.

Right to Bring Witnesses and Confront Accusers: The Court of Appeals for the District of Columbia has already ruled that witnesses must be permitted at hearings.1/ This is not a VI Amendment decision. It is on interpretation of statute. So far there is no law regarding the right to confront accusers at hearings, but a case is pending on this point.

Right to be Heard at the Place of Violation: The view that there is a right to bring witnesses and confront accusers has evoked the claim that the parolee has the right to a convenient forum. It is being asserted that the proper site for the hearing is the place where the supposed violation occurred. The theory is that witnesses and accusers are actually inaccessible if they must travel to a federal prison.

Promptness of Hearing: The Federal Parole Board schedules hearings every two months. If the parolee is unavailable for any reason on the hearing date some sixty days elapse before he can be heard. Thus, if his violation occurred just after a date on which the Board sat he may be in the position of waiting 120 days for his hearing. Several parolees who missed their hearings have appealed to the courts. One case, in which the time lapse was 120 days has already been decided against the parolee. However, the court based its decision on the fact that the parolee had not requested an earlier hearing. In dicta, the court indicated its disapproval of unreasonable delays; however, at this moment the boundary between 'promptness' and 'unreasonable delay' is still unsettled.

Declaratory Judgment Act: The Court of Appeals for the District of Columbia has decided that parolees fall within the scope of the Declaratory Judgment Act and are entitled to come to the District of Columbia to seek such a judgment.

Right to Appeal: Federal parolees cannot appeal substantive decisions made by the Parole Board at violation hearings; however, they may appeal to the courts on procedural grounds.

Discussion of State Reactions to Due Process Issues: Most of the Administrators took the position that the work of parole boards would be hampered if all of the requirements of due process were applied to violation hearings, and there appeared to be fairly general agreement that continuance on parole must be considered a privilege rather than a right. The reasoning of the majority was as follows:

The procedures required for due process are designed to assure those charged with crime of a fair trial. A parole violation hearing is not a trial, but an attempt to determine whether a person who has already been convicted can be allowed the freedom of parole with safety. The parole board has an obligation to protect society from parolees who appear to be returning to crime. It cannot be limited by the rules and standards which govern a trial court. The board must be able to act on the basis of reasonable suspicion and reincarcerate those who appear to be a danger to the public before they commit any actual harm. The violation hearing is designed to give the board a full opportunity to hear the parolee's side of the story. There is no reason to believe that the board, having granted the parole in the first place, will revoke it capriciously. In fact, most boards, having made their original estimate of the parolee's character, probably try to give him every benefit of the doubt. The aim of the parole board is rehabilitation. Generally speaking, attorneys who appear for parolees do not have this as their goal. States which permit counsel have not experienced any insurmountable difficulties, but the fact is that counsel contributes little of value to the parolee, and, if anything, reduce the amount of time the board has to spend on each case. Some of the other demands being made by parolees in the cases now pending in the federal courts could not be fulfilled by the states without extensive additions to present budgets.

Mr. Oswald of New York called attention to the fact that in some of the larger states court decisions upholding some demands for due process would not cause serious difficulty. He pointed out that many of them could afford to provide extra personnel. He also expressed the belief that the procedural requirements which are at issue in the pending cases might not have any significant effect on the outcome of hearings in most states. He pointed out that most boards have their information so well documented that the presence of counsel or other procedural requirements probably would not help a violator. Mr. Chappell pointed out that there is also a possibility of legislative action to remedy a court's construction of a statute.

There was a discussion of the effect demands for hearings at the place of violation and demands for witnesses and confrontation of accusers might have on compact operations. Mr. Shea of Maine said that his state does not have the manpower to have its parole board travel to receiving states to hold hearings or to have its officers appear in sending states to testify about charges they have filed against violators who have been returned for hearings. Dr. Wendell said that interstate arrangements could be worked out for hearings if necessary. The hearing could be held by officials of the receiving state, acting as agents for the sending state. He pointed out that states which have the Out of State Incarceration Amendment already have a suitable vehicle for such a hearing. While the amendment contemplates incarceration in the receiving state, the sending state may retake its prisoner at will so it would be possible to hold the hearing and incarcerate the parolee until all pending matters concerning the violation were settled and then return him.
Several delegates reported new cases involving rights of parolees. Mr. Wolman of Maryland called attention to the Palumbo case in which the United States Circuit Court of Appeals held that parole violators are entitled to counsel and hearing. He said that the issue of confrontation of accusers at hearings might also be brought to the federal court by one of Maryland's parolees. Mr. Finsley of California said that an appellate court in Wisconsin recently decided that parole is a right rather than a privilege.\(^1\) It was agreed that Mr. Chappell would send the text of some of the decisions he mentioned to the Secretariat to be mimeographed and distributed to the Association.

**Time Credits for Violators**

Mr. Wolman of Maryland reported that the United States District Court in Maryland handed down a decision regarding time credits for violators in August.\(^2\) The court upheld the right of the Maryland parole board to use the discretionary power provided by the Maryland Code to deny a violator credit for any time spent on parole. The parolee had appealed the board's action as a violation of the equal protection, due process, double jeopardy and cruel and unusual punishment clauses of the Constitution because the denial of parole time meant he would be in prison several years after the normal expiration date of his sentence. In denying the Constitutional claims, the court pointed out that parole is a privilege rather than a right. A sentence, the court reasoned, refers to a period of confinement, not custody and confinement. Release on parole before the expiration of the full period of confinement is a matter of legislative grace and may be coupled with such conditions as may reasonably assure the success of this type of treatment. Thus, one who accepts parole is bound by the condition regarding forfeiture of time credits.

**BARRIERS AGAINST EMPLOYMENT OF EX-FELONS**

Mr. Robert Hannum, Director of Vocational Placement of the Osborne Association, Inc., reported that there is an increasing tendency on the part of public officials to impose employment disabilities on ex-felons. He called particular attention to the area of occupational licensing. He said that administrators of licensing agencies sometimes issue regulations barring ex-felons as a class from certain occupations for all time. He suggested that regulations regarding ex-felons should be more flexible and he expressed the view that decisions regarding the right of ex-felons to engage in specific occupations should be made in consultation with parole officers. Mr. Hannum said he planned to write an article calling attention to the extent to which the problem is growing. He asked the Compact Administrators to let him know how the situation stands in their states. He also asked them to do their best to prevent the imposition of additional employment barriers, and he said his organization would be glad to try to assist them in their individual efforts.

**ARRANGEMENTS FOR SUPERVISION**

**Procedural Techniques**

Mr. Frederick read a letter from Mr. John A. Wallace, Director of Probation for the Domestic Relations, Magistrates and Special Sessions Courts of New York City. The letter made the following suggestions for avoiding delays and unnecessary correspondence in arranging supervision. When a person has been on probation more than a month, the request should include information about the reason for the transfer and about the probationer's adjustment while on probation, his employment record, 

\(^{1}\) *Tyler v. Dept. of Public Welfare,*

his mental and physical condition and any unusual problems. When the investi-
gation report is needed on a specific date, the receiving state should be advised
of this fact. A reasonable time should be allowed for investigation.

Attention was called to the fact that New York City's courts and probation
services have been consolidated. Matters formerly heard before magistrates and
Special Sessions Courts are now heard by a single city wide Criminal Court. Jur-
isdiction formerly vested in the Municipal and City Courts has been assigned to
the new Civil Court. Most domestic relations matters are within the jurisdiction
of the new Family Court. The Court of General Sessions in Manhattan and the county
courts in the rest of the city have been abolished and their work is assigned to
the State Supreme Court. New York's Supreme Court is a trial court of general
jurisdiction, not a court of last resort. There are now only two probation systems
in the city. One serves the Family and Criminal Courts and the other serves the
State Supreme Court.

SUPERVISION OF PERSONS WITHOUT JOBS OR RESIDENCE; PLACEMENT WITH MISSIONS

Mr. Wolman of Maryland, a new Compact Administrator, asked if the Association
had agreed on any policy regarding supervision of non-residents who do not have
employment. He was informed that the decision to supervise such cases is left to
the discretion of the individual administrator, who will usually try to cooperate
if he has supervisory facilities available and there is a good reason for the
transfer. For instance, there may be an industry peculiar for the state which
needs the parolee's special skills. It was pointed out, however, that Compact Ad-
ministrators should not try to use the Compact to place the burden of their welfare
cases on the other member states.

There was a discussion of the fact that certain religious organizations, such
as the United Rescue Mission in West Virginia, have been writing letters directly
to prisoners in other states offering jobs and housing in connection with mission
projects. It was agreed that Compact Administrators should ask such organizations
to send information about their programs to prison and parole officials instead of
communicating directly with prisoners. There was a consensus that such letters
disturb morale by encouraging prisoners to make premature plans about their future.
It is not possible to make arrangements for Compact supervision for all of the
prisoners who become enthusiastic about the programs; moreover, there may be some-
thing in a prisoner's record which indicates that he is not suited for the program
he has been offered.

There was a general discussion of the question of placing parolees with out-
of-state religious and charitable organizations. The consensus was that many of
these organizations have been most helpful, especially with homeless young offenders.
However, it was agreed that such placements should be used with restraint. They
tend to crowd facilities the receiving state's administrator needs for his intra-
state cases, and there is some question whether a Compact Administrator should be
asked to add to the number of homeless indigents already within the state. In
connection with this discussion, Mr. Finsley reported that California prisoners
must clear letters with their counselor. This rule discourages attempts to write
to Compact Administrators and private agencies in other states.

PAROLE TO DETAINERS

Mr. Wolman reported that Maryland parolees otherwise qualified inmates to de-
tainers in other states. He asked if such a policy is acceptable to the Associa-
tion. Mr. Bridges informed him that the Association had been urging adoption
of this policy for a number of years. However, he pointed out that the Compact Administrator of the other state should always be advised of the plan. He also pointed out that poor parole risks should not be given a complete release. He said that the board should have a definite plan ready in case the parolee is acquitted, and should make arrangements for Compact supervision in advance if the plan is to continue the parole and allow the individual to reside in the state which placed the detainer.

Mr. Finsley of California said that his state uses a different type of parole for detainers based on unfinished sentences and detainers based on pending charges. An ordinary parole subject to detainer is used for an unfinished sentence. When there is a pending charge, the parole is for purposes of investigation only and the parolee is brought before the California Parole Board for a review when the disposition of the charge is known.

AGREEMENT ON DETAINERS

Mr. Frederick reported that the Agreement on Detainers had been adopted by Connecticut, Michigan, New Hampshire, New Jersey, New York and Pennsylvania. He said that the Agreement has been in force in five of these states for several years and is operating smoothly. Expressing the hope that many more states would ratify the Agreement in 1963, he explained that The Council of State Governments refrained from urging states to join until now because there was no background of experience with similar compacts on which to rely. It seemed best to try the Agreement out in a small group of states to see if it would work efficiently without any amendments. Since the experience of the member states has been excellent the Council is recommending it to all states for adoption next year.

The discussion indicated that the states of Colorado, California, Utah and Washington already have the Agreement under consideration. Mr. Shea said some opposition had developed in his state because the wardens question the wisdom of permitting a minimum security prisoner to go to trial before the expiration of his sentence on a charge which may lead to a maximum security sentence. Dr. Wendell said the possibility that knowledge of a new sentence will lower a prisoner's morale must be weighed against the effect lack of any knowledge about the outcome of his case may have in terms of his training program and his efforts to plan for the future. It was suggested that it might be possible for states to refrain from asserting continued jurisdiction and simply allow the prisoner to begin the maximum security sentence at once. The state which placed the detainer is responsible for returning the prisoner after trial but it would probably be glad to avoid this step. Attention also was called to the fact that there might be a possibility of granting parole from the lighter sentence.

ANNUAL STATISTICAL REPORT

The group agreed that all Administrators should make a greater effort to send statistics on the interstate movement of parolees and probationers to the Secretariat. It was also agreed that reports should be sent promptly in order that current figures may be presented to appropriating bodies, judges, newspapers and those who need to be convinced that other states are sharing the burden of interstate supervision. The Secretariat was directed to send the statistical report for the year ending June, 1962 to all Governors. One of the delegates suggested that the reporting period should be based on calendar years instead of ending in June. The Secretariat was directed to poll the Association regarding this suggestion. Mr. Frederick pointed out that the Secretariat does not need the state by state figures called for on the reporting blanks. It was agreed that the forms
should remain unchanged; however, it was also agreed that Administrators who do not
care to fill in the entire form may limit their report to the totals called for on
the second page of each of the four blanks.

JOINDER WITH PUERTO RICO AND THE VIRGIN ISLANDS

Mr. Frederick gave the following report regarding the states' participation in
the Compact with Puerto Rico and the Virgin Islands:

In order to sign the Compact with Puerto Rico and the Virgin Islands, the fol-
lowing states need legislation: Alabama, Illinois (for Puerto Rico only), Indiana,
Iowa, Maryland, Mississippi, North Dakota, Washington (for the Virgin Islands only).

The following states have the necessary statutory authority but have not
signed the Compact: Georgia, Illinois (has authority to sign with the Virgin Islands
but not Puerto Rico), Kansas. The Secretariat has not received a report from Texas
as to its statutory authority.

FINAL BUSINESS SESSION

Mr. Bridges reported that the Executive Committee had agreed that the Association
should pay one-half of the Association's Counsel's travel expenses to the Assoc-ia-
tion's annual meetings. He called attention to the value of Dr. Wendell's services,
and he explained that the New York Joint Legislative Committee on Interstate Co-
operation had paid Dr. Wendell's expenses in the past, but can no longer do so. He
said that The Council of State Governments will contribute half of the travel ex-
enses, but cannot go beyond this in view of the fact that it already contributes
Secretariat services and travel expenses of two staff members to the Association.

The Association voted to express a preference to the Executive Committee for
holding the next annual meeting in conjunction with the meeting of the American Cor-

The Auditing Committee reported that the Treasurer's books were in order, and
the Treasurer's Report, which is attached as Appendix A, was accepted by unanimous
vote.

The Report of the Resolutions Committee was adopted unanimously. This report
is attached. See Appendix C.

The report of the Nominating Committee was presented and the following officers
were elected unanimously:

    President: Fred Finsley, California
    Vice President: George N. Elder, Missouri
    Treasurer: Martin P. Davis, Massachusetts
    Secretariat: The Council of State Governments

Executive Committee
Francis R. Bridges, Jr., Florida Chairman
Harris G. Hunter, Washington
H. M. Randall, Oregon
T. F. Telanden, Minnesota
R. W. Bobzin, Iowa
George F. Denton, Indiana

Council
Edward W. Grout, Colorado, Chairman
John J. Shea, Maine
Russell G. Oswald, New York
J. C. Todd, South Carolina
Rowland R. Lutz, Ohio
There was a standing vote of thanks for Mr. Bridges' services as President.

Mr. Bridges turned the gavel over to Mr. Finsley. Mr. Finsley made a brief acceptance speech and, as his first act in office, presented Mr. Bridges with a certificate attesting to his leadership.

At 4:30 P.M. the meeting adjourned.
APPENDIX A

TREASURER'S REPORT JULY 1, 1961 to JUNE 30, 1962

SAVINGS /ACCOUNT

CASH RECEIPTS

Balance July 1, 1961 $ 1591.32
1961-62 Membership Dues - 11 Membership dues were paid. The following states paid
Associate Fees: Calif. --$ 10; La., Mass., N.J., N.Y., N.C., Penna. --$ 5. 1340.00
Luncheon Fees, 1961 Columbus, Ohio, Meeting 79.00
Premium returned on Cancellation of Bond 1235 11 30 Hartford Accident and Indemnity Company 5.25
Interest on Savings to July, 1961 30.98
Interest on Savings to Oct., 1961 22.50
Interest on Savings to April, 1962 61.30

TOTAL ACCOUNTABILITY $ 3130.35

DISSBURSEMENTS

Transfer to Checking Account, First National Bank of Boston, May 16, 1962 $ 500.00

TOTAL ACCOUNTABILITY $ 3130.35

CHECKING ACCOUNT

CASH RECEIPTS

Balance July 1, 1961 $ 816.45
Transferred from Warren Inst. for Savings $ 500.00

TOTAL ACCOUNTABILITY $ 1316.45

DISBURSEMENTS

Letter Service, Mimeographing $ 357.39
Clerical Services 10.00
Paul J. Gernert (Reimbursement for flowers for Wallace Reid Funeral) 8.00
John C. McDonnell Ins. Agency Bond on Martin P. Davis, Treasurer 8.75
Firestone Photographs - Photographs taken at Columbus, Ohio Meeting 46.35
Council of State Governments - Expenses paid by the Secretariat on behalf of the Assoc. during fiscal year ending June 30, 1961 149.27
Bank Service Charges (First National Bank of Boston) 3.33

TOTAL DISBURSEMENTS $ 1034.79

Balance First Nat'l Bank of Boston 6-30-62 231.66

TOTAL ACCOUNTABILITY $ 1316.45

Signed Martin P. Davis, Treasurer
There have been a number of developments of interest to your Association this year. The most important one has to do with Congressional consent for compacts and provisions for participation in existing compacts by the federal government and/or the District of Columbia. A Sub-committee of the House Committee on the Judiciary has been making a concerted effort to gain access to the records of Interstate Compact Administrators. Provisions authorizing such action have been placed in a number of Congressional consent bills during the past year including a Juvenile Compact consent bill, even though Congressional consent for that Compact is not required and is not being sought by the Association of Juvenile Compact Administrators. Although your Compact already has consent, an attempt to write similar language into law may be made if a bill is introduced ratifying the Compact for the District of Columbia. Another compact, which originated with your organization, the Agreement on Detainers, also may be subject to this type of attack in bills relating to possible federal membership in it. It may be necessary to choose between accepting such a records provision or losing the bills. We need to know your position on this matter so we may act accordingly if the problem arises. As you will note, the subject is on the agenda for discussion today.

This year several states adopted legislation relating to your Association's projects and activities. Missouri enacted legislation permitting joinder with Puerto Rico and the Virgin Islands. Virginia, which already had the necessary statutory authorization also signed ratification documents for these two jurisdictions. Ohio enacted the act permitting deputization of Out of State Agents and signed the Contract Concerning Cooperative Return of Violators.

We have not been informed of any new court decisions on the Compact since the last Annual Meeting. If there are any you have not sent to us we hope you will do so. We cannot do the legal research necessary to maintain a continuing check on decisions in the many areas in which we work so we must depend on you to keep us informed of developments in your state. It is most important that we have as complete a file as possible so that all Administrators will have summaries or texts of important opinions readily available when legal controversies arise.

We received two Attorneys General Opinions from Florida during the year and one from California. One of the opinions upheld the right of the Florida Administrator to arrest interstate supervisees after receiving a warrant from the sending state. It also held that the sending state need not revoke parole. The second Florida opinion dealt with acquisition of domicile by interstate supervisees in connection with eligibility for treatment in mental institutions. The California opinion held that interstate supervisees might be taken into custody upon request of the sending state before arrival of the warrant, and that interstate supervisees may be retaken without extradition even though they are found in a state other than the receiving state. These opinions were sent to you for your Manuals with Compact Newsletter #62.

Francis Bridges also has sent us the opinion in an interesting Florida case concerning disclosure of pre-sentence reports to defendants. In Morgan v. State, decided June 13, 1962, a defendant appealed on the grounds that he had entered a plea of guilty on the assumption that the report contained a recommendation for probation. He also claimed that the trial judge's use of the confidential report amounted to admission of hearsay evidence and deprived him of his right to confront witnesses. The Florida Court of Appeals rejected all of these arguments.
The matter of the guilty plea was dismissed primarily on grounds of failure to prove undue influence. The court disposed of the evidence issued by holding that the rules of evidence and trial procedure do not apply to sentencing. Such rules, the court pointed out, are designed to give the accused a fair opportunity to refute the charges against him and avoid conviction. At the time of sentencing the conviction has already occurred. The sentencing report is not trial evidence, but a tool used by the judge to prescribe, within narrowly defined statutory limits, a sentence suitable to the prisoner as an individual. We will plan to carry a brief summary of this decision in our next Newsletter so that you will have a record of the decision if the problem arises in your state.

During the year we distributed a revised edition of Chapter 2 of the Parole and Probation Compact Manual, revised as of August, 1961 and approved by your Association's Council after your 1961 meeting. The approved version was run on blue paper. If you kept the white copies we distributed last year, you should throw them away.

We also distributed during the year the balance of the white state pages to complete your August 1961 edition of Chapter 1. If any of you did not receive this material, please let us know.

With regard to compacts in fields related to your own, Massachusetts adopted the New England Corrections Compact completing the membership of that regional agreement. As many of you know, the Corrections Compact permits out-of-state institutionalization of prisoners. An almost identical agreement is in force among the Western States. The initial contract under the New England Compact has been signed, permitting transfer of certain Maine prisoners to the New Hampshire penitentiary.

As a somewhat related matter, may we remind you of the existence of the Out-of-State Incarceration Amendment to the Parole and Probation Compact which eight states have ratified. The amendment could be of assistance to you in avoiding the expense of returns in many instances.

The Agreement on Detainers has been in effective operation among six states for several years. Some of you expressed an interest in having an opportunity for further discussion of the Agreement at this meeting, so the matter is on the agenda.

Michigan became the 34th state to ratify the Juvenile Compact this year. Incidentally, as some of you may already know, the President's Committee on Juvenile Delinquency and Youth Crime, NCCD and the Council of State Governments prepared a report on State Action and Responsibilities in Juvenile Delinquency. The report was submitted to the Governors' Conference this year. Copies were sent to Juvenile Compact Administrators and heads of Departments of Corrections, and other officials. If any of you Parole and Probation Compact Administrators would like copies, please let us know.

The Model Penal Code received final approval at the American Law Institute's May 23-26, 1962 Meeting. Section 305.9 (formerly numbered 305.13) contains the compromise language you discussed last year. The language making release mandatory unless certain conditions exist has been changed to read "It shall be the policy of the Board to order his release unless ...." The commentary regarding the new section states that the purpose of the change in language is to make it clear
that the determination called for is to be made by the Board and is not subject
to judicial review. As you may recall, some persons who were present at the
meeting of this Association last year expressed some doubt that the new language
will accomplish this purpose.

You also discussed, at the request of Mr. Wechsler of the American Law
Institute, the question of whether the parole board should be in the department
of corrections or be a separate agency. You came to the conclusion that the
draft should contain alternative language regarding these approaches and should
also suggest that some states might prefer a third approach, that of placing the
board within an agency other than the department of corrections.

The draft does not specifically mention the latter approach. It calls for
the creation of an independent board of parole within the department of corrections
to be appointed by the Governor. There are alternative provisions permitting the
Governor to select the board "with the advice of" the commission of correction
or "from a panel of candidates submitted by" the commission of correction. There
are also alternative provisions placing the division of probation and parole either
under the control of the commission of correction or the Board of Parole.
APPENDIX C

RESOLUTIONS

RESOLUTION I

PARTICIPATION BY THE DISTRICT OF COLUMBIA IN THE PAROLE COMPACT

WHEREAS, the Interstate Compact for the Supervision of Parolees and Probationers has been in successful operation among all the states for a number of years; and

WHEREAS, its effectiveness depends in large measure on comity, mutual trust and cooperation among the jurisdictions party to the Compact; and

WHEREAS, the basic premise of the Compact is that each party jurisdiction shall administer parole and probation supervision for the other party jurisdictions in accordance with its own procedures, according to its own standards; and without interference in internal matters from the other party states whose parolees and probationers receive the benefits of the cooperative service; and

WHEREAS, some recent compact consent bills have included provisions, claiming, for Congress and its committees an unlimited right of access to state agency books, papers and records relating to the administration of the compacts; and

WHEREAS, Congressional influence over or surveillance of the internal affairs of state agencies is inimical to the proper discharge of state responsibilities;

NOW, THEREFORE, BE IT RESOLVED by the Parole and Probation Compact Administrators Association that membership in the Compact by the District of Columbia would be welcomed on the same basis as membership of each of the party states; and

BE IT FURTHER RESOLVED, that any condition which might purport to place membership by the District of Columbia on a different basis than that of a party state, or to attach different consequences thereto, or confer different or additional powers than those enjoyed by the legislature of a party state on Congress on account of or coincident with such membership by the District of Columbia would be unacceptable to this Association and contrary to the essential meaning of the Compact; and

BE IT FURTHER RESOLVED, that the Secretariat is authorized and directed to make such distribution of this resolution and take such action in support and furtherance of the position declared hereby as may be appropriate.

RESOLUTION II

FEDERAL PARTICIPATION IN THE AGREEMENT ON DETAINERS

WHEREAS, the Agreement on Detainers is now in effect among states whose combined population is approximately one-sixth of the population of the entire country; and

WHEREAS, federal participation in the Agreement as a party jurisdiction was originally contemplated by the states responsible for its formulation and would
be highly advantageous, if such participation were accomplished so as to confer the same rights and obligations on the federal government as upon any state participating in the Agreement; and

WHEREAS, the Agreement on Detainers does not provide or allow for differing rights, powers, and obligations as among any governments party thereto, or any of their agencies or branches, except to the extent that Article V permits variation in temporary custody arrangements; and

WHEREAS, some recent compact consent bills have included provisions, claiming, for Congress and its committees an unlimited right of access to state agency books, papers and records relating to the administration of the compacts; and

WHEREAS, Congressional influence over or surveillance of the internal affairs of state agencies is inimical to the proper discharge of state responsibilities; and

WHEREAS, the Parole and Probation Compact Administrators' Association was instrumental in formulating the Agreement on Detainers and has a material and substantial stake in its proper operation;

NOW, THEREFORE, BE IT RESOLVED by the Parole and Probation Compact Administrators' Association that participation of the federal government in the Agreement on Detainers is highly desirable, but only on the conditions and under the circumstances applicable to each of the party states; and

BE IT FURTHER RESOLVED that any conditions of the sort referred to earlier in this resolution would be entirely unacceptable; and

BE IT FURTHER RESOLVED that the Secretariat is hereby authorized and directed to make such distribution of this resolution and undertake such action in support and furtherance of the position expressed herein as may be appropriate.

RESOLUTION III

COOPERATION AMONG COMPACT ADMINISTRATORS

WHEREAS, in continuing the assumption that the progress of this Association has come about through good communication and cooperation among Administrators who have sincere confidence and respect in each other;

NOW, THEREFORE, BE IT RESOLVED that we continue to promote those policies which in our judgment will strengthen and contribute to the objectives of the Association.

RESOLUTION IV

ATTENDANCE AT ANNUAL MEETINGS

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;
NOW, THEREFORE, BE IT RESOLVED that special effort be made to urge every
state to send a representative to the meeting of the Parole and Probation Compact
Administrators' Association.

RESOLUTION V

EDWARD R. CASS

WHEREAS, Edward R. Cass, General Secretary of the American Correctional As-
sociation, will be resigning from this position in the near future after a lifetime
of devoted service to corrections;

NOW, THEREFORE, BE IT RESOLVED that this Association express our most sincere
appreciation for the services he has rendered and that the Secretariat be instructed
to forward a copy of this resolution to the said Edward R. Cass; and

BE IT FURTHER RESOLVED that, in accordance with the Constitution of the As-
sociation, the name of Edward R. Cass is hereby submitted to the next annual meet-
ing for election as a life member of the Association.

RESOLUTION VI

APPRECIATION TO THE HOST

WHEREAS, the State of Pennsylvania, through its Compact Administrator, Paul
Gernert, has done an outstanding job in making the members of the Compact Adminis-
trators' Association welcome to the state; and

WHEREAS, Mr. Gernert and his committee made it possible for the members to
have the rare privilege of hearing an outstanding speaker in the person of Reverend
Clarence Rahn;

NOW, THEREFORE, BE IT RESOLVED that this Association express to Mr. Gernert
and his 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 Reverend Clarence Rahn for his inspiring address.

RESOLUTION VII

BELLEVUE STRATFORD HOTEL

WHEREAS, the management and employees of the Bellevue Stratford Hotel have
provided excellent accommodations and service for our meeting and have been help-
ful in many other ways;

NOW, THEREFORE, BE IT RESOLVED that this Association express its sincere ap-
preciation to the Bellevue Stratford Hotel.
RESOLUTION VIII

COUNSEL

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;

NOW, THEREFORE, BE IT RESOLVED that this Association express to Dr. Wendell its sincere appreciation for his services.

RESOLUTION IX

SECRETARIAT

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;

NOW, 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.
At the last meeting of the Association held in Portland, Oregon, one year ago, the subject of probationary fee charging in some jurisdictions was brought on the floor for discussion. As very little was known at that time as to the over-all use of such procedures, the Council was assigned the task of conducting a survey concerning such practices and to make a recommendation to this annual meeting of the Association concerning what, if any, action the Association should take. The Council has been most active this past year, not only in the mechanics of conducting the survey but in the exchange of many letters between Council members concerning the recommendation which it would make to the Association.

Attached to this report is the result of the survey which indicates, exclusive of three states who did not answer the questionnaire, that only six states have provisions for, and use, fee charging practices. After a study of the material received from the questionnaire, a majority of the Council came to the conclusion that while the practice is not widespread it is a procedure which cannot and should not be condoned by this Association. This view was shared by the Chairman, Mr. Clevenger, Mr. Ball, and Mr. Wilson. Mr. Huebner, while feeling that the practice of assessing supervision fees should be discouraged, was of the opinion that the Association should discuss the matter in terms of sharing the experiences of those states where the practice prevails so that the Association as a whole would have more thorough information before taking a definite stand for or against the practice.

In line, then, with the opinions expressed by the majority of the Council and so that this matter may be brought to a definite conclusion, the Council recommends to the Association that the Association go on record as being definitely opposed to the practice of charging supervisory fees to probationers and that the Administrators in those states where such fees are charged be urged by the Association to take such steps as are necessary and practical to persuade those jurisdictions charging such fees to discontinue the practice.

Respectfully submitted,

(s) H. M. Randall
H. M. Randall, Chairman
Keith Wilson
W. P. Ball
Stanley Clevenger
Delmar Huebner

Attachment

CSG/HO/100
July, 1964
RESULTS OF SURVEY OF "FEE CHARGING PRACTICES" IN PROBATION CASES

Responses were received from forty-nine jurisdictions, of which forty-three responded that no probationary fees were charged in their states. Six responded that fees were charged and three states, Oklahoma, Pennsylvania, and West Virginia did not answer. The states responding that probationary fees were charged were California, Colorado, Georgia, Michigan, New Mexico, and Texas. Illinois responded that at the present time no fees are charged due to the new Illinois criminal code which became effective January 1, 1963. Prior to that time courts were permitted by statute to require payment of a maximum $40 per year to cover cost of supervision. It was commented that this section was seldom if ever made a condition of probation.

The following is a resume of the reports from the states where probationary fees are charged:

CALIFORNIA: Counties are allowed to charge such fees under Section 1203 California Penal Code. It is discretionary with the judge and has been in operation thirty years. No probationers under the compact either in or out of state are charged these fees which are turned over to the county treasury. If fees are not paid the period of probation is extended in some cases if the probationer is still available for supervision.

COLORADO: Fees are charged on a county basis under provisions in the state law. The amount which may be charged is rated a "reasonable amount." The practice has been in operation at least five years and the money is turned over to the county treasury. If the probationer is sent out of state under the compact, the fee is still collected but is not imposed on probationers received from other states. If fees are not paid three courses of action are taken--(1) the probation is extended, (2) the probation is revoked, (3) an attempt is made to collect the fee on a civil law basis.

GEORGIA: The wording of our questionnaire was changed from "fee" to "assessed a small fine." The fee or fine is stated to be very nominal. The practice has been in effect for several years. The money so collected is turned over to the county treasury and if the fee is not paid, a hearing is held to determine why. The practice is conducted by the judicial circuit operating an independent probation system.

MICHIGAN: Both county and city units charge probation fees ranging from $2 to $5 per month. The state law permits local option and the practice has been in operation from twenty-five to fifty years. Probationers being sent out of state are charged the fee but probationers coming in the state are not. Money collected from the fees goes to the county or city treasury, depending on jurisdiction. Failure to pay the fee may be regarded as a violation of probation.
RESULTS OF SURVEY OF "FEE CHARGING PRACTICES" IN PROBATION CASES

NEW MEXICO: New Mexico reports such fees are charged by the judicial district and may not exceed $200 annually. The practice has been in operation since 1957 and it is the state law. Such fees are charged to New Mexico probationers sent out of state under the compact but not assessed against probationers coming into the state. Fees so collected revert to the state treasury and if fees are not paid it is regarded as a violation and the original probation order may be modified.

TEXAS: Two judicial districts charge such fees, one for a period of several years, the other since June 1963. Local option is the legal basis for such fee charging. One jurisdiction (Wichita County) collects the fee from their probationers sent out of state under the compact; apparently the other county does not. Probationers coming into the state are not assessed the fee. The money received from such fees goes into the county treasury to be used to defray the expenses of the probation service. We were unable to obtain any statement as to revocation policies in the event of nonpayment of fees.