PAROLE AND PROBATION COMPACT ADMINISTRATORS’ ASSOCIATION

SUMMARY OF THE TWENTY-SIXTH ANNUAL MEETING

Americana Hotel
Bal Harbour, Florida

August 14, 1971

THE COUNCIL OF STATE GOVERNMENTS

36 West 44th Street
New York 36, New York

$1.75
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENING BUSINESS SESSION</td>
<td>1</td>
</tr>
<tr>
<td>Report of the Committee on Civil Parole and Probation</td>
<td>1</td>
</tr>
<tr>
<td>Report of the American Correctional Association</td>
<td>2</td>
</tr>
<tr>
<td>Violation Form</td>
<td>2</td>
</tr>
<tr>
<td>Visiting Permits and Problems Caused by Compact Supervisees' Visits to Sending States</td>
<td>2</td>
</tr>
<tr>
<td>Refusal of Receiving States to Permit Retaking of Compact Violators Without Extradition</td>
<td>3</td>
</tr>
<tr>
<td>Facilitating Decisions to Retake Absconders From a Third State</td>
<td>3</td>
</tr>
<tr>
<td>Panel on Facilitation of Communications</td>
<td>3</td>
</tr>
<tr>
<td>Report of the National Council on Crime and Delinquency</td>
<td>5</td>
</tr>
<tr>
<td>Uniform Parole Reporting Project and Parole Decision Making</td>
<td>5</td>
</tr>
<tr>
<td>Parole and Probation Compact Manual</td>
<td>6</td>
</tr>
<tr>
<td>Agreement on Detainers</td>
<td>6</td>
</tr>
<tr>
<td>Granting Parole to Persons Out of State</td>
<td>6</td>
</tr>
<tr>
<td>Bonds for Parolees and Probationers</td>
<td>6</td>
</tr>
<tr>
<td><strong>FINAL BUSINESS SESSION</strong></td>
<td>6</td>
</tr>
<tr>
<td>Report of the Auditing Committee</td>
<td>6</td>
</tr>
<tr>
<td>Report of the Resolutions Committee</td>
<td>6</td>
</tr>
<tr>
<td>Next Annual Meeting</td>
<td>6</td>
</tr>
<tr>
<td>Report of the Nominating Committee</td>
<td>7</td>
</tr>
<tr>
<td><strong>REGISTRATION LIST</strong></td>
<td>APPENDIX A</td>
</tr>
<tr>
<td><strong>TREASURER'S REPORT</strong></td>
<td>APPENDIX B</td>
</tr>
<tr>
<td><strong>SECRETARIAT'S REPORT</strong></td>
<td>APPENDIX C</td>
</tr>
<tr>
<td><strong>RESOLUTIONS</strong></td>
<td>APPENDIX D</td>
</tr>
</tbody>
</table>
OPENING BUSINESS SESSION

The Twenty-sixth Annual Meeting of the Parole and Probation Compact Administrators' Association was held at the Americana Hotel in Bal Harbour, Florida. A list of those attending will be found in Appendix A. Mr. Joseph A. Spangler, President of the Association and Compact Administrator for California, presided.

Mr. Spangler called the meeting to order at 9:30 A.M. Compact Administrator Charles Lawson of Florida welcomed the group on behalf of his state. Mr. Spangler gave a brief report as President. Mr. Lawson presented the Report of the Treasurer which was referred to the Auditing Committee. A copy will be found in Appendix B.

The Minutes of the last Annual Meeting were approved.

Mr. William L. Frederick of the Council of State Governments gave the Annual Report of the Secretariat. The text of this report will be found in Appendix C.

Mr. Spangler appointed the following committees: Nominating: R. W. Bobzin, Iowa; Chairman; L. B. Stephens, Alabama; Edward W. Grout, Colorado; Charles P. Chew, Virginia; Martin P. Davis, Massachusetts; Sanger Powers, Wisconsin. Resolutions: G. Raymond Nichols, Maine, Chairman; J. Curtis Moore, South Carolina; Lloyd Watts, Nebraska. Auditing: W. G. Sartorius, Missouri, Chairman; Bettye P. Young, Georgia.

REPORT OF THE COMMITTEE ON CIVIL PAROLE AND PROBATION

Mr. Lawson, Chairman of the Committee on Civil Parole and Probation, gave this report. The other members of the Committee were George Denton, Ohio; W. Parker Hurley, Kentucky; George Reed, United State Board of Parole; Allen Cook, Arizona; G. Raymond Nichols, Maine. A summary of Mr. Lawson’s remarks follows.

A questionnaire revealed that 15 out of 35 states used civil parole or were able to place individuals on probation without a conviction. The Committee discussed several possible amendments to the Compact which would specifically cover such individuals. At the present time there is doubt as to their status under the Compact because it covers persons who have been convicted. The Committee decided that it would not be feasible to attempt to secure amendments to the Compact by the fifty-two member jurisdictions. In addition, the Committee felt that the Compact itself might be jeopardized if any attempts to amend it were made at this time. The Committee recommended that individuals on civil parole or probation be given courtesy supervision with the understanding that these individuals could not be retaken under the Compact, and that the only possible method of return would be extradition.

At the conclusion of Mr. Lawson’s report, a suggestion was made that the Application for Compact Services Form could be amended to include such persons, but it was decided that if the form was used for civil parolees and probationers, the references to the Compact should be deleted.

It was agreed that it would be advisable to notify the Compact Administrator when a civil probationer or parolee was entering his state. There was a consensus that courtesy supervision should be given if possible. It was agreed that there should be no attempt to amend the Compact at the present time, but it was also agreed that the problem should not be ignored. The suggestion was made that states which develop civil parole and probation programs in the future should be encouraged to provide for a conviction which can be set aside if the parolee or probationer commits no further violations. A motion was adopted continuing the Committee on Civil Parole and Probation and requesting Compact Administrators to report any pertinent matters to it.
REPORT OF THE AMERICAN CORRECTIONAL ASSOCIATION

Dr. E. Preston Sharp General Secretary of the American Correctional Association, gave this report. A summary of his remarks follows.

A committee is studying the problem of total reorganization of the American Correctional Association. Sanger Powers is Chairman of this committee, which consists of one representative from each of ACA's seventeen affiliates and five people elected by the Executive Committee.

ACA also has an ad hoc committee on probation which will provide input for the Committee on Reorganization and also for the Committee on Standards.

ACA has a grant from LEAA of $100,000 to provide consultants for technical assistance. States applying for assistance should be as specific as possible as to their needs.

ACA also has a Committee on Correctional Standards which is working on a revision of the 1966 Correctional Standards and correctional standards in general. The Committee is taking a qualitative approach.

ACA has a grant of $289,000 from the Department of Labor for a study of ways of facilitating communications between paroling authorities and inmate training programs.

ACA also has a grant from HEW to study alternatives to institutionalization for juveniles.

Grant requests are pending for the accreditation program, and for the personnel exchange program.

ACA has been working with a broker in New York in an attempt to obtain malpractice insurance for correctional officers.

ACA is in touch with a legal group in Chicago which has been serving as amicus curiae in certain types of cases. The group tries to keep judges informed of the consequences of their decisions with regard to rehabilitation of offenders.

VIOLATION FORM

The group discussed Optional Form B which was given temporary approval by the Association in 1970. There was a consensus that the form was exceedingly valuable. The Compact Administrators voted to make the use of the form mandatory and a motion was adopted to amend the rules and regulations accordingly.

VISITING PERMITS AND PROBLEMS CAUSED BY COMPACT SUPERVISEES' VISITS TO SENDING STATES

Mr. Spangler pointed out that certain individuals are given parole and probation under the Compact with the understanding that they will not return to the sending state for visits. This is done because public reaction and the reaction of families of victims to having certain supervisees at large in the community would be very severe. He suggested that non-return be made a condition of parole or probation for certain cases and printed in bold face type on the parole conditions form. There was a consensus that such a condition should only be used when
necessary and not on a routine basis. The importance of informing the immediate supervisor of a parolee of the condition was stressed. The suggestion was made that all visiting permits should be channelled through the Compact Administrator's office.

There was a brief discussion of visits for the purpose of securing employment. There was a consensus that the Compact Administrator of the state to be visited should be informed of the visit.

It was agreed that the Compact Administrator of the sending state or the state which issued the visiting permit should be informed by telephone if a prospective supervisee or a visiting supervisee fail to arrive.

REFUSAL OF RECEIVING STATES TO PERMIT RETAKING OF COMPACT VIOLATORS WITHOUT EXTRADITION

Mr. J. Rufus Strother of North Carolina said that some states were insisting that Compact supervisees be extradited instead of being returned under the Compact. There was a consensus that this should not happen if the supervisee signed a waiver of extradition in the sending state. The group agreed that the sending state should insist that the Compact return procedure be followed and should appeal if necessary.

Mr. George Denton of Ohio emphasized the importance of distributing the Parole and Probation Compact brochure widely. He said the Compact should be discussed with judges and he suggested that Administrators should try to have the Compact made an agenda item at meetings of judges.

Attention was called to the fact that the receiving state should not demand that another waiver of extradition be signed if the supervisee signed a waiver before he left the sending state.

It was pointed out also that bail should not be granted to Compact supervisees if they are charged with a new crime in the receiving state.

FACILITATING DECISIONS TO RETAKE ABSCONDERS FROM A THIRD STATE

Mr. Frederick read a letter from Mr. Roy Nelson of Michigan which pointed out that many absconders were being found because of his office's hook-up with the Michigan Law Enforcement Information Network and the National Crime Information Center. These agencies use computers which are so successful that Michigan absconders are found almost daily. It was agreed that all Administrators should attempt to be as helpful as possible in furnishing information to assist the sending state in deciding whether it should retake an absconder. It was noted that there have been court decisions holding that the sending state may retake persons who flee from the receiving state to a third state. Mr. Frederick asked that any new court decisions on this subject or on other subjects related to the Compact be sent to the Secretariat.

PANEL ON FACILITATION OF COMMUNICATIONS

Mr. Lawson served as Chairman of this panel. The panelists were Judge Daniel Futch of Florida, Mr. David Williams of Alabama, and Mr. George Denton of Ohio. A summary of their remarks follows.
Judge Futch: Florida has more non-residents convicted of crimes than most states because the presence of well-to-do tourists attracts thieves. Delays in receiving information from other states causes problems. This is particularly true when a pre-sentence investigation is needed. Convicted persons must be kept in jail pending sentences, so delays in receiving the information leads to overcrowding in the jails. Since the Compact is not concerned with pre-sentence investigation, it should be possible to deal directly with officials in another state rather than channelling requests through the Compact Administrator.

Compact Administrators should have a WATS line so that they can telephone each other when appropriate instead of using the slower method of correspondence.

Many judges are unaware of or do not understand the Compact. One remedy for this is to have Compact officials on the agenda at judges' conferences.

Florida is one of the states which grants probation without an adjudication of guilt. Wisconsin will not accept such probationers under the Compact. Hopefully, some type of supervisory arrangements can be made in the future for probationers from states which use probation without an adjudication of guilt.

Mr. Williams: The Compact provides for investigations before persons are sent out of state for supervision. It does not cover pre-sentence investigations but many officials will cooperate by providing the necessary information. It should be possible to correspond directly about pre-sentence investigations with carbons going to the Compact Administrator.

Expediting communications about the Compact between states depends on the nature of the Compact Administrator's staff and procedures used in the Compact Administrator's office. Such procedures should be facilitating rather than inhibiting. Compact Administrators should have the use of a teletype network and have tape recorders available for telephone conversations.

The sending state should try to give receiving states time to investigate prospective placements. Sending states should also give the date on which the report is needed, and supply complete identifying information. They should be clear as to what information they want. Correspondence should have a full return address. Officials in the receiving state should give priority to interstate communications.

Mr. Denton: There will have to be better communications between Compact officials and the courts in the future. More litigation in corrections is to be expected. Litigation could be avoided if officials would review their policies and procedures and revise them where necessary before there is a court test.

Ohio has received an LEAA grant to permit regional representatives of the Parole Authority to explain the Compact to the courts. It is most important to have the Parole and Probation Compact Handbook available to judges. Many judges do not know how many Compact cases there are. Periodic reports are important.

Education is necessary to make the public aware of correctional problems. Judges should be encouraged to visit correctional institutions and correctional agencies should be open to law school students. Agencies in the field of corrections must sell the idea that prison is for treatment, not punishment. Ohio is going to provide counsel at revocation proceedings. It is also going to have on-site hearings.
At the conclusion of the panel, Mr. Frederick said that the Council of State Governments would secure TWX numbers and include them in the new Parole and Probation Compact Manual. Attention was called to the fact that LEAA will provide funds for use of the National Crime Information Center network.

There appeared to be a consensus that communications may be sent direct if no placement is involved, but correspondence should be sent to the Compact Administrator if the request is for an investigation concerning placement under the Compact.

REPORT OF THE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Mr. Fred Ward gave this report. A summary of his remarks follows.

NCCD headquarters now are located in Paramus, New Jersey. The address is 291 Highway 17, Paramus, New Jersey 07652.

NCCD is engaged in about fifty different projects. There are some of special interest to the Compact Administrators.

One project involves the exchange of parole board members. Funds are available to allow parole board members to visit in another state for about a week. They sit in at parole board meetings and also go to institutions and parole and probation field offices. This program was recently tried out in four states. Afterwards the visiting parole board members met at NCCD to exchange information and experiences. The program is open for participation by all states and to date 29 states have indicated a desire to participate in it.

NCCD has an OEO grant to provide assistance with "Newgate" programs, which are already in effect in about five states. Under these programs, prisoners who qualify are given post secondary school education. About four or five hundred prisoners have already been involved in "Newgate" programs. The rate of recidivism is very low.

NCCD also has a project for updating standards for juvenile and adult parole and probation and aftercare. ACA has a somewhat similar project but LEAA will coordinate the two programs.

The Probation Management Institutes are going very well.

NCCD recently ran a pilot institute for model cities ghetto residents. The residents met with parole and probation officials, police, judges, prosecutors and various government officials. Those who attended the institute have formed a continuing organization.

The problem of young American tourists getting into trouble in foreign countries is growing. The United Nations is studying it. It is possible that some kind of international agreement will be necessary. Existing compacts in the United States should serve as good models.

UNIFORM PAROLE REPORTING PROJECT AND PAROLE DECISION MAKING

Mr. Ernest Wenk of NCCD gave a brief report on these subjects. A summary of his remarks follows.

- 5 -
The 1969 figures secured under the Uniform Parole Reporting System will be available in about a month. There will also be a two-year follow up report. Characteristics of absconders are being studied. There will be a seminar in October or November regarding plans for carrying on the Uniform Parole Reporting Project.

Seminars are planned on parole decision making. The interaction between information and subjective reactions of board members are being studied.

PAROLE AND PROBATION COMPACT MANUAL

It was agreed that the Parole and Probation Compact Manual should be published. It was decided that each state should receive three free copies. Thereafter the Manuals will be sold at cost.

AGREEMENT ON DETAINERS

Mr. Frederick reported that 38 states, the District of Columbia and the Federal Government were members of the Agreement. He said that it had been working well for a number of years and he recommended that all non-member states join it. He said that there would be a meeting on the Agreement the following day.

GRANTING PAROLE TO PERSONS OUT OF STATE

Attention was called to the fact that absconders are sometimes found after many years. In such cases it may not be desirable to return the individual to prison if he has made a good adjustment but rather to arrange for parole in the state in which he is found. It was agreed that this practice often is desirable but some states cannot grant parole unless the individual appears before the board, thus making it necessary for him to return to the state from which he absconded. Other states, however, have authority to grant parole even though the individual is in another state. To obtain complete information on this matter the Secretariat was requested to query all states as to their authority to grant parole in such instances.

BONDS FOR PAROLEES AND PROBATIONERS

Mr. Frederick asked how many states required parolees and probationers to post bond. Administrators from Georgia, Maryland and South Carolina reported that such bonds were generally required, but they also said that exceptions were made.

FINAL BUSINESS SESSION

Mr. Spangler said that the Executive Committee recommended that Mr. Charles Lawson be the Association's representative on the National Parole Institute. A motion was made and adopted approving this recommendation.

The Auditing Committee reported that the Report of the Treasurer was in order. The Report was approved unanimously. The text will be found in Appendix B.

The Report of the Resolutions Committee was adopted unanimously. The text of the resolutions will be found in Appendix D.

The group voted to request the Executive Committee to schedule the next annual meeting in connection with the 1972 Congress of Corrections*

- 6 -

* At the conclusion of the meeting the Executive Committee met and agreed that the next Annual Meeting should be held at the William Penn Hotel, Pittsburgh, Pennsylvania on August 19.
The Report of the Nominating Committee was adopted unanimously and the Secretariat was directed to cast one ballot for the following slate:

President - Russell G. Oswald, New York
Vice President - Charles H. Lawson, Florida
Treasurer - Irvin Riedman, North Dakota
Secretariat - Council of State Governments

Executive Committee
Joseph A. Spangler, California
Ronald Townsel, Illinois
Mrs. Bettye P. Young, Georgia
Darrell Pangborn, Minnesota
W. Parker Hurley, Kentucky
Charles P. Chew, Virginia

Council
L. B. Stephens, Alabama
Edward W. Grout, Colorado
Ralph S. Falconer, Maryland
Martin P. Davis, Massachusetts
Walter W. Siwicki, Rhode Island

In the absence of the new President, the Association's new Vice President presented Mr. Spangler with a certificate honoring him for his service to the Association as President.
REGISTRATION

ALABAMA
L. B. Stephens, Executive Director, Board of Pardons and Paroles
Robert L. Trotter, Board of Pardons and Paroles
David H. Williams, Assistant Director, Board of Pardons and Paroles

CALIFORNIA
Joseph A. Spangler, Administrative Officer, Adult Authority

COLORADO
Edward W. Grout, Director of Parole, Department of Parole
Edward G. Swain, Parole Supervisor II, Division of Adult Parole

DELaware
John J. Moran, Director, Division of Adult Corrections

FLORIDA
Charles N. Lawson, Parole and Probation Commission

GEORGIA
Bettye P. Young, Board of Pardons and Paroles

IDaho
Ben F. Eberhardt, Chief, Parole and Probation
William R. Holland, Assistant Chief Probation and Parole

ILLINOIS
Ronald Townsel, Supt. of Parole, Department of Corrections

INDIANA
Marjorie Barker, Department of Correction
Leopold F. Day, Director of Field Services, Department of Corrections

IOWA
Russ Bobzin, Parole Board Executive, Board of Parole

KENTUCKY
W. P. Hurley, Director, Probation and Parole, Department of Corrections

LOUISIANA
William E. Dunn, Chief Probation and Parole Officer, Department of Correction

MAINE
William A. Kimball, Assistant Director, Division of Probation and Parole
G. Raymond Nichols, Director, Division of Probation and Parole

MARYLAND
Ralph S. Falconer, Department of Parole and Probation
William Welsh, Deputy Administrator, Division of Parole
MASSACHUSETTS
Martin P. Davis, Chairman, Parole Board
C. Eliot Sands, Commissioner of Probation

MINNESOTA
Darrell R. Pangborn, Department of Correction

MISSISSIPPI
Homer Edgeworth, Executive Officer, Probation and Parole Board

MISSOURI
J. Raymond Bills, Board of Probation and Parole
Walter G. Sartorius, Chairman, Board of Probation and Parole

NEBRASKA
Lloyd Watts, Parole Administrator

NEVADA
A.A. Campos, Chief, Department of Parole and Probation

NEW HAMPSHIRE
Robert A. Johnson, Parole Executive, Board of Parole

NEW JERSEY
Fred E. Haley, Supervising Parole Officer, Bureau of Parole

NEW YORK
E. R. Cass, Vice Chairman, Commission of Correction

NORTH CAROLINA
M. H. Hand, Board of Parole
J. Rufus Strother, Probation Commission
Robert Weinstein, Member, Board of Parole

NORTH DAKOTA
Irvin Riedman, Director, Parole and Probation

OHIO
George F. Denton, Chief, Adult Parole Authority, Department of Mental Hygiene and Correction

RHODE ISLAND
Walter Siwicki, Bureau of Probation and Parole

SOUTH CAROLINA
J. Curtis Moore, Director, Probation, Parole and Pardon Board

TENNESSEE
Herbert G. Lee, Director, Division of Probation and Parole, Department of Correction
Registration (continued)

TEXAS
Richard H. Fortenberry, Parole Analyst, Deputy Administrator, Board of Pardons and Paroles
Clyde Whiteside, Board Member, Board of Pardons and Paroles

VIRGINIA
Charles P. Chew, Director of Probation and Parole, Probation and Parole Board
N.W. Ferdue, Executive Secretary, Probation and Parole Board

WISCONSIN
Sanger B. Powers, Administrator, Division of Corrections

WASHINGTON, D.C.
H. Albion Ferrell, Vice-Chairman, District of Columbia Board of Parole

FEDERAL
George J. Reed, Chairman, U. S. Board of Parole

COUNCIL OF STATE GOVERNMENTS
Jane Parks
William L. Frederick
# APPENDIX B

## TREASURER'S REPORT

**July 1, 1970 - June 30, 1971**

**CHECKING ACCOUNT - THE TALLAHASSEE BANK & TRUST CO., TALLAHASSEE, FLORIDA**

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<td>cert. #4270  <strong>$111.15</strong></td>
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<td>cert. #5278   <strong>9.73</strong></td>
<td>Sheraton Gibson Hotel  <strong>313.67</strong></td>
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<td>cert. #6278   <strong>28.96</strong></td>
<td>Exec. Comm. Dinner  <strong>82.32</strong></td>
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<td>Council of State Govts.  <strong>25.03</strong></td>
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<td>Exec. Comm. luncheon 2/17/71  <strong>25.00</strong></td>
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<td>Sherry Colvin  <strong>Sec. expense</strong>  <strong>25.00</strong></td>
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<td>Cash on hand 6/30/71  <strong>1,494.78</strong></td>
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<td>Savings  <strong>304.99</strong></td>
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<td>Savings Cert. #4270  <strong>2,292.83</strong></td>
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**TOTAL ACCOUNTABILITY  **$6,985.58**

**TOTAL ACCOUNTABILITY  **$6,985.58

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- 11 -
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**TOTAL**                    |           | **$467.35** |
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<td><strong>TOTAL</strong></td>
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SECRETARIAT'S REPORT

There have been several developments during the past year pertaining to the Compact and related matters.

Only one legal opinion on the Compact has been reported to us. That is the U.S. Court of Appeals ruling in Cowan v. Nelson. The case involved a California parolee who went to Arizona under the Compact. He had been given a tentative discharge date of 1966. He violated and his parole was suspended but he was not taken. Thereafter he committed a new crime in Arizona and was taken after his Arizona sentence had been served. The U.S. Court of Appeals ruled that California did not lose jurisdiction to change the discharge date when it permitted the parolee to go to Arizona under the Compact. The court agreed with the parolee that due diligence is required in executing an arrest warrant but it pointed out that the delay on California's part was reasonable since the parolee had sentences to serve in Arizona.

As always, we would much appreciate it if you would be certain to report to us any court decisions or opinions of your Attorney General concerning the Compact.

Last year you directed us to have a new brochure on the Compact printed for wide distribution. This has been done. The brochure is called the Handbook on the Interstate Compact for the Supervision of Parolees and Probationers. Copies have been placed with the sets of material before you. Many states have already received large supplies but free copies are still available in quantity for any of you who would like to have them.

At your request we also distributed Optional Form B, the Violation Report Form. Also at your request we have put the subject of the form on the agenda for this meeting so that a determination can be made as to whether the Form should be optional or mandatory.

You also asked that a committee be established to study the matter of civil parole and probation. Such a committee was established with Charles Lawson of Florida as Chairman. He will report on this subject during the meeting.

The Interstate Compact on Juveniles which this Association helped to develop is now in effect in 48 states and the District of Columbia. Georgia and New Mexico are the only non-members.

This Association also helped develop the Agreement on Detainers. The Agreement is now in effect among 38 states, the District of Columbia and the federal government. There will be a meeting on the Agreement tomorrow at 1:30 in Westward Room II. You are all welcome to attend.

The Compact on the Mentally Disordered Offender has now been ratified in eight states. Delaware, Illinois, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota and West Virginia.

Also in the field of corrections, the Interstate Corrections Compact has been ratified by Arizona, Delaware, Kentucky, Minnesota, Missouri, South Carolina and Vermont. Three of these enactments took place in 1971 and the Compact is now under consideration in six other states.

- 14 -

1/ U.S. Court of Appeals, 9th Circuit
# 24.480, Dec. 21, 1970
RESOLUTIONS

WHEREAS, the Parole and Probation Compact Administrators' Association had a most successful meeting in Miami, Florida on August 14, 1971,

NOW, THEREFORE, BE IT RESOLVED, by the Association that:

1. President Joseph Spangler be congratulated and commended for his year of leadership and dedication to the work of the Association;

2. Mr. Charles Lawson and his Committee receive thanks and appreciation for their report on civil parole and probation;

3. The panel on Facilitation of Communications receive the thanks and appreciation of the Association for their excellent discussion of this topic;

4. The Association commends the Council of State Governments and specifically William L. Frederick and Jane Parks for their continuing efforts on behalf of the Compact and the Association;

5. The present members of the Association notify the Secretariat of any members who may have passed away in the past year and that the Secretariat forward a letter of heartfelt condolences to the family of these members;

6. The Secretariat forward a letter expressing the sincere appreciation of the Association for the dedicated work and many years of service given to the Association of any members who may have retired in the past year.