PAROLE AND PROBATION COMPACT ADMINISTRATORS' ASSOCIATION

SUMMARY

TWENTY-SEVENTH ANNUAL MEETING

Hotel William Penn
Pittsburgh, Pennsylvania

August 19, 1972

THE COUNCIL OF STATE GOVERNMENTS

36 West 11th Street
New York, N.Y. 10036

$ 2.00
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENING BUSINESS SESSION</td>
<td>1</td>
</tr>
<tr>
<td>DISCUSSION OF AGENDA ITEMS</td>
<td>1</td>
</tr>
<tr>
<td>The Morrissey Decision</td>
<td>1</td>
</tr>
<tr>
<td>Reporting Period</td>
<td>6</td>
</tr>
<tr>
<td>Forms I and II</td>
<td>6</td>
</tr>
<tr>
<td>Methods of Communication</td>
<td>6</td>
</tr>
<tr>
<td>Delays in Retaking Probationers</td>
<td>6</td>
</tr>
<tr>
<td>Twenty-one Day Period for Accepting Supervision</td>
<td>6</td>
</tr>
<tr>
<td>Affiliation with the American Correctional Association</td>
<td>6</td>
</tr>
<tr>
<td>Payment for Supervisory Charges</td>
<td>7</td>
</tr>
<tr>
<td>Supervision of United States Citizens Imprisoned Abroad</td>
<td>7</td>
</tr>
<tr>
<td>FINAL BUSINESS SESSION</td>
<td>9</td>
</tr>
<tr>
<td>Report of the Auditing Committee</td>
<td>9</td>
</tr>
<tr>
<td>Report of the Resolutions Committee</td>
<td>9</td>
</tr>
<tr>
<td>Report of the Nominating Committee</td>
<td>9</td>
</tr>
<tr>
<td>Time and Place of 1973 Annual Meeting</td>
<td>9</td>
</tr>
<tr>
<td>REGISTRATION LIST</td>
<td>APPENDIX A</td>
</tr>
<tr>
<td>TREASURER'S FINANCIAL STATEMENT</td>
<td>APPENDIX B</td>
</tr>
<tr>
<td>SECRETARIAT'S REPORT</td>
<td>APPENDIX C</td>
</tr>
<tr>
<td>INTERSTATE PAROLE AND PROBATION HEARINGS ACT</td>
<td>APPENDIX D</td>
</tr>
<tr>
<td>RESOLUTIONS</td>
<td>APPENDIX E</td>
</tr>
</tbody>
</table>
Opening Business Session

The Twenty-seventh Annual Meeting of the Parole and Probation Compact Administrators' Association was held at the William Penn Hotel in Pittsburgh, Pennsylvania on August 19. Commissioner Russell G. Oswald, President of the Association and Compact Administrator for New York, presided. A list of those who attended will be found in Appendix A.

Mr. Oswald called the meeting to order at 9:00 A.M.

Mr. Richard W. Lindley, Compact Administrator for Pennsylvania, welcomed the group on behalf of his state.

Mr. Oswald reported on activities which had taken place during his term of office. He said that three copies of a revised Parole and Probation Compact Administrators' Manual had been sent to each Compact Administrator. He called attention to the fact that a proposal for affiliation with the American Correctional Association would be discussed at the meeting. Mr. Oswald mentioned also that the paroling process was under increasing attack and that many courts seemed to feel that parole boards were biased and unfair.

Mr. Riedman of North Dakota gave the Annual Report of the Treasurer. A copy of this report will be found in Appendix B.

There was a roll call and the Summary of the 1971 Annual Meeting was 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. In the course of his report, Mr. Frederick asked that Compact Administrators who did not need all three of the copies they had been sent of the Parole and Probation Compact Administrators' Manual return them to the Secretariat at Room 1208, 36 West 44th Street, New York, New York 10036.

Mr. Oswald appointed the following committees: Nominating: Mr. Powers of Wisconsin, Chairman; Mr. Stephens of Alabama; Mr. Groat of Colorado; Mr. Denton of Ohio; Mr. Felcher of Maryland. Resolutions: Mr. Cook of Arizona, Chairman; Mr. Moran of Delaware; Mr. Spangler of California; Mr. Haley of New Jersey. Auditing: Mr. Siwicki of Rhode Island and Mr. Campos of Nevada.

Discussion of Agenda Items

THE MORRISSEY DECISION

Mr. Oswald asked Dr. Mitchell Wendell, the Association's former counsel, to give a brief report on the Morrissey decision handed down by the United States Supreme Court in June. A summary of Dr. Wendell's remarks follows.

The Morrissey decision did not involve the Parole and Probation Compact directly. Morrissey's sentencing, imprisonment, parole and revocation all took place in one state, Iowa. The circumstances in the Bocker case, which was consolidated by the Supreme Court with the Morrissey case, were similar enough so that they need not be discussed separately with regard to the impact of the decision on the Compact.

Iowa is one of about twenty states which does not provide by statute or regulation for a preliminary hearing before a parolee is reincarcerated and held pending a revocation hearing. Morrissey was given a reasonably prompt hearing after being reincarcerated. He then appealed his parole revocation.
The lower court's record was not clear as to what defects it considered remediable by what took place at the hearing. There were indications that Morrissey may have admitted the violation. For this reason the Supreme Court remanded the case instead of making a final disposition.

The fact that this particular case was remanded does not solve the problems resulting from the decision; and, although this was an intrastate case, it also affects interstate cases and presents some additional administrative requirements regarding revocation procedures for persons being supervised under the Compact.

The Morrissey decision means that states with no pre-revocation proceedings of any kind must now provide for such proceedings and pattern them after the requirements set forth in Morrissey. Forty percent of the states fall into this category.

The Court said that this first hearing can be preliminary and informal in nature. However, it set forth a number of procedural requirements which must be met. These requirements look very much like what one would expect to find in a formal hearing requiring due process and equal protection. The parolee has a right to advance notice of the allegations against him; a right to explain his conduct to an impartial hearing officer; a right to bring witnesses; a right to confront his accusers unless it is determined that such confrontation would be dangerous to the accuser; a right to an adequate record; and a right to have the preliminary hearing at or near the site of the violation.

In Morrissey the Court stated specifically that its decision did not reach the question of the right to counsel. However, it appears quite clear that the Court will eventually hold that counsel is necessary.

It is clear from the Morrissey decision that the preliminary determination regarding the need for a revocation hearing and the final decision regarding revocation need not be made by the same individuals. In other words there can be a "hearing officer" who, by submitting a proper record and recommendation, passes the question of revocation along to the parole board. This is a most helpful point in terms of the Compact. It means that if proper procedures are established an official of the receiving state can conduct the preliminary hearing for the sending state.

Morrissey decided a question regarding a parolee. For a case to be precedent it must be decided upon a set of facts identical in all significant circumstances to the case presently before the Court. Therefore, we might make the superficial assumption that since Morrissey relates to parole revocation there is no precedent for holding that probationers are entitled to preliminary hearings. However, when we look at the constitutional issues decided by Morrissey it is difficult to find any way in which the fact that Morrissey was a parolee rather than a probationer is of any real significance. Therefore, I must advise you to give probationers all of the rights guaranteed to parolees by Morrissey.

Morrissey is a most significant milestone in the law of parole. It overrides the traditional theory that parole is a privilege rather than a right. It expands the constitutional rights to due process and equal protection to the parole revocation process.
Extension of the equal protection clause to pre-parole revocation has special significance for the Compact. It means that a parolee under the Compact is entitled to the same kind of preliminary revocation hearing he would have had if he had stayed in the sending state.

With regard to due process, a "hearing" consists of certain elements, most of which are set forth in Morrissey. While the Court states that the preliminary hearing need not be formal it would be dangerous to assume that the discretionary power of the parole board could be used to weaken the Morrissey requirements in any significant way.

In 1966 a Committee of the Association drafted an interstate revocation act. The act was not approved for submission to the legislatures at that time because the Association felt that adoption of such an act in advance of any law or opinion requiring such a procedure would be premature. The act will require a few changes to conform with Morrissey but it is substantially similar to what is now needed.

At the conclusion of Dr. Wendell's report a show of hands indicated that most states have already implemented the Morrissey decision on an intrastate basis.

Mr. Spangler of California reported that his state is attempting to hold preliminary hearings from twenty-one to seven days before the final revocation hearing. He said that arrangements had been made with Texas to conduct preliminary hearings.

Mr. Denton of Ohio said that his state was requesting receiving states to hold preliminary hearings.

With regard to counsel, a show of hands indicated that a number of states do not allow counsel at the formal revocation hearing. Mr. Jones of Alaska reported that his state was going so far as to permit counsel at disciplinary hearings in the institution.

Mr. Powers of Wisconsin suggested that the Supreme Court might not require counsel at preliminary hearings in view of its liberality in permitting a fellow parole officer to be the "impartial hearing officer" who conducts the hearing. He called attention to the fact that the question of counsel at formal revocation hearings would probably be decided in a few months because the Supreme Court has agreed to review this matter in the Scarpelli case which originated in Wisconsin.

A summary of questions raised by the delegates and answers given by Dr. Wendell follows:

**Question:** If the preliminary hearing officer recommends that a formal revocation hearing be held, may the parolee be incarcerated at the institution immediately, pending the formal hearing? **Answer:** Yes.

**Question:** Is Mempa v. Rhay now out of date? **Answer:** Probably yes. It might be argued that since a probation hearing is held by a court it can be assumed that due process and equal protection will be afforded. However, any deviation from the Morrissey requirements is bound to bring litigation.

**Question:** To what extent can there be a waiver of the preliminary hearing? **Answer:** A waiver will probably be valid if the parolee knows its consequences, is not coerced and is in an adequate physical and mental condition to waive intelligently. However, the presence of these factors must be put on the record unambiguously by the hearing officer. (Note: delegates from New York and California reported that over half of their violators are waiving preliminary hearings.)
Question: If counsel is required at preliminary hearings, can counsel be waived? Answer: Counsel can be waived at trials so there is little doubt that counsel can be waived at preliminary hearings.

Question: Must the hearing at the site be provided as a matter of course or should it be left to the parolee to demand it? Answer: It is possible that a hearing at or near the site can be avoided if the parolee makes no objection and it can be shown that all the essential ingredients of a preliminary hearing have been met and that holding the hearing at or near the site would not have clarified matters or benefitted the parolee in any way.

Question: The Assistant Attorney General who represented Iowa before the Supreme Court feels that the court intended that preliminary hearings could not be waived, but that the final hearing could be. How does this fit in with the discussion about waiver? Answer: There is nothing in the decision itself which indicates that the preliminary hearing cannot be waived, but Iowa officials should certainly follow the advice of their own Attorney General's office. The Morrissey decision seems to say that a preliminary hearing would not be necessary if the lower court found that Morrissey had admitted his guilt at the revocation hearing.

Question: How soon must the preliminary hearing be held? Answer: The final revocation hearing in Morrissey was held two months after the alleged violation. If the lower court to which the case has been remanded considers this to be a "reasonable time", such a waiting period may be all right for final revocation hearings. However, to be on the safe side, both the final and the preliminary hearing should be held as expeditiously as possible.

Question: How can another parole officer be considered "impartial"? Answer: It must be certain that the parole officer had nothing to do with the case or the parolee at any time.

Question: Under what circumstances should continuances be granted to be sure the parolee has time to prepare his case? Answer: The court is talking about an expeditious hearing which is subject to review at the final hearing. A "reasonable opportunity" to prepare the case should suffice. Continuances probably need not be granted beyond this point.

Question: Some receiving states would not feel they had authority to hold a parolee after a preliminary hearing indicated that a recommendation for return be forwarded to the sending state. What if the sending state delays in deciding whether to send the money on retaking a parolee and does not send a warrant? Answer: The Out-of-State Incarceration Amendment might solve this problem. It would allow the sending state to request the receiving state to hold the final revocation hearing as agent for the sending state, and incarcerate the individual in the receiving state. (Note: Authority to detain after the preliminary hearing while awaiting word from the sending state is covered by the revised revocation act.)

Question: What if the preliminary hearing officer determines that there is no reason for return but the sending state's parole board decides it wants the parolee back? Answer: Such circumstances would probably be rare. The Compact does provide that a sending state's decision to retake may not be reviewed by courts of the receiving state. However, there would have to be compliance with the Morrissey requirements before the parolee could be reincarcerated.
Question: How detailed must the record of the preliminary hearing be?
Answer: Of course, the safest thing would be a transcript, but this would be very expensive. A full set of minutes would probably do or an adequate summary. At the very least the record must show that all of the requirements of Morrissey were followed.

Question: Should the Act be expanded to cover a hearing in a third state?
Answer: This would delay preparation of the statute. There is already precedent for retaking a parolee from a third state under the Compact.

Question: If a Compact supervisee is not detained but merely reported, must there be a hearing? Answer: Not ordinarily, but if the sending state decides to retake with the idea of revocation, the question of a preliminary hearing will arise.

The group reviewed the proposed revocation act. It was agreed that language in Section 1 requiring a request for a hearing from the sending state should be deleted. It was agreed that language permitting waiver should be included in Section 1.

Provision for counsel and all of the remaining language in Section 3 was deleted with the request that the Morrissey requirements be inserted.

It was agreed that the Act should not be revised to include juveniles. Dr. Wendell said some states might want such a statute for juveniles, but he suggested that this matter should be left to juvenile officials to decide.

The suggestion was made that the Act contain a provision requiring the receiving state to prosecute instead of requesting return when there is a new criminal charge. However, it was agreed that the Act should be left as is. A show of hands indicated that a number of states already permit counsel at preliminary revocation hearings.

One of the delegates asked what would happen if no states adopted the proposed revocation act. Dr. Wendell said the value of the Compact would diminish in proportion to the lack of adoptions.

Another delegate asked if adoption of the Act would be necessary if a Compact Administrator's office already had authority broad enough to permit the holding of hearings for the sending state and review by the parole board of recommendations made as a result of preliminary hearings by the receiving state. Dr. Wendell said no action would be necessary in such a case.

A motion was adopted unanimously authorizing Dr. Wendell to put the draft act in final form in accordance with the discussions at the meeting. Dr. Wendell was authorized to make any necessary technical changes. Mr. Frederick said that copies of the final version of the act would be sent to all Compact Administrators immediately after the meeting. 1/

Delegates from the following states reported that forms for use in connection with preliminary hearings had been developed: California, Colorado, Iowa, Kentucky, Nebraska, Nevada, New York, North Carolina, Ohio, Pennsylvania, Texas and Virginia.

1/ Copies of the final version of the Act were sent to all Compact Administrators on September 22. The text of the final version of the Act will be found in Appendix D.
REPORTING PERIOD

Several delegates said that they would be in favor of changing the requirement of quarterly reports to annual or semi-annual provided they could be assured of receiving special reports upon request or when changes occurred.

A motion was adopted unanimously that the Rules and Regulations should be amended to require semi-annual reports instead of quarterly reports, provided that sending states be entitled to special reports upon request or when changes occurred.

FORMS I AND II

The suggestion was made that the itemization of enclosures on Form II be transferred to Form I and that the phrase "Probable Date of Supervision" be included on Form II. The group voted not to make any changes in Forms I and II.

It was agreed that sending states should order parolees and probationers being sent out of state for supervision to report to the person designated in Form II immediately upon arrival.

METHODS OF COMMUNICATION

The President was directed to appoint a special committee to study the need for a special communications system for Compact Administrators such as teletype and computers. The suggestion was made that the committee should look into the possibility of securing LEAA funds.

DELAYS IN RETAKING PROBATIONERS

Mr. Garrison of Nebraska said that a number of states took unreasonably long times to retake their probationers. Attention was called to the fact that in a number of states which do not have centralized probation the courts alone make the decision to retake. Several administrators reported that they were trying to secure cooperation from their courts but so far had met with no success.

TWENTY-ONE DAY PERIOD FOR ACCEPTING SUPERVISION

Mr. Garrison suggested that it be mandatory for prospective receiving states to answer requests for supervision within twenty-one days. Attention was called to the fact that the Association had agreed in 1964 that investigations should normally be completed within thirty days. It was agreed that the thirty day period should be left as is, but there was a consensus that there should be an immediate acknowledgement of receipt of a request for investigation.

AFFILIATION WITH THE AMERICAN CORRECTIONAL ASSOCIATION

Dr. E. Preston Sharp, of the American Correctional Association spoke on this subject. A summary of his remarks follows.

An August 9 draft of a new constitution for the American Correctional Association is now available. The draftsmen have attempted to include the whole continuum of corrections from juveniles through adults. Some of the major provisions of the constitution are as follows: 1) The members of the Board of Directors will be representatives of specific areas of the correctional field; 2) parole and probation are guaranteed representation on the Board because the nominating committee must name and the representation on the Board must contain a certain number of representatives from these fields; 3) election will be by mail ballot and the possi-
of "packing" the Board with representatives of a certain state have been reduced greatly; 4) affiliates will elect their own representatives to the Board and fill their own vacancies.

The Board will accept new affiliates. The new Board will determine the dues structure and services to be offered. At present there are no dues for affiliates other than the $50.00 organizational fee.

At the conclusion of Dr. Sharp's remarks a motion was adopted permitting the Executive Committee to study the question of affiliation and apply for membership if there are no dues other than the $50.00 organization fee at the time of affiliation. A second motion was adopted designating the President of the Association as the representative on the ACA Board during his term of office.

PAYMENT FOR SUPERVISORY CHARGES

Mr. Sharp said that ACA was willing to do a survey regarding the practice of charging fees for supervision. It was agreed that all members of the Association would cooperate with ACA in this regard.

Mr. Pangborn of Minnesota pointed out that the Association had gone on record opposing the charging of supervisory fees.

SUPERVISION OF UNITED STATES CITIZENS IMPRISONED ABROAD

Mr. Fred Ward of the National Council on Crime and Delinquency discussed this subject. A summary of his remarks follows.

There are a number of young Americans imprisoned abroad for long terms as a result of convictions which would carry relatively small penalties in the United States. The major example is use of marihuana. Many young people are under the impression that use of marihuana is acceptable in some of the countries they visit. For many of these young people the penalty is especially harsh since they are convicted under systems of justice under which they are considered guilty unless they can prove their innocence. Lack of knowledge about their rights and other factors make it difficult for such individuals to present such proof. An additional problem is the nature of the jails in which these individuals are confined. Many are antiquated and do not meet U. N. standards.

The most pressing problem is the fact that many nations will not grant parole to foreigners because they feel they cannot supervise them. If supervision in the United States could be arranged, a number of nations would be willing to grant parole in appropriate cases.

The question of arranging supervision in the United States has been explored with a number of agencies. The State Department feels that it cannot intervene since such action might be looked upon as interference within the domestic affairs of another nation. The International Prisoners' Aid Association does not have chapters in all states or countries. Solution of the problem by the U. N. would take a number of years. The International Union of Child Welfare Services, which is part of the International Social Services Agency, is not disposed to get into the problem.

NCCD hopes that the Parole and Probation Compact Administrators will be willing to offer courtesy supervision for United States citizens imprisoned abroad. If this could be done, State Department officials would be able to mention this alternative.
to correctional officials of foreign governments without intruding on national sovereignty. NCCD would be willing to serve as a clearinghouse. Some foreign governments would like to have a source of social history for persons they are paroling.

At the conclusion of Mr. Ward's remarks, Mr. Frederick read the following resolution which was adopted by the Association of Juvenile Compact Administrators at their 1972 Annual Meeting:

"WHEREAS, a current international problem in the treatment of youthful offender is under study by the National Council on Crime and Delinquency; and

"WHEREAS, a need for establishment of a cooperative liaison with this organization may arise within the coming year;

"THEREFORE, the officers and Executive Committee are authorized by this resolution to offer our support and extend to any appropriate service within the limitation of staff and budget resources that may be required of member states by NCCD in this project."

One of the delegates asked Dr. Wendell if Compact Administrators had authority to furnish other nations with social histories. Dr. Wendell said he thought this could be done provided no state's confidentiality statutes were violated.

There was a general discussion of problems involved in attempting to provide courtesy supervision. The problems mentioned included: 1) Most foreign governments would not be able to provide case histories; 2) Compact Administrators would not have any legal jurisdiction over such supervisees and therefore would not be able to enforce parole conditions or incarcerate violators; 3) Most Compact Administrators probably do not have broad enough authority to use state funds and services for such a purpose; 4) A Compact Administrator might be personally liable for any harm or injury occurring as a result of such unauthorized supervision.

Dr. Wendell suggested that Compact Administrators who wished to provide courtesy supervision should first review their administrative powers to see what authority they had. He said that some of the problems could be solved by simple legislation. Attention was called to the fact that some states already have informal supervisory arrangements with Canada.

The suggestion was made that the U.S. Board of Parole be asked to study the problem. Dr. Wendell advised the administrators to participate in any official study that was made of the problem because the outcome of the study might be the drafting of a treaty. He said that a treaty binds the states regardless of intra-state law or policy and he pointed out that the states might not care for the duties imposed upon them by a treaty drafted without state participation.

In response to a question Mr. Ward said that the Senate Subcommittee on the Judiciary had been planning to hold hearings on the problem but had encountered opposition from the State Department. He expressed the view that the federal government would probably not take any action.
The suggestion was made that NCCD should provide information about the number of cases and other data, and should then draft some kind of definite proposal to be submitted to the states. Mr. Oswald reminded the group that any such proposal would have to take into account the need for a legal base from which states could operate.

A motion was made and adopted unanimously that the matter be tabled pending receipt of further information. One of the delegates expressed the view that NCCD should not only provide information but also some suggested mechanics.

Final Business Session

The Auditing Committee reported that the Treasurer's books were in order. This report was adopted unanimously.

The Report of the Resolutions Committee was adopted unanimously. This report will be found in Appendix E.

The Report of the Nominating Committee was adopted and the following slate was adopted unanimously:

President: Charles Lawson, Florida  
Vice President: Irvin Riedman, North Dakota  
Treasurer: W. Parker Hurley, Kentucky

Executive Committee:
Russell Oswald, New York  
Walter Sartorius, Missouri  
Richard Lindsey, Pennsylvania  
L. B. Stephens, Alabama  
Sanger Powers, Wisconsin

Council:
Ernest Welsh, Maryland  
J. Rufus Strother, North Carolina  
Maurice Sigler, U.S. Board of Parole  
Edward Groulx, Colorado  
A. A. Campos, Nevada

As his first act in office, Mr. Lawson presented a certificate to Mr. Oswald honoring him for his leadership as President.

The group voted to request the Executive Committee to schedule the next annual meeting in conjunction with the Congress of Corrections.

* At the conclusion of the meeting the Executive Committee met and agreed that the next annual meeting should be held at the Olympia Hotel, Seattle, Washington on August 11, 1973.
REGISTRATION LIST

ALABAMA
L. B. Stephens, Executive Director. State Board of Pardons and Paroles, Montgomery
Robert L. Trotter, State Board of Paroles, Montgomery

ALASKA
Walter B. Jones, Jr., Chief Probation and Parole Officer, Division of Corrections,
Dept. of Health and Social Services. Juneau

ARIZONA
Allen Cook, Director. Department of Corrections, Phoenix

CALIFORNIA
Richard J. Holler, Supervisor of Case Services, California Youth Authority, Sacramento
Joseph Spangler, Administrative Officer. Adult Authority, Sacramento

COLORADO
H. L. Abeyta, Parole Supervisor, Adult Parole Board. Buena Vista
Edward W. Grout, Director of Parole, Denver

DELAWARE
John J. Moran, Director. Division of Adult Corrections, Smyrna

FLORIDA
Charles H. Lawson, Parole and Probation Department, Tallahassee

GEORGIA
Aubrey Walker, Department of Offender Rehabilitation, Atlanta

IDAHO
William R. Holland, Department of Probation and Parole, Boise
Ron McKinsey, Parole Officer, Department of Parole, Caldwell

ILLINOIS
Ronald Townsel, Department of Corrections, Chicago

INDIANA
Marjorie Barker, Deputy Director, Parole Division, Department of Corrections, Indianapolis
Russell P. Rea, Deputy Director, Adult Parole Division, Department of Corrections, Indianapolis

IOWA
Roger A. Knuth, Deputy Director, Bureau of Adult Correction Services, Des Moines
John Walton, Bureau of Adult Corrections, Des Moines

KENTUCKY
Libby M. Gardner, Division of Probation and Parole, Frankfort
Parker W. Hurley. Director, Probation and Parole, Dept. of Corrections, Frankfort

LOUISIANA
William E. Dunn, Deputy Administrator. Department of Correction, Baton Rouge
Registration List (continued)

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

MARYLAND
Ralph S. Falconer, Administrator, Department of Parole and Probation, Hunt Valley

MASSACHUSETTS
Flora V. Millette, Chief Probation Officer, Probation Department, Springfield

MINNESOTA
Daniel J. Cole, Corrections Agent, Dept. of Corrections, Minneapolis
Terry M. O'Neill, Corrections Agent, Department of Corrections, Minneapolis
Darrell R. Pangborn, Department of Corrections, St. Paul

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

NEBRASKA
Edwin H. Garrison, State Probation Administrator, Department of Probation, Lincoln
Larry A. Tewes, Department of Parole Administration, Lincoln

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

NEW HAMPSHIRE
Robert A. Johnson, Director of Parole, Board of Parole, Concord

NEW JERSEY
Fred E. Haley, Supervising Parole Office, Bureau of Parole, Trenton

NEW YORK
Richard T. Haines, Supervisor, Interstate Bureau, Dept. of Correctional Services, Albany
Russell G. Oswald, Commissioner of Correctional Services, Albany

NORTH CAROLINA
Luther M. Mitchell, Chief Parole Officer, Board of Parole, Raleigh
J. Rufus Strother, Probation Commission, Raleigh

NORTH DAKOTA
Irvin Riedman, Director, Parole and Probation Department, Bismarck

OHIO
Mrs. Louise Curl, Adult Parole Authority, Columbus
George Denton, Chief of Adult Parole Authority, Columbus

OREGON
John W. Darby, Director, Parole and Probation, Salem
B. J. Snitker, Department of Parole and Probation, Salem
Registration List (continued)

PENNSYLVANIA
George K. Henshaw, Director, Interstate Services, Board of Probation and Parole, Harrisburg
Richard W. Lindsey, Chairman, Board of Probation and Parole, Harrisburg

RHODE ISLAND
Walter W. Siwicki, Administrator, Bureau of Probation and Parole, Providence

TENNESSEE
George W. Hattaway, Regional Director, Field Services, Department of Corrections, Memphis

TEXAS
Richard H. Fortenberry, Director of Board Services, Board of Pardons and Paroles, Austin
Clyde Whiteside, Board of Pardons and Paroles, Austin
George R. Young, Parole Staff Supervisor, Board of Pardons and Paroles, Austin

UTAH
Stephen V. Love, Admin. State Board of Pardons, Salt Lake City

VIRGINIA
N. W. Perdue, Executive Secretary, Probation and Parole Board, Richmond

WISCONSIN
Sanger B. Powers, Administrator, Division of Corrections, Madison

OTHERS
E. Preston Sharp, General Secretary, American Correctional Association
Fred Ward, National Council on Crime and Delinquency
Mitchell Wendell, Consultant

COUNCIL OF STATE GOVERNMENTS
William L. Frederick
Jane Parks
# PAROLE AND PROBATION COMPACT ADMINISTRATORS' ASSOCIATION

## FINANCIAL STATEMENT

July 1, 1971 to July 1, 1972

FIRST NATIONAL BANK AND TRUST COMPANY, BISMARCK, NORTH DAKOTA

<table>
<thead>
<tr>
<th>CASH RECEIPTS</th>
<th>DISBURSEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash on hand 7/1/71</td>
<td>Genovese Press Inc.</td>
</tr>
<tr>
<td></td>
<td>$ 4092.60</td>
</tr>
<tr>
<td>Dues received 71-72</td>
<td>Cardinal Lithographing</td>
</tr>
<tr>
<td></td>
<td>1250.00</td>
</tr>
<tr>
<td>Dues received 72-72</td>
<td>Council of State Governments postage 71-72</td>
</tr>
<tr>
<td></td>
<td>1425.00</td>
</tr>
<tr>
<td>Interest received 7/1 to 10/1 on C.D.</td>
<td>Miami meeting, meal and staff expense</td>
</tr>
<tr>
<td></td>
<td>32.09</td>
</tr>
<tr>
<td>Interest received on savings to 3/1/72</td>
<td>Staff expense Omaha meeting</td>
</tr>
<tr>
<td></td>
<td>18.33</td>
</tr>
<tr>
<td>Interest on C.D. # 24204</td>
<td>Council of State Governments</td>
</tr>
<tr>
<td></td>
<td>55.38</td>
</tr>
<tr>
<td></td>
<td>Bank charges</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Accountability</td>
<td>Checking Account</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>C.D. # 24204</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Accountability</td>
</tr>
<tr>
<td></td>
<td>$ 6,873.40</td>
</tr>
</tbody>
</table>

Cash on hand July 1, 1972

Checking Account $ 621.40
C.D. + interest $ 2055.38

$ 2676.78
I assume by now that most of you are aware of the Supreme Court's decision in the Morrissey case. For those who may not have read it as yet, the decision calls for preliminary parole revocation hearings near the site of violation and sets forth a number of elements of due process which are required at such a hearing. The decision also sets forth requirements for the final parole revocation hearing. Copies of the decision are in the folders at your places at the table.

This decision will, of course, have a far reaching effect on many states' parole revocation procedures. Even more serious, it may mean the destruction of the Parole and Probation Compact unless steps are taken to adjust Compact procedures to the Court's requirements regarding a preliminary hearing near the site of violation. Because of the importance of the decision we have asked Mitchell Wendell, who formerly served as the Association's Counsel, to be with us today to advise us about the type of legislation which may be needed to solve the problem.

In 1966 the Association considered a tentative draft of an act concerning interstate revocation hearings. No action was taken at that time, but the Act may serve as a starting point for the discussion today. Copies were sent to all Compact Administrators before the meeting and copies are in your folders today.

We have not heard of any court decisions directed specifically at the legality of the Compact this year. We hope that you will continue to send us reports of such decisions or opinions of Attorneys General when they come to your attention.

Last year you asked the Executive Committee to decide the status of a person who is convicted and jailed and then given a suspended sentence and put on probation. It was the Executive Committee's opinion that such an individual should be considered a probationer for purposes of the Compact.

Last year you asked the Executive Committee to consider revising and reprinting the "Parole and Probation Compact Manual." This was done and three copies were sent to each Compact Administrator. Additional copies are offered for sale at $4.00 a copy. This supply is now just about exhausted.

We still have a supply of the Handbook on the Compact. A copy has been placed in your folders. Each Administrator is entitled to 500 copies. If you want all or any part of your supply, please let us know.

At the beginning of July we sent you forms for reporting on the movement of parolees and probationers under the Compact. If you have not sent us the completed forms we would appreciate it if you would do so as soon as you can.

You may be interested in what has happened to two compacts which your Association helped to develop. Georgia ratified the Interstate Compact on Juveniles this year, bringing the total membership to 49 states, plus the District of Columbia. New Mexico is the only non-member state.
Georgia and South Dakota ratified the Agreement on Detainers this year bringing the total membership to 40 states plus the Federal Government and the District of Columbia.

Two other new compacts in the field of corrections are growing in membership. The Interstate Corrections Compact has now been ratified by twelve states and the Interstate Compact on the Mentally Disordered Offender has been ratified by eight states.
INTERSTATE PAROLE AND PROBATION HEARINGS ACT

The following Act has been drafted at the request of the Parole and Probation Compact Administrators' Association. It provides for a hearing in the receiving state, (the state which is supervising an individual for another jurisdiction), to determine whether there is probable cause to believe that a parolee or probationer has violated a condition of his parole or probation which may require the sending state to consider retaking or reincarcerating him.

Such a preliminary hearing is necessary under the United States Supreme Court decision in Morrissey and Booher v. Brewer, #71 - 5103, June 29, 1972. That case held, among other things, that there must be a preliminary hearing at or near the site of the alleged violation before a parolee may be deprived of his liberty by being held for an official revocation hearing. The act makes it possible for officials of the receiving state to hold the hearing for the sending state.

Although the Morrissey decision stated that the preliminary hearing may be informal, it set forth a number of procedural requirements which must be followed to make the hearing valid. This act has been drafted to conform with these requirements. Substantive changes should not be made without a careful reading of the Morrissey case.

It should be noted that the Morrissey decision was not confined to provisions for preliminary hearings. Specific requirements also were set forth for final revocation hearings. These requirements are not covered in the attached act since they concern intrastate procedures; however, they should not be overlooked.

Suggested Legislation

[Title should conform to state requirements. The following is a suggestion: "An Act relating to interstate parole and probation hearing procedures."]

(Be it enacted, etc.)

Section 1.

Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, the appropriate judicial or administrative authorities in this State shall notify the Compact Administrator of the sending State whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this Act within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending State, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer.
by the sending State. Pending any proceeding pursuant to this Section, the
appropriate officers of this State may take custody of and detain the parolee
or probationer involved for a period not to exceed 15 days prior to the
hearing and, if it appears to the hearing officer or officers that retaking
or reincarceration is likely to follow, for such reasonable period after
the hearing or waiver as may be necessary to arrange for the retaking or
reincarceration.

Section 2.

Any hearing pursuant to this Act may be before the Administrator of the
Interstate Compact for the Supervision of Parolees and Probationers, a deput
of such Administrator, or any other person authorized pursuant to the laws
of this State to hear cases of alleged parole or probation violation, ex-
cept that no hearing officer shall be the person making the allegation of
violation.

Section 3.

With respect to any hearing pursuant to this Act, the parolee or
probationer:
(a) Shall have reasonable notice in writing of the nature and content
of the allegations to be made, including notice that its purpose is to
determine whether there is probable cause to believe that he has committed
a violation that may lead to a revocation of parole or probation.
(b) Shall be permitted to advise with any persons whose assistance
he reasonably desires, prior to the hearing.
(c) Shall have the right to confront and examine any persons who have
made allegations against him, unless the hearing officer determines that
such confrontation would present a substantial present or subsequent danger
of harm to such person or persons.
(d) May admit, deny or explain the violation alleged and may present
proof, including affidavits and other evidence, in support of his conten-
tions. A record of the proceedings shall be made and preserved.

Section 4.

In any case of alleged parole or probation violation by a person being
supervised in another state pursuant to the Interstate Compact for the
Supervision of Parolees and Probationers, any appropriate judicial or admin-
istrative officer or agency in another state is authorized to hold a
hearing on the alleged violation. Upon receipt of the record of a parole
or probation violation hearing held in another state pursuant to a statute
substantially similar to this Act, such record shall have the same standing
and effect as though the proceeding of which it is a record was had before
the appropriate officer or officers in this state, and any recommendations
contained in or accompanying the record shall be fully considered by the
appropriate officer or officers of this state in making disposition of the
matter.

Section 5.

[Insert effective date.]
RESOLUTIONS

I

BE IT RESOLVED, that this Association expresses its appreciation to the City of Pittsburgh, and to the host state's Compact Administrator's Office for the success of our meeting.

II

BE IT RESOLVED, that President Russell G. Oswald be commended and thanked for his leadership and dedication to the work of the Association during his term of office.

III

BE IT RESOLVED, that the Secretariat send a letter to Charles Chew of Virginia telling him how he was missed at the meeting and wishing him Godspeed in his recovery.

IV

WHEREAS, Russ Bobzin of Iowa was a dedicated member of this Association for many years and exhibited great leadership, especially during his term of office as President; and

WHEREAS, he will be greatly missed by all Compact officials;

BE IT RESOLVED, that the Secretariat send a copy of this Resolution and a letter of sympathy to his family.

V

WHEREAS, Jane Parks of the Council of State Governments will no longer be working with this Association; and

WHEREAS, she has contributed greatly to the success of the Association and the functioning of the Compact and will be sorely missed;

BE IT RESOLVED, that the Association express its appreciation for her many years of dedicated service; and

BE IT FURTHER RESOLVED, that a plaque or momento expressing this appreciation be presented to her as soon as possible.