

WOMEN'S PRISON: Personnel, organization, and power of board of parole.

Parole: Women's Prison: Organization of board of parole at Women's Prison.

STATE DEPARTMENT OF WELFARE: Power to pass upon parole of inmates of Women's Prison.

September 29, 1941.

Mrs. Marian F. Gallup, Supt.,
The Indiana Women's Prison,
Indianapolis, Indiana.

My Dear Mrs. Gallup:

I have before me your request that an opinion issue in response to the following inquiry:

"Will you give us a written opinion on the law as it stands concerning the organization of the Board of Parole for this institution? In the Acts of 1899—8270-C—the setup is for the Superintendent to preside. It is under this form that the Board of Parole has had their meetings all the years that we have records covering them.

"Do you read into the Acts of 1933, Special Session, Chapter 3, Section 10, Page 12, anything that will change the organization of the Board?"

The statutory provisions of 1899 relating to a parole commission at the Indiana Women's Prison reads:

"The superintendent of such prison, the board of managers, the chaplain and the physicians shall constitute the board of commissioners of parole, for such prison. The superintendent shall be president of said board, and the clerk of such prison shall be clerk of said board."

4 Burns' Indiana Statutes Annotated (1933 Ed.)
13-623.

Section 10 of Chapter 3 of the Acts of 1936, page 22, reads as follows:

"Sec. 10. Paroles. When the board of trustees of any of the penal or correctional institutions of this state

shall have authorized the release of any inmate of such institution upon parole, as provided by law, the warden or superintendent of such institution shall transmit a certified copy of such order of release to the state department, and the state department shall consider and act upon such proposed parole so authorized and if it is of the opinion that such inmate should be released upon parole, it shall transmit its authorization in writing to the warden or superintendent of such institution. Upon receipt of such written authorization, the warden or superintendent shall thereupon release such inmate upon parole, subject to the provisions of the several laws of this state relating to inmates released on parole. When any such inmate is released on parole, the department, in its authorization, shall designate the county or other place in this state in which such person so paroled shall reside during the time that such parole is effective. All parole agents who are responsible for ascertaining and reporting on the conduct of paroled persons shall be appointed by the state department in the same manner as other employees, as herein provided, and the state department may delegate such duties to any of the employees of the county department."

10 Burns' Indiana Statutes (June, 1941, Cumulative Supplement) 52-1109.

In view of the foregoing, I am of the opinion that the Board of Parole of the Indiana Women's Prison should be constituted as provided in the 1899 Act quoted first above, but that its action granting any parole is now subject to being transmitted by the Superintendent of the Indiana Women's Prison to the State Department of Public Welfare. The State Department will then consider and act upon such proposed parole and if the State Superintendent is of the opinion that such inmate should be released upon parole, the State Department will transmit its authorization in writing to the Superintendent of the Indiana Women's Prison. Upon the receipt of such written authorization, the Superintendent shall thereupon release the inmate upon parole, subject, of course, to the provisions of the laws of the State with reference to that matter. However, nothing contained in Chapter 3 of the Indiana Acts of 1936 alters the organization of the parole commission of the Indiana Women's Prison.