

A HISTORICAL STUDY OF
THE ORIGIN AND DEVELOPMENT
OF PAROLE IN MICHIGAN

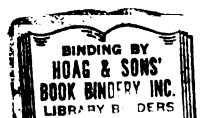
Thesis for the Degree of M. S.
MICHIGAN STATE UNIVERSITY
ZIGMUND S. KRYSZAK, JR.
1970



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OF PAROLE IN MICHIGAN

By

Zigmund S. Kryszak Jr.

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

MASTER OF SCIENCE

School of Criminal Justice

1970

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ABSTRACT

A HISTORICAL STUDY OF THE ORIGIN AND DEVELOPMENT OF PAROLE IN MICHIGAN

By

Zigmund S. Kryszak, Jr.

Due to the absence of a major reference concerning parole in Michigan there was an obvious need for a study concerning the origin and development of parole in Michigan.

Preparing such a work required an in-depth study of parole which resulted in a thorough examination of governors' memoirs, records of the Michigan Department of Corrections, documents of the Michigan Historical Society, taped-recordings and personal interviews.

To aid future study, appendices consisting of a thorough documentation of all Michigan laws having an effect on the development of parole in Michigan have been included. A list of parole board personnel and a collection of diagrams illustrating the administrative and

organizational changes affecting parole have also been included. A history of parole in the United States has been added in order to place the origin of parole in Michigan in the proper time perspective.

This thesis offers a chronological examination of the origin and development of parole from 1869 to 1970. This study indicates that the idea of parole originated in Michigan as early as 1869 as the result of a suggestion made by Governor Henry P. Baldwin.

Parole in Michigan originated officially in 1895 as a result of Act 218, P.A. 1895. This act gave the governor the authority to authorize and regulate the paroling of convicts in Michigan. In 1921 as a result of Act 403, 1921, the first Commissioner of Pardons and Paroles was appointed. Because of considerable criticism the above system was changed in 1937 by Act 255, P.A. 1937 which called for the appointment of a Corrections Commission consisting of five members.

The Corrections Commission existed until 1947 when the legislature authorized a reinstatement of a

Zigmund S. Kryszak, Jr.

Commissioner of Corrections in order to return the power of granting parole to the governor. However, criticism brought about another organizational change in 1953 which re-established the Corrections Commission as it exists today. In essence this thesis traced the concept of parole from its origin (1869) to its present status (1970). Parole has developed from human error and experimentation, and the Michigan parole system today exists as one of the most advanced in the United States.

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Stanley

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The State Has Not Discharged Its Whole
Duty To The Criminal When It Has Punished
Him Nor Even When It Has Reformed
Him. Having Raised Him Up, It Has The
Further Duty To Aid In Holding Him Up.

The Cincinnati Congress --1870

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Words cannot describe the thanks that I extend to all the people who extended their courtesy, supervision, and materials which enabled this thesis to be completed. It is impossible to thank all these people but I would like to sincerely express a special and most grateful *thank you* to the following people:

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To the School of Criminal Justice of Michigan State University, and especially to Dr. William Goldberg, Professor and Academic Adviser, for his supervision, advice, counseling, and most importantly for his inspiration in order for me to not only write this thesis but to enter the field of corrections and to pursue a remedy or correct course of action to improve the rehabilitative techniques of the current correctional system of Michigan;

To the Honorable Francis Castellucci, Macomb County Probate Judge--Juvenile Division, for his trust and reassurance in me to help him and the entire juvenile probation staff of Macomb County fight the ever increasing problem of juvenile delinquency and to allow me to make use of the educational techniques obtained at Michigan State University;

To My Parents, Mr. and Mrs. Zigmund T. Kryszak Sr., for their love, guidance, inspiration, financial support, and most importantly their faith in me, that continually inspired me to further my education and to pursue the wonderful opportunity of knowledge and education without admitting defeat; and

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To all the above people I again say thank you
and may God bless all of you.

Thank you,

Zigmund S. Kryszak Jr.

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Chapter 1

INTRODUCTION

The purpose of this thesis is to acquaint the reader with a thorough understanding of the origin and development of parole in Michigan. In order to accomplish this task the writer found himself involved in a thorough investigation of state laws, governor's memoirs, historical documents, tape-recordings, records of the Michigan Department of Corrections, and personal interviews. It was necessary to conduct such an in-depth study because, from the knowledge of the writer and from people involved in the field of corrections in Michigan, there is no compiled history of parole in Michigan on record.

The following thesis will not only present a thorough history of parole in Michigan, but it shall contain a brief history of parole in the United States, a review of the development of the indeterminate sentence law which had a major impact on parole, and the study shall contain a number of diagrams that hopefully will aid the reader in the understanding of the many changes that parole has

gone through in the last 100 years. Also included in the appendices is a complete listing of all the major laws passed in Michigan which affect parole and its development.

The thesis is broken down into three major periods of development with a preceding chapter explaining the growth and development of parole in the United States. The first major period of growth was from the origin of parole (1869) up to 1921. Within this period such highlights shall be examined as the first parole act passed in Michigan (1895), the first suggestion of parole by government officials (1869), and the examination of the initial changes of parole laws and the indeterminate sentence laws.

The second major division and period of growth of parole is from 1921 to 1947. Within this time span such highlights shall be mentioned as the 1921 law which formed the first office of the Commissioner of Corrections, the 1937 Corrections Act which led to the development of a Department of Corrections, the establishment of the Lifer Law in 1941, the passage of the 1947 Corrections Act, and

a thorough comparison of the 1937 and 1947 Correction Laws. The period from 1921 to 1947 marked a period of major growth and impact on the future development of parole in Michigan.

The last major time period discussed in this thesis is from 1948 to 1970. Highlights that are discussed in this time period are the change of administration of the Director of Corrections in 1953, and the presentation of the present status of parole in Michigan (1970).

METHOD OF INQUIRY

It is perhaps most appropriate to define the term parole and to state all the implications behind this term.

Parole is a procedure by which prisoners are selected for release and a service by which they are provided with necessary controls, assistance, and guidance as they serve the remainder of their sentences within the free community. The prisoner does not have a right to parole, but for his good and the good of the community, most should be given the opportunity of a period of supervision after leaving the regimentation and confines of the institution. To fulfill its dual purpose of protecting society and continuing the rehabilitation hopefully started before leaving the institution, parole must contain several essential elements which shall be discussed.¹

¹Michigan Department of Corrections, Parole In Michigan (Lansing: The Department, 1968), p. 1.

The next best question to ask at this time is why does parole exist? The penal system of this country is built on two basic concepts: deterrence of the criminal and the protection of society. Police apprehend law violators to bring them before the bar of justice and, at the same time, to protect society from their actions. Courts sentence law-breakers to punish them for their offenses and, at the same time, to protect society from being the victim of their criminal acts. Penal and correctional institutions today are looked upon as institutions of training, so that persons committed to such institutions may some day return to their normal place in society. It is at this point that the penal system of the State of Michigan is put to the ultimate test. Do the efforts of the police, the courts, the penal institutions fulfill their mission of protecting society?

Let us first consider the meaning of "correction." Correction is a process involving all of the agencies of criminal justice: the police, the courts, probation departments, penal and correctional institutions, and parole departments. Effective correction implies a continuity of relationship with the role of one agency logically

terminating when the role of the next logically begins.

In other words, the police present to the court the conditions surrounding the criminal act; the court decides the guilt or innocence of the defendant; if he is adjudged guilty, the probation department prepares a report on the social background of the defendant, bringing to the court's attention strengths and weaknesses of the defendant and the cause of his criminal behavior.

On the basis of this information and consistent with statutory requirements, the court imposes a sentence believed best for the interest of the individual and the community he has offended. The institution to which he is committed endeavors to continue this individualized treatment, as indicated by the court and later refined by clinical and such other technical tests as the institution can provide. Parole then becomes the final link in this chain of rehabilitation to aid the individual in his return to normal community living and at the same time to provide safeguards to society against the possibility of repeated criminal behavior on the part of the person who has been paroled.

Parole is democracy in action. It is designed to meet the individual needs of an offender and in so doing prepare him for a more responsible and more productive role in society. Good parole implies individualized study embracing the individual's social past, his institutional adjustment, and the circumstances of life to which he will return if granted parole. It likewise requires supervision by a competent staff to assure that the plan proposed for an individual offender is carried out and that willful deviation from the conditions of parole results in the parolee's return to confinement. Thus in parole, as in the other areas of correction, the emphasis is on individualized treatment and not on mass care. Parole is individualized justice.

In addition to the protection parole provides society, it fulfills the objectives of our democratic form of government. It does this despite the fact that an individual may have earned the scorn of his neighbors, because the theory of parole is ever aware of the basic human dignity of the individual and endeavors to restore and safeguard that dignity. Parole recognizes the

importance of the family as a unit and how dependent the success of this country is on family unity. Parole is the medium through which the law violator may be restored to his family when in the opinion of the parole administrator this action appears in the best interests of all concerned. Thus, the intelligent application of parole fulfills all the requirements of good government.

Contrary to popular belief, this thesis has marked the origin of the concept of parole back to 1869. In 1869 evidence has indicated that a request was made for parole by a commission appointed by Governor Henry P. Baldwin. However, the actual beginning of parole, in the form of pardons, as a form of correctional reform for convicted prisoners, occurred in 1885. In 1885 an advisory board on the matter of pardons was established for the purpose of recommending to the Governor inmates who might be granted conditional release which would allow them to reenter society. That board was abolished in 1891 and the duties placed under the responsibilities of the Inspectors of Prisons. An Advisory Board was again established by Act 150, P.A. 1893. In 1895 parole release was established

as a power of the Governor. Parole continued to change its characteristics until today. Important dates that shall be presented in this thesis are: 1921, 1937, 1947, 1953, and 1966.² The complete evolution of parole in Michigan shall be presented in the following thesis.

²Noel P. Fox, "A Survey of the Michigan Corrections System" (survey submitted to Governor G. Mennen Williams of Michigan, June, 1949), p. 4.

Chapter 2

THE ORIGIN OF PAROLE IN THE UNITED STATES

Before the study of the origin and development of parole in Michigan begins it would be most appropriate to present a brief outline of the growth of parole in the United States. The purpose of this chapter is to correlate the major growth of parole in Michigan with that of the United States.

There are a number of false beliefs that exist regarding parole and its origin. There is for example the belief that parole developed from the Australian system of the ticket-of-leave. The other false belief is that rules and regulations surrounding parole are those originated by members of boards of parole or administrators of parole. Actually, parole did not originate from any specific source or experiment, but as an outgrowth of a number of independent measures, including the conditional pardon, apprenticeship by indenture, the transportation of criminals to America and Australia, the English and Irish experiences

with the system of ticket-of-leave, and the work of American prison reformers during the nineteenth century.³

Conditional Pardons and
Transportation to America

The transportation of English criminals to the American colonies began early in the seventeenth century. The precedent for this removal of criminals from England can be found in a law passed in 1597 which provided for the banishment "beyond the seas, of rogues" who appeared to be dangerous. The Privy Council, as early as 1617 passed an order granting reprieves and stays of execution to persons convicted of robbery, who were strong enough to be employed in service beyond the seas.⁴

The transportation of criminals to America was supported by the London, Virginia, and Massachusetts companies. The purpose behind the above plan was to relieve the acute economic conditions in England during the above period.

³ Frederick A. Moran, The Origin of Parole (New York: n.n., 1948), p. 3.

⁴ Ibid., pp. 3-4.

Taxes were high, unemployment was widespread, and the English labor market was overcrowded. Even though the above situations existed there were a number of groups in England who opposed colonization. It was in an effort to avoid antagonizing these groups and at the same time to satisfy the need for labor in the colonies, that the government devised a plan to transport convicted felons to America. The plan was approved by the King and he thus granted reprieves and stays of execution to the convicted felons who were physically able to be employed in service. The King's procedures to select these individuals were similar to today's methods of recommendation for paroles and pardons.

Perhaps a brief description of the English system of granting reprieves would be most beneficial at this time. In England, court officials would compile a list of names and have them signed by the judge or mayor. This list of names would then be sent to the presiding Secretary of State. In cases where a death sentence had been imposed, a stay of execution was automatically granted until the King had reviewed the recommendation made by the judge. The pardons which were granted were written in

Latin and accompanied by a docket in English. This written order included the name of the prisoner, his crime, and in some instances, a brief statement giving the reason or reasons why clemency had been granted.⁵

TRANSPORTATION TO AMERICA

During the early days of transportation a contractor usually received a fee of five pounds from the government for each prisoner that was transported. This practice came to an end in 1717 when the "Laws of George"⁶ provided against the exchange of money and stated that the contractor could only be given "property in service" of the prisoner until the expiration of his full term. Upon delivery of the prisoner the government was no longer responsible for the welfare or behavior of a prisoner unless he violated the conditions of parole by returning to England before his sentence was terminated.

Once the prisoner reached the colonies the individual was sold to the highest bidder and the contractor transferred the "property in service" agreement to the new master. At this time the individual became an indentured servant and no longer a prisoner of the government.

It should be noted that the indenture process used in the colonies is similar to the conditional release method used today in the penal systems throughout the country. Today, the prisoner who is granted a conditional release makes an agreement to accept certain conditions set down by the parole board. In essence, the indenture process was quite similar in scope and application.

The Revolutionary War brought an end to the transportation of prisoners to America. It should be pointed out that the colonists opposed the transportation system quite vigorously before the Revolutionary War and tried to end the practice by imposing taxes on each individual transported to and received by colonists. However their attempts failed.⁷

⁵Ibid., p. 5.

⁶Laws of George I, Laws of 1717, Chapter 11.

⁷Ibid., p. 7.

Bentham, in reviewing criminal laws, comments that:

Transportation had all the defects punishment can have and none of the good qualities it might have; that under the transportation system, bondage was added to banishment, but the convict who was able to offer the shipmaster a sum larger than that offered by an American colonist, could procure his liberty at the first port of call en-route to America.⁸

TRANSPORTATION TO AUSTRALIA

Although the Revolutionary War ended the transportation of prisoners to America, England did not repeal her transportation laws. Thus, judges continued to impose sentences of transportation and detention centers became unsanitary and overcrowded. In order to relieve the situation England began to grant pardons freely. In a very short time an outbreak of crime occurred and England was forced to resort back to their transportation law. Australia, which was discovered by Captain Cook in 1770 was soon designated by the King as a convict settlement. In May of 1787 the first fleet sailed and arrived at Botany Bay in 1788.

⁸ Coleman Phillipson, Three Criminal Law Reformers (New York: Dutton Press, 1923), p. 209.

Australia followed a different procedure in dealing with prisoners than America. All the expenses of the plan and the behavior and welfare of the prisoners were under the control of the English government. The prisoners did not become indentured servants but remained prisoners under the control of the government.

In 1790 a special act gave to the governors of the penal settlements power to remit sentences of transported prisoners. The first governor of Australia received instructions from the government regarding the emancipation and discharge from servitude of prisoners whose conduct and work records indicated that they were worthy to receive a grant of land. This practice soon became known as a ticket-of-leave.⁹

The ticket-of-leave was merely a declaration signed by the governor granting a dispensation to the convict from being bound to government work and to seek employment within a specified district. The ticket stated the following:

⁹Frederick A. Moran, The Origin of Parole (New York: n.n., 1948), p. 3.

It is His Excellency, the Governor's pleasure to dispense with the government work of . . . tried at . . . convicted of . . . and to permit . . . to employ . . . (off government stores) in any lawful occupation within the district of . . . for his own advantage during good behavior or until His Excellency's further pleasure shall be made known.¹⁰

In 1811 certain regulations were placed around the issuance of the ticket-of-leave. Prisoners had to serve specific periods of time before they could be granted a ticket-of-leave. In 1821 a regular scale of time was designated by the government.

Perhaps the height of penal history in England was reached in 1840 when Alexander Maconochie, governor of Norfolk Island, Australia, devised a method of granting good time to prisoners. He proposed that:

the duration of the sentence be measured by labor and good conduct within a minimum of time, that the labor thus required be represented by marks proportional to the original sentence, the prisoner to earn these marks in penal servitude before discharge.¹¹

Shortly after England assigned a group of commissioners to judge people who should be granted a ticket-of-leave. This group had such an impact on the field of

¹⁰ Ibid., p. 10.

¹¹ Ibid., p. 11.

penology that it eventually led to the establishment of the boards of parole in the United States. In 1867 the transportation of prisoners to Australia was terminated.

ENGLAND'S EXPERIENCE WITH TICKET-OF-LEAVE

By 1817 provisions had been made in America to adopt the good time procedures which had been established in Australia. In 1853 England passed the English Penal Servitude Act. This act substituted transportation for imprisonment. The act also specified the length of time prisoners were required to serve before becoming eligible for conditional release on a ticket-of-leave. America did not develop the use of the indeterminate sentence until a quarter century later.

The following conditions were endorsed on the license of every convict released on a ticket-of-leave in England:

1. The power of revoking or altering the license of a convict will most certainly be exercised in the case of misconduct.
2. If, therefore, he wished to retain the privilege which by his good behavior under penal discipline he has obtained, he must prove by his

subsequent conduct that he is really worthy of Her Majesty's clemency.

3. To produce a forfeiture of the license, it is by no means necessary that the holder should be convicted of any new offense, if he associates with notoriously bad characters, leads an idle or dissolute life, or has no visible means of obtaining an honest livelihood, etc., it will be assumed that he is about to relapse into crime, and he will be at once apprehended and recommitted to prison under his original sentence.¹²

The program was accepted by the British public as a reformative plan which granted release to those criminals who had earned such a privilege. It cannot go without saying that the public remembered the outbreak of crime which occurred in England in the late 1700's and were somewhat concerned and doubtful of its implementation. Within three years crime had once again increased. The public directed the blame of the increase of crime on men who had been released on the ticket-of-leave. "The public became convinced that the ticket-of-leave was not only a menace to public safety but also a failure."¹³ The government soon realized that if the ticket-of-leave was to be successful the released men would have to be supervised by the government.

¹²Ibid., p. 14.

¹³Ibid., p. 17.

Within six years England began to designate supervisors for the men released on a ticket-of-leave. Supervision was first placed in the hands of the police and this practice led to the eventual development of a Prisoner's Aid Society. This supervisory agency tried to follow the effective programs of parolee supervision which were adopted in Ireland.

THE IRISH SYSTEM OF TICKET-OF-LEAVE

In 1854 Sir William Crofton became the head of the Irish prison system. Sir William Crofton believed that prisons should not only be used as a detention center but that they should become institutions of rehabilitation. Under Crofton, the system became known for its three stages of penal servitude. Of particular interest is Crofton's second and third stages. The second stage adopted a means of classification which was governed by marks obtained for good conduct and achievement in education and industry. The third stage was the use of indeterminate prisons where conditions were made to resemble the outside society as

much as possible. Very little restraint was used. The administrators of these institutions placed the success of their system on the cooperation between the inmate and the prison officials to reach the ultimate goal of rehabilitation.

Ireland also initiated a ticket-of-leave system which required that the ticket-of-leave be signed by the Chief Secretary of the Lord Lieutenant of Ireland. The Irish ticket-of-leave imposed the following conditions:

1. The holder shall preserve this license and produce it when called upon to do so by a magistrate or police officer.
2. He shall abstain from any violation of the law.
3. He shall not habitually associate with notoriously bad characters, such as reported thieves and prostitutes.
4. He shall not lead an idle and dissolute life, without means of obtaining an honest livelihood.¹⁴

Unlike England, Ireland had organized a program of supervision of the released prisoners. Men living in the rural areas were supervised by civilian employees who were known as Inspectors of Released Prisoners. These men had the responsibility of supplying a job for the released man

¹⁴Ibid., p. 21.

as well as meeting with them at specified intervals of time. The conditionally released men were compelled to notify their employer of their criminal record, thus reducing the fear of police interference. Contrary to England, Ireland had the support of both the convicted criminal and the public.

After 1864 both England and Ireland adopted the use of the Prisoner's Aid Society. These private agencies were subsidized by the government and had the responsibility of working closely with the released prisoner. These agencies could be compared with the existing parole agencies under government control in the United States today.

PAROLE IN THE UNITED STATES

By 1865 the Crofton Plan had been widely publicized throughout the world. Americans called for a new and effective method of handling convicted criminals. Much opposition was voiced to the Crofton system because certain officials felt that "it would be un-American to place any individual under police supervision."¹⁵ However, Crofton wrote

¹⁵Ibid., p. 24.

a letter to these officials and stressed that in Ireland police could place these men under the supervision of competent individuals in the community who could serve as custodians for those men released on a ticket-of-leave. He suggested that the penal officials have the criminal specify upon release a "next friend" who could be relied on to help supervise his behavior.

In 1876 Elmira Reformatory in New York was opened. The first superintendent, Z. R. Brockway, drafted a proposal which was to be implemented in the Elmira Reformatory. His measure outlined the following features:

1. an indeterminate or indefinite sentence, the length of time served to be dependent upon the behavior and capacity of the prisoners, within statutory limitations.
2. the status and privileges according to the prisoner, as in the Crofton plan, were to be determined by his behavior and progress.
3. education was to be compulsory.
4. provision was made for the release on parole of carefully selected prisoners.¹⁶

As early as 1839 George Combe, a Scottish philosopher, visited America to lecture and had mentioned the idea of indeterminate sentence, parole, and the system under which today's boards of parole operate. However,

¹⁶Ibid., p. 25.

parole originated at Elmira Reformatory some forty years later. Some of the conditions facing the parolee at that time were: 1) before being considered for parole each inmate was required to maintain a good conduct record for twelve months, 2) he had to secure the confidence of the prison superintendent and managers, and 3) he was required to present suitable plans for permanent employment. Upon release the parolee was compelled to remain in his designated employment for at least six months and report on the first of every month to his guardian and report his situation and conduct.¹⁷

The philosophy at that time was to have the parolee return to his place of habitation on the basis that it would be easier for the man to adjust to his original habitat. Paroled prisoners were not permitted to conceal or deny their past history. Monthly reports certified by the employer and supervisor were required. Eventually the United States developed its own system of parole and through years of both hardship and limited success the parole system of the United States has developed into an effective and worthwhile system.

¹⁷ Ibid., pp. 27-28.

SUMMARY

In this chapter parole was found to exist as far back as 1597 when England initiated its system of transporting criminals to America as a form of punishment. This chapter has shown the reader that parole in the United States is an outgrowth of a number of factors such as transportation of criminals, ticket-of-leaves, indentured slavery, and conditional pardons. In essence, parole in the United States developed from both the positive and negative experiences of different countries in their search of a method to deal with criminals.

The chapter has also offered the reader a time prospective in order to place parole in a specific time sequence. It is hoped that the above approach and the material offered in this chapter is a help to the reader in understanding the development of parole in Michigan in respect to the importance that other countries had on the development of parole in the United States. In other words, parole is an outgrowth of human errors and human ideas.

Chapter 3

PAROLE IN MICHIGAN:

ITS ORIGIN TO 1920

The actual origin of parole in Michigan has been the subject of much debate. A number of officials currently associated with parole in Michigan place the origin of parole in 1885 when an advisory board on the matter of pardons was established for the purpose of making recommendations to the Governor regarding inmates who might be granted conditional licenses to go at large. It should be noted that the above board did not deal with parole but with pardons exclusively. As of 1885 there were no written laws or rulings on the books concerning parole, as we know it today. In 1895 parole release became an established law and function of the Michigan Department of Corrections. This thesis designates the law of 1895 as the official origin of parole in Michigan.

Although 1895 marks the official establishment of parole in Michigan, forms of parole were being considered as early as 1869. Evidence of this fact may be found by

examining a report submitted to Governor Henry P. Baldwin of Michigan by a commission appointed to examine the penal, reformatory, and charitable institutions of the State of Michigan. In this report it was stated:

But the most perfect conception of prison discipline must be comparatively valueless, unless adequate provisions be made for the welfare of discharged convicts When a discharged convict re-enters the world, he may have the best intentions as to his future life and the strongest resolves to do right and pursue an honest career. But in looking for employment he has to lie about his previous record to secure a job. If he yields to this first temptation where can he go and be certain that sooner or later his having been a convict will not be discovered.

To resist these successfully he must be aided by some kindly influence for his moral support. Society owes him the aid, not only for his benefit but for his own protection. If it be afforded, he is likely to avoid evil; if withheld he is likely to become only more hardened and embittered against society and to return with added violence to criminal pursuits.¹⁸

It is quite evident that a system of parole and supervision was being considered by the commission in 1869, but little action was taken at this time to provide for a parole system.

¹⁸ Report of the Special Commissioners to Examine the Penal, Reformatory and Charitable Institutions of the State of Michigan (Property of the Michigan Department of Corrections), report of Commissioners Cutter, Walker, and Rankin, April 3, 1869, p. 59.

In 1871, Act 192 provided for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions and defined their duties and powers. This act called for the appointment of three qualified people to constitute "The Board of State Commissioners." The duties of the board were as follow:

The said Commissioners, by one of their number, or by their secretary, shall at least once in each year, visit and examine into the condition of each and every of the city and county poor-houses, county jails or other places for the detention of criminals or witnesses; and the said board, or a majority thereof, with their secretary, shall at least once in each year, visit and examine the Reform School, State Prison and county asylums for the insane, and the deaf, dumb and blind, and for the purpose of ascertaining the actual condition of the institutions by them or by either of them visited, the method of instruction, government, or management therein pursued, the official conduct of the superintendents or other officers and employees in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poor-houses, and jails above named.¹⁹

This Board was responsible for the examinations of the State Prisons and agencies dealing with the criminal and underprivileged segments of society. This Board was

¹⁹ Michigan, Act 192, P.A. 1871, Section 3.

to investigate the crime problems and eventually establish a system of parole in Michigan. Without this Board, the growth of parole could have been delayed for a much longer period of time.

In 1879, under Act 82, the name of the above Board of Commissioners was changed to the Board of Corrections and Charities.²⁰ Its functions and responsibilities remained the same. In 1881 the law designated the exact duties of each commissioner. The most important section of this act is Section 6 of the law. The importance of the act lies in the investigations and reports of the commissioners. It was through these reports that the Governors recognized the need for change in the penal institutions and the need for supervised parole services. Section 6 provides the following:

On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigation, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various state, county, and

²⁰Michigan, Act 82, P.A. 1879.

other institutions by them visited; and the said commissioners, or either of them, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said commissioners, which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the governor, with such recommendations for the correction of the same as they shall deem proper.²¹

In 1885 the pardoning power of the Governor was brought to the floor of the legislature for consideration. A number of questions arose from a plea issued by Governor Josiah W. Begole on January 8, 1885 before the Senate. His plea was as follows:

The pardoning power, with its unpleasant and wearying responsibilities, should not be placed upon the shoulders of one man. No matter how well deserved a pardon may be, popular opinion will always be divided as to its propriety. While a board may do wrong as well as a Governor, politicians and political papers, hard up for something to find fault with, will not be so likely to ascribe each pardon or commutation to total depravity on the part of the pardoning power.

²¹Michigan, Laws Establishing and Relating to Duties of State Board of Corrections and Charities, Sec. 6 (1881).

After some consideration I am inclined to think that the Supreme Court with an extra clerk, to be known as pardon clerk, would make an excellent Board of Pardons, probably as satisfactory to the people as any that could be named. On their recommendation only should pardons be signed and issued by the Governor.²²

The issue did not end with Governor Begole's senatorial address. Newly-elected Governor Russell A. Alger on April 30, 1885 also presented an address to the Senate which requested the appointment of an advisory board on the matter of pardons. His presentation included the following:

Since my inaugural, and after investigation I have changed my views somewhat, and now recommend that a board consisting of four, two from each of the dominant political parties, with such compensation as will secure able talent, be appointed as an advisory board, whose duty it shall be to investigate the cases of such convicts in our State Prison and House of Correction as may apply, and to report to the Executive with such recommendations as in their judgment seems best, either as to pardons, commutations, or non-action. After a full examination of each case is made the recommendations so made to be acted upon by the Executive as he in his judgment shall deem best.²³

²² Messages of the Governors of the State of Michigan: Governor Josiah W. Begole Address to the Senate, Jan. 8, 1885 (Lansing, Michigan Historical Society, 1927), p.508.

²³ Messages of the Governors of the State of Michigan: Governor Russell A. Alger Address to the Senate,

As a result of the above statements and much debate Act 200 of P.A. 1885 was passed by the legislature which established an advisory board in the matter of pardons. The duties of the board were as follows:

It shall be the duty of said board to investigate the cases of such convicts now or hereafter confined in the State Prisons and house or Houses of Correction as may petition for pardon, and report to the Governor the results of their investigations, with such recommendations as in their judgment shall seem expedient either in respect to pardons, commutations, or refusal of pardon or commutation. Upon receiving the result of any such examination, together with the recommendations aforesaid, the Governor may, at his discretion, upon such conditions, with such restrictions and under such limitations as he may deem proper, grant the desired pardon or commutation; and he may issue his warrant to all proper officers to carry into effect such pardon or commutation, which warrant shall be obeyed and executed instead of the sentence originally awarded.²⁴

Act 200 of P.A. 1885 was significant for two major reasons. First, the governor began to ask for outside help in dealing with the release of convicts, which ultimately shed light on a system of releasing prisoners and secondly, the system began to break away from strong

April 30, 1885, Vol. 3 (Lansing: Michigan Historical Society, 1927), p. 531.

²⁴Michigan, Act 200, P.A. 1885, Section 6.

political play. With all the attention focused on pardoning powers, the idea of parole, which was being introduced throughout the United States as mentioned previously, began to gain support in the eyes of the lawmakers.

The indeterminate sentence law was passed in 1889 and paved the way for a parole system which followed in 1895. The indeterminate sentence law met strong opposition and was nearly defeated by the Senate. One of the chief opposers of the indeterminate sentence law and a parole system was Governor Cyrus G. Luce who made the following public statement:

In the State of Ohio the system of paroling prisoners has been adopted. They are permitted to go out before the expiration of sentence, under rules and regulations established by the Board of Managers; but never until they have served the minimum time, nor can they be held beyond the maximum time provided by law for the offense committed. This is a measure commended by prison reform associations, and by managers of some of our prisons, and while I am not thoroughly convinced that the anticipated benefits will be derived from its adoption, yet is commended to your careful consideration. Its provisions must be guarded in every particular, or evils greater than those now existing are likely to grow out of it, and if adopted, our whole prison management must be revised and changed.²⁵

²⁵ Messages of the Governors of the State of Michigan: Governor Cyrus G. Luce, Vol. 3 (Lansing: Michigan Historical Society, 1927), p. 596.

After careful consideration of the issue Governor Luce came forward with another continuing statement which stressed the precautions which must be taken if parole was going to be used in the State of Michigan.

Another very important feature that must be embraced in this law to make it effective and useful, is, provisions must be made for the employment of the prisoner before he is permitted to leave the prison. Wisdom and discretion must here be used in regard to the character of the employer and of the employment. Indeed this is the chief virtue of the whole system. One of the difficulties that confront men either going out on parole, or at the expiration of the sentence, is the want of homes and employment. Men often go out from the prisons with a firm determination to live better lives, but they have difficulty in finding employment; they are embarrassed at every turn; their honest efforts to secure honorable employment are frustrated. And one of the greatest reforms being instituted in connection with prisons and prisoners, is, to adopt means and methods whereby employment may be secured. Here is broad field in which reformers can and do labor If the parole system is adopted those who go out under its provisions must be carefully guarded and protected. The whole system of treating prisoners has been changed and greatly improved. Now the effort is being made, with measurable success, to reform the lives, improve and elevate the thoughts of those within prison walls. And in consideration of this law this feature of it must not be forgotten.²⁶

²⁶Ibid., p. 597.

Surviving opposition, the indeterminate sentence act became law and was designated as Act 228, P.A. 1889. The purpose of the act was to provide for indeterminate sentences and disposition, management, and release of criminals under such sentence. The act called for the following:

. . . any person hereafter convicted of a crime, except of a person sentenced for life . . . may be, in the discretion of the court, a general sentence of imprisonment in that one of the prisons provided by law for the offense of which he is convicted. The term of such imprisonment of any person so convicted and sentenced may be terminated by the board as authorized by this act; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced; and no prisoner shall be released until after he shall have served at least the minimum term provided by law for the crime for which he is convicted.²⁷

It is evident that the idea of parole had been accepted and that a law concerning the parole of prisoners was soon to follow. (The complete indeterminate sentence act can be found in Appendix B.)

In 1891 the advisory board on the matter of pardons and paroles was abolished and was reorganized as the

²⁷ Michigan, Act 228, P.A. 1889, Section 1.

Inspectors of Prisons. The act was designated as Act 140, P.A. 1891. The purpose of the act was to:

Provide for a State board of inspectors who shall perform the duties now performed by the advisory board in the matter of pardons and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for Boys at Lansing, and the Industrial Home for girls at Adrian, and to abolish all existing boards and to annul all existing appointments.²⁸

Two years later under Act 150, P.A. 1893 an advisory board on the matter of pardons was again established. The duties of the board were as follows:

It shall be the duty of the board to fully and carefully investigate the merits of every application for pardon, commutation of sentence, or license to be at large and it shall thereupon recommend, in writing, to the governor, the advisability of granting or rejecting the same. Such board shall also transmit to the governor, with its recommendation, a full and concise statement of the facts in each case, together with all papers and documents relating thereto. No recommendation shall be made unless it shall receive the sanction of at least three members of said board.²⁹

Both of these acts can be located in Appendix B.

²⁸ Michigan, Act 140, P.A. 1891.

²⁹ Michigan, Act 150, P.A. 1893, Section 6.

In 1895 the first official parole act was passed and approved by the legislature. The act gave the governor the right to authorize and regulate the paroling of convicts in Michigan. Act 218, P.A. 1895 stated the following:

Section 1. The People of the State of Michigan enact that the governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole or permit to go at large, to any convict who now is, or hereafter may be, imprisoned in any of the prisons of this state, under a sentence other than a life sentence, who may have served the minimum term provided by law for the crime for which he was convicted, and who has not previously served two terms of imprisonment in any penal institution for a felony.

Section 2. Every such convict, while on parole, shall remain in the legal custody and under the control of the governor, and shall be subject at any time to be taken back within the inclosure of the prison from which he was thereby permitted to go at large, for any reason that shall be satisfactory to the governor, and at his sole discretion; and full power to retake and return any such paroled convict to the prison from which he was permitted to go at large is hereby expressly conferred upon the governor, whose written order, when duly attested by the secretary of state shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the prison from which he was permitted to go at large, any such convict, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process.³⁰

³⁰ Michigan, Act 218, P.A. 1895, Section 1 & 2.

For the record, the above act was reorganized as the official beginning of parole in Michigan.

After one complete year the parole system was reviewed and evaluated by the governor and his staff who found that only four of the seventy-one convicts released on parole were returned to prison. Of the four returned, one had been using intoxicating liquors and the other three had been convicted of burglary while on parole. As a result of the above violations and according to charter the governor called together wardens of the Michigan Correctional institutions and members of the commission for counsel. As a result of the meeting new rules and regulations were set up before a convict was released on parole. The rules were: 1) prisoner must be in the first grade, 2) conduct in prison must indicate that he is deserving of parole, 3) some person must be found who is willing to serve as a first friend of the convict, and who will furnish guarantee of employment, and 4) endorsement of the first friend must come from a sheriff or prosecuting attorney of the county from which the individual was convicted. When all of the above criteria had been

met and reports were sent to the warden and if he found them to be favorable he then recommended to the parole board that the convict be paroled. After this the parole board considered the issue and sent their findings to the Governor for final action.³¹

However, within a few months after the above regulations were set, the wardens and commissioners met again and further established more stringent rules and regulations that were divided between the governor, the board of control, and the parolees upon release.

The Governor's rules were as follow:

- (1) No prisoner shall be eligible to parole until he has served one-half of the full term for which he was sentenced.
- (2) No prisoner shall be eligible to parole until he has been in the first grade one year, but this rule shall not be construed as prohibiting the parole of any prisoner who has served three-fourths of his full sentence, and whose parole shall not be barred by the statute.
- (3) No prisoner under parole shall be permitted to leave the State of Michigan until his final discharge.
- (4) Paroled prisoners must provide transportation to their place of employment.

³¹Messages of the Governors of the State of Michigan: Governor John T. Rich, Vol. 3 (Lansing: Michigan Historical Society, 1927), p. 737.

- (5) No prisoner can be paroled until he has served the minimum term provided by law for the offense for which he was sentenced and in cases where the statute does not provide a minimum term, the minimum shall be construed to be six months.³²

The rules of the Board of Control for governing prisoners were:

- (1) Three grades shall be established in the several prisons of Michigan.
- (2) Upon arrival the prisoners shall be placed in the second grade and after having served one-fourth of their full sentence without any written reports against them for misbehavior shall be eligible to promotion to the first grade by resolution of the board, provided that no prisoner shall be promoted to the first grade until he has served six months; and any inmate shall be eligible to promotion after having served one year without written reports.
- (3) If any written report shall be made against any prisoner in the first or second grade, said report shall be laid before the Board of Control and the board may reduce the prisoner to the grade below.
- (4) After being so reduced the prisoner shall remain in the lower grade until again promoted for special merit or service, by resolution of the board.
- (5) All prisoners who have served two years or more at the date of the adoption of this

³² Board of Control and Officers, Biennial Report of the State House of Correction and Branch of State Prison in Upper Peninsula (Lansing: Robert Smith Printing Co., 1897), pp. 84-85.

rule and whose record for a year has been clear shall be considered first grade men.³³

And finally, the rules governing the conduct of prisoners while on parole. They were:

- (1) The paroled prisoner shall proceed at once to the place of employment provided for him, and there remain.
- (2) In case he finds it necessary to change his employment or residence, he shall first obtain the written consent of the Governor through the warden of the prison from which he was paroled.
- (3) He shall, on the first day of each month, until his final release, transmit to the warden of the prison from which he was paroled a report of himself, stating whether he has been constantly at work during the preceeding month and if not, why not; how much he has earned, and how much he has expended, together with a general statement as to his surroundings and prospects, which report must be endorsed by his employer or some other suitable citizen designated by the Governor.
- (4) He shall in all respect conduct himself honestly, avoid evil associations and in general pursue the course of a law-abiding citizen.
- (5) As soon as possible after reaching his destination, he shall report to his employer, showing him his parole, and at once enter upon the employment provided for him.
- (6) He shall, while on parole, remain in the legal custody and under control of the Governor of the state.
- (7) He shall be liable to be retaken and again confined within the enclosure of the prison

³³ Ibid., p. 85.

- from which he was paroled for any reason, or reasons, that shall be satisfactory to the Governor, and at his sole discretion until he receives a copy of his final discharge through the warden.
- (8) A convict on parole will receive the benefit of good time and suffer the same forfeitures under the statute as if he were within the prison enclosure.
 - (9) If he fails to report to the warden on the first of each month, or is guilty of doing any acts prohibited by the prison rules, he will be subject to forfeitures.
 - (10) If he fails to return to the prison enclosure when required by the Governor so to do, or if he makes escape while on parole, he will be treated in all respects as if he had escaped from the prison enclosure.³⁴

At this point, a comparison can be drawn between the rules designated by the counsel concerning the conduct of the released convict. It is quite evident that the second set of rules were much more complete than the first set of rules. This would indicate that after a few months of analysis of parole rules the counsel decided that much more supervised control was needed. A parallel can also be drawn with the existing parole conditions throughout the United States as mentioned in chapter two.

Although stringent rules were set down for the released convict very little was done concerning the

³⁴Ibid., pp. 86 & 87.

supervision of the convict while he was out on parole.

According to the parolee's rules he was to submit, on the first day of each month, until his final release a statement concerning his employment and general well-being.

In a statement concerning the prison system of Michigan,

O. M. Barnes made the following suggestion:

It would increase the efficiency of the parole law if the warden were permitted to send some competent officer of his prison to visit occasionally some of the convicts on parole. Some states have a state agent independent of prisons who does the work of guiding parolees. The prisoner on parole is still a prisoner of the prison from which he went out. The effect will be better if one from that prison visits him while on parole. No new officer is needed, just reimbursement for travel.³⁵

Very little legislative action was taken on parole in the early stages of the 1900's. The parole laws remained the same. However, some action did occur concerning the indeterminate sentence law. This law will be discussed because of its important bearing on parole. As it was mentioned earlier the indeterminate sentence act originated in 1889 under Act 228. This act eventually was found to be unconstitutional. In 1903 another indeterminate

³⁵ O. M. Barnes, Prison System of Michigan (Lansing: Robert Smith Printing Co., 1899), p. 30.

act was presented to the legislature and approved on May 21, 1903. The act was to provide for the indeterminate sentence and for the disposition, management, and release of criminals under such sentence, and for the expense attending the same. Section one of Act 136 stated the following:

Every sentence to the State Prison at Jackson, to the Michigan Reformatory at Ionia, to the State House of Correction and Branch of the State Prison in the Upper Peninsula, and to the Detroit House of Correction, of any person hereafter convicted of a crime, except of a person sentenced for life, or a child under fifteen years of age, shall be an indeterminate sentence as hereinafter provided. The term of imprisonment of any person so convicted and sentenced shall not exceed the maximum term provided by law for which the prisoner shall be discharged until after he shall have served at least the minimum term as provided by law for the crime for which he was convicted: Provided, that in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentence shall fix the maximum sentence: Provided further, that in all cases where no minimum sentence is fixed by law, the court imposing sentence shall fix such minimum, which minimum shall not be less than six months.³⁶

In order to relate this act to parole it provided for the following parole conditions:

³⁶ Michigan, Act 136, P.A. 1903, Section 1.

A uniform blank form of application for parole shall be prescribed by the Governor and supplied by the Secretary of State to the penal institutions named in section one of this act. Upon the expiration of the minimum term for which he was sentenced as aforesaid, any prisoner may apply to the warden or superintendent of the institution wherein he is confined, and thereupon an application for parole shall be sent by the warden or superintendent to the Governor. Upon receipt of said application the Governor may order such investigation by the Advisory Board in the Matter of Pardons as he may deem advisable and necessary. Authority to grant paroles under such rules and regulations as he may adopt is hereby conferred exclusively upon the Governor: Provided, that no prisoner who has been twice previously convicted of a felony shall be eligible to parole under the provisions of this act: Provided further, that while at large by authority of a parole granted as aforesaid, the person so paroled shall be deemed to be still serving out the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison.³⁷

The entire act can be found in Appendix B.

A few years later in 1905 further action was taken concerning the indeterminate sentence law. Act 184, P.A. 1905, provided for the indeterminate sentence as a punishment for crime, upon the conviction, and for the detention and release of persons in prison or detained on such sentence, and for the expense surrounding the action. This

³⁷ Michigan, Act 136, P.A. 1903, Section 4.

act repealed Act 136, P.A. 1903 and had a much larger bearing on parole. The act provided the following:

Section 1. That when any persons shall hereafter be convicted of crime committed after this act takes effect, the punishment for which prescribed by law, may be imprisonment in the State Prison at Jackson, the Michigan Reformatory at Ionia, the State House of Correction and Branch House of Correction, the court imposing sentence, shall not fix a definite term of imprisonment, but shall fix a minimum term of imprisonment which shall not be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases except as herein provided and shall be stated by the judge in passing sentence. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty provided by law. He shall before or at the time of passing such sentence ascertain the examination of such convict an oath, or otherwise and in addition to such oath, by such other evidence as can be obtained tending to indicate briefly the causes of the criminal character or conduct of such convict, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.³⁸

The effects of this act on parole was as follows:

Section 5. Authority to grant parole under the provisions of this act is hereby conferred exclusively upon the Governor in all cases of murder, actual forcible rape, for offenses by public officers in violations of their duties as such officers, and to all persons convicted

³⁸ Michigan, Act 184, P.A. 1905, Section 1.

and serving sentence for conspiracy to defraud public municipalities, or the bribing or attempt to bribe of public officers. In all other cases such authority is hereby conferred upon the Advisory Board in the Matter of Pardons. The Governor and the Advisory Board in the Matter of Pardons acting jointly, shall have authority to adopt such rules as may, by then, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure . . .

Section 6. Applications shall be made to the Governor or to the Advisory Board in the Matter of Pardons upon uniform blanks prescribed by the Governor and the Advisory Board in the Matter of Pardons acting jointly and supplied by the secretary of the Advisory Board in the Matter of Pardons to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent, when requested by a prisoner, whose minimum term of imprisonment has expired and is eligible to a parole to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the Governor or to the Advisory Board in the Matter of Pardons, with his recommendation endorsed thereon. Upon receipt of such application and recommendation, the Governor or the Advisory Board in the Matter of Pardons shall make such investigation in the matter as they may deem advisable and necessary and may, in their discretion, grant such application and issue a parole or permit to such an applicant to go at large without the enclosure of the prison. The convict so paroled, while at large, by virtue of such parole, shall be deemed to be still serving the sentence imposed upon, him and shall

be entitled to good time the same as if confined in prison.³⁹

After the passage of the above act in 1905 much debate and controversy arose over sections one and eight of that act. In fact, questions concerning the constitutionality of the act were raised. However, these questions eventually led to the development of Act 299, P.A. which amended Act 184, P.A. 1905. The amended sections are as follow:

Section 1. Section eight of act number one hundred eighty four of the Public Acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," approved June seven, nineteen hundred five, is hereby amended to read as follows:

Section 8. Every such convict, while on parole shall remain in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent, and full power to retake and return any such paroled convict to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, whose written order shall be a sufficient warrant authorizing all officers named

³⁹Michigan, Act 184, P.A. 1905, Section 5 and 6.

therein to return such paroled convict to custody in the prison from which he was permitted to go at large. When the warden or superintendent shall return to prison any paroled convict, he shall at once report the fact, and his reasons therefore, to the advisory board in the matter of pardons, which board at its next meeting at the prison where such convict is confined shall him to appear before said board to show cause, if any, why the original sentence of the warden or superintendent shall stand approved unless reversed by a majority vote of said board after such meeting.⁴⁰

One further act was passed in 1917 which also amended the indeterminate sentence law of 1905 and led to the development of section 1, 5, and 6 of which have a strong influence on parole in Michigan. Section 5 and 6 are as follow:

Section 5. Authority to grant parole under the provisions of this act is hereby conferred exclusively upon the Governor in all cases of murder, actual forcible rape, for offenses by publicers in violation of their duties as such officers, and to all persons convicted and serving sentence for conspiracy to defraud public municipalities, or the bribing or attempt to bribe public officers. In all other cases such authority is hereby conferred upon the Advisory Board in the Matter of Pardons acting jointly, shall have authority to adopt such rules as may, by them, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure . . .

⁴⁰ Michigan, Act 299, P.A. 1913, Sections 1 & 8.

Section 6. Application shall be made to the Governor or to the Advisory Board in the Matter of Pardons upon uniform blanks prescribed by the Governor and the Advisory Board in the Matter of Pardons acting jointly and supplied by the secretary of the Advisory Board in the Matter of Pardons to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent when requested by a prisoner whose minimum term of imprisonment will expire within thirty days and who is eligible to parole, to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the Governor or to the Advisory Board in the Matter of Pardons, with this recommendation endorsed thereon. Upon receipt of such application and recommendation, the Governor or the Advisory Board in the Matter of Pardons shall make such investigation in the matter as they may deem advisable and necessary and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosure of the prison. The convict so paroled, while at large, by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison.⁴¹

The above act draws to a close the early development of parole in Michigan.

⁴¹Michigan, Act 198, P.A. 1917, Sections 5 & 6.

SUMMARY

In this chapter parole has been traced back to 1895 when parole officially became an established law and function of the Michigan Department of Corrections. It has also been pointed out that parole was first mentioned as early as 1869 in a report submitted to Governor Henry P. Baldwin of Michigan by a special commission appointed to examine the penal, reformatory, and charitable institutions of the State of Michigan.

Between the years of 1869 and 1895 a number of laws were passed which had a definite bearing on parole. Of particular importance were Act 200, P.A. 1885, and Act 228, P.A. 1889. Act 200, P.A. 1885 was designed for two basic reasons: 1) to break parole or pardons away from political play, and 2) a request by the governor for outside help in the handling of released convicts. Act 228, P.A. 1889 was designed to provide for an indeterminate sentence act which would provide for the management and release of criminals under the indeterminate sentence plan.

The official beginning of parole was brought about by the enactment of Act 218, P.A. 1895 which provided for the granting of parole by the Governor. This act can best be referred to as the birth of an official parole program in Michigan.

After the enactment of Act 218, P.A. 1895 very little legislative action occurred concerning the development of parole in Michigan. The following years were marked by frequent commissions and evaluations of the parole act. However, legislative action did occur in the development of an indeterminate sentence law. The first indeterminate sentence act of 1889 was found to be unconstitutional and it was replaced by Act 136, P.A. 1903 which made clear that a criminal would have to serve out his minimum term before being considered for release. The criticism around the establishment of a constitutional indeterminate sentence law continued until 1917 when Act 198, P.A. 1917 was established and which provided for all the legal conditions of the law.

Chapter 4

PAROLE IN MICHIGAN: 1921 to 1947

The year 1921 marked the first significant change in the structure of the Advisory Board to the Governor. In 1893 the state adopted the use of an Advisory Board in the matter of pardons. This board continued until May 15, 1921--a period of twenty-eight years. On this date the Advisory Board was replaced by a Commissioner of Pardons and Paroles in accordance with Act 403, P.A. 1921. The first commissioner was Mr. Fred E. Jannette of Detroit. This act prescribed the manner of applying for pardons and paroles of prisoners; the creation of the office of the Commissioner of Pardons and Paroles, and the prescription of his powers and duties. The act stated the following:

Section 1. There is hereby created in the Executive Department the office of Commissioner of Pardons and Paroles, with such powers and duties as are hereinafter prescribed. Such Commissioner shall be appointed by the Governor and shall be deemed to be the successor to, and shall perform the duties . . . and exercise all of the powers required of and conferred by law

upon the Advisory Board in the Matter of Pardons and of the secretary thereof.

Section 3. Hereafter, all applications for Executive Clemency in the nature of pardon, reprieve, or parole, in behalf of persons convicted of crimes and misdemeanors and undergoing sentences of imprisonment therefor, shall be filed with the Commissioner of Pardons and Paroles The Governor may make such rules and regulations, not inconsistent with the statutes, as in his judgment are necessary to carry out the provisions of any law, relating to pardons and paroles, and all such rules and regulations when made and published shall have the force and effect of law.

Section 4. Hereafter, all paroles under the indeterminate sentence law, so called, shall be made and terminated by order of the Governor, only, but this provision shall not be construed as affecting or changing the status of any existing parole, nor as abrogating or lessening the power of the warden of any of the persons to cause the arrest and return to prison of any prisoner paroled by virtue of the provisions of the indeterminate sentence law for violation of his parole as provided in act number one hundred eighty-four, Public Acts of nineteen hundred five, as amended: Provided, that each parole order, hereafter issued by the Governor, shall distinctly state whether or not the prisoner so paroled shall be subject to be arrested and returned to the prison upon the warrant of the warden, for violation of the conditions of his parole without the approval of the Governor as to the issuance of such warrant.

Section 6. Paroles under the indeterminate sentence law, where the prisoner is licensed to be conditionally at large but remains under the custody of the warden or superintendent of the prison or house of correction during such parole, may be signed at the direction of the Governor by the Commissioner of Pardons and Paroles, and

need not be authenticated by the Secretary of State. All such Executive orders, whether pertaining to pardons, commutations, reprieves or paroles, shall be obeyed by each officer to whom directed; and return of execution thereof shall be promptly made to the Governor, and filed with the Commissioner.⁴²

The entire act is given in Appendix B.

In order to obtain a clear picture of the procedures used by the parole commissioner an excerpt is taken from a report submitted by Arthur Wood, Commissioner of Parole, on Jan. 7, 1928. The report was as follows:

The work was sub-divided and scheduled in order to assign time to the major activities. The first three days of each week have been given over to public interviews in the Lansing office, preparing and assigning special investigations, reviewing cases and preparing briefs, dictating the volume of correspondence and general supervision. The latter three days have been given over to conducting interviews and hearings of prospective applicants for parole consideration in one of the four penal institutions. In addition to the above, one day each month has been devoted to public interviews in the Department's Detroit office, for the convenience of the many prisoners from Wayne County who for various reasons were unable to journey to Lansing.

In all public interviews the interested parties were given time and opportunity to have the case reviewed and present facts and evidence in support of the respective appeals for parole or Executive Clemency. In the case of the inmate,

⁴² Michigan, Act 403, P.A. 1921, Sections 1, 3, 4, & 6.

the hearings ranged from ten minutes to five hours, depending upon circumstances attending the case to be passed upon assigned for investigation. The hearings at both Jackson and Ionia average upward of 170 monthly, which necessitates daily sessions running from twelve to fourteen hours.⁴³

Within a few years the new one-man system began to receive much criticism from individuals involved in various political circles. One of the chief opponents to the new one-man system was incumbent Governor Fred Green. The following is a plea from Governor Green to return to the three-man board:

The new law, providing for one parole commissioner is susceptible to much abuse and it is more expensive than the old three man board. I recommend return to that board.

The parole and pardoning power should be applied in the open, after careful investigation to undo the inevitable injustice of our police and court systems. Then the man without money or influential friends, but who deserves freedom would get it. No longer should it be generally understood that the first requisite for paroles or pardons is the employing of lawyers with influence in proper quarters.⁴⁴

⁴³ Arthur D. Wood, "Special Report of the Commissioner of Pardons and Paroles." (Lansing, Michigan. Michigan Department of Corrections, January 7, 1928.)

⁴⁴ Messages of the Governors of the State of Michigan: Governor Fred Green's address to the Senate, 1927, Vol. 4 (Lansing: Michigan Historical Society, 1927), pp. 863-864.

It will later be established that the one-man system of parole was abolished and replaced by a board of commissioners.

In 1931 while the criticism of the one-man system of parole commissioner continued, the legislature passed an act which amended the indeterminate sentence act of 1905. This act provided for the indeterminate sentence as a punishment for crime, upon a conviction and for the detention and release of persons in prisons or detained on such sentence, and for the expense of such action.

The act is as follows:

Section 1. Act number one hundred eighty-four of the public acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," as last amended, being sections seventeen thousand, five hundred twenty-one to seventeen thousand, five hundred thirty-six, inclusive of the compiled laws of nineteen hundred twenty-nine, is hereby amended by adding thereto two new sections to stand as sections five and ten thereof, said added sections to read as follows:

Parole prior to expiration of minimum term.
Sec. 5-a. Prisoners under the provisions of this act shall be eligible for parole prior to the expiration of their minimum terms of imprisonment whenever the sentencing judge or his

successor in office shall give his written approval of the parole of such prisoner prior to the expiration of such minimum terms of imprisonment.

Annulment of remaining section of first sentence. Sec. 10-a. The power to annul the remaining portion of a first sentence referred to in the next preceding section of this act is hereby vested in the commissioner of pardons and paroles.⁴⁵

Another significant change in pardons or paroles which occurred in the 1920's was that all inmates of Michigan were confined under the indeterminate sentence term except the "lifer." Prior to 1921 life termers could be heard for parole at the expiration of slightly more than sixteen years; however, in 1921 they were forced to continue servitude unless a pardon or commutation was granted them by the governor.⁴⁶

Needless to say the parole system was still unstable and very confused due to the constant passage of laws and divided administrative structure. In order to remedy the existing conditions a committee was appointed at the close of 1936 to develop a program of administrative

⁴⁵Michigan, Act 115, P.A. 1931, Sections 1, 5a, & 10a.

⁴⁶Michigan Department of Corrections, Manual for Michigan Parole Agents (Lansing: The Department, 1936), p. 33.

and legislative action with respect to probation, prison, pardon, and parole administration. As a result of the committee's action two bills were introduced to the Legislature in 1937. The bills were adopted and became known as Act 255, P.A. 1937. Thus, the act officially created the Michigan Department of Corrections. It was hoped that this act would be a step forward in establishing a sound system of rehabilitation for criminals in Michigan. Prior to this act Michigan suffered from the organizational structure of the department. Prior to 1937 the consolidated departments were administered by four different agencies and persons: the State Welfare Department, the Prison Commission, the Commissioner of Pardons and Paroles, and the Governor. Due to this lack of uniformity the Parole Commissioners were often supplied with inadequate information when faced with the task of determining the status of a convict up for parole. Hopefully, the new system would bring an end to this confusion.

Act 255, P.A. 1937 provided the following:

There is hereby created a state department of corrections, hereinafter called the department, which shall possess the powers and perform

the duties granted and conferred. Such department shall consist of and be administered by a commission of five members appointed by the governor, by and with the advice and consent of the senate, to be known as the Michigan Corrections Commission, hereinafter called the commission, not more than three of whom shall be members of the same political party, each of whom shall be members of the same party and qualify by taking the constitutional oath of office, and filing the same in the office of the secretary of state, and of such other officers and assistants as may be appointed or employed in such department, including a director as its executive head. No person holding any position either state or federal, nor any person drawing any salary from any municipal unit of the state, shall be eligible for appointment to the commission, without having first resigned from such position. The term of office of each member of the commission shall be six years.⁴⁷

Refer to Appendix A: Chart I and I-A for the functional and administrative charts of the Department of Corrections.

Although the act was responsible for the establishment of a Bureau of Probation, Bureau of Pardons and Paroles, Parole Board, and Bureau of Prisons, primary attention will be focused upon the Bureau of Pardons and Paroles and the Parole Board.

In essence the Act provided that the department have exclusive jurisdiction over (among other things)

⁴⁷Michigan, Act 255, P.A. 1937, Section 1, Chap. I.

paroles, and that an appointed assistant director would be in charge of pardons and paroles and would exercise the powers and duties prescribed by the act. As stated in the Act, the assistant director was to be appointed by the director of Corrections. The Act designated the following law:

There is hereby established within the department a bureau of pardons and paroles, under the direction and supervision of the assistant director in charge of pardons and paroles. He shall direct and supervise the work of the bureau and shall formulate methods of investigation and supervision and develop various processes in the technique of the case work of the parole staff, including interviewing, consultation of records, analysis of information, diagnosis, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior. He shall be responsible for all investigations of persons eligible for release from state penal institutions, and for the general supervision of persons so released.⁴⁸

The complete act, including the continuation of Section 1 can be found in Appendix B.

The Act also brought about the establishment of a parole board consisting of three members. The assistant director in charge of the Bureau of Pardons and

⁴⁸Michigan, Act 255, P.A. 1937, Section 1 of Chapter I.

Paroles would serve as chairman of the Parole Board and two other members would be appointed by the commission.⁴⁹

(Charts II and II-A of Appendix A designate the functional and administrative organization of the Parole Board and the Bureau of Pardons and Paroles.)

The Act also set up mandatory provisions and rules and regulations regarding the granting of paroles. The provisions are:

- (1) That no prisoner shall be given his liberty on parole until the board has reasonable assurance after consideration of all the facts and circumstances, including the prisoner's mental and social attitude, that he will not become a menace to society or to the public safety;
- (2) That no parole shall be so granted to any prisoner until he has served the minimum term imposed by the court less such allowances for good time or special good time as he may be entitled to by statutes;
- (3) That no prisoner shall be released on parole until the parole board shall have satisfactory evidence that arrangements have been made for such honorable and useful employment as he is capable of performing, or for his care if he is ill or incapacitated.⁵⁰

⁴⁹ Michigan, Act 255, P.A. 1937, Section 2 of Chapter III.

⁵⁰ Michigan, Act 255, P.A. 1937, Section 3 of Chapter III.

Also included in the act was a stipulation concerning the prisoner and the indeterminate sentence law. The rule provided that prisoners sentenced to an indeterminate sentence who had served the minimum less allowances for good time and special good time were subject to the jurisdiction of the parole board. The time of the convict's release was at the discretion of the parole board. The decision of the parole board was closed to review if it was in compliance with the law.⁵¹

Release on parole was granted solely on the initiative of the board, which was required to consider all pertinent information regarding a prisoner at least one month prior to the expiration of the minimum sentence less good time. The board was required to have the prisoner brought before it and to examine him. The board was to consider the following information: change of attitude, industrial record, institutional adjustment, the warden's appraisal of the inmate in question, and the results of the physical,

⁵¹Michigan, Act 255, P.A. 1937, Section 4 of Chapter III.

mental, and psychiatric examinations. All decisions of the board were made by majority vote.⁵²

Paroles were issued upon order of the board, signed by the chairman and notice was given to the sheriff or local police of the county in which the prisoner was convicted, or the county to which the parolee would be released. The order contained the conditions of parole which were established by the parole board.⁵³

The Act also allowed for the provision of clothing, transportation, and a loan of twenty dollars which was to be repaid to the prison. Upon release the parolee remained in the legal custody of the commission, and the assistant director of the bureau was authorized to issue a warrant for the return of any parolee who violated his parole conditions. Parole was considered to be a permit given to a prisoner to go without the enclosure of the prison while serving the end of his sentence as designated by the court. It was also stated that probation,

⁵²Michigan, Act 255, P.A. 1937, Section 5 of Chapter III.

⁵³Michigan, Act 255, P.A. 1937, Section 6 of Chapter III.

parole, and peace officers could arrest any paroled offender without warrant. However, these violators were entitled to a hearing before the parole board. The parolee had the right to be represented by counsel and to call and question witnesses in his behalf.⁵⁴

Upon completion of the parole period the board would issue a certificate of discharge along with a final order to the successful parolee. The act also stated that the period of parole could not be less than four years in cases involving murder, actual forcible rape, armed robbery, kidnapping, extortion, or breaking and entering of an occupied dwelling in the night time.⁵⁵

The above points represent the highlights of the 1937 Corrections Law passed in Michigan. It is evident that this law included a number of parole guidelines which were not visible in Michigan prior to 1937. It must be remembered that this is the first actual attempt of parole officials to bring about an effective system of parole in

⁵⁴ Michigan, Act 255, P.A. 1937, Sections 7, 8, 9, 10, of Chapter III.

⁵⁵ Michigan, Act 255, P.A. 1937, Sections 11, 12, of Chapter III.

Michigan. (Because of the tremendous impact which the above act had on the structure of parole in Michigan, the complete act designated as Act 255, P.A. 1937 is given in Appendix B.)

At this point it is interesting to compare the 1937 Corrections Law of Michigan with the model parole act sponsored by the New York parole system which is known as the Lewisohn Committee on Parole. The Lewisohn Committee established six factors which should be included in a state's parole system if the system was to be considered effective. The six factors were: 1) state control of parole, 2) parole independent of, and cooperative with prison administration, 3) broad powers of administration and high prestige of administrative personnel, 4) prison preparation for parolees, 5) deliberative independent consideration by an irreproachable Parole Board, and 6) adequate field and administrative staff. The Michigan parole system included four of the above six items and realized in large measure items four and six.⁵⁶ In effect,

⁵⁶Michigan Department of Corrections, "First Bien-nial Report of Michigan's Correctional System" (Lansing: The Department, 1937-1938), p. 74.

the parole system was strong in structure and modern in ideas and programs. It was a tribute to the commission of 1936 which developed specific plans which led to the charter of Act 255, P.A. 1937, and thus a sound and effective parole system.

After the passage of the Corrections Law in 1937, parole supervision was also strengthened. The act brought about Legislative appropriations of additional funds for the purpose of hiring a staff of full-time, trained parole officers and supervisors. Prior to Act 255 parole officers were politically appointed and placed on a fee system. On September 6, 1939 Ralph E. Benson, Deputy in Charge of Supervision, stated the following at the Seventh Annual Conference of the Michigan Probation Association:

It was but a short time ago that we had politically appointed parole officer's in our various counties. Some such political appointees were splendid men and well qualified, but, as you must realize, we at the same time received some agents who really did not fit into a planned parole program at all . . . Michigan was severely criticized for the fee system previously in vogue but with the abolishment of the fee system parole officers in our counties and the establishing of the full time accredited parole worker, Michigan then took its place

among the states who are recognized as having a competent parole organization.⁵⁷

The system which replaced the politically appointed officers was based on the establishment of a geographical district parole plan with a supervisor in charge of each area with trained parole officers assigned as members of his staff. This system enabled the parole officers to maintain close contact with the courts as well as law enforcement agencies, prosecuting attorneys, and social agencies.

In 1941, the legislature adopted a bill which became known as the "Lifer Law" (Act 173, P.A. 1941).

Briefly, the act granted the Parole Board jurisdiction to parole any lifer except one serving a term for first degree murder, after the service of ten years, providing the sentencing judge, if still living, did not object to the granting of the parole. The law also included men serving indeterminate sentences whose minimum term was

⁵⁷Report entitled Parole Supervision . . . given at the Seventh Annual Conference of the Michigan Probation Association (Property of the Michigan Department of Corrections), report of Deputy in Charge of Supervision, September 6, 1939, p. 3.

so long that they would normally be required to serve in excess of ten years before becoming eligible for parole consideration. In essence, the above law provided that every man and woman serving in the prisons of the state, with the exception of first degree murder cases, was eligible for parole after the service of ten years.⁵⁸

(The entire act may be found in Appendix B.)

Under the provisions of the above "Lifer Law" 372 paroles were granted in the 27 years from 1942, when the law became effective, through 1968. Only 23 of the 372 parolees were returned as parole violators. The percentage indicates that the "Lifer Law" has proven itself a worthwhile effort as instituted by the Michigan Department of Corrections.

The next few years in the history of parole in Michigan were overshadowed by World War II. Generally, the war had little effect on the established policies of the Department. When the Bureau of Corrections Commission was established in 1937 three major objectives were outlined: the creation of greater public confidence in Parole

⁵⁸Michigan, Act 173, P.A. 1941.

Board activities, complete separation from influence or pressure, the establishment of a career service, and the selection of parolees on the basis of their merit and security for the community.⁵⁹ These objectives were met and continued to be the major goals of the department.

One major effect of the war on parole was that parole officers were made responsible for cooperating with local draft boards and selective service officials. During the height of the war 1600 parolees were inducted into the Armed Forces from Michigan. Except for about one dozen, they were all released from the armed services with Honorable Discharges. The success rate indicates a high prediction rate on the part of parole officers who were responsible for estimating the stability of the parolees.

In 1947 another phase of parole development occurred in Michigan. Act No. 255 of the Public Acts of 1937 was repealed and replaced by Act No. 4 of Public Acts 1947-Second Extra Session. One of the chief purposes behind the adoption of Act 4 was that parole would be

⁵⁹Michigan Department of Corrections, "Corrections in War Time" (Lansing: The Department, 1941-1942), p. 89.

returned to the Governor, rather than being placed in the hands of the Parole Board in Act 255, P.A. 1937.

Under the new act of 1947 the Department of Corrections was administered by a commissioner appointed by the Governor, with the consent of the senate, and would serve at the pleasure of the Governor. The commissioner served as the chief administrative officer of the department, which includes parole. The commissioner also had the power to appoint a director of the Division of Pardons, Paroles, and Probation.⁶⁰ (Refer to Chart III for the Administrative Organization of the Department of Corrections--1947.)

The Commissioner of Corrections basically assumed the same powers and tasks as did the Commission of Corrections under the Act of 1937. Some of the duties of the Commissioner were: 1) policy determination, 2) promulgation of rules and regulations, 3) development of working procedures and their implementation, 4) administrative control and supervision, 5) the fostering of crime prevention and research in criminology, and 6) the

⁶⁰ Michigan, Act 4, P.A. 1947, Section 1 of Chap. I.

establishment of a liaison with the Governor and Legislature. The Commissioner of Corrections most important function concerning parole was to:

Promulgate rules and regulations for the manner in which application for pardon, reprieve or commutation shall be made to the governor; for procedure in handling such applications by the department, and for recommendation thereon to the governor; for the manner in which paroles shall be considered; and to prescribe the duties of the parole board in respect thereto; for hearing on paroles and for notice thereof, in accordance with the provisions of this act; for the entering of appropriate orders granting or denying paroles; and for the supervision and control of paroled prisoners.⁶¹

(Chart 3-A shows the specific functional organization of the Michigan Department of Corrections under P.A. 1947.)

Directly in charge of the Division of Pardons, Paroles, and Probation is the Director of the Division who replaced the assistant director under the Public Acts of 1937. The director also assumed the same responsibilities as did the assistant director of the Bureau of Pardons and Paroles. In fact, the wording of the respective sections of both acts relating to the function of the division (bureau) heads is practically identical. (See

⁶¹Michigan, Act 4, P.A. 1947, Section 5c, of Chapter I.

Charts 3 and 3-A for the administrative and functional organization of the Division of Pardons, Paroles, and Probation. Also Section 23 of Act 4, P.A. 1947 can be reviewed in Appendix B.)

Under the new Act of 1947 the Parole Board became a three-man, full time board within the Division of Pardons, Paroles, and Probation. The members of the board were appointed by the Commissioner of Corrections. The functions of the Parole Board remained basically the same as in 1937. The functions of the board were: 1) to hold parole hearings, 2) grant parole releases, 3) hold parole revocation hearings, 4) process applications for reprieve, 5) conduct public hearings for reprieve, commutation or pardon, and 6) grant certificates of discharge from parole or sentence. However, one major exception did occur in the function of the Parole Board. This exception is found in Section 32 of Act 4, P.A. 1947. It reads as follows:

Provided further, that any convict who now is, or hereafter may be imprisoned in any one of the prisons or reformatories of this state under sentence for life or for any term of years, other than those so sentenced for life for murder in the first degree, and who shall have served

ten years of such sentence, shall be subject to the authority and jurisdiction of the parole board and may be released on parole in the discretion of the parole board: Provided however, that no parole shall be granted any convict so sentenced and so imprisoned except after public hearing the manner hereinafter prescribed for pardons and commutations, except that one member of the parole board may conduct such public hearing; Provided further, that notice of such public hearing shall be given to the sentencing judge, if alive, and said parole shall not be granted in case said sentencing judge shall file written objections to the granting thereof, which written objections shall be made part of the hearing. Parole so granted any convict so sentenced and so imprisoned shall be for a period of not less than four years and subject to the usual rules appertaining to paroles issued by the parole board. The time of his release on parole shall be discretionary with the parole board. The action of the parole board in releasing prisoners shall not be reviewable if in compliance with law.⁶²

(Refer to Chart IV in Appendix A for a diagram of the process that Lifers and Long Termers must go through in order to be granted parole according to Chapter II, Section 32, P.A. 1947.)

According to Act 4 of P.A. 1947 the inmate would be placed on a parole eligibility list sixty days before he was eligible for consideration of release. At this

⁶² Michigan, Act 4, P.A. 1947, Section 32, of Chapter II.

time a classification committee would examine the inmate's records covering the areas of institutional experience, academic and vocational training, industrial record, findings of physical, mental, and psychiatric examinations and prognosis. On the basis of the institutional record the warden would also make recommendations concerning parole and special good time. After all the above data had been considered a parole board hearing would be scheduled thirty days prior to the eligibility of releases. At this time, a decision would be made by the parole board as to the release of the inmate. (Refer to V in Appendix A for a diagram of the parole procedures under Act 4, P.A. 1947.)

The Parole Board was also placed in charge of pardons and commutations. Section 41 of Act 4, P.A. 1947 provided the following:

All applications for pardons, reprieves and commutations shall be filed with the parole board upon forms provided therefor by the parole board, and shall contain such information, records and documents as the parole board may by rule require.⁶³

⁶³Michigan, Act 4, P.A. 1947, Section 41, of Chapter II.

(Chart VI of Appendix A offers diagrams of the procedures followed in granting a pardon or commutation.)

Certain criticisms arose around the adoption of Act 4, P.A. 1947. One chief criticism was that the new act placed a considerable amount of power in the hands of the Commissioner of Corrections. It appeared as though the powers of both the parole director and the parole board were limited by the superior policy-making power of the Commission. Another criticism was that a contradiction appeared in the formulation of Act 4. Under Section 38, the parole board could adopt rules and regulations regarding violation hearings. However under Section 5 it was stated that only the commissioner was allowed to promulgate such rules and regulations. The third chief criticism was that the Parole Board was placed in an organizational structure which prevented it from enjoying the flexibility of movement and decision that such a board should enjoy. This criticism is that the commissioner possessed too much authority and power. A number of criticisms were directed toward the structure of the Michigan Department of Corrections. However, the above

three were considered to carry more value than the other criticisms.

Now that the comparison of the 1937 and 1947 Correction Laws have been reviewed, it is appropriate to compare the main differences between the two laws.

Administrative Structure: Under the 1937 law the Administration of the Department was vested in the Corrections Commission, consisting of five members serving on a part-time basis and appointed by the Governor for staggered terms of six years; the Commission, then appointed a director with civil service status to serve as executive officer of the Department.

Under the 1947 law the Commission was eliminated and the administration of the Department was vested in a full time commissioner. The Commissioner did not have civil service status, was appointed by the Governor, was responsible directly to the Governor, and held office at the Governor's pleasure.

Both laws provided that the appointment of both the Commission and the Commissioner was to be approved by the Senate. Also, under the 1947 law the Governor was

granted the right to appoint an advisory board of five members to exercise such advisory powers and duties as were found necessary.

Bureau and Divisions: The 1937 law provided that the Department of Corrections consist of three bureaus: Bureau of Prisons, Bureau of Probation, and Bureau of Pardons and Paroles. Each department was to be headed by an Assistant Director with civil service status, appointed by the Director. The Director was also responsible for the supervision of the Division of Statistics and the Office of Administrative Services.

Under the 1947 law the Department of Corrections consisted of two major divisions: The Division of Prisons and Industries, and the Division of Pardons, Paroles and Probation. Each division was provided by law with a director, without civil service status, appointed by the Commissioner. The Commissioner was also directly responsible for the Unit of Criminal Statistics and the Office of Administrative Services.

Parole Board: Both laws provided that the Parole Board and its personnel engaged in parole supervision be

placed under the administrative structure of the Department of Corrections. Under the 1937 law, the Parole Board consisted of three members: The Assistant Director in charge of the Bureau of Pardons and Paroles, who served as "ex officio" as chairman of the Board, and two full-time members appointed by the Corrections Commissioner, protected under Civil Service and with no other duties than service on the Parole Board. Parole supervision was a responsibility of the Bureau of Pardons and Paroles and was coordinated with the Board's operations by the Assistant Director's service in a dual capacity as Board Chairman and Bureau head.

Under the 1947 law and the amendment of 1948 the Parole Board consisted of four members protected under Civil Service and were appointed by the Commissioner of Corrections. Parole supervision was the chief responsibility of the Division of Pardons, Paroles, and Probation and the Parole Board had no administrative control over that function. The Parole Board was also administratively controlled by the Commissioner.

Civil Service Status: Under the 1937 law the Director, Assistant Directors and members of the Parole Board had Civil Service status. Under the 1947 law the Parole Board members had civil service status but the Commissioner and Directors in charge of the divisions did not have civil service status.

Subordinate Personnel: Under both laws, subordinate personnel of the Department and its institutions and services had Civil Service status. Under the 1937 law, the Director's appointments of bureau heads, wardens, psychiatrists, physicians and chaplains were subject to the approval of the Corrections Commission. Under the 1947 law the Commissioner had full power of appointment of division heads, wardens, psychiatrists, physicians and chaplains and approval of the appointment of all other personnel.

Probation: Under the 1937 law there existed a Bureau of Probation under the supervision of an Assistant Director. Under the 1947 law the role of probation was included in and exercised by the Division of Pardons, Paroles and Probation. (Chart 7 in Appendix A illustrates

the primary differences between the 1937 and 1947 Corrections Act.) The above states the primary differences between the 1937 and 1947 Corrections Laws.

If one were to evaluate the structure and overall effectiveness of each system he would be undertaking a tremendous task. For the crux of the matter is not what the Corrections law provides, but who administers it. An effective system must consist of qualified personnel to operate the system.

Both the 1937 and the 1947 Corrections Law encountered enormous problems. The 1937 system was established with the primary intention of reducing political interference by the establishment of a Corrections Commission which had some control over the power of the Governor. However, by looking back in history in 1939 when the so-called "Civil Service Ripper Act" was passed which allowed the opening of doors to widespread manipulation of personnel on political grounds. In effect, the purpose behind the organizational structure of the Department of Corrections was defeated. It should also be mentioned that under the 1937 law, Jackson Prison and the

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Michigan Department of Corrections experienced one of the worst scandals in American penal history. This scandal eventually led to the dismissal of the warden and six top-ranking officials.

The purpose behind the organizational structure of the 1947 law was to establish a communications system between the Governor and the Department and to destroy the barrier between such a communications system that was established in the 1937 Corrections Act. The Legislature put forth faith in both the Governor and the Department in the passage of the 1947 law and hoped that such a system would not become crippled by political pressure but would rather be strengthened by administrative control and direction. However, the 1947 system also experienced trouble by the violent prison riot at Jackson Prison.

SUMMARY

This chapter reviewed the growth of parole in Michigan from 1921 to 1947. It was pointed out that the year 1921 marked the first significant change in the

structure of the Advisory Board to the Governor which was established in 1893. The change that occurred was the development of the position of Commissioner of Pardons and Paroles which replaced the Advisory Board to the Governor. It was noted that Mr. Fred E. Janette of Detroit was the first Corrections Commissioner. The above change was made law by Act 403, P.A. 1921.

Another highlight that occurred in the 1920's was the establishment of the "Lifer Law." Prior to 1921 life termers could be heard for parole at the expiration of slightly more than sixteen years; however, in 1921 they were forced to continue servitude unless a pardon or commutation was granted them by the governor.

Due to the controversy surrounding the establishment of the position of Commissioner of Corrections a committee was appointed to study the existing structure of parole in Michigan. As a result of the commission's report the Legislature passed Act 255, P.A. 1937 which created the Michigan Department of Corrections. This act brought about the first structural Department of Corrections known to Michigan and eventually led to the current

status of parole in Michigan today. The Public Act of 1937 basically put the decision-making process in the hands of a parole board which had the exclusive power to grant paroles and pardons to criminals. (Both the administrative and functional diagrams along with the Corrections Law can be found in Appendices A and B of the thesis.)

In 1941 the Legislature amended the "Lifer Law" (Act 173, P.A. 1941) which granted the Parole Board the jurisdiction to parole any lifer except the ones serving a life sentence for first degree murder, after the service of ten years in prison providing the sentencing judge did not object to the granting of the parole.

Another major phase of parole growth occurred in 1947 when the Department of Corrections was again administered by a commissioner appointed by the governor. The primary purpose behind Act 4, P.A. 1947 was to again place parole back into the hands of the governor instead of the Parole Board. The Commissioner of Corrections basically assumed the same duties of the Commission of Corrections in 1937. (Diagrams of the provisions of Act 4, P.A. 1947 may be located in Appendix A.)

In summary, this chapter has traced parole in Michigan from 1921 through 1947. During this period parole benefited by the adaptation of both the 1937 and 1947 Corrections laws. This period marked Michigan as one of the most progressive states in the field of parole. The following chapter shall study parole from 1948 to its present status in Michigan (1970).

Chapter 5

DEVELOPMENTS: 1948--1970

Parole in Michigan continued to grow during the 1940's and into the late 1960's. As mentioned previously, the significant changes and advancements which were developed in the 1937 and 1947 Corrections Acts influenced the organizational and functional organization of 1948 and onward.

In 1953 a major change occurred in the administration of the Department of Corrections. Act 232, P.A. 1953 was passed by the legislature and provided that the Department of Corrections be headed by a Corrections Commission which would appoint a Director of Corrections. Gus Harrison was appointed as the first Director of Corrections in 1953. (Charts 8 and 8-A in Appendix A illustrate the present chain of command and the functional organization of the Michigan Department of Corrections.)

Section 1 of Act 232, P.A. 1953 states the following:

Section 1. There is hereby created a state department of Corrections, hereinafter called the department, which shall possess the powers and perform the duties of and be administered by a commission of 6 members appointed by the governor, by and with the advice and consent of the senate, to be known as the Michigan Corrections Commission, hereinafter called the commission, not more than 3 of whom shall be members of the same political party, each of whom shall qualify by taking the constitutional oath of office, and filing the same in the office of the secretary of state, and of such other officers and assistants as may be approved and appointed or employed in such department including a director as its executive head. No person holding any position either state or federal, nor any person drawing any salary from any municipal unit of the state, shall be eligible for appointment to the commission, without having first resigned from such position. The term of office of each member of the commission shall be 6 years: Provided, That of the members of the commission two shall be appointed for two years, two for four years and two for six years. The governor shall fill any vacancy occurring in the membership of the commission for the unexpired term only, and for cause established on hearing may remove any member thereof. Each member of the commission shall hold office until his successor shall be appointed and shall qualify. The members of the commission shall receive as compensation \$25 per diem for each day they shall attend any regular or special meeting. The members of the commission shall be entitled to actual and necessary traveling and other expenses while in the performance of any of the duties hereby imposed. Such department and commission shall have its executive office at Lansing, and it shall be the duty of the department of administration to provide suitable office accommodations therefor:

Provided, however, That meetings of the commission may be held at such other suitable place as it may designate.⁶⁴

Section 3 of Act 232, P.A. 1953 states the following concerning the director of corrections:

The commission shall appoint a director of corrections who shall be qualified by training and experience in penology. He shall hold office at the pleasure of the commission except that he may be removed for cause and only after a public hearing before the commission. He shall receive such salary as shall be appropriated by the legislature, together with actual and necessary traveling and other expenses. The director shall be the chief administrative officer of the commission and shall be responsible to the commission for the exercise of the powers and duties prescribed and conferred by this act, and for such other powers and duties as may be assigned by the commission, subject at all time to its control. Subject to the provisions of this act, and to the rules and regulations adopted by the commission, the director shall have full power and authority to supervise and control the affairs of the department, and the several bureaus thereof, and he shall carry out the orders of the commission.⁶⁵

Also, under the new act the department was divided into four major bureaus with an assistant director in charge of each bureau. The four bureaus were: Bureau of Probation, Bureau of Penal Institutions, Bureau of Pardons and Paroles

⁶⁴ Michigan, Act 232, P.A. 1953, Section 1.

⁶⁵ Michigan, Act 232, P.A. 1953, Section 3.

and Bureau of Prison Industries. Section 5 of the above Act states the following:

The director, subject to the approval of the commission, shall appoint an assistant director in charge of probation, an assistant director in charge of pardons and paroles, an assistant director in charge of penal institutions, an assistant director in charge of prison industries, and an assistant director in charge of a youth division. The assistant directors shall exercise and perform the respective powers and duties prescribed and conferred by this act, and such other powers and duties as may be assigned by the director, subject at all times to his control.⁶⁶

(For a complete analysis of Act 232, P.A. 1953 refer to Appendix B.)

Very little change occurred in the Department of Corrections during the period from 1948-1970. In 1965 an amendment was added to the 1953 act which divided the Department of Corrections into four new bureaus. The four bureaus were: Bureau of Correctional Facilities, Bureau of Programs, Bureau of Field Services and the Bureau of Administrative Services. Parole was now administered by the Bureau of Field Service. The above amendment was

⁶⁶Michigan, Act 232, P.A. 1953, Section 5.

designated as Act 380, P.A. 1965. The following indicates the major changes of the act:

Section 275. There is hereby established a department of corrections.

Section 276. The head of the department of corrections is the commissioner of corrections.

Section 277. The department of corrections created under the section 1 of Act 232 of the Public Acts of 1953, being section 791.201 of the compiled Laws of 1948, is transferred by a type I transfer to the department of corrections. (As a type I transfer under the Executive Organization Act of 1965, the department of corrections did not acquire or lose any functional responsibility.)

Section 278. The commission of corrections shall consist of 5 members, not more than three of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. The term of office of each member shall be four years, except that of members first appointed two shall be for one year, one shall be appointed for two years, one shall be appointed for three years and one shall be appointed for four years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The commission shall elect from its members such officers as it deems advisable. A majority of the commission members shall be required to constitute a quorum.

Section 279. The principal executive officer of the department is the director of the department of corrections. The director shall be appointed by the commission and serve at its pleasure.

The organizational structure shall consist of four bureaus: the Bureau of Correctional

Facilities, the Bureau of Programs, the Bureau of Field Services, and the Bureau of Administrative Services.⁶⁷

(For an analysis of the administrative functional organization of the Department of Corrections under Act 380, P.A. 1965 refer to Charts 9 and 9-A.)

The above law of 1965 is the current administrative and functional organization used by the Michigan Department of Corrections (1970). Although the system may have faults it may be rated as one of the most efficient in the United States.

Perhaps the best way to sum up this period in the development of parole in Michigan is to state the philosophy behind today's administration of parole. The philosophy of the Department of Corrections is as follows:

Recognizing that practically all imprisoned offenders are by operation of law ultimately released, and that parole, when properly administered and carefully distinguished from clemency, protects the public by maintaining control over offenders after they leave prison, do declare and affirm that for parole fully to achieve its purpose:

1. The paroling authority should be impartial, non-political, professionally competent, and able to give the time necessary for full consideration of each case;

⁶⁷ Michigan, Act 380, P.A. 1965, Sections 275-279.

2. The sentencing and parole laws should endow the paroling authority with broad discretion in determining the time and conditions of release;

3. The paroling authority should have complete and reliable information concerning the prisoner, his background, and the situation which will confront him on his release;

4. The parole program of treatment and training should be an integral part of a system of criminal justice.

5. The period of imprisonment should be used to prepare the individual vocationally, physically, mentally, and spiritually for return to society;

6. The community through its social agencies, public and private, and in cooperation with the parole service should accept the responsibility for improving home and neighborhood conditions in preparation for the prisoners' release;

7. The parole offender should be carefully supervised and promptly reimprisoned or otherwise disciplined if he does not demonstrate capacity and willingness to fulfill the obligations of a law-abiding citizen;

8. The supervision of the paroled offender should be exercised by qualified persons trained and experienced in the task of guiding social readjustment;

9. The State should provide adequate financial support for a parole system, including sufficient personnel selected and retained in office upon the basis of merit.

10. The public should recognize the necessity of giving the parole offender a fair opportunity to earn an honest living and maintain self-respect to the end that he may be truly rehabilitated and the public adequately protected.

In our treatment of persons in our charge, we may come close to satisfying these principles, we

feel we will be discharging our responsibility in such a manner as to reflect credit upon the entire parole process.⁶⁸

SUMMARY

Parole in Michigan continued to expand its role **into** the 1940's and through the present (1970). Of major **importance** was the passage of the corrections laws of **1937** and 1947.

However, this chapter dealt with two major developments which occurred between 1948 and 1970. Act 232, P.A. **1953** called for another change in the administrative structure of the Department which provided that the Department **of** Corrections be headed by a corrections commissioner **which** would appoint a Director of Corrections. Gus Harrison was appointed the first director of corrections in **1953**.

Also, under Act 232, P.A. 1953 the department was **divided** into four major bureaus with an assistant director

⁶⁸ Michigan Department of Corrections, Parole in Michigan (Lansing: The Department, 1968), pp. 17-18.

in charge of each bureau. The bureaus were: Bureau of **P**robation, Bureau of Penal Institutions, Bureau of Pardons **and** Paroles and Bureau of Prison Industries.

The second major development of this period **occurred** in 1965 with the passage of Act 380, P.A. 1965 **which** provided for the development of four new bureaus **in** the Department of Corrections. The new bureaus were: **Bureau** of Correctional Facilities, Bureau of Programs, **Bureau** of Field Services and the Bureau of Administrative **Services**. Parole was now administered by the Bureau **of** Field Services.

The above act is currently in effect (1970) and **marks** Michigan as one of the most progressive and effective **states** in the management of parole.

Chapter 6

SUMMARY OF THE FINDINGS

The initial purpose of this thesis was to acquaint **the** reader with a thorough understanding of the origin and **development** of parole in Michigan. Because of the lack of **a** compiled history of parole data it was necessary to **investigate** state laws, governor's memoirs, historical **documents**, taped recordings, records of the Michigan **Department** of Corrections, and personal interviews. Included **also** in the thesis is a history of the development of **parole** in the United States, a review of the indeterminate **sentence** and its impact on parole, a presentation of **various** diagrams to illustrate the changing administrative **and** functional organization of the parole system, and a **complete** listing of all the laws which had an influence **on** the development of parole.

The original idea of parole was first believed to **be** the result of a number of independent factors such as **the** conditional pardon, the transportation of criminals, **the** ticket-of-leave, and the indentured slavery system.

In reality it was not the influence of one of the above systems which led to parole, but it was the total impact of all the various ideas and experiments which led to parole as we know it today.

The transportation of slaves to the American Colonies started early in the 17th century primarily to relieve England of the acute economic conditions which plagued that country. England was suffering from high taxes, widespread unemployment, and the overcrowded English labor market. The method of selection of the criminals to be transported was quite similar to the pardoning process used by the governor in their selection of criminals for pardons. The transportation of slaves to the American colonies ended as a result of the Revolutionary War.

England did not repeal her transportation law and thus arranged an agreement with Australia to transport criminals to their country. The primary purpose of the above move was to relieve the overcrowding of England's prisons because of America's refusal to continue to accept the transported criminals. However, one major

difference occurred in the transportation of slaves to Australia and that was that England was held responsible for all expenses incurred for the cost of transportation. Under this process criminals did not become indentured servants but remained prisoners under the control of the government.

In 1790 a special act was passed which led to the adoption of a ticket-of-leave system which was merely a declaration signed by the governor granting a dispensation to the convict from being bound to government work and to seek employment within a specified district. After a few years of experimentation the ticket-of-leave eventually was developed into a system which called for supervision of the released convicts by qualified individuals in the community. This system was further developed by England and Ireland and was eventually adopted by the United States as a system of parole in 1865.

Parole in Michigan was not officially put into use until the enactment of Act 218, P.A. 1895. However, parole was suggested as far back as 1869 when Governor Henry P. Baldwin submitted a report to the legislature

which called for the enactment of a parole system. In 1885 the idea of parole was again considered when the governor established an advisory board to deal with the granting of pardons, which in essence was a conditional license to go at large. But, this thesis has marked the origin of parole as 1895 because of the enactment of a parole law. Act 218, P.A. 1895 gave the governor the right to authorize and regulate paroling of convicts in Michigan.

After the enactment of the 1895 parole law very little legislative action occurred until Act 403, P.A. 1921. In 1921 legislative action called for the establishment of a Commissioner of Pardons and Paroles which replaced the Advisory Board on the Matter of Pardons and Paroles. The first parole Commissioner was Fred Janette of Detroit, Michigan. After a few years of the above system and because of strong criticism expressed by various legislatures the 1921 Corrections Law was repealed and replaced by Act 255, P.A. 1937.

The 1937 "Corrections Law" has been designated as one of the major highlights of the development of Corrections in Michigan. The 1937 Corrections Law replaced the

position of the Commissioner of Corrections with a Corrections Commission which consisted of five, non-salaried members. The Corrections Commission performed the following duties: policy determination, development of procedural processes, evaluation of administrative decisions, and served as a liaison between the governor and the legislature. Under the 1937 act the Department of Corrections was divided into four bureaus. The four bureaus were as follows: Bureau of Prisons, Bureau of Probation, Parole Board, and the Bureau of Pardons and Paroles.

Following Act 255, P.A. 1937 an act was passed which dealt with the paroling of a prisoner serving a life sentence. This act was designated as Act 173, P.A. 1941. The "Lifer Law" stated that the parole board could parole any lifer except one serving a life term for first degree murder. Additional guidelines were that the prisoners had to serve at least ten years of their sentence before parole consideration and that the sentencing judge must grant his approval of the parole.

Following the passage of the 1941 "Lifer Law" World War II was in the process of starting. The war did

not affect the status of the Department of Corrections and allowed the department to continue to work on the three objectives that it set down at the time of the enactment of Act 255, P.A. 1937. The three objectives were as follows: 1) creation of public confidence in the Parole Board, 2) complete separation from political influence, and 3) selection of parole on basis of merit and individual qualifications.

In 1947 as a result of Act 4, P.A. 1947 the legislature replaced the Corrections Commission with a Commissioner of Corrections. The Commissioner of Corrections once again assumed the duties of the Commission. The primary purpose of the above law was to once again place the power of parole back into the hands of the governor. The parole board, under Act 4, consisted of three members and continued the same duties as the prior parole board under the 1937 law.

It didn't take long for criticism to again be launched at the 1947 Corrections act primarily because of Political pressure on the Commissioner of Corrections. As a result of the above criticism Act 232, P.A. 1953 was

enacted and once again replaced the Commissioner of Corrections with a Corrections Commission which consisted of six members. However, one major change was the appointment of a Director of Corrections which controlled the actions of the bureaus under his direction. Also four new bureaus were organized. The four bureaus were: Bureau of Probation, Bureau of Pardons and Paroles, Bureau of Penal Institutions, and Bureau of Prison Industries.

After the adoption of Act 232, P.A. 1953 the parole system and the administrative structure of the Michigan Department of Corrections remained somewhat the same. Of particular importance was that the Corrections Commission was changed from six members to five members and also four new bureaus were designated once again. The four bureaus were: Bureau of Correctional Facilities, Bureau of Programs, Bureau of Field Services, and Bureau of Administrative Services. Also under the new change which occurred in 1966 the Parole Board was designated as a separate entity under the direction of only the governor.

In summary, parole has been traced from its origin in 1895 to its present status in 1970. It is quite apparent

that parole underwent a number of changes and struggles, but it is also apparent that the parole system of Michigan benefited greatly from its numerous changes and experiments. Today, Michigan can be considered as one of the most advanced states in parole administration and parole efficiency.

APPENDIX A

CHARTS OF ADMINISTRATIVE AND FUNCTIONAL
ORGANIZATIONS FROM 1937 to 1966

APPENDIX A

CHART I

Act 255, P.A. 1937

ADMINISTRATIVE ORGANIZATION

Michigan Department of Corrections

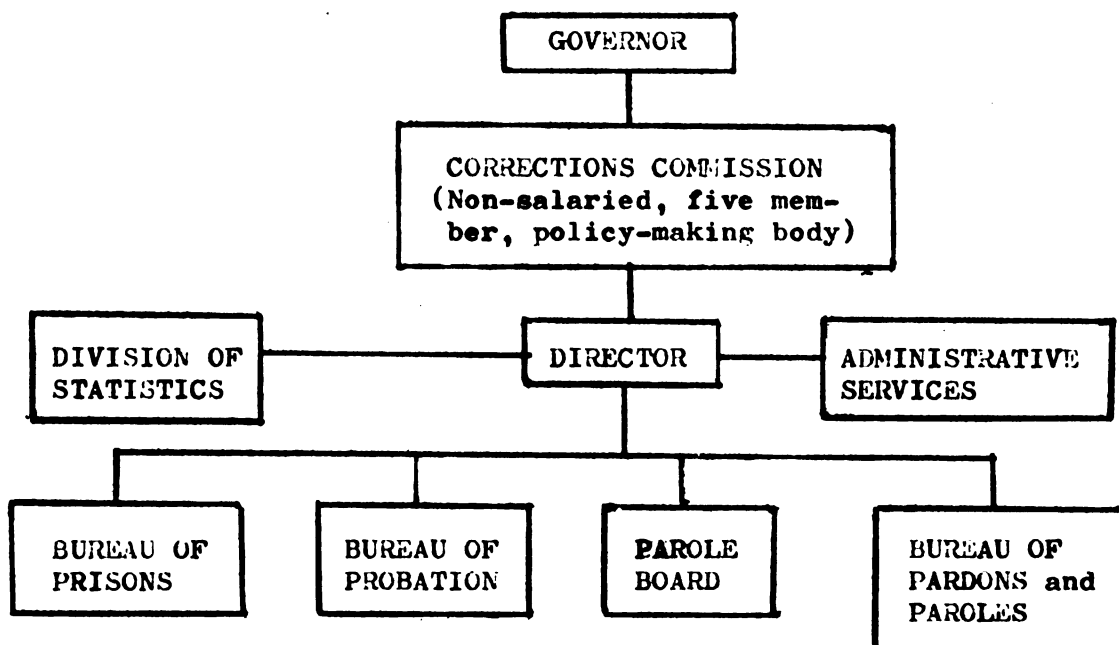


CHART I-A

Act 255, P.A. 1937

FUNCTIONAL ORGANIZATION

Michigan Department of Corrections

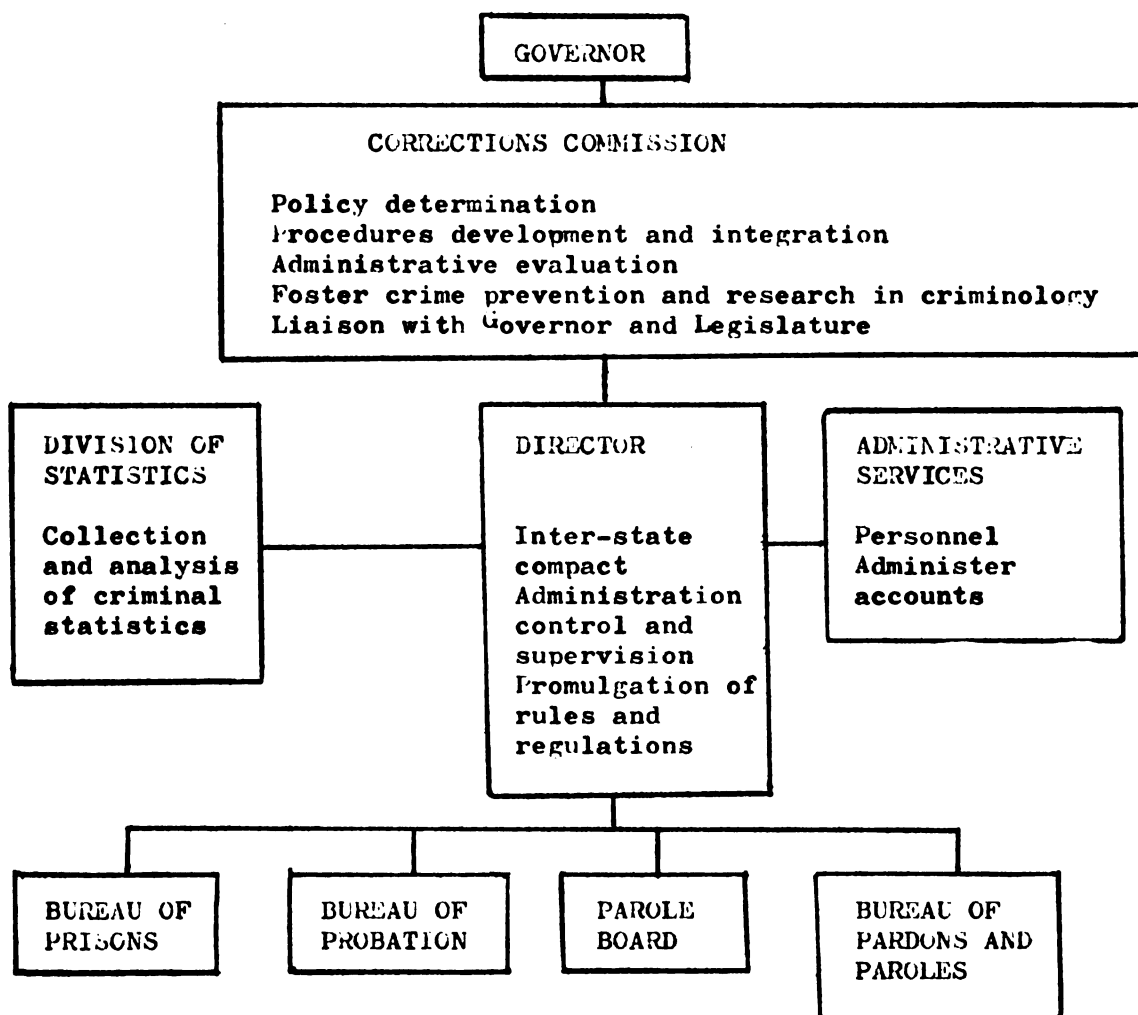


CHART 2

Act 255, P.A. 1937

ADMINISTRATIVE ORGANIZATION

Michigan Department of Corrections

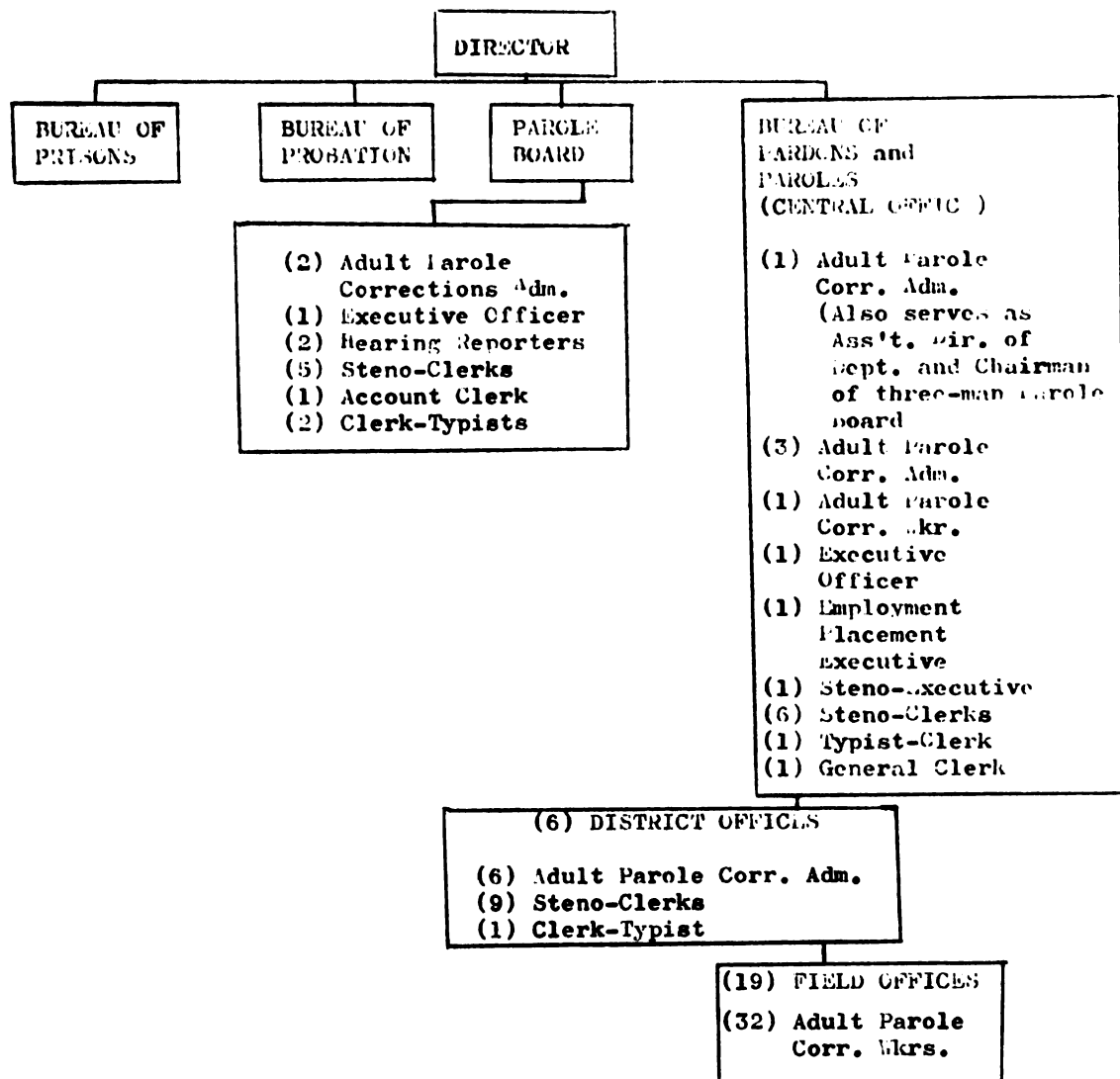


CHART 2-A

Act 255, P.A. 1937

FUNCTIONAL ORGANIZATION

Michigan Department of Corrections

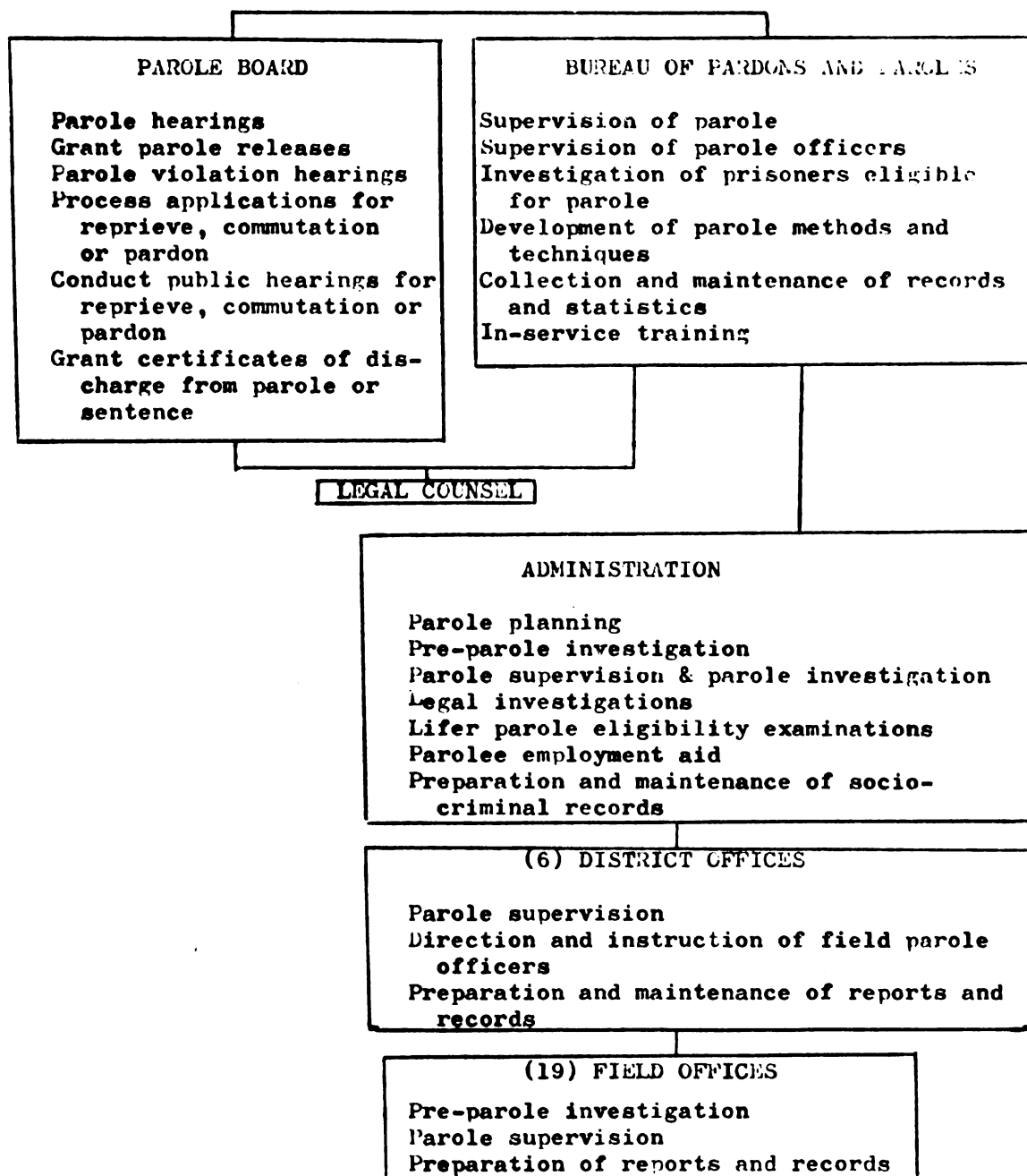


CHART 3

P.A. 4, Second Extra Session of 1947

ADMINISTRATIVE ORGANIZATION

Michigan Department of Corrections

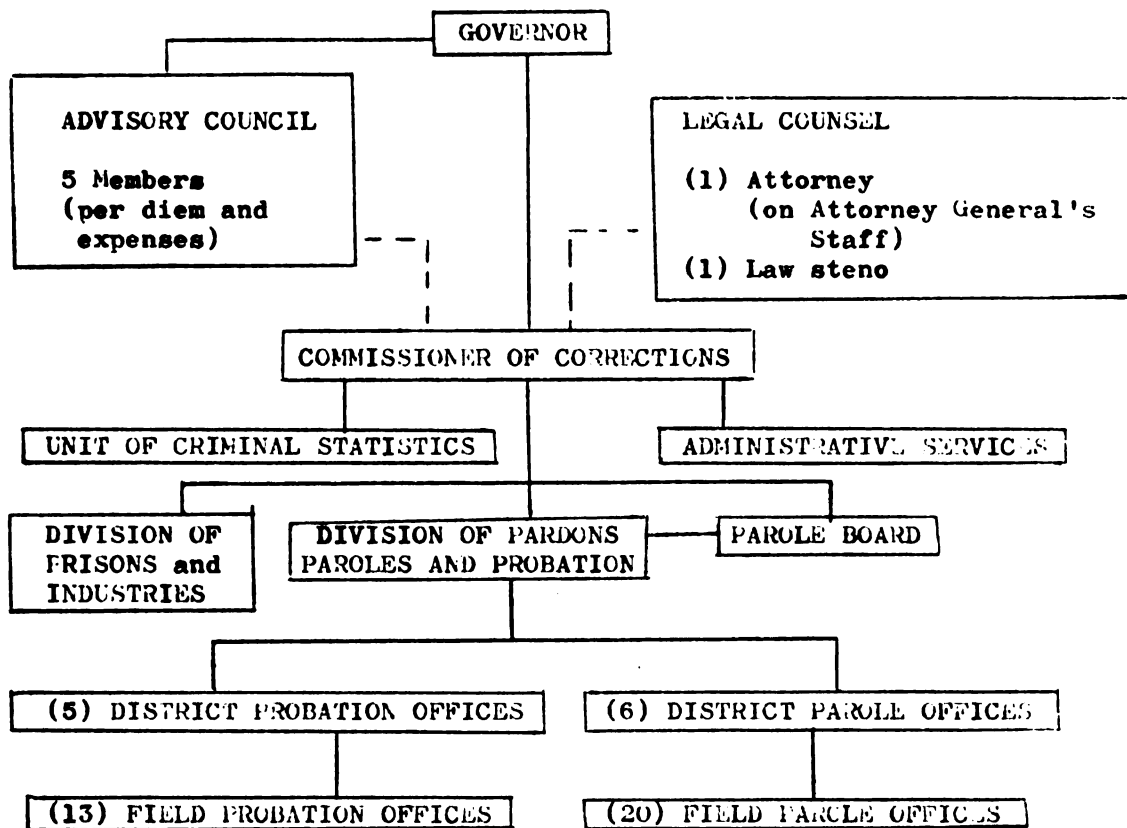
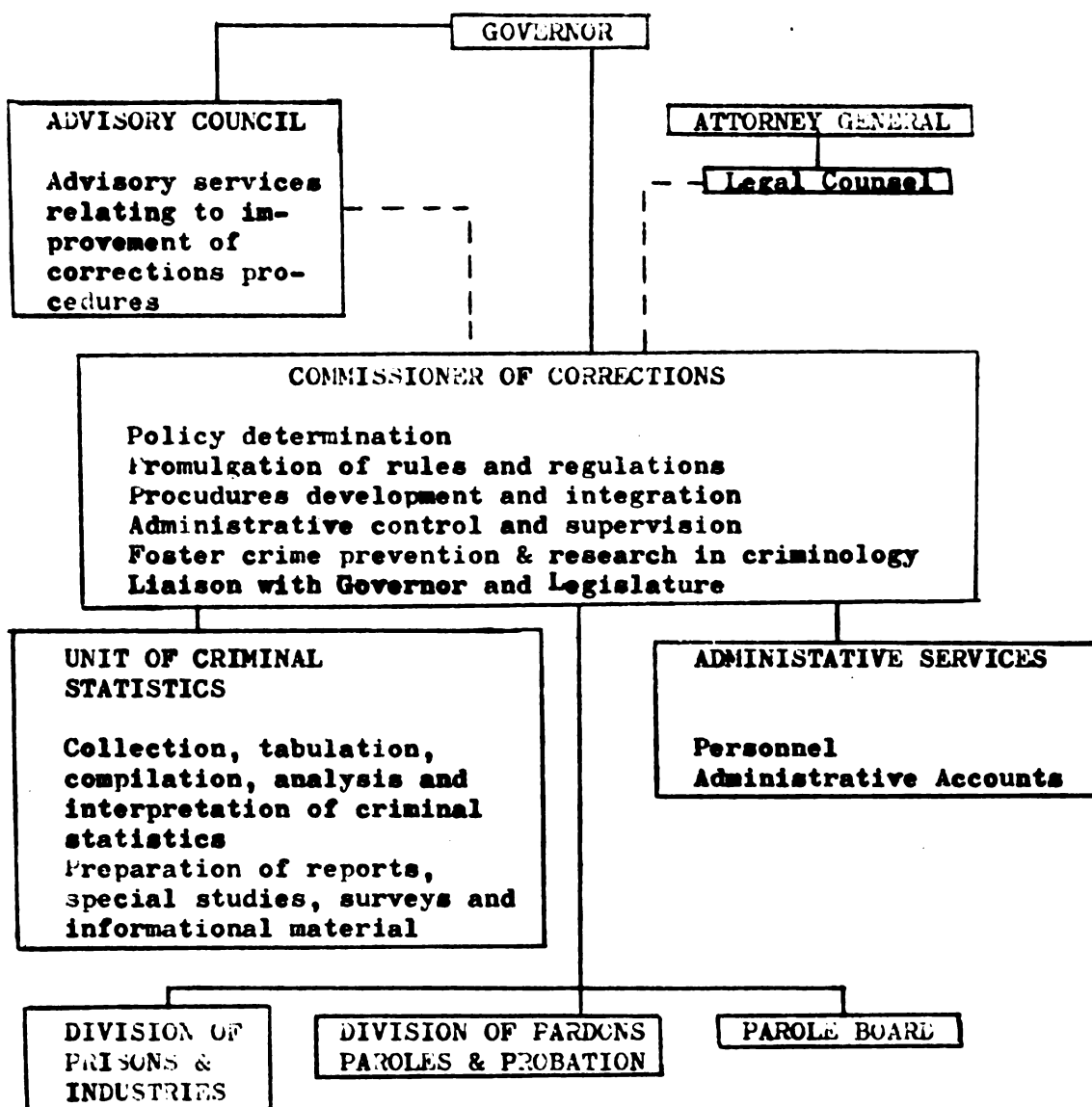


CHART 3-A

P.A. 4, Second Extra Session of 1947

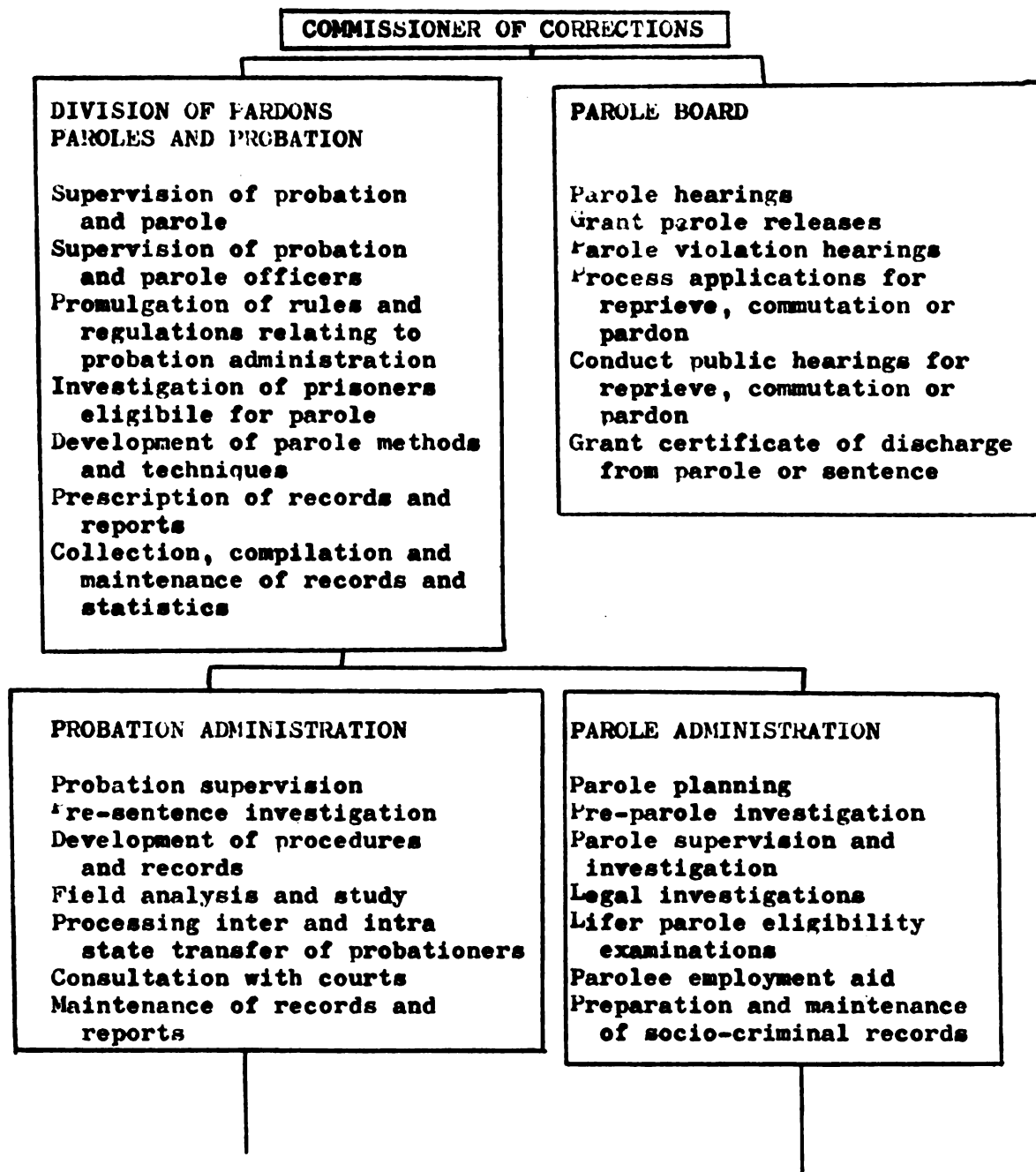
FUNCTIONAL ORGANIZATION

Michigan Department of Corrections



(continued)

CHART 3-A (Cont'd)



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CHART 3-A (Cont'd)

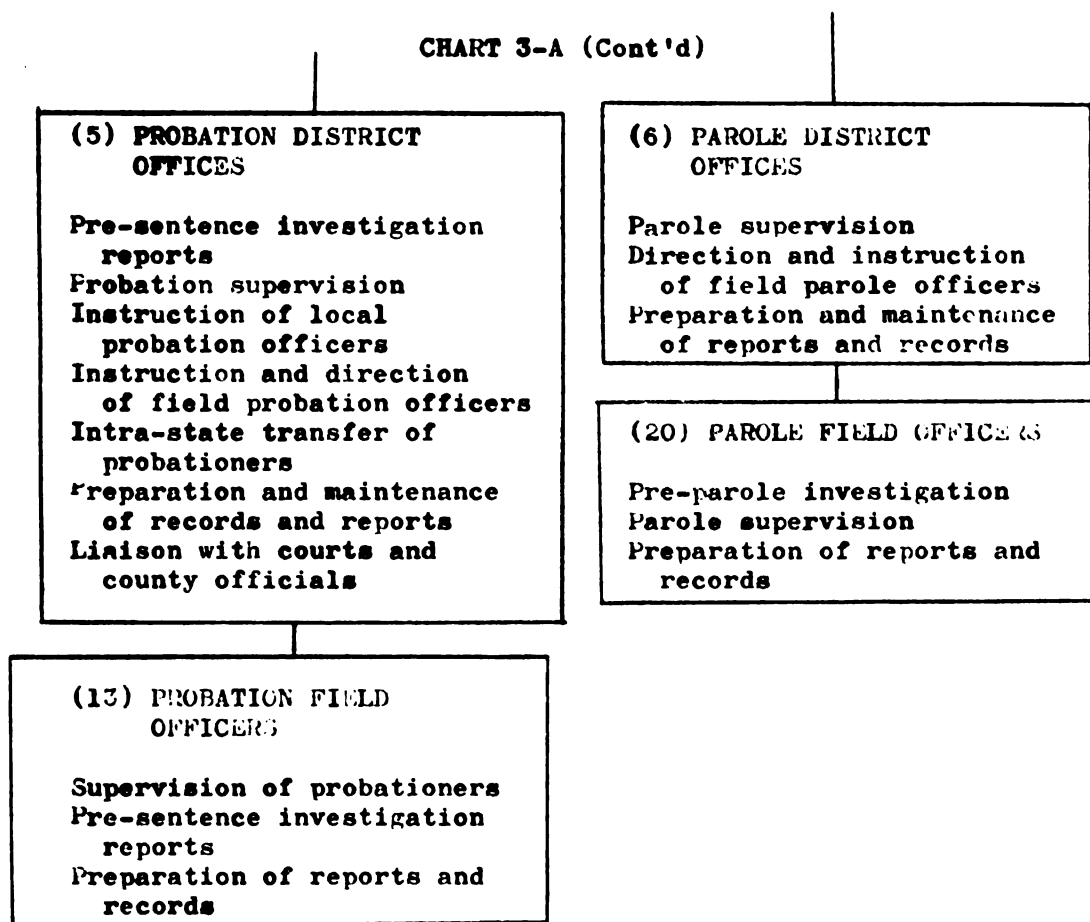


CHART 4

Chapter II, Section 32, P.A. 4
Second Extra Session of 1947

PAROLE OF LIFERS AND LONG-TERMERS

Michigan Department of Corrections

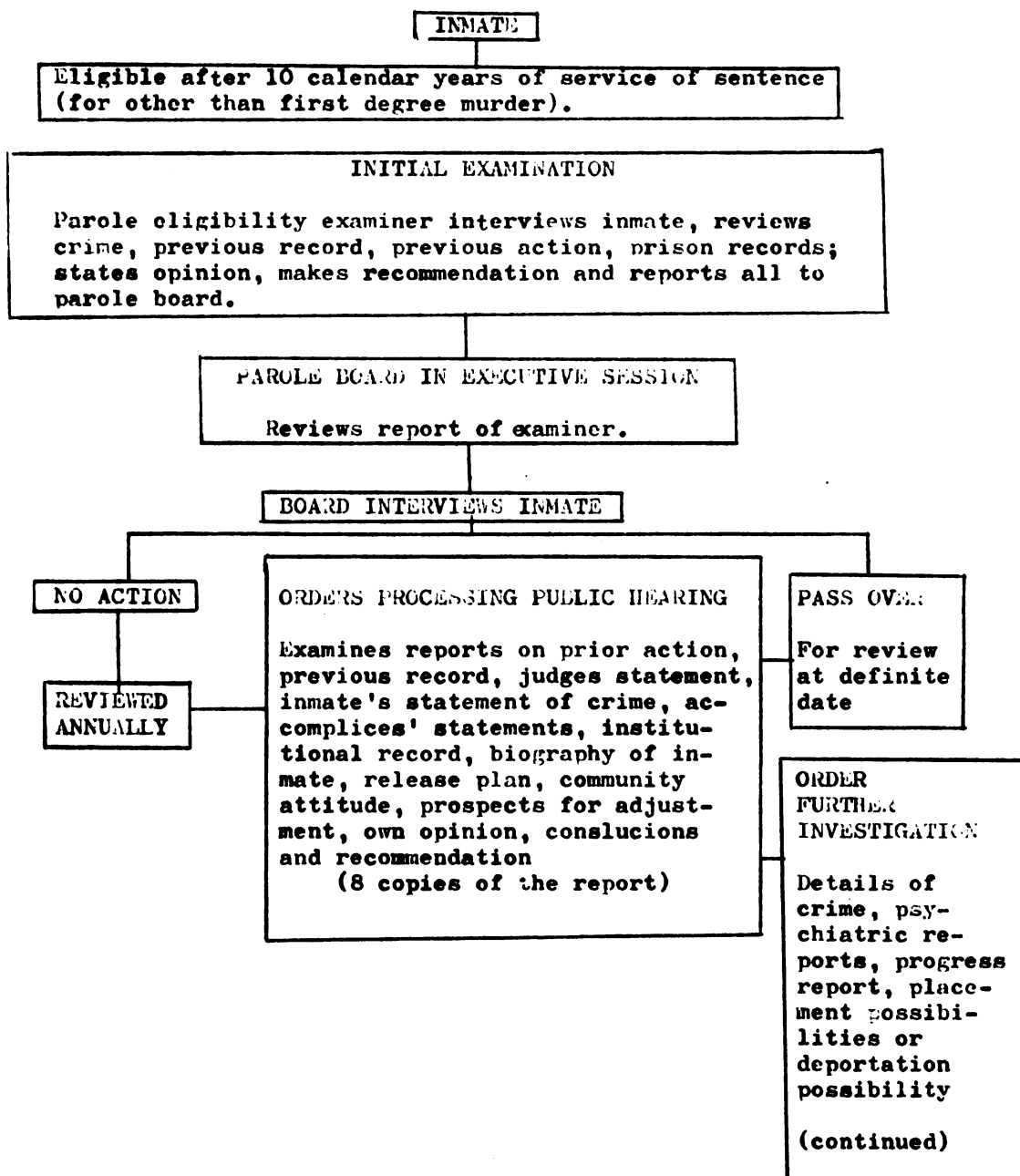


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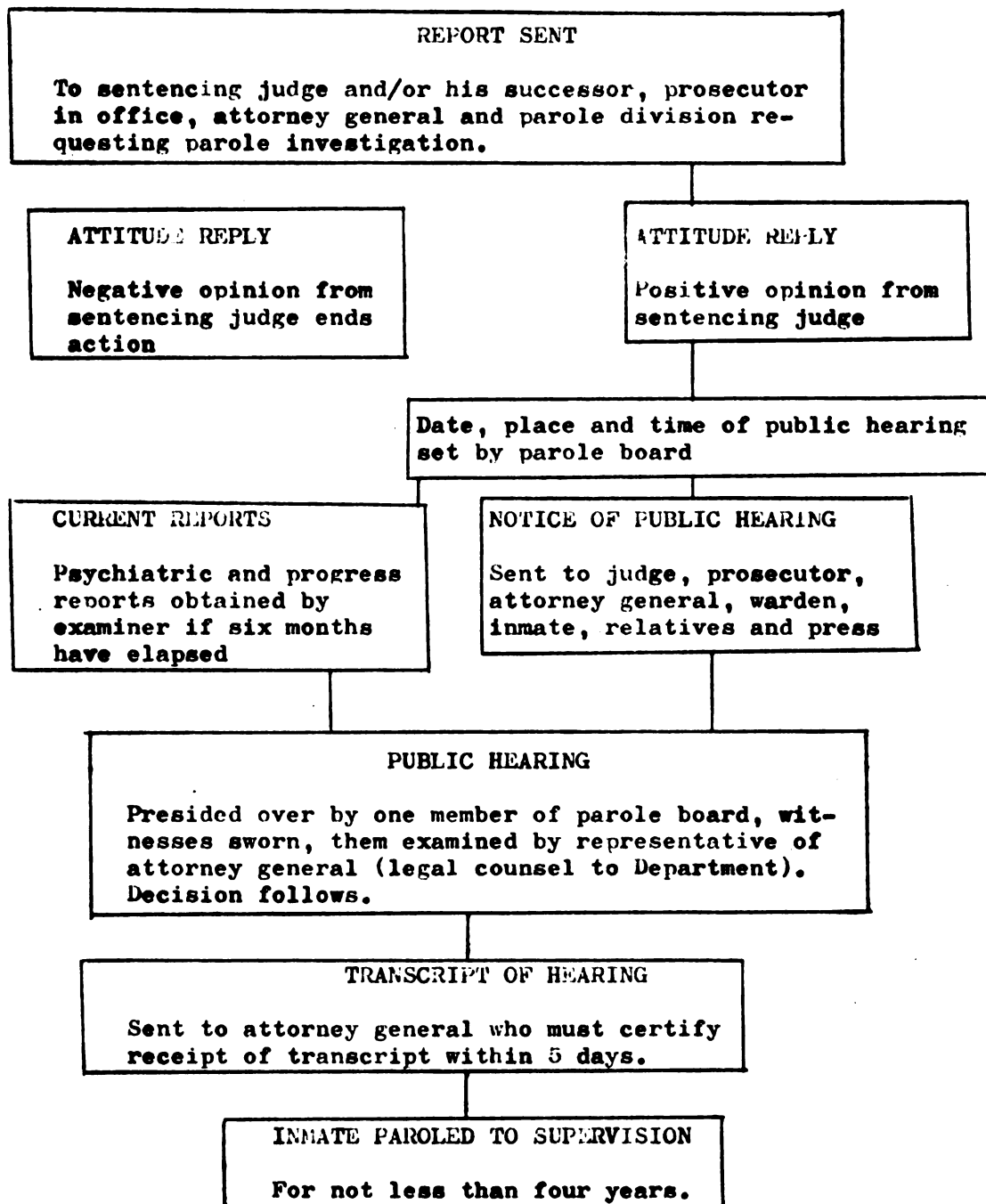
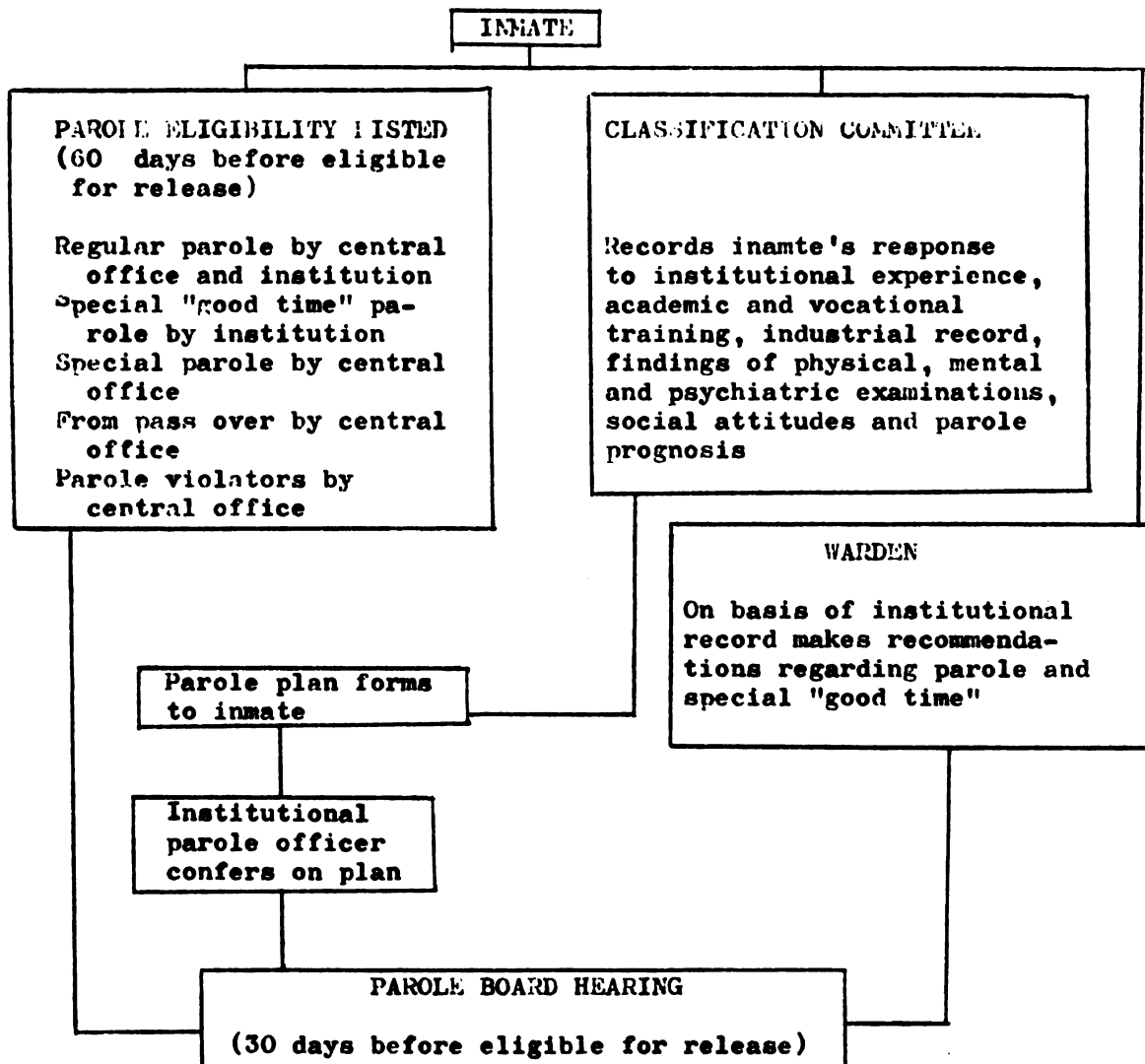


CHART 5

P.A. 4, Second Extra Session of 1947

PAROLE PROCEDURES

Michigan Department of Corrections



(continued)

CHART 5 (cont'd)

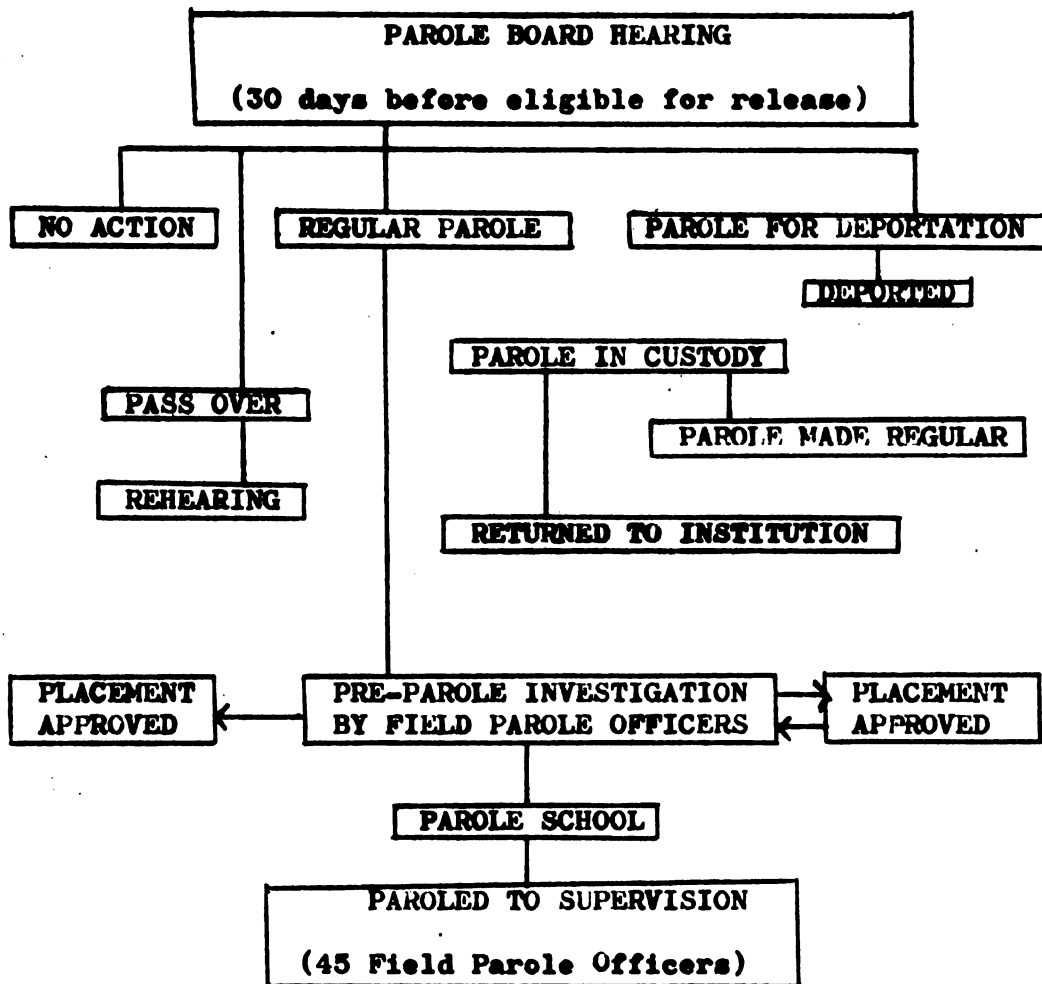
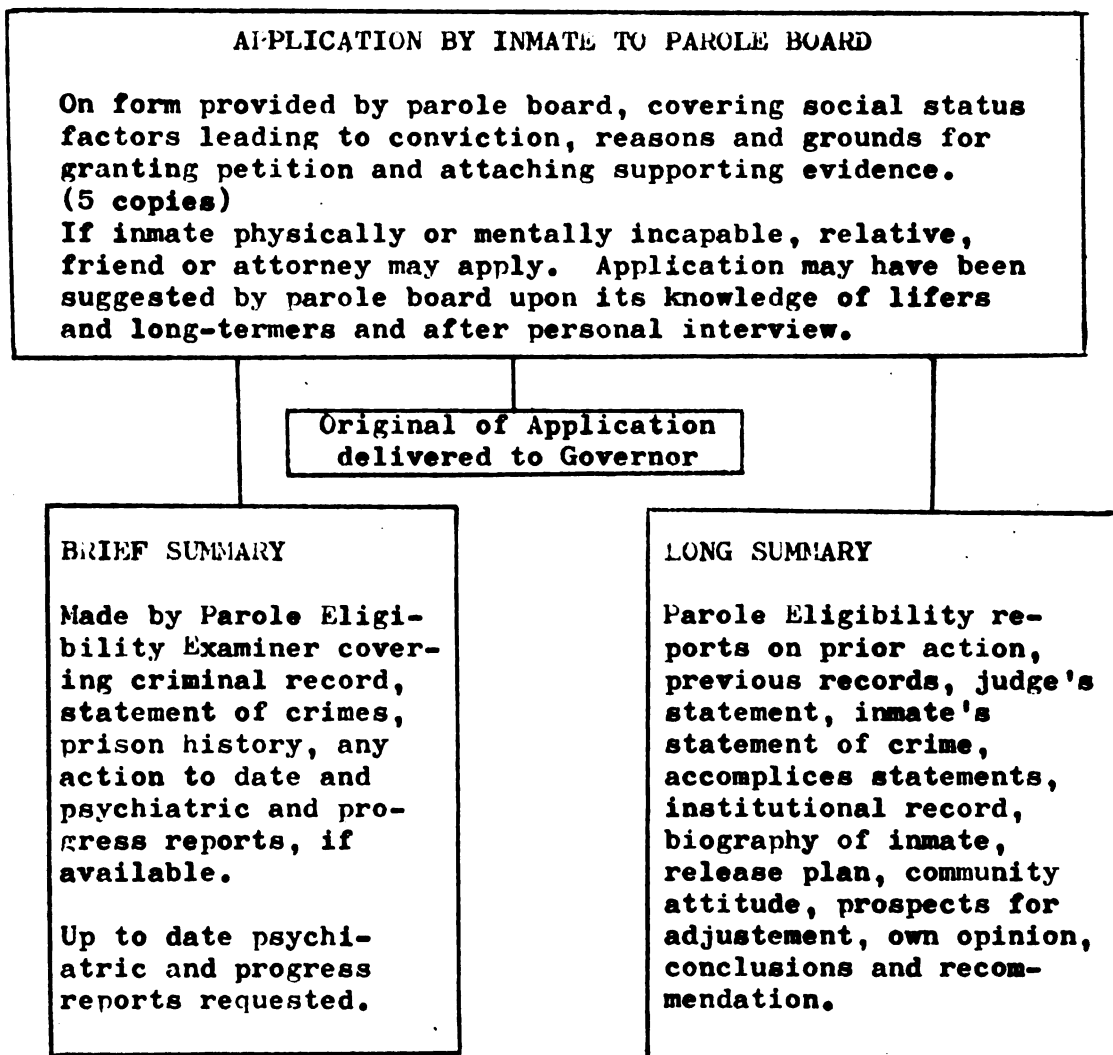


CHART 6

Second Extra Session of 1947
Chapter II, Sections 41, 42, 43, P.A. 4

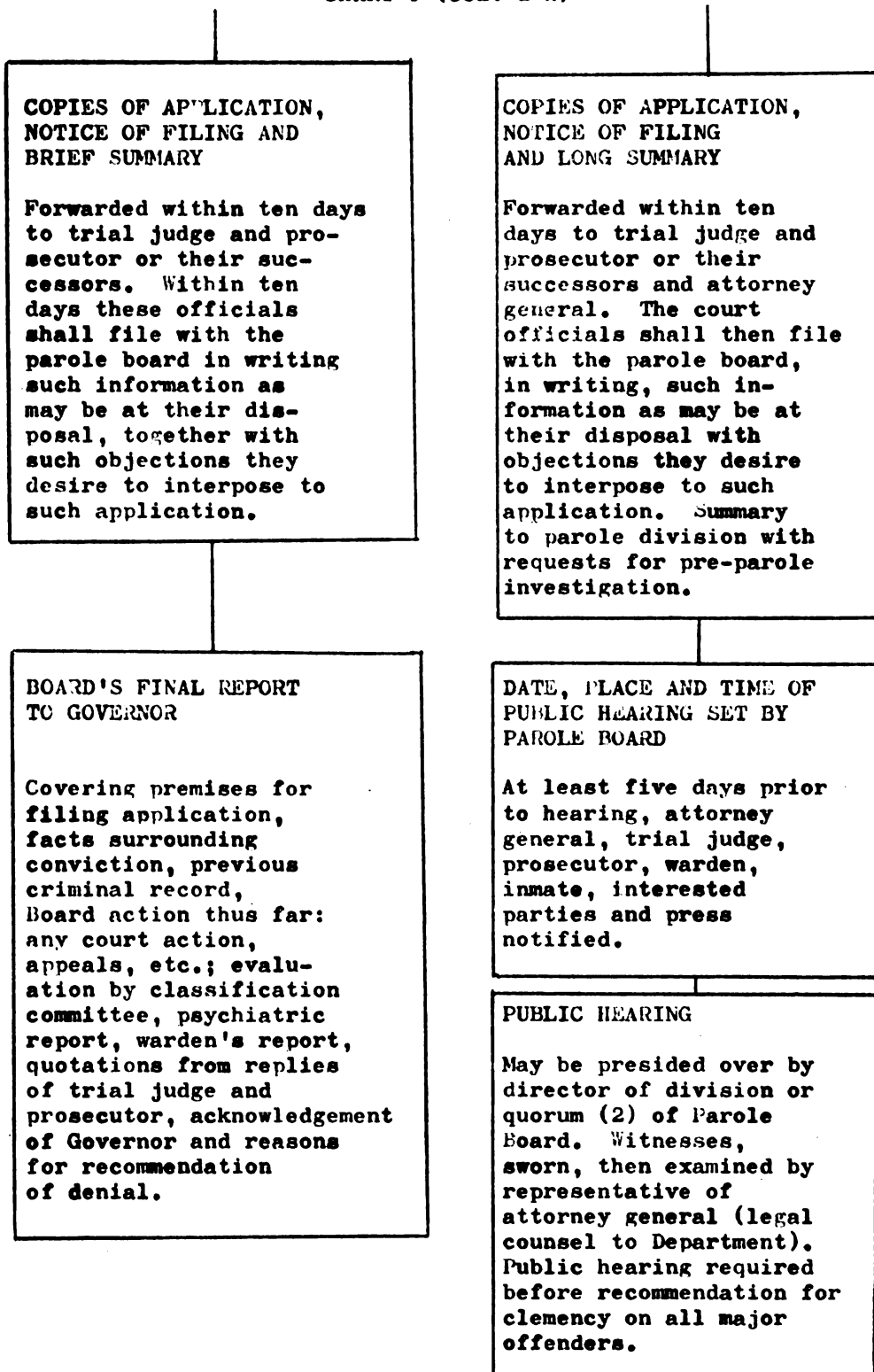
PARDON and COMMUTATION of SENTENCE

Michigan Department of Corrections



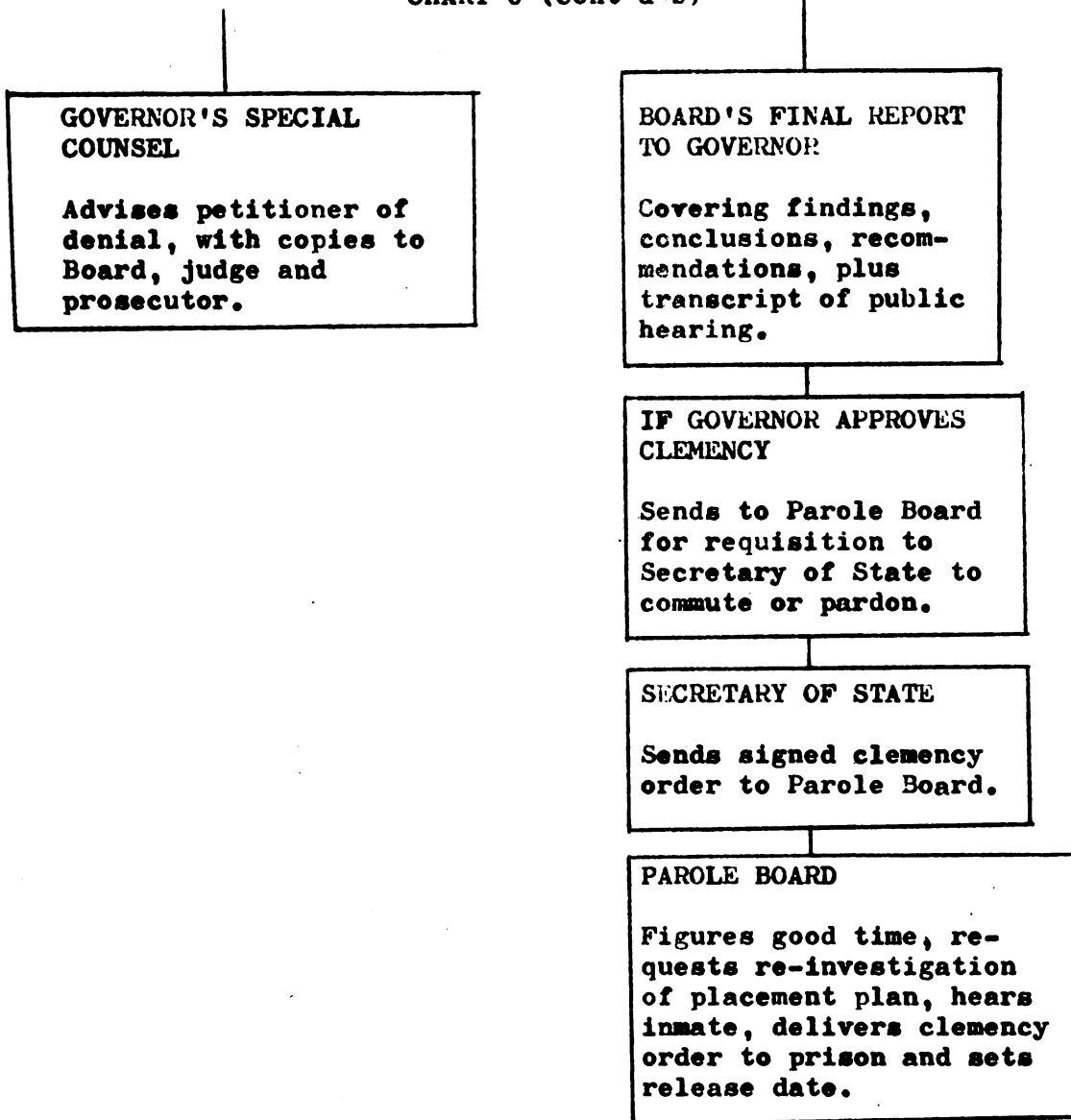
(continued)

CHART 6 (cont'd-a)



(continued)

CHART 6 (cont'd-b)



NOTE: Other than self-initiated pardon applications are investigated by legal counsel rather than Parole Eligibility Examiner.

CHART 7

A COMPARISON OF MAJOR PROVISIONS OF THE
LEGISLATION CONCERNING PAROLE IN THE
STATE OF MICHIGAN

COMMISSIONS	P.A. 255, 1937	P.A. 4, 1947 Second Extra Session
Administra- tive Organi- zation	<p>Michigan Corrections Commission</p> <p>5 Members appointed by and with advice and consent of Senate: Not more than 3 members of the same political party Six-year overlap- ping terms \$15 per diem for attending meet- ings, limited to \$180 annually Annually elects a chairman Holds meetings when necessary Majority a quorum</p>	<p>Commissioner of Corrections</p> <p>Appointed by Governor by and with advice and consent of Senate Holds office at pleasure of Governor Receives such salary as is appropriated by Governor</p>
PERSONNEL	<p>Director</p> <p>Must be qualified by training in penology Holds office at pleasure of commission Receives such salary as is appropriated by Legislature</p>	<p>Commissioner of Corrections</p> <p>See above</p>

(continued)

CHART 7 (cont'd-a)

COMMISSIONS	P.A. 255, 1937	P.A. 4, 1947 Second Extra Session
ADMINISTRATION OF PRISONS, PARDONS, PAROLES AND PROBATION	3 Assistant Directors in charge of the Bureaus of 1. Pardons and Paroles 2. Prisons 3. Probation	2 Divisions, each in charge of a Director. The Division are: 1. Pardons, Paroles and Probation 2. Prisons and Industries
JURISDICTION OF DEPARTMENT	Subject to constitutional powers vested in the executive and judicial, the department has exclusive jurisdiction over: a. probation officers of this state and administration of all orders of probation b. pardons, reprieves, commutations and paroles. c. penal institutions, correctional farms, probation recovery camps and prison labor and industry	Same as P.A. 255, 1937

(continued)

CHART 7 (cont'd-b)

COMMISSIONS

P.A. 255, 1937

P.A. 4, 1937

Second Extra Session

**Pardons,
Paroles
and
Probation;
The
Adminis-
trative
Board**

P.A. 255 provides for

1. a Bureau of Probation
2. a Bureau of Pardons and Paroles
3. a Parole Board of 3 members on which the Assistant Director in charge of the Bureau of Pardons and Paroles serves as one of the members and as chairman. The other members of the parole board are appointed by the commission and shall be selected for their familiarity with penology.

The members are removable by the commission for cause after hearing. They perform duties prescribed by the Act or assigned by the commission.

The Act enumerates the powers and duties of the Assistant Director in charge of the Bureau of Probations; provides for probation districts and joint county probation officers; and excludes jurisdiction over juvenile probation and probation departments in counties over 500,000 in population.

P.A. 4 provides for a Division of Pardons, Paroles and Probation headed by a Director who occupies one of the departments, two positions are exempted from the classified service.

The director of this division assumed the powers and duties formerly exercised by the Assistant Director in charge of the Bureau of Probation and the Assistant Director in charge of the Bureau of Probation and Paroles under P.A. 255, 1937.

Other provisions of P.A. 4 regarding pardons, paroles and probations are the same as P.A. 255, 1937, except for the Parole Board. P.A. 4 sets up a parole board of 4 members selected for their familiarity with the problems of penology. They are appointed by and removable by the commission subject to the provisions of the merit rules.

(continued)

CHART 7 (cont'd-c)

COMMISSIONS

P.A. 255, 1937

P.A. 4, 1947
Second Extra Session

The Act further enumerates the powers and duties of the Assistant Director in charge of Pardons and Paroles, sets up a parole board, lists mandatory provisions regarding paroles, empowers the parole board to make rules and regulations and gives them discretionary power to release prisoners on parole and issue parole orders.

The Act also includes provisions regarding prisoners on parole, parole violators and their rights to a hearing, decisions of the parole board, certificates of discharge, applications for pardon and the administering of oaths.

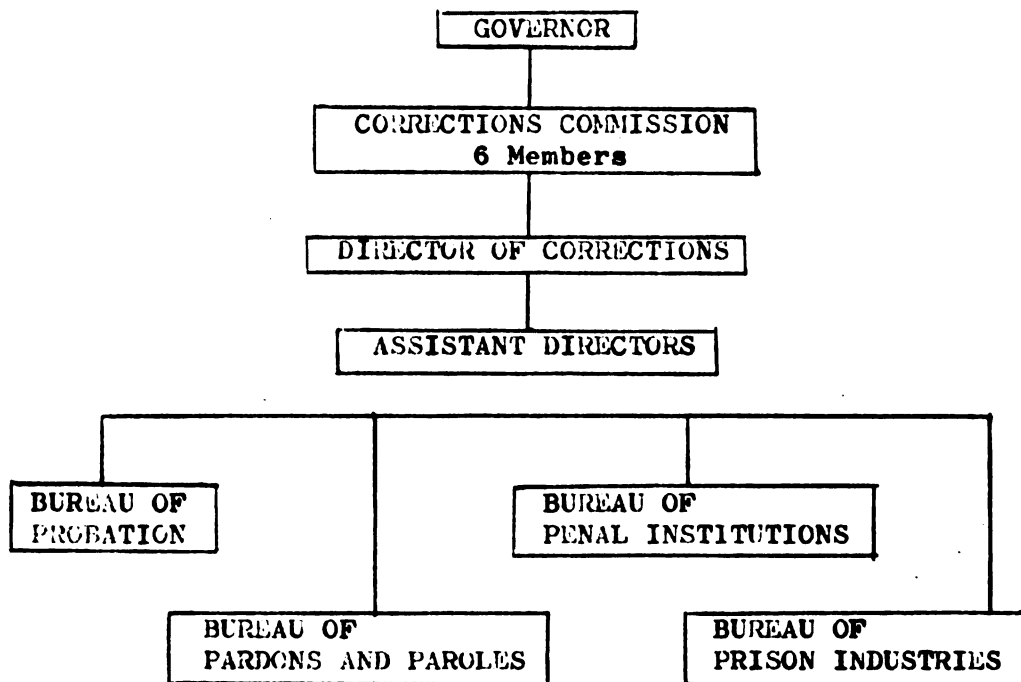
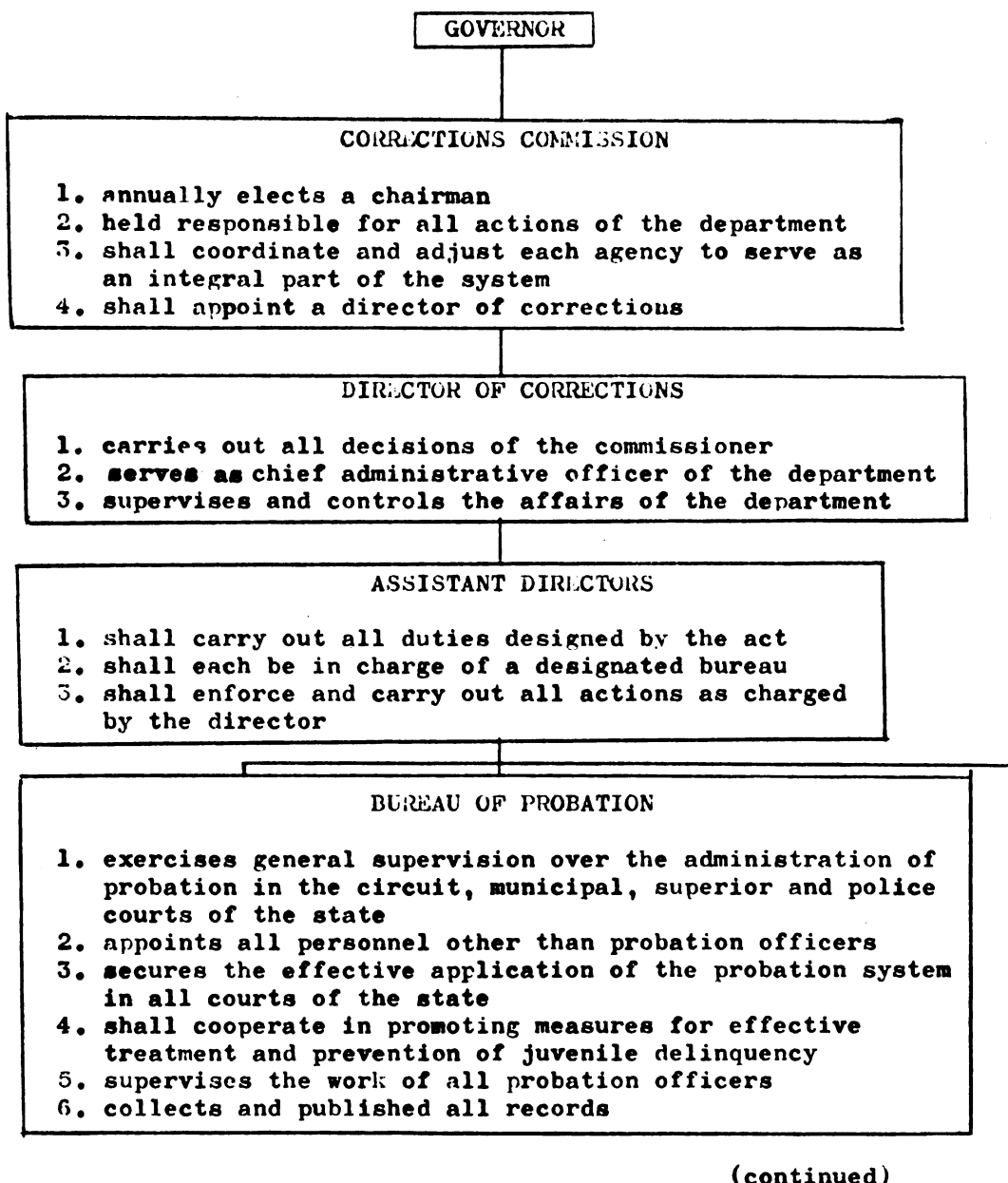
CHART 8**Act 232, P.A. 1953****ADMINISTRATIVE ORGANIZATION****Michigan Department of Corrections**

CHART 8A

Act 232, P.A. 1953

FUNCTIONAL ORGANIZATION

Michigan Department of Corrections



(continued)

CHART 8A (cont'd)

BUREAU OF PARDONS & PAROLES

1. supervises all actions of the bureau
2. supervises all investigations of prisoners ready for release
3. shall collect and maintain all records of all parole action
4. shall employ such parole officers and assistants as found necessary
5. shall divide the state into geographical areas and parole districts

CHART 9

January, 1966

ADMINISTRATIVE ORGANIZATION

Michigan Department of Corrections

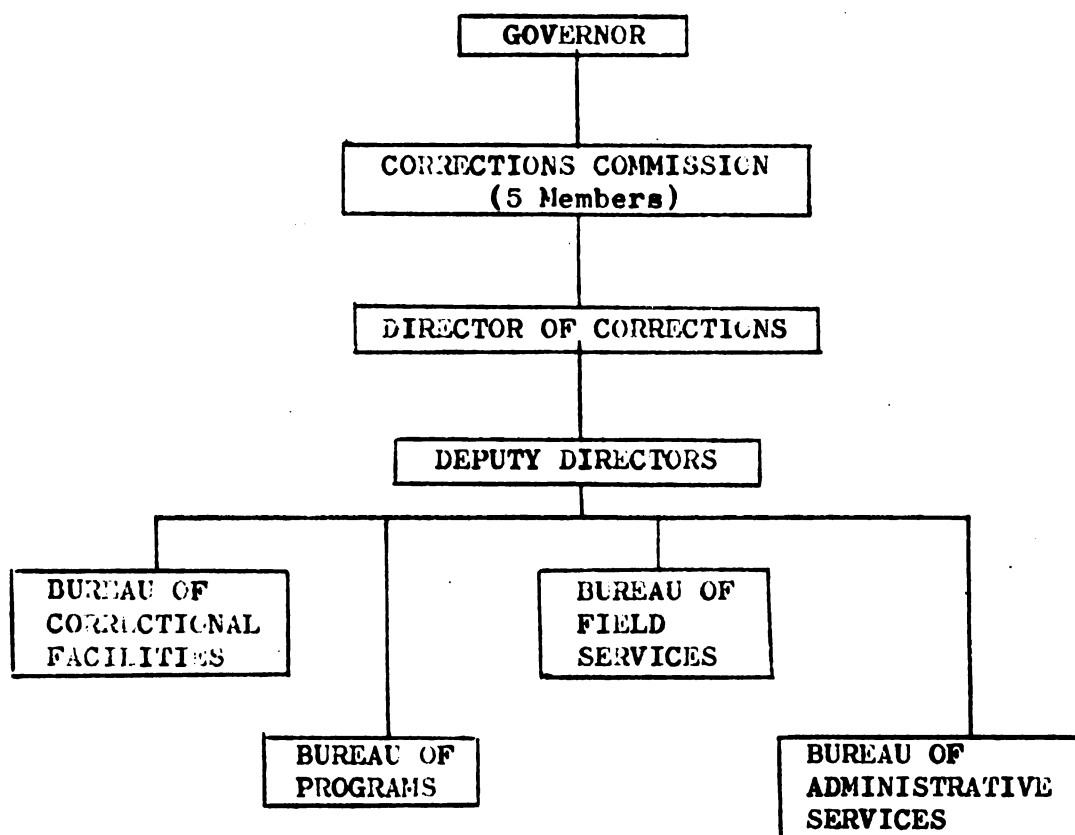
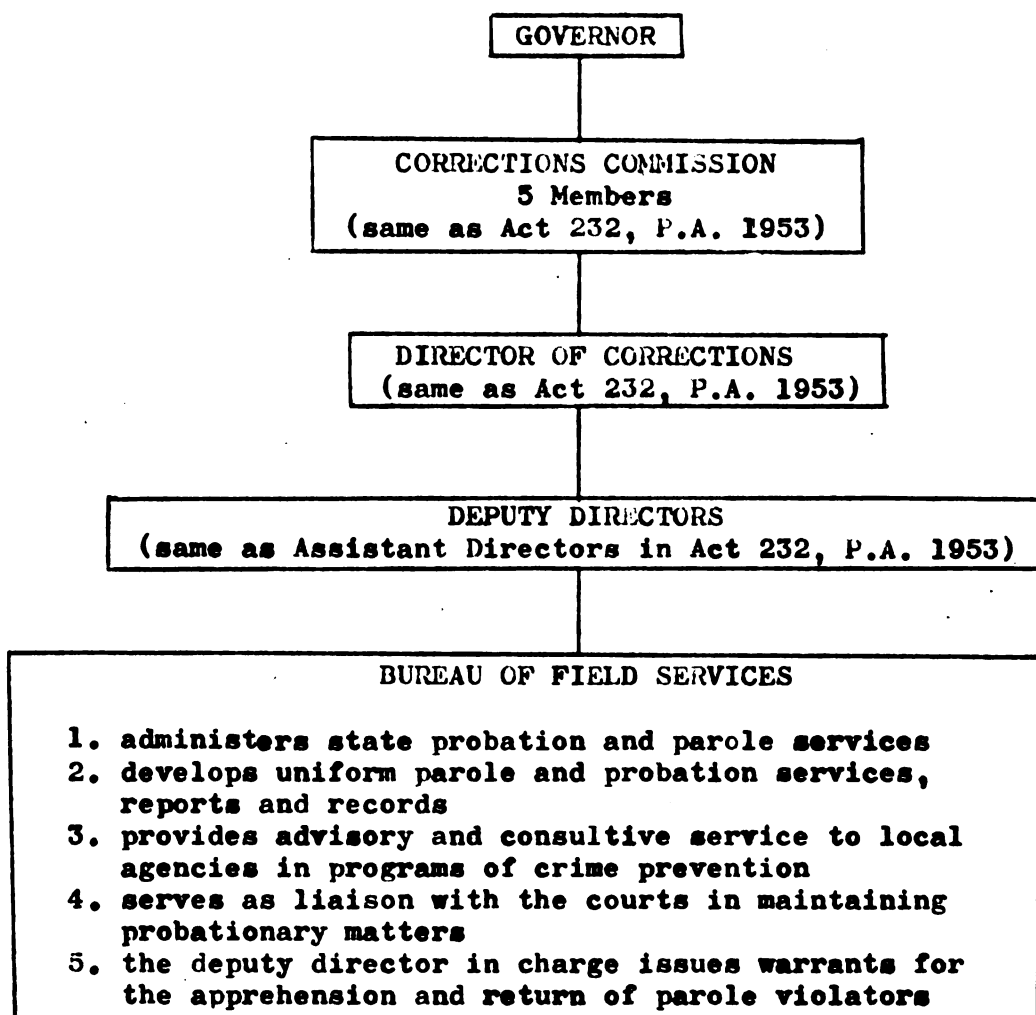


CHART 9-A**January, 1966****FUNCTIONAL ORGANIZATION****Michigan Department of Corrections**

APPENDIX B

COMPLETE DIGEST OF LAWS RELATING TO
THE GROWTH OF PAROLE IN MICHIGAN

APPENDIX B

Act 192, P.A. 1871

An Act to provide for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions, and defining their duties and powers.

Section 1. The People of the State of Michigan enact, That within fifteen days after the passage of this act, with the advice and consent of the Senate, the Governor shall appoint three suitable persons, residents of the State, to be called and known as "The Board of State Commissioners, for the general supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, and six years, as indicated by the Governor in making the appointments, and all appointments thereafter made, except to fill vacancies, shall be for the period of six years. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office.

Section 2. Before entering upon the discharge of their duties, each of the said Commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said Commissioners shall have power to appoint a secretary, not of their number, whose duties they may prescribe and whose salary they may establish and determine.

Section 3. The said Commissioners, by one of their number, or by their secretary, shall, at least once in each year, visit and examine into the condition of each and

every of the city and county poor-houses, county jails, or other places for the detention of criminals or witnesses; and the said board, or a majority thereof, with their secretary, shall, at least once in each year, visit and examine the Reform School, State Prison, Detroit House of Correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the institutions by them or by either of them visited, the method of instruction, government, or management therein pursued, therein pursued, the official conduct of the superintendents or other officers and employees in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poor-houses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and all times, and shall have authority to administer oaths and examine any person or persons in any connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poor-houses, as to any matters or inquiries not contrary to the purposes or provisions of this act.

Section 4. The said Commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office rent, or any necessary aid or assistance required in examination or investigations, on being fully stated in account and verified by the affidavit of the Commissioner or Commissioners paid quarterly by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the secretary of said board shall be paid in like manner:

Section 5. No member of said board, or their secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house be eligible to the office of Commissioner hereby created, nor shall any two members of said board be residents of the same county.

Section 6. On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigations, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said Commissioners, or either of the, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said Commissioners, which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.

Section 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal, or reformatory institutions by them to be visited, or in anywise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature at the first regular session following the passage of this act; and to accomplish this end, said board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-two, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. And each of said board, for the time actually required and expended in the discharge of his duties under this section, shall be entitled to demand and receive such reasonable compensation as shall be approved.

by the Governor, and which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses: Provided, that such board shall not perform the duties provided in this section if any law shall be enacted at this session of the Legislature authorizing the same work by any other board or commission.

Section 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the board of inspectors of the State Prison and the board of control of the Reform School, or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.

Approved April 17, 1871.

Act 82, P.A. 1879

An Act to change the name of the board of state commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions.

Section 1. The People of the State of Michigan enact, That the board provided for by an act entitled "An act to provide for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions, and defining their duties and powers," approved April seventeenth, eighteen hundred and seventy-one, heretofore known and designated as "the board of state commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions," shall hereafter be known and designated as "the board of corrections and charities."

Section 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Section 3. This act shall take immediate effect.

Approved May 20, 1879.

STATE OF MICHIGAN 1881

LAWS ESTABLISHING AND RELATING TO DUTIES
OF STATE BOARD OF CORRECTIONS
AND CHARITIES

An Act to provide for the appointment of the Board of Corrections and Charities, and defining their powers and duties.

Section 1. The People of the State of Michigan enact, That the Governor, with the advice and consent of the senate, shall appoint four suitable persons, residents of the State, to be called and known as "The Board of Corrections and Charities," who shall hold their office respectively for the period of two, four, six years, and eight years, as indicated by the Governor in making the appointments; and all appointments thereafter made, except to fill vacancies, shall be for the period of eight years. The Governor shall be ex officio a member of said Board. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the senate at the first regular session following such appointment. The Governor may remove any member of said Board for misfeasance or malfeasance in office.

Section 2. Before entering upon the discharge of their duties, each of the said commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said commissioners shall have the power to appoint a secretary, not of their number, whose duties they may prescribe and whose salary they may establish and determine.

Section 3. The said commissioners, by one of their number, or by their Secretary, shall, at least once in each year, visit and examine into the condition of each and every of the city and county poor-houses, county jails, or other places for the detention of criminals or witnesses;

and the said Board, or a majority thereof, with their Secretary, shall, at least once in each year, visit and examine the reform school, State prison, Detroit house of correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the institutions by them or by either of them visited, the method of instruction, government, or management therein pursued, the official conduct of the superintendents of other officers and employees in charge thereof, or connected therewith, the condition of the buildings, grounds, or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poor-houses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and all times, and shall have authority to administer oaths and examine any person or persons in any way connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poor-houses, as to any matters or inquiries not contrary to the purposes or provisions of this act.

Section 4. The said commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the commissioner or commissioners making the charge, or the affidavit of their Secretary, and approved by the Governor, shall be paid quarterly by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the Secretary of said Board shall be paid in like manner: Provided, that the entire expense of said board of commission, and the salary and traveling expenses of their Secretary, shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.

Section 5. No member of said Board, or their Secretary, shall be either directly or indirectly interested

in any contract for building, repairing, or furnishing any institution, poor-house, or jail which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house be eligible to the office of commissioner hereby created.

Section 6. On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, full, the result of their investigations, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said commissioners, or either of the, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said commissioners, which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.

Section 7. And the said Board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal or reformatory institutions by them to be visited, or in anywise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the legislature at the first regular session following the passage of this act; and to accomplish this end, said Board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement

thereof as to such Board shall be deemed necessary and expedient; the report thus made to be submitted to the legislature by the Governor. The Secretary of State is hereby required to furnish said Board with so many copies of the statutes and laws as in the judgment of the Governor may be required in the accomplishment of said work. And said Board, for the time actually required in the discharge of the duty imposed by this section, shall be entitled to demand and receive such reasonable compensation as shall be approved by the Governor, not exceeding two thousand dollars, and which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses.

Section 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the board of inspectors of the State prison, and the board of control of the reform school, or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.

Section 9. Whenever the Governor shall deem it advisable and expedient to obtain information in respect to the condition and practicable workings of charitable, penal, pauper, and reformatory institutions in other States, he may authorize and designate any member of said Board, or the Secretary thereof, to visit such institutions in operation in other States, and by personal inspection to carefully observe and report to said Board on all such matters relating to the conduct and management thereof as may be deemed to be interesting, useful, and of value to be understood in the government and discipline of similar institutions in this state.

Section 10. The Governor may appoint one or more suitable females, who shall, in behalf of said Board, personally visit and inspect such of the aforesaid State or county institutions as said Board shall designate, and inquire into the condition and treatment of the inmates therein, and especially investigate the provision made for women, and children of tender years, with the method of instruction, and the means used for their cure or reformation. Said female visitors shall receive no compensation for their time or services, but the actual traveling expenses

of each of them, verified as heretofore provided for the accounts of members of this Board, and approved by the Governor, shall be paid in the same manner, and out of the moneys provided for the expenses of said Board. Said female visitors shall from time to time report to the Board the results of their investigations.

Act 200, P.A. 1885

An Act to establish an advisory board in the matter of pardons.

Section 1. The People of the State of Michigan enact, That the Governor, with the advice and consent of the Senate, shall appoint four suitable persons, residents of the State (two from each of the dominant political parties), to be called and known as "The Advisory Board in the Matter of Pardons," who shall hold their office respectively, two thereof for two years, and two for four years, as indicated by the Governor in his appointments, and all appointments thereafter made, except to fill vacancies, shall be for the period of four years; and at each biennial session of the Legislature the Governor shall appoint, by and with the advice and consent of the Senate, two members of said board. Any vacancy occurring in said board by reason of removal, resignation, or otherwise, shall be filled by the Governor, the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment.

Section 2. At least one member of said board shall be an attorney at law, and at least one member shall be a physician.

Section 3. Before entering upon the discharge of their duties, each member of said board shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said board shall have power to appoint a clerk, not of their number, whose duties they may prescribe and whose salary establish and determine, but not to exceed one hundred dollars per month, and not to exceed six months in any two years.

Section 4. The said board shall hold its sessions when and where occasion may require, having full power to send for persons and papers in the prosecution of their said work, and also have power to administer oaths; but

the entire period of all the sessions of said board shall not exceed six months in any two years.

Section 5. The members of said board shall each receive compensation at the rate of five dollars per day while rendering their services, and each shall receive his actual necessary expenses while employed in the duties of the board; and such salary and expenses shall be stated in account, and also the salary of the clerk of such board, under oath, and when approved by the Governor shall be paid by the State Treasurer, on the warrant of the Auditor General, out of any moneys in the treasury not otherwise appropriated.

Section 6. It shall be the duty of said Board to investigate the cases of such convicts now or hereafter confined in the State Prisons and House or Houses of Correction as may petition for pardon, and report to the Governor the results of their investigations, with such recommendations as in their judgment shall seem expedient either in respect to pardons, commutations, or refusal of pardon or commutation. Upon receiving the result of any such examination, together with the recommendations aforesaid, the Governor may, at his discretion, upon such conditions, with such restrictions and under such limitations as he may deem proper, grant the desired pardon or commutation; and he may issue his warrant to all proper officers to carry into effect such pardon or commutation, which warrant shall be obeyed and executed instead of the sentence originally awarded.

Section 7. When a convict is pardoned or his punishment commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the same, make return thereof under his hand, with his doings thereon, to the office of the Secretary of State; and he shall also file in the clerk's office of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.

This act is ordered to take immediate effect.

Approved June 17, 1885.

Act 228, P.A. 1889

An Act to provide for indeterminate sentences and disposition, management, and release of criminals under such sentence.

Section 1. The People of the State of Michigan enact, That every sentence to State Prison at Jackson, the State House of Correction and Reformatory at Ionia, and the State House of Correction and Branch of the State Prison in the Upper Peninsula of any person hereafter convicted of a crime, except of a person sentenced for life, or a child under fifteen years of age, may be in the discretion of the court, a general sentence of imprisonment in that one of the prisons provided by law for the offense of which he is convicted. The term of such imprisonment of any person so convicted and sentenced may be terminated by the Board as authorized by this act; but such imprisonment shall not exceed the maximum term provided by law for the crime for which the prisoner was convicted and sentenced; and no prisoner shall be released until after he shall have served at least the minimum term provided by law for the crime for which he is convicted.

Section 2. Every clerk of any court by which a criminal shall be sentenced to any prison, whenever the term of such sentence may not be fixed by the court, shall furnish the warden or other officer having such criminal in charge, a record containing a copy of the information or complaint, of any special plea, the name and residence of the judge presiding at the trial, also of the jurors and of the witnesses sworn on the trial, with a statement of any fact: or facts which the presiding judge may deem important or necessary for the full comprehension of the case, and of his reasons for the sentence inflicted; and such copy, statement and abstract: signed by the clerk of the court, shall be prima facie evidence against the convicted person in all proceedings for the relief of such person by a writ of habeas corpus or otherwise. The clerk of the court shall be entitled to such compensation in

every case in which he shall perform the duties required by this act as shall be certified to be just by the presiding judge at the trial and shall be paid by the county in which the trial is had, as a part of the court expense. The clerk shall also, upon any conviction and sentence, forthwith transmit to the warden of the prison to which sentenced notice thereof.

Section 3. The board of control of prisons shall have power to establish rules and regulations under which prisoners sentenced under this act, may be allowed to go upon parole outside of the buildings and enclosures, but to remain, while on parole outside of the buildings and enclosures, but to remain, while on parole, in the legal custody and under the control of the board, and subject at any time to be taken back within the enclosure of said prison; and full power to enforce such rules and regulations, and to re-take and re-imprison any convict so upon parole, is hereby conferred upon said board, whose written order, by its clerk, shall be sufficient warrant for all officers named therein, to authorize such officer to return to actual custody any conditionally released or paroled prisoner; and it is hereby made the duty of all officers to execute such order the same as in any ordinary criminal process.

Section 4. The board shall make such rules and regulations for the separation and classification of prisoners sentenced under this act, into different grades, with promotion and degradation, according to the merits of the prisoners, their employment and instruction in industry, and generally, as may from time to time appear to be necessary or promotive of the purposes of this act.

Section 5. And it is hereby provided that when any prisoner violating the conditions of parole or conditional release (by whatever name), is by a formal order, entered in the board's proceedings, declared a delinquent, he shall thereafter be treated as an escaped prisoner, owing service to the State, and shall be liable when arrested to serve out the unexpired period of the maximum possible imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time served. And any prisoner at large upon parole or conditional release, committing

a fresh crime, and upon conviction thereof being sentenced anew to the prison shall be subject to serve the second sentence after the first sentence is served or annulled, to commence from the date of the termination of the first sentence.

Section 6. Nothing in this act contained shall be construed to impair the power to grant a pardon or commutation in any case.

Approved July 1, 1889.

Act 140, P.A. 1891

An Act to provide for a State board of inspectors who shall perform the duties now performed by the advisory board in the matter of pardons and who shall have the complete management and control of the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Assylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for boys at Lansing, and the Industrial Home for girls at Adrian, and to abolish all existing boards and to annul all existing appointments.

Section 1. The People of the State of Michigan enact That the State Prison at Jackson, the State House of Correction and Reformatory at Ionia, the Michigan Asylum for Insane Criminals at Ionia, the branch of the State Prison at Marquette, the Reform School for boys at Lansing, and the Industrial Home for girls at Adrian, shall all be under the complete management and control of one board to consist of four members, not more than three of whom shall be of the same political party, to be appointed by the Governor by and with the advice and consent of the Senate, one to serve for two years, one to serve for four years; one to serve for six years and one to serve for eight years as may be designated by the Governor at the time of their appointment, and at the expiration of the term, their successors shall be appointed in like manner for a term of eight years. The Governor shall be ex officio a member of said board; whenever a vacancy occurs in the board otherwise than by the expiration of a term of appointment such vacancy shall be filled by the Governor for the remainder of the term in

the usual manner. The first appointments' shall be made by the Governor for the remainder of the term in the usual manner on the passage of this act, or as soon thereafter as may be, and the terms of office of the first appointees shall terminate on the fifteenth day of February, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-seven, one thousand eight hundred and ninety-nine respectively.

Section 2. Before entering upon the discharge of their duties each member of said board shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office.

Section 3. The members of said board shall each receive compensation at the rate of one thousand dollars per annum, and each shall receive his actual and necessary expenses while employed in the duties of the board, and such salary and expenses shall be stated in account under oath, and when approved by the Governor shall be paid by the State Treasurer on the warrant of the Auditor General, out of any moneys in the treasury not otherwise appropriated.

Section 4. The officers of each of the prisons shall consist of a warden, who shall be principal keeper, one deputy warden, one clerk, one chaplain, one physician, who is a surgeon, and who shall be also a keeper, and one chief engineer, and as many keepers and guards as the warden and board may deem necessary. And for the Michigan Asylum for Insane Criminals, Reform School for Boys at Lansing, and the Industrial Home for girls at Adrian, there shall be one superintendent for each, and as many assistants as the board may deem necessary. Each warden or superintendent shall reside at the prison, asylum, or school over which he has charge, in furnished apartments assigned by the board, and shall be entitled to food, fuel and light for his family and for guests who visit him on business connected with the said institutions. The wardens or superintendents shall be in constant attendance at the prison, asylum or school except when absent on some necessary duty or for sickness, in which case their duties during their absence or sickness shall be performed by the

deputy or first assistant, and in no case shall the warden or superintendent and deputy or first assistant be absent at the same time.

Section 5. The said board of prison inspectors when organized shall immediately appoint a warden for each prison named and a superintendent for said asylum and each of the schools named, but the superintendent of the Industrial Home for girls shall be a woman, to serve for four years or during the pleasure of the board who have executive ability essential to the proper management of the officers and employees under their jurisdiction and to enforce and maintain proper discipline in every department, and such appointees shall have full control and management under rules and regulations adopted by the board, with power to suspend for cause any officer and discharge any employee in the institution over which they have charge, and report such action to the board. All officers and employees shall be appointed by the warden or superintendent subject to the approval of the board and all officers may be removed by the board. The board of inspectors shall also have power to remove the warden or superintendent for cause after opportunity shall be given him to be heard upon written charges. No warden or superintendent shall be removed except for cause.

Section 6. The following salaries shall be paid to the wardens and superintendent of the asylum, a sum not exceeding one thousand five hundred dollars per annum each, with keep as provided; to the deputy warden a sum not exceeding one thousand dollars with board; to the clerk a sum not exceeding one thousand dollars; to the physician a sum not exceeding one thousand dollars; to the chaplain a sum not exceeding one thousand dollars; to the chief engineer a sum not exceeding one thousand dollars; to the superintendent of Reform School at Lansing, one thousand five hundred dollars, with keep as provided. To the superintendent of Industrial Home for girls at Adrian, one thousand dollars with keep, as provided. The said board of inspectors shall fix the salaries as herein provided and for all other employees deemed by them necessary to have for the proper management of each institution, stating whether same is with or without board. Said salaries are to be paid monthly from money on hand or drawn from the State treasury.

Section 7. Before entering upon the duties of their office, the warden or superintendent shall execute to the people of the State, a bond with two or more sufficient surties in the penal sum of twenty-five thousand dollars, conditioned that they shall faithfully account for all moneys and properties that may come into their hands by virtue of their office, whether arising from the labor of convicts, the sale of manufactured articles, or appropriations made by the Legislature and drawn from the State Treasury, and shall perform all the duties incumbent upon them as such warden or superintendent according to law, which bond shall be approved by the board and filed in the office of the Auditor General.

Section 8. The board of inspectors shall meet at each prison, asylum or school at least once in every three months, and as much oftener as the proper management thereof shall require. A majority of the members of the board shall constitute a quorum for the transaction of business and the first out-going member shall be the chairman thereof; they shall make all necessary rules and regulations for the government and management of said institutions in all its details. It shall be the duty of the officers in charge to see that such rules and regulations are properly carried out. The warden or superintendent, or as he may direct, the clerk of the prison, asylum or school shall attend the meetings of the board and shall keep regular minutes of the proceedings in a book provided for that purpose, and the minutes thus kept shall be signed by the chairman, and kept in the prison, asylum or school.

Section 9. All moneys drawn from the State treasury for the uses of the several institutions named shall be upon the warrant of the warden or superintendent, indorsed by the board of inspectors and approved by the Auditor General.

Section 10. The warden or superintendent, under directions of the board, shall cause the books of the institution to be so kept as to clearly exhibit the workings of the prison, asylum or school, in all its departments. He shall make a quarterly statement to the board which shall specify in detail all receipts and expenditures; proper itemized vouchers in duplicate shall be taken for each expenditure, one of which shall accompany each

quarterly statement, the other to be kept on file at the institution and the said quarterly statement with vouchers attached after approval by the board, shall be filed with the Auditor General. The accounts of each institution shall be annually closed on the thirtieth day of November each year, and the warden or superintendent shall make a report to the said board within one month thereafter, showing the condition of the prison, asylum or school, together with a detailed statement of the receipts and expenditures in each department, and the estimates of expense for building, repairs and all other purposes for the next succeeding year; the names and duties of all employees with their several salaries; the contracts entered into during the year for the employment of convicts; the name of each contractor in the prison or school with the number of convicts employed by him and the price paid for their labor; the whole number of inmates in the prison, asylum or school, and the whole number received during the year, with the names of the counties from whence they were received, and the crimes of which they were convicted; the number discharged, died, escaped or pardoned, together with such other facts and suggestions as may fully exhibit the entire workings of the prison or school during the year.

Section 11. No inspector, warden or superintendent or any other employee shall be directly or indirectly interested in any kind of business carried on in such prison, asylum or school, nor in the purchase or sale for on account of such prison or school, nor shall they employ the labor of any convict upon any work in which they are interested; all infractions of the rules and regulations shall be reported by the officer in charge, to the warden or superintendent, who alone is authorized to prescribe punishment, and all good time lost by said infraction of rules and regulations may, upon the recommendation of the warden, be restored by the board of inspectors. The warden or superintendent shall cause to be kept a daily journal of the proceedings of the prison, asylum or school in such manner as may be directed by the board of inspectors, and keep in each cell or room in the prison, asylum or school, a copy of the rules and regulations adopted by the board for the government of prisoners.

Section 12. The said board of inspectors shall make a biennial report to the Governor to be by him laid before the Legislature; the first report to be made in January, one thousand eight hundred and ninety-three, which shall contain the reports made them by the officers of each institution, together with such recommendations for the betterment of each institution, and any other information they may deem proper to submit.

Section 13. The said board of inspectors shall be the advisory board in the matter of pardons, and shall exercise the powers and perform the duties of said advisory board as provided by law. All acts or parts of act inconsistent with the provisions of this act are hereby repealed, and the present boards of managers of said institutions consolidated under this act be and the same are hereby abolished and all appointments of officers and agents at said institutions are hereby annulled.

Approved June 17, 1891.

Act 150, P.A. 1893

An Act to provide for the establishment and maintenance of a Pardoning Board, prescribing the powers and duties, and repealing all acts and parts of acts in conflict therewith.

Section 1. The People of the State of Michigan enact, That the governor shall appoint four suitable persons, residents of the state to be called and known as "The Advisory Board in the Matter of Pardons," who shall hold their office respectively, two thereof for two years, and two for four years, as indicated by the governor in his appointments, and all appointments thereafter made, except to fill vacancies, shall be for the period of four years; and at each biennial session of the legislature the governor shall appoint, by and with the advice and consent of the senate, two members of said board. Any vacancy occurring in said board by reason of removal, resignation, or otherwise, shall be filled by the governor, the appointment in any case thus made to be subject to ratification or rejection by the senate at the first regular session following such appointment.

Section 2. At least one member of said board shall be an attorney-at-law, and at least one member shall be a physician.

Section 3. Before entering upon the discharge of their duties, each member of said board shall take and subscribe the constitutional oath of office, and file the same in the office of the secretary of state. The executive clerk in the office of the secretary of state. The executive clerk in the office of the governor shall act as the secretary of such board, when organized and in session, and shall keep a record of all its proceedings and determinations, and who shall certify all findings, and perform all other duties required by said board, but who shall receive no extra compensation therefor, except his actual traveling expenses to be paid as provided in section five of this act.

Section 4. The said board shall hold its sessions when and where occasion may require, having full power to send for persons and papers in the prosecution of their said work, and also have power to administer oaths; but the entire period of all the sessions of said board shall not exceed six months in any two years.

Section 5. The members of said board shall receive compensation at the rate of five dollars per day while rendering their services, and each shall receive his actual and necessary expenses while employed in the duties of the board; and such salary and expenses shall be stated in account, and also the salary of the clerk of such board, under oath, and when approved by the governor shall be paid by the state treasurer, on the warrant of the auditor general, out of any moneys in the treasury not otherwise appropriated.

Section 6. It shall be the duty of the board to fully and carefully investigate the merits of every application for pardon, commutation of sentence, or license to be at large and it shall thereupon recommend, in writing, to the governor, the advisability of granting or rejecting the same. Such board shall also transmit to the governor, with its recommendation, a full and concise statement of the facts in each case, together with all papers and documents relating thereto. No recommendation shall be made unless it shall receive the sanction of at least three members of said board.

Section 7. When a convict is pardoned, or his punishment commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the same, make return thereof under his hand, with his doings thereon, to the office of the secretary of state; and he shall also file in the clerk's office of the secretary of state; and he shall also file in the clerk's office of the court in which the offender was convicted, an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.

Section 8. This section repeals all acts or parts this act., of acts contravening the provisions of

Section 9. It shall be the duty of said board, on the first day of December in each year, to report, in writing, to the governor, its actions during the preceding year, with suggestions as to what legislation, if any, there should be in order to carry out more fully the object and purposes of its own creation, which annual report shall also contain the proceedings of the board for the preceding year in full. This report shall be published in form and manner as other state reports, and such number of copies as the governor shall direct.

Section 10. not included, irrelevant.

Act 218, P.A. 1895

Section 1. An Act to authorize and regulate the paroling of convicts. The People of the State of Michigan enact that the governor shall have authority, under such rules and regulations as he may prescribe, to issue a parole or permit to go at large, to any convict who now is, or hereafter may be, imprisoned in any of the prisons of this state, under a sentence other than a life sentence, who may have served the minimum term provided by law for the crime for which he was convicted, and who has not previously served two terms of imprisonment in any penal institution for felony.

Section 2. Every such convict, while on parole, shall remain in the legal custody and under the control of the governor, and shall be subject at any time to be taken back within the enclosure of the prison from which he was thereby permitted to go at large, for any reason that shall be satisfactory to the governor, and at his sole discretion; and full power to retake and return any such paroled convict to the prison from which he was permitted to go at large is hereby expressly conferred upon the governor, whose written order, when duly attested by the secretary of state shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the prison from which he was permitted to go at large, any such convict, and it is hereby made the duty of all officers to execute said order the same as ordinary criminal process.

Section 3. This act shall not be construed to in any sense operate as a release of any convict paroled under its provisions, but simply as a permit granted to such convict to go without the inclosure of prison, and while so at large he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in prison.

Act 136, P.A. 1903

An Act to provide for the indeterminate sentence and for the disposition, management and release of criminals under such sentence, and for the expense attending the same.

Section 1. Every sentence to the State Prison of Jackson, to the Michigan Reformatory at Ionia, to the State House of Correction and Branch of the State Prison in the Upper Peninsula, and to the Detroit House of Correction, of any person hereafter convicted of a crime, except of a person sentenced for life, or a child under fifteen years of age, shall be an indeterminate sentence as hereinafter provided. The term of imprisonment of any person so convicted and sentenced shall not exceed the maximum term provided by law for the crime for which the prisoner was charged until after he shall have served at least the minimum term as provided by law for the crime for which he was convicted: Provided, That in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentence shall fix the maximum sentence: Provided further, That in all cases where no minimum sentence is fixed by law, the court imposing sentence shall fix such minimum, which minimum shall not be less than six months.

Section 2. If, through oversight or otherwise, any person shall be sentenced to imprisonment in the said State prisons for a definite period of time other than for life, said sentence shall not for that reason be void, but the prisoner so sentenced shall be entitled to the benefit and subject to the liabilities of this act, in the same manner and to the same extent, as if the sentence had been in the terms required in section one of this act: Provided, That in these cases where no minimum sentence is fixed by the court, the minimum limit of any such sentence in any case shall not be for a less period than one year,

except in those instances where the minimum limit is now fixed or which may hereafter be fixed or provided for by law.

Section 3. When a criminal shall be sentenced to prison by any court, the clerk of that court shall furnish the warden or superintendent of the institution to which the criminal is sentenced, a record containing a copy of the information or complaint and of any special plea; the name and residence of the judge presiding at the trial, names and post office addresses of the jurors and of the witnesses sworn on the trial, together with a statement of any facts which the presiding judge may deem important or necessary for the full comprehension of the case, and such record duly signed by the clerk of the court, shall be prima facie evidence against the convicted person in all proceedings for the release of such person by a writ of habeas corpus or otherwise. Said record shall be delivered to the warden or superintendent at the time of the delivery of the prisoner. In each case in which he shall perform the duties required by this act, the clerk of the court shall be entitled to such compensation as shall be certified to be just by the presiding judge at the trial, not to exceed two dollars in any one case, which shall be paid by the county in which the trial is had, as a part of the court expense.

Section 4. A uniform blank form of application for parole shall be prescribed by the Governor and supplied by the Secretary of State to the penal institutions named in section one of this act. Upon the expiration of the minimum term for which he was sentenced as aforesaid, any prisoner may apply to the warden or superintendent of the institution wherein he is confined, and thereupon an application for parole shall be sent by the warden or superintendent to the Governor. Upon receipt of said application the Governor may order such investigation by the Advisory Board in the Matter of Pardons as he may deem advisable and necessary. Authority to grant paroles under such rules and regulations as he may adopt is hereby conferred exclusively upon the Governor: Provided, That no prisoner who has been twice previously convicted of a felony shall be eligible to parole under the provisions

of this act: Provided further, That while at large by authority of a parole granted as aforesaid, the person so paroled shall be deemed to be still serving out the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison.

Section 5. Every such convict while on parole, shall remain in the legal custody and under the control of the Governor, and shall be subject at any time to be taken back within the inclosure of the prison from which he was permitted to go at large, for any reason that shall be satisfactory to the Governor, and at his sole discretion; and full power to retake and return any such paroled convict to the prison from which he was permitted to go at large is hereby expressly conferred upon the Governor, whose written order duly executed, shall be a sufficient warrant, authorizing all officers named therein to return to actual custody in the prison from which he was permitted to go at large, any such paroled convict, and it is hereby made the duty of all officers to execute said orders the same as in ordinary criminal process. For such service, officers other than an officer of the prison, shall be entitled to receive the same fees therefor, and the actual sheriffs for conveying convicts to prison.

Section 6. When any prisoner violating the conditions of his parole or conditional release is declared a delinquent by resolution adopted and entered in the records of the board of control of the institution from which said prisoner was paroled, he shall thereafter be treated as an escaped prisoner owing service to the state, and shall be liable when arrested to serve out the unexpired period of his maximum possible imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served. And any prisoner committing a crime while at large upon parole or conditional release, and being convicted and sentenced therefor, shall serve the second sentence, to commence from the date of the termination of the first sentence, after the first sentence is served or annulled.

Section 7. Application for absolute discharge of any prisoner upon parole, shall be made to the board of control of the prison from which said convict was paroled.

If upon consideration of an application for absolute discharge, it shall appear to the said board of control that it would be advisable to fully discharge such prisoner from imprisonment: Provided, Applications for absolute discharge shall be made only for prisoners upon parole.

Section 8. On the last day of each month, each paroled convict shall make a written report to the warden or superintendent of the prison from which he was released, showing his conduct during the current month, his employment, earnings and expenditures, his probable post office address and place of employment for the coming month; and the warden or superintendent in charge of each prison of this state named in section one of this act, shall, not later than the tenth day of each month, tabulate and report to the Governor in writing, the information thus received, and he shall communicate to the Governor immediately all violations and infractions of the rules governing such paroled convicts also any information which may be conveyed to said warden or superintendent, as to the disorderly conduct of such paroled convicts. The Governor shall also be informed of the release of such paroled convicts upon the expiration of their terms of imprisonment.

Section 9. There shall be kept in each prison named in sections one of this act, by the warden or superintendent thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this act. A summary of such record for the fiscal year ending June thirtieth, shall be filed with the Advisory Board in the Matter of Pardons to be by said board compiled and included in the annual report of the advisory board, which report shall be submitted in writing to the Governor on or before the first day of December in the year one thousand nine hundred four, and on or before December first of each year thereafter, and said report shall be accompanied by such recommendations as the said board may see fit to make.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved May 21, 1903.

Act 184, P.A. 1905

An Act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detailed on such sentence, and for the expense attending the same.

Section 1. That when any person shall hereafter be convicted of crime committed after this act takes effect, the punishment for which prescribed by law, may be imprisonment in the State Prison at Jackson, the Michigan Reformatory at Ionia, The State House of Correction and Branch of the State Prison in the Upper Peninsula, or the Detroit House of Correction, the court imposing sentence, shall not fix a definite term of imprisonment, but shall fix a minimum term of imprisonment which shall not be less than six months in any case. The maximum penalty provided by law shall be the maximum sentence in all cases except as herein provided and shall be stated by the judge in passing sentence. The judge shall at the time of pronouncing such sentence recommend and state therein what, in his judgment, would be a proper maximum penalty provided by law. He shall before at the time of passing such sentence ascertain by examination of such convict on oath, or otherwise, and in addition to such oath, by such other evidence as can be obtained tending to indicate briefly the causes of the criminal character or conduct of such convict, which facts, and such other facts as shall appear to be pertinent in the case, he shall cause to be entered upon the minutes of the court.

Section 2. The maximum term of imprisonment shall not exceed the longest term fixed by law for the punishment of the offense of which the person sentenced is convicted, and the minimum term of imprisonment fixed by the court shall not exceed one-half of the maximum term of

imprisonment, then the minimum term fixed by law shall be the minimum term of imprisonment.

Section 3. The provisions of this act shall not apply to any person convicted of an offense the only punishment for which prescribed by law is imprisonment in one of the penal institutions named for life: Provided, That in all cases where the maximum sentence, in the discretion of the court, may be for life or any number of years, the court imposing sentence shall fix both the minimum and maximum sentence. The minimum term of imprisonment thus fixed by the court shall not exceed one-half of the maximum term so fixed.

Section 4. Whenever a person shall be convicted of crime and sentenced to imprisonment pursuant to the provisions of this act, the clerk of the court shall make and forward to the warden or superintendent of the institution to which the convict is sentenced, and also to the Governor, a record containing a copy of the information or complaint, the sentence pronounced by the court, the name and residence of the judge presiding at the trial, prosecuting attorney and sheriff, and the names and post office addresses of the jurors and the witnesses sworn on the trial, together with a statement of any fact or facts which the presiding judge may deem important or necessary for a full comprehension of the case, and a reference to the statute under which the sentence was imposed. One copy of the said record shall be delivered to the warden or superintendent at the time the prisoner is received into the institution, and one copy shall be forwarded to the Governor within ten days thereafter. In each case in which he shall perform the duties required by this act, the clerk of the court shall be entitled to such compensation as shall be certified to be just by the presiding judge at the trial not to exceed three dollars for any one case, which shall be paid by the county in which the trial is had as a part of the expenses of such trial.

Section 5. Authority to grant parole under the provisions of this act is hereby conferred exclusively upon the Governor in all cases of murder, actual forcible rape, for offenses by public officers in violation of their duties as such officers, and to all persons convicted and serving sentence for conspiracy to defraud public

municipalities, or the bribing or attempt to bribe of public officers. In all other cases such authority is hereby conferred upon the Advisory Board in the Matter of Pardons. The Governor and the Advisory Board in the Matter of Pardons acting jointly, shall have authority to adopt such rules as may, by them, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure: Provided, Prisoners, under the provisions of this act, shall be eligible to parole only after the expiration of their minimum term of imprisonment, and prisoners who have been twice previously convicted of a felony shall not be eligible to parole.

Section 6. Applications shall be made to the Governor or to the Advisory Board in the Matter of Pardons upon uniform blanks prescribed by the Governor and the Advisory Board in the Matter of Pardons acting jointly and supplied by the secretary of the Advisory Board in the Matter of Pardons to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent, when requested by a prisoner, whose minimum term of imprisonment has expired and is eligible to a parole, to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the Governor or to the Advisory Board in the Matter of Pardons, with his recommendation endorsed thereon. Upon receipt of such application and recommendation, the Governor or the Advisory Board in the Matter of Pardons shall make such investigation in the matter as they may deem advisable and necessary and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosure of the prison. The convict so paroled, while at large, by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison.

Section 7. No convict shall be released on parole until the Governor or Advisory Board in the Matter of Pardons shall have satisfactory evidence that arrangements have been made for such honorable and useful employment of the prisoner as he is capable of performing, and some

responsible person (not a relative) shall agree to act as his "first friend and adviser" who shall execute an agreement to employ the prisoner, or use his best efforts to secure suitable employment for him. Said "first friend and adviser" may, in the discretion of the Governor or the Advisory Board in the Matter of Pardons, be required to furnish a bond, or other satisfactory security to the Governor for the faithful performance of his obligation as such "first friend and adviser." All moneys collected upon such bond or security shall be turned over to the State Treasurer and credited by him to the general fund of the State.

Section 8. Every such convict, while on parole, shall remain in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent, and full power to retake and return any such paroled convict to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such paroled convict to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, whose written order shall be a sufficient warrant authorizing all officers named therein to return such paroled convict to actual custody in the prison from which he was permitted to go at large. When the warden or superintendent shall return to prison any paroled convict, he shall at once report the fact, and his reasons therefor, to the Advisory Board in the Matter of Pardons, and his action shall stand approved unless reversed by a majority vote of said board.

Section 9. A convict violating the provisions of his parole and for whose return a warrant has been issued by the warden or superintendent shall, after the issuance of such warrant be treated as an escaped prisoner owing service to the State, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served.

Section 10. Any prisoner committing a crime while at large upon parole or conditional release and being convicted and sentenced therefor shall serve the second sentence to commence from the date of the termination of the first sentence after the first sentence is served or annulled.

Section 11. At the time of granting parole to any prisoner either by the Governor or the Advisory Board in the Matter of Pardons, they shall each respectively determine the length of time the prisoner shall remain on parole, which shall not be more than four years in any case. After any prisoner has faithfully performed all of the obligations of his parole for the period of time so fixed, and has regularly made his monthly reports as required by the rules providing for his parole, he shall be deemed to have fully served his entire sentence, and shall then receive a certificate of final discharge from the warden or superintendent in whose custody he is. A duplicate copy of such final discharge shall at once be sent to the secretary of the Advisory Board in the Matter of Pardons who shall file the same in the office of the Governor.

Section 12. On the last day of each month, each paroled convict shall make a written report to the warden or superintendent of the prison from which he was released, showing his conduct during the current month, his employment, earnings and expenditures, his probable post office address and place of employment for the coming month; and the warden or superintendent in charge of each prison of this State named in section one of this act, shall, not later than the fifteenth day of each month, tabulate and report to the Advisory Board in the Matter of Pardons, in writing, the information thus received and he shall communicate to the Advisory Board in the Matter of Pardons immediately all violations and infractions of the rules governing such paroled convicts. In their annual report to the Governor, the Advisory Board in the Matter of Pardons shall include a summary of the paroles and releases under this act, the names of all prisoners who have violated their paroles, the nature of such violations, together with such other information concerning the operations under the law as may be deemed to be of public interest.

Section 13. There shall be kept in each prison named in section one of this act, by the warden or superintendent thereof, a book containing a full and accurate record of each and every transaction had under the provisions of this act. A summary of such record for the fiscal year ending June thirtieth, shall be filed with the Advisory Board in the Matter of Pardons, to be by said board compiled and included in the annual report of the Advisory Board, which report shall be submitted in writing to the Governor on or before the first day of December in the year nineteen hundred five, and on or before December first of each year thereafter, and said report shall be accompanied by such recommendations as the board may see fit to make.

Section 14. The provisions of this act, in so far as they pertain to the paroling of prisoners shall apply to all convicts now serving sentence in any of said penal institutions whose offenses come under the provisions of this act.

Section 15. The Secretary of the Advisory Board in the Matter of Pardons is hereby authorized to provide all blanks required for the proper execution of the provisions of this act after the forms for such blanks have been approved by the Governor and the Advisory Board in the Matter of Pardons.

Section 16. Nothing in this act shall be construed to interfere or impair the power of the Governor to grant pardon or commutations of sentence; nor shall anything herein contained be construed to interfere with the right of any person who may be serving out a term of imprisonment in any penal institution in this State by virtue of a sentence imposed under any law heretofore or now in force.

Section 17. Act number one hundred thirty-six of the public acts of nineteen hundred three, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 7, 1905.

Act 299, P.A. 1913

An Act to amend section eight of act number one hundred eighty-four of the Public Acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," approved June seven, nineteen hundred five.

The People of the State of Michigan enact:

Section 1. Section eight of act number one hundred eighty-four of the Public Acts of nineteen hundred five, entitled "An Act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," approved June seven, nineteen hundred five, is hereby amended to read as follows:

Section 8. Every such convict, while on parole, shall remain in the legal custody and under the control of the warden or superintendent of the prison from which he is paroled and shall be subject at any time to be taken back within the enclosure of said prison for any reason that may be satisfactory to the warden or superintendent, and full power to retake and return any such paroled convict to the prison from which he was allowed to go at large is hereby expressly conferred upon the warden or superintendent of such prison, whose written order shall be a sufficient warrant authorizing all officers named therein to return such paroled convict to actual custody in the prison from which he was permitted to go at large.

When the warden or superintendent shall return to prison any paroled convict, he shall at once report the fact, and his reasons therefor, to the advisory board in the matter of pardons, which board at its next meeting at the prison where such convict is confined shall order him to appear before said board to show cause, if any, why the original sentence imposed upon him should not be executed; and the action of the warden or superintendent shall stand approved unless reversed by a majority vote of said board after such meeting.

Approved May 13, 1913.

Act 198, P.A. 1917

An Act to amend sections five and six of act number one hundred eighty-four of the Public Acts of nineteen hundred five, entitled "An Act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," being compilers sections fifteen thousand eight hundred sixty-three and fifteen thousand eight hundred sixty-four of the Compiled Laws of nineteen hundred fifteen.

The People of the State of Michigan enact:

Section 1. Sections five and six of act number one hundred eighty-four of the Public Acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," being compilers' sections fifteen thousand eight hundred sixty-three and fifteen thousand eight hundred sixty-four of the Compiled Laws of nineteen hundred fifteen, are hereby amended to read as follows:

Section 5. Authority to grant parole under the provisions of this act is hereby conferred exclusively upon the Governor in all cases of murder, actual forcible rape, for offenses by public officers in violation of their duties as such officers, and to all persons convicted and serving sentence for conspiracy to defraud public municipalities, or the bribing or attempt to bribe of public

officers. In all other cases such authority is hereby conferred upon the Advisory Board in the Matter of Pardons, The Governor and the Advisory Board in the Matter of Pardons acting jointly, shall have authority to adopt such rules as may, by them, be deemed wise or necessary to properly carry out the provisions of this act, and to amend such rules at pleasure: Provided: Prisoners, under, the provisions of this act, shall be eligible to parole only after the expiration of their minimum term of imprisonment.

Section 6. Application shall be made to the Governor or to the Advisory Board in the Matter of Pardons upon uniform blanks prescribed by the Governor and the Advisory Board in the Matter of Pardons acting jointly and supplied by the secretary of the Advisory Board in the Matter of Pardons to the wardens or superintendents of the penal institutions named in section one of this act. It shall be the duty of the warden or superintendent, when requested by a prisoner whose minimum term of imprisonment will expire within thirty days and who is eligible to a parole, to furnish such prisoner with a blank application for parole. The application shall be filled out and delivered to the warden or superintendent who shall immediately forward the same to the Governor or to the Advisory Board in the Matter of Pardons, with his recommendation endorsed thereon. Upon receipt of such application and recommendation, the Governor or the Advisory Board in the Matter of Pardons shall make such investigation in the matter as they may deem advisable and necessary and may, in their discretion, grant such application and issue a parole or permit to such applicant to go at large without the enclosure of the prison. The convict so paroled, while at large, by virtue of such parole, shall be deemed to be still serving the sentence imposed upon him, and shall be entitled to good time the same as if confined in prison.

Approved May 10, 1917.

MICHIGAN'S "PAROLE LAW" Act 403, P.A. 1921

An Act to prescribe the manner of applying for pardons and paroles of prisoners; creating the office of the commissioner of pardons and paroles, prescribing his powers and duties, etc.

Section 1. There is hereby created in the Executive Department the office of Commissioner of Pardons and Paroles, with such powers and duties as are hereinafter prescribed. Such Commissioner shall be appointed by the Governor and shall be deemed to be the successor to, and shall perform the duties * * * * and exercise all of the powers required of and conferred by law upon the Advisory Board in the Matter of Pardons and of the secretary thereof. * * * *

Section 3. Hereafter, all applications for Executive Clemency, in the nature of pardon, reprieve, or parole, in behalf of persons convicted of crimes and misdemeanors and undergoing sentences of imprisonment therefor, shall be filed with the Commissioner of Pardons and Paroles * * * * The Governor may make such rules and regulations, not inconsistent with the statutes, as in his judgment are necessary to carry out the provisions of any law, relating to pardons and paroles, and all such rules and regulations when made and published shall have the force and effect of law.

Section 4. Hereafter, all paroles under the indeterminate sentence law, so called, shall be made and terminated by order of the Governor, only, but this provision shall not be construed as affecting or changing the status of any existing parole, nor as abrogating or lessening the power of the warden of any of the prisons to cause the arrest and return to prison of any prisoner paroled by virtue of the provisions of the indeterminate sentence law for violation of his parole as provided in act number one hundred eighty-four, Public Acts of nineteen hundred five, as amended: Provided, that each parole order,

hereafter issued by the Governor, shall distinctly state whether or not the prisoner so paroled shall be subject to be arrested and returned to the prison upon the warrant of the warden for violation of the conditions of his parole without the approval of the Governor as to the issuance of such warrant.

Section 6. Paroles under the indeterminate sentence law, where the prisoner is licensed to be conditionally at large but remains under the custody of the warden or superintendent of the prison or house of corrections during such parole, may be signed at the direction of the Governor by the Commissioner of Pardons and Paroles, and need not be authenticated by the Secretary of State. All such Executive orders, whether pertaining to pardons, commutations, reprieves or paroles, shall be obeyed by each officer to whom directed; and return of execution thereof shall be promptly made to the Governor, and filed with the Commissioner.

Act 115, P.A. 1931

An Act to amend act number one hundred eighty-four of the public acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same," as last amended, being section seventeen thousand five hundred twenty-one to seventeen thousand five hundred thirty-six inclusive, of the compiled laws of nineteen hundred twenty-nine, by adding thereto two new sections to stand as sections five-a and ten-a thereof.

The People of the State of Michigan enact:

Section 1. Act number one hundred eighty-four of the public acts of nineteen hundred five, entitled "An act to provide for the indeterminate sentence as a punishment for crime, upon the conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same", as last amended, being sections seventeen thousand five hundred twenty-one to seventeen thousand five hundred thirty-six, inclusive, of the compiled laws of nineteen hundred twenty-nine, is hereby amended by adding thereto two new sections to stand as sections five-a and ten-a thereof, said added sections to read as follows:

Prior parole to expiration of minimum term. Sec. 5-a. Prisoners under the provisions of this act shall be eligible for parole prior to the expiration of their

minimum terms of imprisonment whenever the sentencing judge or his successor in office shall give his written approval of the parole of such prisoner prior to the expiration of such minimum terms of imprisonment.

Annulment of remaining portion of first sentence.
Sec. 10-a. The power to annul the remaining portion of a first sentence referred to in the next preceding section of this act is hereby vested in the commissioner of pardons and paroles. This act is ordered to take immediate effect.

ACT 255, P.A. 1937

An Act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

CHAPTER I.

DEPARTMENT OF CORRECTIONS

State department of corrections; Michigan corrections commission, members, appointment, oath, officers and assistants, qualifications, terms vacancies, compensation and expenses, office.

Section 1. There is hereby created a state department of corrections, hereinafter called the department, which shall possess the powers and perform the duties granted and conferred. Such department shall consist of and be administered by a commission of five members appointed by the governor, by and with the advice and consent of the senate, to be known as the Michigan corrections commission, hereinafter called the commission, not more than three of whom shall be members of the same political party, each of whom shall qualify by taking the

constitutional oath of office, and filing the same in the office of the secretary of state, and of such other officers and assistants as may be appointed or employed in such department, including a director as its executive head. No person holding any position either state or federal, nor any person drawing any salary from any municipal unit of the state, shall be eligible for appointment to the commission, without having first resigned from such position. The term of office of each member of the commission shall be six years: Provided, That of the members first appointed two shall be appointed for two years, two for four years and one for six years. The Governor shall fill any vacancy occurring in the membership of the Commission for the unexpired term only, and for cause established on hearing may remove any member thereof. Each member of the commission shall hold office until his successor shall be appointed and shall qualify. The members of the commission shall receive as compensation fifteen dollars per diem for each day they shall attend any regular or special meeting: such compensation shall be limited to one hundred eighty dollars per annum. The members of the commission shall be entitled to actual and necessary traveling and other expenses while in the performance of any of the duties hereby imposed. Such department and commission shall have its executive office at Lansing, and it shall be the duty of the board of state auditors to provide suitable office accommodations therefor: Provided, however, That meetings of the commission may be held at such other suitable places as it may designate.

Michigan corrections commission; chairman, meetings, quorum, administration duties.

Section 2. When this act becomes effective, the commission shall forthwith hold its organization meeting, and proceed promptly to comply with and enforce the several provisions of this act. The commission shall elect annually a chairman and such other officers as it may deem expedient. Meetings shall be held at such times as may be deemed necessary under the provisions of this act and in accordance with the rules and regulations adopted by the commission. A majority of the total membership of the commission shall constitute the responsible authority

for the administration of the penal institutions, prison industries, parole and probation of the state, subject to the limitations hereinafter set forth. The commission shall determine all matters relating to the unified development of the penal institutions, prison industries, parole and probation of the state and shall coordinate and adjust the agencies and institutions within its jurisdiction so that each shall form an integral part of a general system.

Same; director, appointment, term, compensation and expenses, powers.

Section 3. The commission shall appoint a director of corrections who shall be qualified by training and experience in penology. He shall hold office at its pleasure and shall receive such salary as shall be appropriated by the legislature, together with actual and necessary traveling and other expenses. The director shall be the chief administrative officer of the commission and shall be responsible to the commission for the exercise of the powers and duties prescribed and conferred by this act, and for such other powers and duties as may be assigned by the commission, subject at all times to its control. Subject to the provisions of this act, and to the rules and regulations adopted by the commission, the director shall have full power and authority to supervise and control the affairs of the department, and the several bureaus thereof, and he shall carry out the orders of the commission.

Jurisdiction of department.

Section 4. Subject to constitutional powers vested in the executive and judicial department of the state, the department shall have exclusive jurisdiction over the following: (a) probation officers of this state, and the administration of all orders of probation, (b) pardons, reprieves, commutations and paroles, and (c) penal institutions, correctional farms, probation recovery camps and prison labor and industry.

Assistant directors, appointment, compensation, powers.

Section 5. The director, having first obtained the approval of the commission, shall appoint an assistant director in charge of pardons and paroles, an assistant director in charge of prisons, and an assistant director in charge of probation. The assistant director in charge

of pardons and paroles, the assistant director in charge of prisons, and the assistant director in charge of probation shall each receive such salary as shall be appropriated by the legislature, together with actual and necessary traveling and other expenses. The assistant directors shall exercise and perform the respective powers and duties prescribed and conferred by this act, and such other powers and duties as may be assigned by the director, subject at all times to his control.

Compensation and expenses of certain officers and employees of department.

Section 6. The compensation of all officers and employees of the department not fixed by law shall be fixed by the commission: Provided, That such compensation, and the expenses of the several bureaus of the department shall be within the appropriations made by the legislature, and shall be paid out of the state treasury in the same manner as the compensation and expenses of other state officers and employees are paid.

Rules and regulations.

Section 7. The director, having first obtained the approval of the commission, shall promulgate rules and regulations which shall provide:

(a) For the control, management and operation of the general affairs of the department;

(b) For supervision and control of probationers and probation officers throughout the state, subject to the provisions contained in this act;

(c) For the manner in which applications for pardon, reprieve or commutation shall be made to the governor; for procedure in handling such applications by the commission, and for recommendations thereon to the governor; for the manner in which paroles shall be considered, and to prescribe the duties of the parole board in respect thereto; for hearings on paroles and for notice thereof, in accordance with the provisions of this act; for the entering of appropriate orders granting or denying paroles; and for the supervision and control of paroled prisoners;

(d) For the management and control of state penal institutions, correctional farms and probation recovery camps within the jurisdiction of the commission;

(e) For the management and control of prison labor and industry.

The director, having first obtained the approval of the commission, may adopt such further rules and regulations with respect to the affairs of the department as he may deem necessary or expedient for the proper administration of this act and he may modify, amend, supplement or rescind any such rule or regulation: Provided, however, That no rule or regulation shall be adopted which shall be inconsistent with or in contravention of any of the express provisions of this act or the constitution.

Commission's biennial report to governor and legislature.

Section 8. On or before the fifteenth day of January of each year in which a regular session of the legislature is held, the commission shall make to the governor and legislature a report covering the operation of the department for the preceding biennial period. Such report, if so ordered by the board of state auditors, shall be printed and distributed in such manner and to such persons, organizations, institutions and officials as said board may direct.

Criminal statistics; compilation, duty of local enforcement officers.

Section 9, Within the department there shall be established a general division of criminal statistics under the supervision and control of the director. He shall have the power and it shall be his duty to obtain from all chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, paroles and probation officers and all others concerned in the control, apprehension, trial, probation, parole and commitments of adult criminals and delinquents in this state; periodical reports as to the number and kinds of offenses known to law enforcement officers; the numbers, age, sex, race, nativity and offenses of criminals and delinquents arrested, tried and otherwise disposed of; the sentence imposed and whether executed or suspended; the numbers placed on parole and probation and the reasons therefore and such other information as he may deem necessary. It shall be the duty of all such chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, parole and probation

officers and others concerned to make such reports at such times and in such manner, and to furnish such facilities for investigation as the director may reasonably require.

Crime prevention and research in criminology.

Section 10. The commission shall study the problem of crime prevention and foster research in criminology. It shall lend its aid in local crime prevention activities.

Bonds of officers and employees.

Section 11. The commission may require a bond from any officer or employee appointed by or subject to the control of the commission, conditioned upon the faithful performance of his duties and the accounting for all money and property within his control.

Power to issue subpoenas, administer oaths, etc.; circuit courts, jurisdiction, contempt.

Section 12. The commission shall have power to issue subpoenas to compel attendance of witnesses and the production of books and papers and it may administer oaths and examine persons under oath. In case of disobedience of a subpoena, the commission may invoke the aid of the circuit court of the county in which the witness resides, or the circuit court of the county in which the inquiry is being held, or the circuit court of the County of Ingham, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and any such court may, in case of contumacy or refusal to obey a subpoena, issue an order requiring such person to appear before said commission and to produce books, records and papers if so ordered and give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

Authority of commission relative to interstate compacts.

Section 13. The commission shall exercise the powers and duties created by act number eighty-nine of the public acts of nineteen hundred thirty-five, and any amendment thereto, and by any interstate compact made and entered into pursuant to this act, in regard to the control and supervision of parolees and probationers, and in regard to cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the penal laws and policies of the contracting states, and the

commission or any officer, or board, subject to its jurisdiction, may, upon designation by the governor of this state, promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the aforesaid act and compacts made pursuant thereto.

Seal of commission; corporate body.

Section 14. The commission shall devise a seal, and the rules and regulations of the commission shall be published over the seal of the commission. All orders of the commission shall be issued over the seal of the commission. Copies of all records and papers in the office of the department, certified by a daily authorized agent of the commission and authenticated by the seal of the commission, shall be evidence in all cases equally, and with the like effect, as the originals. A description of the seal, with an impression thereof, shall be filed in the office of the secretary of state. The commission shall be a body corporate, and is hereby authorized to lease any lands under its jurisdiction and to do any other act or thing necessary in carrying out the provisions of this act.

Acceptance of grant, devise, bequest, etc., by commission; duty of attorney general.

Section 15. The commission may receive on behalf of the state of Michigan any grant, devise, bequest, donation, gift or assignment of money, bonds or choses in action, or of any property, real or personal, and accept the same, so that the right and title to the same shall pass to the state of Michigan; and all such bonds, notes or choses in action, or the proceeds thereof when collected, and all other property or thing of value so received by the commission shall be used for the purposes set forth in the grant, devise, bequest, donation, gift or assignment: Provided, That such purposes shall be within the powers conferred on said commission. Whenever it shall be necessary to protect or assert the right or title of the commission to any property so received or derived as aforesaid, or to collect or reduce into possession any bond, note, bill or chose in action, the attorney general is directed to take the necessary and proper proceedings and to bring suit in the name of the commission on behalf

of the State of Michigan in any court of competent jurisdiction, state or federal, and to prosecute all such suits.

Budget, submission to budget director.

Section 16. The commission shall prepare for submission to the budget director the estimated needs and costs to operate the department, and the several institutions under the jurisdiction of the department, in accordance with the requirements of the laws of this state.

CHAPTER II.

BUREAU OF PROBATION

Bureau of probation.

Section 1. There is hereby established within the department a bureau of probation. This bureau shall be under the direction and supervision of the assistant director in charge of probation.

Appointment, supervision and removal of certain probation officers; probation recovery camps.

Section 2. The commission shall appoint, supervise and remove probation officers and police courts of this state, in the manner provided by the laws of this state.

The commission shall be vested with the powers and duties prescribed by law with relation to probation recovery camps.

Assistant director in charge of probation; powers and duties, penalty.

Section 3. The assistant director in charge of probation shall be the administrative head of the bureau of probation subject to the authority and supervision of the director of corrections, and the commission. He shall exercise general supervision over the administration of probation in circuit courts, municipal courts, superior courts and police courts of the state. He shall, with the approval of the director and under the merit system hereinbefore provided, appoint such personnel other than probation officers as may be necessary for the conduct of the

bureau. He shall endeavor to secure the effective application of the probation system in all courts of the state and the enforcement of probation laws. He shall cooperate in promoting measures for effective treatment and prevention of juvenile delinquency. He shall supervise the work of probation offices and records. He shall prescribe the form of records to be kept and reports to be made by probation officers and shall promulgate general rules which shall regulate the method of procedure in the administration of probation, including investigation, supervision, case work, record keeping and accounting. He shall collect and compile and publish statistical and other information relating to probation work in all courts and such other information as may be of value in probation service. All probation officers are hereby required to submit such reports to the department of corrections as may be required on forms to be prescribed and furnished by the department of corrections. Any person or officer contemplated in this section who shall fail or refuse such information within thirty days after the same has been demanded, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

Probation districts; geographical division of state.

Section 4. For the purpose of the administration of probation within this state the assistant director in charge thereof may with the approval of the director, divide the state into such geographical districts as he may deem practicable: Provided, That such districts may be combined, created or eliminated from time to time. One or more probation officers shall be appointed for each such district. Probation officers appointed under this act may be required to serve such courts and to perform such other duties as may be requested of them.

Grants-in-aid of certain counties for compensation and expenses of certain probation officers.

Section 5. Where the courts of more than one county are served by the same probation officer or officers, the compensation of such officer or officers and the expenses of administering probation service within such counties shall be met jointly by the boards of supervisors therein: Provided, That when it shall appear to

the commission that any county is unable adequately to maintain its probation program according to the standards set by the state bureau of probation, then grants-in-aid in such amounts and under such conditions as the commission may determine, shall be made available to such county: Provided, That uniform rules to be followed in making available such grants-in-aid first shall be promulgated by the commission.

Counties exempt.

Section 6. The provisions of this chapter shall not apply to probation departments heretofore established in any county of over five hundred thousand population, according to the last federal census.

Juvenile probation; inapplicability of act.

Section 7. Nothing in this act contained shall be construed to apply to juvenile probation. The terms probation officers, probation offices, probation, probation work, probation service, probation system, probation program, probation departments, probationers, probation laws, and comparable terms, whenever used in this act, shall be construed to refer to adults and to exclude juveniles.

Same; records furnished department of correction.

Section 8. It shall be the duty of the state department of public assistance and of the several probate courts of this state to furnish the state department of corrections information, on request, concerning any individual having a previous record as a juvenile probationer who shall have come within the jurisdiction of the state department of corrections.

CHAPTER III.

BUREAU OF PARDONS AND PAROLES: PAROLE BOARD

Bureau of pardons and paroles; assistant director, powers and duties; parole officers and assistants; employment director; geographical parole districts; selection of secretarial and other assistants under merit system.

Section 1. There is hereby established within the department a bureau of pardons and paroles, under the direction and supervision of the assistant director in charge of pardons and paroles. He shall direct and supervise the work of the bureau and shall formulate methods of investigation and supervision and develop various processes in the technique of the case work of the parole staff, including interviewing, consultation of records, analysis of information, diagnosis, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior. He shall be responsible for all investigations of persons eligible for release from state penal institutions, and for the general supervision of persons so released. The assistant director in charge of the bureau of pardons and paroles shall be responsible for the collection and preservation of such records and statistics with respect to paroled prisoners as may be required by the director. He shall employ such parole officers and assistants as may be necessary, subject to the approval of the director and under the merit system hereinbefore provided. He shall designate one of his assistants as employment director, whose duty, primarily, shall be to aid persons coming under the supervision of the bureau of pardons and paroles in securing employment. The assistant director shall, subject to the approval of the director, divide the state into geographical parole districts and shall designate a parole officer as district supervisor of each such district. The assistant director shall select such secretarial and other assistants as may be necessary for each such parole district under the merit system hereinbefore described, and may obtain permanent quarters for such staff in each such district as may be necessary. In the exercise of supervision over paroled prisoners the assistant director may utilize the services of such probation officers and other subordinate assistants of the department as he may deem necessary.

Parole board; members, directors, qualifications, appointment, compensation and expenses, duties.

Section 2. There is hereby established within the bureau of pardons and paroles a parole board consisting of three members, one of whom shall be the assistant director in charge of the bureau of pardons and paroles, who shall

serve as chairman of the board. The other members of the parole board shall be appointed by the commission. They shall be selected for their familiarity with the problems of penology and shall be removable by the commission for cause after hearing. Each member shall receive such annual salary as shall be appropriated by the legislature, together with actual and necessary traveling and other expenses: Provided, That the assistant director in charge of the bureau of pardons and paroles shall receive no additional compensation for his membership on the parole board. The parole board shall exercise and perform the powers and duties prescribed and conferred by this act and such other powers and duties as may be assigned by the commission.

Same; paroles, mandatory provisions, rules and regulations.

Section 3. The grant of any parole shall be subject to the following provisions:

(a) That no prisoner shall be given his liberty on parole until the board has reasonable assurance after consideration of all of the facts and circumstances, including the prisoner's mental and social attitude, that he will not become a menace to society or to the public safety;

(b) That no parole shall be granted to any prisoner until he has served the minimum term imposed by the court less such allowances for good time or special good time as he may be entitled to by statute: Provided, That prisoners shall be eligible for parole prior to the expiration of their minimum terms of imprisonment whenever the sentencing judge or his successor in office, and only upon the request of the parole board, shall give his written approval of the parole of such prisoner prior to the expiration of such minimum terms of imprisonment;

(c) That no prisoner shall be released on parole until the parole board shall have satisfactory evidence that arrangements have been made for such honorable and useful employment as he is capable of performing, or for his care if he is ill or incapacitated.

The parole board in its discretion, may adopt such other or further rules and regulations not inconsistent

with the foregoing provisions with respect to conditions to be imposed upon paroled prisoners under this act.

Same; prisoners within jurisdiction; review of release action.

Section 4. Every prisoner sentenced to an indeterminate sentence and confined in a state prison or reformatory, when he has served a period of time equal to the minimum sentence imposed by the court for the crime of which he was convicted, less allowances made for good time and special good time, shall be subject to the jurisdiction of the parole board. The time of his release shall be discretionary with the parole board. The action of the parole board in releasing prisoners shall not be reviewable if in compliance with law.

Same; duty and procedure in granting of parole; majority vote.

Section 5. The release of a prisoner on parole shall be granted solely upon the initiative of the parole board. At least one month prior to the expiration of the minimum term of each prisoner eligible for parole, less good time or special good time allowances, it shall be the duty of the parole board to cause to be brought before it all pertinent information with regard to such prisoner. Included in such information shall be a report of the warden of each prison or reformatory in which such prisoner has been confined as to the prisoner's conduct with a detailed statement as to all infractions of rules and discipline, punishment given to such prisoner and the circumstances connected therewith; the extent to which such prisoner appears to have responded to the efforts made to improve his social attitude; the prisoner's industrial record while confined, the nature of such occupation, and a recommendation as to the kind of work he is best fitted to perform and at which he is most likely to succeed when he is released; and the results of such physical, mental, and psychiatric examinations as have been made of the prisoner. Before releasing any prisoner on parole, the parole board shall have the prisoner appear before it and shall personally examine him. The parole board shall reach its own conclusion as to the desirability of releasing such prisoner on parole. All decisions of the parole board shall be by majority vote.

Parole order; signing, notice, revision, amending, etc., contents.

Section 6. All paroles shall issue upon order of the parole board, duly adopted, and shall be signed by the chairman; notice thereafter shall be given the sheriff, in writing, or other local police officers of the municipality or county in which the prisoner is convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent. Any order of parole may be amended, revised, modified or rescinded at the discretion of the parole board. Whenever an order for parole is issued it shall contain the conditions thereof and shall specifically provide proper means of supervision of the paroled prisoner in accordance with the rules and regulations of the board and under the direction of the bureau of pardons and paroles created by this act.

Clothing, transportation, money furnished prisoner upon release; repayment.

Section 7. Whenever any prisoner is released upon parole he shall receive from the state clothing and a non-transferable ticket to the place in which he is to reside. At the discretion of the assistant director in charge of the bureau of pardons and paroles, the prisoner may be advanced the expenses of such transportation, and such further sums, not to exceed twenty dollars, as the assistant director may direct for his temporary maintenance. Failure of the paroled prisoner to return such sums of money within sixty days may be declared to be a violation of his parole.

Prisoner on parole; legal custody; warrant for return; parole violator considered an escaped prisoner; serving of sentence for crime committed on parole; parole construed as a permit.

Section 8. Every prisoner on parole shall remain in the legal custody and under the control of the commission. The assistant director of the bureau of pardons and paroles is hereby authorized, at any time in his discretion, and upon a showing of probably violation of parole, to issue a warrant for the return of any paroled prisoner to the penal institution from which he was

paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the prisoner shall remain incarcerated in such penal institution.

A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the assistant director of the bureau of pardons and paroles shall, after the issuance of such warrant be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served. The warrant of the assistant director of the bureau of pardons and paroles shall be a sufficient order for the prisoner's return.

If any paroled prisoner shall fail to return to the prison enclosure when required by the assistant director of the bureau of pardons and paroles, or if he makes escape while on parole, he shall be treated in all respects as if he had escaped from the prison enclosure, and shall be subject to be retaken as provided by the laws of this state.

Any prisoner committing a crime while at large upon parole and being convicted and sentenced therefore shall serve the second sentence after the first sentence is served or annulled.

A parole granted a prisoner shall be construed simply as a permit to such prisoner to go without the enclosure of the prison, and not as a release, and while so at large he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in prison.

Authority of certain officers to arrest parole violators without warrant.

Section 9. Any probation officer, any parole officer or any peace officer of this state may arrest without warrant and surrender to the warden of the penal institution having jurisdiction, any paroled prisoner, whenever he has reasonable grounds to believe that the prisoner has violated his parole.

Parole violators; right to hearing, counsel, etc; witnesses, fee expense; officer serving subpoena, fee.

Section 10. Whenever a paroled prisoner is accused of a violation of his parole, which violation consists of an omission or act or offense other than the commission of a felony or misdemeanor under the laws of this state, he shall be entitled to a fair and impartial hearing of such charges before the parole board under such rules and regulations as the parole board may adopt. Upon such hearing such parole prisoner shall be allowed to be heard by counsel of his own choice, at his own expense, and may defend himself, and he shall have the right to produce witnesses and proofs in his favor and to meet the witnesses who are produced against him. If such parole prisoner shall make it appear to the satisfaction of the board that there is a material witness in his favor within this state without whose testimony he cannot safely proceed to hearing, and that such paroled prisoner is without funds and cannot obtain the means to procure the attendance of such witness at the place of hearing, the board may, in its discretion, having obtained the place of residence of such witness, cause a subpoena to be served upon such witness. It shall be the duty of the officer, to whom such subpoena is delivered for service to serve the same and of the witness named therein to attend such hearing. The officer serving such subpoena shall be paid therefor and the witness named therein shall be paid for attending such hearing in the same manner as if such witness had been subpoenaed in behalf of the people.

Decision of parole board, form.

Section 11. When the parole board has determined the matter it shall enter an order rescinding such parole, or reinstating the original order of parole or enter such other order as it may see fit.

Certificate of discharge; limitation on granting parole for certain crimes.

Section 12. When any paroled prisoner has faithfully performed all of the conditions and obligations of his parole for the period of time fixed in such order, and has obeyed all of the rules and regulations adopted by the parole board, he shall be deemed to have served

his full sentence and the parole board shall enter a final order of discharge and issue to the paroled prisoner a certificate of discharge.

Section 13. Ommitted.

Receipt of application for reprieve, commutation or pardon by parole board, procedure.

Section 14. Subject to the constitutional authority of the governor to grant reprieves, commutations, and pardons, the parole board shall, upon receipt of any application for reprieve, commutation, or pardon:

Original filed with governor.

(a) Deliver the original application to the governor and retain a copy thereof in its file, pending investigation and hearing;

Written notice, copies, etc., filed with sentencing judge and prosecuting attorney.

(b) Within ten days after receipt of any application, forward to the sentencing judge, and to the prosecuting attorney of the county having original jurisdiction of the case, or their successors in office, a written notice of the filing thereof, together with copies of the application, the supporting affidavits, and a brief summary of the case. Within ten days after receipt of notice of the filing of any application, it shall be the duty of the sentencing judge and the prosecuting attorney, or their successors in office, to file with the parole board, in writing, such information as may be at their disposal, together with such objections as they may desire to interpose to such application.

Public hearing; certain cases before parole board, duty of attorney general.

(c) In all cases where the applicant is serving a prison term upon conviction of murder, actual forcible rape, robbery while armed, kidnapping, extortion or breaking and entering a dwelling in the night time, the parole board shall before recommending any reprieve, commutation or pardon, conduct a public hearing. At such hearing two members of the parole board shall constitute a quorum and at such hearing the public shall be represented by the attorney general, or a member of his staff.

Same; certain cases heard by assistant director; exception; duty of attorney general.

(d) Where other offenses are involved, and before recommending any reprieve, commutation or pardon, a public hearing shall be held before the assistant director in charge of pardons and paroles: Provided, however, that the parole board shall conduct such hearing of such cases upon written request of the attorney general and at such hearing the people shall be represented by the attorney general or a member of his staff.

Same; written notice filed on trial judge, general and prosecuting attorney, time.

(e) At least five days prior to any public hearing, whether conducted by the parole board or by the assistant director in charge of pardons and paroles, written notice thereof shall be transmitted by mail to the attorney general, to the trial judge, and to the prosecuting attorney.

Same; rules and regulations governing conduct.

(f) Public hearing shall be conducted pursuant to the provisions of this act, and in accordance with such rules and regulations as the commission may adopt. Any person having information to divulge in connection with any application for pardon, commutation or reprieve shall be sworn as a witness. And in hearing testimony, the parole board and the assistant director in charge of pardons and paroles shall give to any technical rules of evidence a liberal construction.

Administering of oaths.

Section 15. In the conduct of any hearing or investigation as herein provided, the assistant director in charge of pardons and paroles and any member of the parole board may administer the oath to any witness.

CHAPTER IV.

BUREAU OF PRISONS

Not included.

CHAPTER V.

MISCELLANEOUS

Not included.

Act 173, P.A. 1941

An Act to amend section 4 of chapter 3 of Act No. 255 of Public Acts of 1937 entitled "An act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined to pardons, reprieves, commutations and pardons, to the administration of penal institutions, correctional farms and probation and recovery camps to prison labor and prison industries and the supervision and inspection of local jails and houses of correction, to create a state department of corrections and to prescribe its powers and duties to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers and to abolish certain boards, commissions and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act."

The People of the State of Michigan enact:

Section 1. Section 4 of chapter 3 of Act No. 255 of the Public Acts of 1937, entitled "An act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," is hereby amended to read as follows:

CHAPTER III

(28.2104) Prisoners under indeterminate sentence subject to jurisdiction of parole board upon expiration of minimum term; prisoners admissible to parole after serving 10 years.

Section 4. Every prisoner sentenced to an indeterminate sentence and confined in a state prison or reformatory, when he was served a period of time equal to the minimum sentence served by the court for the crime of which he was convicted, less allowances made for good time and special good time, shall be subject to the jurisdiction of the parole board: Provided further, That any convict who now is, or hereafter may be imprisoned in any one of the prisons or reformatories of this state under sentence for life or for any term of years, other than those so sentenced for life for murder in the first degree, and who shall have served 10 calendar years of such sentence, shall be subject to the authority and jurisdiction of the parole board and may be released on parole in the discretion of the parole board: Provided, however, That no

parole shall be granted any convict so sentenced and so imprisoned except after public hearing in the manner hereinafter prescribed for pardons and commutations, except that 1 member of the parole board may conduct such public hearing: Provided further, That notice of such public hearing shall be given to the sentencing judge, if alive, and said parole shall not be granted in case said sentencing judge shall file written objections to the granting thereof, which written objections shall be made part of the hearing. Parole so granted any convict so sentenced and so imprisoned shall be for a period of not less than 4 years, and subject to the usual rules appertaining to paroles issued by the parole board. The time of his release on parole shall be discretionary with the parole board. The action of the parole board in releasing prisoners shall not be reviewable if in compliance with the law: Provided, however, That no parole ordered for a convict whose sentence for life or for a minimum term equaling or exceeding 15 calendar years shall become valid until the transcript of the record shall have been filed with the attorney general whose certification of receipt thereof shall within 5 days be returnable to the office of the parole board. And such file shall become a public record as in the manner made and provided for pardons and commutations.

Approved June 16, 1941.

"LIFER LAW" RELEASES Act 4, P.A. 1947

Under legislation of 1941 (now Section 32, Act 4, P.A. 1947, Second Extra Session) provision is made for the parole eligibility of lifers and long termers other than those lifers convicted of first degree murder. The purpose of the Act is to provide some manner of recourse for such inmates without the necessity of their seeking executive clemency through commutation or pardon.

Eligibility requirements include: serving a minimum of ten calendar years; parole release approval of the sentencing judge, if still alive; a public hearing held by the Parole Board with the Attorney General's Office representing the people; and the filing of a transcript of the public hearing with the Attorney General. All such releases are otherwise discretionary with the Parole Board.

In 1942 impartial, chronological review of eligibility started. In less than two years all eligibles had been examined by a parole eligibility examiner employed to administer the program under the supervision of the Parole Board. Executive sessions were held regularly by the Parole Board to consider blocks of cases as reviews were completed. Since 1943, each eligible has been interviewed and reviewed annually.

Since the effective date of the Act, 87 or 35% of the 253 inmates eligible, have been paroled. Only three of those have violated their parole.

Act 4, P.A. 1947
(Second Extra Session)

An Act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said departments of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish the department of corrections created by Act. No. 255 of the Public Acts of 1937 and its certain boards, commissions and offices the powers and duties of which are hereby transferred; to create a state advisory council of corrections and to prescribe the duties thereof; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

Chapter I.

DEPARTMENT OF CORRECTIONS.

(28.2141) Department of corrections, creation; commissioner of corrections, appointment, salary etc.

Section 1. There is hereby created a state department of corrections, hereinafter called the department, which shall possess the powers and perform the duties granted and conferred. Such department shall consist of and be administered by a commissioner of corrections appointed by the governor, by and with the advice and consent of the senate, who shall qualify by taking the constitutional oath of office and filing the same in the office of the secretary of state, and of such other officers and assistants as may be appointed or employed in such department. No person holding any position either state or federal, nor any person drawing any salary from any municipal unit of the state, shall be eligible for appointment as such commissioner, without having first resigned from such position. The commissioner of corrections shall hold office at the pleasure of the governor, and shall receive an annual salary of \$10,000, and his actual necessary expenses. Such department shall have its executive office at Lansing, and it shall be the duty of the board of state auditors to provide suitable office accommodations therefor.

(28.2142) Commissioner, powers and duties.

Section 2. The commissioner of corrections shall constitute the responsible authority for the administration of the penal institutions, prison industries, and the parole and probation systems of the state, subject to the limitations hereinafter set forth. He shall determine all matters relating to the united development of the penal institutions, prison industries, the parole and probation systems of the state and shall coordinate and adjust the agencies and institutions within his jurisdiction so that each shall form an integral part of a general system. He shall be the chief administrative officer of the department and shall be responsible

to the governor for the exercise of the powers and duties prescribed and conferred by this act. Subject to the provisions of this act, and to the rules and regulations adopted by authority hereof, the commissioner of corrections shall have full power and authority to supervise and control the affairs of the department, and the several divisions thereof.

(28.2143) Departmental jurisdiction.

Section 3. Subject to constitutional powers vested in the executive and judicial departments of the state, the department shall have exclusive jurisdiction over the following: (a) probation officers of this state, and the administration of all orders of probation, (b) pardons, reprieves, commutations and paroles, and (c) penal institutions, correctional farms, probation farms and camps and prison labor and industry.

(28.2145) Commissioner to promulgate rules and regulations.

Section 4. The commissioner of corrections shall appoint a director of the division of pardons, paroles, and probation, and a director of the division of prisons and industries. They shall exercise and perform the respective powers and duties prescribed and conferred by this act, and such other powers and duties prescribed and assigned by the commissioner of corrections, subject at all times to his supervision and control. Their respective offices shall constitute the 2 exempt positions of the department of corrections within the excepting scope of article VI, section 22, state constitution, and each shall receive an annual salary of \$8,500.

(28.2145) Commissioner to promulgate rules and regulations.

Section 5. The commissioner of corrections shall promulgate rules and regulations which shall provide:

(a) For the control, management and operation of the general affairs of the department; (b) For supervision and control, management, of probationers and probation officers throughout the state, subject to the provisions contained in this act; (c) For the manner in which application for pardon, reprieve or commutation shall be made to the governor; for procedure in handling such applications by the department, and for recommendation

thereon to the governor; for the manner in which paroles shall be considered, and to prescribe the duties of the parole board in respect thereto; for hearings on paroles and for notice thereof, in accordance with the provisions of this act; for the entering of appropriate orders granting or denying paroles; and for the supervision and control of paroled prisoners; (d) For the management and control of state penal institutions, correctional farms and probation recovery camps within the jurisdiction of the commission; (e) For the management and control of prison labor and industry. The commissioner of corrections may adopt such further rules and regulations with respect to the affairs of the department as he may deem necessary or expedient for the proper administration of this act and he may modify, amend, supplement or rescind any such rule or regulation: Provided however, That no rule or regulation shall be adopted which shall be inconsistent with or in contravention of any of the express provisions of this act or the constitution.

(28.2146) Report to governor and legislature, contents, distribution.

Section 6. On or before the fifteenth day of January of each year in which a regular session of the legislature is held, the commissioner of corrections shall make to the governor and legislature a report covering the operation of the department for the preceding biennial period. Such report, if so ordered by the board of state auditors, shall be printed and distributed in such manner and to such persons, organizations, institutions and officials as said board may direct.

(28.2147) Division of criminal statistics; duties of chiefs of police, etc.

Section 7. Within the department there shall be established a general division of criminal statistics under the supervision and control of the commissioner of corrections. He shall have the power and it shall be his duty to obtain, from all chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, parole and probation officers and all others concerned in the control, apprehension, trial, probation, parole and commitments of adult criminals and delinquents in this state, periodical

reports as to the number and kinds of offenses known to law enforcement officers; the numbers, age, sex, race, nativity and offenses of criminals and delinquents arrested, tried and otherwise disposed of; the sentences imposed and whether executed or suspended; the numbers placed on parole and probation and the reasons therefor and such other information as he may deem necessary. It shall be the duty of all such chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, parole and probation officers and others concerned to make such reports at such times and in such manner, and to furnish such facilities for investigation as the commissioner of corrections may reasonably require.

(28.2148) Crime prevention, etc.; research.

Section 8. The commissioner of corrections shall study the problem of crime prevention and foster research in criminology. He shall lend aid in local crime prevention activities.

(28.2149) Bonds of officers, etc.

Section 9. The commissioner of corrections may require an appropriate bond from any officer or employee appointed by or subject to the control of the commissioner of corrections, conditioned upon the faithful performance of his duties and the accounting for all money and property within his control.

(28.2150) Subpoenas, commissioner may issue.

Section 10. The commissioner of corrections shall have power to issue subpoenas to compel attendance of witnesses and the production of books and papers and he may administer oaths and examine persons under oath. In case of disobedience of a subpoena, the commissioner of corrections may invoke the aid of the circuit court of the county in which the witness resides, or the circuit court of the county in which the inquiry is held, or the circuit court of the county of Ingham, in requiring the attendance and testimony of witnesses and the production of books, papers and documents; and any such court may, in case of contumacy or refusal to obey a subpoena, issue an order requiring such person to appear before said commissioner of corrections and to produce books, records and papers if so ordered and give evidence touching the matter in question.

Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(28.2152) Powers and duties conferred on commissioner.

Section 11. The commissioner of corrections shall exercise the powers and duties created by Act No. 89 of the Public Acts of 1935, and any amendment thereto, and by an interstate compact made and entered into pursuant to said act, in regard to the control and supervision of paroles and probations, and in regard to cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the penal laws and policies of the contracting states, and the commissioner of corrections or any officer, or board, subject to his jurisdiction, may, upon designation by the governor of this state, promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the aforesaid act and compacts made pursuant thereof.

(28.2152) Seal.

Section 12. The commissioner of corrections shall devise a seal, and the rules and regulations of the department shall be published over such seal. All orders of the commissioner of corrections shall be issued over such seal. Copies of all records and papers in the office of the department, certified by a duly authorized agent of the department and authenticated by such seal, shall be evidence in all cases equally, and with the like effect, as the originals. A description of the seal, with an impression thereof, shall be filed in the office of the secretary of state. The commissioner of corrections is hereby authorized to lease any lands under jurisdiction of the department and to do any other act or thing necessary to carrying out the provisions of this act.

(28.2153) Grants, etc., may receive.

Section 13. The commissioner of corrections may receive on behalf of the state of Michigan any grant, devise, bequest, donation, gift or assignment of money, bonds or choses in action, or of any property, real or personal, and accept the same, so that the right and title to the same shall pass to the state of Michigan; and all such bonds, notes or choses in action, or the proceeds

thereof when collected, and all other property or thing of value so received by the commissioner of corrections shall be used for the purposes set forth in the grant, devise, bequest, donation, gift or assignment: Provided, That such purposes shall be within the powers conferred on the department. Whenever it shall be necessary to protect or assert the right or title of the department to any property so received or derived as aforesaid, or to collect or reduce into possession any bond, note, bill or chose in action, the attorney general is directed to take the necessary and proper proceedings and to bring suit in the name of the department on behalf of the state of Michigan in any court of competent jurisdiction, state or federal, and to prosecute all such suits.

(28.2154) Estimate of needs and costs to budget director.

Section 14. The commissioner of corrections shall prepare for submission to the budget director the estimated needs and costs to operate the department, and the several institutions under the jurisdiction of the department, in accordance with the requirements of the laws of this state.

CHAPTER II.

DIVISION OF PARDONS, PAROLES AND PROBATION.

(28.2161) Division of pardons, paroles, etc., creation, powers, and duties.

Section 21. There is hereby established within the department a division of pardons, paroles and probation. This division shall be under the direction and supervision of the director of the division of pardons, paroles, and probation.

(28.2162) Probation officers, appointment, etc.; recovery camps.

Section 22. The commissioner of corrections shall appoint, supervise and remove probation officers for the circuit courts, municipal courts, superior courts, and

police courts of this state, in the manner provided by the laws of this state.

The commissioner of corrections shall be vested with the powers and duties prescribed by law with relation to probation recovery camps.

(28.2163) Director of pardons, etc., powers and duties.

Section 23. The director of division of pardons, paroles and probation shall be administrative head of such division subject to the authority and supervision of the commissioner of corrections. He shall exercise general supervision over the administration of probation in circuit courts, municipal courts, superior courts and police courts of the state. He shall, with the approval of the commissioner of corrections and under the state merit system, appoint such personnel other than probation officers as may be necessary for the conduct of the division. He shall endeavor to secure the effective application of the probation system in all courts of the state and the enforcement of probation laws. He shall cooperate in promoting measures for effective treatment and prevention of juvenile delinquency. He shall supervise the work of probation officers and shall have access to all probation offices and records. He shall prescribe the form of records to be kept and reports to be made by probation officers and shall promulgate general rules which shall regulate the method of procedure in the administration of probation, including investigation, supervision, case work, record keeping and accounting. He shall collect and compile and publish statistical and other information relating to probation work in all courts and such other information as may be of value in probation service. All probation officers are hereby required to submit such reports to the department of corrections as may be required on forms to be prescribed and furnished by the department of corrections. Any person or officer contemplated in this section who shall fail or refuse such information within 30 days after the same has been demanded, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$10.00 nor more than \$200.00.

(28.2164) Probation districts, division of state into.

Section 24. For the purpose of the administration of probation within this state the director of pardons, paroles, and probation may, with the approval of the commissioner of corrections, divide the state into such geographical districts as he may deem practicable: Provided, That such districts may be combined, created or eliminated from time to time. One or more probation officers appointed under this act may be required to serve such courts and to perform such other duties as may be required of them.

(28.2165) Expense of administering probation service, payment; grants-in-aid.

Section 25. Where the courts of more than 1 county are served by the same probation officer or officers, the compensation of such officer or officers and the expenses of administering probation service within such counties shall be met jointly by the boards of supervisors.

(28.2166) Probation departments exempted under act.

Section 26. The provisions of this chapter shall not apply to probation departments heretofore established in any county of over 500,000 population, according to the last federal census.

(28.2167) Juvenile probation.

Section 27. Nothing in this act contained shall be construed to apply to juvenile probation, The terms probation officers, probation offices, probation, probation work, probation service, probation system, probation program, probation departments, probationers, probation laws, and comparable terms, whenever used in this act, shall be construed to refer to adults and to exclude juveniles.

(28.2168) Information furnished on request.

Section 28. It shall be the duty of the state department of social welfare and of the several probate courts of this state, to furnish the state department of corrections information, on request, concerning any individual having a previous record as a juvenile probationer who shall have come within the jurisdiction of the state department of corrections.

(21.2169) Director of pardons, etc., to direct work of division, collection of statistics, employment of parole officers, etc., parole districts, etc.

Section 29. The director of the division of pardons, paroles and probation shall direct and supervise the work of the division and shall formulate methods of investigation and supervision and develop various processes in the technique of the case work of the parole staff, including interviewing, consultation of records, analysis of information, diagnosis, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior. He shall be responsible for all investigations of persons eligible for release from state penal institutions, and for the general supervision of persons so released. The director of the division of pardons, paroles and probation shall be responsible for the collection and preservation of such records and statistics with respect to paroled prisoners as may be required by the commissioner of corrections. He shall employ such parole officers and assistants as may be necessary, subject to the approval of the commissioner of corrections and under the merit system hereinbefore provided. He shall designate 1 of his assistants as employment director, whose duty, primarily, shall be to aid persons coming under the supervision of the division in securing employment. He shall, subject to the approval of the commissioner of corrections, divide the state into geographical parole districts and shall designate a parole officer as district supervisor of each district. He shall select such secretarial and other assistants as may be necessary for each such parole district under the merit system hereinbefore described, and may obtain permanent quarters for such staff in each such district as may be necessary. In the exercise of such supervision over paroled prisoners he may utilize the services of such probation officers and other subordinate assistants of the department as he may deem necessary.

(28.2170) Parole board, membership, appointment, powers and duties.

Section 30. There is hereby established within the division of pardons, paroles and probation a parole tribunal, herein called the parole board, consisting of three members. The members of the parole board shall be selected for their familiarity with the problems of penology. They shall be appointed by and removable by the

commissioner of corrections, subject to article VI, section 22, state constitution. The parole board shall exercise and perform the powers and duties prescribed and conferred by this act and such other powers and duties as may be assigned by the commissioner of corrections.

(28.2171) Grant of parole, provisions governing.

Section 31. The grant of any parole shall be subject to the following provisions:

(a) That no prisoner shall be given his liberty on parole until the board has reasonable assurance after consideration of all of the facts and circumstances, including the prisoner's mental and social attitude, that he will not become a menace to society or to the public safety;

(b) That no parole shall be granted to any prisoner until he has served the minimum term imposed by the court less such allowances for good time or special good time as he may be entitled to by statute: Provided, That prisoners shall be eligible for parole prior to the expiration of their minimum terms of imprisonment, whenever the sentencing judge or his successor in office, and only upon the request of the parole board, shall give his written approval of the parole of such prisoner prior to the expiration of such minimum terms of imprisonment;

(c) That no prisoner shall be released on parole until the parole board shall have satisfactory evidence that arrangements have been made for such honorable and useful employment as he is capable of performing or for his care if he is ill or incapacitated.

The parole board, in its discretion, may adopt such other or further rules and regulation not inconsistent with the foregoing provisions with respect to conditions to be imposed upon paroled prisoners under this act.

(28.2172) Jurisdiction of parole board; hearings, notice, etc., file.

Section 32. Every prisoner sentenced to an indeterminate sentence and confined in a state prison or reformatory, when he has served a period of time equal to the minimum sentence imposed by the court for the crime of which he was convicted, less allowances made for good time and special good time, shall be subject to the jurisdiction of the parole board.

(28.2173) Release of prisoners.

Section 33. The release of a prisoner shall be granted solely upon the initiative of the parole board. At least one month prior to the expiration of the minimum term of each prisoner eligible for parole, less good time or special good time allowances, it shall be the duty of the parole board to cause to be brought before it all pertinent information with regard to such prisoner. Included in such information shall be a report of the warden of each prison or reformatory in which such prisoner has been confined as to the prisoner's conduct with a detailed statement as to all infractions of rules and discipline, punishment given to such prisoner and the circumstances connected therewith; the extent to which such prisoner appears to have responded to the efforts made to improve his social attitude; the prisoner's industrial record while confined, the nature of such occupation, and a recommendation as to the kind of work he is best fitted to perform and at which he is most likely to succeed when he is released; and the results of such physical, mental and psychiatric examinations as have been made of the prisoner. Before releasing any prisoner on parole, the parole board shall have the prisoner appear before it and shall personally examine him. The parole board shall reach its own conclusion as to the desirability of releasing such prisoner on parole. All decisions of the parole board shall be by majority vote.

(28.2174) Paroles, issuance, signature, conditions.

Section 34. All paroles shall issue upon order of the parole board, duly adopted, and shall be signed by the chairman; notice thereafter shall be given the sheriff, in writing, or other local police officers of the municipality or county in which the prisoner was convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent. Any order of parole may be amended, revised, modified or rescinded at the discretion of the parole board. Whenever an order for parole is issued it shall contain the conditions thereof and shall specifically provide proper means of supervision

of the paroled prisoner in accordance with the rules and regulations of the board and under the direction of the director of the division of pardons, paroles and probation.

(28.2175) Clothing, etc., received by released prisoner.

Section 35. Whenever any prisoner is released upon parole he shall receive from the state clothing and a non-transferable ticket to the place in which he is to reside. At the discretion of the director of the division of pardons, paroles, and probation, the prisoner may be advanced the expenses of such transportation, and such further sums, not to exceed \$20, as the said director may direct for his temporary maintenance. Failure of the paroled prisoner to return such sums of money within 60 days may be declared to be a violation of his parole.

(28.2176) Custody, etc., of prisoner on parole; violation of parole; return to custody.

Section 36. Every prisoner on parole shall remain in the legal custody and under the control of the commissioner of corrections. The director of the division of pardons, paroles and probation is hereby authorized, at any time in his discretion, and upon a showing of probable violation of parole, to issue a warrant for the return of any paroled prisoner to the penal institution from which he was paroled. Pending hearing, as hereinafter provided, upon any charge of parole violation, the prisoner shall remain incarcerated in such penal institution.

A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the said director shall, after the issuance of such warrant be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of the time to be served. The warrant of the said director shall be a sufficient warrant authorizing all officers named therein to return such paroled prisoner to actual custody in the penal institution from which he was released.

If any paroled prisoner shall fail to return to the prison enclosure when required by the said director, or if he makes escape while on parole, he shall be treated in all respects as if he had escaped from the prison enclosure and shall be subject to be retaken as provided by the laws of this state.

Any prisoner committing a crime while at large upon parole and being convicted and sentenced therefore shall serve the second sentence after the first sentence is served or annulled.

A parole granted a prisoner shall be construed simply as a permit to such prisoner to go without the enclosure of the prison, and not as a release, and while so at large he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in prison.

(28.2177) Arrest without warrant.

Section 37. Any probation officer, any parole officer or any peace officer of this state may arrest without warrant, and surrender to the warden of the penal institution having jurisdiction, any paroled prisoner, whenever he has reasonable grounds to believe that the prisoner has violated his parole.

(28.2178) Hearing granted.

Section 38. Whenever a paroled prisoner is accused of a violation of his parole, which violation consists of an omission or act or offense other than the commission of a felony or misdemeanor under the laws of this state, he shall be entitled to a fair and impartial hearing of such charges before the parole board under such rules and regulations as the parole board may adopt. Upon such hearing such paroled prisoner shall be allowed to be heard by counsel of his own choice, at his own expense, and may defend himself, and he shall have the right to produce witnesses and proofs in his favor and to meet the witnesses who are produced against him. If such paroled prisoner shall make it appear to the satisfaction of the board that there is a material witness in his favor within this state without whose testimony he cannot safely proceed in hearing, and that such paroled prisoner is without funds and cannot obtain the means to procure

the attendance of such witness at the place of hearing, the board may, in its discretion, having obtained the place of residence of such witness, cause a subpoena to be served upon such witness. It shall be the duty of the officer, to whom such subpoena is delivered for service to serve the same and of the witness named therein to attend such hearing. The officer serving such subpoena shall be paid therefor and the witness named therein shall be paid for attending such hearing in the same manner as if such witness had been subpoenaed in behalf of the people.

(28.2179) Rescinding, etc., parole.

Section 39. When the parole board has determined the matter it shall enter an order rescinding such parole, or reinstating the original order of parole or enter such other order as it may see fit.

(28.2180) Discharge; period of parole.

Section 40. When any paroled prisoner has faithfully performed all of the conditions and obligations of his parole for the period of time fixed in such order, and has obeyed all of the rules and regulations adopted by the parole board, he shall be deemed to have served his full sentence, and the parole board shall enter a final order of discharge and issue to the paroled prisoner a certificate of discharge.

No parole shall be granted for a period of less than 4 years in all cases of murder, actual forcible rape, robbery armed, kidnapping, extortion, or breaking and entering an occupied dwelling in the night time.

(28.2181) Application for pardons, etc.; filing.

Section 41. All applications for pardons, reprieves and commutations shall be filed with the parole board upon forms provided therefor by the parole board, and shall contain such information, records, and documents as the parole board may by rule require.

(28.2182) Same; application delivered to governor; notice to sentencing judge, etc.; hearings, notice; files public records.

Section 42. Subject to the constitutional authority of the governor to grant reprieves, commutations, and pardons, the parole board shall upon receipt of any application for reprieve, commutation, or pardon:

(a) Deliver the original application to the governor and retain a copy thereof in its file, pending investigation and hearing; and

(b) Within 10 days after receipt of any application, forward to the sentencing judge and to the prosecuting attorney of the county having original jurisdiction of the case, or their successors in office, a written notice of the filing thereof, together with copies of the application, the supporting affidavits, and a brief summary of the case. Within 10 days after receipt of notice of the filing of any application, it shall be the duty of the sentencing judge and the prosecuting attorney, or their successors in office, to file with the parole board, in writing, such information as may be at their disposal, together with such objections as they may desire to interpose to such application.

(c) In all cases where the applicant is serving a prison term upon conviction of murder, actual forcible rape, robbery while armed, kidnapping, extortion, or breaking and entering a dwelling in the night time, the parole board shall before recommending any reprieve, commutation or pardon, conduct a public hearing. At such hearing 2 members of the parole board shall constitute a quorum and at such hearing the public shall be represented by the attorney general, or a member of his staff.

(d) Where other offenses are involved, and before recommending any reprieve, commutation or pardon, a public hearing shall be held before the director of the division of pardons, paroles, and probation.

(e) At least 5 days prior to any public hearing, whether conducted by the parole board or by the director of the division of pardons, paroles and probation, written notice thereof shall be transmitted by mail to the attorney general, to the trial judge, and to the prosecuting attorney.

(f) Public hearing shall be conducted pursuant to the provisions of this act, and in accordance with such rules and regulations as the commissioner of corrections may adopt. Any person having information to divulge in connection with any application for pardon, commutation, or reprieve, shall be sworn as a witness. And in hearing

testimony, the parole board and the director of the division of pardons, paroles and probation shall give to any technical rules of evidence a liberal construction.

(g) The parole board shall in each case make a full investigation and recommendation, and shall make all data in its files available to the governor. The files of the parole board in such cases shall be matters of public record.

(28.2183) Administering oath to witnesses.

Section 43. In the conduct of any hearing or investigation as herein provided, the director of the division of pardons, parole and probation, and any member of the parole board, may administer the oath to any witness.

CHAPTER III.

DIVISION OF PRISONS AND INDUSTRIES

Not included. May be found in Public Act Second Extra Session 1947-No. 4.

CHAPTER IV.

STATE ADVISORY COUNCIL OF CORRECTIONS

Not included. May be found in Public Act Second Extra Session 1947-No. 4.

CHAPTER V.

MISCELLANEOUS

Not included. May be found in Act 4, P.A. 1947.

Act 35, P.A. 1948

An Act to amend section 30 of chapter 2 of Act No. 4 of the Public Acts of the Second Extra Sessions of 1947, entitled "An act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish the department of corrections created by Act No. 255 of the Public Acts of 1937 and its certain boards, commissions and offices the powers and duties of which are hereby transferred; to create a state advisory council of corrections and to prescribe the duties thereof; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of

acts inconsistent with the provisions of this act," and to add to chapter 5 of said act a new section to stand as section 123 thereof.

The People of the State of Michigan enact:

Sections amended and added.

Section 1. Section 30 of chapter 2 of Act No. 4 of the Public Acts of the Second Extra Session of 1947 is hereby amended, and a new section is hereby added to chapter 5 of said act to stand as section 123 thereof, said amended and added sections to read as follows:

CHAPTER II.

(28.2170) Parole tribunal, establishment, appointment, powers and duties.

Section 30. There is hereby established within the division of pardons, paroles and probation a parole tribunal, herein called the parole board, consisting of 4 members. The members of the parole board shall be selected for their familiarity with the problems of penology. They shall be appointed by and removable by the commissioner of corrections, subject to article VI, section 22, state constitution. The parole board shall exercise and perform the powers and duties prescribed and conferred by this act and such other powers and duties as may be assigned by the commissioner of corrections.

CHAPTER V.

(28.2263) Short title.

Section 123. This act shall be known and may be cited as "Michigan department of corrections act."

This act is ordered to take immediate effect.

Approved May 10, 1948.

Act 232, P.A. 1953

An Act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of corrections; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

The People of the State of Michigan enact:

CHAPTER I

DEPARTMENT OF CORRECTIONS

(791.201) State department of corrections; creation; commission, members, oath, director, terms, vacancy, compensation, office, meetings. (M.S.A. 28.2271)

Section 1. There is hereby created a state department of corrections, hereinafter called the department, which shall possess the powers and perform the duties granted and conferred. Such department shall consist of and be administered by a commission of 6 members appointed by the governor, by and with the advice and consent of the senate, to be known as the Michigan corrections commission, hereinafter called the commission, not more than 3 of whom shall be members of the same political party, each of whom shall qualify by taking the constitutional oath of office, and filing the same in the office of the secretary of state, and such other officers and assistants as may be appointed or employed in such department including a director as its executive head. No person holding any position either state or federal, nor any person drawing any salary from any municipal unit of the state, shall be eligible for appointment to the commission, without having first resigned from such position. The term of office of each member of the commission shall be 6 years: Provided, That of the members first appointed 2 shall be appointed for 2 years, 2 for 4 years and 2 for six years. The governor shall fill any vacancy occurring in the membership of the commission for the unexpired term only, and for cause established in hearing may remove any member thereof. Each member of the commission shall hold office until his successor shall be appointed and shall qualify. The members of the commission shall receive as compensation \$25.00 per diem for each day they shall attend any regular or special meeting. The members of the commission shall be entitled to actual and necessary traveling and other expenses while in the performance of any of the duties hereby imposed. Such department and commission shall have its executive office at Lansing, and it shall be the duty of the department of administration to provide suitable office accommodations therefor; Provided however, That meetings of the commission may be held at such other suitable place as it may designate.

(791.202) Commission; duties, meetings, quorum.

Section 2. When this act becomes effective, the commission shall forthwith hold its organization meeting, and proceed promptly to comply with and enforce the several provisions of this act. The commission shall elect annually a chairman and such other officers as it may deem expedient. Meetings shall be held at least once each month or at such other times as shall be deemed necessary under the provisions of this act and in accordance with the rules and regulations adopted by the commission. A majority of the total membership of the commission shall constitute a quorum for the transaction of business. The commission shall constitute the responsible authority for the administration of the penal institutions, prison industries, parole and probation of the state, subject to the limitations hereinafter set forth. The commission shall determine all matters relating to the unified development of the penal institutions, prison industries, parole and probation of the state and shall coordinate and adjust the agencies and penal institutions within its jurisdiction so that each shall form an integral part of a general system.

(791.203) Same; director of corrections, qualifications, salary, powers, and duties.

Section 3. The commission shall appoint a director of corrections who shall be qualified by training and experience in penology. He shall hold office at the pleasure of the commission except that he may be removed for cause and only after a public hearing before the commission. He shall receive such salary as shall be appropriated by the legislature, together with actual and necessary traveling and other expenses. The director shall be the chief administrative officer of the commission and shall be responsible to the commission for the exercise of the powers and duties prescribed and conferred by this act, and for such other powers and duties as may be assigned by the commission, subject at all times to its control. Subject to the provisions of this act, and to the rules and regulations adopted by the commission, the director shall have full power and authority to supervise and control the affairs of the department, and the

several bureaus thereof, and he shall carry out the orders of the commission.

(791.204) Jurisdiction.

Section 4. Subject to constitutional powers vested in the executive and judicial departments of the state, the department shall have exclusive jurisdiction over the following: (a) Probation officers of this state, and the administration of all orders of probation, (b) pardons, reprieves, commutations and paroles, and (c) penal institutions, correctional farms, probation recovery camps, prison labor and industry, wayward minor programs, and youthful trainee institutions and programs for the care and supervision of youthful trainees.

(791.205) Assistant directors.

Section 5. The director, subject to the approval of the commission, shall appoint an assistant director in charge of probation, an assistant director in charge of pardons and paroles, an assistant director in charge of penal institutions, an assistant director in charge of prison industries, and an assistant director in charge of a youth division. The assistant directors shall exercise and perform the respective powers and duties as may be assigned by the director, subject at all times to his control.

(791.206) Rules and regulations, provisions.

Section 6. The director, having first obtained the approval of the commission, subject to the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82, inclusive, of the Compiled Laws of 1948, and subject to the provisions of Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110, inclusive, of the Compiled Laws of 1948, shall promulgate rules and regulations which shall provide:

(a) For the control, management and operation of the general affairs of the department;

(b) For supervision and control of probationers and probation officers throughout the state, subject to the provisions contained in this act;

(c) For the manner in which applications for pardon, reprieve or commutation shall be made to the governor; for procedure in handling such application by the commission, and for recommendations thereon to the governor;

for procedure in handling such application by the commission, and for recommendations thereon to the governor; for the manner in which paroles shall be considered, and to prescribe the duties of the parole board in respect thereto; for hearings on paroles and for notice thereof, in accordance with the provisions of this act; for the entering of appropriate orders granting or denying paroles; and for the supervision and control of paroled prisoners;

(d) For the management and control of state penal institutions, correctional farms, probation recovery camps, the wayward minor program and youthful trainee institutions, and programs for the care and supervision of youthful trainees separate and apart from persons convicted of crimes within the jurisdiction of the commission. Such rules may permit the use of portions of penal institutions in which persons convicted of crimes are detained. Such rules shall provide that decisions as to the removal of the youth from the youthful trainee facility or the release of the youth from the supervision of the department of corrections shall be made by the department of corrections and shall assign responsibility for such decisions to a committee composed of representative departmental staff members and may include, when practical and applicable, an appropriate probation officer.

(e) For the management and control of prison labor and industry.

(f) For the establishment and supervision of a youth division.

(g) For the transfer, with the approval of the director of the state department of social services, of youthful trainees to the department of social services for admission to any of its facilities for youth, where such facilities are more appropriate for the treatment and supervision of the youth than the facilities of the department of corrections. When the facilities of the department of social services are used by the department of corrections, the youth may be required to abide by the regulations of the department of social services and shall be subject to the same supervision and discipline as other youth in its care. The cost of care of such youth while under the care of the department of social

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services shall be a charge against the appropriation of the department of social services.

The director, having first obtained the approval of the commission, may adopt such further rules and regulations with respect to the affairs of the department as he may deem necessary or expedient for the proper administration of this act and he may modify, amend, supplement or rescind any such rule or regulation. No rule or regulation shall be adopted which shall be inconsistent with or in contravention of any of the express provisions of this act or the constitution.

(791.207) Report to governor and legislature; printing and distribution.

Section 7. On or before the 15th day of January of each year, the commission shall make to the governor and legislature, a report of the department for the preceding fiscal year. Such report, if so ordered by the board of state auditors, shall be printed and distributed in such manner and to such persons, organizations, institutions and officials as said board may direct.

(791.208) Division of criminal statistics; duty of director.

Section 8. Within the department there shall be established a general division of criminal statistics under the supervision and control of the director. He shall have the power and it shall be his duty to obtain from all chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, parole and probation officers and all others concerned in the control, apprehension, trial, probation, parole and commitments of adult criminals and delinquents in this state, periodical reports as to the number and kinds of offenses known to law enforcement officers; the numbers, age, sex, race, nativity and offenses of criminals and delinquents arrested, tried and otherwise disposed of; the sentence imposed and whether executed or suspended; the numbers placed on parole and probation and the reasons therefor and such other information as he may deem necessary. It shall be the duty of all such chiefs of police, sheriffs, state police, prosecuting attorneys, courts, judges, parole and probation officers and others concerned to make such

reports at such times and in such manner, and to furnish such facilities for investigation as the director may reasonably require.

(791.209) Commission; duties

Section 9. The commission shall study the problem of crime prevention and foster research in criminology. It shall lend its aid in local crime prevention activities.

(791.210) Same; bond of officers and employees.

Section 10. The commission may require a bond from any officer or employee appointed by or subject to the control of the commission, conditioned upon the faithful performance of his duties and the accounting for all money and property within his control.

(791.211) Same; powers and duties.

Section 11. The commission shall exercise the powers and duties created by Act. No. 89 of the Public Acts of 1935, being sections 798.101 to 798.103, inclusive, of the Compiled Laws of 1948, and by any interstate compact made and entered into pursuant to said act, in regard to the control and supervision of parolees and probationers, and in regard to cooperative effort and mutual assistance in the prevention of crime and in enforcement of the penal laws and policies of the contracting states, and the commission may promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the aforesaid act and compacts made pursuant thereto.

(791.212) Same; seal; orders; body corporate.

Section 12. The commission shall devise a seal, and the rules and regulations of the commission shall be issued over the seal of the commission. Copies of all records and papers in the office of the department, certified by a duly authorized agent of the commission and authenticated by a seal of the commission, shall be evidence in all cases equally, and with the like effect, as the originals. A description of the seal, with an impression thereof, shall be filed in the office of the secretary of state. The commission shall be a body corporate, and is hereby authorized to lease any lands under its jurisdiction and to do any other act or thing necessary in carrying out the provisions of this act.

(791.213) Same; gifts, donations, etc.

Section 13. The commission may receive on behalf of the state of Michigan any grant, devise, bequest, donation, gift or assignment of money, bonds or choses in action, or of any property, real or personal, and accept the same so that the right and title to same shall pass to the state of Michigan; and all such bonds, notes or choses in action, or the proceeds thereof when collected, and all other property or thing of value so received by the commission shall be used for the purpose set forth in the grant, devise, bequest, donation, gift or assignment; Provided, That such purposes shall be within the powers conferred on said commission. Whenever it shall be necessary to protect or assert the right or title of the commission to any property so received or derived as aforesaid, or to collect or reduce into possession any bond, note, bill or chose in action, the attorney general is directed to take the necessary and proper proceedings and to bring suit in the name of the commission on behalf of the State of Michigan in any court of competent jurisdiction, state or federal, and to prosecute all such suits.

(791.214) Same; to estimate needs and cost.

Section 14. The commission shall prepare for submission to the department of administration the estimated needs and cost to operate the department, and the several penal institutions under the jurisdiction of the department, in accordance with the requirements of the laws of this state.

CHAPTER II

BUREAU OF PROBATION

Not included. May be found under Act 232, Public Acts. 1953.

CHAPTER III

BUREAU OF PARDONS AND PAROLES: PAROLE BOARD

(791.231) Bureau of pardons and paroles; direction and supervision of; duties of assistant director; assistants.

Section 31. There is established within the department a bureau of pardons and paroles, under the direction and supervision of an assistant director in charge of pardons and paroles, who shall be appointed by the director and who shall be within the state civil service. He shall direct and supervise the work of the bureau and shall formulate methods of investigation and supervision and develop various processes in the techniques of the case work of the parole staff, including interviewing, consultation of records, analysis of information, diagnosis, plan of treatment, correlation of effort by individuals and agencies, and methods of influencing human behavior. He shall be responsible for all investigations of persons eligible for release from state penal institutions, and for the general supervision of persons so released. The assistant director in charge of the bureau of pardons and paroles shall be responsible for the collection and preservation of such records and statistics with respect to paroled prisoners as may be required by the director. He shall employ such parole officers and assistants as may be necessary, subject to the approval of the commission. He shall designate 1 of his assistants as employment director, whose duty, primarily, shall be to aid persons coming under the supervision of the bureau of pardons and paroles in securing employment. The assistant director shall, subject to the approval of the commission, divide the state into geographical parole districts and shall designate a parole officer as district supervisor of each such district. The assistant director shall select such secretarial and other assistants as may be necessary for each such parole district under the merit system hereinbefore described, and may obtain permanent quarters for such staff in each such district as may be necessary.

(791.232) Parole board, members, appointment, chairman, powers and duties.

Section 32. There is hereby established in the department a parole board consisting of 5 members who shall be appointed by the commission and who shall be within the state civil service. The chairman of the parole board shall be designated by the commission from the membership of the parole board. The parole board shall exercise and perform the powers and duties prescribed and conferred by this act and such other powers and duties as may be assigned by the commission.

(791.233) Granting parole, provisions.

Section 33. The grant of any parole shall be subject to the following provisions.

(a) That no prisoner shall be given his liberty on parole until the board has reasonable assurance after consideration of all of the facts and circumstances, including the prisoner's mental and social attitude, that he will not become a menace to society or to the public safety;

(b) That no parole shall be granted to any prisoner until he has served the minimum term imposed by the court less such allowances for good time or special good time as he may be entitled to by statute: Provided, That prisoners shall be eligible for parole prior to the expiration of their minimum terms of imprisonment whenever the sentencing judge or his successor in office shall give his written approval of the parole of such prisoner prior to the expiration of such minimum terms of imprisonment;

(c) That no prisoner shall be released on parole until the parole board shall have satisfactory evidence that arrangements have been made for such honorable and useful employment as he is capable of performing, or for his education, or for his care if he is mentally or physically ill or incapacitated.

Paroles-in-custody to answer warrants filed by local, out-of-state agencies of immigration officials are permissible, provided an accredited agent of the agency filing the warrant shall call for the prisoner so paroled in custody. The parole board, in its discretion, may adopt such other or further rules and regulations

not inconsistent with the foregoing provisions with respect to conditions to be imposed upon paroled prisoners under this act.

Section 33a. In determining a prisoner's fitness to be released on parole, the parole board may give consideration to instances of voluntary assistance to medical and other scientific research and blood donations.

(791.234) Jurisdiction of parole board over prisoners; indeterminate and other sentences.

Section 34. Every prisoner sentenced to an indeterminate sentence and confined in a state prison or reformatory, and any convict who is now imprisoned under a maximum sentence for life, with a minimum in terms of years, who shall have served the minimum so provided, notwithstanding that such sentence may otherwise be construed as a life sentence, and the term of years a nullity, when he has served a period of time equal to the minimum sentence imposed by the court for the crime of which he was convicted, less allowances made for good time and special good time, shall be subject to the jurisdiction of the parole board.

Same; consecutive sentences; computation of time.

In case the prisoner is sentenced for consecutive terms, whether received at the same time or at any time during the life of the original sentence, the parole board shall have jurisdiction over the prisoner for purposes of parole when he shall have served the total time of the added minimum terms, less the good time credit allowed by statute. The maximum terms of the sentence shall be added to compute the new maximum term under this provision and discharge shall be issued only after the sum of such maximum sentences has been served less the good time credit the prisoner may earn or may be awarded by appropriate order; unless the procedure of parole shall intervene and discharge issue upon satisfactory completion of said parole, in which case the maximum term shall be discharged.

Same; termination of sentence presently being served; ratification of orders.

Whenever any convict shall have 1 or more consecutive terms remaining to serve in addition to the term he is serving, the parole board shall be empowered to

terminate the sentence such convict shall be presently serving at any time, in the board's discretion, after the minimum term of such sentence has been served. All orders of termination of maximum sentences heretofore executed by the parole board or any former parole commissioner are hereby ratified and adopted retroactive nunc pro tunc as of date of execution.

Public hearing; notice to sentencing judge; parole period, validation.

Any convict who now is, or hereafter may be imprisoned in any one of the prisons or reformatories of this state under sentence for life or for any term of years, other than those so sentenced for life for murder in the first degree, and who shall have served 10 calendar years of such sentence, shall be subject to the authority and jurisdiction of the parole board and may be released on parole in the discretion of the parole board: Provided, however, That no parole shall be granted any convict so sentenced and so imprisoned except after public hearing in the manner hereinafter prescribed for pardons and commutations, except that 2 members of the parole board may conduct such public hearing: Provided, further that notice of such public hearing shall be given to the sentencing judge, or his successor in office, and said parole shall not be granted in case said sentencing judge, or his successor in office, shall file written objections to the granting thereof, which written objections shall be made part of the hearing. Parole so granted any convict so sentenced and so imprisoned shall be for a period of not less than 4 years, and subject to the usual rules appertaining to paroles issued by the parole board: Provided, however, that no parole ordered for a convict whose sentence for life or for a minimum term equaling or exceeding 10 calendar years shall become valid until the transcript of the record shall have been filed with the attorney general whose certification of receipt thereof shall within 5 days be returnable to the office of the parole board. And such file shall become a public record as in the manner made and provided for pardons and commutations.

Time of release.

The time of his release on parole shall be discretionary with the parole board. The action of the parole board in releasing prisoners shall not be reviewable if in compliance with law.

(791.235) Release of prisoner.

Section 35. The release of a prisoner on parole shall be granted solely upon the initiative of the parole board. At least 1 month prior to the expiration of the minimum term of each prisoner eligible for parole, less good time or special good time allowances, it shall be the duty of the parole board to cause each prisoner to be brought before it, together with all pertinent information with regard to such prisoner. Included in such information shall be a report of the warden of each prison or reformatory in which such prisoner has been confined as to the prisoner's conduct with a detailed statement as to all infractions of rules and discipline, punishment given to such prisoner and the circumstances connected therewith; the extent to which such prisoner appears to have responded to the efforts made to improve his social attitude; the prisoner's industrial record while confined, the nature of such occupation, and a recommendation as to the kind of work he is best fitted to perform and at which he is most likely to succeed when he is released; and the results of such physical, mental and psychiatric examinations as have been made of the prisoner. The parole board shall reach its own conclusions as to the desirability of releasing such prisoner on parole. All decisions of the parole board shall be by majority vote.

(791.236) Issuance of parole; signatures, notice to sheriff; amendment, conditions.

Section 36. All paroles shall issue upon order of the parole board, duly adopted, and shall be signed by the chairman; notice thereafter shall be given the sheriff, in writing, or other local police officers of the municipality or county in which the prisoner was convicted, and to the sheriff or other local police officer of the municipality or county to which the paroled prisoner is sent. Any order of parole may be amended, revised, modified or rescinded at the discretion of the parole board. Whenever an order for parole is issued it shall

contain the conditions thereof and shall specifically provide proper means of supervision of the paroled prisoner in accordance with the rules and regulations of the board and under the direction of the bureau of pardons and paroles created by this act.

(791.237) Clothing and non-transferable ticket to release prisoner.

Section 37. Whenever any prisoner is released upon parole he shall receive from the state clothing and a non-transferable ticket to the place in which he is to reside. At the discretion of the assistant director in charge of the bureau of pardons and paroles, the prisoner may be advanced the expenses of such transportation, and such further sums, not to exceed \$40.00, as the assistant director may direct for his temporary maintenance. Failure of the paroled prisoner to return such sums of money within 90 days may be declared to be a violation of his parole.

(791.238) Custody of paroled prisoner; warrant for return; treated as an escaped prisoner; forfeiture of good time; committing crime while at large.

Section 38. Every prisoner on parole, except those paroled in custody, shall remain in the legal custody and under the control of the commission. The assistant director of the bureau of pardons and paroles is hereby authorized, at any time in his discretion, and upon a showing of probable violation of parole, to issue a warrant for the return of any paroled prisoner to any penal institution in the state under the control of the commission. Pending hearing within 30 days after return of such paroled prisoner, upon any charge of parole violation, the prisoner shall remain incarcerated in such penal institution.

A prisoner violating the provisions of his parole and for whose return a warrant has been issued by the assistant director of the bureau of pardons and paroles shall, after the issuance of such warrant, be treated as an escaped prisoner owing service to the state, and shall be liable, when arrested, to serve out the unexpired portion of his maximum imprisonment, and the time from the date of his declared delinquency to the date of his arrest

shall not be counted as any part or portion of the time to be served. The warrant of the assistant director of the bureau of pardons and paroles shall be a sufficient warrant authorizing all officers names therein to return the paroled prisoner to actual custody in the penal institution from which he was released.

If any paroled prisoner shall fail to return to the prison enclosure when required by the assistant director of the bureau of pardons and paroles, or if he makes escape while on parole, he shall be treated in all respects as if he had escaped from the prison enclosure, and shall be subject to be retaken as provided by the laws of this state.

The parole board, in its discretion, may cause the forfeiture of all good time to the date of the declared delinquency.

Any prisoner committing a crime while at large upon parole and being convicted and sentenced therefor shall be treated as to the last incurred term, as provided under section 34 of this act.

A parole granted a prisoner shall be construed simply as a permit to such prisoner to go without the enclosure of the prisoner, and not as a release, and while so at large he shall be deemed to be still serving out the sentence imposed upon him by the court, and shall be entitled to good time the same as if he were confined in prison.

(791.239) Arrest without warrant.

Section 39. Any probation officer, any parole officer, or any peace officer of this state may arrest without warrant, and surrender to the warden of any penal institution of this state, any paroled prisoner, whenever he has reasonable grounds to believe that the prisoner has violated his parole.

(791.240) Accused prisoner; hearing, witnesses, subpoena.

Section 40. Whenever a paroled prisoner is accused of a violation of his parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state, he shall be entitled to a fair and impartial hearing of such charges within 30 days before 2 members of the parole board under such rules

and regulations as the parole board may adopt. Upon such hearing such paroled prisoner shall be allowed to be heard by counsel of his own choice, at his own expense, and may defend himself, and he shall have the right to produce witnesses and proofs in his favor and to meet the witnesses who are produced against him. If such paroled prisoner shall make it appear to the satisfaction of the board that there is a material witness in his favor within this state without whose testimony he cannot safely proceed to hearing, and that such paroled prisoner is without funds and cannot obtain the means to procure the attendance of such witness at the place of hearing, the assistant director, having obtained the place of residence of such witness, shall have power to issue a subpoena to compel guidance of such witness, or any other witness. It shall be the duty of the officer to whom such subpoena is delivered for service to serve the same and of the witness named therein to attend such hearing. The officer serving such subpoena shall be paid therefor and the witness named therein shall be paid for attending such hearing in the same manner as if such witness had been subpoenaed in behalf of the people.

(791.241) Order rescinding or reinstating parole.

Section 41. When the parole board has determined the matter it shall enter an order rescinding such parole, or reinstating the original order of parole or enter such other order as it may see fit.

(791.242) Final order of discharge; certificate; period of parole.

Section 42. When any paroled prisoner has faithfully performed all of the conditions and obligations of his parole for the period of time fixed in such order, and has obeyed all of the rules and regulations adopted by the parole board, he shall be deemed to have served his full sentence, and the parole board shall enter a final order of discharge and issue to the paroled prisoner a certificate of discharge.

No parole shall be granted for a period less than 2 years in all cases of murder, actual forcible rape, robbery armed, kidnapping, extortion, or breaking and entering an occupied dwelling in the night time except where

the maximum time remaining to be served on the sentence is less than 2 years.

(791.243) Applications; filing, information.

Section 43. All applications for pardons, reprieves and commutations shall be filed with the parole board upon forms provided therefor by the parole board, and shall contain such information, records and documents as the parole board may by rule require.

(791.244) Reprieves, commutations and pardons, applications for, hearing, investigations.

Section 44. Subject to the constitutional authority of the governor to grant reprieves, commutations and pardons, the parole board shall, upon receipt of any application for reprieve, commutation, or pardon:

(a) Deliver the original application to the governor and retain a copy thereof in its file pending investigation and hearing; and

(b) Within 10 days after receipt of any application forward to the sentencing judge, and to the prosecuting attorney of the county having original jurisdiction of case, or their successors in office, a written notice of the filing thereof, together with copies of the application, the supporting affidavits, and a brief summary of the case. Within 10 days after receipt of the filing of any application, it shall be the duty of the sentencing judge and the prosecuting attorney, or their successors in office, to file with the parole board, in writing, such information as may be at their disposal, together with such objections as they may desire to interpose to such application.

(c) In all cases where the applicant applies for a reprieve, commutation or pardon, the parole board shall conduct a public hearing before recommending executive clemency. Two members of the board may conduct such hearing and the public shall be represented by the attorney general or a member of his staff.

(d) At least 5 days prior to any public hearing written notice thereof shall be transmitted by mail to the attorney general, to the sentencing trial judge and to the prosecuting attorney, or their successors.

(e) Public hearing shall be conducted pursuant to the provisions of this act, and in accordance with such rules and regulations as the commission may adopt. Any person having information to divulge, in connection with any application for pardon, commutation or reprieve, shall be sworn as a witness. And in hearing testimony, the parole board shall give to any technical rules of evidence a liberal construction.

(f) The parole board shall in each case make a full investigation and recommendation, and shall make all data in its files available to the governor. The files of the parole board in such cases be matters of public record.

(791.245) Oath, administering.

Section 45. In the conduct of any hearing or investigation as herein provided any member of the parole board may administer the oath to any witness.

CHAPTER IV

BUREAU OF PENAL INSTITUTIONS

Not included, May be found in Act 232, P.A. 1953.

CHAPTER V

BUREAU OF PRISON INDUSTRIES

Not included. May be found in Act 232, P.A. 1953.

CHAPTER VI

MISCELLANEOUS

Not included. May be found in Act 232, P.A. 1953.

Act 380, P.A. 1965

The Michigan constitution of 1963 limits the executive branch of state government to not more than 20 principal departments. The department of corrections was established as one of the 20 principal departments under the Executive Organization Act of 1965 (Act No. No. 380, P.A. 1965).

Section 275. There is hereby created a department of corrections.

Section 276. The head of the department of corrections is the commission of corrections.

Section 277. The department of corrections created under section 1 of Act No. 232 of the Public Acts of 1953, being section 791.201 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of corrections. (As a type I transfer under the Executive organization Act of 1965, the department of corrections did not acquire or lose any functional responsibility.)

Section 278. The commission of corrections shall consist of 5 members, not more than 3 of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. The term of office of each member shall be 4 years, except that of members first appointed for 2 years shall be appointed for 1 year, 1 shall be appointed for 2 years, 1 shall be appointed for 3 years and 1 shall be appointed for 4 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The commission shall elect from its members such officers as it deems advisable. A majority of the commission members shall be required to constitute a quorum.

Section 279. The principal executive officer of the department is the director of the department of corrections. The director shall be appointed by the commission and serve at its pleasure.

The Constitution also authorizes the Governor to make changes in the organizational structure of the executive branch considered necessary for efficient administration. Pursuant to this Constitutional authority, the administrative structure of the Department of corrections was reorganized by executive order in January of 1966 with the establishment of four administrative bureaus each under the supervision of a deputy director. The four bureaus and their functional responsibilities are:

Bureau of Correctional Facilities. The Bureau has administrative control over all institutional operations. Basic functions include the inspection and evaluation of penal institutional procedures, including inmate processing (reception of processes, classification, and the interfacility transfer of inmates). Because of the specialized treatment needs of youthful offenders, administrative supervision of the institutions is divided between the facilities for youth and those for adults. The Bureau also executes the Department's regulatory responsibilities with the respect of local jails and places of detention.

Bureau of Programs. The Bureau provides a basic staff function of developing, coordinating, and evaluating correctional treatment processes both at the institutional and field service levels. Under general supervision of the Bureau are diagnostic methods, adult counseling, education, recreation, the chaplaincy, correlation of inmate work assignments with individual treatment programs, and citizen participation activities.

Bureau of Field Services. The Bureau has general supervision of the administration of state probation and parole services, and develops uniform parole and probation procedures, reports and records. It provides advisory and consultive service to local agencies in program of crime prevention. Liaison with the courts is maintained relative to probation matters. The deputy director in charge issues warrants for apprehension and return of parole violators.

Bureau of Administrative Services. The Bureau has administrative service and operational responsibilities as follows: Fiscal control and budget preparation, facilities planning, data systems and information services, operational research, management of prison industries, management of personnel and employee relations and training, and maintenance of inmate files.

APPENDIX C

PAROLE BOARD PERSONNEL:

1894 to 1970

APPENDIX C

PAROLE BOARD PERSONNEL

1894

Harsen D. Smith	Cassopolis
Nelson R. Gilbert, M.D.	West Bay City
Charles F. Beck	Detroit
Charles L. Rarden	Greenville
J. H. Cole	Lapeer

1896

Harsen D. Smith	Cassopolis
Nelson R. Gilbert, M.D.	West Bay City
Charles F. Beck	Detroit
Charles L. Rarden	Greenville
J. H. Cole	Lapeer

1898

Charles F. Beck	Detroit
Harsen D. Smith	Cassopolis
Charles G. Turnes	Traverse City
A. W. Saxton	Jackson
S. A. Tomlinson	Lansing

1901

Charles Turner	Traverse City
F. W. Shumway	Williamston
W. R. Kendrick	Saginaw
Russel R. Pealer	Three Rivers

1905

William R. Kendrick	Saginaw
Edwin A. Blakeslee	Galien
Frank W. Shumway	Williamston

1907

Edwin A. Blakeslee	Galien
Walter E. Wilson	Grand Ledge
William R. Kendrick	Saginaw

1909

Henry F. Thomas	Allegan
Vacancy	
Edwin A. Blakeslee	Galien

1911

F. J. Russel	Hart
Nelson C. Rice	St. Joseph
James B. Bradley	Eaton Rapids

1913

Nelson C. Rice	St. Joseph
Andrew C. Roche	Kearsarge
DeHull N. Travis	Flint

Designated by law: one member of the board is required to be an attorney at law and one member is required to be a physician.

1915

John C. Brown, M.D.	Battle Creek
Alfred E. Souter	Shelby
G. W. Schneider	St. Joseph

Designated by law: one member is required to be an attorney at law, one member is required to be a physician and one member shall be the executive clerk to the governor and shall be secretary to the board.

1917

Alfred Souter
 G. W. Schneider
 Frank W. Shumway, M.D.

Shelby
 St. Joseph
 Lansing

1919

G. W. Schneider
 Frank W. Shumway, M.D.
 Franklin B. Sayre

St. Joseph
 Lansing
 Flushing

1921-1925

Fred E. Janette

Detroit

1927

Arthur D. Wood

Munising

1929

Arthur D. Wood

Munising

1931

Ray O. Brundage

Kalamazoo

1933

W. Alfred Debo

Detroit

1935

Joseph C. Armstrong

Detroit

1937

M. Hubert O'Brein (Chairman)
 Gerald F. Bush
 John Eliasohn

Detroit
 Ann Arbor
 Ludington

1939

A. Ross Pascoe (Chairman)	Lansing
Gerald F. Bush	Ann Arbor
John Eliasohn	Ludington

1941

A. Ross Pascoe (Chairman)	Lansing
Gerald F. Bush	Ann Arbor
John Eliasohn	Ludington

1943

A. Ross Pascoe (Chairman)	Lansing
Gerald F. Bush	Ann Arbor
John Eliasohn	Ludington

1945

A. Ross Pascoe (Chairman)	Lansing
Gerald F. Bush	Ann Arbor
John Eliasohn	Ludington

1947

A. Ross Pascoe (Chairman)	Lansing
Gerald F. Bush	Ann Arbor
John Eliasohn	Ludington

1949

A. Ross Pascoe
 Fred C. Sanborn
 Sydney Moskowitz
 John Trudell

Gus Harrison and Rev. Ralph Ferris were named acting directors.

1951

A. Ross Pascoe
Fred C. Sanborn
Sydney Moskowitz
John Trudell
Leonard R. McConnell

Gus Harrison served as acting director.

1953-1959

A. Ross Pascoe
Roy H. Nelson
John A. Trudell
Fred C. Sanborn
Leonard R. McConnell

1960

John A. MacLellan
A. Ross Pascoe
Roy H. Nelson
John A. Trudell
Leonard R. McConnell

1961-1964

John A. Trudell
Francis G. Buchko
Gordon Fuller
Leonard R. McConnell
John A. MacLellan

1965

John Spencer
John A. Trudell
Leonard R. McConnell
Francis B. Buchko
Gordon Fuller

1966-1969

Leonard R. McConnell
John A. Trudell
Donald Thurston
Francis G. Buchko
Gordon Fuller

1970

Leonard R. McConnell
Francis G. Buchko
Gordon Fuller
Donald Thurston
Robert Scott

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