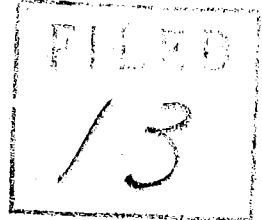


BOARD OF PROBATION

AND PAROLE:

When requested by the Board of Training Schools, the Board of Probation and Parole or the parole officer of said Board has authority to cause arrest of persons on parole.

January 21, 1947



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Mr. Donald W. Bunker  
Executive Secretary  
Board of Probation and Parole  
Jefferson City, Missouri

Dear Sir:

This will acknowledge your request for an opinion, based on the following state of facts:

"Do State Probation and Parole Officers have the power to arrest juvenile parolees?"

"State Probation and Parole Officers undoubtedly have the power to arrest adult parolees, and the attached Parole Violation Warrant is a sample of the Warrant used for that purpose."

"On July 1st, 1946 authority to parole from the State Training Schools was transferred from the Board of Probation and Parole to the Board of Training Schools under Section 8992.34 R.S.M.S. Co. However, lines 7 to 13, inclusive, of Section 8992.34 R.S.M.S. Co. states 'Said Board is hereby authorized to call upon the State Board of Probation and Parole for pre-parole investigations and for supervision of and assistance to juveniles after their release from Training Schools. Said Board of Probation and Parole is hereby authorized and it shall be their duty to furnish, when requested, reasonable services of the character herein indicated.'

"Because juvenile parolees are supervised during the parole period by a State

Probation and Parole Officer, the Board of Probation and Parole has assumed that power to arrest is inherent in the authority to supervise parolees whether adult or juvenile."

The State Board of Probation and Parole is required to assist the Board of Training Schools in parole matters, when requested by said Board, under Section 3002.54A, Ho. R.S.A., June 1946 Pamphlet, which section is as follows:

"The board of training schools is hereby authorized to release on parole juveniles committed to institutions under its control; to impose conditions upon which such paroles are granted; to revoke and terminate such parole; and to discharge from legal custody. Release on parole shall be in accordance with rules and regulations made a matter of record by said board. Said board is hereby authorized to call upon the state board of probation and parole for pre-parole investigations and for supervision of and assistance to juveniles after their release from training schools. Said board of probation and parole is hereby authorized and it shall be their duty to furnish when requested reasonable services of the character herein indicated."

The State Board of Probation and Parole has authority to request any peace officer to arrest a person on parole by virtue of Section 3002.44, Ho. R.S.A., June 1946 Pamphlet, which section provides:

"Under orders of the board, parole and probation officers shall give supervision to persons on parole and such assistance in treatment and rehabilitation and perform such other duties as may be prescribed by the board. The board and probation and parole officers shall have jurisdiction co-extensive with the boundaries of this state and may make arrests

of persons on parole anywhere in the state in the course of their duties under this act. Upon request of the board or of any parole or probation officer, all peace officers of this state are authorized and required to make arrests and to hold a person so arrested to the order of any parole or probation officer."

Conclusion.

It is therefore the opinion of this department that when the Board of Training Schools requests the State Board of Probation and Parole to cause the arrest of a parolee, or requests general supervision of persons on parole, said State Board of Probation and Parole or parole officer of the Board would have authority to arrest or cause the arrest of such persons on parole, as provided in Section 8992.44, Mo. R.S.A., supra.

Respectfully submitted,

E. BRADY DUBGAN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

WED:ml