Title 29: Mississippi Parole Board

Part 201: Mississippi State Parole Board Policies & Procedures

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Malcolm E. McMillin ..... **Chairman**

Clarence E. Brown ..... **Board member**

Betty Lou Jones ..... **Board member**

Steven Pickett ..... **Board member**

Douglas Davis ..... **Board member**

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Mississippi Parole Board
Mission Statement

We believe in human dignity and shall demonstrate this belief to the community, victims and offenders through our actions. Our leadership practices are based on principles that will create an environment to guide, influence and facilitate change.

The Mississippi Parole Board is an important part of the criminal justice system. It is dedicated to the process of promoting public safety. It is our goal for the offender to experience a successful transition from confinement to responsible conduct within the community through supervised conditional release.

The mission of the Mississippi Parole Board is accomplished by:

Informing the offender that the Parole Board considers that parole is a privilege, which may be granted after an offender has served a portion of a court-imposed sentence under supervision in Mississippi Department of Corrections custody. All cases are considered on an individual basis and the Board will treat all offenders in a fair and honest manner.

Considering the statement of the victim, which may contribute to the Board's parole decision making process by providing information that might otherwise not be apparent.

Identifying those eligible offenders for whom there is sufficient indication that they are ready to reenter the mainstream of society as productive, law-abiding citizens.

Communicating to the offender that parole may be granted providing that the offender meets certain requirements and is willing to abide by all conditions of parole, all laws, ordinances, and orders of the city, county, state and federal government.

Encouraging offenders to participate in recommended educational, rehabilitation and vocational programs which will assist them in their adjustment/acceptance back into society. The Parole Board will encourage the Mississippi Department of Corrections to provide the needed programming in all correctional facilities.

Title 29: Prisons and Parole

Part 201: Mississippi State Parole Board Policies & Procedures

Part 201 Chapter 1: Organization

Rule 1.1: Organization of the Mississippi Parole Board

The Mississippi Code of 1972 Annotated, Section 47-7-5 creates a permanent Mississippi Parole Board, hereinafter referred to as "The Board" which shall be composed of five (5) members appointed by the Governor, with the advice and consent of the Senate.

Each appointee shall meet the requirements established by the Mississippi Code of 1972 Annotated and shall devote full time to the duties of the Parole Board and not engage in any other business, profession or hold public office.

Source: *Miss. Code Ann §47-7-5 and 47-7-23*

Rule 1.2: Duties of the Parole Board Chairman

The Governor appoints one of the members to serve as Chairman. The Chairman is the chief administrative officer and supervises, coordinates and directs all activities. He/she is the chief spokesman and presiding officer of all quorum sessions (a quorum consists of three board members). The Chairman may designate another board member to fulfill his duties in his absence but is responsible for the action of this designated board member.

The Chairman is responsible for all fiscal matters and must personally authorize all expenditures and reimbursements. He will ensure working hours are maintained and overtime required by the workload is not abused.

Source: *Miss. Code Ann §47-7-23*

Rule 1.3: Jurisdiction

The Board Shall have exclusive jurisdiction for granting or revoking parole as provided by Section 47-7-3, 47-7-17, 47-7-27, and 47-7-29 of the Mississippi Code of 1972 Annotated. The Board has exclusive responsibility for investigating clemency applications and makes recommendations to the Governor concerning such matters.

The Board has the authority to grant parole, refuse parole, or revoke the parole of those individuals who committed a felony crime prior to July 1, 1995 and those individuals who committed a non-violent felony crime after July 1, 1995 and sentenced to the Custody of the Mississippi Department of Corrections and deemed eligible under the Mississippi Code of 1972.

Source: *Miss. Code Ann §47-7-3, 47-7-17, 47-7-23, 47-7-27, and 47-7-29*

Rule 1.4: Rule Making Authority

The Board may at any time institute rules and regulations necessary for conducting business as long as these rules and regulations are consistent with the law. These rules and regulations may from time to time be amended or changed by the Board.

Source: *Miss. Code Ann §47-7-23*

Rule 1.5: Department of Corrections

The Board operates independently of the Department of Corrections. The Board Members are legislated positions and answer to the Governor. The Board is funded by a separate line item within the appropriation for the Department of Corrections. The staff is composed of employees of the Board as well as employees of Mississippi Department of Corrections.

The Department of Corrections provides space to conduct hearings at its three major facilities, MSP (Parchman), CMCF (RankinCounty), and SMCI (GreeneCounty). The Department of Corrections provides inmate's master files, computer information, and other pertinent information to the Board on inmates being considered for parole, revocation, or clemency.

The Board has no statutory authority over operations of the correctional system. The Department of Corrections has sole authority as to where inmates are housed, program assignments, designation of trustees, granting of leaves, computation of parole eligibility, disciplinary actions and supervision of parolees.

Source: *Miss. Code Ann §47-7-23*

Part 201 Chapter 2: Parole

Rule 2.1: Granting Parole

Parole is not granted automatically after a designated portion of a sentence has been served, nor is it an assumed factor in plea-bargaining. Parole is not an assumed reward for proper institutional behavior. Behavior is only one factor that is considered. Parole is granted when the Parole Board Members are satisfied that the individual being considered is capable of being a law-abiding and productive citizen. The Board reviews and evaluates the individual's overall record before and during incarceration. This evaluation includes looking at the individual's employment history, education, assumption of family responsibility and criminal record. Further, the inmate's institutional behavior is also evaluated. The Board also considers whether or not they believe that this prospective parolee would be a potential threat or danger to society. This may require a psychological evaluation (always required for sex offenders), an evaluation of family or outside support systems, and the attitude of the inmate.

Parole is only a conditional release from incarceration, which entitles the parolee to serve the remainder of his/her sentence outside of the institution, but still under the supervision of the Department of Corrections. The parolee is under the supervision of parole officers and must

comply with the conditions of his/her parole as directed by the Board and agreed to by the parolee.

Source: *Miss. Code Ann §47-7-23*

Rule 2.2: Eligibility for Parole

Offenders sentenced to death or mandatory sentences are not eligible for parole. Offenders who are eligible for parole are advised in writing by the Records Division of the Mississippi Department of Corrections as to when they will be eligible to be considered for parole.

Any inmate convicted of a capital offense shall not be (initially) considered for parole until notice concerning his/her possible parole is published at least once a week for two (2) weeks in a newspaper published and having general circulation in the county where the crime was committed as required by the Mississippi Code of 1972 Annotated (47-7-17).

The victim, or a designee of the immediate family of violent offenses, shall be notified in writing advising them of the parole consideration of an individual provided the victim or designee has furnished in writing a current address to the Board for such purpose. Should the offender be released, the victim or designee will be advised in writing by the Board, provided an address has been furnished for this purpose.

These notifications of victims or designees may be coordinated through the Victims Assistance Coordinators assigned to each District Attorney's office.

Every prisoner who was convicted prior to July 1, 1995 of any offense against the State of Mississippi and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms for one (1) year or over, or for the term of his/her natural life, whose record of conduct shows that such prisoner has observed the rules of the penitentiary and who has served not less than one-fourth (¼) of the total time of such term or terms for which such prisoner was sentenced, less meritorious earned time, or, if sentenced of the term of the natural life of such prisoner, has served not less than ten (10) years of such life sentence, may be released on parole as hereinafter provided except that:

A. No prisoner convicted as a confirmed and habitual criminal under the provisions of Sections 99-19-81 shall be eligible for parole.

B. Any person who shall have been convicted of a sex crime, and who is otherwise eligible for parole, shall not be released on parole until after he has been examined by a competent psychiatrist or by a competent psychologist selected by the State Parole Board. Such examination must have occurred not more than one (1) year prior to the prisoner's parole hearing. Upon completion of the examination, a written report of the psychiatric or psychological examination shall be forwarded immediately to The Parole Board. The written report of the examining psychiatrist or psychologist shall state whether the sex offender is likely or unlikely to commit to another sex crime. The Parole Board may also order psychiatric or psychological examinations for persons convicted of other crimes

when it determines such examination would be helpful in making a parole decision.

C. No one shall be eligible for parole until he shall have served one (1) year of his sentence, unless such person has accrued any meritorious earned time allowances, in which case he shall be eligible for parole if he has served (i) nine (9) months of his sentence when his sentence is two (2) years or less; (ii) ten (10) months of his sentence when his sentence is two (2) years but no more than five (5) years, and (iii) one (1) year of his sentence, when his sentence is more than five (5) years.

D. No person shall be eligible for parole who shall, on or after January 1, 1977, be convicted of robbery or attempted robbery through the display of a firearm until he shall have served ten (10) years if sentenced to a term or terms of more than ten (10) years or if sentenced for the term of the natural life of such person. If such person is sentenced to a term or terms of ten (10) years or less, then such person shall not be eligible for parole. The provisions of this paragraph shall also apply to any person who shall commit robbery or attempted robbery on or after July 1, 1982, though the display of a deadly weapon.

Source: *Miss. Code Ann §47-7-23*

Rule 2.3: Parole Violators

The Board may issue a warrant for the return of any offender to the Department of Corrections at any time at its discretion and upon a showing of sufficient probable cause to believe there is a violation of a parole (47-7-27).

A parolee who commits and is convicted of a felony anywhere while on parole shall immediately be revoked upon presentation of a certified copy of the commitment order.

The parole violator has the right to a preliminary hearing before a Hearing Officer. However, he may waive this right and appear directly before the Parole Board. The Board Members and Hearing Officers have the authority to administer oaths in discharging their duties. They may also summon witnesses and take other steps to ascertain the truth.

When a violator is taken into custody, he/she may appeal to the Board in writing or in person to explain why his parole should not be revoked. The Board may then, or at any time, terminate parole or modify the terms and conditions of the parole. In the event parole is revoked, the parolee may be required to serve the remainder of the original sentence, continue on parole, or be granted a second parole at a later date.

The parolee will be furnished written notice of the allegation(s) against him. He may also speak on his own behalf or obtain the services of an attorney (at the parolee's expense), submit documents or produce witnesses on his behalf. The parolee may also cross-examine witnesses.

Source: *Miss. Code Ann §47-7-23*

Rule 2.4: Parole Hearings

Parole hearings will be scheduled on a monthly basis providing sufficient time to consider every inmate who is eligible during the month or two months preceding his/her eligibility. A quorum of Board Members must be present. Besides the Board Members, the Board's administrative assistant or a designated representative is to keep minutes and record actions by the Board.

The Board has the option to interview offenders in person and the offender has the privilege to be represented by counsel at his/her own expense. Hearings are held at Mississippi State Penitentiary, Parchman, Mississippi, Central Mississippi Correctional Facility, Rankin County & South Mississippi Correctional Institution, Greene County via satellite.

State inmates incarcerated at one of the Community Work Centers (CWC), county jails private prisons or on Intensive Supervision Program do not usually attend their parole hearing; however, the Board may request the inmate be transported to one of the three major facilities and attend their hearing. Otherwise, the review is conducted by the Parole Board reviewing the offender's parole file, master file, and any other information presented to the Board. This review is conducted at the Board's headquarters in Jackson, Mississippi.

Before the hearing is conducted, the inmate's master file is reviewed and all pertinent information is recorded in a summary report. This report is provided to each board member and the inmate's master file is available to each Board member. A parole file is also maintained. This file contains information pertaining to previous Board's action and all documents and correspondence received supporting or opposing the individual's parole. The inmate may provide any additional information either in writing or during the hearing. Board members may also question the inmate about any matter including past criminal activity which may be necessary to evaluate the inmate's potential for success or failures delete if paroled.

The Chairman or his/her designee conducts the hearing and directs the questioning with follow-up questions by other Board members. The inmate is not present during deliberations. He/she is advised in writing of the Board's decision within ten (10) days following deliberation. This action sheet includes the stipulation(s) for a parole which has been granted or reasons why parole was denied including the length of time of the set-off. If parole is denied, he/she is furnished with the reason(s) such action was taken in writing.

In making its decision to parole, the Board considers the following:

A. Has served sufficient portion of sentence;
B. Good prison record;
C. Good risk assessment;
D. Recommendation by prison authority;
E. Recommendation by law enforcement official;
F. Successfully completed set-off;
G. Needs supervision prior to discharge;
H. Community Support;
I. Has employment or adequate provisions for maintenance and care;
J. The Board believes he/she is able and willing to fulfill the obligation of a law-

abiding citizen;

K. Serious nature of offense;
L. Number of offenses committed;
M. Police and/or juvenile record;
N. Prior felony convictions;
O. Additional charges pending/detainer;
P. Prior misdemeanor convictions;
Q. Probation unsatisfactory/violated;
R. Parole unsatisfactory/violated;
S. Other conditional release unsatisfactory/violated;
T. History of violence;
U. History of drug or alcohol abuse;
V. Psychological and/or psychiatric history;
W. Crimes committed while incarcerated;
X. Escape;
Y. Institutional disciplinary reports;
Z. Recent/pending disciplinary action;
AA. Unsatisfactory work rating;
BB. Failure to participate in or complete rehabilitative programs;
CC. Poor risk assessment;
DD. Poor prognosis according to psychological/psychiatric evaluation;
EE. Community opposition;
FF. Failure to comply with Board's instruction;
GG. Further investigation required;
HH. Insufficient time served;
II. Inadequate arrangements for employment and/or residence;
JJ. We are of the opinion that the social, mental or educational resources are lacking which are necessary to function successfully on parole; and
KK. The Board believes the ability or willingness to fulfill the obligations of a law-abiding citizen is lacking, pursuant to Section 47-7-17 of the Mississippi Code Annotated as amended.

All information received by the Board in the performance of its duty and which is not public record elsewhere is classified as confidential. Confidential information includes, but is not limited to, investigative and supervisory reports and recommendations, both positive and negative, compiled by both the Department of Corrections and the Parole Board.

Executive session deliberations at hearings are restricted to Board Members and others determined by the Parole Board.

When an inmate appears before the Board and his parole is denied, the Board shall prepare and mail to the inmate a written statement specifying the length of set-off and the reason(s) consistent with State Statute for denial of parole. The set-off length will be determined by a majority vote of the Board.

Source: *Miss. Code Ann §47-7-23*

Rule 2.5: Conditions of Parole
Once an offender is paroled, he will be required to comply with specific conditions. If any one of these conditions is violated, the Board may revoke the parole and require that he serve additional time imposed by his original sentence.

A. FIRST REPORT: I will report to my field officer within 24 hours of my actual release unless otherwise directed.

B. REGULAR REPORTS: I will, until my final discharge, report to my Field Officer at the times and places I am instructed to report. If at any time it becomes necessary to communicate to my Field Officer and he is not accessible, I will direct my communication to the Department of Community Corrections, Mississippi Department of Corrections, Jackson, MS (601-359-5600).

C. EMPLOYMENT: I will work diligently at a lawful occupation and support my legal dependents, if any, to the best of my ability. I will not quit my job without getting permission from my Field Officer.

D. RESIDENCE: I will not change my residence without first getting permission from my Field Officer. I will not abscond (leave) from parole supervision.

E. LEAVING STATE: I will not leave my State of residence, even briefly, or any other state to which I am released or transferred without written permission from my Field Officer.

F. ILLEGAL DRUGS AND ALCOHOL: I will not possess or use any illegal drugs, narcotics, mood altering substances, or any substances controlled by law which are not prescribed to me by a physician. I will not drink alcohol or intoxicating beverages and will not go into, remain about, or frequent places where they are the chief item of sale. Driving under the influence (DUI), public intoxication, or test results of .08 blood alcohol or higher shall be sufficient proof. I will abide by the laws relative to tests utilized for the purpose of monitoring alcohol and drug usage.

G. PERSONS AND PLACES OF BAD REPUTATION: I will not knowingly associate with any former inmate of a penal institution, any person who has been convicted of a felony, or any person of bad reputation. I will not visit places of bad reputation where disorderly conduct is likely to occur or which is frequented by persons of ill repute (bars, lounges, night clubs, gambling houses, etc.)

H. WEAPONS: I will not possess or have under my control any fire arm or other deadly weapon outlined by Federal and State statutes.

I. LAW AND IMMEDIATE NOTIFICATION: I will not violate any city, county, State or Federal Laws. I will, within 48 hours, notify my Field Officer if I am arrested for any offense, including a traffic offense or receive a citation or if there is any change in my

residence or termination of employment of if my name changes as a result of marriage or divorce.

J. CURFEW: I will not be away from my residence between the hours of 12:00 midnight and 6:00 a.m. unless required to do so in connection with my employment and with my Field Officer's permission.

K. QUESTIONS AND INSTRUCTIONS: I will promptly and truthfully answer questions from my Field Officer, the Parole Board and its authorized representatives and carry out all instructions from them.

L. SUPERVISION FEE AND COURT-ORDERED PAYMENTS: In accordance with my instructions issued to me by my Field Officer, I will pay a monthly parole supervision fee as established by Section 47-7-49 of the Mississippi Code. In accordance with instruction from my Field Officer, I will pay any court-ordered penalties or restitution specified in my sentence(s).

M. VISIT TO CORRECTIONAL FACILITY: I will not return to a facility of the Mississippi Department of Correction on a visit without the joint approval of my Field Officer and the Administrator of the Correctional Facility.

N. EXTRADITION: I do hereby waive extradition to the State of Mississippi from any state, territory or District of the United States and from any territory or country outside the United States.

O. AGREEMENTS: I will not enter into any agreement to act as an "informer" or special agent for any law enforcement agency that will put me in violation of my parole conditions.

P. DETAINER: If I am released to a detainer and the detainer is cleared or satisfied, I will, within 48 hours of my release from the custody of that jurisdiction, contact in person or by telephone, the Department of Community Corrections, Mississippi Department of Corrections, Jackson, MS at 601-359-5600 for reporting instructions.

Q. SPECIAL CONDITIONS: I do further agree to abide by any additional special requirements as established by the Parole Board.

The parolee must sign the certificate acknowledging each of these conditions. He/she promises and agrees to all conditions.

Source: *Miss. Code Ann §47-7-23*

Rule 2.6: Executive Clemency

The Mississippi Constitution provides the Governor with plenary power to grant clemency in all state criminal cases except those involving treason or impeachment. This power is unencroachable by the legislative or judicial branches of government. Under the Governor's clemency power, he has the authority to grant pardons, restore civil rights, grant indefinite or temporary suspensions and commute sentences after an investigation by the Parole Board has been conducted and submitted to the Governor for his perusal.

A. PARDONS: A pardon relieves a convicted felon of all consequences of his/her conviction(s). In other words, a pardon wipes a conviction record clean including giving the individual the right to hold public office, to vote, hold certain licenses, carry firearms, obtain a liquor license and serve in the armed forces.

B. RESTORATION OF CIVIL RIGHTS: The restoration of civil rights allows convicted felons to vote and hold certain licenses. It does not allow a person to run for public office, obtain a liquor license, serve in the armed forces, or possess firearms.

C. COMMUTATION OF SENTENCES/EARLY RELEASE: This act by the Governor allows reduction of prison time or some other aspect of a sentence; however, it is not considered a pardon or a restoration of civil rights.

D. SUSPENSION: The Governor has the authority to grant temporary or indefinite stays in the execution of a sentence.

Source: *Miss. Code Ann §47-7-23*

Part 201 Chapter 3: The Parole Process

Rule 3.1: Definition of Parole

Parole is a carefully constructed bridge between incarceration and return to the community. It is a form of conditional release that involves a careful review of information and assessment convicted of a crime and sentenced to the custody of the Department of Correction may be eligible for release under one of the following conditions:

A. Earned release
B. Parole/statutory release Probation
C. House arrest – ISP
D. Medical release

Source: *Miss. Code Ann §47-7-23*

Rule 3.2: The Difference Between Probation and Parole

Probation is a sentence imposed by the judge, usually as opposed to, but sometimes in addition to, a term of imprisonment. It allows a person to live in the community under the supervision of a probation officer and under the jurisdiction of the Circuit or County Judge. Whereas, Parole

may be granted after the offender has served part of the sentence in an institution, allowing the offender to live in the community under supervision for the remainder of the sentence. The responsibility of that decision to grant parole is that of the Parole Board.

The victim must understand that in some cases the integration of an offender back into society is best done by a conditional release. This concept is supported by long-term studies.

Source: *Miss. Code Ann §47-7-23*

Rule 3.3: Victim Status

The State Parole Board takes under consideration the victim's input as an important factor in making its decision as to whether or not to grant parole. A victim is defined as someone to whom harm was done or who suffered physical or emotional damage as the result of a crime. The law considers that relatives or legal guardians are victims when the victim has been killed or is unable to respond, e.g. illness or injury caused by the offense.

Victims may authorize someone to act for them. The Board will recognize this person as a representative for a victim if the victim makes a written request.

The same information that is shared with a board member during an appointment may also be submitted to the board by letter or electronically through e-mail.

Source: *Miss. Code Ann §47-7-23*

Rule 3.4: Information Request Regarding an Offender

A. Victims may write to request information from the Parole Board about an offender. Upon request, the Board will release specific information to victims. Some information is limited to the public and even to the victim as defined in the law. The request should clearly identify the offender and the crime committed.

B. Like any member of the public, a victim, or in some cases the victim's family, can request and will receive basic information about an offender such as:
   1. Length of sentence;
   2. Eligibility date/month that offender may be reviewed.

C. In addition, the victim may request:
   1. Location of the institution where the offender is housed;
   2. Date offender will be released from sentence when the offender has appealed a decision of the court and the outcome of that appeal if this information is available in our file.

Source: *Miss. Code Ann §47-7-23*

Rule 3.5: Attendance at a Board Hearing

Hearings are closed to the public. Should an offender desire to have legal counsel at his/her hearing, arrangements may be made by a family member, the inmate or legal counselor at his/her own expense. The Board staff sets the appointment and notifies the legal representation as to the date and time of the hearing.

Source: *Miss. Code Ann §47-7-23*

Rule 3.6: Decisions of the Parole Board

The Board provides the offender with the Board's decision. The Board also releases to the victim(s) and/or family member(s) the decision of the Board in writing. For the Board to release information about offenders to anyone else the individual requesting information must give the reason for the request and the requested information may be released on a case by case basis.

The Board will not release information that may jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

Source: *Miss. Code Ann §47-7-23*

Statutes Pertaining to Parole
Mississippi Code of 1972 Annotated

47-5-157	Written discharge or release, clothing, money and bus ticket furnished to discharged or released offender
47-5-173	Granting of leaves for personal reasons
47-5-177	Notice requirements prior to release
47-5-703	Definitions
47-5-705	Requirements for declaration of a state of Emergency
47-5-707	Notice of overcrowded prison conditions
47-5-709	Thirty-day report by the State Parole Board
47-5-711	Powers of the Governor upon receipt of report
47-5-713	Advancement of Parole eligibility dates during emergency
47-5-719	Powers of Governor upon receipt of report
47-5-723	Revocation of conditional advancement of parole eligibility date
47-5-725	Conditions of advancement of parole eligibility date
47-5-727	Advancements of parole eligibility date to be independent of other adjustments
47-7-3	Parole of prisoners; conditions; determinations of tentative hearing date
47-7-5	State Parole Board created; membership; requirements; vacancies; expenses; immunity; budget; responsibilities of offenders
47-7-6	Certain contributors to gubernatorial campaign of appointing Governor may not serve on State Parole Board
47-7-13	Voting and record keeping requirements; offices, equipment, and supplies
47-7-15	Seal of board, records and reports
47-7-17	Examination of offender's record; eligibility for parole
47-7-21	Privileged information
47-7-23	Rules and Regulations
47-7-25	Gratuities to paroled offender
47-7-27	Return of violator of parole or earned release supervision; arrest of offender; revocation of parole; board and hearing officers authorized to administer oaths and summon witnesses, administer oaths and summon witnesses
47-7-29	Effect of conviction of felony while on parole or earned-release supervision
99-19-81	Sentencing of habitual criminals to maximum term of imprisonment
99-19-83	Sentencing of habitual criminals to life imprisonment
99-19-107	Life sentence to be imposed if death penalty held to be unconstitutional
99-37-15	Resumption of payment upon release from custody