



Report to the Mississippi Legislature

# A Review of the Mississippi State Parole Board

#656  
July 6, 2021

## **PEER: The Mississippi Legislature's Oversight Agency**

---

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

PEER Committee  
Post Office Box 1204  
Jackson, MS 39215-1204

(Tel.) 601-359-1226  
(Fax) 601-359-1420  
(Website) [www.peer.ms.gov](http://www.peer.ms.gov)

# Joint Committee on Performance Evaluation and Expenditure Review

## PEER Committee

### SENATORS

KEVIN BLACKWELL  
Vice Chair  
CHARLES YOUNGER  
Secretary  
LYDIA CHASSANIOL  
DEAN KIRBY  
CHAD McMAHAN  
SOLLIE NORWOOD  
JOHN POLK

### TELEPHONE:

(601) 359-1226

### FAX:

(601) 359-1420



Post Office Box 1204  
Jackson, Mississippi 39215-1204

James A. Barber  
Executive Director

[www.peer.ms.gov](http://www.peer.ms.gov)

### REPRESENTATIVES

TIMMY LADNER  
Chair  
RICHARD BENNETT  
CEDRIC BURNETT  
CAROLYN CRAWFORD  
BECKY CURRIE  
JERRY TURNER  
PERCY WATSON

### OFFICES:

Woolfolk Building, Suite 301-A  
501 North West Street  
Jackson, Mississippi 39201

July 6, 2021

Honorable Tate Reeves, Governor  
Honorable Delbert Hosemann, Lieutenant Governor  
Honorable Philip Gunn, Speaker of the House  
Members of the Mississippi State Legislature

On July 6, 2021, the PEER Committee authorized release of the report titled *A Review of the Mississippi State Parole Board*.

A handwritten signature in black ink, appearing to read "Timmy Ladner".

Representative Timmy Ladner, Chair

**This report does not recommend increased funding or additional staff.**





## *Table of Contents*

Letter of Transmittal .....	i
Report Highlights .....	v
Introduction .....	1
Authority .....	1
Scope and Purpose .....	1
Method .....	1
What is Parole, and How is it Administered in Mississippi? .....	2
Concept of Parole .....	2
Composition and Duties of the State Parole Board .....	3
Mississippi's Parole Process .....	4
Recent Impact of Parole in Mississippi .....	6
Has the State Parole Board Complied with State Law and Policies? .....	8
Untimely Parole Hearings .....	8
Ineffective Use of Presumptive Parole .....	9
Lack of Minutes Documenting Parole Decisions .....	10
Unauthorized Travel Reimbursements .....	11
Members' Failure to Work as Full-Time Employees .....	13
How is the Parole Process Administered in Other States? .....	14
Comparison with Contiguous States .....	14
Conclusions and Possible Options .....	16
Appendix A: Additional Information Regarding Mississippi's Parole Process .....	19
Appendix B: Means by which Offenders are Released from Prison .....	24
Appendix C: Untimely Hearing Calculations .....	28
PEER Committee's Response to the State Parole Board Chairman's Response .....	29
Agency Response .....	31

*List of Exhibits*

Exhibit 1: Flowchart of the Parole Process in Mississippi .....	5
Exhibit 2: Percentage of Offenders Released on Parole (2007 through 2019) .....	7

## A Review of the Mississippi State Parole Board

**CONCLUSION:** Parole is a form of discretionary release for certain eligible prison offenders, the purpose of which is to reintegrate offenders into society as law-abiding and productive citizens. Parole has become the most-used method of release of offenders from prison in Mississippi. The Mississippi State Parole Board has the exclusive responsibility to grant, refuse, and revoke parole. PEER conducted a compliance review regarding the laws and policies governing the Board and found several instances of noncompliance. Using methods from contiguous states, the Board might increase effectiveness of its activities and the parole process in general.

### Background:

Parole was first used in the United States in New York in 1876. Today, parole is the principal means by which offenders are released from prison; in 2019, offenders were released on parole 63.4% of the time. It is less expensive to supervise a parolee than to incarcerate an offender, but society still receives some protection because the offender is supervised.

Parole is also a method of rehabilitation because it gives offenders supervision and guidance during their reentry into society.

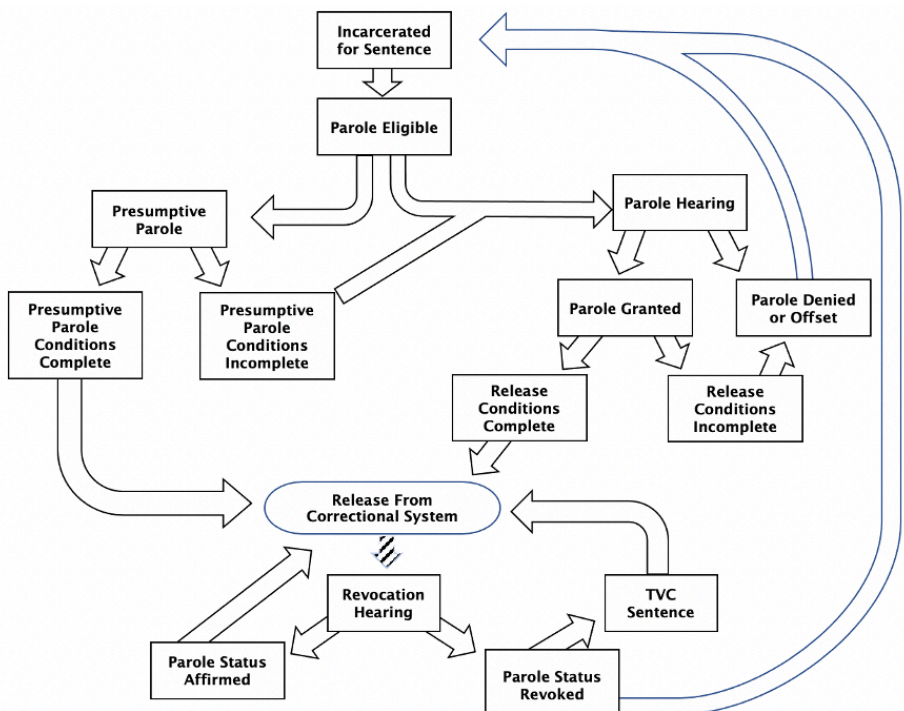
MISS. CODE ANN. § 47-7-5 (1972) creates the State Parole Board. The Board is made up of five members who are assisted by a secretary to the Board and two administrative assistants. MDOC also assigns five department staff to assist with Board activities. The law empowers the Board with the exclusive responsibility to grant, refuse, and revoke parole.

### State Parole Board Issues:

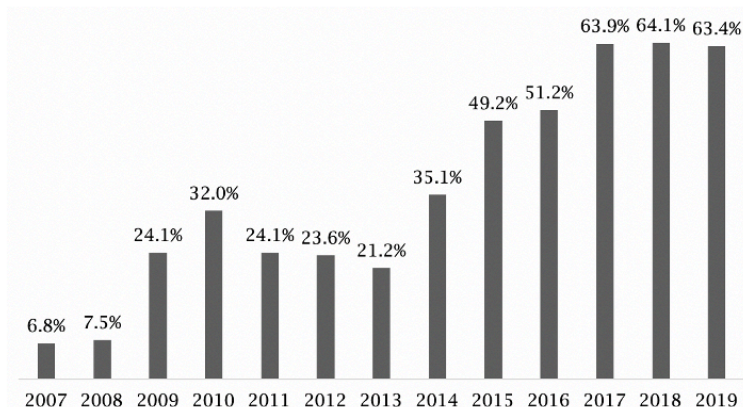
- **Untimely parole hearings:** In 2019, 47% of offenders eligible for parole received untimely hearings.
- **Ineffective use of presumptive parole as contemplated by law:** In 2019, the Board conducted 274 parole hearings for offenders who met the standards of presumptive parole.
- **Lack of minutes documenting parole decisions:** The Board does not maintain minutes documenting its parole decisions in a format required by law.
- **Unauthorized travel reimbursements:** Contrary to State Travel Regulations, two Board members received travel reimbursements for commuting to their regular place of work.
- **Members' failure to work as full-time employees:** Board members do not function as full-time employees (i.e., they receive compensation for time absent from the Board office).

### Parole Process:

The parole process in Mississippi is a progression from incarceration to parole composed of many steps including reviewing the files of parole-eligible offenders, attending victim/advocate meetings, and holding hearings.



The percentage of offenders released on parole has increased over time. As of 2019, parole was the method used most often to release offenders from prison, with 63.4% of all offenders released that year being released through parole.



MISS. CODE ANN. § 47-7-5 (1972) will be repealed effective July 1, 2022. If repealed, MDOC will be responsible for administering parole. However, MDOC currently does not have an adjudicatory division equipped to handle the parole process, so one would need to be created. If the law were reenacted as is, the Board would most likely continue to operate with the same problems. Therefore, it is timely for the Legislature to examine all possible options and pass legislation that could make the State Parole Board more efficient.

## Possible Options

- 1. Reenactment of current laws:** This option would retain the present structure and duties of the State Parole Board. The Board should have a statutory obligation to report to relevant committees of the Legislature as to how the Board intends to improve its efficiency to meet the challenges of a changing parole environment. A one-year repealer could be included in the Board's enabling legislation.
- 2. Enact structural changes in the administration of Mississippi's parole process:** This could mean placing the Board organizationally within MDOC and setting out its duties as an adjudicator of parole and parole revocation matters, providing for the creation of an Executive Director of the State Parole Board, providing for the appointment of hearing officers, providing for teleconferencing by members of the Board so as to limit travel to Jackson for hearings, or amending outdated or conflicting laws regarding the Board.
- 3. Empower MDOC to administer parole:** By the terms of this provision, if the Legislature chose to allow the Board's legislation to be repealed in 2022, the Board would be eliminated and its powers and duties would revert back to MDOC, which would become responsible for conducting the parole process. Should the Board be allowed to repeal, MDOC should be empowered to:
  - establish a three-member board of Parole Commissioners who are given a term of office to serve as an adjudicative body for parole and parole revocation matters;
  - provide sufficient funding for MDOC to hire hearing officers to assist the Commissioners in hearing cases, and developing proposed findings for the Board to consider and act upon;
  - provide the newly created board with authority to establish rules and regulations for the hearing of cases and the use of hearing officers; and,
  - provide that administrative support for the parole process shall be under the supervision and control of a Division of Parole established within MDOC.

# A Review of the Mississippi State Parole Board

---

## Introduction

### Authority

The PEER Committee, under its authority found in MISS. CODE ANN. § 5-3-51 et seq. (1972), reviewed the operations of the Mississippi State Parole Board.

### Scope and Purpose

PEER sought to determine the effectiveness of the Mississippi State Parole Board by answering the following questions:

- What is parole, and how is it administered in Mississippi?
- Has the State Parole Board complied with state law and policies?
- How is the parole process administered in other states?

### Method

In conducting this review, PEER:

- analyzed relevant state laws and Board rules, regulations, policies, and procedures;
- analyzed administrative records of the State Parole Board and the Mississippi Department of Corrections (MDOC), including:
  - staff job descriptions and duty statements;
  - financial records (i.e., travel and mileage reimbursements, payment warrants, etc.);
  - records of State Parole Board actions and other documents provided to Board members to facilitate parole decisions prior to hearings;
  - staff and State Parole Board member time cards and attendance records;
  - statistics of the State Parole Board actions relative to timeliness of parole hearings and actions; and,
  - technology used by Board members to carry out their duties.
- interviewed State Parole Board members and staff and MDOC staff.

---

# What is Parole, and How is it Administered in Mississippi?

This chapter includes a discussion of:

- the concept of parole;
- composition and duties of the State Parole Board;
- Mississippi's parole process; and,
- recent impact of parole in Mississippi.

## Concept of Parole

**Parole is a form of discretionary release for certain eligible prison offenders. The purpose of the state's parole system is to transition offenders from incarceration to the community, under correctional and judicial supervision, in order to reintegrate offenders into society as law-abiding and productive citizens.**

According to the *People's Law Dictionary*, the term "parole" can be defined as:

*the release of a convicted criminal defendant after he/she has completed part of his/her prison sentence, based on the concept that during the period of parole, the released criminal can prove he/she is rehabilitated and can "make good" in society. A parole generally has a specific period and terms such as reporting to a parole office, not associating with other ex-convicts, and staying out of trouble. Violation of the terms may result in revocation of parole and a return to prison to complete his/her sentence.*

Parole was first used in the United States in New York in 1876. By the turn of the century, parole was prevalent in the states. In 1910, Congress established the U.S. Parole Commission and gave it the responsibility of evaluating and setting the release dates for federal prisoners.

Parole is used for several reasons. It is less expensive to supervise a parolee than to incarcerate an offender. A person on parole has an opportunity to contribute to society. At the same time, society still receives some protection because the offender is supervised, and the offender's parole can be revoked for minor transgressions. Parole is also a method of rehabilitation because it gives offenders supervision and guidance during their reentry into society.

Although parole laws vary from state to state, there are some common practices. In many states, the governor is charged with appointing a parole board. The duties of the board are to study the case histories of persons eligible for parole, deliberate on the record, conduct hearings, grant parole, craft the conditions of parole, issue warrants for persons charged with violation of parole, conduct revocation hearings, and grant final discharge to parolees.

In Mississippi, parole is a bridge between incarceration and return to the community. It is a form of conditional release that involves a review of information and a decision as to whether an offender in the custody of the MDOC may be eligible for release under one of the following conditions:

- earned release;
- parole/statutory release probation;



- house arrest; or,
- medical release.

In Mississippi, there is a difference between probation and parole. Probation is a sentence imposed by a judge, usually as opposed to, but sometimes in addition to, a term of imprisonment. Probation allows a person to live in the community under the supervision of a probation officer and the jurisdiction of the circuit or county judge. Parole may be granted after the offender has served a part of the sentence in an institution, allowing the offender to live in the community under supervision for the remainder of the sentence.

## **Composition and Duties of the State Parole Board**

**MISS. CODE ANN. § 47-7-5 (1972) creates the Mississippi State Parole Board. The law explains the structure, composition, and duties of the Board and empowers the Board with exclusive responsibility for the granting and revocation of parole.**

Mississippi's Probation and Parole Law, codified as MISS. CODE ANN. § 47-7-1 et seq. (1972), provides the general framework under which offenders sentenced to the custody of MDOC may become eligible for release from prison. MISS. CODE ANN. § 47-7-5 (1972) creates a five-member State Parole Board (Board) appointed by the governor subject to the advice and consent of the Senate. Members' terms are at the will and pleasure of the governor.

To be appointed to the Board, an individual shall possess at least a bachelor's degree or a high school diploma and four years' work experience. Members are required to devote their full time to the duties of the Board and cannot engage in any other business or profession or hold any other public office. Because members are considered to be state employees, they may not receive compensation or per diem in addition to their annual salary. However, they may be reimbursed for actual and necessary expenses as authorized by state law for all officers and employees. Members are required to keep hours and workdays required of full-time state employees. Members are required to complete annual training from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

MISS. CODE ANN. § 47-7-5 (3) (1972) states that the Board shall have exclusive responsibility for the granting and revocation of parole. The Board, its members, and staff are immune from civil liability for any official acts taken in good faith and in exercising of the Board's legitimate governmental authority.

The budget of the Board is funded through a separate line item within the general appropriation bill for the support and maintenance of MDOC. For the past five fiscal years, the Legislature has granted spending authority to the State Parole Board in the following amounts:

- FY 2018: \$664,043
- FY 2019: \$664,571
- FY 2020: \$694,039
- FY 2021: \$694,039
- FY 2022: \$701,010

In each of the fiscal years, the Legislature authorized eight full-time positions for the Board—i.e., five Board members, a secretary to the Board, and two administrative assistants. In addition, MDOC assigns five department staff positions to support the activities of the Board. MISS. CODE ANN. § 47-7-5 (5) (1972) provides that any employees MDOC assigned to or employed by the Board shall work under the direction of the Board. The section requires the Board to have an executive secretary responsible for all

of the Board's administrative and general accounting duties. The executive secretary is also responsible for keeping and preserving all records and papers of the Board.

MISS. CODE ANN. § 47-7-5 (6) (1972) states that the Board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to probation, parole or executive clemency, or other offenders requiring the same through interstate compact agreements. Offender supervision shall be provided exclusively by staff of MDOC's Division of Community Corrections.

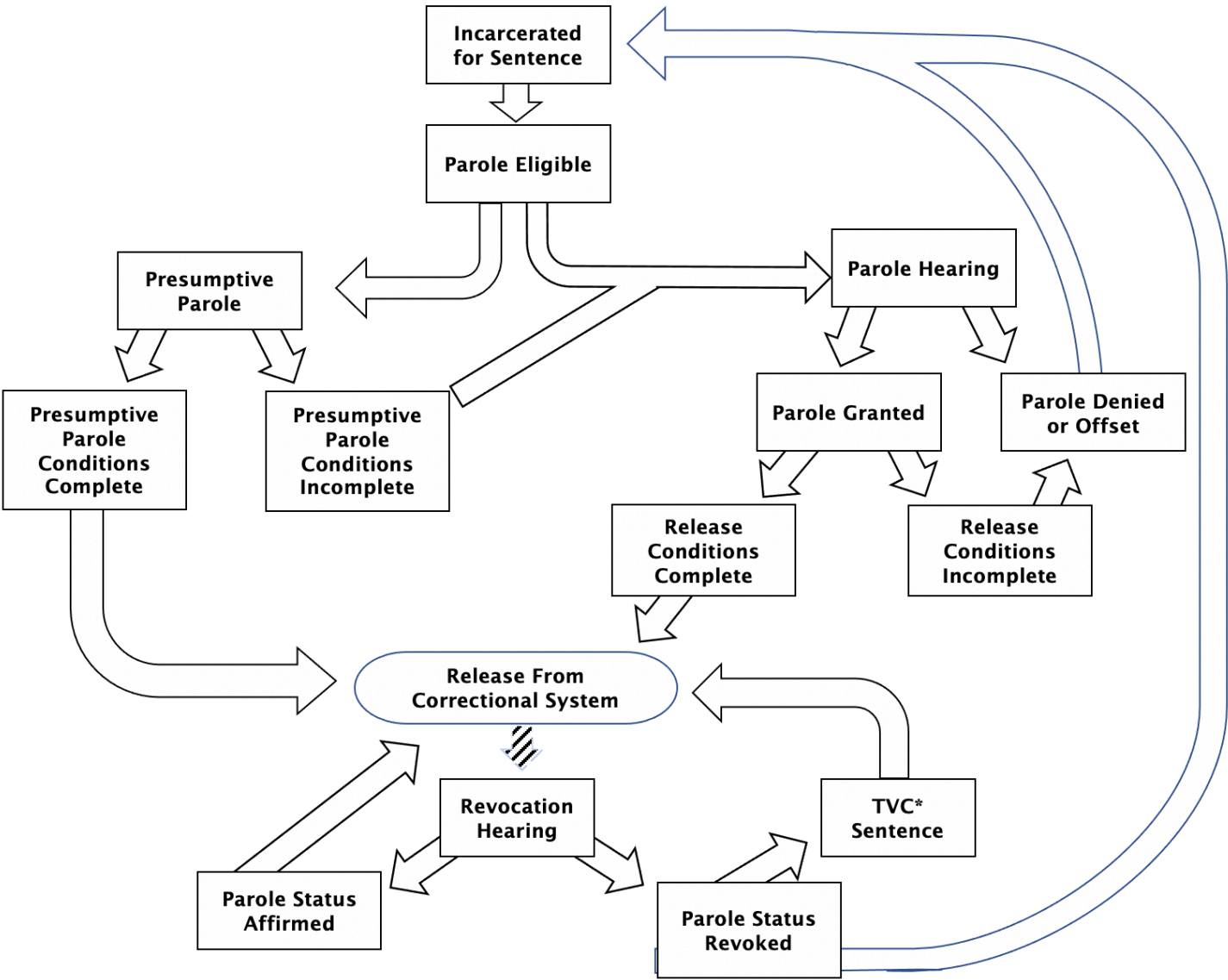
## **Mississippi's Parole Process**

**The parole process in Mississippi is a multifaceted progression from incarceration to parole that is composed of many steps including reviewing the files of parole-eligible offenders, attending victim/advocate meetings, and holding hearings several times each week.**

Offenders' eligibility for parole is not guaranteed. MISS. CODE ANN. § 47-7-5 (3) (1972) grants the State Parole Board the exclusive authority to grant, refuse, or revoke the parole of offenders convicted of a felony, sentenced to the custody of MDOC, and deemed eligible for parole under state law. The Board considers various factors, such as an offender's criminal history, crime, incarceration date, and sentence, to determine whether an offender is eligible for parole consideration after serving a portion of his or her sentence. Exhibit 1 on page 5 presents a flowchart of Mississippi's parole process. Appendix A on page 19 presents additional details regarding the parole process.



**Exhibit 1: Flowchart of the Parole Process in Mississippi**



\* Technical Violation Center  
/// Delineates moving from incarceration into the community

SOURCE: PEER analysis of the parole process.

## Recent Impact of Parole in Mississippi

**Mississippi's use of parole as a form of offender release has evolved and grown over the past 30 years. Today, parole is the principal means by which offenders are released from prison; in 2019, offenders were released on parole 63.4% of the time.**

In the 1990s, Mississippi responded to rising crime rates and federal incentives by enacting a truth in sentencing law. Senate Bill 2175 (1995 Regular Session) amended MISS. CODE ANN. § 47-5-138 (1972) to require that all felons serve 85% of their sentence before becoming eligible for release. Prior to the bill's passage, offenders were eligible for parole after serving 25% of their sentence. The 1995 legislation was made applicable to all individuals convicted after the bill's effective date of July 1, 1995, meaning that parole was not a viable release mechanism for individuals convicted after that date. As a result, Mississippi's prison population more than doubled from 1995 to 2008—i.e., 12,292 at the end of the 1995 fiscal year to 31,031 at the end of the 2005 fiscal year.

As the years progressed, Mississippi's position on discretionary release changed, and more opportunities for parole became a reality. Major changes in state law occurred in 2008 and 2014.<sup>1</sup>

During its 2008 Regular Session, the Legislature enacted S.B. 2136, which amended MISS. CODE ANN. § 47-7-3 (1972) and restored parole eligibility for nonviolent offenders and offenders convicted of drug crimes under specified amounts. Under the new law, offenders were required to serve 25% of their sentence or a statutory minimum,<sup>2</sup> whichever is longer. According to MDOC, parole releases increased from 656 in 2008 to 2,426 in 2009.

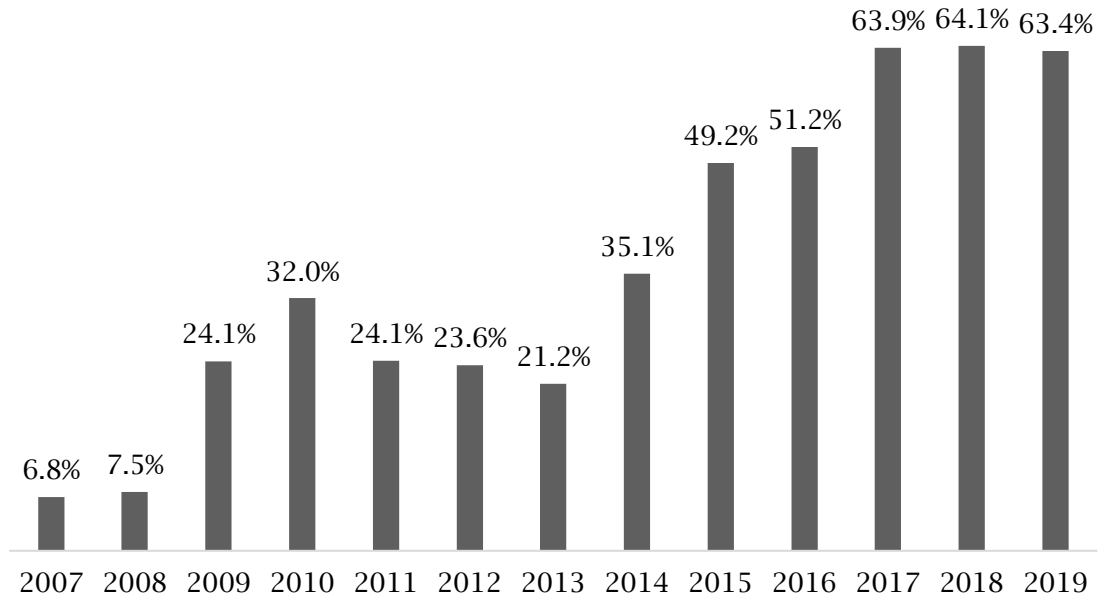
During its 2014 Regular Session, the Legislature enacted House Bill 585 that amended a number of existing statutes that increased parole eligibility by, among other things, eliminating the minimum time served requirement. Under the new law, offenders are now only required to serve 25% of their sentence. For example, an offender sentenced to prison for two years, now only has to serve six months, rather than one year, as under the previous minimum sentence requirement, to become parole eligible. Also, an offender sentenced to prison for 30 years, now only has to serve seven and one-half years rather than 10 years, as under the previous minimum sentence requirement. According to MDOC, parole releases increased from 2,015 in 2013 to 3,906 in 2014. Exhibit 2 on page 7 depicts the percentage of offenders released on parole from 2007 to 2019.

---

<sup>1</sup> Schrantz, Dennis; Stephen DeBor; and Marc Mauer. *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions*. The Sentencing Project (September 2018).

<sup>2</sup> The minimum time served requirement is one year for a sentence less than 30 years and 10 years for a sentence 30 or more years.

---

**Exhibit 2: Percentage of Offenders Released on Parole (2007 through 2019)**

SOURCE: PEER analysis of MDOC annual reports.

---

Exhibit 2 shows that the percentage of parole releases increased after the passage of S.B. 2136 in 2008 and increased more significantly after the passage of H.B. 585 in 2014. As of 2019, parole was the method used most often to release offenders from prison, with 63.4% of all offenders released from prison that year being released through parole. Appendix B on page 24 describes the reasons for which an offender may be released from prison.

---

# Has the State Parole Board Complied with State Law and Policies?

PEER conducted a compliance review regarding the laws and policies governing the Board and found several instances of noncompliance. PEER identified the following issues:

- untimely parole hearings;
- ineffective use of presumptive parole;
- lack of minutes documenting parole decisions;
- unauthorized travel reimbursements; and,
- members' failure to work as full-time employees.

The following sections describe the issues in more detail.

## Untimely Parole Hearings

**In 2019, the State Parole Board established hearing dates within thirty days of an offender's parole eligibility for only 53% of offenders who were eligible for parole. While the other 47% of hearing dates were untimely, not all of them were late.**

MISS. CODE ANN. § 47-7-3 (3) (1972) charges the Board to ensure that an offender who is eligible for parole receives a hearing in a timely manner.

*The State Parole Board shall, by rules and regulations, establish a method of determining a tentative parole hearing date for each eligible offender taken into the custody of the Department of Corrections. The tentative parole hearing date shall be determined within ninety (90) days after the department has assumed custody of the offender. The parole hearing date shall occur when the offender is within thirty (30) days of the month of his parole eligibility date. The parole eligibility date shall not be earlier than one-fourth (1/4) of the prison sentence or sentences imposed by the court.*

Board preparations for parole hearings begin three months prior to an offender's parole eligibility date. During this interval, Board members review an offender's specific case file to assess parole suitability, while Board staff gather needed re-entry information such as new addresses and employer information, and schedule the offender for a hearing if deserved. (According to MDOC Executive Directive #64, issued on September 10, 2020, 120 days prior to an offender's possible release from prison, MDOC or State Parole Board staff will enter a "housing restriction" in the department's data system to ensure that an offender is not transferred pending release.)

As previously stated, MISS. CODE ANN. § 47-7-23 (1972) requires an offender's parole hearing date to occur when the offender is within thirty days of the month of his or her parole eligibility date. To determine the Board's compliance with this standard, PEER analyzed the case files for a sample of 150 offenders who were eligible for parole during 2019. (Due to data in MDOC's OffenderTrak, a centralized database of offender, facility, and operational information for jail and correctional facilities, being unusable or incorrect, PEER had to review original source documents and notes for the 150 offenders used in the sample.)

Based on this analysis, PEER determined that Board hearings can be separated into the following categories:

- Timely hearings: 53.3% or 80 out of 150 offenders that were reviewed had hearing dates within thirty days of the month in which they became eligible for parole.
- Early hearings: 24.7%, or 37 out of 150 offenders that were reviewed had hearings earlier than 30 days before his/her parole eligibility date. This practice began in order to address a major backlog of cases around 2014 (described in more detail in the following paragraph). It does not meet the law's specific requirement of "within thirty days," and is therefore untimely, but is also not late.
- Late hearings: 12.67%, or 19 out of 150 offenders that were reviewed were late.
- Indeterminate hearings: 9.3%, or 14 out of 150 offenders that were reviewed could not be assessed because of data issues in OffenderTrak.

In its 2014 report titled *A Review of Selected Parole, Restitution, and Timely Release Issues of the Department of Corrections and State Parole Board*, PEER determined that some offenders were not released from prison because they were not granted timely parole hearings during the month they became eligible, and thus were held in MDOC custody beyond their parole eligibility date. Subsequent to the release of the report, the Board implemented policy changes regarding their case docket and hired an internal auditor to help ensure that offenders eligible for parole were not overlooked. Despite these efforts in 2014, the State Parole Board continues to have issues in granting eligible offenders timely parole hearings. With the passage of the Mississippi Earned Parole Eligibility Act (2021 Regular Session) (see page 16 for a more detailed description of what the bill does) challenges regarding timely parole hearings could be exacerbated.

## **Ineffective Use of Presumptive Parole**

**During 2019, the State Parole Board conducted 274 unnecessary parole hearings for offenders who met the standards of presumptive parole as authorized by MISS. CODE ANN. § 47-7-18 (1972).**

Presumptive parole is a criminal justice innovation recently added to Mississippi's laws on the management and oversight of offenders being returned to a productive life outside of prison. It is part of the criminal justice reforms adopted in Chapter 457 *Laws of 2014* (also known as H.B. 585, Regular Session, 2014).

Presumptive parole allows offenders to be released without going through the formal parole process (as noted in Exhibit 1 on page 5) or having a formal hearing as long as certain requirements are met (e.g., if they meet all the conditions of their case plan, have not received a major or serious violation report within the past six months, or have no objection from the victim and/or law enforcement regarding their release). The department must notify the Parole Board at least 30 days before the offender's parole eligibility date whether he is complying.

Procedurally, the noteworthy feature of presumptive parole is the lack of a mandatory parole hearing. Specifically, Section 44, Chapter 457, *Laws of 2014*, codified as MISS. CODE ANN. § 47-7-18 (1972) provides in part:

- 1) *Each inmate eligible for parole pursuant to Section 47-7-3, shall be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if:*

- a) *The inmate has met the requirements of the parole case plan established pursuant to Section 47-7-3.1;*
- b) *A victim of the offense has not requested the board conduct a hearing;*
- c) *The inmate has not received a serious or major violation report within the past six (6) months;*
- d) *The inmate has agreed to the conditions of supervision; and*
- e) *The inmate has a discharge plan approved by the board.*

Remaining sub-sections of this section require MDOC to notify the Board of an offender's compliance or non-compliance with his/her case plan. The Board must conduct hearings in cases where there is noncompliance with a case plan or in cases where there is insufficient information in records to determine compliance. Hearings must be conducted in cases where victims or law enforcement so request.

Despite the clear policy to make offenders presumptively eligible for release unless certain specified conditions necessitate the conduct of hearings, presumptive parole is not being implemented as required by the provisions of H.B. 585.

PEER determined that the Board still conducts a file review "hearing" for all first-time eligible offenders without relying on the presumptions afforded them under law. The Board may do this, as it does have the discretion to conduct hearings in any case. This review occurs despite the fact that MDOC has acquired a module for its OffenderTrak system that allows for the removal of persons who are eligible under the legal criteria from the Board's docket. Use of this module would allow the Board to administer the law as its authors contemplated.

In order to determine how effectively the Board was implementing presumptive parole, PEER conducted a data analysis of offenders eligible for parole in 2019 using MDOC's offender database, OffenderTrak. PEER looked to see how many offenders met the criteria listed in the law, and concluded that the Board conducted 274 unnecessary parole hearings for offenders who met the standards of presumptive parole as authorized by MISS. CODE ANN. § 47-7-18 (1972).

### **Lack of Minutes Documenting Parole Decisions**

**Contrary to state law, the State Parole Board does not maintain minutes documenting its parole decisions.**

With regard to the documentation of its parole decisions, MISS. CODE ANN. § 47-7-13 (1972) imposes the following requirement on the State Parole Board:

*A majority of the board shall constitute a quorum for the transaction of all business. A decision to parole an offender convicted of murder or a sex-related crime shall require the affirmative vote of three (3) members. The board shall maintain, in minute book form, a copy of each of its official actions with the reasons therefor....*

Although the Board formerly complied with state law by maintaining minutes, the Board ceased keeping minutes in 2009 due to a change in the Board Chairman. Currently,

Board members consider their completion of daily action sheets<sup>3</sup> dispositive of the statutory requirement of keeping minutes.

Minutes are the means through which public boards express and record their actions. It is a well-established principle that such boards speak only through their minutes.<sup>4</sup> Minutes reflect Board members who favored or did not favor a particular action as well as the reasons for acting and are generally adopted and approved by the entire Board. By taking such actions, the board clearly sets out for all interested parties a valid record of the public body's proceedings.

According to the State Parole Board's *Policies & Procedures* Rule 3.5, parole hearings are closed to the public. By conducting Board business through closed meetings while reviewing information regarding offenders and victims, the Board is placed in the difficult position of balancing the public's need to know the actions of a government body versus the need of the Board to deal with confidential information while complying with state laws. While action sheets, which contain confidential information that cannot be publicly divulged, may well function as an adequate record for administrative purposes, they do not comport with the statutory minute requirement. Without formal minutes, the Board risks potential challenges to its actions regarding decisions to release offenders.

## **Unauthorized Travel Reimbursements**

**Contrary to Mississippi's *State Travel Policy Rules and Regulations* regarding "regular place of work," a State Parole Board member received \$20,262.52 in travel reimbursements for commuting during FY 2020, while another State Parole Board member received \$6,777.09 in travel reimbursements for commuting during FY 2021.**

As stated on page 3, MISS. CODE ANN. § 47-7-5 (1972) creates the State Parole Board and requires its members to devote their full time to the duties of the office. Although members reside in different locations throughout the state, the Board maintains a central office in Jackson, Mississippi, and conducts its business from this office—i.e., the Board does not have regional or satellite offices.

Mississippi's *State Travel Policy Rules and Regulations* Policy 101-J defines a "regular place of work" as the city, town or other location at which the state employee works or performs services on a regular basis as determined by the entity head, which for Board members is the Jackson central office. The policy further states that "mileage is not reimbursed between any regular place of work and home." Policy 109-A emphasizes that transportation expenses between an employee's official residence and regular place of work are "never reimbursable."

During fiscal years 2020 and 2021, the following State Parole Board members received travel reimbursements for commuting from their residences to the Board's Jackson office:

- Betty Lou Jones: \$20,262.52 (FY 2020);<sup>5</sup> and,

---

<sup>3</sup> A daily action sheet includes the following information: reasons for granting parole; reasons for denial of parole; offender's residence plan; Board votes; special instructions to offenders; and, conditions of supervision.

<sup>4</sup> *KPMG, LLP v. Singing River Health Sys.*, 283 So.3d 662 (Miss. 2018), noting that for over a century, the courts of Mississippi have held that public boards speak only through their minutes.

<sup>5</sup> The Office of the State Auditor's (OSA) *2019 Limited Internal Control and Compliance Review Management Report* (December 16, 2020) regarding MDOC documented instances of noncompliance with state travel and accounting policies. The report specifically noted twenty-seven instances in which MDOC reimbursed Betty Lou Jones (referred to in the OSA report as

- Anthony Smith: \$6,777.09 (FY 2021).

Travel reimbursement documentation analyzed by PEER for Ms. Jones and Mr. Smith clearly states that the reimbursements were for commuting expenses. (Ms. Jones did not receive reimbursement for commuting expenses during FY 2021, and Mr. Smith, who became a State Parole Board member in July 2020, did not receive reimbursement for commuting expenses after October 2020 in FY 2021.)

Although MISS. CODE ANN. § 47-7-5 (2) (1972) authorizes Board members to be “reimbursed for actual and necessary expenses as authorized by Section 25-3-41” (Mississippi’s general statute regarding travel expenses of officers and employees), state travel rules and regulations make a clear distinction between incidental and commuting travel expenses.

### ***Attorney General Opinions Regarding Commuting Expenses***

Generally, the Attorney General has opined that expenses associated with an individual commuting to a workstation should not be borne by the governmental entity to which an officer or employee is appointed or employed. See *Opinion to Quarles et. al*, August 30, 1989, (WL-503378 1989) and *Opinion to Griffith*, November 15, 1985 (WL708883, 1985).

With regard to commuting by State Parole Board members, the Attorney General provided two opinions to chairs of the State Parole Board. In *Opinion to Watkins*, December 11, 1979, WL 24447 (1979), the Attorney General opined that MISS. CODE ANN. § 47-7-5 (1979 supp.) allowed the chair and State Parole Board members to receive mileage reimbursement while attending meetings of the Board, as well as mileage reimbursement for traveling from the member’s home to the place where the board meets. (MISS. CODE ANN. § 47-7-5 [1972] no longer authorizes travel reimbursements for members’ traveling from home to where the board meets—i.e., commuting.) The *Watkins Opinion* also stated that the chair, who was the only full-time member of the Board at the time, could not claim reimbursement for travel from home to the Board’s office on ordinary workdays. In an August 27, 1980, *Opinion to the Chair of the State Parole Board*, the Attorney General again opined that commuting travel expenses between the chair’s residence in Yazoo City and the Board’s office in Jackson could not be reimbursed.

In a May 3, 2021, *Opinion to a State Parole Board Member*, the Attorney General opined that “reimbursements to Parole Board members for actual and necessary expenses authorized pursuant to Sections 47-7-5 (2) and 25-3-41 are separate and distinct from per diem pay, which is prohibited for Parole Board members under Section 47-7-5 (2).”<sup>6</sup> The opinion further stated that MISS. CODE ANN. § 25-3-41 authorizes certain public employees and officials to receive reimbursements for actual travel expenses in accordance with the rules and regulations promulgated by the Department of Finance and Administration. As stated on page 11, the state travel policies specifically prohibit reimbursement for commuting expenses.

---

“BLJ”) a total of \$47,321 during the period July 1, 2017, through December 31, 2019, to commute from her residence in Meridian to the State Parole Board’s Jackson central office. The report stated that the reimbursements were referred to the OSA Investigative Division for possible civil demand.

<sup>6</sup> During its 2021 Regular Session, the Legislature enacted H.B. 928 and S.B. 2795 that amended MISS. CODE ANN. Section 47-7-5 (1972) to state that State Parole Board members could receive compensation or a per diem, currently \$40 per day, in addition to their salaries. Strictly speaking, this amendment does not address the issue of a travel reimbursement because a reimbursement is not compensation or a per diem.



## Members' Failure to Work as Full-Time Employees

**Contrary to MISS. CODE ANN. § 25-1-98 (1972) and State Personnel Board policies, State Parole Board members do not function as full-time employees—i.e., they receive compensation for time absent from the Board's central office.**

MISS. CODE ANN. § 47-7-5 (2) (1972) states that “each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office.” In addition, MISS. CODE ANN. § 25-1-98 (1972) states that “all state offices shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, except on legal holidays as set forth in Section 3-3-7.” Mississippi State Personnel Board (MSPB) Regulation 5.1 states that “MSPB defines a normal work schedule as eight hours per day, forty hours per week, 173.929 hours per month and 2,087 hours per year.”

State Parole Board members' weekly work schedule consists of the following:

- Monday and Friday: Board members review case files of eligible parolees; no in-person hearings conducted;
- Tuesday and Thursday: Board members conduct in-person<sup>7</sup> revocation; and,
- Wednesday: Board members conduct in-person hearings for parole-eligible offenders serving life sentences.

To assess whether State Parole Board members worked a normal work schedule as defined by MSPB, PEER observed the eight hearings conducted by the Board during the week of October 24 through October 30, 2020. All five members of the Board were never fully in attendance or at the office for the eight hearings held during the week. Members' attendance at the hearings varied with one member missing five of the eight hearings, while other members missed three, two, and one hearing during the week. Additionally, the member who missed five of the hearings was considerably late in attending two other hearings held during the week. Although all of the five Board members had inconsistent attendance at the eight hearings, their time cards for the week of October 24 through October 30, 2020, showed that they all worked a full forty-hour week.

While PEER's observations during the week of October 24 through October 30, 2020, could possibly be considered an anomaly, PEER staff also observed Board members being absent from the office and the office being closed during the normal workday while conducting fieldwork for this project.

Rule 1.2 of the State Parole Board's *Policies & Procedures* designates the Board chair as the entity's chief administrative officer with responsibility to supervise, coordinate, and direct all activities of the Board and its staff. The rule further states that the chair will “ensure working hours are maintained and overtime required by the workload is not abused.” Based on PEER's observations, the State Parole Board has not responsibly ensured that its members adhere to a normal work schedule as defined by MSPB and required by state law. As a result, the members have received compensation for time in which they were not at their workstation.

---

<sup>7</sup> Due to the COVID-19 pandemic, “in-person” hearings are now conducted virtually by teleconference.

---

# How is the Parole Process Administered in Other States?

PEER compiled information from Mississippi's contiguous states to determine whether or not other Board structures or procedures used in our neighboring states might help increase the effectiveness of our Board and the parole process in general.

## Comparison with Contiguous States

**While each of Mississippi's contiguous states utilizes parole as a form of discretionary release from prison, variations exist in the states' processes used to administer parole.**

The following sections summarize the processes used by Mississippi's contiguous states to administer parole. Some features of the states' processes could provide guidance to the Mississippi Legislature should changes be warranted in Mississippi's parole process.

### *Alabama*

The Alabama Board of Pardons and Parole consists of three gubernatorial appointees. The Board is responsible for administering the granting of parole pardons, probation, and the revocation of parole. Unlike Mississippi's State Parole Board, the Alabama Board of Pardons and Parole is separate from all other executive branch agencies and is headed by a director who is an appointee of the governor. The director hires and manages all staff who assist the Board in carrying out its duties and responsibilities. In Alabama, the Board utilizes hearing officers to conduct revocation hearings. The findings of hearing officers are reviewed by the Board for its approval. Board action on any matter must be by a majority vote. In Alabama, the Board also handles the field supervision of parolees, a form of work performed in Mississippi and other states by correctional agencies.

### *Arkansas*

The Arkansas Parole Board is a part of the state's cabinet-level Department of Corrections and consists of seven members appointed by the governor. The Board's chairman is responsible for the day-to-day administration of the Board's activities. For a matter before the Board to be adopted, it must receive five affirmative votes. The Board is responsible for parole decisions, including revocations, as well as making recommendations to the governor for executive pardons and commutation of sentences. The Board may use hearing judges to take testimony and make non-binding recommendations to the Board for action. Regarding revocations, Arkansas uses either Board members or a Parole Revocation Judge to conduct hearings on revocation. Any decision may be appealed to the entire Board. In lieu of revocation, an offender may be sent to a boot camp temporarily before being returned to community supervision.

### *Louisiana*

The Louisiana Board of Pardons and Parole is housed within the state's Department of Public Safety and Corrections. The Board consists of the Board of Pardons, a five-member board addressing issues of executive clemency, and the Committee on Parole, consisting of the same five members plus two additional members. All members are appointed by the governor. Additionally, the warden of the facility where an offender is housed serves as an ex officio nonvoting member of the committee. The Committee on Parole is empowered to make decisions related to parole and parole revocations in the state of Louisiana. Staff is provided by the Department of Public Safety and Corrections,

and the Board's chair or the chair's designee is responsible for directing the work of the staff.

Most decisions are made by three-member panels with a majority vote required to grant parole. Some decisions require unanimous votes of five-member panels, such as parole for persons incarcerated for second-degree murder, or for offenders who committed a crime against the person of a peace officer. Revocations are also handled by a hearing panel.

### ***Tennessee***

In Tennessee, parole is the responsibility of the Tennessee Board of Parole, an independent agency similar to the Alabama Board of Pardons and Parole. The Board consists of seven members appointed by the governor and has authority over parole and parole revocation decisions. The Board also reviews applications for pardons and other forms of executive clemency. Only the governor may grant such relief to applicants.

The Tennessee Board of Parole appoints an executive director who is responsible for the administrative functions of the staff. In Tennessee, a vote of three of seven Board members is sufficient to parole most offenders. For certain violent offenses, a vote of all members to grant parole is necessary. Revocation hearings are first conducted by hearing officers. The conclusions of the hearing officers are reviewed by the Board, which makes all final decisions on revocations.

---

## Conclusions and Possible Options

In recent years, the Legislature has made substantive changes in Mississippi law regarding the paroling of offenders from incarceration. Specifically, the enactment of H.B. 585 (2014 Regular Session) provided for an offender's release from incarceration to parole supervision on the offender's parole eligibility date without a parole hearing under certain circumstances (see page 9). Most recently, S.B. 2795 (2021 Regular Session), known as the "Mississippi Earned Parole Eligibility Act," included the following parole reforms:

- Non-violent offenders will be eligible for parole hearings after being incarcerated for 10 years or after serving 25% of their sentence, whichever is less.
- Offenders convicted of violent crimes, except for robbery with a deadly weapon, drive-by shooting, and carjacking, will be eligible for parole after serving 50% of their sentence, or 20 years, whichever is less.
- Offenders convicted of robbery with a deadly weapon, drive-by shooting, or carjacking will be eligible for parole after serving 60% of their sentence, or 25 years, whichever is less.
- Offenders convicted of capital murder, first or second-degree murder, human trafficking, drug trafficking, or of an offense specifically prohibiting parole cannot be considered for parole.

The provisions of S.B. 2795 apply retroactively to those offenses that occurred after June 30, 1995, when the state's "truth in sentencing" legislation became effective.

While recent legislation has addressed the substance of parole, the administration of Mississippi's parole process has not been modified. As noted on pages 8 through 13, there are deficiencies and inefficiencies with regard to the operations of the State Parole Board. Specifically, the State Parole Board has failed to:

- conduct timely hearings for 47% of cases in 2019;<sup>8</sup>
- utilize presumptive parole as contemplated in state law; and,
- adequately document its actions through the preparation of minutes as contemplated by law.

In addition, the Board has not exhibited good stewardship over appropriated resources, as evidenced by travel reimbursement policies, which PEER believes have been correctly criticized by the State Auditor, and by work attendance issues that have resulted in Board members receiving pay for days on which they did not perform any work.

Given that the State Parole Board's enabling legislation stands repealed on July 1, 2022, it is timely for the Legislature to give due consideration to the following options:

1. **Reenactment of current laws:** This option would retain the present structure and duties of the State Parole Board. If the Legislature chooses this option, the State Parole Board should have a statutory obligation to report to relevant committees of the Legislature by December 31, 2022, as to how the Board intends to improve its efficiency to meet the challenges of a changing parole environment. A one-year repealer, effective July 1, 2023, could be included in the Board's enabling legislation.

---

<sup>8</sup> This percentage was generalized out of a sample of 150 hearings examined by PEER.

2. **Enact structural changes in the administration of Mississippi's parole process:**  
This option would make significant changes in the administration of parole to include:

- *Placing the Board organizationally within MDOC, and setting out its duties as an adjudicator of parole and parole revocation matters*—This would retain the current five-member structure of members appointed by the governor to serve at his will and pleasure. This is a common practice and is used by two of Mississippi's contiguous states.
- *Providing for the creation of the position of an Executive Director of the Parole Board*—This staff person would be an employee of MDOC, appointed by the Commissioner of Corrections to serve at the Commissioner's will and pleasure. This person would hire and supervise all staff and be charged with managing the fiscal and operational affairs of the Board, including ensuring that all claims for compensation and reimbursement are properly documented. Except for adjudication of parole matters, the Board and its chair will have no responsibility for the day-to-day management of the staff or its affairs. The Executive Director shall also be responsible for preparing official minutes of the Board which shall reflect all actions taken by the Board and the vote on each matter. Minutes must be reviewed and approved by a majority vote and signed by the Chair and Vice-chair, as well as the Executive Director. Two of Mississippi's contiguous states utilize an executive Director to manage the staff and day-to-day matters, leaving the board to function as an adjudicator of parole matters
- *Providing for the appointment of hearing officers*—Many states have had success in using hearing officers to handle certain aspects of parole adjudications, particularly in the area of revocations. The Executive Director should be given the authority to hire three licensed attorneys to serve as hearing officers. These staff would conduct preliminary hearings on revocations and make recommendations to the entire Board for final actions on revocations. Procedures could also be adopted for the use of hearing officers for other parole matters. Three of Mississippi's contiguous states use hearing offices for various parole functions.
- *Providing for teleconferencing by members of the board so as to limit travel to Jackson for hearings*—This would entail providing Board members with office space at a convenient location where MDOC has offices near the member's home. From this location, the Board member could conduct and participate in hearings through the use of video technology, thereby reducing the need to travel to Jackson for hearings. Offender materials needed by members for hearings could be transmitted electronically for review prior to conducting any hearings.
- *Amending outdated or conflicting laws regarding the State Parole Board*—For example, the statutory requirement to hold hearings at Parchman and recently enacted legislation regarding the potential payment of a per diem to Board members.

3. **Empower MDOC to administer parole:** MISS. CODE ANN. § 47-7-53 (1972) states:

*If the Parole Board is abolished, the Department of Corrections shall assume and exercise all the duties, powers and responsibilities*

*of the State Parole Board. The Commissioner of Corrections may assign to the appropriate officers and divisions any powers and duties deemed appropriate to carry out the duties and powers of the Parole Board. Wherever the terms "State Parole Board" or "Parole Board" appear in any state law, they shall mean the Department of Corrections.*

By the terms of this provision, if the Legislature chose to allow the Board's legislation to be repealed in 2022, the Board would be eliminated and its powers and duties would revert back to MDOC, which would become responsible for conducting the parole process.

PEER notes that allowing this repeal to occur could pose some difficulties for MDOC as it has in place no adjudicative structures for handling parole and parole revocation cases. Should the Board be allowed to repeal, MDOC should be empowered to:

- establish a three-member board of Parole Commissioners who are given a term of office to serve as an adjudicative body for parole and parole revocation matters;
- provide sufficient funding for MDOC to hire hearing officers to assist the Commissioners in hearing cases, and developing proposed findings for the board to consider and act upon;
- provide the newly created board with authority to establish rules and regulations for the hearing of cases and the use of hearing officers; and,
- provide that administrative support for the parole process shall be under the supervision and control of a Division of Parole established within MDOC.

---

## Appendix A: Additional Information Regarding Mississippi's Parole Process

The following narrative expands upon the parole process as summarized in Exhibit 1 on page 5 of the report.

### **Parole Eligible:**

Upon arriving at an MDOC facility, the process for determining parole eligibility will begin, to include:

- MISS. CODE ANN. § 47-7-3 (1972):
  - Non-violent crimes eligible after serving 25% or 10 years of their sentence;
  - Violent crimes eligible after serving 50% or 20 years of their sentence;
  - Habitual offenders, sex offenders, capital offenders, first-degree murder, human trafficking, drug trafficking, and offenses that specifically prohibit parole; and,
  - An inmate 60 years or older and that has served at least 10 years is eligible.
- MISS. CODE ANN. § 47-7-3.1 (1972):
  - A case plan for each inmate will be developed within 90 days of admission to correctional facility.
  - The case plan will include:
    - Programming and treatment requirements based on the results of a risk and needs assessment;
    - Any programming or treatment requirements contained in the sentencing order; and,
    - General behavior requirements in accordance with the rules and policies of the department.
  - A caseworker will review the plan with the inmate, and transmit a copy of the case plan to the Board.
  - Every four months the department shall electronically submit a progress report on each parole-eligible inmate's case plan to the Board.
- MISS. CODE ANN. § 47-7-3.2 (1972):
  - Inmates convicted after July 1, 2014, are eligible for parole after serving:
    - 25% or 10 years for non-violent crimes;
    - 50% or 20 years for a crime of violence, except for robbery with a deadly weapon, drive-by shooting, or carjacking;
    - 60% or 25 years for robbery with a deadly weapon, drive-by shooting, or carjacking; and,
    - Inmates ineligible include habitual offenders, sex offenders, and sex traffickers.
- MISS. CODE ANN. § 47-7-4 (1972):
  - A non-violent offender who has served not less than one (1) year of his or her sentence, except an offender convicted of a sex crime, may be released on conditional medical release, or if the inmate is bedridden

may be placed on conditional medical release if so designated by the MDOC Commissioner and MDOC medical officer upon showing that:

- The offender is suffering from a significant permanent physical medical condition with no possibility of recovery;
- That his or her further incarceration will serve no rehabilitative purposes; and,
- That the state would incur unreasonable expenses as a result of his or her continued incarceration.

- MISS. CODE ANN. § 47-7-5 (1972):
  - The Board is comprised of five members appointed by the governor.
  - The Board holds exclusive control over granting and revoking parole, and the conditions that must be met to continue on parole.
  - The Board will maintain a central registry of paroled inmates.
  - An affirmative vote of at least 4 members of the Board is required to grant parole to an inmate convicted of capital murder or a sex crime.
- MISS. CODE ANN. § 47-7-17 (1972):
  - Within one year after their admission, the Parole Board will consider all pertinent information regarding each inmate, including:
    - The circumstances of his or her offense;
    - Their previous social history;
    - Their previous criminal record, including any records of law enforcement agencies or of a youth court regarding that offender's juvenile criminal history;
    - Their conduct, employment, and attitude while in the custody of the department;
    - Their case plan created to prepare the offender for parole; and,
    - Reports of physical and mental examinations.
  - The Board shall furnish at least three months' written notice to each such offender of the date on which he is eligible for parole.
  - The hearing shall be held no later than thirty (30) days prior to the month of eligibility.
  - Parole release shall, at the hearing, be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon.
  - An offender shall be placed on parole only when arrangements have been made for his or her proper employment or for his or her maintenance and care, and when the Board believes that he or she is able and willing to fulfill the obligations of a law-abiding citizen.
- MISS. CODE ANN. § 47-7-19 (1972):
  - Correctional system officials are to permit the Board access to offenders and to provide the Board with relevant information.

**Presumptive Parole:**

Parole-eligible offenders may be paroled without a hearing before the Parole Board, if:



- MISS. CODE ANN. § 47-7-18 (1972):
  - The inmate has met the requirements of the parole case plan established pursuant to Section 47-7-3.1 (1972);
  - A victim of the offense has not requested the Board conduct a hearing;
  - The inmate has not received a serious or major violation report within the past six months;
  - The inmate has agreed to the conditions of supervision;
  - The inmate has a discharge plan approved by the Board; and,
  - At least 30 days prior to an inmate's parole eligibility date, the department shall notify the Board in writing of the inmate's compliance or noncompliance with the case plan. If an inmate fails to meet a requirement of the case plan, prior to the parole eligibility date, he or she shall have a hearing before the Board to determine if completion of the case plan can occur while in the community.

**Release from Correctional Setting:**

If granted parole, either through a hearing before the Parole Board or not, the offender will be released from confinement and permitted to satisfy their sentence outside of the penitentiary if certain conditions are followed by the parolee. Adherence to these release conditions will be monitored by MDOC's Division of Community Corrections.

- MISS. CODE ANN. § 47-7-9 (1972):
  - The Division of Community Corrections is tasked with monitoring activities of the parolee and reporting such information to the Parole Board.
- MISS. CODE ANN. § 47-7-33.1 (1972):
  - The department shall create a discharge plan for any offender returning to the community, regardless of whether the person will discharge from the custody of the department, or is released on parole, pardon, or otherwise. At least ninety (90) days prior to an offender's earliest release date, the commissioner shall conduct a pre-release assessment and complete a written discharge plan based on the assessment results. The discharge plan for parole-eligible offenders shall be sent to the Board at least thirty (30) days prior to the offender's parole eligibility date for approval. The Board may suggest changes to the plan that it deems necessary to ensure a successful transition;
  - The pre-release assessment shall identify whether an inmate requires assistance obtaining the following basic needs upon release: transportation, clothing and food, financial resources, identification documents, housing, employment, education, health care, and support systems. The discharge plan shall include information necessary to address these needs and the steps being taken by the department to assist in this process; and,
  - The Board shall approve discharge plans before an offender is released on parole pursuant to this chapter.

- MISS. CODE ANN. § 47-7-34 (1972):
  - The probation and parole unit of the Division of Community Corrections within DOC is responsible for operating post release supervision programs, within the parameters laid out by the law.
- MISS. CODE ANN. § 47-7-36 (1972):
  - Persons who supervise individuals placed on parole or probation shall set times and locations for required meetings that reasonably accommodate the work schedules of those individuals.
  - This law describes the different methods and requirements pertaining to conducting the required meetings that individuals placed on parole or probation must attend.

### **Revocation Hearing:**

Should an offender violate a condition of parole or be arrested for a new crime, that offender will be detained until a revocation hearing is conducted by the Board to determine if the parolee should have their status revoked.

- MISS. CODE ANN. § 47-7-27 (1972):
  - The Board may, at any time and upon a showing of probable violation of parole, issue a warrant for the return of any paroled offender to the custody of the department.
  - Any field supervisor may arrest an offender without a warrant or may deputize any other person with power of arrest by giving him or her a written statement setting forth that the offender has, in the judgment of that field supervisor, violated the conditions of his or her parole or earned-release supervision.
  - Whenever an offender is arrested on a warrant for an alleged violation of parole as herein provided, the Board shall hold an informal preliminary hearing within seventy-two (72) hours to determine whether there is reasonable cause to believe the person has violated a condition of parole. A preliminary hearing shall not be required when the offender is not under arrest on a warrant or the offender signed a waiver of a preliminary hearing.
  - The Board shall hold a hearing for any parolee who is detained as a result of a warrant or a violation report within twenty-one (21) days of the parolee's admission to detention. The Board may, in its discretion, terminate the parole or modify the terms and conditions thereof. If the Board revokes parole for one or more technical violations the Board shall impose a period of imprisonment to be served in a technical violation center operated by the department not to exceed ninety (90) days for the first revocation and not to exceed one hundred twenty (120) days for the second revocation. For the third revocation, the Board may impose a period of imprisonment to be served in a technical violation center for up to one hundred and eighty (180) days or the Board may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent revocation, the Board may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.

- If the Board does not hold a hearing or does not take action on the violation within the 21-day time frame in paragraph (a) of this subsection, the parolee shall be released from detention and shall return to parole status. The Board may subsequently hold a hearing and may revoke parole or may continue parole and modify the terms and conditions of parole. If the Board revokes parole for one or more technical violations the Board shall impose a period of imprisonment to be served in a technical violation center operated by the department not to exceed ninety (90) days for the first revocation and not to exceed one hundred twenty (120) days for the second revocation. For the third revocation, the Board may impose a period of imprisonment to be served in a technical violation center for up to one hundred eighty (180) days or the Board may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent revocation, the Board may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.
- For a parolee charged with one or more technical violations who has not been detained awaiting the revocation hearing, the Board may hold a hearing within a reasonable time. The Board may revoke parole or may continue parole and modify the terms and conditions of parole. If the Board revokes parole for one or more technical violations the Board shall impose a period of imprisonment to be served in a technical violation center operated by the department not to exceed ninety (90) days for the first revocation and not to exceed one hundred twenty (120) days for the second revocation. For the third revocation, the Board may impose a period of imprisonment to be served in a technical violation center for up to one hundred eighty (180) days or the Board may impose the remainder of the suspended portion of the sentence. For the fourth and any subsequent revocation, the Board may impose up to the remainder of the suspended portion of the sentence. The period of imprisonment in a technical violation center imposed under this section shall not be reduced in any manner.
- Unless good cause for the delay is established in the record of the proceeding, the parole revocation charge shall be dismissed if the revocation hearing is not held within thirty (30) days of the issuance of the warrant.
- MISS. CODE ANN. § 47-7-29 (1972):
  - Any prisoner who commits a felony while at large upon parole or earned-release supervision and who is convicted and sentenced therefore shall be required to serve such sentence after the original sentence has been completed.
- MISS. CODE ANN. § 47-7-37.1 (1972):
  - Notwithstanding any other provision of law to the contrary, if a court finds by a preponderance of the evidence, that a probationer or a person under post-release supervision has committed a felony or absconded, the court may revoke his probation and impose any or all of the sentence. For purposes of this section, "absconding from supervision" means the failure of a probationer to report to his supervising officer for six (6) or more consecutive months.

---

## Appendix B: Means by which Offenders are Released from Prison

There are several avenues by which offenders may be released from prison. OffenderTrak keeps track of these avenues by using codes. OffenderTrak (OT) is defined as a:

*Computerized program that among other functions, provides an offender database to include, but not limited to photo, physical profile, housing location, classification, sentencing orders, condition/attributes of inmate, approved visiting dates/times, categories of visitors, and visitors' list (names, relationships, driver's license, additional identifications, photos, banned visitors).*

Operation and maintenance of the OT system is the responsibility of the MDOC Technology and Programs Division. Within the Technology and Programs Division, the Records Department is tasked with coordinating and compiling offender data from across multiple MDOC divisions<sup>9</sup> and maintaining the data in a centralized, secure location.<sup>10</sup> The Records Department maintains offender records by means of paper files, OT, Caseload Explorer, and Legato.

*OT:*

- Functions as a statewide offender electronic master file, containing or linking to court documents, MDOC records and actions, and post-release information;
- Capable of performing over 80 custom report forms for MDOC use, such as:
  - Running Record of offender activity,
  - Classification Reports,
  - Parole Reports,
  - Incident Detail Reports,
  - Rule Violation Report History,
  - Extraordinary Occurrence Reports,
  - Drill Down, and,
  - Security Threat Group Reports.

*Caseload Explorer:*

- Computerized program primarily designed for case management of offenders under Community Corrections Supervision. This program functions as the Community Corrections Offender Management System;
- This module stores entries related to Community Corrections Supervision, such as paroled offender's address, employment information, release conditions, and release compliance.

---

<sup>9</sup> Includes, but is not limited to: Offender Services, Corrections Investigation Division, Inmate Legal Assistance Program, Administrative Remedy Program, Education Department, and Private and Regional Prisons.

<sup>10</sup> Offender records/documents are maintained by different MDOC Departments and systems and not always shared or forwarded to MDOC Central Records.

*Legato:*

- Incorporates an offender's judicial history into the larger MDOC database;
- This module stores entries related to: court and sentencing documents, criminal history documents, prior incarceration documents, and other scanned documents generated by the courts in the offender's record.

The main avenues, or OffenderTrak codes, and their subcategories for an offender to be released from custody are as follows:

### **I. Sentence Ended**

MDOC custody terminates upon expiration of an offender's sentence, offender's deportation from the country, or dismissal of criminal charges. Both trial courts and appellate courts can dismiss charges. The table entitled "Sentence Ended" lists each release category.

<b>Sentence Ended</b>	
Code	Description
EXPIRATION	Expiration of Sentence (flat-timed)
DEPORTED	Offender Record Closed - Offender Deported
DISMISSED	Sentence Dismissed

### **II. Death**

Death terminates MDOC custody. The table entitled "Death" lists relevant MDOC release categories by death type.

<b>Death</b>	
Code	Description
DEATH	Death (Not Further Defined)
DEATH BY INMATE	Death (by Inmate)
DEATH- UNK CAUSE	Death (Unknown Cause)
DEATH/ACCIDENT	Death (Accidental)
DEATH/EXEC	Death (Execution)
DEATH/NATURAL	Death (Natural Causes)
DEATH/SUICIDE	Death (Suicide)

### **III. Intervention Programs**

MDOC tracks offenders outside of custody who are waiting for space at MDOC. The table entitled "Intervention Programs" shows the release categories for offenders waiting beds for alcohol and drug treatment and shock probation.

<b>Intervention Programs</b>	
Code	Description
AD ON STREET	Alcohol and Drug on Street
SHOCK ON STREET	Shock Probation

#### IV. Governor's Order

*The Mississippi Constitution of 1980*, Article 5, Section 124 authorizes the governor to pardon convicted offenders in criminal cases except for treason and impeachment. A pardon releases the offender from MDOC custody and restores the rights and privileges<sup>11</sup> forfeited on account of the offense. The governor can also issue partial pardons that remit a portion of the punishment without restoring the rights and privileges forfeited on account of the offense. Partial pardons include commuting a sentence to time served and releasing incarcerated offenders to community supervision. The table entitled "Governor's Order" lists the relevant MDOC release categories.

Governor's Order	
Code	Description
PARDON	Pardoned
COMMUTATION	Sentence Commuted to Time Served
GOVERNOR SUSPENSION	Released on Governor's Suspension

#### IV. Probation

MDOC's release categories include incarcerated offenders released on community supervision. The table entitled "Community Supervision (Probation/House Arrest)" lists split sentences in which a judge imposed a limited amount of jail time followed by community supervision. All offenders remain in MDOC custody.

Community Supervision (Probation/House Arrest)	
Code	Description
PROBATION	Sentenced to Time Served with Probation to Follow
SHOCK PROBATION	Old Release Type for Regimented Inmate Discipline (RID) Sentenced Offenders
EXPIRATION/PROB	Expiration of Sentence with Probation to Follow
HOUSE ARREST	Supervised under House Arrest (May Be Released as Part of a Split Sentence)

#### IV. Parole

Parole releases incarcerated offenders to community supervision or returns revoked offenders to the community after a period of rehabilitation. All offenders remain in MDOC custody. No exit categories are listed for geriatric parole, presumptive parole, or *Keys v. State*<sup>12</sup> holds. The table entitled "Parole" lists parole release categories provided by MDOC.

---

<sup>11</sup> Rights and privileges include civil rights, such as voting and gun ownership, and the removal of employment disabilities barring convicted people from certain jobs in education or health care.

<sup>12</sup> *Kenneth W. Keys v. State*, 67 So. 3d 758 (Miss. 2011) provides that if an offender has a sentence that is parole eligible, and subsequently gets a sentence for a crime that is not eligible, then that offender must keep his parole eligibility date on his first sentence. If the Parole Board grants parole on the first sentence the offender is not to be released. He is to begin serving the non-eligible consecutive sentence immediately.

Parole	
Code	Description
PAROLE	Released on Parole
PAROLE CONTINUED	Returned to Parole

#### IV. Earned Release Supervision, Medical Release, and Conditional Release

MDOC allows offenders to participate in the Earned Release Supervision (ERS) program allowing early conditional release under the earned time, meritorious earned time, and trusty earned time statutes. The earned time statute, MISS. CODE ANN § 47-5-138(5) (1972), reduces the sentences for certain crimes up to 15% when offenders comply with the good conduct and performance requirements of the earned time allowance program or complete 85% of their sentence. The meritorious earned time statute, MISS. CODE ANN. § 47-5-142 (1972), reduce sentences at the Commissioner's discretion for the successful completion of educational or instructional programs, satisfactory participation in work products or satisfactory participation in any special incentive program. Offenders who commit certain crimes do not qualify for meritorious earned time. The trusty earned time statute, MISS. CODE ANN. § 47-5-138.1 (1972), reduces sentences by 30 days for every 30 days of participation in approved programs. Offenders conditionally released on ERS remain in MDOC custody.

MISS. CODE ANN. § 47-7-4 (1972) permits the Commissioner and Medical Director of MDOC to allow conditional release to community supervision for some offenders when the offender is bedridden, suffering from a significant permanent physical medical condition with no possibility of recovery, and for which further incarceration will serve no rehabilitative purposes and cause the state to incur unreasonable expenses.

Offenders with life sentences cannot participate in ERS programs. However, MISS. CODE ANN. § 47-5-139(1)(a) (1972) allows offenders sentenced to life imprisonment for capital murder to petition their sentencing court for conditional release if they are 65 or older and have served 15 years or more of their sentence.

Earned Release Supervision/Medical Release/Conditional Release	
Code	Description
ERS	ERS - served 85% Less Good Time
MEDICAL RELEASE	Released under the Medical Release Statute
CONDITIONAL RELEASE	Released on Conditional Release

---

## Appendix C: Untimely Hearing Calculations

PEER initially intended to simply count instances of untimely parole hearings out of a dataset taken from OffenderTrak that included all instances of parole hearing eligibility in CY 2019. However, in the process of analysis, it became clear that OffenderTrak data were at odds with the primary documents they recorded. Notably, OffenderTrak records an offender's hearing eligibility date as the date on which his or her first hearing was due, regardless of whether that offender had subsequent hearings. This practice produces a false impression of overwhelming failure to hold hearings in a timely fashion because the eligibility date is not changed even after one hearing is held and a new one, with a later date, is scheduled.

As such, PEER took a random sample of 150 instances of nominal hearing eligibility and analyzed primary documents in order to estimate the traits of the overall population. The Clopper-Pearson binomial method was used to project sample traits onto the population; this method makes no assumptions about the background population<sup>13</sup> and is conservative in that it may overestimate the size of confidence intervals, but exact<sup>14</sup> in that it is guaranteed to never underestimate those intervals. Stated another way, the statistical mechanisms employed give 95% confidence in the listed intervals, but it is truer to say that they give no less than 95% confidence and possibly considerably greater.

This confidence interval can also be taken as expressing the “representativeness” of the sample. PEER is at least 95% certain that a population with proportions within the described range will generate a sample that would not be statistically distinguishable from the sample actually drawn. Typically, this is expressed by saying that PEER is (at least) 95% confident that the true proportion is within this range. It is important to note that arbitrarily higher levels of confidence can be achieved (or “representativeness”) simply by accepting an expansion of the size of the confidence interval; alternatively, greater precision can be achieved by accepting less certainty.

Care should still be taken in interpreting these results, however, because the sample was taken from data which themselves, because of the flaws in OffenderTrak, may not reflect the actual population of instances of eligibility for parole hearings in Mississippi in 2019. Findings based on PEER's sample do generalize to the population provided from OffenderTrak, but the population according to OffenderTrak and the real population may differ to a considerable degree.

---

<sup>13</sup> The Clopper-Pearson method is nonparametric. A parametric method is one that assumes that the distribution of the property of interest in the population under examination takes a known mathematical form. In other words, this method bases its inferences on an assumed knowledge about the underlying population. A nonparametric test makes no assumptions about the background population. It works from the data in the sample only, and its inferences are purely mathematical, not being based on having to fit the population into a hypothetical form.

<sup>14</sup> Since many tests involve approximations—which are, themselves, assumptions—the probabilities they generate are subject to uncertainty. A test may generate a nominal 95% confidence in a result, but the 95% may itself be reported with less than 100% certainty. As a result, the true probability of error may be higher than the reported confidence. An exact test is one that fixes the probability of a false positive at the chosen p-value. In other words, when an exact test reports 95% confidence, there can be no more than a 5% chance of a false positive, in the long run. The Clopper-Pearson binomial procedure has this property. There is a cost: the 95% confidence interval generated from this test may be highly conservative. It might in truth represent even 99% confidence. But it is, with absolute certainty, no less than a 95% interval.



---

# PEER Committee's Response to the State Parole Board Chairman's Response

On behalf of the State Parole Board, the Board's Chairman submitted a response to the PEER Committee's report titled *A Review of the Mississippi State Parole Board*. While the PEER Committee rarely comments on a reviewed entity's response to a report, the Committee has, on occasion, included in its final report such a response, especially when a response from a reviewed entity illustrates that the entity does not grasp the significance of the Committee's conclusions. The Committee believes that such a response is warranted for this particular report.

As stated on page 1 of the report, the focus of the report was a description of how the parole process is administered in Mississippi, the State Parole Board's compliance with state laws and relevant policies, and a summary of the parole process in other states, specifically Mississippi's contiguous states. While the Chairman's response sets out concerns that he considers to be material to the report's focus, the response shows a misunderstanding of the facts that led to the conclusions included by PEER in its report. The following sections provide clarity regarding the report's conclusions.

## *Untimely Parole Hearings*

In his response, the Chairman asserts that PEER did not account for offenders' time already served in a correctional facility when computing the percentage of offenders who received hearing dates within 30 days of their parole eligibility. This assertion is not correct. In determining the timeliness of parole hearing dates, PEER analyzed individual offender files and primary source documents that also accounted for time already served. Additionally, the method used to project the percentage of untimely hearings on the prison population as a whole reflects 95% accuracy. Therefore, if PEER had analyzed files for the entire offender population eligible for parole hearings in calendar 2019, rather than a sample of 150 offenders, to determine the timeliness of their hearing dates, 47% would not have received a timely hearing date, as stated on pages 8 and 9 of the report.

## *Ineffective Use of Presumptive Parole*

As stated on page 9 of the report, the Mississippi Legislature included within House Bill 585 (Regular Session, 2014) a provision—presumptive parole—to allow offenders to be released without going through the formal parole process or having a formal hearing as long as certain requirements are met. In his response, the Chairman raises a concern that there is no means by which to issue a certificate of parole to persons who have not gone through parole hearings, which appears to be a bureaucratic obstacle at best that should not take precedence over public policy enacted by the Legislature. It would appear that the Chairman's concerns could be addressed through an improved working relationship with Mississippi Department of Corrections (MDOC) staff as well as improvements and enhancements to MDOC's offender management system.

## *Lack of Minutes Documenting Parole Decisions*

The Chairman states that the State Parole Board documents its decisions on action sheets and does not maintain minutes in book form as required by MISS. CODE ANN. § 47-7-13 (1972). PEER notes that action sheets contain confidential information that may not be subject to public disclosure, unlike a minute book which can be viewed by the public. Although the Chairman contends that anyone could "call in" to learn the outcome of a hearing, such a method is not consistent with the state law requirement for the Board's actions to be memorialized in book form.

PEER acknowledges that the requirement to maintain hearing minutes in book form may be an antiquated method of recording the Board's actions. However, it is, nonetheless, the legally mandated method for memorializing the Board's actions. Instead of maintaining minutes in book form, State Parole Board members should propose to the Legislature a more modern method that would document the votes of individual Board members while keeping certain offender and victim information confidential and shielded from public inspection.

#### *Unauthorized Travel Reimbursements*

The Chairman states that the Board became aware of a "change" in state travel reimbursement policies when the Office of the State Auditor issued a compliance audit of MDOC in December 2020. The Chairman contends that State Parole Board members who reside more than 60 miles from Jackson, the Board's central duty station, have "for decades" been reimbursed for travel expenses. Despite the Chairman's contention, state travel regulations promulgated by the Department of Finance and Administration have clearly stated since at least May 2008 that transportation expenses (as well as lodging and meal expenses) between an individual's official residence and regular place of work are not reimbursable. Therefore, it is not in compliance with state travel policies for Board members, who are full-time employees, to be reimbursed for expenses incurred when traveling to Jackson to attend to their official duties. PEER agrees with the Office of the State Auditor's audit exception to such reimbursements.

#### *Members' Failure to Work as Full-Time Employees*

In his response, the Chairman asserts that Board members work full-time and the office is open Monday through Friday from 8 a.m. until 5 p.m. The Chairman's assertion is not consistent with PEER field observations and Board members' time records. During the initial phase of PEER's fieldwork for this project the Chairman told PEER analysts that Board members do not report to the office on Friday, although time sheets provided to PEER by Board staff show that the members were typically in the office on Fridays. During the fieldwork phase of this project, PEER analysts observed members' arriving late for or leaving early from hearings or not being in the office at all on some days, even though their timesheets recorded full days of work for them. PEER stands by its conclusion that even though Board members are full-time state employees they are not working full-time as required by state law.

#### *Comparison with Contiguous States*

In his response, the Chairman sets out the differences in budgets and staffing of parole authorities in Mississippi's contiguous states. While such information may be of interest, it is not relevant to the governance structures and parole adjudication processes of the contiguous states, which was PEER's purpose for including such information.

#### *Issues Regarding Offenders' Lack of Addresses*

The Chairman's response comments on offenders who cannot be paroled due to the lack of an approved home address. While PEER acknowledges that this issue is of valid concern to the State Parole Board, the issue has been discussed in several reports of Mississippi's Corrections and Criminal Justice Oversight Task Force, of which the State Parole Board Chairman is a member.

#### *Summary*

The PEER Committee is confident in the factual accuracy of the conclusions detailed in the report and urges the State Parole Board and the MDOC to give serious consideration to developing, implementing, and adhering to corrective actions for each issue addressed in the report.

## Agency Response

STEVEN PICKETT  
CHAIRMAN

STEPHANIE SKIPPER  
EXECUTIVE SECRETARY



### STATE OF MISSISSIPPI

TATE REEVES  
GOVERNOR

### PAROLE BOARD

June 28, 2021

NEHEMIAH FLOWERS, JR.  
BOARD MEMBER

BETTY LOU JONES  
BOARD MEMBER

JAMES R. "JIM" COOPER  
BOARD MEMBER

ANTHONY SMITH  
BOARD MEMBER

Executive Director James Barber  
Joint Legislative Performance Evaluation  
And Expenditure Review Committee  
Jackson, Mississippi

Dear Director Barber,

#### FINDING – Page 7. **Untimely Parole Hearings**

Response: In a sampling of 150 inmates, PEER concluded: "In 2019 the State Parole Board established hearing dates within 30 days of an offender's parole eligibility for only 53% of offenders who were eligible for parole." This is due in large part to a delay in receiving credit for "county time". Every inmate has an initial parole date which is calculated based on the MDOC Records Department upon receipt of the sentencing order. However, this initial parole date is subject to change when the inmate receives credit for his/her "county time". Every inmate from a county jail will get credit towards his/her sentence for time in the jail but not until the county sends this information to MDOC.

For instance, if an inmate is sentenced to 2 years on January 1, the inmate is eligible for parole after serving 6 months (25% of 2 years). The inmate has been in the county jail since the previous November 1. The inmate actually arrives at CMCF in February. His/her credit for the two months in county jail prior to sentencing, and the inmate's parole date will be adjusted from June to April. The inmate's file will then be worked timely prior to the adjusted April parole date, and the inmate will be placed on the monthly add-on list. PEER failed to account for such changes in parole eligibility date when calculating the 53% rate for timely parole hearings. Moreover, in 2019, the Parole Board held 7,974 hearings. There was never a backlog of cases in 2019. Every month the entire docket was reviewed and a new docket is set the first day of every month.

#### FINDING – Page 8. **Ineffective Use of Presumptive Parole**

Response: PEER concluded: "During 2019, the state parole board conducted 274 unnecessary parole hearings for offenders who met the standards." Presumptive parole hearings were 3 percent of the cases reviewed in 2019. PEER asserts that the Board should make a decision before the inmate's case plan is complete. The Board believes it is imprudent to review the case until completion of the case plan. Furthermore, the Board does not believe inmates who have previously been revoked or have detainers should be candidates for presumptive parole. The offender's case plan and progress reports are a part of every case we review. The report fails to state how many

inmates were granted or denied presumptive parole following a hearing. The Board will never blindly sign a certificate granting parole to an inmate.

The Board also has other concerns about the presumptive parole process. First, the law states that a victim can request a hearing, however there is no established process for a victim to do so. Second, the Board does not believe that inmates who previously have been revoked or have detainers should be released on presumptive parole. Third, many of the case plans are unsatisfactory. For example, the Board does not believe that “more welding” is an adequate case plan. Fourth, there is inadequate programming for inmates. For example, alcohol and drug addiction is one of the leading drivers of incarceration. However, there are not enough alcohol and drug rehabilitation programs to accommodate those inmates who have been court-ordered to complete such a program prior to their parole eligibility date. One of the greatest needs of incarcerated sex offenders is a therapeutic sex offender treatment program during incarceration and post release. There is no such program.

The report also makes no mention of the fact that there was no programming during the COVID pandemic, consequently it was impossible for any inmate to complete any programming.

#### **FINDING –Page 9. Lack of Minutes Documenting Parole Decisions**

Response: The Board disputes PEER finding that “contrary to state law, the State Parole Board does not maintain minutes documenting parole decisions”. It is the Board’s position that its electronic records are the minutes of the Board. Anyone can contact our office and within thirty seconds be given information regarding the date of eligibility and the decision of the Board to parole or deny. The decisions of the Board are recorded on its hand-written action sheets daily whether it be a parole, denial or revocation. There are “minute books” from decades going back to the 1930’s that we turned over to Archives and History about four years ago for historical preservation. Today, 2021, we do not have a big deed book where we hand write the names of the persons who are paroled or denied. We electronically enter the decision by the inmate’s MDOC identification number, so there is a searchable data base. The decision to discontinue minute books and to use electronic minutes was made long before the tenure of the current Chairman. The only request to review the “minutes” in the last nine years came from an elderly man, who visited our office searching for information about his father’s murder in the 1950’s. Nevertheless, the Chairman has instructed staff to maintain minutes by making a list of the parole decisions from the action sheets. The members of the Board will sign the minutes and they will be kept in book form effective July 1, 2021.

#### **FINDING -- Page 10. Unauthorized Travel Reimbursements**

Response: Prior to December 17, 2020, the Parole Board was not provided written notice of a change in the travel reimbursement procedures. The Board was notified by way of the Clarion Ledger article on that date that Parole Board members had allegedly “bamboozled taxpayers”. For decades, the members of the Parole Board who reside more than 60 miles from Jackson have been reimbursed for mileage, hotels and food in the approved amounts and rates as set by DFA policy. Board Members of the Parole Board over the past few decades have come from Yazoo, Jackson, Harrison, DeSoto, Lauderdale, Pearl River, Madison, Rankin, Hancock, Alcorn, Montgomery,

Tate, Lafayette, Forrest, Wayne, Washington, and Hinds counties. In-State Travel is item number 3 in the Parole Board's annual budget. The Office of the State Auditor conducts an annual audit of the Board and its reimbursement for in-state travel, and the OSA has never questioned such reimbursements prior to last year. No member of the Board has "bamboozled" or stolen any money. An expense report, with supporting receipts, was submitted, approved and processed by the fiscal agents of MDOC for every travel reimbursement that was made. Nevertheless, travel reimbursements have been discontinued and the Board will adopt a policy authorizing payment of per diem consistent with recent changes to the Parole Board authorizing statute made by the Legislature earlier this year.

**FINDING -- Page 11 Members' failure to work as Full-Time Employees**

Response: The Parole Board members work full-time and the office is open Monday-Friday 8-5. The PEER report questions the Week of October 24-30, 2020. Our records reflect that Saturday, October 24, and Sunday, October 25, the office was closed. On Monday, October 26, the Board held meetings with victims/proponents and 18 parole and revocations decisions were made. On Tuesday, October 27, 40 parole and revocations decisions were made. On Wednesday, October 28, 28 life sentence decisions were made. On Thursday, October 29, 59 parole and revocation decisions were made. And on Friday, October 30, 33 parole decisions were made. This is a total of 178 hearings for the week. The PEER report fails to mention that most days hearings spill over into lunch and that many days Members are in the office until 6:30 in the evening. Parole Board members are not paid overtime.

**FINDING --Page 13 Comparison with Contiguous States**

The PEER report fails to acknowledge funding and staffing levels of the contiguous states.

The Mississippi Parole Board budget is \$694,039.00 and has 15 employees.  
The Alabama Parole Board budget \$27.8 million and has 616 employees.  
The Arkansas Parole Board budget is \$2,441,763.00 and has 23 employees.  
The Louisiana Parole Board budget is \$1,321,713.00 and has 17 employees.  
The Tennessee Parole Board budget is \$8,336,300.00 and has 83 employees.

The report also fails to mention one of the most pressing issues related to parole: There are currently more than 350 persons (or 2 percent of the total population) who have been granted parole consequently remain in custody because they do not have an approved home address. Paroled in-custody inmates cost the state approximately 6.3 million dollars a year.

As members of the Parole Board, it is our duty to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Sincerely,



Steven Pickett

## Parole Hearings Annual Data

Date	Number of Hearings	Increase (Decrease)
2011	5,934	
2012	6,326	392
2013	6,505	179
2014	8,518	2,013
2015	8,354	-164
2016	10,237	1,883
2017	8,702	-1,535
2018	8,008	-694
2019	7,974	-34
2020	6,260	-1,714

Date	Revocation Hearings	Revoked	TVC Center
2018	2,692	1,371	1,049
2019	2,660	1,307	946
2020	2,163	729	380

Inmate Population  
including community  
corrections (ERS, ISP,  
and House Arrest)

Date	Inmate Population including community corrections (ERS, ISP, and House Arrest)	Increase (Decrease)	
01/01/12	25,258		
01/04/16	20,858	-4,400	-17.4%
01/03/17	20,753	-105	-0.5%
01/02/18	20,800	47	0.2%
01/02/19	21,015	215	1.0%
12/30/19	21,063	48	0.2%
12/30/20	19,124	-1,939	-9.2%

Date	Custody Population	Increase (Decrease)	
01/01/12	21,481		
01/04/16	18,626	-2,855	-13.3%
01/03/17	18,833	207	1.1%
01/02/18	18,964	131	0.7%
01/02/19	19,136	172	0.9%
12/30/19	19,187	51	0.3%
12/30/20	17,146	-2,041	-10.6%

BUDGET REQUEST FOR FISCAL YEAR ENDING JUNE 30, 2022  
REVISED: 10/27/2020 1:40:42 PM

552-00

Corrections - Parole Board  
AGENCY

633 North State Street  
ADDRESS

Commissioner Burj Cain  
CHIEF EXECUTIVE OFFICER

	Actual Expenses June 30, 2020	Estimated Expenses June 30, 2021	Requested For June 30, 2022	Requested Over/(Under) Estimated	
				AMOUNT	PERCENT
<b>I. A. PERSONAL SERVICES</b>					
1. Salaries, Wages & Fringe Benefits (Base)	628,373	662,808	662,808		
a. Additional Compensation					
b. Proposed Vacancy Rate (Dollar Amount)					
c. Per Diem					
<b>Total Salaries, Wages &amp; Fringe Benefits</b>	<b>628,373</b>	<b>662,808</b>	<b>662,808</b>		
2. Travel					
a. Travel & Subsistence (In-State)	10,029	17,416	17,416		
b. Travel & Subsistence (Out-Of-State)	7,387				
c. Travel & Subsistence (Out-Of-Country)					
<b>Total Travel</b>	<b>17,416</b>	<b>17,416</b>	<b>17,416</b>		
<b>B. CONTRACTUAL SERVICES (Schedule B)</b>					
a. Tuition, Rewards & Awards					
b. Communications, Transportation & Utilities					
c. Public Information					
d. Rents		10,815	10,815		
e. Repairs & Service					
f. Fees, Professional & Other Services					
g. Other Contractual Services					
h. Data Processing					
i. Other					
<b>Total Contractual Services</b>		<b>10,815</b>	<b>10,815</b>		
<b>C. COMMODITIES (Schedule C)</b>					
a. Maintenance & Construction Materials & Supplies					
b. Printing & Office Supplies & Materials		3,000	3,000		
c. Equipment, Repair Parts, Supplies & Accessories					
d. Professional & Scientific Supplies & Materials					
e. Other Supplies & Materials					
<b>Total Commodities</b>		<b>3,000</b>	<b>3,000</b>		

BUDGET REQUEST FOR FISCAL YEAR ENDING JUNE 30, 2016  
DRAFT Printed on 07/25/2014 06:25:01 PM

552-00

Ms Department of Corrections - Parole Board  
AGENCY

723 North President Street  
ADDRESS

Christopher B. Eggs  
CHIEF EXECUTIVE OFFICER

	Actual Expenses FY Ending June 30, 2014	Estimate Expenses FY Ending June 30, 2015	Requested for FY Ending June 30, 2016	Requested Increase (+) or Decrease (-) FY 2016 vs. FY 2015 (Col. 3 vs. Col. 2)	
				AMOUNT	PERCENT
<b>I. A. PERSONAL SERVICES</b>					
1. Salaries, Wages & Fringe Benefits (Base)	638,088	645,476	645,476		
a. Additional Compensation					
b. Proposed Vacancy Rate (Dollar Amount)					
c. Per Diem					
<b>Total Salaries, Wages &amp; Fringe Benefits</b>	<b>638,088</b>	<b>645,476</b>	<b>645,476</b>		
2. Travel					
a. Travel & Subsistence (In-State)	21,319	24,814	24,814		
b. Travel & Subsistence (Out-of-State)	5,702	5,700	5,700		
c. Travel & Subsistence (Out-of-Country)					
<b>Total Travel</b>	<b>27,021</b>	<b>30,514</b>	<b>30,514</b>		
<b>B. CONTRACTUAL SERVICES (Schedule B)</b>					
a. Tuition, Rewards & Awards	2,555	4,000	4,000		
b. Communications, Transportation & Utilities	3,003	5,000	5,000		
c. Public Information					
d. Rents	87,192	57,192	57,192		
e. Repairs & Service					
f. Fees, Professional & Other Services					
g. Other Contractual Services	450	812	812		
h. Data Processing	1,188	1,200	1,200		
i. Other					
<b>Total Contractual Services</b>	<b>64,250</b>	<b>68,204</b>	<b>68,204</b>		
<b>C. COMMODITIES (Schedule C)</b>					
a. Maintenance & Construction Materials & Supplies					
b. Printing & Office Supplies & Materials	187	200	200		
c. Equipment, Repair Parts, Supplies & Accessories					
d. Professional & Scientific Supplies & Materials					
e. Other Supplies & Materials	446	1,700	1,700		
<b>Total Commodities</b>	<b>3,850</b>	<b>6,000</b>	<b>6,000</b>		





---

# PEER Committee Staff

**James A. Barber, Executive Director**

Legal and Reapportionment

Ted Booth, General Counsel  
Ben Collins  
Barton Norfleet

Administration

Kirby Arinder  
Stephanie Harris  
Gale Taylor

Quality Assurance and Reporting

Tracy Bobo  
Hannah Jane LeDuff

Performance Evaluation

Lonnie Edgar, Principal Analyst  
David Pray, Principal Analyst  
Jennifer Sebren, Principal Analyst  
Kim Cummins  
Jordan Dillon  
Matthew Dry  
Matthew Holmes  
Drew Johnson  
Billy Loper  
Debra Monroe-Lax  
Taylor Mullins  
Meri Clare Ringer  
Sarah Williamson  
Julie Winkeljohn  
Ray Wright