

**CONCLUSION:** Since PEER's previous review of the Parole Board in 2021, the Board has improved in three areas of its operations—parole hearing timeliness, travel reimbursements, and Board members working as full-time employees. However, the Board has not made substantial improvements in two areas—use of presumptive parole and maintaining meeting minutes documenting parole decisions. Further, PEER determined that the Board has failed to update its policy and procedure manual since 2012, and the Board could improve its victim notification process.



## BACKGROUND

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This report serves as an update on the information from PEER Report #656, *A Review of the Mississippi State Parole Board*.

MISS. CODE ANN. Section 47-7-5 (1972) creates the State Parole Board (Board), composed of five members. The Board has the exclusive authority to grant, deny, or revoke parole. The Board also has exclusive responsibility for investigating pardon cases upon the request of the Governor.

According to the Board's appropriation bill for FY 2023, the Board is authorized to hire up to eight full-time employees. The Board filled these positions with five Board members, one executive assistant, one attorney, and one administrative support team lead. MDOC has assigned twelve employees to the Board, seven of whom are located in offices at the Mississippi State Penitentiary (i.e., Parchman).

Parole continues to be the principal means by which offenders are released from prison. In 2022, 66.6% of offenders released from prison were released on parole. From January through March 2023, the average parole grant rate by the Board was 63%.



## KEY FINDINGS

- **The Board implemented changes to its hearing scheduling in September 2022, which significantly improved the timeliness of parole hearings.**  
Based on findings related to untimely hearings of the previous PEER report, the Parole Board acted in August 2022 to change their hearing scheduling practices ensuring timeliness of hearings moving forward. For CY 2022, PEER determined that only 9.8% of hearings prior to the change were timely, while 70.5% of hearings were timely after the change.
- **Since PEER's previous report, the Board has not improved its processes for presumptive parole or maintaining meeting minutes.**  
The Board conducts unnecessary parole hearings for offenders who could qualify for presumptive parole as authorized by MISS. CODE ANN. Section 47-7-18 (1972). Additionally, the Parole Board has not improved in maintaining minutes documenting its parole decisions.
- **Since PEER's previous report, the Parole Board has received travel reimbursements and per diem in accordance with state law and has improved attendance at hearings.**  
In FY 2022, Board members did not receive travel reimbursements for commuting and were paid per diem in accordance with state law. Additionally, from February to April 2023, PEER staff observed current Board members in regular attendance at hearings and in compliance with leave policy when not in attendance.
- **The Parole Board has not updated its policy and procedure manual since 2012.**  
The manual is not consistent with the Board's practices in several areas (e.g., presumptive parole, various hearing procedures). However, the Board's staff attorney has been tasked with updating the manual.
- **In a sample of 100 inmates, PEER found two instances in which an inmate with a registered victim had a parole hearing in CY 2022, but there is no record in Offendertrak (i.e., MDOC's inmate database) of the victim receiving notification of the hearing.**  
According to MISS. CODE ANN. 99-43-43 (2) (1972), a victim of a crime should be notified when the offender is being considered for parole.

## Issues with Implementation of Presumptive Parole

Presumptive parole is a part of the criminal justice reforms adopted by the Legislature in H.B. 585 (2014 Regular Session) which allows offenders to be released without undergoing the formal parole process or having a formal hearing if the following requirements are met, as defined by MISS. CODE ANN. Section 47-7-18 (1972).

In PEER's previous review, PEER found that the Board was conducting unnecessary hearings for individuals who were eligible for presumptive parole without a hearing. Since then, MDOC and the Parole Board have still not established an effective presumptive parole process that complies with state law.

In April 2023, despite not receiving the necessary documents required from MDOC, the Parole Board attempted to conduct presumptive parole hearings.

The Board restructured its hearings so that it considered offenders eligible for parole on one day and offenders eligible for presumptive parole the next day. However, the Board's docket was not organized accordingly. Of the 59 offenders placed on the docket for the day devoted to offenders eligible for parole, 54 offenders were eligible for presumptive parole.

As a result of these issues, the Board conducted full parole hearings for offenders who could qualify for presumptive parole if the process was conducted effectively.

## Focus on Parole Cases for Non-violent offenders

One purpose of presumptive parole is to reduce the workload of the Board pertaining to nonviolent offenders so that it can focus more of its efforts on reviewing parole cases for violent offenders. The current Board focuses much of its efforts on non-violent offenders, making the vast majority of parole decisions based on file reviews. If the Board were implementing presumptive parole effectively, the Board might be able to focus more of its efforts on parole cases involving violent offenders.

## Lack of Clear Parole Conditions in Offender Case Plans

Another goal of presumptive parole is to allow for an offender to know and clearly understand what he or she must do to be paroled without a hearing. Case plans are critical to ensuring that MDOC and the Board are in agreement regarding the conditions which would result in automatic parole without a hearing, and then communicating that to the offender.

Further, hearings should only occur when offenders fail to comply with the case plan or behavioral requirements, or if the victim has requested a parole hearing. Otherwise, inmates should be paroled at their parole eligibility dates. The Board has expressed some concern regarding the types of offenders eligible for presumptive parole and plans to work with legislators to change presumptive parole eligibility. If the Board and MDOC are unclear or do not agree with presumptive parole requirements, including those regarding offender eligibility, the process will continue to be ineffective.



## SUMMARY OF RECOMMENDATIONS

1. MDOC and the Parole Board should take the following actions:
  - a. Determine which of the seven support staff positions located at Parchman should be relocated to the Board office in Jackson for staff support.
  - b. Determine which funded positions at MDOC are available for reallocation to position classes responsible for creating case plans for offenders upon admission and discharge plans required for presumptive parole.
2. Once necessary staff changes have been made, MDOC should:
  - a. ensure that case plans include specific and measurable goals that are appropriate for each offender, and that they are completed by a case manager within 90 days of the offender's intake;
  - b. provide the Board with case plans for approval within 30 days of creation;
  - c. notify the Board of an offender's compliance or non-compliance with the case plan at least 30 days before the offender's parole eligibility date; and,
  - d. ensure that case plans and discharge plans are available for review and use by the Board in an accessible electronic format (e.g., Offendertrak).

Further, the Board should:

  - e. approve case plans provided by MDOC in accordance with state law; and,
  - f. approve any offender in compliance with his or her case plan and who has an acceptable discharge plan.
3. The Board should complete a comprehensive review and update of its policy and procedure manual to comport with current laws and practices by November 2023.