

The logo for PEER MISSISSIPPI, featuring the word "PEER" in a large, bold, serif font above the word "MISSISSIPPI" in a smaller, all-caps, serif font. To the left of the text is a stylized green silhouette of a dome.

# PEER MISSISSIPPI

Joint Legislative Committee on Performance  
Evaluation and Expenditure Review



## CY 2024 Annual Review of MAGCOR's Work Initiative Program

# PEER Committee

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## About PEER:

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 of the House 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, 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, the agency examined, and the general public.

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.

## Background

Beginning in Calendar Year 2024, MISS. CODE ANN. § 47-5-579 (1972) requires the PEER Committee to annually review the effectiveness of work initiative programs operated by MAGCOR and provide a report to the Legislature by January 1st of each year. The statute provides specific requirements that programs must comply with, including providing data to PEER in six-month intervals.

The first and only work release program operating under MISS. CODE ANN. § 47-5-579 was established by MAGCOR in September 2022 at the Central Mississippi Correctional Facility.

## Definition of a Work Release Program

A work release program is a reentry program for adult offenders that allows low-risk offenders nearing the end of their sentences (i.e., less than two years) to work regular jobs in the community and earn wages to help pay restitution, court costs, child support, and help to offset costs of incarceration.

## Program Participation

From September 2022 through September 2024, there have been a cumulative total of 79 offenders that have previously or are currently participating in the work initiative program. Of these 79 participants, all were male. Further, the majority of program participants were convicted on charges related to controlled substances (i.e., possession, sale/distribution, and controlled substance violations).

The average duration that an offender participates in the work initiative program prior to completion is 245 days or roughly 8.2 months.

Statutory Requirements Not Met	Non-compliance
Expand the work initiative to include SMCI, MSP, and MCIW.	X
Provide PEER work initiative data semiannually.	X
Not have more than two years remaining on his or her sentence.	Data not provided

## MAGCOR's Compliance with State Law

While MAGCOR complies with many of the statutory requirements, it has not expanded the work initiative program to include the South Mississippi Correctional Institution (SMCI), the Mississippi State Penitentiary (MSP), and the Mississippi Correctional Institute for Women (MCIW).

## Summary of Recommendations

The Legislature should amend MISS. CODE ANN. § 47-5-579 to:

- report data for each work initiative participant on the total amounts of any dependent support payments, fines, restitutions, fees, or costs as ordered by the court;
- report data for each work initiative participant on the remaining length of his or her sentence; and,
- reflect the current administrative fee deduction of 15% (currently stated as 10% in statute).

MAGCOR should:

- ensure it complies with all requirements established by MISS. CODE ANN. § 47-5-579; and,
- update its policies and procedures manual to:
  - reflect current statutory requirements;
  - specify and establish a formal process for how any participant earnings can be transferred or utilized while in the program and upon graduation; and,
  - incorporate all newly adopted program goals, objectives, and performance measures.

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# CY 2024 Annual Review of MAGCOR's Work Initiative Program

## Authority, Scope, and Purpose

During its 2024 Regular Session, the Mississippi Legislature amended MISS. CODE ANN. § 47-5-579 (1972), to require the PEER Committee to annually review the effectiveness of work initiative programs (i.e., a work release program) operated by MAGCOR at the Central Mississippi Correctional Facility (CMCF), the South Mississippi Correctional Institution (SMCI), the Mississippi State Penitentiary (MSP), the Mississippi Correctional Institute for Women (MCIW), and any regional or private facility, and provide a report to the Legislature by January 1st of each year.

Exhibit 1 on page 1 provides a timeline of the legislative actions taken to authorize work initiative programs at these facilities. The Legislature's goal in implementing these programs throughout the state is to help qualified offenders learn skills, make employment connections prior to being released, and be successful in transitioning back into the community upon release from prison.

MISS. CODE ANN. § 47-5-579 (1972), known as the Mississippi Prison Industries Act 1990, established a non-profit corporation to employ offenders while in custody of the Mississippi Department of Corrections (MDOC) and allow offenders to develop employable skills during incarceration. The corporation is structured to fund its operations from proceeds of prison industry product sales and grant funding. Therefore, it does not receive a general fund appropriation from the Legislature.

The corporation is now known as MAGCOR Industries (MAGCOR). MAGCOR's goal is to provide skill training, work experience, and reentry services offenders in MDOC custody.

As shown in Exhibit 1, prior to the 2024 amendment, PEER was required to conduct one review of the work initiative program authorized by MISS. CODE ANN. § 47-5-579 during the 2022 Regular Session (refer to PEER Issue Brief #698, released December 12, 2023). As reported in the first review, the only work initiative program under this CODE section was a pilot program established at CMCF in September 2022 and had been operating for less than a year at the time of PEER's review. Due to the program's infancy, the effectiveness of the work initiative could not be evaluated, and the review was limited to the program's compliance with state statute.

## Exhibit 1: Timeline of Legislative Actions Authorizing MAGCOR's Work Initiative Programs

Year of Regular Session	Bill Number	Facility Location(s)	PEER Review Requirement
2022	S.B. 2437	CMCF (pilot)	Report due January 1, 2024
2024	S.B. 2445	+ SMCI, MSP, MCIW, regional facilities, and private facilities	Annual report due in January of each year (first report due in 2025)

SOURCE: PEER analysis of legislation passed during the 2022 and 2024 Regular Sessions.

Further, as shown in Exhibit 1, in 2024, in addition to CMCF, the Legislature expanded the locations of the work initiative program to SMCI, MSP, MCIW, and any regional or private facilities. Pursuant to S.B. 2445 (2024 Regular Session) MAGCOR is required to operate its work initiative program at CMCF, SMCI, MSP, and MCIW. However, the warden, superintendent, or sheriff at the regional and private facilities are authorized but not required to operate the program. Additionally, at MAGCOR's discretion, a work initiative may be created at any other correctional facility listed in MISS. CODE ANN. § 47-5-539 (d) (1972).

Currently, CMCF is the only facility in which MAGCOR is operating the work initiative program. As such, this review includes only data and information for the program operated at CMCF. While this is the second review of MAGCOR's work initiative program, it is the first annual review as required by the amended statute.

## Methodology

To conduct this review, PEER:

- contacted MAGCOR to determine implementation of work initiative programs at state, private, and regional facilities;
- obtained statutorily required data from MAGCOR;
- interviewed staff from MAGCOR and MDOC;
- reviewed professional publications to determine work release program best practices and effectiveness; and,
- obtained and reviewed relevant MAGCOR policy and procedures to ensure compliance with statute.

### Definition of a Work Release Program

A work release program is a type of reentry program for adult offenders that allows individuals nearing the end of their sentences (i.e., less than two years) to work regular jobs in the community. In general, these programs:

- are provided to low-risk offenders;
- allow participants to work outside of correctional facilities to develop employment skills and live in less structured housing alternatives; and,
- allow participants to earn wages, which can help to pay restitution, court costs, child support, and help to offset costs of incarceration.

## PEER Recommendations to MAGCOR in its 2023 Review

In its initial review of MAGCOR's work initiative program released in December 2023, PEER reported that the effectiveness of the program could not be determined due to data limitations, including but not limited to:

- the infancy of the program (i.e., the program began in September 2022) in relation to measuring recidivism, which is typically defined as an offender returning to a correctional setting within 36 months of initial release on a new criminal charge or violation;

- the lack of program guidelines, goals, and performance measures; and,
- no assessment protocol to monitor and track program participants.

Exhibit 2 on page 3 lists PEER’s recommendations provided to MAGCOR in December 2023 regarding the work initiative program operated at CMCF and MAGCOR’s progress in implementing each recommendation. MAGCOR has adopted and implemented four of the five previous recommendations. As shown in the Exhibit 2, MAGCOR has not provided semiannual reports and data to PEER as required by state law.

**Exhibit 2: MAGCOR’s Implementation of PEER Recommendations from the 2023 Work Initiative Program Review**

PEER Recommendation	MAGCOR Implementation (✓ / ✗)
Establish program specific guidelines for participants and program.	✓
Establish objectives, goals, and performance measures for the work release program that are specific, measurable, attainable, relevant, and time-based, and encompass short, mid, and long-term outcomes.	✓
Develop an assessment protocol to monitor and track program and individual participant short, mid, and long-term progress from incarceration and beyond release, for both criminal and employment behavior.	✓
Continue collecting all data as required by MISS. CODE ANN. § 47-5-579 (1972).	✓
Provide semiannual reports and data collected and reported regarding the work release program to the PEER Committee and the Corrections and Criminal Justice Oversight Task Force as required by MISS. CODE ANN. § 47-5-579.	✗

**SOURCE:** PEER analysis of documentation provided by MAGCOR.

This report further discusses the progress MAGCOR has made to implement the recommendations from PEER’s 2023 review of the program and its compliance with state statute.

**Work Initiative Program Standards**

**Mandates of the Law**

Pursuant to MISS. CODE ANN. § 47-5-579, MAGCOR is required to operate work initiative programs at CMCF, SMCI, MSP, and MCIW. Additionally, MAGCOR, at its discretion, can choose to operate programs at any other correctional facility listed in MISS. CODE ANN. § 47-5-539 (d). The statute also authorizes the

warden, superintendent, or sheriff at any regional or private facility to create a work initiative program at their respective facilities.

MDOC has authority for the oversight and administration of the work initiative program and is responsible for selecting offenders to participate in the program. However, MDOC delegates the day-to-day administration of the work initiative to MAGCOR. For any work initiative established at a regional facility, the sheriff of the facility would have the authority for oversight and administration of the program, be responsible for selecting offenders to participate in the work initiative, and work with MDOC and MAGCOR to establish guidelines for the initiative and report program data.

Each work initiative established under MISS. CODE ANN. § 47-5-579 is limited to no more than 25 offenders at a time in each state, regional, or private facility program.

For an offender to be eligible to participate in the work initiative program, an offender must not:

- have more than two years remaining on his or her sentence;
- have been convicted under MISS. CODE ANN. § 97-9-49 (1972)<sup>1</sup> within the last five years; and,
- have been sentenced for a sex offense as defined in MISS. CODE ANN. § 45-33-23 (h) (1972).

While participating in the work initiative program offenders are required to maintain an account through a local financial institution. From this account, any wages earned by offenders will be divided into withholding categories of:

- 25% of the offender's wages, after mandatory deductions, to pay for support of dependents or to the Mississippi Department of Human Services on behalf of dependents, and pay any fines, restitutions, or costs as ordered by the courts;
- 15% of offender wages to MAGCOR for administrative expenses;
- 50% of offender wages placed in a savings account available to the individual upon parole or release; and,
- 10%<sup>2</sup> of offender wages for incidental expenses.

The Chief Executive Officer (CEO) of MAGCOR is required to collect and report data semiannually to PEER and the 585 Task Force<sup>3</sup> in a sortable, electronic format. The data to be collected and reported monthly by race, gender, and offenses charged includes:

- total number of participants who began the program and enrolled in the program at the end of each month;
- total number of participants who successfully completed the program in each month;
- total amount earned by participants and how the earnings were distributed in each month; and,
- total number of participants who left the program or were arrested or convicted of a new criminal offense while in the program in each month and reason for leaving.

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<sup>1</sup> CODE section dealing with prison escapees and willful failure of offenders to return to jail/prison after being entrusted to leave facility grounds.

<sup>2</sup> Any funds remaining in the 10% incidental category will be transferred to the offender upon release.

<sup>3</sup> House Bill 585, 2014 Regular Session, established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, which is charged with tracking and assessing outcomes of correctional programs and activities.



Statute further requires that data also be collected and reported regarding:

- total number of participants who completed the program and were convicted of a new crime within three years of completing the program;
- results of any initial risk and needs assessments conducted on each participant by race, gender, and offense charged;
- list of participating employers, jobs acquired by participants, hourly wage paid to each participant, and average hourly wage earned in the program;
- accounting of the manner and use of the 15% of the wages paid to the MAGCOR by the offender for administrative expenses and total costs associated with program operations;
- list of participating financial institutions and number of accounts opened by participants; and,
- any other data or information as requested by the Criminal Justice Oversight Task Force.

## MAGCOR's Work Initiative Operations

### Policies and Procedures Established in 2022

MAGCOR developed standard operating procedures, including rules and regulations, for the program in November 2022. Included within the work initiative's policies and procedures are sections that define key program terms, outline the roles and responsibilities of MAGCOR, participants, and employers participating in the program. In addition to reiterating the statutory requirements of MISS. CODE ANN. § 47-5-579, these policies and procedures provide greater detail of program eligibility and expectations of each participant while in the program.

In addition to the statutory requirements for program eligibility, MAGCOR gives priority to offenders participating in vocational training or a soft skills (e.g., communication) program with MDOC. It also gives enrollment consideration to offenders who:

- have successfully completed programming such as a cognitive behavioral program (i.e., a program designed to address family, marital, companions, and leisure/recreation issues, as well as anger management and cognitive thinking errors);
- have a high school equivalency or general education diploma (GED);
- have no detainers or disciplinary convictions within the past 12 months; and,
- have been approved by the superintendent/warden or their designee.

Additionally, prior to beginning employment, MAGCOR requires all offenders to meet with the Work Release Coordinator (WRC) to sign the Inmate Work Release Guidelines form and discuss employee/offender work release procedures/expectations. To provide oversight of the program, the WRC:

- visits each worksite at least once per month to meet with an offender's supervisor(s) and discusses an offender's performance at work;
- contacts the work supervisor by telephone twice per month; and,
- documents any work habits or performance problems which cause employer concern.

Each week, the WRC reports to the Deputy Commissioner of Workforce Development regarding the work initiative program, including the total number of positions, the total number filled, number of workers that exited the program, any medical or mental health issues, and the number of disciplinary reports issued.

Further, MAGCOR also established the following program requirements for offenders:

- **Voluntary acceptance:** The program is voluntary for offenders who qualify to participate. Offenders that choose to participate are not permitted to quit their job. However, a request to change jobs may be submitted to the WRC in writing and approved by the superintendent/warden.
- **Limit on weekly hours worked:** Offenders are limited to working 40 hours per week without prior approval from MAGCOR staff, with workdays being no longer than 10 hours per day. Weekend hours can be approved by the superintendent/warden.
- **Filing tax returns:** Offenders are solely responsible for ensuring that their tax returns are completed and filed within a timely manner. Upon written request, offenders may petition to receive tax preparation services as approved by MDOC.

### Additional Rules and Regulations Adopted by MAGCOR in 2024

In PEER’s first review of the work initiative in 2023, PEER recommended that MAGCOR establish additional guidelines for the program and its participants, including but not limited to:

- graduation/completion requirements;
- skill(s) attainment; and,
- minimum/maximum length of initiative.

Further, PEER recommended that MAGCOR also develop objectives, goals, and performance measures for its work initiative program. In October 2024, in response to PEER’s recommendations, MAGCOR formally adopted and incorporated additional rules and regulations addressing specific participant requirements and outcomes for the work initiative. MAGCOR has also identified objectives, developed goals, and adopted performance measures.

As described in MAGCOR’s new rules and regulations, graduation and/or completion requirements for the work initiative have been identified and there is more focus on job training, behavioral rehabilitation, and personal development. The goal of the program is to provide participants with employable skills and the mindset needed for employment upon release. Exhibit 3 on pages 7 and 8 provides an overview of the additional rules and regulations adopted by MAGCOR in 2024.

While MAGCOR has developed performance measures for the work initiative program, performance data is not yet available due to implementation of these measures in October 2024.

## Exhibit 3: Updated Rules and Regulations for MAGCOR’s Work Initiative

### Program Criteria for Participants

#### Work/Life Skills Attainment

While in the work initiative program participants must attain and demonstrate:

- job-related skills;
- interpersonal and communication skills;
- professionalism and work ethic;
- financial management skills;
- behavioral and emotional regulation;
- job search and career development skills;
- social and interpersonal development;
- personal development and life skills;
- substance abuse recovery (if applicable); and,
- emotional intelligence and self-awareness.

#### Length of Participation in the Work Initiative

The length of time that an offender can participate in the program is dependent upon the participant’s length of sentence and behavior while in the program. MAGCOR’s rule states that in general offenders must participate in the program for at least six months but no more than 24 months.

#### Offender Earnings while in the Work Initiative

MAGCOR’s rules and regulations sets no limitation on how much a participant may earn while participating in the work initiative. Further, MAGCOR follows the withholding categories for offender wages set forth in statute.

#### Graduation and Work Initiative Completion Requirements

To graduate or complete the work initiative program, participants must achieve:

- work and employment related requirements;
- behavioral and rehabilitation requirements;
- social and family reintegration requirements;
- accountability requirements;
- mental health and substance abuse recovery (if applicable); and,
- exiting strategy.

### Program Objectives, Goals, and Performance Measures

#### Objectives

MAGCOR has identified that the objective of the work initiative is to rehabilitate inmates for their successful reentry into society while promoting public safety. This is accomplished by:

- rehabilitating through employment;
- reducing recidivism;

- promoting financial independence;
- developing responsibility and accountability; and,
- ensuring public safety.

## Goals

MAGCOR has developed specific, measurable goals that align with the objectives of the work initiative program, including:

- **Employment placement:** Ensuring secure employment for at least 95% of eligible offenders within 30 days of entering the work initiative.
- **Skill development:** Provide access to vocational or educational training for 100% of participants, ensuring they develop marketable skills that align with available jobs in their community.
- **Program compliance:** Achieve 75% compliance with work initiative program rules and requirements, including work attendance, drug testing, and financial obligations.
- **Successful reentry:** Achieve a 75% successful reentry rate for offenders completing the program. For MAGCOR this means that participants remain employed and law-abiding for at least one year after release.
- **Behavioral rehabilitation:** Reduce disciplinary infractions related to behavior both in and out of the workplace by 50% among participants in the program.

## Performance Measures

In order to evaluate the work initiative's success, MAGCOR has adopted key performance indicators (KPI) to track the work initiative's progress towards meeting goals, including the following:

- **Employment rate:** Achieve a 90% employment retention rate over the period of a year.
- **Workplace evaluation scores:** Achieve an average supervisor rating of "satisfactory" or higher for at least 85% of participants.
- **Program compliance:** Less than 30% of participants will have compliance-related issues such as missed workdays or curfew violations.
- **Completion rate:** Maintain a work initiative completion rate of at least 70%.
- **Reoffending (recidivism) rate:** The recidivism rate should be under 30% for work release participants.
- **Post-release employment rate:** Achieve a 75% employment rate for participants within the first year after release.

To monitor short, mid, and long-term progress of participants, MAGCOR will begin tracking and assessing data related to:

- employment behavior (e.g., job performance, wages, attendance, and financial stability);
- criminal behavior (e.g., compliance with work release rules, infractions, and overall behavioral improvements); and,
- life skills and personal development (e.g., participation in mandatory classes, emotional regulation, and social skills training).

**SOURCE:** PEER analysis of MAGCOR's policies and procedures.

## Work Initiative Expenditures

The costs for operating the work initiative are the responsibility of both MDOC and MAGCOR. MDOC expenses are incurred from housing the offenders<sup>4</sup> and providing security personnel at the participants' worksite. MAGCOR uses self-generated funds to operate the work initiative. Refer to Exhibit 4 on page 9 for work initiative expenditures from October 2022 to September 2024.

Work release programs often cost more than strictly incarcerating offenders. It is the goal of these programs to offset the future costs that occur when participant offenders do not reoffend.

### Exhibit 4: Work Initiative Expenditures from October 2022 to September 2024

Expense Description	Total Cost (\$)	Monthly Cost (\$)	Daily Cost (\$)
<i>Personnel Costs</i>			
Security Expenses <sup>1</sup>	675,000.00	28,125.00	924.66
Work Release Coordinator (WRC)	148,609.44	6,192.06	203.57
<b>Total Personnel Costs</b>	<b>823,609.44</b>	<b>34,317.06</b>	<b>1,128.23</b>
<i>Operational Costs</i>			
Meals	170,352.00	7,098.00	233.36
Utilities (monthly average)	83,949.12	3,497.88	115.00
Transportation (fuel)	11,173.20	465.55	15.31
Transportation (maintenance)	7,560.00	315.00	10.36
Supplies (estimate)	24,000.00	1,000.00	32.88
Maintenance (estimate)	15,000.00	625.00	20.55
<b>Total Operational Costs</b>	<b>312,034.32</b>	<b>13,001.43</b>	<b>427.46</b>
<b>Total Expenditures</b>	<b>1,135,643.78</b>	<b>47,318.49</b>	<b>1,555.69</b>
<b>Cost Per Participant<sup>2,3</sup></b>	<b>45,425.75</b>	<b>1,892.74</b>	<b>62.23</b>

<sup>1</sup> Salary for six MDOC prison guards assigned to the work initiative for monitoring the housing facility and participant transportation to work location(s).

<sup>2</sup> Calculated using the maximum work initiative participant size of 25.

<sup>3</sup> An additional five offenders are housed at the transitional work center and serve as camp support (i.e. facility and grounds maintenance).

**SOURCE:** PEER analysis of MAGCOR data as of October 14, 2024.

<sup>4</sup> Work initiative participants are housed at a transitional work center which is a satellite facility of CMCF. The Rankin County Sheriff's Department transferred ownership of the facility to the state at no cost.

As shown in Exhibit 4, MAGCOR expended approximately \$1.1 million to operate the program from October 2022 to September 2024. The majority (59%) of program costs are for security-related expenditures. Other leading expenditure categories included meals for program participants (15%) and salary and fringe benefits for the WRC (13%).

Utilizing MAGCOR’s expenditures and the statutorily mandated maximum number of participants in the pilot phase of the program (i.e., no more than 25 participants per month), the work initiative program costs approximately \$62.23 per day per participant. However, if actual monthly participant population sizes are less than the maximum allowed per month, the cost per day per participant would be higher.

During the 2024 Regular Session, the Legislature amended MISS. CODE ANN. § 47-5-579 to increase administrative fees withheld from offender earnings from 10% to 15%.

State law requires MAGCOR to withhold 15% of offender earnings for administrative fees. MAGCOR utilizes all administrative deductions from participant wages to fund the work initiative’s WRC salary.

MAGCOR began collecting 10% in administrative fees in October 2022. According to MAGCOR, \$136,925.50 has been diverted from participant earnings to fund the WRC

position. However, MAGCOR stated that the WRC position was paid \$148,609.44 (including salary and fringe benefits), resulting in a difference of \$11,683.94 for administering the work initiative program. MAGCOR staff stated that it began collecting the 15% in administrative fees effective July 1, 2024.

## MAGCOR’s Work Initiative Program Compliance

MISS. CODE ANN. § 47-5-579 specifies the statutory requirements that the work initiative program must comply with. While statute allows MAGCOR and MDOC flexibility in the implementation of the work initiative program, refer to Exhibit 5 on page 11 to see its compliance with each specific requirement.

While MAGCOR complies with many of the statutory requirements, it has not yet expanded the work initiative to the additional mandated facilities.

As shown in Exhibit 5, the work initiative program operated by MAGCOR complies with many of the statutory requirements. In comparison to the initial review released in December 2023, the work initiative is still in compliance with publishing rules, the number of participants, and monthly data collections. However, it does not routinely submit the data to PEER semiannually as required by statute.

During the 2024 Regular Session, the Legislature amended MISS. CODE ANN. § 47-5-579 to require MAGCOR to expand the work initiative to SMCI, MSP, and MCIW beginning on July 1, 2024. Currently, the work initiative program is only operated at CMCF, and neither MAGCOR nor MDOC have any plans to expand the program beyond the current location. However, MAGCOR and the superintendent of SMCI are in initial discussions regarding potential program expansion options at the facility.

**Exhibit 5: MAGCOR’s Work Initiative Program Compliance**

Statutory Requirements	Compliance (√ / X)
Adopt and publish rules for the initiative.	√
Expand the work initiative to include SMCI, MSP, and MCIW.	X
No more than 25 participants at one time per month.	√
No one allowed in the work initiative for an offense defined in MISS. CODE ANN. § 97-9-49 and § 45-33-23 (h) (1972) (i.e., offender escape, attempted escape, and/or sex offense).	√
Collect and maintain data elements for participants of the work initiative each month.	√
Collect and maintain data on the amount earned by the work initiative participants and how it is distributed each month.	√
Participants shall establish a bank account and distribute wages accordingly.	√
Participating employers shall pay the prevailing wage and no less than the federal minimum wage.	√
Data provided to PEER in sortable, electronic format.	√
Provide PEER work initiative data semiannually.	X <sup>1</sup>
Not have more than two years remaining on his or her sentence.	- <sup>2</sup>

<sup>1</sup> MAGCOR did not provide a report on its work initiative data until October 14, 2024, when requested by PEER.

<sup>2</sup> MAGCOR did not provide data regarding length of sentence as it is not statutorily required to submit such data.

**SOURCE:** PEER staff analysis of MISS. CODE ANN. § 47-5-579 (1972) and MAGCOR’s work initiative data.

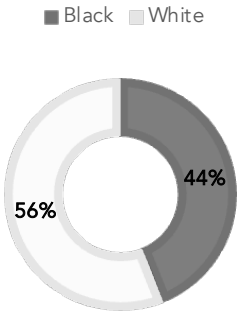
S.B. 2445 was signed into law on April 30, 2024, which amended MISS. CODE ANN. § 47-5-579 to expand MAGCOR’s work initiative program to other facilities effective on July 1, 2024. MAGCOR currently operates the program at CMCF and has not made plans to expand the program to any other facilities as required by statute. According to MAGCOR staff, its former CEO vacated the position on May 31, 2024, leaving it without a permanent CEO until a new CEO was hired on October 1, 2024.

**MAGCOR’s Work Initiative Data**

MAGCOR provided work initiative program data to PEER on October 14, 2024, upon request. The following sections briefly describe aspects of the data elements collected for the program by broad

category, including demographics, offenses, population, earnings, length of participation, program expenses, and program outcomes.

**Demographic Data**



Since September 2022, there have been a cumulative total of 79 offenders, all male, that have previously or are currently participating in the work initiative program at CMCF. Of these 79 male participants, 35 (44%) were black and 44 (56%) were white. From September 2023 to September 2024, 27 new male participants have been enrolled into the work initiative program. Of the 27 new participants, 11 (41%) were black and 16 (59%) were white. There have been no female offenders participating in the program.



**Offense Data**

MAGCOR tracks the primary underlying offenses committed by each program participant. Upon examining the primary offenses for the total 79 participants from September 2022 through September 2024, 44% of program participants were convicted on charges related to controlled substances. It should be noted that this category includes specific charges for possession and distribution.



The other leading categories of participant convictions were related to burglary (e.g., residential, dwelling, vehicle), possession of a weapon by a convicted felon, and driving under the influence (DUI) (i.e., aggravated and felony).

**Program Participation Limit**

As required by MISS. CODE ANN. § 47-5-579, the program has never exceeded a participant population size of 25 offenders per month, with an average of 24 participants each month from September 2023 to September 2024. During this timeframe, the work initiative has had at least 20 participants participating in the program each month.

**Job Type and Employer Data**

From September 2023 to September 2024, participants were employed as general labor/maintenance workers and diesel mechanics for six different employers. The 27 participants enrolled were employed at the following locations:



- City of Brandon – 16 participants;
- Pearl River Valley Water Supply District– 6 participants;
- City of Pearl – 1 participant;
- City of Flowood – 2 participants;
- Old River Volvo – 1 participant; and,
- Mississippi State Hospital – 1 participant.

Work schedules and offender wages are determined by each participating employer and vary by offender.

By statute, employers participating in the program cannot pay less than the prevailing wage for the position or less than the federal minimum wage. According to the U.S. Department of Labor, the current federal minimum wage for covered nonexempt employees is \$7.25 per hour.

### Participant Wages

Since the creation of the work initiative in 2022, participants have earned an average of \$13.02 per hour, while working an average of 54.6 hours per month, and earning an average of \$772 per month. On average, 68% of participants in the program earned between \$1,001 up to \$1,500 per month on average.

From September 2023 to September 2024, while participating in the work initiative, 24 of the 27 participants (at the time of the review three participants were newly enrolled and had not received any wages):

- worked an average of 82.49 hours per month;
- earned on average \$14.51 per hour; and,
- earned an average of \$1,261 per month.

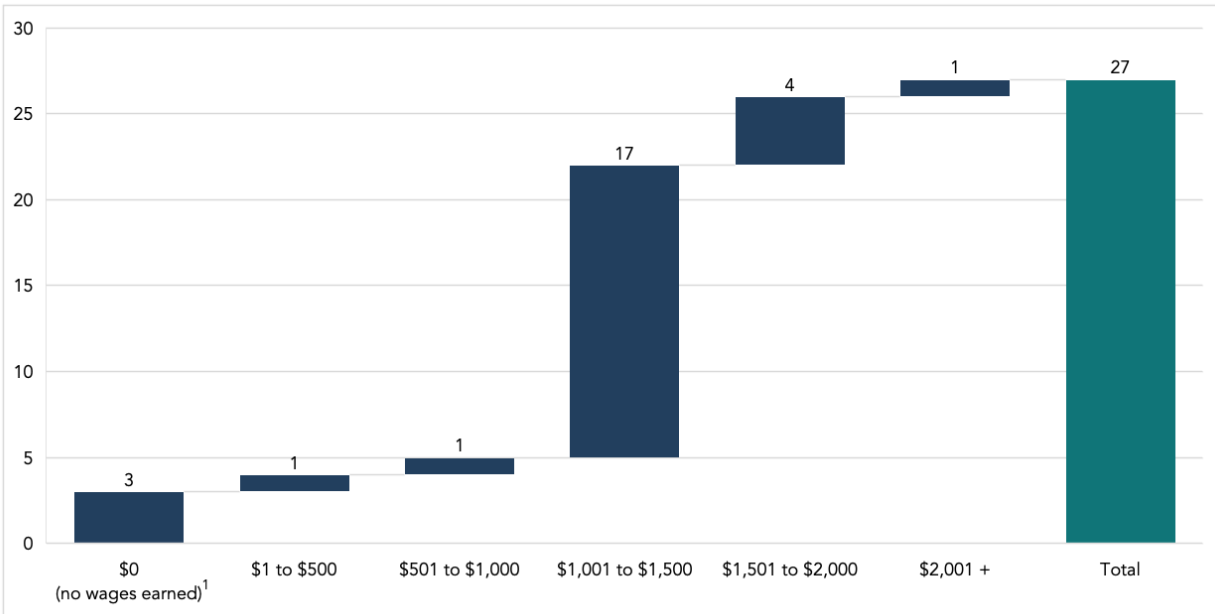
Exhibit 6 on page 14 illustrates the number of participants by average monthly earnings wage ranges from September 2023 to September 2024.

Of the 27 program participants included in the reviewed data, a majority (78%) of program participants are earning between \$1,001 up to \$2,000 per month on average, with 17 participants (63%) earning a monthly average between \$1,001 to \$1,500 and four participants (15%) earning a monthly average between \$1,501 to \$2,000.

As shown in Exhibit 6, three participants (11%) were enrolled in the program at the end of September 2024 but had not received any paychecks.

Exhibit 6 on page 14 shows the number of work initiative program participants by average monthly earnings wage ranges from September 2023 to September 2024. As shown in Exhibit 6, a majority of participants earn wages between \$1,001 up to \$2,000 per month on average.

**Exhibit 6: Number of Work Initiative Program Participants by Average Monthly Earnings Wage Ranges from September 2023 to September 2024**



<sup>1</sup> At the time of this review, three participants were in the program but had not received any paychecks.

**SOURCE:** PEER analysis of MAGCOR data as of October 14, 2024.

As required by law, program participants’ wages are separated into four categories, see discussion on page 4 for more detail. To accomplish this, MAGCOR has contracted with PeopleLease to provide payroll services for the work initiative, MetaBank to provide debit cards for participants, and BankPlus to provide savings accounts. According to MAGCOR, 68 of the 79 participants have opened accounts with supporting financial institutions. The discrepancy in accounts can be attributed to participants being new, double counted, and having credit issues (e.g., debt owed to non-participating financial institutions).

**Length of Program Participation and Completion**

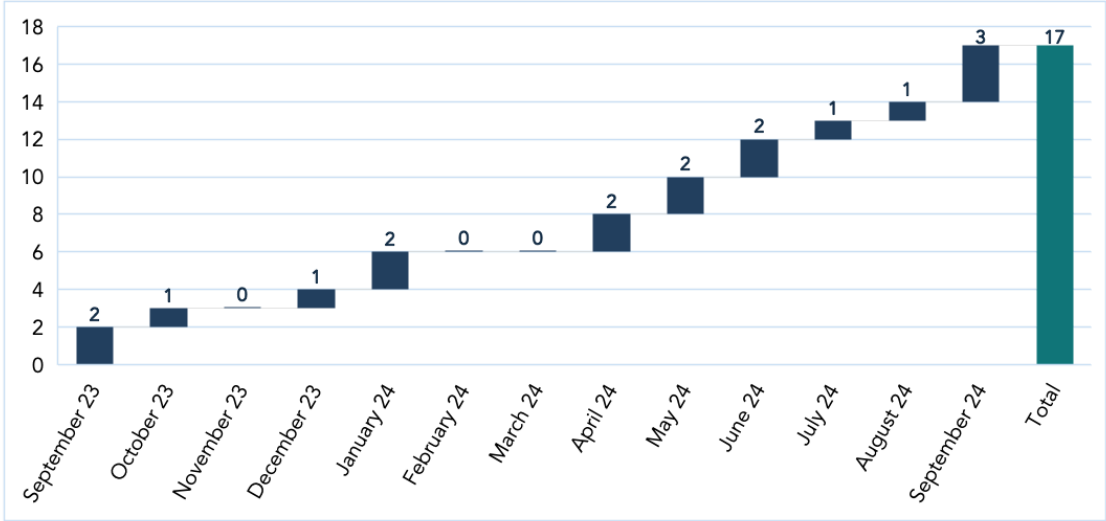
MAGCOR collects and maintains data regarding program participants as required by statute and compiles it monthly. Some data elements recorded include the start date for participation in the work release program and completion data. Using these start dates and completion dates for the 79 program participants from September 2022 through September 2024, the average duration of participants before completion is 245 days, or roughly 8.2 months. Of the participants who completed the program, enrollment ranged from the shortest duration of 41 days (1.3 months) to the longest duration of 700 days (23.3 months).

The average duration that an offender participates in the work initiative program prior to completion is 245 days or roughly 8.2 months.

Since 2022, 54 of the 79 participants have exited the work initiative program. Of these 54 participants, 32 have successfully completed the program. As shown in Exhibit 7 on page 15, from September 2023 to September 2024, 17 participants completed the program. According to MAGCOR, approximately one

participant completes the program each month. Overall, 59% of offenders exiting the work initiative program have successfully completed the program.

**Exhibit 7: MAGCOR Work Initiative Successful Completions from September 2023 to September 2024**



**SOURCE:** MAGCOR Legislative Report for Work Release (October 14, 2024).

Offender Removal from the Work Initiative Program

Since 2022, 22 of the 54 participants were removed from the work initiative program prior to completion. This accounts for 41% of the participants exiting the program.

From September 2023 to September 2024, 10 participants have been removed from the work initiative program for non-compliance with the rules and requirements of the program. The reasons for participant removal include:

- being removed by the Criminal Investigation Division and/or the MDOC Commissioner for disciplinary reasons (three participants);
- being terminated by the employer (one participant); and,
- testing positive on a drug test (six participants).

**Program Effectiveness**

State law requires MAGCOR to track recidivism (i.e., percentage of offenders re-incarcerated within 36 months of initial release) for the program. Because the program began in September 2022 there has not yet been enough time lapsed to calculate recidivism as defined in statute. However, MAGCOR has monitored participants who have completed the program and were rearrested, reconvicted, or re-incarcerated since the program’s inception. Overall, 32 participants have completed the work initiative program, and five participants have been returned to state custody.

Of the five participants that returned to state custody:

- two participants committed new crimes upon release;
- one participant violated a condition of parole; and,
- two participants were returned to state custody due to detainer charges (e.g., a criminal detainer was filed by another jurisdiction for a pre-existing charge while the participant was serving a sentence for a separate crime).

Recidivism is often measured by a return to incarceration within three years post-release from a sanction or intervention. While MAGCOR's work initiative has not been operating long enough to calculate recidivism as defined by statute, to be proactive, MAGCOR tracks participants released from the program to determine if any individuals are rearrested, reconvicted, or re-incarcerated within 24 months of release.

For the purposes of calculating the effectiveness of the work initiative program, MAGCOR does not include the two participants who were returned to state custody on detainer charges because the detainer charges are not related to a new offense and pre-date their enrollment in the work initiative program. According to MAGCOR staff, it will no longer accept offenders with a criminal detainer into the work initiative program.

## Recommendations

1. The Legislature should amend MISS. CODE ANN. § 47-5-579 to:
  - a. require data be reported for each work initiative participant on the total amounts of any dependent support payments, fines, restitutions, fees, or costs as ordered by the court;
  - b. require that data be reported for each work initiative participant on the remaining length of his or her sentence; and,
  - c. reflect the current administrative fee deduction of 15% (currently stated as 10% in statute).
2. MAGCOR should ensure it complies with all requirements established by MISS. CODE ANN. § 47-5-579.
3. MAGCOR should update its policies and procedures manual to:
  - a. reflect current statutory requirements;
  - b. specify and establish a formal process for how any participant earnings can be transferred or utilized while in the program and upon graduation (e.g. diverting more funds to savings if no dependent support payments, fines, restitutions, fees, or costs as ordered by the court exist for a participant, emergency use of funds for family or personal reasons, and transferring remaining incidental category funds to savings upon completion of the program); and,
  - c. incorporate all newly adopted program goals, objectives, and performance measures.



1. Page 10 – MAGCOR’s Work Initiative Program Compliance

REPORT: “ ..neither MAGCOR nor MDOC have any plans to expand the program beyond the current location.”

*RESPONSE: MAGCOR is actively seeking partnerships and exploring opportunities to expand program to SMCI, MCIW and Parchman through the identification of potential off-site housing arrangements, employer groups and administrative partners but have not yet been able to put concrete plans into place with potential start dates.*

2. Page 13 – Participant Wages Section

RESPONSE:

*It is our understanding that PEER Calculated wages based on number of participants in the program that may not have earned a paycheck before being removed or that were new to the program and may not have started to work.*

*The below calculations are based on actual paychecks that have been earned over the complete period of the program 10/16/2022 – 09/28/2024.*

- *1305 paychecks issued*
- *\$1,714,151.90 gross income earned*
- *119,162.28 total hours worked*
- *91.24 hours per bi-weekly paycheck*
- *\$14.39 average wage paid*

*(SPREADSHEET ATTACHED)*

The 84-page spreadsheet is available on file at the PEER office.

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James F. (Ted) Booth, Executive Director

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**CY 2024 Annual Review of MAGCOR's Work Initiative Program**

**December 9, 2024**

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