

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.

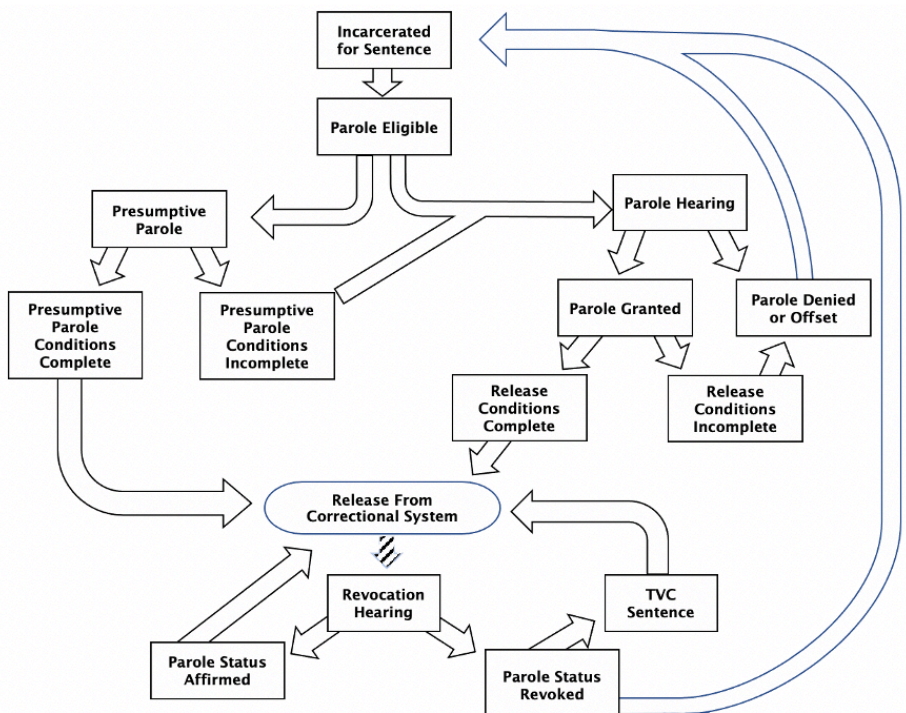
MISS. CODE ANN. § 47-7-5 (1972) creates the State Parole Board. The Board is made up of five members who are assisted by a secretary to the Board and two administrative assistants. MDOC also assigns five department staff to assist with Board activities. The law empowers the Board with the exclusive responsibility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

State Parole Board Issues:

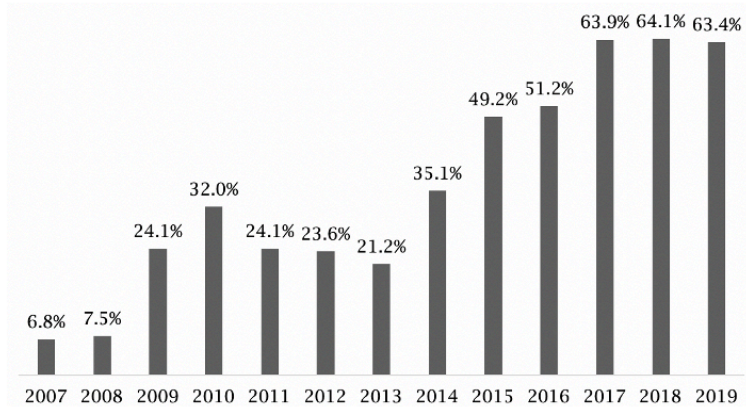
- **Untimely parole hearings:** In 2019, 47% of offenders eligible for parole received untimely hearings.
- **Ineffective use of presumptive parole as contemplated by law:** In 2019, the Board conducted 274 parole hearings for offenders who met the standards of presumptive parole.
- **Lack of minutes 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.