

CHAPTER V

RELEASE OR DISCHARGE FROM CONFINEMENT

I. GENERAL

MDOC computes inmates' terms to be served and establishes parole dates, ERS dates, tentative release or discharge dates, and maximum release dates.

Effective June 15, 2011, MDOC will provide most inmates eligible for discharge funds an "Inmate Banking Data Closeout Sheet". This sheet will allow the departing inmate to receive their discharge funds from a third party agent. Inmates with a detainer, inmates discharged to ISP, and inmates discharged from a county jail will receive their funds via check.

II. JAIL TIME CREDIT

An inmate may receive jail time credit for eligible time spent in a county jail prior to the date of sentence. Jail time is reflected on the timesheet in the following manner – Pre-Sentence/Pre-Trial Jail Time. Any time spent in a county jail after being sentenced to the Mississippi Department of Corrections is not separately reflected on the inmate's time sheet as a jail time credit. Jail time is calculated into the inmate's time by deducting allowable jail time from the inmate's earliest sentence date to get the sentence begin date.

For jail time to be eligible:

- The time must be pre-sentence jail time. That is, it must have been served between the offense date and the earliest sentence date for which the inmate is currently incarcerated.
- The inmate must have been in jail on the cause number(s) for which the inmate is currently incarcerated.
- Jail time specified in a sentencing order will be posted unless it is duplicative of time the inmate has already received. E.g., the jail time dates listed in the sentencing order are after the earliest sentence date for which the inmate is currently incarcerated.
- Jail time is requested by the MDOC from the county of conviction only. If an inmate was transferred to another jail prior to conviction, the inmate must notify his case manager.

III. PAROLE

This program is a conditional release from MDOC after an inmate has successfully served a specific amount of their sentence and has been approved by the Mississippi Parole Board. State law sets forth the rules and regulations establishing parole, and establishes when an inmate is eligible to be considered for parole. Information concerning parole may be obtained from the unit case manager.

IV. INTENSIVE SUPERVISION PROGRAM (ISP)

The Statewide Classification Officer at each state institution/facility screens inmates for placement in the ISP program with final approval by the Joint Placement Committee. The Parole Board is authorized to select and place inmates in the ISP program under the same conditions and criteria set out in statute.

A. **Criteria for Placement in ISP**

1. Inmates currently charged with, or currently incarcerated for a violent offense, or inmates who have previously been convicted of a violent crime are not eligible for ISP placement.
2. Inmates previously convicted of, currently charged with, or currently incarcerated for a sex crime, or if the offense for which they were convicted involved a sexual violation or sexual intention, are not eligible for ISP placement.
3. Inmates who have been found guilty of a serious RVR involving drugs within the last 6 months may be reviewed on a case by case basis.
4. Inmates who have been found guilty of a serious RVR involving aggressive behavior against a staff member within the last 6 months are not eligible for ISP placement.
5. Inmates must be Minimum or Medium custody prior to being released from incarceration to the ISP.
6. Inmates must be within 15 months of their parole eligibility date, earned release eligibility date, or discharge date to be eligible for ISP placement.
7. Inmates incarcerated for a crime committed after having been confined for the conviction of a felony on a previous occasion are not eligible for placement in the program.

B. **Participation in ISP**

1. If approved for ISP, a "Certificate of Intensive Supervision" form will be signed and witnessed prior to release from incarceration. The conditions of release will be explained, and the inmate will be instructed to report to the appropriate field office.

2. Upon arrival at the field office, inmates will be assigned to an ISP Officer, standard information will be obtained, and as soon as possible, the electronic monitoring devices will be installed in the home and on the inmates.
3. Inmates that violate ISP conditions will be subject to arrest by the field officer and placed in the custody of MDOC.

V. EARNED TIME ALLOWANCE/EARNED RELEASE SUPERVISION (ERS)

1. Except those inmates excluded by law, inmates with a sentence imposed for a crime committed on or before June 30, 1995, are eligible to receive an earned time credit of ½ of the period of confinement imposed by the court.
2. Except those excluded by law, an inmate with a sentence for a crime committed after June 30, 1995, may receive an earned time credit of 4½ days for each 30 days served if he meets the good conduct and performance requirements. However, the earned time credit shall not exceed 15% of the inmate's term of sentence. An eligible inmate who meets certain criteria may serve the last 15% of his sentence on Earned Release Supervision (ERS).
3. An inmate receiving a serious RVR will be subject to losing all or part of his earned time credit.
4. Earned time shall be forfeited by the inmate in the event of escape and/or aiding and abetting an escape.

Criteria for Placement on ERS

1. Any inmate released on ERS shall retain inmate status and remain under the jurisdiction of MDOC.
2. Only inmates with an approved in-state residence may be released to ERS.
3. Inmates are ineligible for the earned time credit program and/or ERS if they:
 - Were convicted as a habitual inmate under §99-19-81 through 99-19-87;
 - Are serving a sentence for a violation of §47-5-198 "Sale, possession or use of a controlled substance or narcotic drug within facilities; knowledge by employees; punishment for violations";
 - Have forfeited their earned time allowance per order of the Commissioner;
 - Have not served the mandatory time required for parole eligibility for a conviction of armed robbery or attempted armed robbery; car-jacking with a deadly weapon or attempted car-jacking with a deadly weapon; and or drive-by shooting;
 - Have not discharged the entire sentence for the conviction of a sex crime;
 - Have not discharged the entire sentence for a conviction of Voyeurism; Trespass by Peeping Tom pursuant to §97-29-61; and or conviction of Failure to Register as a Sex Offender; §45-33-33;
 - Have an out-of-state or federal detainer in their records due to pending charges;
 - Have an out-of-state or federal detainer in their records and who have Mississippi sentences that include probation or post-release supervision;
 - Were sentenced to less than one year;
 - Have been sentenced by the courts to the Intensive Supervision Program;
 - Have attempted escape or were convicted or escape from an adult correctional facility or jail;
 - Have had their ERS revoked and have not served the remainder of their sentence for which the violation was applied (ERS violators must serve the remainder of their sentence and are not eligible for any reduction in their sentence);
 - Were sentenced to life imprisonment (Exception: An inmate sentenced to life imprisonment for a crime other than Capital Murder may petition the sentencing court for conditional release after reaching the age of 65 or older and having served at least 15 years of their sentence); and or
 - Were sentenced on or after May 1, 2005, for the crime of capital murder, murder (homicide), attempted capital murder, or attempted murder (homicide).