

Title 29: Prisons and Parole

Part 1: Administration and Management

Subpart 1: Administration

Part 1 Chapter 1: General Powers, Duties and Mission of the Agency

Subchapter 1: Policy

Rule 1.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to establish a written body of policies and procedures that by statute establishes the agency's goals, objectives, and purpose.

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.1.2 PRECEPTS:

1. *Administration of Correctional Agencies* (Central Office): **There is a statute authorizing the establishment of the agency [2-CO-1A-01].**

The establishment of the MDOC is authorized by state statute 47-5-8.

2. *Administration of Correctional Agencies* (Central Office): **There is statutory provision for commitments to be made to the custody of the agency [2-CO-1A-02].**

The statutory provision for commitments to be made to the custody of the MDOC is defined in the Mississippi Code of 1972, Statute 47-5-10.

3. *Administration of Correctional Agencies* (Central Office): **There is a written statement that describes the philosophy, goals, or purposes of the agency, which is reviewed at least annually and updated if necessary [2-CO-1A-04].**

The MDOC has a written statement that describes the philosophy and goals of the agency. This statement is reviewed annually by the Commissioner or designee and will be updated as necessary.

4. *Administration of Correctional Agencies* (Central Office): **The agency administrator is responsible for formulating agency goals, establishing policies and priorities related to them, and translating the goals into measurable objectives [2-CO-1A-06].**

5. *Administration of Correctional Agencies* (Central Office): **The agency can document that there is staff participation in the development and review of organizational goals and objectives [2-CO-1A-07].**

The Commissioner or designee will ensure that staff are afforded the opportunity to participate in the development and review of organizational goals and objectives.

6. *Administration of Correctional Agencies* (Central Office): **The agency has established policies and procedures for short- and long-range planning for the achievement of administrative and functional goals [2-CO-1A-09].**

The Commissioner or designee will ensure that written policies and procedures provide for short and long-range planning for the achievement of administrative and functional goals.

7. *Administration of Correctional Agencies* (Central Office): **The agency is managed by a single administrative officer to whom all employees or units of management are responsible [2-CO-1A-10].**

8. *Administration of Correctional Agencies* (Central Office): **The educational, operational, and administrative qualifications of the agency administrator are taken into consideration by the appointing authority in determining appointment to the position. These include, at a minimum: a baccalaureate degree, five years of related administrative experience or demonstrated administrative ability and leadership [2-CO-1A-11, Revised - 2006 Supplement].**

The Commissioner of Corrections, appointed by the Governor, will ensure that the Department operates by state statutes and has established goals as an integral part of the correctional system that state its Mission and sets its purpose. This document is reviewed at least annually and updated as needed.

The educational, operational, and administrative qualifications of the agency administrator are specified in the Mississippi Code of 1972, Statute 47-5-24.

9. *Administration of Correction Agencies* (Central Office): **The agency administrator is responsible for the execution of the planning function [2-CO-1A-08].**

As specified in the Mississippi Code of 1972, Statute 47-5-20 and 47-5-28, the Commissioner is responsible for the execution of the planning function of the MDOC.

The Commissioner of Corrections will appoint the Deputy Commissioner of Institutions, the Deputy Commissioner of Community Corrections and the Deputy Commissioner of Administration and Finance to ensure all divisions of the MDOC operate by state statutes and achieve the established goals.

10. *Adult Correctional Institutions*: **The institution or parent agency is established as an integral part of a correctional department or system by means of statutes that set its purpose [4-4001].**

11. *Adult Correctional Institutions*: **There is a written document delineating the institution's mission within the context of the total correctional system. This document is reviewed at least annually and updated as needed [4-4002].**

12. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide that the warden/superintendent formulates goals for the institution at least annually and translates them into measurable objectives [4-4003].**

The Deputy Commissioner of Institutions or designee will ensure that each facility has a written document delineating its mission within the context of the total correctional system. This document is reviewed at least annually and updated as needed. He will ensure that each Superintendent formulates goals for the institution at least annually and translates them into measurable objectives.

13. *Adult Probation and Parole Field Services*: **The field agency and its programs are managed by a single administrative officer [PP 3-3011].**

As designated by the Commissioner of Mississippi Department of Corrections, the Deputy Commissioner of Community Corrections will be responsible for the overall management of Community Corrections.

14. *Adult Probation and Parole Field Services*: **The agency administrator and/or governing board of the level of government at which the probation/parole services are constituted has the responsibility for appointing the administrator of field services [PP 3-3012].**

The Commissioner of the Mississippi Department of Corrections is responsible for the appointment of the Deputy Commissioner of Community Corrections.

15. *Adult Probation and Parole Field Services*: **The qualifications, authority, tenure, and responsibilities of the administrator of field services are specified by statute or by the parent governmental organization [PP 3-3013].**

The qualifications, authority, tenure and responsibilities of the Deputy Commissioner of Community Correction are specified in the Mississippi Code of 1972, Statute 47-5-26. In addition, the Division of Community Corrections has established procedures that define its operations as directed by the Commissioner of the Mississippi Department of Corrections.

16. *Adult Probation and Parole Field Services*: **The assignment of organizational responsibility for agency field supervision within the governmental structure is specified by statute or by court order [PP 3-3001].**

The assignment of organizational responsibility of the Division of Community Corrections is specified by Mississippi Code of 1972, Statute 47-5-26.

17. *Adult Probation and Parole Field Services:* Responsibilities and functions of the field agency are specified by statute or administratively defined by the parent governmental organizations [PP 3-3002].

Responsibilities and functions of the Division of Community Corrections are specified by Mississippi Code of 1972, Statute 47-5-26.

18. *Adult Probation and Parole Field Services:* The authority, responsibility, and function of the position of administrator of field services are specified by statute or administratively defined by the parent governmental organization [PP 3-3003].

The authority, responsibility, and function of the position of the Deputy Commissioner of Community Corrections are specified by Mississippi Code of 1972, Statute 47-5-26.

19. *Adult Community Residential Services:* The facility has established measurable goals and objectives that are reviewed at least annually and updated, as needed [4-ACRS-7D-01].

The Deputy Commissioner of Community Corrections or designee will established measurable goals and objectives that are reviewed at annually and updated, as needed.

20. *Adult Probation and Parole Field Services:* The administrator of field services is responsible for formulating goals, establishing policies and priorities related to them, and translating the goals into measurable objectives for accomplishment by the field staff [PP 3-3005].

The Commissioner or designee will be responsible for formulating goals, establishing policies and priorities related to them, and translating the goals into measurable objectives for accomplishment by the MDOC staff.

21. *Adult Probation and Parole Field Services:* The administrator of field services has input into the planning function as it affects the field agency [PP 3-3007].

Planning meetings will occur at the direction of the Deputy Commissioner of Community Corrections. Community Corrections Directors will participate in the planning process to open communications, establish and review policies and procedures, and to discuss any and all pertinent matters related to the division.

22. *Adult Probation and Parole Field Services:* Written policy, procedure, and practice provide for a written statement that describes the philosophy and long-range goals of the field agency, which is prepared by the agency administrator, reviewed at least annually and updated, if needed [PP 3-3008].

The Deputy Commissioner of Community Corrections or designee will ensure that each Community Corrections facility has documented long-range goals and objectives that are included in the total scope of the correctional system. These goals and objectives are reviewed at least annually and updated as needed.

23. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice require the agency to measure performance on at least two levels: overall performance and achievement of more immediate program goals. A review of performance is conducted at least every six months [PP 3-3115].**

Procedures will be established requiring the Deputy Commissioner of Community Corrections to ensure that field agency staff measures performance on at least two levels: overall performance and achievement of more immediate program goals. A review of performance is conducted at least every six months. When necessary, field agency staff will meet to discuss or make needed adjustments within the division.

24. *Adult Probation and Parole Field Services*: **The agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender [PP 3-3125].**

The Deputy Commissioner of Community Corrections will ensure the agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender.

25. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice provide that requests from federal, state, and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by agency staff, in accordance with provisions relevant to the right to privacy [PP 3-3010].**

The Deputy Commissioner of Community Corrections or designee will ensure that all requests from federal, state and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by appropriate agency staff. All responses will be in accordance with provisions relevant to the right to privacy.

26. The Deputy Commissioner of Administration and Finance will formulate long-range goals and objectives for the supervision and implementation of all fiscal policies and programs within the MDOC. These goals will be included in the overall scope of the agency and will be reviewed at least annually and updated as needed.

The Deputy Commissioner of Administration and Finance will consider the following when formulating goals and objectives:

- A. Agency's Personnel Director
- B. All agency hiring and personnel matters
- C. All purchasing within the agency
- D. All data processing within the agency

Source: Miss. Code Ann. §47-5-8, 47-5-10, 47-5-20, 47-5-24, 47-5-26, 47-5-28.

Rule 1.1.3 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 1: General Powers, Duties and Mission of the Agency

Subchapter 2: Standard Operating Procedure

Rule 1.2.1 APPLICABILITY:

This procedure applies to all Mississippi Department of Corrections personnel assigned to the Division of Community Corrections.

Source: *Miss Code Ann.* §47-5-10, 47-5-26.

Rule 1.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to establish a written body of policies and procedures that by statute establishes the agency's goals, objectives, and purpose.

Source: *Miss Code Ann.* §47-5-10.

Rule 1.2.3 PROCEDURES:

1. Adult Probation and Parole Field Services: The agency administrator and/or governing board of the level of government at which the probation/parole services are constituted has the responsibility for appointing the administrator of field services [PP 3-3012].

The Commissioner of the Mississippi Department of Corrections is responsible for the appointment of the Deputy Commissioner of Community Corrections.

2. Adult Probation and Parole Field Services: The field agency and its programs are managed by a single administrative officer [PP 3-3011].

As designated by the Commissioner of Mississippi Department of Corrections, the Deputy Commissioner of Community Corrections will be responsible for the overall management of Community Corrections

3. Adult Probation and Parole Field Services: The qualifications, authority, tenure, and responsibilities of the administrator of field services are specified by statute or by the parent governmental organization [PP 3-3013].

The qualifications, authority, tenure and responsibilities of the Deputy Commissioner of Community Correction are specified in the Mississippi Code of 1972 SEC 47-5-26. In addition, the Division of Community Corrections has established procedures that define its operations as directed by the Commissioner of the Mississippi Department of Corrections.

4. *Adult Probation and Parole Field Services:* The assignment of organizational responsibility for agency field supervision within the governmental structure is specified by statute or by court order [PP 3-3001].

The assignment of organizational responsibility of the Division of Community Corrections is specified by Mississippi Code of 1972 SEC 47-5-26.

5. *Adult Probation and Parole Field Services:* Responsibilities and functions of the field agency are specified by statute or administratively defined by the parent governmental organizations [PP 3-3002].

Responsibilities and functions of the Division of Community Corrections are specified by Mississippi Code of 1972 SEC 47-5-26.

6. *Adult Probation and Parole Field Services:* The authority, responsibility, and function of the position of administrator of field services are specified by statute or administratively defined by the parent governmental organization [PP 3-3003].

The authority, responsibility, and function of the position of the Deputy Commissioner of Community Corrections are specified by Mississippi Code of 1972 SEC 47-5-26.

The Deputy Commissioner of Community Corrections or designee will ensure that there is an established written body of policies and procedures that by statute establishes the Agency's goals, objectives, and purpose as directed by the Commissioner.

7. *Adult Community Residential Services:* The facility has established measurable goals and objectives that are reviewed at least annually and updated, as needed [4-ACRS-7D-01]

The Deputy Commissioner of Community Corrections or designee will established measurable goals and objectives that are reviewed at annually and updated, as needed.

8. *Adult Probation and Parole Field Services:* The administrator of field services is responsible for formulating goals, establishing policies and priorities related to them, and translating the goals into measurable objectives for accomplishment by the field staff [PP 3-3005].

The Deputy Commissioner of Community Corrections is responsible for formulating goals, establishing policies and priorities related to them, and translating the goals into measurable objectives for accomplishment by the field staff.

9. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide for a written statement that describes the philosophy and long-range goals of the field agency, which is prepared by the agency administrator, reviewed at least annually and updated, if needed [PP 3-3008].**

The Deputy Commissioner of Community Corrections will ensure that written policy, procedure, and practice provide for a written statement that describes the philosophy and long-range goals of the field agency. These written policies, procedures and practices will be reviewed at least annually and updated, if needed

10. *Adult Probation and Parole Field Services:* **The administrator of field services has input into the planning function as it affects the field agency [PP 3-3007].**

Planning meetings will occur at the direction of the Deputy Commissioner of Community Corrections. Community Corrections Directors will participate in the planning process to open communications, establish and review policies and procedures, and to discuss any and all pertinent matters related to the division.

The goals and objectives will include, but are not limited to the following:

- A. Provide necessary services to the offender with the intent of reducing the probability of continued criminal behavior on the part of the offender.
- B. To identify and enhance those services which prove effective in reducing criminal behavior.
- C. An assessment of the needs and prospects of the Community Corrections Division on a functional basis, i.e., budget, research, program planning.
- D. A review process to consider budgetary, legislative and other activities, which could impact the continued efforts towards objectives.
- E. The preparation of the Annual Report detailing the major results, events and activities of the previous year.
- F. The implementation, and as needed, revision of a monitoring system to ensure that division productivity meets or exceeds stated goals and objectives.

Goals and objectives will be assessed periodically to ensure that appropriate action is taken to achieve the mission of the agency.

11. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice require the agency to measure performance on at least two levels: overall performance and achievement of more immediate program goals. A review of performance is conducted at least every six months [PP 3-3115].**

The Deputy Commissioner of Community Corrections will ensure that field agency staff measures performance on at least two levels: overall performance and achievement of more immediate program goals. A review of performance is conducted at least every six months. When necessary, field agency staff will meet to discuss or make needed adjustments within the division.

12. *Adult Probation and Parole Field Services:* The agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender [PP 3-3125].

The Deputy Commissioner of Community Corrections will ensure the Agency's statement of purpose affirms that the supervision program is to provide necessary services to the offender with the goal of reducing the probability of continued criminal behavior on the part of the offender.

Results from agency audits and recommendations made by other government agencies conducting studies will be documented and made available to field staff. This information will be used to enhance the effectiveness of the field division.

Each Community Corrections Director will encourage staff in their respective division to participate in performance reviews for program enhancement.

To maintain the integrity and credibility of the field agency with other elements of the governmental structure, full and immediate cooperation will occur with legislative and executive offices of government.

13. *Adult Probation and Parole Field Services:* Written policy, procedure, and practice provide that requests from federal, state, and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by agency staff, in accordance with provisions relevant to the right to privacy [PP 3-3010].

The Deputy Commissioner of Community Corrections or designee will ensure that all requests from federal, state and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by appropriate agency staff. All responses will be in accordance with provisions relevant to the right to privacy.

When field services staff are unable to provide information concerning a request from non-agency personnel, the request will be submitted in writing to the Office of Policy, Planning, Research and Evaluation (PPRE). The Director of PPRE will either research the requested information or assign the request to another member of the PPRE staff. Once the information is retrieved, PPRE is responsible for providing the requestor with the response.

Requests relating to a specific division, i.e., General Counsel or Correctional Medicine that require extensive research may be forwarded to the director of the division. If the request is forwarded to a specific division, the director of that division will be responsible for providing the

response. Field services staff will ensure that all non-agency personnel who submit a request, receive an appropriate response.

Source: Miss. Code Ann. §47-5-1, 47-5-10, 47-5-26, 47-5-28.

Rule 1.2.4 DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

Source: Miss. Code Ann. §47-5-10.

Subpart 1: Administration

Part 1 Chapter 2: Role of Outside Agencies

Subchapter 1: Policy

Rule 2.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to specify the role of public or private agencies providing services to the Divisions of Institutions and Community Corrections.

Source: Miss. Code Ann. §47-5-10, 47-5-28.

Rule 2.1.2 DEFINITIONS:

1. Inter-Public/Private Organizations – Public or private agencies and/or organizations that are not a part of the hierarchal operational management practices of MDOC.
2. Non-Departmental Personnel – Employees of inter-public or inter-private agencies and/or organizations that are not employed directly by MDOC.

Source: Miss. Code Ann. §47-5-10, 47-5-28.

Rule 2.1.3 PRECEPTS:

1. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide for informing other components of the correctional system of the extent and availability of services and programs for the agency population, as needed [2-CO-1A-14].**

The Commissioner or designee will ensure procedures are established for informing outside agencies regarding programs, procedures, and services that are available to offenders within the agency's jurisdiction.

2. Administration of Correctional Agencies (Central Office): The agency administrator and designated staff consult with other agencies within the criminal and juvenile justice system and community service agencies in the formulation of agency policies and procedures [2-CO-1A-15].

The Commissioner or designee will develop a working relationship with other criminal and juvenile justice agencies in its jurisdiction to ensure that services offered are available to offenders. The MDOC policies, practices, and major concerns will be shared with other agencies and will establish means of discovering the policies, practices, and concerns of other agencies for translation into correctional planning.

3. Adult Correctional Institutions: The role and functions of employees of other public or private agencies providing a service to the institution are covered by written policy and procedure that specify their relation to the authority and responsibility of the warden/superintendent [4-4011].

The Deputy Commissioner of Institutions or designee will ensure that the role or function of employees or other public or private agencies providing a service to an institution, private prison or county regional facility are addressed in written procedures that specify their relation to the authority and the responsibility of the facility's controlling authority. These procedures will be reviewed annually and updated as needed.

4. Adult Community Residential Services: Policies provide for communication and cooperation with community agencies and other components of the criminal justice system [4-ACRS-7F-04].

5. Adult Community Residential Services: The facility has an advisory board that is representative of the community in which it is located that meets at least annually [4-ACRS-7F-05].

6. Adult Probation and Parole Field Services: The field agency participates directly, or through the parent agency, in federal, state, and regional planning efforts with criminal justice and noncriminal justice agencies [PP 3-3009].

7. Adult Probation and Parole Field Services: Written policy, procedure, and practice provide for collaboration and consultation with other criminal justice agencies, community interest groups, and service agencies on a continuing basis by the administrator of field services for the purpose of enhancing the formulation and evaluation of organizational policies, procedures, rules, and regulations [PP 3-3017].

The Deputy Commissioner of Community Corrections or designee will establish procedures that provide for collaboration and consultation with other criminal justice agencies, community interest groups, and service agencies on a continuing basis. The purpose of this dialogue will be to enhance the formulation and evaluation of organizational policies, procedures, rules and regulations.

8. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice provide for cooperation and/or consultation with colleges and universities in areas of mutual concern [PP 3-3018].**

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will ensure procedures provide for cooperation and/or consultation with colleges and universities in areas of mutual concern.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Rule 2.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Subpart 1: Administration

Part 1 Chapter 2: Role of Outside Agencies

Subchapter 2: Standard Operating Procedure

Rule 2.2.1 APPLICABILITY:

This procedure applies to all inter-public or inter-private agency personnel who provide a supplemental service and/or function to MDOC correctional management operations.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Rule 2.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to specify the role of public or private agencies providing services to the Divisions of Institutions and Community Corrections.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Rule 2.2.3 DEFINITIONS:

1. Inter-Public/Private Organizations – Public or private agencies and/or organizations that are not a part of the normal hierarchal operational management practices of MDOC.
2. Non-Departmental Personnel – Employees of inter-public or inter-private agencies and/or organizations that are not MDOC personnel.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Rule 2.2.4 PROCEDURES:

1. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide for informing other components of the correctional system of the extent and availability of services and programs for the agency population, as needed [2-CO-1A-14].**

The Commissioner or designee will ensure procedures are established for informing outside agencies regarding programs, procedures, and services that are available to offenders within the agency's jurisdiction.

2. *Adult Correctional Institutions:* **The role and functions of employees of other public or private agencies providing a service to the institution are covered by written policy and procedure that specify their relation to the authority and responsibility of the warden/superintendent [4-4011].**

Non-departmental personnel will include but not be limited to:

- A. Food service
- B. Medical staff
- C. Vendor representatives
- D. Contract personnel
- E. Law enforcement officers
- F. Legal professionals

While on facility property, non-departmental personnel will:

- A. Remain under the authority and responsibility of the facility's controlling authority
- B. Be subject to all rules and regulations of the Mississippi Department of Corrections

3. Facility Entry

Superintendents, Wardens or designees will ensure that the Front Gate Officer is provided advance notification of non-departmental personnel's arrival at the facility.

When non-department personnel arrive without prior approval, the Front Gate Officer will contact the appropriate control or department for authorization to enter.

Once entry is granted, these persons will be escorted at all times. This procedure will not apply to non-departmental staff who are regularly assigned to a facility (i.e., food service and medical staff).

4. Community Corrections

Community Work Center and Restitution Center Directors or designees will verify the credentials of all non-department personnel prior to allowing services to be performed at their respective facility.

5. Community Collaboration

- A. *Administration of Correctional Agencies (Central Office):* **The agency administrator and designated staff consult with other agencies within the criminal and juvenile justice system and community service agencies in the formulation of agency policies and procedures [2-CO-1A-15].**

The Commissioner or designee will develop a working relationship with other criminal and juvenile justice agencies in its jurisdiction to ensure that services offered are available to offenders. The MDOC policies, practices, and major concerns will be shared with other agencies and will establish means of discovering the policies, practices, and concerns of other agencies for translation into correctional planning.

- B. *Adult Community Residential Services:* **Policies provide for communication and cooperation with community agencies and other components of the criminal justice system [4-ACRS-7F-04].**

- C. *Adult Probation and Parole Field Services:* **The field agency participates directly, or through the parent agency, in federal, state, and regional planning efforts with criminal justice and noncriminal justice agencies [PP 3-3009].**

- D. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide for collaboration and consultation with other criminal justice agencies, community interest groups, and service agencies on a continuing basis by the administrator of field services for the purpose of enhancing the formulation and evaluation of organizational policies, procedures, rules, and regulations [PP 3-3017].**

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections will establish bilateral communication with sister criminal justice agencies/departments, community interest groups, and service agencies. This channel of communication will enhance the formulation and evaluation of organizational policies, procedures, rules and regulations.

6. Community Interaction

When community proposals/requests are purposed to facility or field office staff, they will be evaluated by designated personnel to determine legitimacy.

Proposals and requests from all credible sources will be evaluated.

Under no circumstances will a proposal or request by non-departmental personnel be ignored or scrutinized based upon prejudices or bias.

When necessary, agency staff will meet with non-departmental personnel to examine the feasibility of submissions and to provide a joint working relationship that will afford equitable treatment for incarcerated offenders and/or release supervision programs.

7. Institutions of Higher Learning

Adult Probation and Parole Field Services: **Written policy, procedure, and practice provide for cooperation and/or consultation with colleges and universities in areas of mutual concern [PP 3-3018].**

MDOC will provide for cooperation and/or consultation with colleges and universities in areas of mutual concern.

Qualified personnel from institutions of higher learning may:

- A. Serve as advisors for programs
- B. Organize special training conferences and learning seminars
- C. Assist in research projects (i.e., reduction in recidivism)

8. Agency Recruitment

The Director of Recruitment will schedule frequent visits to colleges and universities throughout the state in order to maintain good public relations, and to recruit students for future and immediate employment. Approved students may also participate in the MDOC Student Intern Program (See policy, Student Intern Program).

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Rule 2.2.5 DOCUMENTS REQUIRED:

As required by this procedure and through the chain-of-command.

Source: *Miss. Code Ann.* §47-5-10, 47-5-28.

Subpart 1: Administration

Part 1 Chapter 3: Personnel

Subchapter 1: Release of Information Requests for Active and Terminated Employees

Rule 3.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to require written requests for release of information and verification of employment concerning active and terminated employees.

Source: *Miss. Code Ann.* §47-5-10.

Rule 3.1.2 PRECEPTS:

1. The MDOC Director of Human Services will ensure that procedures are established for the release of information and verification of employment for active and terminated employees.
2. All release of information and verification of employment requests concerning active or terminated employees must be submitted in writing on letterhead to include signature, contact number of person requesting the information, employee's name and social security number.
3. The following personal information can be released without an employee release authorization form:
 - A. Date of hire
 - B. Date of separation
 - C. Job classification or title
 - D. Employment status (full-time, part-time, or contract employee)
4. The following personal information can not be released without an employee release authorization form:
 - A. Employee's address
 - B. Wages
 - C. Insurance information
 - D. Eligibility for rehire
5. The following governmental agencies or entities are allowed to receive the above mentioned personal information without an employee release authorization form:
 - A. Student loans (from a reputable government agency)
 - B. Court orders
 - C. Mississippi Employment Security Commission
 - D. Federal Bureau of Prisons
 - E. Department of Human Services (child support)
 - F. Mississippi Board on Law Enforcement Officers Standards & Training (BLEOST)
6. The request must be submitted in writing on letterhead to include signature, contact number of person requesting the information, employee's name and social security number:
7. In the event there is no information found, a written response must be sent stating, No Record of Employment Found.
8. No information will be given via telephone. Verification of employment information can be mailed, faxed, scanned or emailed to the requestor.

Source: *Miss. Code Ann.* §47-5-10.

Rule 3.1.3 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 4: Training and Staff Development

Subchapter 1: Training of Non-MDOC Personnel

Rule 4.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to allow the Training Department to train non-MDOC employees on a space/time available basis.

Source: *Miss. Code Ann.* §47-5-10.

Rule 4.1.2 DEFINITIONS:

1. Non-MDOC Personnel – Individuals who are not full time, part time, or contractual employees of the Department, and are not serving in a recognized volunteer capacity with the Department.

Source: *Miss. Code Ann.* §47-5-10.

Rule 4.1.3 PRECEPTS:

Upon request, non-MDOC personnel will be granted training slots only after all needs of the Department are met and space is available.

Source: *Miss. Code Ann.* §47-5-10.

Rule 4.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 5: Records

Subchapter 1: Offender Master Files – Public Record Request Policy

Rule 5.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to adhere to the Mississippi Public Records Act of 1983. All master files, whether active or inactive, are public records except as otherwise provided by Miss. Code Sections 25-61-9 and 25-61-11.

Source: *Miss. Code Ann.* §25-61-1, 25-61-9, 25-61-11.

Rule 5.1.2 DEFINITIONS:

1. Mississippi Public Records Act of 1983 - State law declares that all public records are public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction an any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access.
2. Public Body - Any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or bylaw, executive order, ordinance or resolution.

Source: *Miss. Code Ann.* §25-61-3.

Rule 5.1.3 PRECEPTS:

The Commissioner of the Mississippi Department of Corrections or designee will establish procedures to ensure compliance with the Mississippi Public Records Act of 1983 by establishing guidelines that are supportive of this act.

Source: *Miss. Code Ann.* §25-61-1.

Rule 5.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §25-61-1.

Subpart 1: Administration

Part 1 Chapter 5: Records

Subchapter 2: Offender Master Files – Public Record Request Procedure

Rule 5.2.1 APPLICABILITY:

This procedure applies to all Mississippi Department of Corrections (MDOC) employees involved in maintaining master files on all offenders sentenced to the care, custody or control of the MDOC, active and inactive, or under some form of community supervision, to include but not limited to Parole, Probation, Intensive Supervision, Earned Release Supervision, Governor's Suspension and Post Release Supervision.

Source: *Miss. Code Ann.* §47-5-10.

Rule 5.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to adhere to the Mississippi Public Records Act of 1983. All master files, whether active or inactive, are public records except as otherwise provided by Miss. Code Sections 25-61-9 and 25-61-11.

Source: *Miss. Code Ann.* §25-61-1, 25-61-9, 25-61-11.

Rule 5.2.3 DEFINITIONS:

1. Active Master File – Files for those offenders currently serving time incarcerated, on Intensive Supervision, Earned Release Supervision, in other custody or at-large.
2. Inactive Master File – Files for those offenders who have been discharged to expiration of sentence, released by a Supreme Court mandate, or completed their term on Parole, Probation, Post Release Supervision, Shock Probation or any other form of supervision.
3. Active Community Corrections Master File – Master file on offenders who have been placed on Probation, Parole, Post Release Supervision or other supervision ordered by a court of competent jurisdiction.

Source: *Miss. Code Ann.* §47-5-10.

Rule 5.2.4 PROCEDURES:

1. All requests for copies of public records (master files) will be made in writing to the Director of Records.
2. All document searches and reproduction of documents will be made by staff of the MDOC Records Department.
3. Information obtained in the discharge of official duty by a field officer as an employee of the MDOC shall be privileged and shall not be disclosed (47-7-21).
4. A Letter of Acknowledgment will be forwarded to the requestor advising such requestor of estimated fees assessed in processing the request for public records. Payment covering the estimated cost of reproduction must be received prior to mailing of documents. Payment will be made in the form of cashier's check or money order only and must be made payable to MDOC.

A. **Charges are as Follows**

B. Reproductions:	Minimum charge of \$2.00 per request
a. 8 ½ “ x 11”	\$.25 per page
b. 8 ½ “ x 14”	\$.35 per page
C. Time Expended:	\$10.00 per hour

Additional fees incident to document production include postage fees.

Law enforcement agencies, prosecuting attorneys, and court orders of criminal prosecution are exempt from the fee prerequisite.

5. All requests will be approved or denied within seven (7) working days after receipt of the request. All denials of document requests will be in writing, will state reasons for denial, and will be kept on file by the Director of Records for not less than three years from date of denial.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10, 47-7-21.

Rule 5.2.5 DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Subpart 1: Administration

Part 1 Chapter 6: Citizenship Involvement and Volunteers

Subchapter 1: Volunteer Programs Policy

Rule 6.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to operate an active volunteer program.

Source: *Miss. Code Ann.* §47-5-10..

Rule 6.1.2 DEFINITIONS:

1. Volunteers – Persons who, by their own free will, provide services on a regular basis for MDOC institutions and facilities and/or probationers and parolees with no monetary or material gain.

2. Guest – Non-Certified citizens requesting to offer a particular service accompanied by a certified volunteer, or participating in a one-time or infrequent activity such as a revival, holiday service, seminar, on single event basis.

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.1.3 PRECEPTS:

1. *Administration of Correctional Agencies (Central Office):* **Written policy provides for securing citizen involvement in agency programs, including service as advisors, interpreters, and similar direct service roles [2 -CO-1G-01].**

2. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide that a senior staff member is responsible for coordinating the agency volunteer service program [2-CO-1G-02].**

3. *Adult Correctional Institutions:* **Written policy and procedure specify who is responsible for operating a citizen involvement and volunteer service program, and their lines of authority, responsibility, and accountability [4-4115].**

4. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide for securing volunteer citizen involvement in the programs, including roles as advisors, interpreters between the program and the public, in direct service roles, and in cooperation endeavors with offenders under supervision [PP 3-3117].**

A Volunteer Services Coordinator, appointed by the Director of Treatment and Programs, is responsible for coordinating a citizen involvement and volunteer services program for the benefit of offenders.

MDOC Treatment Programs, Departments, Community Work Centers, and Field Services as well as each Regional Jail and Private Prison, will appoint a staff member responsible for recruiting, screening and assisting volunteer applicants to their area.

Each volunteer chosen for service will be informed of their program supervisor in order to maintain contact, interpretation of MDOC programs rules, and reporting procedures.

Employees of MDOC may offer volunteer service in corrections, but will not be approved or certified to serve as volunteers within the facility of their employment due to potential role conflicts.

5. *Administration of Correctional Agencies (Central Office):* **Written agency policy specifies the lines of authority, responsibility, and accountability for citizen involvement and volunteer services [2-CO-1G-03].**

6. *Adult Community Residential Services:* **The lines of authority, responsibility, and accountability are specified for the facility's citizen involvement and volunteer services program [4-ACRS-7D-04].**

7. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specify the lines of authority, responsibility, and accountability for the program's citizen involvement and volunteer services program [PP 3-3119].**

The Commissioner will ensure that the Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees establish procedures to specify the lines of authority, responsibility and accountability for citizen involvement and volunteer services program.

8. *Administration of Correctional Agencies (Central Office)*: **Written agency policy governs the recruitment, selection, orientation, training, and supervision of volunteers [2-CO-1G-04].**

The Commissioner or designee will establish an initial orientation session to include the security rules, regulations and an overview of the program.

9. *Adult Correctional Institutions*: **The screening and selection of volunteers allows for recruitment from all cultural and socioeconomic parts of the community [4-4116].**

10. *Adult Community Residential Services*: **The facility provides for recruiting citizen involvement and volunteers. The screening and selection of volunteers allows for recruitment from all cultural and socioeconomic parts of the community [4-ACRS-7F-08].**

11. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice for volunteer citizen involvement includes a system for selecting, training, deciding on the term of service, terminating service, and defining tasks, responsibilities and authority of volunteers [PP 3-3118].**

12. *Adult Probation and Parole Field Services*: **Written policy procedure, and practice call for the recruitment of volunteers from all cultural and socioeconomic segments of the community [PP 3-3120].**

13. *Administration of Correctional Agencies (Central Office)*: **Written policy, procedure, and practice require a criminal background check on all volunteers who have direct, unsupervised contact with inmates/juveniles/residents [2-CO-1G-05].**

The Commissioner or designee will ensure that criminal background checks are conducted on all volunteers who have direct, unsupervised contact with inmates.

14. Requests to provide volunteer services will be submitted in the form of an application to the Director of Treatment or department where the prospective volunteers are requesting to provide services.

15. *Administration of Correctional Agencies (Central Office)*: **Written agency policy requires that there is a system for official registration and identification of volunteers [2-CO-1G-06].**

16. *Adult Correctional Institutions*: **There is an official registration and identification system for volunteers [4-4117].**

17. *Administration of Correctional Agencies (Central Office)*: **Written agency policy provides that each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [2-CO-1G-07].**

The Commissioner or designee will ensure that all volunteers have submitted an application with MDOC for insurance purposes. An identification card will be issued to each volunteer and an identification record will be kept at each facility.

18. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide that each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [4-4119].**

19. *Adult Community Residential Services*: **Each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [4-ACRS-7F-09].**

20. *Adult Community Residential Services*: **There is an official registration and identification system for volunteers [4-ACRS-7F-10].**

21. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice provide that, prior to assignment, each volunteer completes a documented orientation and/or training program [PP 3-3122].**

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will establish procedures to provide that each volunteer completes an appropriate, documented orientation and/or training program prior to assignment.

22. *Administration of Correctional Agencies (Central Office)*: **Written agency policy provides that each volunteer agrees in writing to abide by all agency policies, particularly those relating to confidentiality of information and security practices [2-CO-1G-08].**

The Commissioner or designee will ensure that each volunteer agrees in writing to abide by all agency policies and particularly those relating to confidentiality and security.

23. *Adult Correctional Institutions*: **Volunteers agree in writing to abide by all facility policies, particularly those relating to the security and confidentiality of information [4-4120].**

24. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specify that volunteers agree in writing to abide by all agency policies, particularly those relating to the security and confidentiality of information [PP 3-3123].**

These agreements are placed in each volunteer's file to be kept by assigned supervisory staff.

25. *Administration of Correctional Agencies (Central Office):* **Written agency policy provides for volunteers to contribute suggestions regarding the establishment of policy and procedure related to the volunteer services program [2-CO-1G-09].**

The Commissioner or designee will provide volunteers with the opportunity to contribute suggestions regarding the policy and procedure for the volunteer services program.

26. *Adult Correctional Institutions:* **There is provision for volunteers to contribute suggestions regarding the establishment of policy and procedure for the volunteer services program [4-4122].**

27. *Adult Correctional Institutions:* **Written policy, procedure, and practice provide that new or revised policies and procedures are disseminated to designated staff and volunteers and, when appropriate, to inmates prior to implementation [4-4014].**

The state Volunteer Coordinator will ensure that forms are developed and distributed regarding release of liability in offering services within MDOC facilities. It will be the responsibility of each program supervisor using volunteer services to require a signed release prior to the volunteer being approved to offer services within the facility.

28. *Adult Probation and Parole Field Services:* **The field agency administration or the parent agency provides protection against liability or tort claims in the form of insurance, signed waivers, or other legal provisions valid in the jurisdiction in which the volunteer program is located [PP 3-3124].**

29. *Adult Correctional Institutions:* **Written policy specifies that volunteers may perform professional services only when they are certified or licensed to do so [4-4118].**

30. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice specifies that volunteers may perform professional services only when certified or licensed to do so [PP 3-3121].**

31. *Adult Community Residential Services:* **Volunteers may perform professional services only when they are certified or licensed to do so [4-ACRS-7B-03].**

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will develop procedures to ensure that volunteers may perform professional services only when they are certified or licensed to do so.

32. *Adult Correctional Institutions:* **A current schedule of volunteer services is available to all inmates and is posted in appropriate areas of the institution [4-4121].**

33. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide that the agency reviews and evaluates volunteer programs at least annually [2-CO-1G-10].**

The Commissioner or designee will ensure that the volunteer programs are reviewed and evaluated at least annually.

34. The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will issue procedures whereby the program director may curtail, postpone, or terminate the services of a volunteer or volunteer organization.

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.1.4 DOCUMENTS REQUIRED:

1. Volunteer/Contract Services/Guest Background Form
2. Certified Volunteer Application
3. Volunteer Agreement
4. Volunteer Program Monthly Report
5. Release of All Claims
6. Annual Volunteer Evaluation
7. Certified Volunteer Report Form
8. Release Form for One-time Volunteer Service
9. Facility Volunteer Identification Card Record
10. Volunteer Orientation Register
11. As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 6: Citizenship Involvement and Volunteers

Subchapter 2: Volunteer Programs Procedure

Rule 6.2.1 APPLICABILITY:

This procedure applies to all Mississippi Department of Corrections employees, volunteers, contract workers, and consultants involved in or responsible for volunteer programs.

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to operate an active volunteer program.

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.2.3 DEFINITIONS:

1. Volunteers – Persons who, by their own free will, provide services on a regular basis for MDOC institutions and facilities and/or probationers and parolees with no monetary or material gain.
2. Guest – Non-Certified citizens requesting to offer a particular service accompanied by a certified volunteer, or participating in a one-time or infrequent activity such as a revival, holiday service, seminar, on single event basis.
3. Contract Workers – Persons who provide services for MDOC institutions and facilities through a binding agreement.
4. Consultants – Persons who offer advice or opinion on a regular basis.
5. Offendertrak – Computerized program that among other functions, provides an offender's visitation database to include, but not be limited to photo, physical, profile, housing location, classification, sentencing orders, conditions/attributes of inmate, approved visiting dates/times, categories of visitors, and visitors' list (names, relationships, driver's licenses, additional identifications, photos, banned visitors).

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.2.4 PROCEDURES:

1. General

A volunteer is not considered a state employee and may not be used instead of a classified position. The services of volunteers may supplement, but never replace, any service, activity, or function of employees of the Mississippi Department of Corrections.

2. *Administration of Correctional Agencies (Central Office):* **Written policy provides for securing citizen involvement in agency programs, including service as advisors, interpreters, and similar direct service roles [2 -CO-1G-01].**

The Commissioner or designee will ensure procedures are established for securing citizen involvement in agency programs, including services as advisors, interpreters, and similar direct service roles.

3. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide for securing volunteer citizen involvement in the programs, including roles as advisers, interpreters between the program and the public, in direct service roles, and in cooperation endeavors with offenders under supervision [PP 3-3117].**

A Volunteer Services Coordinator, appointed by the Director of Treatment and Programs, is responsible for coordinating a citizen involvement and volunteer services program for the benefit of offenders. MDOC Treatment Programs, Departments, Community Work Centers, and Field

Services as well as each Regional Jail and Private Prison, will appoint a staff member responsible for recruiting, screening and assisting volunteer applicants to their area.

4. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice for volunteer citizen involvement includes a system for selecting, training, deciding on the term of service, terminating service, and defining tasks, responsibilities and authority of volunteers [PP 3-3118].**

The Commissioner or designee will ensure that there is a system for selecting, training, deciding on the term of service, terminating service, defining task, and the responsibilities and authority of volunteers.

5. Citizens seeking to offer volunteer services once or for a special event, will be considered guests of the facility, not subject to all requirements of becoming a regularly scheduled (weekly, monthly) volunteer involved directly with the offender population.

- A. Such a request will be proposed at least two (2) weeks in advance with the guest completing the Volunteer/Contract Services/Guest Background Form which will be submitted for review.
- B. Guests will be listed on a memorandum which identifies any concerns reported such as felony conviction/charges, previous correctional employment or kinship to an offender for review and approval by the facility administrator.
- C. Approved guests will receive brief instructions by staff responsible for the program in which they will be given guidance concerning possible consequences of inappropriate interaction with offenders during the event and sign a Release Volunteer Form.
- D. Both the Volunteer/Contract Services/Guest Background Form and the Release Volunteer Form will be maintained on file by the staff personnel responsible for the program.
- E. All such guests will be 21 years of age with any exception being considered by the facility administrator and approved by the respective Deputy Commissioner.
- F. Guests seeking to provide a service on a regularly scheduled basis will submit proper documentation to become a volunteer and receive the Volunteer Orientation for Certification.

6. *Adult Probation and Parole Field Services:* **The field agency administration or the parent agency provides protection against liability or tort claims in the form of insurance, signed waivers, or other legal provisions valid in the jurisdiction in which the volunteer program is located [PP 3-3124].**

The Commissioner or designee will require all volunteers to sign a Release of All Claims Form that identifies that all volunteers will release the Mississippi Department of Corrections from any

and all liability for any injury or damage that the volunteer may suffer whether accidentally or willfully caused by the actions or any persons on the premises that the volunteer visits.

7. Function of Volunteers

8. *Administration of Correctional Agencies (Central Office):* **Written agency policy governs the recruitment, selection, orientation, training, and supervision of volunteers [2-CO-1G-04].**

9. *Adult Correctional Institutions:* **The screening and selection of volunteers allows for recruitment from all cultural and socioeconomic parts of the community [4-4116].**

10. *Adult Community Residential Services:* **The screening and selection of volunteers allows for recruitment from all cultural and socioeconomic parts of the community [4-ACRS-7F-08].**

11. *Adult Probation and Parole Field Services:* **Written policy procedure, and practice call for the recruitment of volunteers from all cultural and socioeconomic segments of the community [PP 3-3120].**

The use of volunteers permit increased personal contact for the offenders, broadens community resources for the institution/facility, and increases public awareness of the correctional system.

Finding suitable citizen volunteers is an opportunity to be shared by each employee. The screening and selection of volunteers allows for recruitment from all cultural and socioeconomic parts of the community.

12. Eligibility

- A. Any person of good character, at least twenty-one (21) years of age, and sufficiently mature to handle the responsibilities involved may be eligible to become a volunteer. No individual is entitled to be selected as a volunteer.
- B. Employees of MDOC may offer volunteer service in corrections but will not be approved or certified to service as volunteers within the facility of their employment due to potential role conflicts.
- C. Immediate relatives and close friends of offenders will not be allowed to serve as volunteers within the same facility or programs unit where the offenders are housed or supervised.
- D. While the conviction of a felony will not directly interfere with the eligibility of a volunteer applicant, careful consideration will be given during the application procedures and possible placement to guarantee compliance with the agency mission, security for each facility housing MDOC offenders, public safety, and the success of volunteer services.

- E. Ex-offenders (felons) making application to serve as a certified volunteer in a facility housing state offenders must be free of all charges/convictions for a period of five (5) years.
- F. Along with other application documents, each applicant will provide a written summary statement of all charges/convictions and resolution of each to the facility volunteer coordinator who will forward the information to the facility administrator for review.
- G. The facility administrator will forward the request with any recommendation to the respective Deputy Commissioner for approval or denial.
- H. Ex-offenders seeking to provide a **one-time** service will be addressed to the respective Deputy Commissioner by the facility administrator in the form of a memo providing proper summary documentation and stating the occasion and purpose for the proposed activity. This will also require approval/denial from the appropriate Deputy Commissioner.
- I. Notice will be given to the facility administrator, MDOC Director of Treatment & Programs, and Volunteer Programs State Coordinator regarding each decision in order to maintain a file of ex-offenders approved for volunteer services.

13. Application and Processing

Prospective volunteers will be required to complete an application for volunteer service that is designed to gather pertinent information regarding the applicant. This process applies to all Mississippi Department of Corrections employees, contract workers, volunteers, and consultants as well.

All questions must be answered fully or the prospective volunteer may not be approved.

14. *Adult Correctional Institutions*: **Written policy specifies that volunteers may perform professional services only when they are certified or licensed to do so [4-4118].**

15. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specifies that volunteers may perform professional services only when certified or licensed to do so [PP 3-3121].**

16. *Adult Community Residential Services*: **Volunteers may perform professional services only when they are certified or licensed to do so. [4-ACRS-7B-03].**

Volunteers offering a professional service for pastoral, vocational, or other benefit will provide specific evidence or proper credentials that they are qualified to perform these services at the time of application.

This information will be kept in the volunteer's file.

17. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice require a criminal background check on all volunteers who have direct, unsupervised contact with inmates/juveniles/residents [2-CO-1G-05].**

- A. The Corrections Investigation Division through the National Crime Information Center (NCIC) will process all MDOC volunteer applicants at the institutions and Community Work Centers for a criminal record check.
- B. Private Prison and County Regional Jail Facility Wardens will also ensure that volunteers, contract workers, consultants, and employees in their facilities are processed through NCIC and have completed the Volunteer/Contract Services Submission Form.
- C. Falsification of information will be grounds for denial of participation in the volunteer services program.
- D. Note: Employees, contract workers, volunteers, and consultants will submit a Volunteer/Contract Services Form at the institution/facility where services are provided. The information obtained will be logged into Offendertrak and subjected to its validity.

18. Program Coordination

19. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice provide that a senior staff member is responsible for coordinating the agency volunteer service program [2-CO-1G-02].**

20. *Adult Correctional Institutions*: **Written policy and procedure specify who is responsible for operating a citizen involvement and volunteer service program, and their lines of authority, responsibility, and accountability [4-4115, Revised – 2008 Standards Supplement].**

The Religious Programs Director, appointed by the State Treatment and Programs Director to the role of Volunteer Services Coordinator, will be responsible for coordinating citizen involvement and volunteer services programs for offenders.

21. *Administration of Correctional Agencies* (Central Office): **Written agency policy specifies the lines of authority, responsibility, and accountability for citizen involvement and volunteer services [2-CO-1G-03].**

22. *Adult Community Residential Services*: **The lines of authority, responsibility, and accountability are specified for the facility's citizen involvement and volunteer services program [4-ACRS-7D-04].**

23. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specify the lines of authority, responsibility, and accountability for the program's citizen involvement and volunteer services program [PP 3-3119].**

The Commissioner or designees will ensure that procedures are established to specify the lines of authority, responsibility and accountability for citizen involvement and volunteer services program.

Upon approval for participation in volunteer programs, each volunteer will be informed of their program supervisor in order to maintain agency contact, interpretation of MDOC program rules and reporting procedures.

24. Each MDOC Treatment Program, Department, and CWC, as well as each Regional Jail, Private Prison and Field Service operation, will assign a staff member to be responsible for recruiting and screening their volunteer applicants. They are also responsible for assisting the prospective volunteer with their application and ensuring that a NCIC check is completed.

25. Orientation will be scheduled once the NCIC check is completed, returned and approved by the Treatment Program, Department and Facility Heads.

26. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide that the agency reviews and evaluates volunteer programs at least annually [2-CO-1G-10].**

The Commissioner or designee will ensure that the volunteer programs are reviewed and evaluated at least annually.

27. The Volunteer Services Coordinator will establish appropriate volunteer orientation material, forms, procedures and identification.

- A. He will also administer a plan of regular orientation of volunteers at MSP, CMCF, and SMCI and provide identification cards to be used by volunteers of state facilities when on facility grounds.
- B. He is also responsible for keeping records of attendees, dates of attendance, dates of referral to the Treatment Program and Department Heads, where they will provide services, and whether their volunteer status is current or expired.
- C. Community Work Center Directors, Private Prison Wardens, and County Regional Facility Wardens will designate staff to conduct volunteer orientation and provide supervision of volunteers within each facility. They will receive instructions from the Volunteer Services Coordinator on how to conduct volunteer orientation and will provide the Volunteer Services Coordinator with a monthly report of volunteer involvement.

28. *Adult Correctional Institutions:* **Written policy, procedure, and practice provide that new or revised policies and procedures are disseminated to designated staff and volunteers and, when appropriate, to inmates prior to implementation [4-4014].**

- A. Staff members who supervise volunteers will make available to volunteers all new and revised policies and procedures that affect them.

- B. They will also seek suggestions from all volunteers for improving the volunteer program and will accept and consider evaluations of individual volunteers from staff members.
- C. An annual volunteer evaluation will be completed and forwarded to the Volunteer Services Coordinator and the Treatment Program, Department and Facility Head.

29. Orientation and Training

30. *Administration of Correctional Agencies* (Central Office): **Written agency policy provides that each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [2-CO-1G-07].**

31. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide that each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [4-4119].**

32. *Adult Community Residential Services*: **Each volunteer completes an appropriate, documented orientation and/or training program prior to assignment [4-ACRS-7F-09].**

33. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice provide that, prior to assignment, each volunteer completes a documented orientation and/or training program [PP 3-3122].**

Approved volunteers will complete a training and orientation seminar prior to assignment. This training and orientation will include essential information on all rules, applicable procedures, and issues including:

- A. Confidentiality regulations
- B. Chain of command
- C. Security regulations
- D. Applicable state statutes and the Department of Corrections policies

The training and orientation will be documented and maintained in each volunteer's file kept by assigned supervisory staff.

34. *Administration of Correctional Agencies* (Central Office): **Written agency policy provides that each volunteer agrees in writing to abide by all agency policies, particularly those relating to confidentiality of information and security practices [2-CO-1G-08].**

35. *Adult Correctional Institutions*: **Volunteers agree in writing to abide by all facility policies, particularly those relating to the security and confidentiality of information [4-4120].**

36. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specify that volunteers agree in writing to abide by all agency policies, particularly those relating to the security and confidentiality of information [PP 3-3123].**

Volunteers will be required to sign a Volunteer Agreement form acknowledging that he or she agrees to adhere to and support all MDOC's policies and procedures.

37. *Administration of Correctional Agencies* (Central Office): **Written agency policy requires that there is a system for official registration and identification of volunteers [2-CO-1G-06].**

38. *Adult Correctional Institutions*: **There is an official registration and identification system for volunteers [4-4117].**

39. *Adult Community Residential Services*: **There is an official registration and identification system for volunteers [4-ACRS-7F-10].**

Once orientation is completed, the volunteer's name will be added to an approved official registration list and an identification card complete with photograph will be issued. The training and orientation will be documented and maintained in each volunteer's file kept by assigned supervisory staff.

40. *Administration of Correctional Agencies* (Central Office): **Written agency policy provides for volunteers to contribute suggestions regarding the establishment of policy and procedure related to the volunteer services program [2-CO-1G-09].**

41. *Adult Correctional Institutions*: **There is provision for volunteers to contribute suggestions regarding the establishment of policy and procedure for the volunteer services program [4-4122].**

Volunteers will be evaluated annually by their program supervisor for program effectiveness and/or training needs. At this time, volunteers will be able to offer recommendations and suggestions to enhance the effectiveness of the volunteer program and the establishment or revisions of existing policies and procedures as it relates to the volunteer programs.

42. Volunteer Gratuities

- A. While not paid for their services, volunteers may receive certain limited considerations of nominal expense.
- B. Volunteers may only travel in, not drive, state vehicles. The only exception will be volunteers serving in the capacity of Volunteer Chaplains who have an assigned job description.
- C. Volunteers will not be subject to any provision of law relating to state employment, nor are they entitled to unemployment compensation.

43. Use of Food in Volunteer Programs

- A. All food items approved for entry into the facility must be commercially packaged and sealed. Items can be purchased from grocers, bakeries, and restaurants if they meet this criterion.

- B. Food items must be packaged for easy security examination both at the front gate and at the unit.
- C. All food items must be consumed during the planned activity, none going into housing areas or being left behind. The volunteer groups at the close of the activity will remove excess food from the institution.

44. Other Information

- A. All volunteers entering the institution/facility must display their identification card.
- B. Volunteers are prohibited from bringing anyone including family members or volunteers, without an identification card.
- C. All volunteers are subject to posted or unannounced searches of their person, equipment, and/or vehicle in accordance with state statute.

45. ***Adult Correctional Institutions: A current schedule of volunteer services is available to all inmates and is posted in appropriate areas of the institution [4-4121].***

46. Any materials or equipment to be used by volunteers in creating crafts or articles of clothing (i.e., thread, needles, sewing items, or scissors) will have the prior approval of the Superintendent, Warden, and Facility Director or designee before being allowed into any institution or facility.

47. At no time will a volunteer be allowed to remove any article from an institution facility.

48. Termination

- A. Volunteers may be terminated without cause or prohibited from entering any institution or facility.
- B. The Volunteer Services Coordinator will document the reason(s) for requesting the termination of a volunteer and forward to the Superintendent, Warden or Facility Director for a final decision.
- C. In such cases, the volunteer involved will be advised of the termination in writing.
- D. Supervisory staff will ensure that the volunteer identification card is returned, whether the termination is voluntary or requested. The Volunteer Services Coordinator will be immediately notified and the identification card returned to him or designee.
- E. Should a terminated volunteer appeal their termination, an appeal may be made to the appropriate Deputy Commissioner.

- F. A terminated volunteer at any MDOC facility will not be approved to serve in a volunteer capacity with any other MDOC facility.

Source: *Miss. Code Ann.* §47-5-10.

Rule 6.2.5 DOCUMENTS REQUIRED:

1. Volunteer/Contract Services/Guest Background Form
2. Certified Volunteer Application
3. Volunteer Agreement
4. Volunteer Program Monthly Report
5. Release of All Claims
6. Annual Volunteer Evaluation
7. Certified Volunteer Report Form
8. Release Form For One-Time Volunteer Service
9. Facility Volunteer Identification Card Record
10. Volunteer Orientation Register
11. As required through this policy and the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 7: Division of Victim Services

Subchapter 1: Division of Victim Services Policy

Rule 7.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to provide information to crime victims, their representatives and service providers.

Source: *Miss. Code Ann.* §99-43-1.

Rule 7.1.2 DEFINITIONS:

1. Crime Victim – A person against whom a criminal offense has been committed and/or the lawful representative of a deceased or incapacitated person.
2. Victim's Family – Spouse, parent, child, stepchild, sibling, or legal representative of the victim, except when that person is in custody for an offense or is the defendant.
3. Crime Victim Representative – The lawful representative (to include a Service Provider) of a deceased or incapacitated crime victim.

4. Designated Family Member – A family member or a legal guardian of a minor victim, a homicide victim, or a person who is disabled – such designation usually made in the sentencing jurisdiction.
5. Service Provider – A person or persons employed or authorized by a public or a private entity that receives public or private funding primarily to provide counseling, treatment or other supportive assistance to crime victims.
6. Witness – A person who has relevant information about a crime that was committed and who, consequently, could be or has been called as a witness for the prosecution.
7. Other Designated Persons – Persons not included in witness definition above who wish to register because of a relationship or other circumstances involving the inmate – such as estranged or ex-spouse, previously battered companion, concerned neighbor, arresting officer or prosecuting district attorney.

Source: *Miss. Code Ann.* §99-43-3.

Rule 7.1.3 PRECEPTS:

1. Adult Correctional Institutions: Written policy, procedure, and practice provide that designated staff are responsible for coordination of victim’s programs and that curriculum is established for providing training to staff involved with victim’s issues. This curriculum includes the following topics:

- A. **specific services available to crime victims**
- B. **changes in laws impacting victims**
- C. **way(s) of gaining access to the services**
- D. **confidentiality of victim information**
- E. **ways for victims to communicate complaints and other concerns**
- F. **program evaluation measures, which include victim input regarding the effectiveness of services and ways for them to make suggestions regarding agency policies and practices intended to assist crime victims [4-4447-1, Added – 2008 Supplement].**

2. Adult Correctional Institutions: Written policy, procedure, and practice provide that, consistent with the laws and legal practices within the jurisdiction, restitution is collected and ultimately made available to the victims of crime and/or their survivors. Where supported by statute, and feasible, victim awareness classes are offered to help offenders understand the impact of their crimes on the victims, their communities, and their own families [4-4461-1, Added – 2008 Supplement].

3. Adult Community Residential Services: The facility provides services and opportunities that encourage offenders to take responsibility for their actions. Opportunities are based on victim and community input and are fashioned in a way that seeks to ameliorate the harm done [4-ACRS-6D-01].

4. *Adult Community Residential Services: The facility provides services and opportunities that encourage offenders to make restitution to the victims of their crimes(s) and/or to the community [4-ACRS-6D-02].*

5. The MDOC Division of Victim Services was established to serve crime victims.

- A. In compliance with Mississippi Code §99-43-1, et. seq., the Division of Victim Services will offer a wide range of services to crime victims when the offender is in the custody or under the supervision of MDOC.
- B. The Agency will provide information to the above referenced individuals while maintaining offenders' rights to privacy, order and security needs.
- C. The MDOC Division of Victim Services Director or designee will be the direct contact between victims and/or their representatives with MDOC, Parole Board and Service Providers.

6. CONFIDENTIALITY:

Both the information contained in a victim notice and registration form and the fact that a notification request has been made are confidential. Pursuant to provisions of MCA §45-29-03, staff may answer inquiries from judicial and law enforcement agencies. Any other inquiries from outside the Agency about who is registered or whether a particular inmate has a registered victim should be referred to the Division of Victim Services (DVS).

7. NOTIFICATIONS:

- A. Victim Notice and Registration Form – A form promulgated by the Mississippi Department of Corrections and provided by a judicial or law enforcement agency, or a form available from the Agency, on which a person may indicate a request to be afforded the rights prescribed in law and/or policy for victims, witnesses, and other designated persons. In the context of this regulation, the term also includes letters requesting notification about an inmate's movement through the system and can include victim requests made by telephone or identified in pre-sentence, pre-parole, or other investigative reports in the Agency's possession.
- B. When a victim notice and registration form is received, it will become part of the inmate's permanent record. For an incarcerated inmate, the Victim Notification Request (NVR) on OffenderTrak™ will be used to denote if there is a victim registered against the offender. Also, the request for registration form will be scanned and loaded into the offender's record on Legato™.
- C. The DVS will acknowledge receipt of each victim notice and registration form with a letter that includes the possible release dates of the inmate named on the form.

- D. Persons who have filed a victim notice and registration form will be notified by mail and/or telephone of the following events involving the inmate(s) they have registered for; escape, release or death while incarcerated.
- E. In the event that an inmate named on a victim notice and registration form escapes from institutional custody, registered persons will be notified immediately at the most current address or phone number on file by the most reasonable and expedient means possible. When the inmate is recaptured, notification will be made as soon as possible via telephone.
- F. If a mistaken calculation is discovered after projected release dates have been sent to a victim, a letter providing corrected release dates to all registered victims will be mailed and DVS will contact the victims via telephone. This provision does not include changes to an inmate's diminution of sentence date resulting from earning or losing good time credits. However, if educational good time is credited after letters have been sent to inform registered victims of an inmate's pending release, a second letter should be sent or a telephone call made to inform victims of the new release date. The second letter need not be certified.
- G. In the event that an inmate is recommended for a medical parole, house arrest or placement at the Governor's Mansion, the Director of Victim Services will determine whether there is a victim notice and registration form on file and will note when submitting a recommendation to the Commissioner. Victim information will be shared with others on a need to know basis as determined by the Victim Services staff. All employees having access to departmental files or records will treat victim information contained within the file as confidential.
- H. The Agency will maintain a toll-free telephone line to the Division of Victim Services (DVS). The DVS will help callers register for notification and find answers to questions, and will refer callers to other victim service providers, the Attorney General's Office, the prosecuting district attorney, the Mississippi Parole Board and/or other crime victim programs and agencies.
- I. When a victim notice and registration form is received, DVS staff will respond timely and in a manner consistent with the requirements of this and other department regulations governing release of information and victims' and witnesses' rights. However, the filing of a victim notice and registration form by an incarcerated adult will not enable that individual to receive information about another individual incarcerated under the Department's authority.
- J. Persons receiving unsolicited communications by telephone or mail from inmates in state custody may contact the Division of Victim Services for assistance in having the contact stopped. The DVS will work with the appropriate Warden to see that reasonable and necessary steps are taken to address the situation. This may involve disciplinary action, including loss of good time.

8. PAROLE BOARD HEARINGS AND RELATED MATTERS:

- A. The Mississippi Parole Board will comply with all laws regarding written notification prior to scheduled hearings, including the requirement that notice be given to all persons who file a victim notice and registration form and to the appropriate district attorney. Notifications regarding pending hearings will be made through action of the Parole Board and DVS as appropriate.
- B. As provided in law, when a hearing is scheduled by the board, the victim or victim's family will be allowed to make written and oral statements concerning the impact of the crime and to rebut statements or evidence introduced by the inmate. The victim or victim's family, a representative of a victim advocacy group, and the district attorney or his representative may appear before the board in person, via teleconference, or by telephone from the district attorney's office.

9. RIGHTS OF VICTIM'S FAMILY WHEN AN INMATE'S SENTENCE IS DEATH:

- A. As soon as the Victim Services Director receives notification of a scheduled execution, he/she will inform the victims'/survivors of the time, date, and place of the execution. Two representatives of the victim's family will have the right to be present and witness the execution. If the victims' family witnesses desire the Victim Services Director or their designee to be allowed to accompany the witnesses into the witness room, a written request by the victims' family has to be submitted to the Commissioner.
- B. The Director of Victim Services will provide the Commissioner, when applicable, with the following:
 - 1. Background information as it relates to matters pending before the Parole Board
 - 2. Crime victim information when he is considering a medical release of an inmate
 - 3. Facts and reports regarding inmate cases as they pertain to crime victim issues
- C. The Director of Victim Services will provide applicable staff with opportunities to be actively involved with victim services coalitions while maintaining offenders' rights to privacy, order and security needs.
- D. The Director of Victim Services will provide applicable MDOC staff and offenders with victim sensitivity training when available.

Source: *Miss. Code Ann.* §99-43-1.

Rule 7.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §99-43-1.

Subpart 1: Administration

Part 1 Chapter 7: Division of Victim Services

Subchapter 2: Crime Victims Bill of Rights Policy

Rule 7.2.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to meet all requirements of the “Crime Victims’ Bill of Rights” as it pertains to those tasks specifically assigned to MDOC.

Source: *Miss. Code Ann.* §99-43-1.

Rule 7.2.2 DEFINITIONS:

1. Public Records – Any documentary material, regardless of physical form or characteristics that is unrestricted and maintained for use by a public body.
2. Victims of Crime – Persons against whom a criminal offense has been committed or the lawful representative of a deceased or incapacitated person.
3. Violent Offenses – As defined by the “Crime Victims’ Bill of Rights” violent offenses will include any felony involving physical injury and/or the threat thereof; any sexual offense; offenses involving spousal abuse/domestic violence and burglaries of occupied dwellings.

Source: *Miss. Code Ann.* §99-43-3.

Rule 7.2.3 PRECEPTS:

1. Victims will have the right under law to:
 - A. Be treated with fairness, dignity and respect throughout the criminal justice process
 - B. Be present, informed, and heard during public hearings when authorized by law
 - C. Make an oral or written impact statement to the probation officer preparing the pre-sentence report for the judge (i.e., MDOC Policy, 38-02, Pre/Post Sentence Investigation & Report)
2. **Administration of Correctional Agencies (Central Office):** **Written policy, procedure, and practice provide that consistent with the law of the jurisdiction, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted offender and/or escape from custody. Follow-up notification**

to victim(s) occurs when escapees are returned to custody [2-CO-4G-02, Added – 2006 Supplement].

3. *Adult Correctional Institutions:* **Written policy, procedure, and practice provide that consistent with the law of the jurisdiction, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted inmate and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody [4-4447].**

4. *Adult Community Residential Services:* **Consistent with the laws of the jurisdiction, registered victim(s) of a crime are notified prior to any release from confinement of the convicted offender and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody [4-ACRS-7F-06].**

5. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide that, consistent with the law of the jurisdiction, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted offender and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody [PP 3-3195].**

6. The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will ensure victims' are provided with:

- A. Notification of any escape and subsequent recapture of an offender/inmate
- B. Notification of an offender's/inmate's release at least fifteen days prior to the end of the sentence date
- C. Notification of any medical release or the death of an offender/inmate
- D. Notification of victims' rights to submit an audio and/or video recording or a written statement for inclusion with an offender's/inmate's record as an additional point of deliberation prior to the review of an offender/inmate for possible community status and/or the potential release of said offender/inmate

7. Victims' Protocol for Prior Notice

In order for victims to receive prior notice of criminal procedures/proceedings, they must:

- A. Provide the prosecuting attorney with a written request for notification
- B. Provide a current telephone number and address
- C. Update their information as required by law under the penalty of having their "victim's request for notification" withdrawn and subsequently ruled null and void

8. The Deputy Commissioner of Community Corrections or designees will ensure Probation Officers are required to:

- A. Contact prosecuting attorneys in order to determine whether victims have provided all appropriate information
- B. Ensure that all involved victims continue receiving the information on a consistent basis
- C. Notify the Records Office if information has been provided to the victim(s)

9. Public Records Exemptions

In accordance with State Statute 45-29-03, paragraph (b), the following records will be exempt from the provisions of the Mississippi Public Records Law of 1983:

Personal information of victims, including victim impact statements and letters of support on behalf of victims that are contained in records on file with the Mississippi Department of Corrections and State Parole Board.

Source: *Miss. Code Ann.* §99-43-1.

Rule 7.2.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §99-43-1.

Subpart 1: Administration

Part 1 Chapter 8: General

Subchapter 1: Facility Tours

Rule 8.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to conduct tours of correctional facilities throughout the state to various groups and organizations to help selected groups understand the mission of the agency.

Source: *Miss. Code Ann.* §47-5-10, 47-5-95.

Rule 8.1.2 DEFINITIONS:

1. Contraband – Any items not authorized by Mississippi Code, MDOC policy, procedure, or post order.

2. Identification (ID) – Valid photo identification denoting vital statistical information specific to an individual. Forms of ID include: driver’s license, state ID, or Federal ID.
3. Visitor – Any person entering a MDOC facility who is not an authorized agency staff member, contract employee, volunteer or consultant.

Source: *Miss. Code Ann.* §47-5-10.

Rule 8.1.3 PRECEPTS:

1. General

- A. All requests for tours will be authorized by the Superintendent, in consultation with the Tour Director or designee.
- B. Tours will be scheduled in order to avoid any disruption of the normal activities of the facility. Access to high security areas (i.e., control centers, segregation units, armory) will be limited.
- C. All tour participants must be 14 years of age and older.
- D. All tour participants will be required to show picture identification (i.e., driver’s license, school identification card, military identification card or state identification card) and sign a Tour Waiver of Liability form.
- E. Any tour participant who is an ex-offender of any correctional facility must receive prior approval of the Superintendent to tour the facility.
- F. MDOC employees may transport approved individuals or groups in state vehicles.
- G. Tour records will be maintained at each facility for a minimum of one year with the following information: Name of group and sponsor, Number of persons on tour and Time and date of tour

2. Facility Contraband Warnings

In accordance with each MDOC facility’s physical layout, signs are posted at facility entrances specifying those items deemed to be contraband by agency security and the subsequent penalty for violating said prohibitions. The signs contain the following information:

Attention all Visitors and Vendors

At all times while on the grounds of the Mississippi Department of Corrections, you are subject to search of your person, vehicles, personal property, or any/all items you may have in your possession. Guns, knives, ammunition, alcohol, drugs, weapons, or any instrument or tool that may be used as a weapon or any other items declared by this institution to be

contraband are strictly forbidden. Contraband will be confiscated and violators will be prosecuted.

3. All persons entering the facility will be subject to search. All tour participants must adhere to specific rules regarding non-allowable items. State law prohibits weapons, alcohol, drugs and illegal contraband on state property, including parking areas.

i. The scope of searches includes persons, vehicles, personal property and allowable items.

ii. Non-Allowable items include:

- A. Guns, knives, ammunition, weapons, any instrument that can be used as a weapon
- B. Alcohol, drugs
- C. No medicines unless prior approval
- D. Electronic devices (i.e., pagers, cellular telephones or any of its components or accessories, palm pilots, walkie-talkies, tape recorders)
- E. Cameras, video cameras
- F. Extra clothing
- G. Any item declared by MDOC as contraband

4. Sponsors/Chaperones are expected to inform tour participants of Section 47-5-193 of the Mississippi Code of 1972 that addresses contraband and the prison. Possession of contraband on the grounds of a prison facility may result in a felony conviction.

5. MDOC will not be held responsible for lost, stolen or damaged personal possessions that belong to tour participants while they are on the grounds of an MDOC facility.

6. Dress Code

Tour participants entering the institution must meet the dress code. MDOC security staff and/or the Welcome Center Manager will check all individuals for Security Threat Group items.

Clothing containing picture logos, slogans or vulgarity is prohibited. Any revealing attire made of spandex, translucent or transparent material is considered inappropriate.

i. Males

- A. No pants pulled down below the hip line
- B. All pants must be worn with belts
- C. No shorts, cut-off shorts, jogging shorts or biking shorts
- D. No overalls or suspenders
- E. All tee-shirts must be tucked in
- F. No tank tops, sleeveless tops or bare midriffs
- G. Underwear must be worn
- H. Shoes must be worn. Thongs, flip-flops and slides are not allowed
- I. No blue or red shoelaces

- J. No excessive jewelry except a wedding ring, religious medallion or medical alert bracelet
- K. No dangling earrings – stud type only
- L. No hats, caps and bandanas

ii. **Females**

- A. No hip-huggers, shorts, cut-off shorts, jogging shorts or biking shorts
- B. No tights, leggings or skinny jeans
- C. No mini-skirts
- D. Dresses and skirts no more than 3 inches above the knee
- E. Slits on skirts and dresses will not extend above the knee when seated
- F. No tank tops, sleeveless tops or bare midriffs
- G. Underwear and bra must be worn
- H. Shoes must be worn. Thongs, flip-flops and slides are not allowed
- I. No blue or red shoelaces
- J. No excessive jewelry except a wedding ring, religious medallion or a medical alert bracelet
- K. No dangling earrings – stud type only
- L. No hats, caps and bandanas

7. **Tour Guidelines**

- A. Tour sponsors/chaperones are responsible for maintaining constant and accurate accountability of their tour participants. Should a tour participant become separated from the group, notify the Tour Director immediately.
- B. Tour participants are required to conduct themselves in a professional manner. Tour participants do not engage in communications with prisoners, accept anything from, or give anything to a prisoner except as may be authorized by the Tour Director.
- C. The Tour Director will discuss areas which tour participants will be permitted to observe. Due to the nature and responsibilities of the facility, certain access and conduct restrictions are necessary. While every effort will be made to ensure an educational and informative tour, circumstances may arise which require itinerary modification.

8. **Tour Waiver of Liability**

- A. Sponsors and/or chaperones will ensure that each tour participant will comply with policy, procedure, other regulations and guidelines issued by the MDOC as may be applicable to their activities and presence on institutional grounds during the tour.
- B. Each tour participant must provide a signed Waiver of Liability before touring the facility.
- C. The Waiver of Liability certifies that the sponsors, employees, chaperones and each participant of a scheduled tour to a facility of the Mississippi Department of Corrections

(MDOC) relieves and frees from any and all responsibility, any act of violence or misconduct on the part of any person under the employ, care or custody of the MDOC which may occur during the time that tour participants are on MDOC institutional grounds.

- D. MDOC employees and persons under the care and custody of the MDOC will comply with agency policy in the conducting of tours.

Source: *Miss. Code Ann.* §47-5-10, 47-5-95.

Rule 8.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10, 47-5-95.

Subpart 1: Administration

Part 1 Chapter 9: Communications

Subchapter 1: Communications Division Policy

Rule 9.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to provide information to the media and public while following the State of Mississippi Open Records laws and MDOC policy and standard operating procedures on freedom of information requests.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.1.2 DEFINITIONS:

1. Open Records – Information maintained by MDOC that is allowable for distribution to the public as defined by Mississippi Code.
2. Freedom of Information Requests – Formal requests for information by the media, the public, other local, state and federal agencies, attorneys, organizations and other individuals or groups.
3. Communications Director – Oversees the daily activities of the Communications Division in communicating and promoting the department’s objectives, goals, accomplishments and needs.
4. Communications Specialist – Assists the Communications Director and other Communications Specialists in collecting, coordinating and disseminating information pertinent to institutions, Community Corrections, special events and offenders.

5. Director of the Division of Victim Services – Coordinates the daily activities of the Division of Victim Services as defined in the policy, Division of Victim Services.
6. Media – Any agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio/television news program holding a Federal Communications Commission license. “Infotainment” publications and broadcasts are not considered news media.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.1.3 PRECEPTS

1. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice provide for a public information program that is reviewed and updated at least annually [2-CO-1A-25].**
2. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice provide for timely response to inquiries from the public and other agencies [2-CO-1A-26].**
3. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice provide for contact with representatives of the news media [2-CO-1A-27].**
4. *Adult Community Residential Services*: **There is a public information policy that encourages interaction with the public and the news media [4-ACRS-7F-01].**
5. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice provide for a public information program that encourages contacts with the public and communication media; the policy and procedure are disseminated to employees and media representatives [PP 3-3027].**
6. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice govern the dissemination of case information to the public, and addresses confidentiality requirements, and the designation of who provides such information [PP 3-3029].**
7. *Administration of Correctional Agencies* (Central Office): **Written policy, procedure, and practice establish the agency’s commitment to informing the public and the media of events within the agency’s areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**
 - A. **the identification of areas in the facility that are accessible to media representatives**
 - B. **the contact person for routine requests for information**
 - C. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws**

- D. **special events coverage**
 - E. **news-release policy**
 - F. **the designation of individuals or positions within the agency authorized to speak with the media on behalf of the agency [2-CO-1A-27-1].**
8. ***Adult Correctional Institutions:* Written policy, procedure, and practice establish the facility's commitment to informing the public and the media of events within the facility's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**
- A. **the identification of areas in the facility that are accessible to media representatives consistent with preserving inmates' right to privacy and maintaining order and security**
 - B. **the contact person for routine requests for information**
 - C. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws**
 - D. **special events coverage**
 - E. **news release policy**
 - F. **the designation of individuals or positions within the facility authorized to speak with the media on behalf of the facility [4-4021].**
9. ***Adult Probation and Parole Field Services:* Written policy, procedure, and practice establish the agency's commitment to informing the public and the media of events within the agency's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**
- A. **the identification of areas in the facility that are accessible to media representatives;**
 - B. **the contact person for routine requests for information;**
 - C. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws;**
 - D. **special events coverage;**
 - E. **news-release policy; and**
 - F. **the designation of individuals or positions within the agency authorized to speak with the media on behalf of the agency [PP 3-3028].**
10. The Communications Division will assist in the collection, coordination and dissemination of factual information as it relates to MDOC.
11. The Communications Division consists of:
- A. Communications Director
 - B. Communications Specialists
 - C. Director of the Division of Victim Services
 - D. Director of SAVIN (statewide automated victim information & notification)

12. The Communications Director will develop procedures to ensure:

- A. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide for a public information program that encourages interaction with the public and the media [4-4020].**
- B. Define the scope of information to be released as defined by the Mississippi Open Records Act and MDOC Freedom of Information policy and procedures
- C. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide that requests from federal, state, and local legislators and executives for information about operations or specific inmates are responded to promptly by facility staff and with due regard to privacy protection statutes [4-4019].**
- D. Collect, coordinate and disseminate information to the media and public while preserving offender rights to privacy and maintaining order and security
- E. Coordinate press conferences, requests for interviews, tours and special events
- F. Coordinate with Commissioner or designee on the collection, coordination and dissemination of information related to an extraordinary event or critical incident
- G. Coordinate with Commissioner or designee on media activities related to Death Row and executions.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Subpart 1: Administration

Part 1 Chapter 9: Communications

Subchapter 2: Communications Division Procedure

Rule 9.2.1 APPLICABILITY:

This procedure applies to all employees of the Mississippi Department of Corrections and particularly those of the Communications Division.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to provide information to the media and public while following the State of Mississippi Open Records laws and MDOC policy and standard operating procedures on freedom of information requests.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.2.3 DEFINITIONS:

1. Open Records – Information maintained by MDOC that is allowable for distribution to the public as defined by Mississippi Code.
2. Freedom of Information Requests – Formal requests for information by the media, the public, other local, state and federal agencies, attorneys, organizations and other individuals or groups.
3. Communications Director – Oversees the daily activities of the Communications Division in communicating and promoting the department’s objectives, goals, accomplishments and needs.
4. Communications Specialist – Assists the Communications Director and other Communications Specialists in collecting, coordinating and disseminating information pertinent to institutions, Community Corrections, special events and offenders.
5. Communications Division Duty Officer – Designated Communications Division staff on call for all extraordinary occurrences taking place after hours to include weeknights (Monday – Friday), weekends and holidays.
6. Director of the Division of Victim Services – Coordinates the daily activities of the Division of Victim Services as defined in the policy, Division of Victim Services.
7. Media – Any agency that gathers and reports news for a general circulation newspaper, news magazine, national or international news service, or radio/television news program holding a Federal Communications Commission license. “Infotainment” publications and broadcasts are not considered news media.
8. Press Release – A written statement concerning an issue, event or situation which the department wishes to make a permanent record with a wide area of distribution.
9. Press Announcement – A written statement sent to media regarding an upcoming MDOC event.
10. Fact Sheet – A written summary of information pertaining to a specific subject, to possibly include history, capacity/population and mission.

11. Credentials – For purposes of identification, both photo identification (such as a valid driver’s license) and an identification (ID) card issued by the reporter’s place of employment will be required. In the absence of employee ID cards, MDOC reserves the right to verify all identification and refuse admittance when such identification is found to be suspect.
12. Extraordinary Occurrence – An event that occurs at an MDOC facility which is outside of normal operations.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.2.4 PROCEDURES:

1. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide for a public information program that is reviewed and updated at least annually [2-CO-1A-25].**

The Commissioner or designee will provide general information to the public and to other justice agencies, the agency’s goals, objectives, and programs. The public information program will be reviewed and updated annually.

2. *Adult Correctional Institutions:* **Written policy, procedure, and practice provide for a public information program that encourages interaction with the public and the media [4-4020].**

3. *Adult Community Residential Services:* **There is a public information policy that encourages interaction with the public and the news media [4-ACRS 7F-01].**

4. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice provide for a public information program that encourages contacts with the public and communication media; the policy and procedure are disseminated to employees and media representatives [PP 3-3027].**

MDOC encourages interaction with the public and the news media. Communications staff will define the scope of information to be released as outlined by the Mississippi Open Records Act and Freedom of Information policy and procedure. The policy and procedure are disseminated to employees and media representatives.

5. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice govern the dissemination of case information to the public, and addresses confidentiality requirements, and the designation of who provides such information [PP 3-3029].**

- A. Communications staff and employees as designated by the Commissioner may release the following information about a current or former individual who may have been under the custody, care or control of MDOC:

1. Name
2. Age
3. Date of birth
4. MDOC Number
5. Sex
6. County where the crime was committed
7. Crime
8. Sentence
9. Prison transfers (dates and locations only)
10. Outside court actions regarding confinement and release
11. Rules Violation Report actions (charges and decisions only)
12. Nature of injury
13. Prior MDOC incarceration
14. Release eligibility
15. Death (identity of a deceased inmate will be withheld until next-of-kin has been notified or 24 hours following death, whichever occurs first.)
16. Cause of death when report is received can be released after the next-of-kin has been notified or 24 hours following death, whichever occurs first
17. Photos (if the Commissioner determines there is no security risk involved)
18. Other information will be released to the news media at the discretion of the Communications Director or designee

B. MDOC employees, including Communications Division staff, will not:

1. Release confidential information as defined in the Mississippi Open Records Act and other applicable state laws.
2. Release information regarding psychiatric, medical or juvenile criminal histories of MDOC inmates.
3. Offer personal opinions or interpretations concerning the possible guilt or innocence of a suspect or the credibility of a witness.
4. Identify victims of serious crimes, accidents or deaths until the next-of-kin has been notified.
5. Make comments on political issues which are inconsistent with the Department's position.
6. Offer value judgments about Departmental written instructions
7. Offer value judgments about persons or agencies

6. Requests for Information

- A. *Adult Correctional Institutions*: **Written policy, procedure, and practice provide that requests from federal, state, and local legislators and executives for information about operations or specific inmates are responded to promptly by facility staff and with due regard to privacy protection statutes [4-4019].**
- B. *Administration of Correctional Agencies (Central Office)*: **Written policy, procedure, and practice provide for timely response to inquiries from the public and other agencies [2-CO-1A-26].**

The Commissioner or designee will provide prompt attention to citizen concerns and proper follow up in assuring individual and general public acceptance of system and agency credibility.

- C. *Administration of Correctional Agencies (Central Office)*: **Written policy, procedure, and practice provide for contact with representatives of the news media [2-CO-1A-27].**

The Commissioner or designee will be available to the public and to representatives of the media.

- D. *Administration of Correctional Agencies (Central Office)*: **Written policy, procedure, and practice establish the agency's commitment to informing the public and the media of events within the agency's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**

1. **the identification of areas in the facility that are accessible to media representatives**
2. **the contact person for routine requests for information**
3. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws**
4. **special events coverage**
5. **news-release policy**
6. **the designation of individuals or positions within the agency authorized to speak with the media on behalf of the agency [2-CO-1A-27-1].**

- E. A master copy of all press announcements, press releases, fact sheets, and newsletters published and disseminated by MDOC will be kept in the master files of the Communications Division.

- F. MDOC employees are to refer all media inquiries to the Communications Division The Communications Division staff will:

1. Respond to telephone calls from media, elected and appointed officials, government agencies and the public for general information (i.e., inmate/offender population, cost per inmate day, prison capacity, offender history).

2. Ask for written freedom of information requests for information of a more specific nature (i.e., ad hoc reports that require assistance from the Management Information Systems Division, the Policy, Planning, Research and Evaluation Division or any other division).
3. The Communications Director, Communications Specialists, or designee will make the official request to the appropriate division.
4. The Communications Division will not transfer any member of the media to another division to request information.
5. Once the request for information is completed, the division providing the factual information will return the supporting documentation to the Communications Director, Communications Specialists, or designee who made the original request.
6. The Communications Division member receiving the supporting documentation will review the information and discuss the findings with the Commissioner prior to dissemination.
7. A record of each written freedom of information request and supporting documentation will be kept in the master files of the Communications Division.

7. Information to the Media and Public

A. *Adult Correctional Institutions:* **Written policy, procedure, and practice establish the facility's commitment to informing the public and the media of events within the facility's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**

1. **the identification of areas in the facility that are accessible to media representatives, consistent with preserving inmates' right to privacy and maintaining order and security**
2. **the contact person for routine requests for information**
3. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws**
4. **special events coverage**
5. **news-release policy**
6. **the designation of individuals or positions within the agency authorized to speak with the media on behalf of the agency [4-4021]**

B. *Adult Probation and Parole Field Services:* **Written policy, procedure, and practice establish the agency's commitment to informing the public and the media of events within the agency's areas of responsibility. The procedures address emergency and non-emergency responses to the media and, at a minimum, include the following:**

1. **the identification of areas in the facility that are accessible to media representatives;**

2. **the contact person for routine requests for information;**
 3. **identification of data and information protected by federal or state privacy laws, or federal and state freedom of information laws;**
 4. **special events coverage;**
 5. **news-release policy; and**
 6. **the designation of individuals or positions within the agency authorized to speak with the media on behalf of the agency [PP 3-3028].**
- C. Communications Division members will proactively work with the staff to identify, write, and disseminate information related to the department that falls under Mississippi Open Records laws and MDOC policy and standard operating procedures.
 - D. The Communications Director or designee will be the direct point of contact for information related to MDOC policy and procedure, legislative initiatives, and assist the Commissioner with speeches and requests for comments on behalf of the department.
 - E. The Communications Division located at MDOC Central Office will be the direct point of contact for information related to institutions and other MDOC facilities, offenders and special events.
 - F. The Communications Division will assist and coordinate with the Human Resources Division on information to be published in The Resource.
 - G. A master copy of all press announcements, press releases, fact sheets, and newsletters published and disseminated by MDOC will be kept in the master files of the Communications Division.
8. Press Conferences, Requests for Interviews, Tours and Special Events
- A. The Communications Division will coordinate with the Commissioner or designee on all press conferences or press release opportunities, whether initiated by MDOC, the Governor's Office, local, state, or federal agencies, or other organizations.
 - B. The Communications Director, Communications Specialists or designee will coordinate with the Commissioner on requests for interviews.
 - C. The Commissioner will be the only one to designate a spokesman other than himself for interview requests related to MDOC policy and procedure, legislative matters, or comments on behalf of the department.
 - D. Requests received by the Communications Division (written or by telephone) from individuals, businesses, organizations, civic groups, and other local, state, and federal agencies to tour prison facilities will be referred to the prison tour guide.
 - E. The prison tour guide may ask the Communications Division staff to assist in the coordination and completion of the tour.

- F. The Communications Division will coordinate with the Commissioner and the Human Resources Division on special events that involve participation by employees.
- G. The Communications Division will also coordinate with the Commissioner and appropriate Deputy Commissioner for special community events.
- H. The Communications Specialists will be the point of contact for special events that involve offenders and occur at MDOC facilities.
- I. The Communications Director will serve as the point of contact in the event the Communications Specialists are unavailable.

9. Extraordinary Event or Critical Incident

- A. During an extraordinary event or critical incident, all media inquiries will be directed to the Communications Director, Communications Specialists or designee.
- B. If necessary, a team from the Communications Division will be dispatched to the scene of the event to work with the Commissioner, Deputy Commissioner, or designee in the release of information to the media and public.
- C. Institutions, Community Work Centers, Restitution Centers, Regional Jails, Private Facilities, and Field Officers are responsible for notifying the Communications Division Duty Officer.
- D. If the extraordinary event or critical incident pertains to an issue that will effect the entire department or will generate significant media coverage, the Communications Division Duty Officer will notify the Communications Director and coordinate the collection and dissemination of information related to the event.
- E. The Communications Director or designee will request additional staff if necessary.
- F. The Communications Director will work with the Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections to develop Public Information Teams at each facility and each region.
- G. These teams will assist the Commissioner, Deputy Commissioners, and Communications Division in the collection, coordination and dissemination of information related to an extraordinary event or critical incident.

10. Death Row and Executions

- A. The Communications Director, Communications Specialists or designee will coordinate with the Commissioner, Deputy Commissioner of Institutions, and Superintendent of the Mississippi State Penitentiary (MSP) on all public information activities related to Death Row and executions.

- B. They will coordinate with legal representative of the Attorney General's Office to develop media procedures as related to Death Row and executions.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Rule 9.2.5 DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

Source: *Miss. Code Ann.* §25-61-1, 47-5-10.

Subpart 1: Administration

Part 1 Chapter 10: Policy, Planning, Research and Evaluation

Subchapter 1: Research Protocol

Rule 10.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to support and engage in research activities relevant to its programs, services and operations.

Source: *Miss. Code Ann.* §47-5-10.

Rule 10.1.2 PRECEPTS:

1. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide that the agency supports and engages in research activities relevant to its programs [2-CO-1F-10].**
2. *Adult Probation and Parole Field Services:* **The field agency supports and engages in internal research relevant to its programs, as well as research conducted by outside professionals [PP 3-3109].**
3. *Adult Correctional Institutions:* **The institution or parent agency supports and engages in research activities relevant to its programs, services, and operations [4-4108].**

The Mississippi Department of Corrections will support and engage in research activities relevant to its programs, services, and operations. Research projects will be used to assist in planning and establishing goals and objectives for the MDOC. Controlled studies, evaluations, and policy research will contribute to more efficient and effective institutional operations, programs, and services and will help to increase public safety.

4. *Administration of Correctional Agencies (Central Office):* **The agency permits, encourages, and uses research conducted by outside professionals [2-CO-1F-11].**

5. *Adult Correctional institutions: Written policy, procedure, and practice provide that the warden/superintendent encourages and uses research conducted by outside professionals [4-4109].*

6. *Adult Correctional Institutions: Operational personnel assist research personnel in carrying out research and evaluation [4-4110].*

7. The MDOC permits, encourages, and uses research conducted by outside professionals. The MDOC staff will assist research personnel in carrying out research and evaluation in order to determine research needs, establish priorities, and assist in the research design, data collections, assessment, and evaluation.

8. The MDOC will have sixty (60) days in which to process the research application and to obtain approval or disapproval from the Commissioner.

9. No research activity will be initiated without the approval letter from the Commissioner or the Director of Policy, Planning, Research and Evaluation (PPRE) or designee. The approval letter will serve as the official admittance into the MDOC facility in which the research will be conducted.

10. No research will be published prior to MDOC's receipt and review of the final research report.

11. Research Applicants

A. *Adult Correctional Institutions: Written policy and procedure govern the conduct of research in the institution, including compliance with professional and scientific ethics and with state and federal guidelines for the use and dissemination of research findings [4-4111].*

B. All research applicants will comply with MDOC's research protocol in the submission and execution of proposed projects including compliance with accepted professional and scientific ethics and with state and federal guidelines for the use and dissemination of research findings.

C. All research applicants will complete and sign the MDOC Application for Research Access and the Research Informed Consent form.

D. Research applicants will submit completed forms to the Director of PPRE or designee.

E. After approval, the Principal Researcher will be responsible for obtaining participant signatures and submitting the completed copy(s) of the Research Informed Consent to the PPRE Division within two (2) working days.

12. PPRE Staff

- A. The PPRE Director or designee will review all research applications and forms for accuracy, discrepancies and completeness.
- B. The PPRE Director or designee will ensure that all research investigators provide appropriate credentials verification as proof of their capabilities and qualifications to conduct research.
- C. *Adult Probation and Parole Field Services:* **The administrator of field services and designated staff participate with researchers in deciding what questions should be addressed, what data should be gathered, and how that data should be presented [PP 3-3110].**
- D. *Adult Probation and Parole Field Services:* **The agency administrator of field services reviews and approves all research projects prior to their implementation [PP 3-3112].**
- E. *Adult Correctional Institutions:* **The warden/superintendent reviews and approves all institutional research projects prior to implementation to ensure they conform to the policies of the parent agency [4-4112].**
- F. The PPRE Director or designee will provide copies of the research proposal to any MDOC facility or administrator who may be affected by the proposed research. The facility or administrator will have ten (10) working days to complete a review of the research proposal. Administrative review of the research proposal will include, but not be limited to the following assessment:
 - 1. A review of what questions to be asked
 - 2. A review of what data to be gathered
 - 3. A review of how the data will be presented
 - 4. A review and approval of the research to be conduct prior to the implementation
 - 5. Potential disruption of normal operations
 - 6. Need for additional security
 - 7. Potential danger to staff, inmates, or researchers
 - 8. Financial impact
 - 9. Unique circumstances specific to a certain correctional environment
- G. The PPRE Director or designee will ensure that any agency personnel involved in the research process will be responsible for submitting offender data necessary for the completion of the research proposals to the PPRE Department.
- H. The completed research application, Informed Consent Form and all necessary documentation will be submitted to the MDOC Legal Department for review and then will be submitted to the Commissioner for approval or disapproval.
- I. All research applicants will be notified in writing when the research proposal has been approved or disapproved.

- J. The PPRE Director or designee will serve as a liaison between researchers and agency personnel and will monitor the progress of research activities.
- K. The PPRE Director or designee will ensure all research project records are maintained within PPRE.

13. Participation

- A. *Administration of Correctional Agencies (Central Office):* **Written agency policy governs participation in nonmedical, nonpharmaceutical, and noncosmetic testing [2-CO-1F-13].**
- B. *Adult Correctional Institutions:* **Written policy and procedure govern voluntary inmate participation in nonmedical, nonpharmaceutical, and noncosmetic research programs [4-4113].**
- C. MDOC will allow participation in nonmedical, nonpharmaceutical, and noncosmetic testing after a review of the proposed research and approval by the Commissioner.
- D. *Adult Community Residential Services:* **In facilities that engage in, or allow the conduct of research, the facility complies with state and federal guidelines for the use and dissemination of research findings, with accepted professional and scientific ethics, and issues of legal consent and release of information. Procedures govern the voluntary participation of offenders in nonmedical, nonpharmaceutical, and noncosmetic research programs. The facility administrator reviews and approves all research projects prior to implementation. All research results are made available to the facility administrator for review and comment prior to publication or dissemination [4-ACRS-7D-12].**
- E. MDOC's research protocols require all MDOC facilities to comply with state and federal guidelines for the use and dissemination of research findings, with accepted professional scientific ethics, and issues of legal consent and release of information.
- F. All voluntary participants will be required to sign a Research Informed Consent form.
- G. *Administration of Correctional Agencies (Central Office):* **Written policy, procedure, and practice provide that the agency administrator or designee reviews and approves all research proposals and/or designs prior to their implementation [2-CO-1F-12].**
- H. The Commissioner or designee will review and approve all research proposals or designs prior to implementation. All research results are made available to the Commissioner or designee for review and comment prior to publication or dissemination.

14. Research Prohibitions

- A. *Administration of Correctional Agencies* (Central Office): **Written agency policy prohibits inmates/juveniles/residents from participating in medical or pharmaceutical testing for experimental or research purposes [2-CO-1F-14].**
- B. No inmate will be used for medical or pharmaceutical testing for experimental or research purposes.
- C. MDOC staff and inmates engaged in any research activities are not entitled to gratuities or compensation of any kind.
- D. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice exist to ensure that the privacy of offenders and other parties will be maintained during all research [PP 3-3116].**
- E. *Administration of Correctional Agencies* (Central Office): **Written agency policy ensures that the privacy of participants will be maintained during all research [2-CO-1F-15].**
- F. Disclosure of any information that identifies staff, offenders or any other person will be considered a violation of confidentiality and security standards established by law and departmental policy.
- G. No researcher will violate any requirement imposed by law, or departmental policy and procedures. Violators will be subject to the termination of research and/or the application of civil and criminal penalties.

15. Research Documentation

- A. *Administration of Correctional Agencies* (Central Office): **Written agency policy, procedure, and practice regulate the use and dissemination of research findings [2-CO-1F-09].**
- B. *Adult Probation and Parole Field Services*: **Written policy, procedure, and practice specify the method for dissemination of research findings [PP 3-3113].**
- C. The Director of PPRE will regulate the use of research findings and disseminate all final research reports to the following MDOC personnel: Commissioner, Legal Counsel and Departmental administrators affected by the research

Source: *Miss. Code Ann.* §47-5-10.

Rule 10.1.3 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 11: Corrections Investigation Division

Subchapter 1: Prohibition of Electronic or Mechanical Recording Devices

Rule 11.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to prohibit the use of any electronic or mechanical eavesdropping, wiretapping, or any recording or monitoring devices in any MDOC facility or office except as outlined in this policy and in compliance with any applicable state and federal laws and statutes.

Source: *Miss. Code Ann.* §47-5-10.

Rule 11.1.2 DEFINITIONS:

1. Electronic or Mechanical Monitoring Device – A device or apparatus primarily designed or used for the nonconsensual interception of wire or oral communications.

Source: *Miss. Code Ann.* §47-5-10.

Rule 11.1.3 PRECEPTS:

1. No electronic or mechanical eavesdropping, wiretapping or other such recording or monitoring devices will be employed on any MDOC premises, or facility under contract to MDOC, without the express written consent of the Commissioner or designee.
2. This policy does not prohibit the use of tape recorders used in recording official investigations conducted by the Corrections Investigation Division (CID) Investigators or for hearings.
3. Any person found violating this policy may be subject to disciplinary action or termination as determined by the Commissioner and possible prosecution under applicable state and federal laws and statutes.

Source: *Miss. Code Ann.* §47-5-10.

Rule 11.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Administration

Part 1 Chapter 12: Management Information Systems

Subchapter 1: Design, Maintenance and Upkeep of MDOC Website

Rule 12.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) that a website with up-to-date information and statistics will be maintained by agency personnel for use by staff and the public.

Source: *Miss. Code Ann.* §47-5-10.

Rule 12.1.2 DEFINITIONS:

1. Website – A group of Web pages, often under one domain name.
2. Webmaster – Individual with sole responsibility for the design, accuracy and consistency of all information on the website.

Source: *Miss. Code Ann.* §47-5-10.

Rule 12.1.3 PRECEPTS:

1. Webmaster Selection

The Commissioner will select a staff person from within MDOC to be designated as the Webmaster for the agency website.

2. Webmaster Responsibilities

A. The Webmaster will be accountable for Website:

1. Design
2. Accuracy of Information
3. Consistency of Information
4. Monitoring
5. Updating
6. Maintenance

B. The Webmaster will ensure that the Website:

1. Is User Friendly
2. Is Easy to Navigate
3. Contains an Index of Pages and Contents On-Site

3. Executive Designees

- A. The Commissioner and each Deputy Commissioner will submit a list to the Webmaster indicating **designated personnel** from their respective areas who will be allowed to submit the following to the Webmaster for website publication:

1. Website Changes
2. Website Additions
3. Website Deletions

4. MDOC Website Change Request Form

- A. Any requested Department Head changes, additions or deletions in the MDOC Website will be specified on a Website Change Request Form.
- B. This form will be submitted directly to the Webmaster.
- C. The Webmaster will publish all requests the same working day when said requests are received by 10:00 AM.
- D. Requests received after 10:00 AM will be published the next working day.
- E. The Webmaster will notify the requestor when the requested changes are completed.
- F. The requestor will then verify that the changes on the website are accurate and to their satisfaction.

5. Monitoring of Domino Effects

- A. The Webmaster will be solely responsible for checking the entire website in order to detect whether a proposed change, addition or deletion will affect other website information and/or content.
- B. Upon detection that other website information has either been directly or indirectly affected by a proposed change, addition or deletion, the Webmaster will make the necessary accommodations in order to ensure website standardization and consistency.

6. Executive Staff Documentation

All Executive Department Heads will document in their monthly reports that they have reviewed their areas of responsibilities and have submitted their website changes, additions or deletions or have determined that their Department's Website current content requires no changes, additions or deletions.

Source: *Miss. Code Ann.* §47-5-10.

Rule 12.1.4 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Title 29: Prisons and Parole

Part 2: Operations

Subpart 1: Security

Part 2 Chapter 1: Outside Business/Company Entry and Exit to Institution Property

Subchapter 1: Policy

Rule 1.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to establish procedures for the controlled entry and exit of outside businesses/companies relative to institutional property.

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.1.2 PRECEPTS:

The Deputy Commissioner of Institutions or designee will develop procedures to provide guidelines for outside businesses and companies entering or exiting institutional grounds.

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.1.3 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Security

Part 2 Chapter 1: Outside Business/Company Entry and Exit to Institution Property

Subchapter 2: Standard Operating Procedure

Rule 1.2.1 APPLICABILITY:

This procedure applies to outside business/companies and Mississippi Department of Corrections employees.

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.2.2 POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to establish procedures for the controlled entry and exit of outside businesses/companies relative to institutional property.

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.2.3 PROCEDURES:

- A. Prior to the beginning of any outside business/company project, security manpower needs and working hours will be agreed upon at the preliminary meeting.
- B. A list of employees will be submitted to the Superintendent by the company/business two weeks prior to the beginning of any project. A copy of this list will be maintained at the front gate. Only the listed employees will be permitted access to the institution.
- C. A log will be maintained at the designated entry point for each business/company listing the name of the company, the supervisor, and each worker. All individuals entering and exiting the facility will be required to stop their vehicles and identify themselves.
- D. All passenger vehicles will be parked in a designated area and will be subject to inspection. All vehicles will be locked and will not contain contraband items, including alcoholic beverages.
- E. Individuals may be prosecuted for illicit interactions with offenders based on the applicable Mississippi state laws.
- F. Company/Business employees will be subject to a frisk search by officers of the same sex at any time.
- G. Company/Business employees will not provide or receive anything from offenders assigned to the facility.
- H. The entry of any weapon will be strictly forbidden. Any lost item or tool will be reported to security staff immediately.
- I. If company/business employees are taking prescribed medication, it will be carried in the prescription bottle with only enough dosage for the work shift. The front gate officer will be advised and will register the name of the worker and the medication.
- J. The company/business supervisor will be responsible for notifying the institution as soon as possible if employees are not working because of inclement weather or some other reason.
- K. Former inmates or parolees will not be permitted on the compound as a part of a work crew unless prior approval has been granted by his supervising officer and the Superintendent.

1. Projects Inside Secure Perimeters

- A. All employees in vehicles requiring access to a secure perimeter will enter through the identified vehicle entry of the correctional facility.
- B. Employees will not be permitted to enter the secure perimeter if believed to be under the influence of intoxicants. The Shift Commander will be advised if there is a suspicion and make the decision to deny entry.
- C. A security officer will escort all employees inside the compound.
- D. Each employee will be required to submit his driver's license in exchange for a pass at the entry point. The pass number will be registered upon entry as well as exit.
- E. Employees will maintain the pass on their person while on the premises and produce the pass to any Department of Corrections personnel for review upon request. A lost pass will be immediately reported to the Superintendent.
- F. The driver's license will be returned upon exit from the secure perimeter. Positive identification will be made prior to exiting the compound.
- G. Employees will be required to provide an inventory of tools taken into the compound. Institutional personnel will check this inventory as necessary. Only the tools required for that day's work will be taken inside the compound. Non-required utility trucks and tools will remain outside the fence in a secure area approved for this purpose.
- H. All tools will be accounted for upon the crew's exit from the secure perimeter. No tools will be left overnight inside the secure perimeter except in a locked gang box or in a secure area approved by the Superintendent.
- I. Violation of this policy will result in employees not being permitted on the grounds. Statutory violations will be prosecuted.
- J. All construction projects as they relate to the security of the institution will be channeled through the Superintendent for review.

2. Outside Deliveries

- A. Deliveries at the state institutions will be made during normal business hours from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- B. Any exceptions must be approved by the institutional controlling authority prior to delivery.
- C. Drop-offs and pick-ups will be limited to the following locations at the state institutions:

1. Mississippi State Penitentiary: Post Office, Hospital, Central Warehouse, Mississippi Prison Industries – Textile building
2. Central Mississippi Correctional Facility: Maintenance Department, Mississippi Prison Industries, CMCF III Clinic, Warehouse, Post Office
3. South Mississippi Correctional Institution: Central Warehouse, Maintenance Warehouse, Mississippi Prison Industries, Vo-Tech, Infirmary, Central Kitchen

Source: *Miss. Code Ann.* §47-5-10.

Rule 1.2.4 DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

Source: *Miss. Code Ann.* §47-5-10.

Subpart 1: Security

Part 2 Chapter 2: Mail, Telephone, Visiting

Subchapter 1: Control of Contraband/Body Searches - Visitors

Rule 2.1.1 POLICY:

It is the policy of the Mississippi Department of Corrections (MDOC) to control contraband from visitors.

Source: *Miss. Code Ann.* §47-5-193, 47-5-194, 47-5-195, 47-5-198.

Rule 2.1.2 DEFINITIONS

1. Contraband – Any items not authorized by Mississippi Code, MDOC policy, procedure, or post order.
2. Identification (ID) – Valid photo identification denoting vital statistical information specific to an individual. Forms of ID include: driver’s license, state ID, or Federal ID.
3. Visitor – Any person entering a MDOC facility who is not an authorized agency staff member, contract employee, volunteer or consultant.
4. Spice/Mojo – A form of contraband which is a combination of herbs; baybean (*canavalia maritime*), blue lotus (*nymphaea carulea & nymphaea alba*), lion’s tail (*Leonotis leonurus*), Indian warrior (*pedicularis densiflora*), dwarf scallop (*scutellaria nana*), moconha brava (*zornia latifolia*), pink lotus (*nelumbo nucifera*), Siberian motherwort (*leonurus sibircus*), vanilla and honey, that produces some of the same effects as

marijuana.

5. JHW-108 Synthetic Marijuana – A man-made chemical/THC variant that produces similar affects as THC except is four (4) times stronger.

Source: *Miss. Code Ann.* §47-5-10.

Rule 2.1.3 PRECEPTS:

1. The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections or designees will develop procedures for contraband searches of any visitor entering MDOC property. The scope of searches will include:

- A. Persons
- B. Vehicles
- C. Personal property
- D. Allowable items

2. Penalty for Contraband

Spice/Mojo/JHW-108 synthetic marijuana is considered contraband and is not allowed at any MDOC facility.

Those visitors detected with contraband will incur one or more of the following punitive actions:

- A. Confiscation
- B. Loss or suspension of visitation privileges
- C. Expulsion from MDOC property
- D. Arrest
- E. Prosecution

Source: *Miss. Code Ann.* §47-5-193, 47-5-194, 47-5-195, 47-5-198.

Rule 2.1.4 APPLICABILITY:

This procedure applies to all MDOC employees, offenders, and visitors.

Source: *Miss. Code Ann.* §47-5-193, 47-5-194, 47-5-195, 47-5-198.

Rule 2.1.5 PROCEDURES:

1. Facility Contraband Warnings

- A. In accordance with each MDOC facility's physical layout, signs will be posted at facility entrances specifying those items deemed to be contraband by agency security and the

subsequent penalty for violating said prohibitions. The signs will contain the following information:

Attention all Visitors and Vendors

- B. At all times while on the grounds of the Mississippi Department of Corrections, you are subject to search of your person, vehicles, personal property, or any/all items you may have in your possession. Guns, knives, ammunition, alcohol, drugs, weapons, or any instrument or tool that may be used as a weapon or any other items declared by this institution to be contraband are strictly forbidden. Contraband will be confiscated and violators will be prosecuted.

2. Facility Ingress

All visitors entering any MDOC facility will be subject to vehicle, person and personal effects searches by the Canine (K-9) Tactical Unit, Emergency Response Team and/or other security designations by the facility's controlling authority or designee. These searches may include the coordinated efforts of K-9 dogs trained in the detection of drugs, weapons and other contraband.

3. Visitor Refusal of Search

When a visitor refuses an initial search or screening by a scanning device, the visitor will:

- A. Not be allowed to enter the facility
- B. Have their visit terminated
- C. Have their visitor's privileges suspended

4. Strip Searches and/or Body Cavity Searches of Visitors

- A. When any visitor is believed, upon reasonable suspicion, to be carrying contraband, they will be asked to consent to a strip search and/or body cavity search. Such searches must have the approval of the facility Superintendent, Warden and/or other controlling authority or designees.
- B. Any visitor who refuses to consent to a strip search or body cavity search will be denied visitation access and will be escorted off MDOC property. The Senior Duty Officer will forward an incident report to the facility Superintendent, Warden and/or other controlling authority or designees
- C. Strip searches of visitors will always be conducted by a supervisory employee of the same sex as the visitor being searched. The Institutional Duty Warden will forward a strip search incident report to the facility Superintendent, Warden and/or other controlling authority or designees.
- D. Medical personnel at institutions will always conduct the same sex body cavity searches of all visitors. The results of a body cavity search and subsequent incident report will be

forwarded to the facility Superintendent, Warden and/or other controlling authority or designees by the Senior Duty Officer.

5. Investigative Protocols for Visitor Contraband

- A. Upon confiscation of contraband as specified by statutes 47-5-193 through 47-5-198, contraband item(s) will be handled by the least number of persons possible in order to ensure evidential integrity.
- B. Any person(s) handling evidence will wear latex gloves.
- C. Contraband will be secured in an evidence bag in order to establish a chain of custody.
- D. Institutional staff will notify and debrief the on-call Corrections Investigation Division (CID) Investigator who will then recommend disposition of the contraband.
- E. Private prisons, County Regional facilities and Community Work Centers will notify local law enforcement authorities.
- F. Involved staff will detain and isolate suspect(s) without questioning them.
- G. When more than one suspect is involved, the suspects will be isolated in separate locations.
- H. Suspects will never be left unattended.
- I. Upon arrival of CID or the law enforcement authorities, suspects and evidence will be surrendered to the investigating officer.
- J. An interview with the confiscating staff member(s) will either follow immediately or be scheduled shortly thereafter.

6. Handicapped Visitors

Under extraordinary circumstances, handicapped visitors will be escorted to and from offender housing units for visits and will be searched by Visitation staff and by staff assigned to those units. Extraordinary circumstances may include, but not be limited to:

- A. Visitor's wheelchair is too large to fit on a lift
- B. Visitor is in need of breathing equipment
- C. Visitor cannot enter through the Visitation Center

Source: *Miss. Code Ann.* §47-5-193, 47-5-194, 47-5-195, 47-5-198.

Rule 2.1.6 DOCUMENTS REQUIRED:

As required by this policy and through the chain of command.

Source: *Miss. Code Ann.* §47-5-193, 47-5-194, 47-5-195, 47-5-198.

Title 29: Prisons and Parole

Part 3: Public Records

Subpart 1: Oral Proceedings

Part 3 Chapter 1: Rulemaking Oral Proceedings

Subchapter 1: Policy

Rule 1.1.1 Model Rules.

This chapter consists of model rules for oral proceedings held to provide the public an opportunity to comment on submissions made under the Administrative Procedures Act and the Rules in this Title. The Secretary of State's Office is required to provide these model rules under Miss. Code Ann. §25-43-2.105. Agencies are not required to adopt these model rules.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.1 Application of Chapter.

This chapter applies to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations or written input on proposed new rules, amendments to rules, and proposed repeal of existing rules before the Mississippi Department of Corrections pursuant to the Administrative Procedures Act.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.3.1 Request for Oral Proceeding.

When a political subdivision, an agency, or a citizen requests an oral proceeding in regards to a proposed rule adoption, the requestor must submit a printed, typewritten, or legibly handwritten request.

- A. Each request must be submitted on 8-1/2" x 11" white paper.
- B. The request may be in the form of a letter addressed to the Mississippi Department of Corrections or in the form of a pleading as if filed with a court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests will be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.4.1 Notice of Oral Proceeding.

Notice of the date, time, and place of all oral proceedings will be filed with the Secretary of State's Office for publication in the Administrative Bulletin. The agency providing the notice will provide notice of oral proceedings to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of the notice with the Secretary of State. The Agency Head, or designee who is familiar with the substance of the proposed rule, will preside at the oral proceeding on a proposed rule.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.5.1 Public Participation Guidelines.

Public participation will be permitted at oral proceedings in accordance with the following:

- A. At an oral proceeding on a proposed rule, persons may make statements and present documentary and physical submissions concerning the proposed rule.
- B. Persons wishing to make oral presentations at such a proceeding will notify the Mississippi Department of Corrections at least three business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not contacted the Mississippi Department of Corrections prior to the proceeding.
- C. At the proceeding, those who participate will indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
- D. The presiding officer may place time limitations on individual presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
- E. Persons making presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceeding.
- F. Where time permits and to facilitate the exchange of information, the presiding officer may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written

submissions made by those participants in that proceeding. No participant will be required to answer any question.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.6.1 Submissions and Records.

Physical and Documentary Submissions presented by participants in an oral proceeding will be submitted to the presiding officer. Such submissions become the property of the Mississippi Department of Corrections, part of the rulemaking record, and are subject to the Mississippi Department of Corrections public records request procedure. The Mississippi Department of Corrections may record oral proceedings by stenographic or electronic means.

Source: *Miss. Code Ann.* §25-43-2.105.

Subpart 2: Declaratory Opinions

Part 3 Chapter 1: Declaratory Opinions

Subchapter 2: Policy

Rule 1.2.1 Model Rules.

This chapter consists of model rules addressing the public's request for declaratory opinions and an agency's disposition of requests for declaratory opinions. The Secretary of State's Office is required to provide these model rules under *Miss. Code Ann.* §25-43-2.105. Agencies are not required to adopt these model rules.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.2 Application of Chapter.

This chapter sets forth the Mississippi Department of Corrections rules governing the form, content, and filing of requests for declaratory opinions, the procedural rights of persons in relation to the written requests, and the Mississippi Department of Corrections procedures regarding the disposition of requests as required by Mississippi Code §25-43-2.103.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.3 Scope of Declaratory Opinions.

The Mississippi Department of Corrections will issue declaratory opinions regarding the applicability to specified facts of:

- A. a statute administered or enforceable by the Mississippi Department of Corrections,
- B. a rule promulgated by the Mississippi Department of Corrections, or

C. an order issued by the Mississippi Department of Corrections.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.4 Scope of Declaratory Opinion Request.

A request must be limited to a single transaction or occurrence.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.5 How to Submit Requests.

When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the requestor must submit a printed, typewritten, or legibly handwritten request.

- A. Each request must be submitted on 8-1/2" x 11" white paper.
- B. The request may be in the form of a letter addressed to the Mississippi Department of Corrections or in the form of a pleading as if filed with a court.
- C. Each request must include the full name, telephone numbers, and mailing address of the requestor(s).
- D. All requests will be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.
- E. Each request must clearly state that it is a request for a declaratory opinion.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.6 Signature Attestation.

Any party who signs the request will attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.7 Request Content Requirement.

Each request must contain the following:

- A. A clear identification of the statute, rule, or order at issue

- B. The question for the declaratory opinion
- C. A clear and concise statement of all facts relevant to the question presented
- D. The identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, and telephone number
- E. A statement sufficient to show that the requestor has a substantial interest in the subject matter of the request

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.8 Reasons for Refusal of Declaratory Opinion Request.

The Mississippi Department of Corrections may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

- A. The matter is outside the primary jurisdiction of the Mississippi Department of Corrections
- B. Lack of clarity concerning the question presented
- C. There is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary
- D. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request
- E. The facts presented in the request are not sufficient to answer the question presented
- F. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules
- G. The request seeks to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute, or order on which a declaratory opinion is sought
- H. No controversy exists or is certain to arise which raises a question concerning the application of the statute, rule, or order
- I. The question presented by the request concerns the legal validity of a statute, rule, or order;

- J. The request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct
- K. No clear answer is determinable;
- L. The question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime
- M. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure
- N. The question is currently the subject of an Attorney General's opinion request
- O. The question has been answered by an Attorney General's opinion
- P. One or more requestors have standing to seek an Attorney General's opinion on the proffered question
- Q. A similar request is pending before this agency, or any other agency, or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;
- R. The question involves eligibility for a license, permit, certificate or other approval by the Mississippi Department of Corrections or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 1.2.9 Agency Response.

Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Mississippi Department of Corrections will, in writing:

- A. Issue an opinion declaring the applicability of the statute, rule, or order to the specified circumstances
- B. Agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request

C. Decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period will begin on the first business day after which the request is received by the Mississippi Department of Corrections.

Source: *Miss. Code Ann.* §25-43-2.105.

Rule 12.10 Availability of Declaratory Opinions and Requests for Opinions.

Declaratory opinions and requests for declaratory opinions will be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests will be indexed by name, subject, and date of issue. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws will be exempt from this requirement and will remain confidential.

Source: *Miss. Code Ann.* §25-43-2.105.