

 MISSISSIPPI DEPARTMENT OF CORRECTIONS	SOP Number 15-04-01	
	AGENCY WIDE	
EARNED RELEASE ALLOWANCE – ELIGIBILITY AND SUPERVISION		INITIAL DATE 10-01-1997
ACA STANDARDS: 4-APPFS-3B-10		EFFECTIVE DATE 10-01-2020
STATUTES: 47-5-138 thru 47-5-140, 47-5-177, 47-5-198, 47-7-3, 97-3-109, 97-3-115, 97-9-45, 97-29-61, 99-19-81 thru 99-19-87 and 45-33-33	NON-RESTRICTED	PAGE 1 of 10

APPLICABILITY:

This procedure applies to all offenders and employees of the Mississippi Department of Corrections and particularly those involved in the Earned Release Supervision Program.

POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to provide an Earned Release Supervision Program for those offenders meeting the eligibility requirements.

DEFINITIONS:

Earned Release Supervision (ERS) – A program whereby offenders eligible under State Code criteria may earn their conditional release to community supervision by the accrual of predetermined good conduct and performance credits.

Eligibility Date – The date an offender is subject to review for placement on ERS. This date is an eligibility date and not a release date. MDOC will maintain complete discretion in determining whether an offender may be released on ERS on or after their eligibility date.

Absconder – Any offender who avoids the supervision requirements of court order or release agreement. This may include flight and relocation to another area or evasion of supervision.

Absconding Report – A document generated for the purpose of notifying all MDOC facilities, affected MDOC Departments and law enforcements agencies that an offender has absconded supervision from the MDOC's custody and control.

Absconded Supervision Notification List – A list of MDOC employees and law enforcement agencies to be contacted immediately and/or in a timely manner after an offender has absconded.

Extraordinary Occurrence Report – A report that documents observations of incidents and actions which are beyond the usual, ordinary, or established events.

Absconding Packet – A group of documents containing a valid warrant, photo, description, and other pertinent data that is compiled for the sole purpose of assisting law enforcement officers in the pursuit and apprehension of an absconder.

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 10-01-2020	NON-RESTRICTED	PAGE 2 of 10

PROCEDURES:

The Commissioner of Corrections, Deputy Commissioner of Institutions, Deputy Commissioner of Community Corrections, Director of Records, and the Director of Offender Services will ensure standard operating procedures and forms provide for the efficient operation of the ERS program.

An offender maintains no liberty or property interest in release to ERS. Such release is completely discretionary and under the purview of MDOC and vested after the offender is released to ERS subject to the terms and conditions of the program.

Automatic Disqualifiers for Earned Release Allowance

Offenders will not be eligible for the earned release allowance if they:

- Were convicted and are serving time as a habitual offender under §99-19-81 through §99-19-87, if the offender discharges the habitual sentence he can be considered for ERS on any additional sentence he has to serve that may be eligible for ERS.
- Were convicted under §97-9-72; Fleeing or eluding a law enforcement officer in a motor vehicle which resulted in the DEATH of another
- Are serving a sentence for a violation of §47-5-198, "Sale, possession, or use of controlled substances or narcotic drugs within facilities; knowledge by employees; punishment for violations"
- Have forfeited their earned time allowance per order of the Commissioner
- Have not served the mandatory time as required for parole eligibility specific to the crimes of:
 - Conviction for armed robbery or attempted armed robbery
 - Conviction for car-jacking with a deadly weapon or attempted car-jacking with a deadly weapon
 - Drive-by shooting
- Have not discharged the entire sentence for the:
 - Conviction of a sex crime
 - Conviction of voyeurism; Trespass by Peeping Tom; §97-29-61
 - Conviction of any mandatory sentence
- Have an out-of-state or federal detainer in their records due to pending charges
- Have an out-of-state or federal detainer in their records and who have Mississippi sentences that include probation or post-release supervision
- Have been sentenced by the courts to the Intensive Supervision Program (ISP)

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 3 of 10

- ERS violators who have not served the remainder of their sentence for which the violation was applied
- Were sentenced to life imprisonment. Exception: May petition the sentencing court for conditional release after reaching the age of sixty-five or older and having served at least fifteen years of their sentence
- Were sentenced on or after May 1, 2005, for the crime of capital murder, murder (homicide), attempted capital murder, attempted murder (homicide) or accessory before the fact of capital murder
- Were sentenced to serve time for 2nd degree murder

Factors Considered by MDOC in Determining Granting an ERS Release

- Complete history of institutional conduct
- Program participation
- Severity of offense
- Victim/community opposition.
- Time served
- STG activity while serving time on current incarceration

Special Circumstances

An offender under two or more consecutive sentences will be allowed commutation based upon the total term of the sentences.

- If an inmate has an **ATTEMPTED ESCAPE** from an adult correctional facility or jail in his incarceration history or NCIC/Rap sheet, he can be considered for ERS when he reaches his ERS eligibility date.
- If an inmate discharges an **ESCAPE CONVICTION**, or ten (10) years has expired since the escape conviction, he/she can be considered for ERS on any additional sentence he/she has to serve that may be eligible for ERS.

Trusty Status

When an offender is released from a facility to ERS, the offender will be removed from Trusty Status effective the date of release.

If an offender is released to ERS to a Transition Center, the offender is to remain in Trusty Status.

Offenders released on ERS to a Restitution Center will remain in Trusty Status.

Offender Handbook

The Commissioner or designee will ensure the Offender Handbook addresses Earned Release Supervision.

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 4 of 10

Offenders will be provided a copy of this handbook upon arrival into the correctional system and will have it explained to them as part of their initial orientation.

Staff Accountability

Any officer, agent or employee who violates the provisions of this procedure may be removed from office or employment and may be convicted in accordance with §45-5-139.

Eligibility and Tracking

The Records Office will generate a list of offenders eligible for ERS from OffenderTrak ninety to one hundred eighty (90-180) days prior to an offender's anticipated eligibility date.

For offenders in trusty status eligible to receive thirty (30) days credit for thirty (30) days participation, the report will be generated one hundred eighty (180) days prior to an offender's eligibility date.

For all other offenders, the report will be generated ninety (90) days prior to an offender's eligibility date.

The Records Office staff will review the file for correctness and completeness.

A tracking system will be implemented in the ERS Department prior to the investigation regarding release utilizing Offendertrak.

Obtaining and Entering the ERS Addresses

The report listing the names and location of the offenders with an ERS eligibility date is to be printed from OffenderTrak on a monthly basis and the report is to include all offenders with an ERS eligibility date within the next six (6) months.

The name of the report is "Eligible for ERS within Timeframe" and can be accessed by following these steps in OffenderTrak: Reports → Reports → MDOC Reports → ERS Reports → Eligible for ERS within Timeframe.

The addresses are to be entered on all offenders ninety (90) days prior to the ERS eligibility date. The following staff or their designee(s) will be responsible for running the report and entering the addresses into OffenderTrak:

- | | |
|--------------------------|--|
| • State Institutions | Associate Warden |
| • County Regionals | Warden |
| • Private Prisons | Warden |
| • Community Work Centers | Deputy Warden, Commander or designee |
| • Restitution Centers | Deputy Warden, Commander or designee |
| • County Jails | Community Corrections Associate Director |

Review of ERS Eligibility

The Director of Records or designees (ERS Auditors) will review all information to confirm the offender's ERS eligibility. Upon confirmation of the offender's eligibility, the Records Department

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 5 of 10

will notify the Community Corrections Associate Director (CCAD) that the offender has been approved for ERS pending the outcome of the residence investigation.

ERS Residence Investigation

After being notified by an ERS Auditor via email or Caseload Explorer that an offender has met the requirements for release, the CCAD will assign a Probation/Parole (P/P) Agent to conduct a residence investigation.

The residence investigation is to be completed within five (5) business working days. The result of the residence investigation is to be submitted to the ERS Auditor via email and entered into Offendertrak and Caseload Explorer.

Completion of the Residence Investigation

Upon completion of the residence investigation and approval, the Records Office will:

- If applicable, prepare a voucher requesting the separation check and the balance of the offender's account (Reference Policy 02-12, Offender Account Funds and applicable SOPs)
- ERS Auditors will prepare the Earned Release Certificate to be signed by the Commissioner or designee
- In accordance with SOP 27-03-01, Release of Offenders, at least 15 days prior to the release of an offender, ERS will send notification to the following officials:
 - Sheriff
 - District Attorney
 - Sentencing Judge
 - Police Department
 - Victim (if applicable)
 - Circuit Clerk

Release of the Offender From a Facility Upon Receipt of the ERS Certificate

The assigned releasing authority or designee (Wardens, CWC Commanders, Restitution Center Commanders, and CCADs) will ensure that the ERS Certificate and any other documents required for the release of the offender is distributed to the appropriate staff in order to facilitate the release of the offender.

The assigned releasing authority will review and explain the conditions of release to the offender being released and obtain the signature of the offender on the ERS Certificate.

The offender will receive a copy of the ERS Certificate and a check from the Offender Grant Fund and if applicable, a check for the balance of monies in the offender's account or an Offender Banking Closeout Data Sheet (Reference Policy 02-12, Offender Account Funds and applicable SOPs).

All offenders released from county jails will sign for an Offender Handbook prior to their release.

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 6 of 10

The original signed ERS Certificate will be sent to the Central Records Office within five (5) working days.

The original Release Certificate will be filed in the offender's Master File (scanned in Legato) and a copy of this Release Certificate will be faxed by the releasing authority to the Central Records Department and to the assigned P/P Agent on the day of release.

Release of Offenders With In-State Detainers

When an offender with an in-state detainer becomes eligible for ERS, MDOC Records will notify the in-state authority that the offender is scheduled for ERS release.

Notification will be sent to the authority indicating the ERS date of the offender in order for them to take custody of the offender.

If the authority does not take custody of the offender or remove the detainer within thirty (30) days, MDOC may, at its discretion, release the offender to ERS.

If an authority takes custody of the offender, MDOC will provide the authority with a Notify of Release Letter to notify MDOC when bond has been granted or the charges have been resolved by a not guilty, dismissed, or new felony sentence.

The Records Office will be responsible for providing notification to the CCAD concerning the offender who has been released on ERS to the in-state detainer. The CCAD will check Offendertrak and the Masterfile to make sure the detainer documents are available.

Release of Offenders With Out-of-State or Federal Detainers

ERS eligible offenders with out-of-state or federal detainer in their records due to pending charges will not be placed on ERS and will not be released to that detainer until their sentence has been discharged.

Supervision

Offenders placed under ERS will retain inmate status and will remain under the jurisdiction of MDOC.

The period of ERS will be conducted in the same manner as a period of supervised parole. Offenders will not be allowed to leave the state of Mississippi during their ERS except to detainer.

Offenders will notify their P/P Agent prior to getting married.

Discharge to Post Release Supervision

When an offender discharges from ERS to Court Ordered Probation or Post Release Supervision (PRS), the P/P Agent will ensure the ERS offender signs the Probation Reporting Form, 27-01-01-F1. The original will be sent by the supervising P/P Agent to the sentencing Circuit Court for filing, a copy will be sent to MDOC Central Records, a copy will be provided to

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 7 of 10

the offender, and a copy will be maintained in Caseload Explorer Documents.

Revocation

If the ERS is revoked, the offender will serve the remainder of the sentence, but the time the offender served on ERS before revocation, will be applied to reduce his/her sentence. Any absconded time will be added back to the sentence.

Absconding Supervision

When an offender has failed to comply with the P/P Agent's reporting schedule, within seven (7) working days after the P/P Agent's second scheduled report day of the month, the P/P Agent will mail a letter to the offender's last known address instructing him to telephone the supervising P/P Agent within ten (10) business days for reporting instructions. A copy of this letter is maintained in the offender's working file.

If the offender fails to contact the P/P Agent within the ten-day period, reasonable efforts will be made to locate the offender. All of the following measures will be taken to locate the offender:

- Perform a home visit at the last known address
- Perform an employment verification at the last known employer
- Contact known family and friends
- Verify with local law enforcement whether the offender has been detained in jail
- Review the working file or Offendertrak to establish family members and friends
- Inquire and check those locations where the offender may be likely to appear
- Review Offendertrak and check Legato to see if the offender was released to an in-state detainer

The P/P Agent will document each attempt to contact the offender in the chronological section of Caseload Explorer to include the following:

- Date of attempted contact with the offender
- Location of the attempt
- Person(s) contacted
- Information obtained from person(s) contacted

Adult Probation and Parole Field Services: The types of action required to locate and recover absconders are specified by the agency and are disseminated to all staff members [4-APPFS-3B-10].

When the P/P Agent has determined that the offender has left his approved area of supervision or the P/P Agent has been unable to locate said offender, the P/P Agent will identify the offender as an absconder and will complete all required paperwork to include absconded report, absconded supervision notification list, extraordinary occurrence report, and absconding packet.

In cases where an offender absconds supervision, the supervising P/P Agent will notify the following officials and departments as follows:

- By phone or radio

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 8 of 10

- Community Corrections Director
- Local law enforcement agencies and the Mississippi Highway Patrol
- Mississippi State Penitentiary (MSP) Central Security and MSP Terminal Agency Coordinator (TAC) for input of National Crime Information Center (NCIC) data
- By Extraordinary Occurrence Report (EOR)
 - MDOC Communications Director
 - Deputy Commissioner of Community Corrections and the designated Duty Commissioner
 - Deputy Commissioner of Institutions
- By faxing copy of warrant to
 - Central Records Office
 - Classification Office

If an offender absconds, he may be charged and subject to the penalties under §97-9-45.

Criteria for Entering an Offender into NCIC:

The following mandatory supporting documents must be faxed to MSP Central Security and MSP TAC.

- Violation Report
- Arrest Warrant with violation "Absconded" stated on the Warrant
- Absconded Report

A copy of the Violation Report and Arrest Warrant will be sent to:

- Central Records Office
- Deputy Commissioner of Community Corrections

Warrant Follow-Up Procedures

P/P Agents will conduct warrant follow-up procedures ninety (90) day after the issuance of a warrant and document in the Chronological Sheet of Caseload Explorer. Procedures will include at a minimum:

- Perform a home visit at the last known address
- Perform a inquiry at the last known employer
- Contact known family and friends
- Verify with local law enforcement whether the offender has been detained in jail
- Review the working file or Offendertrak/ to establish family members and friends
- Inquire and check those known locations where the offender may be likely to appear

If an arrest or detention is not made during the 90 day follow up, warrant follow-up procedures will be conducted at every six month interval thereafter with all steps taken in the attempts to

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 9 of 10

locate the absconded offender being documented in the Chronological Sheet of Caseload Explorer.

Removal of Warrant from NCIC

When a subject is apprehended, notification of the apprehension will be faxed to MSP Central Security and MSP TAC thereby identifying the agency that apprehended the subject and date of apprehension.

If a determination is made that no violation occurred and the offender s to remain on ERS status, the P/P Agent will fax a Warrant Withdrawal to MSP Central Security and MSP TAC to cancel NCIC entry.

Violations

If an offender violates a condition of his release, the supervising P/P Agent may complete a Warrant for the arrest of an ERS inmate.

If arrested, he may be detained in a local jail for a maximum of forty-eight (48) hours.

If the offender is arrested, the supervising P/P Agent will immediately complete a Violation Report and Rule Violation Report (RVR).

The offender will be served with a copy of the RVR within twenty-four (24) hours if possible.

The offender will be served with a copy of the RVR prior to being transported to a parent institution.

The supervising P/P Agent will contact the Assistant Director of Offender Services at the MDOC facility nearest where the subject is in custody and request authorization to transport the offender to the Institution.

The supervising P/P Agent will have a packet of information ready for transport back to the institution with the offender.

The packet will include copies of the Warrant, Violation Report, RVR, Certificate of Earned Release, and other reports that contain credible, factual or non-conclusive evidence on the offender.

The original Warrant, Violation Report and RVR will be provided to the transporting agent to forward immediately to the Disciplinary Chairperson at Central Mississippi Correctional Facility (CMCF).

A faxed copy of the above documents will be provided to the CCAD for review.

Escorting Agents will collect all documents and return them with the offender to the ranking official.

TITLE: EARNED RELEASE ALLOWANCE – ELIGIBILITY & SUPERVISION		SOP NUMBER 15-04-01
EFFECTIVE DATE: 09-01-2020	NON-RESTRICTED	PAGE 10 of 10

If the offender is transported to CMCF from another state facility after normal working hours, the controlling Warden, Director or designee at the parent facility will ensure the packet of documentation is available and ready to be released to the escorting Agents or Officers.

The Offender Services authority or designee will instruct the ranking official to initiate and issue a detention notice upon the offender's arrival at the institution.

The ranking official will also ensure that the offender is taken to the hospital and/or infirmary for an initial examination.

The ranking official will then assign appropriate single-cell housing.

The offender will be transported to CMCF for appropriate classification and other due process hearings.

Classification Hearing

All offenders arrested and returned from ERS will receive a hearing by a Classification Hearing Officer.

Offenders will have the right to appeal the Hearing Officer's decision as outlined in MDOC policy and procedure, Grievance Procedures.

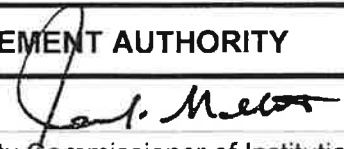
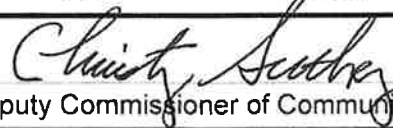
If the Hearing Officer finds that the offender is not guilty of the charges against him or there is not sufficient cause to revoke the ERS status, he may be returned to his original status on Earned Release.

The Assistant Director of Classification at CMCF will handle any release back into the community.

The Hearing Officer findings will be forwarded to the Central Records Office to ensure this information is included in the offender's master file.

DOCUMENTS REQUIRED:

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

ENFORCEMENT AUTHORITY		
Reviewed and Approved for Issuance	 Deputy Commissioner of Institutions	9-21-20 Date
	 Deputy Commissioner of Community Corrections	9-21-2020 Date

 MISSISSIPPI DEPARTMENT OF CORRECTIONS		SOP NUMBER 15-02-01
		AGENCY WIDE
TRUSTY EARNED TIME		INITIAL DATE 07-01-1999
ACA STANDARDS: 5-ACI-7A-13		EFFECTIVE DATE 01-03-2024
STATUTES: 41-29-139, 45-33-33, 47-5-138.1, 47-5-139, 97-5-39(2)	NON-RESTRICTED	PAGE 1 of 4

APPLICABILITY:

This procedure applies to all employees of the Mississippi Department of Corrections.

POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) that offenders classified in trusty status and in an approved program may earn a reduction of their sentence.

DEFINITIONS:

Trusty Status – An assignment to certain offenders who meet special classification criteria and are in an approved program.

PROCEDURES:

Adult Correctional Institutions: **Written policy, procedure, and practice require that inmates are compensated for work performed. Incentives such as monetary compensation, special housing, extra privileges, and good time credits should be distributed according to written guidelines [5-ACI-7A-13].**

Offenders may be recommended for trusty status based on institutional needs, outside labor crew needs, and the offender's ability/skill.

A Staff Request recommending trusty status for an offender will be forwarded to the appropriate Warden located at the facility who will cause the master file to be reviewed to determine if the offender is eligible for trusty status.

Upon determining that the offender is eligible for trusty status, the Staff Request will be forwarded to the Associate Wardens at the state prisons and the MDOC Compliance Officers at the private prisons and county regional facilities for final approval/disapproval by the Director or the respective Assistant Director of Offender Services.

In the absence of the MDOC Compliance Officer at a private prison or county regional facility, the designated Institutions/Facility Classification Authority will be the Director of Private/County Regional Facilities.

The approved/disapproved Staff Request will be forwarded to the Associate Warden and MDOC Compliance Officer.

Ratio of Time Awarded

Unless ineligible by law, an offender who has been approved for trusty status may be awarded a

TITLE: TRUSTY EARNED TIME		SOP NUMBER 15-02-01
EFFECTIVE DATE: 01-03-2023	NON-RESTRICTED	PAGE 2 of 4

trusty earned time allowance of thirty (30) days reduction of sentence for each thirty (30) days of participation in an approved program from and after April 28, 2004.

An offender who was in trusty status as of April 28, 2004, but is ineligible by law to receive the thirty (30) days per month reduction of sentence may be awarded a trusty earned time allowance of ten (10) days reduction of sentence for each thirty (30) days of participation in an approved program.

The Commissioner has the authority to place an offender in trusty status that was eligible prior to April 28, 2004 and is no longer eligible.

Posting

Trusty Earned Time allowance will be posted nightly as earned, with updated time sheets provided to the offender by their Case Manager.

Once an offender is classified to trusty status, he may receive Meritorious Earned Time (MET). All MET earned by the offender prior to being classified to trusty status will be forwarded through the proper channels to ensure posting.

Approved Programs

Approved programs while in trusty status may include, but not be limited to the following:

- Community based work programs
- Road crews
- Mobile work crews
- Mississippi Prison Industries Corporation (MPIC)
- Governor's Mansion
- Joint State County Work Program (JSCWP)
- Sensitive placement
- MDOC classified county jail support
- Essential offender unit support
- Satisfactory participation in educational or instructional program
- Satisfactory participation in work projects
- Satisfactory participation in any special incentive program

External Work Assignments

Assignment of offenders to county jail support and JSCWP will be consistent with state law, MDOC policy and procedures and where applicable, with approved contracts between the county jail and MDOC.

Placement into trusty status will be done by the Classification Hearing Officer at the time the offender is reclassified to county jail support or JSCWP.

Any offender transfer or trusty status removal will be submitted to Offender Services and forwarded to the Director or Assistant Director of Offender Services for approval.

TITLE: TRUSTY EARNED TIME		SOP NUMBER 15-02-01
EFFECTIVE DATE: 01-03-2023	NON-RESTRICTED	PAGE 3 of 4

If an eligible offender is removed from trusty status, he may be reapproved for another approved program.

Exclusions

An offender will not be eligible for trusty status if he:

- Is assigned to a maximum security facility for disciplinary reasons
- Has received a life sentence
- Has received a mandatory or habitual sentence
- Has not discharged the entire sentence for the conviction of a sex crime
- The offender was convicted of trafficking under §421-29-139, including attempted trafficking or accessory after the fact or was convicted for a violation of §47-5-198 of the sale, possession, or use of controlled substances or narcotic drugs within a prison facility
- Was convicted of capital murder, murder (homicide), attempted capital murder, attempted murder (homicide), or 2nd degree murder
- Has not served the mandatory time required for parole eligibility for a conviction for armed robbery, armed carjacking, or drive-by shooting
- Has been convicted of felonious child abuse under §97-5-39(2)

Certain offenders are ineligible to receive earned time under §47-5-139 of the Mississippi Code 1972, Annotated.

Exception (Grandfather Clause)

An offender in trusty status as of April 28, 2004, who is not eligible under these exclusions, will be allowed to remain in trusty status and may continue to receive ten (10) days reduction of sentence for each thirty (30) days of participation in an approved program.

An offender in trusty status as of April 28, 2004, who is not eligible under these exclusions, will not be eligible to return to trusty status if that status is revoked for any reason.

Forfeiture

The offender in the event of escape, attempted escape, and/or aiding and abetting an escape will forfeit all trusty earned time.

An offender may forfeit all or any part of his trusty earned time allowance for just cause upon written order by the Commissioner or designee.

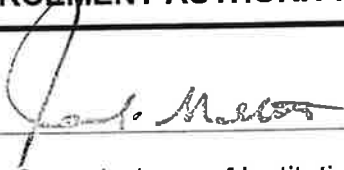
Any forfeited trusty earned time allowance will not be restored or re-earned by the offender.

TITLE: TRUSTY EARNED TIME		SOP NUMBER 15-02-01
EFFECTIVE DATE: 01-03-2023	NON-RESTRICTED	PAGE 4 of 4

140
141
142
143

DOCUMENTS REQUIRED:

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

ENFORCEMENT AUTHORITY	
Reviewed and Approved for Issuance	 1-3-24
	Deputy Commissioner of Institutions Date

 MISSISSIPPI DEPARTMENT OF CORRECTIONS	SOP NUMBER 15-03-01
	AGENCY WIDE
MERITORIOUS EARNED TIME	INITIAL DATE 05-21-1993
ACA STANDARDS: 5-ACI-7A-13	EFFECTIVE DATE 06-22-2020
STATUTES: 47-5-142, 45-33-33, 47-5-138	NON-RESTRICTED
	PAGE 1 of 4

APPLICABILITY:

This procedure applies to all MDOC Employees of the Mississippi Department of Corrections who are responsible for submission or approval of Meritorious Earned Time (MET).

POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to grant Meritorious Earned Time (MET) in order to provide incentive for offenders to achieve positive and worthwhile accomplishments for their personal benefit or the benefit of others.

DEFINITIONS:

Meritorious Earned Time (MET) – Time deducted from an offender's sentence for successfully completing an educational or instructional program, satisfactory participation in work projects, Community Corrections work programs or other special incentive programs.

Approving Authority – Associate Warden at state institutions, Facility Classification Authority at Private Prisons, Wardens at Regional Facilities and Commander for each Community Work Center/Residential Facility.

PROCEDURES:

Adult Correctional Institutions: **Written policy, procedure, and practice require that inmates are compensated for work performed. Incentives such as monetary compensation, special housing, extra privileges, and good time credits should be distributed according to written guidelines [5-ACI-7A-13].**

The granting of Meritorious Earned Time (MET) is discretionary. There is no property or liberty right attached to MET.

MET is reserved for those offenders dedicated to enhancing their potential for return to society as productive, law-abiding citizens.

The granting of MET will be done on a consistent basis and the rules and regulations will apply to all state inmates under the control of the MDOC regardless of the offender's location.

Those offenders housed in county jails may receive MET upon recommendation from the supervising sheriff. The sheriff must submit a signed letter of recommendation on the county's official departmental letterhead. The letter will include justification for the awarding of MET to an offender.

TITLE: MERITORIOUS EARNED TIME		SOP NUMBER 15-03-01
EFFECTIVE DATE: 06-22-2020	NON-RESTRICTED	PAGE 2 of 4

Commissioner's Protocol

In the absence of Executive Time, the Commissioner may award MET for satisfactory participation in work programs.

The Commissioner or designee will determine the amount of MET awarded to participants in emergency work programs.

MET, or additional MET if applicable, may be granted by the Director of Records or designee for satisfactory participation in special incentive programs targeted toward behavioral modification or life skills.

The Director of Records or designee will issue a written statement of the number of days of MET which may be granted an offender for participation in programs or projects.

Offenders may be granted MET for the following:

- Participation in an educational or instructional program
- Regular institutional work
- Satisfactory participation in approved work projects
- Satisfactory participation in special incentive programs
- Achievement of the following education benchmarks:
 1. Certificate of Completion of an Educational Functioning Level – **10 days**
 2. ACT National Career Readiness Certificate – **10 days**
 3. Smart Start Certificate or Credential through an approved program – **10 days**
 4. State or nationally recognized certificate/credential for approved vocational programs – **30 days**
 5. High school equivalency diploma through an approved program – **30 days**
 6. Reentry certificate at the completion of 12 post-secondary credit hours through an approved community college or institution of higher learning – **45 days**
 7. Associates degree awarded by an approved community college or institution of higher learning – **60 days**
 8. Bachelor's degree awarded by an approved institution of higher learning – **90 days**
 9. Active program involvement, participation, and attendance -**10 days per month**

MET earned for program participation will be credited only after MET has been forwarded to the Director of Records or designee.

MET may be granted on a regular basis for approved work and work projects.

An offender close to his release date may be granted MET on a monthly basis or awarded upon successful completion of a program.

MET will always be calculated when MET affects the date of an immediate release of an offender.

TITLE: MERITORIOUS EARNED TIME		SOP NUMBER 15-03-01
EFFECTIVE DATE: 06-22-2020	NON-RESTRICTED	PAGE 3 of 4

Offenders are not eligible for MET if they:

- Have received a mandatory or habitual sentence
- Have been assigned to a maximum security facility for disciplinary reasons
- Have been found guilty of a major or serious Rule Violation Report (RVR) within the past six (6) months
- Have been found guilty of a minor RVR within the past three (3) months
- Are assigned to a maximum security facility for disciplinary reasons
- Have received a life sentence
- Were convicted of capital murder, murder (homicide), attempted capital murder, attempted murder (homicide), or 2nd degree murder
- Have not discharged the entire sentence for the conviction of a sex crime
- ERS violators must serve the remainder of sentence
- Are receiving trusty time for participation in the program for which MET has been requested

Forfeiture of MET

The offender will forfeit all MET in the event of an escape, attempted escape, and/or aiding and abetting an escape.

All or any part of an offender's MET allowance may be forfeited for just cause upon the written order of the Commissioner or designee.

Any MET allowance which is forfeited, will not be restored or re-earned by the offender.

Recording MET

The Deputy Commissioner of Institutions and the Deputy Commissioner of Community Corrections will authorize the method for reporting MET to the Records Department and will forward such procedures to the Superintendents/Community Corrections Directors and wardens at private and regional facilities.

Such procedures will include timeframes for the reporting of MET to the Director of Records.

MET requests will be submitted to the Records Department once every three (3) months by the Approving Authority: Associate Warden at state institutions, Facility Classification Authority at Statewide Director of Education, Private Prisons, Wardens at Regional Facilities and Commanders for CWC/Restitution Centers unless an award of MET would cause an offender to

TITLE: MERITORIOUS EARNED TIME		SOP NUMBER 15-03-01
EFFECTIVE DATE: 06-22-2020	NON-RESTRICTED	PAGE 4 of 4

be released prior to the scheduled submission date. In such cases, the Director of Records or designee is to be notified.

Offenders' work supervisors will complete and submit a Request for Awarding of Meritorious Earned Time form to their Approving Authority. For offenders housed in a CWC or Restitution Center, the Case Manager will complete and submit a Request for MET to the Facility Commander.

Upon verification that offenders are MET eligible, Associate Wardens at state prisons, the designated Classification Authority at private and regional prisons, or Commanders for CWC/Restitution Centers will approve forms and forward them to the Director of Records or designee.

For offenders housed at state, private, and regional prisons, Associate Wardens at state prisons and the designated Classification Authority at private and regional prisons will identify the offenders not eligible for MET, specify on the form the reason(s) for ineligibility, and return it to the supervisor.

For offenders housed at CWC/Restitution Centers, the Case Manager will identify the offenders not eligible for MET and will specify on the form the reason(s) for ineligibility. The form will be placed in the offender's working file.

Upon approval of requests, the Director of Records or designee will process the MET request.

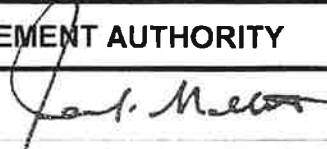
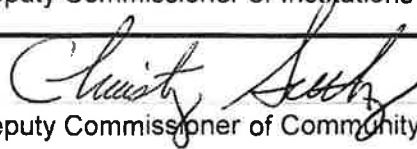
Refer to the Inboxing MET Request form on how to enter MET on Offendertrak and then inbox.

MET for educational benchmarks only: Upon verification that offenders are eligible for MET for educational benchmarks, requests should be submitted to the Statewide Director of Education to forward through the chain of command for approval.

DOCUMENTS REQUIRED:

Request for Awarding of Meritorious Earned Time

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

ENFORCEMENT AUTHORITY		
Reviewed and Approved for Issuance	 Deputy Commissioner of Institutions	6-19-20 Date
	 Deputy Commissioner of Community Corrections	6-19-20 Date