

CHAPTER V

RELEASE OR DISCHARGE FROM CONFINEMENT

I. GENERAL

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

II. JAIL TIME CREDIT

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

For jail time to be eligible:

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

III. PAROLE

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

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

A program whereby offenders eligible under State Code criteria may earn conditional release to community supervision by the accrual of predetermined good conduct and performance credits. Offenders have no liberty or property interest in release to ERS. It is completely discretionary and under the purview of MDOC.

Any inmate released on ERS shall retain inmate status and remain under the jurisdiction of MDOC. Only inmates with an approved in-state residence may be released to ERS.

Automatic Disqualifiers for Earned Release Allowance:

- Were convicted as a habitual inmate under §99-19-81 through 99-19-87;
- Are serving a sentence for a violation of §47-5-198 "Sale, possession or use of a controlled substance or narcotic drug within facilities; knowledge by employees; punishment for violations";
- Have forfeited their earned time allowance per order of the Commissioner;
- Were convicted under §97-9-72; fleeing or eluding law enforcement officers in a motor vehicle which resulted in death of another;
- Have not served the mandatory time required for parole eligibility for a conviction of armed robbery or attempted armed robbery; car-jacking with a deadly weapon or attempted car-jacking with a deadly weapon; and or drive-by shooting;
- Have not discharged the entire sentence for the conviction of a sex crime;
- Have not discharged the entire sentence for a conviction of Voyeurism; Trespass by Peeping Tom pursuant to §97-29-61;
- 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) or have been returned from ISP;
- ERS violators who have not served the remainder of their sentence for which the violation was applied;

- Were sentenced to life imprisonment (Exception: An inmate may petition the sentencing court for conditional release after reaching the age of 65 or older and having served at least 15 years of their sentence);
- Were sentenced on or after May 1, 2005, for the crime of capital murder, murder (homicide), attempted capital murder, or attempted murder (homicide) or accessory before the fact of capital murder;
- Were sentenced to serve time on 2nd degree murder.

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 CONVICTIN, or ten (10) years has expired since the escape conviction, he can be considered for ERS on any additional sentence he has to serve that may be eligible for ERS.

V. INTENSIVE SUPERVISION PROGRAM (ISP)

A program used as an alternative to incarceration for offenders by the Court. Any offender that violates conditions of ISP may be arrested by correctional field officers and placed in the custody of MDOC.