

Mississippi
Department
Of
Corrections



Inmate
Handbook

Revised July 2011

**MISSISSIPPI DEPARTMENT OF CORRECTIONS
INMATE HANDBOOK**

TABLE OF CONTENTS

Introduction.....1

**CHAPTER I
ADMISSION, ORIENTATION, AND CLASSIFICATION**

Admission and Orientation2
Classification (Definition and Intent)2

**CHAPTER II
PROGRAMS**

Adult Basic Education/Vocational Education5
Pre-Release Program.....6
Alcohol and Drug Program.....7
Inmate Drug Testing Programs.....9
Religious Program/Chaplaincy Services.....10

**CHAPTER III
INMATE EMPLOYMENT AND JOB ASSIGNMENT**

Employment.....11
Job Assignments11
Meritorious Earned Time (MET).....11
Trusty Status12

**CHAPTER IV
MEDICAL AND DENTAL SERVICES**

General.....13
Procedures for Requesting Medical, Dental, and Mental Health Services13
Emergency Medical, Dental, and Mental Health Services13
Prostheses and Orthodontic Devices.....13
Inmate Participation in Research13
Malingering or Feigning an Illness.....14
Payment for Services14
Medication14

**CHAPTER V
RELEASE OR DISCHARGE FROM CONFINEMENT**

General	15
Jail Time Credit	15
Parole	15
Intensive Supervision Program (ISP).....	15
Earned Release Supervision (ERS).....	16

**CHAPTER VI
RIGHTS, RESPONSIBILITIES, AND REGULATIONS**

General	17
Rights	17
Responsibilities	17
Regulations	17

**CHAPTER VII
PRIVILEGES**

General	19
Visitation Program	19
Inmate Mail	21
Telephone Services	21
Therapeutic and Preventive Health Program	21
Canteen	21
Inmate Property	21
Personal Hygiene	21
Clothing and Linens	22

**CHAPTER VIII
ADMINISTRATIVE REMEDY PROGRAM**

General	23
Definition of Administrative Remedy	23
Purpose	23
Procedures	23
Screening	23
Acceptance or Rejection	24
Abuse of the Procedure	24
Reprisals	24
Deadline and Time Limits	24
Sensitive Issues	24

**CHAPTER IX
PRISON RAPE ELIMINATION ACT OF 2003**

General	25
Policy	25

**CHAPTER X
INMATE LEGAL ASSISTANCE PROGRAM**

General.....	26
Gaining Assistance.....	26
Reviewing the Request	26
Mailing Procedure.....	26
General Information.....	26

**CHAPTER XI
RULE VIOLATIONS**

General.....	28
Definitions.....	28
Rule Violations	28
Disciplinary Hearing Officer	30
Rule Violation Report Sanctions	30
Appeals	30
Criminal Violation	30
Restrictions	30
Rule Violation Report Filing	30
Frivolous Lawsuits.....	30

**CHAPTER XII
INMATE ACCOUNTS**

General.....	32
Receipt of Funds Through the Mail	32
Financial Transactions	32

MISSISSIPPI DEPARTMENT OF CORRECTIONS

INMATE HANDBOOK

INTRODUCTION

The purpose of this handbook is to provide general information to you and others interested in the Mississippi Department of Corrections (MDOC). When MDOC policies are changed you will be given notice of the change(s), and the most current policy will become effective, regardless of what information is in this handbook.

The handbook is not a guide to the detailed policies of the MDOC (which are subject to change) or all procedures in effect at each MDOC facility. That information will be made available to you during the facility's reception and orientation program. The material in this handbook will help you understand what you will encounter when you enter the MDOC, and help you in your adjustment to facility life.

You are to keep this handbook from the time it is given to you until you are released. You are expected to conduct yourself in an orderly and mature manner and to respect the rights of others. Some of the programs and services available to you are mentioned in this handbook. You may get more information about available programs or services by sending a request slip to the staff member in charge of the program or service. You are encouraged to discuss your needs, goals, and interests with staff. Your conduct and attitude will be observed and will be reviewed by staff when they consider you for programs, prerelease, parole, and other privileges. You should try to make good use of the time you are in the MDOC by using programs and services to better yourself.

You are responsible for knowing and following all of the MDOC's rules and regulations that directly affect you. When a rule change is made, you will either be issued a bulletin that outlines the changes or a notice will be posted on the housing unit bulletin boards. Close observance of MDOC rules and regulations will prove beneficial in receiving parole or early release consideration, possibly a choice work assignment, plus a considerable number of privileges that will make the period of confinement both rewarding and less stringent. Failure to comply with the rules and regulations will result in failure to earn those privileges and deter favorable consideration for programs that can shorten the inmate's stay in the MDOC. Failure to comply may, in some cases, be justifiable cause for the inmate to receive punishment and possibly an additional sentence.

Most inmates desire to serve their time in the best and most effective way possible and, as soon as possible, gain their release through the Intensive Supervision Program (ISP), Earned Release Supervision (ERS), parole, or discharge.

There are many beneficial programs available to inmates, and it is anticipated that each inmate will fully take advantage of all programs which serve their individual needs. While housed in the Central Mississippi Correctional Facility (CMCF) Reception and Classification Center (R&C), staff members and specialists will counsel with and assist each inmate in making the best choice of a suitable program. However, each inmate is personally responsible for his/her own progress, work performance, educational development, and social growth.

CHAPTER I

ADMISSION, ORIENTATION, AND CLASSIFICATION

I. ADMISSION AND ORIENTATION

Male inmates committed by the courts to the MDOC or returned as parole, probation, ISP, ERS, or suspension violators are first assigned to R&C at CMCF. Female inmates committed by the courts to the MDOC or returned as parole, probation, ISP, ERS, or suspension violators are first assigned to at CMCF 2B or CMCF 1A.

Upon completion of initial admission processing, inmates are transferred into housing units where they will complete further admission processing. This will include testing, background interviews, psychological evaluations, and an explanation of the rules and regulations which all inmates are expected to conform with and obey.

Prior to completion of initial classification all male and female inmates are treated as Close custody (close supervision). Inmates remain in this category until they receive an assignment from the Initial Classification Hearing Officer and are transferred from the R&C Center, CMCF 2B or CMCF 1A to a permanent resident housing unit.

During Admission and Orientation inmates are given an introduction to the initial classification process, MDOC orientation, attend a class on HIV/AIDS, which explains the means of contracting the virus and prevention methods, have DNA testing, Prison Rape Elimination Act training, and are issued a copy of the MDOC Inmate Handbook.

Each correctional housing unit has a Case Manager and or Unit Administrator assigned to assist in answering questions, and should be the first points of contact in dealing with any matter concerning an inmate's stay at the R&C Center, CMCF 2B or CMCF 1A.

II. CLASSIFICATION (DEFINITION AND INTENT)

Classification is the systematic processing of inmates into one or more of the following assignments:

- Custody Status;
- Housing Unit;
- Educational Programs (Adult Basic Education/Vocational Training);
- Rehabilitation Program (Alcohol and Drug Treatment, Pre-Release); and or
- Medical Class.

Initial Classification

This process includes, but is not limited to the following.

1. Identification Process

Inmates are strip-searched and all free world clothing is confiscated. Personal property that is not included on the Allowable Items List is confiscated. All currency is confiscated, a receipt is issued, and the money is placed in the inmate's account. The inmate is allowed to shower, shave, receive a haircut, and state issue items (jumpsuit, underwear, socks, shoes, towels, sheets, pillowcase, soap, toothbrush, and toothpaste).

The inmate is photographed, fingerprinted, and issued state identification cards. Each inmate is given forms to complete that include the address of the facility for receiving personal mail and funds for his inmate account, and a religious information form for the Chaplain's Department.

The Security Threat Group Intelligence Coordinator interviews each inmate for the detection and identification of gang or unsanctioned group involvement.

After review by the security personnel of the identification department, the inmate's file is delivered to Case Management, and the inmate is placed on a pre-physical list for a medical and dental examination by the medical staff, and is scheduled for an initial classification hearing.

2. Physical Examination

Medical staff will examine each inmate upon entering the system. When the medical staff completes the commitment report, a Medical Class will be assigned to the inmate and documented in the report. The report is then forwarded to Case Management.

3. Psychological Evaluation

Each inmate will be tested, evaluated, and interviewed by the Psychological Department. From evaluations compiled during this process, the Initial Classification Hearing Officer assigns each inmate a classification within days after his arrival into the system. When the need for a more thorough evaluation exists, the Initial Classification Hearing Officer will recommend an appropriate housing assignment until the evaluation is completed.

B. Objective Classification System

Each inmate will be scored using the Objective Classification system during initial classification to establish a

custody rating upon his admission to the Mississippi Department of Corrections (MDOC). This custody rating is based upon an assessment of items that are scored on a numerical scale.

An inmate may be reassessed using the Objective Classification reclassification assessment to review and update his custody rating throughout his incarceration by the MDOC. The purpose of the reassessment process is to ensure the inmate is placed in the least restrictive environment while ensuring public safety and the security of the institutions, staff, and all inmates.

During this process, all relevant information concerning the inmate is evaluated in order to plan and implement a realistic and continuing program in line with the requirements of the institution/facility and the individual needs of the inmate.

The Initial Classification Hearing Officer will assign each inmate a custody level and classification status.

C. Classification Criteria

The Initial Classification Hearing Officer shall use the following criteria to assign each inmate a classification level:

- Age;
- Nature of offense and surrounding circumstances;
- Type of crime committed;
- Prior and current institutional conduct;
- Sentence data;
- Prior criminal history and NCIC;
- Personal and social factors;
- Escape history;
- Detainers;
- Red tag – Separation/Cautions;
- Disciplinary actions;
- Evaluations and recommendations;
- Security requirements;
- Education;
- Resident stability;
- Employment experience;
- Youth court, including juvenile criminal history; and or
- Knowledge obtained in personal interview.

D. Custody Designations

The Initial Classification Hearing Officer is responsible for designating a custody classification to each newly received inmate prior to initial assignment to a designated facility housing state inmates.

After assignment to a housing facility and after a reasonable period of observation, the Classification Hearing Officer will evaluate the inmate's pre-institutional assessment information, behavior and other relevant factors and recommend a custody change.

All privileges, to include level of supervision within and outside of the institution, access to programs, activities, jobs, canteen, visits, and telephone, are based on the inmate's custody level. When a decision is made regarding the custody, the inmate's privileges will be consistent with that custody.

The following are a list of the custody designations.

Minimum Custody

This is a custody which affords the inmates a more relaxed atmosphere and an extension of privileges. Minimum custody requires the ability to work satisfactorily with minimum supervision or security control. Minimum custody inmates will be placed in one of the following statuses.

- Community Minimum Status has the least security and supervision required of an inmate, and usually this type of inmate works in the community.
- Non-Community Minimum Status has the least security and supervision required of an institutionalized inmate, and usually this type custody is housed under minimum security circumstances and may participate in activities on institutional grounds without direct staff supervision. Off grounds, the inmate must be supervised by training correctional staff.

Medium Custody

This is a custody where the inmate has displayed a desire to be considered responsible and presents a moderate risk. Medium custody inmates are housed in a medium security correctional facility and must be under direct/constant armed correctional supervision when engaging in activities outside the perimeter of the correctional facility. Inmates are permitted to move about the housing unit or security work area, but are to be within direct observation of correctional staff.

Close Custody

This custody is the highest risk general population inmate and has one or more of the below risk factors:

- Risk of escape;

- Periodic demonstration as a threat to staff/inmates; and or
- Recent or serious disciplinary record.

Close custody required close supervision where the inmate must be under positive security control at all times.

Death Row

Inmates committed to the MDOC under a sentence of death and are housed in a facility/unit deemed appropriate by the MDOC Commissioner.

Death Row status requires the highest level of custody supervision available. Inmates in this status are precluded from assignment to a principal custody designation.

The classification system is also used to determine which facility inmates will be housed in and places them in housing units which are appropriate for their custody assignment. If inmates adjust poorly, they may be placed in higher security housing. If proper behavior is maintained, inmates will generally be placed in less restrictive housing.

E. MDOC Facilities and Custody Assignments*

Alcorn County Regional Correctional Facility	Medium
Bolivar County Correctional Facility	Medium
Carroll-Montgomery County Regional Correctional Facility	Medium
Central Mississippi Correctional Facility: Males & Females	Minimum, Medium, Close, Death Row
Chickasaw County Regional Correctional Facility	Medium
Delta Correctional Facility	Medium
East Mississippi Correctional Facility	Minimum, Medium, Close
George-Greene County Regional Correctional Facility	Medium
Holmes-Humphreys County Regional Correctional Facility	Medium
Issaquena County Regional Correctional Facility	Medium
Jefferson-Franklin County Regional Correctional Facility	Medium
Kemper-Neshoba County Regional Correctional Facility	Medium
Leake County Correctional Facility	Medium
Marion-Walthall County Regional Correctional Facility	Medium
Marshall County Correctional Facility	Minimum, Medium, Close
Mississippi State Penitentiary	Minimum, Medium, Close, Death Row
South Mississippi Correctional Institution	Minimum, Medium, Close
Stone County Correctional Facility	Medium
Walnut Grove Youth Correctional Facility	Minimum, Medium, Close
Wilkinson County Correctional Center	Minimum, Medium, Close
Winston-Choctaw County Regional Correctional Facility	Medium
Yazoo County Regional Correctional Facility	Medium

*A minimum number of Minimum inmates may be assigned to private and regional facilities based on need for support jobs.

CHAPTER II

PROGRAMS

I. ADULT BASIC EDUCATION/VOCATIONAL EDUCATION

The Adult Basic Education Program (ABE) is available to those inmates who do not have a high school diploma or its equivalent, the General Education Development (GED).

Modern educational techniques and equipment are available to those inmates who wish to participate in the ABE Program. A program of study covering Reading, Mathematics, English, Social Studies, and Science is offered to help the inmate develop an acceptable degree of skill in these prime areas of education. An ABE student may earn a diploma of high school equivalency by successfully passing the GED.

The ABE program works in cooperation with the vocational school. If an inmate wishes to participate in a vocational program, but can not perform at the required academic level, he may enroll in the ABE program. Upon successful completion of ABE, he may then re-apply for vocational school.

A. **Enrollment Procedures**

Applications for enrollment in any course must be made by the inmate either through Case Managers or Unit Administrators. A satisfactory review of the application record by a vocational counselor must be compiled before enrollment.

B. **Eligibility**

All inmates who are not high school graduates are eligible for consideration in the ABE/GED Program. All inmates with interest and aptitude for vocational programs are eligible for consideration in the Vocational Program.

C. **Selection Process for Screening Inmates for Adult Basic Education**

1. A referral is made from Case Managers.
2. The Vocational Counselor and Academic Instructor review referrals to determine areas of interest.
3. Release dates are checked in order to give priority to inmates with less than five years to serve before parole eligibility or release date.
4. Applicants are interviewed, and the rules and regulations for vocational and academic programs are discussed.
5. Interested applicants are given the Tests of Adult Basic Education (TABE).
6. Test results are evaluated for eligibility.
7. Eligible students are placed in the academic/vocational programs.

D. **Vocational Education Courses Available**

The following Vocational Education courses are available to inmates within MDOC. However, courses vary at institutions and some courses are not available at all institutions.

STATE CORRECTIONAL FACILITIES

MSP

Agri-Business
Auto Mechanics
Auto Body Repair
Carpentry
Communications Systems Installer
Culinary Arts
Diesel Mechanics
Heating, Air Conditioning, & Refrigeration
Industrial Electricity
Out Board Engine Mechanic
Welding

CMCF

Administrative Assistant/Secretarial
Cosmetology
Clothing Apparel and Textile Workers
Computer Repair
Family Dynamics
Upholstery

SMCI

Auto Body Repair
Industrial Electricity
Plumbing & Pipefitting
Vehicle and Mobile Equipment Repair
Welding

PRIVATE CORRECTIONAL FACILITIES

Delta

ABE/GED
Building Trades
Canine
Computer

East Mississippi

ABE/GED
Basic Computers
Horticulture
Literacy

Marshall County

ABE/GED
Computer
Culinary Arts
Horticulture
Literacy

Walnut Grove

ABE/GED
ACT Preparation
Barber School
Carpentry
Culinary Arts
Computer
Horticulture
Masonry

Wilkinson County

ABE/GED
Building Trades
Computer Aided GED
Horticulture

REGIONAL CORRECTIONAL FACILITIES

Bolivar County

ABE Literacy
Advanced Computer
Basic Computer
Basic Construction
Computer Keyboard
GED
Psychology

Carroll-Montgomery

ABE/GED
ABE Literacy
Building Trades
Literacy
Vocational Education

Chickasaw County

ABE/GED
Literacy

George/Greene

ABE/GED
Building Trades
Literacy

Holmes-Humphreys

ABE/GED
Basic Computer
Literacy
Welding Class

Issaquena County

GED
Literacy

Jefferson-Franklin

Basic Computer
GED
Literacy
Vocational

Kemper-Neshoba County

ABE Literacy
Computer
GED

Leake County

ABE/GED
Basic Computer
Carpentry
Literacy

Marion-Walthall

Automotive
Basic Computer
Small Engine

Stone County

Building Trades
GED

Winston-Choctaw County

ABE/GED
Introduction to Computers
Literacy

Yazoo County

ABE/GED

II. PRE-RELEASE PROGRAM

The purpose of the Pre-Release Program is to prepare inmates to be successful in the workplace upon their release from prison. The program services include:

- Employment skills training and life skills training;
- Job search assistance (job coaching, job referrals, and employer contacts) geared to placing inmates in gainful employment;
- Follow-up services to inmates completing the program through coordination with outside agencies; and or
- Individual and group counseling to all participants.

A. **Enrollment Criteria**

The following enrollment criteria are used for selecting inmates to participate in the Institutional Pre-Release Program:

1. Eligible for flat time or earned release supervision consideration within 24 months, if in trusty status or eligible for trusty status;
2. Eligible for release consideration within 12 months, if not in or eligible for trusty status;

3. Within six months of their parole eligibility date;

Referrals for participation are received or obtained from case managers, the Parole Board, security personnel, self referrals via letters, MDOC printouts and other MDOC personnel.

For participation in the Community Pre-Release Center Program, the following criteria are used.

1. The record is screened to ensure MDOC is in receipt of a valid commitment order and pre/post sentence report.
2. The crime is screened to ensure the circumstances surrounding the crime and how the crime was committed is understood and made a part of the evaluation process. This screening is to further ensure that the results of any plea-bargain are known and properly evaluated.
3. A criminal history check is conducted to ensure any and all previous arrests and convictions are known and evaluated.
4. The inmate has been psychologically evaluated to ensure insight is gained into the psychological function, mental status, and what behavior pattern and responsibility level can be expected.
5. Psychological tests utilized in this evaluation must be professionally recognized via an established validation process and have a proven record of accuracy.
6. The inmate has been academically measured to determine the functional level in mathematics, spelling, and reading.
7. The inmate has been tested for an intelligence quotient to determine intelligence level.
8. The inmate has been physically evaluated to ensure ability to perform community service work.
9. Inmates within one year of Earliest Release Date, who are identified with charges over two years old for offenses, excluding sex crimes, with no disposition noted on the National Criminal Information Center (NCIC) reports may be considered for the Pre-Release Program.
10. Inmates within one year of Earliest Release Date, and identified with out-of-state charges on NCIC reports for offenses, excluding sex crimes, with no disposition may be considered for the Pre-Release Program only after official documentation in writing has been received by the Records or Offender Services department stating the charges were dropped, remanded to the files or the inmate received a not guilty verdict.
11. The inmate must be free of Rule Violation Reports for the previous six months prior to review.
12. The inmate must submit to urinalysis testing with negative results.
13. Disqualifying criteria for Community Pre-Release Center assignment is as follows:
No prisoner shall be assigned to a Community Pre-Release Center who:
 - Was originally sentenced to be executed;
 - Has an active felony detainer in his file;
 - Has an escape history or has violated an indefinite suspension or any breach of trust; and or
 - Has been convicted of a sex crime or sex related crime.

B. Screening Criteria

The program's enrollment criteria allow services to be provided to those inmates who meet release eligibility requirements. Referrals for the program may be made by correctional staff including, Case Managers, Correctional Officers, Correctional Administrators, and other staff members. Inmates may request placement into the program by writing a letter or seeing their Unit Case Manager.

C. Custody Level

Participants in the program must be may be Minimum custody.

III. ALCOHOL AND DRUG PROGRAM

The purpose and goals of the Alcohol and Drug (A&D) Program are to identify the need for and provide services to all eligible inmates with a history of alcohol/substance abuse and or drug sales/distribution. The primary treatment services will include:

- Inmate diagnosis and identification of problem areas;
- Individual and Group Counseling;
- Individual treatment objectives;
- Treatment Goals;
- Drug Education Plan;
- Relapse prevention and management;
- Provision of self-help group as an adjunct to treatment;
- Pre-Release and transitional service needs;
- Coordination efforts with community supervision and treatment staff during the pre-release phase to ensure a continuation of supervision and treatment; and or
- Culturally sensitive treatment objective, as appropriate.

MDOC APPROVED ALCOHOL AND DRUG TREATMENT PROGRAMS				
LOCATION	TYPE OF PROGRAM	DURATION	INMATES	NOTES
Mississippi State Penitentiary	Therapeutic Community (Long Term)	6-12 Months	Male	
	Therapeutic Community (Long Term)	6-12 Months	Male	Special Needs – HIV/AIDS
	Short Term A&D	12 Weeks	Male	Special Needs – Medically Disabled
Central Mississippi Correctional Facility	Long Term A&D	28 Weeks	Female	
	Short Term A&D	12 Weeks	Female	
	Short Term A&D	12 Weeks	Male	Special Needs – Medically Disabled
South Mississippi Correctional Institution	Short Term A&D	12 Weeks	Male	
	Long Term A&D	6 Months	Male	
	CWC Returnee	1 Month	Male	
Quitman Community Pre-Release	Long Term A&D	6–12 Months	Male	
Pike Community Pre-Release	Long Term A&D	6–12 Months	Male	
Flowood Community Pre-Release	Long Term A&D	6-12 Months	Female	
	Short Term A&D	12 Weeks	Female	
Bolivar County Correctional Facility	Long Term A&D	6 Months	Male	
	Long Term A&D	6 Months	Female	
	Therapeutic Community (Long Term)	6-12 Months	Female	
Carroll-Montgomery Correctional Facility	Short Term A&D	12 Weeks	Male	
Delta Correctional Facility	Long Term A&D	9 Months	Male	
	Short Term A&D	20 Weeks	Male	
Clay County Jail	Short Term A&D	12 Weeks	Male	
East Miss. Correctional Facility	Long Term A&D	12 Months	Male	Special Needs – Dual Diagnosis
	Short Term A&D	12 Weeks	Male	Special Needs – Dual Diagnosis
Grenada County Jail	Long Term A&D	12 Months	Male	
Hinds County Sheriff's Department	Long Term A&D	6 Months	Male	
Issaquena County Correctional Facility	Short Term A&D	6 Weeks	Male	
Kemper-Neshoba Correctional Facility	Short Term A&D	6 Weeks	Female	
Leake County Correctional Facility	Short Term A&D	12 Weeks	Male	
Marshall County Correctional Facility	Long Term A&D	6 Months	Male	

MDOC APPROVED ALCOHOL AND DRUG TREATMENT PROGRAMS (Cont'd)				
LOCATION	TYPE OF PROGRAM	DURATION	INMATES	NOTES
	Short Term A&D	45 Weeks	Male	
Walnut Grove Youth Correctional Facility	Long Term A&D	6 Months	Male	Juvenile Offenders
	Short Term A&D	12 Weeks	Male	Juvenile Offenders
Wilkinson County Correctional Facility	Long Term A&D	10 Months	Male	
	Short Term A&D	8 Weeks	Male	
Winston-Choctaw Correctional Facility	Short Term A&D	12 Weeks	Male	

A. Enrollment Criteria

1. Inmates within 2½ years of their earliest release date or within one year of their parole date are given priority when considered for participation in the therapeutic alcohol and drug programs.
2. Inmates must be within 6 to 12 months of their TR date in order to be considered for participation in some residential, MDOC, A&D Treatment Programs.
3. Inmates must be documented as a substance abuser.
4. Inmates must be Minimum or Medium custody to be eligible for enrollment.
5. Inmates must not have received an Assaultive RVR within 3 months of program participation (Institutional Program).
6. Inmates in the Community-based A&D Program will meet additional criteria as established by the Deputy Commissioner of Community Corrections.

B. Referral Process

Inmates are referred to MDOC A&D Treatment Programs from the following sources:

1. May be court ordered or a Judicial review referral to participate in A&D Treatment prior to release from prison;
2. May be ordered by the Parole Board to participate in A&D Treatment prior to release;
3. May be referred because of a RID Diversion to participate in A&D Treatment prior to release;
4. ISP participants who violate with a positive drug screen result are required to participate in A&D Treatment prior to release;
5. May be referred by Unit Case Managers or Security personnel;
6. May be referred by State Disciplinary Hearing Officers, etc.; and or
7. Inmates who have identified their own need for treatment may request placement in the A&D Program by writing a letter or seeing their Unit Case Manager.

C. Screening Criteria

1. Upon arrival at the Reception Center at CMCF, the A&D Counselor or designee will review the inmate's initial file to identify those inmates with substance abuse/sales/distribution history or issues. After the screening assessment, based upon his program eligibility, the identified inmates will be referred for placement in an A&D Treatment Program.
2. When a referral is received, the A&D coordinator or designee will review the inmate's file and assess the inmate's substance abuse/sales/distribution history or issues.

D. Aftercare

The discharge planning process includes referral to community agencies and treatment facilities as needed. It also includes referral to self-help community resources such as AA or NA in addition to continued follow-up and care with direct assistance from MDOC treatment staff and or other therapists in the inmate's home community. An inmate's progress in meeting recovery goals is monitored through regular contact by MDOC treatment personnel.

IV. INMATE DRUG TESTING PROGRAMS

A. Target Population

The drug-testing program shall include, but not be limited to:

1. Targeted Testing. The Commissioner, Deputy Commissioner of Institutions, or designees may authorize targeted testing. Such testing will normally be performed under the following circumstances:
 - The inmate is being considered for placement in a community facility based program;
 - When required by Court Order;
 - When requested by the Parole Board;
 - While on and prior to placement in the ISP;
 - Pre-Release Community Corrections participants;

- A&D program participants;
 - Inmates serving on Probation and Parole;
 - Inmates placed in Behavioral Modification Program (BMP) for use or possession of alcohol or drugs;
 - ERS inmates; and/or
 - Prior to being considered for a sensitive job placement.
2. RID Testing. The Drug Testing Officer tests inmates sentenced to the RID Program immediately upon arrival at the CMCF Reception and Classification Center (R&C), as well as on a random and routine basis. Any inmate testing positive upon entry will remain at the R&C for a minimum of an additional 28 days. The inmate may remain longer under medical supervision if the Medical Director or designee so orders.
 3. Reasonable Suspicion Test. This test is conducted due to a belief based on reasonable suspicion that an inmate is using alcohol or drugs. Inmates may be tested at any time for reasonable suspicion.
 4. Random Testing. Any inmate may be selected for random testing from a computer-generated list of inmates. This list will be generated by MDOC Management Information Systems. 5% of the total population will be randomly selected for testing on a monthly basis. 30% of the inmates participating in the Therapeutic Community A&D Program will be randomly selected for testing on a monthly basis.
 5. Consecutive Testing. Consecutive tests of the same inmate will be allowed provided his name appears on the appropriate computer-generated random list.

Testing of Inmates in a Treatment Program - Inmates in any treatment program must be tested on a regular basis. Inmates participating in alcohol and drug programs shall be tested according to MDOC policy. Inmates participating in residential substance abuse treatment programs shall be tested according to the policies of the treatment center. MDOC may utilize tests from private/public treatment programs when available.

V. **Religious Program/Chaplaincy Services**

- A. MDOC provides all eligible inmates with the opportunity to exercise legitimate religious beliefs in a manner consistent with the security and orderly operation of the facility.
- B. Upon entering MDOC through R&C, each inmate is required to complete a Chaplaincy Information Form (CIF) which indicates next of kin information necessary to verify critical illness or death of family members. In an emergency, inmates should notify family members to contact the unit chaplain of their housing unit in order to verify and process information. The CIF form also indicates the inmate's religious preference and is important in planning programs of support to faith and tenets of practice.
- C. The Religious Programs chaplain will normally be the staff person to notify inmates regarding emergencies related to critical illness or death of family members and to assist with making application for an emergency suspension to the facility administrator if warranted. Counseling and prayer will be provided as needed. Eligible inmates may be approved for emergency escort to spend time with family during a hospital or death circumstance.
- D. Unit Religious Programs chaplains assist inmates to attend religious services as identified by their religious preference statement. Inmates may attend such group activities as long as they do not pose disruption to the orderly operation of the facility. Any disruptive behavior will be dealt with individually and may determine that the inmate is not approved to be involved in group activity.
- E. Inmates in administrative segregation, disciplinary detention, protective custody, or death row situations are assisted by Religious Programs chaplains to carry out approved religions faith practices on an individual basis.
- F. Pastoral visitation by inmate's designated clergy leader will be coordinated through the Religious Programs chaplain.
- G. Inmates may receive religious literature appropriate to their faith, which is not derogatory toward other racial or religious faith groups and is approved through the Religious Programs chaplains.
- H. Inmates may participate in religious correspondence courses through the mail upon prior approval through the Religious Programs chaplain.
- I. Inmates will be assisted by Religious Programs chaplains to participate in activities (i.e. worship, study groups) related to their stated religious preference. Disruptive behavior on the part of any individual may result in disapproval to meet within group activities. Inmates in administrative segregation, disciplinary detention, protective custody, death row or other lock-down situations will be assisted by the chaplain to practice their faith individually.
- J. Inmates are able to seek chaplaincy services informally by filling out a request form available in the housing unit.

CHAPTER III

INMATE EMPLOYMENT AND JOB ASSIGNMENT

I. EMPLOYMENT

All inmates are required to work a scheduled number of hours a day, and will work according to their Medical Class and or Level of Care as indicated below:

A. **Medical Class One**

Good to excellent physical condition; physically capable of handling all work/program assignments.

B. **Medical Class Two**

Average to good physical condition; is capable of exerting sustained effort over long work periods, is physically capable of most work/program assignments; disability, if any, will not be jeopardized by such a general assignment.

C. **Medical Class Three**

Fair to average physical condition; is capable of sustaining effort for only moderate periods; limitations may affect some aspect of work/program/housing assignment considerations.

D. **Medical Class Four**

Poor to fair physical condition; limited physical capacity or stamina; can exert sustained effort for short periods only; limitation(s) may require special considerations.

E. **Medical Class Five**

Poor physical condition; severely limited physical capacity or stamina; requires physician authorization for any work assignment, and may require special housing considerations.

LEVEL OF CARE

Level A. No Mental Health Concerns.

Level B. Mental Health Intervention.

Level C. Ongoing Mental Health Treatment.

Level D. Chronic Mental Health Treatment.

Level E. Inpatient Mental Health Treatment.

II. JOB ASSIGNMENTS

A. The inmate will be assigned or reassigned jobs by the Director of Offender Services or designee.

B. The inmate must request a job change through his case manager or Unit Management Team.

C. The inmate must have a completed Inmate Staff Request on file prior to going to work.

Some inmate's job assignments or work places will require integrity, responsibility and security precaution and will be referred to as Sensitive Placement Job Assignments. These type job assignments should be discussed with facility staff for additional information.

Criteria for Sensitive Placement

- Inmates with prior sex offenses or current sex offenses may not be considered
- No Rule Violation Reports of any type in the past *three* months
- No out-of-state or federal detainer(s) for violent offense or escape
- No prior escapes within the last five years
- No assaultive Rule Violation Reports within one year
- Inmates must test negative for the use of alcohol and/or drugs
- All criminal information on NCIC must have a disposition

III. MERITORIOUS EARNED TIME (MET)

MET is a discretionary grant of earned time that differs from regular Earned Time Credit, and is for good conduct and performance. There is no property or liberty right attached to MET. An inmate may not earn MET and Trusty Time for the same program, project, or work assignment.

A. **Inmates will not receive MET if they have:**

- Received a mandatory or habitual sentence;
- Assigned to a maximum-security facility for disciplinary reasons; and or
- Been found guilty of an RVR within the past six months.

B. **Inmates may be granted MET for the following:**

- Participation in educational or instructional programs;
- Regular institutional work;

- Satisfactory participation in approved work projects; and or
- Satisfactory participation in special incentive programs.

IV. TRUSTY STATUS

- A.** Inmates may be recommended for Trusty Status based on institutional needs, outside labor crew needs and the inmate's ability/skill. An inmate in trusty status may be awarded a trusty time allowance of 30 days reduction of sentence for each 30 days of participation in approved programs. Approved programs may include, but not be limited to the following:
- Community based work program;
 - Joint State County Work Program (JSCWP);
 - Road crews;
 - Sensitive placement;
 - Mississippi Prison Industries (MPIC);
 - MDOC classified county jail support;
 - Mobile work crew;
 - Essential inmate unit support; and or
 - Governor's Mansion;
 - Satisfactory participation in education or instructional program;
 - Satisfactory participation in work projects; and or
 - Satisfactory participation in any special incentive programs.
- B.** The inmates being considered for trusty status must meet special classification criteria for the appropriate custody level. An inmate is not eligible for trusty status if he is in long term segregation and does not participate in either work or treatment programs.
- C.** Any Inmate who refuses a job assignment or is removed from a job by a work supervisor and or a Facility's Controlling Authority is in direct violation of trusty status and may be removed from that status.
- D.** Any inmate who has a life sentence, was convicted of a sex crime, has a mandatory or habitual sentence, was convicted of possession with the intent to deliver or sell a controlled substance under §41-29-139, or was convicted of trafficking in controlled substances under §41-29-139 is not eligible for trusty status.
(Any inmate convicted of possession with the intent to deliver or sell a controlled substance under §41-28-139.)
- Also ineligible:
- Conviction for failure to register as sex offender;
 - Convicted of capital murder, murder (homicide), attempted capital murder or attempted murder (homicide);
 - Has not served the mandatory time required for parole eligibility for a conviction for armed robbery, armed carjacking, or drive-by shooting pursuant to §47-7-3;
 - Has not served the remainder of the sentence for which an ERS violation was applied; and or
 - Conviction for a violation of §47-5-198 "Sale, possession or use of a controlled substance and narcotic drug within a correctional facility".

CHAPTER IV

MEDICAL, DENTAL, AND MENTAL HEALTH SERVICES

I. GENERAL

MDOC, through a contractual agreement with Wexford Health Sources, Inc. provides comprehensive medical, dental, and mental health services to all incarcerated Inmates located at the three major institutions, county regional facilities, community work centers, restitution centers and the Governor's Mansion.

A. **Medical Services**

Healthcare providers (i.e. physicians, dentists, psychiatrists, nurse practitioners, nurses, and other medical services' staff) will meet the medical needs of inmates through scheduled visits and emergency care 24 hours a day 7 days a week. A hospital is located at MSP and infirmaries are located at CMCF and SMCI to house inmates in need of more acute care.

B. **Dental Services**

Dentists and dental services are available at the major institutions. Inmates are scheduled for appointments based on a Dental Classification Treatment Plan and by inmates submitting a Medical Services Request Form for dental treatment. All requests for dental care will be reviewed, and if necessary, scheduled for the dentist based on the priority of need.

C. **Mental Health Services**

The goal of the mental health services is to provide for the detection, diagnosis, treatment, and referral of inmates with mental health problems and to provide a supportive environment during all stages of each inmate's period of incarceration. Mental health services vary from institution to institution, but psychologists, psychiatrists and mental health staffs are available through the institution or through referrals.

II. PROCEDURES FOR REQUESTING MEDICAL, DENTAL, AND MENTAL HEALTH SERVICES

The inmate requesting medical services will fill out a Medical Services Request Form (previously called a "Sick Call Request"), sign, date, and place the completed form in the designated area in the unit. The Medical Services Request Form will be returned to the medical department following the institutional/facility procedures.

Medical staff will review the Medical Services Request Form to determine if the inmate will be seen immediately or can be scheduled for regular sick call. If a visit is required, the inmate will be scheduled for a visit with the appropriate medical service. The inmate's request for medical services will be triaged within 24 hours of receipt of the request.

Appropriate medical staff will respond to any emergency call for inmates in need of healthcare services.

A qualified healthcare professional shall visit inmates in segregation on a daily basis, to address the healthcare needs and to pick up Medical Services Request Forms.

Inmates who wish to address complaints regarding the quality of healthcare services shall utilize the Administrative Remedy Program.

Sick call clinics are normally open during regularly scheduled hours Monday through Friday. Sick call schedules are available at all institutions/facilities.

III. EMERGENCY MEDICAL, DENTAL, AND MENTAL HEALTH SERVICES

Emergency services are available 24 hours per day 7 days a week. The inmate is instructed to seek emergency care for emergency problems only. Inmates not housed in a major institution will be provided emergency services as directed by the medical staff at the parent institution. The inmate may receive an RVR for requesting emergency services in a non-emergency situation.

IV. PROSTHESES AND ORTHODONTIC DEVICES

Prostheses and orthodontic devices will be provided when the health of the inmate would otherwise be adversely affected. This will be determined by the responsible medical staff.

V. INMATE PARTICIPATION IN RESEARCH

It is the policy of MDOC that inmates will not be used for medical, pharmaceutical, or cosmetic experiments. This policy does not preclude individual treatment of an inmate based on his or her need for a specific medical procedure that is not generally available.

VI. MALINGERING OR FEIGNING AN ILLNESS

Inmates will be subject to disciplinary action for abusing medical, dental, or mental health services by malingering or feigning an illness.

VII. PAYMENT FOR SERVICES

A. **Procedures in regard to payment for medical services**

- No inmate will be refused medical, dental, or mental health services because of financial status.
- All inmates may be charged \$6.00 for each self-initiated request for medical, dental, or mental health service. Inmate Banking will deduct this fee from the inmates' account. Any questions in reference to a medical charge should be referred to medical services.
- Indigent inmates are those inmates not having sufficient funds to pay the assessed fee at the time of receipt of health-care services. Indigent inmates will be assessed all current funds available in their account and will owe the balance. This will result in a liability being placed on the account pending future receipt of funds.

B. **Inmates will not be charged for the following scheduled services**

- Medical staff referrals or scheduled return visits resulting from the initial request until released from care by the responsible health-care authority. After release from care for an injury or illness, subsequent unscheduled self-initiated requests for treatment for that injury or illness may be chargeable.
- Physicals and health assessments for transfer, lab work, X-rays, immunizations, Tuberculosis testing, treatments instituted by the institution/facility for public health reasons, initial assessments, prenatal care, work related injuries or illnesses, chronic care visit or any other medical visit/service felt non-chargeable by the medical staff.

C. **No shows for medical appointments**

- Inmates will be notified of scheduled medical appointments within security guidelines. It is essential that any inmate requesting medical services or scheduled for a doctor's visit, off-site treatment/visit, chronic care clinic visit or other medical service keep the scheduled appointment.
- Failure to attend a scheduled appointment will result in a co-pay and an RVR for the inmate.
- If failure to attend the scheduled appointment is the result of a documented institutional issue that prevents the inmate from attending the scheduled appointment, the inmate will not be charged the established fee nor receive an RVR.
- If the failure to attend the scheduled appointment would result in a *Use of Force* incident, the inmate will not be transported to the scheduled appointment unless specifically directed by the Commissioner or designee. The inmate will be charged for the visit and an RVR will be issued.

D. **Right to refuse treatment**

- If the inmate wishes to refuse treatment, the inmate must be brought to the medical care area where the inmate will be counseled by medical staff and a Release of Responsibility Form will be executed.
- A mentally competent adult may refuse medical treatment at any time. If an inmate refuses treatment, the inmate will be counseled regarding the risks and consequences of refusing medical evaluation or treatment by the healthcare provider.
- The inmate will sign the Release of Responsibility Form acknowledging that the treatment has been fully explained to the inmate and that he refused treatment. This Release of Responsibility Form will be witnessed by the healthcare provider who counseled the inmate.
- If the inmate refuses to sign the Release of Responsibility Form, this will be documented by the healthcare provider and witnessed by a staff member who is a witness to the refusal.
- In cases of contagious diseases or other communicable diseases, the inmate cannot refuse treatment; and, the healthcare personnel will treat the inmate for the welfare of the inmate, the institution, and the community at large.

VIII. MEDICATION

A. **Keep-On-Person (KOP) medication**

MDOC may allow an inmate to carry non-restricted medication on their person. The following procedures will be followed.

- Inmates may be required to sign for KOP medications prior to receiving the medication packet.
- All prescribed medication must remain in the original prescription contained with labels intact at all times. If an inmate is found with a medication that is not labeled according to standards with his name on the label, the inmate will be subject to disciplinary action for possession of contraband.
- Inmates who are in possession of non-restricted medications **must request refills through medical personnel five days prior to depletion of their medication.** Inmates requesting a refill must present to the medical staff the container, which will allow verification of refill information, prescription number, etc.
- Not all KOP medications are refillable.
- Medications sold in the Canteen may be in the possession of inmates.

CHAPTER V

RELEASE OR DISCHARGE FROM CONFINEMENT

I. GENERAL

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

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

II. JAIL TIME CREDIT

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

For jail time to be eligible:

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

III. PAROLE

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

IV. INTENSIVE SUPERVISION PROGRAM (ISP)

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

A. **Criteria for Placement in ISP**

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

B. **Participation in ISP**

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

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

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

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

Criteria for Placement on ERS

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

CHAPTER VI

RIGHTS, RESPONSIBILITIES, AND REGULATIONS

I. GENERAL

Inmates have certain rights and duties. This chapter is provided to help inmates understand their responsibilities and obligations while in custody of MDOC.

II. RIGHTS

- A. Inmates have the following rights:
- B. Access to courts;
- C. Access to counsel;
- D. Access to Inmate Legal Assistance Program (ILAP);
- E. Access to programs and services;
- F. Access to media;
- G. Protection from harm;
- H. Protection from unreasonable searches;
- I. Freedom in personal grooming; and or
- J. Access to a grievance procedure.

III. RESPONSIBILITIES

Inmates assigned to MDOC have the following responsibilities:

- A. Obeying the orders given by the staff;
- B. Familiarizing themselves with the ILAP access procedures;
- C. Requesting assistance from the institutional/facility authorities if they are being personally or physically abused by either inmates or staff;
- D. Maintaining a civil and respectful attitude toward other inmates and all staff and visitors;
- E. Maintaining their person, their living and work area, their clothing and possessions, in a clean, healthful and safe condition;
- F. Familiarizing themselves and complying with the rules of the institution/facility as they apply to them; and or
- G. Familiarizing individuals and organizations that regularly visit or correspond with the inmates, the rules of the institution/ facility.

IV. REGULATIONS

Failure of the inmate to follow these regulations could result in disciplinary action.

A. **Identification Card**

Inmates are required to carry their identification card at all times. Institution/facility staff may require them to present their card at any time. Inmates are not to lend or give their card to any individual except a staff member. If an inmate's card is lost or stolen, he should report it to his supervising officer immediately. There is a charge for the replacement of the identification card.

B. **Bulletin Board**

Each unit will maintain a bulletin board to be read by inmates and staff. It will be the inmates' responsibility to stay informed of notices posted on these bulletin boards.

C. **Grooming Standards**

Inmates are expected to present a clean and neat appearance at all times and will have access to showers according to the Unit schedule.

D. **Hair and Beard**

1. Male inmate's hair will be kept clean and neatly cut so the hair does not fall below the collar and is not more than 3" in length. Mustaches will be neatly trimmed at all times. Beards and goatees in excess of 1/2" are not permitted for identification purposes.
2. Female inmates will keep their hair clean, neat, and properly maintained at all times.

E. **Tattooing & Body Piercing**

Inmates are not permitted to tattoo or pierce the body of themselves or other inmates. Tattooing and body piercing constitutes behavior that carries with it a high risk of HIV infection and will be considered an act of self-mutilation.

F. Inmate Clothing

Inmates will wear only institutional/facility clothing as directed and prescribed for their particular classification category, and the alteration of state-issued clothing is prohibited. The wearing of state-issued clothing in a manner not consistent with its intended appearance, “sagging and bagging” or “hip-hop” style is prohibited.

G. Weapons/Pocket Knives

Inmates will not be allowed to either carry or possess weapons/knives of any description.

H. Authorized and Unauthorized Property of Inmates

Inmates will be allowed to receive property according to their classification category. It is against MDOC policy to give or receive anything of value from MDOC staff or other inmates.

Inmates, their property, and work areas are subject to unannounced and irregularly timed searches, as necessary to control contraband or to recover missing or stolen property. Non-intensive sensors and other techniques instead of body searches will be utilized whenever possible, with an avoidance of unnecessary force, embarrassment, or indignity to the inmate. At all times, inmates’ rights to authorized personal property will be respected.

I. In-House Rules

Each unit management team with the approval of the Superintendent/Warden/Director or designee may establish in-house rules. The in-house rules will be established according to work assigned by MDOC Policy and Procedures and the mission that is set out to be accomplished by the unit.

J. Laundry Procedure

Laundry is picked up according to unit schedule and assignment.

K. Cleaning and Maintaining Living Quarters

Inmates will be responsible for their own living areas. Unit support inmates will be assigned to keep the day area clean. All inmates must have their beds properly made, with all of their property neatly placed in their locker. The only items permitted outside the locker will be television, radio, and other approved electrical appliances. Items permitted by In-House rules are also authorized.

L. Dress Code

All caps are to be approved by the Superintendent/Warden/Director or designee, with the caps worn straight on the head with the bill of the cap facing forward. Only protective headgear may be worn inside the building. The wearing of earrings by male inmates is prohibited.

M. Addressing Staff

All inmates must address security staff by calling them by their rank and last name or by rank if their last name is unknown. All other staff will be addressed by calling them Mr. or Ms. And their last name. At no time will an inmate address staff by calling them man, woman, broad, any other slang or derogatory name or by their first name.

N. Getting along with Peers

All inmates must learn how to get along with other inmates while housed and working together. MDOC will provide inmates with their basic necessities, including, but not limited to, food, clothing and hygiene items. Inmates are encouraged to refrain from borrowing and stealing from other inmates. It is against MDOC policy and procedure for inmates to give or receive anything of value from another inmate.

O. Gang Activities

It is against MDOC Policy for inmates to have gang paraphernalia. Inmates found to possess gang-associated paraphernalia, colored bandanas, symbols, drawings, or any item that commonly represent a gang association or are observed using gang signs or signals will be subject to disciplinary action.

P. Dining Hall

To enter the Dining Hall, all inmates must be fully dressed with their shirts tucked in their pants, and must have on state foot wear. With the exception of protective headgear for inmate workers, no caps, hats, headgear, shower shoes/thongs shall be worn in the Dining Hall. When entering the Dining Hall, all inmates must be seated until the officer gives them permission to move. All talking/noise must be kept at a minimum tone. No food items are allowed to leave the Dining Hall.

Q. Count Procedures

All counts are to be taken seriously.

R. Smoking

MDOC prohibits smoking by inmates except in designated smoking areas.

CHAPTER VII

PRIVILEGES

I. GENERAL

Every privilege afforded inmates carries with it responsibility; therefore, inmates will receive the following privileges primarily based on their demonstration of responsible behavior.

II. VISITATION PROGRAM

Violation of any institution rule and regulation by the inmate or visitor will terminate the visit and may restrict the visitor from future visits and possibly lead to prosecution. Visitors, while on the grounds of any MDOC facility are subject to search of their person, vehicles, personal property or any and all items in their possession. Guns, knives, ammunition, alcohol, drugs, weapons or any instrument that could be used as a weapon or any items declared by MDOC as contraband are strictly prohibited. Contraband will be confiscated and violators will be prosecuted. Parking for visitors will be in designated areas.

Written information regarding procedures governing visitation are made available to the inmate within 24 hours after arrival at MDOC. The same information will be made available to visitors, but the inmate will be responsible for informing visitors of the rules, regulation and schedules concerning visitation. The information will include, but not be limited to the following:

- Institution address, telephone number and directions to the facility;
- Information about local transportation;
- Days and hours of visitation;
- Approved dress code and identification requirements for visitors;
- Items authorized in the visitation room;
- Special rules for children;
- Authorized items that visitors may bring to give to inmates; and
- Special visits (family emergencies).

General rules and regulations will include, but not be limited to the following:

Dress Code (Males)

- Shirts must be worn;
- No tank tops, sleeveless tops or bare midriffs;
- No shorts above the knee;
- No cut-off shorts, jogging shorts or biking shorts;
- Shoes must be worn (no house or shower shoes);
- Underwear must be worn;
- Shorts and long pants must be worn above the hip;
- No jewelry except a wedding ring, religious medallion or medical alert bracelet; and
- Hats, caps or bandanas will not be permitted.

Dress Code (Females)

- No sheer or see through clothing;
- No tank tops, sleeveless tops or bare midriffs;
- No shorts above the knee;
- No hip huggers, cut-off shorts, jogging shorts or biking shorts;
- Shoes must be worn (no house or shower shoes);
- Underwear and bra must be worn;
- Slits on skirts and dresses will not extend above the knee when seated;
- No jewelry except a wedding ring, religious medallion or medical alert bracelet; and
- Hats, caps and bandanas will not be permitted.

Violation of the dress code will result in the visit being terminated or future suspension.

Visitors will present a letter of approval to enter for visitation. All visitors will register at the visitation center. Visitors 14 years of age and older will register at the visitation center with approved photographic identification. This includes a valid federal or state issued identification card containing a photo of the owner. Phones, pagers, wallets, purses, handbags, change purses and any electronic device are prohibited in the visitation area. Any visitor not on the inmate visitation list will be denied visitation. Visitors will remain in designated areas. Any visitor leaving the

designated areas will have the visit terminated. At the conclusion of visitation, visitors will be prohibited from leaving the institution with any property or items that were not in their possession when entering the institution.

Visitors will converse with inmates in a normal tone of voice. Any visitor or inmate who become disruptive or disrespectful to staff will be reported and will be subject to having their visit terminated. Children will be the responsibility of the parent and or guardian and will be supervised at all times. No toys will be brought into the institution. Visitors with infants may possess one clear diaper bag with up to four diapers, two bottles, one change of clothes one pacifier and diaper wipes in a Ziploc bag and any necessary medication for the infant. All diaper bags are subject to a thorough search. Combing of hair within the visitation area is prohibited. Inmates and visitors will be prohibited from giving, trading, selling or receiving anything to or from each other, other inmates or visitors. Tobacco products are prohibited in all visitation areas. No inmate will escort any visitor to restroom areas. Inmates and visitors must keep the area clean. All plastic bottles, paper, and other trash will be placed in trash containers. Inmates are not permitted to escort/accompany visitors to walkways or gates.

Visitors who are on prescribed medication will be allowed the necessary dosage in the original prescription container. However, all prescribed medication will be secured at a designated area as specified by the controlling authority or designee at each facility.

Each institutional facility shall have rules and regulations regarding the amount of monies allowed for visitors.

CMCF and MSP – Visitors will be allowed \$25.00 currency and coins per person to purchase bagged items at the Visitation Processing Center. No currency or coins will be allowed beyond the Visitation Processing Center.

SMCI – Visitors may enter visitation rooms with a maximum of \$25.00 in coins. Upon penalty of suspension or loss of visitation privileges, all paper money must be converted to coins prior to entering visitation areas. Change machines will be provided as a courtesy to visitors. No currency or coins will be allowed beyond the Visitation Processing Center.

CWC and Restitution Centers - Visitors will be allowed \$20.00 currency and coins per person to purchase from vending machines.

Private Prisons & County Regional Facilities – Visitors will comply with aforementioned MDOC procedures specific to institutions.

Regimented Inmate Discipline (RID) Facility - Visitors will be allowed \$25.00 in quarters.

No commissary and or vending items will be allowed to leave the facility visitation area.

Visitation of more than one inmate is prohibited unless an immediate family relationship has been verified and approved by the Superintendent or his designee. Visitor inquiries concerning the clarification, explanation or errors in a visitation list should be directed to the visitation department staff.

Individuals who are convicted felons will be prohibited from visiting inmates except in those cases where immediate family relationships are established. In such cases, the Superintendent or designee may grant permission in writing. Visitors will show this written authorization each time they visit.

Visitors will not be permitted to be on more than one inmate's visitation list at the same time, except when a relative has more than one immediate family member incarcerated at the same time. Inmates will be limited to a total of 10 persons, not including children under the age of 14, on their visitation card at any one time. Visitation cards will be updated every six months based on the inmate's admission date. A maximum of six visitors will be admitted, including children, per visitation. RID unit will allow a maximum of three visitors per visitation.

Affectionate behavior is accepted; however, visitors and inmates are expected to demonstrate appropriate affectionate behavior at all times. Appropriate affectionate behavior is defined as:

- A brief kiss and embrace upon entry and exit and/or
- Holding hands.

Any person involved in inappropriate affectionate behavior may have the visit terminated immediately. Inappropriate affectionate behavior is defined as:

- Hands on or fondling areas considered sexual;
- Sexual activity;
- Prolonged body kissing or body embracing;
- Lip kissing except for the beginning or end of the visit;
- Sitting in such a manner to expose to view, areas of the body considered sexual;
- No sitting in laps (does not include children under the age of 12); and or
- Sitting or lying on the grass is prohibited.

A visit may be denied or terminated, and visitation privileges suspended by assigned staff for any of the following circumstances:

- Visitor is believed to be under the influence of drugs and alcohol;
- Visitor fails to produce sufficient identification;
- Visitor violates institutional rules or engages in any behavior that is deemed inappropriate by the Superintendent or his designee;
- Children act in a disruptive manner in the visitation area;
- Visitor displays excessive physical contact with the inmate;

- Necessary order and security cannot be maintained;
- Visitor possesses unauthorized money or any negotiable instrument while on the grounds of the facility; and or
- Visitor possesses contraband.

III. INMATE MAIL

The guidelines regarding inmate mail, including the proper method of addressing incoming and outgoing mail, receiving general and privileged mail, magazines and books, can be found in the inmate related policies and procedures.

IV. TELEPHONE SERVICES

Eligible inmates shall have reasonable and equitable access to designated, monitored, public telephones according to designated schedules unless a reasonable and legitimate security interest exists to believe a limitation is necessary to protect public safety or institutional/facility order. The Inmate Telephone List will be updated every six months from the date of admission. Attorneys should be listed on the inmate's call list indicating that person is an attorney so that calls can be made from the unit without being monitored. If a person's phone has been blocked from receiving calls from inmate, housed at all MDOC facilities, most regional and private prisons for any reason, they should call the telephone service provider at 1-866-230-7761. Inmates housed at EMCF should call the telephone service provider at 866-681-2948; inmates housed at MCCF should call the telephone service provider at 866-681-2948; and inmates housed at WGYCF should call the telephone service provider at 888-506-8407.

Any type of call forwarding or three-way calls are strictly prohibited.

V. THERAPEUTIC AND PREVENTIVE HEALTH PROGRAM

MDOC has designated recreation programs for inmate relaxation, participation, and competition. Activities will be scheduled at the discretion of the Superintendent/Warden/Director or designee.

VI. CANTEEN

Canteen privileges will be permitted according to the inmate's classification level. An inmate can spend the amount determined by their classification level.

Maximum Canteen Expenditures by Custody

- Minimum Custody - \$100.00 per week
- Medium Custody - \$100.00 per week
- Close Custody - \$100.00 every two weeks
- Death Row - \$100.00 per week
- Administrative Segregation - \$50 per month for personal hygiene items and stamps
- RID Inmates - As designated by RID Administration and approved by the Deputy Commissioner of Institutions
- CWC and Restitution Visitors – \$20.00 for from vending machine purchase

VII. INMATE PROPERTY

Inmates will be limited to personal property as authorized by the Superintendents or Community Corrections Directors in accordance with their custody level, behavioral management level and security level. A list specifying the personal property inmates can retain in their possession will be posted in each housing unit and distributed to each inmate on admittance to the Reception and Classification Center.

Non-allowable property will be disposed of in a systematic manner. The inmate be given written notification of property disposition regulations prior to the disposal of confiscated non-allowable property. The inmate will have 14 calendar days from the date the property is confiscated to send property home by mail at his own expense.

IX. PERSONAL HYGIENE

MDOC will provide each inmate a standard issue of personal hygiene items.

- One roll toilet tissue (male) weekly
- Two rolls toilet tissue (female) weekly
- One tube toothpaste monthly
- One toothbrush semi-annually
- Two disposable razors monthly
- One bar soap weekly
- Shaving powder upon request
- Female inmates will be issued sanitary napkins

X. CLOTHING AND LINENS

Inmates will be issued the standard clothing as follows.

- Three work shirts
- Three tee shirts
- Three pairs under-shorts
- Three pairs socks
- Three bath towels
- Three face towels
- One pair shoes based on assignment – standard footwear issue will be tennis shoes. Inmates in work/treatment programs requiring protective footwear will be issued boots and tennis shoes. Boots will be confiscated whenever an inmate ends a work/treatment program and no longer requires protective footwear. Inmates assigned to lockdown units will only be issued shower shoes.

Inmates in the Reception and Classification Center will be issued clothing as follows.

- One yellow jumpsuit
- Three pair of underwear
- Three t-shirts
- Three pair of socks
- Three bath towels
- Three face towels
- One pair of tennis shoes
- Female inmates will be issued five pair of underwear and three bras

Inmates will be issued standard linen and bedding as follows.

- One mattress
- One pillow
- One blanket
- One pillowcase
- Two sheets

Inmates will be eligible to be reviewed for replacement clothing and footwear biannually and for replacement linens and bedding annually.

CHAPTER VIII

ADMINISTRATIVE REMEDY PROGRAM

I. GENERAL

MDOC has installed in all of its institutions/facilities a formal administrative remedy mechanism for use by all inmates committed to the custody of MDOC. Inmates will be required to use this program before they proceed with a lawsuit. Procedures to access the program will be posted at each institution/facility.

II. DEFINITION OF ADMINISTRATIVE REMEDY

A written complaint by an inmate on the inmate's own behalf regarding the following:

- A policy within an institution/facility;
- An action involving an inmate or employee of an institution/facility;
- An incident occurring within an institution/facility; and or
- A condition in an institution/facility.

III. PURPOSE

MDOC has established the Administrative Remedy Program through which an inmate may seek formal review of a complaint relating to any aspect of their incarceration. Through this procedure, inmates shall receive reasonable responses and, where appropriate meaningful remedies. This procedure applies to all inmates confined in, or committed to MDOC.

IV. PROCEDURES

- A. Inmates are encouraged to continue to seek solutions to their concerns through informal means. However, to ensure their right to use the formal procedure they must make their request to the Legal Claims Adjudicator in writing within a 30 day period after an incident has occurred. If, after filing in the formal procedure, an inmate receives satisfactory response through informal means, the inmate shall request in writing that the Legal Claims Adjudicator cancel his formal request for administrative remedy.
- B. Inmates may request information or assistance in using the program from their Case Manager or from any staff member in their housing unit.
- C. The printed forms used in the process contain precise instructions for inmate participants. All instructions should be read and followed carefully by the inmate.
- D. The original letters of request to the Legal Claims Adjudicator should be as brief as possible. The letter should clearly indicate the terminology "this is a request for administrative remedy." The inmate should present as many facts as possible to answer all the questions who, what, when, where, and how concerning the incident.
- E. The initial complaint of an ARP and ARP appeals must be submitted through the ILAP office by completing an ILAP request form indicating ARP/ARP appeal pickup and the deadline date.
- F. The First Step Response Form ARP-2 is to be used by the inmate to continue additional steps in the process, there is no need to try to rewrite the original letter or request in this limited space. The original letter of request is available to all reviewers at each step of the process. The inmate must merely give a reason for their dissatisfaction with the previous response.
- G. A final decision will be made by the Superintendent, Warden or Community Corrections Director and the offender will be notified within 45 days of receipt.
- H. If the inmate needs additional space for citing reasons for continuing in the process, they may use another page of paper. The inmate should send the original to the Legal Claims Adjudicator and make a copy for his/her file.
- I. Once an inmate's request for remedy is accepted into the procedure, they must use the manila envelope that is furnished with his/her Step One response to continue the procedure. The requested information on the envelope should be filled in before forms are inserted since the forms are self-carbon. The flaps on the envelope may be tucked into the envelope for mailing, or the inmate may choose to tape or staple the envelope closed. Do not glue the envelope.
- J. If an offender is not satisfied with the Second Step response, he may file suit in State or Federal Court. The offender must provide the administrative remedy procedure number on the court forms.

V. SCREENING

The Legal Claims Adjudicator will screen all requests prior to assignment to the First Step. If a request is rejected, it must be done for one of the following reasons, which shall be noted on Form ARP-1.

- A. The relief sought is beyond the power of MDOC to grant.
- B. The complaint concerns an action not yet taken or a decision not yet made.
- C. There has been a time lapse of more than 30 days between the event and the initial request.

- D. The inmate has requested a remedy for more than one incident (a multiple complaint).
- E. The request does not contain the phrase “this is a request for administrative remedy”.

VI. ACCEPTANCE OR REJECTION

Notice of the request’s acceptance or rejection will be given via Form ARP-1. If a request is rejected for technical reasons or matters of form, the inmate shall have five days from the date of rejection to file his/her corrected grievance.

VII. ABUSE OF THE PROCEDURE

- A. If an inmate submits additional requests during the period of Step One review of his request, the first request will be accepted and handled. The others will be logged and set aside for handling at the Adjudicator’s discretion. A maximum of 10 requests will be logged. Requests above that number will be returned to the inmate and not filed.
- B. If a request is unclear or the volume of attached material is too great, it may be returned to the inmate with a request for clarity or summarization on one additional page. The inmate shall have five days to file his corrected grievance after notification is received.
- C. If an inmate refuses to cooperate with the inquiry into his allegation, the request may be cancelled by noting the lack of cooperation on the Form ARP-1 and returning it to the inmate.

VIII. REPRISALS

Nothing in this procedure should serve to prevent or discourage an inmate from communications with a Division Head, or anyone else in the department. No action shall be taken against anyone for the good faith use of or good faith participation in the program. The prohibition against reprisals should not be construed to prohibit discipline of inmates who do not use the system in good faith, or who file requests that are frivolous or deliberately malicious.

IX. DEADLINE AND TIME LIMITS

- A. Unless an extension has been granted, no more than 90 days shall elapse from beginning the process to ending the process. Absent such an extension, expiration of response time limits without receipt of a written response shall entitle the inmate to move on to the next step in the process.
- B. An inmate may request an extension in writing of up to five days in which to file at any stage of the process. This request shall be up to the Legal Claims Adjudicator for Steps One and Two. The inmate must have valid reasons for the delay and must accompany their request for an extension.
- C. Valid reasons for delay shall be addressed at each step. The inmate must be notified in writing of such an extension. In no case may cumulative extensions exceed 25 days.

X. SENSITIVE ISSUES

- A. If the inmate believes that the complaint is sensitive and that they would be adversely affected if the complaint became known at the institution or facility, they may file the complaint directly to the Deputy Commissioner, and the inmate must explain, in writing, the reason for not filing the complaint at the institution/facility.
- B. If the Deputy Commissioner believes that the complaint is sensitive, he shall accept and respond to the complaint. If the Deputy Commissioner does not agree that the complaint is sensitive, he shall advise the inmate in writing and return the complaint. When this occurs, the Deputy Commissioner shall also send a copy of this memo to the Legal Claims Adjudicator. The inmate shall then have five days from the date the rejection memo is received to submit their request through regular channels, beginning with the first step.

CHAPTER IX

PRISON RAPE ELIMINATION ACT OF 2003

A. GENERAL

The Prison Rape Elimination Act of 2003 (PREA) is a federal law establishing a zero tolerance approach to prison rape which makes identification, prosecution and elimination of prison rape a top priority of state correctional agencies across the nation.

Any complaint relative to noncompliance with the provisions of the PREA should be addressed by filing a grievance with the ARP.

II. POLICY

It is the policy of MDOC to maintain a safe and secure environment for all inmates to maintain zero tolerance for prison rape and other forms of sexual assault in all MDOC facilities which is incorporated in MDOC Policy 20-14, adopted October 2004.

The provisions of the PREA are incorporated in MDOC policy.

CHAPTER X

INMATE LEGAL ASSISTANCE PROGRAM

I. GENERAL

- A. The purpose of MDOC Inmate Legal Assistance Program (ILAP) is to provide inmates with reasonable and adequate opportunity to present conditions of confinement and post-conviction claims. Information is provided to each inmate that will aid them in understanding how to access the program and gain legal assistance in accordance with inmate-related policies and procedures.
- B. Each state and private institution will have an ILAP. A schedule designating respective units shall be developed and approved for each institution/facility by the Director of ILAP. The institutional Superintendent shall ensure that inmates in satellites and pre-release substance abuse centers in their respective area are afforded a reasonable schedule by the legal assistance staff.

II. GAINING ASSISTANCE

- A. The inmate must request a copy of the Legal Assistance Request Form from the tower officer in their housing unit.
- B. The form must be filled out completely by the inmate, unless they cannot write. However, in all situations, the person requesting assistance must sign the form. Case managers will answer questions regarding accessing the program and will assist illiterate inmates in completing request forms.
- C. Once the form is completed, it should be returned to the ILAP office according to the institutional/ facility procedures.
- D. Inmates will be given notice of ILAP arrival. Inmates will be fully dressed and have legal paperwork ready to receive services on their assigned day. Failure to be fully dressed and have paperwork ready will constitute a refusal by the inmate to receive services for that week.

III. REVIEWING THE REQUEST

- A. After the request has been reviewed, the ILAP staff will either schedule the inmate for assistance or will notify them that their request is being returned with an explanation of that return.
- B. If, after attempting to pursue a claim the inmate is still in need of further assistance, a conference will be scheduled with an attorney or paralegal.
- C. If the inmate needs additional research, it will be provided to the inmate upon their request.
- D. Copies of legal documents will be made for the inmate when the work is completed, signed, and ready to be mailed. ARP grievances and RVR's will not be copied until and unless they are made exhibits to a complaint. No case law will be copied as exhibits to legal work.

IV. MAILING PROCEDURE

- A. All outgoing inmate mail is subject to inspection, except mail from inmates to their designated attorney, any state or federal court, or any public or MDOC official.
- B. Mail from an inmate to any of the above listed persons or agencies will be considered confidential. ILAP staff will verify the authenticity of the correspondence. It will be placed in an envelope, sealed in the presence of the ILAP staff member, and it will not be opened or otherwise inspected.
- C. An indigent inmate is defined as one who is without funds and has maintained the balance of less than a first class stamp or less for 30 consecutive days preceding the requested mailing. Indigent inmates who need to send legal mail will have to prove the mail is for pending litigation. Proof will consist of showing the documents to the reviewing staff member who will be looking for court docket numbers, plaintiff versus requests from either the court or attorney general for specific documents, etc. If requested information is not provided or the inmate refuses to show the mail to the staff reviewing such mail, the letter(s) will not be processed.
- D. Inmates without sufficient funds in their accounts to pay for postage for legal mail will have the postage supplied and the mail sent. The cost of the postage will be deducted from the inmate's account, and a negative balance will be reflected on the account.

V. GENERAL INFORMATION

- A. Each inmate is responsible for his own legal work.
- B. All supplies are issued on a "need" basis, with Court provided forms supplied at each location and made available to inmates upon request on their assigned day.
- C. DOC does not provide legal representation to inmates through this program.
- D. Inmates may possess their legal papers in their housing unit according to institution/facility procedures.

- E.** Any legal assistance done by an inmate for another inmate for any type of compensation is prohibited and subjects both inmates to disciplinary action.
- F.** At all state institutions ARPs and or ARP appeals are filed by submitting an ILAP request form indicating any deadline date. ILAP staff will pick up the ARP's and or ARP appeals on or prior to the inmate's deadline date and place it on the legal mail log for delivery to ARP.
- G.** Should Court and ARP deadlines fall on a date prior to the inmate's scheduled service day, the inmate should complete an ILAP request form and submit it to the tower officer along with proof of the deadline. The officer will telephone ILAP so ILAP staff can provide services prior to the deadline date.
- H.** Attorney calls can be made from the unit without being monitored by placing the attorney's name and number on the inmate call list and indicating that person as an attorney.
- I.** Each inmate is responsible for submitting an ILAP request to add his/her attorney to the attorney of record list. No attorney will be allowed to visit until the inmate has done so.

CHAPTER XI

RULE VIOLATIONS

I. GENERAL

This chapter applies to all inmates incarcerated in MDOC. Inmates violating a specific prohibited act will be issued an RVR which will become a part of their institutional/facility record.

II. DEFINITIONS

A. **Contraband**

Contraband is any item which is not authorized. No inmate shall possess, hold, sell, transfer, receive, control, or solicit any contraband, or any item that would constitute trafficking in contraband. All contraband will be confiscated and may be forfeited by the inmate.

Contraband can also be defined as:

- Any item, ingredient, or part of an item, or instructions on creation of such item, which is capable of causing damage to persons or property;
- Any unauthorized electronic device;
- Any item that is capable or likely to produce or precipitate dangerous situations or conflict;
- Any item not issued by MDOC or their facilities, sold through the Canteen or specifically authorized or permitted by the superintendent/warden or their designee for use or possession in designated areas of the institution/facility;
- Any item which can be the basis for a charge for its possession under the laws of the State of Mississippi or the United States; and or
- Any item which, although authorized, is misused to the degree that the item would cause some danger to persons or property or be likely to precipitate dangerous situations or conflicts.

B. **Criminal Violations**

Any incident in which an inmate allegedly commits an act covered by criminal law.

C. **Disciplinary Hearing**

An impartial classification hearing composed of a Disciplinary Officer or staff member whose name appears on the Executive Order approved by the Commissioner. If requested by the inmate, a staff member or agency representative will be provided to assist the inmate at the disciplinary hearing. This representative will be appointed when it is apparent that the inmate is not capable of collecting and presenting evidence effectively on their behalf.

D. **Informal Resolution**

A resolution of a minor rule infraction heard by a Correctional Supervisor or above rank and handled at the Unit level. A decision will be made within seven days excluding weekends and holidays. The hearing and decision will be conducted by a person not involved in the rule violation. The accused inmate will be given a completed copy of the RVR. Informal resolutions shall not be used in cases involving violence or physical aggression.

E. **Rule Violation**

An act or omission of an act contrary to the rules and regulations of MDOC and or the Laws of the State of Mississippi or the United States.

F. **Rule Violation Report (RVR)**

A reporting form that will include the violation charge, essential facts supporting the alleged violation, processing action taken (*to include requests for investigation and lists of requested witnesses*), findings and the disciplinary action taken. The form will be so configured that proper distribution can be made with the original becoming part of the inmate's permanent MDOC record.

III. RULE VIOLATIONS

The MDOC has adopted the following categories of rule violations.

A. **Violation Category A (Minor Violations)**

Minor Violations do not involve substantial risk to person, property, or the institution. If two minor violations are committed within 60 days, the penalty range for the second violation will be increased from 1-5 to 2-5.

A1 Littering

A2 Illegal possession of any item or quantities not on the allowable items list (Minor-Miscellaneous Contraband)

A3 Unauthorized removal of food or utensils from any food service area

A4 Faking illness or injury

A5 Failure to abide by any published institutional schedule or documented rules

A6 Violating the institutional dress code or grooming standards

B. Violation Category B (Serious Violations)

Serious Violations involve substantial risk to person, property or the institution.

- B1 Improper or unauthorized use of state equipment or materials
- B2 Interfering with an employee in the performance of their duty
- B3 Refusing or failing to obey an order of staff
- B4 Violation of mail, telephone, or visiting regulations
- B5 Failure to clean bed area or pass bed area inspection
- B6 Breaking or entering into another inmate's locker, room, cell, or living unit
- B7 Refusing or failing to carry out work assignment
- B8 Physical action against another person where no physical injury has occurred, including horseplay
- B9 Inflicting injury to self (self-mutilation)
- B10 Tattooing or piercing self or others or allowing self to be tattooed or pierced
- B11 Being in a restricted or unauthorized area
- B12 Violating a condition of any outside work assignment
- B13 Abusive, disrespectful, vulgar, obscene or threatening language, gestures of actions directed toward or about any person.
- B14 Lying to an employee
- B15 Unauthorized communication with any member of the public, staff, or between inmates
- B16 Disruptive behavior or disorderly conduct which threatens the orderly running of the facility
- B17 Unauthorized use of drugs or intoxicants or testing positive for either
- B18 Refusing or failing to submit to a drug urinalysis test
- B19 Smuggling of contraband items into, out of, or within the institution
- B20 Engaging in extortion or blackmail, bribery, loan sharking, collecting or incurring debt
- B21 Refusing or failing to comply with institutional count or lockup procedures
- B22 Nonviolent demonstration or inciting a nonviolent demonstration that may lead to a disruption of institutional operations
- B23 Negligent or deliberate destruction, alteration or defacing of state, personal, or community property valued less than \$100.00
- B24 Deliberately or negligently causing a fire
- B25 Inappropriate sexual behavior with another person or indecent exposure (masturbation)
- B26 Gambling
- B27 Stealing
- B28 Making threatening or intimidating statement
- B29 Refusing to submit to a search
- B30 Pursuing or developing a relationship that is unrelated to correctional activities with a non-inmate (fraternization)
- B31 Possession of serious contraband to include but not limited to:
 - Money
 - State equipment or materials
 - Gang paraphernalia
 - Tobacco products in unauthorized areas (segregation areas)
 - Gambling paraphernalia
 - Stolen property less than \$100.00
 - Tattoo or body-piercing paraphernalia
 - Drug paraphernalia
- B32 Failure to abide by the "statement of conditions" of release for earned Release Supervision, Medical Release, Intensive Supervision Program, or 72 Hour Honorary Leave Agreement
- B33 Absconding supervision from probation or parole
- B34 Giving or receiving anything of value to or from another

C. Violation Category C (Major Violations)

Major violations have the highest level of risk to person, property, or the institution and in some instances may be violation of state or federal law which is subject to prosecution.

- C1 Negligently or deliberately destroying, altering or defacing of state, personal, or community property valued at \$100.00 or more
- C2 Destroying or tampering with the life safety equipment, locking, or security devices
- C3 Tampering with physical evidence or hindering an investigation
- C4 Using mail to obtain money, goods, or services by fraud
- C5 Involvement in disruptive, assaultive, or criminal gang activity
- C6 Escape
- C7 Possession of major contraband to include but not limited to:
 - Firearms

- Sharpened instrument or knife
 - Other objects capable of inflicting death
 - Tools
 - Explosives/ammunition
 - Medication (prescription, non-prescription)
 - Illegal drugs
 - Electronic devices or parts
 - Escape paraphernalia
 - Staff clothing or uniform related items
 - Stolen property over \$100.00
- C8 Assaultive action against any person resulting in serious physical injury
- C9 Physical action resulting in the death or murder of any person
- C10 Hostage taking
- C11 Inciting to riot or rioting
- C12 Arrest for criminal activity while on 72 Hour Leave

IV. DISCIPLINARY HEARING OFFICER

The Superintendent/Warden/Community Corrections Director or their designee shall submit annually, through the chain of command, a list of proposed staff to be placed on the Executive Order for approval by the Commissioner, who will hear all pertinent information surrounding an alleged rule violation and base their final decision solely on a preponderance of the evidence presented at the hearing, and render a factual finding and a fair and just punishment.

V. RULE VIOLATION REPORT SANCTIONS

The Disciplinary Officer shall consider the seriousness of each incident/violation, to include those incidents/violations listed on ISP and Earned Release Certificates and the mental status of each inmate, when assessing punishment.

VI. APPEALS

Any inmate punished under the authority set forth herein who considers his punishment unjust or inappropriate to the offense may appeal to the Institution/Facility Superintendent/Warden/Director or designee, within 30 calendar days after he is notified of the results of his rule violation.

The appeal must be made in writing to ARP, and must include the inmate's reasons for regarding the decision of punishment as unjust or inappropriate. The completed copy of the RVR issued to the inmate after the conclusion of the disciplinary hearing must be attached to the appeal submitted. The appellant authority will return these forms to the inmate along with the appeal response.

VII. CRIMINAL VIOLATION

The Disciplinary Hearing Officer will refer a copy of any RVR considered felonious to the Corrections Investigation Division along with all relevant documents, i.e., Incident Reports, Use of Force Reports, etc. concerning the violation for consideration for prosecution. This will not interfere with the processing of the rule violation through administrative disciplinary hearing by the Disciplinary Hearing Officer.

VIII. RESTRICTIONS

Disciplinary action shall not be capricious or in the nature of retaliation or revenge. Corporal punishment of any kind is strictly prohibited.

IX. RULE VIOLATION REPORT FILING

- A. When an inmate is found guilty of committing a rule or regulation violation and punishment of Loss of Earned Time is imposed, the original copy of the RVR with all supporting documentation attached shall be forwarded to the Commissioner's designee for final approval. The original copy and documentation shall then be forwarded to the inmate's master file and a copy shall be forwarded to the inmate's working file.
- B. When an inmate is found guilty of committing a rule or regulation violation and punishment other than Loss of Earned Time is imposed, the original copy of the RVR with all supporting documentation attached will be placed in the inmate's permanent MDOC master file. A copy shall be placed in the inmate's working file.

X. FRIVOLOUS LAWSUITS

Mississippi Code of 1972, §47-5-76, provides that if an inmate proceeds in forma pauperis in a civil action against MDOC for conditions of confinement, the inmate shall pay 20% per month of the funds in his or her inmate account to MDOC until all filing fees and costs of his/her litigation are paid to the department. MDOC may withdraw such funds automatically from the inmate's account.; An inmate shall not bring a civil action or appeal a judgment in a civil action or proceeding in forma pauperis if the prisoner has, on 3 or more prior occasions, while incarcerated or detained

in any facility, brought an action or appeal in a court that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

The Mississippi Code of 1972, §47-5-76, also provides that the following can occur on receipt of a final Court Order:

- A.** 60 days of an inmate's accrued earned time may be forfeited if the department has received 1 final order as defined herein;
- B.** 120 days of an inmate's accrued earned time may be forfeited if the department has received 2 final orders as defined herein;
- C.** 180 days of an inmate's accrued earned time may be forfeited if the department has received 3 or more final orders as defined herein; and or
- D.** MDOC may not restore earned time forfeited under this subsection.

CHAPTER XII

INMATE ACCOUNTS

I. GENERAL

All MDOC institutions/facilities operate on a cashless accounting system according to MDOC Policy. It is unlawful for any inmate housed at one of these facilities to have coin, currency, money orders, traveler's checks, promissory notes, credit cards, personal checks, or other negotiable instruments on their person or in the premises assigned to them or under their control.

Any money possessed by an inmate will be confiscated and deposited in a special fund in the State Treasury. These funds may then be appropriated by the Legislature to enhance the security of MDOC facilities.

Inmates housed in Community Work Centers are allowed to have no more than \$20.00 in their possession, with no bill being larger than a \$5.00 bill.

II. RECEIPT OF FUNDS THROUGH THE MAIL

Inmates may receive money from outside sources to be credited to their inmate account. Monies must be in the form of a direct deposit using CyberSuite Correctional Services or Western Union Quick Collect. Other funds accepted are pension and retirement checks or any other funds approved by the Director of Inmate Accounts. Neither cash nor any other type of monies will be accepted. If correspondence is included the entire letter will be returned to sender. **The inmate's name and number must be listed on the check.**

All pension or retirement checks or any other funds approved by the Director of Inmate Accounts should be sent to the Central Office Inmate Accounts Department at the address indicated below.

**Mississippi Department of Corrections
Inmate Accounts
P.O. Box 544
Jackson, Mississippi 39205-0544**

(Inmates housed at facilities not directly operated by MDOC should refer to the handbook issued by that facility for proper procedures on sending and receiving money.)

III. FINANCIAL TRANSACTIONS

Financial transactions are not permitted between inmates.

Inmates may send money to outside sources if the appropriate documents are completed and approved by the Corrections Investigation Division, with no more than one transaction allowed per month. Inmates must include a stamped self-addressed envelope with the request.

Community Corrections Directors are responsible for establishing procedures to provide that inmates pay for program services rendered at a reasonable rate as determined by the authority having jurisdiction.