

By: Representative Rosebud

To: Corrections

HOUSE BILL NO. 866

1 AN ACT TO ESTABLISH THE STATE CORRECTIONAL FACILITIES
 2 MONITORING UNIT; TO PROVIDE THAT THE MONITORING UNIT SHALL BE
 3 WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO PROVIDE THAT THE
 4 MONITORING UNIT SHALL PROVIDE CERTAIN INVESTIGATION AND EVALUATION
 5 OF THE STATE CORRECTIONAL FACILITIES AS WELL AS ANY PRIVATE
 6 CORRECTIONAL FACILITIES THAT ARE UTILIZED BY THE STATE TO HOUSE
 7 STATE OFFENDERS; TO REQUIRE THE MONITORING UNIT TO MAKE AVAILABLE
 8 CERTAIN REPORTS PERTAINING TO ITS MONITORING OF THE STATE
 9 CORRECTIONAL FACILITIES; TO REQUIRE THE DEPARTMENT OF PUBLIC
 10 SAFETY TO CONTRACT WITH A CORRECTIONAL FACILITY EXPERT WHO SHALL
 11 PROVIDE CERTAIN TRAINING FOR THE MONITORS; AND FOR RELATED
 12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** (1) There is established the State Correctional
 15 Facilities Monitoring Unit within the Department of Public Safety.
 16 The unit shall be responsible for investigating and evaluating
 17 state correctional facilities, which includes private correctional
 18 facilities, that are utilized by the state to house state
 19 offenders to ensure that the facilities operate in compliance with
 20 national best practices, state and federal law. All monitors
 21 shall be employees of the Department of Public Safety. The
 22 inspections by the unit shall encompass the following:



23 (a) To review and evaluate (i) all procedures set by
24 correctional facilities and (ii) all records containing
25 information related to the operations of the correctional
26 facilities;

27 (b) To review and investigate all complaints filed with
28 the monitoring unit concerning inmate's treatment in correctional
29 facilities;

30 (c) To conduct quarterly monitoring visits of all
31 correctional facilities. The monitor shall have access to an
32 entire correctional facility and shall conduct confidential
33 interviews with inmates and facility staff;

34 (d) To advise a correctional facility on how to meet
35 the needs of inmates who require immediate attention;

36 (e) To provide technical assistance and advice to
37 correctional facilities that will assist the facilities in
38 complying with state and federal law.

39 To carry out the duties in this subsection (1) a monitor may
40 consult with any administrator, employee, inmate, expert or other
41 individual in the course of monitoring or investigating. In
42 addition, the monitor may review court documents and other
43 confidential records as necessary to fulfill these duties.

44 (2) Additional duties of the monitoring unit are as follows:

45 (a) To make available on a quarterly basis to the
46 Governor, Lieutenant Governor and each member of the Legislature
47 a report that describes:



- 48 (i) The work of the monitoring unit;
- 49 (ii) The results of any review or investigation
50 undertaken by the monitoring unit;
- 51 (iii) Any allegations of abuse or injury of an
52 inmate; and
- 53 (iv) Any problems concerning the administration of
54 a correctional facility.

55 The reports described in this subsection shall keep the names
56 of all inmates and employees confidential.

57 (b) To promote awareness among the public and the
58 inmates held in a correctional facility by providing the
59 following:

- 60 (i) How the monitoring unit may be contacted;
- 61 (ii) The purpose of the monitoring unit; and
- 62 (iii) The services that the monitoring unit
63 provides.

64 (3) The records of a monitor shall be confidential. Any
65 inmate, staff member or other interested individual may
66 communicate to a monitor in person, by mail, by phone, or any
67 other means. The identity of reporters shall remain confidential.

68 **SECTION 2.** The Department of Public Safety shall contract
69 with a correctional facility expert who has substantial experience
70 in the administration of constitutionally compliant correctional
71 facilities and significant experience monitoring correctional
72 facilities for a local jurisdiction, state, or as a



73 court-appointed monitor. The contractor shall provide training to
74 all of the State Correctional Facilities Monitoring Unit employees
75 within six (6) months of the effective date of this act. All
76 employees of the monitoring unit must successfully complete the
77 training as determined by the correctional facility expert through
78 the use of a pretest and posttest, facility tour, or any other
79 criteria the expert selects. The training shall include
80 interviewing skills, report writing, and information regarding
81 standard practices in correctional facilities. In addition to the
82 training for the State Correctional Facilities Monitoring Unit,
83 the Department of Public Safety shall arrange for at least eight
84 (8) hours of training with the correctional facility expert for
85 the administrators of the state correctional facilities, including
86 administrators of private correctional facilities that are
87 utilized by the state to house state offenders. The Department of
88 Public Safety shall ensure that its contract with the correctional
89 facility expert includes a provision for technical assistance to
90 the staff of the State Correctional Facilities Monitoring Unit for
91 at least six (6) months after the completion of the training.

92 **SECTION 3.** The Department of Public Safety is authorized to
93 establish a State Correctional Facilities Monitoring Unit pursuant
94 to Sections 1 and 2 of this act.

95 **SECTION 4.** Section 3 of this act shall be codified in
96 Chapter 1, Title 45, Mississippi Code of 1972.



97 **SECTION 5.** This act shall take effect and be in force from
98 and after its passage.

