

Mississippi

WOMEN IN PRISON: 1,624 (10/00)ⁱ

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 97-3-104 – *Sexual penetration of incarcerated offenders by law enforcement officers or employees; offense; punishment.*¹

Mississippi’s law is in the Sexual Offenses section of the criminal code. It limits the violation to specified officers and the acts prohibited to penetration.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	No	The law is limited to sexual penetration.
Does the law allow an officer to claim an inmate consented to the sexual acts and therefore not be charged?	No	The law states explicitly that consent is irrelevant.
Does the statute cover all custodians and staff in contact with inmates?	No	The law covers only specified public servants and custodians.
Does the statute cover all places where an inmate might be abused?	Yes	The law is not concerned where the abuse occurred.
Is the penalty a felony?	Yes	Violation is a felony.

Custodial Sexual Misconduct – Allegations and Incidents

Indictments/Convictions (answer to AI letter requesting information) ⁱⁱ	Amnesty International has received no response from the Mississippi Attorney General’s Office.
Incidents reported in select media since 10/98	<ul style="list-style-type: none"> - Raymond Detention Center: A detention officer was arrested and charged with raping a female inmate. <i>AP 02/02/01</i> - Flowood Restitution Center: A former female inmate is suing a police commander alleging he used his supervisory authority in order to have sex with her while she was in detention. <i>AP 09/12/00</i> - Alcorn County Jail: A lawsuit that claimed a jailer forced female inmate to perform oral sex was settled. <i>AP 11/07/00</i> - River County Jail, River City: Walter Lucas, Acting Warden, asked a male prisoner to act as lookout so that he could take care of some “business” with a female prisoner in a secluded room adjacent to his office. Lucas then called the female prisoner into the room and raped her. Lucas was indicted and later pleaded guilty to one count of violating the civil rights of the female prisoner and one count of making a false official statement (lying to FBI investigators). The District Court sentenced Lucas to two years (one year on each count). <i>Prison Legal News, August 1999</i> - Lowndes County Detention Center: An former female inmate whose claim led to a jail term for her jailer is suing the detention center claiming the workplace environment created condoned sexual contact between custodians and inmates. <i>AP 06/11/99</i>

¹ The text of Mississippi’s statute is reprinted at the end of this section

Other incidents reported	<p><i>Jessica Stockman v. Lowndes County, Mississippi, et al.</i> 2000 U.S. Dist. LEXIS 16677</p> <p>Lowndes County Adult Detention Center: In May 1998, Jessica Stockman entered the Lowndes County Adult Detention Center in Columbus, Mississippi. A week later, after attempting suicide, Stockman was transferred to a holding cell in the booking area where she could be closely monitored. Around June 13, 1998, Stallings approached the duty officer in charge of the booking area and instructed her to take a lunch break in a separate area of the jail. Stallings remained present, acting as a lookout for Hill. Shortly thereafter, Hill entered Stockman’s holding cell and raped her. Roughly two months later, Stockman reported the sexual assault; an investigation was initiated; and Hill and Stallings were placed on administrative leave pending the investigation. Ultimately, Hill and Stallings were terminated from employment and Hill pleaded guilty to criminal charges in connection with the assault.ⁱⁱⁱ</p>
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Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following data is based on surveys performed by the National Institute of Corrections in 1996 and 2000, except in cases where further details have been available to AI from alternative sources.

Is the current Department of Corrections policy on custodial sexual misconduct language explicit?	Yes	Policy includes direct and specific language about the nature of the sexual behaviors prohibited. ^{iv}
Allow cross-gender pat-down searches?	Yes	Searches are predominantly same-sex. Cross-sex searches are done only in an emergency - “emergency” not defined. According to the Mississippi Department of Corrections, circumstances have never required that a male staff member pat-search a female inmate. ^v
Restrictions on the duties of male guards?		Not known.
Was there staff training on sexual misconduct in 1996?	Yes	All staff receive training, consisting of five annual in-service hours.
Has staff training been developed 1996-2000?	No	No new initiatives ^{vi}
Were there special procedures for investigating allegations of sexual misconduct in 1996?	No	Mississippi is not specifically mentioned in the National Institute of Corrections report. However, it is noted that most DOCs use standard investigatory procedures with no special considerations for the nature of the complaint. ^{vii}
Have new investigation procedures been introduced 1996-2000?	Yes	However, no details of the process are available. ^{viii}
Were inmates informed of agency policies about sexual misconduct in 1996?	Yes	Policies are covered in the inmate handbook and are available in the library.
Have procedures on informing inmates about sexual misconduct been revised 1996-2000?	No	No new initiatives ^{ix}

Custodial Sexual Misconduct –Legislative Proposals 2000-01

<p>2000 HB 1470 – <i>Sponsored by Representative Clarke</i> 02/21/00 Introduced 03/07/00 Died in committee</p>	<p>This legislation would have created a toll-free hotline to investigate sexual abuse against female inmates.</p>
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Parenting and Pregnancy in Custody

Pregnancy – Relevant Statutes/Administrative Rules

Legislation banning shackling in the third trimester or during labor	No	Mississippi has no legislation limiting the use of shackling on pregnant inmates.
Administrative rules concerning prenatal care		Not known.

Pregnancy and Parenting - Policies, Procedures and Practices

Use of restraints in third trimester		Not known.
Restraints during transport	Yes	According to a Mississippi DOC official, the use of restraints is based on security class, and usually entails leg-irons, waist chains and cuffs. It is unclear whether this is determined by policy or procedure. ^x
Restraints during labor		Not known. According to a Mississippi DOC official, the use of restraints is based on hospital policy and the attending doctor's directions. ^{xi}
Officer in delivery room	Yes	According to a Mississippi DOC official, a female officer is present. It is unclear whether this is determined by policy or procedure. ^{xii}
Parenting programs specific for women	Yes	Mississippi DOC has a parenting program specifically for women. ^{xiii}
Special visitation rights for women	No	Mississippi DOC has no special visitation rights for women with children. ^{xiv}
State Mother and Child Residency Program	No	Mississippi DOC has no residential program for Inmate mothers and their infants/children. ^{xv}

Contact information

MISSISSIPPI DEPARTMENT OF CORRECTIONS

ROBERT L. JOHNSON, COMMISSIONER Mississippi Department of Corrections 723 N. President St. Jackson, MS 39202 Tel: (601) 359-5600 FAX: (601) 359-5624 Email: rjohnson@mdoc.state.ms.us	Website: http://www.mdoc.state.ms.us/ Public Relations KJONES@MDOC.STATE.MS.US
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MISSISSIPPI DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

WOMEN'S FACILITY Central Mississippi Correctional Facility Warden: Margaret Bingham P.O. Box 88550, Pearl, MS 39208-8550 Phone: (601) 932-2880

MISSISSIPPI EXECUTIVE

<p>Governor Ronnie Musgrove [D] Office of the Governor Post Office Box 139 Jackson, MS 39205</p>	<p>Homepage: http://www.governor.state.ms.us/</p>
<p>Attorney General Mike Moore [D] Office of the Attorney General P.O. Box 220 Jackson, MS, 39201-0220 (601)359-3680</p>	<p>Homepage: http://www.ago.state.ms.us/</p>

MISSISSIPPI LEGISLATIVE INFORMATION

<p>House: 122 members Senate : 52 members</p> <p>Legislative Session: Meets annually from the Tuesday after the first Monday in January for 90 calendar days. Bills may carry over.</p>	<p>Legislature Homepage: http://www.ls.state.ms.us/</p> <p>Bill Search <i>on Legislative Homepage</i> http://www.state.ms.us/its/msportal.nsf?Open</p> <p>Bill information phone number: House: (601) 359-3358 Senate: (601) 359-3267</p>
<p>Senate P.O. Box 1018 Jackson, MS 39215-1018</p>	<p>Homepage: http://www.ls.state.ms.us/senate.htm</p>
<p>House of Representatives P.O. Box 1018 Jackson, MS 39215-1018</p>	<p>Homepage: http://www.ls.state.ms.us/house.htm</p> <p>http://clerkweb.house.gov/106/mbrcmtee/members/mbrstate/UnOfLMbr.htm#MISSISSIPPI</p>

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>Mississippi-CURE 103 Carolton Drive Jackson, MS 39209 (601) 922-1277</p>
<p>ACLU of Mississippi P.O. Box 2242 Jackson, MS 39225 Phone: (601) 355-6464 Web site: www.msaclu.org</p>

Mississippi's Custodial Sexual Misconduct Statute

§ 97-3-104. Sexual penetration of incarcerated offenders by law enforcement officers or employees; offense; punishment.

It shall be unlawful for any jailer guard employee of the Department of Corrections sheriff constable marshal or other officer to engage in any sexual penetration as defined in Section 97-3-97 Mississippi Code of 1972 with any offender with or without the offender's consent who is incarcerated at any jail or any state county or private correctional facility. Any person who violates this section shall be guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5 000.00) or imprisoned for a term not to exceed five (5) years or both.

ⁱ As of October 3, 2000, there were 1624 female prisoners in the prison system, 1107 of which were housed at Central Mississippi correctional Facility Source: MS DOC website

ⁱⁱ The information does not reflect prosecutions or convictions under rape statutes.

ⁱⁱⁱ 2000 U.S. Dist. LEXIS 16677

^{iv} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^v National Institute of Corrections, Prisons Division and Information Center, "Cross-sex Pat Search Practices: Findings From NIC Telephone Research," Colorado, January 1999

^{vi} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^{vii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Agency Response, and Prevention," National Institute of Corrections, Colorado, November 1996

^{viii} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^{ix} US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000

^x Phone conversation with Mississippi Department of Corrections, Public Information Officer, Ken Jones, 11/00

^{xi} Phone conversation with Mississippi Department of Corrections, Public Information Officer, Ken Jones, 11/00

^{xii} Phone conversation with Mississippi Department of Corrections, Public Information Officer, Ken Jones, 11/00

^{xiii} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xiv} US Department of Justice National Institute of Corrections Information Center, "Current Issues in the Operation of Women's Prisons," National Institute of Corrections, Colorado, September 1998

^{xv} General Accounting Office, "Managing Female Inmate Populations," GAO/GGD-00-22, 2000