

2019 FINAL REPORT

CORRECTIONS AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE

January 2020



Membership

Section 68, H.B. 585, Regular Session 2014, established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, hereinafter referred to as “Oversight Task Force” and “Task Force,” to review and monitor the implementation of H.B. 585.

The Oversight Task Force is composed of the following members:

- Hon. Prentiss G. Harrell, Circuit Judge, 15th Circuit Court District, Chair;
- Hon. Paula Broome, SAAG, Director of Domestic Violence, Vice Chair;
- Hon. Ted Booth, Joint Committee on Performance Evaluation and Expenditure Review*;
- Supervisor Mark Gardner, DeSoto County Board of Supervisors;
- Hon. André de Gruy, State Defender, Office of State Public Defender;
- Sheriff Travis Patten, Adams County;
- Steve Pickett, Chair, State Parole Board;
- Hon. Pelicia Hall, Commissioner, Mississippi Department of Corrections;
- Hon. Cherie Wade, Assistant District Attorney, 19th Judicial District;
- Hon. Brice Wiggins, Senator from Jackson County;
- Sheriff Martin Pace, Warren County; and,
- Ken Winter, Executive Director, Mississippi Association of Chiefs of Police.

Authority

The Oversight Task Force is charged with the following responsibilities related to the implementation of H.B. 585, Regular Session 2014 (MISS. CODE ANN. § 47-5-6 [1972]):

- Track and assess outcomes from the recommendations in the Corrections and Criminal Justice Task Force report of December 2013.
- Prepare and submit to the Legislature, Governor, and Chief Justice, no later than the first day of the second full week of each regular session of the Legislature, an annual report on outcome and performance measures and recommendations for improvements; recommendations on transfers of funding based on the success or failure of implementation of the recommendations and a summary of savings; and any additional recommendations to the Legislature on future legislation and policy options to enhance public safety and control corrections costs.
- Monitor compliance with sentencing standards, assess their impact on the correctional resources of the state, and determine if the standards advance the adopted sentencing policy goals of the state.

* The representative of PEER took no part in the adoption of findings and recommendations found in this report.

- Review the classifications of crimes and sentences and make recommendations for change when supported by information that change is advisable to further the adopted sentencing policy goals of the state.
- Develop a research and analysis system to determine the feasibility, impact on resources, and budget consequences of any proposed or existing legislation affecting sentence length.
- Request, review, and receive data and reports on performance outcome measures as related to this act.
- Undertake such additional studies or evaluations as the Oversight Task Force considers necessary to provide sentencing reform information and analysis.
- Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to judges, prosecuting attorneys and their deputies, and public defenders and their deputies, as so required.
- Additionally, the Oversight Task Force is empowered to
 - use clerical and professional employees of the Department of Corrections for its staff;
 - employ or retain other professional staff upon the determination of the necessity for other staff;
 - employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the *2013 Final Report* by the Corrections and Criminal Justice Oversight Task Force Final Report; and,
 - apply for and expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

Methods and Procedures

The Oversight Task Force met three times since the conclusion of the 2019 Legislative Session. In these meetings, the task force was briefed on legislative actions related to Criminal Justice, including H.B. 585, H.B. 387, and H.B. 1352. The task force also received data from the following sources:

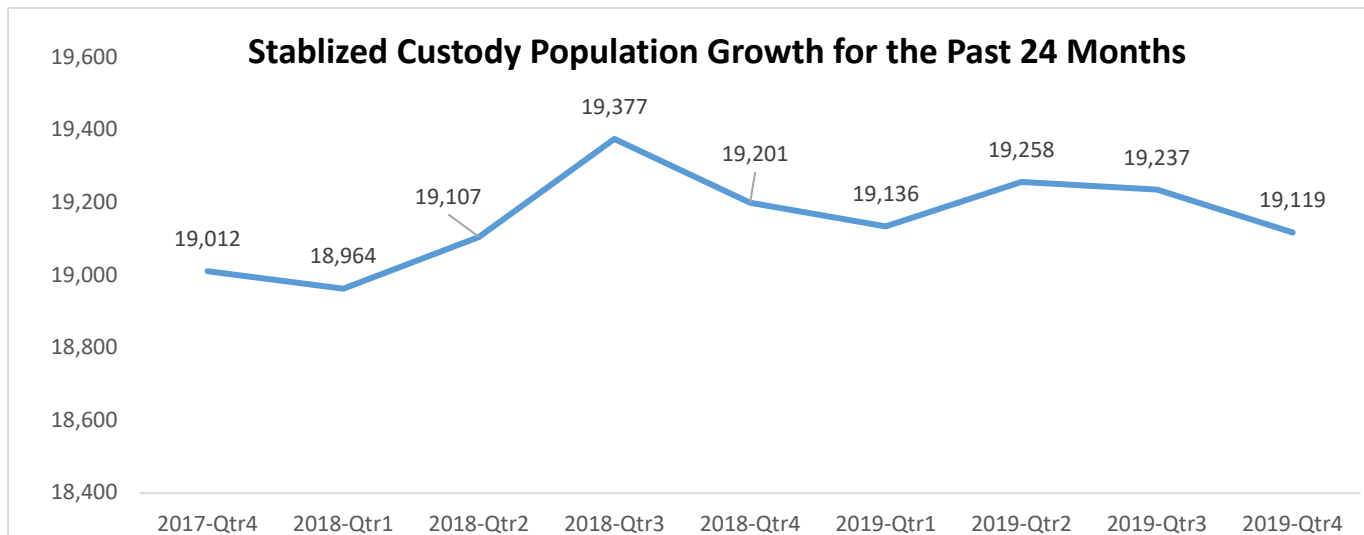
- Audrey McAfee, Deputy Administrator of Technology and Program Information at the Mississippi Department of Corrections, presented updated corrections data relevant to the efforts of H.B. 585;
- Pelicia Hall, Commissioner of the Mississippi Department of Corrections, presented an overview of increasing needs in institutional corrections, including raising entry-level pay for correctional officers and hiring more officers. She announced that the department had recently been awarded a one-million-dollar federal grant to expand re-entry and aftercare services to the southern part of the state. Additionally, a Special Re-entry Report was provided, which highlighted several partnerships the Mississippi Department of Corrections has with other entities;
- Lisa Counts, Deputy Director of the Administrative Office of the Courts, presented an update regarding the current status of the implementation of intervention courts as required by H.B. 1352;
- Andre' de Gruy, State Defender of the Office of State Public Defender, provided a report regarding the potential reduction of prison population through the reclassification of simple possession of drug charges under MISS. CODE ANN. § 41-29-139 (1972);

- Barton Norfleet, Attorney with the Joint Committee on Performance Evaluation and Expenditure Review, presented findings on a recent Committee report entitled *A Review of Mississippi's Criminal Justice Reform Efforts*.
- Steve Pickett, Chair of the State Parole Board, provided annual data in regards to parole hearings.
- Hon. Prentiss G. Harrell, Circuit Judge, 15th Circuit Court District, presented an overview of jurisdictional issues between the Mississippi Department of Corrections and intervention courts that currently prohibit parolees from being placed in intervention court programs on post-release supervision.
- The Task Force considered comments and suggestions expressed by concerned citizens at its January 2020 meeting. The citizens expressed concern as to the composition of the Task Force and the lack of an advocate for offenders and their families who have been directly affected by the prison justice system.

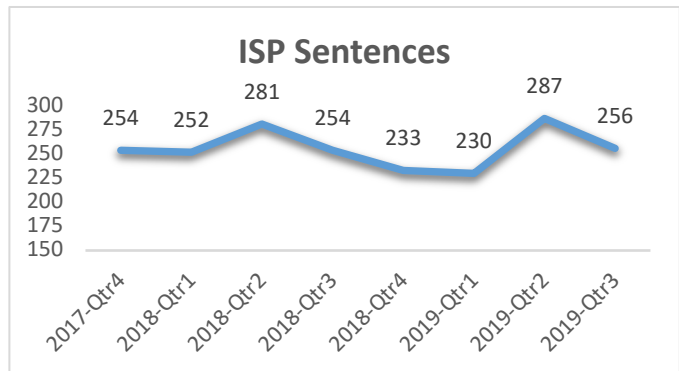
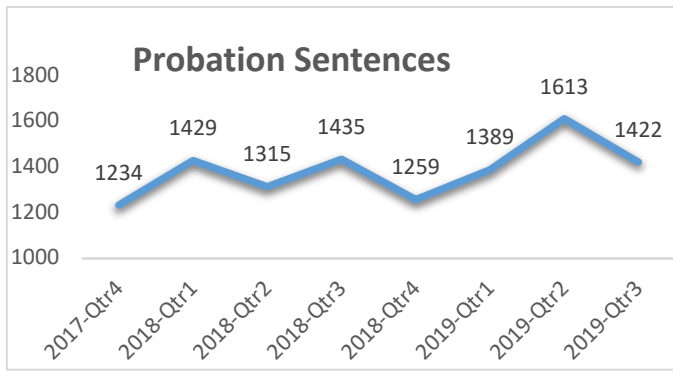
Data sources for this report were provided by the Administrative Office of the Courts (AOC), Office of the State Public Defender, the State Parole Board, and the Mississippi Department of Corrections (MDOC), which provided the following status report:

Mississippi Department of Corrections Status Report

In October 2017, the custody population was 19,012. During the 24 months that followed, the population remained stable, with an average change per quarter of less than 1%. Curtailing population growth for this period of time is a sign that reforms are working. As of October 2019, the custody population is holding steady at 19,119.



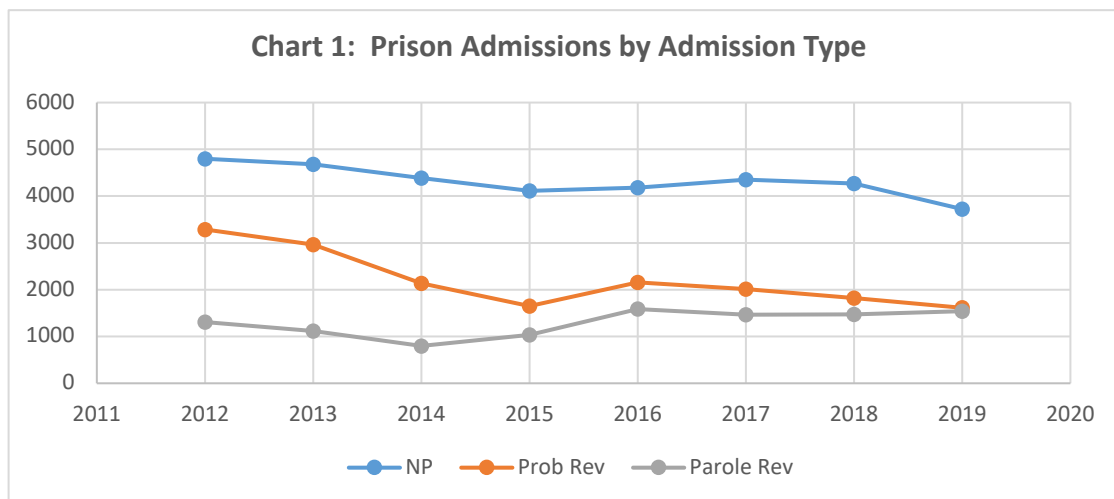
Changes in the custody population, since October 2017, vacillated between -1.0% and 1.0% over a 24-month span and averaged a 0.6% change per quarter. Community-based sentences (probation and house arrest) are key in limiting custody population growth. Over the same period of time, probation sentences have risen and fallen on average by approximately 12% each quarter, with a slight upward trend during the second quarter of 2019. Sentences to house arrest per quarter are relatively consistent and have continued in this fashion since the cessation of MDOC's ability to place offenders on the intensive supervision program (ISP). These alternatives to incarceration have been instrumental in suppressing custody population growth. Increased use of probation and house arrest sentences, coupled with community-based programs and treatment services, are essential for continued and sustained population containment.

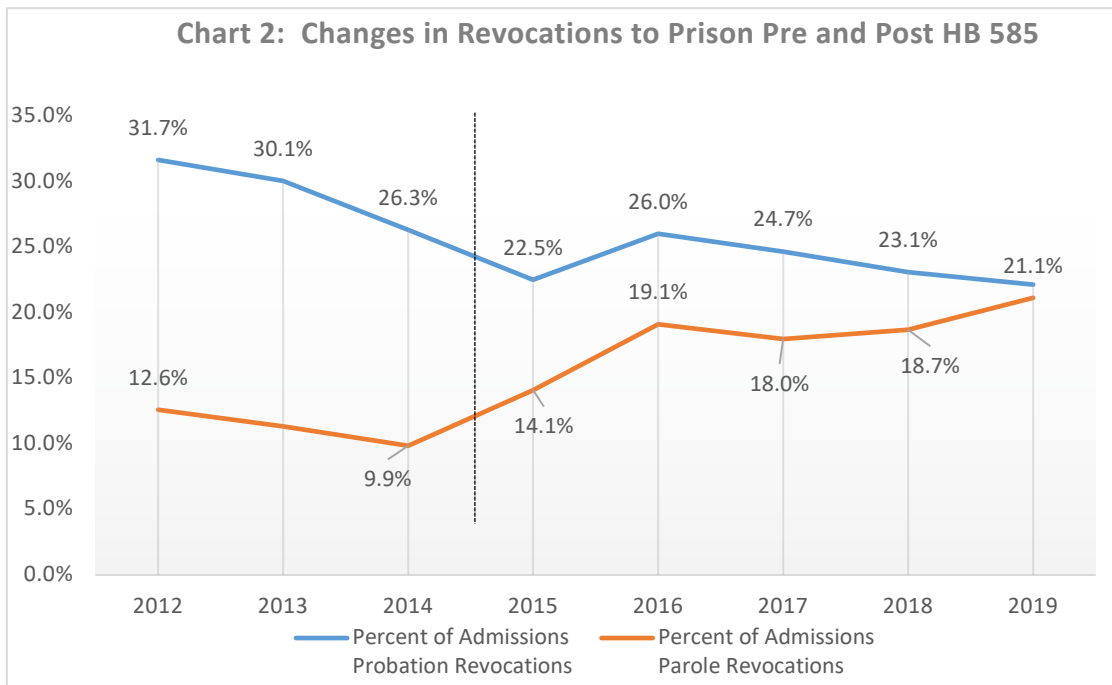


Revocations to prison for technical violations are improving, but remain a challenge. Pre-HB 585 reforms, revocations for parole or probation violations comprised 36.2% of overall admissions. Today, they account for 43.3% of admissions. Although revocations remain a challenge, probation revocations are moving in a downward direction and progress is being observed with consistent declines year after year. Parole revocations comprise approximately 18 to 19% of admissions, but have yet to realize the desired results as seen in the probation population. It is noteworthy that the rate of increase in parole revocations has slowed substantially over the past two years.

The number of new commitments entering incarceration in 2014 compared to those entering in 2019 declined by more than 19%. Lower new prison commitments and slowdowns in revocations are essential to continued population containment.

The two charts that follow depict admissions data before and after H.B. 585.





Although additional analysis and deeper examination of data are necessary to identify the underlying root causes of revocations, data continues to support that supervision failures occur within the first 11.5 to 14 months of supervision. It is incumbent on us to work collaboratively to alter this narrative by employing available resources to develop corrective actions. Addressing revocations and parole eligibility are essential to containing population growth. Sustained efforts in these areas could also result in a slight but observable decline in the population.

Parole Grant Rate and Parole Releases

The Parole Board conducted 7754 parole hearings during FY 2019 and granted parole to 5544 inmates; a 71.5% parole grant rate. The Board’s grant rate has remained consistently high since 2014. However, it can be observed that there is not a perfect correlation between the number of offenders granted parole and those entering parole supervision. In part, this discrepancy can be explained by the timing of the hearings. Hearings are conducted three months in advance of the parole eligibility date. Offenders must first meet the eligibility date before they can be released from incarceration.

Further data analysis revealed that a significant number of offenders are delayed beyond the date they could be released. To obtain a sanitized pool of offenders for analysis and not for use as an exhaustive representation, data was reviewed for new prison commitments eligible for parole to determine how long they remained incarcerated after meeting their parole eligibility date and being granted parole. As reflected in Chart 3, approximately 55% of offenders are released within 30 days of their earliest possible release date (the latter of the parole hearing or parole eligibility date). Another 25% are typically released within 31 to 60 days. This pattern has been consistent over the past four fiscal years, as can be seen in Charts 3a and 3b. While the percentage of offenders remaining incarcerated after being eligible to transition to the community is relatively low, it equates to between 400 and 700 offenders remaining in custody beyond their eligible time for release.

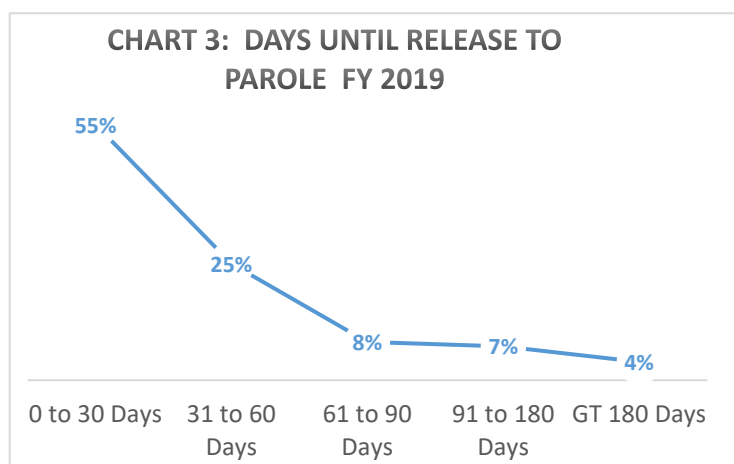


Chart 3a: New Commitments (New Prisoner & Probation Revocations)

Days to Release	FY 2016	FY 2017	FY 2018	FY 2019
0 to 30 Days	1802	2238	2207	1997
31 to 60 Days	803	1105	830	910
61 to 90 Days	260	353	257	298
91 to 180 Days	209	293	272	265
Greater Than 180 Days	97	124	114	143

Chart 3b: Summary of Time Until Release to Parole

	FY 2016	FY 2017	FY 2018	FY 2019	Average
Number Exiting Greater than 60 days	566	770	643	706	671
Number Exiting Greater than 90 days	306	417	386	408	379

Some of the offenders granted parole are subject to the *Keys v. State* opinion and are reflected in those staying longer than 180 days. Notwithstanding the nuances that can occur, the number of delays in release suggests a need for expanding transitional housing*. Moreover, improvements to the logistics of parole releases once parole has been granted could help shorten the length of time offenders remain in custody beyond their eligibility date.

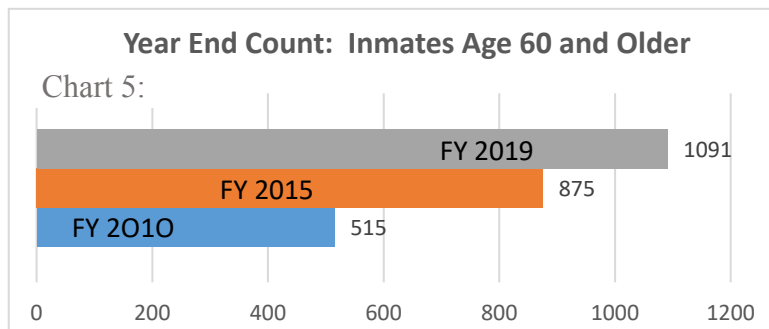
Geriatric Population

Inmates age 60 and older in the custody population comprised 2% of the total population at the end of FY 2010; today, they make up about 6% of the population. See Chart 4.

During the 5-year span from FY 2010 to FY 2015, the number of aged offenders grew by 70%. From FY 2015 to 2019, that demographic continued to grow another 25%. By comparison, the current active inmate count for inmates in this demographic is 1091; at the end of FY 2010, the count was 515 - a 112% increase. See Chart 5.

Chart 4: Inmates Age 60 and Older

Fiscal Year	Percent of Custody Population
FY 2010	2%
FY 2015	5%
FY 2019	6%



This segment of the population is comprised of 97% male offenders, with an even distribution of black and white offenders. Approximately 67% are classified as medical class 1 or 2 (good health); only 14% or 153

* Transitional Housing, or transitional reentry centers, is defined as a state-operated or state-contracted facility used to house offenders leaving the physical custody of the Department of Corrections on parole, probation, or post-release supervision who are in need of temporary housing and services that reduce their risk to reoffend. MISS. CODE ANN. § 47-7-2 (1972)

inmates are designated in health classes 4 and 5 (poor to very poor health). Almost all are minimum or medium security classification. About 80% are serving time for violent or sex offenses. The tables that follow provide breakdowns of these characteristics.

Gender	Number of Offenders
FEMALE	35
MALE	1056
Total	1091

Race	Number of Offenders
BLACK	554
SPANISH OR HISPANIC	6
WHITE	531
Total	1091

Age Group	Number of Offenders
60 - 65	695
66 - 70	243
71 - 75	98
76 - 80	41
81 - 85	10
86 - 90	4
Total	1091

Medical Class	Number of Offenders
Unclassified	8
1	223
2	402
3	305
4	131
5	22
Total	1091

Security Classification	Number of Offenders
Minimum	426
MEDIUM	608
CLOSE	17
DR	4
UNCLASSIFIED	36
Total	1091

Offense Type	Number of Offenders
DRUG	125
NON-VIOLENT	105
SEX	383
VIOLENT	478
Total	1091

To obtain an idea of the length of time these offenders are expected to be incarcerated, the total term of sentence imposed and the portion of the sentence that has been served to date for new commitments was analyzed. Chart 6 summarizes the average term of sentence imposed, the average term served, and the percent of term served by offense type for offenders in this category.

Chart 6: New Commitments Age 60 and Older Average Terms in Months

Offense Type	Number of Offenders	Total Term to Serve	Months Served	Percent Served
DRUG	116	232	82	35.6%
NON-VIOLENT	96	163	70	42.8%
SEX	373	297	156	52.5%
VIOLENT	399	451	224	49.6%

Roughly 27% of these new commitments have a parole eligibility date. The offenders in this subgroup serving time for serious and violent offenses have sentence terms averaging 31.5 years. On average, these offenders have been imprisoned for 16 years and are expected to serve a significant amount of time before being eligible for release. Medical expenses external to the services provided under the medical agreement for offenders age 60 and older are summarized in Chart 7.

Chart 7: External Medical Costs for Offenders Age 60 and Older

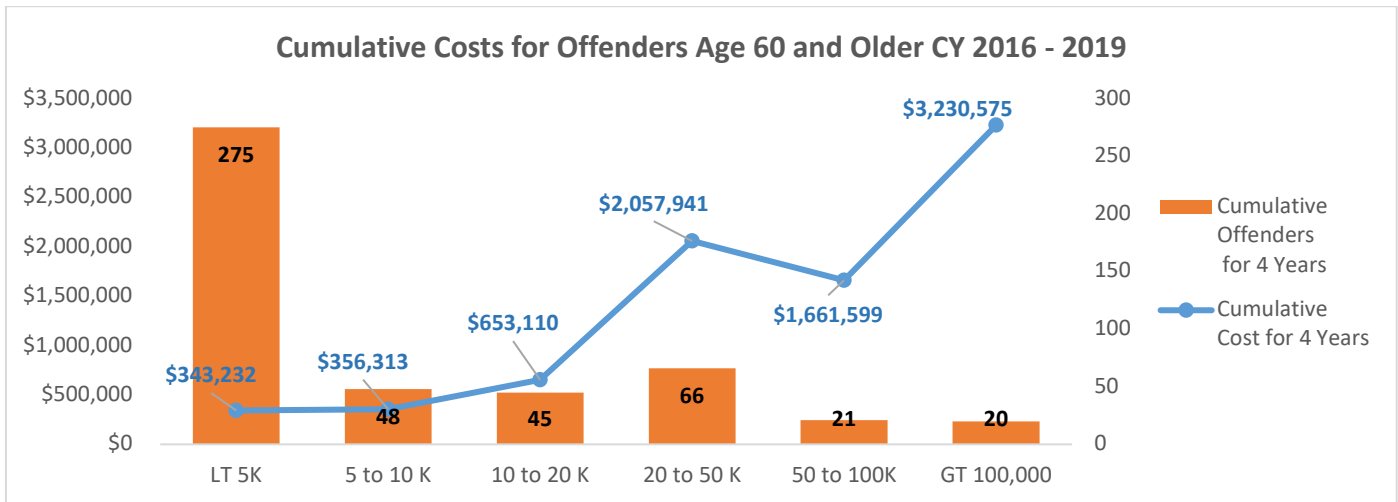
Calendar Year	Offenders Treated	Cumulative Cost
2016	195	\$ 2,002,560
2017	223	\$ 1,708,276
2018	260	\$ 2,625,878
2019	198	\$ 1,966,057

External medical costs and offenders treated by calendar year are shown in Chart 8 and the graph that follows.

Chart 8: External Medical Costs Per Person by Range for Offenders Age 60 and Older

External Medical Costs Per Person	CY 2016	CY 2017	CY 2018	CY 2019 through Sept
LT 5K	130	154	172	150
5 to 10 K	20	18	29	7
10 to 20 K	20	27	25	14
20 to 50 K	12	19	21	16
50 to 100K	11	3	7	9
GT 100K	2	2	6	2
Total Offenders	195	223	260	198

The following graph, below, shows how a very small subset of the aged population can consume significant portions of the medical budget for healthcare costs.



Geriatric Parole Eligibility

Provisions for geriatric parole included in MISS. CODE ANN. 47-7-3 (1972) require the offender be age 60 or older, serving only non-violent non-mandatory offenses, no life terms, have served at least 10 years, have served at least 25% of the sentence term, and cannot be sentenced as a habitual. Under these guidelines, there are two active inmates that meet the criteria. If the law were modified to allow offenders who are serving only non-violent habitual offenses, 26 offenders would be eligible for geriatric parole consideration. Requiring the offender serve at least 10 years, but relaxing the requirement of serving a minimum of 25% term imposed, enables another five offenders to become eligible for consideration.

As the external medical cost charts and graph indicate, a small pool of offenders can significantly impact the budget in the event of serious medical occurrence. The 585 Taskforce may wish to consider the impact of relaxing eligibility criteria to the extent that more offenders are made eligible for geriatric parole without adversely impacting public safety.

Sex Offender Releases and Recidivism

On average, 423 sex offenders have been released annually since FY 2013. In response to concerns that this demographic may be returning to prison at a higher rate than non-sex offenders, the data does not bear that out. Of those released, 85 return within a 36-month period. The recidivism rate, 25.8%, is lower than the overall recidivism rate for releases, which hovers around 34%. Chart 9 provides a summary of and returns for FY 2013 - FY 2019.

Chart 9: Annual Releases of Sex Offenders by Fiscal Year (including Historical Sex Offenses)

Fiscal Year	Released	Returned to Date	Returned within 36 Months	36-Month Recidivism Rate
FY 2013	411	137	90	22%
FY 2014	361	103	72	20%
FY 2015	407	117	89	22%
FY 2016	409	101	88	22%
*FY 2017 - 24 Month Recidivism	464	100	83	18%
*FY 2018 - 12 Month Recidivism	463	59	27	6%
FY 2019	447			
Average	423		85	25.8%

The analysis shows that sex offenders released to post-release supervision or other forms of community supervision returned to prison at more than twice the rate of those with no supervision to follow or for those who fully satisfy all portions of their sentence and are reincarcerated. Unsuccessful supervision may be the result of lack of housing options and restrictive laws that govern sex offenders. Another plausible explanation centers around the effectiveness of traditional supervision and the unintended impact of over-supervision. Similar discussions are being held across the country to determine best practices for employing supervision in a fashion that supports successful reentry. While there are many factors that must be examined to respond to that inquiry for our state and those under our jurisdiction, this cursory review supports that further examination may be a valuable one to undertake. A summary of sex offenders released with a term of probation to follow and the statistics for returns by admission type are provided in Charts 10 and 11 respectively.

Chart 10: Sex Offenders Released with Probation to Follow

Year of Release	Offenders With Probation to Follow	Percent of Sex Offender Releases
FY 2013	307	75%
FY 2014	246	68%
FY 2015	289	71%
FY 2016	303	74%
FY 2017	329	71%
FY 2018	335	72%
FY 2019	329	74%
Average	305	72%

Chart 11: Sex Offender Returns to Prison by Subsequent Admission Type and Percent of Sex Offender Returned by Admission Type

Year of Release	New Prisoner	Return from Probation	Ratio of Probation Supervision Failures to New Commitments
FY 2013	28.9%	63.3%	2.2
FY 2014	18.1%	69.4%	3.8
FY 2015	24.7%	60.7%	2.5
FY 2016	28.4%	56.8%	2.0
Average	25.0%	62.6%	2.5

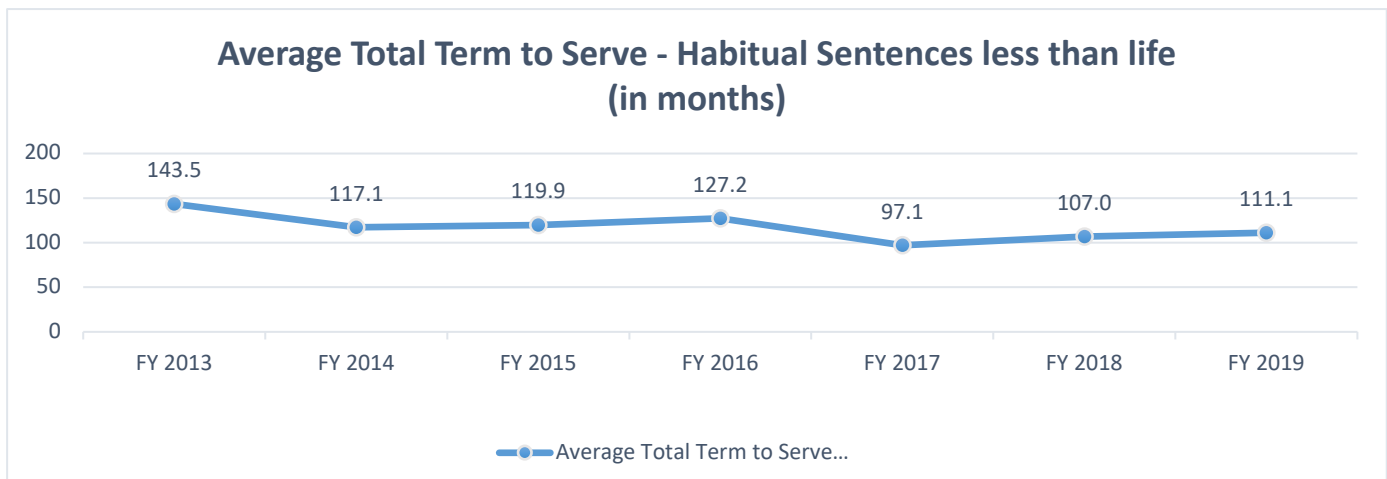
Additional Observations

The following sections are additional observations and highlights based on the complete set of data tables provided in the October MDOC taskforce data report: Prison Admissions by Offense Type for past three fiscal years, between FY 2017 and FY 2018, overall admissions for drug offenses, and other non-violent offenses increased by 13% then fell in FY 2019 by 11% and 0.3% respectively.

Admissions for violent offenses dropped each year with a 4.2% drop in FY 2018 and an 11% drop in FY 2019. The percent change in term of sentence imposed for new commitments admitted to prison between FY 2017 and FY 2019 are the following: Drug offenses 11% increase; Non-Violent offenses 3% decrease; Violent offenses 6% decrease; and Sex offenses 5% increase.

Probation Discharges by Outcome for past three fiscal years: The number of unsuccessful probation discharges have declined each year since FY 2017, going from 2081 in FY 2017 to 1570 in FY 2019, a 25% reduction. The time on probation increased by 1.3 months or 6%. The reduction in failures supports the data being observed in the slowdown in probation revocations.

Habitual Sentences - Review of Sentence Terms: During the 2018 Regular Session, provisions were made to MISS. CODE ANN. 99-19-81 (1972) in H.B. 387 that gave judges greater discretion in sentencing habitual offenders to the maximum term by adding the language “unless the court provides an explanation in its sentencing order setting forth the cause for deviating from the maximum sentence.” The graph shows the average term of sentences imposed for new commitments sentenced as habitual offenders (less than life terms).



As reflected in the chart above, sentence terms are trending downward. By comparison, FY 2019 terms are 23% lower than they were in FY 2013.

Parole Hearings Annual Data

Date	Number of Hearings	Increase (Decrease)
2011	5,934	
2012	6,326	392
2013	6,505	179
2014	8,518	2,013
2015	8,354	-164
2016	10,237	1,883
2017	8,702	-1,535
2018	8,008	-694
2019	10,640	2,632

Note: In 2019, parole was granted to 6,065 of the total 10,640 hearings. In 2019, parole was denied to 1,909 of the total 10,640 hearings.

Date	Revocation Hearings	Revoked	TVC Center
2018	2,692	1,371	1,049
2019	2,660	1,307	946

Date	Inmate Population including community corrections (ERS, ISP, and House Arrest)	Increase (Decrease)	Percentage increase (decrease)
Jan. 1, 2012	25,258		
Jan. 4, 2016	20,858	-4,400	-17.4%
Jan. 3, 2017	20,753	-105	-0.5%
Jan. 2, 2018	20,800	47	0.2%
Jan. 2, 2019	21,015	215	1.0%
Dec. 30, 2019	21,063	48	0.2%

Date	Custody Population	Increase (Decrease)	Percentage increase (decrease)
Jan. 1, 2012	21,481		
Jan. 4, 2016	18,626	-2,855	-13.3%
Jan. 3, 2017	18,833	207	1.1%
Jan. 2, 2018	18,964	131	0.7%
Jan. 2, 2019	19,136	172	0.9%
Dec. 30, 2019	19,187	51	0.3%

Source: State Parole Board

Summary of Efforts to Date

As of the passage of H.B. 585, 2014 Regular Session, the Legislature enacted H.B. 387 in 2018. In summary, H.B. 387 ended “debtor’s prisons” for failure to pay fines and clarified that people sentenced with enhancements prior to July 1, 2014, were eligible for parole. The bill required the Mississippi Department of Corrections to establish and operate technical violation centers (TVCs) to detain probation and parole violators revoked by the court or State Parole Board. The bill also provided discretion to judges to deviate from the mandatory minimum sentences for non-violent habitual convictions. Furthermore, the bill created the Mississippi Sentencing Disparity Task Force with the purpose of studying and reporting on possible disparity in sentencing in order to promote the interest of uniform justice throughout Mississippi.

Additionally, during its 2019 Regular Session, the Legislature enacted H.B. 1352, known as the Criminal Justice Reform Act. The bill’s primary focus was the creation of intervention courts. H.B. 1352 also created the Intervention Courts Advisory Committee, which is chaired by the Director of the Administrative Office of Courts or his designee.

Therefore, as a result of the Legislature acting on the recommendations of the H.B. 585 task force, two pieces of legislation have been passed to help further reduce recidivism through the use of intervention programs. The H.B. 585 Task Force applauds the Legislature for pushing the use of intervention programs and courts. The Task Force now encourages the Legislature to continue to monitor the steps it has taken to reduce recidivism so far and to consider the data and recommendations in this report to help address other areas that may further help improve our prison system and reduce recidivism.

Findings

Earlier efforts regarding revocations, parole, transitional housing, and community corrections, particularly those discussed in the 2013 Final Report by the Corrections and Criminal Justice Oversight Task Force, bear repeating as they had an impact on the substance of H.B. 585. Data from the MDOC 2020 update and State Parole Board supports the need for continual monitoring of parole revocations, consideration of the expansion of transitional housing, and further evaluation of other issues such as geriatric parole eligibility and sex offender release and recidivism policies. Data from the Office of the State Defender supports the need for an evaluation of the effects of reclassifying simple possession drug crimes on the current prison population within the state. The Task Force also recommends that consideration should be given to the jurisdictional issues prohibiting parolees from participating in intervention court programs from which they may benefit. Lastly the Task Force believes that adding an advocate for offenders and families, who have been directly affected by the prison justice system, could be a valuable addition to its membership.

Parole Revocations

Recommendation #14 of the Corrections and Criminal Justice Task Force was to create Technical Violation Centers (Final Report, December 2013, at 16-17). Data showed many offenders entering prison not because of new crimes but because of revocations. After years of revocation increase, by FY 2012, more offenders entered prison from a revocation than a new crime. This practice contributed to a standing prison population that was more than one-third revocations (*2013 Final Report* at 9).

Moreover, the vast majority of offenders revoked to prison were not admitted for engaging in new criminal activity but rather for failing to comply with the terms of their supervision sentences. In FY 2012, 75% of offenders entering prison on a revocation of probation were revoked on a technical violation (*2013 Final Report* at 9).

This was obviously a major cause of the exceptionally high incarceration rate. H.B. 585 attempted to remedy this situation by amending MISS. CODE ANN. Sections 47-7-27 and 47-7-37 (1972) and creating MISS. CODE ANN. Section 47-7-38.1 (1972). In response to concerns from judges, the law was tweaked in 2015 with H.B. 1267 that created MISS. CODE ANN. Section 47-7-37.1 (1972). However, these provisions have failed to accomplish full potential because of underutilization. The prison population bottomed out in late 2015 and began to rise.

The passage of H.B. 385 and the increased use of TVCs has seemed to help somewhat in this area. However, as this bill was just passed in 2018, additional data and monitoring must be conducted in order to ensure these sentences.

In addition to these past concerns, MDOC's 2020 Update Report has shown that parole revocations are still trending upward unlike probation revocations and notes that improvements to the logistics of parole releases once parole has been granted could help shorten the length of time offenders remain in custody beyond their eligibility date. These inefficiencies may be eliminated by identifying potential gaps in policy and procedures currently implemented by the Parole Board.

Geriatric Parole Eligibility

In addition to concern over parole revocations, there is concern that certain policies may be negatively affecting the ability of certain inmate populations, such as the geriatric offender populations, to re-enter successfully.

As discussed above, the current provisions for geriatric parole included in MISS. CODE ANN. § 47-7-3 (1972) require the offender be age 60 or older, serving only non-violent non-mandatory offenses, no life terms, have served at least 10 years, have served at least 25% of the sentence term, and cannot be sentenced as a habitual. If the law were modified to allow offenders who are serving non-violent habitual offenses to be eligible for parole then many more geriatric offenders could be eligible. This could have a strong monetary impact as a small pool of offenders can significantly impact the budget in the event of a serious medical occurrence. Therefore, modification to this law should be further explored in order to reduce prison population and decrease strain on the budget.

Sex Offender Release and Recidivism

As discussed above, analysis shows that sex offenders released to post release supervision or other forms of community supervision returned to prison at more than twice the rate of those with no supervision after or for those who fully satisfy all portions of their sentence and are reincarcerated. Unsuccessful supervision may be the result of lack of housing options and restrictive laws that govern sex offenders. Another plausible explanation centers around the effectiveness of traditional supervision and the unintended impact of over-supervision. These potential reasons for recidivism should be further explored to develop policy to curb this issue.

Transitional Housing

As discussed in prior reports, amounts for transitional housing need to be specifically appropriated in a line item to the Mississippi Department of Corrections. Furthermore, the Task Force has stated that the Parole Board should be given statutory authority to place homeless inmates in transitional housing and for any not-for-profit organization to manage the inmates, subject to Parole Board oversight. The Task Force has also stated that persons released with chemical dependency problems may also be sent to intervention courts after release for intensive supervision.

Reclassification of Simple Possession of Drugs

Following reform efforts in Mississippi and Louisiana, Oklahoma found itself as the #1 incarcerator. In 2016 they took a significant step in reducing their prison population by reclassifying simple possession of drugs to misdemeanor offenses. Several other states have taken this same action (*Reclassified, State Drug Law Reforms to Reduce Felony Convictions and Increase Second Chances*, Elderson and Duran, October 2018, Urban Institute).

Three years after reclassification and finding no public safety harm, Oklahoma made the law retroactive, which led to the one-day release of a national record number of people. According to the State Defender's Office, based on data from the most recent MDOC Annual Report, we could see an over 10% reduction in the prison population and an over 15% reduction in the community corrections population. This would avoid at least \$35M dollars in corrections cost.

Placing Parolees in Intervention Court Programs

Currently, parolees are prohibited from being placed in intervention court programs on post-release supervision due to conflicting jurisdiction issues between MDOC and intervention courts. The Task Force discussed two possible solutions. The first solution would be for the intervention court judge and the parole board to share jurisdiction. Once the judge decided to remove a parolee from the program, he would then allow the parole board to take over. However, shared jurisdiction may prove to be an issue due to the fact that intervention court participants should not be required to pay two supervision fees. The second solution would be for the parole board to transfer jurisdiction to the intervention court judge who would then have the right to revoke the person back to MDOC custody.

Composition of the Corrections and Criminal Justice Oversight Task Force

At one of its meetings, the Task Force received input from the public regarding recommendations. One of the concerns expressed was in regards to the composition of the Task Force and the lack of an advocate for offenders and their families who have been directly affected by the prison justice system. The Task Force took this into consideration and believes that adding such an advocate to its membership would be a valuable addition.

Recommendations

1. Continued investment in workforce training and other reentry and recidivism reduction programs for those incarcerated as well as increases in funding for community corrections and community mental health should be funding priorities in the 2020 Regular Session.
2. Continual monitoring of intervention courts by the Legislature should be conducted to ensure that they follow best practices and implement evidence-based or research-based practices.
3. The Joint Legislative PEER Committee should be asked to conduct a review of the Parole Board, including its revocation policies and procedures, to ensure that they follow best practices and are conducted in a timely manner. This review should cover an analysis of the issues discussed regarding geriatric parole eligibility.
4. The Task Force should further look into laws and policies regarding the post-release supervision of sex offenders to ensure that these laws and policies are not overly restrictive and contributing to an unnecessarily high recidivism rate for this offender population.
5. The Legislature should consider appropriating amounts for transitional housing in a line item to the Department of Corrections. Additionally, the Legislature should consider passing legislation that would allow the Parole Board to place homeless inmates in transitional housing and allow for any not-for-profit organization to manage the inmates, subject to Parole Board oversight.
6. The Task Force should further look into reclassifying simple possession of drug charges to misdemeanor offenses.
7. The Legislature should consider amending all necessary statutes to address any jurisdictional issues that prohibit parolees from being placed in intervention court programs.
8. The Legislature should consider amending MISS. CODE ANN. § 47-5-6 (1972) to add an additional member to the Task Force, appointed by the Governor, who would serve as an advocate for offenders and families who have been directly affected by the prison justice system.

Adoption

After due consideration, the Oversight Task Force adopts this report on January 28, 2020, and directs its chair to sign and deliver copies of the report to the Legislature, the Governor, and the Chief Justice.



Prentiss G. Harrell, Circuit Judge, Chair