

2021 FINAL REPORT
CORRECTIONS AND CRIMINAL JUSTICE
OVERSIGHT TASK FORCE

January 2022



Membership

Section 68, House Bill 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;
- Burl Cain, Commissioner, Mississippi Department of Corrections (MDOC);
- Hon. André de Gruy, State Defender, Office of State Public Defender;
- Travis Patten, Adams County Sheriff, Mississippi Sheriffs Association;
- Troy Peterson, Harrison County Sheriff;
- Steve Pickett, Chair, State Parole Board;
- Hon. Barton Norfleet, General Counsel, Joint Committee on Performance Evaluation and Expenditure Review (PEER);¹
- Rev. Eddie Charles Spencer, Pastor of Alta Woods United Methodist Church in Jackson and Mt. Salem United Methodist Church in Terry, Advocate for offenders and families who have been directly affected by the prison justice system;
- Hon. Ricky Smith Jr., District Attorney, Ninth District, Mississippi Prosecutors Association;
- Hon. Kyle Williams, Director of Opinion and Policy Division, Attorney General’s Office;
- Member representing the Mississippi Chiefs Association (No member designated for 2021);
- Member representing the Mississippi Supervisors Association (No member designated for 2021); and,
- Two members representing the Speaker of the House (No members designated for 2021).

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. Section 47-5-6):^{[L] [SEP]}

- Track and assess outcomes from the recommendations in the Corrections and Criminal Justice Task Force Final Report of December 2013.^{[L] [SEP]}
- 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; annual recommendations based on the success or failure of implementation of the recommendations from the previous year 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.^{[L] [SEP]}
- 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.^{[L] [SEP]}
- 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.^{[L] [SEP]}

¹ The representative of PEER took no part in the adoption of findings and recommendations found in this report.

- 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. ^(L)_(SEP)
- Request, review, and receive data and reports on performance outcome measures as related to this act. ^(L)_(SEP)
- Undertake such additional studies or evaluations as the Oversight Task Force considers necessary to provide sentencing reform information and analysis. ^(L)_(SEP)
- 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: ^(L)_(SEP)
 - use clerical and professional employees of MDOC for its staff;
 - employ or retain other professional staff upon the determination of the necessity for other staff; ^(L)_(SEP)
 - employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Corrections and Criminal Justice Oversight Task Force report of December 2013; and, ^(L)_(SEP)
 - 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 seven times since the conclusion of the 2021 Legislative Session. In these meetings, the task force was briefed on legislation related to criminal justice from the immediate past session. Additionally, the task force also received data from the following sources:

- Barton Norfleet, General Counsel, Mississippi Legislative PEER Committee, gave an overview of the task force's prior reports and legislation that had resulted from them.
- Bryan Bailey, Rankin County Sheriff, presented an overview of his trusty and pilot work release program, which was authorized by H.B. 747 (2021 Regular Session). Sheriff Bailey outlined where the program was functioning well and where it could use improvements, and suggested that the program could be used as a work-release model for county prisons statewide as well as for the MDOC.
- Keith Davis, Deputy Commissioner of Operations, Kevin Raymond, Driver Service Bureau Director, and Eric Brown, Attorney, of the Department of Public Safety (DPS), gave an overview of actions being taken in order to comply with H.B. 551 (2021 Regular Session) which requires that MDOC work with DPS to provide an official state identification card to each person who is released from the custody of MDOC on the day he or she is released from such custody. Mr. Davis stated that DPS was moving forward with a provisional license that would soon be provided to inmates to comply with H.B. 551 and that DPS would continue to work on the process and comply with the REAL ID federal requirements.
- Shaniece Mabry, MDOC Statewide Education Director, presented an overview of current re-entry programs being implemented at the three state prisons and fifteen regional facilities.
- Steve Pickett, Chairman of the Mississippi State Parole Board, presented on the effects of Senate Bill 2795 (2021 Regular Session). Chairman Pickett stated that the bill made approximately 5,700 additional inmates eligible for parole within the next five years. Mr. Pickett discussed the difficulties in handling such an increase in the Board's caseload and outlined the Board's current plan to handle the increase in an effective manner.
- Judge Prentiss Harrell, Task Force Chairman, presented data provided by Pam Holmes, Director of Intervention Courts, Administrative Office of Courts, for Fiscal Year 2021. The presentation included data on funding, program results, monetary savings, and other data as required by H.B. 1352 (2019 Regular Session), to allow for an analysis of the effectiveness of the programs.
- Audrey McAfee, Deputy Commissioner of Technology and Program Information at MDOC, presented updated corrections data relevant to the efforts of H.B. 585.
- Dr. Julie Teater, Consulting Psychological Resources, LLC, presented data regarding juvenile brain development relating to juvenile and habitual offender parole reform and relative information regarding juveniles sentenced to life without parole and the *Miller vs. Alabama* case.
- Burl Cain, Commissioner, MDOC, presented an overview of relative activities and improvements that were recently completed or ongoing within MDOC. Specifically, Commissioner Cain discussed the reopening of Walnut Grove Correctional Facility and the use of this facility to address alcohol and drug addiction as well as gang abatement. Commissioner Cain additionally discussed offering a work release program for inmates housed within MDOC.
- The task force discussed the creation of a Justice Reinvestment Fund, which is a recommendation from its original report and has attached draft model legislation to create such a fund.

Data sources for this report were provided by the Administrative Office of the Courts, Consulting Psychological Resources, LLC, DPS, the Rankin County Sheriff's Office, MDOC, and the State Parole Board. MDOC provided its annual update report regarding the effects of H.B. 585, which are discussed in the section entitled MDOC Status Report.

Summary of Efforts to Date

Since the passage of H.B. 585, during its 2014 Regular Session, the Legislature has passed several pieces of legislation that address recommendations made by the task force. In 2018, the Legislature passed H.B. 387, which 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 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.

During its 2019 Regular Session, the Legislature enacted H.B. 1352, known as the Criminal Justice Reform Act. The bill’s primary focus was to rename drug courts, mental health courts, and veterans courts as “intervention courts,” to be under the oversight of the Administrative Office of Courts. Additionally, H.B. 1352 made some technical changes to the administration of intervention courts, such as requiring better data collection, and reconstituted the Drug Court Commission into the Intervention Court Advisory Commission.

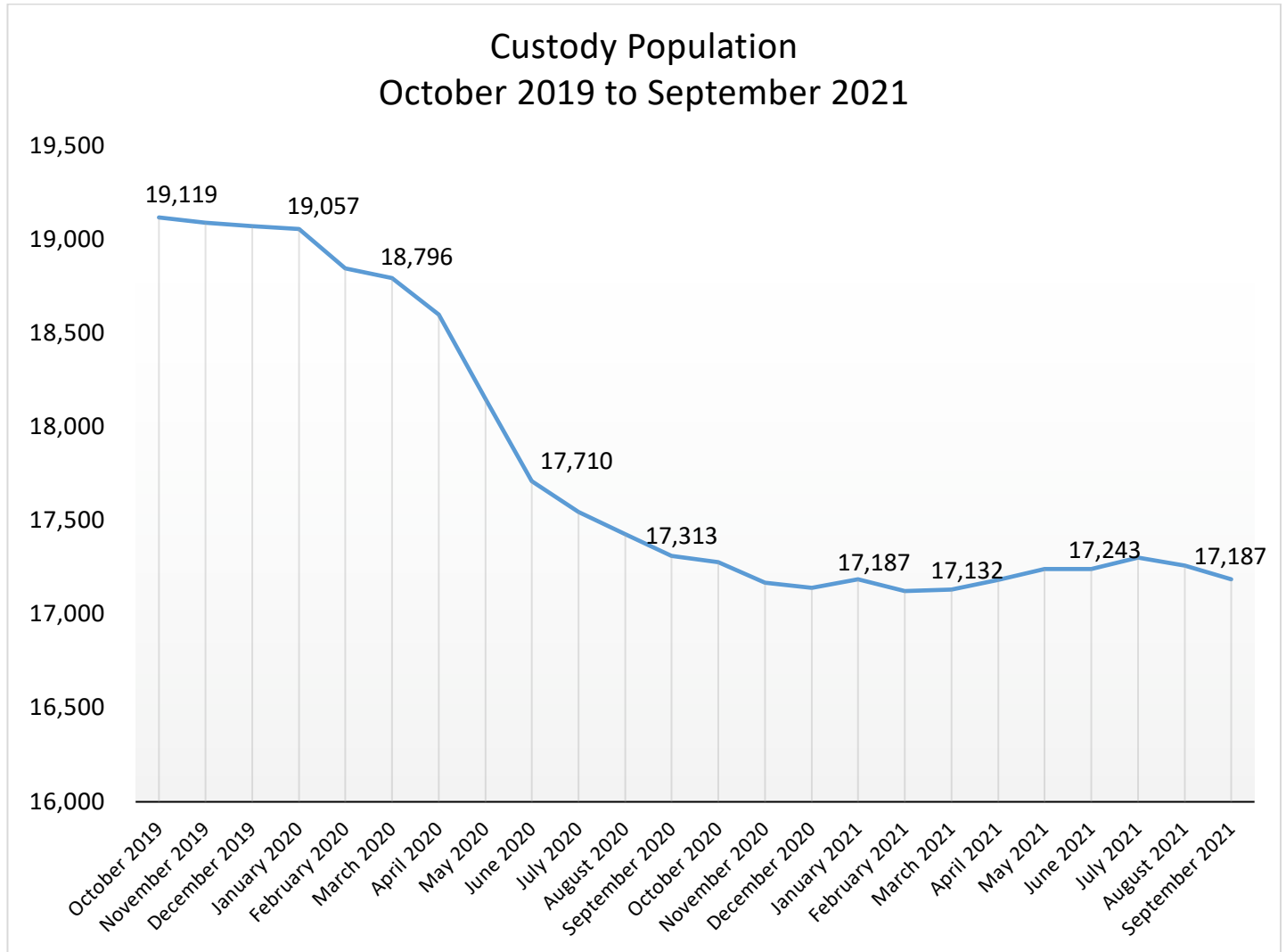
During the 2020 Regular Session, the Legislature passed H.B. 851, which added two additional members to the task force an advocate for offenders and families who have been directly affected by the prison justice system, who is to be appointed by the Governor, and a member to be appointed by the Mississippi Chief of Police Association. Additionally, several significant bills with recommendations from the task force died, and S.B. 2123 was vetoed by the governor.

During the 2021 Regular Session, the Legislature passed S.B. 2795, which expanded the duties of the Corrections and Criminal Justice Task Force by mandating it to develop and submit recommendations to the Governor and to the Legislature annually on or before December 1st concerning issues relating to juvenile and habitual offender parole reform and to review and monitor the implementation of S.B. 2795. The task force reviewed data regarding juvenile and habitual offender parole reform and have included a section summarizing information collected during the review. However, upon further consideration the Task Force concluded that no formal recommendation should be issued at this time as further analysis is needed.

MDOC Status Report

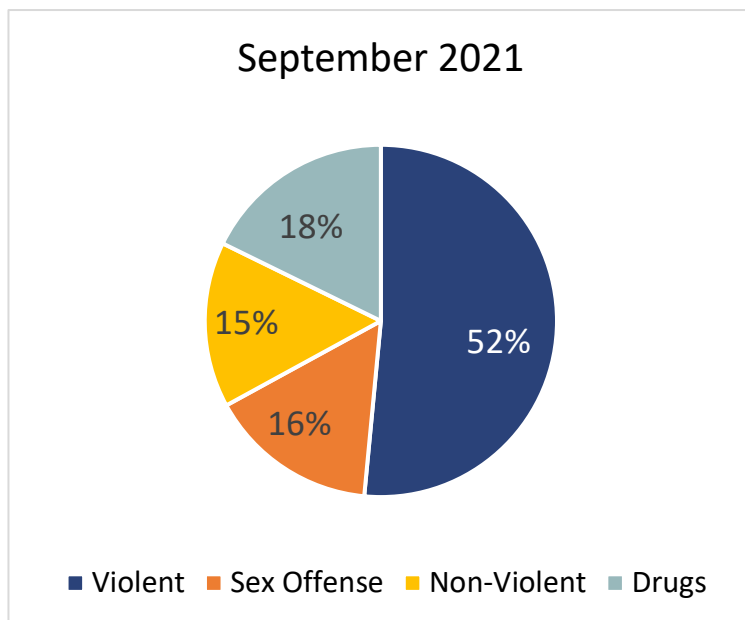
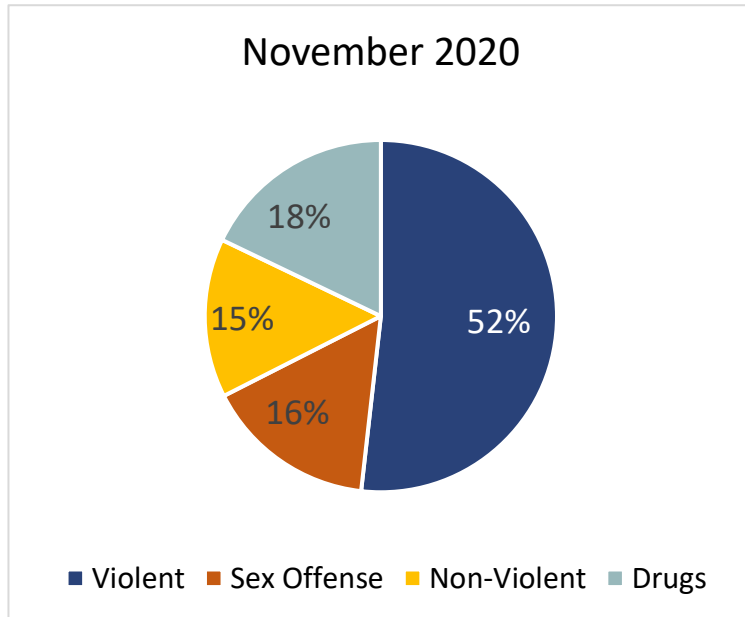
Review of Custody Population:

In October 2019, the custody population was 19,119. The population has dropped to 17,187 as of September 2021, with an 11.2% decline. The custody population has decreased by 1,932 incarcerated inmates from October 2019 to September 2021.



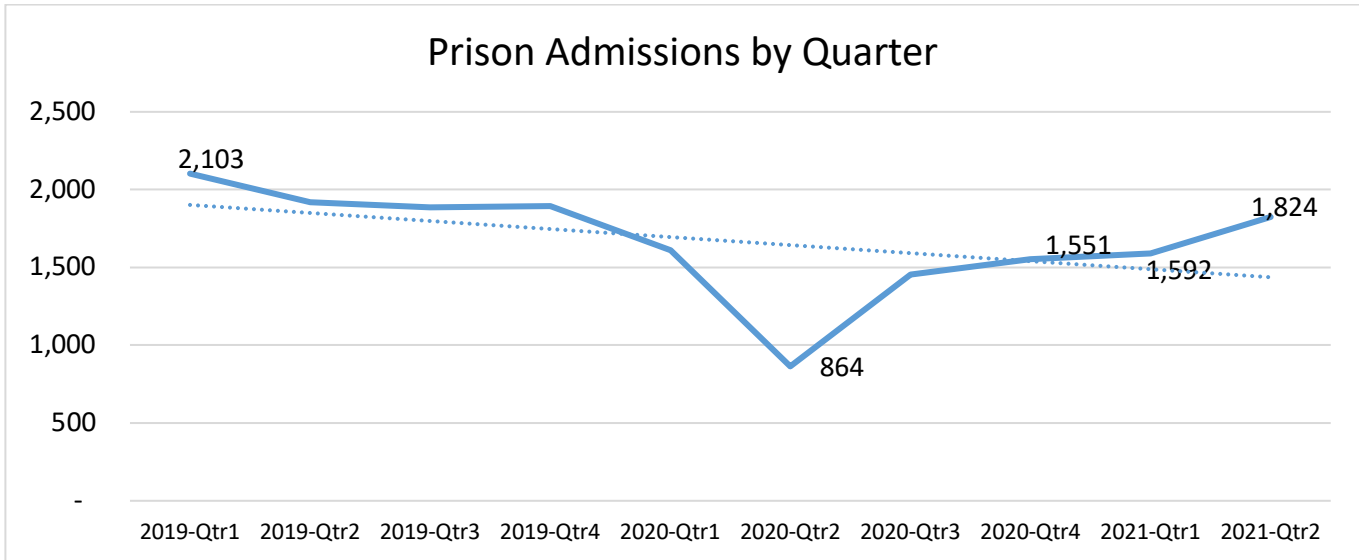
Custody population by offense type:

The percentage of violent and sex offenders made up 69% of the custody population in October 2019. From November 2020 through September 2021, the percentage of violent and sex offenders comprised 68% of the custody population, a slight decrease.



Review of Prison Admissions by Admissions Type:

From October 2019 through November 2020, inmate admissions declined across all admission types including new commitments, probation revocations, parole revocations, and other conditional release violators. However, from November 2020 through September 2021, admissions have increased across all of the above-listed admission types.



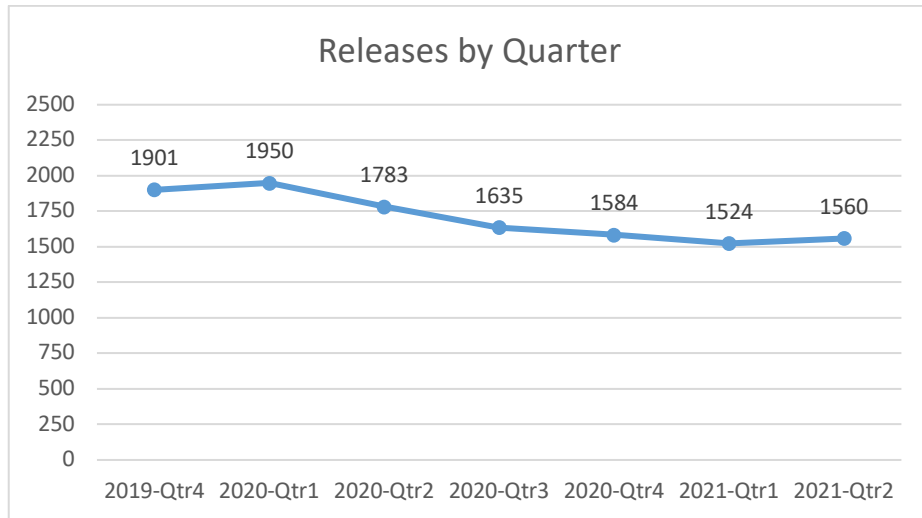
| Admission Type | November 2020 | September 2021 |
|-------------------------------------|---------------|----------------|
| New Commitments | 314 | 858 |
| Other Conditional Release Violators | 10 | 19 |
| Probation Revocations | 264 | 372 |
| Parole Revocations | 255 | 483 |
| RET ERS | 10 | 34 |
| RET HA | 11 | 58 |

Based on the composition of admissions by admission type, the percent of new commitments coming into prison in November of 2020, as compared to new commitment numbers for September 2021, increased by 173.25%. Probation revocations increased by 40.91% and parole revocations by 89.41%.

Review of Admissions by Offense Type:

During the past 21 months, admissions by offense type have remained about the same for each quarter, with drug convictions making up 35%, non-violent 38%, and violent offenses 27%. While admissions declined consistently across all offense categories, it is important to note that there was not a surge or significant drop in the rate of imprisonment for any category.

Review of Inmate Releases:



| Period Qtr. | Releases | Admissions | Growth (+/-) |
|-------------|----------|------------|--------------|
| 2019-Qtr4 | 1901 | 1893 | -8 |
| 2020-Qtr1 | 1950 | 1609 | -341 |
| 2020-Qtr2 | 1783 | 864 | -919 |
| 2020-Qtr3 | 1635 | 1454 | -181 |
| 2020-Qtr4 | 1584 | 1551 | -33 |
| 2021-Qtr1 | 1524 | 1592 | 68 |
| 2021-Qtr2 | 1560 | 1824 | 264 |

Percent of time served for new court commitments released from incarceration has risen slightly since 2020-Qtr3 averaging 51.5% overall:

- 38% for drug offenses;
- 41.4% for other non-violent offenses; and,
- 62% for violent offenses.

Table: Term of Sentence and Percent Served for New Court Commitments Released from Incarceration

* Term of Sentence and Term Served are in Months

| Period and Offense Type | Average Term of Sentence | Average Term Served | Percent Term Served |
|-------------------------|--------------------------|---------------------|---------------------|
| 2019-Qtr4 | 88.20 | 41.15 | 48.4% |
| DRUG | 73.27 | 21.76 | 36.6% |
| NON-VIOLENT | 61.65 | 22.24 | 39.2% |
| SEX | 135.86 | 113.81 | 90.0% |
| VIOLENT | 125.20 | 67.21 | 61.8% |
| 2020-Qtr1 | 83.76 | 39.22 | 48.1% |
| DRUG | 75.30 | 25.71 | 36.7% |
| NON-VIOLENT | 57.40 | 20.64 | 40.2% |
| SEX | 86.06 | 77.74 | 95.2% |
| VIOLENT | 126.78 | 69.36 | 60.0% |
| 2020-Qtr2 | 88.66 | 43.56 | 48.5% |
| DRUG | 82.00 | 30.52 | 39.2% |
| NON-VIOLENT | 59.56 | 20.96 | 38.6% |
| SEX | 131.38 | 106.88 | 90.9% |
| VIOLENT | 126.52 | 73.81 | 61.8% |
| 2020-Qtr3 | 91.97 | 45.93 | 49.9% |
| DRUG | 88.83 | 32.32 | 38.6% |
| NON-VIOLENT | 63.25 | 24.32 | 40.3% |
| SEX | 153.02 | 118.97 | 88.2% |
| VIOLENT | 110.67 | 63.65 | 61.0% |
| 2020-Qtr4 | 99.94 | 51.49 | 51.3% |
| DRUG | 77.91 | 28.80 | 39.9% |
| NON-VIOLENT | 73.52 | 27.26 | 40.8% |

| | | | |
|------------------|---------------|--------------|--------------|
| SEX | 143.70 | 108.01 | 89.0% |
| VIOLENT | 134.24 | 80.51 | 61.6% |
| 2021-Qtr1 | 102.81 | 51.22 | 51.9% |
| DRUG | 86.37 | 28.01 | 37.4% |
| NON-VIOLENT | 64.59 | 23.43 | 40.8% |
| SEX | 133.27 | 92.99 | 89.5% |
| VIOLENT | 141.86 | 83.88 | 62.9% |
| 2021-Qtr2 | 93.20 | 48.25 | 51.2% |
| DRUG | 75.10 | 24.30 | 36.6% |
| NON-VIOLENT | 62.69 | 24.79 | 42.5% |
| SEX | 120.70 | 101.07 | 94.2% |
| VIOLENT | 134.86 | 80.24 | 61.7% |

Parole Board Grant Rate:

The Parole Board grant rate averaged 74% in calendar year 2019, 70.1% in 2020, and 82% through November of 2021.

S.B. 2795, which expanded parole eligibility for certain violent crimes, became effective July 1, 2021. Approximately 6,300 offenders have been identified that either gained a parole eligibility date or received a reduced eligibility date under the new statute.

Approximately 1,800 inmates impacted by S.B. 2795 have eligibility dates in 2021. The Parole Board was unable to provide a the number of S.B. 2795 cases it has heard at this time but has indicated that it has heard over 5,000 cases since the beginning of the year.

Administrative Office of Courts Intervention Court Update

The Administrative Office of Courts provided the following information regarding the outcome of participants that participated in intervention court programs during Fiscal Year 2021.

FY 2021 Drug Intervention Courts

- 43 Drug Intervention Courts
 - 3,531 Total Participants
 - 22 Adult Felony Intervention Courts / 3,134 participants / Average of 142
 - 3 Misdemeanor Intervention Courts / 89 participants / Average of 30
 - 15 Youth Intervention Courts / 276 participants / Average of 18
 - 3 Family Intervention Courts / 32 participants / Average of 11

FY 2021 Adult Felony Drug Intervention Courts

Enrollment and Incarceration Savings

| Enrollment Last Day of Fiscal Year | FY21 | FY20 |
|------------------------------------|---------------|---------------|
| Adult Felony Enrollment | 3,134 | 3,344 |
| Incarceration Savings | \$ 57,603,700 | \$ 63,266,280 |
| Incarceration Savings FY12 - FY21 | \$562,164,022 | |

New Participants

| | FY21 | FY20 |
|-----------------------------------|-------|-------|
| New Participants Accepted | 804 | 904 |
| Applicants Rejected | 165 | 219 |
| Acceptance/Rejection Ratio | 4.9:1 | 4.1:1 |
| Number Entering Pre-Adjudication | 432 | 503 |
| Number Entering Post-Adjudication | 271 | 402 |

Applicant Demographics

| | FY21 | Percentage | FY20 | Percentage |
|-------------|------|------------|------|------------|
| Caucasian | 551 | 68% | 987 | 76% |
| African Am. | 208 | 26% | 299 | 23% |
| Hispanic | 4 | 0% | 13 | 1% |
| Other | 9 | 1% | 9 | 1% |

| | | | | |
|--------|-----|-----|-----|-----|
| Female | 255 | 31% | 436 | 34% |
| Male | 557 | 69% | 855 | 66% |

| | | | | |
|----------|-----|-----|-----|-----|
| Indigent | 299 | 37% | 740 | 57% |
|----------|-----|-----|-----|-----|

Veteran Data

| | FY21 | FY20 | % Change |
|---|------|------|----------|
| Veterans Enrolled at Year-End | 91 | 122 | -25% |
| Number of Courts Reporting Veteran Participants | 15 | 17 | -12% |
| Veterans Receiving Treatment at VA | 14 | 14 | 0% |

Program Violation Data

| | FY21 | FY20 | % Change |
|-----------------------------------|-------|-------|----------|
| Committed at Least One Violation | 3,155 | 3,422 | -8% |
| Charged with New Criminal Offense | 51 | 74 | -31% |
| Convicted on New Criminal Offense | 3 | 29 | -90% |

Exiting Program

| | FY21 | FY20 | % Change |
|----------------------------------|-------|-------|----------|
| Successful Completions | 543 | 433 | 25% |
| Terminations | 360 | 346 | 4% |
| Completion/ Termination Ratio | 1.5:1 | 1.3:1 | |
| Expungements | 174 | 280 | -38% |

Successful Completion of Program (Graduates) FY 2017 - FY 2021

| | FY17 | FY18 | FY19 | FY20 | FY21 | TOTAL |
|---|------|------|------|------|------|-------|
| Number of Adult Felony Intervention Court Participants who Successfully Completed the Program | 507 | 482 | 625 | 433 | 543 | 2,590 |

Fines Collected FY 2017 - FY 2021 (\$7,062,724)

| | FY17 | FY18 | FY19 | FY20 | FY21 |
|---|-------------|-------------|-------------|-------------|-------------|
| Total Fines Paid by Adult Felony Participants to the County | \$1,260,476 | \$1,307,327 | \$1,567,960 | \$1,427,625 | \$1,499,336 |

Issues Relating to Juvenile and Habitual Offender Parole Reform

The 2021 Mississippi Legislature expanded the duties of the Corrections and Criminal Justice Task Force. MISS. CODE ANN. Section 47-7-3 (7) now mandates that:

The Corrections and Criminal Justice Oversight Task Force established in Section 47-5-6 shall develop and submit recommendations to the Governor and to the Legislature annually on or before December 1st concerning issues relating to juvenile and habitual offender parole reform and to review and monitor the implementation of S.B. No. 2795, 2021 Regular Session.

The task force has no recommendation regarding juvenile and habitual offender parole reform or regarding the implementation of S.B. 2795 at this time. The task force did consider data regarding juvenile and habitual offender parole reform and examined how it has been implemented in other states. However, no consensus was reached regarding a recommendation. Additionally, there is not yet enough data regarding the impact of S.B. 2795 for the task force to make any useful observation or recommendation at this time.

While the task force did not make a recommendation regarding juvenile and habitual offender parole reform, the following section on juvenile parole has been included in the report to provide informative data gathered by the task force.

Juvenile Parole

The Supreme Court of the United States has handed down a series of opinions that have fundamentally changed how juveniles tried as adults must be treated. These decisions are based on advances in our understanding of how the human brain develops.

According to the Office of State Public Defender, it is estimated that, as of the time of this report, there are 48 juveniles in the state who have been sentenced to life with a parole eligibility date at 10 years, pursuant to *Miller v. Alabama*, which ruled that the Eighth Amendment forbids mandatory sentences of life without the possibility of parole for juvenile offenders as cruel and unusual punishment. Sixteen of these individuals are currently on parole, therefore, any new legislation regarding this matter would not change their status. It is estimated that there are approximately 100 people who may benefit from legislation that prohibits mandatory life sentences for individuals who are 18 and under. Of the juvenile offenders serving their term sentence, about half have parole eligibility, may become eligible to earn parole, or may earn parole earlier than their current set date. Additionally, there are 22 juveniles currently sentenced to life without parole, many still litigating those sentences. There are 24 juveniles with pending resentencing trials.

In order to better understand this issue, the task force asked Dr. Julie Teater, Consulting Psychological Resources, LLC, to give a presentation regarding juvenile brain development. Dr. Teater provided information regarding what is currently known and accepted regarding age and brain development in juveniles and summarized what is being done in other states.

Reentry Courts

During its 2020 meetings, the task force focused primarily on the implementation of reentry courts in addition to the intervention courts currently in operation. The task force heard from Commissioner Cain, Deputy Commissioner Young, and others regarding the success of reentry courts in Louisiana and how they could be made to work in Mississippi and coincide with the MDOC's new rehabilitation plan. The task force discussed how Louisiana Revised Statutes Section 13:5401 (Louisiana's reentry court statute) would need to be modified to achieve a similar reentry court structure in Mississippi. Due to the time limitations arising from the outbreak of the COVID-19 virus, the task force decided the most important recommendation that could be made in the time provided would be to provide draft legislation to the Legislature regarding the best method for implementing reentry courts within Mississippi.

As a result of the task force's recommendations, S.B. 2574, which was an act to create pilot reentry courts and establish a rehab and workforce development program at MDOC, was introduced during the 2021 Regular Session. The bill passed the Senate but subsequently died in Committee. The task force believes that reentry courts will be a key factor in reducing recidivism and is therefore making the same recommendation it did in its *2020 Final Report*. The task force has also included a modified bill draft which allows for any circuit court to create a reentry court and does not limit them to pilot programs.

Justice Reinvestment

Justice reinvestment is a data-driven approach to reduce corrections spending and re-direct savings to other criminal justice strategies that decrease crime and strengthen communities. Justice reinvestment should be dedicated to improving programs for those inside and outside of prisons. This has already been implemented successfully in many states, such as Louisiana, that created a designated justice reinvestment fund capture and redirect these savings into their criminal justice programs.

In 2013, the task force recommended that savings from averted prison costs be reinvested in the following ways:

1. Invest in adult and juvenile drug courts: Fully fund Mississippi's drug courts, including money to increase treatment options available to participants.
2. Invest in enhanced supervision practices: In order to improve public safety outcomes for offenders on supervision, direct savings to expand Mississippi's capacity for community sanctions and services, including mental health treatment, drug and alcohol treatment.
3. Improve reentry services: Improve reentry services for offenders entering the community by increasing the capacity of residential reentry services.

The decline in prison population has exceeded 2013 estimates, but justice reinvestments could be modified to further improve social support for offenders, especially regarding treatment for substance use disorder and housing.

Substance Use Disorder

The significance of the problem of substance use disorder in the criminal legal system population cannot be overstated. Recent research at the national level suggests as many as 65% of people in prison have a diagnosable substance use disorder and another 20% were using drugs when they committed the offense that led to incarceration.² State funds directed to Drug Courts are used for administration and supervision, not treatment. The Parole Board has repeatedly expressed frustration regarding a lack of treatment options for parolees facing revocation.

According to the 2013 *Final Report*,

... research makes clear that effective community supervision integrates treatment with surveillance. Evidence-based drug and alcohol treatment programs can successfully lower recidivism among participants involved in the criminal justice system, and drug treatment in the community has been shown to reduce crime more than drug treatment in prison.

However, offenders in Mississippi, especially low-income offenders in rural areas, have scarce treatment options.

Housing

Research indicates that offenders are most likely to commit crimes in the first few months after release from prison. Supervision resources are most effective when they target this critical period. However, Mississippi has few resources for offenders reentering the community. More than 9,000 offenders leave state prisons each year, but Mississippi has no system-wide reentry program and a total of just 100 beds in three transitional reentry centers across the state.³

The housing needs of offenders reentering their communities will vary. Some will need permanent supportive housing as evidenced by the approximate 400 people at a given time being approved for release but unable to be released for lack of adequate housing. Most will need far more limited assistance which may include short-term rental assistance, and some will need mid-level assistance consistent with transitional housing contracts.

In 2014, the Legislature in H.B. 585, Section 48, mandated MDOC assist with housing. Now codified as MISS. CODE ANN. Section 47-7-33.1 (2) (d), MDOC shall

(d) Assist inmates in identifying safe, affordable housing upon release. If accommodations are not available, determine whether temporary housing is available for at least ten (10) days after release. If temporary housing is not available, the discharge plan shall reflect that satisfactory housing has not been established and the person may be a candidate for transitional reentry center placement.

² NIDA. 2020, June 1. Criminal Justice DrugFacts. Retrieved from <https://www.drugabuse.gov/publications/drugfacts/criminal-justice> on 2021, December 20.

³ 2013 *Final Report*, pages 10 and 11.

In H.B. 585, the Legislature also amended MISS. CODE ANN. Section 47-7-17 to give the Parole Board the authority to assign an offender on parole to live in a transitional reentry center. If the Parole Board determines that the offender will need transitional housing upon release in order to improve the likelihood of the offender becoming a law-abiding citizen, the board may release the offender on parole on the condition that the inmate spends no more than six months in a transitional reentry center.

In its 2019 *Final Report*, the task force recommended the Legislature consider appropriating amounts for transitional housing in a line item to MDOC. Additionally, the task force recommended the Legislature consider passing legislation that would a) allow the Parole Board to place homeless offenders in transitional housing and b) allow a not-for-profit organization to manage those offenders, subject to Parole Board oversight.

In 2020, the Legislature amended MISS. CODE ANN. Section 47-5-28 to authorize up to 800 transitional housing beds to be utilized by the Parole Board (H.B. 685). This is not the total transitional beds available but just those designated for use by the Parole Board. Approximately 35% of people are released from prison by ways other than parole.

The State Fiscal Year (SFY) 2021 MDOC expenditures for transitional housing was \$704,370.65. The SFY 2023 budget requested by MDOC maintains that sum. This amounts to fewer than 100 beds, roughly the same amount used in 2013.

Options for Short- and Long-Term Solutions

To efficiently and effectively achieve the goal of improving support for substance use disorder and transitional housing, housing experts with input from the recovery community should be responsible for developing a state plan for housing and reentry.

An immediate and short-term solution could be to create an \$8,000,000 reentry housing grant program at the Mississippi Home Corporation (MCH). At this level, estimating a 5% administrative cost, MHC could provide grants to establish housing assistance projects around the state for people leaving prison or within a year of having left prison. Priority should be given to currently underserved rural areas and particular concern given to linking housing and substance use disorder treatment. Minimum standards to qualify for grants should be established.

As a long-term and more comprehensive solution the dormant Reentry Steering Counsel legislation should be repealed and replaced with legislation establishing the fund at DFA to include authority to hire a fund manager who would provide administrative and technical support to a steering committee made up of people with expertise in areas most critical to successful reentry including housing, social services, healthcare and employment.

Work-Release

At the request of Commissioner Cain, the task force looked at the potential benefits of establishing a work-release program operated by MDOC. The Commissioner's vision is to have MDOC collaborate with sheriffs across the state. The task force believes the program would be consistent with the direction the Legislature took in passing H.B. 747 (Regular Session 2021).

The primary goals of the work release program are to improve public safety by reducing recidivism and to avoid unnecessary costs to taxpayers. The work release program is intended to enable participants to acquire some monetary savings prior to release from prison, improve job skills to make participants more employable, and to help participants re-establish ties with their families and communities.

Work-release programs are operated around the country and there is research supporting the benefits of such programs for people incarcerated and the taxpayers who support MDOC. The most robust research was done

by the Florida Department of Corrections and Florida State University in 2016.⁴ The research was funded by the U.S. Department of Justice.

According to the assessment in Florida, work-release programs increased in the 1970s only to lose popularity in the 80s with a shift to “tough on crime” politics. However, the 2016 study demonstrated the benefits of work release for the state of Florida and people incarcerated. People exiting prison had acquired savings, were more employable, and were able to reestablish family ties.

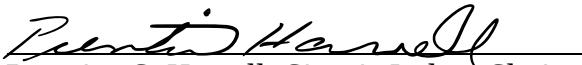
The assessment team also looked at results by demographics. Black and Hispanic males benefited more than female or White males. People ages 25 to 39 had somewhat better outcomes. The greatest benefits were among burglary offenders. Overall, there was a 4 to 10% lower rate of recidivism, and those who completed work-release were five times more likely to gain employment on release compared to non-participants and/or non-completers.

Recommendations

1. The Legislature should consider passing legislation allowing for the creation of reentry court programs by any circuit court within the state. The task force has attached draft legislation, modified to work within the current structure of the state code, for the Legislature’s consideration.
2. The Legislature should continue to monitor intervention courts to ensure that they follow best practices, implement evidence-based or research-based practices, and are producing positive results.
3. The Legislature should consider passing legislation allowing for the creation of work release and prerelease programs within the Department of Corrections. The task force has attached draft legislation as a model for the potential creation of this program.
4. The Legislature should consider passing legislation allowing for the creation of a Justice Reinvestment Fund and Steering Committee.

Adoption

After due consideration, the Oversight Task Force adopts this report on January 20, 2022, 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
Regular Session 2022

Mississippi Legislature

BY:

BILL

AN ACT TO CREATE ALLOW FOR THE CREATION OF REENTRY COURT; TO ESTABLISH A REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM AT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE ANY JUDGE PRESIDING OVER A REENTRY COURT TO AT THE TIME OF INITIAL SENTENCING OF ANY SECOND OR SUBSEQUENT OFFENDER RECOMMEND THE OFFENDER BE PLACED IN THE REHABILITATION AND

⁴ *An Assessment of the Effectiveness of Prison Work Release Programs on Post-Release Recidivism and Employment* by Bales, et al (2016).

WORKFORCE DEVELOPMENT PROGRAM; AND TO NOT MORE THAN THREE YEARS AFTER THE INITIAL SENTENCING TO RECONSIDER THE SENTENCE AND PLACE THE OFFENDER ON POST-RELEASE SUPERVISION.

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

Section 1. This act shall be known as the Reentry Court Act of 2021.

(a) The Mississippi Department of Corrections shall establish a rehabilitation and workplace development program that can be completed in no more than three years.

(b) Any Circuit Court Judge within the state may establish reentry division in their district. Any reentry division of the court and sentencing program shall work in conjunction with the Mississippi Department of Corrections and the Mississippi Intervention Court Commission to establish best practices for the court including standards for suitability. Any person placed in the Reentry Court shall be counted in determining funding allocations to the court from the Administrative Office of Courts.

(c) Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(i) The court may recommend that a defendant who has been previously convicted of one or more felony offenses in this state or any other state or federal court to participate in the workforce development sentencing program if all of the following criteria are satisfied:

1. The defendant meets the eligibility and suitability requirements for participation in the Offender Rehabilitation and Workforce Development Program.

2. The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.

3. The defendant is not sentenced to a term of incarceration which exceeds twenty (20) years.

4. The defendant shall not have any prior felony convictions for any offenses defined as a sex offense in Miss Code Section 45-33-23.

5. The crime before the court shall not be a crime of violence as listed in 97-3-2 except house burglary under 97-17-23(1).

6. The defendant cannot be sentenced in the present charge as a habitual offender pursuant to Mississippi Code Sections 99-19-81 or 99-19-83.

7. Other criminal proceedings alleging commission of a crime of violence as listed in 97-3-2 except house burglary under 97-17-23(1) shall not be pending against the defendant.

8. The crime before the court shall not be a charge of any crime that resulted in the death of a person.

(d) Upon a determination that the defendant meets the eligibility and suitability criteria provided for in subsection (i) above, the court shall advise the defendant that he may be eligible for enrollment in the workforce development sentencing program.

(e) Prior to sentence, the court shall contact the Department of Corrections Reentry Services to determine if there is adequate capacity for enrollment or if bed space is available.

(f) In offering a defendant the opportunity to request the program, the court shall advise the defendant of the following:

(i) If the defendant is eligible to participate in the workforce development sentencing program, the defendant shall waive the right to a trial. The defendant shall enter a plea of guilty to the charge, with the stipulation that the defendant shall be sentenced to custody of the Department of Corrections to participate in the Offender Rehabilitation and Workforce Development Program and after successful completion of that program, the court shall suspend the remainder of his/her sentence and place him/her on probation under the intensive supervision of the reentry division of court.

(ii) The court may impose any conditions reasonably related to the rehabilitation of the defendant, including ordering the defendant to participate and complete a substance abuse treatment program.

(iii) A defendant who is placed under the supervision of the reentry division of court may be ordered to pay the cost of any assessments, substance abuse tests, and treatment programs to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources, as determined by the reentry division of court as guided by Mississippi Code Section 99-19-20.1(1).

(iv) Notwithstanding any provision of law to the contrary, any offender sentenced under this Section shall not be eligible for parole pursuant to Section 47-7-3, nor earn "good time" pursuant to 47-5-138; 47-5-138.1; 47-5-139 nor 47-5-142 while in the program.

(g) The defendant shall agree to participation in the workforce development sentencing program.

(h) The judge shall consider the following factors in determining whether workforce development sentencing is in the interest of justice and of benefit to the defendant and the community:

(i) The nature of the crime charged and the circumstances surrounding the crime.

(ii) Any special characteristics or circumstances of the defendant.

(iii) Whether there is a probability that the defendant will cooperate with and benefit from the workforce development sentencing program.

(iv) Whether the available workforce development sentencing program is appropriate to meet the needs of the defendant.

(v) The impact of the defendant's sentencing upon the community.

(vi) Recommendations, if any, of the district attorney.

(vii) Recommendations, if any, of the involved law enforcement agency.

(viii) Recommendations, if any, of the victim.

(ix) Provisions for and the likelihood of obtaining restitution from the defendant.

(x) Any mitigating circumstances.

(xi) Any other circumstances reasonably related to the defendant's case.

(i) If the judge determines that the defendant shall be enrolled in the workforce development sentencing program, the court shall accept the defendant's guilty plea and sentence the defendant to the custody of the Department of Corrections for a term of years subject to participation in the Offender Rehabilitation and Workforce Development Program under the terms and conditions of the workforce development sentencing program.

(j) If the judge determines that the defendant is not qualified for enrollment, the judge shall state for the record the reasons for that determination.

(k) If the defendant successfully completes the Offender Rehabilitation and Workforce Development Program and successfully completes all other requirements of the workforce development sentencing program, the court, notwithstanding any provision of Miss. Code Sections 47-7-33 or 47-7-47 to the contrary, shall suspend the remainder of his sentence and place the person on probation for not more than three (3) years under the intensive supervision of the reentry division of court. If the defendant fails to complete the Program the court shall order the defendant to serve all or part of the remainder of the sentence. The Department of Corrections shall not grant any "good time credits" for the time served prior to the resentencing nor shall the time in the program be used to calculate a parole eligibility date.

(l) If the defendant violates any condition of his reentry probation, the court may revoke the probation and order the defendant to serve all or part of the sentence previously imposed and suspended, unless the violation is a technical violation and then the court may impose a sentence of not more than ninety days to be served at the Technical Violation Center. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court.

Section 2. The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall conduct a review of all reentry court programs active after three years and produce a report to the Legislature on their effectiveness by December 1, 2024. The PEER Committee may seek the assistance of the Administrative Office of Courts or any other criminal justice experts it deems necessary during its review.

Section 3. This act shall take effect and be in force from and after July 1, 2022 and shall stand repealed June 30, 2025.

Mississippi Legislature

Regular Session 2022

BY:

BILL

AN ACT TO CREATE A WORK RELEASE/PRE-RELEASE PROGRAM THROUGH THE MISSISSIPPI DEPARTMENT OF CORRECTIONS.

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

Section 1. This act shall be known as the Work Release Act of 2022.

(a) The Mississippi Department of Corrections shall establish a work release program

(b) The Commissioner of the Department of Corrections is hereby authorized to establish a work release program in cooperation with any state sheriff's office. Participants in the program shall be housed at a suitable facility under the supervision of the sheriff but separate from county or state inmates who are not in the work release program. No person sentenced for a sex crime shall be eligible for participation in a program established under this act.

(c) The Department of Corrections shall collect and maintain data which shall be shared with the Joint Legislative Committee on Performance Evaluation and Expenditure Review and Corrections and Criminal Justice Oversight Task Force semiannually in sortable electronic format. The first report shall be made by January 15, 2023, and in six-month intervals thereafter. The data shall include:

- (i) Total number of participants at the beginning of each month by race, gender, offenses charged;
- (ii) Total number of participants at the end of each month by race, gender, offenses charged;
- (iii) Total number of participants who began the program in each month by race, gender, offenses charged;
- (iv) Total number of participants who successfully completed the program in each month by race, gender, offenses charged;
- (v) Total number of participants who left the program in each month and reason for leaving by race, gender, offenses charged;
- (vi) Total number of participants who were arrested for a new criminal offense while in the program in each month by race, gender, offenses charged;
- (vii) Total number of participants who were convicted of a new crime while in the program in each month by race, gender, offenses charged;
- (viii) Total number of participants who completed the program and were released from confinement who were subsequently returned to inmate status within three years of completing the program and length of time between release and subsequent incarceration;
- (ix) Total amount earned by participants and how the earnings were distributed in each month;
- (x) Results of any initial risk and needs assessments conducted on each participant by race, gender, offenses charged; and
- (xi) Any other data or information as requested by the task force.

(d) Any person who has been sentenced to confinement in the department may request assignment to the work release program established under this act. Admission to the program shall be at the discretion of the department. The department may further authorize the offender to participate in educational or other rehabilitative programs designed to supplement his or her work release employment or to prepare the person for successful reentry. No offender shall be eligible for this program if they are more than two years from their earliest release date.

(e) The department shall adopt and publish rules and regulations prior to accepting inmates. These rules and regulations shall at a minimum include all requirements for work release programs established pursuant Section 47-5-451 through 47-5-471. Employers participating shall pay no less than the prevailing wage for the position and under no circumstance pay less than the federal minimum wage. Employers shall provide employee benefits including but not limited to workers compensation coverage and health insurance that are provided to non-participant employees of the employer. If employment does not include health care benefits the health care expenses of the participant shall be covered by the Department of Corrections.

(f) Any participant assigned to such a program who, without proper authority or just cause, leaves the area to which he or she has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his or her going to or returning from such place, will be guilty of escape as

provided in Section 97-9-49. A participant who is found guilty under this section shall be ineligible for further participation in a work release program during his or her current term of confinement.

(g) The participant shall maintain an account through a local financial institution. All earnings, after mandatory deductions, shall be deposited to the account, and the participant shall provide an accounting to the sheriff and/or department. The participant shall have access to the account to purchase incidental expenses. The participant may be required to make payments towards actual cost of housing, transportation and other expenses made necessary by operation of the program, not to exceed the lesser of the cost of the program or fifty percent (50%) of wages after mandatory deductions. The Department of Corrections and any participating sheriff's office is prohibited from using any participants' earnings for covering the cost of housing and sustaining the participants.

Section 2. The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall conduct a review of all work release programs after two (2) years of the establishment of this act and produce a report to the Legislature. The PEER Committee shall seek the assistance of the Corrections and Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

Section 3. This act shall take effect and be in force from and after July 1, 2022, and stand repealed on June 30, 2027.

Mississippi Legislature

Regular Session 2022

BY:

BILL

AN ACT TO CREATE A JUSTICE REINVESTMENT FUND; TO ESTABLISH A STEERING COMMITTEE TO MAKE RECOMMENDATIONS ON DISTRIBUTIONS OF FUNDS; TO ESTABLISH THE MEMBERSHIP AND DUTIES OF SUCH COMMITTEE

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

Section 1. Justice Reinvestment Fund; purpose; steering committee membership and duties

(a) There is created in the State Treasury a special fund to be known as the Mississippi Justice Reinvestment Fund. The purpose of the fund is to incentivize effective strategies to assist former inmates in their return to the general population, to reduce the recidivism rates of inmates, to increase public safety, and to reduce budgetary constraints presently created by prison-related costs. The Fund shall be administered by the Mississippi Department of Finance and Administration which is authorized to employ a fund coordinator. The Fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of monies appropriated by the Legislature; interest accruing to the fund; monies received from the federal government; donations and any monies received from any other sources. Fund disbursements shall be made on recommendation of the Justice Reinvestment steering committee.

(b) The Steering Committee shall be composed of the following members:

- i. The Director of the Department of Finance and Administration, or a designee;
- ii. The Commissioner of the Mississippi Department of Corrections, or a designee;
- iii. The Attorney General of the State of Mississippi, or a designee;
- iv. The Executive Director of the Mississippi Department of Mental Health, or a designee;
- v. The Executive Director of the Mississippi Home Corporation, or a designee;
- vi. The Director of the Department of Rehabilitative Services, or a designee;
- vii. The Director of the Department of Human Services, or a designee;
- viii. The Executive Director for the Mississippi Division of Medicaid, or a designee;
- ix. The Chairman of the Parole Board, or a designee;
- x. The Director of the Mississippi Department of Employment Security, or a designee;
- xi. A person who was formerly incarcerated, selected by the State Public Defender, on recommendations from organizations working in the area of reentry assistance; and
- xii. The President of the Mississippi Economic Council, or designee.

(c) The Justice Reinvestment Steering Committee shall have the following duties:

(i) To develop a statewide approach to assist re-entry of formerly incarcerated people into the general population of this state;

(ii) To provide recommendations regarding evidence-based approaches that equip inmates with the requisite, individualized resources to promote their successful return to the general population of this state;

(iii) To review reports, studies, and materials as it deems appropriate;

(iv) To seek and receive grants to be deposited in the Reinvestment Fund.

(d) The Director of the Department of Finance and Administration shall call the first meeting of the steering committee. At its first meeting, the steering committee shall elect a chairman and vice chairman from its membership and adopt rules for transacting its business and keeping records, including the establishment of subcommittees. Officers shall serve one-year terms or until such time as a successor is elected.