

# 2022 FINAL REPORT

## CORRECTIONS AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE

January 2023



## **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;
- Jeffery Belk, Chair, State Parole Board;
- Hon. Burl Cain, Commissioner, Mississippi Department of Corrections (MDOC);
- Hon. Lindsay Cranford; Director of Public Integrity, Attorney General’s Office;
- Hon. André de Gruy, State Defender, Office of State Public Defender;
- Hon. Barton Norfleet, General Counsel, Joint Committee on Performance Evaluation and Expenditure Review;\*
- Sheriff Travis Patton, Adams County Sheriff, Mississippi Sheriffs’ Association;
- Sheriff Troy Peterson, Harrison County Sheriff;
- Rev. Eddie Charles Spencer, Pastor of Alta Woods United Methodist Church in Jackson and Mt. Salem Methodist Church in Terry, Advocate for offenders and families who have been directly affected by the prison justice system;
- Member of the Mississippi Association of Chiefs of Police (No member designated for 2022);
- Member of the Mississippi Prosecutors Association (No member designated for 2022);
- Member representing the Mississippi Association of Supervisors (No members designated for 2022);
- Two members representing the Speaker of the House (No members designated for 2022).

## **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.

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

- 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.
- 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 2021 Regular Legislative Session. In these meetings, the Task Force was briefed on legislative actions related to Criminal Justice and received data from the following sources:

- Audrey McAfee, Deputy Administrator of Technology and Program Information at the Mississippi Department of Corrections, discussed upgrading the current MDOC database, OffenderTrak, to a new database and the findings in the September 2022 PEER report entitled *Management of Offender Data and Records by the Mississippi Department of Corrections*. Ms. McAfee also presented updated corrections and parole data relevant to the efforts of H.B. 585;
- Jeffery Belk, Chair, Mississippi State Parole Board, presented an overview of the actions of the Parole Board since the release of Senate Bill 2795 (2021 Regular Session) and the transition from former Chairman Steve Pickett and the effect on the number of releases;
- Burl Cain, Commissioner of the Mississippi Department of Corrections, presented an overview of increasing needs in institutional corrections, the reopening of Walnut Grove Correctional Facility, and plans for reentry programs; and,
- Bradley Lum, CEO, Mississippi Works (Formerly Mississippi Prison Industries and MAGCOR), presented an overview of current and potential future reentry programs offered at Mississippi Works.

Data sources for this report were provided by the Office of the State Public Defender, the State Parole Board, and the Mississippi Department of Corrections (MDOC), which provided the following 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 for 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 Association of Chiefs of Police.

During the 2021 Regular Session, the Legislature passed S.B. 2795, which expanded parole eligibility for certain violent crimes. Approximately 6,300 offenders either gained a parole eligibility date or received a reduced eligibility date under the new statute.

During the 2021 Regular Session, the Legislature passed H.B. 747, which authorized the Rankin County Sheriff’s Department to create a pilot work release program to help qualified inmates learn skills and make

employment connections before release. In the 2022 Regular Session, the Legislature passed H.B. 586, which authorized Harrison and Lee counties to develop similar pilot work release programs.

The 2022 Legislature passed SB 2437 establishing a pilot work-release program within MDOC. This new program is limited to operating from CMCF and limited to 25 participants.

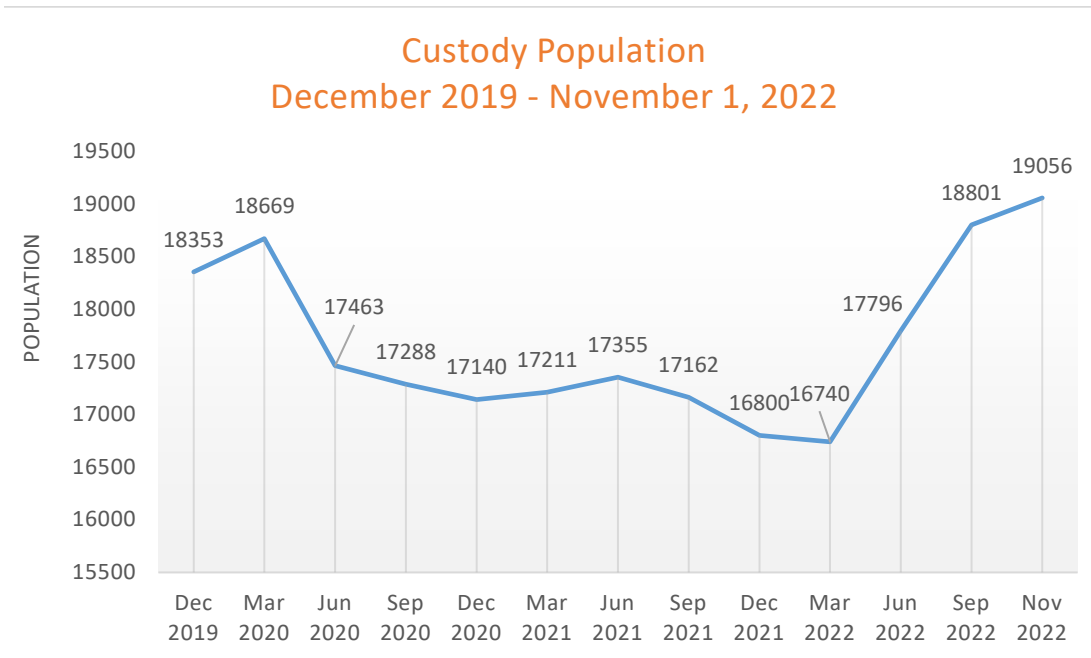
## Mississippi Department of Corrections Status Report

### *Summary*

- The current custody population has grown by 2,192 incarcerated offenders during calendar year 2022.
- The number of admissions to prison have returned to pre-pandemic levels and appear to have stabilized.
- The type of offenses for prison admissions remained consistent across all offense categories.
- There has been a noticeable decline in number of releases since the second quarter of 2020.

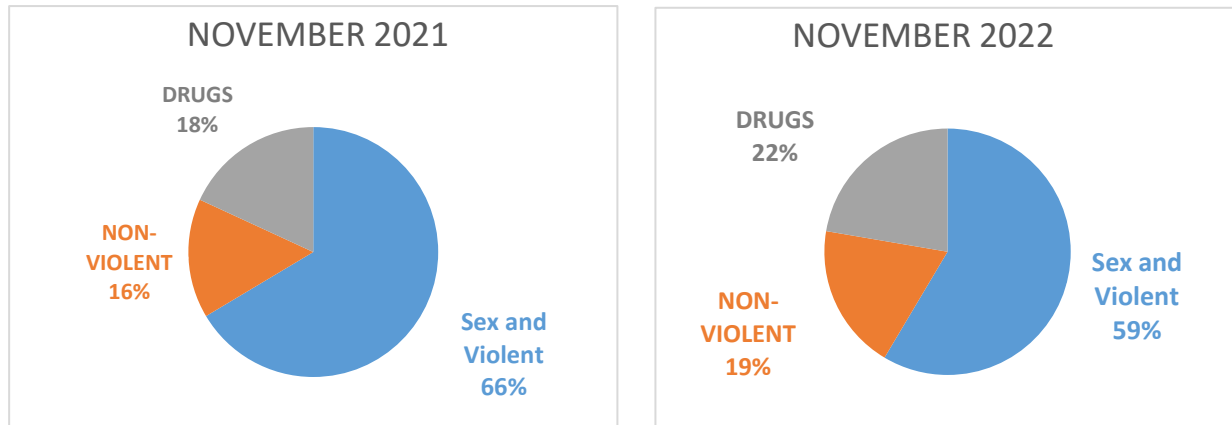
### Review of Custody Population:

On December 31, 2019, the custody population was **18,353**. The inmate population trended downward over the following 27 months, reaching its lowest point in March 2022. Since March, the population has increased by more than 2,300 inmates, climbing to 19,056 as of November 1. The chart below shows the changes over time from December 2019 to present.



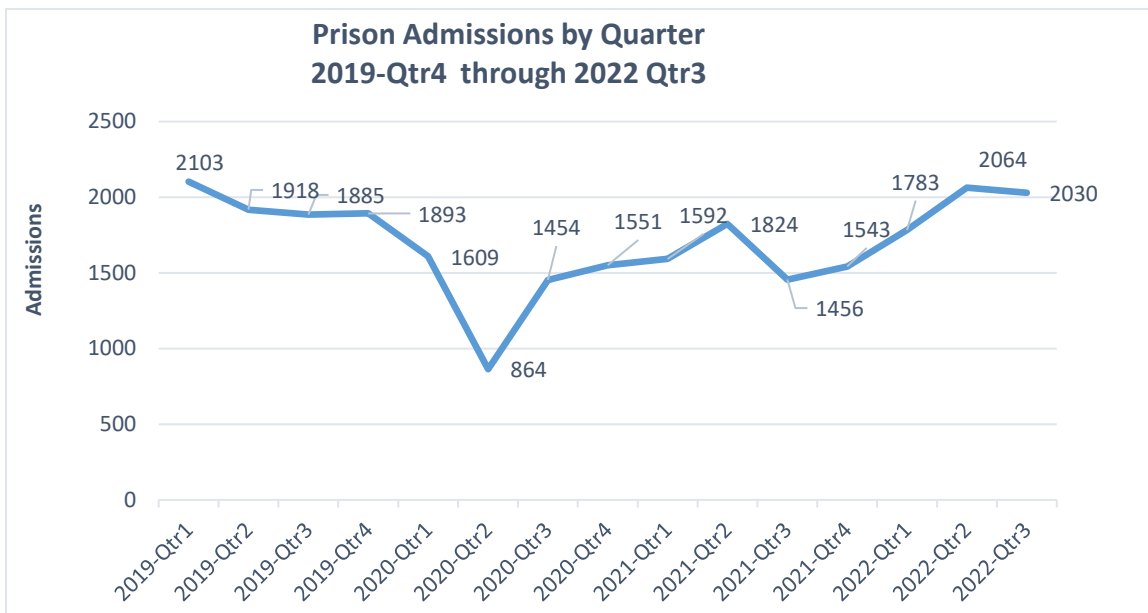
**Custody population by offense type:**

A comparison of the incarcerated population for November 2021 to November 2022 shows that while the percentage of violent and sex offenders continue to make up the majority of the custody population, the percentage of incarceration for drug offenses and other non-violent offenses has increased. Inmates incarcerated for drug and other non-violent offenses make up 41% of the custody population; up by 7%. Correspondingly, sex and violent offenders make up 59% of the incarcerated population.



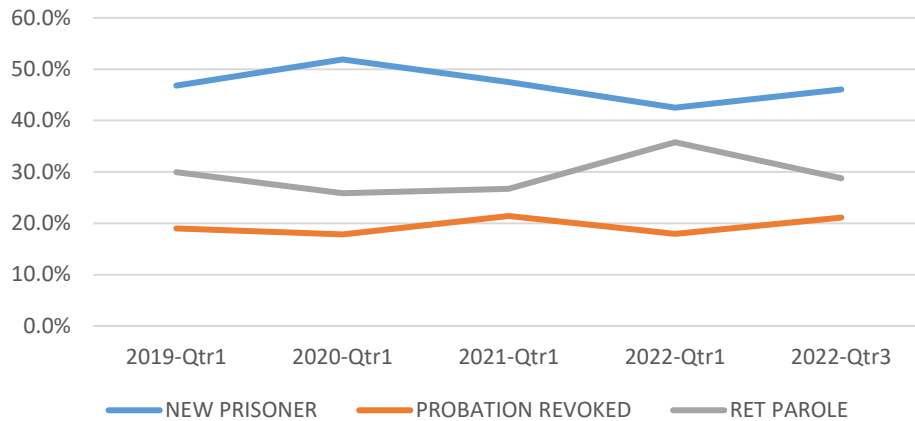
**Review of Prison Admissions by Admissions Type:**

From 2019-Qtr4 through 2020-Qtr2, inmate admissions declined across all admission types including new commitments, probation revocations, parole revocations and other conditional release violators. Total admissions have increased since their low point in 2020-Qtr2 and appear to be stabilizing near pre-pandemic levels. The chart below represents prison admissions by each quarter for 2019-Qtr4 through 2022-Qtr3.



On comparison of admissions by admission type for the first quarters of 2019 through 2022 and the current quarter, 2022-Qtr3, the data shows that admissions have returned to pre-pandemic levels.

**Admissions by Type**  
Percent of Overall Admissions



| Admission Type          | 2019-Qtr1   | 2020-Qtr1   | 2021-Qtr1   | 2022-Qtr1   | 2022-Qtr3   |
|-------------------------|-------------|-------------|-------------|-------------|-------------|
| NEW PRISONER            | 46.8%       | 51.9%       | 47.5%       | 42.5%       | 46.1%       |
| PROBATION REVOKED       | 19.0%       | 17.8%       | 21.4%       | 17.9%       | 21.1%       |
| RET PAROLE              | 30.0%       | 25.9%       | 26.7%       | 35.8%       | 28.8%       |
| <b>Total Admissions</b> | <b>2103</b> | <b>1609</b> | <b>1592</b> | <b>1783</b> | <b>2030</b> |

There have been two periods of significant increases in admissions: between 2022-Qtr1 and 2022-Qtr2, there was a 28.2% increase in the number of new commitments entering prison; between 2021-Qtr4 and 2022-Qtr1, there was an 80.7% increase in parole violators returning to incarceration. Otherwise, the data does not reflect significant spikes or declines in overall admissions nor in a particular admission type. The increases are highlighted in the following chart:

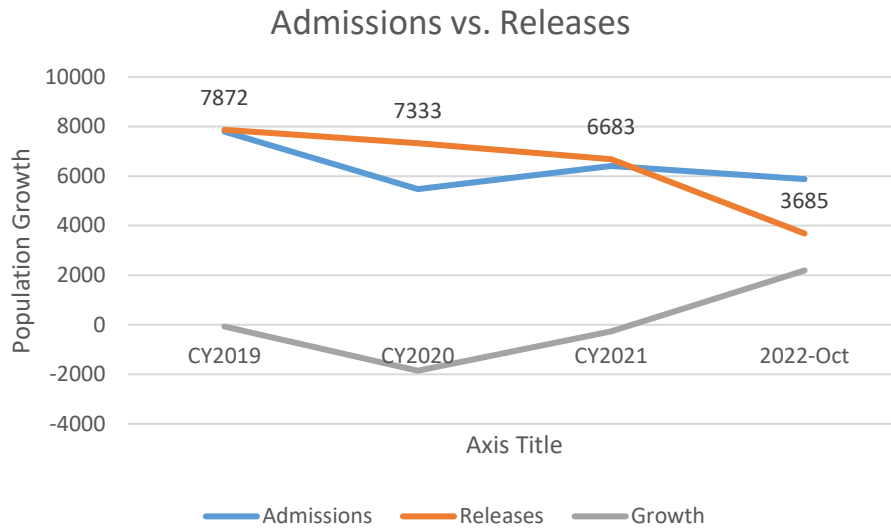
| Admission Type    | 2021-Qtr3   | 2021-Qtr4   | 2022-Qtr1   | 2022-Qtr2   |
|-------------------|-------------|-------------|-------------|-------------|
| NEW PRISONER      | 699         | 760         | <b>758</b>  | <b>972</b>  |
| OTHER             | 12          | 19          | 19          | 15          |
| PROBATION REVOKED | 332         | 348         | 320         | 389         |
| RET ERS           | 19          | 22          | 13          | 14          |
| RET HA            | 28          | 41          | 35          | 64          |
| RET PAROLE        | 366         | <b>353</b>  | <b>638</b>  | 610         |
| <b>Total</b>      | <b>1456</b> | <b>1543</b> | <b>1783</b> | <b>2064</b> |

**Review of Admissions by Offense Type:**

Admissions by offense type continue to remain about the same for each quarter, with drug convictions making up 35%, non-violent 37%, and violent offenses 27%. While overall admissions have increased, it is important to note that there has not been a surge or decline in the type of offender admitted to prison.

**Review of Inmate Releases:**

From 2019-Qtr4 through 2020-Qtr4, releases outpaced admissions, resulting in a decrease in the incarcerated population, bringing it to levels not seen since March 1999. However, there has been a 53% decline in number of releases since 2019 and a 45% decline when compared to 2021.



| Calendar Year | Admissions | Releases | Growth |
|---------------|------------|----------|--------|
| CY 2019       | 7799       | 7872     | -73    |
| CY 2020       | 5478       | 7333     | -1855  |
| CY 2021       | 6415       | 6683     | -268   |
| CY 2022-Oct   | 5877       | 3685     | 2192   |

The custody population has experienced unprecedented growth during this calendar year, increasing by 2,192 incarcerated offenders.

#### Length of Sentence for New Commitments:

Tracking length of sentence for new commitments to incarceration is one of the measures required by House Bill 585. The data indicates that the average term of sentence imposed by offense type for new commitments has remained fairly consistent. Closer examination of the data shows that elevated average terms for a report period are attributable to imposition of lengthy sentences for a small number of offenders rather than being indicative of a change in sentencing patterns.

| Offense Type   | 2020-Qtr4    | 2021-Qtr1    | 2021-Qtr2     | 2021-Qtr3   | 2021-Qtr4    | 2022-Qtr1    | 2022-Qtr2    |
|----------------|--------------|--------------|---------------|-------------|--------------|--------------|--------------|
| DRUG           | 75.99        | 70.81        | 88.48         | 78.88       | 76.38        | 77.66        | 81.93        |
| NON-VIOLENT    | 62.43        | 59.41        | 58.85         | 57.69       | 56.70        | 54.63        | 58.79        |
| VIOLENT        | 146.92       | 157.24       | 173.76        | 154.03      | 162.41       | 168.68       | 181.02       |
| <b>Average</b> | <b>99.21</b> | <b>98.50</b> | <b>109.95</b> | <b>97.0</b> | <b>103.3</b> | <b>102.8</b> | <b>110.0</b> |

#### Percent of Time Served for New Court Commitments:

Of those released from incarceration for drug and non-violent offenses has increased for past two quarters bring the average for the year to 43.7% Drug offenses and Non-Violent offenses 44.9%.



**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 |
|-------------------------|--------------------------|---------------------|---------------------|
| <b>2020-Qtr4</b>        | <b>99.94</b>             | <b>51.49</b>        | <b>51.3%</b>        |
| 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%               |
| <b>2021-Qtr1</b>        | <b>102.81</b>            | <b>51.22</b>        | <b>51.9%</b>        |
| 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%               |
| <b>2021-Qtr2</b>        | <b>93.20</b>             | <b>48.25</b>        | <b>51.2%</b>        |
| 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%               |
| <b>2021-Qtr3</b>        | <b>105.51</b>            | <b>55.81</b>        | <b>54.1%</b>        |
| DRUG                    | 91.31                    | 34.29               | 41.9%               |
| NON-VIOLENT             | 65.79                    | 22.33               | 44.3%               |
| SEX                     | 160.32                   | 116.84              | 90.3%               |
| VIOLENT                 | 142.37                   | 91.53               | 65.0%               |

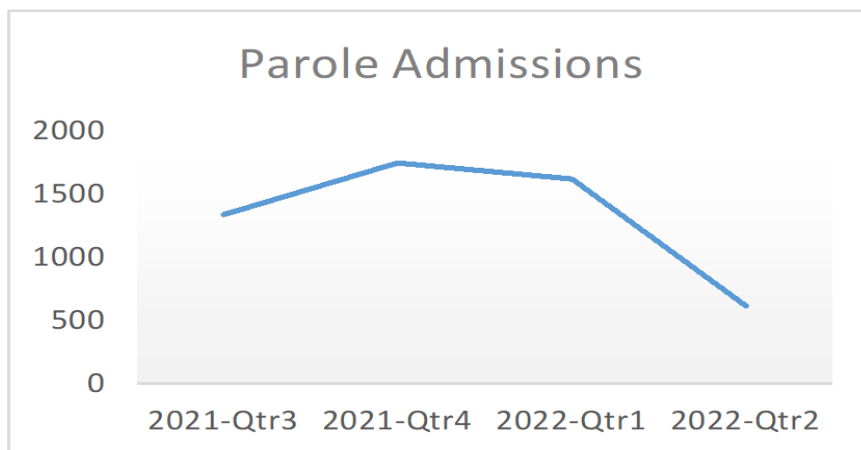
| Period and Offense Type | Average Term of Sentence | Average Term Served | Percent Term Served |
|-------------------------|--------------------------|---------------------|---------------------|
| <b>2021-Qtr4</b>        | <b>121.17</b>            | <b>70.48</b>        | <b>56.8%</b>        |
| DRUG                    | 87.35                    | 29.03               | 39.3%               |
| NON-VIOLENT             | 60.06                    | 22.25               | 41.4%               |
| SEX                     | 134.35                   | 106.60              | 88.0%               |
| VIOLENT                 | 159.10                   | 103.67              | 67.3%               |
| <b>2022-Qtr1</b>        | <b>126.60</b>            | <b>72.28</b>        | <b>55.5%</b>        |
| DRUG                    | 87.85                    | 30.76               | 38.8%               |
| NON-VIOLENT             | 66.74                    | 26.08               | 42.9%               |
| SEX                     | 128.67                   | 103.90              | 95.9%               |
| VIOLENT                 | 167.61                   | 105.72              | 64.0%               |
| <b>2022-Qtr2</b>        | <b>109.17</b>            | <b>61.60</b>        | <b>55.6%</b>        |
| DRUG                    | 70.32                    | 29.69               | 49.4%               |
| NON-VIOLENT             | 61.48                    | 23.13               | 43.3%               |
| SEX                     | 116.00                   | 90.22               | 89.2%               |
| VIOLENT                 | 165.84                   | 103.19              | 61.3%               |
| <b>2022-Qtr3</b>        | <b>101.48</b>            | <b>59.65%</b>       | <b>60.1%</b>        |
| DRUG                    | 75.88                    | 26.75               | 45.2%               |
| NON-VIOLENT             | 50.78                    | 22.76               | 52.6%               |
| SEX                     | 114.68                   | 105.50              | 96.3%               |
| VIOLENT                 | 160.85                   | 95.85               | 60.8%               |

**Parole Board Grant Rate:**

The parole grant rate was as high as 83% in October 2019. In calendar year 2019, the parole grant rate had an average of 74%. For calendar year 2020, the average parole grant rate was 70.1%, and for calendar year 2021 (through August) it was 68.9%.

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

The parole grant rate for the incarcerated population stands at 37.6% for calendar year 2022. Correspondingly, the number of offenders placed on parole has seen a decline.



**Parole Revocations:**

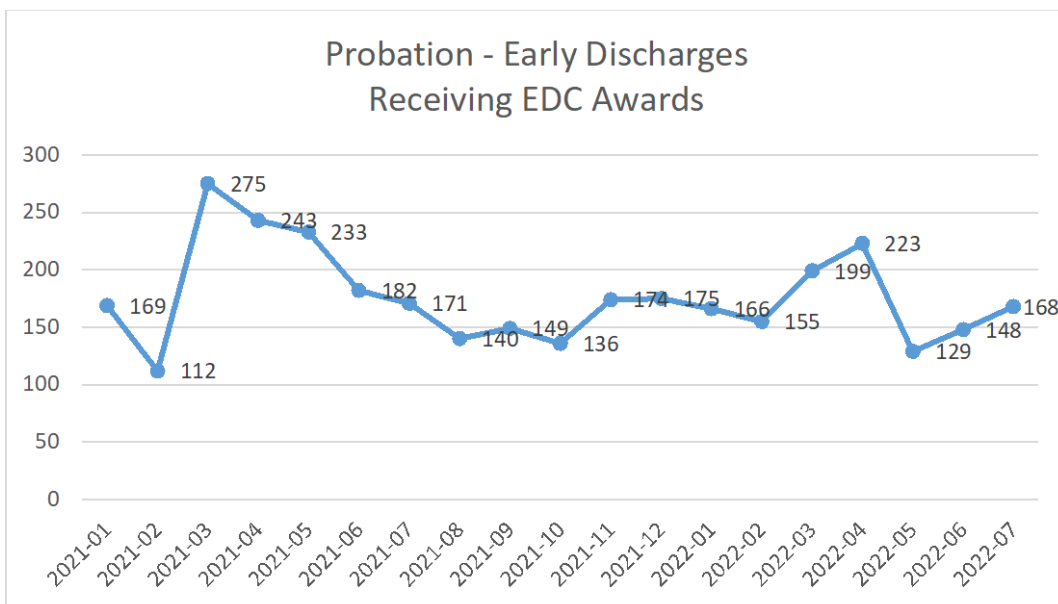
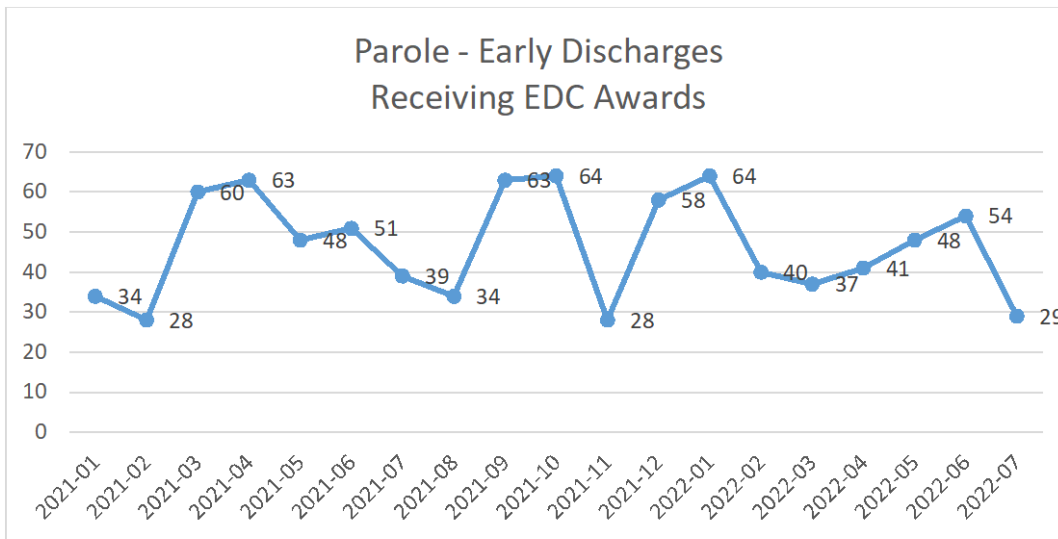
The chart below shows the number of revocations to prison from an unsuccessful parole supervision. The data reflects a slight increase in revocations.

| Parole Revocations | Number      | Average Months on Parole |
|--------------------|-------------|--------------------------|
| <b>2021-Qtr3</b>   | <b>365</b>  | <b>13.6</b>              |
| REVOKED-NEW        | 42          | 19.7                     |
| REVOKED-TECH       | 323         | 12.8                     |
| <b>2021-Qtr4</b>   | <b>352</b>  | <b>11.7</b>              |
| REVOKED-NEW        | 26          | 15.1                     |
| REVOKED-TECH       | 326         | 11.4                     |
| <b>2022-Qtr1</b>   | <b>640</b>  | <b>15.4</b>              |
| REVOKED-NEW        | 41          | 19.9                     |
| REVOKED-TECH       | 599         | 15.1                     |
| <b>2022-Qtr2</b>   | <b>596</b>  | <b>17.3</b>              |
| REVOKED-NEW        | 25          | 25.8                     |
| REVOKED-TECH       | 571         | 16.9                     |
| <b>Overall</b>     | <b>1953</b> | <b>15.0</b>              |

**Earned Discharge Credit Awards:**

Earned Discharge Credits (EDC) may be awarded to persons on parole and probation for compliance with supervision requirements. The charts and graphs below show the number of awards since 2021 and the number of early discharges from supervision attributable to EDC awards.

| Period  | Parolees Awarded EDC | Probationers Awarded EDC |
|---------|----------------------|--------------------------|
| 2021-01 | 949                  | 1774                     |
| 2021-02 | 1358                 | 2553                     |
| 2021-03 | 1678                 | 3119                     |
| 2021-04 | 1631                 | 2923                     |
| 2021-05 | 1656                 | 2923                     |
| 2021-06 | 1573                 | 2624                     |
| 2021-07 | 1606                 | 2630                     |
| 2021-08 | 1482                 | 2531                     |
| 2021-09 | 1545                 | 2524                     |
| 2021-10 | 1493                 | 2487                     |
| 2021-11 | 1600                 | 2689                     |
| 2021-12 | 1564                 | 2521                     |
| 2022-01 | 1676                 | 2534                     |
| 2022-02 | 1898                 | 2628                     |
| 2022-03 | 1988                 | 2772                     |
| 2022-04 | 1927                 | 2688                     |
| 2022-05 | 1862                 | 2635                     |
| 2022-06 | 1553                 | 2331                     |
| 2022-07 | 1152                 | 1819                     |



## Issues Discussed during 2022

### Consideration of Previous Task Force Goals and Efforts:

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 2022 update and State Parole Board supports the need for continual monitoring of parole revocations and consideration of the expansion of transitional housing.

#### *Parole Revocation*

Relevant past policy recommendations from the 2013 Final Report are as follows:

*Develop case plans for all parole-eligible offenders at admission and restrict parole hearings to non-compliant offenders*

*Mississippi's parole grant rate has fluctuated widely over a relatively short period, from as high as 57 percent in November 2011 to as low as 30 percent in October 2012. Additionally,*

*Parole Board members report that many offenders are initially denied release in order to complete treatment and programming deemed necessary for successful reentry. These nonviolent offenders must then return to the Board for second and subsequent hearings creating inefficiencies and delays.*

*Recommendation: Ensure a more consistent parole grant rate by developing case plans for all parole-eligible inmates at admission and restricting parole hearings to non-compliant offenders. This includes:*

- a. Developing individual case plans for all parole-eligible inmates at admission. Case plans will include programming and services identified by a validated assessment tool and sentencing 12 requirements (if applicable). The case plan should be achievable before the inmate's parole eligibility date; and*
- b. Restricting parole hearings to only those offenders who have (1) failed to comply with the case plan or with general MDOC behavioral requirements, or (2) if the victim has requested a parole hearing. Otherwise, inmates will be paroled at their parole eligibility dates.*

The Legislature adopted this recommendation by H.B. 585 (2014). The provisions were codified as MISS. CODE ANN. § 47-7-3.1 and 47-7-18. In 2021, the Legislature made amendments to § 47-7-3.1 in S.B. 2795, the Earned Parole Eligibility Act. The amendments made it easier for MDOC to effectively implement the Legislative intent first authorized by H.B. 585.

The department and Parole Board have not adopted a process to carry out this mandate; however, they have indicated they are developing the process with planned implementation by April 2023.

The data further shows that while admissions are stable, the number of admissions from revocation again exceed admissions from new crimes. This may be driven by persistently high revocations to prison for technical violations from a potential failure to utilize the Technical Violation Centers.<sup>1</sup> This practice appears to be inconsistent with the policy directives of the Legislature and is contributing to the increase in the prison population without a demonstrable public safety improvement.

Relevant past information from the 2013 report are as follows:

*Many Prison Beds Focused on Nonviolent Offenders*

*An independent analysis of Mississippi Department of Corrections' (MDOC) data revealed that nearly three-quarters of individuals admitted to prison in FY2012 were sentenced for nonviolent crimes. Between FY2002 and FY2012, the number of nonviolent offenders admitted to prison rose 33 percent. This growing population of nonviolent offenders is also staying longer: newly sentenced nonviolent prisoners released in FY2012 stayed in prison an average of 10.5 percent longer than those released 10 years before. For some nonviolent offense types, this growth in length of stay was even more pronounced: length of prison stays for drug possession offenders, for example, rose 31 percent from FY2002 to FY2012.*

*Increases in admissions to prison and length of stay in prison for nonviolent offenders have resulted in a current prison population that is nearly half nonviolent offenders.*

*Many Prison Beds Focused on Offenders Admitted for Technical Revocations*

*The Task Force reviewed data showing that many offenders enter prison not because of a new criminal sentence but because of a revocation from community supervision. Prison admissions for revocations increased 84 percent from FY2002 to FY2012. In fact, FY 2012 was the first time more offenders entered prison from a revocation from supervision (5,481)*

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<sup>1</sup> Technical Violation Center (TVCs) are codified under MISS. CODE ANN. § 47-7-381. TVCs are meant to help curb recidivism, regarding individuals who are in violation of parole or probation due to a technical violation, by providing an alternative option other than jail time. The centers offer recidivism reducing programs to individuals to help prevent the occurrence from happening again.

than from a new criminal sentence (4,973).

In FY2012, the average length of prison stay for revocations was 20 months. High admissions compounded with long lengths of prison stay have resulted in a standing prison population that is over one third (38 percent) revocations.

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 sentence. These revocations are called “technical revocations” and include conduct like missing drug tests or failing to report to probation officers. In FY 2012, 75 percent of the offenders entering prison on a revocation of probation were revoked on a technical violation.

Relevant past policy recommendations from the 2013 report are as follows:

Create specialized detention centers, programming, and cap incarceration periods for technical violations of supervision

Offenders revoked for technical violations of community supervision are returned to prison for up to the remainder of their sentence. Entering from the community, these probationers and parolees join the general prison population where they mix with violent and career offenders.

*Recommendation:* To (1) ensure that lower-level probationers and parolees are not mixed in with the general prison population, (2) target factors driving offender misconduct, such as addiction, and (3) provide an effective and proportional response to noncriminal violations:

- a. Re-designate existing MDOC facilities as specialized technical violation centers (TVCs) with a corresponding sanctioning structure for technical revocations of supervision. Judges (for probation) and the Parole Board (for parole) will retain supervision authority and will be able to impose periods of imprisonment for parole or probation violations under the following graduated structure:
  - i. Up to 90 days in a TVC for the first revocation
  - ii. Up to 120 days in a TVC for the second revocation
  - iii. A judge or the Parole Board may opt to impose either up to 180 days in a TVC or up to the full remaining term in prison for the third revocation
  - iv. A judge or the Parole Board may impose up to the full remaining term in prison for the fourth and subsequent revocations
- b. The revocation term imposed in a TVC may not be reduced and the violator will serve the full term imposed.
- c. TVCs will be specially equipped to address those underlying factors leading to offender violations, including substance abuse, and other needs identified by a validated risk and needs assessment as a necessary component of the person’s recidivism reduction plan.

H.B. 585, sections 57 and 58, adopted these findings and recommendations amending MISS. CODE ANN. § 47-7-27 and 47-7-37 to limit courts and the Parole Board’s authority to revoke people to prison for technical violations. In 2018, the Legislature passed H.B. 387 in an attempt to address the failure to fully utilize these statutes further.

#### *Transitional 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.<sup>2</sup>

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<sup>2</sup> 2013 Final Report, pages 10 and 11.

After spending years behind bars, returning persons may lack the skills necessary to acquire and maintain housing on their own. It is, therefore, necessary that housing preparedness be incorporated into MDOC's reentry programming both in correctional facilities and technical violation centers.

The housing needs of offenders reentering their communities will vary. Some will need permanent supportive housing but 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.

In 2014, the Legislature in H.B. 585, Section 48, mandated MDOC assist with housing. Now codified as MISS. CODE ANN. § 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.*

In H.B. 585, the Legislature also amended MISS. CODE ANN. § 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 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 allow the Parole Board to place homeless offenders in transitional housing and allow a not-for-profit organization to manage those offenders, subject to Parole Board oversight.

In 2020, the Legislature amended MISS. CODE ANN. § 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) 2022 MDOC expenditures for transitional housing was \$666,017. The FY 2024 budget requested by MDOC maintains that sum. This amounts to fewer than 100 beds, roughly the same amount used in 2013.

To achieve the goal of improving support for substance use disorder and transitional housing, housing experts and the recovery community should be consulted in developing a state plan for reentry housing and substance use disorder care. MISS. CODE Section 47-5-28 should be further amended to facilitate the departments implementation of a robust reentry housing program.

The Legislature should create an \$8,000,000 reentry housing grant program. At this level, estimating a 5% administrative cost, the program 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.

#### *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.<sup>2</sup> 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.

#### **Data Reliability:**

The collection and reporting of reliable data is essential to the work of this Task Force and the Legislature. The Oversight Taskforce began its work this year reviewing the September 2022 PEER report entitled *Management of Offender Data and Records by the Mississippi Department of Corrections* and discussed the importance and need for an effective criminal database. The Taskforce is confident in the data collection and reporting by MDOC but recognizes that state agencies must keep up with technology and replace aging systems periodically. It appears, based on the finds of PEER Committee, that the time has come to update the data systems utilized by MDOC.

In its *Final Report, Corrections and Criminal Justice Task Force* (2013) the Task Force made the following policy recommendation:

#### *Require collection of key performance measures and establish an oversight council*

*Reforms to Mississippi's corrections and criminal justice systems will require careful implementation and oversight, necessitating enhanced data collection. Several states that have implemented similar comprehensive reforms, including South Carolina and Georgia, have mandated data collection on key performance measures and established oversight councils to track implementation and report on outcomes.*

*Recommendation: Require enhanced data collection and establish an Oversight Task Force composed of legislative, executive, and judicial branch designees as well as criminal justice practitioners. Elements of this recommendation include:*

- a. Requiring MDOC, the Parole Board, and AOC to collect and report data to the Oversight Task Force on key performance measures including, but not limited to: recidivism rates, percentage of time served, average length of stay, drug court outcomes, and prison population;*
- b. Requiring the Oversight Task Force to meet at least twice per year to monitor the reforms and report back to the Legislature on their implementation; and*
- c. Charging the Oversight Task Force with making additional recommendations to the Legislature on future legislation and policy options.*

#### **Work-Release Programs:**

At the request of Commissioner Cain, the Task Force, in 2021, looked at the potential benefits of establishing a work-release program operated by MDOC.

The primary goals of work release programs 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.<sup>3</sup> 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

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<sup>3</sup> *An Assessment of the Effectiveness of Prison Work Release Programs on Post-Release Recidivism and Employment* by Bales, et al (2016).



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.

The 2022 Legislature passed SB 2437 establishing a pilot work-release program within MDOC. This new program is limited to operating from CMCF and limited to 25 participants. Commissioner Cain expressed his vision is to have MDOC collaborate with sheriffs across the state with the Task Force. To realize this vision the limitations on location and participation should be repealed.

### **Recommendations**

1. The Legislature should fund a data system upgrade for MDOC.
2. The Legislature should expand the pilot work-release program authorized by S.B. 2437, 2022 Regular Session, by removing the location and participation limits.
3. The Legislature should pass legislation to address housing and substance use disorder issues facing returning persons through transitional (reentry/recovery) housing.

### **Adoption**

After due consideration, the Oversight Task Force adopts this report on January 12, 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