



#625
November 6, 2018

Report to the Mississippi Legislature

One-Time Census of Populations in Mississippi's Juvenile Detention Centers and County Jails

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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The Mississippi Legislature

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November 6, 2018

Honorable Phil Bryant, Governor
Honorable Tate Reeves, Lieutenant Governor
Honorable Philip Gunn, Speaker of the House
Members of the Mississippi State Legislature

On November 6, 2018, the PEER Committee authorized release of the report titled ***One-Time Census of Populations in Mississippi's Juvenile Detention Centers and County Jails.***

A handwritten signature in cursive script that reads "Videt Carmichael".

Senator Videt Carmichael, Chair

This report does not recommend increased funding or additional staff.

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One-Time Census of Populations in Mississippi's Juvenile Detention Centers and County Jails

Executive Summary

Introduction and Background

Section 7 of House Bill 387 of the 2018 Regular Session of the Mississippi Legislature requires PEER to conduct a one-time census of populations in juvenile detention centers and in county and municipal jails in Mississippi.

The bill identifies the following nine data elements for collection:

1. number of individuals detained for a new offense or delinquent act;
2. number of individuals detained for pretrial;
3. number of offenders detained for a revocation of supervision;
4. average sentence length for new jail sentences by offense type;
5. average sentence length for offenders in jail for a probation revocation;
6. average sentence length for offenders in jail for a parole revocation;
7. percentage of sentences in each category offense type, including whether the offense was violent, property, drug, or public order. All drug offenses shall include the type of drug implicated in the offense, as well as the type of offense, such as possession, sale, or manufacture;
8. average length of stay by offense type; and
9. for individuals awaiting trial, the average length of stay from the time of their arrest to the time of indictment and from the time of indictment to trial.

County and Municipal Jail Census Data

The lack of a uniform reporting method or system for use by counties within the state inhibits the collection of data for analysis as required by H.B. 387. Without a centralized database, collection of the data prescribed in H.B. 387 is possible only by contacting each individual county sheriff's office.

In preparation for data collection, PEER learned that a similar census had been undertaken in the spring of 2018 by the MacArthur Justice Center. However, PEER determined that the county jail data collected by the MacArthur Justice Center lacked the necessary elements to be fully evaluated in accordance with H.B. 387. Furthermore, the limitations in the data prevent judicial officers from proper execution of duties as prescribed in Rule

8.5(c) of the Mississippi Rules of Criminal Procedure, which can result in unjust incarceration periods and a waste of state resources.

Exhibit A, pages vii-viii, presents the data that PEER was able to elicit from the Justice Center database, reflective only of the inmate counts and minimum and maximum days in custody, as submitted by the counties for dates ranging from October 2017 through March 2018.

Improving Data Collection and Uniform Reporting

Because of the current limits of data collection and lack of uniform reporting as described in this report, PEER examined current jail census practices to evaluate an alternative method that could produce the data necessary for analysis in accordance with H.B. 387 and determined that the Administrative Office of Courts could provide an effective option for centralized collection of the necessary data.

With proper collection, judicial officers would have the information as set out in Rule 8.5(c) needed to make determinations for release of individuals being held on misdemeanor charges who are not a threat to society and/or may not be able to make bail. This reduces the likelihood of extended incarceration periods and could provide substantial cost savings to the state.

Exhibit A: County Inmate Counts and Time Served for Periods Reported from October 2017 through March 2018

COUNTY	INMATE COUNT	MINIMUM DAYS	MAXIMUM DAYS	MEDIAN DAYS*
Adams	65	1	601	85
Alcorn	89	1	1,448	69
Amite	48	7	377	63
Attala	33	2	472	62
Benton	11	1	381	39
Bolivar	42	5	1556	97
Calhoun	40	0	644	57
Carroll	40	1	83	40
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Madison	79	77	1,373	207
Marion	55	90	1,181	234
Marshall	114	0	581	22
Monroe	43	14	630	67
Montgomery	26	0	0	0
Neshoba	87	2	524	50
Newton	14	9	395	148
Noxubee	19	0	916	101
Oktibbeha	76	1	581	76
Panola	83	0	1,645	126
Pearl River	262	0	1,573	62
Perry	29	1	171	38
Pike	200	-3	911	91
Pontotoc	102	0	1,014	47
Prentiss	75	10	1,281	50
Quitman	7	5	926	160
Rankin	282	5	1,952	923
Scott	48	0	271	10
Sharkey	9	56	1,889	120
Simpson	64	1	1,450	113
Smith	11	17	843	96
Stone	34	3	514	126
Sunflower	38	0	182	17
Tallahatchie	24	2	681	85
Tate	81	0	1,385	56
Tippah	66	0	432	39
Tishomingo	31	9	594	106
Tunica	11	100	535	248
Union	72	1	923	83
Walthall	25	1	426	39
Warren	129	1	709	56
Washington	97	2	1,249	143
Wayne	53	3	866	127
Webster	2	631	631	631
Wilkinson	10	11	351	147
Winston	11	3	540	208
Yalobusha	31	19	579	57
Yazoo	57	2	952	105

*Median = midpoint of minimum and maximum range.

SOURCE: MacArthur Justice Center.

Juvenile Detention Center Data

Because juvenile detention centers only hold individuals who have committed a “delinquent act” by court order, this population cannot be analyzed in the same manner as adult detainee populations in county and municipal facilities.

PEER surveyed each of the 15 juvenile detention centers within the state regarding the three data requests of H.B. 387 relevant to the juvenile population: the number of individuals being held, their race and gender, and length of detainment.

Exhibit B summarizes the responses from each facility.

Exhibit B: Juvenile Detention Center Data, as of April 30, 2018

Facility Location	Adams	Alcorn	DeSoto	Forrest	Harrison	Hinds	Jackson	Jones
Number of Juveniles Detained	9	8	22	8	25	23	13	7
Race/Gender								
Females, Black	2	3	3	1	1	4		4
Females, White	1	1	2				3	
Males, Black	5	1	11	7	16	19	2	2
Males, White	1	2	4		8			1
Males, Arabic		1					8	
Males, Hispanic			2					
Average Length of Stay Prior to April 30, 2018	5 days	3 days	20 days	10 days	7 days	61 days	23 days	18 days

Facility Location	Lee	Leflore	Lowndes	Rankin	Warren	Washington	Yazoo
Number of Juveniles Detained	5	14	11	13	21	7	3
Race/Gender							
Females, Black	1	5	2		4	1	
Females, White	1			1	4		3
Males, Black		8	8	8	10	5	
Males, White	3	1	1	4	4	1	
Males, Arabic							
Average Length of Stay Prior to April 30, 2018	7 days	9 days	48 days	9 days	15 days	4 days	9 days

SOURCE: PEER survey of state juvenile detention centers.

Recommendations

The Legislature should consider amending the following to eliminate the data limitations found in this report and meet the state's judicial and economic interests as described herein:

- MISS. CODE ANN. § 9-21-3 (1972) to require the Administrative Office of Courts to implement a uniform and centralized reporting system; to develop a guide for each county sheriff's office regarding the uniform terms and forms to use when recording a detainee's incarceration to reflect the data required by H.B. 387 and requiring the offices to upload to a database maintained by the Administrative Office of Courts annually; and to provide public access to any resulting centralized database, which shall contain the names of detainees awaiting trial and exclude all other detainees held in county facilities for other reasons; and
- MISS. CODE ANN. §§ 19-25-63 and 47-1-21 regarding jail dockets kept by sheriffs to provide useful reporting requirements in accordance with Rule 8 of the Mississippi Rules of Criminal Procedure (2018) and to assist policymakers in making economic decisions related to incarceration.

For more information or clarification, contact:

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One-Time Census of Populations in Mississippi's Juvenile Detention Centers and County Jails

Introduction

Authority

The PEER Committee, under its authority found in MISS. CODE ANN. Sections 5-3-51 et seq. (1972), and as required by House Bill 387 of the 2018 Regular Session of the Mississippi Legislature, conducted a review of data regarding county jail and detention center populations.

Scope and Purpose

Section 7 of House Bill 387 of the 2018 Regular Session of the Mississippi Legislature requires PEER to conduct a one-time census of populations in juvenile detention centers and in county and municipal jails in the state of Mississippi. The data collected are to reflect the populations at a given date range, as determined by PEER. The report is to be provided to the Legislature no later than November 30, 2018.

The bill identifies the following nine data elements for collection:

- (a) *The number of individuals detained for a new offense or delinquent act.*
- (b) *The number of individuals detained for pretrial.*
- (c) *The number of offenders detained for a revocation of supervision.*
- (d) *The average sentence length for new jail sentences by offense type.*
- (e) *The average sentence length for offenders in jail for a probation revocation.*
- (f) *The average sentence length for offenders in jail for a parole revocation.*
- (g) *The percentage of sentences in each category offense type, including whether the offense was violent, property, drug, or public order. All drug offenses shall include the type of drug implicated in the offense, as well as the type of offense, such as possession, sale, or manufacture.*
- (h) *The average length of stay by offense type.*
- (i) *For individuals awaiting trial, the average length of stay from the time of their arrest to the time of indictment and from the time of indictment to trial.*

House Bill 387 also required PEER to make recommendations to the Legislature for a reporting mechanism that would facilitate the regular reporting of this information to guide policymaking decisions.

Method

In conducting this review, PEER

- requested the data as laid out by H.B. 387 from each juvenile detention center within the state as of April 30, 2018;
- collected and aggregated the data by facility, gender, and race;
- obtained from the MacArthur Justice Center the available jail census data from county facilities and detention centers throughout the state;
- evaluated the limitations of available county data regarding jail populations within the state;
- researched and made recommendations regarding a reporting mechanism that would facilitate the regular reporting of county jail census data and eliminate data limitations to provide the Legislature with a guide for policymaking decisions.

Background

To assess the effectiveness of House Bill 387, the Legislature first must have a thorough understanding of the status of the state’s current jail populations and a means to monitor changes in these programs. Therefore, a one-time jail population census to be conducted by the PEER Committee was included within the bill.

House Bill 387 of the 2018 Regular Session proposed several methods intended to reduce jail populations, with resulting savings reinvested into reentry programs.¹ These programs should, in turn, help reduce recidivism. The bill contains the following new or amended provisions toward achieving that end:

- Incarceration shall not automatically follow the nonpayment of a fine, restitution, or court costs.
- The aggregate total of the period of incarceration imposed pursuant to this section and the term of the sentence originally imposed may not exceed the maximum term of imprisonment authorized for the offense.
- Amended Miss. Code Ann. § 47-7-3 (1972) to provide that an otherwise ineligible inmate for parole shall be eligible for parole if an inmate has not been convicted of committing a crime of violence, drug trafficking, or as a habitual offender and he or she has served at least 25% of his or her sentence.
- Required PEER to conduct a one-time census of juvenile detention centers and jail populations throughout the state.
- Created the Mississippi Sentencing Disparity Task Force and appointed its members.
- Amended Miss. Code Ann. §§ 47-7-27 and 47-7-3 (1972) to provide that the number of prior revocations rather than the number of alleged technical violations shall be considered for purposes of revocation sentencing.
- Amended Miss. Code Ann. § 99-19-81 (1972) to revise sentencing of certain offenders as habitual offenders.

Each provision within the legislation was intended to reduce the number of detainees incarcerated in detention centers and county jails.

The Legislature began examining the state’s correctional practices in 2013 when data indicated that Mississippi topped the list of states with the fastest-growing prison populations. The initial outcome of that examination was the passage of House Bill 585 during the 2014 Regular Session. H.B. 585 addressed sentencing for drug and property offenses and reduced automatic penalty enhancements for nonviolent crimes. Subsequently, the Legislature passed H.B. 387, which is a technical bill that attempts to address outstanding issues not covered by H.B. 585. PEER’s directive according to H.B. 387 is to produce a report that allows

¹Reentry programs seek to ensure that individuals leaving incarceration will have an easier and more successful transition (reentry) into their community.

the Legislature to monitor the success of reentry programs in the state. However, PEER identified limitations in data collection that must be addressed first.

Data Limitations

Without a centralized database, collection of the data prescribed in House Bill 387 is possible only by contacting each individual county sheriff's office.

In planning the one-time census mandated by House Bill 387, PEER learned that a similar census had been undertaken in the spring of 2018 by the MacArthur Justice Center, housed at the University of Mississippi School of Law. After discussing the recently completed census with Justice Center staff, PEER determined the Center's method of data collection was similar to that planned by PEER for the statutorily-mandated census. Rather than duplicating the efforts of the Justice Center, PEER chose to use the results of the Center's census efforts to satisfy the requirements of House Bill 387.

With the collected information, the Center created a searchable database (<https://www.msjaildata.com>) that provided incarceration information by county and specific detainee. In the introduction to the database, the Center described the purpose of the project and the limitations it encountered in collecting jail confinement information:

The purpose of this project is to provide transparency regarding the identity of those incarcerated in Mississippi's county jails, the length of their incarceration, and the reasons for their detention. While it is clear that long-term incarceration prior to indictment and trial is a problem throughout Mississippi, no effort has been made as a part of this project to identify the cause of the delay in any particular case. The reasons for backlog in Mississippi's criminal justice system are many and varied, and they are not the same in each Mississippi county.

Users of this database must take into consideration the following:

- The information contained in the database was provided by Mississippi Sheriffs, and no effort has been made to confirm the accuracy of the information provided.*
- There is no uniform method of reporting jail census information, and there is significant variance in how sheriffs describe criminal charges and/or other reasons for incarceration;*
- While the vast majority of people identified in this database are awaiting indictment and/or trial, some are incarcerated for other reasons such as delay in mental health evaluation or treatment,*

the existence of a “hold” by another jurisdiction, their status as a “trustee” at the jail, or the fact that they have been convicted and are being held in the local jail rather than the state prison;

- *It is possible that individuals in this database have been released since the date of the most recent jail list; and*
- *Due to the failure of Yazoo County and Clay County to produce adequate/any data, the information for those counties was obtained from their online jail rosters.*

The information collected by the Justice Center does not contain any specific information on persons confined in municipal jails (as required of PEER in House Bill 387) nor distinguish between which county jails have been contracted to house municipal detainees. State law places no specific duties upon municipal jails regarding information that must be kept in jail dockets (see *Attorney General’s Opinion to Smith*, November 4, 1980), and PEER has found no authority more recent related to municipal jail recordkeeping. Considering the lack of statutory standards for municipal jail records, and the incompleteness of records found in the McArthur Justice Center’s study, PEER did not attempt to collect information from municipal jails.

In addition, the Justice Center census project did not attempt to collect detainee information for juvenile justice centers as required by House Bill 387. PEER undertook that effort and the results are presented on pages 12-14.

Judicial Concerns Arising from Data Limitations

County jail data collected by the MacArthur Justice Center lacks the necessary elements to be evaluated in accordance with H.B. 387. Furthermore, the limitations in the data prevent judicial officers from proper execution of duties as prescribed in Rule 8.5(c) of the Mississippi Rules of Criminal Procedure.

As described on pages 4-5, the current data on the inmate population fails to provide the details needed to meet the analysis requirements of H.B. 387. A larger issue is Rule 8, and more specifically Rule 8.5(c), of the Mississippi Rules of Criminal Procedure (2018) regarding the determination of release conditions for detainees in county jails. Rule 8.5(c) reads as follows:

No later than seven (7) days before the commencement of each term of circuit court in which criminal cases are adjudicated, the official(s) having custody of felony defendants being held for trial, grand jury action, or extradition within the county (or within the county’s judicial districts in which the court term is to be held) shall provide the presiding judge, the district attorney, and the clerk of the circuit court the names of all defendants in their custody, the charge(s) upon which they are being

held, and the date that they were most recently taken into custody. The senior circuit judge, or such other judge as the senior circuit judge designates, shall review the conditions of release for every felony defendant who is eligible for bail and has been in jail for more than ninety (90) days.

According to the MacArthur Justice Center, its jail records database is a compilation of “jail lists” produced by Mississippi sheriffs to comply with their responsibilities under Rule 8.5(c) of the Mississippi Rules of Criminal Procedure—i.e., the names of all defendants in custody, the charge(s) against them, and the most recent date they were taken into custody.

Rule 8.5(c) calls for judicial review of “every felony defendant” eligible for bail who has been held more than 90 days. However, failure by sheriffs to uniformly report the charges against detainees often prevents such review. The data contain frequent instances in which charges were omitted from the jail list or were imprecisely cited, precluding determination as a felony. A review of the data included, for example, such nonspecific charges as “warrant for arrest,” “MDOC hold,” and “theft” without a dollar amount provided.

Furthermore, the data do not distinguish between individuals who are being held in county facilities as a matter of pretrial detention or for other reasons, such as federal detainees, detainees who have already been convicted, or individuals incarcerated for civil contempt of court. The absence of this distinction further prevents judicial officers from executing their duties under Rule 8.5(c).

According to the Center, regarding the inability to distinguish pretrial detainees from other detainees:

Reliable data is vital. Policy-making by anecdote is no way to do business, and accurate data allows us to know the truth about who actually languishes in jail prior to trial, why they are incarcerated, what pretrial incarceration costs Mississippi counties, where there are opportunities to reduce incarceration costs without jeopardizing public safety, and which courts are working efficiently and which ones are not. Currently, far too many people spend months on end in jail prior to trial—a problem that is expensive and likely violative of the Constitution.

Currently no method exists to adequately monitor incarceration periods based upon the type of offense, and examples from Office of State Public Defender bear out concerns regarding unjust incarceration periods:

- An individual who was charged with murder and other violent offenses in 2005 underwent a mental examination at the Mississippi State Hospital at Whitfield and was diagnosed with schizophrenia. However, rather than being transferred to a mental hospital, he served 11 years in the Clay County jail before being released after the District Attorney in Clay

County was notified of his situation. According to the DA, the case had “fallen between the cracks.”

- Another individual was arrested on traffic charges in 2012 and held there after being indicted on drug charges. During this time, she was forced to sign over custody rights of her daughter to her mother. She was held 96 days before being appointed a judge, after which an undercover video proved her to be innocent of the drug charge. A federal appeals court ruled that her constitutional rights had been violated and thus she could sue the sheriff and county.

Not only are such situations unjust, extended incarceration periods also represent a potential waste of resources because of the cost involved when housing inmates longer than appropriate. If the data as outlined in Rule 8.5(c) were available, judicial officers could make a determination of whether individuals being held pretrial on misdemeanor charges might be removed from county incarceration rather than continuing to detain them at a cost of \$35 per day per individual. Accurate data would further allow PEER and others to calculate the cost savings.

Because of the data limitations, neither PEER nor the Justice Center could categorize the incarceration information according to the nine categories contained in House Bill 387 and listed on page 1.

County and Municipal Jail Census Data

The lack of a uniform reporting method or system for use by counties within the state inhibits the collection of data for analysis as required by H.B. 387.

As previously discussed, the lack of a uniform reporting method or system for county and municipal jails prevented full collection of the data for analysis in accordance with H.B. 387.

Exhibit 1, pages 9-10, presents the data that PEER was able to elicit from the Justice Center database, reflective only of the inmate counts and minimum and maximum days in custody, as submitted by the counties for dates ranging from October 2017 through March 2018 prior to MacArthur Justice Center's release of the data on its website² on April 30, 2018. Counties submitted inmate counts as of the last term date of each circuit court.

When analyzing the data, the following must be considered:

- The data also may reflect municipal jails that have contracted with county jails to hold prisoners.
- For counties with regional facilities,³ some sheriffs' offices distinguish between state inmates in custody, providing a true roster of local detainees; however, others do not, preventing accurate assessment.
- The MacArthur Justice Center made the decision to include the data from counties exactly as reported even when in obvious error, such as for Pike County, which cited -3 for minimum number of days of inmate custody.

Per the data provided by counties that was not in obvious error, PEER determined the maximum number of days in custody was 2,203 in Lowndes County, while 18 counties had a minimum stay of zero or less than one day. Additionally, PEER calculated the median number of days at each facility that inmates had been incarcerated, which is reflected in Exhibit 1, pages 9-10.

²<https://www.msjaildata.com/>.

³The state has 14 regional correctional facilities: Alcorn, Bolivar, Chickasaw, Carroll/Montgomery, George/Greene, Holmes Humphreys, Issaquena, Jefferson/Franklin, Kemper/Neshoba, Leake, Marion/Walthall, Stone, Winston/Choctaw, Washington, and Yazoo.

Exhibit 1: County Inmate Counts and Time Served, for Periods Reported from October 2017 through March 2018

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Tate	81	0	1,385	56
Tippah	66	0	432	39
Tishomingo	31	9	594	106
Tunica	11	100	535	248
Union	72	1	923	83
Walthall	25	1	426	39
Warren	129	1	709	56
Washington	97	2	1,249	143
Wayne	53	3	866	127
Webster	2	631	631	631
Wilkinson	10	11	351	147
Winston	11	3	540	208
Yalobusha	31	19	579	57
Yazoo	57	2	952	105

*Median = midpoint of minimum and maximum range.

SOURCE: MacArthur Justice Center.

Improving Data Collection and Uniform Reporting

Because of the current limits of data collection and lack of uniform reporting as described in this report, PEER examined current jail census methods to evaluate an alternative method that could produce the data necessary for analysis in accordance with H.B. 387.

As previously discussed, the limitations of the currently available data on inmate populations—collected by the MacArthur Justice Center—prevent the analysis H.B. 387 requires. As such, PEER considered alternatives to reliance upon reports made by sheriffs' offices.

PEER determined that the Administrative Office of Courts (AOC) could provide an effective option for centralized collection of the necessary data. The AOC collects similar data while also collecting case statistics from all civil, criminal, and youth courts in the state; devising and promulgating youth court tracking forms; recommending improvements in the operations of the judicial system; certifying and monitoring drug courts; and conducting other pertinent duties. The AOC could simply require that each county submit the data in an agreed-upon, uniform manner that is digital in format and machine readable.

With proper collection, judicial officers would have the information as set out in Rule 8.5(c) needed to make determinations for release of individuals being held on misdemeanor charges who are not a threat to society and/or may not be able to make bail. This reduces the likelihood of extended incarceration periods and could provide substantial cost savings to counties.

A centralized database further allows courts to reassess how many term dates to schedule within a month and better avoid unjust incarceration periods caused when an individual's trial does not get docketed during the first term date, forcing extended detainment. Additionally, a centralized database would also assist the Legislature in relative policymaking decisions.

Juvenile Detention Center Data

Because juvenile detention centers only hold individuals who have committed a “delinquent act” by court order, this population cannot be analyzed in the same manner as adult detainee populations in county and municipal facilities.

Juvenile detainees have committed a “delinquent act” not categorized as a crime. These individuals are sent to a detention center by a court order and are not subject to trial. Therefore, all nine of the requirements of House Bill 387 (see page 1) cannot be applied when analyzing these facilities. However, PEER narrowed down the data requests of H.B. 387 to the relevant three.

PEER surveyed each of the 15 juvenile detention centers within the state, which are located in Adams, Alcorn, DeSoto, Forrest, Harrison, Hinds, Jackson, Jones, Lee, Leflore, Lowndes, Rankin, Warren, Washington, and Yazoo, counties, and asked each the following:

1. How many juveniles were being held in the facility for delinquent acts?
2. What were the race and gender of these individuals?
3. How long before the date of April 30, 2018—the date selected by PEER as allowed in H.B. 387—had each juvenile been detained based upon the type of delinquent act committed?

Exhibit 2, page 13, summarizes the responses from each facility for potential policymaking regarding juvenile justice reform as intended by H.B. 387. PEER notes that most of the delinquent acts committed by the detainees include property crimes, drug possession, and simple assault charges.

Exhibit 2: Juvenile Detention Center Data, as of April 30, 2018

Facility Location	Adams	Alcorn	DeSoto	Forrest	Harrison	Hinds	Jackson	Jones
Number of Juveniles Detained	9	8	22	8	25	23	13	7
Race/Gender								
Females, Black	2	3	3	1	1	4		4
Females, White	1	1	2				3	
Males, Black	5	1	11	7	16	19	2	2
Males, White	1	2	4		8			1
Males, Arabic		1					8	
Males, Hispanic			2					
Average Length of Stay Prior to April 30, 2018	5 days	3 days	20 days	10 days	7 days	61 days	23 days	18 days

Facility Location	Lee	Leflore	Lowndes	Rankin	Warren	Washington	Yazoo	
Number of Juveniles Detained	5	14	11	13	21	7	3	
Race/Gender								
Females, Black	1	5	2		4	1		
Females, White	1			1	4		3	
Males, Black		8	8	8	10	5		
Males, White	3	1	1	4	4	1		
Males, Arabic								
Average Length of Stay Prior to April 30, 2018	7 days	9 days	48 days	9 days	15 days	4 days	9 days	

SOURCE: PEER survey of state juvenile detention centers.

Recommendations

The Legislature should consider amending the following to eliminate the data limitations found in this report and meet the state's judicial and economic interests as described herein:

- MISS. CODE ANN. § 9-21-3 (1972) to require the Administrative Office of Courts to implement a uniform and centralized reporting system; to develop a guide for each county sheriff's office regarding the uniform terms and forms to use when recording a detainee's incarceration to reflect the data required by H.B. 387 and requiring the offices to upload to a database maintained by the Administrative Office of Courts annually; and to provide public access to any resulting centralized database, which shall contain the names of detainees awaiting trial and exclude all other detainees held in county facilities for other reasons; and
- MISS. CODE ANN. §§ 19-25-63 and 47-1-21 regarding jail dockets kept by sheriffs to provide useful reporting requirements in accordance with Rule 8 of the Mississippi Rules of Criminal Procedure (2018) and to assist policymakers in making economic decisions related to incarceration.



Roderick & Solange
MacArthur Justice Center

Cliff Johnson
Director

October 30, 2018

James A. Barber
Executive Director
PEER Committee
501 North West Street
Suite 301-A
Jackson, Mississippi 39201

Re: One-Time Census of Jail Populations

Dear Mr. Barber,

Thank you for affording me the opportunity to review the draft of PEER's One-Time Census of Populations in Juvenile Detention Centers and County Jails in the State of Mississippi. Having spent more than a year attempting to compile reliable jail data, I found the report to be spot-on regarding the current challenges associated with producing an accurate jail census. I agree wholeheartedly with the conclusion that Mississippi needs a uniform system for compiling and reporting jail census information, and I am convinced that this goal is attainable at a much lower cost than some might expect. My conversations with judges, lawyers, and the law enforcement community make clear that accurate data would be extremely useful in determining the efficiency of our criminal justice system, identifying opportunities to reduce costs, avoiding unnecessary incarceration, and informing local and statewide policy decisions in the criminal justice arena.

I commend your staff for a job well done. Should you wish to contact me directly regarding the report or the matters discussed therein, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Cliff Johnson", with a long horizontal flourish extending to the right.

Cliff Johnson

PEER Committee Staff

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