

## A Review of Mississippi's Criminal Justice Reform Efforts

**CONCLUSION:** Recent criminal justice reform efforts in Mississippi have been implemented as a result of the passage of H.B. 1231 (2013 Regular Session), H.B. 585 (2014 Regular Session), H.B. 387 (2018 Regular Session), and H.B. 1352 (2019 Regular Session). Each of these bills have moved criminal justice reform efforts forward in the state. H.B. 585 and H.B. 1352 have had the biggest effects so far. H.B. 585 made sweeping changes to sentencing standards for certain property and drug crimes by reducing them to misdemeanors from felonies. However, PEER analysis found that these changes in sentencing standards do not appear to reduce the commission of these types of crimes. Rather, the cost of handling these crimes has shifted to local governments, as lower courts must now absorb the cost of handling these crimes at the misdemeanor level. This finding is indicative of the need for more intervention programs, such as those expanded by H.B. 1352, to deter crime rather than just shift it.

### Background:

Criminal justice reform is a current issue of concern on both the national and state levels due to rising prison populations and the corresponding rise in corrections costs. According to the Pew Charitable Trusts (Pew), reforms vary from state to state, but all federal and state-level reforms aim to improve public safety, control taxpayers' costs by prioritizing prison space for people convicted of serious offenses, and invest savings into alternatives to incarceration that are effective at reducing recidivism.

### Criminal Justice Reform Legislation

- I. Enacted during the 2013 Regular Session, H.B. 1231 created the 1231 Task Force, which undertook a comprehensive review of the state's corrections and criminal justice systems and produced a report outlining its findings.
  1. The report found that if Mississippi continued to incarcerate people at the same rate, it would cost the state an additional \$266 million over the next ten-year period.
  2. Additionally, the report found that almost three quarters of offenders entering prison in 2012 were sentenced for a nonviolent offense; more offenders were entering prison for violations of supervision than for new crimes.
  3. Uncertainty about how long inmates would serve behind bars helped increase sentence lengths by 28%.
  4. Nearly one in three nonviolent offenders would return to prison within three years of release.

The 1231 Task Force developed 20 recommendations, which have been summarized as follows:

1. ensure certainty and clarity in sentencing;
  2. expand judicial discretion in imposing alternatives to incarceration;
  3. focus prison beds on violent and career offenders;
  4. strengthen supervision and interventions to reduce recidivism; and
  5. establish performance objectives to measure outcomes.
- II. Enacted during the 2014 Regular Session, H.B. 585 was based in part on the recommendations of H.B. 1231. The bill made sweeping changes to the state's corrections laws and criminal sentencing. The major thrust of the bill reclassified some property crimes as misdemeanors, established sentence ranges for drug sales based on weight transaction, and increased eligibility for drug court participation, house arrest, and parole. The bill also created the 585 Task force to review and monitor the implementation of the bill.
  - III. Enacted during the 2018 Regular Session, H.B. 387 helped clear up when and how to use technical violation centers (TVCs).
  - IV. Enacted during the 2019 Regular Session, H.B. 1352 expands the use and requirements of intervention courts: such as drug, mental health, family, veterans, and all other types of problem-solving courts.

## Effects of Current Criminal Justice Reform Legislation

Reports and data from MDOC show that in the first year since H.B. 585 was enacted in 2014, the state's prison population was reduced by 11%. This resulted in cost savings to the MDOC. However, in the second-year post enactment, the prison population began to rise again. The H.B. 585 Task Force identified two primary reasons for this rise: 1. the significant increases in supervision/technical revocations resulting in offenders on parole and 2. probation being sent back to prison and

an increase in the number of offenders sentenced for drug possession.

As a result of the Task Force's findings H.B. 387 and H.B. 1352 were passed. H.B. 387 brought clarity as to how and when to use TVCs. Data has shown that the use of TVCs has risen over the past year, and H.B. 1352 expanded the use of reinvestment programs by facilitating the use of not only drug courts but also other types of problem-solving courts. There has been no measurable effect to date regarding the effects of H.B. 1352 as it was just recently passed.

### Policy Conclusions and Recommendations:

1. To ensure effective operations of the new intervention courts, the Legislature should consider taking the following actions:
  - a. Amend MISS. CODE ANN. Section 9-23-9 to enhance provisions of intervention court certification by:
    - setting a deadline for the establishment of best practices for all intervention courts;
    - resetting a deadline for all intervention courts to become certified; and
    - barring any non-certified intervention court from expending any public funds for any programs or services.
  - b. Amend MISS. CODE ANN. Section 9-23-11 to require:
    - reporting to the Administrative Office of Courts on program participants who have been incarcerated for any reason;
    - requiring AOC to conduct best practices audits of all intervention courts; and
    - requiring third-party providers to agree contractually to provide services that comport with evidence- or research-based programs as defined in MISS. CODE ANN. Section 27-103-159.
  - c. Amend MISS. CODE ANN. Section 9-23-1 et seq., Section 9-25-1 et seq., and Section 9-27-1 et seq. to define intervention courts uniformly throughout each section.
2. The Administrative Office of Courts should provide the Legislature with a detailed estimate of funds needed to implement the new intervention courts, which includes staffing requirements and programmatic resources. Specifically, AOC should prepare a document setting out the Circuit Court Districts where each problem-solving court is to be established, the suggested staffing and job occupational codes for each position to be established. Further the AOC should estimate the costs of delivering services to the target clientele, the estimated number of clients it will be serving, and the method of service delivery, e.g., Community Mental Health Centers, private counsellors, or some other source of expertise.
3. The Legislature should consider the implementation of all remaining recommendations from the Final Report December 2013 of the Mississippi Corrections and Criminal Justice Task Force, which were not addressed by H.B. 585 (2014 Regular Session).