

In 2013, Mississippi had the second highest incarceration rate in the country, with a prison population projected to cost the state \$266 million over the next ten years.¹ Seeking to maximize state resources while prioritizing public safety, Mississippi engaged in the Justice Reinvestment Initiative (JRI) to better understand the factors driving prison population growth and develop data-driven solutions that address state specific challenges.

With assistance from the Crime and Justice Institute, Mississippi's engagement in JRI resulted in the passage of comprehensive reform legislation—House Bill 585—signed into law on March 31, 2014.² HB 585 was the result of a yearlong data-driven policy development effort led by the Mississippi Corrections and Criminal Justice Task Force (Task Force). Supported by The Pew Charitable Trusts and the Bureau of Justice Assistance, a component of the Department of Justice's Office of Justice Programs, the Task Force examined drivers of the state's increasing prison population and issued a set of policy recommendations intended to achieve the following goals:³

Mississippi's JRI goals:

1. Ensure certainty and clarity in sentencing.
2. Increase access to proven prison alternatives, including specialty courts.
3. Focus prison space on people convicted of multiple and/or violent offenses.
4. Strengthen supervision and intervention.
5. Ensure the quality and sustainability of reforms.

This brief explores Mississippi's progress in achieving the Task Force goals, which inspired HB 585.

To date, Mississippi has achieved the following:

- Reduced its prison population.
- Reserved a higher proportion of prison space for people convicted of violent offenses.
- Strengthened the use of evidence-based practices in community supervision.
- Monitored and evaluated HB 585 through the Corrections and Criminal Justice Oversight Task Force.

1. Ensure certainty and clarity in sentencing.

Prior to HB 585, Mississippi law mandated that all individuals convicted of felony offenses serve 85 percent of their sentence before they are eligible for parole. Consequently, the prison population in Mississippi rose from 12,292 in FY 1995 to 31,031 in FY 2005, an increase of 152.5 percent.⁴

Additionally, prior to HB 585, Mississippi's parole grant rate varied widely. The Parole Board reported that denials were largely due to individuals who were eligible for parole not having completed the treatment or programming necessary for a successful reentry.⁵

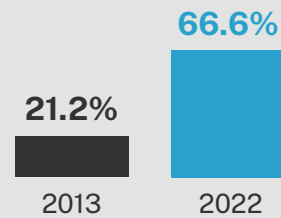
HB 585 changed time served requirements to be offense specific, expanding parole eligibility for individuals convicted of nonviolent offenses.



63.6% Increase
in the number of parole hearings from 2013 to 2019⁶

HB 585 ensured that parole eligibility was available to people convicted of nonviolent offenses by lifting restrictions for sentence enhancements and differentiating lower-level commercial drug offenses.

Individuals Eligible for Parole Who Were Released on Parole⁷



2. Increase access to proven prison alternatives, including specialty courts.

The Task Force found that Mississippi had a lack of alternatives to incarceration. In response, HB 585 expanded eligibility for several alternatives including **specialty courts** and probation that provide more constructive pathways for addressing people’s needs and reducing the state’s reliance on incarceration.



Specialty Courts:

are problem-solving courts designed to address the root causes of criminal activity. Examples of specialty courts include intervention courts (known as drug courts in Mississippi until 2020) and veterans’ courts.

HB 585 included provisions to reduce prison admissions for nonviolent offenses, including expanding the use of drug courts for those charged with nonviolent drug offenses. HB 585 also authorized the creation of veterans’ courts.



47.5% Increase
in drug court participation between FY 2012 and FY 2020^{8,9}




The state saved an estimated **\$565 million** in reduced incarceration costs due to intervention court participation between FY 2014 and FY 2022.¹⁰

3. Focus prison space on people convicted of multiple and/or violent offenses.

Between 1983 and 2013, the prison population in Mississippi grew by 300 percent.¹¹ The Task Force found that individuals convicted of nonviolent crimes played a substantial role in Mississippi's rising prison population: people convicted of nonviolent offenses were responsible for over two-thirds of the surge in prison admissions from 2002 to 2012 and comprised nearly half of the state's prison population in 2012.¹²

HB 585 revised penalties for drug offenses to distinguish between individuals with related substance issues and those with repeated offenses, modernized property offenses by tailoring penalties to degrees of property crimes reflecting the seriousness of the offense, and expanded parole eligibility.¹³

 **38.2% Decrease**
in admissions to prison between
FY 2013 and FY 2020^{14,15}

Percentage of People Incarcerated in Prison for a Violent Offense

45.8%  **50.7%**
2013 2020

This increase demonstrates the state's commitment to reserve prison space for people convicted of more serious offenses.^{16,17}

4. Strengthen supervision and intervention.

The Task Force examined community supervision policies and practices. The Task Force found that Mississippi law did not provide community supervision field officers with evidence-based tools, such as **graduated sanctions and incentives**, to respond to technical violations. The Task Force found an 84 percent increase in the number of individuals incarcerated because of parole or probation violations between 2002 and 2012.^{18,19}



Graduated Sanctions and Incentives:

are incremental responses designed to encourage positive behavior change (incentives) or ensure accountability for non-compliant behavior (sanctions).

HB 585 required the use of a risk and needs assessment for everyone entering incarceration and/or community supervision and required the results of the risk and needs assessment be used to determine appropriate programs and services.



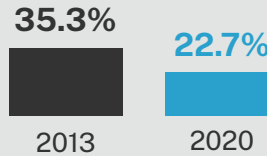
The Mississippi Department of Corrections conducted a validation study on their previously used risk and needs tool and, as a result, **developed a new risk and needs assessment to be used by both prisons and community supervision.**²⁰

HB 585 mandated the use of evidence-based practices to identify and address individuals' criminogenic needs, established a graduated sanctions grid and corresponding policy to guide officers' responses to behavior, and instituted incarceration caps for technical revocations.



56.9% Decrease
in admissions to prison for
probation revocations between
FY 2013 and FY 2020^{21,22}

The Percentage of People Admitted to Prison for Probation Revocation Declined^{23,24}



5. Ensure the quality and sustainability of reforms.

The Task Force recognized the importance of safeguarding the quality and sustainability of the policy changes included in HB 585. As such, the Task Force recommended the establishment of an Oversight Task Force that would be charged with tracking the implementation of HB 585, reviewing data metrics, and recommending further policy changes needed to meet the original goals of the JRI Task Force.

HB 585 established an Oversight Task Force and required agencies to collect and report key performance measures.



The Oversight Task Force was formed following the enactment of HB 585 and has issued yearly progress reports.



Many recommendations from the Task Force have led to additional legislation as highlighted in the section below.

Additional Accomplishments and Information Related to Reforms

- The Mississippi legislature subsequently passed two criminal justice bills, including:
 1. **HB 387** (2018) abolished the practice of incarcerating individuals for not paying fines, clarified that individuals with certain sentence enhancements could be considered for parole, and granted judges the authority to deviate from the mandatory minimum sentences for individuals with repeated nonviolent offenses.²⁵

2. **SB 2795** (2021) which extended parole eligibility to more offenses. As a result, approximately 6,300 incarcerated individuals either became eligible for parole or had their parole eligibility date scheduled to an earlier time.²⁶

- In September 2022, the Mississippi State Parole Board made modifications to its hearing schedule, allowing it to schedule parole hearings more quickly. Prior to the modifications, only 9.8 percent of parole hearings were conducted on time, meaning some people were incarcerated past their parole release date. After the changes were implemented, this number increased to 70.5 percent from October to December 2022.²⁷
- Currently, Mississippi leads the nation with the highest number of individuals incarcerated per 100,000 residents in the state.²⁸ Among other things, while Mississippi made great strides to streamline parole releases following the passage of HB 585, parole grant rates have significantly declined in recent years.²⁹ Mississippi leaders are continuing to discuss opportunities to address parole release delays as well as weighing additional justice system reforms.



The Justice Reinvestment Initiative (JRI) is a data-driven process funded through a public-private partnership between the Bureau of Justice Assistance (BJA), a component of the Department of Justice's Office of Justice Programs, and The Pew Charitable Trusts. JRI aims to improve public safety by helping states make their justice systems more fair, effective, and efficient as they direct resources to address the complex factors that drive crime and recidivism.



The Crime and Justice Institute (CJI) has more than a decade of experience as a JRI technical assistance provider, supporting states through assessing strengths and needs, conducting data analysis, facilitating policy development, and assisting with implementation.

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Contact

Barbara Pierce

Director of Justice Initiatives | CJI
comms@cjinstitute.org

Endnotes

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