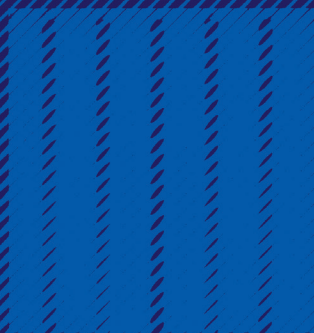


Blueprint for Smart Justice Mississippi



Blueprint *for* Smart Justice Mississippi

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, has damaged families and communities, and has wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and length of

stay on state prison populations, state budgets, and the racial disparity of those imprisoned. The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Mississippi — where 1 in 30 Black men are imprisoned and 65 percent of the male prison population is Black¹ — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like sentencing reform for burglary offenses or increasing access to alternatives to incarceration for drug-related offenses that are specific to combatting these disparities.

Mississippi imprisons people at the third highest per capita rate in the country, and the state's prison population has grown nearly fivefold (392 percent) since 1980.² Drugs are a leading driver of this incarceration epidemic. In 2018, more than 1 in 5 people in Mississippi prisons was serving time for drug offenses.³ While Mississippi has adopted reforms to reduce sentences for drug admissions, the average length of imprisonment grew by nearly 40 percent between 2005 and 2015,⁴ and state law requires extraordinarily long sentences. For example, selling just 2 grams of most drugs carries up to 20 years in prison in Mississippi.⁵

So, what's the path forward? Any meaningful effort to reach a 50 percent reduction in incarceration in Mississippi will need to focus on drug and property

offenses. Stakeholders can look to alternatives to imprisonment, such as substance use disorder treatment, decriminalization of drug possession and for personal use, and support services such as mental health care, employment, housing, health care, or vocational training. Minimally, the Legislature can take state prison time off the table for a range of less serious drug and property offenses and reduce them to misdemeanors.

Mississippi should also take a comprehensive approach to reforming the state's extreme minimum and maximum sentencing laws as well as its sentence enhancements for people with prior convictions. Reducing time served, even by just a few months, can lead to thousands fewer people in Mississippi's prisons.

During the 2018 Legislative Session, Mississippi took a positive step forward in reforming the state's sentencing enhancements for people with prior convictions. The Legislature adopted a bill that enables imprisoned individuals who have not been convicted of two or more prior convictions and who are not convicted of crimes involving sex, violence, or drug trafficking to be eligible for parole after serving 25 percent of their sentence. This law also eliminates mandatory minimums for individuals who have been sentenced for a second and third felony and requires the court to make an individualized assessment of a person's ability to pay when assessing bail.

The answer is ultimately up to Mississippi's voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending Mississippi's obsession to mass incarceration.

The State of the Mississippi Prison System

Mississippi imprisons people at the third-highest per capita rate in the country.⁶ While there has been a decline in the prison population⁷ recently — attributed to sentencing and parole reforms that helped halt and began to reverse the precipitous growth in the prison population — the state's prison population has grown nearly fivefold since 1980.⁸

What Is Driving People into Prison?

In Mississippi, a litany of offenses drives people into prisons.⁹ In 2015, the most common¹⁰ offenses for Mississippi prison admissions were: burglary (18 percent), drug possession (15 percent), drug sales (11 percent), drug possession with intent to distribute (7 percent), and robbery (7 percent). Drug offenses accounted for 1 in 3 admissions to Mississippi prisons in 2015.¹¹

AT A GLANCE

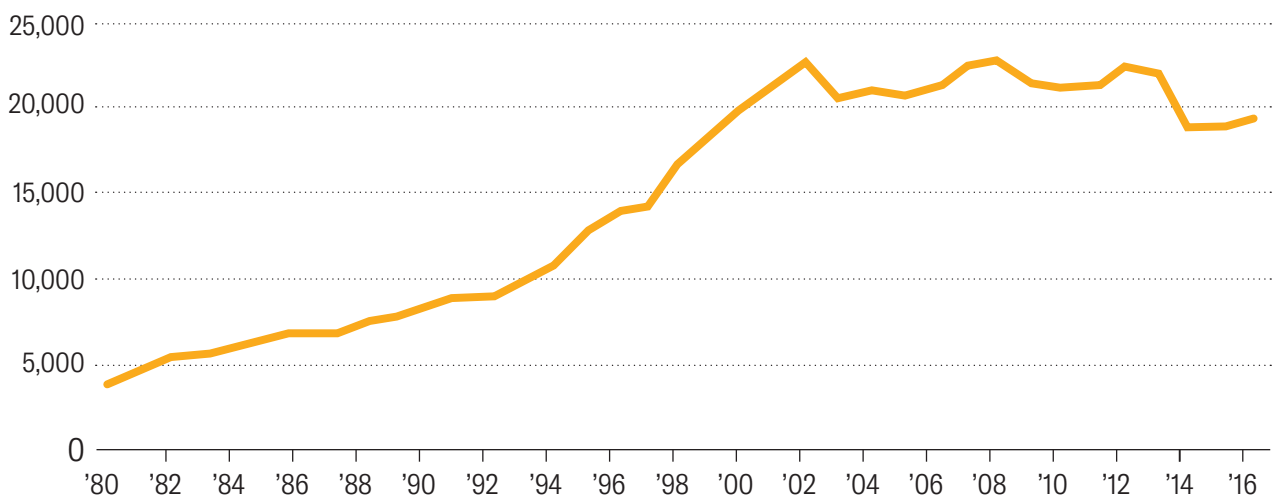
MISSISSIPPI PRISONS

Mississippi ranks **third** nationally in the per capita rate of people imprisoned.

Mississippi's prison population has grown **392 percent** since 1980.

Many people are sent to prison for a technical violation of probation or parole, like missing a curfew or testing positive for drug or alcohol use. In 2015, 40 percent of all people admitted to Mississippi prisons were returning to prison from community supervision.¹² While Mississippi has taken strong steps to reverse

MISSISSIPPI PRISON POPULATION



this trend — like recent legislation passed in the state senate, which addressed the “stacking” of violations in a single revocation¹³ — revoking probation or parole continues to lead to new prison sentences every year.

The Current Prison and Jail Population

Mississippi incarcerates an estimated 12,142 people in county jails. The majority of those incarcerated — approximately 56 percent — have not yet been convicted of a crime and are awaiting trial.¹⁴ In Mississippi, some of the people serving time in county jails are actually under the custody of the state Department of Corrections. While this population has declined significantly in recent years — down 51 percent since 2011 — 904 people were under the jurisdiction of the Department of Corrections in jail as of January 2018.¹⁵

Robbery was the most prevalent offense in 2015, accounting for 16 percent of the total prison population.¹⁶ Despite a 38 percent decrease in the number of people in prison for drug offenses since 2011, people serving time for those offenses still accounted for more than 1 in 5 people in Mississippi prisons in 2018.¹⁷

AT A GLANCE

MISSISSIPPI JAIL AND PRISON POPULATION

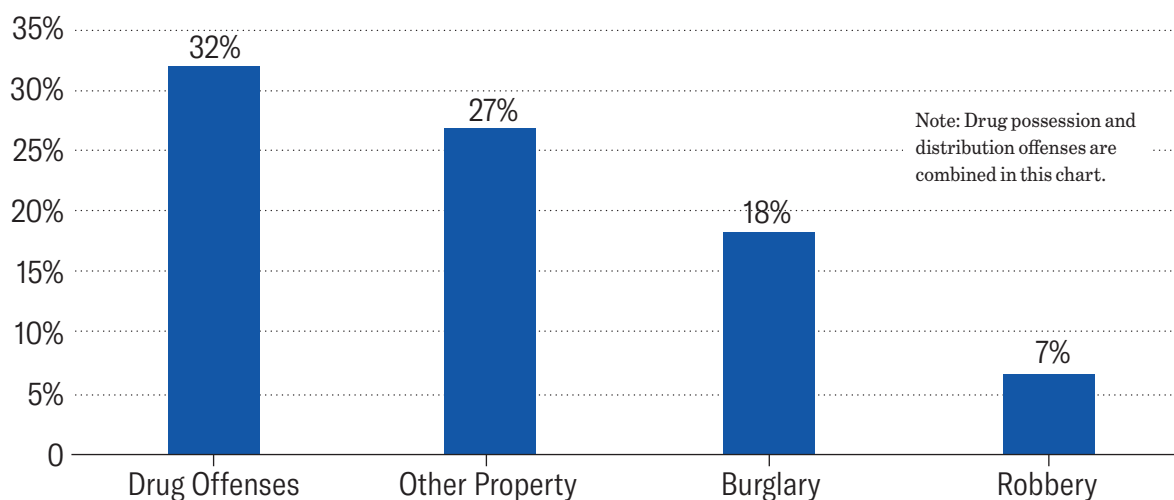
12,142 people are serving time in Mississippi county jails.

More than **1 in 5** people in Mississippi prisons are serving time for a drug offense in 2018.

Why Do People Stay in Prison for So Long?

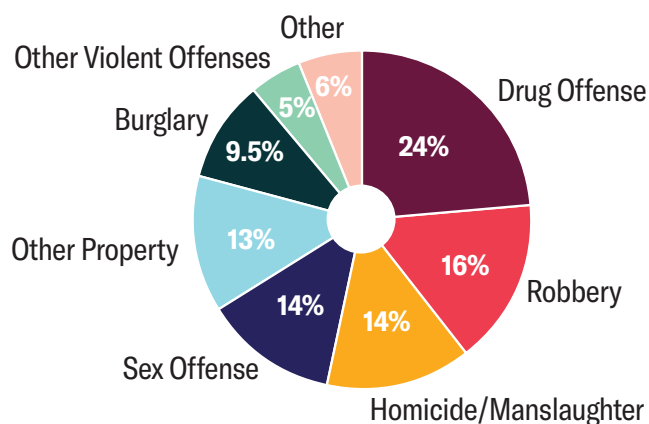
While Mississippi has adopted reforms to reduce sentences for drug admissions, the average length of imprisonment has continued to grow. In 2015, the average person imprisoned in Mississippi was serving 38 percent more time than the average person in 2005 — resulting in an average length of imprisonment of more than five years across the prison population.¹⁸ In the same year, nearly half of all people in Mississippi prisons were serving sentences longer than 10 years. In addition, 16 percent were serving time for a sentence longer than 30 years, including 10 percent of people serving life sentences.¹⁹

MISSISSIPPI PRISON ADMISSIONS BY TOP OFFENSE TYPES (FY 2015)



- **Extreme minimum and maximum sentences:** While Mississippi has adopted reforms to reduce minimum and maximum sentences for certain drug and property offenses, the statutory sentencing ranges remain high. For example, selling just 2 grams of most drugs can carry up to 20 years in prison.²⁰ For more serious crimes and crimes involving violence, statutory ranges are even higher. Home burglary carries up to 25 years, and armed robbery can lead to a life sentence, both regardless of whether anyone was injured.²¹ Many of these individuals face even longer sentences based on Mississippi’s sentence enhancements for people with prior convictions.²²
- **Sentencing enhancements:** Mississippi’s criminal code includes sentencing provisions such as the harsh “Three Strikes” law that triggers longer prison sentences for individuals with two prior felony or federal convictions. For offenses that do not involve violence, the law requires a judge to hand down the maximum possible sentence prescribed for the crime; if one of the three offenses involves violence, judges are required to sentence the person to life in prison. In both cases, the individual is not eligible for parole.²³
- **Obstacles to release:** Mississippi was one of a number of states to abolish parole and adopt a “truth in sentencing” policy, requiring every person sent to prison to serve 85 percent of their

MISSISSIPPI PRISON POPULATION BY OFFENSE TYPE (FY 2015)



sentence before becoming eligible for any kind of release. After its prison population grew at a rate that was more than double both the national and the southern regional average, Mississippi began reversing this policy. In 2008, Mississippi started a multiyear process of changing “truth in sentencing” by reestablishing parole and expanding options for release, but more work remains to be done.²⁴

Who Is Imprisoned

- **Black Mississippians:** The most recent national data available (2014) shows the proportion of Black people imprisoned in Mississippi was the third highest in the country.²⁵ While Black men constituted 65 percent of the male prison population in 2016, they made up only 34 percent of the adult male population in Mississippi, which translates to 1 in 30 Black men in prison.²⁶

In 2017, the Mississippi Office of the State Public Defender released a report on racial disparity within the state’s criminal justice system, providing a closer look at how some of the state’s policies create undue harm for Black Mississippians.²⁷

AT A GLANCE

LENGTH OF IMPRISONMENT

Nearly half of all people imprisoned in Mississippi are serving sentences longer than **10 years**.

16 percent of people imprisoned in Mississippi are serving sentences longer than 30 years.

AT A GLANCE

PRISON DEMOGRAPHICS

65 percent of Mississippi's male prison population was Black in 2016.

1 in 30 Black men were imprisoned in Mississippi in 2016.

The prison population older than 50 years increased **15 percent** between 2011 and 2015.

- **Serving longer sentences for burglary of an unoccupied home:** Mississippi state law reclassified “burglary of an unoccupied dwelling” to a *per se* violent offense in 2014 — requiring 50 percent of a sentence to be served before becoming eligible for parole. While the State Legislature hoped this reclassification would lead judges to impose less time, it ultimately increased length of stay in prison and exacerbated racial disparities for such offenses, adding 1.5 years to a white person’s average time served and more than 2 years to a Black person’s average time served. The average Black person is now sentenced to serve almost 24 percent more time than the average white person for committing the same offense under this law.
- **Less access to Drug Court programs:** The racial demographics of Mississippi’s Drug Court program, which offers targeted programming and diversion opportunities to participants, remain unbalanced when compared with racial demographics of the criminal justice system. For example, the National Corrections Reporting Program found that while Black people accounted for 53 percent of all admissions to prison in Mississippi for drug offenses in 2015,²⁸ only 35 percent of drug court participants were Black. White people accounted for 45 percent of drug offense prison admissions that year²⁹ and 63 percent of Drug Court participants.

AT A GLANCE

SPENDING ON CORRECTIONS

Mississippi spent **\$327 million** on corrections in 2015.

Mississippi has increased spending on corrections **171 percent** since the 1980s.

- **Juveniles sentenced to life without parole:** When the U.S. Supreme Court ruled automatic life without parole sentences for juveniles were unconstitutional, Mississippi had imprisoned 89 youth under this sentence, 70 percent of whom were Black. Since that ruling, 62 percent of new life without parole sentences were imposed on Black youth.
- **Imprisoned in private prisons:** Black people are overrepresented at even higher rates in private prisons, which have been found to present more safety and security incidents per capita than comparable government-run institutions.³⁰ Between 2015 and 2017, 72 percent of people imprisoned in private prisons in Mississippi were Black, while Black people constituted 62 percent of the entire prison population.
- **Older Mississippians:** Though generally considered to pose a negligible risk to public safety,³¹ the number of individuals older than 50 years in the prison population increased by 15 percent between 2011 and 2015 and accounted for 1 in 6 people in Mississippi state prisons as of 2015.³²

Budget Strains

As Mississippi’s prison population has risen, so has the cost burden. Mississippi spent \$327 million on corrections in 2015, accounting for nearly 6 percent of the state’s general fund expenditures. These costs have grown 171 percent since the 1980s, far outpacing spending in other areas like education.³³

Ending Mass Incarceration in Mississippi: A Path Forward

There are many potential policy changes that can help Mississippi end its mass incarceration crisis, but it will be up to the people and policymakers of Mississippi to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering prison in the first place.

Reducing Admissions

To end mass incarceration, Mississippi must break its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence or to provide rehabilitation for incarcerated people or adequate accountability to the crime survivors.³⁴ Here are some strategies:

- **Alternatives to incarceration:** Offer programs that provide substance use disorder treatment, mental health care, employment, housing, health care, and vocational training. Such programs — often with some community service requirement — can significantly cut recidivism rates for participants. Other successful models include law-enforcement-led programs, which divert people to treatment and support services at the time of arrest, and prosecutor-led programs, which divert people before they are charged.³⁵
- **Sentencing reform:** Drug offenses, for example, continue to be a leading driver of imprisonment in Mississippi. Stakeholders can instead look to evidence-based alternatives, such as substance use disorder treatment

or decriminalization of personal use and possession altogether and shifting those resources to a health policy-based approach. Short of that, the Legislature could reduce a range of less serious drug and property offenses to misdemeanors, which carry up to a year in local jail instead of prison time. Prison time, a felony record, and the countless collateral consequences connected to a felony conviction make it harder for someone to find work or housing or support a family.

- **Expanded treatment:** Furthermore, substance use disorders are often underlying drivers of other more serious offenses, including burglaries, robberies, and assaults. Actually reducing the incidence of these crimes may be better and more effectively achieved through the expanded use of alternative responses rather than prison in a substantial number of cases. Similarly, mental health treatment and supervision provide a better, more productive alternative for many offenses, minor and more serious, and could be more effective in improving overall public safety in the long term.
- **Judicial discretion/expanded options:** Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone's prior criminal history. The court, not the Legislature, should be in a position to decide whether such an option is appropriate in individual cases.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Mississippi's prisons. Here's how:

- **Sentencing reform — general:** The Mississippi Legislature can amend the state's criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary, assault, robbery, and public order offenses, like disorderly conduct.
 - **Sentencing reform — enhancements:** In line with recent progress made to "truth in sentencing" laws, the Legislature could also reform or eliminate Mississippi's various sentencing enhancements — especially "habitual" enhancements, triggered by prior felonies, which have resulted in extreme sentences for thousands of people in Mississippi prisons. Short of eliminating these enhancements, the Legislature could limit their severity (or give judges the ability to control their severity at sentencing) or limit the number of people
- exposed to them by drastically reducing the number of situations in which they apply.
- **Parole reform:** Improving parole and release policies and practices to ensure that more eligible people are released earlier from prison is another key way to reduce time served. For example, Mississippi can take steps to fully implement and expand presumptive parole policies that can streamline and speed up the release of imprisoned people who have demonstrated good behavior and have served their minimum sentences.
 - **Earned time/credit reform:** Similarly, the state can eliminate or address eligibility restrictions that prevent thousands of people from earning credits against their prison sentences through participation in educational, vocational, and other opportunities while in prison.

TAKING THE LEAD

Prosecutors: They decide on what charges to bring and which plea deals to offer and accept. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send people to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges' discretion. They can change criminal laws to remove prison as an option when better alternatives exist. They can create new alternatives or provide the resources and direction for others to develop new alternatives.

Parole boards: They decide when to allow people to leave prison. In Mississippi, the parole board is an especially important player when it comes to reforming how long people spend in prison.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Mississippi will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages such as pretrial detention, conviction, sentencing, and postrelease opportunity.³⁶ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.³⁷ However, the state did not target racial disparities in incarceration, and, in 2016, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.³⁸

Ending mass incarceration is critical to eliminating racial disparities but not sufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁴⁰

— From *The New Jim Crow*, Michelle Alexander

disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors’ charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules

- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color
- Addressing any potential racial bias in risk assessment instruments used to assist decision making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

Forecaster Chart

There are many pathways to cutting the prison population in Mississippi by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Mississippi, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

| Impact Compared to 2025 Baseline* | | | | |
|-----------------------------------|---|---------------------------------------|--|------------------|
| Offense category | Policy Outcome | Prison population** impact | Impact on racial and ethnic makeup of prison population*** | Cost savings**** |
| Drug offenses | <ul style="list-style-type: none"> • Reduce average time served for drug distribution by 70% (from 2.65 to 0.79 years). • Institute alternatives that reduce admissions for drug distribution by 60 % (315 fewer people admitted). • Institute alternatives that end all admissions for drug possession (987 fewer people admitted). | 14.93% reduction (2,594 fewer people) | White: 0.5% increase Black: 0.2% decrease Hispanic/Latino: 1.3% decrease Native American: 8.0% increase Asian: 5.6% decrease | \$38,351,140 |
| Robbery | <ul style="list-style-type: none"> • Reduce average time served by 70% (from 6.57 to 1.97 years). • Institute alternatives that reduce admissions by 40% (155 fewer people admitted). | 11.37% reduction (1,975 fewer people) | White: 7.5% increase Black: 4.0% decrease Hispanic/Latino: 9.7% increase Native American: 7.5% increase Asian: 4.4% increase | \$21,018,123 |

| Impact Compared to 2025 Baseline* | | | | |
|-----------------------------------|---|--------------------------------------|--|------------------|
| Offense category | Policy Outcome | Prison population** impact | Impact on racial and ethnic makeup of prison population*** | Cost savings**** |
| Burglary | <ul style="list-style-type: none"> Reduce average time served by 70% (from 1.60 to 0.48 years). Institute alternatives that reduce admissions by 40% (505 fewer people admitted). | 9.56% reduction (1,660 fewer people) | White: 2.4% decrease Black: 1.2% increase Hispanic/Latino: 4.1% increase Native American: 5.9% decrease Asian: 2.7% increase | \$23,778,320 |
| Assault | <ul style="list-style-type: none"> Reduce average time served by 70% (from 3.14 to 0.94 years). Institute alternatives that reduce admissions by 40% (166 fewer people admitted). | 6.22% reduction (1,080 fewer people) | White: 2.2% increase Black: 1.2% decrease Hispanic/Latino: 0.1% increase Native American: 6.6% increase Asian: 2.9% decrease | \$13,567,153 |
| Public order offenses***** | <ul style="list-style-type: none"> Reduce average time served by 70% (from 1.36 to 0.41 years). Institute alternatives that reduce admissions by 80% (347 fewer people admitted). | 3.21% reduction (557 fewer people) | White: 1.7% decrease Black: 0.8% increase Hispanic/Latino: 1.3% increase Native American: No change Asian: 2.0% decrease | \$8,540,008 |
| Theft | <ul style="list-style-type: none"> Reduce average time served by 70% (from 1.10 to 0.33 years). Institute alternatives that reduce admissions by 60% (197 fewer people admitted). | 1.8% reduction (318 fewer people) | White: 0.9% decrease Black: 0.4% increase Hispanic/Latino: 1.4% increase Native American: 1.9% increase Asian: 1.9% decrease | \$5,067,111 |
| Fraud | <ul style="list-style-type: none"> Reduce average time served by 70% (from 1.20 to 0.36 years). Institute alternatives that reduce admissions by 60% (136 fewer people admitted). | 1.39% reduction (241 fewer people) | White: 0.9% decrease Black: 0.4% increase Hispanic/Latino: 1.4% increase Native American: 1.4% increase Asian: 1.4% increase | \$3,938,122 |

| Impact Compared to 2025 Baseline* | | | | |
|-----------------------------------|---|------------------------------------|---|------------------|
| Offense category | Policy Outcome | Prison population** impact | Impact on racial and ethnic makeup of prison population*** | Cost savings**** |
| Weapons offenses***** | <ul style="list-style-type: none"> Reduce average time served by 70% (from 1.19 to 0.36 years). | 0.96% reduction (167 fewer people) | White: 0.2% increase Black: 0.1% decrease Hispanic/Latino: 1.0% increase Native American: 1.0% increase Asian: 1.0% increase | \$2,109,728 |
| DWI | <ul style="list-style-type: none"> Reduce average time served by 70% (from 0.97 to 0.29 years). Institute alternatives that reduce admissions by 70% (119 fewer people admitted). | 0.86% reduction (150 fewer people) | White: 0.6% decrease Black: 0.4% increase Hispanic/Latino: 0.4% decrease Native American: 10.3% decrease Asian: 0.9% increase | \$2,476,164 |

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** Prison population referenced in the pathway forward analysis includes only people incarcerated in prisons in Mississippi.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison — of a certain race — to the number of people in the state's general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Mississippi where Black people make up 65 percent of the male prison population but only constitute 34 percent of the state's total adult male population.³⁹

**** Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Mississippi were to carry out reforms leading to the changes above, 8,744 fewer people would be in prison in the state by 2025, a 50.33 percent decrease. This would lead to a total cost savings of \$349,068,262 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size

of Mississippi's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model was used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes

to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates; MDOC Monthly Report December 2016.
- 2 BJS, Correctional Statistical Analysis Tool, Total Jurisdictional Population.
- 3 MDOC Monthly Report, January 2018.
- 4 BJS, National Corrections Reporting Program, 2015; Data from the National Corrections Reporting Program includes only people incarcerated in prisons, not the fully population classified as “inmates” by MDOC, so the average length of stay referenced here is for the prison population specifically.
- 5 Mississippi Code § 41-29-139 (2016).
- 6 BJS, Correctional Statistical Analysis Tool, Total Jurisdictional Population. While the analysis in this blueprint contemplates both Mississippi jail and prison populations, the decarceration, fiscal, and racial impact analysis found in the chart on pages 13 to 15 only examines Mississippi’s prison population.
- 7 For the purposes of this blueprint, the “prison population” refers to all people considered “inmates” under the jurisdiction of Mississippi Department of Corrections (MDOC), which includes people incarcerated under MDOC jurisdiction in prisons, county jails, as well as those under Intensive Supervision, Earned Release Supervision, or Medical Release; as of January 2018, there were 1,519 people outside of the custody population classified as “inmates” under the jurisdiction of the MDOC (MDOC Monthly Report, January 2018).
- 8 BJS, Correctional Statistical Analysis Tool, Total Jurisdictional Population. This blueprint examines only Mississippi’s prison population and does not analyze its jail or other detention populations.
- 9 Prison admissions reflect the number of people entering Mississippi prisons in a given year, while the total prison population refers to the total number of people imprisoned at the end of each fiscal year (defined as June 30).
- 10 The largest reported offense category for admissions is “other property offenses,” which is a broad category that includes nonrobbery or nonburglary property offenses that accounted for 27 percent of admissions in 2015.
- 11 MDOC Annual Report 2015.
- 12 MDOC Annual Report 2015.
- 13 SB 2145, 2017.
- 14 Vera Institute, Incarceration Trends, 2017. Total jail population and pretrial jail population data are drawn from different sources in the cited source. Total jail population data is reported as average daily population in 2015 and excludes federal jail populations, while pretrial jail population is reported as a single day count (taken on June 30) and includes federal jail populations.
- 15 MDOC Annual Report, 2011; MDOC Monthly Report, January 2018.
- 16 MDOC Annual Report, 2015.
- 17 MDOC Annual Report, 2011; MDOC Monthly Report, January 2018.
- 18 BJS, National Corrections Reporting Program, 2015; Data from the National Corrections Reporting Program includes *only* people incarcerated in prisons, not the fully population classified as “inmates” by MDOC, so the average length of stay referenced here is for the prison population specifically.
- 19 MDOC Annual Reports 2011-2015.
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- 35 Vera Institute of Justice ‘Accounting for Violence: How to Increase Safety & Break our Failed Reliance on Mass Incarceration’ 2017. Note: Due to the significant number of state prisoners in county facilities, there may be double counting in this number. For additional reference, as of June 2017, there were 1,048 people under DOC jurisdiction in county jails.
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