

# The Who, What, When, Where, and Why of Parole in Mississippi

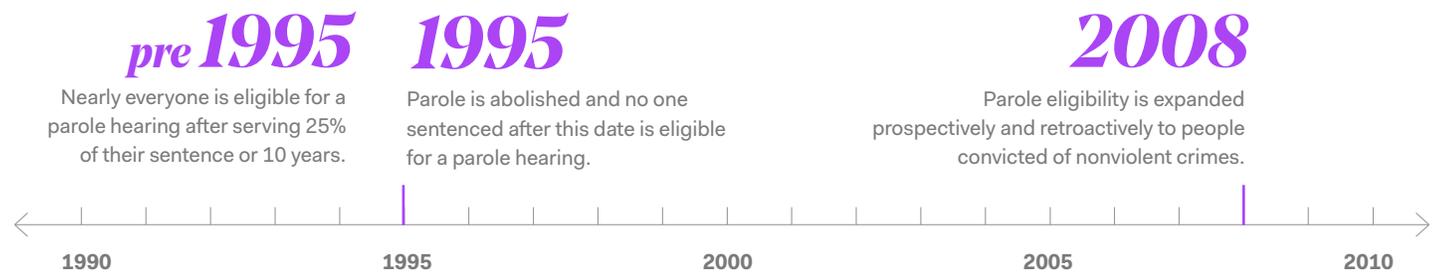
Mississippi has the second-highest imprisonment rate in the country — holding more people in prison per capita than all but one other state.<sup>1</sup> In fact, its prisons are so overcrowded and understaffed that President Trump’s Department of Justice launched an investigation of the prison system.<sup>2</sup> The state’s dangerously high prison population is due in large part to Mississippi’s parole laws, which are among the most restrictive in the nation. Last year, the state legislature advanced common-sense legislation to expand parole eligibility, but the bills did not make it across the finish line. This year, lawmakers must finish what they started and enact criminal justice reform legislation to save lives and reduce wasteful prison spending.

## What is parole?

Parole is a common earned release opportunity offered in state prison systems across the United States, including Mississippi. Parole provides incarcerated people the opportunity to make the case for their release at a hearing before the Parole Board after serving a portion of their sentence in prison. The five members of Mississippi’s Parole Board are appointed by the governor. Ultimately, the Parole Board decides whether the incarcerated person will be released to the community or not after receiving input from crime victims, law enforcement, and the family of the incarcerated person. People who are granted release at their parole hearing serve the remainder of their sentence on supervision, meaning they report to a parole officer and follow other rules laid out by the Department of Corrections.

## Who is eligible for parole in Mississippi?

Today, two-thirds of people in Mississippi prisons are not eligible for parole.<sup>3</sup> This startling statistic is the result of a dramatic shift in parole policy that began in the 1990s. Prior to 1994, nearly everyone sentenced to prison in Mississippi was eligible for parole after serving 25% of their sentence or 10 years.<sup>4</sup> In 1995, Mississippi joined the ranks of states who moved to abolish parole and mandate that everyone serve at least 85% of their sentence in prison. This policy, modeled on the 1994 Crime Bill<sup>5</sup> and other Clinton Administration initiatives, quickly proved to be costly, ineffective at reducing crime, and harmful to families. Mississippi lawmakers have acknowledged the failure of this strategy and began taking meaningful steps to expand parole eligibility in 2008. These measures have restored incentives and hope to many behind bars, but the vast majority of people in prisons across the state--more than 12,000 individuals--remain ineligible for a parole hearing.<sup>6</sup>



1 FWD.us, "Mississippi Surpasses Oklahoma as Second-Highest Imprisoning State", 2019, <https://36shgf3jsufe2xojr925ehv6-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/MSvsOK.pdf>  
 2 United States Department of Justice, "Justice Department Announces Investigation into Conditions in Four Mississippi Prisons", February 5, 2020, <https://www.justice.gov/opa/pr/justice-department-announces-investigation-conditions-four-mississippi-prisons>  
 3 Mississippi Department of Corrections, 2019 Annual Report, <https://www.mdoc.ms.gov/Admin-Finance/Documents/2019%20Annual%20Report.pdf>; Mississippi Department of Corrections, December 2020 Fact Sheet, <https://www.mdoc.ms.gov/Admin-Finance/MonthlyFacts/12-1-20%20Fact%20Sheet.pdf>.  
 4 People serving habitual sentences and people convicted of robbery or attempted robbery with a firearm or deadly weapon with sentences of less than 10 years were not eligible for parole.  
 5 This legislation is formally known as the 1994 Violent Crime Control and Law Enforcement Act.  
 6 Mississippi Department of Corrections, 2019 Annual Report, <https://www.mdoc.ms.gov/Admin-Finance/Documents/2019%20Annual%20Report.pdf>; Mississippi Department of Corrections, December 2020 Fact Sheet, <https://www.mdoc.ms.gov/Admin-Finance/MonthlyFacts/12-1-20%20Fact%20Sheet.pdf>

## When do people become eligible for parole?

People convicted of most nonviolent offenses become eligible for parole after serving 25% of their sentence. People sentenced under the state's habitual laws are ineligible for parole, no matter how minor the offense, and people convicted of violent offenses and sex-related offenses are not eligible for parole.<sup>7</sup> Many of these individuals must serve every day of their sentences, which often stretch for decades, in prison with no hope to earn release and no incentives to participate in the educational and therapeutic opportunities that are available in Mississippi prisons.

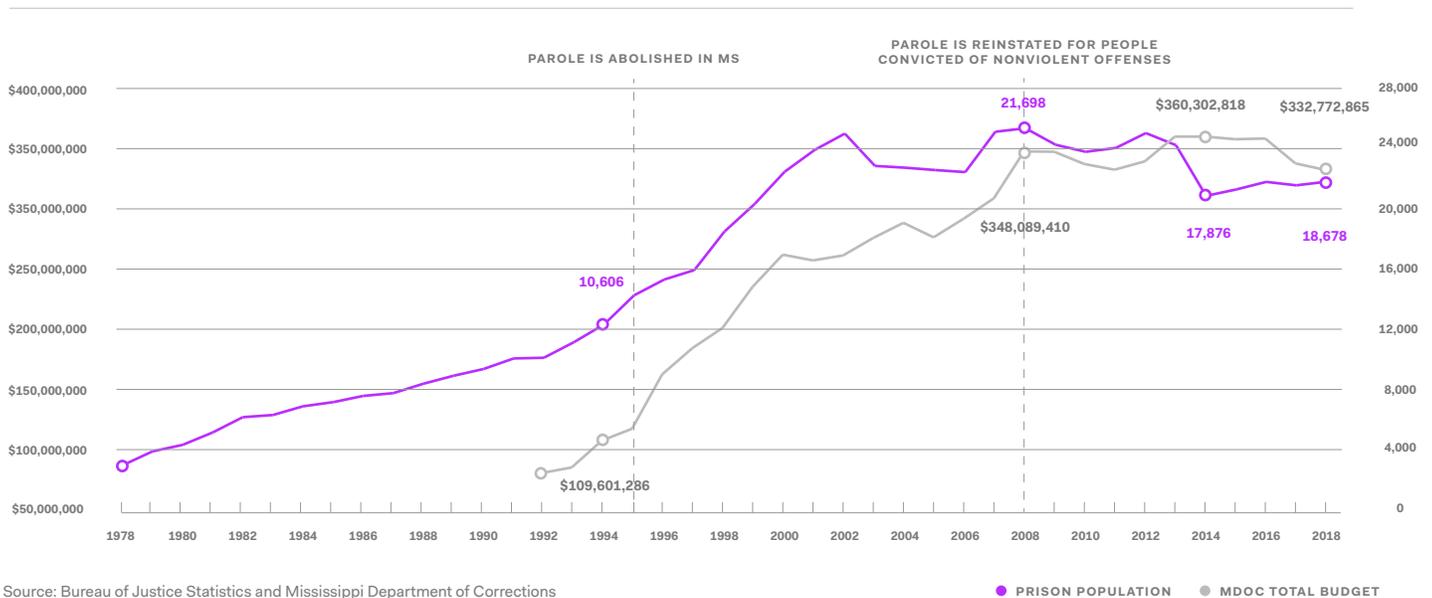
Last year, lawmakers advanced a bill to extend the possibility of a parole hearing to people convicted of most violent offenses after they serve at least 50% of their sentence in prison, but the bill was vetoed due to confusion and misinformation. This year, lawmakers have the chance to push this bill across the finish line.

## How does parole impact the size of the prison population?

Changes to the laws that govern parole eligibility can have a dramatic impact on the number of people in prison. Mississippi's prison population more than doubled between 1994, the final year in which most people in prison were eligible for parole, and 2008.<sup>8</sup> As the state's prison population skyrocketed, so did the amount of money required to house and care for incarcerated people. The Mississippi Department of Corrections saw a 218% budget increase between 1994 and 2008.<sup>9</sup>

In 2008, lawmakers took an important first step towards reversing this trend and enacted legislative changes that expanded parole eligibility to people convicted of some nonviolent offenses, both prospectively and retroactively. In part because of these reforms, the state's prison population declined by 18% between 2008 and 2014.<sup>10</sup> Since that time, the prison population has begun to tick upward again and remains well above its size before parole was abolished. Meanwhile, prison spending has remained relatively flat.<sup>11</sup> Further expansion of parole eligibility would allow Mississippi to join the ranks of states across the country that are reducing crime, prison costs, and incarceration at the same time.

IMPACT OF PAROLE LAWS ON MISSISSIPPI'S PRISON POPULATION AND PRISON SPENDING



Source: Bureau of Justice Statistics and Mississippi Department of Corrections

● PRISON POPULATION ● MDOT TOTAL BUDGET

<sup>7</sup> Miss. Code Ann. § 47-7-3.

<sup>8</sup> Bureau of Justice Statistics, Correction Statistical Analysis Tool, <https://www.bjs.gov/index.cfm?ty=nps>.

<sup>9</sup> Mississippi Department of Corrections, Schedule of Cost by Category, <https://www.mdoc.ms.gov/Admin-Finance/Documents/CostSummary-1992-2012.pdf>

<sup>10</sup> Bureau of Justice Statistics, Correction Statistical Analysis Tool, <https://www.bjs.gov/index.cfm?ty=nps>

<sup>11</sup> Prison population information sourced from Bureau of Justice Statistics, Correction Statistical Analysis Tool. Prison spending sourced from the Mississippi Department of Corrections.

## Why is parole eligibility a good idea?

Decades of research have shown that parole is a smart policy that can help states safely reduce their prison populations, protect families, and save taxpayer dollars.

### FACT #1: SHORTER PRISON STAYS DO NOT LEAD TO AN INCREASE IN CRIME

*“There is little evidence that increases in the length of already long prison sentences yield general deterrent effects that are sufficiently large to justify their social and economic costs. Such severity-based deterrence measures include “three strikes, you’re out,” life without the possibility of parole, and other laws that mandate lengthy prison sentences.”*

Daniel S. Nagin, *Deterrence in the Twenty-first Century: A Review of the Evidence*

*“Long-term sentences produce diminishing returns for public safety as individuals “age out” of the high-crime years.”*

Marc Mauer, *Long Term Sentences: Time to Reconsider the Scale of Punishment*

*“[R]ecidivism rates were virtually identical for [people] who were released early through retroactive application of the FSA Guideline Amendment {a federal sentence reduction policy} and [people] who had served their full sentences before the FSA guideline reduction retroactively took effect.”*

United States Sentencing Commission, *Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Act Guideline Amendment*

### FACT #2: INCENTIVES FOR OPPORTUNITIES LIKE PAROLE RELEASE MAKE PRISONS AND COMMUNITIES SAFER

*“[S]tates with earned time provisions have seen recidivism rates either remain unchanged or actually drop.”*

National Conference of State Legislatures, *Cutting Corrections Costs: Earned Time Policies for State Prisoners*

*“The reduction or virtual elimination of incentives for [people] to abide by institutional rules with the implementation of determinate punishment may result in an increase in [...] misconduct and a reduction in the ability of correctional staff to maintain safe and orderly prison environments.”*

William D Bales, *The impact of determinate sentencing on prisoner misconduct*

### FACT #3: PRISONS CAN CAUSE GREAT HARM TO INCARCERATED PEOPLE AND THEIR FAMILIES

*“Each additional year in prison produced a [...] 2-year decline in life expectancy.”*

Evelyn Patterson, *The Dose-Response of Time Served in Prison on Mortality: New York State, 1989-2003*

*“Between 2006 and 2016, tens of thousands of children were placed into foster care solely because a parent was incarcerated. [...] Children [of incarcerated women] are five times more likely than those of male inmates to end up in foster care.”*

Eli Hager and Anna Flagg, *How Incarcerated Parents Are Losing Their Children Forever*

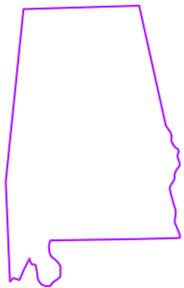
*“...older [people in prison] are more susceptible to costly chronic medical conditions. They typically experience the effects of age sooner than people outside prison because of issues such as substance use disorder, inadequate preventive and primary care before incarceration, and stress linked to the isolation and sometimes violent environment of prison life.”*

Pew Charitable Trusts, *Aging Prison Populations Drive Up Costs*

## Where are parole laws more expansive?

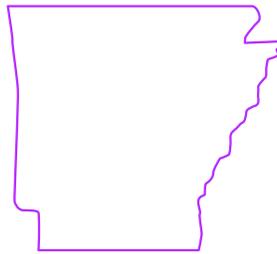
Despite what we know about the benefits of parole eligibility, Mississippi has some of the most restrictive parole laws in the nation. Nearly all of Mississippi's neighboring Southern states allow parole eligibility for people convicted of serious and violent offenses. While no two states are the same, most states with a parole system allow far more people to make their case for release to the Parole Board.

### PAROLE ELIGIBILITY REQUIREMENTS FOR PEOPLE CONVICTED OF VIOLENT OFFENSES <sup>12</sup>



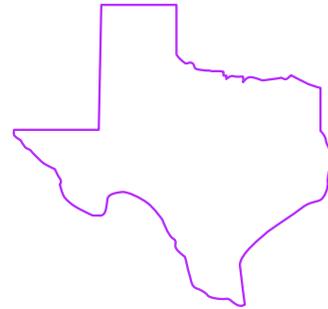
## Alabama

*10-15 years of sentence served<sup>13</sup>*



## Arkansas

*33%-70% of sentence served<sup>14</sup>*



## Texas

*50% or 30 years of sentence served<sup>15</sup>*

## Why should lawmakers act now to expand parole eligibility?

Expanding eligibility for parole has the potential to save lives in the midst of the deadly crisis sweeping through Mississippi's prison system. Eighty-five of the more than 100 people that have died in prison over the course of the last year were not eligible for parole.<sup>16</sup> At least four of these individuals would have become immediately eligible for a parole hearing if last year's reform legislation had been signed into law. For these individuals, a parole hearing could have meant the difference between life and death.

## Conclusion

Research suggests that parole and other earned release programs increase safety in prisons and communities. That's why states like Alabama and Texas extend parole eligibility to the vast majority of incarcerated people, regardless of offense. Mississippi used to do the same until a rash of punitive laws swept through the state legislature in the mid-1990s. Today, Mississippi has some of the most restrictive parole laws in the nation. This year, state lawmakers have the opportunity to expand parole eligibility to thousands of people in prison who are currently denied that opportunity, restoring incentives and hope behind bars, reuniting families, and saving taxpayers dollars.

<sup>12</sup> There are some exceptions to these rules for capital murder and sex offenses.

<sup>13</sup> Alabama Board of Pardons and Paroles, Rules Regulations, and Procedures, [https://paroles.alabama.gov/wp-content/uploads/Operating\\_Rules.pdf](https://paroles.alabama.gov/wp-content/uploads/Operating_Rules.pdf)

<sup>14</sup> Robina Institute of Criminal Law and Criminal Justice, Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States (Arkansas), [https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/704723\\_arkansas\\_parole\\_profile3.pdf](https://robinainstitute.umn.edu/sites/robinainstitute.umn.edu/files/704723_arkansas_parole_profile3.pdf).

<sup>15</sup> Texas Government Code Section 508.145

<sup>16</sup> This number was arrived at by analyzing the crimes of conviction of the individuals who have died in MDOC custody this year, as reported by the Jackson Clarion Ledger.