

# High Cost, Low Return

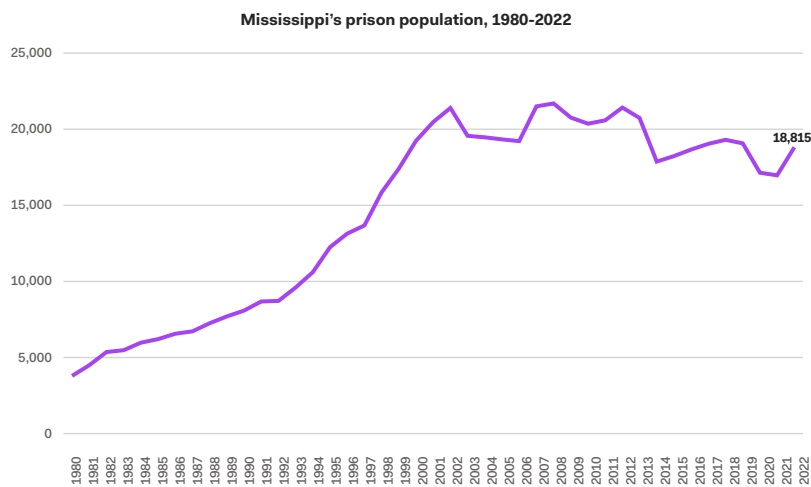
## *Mississippi's Ongoing Incarceration Crisis*

NOVEMBER 2022

According to the most recent national data, Mississippi has the highest imprisonment rate in the country, with a rate 85 percent higher than the national average. While many states, including Louisiana, Texas, and Oklahoma have experienced declines in their prison population due to an ongoing commitment to reforms, Mississippi's prison population is growing.<sup>1</sup>

Over the last 20 years, Mississippi has made attempts to control costs and improve public safety through a series of reforms. While these have helped stem growth and even reduce the incarcerated population at times, the limited scope of the reforms and a failure to fully implement reforms has meant that Mississippi has yet to achieve the sustained population declines other states are experiencing.

How did Mississippi get here? From 1980 to 2022, Mississippi's prison population grew 396 percent. In the early 2000s, Mississippi brought back a parole system that had been all but abolished in the 1990s, allowing people convicted of nonviolent crimes to be released on parole. In 2014, House Bill 585 shortened some sentences and attempted to reduce the number of revocations for technical violations.

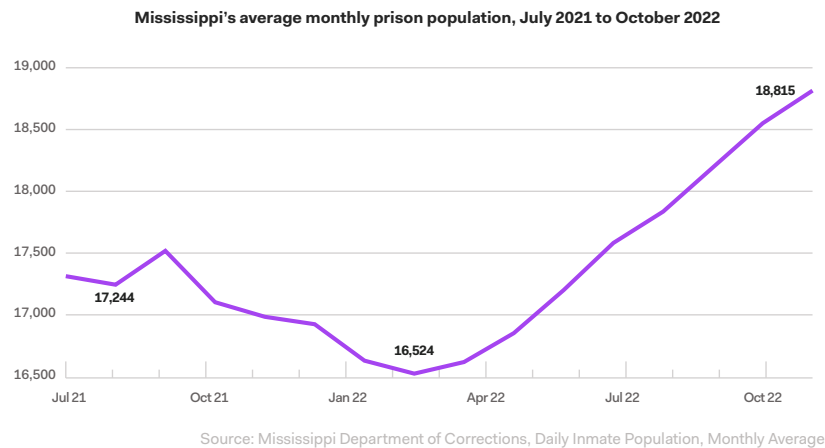


Source: Bureau of Justice Statistics, Prisoner Series; Mississippi Department of Corrections, Monthly Fact Sheets

As a result of these changes, Mississippi's imprisonment rate declined 10 percent from 2013 to 2016, and the state dropped from having the second-highest imprisonment state in the nation to the third-highest. Unfortunately, because these reforms made modest changes to the sentence lengths of some crimes, these gains were short-lived, and the prison population began to climb again.

Mississippi's prisons have experienced severe turmoil over the years, endangering the health and safety of the people in custody. Sixteen people died in a single month in 2018<sup>2</sup>, and at least 106 people died between the end of 2019 through 2020.<sup>3</sup> In 2021, partially in response to the inhumane prison conditions, dangerously high prison population, and an ongoing Department of Justice investigation, Mississippi advanced bipartisan legislation that expanded parole eligibility (SB 2795), providing the state with an evidence-based mechanism to address its incarceration crisis. Mississippi's prison population reached a 20-year record low by the end of 2021 but legislative reforms require administrative implementation to achieve their full impact.

Unfortunately, the prison population has since started to rise again due to a dramatic reduction in the use of parole both for people made eligible by the recent reform, as well as those who would have been considered eligible for release on parole prior to the 2021 reform.



The most recent data from the Mississippi Department of Corrections (MDOC) shows that the prison population is higher today than when SB 2795 went into effect on July 1, 2021, and is climbing by hundreds of people per month. According to MDOC data, between January and early October of 2022, the prison population grew by more than 2,000 people. With the U.S. prison population declining<sup>4</sup>, Mississippi stands out for its continued reliance on incarceration and long prison sentences, which have been shown to be ineffective as a public safety measure.<sup>5</sup> State taxpayers spend more than \$360 million on the prison system every year, and this cost will continue to grow unless the 2014 and 2021 reforms are fully implemented and Mississippi passes more common sense reforms.

Mississippi's jail population, left largely untouched by recent reform efforts, experienced a decline in 2020 attributed to short-term system changes in response to the COVID-19 pandemic after reaching an all-time high statewide jail population. Yet the thousands of people who remain in county jails across the state spend an average of nearly six months incarcerated, six times longer than the national average without any added public safety benefit.

The precipitous growth in jail and prison populations continues in part because thousands of new felony convictions are handed down in local courts each year, each one creating lifetime barriers to employment and economic security. According to one estimate, approximately 1 in 13 people in Mississippi has a felony conviction on their record.

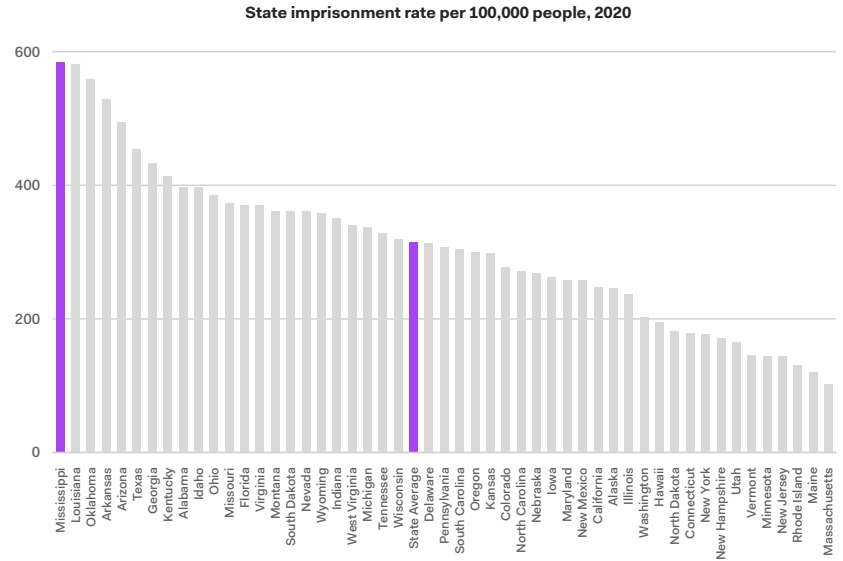
In line with national trends, Mississippi experienced an increase in violence largely driven by gun homicides since the start of the COVID-19 pandemic. Data shows that homicide rates increased across the country in communities of all kinds and political affiliations.<sup>6</sup> Despite this recent spike, the national violent crime rate today is significantly lower than historic highs of the 1990s, and research shows that criminal justice reform did not drive the increase in crime.<sup>7</sup>

Mississippi's criminal justice system continues to grow and impose large costs on Mississippi's economy, communities, and families without any returns on safety. Research has repeatedly shown that incarceration is among the least effective and most expensive means to promote public safety—and in many situations actually increases the likelihood of future arrest.<sup>8</sup> The need for criminal justice reform is as urgent as ever. Fortunately, there are common sense changes with broad bipartisan support that policymakers can adopt to safely reduce the state's prison and jail population. By changing the state's harsh habitual sentencing laws, defelonizing simple drug possession, and limiting the scope of pretrial detention, Mississippi can redirect taxpayer dollars to invest in proven public safety strategies and expand opportunities for people impacted by the criminal justice system.

States across the country that are achieving simultaneous reductions in crime and incarceration have learned that these outcomes require ongoing legislative and administrative commitment. Mississippi policymakers must follow suit by making critically needed and evidence-based criminal justice reforms a priority every legislative session and by working with administrative stakeholders like MDOC officials, judges, and the Parole Board, and criminal justice system practitioners to fully implement new laws.

## FIGURE 1: MISSISSIPPI HAS THE HIGHEST IMPRISONMENT RATE IN THE COUNTRY

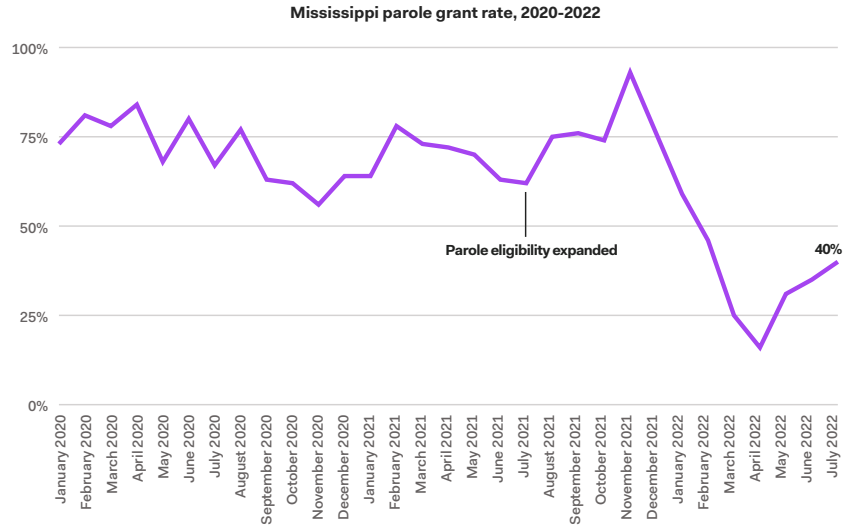
In 2016, Mississippi was third behind Louisiana and Oklahoma for the highest imprisonment rate in the country. Mississippi has since ousted Louisiana and has become number one, with a rate of 584 people in prison per 100,000 state residents. Mississippi's prison population is growing while Louisiana and Oklahoma have enacted comprehensive reforms to safely reduce the number of people under correctional control. Mississippi taxpayers spend around \$18,500 each year to imprison a single person, without the public safety return Mississippians deserve.<sup>9</sup> Mississippi's imprisonment rate is 85 percent higher than the national average, yet crime has fallen four times as fast in other states as in Mississippi over the last decade.<sup>10</sup> Mississippi's incarceration crisis is driven in part by extreme sentencing laws that relegate people to years and even decades behind bars. Prison sentences in Mississippi are notably longer than the national average across a range of crimes.<sup>11</sup> Data show that two-thirds of people incarcerated in Mississippi's prisons are serving a sentence of at least 10 years, and 19 percent of people incarcerated in 2019 had already served at least 10 years in prison.<sup>12</sup>



Source: Bureau of Justice Statistics, Prisoner Series

## FIGURE 2: MISSISSIPPI'S LOW PAROLE GRANT RATE IS A MAJOR DRIVER OF THE CURRENT PRISON POPULATION INCREASE

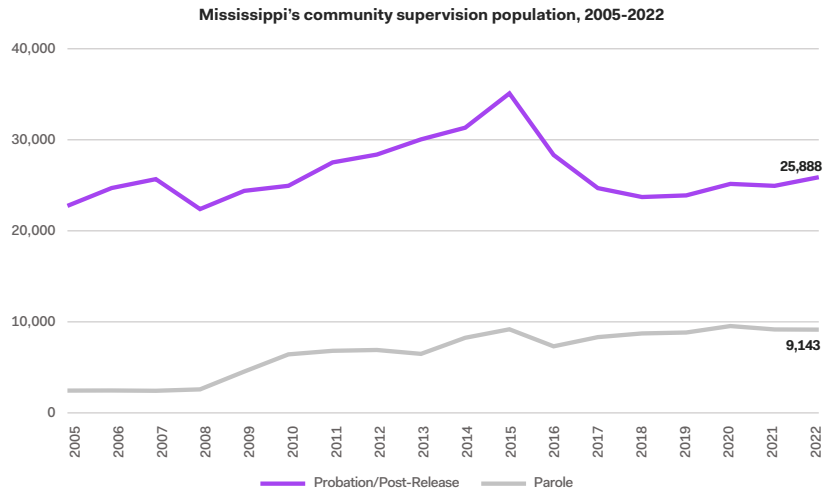
For many years, Mississippi had one of the most restrictive parole laws in the country that limited early release opportunities and drove the state's incarceration crisis. After abolishing parole in 1995, Mississippi's prison population more than doubled between 1994 and 2008,<sup>13</sup> and the legislature partially course-corrected by restoring parole eligibility to people convicted of nonviolent crimes in 2008. In 2021, Mississippi joined several other Southern states in expanding parole eligibility to some people convicted of violent offenses. The prison population hit a 20-year low in 2021 partly because of higher parole approval rates. The parole grant rate hit its highest level in November 2021. More recently, the parole grant rate has dramatically declined, meaning people who were newly eligible under the 2021 law and those who had already been eligible are being denied at a much higher rate.



Source: Mississippi Department of Corrections, Mina Cortez, "A year later, parole rates lower than before law went into effect," Mississippi Today, Sept. 19, 2022.

**FIGURE 3: THERE ARE MORE THAN 35,000 PEOPLE ON COMMUNITY SUPERVISION IN MISSISSIPPI**

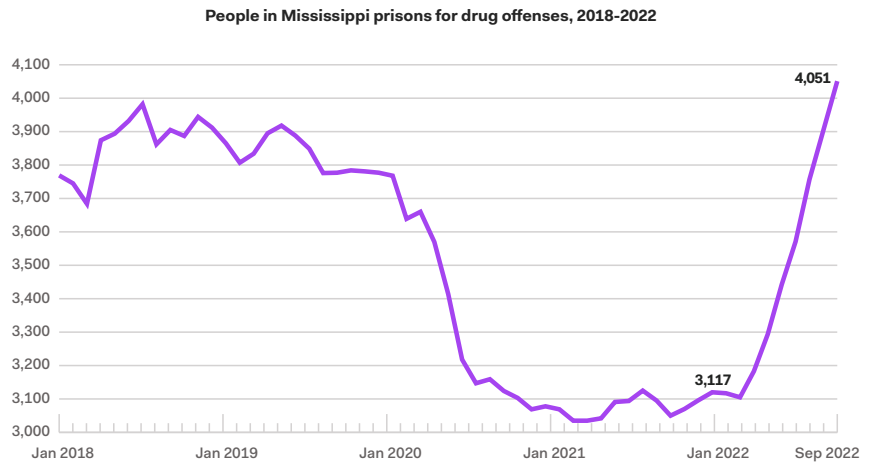
There are more than 35,000 people on community supervision in Mississippi. The parole population has increased 274 percent since 2005, but nearly 75 percent of the supervision population (25,888 people) are serving probation sentences, often for low-level crimes, that stretch on for years. The conditions of community supervision have proven to be extremely burdensome and can impede people's ability to maintain employment, housing, and participate in rehabilitative programs, such as drug and mental health treatment, among other obligations.<sup>14</sup> They also often constitute another pathway to prison. During FY 2020, 1,080 people were revoked from probation and admitted to prison in Mississippi because they were unable to meet one of these burdensome conditions.<sup>15</sup>



Source: Mississippi Department of Corrections, Monthly Fact Sheets

**FIGURE 4: DRUG OFFENSES ARE A MAJOR DRIVER OF THE PRISON AND COMMUNITY SUPERVISION POPULATIONS**

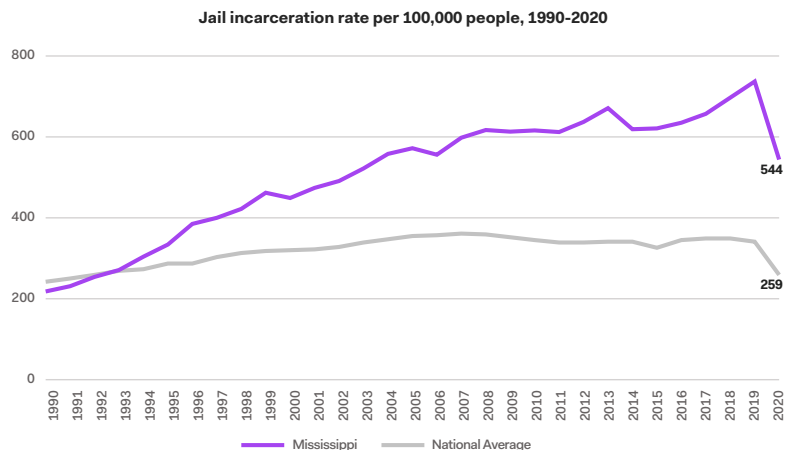
In September 2022, one in five people (22 percent) in Mississippi prisons had been convicted of a drug offense. In the first nine months of 2022, the number of people incarcerated for a drug offense increased 30 percent from 3,117 people in January to 4,051 people by September, a level not experienced in years.<sup>16</sup> Prison sentences for drug possession are 34 percent or 15 months longer in Mississippi than the national average.<sup>17</sup> The share of the probation and parole population convicted of drug offenses is 37 percent and 41 percent respectively.<sup>18</sup> In all three populations, Mississippi has significantly more people under correctional control for drug offenses than other states.<sup>19</sup>



Source: Mississippi Department of Corrections, Monthly Fact Sheets

**FIGURE 5: MISSISSIPPI'S JAIL INCARCERATION RATE IS MORE THAN DOUBLE THE NATIONAL AVERAGE**

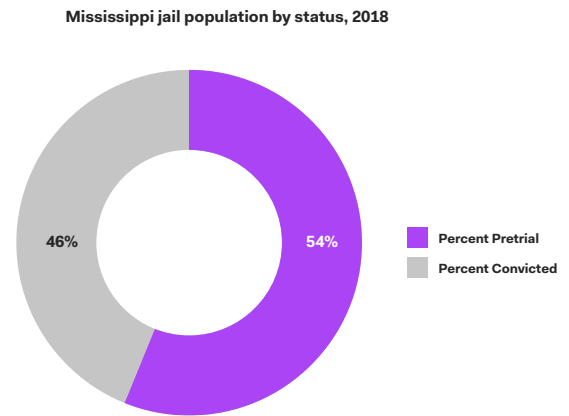
In 1990, Mississippi incarcerated fewer people per capita in local jails than the rest of the country, but since that time, Mississippi's jail incarceration rate has nearly tripled. In fact, Mississippi's jail incarceration rate has grown by an astonishing 187 percent during a period of declining crime. In 2020, the jail population declined sharply as a result of COVID-19 pandemic mitigation efforts, and it's possible that the population has since risen, but more recent statewide data is not available. Even with the population drop in 2020, Mississippi's jail incarceration rate is more than twice the national average in part because people spend a significant amount of time in Mississippi jails. In 2021, people in Mississippi jails were held for an average of 176 days, or nearly six months.<sup>20</sup> In comparison, the national average length of stay in jail in 2020 was 28 days.<sup>21</sup> Research shows that pretrial detention has a limited public safety benefit, and that people who are jailed pretrial are more likely, not less, to be rearrested in the future, likely due to the destabilizing impact that even short periods of incarceration have on a person's ability to maintain a stable job, housing, health, and care for their family.<sup>22</sup>



Source: Vera Institute of Justice, Incarceration Trends

## FIGURE 6: MORE THAN HALF OF THE PEOPLE IN MISSISSIPPI'S JAILS HAVE NOT BEEN CONVICTED OF A CRIME

Since 1985, the share of people in Mississippi jails who are awaiting trial rose from 43 percent to 54 percent. At the end of 2018, there were 7,019 people in local jails who had not been convicted of any crime.<sup>23</sup> While statewide offense data is not available for jail populations in Mississippi, in most states, the vast majority of people jailed pretrial have been charged with low-level misdemeanors and non-violent felonies, and they are incarcerated because they cannot afford cash bail.<sup>24</sup> It's estimated that Mississippi taxpayers spend at least \$90 million each year incarcerating people before trial.<sup>25</sup> The length of time people are held in jail pretrial has led to multiple counties being sued in federal court for violating the procedural and constitutional rights of incarcerated people.



Source: Vera Institute of Justice, Incarceration Trends

## FIGURE 7: 1 IN 13 PEOPLE IN MISSISSIPPI HAS A FELONY CONVICTION ON THEIR RECORD

Thousands of new felony convictions are handed down in Mississippi each year, each with hundreds of hidden consequences such as excessive fines and fees, bans on employment, and the loss of voting rights. According to one method of estimation, over 182,000 state residents (1 in 13) have a felony conviction. Felony convictions disproportionately affect Black people — 1 in 7 Black Mississippians has a felony conviction.

1 in 13 people in Mississippi has a felony conviction



1 in 7 Black people in Mississippi has a felony conviction



Source: Sarah S. K. Shannon, Christopher Uggen, et al., The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948–2010

Mississippi's criminal justice system imposes high costs on the state's economy, communities, and families, with little public safety return to show for it. Mississippians are more than twice as likely to be in jail than people in the average state, and more likely to be in prison than people in any other state. Conservative states across the country have achieved simultaneous reductions in crime and incarceration. Mississippi can join them by continuing to advance common sense, evidence-based reforms and by working with administrative stakeholders and criminal justice practitioners to fully implement them.

# Endnotes

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