

# Criminal Justice Reform

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## Introduction

The administration of criminal justice is a core function of government. The federal government investigates and prosecutes crime and also maintains a prison system. However, this function has been largely relegated to the state and local governments. When someone commits a criminal offense, their apprehension, adjudication, and punishment are largely handled at the state and local level. This is reflected in the volume of cases handled as well as the prison population.

In 2015 alone, Mississippi adjudicated over 450,000 criminal proceedings in the state, which includes prosecuting offenses as minor as a speeding ticket to as serious as capital murder. Meanwhile, the federal government reported just over 80,000 criminal filings in the federal court system in 2015. This distribution of responsibilities is also reflected in incarceration numbers. Mississippi currently holds over 19,000 people in state prison facilities. When adjusted for population, Mississippi's incarcerates nearly 50 percent more people than the average of other states and over 10 times as many people as other founding NATO countries like the United Kingdom, Canada, France, and Italy.

By nearly any measure, the administration of criminal justice is largely a state issue. While the federal government undoubtedly influences the way states deal with crime and incarceration, our federalist system affords states great latitude in determining how to deter crime, how to punish wrongdoers, and even how to define what should be considered a crime. This presents states like Mississippi with a great opportunity to implement customized policy solutions that can help reduce crime and provide better outcomes for Mississippians.

From a budgetary perspective, maintaining the state's prison system accounts for a large portion of Mississippi's budget — one of the largest discretionary spending items. In 2019, the state sent over \$340 million to the Mississippi Department of Corrections. This does not even account for the additional state, local, and county tax dollars spent on police and jails.

Maintaining one of the world's largest prison systems for a population our size consumes a large portion of the state's budget. This should lead conservatives to ask, "Are we getting what we pay for?" According to the most recent numbers published by the Mississippi Department of Corrections in 2015, over a third of the people released from state prison end up re-incarcerated within three years. This does not even account for people who might be re-arrested. The U.S. Department of

Justice estimates that another third of those released will end up being arrested again within three years.

It also appears that our notoriously high incarceration rate has not provided a commensurate decrease in crime. While crime rates in Mississippi are considerably lower than their peak two decades ago, Mississippians are still more likely to be the victim of property crimes than those in other areas of the country. And the economic impact of the state's reliance on incarceration is not limited to tax expenditures. Mississippi has the fourth lowest workforce participation rates in the country. This means fewer people are working or looking for work than in most other states. Research shows that one of the main drivers of this lower economic participation is previous involvement with the criminal justice system.

In 2014, Mississippi policymakers began to study these issues and explore policy options that would help decrease both crime and incarceration while providing better outcomes for people who encounter the criminal justice system. The passage of House Bill 585 in 2014 began this process by establishing certainty in sentencing and prioritizing prison bed space for people facing serious offenses. This helped reduce the state's prison population by 10 percent and generated nearly \$40 million in taxpayer savings. Policymakers have also passed several pieces of legislation since then aimed at removing barriers to re-entry for those leaving the prison system.

While the state has been lauded for these reforms, the prison population remains stubbornly high, as Mississippi continues to incarcerate more people per capita than all but two other states. The latest numbers show that the state is falling further behind economically, as our workforce participation is growing at a slower pace than most other states. While other states are moving to reform their criminal justice systems to reduce reliance on prison, Mississippi cannot rest on its laurels.

Many conservative states are moving to enact policies that decrease their prison populations and focus more resources on alternative interventions like drug and mental health treatment that provide better outcomes for people facing issues like addiction. By advancing innovative policy solutions, Mississippi can begin to close the gap by reducing our state's prison population, ending the cycle of crime, and better spending taxpayer dollars to protect public safety.

## Key Facts

- Mississippi has the third highest incarceration rate in the world, more than all but two other states and every other industrialized country.
- Taxpayers spend over \$340 million per year to maintain one of the largest prison systems in the world, per capita.
- 27 percent of Mississippi's prime-age working population are not working.
- Other states have shown that we can decrease both crime and incarceration, save taxpayer dollars, and improve economic prospects.

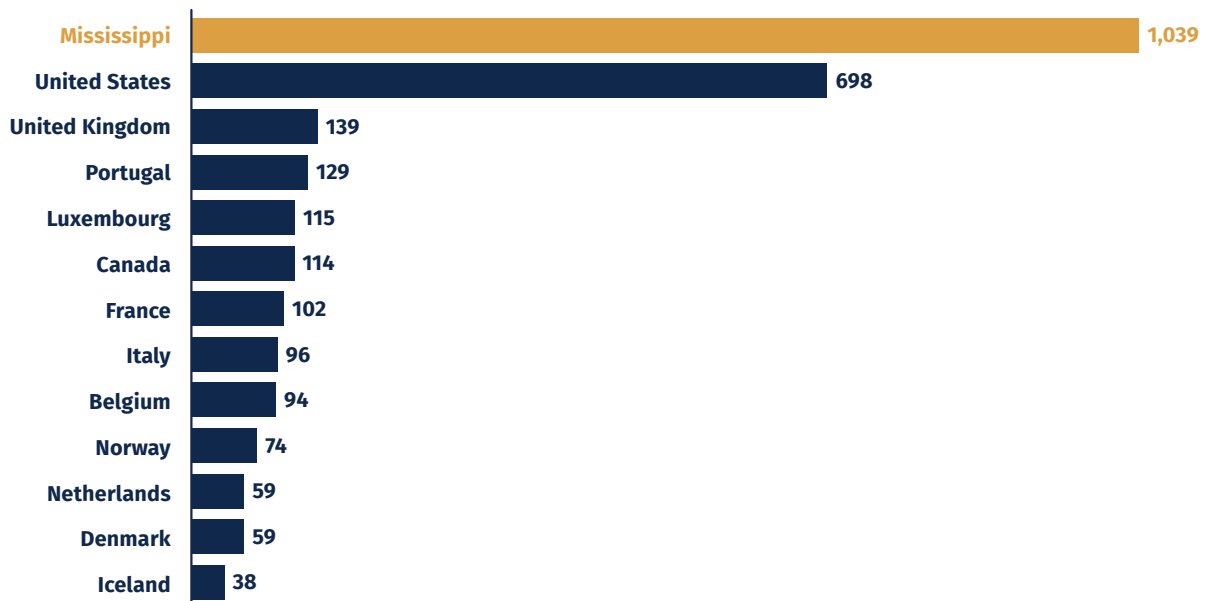
## Recommendations

- + Significantly reduce Mississippi's incarcerated population.
- + Prioritize alternatives like drug treatment for crimes driven by addiction.
- + Treat drug possession offenses at the local level as a misdemeanor.
- + Eliminate the state's mandatory minimum habitual sentencing structure that imposes long prison sentences on petty offenses.
- + End the practice of automatically sending people back to prison for minor violations while on probation or parole.
- + Curtail the practice of pretrial detention for people who are unable to pay cash bail and are not a risk to public safety.
- + Implement a "mens rea" provision for drug enhancement zones to ensure that they only apply when someone knowingly violated the law and by requiring the Mississippi Department of Corrections to remove prohibitions that prevent people charged with certain offenses from earning time off their sentence, up to the 25 percent and 50 percent caps set by the legislature for non-violent and violent offenses, respectively.
- + Remove categorical restrictions on people with prior criminal convictions when hiring for state positions.

- + Shorten the waiting period for individuals to apply for expungements and contract with private partners to provide reentry services that the state agencies are unable to provide, like driver's licenses, housing, and expungements.
- + Hold criminal justice officials accountable for spending and results by incentivizing local prosecutors and judges to consider the true cost of incarceration and alternative sentencing options.
- + Prioritize correctional spending on programs that are proven to reduce recidivism.
- + Fund alternatives to incarceration like intervention courts, community diversions, and community drug treatment that produce system-wide cost savings and provide the overall cost of each prison sentence to judges before they impose sentences, like in the federal system.

## Incarceration Rates of Mississippi and Founding NATO Countries

Incarceration rates per 100,000 population



Source: Prison Policy Initiative