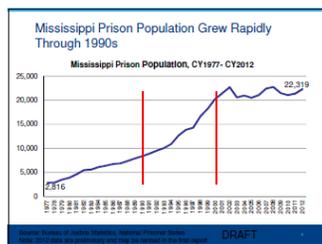


The Necessity for Change: The Factors That Led To HB 585

Mississippi Public Defenders Conference
June 24, 2014



Problem



The 1990s

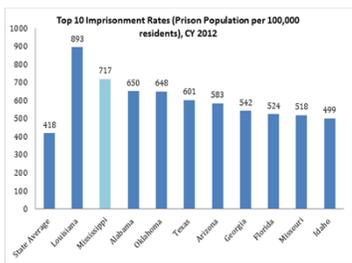
- Ms. Davis
 - Sold \$40 of cocaine (0.0071 ounces) near church
 - What was her sentence?
- Mr. White
 - \$40 = 60 years
- Mr. Taylor
 - \$40 = 60 years

Task Force Background

- Incarceration, Costs Escalating
- HB 1231 (2013) Established the Corrections & Criminal Justice Task Force:
 - Protect public safety by investing in what works,
 - Ensure clarity in sentencing, &
 - Control costs by focusing on violent offenders.
 - Staffed by Pew Charitable Trusts

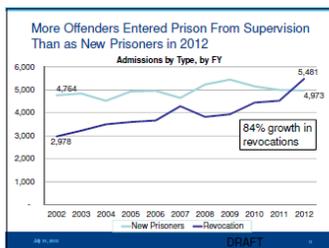
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Findings



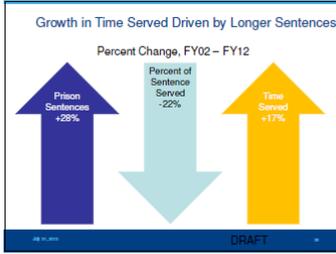
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Revocations Are Up

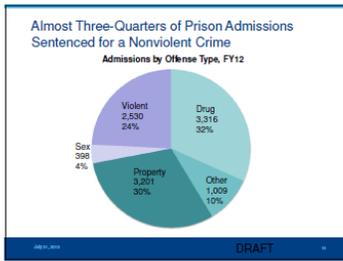


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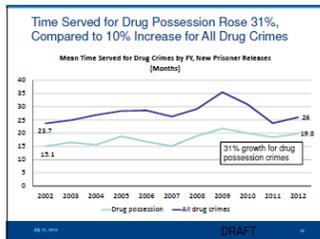
Sentences & Time Served Are Up



For What?



These Trends Combined

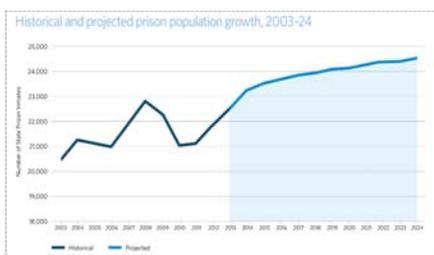


How Did This Happen?

- The Legislature:
 - Gave broad ranges to drug laws
 - Created a complex time-earned system
- The Judiciary:
 - Using its discretion
 - Distrust of MDOC sentence calculations

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The Next Decade



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Consequences

- On Prisoners, Families, and Children
- On Communities
- On Other Social Priorities
 - Additional \$266m for MDOC in next 10 years

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Task Force: Data + Research

- Crunched MDOC data
- Considered National Research:
 - “Schools of crime” theory

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Schools of Crime

The Task Force also reviewed research that shows prison can have the opposite effect for certain offenders, bringing them into closer contact with each other while removing them from positive community and family influences. A growing consensus among researchers around the “schools of crime” theory suggests that for many low risk, nonviolent offenders the negative impacts outweigh the positive; that is, sending offenders to prison can cause them to commit more crime when they get out rather than less.¹⁶

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Task Force: Data + Research

- Crunched MDOC data
- Considered National Research:
 - “Schools of crime” theory
 - Longer prison terms ≠ better recidivism rates
 - Focus beds on serious, violent offenders
- Looked to Successes Elsewhere

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Findings About Rural Mississippi

- MDOC Community Funds:
 - \$0 for Drug, Alcohol, or Mental Health Treatment
- *“Low income offenders in rural areas have especially scarce treatment options.”*
- *“A lack of community-based services . . . can also result in judges sending lower-risk offenders to prison simply to access treatment or because no other meaningful options exist.”*

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Task Force Recommendations

- Expand eligibility for alternatives to detention
- Fully fund drug courts
- Statewide drug court standards
 - Requiring clinical professional assessments

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Recommendations (II)

- Focus beds on more dangerous criminals
 - Amend property crime thresholds
 - Weight-based drug thresholds & sentences (no more 0-30 years)
- “True minimums”
 - Halt cycle of over-sentencing
- Develop case plans at admission

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Recommendations (III)

- Make more nonviolent offenders parole-eligible
- Swift, certain, & proportional revocation penalties
- Keep technical violators away from career criminals
 - “Technical Violation Centers”
 - Up to 90 days for first violation, 120 for second, etc.
 - Substance abuse & other treatment

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Recommendations (IV)

- Shift budgeting priorities

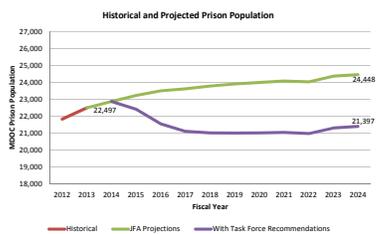
Prisons Consume More Than 90% of Mississippi Corrections Dollars
Prison and supervision as share of sentenced population and corrections budget, 2012



Source: Mississippi Department of Corrections
© 2013 The Pew Charitable Trusts

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Effect on Population



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Reinvestment Recommendations

- *“Includ[e] money to increase treatment options available to [adult & juvenile drug court] participants as well as develop other services including workforce training, life-skills training and GED classes.”*
- *“Direct savings to expand Mississippi’s capacity for community sanctions and services, including mental health treatment, drug and alcohol treatment, and electronic monitoring.”*

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Arguments

- Plain Language
- Legislature Has Power in Certain Realms
- HB 585 Actually Increased Judicial Power in Several Ways
 - Alternative Sentences, True Minimums, Drug Courts, Parole Eligibility

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Arguments (II)

- Sentencing Clarity
 - True minimums
 - “Sentence more powerful than ever before”
- Protect Public Safety by Getting “Smart on Crime”
 - Schools of Crime Theory
 - Justice reinvestment
 - Evidence based practices (swift, certain, & proportional sanctions)
- Save Taxpayer Money by Prioritizing Violent Offenders
 - Ensure beds for violent offenders
 - Think on the margins

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Resources

Final Report
December 2013



Mississippi
Corrections and Criminal Justice Task Force

Practitioner Guide to HB 585
Mississippi Corrections and Criminal Justice Task Force



Version as of June 3, 2014

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Discussion

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