REPORT OF THE MISSISSIPPI REENTRY COUNCIL
APRIL 12, 2016

During the 2014 regular session, the Mississippi Legislature passed, and Governor Phil Bryant signed into law, House Bill 585, which makes sweeping changes in the sentencing and corrections laws of our state. One of the primary thrusts of House Bill 585 was to mandate the use of certain evidence-based practices and to address community and institution based interventions for offenders. The legislation also mandated the preparation of case management plans, pre-release assessments, and pre-release plans for all inmates entering and leaving Mississippi prisons. (See Sections 43-49).

BACKGROUND

In December 2013, a group of corrections, judicial, prosecutorial, law enforcement, faith-based, public service and other individuals interested in facilitating prisoner reentry into Mississippi communities, came together for the purpose of establishing the Mississippi Reentry Council. Following several meetings, the organization loosely known as the Mississippi Reentry Council, requested from the Legislature formal recognition. During the 2015 regular session, House Bill 602 was adopted and signed by Governor Phil Bryant, formalizing the Mississippi Reentry Council. Its legal status became effective March 29, 2015.

The purpose of the Mississippi Reentry Council is to create effective strategies to assist former inmates in their return to the general population, reduce recidivism rates, increase public safety, and reduce budgetary restraints presently created by prison related costs.[1] The legislation further established the makeup of the Reentry Council, which would be led by a Steering

[1] House Bill 602 2015 Miss. Regular Session.

Committee consisting of twelve members who would serve two year terms. Putting into place the directives of the Legislature, the following appointments were made:

A. A Mississippi United States Attorney, or a designee appointed by the Governor - Assistant United States Attorney Carla Clark.

B. The Commissioner of the Mississippi Department of Corrections, or his designee - Commissioner Marshall Fisher.

C. The Attorney General for the State of Mississippi, or his designee - Attorney General Jim Hood.

D. The director of a faith-based organization involved in reentry programs, or a designee appointed by the Lieutenant Governor - Ricardo Phipps.

E. The Chief Probation Officer of the United States District Courts of Mississippi, or a designee - Chief Carolyn Romano.

F. A Mississippi United States District Court Judge, or a designee appointed by the Speaker of the House of Representatives - Judge Keith Starrett.

G. The Chief Justice of the Mississippi Supreme Court, or a designee - Chief Justice William L. Waller, Jr.

H. The Executive Director of the Mississippi Department of Mental Health, or a designee - Executive Director Diana Mikula.

I. The Executive Director of the Mississippi Division of Medicaid, or a designee - Executive Director Dr. David Dzielak.

J. The Chairman of the Parole Board, or a designee - Chairman Steve Pickett.

K. A person who is a former offender, appointed by the Chairman of the Parole Board

- Roy Dixon.

L. The Director of the Mississippi Employment Security, or a designee - Robin Stewart, designated by Director Mark Henry.

DUTIES OF THE STEERING COMMITTEE

The duties of the above listed Steering Committee are as follows:

A. To consider development of a statewide approach to assist reentry of former inmates into the general population of this state;

B. To provide recommendations regarding evidence-based approaches that equip inmates with the requisite, individualized resources to promote their successful return to the general population of this state;

C. To review reports, studies, and materials as it deems appropriate;

D. To appoint such sub-committees as it finds proper;

E. To study proposed legislation that seeks to reduce recidivism;

F. To submit recommendations from its findings to the Legislature, the Governor and the Mississippi Supreme Court. In making such recommendations, the Reentry Council Steering Committee will seek input from all branches of state and local government, governmental agencies, business and non-profit organizations throughout the state;

G. To seek and receive grants;

H. To hire contract personnel and/or staff using any grants received; and

I. To collaborate with the Coordinator of the Transitional Reentry Center, under the supervision of the Mississippi Department of Corrections, which shall provide

administrative support for the Council.

INITIAL ORGANIZATION

The legislation directed that the Chief Justice of the Mississippi Supreme Court call the first meeting of the Steering Committee and that at such meeting a chairman and vice-chairman should be elected and establish rules for transacting business , keeping records, etc. At the organizational meeting, Judge Keith Starrett was elected Chairman, and Chief Justice William L. Waller, Jr. was elected vice-chairman. Ms. Beverly Kraft was designated the keeper of the minutes.

METHODS AND PROCEDURES

Over the next eleven months, the Reentry Council solicited input from a number of groups, organizations and individuals. Consistent with its duties, the Reentry Council proceeded to develop a statewide approach to assist the reentry of former inmates into the general population of this state. The beginning of this process was to select a statewide reentry coordinator.

STATEWIDE REENTRY COORDINATOR

One of the pervasive problems with successful prisoner reentry is that there are a number of programs, groups (both faith-based and community-based), and other entities interested in prisoner reentry, and very little coordination exists among the groups. In order to address this problem, the Steering Committee determined that one person should be charged with the responsibility of overseeing the process at the statewide level. In addition to enlisting the help of different stakeholders and developing new programs, there needs to be a coordinated follow-up to ensure implementation. The Legislature also needs to be furnished with data demonstrating that the programs are evidence-based and effective. Gathering statistics and analyses of the interventions and programs is important, both to make sure that our programs are successful and to have

available data to use in applying for grants and other types of funding. A job description was developed for the reentry coordinator position, which listed the duties of this person as follows:

1. Provide administrative support to the Reentry Council;
2. Work closely with partner agencies to ensure program participants are engaged and supported in services that include employment/training, housing, mentoring, and other comprehensive services;
3. Provide technical assistance to the Reentry Council;
4. Provide analysis, research, development, planning, and evaluation of activities that support systems improvements;
5. Assist with planning, identification and prioritization of reentry needs;
6. Evaluate local resources, identify gaps in reentry services;
7. Foster positive working relationships;
8. Identify funding sources and apply for grants from federal, state and non-profit sources;
9. Prepare, analyze and present statistical reports and implement research to determine the effectiveness of different interventions;
10. Make educational presentations to local officials and community groups;
11. Communicate with public groups and legislative committees and assist in preparing presentations to the Legislature and/or other funding sources;
12. Perform tasks as required and assigned by the Reentry Council; and
13. Work closely with the MDOC Reentry Coordinator to assist with providing resources needed in specific areas and in assuring that the requirements of House

Bill 585 are met and followed.

Following the development of the Reentry Coordinator position, it was necessary to locate funding for the position. Commissioner Marshall Fisher and other officials at the Department of Corrections recognized the importance of improved reentry programs and allowed the Reentry Council to partner with the Department in the application for the Implementation Grant from the Justice Reinvestment Act Funds. The grant was approved and totaled $500,000.00, and is being shared by the Department of Corrections and the Reentry Council, with $350,000.00 being allocated to the Department of Corrections to be used for officer training on evidence-based practices and $150,000.00 for the Reentry Council for funding the Reentry Coordinator for a period of two years.

There was some delay in advertising for the position, but it has now been listed and the closing date for submitting applications was January 29, 2016. It is anticipated that the Statewide Reentry Coordinator will be in place by May 1, 2016.

Over the last few months, the Steering Committee has met with numerous stakeholders and interested parties, and has received suggestions on how to accomplish the purpose of the council. A brief discussion will follow on the principal areas addressed, and then specific recommendations will be made.

MAIN TOPICS ADDRESSED BY THE REENTRY COUNCIL

TRENDS

Much progress has been made in reducing Mississippi's prison population. From 2013 to 2015, inmate population has dropped by over 4,000.

The implementation of many parts of 585 have contributed to this reduction in prison population, but more work remains to be done. Our recidivism rate, while declining, is still too high and the opportunity for a successful law abiding life is slipping past many of our ex-offenders.

REQUIREMENTS NECESSARY FOR THE FULL IMPLEMENTATION OF HOUSE BILL 585

House Bill 585 is comprehensive, and in it the Legislature implemented meaningful and specific language making progressive and expensive programs mandatory. The word "shall" is used to ensure that the will of the Legislature is carried out. Many of the new requirements, which are specifically designed to reduce recidivism, address planning for and implementation of evidence-based practices in transitioning inmates from institutions back to the communities.

House Bill 585 is codified in § 47-7-3.1, et seq. , states as follows:

> (1) In consultation with the Parole Board, the Department shall develop a case plan for all parole eligible inmates to guide an inmate's rehabilitation while in the Department's custody and to reduce the likelihood of recidivism after release.
>
> (2) Within thirty (30) days of admission, the Department shall complete a case plan on all inmates which shall include, but not limited to:
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> > (a) programming and treatment requirements based on the results of a Risk and Needs Assessment;
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> > (b) any programming or treatment requirements contained in the sentencing order; and
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> > (c) general behavior requirements in accordance with the rules and policies of the department.
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> (3) The Department shall provide the inmate with a written copy of the case plan and the inmate's case worker shall explain the conditions set

forth in the case plan.

> (a) If an inmate is eligible for parole pursuant to § 47-7-3, within ninety (90) days of admission, the case worker shall notify the inmate of their parole eligibility date as calculated in accordance with § 47-7-3(3).
>
> (b) At the time the inmate receives the case plan, the Department shall send the case plan to the Parole Board.

(4) The Department shall ensure that the case plan in achievable prior to the inmate's parole eligibility date.

(5) The case worker shall meet with the inmate every eight (8) weeks from the date the offender received the case plan to review the inmate's case plan progress.

(6) Every two (2) months the Department shall submit a progress report on each parole eligible inmate's case plan to the Parole Board. The Board may provide written input to the case worker on the inmate's progress toward the completion of the case plan. (Emphasis added).

The implementation of many of the above provisions has been difficult. They are labor-intensive and expensive, and there has been no funding provided for same by the Legislature. The risk-needs instrument that will be used to do the risk-needs assessment has not been fully developed and put into effect at this time. Almost everything else would flow from the evaluations done by the risk-needs instrument.

The Reentry Council understands the cost of full implementation, but if 585 is to be complied with, funding must be provided. Without a case management plan, other requirements in §§ 44, 49, and 54 cannot be fully met.

The Legislature has wisely mandated that evidence-based practices be used, and the failure to comply with the above sections of House Bill 585 is a serious obstacle in implementing the needed

evidence-based practices and accomplishing the purpose of 585.

HOUSING

A significant impediment for inmates leaving institutions is a suitable place to live. In fact, a significant number of parole eligible inmates remain in custody because they have no place to go. This results in significant incarceration costs and is of no benefit to the inmate. The Council heard from a number of people regarding transitional housing, including Mr. Larry Perry of New Way and Ms. Vicki DeMoney of Crossroads Outreach Ministries, both of whom operate transitional housing facilities.

Attorney General Jim Hood and others on the Council have recommended a program of half-way houses or step down facilities to help inmates transition from incarceration to the free world. The Council has heard about the effectiveness of these programs and believes that programs should be developed, possibly using existing facilities. In true half-way houses, inmates are given access to programs, such as continued drug and alcohol treatment, educational programs, specific job training, and life skills, to help integrate them back into the community. They are also assisted in transitioning back into their communities and allowed to work at public jobs. These facilities would free up expensive prison bed space, and inmate transitions could be achieved with reduced levels of security and supervision.

MENTAL HEALTH ISSUES

The Council has also held discussions and proposals regarding inmates with mental health diagnoses. It was related to the Council that approximately 17% of inmates leaving Mississippi prison institutions have diagnosed mental health issues. Many of these inmates are on medications and in leaving the institution, they are furnished with a thirty (30) day supply. Mentally ill inmates

are at high risk to recidivate without continued mental health treatment, including medications. State Medicaid Director Dr. David Dzielak and Mental Health Director Diana Mikula gave the Council special insight into the challenges faced by inmates with mental illnesses transitioning back into the communities.

The suggestion was made to have Medicaid eligible inmates (inmates with diagnosed mental health conditions) qualified for Medicaid and SSI prior to leaving the institutions. This was discussed with Mr. Mark Walker of the Social Security Administration, and a Memorandum of Understanding (MOU) was executed between the Social Security Administration and the Department of Corrections, providing that SSI eligible inmates would be able to qualify prerelease for benefits so they would be accessible upon leaving the institution. SSI eligibility would also lead to Medicaid eligibility. If mentally ill inmates could have SSI funding and Medicaid eligibility, then they would have resources to access mental health treatment and get their medications. The Social Security Administration is training Department of Corrections personnel for full implementation of this MOU. This is something concrete that has been accomplished by the Reentry Council.

Also, mental health courts and reentry courts have been discussed. These courts are judge supervised programs similar to drug courts, targeted for high risk individuals with mental health and co-occurring drug addiction issues that need to be addressed post release. The council has been well-informed of the wisdom and success of mental health courts and reentry courts around the country.

JOBS

A component of successful reentry for most offenders is employment. The Legislature recognized the importance of this and named the Director of the Mississippi Employment Security Commission, or his designee, as a member of the Steering Committee. Mr. Mark Henry designated

Ms. Robin Stewart as the representative. The Employment Security Commission has entered into a Memorandum of Understanding (MOU) with the Department of Corrections to assist with job applications and to "bank" applications so that they would be available when the inmate leaves the institution. There has been some discussion of the federal income tax credit for employers hiring released felons and the Federal Bonding Program, which provides a surety bond to employers who hire felons. There has also been a great deal of discussion among the members of the Steering Committee and larger Reentry Council regarding job placement programs and job training in the institutions. Representatives of the Department of Corrections have discussed what programs are available. Obviously, this is something that the Council will discuss much more over the next year. It is important that Mississippi, like Georgia, Texas and other states, enlist the support of the business community in order to achieve its goals. This support will necessarily include offering jobs and job training to inmates in the institutions and to released inmates.

PENAL INSTITUTIONS

The inmate population in state institutions has decreased by about 4,000 inmates over the last four years. In order to make best use of its employees, the Department of Corrections has been forced to close some of the community work centers and to transition the inmates in said centers to the major prisons. The Reentry Council has discussed what may be a necessary reality—the use modification of one or more of Mississippi's prisons. Use-modifications of a prison is a major event in a community, both for the local economy and for the employees and their families. The Reentry Council believes that a process should be begun to study the existing prisons and to determine the most efficient and cost effective way to reduce capacity. Like other things that we have discussed, we believe that evidence-based studies should be used to make the determination, and not politics.

Some objective criteria should be developed to determine which institutions are the most efficient and cost-effective, and which ones to close or convert to other possible uses. Some measurable criteria, such as recidivism rates, programming available, per diem costs, etc., should be considered. The Reentry Council is also in favor of using the community work centers because the operational cost of those facilities is less than the institutions. In addition, they provide a much less restrictive form of incarceration and allow the inmates to develop and use job skills, as well as providing a significant benefit to the local governments and institutions.

HALF-WAY HOUSES AND TRANSITION PROGRAMS

The transition from years of incarceration back to the community is difficult. Thought processes are negatively affected by incarceration and need to be reversed. The Reentry Council is in favor of a system of transition programs or half-way houses that allow the inmates to leave the institutions and go to a step-down facility, where they would be able to transition back into society with a significant amount of oversight, assistance, and continued programming.

RECOMMENDATIONS OF THE MISSISSIPPI REENTRY COUNCIL

1. That the Department of Corrections use the Marion/Walthall Regional Jail to develop a pilot program and a plan for the following possible uses:

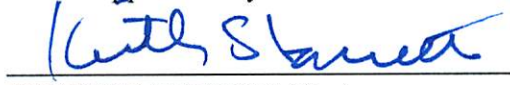
   (1) transitional housing, (2) technical violations center, (3) half-way house, and (4) evidence based cognitive behavior modification program. The reason the Marion/Walthall County facility is recommended is its proximity to potential job locations in Pike, Walthall, Marion, Lincoln, Lamar, Lawrence and Forrest Counties, the size of the facility and the fact that there is currently a 138 bed work center facility, which would allow inmates to come and go from jobs.

2. That the Reentry Planning Case Plans and Reentry Plans required by House Bill 585 be completed with haste. The Reentry Council recommends full implementation as soon as possible and appropriate funding provided for the completion.
3. The Reentry Council recommends that the Legislature investigate the implementation of a system of mental health and reentry courts, using the infrastructure of the existing drug court system. These programs would be run according to the national models for said programs developed by the National Association of Drug Court Professionals or other criminal justice research organizations.
4. To begin a deliberative process to objectively determine future space needs and develop objective criteria to evaluate incarceration trends and the most efficient use of resources.
5. Continue to develop programming in the institutions to prepare inmates for jobs. Consider public/private partnerships and ways to partner with businesses that will train inmates in the institutions and provide jobs for them when they are released.
6. Conduct a study of the disabled, sick senior population in the institutions and develop ways to release them to the communities or to institutions such as specially designed nursing homes, their families, or other suitable places in the communities. This process would significantly reduce costs.
7. Conduct a study to determine the advisability, cost, and benefits of abating inmates child support obligations while incarcerated.
8. Fully and immediately implement the MOU with the Social Security Administration providing day one SSI and Medicaid benefits for mentally ill releasees.

9. Develop some enforcement mechanism for the mandatory portion of House Bill 585 that requires each inmate leave with a government issued ID.

Respectfully submitted,

Mississippi Reentry Council



KEITH STARRRETT, Chairman