Improving Outcomes and Safely Reducing Revocations from Community Supervision in Mississippi

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About the Crime and Justice Institute

The Crime and Justice Institute (CJI), a division of Community Resources for Justice, bridges the gap between research and practice with data-driven solutions that drive bold, transformative improvements in adult and youth justice systems. With a reputation built over many decades for innovative thinking, a client-centered approach, and impartial analysis, CJI assists agency leaders and practitioners in developing and implementing effective policies that achieve better outcomes and build stronger, safer communities. CJI works with local, state, tribal, and national justice organizations, providing nonpartisan policy analysis, implementation consulting, capacity-building assistance, and research services to advance evidence-based practices and create systems-level change. For more information, please visit: www.cjinstitute.org.

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Executive Summary

Across the United States, the majority of people under correctional supervision serve their sentence on probation or parole. As of 2020, data show that while just under 2 million people are incarcerated in either prison or jail, about 3.9 million individuals are on probation or parole.[1] Of the 1.8 million individuals who exit probation or parole annually, almost half do not successfully complete supervision. Of those who do not complete their supervision, 211,000 will return to prison or jail.[2] This has made revocation from probation or parole a leading driver of incarceration in the United States.[3]

At the end of 2019, the majority of individuals on community supervision in Mississippi were on probation, with about 28,500 supervisees, compared to around 10,400 supervisees on parole.[4] The Mississippi probation rate was lower than the national average by 8.4 percent, while the parole rate was 41.3 percent higher than the national average, as of 2019.[5] In recent years, probation populations in Mississippi have been declining, coinciding with the passage of House Bill 585 in 2015. Parole populations, on the other hand, have been increasing.[6] Most individuals in Mississippi successfully completed supervision, with 59.3 percent of individuals on probation and 53.9 percent of individuals on parole successfully completing in 2019.[7]

The Mississippi Department of Corrections (MDOC) sought to understand the drivers of community supervision outcomes to strengthen practices and expand efforts to reduce recidivism. In November 2019, MDOC requested the Crime and Justice Institute's (CJI) assistance in analyzing the factors driving unsuccessful community supervision outcomes. Over the course of 18 months, CJI conducted an assessment of Mississippi's community supervision system, analyzing individual-level data, reviewing the administrative and legal framework governing community supervision, and conducting focus group interviews with staff and stakeholders involved in community supervision.

CJI found that:
- Unsuccessful completion rates have increased in recent years and are highest for individuals on parole and lowest for individuals on probation.
  - Individuals on post-release supervision (a type of probation) have the highest unsuccessful completion rates, while those on non-adjudicated probation have the lowest.
  - Unsuccessful completion rates are higher for men and younger individuals but varied little across racial groups.
  - Individuals on probation for person offenses had the highest unsuccessful completion rates, while individuals with property offenses had the highest unsuccessful completion rates among individuals on parole.
- Individuals who are sentenced to a Technical Violation Center (TVC) are more likely to successfully complete supervision.
- For both probation and parole, the most common type of violation was a technical violation.
  - For individuals on parole, drug or alcohol violations were the most common type of technical violation. For individuals on probation, failure to pay was the most common. For both groups, absconding was the second most common technical violation.
  - For all types of supervision, the violations that most frequently result in a revocation recommendation were absconding and felony arrest.
- For all types of supervision, conditions are typically standard conditions that tend to be ordered for every individual placed on supervision. While special conditions are occasionally

added, for most individuals on supervision, conditions are not individualized or adjusted to consider an individual's risk level or criminogenic needs.[8]

- Probation and parole officers report widespread compliance and acceptance of the graduated sanctions matrix, which helps to ensure that sanctions are applied fairly and equitably across officers and regions, but opportunities exist to expand the use of incentives to motivate and reward positive behavior.
- The use of a risk and needs assessment, case planning, and other elements of evidence-based supervision strategies are unevenly implemented across the organization.

Based on these findings, CJI identified 10 potential opportunities to safely reduce revocations and improve community supervision outcomes in Mississippi. These opportunities fall into three overarching categories, which include ensuring that current evidence-based supervision practices are implemented with fidelity, addressing barriers to success, and ensuring the sustainability of policy and practices that are intended to improve outcomes.

The findings and recommendations outlined in this report are meant to provide policymakers, local government officials, supervision administrators, and all other relevant stakeholders with the information necessary to improve their current practices through the implementation of data-driven reforms that will improve public safety and help promote long-term success for justice-involved individuals and their families.

Background

Although revocation of probation or parole is now a leading driver of incarceration in the United States, there remains little research to identify what is driving revocations.[9] To fill this gap and help states understand what is leading to high rates of failure, the Crime and Justice Institute (CJI), with support from Arnold Ventures, worked with supervision agencies in four states to understand the factors driving revocations and identify strategies to safely reduce revocations while improving public safety. CJI selected supervision agencies as partners in Colorado, Florida, Mississippi, and Montana based on a variety of criteria such as availability of data, state interest in and willingness to entertain change, and access to agency personnel.

In all four states, CJI completed an analysis focused on several key areas:
- Who is being revoked on community supervision and for what?
- How are supervision conditions set, modified, and monitored, and how do those conditions affect an individual's success on supervision?
- What kinds of tools are available to help probation or parole officers respond to violations of supervision conditions?
- To what extent are policies and practices focused on reducing recidivism and assisting the individual in successfully completing supervision?
- What programming and resources are available in the community to address the supervised population's criminogenic needs and responsivity factors?[10]
- What are the attitudes, values, and beliefs shared among stakeholders in regard to the purpose of community supervision and use of evidence-based practices to reduce recidivism?

To answer these questions and develop a comprehensive understanding of the factors driving unsuccessful supervision outcomes, CJI analyzed individual-level data in each state to assess the supervision population and understand outcome trends. In addition to this quantitative analysis, CJI

conducted a qualitative assessment that included reviewing state statutes, court rules, and administrative policies and procedures to understand the legal framework, as well as interviewing key stakeholders such as agency leadership, line staff and supervisors, judges, prosecutors, defense attorneys, and advocacy leaders. CJI's full methodology for the assessment can be found in the Appendix.

This report summarizes the quantitative and qualitative findings and makes recommendations to reduce revocations and improve supervision outcomes in Mississippi. A separate national report summarizes the findings from all four states.

Probation and Parole Supervision in Mississippi

Mississippi houses probation and parole services under the Mississippi Department of Corrections (MDOC), Community Corrections Division. In addition to probation and parole, Mississippi has a form of post-release supervision – essentially a split sentence that includes a period of incarceration followed by supervision.[11] Like probation, post-release supervision is considered part of the sentence and is under the jurisdiction of the court, rather than the Parole Board.

The MDOC Community Corrections Division is organized under a Deputy Commissioner and subdivided into three regions, with a Regional Director managing offices within each region. Within regions, probation and parole offices are organized by county. Local probation offices in Mississippi vary greatly in terms of their structure, staffing, and the resources available to them. Sixty-five of Mississippi's 82 counties, or 80 percent, are classified as rural by the United States Office of Management and Budget (OMB).[12] Many of those counties have high rates of poverty and other indicators of disadvantage. Approximately one-fifth of the 100 most disadvantaged counties in the United States were rural counties in Mississippi, according to a recent study.[13] Resources, such as the number of officers assigned to a local office, size and composition of caseloads, process for assigning cases, programming available to the community, and even the duties of probation and parole officers vary depending upon local circumstances and funding.

In 2014, then-Governor Phil Bryant signed House Bill (HB) 585 into law.[14] The legislation, a result of the state's engagement in the Justice Reinvestment Initiative, introduced many sentencing and corrections reforms intended to promote the use of research- and data-driven policies to reduce corrections population growth and enhance public safety. A number of the reforms targeted community supervision practices, requiring the implementation of evidence-based strategies and practices to improve outcomes. Implementation of many aspects of HB 585 began in 2015.

Probation populations in Mississippi have been declining in recent years. From 2011 to 2019, the number of individuals on probation fell by about 4 percent. While the decline over this period has been relatively small, this decrease became more pronounced following the passage of HB 585. Between 2015 and 2019, the probation population declined by 20 percent. As of 2019, Mississippi's probation rate was 1,249 individuals per 100,000, 8.4 percent lower than the national average.[15]

Parole populations in Mississippi have trended in the opposite direction – from 2011 to 2019, the parole population grew by 38 percent. In 2019, Mississippi's parole rate was 458 individuals per 100,000, 41.3 percent higher than the national average.[16] Taken together, though, the probation and parole rates combined are lower than the national average. While supervision populations remain lower than national averages, Mississippi's imprisonment rate has remained steadily higher than average – in 2020,

Mississippi's imprisonment rate of 636 individuals per 100,000 was 41.1 percent higher than the state average.[17]

In 2019, there were, on average, over 26,500 individuals on probation in Mississippi on any given day. Most individuals on probation were male (77 percent), Black (54 percent), and under 36 (54 percent), and their most serious offenses were related to drugs or property crime (39 percent and 32 percent, respectively). In 2019, there was an average of over 9,000 individuals on parole on any given day. Most individuals on parole were also male (86 percent), Black (56 percent), and between 26 and 45 (67 percent), and their most serious offenses were also related to drugs or property crime (50 percent and 32 percent, respectively). With this context in mind, the following section summarizes the key findings from CJI's qualitative and quantitative assessment.

Key Findings

REVOCATION TRENDS

Unsuccessful termination rates have increased in the past few years
CJI examined overall probation and parole outcomes, examining both successful and unsuccessful terminations. For purposes of the analysis, an unsuccessful termination was defined as someone who returned to incarceration (not including a Technical Violation Center) or had a final release type of "abscond." The unsuccessful rate for both probation and parole decreased substantially between 2012 and 2015, falling by around 50 percent for both types of supervision (see Figure 1). The unsuccessful rate then increased greatly from 2015 to 2019, jumping 35 percent for probation and 79 percent for parole. In 2019, the unsuccessful rate was 22 percent for individuals exiting probation and 30 percent for individuals exiting parole.

Figure 1. Percent of unsuccessful terminations by supervision type, 2011-2019
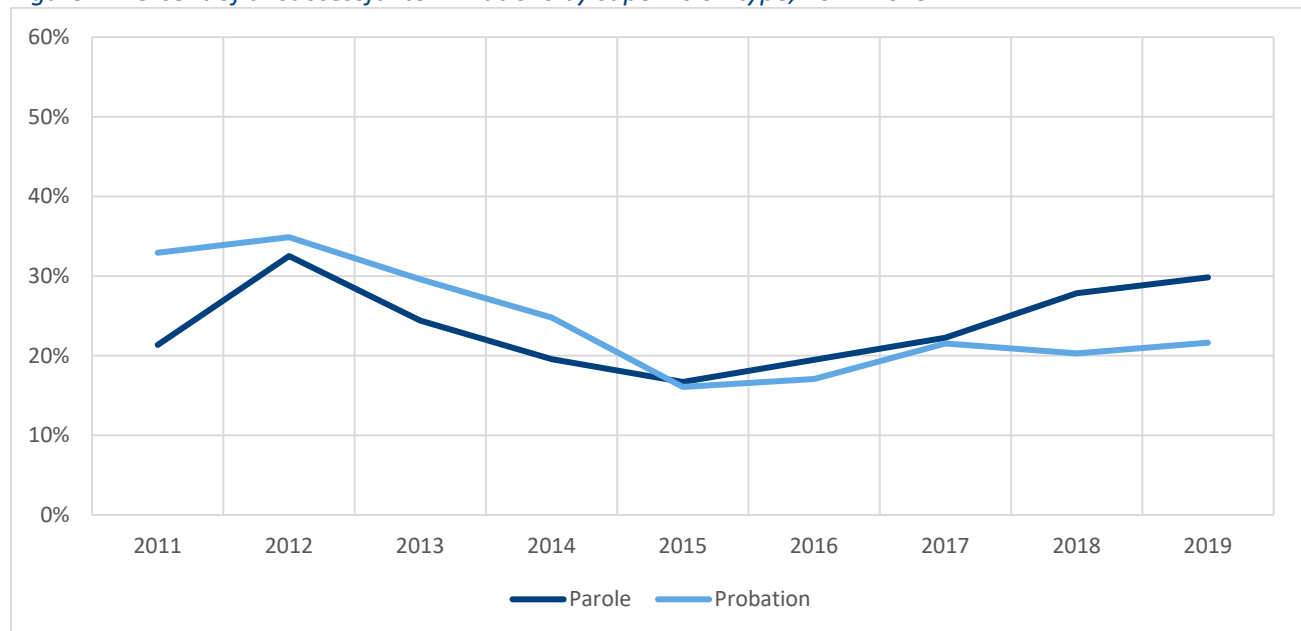
Unsuccessful completion rates vary by sex and age but do not vary greatly by race, with males and younger individuals more likely to unsuccessfully terminate probation or parole
The unsuccessful rate for individuals exiting supervision in 2019 varied greatly by sex. Men exiting parole were 54 percent more likely to be unsuccessful compared to women, and men exiting probation were twice as likely to be unsuccessful as women.

Unsuccessful rates were similar across racial groups in 2019. Black individuals had slightly lower unsuccessful rates than white individuals (29 percent compared to 30 percent for parole and 21 percent compared to 23 percent for probation). For those exiting probation, there were only small differences in the unsuccessful rate by age, with all age groups between 18 and 55 having unsuccessful rates between 20 and 24 percent. Older individuals were more likely to successfully complete probation – for those over 55, only 10 percent did not successfully complete their supervision. Similarly for parole, older individuals had a lower unsuccessful rate compared to younger people. Individuals who were 25 and under had a 41 percent unsuccessful rate, while those 55 and older had a 13 percent unsuccessful rate.

For parole populations, individuals with property offenses were most likely to unsuccessfully complete supervision, while individuals with person offenses were most likely to unsuccessfully complete probation
The unsuccessful rate for parole had more variation by offense type. The unsuccessful rate for parole ranged between 39 percent (property offenses) and 13 percent (sex offenses). For those exiting probation, the range of unsuccessful rate by offense type was smaller – between 28 percent (person offenses) and 19 percent (other offenses).

There were some notable differences in unsuccessful supervision rates by offense type (see Figure 2). In 2019, 39 percent of individuals on parole who were convicted of a property offense did not successfully complete supervision, while only 23 percent of individuals on probation for a property offense completed unsuccessfully. Among probationers, individuals with a person offense were the most likely to unsuccessfully complete supervision, with 28 percent unsuccessfully completing, whereas this offense type was the third mostly likely to not complete parole successfully (25 percent).

*Figure 2. Unsuccessful supervision rates by offense type, 2019*
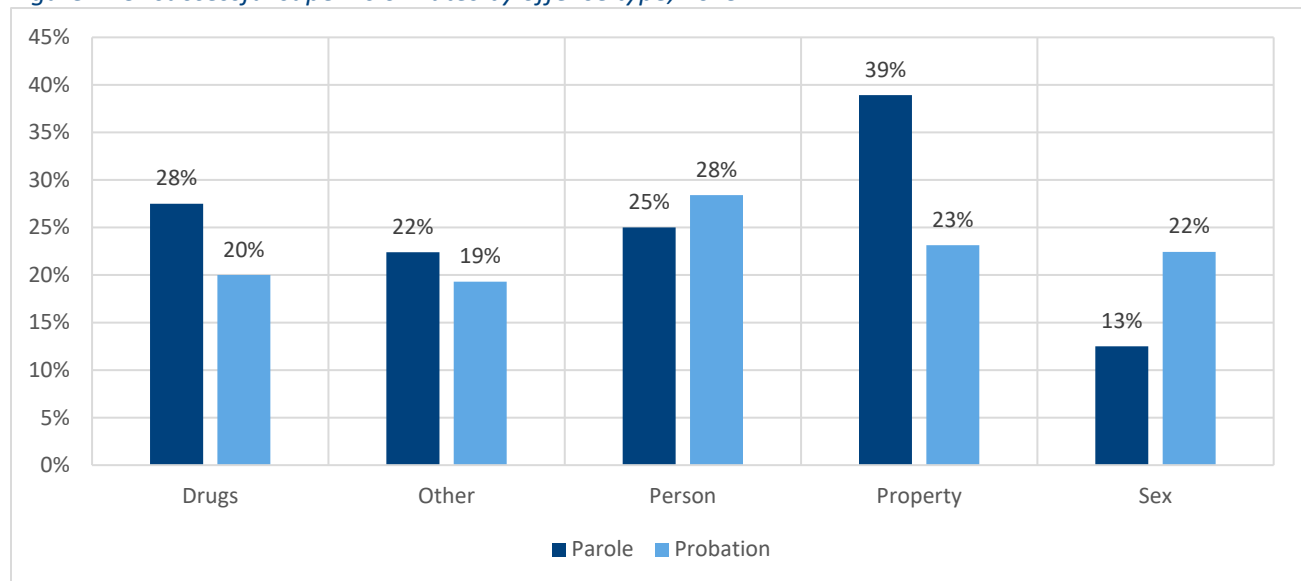
Use of the technical violation centers has grown over time and most individuals who serve a TVC sentence successfully complete supervision
Technical Violation Centers (TVCs) were created by HB 585 in 2014 to provide proportionate responses to technical violations and target the factors that may be driving violation behavior. TVCs were intended to be designed as facilities equipped with more programming and services to address criminogenic needs where individuals could serve shorter periods of incarceration as a sanction. Under current law, individuals may be sentenced to a TVC in response to a high-level technical violation for periods of 90, 120, or 180 days for first, second, and third violations, respectively.[18] TVCs began operation in 2015 and, despite some challenges in implementation, their use has increased over time. For those whose supervision terminated in 2015, only 1.3 percent of individuals on probation and 5 percent of individuals on parole spent time in a TVC. By 2019, that increased to 4.7 percent of those on probation and 13.2 percent of those on parole.

Overall, most of those who were sanctioned to a TVC go on to successfully complete their supervision. Over the five years of available data, the success rate for those individuals who have been sentenced to a TVC fluctuated between 61 percent and 71 percent for people exiting probation and between 54 percent and 72 percent for people exiting parole (see Figure 3).

Figure 3. Percentage of successful supervision completions following sanction to a TVC by supervision type, 2015-2019
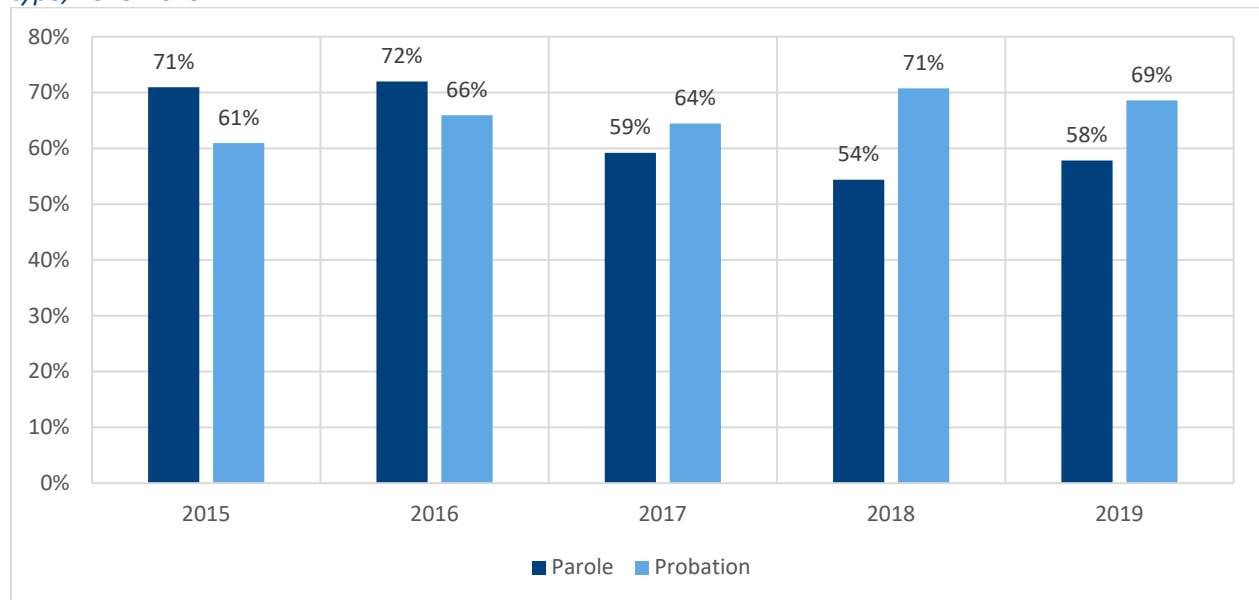
Time on probation has declined since 2016; time on parole fell between 2013 and 2015 before rising slightly since then
The median time on probation steadily increased from 2011 to 2016 but has declined in recent years. As seen in Figure 4, from 2011 to 2016, the median time on probation increased by 46 percent and fell by 16 percent from 2016 to 2019, with a net increase of 23 percent over the nine-year period (2011 to 2019). In 2019, the median time on probation was 32 months. The median time on parole rose from 2011 to 2013, fell from 2013 to 2015, and has risen slightly since 2015. Overall, there has been a 14 percent decline in the median time on parole.

Figure 4. Median months served by supervision type, 2011-2019
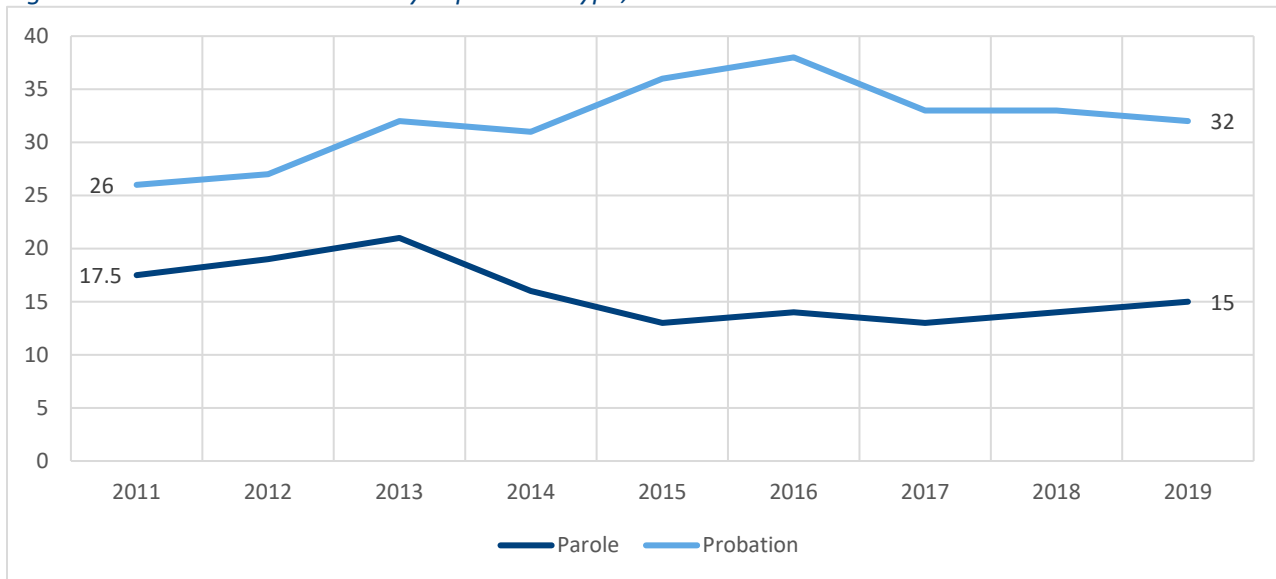
Depending on the year, those who were successful on probation spent nearly twice as long on supervision than those who were unsuccessful. In 2019, successful completers of probation spent 35 months on supervision, compared to 19 months for those who were unsuccessful. In 2019, the most common time for unsuccessful probation termination was 11 and 12 months, with one-third failing within the first year. Those who were unsuccessfully terminated from parole did so more quickly than those on probation. The most common time to failure was eight months in 2019. The median time on parole for those who did not successfully complete supervision was 12 months. In 2019, those who successfully completed parole had a median time on supervision of 16 months.

Unsuccessful completion rates varied consistently by probation type; post-release supervision consistently has the highest rates of unsuccessful completion
Mississippi has three different types of probation: post-release probation, regular probation, and non-adjudicated probation. Post-release probation is a term of probation that is imposed by a judge at sentencing to occur after a period of incarceration. Regular probation is a period of community supervision imposed by a judge at sentencing with no accompanying period of incarceration. Non-adjudicated probation is diversionary supervision in which individuals charged with certain offenses can complete certain conditions and avoid a conviction on their record.[19]

Post-release supervision is consistently the largest proportion of probation cases in Mississippi, making up about 70 percent of all probation admissions in 2020, while sentenced probation and non-adjudicated probation each made up 14 percent of probation admissions that year.

From 2015 to 2019, those on post-release probation had the highest rates of unsuccessful completion, with 28 percent unsuccessfully completing in 2019. About 23 percent of sentenced probationers unsuccessfully completed in 2019; non-adjudicated probationers consistently had lower rates of unsuccessful completion, with only 8 percent unsuccessfully completing in 2019.

Figure 5. Unsuccessful supervision completion rates by probation type 2015-2020
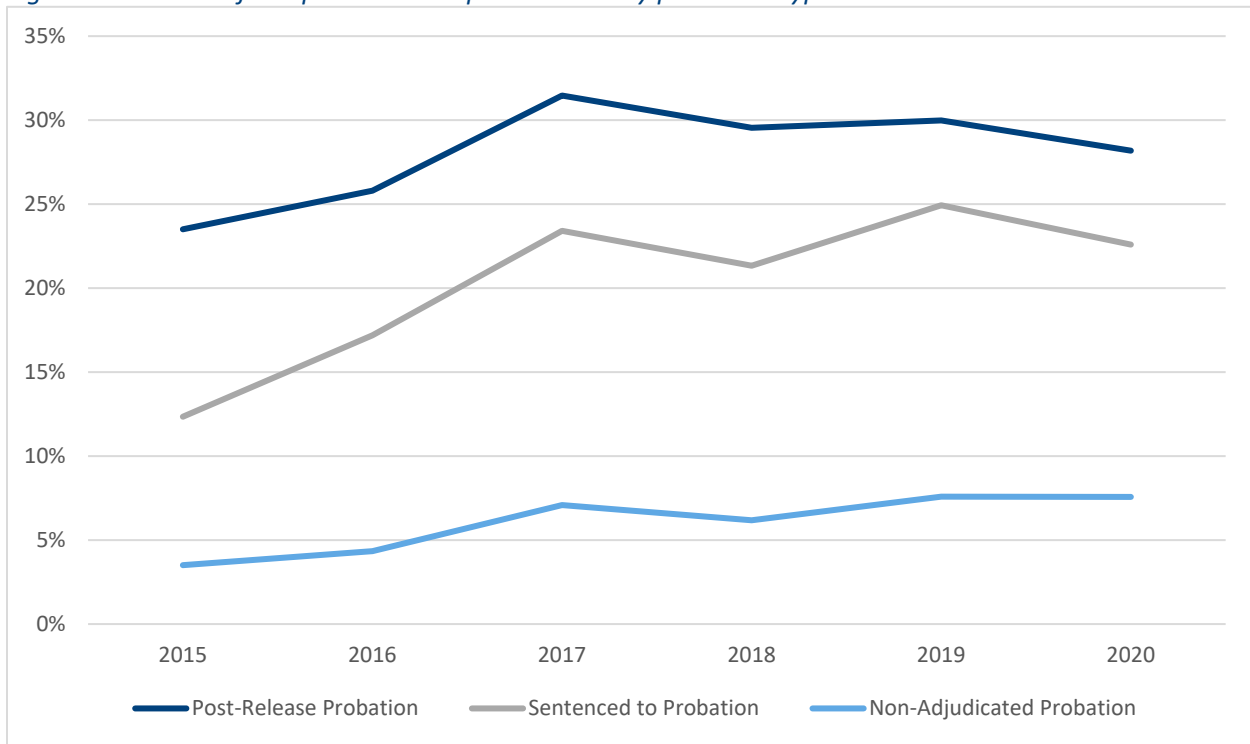
In addition to examining overall revocation trends, CJI's assessment of Mississippi's community supervision system included an examination of the various decision points and systemic factors that may contribute to supervision outcomes. In the key findings sections that follow, CJI outlines findings related condition setting and modification, responses to behavior, adherence to evidence-based supervision practices, access to programming and services, and organizational culture.

CONDITION SETTING AND MODIFICATION

Conditions set the foundation for supervision and directly influence compliance monitoring. Studies show that conditions should be realistic, relevant, and supported by research.[20] Realistic conditions are ones that an individual has the ability to follow and that supervision officers have the capacity to monitor; relevant conditions address an individual's criminogenic needs and take into account individual strengths and responsivity factors; and research-supported conditions focus on conditions that lead to long-term behavior change.[21]

Mississippi law authorizes the Parole Board to create standard conditions of supervision and require all people on supervision to comply with those conditions. Mississippi's standard conditions include: [22]
- Reporting to their field officer upon initial release and regularly thereafter
- Finding employment
- Not changing residence without permission
- Not leaving the state without permission
- Not using or possessing alcohol or illegal drugs
- Not associating with others on parole, probation, or with a criminal record, or frequenting places of "bad reputation"

- Not owning or possessing weapons
- Not violating state or federal laws
- Maintaining a curfew
- Answering officers' questions truthfully
- Paying a monthly parole supervision fee
- Not visiting a correctional facility without approval
- Waiving extradition to Mississippi
- Not agreeing to act as an informer for law enforcement
- Agreeing to contact the Department of Community Corrections after being released from a detainer

In addition to these standard conditions, the Parole Board is authorized to impose additional special conditions.

Conditions are largely standard and applied to all cases; conditions do not align with individual needs
In Mississippi, probation conditions are a standard set of general conditions that a judge assigns at sentencing. The general or standard conditions may vary by court or by judge. Occasionally, the judge deviates from those conditions, assigning conditions based on the specifics of the case. Probation and parole officers and supervisors reported that criminogenic needs are rarely considered when assigning conditions. Likewise, when an individual is placed on parole, standard conditions are assigned by the Parole Board when parole is issued and are included on the back of the parole certificate. The Parole Board rarely deviates from these standard conditions.

Lack of electronic data and the existence of COVID-related barriers to conducting a paper file review prevented a full assessment and analysis on the prevalence of conditions. Still, by all accounts conditions for supervision cases do not vary greatly.

Formal condition modification is rarely utilized for probation or parole; officers hold discretion to alter some conditions in response to individual need
According to probation and parole officers, individuals on probation supervision can go before the judge and request a modification of conditions. Probation conditions may also be modified by the supervising officer within certain constraints. Some conditions, like approval for out-of-state travel, require the judge's approval for modifications. Other conditions, such as frequency of supervision contact, fall under the discretion of the officer to change as part of the individual's supervision.

Parole conditions are rarely modified. When they are, it is usually the result of a violation in which the person is brought back in front of the Parole Board. At such time, the board may decide to add additional monitoring (e.g., electronic monitoring) or require the person to participate in an alcohol or drug treatment program.

RESPONSES TO BEHAVIOR

CJI examined current policies and practices around responding to behavior and revocation proceedings, as well as administrative and statutory responses to violations, factors that influence a parole and probation officer's decision-making regarding violation responses, the officer's level of autonomy, and the use of incentives across the state. Research shows that responses to prosocial and antisocial behavior should be proportional to that behavior. Sanctions should be delivered objectively and focused

on the behavior, not the person. Similarly, incentives should be delivered impartially, focused on the behavior, and used to reinforce continued prosocial behavior. Incentives should also be used significantly more often (a ratio of four to one) than sanctions to effectively change behavior.[23]

Technical violations make up the majority of violations for probation and parole; absconding is the most significant source of revocations

HB 585 required MDOC to develop a standardized graduated sanctions system, including a matrix intended to guide field officers' responses to technical violations. In response, the MDOC developed a policy and corresponding matrix describing minor, intermediate, and major technical violations of supervision and providing a variety of sanctions and interventions ranging from Level 1 (e.g., increased alcohol or drug testing) to Level 6 (e.g., revocation not to exceed 180 days in a TVC or imposition of the remainder of the person's sentence).[24] Minor violations include missing a meeting with an officer, failure to report contact with law enforcement, or failing a drug test for the first time. Intermediate violations include absconding from supervision for less than six months, as well as misdemeanor arrests or second instances of minor violations, such as failing to notify an officer of a change of address. Major violations include absconding for more than six months, new arrests for a DUI or domestic violence, or third instances of minor violations.[25] As a result of this policy, officers are provided with specific guidance on proportionate sanctions to impose in response to technical violations. Officers reported during interviews a thorough understanding of the intent of the matrix and the process for determining the appropriate sanction.

For all individuals who terminated supervision in 2019, both successful and unsuccessful, technical violations were the most common type of violation, with 78 percent of individuals on parole and 84 percent of individuals on probation experiencing a technical violation (see Figure 6). For individuals who had any type of violation, major violations were the most common level of violation, with 63 percent of individuals on parole and 57 percent of individuals on probation committing a major violation (see Figure 7).

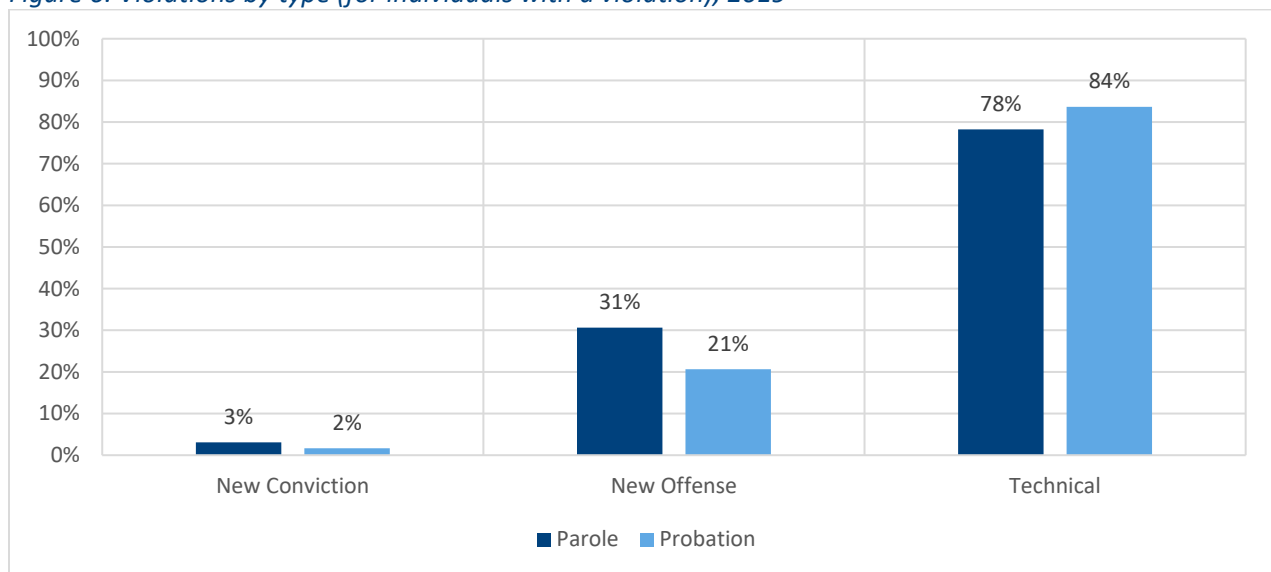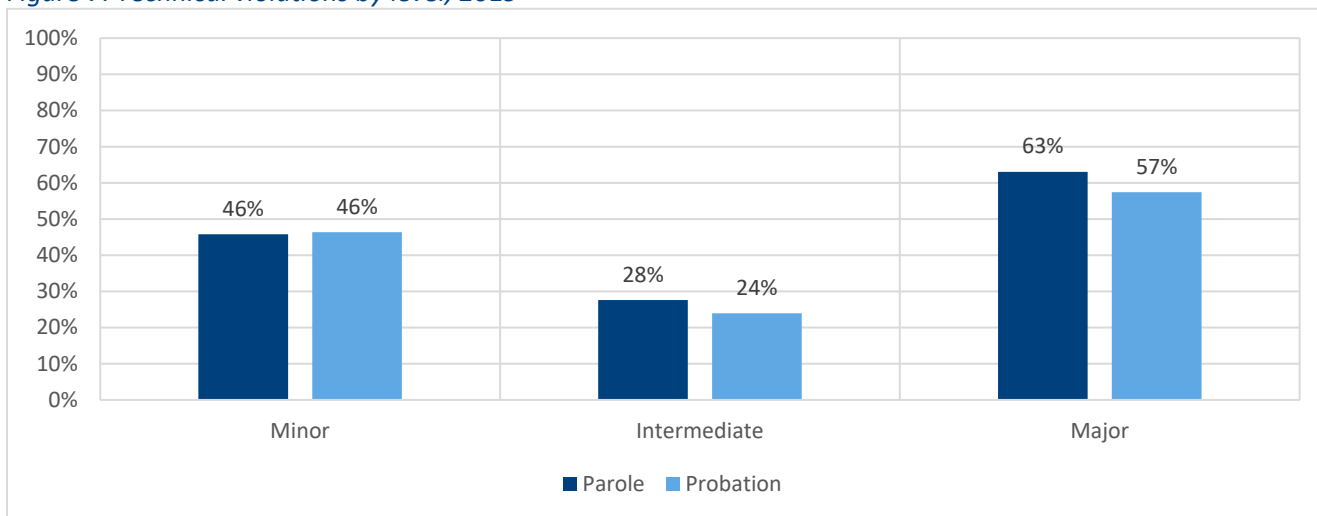*Figure 6. Violations by type (for individuals with a violation), 2019*

Figure 7. Technical violations by level, 2019

Perhaps reflecting that the most common violation level was major, the most common response to a violation was a revocation, with 54 percent for those terminating parole and 49 percent for those terminating probation receiving a recommendation of revocation. However, although a recommendation of revocation was the most common response to a violation, this does not indicate that all recommendations result in a revocation; in many cases, even when a revocation was recommended, the individual remained on supervision, according to CJI's analysis of MDOC data. This may be the result of the judge or the Parole Board rejecting the recommendation in favor of another sanction.

As shown in Figure 8, for those terminating supervision in 2019, the most common violations for individuals on parole were drug or alcohol violations, absconding, and felony arrest. The most common violations for individuals on probation supervision were failure to pay, absconding, and drug or alcohol violations.

*Figure 8. Violations by supervision type, 2019*
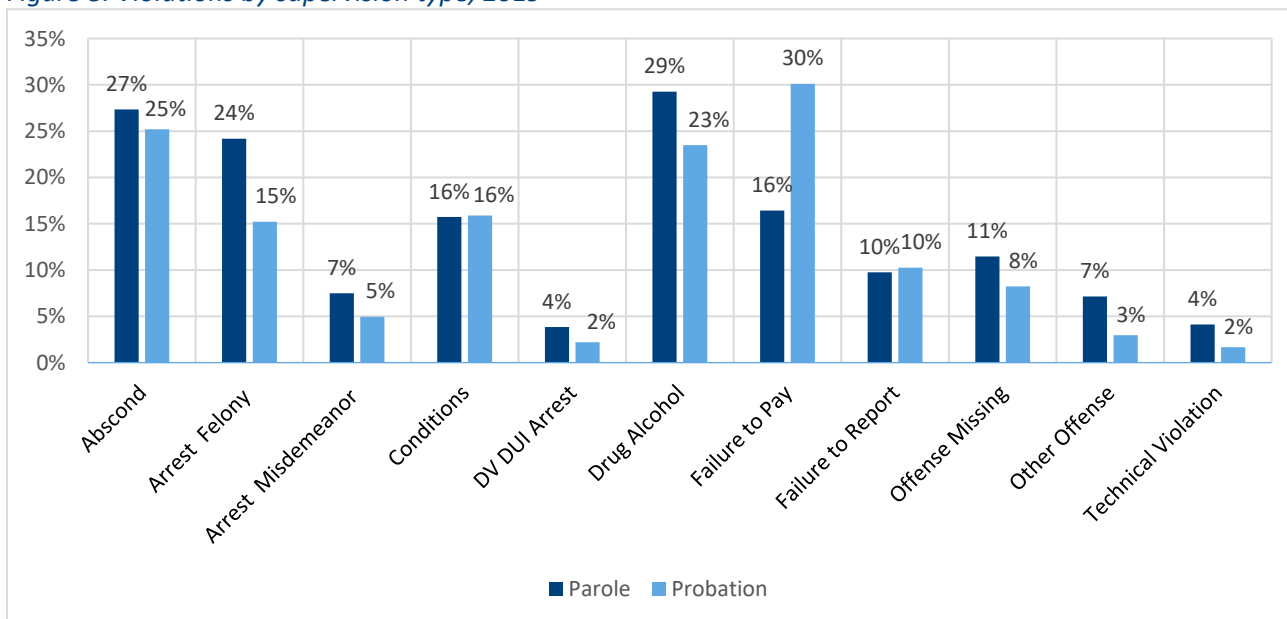
CJI examined the top five violations that lead to a recommendation of revocation (Table 1). Notably, drug and alcohol violations are not among the top violations that resulted in a recommendation of revocation, despite their relative frequency as a violation. The violations that most frequently lead to revocation are generally classified as major violations, including absconding and felony arrest.

Table 1. Top five violations leading to a revocation (probation and parole combined), 2019

Violation type	# of revocations
Absconding	1,022
Felony Arrest	809
Conditions	290
Failure to Pay	186
Failure to Report	118
Missing (no violation type given)	*137*

CJI also examined the most common sanction for the top five violation types to determine if there was a pattern for these responses. For drug or alcohol violations, the most common sanction was treatment, which occurred in response to 35 percent of drug and alcohol violations (see Figure 9). For absconding violations, the most common sanction was to recommend revocation, making up 78 percent of the sanctions in the MDOC data analyzed by CJI. For conditions violations, a general violation category defined by MDOC as "[failure] to abide by condition(s) of releasing authority or MDOC," the most common sanction was loss of credits, which occurred 33 percent of the time.[26] For felony arrest violations, the most common sanction was revocation, occurring 84 percent of the time.

Figure 9. Sanctions for drug/alcohol violations, 2019
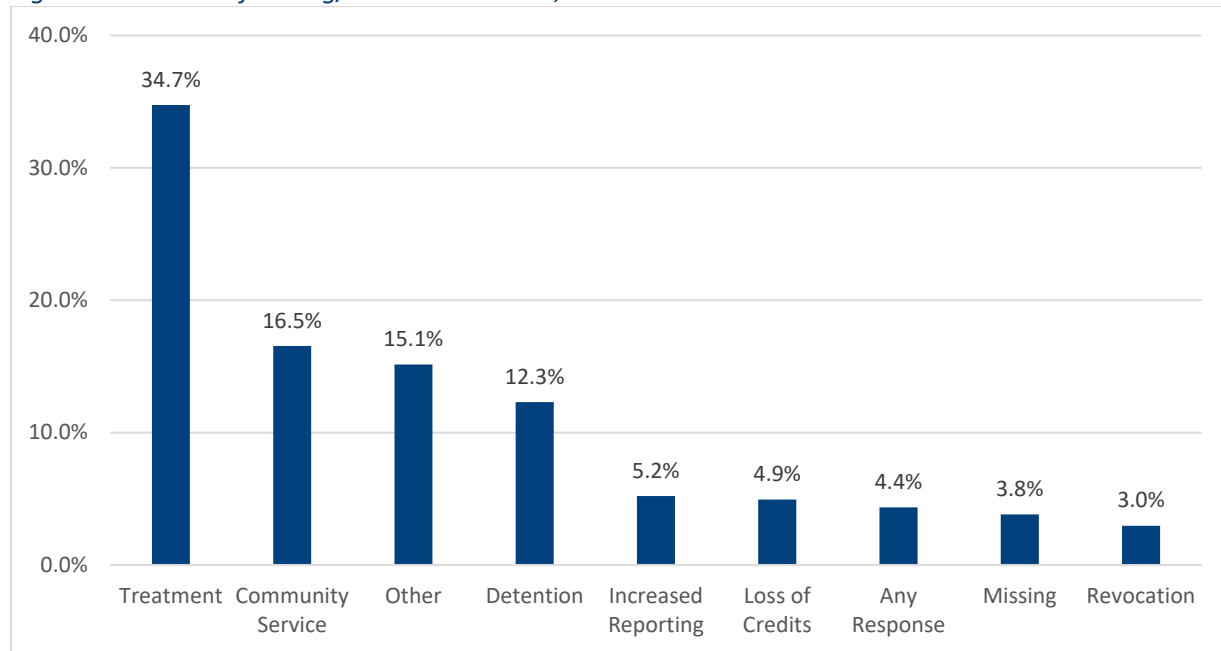
For failure to pay fines and fees, the most common sanction was loss of credits, which occurred 43 percent of the time, while revocation was recommended as a sanction in 14 percent of failure to pay violations (see Figure 10). Regarding revocation for a failure to pay violation, officers and supervisors

noted during interviews that they inform individuals on supervision that they will not be revoked because of failure to pay their fines and fees, although the data reveal that this does sometimes occur. According to statute, revocation and subsequent incarceration for failure to pay is limited only to those individuals determined by the court to be not indigent and willfully failing to pay fines and fees; if the nonpayment is not willful, the individual may be given additional time, reduced payment, or have payment waived in whole or in part.[27]

Figure 10. Sanctions for failure-to-pay violations, 2019
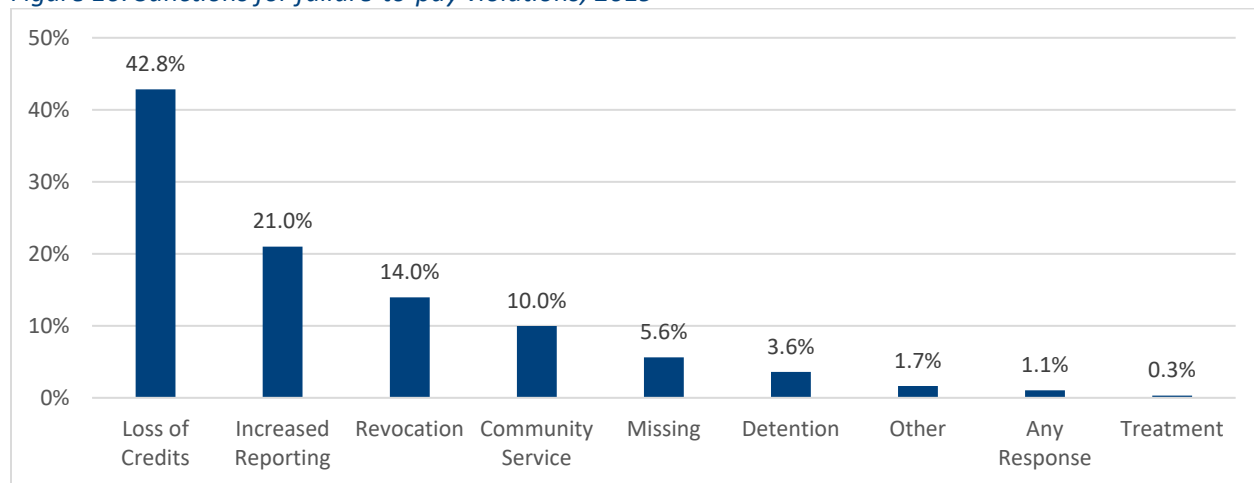
Officers use earned discharge credits to reduce time on supervision but opportunities exist to expand the policy
CJI also examined the current use of incentives in responding to behavior. The current response matrix used by MDOC does not include rewards or incentives for positive behavior. The primary incentive available to MDOC officers to respond to and encourage positive behavior is through the use of earned discharge credits (EDCs), another reform introduced through HB 585. For individuals on probation or parole, these credits offer the possibility of cutting supervision time in half: if the person stays in compliance with all conditions of supervision during a given month, their sentence can be reduced by one month as an incentive. For months in which an individual has logged a violation, they are not eligible for EDCs. This policy was intended to reduce the number of people on supervision and the number of people who were revoked from supervision back to prison. Probation and parole officers spoke highly of EDCs and see them as the principal incentive that they can offer for compliance with the terms of supervision. Officers and supervisors universally agree that MDOC has supported and encouraged the use of EDCs for individuals who are in compliance. However, despite this support, officers noted needed changes to policy to maximize the policies effectiveness in encouraging and rewarding positive behavior. Officers noted during interviews a desire to expand eligibility criteria and institute a system where EDCs are credited by default if there is no indication of non-compliance.

Fines and fees impact time on supervision, directly extending the length of supervision and indirectly impacting revocation rates
In 2018, Mississippi enacted House Bill 387,[28] which prohibited the state from incarcerating people solely due to non-payment of fines, restitution, or court costs. For a person to be incarcerated for non-payment, a court hearing must take place, and it must be established at that hearing that the person was able to pay but willfully failed to do so.[29] HB 387 required that people whose income is within 125 percent of the federal poverty line receive the presumption of innocence in such a hearing.

In discussions with probation and parole officers and supervisors, CJI learned that officers regularly communicate to the individuals they supervise that no one would be revoked solely for non-payment of fines and fees. Officers emphasized this principle in written and verbal communications with people on supervision, including in the orientation packet. However, as mentioned previously, CJI's data analysis reveals that revocation for non-payment still takes place; as shown in Figure 10. Fourteen percent of failure-to-pay violations in 2019 ended in revocation, and failure to pay was the fourth most common cause of revocations in that same year (Table 1).

While revocation for failure to pay is uncommon, many officers shared their opinion that people they supervise frequently abscond because they are unable to pay their fines and fees, with a particular emphasis on supervision fees. Officers revealed during interviews that many individuals on supervision fear what will happen if they do not pay, regardless of the message that this will not lead to revocation. As a result, individuals may stop attending their supervision meetings and, after six months without contact, they may be classified as an absconding violation. This leads to these individuals being revoked for absconding from supervision, and often returning to prison. Officers and supervisors suggested that elimination of fines and fees would significantly reduce absconding behavior. Mississippi defines absconding as no contact for six months,[30] but most officers across the state said that absconding was a common problem, despite this relatively permissive standard. When asked about their policies for dealing with absconding, officers and supervisors cited the use of written and verbal warnings and said that it was largely left up to the individuals on supervision to tell officers that they cannot pay so that the officer can work with them.

Unpaid fines and fees also affected a person's eligibility for EDCs, since payment is one of the standard conditions for individuals on parole and probation that individuals must comply with to receive credit each month. Officers stated during interviews that EDCs were not awarded if the person was unable to pay, although some officers added that EDCs can be retroactively added if the person is able to pay later. Additionally, if a person reached the end of their probation term but still had unpaid fines and fees, they were removed from active supervision but were still technically considered to be on probation until their remaining debts are paid. People who are unable to pay restitution may be sent to a restitution center to work off that debt.[31] Individuals placed in a restitution center live at the center but work at private-sector jobs during the day, often for the federal minimum wage. Residents of the restitution centers are also billed for their room and board, as well as other costs.[32]

USE OF EVIDENCE-BASED SUPERVISION PRACTICES

CJI's assessment in Mississippi also focused on the use of evidence-based supervision practices and examining overall adherence to the Principles of Effective Intervention, including the use of risk and needs assessments, targeting programming and services for those assessed as high-risk, use of effective case planning, and fidelity monitoring. Research has found that supervision practices should align with risk, need, responsivity, and fidelity principles to have the greatest impact on reducing recidivism.[33]

The Principles of Effective Intervention: The **risk principle** states that resources (both treatment and supervision) should be directed to those who are most at risk to recidivate, while interventions should be limited for those identified as low risk since too much intervention can increase likelihood of recidivism. The **needs principle** states that interventions should target an individual's criminogenic needs, which are changeable attributes such as substance use or interaction with people who contribute to their antisocial behavior that can be targeted, and when addressed, can reduce an individual's risk of recidivism. The **responsivity principle** shows the importance of identifying and

addressing barriers to success.[34] Responsivity factors are individual characteristics, such as language, acute mental illness, transportation, or learning styles, which need to be prioritized, addressed, or accommodated to ensure an individual can successfully participate in an intervention. And finally, the **fidelity principle** is focused on ensuring programs and practices are consistently working toward the intended outcomes. This includes consistently impacting the intended target (e.g., recidivism), in the intended direction (e.g., reducing it), efficiently and for the correct population (e.g., highest risk to reoffend).

Assessment and reassessment of individuals on probation and parole may not be occurring regularly, and officers believe the risk assessment fails to capture dynamic factors that reflect changes in risk of recidivism

In 2016, Mississippi implemented a series of evidence-based supervision practices, including the introduction of a standardized risk and needs assessment for people on community supervision.[35] This assessment includes a five-question static risk assessment as well as a 41-question needs assessment that is completed through an interview with the person on supervision. The needs assessment includes categories of questions about a person's employment history, history of substance use, current attitudes, personal relationships, and personality. Currently, people are assessed when they are placed on supervision for the first time, and then every six months thereafter. Depending upon the policies of the regional office and their staffing, the assessment may be completed by the supervising officer or by the Program Coordinator, which is an MDOC role that assists with assessments, matching individuals to programming, and facilitating programming for probation and parole clients.

During CJI's review of MDOC data, it was discovered that a large percentage of cases were missing any data on risk assessment scores. In 2019, 58 percent of admissions to probation and 24 percent of admissions to parole were missing a risk level. After review and discussion with MDOC, the CJI team was unable to determine the reason for the missing data. It is possible that assessment of all new cases is occurring according to department policy but that the resulting scores are not entered into the department's electronic data system. It is also possible that individuals are not being assessed or reassessed according to department policy.

During the assessment, CJI also learned that many probation and parole officers lack confidence in the MDOC risk assessment because they believe that it does not include enough dynamic factors to be an accurate reflection of changing risk levels throughout supervision. Although MDOC's risk assessment was developed and piloted using best practices and includes dynamic factors that predict recidivism, officers believe that the risk tool, on which many supervision decisions are based, does not reward individuals for making positive changes in their lives. This indicates a need for additional training on the use of the tool for new and existing officers.

Case planning is required but may not be occurring in practice

Although MDOC policy mandates that a case plan should be developed for each person on supervision,[36] few such plans exist. In interviews with CJI staff, probation and parole officers generally said they did not have time to create case plans for each person on their caseload, or that those plans were unnecessary. People may receive an "objective plan" wherein they agree to follow supervision conditions that have been ordered by the judge or Parole Board, report to the officer as directed, and follow other normal supervision rules, but this is not tailored to people's individual needs, nor is it the result of a collaborative process that engages the individual in behavior change strategies. Sometimes, individuals on supervision are recommended to the Program Coordinator based on the results from the risk and

needs assessment, but that is not the case in all offices or with all officers. Assessment results seem to be inconsistently utilized to inform treatment and programming decisions.

ACCESS AND AVAILABILITY OF TREATMENT PROGRAMS AND SERVICES

CJI's assessment also examined the tools and resources available in the community to address the supervised population's criminogenic needs and responsivity factors. CJI's examination focused on both availability and access to programming, treatment, and services. CJI conducted focus group interviews with probation and parole staff and supervisors, as well as system stakeholders, such as judges, public defenders, and the chair of the Parole Board. CJI also reviewed related policies and statutes to understand the existing processes that are in place to address these needs.

Resources and programming to address individual needs are scarce
Probation and parole officers across the state shared that they lacked options for referring individuals to programming and resources that address their needs. Mental health programs and resources are a particularly widespread need. Where programming does exist, cost may be a barrier for some individuals on probation or parole, who are responsible for paying for some, or all, of their treatment. This is also true for drug and alcohol treatment programs. Community centers, faith-based organizations, and Alcoholics Anonymous/Narcotics Anonymous (AA/NA) help to fill some of the gap in services, particularly in rural areas. Some areas of the state have access to higher-quality, faith-based live-in rehabilitation programs, but there are not enough beds to meet demand and estimated wait times for various treatment programs ranged from one week to two months, which is true of most inpatient programs in the state. According to the interviews conducted with probation and parole officers and supervisors, more drug and alcohol programming is needed, particularly inpatient treatment.

The Mental Health Alliance (MHA) ranks Mississippi 48th among U.S. states in access to mental health care.[37] According to the Substance Abuse and Mental Health Services Administration (SAMHSA), only 38.3 percent of adults with a mental illness in Mississippi were receiving treatment as of 2015.[38] The state maintains 15 Community Mental Health Centers (CMHCs) that also assist with alcohol and drug treatment, and the state has private inpatient and outpatient service providers.[39] Some parts of the state have access to drug courts or halfway houses for people who have graduated from a drug or alcohol treatment program.

Housing is another major need, both in general and for specific groups. Officers described the need for more transitional housing or reentry programs for people who are leaving prison. People with a felony conviction are prohibited from applying to a public housing program, but private housing complexes may also refuse to rent to them, which is a particular barrier for single mothers.[40][41] Finding in-state housing can also be an issue for people who plan on moving to a different state (and who will be supervised via interstate compact). Low pay is also an issue. Mississippi's minimum wage is set at the federal minimum of $7.25 per hour, or $1,160 per month. The National Low-Income Housing Coalition (NLIHC) recommends that workers should have to pay no more than about 30 percent of their income in housing costs, which would be $377 per month. However, the NLIHC finds that Mississippi's current fair market rent for a one-bedroom apartment is $656 per month or $791 per month for a two-bedroom.[42]

Finally, employment and transportation were noted as barriers to success during focus group interviews. People with a felony conviction have a difficult time finding employment, particularly in rural areas of the state where jobs of any kind are scarce. Often, a lack of local jobs is compounded by a lack of public

or personal transportation, such that people have a hard time reaching jobs that are outside their immediate area. Even in Jackson, many of the employers that are willing to hire people with a felony conviction and no job skills are located outside of the city and are difficult to reach without a car. Workforce Investment Network (WIN) Job Centers are a positive resource for those looking for employment after release. However, WIN Job Centers are available in only 42 of Mississippi's 82 counties. These centers are designed to provide job and skill training, job placement assistance, and referrals to other services.[43] They are also intended to provide services that are tailored to people with criminal records. Some MDOC offices provide ad hoc employment packets, informal connections with local employers who will hire formerly incarcerated people, or programs that teach people a trade. Additionally, people may also be ordered to complete programs, such as anger management, which do not exist in their area and necessitate long car trips to reach them.

In terms of evidence-based programming available to those on community supervision, according to probation and parole officers, Thinking for a Change (T4C), a cognitive behavioral change program, is available throughout the state. Program coordinators in the local and regional offices are trained to facilitate T4C and deliver the curriculum to individuals referred to them. In some areas, T4C is the only evidence-based program that targets criminogenic needs that is available to supervision officers.

ORGANIZATIONAL CULTURE AND SUSTAINABILITY OF REFORMS

Finally, CJI partnered with The Moss Group to conduct an assessment of organizational culture. This section of the report includes findings related to organizational culture and sustainability that would not be classified as primary drivers of supervision outcomes but would be essential to ensure an agency's success in implementing and sustaining policies and practices intended to improve supervision outcomes.

Staff vacancy rates are high and recent adoption of new policies through training has proven difficult
At the time of CJI's assessment, vacancy rates within MDOC reached nearly 50 percent. Operating at this capacity often presents critical challenges, such as staff burnout and the inability to meet basic operational priorities resulting in safety implications. These pressures are often met with extraordinary staff dedication; however, sustaining programs and services under these conditions is a continual concern. In response to this vacancy rate, MDOC led a campaign to attract and hire qualified candidates, which may bring some relief moving forward.

As part of the implementation of evidence-based strategies legislatively mandated through HB 585, MDOC staff received extensive training on topics including Principles of Effective Intervention, Effective Case Management, Motivational Interviewing, and Risk and Need Assessments. However, in CJI's review of practices, the project team found that many elements of evidence-based practices are inconsistently or incompletely implemented. For example, MDOC staff do not presently develop or utilize case plans with individuals under supervision.

Supervision visits are largely focused on fines and fees, with little time spent on behavior change strategies
Probation and parole officers, as well as supervisors, shared that office contacts with individuals on supervision are ordinarily very short (i.e., five to six minutes) and focus largely on the collection of fines and fees, compliance with the conditions of supervision, and some general questions about the individual's life circumstances. The lack of case plans and specific attention to individuals may be explained in part by the limited time that officers spend with the people on their caseload. Officers

participating in CJI's assessment rarely described criminogenic needs or evidence-based strategies to reduce risk levels when talking about their work with the individuals they supervise. In some local offices, caseload size was cited as a challenge to implementing evidence-based practices, which may have been exacerbated by high-vacancy rates and difficulty filling open positions.

CJI's assessment also revealed that probation and parole officers have not been fully trained on Core Correctional Practices (CCP), a set of skills that are used to enhance long-term behavior change and include components of cognitive-behavioral interventions in a formal or informal setting. CCP includes skills such as active listening, providing feedback, role clarification, effective use of reinforcement, effective use of disapproval, effective use of authority, and cognitive restructuring tools. Research on the efficacy of CCP skills has shown that trained officers spend more time discussing and targeting criminogenic needs than their untrained counterparts, and that individuals supervised by officers trained in CCP have lower recidivism rates.[44,45] These techniques have gained widespread acceptance in community corrections and have become a core feature of many modern probation and parole agencies' strategy to reduce recidivism. At the current time, Mississippi does not utilize CCP or any similar strategies in support of behavior change.

Opportunities to Reduce Revocations and Strengthen Supervision Outcomes in Mississippi

Based on the findings included in the sections above, CJI has outlined opportunities with the goal of safely reducing revocations while strengthening supervision outcomes. While many of the recommendations outlined in this section are policy and practice changes that can be implemented administratively, given the parameters in law governing probation and parole supervision in Mississippi, CJI has included some recommendations that will require change to existing law or practice that impact success on supervision. These recommendations are meant to guide policymakers, local government officials, supervision administrators, and all other relevant stakeholders with a list of opportunities to improve their current policies and practices through the implementation of data-driven reforms that will increase public safety and help promote long-term success for justice-involved individuals and their families.

Based on the findings included in the sections above, CJI has outlined 10 recommendations to safely reduce revocations while improving community supervision outcomes in Mississippi. They are organized in three overarching categories:

- Ensuring evidence-based supervision practices intended to reduce revocations and recidivism are implemented with fidelity;
- Addressing barriers to supervision success; and
- Ensuring the sustainability of policy and practice changes.

ENSURE EVIDENCE-BASED PRACTICES ARE IMPLEMENTED WITH FIDELTIY

Recommendation 1: Provide ongoing training, coaching, and staff skill development on the Principles of Effective Intervention (PEI), Effective Case Management, and Core Correctional Practices (CCP)

As part of the implementation of HB 585, MDOC supervision staff received extensive training on the principles of effective intervention, risk and need assessment, case planning, and other evidence-based

supervision strategies. MDOC also added training requirements to its administrative policies to ensure staff receive ongoing training in these areas. However, it's unclear to what extent these trainings are occurring in accordance with existing policy. In addition, MDOC staff need training on CCP, which is essential to support the implementation of advanced strategies to reduce recidivism.

Studies show that officers who receive ongoing coaching on CCP skills have a better understanding of how to use CCP skills with the individuals they supervise and implement these skills into their daily practices.[46] However, training alone will not ensure fidelity; staff must practice new skills over time to successfully transfer these skills to their day-to-day practice. MDOC staff responsible for the direct supervision of individuals, or those in other positions that are responsible for case management, such as program coordinators, should be formally trained on CCP and PEI.

Recommendation 2: Conduct a comprehensive review of risk and need assessment data and practices, quality assurance, and fidelity checks on risk and need assessment practices

During CJI's review of MDOC data, it was discovered that a significant percent of admissions data were missing risk information. Based on the information provided and the scope of this project, CJI was not able to determine the cause of this missing information. If MDOC is going to ensure that the highest-risk individuals are receiving the highest intensity of supervision and services, a principle of modern risk-need-responsivity based supervision, risk and need information on all cases is needed. MDOC should lead a process to understand whether risk and need assessment information is missing or simply not being entered into the state's data system, as well as whether assessments are being done according to policy. Examples of activities that the review should include are:
- Assessing the completeness of risk and need assessment data;
- Determining whether risk and need assessment and reassessment are being completed for all cases that require one; and
- Establishing quality assurance processes to ensure that staff are accurately scoring risk and need assessments and that assessments are being applied fairly and consistently across the department.

Recommendation 3: Fully implement use of effective case management

At the present time, the risk and need assessment is largely used to determine supervision level and little else. Following a review of risk and need assessment data and practices as suggested in Recommendation 2, MDOC should examine how risk and need assessment information is utilized to determine who receives the highest intensity of supervision and treatment resources and what those resources target. MDOC should also ensure that the results of the risk and need assessment are being used to develop case plans that target the criminogenic needs of individuals on supervision using effective case management strategies that draw from CCP skills.

Research indicates that higher-risk individuals should receive the most treatment and programming resources, and that those resources should target specific criminogenic needs rather than general needs of the supervision population.[47] As noted in the findings section of the report, while there are quite a few gaps in terms of availability and accessibility of programming and services, people on supervision can benefit from case management strategies that align with research. Officers trained in effective case management should develop goals with individuals on supervision that address criminogenic needs, which can often include activities that do not require referral to a formal program. For example, officers can use effective case management strategies to facilitate a discussion about problem-solving and

helping individuals overcome challenges and/or barriers that may prevent them from being successful on supervision or accessing services.

ADDRESS BARRIERS TO SUPERVISION SUCCESS

Recommendation 4: Individualize conditions to focus on factors most closely tied to public safety and streamline the condition modification process to remove barriers to success

CJI's assessment of the condition-setting process in Mississippi found that standard conditions are the norm and do not always align with the factors driving individuals' risk of recidivism. Many of the standard conditions authorized in statute are not directly related to public safety, and special conditions, which are rarely utilized, are not informed by the results of a risk and needs assessment. While probation and parole officers are authorized to request a modification to the individual conditions of supervision, officers indicated during interviews that these requests are rarely made. When modifications are made, they often occur in response to violation behavior and are rarely used to proactively address a criminogenic need or responsivity factor. Mississippi policymakers and agency leadership should consider reviewing the standard conditions for probation and parole and remove or revise conditions that are not directly connected to public safety. In addition, Mississippi should consider revising the condition-setting process to ensure that access and availability of resources to meet certain conditions are considered when setting conditions to ensure individuals are set up for success. Finally, policymakers should consider streamlining the condition modification process to give officers the ability to proactively remove or revise conditions that conflict with the results of a risk and need assessment or cannot be achieved due to the presence of significant responsivity factors.

Recommendation 5: Institute programs to connect people with housing, employment, and transportation upon leaving incarceration

CJI was unable to find evidence of programs that are specifically designed to connect people on probation, parole, or post-release supervision with housing or transportation, although such programs are urgently needed. Even large metropolitan areas – such as Jackson, which has a relatively large number of jobs that will employ people with a felony record – may lack the necessary public transit services to connect low-income people on supervision with jobs that are outside the city. MDOC should work with the Department of Human Services and the Department of Transportation to explore the possibility of creating programs in these areas to aid people on supervision. MDOC should also explore the possibility of issuing vouchers or other transportation support services for those who are required to meet in person or are required to travel long distances to attend required programming or treatment services. Finally, MDOC should improve communication and collaboration between officers and case managers responsible for developing discharge plans for those being released to parole to ensure information developed in preparation for an individual release is passed on to the supervising officer. HB585 required MDOC to establish discharge plans for those leaving incarceration. These discharge plans should lay out a plan for individuals to access services that could help them succeed on supervision, including housing, employment, and transportation services.

Recommendation 6: Conduct an assessment to determine gaps in the availability and quality of treatment services and make a plan for improvement

During CJI's assessment, officers and supervisors described a lack of programming options to which they could refer individuals on supervision. Unfortunately, gaining a comprehensive understanding of

programming and other resources is beyond the scope of the present project. To gain a greater understanding of the programming and other resources services that are available to individuals on probation supervision in Mississippi, the department should conduct a gap analysis to identify the needs of individuals on supervision, availability of services to address these needs throughout the state, average time between referral and accessing the service, and quality of the services provided. From this assessment, the department can explore ways to address and improve service gaps. This will likely require policymakers to develop a plan to expand programming, specifically in rural and underserved areas, through innovative strategies including telehealth and virtual options. For example, South Dakota recently implemented a tele-mental health program that enables officers in remote areas of the state to connect people with on-call mental health professionals for crisis stabilization.[48]

Recommendation 7: Implement alternative approaches to payment of financial obligations

Mississippi passed legislation in 2014 (HB585) and in 2018 (HB 387) prohibiting revocation due to willful non-payment of financial obligations. However, CJI's data analysis revealed that some individuals are nevertheless revoked from supervision for non-payment of fines and fees. In addition, officers noted during interviews that not being able to pay financial obligations also contributes to absconding. CJI recommends that alternative approaches to the ordering and repayment of fines and fees be considered. These include:

- Reviewing current imposed fees for supervision, corrections services, and assessment and determining which financial obligations can be eliminated or covered by the supervising agency
- Improving the process through which payment plans are initiated by conducting an assessment to determine an individuals' ability to pay and identifying appropriate amounts that will not create barriers to success and can be paid off in a reasonable timeframe
- Converting financial obligations to community service hours or other non-financial conditions in lieu of financial compensation, and which can be completed within a reasonable timeframe that will not interfere with the individual's efforts to find and keep a job
- Creating a repayment waiver period following placement on supervision that allows individuals to seek employment and get stabilized before financial obligations are due
- Revising the MDOC earned time policy to ensure that individuals do not lose earned time credits for nonpayment of fines and fees if it has been determined that the individual does not have the financial means to meet these obligations

ENSURE SUSTAINABILITY OF POLICY AND PRACTICE CHANGES

Recommendation 8: Centralize or restructure the collection of fines and fees so that probation and parole officers can focus more on behavior change

Meetings with supervision officers and the individuals they supervise are an important component of a comprehensive behavior change strategy. When the first several minutes of an already short visit are occupied with discussion of whether the individual has paid the required supervision fees, this inextricably alters the relationship between the officer and the individual being supervised. In recent years, research has demonstrated the effectiveness of the shift from traditional supervision – the referee-based role focused on compliance – to a more supportive role focused on coaching individuals to support their behavior change.[49] With such an emphasis on the collection of fees as a condition of compliance, and the requirement for fees to be paid to receive the Earned Discharge Credit incentives, officers in Mississippi are at a disadvantage in developing rapport and utilizing evidence-based strategies to reduce recidivism. State leaders, including policymakers, should investigate other options for

centralizing the collection of fees and moving the responsibility for confirming the payment of fines and fees outside of the supervision agency. This change would permit officers to focus their time and energy on using evidence-based supervision strategies that would achieve better supervision outcomes.

Recommendation 9: Complete a deeper analysis around findings related to absconding behavior within the state and develop solutions to address it

Absconding is one of the largest contributors to overall violations and revocation recommendations for those on community supervision in Mississippi. During conversations with CJI, officers tied high absconding rates to several factors, including the inability to pay fines and fees and lack of drug and alcohol programs to treat addiction and dependence. Given the contribution of absconding behavior to revocation and unsuccessful completion of supervision in Mississippi, extra attention to this trend is warranted. Mississippi should develop a process to understand the factors that contribute to absconding, starting by collecting information from individuals who have been revoked for absconding, their families, and the officers that supervise them. This information could be used to develop a strategy to target absconding behavior, to better understand that behavior, and when violations or revocations may not be an appropriate response. Results could help identify strategies to increase engagement with supervision officers.

Recommendation 10: Explore the causes of high failure rates for people on post-release supervision

People on post-release supervision constitute a majority of probation admissions in Mississippi and have higher rates of unsuccessful completion of supervision than people on regular or non-adjudicated probation. Given their large numbers, the reasons for the higher failure rates among people on post-release supervision are a matter of critical importance for state leaders. While CJI was unable to uncover those reasons during this study, Mississippi should conduct an assessment specifically focused on exploring the factors driving the high failure rates for individuals on post-release supervision and develop a plan to address them.

Appendix: Methodology

In March 2021, CJI began conducting a comprehensive examination of data, policies, and practices related to community supervision, with a particular focus on revocations in each of these four states. For the quantitative portion of the assessment, CJI collected and analyzed data regarding the community supervision and correction populations in each state from 2010 to 2019. Data were collected at the individual level and included the following:

- Basic demographic information;
- Sentence and offense information;
- Supervision start and end dates/time served on community supervision;
- Risk/need assessment information; and
- Violation/revocation information including incident reports/sanctions

Quantitative Methodology

This assessment involved an analysis of two datasets – individuals who were admitted to supervision between 2010 and 2020 and individuals who were released/completed supervision between 2009 and 2020. Releases were matched to admissions using the MDOC number and supervision admission date. Not all releases matched a record on the admission file, but all records were still used in analysis where admission information was not required.

Risk assessment data from 2016 to 2020 was obtained for community supervision and incarcerated individuals in the sample. As previously described, many records did not match to a risk level or risk information. Sanctions and violations data from 2014 to 2020 were obtained and analyzed. CJI created a data file with one record for each period of supervision. When an overlapping supervision period of the same supervision type were encountered, the first admission date and last release date were retained. A sanction of revocation did not always result in a return to incarceration or termination of supervision. As a result, unsuccessful completion of supervision was utilized as the outcome, which includes any case with a final release type of abscond (indicating that the individual failed to report for six months and would be terminated and re-incarcerated upon contact) or return to incarceration.

Additionally, aggregate correctional population data was obtained from public reports in aggregate to provide additional context.

Qualitative Methodology

Along with the data analysis, CJI reviewed relevant state laws and written policies related to community supervision and decision-making. The CJI team conducted group and individual interviews with stakeholders to develop a more nuanced understanding of how individuals are supervised in the community and how revocation from supervision in each state works in practice. Several different stakeholder groups were interviewed over the course of the project, including:

- Probation and parole officers
- Probation and parole supervisors
- Judges
- Parole board members
- Defense attorneys & public defenders

End Notes

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