



RESEARCH REPORT

# Assessing the Impact of Mississippi's Front-End Drug Policy Changes

**Justice Reinvestment Initiative**

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# Executive Summary

Mississippi's prison population grew more than 400 percent between 1980 and 2013,<sup>1</sup> and in 2013 it was projected to increase by nearly 2,000 people over the next 10 years at a cost of \$266 million (Pew 2014). In response, Mississippi leaders began exploring options for prioritizing prison space to get a better public-safety return on state correctional spending (Warnberg and Olsen 2019). Part of this response was to implement, via the state's Justice Reinvestment Initiative (JRI) process, front-end reforms to drug policy and practice starting in 2014 to divert people from the criminal justice system when possible and to connect people to treatment when appropriate. In this report, we examine the implementation and outcomes of those reforms.

In 2013, state leaders requested assistance through JRI, an initiative funded by the US Department of Justice's Bureau of Justice Assistance that is a "data-driven approach to managing criminal justice populations and investing savings in strategies to reduce recidivism and improve public safety" (Harvell et al. 2021, iii). With technical assistance from The Pew Charitable Trusts and the Crime and Justice Institute, the state convened a task force, the Corrections and Criminal Justice Task Force, to examine the drivers of incarceration and recommend ways to curb corrections costs and improve public safety.

In 2014, then-governor Phil Bryant signed House Bill (H.B.) 585 into law. Among other reforms, the legislation included several front-end provisions to reduce prison admissions for drug offenses, including expanding the use of drug courts, expanding the use of non-adjudicated probation, introducing a tiered structure to the controlled substance statute, and modifying the penalties for simple drug possession. More specifically, the bill increased judicial discretion to permit judges to order drug court for people convicted of commercial drug offenses (excluding trafficking and driving under the influence). It diversified and strengthened specialty courts by reinvesting \$10.85 million of averted prison spending in accountability courts (Pew 2014). H.B. 585 revised statutes pertaining to drug and property offenses and established presumptive parole for some property crimes. And it established a tiered controlled-substance statute to differentiate between higher- and lower-level commercial drug offenses (other than possession and trafficking).

This report focuses on the outcomes of, and stakeholders' perceptions on, the implementation of H.B. 585's front-end drug policy reforms in Mississippi. Using data from the Mississippi Department of Corrections (MDOC), publicly available resources on the state (such as the annual reports of the MDOC and the Mississippi Administrative Office of Courts), and interviews with stakeholders in the state, the Urban Institute sought to answer the following research questions:

1. How frequently did justice system actors use front-end interventions and options for people who entered the Mississippi justice system for drug-related offenses before and after H.B. 585 went into effect?
2. How frequently were people sentenced to community supervision and incarceration for drug-related offenses before and after H.B. 585?
3. Did responses to supervision violations for people with drug-related offenses change after H.B. 585?
4. Did recidivism rates for people with drug-related offenses change after H.B. 585?

## Key Findings

Below, we summarize key findings on the implementation and outcomes of drug-related reforms following H.B. 585.

Impacts on drug-related arrests and court programs and practices included the following:

- From 2013 to 2019, drug-related arrests in Mississippi largely stayed stable.
- Besides 2018, participation in drug courts was higher in the postreform period, though implementation of drug court procedures and policies varied across districts because of judicial discretion and limited accountability from the Administrative Office of Courts.

Impacts on drug-related sentencing included the following:

- Overall, the number of annual felony drug sentences trended down from 2010 to 2021.
- There was a slight shift away from incarceration-based sentences postreform, though they still accounted for just over half of all drug-related sentences.
- Postreform, drug possession sentences accounted for a larger share of all drug-related sentences than possession with intent to distribute and commercial drug offenses.
- Although judicial discretion actually became more limited because of the JRI reforms, probation sentence lengths associated with drug convictions remained stable postreform. Prison sentences, however, tended to get longer.

Impacts on total incarceration included the following:

- From 2014 to 2019, the share of people in prison who had a primary drug offense fell from around 25 percent to 20 percent.

- The decline in the share of people in prison serving drug-related sentences was driven by a decline in the number of Black people serving primary drug terms under the MDOC's jurisdiction (the number of white people serving such terms stayed relatively stable).

Impacts on revocations and recidivism included the following:

- The revocation rates for people on postrelease probation decreased marginally in the years immediately after H.B. 585, ranging from 14 to 17 percent from 2015 to 2017.
- Recidivism rates for people leaving incarceration declined consistently after 2013, though they were still generally higher than the recidivism rates for people beginning probation or postrelease supervision terms.
- For people on probation or postrelease probation, recidivism rates were low but increased slightly from 2014 to 2017 (among people starting probation sentences, the share of people sentenced for new felony offenses within three years increased from around 4 percent to 7 percent during this period).

Impacts on racial and ethnic disparities included the following:

- The share of Black people sentenced for drug offenses a year fell consistently from 2013 to 2018, from around 55 percent to 40 percent. The racial composition of people sentenced for these offenses stayed stable after 2018 and was in line with that of the state's adult population.
- For Black people, possession with intent to distribute and commercial drug offenses accounted for greater shares of all drug-related offenses associated with sentences in the postreform period than white people.
- Compared with white people, Black people received incarceration-based sentences for drug offenses at higher rates during the study period, partly because a larger share of Black people was being sentenced for more serious drug offenses.

Impacts that stakeholders perceived COVID-19 to have on reform implementation included the following:

- The COVID-19 pandemic gave drug courts the opportunity to conduct proceedings virtually, providing participants the opportunity to continue receiving services.
- According to stakeholders we interviewed, although arrests and admissions initially fell during the height of the pandemic, this has since leveled off.
- COVID-19 caused people in the criminal legal system struggling with substance use disorders to feel isolated and made completing drug court programs challenging.





# Assessing the Impact of Mississippi's Front-End Drug Policy Changes

Between 1980 and 2013, Mississippi's prison population grew more than fivefold, and in 2013, the state's imprisonment rate was the third highest in the country.<sup>2</sup> The prison population was projected to continue to grow over the next 10 years by nearly 2,000 people at a cost of \$266 million (Pew 2014). With other states reducing both crime and imprisonment rates, state leaders began questioning whether high corrections spending was producing the best public-safety results.

To address that unsustainable growth and make more effective investments in public safety, the state convened the bipartisan, interbranch Corrections and Criminal Justice Task Force. With technical assistance from The Pew Charitable Trusts and the Crime and Justice Institute, the task force found, among other things, that people with nonviolent<sup>3</sup> offenses made up 45 percent of Mississippi's prison population. Further, sentence lengths increased 28 percent from 2002 to 2012, which lead to longer average prison stays (Pew 2014). During that period, the length of prison stays for drug possession offenses increased 31 percent.<sup>4</sup> In addition, courts had limited alternatives to use for low-level nonviolent offenses. State stakeholders leveraged the Justice Reinvestment Initiative (JRI) process to reduce these admissions and drivers of the prison population.

In 2014, then-governor Phil Bryant signed House Bill (H.B.) 585 into law, which codified recommendations from the task force and created new options for responding to drug-related offenses. Among other reforms, the legislation included several front-end provisions to reduce admissions to prison for drug offenses, including expanding the use of drug courts, expanding the use of non-adjudicated probation, introducing a tiered structure to the state's controlled substance statute, and modifying the penalties for simple drug possession. More specifically, judicial discretion was expanded to permit judges to order drug court for people convicted of commercial drug offenses (excluding trafficking and driving under the influence). Specialty courts were diversified and strengthened via reinvestments of \$10.85 million of averted prison spending in accountability courts (Pew 2014). Additionally, H.B. 585 revised drug-and-property-offense statutes and established presumptive parole for some property crimes. Penalties for simple possession were modified and a tiered controlled-substance statute was established to differentiate between higher- and lower-level commercial drug offenses (for people convicted of drug crimes other than possession and trafficking). The legislation went into effect July 1, 2014.

In January 2015, Mississippi began receiving technical assistance from the Crime and Justice Institute through JRI to aid implementation efforts. Additionally, since the passage of H.B. 585, the state has enacted follow-up legislation. Mississippi engaged in a second round of JRI in which H.B. 387 (passed in 2018) built on the policy changes made in the original bill. H.B. 387 established a sentencing disparity task force to examine statewide sentencing practices, allowing certain people serving time for nonviolent offenses to go directly before the parole board for release, and retroactively expanding parole eligibility for certain people in prison for nonviolent crimes.<sup>5</sup> In addition, H.B. 1352 was passed in 2019, creating more intervention courts for people with drug offenses and people with mental health issues.<sup>6</sup> The new courts provided individualized treatment as an alternative to incarceration. Lastly, as of February 2022, Mississippi became the 37th state to legalize medical marijuana (S.B. 2095).<sup>7</sup> The state also decriminalized first-time possession offenses of 30 grams or less for recreational marijuana, making these fine-only offenses. Although marijuana remains illegal for all other uses, this indicates a path forward for the state to decriminalize or legalize marijuana use, as other states have done. Despite the aforementioned follow-up legislation, Mississippi still had the highest incarceration rate in the United States at the end of 2021 (Carson 2022).

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*A goal of Mississippi's House Bill 585 was “to use corrections resources more effectively by redirecting prison-bound offenders whose criminal conduct is driven in part by drug and alcohol dependence to intensive supervision and clinical treatment available in the drug court.”*

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Using quantitative data from the Mississippi Department of Corrections (MDOC), publicly available data, and interviews with Mississippi stakeholders (see appendix A for a full description of our methodology), Urban assessed the impact of front-end drug policy changes made through H.B. 585. Accordingly, this analysis examines the following:

1. How frequently did justice system actors use front-end interventions and options for people who entered the Mississippi justice system for drug-related offenses before and after H.B. 585 went into effect?
2. How frequently were people sentenced to community supervision and incarceration for drug-related offenses before and after H.B. 585?

3. Did responses to supervision violations for people with drug-related offenses change after H.B. 585?
4. Did recidivism rates for people with drug-related offenses change after H.B. 585?

Quantitative analysis presented in the following sections explores how the front-end drug policy changes impacted incarceration, community supervision, and recidivism in Mississippi through 2021. Qualitative analysis from interviews with Mississippi stakeholders explores implementation successes and challenges implementing these reforms through 2022, including the perceived impact of COVID-19 on maintaining and implementing the reforms. Though we primarily used quantitative data to answer research question 4, we used both the qualitative work and the quantitative data analysis to answer research questions 1, 2, and 3.

## Methodology

This policy assessment relied on a review of public documents, interviews with stakeholders, and administrative data. Documents, policies, and reports were collected related to H.B. 585 and front-end responses to drug offenses. Stakeholders in Mississippi participated in interviews with project staff. The administrative data used in our analysis come from the MDOC and also included publicly available sources. A detailed overview of our data-collection approach, our analyses, and limitations to our study is available in appendix A.

## Findings

This section covers findings based primarily on the analysis of the MDOC administrative data and publicly available data related to arrests, sentencing, incarceration stays, supervision, and incarceration outcomes (such as revocations and recidivism), as well as additional qualitative findings. Key terms used throughout the rest of the report are defined in box 1.

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## BOX 1

### Key Terms

**Booking.** A booking can be considered a trip through incarceration or a probation term served by a person under MDOC jurisdiction. A person can have multiple MDOC statuses during one booking (e.g., new prisoner, postrelease probation, sentenced to probation).

**Drug-related sentences/offenses.** In this report, when we refer to drug-related sentences and offenses, we are referring to those associated with the offenses and penalties listed in the state's criminal code, Title 41, Chapter 29, Article 3. This is in line with the MDOC's definitions. Also, in line with the drug offense categorizations in the MDOC's annual reports, the main categories of drug offenses and sentences we include are drug possession, possession with intent to distribute, and commercial drug offenses (which include selling and manufacturing).

**Incarceration-based sentences.** Felony sentences awarded in Mississippi for drug offenses can include only a probation term, only a prison term, or a combination of both. We refer to the latter two types of sentences as incarceration-based sentences. Other types of sentences can be given for felony drug offenses in the state, but these three are the main ones that fall under MDOC jurisdiction.

**New sentenced offense (i.e., recidivism).** In this report, a recidivism event is a new felony offense for which a person was sentenced to serve under MDOC jurisdiction within one to four years of starting a community supervision sentence and/or leaving incarceration. Therefore, for calculating recidivism, we cannot include new misdemeanor offenses that a person might have committed and/or been sentenced for while serving felony probation or after serving a prison sentence under MDOC jurisdiction.

**Technical violation centers.** H.B. 585 created technical violation centers to hold people revoked from supervision for technical violations and provide a higher level of support services (e.g., substance use disorder treatment and employment preparation) (Warnberg and Olsen 2019).

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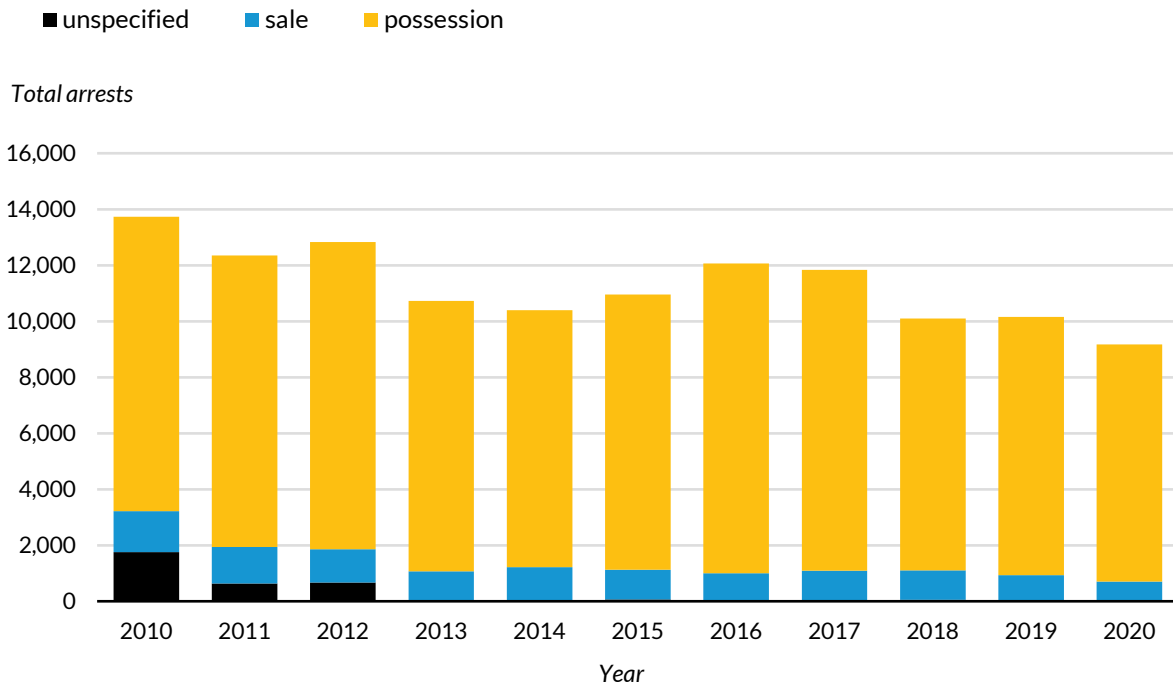
## Arrest Trends

Overall, drug-related arrests declined from 2012 through 2014 from around 13,000 to 10,000, then rose to around 12,000 by 2016 before declining again to around 10,000 by 2020 (figure 1).<sup>8</sup>

Throughout the study period, drug possession offenses accounted for at least three-fourths of all drug-related arrests reported in the state to the FBI's Uniform Crime Reporting Program, accounting for around 90 percent of drug-related arrests in multiple years.

FIGURE 1

Number of Drug-Related Arrests in Mississippi by Offense Type, 2010–2020



Source: Urban Institute analysis of data from the FBI Uniform Crime Reporting Program.

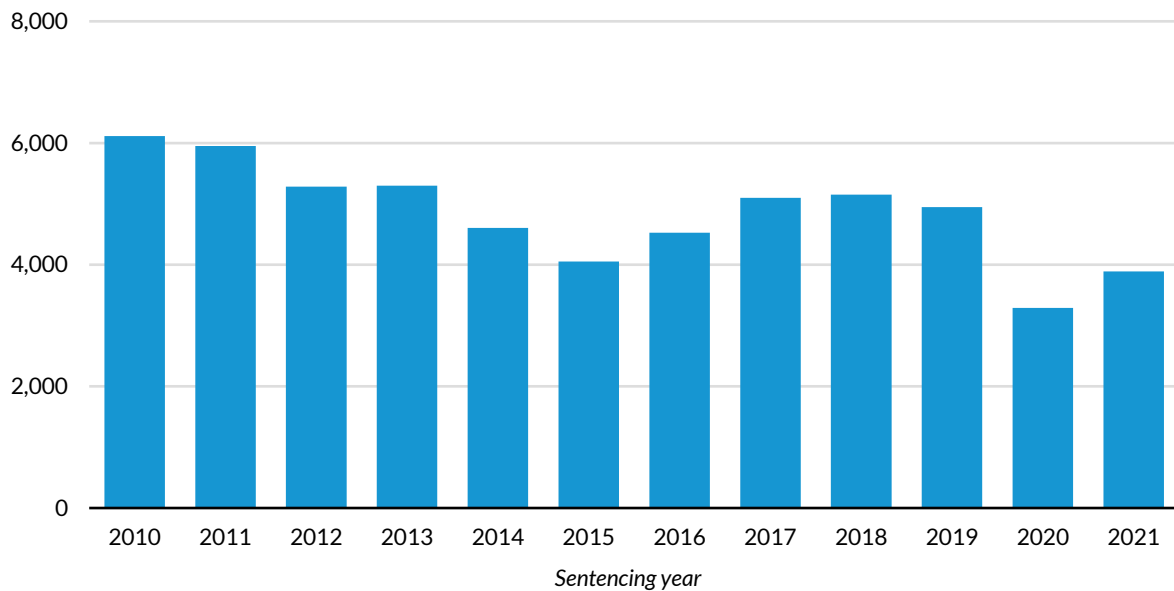
Note: For the study period, the Uniform Crime Reporting Program data include arrest data from at least 230 agencies in Mississippi, though there is still likely some underreporting in this data.

## Sentencing Trends

Total annual sentences with any drug-related offenses trended downward from 2010 through 2015, then trended upward from 2016 through 2019 before dropping in 2020 and 2021 (figure 2). The total number of drug offenses associated with sentences handed out each year followed a similar trend. From a total of roughly 6,000 drug-related sentences in 2010, the total number of sentences dropped to just below 4,000 by 2021. The tallies for 2015 and 2021, however, were largely similar.

FIGURE 2

Total Annual Sentences with Drug Offenses in Mississippi, 2010–2021

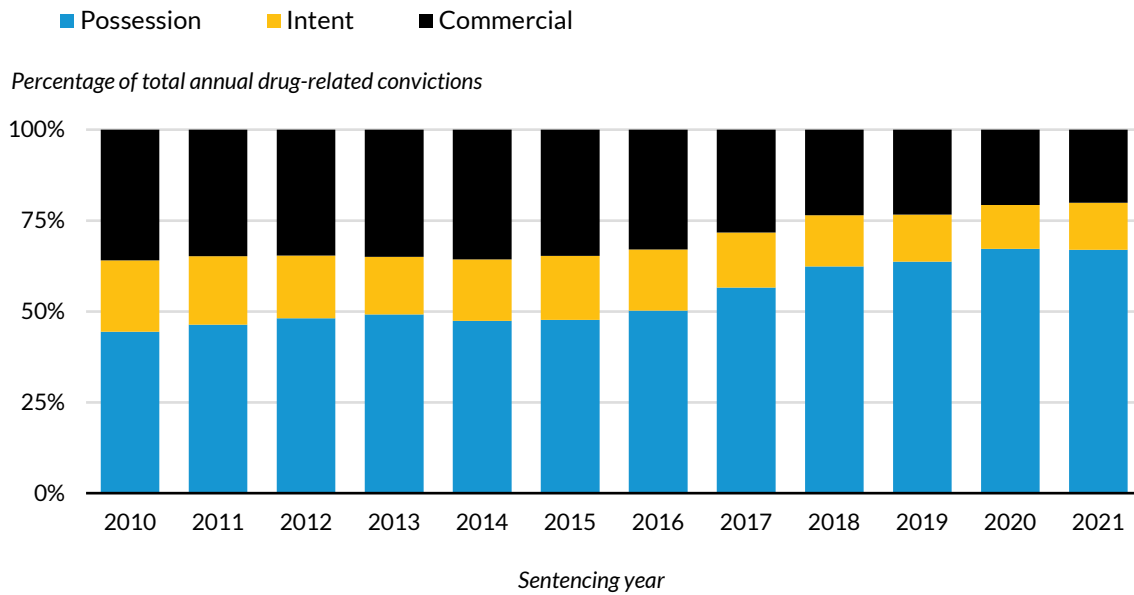


Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Examining the breakdown of drug offenses associated with sentences handed out each year, for the three main drug offense categories—drug possession, possession with intent to sell (i.e., intent), and commercial drug offenses (i.e., selling and manufacturing)<sup>9</sup>—the share accounted for by drug possession offenses rose steadily in the post-H.B. 585 period (from 50 percent of all annual drug sentences in 2015 to 65 percent in 2020; figure 3). During the same period, the share of all drug-related sentences that had commercial offenses fell from one-third to around one-fifth.

FIGURE 3

Annual Drug-Related Convictions in Mississippi by Offense Type, 2010–2021

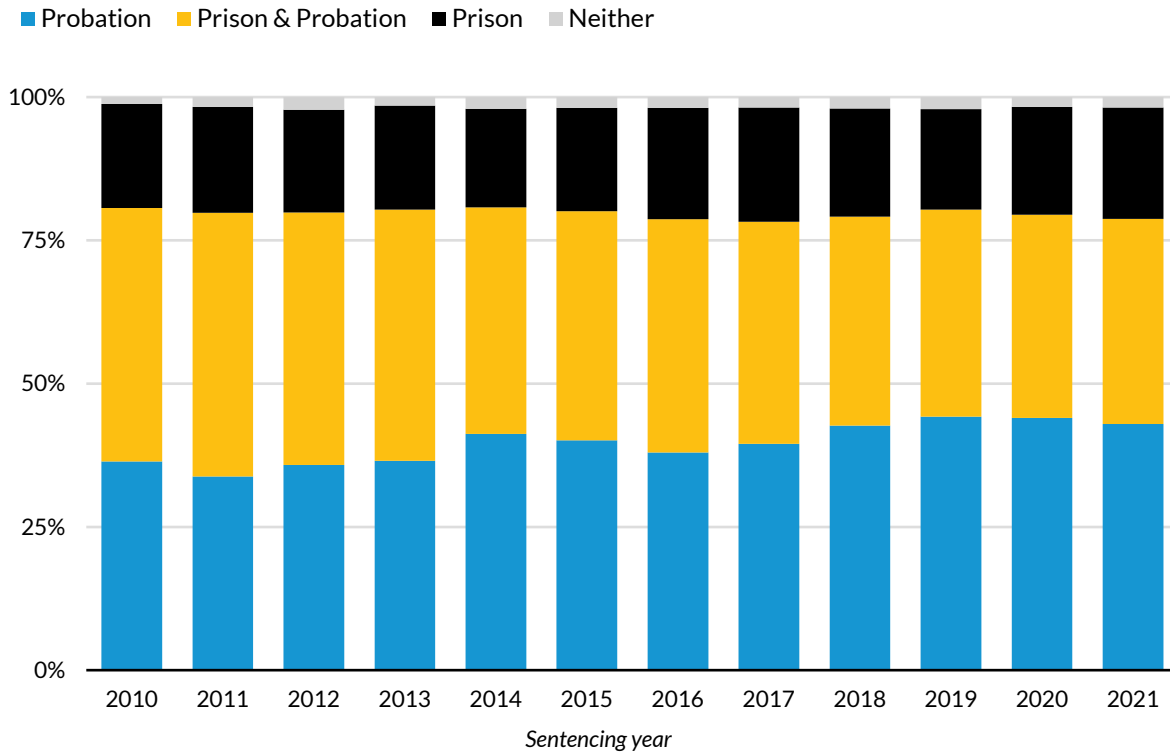


Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

In terms of the types of sentences that were being given for drug offenses, though there was a slight shift away from incarceration-based sentences in the postreform period, they still accounted for just over half of all drug-related sentences (figure 4). The share of all drug-related sentences that entailed only probation terms was slightly higher in the postreform period (around 40 percent, compared with 35 percent in the prereform period), and the share of sentences with both prison and probation terms in that period was slightly lower (around 35 percent, compared with 40 percent in the prereform period). The share of all drug-related sentences that received only a prison term stayed constant (around 20 percent) throughout the study period.

FIGURE 4

Total Sentences for Drug Offenses in Mississippi by Sentence Type, 2010–2021



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

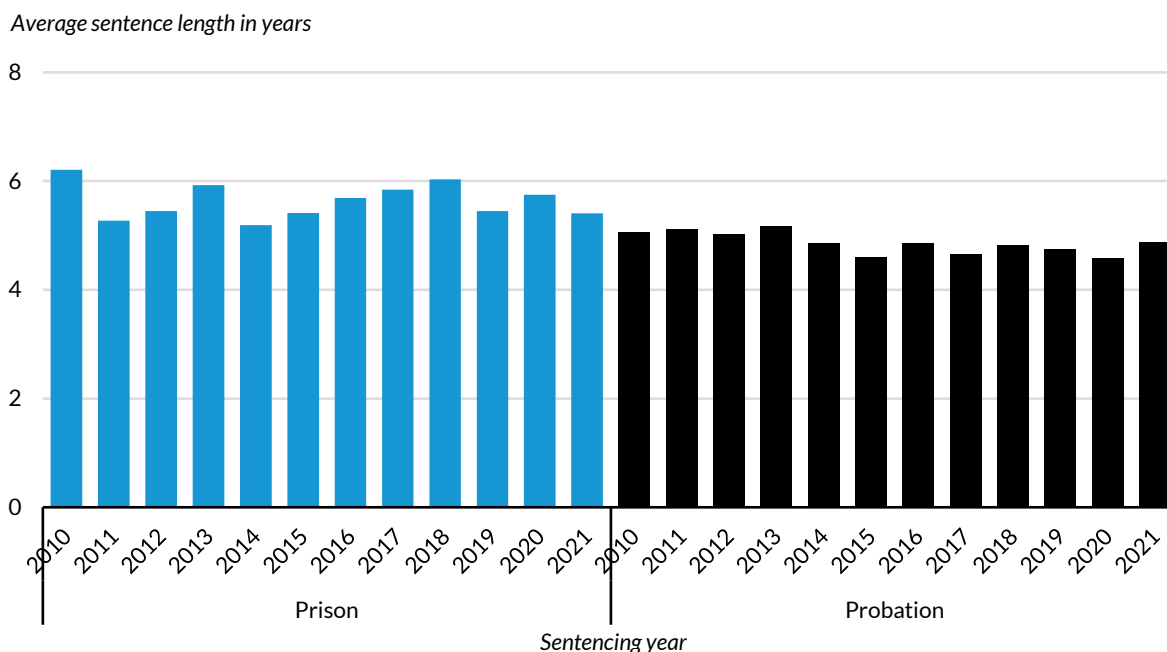
Note: The “neither” category indicates that the sentence was either suspended or only included a house arrest term.

The average prison and probation sentence lengths for drug offenses were around 5–6 years during the study period, though there was a marginal decrease in the length of probation-only sentences in the postreform period. After being slightly above 4 years during the 2010–2013 period, the average probation-only sentence length dipped slightly under 4 years postreform and remained stable thereafter (data not shown). On the other hand, the average prison-only sentence increased to around 7 years during the 2015–2018 period before declining by about 1 year in 2019 (data not shown). For split sentences, the average prison sentence length also increased by almost 1 year to 6 years from 2014 through 2018, while the length of probation terms for split sentences hovered around 5 years during this period, thereby making these sentences last over a decade on average (figure 5).



FIGURE 5

**Average Length of Sentences Involving Prison and Probation for Drug Offenses in Mississippi, 2010–2021**



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

We also examined the likelihood of people getting sentenced to prison for drug-related offenses (via prison-only sentences and sentences entailing both prison and probation terms) using a logistic regression. It showed that the likelihood of getting a prison sentence was lower overall postreform after controlling for demographic characteristics and the types and quantity of offenses. When looking at these control variables, the likelihood of receiving a prison sentence was higher for Black people, males, and people sentenced to possession with intent to distribute and drug-selling offenses (see appendix A). Relatedly, we used a linear regression analysis to examine prison sentence lengths and found that the average prison sentence length was four months longer postreform. When examining the control variables, we found that Black people, males, and people sentenced for possession with intent to distribute and selling offenses received longer prison sentences on average postreform (see appendix A).

We also used linear regression to examine probation sentence lengths (for sentences that entailed only probation as well as those entailing both prison and probation terms). We found that probation sentence lengths were nearly six months shorter postreform and that people sentenced for possession

with intent to distribute and drug-selling offenses were likelier to get longer probation sentences (see appendix A).

Further, we examined whether the sentencing trends varied by demographic characteristics, including race and sex, and by court district to understand potential differences in the implementation of the state's front-end reforms (box 2).

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## BOX 2

### Variation in Outcomes by Judicial District

We found significant variation in sentencing outcomes for drug offenses across Mississippi, particularly based on judicial district. Of the judicial districts with the larger numbers of drug sentences in the postreform period (13 districts had at least 500 cases in the postreform period), Districts 14 and 20 had the highest shares of prison-based drug sentences: 78 percent of all sentences (536 sentences total) involved prison only and 81 percent (1,397 sentences total) involved prison and probation. The average prison sentence length for drug offenses across districts varied significantly in the postreform period as well, ranging from 4.3 years (District 23) to 9.5 years (District 20). Though the average probation sentence length varied slightly less in this period, ranging from 5.5 years (District 17) to 2.6 years (District 18), there was substantial variation in the extent to which probation sentences were used to respond to drug convictions: in District 3, 93 percent of all cases (1,938 sentences) in the postreform period had a probation sentence, whereas in District 8, only 33 percent of cases had a probation sentence (145 sentences). Moreover, many stakeholders we interviewed remarked that H.B. 585 implementation varied significantly across the state.

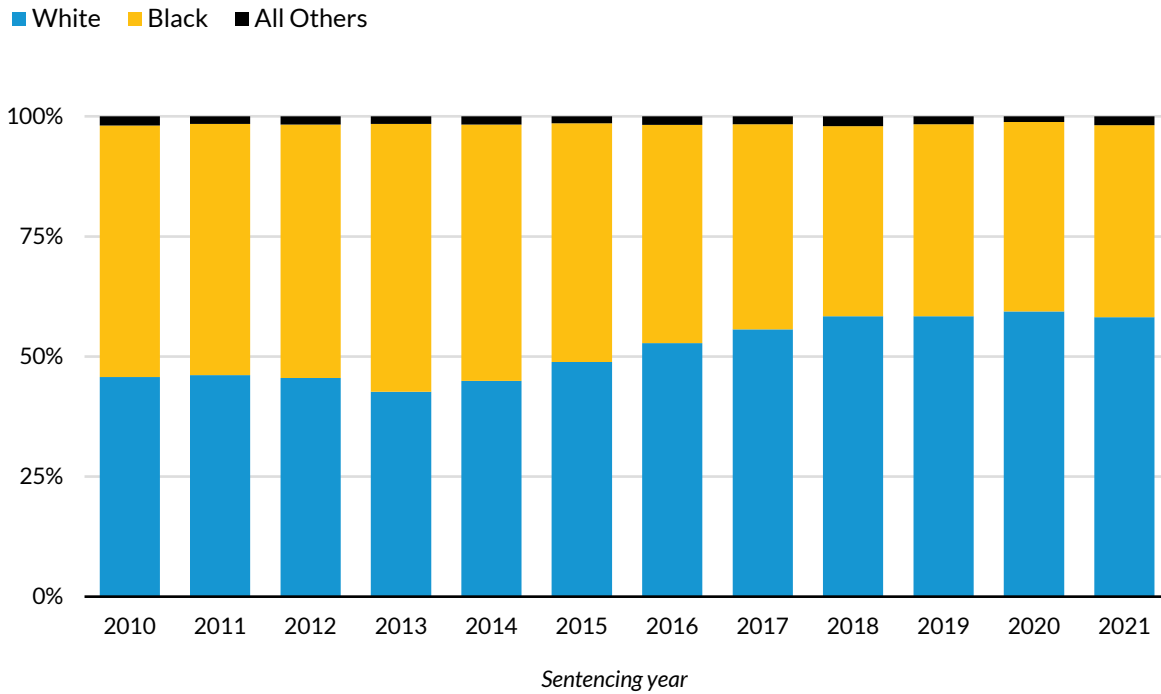
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## SENTENCING TRENDS BY RACE

Of people sentenced for drug offenses, the share who were Black fell consistently from 2013 through 2018, from around 55 percent to 40 percent (figure 6). The racial composition of this cohort stayed stable after 2018 and was in line with that of the state's adult population; per the 2020 Census, Black people accounted for 37 percent of the state's adult population, whereas white people accounted for 56 percent.

FIGURE 6

Shares of People Sentenced for Drug Offenses in Mississippi by Race, 2010–2021

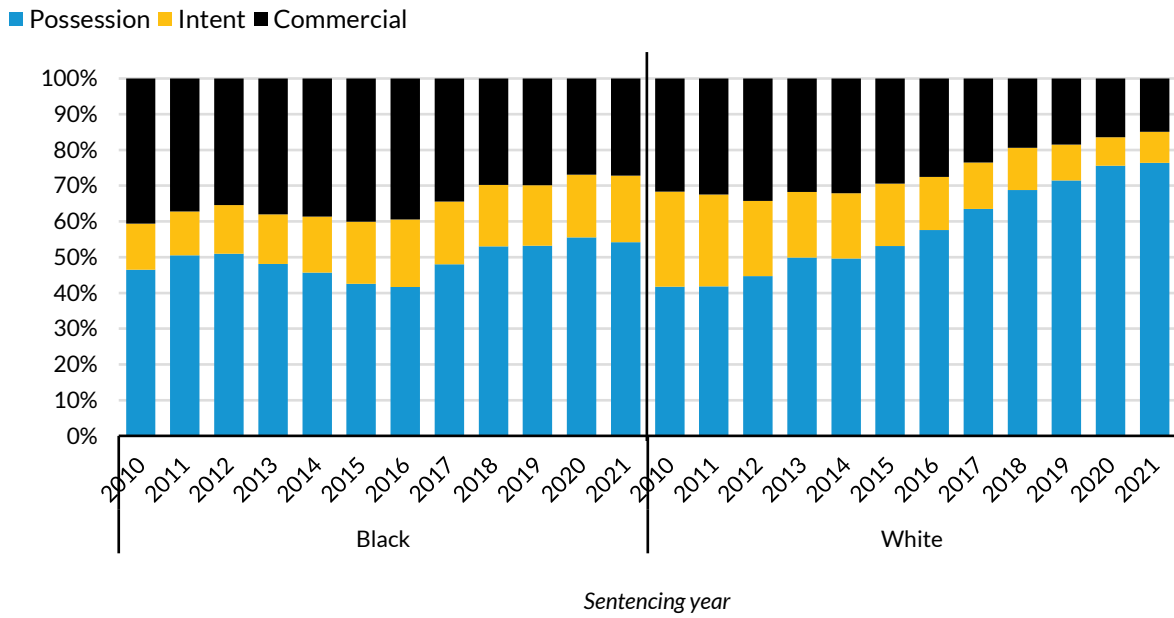


Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

There were, however, differences between Black and white people in the types of drug offenses they were sentenced for. Whereas the share of drug-related sentences given to white people that included a drug possession offense increased sharply and consistently in the postreform period (from just over 50 percent or 1,224 offenses in 2015 to 75 percent or 1,995 offenses in 2021), the increase in the share of sentences given to Black people that included a drug possession offense was much lower and also less consistent (though, the total number of offenses associated with drug possession sentences for Black people remained stable during this period at around 1,040). Therefore, for Black people, possession with intent to distribute and commercial drug offenses accounted for a greater share of all drug-related offenses associated with sentences in the postreform period than for white people (figure 7).

FIGURE 7

Types of Drug-Related Offenses Associated with Sentences by Year

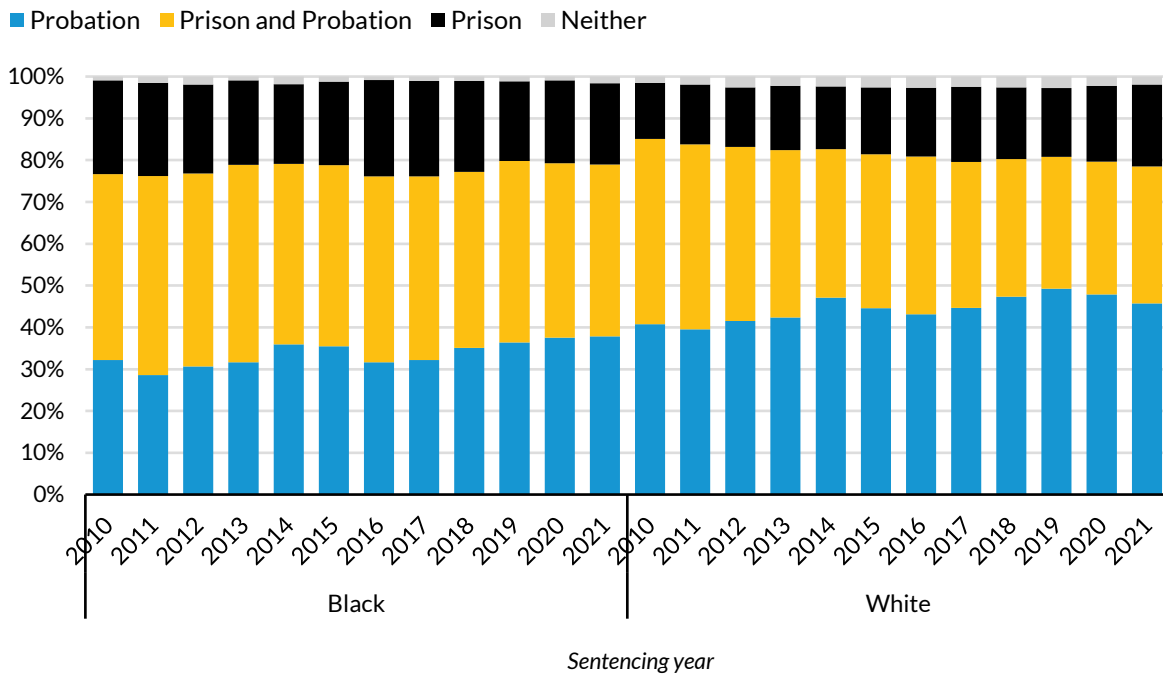


Source: Urban Institute analysis of data from Mississippi Department of Corrections.

Compared with white people, Black people received incarceration-based sentences (sentences involving prison only and sentences involving probation and prison) at a higher rate for drug offenses during the study period, partly because a larger share of Black people was being sentenced for the more serious drug offenses. Though the share of all drug-related sentences given to Black people that included only probation terms increased in the postreform period, it hovered around 30 to 35 percent, whereas the corresponding range for drug-related sentences received by white people was 40 to 50 percent (figure 8). But the share of all drug-related sentences that included only a prison term given to either group in the postreform period was similar (around 20 percent).

FIGURE 8

Total Sentences for Drug Offenses by Sentence Type and Race, 2010–2021



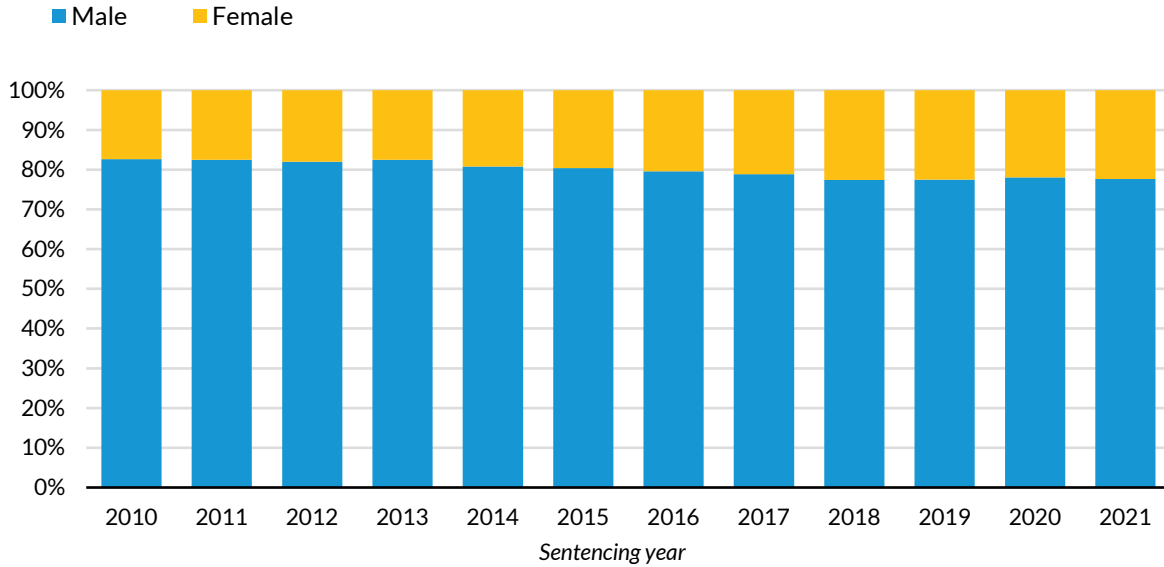
Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

SENTENCING TRENDS BY SEX

In the years after H.B. 585, females accounted for slightly larger shares (almost 25 percent) of people sentenced for drug-related offenses than they did before H.B. 585, though males still accounted for a large (and disproportionate) majority (figure 9).

FIGURE 9

Share of Sentences for Drug Offenses in Mississippi by Sex, 2010–2021



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

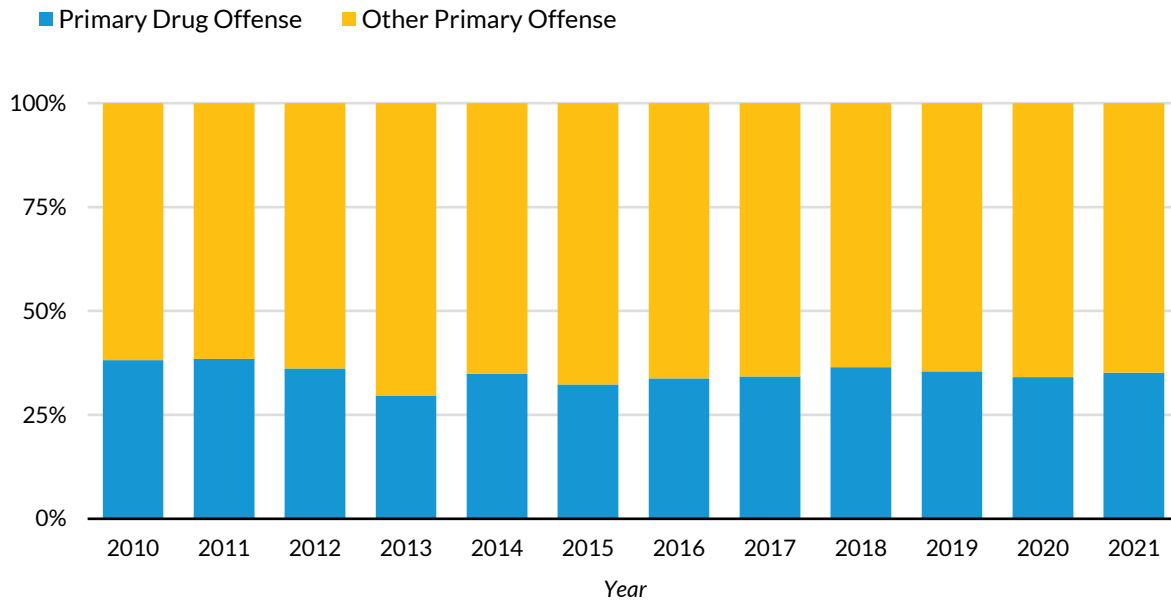
## Characteristics of Incarceration and Supervision Terms for Drug-Related Offenses

### INCARCERATION STAYS

During the study period, about a third of all prison admissions to the MDOC had a drug offense as the most serious offense (figure 10). Annual drug-related bookings followed a pattern very similar to overall drug sentences (see figure 2): bookings followed a decreasing trend from 2010 to 2015, then trended higher from 2016 to 2019 before falling in 2020 and 2021.

FIGURE 10

Share of Annual MDOC Admissions for Which a Drug Offense Was the Primary Offense, 2010–2021



Source: MDOC annual reports.

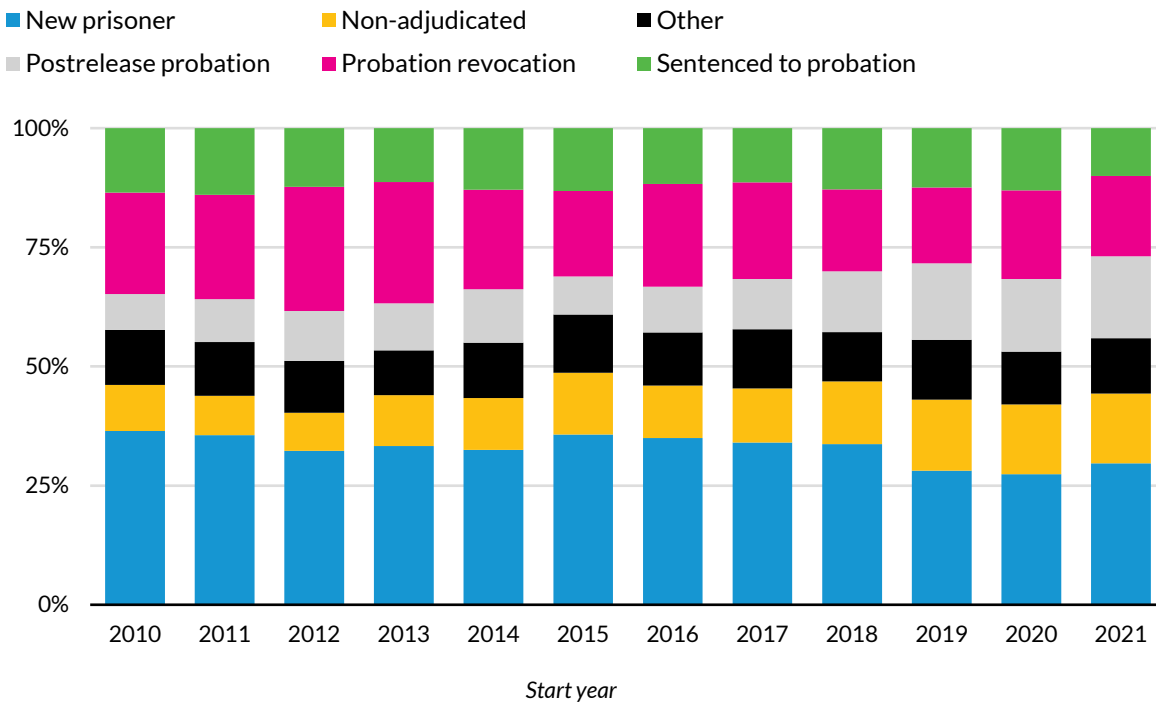
Note: MDOC = Mississippi Department of Corrections.

ADMISSION TYPES FOR DRUG-RELATED OFFENSES

After being sentenced to the MDOC, people can begin their booking (or term) with the MDOC on a variety of admission or status types. We examine the most common first admission or status types, including new prison admission (or “new prisoner”), non-adjudicated probation, postrelease probation, probation revocation, and directly “sentenced to probation.” The share of drug-related bookings starting in a given year with postrelease probation as the first MDOC status increased in the years immediately after H.B. 585, whereas the shares accounted for by the “new prisoner” and “sentenced to probation” status types stayed relatively stable. The largest single category of first admission types across all years in the study period was “new prisoner” (figure 11).

FIGURE 11

MDOC Bookings by First Admission Type, 2010–2021



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Notes: MDOC = Mississippi Department of Corrections. We use the first MDOC admission type because we have the most reliable data on it; the start year is the earliest year associated with a drug-related booking (there can be multiple start years within a booking, because people could be serving multiple terms within a booking).

Looking at MDOC status types beyond the first admission type, for all bookings with drug offenses starting in a given year, the trends are similar to those for first admission type. Across all years in the study period, of all the drug-related bookings, the share that had any statuses for incarceration in prison at some point hovered close to half, and those with any probation statuses hovered between 10 and 15 percent. The share of bookings starting each year that got on parole status increased in the years immediately after H.B. 585 (from 38 percent to close to 50 percent).

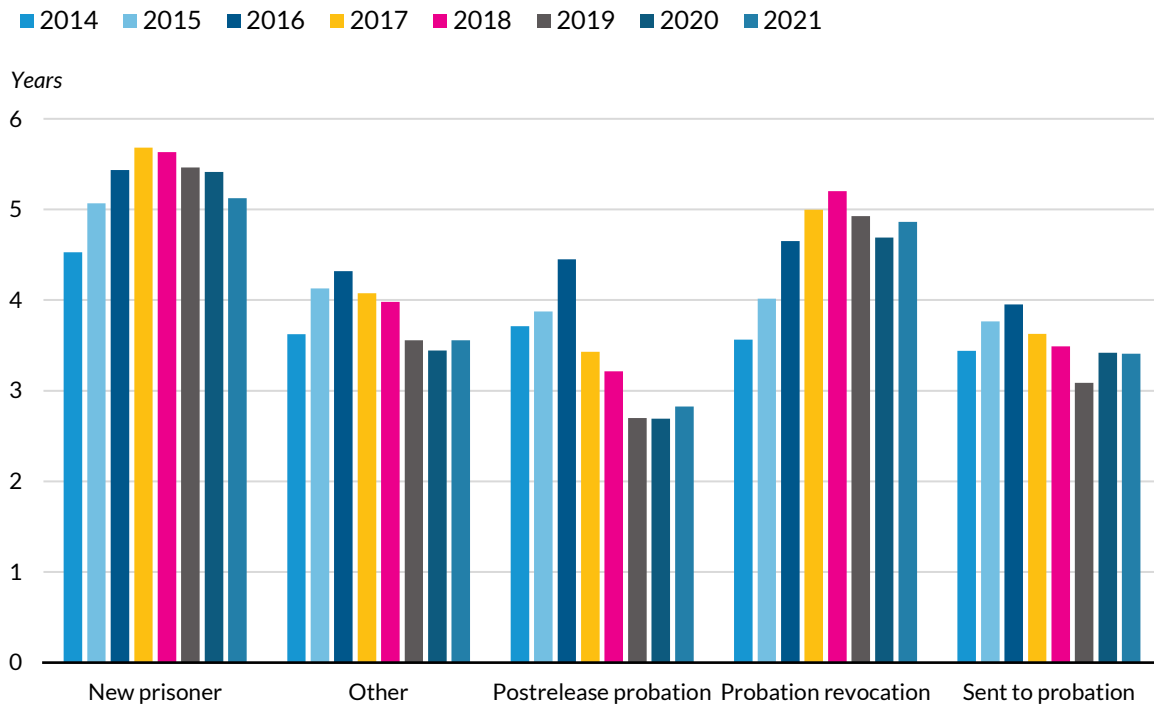
### Length of Time under MDOC Jurisdiction

Overall, in the postreform period, bookings for which the first admission type was “new prisoner” or probation revocation had the most time (including time in prison and on supervision) under MDOC jurisdiction (figure 12). The average amount of time served for both admission types hovered close to five years in the years immediately after H.B. 585.



FIGURE 12

Length of Time in MDOC Custody by First Admission Type, 2014–2021



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Notes: MDOC = Mississippi Department of Corrections. We use the first MDOC admission type because we have the most reliable data on it; the start year is the earliest year associated with a drug-related booking (there can be multiple start years within a booking, because people could be serving multiple terms within a booking).

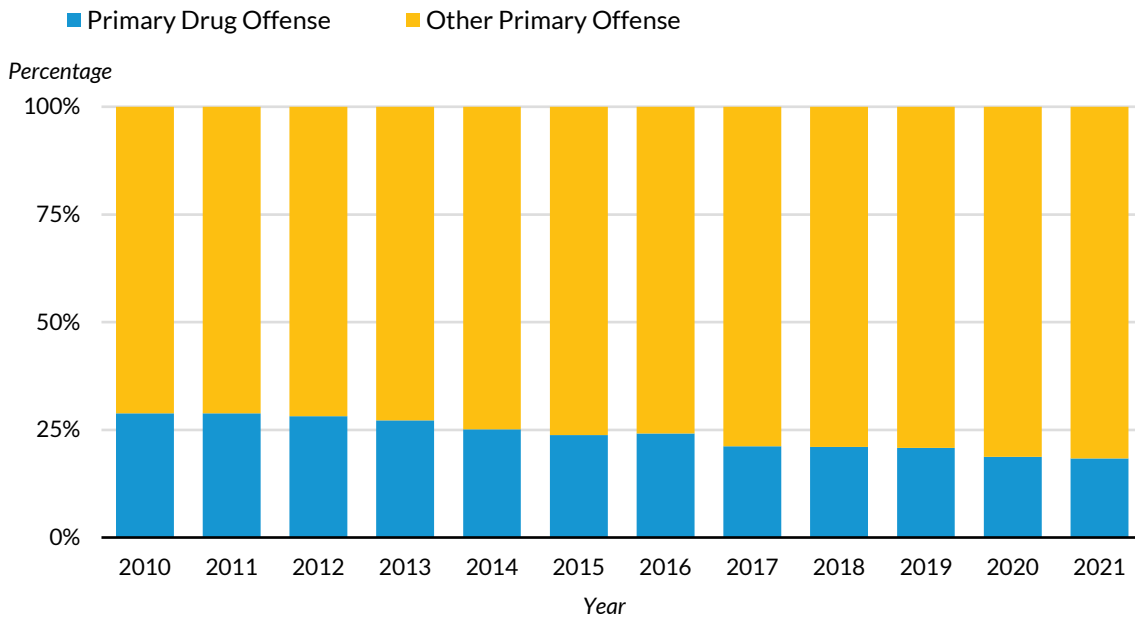
## Impact on the Size of the Population in Prison and on Community Supervision

### INCARCERATION STARTS

The share of the MDOC prison population that had a primary drug offense was on a declining trend during the study period (figure 13). From 2014 to 2019, this share fell from around 25 percent to 20 percent. This aligns with the declining trend in the total number of people in the annual MDOC population who had a primary drug offense, which fell from 7,000 in 2010 to 5,000 by 2014 to around 4,000 by 2019 (figure 14).

FIGURE 13

Share of the MDOC Population with a Primary Drug Offense, 2010–2021



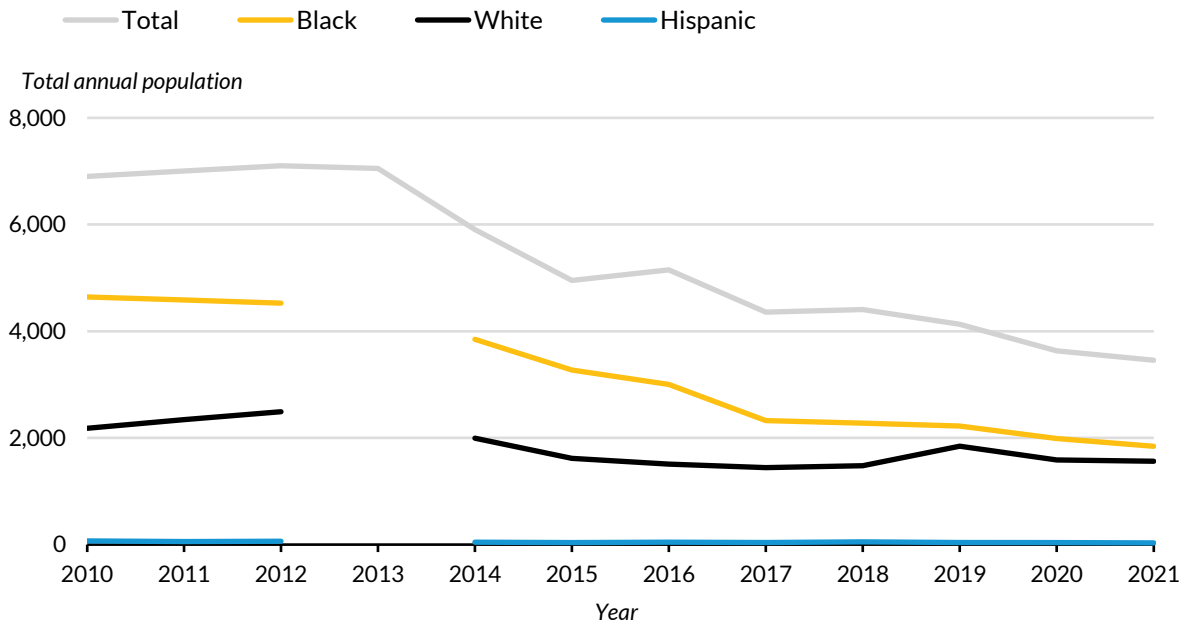
Source: MDOC annual reports.

Note: MDOC = Mississippi Department of Corrections.

This overall decline in the share of people in MDOC custody with a primary drug offense was driven by a decline in the number of Black people serving primary drug terms under MDOC jurisdiction (from around 4,000 in 2014 to just over 2,000 in 2019), even as the number of white people stayed relatively stable (around 2,000 people in both 2014 and 2019) (figure 14).

FIGURE 14

Annual MDOC Population with Primary Drug Offense, Overall by Race/Ethnicity, 2010–2021



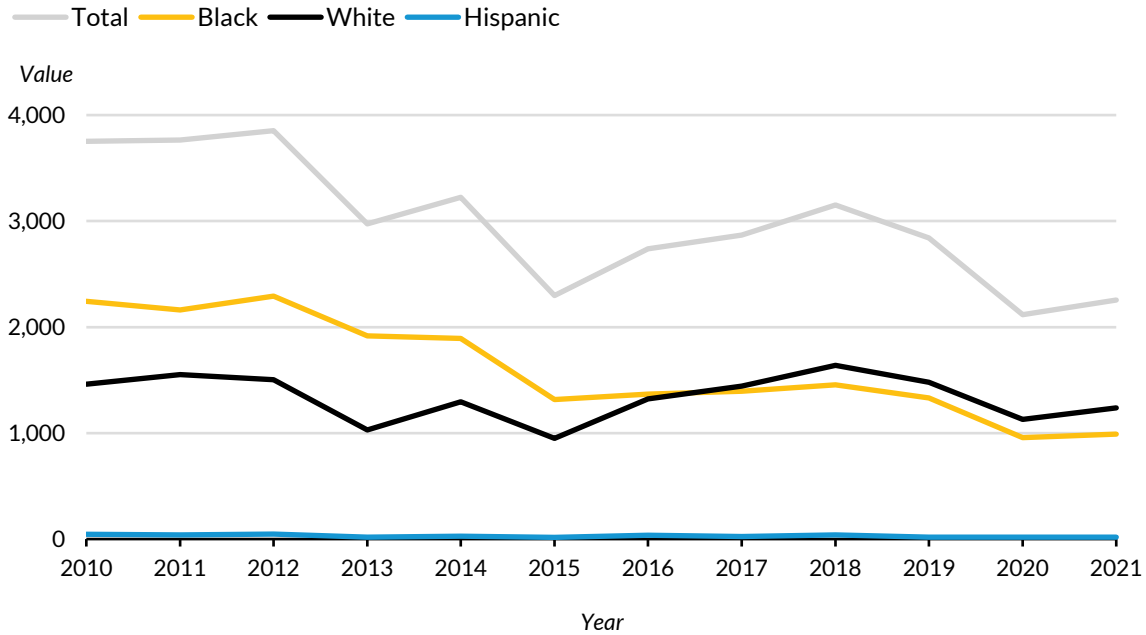
Source: MDOC annual reports.

Notes: MDOC = Mississippi Department of Corrections. The 2013 MDOC annual report does not break down data on the number of people with primary drug offenses by race/ethnicity.

Trends in annual MDOC prison admissions for drug offenses largely mirrored those in overall MDOC admissions and in sentencing for drug offenses (as shown in figure 2): admissions decreased from 2011 to 2015, then increased from 2015 to 2018, before decreasing again beginning in 2018 (the tallies for 2015 and 2019 were fairly similar). Admissions for drug offenses for Black people, however, decreased nearly each year from 2012 to 2021 (figure 15). The increase in overall drug-related MDOC admissions from 2015 through 2018 was driven largely by white people and drug possession admissions.

FIGURE 15

Annual MDOC Admissions with Primary Drug Offenses, Overall and by Race/Ethnicity, 2010–2021



Source: MDOC annual reports.

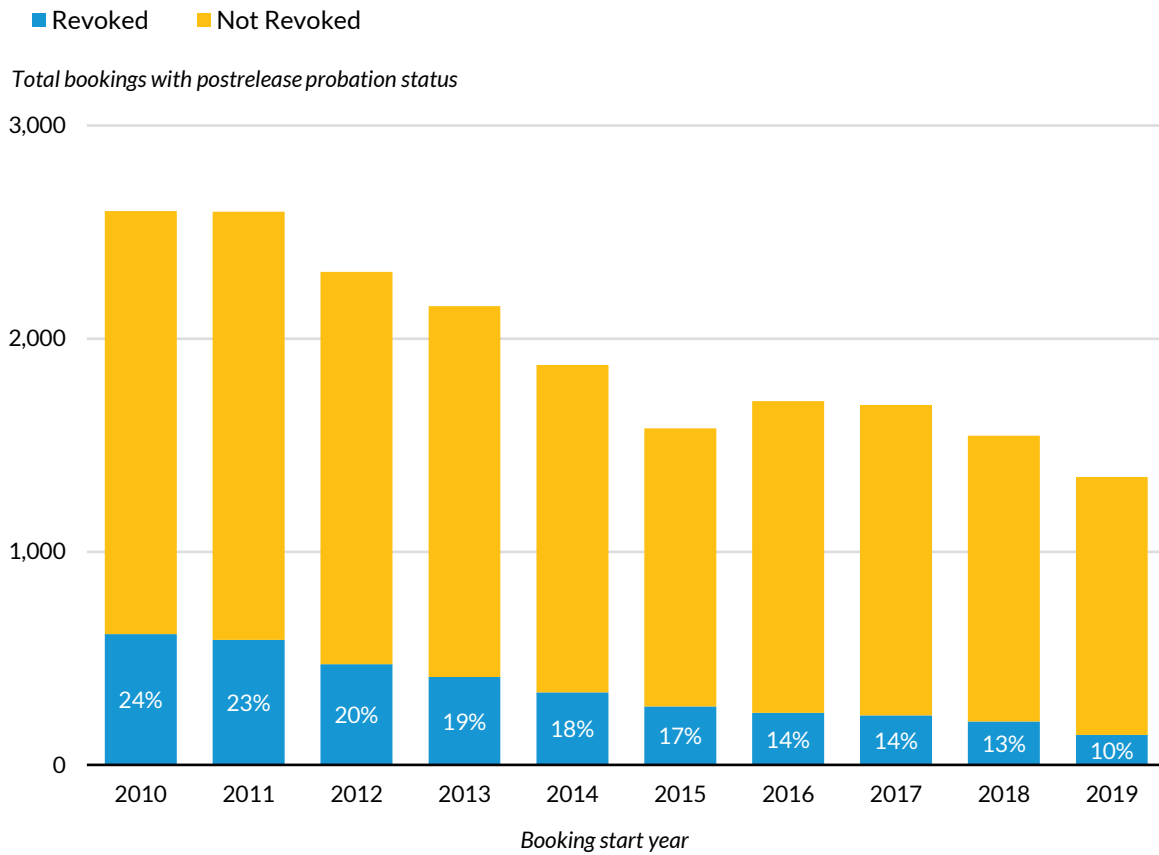
Note: MDOC = Mississippi Department of Corrections.

### INCARCERATION AND SUPERVISION OUTCOMES (INCLUDING REVOCATIONS AND RECIDIVISM)

The revocation rates for people on postrelease probation decreased marginally in the years immediately after H.B. 585. The number of bookings that had a postrelease probation status at any point fell from 2012 to 2015 before stabilizing around 1,800 annual bookings. During this period, the revocation rate for such bookings also dropped from 18–20 percent during the 2012–2014 period to 14–17 percent during the 2015–2017 period; starting in the latter period, there were about 250 bookings involving revocations a year (figure 16). The revocation rate among Black people was consistently at least 3 percentage points lower than that for white people from 2013 to 2017.

FIGURE 16

Annual MDOC Drug-Related Bookings with Postrelease Probation by Revocation Status, 2010–2019



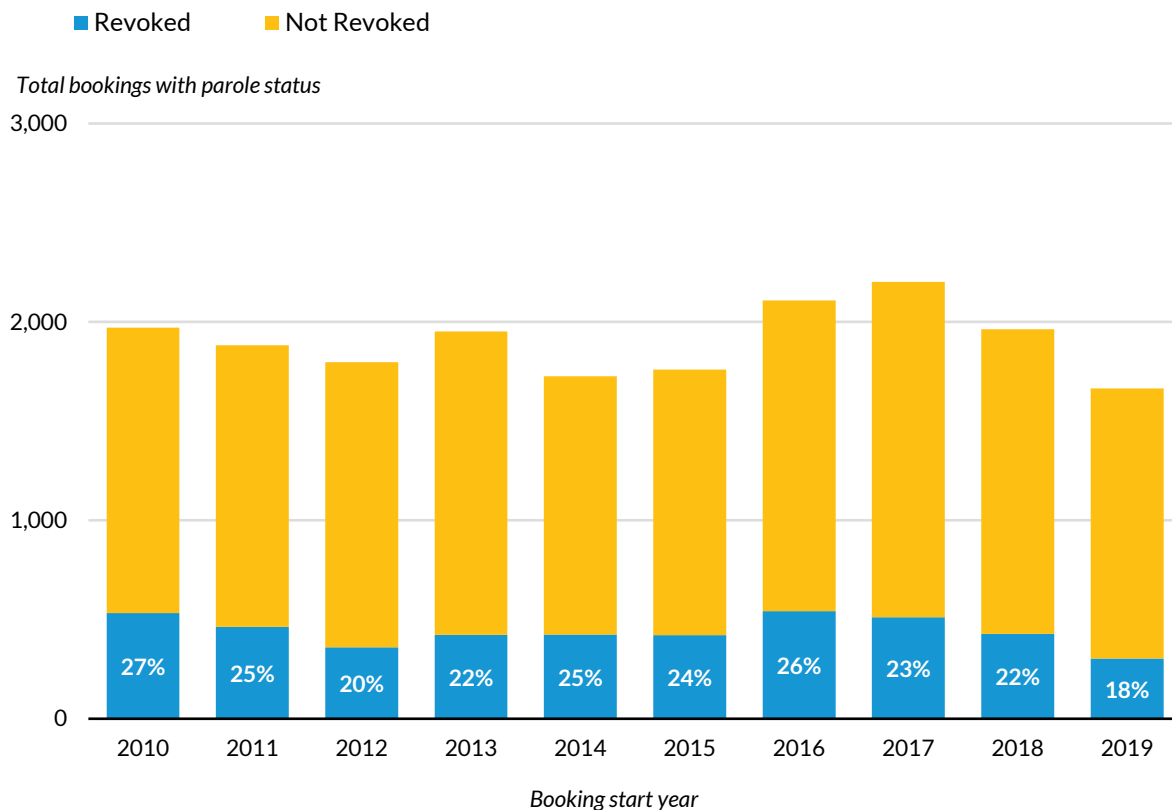
Source: Urban Institute analysis of data from Mississippi Department of Corrections.

Notes: MDOC = Mississippi Department of Corrections. The percentages are the percentages of annual bookings with postrelease probation which included a revocation.

The revocation rate for people on parole stayed relatively stable from 2011 to 2018, ranging from 20 to 25 percent. This was despite an increase from 1,950 to 2,300 in the total number of bookings that started in the years immediately after H.B. 585 and had a parole status (figure 17). Similar to the trends for people on postrelease probation, from 2012 to 2019, Black people with bookings that had at least one parole status had a revocation rate that was 2 to 5 percentage points lower than that for white people with bookings that had a parole status.

FIGURE 17

Annual MDOC Drug-Related Bookings with Parole by Revocation Status, 2010–2019



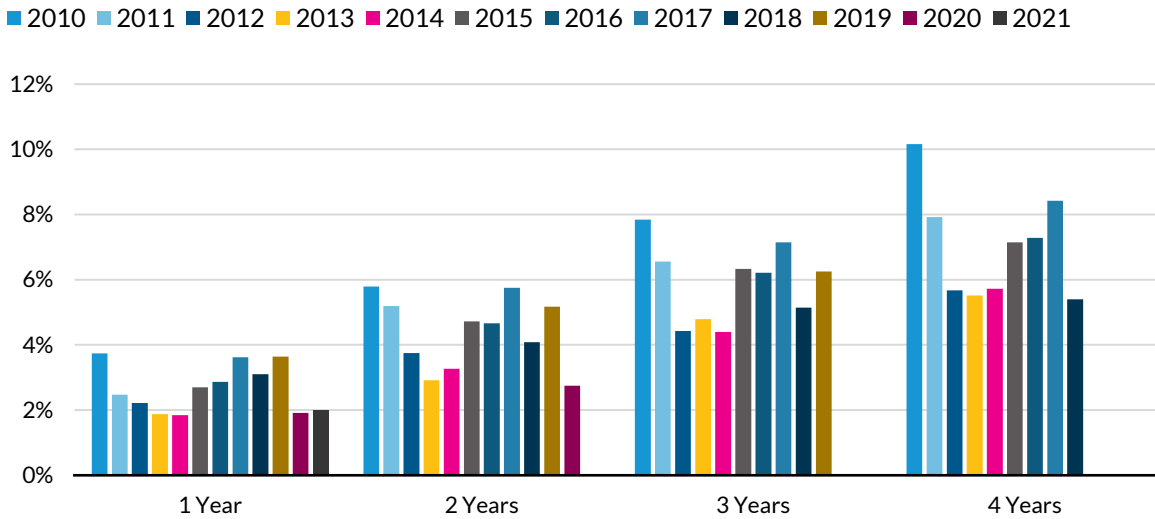
Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Notes: MDOC = Mississippi Department of Corrections. The percentages listed in this figure are the percentages of annual bookings with parole status which included a revocation.

After 2013, recidivism rates for people leaving incarceration declined, though they were still generally higher than the rates for people beginning probation or postrelease supervision terms under MDOC jurisdiction. We defined recidivism as the rate of receiving a new sentenced offense<sup>10</sup> within one to four years of either beginning a probation or postrelease probation booking or finishing an incarceration term under MDOC jurisdiction (on either the “new prisoner” or probation revocation status). For people on probation or postrelease probation, recidivism rates, though still low, increased slightly from 2014 to 2017 such that for people starting in 2016, 6 percent were resentenced to a new offense with MDOC within three years (figure 18). People leaving incarceration in 2016, for instance, were sentenced to the MDOC for a new offense within three years at a rate of about 6 percent (figure 19).

FIGURE 18

Rates at Which People Were Sentenced for New Offenses within One to Four Years of Starting Drug-Related Probation Bookings in the MDOC, 2010–2021

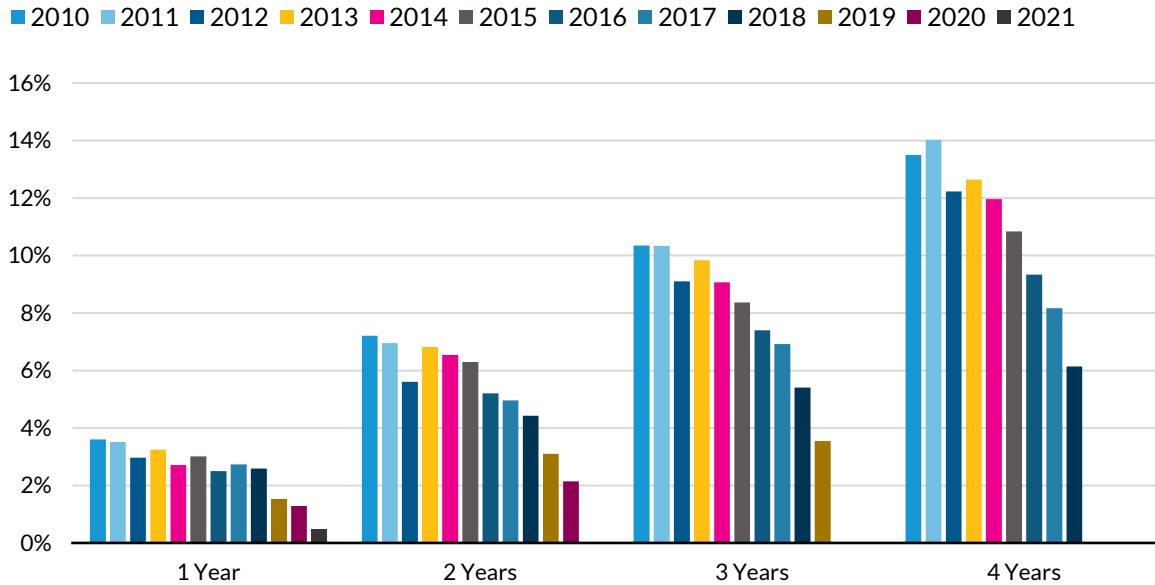


Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Note: MDOC = Mississippi Department of Corrections.

FIGURE 19

Rates at Which People Were Sentenced for New Offenses within One to Four Years of Starting Drug-Related Prison Bookings in the MDOC, 2010–2021



Source: Urban Institute analysis of data from the Mississippi Department of Corrections.

Note: MDOC = Mississippi Department of Corrections.

## Additional Findings

### IMPACT OF THE COVID-19 PANDEMIC ON IMPLEMENTATION AND OUTCOMES

During the COVID-19 pandemic, Mississippi saw a decrease in the number of people sentenced to incarceration for certain nonviolent drug offenses because of concerns about the spread of COVID-19 and the ability to control the virus in carceral settings. But as in many other states, arrests and incarceration of people for drug charges in Mississippi increased again after the early stages of the COVID-19 pandemic. According to interviewees, during the pandemic, the limited programming in technical violation centers, set up as part of Mississippi's JRI process, was reduced or eliminated because of staffing shortages and limited funding. Stakeholders reported that despite the decline in court admissions, drug courts still ran mostly the same way during the COVID-19 pandemic, apart from being conducted virtually. According to interviewees, any changes made in light of COVID-19 appear to have been temporary.

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*What the COVID pandemic has done is it's created a backlog in the court system... There is definitely a backlog of people needing to get placed on different court programs. – Judge*

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### IMPLICATIONS FOR CRIMINAL LEGAL SYSTEM COSTS

Interviewees generally believed that H.B. 585 had the potential to provide overall cost-savings for Mississippi. Stakeholders hoped the money saved on incarceration costs would be reinvested in diversion programs like drug courts; they were unaware, however, of how that was being calculated and implemented at the state level. One person went farther to say that, though there were savings in the sense that there were averted costs, they were not systematically tied to reinvestments.

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*They saved on averted projected incarceration costs that they were going to accrue if they did not implement some of these [H.B. 585] provisions. –Criminal justice stakeholder*

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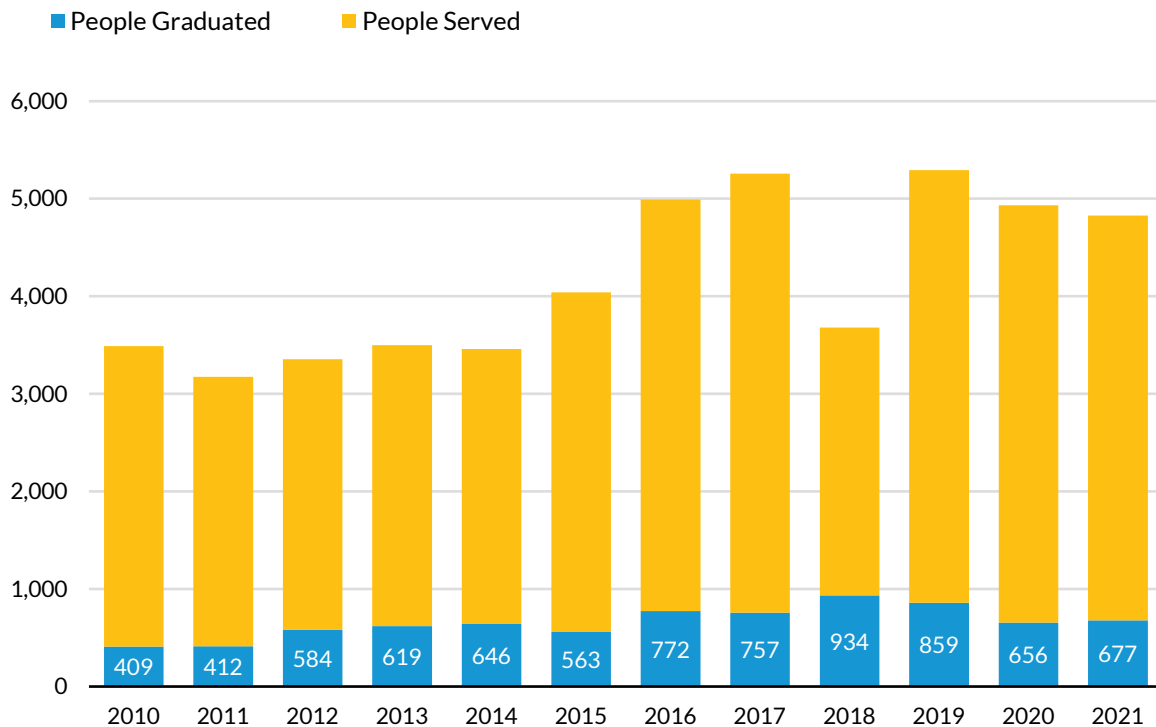


## CHANGES TO THE USE OF SPECIALTY COURTS

H.B. 585 provided arresting officers, prosecutors, and judges the discretion to divert people convicted of certain drug offenses to community supervision or technical violation centers. Our stakeholder interviews revealed that overall, there was more of a reticence to send people to jail for drug offenses, with many judges and advocates in the state calling for efforts to be made to move toward rehabilitation instead of punishment. According to the Administrative Office of Courts' annual reports, from 2011 to 2021, there were around 40 drug courts consistently operating in the state. Except in 2018, the number of people served by drug courts was significantly higher in the postreform period than the prereform period, with a graduation rate that hovered around 15 to 20 percent (figure 20). According to our analysis of the Mississippi AOC's annual reports, the total fees paid by drug court program participants in the postreform period were also higher, rising from around \$1.5 million in 2014 to just over \$2 million in 2021.

FIGURE 20

### Total Number of People Served and Graduating from Drug Courts in Mississippi, 2010–2021



Source: Mississippi Administrative Office of Courts annual reports.

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*I think [drug courts are] definitely saving money when you think about the amount of money it takes to incarcerate a person. And I think it's causing less harm. I'm definitely a proponent of harm reduction. It's better to allow people to stay with their families and support system to get their lives back on track. –Behavioral health service provider*

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Despite the increased participation, drug courts consistently faced financial constraints. One of the recommendations of the state's Justice Reinvestment Task Force was to fully fund juvenile and adult drug courts in the state; the task force cited the fact that since 2004, the drug courts had been funded by a \$10 assessment fee on traffic fees and that this funding mechanism had not been adjusted even as the number of drug courts operating in the state increased over threefold from 2004 to 2013.<sup>11</sup> One judge we interviewed corroborated this by remarking that the annual funding for their drug court had remained unchanged since 2005, leaving little funding to properly supervise and provide comprehensive treatment for participants.

Other people we interviewed also talked about the limited services and long program lengths for people enrolled in drug courts. Advocates across the state argued that the drug courts in Mississippi have failed to meet the mark and are missing some of the key evidence-based, treatment-oriented practices that set people up for success and that the discretion that judges have in managing their drug courts has led to worse outcomes for people in terms of relapse and recidivism. For example, medication-assisted treatment was brought up by several nonsystem stakeholders and service providers as an option for treating people with substance use disorder. Medication-assisted treatment is the use of medication, in combination with counseling and other therapeutic techniques, to provide a “whole patient” approach to the treatment of substance use disorders.<sup>12</sup> According to our interviews, medication-assisted treatment is not being used in any drug courts in Mississippi. Many people believed that opportunities for education about the benefits of this treatment should be provided for system-level stakeholders and that standards should be put in place, in line with those of the National Association of Drug Court Professionals.

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*Drug court is better than incarceration because it gives people the opportunity to get clean while staying in the community. Their charges are dismissed the majority of the time if they successfully complete it. It really is the best program they have to offer. —Judge*

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## **The Role of Judicial Discretion**

A key success of H.B. 585 in the eyes of many of the stakeholders we interviewed concerned the limiting of judicial discretion over sentencing. Across the board, stakeholders agreed that the JRI reforms had reduced sentencing disparities for drug-related crimes across the state.

Still, throughout implementation, Mississippi has experienced challenges related to front-end drug-related policy changes, particularly concerning the impact of judicial discretion between different districts and across the state. Many stakeholders shared a concern about the lack of consistent Administrative Office of Courts standards regarding how drug courts are run from one district to another (i.e., program length, individual fees, use of evidence-based interventions). System- and nonsystem stakeholders alike identified that judges' perceptions about addiction, the role of the justice system in rehabilitation, and a person's own self-determination played key roles in the implementation of the programs and in the participants' rates of success. Implementation of drug court programs is also a challenge because of limitations in funding and available community resources across districts, with some districts appearing better poised than others to provide wraparound services to people in the programs.

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*The circuit court judges have pretty vast sentencing authority, there's no guidelines like there are at the federal level and some of these other states... I've seen people charged with similar crimes and one guy gets 10 years in prison and one guy gets a drug court sentence.*  
—Mississippi criminal justice stakeholder

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## Takeaways

Our interviews revealed that although Mississippi has made progress through H.B. 585 in some areas (particularly in sentencing and expanding parole eligibility), it has a long way to go to comprehensively address the individual and systemic factors that result in drug use and drug-related arrests and incarceration. These perceptions from stakeholders are largely supported by the quantitative data we analyzed. Though there were some changes in outcomes for people with drug-related offenses in the Mississippi criminal legal system, the changes were limited, or were inconsistent since 2014.

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*I don't know of any other [methods of] diversion [from H.B. 585], other than the commitment to increase funding and oversight structure of intervention courts, including drugs, veterans courts, and mental health. —Public defender*

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Overall, the number of annual drug sentences trended downward with a slight shift away from incarceration-based sentences in the postreform period, though incarceration-based sentences still accounted for just over half of all drug-related sentences. From 2013 to 2020, drug-related arrests largely stayed the same. The share of people in prison who had a primary drug offense in Mississippi was on a declining trend from 2014 to 2019, when the share fell from around 25 percent to 20 percent.

This overall decline in the drug-related population in prison and on supervision was driven by a decline in the number of Black people serving primary drug terms under MDOC jurisdiction, even as the number white people serving these terms stayed relatively stable. The share of all annual drug sentences that Black people accounted for also declined such that in 2020, Black people accounted for a share of all drug sentences (nearly 40 percent) that was in line with their share of the state's adult population. But compared with white people, Black people received incarceration-based sentences at a higher rate for drug offenses throughout the study period, partly because a larger share of Black people was being sentenced for the more serious drug offenses. Our assessment did not reveal the root cause of the changes in racial disparities. As such, future research examining the reasons for these changes in Mississippi would be beneficial, especially since addressing racial and ethnic disparities in the criminal legal system was not an explicit aim of the state's JRI reform efforts.

These modest changes in post-H.B. 585 outcomes were largely reflected by the information that Mississippi stakeholders provided. They reported that implementation of many components of H.B. 585 varied across jurisdictions, in part based on individual actors (such as judges, district attorneys, and public defenders). H.B. 585 reduced some judicial discretion, but stakeholders reported that it did not impact sentencing decisions greatly, which the quantitative data support. Additionally, H.B. 585 expanded funding and use of drug courts, but again stakeholders reported variation in use of drug courts by jurisdiction, a general lack of funding, and a lack of understanding about the reinvestment mechanisms for any JRI savings; they largely noted that additional alternative programs or diversionary programs for people with substance use disorders were not made available by H.B. 585, and broadly speaking, there were limited options in Mississippi for this population.

Overall, almost a decade after H.B. 585 went into effect, stakeholders felt that implementation was the biggest challenge to reforming the criminal legal system's responses to people with substance use needs, even though there had been robust legislative follow-up efforts to build on the impetus provided by H.B. 585. As one statewide advocate said, "the bill is only as good as those who are implementing it." Many felt that H.B. 585 was helpful but limited in its overall scope, which is also largely supported by the quantitative data, which show some modest reductions in the numbers of drug-related sentences and people incarcerated for drug-related offenses; overall, though, many outcomes remained relatively similar pre- and postreform. Many of the same drug policy reform efforts that were identified in 2014 remain pressing in Mississippi to this day.

## Recommendations for Future Criminal Legal System Reforms in Mississippi

**Implement clear and consistent standards for drug courts across the board**, including on program length, treatment options, and fees. The variation in use of drug courts between districts means people may receive vastly different levels of care and penalties depending on their location. The Administrative Office of Courts can look to standards set by the National Association of Drug Court Professionals to standardize practices across the state.

**Promote evidence-based treatments** (e.g., medication-assisted treatment, cognitive behavioral therapy) for people in drug courts to create environments that are flexible and rehabilitative, not punitive.

**Expand alternatives to incarceration** for people with substance use disorders, such as law enforcement diversion programs or prosecutorial diversion programs. Research shows no relationship between drug incarceration rates and states' drug problems,<sup>13</sup> and although expanding alternatives to incarceration was a goal of H.B. 585, stakeholders said the state still needs more treatment options in the community and more paths for connecting people to treatment in lieu of punishment or incarceration.

**Consider further changes to drug sentencing statutes** to reduce sentence lengths and address disparities in sentencing outcomes across the state that are not based on the nature of the offense or what research indicates works to promote public safety outcomes.

**Collect data more consistently** on items such as supervision violations and responses to violations (such as administrative sanctions) and on programming provided to people while they serve terms under MDOC jurisdiction.

**Examine drivers of racial and ethnic disparities** to get a better sense both of the root causes of the decline in the number of Black people sentenced for drug-related offenses, and of why Black people are being sentenced at higher rates for the more serious drug-related offenses and are likelier to get incarceration-based sentences as part of wider efforts to address disproportionality in the criminal legal system.

**Examine drivers of supervision revocations to reduce returns to incarceration.** A much larger share of people on parole and postrelease probation with drug-related offenses is revoked than receives a sentence for a new offense. Additional research into why revocations are occurring could help Mississippi reduce the number of people returning to prison.

## Conclusion

Mississippi has made robust efforts to reform policies related to drug offenses, albeit with implementation challenges, over the past decade, beginning with its JRI efforts. These efforts have resulted in mixed outcomes and leave significant room for state-based stakeholders to improve on the work. Even as the total number of drug-related sentences has declined since H.B. 585 and disparities in drug-related sentences between Black and white people have marginally declined, incarceration-based sentences still make up over half of all annual drug-related sentences. This is despite the fact that the share of annual drug sentences that are for drug possession (as opposed to for possession with intent to distribute or commercial drug offenses) increased significantly in the postreform period.

People with primary drug offenses still accounted for a fifth of all people in prison in Mississippi in 2019, five years after H.B. 585 took effect. Even as probation sentences associated with drug offenses shortened marginally in the postreform period, prison sentence lengths actually increased.

Moving forward, Mississippi can use this analysis to inform future efforts to shorten drug-related sentences further, expand the use of alternatives to prison (such as drug courts) and make them more treatment-oriented, reduce its incarcerated population, and thereby improve overall public safety.

# Appendix A. Technical Appendix

This appendix documents the technical steps that supported this report. In the report, we use individual-level data on people sentenced for drug-related offenses in Mississippi, as well as data from public sources, a review of policy documents and interviews with stakeholders. In this appendix, we detail the data sources, methodology, and limitations in our data collection and analysis.

## Data Collection

This policy assessment relied on public documents, interviews with stakeholders, and administrative data. Documents, policies, and reports were collected related to H.B. 585 and front-end responses to drug offenses. Stakeholders in Mississippi participated in interviews with project staff. The administrative data used in our analysis come from the Mississippi Department of Corrections (MDOC) and from publicly available sources.

### Policy Documents

For the qualitative assessment, the authors reviewed Mississippi state statutes to understand the details of the legislative policies as written in H.B. 585, in addition to any other related statutes. In addition, we reviewed agency-level policies related to drug offenses as well as publicly available data reports and qualitative reports on reform efforts in the state.

### Interview Data

Informed by the statutory and policy review, we developed interview guides that were used for the stakeholder groups participating in virtual interviews individually or in small groups of two to three people. The variation in group size was driven by people's availability to participate and their schedules. The interview guide was tailored for individual stakeholder groups: judges, public defenders, corrections officials including those from the MDOC, people with lived experience, and mental health professionals. We conducted 11 formal interviews to contextualize our quantitative findings and to help us further understand the implementation, use, and perceptions of the policy reforms in H.B. 585. Interviewees included people working at the state level (including on committees such as the Corrections and Justice Reinvestment Task Force and the state's intervention court advisory committee) and people from specific regions and judicial districts across the state. In addition to formal



interviews, we had approximately 10 informal conversations in the early stages of the assessment work to gather background context to inform future data-collection efforts.

## **Administrative Data**

The research team received individual-level, administrative data on all people sentenced to the MDOC for drug-related offenses from January 2010 to June 2022. These data included separate files for demographics, sentencing, and incarceration and supervision terms. Urban consulted with the MDOC to select variables to include in the analysis, ensure we understood of the data structure and variable meanings, and check for accuracy and quality. Urban requested but was unable to receive individual-level data from the Mississippi Administrative Office of Courts (AOC). The research team also relied on publicly available reports from the MDOC to understand aggregate yearly trends; the AOC to understand trends in drug courts; the Mississippi Opioid and Heroin Data Collaborative to understand trends in drug overdoses and treatment; and the FBI's Uniform Crime Reports to understand trends in arrests for drug offenses.

## **Methodology**

We processed the administrative data into analysis-ready files. This included structuring the data into a single observation for each unique sentence or incarceration or supervision period (booking) for each person. After processing the data, we conducted descriptive analyses to understand the sample, policy implementation, and trends. All trend analyses rely on data for people with drug-related offenses sentenced to the MDOC between 2010 and 2021. We also examined trends in sentencing at the county and district levels. We then conducted regression analyses to estimate the effect of the policy on sentencing. We processed the data in Stata and conducted the descriptive analyses and regression in R. The data processing and analysis was reviewed by an Urban colleague who was not involved in the study to ensure accuracy.

For the qualitative data collected via interviews, members of the research team took detailed notes based on recordings of the interviews. We then coded these notes into key themes, which we used to inform the final report. Selected quotes were highlighted in the report as well.

## Regression Analysis

To assess the association between H.B. 585 and sentencing outcomes, we conducted several regression analyses. We examined whether the likelihood of being sentenced to prison changed postreform and whether prison and supervision sentence lengths changed. In each regression model, we controlled for the person’s demographics (i.e., race and sex) and the number of offenses, types of drug offenses, and district of sentencing. For the models examining sentence length, we also controlled for whether the sentence was for prison or probation only or a split sentence with both prison and probation. We excluded sentences that occurred out of state or included a violent offense. We used logistic regression for the model examining whether the sentence was to prison and ordinary least squares linear regression for the models examining sentence length. Table A.1 shows the characteristics of the drug-related sentences examined in the regression analysis.

**TABLE A.1**  
**Descriptive Statistics of Sentencing Data**

Variable	Frequency/n	Mean	Standard Deviation	Minimum	Maximum
Post H.B. 585	29,705	0.57	0.50	0	1
<i>Sentence type</i>					
Prison Only	10,560	0.20	0.40	0	1
Prison & Probation	22,682	0.44	0.50	0	1
Probation Only	18,780	0.36	0.48	0	1
<i>Sentence length</i>					
Prison sentence length (years)	33,180	6.61	7.24	0	235
Probation sentence length (years)	38,879	4.23	2.30	0	50
<i>Race</i>					
White	26,063	0.50	0.50	0	1
Black	25,075	0.48	0.50	0	1
Other	884	0.02	0.13	0	1
Male	42,034	0.81	0.39	0	1
Total number of offenses	52,022	1.32	0.72	1	18
<i>Drug offense types</i>					
Possession	31,161	0.60	0.49	0	1
Intent	9,936	0.19	0.39	0	1
Selling	13,526	0.26	0.44	0	1
Manufacture	1,144	0.02	0.15	0	1

Source: Urban research team.

Note: N= 52,022.

## Limitations

Our evaluation has several limitations. For the qualitative part of the assessment, we faced significant challenges with scheduling and conducting interviews with local stakeholders. During the initial stages of the assessment, we had aimed to interview stakeholders from six priority judicial districts which we selected after conducting approximately 10 informal interviews with local stakeholders; the sample of priority districts was based on variation in factors such as geographic location, the sizes of the overall and criminal justice populations, race and ethnicity, and district stakeholders' track records implementing reforms. We reached out to more than 100 people whose work focused on these priority districts and people whose work focused on other districts and the state level and faced challenges setting up interviews. Despite this outreach, we were only able to conduct 11 formal interviews. Prosecutors and representatives of the parole board are one of the stakeholder groups we would have liked to talk to more, given their central role in implementing the state's JRI reforms. People with lived experience were also underrepresented, although we conducted regular outreach to this group.

For the quantitative part of the assessment, we only received data from the MDOC, meaning we could not examine the use of drug courts and their outcomes in depth. We were also unable to examine supervision violations. And because we rely on MDOC data, we only examine trends in felony drug offenses sentenced to the MDOC, not misdemeanor drug offenses or sentences at the local level. Lastly, because cases receive very long sentences, we were limited in our ability to examine actual time served in prison or on supervision. Consequently, this limited our ability to evaluate the cost implications of the reforms using the administrative data.

## Results

In this section, we report the results of the regression analyses for each sentencing outcome.

### People Sentenced to Prison

After controlling for relevant case characteristics, we found that cases with drug-related offenses were significantly less likely to receive a prison sentence after H.B. 585 (table A.2): cases with drug offenses were 19 percent less likely to receive a prison sentence after the reform. The model controls for the person's race and sex, the total number of offenses, the type of drug offense, and the district of sentencing. The model also shows that Black people are significantly more likely to receive a prison sentence than white people. Compared with cases with possession offenses, cases with intent or selling

offenses are more likely to receive a prison sentence, whereas cases with manufacture offenses are less likely to receive a prison sentence. Lastly, the more offenses associated with a case, the more likely the case is to receive a prison sentence.

TABLE A.2

**Likelihood of Receiving a Prison Sentence for Drug Offenses**

*Logistic regression results*

Variable	Sentenced to prison: log-odds ratio (standard error)
Post H.B. 585	-0.209*** (0.02)
<i>Race (reference category is "white")</i>	
Other	-0.231** (0.074)
Black	0.249*** (0.022)
Male	0.553*** (0.025)
Total number of offenses	0.770*** (0.024)
<i>Drug offense types</i>	
Possession	-0.067 (0.069)
Intent	0.728*** (0.069)
Selling	0.987*** (0.071)
Manufacture	-0.482*** (0.073)
Constant	-1.461*** (0.075)
<i>Model information</i>	
Observations	52,022
Log Likelihood	-30,086.55
Akaike Inf. Crit.	60,237.09

**Notes:** The reference race category is white. Fixed effects for judicial district are not shown.

\*p < 0.05; \*\* p < 0.01; \*\*\*p < 0.001

## Sentence Length

After controlling for relevant case characteristics, we found that prison sentences for drug-related offenses were significantly longer after H.B. 585, whereas probation sentences were significantly shorter (table A.2). In other words, being sentenced to prison for a drug offense after the reform was associated with a prison sentence length that was an average of 0.3 years longer than before the reform. Being sentenced to probation after the reform was associated with a probation sentence that was an average of 0.45 years shorter than before the reform. The models control for the race and sex of the person, the total number of offenses, the drug offense types in the case, whether the sentence was split (prison and probation), and the district of sentencing. The model also shows that Black people had prison sentences that were significantly longer (0.55 years) on average than white people. Males received longer average prison sentences (1.6 years) than females. There was no difference for Black people or females for probation sentence length. Compared with cases with possession offenses, cases

with intent or selling offenses had significantly longer prison sentences, whereas manufacturing offenses had shorter prison sentences. Similarly, probation sentences were longer for cases with intent and selling offenses were longer than those with possession offenses. The more offenses associated with the case, the longer the prison sentence. Lastly, split sentences had significantly shorter prison and probation sentences.

TABLE A.3

**Expected Length of Prison and Probation Sentences for Drug Offenses**

*Ordinary least squares regression results*

Variable	Prison sentence length: unstandardized coefficient (standard error)	Probation sentence length: unstandardized coefficient (standard error)
Post H.B. 585	0.297*** (0.077)	-0.446*** (0.022)
<i>Race (reference category is "white")</i>		
Other	-0.063 (0.316)	0.186*(0.082)
Black	0.547*** (0.083)	-0.020 (0.024)
Male	1.743*** (0.108)	0.005 (0.027)
Total number of offenses	1.594*** (0.051)	0.011 (0.019)
<i>Drug offense types</i>		
Possession	-0.072 (0.167)	-0.552*** (0.061)
Intent	1.986*** (0.165)	0.435*** (0.061)
Selling	1.627*** (0.173)	0.351*** (0.063)
Manufacture	-0.507* (0.257)	0.121 (0.076)
Split sentence (prison and probation)	-2.903*** (0.086)	0.345*** (0.023)
Constant	3.547*** (0.224)	4.637*** (0.070)
<i>Model information</i>		
Observations	33,180	38,879
Adjusted R <sup>2</sup>	0.116	0.159
Residual Standard error	6.800 (df = 33,147)	2.113 (df = 38,846)
F Statistic	137.673*** (df = 32; 33,147)	231.377*** (df = 32; 38,846)

**Notes:** df = degrees of freedom. The reference race category is white. For the sentence type, the reference category is prison only for the prison sentence length model and probation only for the probation sentence length model. Fixed effects for the judicial district are not shown.

\* p < 0.05; \*\* p < 0.01; \*\*\* p < 0.001.

# Notes

- <sup>1</sup> “Corrections Statistical Analysis Tool (CSAT) – Prisoners,” Bureau of Justice Statistics, accessed June 4, 2019, <https://www.bjs.gov/index.cfm?ty=nps>.
- <sup>2</sup> “Corrections Statistical Analysis Tool (CSAT) – Prisoners,” Bureau of Justice Statistics, accessed June 4, 2019, <https://www.bjs.gov/index.cfm?ty=nps>.
- <sup>3</sup> We use the term “nonviolent offenses” because it is the term used by the Missouri Department of Corrections for collecting these data. We acknowledge that the line between nonviolent and violent offenses can be blurry and do not intend to make a normative judgment about the deservingness of certain types of convictions.
- <sup>4</sup> Mississippi Corrections and Criminal Justice Task Force final report, December 2013, available at [https://www.mdoc.ms.gov/Documents/Criminal%20Justice%20Oversight%20Task%20Force/Dec%202013%20Final%20Report\\_Task%20Force.pdf](https://www.mdoc.ms.gov/Documents/Criminal%20Justice%20Oversight%20Task%20Force/Dec%202013%20Final%20Report_Task%20Force.pdf).
- <sup>5</sup> Adam Gelb and Casey Pheiffer, “Mississippi Enacts Round 2 of Criminal Justice Reform,” The Pew Charitable Trusts, May 14, 2018, <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/05/14/mississippi-enacts-round-2-of-criminal-justice-reform>.
- <sup>6</sup> Jimmie E. Gates, “Mississippi criminal justice reform: Will it reduce prison population, expense?” *Clarion Ledger*, (April 5, 2019, <https://www.clarionledger.com/story/news/politics/2019/04/05/prison-reform-mississippi-legislature-criminal-justice/3282309002/>
- <sup>7</sup> Maria Clark, “Medical marijuana in Mississippi is now legal, while other Southern states mull reform,” *Clarion Ledger*, February 2, 2022, <https://www.clarionledger.com/story/news/2022/02/02/medical-marijuana-mississippi-now-law-other-southern-states-mull-reform/9284229002/>.
- <sup>8</sup> There is likely some underreporting in the FBI Uniform Crime Reporting Program arrest data, since not all arresting agencies in Mississippi report arrests to that program. We also checked the arrest numbers for the state using the Mississippi Opioid and Heroin Data Collective and, for 2017 through 2021 (the period these data are available for), the state had at least 16,000 annual arrests.
- <sup>9</sup> These are the three main categories of drug offenses used by the MDOC in its most recent annual report; commercial drug offenses also include offenses related to manufacturing drugs. That report is available at <https://www.mdoc.ms.gov/Admin-Finance/Documents/2021%20Annual%20Report.pdf>.
- <sup>10</sup> Since the MDOC only oversees people with felony offenses, the data we received are limited to felony offenses sentenced to MDOC. Therefore, in this paragraph, by new sentenced offense, we mean a new felony offense for which a person was sentenced to serve under MDOC jurisdiction. Therefore, in calculating recidivism, we cannot include new misdemeanor offenses that a person might have been sentenced for while serving felony probation under MDOC jurisdiction.
- <sup>11</sup> Mississippi Corrections and Criminal Justice Task Force final report, December 2013, available at [https://www.mdoc.ms.gov/Documents/Criminal%20Justice%20Oversight%20Task%20Force/Dec%202013%20Final%20Report\\_Task%20Force.pdf](https://www.mdoc.ms.gov/Documents/Criminal%20Justice%20Oversight%20Task%20Force/Dec%202013%20Final%20Report_Task%20Force.pdf).
- <sup>12</sup> “Medication-Assisted Treatment,” National Center on Substance Abuse and Child Welfare, accessed March 30, 2023, <https://ncsacw.acf.hhs.gov/topics/medication-assisted-treatment.aspx>.
- <sup>13</sup> States’ drug problems are defined as the self-reported drug use (excluding marijuana), drug arrests, and overdose deaths. See “More Imprisonment Does Not Reduce State Drug Problems,” The Pew Charitable Trusts, March 8, 2018, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>.

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