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## Lengthy Pretrial Incarceration Continues in Mississippi Jails

Staff Report

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## Lengthy Pretrial Incarceration Continues in Mississippi Jails

Database creators urge Legislature to establish uniform system of reporting lockup data

DECEMBER 12, 2018 BY STAFF REPORT



The Mississippi office of the MacArthur Justice Center is housed in the UM School of Law. Photo by Robert Jordan/Ole Miss Digital Imaging Services

OXFORD, Miss. – The vast majority of the 5,534 men and women detained in local Mississippi jails are not serving sentences for criminal convictions but instead are awaiting their day in court to face charges, and nearly half the detainees have been in jail for more than 90 days.

Those are among the findings made available to the public by the **MacArthur Justice Center** at the University of Mississippi **School of Law**. The updated version of the center’s comprehensive database identifies the 5,534 detainees in Mississippi’s county and regional jails and can be accessed at <https://msjaildata.com/>.

The initial version of the database, released in April 2018, identified 7,193 such detainees. Besides the names of those held in jail, the database provides dates of arrest, charges against each detainee, the amount of time each person has been in jail, average length of detention in each Mississippi county and a comparison of the April and November databases. The information used to create the database was obtained directly from “jail lists” produced by Mississippi sheriffs pursuant to court rules.

Cliff Johnson, director of the MacArthur Justice Center’s Mississippi office, expressed continued concern regarding lengthy pretrial incarceration.

“Our database confirms that long-term pretrial incarceration of poor Mississippians, attributable primarily to improper and illegal use of the money bail system, continues to be a significant problem that costs counties millions of dollars.” Johnson said. “Our estimate is that Mississippi counties collectively are paying between \$80 million and \$100 million each year to lock up people who have not yet been convicted of any crime.”

A search of the database reveals that more than 2,600 people have been detained in local jails for longer than 90 days. Of those, 1,603 have been held for longer than 180 days, 1,035 for longer than 270 days, and 675 for longer than a year.

Johnson explained that lengthy periods of pretrial incarceration is of particular concern in Mississippi and is due, at least in part, to a combination of factors unique to the state.

“In addition to the widespread illegal and improper use of money bail, other significant factors are that grand juries meet infrequently in Mississippi’s many rural counties, and that prosecutors across the

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OXFORD, Miss. – Peer recognition is a rewarding experience for anyone, but University of Mississippi researcher Amir Mehrara Molan was elated when an article he co-authored recently received the Most Cited Paper Award at the 102nd Transportation Research Board meeting in the nation’s capital. The International Journal of Transportation Science and Technology presented the civil engineering

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OXFORD, Miss. – Stephanie Jennings Teague, of Chicago, sees her commitment of \$100,000 to the Patterson School of Accountancy’s new building at the University of Mississippi as a means of saying “thank you.” “It is a way to show a small token of my appreciation to Ole Miss, the faculty and staff, and the accounting

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#### Reuters: Keep an Eye on the Money Supply

U.S. inflation roller coaster prompts fresh look at long-ignored money supply By Michael S. Derby NEW YORK – The amount of money sloshing around the U.S. economy shrank last year for the first time on record, a development that some economists believe bolsters the case for U.S. inflation pressures continuing to

state, for a variety of reasons, often are slow to present cases to the grand jury,” Johnson said.

“There is no limit in Mississippi on how long a person can be held prior to indictment, so detainees can wait up to a year or more before even being formally charged with a crime. They wait months after that for their trial date.”

The MacArthur Justice Center has asked the Mississippi Supreme Court to adopt a rule limiting the amount of time a person can be held in jail before indictment, but the court has declined to do so.

While the updated database shows a 24 percent decrease in the jail population since the April report, there is no clear explanation for the change.

“I believe the decrease is attributable, at least in part, to our public disclosure of information regarding the people locked up in our jails coupled with recent litigation in Mississippi reminding judges and other participants in the criminal justice system of what the law says about the proper use of money bail and the illegality of incarcerating poor folks for unpaid fines and fees,” Johnson said.

“I also credit the new Mississippi Rules of Criminal Procedure adopted by the Mississippi Supreme Court last year.”

The new data show that several counties have reduced their jail population since the center’s first report. Among those are:

- Desoto – from 519 to 219
- Harrison – from 1,106 to 882
- Lauderdale – from 245 to 140
- Lincoln – from 150 to 65

Despite the downward trend, the jail population in some counties increased over the same period. Those include:

- Hancock – from 124 to 185
- Hinds – from 625 to 667
- Leflore – from 86 to 136

The available data does not show whether detainees are awaiting trial, have yet to be indicted, are waiting for mental health evaluation or treatment, or have been convicted and are waiting to be transported to a state prison, Johnson emphasized.

“At this point, we can only provide limited ‘snapshots’ of Mississippi’s jail population at different points in time,” he said. “We urge the Mississippi Legislature to require the implementation of a uniform statewide system of reporting jail data that is available to the public and provides comprehensive real-time information about who is in our county jails and why.

“This tool would enable judges, lawyers, legislators, politicians and the public to make informed decisions regarding how best to make certain that our criminal justice system is efficient and fair.”

“Jail data available to everyone is a valuable tool in our struggle to reform the criminal justice system,” said Andre DeGruy, state defender for Mississippi. “Research shows that people who are in jail pretrial are more likely to get convicted and receive longer sentences for the same crimes as those who are not incarcerated pretrial.

“They are also more likely to need the services of a public defender than the person who can get out and go to work while awaiting trial. Excessive pretrial detention strains every part of the system.

“Being able to see who’s in jail and how long they have been serving allows us to shine a light on the dark places in our system and can facilitate error correction, whether that means getting the person moved to state custody, a mental health facility or back home.”

Gipsy Escobar, director of research at Measures for Justice in Rochester, New York, has reviewed the new database. Measures for Justice works across the country to develop a data-driven set of performance measures to assess and compare the criminal justice process from arrest to post-conviction on a county-by-county basis.

“The MacArthur Justice Center at the University of Mississippi School of Law has done tremendous work to collect jail data, literally by hand,” Escobar said. “Absent any other information about jails in Mississippi, this is the best we have.

“However, as MJC acknowledges, the data may not be uniformly collected or defined. Thus this terrific effort brings to the fore the urgent need for collecting uniform jail and local criminal justice data in Mississippi in pursuit of ever more reliable measurement.”

The Joint Legislative Committee on Performance Evaluation and Expenditure Review, known as the PEER Committee, recently issued a **report** addressing the lack of comprehensive jail data in Mississippi and recommending that the Legislature create a uniform statewide system of reporting jail

abate. The Federal Reserve’s

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data.

The report, referring extensively to the efforts of the MacArthur Justice Center, concluded that such information would assist policymakers in making economic decisions regarding incarceration.

"The extended imprisonment of thousands of Mississippians who have not been convicted of a crime is unacceptable," Johnson said. "Rarely is any effort made to determine whether the release of these pretrial detainees would actually put the public at risk, and current pretrial incarceration practices cost Mississippi counties a fortune.

"We must reform this system that forces Americans to pay cash for their freedom and permits the government to lock people up for months before being formally charged with a crime and getting their day in court."

*The Roderick and Solange MacArthur Justice Center is a public interest law firm with offices in Chicago at Northwestern Law School, St. Louis, New Orleans, Washington, D.C., and Oxford at the UM School of Law. The MacArthur Justice Center litigates a wide range of civil rights cases, with particular emphasis in the area of criminal justice. For more information, go to <https://www.macarthurjustice.org/>.*

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