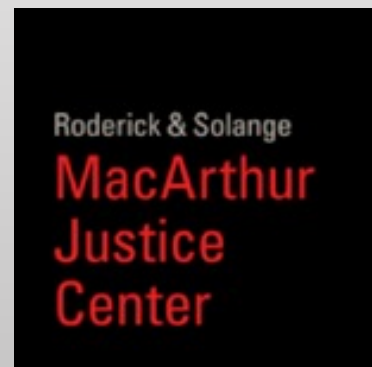


Pretrial Detention: The Cost of the Presumption of Guilt

Cliff Johnson, Director
MacArthur Justice Center
University of Mississippi School of Law



States with Highest Incarceration Rates

Prison incarceration rate
per 100,000 residents

Mississippi	593
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Louisiana	570
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Arkansas	563
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Oklahoma	560
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Alabama	500
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Roderick & Solange

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The purpose of this project is to provide transparency regarding the identity of those incarcerated in Mississippi's county jails, the length of their incarceration, and the reasons for their detention. While it is clear that long-term incarceration prior to indictment and trial is a problem throughout Mississippi, no effort has been made as part of this project to identify the cause of the delay in any particular case. The reasons for backlog in Mississippi's criminal justice system are many and varied, and they are not the same in each Mississippi county.


www.msjaildata.com

Autistic Gautier teen spent 270 days in county jail without ever being indicted -- part of statewide problem



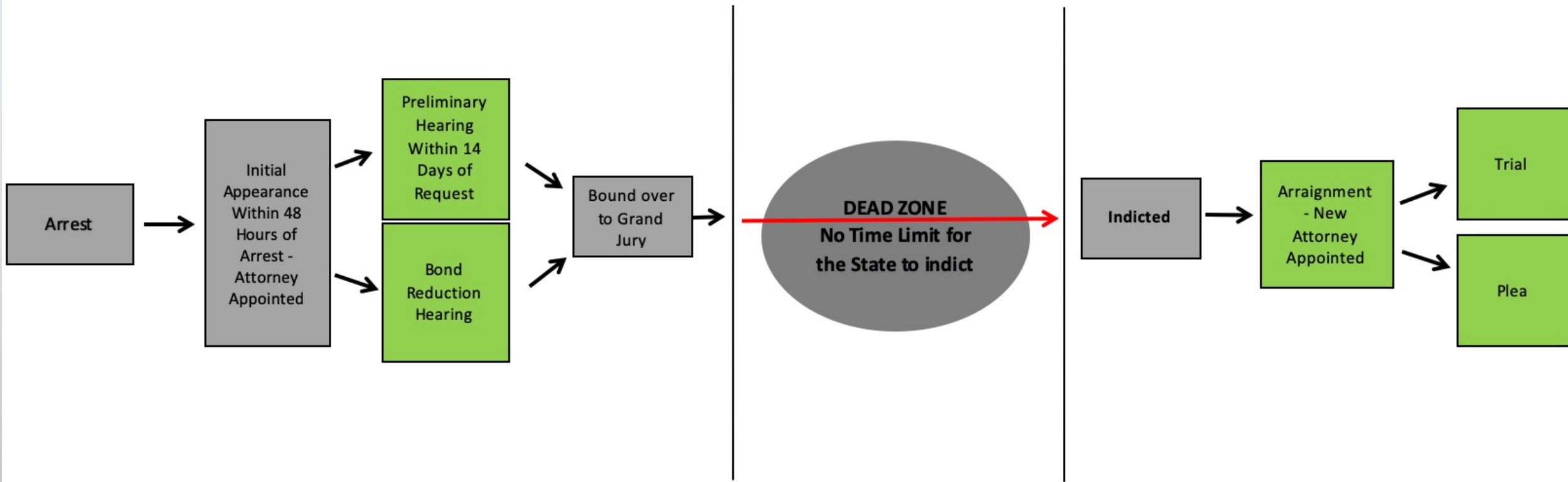
The poster child for bail reform is Zach Hill, a Gautier teenager who spent his 19th birthday in the Jackson County Adult Detention Center -- one of 270 days (nine months) he spent there because his family couldn't afford to pay a bail bondsman the \$1,000 to secure his release while he awaited word on whether a Grand Jury would indict him or not.

Hill, who is autistic, was accused of burglary in 2018 and a county judge set bail at \$10,000, despite the fact Hill had no driver's license, no vehicle and no history of violent offenses. In order to have him released, his family would need to pay a bail bondsman 10 percent, or \$1,000.



'Dead zone' leads innocent man to spend six years behind bars

'It feels unreal' For Lake, the nightmare began after police found the bodies of Alton Bruce, 69, and Candace Roper, 28, on Oct. 1, 2015, in Clarksdale. He was charged with their killings and the death of Roper's unborn child. Lake, who already had convictions for purse snatching and cocaine possession, was now charged with capital murder.



FILED 5:30 a.m. EDT

04.14.2023

NEWS

Some Are Jailed in Mississippi for Months Without a Lawyer. A Court Just Barred That.

The Mississippi Supreme Court moved to end the “dead zone” before indictment in a notoriously dysfunctional public defender system.

By **CALEB BEDILLION** and TAYLOR VANCE

Additional reporting by AGNEL

Poor defendants in Mississippi are routinely jailed for months, and sometimes even years, without being appointed an attorney due to the

'Lost in the System'

“A Federal Reserve study found that a majority of Americans would not be able to come up with \$400 in an emergency situation. As long as the current cash-bail system remains the primary arbiter of who is released before being put on trial, a majority of pretrial detainees will continue to be those who are poor.”

“Ironically, it is incredibly expensive to detain so many people pretrial. States and local governments spend roughly \$9 billion a year detaining the legally innocent.”



Miss. R. Crim. P. 8.5

(c) Review by Circuit Court. No later than seven (7) days before the commencement of each term of circuit court in which criminal cases are adjudicated, the official(s) having custody of felony defendants being held for trial, grand jury action, or extradition within the county (or within the county's judicial districts in which the court term is to be held) shall provide the presiding judge, the district attorney, and the clerk of the circuit court the names of all defendants in their custody, the charge(s) upon which they are being held, and the date they were most recently taken into custody. **The senior circuit judge, or such other judge as the senior circuit judge designates, shall review the conditions of release for every felony defendant who is eligible for bail and has been in jail for more than ninety (90) days.**

2020 FINAL REPORT
ADVISORY COMMITTEE ON JAIL CENSUS
DATA COLLECTION

December 2020



S.B. 2212 tasked the Advisory Committee with the express goal of increasing criminal justice transparency through making jail census data available in a uniform manner. Additionally, S.B. 2212 gave the Committee the following duties in order provide the Legislature with the data needed to achieve this goal:

S.B. 2212 establishes an advisory committee to be known as the Advisory Committee on Jail Census Data Collection, hereinafter referred to as "Advisory Committee" and "Committee." S.B. 2212 states that the committee shall be composed of five (5) members, as follows:

- (a) The Commissioner of Corrections or acting Commissioner of Corrections or a designee;
- (b) The State Public Defender or a designee;
- (c) The President of the Mississippi Prosecutors Association or a designee;
- (d) The President of the Mississippi Sheriffs' Association or a designee; and
- (e) A circuit court judge appointed by the Chief Justice of the Supreme Court.

BAIL

8.2(a) Right to Release. Any defendant charged with an offense bailable as a matter of right **shall be released** pending or during trial **on the defendant's personal recognizance** or on an appearance bond unless the court before which the charge is filed or pending determines that such a release will not reasonably assure the defendant's appearance as required, or that the defendant's being at large will pose a real and present danger to others or to the public at large. ...

... If such a determination is made, the court **shall impose the least onerous condition(s) contained in Rule 8.4** that will reasonably assure the defendant's appearance or that will eliminate or minimize the risk of harm to others or to the public at large. In making such a determination, the court **shall** take into account the following: ... [See factors]

RULE 8.2 COMMENT

Rule 8.2 is based on the presumption of innocence of the accused, the constitutional right of a defendant charged with a noncapital offense to be released on bail, and the policy that a defendant should be released pending trial whenever possible...

The Cost

How Much Will Cities Pay?

According to the report, Mississippi's county jails have more than 5,800 detainees. Of these detainees, 2,716 have been in jail for over 90 days, 1,000 people have been held for at least nine months, and 731 people have spent more than a year in county jails....

The MacArthur Justice Center stated that the report only reflects a part of the state's prison population due to inconsistent reporting from counties, meaning that there are more individuals imprisoned in the state and awaiting trial. It also said that the counties in Mississippi spend at least \$90 million each year on pretrial incarceration.