



CRIMINAL JUSTICE REFORM TASK FORCE

STATEMENT OF THE PROBLEM

PREVENTATIVE SERVICES

- Negative perception of crime
- Lacking in preventative efforts
- Repeat offenders victimizing the city.
- Minimum community involvement
- Minimum community trust
- Lack of economic resources
- Public officials not working together
- Public grabs by public officials
- City decay/neglect (Infrastructure)
- Lacking early intervention services that identify potential offenders
- Lack of creative alternatives
- Lack of coordination and communication between courts and clergy
- Lack of community organizations assisting with prevention
- Lack of officer training on mental health issues
- Lack of police interaction with young children

SYSTEM SERVICES

- System too slow on legal process
- Minimum community trust
- Public officials not working together
- Public grabs by public officials
- Lack of creative alternatives to sentencing
- Lack of economic resources
- Heavy incarceration
- Lack of coordination and communication between courts and clergy
- Lack of court training on mental health issues
- Lack of accountability to constitutional mandates by officers of the court

REENTRY DEVELOPMENTAL SERVICES

- Lack of meaningful rehabilitative services
- Reluctance to accept citizens reentering community
- Negative perception of crime
- Repeat offenders victimizing the city.
- Minimum community involvement
- Minimum community trust
- Lack of economic resources
- Public officials not working together
- Public grabs by public officials
- Lack of "Jail to Job" opportunities available
- City decay/neglect (Infrastructure)
- Lack of community organizations assisting with reentry.
- Lack of community knowledge regarding mental health issues

**Description of the Jackson Criminal Justice System
and
Statement of the Problem**

Description of the Jackson Criminal Justice System

All cases that originate with the Jackson Police Department (JPD) are handled initially in the Jackson Municipal Court. If it is a felony case, the Defendant's Initial Appearance is in Municipal Court, and, if a Preliminary Hearing is not waived, the hearing will be held in Municipal Court. Depending on the outcome, the felony case is transferred or bound over to the Hinds County Court system. However, all misdemeanor cases are handled from start to finish in Municipal Court. A Municipal Court Judge will preside during the Initial Appearance and the trial on the merits, for a final adjudication on all misdemeanors, but never a felony.

The City of Jackson does not have a jail, therefore, all of the defendants, whether misdemeanor or felony, are housed in County facilities. Several legal documents exist that outline the relationship between the City and the County. The City's budget covers a portion of the defendants' housing cost, and taxes are levied to pay the balance. Lastly, all felons are not considered City defendants; however, the City bears some responsibility until they are bound over (transferred) to the County for prosecution. After the defendants officially enter the Hinds County Justice system, their cases are handled by the District Attorney, and the County and Circuit Court Judges.

The City of Jackson has 6 Municipal Court Judges, appointed by the governing authorities of the City of Jackson. The Municipal Court has a docket with various court hearings scheduled each business day of the week. The normal court hours range from 9 a.m. to around 7 p.m. depending on the number of cases scheduled to be heard. The Court Services division is open 24 hours per day, 7 days a week to process payments of fines, to handle arrestee matters, preparation of the court docket, process affidavits, provide bond information and process releases. The Municipal Court has a yearly budget of approximately 2.7 million dollars.

The Jackson Police Department (JPD) has 401 sworn officers, as of April, 2016. Based upon a population of approximately 175,000, the ratio is roughly 435 to 1. The approved budget for JPD for fiscal 2014-2015 was 38 million dollars. The calls for service for year 2015 were 238,255 (which include information reports, MVA reports, and misdemeanor and felony incidents combined).

Additional information will be requested from the City of Jackson, Hinds County, the State of Mississippi, the United States government and various other entities that impact the City of Jackson's Criminal Justice system. Supplementation is forthcoming.

Statement of the Problem

The problem facing the Jackson Criminal Justice System is multi-facted. There is the perception that:

- The system moves too slowly to actually dispense justice.
- Citizens have been convinced by the media that crime is out of control and that everyone arrested is guilty.
- There is lack of rehabilitative services for incarcerated individuals leaving them ill equipped to return to society and be productive citizens.
- A reluctance exists to accept those reentering the community upon completion of their sentence.
- The system does not stop crime from happening.
- The amount of repeat offenders who are victimizing Jacksonians is high.
- The community is not aware of where it fits into the criminal justice system.
- The community does not trust the system; does not have faith in the system. As a result, officials within the system have developed a reluctance to uphold their duty as officers of the court in accordance with the Constitution.
- There is lack of economic resources and family units are breaking down.
- Public officials do not work together.
- Publicity grabs by public officials.
- The infrastructure and areas of the City showing decay and neglect contribute to crime.
- The lack of Police interaction with small children seeking to engender an early respect for law enforcement and a trust system.

Although this problem is multi-faceted, research is the best tool for searching for answers. These answers should be guided by research questions. Of course, some answers will come from a source other than research.

Preliminary Research Questions

1. What is the relationship between police training to collect and present evidence and convictions?
2. How much time elapses between arrest and judicial decisions within Jackson Municipal Court for misdemeanor charges?
3. How much time elapses between arrest and hearing in Jackson Municipal Court for felonies, if Preliminary Hearing is not waived?
4. What is the relationship between citizens' exposure to media and the perception that crime is out of control?
5. What is the relationship between citizens' exposure to media and the perception that everyone arrested is guilty?
6. What is the perception of incarcerated and formerly incarcerated individuals' adequacy of rehabilitative services for returning them to society to become productive citizens?

7. What is the level of reluctance to accept those reentering the community upon completion of their sentence?
8. What is the relationship between changes in the criminal justice system and changes in the crime level?
9. What is the level of repeat offenders and how has it changed over time?
10. What is the community's perception regarding where it fits into the criminal justice system?
11. What is the community's level of trust in the criminal justice system?
12. What is criminal justice system officials' trust in the criminal justice system, and are they reluctant to uphold their duty as officers of the court in accordance with the constitution?
13. How does funding for the City of Jackson Criminal Justice system compare with the funding levels for similarly sized cities?
14. What is the state of family units within Jackson and how does this affect the Criminal Justice system?
15. What is the perception among public officials and residents that public officials work together?
16. What is the perception among public officials and residents that public officials grab for publicity?
17. What is the annual budget of the City of Jackson, the Hinds County Criminal Justice system, the State of Mississippi, the United States Government, Community Organizations, including churches and social services entities, etc. intentionally targeted to impact the City of Jackson's Criminal Justice system.

Background Information

One goal of the criminal justice system is to reduce crime.¹ This outcome can be achieved through reactive means (such as responding to a call for service, making an arrest, obtaining a criminal conviction, and carrying out the punishment imposed by the court), or through proactive means (such as eliminating the conditions that produce criminality). Another goal of the criminal justice system is to do justice, and doing justice has two related meanings: holding the guilty responsible for the harm they inflict; and treating all equally in the eyes of the law. The first type of justice is called corrective justice, or justice as an outcome (as in corrections or punishment), and the second type of justice is called procedural justice, or justice as a process.² Ironically, one of the reasons for the more punitive changes in the criminal justice system was to enhance procedural justice by reducing judicial discretion.³ The thinking was that if judges are allowed to practice unfettered discretion in indeterminate sentencing systems, certain offenders could easily be discriminated against by receiving sentences more severe than similarly-situated offenders.

A study of Oregon's implementation of Measure 11 in 1994, which required mandatory minimums for 16 violent and sex-related offenses documented that Measure 11 effectively reduced judicial discretion.⁴ Notwithstanding, many offenders who should have been sentenced to mandatory minimums under Measure 11 were not because prosecutors were able to use their discretion to reduce charges or avoid charging

defendants with Measure 11 offenses. Judicial discretion was limited by law, but prosecutorial discretion increased, allowing many offenders to escape the punishment that the law initially set out to impose.⁵

Achievement of the above two goals is influenced by two criminal justice thoughts or perspectives: moralist and welfarist.⁶ Individuals holding the moralist view are concerned with preserving and protecting societal functions and institutions, and view the criminal justice system as a crime deterrence and punishment mechanism. Whereas, persons who posit the welfarist's perspective view the criminal justice as an agent for improving the condition of offenders under its control through the utilization of behaviorist technologies. Although these two groups differ in many ways, they essentially agree about the relationship of man and society and the ability of the criminal justice system to reduce deviance. However, the American social system and the criminal justice system are too varied to permit the application of a single, unifying social theory. Therefore, analyses of the criminal justice system based on a normative approach are unsound. Instead, criminal justice systems should perform certain functions and meet the needs of the communities, which they serve. Duffee⁷ suggests that criminal justice may continue to be irrelevant to social order if analysis and policy making continue to be made from inside the criminal justice system rather than outside this system and in the context of social structure and human needs.

The moralist perspective resulted in decades of "tough on crime" policymaking and over-incarceration. Consequently, in 2011, the American Civil Liberties Union made the fight against over-incarceration a top organizational priority with the launch of its Safe and Fair Campaign.⁸ A shift is now occurring in criminal justice systems to **being smart on crime, and making policy based on facts and evidence, rather than emotion and politics**. America's criminal justice system should keep communities safe, treat people fairly, and use fiscal resources wisely. It should use prison as a last resort.

The two goals of the criminal justice system are notable goals; however, a process (i.e., responding to a call for service, making an arrest, obtaining a criminal conviction, carrying out the punishment imposed by the court, eliminating the conditions that produce criminality) is involved in reaching these goals. A survey was conducted in England and Wales to capture part of the process.⁹ Ten police stations were surveyed, and information was collected about 4,250 detainees using direct observations, documentary sources, and questionnaires. Information was also provided by the Crown Prosecution Service (CPS) about its decisions on whether to proceed with prosecution and about eventual court outcomes for prosecuted cases. Eighty-five percent of those arrested were male, and 15 percent were juveniles. About 2 percent of detainees were treated by the police as mentally disordered, and more than 60 percent of suspects had previous convictions. About 87 percent were arrested on suspicion of committing offenses, while most of the remaining arrestees were held on warrant, as a place of safety, or in transfer between prison and court. Ethnic differences were observed in reasons for arrest, reactive policing accounted for nearly 75 percent of arrests, and eyewitness evidence was the most common source of evidence available at the time of arrest. About 6 percent of suspects were arrested for domestic violence offenses, 16 percent of

detainees appeared to be under the influence of alcohol or drugs, 38 percent of suspects requested legal advice, and about half of suspects admitted guilt when interviewed. Suspects were detained on average for nearly 7 hours prior to charge or release. Overall, 52 percent of suspects were charged, 20 percent had no further action taken, 17 percent were cautioned, and the remaining 13 percent were dealt with in various other ways. Approximately 28 percent of those charged were refused bail, and the risk of failure to appear in court was most often cited as a reason for refusing bail. In 94 percent of cases, the CPS indicated there was sufficient evidence on file to determine whether it was appropriate to proceed on both evidential and public interest grounds. More than 90 percent of cases forwarded for prosecution were dealt with in magistrate courts and 9 percent were dealt with in the Crown Court. Of those arrested, 40 percent were eventually convicted. Unfortunately, the survey did not capture the time from arrest to judicial decision.

In the above survey, 15% of those arrested were juveniles. For America, juveniles accounted for 18% of all arrests, and 17% of all violent crime arrests in 1998.¹⁰ However, between 1994 and 1998, juvenile arrests for violent crimes fell 19%, compared with a 6% decline for adults. Nevertheless, the number of juvenile arrests for violent crimes was still 15% above the 1989 level. Juvenile arrests disproportionately involved minorities in 1998. However, 55% of juvenile arrests for violent crimes involved white youth, and 42% involved black youth, although only about 15% of the juvenile population is black. Black youths were also, although to a lesser extent, overrepresented in juvenile property arrests. Given these outcomes, Welsh, Greene, and Jenkins¹¹ investigated the relative influence of individual, institutional, and community factors on misconduct in Philadelphia middle schools. Using U.S. census data, school district data, police department data, and school climate survey data obtained from the administration of the Effective School Battery to 7,583 students in 11 middle schools, several predictors of student misconduct emerged: community poverty and residential stability; community crime; school size; student perceptions of school climate (school attachment); and individual student characteristics (e.g., age, race, sex, school involvement and effort, belief in rules, positive peer associations). “Community” was conceptualized in two ways: “local” (the census tract around the school), and “imported” (aggregated measures from the census tracts where students actually lived). Individual-level factors accounted for 16% of the explained variance; school and community-level factors (both local and imported) added only small increments (an additional 4.1–4.5%). They concluded that the simplistic assumption that “bad” communities typically produce “bad” children or “bad” schools is not unwarranted.

Citations

1. Robinson, M. and Williams, M. (2009). The myth of a fair criminal justice system. *Justice Policy Journal*, 6(1), 1-52.
2. Ibid.
3. Ibid.
4. Ibid.
5. Walker, S., Spohn, C., and Delone, M. (2007). *The color of justice* (3rd edition). Beverly Hills, CA: Wadsworth.
6. Duffee, D. (1980). *Explaining criminal justice: Community theory and criminal justice reform* (pp. 120-22). Cambridge, MA: Oelgeschlager, Gunn & Hain.
7. Ibid.
8. www.aclu.org/blog/criminal-justice-reform-2011-good-bad-and-work-ahead
9. Phillips, C., Brown, D., James, Z., and Goodrich, P. (1998). *Entry into the criminal justice system: A survey of police arrests and their outcomes*. Home Office, Research and Statistics Directorate.
10. <http://eric.ed.gov/?id=ED438342>
11. Welsh, W. N., Greene, J. R., and Jenkins, P. H. (1999). School Disorder: The influence of individual, institutional, and community factors. *Criminology*, 37(1), 73-116.