



CY 2024 Annual Review of Selected County Work Release Programs



MISSISSIPPI DEPARTMENT OF CORRECTIONS

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About PEER:

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, the agency examined, and the general public.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.



BACKGROUND

Beginning in calendar year 2024, MISS. CODE ANN. § 47-5-473 (1972) requires the PEER Committee to annually review the effectiveness of any pilot work release programs established by the Sheriffs of Harrison, Hinds, Lee, and Rankin counties, and provide a report to the Legislature by December 1st of each year. The statute provides specific requirements that programs must comply with, including providing data to PEER in six-month intervals.

The first and only work release program established under this CODE section was established by the Rankin County Sheriff in May 2021. While Harrison, Hinds, and Lee counties have not established a work release program, it is important to note that these counties are not at odds with any statutory requirements because they are authorized but not required to establish a program.

Definition of a Work Release Program

A work release program is a reentry program for adult offenders that allows low-risk offenders nearing the end of their sentences (i.e., less than one year) to work regular jobs in the community and earn wages to help pay restitution, court costs, child support, and help to offset costs of incarceration.

Program Participation

From January 2022 through September 2024, there have been a cumulative total of 52 offenders that have previously or are currently participating in the work release program. Of these 52 participants, 69% were male. Further, the majority of program participants were convicted on charges related to controlled substances (i.e., possession, sale/distribution, and controlled substance violations).

The average duration that an offender participates in the work release program prior to completion is 283 days or roughly 9.4 months.

Rankin County Compliance with State Law

While the Rankin County Sheriff's Department complies with many of the statutory requirements, it has not fully adhered to the eligibility requirement that an offender must be within one year of release.

From January 2022 through September 2024, 11 of the 52 offenders (21%) participated in the program for more than one year. Therefore, the Department does not comply with this program eligibility requirement established in state law and through its internal policy.

| Statutory Requirements | Compliance (✓/✗) |
|---|---------------------|
| Adopt and publish rules for the work release program. | ✓ |
| No more than 25 participants at a single time. | ✓ |
| No participating offenders convicted of a crime of violence. | ✓ |
| Collect and maintain monthly data elements for program participants. | ✓ |
| Participants shall establish a bank account and distribute wages accordingly. | ✓ |
| Participating employers shall pay no less than the federal minimum wage. | ✓ |
| Share all collected data with PEER in six-month intervals. | ✗ |
| Data shall be submitted to PEER in a sortable, electronic format. | ✗ |
| No offender having more than one year remaining on his or her sentence. | ✗ |

Recommendations

In regard to its work release program, the Rankin County Sheriff's Department should:

- provide PEER with data reports in a sortable, electronic format in six-month intervals as required by MISS. CODE ANN. § 47-5-473;
- ensure that it adheres to the eligibility requirements that an offender be within his or her last year of sentence in order to participate in the program;
- establish a data dictionary and create a formal report template used to provide data to PEER;
- consider amending internal policy to specify and establish a formal process for how participant earning should be divided or distributed once a participant satisfies payment for all fines, restitution, or costs;
- establish a formal report that clearly documents the total number of participants who were arrested for a new criminal offense, convicted of a new crime while in the program, and the total number of participants who completed the program and were convicted of a new crime within three years of completing the program;
- establish objectives, goals, and performance measures that are specific, measurable, attainable, relevant, and time-based; and,
- track and maintain the costs related to operations of its program in order to serve as an example for other counties that are authorized to develop similar programs.

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CY 2024 Annual Review of Selected County Work Release Programs

Authority, Scope, and Purpose of Issue Brief

During its 2024 Regular Session, the Mississippi Legislature amended MISS. CODE ANN. § 47-5-473 (1972), to require the PEER Committee to annually review the effectiveness of any pilot work release programs established by the Sheriffs of Harrison, Hinds, Lee, and Rankin counties, and provide a report to the Legislature by December 1st of each year.

Exhibit 1 on page 1, provides a timeline of legislative actions taken to authorize work release programs in these four counties. The Legislature's goal in implementing these programs throughout the state is to help qualified offenders learn skills, make employment connections prior to being released, and be successful in transitioning back into the community upon release from prison.

As shown in the Exhibit, prior to the amendment, PEER was required to conduct one review of work release programs authorized by MISS. CODE ANN. § 47-5-473 during the 2021 Regular Session (refer to PEER Issue Brief #678, released on November 30, 2022). As reported in the first review, the first and only work release program under this CODE section was established by the Rankin County Sheriff in May 2021 and had been operating for a year and half at the time of PEER's review. Due to the program's infancy, the review was limited to program compliance in state statute.

Exhibit 1: Timeline of Legislative Actions Authorizing County Work Release Programs

| Year of Regular Session | Bill Number | Departments Authorized | PEER Review Requirement |
|-------------------------|-------------|-----------------------------|--|
| 2021 | H.B. 747 | Rankin County | One-time report due December 1, 2022 |
| 2022 | H.B. 586 | + Harrison and Lee counties | No report requirement |
| 2024 | S.B. 2445 | + Hinds County | Annual report due in December of each year |

SOURCE: PEER analysis of legislation passed during the 2021, 2022, and 2024 Regular Sessions.

Further, as shown in Exhibit 1, after 2021, the Legislature expanded authorization for Harrison, Hinds, and Lee counties to establish a pilot work release program at their discretion utilizing existing resources. However, it is not a requirement. According to the sheriffs in both Harrison and Hinds counties, they are currently working to develop programs. In Lee County, the Sheriff noted that while the office is approved

to participate in the program, it is not authorized to house state offenders from the Mississippi Department of Corrections (MDOC), and therefore has no offenders eligible to participate in such a program.

It is important to note, Harrison, Hinds, and Lee counties are not at odds with any statutory requirements because they are authorized but not required to establish a work release program. As such, the Rankin County Sheriff's Department is still the only department that operates a work release program authorized by state law.

This review includes only data and information for the work release program operated by the Rankin County Sheriff's Department. While this is the second review of the program, it is the first annual review as required by the amended statute.

Methodology

To conduct this review, PEER:

- contacted all four county sheriff's departments to determine implementation of a work release program;
- obtained statutorily required data from the Rankin County Sheriff's Department;
- interviewed staff from the Rankin County Sheriff's Department;
- reviewed and compared work release programs in Alabama, Arkansas, Florida, and Georgia to the program operated in Rankin County; and,
- obtained and reviewed relevant department policies to ensure compliance with statute.

Work Release Program Standards

Mandates of the Law

Pursuant to MISS. CODE ANN. § 47-5-473, sheriffs from Harrison, Hinds, Lee, and Rankin counties are authorized, but not required to establish pilot work release programs. Any of these counties choosing to implement a work release program is limited to no more than 25 program participants at any one time while the program is in its pilot phase. This section also states that no person convicted of a crime of violence as defined by MISS. CODE ANN. § 97-3-2 (1972) is eligible for participation in the work release program. Refer to Appendix A on page 18 for a list of defined crimes of violence.

In addition, any county choosing to implement a pilot work release program is required to collect specific data regarding program participants and their earnings and submit it to PEER in a sortable, electronic format. All data is to be shared in regular, six-month intervals.

MISS. CODE ANN. § 47-5-473 requires the following data to be collected and reported monthly by race, gender, and offenses charged:

Definition of a Work Release Program

A work release program is a type of reentry program for adult offenders that allows individuals nearing the end of their sentences (i.e., less than one year) to work regular jobs in the community. In general, these programs:

- are provided to low-risk offenders;
- allow participants to work outside of correctional facilities to develop employment skills and live in less structured housing alternatives; and,
- allow participants to earn wages, which can help to pay restitution, court costs, child support, and help to offset costs of incarceration.

- total number of participants at the beginning and ending of each month;
- total number of participants who began the program in each month;
- total number of participants who successfully completed the program in each month;
- total number of participants who left the program in each month and reason for leaving;
- total number of participants who were arrested for a new criminal offense while in the program;
- total number of participants who were convicted of a new crime while in the program; and,
- total number of participants who completed the program and were convicted of a new crime within three years of completing the program.

This section further requires that data also be collected and reported monthly regarding:

- the total amount earned by participants and how the earnings were distributed in each month;
- the results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged; and,
- any other data or information as requested by the 585 Task Force.¹

This section also requires that the sheriff's departments of authorized counties shall adopt and publish rules and regulations prior to accepting offenders (e.g., policies and procedures for the purposes of considering and accepting offenders into the program). No offender shall be eligible for this program if he or she has more than one year remaining on his or her sentence. However, any individual confined in jail may request assignment to the work release program at the discretion of the sheriff. The sheriff may also require participation in additional offender programming (e.g., educational) designed to supplement work release employment and prepare individuals for successful reentry.

Participating employers in the pilot work release program shall pay no less than the prevailing wage for the position and shall under no circumstance pay less than the federal minimum wage.²

Offenders participating in the program are required to maintain a bank account and provide a copy of the check stub to the sheriff. Funds earned through participation in the program are to be divided as follows:

- 25% towards support of dependents or to the Mississippi Department of Human Services on behalf of dependents and towards any fines, restitution, or costs as ordered by the court;
- 15% to the sheriff's department for administrative expenses;
- 50% to be saved and made available upon parole or release;
- 10% for the purchase of any incidental expenses; and,
- any remaining balance shall be deposited into the account to be available to the offender upon release.

¹ House Bill 585, 2014 Regular Session, established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, which is charged with tracking and assessing outcomes of correctional programs and activities.

² According to the U.S. Department of Labor, the current federal minimum wage for covered nonexempt employees is \$7.25 per hour at the time of this review.

Any offender assigned to the work release program who leaves the area to which he or she has been assigned to work or attend educational or other rehabilitative programs, without proper authority or just cause, shall be ineligible for further participation in a work release program during his or her current term of confinement.

Rankin County Work Release Program

As required by law, in 2021, the Rankin County Sheriff's Department developed a standard operating procedure for its work release program offered within its broader Rankin County Trusty Program. According to the Department, it has not made any operational changes to the program and has not revised its internal management policy since its creation in 2021. Refer to Exhibit 2 on page 5 for a copy of its policies and procedures governing its work release program.

The Rankin County Sheriff's Department has one employee responsible for overseeing all of its trusty³ programs, which includes its work release program. This program coordinator is the primary individual responsible for overseeing statutory requirements of the program and its adherence to internal policies.

To participate in the Rankin County Trusty Program, a memorandum of understanding (MOU) is signed by all parties involved (i.e., the defendant, the defendant's attorney, the Rankin County Sheriff, the jail administrator, and an assistant district attorney) at the time of the defendant's guilty plea hearing. It is then recommended to the court that upon acceptance of the plea and MOU that a judgment of conviction be entered; however, the defendant's sentencing will be deferred for an agreed upon period.

According to its policy, "...individuals selected for the work release program are picked for their work ethic, good behavior and their representation of the Rankin County Sheriff's Office..." Further, the Rankin County Sheriff's Department requires participation in additional offender programming designed to supplement work release employment and prepare individuals for successful reentry. Individuals participating in the work release program must participate in five pre-approved classes (e.g., anger management, financial management, academic courses) before selection into the work release program.

As required by statute, participants must establish a bank account at a credited financial institution for any earnings made while in the program. Participants in its work release program must meet with the program coordinator to discuss reporting and recording of all earnings to ensure that a proper accounting is performed for the participants' earnings. The first week of every month, the participants must submit their check stubs and a financial report of their earnings for the previous month to the program coordinator. Internal policy generally aligns with the statutory requirements on how funds earned through the program shall be deposited. However, the Rankin County Sheriff's Department has opted to waive the 15% administrative fee on offender earnings.

According to the Rankin County Sheriff's Department, work release program participants are transported to and from their location of employment by available staff. However, no other staff aside from the program coordinator is officially assigned to the work release program.

Participating offenders complete the program once their sentence is completed and they are then released from custody and enter MDOC probation. Upon completion all saved funds are released to the offender through their financial accounts created during participation within the program.

³ A trusty is an offender who is considered trustworthy and reliable by correctional authorities and is typically given special privileges and responsibilities (e.g., the ability to work and participate in programs outside of confinement).

Exhibit 2: Rankin County Work Release Program Standard Operating Procedure as of July 2021

| | |
|--|-----------------------|
| Subject: Trusty Work Program | Policy Number: |
| Issue Date: July 2021 | Revision Date: |
| Approval Authority: Bryan Bailey, Sheriff | |

POLICY:

Trustys selected for the Rankin County Sheriff's Trusty Work Program must meet certain standards before and abide by the following policies and procedures during their time in the program.

DISCUSSION:

A trusty in the Rankin County Sheriff's Trusty program is still considered to be an inmate at the Rankin County Detention Center. However, those individuals selected for the program are picked for their work ethic, good behavior and their representation of the Rankin County Sheriff's Office as they work towards establishing a career path, better responsibility and financial stability once they are released back into society.

PROCEDURES:

Selection: Before being selected in the Rankin County Sheriff's Trusty Work Program, a Trusty must meet the following criteria:

1. The Trusty must be in the final year of their time in the Trusty Program.
2. The Trusty must maintain a record of good behavior during their time in the Trusty Program.
3. The Trusty must complete five (5) of the following classes/programs before selection:
 - Celebrate Recovery
 - Financial Management
 - GED
 - College Courses
 - Anger Management
 - Life Skills
 - Physical Training Team
 - Narcotics Anonymous
 - Mentoring Program
 - Safe Serve Class
 - Abiding Free Class
 - Bible Study Group
 - Counseling

Post-Selection: Once selected into the Rankin County Sheriff's Trusty Work Program, a Trusty must meet the following criteria:

1. The Trusty must establish a bank account at a credited financial institution for any earnings made while in the program to be deposited into. Any earnings made are subject to support for dependents, fines, restitution, or other fees as required by law. **THE RANKIN COUNTY SHERIFF'S OFFICE RECEIVES ZERO ADMINISTRATIVE FEES FROM THE WORK RELEASE PROGRAM. 100% OF ALL EARNINGS GOES TO THE TRUSTY.**
2. The Trusty must meet with the program coordinator to discuss reporting and recording of all earnings to ensure that a proper accounting is done of the participants' funds.

Reporting: The first week of every month, the participants must turn their check stubs in and a financial report of their earnings for the previous month to the program coordinator. The breakdown is to be broken down as follows:

- 50% of all funds must be put aside into a savings account.
- 25% of all funds must be put towards fines, child support or restitution.
- The participants are allowed to spend/save the remaining 25% as they choose.

Discipline: Any violation of the rules of this program can result in removal from the program. Furthermore, any violation of the rules of the Rankin County Detention Center or the place of employment can also result in removal from the program.

Any rules and regulations are subject to change by the Sheriff as allowed by law at any time.

SOURCE: Rankin County Sheriff's Department, effective July 2021.

Participating Employers

According to the Rankin County Sheriff's Department, eight employers currently participate in its work release program. All participating employers are geographically located in close proximity, as seven employers are located in Brandon, Mississippi and one employer is located in Pearl, Mississippi. The employers currently participating include:

- Broadmoore Revival (Brandon);
- B.T. Plumbing (Brandon);
- Dickey's Barbecue (Brandon);
- Genna Benna Restaurant (Brandon);
- Gilmore Brothers Building Supply (Brandon);
- Leonard Metal Fabricators (Pearl);
- Mid South Air Conditioning (Brandon); and,
- Rankin County Co-Op (Brandon).

The Rankin County Sheriff's Department does not provide security on-site at participating employers. However, the Program Coordinator stated that she regularly communicates with participating employers to monitor and ensure offenders are physically present and working as expected. According to the Program Coordinator, no disciplinary issues or actions have been warranted since the program's inception.

Work schedules and offender wages are determined by each participating employer and vary by offender. For example, some employers may offer full-time positions and others may only offer part-time positions. In addition, continued employment upon an offender's completion of the work release program (i.e., release from custody) is at the discretion of the employer.

Work Release Programs in Other States

PEER examined operational policies of work release programs operating in select Southeastern states (i.e., Alabama, Arkansas, Florida, and Georgia) in order to identify any general similarities or differences in comparison to the pilot work release program operated in Mississippi. See Exhibit 3 on page 7 for a general comparison of the work release programs.

All of the examined states and Mississippi:

- prohibit participation of offenders convicted for a violent offense; and,
- require that participating offenders establish bank accounts for any earned wages.

Most of the examined states and Mississippi:

- house participating offenders in local (e.g., county) facilities;
- grant the authority to implement and oversee the work release program at the local level; and,
- require that earned wages are divided and placed into accounts for savings, fees, and incidental allowances.

Exhibit 3: General Comparison of Rankin County's Work Release Program to Programs Operated in Alabama, Arkansas, Florida, and Georgia

| Operational Aspect | Rankin County | Alabama | Arkansas | Florida | Georgia |
|--|-----------------|---------|----------|---------|---------|
| Prohibits offenders with violent crime history. | Yes | Yes | Yes | Yes | Yes |
| Offenders must maintain a bank account. | Yes | Yes | Yes | Yes | Yes |
| State offenders housed in local (e.g., county) facilities. | No ¹ | Yes | No | Yes | Yes |
| Implementation and oversight authority resides primarily at the local level. | Yes | Yes | Yes | Yes | No |
| Funds divided between savings, fees, and incidental allowances. | Yes | Yes | No | Yes | Yes |
| State-mandated expectations for workplace conditions. | No | Yes | No | No | Yes |
| State-mandated positions within participating local facilities. | No | Yes | No | No | Yes |
| Labor union and strike breaking restrictions. | No | Yes | No | No | No |
| Requires separate, specific housing. | No | No | No | Yes | No |

¹ According to Rankin County Sheriff's Department staff, participants are housed at the Rankin County jail as Rankin County inmates and not as state offenders. Despite a judgment of conviction being entered, the offender's sentencing is deferred on a day-for-day basis for an agreed upon period. Once the participant completes the program, then he or she is placed on probation in MDOC custody.

SOURCE: PEER analysis of work release programs in Alabama, Arkansas, Florida, and Georgia.

The remaining operational aspects of work release programs varied by each respective state examined. Examples include:

- Alabama and Georgia explicitly mandate in law the expected workplace conditions of participating employers;
- Alabama prohibits any employers that are members of unions from participation;
- Florida requires separate housing specific to the work release program participant population; and,
- the Arkansas Department of Corrections provides no formal oversight of county work release programs, while in contrast all work release programs are under the oversight of the Georgia Department of Corrections.

Rankin County Work Release Program Compliance

MISS. CODE ANN. § 47-5-473 specifies the statutory requirements that pilot work release programs must comply with. While statute allows the Rankin County Sheriff's Department some flexibility in the implementation of its program, refer to Exhibit 4 on page 8 to see its compliance with each specific requirement.

While the Rankin County Sheriff's Department complies with many of the statutory requirements, it has not fully adhered to the eligibility requirement that an offender must be within one year of release (21% have participated in the program for more than one year).

Exhibit 4: Rankin County Pilot Work Release Program Compliance

| Statutory Requirements | Compliance (✓ / ✗) |
|---|-----------------------|
| Adopt and publish rules for the work release program. | ✓ |
| No more than 25 participants at a single time. | ✓ |
| No participating offenders convicted of a crime of violence. | ✓ |
| Collect and maintain monthly data elements for program participants. | ✓ ¹ |
| Participants shall establish a bank account and distribute wages accordingly. | ✓ ² |
| Participating employers shall pay no less than the federal minimum wage. | ✓ |
| Share all collected data with PEER in six-month intervals. | ✗ ³ |
| Data shall be submitted to PEER in a sortable, electronic format. | ✗ |
| No offender having more than one year remaining on his or her sentence. | ✗ |

¹ While the Rankin County Sheriff's Department collects and maintains all of the monthly data elements as required by statute, it does not provide the actual "results of any initial risk and needs assessments" for each participant. It only lists a placeholder value of "none."

² The Rankin County Sheriff's Department is in compliance with the distribution of wages to fees, savings, and incidentals. It has opted to waive collection of the administrative expenses (15%) and allow the participants to receive this amount in addition to the 10% in discretionary use (e.g., incidental expenses).

³ The Rankin County Sheriff's Department has not provided PEER with its work release program data in six-month intervals as required by statute. However, it did promptly provide the information on October 4, 2024, when requested by PEER.

SOURCE: PEER analysis of MISS. CODE ANN. § 47-5-473 (1972) and the Rankin County Sheriff's Department's data.

As shown in Exhibit 4, the pilot work release program operated by the Rankin County Sheriff's Department complies with many of the statutory requirements. In comparison to the initial review released in November 2022, the work release program is still in compliance with publishing rules, number of participants, and monthly data collection. However, it still does not routinely submit the data to PEER in regular six-month intervals in a sortable, electronic format.

Each participant has a bank account for earned wages to be deposited as required by statute. While statute states that 15% of participating offender wages may be retained by the Rankin County Sheriff's

Department for administrative purposes, it has opted within its standard operating procedure to waive the 15% and direct it back to the offender's account for incidental expenses.

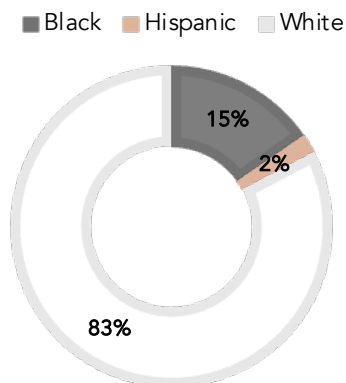
The primary deviation in compliance occurs with the statutory requirement that "no offender shall be eligible for this program if he or she has more than one year remaining on his or her sentence." Upon examination of the data provided by the Rankin County Sheriff's Department on October 4, 2024, 21% (i.e., 11 out of 52 participants since the program's inception in May 2021) of offenders have participated in the program for more than one year.

Rankin County Work Release Program Data

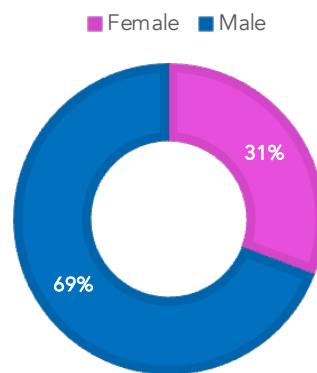
The Rankin County Sheriff's Department provided work release program data to PEER on October 4, 2024, upon request. PEER examined program and participant data from January 2022 through September 2024. The following sections briefly describe aspects of the data elements collected for the program by broad category, including demographics, offenses, earnings, and length of participation prior to completion.

Demographic Data

Since January 2022, there have been a cumulative total of 52 offenders that have previously or are currently participating in the work release program. Of these 52 participants, 16 are female (31%) and 36 are male (69%). As of September 2024, there were 18 active participants in the program consisting of 2 females and 16 males.

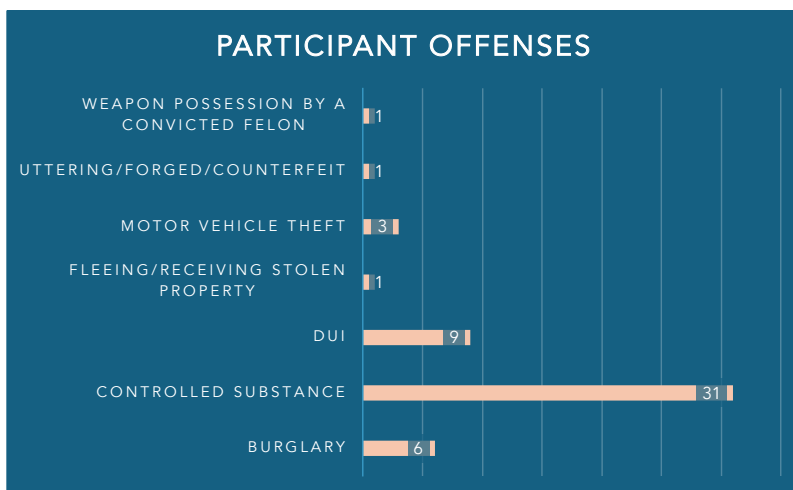


Over the same timeframe, there have been a total of one Hispanic participant (2%), eight Black participants (15%), and 43 White participants (83%). Out of the 18 total active participants during September 2024, there were four active Black participants and 14 active White participants in the program.



Offense Data

The Rankin County Sheriff's Department tracks the primary offense for each program participant. Upon examining the primary offenses for the total 52 participants from January 2022 through September 2024, the majority of program participants were convicted on charges related to controlled substances. It should be noted that this category includes specific charges, such as possession, sale/distribution, and controlled substance violations.



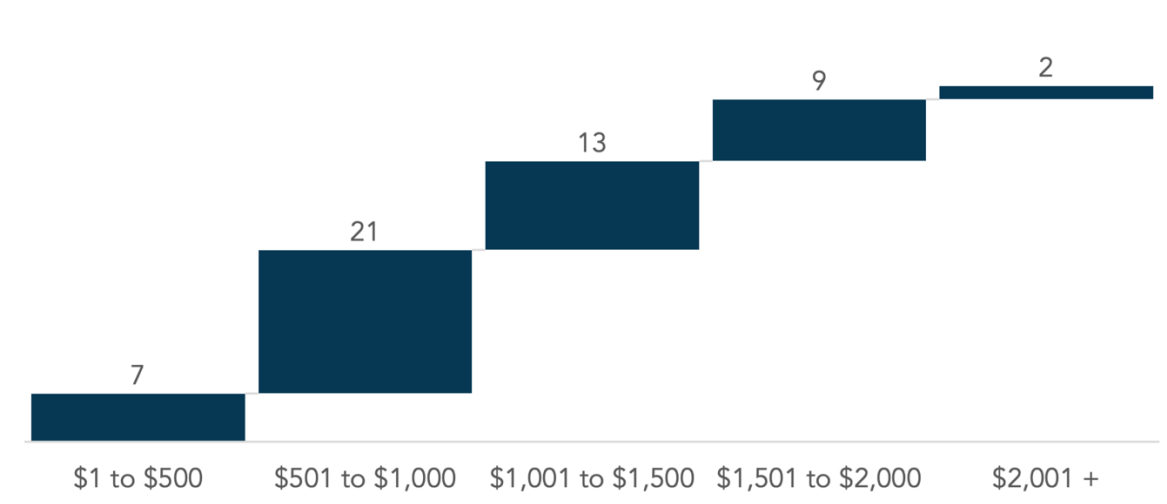
The other leading categories of participant convictions were related to driving under the influence (DUI) (e.g., 4th Offense), burglary (e.g., breaking out of dwelling, malicious mischief), and motor vehicle theft.

Participant Earnings Data

Work schedules and wages are determined by each participating employer and vary by each work release program participant. As noted previously, MISS. CODE ANN. § 47-5-473 requires that participating employers shall “under no circumstance pay less than the federal minimum wage.” According to the Rankin County Sheriff’s Department staff, out of the 18 work release program participants active in the program hourly wages range from a low of \$8.50 per hour up to \$15.00 per hour. However, no information was provided for any participants that had already completed the program.

The Rankin County Sheriff’s Department collects and monitors total earnings as required by statute (i.e., total amount earned by participants and how the earnings were distributed in each month). PEER analyzed the total earnings and distribution amounts for each work release program participant provided by the Rankin County Sheriff’s Department from January 2022 through September 2024. Total monthly earnings varied widely by each work release program participant, ranging from an average of \$166 per month up to \$2,843 per month. Exhibit 5 on page 10 illustrates the number of participants by average monthly earnings wage ranges.

Exhibit 5: Number of Work Release Program Participants by Average Monthly Earnings Wage Ranges



SOURCE: PEER analysis of data provided by the Rankin County Sheriff’s Department from January 2022 through September 2024.

Of the 52 program participants included in the reviewed data, the majority of program participants are earning between \$501 and \$1,500 per month on average, with 21 participants (40%) earning a monthly average between \$501 and \$1,000 and 13 participants (25%) earning a monthly average between \$1,001 and \$1,500. It should be noted that no information was provided to PEER regarding the number of hours worked for each participant. PEER also identified several data entry errors in the data as reported by the Rankin County Sheriff’s Department regarding earnings; therefore, the information illustrated in Exhibit 5

serves only as a general depiction of average monthly earnings. (See the discussion on data quality beginning on page 14.)

In addition to tracking total monthly earnings by program participant, the Rankin County Sheriff's Department also tracks the distribution of earnings per month. MISS. CODE ANN. § 47-5-473 requires that participant earnings be divided and distributed for certain purposes (i.e., 50% of earnings deposited in a savings account). The Rankin

Division of Participant Earnings:

- 50% into a savings account;
- 25% to fees/fines; and,
- 25% for discretionary use.

County Sheriff's Department's standard operating procedures specifies that 50% of monthly earnings shall be deposited into a savings account, 25% shall be used to pay towards fines, child support or restitution, and the remaining 25%⁴ shall be used at the participant's discretion (e.g., incidental expenses, additional savings).

PEER analyzed the total monthly distribution amounts for each of the 52 work release program participants from January 2022 through September 2024 as provided by the Rankin County Sheriff's Department. PEER identified 397 monthly payments that occurred for this population over the examined timeframe. PEER then sought to determine the compliance of the earnings based on the three distribution purposes established by the Rankin County Sheriff's Department. For example, if a program participant made \$1000 in any given month, that participant has an expected distribution of earnings with \$500 deposited into a savings account, \$250 used for fees or fines, and \$250 used at the participant's discretion.

While the data provided by the Rankin County Sheriff's Department did have dollar values in each column based on the percentages specified within its own internal policy, it often did not accurately record the distribution of funds in compliance with the established percentages. See Exhibit 6 on page 12 for the total number of deviation occurrences in monthly earnings by amount.

When examining Exhibit 6, the deviation ranges represent the dollar amount of the deviation in comparison to what should have been recorded for that month based on the participant's income. For example, there were two total occurrences identified where a participant's monthly earnings deviated from the expected amount to be used for fees or fines in an amount that equaled at least a thousand dollars less than expected (i.e., $\leq -\$1,000$).

Most of the identified deviations from the expected dollar values are in an amount less than one dollar and may be due to rounding convention utilized for tracking the data. However, between 12% and 20% of all participant payment months have a deviation from the expected value that cannot be attributed to rounding errors.

For example, the number of instances where the sum of monthly distribution amounts by purpose category

The sum of monthly distribution amounts by purpose category did not equal total participant monthly earnings in 15% of all payments examined by PEER.

did not equal the total monthly earnings occurred 15% of the time (i.e., 60 of the 397 participant payment months). In addition, 37 of these occurrences had deviations in earnings distributions that did not equal total reported monthly earnings in dollar amounts ranging from \$10 up to an excess \$1,000.

⁴ The Rankin County Sheriff's Department has opted to waive collection of the statutorily authorized administrative expenses (15%) and allow the participants to receive this amount in addition to the 10% for discretionary use by program participants (e.g., incidental expenses).

Exhibit 6: Deviations in Earnings in Participant Payment Months by Dollar Amounts

| Deviation Ranges (\$) | Deviations in Fees/Fines | Deviations in Discretionary | Deviations in Savings | Deviations in Total Earnings |
|---------------------------|--------------------------|-----------------------------|-----------------------|------------------------------|
| <= -\$1000 | 2 | 2 | 2 | 2 |
| >-\$1000 to -\$100 | 52 | 8 | 7 | 15 |
| >-\$100 to -\$10 | 7 | 10 | 8 | 5 |
| >-\$10 to -\$1 | 3 | 2 | 7 | 14 |
| >-\$1, < \$1 ¹ | 319 | 319 | 349 | 337 |
| \$1 to <\$10 | 4 | 6 | 4 | 9 |
| \$10 to <\$100 | 4 | 8 | 5 | 4 |
| \$100 to <\$1000 | 4 | 40 | 14 | 6 |
| \$1000+ | 2 | 2 | 1 | 5 |

¹ Deviations that are in an amount less than one dollar may be due to rounding.

SOURCE: PEER analysis of data provided by the Rankin County Sheriff's Department from January 2022 through September 2024.

PEER notes that some of the deviations in participant payment months may have legitimate explanations. For example, some participants had dollar amounts recorded under savings and discretionary use, but not for fees/fines. According to Rankin County Sheriff's Department staff, a value of zero dollars is entered into this field for a participant when there are no longer any outstanding fees or fines to be paid. This occurred for 53 of the 397 participant payment months. Assuming that this is correct as reported within the dataset, there is no clear internal policy on how to divide the monthly earnings to be used for this purpose once all fees or fines have been satisfied. For example, one could assume that this 25% earnings distribution should be divided evenly into the savings account and discretionary use categories. However, PEER identified only 20 of these 53 participant payment months where the earnings that would previously be used to satisfy fees or fines were divided evenly into the other two use categories.

Length of Program Participation and Completion

The Rankin County Sheriff's Department collects and maintains data regarding program participants as required by statute and compiles it monthly. Some of the data elements recorded include the start date for participation in the work release program and completion date. Using these start dates and completion dates for the 52 program participants from January 2022 through September 2024, the average duration of participants before completion is 283 days or roughly 9.4 months.

The average duration that an offender participates in the work release program prior to completion is 283 days or roughly 9.4 months.

PEER staff identified the shortest and longest program participation duration at eight days⁵ and 971 days, respectively. MISS. CODE ANN. § 47-5-473 states "no offender shall be eligible for this program if he or

⁵ The data provided by the Rankin County Sheriff's Department listed one participant with the same start and completion date (i.e., zero days in the program). Therefore, PEER selected the next lowest duration of eight days as the shortest program participation duration.

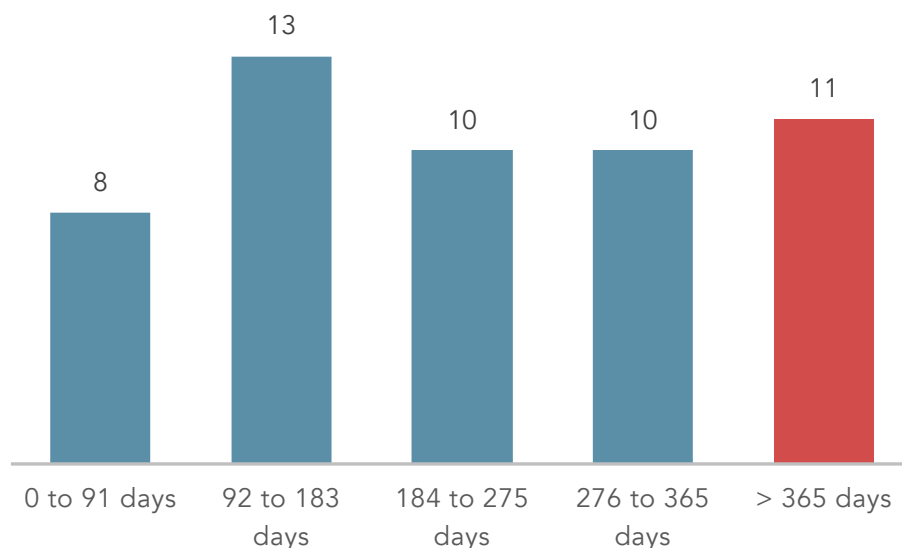
she has more than one year remaining on his or her sentence.” Further, the Rankin County Sheriff’s Department’s internal policy states that “the Trusty must be in the final year of their time in the Trusty Program” for an offender to be eligible for participation in the pilot work release program. Based on this language, the maximum duration for participation in the work release program should not exceed 12 months (i.e., one year).

Both state law and internal policy establish program eligibility on an offender’s final year of sentencing. However, 21% of the offenders either had or are participating in the program for more than one year.

PEER analyzed the data to identify the number of individuals who were participating in the program in excess of one year. From January 2022 through September 2024, 11 of the 52 participants (21%) either had or are participating in the work release program for more than one year. Therefore, the Rankin County Sheriff’s Department does not comply with this requirement established in both state law and its own internal policy.

Exhibit 7 on page 13 illustrates the number of participants and the length of participation in the work release program.

Exhibit 7: Duration of Participation in the Work Release Program



SOURCE: PEER analysis of data provided by the Rankin County Sheriff’s Department from January 2022 through September 2024.

According to the data provided by the Rankin County Sheriff’s Department, 33 of the 52 work release program participants have completed the program. According to staff at the Rankin County Sheriff’s Department, program completion means that the offender has successfully served his or her sentence and is then released from custody. While it is possible for a participant to be removed from the program for disciplinary actions, staff further stated that this has not occurred since the program’s inception in May 2021.

Evaluability of the Work Release Program

MISS. CODE ANN. § 47-5-473 was amended during the 2024 Regular Session to require PEER to annually review the effectiveness of any pilot work release programs established by the Sheriffs of Harrison, Hinds, Lee, and Rankin counties, and provide a report to the Legislature by December 1st of each year. For the purposes of this review, the focus was both on the program's compliance with state law and internal policy and the overall program effectiveness. The following sections briefly discuss elements that are necessary to allow PEER, or any other independent third-party entity, to successfully evaluate the program and determine its overall effectiveness.

Data Format

MISS. CODE ANN. § 47-5-473 specifies that the Rankin County Sheriff's Department shall provide work release program data to PEER in six-month intervals in a sortable, electronic format. The Rankin County Sheriff's Department provided all information to PEER in a pdf format. This results in a more laborious process to recreate and analyze

State law requires the Rankin County Sheriff's Department submit its data to PEER in a sortable, electronic format. However, The Rankin County Sheriff's Department provided all information to PEER in a pdf format.

the data. Further, no information was provided in any of the documents on how routinely the data is collected or monitored on an internal basis by staff with the Rankin County Sheriff's Department. For example, the current standard operating policy for operating the program was established in July 2021 and according to staff it has not been updated or revisited since its initial implementation. In addition, some participant data was provided with no context on the timeframe of the information. For example, information was provided to PEER for both completion of classes to determine program eligibility and hourly wage data to determine compliance with the federal minimum wage requirement, but the data was submitted as a pdf document with no specific dates of class completion or the effective date or number of hours worked in regards to the participant wages.

Data Quality

Based on the analysis of the data provided to PEER by the Rankin County Sheriff's Department on October 4, 2024, PEER identified multiple concerns related to the quality of the data collected and maintained. The data provided included a category for "Offense Charged" for each participant. PEER compared the listed offenses for all of the reported program participants to those defined as a crime of violence by MISS. CODE ANN. § 97-3-2. The Rankin County Sheriff's Department labels some of its data for offenses in a way that does not make it readily apparent if the participant is in compliance with all eligibility requirements. For example, several program participants had "Burglary" listed as the only offense charged in the dataset. However, this does not specify if the burglary was violent in nature (i.e., burglary of a dwelling as provided in MISS. CODE ANN. § 97-17-23 and § 97-17-37[1972]). While PEER discovered no evidence that would prove ineligible offenders were participating in the program, the Rankin County Sheriff's Department should report offenses with sentencing statutes to ensure that offenders are in fact eligible to participate. Other examples of data quality issues included:

- errors and discrepancies in monthly participant earnings data (e.g., 60 out of the 397 total monthly payments to participants had deviations in an amount greater than one dollar);

- discrepancies for some program participants when comparing monthly earnings, available work hours, and reported hourly wages;
- multiple program start dates for a single offender (4 out of 52 participants);
- multiple program end dates for a single offender (1 out of 52 participants); and,
- the exact same program start and end date for a single offender (1 out of 52 participants).

Further, state law requires that the Rankin County Sheriff's Department provide to PEER the results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged. For each of the program participants listed within the data from January 2022 through September 2024, there was no information provided on such assessments. While there was a category labeled "Assessment Needed" on the dataset provided, each participant had "None" listed in that field. According to staff at the Rankin County Sheriff's Department, it does not see the need to conduct any further needs assessment for its work release program as it is a subset of its broader trusty program. PEER notes that while the needs assessment may in fact be conducted as part of a larger program, the Rankin County Sheriff's Department should at a minimum define and report as part of a data dictionary terminology that clearly conveys such information in its data collection and reporting.

Recidivism Results

Recidivism is often measured by a return to incarceration within three years post-release from a sanction or intervention. At the time of its review, PEER identified only one prior participant that had completed the program beyond three years.

MISS. CODE ANN. § 47-5-473 requires that the Rankin County Sheriff's Department track the total number of work release program participants who were arrested for a new criminal offense or convicted of a new crime while in the program. According to staff at the Rankin County Sheriff's Department, no offenders who have participated in the program have been arrested

or convicted of any new crimes. Rankin County Sheriff's Department staff searched for each of the work release program participants through the National Crime Information Center (NCIC) to determine if any new criminal offenses or convictions had occurred.

In addition, state law requires that the Rankin County Sheriff's Department track recidivism (i.e., percentage of offenders re-incarcerated within 36 months of initial release) for the program. Because the pilot work release program began in May 2021, there has not yet been enough time lapsed for a significant number of offenders that have completed the program to determine its effectiveness in reducing recidivism. As of September 2024, only one prior participant had completed the program at or beyond three years. As of October 2024, there should be two additional participants reaching the three-year post-completion timeframe.

Program Goals and Operations

In PEER's 2022 issue brief on the pilot work release program operated through the Rankin County Sheriff's Department, recommendations were provided to improve the overall evaluability of the program and increase operational transparency. While some recommendations, such as collecting data even if it is recorded at a zero-value, were met, the Rankin County Sheriff's Department has yet to adopt any short-term or long-term goals for its work release program. Establishing such goals beyond strictly a measure of recidivism would allow for a measurement of elements of the program's effectiveness without waiting a full three years to determine recidivism. For example, the Rankin County Sheriff's Department could

establish a mid-term goal regarding the number and types of job skills offered to program participants. Further, it should measure the number of program participants who have successfully completed the program and retained employment.

In addition, since the program is still considered in statute to be in its pilot phase, the Rankin County Sheriff's Department should track and measure the operational efficiency of the program. While staff at the Rankin County Sheriff's Department noted that the program is perceived to have little financial cost in relation to the perceived effectiveness in reducing recidivism, it should track and maintain the costs related to operations of its program (e.g., staff hours, transportation to and from employers) in order to serve as an example for other counties that are authorized to develop similar programs.

Recommendations

1. The Rankin County Sheriff's Department should provide PEER with reports on its pilot work release program data in six-month intervals as required by MISS. CODE ANN. § 47-5-473.
2. The Rankin County Sheriff's Department should provide the PEER Committee with its pilot work release program data in a sortable, electronic format as required by MISS. CODE ANN. § 47-5-473.
3. In order to comply with both MISS. CODE ANN. § 47-5-473 and its own internal policy, the Rankin County Sheriff's Department should ensure that it adheres to the eligibility requirements that an offender be within his or her last year of serving out a sentence in order to participate in the program.
4. The Rankin County Sheriff's Department should establish a data dictionary and create a formal report template used to provide data to PEER. This should at a minimum include:
 - a. consistent language defining any offenses charged for program participants in order to verify compliance with eligibility requirements;
 - b. results of any needs assessments conducted by staff at the Rankin County Sheriff's Department either before entering or upon starting the pilot work release program;
 - c. consistent reporting of participants' wages, monthly earnings, and hours worked; and,
 - d. notation on when a participant successfully satisfies payment for all fines, restitution, or costs as ordered by the court.
5. The Rankin County Sheriff's Department should consider amending its internal policy regarding the pilot work release program to specify and establish a formal process for how any participant earnings should be divided or distributed once a participant satisfies payment for all fines, restitution, or costs as ordered by the court. Any amendments to this policy should conform to the requirements within MISS. CODE ANN. § 47-5-473.
6. Now that the pilot work release program has been established for just over three years, the Rankin County Sheriff's Department should establish a formal report that clearly documents the total number of work release program participants who were arrested for a new criminal offense, convicted of a new crime while in the program, and the total number of participants who completed the program and were convicted of a new crime within three years of completing the program.
7. The Rankin County Sheriff's Department should consider establishing objectives, goals, and performance measures for the work release program that are specific, measurable, attainable, relevant,

and time-based (attainable within a proposed period of time), i.e., SMART. Such objectives and goals would also consider the development of any targeted or relevant work skills, wage levels, and employment retention upon program completion.

8. The Rankin County Sheriff's Department should track and maintain the costs related to operations of its pilot work release program (e.g., staff hours, transportation to and from employers) in order to serve as an example for other counties that are authorized to develop similar programs. This would also allow itself to determine a quantitative return on investment (ROI) of the program in relation to its impact on recidivism.

APPENENDICIES

APPENDIX A: Definitions of Crimes of Violence

MISS. CODE ANN. § 97-3-2 (1972) defines the following crimes as Crimes of Violence:

- (a) Driving under the influence as provided in Sections 63-11-30(5) and 63-11-30(12)(d);
- (b) Murder and attempted murder as provided in Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;
- (b) Aggravated assault as provided in Sections 97-3-7(2)(a) and (b) and 97-3-7(4)(a);
- (d) Manslaughter as provided in Sections 97-3-27, 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43, 97-3-45 and 97-3-47;
- (e) Killing of an unborn child as provided in Sections 97-3-37(2)(a) and 97-3-37(2)(b);
- (f) Kidnapping as provided in Section 97-3-53;
- (g) Human trafficking as provided in Section 97-3-54.1;
- (h) Poisoning as provided in Section 97-3-61;
- (i) Rape as provided in Sections 97-3-65 and 97-3-71;
- (j) Robbery as provided in Sections 97-3-73 and 97-3-79;
- (k) Sexual battery as provided in Section 97-3-95;
- (l) Drive-by shooting or bombing as provided in Section 97-3-109;
- (m) Carjacking as provided in Section 97-3-117;
- (n) Felonious neglect, abuse or battery of a child as provided in Section 97-5-39;
- (o) Burglary of a dwelling as provided in Sections 97-17-23 and 97-17-37;
- (p) Use of explosives or weapons of mass destruction as provided in Section 97-37-25;
- (q) Statutory rape as provided in Section 97-3-65(1), but this classification is rebuttable on hearing by a judge;
- (r) Exploitation of a child as provided in Section 97-5-33;
- (s) Gratification of lust as provided in Section 97-5-23; and,
- (t) Shooting into a dwelling as provided in Section 97-37-29.

SOURCE: MISS. CODE ANN. § 97-3-2 (1972).

James F. (Ted) Booth, Executive Director

Legal and Reapportionment

Ben Collins

Administration

Kirby Arinder

Stephanie Harris

Gale Taylor

Quality Assurance and Reporting

Tracy Bobo

Performance Evaluation

Lonnie Edgar, Deputy Director

Jennifer Sebren, Deputy Director

Taylor Burns

Emily Cloys

Kim Cummins

Matthew Dry

Rucell Harris

Matthew Holmes

Drew Johnson

Chelsey Little

Billy Loper

Debra Monroe

Meri Clare Ringer

Sarah Williamson

Julie Winkeljohn

Ray Wright



CY 2024 Annual Review of Selected County Work Release Programs

November 25, 2024

For more information, contact: (601) 359-1226 | P.O. Box 1204, Jackson, MS 39215-1204

Senator Charles Younger, Chair | James F. (Ted) Booth, Executive Director