

## Berkeley Law Alternative Service Trip–Mississippi 2024

### Policy Recommendations to Address Inadequate Housing Opportunities for Formerly Incarcerated Citizens in Mississippi



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**DISCLAIMER: This memorandum is solely representative of the authoring students' observations, views, and opinions. It has not been endorsed by UC Berkeley Law School or any other organization.**

## **I. INTRODUCTION**

As part of Berkeley Law's Alternative Service Trip (BLAST) program, eleven Berkeley law students traveled to Mississippi to explore issues at the intersection of housing and reentry in collaboration with the MacArthur Justice Clinic at the University of Mississippi Law School. The primary goal of the project was to understand why Mississippians shared a perception that an unspecified number of incarcerated people otherwise eligible for parole were being denied release due to a lack of "adequate housing" in the state of Mississippi. We sought to understand the reentry housing landscape in Mississippi through legal research conducted prior to our trip, in-person meetings with various stakeholders in Mississippi, and virtual meetings with representatives from successful programs in other southern states.

Under current Mississippi law, parole is granted only to those who can be released to "adequate housing." However, the precise meaning of "adequate housing," the number of people in Mississippi denied parole, and the number of available beds in transitional housing facilities throughout the state remain unclear. This brief memo provides policy recommendations based upon our findings from a week of interviewing stakeholders across the region. Our recommendations fall into three buckets:

concrete obstacles offenders face; organizational infrastructure; and combating misleading narratives. We hope these recommendations can be used to inform legislation and best practices around re-entry at the state level and as a starting point for other groups of law students interested in reforming this complex area. Lastly, we hope that Mississippi's approach can help inform stakeholders in California as we continue to tackle issues of housing and re-entry.

## II. LEGAL BACKGROUND

### A. Federal Law

There is no constitutional right to parole at the federal level. The Supreme Court (“the Court” hereafter) held, in *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, that incarcerated people did not have a constitutionally protected liberty interest in an initial grant of parole.<sup>1</sup> Any additional procedures beyond an informal hearing and written statement outlining reasons for the parole decision were only required in rare circumstances when state law creates a liberty interest, which is not applicable in Mississippi. In general, the Court found that the procedures in effect afforded the incarcerated person an opportunity to be heard and transparency around the parole board's reasoning. The Court found that these procedures satisfied the constitutional due process requirements.<sup>2</sup> Additionally, granting the parole board broad discretion in determining parole eligibility did not

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<sup>1</sup> *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 16 (1979).

<sup>2</sup> *Id.*

violate an incarcerated person’s due process rights.<sup>3</sup> This is different from parole **revocation** hearings, which require basic factual hearings to protect fairness and due process interests.<sup>4</sup>

However, if a state provides that parole “shall” be granted in certain circumstances, the incarcerated person has a protected due process liberty interest. In *Board of Pardons v. Allen*, the Court held that Montana’s then state parole statute, Mont. Code Ann. § 46-23-201 (1985), created a liberty interest in parole release by its use of mandatory language to create a presumption that parole release would be granted when the designated findings were made.<sup>5</sup>

Due to existing federal law and precedent, Mississippi can create its own discretionary procedures regarding: qualifying for, reviewing, and revoking parole so long as the procedures provide an opportunity for the incarcerated person to be heard and informed of the parole board’s decision.

## **B. Mississippi State Law**

Mississippi parole laws are governed by Chapter 7 of the Miss. Code Title 47, § 47-7-1 through § 47-7-101. Mississippi grants the parole board discretion by stating that persons incarcerated for a year or longer who have served minimum required time and demonstrated good conduct “may be released on parole.”<sup>6</sup> In 2021, Mississippi legislators passed Senate Bill 2795, a bipartisan measure that allows violent offenders to become eligible for parole consideration after serving a 50% or 65% of their sentence.<sup>7</sup> Nonviolent offenders are eligible for parole after serving 25% or ten years of their sentence,

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<sup>3</sup> *Id.*

<sup>4</sup> *Morrissey v. Brewer*, 408 U.S. 471, 484 (1972).

<sup>5</sup> *Board of Pardons v. Allen*, 482 U.S. 369, 377-81 (1987).

<sup>6</sup> Miss. Code Ann. § 47-7-3(1)

<sup>7</sup> Miss. Code Ann. § 47-7-3(1)(h)(i)

whichever comes first.<sup>8</sup> Before the law was passed, just 33% of incarcerated people in Mississippi prisons were able to earn their release through parole.<sup>9</sup> After the passage of SB 2795, two-thirds of people in prison were able to work toward parole eligibility.<sup>10</sup> SB 2795 builds on House Bill 585, passed in 2014, which reduced sentences for lower-level crimes and reformed prior probation and parole policies.<sup>11</sup>

Importantly, Miss. Code requires that “parole release shall, at the hearing, be ordered . . . only when arrangements have been made for [the incarcerated person’s] proper employment or for his maintenance and care.”<sup>12</sup> The Mississippi Department of Corrections (MDOC) is required by statute to create a discharge plan for every incarcerated person who is eligible regardless of whether the person is ultimately released on parole.<sup>13</sup> The discharge plan provides information necessary to address an incarcerated person’s needs upon release—including housing—which are identified during the pre-release assessment.<sup>14</sup> The discharge plan is among the factors considered by the parole board and an inadequate discharge plan is an acceptable basis for denial.<sup>15</sup> For returning citizens relying on transitional housing, the parole board “may condition parole on the offender spending no more than six (6) months in a transitional reentry center.”<sup>16</sup> Existing law thus provides the board with additional

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<sup>8</sup> Miss. Code Ann. § 47-7-3(1)(h)(i)

<sup>9</sup> “The Cost of Doing Business: Why Criminal Justice Reform is the Right Investment to Strengthen Mississippi’s Workforce” (June 2023)  
<https://www.fwd.us/wp-content/uploads/2023/06/MS-Workforce-Brief.pdf>

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Miss. Code Ann. § 47-7-17(2)

<sup>13</sup> Miss. Code Ann. § 47-7-33.1(1)

<sup>14</sup> *Id.*

<sup>15</sup> Miss. Code Ann. § 47-7-17(1)

<sup>16</sup> Miss. Code Ann. § 47-7-17(2)

discretion in approving parole for an applicant with a transitional housing address as opposed to an applicant that provides a permanent address.

The commissioner of Corrections has a duty to contract for transitional reentry center beds for offenders released from the department on parole but do not have appropriate housing available upon release.<sup>17</sup> The law requires the department to contract between hundred (100) and eight hundred (800) transitional reentry center beds to be made available for returning citizens needing transitional housing.<sup>18</sup>

### **III. POLICY RECOMMENDATIONS**

Throughout 20 interviews<sup>19</sup> with stakeholders in reentry and housing, several themes emerged. First, there are multiple concrete barriers that prevent returning citizens from taking necessary logistical steps to secure housing and prepare for release. Second, the organizational infrastructure surrounding reentry is disorganized, leading to siloed work and gaps in communication. Third, there is a narrative problem with reentry: the stigma around returning citizens prevents common-sense initiatives from gaining traction. The following policy recommendations are adopted from insights, observations, and recommendations from stakeholder interviews.

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<sup>17</sup> Miss. Code Ann. § 47-5-28(e)

<sup>18</sup> Miss. Code Ann. § 47-5-28(e)

<sup>19</sup> The group met with: The Fletcher Group; Social Finance; Robert Vehock (LA Corrections); John Morgan Hughes (Ten One Strategies); Mississippi Parole Board; Dr. Sylvia Goldman (MagCor); Forest Thigpen (Empower Mississippi); Representative Becky Currie (Chairwoman of the House Corrections Committee); Senator Juan Barnett (Chairman of the House Corrections Committee); Representative Sam Creekmore IV; Senator Hob Bryan; Senator Lydia Chassaniol; Senator Hillman Terome Frazier; Emilee Johnson & Kim Driskell (Grace House); Superintendent Tereda Hairston (MCIW); Incarcerated Women from CWC; Andre de Gruy (State Public Defender); Pastor Luther Martin (That Souls Be Saved); Vicki DeMoney & Julie (Crossroads); Marika Baliko & Hannah Maharrey (MUTEH)

## 1. Addressing Barriers to Incarcerated Individuals Obtaining Transitional Housing

Caseworkers play a vital role in supporting incarcerated individuals through the reentry process, equipping them with the tools necessary for successful, law-abiding lives upon their return to society. However, our observations and discussions with incarcerated women and other stakeholders at the ground level revealed several issues that undermined the effectiveness of caseworkers within correctional facilities. Caseworkers see an alarmingly high turnover rate, primarily due to intense stress and inadequate compensation. Compounding these challenges is a lack of sufficient training and relevant lived experience among caseworkers to address the diverse and complex needs of the incarcerated population. With only one caseworker typically assigned per correctional facility,<sup>20</sup> navigating the unique backgrounds and circumstances of each individual—from prior addiction histories, varying living conditions, familial responsibilities, and religious affiliations—is not feasible. Moreover, since the case manager can only begin conducting the release process only 180 days before release, incarcerated women are not provided with essential documentation and have not created a release plan before their release.<sup>21</sup> While legislation was written to ensure incarcerated people possess vital documents including licenses, birth certificates, and social security numbers before release, the reality is starkly different. Many leave correctional facilities with nothing more than a prison ID, creating significant barriers to securing employment, housing, and transportation—crucial components for successful reintegration into society. The current status quo fails to equip returning

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<sup>20</sup> According to incarcerated people in one prison. It is unclear whether this is a uniform MDOC policy.

<sup>21</sup> This is also according to incarcerated people. It is unclear if this is a uniform MDOC policy.



citizens with necessary documentation, strips them of agency in planning for post-release housing, and ultimately undermines their prospects for successful reentry.

### **A. Reinstatement of Formerly Incarcerated Peer Mentors as Case Managers and Training Reform**

Reinstating incarcerated individuals as case managers, or recruiting formerly incarcerated case managers, can improve the problems with caseworker turnover and expertise. Formerly incarcerated peer mentors bring invaluable lived experience and firsthand understanding of the challenges associated with reentry. Their unique perspective enables them to provide nuanced support to currently incarcerated individuals, who often lack access to informed guidance regarding reentry opportunities. Lastly, caseworkers in Mississippi should undergo cross-training initiatives with other agencies within the criminal justice sector to foster a holistic understanding of the reentry process and better collaborate in addressing the multifaceted needs of incarcerated individuals.

It is important to acknowledge that MDOC initially discontinued this practice for concerns over conflicts of interest that might result from incarcerated people running reentry preparations from the inside. As an alternative to hiring currently and formerly incarcerated caseworkers, we recommend the creation of additional positions specifically designated for incarcerated individuals to assist the case manager in the development of personalized release plans. These individuals would be tasked with accompanying the case manager to monthly check-ins, presenting all available reentry options to incarcerated individuals, and offering support tailored to their unique circumstances. This way, caseworkers are not overburdened, incarcerated individuals have the opportunity to develop

professional skills, and reentry systems can benefit from the expertise of those who have experienced reentry firsthand while avoiding any ethical concerns that might arise.

## **B. Enhancing Pre-release Preparation and Access to Transitional Housing Options**

The current release preparation process acts as an obstacle to those who want to help themselves. While the process lasts 180 days on paper, in practice, it tends to be much shorter due to staffing and resource shortages. The current timeline limits incarcerated individuals who want to develop a comprehensive understanding of their individualized needs, assess different transitional housing options, and contemplate their reentry strategies. It is crucial that incarcerated individuals have sufficient time to evaluate the nature of various transitional housing arrangements, discern which type best suits their needs, and reflect on whether returning to familiar environments may perpetuate previous challenges. Furthermore, incarcerated individuals need to be well-informed so as not to inadvertently choose unsuitable reentry housing programs. Specifically, some incarcerated women reported that faith-based programs sometimes overemphasized discipleship at the expense of other professional, mental, and emotional skills with which they needed the most support.

To address these concerns and ensure equitable access to information, we propose the creation of a comprehensive booklet outlining all available transitional housing options in the vicinity of correctional facilities and given out to every individual 180 days from their release date as well as paperwork to obtain IDs, birth certificates, and other documentation. This resource would serve to democratize access to information and make it easier for incarcerated people to take an active role in their own reentry. It may not be feasible to provide wrap-around comprehensive guidance before 180

days, but it is possible to provide the tools for individuals to start planning for themselves. By providing all incarcerated individuals with equal access to information, we can mitigate disparities in access to rehabilitative housing options and promote a fairer, more transparent reentry process.

### **C. Pass Senate Bill 2444 into Law**

Senator Juan Barnett has championed Mississippi's Pilot Work Release Program, which has the potential to dramatically change the landscape of reentry if implemented statewide. So far, the pilot has resulted in a recidivism rate of only 4%, a figure strikingly low compared to state and national averages.<sup>22</sup> The Pilot Work Release program provides qualified incarcerated people the opportunity to work, outside of the prison, with a prevailing wage and money saved for them after release.<sup>23</sup> Their pay is also used to pay fines, restitution, costs ordered by the court, and taxes.

Given the success rate of the Pilot Work Release Program, Senator Barnett has advocated for S.B. 2444, which would expand the program from only Rankin and Hinds Counties to correctional facilities throughout Mississippi. The House and Governor have an interest in passing this bill because it would work towards rehabilitating those who were incarcerated, incarcerated people would pay taxes, and Mississippi jobs that are vacant would be filled. Expanding the work release program would be instrumental in reducing recidivism rates and would situate Mississippi as a leader among states for innovative and effective reentry programs.

It should be noted that there are two work release programs, one run by the Department of Corrections, the other by Rankin County. Chairman Barnett likes both, but he was most interested in

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<sup>22</sup> This figure has been reported by state representatives.

<sup>23</sup> A review of Central Mississippi Correctional Facility's Pilot Work Initiative, Issue Brief #698, Dec. 2023 [https://www.peer.ms.gov/sites/default/files/peer\\_publications/rpt698.pdf](https://www.peer.ms.gov/sites/default/files/peer_publications/rpt698.pdf)

the state-run program. However, both were expanded in the final version of S.B. 2445 that was passed by both houses and signed by the governor. The state program is expanded to all MDOC facilities, and it is available to all 15 regional prisons if they choose to implement it. The county program was expanded to include Hinds County. Two other counties were authorized originally—Harrison and Lee—but neither has implemented it. Interviewees frequently spoke about work release programs generically, so it was not always possible for us to tell which was which.

## **2. Improving Mississippi’s Organizational Infrastructure**

### **A. Improve Data Collection**

Across our conversations a core issue related to reentry housing became clear: current data collection capabilities and practices do not adequately represent the incarcerated population and the reentry options available to parolees. Specifically, improvements are needed across: (1) technological capabilities; (2) data collection and maintenance practices; and (3) stakeholder collaboration.

Discussions with reentry advocates,<sup>24</sup> reentry housing advisors,<sup>25</sup> formerly incarcerated people,<sup>26</sup> and a member of the Louisiana Department of Corrections<sup>27</sup> all emphasized the need for an individualized approach to reentry for each parolee. Better data practices can inform an individualized approach to reentry for parolees, reducing recidivism rates as parolee needs are better addressed.

Chairwoman Currie of the Corrections Committee emphasized the need for updated computer systems within the department of corrections. We agree. Not only is the data technology

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<sup>24</sup> MagCor

<sup>25</sup> Social Finance

<sup>26</sup> Grace House

<sup>27</sup> Robert Vehock

outdated—it is built on an antiquated system that is not properly maintained—but MDOC officers are also unable to properly record accurate data updates.<sup>28</sup> Multiple formerly incarcerated interviewees mentioned that parole eligible people have discharge plans which do not accurately reflect their needs and the steps they have taken to achieve parole eligibility. For example, an incarcerated person who may have gained employment through a program like MagCor while incarcerated and has plans to continue that work after release may not have these facts reflected in their profile and discharge plan. This leads to parole denial of a person who otherwise may be able to successfully reenter society because data updates were not properly entered into the system. It is not clear whether the disconnect between the lived experiences of incarcerated individuals and the data included in the MDOC system is a result of outdated technology, improper data collection practices, or a combination thereof. Nevertheless, as the current contract for MDOC data systems (started over 20 years ago) comes to an end, updating the technology and data systems used by MDOC should be a high priority for the State. We recommend legislation that authorizes investment in an improved technological system for MDOC.

While updating technological systems is an important part of improving data collection practices, improved data collection practices and procedures are equally necessary. Individualized discharge plans require MDOC officers to continually update the profiles of incarcerated people. If a new technological system is introduced to MDOC facilities, MDOC officers must be trained to enter data related to incarcerated people’s activities and needs so that they can receive highly specific discharge plans once eligible for parole. Moreover, implementing a criminogenic risk-needs assessment for each incarcerated person denotes their background (e.g. abusive household, education levels, type

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<sup>28</sup> It is unclear when the system is from or how it is updated, but this was a common belief among stakeholders..

of crime, etc.) can help promote successful reentry as discharge plans can be better tailored to parolee needs. Additionally, the criminogenic risk-needs assessment should be updated throughout a person's term of incarceration so that when they are out of prison, they can receive specific help with reentry programs, including rehab, job applications, and housing. We propose the Mississippi legislature pass statutory support for an individualized risk-needs assessment plan to ensure that the parole board and other stakeholders have all the necessary information about an individual. That said, it will be important for policymakers in Mississippi to identify the appropriate parameters and applications of future risk-needs assessment tools. Much has been written about the pros and cons of using this system, and it will be important to ensure that any risk-needs tool that is implemented does not exacerbate existing disparities.<sup>29</sup>

Another issue with regards to data collection is the lack of collaboration between stakeholders. This issue is apparent when assessing the availability of transitional housing beds for parolees. Under Miss. Code Ann. § 47-5-28(e) the MDOC has a duty to contract for at least 100 transitional reentry center beds for offenders released from the department on parole but do not have appropriate housing available upon release. However, as of Feb. 13, 2023, the State's transitional housing capacity was 58 and just 7 beds were occupied.<sup>30</sup> If you ask the parole board, state legislators, MagCor leaders, lobbyists, prison administrators, and incarcerated people whether transitional housing beds are available for parolees, as we did, you will get a different answer from each. There is a clear lack of collaboration

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<sup>29</sup> See e.g., "Risk and Needs Assessment and Race in the Criminal Justice System," CSG Center Staff (May 31, 2016) <https://csgjusticecenter.org/2016/05/31/risk-and-needs-assessment-and-race-in-the-criminal-justice-system/>

<sup>30</sup> "Mississippi Can Use Existing Laws to Safely Reduce Its Prison Population," The Conservative Center for Justice (May 4, 2023) <https://conservativejusticereform.org/mississippi-can-use-existing-laws-to-safely-reduce-its-prison-population/>

between stakeholders on this front. Especially with the recent passage of a tax credit bill for transitional housing which exempts eligible transitional home organizations from federal income taxes, improved data collection practices, shared amongst stakeholders, can promote transitional housing availability and accessibility.<sup>31</sup>

## **B. Pass Legislation Supporting Cash Overtime for Mississippi Department of Correction Employees to Address Perverse Incentives Among Correctional Officers**

Our conversations with MDOC administrators, MagCor, and incarcerated individuals revealed a common concern: low pay and staffing shortages within MDOC. These factors demonstrably impact how MDOC facilities operate and contribute to the infiltration of drugs within prison walls. Many stakeholders agreed an alarmingly high rate of returning citizens were testing positive for drugs immediately upon exiting the facility. Because sobriety is such an important part of reentry, minimizing the presence of drugs and alcohol in prison is a cornerstone of improving reentry outcomes.

While there have been efforts to address this issue, including a base pay and benefits increase over the past decade and at least two attempts to raise employee pay, more needs to be done. We recommend reigniting efforts to revise the existing law to provide cash overtime pay for all MDOC

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<sup>31</sup> Miss. Code Ann. § 27-7-22.47

employees instead of compensatory time. This aligns with the previously proposed language of SB 2481 in the 2020 Session:<sup>32</sup>

“The Mississippi Department of Corrections shall provide cash overtime pay instead of compensatory time to all corrections officers, other law enforcement staff and other employees who work in the correctional facilities under the jurisdiction of the department for all time worked by the officer or employee that is considered to be overtime for the position involved under the federal Fair Labor Standards Act.”

This revision to the law has the potential to significantly decrease the amount of drugs entering MDOC facilities, increase staffing levels by reducing turnover, and provide a boost to the Mississippi economy. Increased wages for existing workloads incentivize continued employment within MDOC. Adequate pay and the fear of losing a stable, well-paying job act as deterrents against drug trafficking within prisons.

### **C. Define and Identify Homelessness & Provide Targeted Housing Services**

Conflicting accounts from different stakeholders suggest that the true level of need for transitional housing is obscured by the fact that incarcerated people frequently submit addresses on their parole applications where they cannot stay long or at all. These addresses cause prison administrators to undercount the percentage of the population that will be reentering into housing insecurity. To them, the availability of transitional and reentry housing seems, at worst, slightly under the demand. However, housing providers consistently shared stories about being inundated with

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<sup>32</sup> SB 2481 <https://billstatus.ls.state.ms.us/documents/2020/html/SB/2400-2499/SB2481IN.htm>



returning citizens desperate for a place to stay. Simultaneously, organizations that serve the homeless cannot typically connect with incarcerated people until they are released and living on the streets. Taken together, these three structural problems—inability to detect housing insecurity, inability to meet the need at transitional housing facilities, and restrictions on who other housing organizations can serve—lead to a chaotic reentry housing ecosystem with a scarcity problem.

Grant eligibility requirements can end up inadvertently dictating the structure of reentry housing and transitional housing, using language that is simultaneously too broad and too narrow to effectively serve reentering populations. Three examples of this are: the Department of Housing and Urban Development’s (HUD’s) definition of “homeless;”<sup>33</sup> time restrictions on how long residents may live in transitional housing;<sup>34</sup> and several grants that require providers to take a one-size-fits-all approach.<sup>35</sup> While the State of Mississippi cannot alter HUD’s policies, it can and should use clear, precise definitions of common terms such as “homeless” and statutory construction designed to support targeted programs that seek to house and support returning citizens. This could be accomplished by:

- Defining homelessness in state statutes and grants to include incarcerated persons who lack safe, stable, and secure post-release housing;

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<sup>33</sup> “Individual or family who lacks a fixed, regular, and adequate nighttime residence [living instead in a place not meant for habitation, a shelter, or somewhere else where they have been for 90 days or less].” HUD § 578.3 Category One.

<sup>34</sup> Transitional housing is typically made available for only 6 months

<sup>35</sup> Some transitional housing providers shared their frustration at being forced to open their doors to returning citizens in recovery, domestic violence victims, HIV positive people, and more when in fact they were only equipped to support one of those categories.

- Granting providers more discretion in raising time limits for residents of alcohol and drug recovery housing;
- Ensuring that grants use “**or**” instead of “**and**” when listing eligible populations for supportive housing so that targeted housing providers will be eligible without accepting populations they are not prepared to serve (e.g. “reentry, sober living, **or** mothers with children”).

By implementing these three changes, the State could improve the variety and quality of services available to returning citizens. Broadly defining homelessness would allow more organizations to apply for reentry grants because housing organizations would no longer have to wait for returning citizens to be living on the streets before being eligible for help. Second, allowing greater flexibility on the length of stay at sober homes is a common sense way to reduce recidivism. If returning citizens are forced out of their supportive housing before they are ready, they will most likely end up back in prison. Trying to keep beds open and rotating is penny-wise, but pound-foolish. Lastly, using “or” instead of “and” in statutes allows housing providers to cater effectively to specific populations. Mothers with children, HIV positive patients, and people recovering from addiction have vastly different needs and small housing providers cannot meet them all.<sup>36</sup> Rather than creating one-size-fits all housing funds, grants should be allocated to housing providers who serve any one of these populations, not all of them at once.

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<sup>36</sup> This is a non-exhaustive list of high-need populations, but these three groups were often named in interviews with housing providers.

## D. Addiction and Drug Use within Prisons

Conversations with the government officials, formerly incarcerated people, and transitional housing providers revealed that addiction and its effects pervade every step of the corrections process. Estimates varied, but a strong majority of released returning citizens tested positive for drugs the day released.<sup>37</sup> Post-release, many transitional housing programs are unable to provide the necessary rehabilitation services required to manage addiction. This is due to a multitude of factors, including the lack of funding and resources to run such programs, the relatively short transitional housing period, and religious or moral requirements to stay in houses requiring sobriety. With MDOC only paying \$20 a day for 180 days of transitional housing post-release and some rehabilitation programs only lasting 30 days, even programs hoping to incorporate rehabilitation in their transitional communities may require additional private funding.<sup>38</sup> Addiction and the criminalization of drug use contribute to recidivism, unemployment, and health issues and available, affordable, and accessible housing positively contributes to solving each of these issues.

Funneling offenders with addiction problems into drug court rather than prison would solve many of these complicated issues. However, that alone is insufficient. An increase in funding and supporting sobriety programs long enough to account for complete recovery will see formerly incarcerated people have the resources necessary to integrate back into society completely and cut

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<sup>37</sup> This might require a public records request to determine (if such information is tracked), but housing providers, the Parole Board, and other stakeholders estimated between 70%-85% of all people leaving prison tested positive the day they left prison.

<sup>38</sup> "Prisoner Advocates Say Transitional Housing Expansions Are Much-Needed," Mississippi Public Broadcasting, Oct. 2023, Michael McEwen  
<https://www.mpbonline.org/blogs/news/prisoner-advocates-say-transitional-housing-expansions-are-muchneeded/>

down on recidivism rates. One potential solution is to create a tiered approach to transitional housing, with funding based on the level of care needed.<sup>39</sup> By creating a state-wide system with increased funding for transitional housing providing rehabilitation services as needed, formerly incarcerated people would be able to access the care they needed post-release. With greater institutional support and focus on drug rehabilitation and diversionary programs, the State might be able to support those struggling with addiction on the path to sobriety, rather than accidentally exacerbating their addictions.

#### **E. Seek Out More Federal and Private Funding for Transitional Housing**

Common to each conversation with the transitional housing programs is the insufficiency of the MDOC payments for the 180 days following release. Housing of any kind is expensive, particularly supportive housing, and through our conversations, a common theme emerged regarding the importance of tracking long-term returns to justify such expensive investments. Currently, Mississippi does not have any government-owned transitional housing and all programs are independently run by private actors. Additionally, Mississippi's government receives \$21 billion in requests to fit in the \$7 billion budget.<sup>40</sup> While ensuring the formerly incarcerated receive the resources necessary to reintegrate into society will positively contribute to increasing Mississippi's 53% labor workforce percentage, such actions require time to positively see effects - and considering the pressing need for immediate funding elsewhere, state dollars may not be the best source for immediate relief for the transitional housing need.

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<sup>39</sup> Forest Thigpen is the local expert on this particular model.

<sup>40</sup> The source of this figure is unclear, but many public officials agreed on these numbers.

With these conflicting interests in mind, local government partnerships with the federal government and private entities like the Fletcher Group and Social Finance offer opportunities to develop housing projects that provide both long-term reductions in recidivism, increased workforce participation, and return for investors. Such programs require both specificity and buy-in from the local communities, which requires both data-driven planning and close interactions with local officials. Additionally, tax credits for investments in transitional housing programs like those contemplated in the defeated House Bill No. 1393 would further provide incentives for private investment in the short-term that would lead to state tax savings in the form of fewer people in prisons currently and returning to prisons once released.

**F. The Corrections Committee and Public Health and Human Resources  
Committee in the State Legislature Should Collaborate to Count Available  
Transitional Housing Space**

Discussions with Mississippi state legislators on the Corrections Committee focused on the need for mental health and/or addiction recovery care in transitional housing—care that is often inadequately addressed in prison. Thus, transitional housing is an issue at the intersection of incarceration, public health, and mental health. Their health issues need attention after release from prison and may be further exacerbated if not addressed.

Committees like the Corrections Committee and Public Health and Human Resources Committee could collaborate to address a need that both committees seek to address: counting beds. There are already-existing initiatives that involve counting beds such as MED-COM, a medical

first-response team. MED-COM provides Mississippi’s emergency response agencies with live data on how many beds are available and this data could be adopted to account for how many beds are available for both traditional housing and mental health facilities. Budget considerations are important to funding the comprehensive collection of data which is why this solution will need to be effectively framed (see the “Frame solutions for transitional housing as people helping who are trying to help themselves”).

### **3. Framing Solutions for Transitional Housing as Helping People who are Trying to Help Themselves**

#### **A. Asset-based framing**

Throughout the interviews we conducted, a theme that emerged was the “losing narrative” around re-entry housing. Legislators, parole board members, and incarcerated people we spoke with agreed upon the need to reframe and rebrand the issue of transitional housing to an asset-based lens. Like in California, in Mississippi the stigma around incarceration and persistent NIMBY-ism makes it difficult to generate buy-in for more transitional housing. While everyone acknowledges the need for more transitional housing, some legislators explained that it is easier to rally support and funding for “sexier” issues like education. Therefore, framing the issue of transitional housing as a matter of public safety at both the legislative and local grassroots level may help generate buy-in. Moving the narrative away from criminal history and towards systemic poverty can also help sell programs for returning citizens.

Furthermore, providing returning citizens opportunities to be productive members of their communities through work release programs can help them be seen as assets to their communities. Given the close relationship between drug abuse and incarceration, acknowledging that virtually everyone has a family member or friend affected by addiction can also decrease stigma and increase buy-in. Framing transitional housing facilities as community centers, rather than correctional facilities is also crucial to working around persistent NIMBY-ism. These community centers can help develop a recovery ecosystem in areas that struggle with the opioid crisis. Encouraging employers to hire incarcerated and returning citizens can change perceptions while also giving formerly incarcerated people a chance to better their lives. For instance, from our meeting with representatives from the Fletcher Group, we learned that in Kentucky, some towns that initially refused to house transitional facilities, now want them after seeing successes of the facilities in other towns. Local leaders that champion these programs are essential; mayors and community leaders can provide the opportunity for community members to voice their concerns through town halls and other forums. In rural areas that lack the tax base to be able to provide basic services to their communities, returning citizens engaged in work programs can help contribute to this tax base.

## **B. Data Availability**

To craft effective policy, the availability of reentry data is necessary to determine what is and is not working. However, through our conversations with multiple stakeholders one thing became clear—Mississippi has very little data available. This may be due to the apparent stigma that increased transparency and data accessibility carries, as legislators are fearful of (1) reporting costs (e.g. upgrading

collection software and training personnel) and more importantly, (2) the costs of litigation once plaintiffs attorneys access this information. Data that reflects an inadequate supply of beds available in prison or transitional housing units, or high recidivism rates for repeat offenders may also subject the state to inquiries by the Department of Justice.<sup>41</sup>

Accordingly, distinguishing between efforts of promoting data transparency and data usability is essential for compelling framing. Social Finance Executive, Rashmi Khare, raised this issue in our meeting with her. In conducting a prior analysis on the cost homelessness had on Ventura County, California, Khare noted that datasets spanning across different agencies were often unresponsive and non-communicative to one another, and that determining actual costs with fragmented snapshots of data was not feasible. For instance, former incarcerated people currently employed at MagCor reported having little to no awareness of transitional reentry housing at the time they were eligible for parole. In this case, the lack of coordination between stakeholders like MagCor, the Parole Board, and the Department of Corrections, for example, in promoting resources available to incarcerated people creates a two-sided cost to society. One side of the costs come from the deficit of running these programs despite having them not being utilized (i.e. an empty bed). The other side of the costs stems from incarcerated people's inability to utilize these services, resulting in the bloating of prison costs due to the denial of parole and higher recidivism rates.

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<sup>41</sup> Justice Department Finds Conditions at Three Mississippi Prisons Violate the Constitution, DOJ Press Release, Feb. 2024  
<https://www.justice.gov/usao-sdms/pr/justice-department-finds-conditions-three-mississippi-prisons-violate-constitution>



### C. Framing of Paid Work Release

The work release pilot program's success can be leveraged to expand access to work release programs universally. Highlighting the fiscal and community benefits of the program can help incarcerated people be seen as assets to their communities and reduce opposition to transitional housing. Opposition to paid work release frames paid work release as an incentive to go to prison.

Fiscally, work release programs where employers hire incarcerated workers, pay them standard wages, and retain them after release has several benefits. First, it does not cost the state any money to administer the program. Second, the pilot program has a staggeringly low recidivism rate (estimated at four percent), which, if expanded to the entire incarcerated population, could cut the current recidivism rate by more than 70%, saving the state money. Third, ensuring that those who are released leave prison with savings will keep returning citizens from requiring immediate government assistance in obtaining their basic needs, such as housing and food, outside the fence. Finally, the wages from the program are used to pay taxes, fines and fees, and administrative costs, benefiting the community and the state.

Framing the work release program in terms of sincere people who are trying to help others and themselves change their lives and highlighting the work ethic of incarcerated people and returning citizens recognized by their employers can destigmatize returning citizens in communities. Work release participants want to change their lives and make their own way. The program gives incarcerated people the opportunity to save money, obtain employment, and build skills that will help them become independent, productive community members after their release. It also gives incarcerated and

returning citizens the opportunity to integrate into their communities and demonstrate their value as current and future community members.

Opposition to paid work release targets the savings for incarcerated people as an incentive to commit crimes and go to prison. However, this program is better framed as an accountability measure and insurance against recidivism. The work release program requires incarcerated employees to save 50% of each paycheck for a post-release savings fund, pay 25% for fines, fees, dependants, and restitution, pay 15% to the sheriff's department for administrative expenses, and keep 10% for incidental costs in prison (such as phone calls and food).<sup>42</sup> Highlighting these fee requirements as additional restrictions on the freedom of incarcerated persons can demonstrate why it would be unlikely for law-abiding community members to choose to go to prison.

#### **IV. CONCLUSION**

From 20 stakeholder interviews, three themes emerged. First, returning citizens face several tangible challenges when trying to complete essential tasks such as securing housing and preparing for their release. Next, disorganization within the support structure for reentry leads to fragmented, siloed efforts and breakdowns in communication. Finally, there is a notable narrative issue surrounding reentry, as societal stigma often hinders the acceptance of potential initiatives. These policy suggestions are informed by the insights, observations, and recommendations gleaned from stakeholder interviews

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<sup>42</sup> A review of Central Mississippi Correctional Facility's Pilot Work Initiative, Issue Brief #698, pg. 5, Dec. 2023 [https://www.peer.ms.gov/sites/default/files/peer\\_publications/rpt698.pdf](https://www.peer.ms.gov/sites/default/files/peer_publications/rpt698.pdf) . See also, S.B. 2445 <https://billstatus.ls.state.ms.us/documents/2024/dt/SB/2400-2499/SB2445SG.pdf>.

in March, 2024. We hope that this memo will be helpful to policy makers and other student groups eager to make progress in reentry housing.

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