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Mississippi

Only Young Once

The Case for Mississippi's Investment in Youth Decarceration

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Executive Summary

Mississippi's youth legal system is a study in extremes. While the state is currently experiencing its lowest youth arrest rate in decades, it simultaneously has markedly expanded its use of youth incarceration. Rather than being met with needed services and support, Mississippi students are being pushed out of the classroom at nation-leading rates and into the carceral system – a pipeline that has disproportionately impacted the state's Black youth. Overall, Mississippi's failure to invest in successful community-based programs that provide noncarceral alternatives for youth in need of rehabilitation leaves the state with incarceration as the first option for far too many young people. This overincarceration harms youth and their communities and is an expensive use of precious taxpayer funds. There is a better way. This report delves into the history and context behind Mississippi's current youth legal system, expands on its harmful impacts, and recommends policy changes for reform.

Mississippi has a youth legal system that promotes incarceration, even though youth crime has decreased for decades.

- Contrary to the “superpredator” myth that predicted an increase in youth violent crime, youth arrest rates declined 80% in the U.S. and 82% in Mississippi from 2000 to 2020.
- Despite decreasing youth arrest rates, Mississippi's “get tough” approach to school discipline has produced the second-highest school suspension rate and third-highest school expulsion rate in the country.

The harms of youth incarceration disproportionately impact Black youth.

- In Mississippi, Black youth are 3.9 times more likely to be incarcerated than their white counterparts.
- Black youth in Mississippi are more likely to be referred to youth court, incarcerated, and charged as adults – and less likely to have their cases diverted – than their white counterparts.

Choosing incarceration over rehabilitation is harmful to youth and expensive for taxpayers.

- Incarcerated youth experience harms from solitary confinement, physical and sexual abuse, and educational disruption – all contributing to higher recidivism rates.
- Incarcerating a young person in Mississippi for one year (\$155,125) is more expensive than the annual cost to educate a child in Mississippi public schools (\$9,258), fund community-based alternatives to incarceration (\$18,250), and the enrollment for Ole Miss and Mississippi State University combined (\$41,210).

Policy reforms in Mississippi should involve an intentional investment and commitment to approaches that are safer and more humane for children, and more cost-productive for taxpayers.

The Southern Poverty Law Center's recommendations:

1. Mississippi should raise the minimum age of youth incarceration and prosecution in the state from 10 to at least 14.
2. Mississippi should make nonviolent offenses, especially technical violations, status offenses and nonviolent drug offenses, nonjailable for youth.
3. Mississippi should reinvest in community-based alternatives to youth incarceration and school-based policies and programs that prioritize rehabilitation.
4. Mississippi should completely ban the practice of incarcerating youth in adult facilities.
5. Mississippi should expand parole eligibility for people convicted as teenagers.

“For me, I feel like it’s almost like preparation, it feels like [people think] these kids are bad, let’s prepare them, like junior high, like junior jail. It’s just like they put you in your cell, they do the bare minimum that they are required to do by the state law, and they just release you with the hopes that you come back so they can continue making money so this business can thrive like any other business.”

**Alonté Davis
Anderson,
formerly
incarcerated
youth¹**

Only Young Once

The Case for Mississippi's Investment in Youth Decarceration

By Delvin Davis,
Southern Poverty
Law Center

These are the words of Jackson, Mississippi, resident Alonté Davis Anderson, formerly incarcerated as a teenager in Mississippi's Henley-Young-Patton Juvenile Justice Center. A college student by the time of a 2016 interview, he recalled his experience with the youth legal system as a “junior jail” designed to return him to a carceral setting later in life – as if recidivism was more of a predetermined expectation for him than rehabilitation.

The last time Alonté was detained at Henley-Young-Patton, he was 17 years old and was brought in by police after they incorrectly identified him as a burglary suspect. According to witness testimony, the actual suspect was 2 inches taller and 20 pounds heavier, but it was Alonté who was brought in for questioning. If not for a neighbor coming to vouch for him, he may have easily been racially profiled as “fitting the description” for a crime he did not commit. Alonté's arrest and incarceration can easily be linked to the fact that he was a Black teenager – an identity that is often burdened with racist assumptions of criminality.

Alonté spent a couple of short-term stints at Henley-Young-Patton, which at the time was under legal scrutiny due to the treatment of youth in its custody. According to a 2011 complaint, youth in the facility were subject to “inhumane and unconstitutional practices” – including prolonged solitary confinement, denial of mental health services, and threats of abuse.² The complaint also alleges that an officer threatened to come to a child's home to harm his family simply because he took too long in the shower, while another officer expressed indifference about a youth's suicide attempts. After more than a decade, the facility was released from a federal consent decree mandating improved conditions in 2022,³ with the hiring of a new director in 2023

potentially providing a critical opportunity for continued reform.⁴

However, even with the progress made at Henley-Young-Patton, several escapes have brought up concerns of violence in the facility as recently as 2023. According to a parent of one of the escapees, “They have more guards and more security, more people in the day. Why can't they go protect these kids at nighttime? My son had got to the point where he didn't sleep because he felt like they were going to come again. Those children ran for their safety.”⁵ The grandmother of an incarcerated youth also alleges that an officer is under investigation for demanding a \$50 payment to bring something from outside to their incarcerated child.⁶ Despite Henley-Young-Patton's improvements, these concerns indicate a need for consistent decarceration efforts to prevent the system from regressing back to its problematic past.

Mississippi's Oakley Youth Development Center, which detains youth adjudicated for felonies, has also been the subject of controversy. In 2012, when the facility was already subject to a federal consent decree due to its problematic conditions,⁷ a whistleblower alleged the facility was home to physical and verbal abuse and “inappropriate contact between a worker and a juvenile.”⁸ More recently, in 2020, a former

Oakley employee was arrested on an aggravated assault charge after using “undue force against a student.”⁹

These harsh examples illustrate the history of Mississippi’s youth detention facilities and the necessity of providing rehabilitative alternatives for youth that do not require incarceration.

Despite this need, Mississippi has yet to meaningfully reinvest in community-based alternatives to incarceration that have a proven impact on youth. For years, state-operated Adolescent Opportunity Programs, or AOPs, provided resources and services designed to rehabilitate young people and keep them out of youth detention. In 2016, however, the state closed its AOPs after losing the ability to allocate funding to them from the federal Temporary Assistance for Needy Families (TANF) program.¹⁰ These funds have yet to be replaced. In the words of a Harrison County youth court judge, defunding the programs was “devastating for our juveniles who are charged with delinquent acts. ... It is a proven effective program offering free counseling, tutoring, case management, [and] substance abuse [treatment]. It’s been in existence for over 20 years.”¹¹

The intent of this research is to amplify the need to keep Mississippi’s youth out of the youth legal system and support meaningful investment in community-based alternatives to youth incarceration. Funding noncarceral alternatives has proven to be a much more productive and less expensive means to address youth crime and prevent the revolving door of recidivism Alonté referenced.

First, this report will explore the myth of the “superpredator” and its impact on the perceptions of criminality all too often associated with Black youth. Second, it will outline how the school-to-prison pipeline contributes to Mississippi’s overuse of youth incarceration. Third, the report highlights the racial disparities evident throughout Mississippi’s youth legal system and the overincarceration of youth for minor offenses. Fourth, it details how the reliance on incarceration and underinvestment in community alternatives have led to significant harm for Mississippi’s youth. Fifth, it speaks to potential hope for reform of the state’s youth legal system moving forward. Last, the report will conclude with policy recommendations to advance youth decarceration reform in Mississippi.

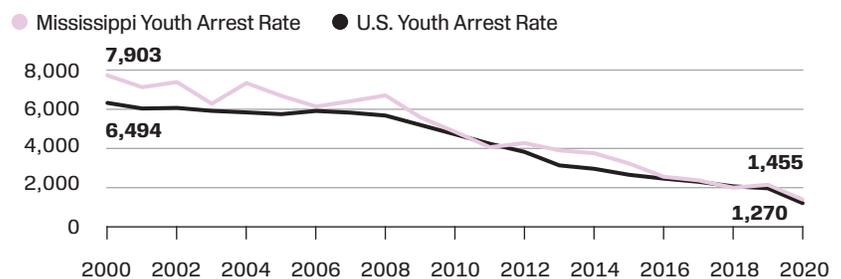
The Myth of the “Superpredator” and Perceptions of Youth Crime

Sheroderick Elmore, a Black 15-year-old from Jackson, Mississippi, was arrested for allegedly shooting another youth in 2017, who later died from her injuries. The nature of the allegations led the court to charge him as an adult, which removed the privacy protections he would have been entitled to if charged as a minor.¹² Two days after the shooting, Jackson police released a mugshot of Sheroderick from a previous encounter to local media, expressing their interest in him as a suspect. The police also arranged a “perp walk” for the media to record Sheroderick immediately after his initial court appearance. Even though Sheroderick was still innocent until proven guilty, and too young to vote or drink alcohol, Jackson’s law enforcement, courts, and local media amplified the notion of a Black youth’s culpability as a dangerous criminal.

Sheroderick’s case illustrates how Black youth are not treated in an age-appropriate way by law enforcement or the media, a reality that ties back to the racist myth of the “superpredator.” Former Princeton professor John DiIulio coined the “superpredator” phrase in the mid-1990s in response to rising youth crime, stating the reason for this crime increase was because “a new generation of street criminals is upon us – the youngest, biggest and baddest generation any society has ever known.”¹³ Under the superpredator theory, certain youth – mainly Black youth – had a “moral poverty” that led them to “do what comes naturally: murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”¹⁴

Rather than being young human beings in need of rehabilitation, care, or protection, DiIulio’s

U.S. and Mississippi Youth Arrest Rates, 2000-2020



Sources: U.S. arrest rates are from the U.S. Office of Juvenile Justice and Delinquency Prevention. Mississippi arrest figures are from the FBI Crime Data Explorer, calculating rates according to youth population estimates from the U.S. Office of Juvenile Justice and Delinquency Prevention. Figures presented as arrests of youth ages 10-17 per 100,000 youth ages 10-17.¹⁹

superpredators were portrayed as subhuman entities engaging in “homicidal violence in ‘wolf packs’”¹⁵—justifying an unprecedented investment in tough-on-crime tactics. DiIulio’s theory used anti-Blackness to fuel racial fearmongering – implying that crime from Black youth should be dealt with promptly before it expanded to white neighborhoods. According to him, “While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland.”¹⁶

In practice, this racist theory associated crime with Black youth in ways that white youth did not experience – drawing a clear distinction between those kids who were perceived as “deserving” of treatment and services (generally white youth) and superpredators who needed harsh punishment (largely Black children). As one expert put it, “If it’s a white youth that’s being accused of a heinous crime, then all of a sudden the authorities will take every precautionary measure to secure and not disclose that child’s identity because ... there’s a lack of culpability – he’s not an adult, you follow me? But when it’s a black person, all of a sudden culpability is not even discussed. This person is just completely dangerous – it’s because of his environment, he has no morals, it’s because of poverty, a lack of father, and so on. So, you see this double standard.”¹⁷

As superpredator perceptions attached children to violent adult behavior, it justified remedies better designed for adult punishment than youth success. This theory, along with its racial tropes, was fodder for political debate helping justify harsher criminal penalties and greater investment in law enforcement and carceral facilities with the passage of the 1994 Crime Bill. In DiIulio’s own words, “No one in academia is a bigger fan of incarceration than I am. ... By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the superpredators.”¹⁸

However, over the following decades, the thousands of violent teenagers predicted to flood the nation’s streets never materialized, debunking DiIulio’s theory with clear data. In fact, youth arrest rates declined by 80% in the U.S., and 82% in Mississippi, from 2000 to 2020.

Mississippi’s School-to-Prison Pipeline and Its Impact on Black Children

“By practicality they are preparing prison beds according to the success abilities of black children in the 4th grade. We cannot lead the world if the majority of your children can’t read. We are spending all this money on prisons, and why do we continue to let this process go on? I am deeply concerned. Builders of private prisons are guaranteeing governors that they will keep them filled for the next 40 years. It’s time for Mississippi education leaders to take action now and stop flooding our juvenile justice system with children who don’t pose a threat to others.”

Marian Wright Edelman, Children’s Defense Fund founder ²⁰

Despite the debunking of the superpredator myth, its lasting legacy on the overcriminalization of Black youth has permeated multiple facets of society – including our nation’s schools. As a result, rather than being met with a safe learning environment, students across the country are now subject to zero-tolerance policies, heightened security, and the overuse of school exclusion practices. As a matter of fact, security and police officers have proliferated across the nation’s schools, showing a growing presence from 54.4% to 75.4% of schools between 1999 and 2019.²¹ Also, of all the Black children disciplined in schools with corporal punishment in the country during the 2017-18 school year, half of them (50.5%) were punished in Mississippi.²² Consequently, the expansion of policing and punitive measures in schools can escalate youthful misbehavior into school pushout and incarceration – a process called the school-to-prison pipeline.

Mississippi – and its Black students in particular – has been uniquely impacted by this pernicious practice. According to recent Department of Education figures, the 2017-18 school year saw 36,981 Black students suspended from public schools in Mississippi²³ – a Black student suspended every 15 minutes – representing more than one out of every seven Black students in the state (15.7%).²⁴ That year, Black children were suspended from school at three times the rate of white children.²⁵ This makes Mississippi’s out-of-school suspension rate the second highest in the country, while also having the country’s third-highest expulsion rate (0.52%) – both rates more than double the national rate.²⁶



15 mins

According to recent Department of Education figures, the 2017-18 school year saw 36,981 Black students suspended from public schools in Mississippi – a suspension every 15 minutes – representing more than one out of every seven Black students in the state (15.7%).

In practice, Mississippi’s school-to-prison pipeline has resulted in mostly Black students being pushed out of school and, in too many cases, thrust into the criminal justice system for normal, youthful behavior. Research from the Children’s Defense Fund found that the majority (52%) of disciplinary incidents in Mississippi schools were for infractions that did not break the law.²⁷ This has led to Black children being suspended for minor incidents – including a 9-year-old accidentally breaking a bathroom stall in DeSoto County and being accused of “vandalism, hostile actions and being a threat to the safety of others,” leading to an eight-day suspension.²⁸ According to the school district’s policy, anything subjectively deemed as “insubordination” – a vague catch-all phrase – could get a student suspended from school for up to three days.²⁹ In 2016, a federal complaint filed by the Advancement Project led to an investigation by the U.S. Department of Education to look into claims of racial discrimination with the DeSoto County school system’s disciplinary practices.³⁰

Likewise in 2012, the city of Meridian, Mississippi, was forced to adjust very unforgiving disciplinary policies the U.S. Department of Justice (DOJ) said amounted to “local police operating a taxi service between schools and juvenile detention.”³¹ According to a DOJ investigation, children of color were handcuffed and taken to jail, then held for days without a hearing, attorney, understanding of their Miranda rights, or proper notification to their parents or guardians.³² Meridian’s students, some of whom had disabilities, were arbitrarily incarcerated for minor incidents like using the bathroom without permission or being tardy to class. Meridian Public Schools changed its policy to only call police in the event of an alleged felony.³³

Suspensions over trivial cases like what we have seen in DeSoto County and Meridian are significant given that studies have shown strong correlations between school suspensions and future incarceration.³⁴ In fact, a 2016 study in Jackson, Mississippi, found that youth who have failed a grade, dropped out, have been chronically absent from school, or are generally involved with the youth legal system are more likely to be criminally active later as an adult.³⁵ This finding is particularly important in Mississippi since youth incarceration often leads to adult incarceration, and the state has the highest adult imprisonment rate in the country as of 2021.³⁶ Overutilizing school

pushout is often the start of how Black youth are disconnected from resources designed for their growth, and a likely contributor to their overrepresentation as incarcerated youth.



In practice, Mississippi’s school-to-prison pipeline has resulted in mostly Black students being pushed out of school and, in too many cases, thrust into the criminal justice system for normal, youthful behavior.

Mississippi's Youth Legal System Consistently Produces Racial Disparities and Criminalizes Minor Incidents

“In 1940, lawmakers set the minimum age to be charged as an adult at 14. Two years later, Mississippi lawmakers wanted to take it even further, so that children of any age could face adult charges. ... Governor Paul Johnson, Sr. doesn’t go for that, because he already set up a kid’s prison unit at Oakley State Farm, specifically for quote, ‘delinquent Negroes.’ ... He’s saying, why should we worry about putting younger kids in the adult system? There’s already a place for black children.”

Ko Bragg, journalist reporting on the history of the Oakley Youth Development Center ³⁷

These sentiments from Mississippi’s Jim Crow past illustrate a youth legal system that is racially divided – not by circumstance, but by design. As we see in the above excerpt, notions of lowering the minimum age of detention and where to incarcerate children have a racialized history that grounds current inequities in the state. The current minimum age in Mississippi is 10 years old for pretrial detention, and 12 years old for commitment to Oakley.³⁸ Recently in 2023, a 10-year-old Black boy named Quantavious Eason was detained in a Senatobia, Mississippi, jail cell for urinating behind his mother’s car. Quantavious was brought to the station in tears, as he was charged as a “child in need of services,” even though the police chief would later admit the arrest was an “error in judgment.”³⁹

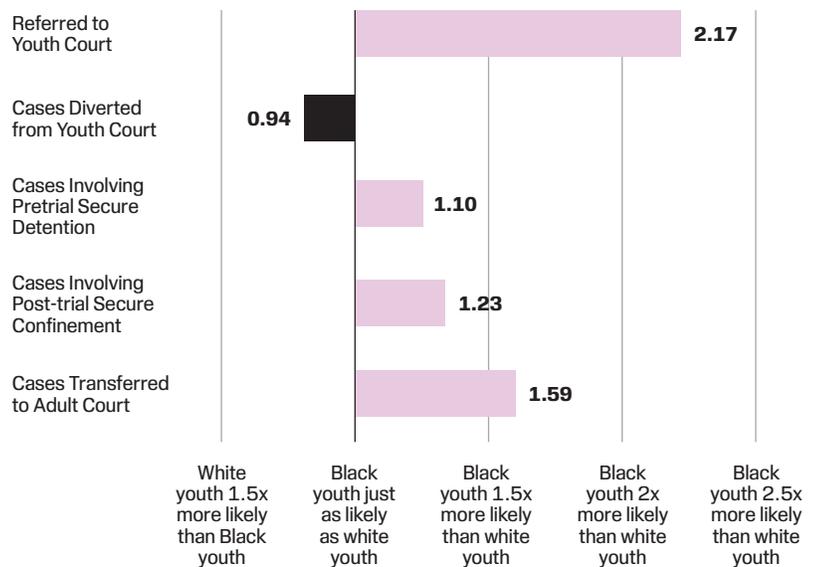
Even with youth arrests declining for decades, Black youth see racial disparities at various stages of Mississippi’s youth legal system – from arrest to incarceration. In 2022, 65% of young people entering Mississippi’s youth court system were Black,⁴⁰ even though Black youth make up only 43% of youth in the state.⁴¹

According to research from Mississippi State University, Black youth are more likely than their white counterparts to be referred to youth court, be detained pretrial, have cases resulting in delinquency findings, and have their cases transferred to adult court. Conversely, white youth are more likely to have their cases diverted out of youth court and be placed on probation instead of incarcerated post-trial.⁴² This racial disproportionality within the courts ultimately impacts who ends up in incarceration: Black youth are incarcerated in Mississippi at 3.9 times the rate of their white peers.⁴³

And when Black youth are incarcerated in Mississippi, they often serve long sentences – a practice supported by recent Supreme Court case law. In 2012, the Supreme Court, in *Miller v. Alabama*, deemed mandatory life without parole for a young person as unconstitutional on the grounds that it was cruel and unusual punishment for a youth.⁴⁵ In a subsequent case, *Montgomery v. Louisiana*, the court, in holding that *Miller* applied retroactively, restated that “*Miller* ... [barred] life without parole ... for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.”⁴⁶ These decisions were supported by science showing that the human brain does not fully mature until a person’s mid-20s, meaning young people are more prone to risky activity and lawbreaking during adolescence, and that most youth will naturally age out of this behavior as their brains develop.⁴⁷ However, in 2021, the Supreme Court appeared to move away from this line of precedent⁴⁸ in *Jones v. Mississippi*, holding that the state *does not* have to prove a child is “permanently incorrigible” before sentencing them to life without parole.⁴⁹

Consequently, Mississippi youth continue to be routinely sentenced to lengthy terms, especially for youth tried and convicted as adults. Looking at state prison data from FY 2007 to FY 2020, the Southern Poverty Law Center found that 85% of people arrested and incarcerated in Mississippi’s Department of Corrections before age 18 were

Black vs. White Odds of Appearing in the Mississippi Youth Legal System, 2018



Source: Social Science Research Center, Mississippi State University 2019⁴⁴

Black, with many of them serving long sentences without the possibility of parole.⁵⁰ The average sentence for youth admissions over this time period was 8.6 years, with many youth serving decades at a significant financial cost to the state, and to the personal detriment of young people forced to grow up in adult prisons.

In addition to being disproportionately subject to long sentences, many Black youth enter the youth legal system in the first instance for minor and nonviolent offenses. In the youth legal system, there are certain nonviolent offenses known as “status” offenses that are generally only an issue when committed by a minor – such as truancy from school or running away from home.⁵¹ In Mississippi, youth with status offenses are often categorized as “children in need of supervision” or “CHINS.”⁵² According to the Mississippi Division of Youth Services, CHINS/runaway cases were the most frequent reason that any youth entered Mississippi’s youth legal system in 2022, and have been the most frequent reason for young females entering the system since 2014.⁵³

According to OJJDP data, there were 39 Mississippi youth incarcerated in 2019 for status offenses, drug offenses, and technical violations – nearly 20% of all incarcerated youth they recorded in secure care facilities that year.⁵⁴ Drug-related offenses could be more appropriately and inexpensively handled by counseling in community-based programs instead of carceral settings that do not guarantee provisions for drug counseling. Also, technical violations for not strictly adhering to probation terms can also land a young person in secure care. Failing to report to a probation officer, not paying court fines, or getting suspended from school for minor matters, while not violent offenses, could all violate a youth’s terms of probation, and re-entangle a young person in the legal system.

While status offenses are typically nonviolent and have protections in the Juvenile Justice and Delinquency Prevention Act against secure confinement, they can still land a young person in secure or nonsecure custody through the use of “valid court order” (VCO) exceptions that give judges discretion to incarcerate.⁵⁵ Mississippi used VCO exceptions for 117 cases in FY 2021 – the second-highest total in the country.⁵⁶

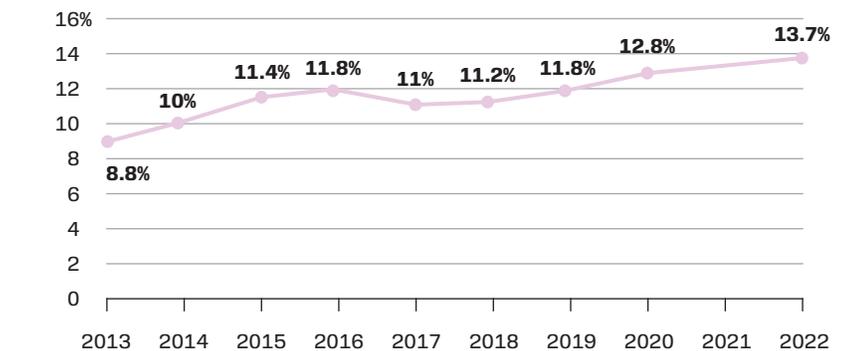
Over the past decade, status offense cases have made up an increasing portion of all youth court cases, growing from 8.8% of all cases in

2013 to 13.7% in 2022.⁵⁷ Again, Black youth are unequally represented in this total – comprising 63.5% of status offense cases in youth court as of 2022.⁵⁸

Further, status and minor nonviolent offenses (such as driving with a suspended license, trespassing, and gambling) currently make up more than one in every six cases that come through Mississippi’s youth court (17.8%).

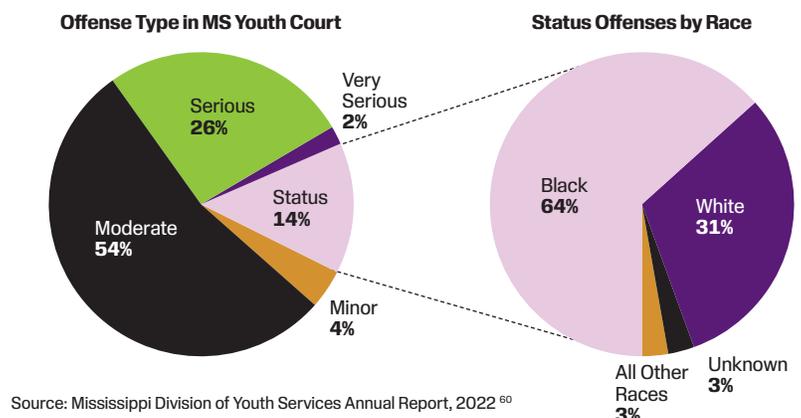
This increase in status offense cases has coincided with a decrease in youth court diversions, where cases are handled informally outside of the youth court system, and an increase in youth detentions. Between 2013 and 2022, the percentage of youth court cases going to diversion declined from 33.9% to 25.3%, while the percentage of cases resulting in detention increased from 3.7% to 7.0%.⁶¹ These are indications of a state prioritizing incarceration over rehabilitation.

Percentage of Status Offenses in Mississippi Youth Court Cases, 2013-2022



Source: Mississippi Division of Youth Services Annual Reports. Note that a 2021 annual report was not available.⁵⁹

Mississippi Youth Court Cases by Offense Severity and Racial Demographics for Status Offenses, 2022



Source: Mississippi Division of Youth Services Annual Report, 2022⁶⁰

A Cycle of Abuse: The Harms and Costs of Youth Incarceration

“In October, 2010, D.I., a seventeen-year-old youth, began cutting himself with a razor – this self-harming behavior was a manifestation of serious mental health need. Instead of providing D.I. with the required care, Henley-Young staff taunted the youth and commented that if he succeeded in killing himself, there would be ‘one less person officers have to worry about.’”

Excerpt from *J.H. v. Hinds County, Mississippi* court documents ⁶²

This is just one of several graphic descriptions of how young people in Mississippi’s Henley-Young-Patton facility have been treated. Young people locked up in Mississippi’s youth facilities are subject to a number of harms – including solitary confinement, physical and sexual abuse, disruption to their education, and eventual recidivism. As discussed more in depth later, many of these facilities came under intense litigation, federal investigation, and consent decrees before any eventual progress was made. These carceral environments are also not only harmful to children but are incredibly expensive to the state.

Solitary Confinement

“Since his admission into Henley-Young, J.H. has spent 20 hours a day locked inside of [a] cell with limited human interaction. He is denied access to all rehabilitative and educational programming and is provided only extremely limited opportunities to engage in large muscle exercise. ... While J.H. has been at Henley-Young, he has been targeted by staff because he continually cries and expresses his depression. Officers have called him a ‘cry baby’ and have said ‘shut up you b--h’ to him when he is crying. The officers have also threatened to beat J.H. as a consequence for his crying.”

Excerpt from *J.H. v. Hinds County, Mississippi* court documents ⁶³

J.H.’s experience in solitary confinement speaks to the harms of the practice, which has been shown to cause severe psychological damage, correlate to premature death after release, and is considered torture by the United Nations when used excessively.⁶⁴

Like Henley-Young-Patton, Mississippi’s facilities at Oakley and the Columbia Training

School were the subject of litigation after reports surfaced of officers “hog-tying and pole-shackling” youth as methods of discipline and suicide watch monitoring.⁶⁵ At Columbia, which later closed in 2008, young girls were stripped naked and placed for days in a “dark room” – a locked and windowless cell without furniture, and only an open drain to serve as a toilet.⁶⁶

In response to these harmful practices, 2012 litigation from the Southern Poverty Law Center (SPLC) and the American Civil Liberties Union (ACLU) led to a historic consent decree banning the use of solitary confinement of youth convicted as adults, as well as ending the use of a privately run facility to house youth.⁶⁷ Since that time, however, a 2015 DOJ investigation has raised concerns about the regular use of extended isolation as a means of mental health observation or discipline in Hinds County, where children were jailed with adults.⁶⁸ According to the investigation findings letter, the DOJ was “especially concerned about the Jail’s harsh and highly restrictive treatment of prisoners with disabilities and juveniles. ... Even in good circumstances, booking cells are not well-designed for long-term prisoner housing. They provide little space or light, and it is harder to provide any prisoners locked in these cells with proper supervision and programs than if they were housed in larger housing units.”⁶⁹

After being under a DOJ consent decree for six years, a federal judge ordered Hinds County to relinquish control over the detention center to a federal receiver in 2022, saying, “We can’t wait for the proliferation of more contraband. We can’t wait for more assaults. We can’t wait for another death. The time to act is now. ... [The detention center] shall no longer languish in [Hinds] County’s inadequate grip.”⁷⁰

Physical and Sexual Abuse

“Staff of the [Walnut Grove Youth Correctional Facility] and those responsible for overseeing and supervising the youth engaged in sexual relationships with the youth; they exploited them by selling drugs in the facility; and the youth ‘handcuffed and defenseless[,] have been kicked, punched, and beaten all over their bodies.’”

Excerpt from *DePriest v. Epps* court documents ⁷¹

Legal action against the Walnut Grove Correctional Facility, a unit that contracted its operations to a private, for-profit company called the GEO Group, exposed an environment



Between 2013 and 2022, the percentage of youth court cases going to diversion declined from 33.9% to 25.3%, while the percentage of cases resulting in detention increased from 3.7% to 7.0%.

“And although many of the offenders have been ordered to finish their education, ‘the facility prevents most youth from accessing even the most basic education services.’”

Excerpt from
DePriest v. Epps
court documents ⁸⁵

that “paints a picture of such horror as should be unrealized anywhere in the civilized world,” according to one federal judge.⁷² The torturous nature of the facility had a culture that exploited vulnerable youth both sexually and financially. A 2012 DOJ report found that rape of younger inmates was commonplace, stating that “the sexual misconduct occurring at [Walnut Grove], including ‘brazen’ staff sexual misconduct and brutal youth-on-youth rapes, was ‘among the worst that we have seen in *any facility anywhere* in the nation.’”⁷³ One person formerly incarcerated at Walnut Grove testified about correctional officers arranging fights between youth for entertainment and gambling purposes, claiming, “It’d be like setting up a fight deal like you would with two dogs. I did witness [it] twice while I was at Walnut Grove, they actually bet on it. It was payday for the guards.”⁷⁴

The fact that child abuse was engendered in a facility run by a for-profit business brings into question whether rehabilitation was truly part of the facility’s business model. In 2009, Walnut Grove added 500 beds, increasing its capacity to 1,200,⁷⁵ to become a major employer in a small town with only 510 residents as of the 2020 census.⁷⁶ The expansion created \$3.4 million in additional revenue at the same time youth were abused there. As a former Walnut Grove educator realized, “I thought when I went to Walnut Grove I was going to a place that was really interested in the rehabilitation of children, but I found out quite the opposite. And I guess as a private facility they had to make money.”⁷⁷

As a whole, Mississippi’s youth detention facilities have a sordid history involving physical and sexual abuse. The same 2015 DOJ investigation that exposed the use of solitary confinement in Hinds County also unearthed repeated use-of-force incidents, including that “a number of prisoners, including juveniles, reported that the tactical team used force upon them during cell searches. One juvenile we saw had a broken tooth and another had obvious bruises.”⁷⁸ Later, in 2021, a staff member hired to teach youth at Henley-Young-Patton was arrested on charges of “gratification of lust and contraband in a penal institution.”⁷⁹ The teacher was then jailed in the same Hinds County facility where the DOJ had previously documented concerns about consistently maintaining federal sight-and-sound separation mandates between adults and children.⁸⁰

Much of this abuse goes unreported and without accountability, although all of the

abuse can cause significant and lasting harm with devastating consequences. Nationally, the highest cause of death for youth in adult jails like the Hinds County Detention Center has been by suicide,⁸¹ while youth held in adult prisons have the highest suicide rate of any age group.⁸²

Disruptions to Education

“And although many of the offenders have been ordered to finish their education, ‘the facility prevents most youth from accessing even the most basic education services.’”

Excerpt from *DePriest v. Epps* court documents ⁸³

Incarceration detaches a child from school in a manner that can create a self-perpetuating downward spiral. Once a child is removed from their educational environment, they often do not return. Research shows that only a third of formerly incarcerated youth re-enroll in school upon release.⁸⁴

This downward spiral is emblematic in the story of Jelin McChristian, a Black high schooler who was detained in Henley-Young-Patton for 47 days for finding a box cutter at school and using it to pop several balloons on campus. In his words, “I was trying to explain it to them, that I didn’t bring it to school, I’d found it, but they weren’t trying to hear none of that. When we went outside, they had a whole bunch of squad cars in the parking lot. Like I’d killed somebody.”⁸⁵

Jelin was on an Individualized Education Program (IEP) giving him special counseling for his ADHD in high school, but did not get those services at Henley-Young-Patton. Nationally, as of 2011 around 33% of youth in youth correctional facilities have some sort of learning disability.⁸⁶ Federal law requires children with disabilities to have free and available public education with services designed to meet their unique needs through the Individuals with Disabilities Education Act (IDEA).⁸⁷ However, for incarcerated youth in Mississippi, students rarely get the required resources they need to keep up. According to reports, only one-quarter of incarcerated youth at Walnut Grove received educational services as of a 2010 suit,⁸⁸ while the DOJ found the youth facility in Leflore County, Mississippi, to have violated the IDEA.⁸⁹

For Jelin McChristian, missing a month and a half of counseling and instructional time made it incredibly difficult for him to re-enter a school that had already shown a propensity for pushing



1,200

In 2009, Walnut Grove added 500 beds, increasing its capacity to 1,200, to become a major employer in a small town with only 510 residents as of the 2020 census. The expansion created \$3.4 million in additional revenue at the same time youth were abused there.

out Black youth. According to Jelin, after being demoted two grade levels for having his shirt untucked, he frustratingly decided to drop out of school altogether.⁹⁰

Recidivism

Incarcerating youth can easily lead to problems with recidivism as they end up ill-equipped to continue their development into adulthood. According to an FY 2017 Mississippi Department of Human Services annual report, the Oakley Youth Development Center – Mississippi’s only facility for youth with adjudicated felonies – had a recidivism rate of 18%.⁹¹

Having nearly a fifth of an incarcerated population recidivate in any given year indicates a system with a built-in revolving door and an ineffective use of state resources. Once young people enter the never-ending cycle of the youth legal system, the process often repeats itself as they “graduate” to involvement in the adult criminal justice system. Critically, research shows that incarcerated youth have higher rates of recidivism compared to those who receive probation and community alternatives to incarceration,⁹² further emphasizing the dire need for Mississippi to invest in community-based programming.

Fiscal Waste

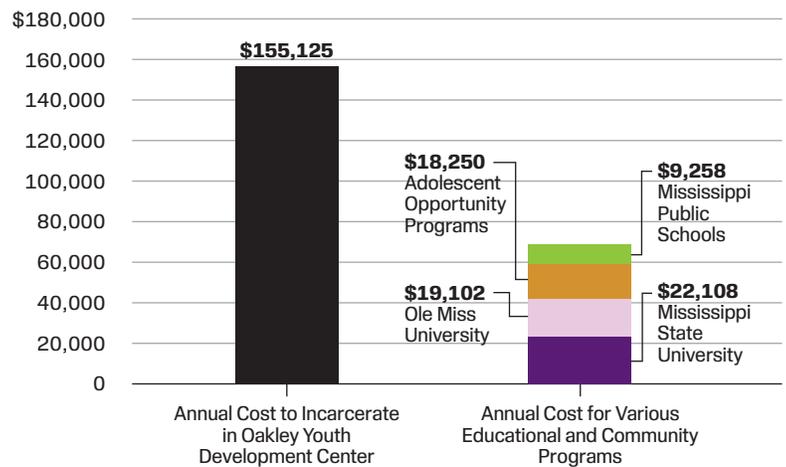
“Without AOPs, judges will have to send more kids to Oakley. More kids means kids will leave quicker and likely return ... the front door dictates the back door. Keeping a child in Oakley costs a heck of a lot more than keeping a child in a community-based program, but now with AOPs going by the wayside, Oakley is going to be under pressure.”

John Hudson, retired Mississippi youth court judge⁹³

The price tag of Mississippi’s youth incarceration system is staggering. As of FY 2017, it costs \$425 per day to incarcerate a young person in Oakley, translating to \$155,125 annually.⁹⁴ Comparatively, the cost of community-based alternatives known as Adolescent Opportunity Programs (described further below), once sponsored by the state to provide noncarceral options for youth, was around \$50 per day per youth (\$18,250 annually).⁹⁵ Given the additional needs the state is required to provide incarcerated youth, detaining a young person is incredibly more expensive than incarcerating adults in prison, which costs Mississippi \$59.24 daily per person.⁹⁶

It costs over 16 times more in taxpayer money to incarcerate a young person in Mississippi than to educate that same person in Mississippi public schools (\$9,258 per year).⁹⁷ This is notable given how incarceration easily disrupts educational progress. Youth incarceration is also three times more expensive than the annual costs to attend Mississippi State and Ole Miss University combined (\$41,210).⁹⁸ Investments in community programs and schools are much more cost-effective in achieving youth success than carceral settings.

Youth Incarceration Costs Far Exceed the Costs Associated With Educating Mississippi Students and Providing Them With Supportive Programming



Sources: PEER Mississippi, Committee Performance Accountability Office (2018 incarceration figure); Mississippi State and Ole Miss University official websites (2023-24 school year figures); WLBT-NBC News (2016 AOP figure); U.S. News & World Report (2022 public school figure)

Potential for Policy Reform

“We’re dealing with kids in these situations from [ages] 9 up until 17, and they are different [than adults], not saying this to make up for what they’ve done, but their brains, bodies and maturity levels are different than adults so what you do for adults is not what you need to do for juveniles. ... We want to make sure they are getting the proper oversight so that they don’t become offenders in the adult system. When I was a prosecutor in the youth court and then in the DA’s office, I saw some of the same people [kids] come up through the adult system. The centers need to understand that this isn’t like adult prison, they’re juveniles.”

State Senator Brice Wiggins, a former youth court prosecutor⁹⁹



2022. Credell Calhoun, president of the Hinds County Board of Supervisors, said in recognition of the decree's termination, "[We] are also doing what we can to make sure that we take care of detainees, make sure that they are safe, and make sure that the staff is safe when they are taking care of the detainees."¹⁰²

Progress has also been noted in improvements to Oakley, also the subject of a consent decree. In 2014, the DOJ asked the federal court to dismiss its case concerning Oakley because "the state of Mississippi and the Division of Youth Services have significantly improved conditions for confined youth."¹⁰³ Improvements included measures to protect youth from abuse, improved suicide prevention practices and health care, and more services for rehabilitation and education. Further, the Columbia Training School facility, which had been under a consent decree since 2005, would later close its doors in 2008,¹⁰⁴ along with the privately run Walnut Grove Correctional Facility in 2016.¹⁰⁵ Overall, Mississippi has successfully decreased its number of youth detention facilities from 21 in 2000 to 16 in 2016.¹⁰⁶

A large driver of these improvements was the existence of community-based programs known as Adolescent Opportunity Programs (AOPs) that served as spaces to divert youth out of youth detention. Through AOPs, a young person could receive therapy and counseling, school tutoring, vocational training, and mentoring services instead of going to a detention center where none of those services are guaranteed. This was a proven benefit, especially for youth involved in the system for the first time and youth arrested for nonviolent offenses.

In FY 2016, community AOPs served 1,783 young people – more than one in every six children in the youth court system (18.7%) – keeping them out of youth detention and providing a cost savings for the state.¹⁰⁷ Unfortunately, instead of providing resources to expand these programs and capitalize on their benefit, Mississippi had to cut funding to AOPs altogether. As of July 1, 2016, federal Temporary Assistance for Needy Families (TANF) funding that Mississippi used to fund AOPs became an ineligible source of money for community-based services for youth.¹⁰⁸ Since AOPs were discontinued, the number of youth diverted from Mississippi's youth court declined 41.1% from 2016 to 2022.¹⁰⁹ Without the capacity of AOPs, Mississippi will have to be much more creative and intentional about maintaining its reform progress.

Even with Mississippi trending toward more incarcerated youth, there are still possibilities for change. After litigation from advocacy groups like the SPLC and ACLU to address serious allegations of abuse in Henley-Young-Patton, Hinds County entered into a settlement agreement in 2012 with several recommendations for changing policy and culture.¹⁰⁰ Progress since that time has been acknowledged. As an auditor opined in his 2018 report of Henley-Young-Patton, "it should be strongly noted that the culture of the Henley Young facility continues to improve. ... From the beginning of this process (the consent decree) to where the facility is now is an indicator of significant progress."¹⁰¹ After being under a consent decree for a decade, Henley-Young-Patton was released from its consent decree in

Policy Recommendations



“Few alternatives to detention exist in the state. Mississippi has a great need and few resources for Alternatives programs. Most secure facilities are not equipped to provide the services needed to address mental health and emotional needs of youth. Increased reliance on detention has led to overcrowding and mistreatment of juveniles in some facilities. Youth are often exposed to violence, abuse and unhealthy conditions that exacerbate their conditions of confinement.”

Excerpt from 2018 Mississippi Juvenile Justice and Delinquency Prevention Plan ¹¹⁰

Without well-resourced alternatives to incarceration – like the ones referenced in this plan – and a focused commitment to decarcerate facilities, Mississippi’s youth legal system could regress to the broken, lawsuit-laden environment of the past. The rise in detention coupled with the drop in diversions speaks to a growing need to explore ways to keep youth out of incarceration.

The following policy recommendations from the Southern Poverty Law Center are aimed at fostering needed change for Mississippi:

Policy Recommendation: Mississippi should raise the minimum age of youth incarceration and prosecution in the state from 10 to at least 14.

Recognizing the need for a more rehabilitative approach for young people, policymakers should consider raising the minimum age of youth incarceration, which currently stands at 10 years old for pretrial detention,¹¹¹ and 12 years old for secure care in Mississippi’s Oakley facility.¹¹² The state should also raise the minimum

age of youth prosecution, which is currently 10 years of age.¹¹³ Science has consistently found that the human brain does not complete its development until approximately age 25, leaving younger people more prone to impulsiveness, risk-taking, substance abuse, and peer pressure.¹¹⁴ In 2019, given the facts around early brain development, the United Nations recommended that the minimum age of criminal responsibility be at least 14 years old internationally.¹¹⁵ Prosecuting and incarcerating youth not only exposes them to a potentially abusive youth legal system, but also interrupts their education, exposes families to expensive court fines and fees, and jeopardizes citizenship status. There were 12 youth under the age of 14 incarcerated in Mississippi youth detention facilities in 2019.¹¹⁶ Keeping people younger than 14 out of carceral settings could save Mississippi \$1.6 million annually in taxpayer money.

Policy Recommendation: Mississippi should make nonviolent offenses, especially technical violations, status offenses and nonviolent drug offenses, nonjailable for youth.

Dealing with nonviolent situations with incarceration is not an appropriate response to deter future crime, and can be more effectively resolved with counseling and community resources. According to 2019 OJJDP data, nearly 20% of all Mississippi incarcerated youth in secure care facilities were there because of status offenses, drug offenses, and technical violations.¹¹⁷ As status and minor offenses make up an increasing share of cases in youth court, the state has the opportunity to divert these youth into more appropriate and cost-productive options for care. Handling minor nonviolent offenses through community means could save Mississippi over \$5.3 million annually.

Mississippi’s Estimated Savings from Raising the Minimum Age of Incarceration

	Youth Incarcerated in Mississippi Secure Care Facilities	Annualized Cost to Incarcerate	Annualized Cost for Community-Based Programs	Cost Savings to Taxpayers
Under Age 14	12	\$1,861,500	\$219,000	\$1,642,500

Source: Population figures from the Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2019.” Cost figures projected from daily incarceration cost of \$425 per youth, and daily AOPs cost of \$50 per youth.

Mississippi’s Estimated Savings from Decriminalizing Nonviolent Youth

	Youth Incarcerated in Mississippi Secure Care Facilities	Annualized Cost to Incarcerate	Annualized Cost for Community-Based Programs	Cost Savings to Taxpayers
Technical Violations	18	\$2,792,250	\$328,500	\$2,463,750
Status Offenses	6	\$930,750	\$109,500	\$821,250
Drug Offenses	15	\$2,326,875	\$273,750	\$2,053,125
Totals	39	\$6,049,875	\$711,750	\$5,338,125

Source: Population figures from the Office of Juvenile Justice and Delinquency Prevention, “Census of Juveniles in Residential Placement: 1997-2019.” Cost figures projected from daily incarceration cost of \$425 per youth and daily AOPs cost of \$50 per youth.

Policy Recommendation: Mississippi should reinvest in community-based alternatives to youth incarceration and school-based policies and programs that prioritize rehabilitation.

Spaces like Adolescent Opportunity Programs that provide mentoring, counseling for mental health or substance abuse, and diversion programs are opportunities that have shown cost-effective success – both in alleviating crowded facilities and lowering recidivism rates. However, these programs have not always had the consistent commitment of funding and resources. Mississippi should take advantage of funding from available sources, including the Office of Juvenile Justice and Delinquency Prevention, which is specifically designed to support community programming. The state should also explore the re-evaluation of policies that lead to school pushout – including expulsions without proper evaluation for Individualized Education Programs.

Policy Recommendation: Mississippi should completely ban the practice of incarcerating youth in adult facilities.

Adult jails and prisons do more irreparable harm than good for young people, and are not designed to address the unique needs that youth have for growth, education, and rehabilitation. Housing youth in adult facilities also complicates the state's ability to keep children physically and psychologically safe, and increases the likelihood of recidivism later in life. In fact, Liz Ryan, current OJJDP administrator, recently affirmed that children “do not belong in adult courts and certainly not in adult jails and adult prisons.”¹¹⁸

Policy Recommendation: Mississippi should expand parole eligibility for people convicted as teenagers.

There are adults sentenced to prison in Mississippi who were arrested and convicted while they were young teenagers. Their sentences may have been for several decades, even though the offense was committed during the most impressionable times of their lives. Research shows that as of 2021, there were 68 people in state prisons convicted before the age of 18, who have served at least 20 years of their sentence without further disciplinary incidents in prison.¹¹⁹ As many are now older adults, they very likely have aged out of criminal activity. Allowing greater parole eligibility for these individuals could save Mississippi \$1.2 million annually and give them a chance to earn redemption.¹²⁰

Conclusion

“Law enforcement cannot arrest our way out of this problem. But, finding alternative avenues that provide a life-enriching experience for young people is a greater challenge. Some solutions have consisted of a patchwork of initiatives, multiple programs and promising ideas. Occasionally, a program is recognized as exceptional, based on its measurable results and impact. Too often, programs have limited impact due to the lack of a comprehensive strategy.”

Christopher Freeze, retired FBI special agent and former executive director of the Mississippi Department of Human Services¹²¹

Mississippi is in a precarious moment given the recent rise of its youth incarceration rates. To mitigate this concerning trend, Mississippi must address the “front door” of a youth legal system that abuses children and recidivates them into further involvement with the adult criminal system. Mississippi has a choice before it to invest in children today so that those same children are productive adults tomorrow.

For the sake of Black children caught in this harmful system, the SPLC urges Mississippi to commit to a course that provides positive reforms and cost-effective solutions for decarceration.

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