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**June 20, 2019**

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**JAIL DATABASE REVEALS ONGOING CRISIS OF**

**LENGHTY PRETRIAL INCARERATION**

*Autistic Jackson County Teenager Remained in Jail for*

*Nine Months Because He Couldn’t Pay Bail But Was Never Indicted*

OXFORD, Miss. – Zach Hill, an autistic teenager arrested on suspicion of burglary in 2018, sat in a Jackson County jail for more than 270 days before his case was presented to a grand jury last month. He was stuck behind bars because he and his family could not afford to pay a bondsman the $1,000.00 necessary to buy Zach’s release from jail after a local judge set bail at $10,000. He had no driver’s license, no vehicle, and no history of violent offenses. When prosecutors finally presented Zach’s case to Jackson County grand jurors, they found that there was not enough evidence to return an indictment and Zach was immediately released. He spent his 19th birthday in the Jackson County Adult Detention Center.

Stories like Zach’s are not unusual in Mississippi. Despite recent criminal justice reform, new criminal court rules, and successful litigation against numerous Mississippi cities and counties over the last five years claiming widespread illegal incarceration of poor defendants, thousands of people continue to languish in Mississippi’s county and regional jails awaiting indictment and trial. That number has increased over the last six months. The Roderick and Solange MacArthur Justice Center at the University of Mississippi School of Law released a new report today identifying more than 5,700 people incarcerated in local jails as of May 2019. Roughly 2,750 of those detainees have been in jail longer than 90 days. More than 800 people have been stuck in county jails over a year. The report captures only a portion of the state’s jail population due to inconsistent reporting from counties, meaning that there are even more people jailed across Mississippi, often on minor charges.

The MacArthur Justice Center estimates that Mississippi counties spend at least $90 million each year on pretrial incarceration. This is the third report on Mississippi’s local jail population issued by the MacArthur Justice Center since last April. All three reports can be accessed at [www.MSjaildata.com](http://www.MSjaildata.com).

Cliff Johnson, Director of the MacArthur Justice Center’s Mississippi office, identifies misuse of the money bail system by Mississippi judges as the primary reason so many Mississippians remain in jail awaiting formal charges and trial. “Mississippi is dealing with a crisis of injustice. In the United States, including in Mississippi, people are innocent until proven guilty. For that reason, the law says that people should not be locked up while they wait for their day in court. Only in the rare case when evidence supports a judicial finding that a person is likely to flee the jurisdiction or hurt someone may a court require people to pay bail in order to be released from pretrial detention.” Johnson says that is not how the system operates in Mississippi. “In Mississippi, nearly all of our judges impose money bail in every single felony case without undertaking any analysis of whether money bail is permitted by law. My sense is that this happens because unlawful ‘automatic money bail’ long ago became an accepted practice that routinely goes unchallenged and because judges are afraid that if a defendant released without paying money bail does something bad, the judge who released that person will be voted out of office – even if the judge’s decision not to require payment for release was entirely appropriate under the law.”

Johnson explained that a number of factors contribute to extraordinarily long pretrial incarceration in Mississippi for those who cannot afford bail. According to Johnson, grand juries meet as seldom as two or three time a year in many of Mississippi’s rural counties, prosecutors often are slow to present cases to the grand jury, there is no limit under Mississippi law on how long a defendant can be held prior to indictment, defense lawyers often ask for trials to be postponed, and the Mississippi Supreme Court rarely enforces Mississippi’s Speedy Trial Act. As a result, Johnson claims that it is not uncommon for a person who is unable to make bail to wait in jail more than two years from arrest until they get their day in court. He estimates that pretrial incarceration costs Mississippi counties $45 per day for each person detained while awaiting indictment and trial. For each person held two years awaiting trial, a county pays $32,850.

Collection of data regarding pretrial detention in Mississippi is difficult. The database released today is the product of more than 500 hours of work invested by students at the University of Mississippi School of Law. Students collected jail census reports produced by Mississippi sheriffs and manually entered information for more than 5,700 people in Mississippi jails. Currently, there is no uniformity in the way such information is reported, with some counties reporting their full jail roster while others report only people awaiting trial for felony charges. A bill requiring a uniform statewide system for electronically reporting jail census information was considered by the Mississippi Legislature earlier this year but did not become law.

FWD.us, a bipartisan advocacy organization focused on criminal justice reform**,** recently provided a grant to support the Center’s ongoing collection and reporting of Mississippi jail census data. According to Laura Bennett, Policy Manager at FWD.us, “This report offers a rare glimpse into Mississippi’s jail system, and the findings are deeply troubling. Thousands of legally innocent people are locked behind bars, often for minor charges, simply because they cannot afford to pay bail, taking them away from their jobs, their families, and their communities. As Mississippi lawmakers set out to tackle the state’s incarceration crisis, pretrial reform must be part of any strategy to safely reduce incarceration.”

Regarding Zach Hill’s case and others like it, Jackson County Public Defender Amanda Galle commented, “The clients we represent are indigent and often unable to make bond. This places our clients in a very difficult position. We take into consideration the effects being incarcerated can have on their lives, their jobs, and their families. This often results in our clients entering guilty pleas to obtain earlier release from jail. Unfortunately, this is rarely a just resolution for our clients and their cases.”

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*The Roderick and Solange MacArthur Justice Center is one of the premier public interest law firms in the United States. The firm’s offices are located in Chicago (Northwestern Law School), St. Louis, New Orleans, Washington, D.C., and Oxford, Mississippi (University of Mississippi School of Law). The MacArthur Justice Center litigates a wide range of civil rights cases, with particular emphasis in the area of criminal justice. Additional information is available at* [*www.macarthurjustice.org*](http://www.macarthurjustice.org)*.*