

Blueprint for Smart Justice
Georgia



Blueprint *for* Smart Justice Georgia

© 2018 AMERICAN CIVIL LIBERTIES UNION



COVER PHOTO: SHUTTERSTOCK/MOPICE

Contents

Executive Summary.....	4
The State of the Georgia Prison System.....	6
What Is Driving People Into Prison?.....	7
The Current Prison and Jail Population.....	8
Why Do People Stay in Prison for So Long?.....	8
Correctional Control in Georgia.....	9
Who Is Imprisoned.....	9
People With Mental Health and Substance Use Disorders.....	10
Budget Strains.....	10
Ending Mass Incarceration in Georgia: A Path Forward.....	11
Reducing Admissions.....	11
Reducing Time Served.....	12
Taking the Lead.....	12
Reducing Racial Disparities.....	13
Forecaster Chart.....	14
Total Fiscal Impact.....	18
Methodology Overview.....	18

Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has undermined American values, has damaged families and communities, and has wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and length of stay on

state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Georgia — where Black people account for 61 percent of the state's prison population in 2016 but only 31 percent of the total state population¹ — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like racially conscious policing or prosecutorial reform that are specific to combatting these disparities.

In Georgia, a strikingly high number of people under community supervision programs contributes to a growing prison population. In 2015, Georgia ranked first in the nation in correctional control rate,² with parole and probation violations accounting for an estimated two-thirds of all prison admissions.³ This cycle of reincarceration is a primary factor feeding the Georgia criminal justice system. As of 2018, 43 percent of the state's prison population has been incarcerated in Georgia at least once before.⁴

So what's the path forward? Since 2011, Georgia has made noticeable progress as a result of the efforts made and recommended by Governor Deal's special council on criminal justice reform. The most recent focus on misdemeanor bail reform demonstrates a step in the right direction toward reducing mass incarceration. Moving forward, Georgia should monitor the reforms

already in place to see how effectively they have been translated into practice. Georgia has a solid framework from which to continue its reform efforts but must also commit to more ambitious and wide-ranging reforms that fill in existing gaps and address the needs that remain.

These efforts must include sharp and immediate attention to sentencing, parole, and reentry reforms. Georgia should consider reducing severe sentencing enhancements that keep Georgians in prison for prolonged amounts of time, like the “second strike” provision or the mandatory maximum requirements that eliminate the possibility of parole. The state has taken steps to reduce these enhancements for drug offenses but could do more for offenses involving violence, like armed robbery or assault. It could instead institute alternative restorative justice programs proven to reduce recidivism. Georgia should also consider expanding incentive programs to enhance parole eligibility or adjusting the rules parole boards use to determine when they can first consider someone for parole.

The answer is ultimately up to Georgia’s voters, policymakers, communities, and criminal justice reform advocates as they move forward with the urgent work of ending Georgia’s obsession with mass incarceration.

The State of the Georgia Prison System

Georgia faces a mass incarceration crisis. Urgent reform is needed to lower the population of people under correctional control, including those in prison, in jail, and on probation or parole, and to redirect resources while protecting Georgia families and communities.

In 2015, Georgia ranked first in the nation in the per capita rate of people incarcerated or under parole, probation, and other community supervision programs.⁵ Between 1980 and 2017, Georgia’s prison population more than quadrupled in number.⁶ In 2016, Georgia’s prison population was the fourth largest in the country.⁷

Recently, Georgia’s per capita imprisonment rate has seen a decline – resulting from Governor Deal’s policy reforms that helped halt the precipitous growth in the prison population and initiated a smarter approach for

AT A GLANCE

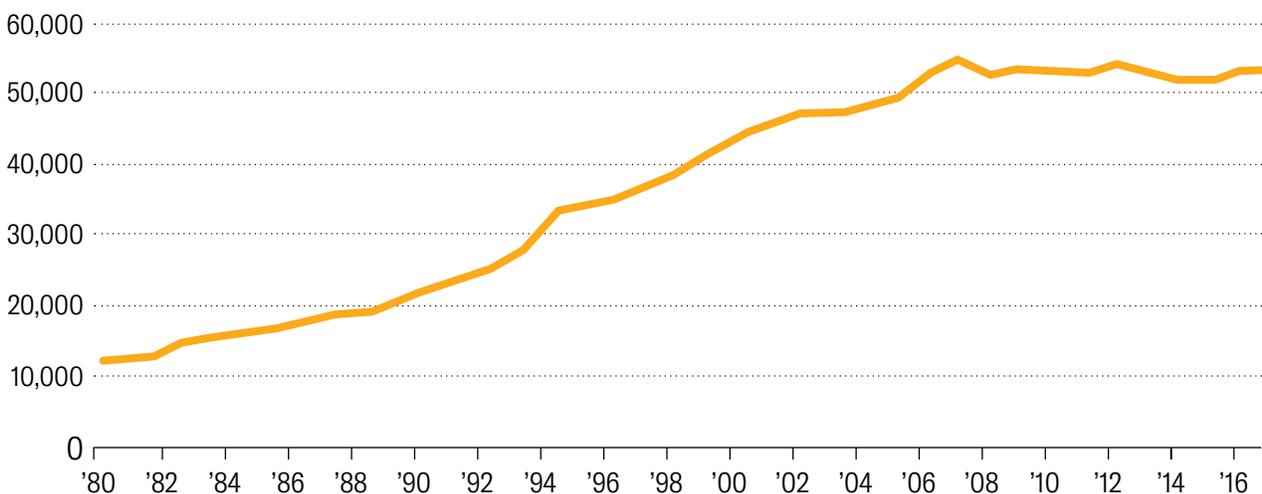
GEORGIA PRISONS

In 2015, Georgia ranked **first** in the nation in the per capita rate of residents incarcerated or on parole, probation, or other community supervision programs.

In 2016, Georgia ranked **fourth** in the nation in the number of residents the state imprisoned.

In 2016, Georgia ranked **10th** in the nation in the per capita rate of residents the state imprisoned.

GEORGIA PRISON POPULATION



justice. Despite this positive shift, Georgia remains an outlier in terms of the number of people in prison, in jail, and under community supervision like probation or parole. For example, in 2015, more people were under correctional control throughout Georgia than the entire population of Atlanta.⁸

What Is Driving People Into Prison?^{9,10}

In 2017, Georgia officials sent residents to prison for offenses such as assault and battery, (15 percent), burglary (14 percent),¹¹ theft (9 percent), and robbery (7 percent). Drug-related offenses were the most common, accounting for 1 in every 5 (20 percent) prison admissions.¹²

Between 2007 and 2017, Georgia officials reduced by 19 percent the number of people sent to prison a year.¹³ But drug-related offenses remained a leading contributor to those admitted to prison. In 2017, nearly one-third (31 percent) of those admitted to Georgia prisons for drug-related offenses were for drug possession and 19 percent of all drug admissions were for marijuana offenses.¹⁴

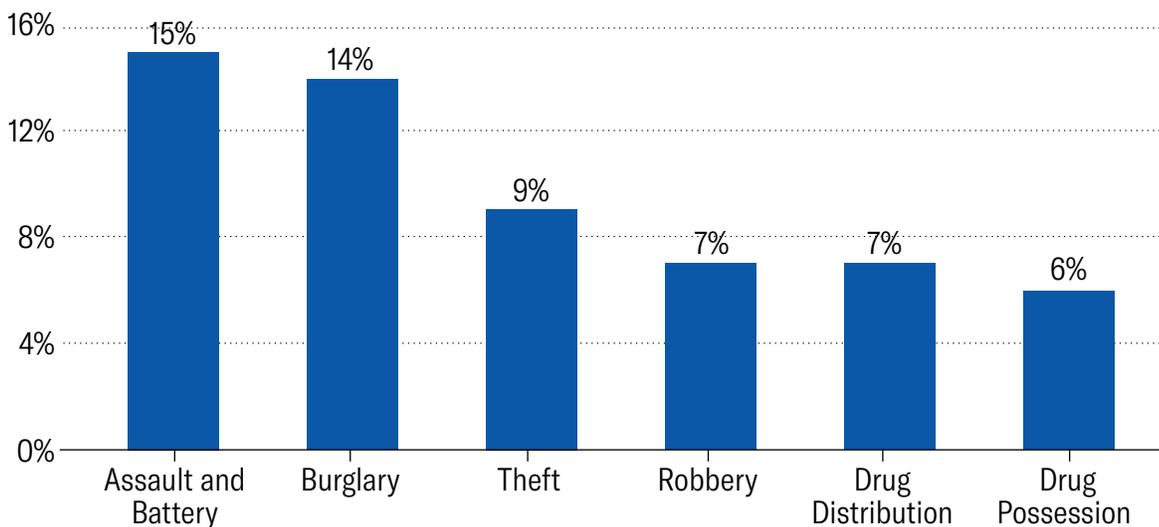
Georgia has an extremely large community supervision population, with more than 450,000 people on parole or

probation in 2015.¹⁵ Of all probation terms that ended in 2015, over one-third ended prematurely due to a revocation or other unsuccessful discharge.¹⁶ Reasons for such terminations range from technical violations to the individual being charged with new offenses.¹⁷ In the same year, 22 percent of people exiting parole were reincarcerated.¹⁸

Parole and probation violations account for an estimated two-thirds of all admissions to Georgia prisons.¹⁹ In 2017, 14 percent of admissions to prison were a result of parole violations, approximately one-third of which were for technical violations like missing curfew or failing a drug test.²⁰ Although recent legislative changes have attempted to reform and simplify the system,²¹ Georgia still had approximately 6 percent of its adult residents under some form of community supervision as of December 2015.²²

Georgia also lacks treatment options and reentry support for people convicted of a crime, creating a cycle of individuals returning to criminal activity after being released. As of January 2018, 43 percent of the prison population had been incarcerated in Georgia at least once before.²³ More than 1 in 4 people (27 percent) released from prison in 2014 was convicted of a subsequent felony within three years of his or her release.²⁴

GEORGIA PRISON ADMISSIONS BY TOP OFFENSE TYPES (2017)



The Current Prison and Jail Population

As of February 2018, Georgia held 37,699 people in city and county jails. The majority (62.5 percent) were awaiting trial.²⁵

In 2018, at least 27 percent of people in Georgia prisons were serving time for a drug or property offense.²⁶ As of February 2018, 13 percent of the prison population was imprisoned for a nonviolent, first-time offense.²⁷ One in 10 people (11 percent) was imprisoned for drug offenses, 17 percent of which were marijuana offenses, and 16 percent was serving time for a property offense. Twenty-nine percent was imprisoned for assault and battery or robbery.²⁸

Why Do People Stay in Prison for So Long?

In 2018, 2 out of 3 people (68 percent) imprisoned in Georgia were serving a sentence of longer than 12 years. Between 2008 and 2018, the number of people serving a sentence longer than 12 years increased by 109 percent.²⁹ The number of people serving life without parole sentences has also nearly tripled in the past decade, from 482 in 2008 to 1,381 in 2018.³⁰ As of

AT A GLANCE

GEORGIA JAIL AND PRISON POPULATION

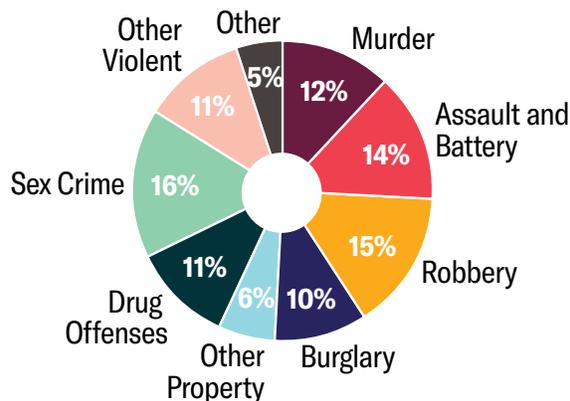
62.5 percent of the local jail population was awaiting trial in 2018.

13 percent of Georgia's prison population was imprisoned for a nonviolent first-time offense in 2018.

11 percent of Georgia's prison population was imprisoned for a drug offense in 2018.

16 percent of Georgia's prison population was imprisoned for a property offense in 2018.

GEORGIA PRISON POPULATION BY OFFENSE (2018)



2018, 17 percent of the prison population was serving a life sentence.³¹

People released from prison in 2017 had served longer sentences, on average, than people released from prison in 2000. In fact, the average sentence length for people released from prison increased by 51 percent, from eight years in 2000 to more than 12 years in 2017.³² Over this time period, the average time served in prison grew by 74 percent across the state; and by 2017, the average time served at release was four years.³³ The average time served for property crimes has been expanding at an even faster rate—a 91 percent increase between 2000 and 2017.³⁴

Georgia has harsh sentencing laws that impose longer prison sentences for people with prior convictions. The Georgia Code mandates that people who are convicted two times or more of certain felonies receive the maximum sentence allowed for that crime, unless a trial judge decides otherwise. With the exception of certain drug offenses, people convicted of a felony for a fourth time are not eligible for parole.³⁵ In 2015, property offenses comprised 41 percent of all prison admissions as a result of these recidivism enhancements.³⁶

Georgia's "Seven Deadly Sins" law is also a contributing factor. For people imprisoned for the first time, the mandatory minimum law calls for a minimum prison sentence of 10 years for certain felonies and life

AT A GLANCE

SENTENCES

4 years was the average time served by people released in 2017.

12.2 years was the average sentence for people released in 2017.

17 percent of the Georgia prison population was serving a life sentence in 2018.

without parole for a second conviction. As of February 2018, 33 percent of the prison population was serving time under this “Seven Deadly Sins” law.³⁷

Correctional Control in Georgia

In addition to a significant number of people spending long periods of time in prison, Georgia has an alarmingly large number of people under community supervision, especially probation. Although recent legislation has made reforms to the state’s community supervision system,³⁸ Georgia’s adult probation rate in 2015 (5,570 per 100,000) was the highest in the country and nearly four times the national rate (1,522 per 100,000).³⁹ The Georgia Council on Criminal Justice Reform attributes Georgia’s high felony probation rate to the use of probation as a sentence instead of incarceration or in combination with imprisonment (a “split sentence”), as well as the tendency of courts to impose lengthy probation sentences in felony cases (an average of 6.3 years in 2015).⁴⁰

As of 2018, 3 out of 4 people imprisoned in Georgia are serving a split sentence.⁴¹ Lengthy supervision sentences added on to already lengthy prison terms contribute to Georgia’s alarming correctional control population. In 2015, Georgia earned the top spot in the nation for its overall correctional control rate.⁴²

Who Is Imprisoned

Black Georgians: Incarceration in Georgia has a profoundly disparate impact on Black communities. In 2016, the imprisonment rate of Black adults in Georgia (1,395 per 100,000 adult Black Georgia residents) was more than three times that of white adults in the state.⁴³ In the same year, 1 in 34 adult Black men in Georgia was in prison.⁴⁴ Although they made up just 31 percent of the state population in 2016,⁴⁵ Black people accounted for 61 percent of the prison population across the state in the same year.⁴⁶ While still substantial and disproportionate, this percentage is down from what it was in 2009.⁴⁷ Prison admissions of Black men and women dropped approximately 30 percent and 38 percent, respectively, from 2009 to 2017.⁴⁸ Overall, the number of Black Georgians admitted to prison in 2017 was at its lowest level since 1987.⁴⁹ Despite these declines, glaring racial disparities remain at every step of the criminal justice process. Georgia must prioritize its efforts to meaningfully address these disparities. The trickle-down effect from other, less direct reforms will not be enough to sustain long-term reductions in racial disparities.

Female Georgians: Between 1980 and 2016, the number of women in prison increased 567 percent, rising significantly faster than the number of men in prison over the same time period.⁵⁰

AT A GLANCE

DEMOGRAPHICS

60 percent of the 2018 Georgia prison population was Black.*

In 2018, **1 out of 5** people imprisoned in Georgia was age 50 and older.

The number of women imprisoned in Georgia increased **567 percent** between 1980 and 2016.

* GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.

Older Georgians: Georgia’s prison population is rapidly aging. The average age of people imprisoned in Georgia has risen steadily since 2000 from 35 years to 39 years in 2018.⁵¹ People age 50 and older – a population generally considered to pose a negligible risk to public safety – are the fastest-growing age group in Georgia prisons. Between 2008 and 2018, the number of imprisoned people age 50 or older grew 57 percent,⁵² and nearly 1 out of every 5 people (19 percent) imprisoned in Georgia in 2018 was at least 50 years old.⁵³

People With Mental Health and Substance Use Disorders

As of January 2018, 36 percent of the prison population had received a mental health evaluation. As a result of that evaluation, more than half (52 percent) received some type of mental health treatment. These statistics were even higher for women: 76 percent of women evaluated received mental health treatment.⁵⁴

In 2014, 1 in 5 people imprisoned in Georgia was reported to have a substance abuse problem.⁵⁵

Georgia has invested in accountability courts as a way to respond to the large numbers of incarcerated people with mental health and addiction issues. The

AT A GLANCE

BUDGETS

Georgia has spent more than **\$1 billion** yearly on corrections since 1995.

General fund spending on corrections increased **242 percent** between 1986 and 2016.

More than \$1.5 billion of the state’s general fund was spent on corrections in 2016.

state reports that through these courts, \$113 million has been diverted from incarceration to treatment. The ACLU strongly supports reallocating funding from incarceration to treatment.⁵⁶ However, specialty courts require significant resources above and beyond treatment costs, and can violate civil liberties. For this reason, the ACLU prefers investment in voluntary, upfront community-based treatment programs that help people with drug addictions and mental health disabilities avoid being brought into the criminal justice system in the first place.

Budget Strains

Because Georgia’s prison population has risen, so has the cost burden. Since 1995, Georgia has spent more than \$1 billion each year on corrections, and in 2016, the state allocated more than \$1.5 billion of its general fund to corrections.⁵⁷ General fund corrections spending grew by 242 percent between 1986 and 2016, forcing trade-offs in other state priorities, such as education.⁵⁸

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

36 percent of the 2018 Georgia prison population received a mental health evaluation.

76 percent of women evaluated in Georgia prisons received mental health treatment, as of 2018.

1 out of 5 people imprisoned in 2014 were reported to have a substance abuse problem.

Ending Mass Incarceration in Georgia: A Path Forward

There are many potential policy changes that can help Georgia end its mass incarceration crisis, but it will be up to the people and policymakers of Georgia to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce either the amount of time people serve in prisons or reduce the number of people entering prisons in the first place.

Reducing Admissions

To end mass incarceration, Georgia must break its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence or to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁵⁹ Here are some strategies:

- **Alternatives to incarceration:** Several types of programs have shown great success in reducing criminal activity. Programs offering support services, such as substance use disorder treatment, mental health care, employment, housing, health care, and vocational training — often with some element of a community service requirement — have significantly reduced recidivism rates for participants.

For crimes involving violence, restorative justice programs such as Brooklyn’s Common Justice⁶⁰ — which are designed to hold responsible people accountable and support those who were harmed — can be particularly promising. When they are rigorous and well-implemented, these

processes have not only been demonstrated to reduce recidivism for defendants,⁶¹ but they have also been shown to decrease symptoms of posttraumatic stress in crime victims.⁶²

By embracing these approaches, prosecutors and judges may be able to achieve better results for public safety and better support crime survivors in their healing than imprisonment can deliver. Other successful models include law-enforcement-led programs, which divert people to treatment and support services at the time of arrest, and prosecutor-led programs, which divert people before they are charged.

- **Alternatives to incarceration — treatment:** Substance use disorders are often underlying drivers of more serious offenses, including burglaries, robberies, and assaults. Actually reducing the incidence of these crimes may be better and more effectively achieved through the expanded use of evidence-based alternative responses instead of prison time in a substantial number of cases. This is an even clearer priority when the underlying offense is less serious. Similarly, mental health treatment and supervision can provide a more productive alternative for many offenses, minor and more serious, and could be more effective in improving overall public safety in the long term.
- **Sentencing reform:** Strategies to reduce admissions to prison should include taking prison time off the table for less serious offenses, like drug possession and minor property offenses, by reclassifying them as misdemeanors instead of felonies. Prison time, a felony record,

and the countless collateral consequences that attach to that conviction do not promote public safety – they only serve to make it harder for someone to find work or housing or to support a family. Stakeholders should also support the decriminalization of personal drug use and possession in favor of an evidence-based health policy approach to what is a public health problem.

- **Judicial discretion:** Judges must also have a variety of options at their disposal besides imprisonment, and they must be allowed, on a case-by-case basis, to offer treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration as accountability measures short of prison time. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone’s prior criminal

history. With proper education and training, including implicit bias training and other best practices to eliminate racial bias in sentencing, judges – not the Legislature – are in a better position to decide what sentence is appropriate in individual cases.

Reducing Time Served

Reducing time served, even by just a few months, can lead to thousands of fewer people in Georgia’s prisons. Here’s how:

- **Sentencing reform – general:** The Georgia Legislature can amend the state’s criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary, assault, robbery, and public order offenses like disorderly conduct. This is especially true where

TAKING THE LEAD

Police officers: They could play a major role, especially if state law were changed to allow citations in lieu of arrest. Officers have discretion to turn a warn-and-reprimand encounter for low-level offenses into an arrest or formal charge. Even in cases where they decide to charge, they have the power to shape the trajectory of a person’s case by how they summarize or characterize an incident.

Prosecutors: They decide on what charges to bring and which plea deals to offer. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

Parole boards: They decide when to allow people to leave prison. In Georgia, the parole board is an especially important player when it comes to reforming how long people spend in prison.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges’ discretion. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges also have discretion in sentencing and should consider alternatives to incarceration when possible.

Georgia has adopted harsh mandatory minimum sentences. Someone convicted of armed robbery, for example, must spend at least 10 years in prison regardless of the specific facts of the case – including whether anyone was injured.

- **Sentencing reform – enhancements:** The Legislature could also reform or eliminate Georgia’s sentencing enhancements, especially its “habitual” enhancements. Georgia’s “second strike” provision requires the imposition of the maximum allowable sentence. Another enhancement combines this mandatory maximum requirement with the elimination of parole eligibility. Since the maximum allowable sentence for many offenses can often be 10 years, 20 years, or life, this can result in extraordinarily long sentences, depending on the underlying offense. Short of eliminating these enhancements outright, the Legislature could control the severity (or allow judges to control the severity at sentencing) or limit the number of people exposed to sentencing enhancements by greatly limiting the situations in which they apply. Georgia has taken some steps to limit the severity of these enhancements for certain drug offenses, but the state could do much more.
- **Parole reform:** Improving parole and release policies and practices to ensure that more eligible people are released earlier from prison is another key way to reduce time served. For example, the parole board can adjust the matrix it uses to determine when it will first consider someone for parole. The state can expand the Performance Incentive Credits Program to further accelerate initial parole eligibility. The Legislature and Department of Corrections can ensure that sufficient programming – whether educational, vocational, treatment, or any other kind – is available and accessible so people in Georgia prisons can increase the likelihood of parole at their initial hearings.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Georgia will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁶³ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁶⁴ However, the state did not target racial disparities in incarceration, and, in 2016, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people – the highest disparity of any state in the nation.⁶⁵

Ending mass incarceration is critical to eliminating racial disparities but is insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

More investigation into the policy drivers that will decrease disparities is important, but some examples of strategies focused on policies known to disproportionately impact people of color include:⁶⁶

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending geography-based sentencing enhancements (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁶⁷

— From *The New Jim Crow*, Michelle Alexander

Forecaster Chart

There are many pathways to cutting the prison population in Georgia by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Georgia, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Assault	<ul style="list-style-type: none"> Reduce average time served by 70% (from 3.16 to 0.95 years). Institute alternatives that reduce admissions by 40% (907 fewer people admitted). 	11.50% reduction (5,880 fewer people)	White: 2.1% increase Black: 1.3% decrease Hispanic/Latino: 2.3% increase Native American: 9.1% increase Asian: 2.1% decrease Hawaiian/Pacific Islander: 13.0% increase Other: 1.2% increase	\$75,588,158
Robbery	<ul style="list-style-type: none"> Reduce average time served by 70% (from 6.67 to 2.00 years). Institute alternatives that reduce admissions by 30% (377 fewer people admitted). 	11.34% reduction (5,803 fewer people)	White: 7.1% increase Black: 4.0% decrease Hispanic/Latino: 2.2% increase Native American: 3.6% decrease Asian: 3.9% increase Hawaiian/Pacific Islander: 12.8% increase Other: 3.7% decrease	\$62,416,712
Drug offenses	<ul style="list-style-type: none"> Reduce average time served for drug distribution by 70% (from 1.91 to 0.57 years). Institute alternatives that reduce admissions for drug distribution by 70% (1,400 fewer people admitted). Institute alternatives that end all admissions for drug possession (956 fewer people admitted). 	9.09% reduction (4,649 fewer people)	White: 1.9% decrease Black: 1.7% increase Hispanic/Latino: 10.3% decrease Native American: 6.2% increase Asian: 2.3% increase Hawaiian/Pacific Islander: 10.0% increase Other: 1.7% decrease	\$68,089,504

Impact Compared to 2025 Baseline*

Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Burglary	<ul style="list-style-type: none"> • Reduce average time served by 70% (from 2.12 to 0.64 years). • Institute alternatives that reduce admissions by 40% (896 fewer people admitted). 	7.77% reduction (3,974 fewer people)	White: 2.8% decrease Black: 1.2% increase Hispanic/Latino: 5.0% increase Native American: 2.2% increase Asian: 4.9% increase Hawaiian/Pacific Islander: 8.4% increase Other: 2.1% increase	\$57,440,436
Public order offenses****	<ul style="list-style-type: none"> • Reduce average time served by 70% (from 1.76 to 0.53 years). • Institute alternatives that reduce admissions by 80% (1,079 fewer people admitted). 	4.32% reduction (2,209 fewer people)	White: 1.4% decrease Black: 0.6% increase Hispanic/Latino: 1.9% increase Native American: 4.7% decrease Asian: 3.2% increase Hawaiian/Pacific Islander: 4.5% increase Other: 2.2% increase	\$33,049,460
Weapons offenses*****	<ul style="list-style-type: none"> • Reduce average time served by 60% (from 1.56 to 0.62 years). • Institute alternatives that reduce admissions by 20% (248 fewer people admitted). 	2.55% reduction (1,306 fewer people)	White: 0.4% decrease Black: 0.1% increase Hispanic/Latino: 0.9% increase Native American: 0.8% decrease Asian: 0.2% increase Hawaiian/Pacific Islander: 2.6% increase Other: 0.9% increase	\$17,473,168

Impact Compared to 2025 Baseline*

Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Theft	<ul style="list-style-type: none"> Reduce average time served by 70% (from 1.26 to 0.38 years). Institute alternatives that reduce admissions by 60% (676 fewer people admitted). 	2.45% reduction (1,254 fewer people)	White: 1.2% decrease Black: 0.5% increase Hispanic/Latino: 1.9% increase Native American: 1.1% decrease Asian: 1.0% increase Hawaiian/Pacific Islander: 2.5% increase Other: 2.5% increase	\$19,270,546
Fraud	<ul style="list-style-type: none"> Reduce average time served by 70% (from 1.33 to 0.40 years). Institute alternatives that reduce admissions by 60% (267 fewer people admitted). 	1.05% reduction (535 fewer people)	White: 0.5% decrease Black: 0.2% increase Hispanic/Latino: 0.8% increase Native American: 1.1% increase Asian: 0.5% decrease Hawaiian/Pacific Islander: 1.1% increase Other: 1.2% decrease	\$9,274,239

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison – of a certain race – to the number of people in the state’s general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Georgia, where Black adults make up 61 percent of the male prison population but only constitute 32 percent of the state’s total population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

Total Fiscal Impact

If Georgia were to carry out reforms leading to the changes above, 25,610 fewer people would be in prison in Georgia by 2025, a 50 percent decrease. This would lead to a total cost savings of \$1,032,023,925 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Georgia's prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

- 1 GDC, Inmate Statistical Profile: All Active Inmates, CY2016; Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates.
- 2 BJS, Correctional Populations in the United States, 2015; Note: The total correctional population includes estimates for the number of misdemeanor probation cases (not individuals) supervised by private companies. Thus, this estimate might overstate the number of people under supervision.
- 3 Report of the Georgia Council on Criminal Justice Reform, February 2017.
- 4 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018. Note: While the analysis in this blueprint discusses both Georgia jail and prison populations, the decarceration, fiscal and racial impact analysis found in the chart on pages 15 to 17 only examines Georgia's prison population.
- 5 BJS, Correctional Populations in the United States, 2015. Note: The total correctional population includes estimates for the number of misdemeanor probation cases (not individuals) supervised by private companies. Thus, this estimate might overstate the number of people under supervision.
- 6 [GDC Year-End Counts of Inmates of the Georgia Prison System, 1925 to Present](#).
- 7 BJS, Prisoners in 2016.
- 8 BJS, Probation and Parole in the United States (2015); U.S. Census 2015 ACS 5-Year Population Estimate. Note: On Dec. 31, 2015, Georgia had 540,000 people under correctional supervision. On July 1, 2015, the population of Atlanta was 448,901.
- 9 Prison admissions reflect the number of people entering Georgia prisons in a given year, while the total prison population refers to the total number of people incarcerated at a given point in time.
- 10 Offense breakdowns in this Blueprint are based on the most serious, or "controlling" offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions, and are categorized here only under the controlling offense types.
- 11 As of July 1, 2012, the crime of burglary in Georgia was divided into two categories – first degree and second degree. For the purposes of this analysis, the term "burglary" includes burglary before July 1, 2012; burglary first degree after June 30, 2012; and burglary second degree after June 30, 2012.
- 12 GDC, Inmates Admitted During CY2017.
- 13 GDC, Inmates Admitted During CY2007; GDC, Inmates Admitted During CY2017.
- 14 GDC, Inmates Admitted During CY2017.
- 15 BJS, Probation and Parole in the United States, 2015.
- 16 BJS CSAT, Probation. Note: This includes all exits classified as "Incarcerated" or "Revoked or Expired Unsuccessfully"
- 17 BJS Correctional Statistical Analysis Tool, Probation; BJS, Annual Probation Survey (2015).
- 18 BJS Correctional Statistical Analysis Tool, Parole.
- 19 Report of the Georgia Council on Criminal Justice Reform, February 2017.
- 20 GDC, Inmates Admitted During CY2017.
- 21 Report of the Georgia Council on Criminal Justice Reform, February 2018.
- 22 BJS, Parole and Probation in the US (2015).
- 23 GDC, Inmate Statistical Profile: All Active Inmates, CY2016; Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates.
- 24 [GDC, 3 Year Recidivism Rates, CY2004-CY2014](#).
- 25 GDC, Friday Report, March 16, 2018.
- 26 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 27 GDC, Friday Report, March 16, 2018.
- 28 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 29 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018; GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2008.
- 30 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018; GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2008.
- 31 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 32 GDC, Length of Stay by Calendar Year. Note: The data in this paragraph only includes new court commitments to Georgia prisons.
- 33 GDC, Length of Stay by Calendar Year. Note: The data in this paragraph only includes new court commitments to Georgia prisons.
- 34 GDC, Length of Stay by Calendar Year. Note: The data in this paragraph only includes new court commitments to Georgia prisons.
- 35 OCGA 17-10-7.
- 36 Georgia Council on Criminal Justice Reform, Third Sentencing Subcommittee Meeting, 9/7/2016.
- 37 GDC, Friday Report, March 16, 2018.
- 38 Report of the Georgia Council on Criminal Justice Reform, February 2018.
- 39 BJS, Probation and Parole in the United States, 2015.
- 40 Report on Georgia Council on Criminal Justice Reform, February 2018; Georgia Council on Criminal Justice Reform, First Probation Subcommittee Meeting, 7/6/2016.
- 41 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 42 BJS, Correctional Populations in the United States, 2015.
- 43 Urban Institute analysis of: Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates; GDC Inmate Statistical Profile: All Active Inmates, CY2016.
- 44 Urban Institute analysis of: Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates; GDC Inmate Statistical Profile: All Active Inmates, CY2016.
- 45 Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States, 2016 population estimates.
- 46 GDC Inmate Statistical Profile: All Active Inmates, CY2016.
- 47 [Report of the Georgia Council on Criminal Justice Reform, February 2018](#).

- 48 Report of the Georgia Council on Criminal Justice Reform, February 2018.
- 49 Report of the Georgia Council on Criminal Justice Reform, February 2018.
- 50 BJS Correctional Statistical Analysis Tool.
- 51 GDC, Friday Report, March 16 2018.
- 52 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2008.
- 53 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 54 GDC, Inmate Statistical Profile: All Active Inmates, February 1, 2018.
- 55 GDC, Inmate Statistical Profile: All Active Inmates, October 1, 2014.
- 56 Report of the Georgia Council on Criminal Justice Reform, February 2018.
- 57 NASBO, State Expenditure Report 1985-2016.
- 58 NASBO, State Expenditure Report 1985-2016.
- 59 Vera Institute of Justice 'Accounting for Violence: How to Increase Safety & Break our Failed Reliance on Mass Incarceration' 2017.
- 60 New Solutions for Violent Crime: Common Justice at the Vera Institute of Justice.
- 61 Mark S. Umbreit, Robert B. Coates, and Betty Vos, "Victim-Offender Mediation: Three Decades of Practice and Research," *Conflict Resolution Quarterly*, 22, nos. 1-2 (2004), 279-303 and National Council on Crime & Delinquency, *Scaling Restorative Community Conferencing Through a Pay for Success Model: A Feasibility Assessment Report* (Oakland, CA: NCCD, 2015), 9.
- 62 Research gate, https://www.researchgate.net/publication/271659858_Short-term_effects_of_restorative_justice_conferences_on_post-traumatic_stress_symptoms_among_robbery_and_burglary_victims_a_randomized_controlled_trial.
- 63 See, for example, Katherine B. Spencer, Amanda K. Charbonneau and Jack Glaser. "Implicit Bias and Policing." *Social and Personality Psychology Compass* 10/1 (2016): 50–63, 10.1111/spc3.12210. Accessed from <https://gspp.berkeley.edu/assets/uploads/research/pdf/SpencerCharbonneauGlaser.Compass.2016.pdf>; Kutateladze, B., Lynn, V., & Liang, E., Do race and ethnicity matter in prosecution? A review of empirical studies (New York: Vera Institute of Justice, June 2012). Accessed from <http://archive.vera.org/sites/default/files/resources/downloads/race-and-ethnicity-in-prosecution-first-edition.pdf>; Racial Disparity in Sentencing: A Review of the Literature (Washington D.C.: Sentencing Project, January 2005). Accessed from <https://www.opensocietyfoundations.org/sites/default/files/disparity.pdf>; See, for example, Michael Pinard, "Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity." *New York University Law Review* 85, no. 2 (2010): 457-534; Lisa Stolzenberg, Stewart J D'Alessio, and David Eitle. "Race and Cumulative Discrimination in the Prosecution of Criminal Defendants." *Race and Justice* 3, no. 4 (2013), p. 275. Accessed from <http://raj.sagepub.com/content/3/4/275.abstract>.
- 64 The Sentencing Project, *Fewer Prisoners, Less Crime: A Tale of Three States* (2014).
- 65 The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2016).
- 66 For additional guidance on and strategies for reducing racial disparity in the criminal justice system, see: The Sentencing Project, Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers (2008); Brennan Center for Justice, Reducing Racial and Ethnic Disparities in Local Jails: Recommendations for Local Practice (2015); Vera Institute, A Prosecutor's Guide for Advancing Racial Equity (2014); and Written Submission of the American Civil Liberties Union on Racial Disparities in Sentencing (2014).
- 67 Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: [Jackson, Tenn.]: New Press; Distributed by Perseus Distribution, 2010. Print.

