

***Criminal Justice Reform and Reinvestment
In Georgia©
2011 - 2017***



Michael P. Boggs, Justice
Supreme Court of Georgia
Co-Chair Georgia Council on Criminal Justice Reform
State Judicial Building
Atlanta, GA 30334
(404) 656-3472
boggs@gasupreme.us

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Perspective



If we did nothing...

- 1990-2011 prison population doubled to 56,000/Since 2000 +35%
- 1:70 adults behind bars/National average 1:100 (Ga. 4th highest rate)
- Prisons were at 107% capacity with a \$1.1b DOC budget and 30% recidivism rate despite that violent and property crime had fallen over the past decade by 20 and 21% respectively
- Projected Prison Growth of 8% by 2016 to almost 60,000
- Additional \$264 million to expand capacity
- Drug and property offenders accounted for 60% of all admissions and the average length of stay tripled between 1990-2010

Other Drivers...

- In 2010, more than 5,000 low-risk drug and property offenders were sentenced to the Department of Corrections, accounting for 25% of all admissions
- State Rate of Correctional Control: Pew's 1 in 30 Report –
 - Georgia ranked last with 1 in 13

Criminal Justice Reform



Year 1 - 2012

Adult Sentencing Reform/Expand Accountability Courts

Year 2 - 2013

Juvenile Justice Reform/Code Rewrite

Year 3 - 2014

Adult Reentry

Year 4 - 2015

Misdemeanor Probation Reform

Year 5 – 2016

Criminal Records/Recidivist Sentencing

Year 6 – 2017

Probation Reform

Criminal Justice Reform



Substantial Policy Initiatives Requiring Legislation

- Changed felony threshold for burglary, theft & forgery from \$500 to \$1,500
- Moved to weight-based drug sentencing
- Mandated the electronic submission of sentences
- Created the Department of Community Supervision
- Establishment of mandatory minimum “safety valves”
 - Drug trafficking if certain specific provisions are met
 - “Truth in pleading” – certain sex offenses
- Certificates of program and treatment completion
 - Presumption of due care in hiring, retaining, licensing, leasing to or admitting to a school program
- Conditional drivers’ licenses for accountability court participants
- Expanded parole eligibility for non-violent drug recidivists
- Mandated use of Evidence-Based programs in DOC
- Reclassified the Designated Felony Act and prohibited the placement of juvenile status offenders and misdemeanants from secure confinement

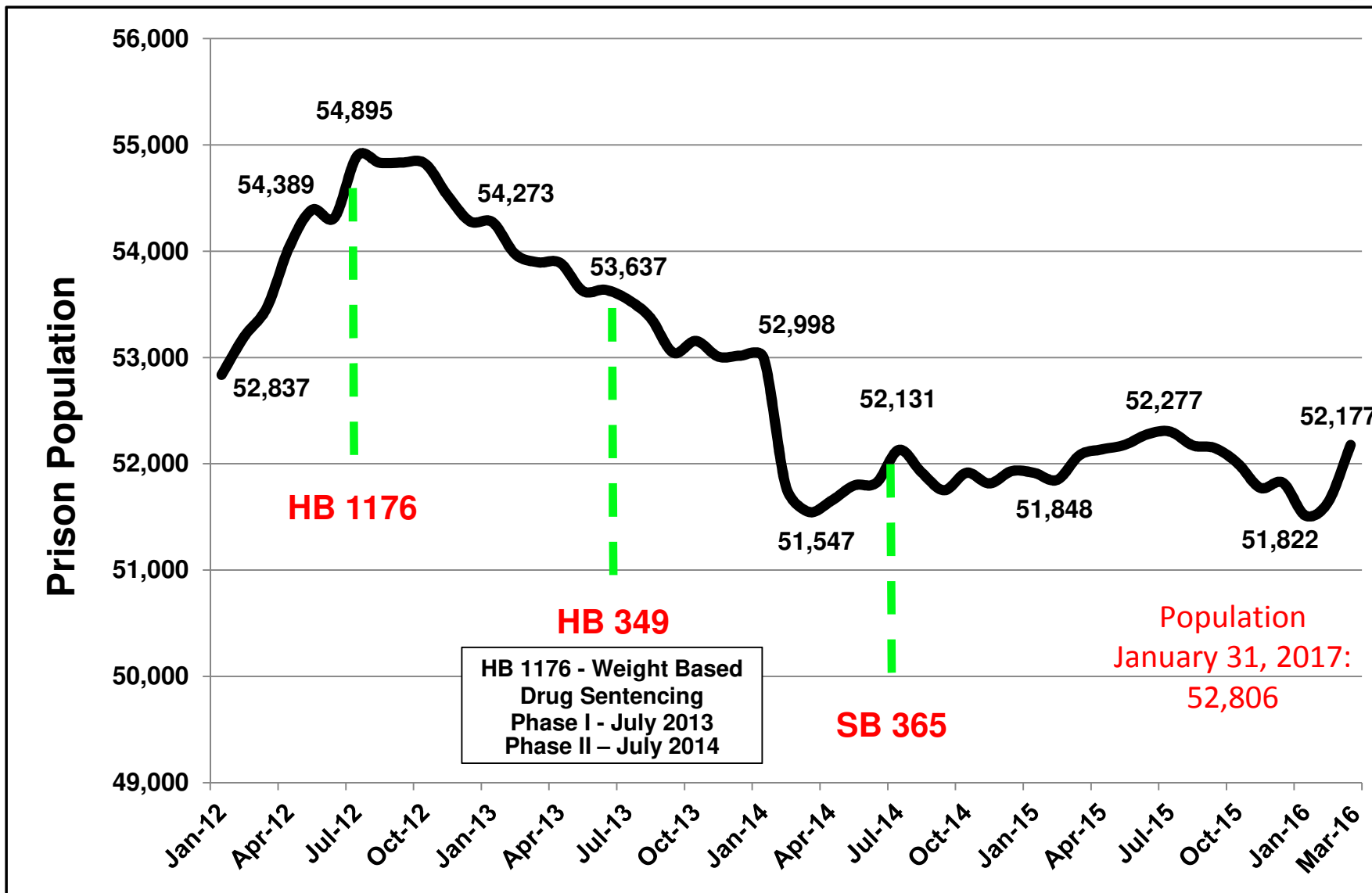
Criminal Justice Reform



Policy Initiatives Requiring Executive/Administrative Action

- Capping length of stay in Probation Detention Centers at 180 days
 - conversion of underutilized PDCs to RSAT beds
- Automation of Pre-Sentence Assessments
- Pre-Release Center Conversions
- Adopted 5-year strategic Re-Entry Plan to include improved programing, strategic transitioning, prison in-reach for MH services, housing coordinators and job placement coordinators. Also permit DTAE course credit transfers and HS Diploma
- Day Reporting Center Lite Pilot Program
 - Creative solution for rural areas
- Probation Options Management (POM)
 - Matching the appropriate supervision level to the offender
- **Appropriations**—to date, over \$65 million in new state appropriations
 - \$20 million++ per year for expanding and strengthening accountability courts
 - Combination of \$5 million (state) and \$1 million (federal) per year for local juvenile justice incentive grants
 - \$10 million per year for education (technical and GED) in Department of Corrections
 - \$3 million per year for reentry services at Department of Community Supervision

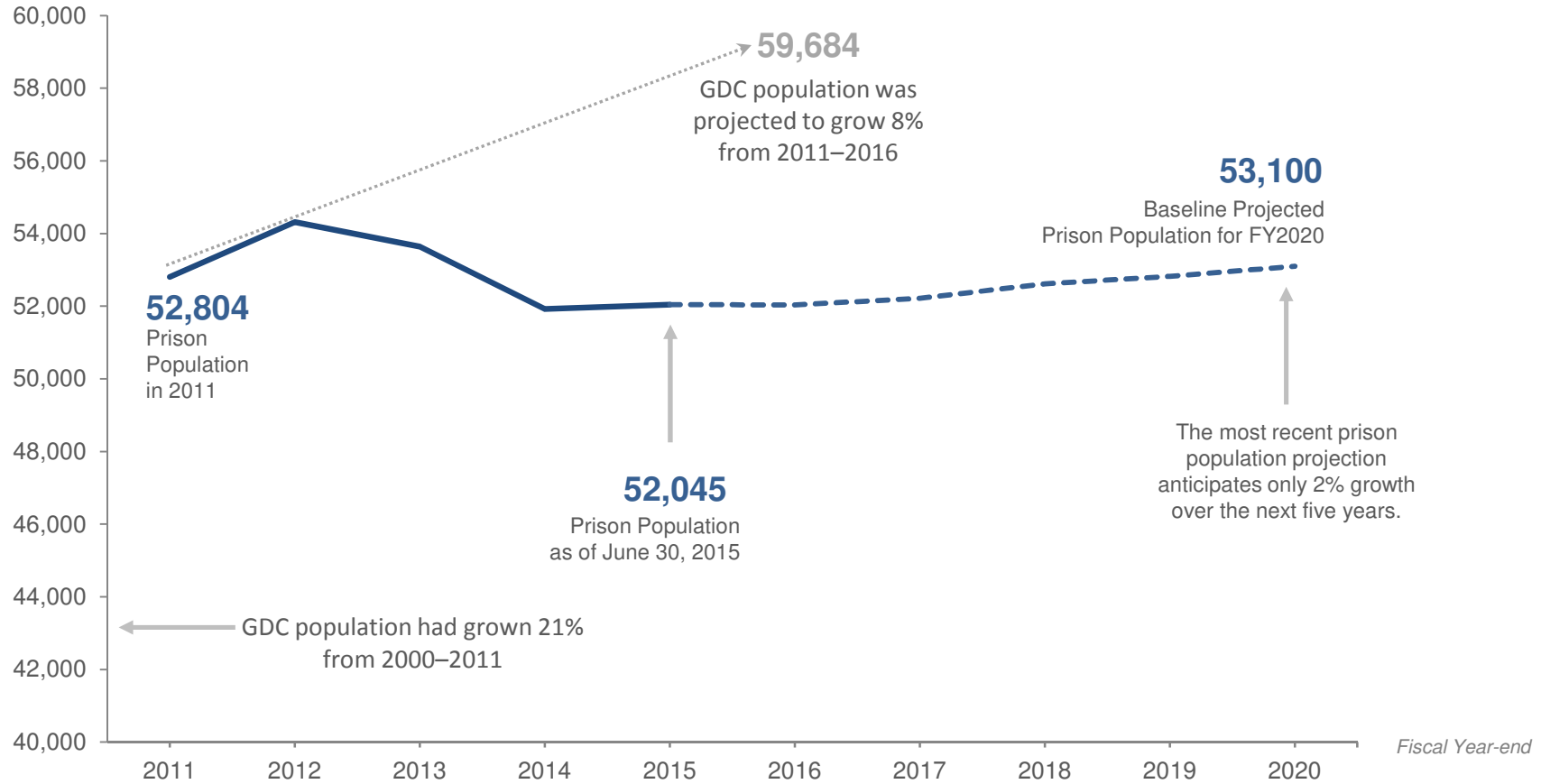
Georgia Prison Population 2012-2016



Source: Georgia Department of Corrections

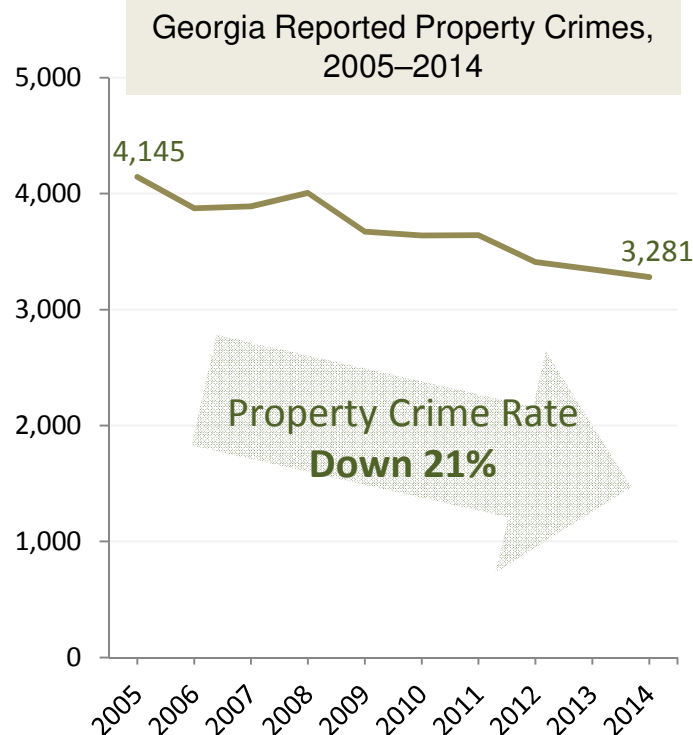
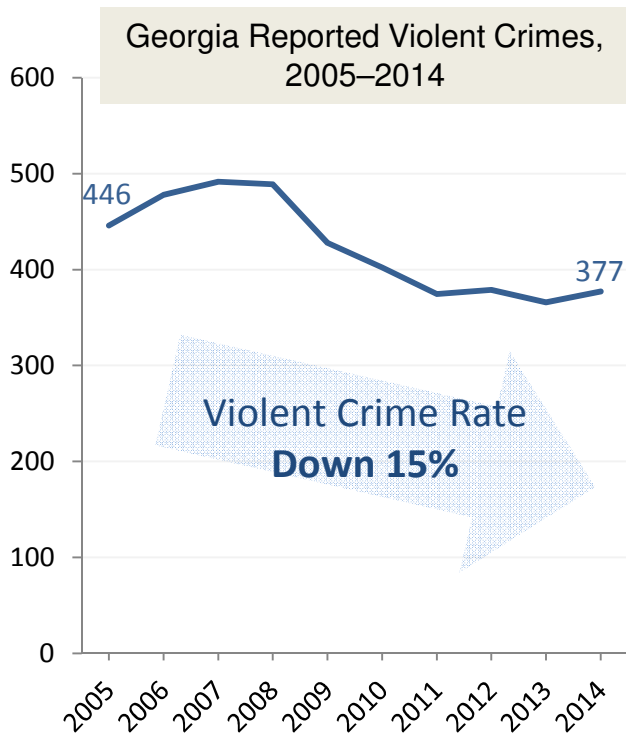
Georgia experienced a decrease in the state prison population in recent years

Georgia Department of Corrections Population and Projections,
FY-end 2011–2020



• Source: Applied Research Services, Inc. Annual Prison Population Projection

While Georgia's crime rates have decreased steadily since 2008, the overall crime rate ranks 8th-highest in the U.S.



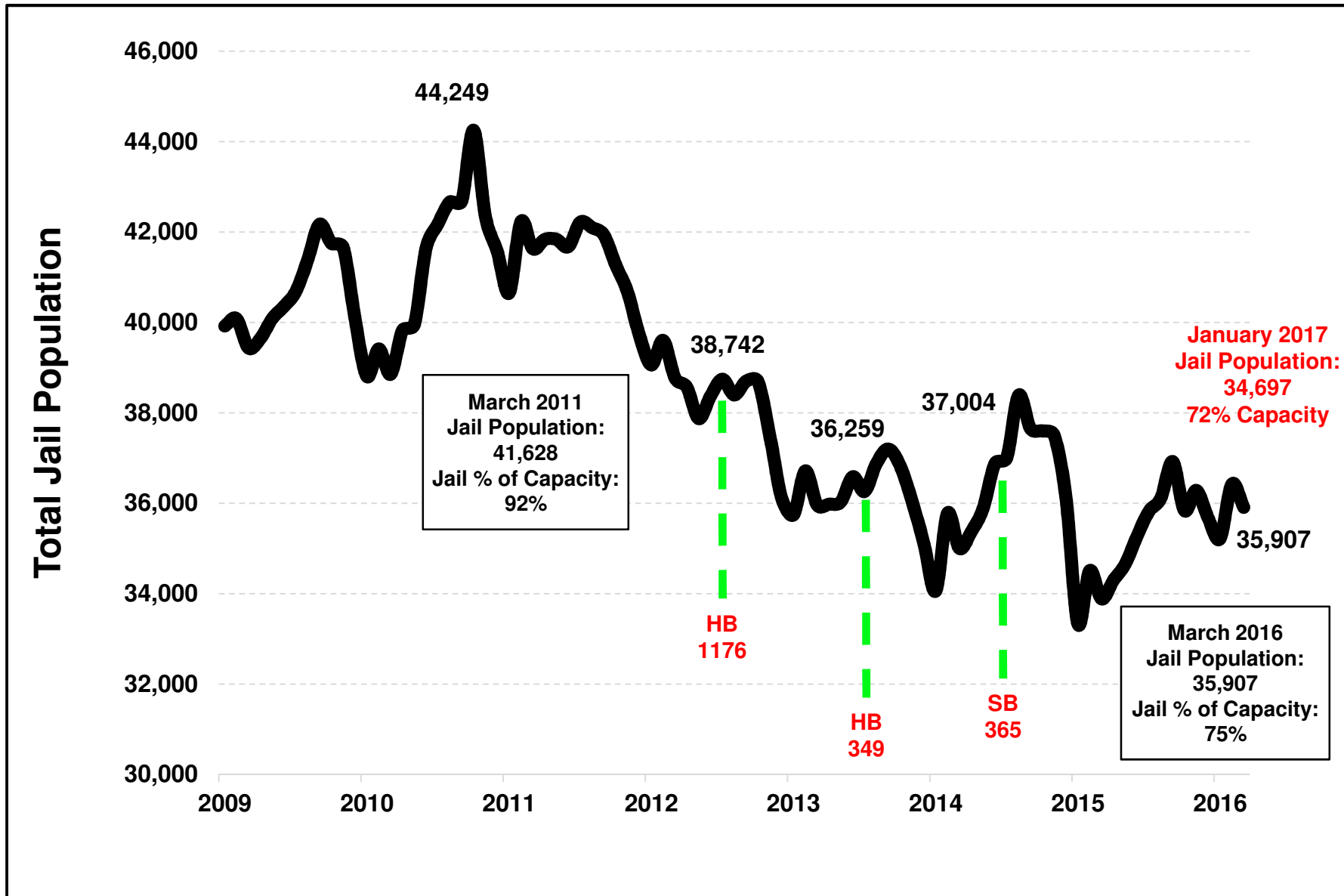
State Rankings: Total Index Crimes

- South Carolina (4th)
- Florida (5th)
- Tennessee (7th)
- Georgia (8th)**
- Alabama (9th)
- Texas (12th)
- N. Carolina (18th)

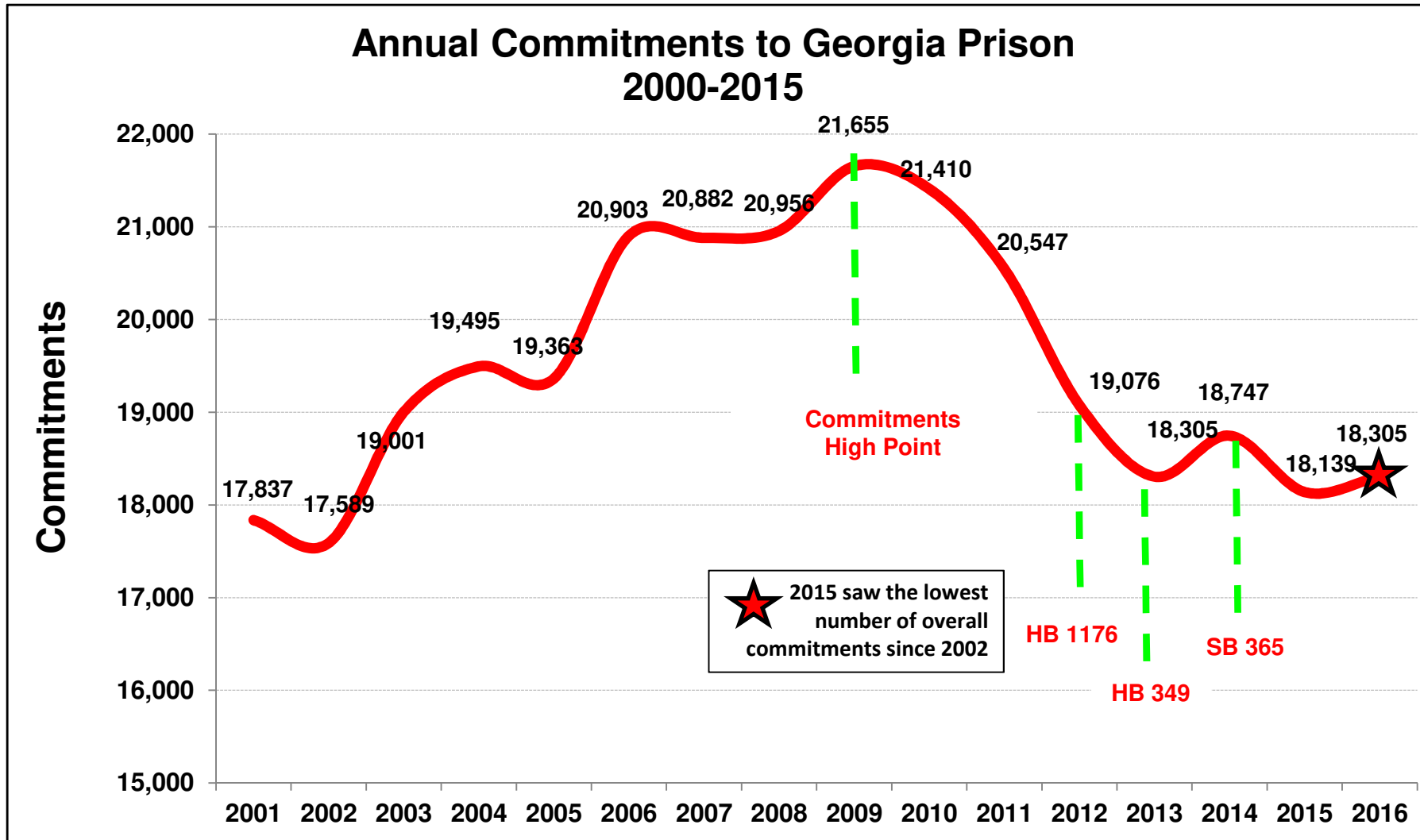
Georgia has shown that it is possible to lower the prison population and the total index crime simultaneously

• Source: Uniform Crime Reports, Index Crimes and Arrests

Total Jail Population



Georgia Prison Commitments



Source: Georgia Department of Corrections



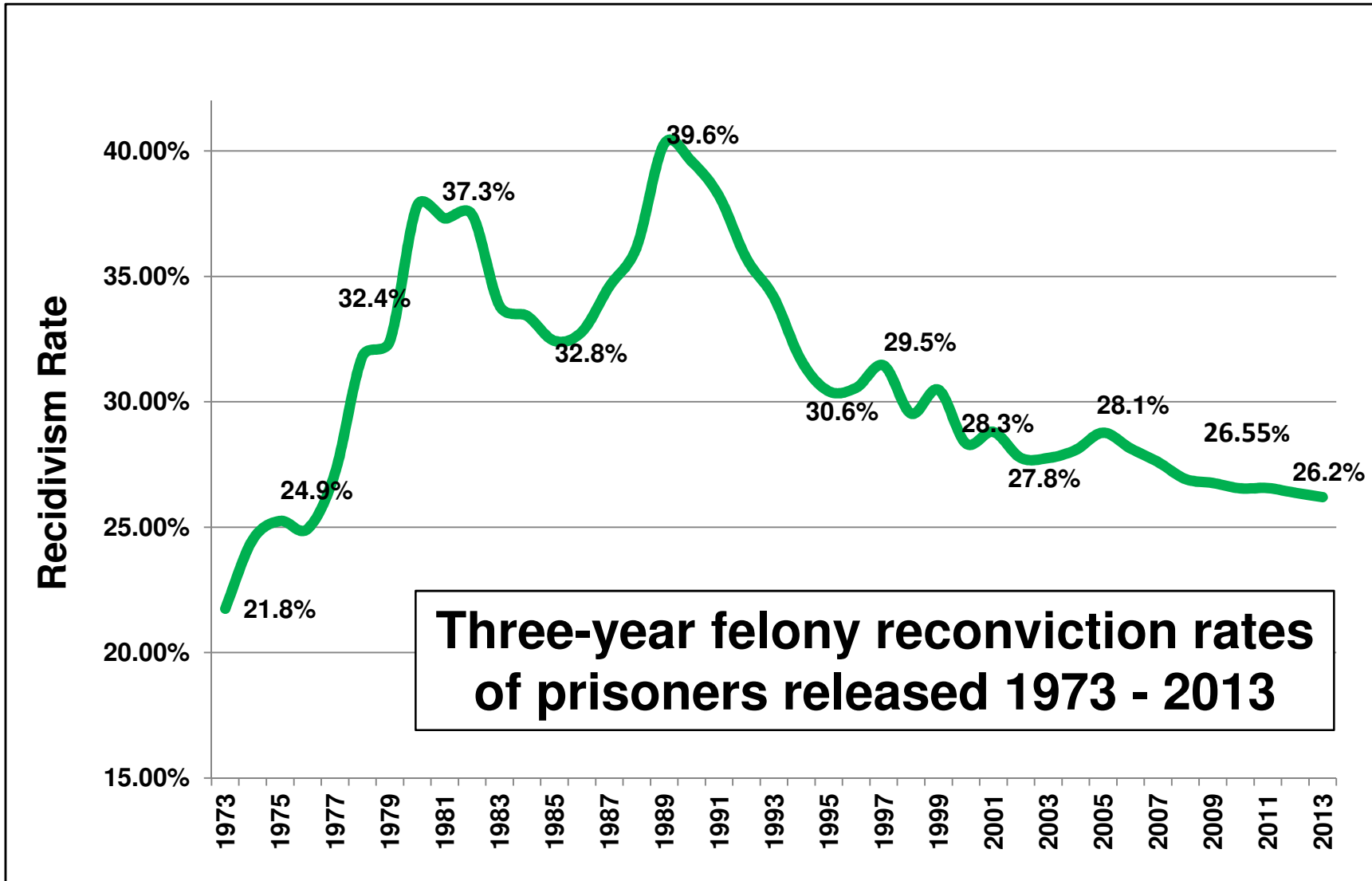
Georgia Prison Commitments Racial Composition 2009 -2016

Calendar Year	Total Commitments	African American	Caucasian
2009	21,651	13,369	7,294
2014	18,747	10,575	7,498
2015	18,037	9,983	7,587
2016	18,305	10,005	7,759
Change 2009 - 2016	-15.5%	-25.2%	6.4%
Change 2014 - 2016	-2.35%	-5.4%	3.4%

While overall prison admissions dropped 15.5% between 2009 and 2016, commitments of African Americans dropped 25.2% (2015: Men -24.3%, Women -37.6%) **The number of African Americans entering the prison system in 2015 (9,983) was its lowest since 1988.**

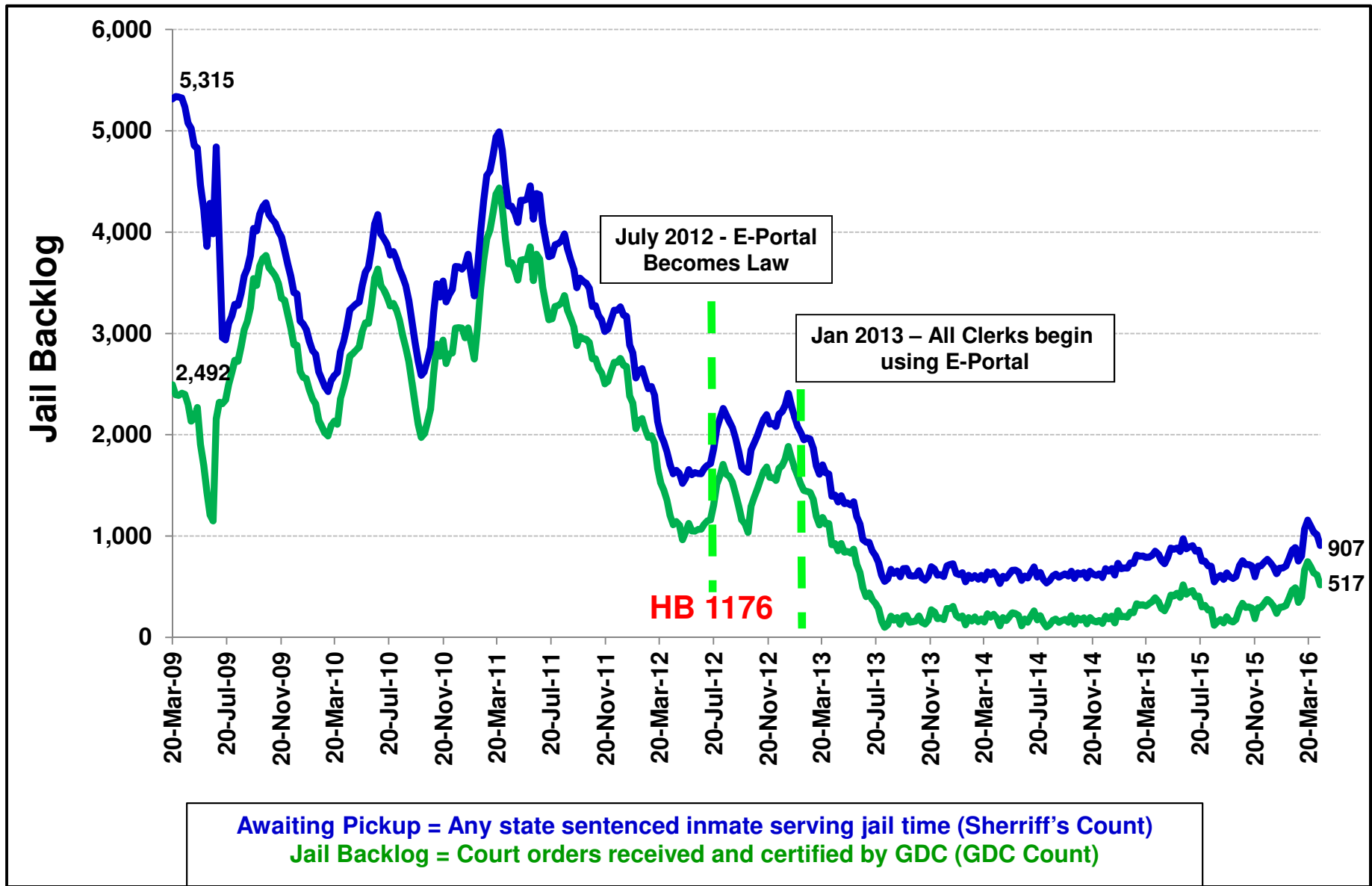
Source: Georgia Department of Corrections.

Recidivism Rates Since 1972



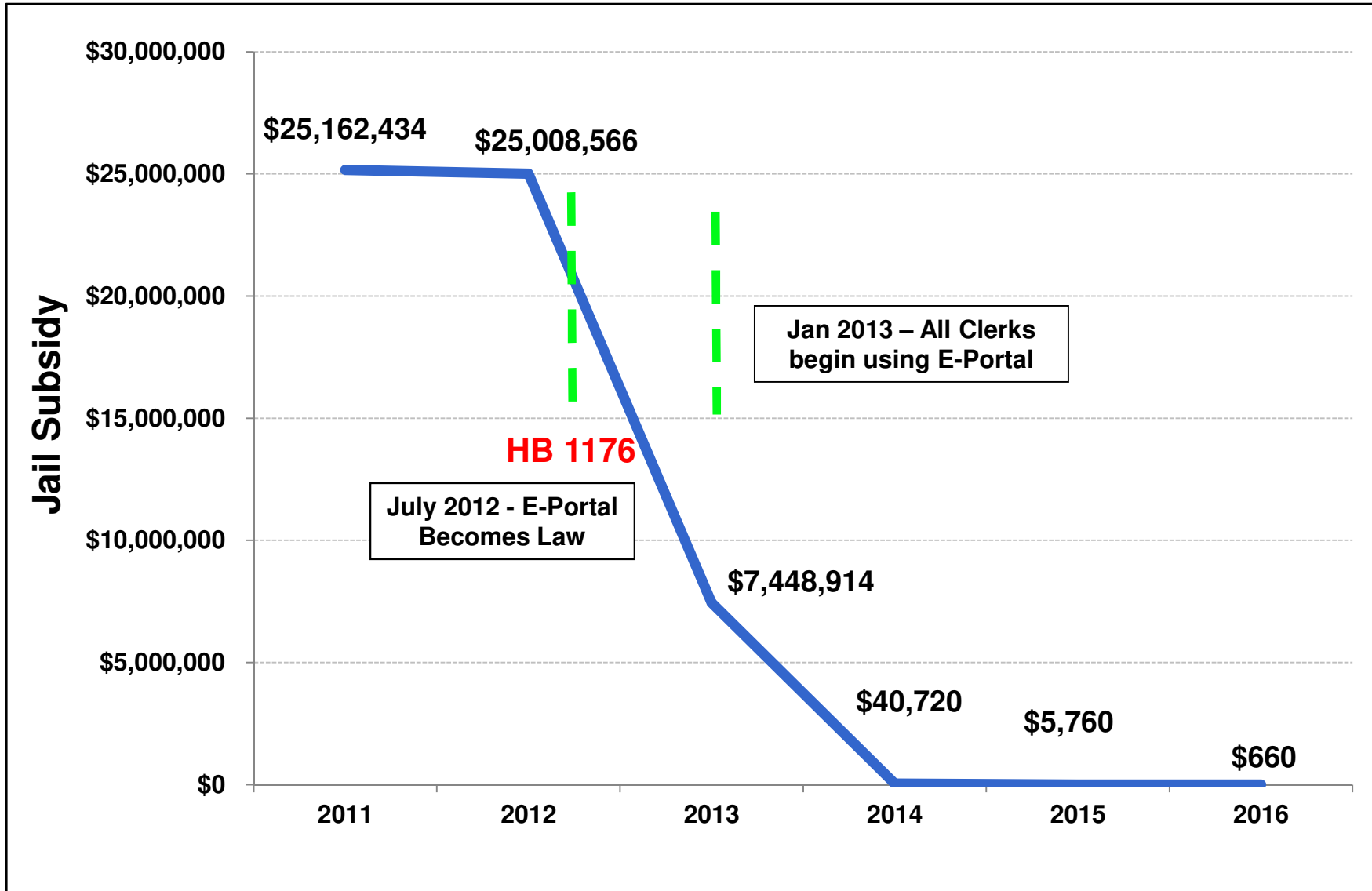
Source: Georgia Department of Corrections. All inmate facilities. Rev. 1/10/2017

Jail Backlog/Awaiting Pickup



Source: Georgia Department of Corrections

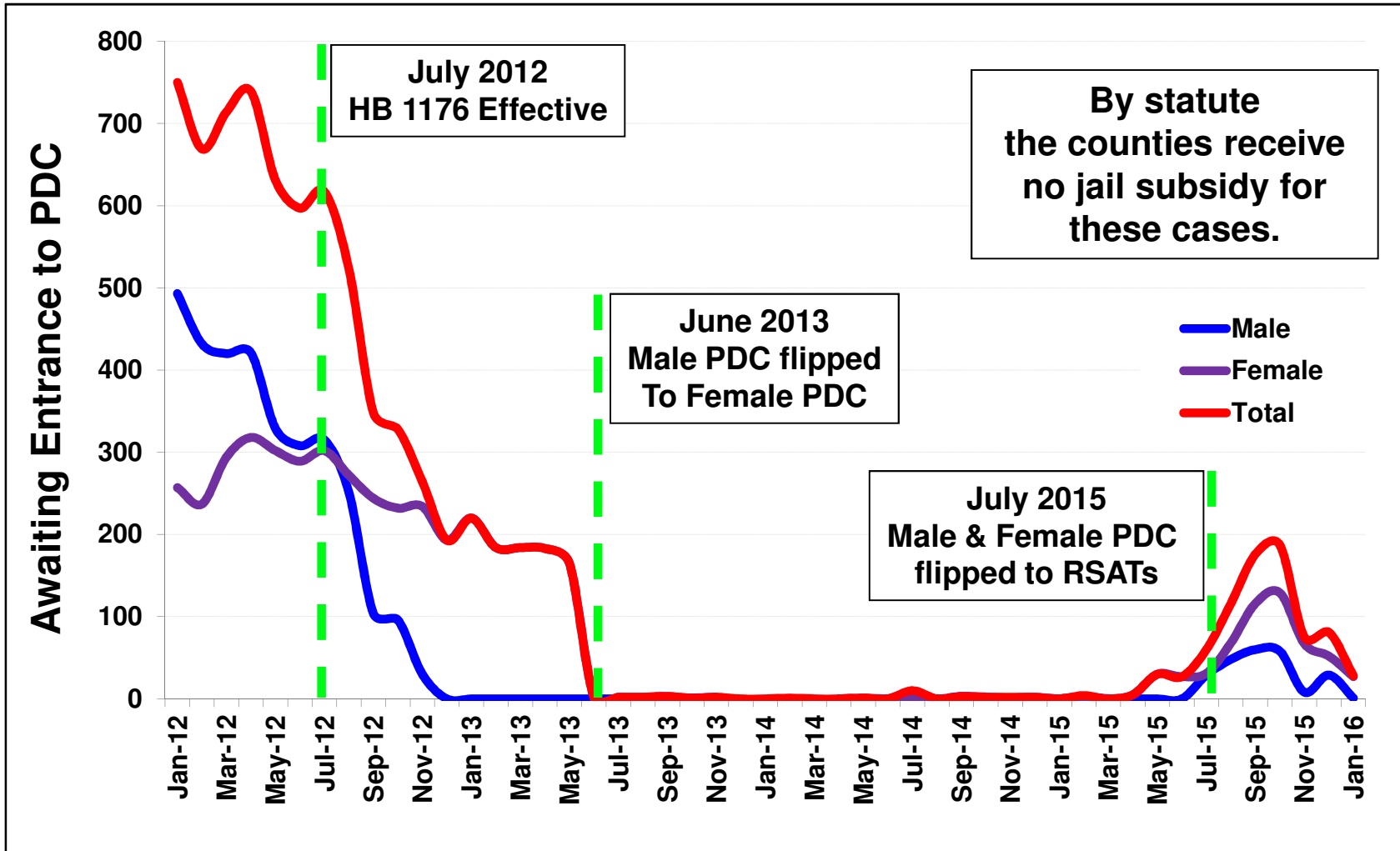
FY 2009-2016 Jail Subsidy



Source: Georgia Department of Corrections



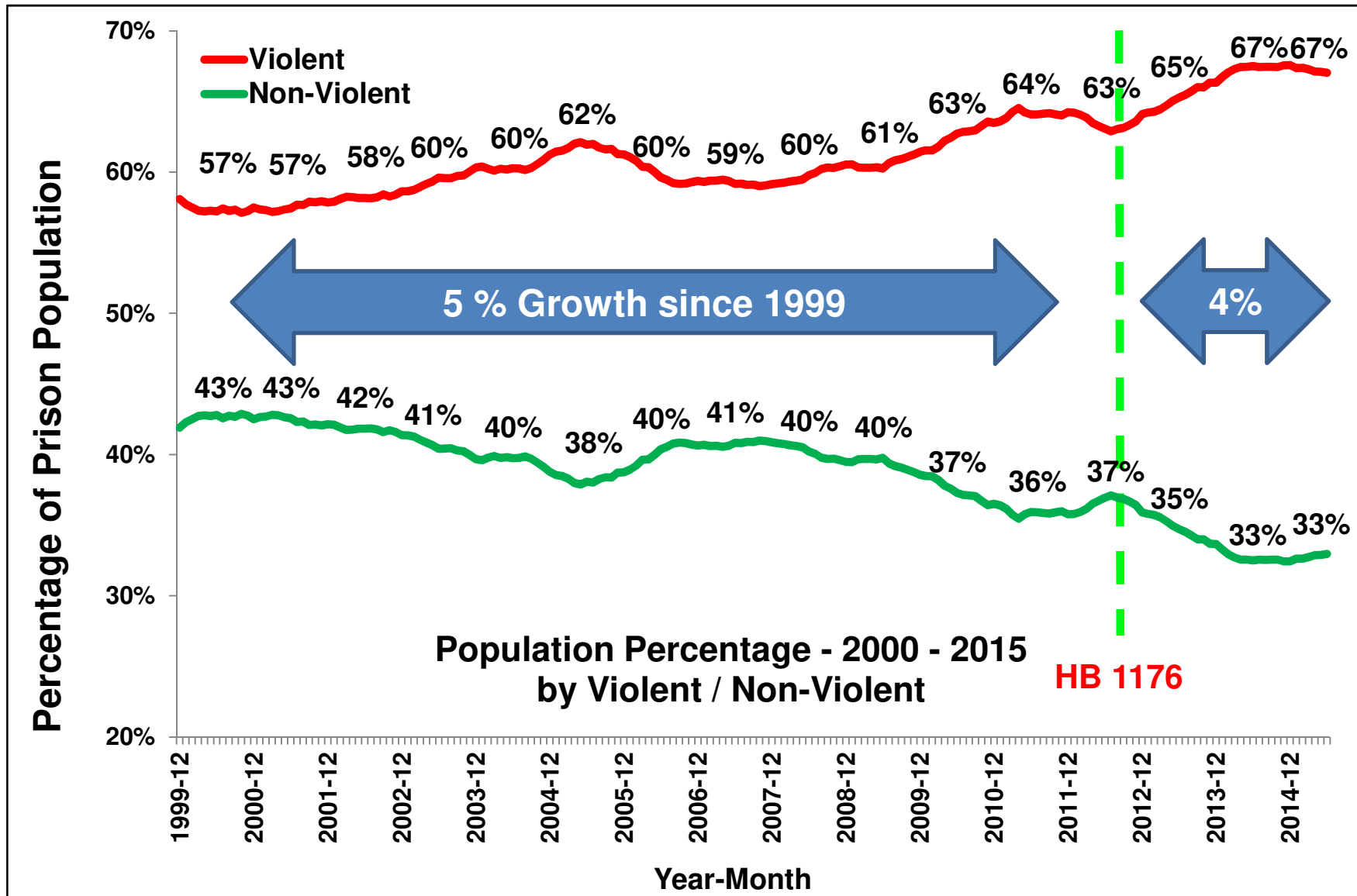
Length of Stay Cap Effect on PDC Backlog



HB 1176 capped PDC Length of Stay at 180 days



Violent vs. Non-Violent Prison Trends

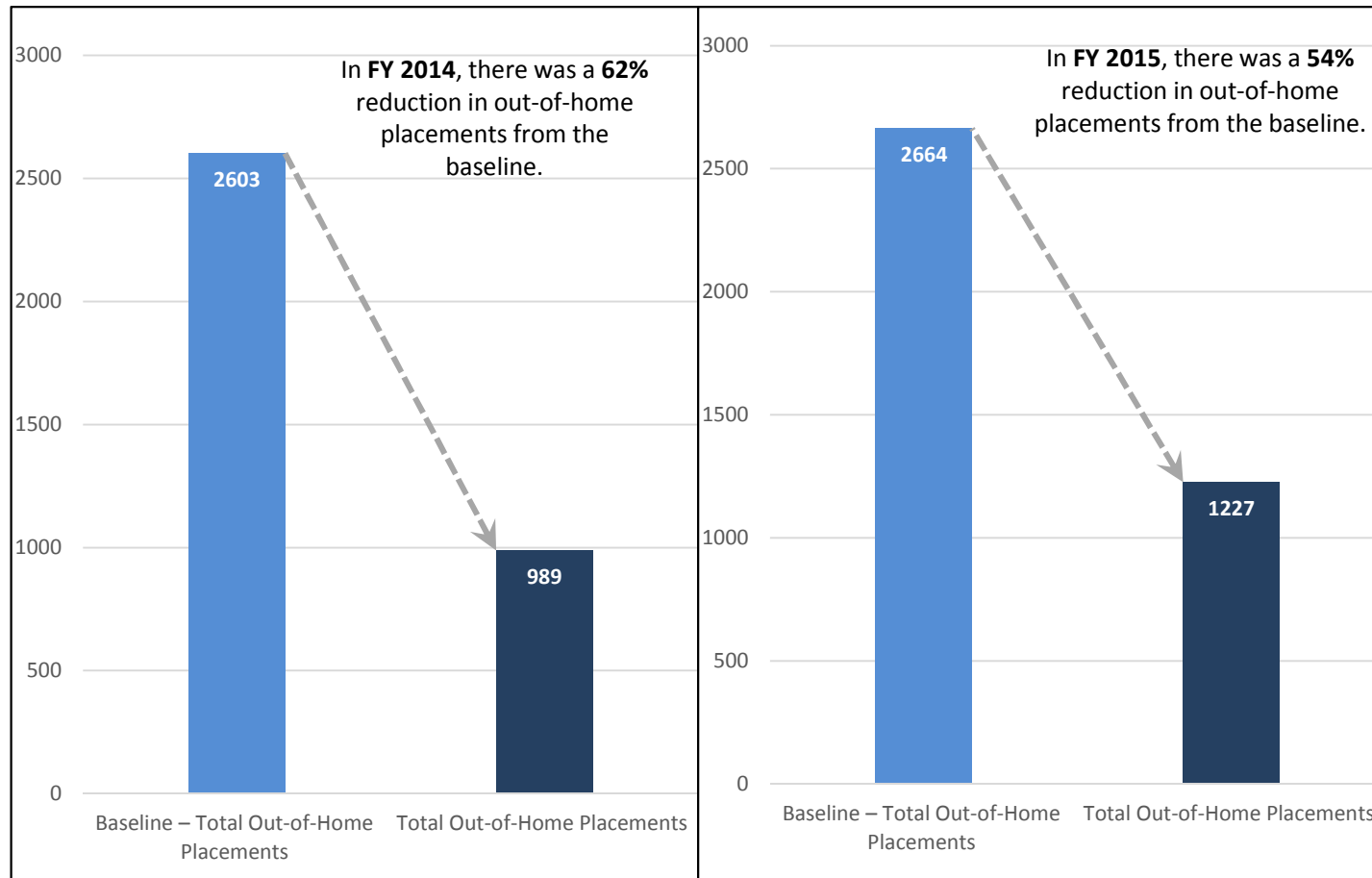


Source: Georgia Department of Corrections



Juvenile Justice Fiscal Incentive Grant

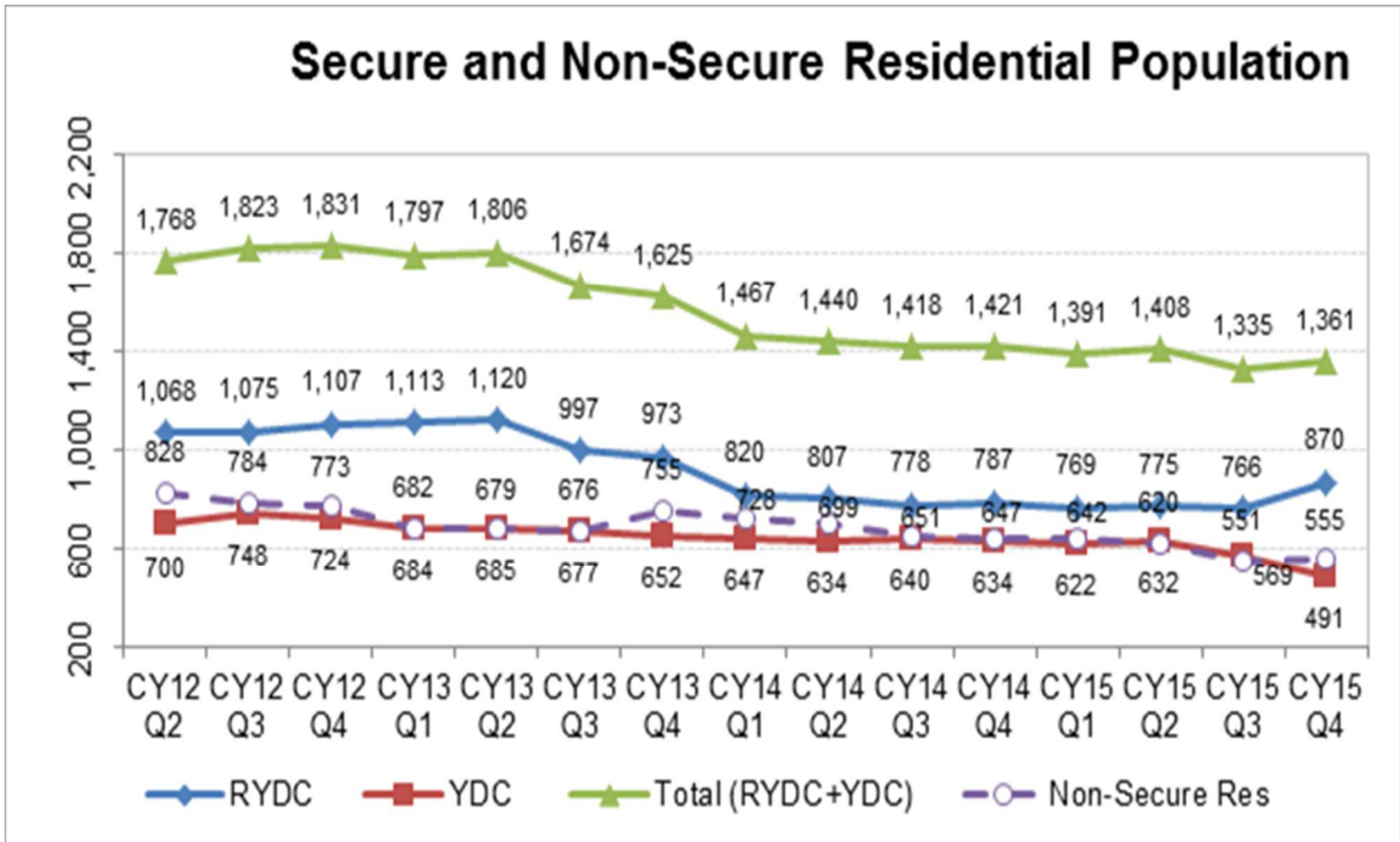
Year Two Evaluation Report July 2014 – June 2015



29 Courts (51 Counties), serving 70% of Georgia's total at-risk population.

Source: Carl Vinson Institute of Government, *Year Two Evaluation Report*, (2013-2014).

Juvenile Justice



Source: Georgia Department of Juvenile Justice.

2016 Recommendations

SB 367



Restoring the Intent of the 1st Offender Act

- Discharge by operation of law after FOA sentence terminates
- No Administrative GCIC Dispositions without judicial intervention
- Permitted judicial discretion to seal FOA records on plea vs. at sentence conclusion
- Permitted retroactive application of FOA sentences for those eligible defendants who were not adequately informed
- Added Possession of Alcohol by a Minor (§35-3-35) as eligible for FOA plea
- Prohibited FOA plea for those charged with human trafficking, abuse of the elderly or abuse of the disabled

2016 Recommendations SB 367



Misdemeanor Probation Reform

- Mandated conversion of fine to community service
- Established Presumption of Indigency for those developmentally disabled or totally and permanently disabled, those who earn less than 100% of the Federal Poverty Guidelines or those released from incarceration within past 12 months and who were incarcerated for more than 30 days.
- Authorized tolling of misdemeanor sentences with due process protections (affidavit). *Anderson v. Sentinel*
- Established “pay-only” probation” with three month cap on fees and automatic termination of probation upon payment
- Modified revocation process to ensure no pre-arrest incarceration for failure to pay and capped revocation period to 120 days and mandated affidavit for failure to report warrant.
- Under consecutively imposed sentences mandate probation officer motion to terminate upon successful probation period.

2016 Recommendations

SB 367



Secure Juvenile Detention: Youths 13 and Under - Detentions

- 2011: 3
 - 2012: 19
 - 2013: 75
 - 2014: 225
 - 2015: 450
- 54% charged with a felony
46% charged with a misdemeanor,
technical and status charges.

Restrict secure “short-term” detention for all youth ages 13 and under, except for SB440 and Serious Felonies.

Source: Georgia Department of Juvenile Justice

2016 Recommendations

SB 367



School Disciplinary Procedures

- Amend statute dealing with disruption of or interference with the operation of public schools to require a plan of “progressive discipline”
- Provide for increased training for school disciplinary hearing officers
- Mandate the use of a MOU in systems employing the use of School Resource Officers

Recidivist Sentence/Parole Eligibility

-Limited parole eligibility for those convicted of possession pursuant to O.C.G.A. 16-13-30 (a) and sentenced to a mandatory (non-parole eligible) sentence as a recidivist. Companion to 2015 16-13-30(b) eligibility legislation.

Miscellaneous

- **Created two additional Accountability Courts:** A Family Dependency Treatment Court and an Operating Under the Influence Court;
- Permitted Judges to issue **limited driving permits** for Accountability Court Participants;
- Prevent State Professional Licensing Boards from revoking or refusing to issue a license solely on a persons conviction, arrest or charge unless the felony relates to the occupation
- Modified and the **Federal Ban on Foods Stamps** for those with a drug conviction by opting out of the ban for all drug offenders except those convicted of trafficking

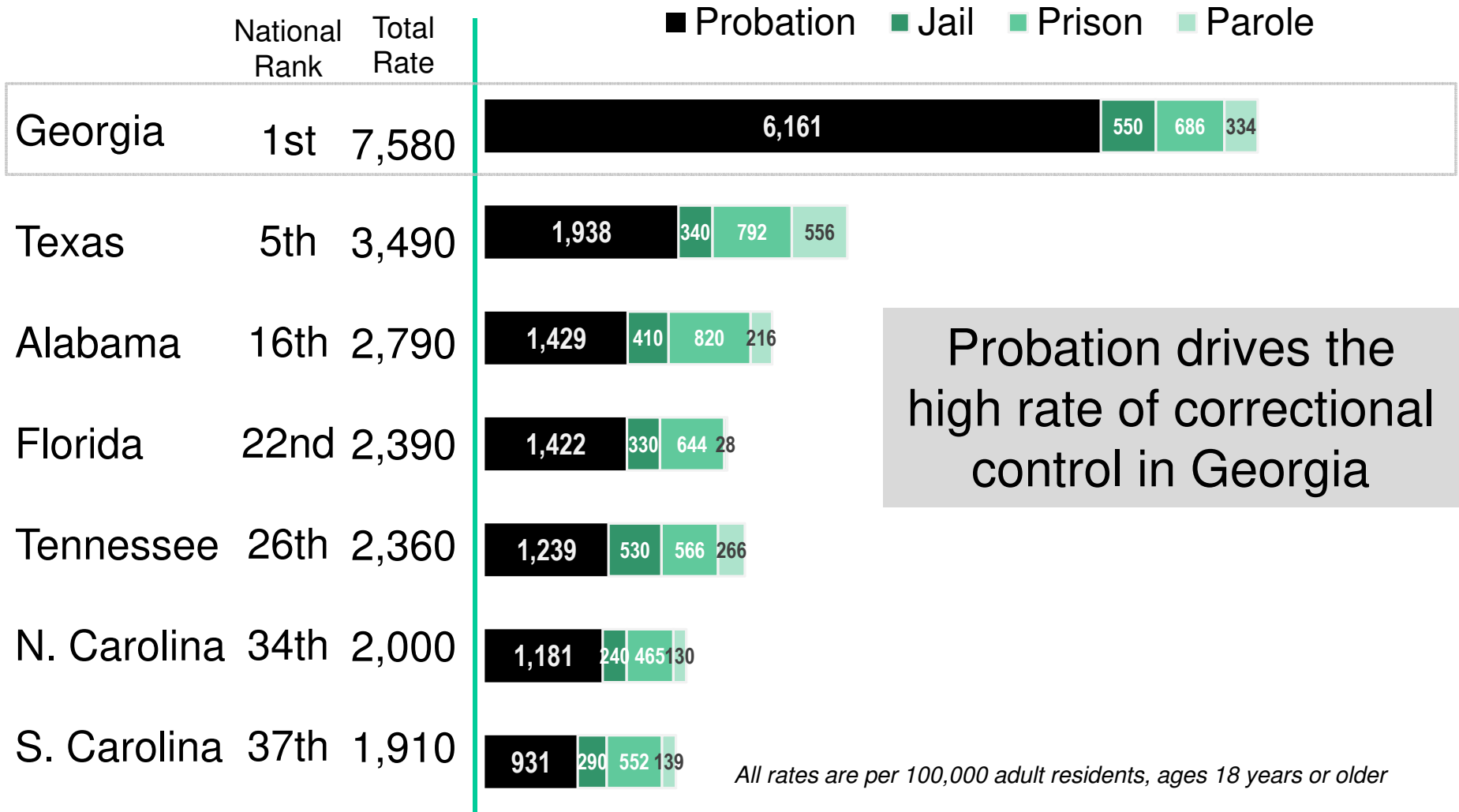
Georgia Probation

471,067 Probationers/6,161 per 100,000 residents

(National Average – 1,560 per 100,000)

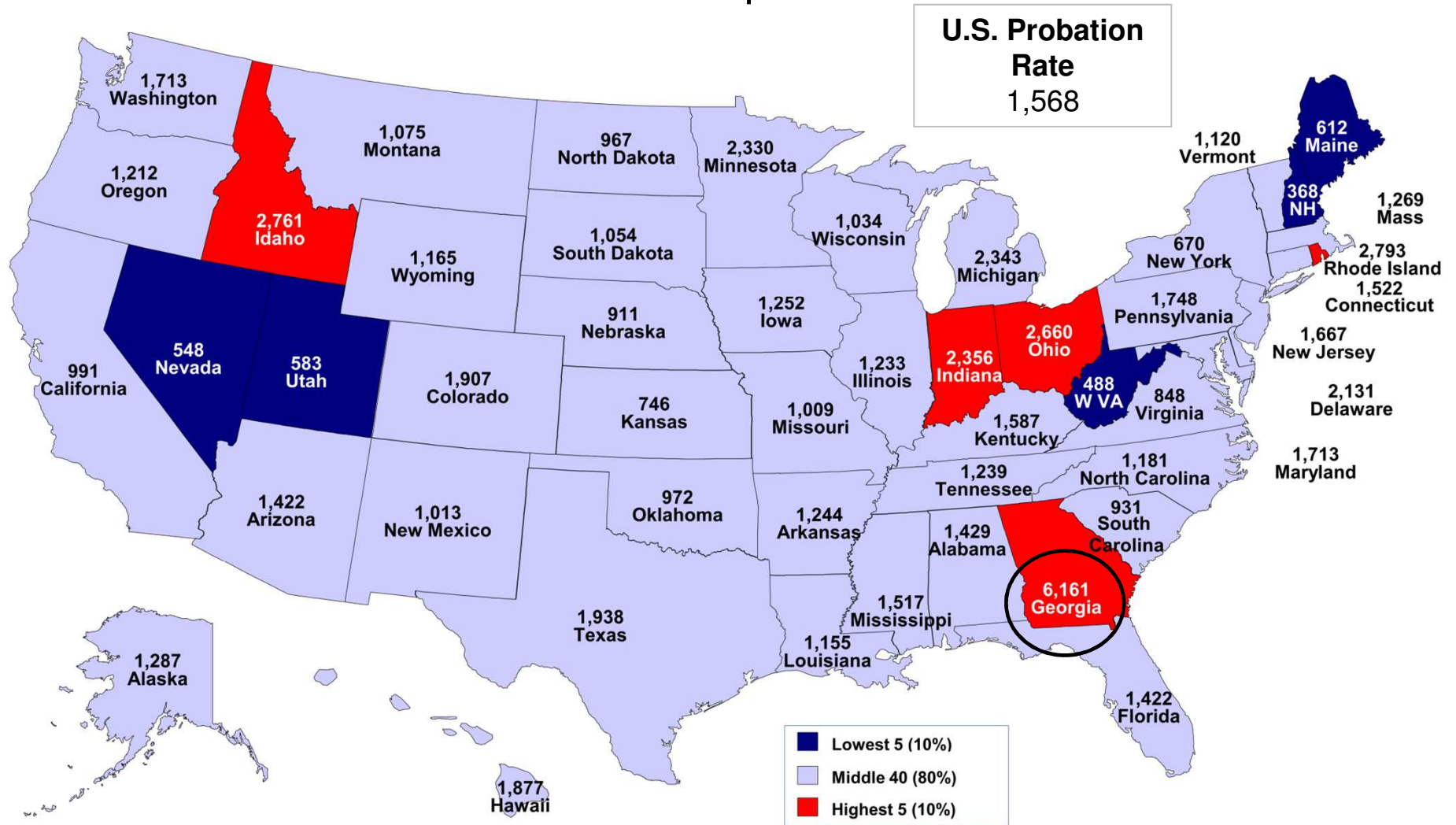
- Ga. Places **four-times** as many adults on felony and misdemeanor probation per capita than the U.S. average 839 – (Ga. 3710; Fla. 1004; DE 1663)
- Average Felony **Sentence length** is 6.3 years/LOS - 4.1 years
- CY2015 Felony **placements** - 45,835/Misdemeanors - 211,541
- **Do we put more people on probation in lieu of prison?**
 - 8th highest **prison** incarceration rate per 100,000 adults
 - 5th highest **jail** incarceration rate per 100,000 adults
- Average Probation **Length for Non-Violent probationer** is 9.95 years/11.88 for Violent offender.
- Misdemeanor probation cases have fallen (-25% 216,946) but felony probation (23% 167,388) and parolee (9% 25,000) populations continue to rise

Despite a declining crime rate, Georgia's correctional control rate is the highest in the nation and significantly higher than comparable states



• Source: Bureau of Justice Statistics, "Correctional Populations in the United States, 2014", "Probation and Parole in the U.S., 2014", "Census of Jails: Population Changes, 1999-2013", and "Prisoners in the U.S., 2014" Council of State Governments Justice Center

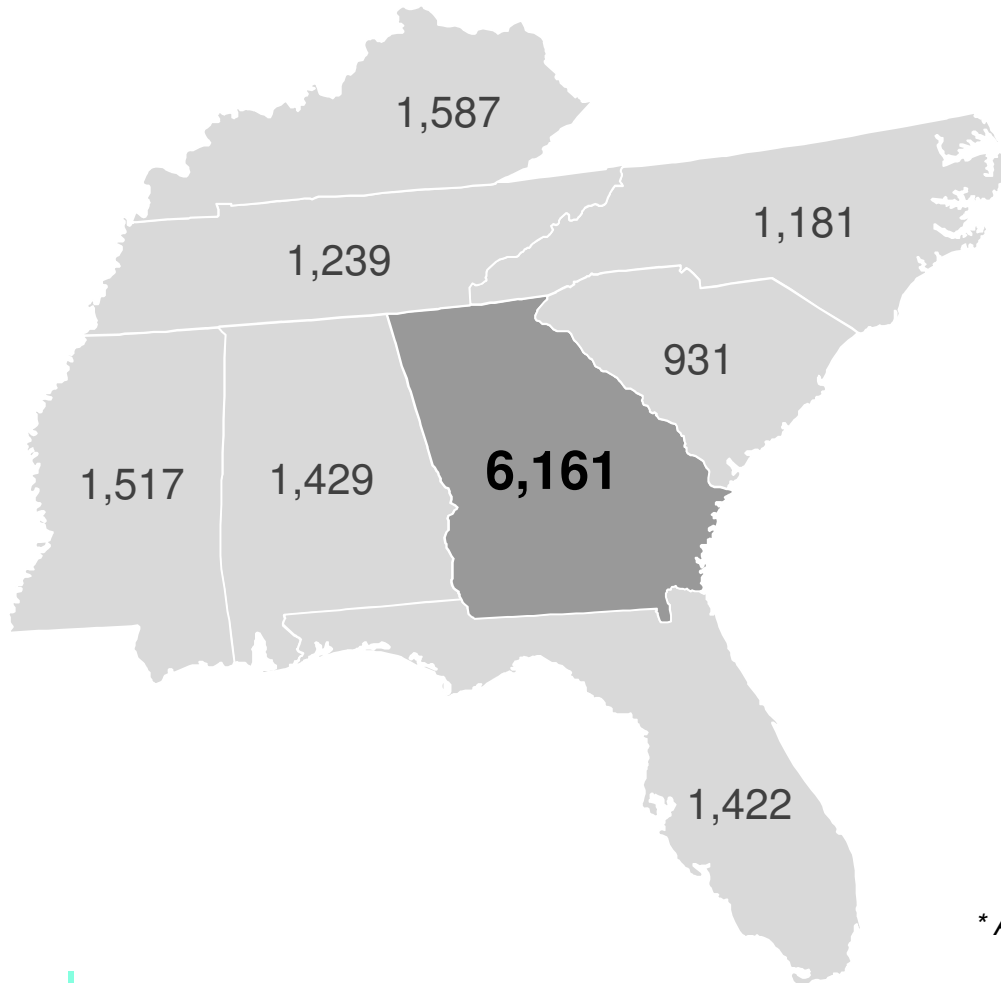
Georgia has the highest probation rate in the country—almost 4 times the national probation rate



Source: Bureau of Justice Statistics, "Probation and Parole in the US, 2014"

In the Southeast region, Georgia's prison rate is comparable to other states, but the probation rate is between 4 and 6 times higher than its neighbors

Probation Rates, 2014



Probation and Prison Rates,* 2014

Southeastern States	Probation Rate	Prison Rate
Georgia	6,161	686
Kentucky	1,587	615
Mississippi	1,517	788
Alabama	1,429	820
Florida	1,422	644
Tennessee	1,239	566
North Carolina	1,181	465
South Carolina	931	552

* All rates are per 100,000 adult residents, ages 18 years or older

Source: Bureau of Justice Statistics, "Prisoners in 2014", and "Probation and Parole in the US, 2014"

2017 Legislation to Address Probation Behavior Incentive Date Early Termination of Probation SB174*

- **As an incentive for good behavior, limit probation terms for people who demonstrate compliance with supervision.**
 - Upon the first conviction for nonviolent felony property or drug offenses, direct probation sentences would include a Behavioral Incentive Date (BID) not to exceed three years.
 - Require the Department of Community Supervision (DCS) to file a petition to the court for early termination of probation sentences if the person remains in compliance with the terms of his or her supervision, achieves case plan objectives, has no new arrests, and has paid all restitution prior to reaching the BID.

* Bill passed 156-0 in the House and 55-0 in the Senate

SB174 Continued

- **Focus supervision resources on people at the beginning of their supervision terms to reduce caseloads and deliver more meaningful supervision.**
 - Permit DCS to exercise discretion as to whether to move a person on probation to unsupervised status after two years when any restitution ordered has been paid in full, regardless of whether other fines or fees are outstanding. Supervision resources will then be shifted to focus on people during the initial part of their supervision term, when they are most likely to recidivate.
- **Improve the cost-effectiveness of responses to probation and parole violations.**
 - For people who received split sentences, require those on parole to follow probation conditions set by the judge in addition to any parole conditions set by the parole board, and enable officers to use responses to violations for people on parole similar to those they are allowed to use for people on probation.

SB174 Continued

- **Improve the handling of legal financial obligations for people on felony probation, evaluate programming, and validate risk assessment instruments.**
- **Expand** the conditions that allow a person to be classified as indigent, establish a rebuttable presumption of indigence, and require judges to waive legal financial obligations such as fines, fees, and surcharges or convert them into community service hours for felony sentences if a person is found to be indigent and has a significant financial hardship.
- **Evaluate** quality of programming in probation detention centers, RSAT programs, Integrated Treatment Facilities, DRCs, and DRC Lites at least once every five years.
- **Require** that risk assessment instruments used within the Georgia Department of Corrections (GDC) and DCS be revalidated at least once every five years.

Criminal Justice Reform Cost Savings/Avoidance 2012 - present



- In FY 2012 prior to enactment of reforms, the state paid \$25,008,566 in **jail backlog** per diems.
- In FY 2016 the DOC had paid \$660 in per diem.
- **Prison Commitments** in CY2012 were 19,801 and dropped to 18,472 in CY13| 18,696 in CY14; and 18,085 in CY15. Total of - 4,150. (Daily rate: \$18,404).
- **Accountability Court capacity** has increased to nearly 8,400 participants. 2,095 were new diversions in FY15
- Without changes, and 4,150 commitments, plus continued jail backlog, Georgia would have **added costs of \$76.3 million** for those offenders over three years.

Recidivism Reduction Budget Appropriations 2013-2017

State Fiscal year	2013	2014	2015	2016	2017	Totals
Accountability Courts	\$ 9,370,123	\$ 157,153	\$ 3,756,688	\$ 3,880,000	\$ 3,342,828	\$ 20,506,792
Education - GED & Vocational				\$ 11,635,854	\$ 5,668,227	\$ 17,304,081
GA Prisoner Reentry Initiative (PRI)			\$ 567,000	\$ 2,386,869	\$ 388,945	\$ 3,342,814
Department of Corrections - JRI /RSAT	\$ 5,887,007					
	\$ 15,257,130	\$ 157,153	\$ 4,323,688	\$ 17,902,723	\$ 9,400,000	\$ 47,040,694

State Fiscal year	2014	2015	2016	2017	Totals
Juvenile Incentive Grants	\$ 5,000,000	\$ 2,850,000	\$ 1,120,000	\$ 497,000	\$ 9,467,000

Total Adult and Juvenile Additions \$ **15,257,130** \$ **5,157,153** \$ **7,173,688** \$ **19,022,723** \$ **9,897,000** \$ **56,507,694**

Post 2013
Accountability
courts \$ 11,136,669

Other \$ 20,646,895

Resources



- Georgia Council Reports: dcs.Georgia.gov
 - “Menu”
 - “Important Links”
 - “Georgia Council on Criminal Justice Reform”
 - See: “Related Files” at the bottom of the page for PDF versions
- Issue Briefs covering 2012 and 2013 Recommendations and Legislation are available at the website of the Pew Center on the States: pewtrusts.org
 - “Menu”
 - “Research and Analysis”
 - “Issue Briefs” and search for “Georgia Issue Brief”
- Misdemeanor Probation Bench Card: georgiacourts.org and search for “Bench Card.”