

# Justice Reinvestment in Georgia

## Overview



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## Background

Over the past five years, leaders from across the political spectrum in Georgia have come together to develop innovative policy reforms to improve the state's criminal justice system.<sup>1</sup> In 2011, the state's prison population was projected to grow 8 percent by 2016, which would have cost the state \$264 million to add capacity to accommodate.<sup>2</sup> The Georgia Council on Criminal Justice Reform (Council) guided a data-driven effort based on evidence-based practices to address growth in the state's prison population, hold people involved with the criminal justice system accountable, reduce spending on corrections, and reduce recidivism.<sup>3</sup> Georgia experienced a 6-percent decrease in its prison population between 2012 and 2015, which averted these costs, thereby allowing the state to reinvest more than \$85 million in recidivism-reduction strategies, such as expanding accountability courts and strengthening community supervision.<sup>4</sup> As Georgia's prison population declined, the state's index crime rate decreased almost 4 percent from 2012 to 2014.<sup>5</sup>

Despite these reforms to Georgia's criminal justice system, there is further work to be done. The state has the highest probation rate in the country, with 6,161 adults on probation per 100,000 residents, compared to the national average of 1,568 per 100,000 residents.<sup>6</sup> This means that 1 in 17 adults in Georgia is on probation.<sup>7</sup> The state also has the 8th-highest prison incarceration rate in the country, with 686 adults incarcerated per 100,000 residents, compared to 612 adults incarcerated per 100,000 residents nationally.<sup>8</sup> Additionally, Georgia's decreasing prison population began to level off in 2014 and is projected to increase by 2 percent in the next five years.<sup>9</sup>

In May 2016, Governor Nathan Deal, Lieutenant Governor Casey Cagle, and House Speaker David Ralston requested support from the U.S. Department of Justice's Bureau of

Justice Assistance (BJA) and The Pew Charitable Trusts (Pew) to employ a justice reinvestment approach to further improve Georgia's criminal justice system, particularly by examining two areas related to the probation and incarceration rates. BJA and Pew, as public-private partners in the federal Justice Reinvestment Initiative (JRI), approved Georgia's request and asked The Council of State Governments (CSG) Justice Center to provide intensive technical assistance to help collect and analyze data and develop appropriate policy options for the state.

Georgia's Council subsequently established two subcommittees to examine 1) adult misdemeanor and felony probation sentences and practices, and 2) the sentencing policies that produce lengthy probation and prison sentences required by Georgia's mandatory minimum sentences as they relate to the state's recidivist sentencing statute, with a focus on the way mandatory minimums limit judicial and prosecutorial discretion to customize sentences to the distinctive conditions of a case.<sup>10</sup> The subcommittees, co-chaired by Judge Michael P. Boggs of the Georgia Court of Appeals and Thomas Worthy, Esq., Vice President of Government and Public Affairs for Piedmont Healthcare and composed of members from all three branches of government and state and local criminal justice stakeholders, will work collaboratively with the CSG Justice Center and provide guidance throughout this project.

Over the coming months, CSG Justice Center staff will conduct a comprehensive analysis of extensive data sets collected from various state agencies and departments to build a broad picture of statewide criminal justice trends. CSG Justice Center staff will also facilitate focus groups and interviews with people working on the front lines of Georgia's criminal justice system.

# The Justice Reinvestment Approach

## Step 1: Analyze data and develop policy options

Under the direction of Georgia's Council subcommittees, CSG Justice Center staff will conduct a comprehensive analysis of crime, arrest, sentencing, community corrections, incarceration, behavioral health, and recidivism data.

To incorporate perspectives and recommendations from across the state, the CSG Justice Center will collect input from criminal justice system stakeholders including prosecutors, defense attorneys, judges, law enforcement executives, supervision officers, behavioral health service providers, victims and their advocates, formerly incarcerated people and their advocates, local officials, and others.

CSG Justice Center staff will work with Georgia's Council subcommittees to review the analyses and develop data-driven policy options focused on improving supervision, reducing recidivism, and increasing public safety. Policy options will be available for the general assembly's consideration in 2017.

## Step 2: Adopt new policies and put reinvestment strategies into place

If the policy options are enacted as legislation, the CSG Justice Center will work with Georgia policymakers for approximately 24 months to translate the new policies into practice. This assistance will help ensure that related programs and system investments are implemented using the latest research-based, data-driven strategies and achieve projected outcomes. CSG Justice Center staff will develop implementation plans with state and local officials, provide policymakers with frequent progress reports, and deliver testimony to relevant legislative committees. Georgia will also have the opportunity to apply for federal grant funding to meet important one-time implementation needs, such as information technology upgrades and ongoing quality assurance outcomes.

## Step 3: Measure performance

Finally, the CSG Justice Center will continue to assist Georgia officials to identify metrics to assess the impact of enacted policies on crime, incarceration, and recidivism rates, and to develop the strategies to monitor these outcomes. Typically, this includes a "dashboard" of multiple indicators that make it easy for policymakers to track the changes occurring in various components of the criminal justice system.

## Notes

1. In 2012, Georgia enacted HB 1176, which included, among other policy reforms, new sentencing policies to prioritize a greater share of prison beds for people convicted of serious and violent crimes, as well as the expansion of accountability courts. In 2013, Georgia enacted HB 242, which focused on juvenile justice reforms to divert more youth who commit low-level offenses to evidence-based community programs. In 2014, the state created the Georgia Prisoner Reentry Initiative to help people transition into the community after release from prison. In 2015, Georgia enacted HB 310, which established the Department of Community Supervision and merged probation and parole into one state agency to improve efficiency, as well as required that all Georgians who qualify for a second chance under the First Offender Act be informed of their eligibility. In April 2016, Governor Nathan Deal signed into law SB 367, which includes, among other policy reforms, new sentencing policies to allow some people serving drug-related mandatory minimum sentences to be eligible for parole.
2. Georgia Council on Criminal Justice Reform (Council), *Report of the Georgia Council on Criminal Justice Reform* (Atlanta: Council, November 2016).
3. Georgia's HB 349 established the Georgia Council on Criminal Justice Reform (Council) in 2013, which replaced the Special Council on Criminal Justice Reform for Georgians that HB 256 established in 2011. The Council is composed of state leaders from all three branches of state government and focuses on adult and juvenile corrections. In comparison, the Special Council on Criminal Justice Reform for Georgians was composed solely of legislators and focused only on adult corrections.
4. *Ibid*; Georgia Department of Corrections (GDC), *FY2012 Annual Report* (Atlanta: GDC, 2013); GDC, *FY2015 Annual Report* (Atlanta: GDC, 2016).
5. U.S. Department of Justice, Federal Bureau of Investigation, "Unified Crime Report Data Online," [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/4tabledatacoverviewpdf/table\\_4\\_crime\\_in\\_the\\_united\\_states\\_by\\_region\\_geographic\\_division\\_and\\_state\\_2011-2012.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/4tabledatacoverviewpdf/table_4_crime_in_the_united_states_by_region_geographic_division_and_state_2011-2012.xls); <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-4>. The most recent data available for index crime rates across the nation is from 2014.
6. Danielle Kaeble, Laura Maruschak, and Thomas Bonczar, *Probation and Parole in the United States, 2014* (Washington, DC: Bureau of Justice Statistics, November 2015); The most recent data available for probation rates across the nation is from 2014.
7. *Ibid*.
8. E. Ann Carson, *Prisoners in 2014* (Washington, DC: Bureau of Justice Statistics, September 2015). The most recent data available for incarceration rates across the nation is from 2014.
9. Email correspondence between CSG Justice Center and Applied Research Services, Inc., March 2016.
10. Council, *Report of the Georgia Council on Criminal Justice Reform*; for more information about Georgia's recidivist sentencing statute (§17-10-7), please visit <http://www.lexisnexis.com/hottopics/gacode/Default.asp>.



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The Council of State Governments (CSG) Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center's work in justice reinvestment is done in partnership with The Pew Charitable Trusts and the U.S. Department of Justice's Bureau of Justice Assistance. These efforts have provided data-driven analyses and policy options to policymakers in 22 states. For additional information about Justice Reinvestment, please visit [csjusticecenter.org/jr/](http://csjusticecenter.org/jr/).



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**Project Contact:** Chenise Bonilla, Policy Analyst, [cbonilla@csg.org](mailto:cbonilla@csg.org)