



Georgia Council on Criminal Justice Reform

First Probation Subcommittee Meeting

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Overview



- 1 Introduction & Background Information
- 2 Georgia Felony Probation Trends
- 3 Georgia Misdemeanor Probation Trends
- 4 Next Steps

The Council of State Governments Justice Center

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



National nonprofit, nonpartisan membership association of state government officials that engage members of **all three branches** of state government.

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Justice Center provides **practical, nonpartisan advice** informed by the best available evidence.

What is Justice Reinvestment?



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**

Justice reinvestment includes a two-part process spanning analysis, policy development, and implementation

II. Pre-Enactment

1	Bipartisan, Interbranch Subcommittees	Assemble practitioners and leaders, receive and consider information, reports and policies
2	Data Analysis	Data sources should come from across the criminal justice system for comprehensive analysis
3	Stakeholder Engagement	Complement data analysis with input from stakeholder groups and interested parties
4	Policy Options Development	Present a policy framework to reduce corrections costs, increase public safety, and project the impacts

II. Post-Enactment

5	Policy Implementation	Identify needs for implementation and deliver technical assistance for reinvestment strategies
6	Monitor Key Measures	Monitor the impact of enacted policies and programs; adjust implementation plan as needed

Georgia's Probation Subcommittee Membership

Hon. Michael Boggs,
Co-Chair

Thomas Worthy,
Co-Chair

**Hon. Mark
Anthony
Scott,**
Superior Court

**Rebecca
Grist,**
Bibb County

**Hon. George
Turner,**
Atlanta Police
Department

**Hon. Margaret
Washburn,**
Municipal
Court

**Hon. Alice
Padgett,**
Probate Court

**John Prescott
Jr.,**
Community
Corrections
Association

Stan Cooper,
DOC
Probation
Division

Dale Allen,
Athens/Clark
County

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Magistrate
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**Charles
Spahos,**
Prosecuting
Attorneys'
Council

**Jimmonique
R.S. Rodgers,**
Public
Defender
Council

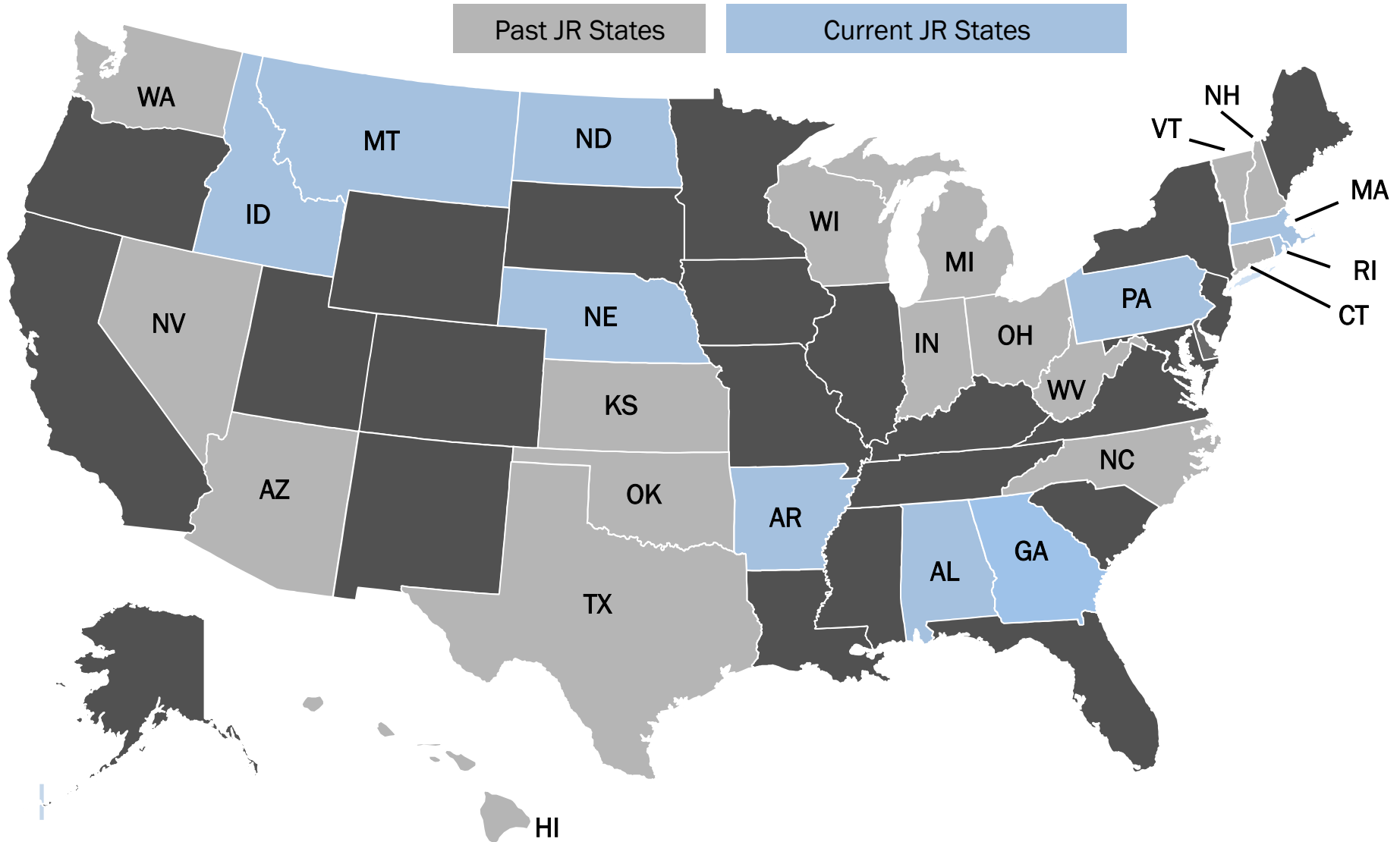
Scott Maurer,
DCS

**Hon. Ezell
Brown,**
Newton
County

**Stephen
Scarborough,**
Criminal
Defense
Attorney

**Hon. Chuck
Efstration,**
State
Representative

States using the justice reinvestment approach with CSG Justice Center



Other states have reinvested in recidivism-reduction strategies

STATE

FINDING

REINVESTMENT



Substance use needs significantly contributed to probation and parole violations

Allocated \$9 million over three years to expand access to substance use treatment for people on supervision



People being supervised in the community who are at high risk of reoffending do not receive sufficient supervision and treatment to reduce recidivism

Allocated \$12 million over two years in behavioral health treatment for people on supervision



More than 50 percent of people admitted to prison were revoked from probation, and limited treatment resources were not targeted

Over \$8 million was reprioritized to improve existing community-based treatment resources

Georgia's recent history with criminal justice reform

Report of the Special Council on Criminal Justice Reform for Georgians—2011

If we did nothing...

- Projected prison growth of 8% by 2016
 - 57K to almost 60K
- Additional \$264 million to expand capacity

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
- Pew's 1 in 30 Report—Georgia ranked last with 1 in 13

Four Reform Packages

2012	2013	2014	2015
Adult Sentencing Reform	Juvenile Justice Reform/Code Rewrite	Offender Reentry	Misdemeanor Probation Reform

Georgia's reform efforts have involved substantial legislative and executive/administrative efforts

Legislative

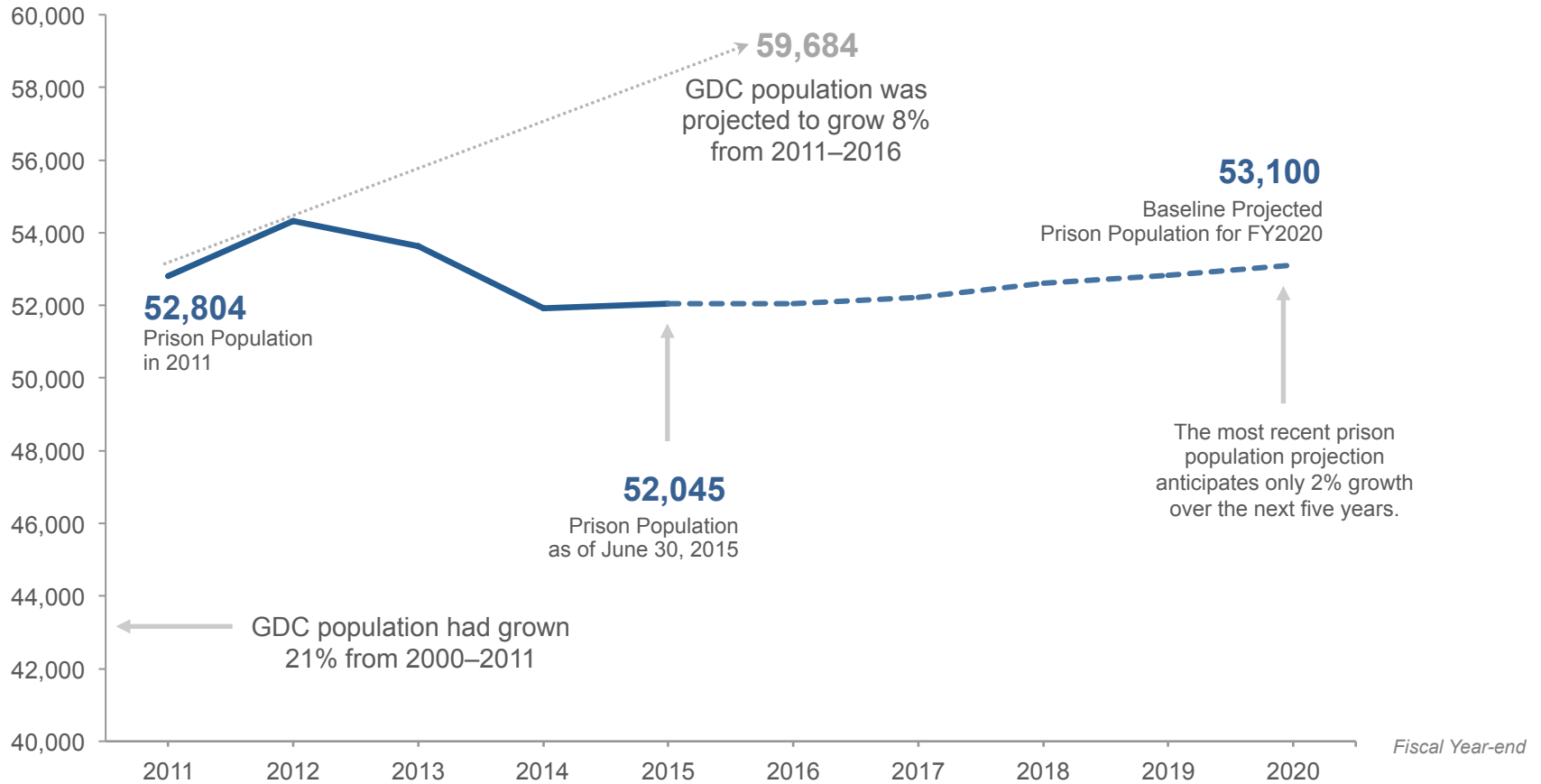
- ❑ Changed the felony threshold for burglary, theft, and forgery from \$500 to \$1,500
- ❑ Moved to weight-based drug sentencing
- ❑ Mandated the electronic submission of sentence from clerk of court to Department of Corrections
- ❑ Establishment of mandatory minimum “safety valves”
 - Drug trafficking if certain specific provisions are met
 - “Truth in pleading”
- ❑ 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 nonviolent drug recidivists
- ❑ Creation of administrative probation

Executive/Administrative

- ❑ Capped length of stay in Probation Detention Centers (PDCs) at 180 days
 - Enabled conversion of underutilized PDCs to Residential Substance Abuse Treatment beds
- ❑ Automation of pre-sentence assessments
- ❑ Pre-release center conversions
- ❑ 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

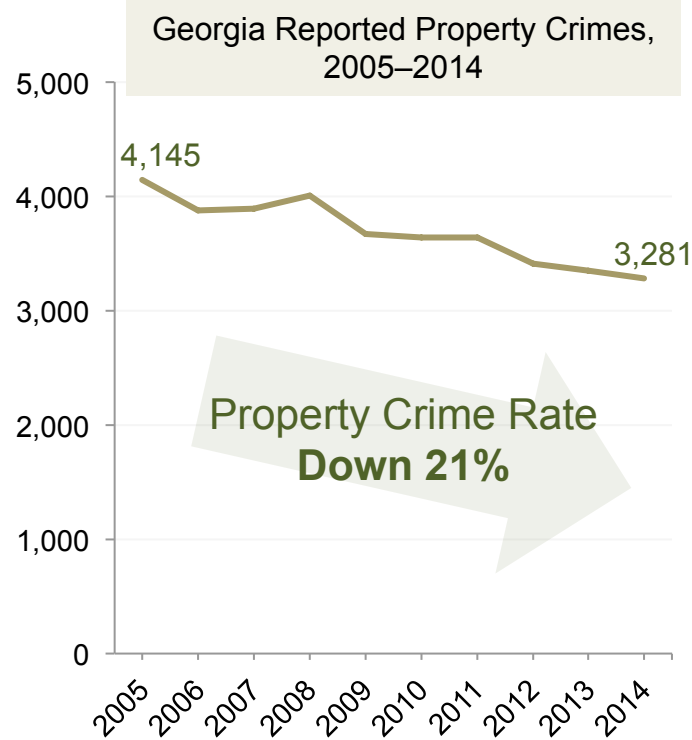
Georgia experienced a decrease in the state prison population in recent years

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)

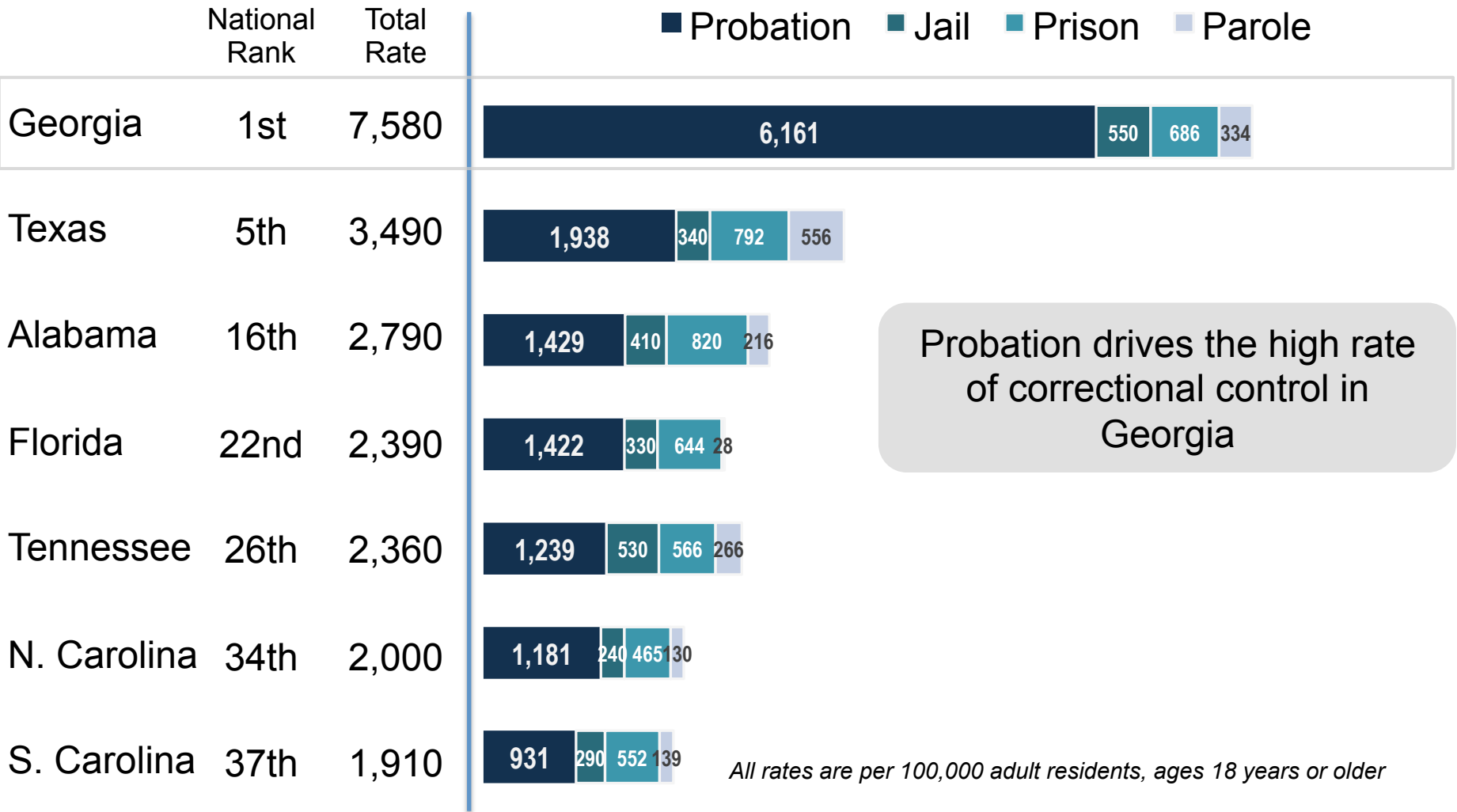
Alabama (9th)

Texas (12th)

N. Carolina (18th)

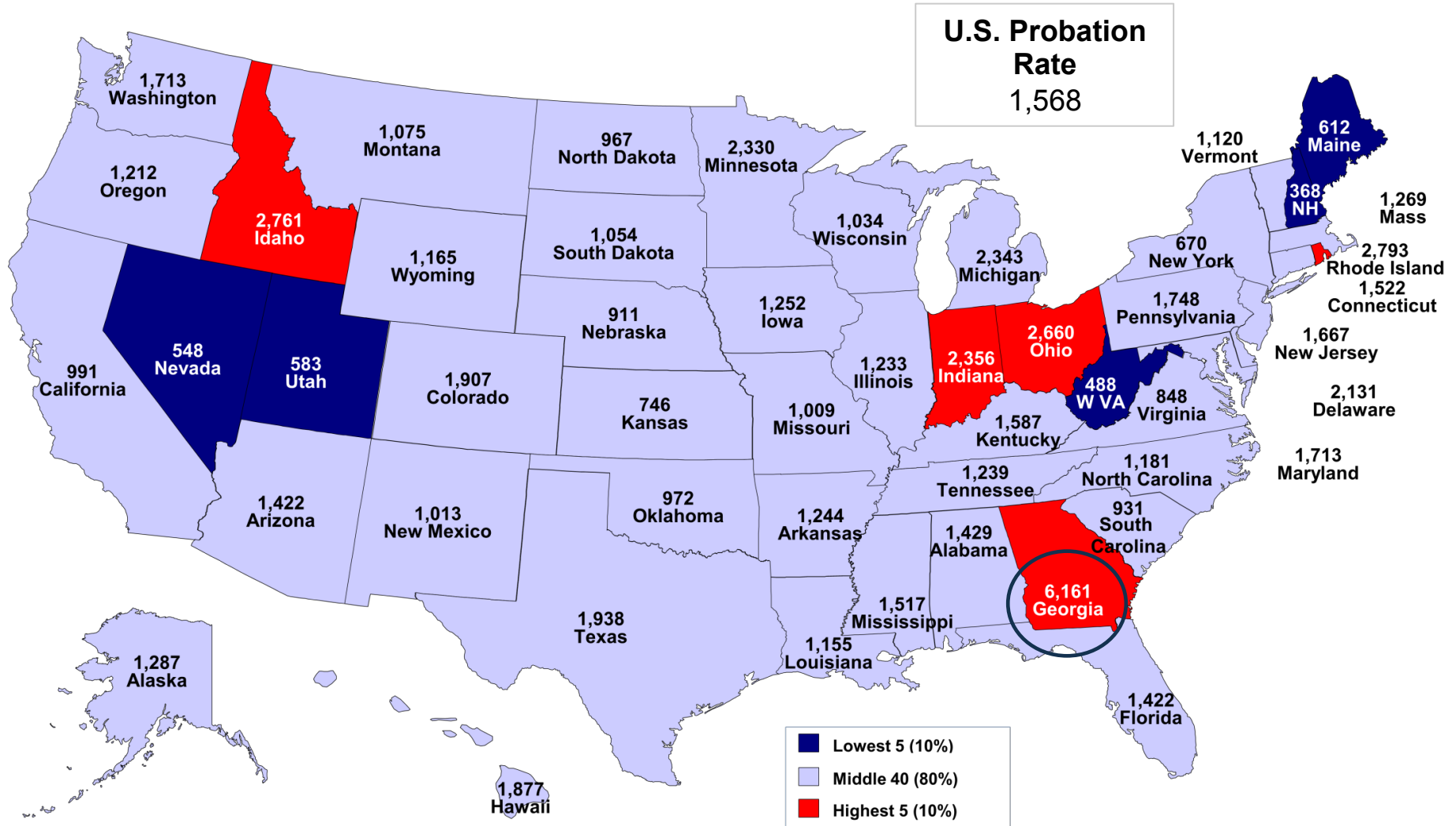
Georgia has shown that it is possible to lower the prison population and the total index crime simultaneously

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"

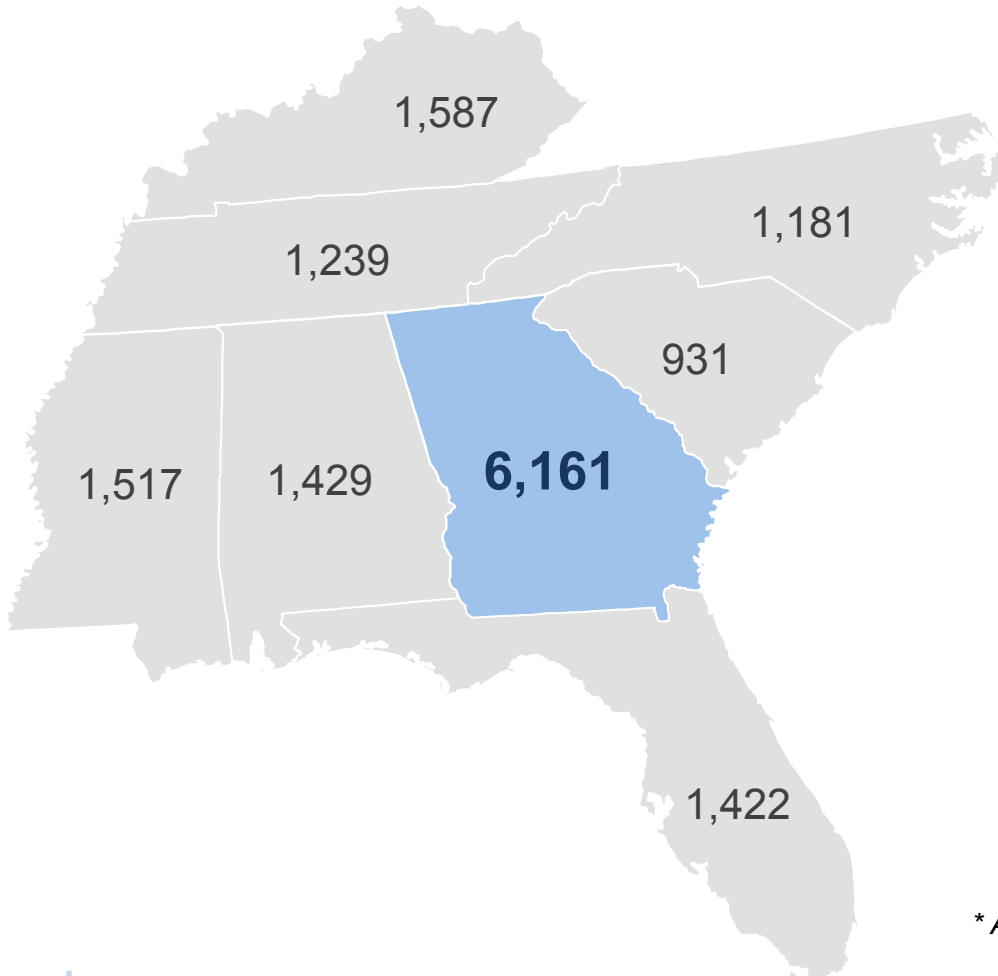
Georgia has the highest probation rate in the country—almost 4 times the national probation rate



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

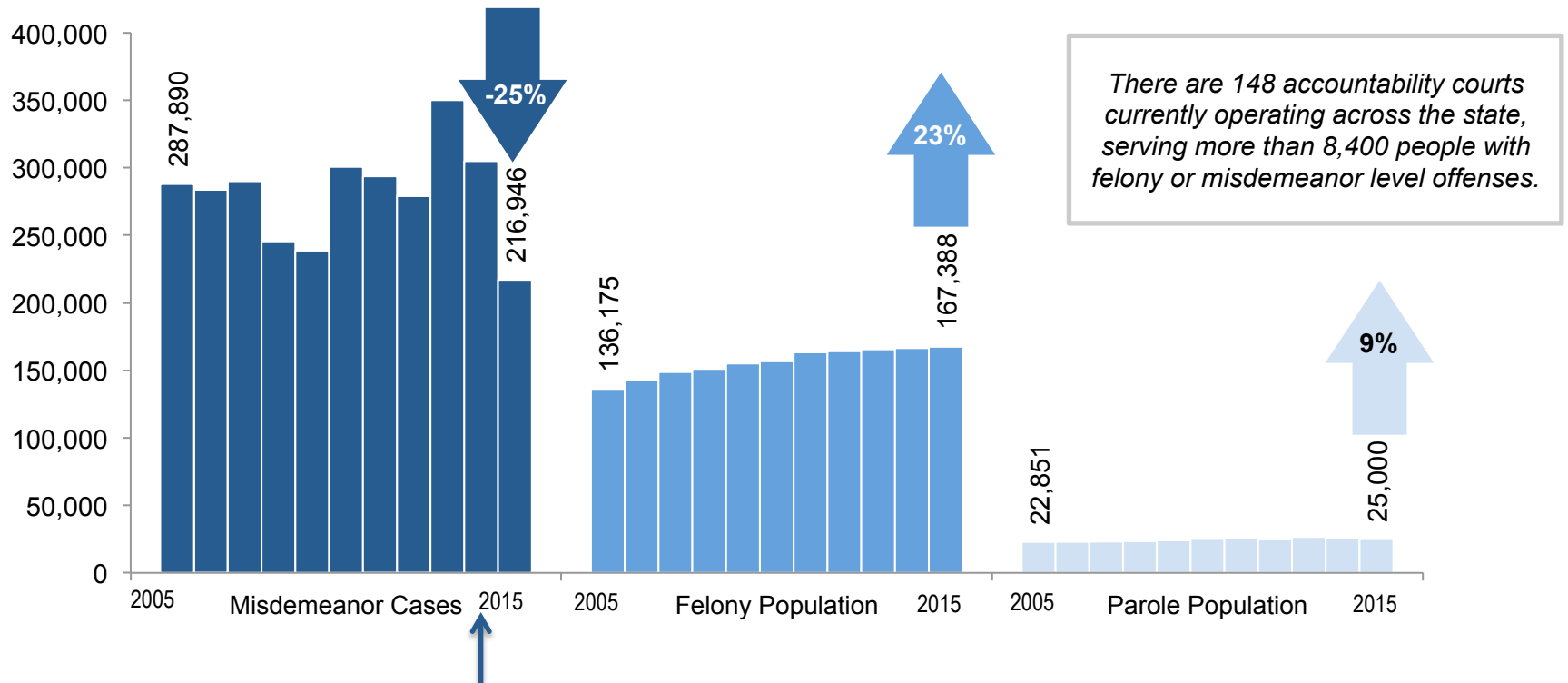
Southeastern States	Probation Rate	Prison Rate
Georgia	6,161	686
Kentucky	1,587	615
Mississippi	1,517	788
Alabama	1,429	820
Florida	1,422	644
Tennessee	1,239	566
North Carolina	1,181	465
South Carolina	931	552

* 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"

The number of misdemeanor cases has fallen in recent years, but felony probation and parolee populations continue to rise

Georgia's Supervised Cases and Populations, CY2005–CY2015

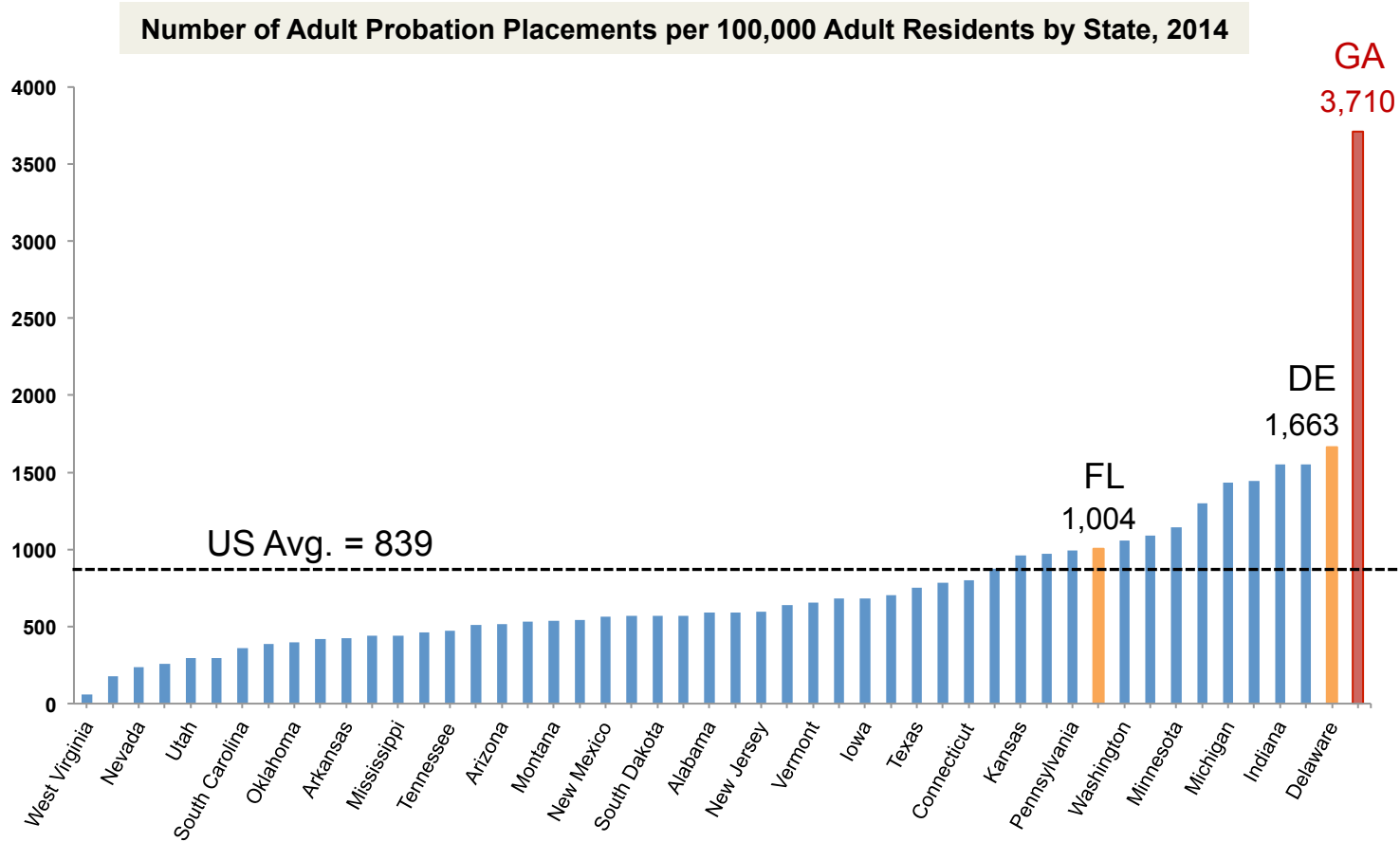


December 2014

Georgia's Supreme Court ruled that state law does not authorize the tolling of misdemeanor probation sentences, which led to the cancellation of tens of thousands of arrest warrants for absconders as well as the release of misdemeanants in jail for noncompliance

Source: Bureau of Justice Statistics, *Probation and Parole in the US, 2005 – 2014*, Georgia Department of Corrections, *Probationer Statistical Profile, 2005-2015* (year-end/December figures), Georgia Department of Community Supervision, *2015 Annual Report*, and *2015 Report of the Georgia Council on Criminal Justice Reform*; Council of Accountability Court Judges of Georgia, *Georgia Accountability Court Directory*, <http://www.gaaccountabilitycourts.org/>

Georgia places four times more adults on felony and misdemeanor probation per capita than the U.S. average



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

Understanding Georgia's exceptional probation rate requires looking at factors affecting number starting probation, lengths, and sentencing

Felony Probation

Misdemeanor Probation

Starts

Does Georgia put more people on probation than other states?

45,835 placements in CY2015

211,541 placements in CY2015

Lengths

Are probation sentence lengths longer than the national average?

Average sentence length is 6.3 years
Average length of stay is 4.1 years

Average sentence length is not yet known
Average length of stay is 10.5 months

Sentencing

Are more people sentenced to probation in lieu of prison, or in addition to prison, compared to other states?

8th-highest prison incarceration rate
per 100,000 adults

5th-highest jail incarceration rate
per 100,000 adults

Source: Georgia Department of Corrections, "Probation_Profile_Starts_CY2015.pdf" and "Probation_Profile_Terminations_CY2015.pdf", Georgia Department of Community Supervision Misdemeanor case level data, Bureau of Justice Statistics "Prisoners in 2014", and "Census of Jails 1999-2013"

Guiding questions for Georgia's probation subcommittee

1. Have we adequately determined the use of probation?

2. What are Georgia's goals for the different forms of probation supervision (misdemeanor and felony, split sentence)?

- Why is Georgia's probation rate so much higher than every other state?
 - *Number sentenced?*
 - *Length of supervision terms?*

- How do Georgia's probation supervision practices compare to other states and to best practices?

- Is Georgia maximizing its limited corrections dollars to get the best public safety returns?

3. How might Georgia's probation policies and practices become more effective at reducing crime and recidivism?

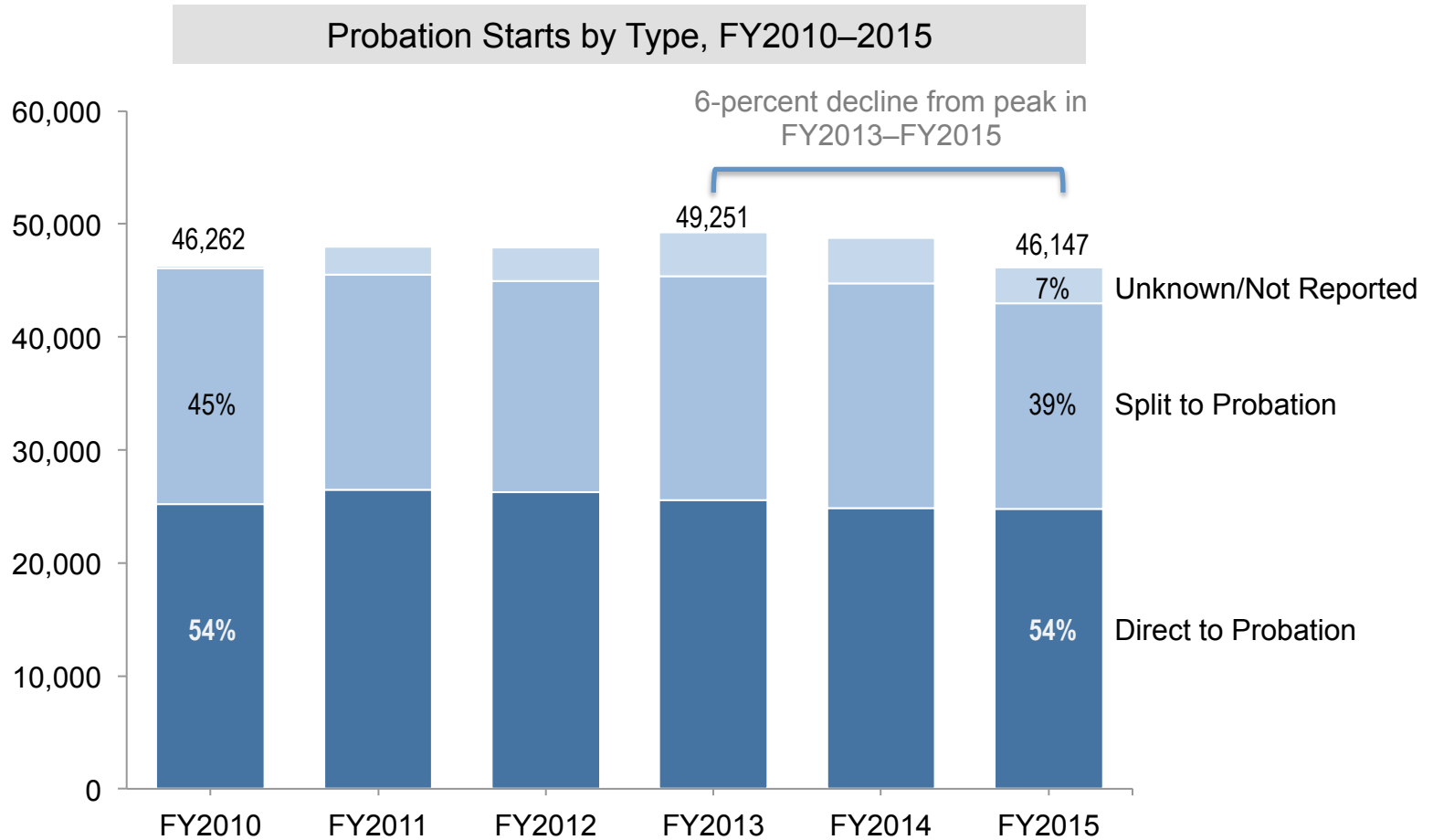
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Probation Starts

Number of people beginning a term of felony probation has actually declined in recent years



Source: Georgia Department of Corrections Probationer Statistical Profile for Probation Starts, FY 2010 – FY 2015

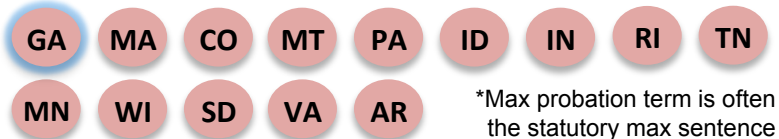
Probation Length

Unlike most states, Georgia does not limit length of probation sentence beyond base offense penalty

32 States with Maximum Probation Term Caps of Five Years or Less*



14 States with No Probation Term Cap of Five Years or Less*



GA-specific policies

§42-8-37 allows for early probation termination, but how often this occurs needs further analysis*

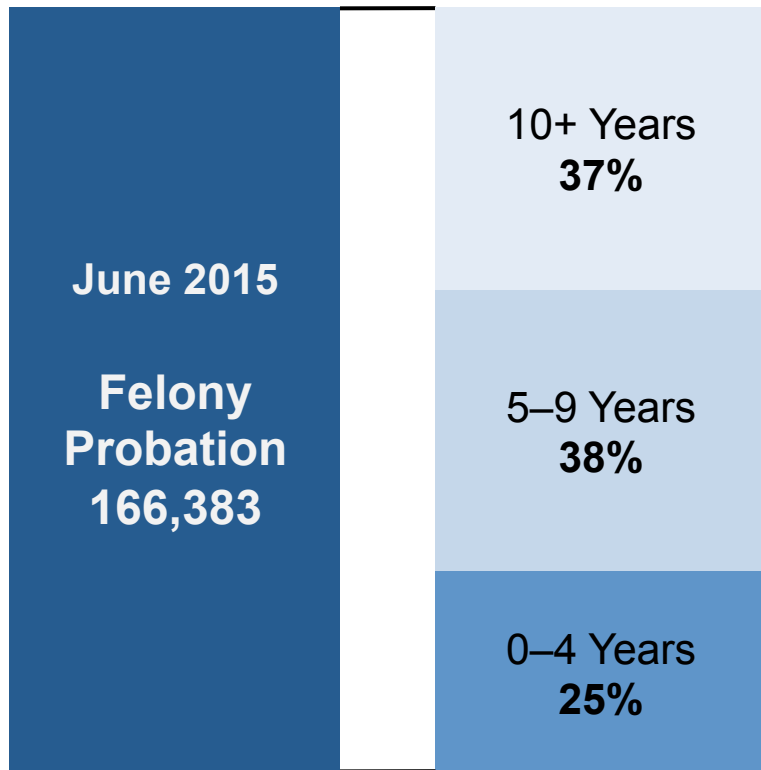
*Judges may include an automatic early termination in original sentence

§17-10-1 states active probation supervision shall terminate no later than two years, with some exceptions

For certain serious offenses, there is a one-year mandatory probation term, which likely follows a prison term

Probation Length

About three-fourths of the felony probation population has sentence lengths that are five years or more



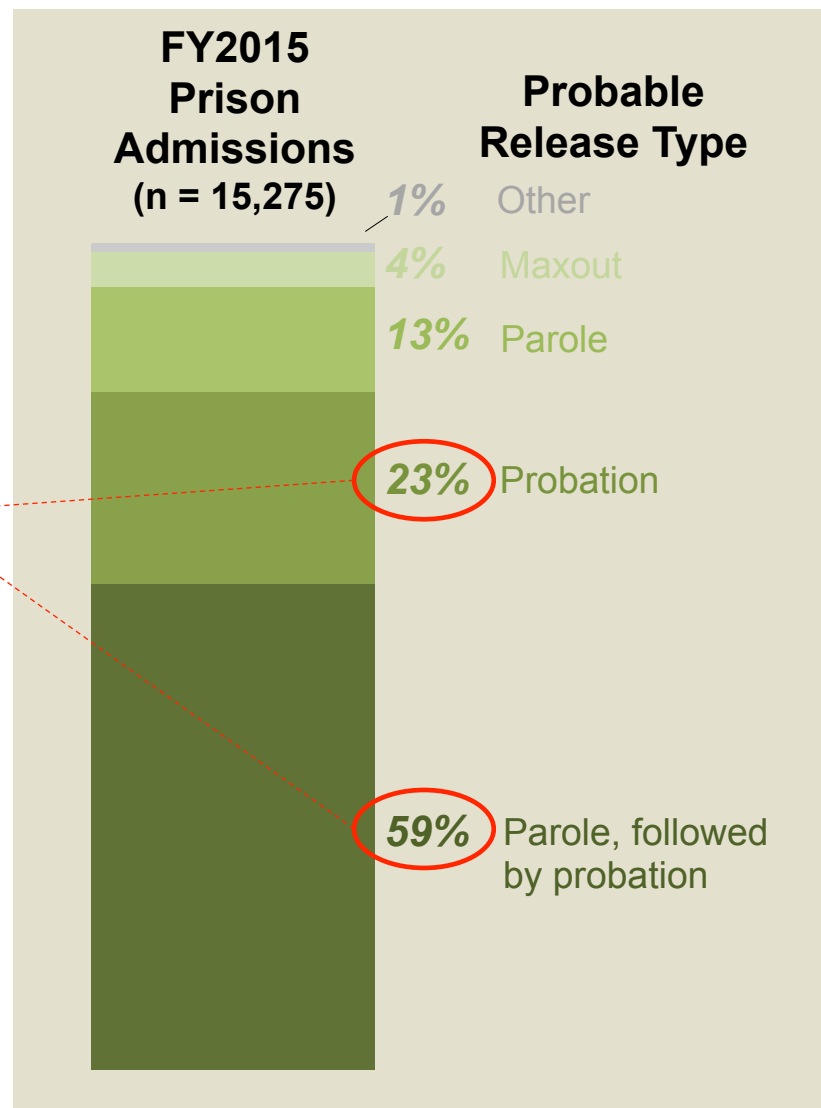
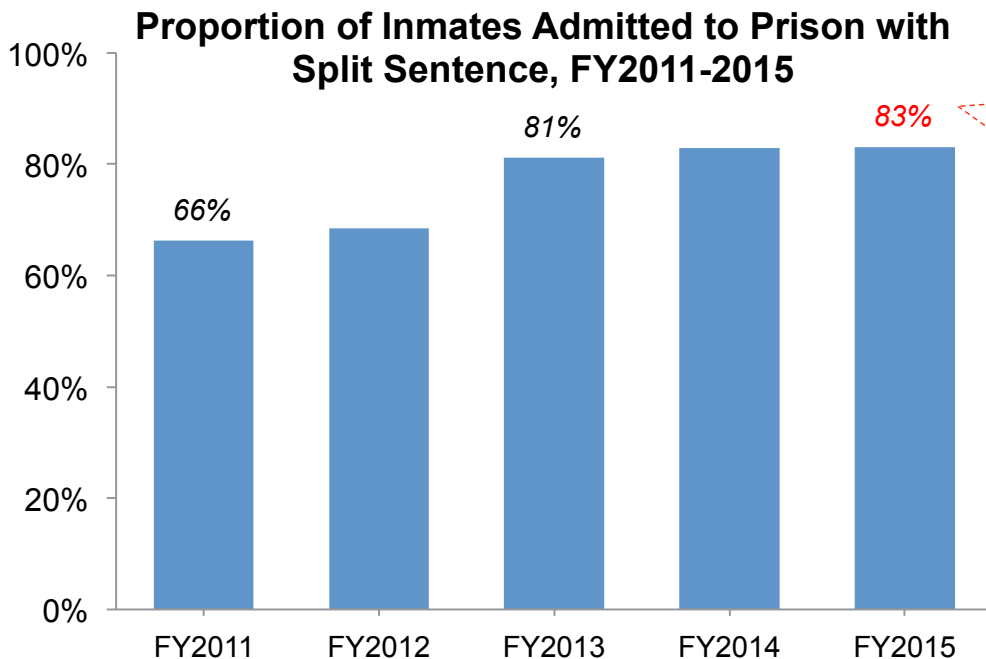
What is the relationship between length of time on supervision and likelihood of criminal activity?

- What portion of this group has been on supervision for two or more years?
- How many of the lengthier probation sentences are tied to the recidivist sentencing act (§17-10-7)?

Split Sentencing

Georgia has a large and growing number of people in or admitted to prison with a split sentence

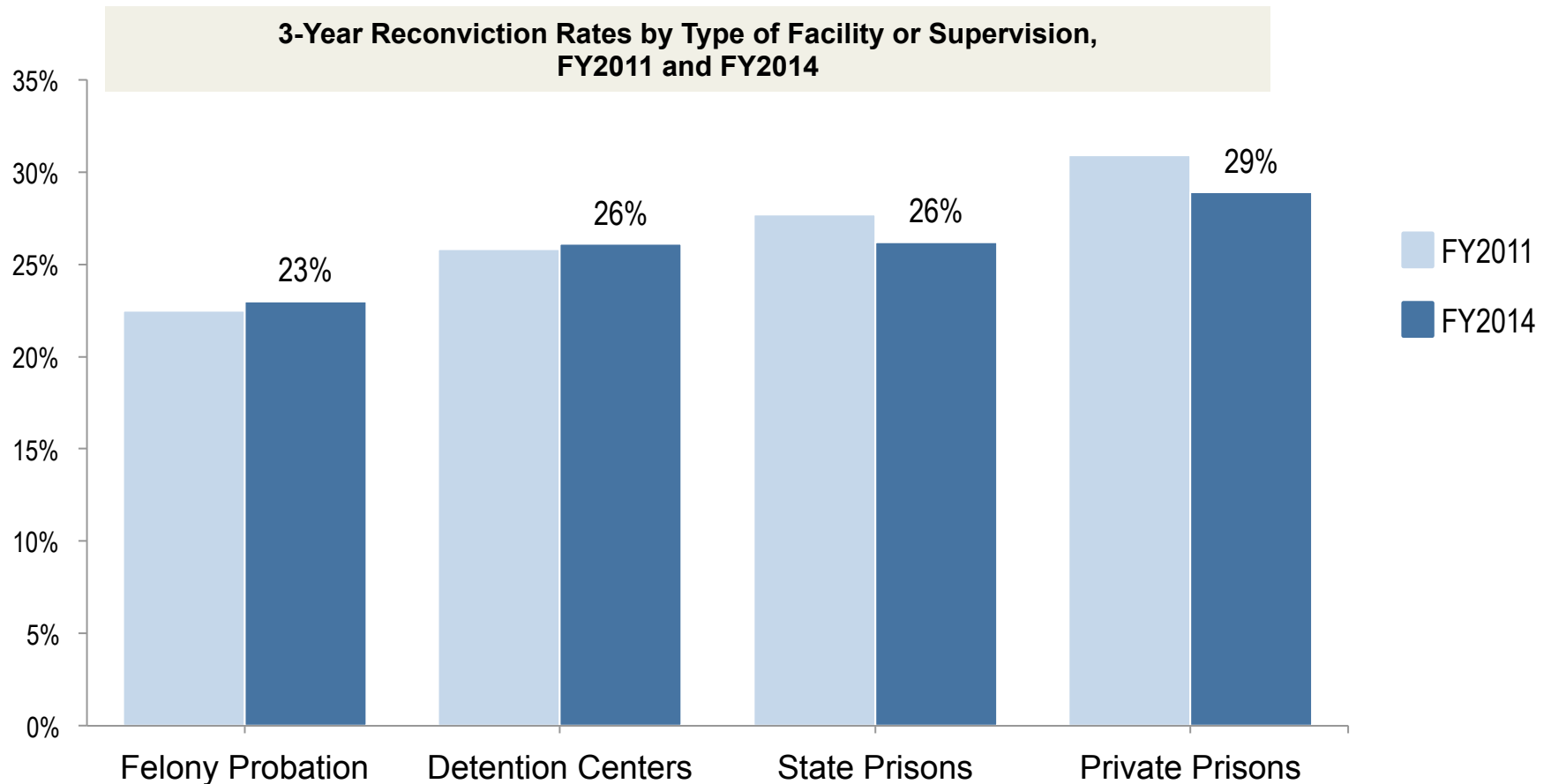
As of May 2016, 73.5% of the standing population has a split sentence, with probation supervision to follow release



Source: Georgia Department of Corrections Inmate Statistical Profile, Admissions for FY2011–FY2015

Recidivism

Recidivism rates are better for people sentenced to probation compared to incarceration



Source: Georgia Department of Corrections, "3-Year-Reconviction-Fiscal-Years.pdf"

Recidivism

For nonviolent offense types, probation provides a better opportunity than prison to increase public safety

11,097

Releases of nonviolent inmates (includes property, drug, other) from state prison

FY2015

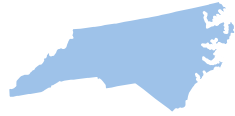
$$\begin{array}{l} 26\% \\ \times \text{ prison} \\ \text{recidivism} \\ \text{rate} \end{array} = 2,885 \text{ recidivists}$$

Hypothetically:

$$\begin{array}{l} 23\% \\ \times \text{ probation} \\ \text{recidivism} \\ \text{rate} \end{array} = 2,552 \text{ recidivists} \quad (333 \text{ fewer recidivists})$$

Public safety is improved as recidivism rates decline, and the key is ensuring people are diverted to probation when incarceration is not necessary

North Carolina and Texas used justice reinvestment process to strengthen probation and improve outcomes



Policy Options

- ❖ Require use of risk assessment to guide supervision
- ❖ Establish intermediate sanctions for technical violations
- ❖ Reinvest \$8M into community-based treatment
- ❖ Reduce the length of incarceration in prison for technical violators



Outcomes

- ❖ 175 new probation officers in FY2014 & FY2015
- ❖ 50% drop in probation revocations
- ❖ 11% drop in crime between 2011–2013
- ❖ 8% drop in the prison population
- ❖ \$560M averted costs and savings by FY2017



Policy Options

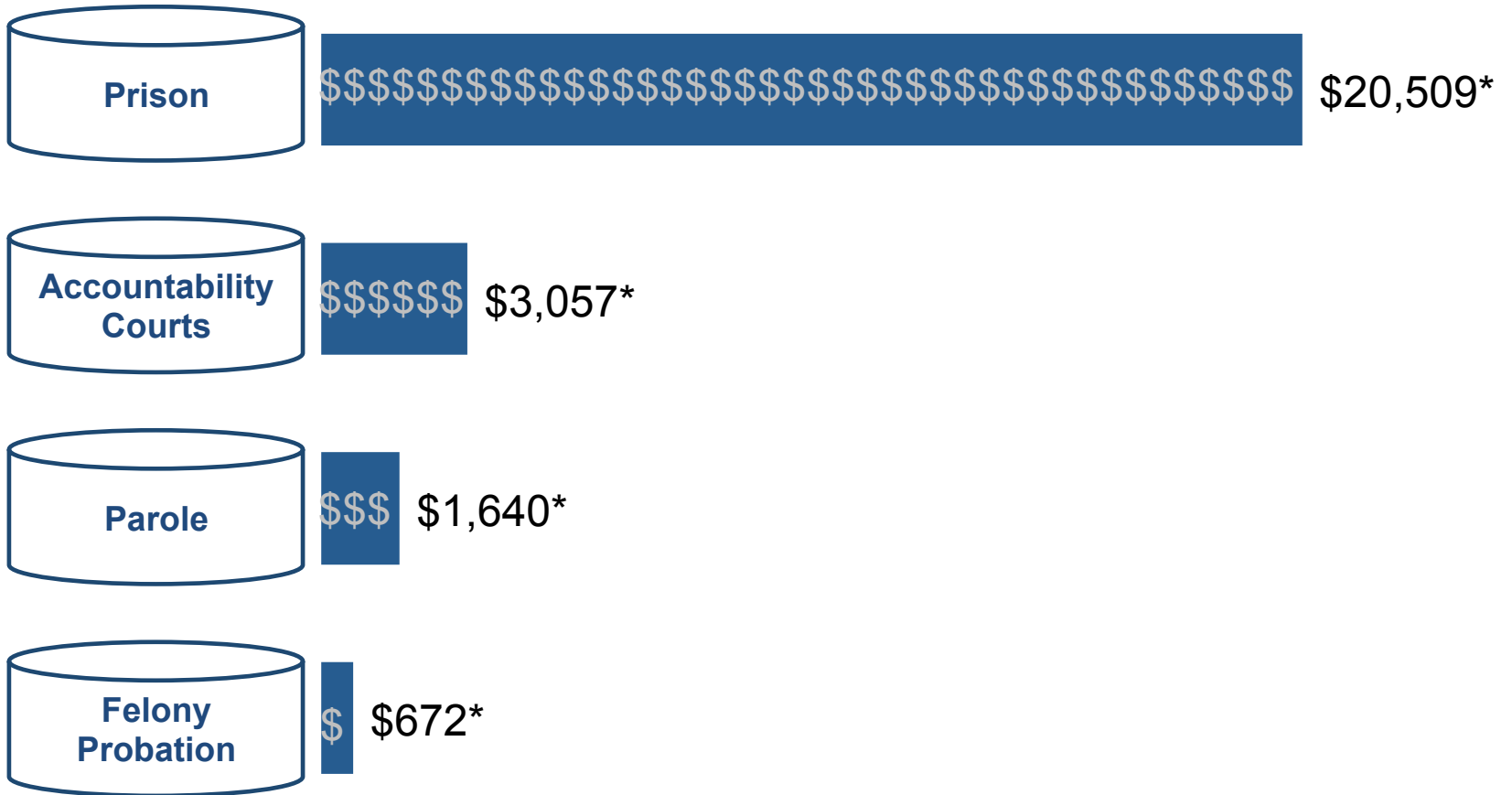
- ❖ \$241M reinvested in residential and outpatient programs for people on probation with substance use issues
- ❖ Reduce probation terms for property and drug crimes from a max of 10 years to 5 years
- ❖ Progressive sanctions to respond effectively to supervision violations to divert violators from prison



Outcomes

- ❖ Prison population declined by 4,500 people between FY2007 and FY2015
- ❖ \$340M in averted operational costs
- ❖ 8% decrease in county jail population between 2007 and 2012
- ❖ 20% drop in crime

Georgia makes a relatively low investment in probation supervision relative to other forms of correctional control



**annual cost per person*

Source: Georgia Department of Corrections FY2014 Allocation of Cost to Inmates, Probationers, etc; Georgia Board of Pardons and Paroles FY 2015 Annual Report; SAC Accountability Court Data report, Criminal Justice Coordinating Council, November 2013

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Who manages misdemeanor probation in Georgia?

772 Courts in Georgia with Misdemeanant Sentencing Jurisdiction

Magistrate
89

Municipal
372

Probate
87

Recorder's
5

State
71

Superior
145

Traffic
3

- 639 courts have contracts in place with private companies to provide misdemeanor probation services (31 different providers)
- Remaining 133 courts have misdemeanor probation services provided through local government agency (municipal/county)

An additional layer of complexity is that there are locales where a blended approach of local government and contracts with private providers are used to meet the county's misdemeanor probation needs.

There were more than 210,000 cases added to misdemeanor probation in 2015, with over \$121 million in collections

Misdemeanor Probation in Georgia, 2015

211,541

Cases added

268,707

Cases closed

All jurisdictions experienced more terminations than placements in 2015, as courts adjusted to Georgia Supreme Court ruling regarding tolling

\$121 million

Collected in fines, fees, restitution and GCVEF payments

Types of fees

- ❖ Supervision fees
- ❖ Rehabilitation program fees
- ❖ Electronic monitoring fees
- ❖ Drug/alcohol detection device fees
- ❖ Drug/alcohol screen fees
- ❖ Evaluation for treatment fees
- ❖ Other fees (e.g. administrative, public defender, probation user, case set-up, risk assessment, probation orientation, etc.)

There are over 40 traffic offenses classified as misdemeanor under Title 40, the majority of which are low-level offenses

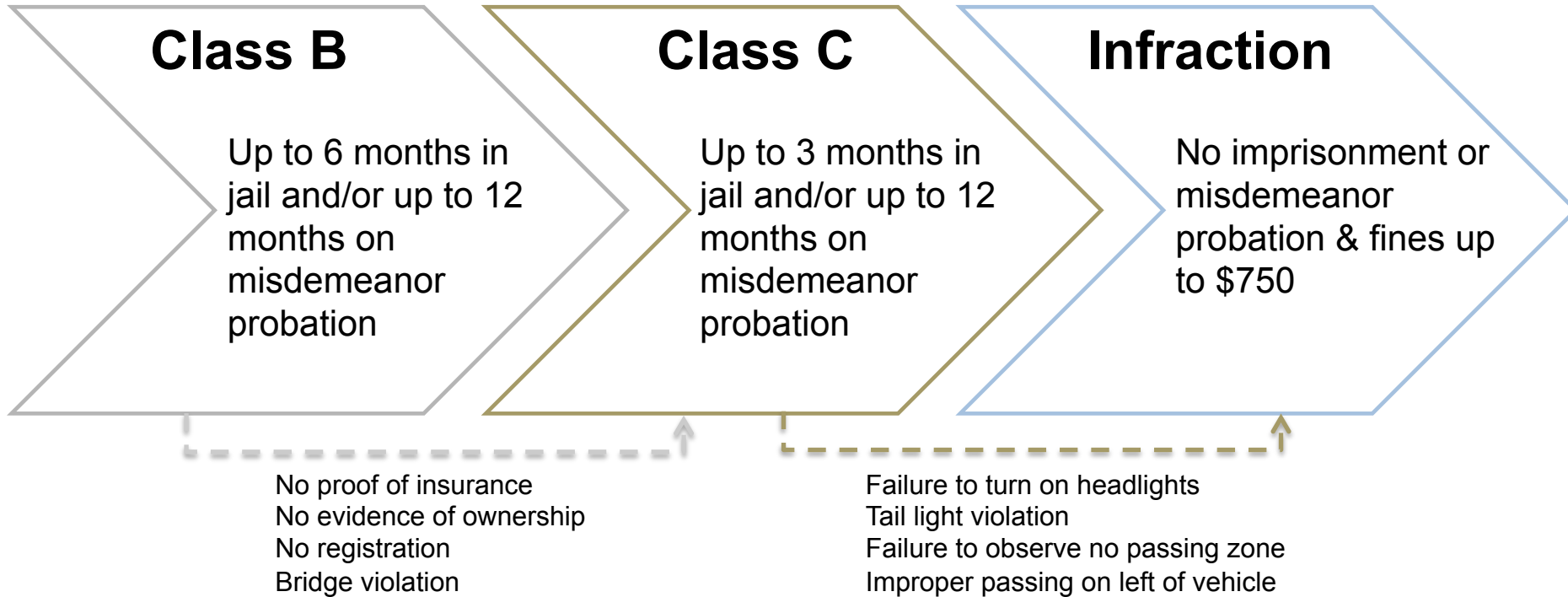
In Georgia, misdemeanors are subject to probation or jail for up to 12 months and/or up to a \$1,000 fine

Statute	Offense
40-6-6(e)	Operation of emergency vehicle with unauthorized flashing lights
40-6-25	Display of unauthorized signs, signals, or markings
40-6-97	Pedestrians soliciting rides or business
40-6-184	Impeding traffic flow; minimum speed in left-hand lanes
40-6-200	How vehicles to be parked; powers of Department of Transportation & local authorities
40-6-202	Stopping, standing, or parking outside of business or residential districts
40-6-208	Parking areas for passengers of rapid rail or public transit buses
40-6-292	Manner of riding bicycle; carrying more than one person
40-6-293	Clinging to vehicles
40-6-294	Riding on roadways and bicycle paths
40-6-295	Carrying articles on bicycles
40-6-296	Lights & other equipment on bicycles
40-6-313	Clinging to other vehicles
40-6-314	Footrests and handlebars
40-6-315	Headgear and eye-protective devices for riders
40-6-361	Traffic laws applicable to low-speed vehicles
40-6-362	Operating low-speed vehicles on highway
40-6-363	Safety equipment required for personal transportation vehicles
40-8-8	Speedometer
40-8-21	
(c)(2) & (3)	Light requirements applicable to wreckers
40-8-22	Headlights
40-8-23	Taillights

Statute	Offense
40-8-24	Reflectors
40-8-25	Brake lights and turn signals required
40-8-26	Standards for brake lights and signal devices
40-8-28	Lights on parked vehicles
40-8-30	Standards for multiple-beam road lighting equipment
40-8-34	Color in lighting equipment
40-8-35	Operating low-speed vehicles on highway requires amber strobe light
40-8-70	Horns and warning devices
40-8-71(a)	Exhaust system requirements
40-8-71(b)	Vehicle engine to be equipped and adjusted to prevent excessive fumes or smoke
40-8-72(a)	Mirrors (generally)
40-8-73(b)	Windshield wiper required
40-8-73(c)	Maintenance of windshield wiper
40-8-75	Tire covers
40-8-181	Visible emissions from vehicles on public roadways prohibited; exceptions (see 40-8-183)
40-6-391	
(c)(3)	Driving under the Influence (3rd in 10 years)
40-6-186(b)	Racing on Highway or Streets
40-6-393(c)	Homicide by Vehicle Second Degree
40-6-393.1	
(c)	Feticide by vehicle-Second Degree
40-6-395	Misdemeanor fleeing or attempting to elude police officer
(b)(1)	
40-6-397	Aggressive Driving

Utah recently reclassified over 250 moving vehicle misdemeanor offenses to infractions, excluding dangerous driving violations

Utah's reform efforts allow the state to 1) focus resources on higher-level offenses and 2) prevent people convicted of minor traffic offenses from interacting with more serious offenders



Research question moving forward:

Is Georgia in the minority of states that classify certain traffic violation offenses as misdemeanors?

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Highest probation rate in the country

Three key drivers appear to be:

1. Use of felony probation as both an alternative to prison and in addition to prison (i.e. split sentences)
2. Lengthy felony probation sentences longer than the national average
3. Misdemeanor placements to probation for traffic offenses

Additional questions and potential areas of analysis

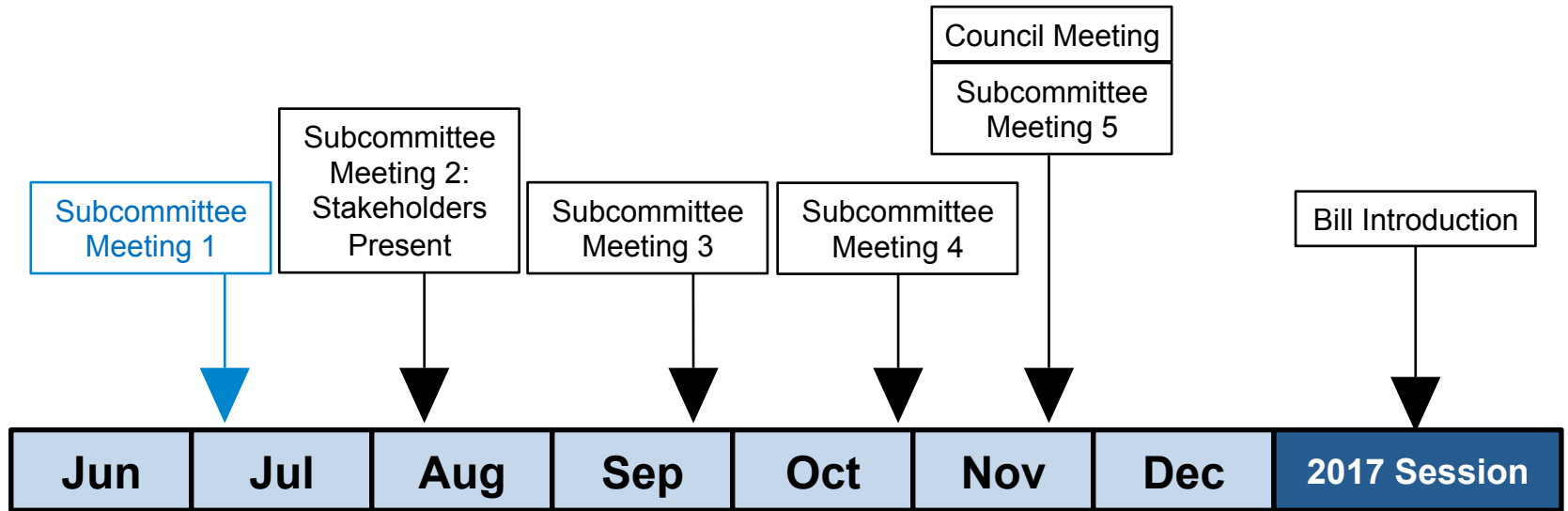
Felony Probation

- ❖ What is driving lengthy felony probation terms? Particular offense types? Recidivist sentencing? Split sentencing?
- ❖ Recidivism rates regular probation sentences vs. split sentences, by risk level?
- ❖ What impact on jail populations are presented by felony probationers?

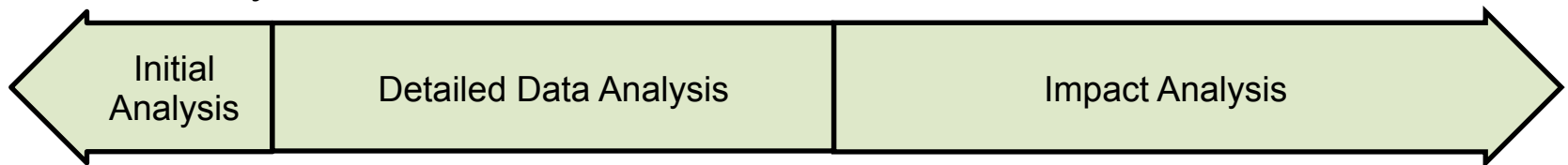
Misdemeanor Probation

- ❖ How does Georgia compare to other states in how it treats traffic violations as misdemeanor offenses?
- ❖ What does the length of supervision look like for misdemeanor probationers?
- ❖ What impact on jail populations are presented by misdemeanor probationers?

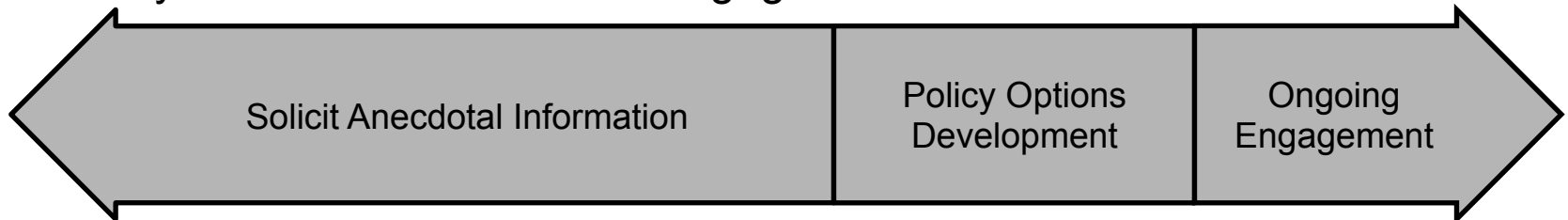
Proposed timeline for Georgia's Probation Subcommittee



Data Analysis



Policymaker and Stakeholder Engagement



Thank You

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