



# Georgia Council on Criminal Justice Reform

Third Sentencing Subcommittee Meeting

September 7, 2016

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# Data analysis and stakeholder engagement update

Data Type	Source	Status	Stakeholder Engagement Since the July Subcommittee Meeting	
Arrests	Georgia Crime Information Center	Analyzed	<b>1<sup>st</sup> Meeting of the Georgia Council on Criminal Justice Reform</b>	Delivered a presentation discussing initial analysis shared with the Sentencing Subcommittee and Probation Subcommittee in July, as well as possible next steps
Sentencing and Revocations	ARS	Analyzed	<b>2<sup>nd</sup> Sentencing Subcommittee Meeting</b>	Stakeholder presentations delivered by a criminal defense attorney and the Southern Center for Human Rights
Inmate	ARS, originally provided by GDC	Analyzed	<b>Calls and Meetings with Subcommittee Members and Other Stakeholders</b>	22 conversations with representatives of the judiciary, executive, legislature, prosecuting attorneys, criminal defense, criminal justice administrators, and advocacy groups
Probation	ARS, originally provided by GDC	Received		

# Overview

**1** Recidivist Sentencing

**2** Sentencing Analysis

**3** Outcomes

**4** Next Steps



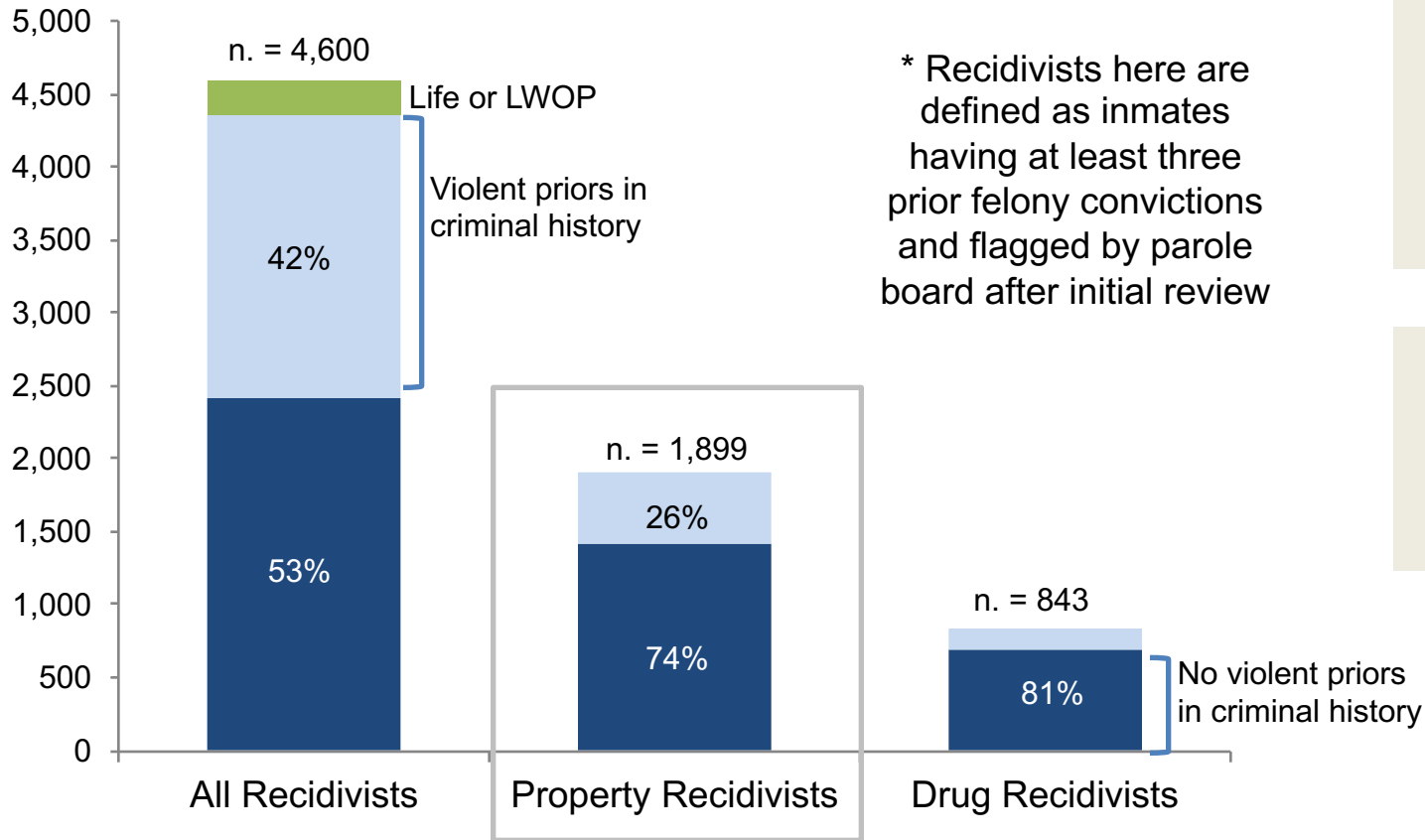
# Georgia's recidivist sentencing statutes impact nonviolent offenses differently

*The prosecuting attorney must charge as a recidivist under the relevant statute and prove all prior convictions*

		<u>1<sup>st</sup> Conviction</u>	<u>2<sup>nd</sup>-3<sup>rd</sup> Convictions</u>	<u>4<sup>th</sup> + Convictions</u>
Offense	Possession of Cocaine, 1–4 grams §16-13-30 (c)(2)	<i>Sentence length range provided by law; prison bound parole eligible; may be probated</i>		
Statutory Penalty Range	1–8 years in prison	<ul style="list-style-type: none"> <li>• 1–8 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is parole eligible</li> </ul>	<ul style="list-style-type: none"> <li>• 1–8 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is parole eligible</li> </ul>	<ul style="list-style-type: none"> <li>• 1–8 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is parole eligible</li> </ul>
Offense	Theft by Taking, \$1500–\$5000 §16-8-2 and §16-8-12 (a)(1)(c)	<ul style="list-style-type: none"> <li>• 1–5 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is parole eligible</li> </ul>	<i>Sentencing pursuant to Recidivist Sentencing Statute (§17-10-7)</i>	
Statutory Penalty Range	1–5 years in prison		<ul style="list-style-type: none"> <li>• 5 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is parole eligible</li> </ul>	<ul style="list-style-type: none"> <li>• 5 years</li> <li>• Eligible for probation</li> <li>• Prison sentence is <b>NOT</b> parole eligible</li> </ul>

# Property offenses comprise 41% of the recidivist admissions to prison under §17-10-7(c), with average sentence lengths of 21 years (prison + probation)

Ten-Year Recidivist\* Admissions to Prison, FY2006–FY2015



\* Recidivists here are defined as inmates having at least three prior felony convictions and flagged by parole board after initial review

**12.7 years**  
Average sentence length in prison for property offenses under recidivist sentencing scheme, no part of which is parole eligible

+

**8.3 years**  
Additional probation length for property offenses under recidivist sentencing scheme

=

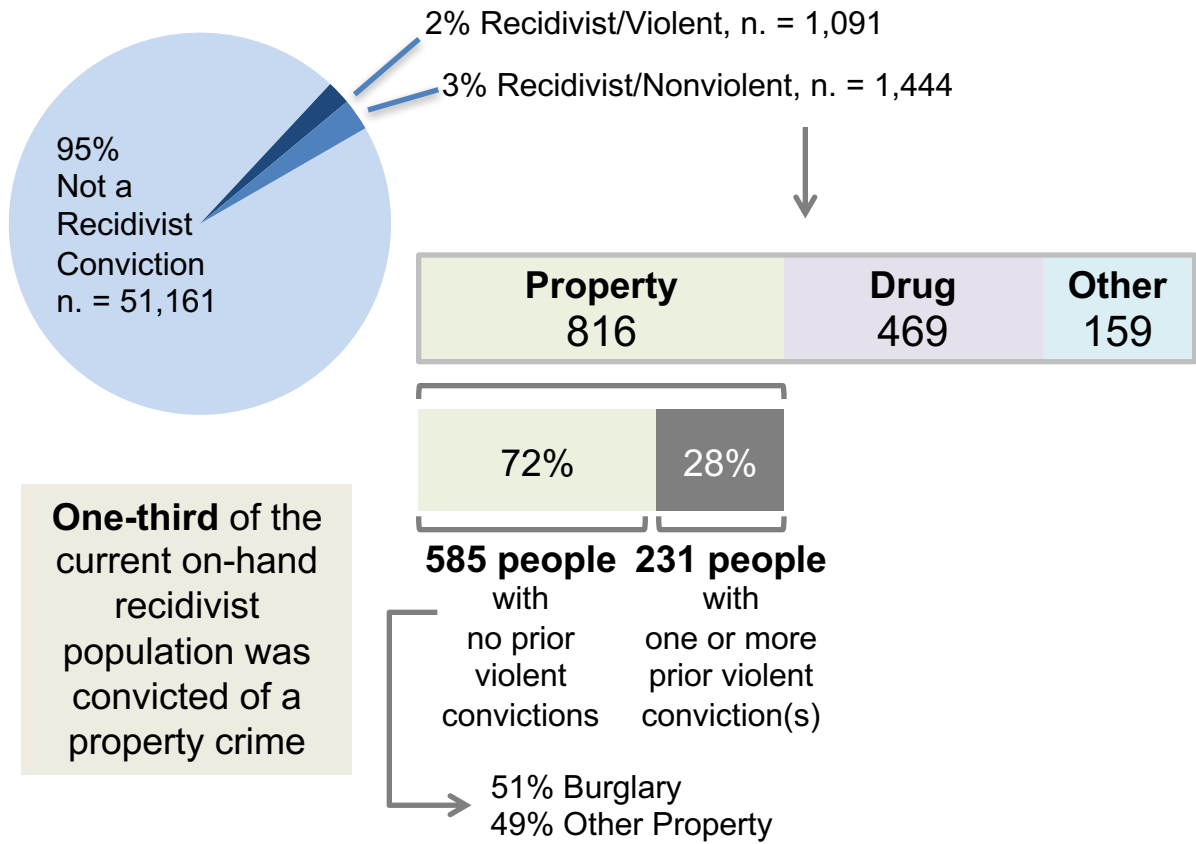
**21 years**

Only 2.5% of all admissions to prison fall under the recidivist sentencing scheme

Source: CSG Justice Center Analysis of Inmate research file

# There are currently 816 inmates in the prison population who were convicted of a property offense and sentenced under the recidivist sentencing statute

Current Prison Population, April 2016



**One-third** of the current on-hand recidivist population was convicted of a property crime

## Potential Impacts:

**585 Current Inmates**  
Restoring parole eligibility for certain convicted recidivists has the potential to affect up to 585 qualifying cases\*

\* By including "Other" recidivist convictions with no violent priors, an additional 105 inmates could become parole eligible

**140 New Admissions**  
An average of 140 new admissions annually under recidivist sentencing scheme for property offenses for people with no violent priors

\* By including "Other" recidivist convictions with no violent priors, an additional 30 admissions could become parole eligible

Source: CSG Justice Center Analysis of Inmate Research file



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1 Recidivist Sentencing

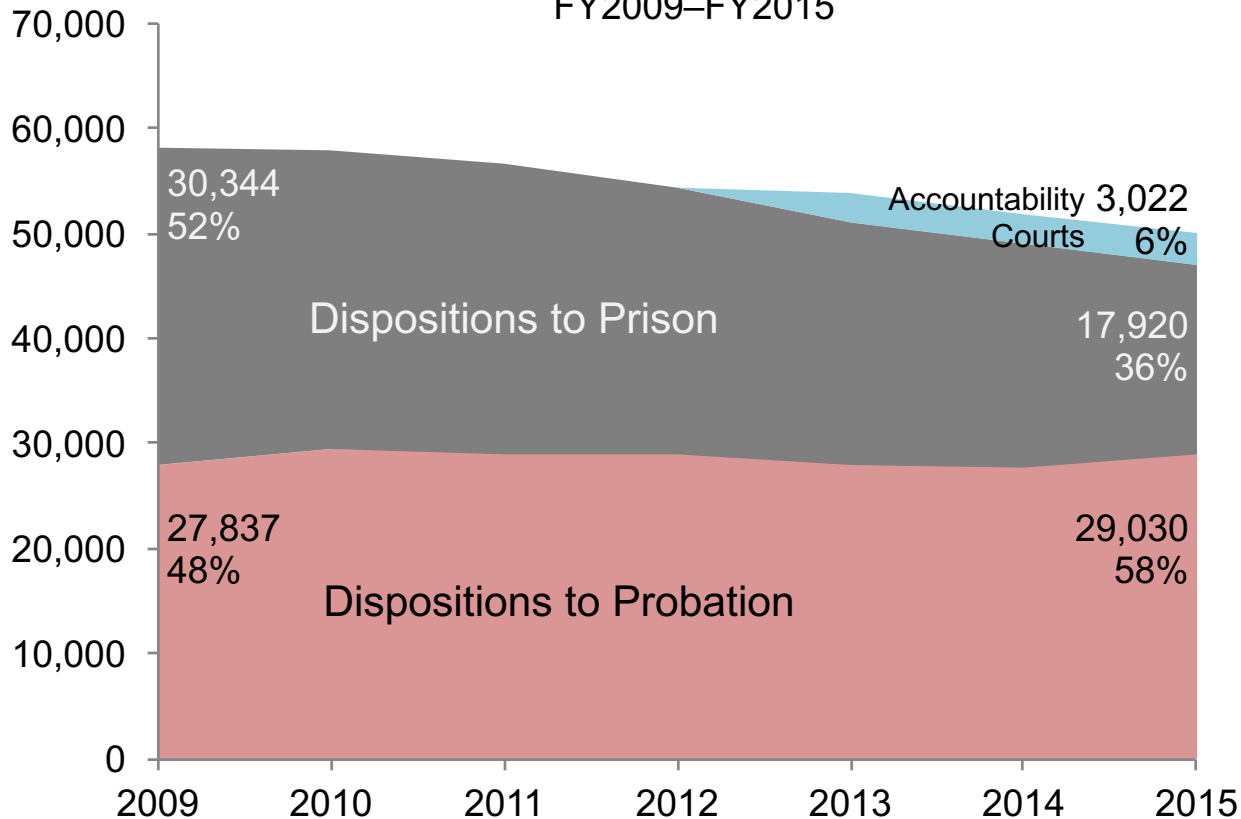
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# Felony dispositions to prison have declined, while the share sentenced to probation and accountability courts account for two-thirds of all dispositions

Superior Court Felony Dispositions, FY2009–FY2015



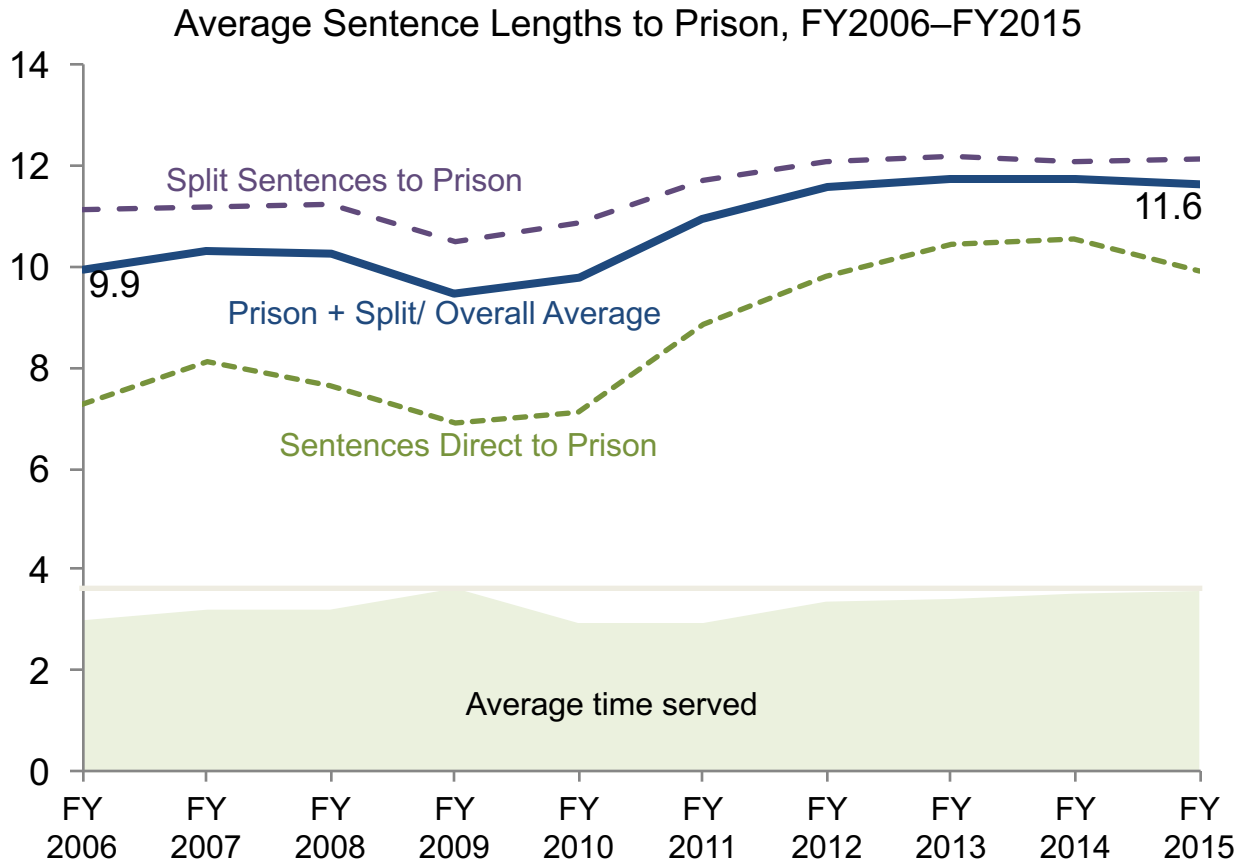
Superior court dispositions to prison declined from 30,344 in FY2009 to 17,920 in FY2015 (–41%).

Superior court dispositions to probation and accountability courts increased from 27,837 in FY2009 to 32,052 in FY2015 (+15%).

Source: CSG Justice Center Analysis of Sentencing Dockets Data and “Accountability Courts Output Reports Summary (SFY 2015)”



While overall dispositions to prison have declined, prison sentence lengths and average lengths of stay in prison have increased over the past 10 years



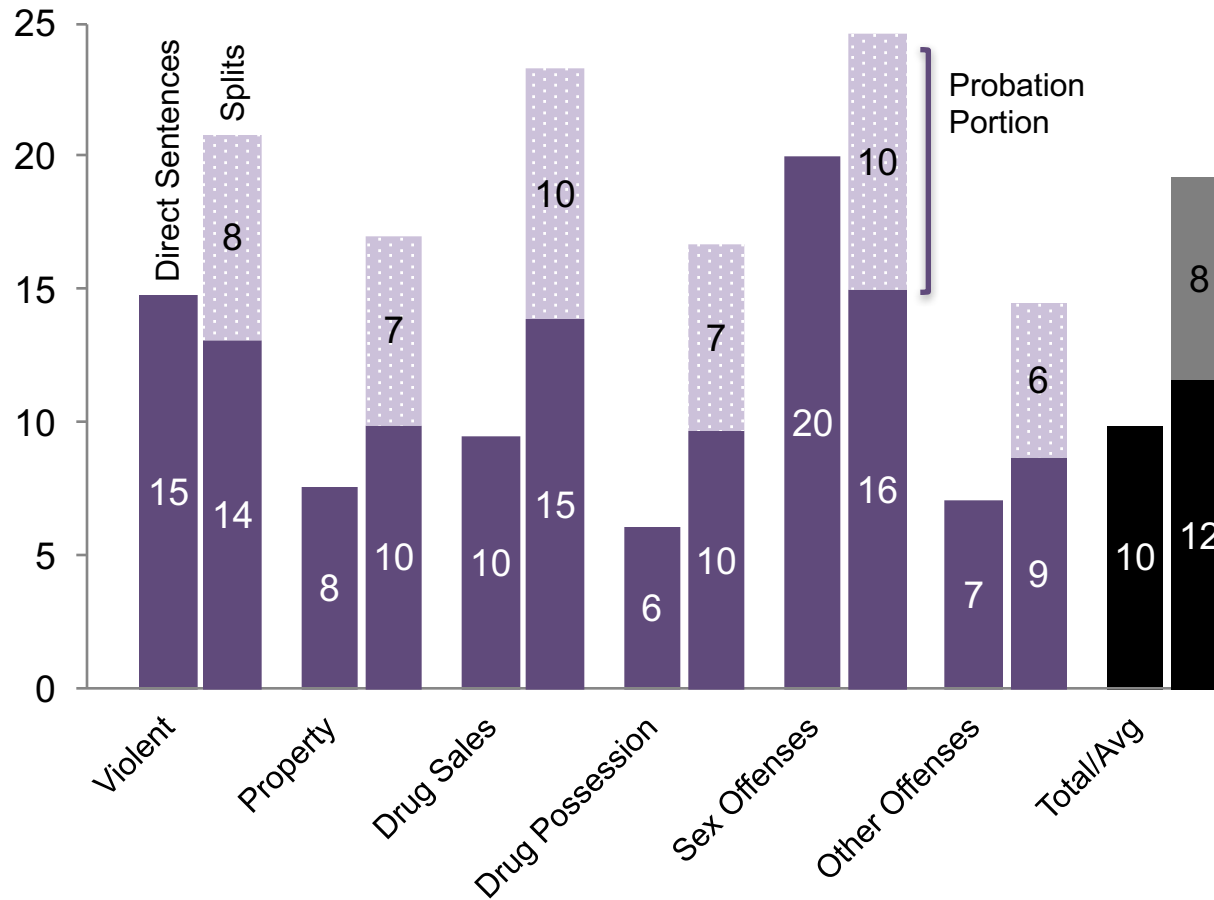
### Changes in Sentencing:

- Sentence lengths have increased **17%** over the past 10 years, from 9.9 years in FY2006 to 11.6 years in FY2015
- Time served has increased slightly over the past 10 years, from 3 years in FY2006 to 3.6 years in FY2015

Source: CSG Justice Center Analysis of Sentencing Dockets Data and "Accountability Courts Output Reports Summary (SFY 2015)"

The prison portion of a split sentence (prison + probation) is typically longer than for prison-only sentences, except for violent and sex offenses

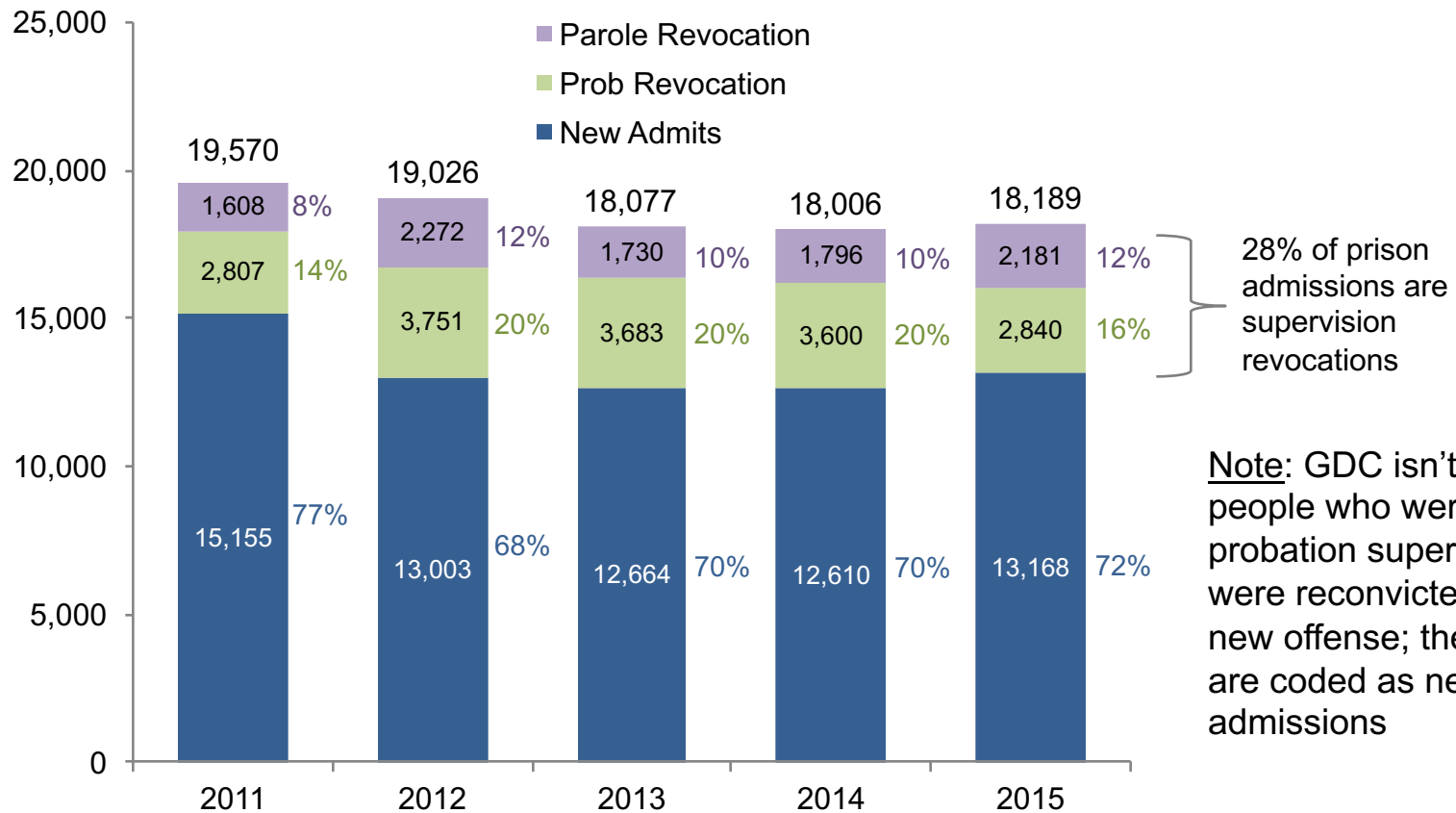
Sentence Lengths (in Years), FY2015



Source: CSG Justice Center Analysis of Prison Inmate file

# Admissions to prison for probation and parole revocations have increased slightly and represent more than a quarter of prison admissions

Prison Admissions (New Admission or Revocation), FY2011–FY2015

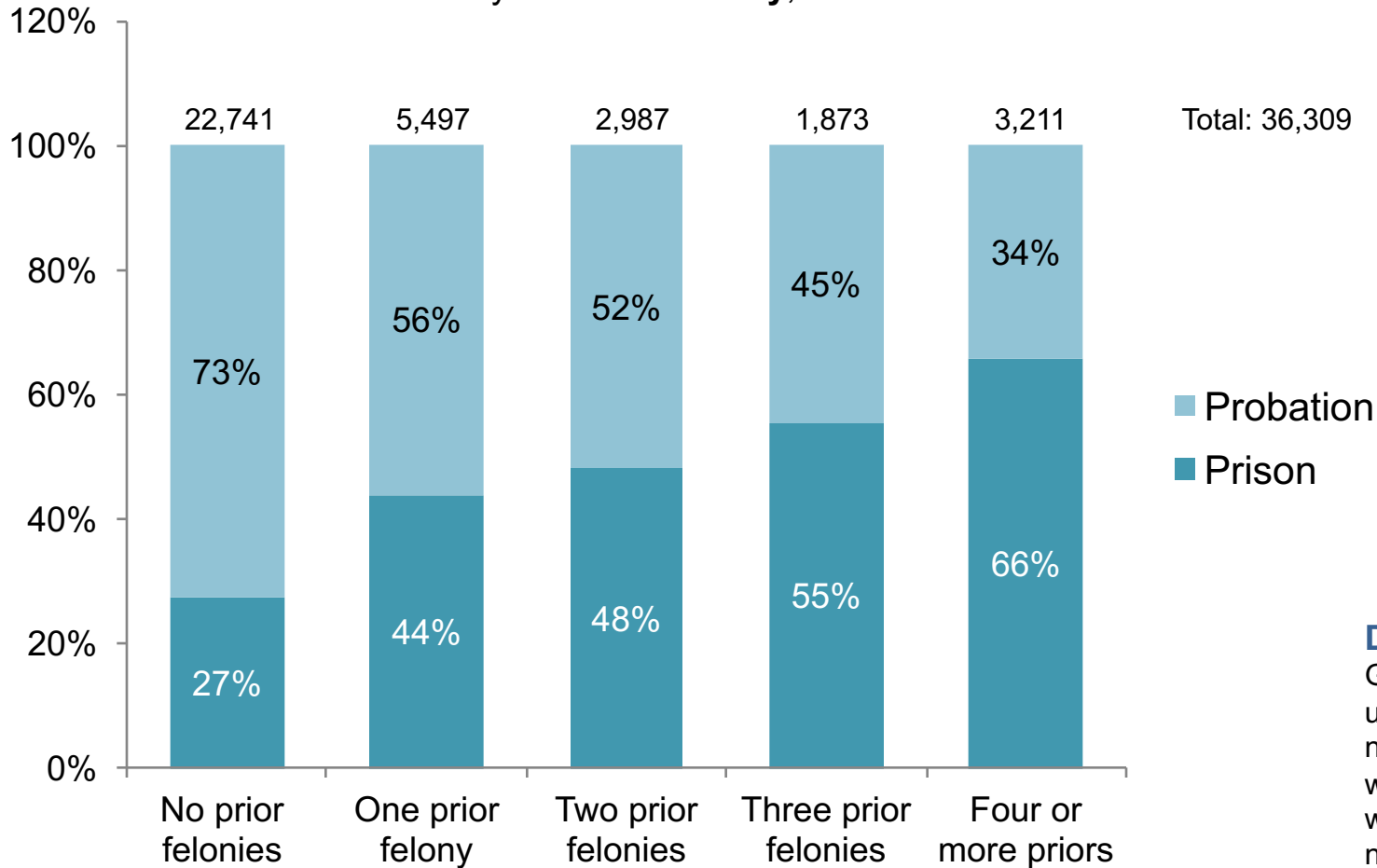


Note: GDC isn't capturing people who were on probation supervision and were reconvicted with a new offense; these cases are coded as new admissions

Source: CSG Justice Center Analysis of Prison Admissions Data

# As the number of prior felony convictions increases for an individual, the likelihood of getting a prison sentence increases

New Placements to Probation or Prison by **Criminal History**, FY2015



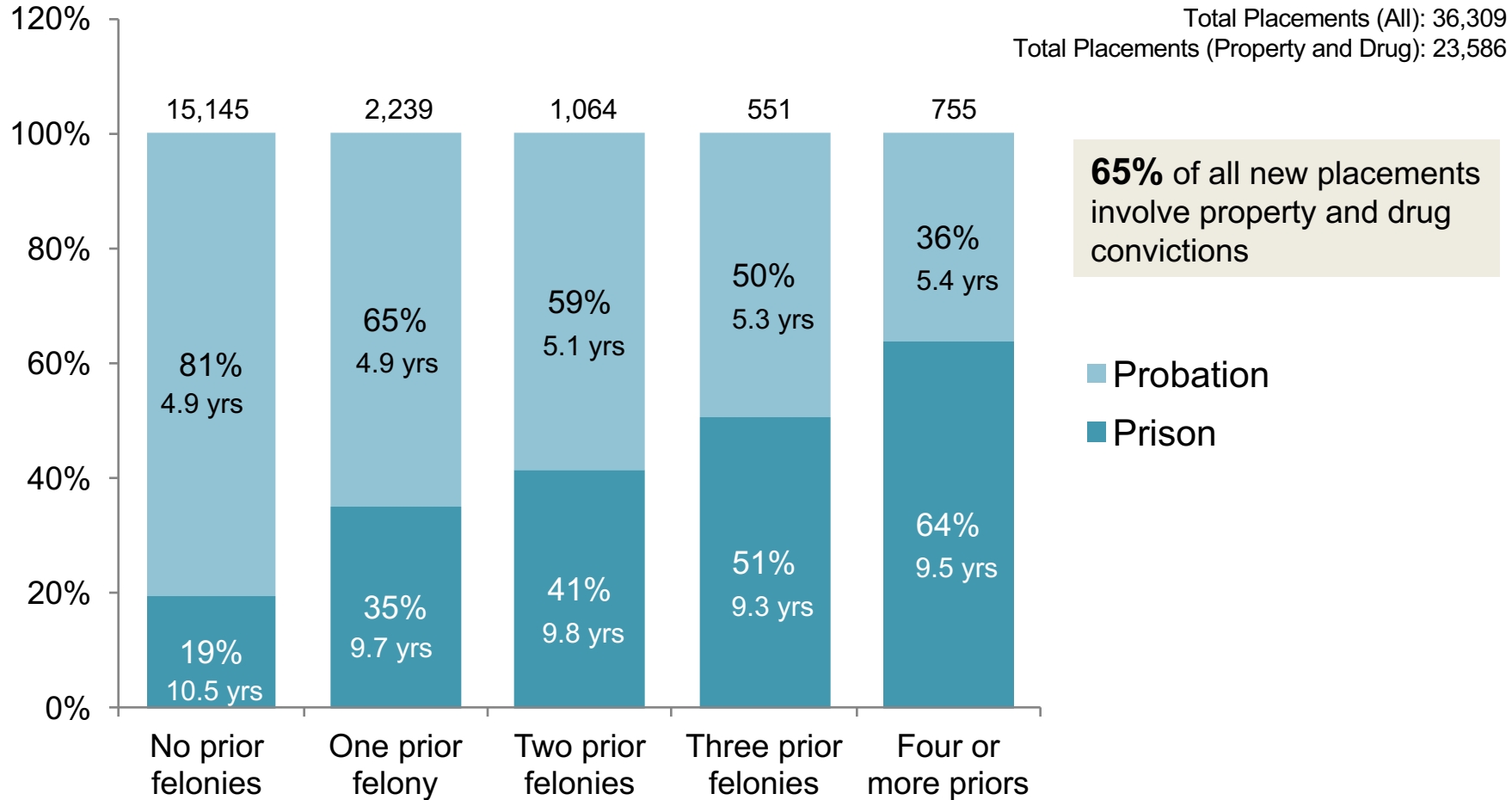
### Data Issue:

GDC may be undercounting the number of people who were on probation, and were convicted of a new offense and remanded to prison

Source: CSG Justice Center Analysis of Inmate Data and Probation Data, FY2015

# The majority of people with no prior convictions who are convicted of property and drug offenses are placed on probation

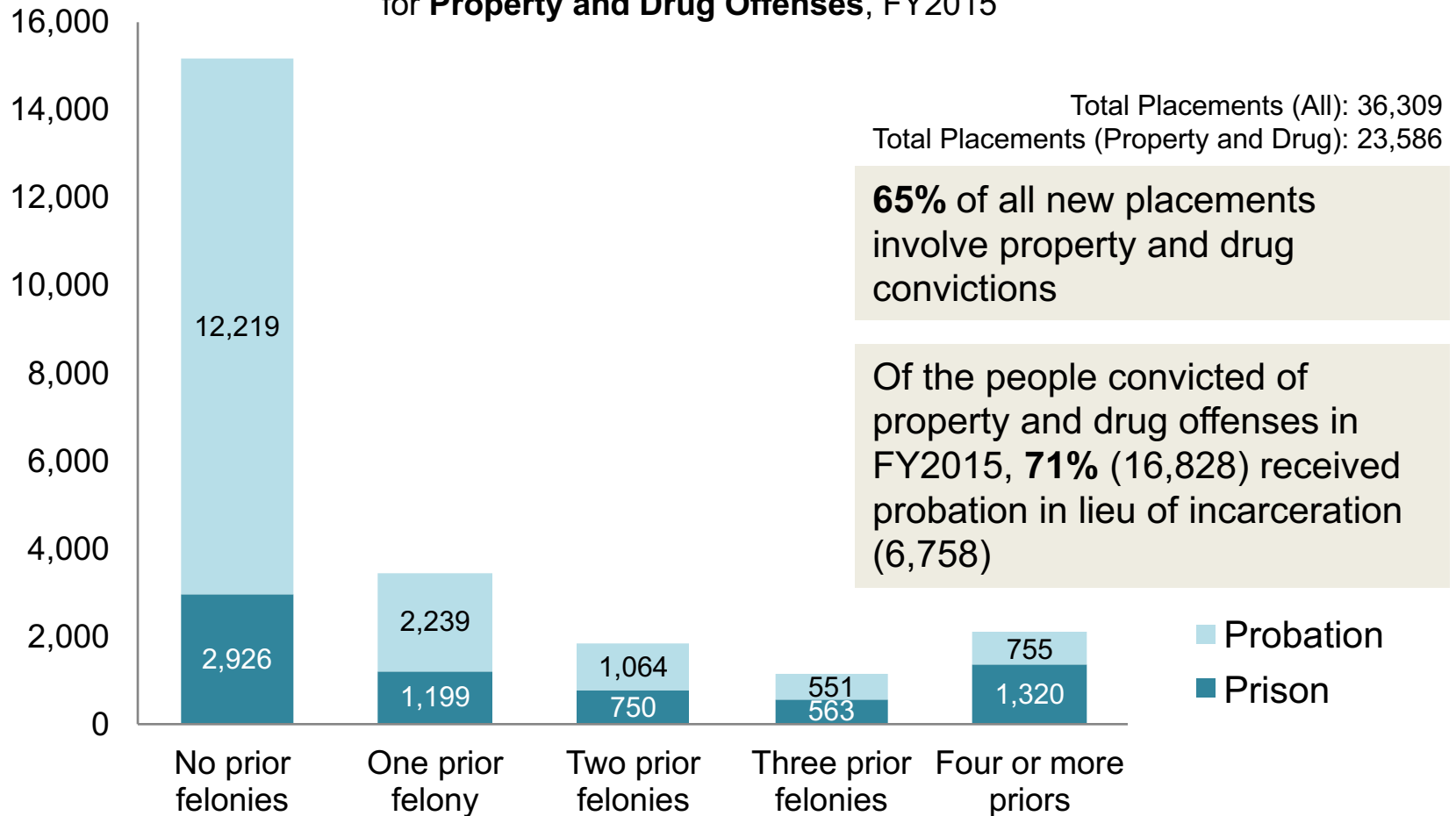
New Placements to Probation or Prison by **Criminal History**,  
by **Property and Drug Offenses**, FY2015



Source: CSG Justice Center Analysis of Inmate Data and Probation Data, FY2015

# The majority of people with no prior convictions who are convicted of property and drug offenses are placed on probation

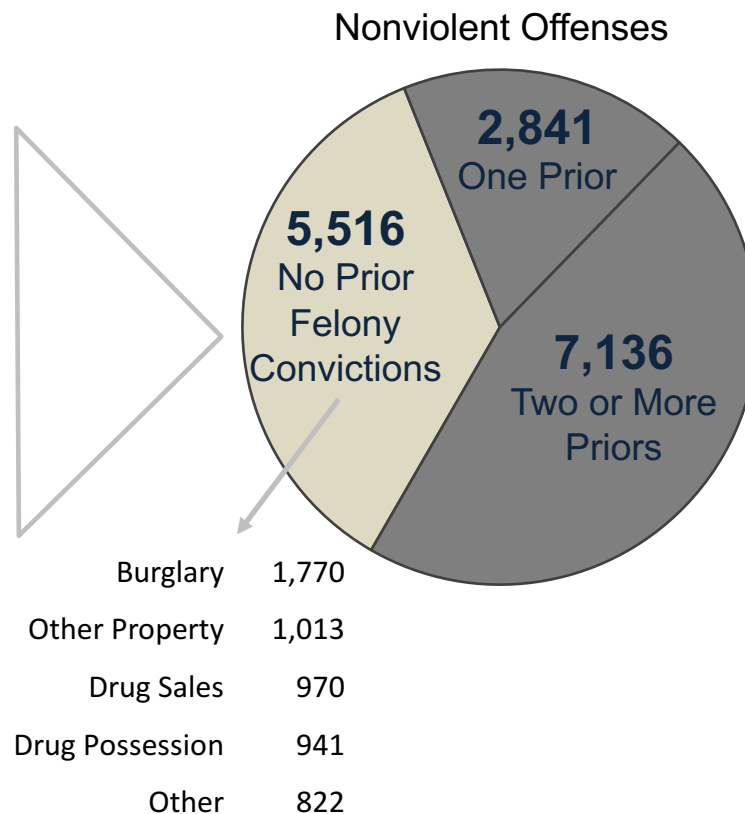
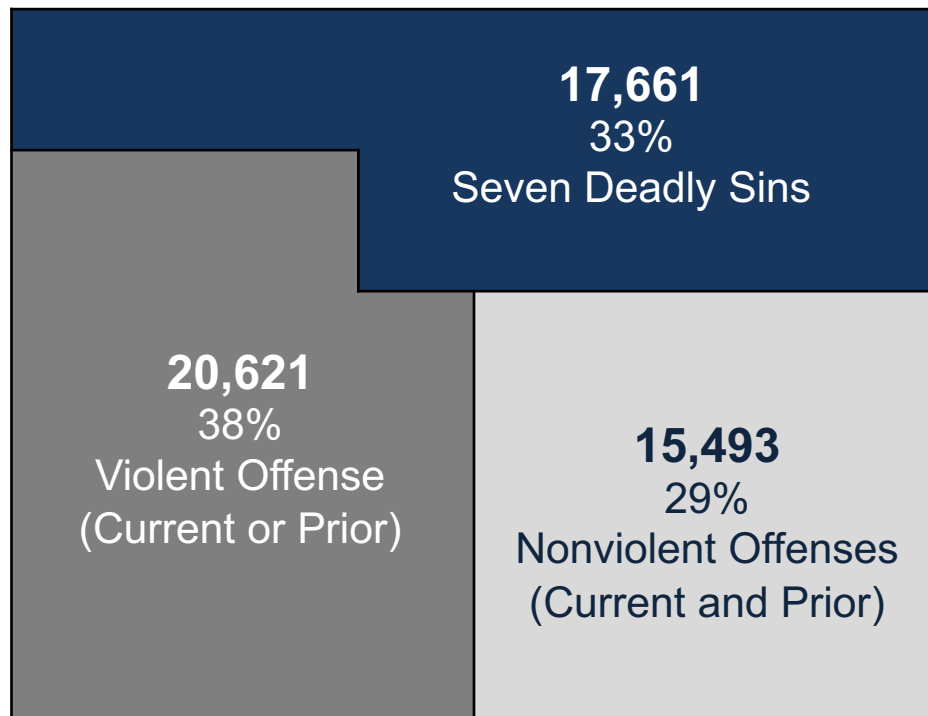
New Placements to Probation or Prison by **Criminal History**,  
for **Property and Drug Offenses**, FY2015



Source: CSG Justice Center Analysis of Inmate Data and Probation Data, FY2015

# 10 percent of people in prison now were convicted of a nonviolent offense (including current and prior convictions) and had no prior felony convictions

On-hand Prison Population Composition, April 2016



Source: CSG Justice Center Analysis of Inmate Research file, on-hand cases, as of 4/9/2016



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2 Sentencing Analysis

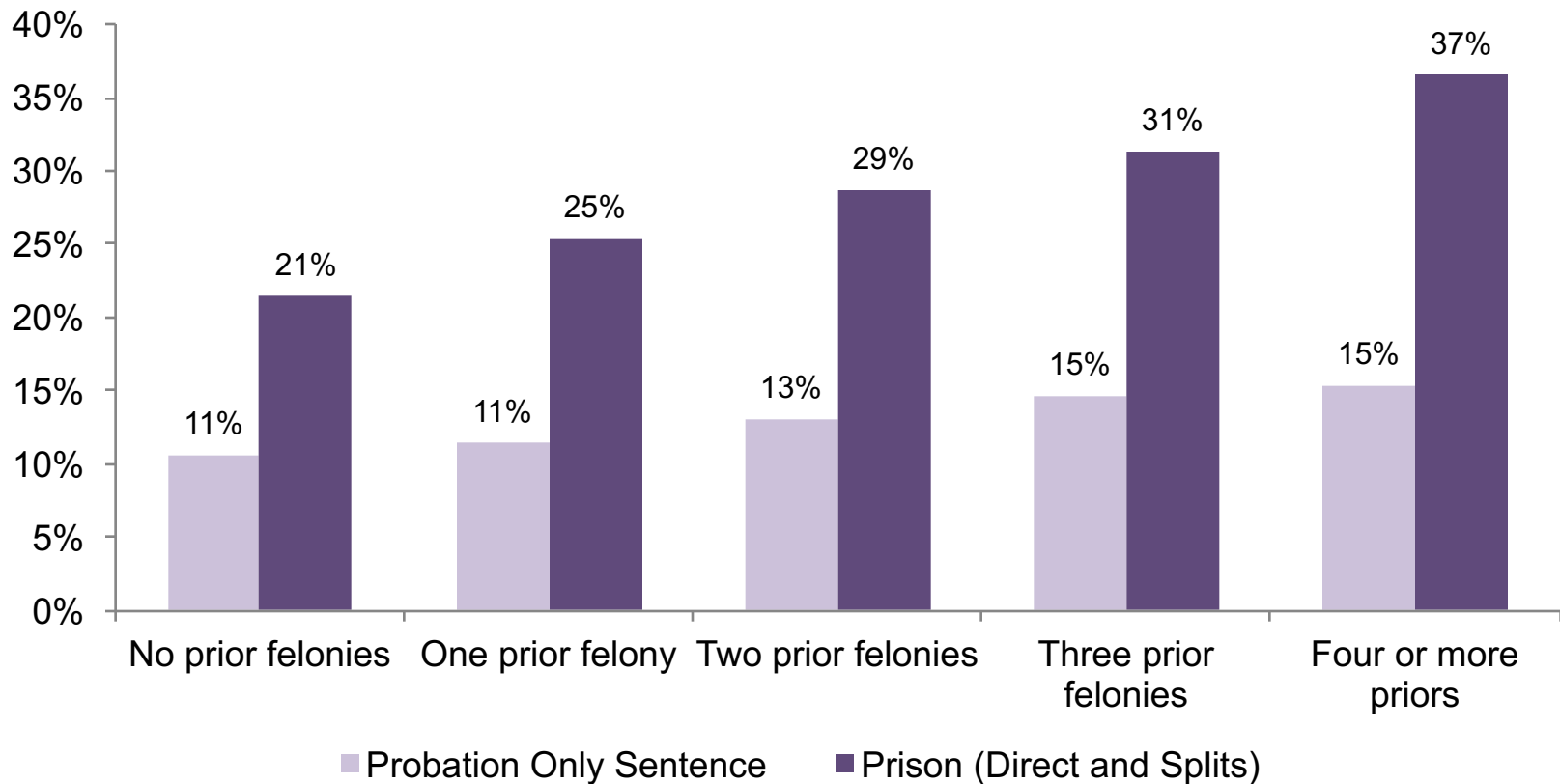
3 Outcomes

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# Controlling for prior felony criminal history, people sentenced to probation are reconvicted for new felonies at half the rate of those sentenced to prison

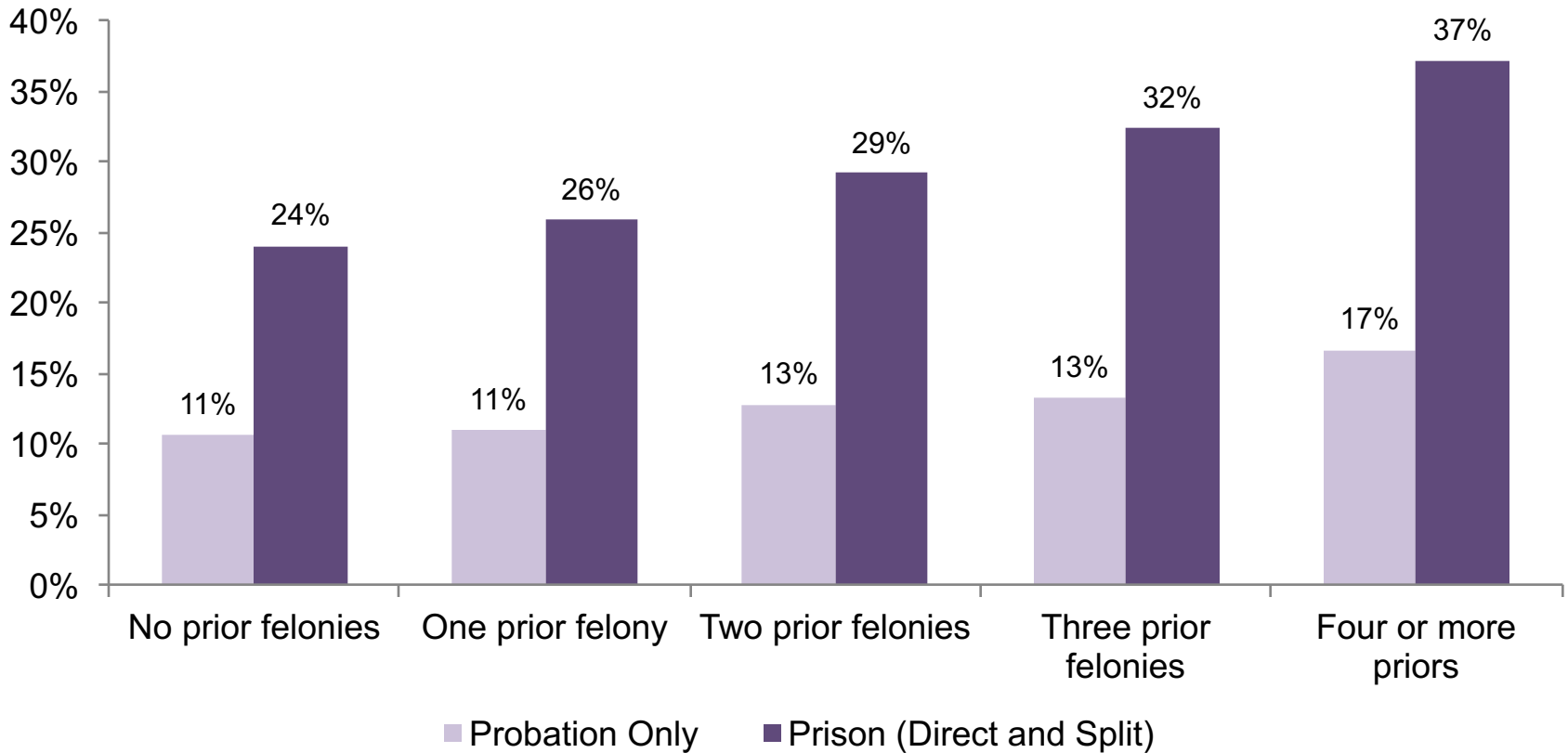
Three-Year Felony Reconviction Rates by **Criminal History**, FY2012



Source: CSG Justice Center Analysis of Probation and Inmate research files

Looking at only property and drug sentences and controlling for prior felony conviction history, people sentenced to probation have lower recidivism rates than similar people sentenced to prison

Three-Year Felony Reconviction Rates, for **Property and Drug Convictions**, by **Criminal History**, FY2012



Source: CSG Justice Center Analysis of Probation and Inmate research files

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# Summary of sentencing trends

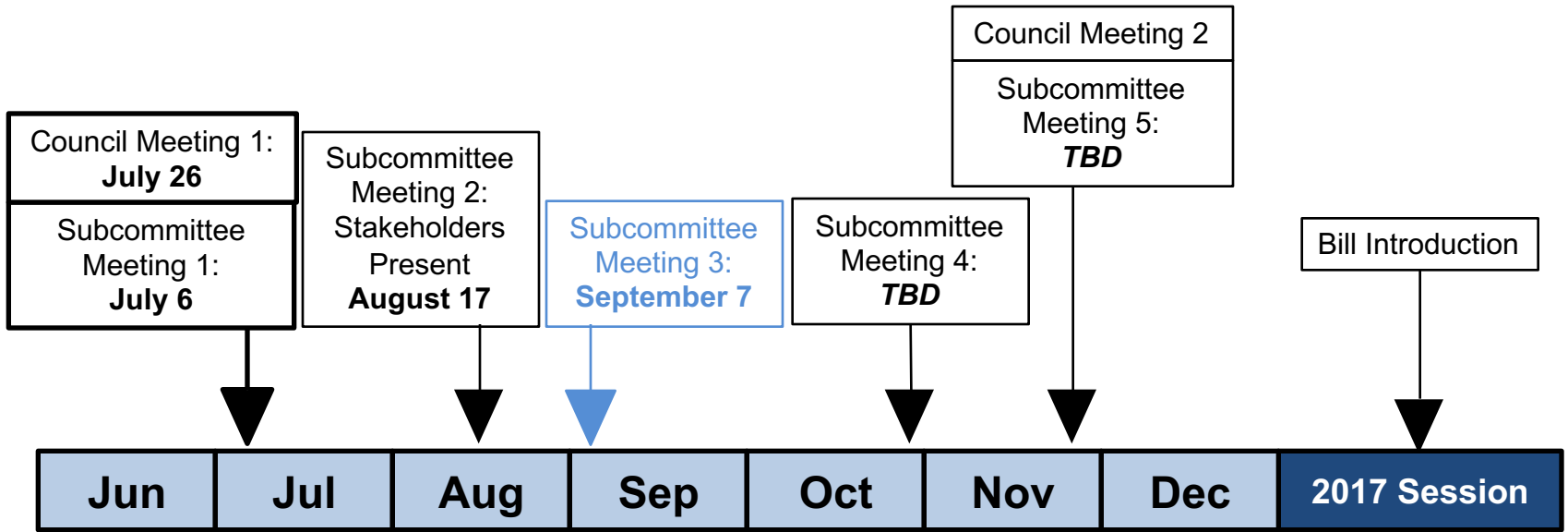
## Findings

- Recidivist sentences account for less than 3 percent of prison admissions. There are currently 800 people in prison on recidivist sentences for property offenses with an average prison term of 12.7 years who are not eligible for parole.
- New admissions to prison have declined since FY2009, but overall sentence lengths and time served are increasing.
- The prison portion of a split sentence is longer than a prison-only sentence, except for violent and sex offenses.
- Probation is used to divert a majority of people sentenced for felonies away from prison. People with prior felony convictions are less likely to receive a probation-only sentence.
- 20 percent of people without prior felony convictions who are sentenced for a property or drug offense received a prison sentence. Those people make up 10 percent of the prison population on any given day.
- People sentenced to probation recidivate at half the rate of people sentenced to prison, even after controlling for prior felony convictions and offense type.

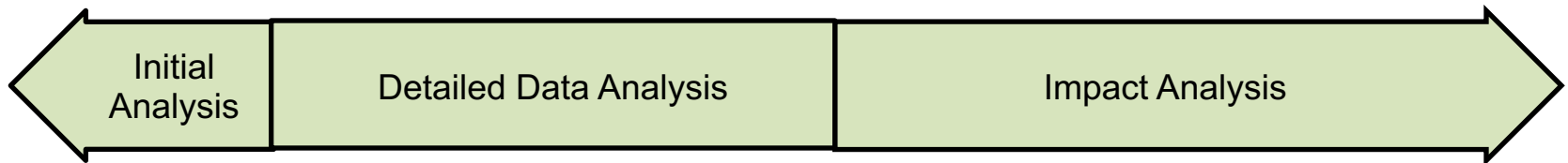
## Questions still being explored and analyzed

- Why are people with no prior felony record sentenced to prison for a property or drug offense?
- How do probationers with new felony convictions impact prison admission trends?
  - What types of offenses do probationers commit?
  - When, during their lengthy supervision terms, are they reconvicted?
- Other questions the subcommittee would like to explore?

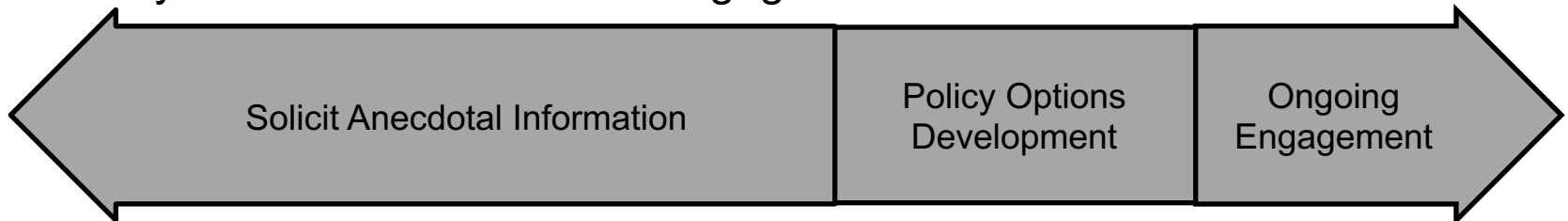
# Timeline for Georgia's Justice Reinvestment project



## Data Analysis



## Policymaker and Stakeholder Engagement



# Thank You

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