

# THE *PROBLEM* IS THE PROBLEM

EXAMINING JAIL CHURN IN CHATHAM COUNTY

# ABOUT US

This project was made possible through the In Our Backyards Grant from the Vera Institute of Justice and in partnership with the Southern Center for Human Rights. We are grateful for their work and for paving the road of change in all they do.

## Deep Center

Deep Center's mission is to empower Savannah's young people to thrive as learners, community leaders, and agents of change. Through creative writing, cultural production, and art, Deep creates platforms for the city's youth and the village of support around them, including their families and adult allies, to share stories, engage in debates, and make Savannah a more just and equitable place. You can learn more about Deep Center online at [www.deepcenter.org](http://www.deepcenter.org), on Twitter @deepcenter912, and on Facebook at Deep Center.

## Southern Center for Human Rights

The Southern Center for Human Rights is working for equality, dignity, and justice for people impacted by the criminal legal system in the Deep South. SCHR fights for a world free from mass incarceration, the death penalty, the criminalization of poverty, and racial injustice. You can learn more about Southern Center for Human Rights online at [www.schr.org](http://www.schr.org), on Twitter @southerncenter, and on Facebook at Southern Center for Human Rights.

## Vera Institute of Justice

To drive change. To urgently build and improve justice systems that ensure fairness, promote safety, and strengthen communities. You can learn more about Vera Institute of Justice online at [www.vera.org](http://www.vera.org), on Twitter @verainstitute, and on Facebook at Vera Institute of Justice.

# INTRODUCTION

## The Problem Is the Problem

Public policy is one of those things that tends to remain completely unseen until it comes right into your living room and decides the shape of your life. Bad policy often needs the right amount of fear and a lack of understanding of the actual problem. A great example of this is the 1994 juvenile justice bill signed by Governor Zell Miller—“the seven deadly sins law,” one of the harshest laws in America. The law mercilessly incarcerated thousands of children. What it didn’t do was make us safer or provide good fiscal responsibility to the people of Georgia.

Good policy? Takes lots of stakeholders and above all an evidence-based approach. Data is key.

This brings us to the work that Deep Center has been doing in partnership with the Southern Center for Human Rights and Vera Institute of Justice. Over the past year, we’ve been collecting and analyzing data from the Sheriff’s Office and the County Jail regarding what incarceration looks like in Chatham County, specifically within a year-long snapshot from July 2019 to July 2020.

Why? This information helps us understand who is in the jail, both pre-and post-COVID; what the most common charges are; and how this impacts our community. It also helps us see exactly where certain policies alleviate or aggravate the problem. Using data helps remind us that community challenges are fundamentally structural. Or, as we like to say at Deep: the people are not the problem; the *problem* is the problem.

## Some key findings

- 1. Diversion:** Pre-COVID, on average, the jail saw about 1,393 people per day. This number has gone down during COVID, showing us that it is possible to divert people with low-level, often quality-of-life offenses away from the jail, exactly what Sheriff Wilcher did in April 2020 when he released about three hundred people from our local jail and ceased admitting misdemeanor offenses into the jail. What Wilcher did is commendable and shows that what was once considered radical became lifesaving during a public health crisis, and can be good fiscal policy, a better public safety option, and less burdensome on front-line folks.
- 2. Cash Bail:** On average, 1,125 people were detained pretrial on a typical day in 2020. Many were sitting in jail simply because they could not pay bail. Cash bail is an amount of money a court determines a person accused of a crime must pay in order to be released until their trial date. Cash bail makes leaving jail a two-tier system. Those who can afford to leave return to their families, jobs, homes, and lives. Those who can’t afford to leave risk losing families, jobs, homes, and quality of life—all the things we know help people thrive and avoid recidivism. Moreover, the financial costs that this system generates are staggering: American taxpayers pay \$14 billion each year to incarcerate people pretrial.
- 3. Racial Inequity:** Black men made up 68% of the jail population despite being only 20% of our total county population. During the snapshot year, 983 people were locked up on charges involving cannabis, and 76% of those with no other charges were Black.

**4. An Endless Cycle:** During the snapshot year, 195 people locked up for misdemeanor probation violations. Common violations? Not having employment, not having a home, being unable to pay a fine, a fee, or probation costs. Furthermore, 744 people were admitted to jail solely for violations of probation or parole, with no new charges. On average, they spent forty-six days in jail, almost twice the national average.

**5. Traffic Violations:** During the snapshot year, 1,627 people were locked up on minor traffic violations and spent, on average, eleven days in jail. Many view traffic-related offenses as being relatively minor in nature, but the truth is that a wide range of traffic offenses have the potential to produce extremely serious consequences, and every traffic offense in the state of Georgia is considered a misdemeanor. During the snapshot year, 244 people were locked up solely on charges related to their driver's license, insurance, registration, etc. Driver's license suspensions are often the result of unpaid child support or other fines and fees. Loss of license can make it even more challenging to earn income.

Another way the Sheriff's office and law enforcement have pivoted during COVID is not jailing low-level and often nonviolent misdemeanors, with the exception of domestic violence and DUIs, and instead issuing tickets. For context of what this could look like on a local level, here's some national data: among the average ten million arrests that happen per year, about 5% of those arrests are for violent crimes. With over ten million misdemeanor cases each year (vastly outnumbering felony cases), low-level offenses are how most Americans experience the criminal justice system. Imagine if this good-faith policy enacted by our Sheriff because of COVID became permanent in relation to certain ordinances. What a difference it could make to the fabric of our community.

So where can the data take us? To solutions and policy reforms, and the expert stakeholders who are working on them.

---

*People are not the  
problem, the problem is  
the problem, work for  
systems change*

---

# THE LANDSCAPE

## Poverty numbers for the City of Savannah:

- ▶ **28%** overall
- ▶ **32%** of families with children
- ▶ **42%** of children
- ▶ **52%** of female-led households
- ▶ **70%** of female-led households with children under 5
- ▶ **67%** of public school students

## Criminal Justice System

Georgia has the highest rate of correctional control in the country. These numbers are even more stark in Chatham County, which has some of the highest rates of adult and, up until recently, youth court-involvement in Georgia.

The criminal legal system disproportionately impacts people of color and impoverished people. While Black people make up 31% of Georgia's population, they comprise 58% of the population in prisons and jails.

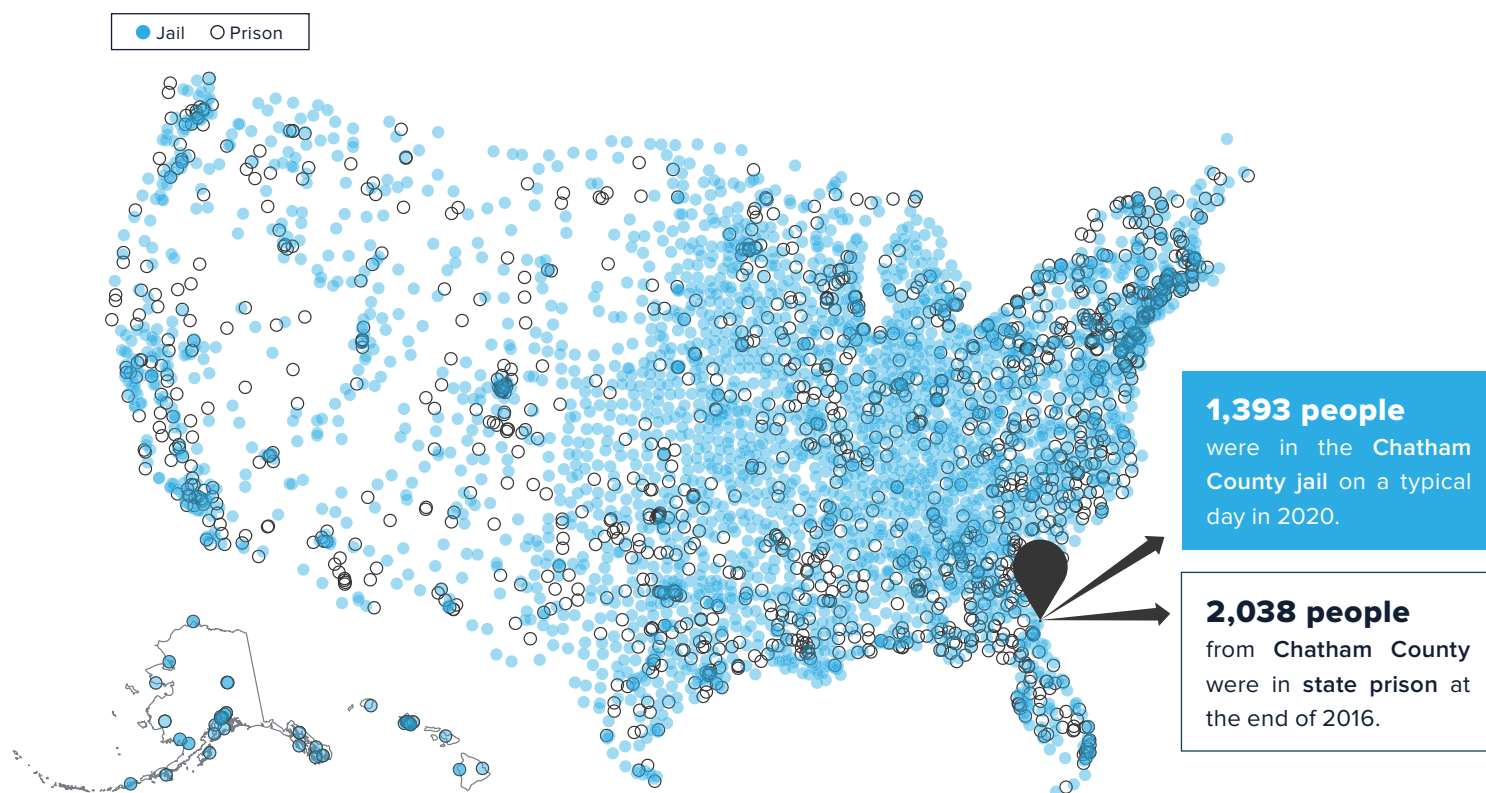
More than 67% of people held in jails have not been convicted of any charges, and many poor people remain in jail because they are unable to afford bail.

## Juvenile Justice System

Up until March of 2020, Chatham County had nearly twice the number of court-involved youth as any of the other 159 Georgia counties, including metro counties Fulton and Gwinnett.

# THE NUMBERS

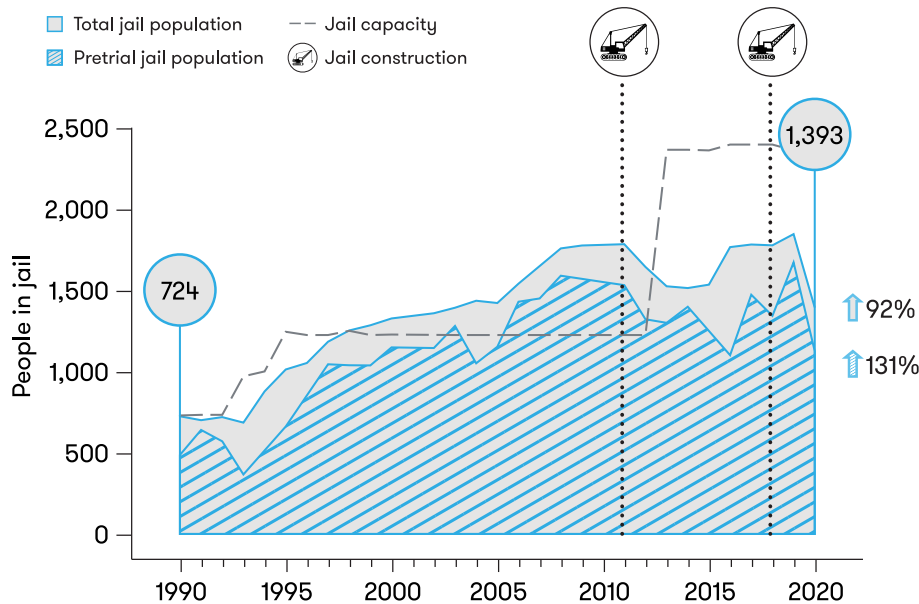
## Mass incarceration begins and ends in our backyards



**Jails** are primarily funded by county-level taxpayer dollars and are used to lock up people who are awaiting trial but have not been convicted of the charges they are facing. The vast majority of people in jail are simply too poor to pay bail. Some jails also hold people serving shorter prison sentences, and many jails rent beds to the state prison system or federal authorities—like U.S. Immigration and Customs Enforcement (ICE). Most jails are run by elected sheriffs or jailers.

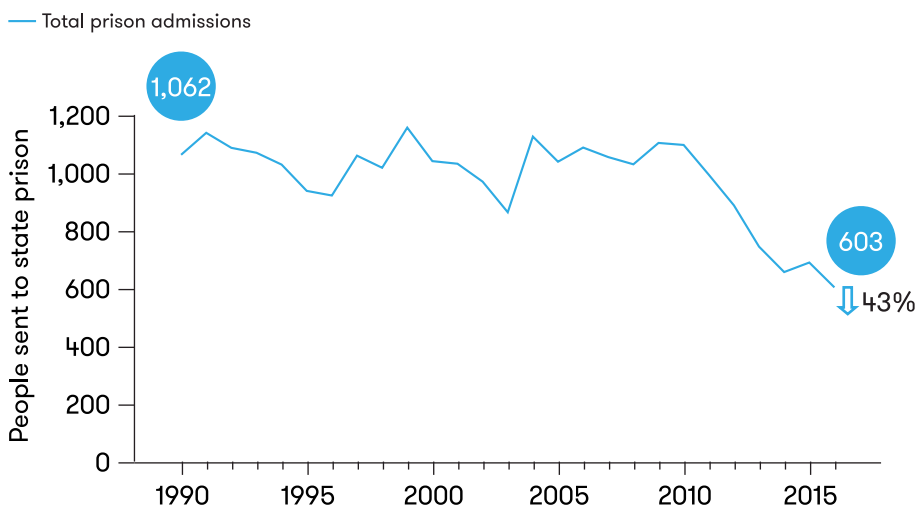
**Prisons** are primarily funded by state and federal tax dollars and hold people serving sentences of more than a year. Prisons are run by state departments of corrections and are managed by wardens. Fewer than 9% of incarcerated people are held in private prisons.

## COUNTY JAIL POPULATION



*People held in jail pretrial are likely to receive more severe prison sentences than those released before trial.<sup>1</sup> Nearly everyone who goes to prison spends time in the local jail first.*

## ADMISSIONS TO STATE PRISON



### Rising incarceration

On an average day in 2020, 1,393 people were being held in the county jail, 59% of the total capacity. The 92% increase in incarceration since 1990 does not necessarily reflect an increase in serious crime.<sup>2</sup> In 2020, during the COVID-19 pandemic, the jail population decreased 24% from 2019. This decline shows that Chatham County can quickly reduce its jail population.

### Cost

In 2011 and 2018, Chatham County spent \$71 million in taxpayer dollars to expand the jail to 2,360 beds. Jail costs continue to make up a sizable portion of the budget. Every dollar spent is one that could have gone to critical community needs.

### Pretrial detention

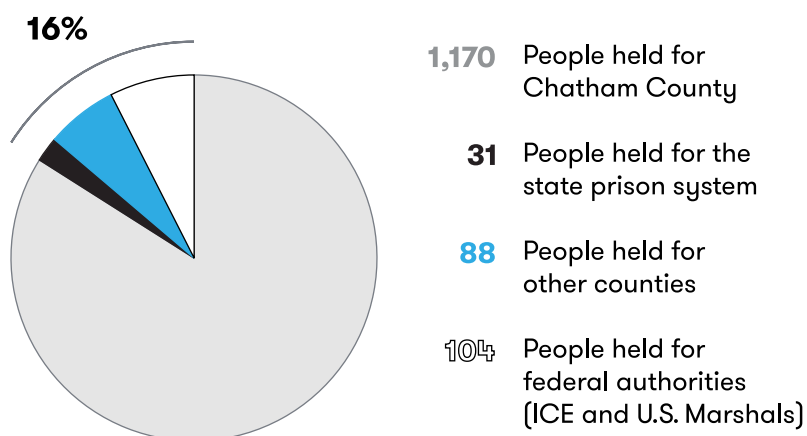
1,125 people were detained pretrial on a typical day in 2020. Many were sitting in jail simply because they could not pay bail.

### Decrease in state prison admissions

The number of people sent to state prison from Chatham County has declined 43% since 1990.

**Note:** Prison admissions reflect current sentencing practices more clearly than does the prison population. This is because the prison population, which includes people serving long sentences, changes more slowly in response to reforms.

## DIFFERENT AGENCIES USING THE COUNTY JAIL (2020)



## Cashing in on incarceration

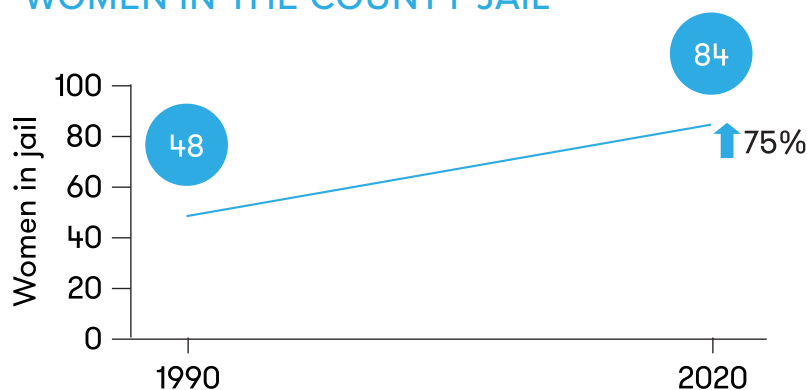
On a typical day, 16% of people being held in the county jail fill beds “rented” to other agencies. The county gets paid a per diem to incarcerate or detain them.

Most counties charge fines and fees for court costs and jail stays. This further traps people in cycles of poverty.

## Criminalization of immigrants

In 2020, twenty-five people were being held for ICE. Renting beds to ICE ties a county’s financial interests to the criminalization of immigrants.<sup>3</sup>

## WOMEN IN THE COUNTY JAIL



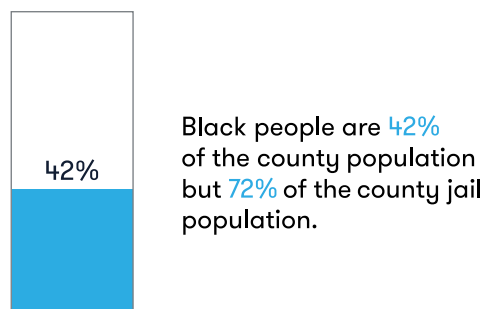
## Rising incarceration of women

In Chatham County, the rate of women’s incarceration is growing much more rapidly than men’s.

## Understanding disparities

Racial disparities begin with who gets stopped by the police and multiply throughout the legal system. When charged with similar offenses as white people, Black people are more likely to be detained pretrial, convicted, and given harsher sentences.<sup>4</sup> Seemingly “color-blind” policies may still disproportionately impact communities of color.<sup>5</sup>

## RACIAL DISPARITIES IN CRIMINALIZATION (2020)



People of every race and ethnicity are incarcerated at higher rates than they were in 1970. The county’s white incarceration rate has grown 56% since 1990. Latinx people are also overrepresented in the nation’s jails, yet common misclassification of ethnicity leads to distorted, lower estimates of Latinx incarceration.<sup>6</sup>



## Criminalization of poverty

- ▶ **299 people** were locked up solely on charges of contempt of court. **68%** were Black.

Contempt of court is typically failure to pay child support or other fines and fees. This creates a vicious cycle of debt and incarceration.

- ▶ **101 people** were locked up solely on charges of criminal trespass.

Criminal trespass is often used to penalize people who are experiencing homelessness.

- ▶ **391 people** were locked up solely on charges involving low-level theft.

Low-level theft is often indicative of underlying need and poverty.

- ▶ **244 people** were locked up solely on charges related to their driver's license, insurance, registration, etc.

Driver's license suspensions are often the result of unpaid child support or other fines and fees. Loss of license can make it even more challenging to earn income.

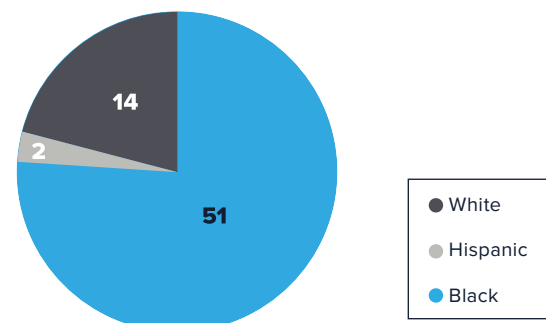
## Criminalization of substance use

- ▶ **1,873 people** were locked up on charges involving substance use.

Jail stays do not address underlying causes of addiction. In fact, people are up to forty times more likely to die by overdose in the two weeks following release than the general public.

## Decriminalization of cannabis?

- ▶ **983 people** were locked up on charges involving cannabis. **67 people** had no other charges. **76%** of those with no other charges were Black.



## Addressing Failure to Appear

- ▶ **105 people** were locked up solely because of Failure to Appear.

Failure to Appear is often wrongfully conflated with willful flight. Instead, simple scaffolding such as text message reminders, free transportation, and expanded court hours strongly increases likelihood of appearance.

## Traffic violations

- ▶ **1,627 people** were locked up on minor traffic-related offenses. On average, they spent eleven days in jail.

## Probation and parole

- ▶ **744 people** were admitted to jail solely for violations of probation or parole, with no new charges. On average, they spent forty-six days in jail, almost twice the national average.
- ▶ **195 people** were locked up solely because of misdemeanor probation violations. On average, they spent seventeen days in jail.

## Incarceration of young people

- ▶ **2,805 people** were locked up despite being under the age of twenty-six. On average, they spent nineteen days in jail.

## Incarceration of elderly people

- ▶ **289 people** were locked up despite being over the age of sixty-five, at high risk of COVID-19 death. On average, they spent eighteen days in jail.

# THE PLAYERS

Each of these officials makes decisions that lead to criminalization and incarceration in your community:

## **Police and the sheriff**

- ▶ decide who gets stopped, who gets arrested, what they're charged with, and whether or not they're booked into jail.

## **Prosecutors**

- ▶ decide who gets diverted and who gets prosecuted, and on which charges. They also make bail recommendations, control most of the evidence in a case, offer plea bargains, and make sentencing recommendations.

## **Probation and parole officers**

- ▶ decide supervision rules and requirements, what costs people under supervision must shoulder, and whether to reincarcerate someone for inability to meet those requirements.

## **Judges**

- ▶ decide who gets released or detained pretrial and who must pay a money bond to secure freedom. A judge or jury determines whether someone is found guilty and selects the terms of a sentence.

## **City, county, and state legislators**

- ▶ decide spending priorities for the community, control the purse strings that fund each of these systems, and enact local policies. State legislators write the criminal code, determining what constitutes an offense.

# WHAT NEXT

At Deep Center, we have a crucial saying that works as the gravitational center of the work we do: “People are not the problem. The problem is the problem.” For us, it is a way to remind ourselves that most community challenges are structural and should be addressed at the systems level. It helps us ground ourselves in the arduous and hopeful work we do, whether it’s working with young people by upholding their experiences, disrupting old narratives that cast fear and mistrust at the most vulnerable, and chiseling away at systems and policies that can do more harm than good.

In Part 1 of our series, we introduced data from our yearlong snapshot of the jail population in Chatham County. If what you read left you feeling unsettled, it might be because you saw the problem the data revealed. Data tells the truth and shows us where we can go.

It also can tell us how far we have actually come—especially when we compare current data to 2015 numbers, when Chatham found itself #5 out of all 159 counties for jailing and sending adults to prison. Looking for blame is not the point—the problem is the problem. Systems and the institutions that embody the problem

are massive and resist easy change. But thanks to multiple efforts happening in both the City of Savannah and Chatham County, we’re making progress right now and will continue to make progress in the future. Current solutions include the Behavioral Health Unit, the Breaking the Cycle Committee, the Chatham County Blueprint, Mayor Johnson’s ARCS and CARES committees, the Front Porch, the Work Readiness and Enrichment Program, and grassroots advocacy. Unlikely stakeholders and all kinds of people—service providers, elected officials, and those directly impacted—are doing the work. We can continue to gain ground if we can hold the tension between acknowledging our real gains and our real need to continue to push forward.

Policies, laws, and other systems act as the skeleton of our society: they make up the invisible structures that shape communities, education, work, civic life, and business, and largely determine the quality—or lack of quality—of our lives. Changing systems means taking a hard look at the way our institutions, laws, and policies—often centuries of inequity in the making—are grounded in inequity and often crafted to deter or punish rather than to get to the root cause of social ills.

This particular data is one crucial way our community can look at how policies might be alleviating or aggravating the problem. For Deep, it helps us build on the evidence we already have that led us to this year's set of recommendations in our policy brief: *Building a Restorative Community: Recommendations for City, County, State, School Board, Law Enforcement, and Beyond*. A restorative community, as we define it, consists of robust investment across three interwoven categories, which, together, get to the root causes of the barriers that are harming our communities: juvenile and criminal justice reform, a bold commitment to the social safety net, and mental healthcare and access.

An example: in the data we found that 983 people were jailed on charges related to cannabis, 76% were Black men. In Recommendation 3, we call for the decriminalization of nonviolent misdemeanors and specifically for Chatham County's passing of a sister ordinance to the 2018 Marijuana ordinance enacted by the City of Savannah, which made any possession of marijuana under an ounce punishable by a ticket and court date, rather than jail time.

Another real-time local example? The data identified 101 people jailed for criminal trespass, a charge common for those experiencing homelessness. Not only are those who are homeless often experiencing mental illness and substance abuse issues, we know that criminalizing homelessness with ordinances like sleeping in public, panhandling, loitering, or sleeping in vehicles does nothing to deter behavior while still filling our jails with people in need of care. Furthermore, jailing or ticketing individuals doesn't address the root cause of homelessness; in fact, a strong case can be made that these punitive measures likely exacerbate the conditions that cause homelessness.

Data reveals the truth—in this case, one of our community's greatest challenges.

The problem is the problem. And people, everyday normal people from all walks of life working together and focusing on systems and policies, are the only way we can solve it.

# ACKNOWLEDGMENTS

This book was made possible by the In Our Backyards grant from Vera Institute of Justice and in partnership with the Southern Center for Human Rights. It is a whole-hearted, clear-eyed, and collective effort in a moment of reckoning for our country, though one that has been long in the making. Its breadth has been made possible by Deep's village, a community dedicated to making Savannah a more just, vibrant, and equitable place for young people and their families, through conversations and a commitment to pushing the limits of what is considered possible in policy change in Chatham County, a place where the phrase "It can't be done here" is used far too often.

A special thanks to those who worked on this project:

**Dare Dukes**, Executive Director, Deep Center

**Coco Papy**, Director of Development and Communications, Deep Center

**Luis Zaldivar**, Community Organizer, Deep Center

**Ben Minor**, Foundation Relations Manager, Southern Center for Human Rights

**Marissa Dodson**, Public Policy Director, Southern Center for Human Rights

**Tiffany Williams Roberts**, Community Engagement & Movement Building Counsel, Southern Center for Human Rights

**Micah Herskind**, Public Policy Associate, Southern Center for Human Rights

**Sarah Minion**, Outreach Associate, In Our Backyards, Vera Institute of Justice

**Jasmine Heiss**, Project Director, Our Backyards, Vera Institute of Justice

**James Wallace-Lee**, Data Engineer, Center on Sentencing and Corrections, Vera Institute of Justice

We also wish to recognize individuals and institutions whom we relied on for guidance, data, and their expertise and feedback.

## Chatham County Government

**Michael Edwards**, Chief Assistant District Attorney, Eastern Judicial Circuit of Georgia

**Lizann Roberts**, Executive Director, Coastal Georgia Indicators Coalition

Deep Center receives funding and support in part by the Mary Reynolds Babcock Foundation, Chatham County, the Chatham Foundation, the Live Oak Public Library System, the City of Savannah, the Downtown Neighborhood Association, the Ford Foundation, the William and Flora Hewlett Foundation, the Courtney Knight Gaines Foundation, the Georgia Council for the Arts, Gulfstream Aerospace Corporation, the Hodge Foundation, International Paper, the Kresge Foundation, Public Welfare Foundation the Robert Wood Johnson Foundation through Forward Promise, the National Endowment for the Arts, Publix Super Markets Charities, the Savannah Community Foundation, the Weil Family Donor Advised Fund, the Johanna Anderson Trueblood Foundation, the United Way of the Coastal Empire, the Vera Institute of Justice, and many other generous institutions and individuals.

## Citations

- 1 Léon Digard and Elizabeth Swavola, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention* (New York: Vera Institute of Justice, 2019), <https://perma.cc/XUL6-JGEF>.
- 2 Jacob Kang-Brown and Ram Subramanian, *Out of Sight: The Growth of Jails in Rural America* (New York: Vera Institute of Justice, 2017), <https://perma.cc/MHT7-UHE8>.
- 3 Jacob Kang-Brown and Jack Norton, "More Than a Jail: Immigrant Detention and the Smell of Money," Vera Institute of Justice, July 5, 2018, <https://perma.cc/LVZ6-ALCS>.
- 4 The Sentencing Project, *Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System* (Washington, DC: The Sentencing Project, 2018), <https://perma.cc/RV24-P42S>.
- 5 Elizabeth Hinton, LeShae Henderson, and Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System* (New York: Vera Institute of Justice, 2018), 3-6, <https://perma.cc/33BZ-EFFY>.
- 6 Ram Subramanian, Kristine Riley, and Chris Mai, *Divided Justice: Trends in Black and White Jail Incarceration, 1990-2013* (New York: Vera Institute of Justice, 2018), 14, <https://perma.cc/CE52-6LJ2>.



**Deep Center**

PO Box 5582 | Savannah, GA 31414  
[deepcenter.org](http://deepcenter.org)