

A black and white photograph of a person wearing a hoodie and a face mask, looking out of a window. The window is framed by a dark border, and the person's face is partially obscured by the mask. The background outside the window is blurry.

A Very Difficult Task

The Case for Cash Bail Reform in Chatham County

Deep



"Pre-trial detention costs local governments nationwide 13.6 billion dollars per year."

— "Following the Money of Mass Incarceration," Prison Policy Initiative



What is bail (also known as bond)?

Cash bail/bond is a financial tool used as a guarantee that a citizen will return for their trial or hearing. The money is returned after they make all necessary court appearances, otherwise the bail is forfeited. A standard bail amount is set for any alleged offense, but judges typically have broad discretion, pending state laws.

What happens when people can't afford their bail or bond?

If a person is unable to pay their court-determined bail amount, the person can try to use a private bail bond company. Bail and bond companies are responsible for a person's bail obligation when the citizen signs a bond premium, a nonrefundable fee that is typically around 10 to 15 percent of the bail amount. If the person misses their court appearance and the bond company pays, the company will use the collateral to recoup the full amount.

According to the Brennan Center for Justice, "pretrial detention has also been shown to have dramatically negative effects on the outcome of a defendant's case: those who are held pretrial are four times more likely to be sentenced to prison than defendants released prior to trial. Pretrial detainees are also likely to make hurried decisions to plead guilty to a lower charge to spend less time behind bars rather than chancing a higher charge and longer sentence at trial."¹

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.

Simply put, those who can afford justice, will—and those who cannot, cannot.

1. <https://www.brennancenter.org/our-work/research-reports/how-cash-bail-works>

"I went ahead and pled guilty to get out, or I'd still be stuck in there for another 16 months....I had to plead guilty just to get out, so I don't lose my job.

So I can take care of my kids.

Otherwise, I'm sitting in there, and then what happens?

Then the state [is] going to take my kids.

"And it's not right that I have to go through that. The judicial system is supposed to be innocent until proven guilty. It's not—you are guilty until you prove that you're innocent.

And it's wrong."

— N*, storyteller, 2021

What are the racial disparities in pretrial detention?

According to The Sentencing Project in their 2018 report¹ to the United Nations on racial disparities within the criminal justice system, nationwide, Black people were incarcerated in local jails at a rate 3.5 times that of whites in 2016.² The report finds that "these disparities stem in part from the policies and practices of policing...but are compounded by those introduced at this stage of processing. Given that nearly two-thirds (65%) of people in jail in 2016 were being detained prior to trial, policies and decisions influencing pretrial detention play a key role in driving the disparity in the jail population and beyond."³

In 2020, Deep Center did a study on local jail churn to understand what policies were helping or aggravating excessive incarceration. On average, 1,125 people were detained pretrial on a typical day in 2020.⁴ Many were sitting in jail simply because they could not pay bail. Black men⁵ made up 68% of the jail population despite being only 20% of our total county population.

The Sentencing Project's 2018 report explains that "pretrial detention has been shown to increase the odds of conviction, and people who are detained awaiting trial are also more likely to accept less favorable plea deals, to be sentenced to prison, and to receive longer sentences. Seventy percent of pretrial releases require money bond, an especially high hurdle for low-income defendants, who are disproportionately people of color."⁶ Blacks and Latinos are more likely than whites to be denied bail, to have a higher money bond set, and to be detained because they cannot pay their bond."⁷

Aren't misdemeanors not being taken to the jail right now?

With the exception of charges related to DUI and domestic violence, Chatham County is still operating under best COVID practices by not admitting misdemeanors to the jail. We applaud this measure and point to it as an example of good practice that can be codified.

What's a bond schedule?

A bond schedule is a financial tool judges use to set bail and bond. The 2014 misdemeanor bond schedule is often used as an example of "affordable" bond, with amounts ranging from \$300 to \$3,000. The average income in Savannah is \$25,664, and 21.9% of our citizens live in poverty.⁸ Furthermore, fewer than four in 10 people have enough savings to pay for an unexpected \$1,000 expense in cash.⁹

1. <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

2. U.S. Bureau of Justice Statistics, Prisoners in 2016, (Feb. 2018).

3. U.S. Bureau of Justice Statistics, Prisoners in 2016, (Feb. 2018).

4. <https://www.deepcenter.org/deepcenter/wp-content/uploads/2021/05/The-Problem-Is-The-Problem-050421.pdf>

5. <https://www.deepcenter.org/deepcenter/wp-content/uploads/2021/05/The-Problem-Is-The-Problem-050421.pdf>

6. Jones, C. E. (2013). "Give Us Free": Addressing Racial Disparities in Bail Determinations. New York University Journal of Legislation and Public Policy, 16(4), 919-62.

7. Jones, C. E. (2013). "Give Us Free": Addressing Racial Disparities in Bail Determinations. New York University Journal of Legislation and Public Policy, 16(4), 919-62.

8. <https://www.census.gov/quickfacts/fact/table/savannahcitygeorgia/DIS010219>

9. <https://www.bankrate.com/banking/savings/financial-security-january-2021/>

"I stayed in there 10 months before I was able to actually get out on bail. The complications were that I'm not originally from the state of Georgia. I didn't have any family here at the time. I never had a contempt of court, which is what the bonding companies wanted. My bond had to be paid in the full amount that was paid by the court, which was like 3,000-some-odd dollars cash, in order for me to get out of jail, instead of being able to pay a percentage on the bond. It was a very difficult task.

"We got two or three bonding companies that they're relying on, which has a monopoly on the system here, and they're bleeding money from the poor.

The people that's stuck in jail don't have the money most of the time; it's the family members of those people who are actually footing the bill. It's all a revolving door. It's all about money. Not only that you pay the bond, but you have to turn around, pay in jail to process the paperwork.

That's crazy.

Everybody's got their hand in the money."

— J*, storyteller, 2021

Will a cash bail ordinance apply to all charges?

No. Our proposed ordinance is not applicable to felony charges. Furthermore, a local ordinance could only apply to local misdemeanor violations under city or county code. State misdemeanors are not applicable, and DUI and domestic violence related misdemeanors, as well as the eight additional misdemeanors identified in the 2021 law (SB174), include mandatory bail charges and therefore would not be applicable. See below for a list of applicable municipal codes examples.

Examples of municipal-level misdemeanor charges that are applicable include:

Chatham County

Code Section

- 11-101. Disorderly Conduct
- 11-103. Loitering
- 11-108. Shoplifting
- 11-201. Public Drunkenness
- 11-202. Possession of Less Than an Ounce of Marijuana
- 11-203. Possession of Drug Related Object

Savannah

Code Section

- 9-1002. Disorderly Conduct
- 9-1026. Marijuana

Thunderbolt

Code Section

- 9-101 and 102. Disorderly Conduct
- 9-108. Misdemeanor Offenses

Tybee Island

Code Section

- 42-60. Disorderly Conduct

Garden City

Code Section

- 6-6. Public Drunkenness
- 58-1. Disorderly Conduct

Pooler

Code Section

- 54-1. Public Drunkenness
- 54-6. Loitering
- 54-7(2). Disorderly Conduct

Port Wentworth

Code Section

- 15-1. Disorderly Conduct
- 15-7. Loitering
- 15-8. Drugs and Drug Implements

Is there data on this?

Deep Center is currently researching what data is locally available on cash bail and bond, but we have been met with a larger problem around data tracking systems. Many courts, especially municipal courts, do not have data software systems that track data on cash bail or bond, and the publicly accessible data through the Sheriff's Office, Chatham County Detention Center, and the District Attorney's Office (Eastern Judicial Circuit) is limited in its scope.

In the course of our research with our national and regional partners at the Vera Institute for Justice, Southern Center for Human Rights, and The Leadership Conference of Civil and Human Rights, we have sent out numerous open records requests only to be met with piecemeal snippets. Accurate data is needed to fully measure this problem. This lack of data is not specific only to our community or an indicator of a job not done, but a part of a larger trend of a lack of transparent and thorough data nationwide. To combat this trend, we are also calling on our justice stakeholders to invest in more thorough data systems that track more specific data sets. However, data from similar-size cities to Savannah shows numerous successes when pretrial detention policies are enacted.

According to the Prison Policy Initiative briefing on pretrial release, there are "four states, as well as nine cities and counties, where there is existing data on public safety from before and after the adoption of pretrial reforms. All but one of these jurisdictions saw decreases or negligible increases in crime after implementing reforms. The one exception is New York State, where the reform law existed for just a few months before it was largely rolled back."

The PPI briefing provided several examples: ¹

New Jersey

- **Reform:** In 2017, the New Jersey legislature passed a law implementing a risk-informed approach to pretrial release and virtually eliminated the use of cash bail.
- **Impact:** The pretrial population decreased 50% from 2015 to 2018. By 2019, the overall jail population declined 45%.
- **Public safety:** Violent crimes decreased by 16% from 2016 to 2018. There was a negligible difference in the number of people arrested while on pretrial release.

Kentucky

- **Reform:** Kentucky began using a validated pretrial risk assessment tool in 2013. In 2017, the state began allowing release of low-risk defendants without seeing a judge. In addition, a statewide pretrial services agency is required to make a release recommendation within 24 hours of arrest, and reminds people of upcoming court dates via automated texts and calls.
- **Impact:** Judges have released more people on their own recognizance since 2013.
- **Public safety:** The new criminal activity rate, which measures the rate at which people commit new crimes while awaiting trial, has not changed.

New Orleans, La.

- **Reform:** A 2017 ordinance passed by the city council virtually eliminated money bail for people arrested on municipal offenses. Since then, the city has implemented a risk assessment tool and releases some low-risk arrestees without bail.
- **Impact:** There was a 337% increase in the number of arrestees released without bail from 2009 to 2019 (1.9% to 8.3%).
- **Public safety:** A subsequent crime analysis found that defendants released without paying bail were no more likely to be rearrested than those who paid bail.

Harris County, Texas

- **Reform:** Since 2019, the majority of misdemeanor defendants automatically qualify for jail release on no-cash bonds.
- **Impact:** While it's unclear how much the pretrial population has decreased, the gap between the number of white and Black defendants who are detained pretrial has narrowed.
- **Public safety:** Rearrest rates did not increase after the reforms were implemented.

1. <https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/>

"That's like signing your name in blood, you done signed your soul away.
Dealing with that. But I think the system needs to be investigated,
because for many years they've been doing a lot of underhanded things.
And my motto is this: If it's not their kids or themselves, they don't give a damn.

They really don't."

— D*, storyteller, 2021

Why do we do this?

On the surface, cash bail may seem like a reasonable financial tool, but the reality is different. Cash bail is the concept of buying a person's freedom—and it fosters extreme inequality and racial disparity. Justice should not be only for those who can afford it.

A cash bail ordinance would have an overall positive impact on our community, leading to better public safety; less stress on law enforcement, courts, and jail staff; and monetary savings for our local municipal governments. It is a small yet meaningful policy decision that can lead to a more equitable Chatham County.

We were once told by a local stakeholder that there are simply too many fires to put out and that a cash bail ordinance of this nature is simply not a big enough fire. Yet we ask the following:

Can we in good faith tell those who have suffered the effects of cash bail or bond that their experience of injustice was simply not enough of a fire for us to put out?

Deep Center is invested in a Chatham County that works for all: for justice-impacted people, for law enforcement, for courts, for taxpayers, for neighborhoods. **For all.** When our community says that it's time to reform the practice of bail and bond, what we are saying is that it can be better and that justice should not be afforded by the amount of money a person can access.

What next?

Savannah and Chatham County both stand on a well-established record of showcasing that local justice reform is absolutely possible when stakeholders, policymakers, and community members call for it and work together. We urge our elected leaders to pass a localized ordinance to continue that record and build on our community's commitment to the best justice practices.

Our elected leaders can only prioritize something when our community calls for it. Therefore, we are urging our community to take action **today**.

Call City Council

Call and email your Alderman, Alderman Post-1 and 2, and the Mayor and encourage the adoption of a solution based on the REAL (Racial Equity and Leadership) task force report. Ask to:

- Adopt a resolution encouraging judges to give OR (Own Recognizance) bonds to those accused of city ordinance violations.
- Adopt a resolution stating that they desire law enforcement to cite and divert offenses stemming from poverty, addiction, or unmet mental health needs (e.g., Deep's Restorative Community resolution).

Call the County Commission

Call and email your commissioner or chairman and encourage the adoption of a cash bail ordinance. Ask to:

- Amend the Chatham County Code to eliminate arrest for violation of county code; currently, ordinance violations are still punishable by a fine or a period in jail, or both. An ordinance would need to eliminate arrest for violation of the county code and eliminate incarceration as a permissible punishment.
- Pass a resolution stating that they desire law enforcement to charge individuals under the local ordinance rather than under a parallel state charge where applicable, and to cite rather than arrest. To the extent that the commission has authority or control over the police chief and standard operating procedures, collaborative work can be done to ensure that internal policies incentivize citation over arrest. While the Board of Commissioners cannot require that the county police force exercise their discretion to arrest by citation, they can absolutely use their powers to encourage best practices.

Chatham County Police Department and Savannah Police Department

Ask to:

- Implement a Standard Operating Procedure (SOP) incentivizing county or city officers to charge under county ordinance or deprioritize offenses, and attach a performance metric to it. This could be framed as a restorative community initiative so that it is not seen as encroachment on arrest powers.

State Legislation

- State-wide bail reform attacks are coming during the 2022 session. Call your state representative and encourage them to vote no on any upcoming legislation that threatens pretrial detention reduction.

Contact Information - City Council

Find your alderman here: <https://savannahga.gov/389/Aldermanic-Districts>

Mayor Van Johnson: 912-651-6444. mayorjohnson@savannahga.gov

Alderman Post-1 Kesha Gibson-Carter: 912-346-4235. KGCarter@Savannahga.Gov

Alderman Post-2 Alicia Blakely: 912-346-5220. ABlakely01@Savannahga.Gov

District 1, Alderman Bernetta Lanier: 912-346-6406. BLanier@Savannahga.Gov

District 2, Alderman Detric Leggett: 912-346-8176. DLeggett@Savannahga.Gov

District 3, Alderman Linda Wilder-Bryan: 912-704-2079. LBryan@Savannahga.Gov

District 4, Alderman Nick Palumbo: 912-346-9841. NPalumbo@Savannahga.Gov

District 5, Alderman, Mayor Pro Tem Dr. Estella Shabazz: 912- 675-7531.

eshabazz@savannahga.gov

District 6, Alderman Kurtis Purtee: 912-346-3305. KPurtee@Savannahga.Gov

Contact Information - County Commission

Find your commissioner here: <https://www.chathamcountyga.gov/Commission/DistrictMaps>

Chairman Chester Ellis: chairman@chathamcounty.org

1st District, Helen Stone: District1@chathamcounty.org

2nd District, Larry "Gator" Rivers: District2@chathamcounty.org

3rd District, Bobby Lockett: District3@chathamcounty.org

4th District, Patrick Farell: District4@chathamcounty.org

5th District, Tanya Milton: District5@chathamcounty.org

6th District, Adot Whitely: District6@chathamcounty.org

7th District, Dean Kicklighter: District7@chathamcounty.org

8th District, Kenneth Adams: District8@chathamcounty.org

Contact Information -State Legislation

Find your state legislator here: https://openstates.org/find_your_legislator/

Representative Carl Gilliard: carl.gilliard@house.ga.gov - Capitol Phone: 404.656.7859

District Phone: 912.436.5325

Representative Derek Mallow: derek.mallow@house.ga.gov - Capitol Phone: 404. 656-0298

Representative Bill Hitchens: bill.hitchens@house.ga.gov - Capitol Phone: 404.463.7855

Representative Jesse Petrea: jesse.petrea@house.ga.gov - Capitol Phone: 404.657.1803

District Phone: 912.354.3680

Representative Ron Stephens: ron.stephens@house.ga.gov - Capitol Phone: 404.656.5115

District Phone: 912.596.1998

Representative Edna Jackson: edna.jackson@house.ga.gov - District Phone: 912-655-5637

Senator Ben Watson: ben.watson@senate.ga.gov - Capitol Phone: 404.656.7880

District Phone: 912.527.5100

Senator Lester Jackson: lester.jackson@senate.ga.gov - Capitol Phone: 404.463.5261

District Phone: 912.233.7970

LETTER/EMAIL TO DECISION-MAKERS

Representative Name
(Their number and email)
(Their address)

Hello, my name is **(your name)**. I live in **(specific district)**, and I am supporting the passage of a local cash bail ordinance. I am calling on **(representative)** to ask you to support a localized bail ordinance.

(Insert way that the specific district can solve this by one of the example measures represented on page 11.)

(You can also include a personal story or way this bill, ordinance, or decision affects you or your family. You can also cite data, or simply state that you think it is good legislation. The key is to make it short, simple, and clear, and to get a yes or no on whether or not the elected official will support the measure.)

I appreciate you listening to your constituent on this item and look forward to your response.

Thank you,

Your Name
Street Address
City, State, Zip Code

SAMPLE PHONE SCRIPT

Hello **(title of elected official)**.

My name is **(full name)** and I live in **(district)**. I am reaching out to you today to discuss **(issue as it pertains to appropriate elected body)**. As you may know, **(the issue at hand)**, and I am calling on **(representative)** to ask you to support a localized bail ordinance.

(Insert way that the specific district can solve this by one of the example measures represented on page 11.)

(You can also include a personal story or way this bill, ordinance, or decision affects you or your family. You can also cite data, or simply state that you think it is good legislation. The key is to make it short, simple, and clear.)

Can I count on you to vote **(the way you want them to vote)** on this issue?

Thank you for considering this important issue. We feel your support for this crucial issue matters now more than ever.

(Your name)

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