

6/1/2022

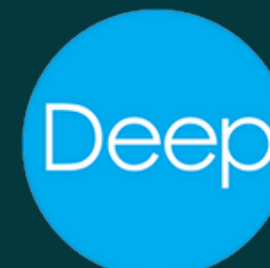
Bail Reform in Chatham County

Coco Papy, Deep Center

Devin Franklin & Micah Herskind, Southern Center for Human Rights

Sarah Minion & Jesmeen Grewal, Vera Institute of Justice

Vera INSTITUTE
OF JUSTICE



**SOUTHERN
CENTER FOR
HUMAN
RIGHTS**



OVERVIEW

Defining the Problem & Statewide Context

Data-Driven Reform in Chatham County

Challenges and Solutions



SCHR'S POLICY TEAM

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.

LOCAL



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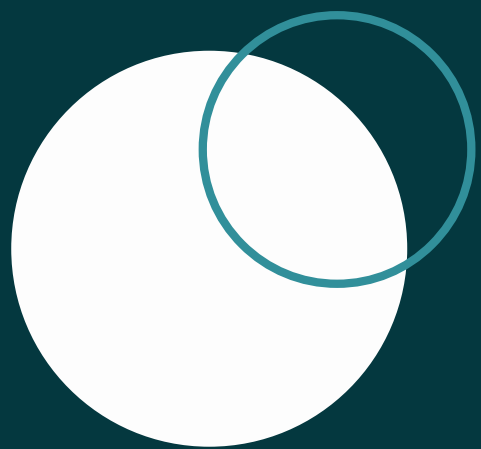


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DEFINING THE PROBLEM





BAIL

the amount of money paid to be released from pretrial incarceration

BOND



an agreement governing one's release, often a portion of the total bail amount



OWN RECOGNIZANCE BOND ("O.R. BOND")

pretrial release for an individual
without any financial conditions

SECURED BOND

requires an individual to post money
(cash bond) or property (property bond)
to secure pretrial release, or use a bail
bondsman

Who gets bail?

ABSOLUTE RIGHT TO BAIL

If not released on O.R. bond, bail must be set.

- Anyone accused of a misdemeanor.
- Anyone accused of a local ordinance violation.

POSSIBILITY OF BAIL

Bail may be set or denied.

- Anyone accused of a felony.

INELIGIBLE FOR O.R. BOND

Only eligible for release through secured bond.

- Anyone accused of an offense in O.C.G.A. §17-6-1

INELIGIBLE FOR BAIL

Bail will not be set.

- Anyone arrested for a probation violation.

BY THE NUMBERS

Georgia Jail Population (2015-2021)

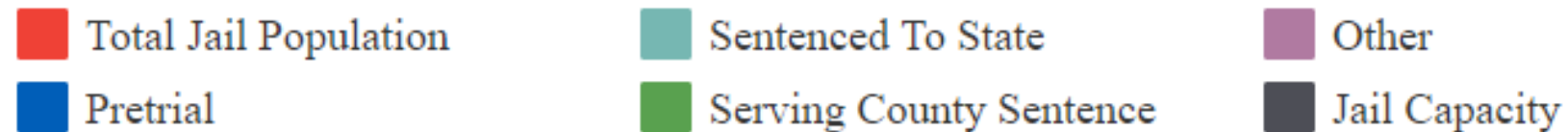
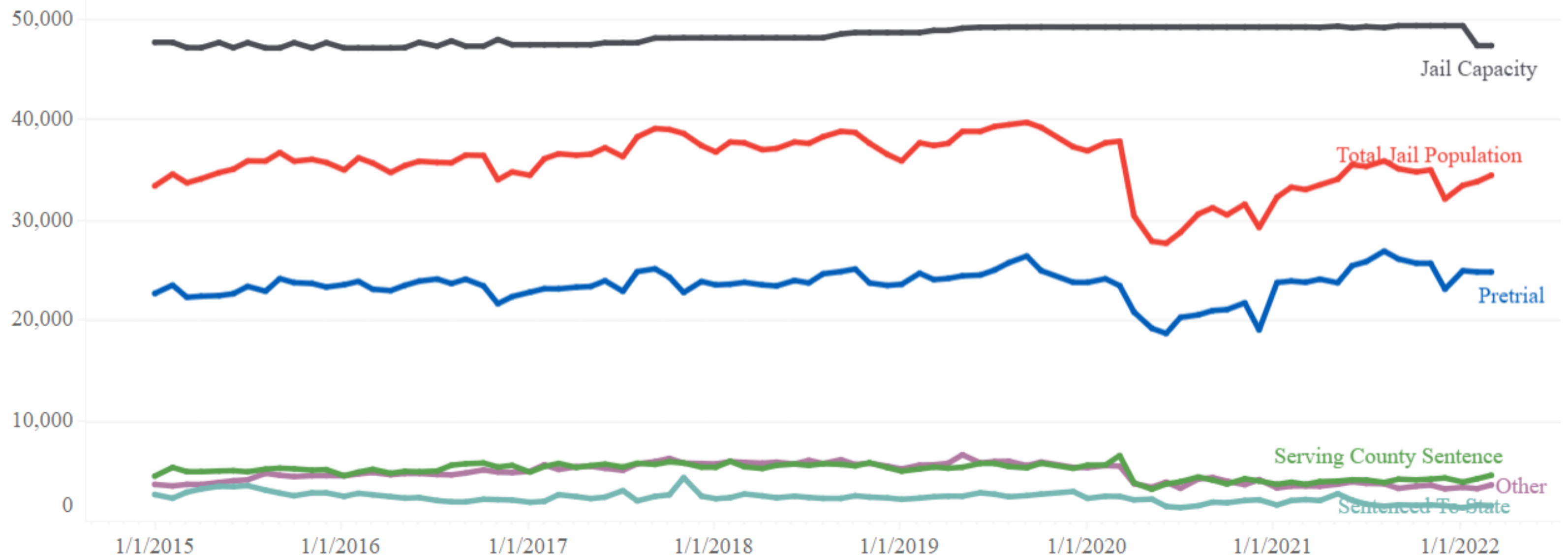
County Name

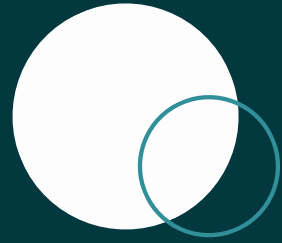
(All)

Select Date Range

1/1/2015

3/3/2022

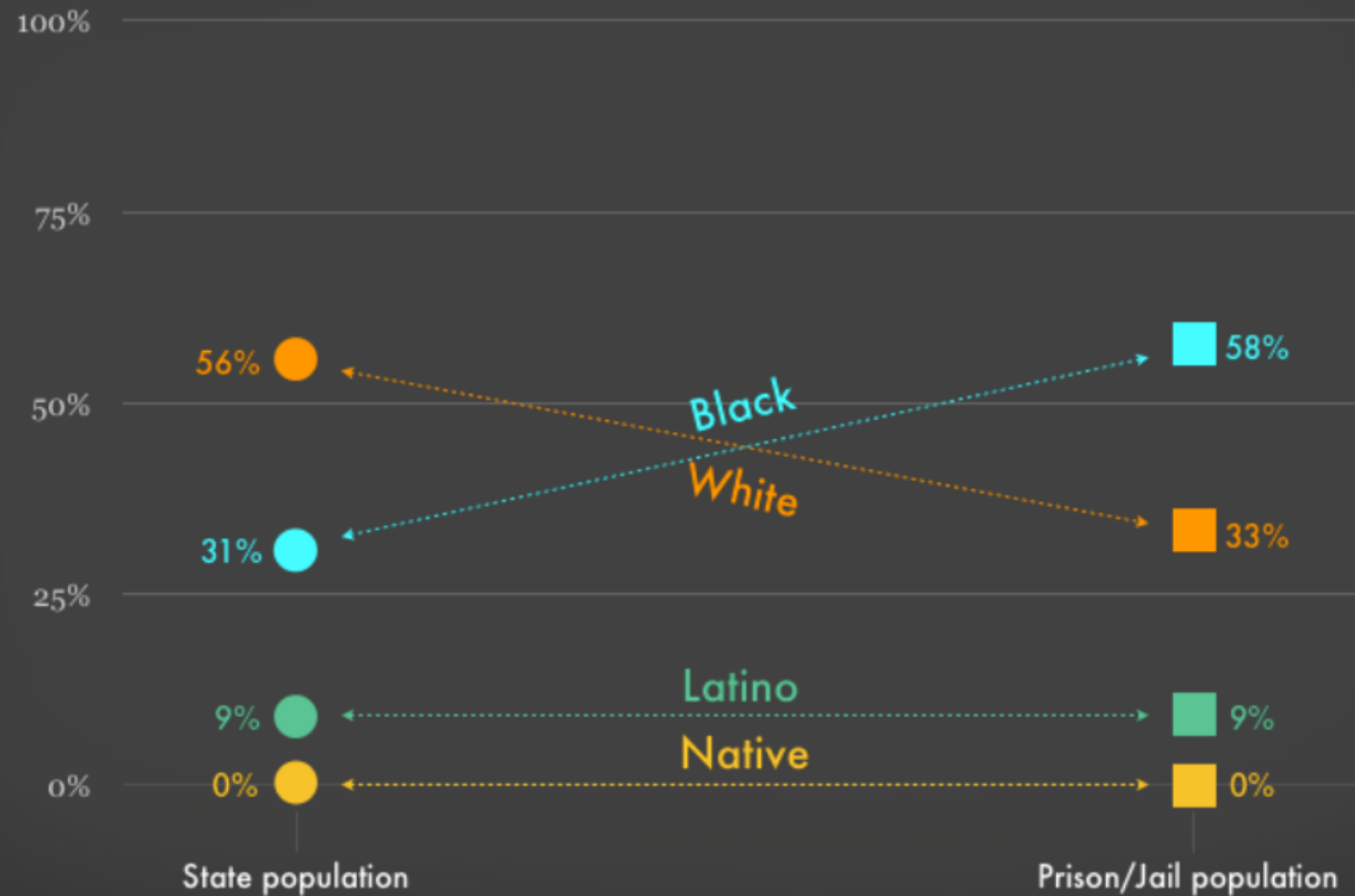




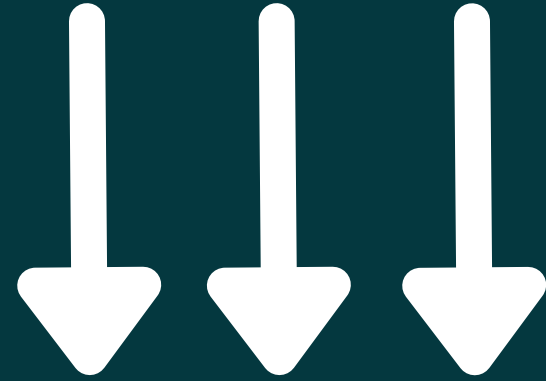
BY THE NUMBERS

Racial and ethnic disparities in prisons and jails in Georgia

Whites are underrepresented in the incarcerated population while Blacks and Latinos are overrepresented.



Where's the problem?



FELONIES

Offenses punishable by a year or more incarceration.

Most people in jail are there for a felony.



MISDEMEANORS

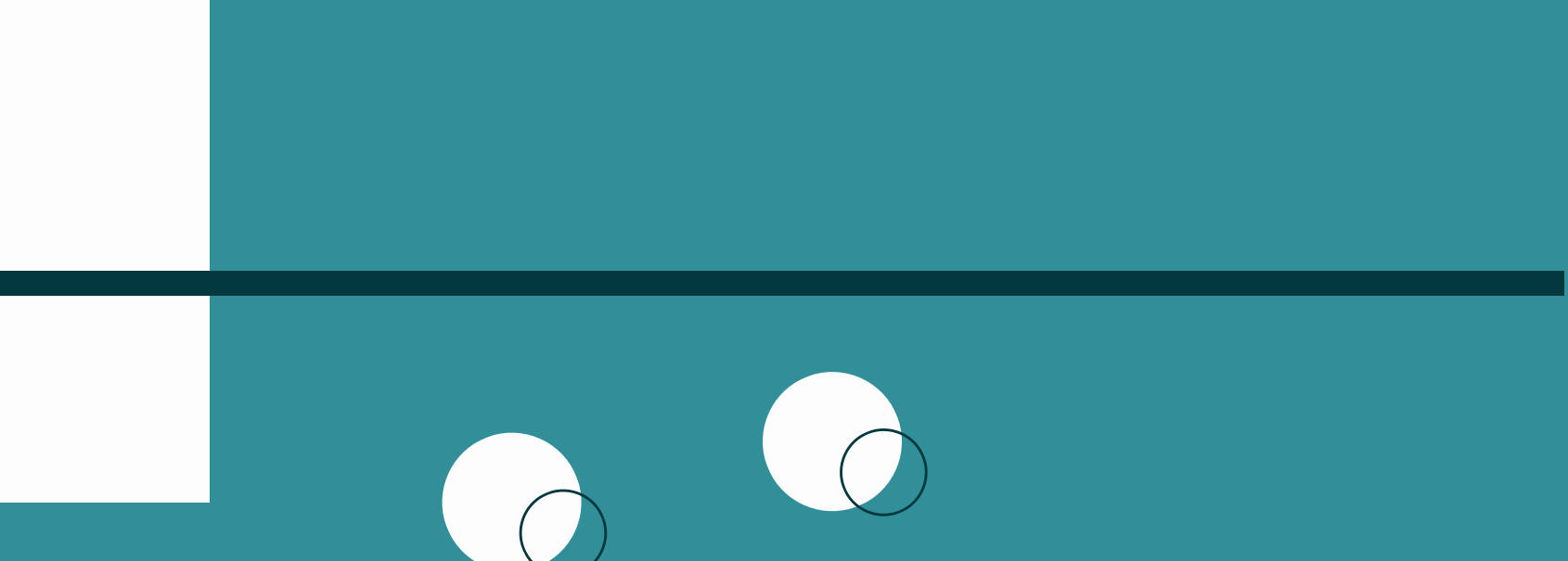
Punishable by up to twelve months incarceration and a \$1,000 fine. In Georgia, all traffic offenses are classified as misdemeanors.



ORDINANCE VIOLATIONS

Varies by locality but under state law are punishable by up to 6 months incarceration and a fine of \$1,000.

Who pulls the levers?



| Issue | State Legislators | Prosecutor | City Council | County Commission | Municipal Jailer | Sheriff | Police Chief | Judges |
|-----------------------------------|-------------------|------------|--------------|-------------------|------------------|---------|--------------|--------|
| Bail Reform for City Ordinances | L | I | L*/\$ | - | I | - | I | I/D |
| Bail Reform for County Ordinances | L | I | - | I/\$ | - | - | I | I/D |
| Bail Reform for State Statutes | L | I | - | - | - | - | - | I/D |

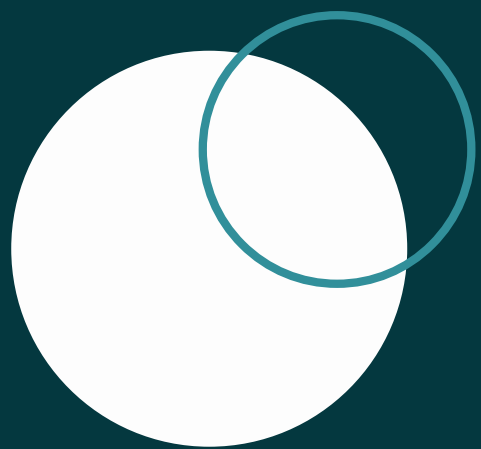
L = The power to legislate around the issue;

D = The power to be a decision-maker in individual cases or create local policy/practices;

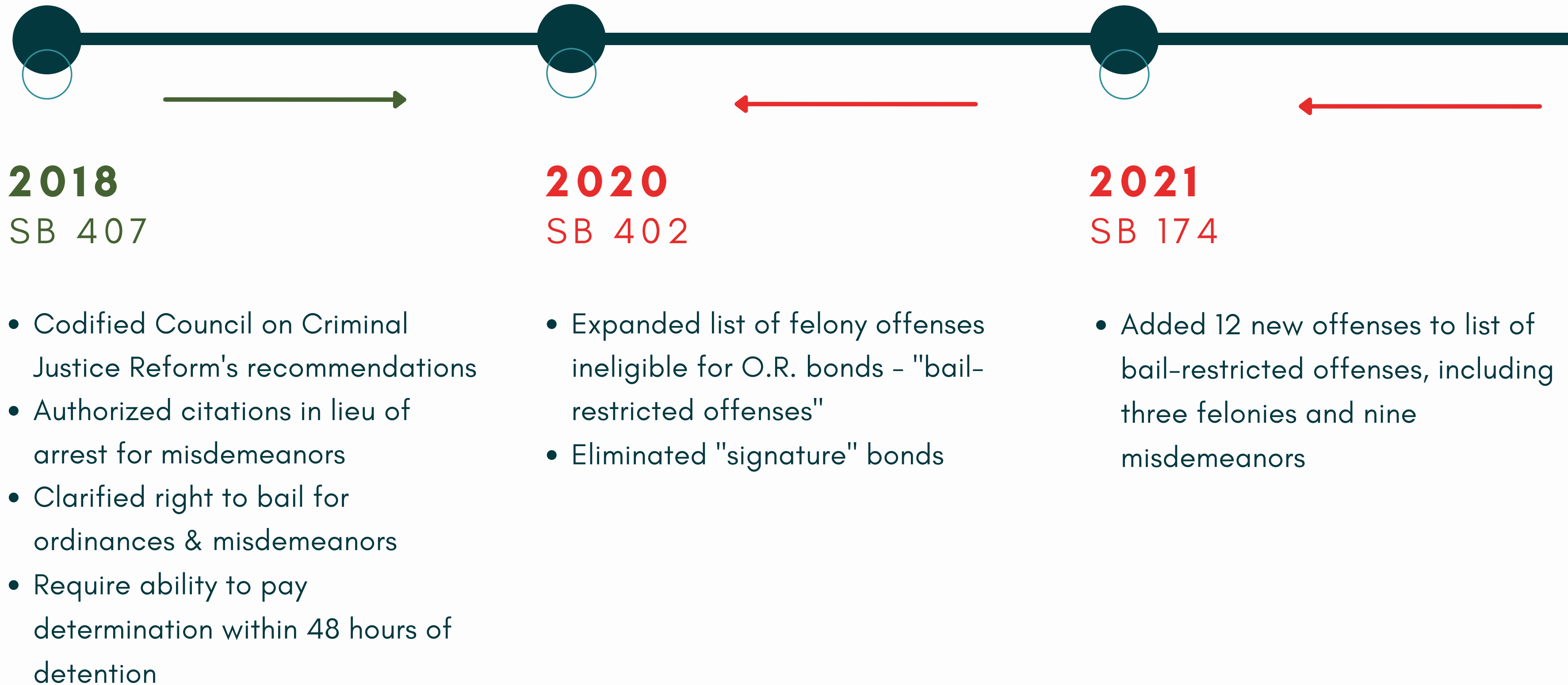
I = The power to influence individual cases and influence implementation of broader local policy/practices;

\$ = The power to allocate funding to facilitate reform or policy change

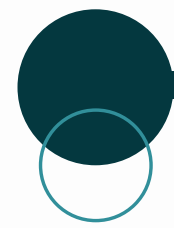
STATEWIDE CONTEXT



STATE LEVEL REFORM



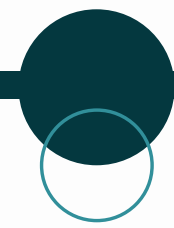
LOCAL LEVEL REFORM



2016

CALHOUN

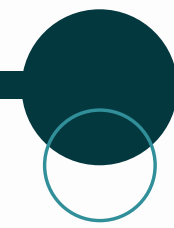
- *Maurice Walker v. City of Calhoun*
- Settled in 2019
- Right to hearing within 48 hours of detention; if indigent, must be released on recognizance



2018

GLYNN COUNTY

- *Mock et al v. Glynn County*
- Settled in 2019
- Bail hearings held 4x per week; ability to pay determination required; improved notice to defendants



2018

ATLANTA

- Municipal ordinance eliminating cash bail and requiring release upon booking for most city ordinances, with exceptions related to violence and DUI



2019

ATHENS-CLARKE

- Created citation system (instead of arrest) for most county ordinances
- Standing order mandating release for most ordinance violations (exception of violence and DUI)

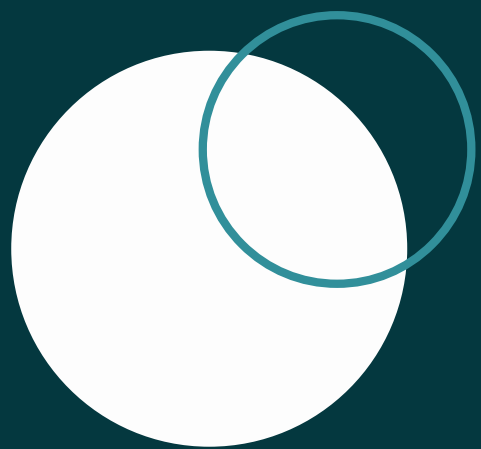
MOST RECENTLY

SB 504

- Would mandate cash bail for ALL felonies
- Would further crowd jails and criminalize poverty
- Defeated in 2022 legislative session
- Expected to return in 2023 legislative session

ALL HANDS ON DECK!

**DATA-
DRIVEN
REFORM IN
CHATHAM
COUNTY**



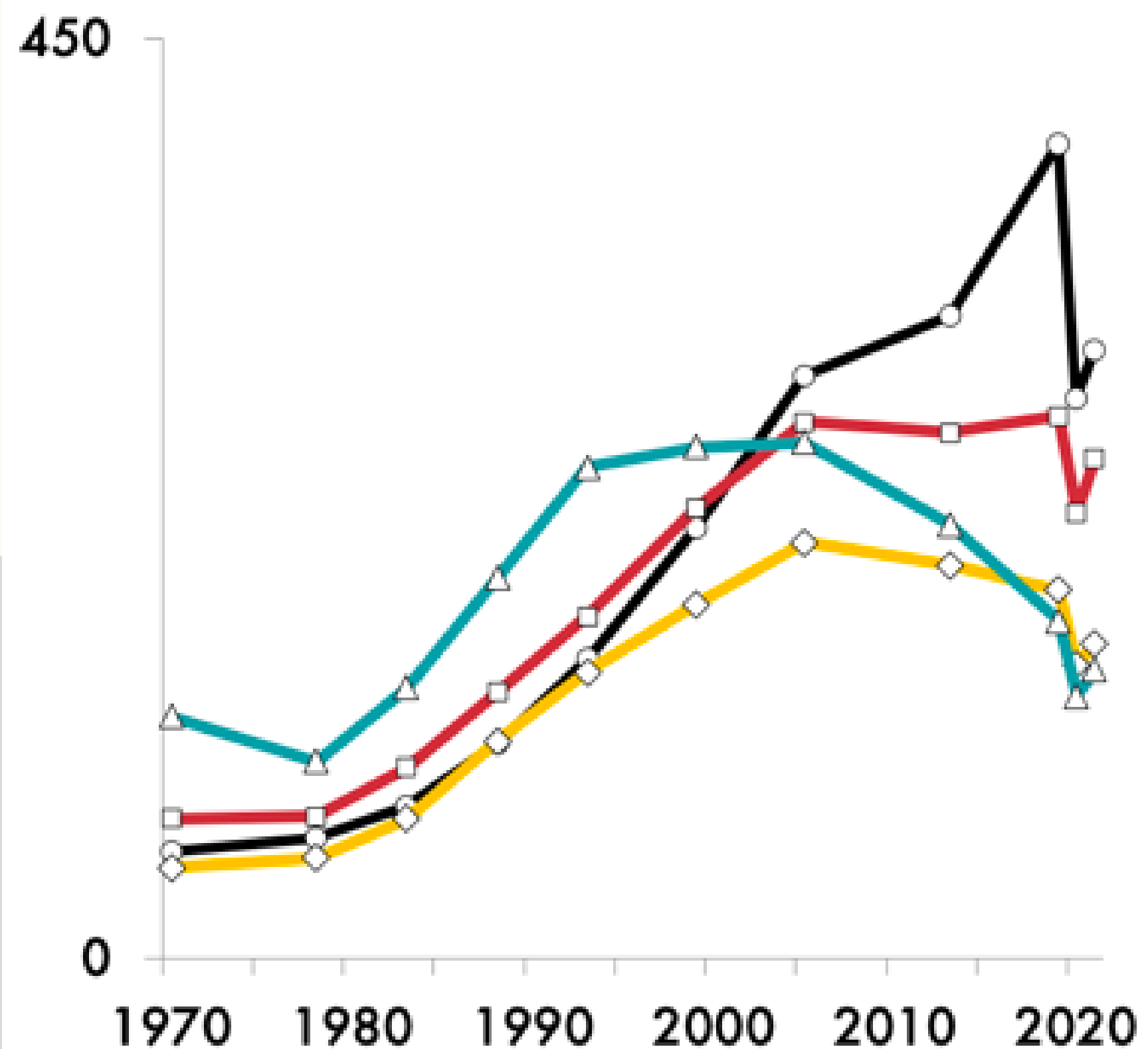
About Vera

Founded in 1961, the Vera Institute of Justice is a justice change agent. We work to tackle the most pressing injustices of our day—from ending mass criminalization and incarceration, addressing racial disparities, reckoning with the loss of public confidence in our justice systems, to meeting the needs of justice-involved people who are vulnerable and marginalized.



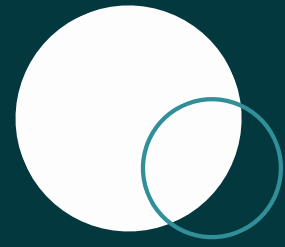
Jail incarceration's continued climb in small town America is eroding national progress toward ending mass incarceration.

Smaller cities and rural counties have the highest incarceration rates.

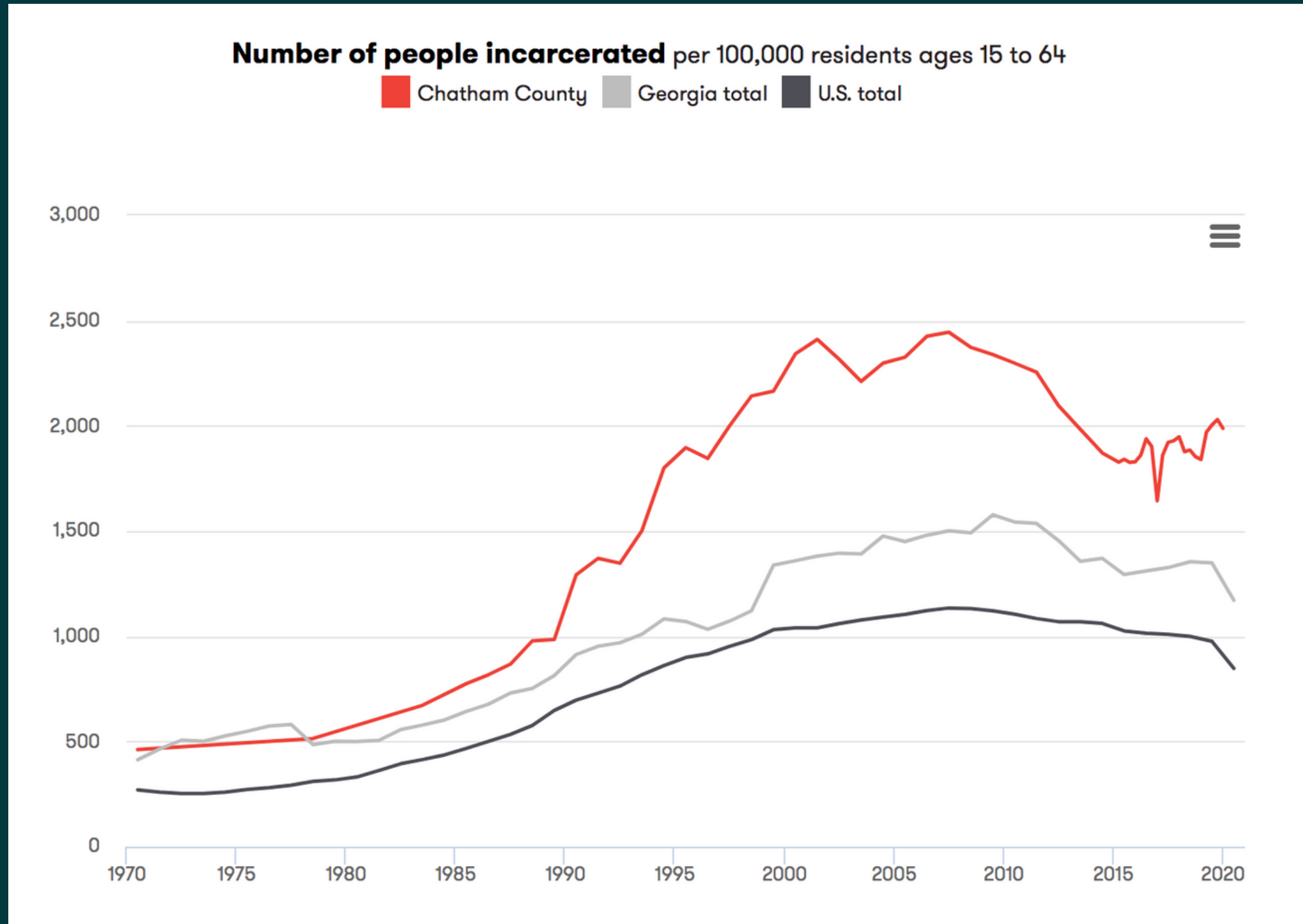


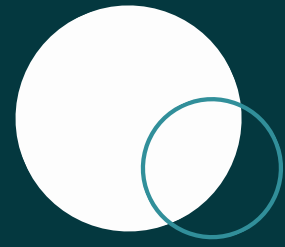
Local Jail Rate Per 100k Residents From 1970-Late 2020 By Urbanicity

- Rural Counties
- Small / Mid Metro Areas
- ◇ Suburban Counties
- △ Urban Counties

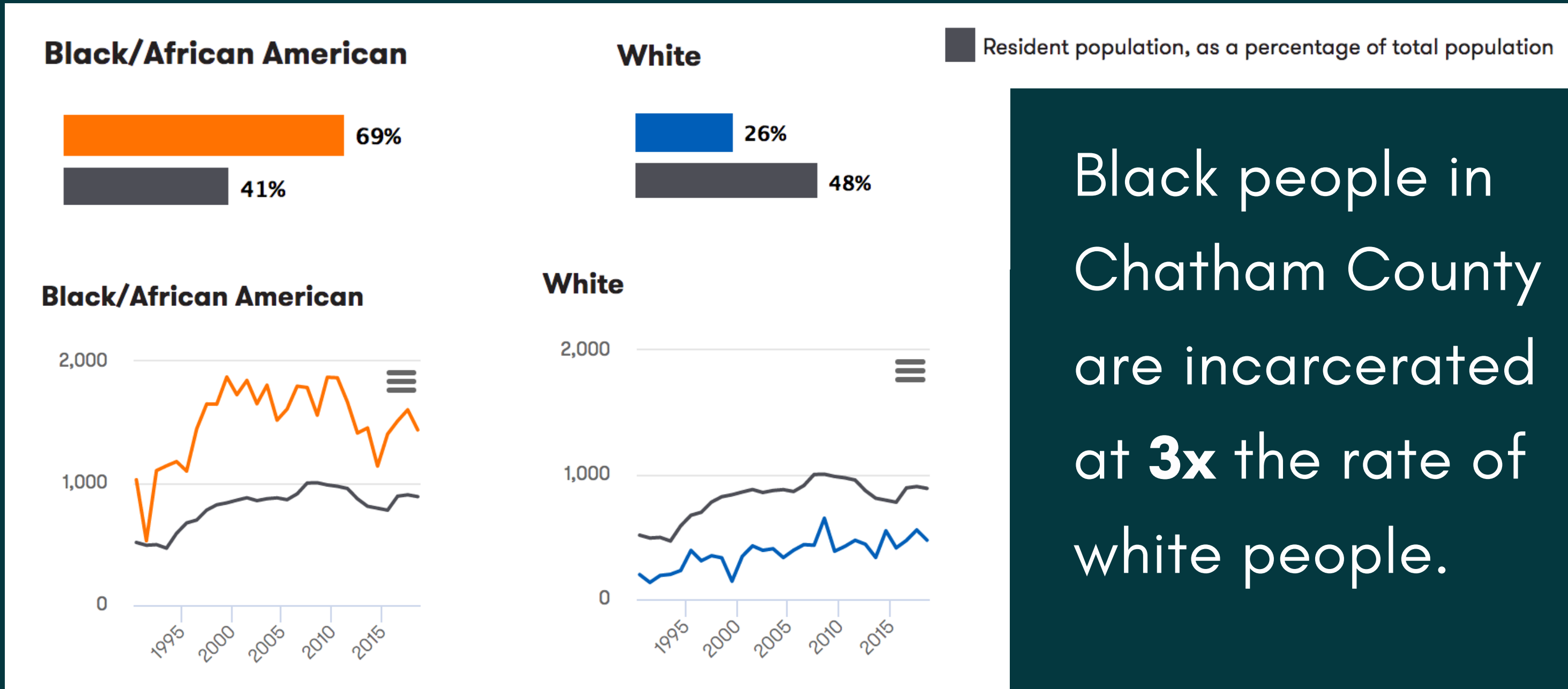


CHATHAM'S HIGH RATE OF INCARCERATION

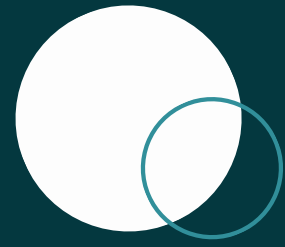




RACIAL DISPARITIES IN JAIL INCARCERATION



Black people in Chatham County are incarcerated at **3x** the rate of white people.

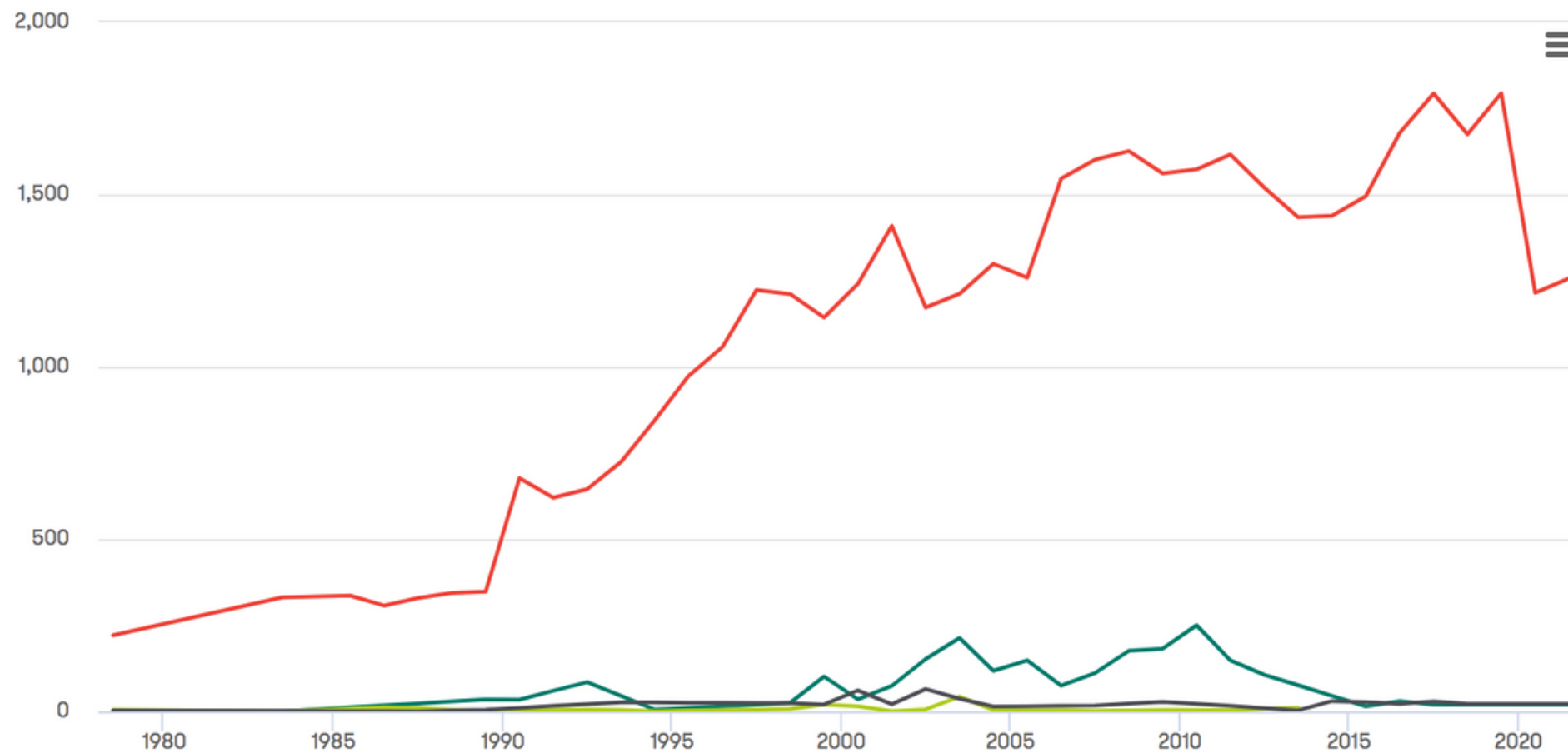


JAIL POPULATION DRIVEN BY LOCAL INCARCERATION

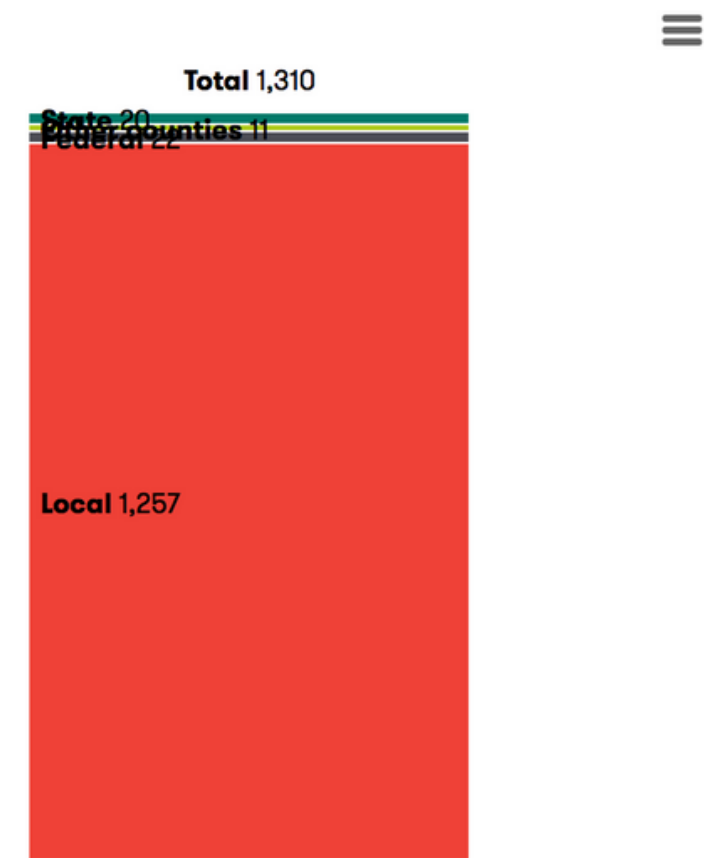
Total people held for other jurisdictions per 100,000 residents ages 15 to 64

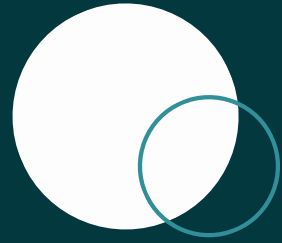
State Other counties Federal Local

Jail population, by jurisdiction



Jail population in 2021





TOP CHARGES

15 most common top charges for admissions to the Chatham County jail

| Top Charge | Bookings (#) | Bookings (%) | Days In Jail (#) | Days In Jail (%) | Total Cost (\$) |
|--|-----------------|-----------------|---------------------|---------------------|--------------------|
| Violent | 1,353 | 26.3% | 77,456 | 29.1% | \$5,771,247 |
| Drug possession | 642 | 12.5% | 22,058 | 8.3% | \$1,643,542 |
| Theft/fraud/forgery | 568 | 11.0% | 26,166 | 9.8% | \$1,949,629 |
| Arson/burglary/robbery/trespass | 454 | 8.8% | 21,846 | 8.2% | \$1,627,745 |
| Weapons | 386 | 7.5% | 32,465 | 12.2% | \$2,418,967 |
| Hold | 327 | 6.3% | 9,251 | 3.5% | \$689,292 |
| Probation violation | 317 | 6.2% | 16,963 | 6.4% | \$1,263,913 |
| Drug manufacture/distribution | 195 | 3.8% | 12,959 | 4.9% | \$965,575 |
| Public order | 168 | 3.3% | 9,076 | 3.4% | \$676,253 |
| Probation violation + other charge | 125 | 2.4% | 12,477 | 4.7% | \$929,661 |
| DUI | 110 | 2.1% | 420 | 0.2% | \$31,294 |
| Drug general | 84 | 1.6% | 2,385 | 0.9% | \$177,706 |
| Traffic | 78 | 1.5% | 2,939 | 1.1% | \$218,985 |
| Other person offense | 69 | 1.3% | 4,746 | 1.8% | \$353,624 |
| Offenses against the administration of gov | 65 | 1.3% | 1,469 | 0.6% | \$109,455 |

Based on analysis of admissions and charge data for people who were admitted to the Chatham County jail from July 15, 2020 to July 14, 2021. Only the 15 most frequent top charges (representing 96% of total admissions) are represented in this table. Total cost represents the total cost over one calendar year.

PROBATION VIOLATIONS

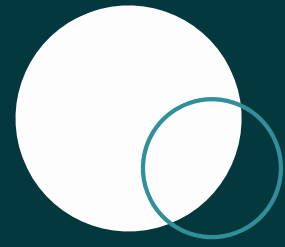
- **313** bookings were for probation violations alone (no other charges)
- **6.2 percent** of all admissions
- On average, stayed in jail **54 days**
- Cost the county **\$1,263,913**

DRUG POSSESSION

- **12.5 percent** of all admissions
- **8.3 percent** of bed-days
- 19 people spent a total of **199 days** in jail charged with msd possession of less than 1 ounce of marijuana or drug-related objects
- 47 people spent a total of **994 days** in jail charged with possession of a schedule II, IV, or V drug (least severely regulated per GA code)

THEFT, FRAUD, FORGERY

- **11 percent** of all admissions
- **9.8 percent** of bed-days
- 15 people spent a total of **234 days** in jail charged with msd theft offenses

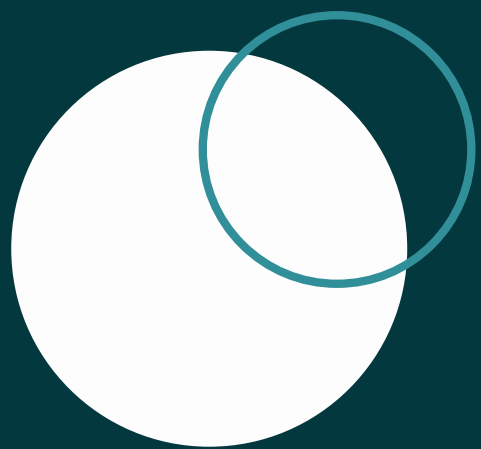


CRIMINALIZATION OF POVERTY, MENTAL HEALTH

Number of people and admissions by the number of times an individual was admitted to the jail

| | People (#) | People (%) | Bookings (#) | Bookings (%) | Days In Jail (#) | Days In Jail (%) | Total Cost (\$) |
|------------------------------------|------------|------------|--------------|--------------|------------------|------------------|-----------------|
| People with one booking | 4,045 | 87.2% | 4,045 | 78.5% | 217,095 | 81.5% | \$16,175,748 |
| People with two bookings | 506 | 10.9% | 860 | 16.7% | 40,544 | 15.2% | \$3,020,933 |
| People with three or more bookings | 90 | 1.9% | 245 | 4.8% | 8,754 | 3.3% | \$652,261 |
| Total | 4,641 | 100.0% | 5,150 | 100.0% | 266,393 | 100.0% | \$19,848,942 |

WHY IT MATTERS



Locking up loved ones



2 in 3

Two-thirds of women in jail across the country are mothers of young children.⁹



1 in 2

More than half of all people who are in jail because they couldn't make bail are parents to young children.¹⁰



1 in 2

Nearly half of adults in the United States has had an immediate family member in jail or prison.¹¹

Criminalizing Poverty

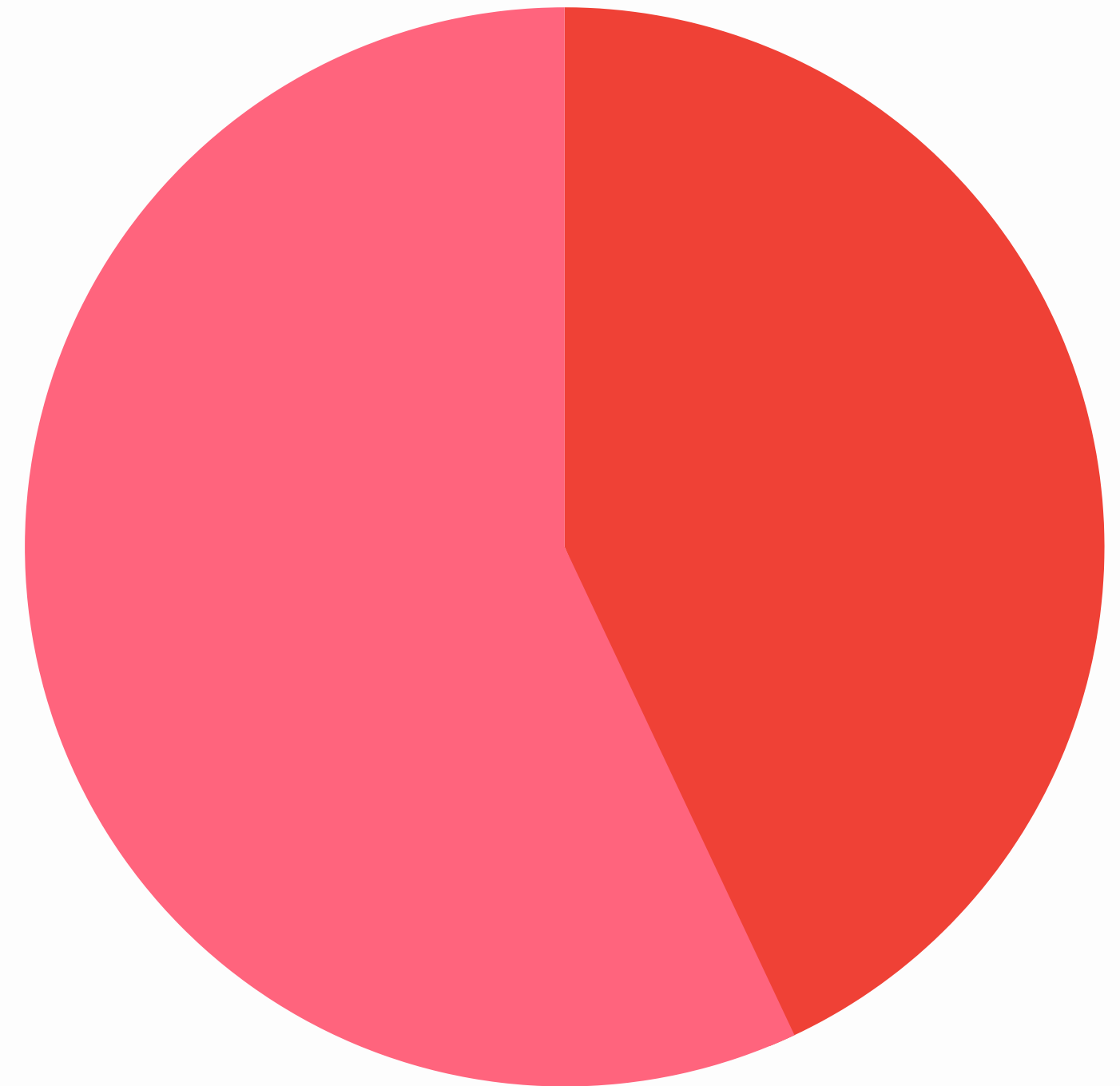


As many as **90 percent** of people detained before trial are too poor to pay their bail and are in **the poorest third** of society.



In 2015 dollars, people in jail had a median annual income of **\$15,109** prior to their incarceration, which is **less than half (48%)** of the median for non-incarcerated people of similar ages. Even so, families pay the bail industry an estimated **\$1.4 billion nationwide**.

**78% of Jail Pop
Pretrial**



...which deepens and exacerbates poverty and inequity



Destruction of families and community ties

Increased likelihood of future arrest



Loss of housing and jobs

Pressure to plead guilty

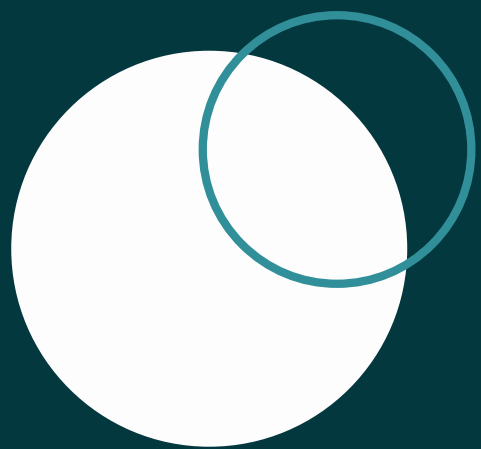


Longer prison and jail sentences

Vulnerability to overdose and premature death



CHALLENGES & SOLUTIONS



"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

Would a cash bail ordinance apply to all charges?

No. Our proposed ordinance is not applicable to any 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

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

Tybee Island

Code Section

42-60. Disorderly Conduct

BARRIERS AND CHALLENGES



IMPLEMENTATION

How to ensure implementation of existing law and reforms (court watching, data gathering, etc.)

ROLLBACKS

How to prevent and resist regressive policy and rollbacks of bail reform.

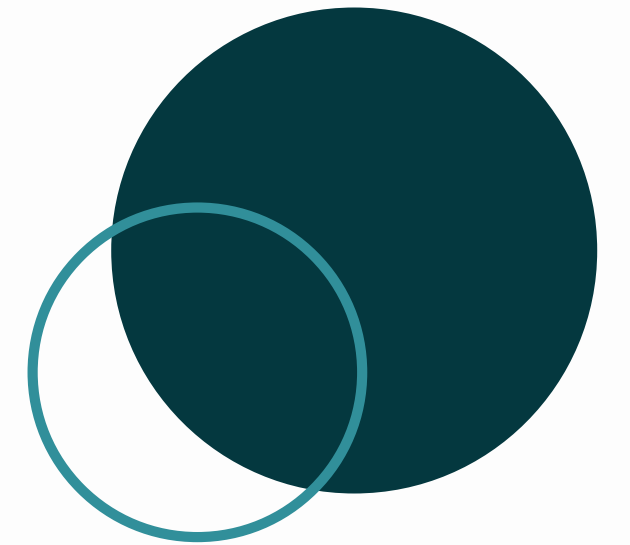
FRACTURED SYSTEM

How to identify who has the power and who can make the change.

DATA

How to get the necessary data to influence policy change and understand who is being detained.

SOLUTIONS



ORDINANCE/ RESOLUTIONS

Eliminate arrest for violation of county code; pass resolution with objectives for arrest practices.

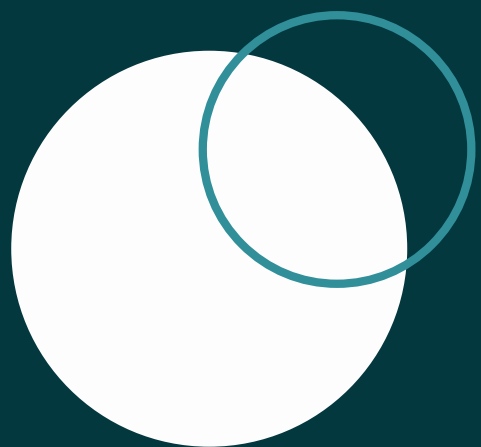
CHANGE IN POLICE PRACTICES

Incentivize charging under county ordinance, deprioritize certain offenses

JUDICIAL STANDING ORDER

Issue standing order to grant automatic release on recognizance to individuals arrested on ordinance violations.

WHAT NOW?



PROGRESS



CITY OF SAVANNAH

Authorized pre-arrest diversion (SPD pilot)

Behavioral Health Unit

REAL Task Force recommendation

INCOMING RECORDERS COURT JUDGE

Encouraging Recorders Court judges to revisit the 2014 bond schedule for carve outs

DISTRICT ATTORNEY

Working with Justice Innovation Lab to better collect data to audit for best practices

Internal Policy regarding bond

Recent pledge on disposing of low-level, petty offenses that do not threaten public safety

SOLUTIONS AVAILABLE

COUNTY LEVEL



The proposed language would add a third section to Chapter 11 (“General Offenses”) of the Chatham County Code, including four subsections that would result in the following changes, respectively:

1. Section 11-301 Citation: Authorizes citation instead of arrest (arrest by citation) for any violation of Chapter 11 of the Chatham County Code.
2. Section 11-302 Bail: Orders the release on recognizance from the Chatham County Detention Center of anyone arrested and detained for a Chatham county ordinance violation.
3. Section 11-303 Punishment: Clarifies the general punishment for ordinance violations to be a fine of no more than \$1,000 or imprisonment for up to six months, or a combination thereof.
4. Section 11-304 Alternative punishments: Authorizes alternative sentencing for ordinance violations “unless the judge believes in his or her discretion that there is no other meaningful alternative to incarceration” as well as restitution (which is clarified to not be considered punishment in accordance with state law).

Savannah 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.**

Chatham 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.**

"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

QUESTIONS?

