

# **Report of the Georgia Council on Criminal Justice Reform**



**February 2015**

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## **I. Executive Summary**

Four years ago, the state of Georgia turned a critical corner. After two decades of dramatic growth in the prison population, state spending on corrections had soared to more than \$1 billion annually, but recidivism rates remained stubbornly high. Discouraged by the poor public safety dividends produced by the state's vast investment in incarceration, Governor Nathan Deal and the Georgia General Assembly decided it was time for a smarter, evidence-driven approach. Their commitment to change has helped make Georgia a leader in adopting bipartisan, comprehensive criminal justice reforms that protect public safety, hold offenders accountable and conserve taxpayer dollars.

The first step was creation of the Special Council on Criminal Justice Reform for Georgians (Special Council) by the General Assembly in 2011. In its first year, the Special Council trained its spotlight on the adult correctional system, conducting an exhaustive review of its performance to better understand its shortcomings and the dynamics driving prison growth. Based on that review, the Special Council recommended a set of substantial policy changes that focused prison space on violent, career criminals while strengthening probation, drug courts and other sentencing alternatives for nonviolent offenders.

The reforms were embodied in HB 1176, which passed the General Assembly unanimously and was signed into law by Governor Deal on May 2, 2012. The bill's sponsor, Republican Rep. Rich Golick of Smyrna, called the landmark law the foundation of a new "smart on crime" approach for Georgia: "More nonviolent offenders will be directed toward drug courts and rehabilitation where that is possible, and that will reserve more prison beds for violent offenders ... Public safety is enhanced and taxpayer money is saved."

Following that achievement with adult reforms, the Governor asked the Special Council to widen its focus to include Georgia's juvenile justice system, which was heavily reliant on expensive, out-of-home facilities that were producing poor results for taxpayers and youth alike. Guided by an exhaustive review of data and input from a long list of stakeholders, the Special Council produced a package of policy recommendations designed to focus out-of-home placements on high-level offenders and divert lower level offenders into programs proven to reduce recidivism.

Many of the proposals were included in HB 242, which passed the General Assembly unanimously and was signed into law by Governor Deal on May 2, 2013. The governor called the signing a "milestone" of his first gubernatorial term, noting that "we want to see more of Georgia's nonviolent young offenders who have made mistakes get their lives back together and re-enter society as productive citizens. If we address the issues early on, perhaps we can successfully divert them from wasting much of their adult years sleeping on expensive prison beds."

## Early Progress

Fortified with strong bipartisan support, these back-to-back legislative reforms are transforming Georgia's management of adult and juvenile offenders and producing positive fiscal and public safety results for its citizens. On the adult side, the state is fulfilling its key goal of using the most expensive correctional sanction – prison – for its most serious offenders while embracing more cost-effective incarceration alternatives for less serious lawbreakers. Progress has been steady, with the proportion of violent and sex offenders in prison increasing from 58% in January 2009 to 68% in October 2014.

Meanwhile, Georgia's overall prison population has stabilized, and stood at 53,383 at the start of 2015. The slowdown in prison growth has brought significant benefits for taxpayers. Prior to passage of the reforms, Georgia's inmate population was expected to increase by 8 percent over five years, growth that would have required the state to spend \$264 million to expand capacity.

Additional savings have come from the near-elimination of the enormous backlog of state inmates that once were housed in county jails awaiting transfer to a prison or Probation Detention Center. Historically, the Georgia Department of Corrections spent more than \$20 million annually to keep state inmates in local jails pending their transfer to prison. By FY2014, state spending on such subsidies had plummeted to \$40,720, freeing up funds the state then reinvested in salary increases for security staff. Early indicators suggest the raises have helped reduce the turnover rate for new officers in that critical first year of employment with the Department.

In another key improvement for public safety, the Georgia Department of Corrections has transformed the way it evaluates offenders' risk level and needs. In September 2014, the department adopted a dynamic assessment tool that helps officials better evaluate inmates and match them with programs and services that target their particular criminogenic profile. This evolution in offender assessment is vital: Research shows that those who receive interventions tailored to address their individual needs are less likely to commit new crimes after release.

The juvenile system reforms have been in place for just over one year but the state has already made strong headway in reducing reliance on out-of-home placements for certain youth. To transform its management of juvenile offenders, Georgia first needed to expand community-based options across the state, a goal pursued in part through creation of an incentive grant program. Progress through the grant program has been dramatic. Among the 49 counties participating in phase one, for instance, felony commitments and placements in short-term programs dropped more than 62% over a nine-month period ending in October 2014 – dramatically exceeding the 15% goal set when the grants were awarded. That substantial decline

has helped drive a 14% drop in the secure population statewide and enabled the Georgia Department of Juvenile Justice to take two detention centers off line. Meanwhile, the grant program, which distributes a combination of federal and state funding to evidence-based programs in communities, now totals \$7.1 million and has expanded to 60 counties serving 70% of Georgia's at-risk youth.

### **A Focus on Reentry**

While maintaining momentum with the juvenile and adult system improvements throughout the year, the Council dedicated significant energy in 2014 to the state's third leg of criminal justice reform, the Georgia Prisoner Reentry Initiative (GA-PRI). The foundation for this work was laid in March 2013, when the General Assembly passed and Governor Deal subsequently signed HB 349, creating the Georgia Council on Criminal Justice Reform (Council) in statute. Two months later Governor Deal issued an executive order appointing 15 members to five-year terms on the newly constituted Council. The longer tenure allows members to develop expertise while guiding system change – and to tackle more complex projects, which they began doing in earnest in 2014.

The launch point for these complex projects was the creation of a comprehensive approach to reentry, the critical intersection between an offender's incarceration and return to life in the free world. Recognizing the close link between successful reentry and recidivism reduction, Governor Deal in 2013 asked the Council to expand its public safety lens and help Georgia ensure that every person released from prison has the tools and support needed to succeed in the community. To help coordinate this initiative, the Governor created, by executive order, the Governor's Office of Transition, Support and Reentry (GOTSR), and named former legislator Jay Neal, a reentry champion, to head the agency. Governor Deal said the establishment of GOTSR, combined with the Council's intensified focus on reentry, would help Georgia take "the final step toward a lasting criminal justice overhaul."

After an assessment of Georgia's reentry services led by Neal, the Council concluded that the state's approach suffered from the absence of a structure to guide efforts among myriad agencies and multiple other barriers to success. To help the state create and carry out a unified reentry program, the Council and GOTSR partnered with the Michigan-based Center for Justice Innovation and reentry expert Dennis Schrantz. The partnership produced the Georgia Prisoner Reentry Initiative (GA-PRI), a five-year plan to transform the state's approach to recidivism reduction. The unique partnership between the Council, GOTSR and the Center is expected to build Georgia's prisoner reentry reform efforts into a national model.

### **The Georgia Prisoner Reentry Initiative**

Approved by the Council at the end of 2013, the GA-PRI has two primary objectives: to improve public safety by reducing crimes committed by former offenders, thereby reducing the number of crime victims, and secondly, to boost success rates of Georgians leaving prison by providing them with a seamless plan of services and supervision, beginning at the time of their incarceration and continuing through their reintegration in the community. To monitor the public safety effects of reforms, officials are tracking recidivism (defined as a new felony conviction within three years of release) and offenders' successful completion of community supervision.

Anchoring Georgia's efforts is a dedication to evidence-based practices, a commitment guided by the GA-PRI Framework (Framework). Designed for Georgia but reflecting the expertise of the National Prisoner Reentry Council and the National Institute of Corrections, the Framework is a highly detailed blueprint for the state's reentry effort. Beginning in 2014 and continuing for the next three years, the Framework's priorities call for an improved transition accountability planning process for each returning citizen, from the point of imprisonment through successful discharge from post-release community supervision. The process is driven by the results of Georgia's new assessment instrument, the Next Generation Assessment. The assessment tool is used to determine prisoners' and returning Georgians' risk and needs so that reentry staff can appropriately address those needs, with an emphasis on safe, affordable housing and employment. These evidence-based practices result in recidivism reduction one case at a time and represent the most important changes in Georgia's adult system to date.

To finance the effort, Georgia's reentry team in 2014 successfully pursued federal funding, with extensive state matching dollars, through four Bureau of Justice Assistance (BJA) funding streams. Georgia was the only state to receive all four grants, which totaled nearly \$6 million in federal dollars. Combined with the \$3 million in new and additional state funding Georgia plans to seek, the reentry initiative will benefit from an investment of nearly \$9 million over the next three years.

Including Georgia's total investment from FY2013 to FY2015 of more than \$48 million in state dollars for juvenile and adult justice reforms, the total – \$57 million in state and federal funding – is unmatched anywhere in the United States. The commitment signifies the unparalleled support for system reform from Georgia's executive, legislative and judicial branches and communities affected by crime.

Looking ahead, priorities through 2018 include training, increasing staff, and robust system planning and coordination among agencies and stakeholders – all fueled by the \$9 million in new funding. Chief among these priorities are improved case planning and a deep strategic and operational commitment to other principles of evidence-based practice embedded in the GA-PRI and the Council's approach to recidivism reduction. Underlying this approach is a philosophy the

Council has described as “one strategy, one plan.” This concept of unified planning and implementation distinguishes Georgia’s reentry effort and formed the basis for the four grant applications approved by BJA. Already, the groundbreaking one strategy, one plan approach of the GA-PRI is being featured at national training events sponsored by BJA.

Beginning this year with five Community Pilot Sites, the GA-PRI will gradually expand and reach statewide engagement by the end of 2018. This timeline is driven by a set of implementation objectives approved by the Council in October 2014. The objectives are designed to reduce recidivism, defined as a new felony conviction within three years of release. Under goals set by the GA-PRI, Georgia will reduce the overall statewide recidivism rate by 7% in two years (from 27% to 25%) and by 11% over five years (from 27% to 24%).

### **Additional Reforms**

While reentry was a priority for the Council in 2014, members also revisited the First Offender Act, a law that allows certain first-time offenders to avoid both a conviction and record of their case if they successfully complete their sentences. The Act, which also protects such offenders from employment discrimination, is intended to allow people to learn from their mistakes and resume their lives without the burden of a conviction. But in recent years it has not fulfilled its intended purpose. Some offenders have not been made aware of their eligibility for the Act’s protections and have suffered collateral consequences of a conviction, such as denial of professional licensure. In response to these problems, the Council established a study committee to investigate and suggest remedies. Members also adopted recommendations to ensure offenders are informed of their eligibility to be sentenced under the Act and to prevent the public release of offender records by consumer reporting agencies.

The Council also approved other recommendations for improving pre-trial diversion alternatives for certain offenders and extending parole eligibility to certain qualified non-violent, recidivist drug offenders. In addition, the Council authorized the extension of sentences for offenders whose probation has been revoked and who wish to participate in a felony accountability court program.

In the juvenile justice arena, the Council adopted proposals designed to improve the collecting and sharing of electronic data throughout the system – a key step toward centralizing information about juvenile cases and ensuring the success of Georgia’s landmark 2013 reforms. The recommendations include proposals to create a “data dictionary” of defined data elements necessary to allow electronic sharing as well as a data repository to receive daily, statewide reporting of Pre-dispositional Risk Assessment (PDRA) data, Detention Assessment Instrument (DAI) data, and juvenile case disposition data.

Finally, the Council was asked by Governor Deal to examine Georgia’s misdemeanor probation system, which affects an estimated 175,000 Georgians paying approximately \$125 million annually in fines and surcharges. About 80% of Georgia’s misdemeanant probationers are supervised by private companies, with the balance monitored by government agencies. A 2014 audit criticized the performance of probation providers, along with the adequacy of government contracts and judicial oversight, and led to 2014 legislation. The Georgia Supreme Court also weighed in with a decision in late 2014 that invalidated the courts’ longstanding practice of tolling, or pausing, probation sentences and issuing arrest warrants for those who failed to meet conditions governing their case. After months of intensive review, the Council approved 12 recommendations to address deficiencies and improve transparency and fairness in misdemeanor probation supervision services.

The Council respectfully submits this final report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, Chief Justice of the Supreme Court, and Chief Judge of the Georgia Court of Appeals for full consideration during the 2015 legislative session.



**Members of the Georgia Council on Criminal Justice Reform**

Hon. Michael P. Boggs (Co-Chair)	Judge, Court of Appeals of Georgia
Thomas Worthy (Co-Chair)	Director of Governmental and External Affairs, State Bar of Georgia
Scott Berry	Sheriff, Oconee County
Hon. Jason Deal	Superior Court Judge, Northeastern Judicial Circuit
Hon. Steven Teske	Juvenile Court Judge, Clayton County
Hon. B. J. Pak	Representative, District 108
Hon. Bill Cowsert	Senator, District 46
Jackie Johnson	District Attorney, Brunswick Judicial Circuit
Christine Van Dross	Public Defender, Clayton County
Katie Jo Ballard	Deputy Director, Division of Family and Children Services
Paul Bolster	Executive Director, Georgia Supportive Housing Assn.
Rev. Darrell Elligan	Pastor, True Light Baptist Church
Henry Kelly	Project Executive, Georgia Power Company
Teresa Roseborough	Executive Vice President, General Counsel, and Corporate Secretary, The Home Depot
J. P. Taylor	Coordinator, Problem Solving Court, Pataula Judicial Circuit

## II. Background and Early Council Initiatives

Between 1990 and 2011, Georgia’s adult prison population more than doubled to nearly 56,000 inmates. State spending on corrections skyrocketed as well, from \$492 million to more than \$1 billion annually. As 2011 began, state prisons were stuffed to 107 percent of capacity and Georgia’s incarceration rate – 1 in 70 adults behind bars – was the fourth highest in the nation.



*Note: Historical prison population begins dropping in 2012 and 2013, following reforms.*

Projections forecast still more growth ahead, suggesting the prison population would rise another 8 percent within five years – saddling taxpayers with \$264 million in new costs. Yet despite Georgia’s heavy – and expensive – reliance on incarceration, the state’s 30% recidivism rate had remained virtually unchanged for a decade.

Across the country, other states were experiencing similar pressures – and rethinking their approach to sentencing and corrections. Texas, Kentucky, Arkansas, North Carolina, and Ohio were among states that had begun adopting reforms to rein in corrections spending and obtain better public safety outcomes from their criminal justice systems. These reforms, often grouped under the banner of “justice reinvestment,” aimed to control costs by focusing prison space on serious, violent offenders and reinvesting part of the savings into strategies proven to reduce reoffending.<sup>1</sup>

<sup>1</sup>Pew Center on the States, *Public Safety in Oregon* (Washington, D.C.: The Pew Charitable Trusts, May 28, 2013).

## A New Direction

By 2011, Georgia was ready for a course correction that would help the state get better results from its criminal justice system. Determined to improve public safety, hold offenders accountable, and stabilize prison spending, the Georgia General Assembly passed and Governor Deal signed HB 265 to create the bipartisan, inter-branch Special Council on Criminal Justice Reform for Georgians. The Special Council's mandate was to:

- Address the growth of the state's prison population, contain corrections costs and increase efficiencies and effectiveness that result in better offender management;
- Improve public safety by reinvesting a portion of the savings into strategies that reduce crime and recidivism; and
- Hold offenders accountable by strengthening community-based supervision, sanctions and services.

The Council's first task was to scrutinize sentencing and corrections data to identify factors driving prison growth. With technical assistance from the Public Safety Performance Project of the Pew Center on the States (Pew), members also reviewed state policies and practices and gathered input from prosecutors, sheriffs, crime victim advocates, county officials, and other

*“With this bold new direction in criminal justice, we will bolster public safety, increase our chances of rehabilitating lives and bend the unsustainable cost curve we face in our prison system.”*

*Governor Nathan Deal  
Signing of HB 1176, May 2, 2012*

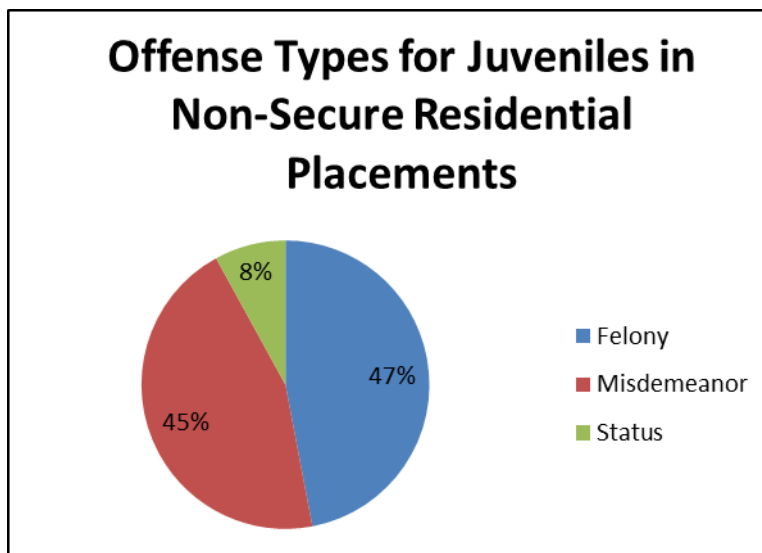
stakeholders. That job took almost a year, and revealed that drug and property offenders, many of whom were at low risk to reoffend, made up nearly 60 percent of all prison admissions. The review also found that Georgia's judges had few sentencing options aside from prison, and that probation and parole agencies lacked the authority and capacity to adequately supervise offenders in the community or provide interventions likely to reduce recidivism.

In November 2011, the Council released its findings and proposed a broad range of data-driven reforms. Many of the recommendations were included in HB 1176, which passed unanimously in both chambers of the Georgia General Assembly and was signed by Governor Deal on May 2, 2012.

The law was expected to avert the projected 8 percent growth of the inmate population and the associated cost increase of \$264 million. Through accompanying budget initiatives, the General Assembly reinvested more than \$17 million of the first-year prison savings into measures designed to reduce recidivism, principally by expanding accountability courts – such as drug and DUI courts – and strengthening probation and parole supervision. The reinvestment trend has continued each year since, with another \$19.7 million slated for FY2016. Budget priorities for these funds includes \$19.1 million for new and existing accountability courts and \$576,000 to increase staff and training for Georgia’s reentry effort.

### A Shift to Juvenile Justice

Encouraged by the broad foundation laid for adult correctional reforms after the 2012 legislative session, Governor Deal resolved to pursue improvements in the state’s troubled juvenile justice system. The Governor began with an executive order extending the Council’s term, expanding its membership and asking appointees to tackle reform of the justice system for Georgia’s youth.<sup>2</sup>



*Note: Data in chart are from 2011*

The Council began by conducting a detailed analysis of Georgia’s juvenile justice laws, facilities, administration, programs, and outcomes, and by soliciting input from a wide variety of stakeholders. The findings revealed a system of high costs and poor results, one heavily reliant on out-of-home facilities and lacking community-based sentencing options in many parts of the state. The cost of Georgia’s secure residential facilities were alarming – averaging \$90,000 per bed per year. And nearly one in four of the juveniles in out-of-home placements were

<sup>2</sup> Executive Order extending the Governor’s Special Council on Criminal Justice Reform, signed by Gov. Nathan Deal on May 24, 2012.

adjudicated for low-level offenses, including misdemeanors or status offenses. Four in ten, meanwhile, were assessed as a low risk to reoffend.

The disappointing outcomes produced by the \$300-million juvenile justice system made it difficult to justify such costs. More than half the youth in the juvenile system were re-adjudicated delinquent or convicted of a criminal offense within three years of release, a rate that had held steady since 2003. For those released from Georgia's secure youth development campuses, the recidivism rate was a disturbing 65 percent, a proportion that had increased by six percentage points since 2003.<sup>3</sup>

With technical assistance from Pew, the Annie E. Casey Foundation and the Crime & Justice Institute, the Council produced a set of policy recommendations aimed at focusing expensive out-of-home facilities on serious, higher-risk youth and managing youth with more minor offenses through evidence-based supervision and programs that address their core needs and problems. Many of the data-driven proposals were included in HB 242, a sweeping rewrite of the juvenile code that passed the General Assembly without a single “no” vote and was signed into law by Governor Deal on May 2, 2013.

*“We know one thing for certain: Spending \$91,000 a year to lock up a juvenile and getting 65% recidivism in return is not working. We can be smarter with taxpayer dollars. More importantly, we can produce a safer Georgia.”*

***Former Georgia Supreme Court Chief Justice Carol Hunstein  
State of the Judiciary Address, Feb. 7, 2013***

The Council's initiatives are expected to save an estimated \$85 million through 2018 and avoid the need to open two additional juvenile residential facilities. Georgia committed an initial \$5 million in state funds, plus another \$1 million in federal grant money, to strengthen and expand community-based programs for our young offenders. HB 242 also led to standardized assessment tools to help judges determine the risk levels of juvenile offenders and decide their best sentencing options in court and halted Georgia's policy of locking up youth who commit status offenses, such as truancy, running away or violating curfew. The reform reclassified such youth – formerly called “unruly children” – as Children in Need of Services and allows law enforcement, the Department of Juvenile Justice and the Division of Family and Children Services to develop treatment and service plans for them rather than immediately sending them to DJJ detention centers.

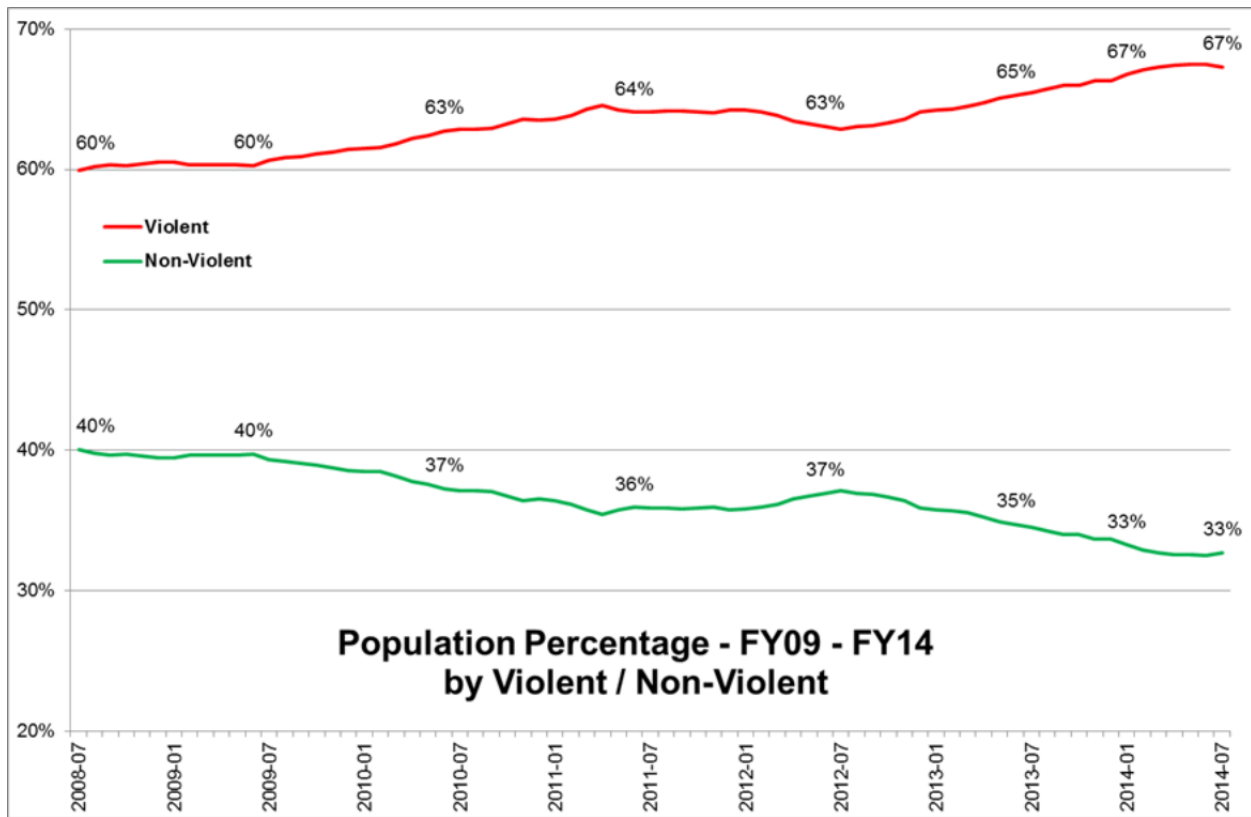
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<sup>3</sup>Report of the Special Council on Criminal Justice Reform for Georgians, December 2012.

### III. Adult Correctional System: Progress and Recommendations

#### Progress

In passing HB 1176 and adopting a series of related administrative policies, Georgia transformed the way it punishes lower level, nonviolent offenders and made a smart commitment to recidivism reduction. It will take years for the full effect of the reforms to take hold, but progress toward one critical goal – focusing expensive prison space on violent offenders while using



evidence-based community sanctions for those convicted of less serious crimes – has been strong. Between January 2009 and October 2014, the proportion of violent and sex offenders in prison increased from 58% to 68%.<sup>4</sup> Meanwhile, the overall prison population stabilized, allowing Georgia to avoid the significant, expensive growth forecast before reforms were adopted.

<sup>4</sup> Georgia Department of Corrections

One dramatic consequence of the ongoing reforms has been a substantial decline in the number of African-American adults incarcerated in Georgia. While African-Americans still make up more than 60 percent of the state prison population, the number of black men sent to prison has declined 19 percent over the past five years, while the number of black women has dropped 33 percent. The number of African Americans entering the prison system in 2013 was at its lowest level since 1988.<sup>5</sup>

*“Georgia’s been going in one direction for more than 50 years. But a 20 percent decline in the number of blacks being sent to prison is not trivial, it’s not a blip. It’s a substantial shift away from the dynamics of the past.”*

**Marc Mauer, executive director of The Sentencing Project**  
*The Atlanta Journal-Constitution, Aug. 2, 2014*

In another key improvement, the enormous backlog of inmates in county jails awaiting transfer to a prison or Probation Detention Center has been virtually eliminated, resulting in significant cost savings. Details on these system improvements, as well as other accomplishments initiated by HB 1176, are below:

**Front-End Risk Assessment** During the past two decades, substantial research has shown that the use of validated offender risk and needs assessments can guide criminal justice decision-making and reduce recidivism. Given that, one of the Council’s first-year recommendations suggested that Georgia improve how and at what stage offenders are assessed for risk and needs, and also change who has access to such information. In response, the Georgia Department of Corrections partnered with an external statistical research firm and spent two years developing the Next Generation Assessment (NGA).

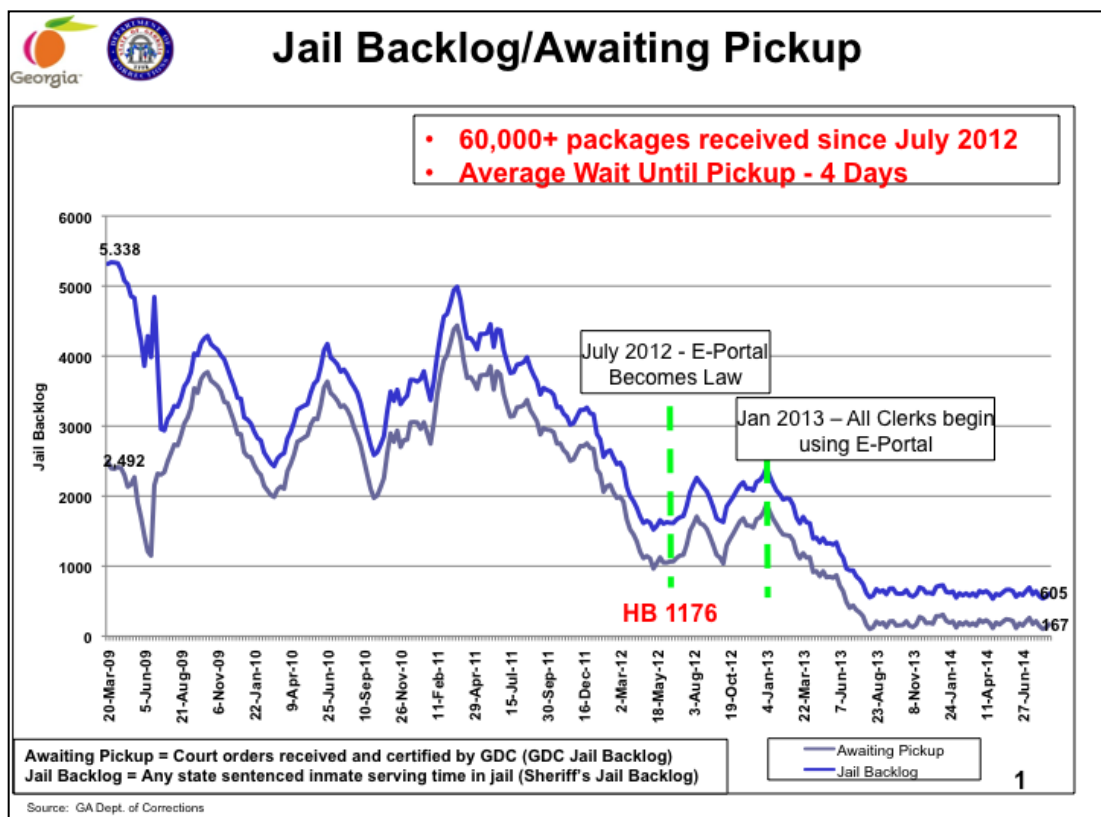
The NGA, which became operational in September 2014, is an automated, dynamic, normed, and validated assessment instrument. It objectively assesses offenders’ risk level and criminogenic needs and identifies programs most likely to bring about behavior change. Research shows that offenders who receive interventions tailored to address their specific needs are less likely to commit new crimes after release. The NGA is dynamic in that it is continually updated based on information entered into several criminal justice databases and case management systems. Its findings are shared with other criminal justice agencies to promote public safety. A version of the NGA for use in the pre-sentencing phased is now being used to assist judges, prosecutors and defense attorneys. The tool is being tested in pilot projects involving five judicial circuits and about ten judges.

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<sup>5</sup> Ibid.

**Program Treatment Completion Certificate** In last year’s report, the Council recommended that upon release, offenders receive documentation of their prison programming and work experience. SB 365 followed up on this recommendation, codifying the Program Treatment Completion Certificate. These certificates detail offender accomplishments during incarceration, including needs programming, academic education, work history and personal development. Such documentation may influence employers and landlords, enhancing an offender’s chance of obtaining work and housing. As of January 2015, the certificate was in the final stages of development and approval.

**Electronic Records Submission/Jail Population Drop** Over the past decade, the Georgia Department of Corrections paid counties more than \$170 million to house state inmates awaiting transfer from county jails to prison. HB 1176 reduced this offender backlog by mandating that “sentencing packets,” once sent by mail, be transmitted electronically between systems. The electronic submissions began in July 2012 and were fully implemented statewide by fall of 2013. Meanwhile, prison intake and parole procedures were also improved through the use of





technology. Altogether, these changes reduced the weekly jail backlog from more than 1,600 offenders in July 2012 to approximately 200 by the end of December 2014, significantly shrinking payouts of state funds to counties and reducing overcrowding in some county jails.<sup>6</sup>

As a result, the county jail population is at its lowest level since 2005, with 33,331 inmates in jail and more than 14,000 county jail beds empty.<sup>7</sup> Historically the Department of Corrections spent more than \$20 million annually (a mix state funds and other revenues) to house state inmates in local jails pending their transfer to prison. By FY2014, state spending on such subsidies had plummeted to \$40,720, producing savings the state reinvested in salary increases for security staff. Early indicators suggest the raises have contributed to a reduction in the turnover rate for new officers in that critical first year of employment. Governor Deal is extending the salary increases into FY2016, when targeted staff in close security facilities will be provided additional financial incentives.

**Probation Detention Center Cap** In mid-2012, more than 800 offenders were in county jails awaiting admission to Probation Detention Centers (PDCs). While the centers were designed for short-term stays of up to 120 days, the average length of stay for those leaving a PDC in FY 2011 had grown to 183 days, with some extreme sentences extending for years. The jail backlog was a constant source of tension between state and local government due to the costs of housing state inmates awaiting transfer. HB 1176 imposed a cap of 180 days on PDC sentences, ensuring that beds became available more frequently. Less than one year after the cap took effect, the waiting list for PDCs was virtually eliminated.<sup>8</sup> The PDC cap has been so effective that with additional treatment staff and resources, several PDCs could be considered for conversion to much needed residential substance abuse treatment programs (RSAT).

**Expanded Sentencing Options** In its 2011 report to the Legislature, the Council noted that Georgia “struggles with a lack of community intervention resources, notably for substance abuse and mental health services. This means that judges have limited non-prison sentencing options to choose from. Programs that do exist, like RSATs and day reporting centers (DRCs), have significant wait lists and are not available in all parts of the state.” The Council called for expanded access to effective treatment programs around the state.

One expansion of sentencing options is the Day Reporting Center Lite program (DRC-Lite). This program follows the supervision and treatment model of a traditional DRC but is scaled down to serve fewer participants and is located in more rural areas. The DRC-Lite initiative also integrates judges into meetings between treatment staff and offenders, an approach that improves

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<sup>6</sup> Ibid.

<sup>7</sup> Georgia Department of Community Affairs, Office of Research, County Jail Inmate Population Report, Jan. 27, 2015.

<sup>8</sup> Ibid.

offender accountability and strengthens the effectiveness of the program. DRC-Lite operates in 13 rural judicial circuits with planned expansion into three additional circuits in 2015.

In 2012, three Pre-Release Centers used to prepare offenders prior to their return to the community were slated for closure due to budgetary constraints. Noting the need for additional community treatment beds, the Governor's Office converted one facility to a 200-bed male RSAT facility and two facilities for use in treating male and female offenders with addictions and co-occurring mental health disorders. All told, the move created 600 beds and provided judges with prison alternatives for suitable offenders, typically probation violators.<sup>9</sup> As of December of 2014 these centers were running at capacity and have graduated several classes of probationers treated for substance abuse and mental health issues.

*“Georgia is leading the nation in justice reform and reinvestment policies, and we will continue moving forward on proven ideas that save tax dollars and promote public safety. We engage in constant data-driven re-evaluation of previous reforms so that we continue to improve results in the whole system, from arrest to re-entry from incarceration. Together, we are creating the finest and most efficient justice system in the nation.”*

***Governor Nathan Deal***

**The Max-Out Reentry Program (MORE)** Research shows that inmates released to parole supervision are less likely to be rearrested and reincarcerated for new crimes than those offenders who exit prison with no parole or probation supervision, a group commonly called “max outs.” Concerned about such findings, the Council in its 2012 report urged the State Board of Pardons and Parole and Georgia Department of Corrections to provide transitional support to max outs, who number between 1,200 and 1,500 annually. (Note: Some offenders max out because they are required by statute to remain incarcerated for their entire sentence, while others are denied parole by the Parole Board because of the seriousness of their offense.)

Under the MORE Program, offenders nearing the end of their sentence are shifted to one of 13 transitional centers, similar to halfway houses, where they are paired with specialized parole officers for as long as six months. The officers help offenders establish access to outside mental health and substance abuse services, stable housing, and employment prior to release, thereby increasing successful reintegration, reducing recidivism and improving public safety. In FY2014, 362 offenders were referred to the program, with 240 completing it and successfully maxing out. Another 42 offenders previously deemed max outs by the Parole Board were granted parole.<sup>10</sup>

<sup>9</sup> Georgia Department of Corrections.

<sup>10</sup> Ibid.

## 2015 Recommendations

The bulk of the Council's 2014 work on the adult system related to reentry and misdemeanor probation reform, which are covered elsewhere in this report. But members also adopted recommendations in a few additional areas. One involved the First Offender Act, a law originally passed in 1968 that allows certain first-time offenders to avoid both a conviction and record of their case if they successfully complete their sentences. The act, which also protects such offenders from employment discrimination, is intended to allow people to learn from their mistakes and resume their lives without the burden of a conviction. Those charged with a DUI or serious violent or sexual felony are ineligible.

In recent years, many offenders have not received the benefits they qualify for under the First Offender Act. Some offenders are not made aware in court of their eligibility for the Act's protections and in some instances suffer the collateral consequences of a conviction and are denied professional licensure. In other cases, the records of offenders who successfully meet the Act's requirements erroneously remain public and are disseminated by consumer reporting agencies, thereby creating barriers to employment.

### **Recommendations to Restore the Intent of the First Offender Act**

***Recommendation 1:*** In last year's report, this Council recommended that individuals should be provided with a private cause of action against consumer reporting agencies<sup>11</sup> that report erroneous or incomplete criminal background information for employment purposes. That recommendation was not enacted by the General Assembly due to potential conflict with applicable federal law. To accomplish our intent, this Council recommends that the General Assembly codify, in state law, the relevant provisions of 15 U.S.C. § 1681(k), "Public record information for employment purposes." In addition, the Council recommends that the General Assembly define, in state law, "consumer reporting agencies" and clarify which consumer reporting agencies are conducting business in the state of Georgia and thus are subject to this new law.

***Recommendation 2:*** The Secretary of State's Professional Licensure Division shall develop a policy for providing a probationary professional license for accountability court graduates or individuals who successfully complete the First Offender Act.

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<sup>11</sup> Consumer Reporting Agencies are private companies that collect criminal history and other background information on individual consumers for employers, housing providers and a variety of other authorized uses.

**Recommendation 3:** When imposing a sentence, the court shall be required to inquire into the defendant's eligibility for the First Offender Act and ensure that, if the defendant is eligible, he or she is made aware of the consequences of entering a plea pursuant to the terms of the Act.

### **Other Adult System Recommendations and Actions**

The Council made these additional recommendations related to adult offenders in 2014:

#### **Improving Diversion Alternatives**

**Recommendation:** This Council recommends that the current welfare fraud statutes be updated to improve the state's administration of that program and raise the threshold for felony punishment for fraud from \$500.00 to \$1,500 in order to make it consistent with other theft-related crimes following the enactment of previous criminal justice reforms. Furthermore, this Council recommends that the statute be amended to authorize the diversion of these cases to pre-trial intervention programs in order to allow defendants to avoid felony convictions if they comply with the terms of the program.

#### **Extending Parole Eligibility to Non-Violent Recidivist Drug Offenders**

**Recommendation:** Under existing law, trial courts may sentence people convicted of certain drug offenses to lengthy sentences, up to life without the possibility of parole, as recidivists. In light of the recent enactment of criminal justice reform measures aimed at reducing the number of nonviolent low-risk offenders in prison and due to efforts to increase the use of community-based alternatives for drug offenders, the Council recommends that the General Assembly consider extending parole *eligibility* to certain non-violent, recidivist drug offenders to balance the equities of recent changes to our drug sentencing statutes.

#### **Extending sentences to permit drug court participation**

**Recommendation:** Currently many defendants facing a probation revocation proceeding are denied an opportunity to enter into a felony accountability court program as part of their revocation sentence due to having insufficient time remaining on their original sentence sufficient to complete the program. As a result, the Council encourages the General Assembly to consider legislation that would permit the defendant under such circumstances to voluntarily agree to an extension of his or her original sentence for a period not to exceed three years to permit the defendant to enter and complete a felony accountability court program and that, upon graduation, the balance of the extended probation sentence be terminated.

## Study Committees

Along with its recommendations for 2015, the Council approved the creation of two study committees. One will explore ways to improve the efficient management of drug courts. A second will take a more in depth look at the First Offender Act, specifically problems related to sealed records and the collateral consequences experienced by certain offenders.

## **IV. Misdemeanor Probation System: Issues and Recommendations**

In 1991, changes in state law gave Georgia's municipal and county governments responsibility for managing misdemeanor probation and permitted them to contract with private companies for probation services. Before the change, misdemeanor probation was managed by the Department of Corrections, a local government probation office or court staff. In 2000, legislation limited the Department's management to felony probationers, requiring local governments to either establish internal probation offices or contract with private probation providers

At the request of Governor Deal, the Council dedicated a portion of 2014 to examining problems plaguing the misdemeanor probation system. Under state law, courts may assign people who commit misdemeanors to a probation term of up to 12 months. Probation providers are responsible for monitoring probationers and taking action when probationers fail to fulfill conditions governing their case, such as the payment of fines or the performance of community service. Figures from 2013 show that about 175,000 Georgians are on probation for traffic offenses and other misdemeanors at any one time, paying approximately \$125 million annually in fines and surcharges. About 80% of Georgia probationers are supervised by private companies under contract with municipal and county governments.

Over the past few years, the performance of some probation providers, along with the adequacy of government contracts and judicial oversight, have been the target of criticism. In April 2014, the Georgia Department of Audits and Accounts released a report detailing widespread deficiencies in the system, concluding that providers sometimes failed to hold probationers accountable and at other times subjected them to improper up-front charges, excessive reporting requirements and improper extensions of probation terms.

In one widely publicized case, the state shut down a misdemeanor probation company in November 2014 amid accusations that officials charged fees that weren't owed and improperly threatened probationers with arrest warrants for alleged noncompliance. That company's owner was barred from future participation in the probation industry, and the case was forwarded to law enforcement for further investigation.

Adding another dimension to the controversy, the Georgia Supreme Court last year upheld the constitutionality of using private firms to supervise probationers but ruled that state law does not authorize putting probation sentences on hold – an action known as tolling – in misdemeanor cases. The court’s December 2014 decision invalidated the longstanding practice by courts of issuing an arrest warrant and pausing probation for probationers who stopped reporting as required. The ruling led to the cancellation of tens of thousands of arrest warrants for people who had failed to fulfill conditions of their probation as well as the release of many others jailed for noncompliance.

*“The moral imperative is clear. The inequities and abuses that were pointed out in the audit and through anecdotal stories deserve immediate attention.”*

***Judge Michael Boggs, Co-Chairman of the Council on Criminal Justice Reform  
Atlanta Journal-Constitution Jan. 22, 2015***

Controversy over misdemeanor probation led to the passage of a reform bill by the Georgia Assembly in 2014. Governor Deal vetoed the bill because of concerns it would allow private companies to avoid public disclosure of information about their operations, but asked the Council to examine the issue and make recommendations for consideration by the General Assembly this session.

After an intensive review of misdemeanor probation, the Council approved 12 recommendations.

### **Recommendations to Improve the Transparency and Fairness of Misdemeanor Probation**

***Recommendation 1:*** Contracts between private probation providers and local governments shall include language requiring the provider to issue an annual report to the local governing authority and the judge summarizing the number of offenders under supervision, the amount of fines, statutory surcharges, and restitution collected, the amount of fees collected for probation supervision, the number of community service hours performed by the probationer, drug and alcohol testing, classes or rehabilitation programs, and any other service for which probationers are required to pay any amount of money. These reports shall be public records once received by the local governing authority and the local governing authority shall timely post an electronic version of the report on its website.

***Recommendation 2:*** Probationers shall be provided with receipts and balance statements at every appointment with a probation officer. Probationers shall also be entitled to receive a one-time copy of their probation supervision file; any additional request shall be honored for a nominal cost. The appropriate state governing authority shall promulgate rules and regulations to clarify what information, such as victim information, shall be withheld from these files. Probationers shall be able to seek an in camera inspection of the entire file if they contend that

information is being improperly withheld. The file of an individual probationer shall be declared confidential and shall be available, upon request, to only the individual probationer, the counsel of record for the probationer, the affected county, municipality, consolidated government, or any independent auditor appointed by them, the presiding judge, the appropriate state governing authority and the Department of Audits and Accounts.

After the Supreme Court's holding in *Sentinel Offender Svcs., LLC v. Glover et al.* (2014 Ga. LEXIS 967: A14A1033), the Council also examined warrants, tolling and fees in private probation and makes the following recommendations:

**Recommendation 3:** The Council encourages the General Assembly to create express statutory authority for tolling a misdemeanor probation sentence. This authority shall include notions of due process and ensure that no warrant or tolling order be issued, absent a waiver, based solely on the probationers failure to report and/or pay fees without prior notice to the probationer and an opportunity to be heard. Any statutory change made relative to this recommendation should include the legislative findings previously contained within Section 1 of H.B. 837, as passed during the 2014 Regular Session of the Georgia General Assembly.

**Recommendation 4:** If a probationer is unable to pay fines, statutory surcharges and probation supervision fees, the judge may, at his/her discretion, convert the debt to community service and credit the federal minimum wage rate, or a higher rate set by the court, for each hour of community service worked against the probationer's amount owed.

**Recommendation 5:** Under current law, there is no clear authority permitting county and municipal courts to waive court-imposed monetary obligations, including probation supervision fees, or to convert them to community service when the person is indigent. The Council recommends that the General Assembly codify authority expressly mandating an analysis by the court of the indigency status of each offender pursuant to the standard set forth in *Bearden v. Georgia*, 461 U.S. 660 (1983), and direct the court to waive, modify or convert any or all fines, costs, probation supervision fees, and any other fees assessed by the court or probation provider where it determines that the offender is indigent and unable to satisfy his or her financial obligations. The court may suspend or modify the portion of the sentence related to monetary obligations, in whole or in part, to promote rehabilitation of the defendant or as best serves the interests of justice.

**Recommendation 6:** The Council encourages the General Assembly to expressly provide by statute that, absent a waiver, no probationer's sentence may be revoked for failure to pay fines, fees, or costs without holding a hearing, inquiring into the reasons for the probationer's failure to pay, and that upon revocation for failure to pay, the court expressly find that the failure to pay was willful. This provision should include that a probationer's failure to appear at said hearing

would authorize a revocation of the probated sentence at the court's discretion, and that a person otherwise found eligible for probation modification or termination shall not be deemed ineligible for such solely due to his or her failure to pay fines, fees or costs.

**Recommendation 7:** The Council encourages the General Assembly to amend O.C.G.A. § 42-8-100 to include “(a)(4) ‘Significant financial hardship’ means a reasonable probability that a person will be unable to satisfy his or her financial obligations for two or more consecutive months. A person shall be presumed to suffer a significant hardship if he or she:

- (A) Has a developmental disability, as defined in Code Section 37-1-1(8);
- (B) Is totally and permanently disabled, as defined in Code Section 49-4-80(4);
- (C) Is an indigent person, as defined in Code Section 17-12-2(6); or
- (D) Has been released from any penal institution within the preceding 12 months and was incarcerated for more than 30 days before his or her release;

The presumption that a person has a significant financial hardship may be rebutted by a preponderance of the evidence that the person will be able to satisfy his or her financial obligation without undue hardship on the person or his or her dependents.”

The General Assembly is encouraged to further amend O.C.G.A. § 42-8-100 by amending § 42-8-100(d) to renumber the current section as § 42-8-100(d)(1) and thereafter include as § 42-8-100(d)(2) “Waiver or Modification of Monetary Obligations: The court shall waive, modify or convert any or all fines, costs, probation supervision fees, and any other fees assessed by the court or probation provider, if it finds that payment would cause a significant financial hardship. The court may suspend or modify the portion of the sentence related to monetary obligations, in whole or in part, to promote rehabilitation of the defendant or serve the interests of justice.”

**Recommendation 8:** This Council shall form a study committee to work with the Department of Administrative Services and any other appropriate state authorities to examine the issues presented by the various misdemeanor probation provider contracts currently in use in Georgia for the purposes of proposing a uniform contract template for use as a non-mandatory resource made available to municipal, county or consolidated governments. In addition, the study committee shall explore the desirability and efficiencies that could be gained by including within this uniform contract performance-based incentives and penalties based upon evidence-based probation supervision models. This study committee shall report its findings to the Council for additional consideration and adoption in next year's report.

**Recommendation 9:** The Statewide Probation Act, codified at O.C.G.A. § 42-8-22 et seq., provides within § 42-8-34.1(c) that in dealing with *felony* probation revocation hearings, “upon proof that the defendant has violated any general provision of probation or suspension other than



by commission of a new felony offense . . . that the court may revoke the balance of probation or not more than two years in confinement, whichever is less.” However, O.C.G.A. § 42-8-100(e) includes language permitting a judge with jurisdiction over *ordinance violations* and *misdemeanors* to revoke the entirety of the misdemeanor’s sentence, which, when dealing with consecutively imposed misdemeanor sentences could exceed two years.

Consequently, the Council recommends that the General Assembly amend O.C.G.A. § 42-8-100(e) to provide that:

“(1) At any revocation hearing, upon proof that the defendant has violated probation for *failure to pay* or *failure to report to probation*, the court shall consider the use of alternatives to include community service, modification of probation conditions or any other alternative to confinement deemed appropriate by the court or as provided by the county or municipality. In the event that the court determines that defendant does not meet the criteria for said alternatives, the court may revoke the balance of probation, or not more than 120 days in confinement, whichever is less.

(2) At any revocation hearing, upon proof that the defendant has violated probation for any reason other than those set forth in subsection (1), the court shall consider the use of alternatives to include community service, modification of the probation conditions or any other alternative to confinement deemed appropriate by the court or as provided by the county or municipality. In the event that the court determines that the defendant does not meet the criteria for said alternatives, the court may revoke the balance of probation, or not more than two years in confinement, whichever is less.”

**Recommendation 10:** The Council encourages the General Assembly to amend O.C.G.A. § 42-8-100 to include a definition of “pay-only” misdemeanor cases generally by providing that pay-only cases are those cases arising out of the adjudication of ordinance violations or misdemeanors wherein the offender is unable to pay the court-imposed fine at the time of sentencing and is placed on probation solely for the purposes of providing the time necessary for the payment of the fine. This definition should expressly provide that pay-only cases do not include those cases where restitution is owed, or, in the court’s discretion, probation supervision services are needed or are desirable for the offender.

In addition, the Council recommends that this code section be amended to provide that in “pay-only” probation cases, the fees required to be paid by an offender shall be capped at an amount not to exceed three months of the monthly fees that probation providers ordinarily charge for non “pay-only” cases provided, however, that the supervision fees be terminated immediately upon the payment of all court-ordered fines and surcharges. Finally, the Council recommends that the statutory provisions herein authorize the court, in its discretion, and upon non-payment of the court-imposed fine, to revisit this capped “pay-only” supervision fee for the purposes of

revocation or for conversion of the court-imposed fine to community service with notice to the offender and opportunity to be heard. Provided also that to the extent a “pay-only” misdemeanor’s fine is subsequently converted to community service, the court, on petition by the provider, may reinstate monthly probation supervision fees as necessary to enable the provider to monitor the offender’s compliance with community service obligations.

### **2015 Adult System Recommendations**

**Recommendation 11:** Currently, the County and Municipal Probation Advisory Council (CMPAC) is the governing authority and regulatory body for misdemeanor probation providers in Georgia. Members promulgate rules and regulations for the industry, including minimum standards for employment as a probation officer and registration requirements for entities. They conduct some training and complete audits and investigations of the providers and enforce the Council’s rules. However, their authority is directed primarily toward the providers and not the approximately 776 individual misdemeanor probation officers operating in this state. This Council believes that increased officer standards, training and oversight is desirable and would aid in producing a more meaningful statewide misdemeanor probation supervision system.

In light of the Governor’s recommendation that the state create a new Department of Community Supervision (DCS), and, in light of the probation supervision expertise and efficiencies expected to be gained by this new Department, the Council recommends that all obligations, powers and duties previously conferred upon CMPAC be transferred to DCS. We further recommend that DCS promulgate and implement improved rules and regulations for misdemeanor probation officers with increased training requirements and oversight.

The Council recommends that DCS design and implement a system to handle complaints against misdemeanor probation officers and that DCS implement a system to discipline or revoke an officer’s registration, where appropriate. We also recommend that DCS establish an annual registration process for individual misdemeanor probation officers with an initial registration fee, as DCS deems appropriate.

The Council also recommends that DCS create a stakeholder advisory council similar to the currently existing CMPAC to ensure that judges and other stakeholders have a voice in the regulation of misdemeanor probation and that this advisory council be administratively attached to DCS.

**Recommendation 12:** In order to more accurately inform sentencing judges and to ensure public safety, the Council believes that the state should maintain a timely and accurate database of misdemeanor criminal offenders. To that end, the Council recommends that the General Assembly consider authorizing technical changes to the state’s Scribe felony offender system

that would permit limited web-portal access to misdemeanor probation officers, including private providers, and that these officers be mandated to timely enter misdemeanor data into this system.

The Council further recommends that the General Assembly explore appropriate funding options to offset the initial and yearly costs associated with developing this web-based portal. This recommendation does not prohibit or discourage misdemeanor probation providers from continuing to use their own offender management system.

## **V. Juvenile Justice System: Progress and Recommendations**

Passage of HB 242 in mid-2013 initiated a major culture change in juvenile courts and Georgia's Department of Juvenile Justice (DJJ). Once the legislation took effect in January 2014, juvenile courts, in partnership with the Department began operating under a new mandate: *"to preserve and strengthen family relationships in order to allow each child to live in safety and security."* Reflecting that mission, leaders have focused on reducing felony commitments to secure detention, improving risk and needs assessment, and strengthening and expanding evidence-based community programs for youth.

To nourish the spread of such programs Georgia created a voluntary incentive grant program, which has helped counties make strong progress in reducing their use of out-of-home placements for certain youth and embracing alternative approaches. On April 16, 2013, Governor Deal signed an executive order creating the Juvenile Justice Incentive Funding Committee, which manages the allocation of state and federal dollars to evidence-based community services and programs that have been shown to reduce juvenile recidivism. Interventions shown to be effective with juvenile populations include Multi-Systemic Therapy; Family Functional Therapy; Thinking For A Change; Aggression Replacement Training, and Seven Challenges.

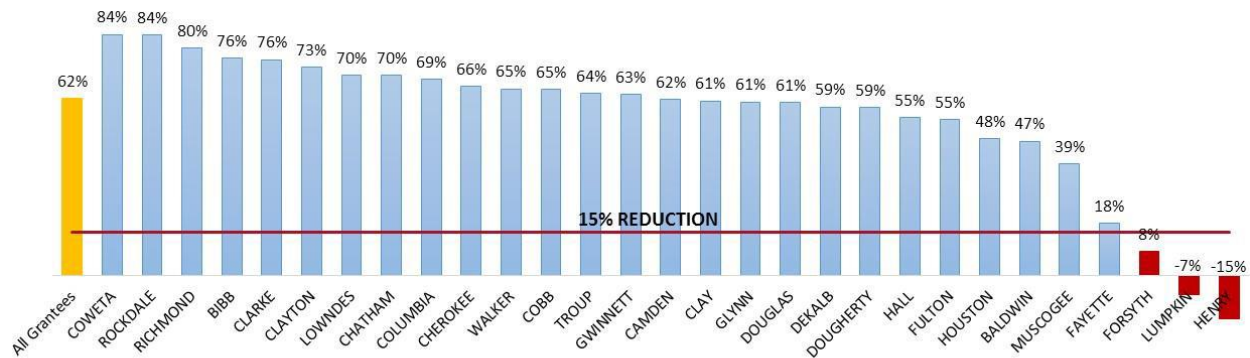
*"By leading the way in reducing commitments, juvenile reform in Georgia has made it possible not only to avoid construction of new facilities, but to reduce the population in existing facilities, so those facilities are safer. The cost avoidance that goes along with these continued reductions will enable Georgia to continue its investment in local, family-based solutions proven to reduce recidivism and enhance public safety."*

***Thomas Worthy, Co-Chairman of the Council on Criminal Justice Reform***

During phase one of the program, the 49 participating counties had a goal of reducing felony commitments and placements in short-term programs by 15%. Instead, grantees reduced such commitments by more than 62% over a nine-month period ending in October 2014 – dramatically exceeding the goal set when the grants were awarded. That substantial decline has helped drive a 14% drop in the secure population statewide and enabled the DJJ to take two

detention centers – representing 149 beds – off line.

Meanwhile, 1,122 youth who were at risk of being placed out of their homes were instead served in their communities through evidence-based programs. The grant program now totals \$7.1 million and has expanded to 60 counties serving 70% of Georgia’s at-risk youth. To encourage the spread of such disposition alternatives to underserved rural areas, the DJJ committed \$1.6 million to ensure every juvenile circuit in Georgia has access to at least one evidence-based program, a goal achieved at the end of 2014.<sup>12</sup>



**Juvenile Justice Incentive Grant Program  
Out-of-Home Placement Reductions, October 2013–June 2014<sup>13</sup>**

In another sign of progress, the number of youth awaiting placement is down 42% since July 2013. This has reduced overcrowding – a danger for youth and staff – and allowed for better staff to youth ratios. The lower population also ensures youth who are in secure facilities receive the education and treatment services they need before they return to their home communities.

One key accomplishment reflecting past Council recommendations has been the development of tools to better assess the risks and needs of youth. In addition to protecting public safety, accurate assessment using validated tools leads to more equitable and informed decision-making across the state. Collaborating with the Council of Juvenile Court Judges and other system stakeholders, the DJJ in 2014 completed development of the Detention Assessment Instrument (DAI), Pre-Disposition Risk Assessment (PDRA), and Structured Dispositional Matrix (SDM). The tools have been validated by the National Council on Crime and Delinquency and are in use across the state. A comprehensive Juvenile Needs Assessment (JNA) is scheduled for statewide rollout later this year.

<sup>12</sup> Governor’s Office of Children and Families.

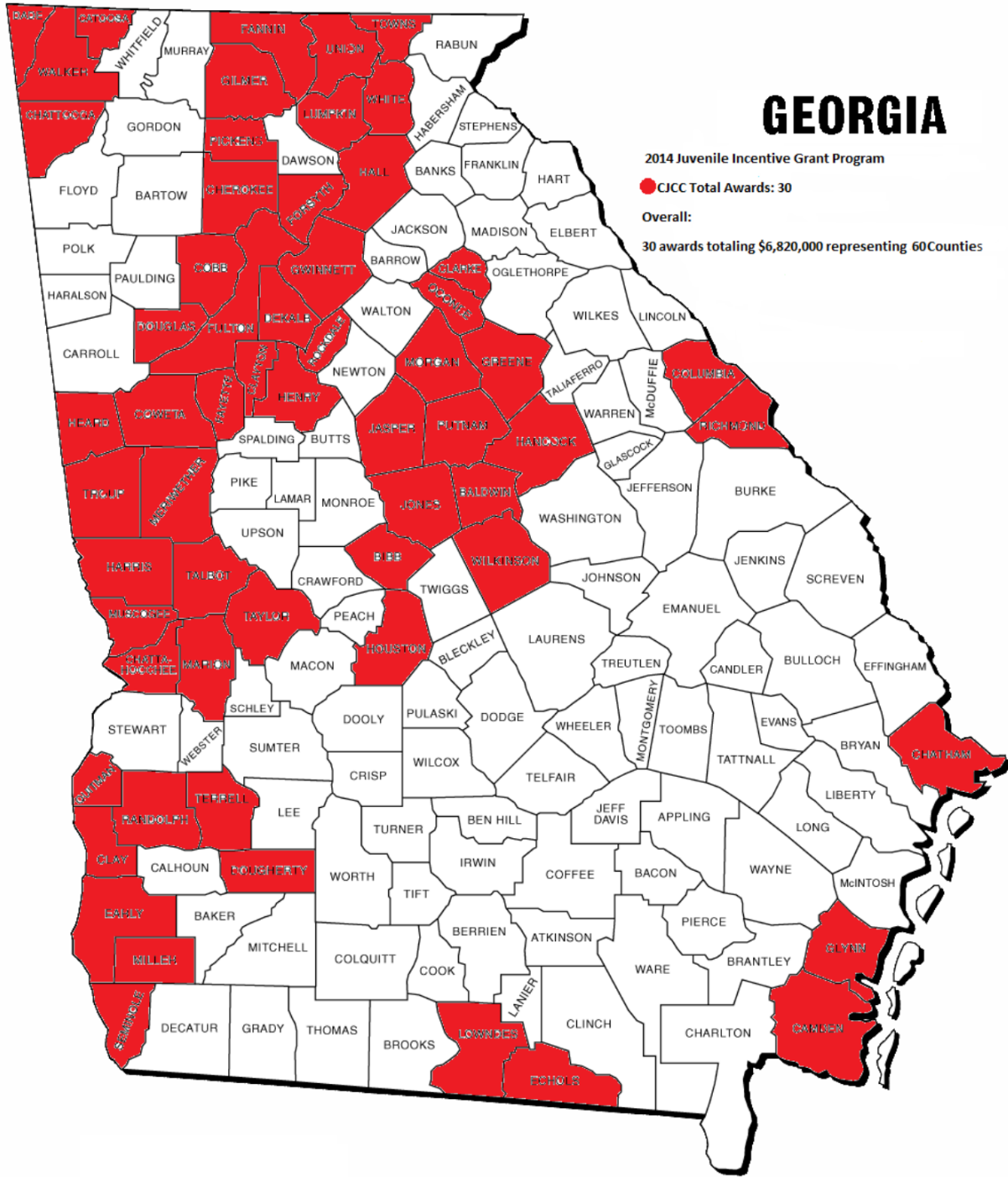
<sup>13</sup> Carl Vinson Institute of Government, Georgia Juvenile Justice Reinvestment and Incentive Grants Year One Evaluation Report, November 2014.

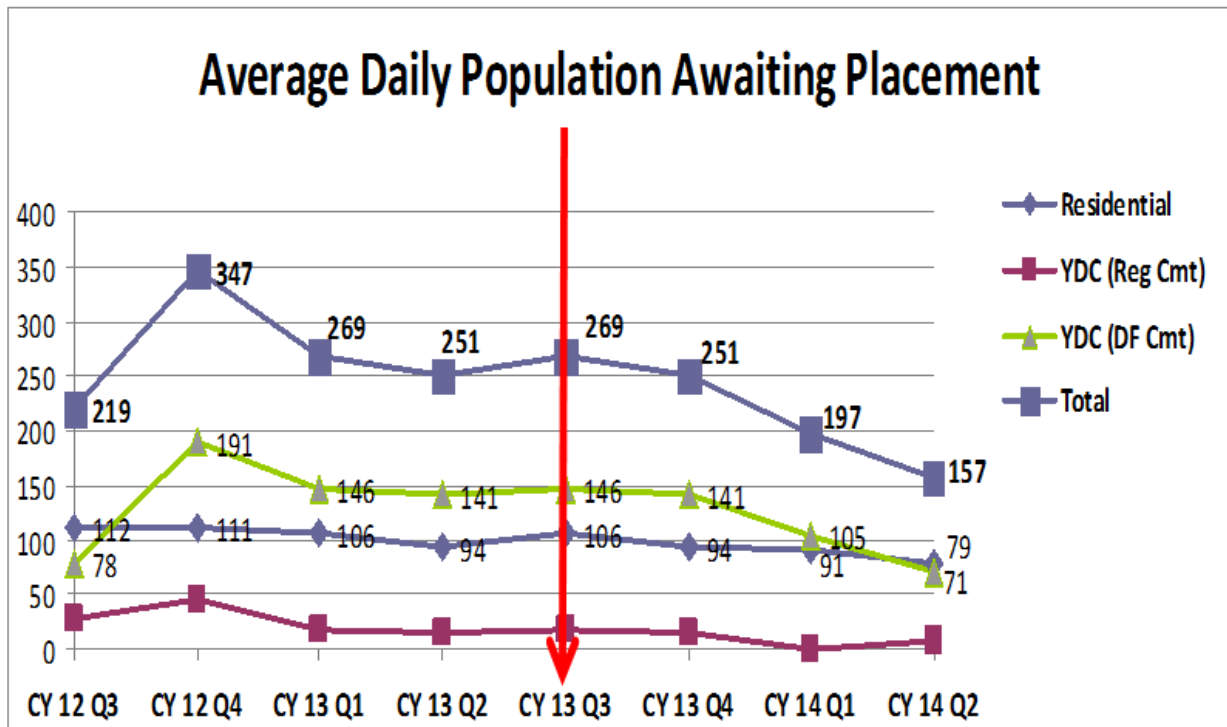
To support the promising juvenile reforms, DJJ and its partners are working to improve the collecting and sharing of electronic data throughout the system – a key step toward centralizing information about juvenile cases. In recent years, juvenile court judges and other stakeholders have become increasingly frustrated by the lack of integration throughout the system. Many large counties encompassing a significant percentage of the juvenile population, for example, run independent courts and operate their own systems to maintain juvenile case data. Each system is unique to the county and does not communicate or exchange data, except through explicit data extraction for research, with DJJ’s central case management system, or any other.

As a result, juvenile court judges cannot query another jurisdiction for information about prior arrests or adjudications for youth who may come before their court for a new crime. In these instances, risk assessments may be inaccurate since a juvenile’s full criminal history, probation status, and treatment history is not available.

To achieve data integration and develop the capacity to make more informed, data-driven decisions the Council has adopted a set of recommendations, listed below. Members also passed recommendations relating to “CHINS” (Children in Need of Services) cases, a new category created by juvenile justice reform.

*(Note: See map of grant distribution and other charts on following pages.)*





**Recommendations to Improve the Administration of H.B. 242, the Juvenile Justice Reform Bill**

**Recommendation 1:** This Council recommends that the General Assembly enact its annual “reviser bill” for H.B. 242, which passed the General Assembly in 2013. Specific provisions of this bill have been gathered from all relevant stakeholders and vetted by this Council as furthering the goals and findings of H.B. 242.

**Recommendation 2:** H.B. 242 created a new class of children known as CHINS, Children in Need of Services. This Council has become aware, since enactment, that clarity is needed regarding the role of district attorneys in CHINS proceedings. Therefore, this Council recommends that the General Assembly grant district attorneys the authority to participate in CHINS cases when adequate resources have been provided by either state or local governments.

**Recommendation 3:** The Standing Committee on Technology of the Council of Juvenile Court Judges (CJ CJ) shall, within six months of the release of this report, unless extended for good cause but not to exceed an additional 90 days, create and maintain a data dictionary of defined data elements necessary to allow electronic sharing and composition of

- a. Pre-dispositional Risk Assessment (PDRA) Data;
- b. Detention Assessment Instrument (DAI) Data; and
- c. Juvenile case disposition data

It is the expectation of this Council that said data dictionary, once approved, shall be adopted as a uniform rule of the juvenile courts of Georgia. During the 2016 Regular Session of the Georgia General Assembly, the Council will recommend to the Legislature that the data dictionary and its mandated use be codified in statute. In addition, it is recommended that the Chair of the CJ CJ Standing Committee on Technology regularly update this Council on the progress of the data dictionary.

**Recommendation 4:** Electronic Data Exchanges shall be created for the sharing of the established data elements defined by the Council of Juvenile Court Judges’ data dictionary. The data exchanges shall be created that comply with the U.S. Department of Justice’s (DOJ) Global Justice Information Sharing Initiative (Global) Data Sharing Standards. Additionally, the data exchanges shall be compliant with the DOJ National Information Exchange Model (NIEM) standards.

**Recommendation 5:** A State Electronic Juvenile Data Repository be created and maintained to allow statewide reporting of the above data elements on a daily basis. The Repository shall contain PDRA, DAI, and Dispositions from all Juvenile Courts, Dependent (DJJ Staffed) and Independent (County Staffed).



It is further recommended that the Department of Juvenile Justice, the Council of Juvenile Court Judges, and the Administrative Office of Courts (AOC) partner to create and mandate the **timely** population of the above referenced Juvenile Data Repository. The agencies shall work together to define use of the repository for individual court use and for statewide data reporting to the Governor, the Judiciary, the Legislature, the Criminal Justice Reform Council, and other interested parties.

**Recommendation 6:** The Department of Juvenile Justice primarily shall fund the data exchanges and Repository as the Department is responsible for the housing of all detained youth and state juvenile records. Additionally, DJJ has a large percentage of the data to contribute from dependent juvenile courts.

**Recommendation 7:** The AOC shall create and maintain the data exchanges, the Repository, and oversee security related to this effort. The AOC's involvement allows the Independent Courts the ability to manage any privacy or HIPPA concerns. It also allows for the AOC to support and address any Independent Judges' concerns about the appropriate security and use of the overall data, both on an individual level, and statewide.

**Recommendation 8:** Pursuant to OCGA 17-19-2(c), the Georgia Council on Criminal Justice Reform shall appoint a steering committee, which shall report to the Council, to assess, pilot, and implement the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) in additional interested jurisdictions.

### **Recommendations to Amend O.C.G.A. § 15-11-560, Georgia's S.B. 440 Bill**

**Recommendation 1:** O.C.G.A. § 15-11-560, popularly known as Georgia's "SB 440" law authorizes the superior court to transfer, for extraordinary cause, an SB 440 case involving a child 13 to 17 years of age back to juvenile court. In order to enhance public safety while also ensuring that offenders who would be best served by a juvenile court are afforded the opportunity for transfer, this Council recommends that subsection (e) be amended to remove "for extraordinary cause." In its place, the statute should outline factors for the superior court judge to consider when deciding whether or not to transfer. These factors should include, but are not limited to:

- whether the offense was committed in an aggressive, violent, premeditated or willful manner;
- whether the offense was against a person or property;
- the culpability of the juvenile, including the level of planning and participation in the offense;

- the record and previous history of the juvenile;
- whether facilities or programs available through the juvenile court are likely to rehabilitate the juvenile; and
- the impact on the victim.

## **VI. Adult Correctional System: Improving Prisoner Reentry**

After building a strong foundation for progress in the adult and juvenile correctional systems, Governor Deal and legislators turned to a critical third phase of criminal justice reform – ensuring offenders reenter society successfully by removing barriers to housing, employment and education. As the Governor noted, nearly all of Georgia’s prisoners will ultimately be released and return to their communities. Helping them obtain jobs, support their families and pay taxes not only makes economic sense for the state but also protects public safety.

The starting point for the reentry initiative was the March 2013 passage by the General Assembly of HB 349, which gave the Council permanence in statute. Governor Deal subsequently signed the legislation and issued an executive order appointing 15 members to five-year terms on the Council.<sup>14</sup> Recognizing the close link between successful reentry and recidivism reduction, Governor Deal asked the Council to expand its public safety mission and help Georgia craft a comprehensive approach to guiding offenders from incarceration to productive lives in the community. To coordinate the work, the Governor created, by executive order, the Governor’s Office of Transition, Support and Reentry (GOTSR), and named former legislator Jay Neal, a reentry champion, to head the new agency.

Among Neal’s first priorities was an assessment of Georgia’s existing reentry services. That review revealed, among other problems, that Georgia’s reentry effort was fragmented and lacked a structure to coordinate efforts among myriad agencies, community organizations, faith-based groups, and other entities.

To help the state create a unified reentry program the Council and GOTSR partnered with the Michigan-based Center for Justice Innovation and reentry expert Dennis Schrantz. The partnership produced the Georgia Prisoner Reentry Initiative (GA-PRI), a five-year plan to transform the state’s approach to recidivism reduction. The unique partnership between the Council, GOTSR and the Center is expected to build Georgia’s prisoner reentry reform efforts into a national model.

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<sup>14</sup> Executive order appointing members of the Georgia Council on Criminal Justice Reform, signed by Gov. Nathan Deal, June 28, 2013.

## The National Context

Georgia's initiative comes at a time of mounting interest in the potential of reentry to combat crime. National reform efforts over the past decade have focused on making communities safer by reducing recidivism among former prisoners through strategies that carefully manage their often perilous transition back to the community. Beginning in 2003, the National Institute of Corrections (NIC) and the National Governors' Association (NGA) sponsored multi-state academies and provided a year of on-site technical assistance to improve prisoner-reentry strategic planning within 17 participating states, including Georgia.<sup>15</sup> Both NIC and NGA emphasized the development of high-level strategic plans. These plans, they believe, will enable jurisdictions to defend their progress while they work to complete the enormous system changes required to produce lasting impacts on crime and recidivism reduction.

Beginning in 2008, the federal Second Chance Act (SCA) required that participating jurisdictions develop and implement comprehensive strategic plans to reduce recidivism.<sup>16</sup> But until recently, most SCA grants were for program-level efforts designed to reduce recidivism for a relatively small, targeted group of program participants, rather than for wholesale system change, and there is scant evidence of large-scale sustainable reforms that reduce recidivism.<sup>17</sup>

One reason program level recidivism reduction is easier to achieve is that moving from planning to implementation for system-wide change requires an extraordinary level of coordination and capacity due to the number of agencies involved, the need for extensive community engagement and the challenges of evaluating such multi-faceted efforts. Research shows that efforts aimed at implementing evidence-based practices that have the benefit of expert and organized guidance for managing system-wide change have a much higher—and much quicker—success rate at implementation.<sup>18</sup> Such research led this Council to conclude that they needed a long-term relationship with the Center for Justice Innovation to assist with the broad scale, system-wide reforms.

The past decade has brought advances in the scientific assessment of developing and identifying evidence-based policies, practices and programs. Applying that emerging science in the field with fidelity that results in improved outcomes, particularly on a large scale, remains a challenge. Researchers have identified this lag, noting the need to better link what the research shows to be

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<sup>15</sup> Georgia, Idaho, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Oregon, Rhode Island, Tennessee, Texas, and Virginia. Georgia created the Georgia Reentry Improvement Program, which included a number of improvements in the system, including specific evidence-based practices, and prepares the state well for the work ahead.

<sup>16</sup> 110th Congress, *Second Chance Act of 2007: Community Safety through Recidivism Prevention*, Washington, DC: U.S. Government, 2008. <http://www.govtrack.us/congress/bills/110/hr1593>.

<sup>17</sup> For example, see articles in Stephen M. Haas (Ed.), *Justice Research and Policy: Toward Evidence-Based Decision Making in Community Corrections: Research and Strategies for Successful Implementation* 15, No. 1 (2013).

<sup>18</sup> Dean L. Fixsen et al., *Implementation Research: A Synthesis of the Literature*. Tampa, FL: University of South Florida, Louis de la Parte Florida Mental Health Institute, The National Implementation Research Network, 2005.

effective with real practice on the ground, particularly with recidivism reduction.<sup>19</sup> Clearer guidance is needed to help those in the field implement research findings and replicate successful programs in prisons, parole agencies and community settings.<sup>20</sup> Given the need for such ongoing guidance, this Council established a long-term relationship with the nationally renowned research and development firm Applied Research Services (ARS), which is providing research and evaluation help.

To help states develop effective, comprehensive recidivism reduction plans, Congress focused additional SCA dollars on evidence-based policy development and implementation and, beginning in 2010, authorized the U.S. Department of Justice, Bureau of Justice Assistance (BJA), to grant funds for the Justice Reinvestment Initiative (JRI).<sup>21</sup> In response, BJA formed a unique partnership with the Pew Charitable Trusts and together they have implemented a three-phase JRI program in more than 17 states.<sup>22</sup> Once states have developed new policies (phase one) and determined how to measure the impact of those policies (phase two), they become eligible for additional dollars to help maximize the impact of reforms through additional, competitive federal funding opportunities. Georgia's efforts to improve prisoner reentry have benefited from this three-phase approach and the state has aggressively – and successfully – pursued federal grants.

### The Georgia Prisoner Reentry Initiative

Approved by the Council at the end of 2013, Georgia's reentry initiative has two primary objectives: to improve public safety by reducing crimes committed by former offenders, thereby reducing the number of crime victims, and secondly, to boost success rates of Georgians leaving prison by providing them with a seamless plan of services and supervision, beginning at the time of their incarceration and continuing through their reintegration in the community. To monitor the public safety effects of reforms, officials are tracking recidivism (defined as a new felony conviction within three years of release) and offenders' successful completion of community supervision.

At the heart of the initiative is the Georgia Prisoner Reentry Initiative Framework (Framework). The Framework was designed for Georgia but builds on approaches for reentry improvement developed by the National Prisoner Reentry Council – outlined in its voluminous *Report of the*

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<sup>19</sup> Ibid.

<sup>20</sup> Thomas E. Feucht and Christopher A. Innes, "Creating Research Evidence: Work to Enhance the Capacity of Justice Agencies for Generating Evidence," in *Contemporary Issues in Criminal Justice Policy*, eds. Natasha Frost, Joshua Freilich, and Todd Clear, 7 - 16. (Belmont, CA: Wadsworth, 2009).

<sup>21</sup> Library of Congress, The Criminal Justice Reinvestment Act of 2010 Authorizes the Attorney General to make grants to states, local and territorial governments, or Indian tribes to: (1) analyze and improve the cost-effectiveness of spending on prisons, jails, and community corrections; and (2) implement policies, programs, or practices to help control growth in spending on corrections and increase public safety.

<sup>22</sup> The Urban Institute, *JRI State Assessment Report* (2014).

*Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*<sup>23</sup> -- and by the NIC.<sup>24</sup> Georgia's Framework features specific "Targets for Change" that include goals and operational expectations. The Targets for Change are categorized within three TPC Model phases (Getting Ready, the Institutional Phase; Going Home, the Pre-Release Phase; and Staying Home, the Community Supervision and Discharge Phase) and seven primary decision points that comprise the reentry process (see sidebar).

For each Target for Change, goals and operational expectations are included, as well as references for further reading to specific pages within the Reentry Policy Council Report and other publications that pertain specifically to the Target for Change that is being addressed. The Framework provides a practical guide to help direct Georgia's plan to meet the policy goals and operational expectations of this Council.

The Framework reflects three overarching policy and practice elements that must be in place to effectively reform a returning citizen's behavior: Transition Accountability Planning, Case Management and Evidence-Based Practices. Finally, the Framework provides state agencies and local partners with the tools to move from planning to

## GA Prisoner Reentry Initiative Framework

### PHASE 1: GETTING READY

1. **Assessment And Classification**
  - 1.1. **Development of Intake Procedures**
2. **Returning Citizen Behavior And Programming**
  - 2.1. **Development of Programming Plan**
  - 2.2. Physical Health Care
  - 2.3. Mental Health Care
  - 2.4. Substance Abuse Treatment
  - 2.5. Children & Family Support
  - 2.6. Behaviors & Attitudes
  - 2.7. Education
  - 2.8. Technical Training
  - 2.9. Work Experience

### PHASE 2: GOING HOME

3. **Returning Citizen Release Preparation**
  - 3.1. **Development of Parole & Reentry Plan (TAP2)**
  - 3.2. **Housing**
  - 3.3. Continuity of Care Planning
  - 3.4. Working with Potential Employers
  - 3.5. **Employment Upon Release**
  - 3.6. Identification and Benefits
  - 3.7. Release Preparation for Families
  - 3.8. Release Preparation for Victims
4. **Release Decision Making**
  - 4.1. Advising the Releasing Authority
  - 4.2. Release Decision

### PHASE 3: STAYING HOME

5. **Supervision And Services**
  - 5.1. **Design of Supervision & Treatment Strategy (TAP3)**
  - 5.2. Implementation of Supervision & Treatment Strategy
  - 5.3. Maintaining Continuity of Care and Housing
  - 5.4. **Job Development and Supportive Employment**
6. **Revocation Decision Making**
  - 6.1. Graduated Responses
7. **Discharge And Aftercare**
  - 7.1. **Development of Discharge/Aftercare Plan (TAP4)**

2014-2017 PRIORITIES HIGHLIGHTED IN RED

<sup>23</sup> Reentry Policy Council. *Report of the Re-Entry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community*. New York: Council of State Governments, January 2005.

<sup>24</sup> Peggy Burke, *TPC Reentry Handbook: Implementing the NIC Transition from Prison to the Community Model*. Washington D.C.: U.S. Department of Justice. National Institute of Corrections, August 2008.

implementation and to accurately measure changes in recidivism.

By moving reentry planning beyond high-level strategy to a focus on carefully scripted actions, the GA-PRI can quickly make Georgia a leader in recidivism reduction.

*“No longer can we continue to simply rail against crimes and warehouse offenders. We must be in the business of rehabilitation and reunification. That is, we must be in the business of healing.”*

***Rabbi Larry Schlesinger***  
***Temple Beth Israel, Macon***

To make certain that the faith community was fully engaged in the system reforms, in April 2014 Governor Deal added a new partner to the effort, announcing the creation of the Governor’s Interfaith Council. The faith-based initiative was convened with the explicit purpose of supporting the GA-PRI and combating Georgia’s recidivism rate, with a particular focus on persons of color, the education of prisoners and former prisoners, family reunification, and the welfare of prisoners’ children. Governor Deal hopes that by working with partners such as chambers of commerce, schools and universities, the Interfaith Council can support Georgia’s holistic approach to recidivism reduction.

### **2015 Priorities for Prisoner Reentry Reform**

Beginning in 2014 and continuing for the next three years, Georgia’s key reentry reform priorities include training, increasing staff, and robust system planning and coordination among agencies, community organizations and other stakeholders. One immediate focus is the development of an improved transition accountability planning process for each returning citizen. Transition Accountability Planning (TAP) begins at the point of imprisonment and continues through an individual’s successful discharge from post-release community supervision,<sup>25</sup> with an emphasis on safe, affordable housing and employment.

The TAP process is driven by the results of Georgia’s new actuarial assessment instrument, the Next Generation Assessment (NGA), developed with the Council’s research and development partner ARS. The NGA is used to determine prisoners’ and returning citizens’ risk and needs so that reentry staff can then appropriately address those needs – most critically, the need for affordable housing and a job. These evidence-based practices result in recidivism reduction one

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<sup>25</sup> In Georgia, post-release community supervision includes parole supervision as well as for some cases, who have concurrent active cases, probation and parole supervision, and for some cases, who max-out from prison, probation supervision.

case at a time and, when fully adopted, will represent the most important changes in Georgia's adult system to date.

Also in 2014 the reentry team laid the foundation for launching the GA-PRI in five Community Pilot Sites. From there the initiative will gradually expand, reaching statewide engagement by the end of 2018. This timeline is driven by a set of implementation objectives approved by the Council last year. The objectives are designed to reduce recidivism, defined as a new felony conviction within three years of release.

The recidivism reduction goals established by the Council for the GA-PRI, will decrease the overall statewide recidivism rate by 7% in two years (from 27% to 25%) and by 11% over five years (from 27% to 24%).

*“Helping rehabilitated offenders transition back into society will reduce recidivism, save taxpayer dollars and keep Georgians safe. I am committed to working with legislators to lead new efforts in job training and job placement so that former offenders can become functioning members of the community, working to support their families and paying taxes.”*

***Governor Nathan Deal, January 10, 2014***

To finance the initiative, Georgia's reentry team in 2014 successfully pursued federal grants, with extensive state matching dollars, through four BJA funding streams.<sup>26</sup> Georgia was the only state to receive all four grants, which totaled nearly \$6 million in federal dollars. Combined with the \$3 million in new and additional state funding Georgia plans to seek, the reentry initiative will benefit from an investment of nearly \$9 million over the next three years.

Including Georgia's total investment of more than \$48 million in state dollars for juvenile and adult justice reforms, the total – \$57 million in state and federal funding – is unmatched anywhere in the United States and signals the state's broad-based support for system reform. Underlying Georgia's approach is a philosophy the Council has described as “one strategy, one plan.” This concept of unified planning and implementation distinguishes the state's reentry effort and formed the basis for the four BJA grant applications. The groundbreaking one strategy, one plan approach is now being featured at national training events sponsored by BJA.

The sections below describe details of the GA-PRI priorities for the coming years, as well as the Council recommendations adopted in 2014. Additional information on the identification of specific barriers to full implementation, recommendations on how to overcome those barriers,

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<sup>26</sup> The four BJA grants that were approved for Georgia under the Second Chance Act are: (1) *Maximizing Justice Reinvestment*, (2) *Statewide Recidivism Reduction*, (3) *Smart Supervision* and (4) *Byrne-JAG Justice Information Sharing Initiative*.

and current progress through improved policy, practice and programming can be found in the report's addenda.

### 2015 Priority Area One: Improved Case Planning and Implementation

Improved case planning begins with a validated, objective assessment of each returning prisoner's risks, needs and strengths and focuses on safe, affordable housing and employment. Key details of the process are outlined below.

#### *Transition Accountability Planning*

Transition Accountability Plans (TAP) are concise guides, driven by a validated assessment of risks, needs and strengths, that describe goals for each returning citizen's successful transition along with a corresponding schedule of actions for the returning citizen, prison staff, the releasing authority, community supervision staff, and partnering agencies. The TAP spans the phases of the transition process and agency boundaries to ensure continuity of services and supervision between prisons and community. Increased certainty will motivate returning citizens to participate in the TAP process and to fulfill their responsibilities, while ensuring all parties are held accountable for timely performance of their respective responsibilities.

Goal: To establish the comprehensive and standardized use of assessment-driven TAP at four critical points in the returning citizen transition process that succinctly describe for the returning citizen, the staff, and the community exactly what is expected for returning citizen success.

Policy Expectations: Prisoner reentry policies are defined as formal, written rules and agreements that define standard practices for agencies engaged in the transition process. Georgia's policies regarding the TAP process currently include or are expected to include, the following provisions:

- TAPs are driven by a validated risk, needs and strengths assessment instrument that is used at prison intake and at subsequent major decision points in the corrections/parole/post-release supervision process.
- As a result of these assessments, the TAPs consist of the returning citizen's Treatment Plan updated at critical junctures in the transition process and are prepared at prison intake, at the point of the parole decision, at the point of return to the community, and at the point of discharge from parole supervision.
- TAPs are a collaborative product involving prison staff, the returning citizen, the releasing authority, community supervision officers, human services providers (public and/or private), victims, and neighborhood and community organizations.
- The TAP policy clearly states that the objective of the TAP is to increase both overall community protection by lowering risk to persons and property and by increasing each



returning citizen's prospects for successful return to and self-sufficiency in the community.

### ***Sustainable, Affordable and Safe Housing***

Like other community members, many returning citizens struggle to obtain safe, stable and affordable housing. But former offenders face additional barriers. Court orders, state laws, local ordinances, and conditions of release often restrict the locations in which a returning citizen may seek housing. In the private rental market, many landlords are unwilling to rent to individuals with a criminal record. Due to exclusions in federal housing assistance policy and the broad discretion of local authorities to add exclusions, individuals with a criminal history are not eligible for many forms of public housing assistance.

Finally, although family is a key resource for many returning citizens, staying with relatives is not always an option. Some families are unwilling to welcome an individual back into the home, perhaps because of prior criminal behavior. In other cases, families may not have the resources to support another unemployed family member or may be putting their own public housing assistance in jeopardy by opening their home to a relative with a criminal record.

Given such barriers, it is not surprising that incarceration puts returning prisoners at greater risk of homelessness. A certain proportion of incoming prisoners were homeless before their incarceration, and at least as many end up homeless for some period of time after leaving prison. For those with histories of mental illness, the likelihood is still greater. Nationally, surveys of homeless assistance providers and individuals who use their services have found that about 54 percent of currently homeless clients had been in jail or prison at some point in their lives.<sup>27</sup>

The consequences of insufficient housing extend beyond the prisoner. Research indicates that parolees without stable housing may face a higher risk of parole failure, whether through re-arrest for a new crime or failure to meet basic parole requirements. Studies indicate that the likelihood of arrest increases 25 percent each time a parolee changes address.<sup>28</sup>

**Goal:** To facilitate access to stable housing upon reentry into the community.<sup>29</sup>

**Policy Expectations:** Formal written rules and agreements defining the standard practice for agencies engaged in improving access to stable housing should include the following provisions:

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<sup>27</sup> M.R. Burt, Y.A. Laudan, T. Douglas, J. Valente, E. Lee, and B. Iwen, *Homelessness: Programs and the People They Serve: Findings From the National Survey of Homeless Assistance Providers and Clients* (Washington, DC: U.S. Department of Housing and Urban Development, 1999).

<sup>28</sup> Tammy Meredith, John Speir, Sharon Johnson, and Heather Hull, *Enhancing Parole Decision-Making Through the Automation of Risk Assessment*, (Atlanta, GA: Applied Research Services, Inc., 2003).

<sup>29</sup> Report of the Re-Entry Policy Council, pgs. 256-281

- Facility staff, parole and probation staff and community-based transition planners work with returning citizens to assess individual housing needs and identify the appropriate housing option for each incarcerated individual well before release. The housing planning process includes an assessment of the feasibility, safety and appropriateness of an individual living with family members after his or her release from prison.
- A full range of housing options (i.e. supportive housing, transitional housing, affordable private rental housing) will be accessed to accommodate individuals returning to the community.
- In order to make certain that returning citizens are not discharged from prison into homelessness, individuals leaving prison without a documented housing plan and those with histories of homelessness are included among the homeless priority population, in order to facilitate their access to supportive housing and other housing services.
- Returning citizens receive information and training on strategies for finding/maintaining housing and their legal rights as tenants.

### ***Job Development and Supportive Employment***

Research has consistently shown that offenders who find stable employment soon after leaving prison are less likely to recidivate.<sup>30</sup> Employment not only provides the income needed to meet basic needs but also provides the means to become a productive member of the community.

Among job seekers, however, individuals with criminal records – particularly those recently released from incarceration – face unique hurdles. Compared to the general population, returning offenders tend to have less work experience, less education, and fewer marketable skills.<sup>31</sup> They frequently return to communities already hit hard by unemployment, where job prospects and access to employment services are limited and contact with a social network that can provide job leads is rare.<sup>32</sup> Furthermore, the stigma of a criminal record, spotty work histories, low education and skill levels, and physical and mental health problems take many jobs out of reach for returning offenders.<sup>33</sup>

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<sup>30</sup> For example, see: Miles D. Harer, *Recidivism of Federal Prisoners Released in 1987*, (Federal Bureau of Prisons, Office of Research and Evaluation: Washington, D.C, 1994); Mark W. Lipsey, *What Works: Reducing Reoffending*, (West Sussex, U.K.: Wiley, 1995); Robert J. Sampson and John H. Laub, “A Life Course Theory of Cumulative Disadvantage and the Stability of Delinquency,” Terence P. Thornberry (ed.) *Developmental Theories of Crime and Delinquency, Advances in Criminological Theory, Volume 7*, (New Brunswick, NJ: Transaction, 1997, p 133 – 161); and Christopher Uggen, “Work as a Turning Point in the Life Course of Criminals: A Duration Model of Age, Employment and Recidivism.” *American Sociological Review* 67 (2000) 529-546.

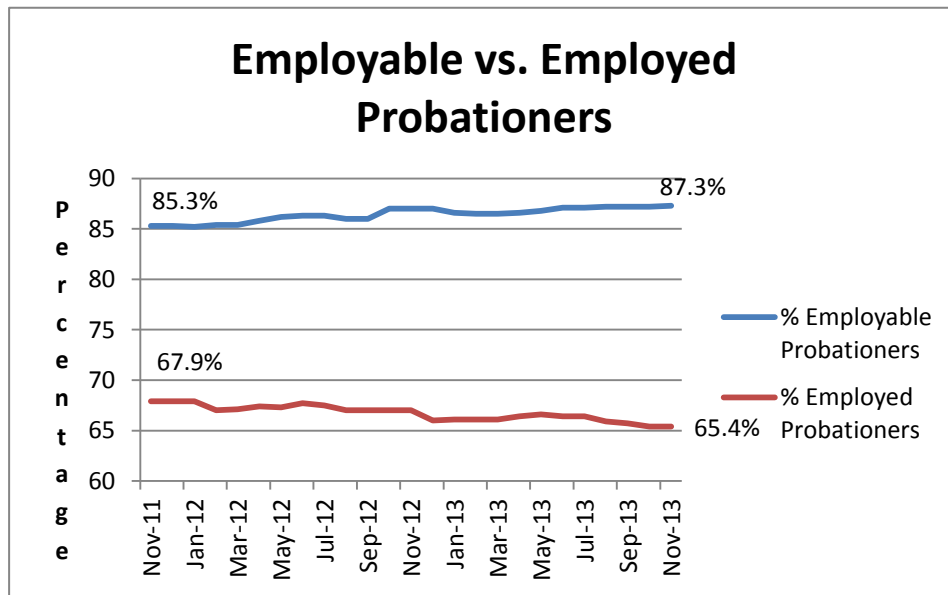
<sup>31</sup> Abigail Coppock, “Transitional jobs: Overcoming barriers to employment” *Advocates Forum* (2007) 34-48.

<sup>32</sup> *Report of the ReEntry Policy Council*, pgs. 306-316; 383-389.

<sup>33</sup> Harry J. Holzer, Steven Raphael, and Michael A. Stoll, “Employment Barriers Facing Ex-Offenders” (paper presented at The Urban Institute’s Reentry Roundtable, Washington, DC, May 19–20, 2003).

Many former offenders also lack necessary identification documents, access to transportation, and childcare for dependent children. To a lesser extent, many recently released prisoners have unstable housing situations that may prevent access to employment. Restrictions on the type of employment a former prisoner may obtain, and practices of parole or probation agencies may pose additional obstacles to obtaining and holding a job for those under supervision.

Predetermined reporting requirements and supervision fees may be particularly burdensome. Estimates show that the proportion of prisoners who have a job secured before release ranges from 14 percent to just under 50 percent.<sup>34</sup> For those lacking employment upon release, job placement organizations can play a key role. Transitional employment can provide released prisoners with access to income, structure, and additional supervision to assist in the transition from custody to freedom.



**Goals:** To recognize and address the obstacles that make it difficult for a returning citizen to obtain and retain viable employment while under community supervision; and to connect returning citizens to employment, including supportive employment and employment services, before their release to the community.

**Policy Expectations:** Formal written rules and agreements that define the standard practice for agencies engaged in improving employment outcomes among returning citizens are expected to include the following provisions:

<sup>34</sup> Christy Visher, Nancy G. La Vigne, and Jill Farrell, *Illinois Prisoners' Reflections on Returning Home* (Washington DC: The Urban Institute, 2003) and Steven Steurer, Linda Smith, and Alice Tracy, *Three-State Recidivism Study* (Lanham, MD: Correctional Educational Association, 2001).

- Supportive transitional employment programs are supported and promoted across agencies.
- Staff charged with community supervision work towards sustainable employment for returning citizens.
- Work-release programs are available as a transition between work inside a correctional facility and work after release into the community.
- Community members and community-based services act as intermediaries between employers and job-seeking individuals who are incarcerated.
- Returning citizens receive written information about prospective employers in their community and/or community employment service providers well in advance of the anticipated release date.
- Prior to discharge, returning citizens receive official documentation of treatment plan completion and any training received while incarcerated.

### **2015 Priority Area Two: Expansion of the GA-PRI Following Evidence-Based Practices**

The State of Georgia is committed to several principles of evidence-based practice that are incorporated into the design of the GA-PRI and this Council's approach for recidivism reduction. Four major principles form the basis for the four BJA grants that provided funding for the initiative through 2017 and focus on several critical aspects of the implementation of the GA-PRI Framework:

1. *Assess actuarial risk and needs* – Develop and maintain a complete system for the use of reliable and validated actuarial risk and needs assessment of returning offenders;
2. *Target Interventions* - Prison and community-based supervision and treatment should be prioritized for higher risk individuals; interventions must target criminogenic needs; and programming should be responsive to individual learning styles, gender, culture, etc.;
3. *Measure Relevant Processes/Practice* - A formal and valid mechanism for measuring outcomes is the foundation of evidence-based practice; and,
4. *Provide Measurement Feedback* - Once a mechanism for performance measurement and outcome evaluation is in place, the information must be used to inform policies and programming.

### **GA-PRI 2015-2017 Preliminary Implementation Objectives**

The continued implementation and expansion of the GA-PRI in the next three years will result in statewide engagement by the end of 2018. This timeline is driven by the implementation

objectives that are designed to meet the recidivism reduction goals of the GA-PRI and were approved by this Council in 2014.

The preliminary objectives for the next three years – which may change as strategic and operational challenges arise – include but are not limited to, the following:

1. Implement a risk, need, and responsivity (RNR)-based collaborative, three-phase case-planning and service delivery system (Transition Accountability Planning - TAP) among prison staff, post-release supervision staff, local reentry implementation teams and pre- and post-release reentry service providers for moderate to high risk returning citizens that focuses on addressing their criminogenic needs.
2. Select a prison facility within the Georgia Department of Corrections (GDC) as an Evidence-Based Learning Site and provide the staff and training resources needed to implement evidence-based RNR and other principles and practices of effective intervention – including skill enhancement training to maximize prisoner behavior change.
3. Ensure that the GA-PRI is properly staffed and that stakeholders and staff are properly trained, both at the state and local levels, so that the Case Planning and Service Delivery System has the resources needed to be successful in order to appropriately manage the risks and meet the needs of the target population. This staffing includes but is not limited to, project coordination, local community pilot site coordination, prison in-reach services, training and staffing at a prison-based learning site.
4. Develop and implement a system to assist returning citizens who are on *probation* supervision under GDC upon release from prison with housing similar to the system that is in place for returning citizens who are on *parole* supervision upon release under the authority of the State Board of Pardons and Paroles (SBPP).

This system should also include housing opportunities for those individuals maxing out with no supervision to follow, providing their willingness to enter a contractual agreement with the Reentry Partnership Housing (RPH) provider.

5. Improve GA-PRI by adding capacity to adapt and improve existing graduated response (sanctions and incentives) policies and procedures for the parole and probation systems and train top managers in the use of the adapted system. Further to review the assets, barriers and gaps needed for full implementation.
6. Develop a full range of policies and procedures for activities and programs related to the GA-PRI so that fidelity to, and the sustainability of, the GA-PRI Framework is assured.

7. Develop and implement a process to measure and report on Quality Assurance that demonstrates the use and efficacy of evidence-based principles (such as Risk, Need and Responsivity or RNR) and other principles and practices of effective intervention by prison staff, parole and probation officers, managers, and community partners.
8. Determine the impact of implemented evidence-based supervision and reentry service strategies, training, coaching and related policies and processes on recidivism and crime reduction in order to measure the degree that the state's goals are met for recidivism reduction.

### Policy Recommendations for the GA-PRI – 2014/2015

In addition to adopting the Framework and objectives to guide its work for the next three years, the Council has identified barriers to reentry and developed policy recommendations to eliminate them or reduce their impacts on returning citizens. Keeping with the tradition of the Council, all of the recommendations are consensus-based and were approved unanimously.

### TRANSITION ACCOUNTABILITY PLANNING

#### Creating a four-step Transition Accountability Planning System (TAP)

- **Barriers:** The IST identified over 30 barriers to instituting a comprehensive Transition Accountability Planning system, including the breadth and depth of the assessments that are completed throughout the justice process, how information is collected, stored and shared, and the range of services and programs that are available to respond to prisoners' and returning citizens' individual and family needs.

**2014 Recommendation:** Direct the IST to create a Plan of Action for each barrier to determine *who* will do *what* and *when* in order to eliminate the barrier.

**2015 Status:** The Transition Accountability Planning Committee worked throughout 2014 and, as a result, each of the agencies that participate has had substantial input on the content of the four Transition Accountability Plans. The primary focus in 2015 is on Transition Accountability Plans 2 and 3 (focusing on post-parole approval, pre-release and post-release supervision and treatment).

**2015 Recommendations:** The IST recommends to the Council that the TAP 2 and TAP 3 be designed for IST review no later than March 15, 2015 after a review by the Data, Evaluation

and Performance Committee and that the design be determined after considering best practices from other states – through a technical assistance request to the National Reentry Resource Center.

## **HOUSING AND SUPPORT FOR RETURNING CITIZENS**

### **Regional Housing Coordinators**

- **Barrier:** While the shortage of affordable housing is a common problem for people who lack financial resources, the dilemma is more challenging for people with conviction records, both in the private housing market and in public and Section 8-supported housing. Even if they are eligible, many returning offenders are unaware of available housing options.

**2014 Recommendation:** Create five Reentry Housing Coordinator positions under the direction of the Governor’s Reentry Office to assist offenders in securing housing in partnership with Community Impact Programs (CIP). The five CIPs in Georgia (Atlanta, Macon, Savannah, Columbus, and Augusta) partner with local law enforcement and community stakeholders to help reentering offenders with housing, employment, substance abuse treatment, mental health care, education, and life skills. Each coordinator will work in one of the CIPs to help high-risk offenders and offenders with special needs find housing, as these groups are often the most challenging to place.

**2015 Status:** Funding for the Housing Coordinators was included in the FY 2015 Budget. Housing Coordinators have been hired, received initial training (also included in FY2015 Budget) developed and delivered by the Department of Community Affairs, and are working with the Local Steering Teams and Community Coordinators to develop and deliver Housing services in the five initial Pilot Sites.

### **Supportive Housing Development**

- **Barrier:** The Federal Low Income Housing Tax Credit (LIHTC) program is administered by the Department of Community Affairs through an annual Qualified Application Plan (QAP). Developers apply to DCA under the QAP for the right to sell the federal income tax credits to finance the development of their new affordable housing projects. The QAP governs the completion between developers and contains the state priorities for the type, location and quality of the housing as well as providing specific rules for the competition. The competition is based on points that the state allocates according to its affordable housing priorities.

Currently, developers who agree to include supportive housing in their projects are eligible for up to six points in the competition, but inclusion of supportive housing in an application is appropriately the choice of the applicant/developer. If the applicant/developer chooses to take the points for supportive housing, there is currently no responsibility to provide the services.

**2014 Recommendation:** Include language in the QAP that requires the applicant/developer to provide evidence of a memorandum of agreement with a Community Service Board or private provider before a developer is eligible for supportive housing points. In addition, require the Department of Community Affairs to monitor the applicant/developers to ensure that the supportive housing units they have committed to provide in their application under the QAP are appropriately implemented.

**2015 Status:** In the 2014 Qualified Allocation Plan, DCA required evidence of a Memorandum of Agreement with a service provider for both services that target populations with Special Needs (Threshold Section IV. A.) and services provided with the HUD 811 Program for individuals with disabilities (Scoring Section XVII. A.). DCA received two (2) supportive housing MOA documents and forty-two (42) executed 811 MOA documents in the 2014 Low Income Housing Tax Credit Funding Round.

DCA monitors projects for compliance with the “representations set forth in the Application,” which includes supportive housing services and agreements (Core Section 19). While supportive housing agreements are clearly included in the monitoring scope of DCA, the agency will not be able to provide monitoring data until the properties are built and occupied by tenants.

### Reentry Partnership Housing

- **Barrier:** There is a shortage of housing available for individuals returning to the community from prison. Even when suitable housing is located, many returning citizens need assistance with deposits and rental payments for a limited period of time.

### 2015 Recommendations:

- Increase Residential Partnership Housing funding and extend eligibility by creating appropriate policy changes, including assistance to probationers and those who max-out with no supervision requirement upon release. A Reentry Partnership Coordinator shall be assigned to the Department of Corrections to administer the program and actively recruit more providers within the GA-PRI pilot sites, as well as other areas across Georgia.



- Explore the possibility of creating a voucher program for qualified returning citizens who need extended housing. This program would provide rental assistance for a specified period of time for individuals who have successfully completed the 90 days of RPH assistance.

**2015 Status:** The DCA has modified eligibility requirements for RPH funding to include probationers and individuals who max out with no supervision to follow. DCA is also modifying additional eligibility criteria to expand the number of returning citizens eligible for RPH Funding. Funding for the Probation RPH position was included in the Statewide Recidivism Reduction Grant. And in his FY2016 Budget Proposal, the Governor recommends spending \$5,997,769 to expand the RPH Program. Most of that amount would be federal funds, but \$830,815 of the total would be a new state investment. Also for FY2016, the Governor included \$68,928 to fund an additional RPH Coordinator position

### Lack of Access to HUD Programs

- **Barrier:** Under program guidelines for U. S. Department of Housing and Urban Development (HUD) programs benefitting the homeless, individuals exiting a correctional institution are not eligible if they have been residing in a correctional facility for more than 90 days, even if they were homeless immediately prior to incarceration. The HEARTH Act governing these federal homeless programs further states that the definition of a homeless individual, “... *excludes any individual imprisoned or otherwise detained pursuant to an Act of Congress or State law.*”

**2015 Recommendations:** Over the next 12 months all agencies (with housing components) will convene to design policies and procedures to address alternatives and possible intervention methods. It is further recommended that the Council refer this back to the Housing Committee with specific outcome measures.

### Lack of Access to Public Housing

- **Barrier:** DCA’s Rental Assistance Division (RAD) administers the Housing Choice Voucher (HCV) Program, a federal program that helps extremely low-income, very low-income and low-income Georgians obtain decent and affordable housing. But many local housing authorities ban anyone with a felony conviction from accessing HCV.

**2015 Status:** To increase access to HCV, RAD made significant changes to the HCV program’s eligibility requirements. These changes included the removal of permanent bans related to family members who had been engaged in drug-related criminal activity or violent criminal activity, as well as bans related to family members listed as convicted felons for a drug-related or violent criminal activity.

In addition, the three-year ban has been lifted for those families terminated from a federally assisted housing program for program abuse or for a family member who has a record of arrest for drug-related or violent criminal activity on the premises of a public housing or HCV property within the previous three years. The only restrictions that remain are those federally mandated.

## EMPLOYMENT FOR RETURNING CITIZENS

### Driver's License Suspensions for Controlled Substances Violations

- **Barrier:** Current Georgia law requires a six-month suspension of a drug offender's driver's license upon conviction of *any* violation of the Georgia Controlled Substances Act, without regard to whether the offense was related to the operation of a vehicle.<sup>35</sup>

**2014 Recommendation:** Authorize a modification, at the judge's discretion, of the automatic driver's license suspension for minor drug offenses when the offense is not directly related to the operation of a vehicle. Any exemption from the automatic suspension rule by the judge must be conditioned upon the successful participation in and completion of any and all treatment and programs required of the offender while incarcerated or on probation/parole. Restoring the offender's driver's license shall be an *earned* benefit.

**2015 Status:** Passed and codified in O.C.G.A. Section 40-5-76 (b).

**2015 Recommendation:** While the Legislature enacted legislation in 2014, there is confusion or lack of knowledge concerning those changes. It is, therefore, recommended that a statewide educational campaign on the changes in the law governing driver's license suspensions for controlled substances violations be launched. Said campaign should include but not be limited to contracting with a non-profit organization to prepare and deliver presentations at prosecutor, public defender, and judiciary training conferences. Local Reentry Councils should educate their justice and community partners and general public concerning these changes.

### "Ban the Box"

- **Barrier:** Prospective employees of the State of Georgia are required to disclose convictions on their initial employment applications. This practice may exclude a returning citizen from consideration, even if he or she is otherwise qualified for the position and the conviction has little or no bearing on the work to be performed.

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<sup>35</sup> O.C.G.A. § 40-5-75.

**2014 Recommendation:** Require the state to “ban the box” on appropriate employment applications and instead require that the applicant disclose any criminal history during a face-to-face interview with the employing agency. Applications for positions in which a criminal history would be an immediate disqualification (i.e. public safety jobs or highly sensitive governmental positions) would continue to require the initial disclosure.<sup>36</sup>

**2015 Status:** Executive Order banning the box on appropriate state employment applications is expected to be signed by the Governor in 2015.

### Criminal Histories/Records

- **Barrier:** H.B. 1176 (2012) and H.B. 349 (2013) included provisions related to the restrictions of certain criminal histories. The Council appreciates the need to balance an employer’s right to know about the background of potential employees against the potential employee’s right to receive appropriate protections accorded them by state law.

**2014 Recommendation:** Develop procedures through which an individual can demand that a consumer reporting agency<sup>37</sup> correct any report containing any aspect of that person’s criminal history that is inaccurate or does not appropriately restrict information as required by existing state law.

In addition, create a private cause of action with treble damages against consumer reporting agencies if said reports are published by the agency and do not reflect the demanded corrections. This Council further recommends that the General Assembly clarify the venue provisions for this new cause of action, as a long-arm statute may be appropriate.

**2015 Status:** Consumer reporting agency legislation was introduced as a part of Senate Bill 365 but was removed prior to the passage and signing of the bill into law.

**2015 Recommendation:** In last year’s report, this Council recommended that individuals should be provided with a private cause of action against consumer reporting agencies that report erroneous or incomplete criminal background information for employment purposes. That recommendation was not enacted by the General Assembly due to potential conflict with applicable federal law. To accomplish our intent, this Council recommends that the General Assembly codify, in state law, the relevant provisions of 15 U.S.C. § 1681(k), “Public record information for employment purposes.” In addition, the Council recommends that the General

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<sup>36</sup> Ten states and more than 50 local jurisdictions across the U.S. – including Atlanta – have adopted “ban the box” in the past nine year. Most of these (including Atlanta) only regulate public employers.

<sup>37</sup> Consumer Reporting Agencies are private companies that collectv criminal history and other background information on individual consumers for employers, housing providers and a variety of other authorized uses.

Assembly define, in state law, “consumer reporting agencies” and require the same to register with the Georgia Bureau of Investigation if they conduct business in the state or with the citizens of the State of Georgia.

### Liability Protection for Employers

- **Barrier:** Employers may be subject to civil liability for failing to exercise ordinary care in hiring and retaining employees. They can be found liable for negligent hiring or retention if they knew or should have known of an employee’s dangerous or criminal propensities.<sup>38</sup>
- **2014 Recommendation:** Require that the Georgia Department of Corrections issue appropriate non-violent offenders a certificate that certifies the completion of any required treatment plan and any vocational training while that offender was incarcerated and compliance with any reentry plan while that offender is on probation/parole. The Department shall promulgate rules and regulations governing the issuance of these certificates and a procedure whereby they can be revoked with appropriate notice of revocation given.

**Option 1:** The existence of an aforementioned certificate shall create a rebuttable presumption to protect employers or other institutions in all negligence suits related to the employment of, provision of housing to or admission to educational programs for an ex-offender to whom the certificate was issued, so long as the employer or institution knew of the certificate at the time of the allegedly negligent act and had it on file in the appropriate office.

**Option 2:** The existence of an aforementioned certificate shall provide immunity in any action against an employer or institution alleging lack of due care in hiring, retaining, leasing to, or admitting to a school or program with respect to the ex-offender to whom the certificate was issued, so long as the employer or institution knew of the certificate at the time of the allegedly negligent act and had it on file in the appropriate office. The certificate would have no impact on other negligence suits.<sup>39</sup>

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<sup>38</sup> O.C.G.A. § 34-7-20; *Munroe v. Universal Health Servs., Inc.*, 596 S.E.2d 604, 606 (Ga. 2004).

<sup>39</sup> *North Carolina:* In a negligence action, a Certificate of Relief is a bar to any action alleging lack of due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the Certificate of Relief was issued, if the person against whom suit is brought knew of the Certificate of Relief at the time of the alleged negligence. (N.C. Gen. Stat. § 15A-173.5)

*Ohio:* A Certificate of Qualification for Employment provides immunity for employers from negligent hiring liability based on their hiring an individual with a criminal record when they know they are hiring an individual to whom a certificate has been issued. The certificate is available to an individual either six months or one year after completing his or her sentence, depending on the offense, based on certain specified factors. (ORC Ann. 2953.25).

- **2015 Status and Recommendations:** A “Program Treatment Completion Certificate” provision passed as part of SB 365. The Board of the Department of Corrections promulgated rules and regulations which were approved during the January 2015 board meeting.

### Access to Food Stamps

- **Barrier:** The federal welfare law imposes a lifetime ban on anyone convicted of a drug-related felony from receiving federally funded food stamps and cash assistance (Temporary Assistance to Needy Families, or TANF). The law gives states the option of passing legislation to limit the ban or eliminate it altogether.
- **Barrier:** Individuals returning from prison have different capacities to obtain full, unsupported employment. Some will need transitional employment, supportive employment or vocational rehabilitation. Others will need additional income support to maintain a safe and sustainable living situation.

**2014 Recommendation:** If the General Assembly chooses to enact a comprehensive reform of food stamps and TANF in Georgia, including, but not limited to, more vigorous enforcement against fraud, abuse and waste, it should consider lifting the lifetime ban on food stamps and cash assistance for ex-offenders who have received and continue to hold a certificate of program completion issued by the Department of Corrections (see below) and demonstrate successful compliance with probation or parole supervision.

An appropriate method for monitoring compliance must be available so that probation and parole officers can temporarily reinstate the ban for offenders who violate conditions until it is permanently reinstated by a judge or the State Board of Pardons and Paroles during a revocation proceeding.

**2015 Status:** There was no Bill introduced in the 2014 Legislative Session to address this recommendation.

**2015 Recommendation:** Reaffirm the 2014 Recommendations of this Council.

### Increased Participation in Educational Programs

- **Barrier:** There is limited opportunity to receive educational credentials in prison because of lack of access to GED programs, no access to diplomas and less tangible barriers, such as motivation and peer pressure.

**2015 Recommendations:**

- Provide funding to help the Department increase the number of GEDs and diplomas awarded in prison.
- Conduct further inquiry into mandatory participation in educational programming.

**2015 Status:** Governor Deal has called for an expansion of GED and diploma opportunities within the correctional system, with a total of \$1.977 million in new state funds included in his AY2015 Budget Recommendations. The Governor has renewed that commitment with total appropriations of \$8.56 million in the FY2016 Budget Recommendations.

**Increased Participation in Technical Training**

- **Barrier:** There is limited opportunity for technical certification because of lack of space in technical and OJT programs. The lack of a high school diploma or GED affects ex-offenders' ability to enroll in available classes.

**2015 Recommendation:** Provide resources to increase the number of certifications awarded in prison.

**2015 Status:** Governor Deal has called for an expansion of Technical Skills Training opportunities within the correctional system, with a total of \$1.036 million in new state funds included in his AY2015 Budget Recommendations. The Governor has renewed that commitment with total appropriations of \$3.288 million in the FY2016 Budget Recommendations.

**Enhanced Work Experience Opportunities**

- **Barriers:** Few opportunities for certification exist due to limited space in prison vocational and OJT programs. In order to receive certification or a technical college degree, a student may start without a high school diploma or GED, but must have one or the other before graduating or receiving the certification.

**2015 Recommendation:** Revamp prison work details to provide experience that meets the requirements of Prior Learning Assessments (PLAs) so technical college credits can be awarded for work experience gained on prison details

**2015 Status:** Throughout the course of 2014 the Department of Corrections and Technical College System of Georgia (TCSG) began a pilot revamping prison work details to provide experience that meets the requirements of PLAs so technical college credits can be earned. The Council recommends supporting GDC and TCSG in this pilot project.

### Access to Occupational Licensing

- **Barrier:** Lack of uniformity on the part of licensing boards when determining whether or not to issue an occupational license.

**2015 Recommendation:** Establish licensing policies that ensure returning citizens have appropriate opportunities for licensing. In determining whether to issue an occupational license, the boards should consider the following:

- The individual was discharged without adjudication of guilt pursuant to the First Offender Act or the Conditional Discharge Act;
- The individual received a Program and Treatment Completion Certificate from the Department of Corrections;
- The individual was granted a pardon from the Board of Pardons and Paroles;
- The individual has successfully completed an accountability court program;
- The record has been restricted (expunged);
- Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release, including but not limited to: education or professional certification obtained since the time of the offense, completion of an evidence-based reentry program or the receipt of a Program and Treatment Completion Certificate.

### Access to Community Employment Services

- **Barrier:** State agencies are working to develop employment opportunities for returning citizens but procedures and requirements vary and can be duplicative. More coordination between agencies on the local level is needed.

**2015 Recommendation:** Convene working groups on the local level to coordinate and align processes of agencies that provide employment-related services to returning citizens.

### Statewide Board or Roundtable of Private Employers

- **Barrier:** Private employers have established blanket bans restrict employment of returning citizens. These bans create an impossible barrier for individuals with felonies in their background, regardless of their level or rehabilitation and the skill sets they have acquired.

**2015 Recommendation:** Appoint a statewide board or roundtable of private employers to conduct a dialogue concerning best practices in hiring and retention, obstacles employers

face when hiring returning citizens, policy changes that might create employment opportunities, and suggestions on how to encourage private employers to hire returning citizens.

### State Work Opportunity Tax Credit

- **Barrier:** Relatively few incentives exist to encourage private employers to hire returning citizens.

**2015 Recommendation:** Explore opportunities for a state work opportunity tax credit to incentivize offering employment to returning citizens.

### Regional Employment Coordinators

- **Barrier:** While stable employment is critical for success in the community, many returning citizens lack the education and skills to obtain and sustain stable employment. Lack of an employment history and basic job readiness skills also contributes to the inability to find and maintain employment.

**2015 Recommendation:** Hire six regional employment coordinators in the GA-PRI pilot sites to perform the following functions:

- Prison in-reach, to include assisting returning citizens with resumes, career development, mock interviews, etc.;
- Connect returning citizens with employers prior to release from prison;
- Work with local agencies, employers and community stakeholders to help returning citizens prepare for and find employment;
- Recruit and educate employers about incentives and benefits of hiring returning citizens;
- Assist returning citizens in accessing vocational rehabilitation programming, entrepreneurship opportunities, and income supports.

### Access to Valid State IDs

- **Barrier:** Many returning citizens leave prison without a valid state ID and are unable to immediately access employment, benefits, and services.
- **Barrier:** State agencies must often obtain valid IDs in order to provide assistance and training and ensure the returning citizen is prepared for reentry into the community. These state agencies pay more for state IDs than local nonprofits.



**2015 Recommendations:** Explore resources available to purchase and deploy a DDS mobile unit to process state IDs at state correctional facilities and implement a policy requiring the Department of Driver Services to provide state agencies a discount on state IDs comparable to the discount given to nonprofit organizations or to provide state IDs at no charge.

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## Addendum

### The Governor's Office of Transition, Support and Reentry

#### 2015-2017 GA-PRI Three Year Implementation Utilizing Federal Second Chance Act Funds

Approved by the Georgia Council on Criminal Justice Reform  
October 28, 2014

### Introduction

The State of Georgia is committed to several principles of evidence based practice that are incorporated into the design of the Georgia Prisoner Reentry Initiative (GA-PRI) and our approach for recidivism reduction. These principals form the basis for four grants that were submitted to the federal Bureau of Justice Assistance (BJA), each approved for funding during the next three years (2015-2017), which focus on several critical aspects of the implementation of the GA-PRI Framework.

- *Assess actuarial risk and needs* – Develop and maintain a complete system for the use of reliable and validated actuarial risk and needs of returning offenders;
- *Target Interventions* - Prison and community based supervision and treatment resources should be prioritized for higher risk individuals; interventions must target criminogenic needs; and programming should be responsive to individual learning styles, gender, culture, etc.;
- *Measure Relevant Processes/Practice* - A formal and valid mechanism for measuring outcomes is the foundation of evidence-based practice; and,
- *Provide Measurement Feedback* - Once a mechanism for performance measurement and outcome evaluation is in place, the information must be used to inform policies and programming.

### GA-PRI 2015-2017 Preliminary Implementation Objectives

The continued implementation and expansion of the GA-PRI in the next three years will result in statewide engagement by the end of 2018. The statewide expansion begins with the existing inaugural five Community Pilot Sites in 2015; an expansion into the second five Community Pilot Sites in 2016; five additional sites in 2017; and expansion to the balance of the state in 2018. This timeline is driven by the implementation objectives approved by the Georgia Council for Criminal Justice Reform (the Council) in 2014. These objectives have been designed to meet the recidivism reduction goals of the GA-PRI: to reduce the overall statewide recidivism rate by 7% in two years (from 27% to 25%, a two point drop) and to reduce the statewide recidivism rate by 11% over five years (from 27% to 24%, a three point drop).<sup>40</sup>

<sup>40</sup> Recidivism is defined as a conviction for a new felony within three years of release.

The preliminary objectives approved by the Council for the next three years – which may change as strategic and operational challenges arise – include but are not limited to, the following priorities:

9. Implement a risk, need, and responsivity (RNR)-based collaborative, three phase case planning and service delivery system (Transition Accountability Planning) among prison staff, post-release supervision staff, local reentry implementation teams and pre- and post-release reentry service providers for moderate to high risk returning citizens that focuses on addressing their criminogenic needs.
10. Select a prison facility within the Georgia Department of Corrections (GDC) as an Evidence Based Learning Site and provide the staff and training resources needed to implement evidence-based RNR and other principles and practices of effective intervention – including skill enhancement training to maximize prisoner behavior change.
11. Ensure that the GA-PRI is properly staffed and that stakeholders and staff are properly trained, both at the state and local levels, so that the Case Planning and Service Delivery System has the resources needed to be successful in order to appropriately manage the risks and meet the needs of the target population. This staffing includes but is not limited to, project coordination, local community pilot site coordination, prison in-reach services, training and staffing at a prison-based learning site.
12. Develop and implement a system to assist returning citizens who are on *probation* supervision under GDC upon release from prison with housing similar to the system that is in place for returning citizens who are on *parole* supervision upon release under the authority of the State Board of Pardons and Paroles (SBPP). This system should also include housing opportunities for those individuals maxing out with no supervision to follow, providing their willingness to enter a contractual agreement with the Reentry Partnership Housing (RPH) provider.
13. Improve GA-PRI by adding capacity to adapt and improve existing graduated response (sanctions and incentives) policies and procedures for the parole and probation systems and train top managers in the use of the adapted system. Further to review the assets, barriers and gaps needed for full implementation.
14. Develop a full range of policies and procedures for activities and programs related to the GA-PRI so that fidelity to, and the sustainability of, the GA-PRI Framework is assured.
15. Develop and implement a process to measure and report on Quality Assurance that demonstrates the use and efficacy of evidence-based principles (such as Risk, Need and Responsivity or RNR) and other principles and practices of effective intervention by prison staff, parole and probation officers, managers, and community partners.
16. Determine the impact of implemented evidence-based supervision and reentry service strategies, training, coaching and related policies and processes on recidivism and crime reduction in order to measure the degree that the state's goals are met for recidivism reduction.

### **GOTSR Staffing Resources for the GA-PRI Three Year Implementation Plan**

The Governor's Office of Transition, Support and Reentry (GOTSR), led by Director Jay Neal, will be leading the implementation effort and will support the State Organizational Structure for the GA-PRI through its various committees and work groups. In general, GOTSR's services that support

the GA-PRI will include over the next three years:

- **Strategic Planning and Education:** After the review of the information that describes each pilot site's community assessment and the characteristics of returning citizens, planning meetings and training sessions will be held that include educational materials pertinent to their needs about evidence-based practices and how other jurisdictions have demonstrated improved performance and cost savings by implementing new approaches to crime reduction.
- **Facilitated Decision Making:** These analyses become the basis of decision-making. Armed with the data that describes the current system, the discussion is driven by an honest discussion about the policies and practices that are causing the impact and "what if" scenarios, again data informed, that point the way for decisions relative to how much they want to change the status quo, the expected results and the assets, barriers and gaps that are in play that will affect implementation – all within the context of the GA-PRI.
- **Facilitated Implementation Planning:** The analysis then concludes with the development of an implementation plan that takes advantage of the assets, addresses the barriers and fills the gaps. The time line of the plan is driven by the complexity of the barriers and the costs to fill the gaps. The plan includes a description of the 4Ws: Who does What, When, and Why.
- **Education and Training:** Throughout this process, training is provided on the evidence-based practices and any of the data and analytical work that is in play.
- **Mentoring/Coaching:** The on-going management expertise described above must go hand in glove with services designed to help the community coordinator, the housing coordinator and – especially – the Prison In-Reach Specialist, who are charged with recidivism reduction and have access to the expertise of experienced managers (internal and external to GOTSR and the GA-PRI team) who have successfully done this type of work. This mentoring is intended to assist with trouble shooting, management and agency interaction problems, problems "up the chain" and problems "down the chain", and – unavoidably – strategic and operational problems as they unfold.

More specifically, there are four service areas that are needed in the next three years in order to meet the goals and objectives of the GA-PRI, each of which are funded to a large extent by the four federal BJA grants, and described in detail in the following sections:

1. System Planning and Coordination of Effort;
2. Staffing to Enhance the GA-PRI
3. Education and Training;
4. Grants/Contract Development, Management and Coordination.

## I. System Planning and Coordination of Effort

GOTSR will work closely with the GA-PRI leadership and staff and the appropriate committees, workgroups and oversight bodies to facilitate, develop and execute annual implementation plans for the GA-PRI consistent with the expectations of the Council. These annual plans will include but not be limited to the commitments made in federal Bureau of Justice Assistance (BJA) grants and the work will include, to whatever extent is needed, working with federal agencies and their selected technical service providers. As a result of federal funding through the Second Chance Act,

GOTSR is able to retain the Center for Justice Innovation to assist as they have in system planning and coordination of effort.

### **System Planning and Coordination of Effort Objectives**

- GOTSR will work with the GA-PRI Implementation Steering Team (IST) to help guide and facilitate the implementation process. The IST includes a representative cross section of state policymakers, agency directors and managers, community partners, and line staff directly affected by the plan.
- GOTSR will lead the development of a detailed annual implementation plan each year which will include:
  - A strategy to engage key stakeholders and educate them about the plan to promote buy-in.
  - The GA-PRI evaluation plan developed in cooperation with the GA-PRI Research Partner, Applied Research Services (ARS) that details what data needs to be collected as the project is rolled out to ensure evaluation.
  - The specification of the intermediate data for each year's priorities that are/will be reflected in the GA-PRI Framework that will be tracked to monitor implementation progress, and progress toward meeting Georgia's annual recidivism reduction goals, and how that information will be reported to key stakeholders.
  - An updated assessment of the target population that will be affected by the plan to inform implementation.
  - An ongoing plan to review and change agency policies or procedures, and establish, through the use of grant funds, Memoranda of Understanding as needed in order to further develop and refine the GA-PRI's organizational infrastructure to support the implementation of targeted interventions.
  - An ongoing training, coaching, and supervision plan for staff implementing, supervising, or directly affected by any new programs or policies on how to implement those changes and the importance of evidenced-based practices.
  - An ongoing oversight/quality assurance process to ensure evidence-based practices supported by the grant are being implemented appropriately and a corresponding plan for how to respond to shortcomings or successes.
  - An annual strategy for engaging executive, legislative, and judicial state policymakers to promote broad political support for the project consistent with, but expanding upon as needed, the expectations, mandates and directives of the Council regarding statewide recidivism reduction.
  - The determination of the types of Technical Assistance (TA) that will be requested of BJA and other federal agencies, and, as needed, communication with federal TA providers.
- GOTSR will manage, collaborate and coordinate GA-PRI activities across the existing and emerging community pilot sites, including cross-training and information-sharing that will assist in achieving the GA-PRI's performance-based goals/objectives.
- GOTSR will collaborate with state and local agencies, organizations, and community leaders and experts in the areas of post-prison release decision-making, reentry, and community

supervision to improve probation and parole operations as they affect the success of returning citizens.

- GOTSr will identify barriers that may hinder the successful implementation of the project and recommend to the IST policies, procedures, and programs to overcome such barriers.
- GOTSr will act as liaison to professional associations, volunteer and faith-based organizations, and local treatment and rehabilitation agencies to collaborate on the GA-PRI.
- GOTSr will provide facilitation, planning and direct assistance to its evaluation partners at the federal and state level on data collection, monitoring, evaluation functions.

### **Deliverables**

- An overview of a Three Year Implementation Plan for the GA-PRI that includes but is not limited to the use of federal BJA grants, by October 27, 2014. (COMPLETED – Also, see GA-PRI Implementation Timeline for October-December, 2014; 10.27.14).
- A highly detailed 2015 Comprehensive Implementation Plan for the GA-PRI that includes but is not limited to the use of federal BJA grants, through a facilitated session on October 29, 2014 and finalized during a second facilitated session during the week of December 1, 2014.
- Highly detailed 2016 and 2017 Comprehensive Plans developed in October of 2015 and 2016 for the upcoming year, each of which will include but not be limited to current and future federal and philanthropic grants that are known in October of 2015 and 2016.
- Updates on the high level Overview and detailed Comprehensive Plans every six weeks in 2015, every nine weeks in 2016, and every 12 weeks in 2017.

## **II. Staffing Resources to Enhance the GA-PRI**

The commitment from Governor Nathan Deal to provide staffing resources to fully implement the GA-PRI is buoyed by the federal BJA grants which include staffing resources, in addition to the substantial resources for contracts (See Section IV). Without proper staffing, many states attempting to reduce recidivism have faltered.<sup>41</sup>

The Staffing Detail which begins on the next page summarizes the staffing that is provided under federal grants – as well as the match funding that the state will provide over the next three years. The funds allotted through federal funding may be adjusted depending on the timing of the staffing plan and the actual costs of funding the positions.

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<sup>41</sup> *Reducing Recidivism, Lessons Learned*, Dennis Schrantz, The Michigan Council on Crime and Delinquency, Center for Justice Innovation (2012).

**Staffing Objectives**

- Ensure that the GA-PRI is properly staffed and that stakeholders and staff are properly trained, both at the state and local levels, so that the Case Planning and Service Delivery System has the resources needed to be successful in order to appropriately manage the risks and meet the needs of the target population.

This staffing includes but is not limited to project coordination, local community pilot site coordination, prison in-reach services, training and staffing at a prison-based learning site.

**Deliverables**

- A staffing plan for positions funded through federal grants or other sources to be included in the 2015 Implementation Plan no later than November 1, 2014.
- Updates on the staffing plan every six weeks in 2015 as part of the regular updates of the Comprehensive Implementation Plan.

**STAFFING DETAIL (Excerpts from federal BJA Grant Applications)**

<b>Project Management</b>			
SRR Grant Project Coordinator	Salary at \$65K per yr. x 3 yrs. x 1 position	\$195,000	<b>\$312,000</b>
	.60 Fringe x \$65K per yr. x 3 yrs.	\$117,000	
Maximizing JRI Coordinator	Salary at \$75,000 each per year; 3 years	\$225,000	<b>\$360,000</b>
	.60 Fringe x \$75K per yr. x 3 yrs.	\$135,000	
Information Sharing Coordinator	Salary at \$45,000 per yr. x 1.25 yrs. X 1 position	\$56,250	<b>\$90,000</b>
	.60 Fringe x \$45,000 per yr. x 1.25 yrs.	\$33,750	

Project Coordinators will report to Jay Neal (GOTSR). Responsibilities include but are not limited to working with the GA-PRI Implementation Steering Team to help guide and oversee the implementation process; working with technical assistance providers, developing an implementation plan as part of the GA-PRI team, managing the collaboration and coordination of project deliverables across the five pilot sites, including cross-training and information-sharing that will assist in achieving the project’s performance-based goals/objectives; consulting and collaborating with state and local agencies, organizations, and community leaders and experts in the areas of post-prison release decision-making, reentry, and community supervision to improve probation and parole operations as they affect the success of returning citizens; identifying barriers that may hinder the successful implementation of the project and recommend to GOTSR and the IST policies, procedures, and programs to overcome such barriers; overseeing the data and reporting required by the Bureau of Justice Assistance; and working with ARS to design and monitor data collection and the project evaluation.



<b>Community Pilot Site Coordination – Recidivism Reduction Grant</b>			
(5) Community Coordinators	Salary at \$46.5K per yr. x 3 yrs. x 5 positions	\$697,500	<b>\$1,116,000</b>
	.60 Fringe x \$46.5K/salary x 3 yrs. x 5 positions	\$418,500	

These positions report to GOTSr. At each of the five GA-PRI community pilot sites, a full time community coordinator is being established, beginning with five in 2015, five more in 2016, and an additional five in 2017 immediately prior to taking the GA-PRI statewide and up to scale. Some of the most critical aspects of these positions is their oversight of transition accountability planning (case planning) from the point of prisoners’ preparation for release under the TAP2 – in coordination with prison-based EBP counselors and programmers – through returning citizens’ discharge from supervision (TAP4); and working with third party service providers to assure adherence to Evidence Based Principles and Practices under the TAP3.

<b>Evidence Based Prison Facility Learning Site Staffing– Recidivism Reduction Grant</b>			
EBP Facility Supervisor	Supplement \$6.6K per yr. x 3 years	\$19,800	<b>\$31,680</b>
	.60 Fringe for Supplement \$6.6K x 3 yrs.	\$11,880	
EBP Facility Program Coordinator	Salary at \$50K per yr. x 3 yrs. x 1 position	\$150,000	<b>\$240,000</b>
	.60 Fringe x \$50K x 3 yrs.	\$90,000	
(3) EBP Facility Counselors	Salary at \$33K per yr. x 3 yrs. x 3 positions	\$297,000	<b>\$475,200</b>
	.60 Fringe at \$33K per yr. x 3 yrs. x 3 positions	\$178,200	

In 2015, the GA-PRI will begin implementing Phase I (Getting Ready, the Institutional Phase) by developing a “Learning Site” Evidence Based Prison Facility where policy-driven, data-informed decision-making will be used to revamp policies, practices, programs, staffing and staff training. This facility will be selected based on criteria that include proximity to one or more community pilot sites, the number of moderate to high level prisoners who are released from the facility, and the competency and capacity of the prison facility staff and leadership to manage change. Three positions in the Georgia Department of Corrections (GDC) are critical to the effort: a supervisor who will be selected to oversee the effort and whose salary will be augmented with additional funds from the grant; an EBP Program Coordinator who will oversee the adaptation, expansion and/or development of EBP prison based programming; and three full time counselors who will be responsible for the oversight of transition accountability planning (case planning) from the point of prisoners’ preparation for release under the TAP2 – in coordination with local community coordinators and working with the selected trainers for the goal centered, motivational skill development training that is being proposed for 120 staff at the EBP Facility.

<b>Sustainable Housing Development – Recidivism Reduction Grant</b>			
Housing Reentry Partnership Coordinator	Salary at \$40k per yr. x 3 yrs. x 1 position	\$120,000	<b>\$192,000</b>

	.60 Fringe at \$40k per yr. x 3 yrs.	\$72,000	
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This position reports to Jay Neal, GOTSR. One of the most pronounced needs in the Georgia post-prison supervision and services continuum, documented in the Georgia Criminal Justice Reform Council Report (January 2014) is for sustainable housing. As a result, the Governor has committed \$2.4 million over the three year grant cycle for local Housing Coordinators at each of the GA-PRI community sites – beginning with five in 2014, five more in 2016 and an additional five in 2016 immediately prior to ramping up the GA-PRI statewide, and up to scale in 2017. In addition, Georgia has had a dedicated position working for the State Board of Pardons and Parole to help develop and coordinate housing for parolees. What is missing is a similar position for post-prison probationers – who are released in great numbers to Georgia communities (5,000 releases estimated in 2014) – and who are in need of housing. The position of Housing Reentry Partnership (HRP) Coordinator is to help coordinate and to support the work that needs to be accomplished at the community level through enhanced partnerships with housing providers. As a result, the IST will be better able to project the additional resources that are needed for sustainable housing in the state.

<b>Quality Assurance – Recidivism Reduction Grant</b>			
QA Protocol Developer	Salary at \$50K per yr. x 3 yrs. x 1 position	\$150,000	<b>\$240,000</b>
	.60 Fringe x \$50K per yr. x 3 yrs.	\$90,000	

This position is essential to the statewide implementation and sustainment of the GA-PRI so that its risk reduction goals are achieved and maintained. As the process and impact evaluation of the GA-PRI by Applied Research Services, Inc. (ARS) is implemented, the need to respond to shortcomings by state agencies and community partners will need to be addressed through specific measures during the grant cycle and then permanently assessed and responded to through these entities existing Quality Assurance processes.

<b>Enhanced Supervision Trainers – Smart Supervision Grant</b>			
(2) Enhanced Supervision Master Trainers	Salary at \$45K per yr. x 1 yr. x 2 positions	\$90,000	<b>\$144,000</b>
	.60 Fringe x \$45K x 1 yr. x 2 positions	\$54,000	

The Enhanced Supervision Master Trainers (ESM) will provide training, training coordination, and training quality assurance for the project. The ESM positions will be filled from the cohort of 20 Trainer-of-the-Trainer participants (TOT). The ESMs will receive the skill and TOT training in Year Three of the grant and will begin providing training immediately. There will be one ESM for GDC and one for the State Board of Pardons and Parole (SBPP), each of which supervises returning citizens. The two positions will be removed from their normal job function and their old positions backfilled due to the grant availability to fund the training positions. The move to grant funding and change in position will occur once they are fully trained and dedicated to the sole purpose of enhanced supervision training. These positions will be sustained after grant funding ends, resulting in a net increase of 2 full time training positions.

**State Match for Personnel Costs – Recidivism Reduction Grant**

Contingent upon the final state appropriations budget as passed by the legislature and signed by the Governor

**Year Two and Year Three Demo Site Community Coordinators \$1,116,000**

Year Two (5) Community Coordinators	Salary at \$46.5K per yr. x 1 yrs. x 5 positions .60 Fringe x \$46.5K/salary = \$27.9K per yr. x 1 yrs. x 5	\$232,500 <u>\$139,500</u> <b>\$372,000</b>
Year Three (10) Community Coordinators	Salary at \$46.5K per yr. x 1 yr. x 10 positions .60 Fringe x \$46.5K/salary = \$27.9K per yr. x 1 yr. x 10	\$465,000 <u>\$279,000</u> <b>\$744,000</b>

**Match Funding for Positions In Addition to those Initiated with Federal Funds: \$1,884,000**

**Year Two and Year Three Additional Probation & Parole Officers for Demo Sites \$1,328,640**

Year Two (12) Probation/Parole Officers	Salary at \$34.6K per yr. x 1 yrs. x 12 positions .60 Fringe x \$34.6K/salary = \$20,760 per yr. x 1 yrs. x 12	\$415,200 <u>\$249,120</u> <b>\$664,320</b>
Year Three (12) Probation/Parole Officers	Salary at \$34.6K per yr. x 1 yr. x 12 positions .60 Fringe x \$34.6K/salary = \$20,760 per yr. x 1 yr. x 12	\$415,200 <u>\$249,120</u> <b>\$664,320</b>

**Year Two and Year Three Regional Prisoner Reentry Counselors \$555,360**

Year Two (5) Reentry Counselors	Salary at \$34.7K per yr. x 1 yrs. x 5 positions .60 Fringe x \$34.7K/salary = \$20,826 per yr. x 1 yrs. x 5	\$173,550 <u>\$104,130</u> <b>\$277,680</b>
Year Three (5) Reentry Counselors	Salary at \$34.7K per yr. x 1 yr. x 5 positions .60 Fringe x \$34.7K/salary = \$20,826 per yr. x 1 yr. x 5	\$173,550 <u>\$104,130</u> <b>\$277,680</b>

**III. Training and Education**

While the GA-PRI Framework is in place for thoughtful and evidence-based reentry planning and implementation, success in recidivism reduction will largely depend on the degree that returning citizens will be provided with an effective and accountable array of community services that meet the evidence based principles of timing and dosage contained in the GA-PRI Transition Accountability Planning (TAP) process. Robust training is fundamental to this effort.

**Training and Education Objectives**

The training goals for the GA-PRI are centered on the use of evidence-based programs and strategies by GDC and SBPP and third-party providers of provide housing, employment, behavioral health treatment, prison aftercare and reentry services. The training objectives are to:

- Strategically and systematically increase community-based services for returning citizens which are safe and appropriate.
- Provide training on the use of the Next Generation Assessment (NGA) risk and needs assessment instrument for GA-PRI state and local community partners.
- Ensure that these services align with the principles of effective intervention of risk, need and responsivity, are implemented based on the evidence-based principles (including the use of validated, risk/need assessment that drives case planning), manage the risks and meet the needs of the target population.
- Help achieve the performance and outcome expectations for reduced recidivism and reduced crime under the GA-PRI.

### **Deliverables**

- A three year GA-PRI Training Plan that meets the goals and objectives discussed above for: (1) the first five GA-PRI Pilot Sites in 2015; (2) the next five sites in 2016; and (3) in the next five sites in 2017; in order to be prepared for statewide expansion into the balance of the state in 2018.
- The three year training plan will include two major focus areas funded by the Second Chance Act:
  - Training, paid for under the *BJA Maximizing the Impact of the JRI Grant*, which will include but not be limited to: (1) Completing a local Community Assets, Barriers & Gaps Assessment; (2) Using the Community Assessment and “Pipeline Data” (Returning Citizen Criminogenic Risk/Need Data) in the development of a local Comprehensive Reentry Plan; (3) Completing the Transition Accountability Plan through Effective Prison In-Reach; (4) Collaborative Case Management.
  - Training, paid for with BJA funding under the *Smart Supervision Grant*, that will enhance service and supervision delivery by focusing on five Core Correctional Practices to enhance prison in-reach, post-supervision and TAP success: (1) The Appropriate Use of Authority, (2) Appropriate Modeling and Reinforcement, (3) Skill-Building and Problem Solving Strategies, (4) Effective Use of Community Resources, and 5) Relationship Enhancement Factors.

The new skills will blend the supervision and case management roles necessary to monitor, refer, and follow-up with sufficient dosages of treatment and other behavior-change interventions, as well as maximize the collaborative working relationships necessary to improve outcomes.

## **IV. Grants/Contract Development, Management and Coordination**

During the three year implementation period several contracts will be required to meet the goals and objectives of the GA-PRI, many funded with federal funds. In the future, as additional federal grants are sought and awarded – highly likely given Georgia’s 100% track record in 2014 with grant requests – the need for grants and contract management and coordination will increase. This is

particularly true considering these opportunities for local Community Pilot Sites which can apply for federal funds independently of the state but will greatly benefit from working cooperatively so that these federal funding applications meet the GA-PRI mantra of “One Strategy, One Plan.” There are two areas to consider, one pertaining to the contract process and one pertaining to the grant application process.

### ***New Federal Grant Applications***

Federal grant opportunities – for state agencies and especially for local Community Pilot Sites – will continue to benefit from assistance from the Center for Justice Innovation (the Center) which was instrumental in our quest for federal funding. Technical assistance, training, writing and/or editing federal grants will be provided by the Center pursuant to their contract with GOTSR. If grant development efforts require substantial technical input for evaluations, a subcontract from the Center to their evaluation partner, Public Policy Associates, Inc., may be needed.

### ***Contract Development and Management***

Each year the contracts that result from federal grant awards will require, or may benefit from, the development of Requests for Information (RFIs), or Requests for Qualifications (RFQs) prior to issuing Requests for Proposals (RFPs) depending on the nature, size and complexity of the services needed. For smaller contracts that don’t require RFIs, RFQs, or RFPs, detailed Statements of Work will need to be developed.

Further, once the required documentation is completed, the bid and contract process will need to be managed and, eventually, contracts will need to be monitored and evaluated. For the contract development and management process, options include: (1) For most of these activities, Georgia state agencies will need little if any assistance; (2) For others, the Center will provide assistance for documentation development for state contracts; (3) For some of these on a case-by-case basis, due to their expertise and capacity, the Center may become the contracting agency thereby assuming the responsibility for the process from beginning to end. (This includes in 2015 the development of Graduated Sanctions and Incentives funded under the BJA *Maximizing the Impact of the JRI Grant*.)

### **Objectives**

- GOTSR will efficiently manage contracts that affect the GA-PRI including but not limited to contracts for technical assistance, training, policy development, information sharing, technology and other services.
- Develop an RFI, RFQ and/or an RFP for Enhanced Supervision Training, as needed, so that the selection process meets state rules and protocols.
- GOTSR will oversee the subcontract process – through an award to the Center which will be subcontracted to a service provider – for the Graduated Sanctions and Response contract.

### **Deliverables**

- Documentation from appropriate agencies for contract RFIs, RFQs and/or RFPs.
- A contract design and subsequent contract award from the Center to a vendor for the Graduated Sanctions and Response that meets the guidelines described on the following page.

- The Center will manage the contract process for the Graduated Sanctions and Response service provider selection utilizing the federal funding for the contract. No more than 10% of the \$50,000 in funding will be used for administration of the process.

Contracts resulting from federal BJA grant awards for contracts are categorized into three types and shown on the chart on the following page: (1) Those managed by state agencies and not requiring any assistance from the Center are shown in green; (2) Those that will benefit from assistance from the Center are shown in yellow; and, (3) Those that can be subcontracted by the Center with funding included in the Center’s contract are shown in blue.

<b>STATE RECIDIVISM REDUCTION (SRR) GRANT CONTRACTS</b>	<b>\$731,000</b>
<b>Graduated Sanctions/Response Development Specialist and Trainer:</b> To be selected following state protocols. \$50,000 in Year One.	<b>\$50,000</b>
<b>Policy and Procedure Development Specialist:</b> To be selected following state protocols. \$26,706.67 per year x 3 years. Possibly look for retiree with subject matter expertise.	<b>\$80,120</b>
<b>Applied Research Services; Project Evaluation:</b> Selected following state protocols, process evaluations for the 15 community sites, \$50,000 per year for years two and three = <b>\$100,000</b> .	<b>\$100,000</b>
<b>Civil Legal Aid Development Specialist and Trainer:</b> To be selected following state protocols. \$25,000 in Year One to develop protocols and train community coordinators; Follow-up/on-going assistance @ \$25,000 for year 2 = \$50,000.	<b>\$50,000</b>
<b>Enhanced Facility Supervision Training Vendor:</b> To be selected following state protocols. The vendor will deliver three cohorts (40 students per cohort = 120 to be trained) an anticipated 3-day initial orientation classes and 8 months of subsequent returning citizen interactions taping, review and feedback coaching in Year One at \$30,000 per cohort x 3 cohorts = <b>\$90,000</b> . <b>Train-the-Trainer</b> from the selected vendor allows 3 existing training staff plus the EBP Facilities Coordinator and the EBP Facility Program Coordinator to gradually assume the Enhanced Facility Supervision training responsibilities as Enhanced Supervision Adjuncts or ESAs. ESAs will attend 5 days of in-class instruction along with ongoing supervision of their instruction and coaching at a cost <b>\$10,000</b> .	<b>\$100,000</b>
<b>SMART SUPERVISION GRANT CONTRACTS</b>	<b>\$585,000</b>
The <b>Program Coordinator (PC)</b> performs specializes project oversight and is the liaison between GDC, Pardons and Paroles, service providers and evaluators. The PC coordinates activities; establishes service component goals and quality improvement protocols to ensure participants are served in a manner with the goals and guidelines of the grant. The PC will report directly to the Director of GOTSR.	\$50,000 per year for three years <b>\$150,000</b>
<b>Applied Research Services:</b> Process and outcome evaluations for all aspects of the grant project.	<b>\$115,000</b>
<b>Enhanced Supervision Training Vendor:</b> To be selected following state protocols. The vendor will deliver five cohorts (40 students per cohort = 200 to be trained) an anticipated 3-day initial orientation classes and 8 months of	<b>\$320,000</b>

subsequent returning citizen interactions taping, review and feedback coaching in Year One. The budget is \$30,000 per cohort a Year One x 5 cohorts = \$150,000. There will be two additional cohorts (80 to be trained) offered in Year Two, for a total of \$60,000. There will be one cohort (40 to be trained) in Year Three, budget at \$30,000. Subtotal \$240,000. <b>Train-the-Trainer</b> from the selected vendor allows 20 staff (Enhanced Supervision Adjuncts or ESAs) to gradually assume the Enhanced Supervision training responsibilities. Adjuncts will attend 5 days of in-class instruction along with ongoing supervision of their instruction and coaching. The TOT cost is \$40,000 per cohort (10 ESAs) x 2 sessions = Subtotal \$80,000.	
<b>MAXIMIZING JRI GRANT CONTRACTS</b>	<b>\$1,390,000</b>
<b>Prison In-Reach Faith/Community Based Service Accountability Specialists:</b> To be selected following state protocols. \$60,000 per year, each year for five contracts, \$300,000 per year for three years	<b>\$900,000</b>
<b>Applied Research Services; Project Evaluation:</b> Selected following state protocols, process and outcome evaluations for the first five sites of the grant, \$50,000 per year, on average, for three years	<b>\$150,000</b>
<b>Michigan Council on Crime and Delinquency; Evidence Based Implementation Specialist, Trainer, Facilitator:</b> Selected following state protocols, the Michigan Council on Crime and Delinquency, Center for Justice Innovation, \$75,000 per year, each year for three years.	<b>\$225,000</b>
<b>Training:</b> To be selected following state protocols, training will be provided at five sites each year for three years, with each of the 15 training modules to include prep, on-site training and follow-up totaling 6 days per site @ an average cost for trainers of \$1,250 per day totaling \$7,500 per site x 15 sites = \$112,500; plus allowable expenses for materials for all sites totaling \$2,500. Training Components will include but not be limited to: (1) Completing a local Community Assets, Barriers & Gaps Assessment; (2) Using the Community Assessment and “Pipeline Data” (Returning Citizen Criminogenic Risk/Need Data) in the development of a local Comprehensive Reentry Plan; (3) Completing the Transition Accountability Plan through Effective Prison In-Reach; (4) Collaborative Case Management.	<b>\$115,000</b>

<b>JUSTICE INFORMATION SHARING GRANT CONTRACTS</b>	<b>\$386,491.50</b>
Contract for Dr. John Speir, ARS, to allot up to 4 days per month for 18 months to this initiative. Includes daily rate + fringe benefits.	<b>\$36,193.77</b>
Contract for Problem Solving Court Data Entry System (PSCDES) Programmer - or other programmer if that database is deemed not scalable to an enterprise solution - to augment PSCDES. We assume the maximum allowable daily rate - \$450/day - for up to 20 days per month throughout the 18 month period. This rate includes building or augmenting the data portal/case management system, consulting throughout the planning phase about the viability of PSCDES and so on.	<b>\$162,000</b>
GTA will assign a programmer to build new connections to SCRIBE/Netsmart using the state ESB. Programmer will work with GOTSR Project Coordinator and the data governance committee to develop business process for data sharing.	<b>\$37,530</b>

<p>GTA charges \$139/hour for data entry and setup necessary to modify existing ESB connections to Georgia Department of Corrections and State Board of Pardons and Parole databases, create new connections to the PCSDES, and create the electronic business processing map. We expect they will work on average 10 hours/month on this project over the course of 18 months.</p>	
<p>18-month cost of hosting/using ESB and using for transactions. Monthly hosting charges are \$350</p>	<p><b>\$6,300</b></p>
<p>SBPP Systems Development Analyst @ \$75/hour for 40 hours/week of work for 24 weeks (6 months). The contractor would work with the ARS PCSDES Contractor, GACSB, GDC, PAP, CJCC, and GOTSR Project Coordinator to evaluate the PCSDES for scalability to an enterprise solution, devise functional requirements for the data sharing portal/case management system, and present findings to the data governance committee. Travel will be included.</p>	<p><b>\$74,467.80</b></p>
<p>Software/hardware purchases SBPP may need to complete migration and up-scale of PCSDES case management system. This amount is a rough estimate based on either hosting the data portal/case management system locally in PAP's environment or with an external vendor.</p>	<p><b>\$70,000</b></p>