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**University of Georgia School of Law
2022 Criminal Law Symposium
Carl Vinson Institute Presentation**

My name is Holly L[yn]de, and I have been with the Carl Vinson Institute of Government for seven years, and my portfolio of work includes projects related to criminal justice, and particularly the intersection between the criminal with the mental health system.¹ That's actually a very personal issue for me, my father was an alcoholic and my nephew has a mental health and co-occurring substance use disorder and has been involved with the criminal justice system, so this is not only a passion of mine professionally but also personally. I've worked with the Council of Accountability Court Judges and the Criminal Justice Coordinating Council this past quarter, Fulton County, the General Assembly and a wide variety of other state and local government entities throughout Georgia. And I support county criminal justice and mental health planning efforts through sequential intercept mapping.² To tell you a little bit about the Institute of Government, we've been here at UGA since 1927.³ And we are the largest and most comprehensive university-based organization serving governments in Georgia through research services customized training and development and the application of technology.⁴ I'd like to actually thank my colleague, Emily Franklin, who's here with me this morning who worked on the report.

I want to start with a little background on the origin of the report. The Public Welfare Foundation approached us about doing a report driven by Georgia's criminal justice data. We were temporarily delayed by the pandemic in March of 2020, but we were able to finally move forward in August and published our report in October.⁵ The foundation also provided grants in Michigan and Colorado for similar reports.⁶ So, it's a privilege to be able to provide some foundational context for the different panels on sentencing. My presentation will cover some of the important trends that emerged as we analyzed the criminal justice data from many different sources. Our role in this research was to compile the data and to be a neutral arbiter—to explain what happened, but not why it happened. Several of the trends highlighted today merit further research, but Georgia has been a national leader in criminal

¹ See *Faculty/Staff*, CARL VINSON INST. OF GOV'T, <https://www.cviog.uga.edu/about-us/faculty-staff/holly-lynde.html> (last visited Sept. 27, 2022) (detailing Holly Lynde's experience). See also CARL VINSON INST. OF GOV'T, GEORGIA CRIMINAL JUSTICE DATA LANDSCAPE REPORT, viii (2021) [hereinafter GA. CRIMINAL JUSTICE DATA] (listing Holly Lynde's current position).

² See *Faculty/Staff*, *supra* note 1 ("Holly is Georgia Certified Economic Developer and trained to deliver Sequential Intercept Model (SIM) mapping workshops in Georgia."). See also *The Sequential Intercept Model (SIM)*, SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., <https://www.samhsa.gov/criminal-juvenile-justice/sim-overview> (last visited Sept. 27, 2022) ("The Sequential Intercept Model (SIM) details how individuals with mental health and substance use disorders come into contact with and move through the criminal justice system.").

³ See *History*, CARL VINSON INST. OF GOV'T, <https://cviog.uga.edu/about-us/history.html> (last visited Sept. 27, 2022) ("In 1927, the Carl Vinson Institute of Government opened its doors . . .").

⁴ See *About Us*, CARL VINSON INST. OF GOV'T, <https://cviog.uga.edu/about-us/index.html> (last visited Sept. 27, 2022) ("The Carl Vinson Institute of Government is committed to promoting excellence in government through technical assistance, training programs, applied research and technology solutions. We are proud to be recognized as one of the best institutes of government in the nation.")

⁵ See GA. CRIMINAL JUSTICE DATA, *supra* note 1. See also *Institute Releases Insightful Look at Georgia's Criminal Justice Data*, ALBANY CEO (Oct. 6, 2021), http://albanyceo.com/news/2021/10/institute-releases-insightful-look-georgias-criminal-justice-data/?utm_source=albanyceo&utm_medium=rss&utm_campaign=rss ("The Institute of Government has just published a new comprehensive report on the state's criminal justice systems, the *Georgia Criminal Justice Data Landscape Report*.")

⁶ See *Apply for a Grant*, PUB. WELFARE FOUND., <https://www.publicwelfare.org/grants/apply-for-a-grant/> (last visited Sept. 27, 2022) ("Current focus areas include: Organizations developing innovative, transformative approaches to youth and adult criminal justice reform in: . . . Michigan; Georgia; Colorado . . .").

justice reform.⁷ Georgia has seen tremendous change over the past years, but that has not been comprehensively documented.⁸ As a result, one of the goals of the report was to make it a single source for criminal justice trend data in Georgia. We wanted to be a reference document of facts, figures and charts so that policy and decision makers can go to one place to find documented history, data and trends to aid in their decision-making. The full report is on the institute's website and is readily available.⁹

I want to start by talking about the data itself and how we started our research. First, we determined the front timeframe to study, and we intentionally chose the last years of available data, so that we could purposefully present data, before, during and after criminal justice reforms beginning 2012.¹⁰ However, those years are not all the same, for each data set and years of data was not necessarily available. In terms of race and ethnicity, almost every data set is different in what they report, but we reported the race groups as white, black, Asian and all other races. In addition, some data sets report ethnicity, and some do not. Some also report Latinx as a race group.

I'll begin with some general information about Georgia's population. 120 of Georgia's 159 counties are considered rural and have fewer than 50,000 people.¹¹ While seventy-six percent of Georgia's counties are rural, nearly eighty percent of the population lives in urban counties.¹² Nearly three quarters of the state's population lives in the Atlanta metro area.¹³ Georgia's population currently sits at 10.7 million, according to the 2019 census,¹⁴ which is a 10.6% increase from 2010.¹⁵ To calculate rate data for this report, we used the 2019 census data because the 2020 data wasn't yet available. In 2019, sixty percent of the state's population was white and more than thirty-two percent was black.¹⁶ The proportion of Georgia's black population to the total state population is nearly three times the proportion of the nation's black population to the entire U.S. population.¹⁷ Georgia has become more

⁷ See, e.g., GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 1, 10-11 (discussing Georgia's criminal justice reform efforts). See also Mike Klein, *Georgia Has Become Leader in Criminal Justice Reform*, AUGUSTA CHRON. (Sept. 21, 2014, 12:14 AM), <https://www.augustachronicle.com/story/news/local/columbia-county-news-times/2014/09/21/georgia-has-become-a-leader-in-criminal-justice-reform/14181763007/> (heralding Georgia's successes at reforming its criminal justice system)..

⁸ See generally GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 7-63, 67-82 (providing comprehensive statistics on criminal justice and juvenile justice trends in Georgia).

⁹ See *Georgia Criminal Justice Data Landscape Report*, CARL VINSON INST. OF GOV'T, <https://cviog.uga.edu/publications/ga-criminal-justice-data-landscape-report.html> (last visited Sept. 29, 2022) (providing online access to the Institute's report on criminal justice trends in Georgia).

¹⁰ See GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 1 (noting that the Great Recession of 2007, Georgia's criminal justice reforms, and the COVID-19 pandemic are the dataset's landmark events).

¹¹ See *id.* at 4.

¹² See *id.* at 4, 9.

¹³ See *Population in Atlanta: How Large is Metro Atlanta?*, ATLANTA J.-CONST. (July 11, 2021), <https://www.ajc.com/news/atlanta-news/population-in-atlanta-how-large-is-metro-atlanta/DMC7A3RM7JCPRK57GBTOI5RBII/> (stating that the metropolitan Atlanta area is home to an estimated 4.6 million people); UNITED STATES CENSUS BUREAU, QUICKFACTS: GEORGIA, <https://www.census.gov/quickfacts/GA> (last visited Jan. 10, 2022) (stating that Georgia is home to around 10.9 million people as of July 1, 2022).

¹⁴ See U.S. CENSUS BUREAU, STATE POPULATION BY CHARACTERISTIC: 2010-2019, <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html> (recording Georgia's population changes from 2010 to 2019)

¹⁵ See *id.* Note that since this presentation, data on Georgia's population from 2020 has been made available and confirms these growth rates.

¹⁶ See *id.* (supplying estimates of Georgia's racial makeup in a table titled "Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin: April 1, 2010 to July 1, 2019).

¹⁷ See *id.* See also U.S. CENSUS, NATIONAL POPULATION BY CHARACTERISTICS: 2010-2019, <https://www.census.gov/data/tables/time-series/demo/popest/2010s-national-detail.html>.

diverse in the last decade, the black population has grown by fifteen percent, the Asian population by forty two percent, although they remained less than five percent of the overall state population.¹⁸ Other races grew almost thirty four percent (*all other races* includes American Indian, Alaskan Native, Native Hawaiian, Pacific Islander and people who identify as two or more races)¹⁹ and in contrast, the White population grew just 3.6%.²⁰ The category of all other races in Georgia grew substantially, more than twenty two percent, but that category still remains just ten percent of the state's overall population.²¹

Governor [Nathan] Deal's leadership resulted in substantial growth in criminal justice reforms, and there are many reasons that the special counsel laid out as reasons for reform.²² All of these reasons were compounded by the Great Recession which hit Georgia particularly hard with its recovery being one of the slowest in the nation.²³ There were six pieces of major legislation passed during Governor Deal's two terms in office.²⁴ These pieces of legislation enacted a lot of reforms, including changing sentencing laws, investing in accountability courts and other sentencing options, transforming the juvenile justice system, enacting reentry, consolidating probation and parole into one agency, as well as implementing probation parole reforms.²⁵

So, let's start with some of the bigger trends that popped out at us during our research. When the first criminal justice reform bill passed in 2012, there were 57,570 adults incarcerated in Georgia's prisons.²⁶ Most of this discussion will only cover prison system data since Georgia's county jail data is only available back to 2015. In the aftermath of Georgia House Bill 1176, the first reform, the number of adults incarcerated fell nearly eight percent

¹⁸ See STATE POPULATION, *supra* note 14 (outlining changes in Georgia's racial demographics).

¹⁹ See *id.*

²⁰ See *id.*

²¹ See *id.*

²² See Hannah Riley, *Governor Deal's Final Criminal Justice Reform Push*, S. CTR. FOR HUM. RTS. (Feb. 22, 2018), <https://www.schr.org/governor-deals-final-criminal-justice-reform-push/> (Explaining how reform has benefitted the state economically saving taxpayer dollars, benefitted families, and benefitted Georgia's humanity in regard to the state criminal justice system.); Bill Rankin, *Nathan Deal's Criminal Justice Reforms Leave Lasting Legacy*, ATLANTA J. CONST. (Dec. 21, 2018), <https://www.ajc.com/news/local/deal-criminal-justice-reforms-leaves-lasting-legacy/ZMwb2vG7C4LurWoFESw46O/> (claiming that Governor Deal's legacy is criminal justice reform that "saved taxpayers a bundle in prison spending, dropped prison admissions of African-Americans to historic lows, overhauled the state's juvenile justice system, and greatly expanded court programs that treat nonviolent offenders . . .").

²³ See Susan Heavey, *Great Recession Took Deep Toll Across U.S. States*, REUTERS (June 21, 2012), <https://www.reuters.com/article/us-usa-economy-insecurity/great-recession-took-deep-toll-across-u-s-states-idUSBRE85K16I20120621> ("States with the worst economic losses from 2008 to 2010 were Florida, Georgia, Alabama, Mississippi, Arkansas and California.").

²⁴ See generally H.R. 1176, 151st Gen. Assemb., Reg. Sess. (Ga. 2012) (enacting, among other changes, reforms concerning criminal appeals, drug and mental health court divisions, and mandatory reporting requirements); H.R. 242, 152nd Gen. Assemb., Reg. Sess. (Ga. 2013) (reforming Georgia's juvenile justice system); H.R. 349, 152nd Gen. Assemb., Reg. Sess. (Ga. 2013) (providing the prosecution more direct appeal rights and altering sentencing for drug trafficking convictions); S. 365, 152nd Gen. Assemb., Reg. Sess. (Ga. 2014) (enacting additional juvenile justice system reforms); H.R. 310, 153rd Gen. Assemb., Reg. Sess. (Ga. 2015) (creating the Board of Community Supervision, the Department of Community Supervision, and the Governor's Office of Transition, Support, and Reentry to govern parole and probation supervision); S. 174, 154th Gen. Assemb., Reg. Sess. (Ga. 2017) (enacting additional reforms for accountability courts and the Department of Community Supervision).

²⁵ See GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 10–11 (summarizing criminal justice reform bills passed since 1995, both before and during Governor Deal's time in office).

²⁶ See GA. DEPT OF CORR., INMATE STATISTICAL PROFILE – JUNE 2012 5 (2012), https://gdc.ga.gov/sites/default/files/all/files/pdf/Research/Monthly/Profile_all_inmates_2012w_06.pdf.

over the next two years, and since then the number has increased just 3.6%.²⁷ Other trends we saw was that the number of adults serving sentences of five years or less decreased as the use of alternative sentences increased.²⁸ The number of adults under community supervision was more than four percent lower in 2020 than in 2017.²⁹ When it comes to youth incarceration, the re-arrest rate for violent offenses in 2018 was just half of what it was in 2009.³⁰

We produced some graphs that look a little more closely at the rest of incarceration data, and the number of adults arrested fell from 2012 to 2018.³¹ The number of adults incarcerated fell just after the first criminal justice reform, then the rates climbed slightly.³² For youth incarceration, the trend over the last five years of data, since just after the Juvenile Justice Reform Act in 2013 shows a decrease in the number of youth arrested, and the number of youth in short and long term confinement, also known as out of home placement.³³ The total number of arrests in Georgia declined more than twenty percent from 2009 to 2018 while the arrest rate, which is the number of arrests per 100,000 population declined twenty eight percent.³⁴ Then between 2009 and 2015, Georgia's arrest rate was higher than that of the U.S., overall, but since 2016 has been just about even with the U.S.³⁵ Significantly, the arrest rate of black adults fell nearly forty one percent while the arrest rate of white adults declined just fourteen percent.³⁶ The arrest rate of adults of all other races, in this case people of Asian or Native American descent, declined almost thirty eight percent.³⁷ We also have arrest data that shows the percentage of adults and youth by race, who were arrested for violence or drug

²⁷ Compare GA. DEP'T OF CORR., INMATE STATISTICAL PROFILE – JUNE 2014 5 (2014)

https://gdc.ga.gov/sites/default/files/all/files/pdf/Research/Monthly/Profile_all_inmates_2014_06.pdf (reporting that 53,131 inmates are housed in Georgia prisons), with GA. DEP'T OF CORR., INMATE STATISTICAL PROFILE – FEBRUARY 2021 5 (2021) ; https://gdc.ga.gov/sites/default/files/pdf/Profile_all_inmates_2021_02.pdf (stating that 46,536 inmates are housed in Georgia prisons, an eight percent decrease from 2014).

²⁸ Compare GA. DEP'T OF CORR., INMATE STATISTICAL PROFILE—JUNE 2012 39 (2012), https://gdc.ga.gov/sites/default/files/all/files/pdf/Research/Monthly/Profile_all_inmates_2012_06.pdf (demonstrating that around 95.18% of inmates served sentences of five years or less), with GA. DEP'T OF CORR., INMATE STATISTICAL PROFILE—FEBRUARY 2021 39 (2021) , https://gdc.ga.gov/sites/default/files/pdf/Profile_all_inmates_2021_02.pdf (reporting that only 88.68% of inmates served sentences of five years or less).

²⁹ See *Annual Population Dashboard*, GA DEP'T OF CMTY. SUPERVISION, <https://dcs.georgia.gov/dcspopulation> (last visited Oct. 3, 2022) (recording that the number of adults under community supervision in 2017 was 233,766 and decreased to only 223,945 adults under community supervision in 2020, a 4.2% decrease in the number of adults under community supervision).

³⁰ See GA CRIMINAL JUSTICE DATA, *supra* note 1, at 28 (“The youth arrest rate for violent offenses decreased by nearly half (-49.6%) between 2009 and 2018.”). See also CHARLES PUZZANCHERA, JUVENILE JUSTICE STATISTICS: JUVENILE ARRESTS, 2018 3 (2020), <https://ojdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/254499.pdf> (reporting that nationwide juvenile arrests have decreased by sixty percent between 2009 and 2018).

³¹ See CARL VINSON INSTITUTE OF GOVERNMENT, GEORGIA CRIMINAL JUSTICE DATA LANDSCAPE REPORT; EXECUTIVE SUMMARY PRESENTATION SLIDES, <https://cviog.uga.edu/publications/ga-criminal-justice-data-landscape-report.html> (scroll to the bottom of the page and click “Download Presentation Slides”) (last visited Jan. 12, 2022)[hereinafter CARL VINSON SLIDES] (reporting that the number of incarcerated adults peaked at 57,570 in 2012, decreased around eight percent through 2014, and has only increased 3.6% since 2014).

³² *Id.*

³³ See GEORGIA JUVENILE JUSTICE DATA CLEARINGHOUSE, <https://juveniledata.georgia.gov/incentive-grant-program/county-profile-jiig> (click “Year” and select each year from 2013 to 2018)(last visited Sep. 28, 2022) (demonstrating that juvenile arrests decreased from 3,725 in 2013 to 2,334 in 2020, which shows a higher rate of decrease in juvenile arrests of around 37.3%).

³⁴ See GA CRIMINAL JUSTICE DATA, *supra* note 1, at 20 (“A total of 257,423 adult arrests were made in Georgia in 2018, down from 324,162 in 2009, a 20.6% decrease. In 2018, the arrest rate was 3,216 arrests per 100,000 adults, down from 4,474 in 2009, a 28.1% decrease.”).

³⁵ See *id.* at 21 fig. 3.1.

³⁶ See *id.* at 21.

³⁷ See *id.*

offenses compared to their total percentage and the state population. As you can see, while white adults made up 60.2% of the state's adult population, [and] they comprise just forty percent of the adults arrested for violent offenses and fifty one percent of those arrested for drug offenses.³⁸ Among the youth population that difference was more pronounced for those arrested for violent offenses.³⁹ Twenty percent of youth arrested for violent offenses were white, whereas white youth comprise fifty six percent of the state's youth population.⁴⁰ The comparison of all other drug offenses more closely match their percentage in the state's youth population.⁴¹

Black people in Georgia represent a higher proportion of those arrested for violence and drug offenses than their proportion of the state's population.⁴² According to our data, black adults are about thirty two percent of the state's adult population but represent fifty nine percent of total arrests for violent offenses while youth are about thirty five percent of the state's population but make up eighty percent of violent offenses.⁴³ Georgia's adult arrest rate for drug offenses has pretty consistently been higher than the overall U.S. arrest rate.⁴⁴ Georgia's arrest rate for drug offenses increased from 2009 to 2018 while the U.S. arrest rate declined.⁴⁵ The reason for the increase is likely because of an increase in the number of people arrested for drug offenses during that period.

I want to highlight some trends among drug arrests that really stood out to us. These are the number of arrests for adults and the arrest rates of both black adults and youth and female adults and youth. In 2018, the number of white adults arrested for drug offenses exceeded the number of black adults arrested for the first time in the ten year period that we studied.⁴⁶ We also saw that the arrest rate of black adults and youth for drug offenses declined from 2009 to 2018.⁴⁷ That was accompanied by the rising number of arrests for white adults and adults of all other races.⁴⁸ It's also accompanied by the increasing rate of both female youth and adults of all races.⁴⁹ The female arrest rate for drug offenses was one of the only arrest rates, along with white adults that increased over the period studied.⁵⁰

Next, we will look at incarceration trends in the state. The data bears out a common story across the U.S.—there are more black adults in Georgia prisons, compared to their proportion

³⁸ See *id.* at 7, 26–27.

³⁹ See *id.*

⁴⁰ See *id.*

⁴¹ See *id.* at 32.

⁴² See *id.* at 24–27 (discussing arrest rates for drug offenses and violent offenses among Georgia's black population). See also CARL VINSON INSTITUTE OF GOVERNMENT, GEORGIA CRIMINAL JUSTICE DATA LANDSCAPE REPORT; EXECUTIVE SUMMARY PRESENTATION SLIDES, <https://cviog.uga.edu/publications/ga-criminal-justice-data-landscape-report.html> (scroll to the bottom of the page and click “Download Presentation Slides”) (last visited Jan. 12, 2022)[hereinafter CARL VINSON SLIDES] (demonstrating that the arrest rates for violence and drug offenses for black adults were higher than all other racial/ethnic groups).

⁴³ See *id.* at 30 (“In 2018, Black youth made up 34.5% of the youth population in Georgia but 80.2% of arrests for violent offenses.”).

⁴⁴ See CARL VINSON SLIDES, *supra* note 42 (“Georgia's adult rate for drug offenses is higher than the national trend . . .”).

⁴⁵ See GA CRIMINAL JUSTICE DATA, *supra* note 1, at 84 (“Georgia's arrest rate for drug offenses is higher than the national trend, and the number of arrests for drug offenses is trending upward, especially among females.”).

⁴⁶ See *id.* at 27 fig. 3.11.

⁴⁷ See *id.* at 27, 33–34.

⁴⁸ See *id.* at 27.

⁴⁹ *Id.* at 26, 33.

⁵⁰ *Id.* at 26–27.

in the overall state population.⁵¹ The opposite is true for white and Asian adults - there are fewer among the prison population compared to their percentage in the state adult population.⁵² Again, just like the rest of the country, there are more males in prison in Georgia, compared to their proportion in the overall adult population.⁵³ Males make up nearly ninety three percent of adults incarcerated in Georgia, compared to forty eight percent of their proportion in the overall state population.⁵⁴ As mentioned earlier, with the rise in the use of alternative sentencing options, the proportion of Georgia's population incarcerated in Georgia's prisons for five years or less fell pretty dramatically after the first reform bill in 2012.⁵⁵ The proportion of prison sentences between five and ten years also fell, but not as much as the proportion of those incarcerated for ten years or longer rose.⁵⁶

As it relates to the juvenile justice system, recall that the Juvenile Justice Reform passed in 2013.⁵⁷ There are eight decision points on the juvenile justice continuum, and there's a ninth superior court sentence that happens in the adult criminal system that's not covered.⁵⁸ Decision points are points at which a decision must be made about whether a defendant is continued further into the justice system, or can be diverted.⁵⁹ It's important to note that the same youth can be counted at more than one decision point across years.⁶⁰ For example, you may be arrested, referred, detained, found delinquent and securely confined, as a result, over ten years and be counted more than once.⁶¹ A juvenile will be counted at least once in each of those decision points.⁶² The total number of youth at each decision point fell over the ten years of data we looked at, however, there are some distinct differences among race groups that we noted.⁶³ Latinx is treated as a race in this data, not an ethnicity.⁶⁴ The percentage of white youth declined the most at six of the eight decision points, while the percentage of black youth declined the most in just the two decision points of diversion and secure confinement.⁶⁵

Overall, the number of youth involved in the juvenile justice system decrease from 2010 to 2019 but how far they penetrated diverge around.⁶⁶ Between 2010 and 2019, the number of Latinx youth arrested declined thirty five percent .⁶⁷ However, the next decision point

⁵¹ *Id.* at 44.

⁵² *Id.*

⁵³ *Id.* at 43.

⁵⁴ *Id.*

⁵⁵ *Id.* at 41.

⁵⁶ *Id.*

⁵⁷ *Id.* at 65

⁵⁸ *Id.* at 70

⁵⁹ *Id.*

⁶⁰ See Ga. Criminal Justice Data, *supra* note 1, at 70 (clarifying that one youth may be counted at more than one decision point in the dataset).

⁶¹ *Id.*

⁶² *Id.*

⁶³ See *id.* at 70–82 (documenting the number of youth involved in the juvenile justice system at different decision points divided by race).

⁶⁴ *Id.*

⁶⁵ Compare *id.* at 70–72, 74–79, 81–82 (illustrating the decrease in the number of youth involved in the juvenile justice system at arrest, referral, secure detention, petition, delinquency, commitment, and superior court sentence), with *id.* at 72–73, 79–81 (charting the decrease in the number of youth involved in the juvenile justice system at diversion and secure confinement).

⁶⁶ See *id.* at 70–82 (graphing and discussing the decrease in the number of youth involved in the juvenile justice system between 2010 to 2019).

⁶⁷ See *Juvenile Justice Decision Points Time Series*, GA. JUV. JUST. DATA CLEARINGHOUSE, <https://juveniledata.georgia.gov/node/22> (demonstrating that Latinx juvenile rates declined from 1.30% to 0.69% from 2010 to 2019).

referral, the number decreased from 2010 to 2015 and then increased twenty two percent through 2019.⁶⁸ Looking at the number of Latinx at each decision point in those latter years 2015 to 2019, the number in the change in the number of youth of all races, except Latinx from 2015 to 2019 is made up of black, white, Native American, Asian, mixed race, and other. The number of Latinx increased at seven of the eight decision points and declined for all other races, except in one area of commitment.⁶⁹ What this means is that Latinx youth are penetrating further into the juvenile justice system than their non-Latinx counterparts, and while the number of Latinx youth increased at these decision points, they did not increase above their 2010 levels.⁷⁰ So between 2010 and 2019, the number of youth admitted to an RYDC declined almost fifty three percent and the number of youth served statewide declined 63 %.⁷¹ RYDC is a regional youth detention center, which is a secure short term facility for youth awaiting trial or waiting to enter a Community program or a long term facility called youth development campuses.⁷² During criminal justice reform, the state invested in alternative sentencing options for adults, like accountability courts,⁷³ and also made significant investments in programs to divert youth into mental health and other treatment programs to prevent out of home placement.⁷⁴

There is limited data on monthly jail data that was available covering the beginning of the pandemic. With core operations halted for much of 2020 and into 2021, the average number of people incarcerated in Georgia county jails declined nearly twenty seven percent right at the very beginning of the pandemic then began to rise in the summer of 2020.⁷⁵ The monthly average percentage of those incarcerated awaiting trial increased, and the percentage serving a sentence decreased, showing the domino effect of the court closures.⁷⁶ The halting of trials meant fewer people incarcerated in local jails, convicted and incarcerated in state prisons.⁷⁷

Looking at community supervision data, the data starts in 2017 which was when the consolidation of probation parole was completed.⁷⁸ From 2017 to 2020, the total number of

⁶⁸ See *id.* (demonstrating this demographic data)

⁶⁹ See *id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² See Ga. Sup. Ct. Comm'n on Racial & Ethnic Bias in the Ct. Sys., *Let Justice Be Done: Equally, Fairly, and Impartially*, 12 GA. STATE UNIV. L. REV. 687, 835–(1996) (identifying the purposes of Regional Youth Detention Centers in Georgia).

⁷³ See Lesley Rowe, Comment, *The Guiding Hand of Counsel: Effective Representation for Indigent Defendants in the Cordele Judicial Circuit*, 66 MERCER L. REV. 781, 802 (2015) (quoting Chief Justice Thompson of the Supreme Court of Georgia, who hailed Georgia's "network of accountability courts" a "crowning achievement[]" of the state's reform efforts).

⁷⁴ See O.C.G.A § 15-11-1 (2014) (declaring the "purpose" of Georgia's reformed Juvenile Code to be "to secure for each child . . . such care and guidance, preferably in his or her own home, as will secure his or her moral, emotional, mental, and physical welfare," by providing them with "treatment and rehabilitation," among other interventions).

⁷⁵ See *County Jail Inmate Population Report*, GA. DEP'T OF CMTY. AFFAIRS OFF. OF RSCH., (Aug. 6, 2020), https://www.dca.ga.gov/sites/default/files/jail_report_aug_2020.pdf (reporting that Georgia's county jail population dropped from 37,782 inmates in March of 2020 to 27,621 inmates in June of 2020).

⁷⁶ Compare GA. DEP'T OF CMTY. AFFAIRS OFF. OF RSCH., COUNTY JAIL INMATE POPULATION REPORT (2020), https://www.dca.ga.gov/sites/default/files/jail_report_dec20.pdf (revealing that the number of inmates "sentenced to state" decreased each month between February and July of 2020), with GA. DEP'T OF CMTY. AFFAIRS OFF. OF RSCH., COUNTY JAIL INMATE POPULATION REPORT (2021), https://www.dca.ga.gov/sites/default/files/jail_report_dec21.pdf (revealing that the average number of inmates "sentenced to state" each month decreased steadily from May to December of 2021).

⁷⁷ See *supra* text accompanying notes 75–76.

⁷⁸ See GA. DEP'T OF CMTY. SUPERVISION, ANNUAL POPULATION DASHBOARD (last accessed Jan. 6, 2022), https://public.tableau.com/views/ProjectDashboard_edit03052020_Final/DCSYearlyPopulation?:embed=y&:toolbar=n&:embed_code_version=3&:loadOrderID=0&:display_count=y&:origin=viz_share_link.

adults on probation fell three percent and the total number of adults on parole fell 16%.⁷⁹ Of those on probation, the number of Latinx adults fell the most, seventeen percent while the number of white adults felt the least, less than one percent.⁸⁰ Of those on parole, the number of black adults fell the most, 18%, while the number of those of all the races rose more than 3%.⁸¹ As part of our research, we did a comparison of race breakdown of adults on community supervision compared to the States adult population and those incarcerated in prison. The proportion of black adults on community supervision is roughly similar to their proportion of those incarcerated in Georgia's prisons.⁸² That proportion is greater than the proportion in the state's adult population, but in contrast, the proportion of white adults on parole is similar to the proportion incarcerated but less than the overall adult population.⁸³ And the proportion of white adults on probation is greater than the proportion incarcerated but less than the overall adult population.⁸⁴

Overall, some of the trends that really jumped out at us was a decline in the re-arrest of both black adults and youth for drug offenses and the increase in the re-arrest for female adults and youth of all races.⁸⁵ The number of people incarcerated in Georgia's prisons slowed significantly after the first criminal justice reform bill in 2012, as did the number of people serving sentences of five years or less.⁸⁶ While the overall number of youth involved in the juvenile justice system fell from 2010 to 2019, the number of Latinx youth increased between 2015 and 2019.⁸⁷ The Latinx juvenile group penetrated further into the system than their non-Latinx counterparts, the number of adults on probation and parole fell from 2017 to 2020, and finally, the pandemic impacted county jail populations, of course, as some closed and people were released as they awaited trial.⁸⁸

⁷⁹ See *id.* (demonstrating that 233,766 individuals were under the Department of Community Supervision's oversight in 2017, while only 223,945 individuals were under the Department of Community Supervision's oversight in 2020, which is around a four percent decrease). See also GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 53 (discussing Georgia's probation data).

⁸⁰ See GA. CRIMINAL JUSTICE DATA, *supra* note 1, at 55, Fig. 3.43 (visualizing the changes in probation rates among racial groups within Georgia).

⁸¹ See *id.*

⁸² See *id.* at 56.

⁸³ See *id.* at 53–56 (showing various statistical breakdowns of Georgia parole rates based on race).

⁸⁴ See *id.* at 56.

⁸⁵ See *id.* at 26–27, 34

⁸⁶ See *id.* at 41 (stating that between the period of 2012 and 2014, the overall incarceration rate fell 9.7% and the percentage of individuals incarcerated for five years or less fell from 32.1% to 10.2% from 2013 to 2014).

⁸⁷ See *id.* at 79.

⁸⁸ See *id.* at 37–38 (discussing incarceration rates both before and during the COVID-19 pandemic).