

## **Conversation with former Georgia State Representative Jay Neal about criminal justice reform, January 15, 2014**

### **Participants**

- Jay Neal – Executive Director of Georgia’s Office of Transition, Support and Re-entry; former Representative in Georgia State House of Representatives
- Howie Lempel – Research Analyst, GiveWell

**Note:** This set of notes was compiled by GiveWell and gives an overview of the major points made by Representative Neal. It is not intended to provide a complete picture of the Georgia criminal justice reform initiative or Pew’s role in the effort.

### **Summary**

GiveWell spoke with former Representative Neal about recent reforms to the criminal justice system in Georgia and the role that the Pew Charitable Trusts played in the process of passing these reforms.

### **About Jay Neal**

Jay Neal is a former representative in the Georgia State House of Representatives. While serving in the Georgia House, he was vice-chair of the Public Safety Committee and Chairman of the House Committee on State Institutions and Property. The State Institutions and Property Committee handles a number of areas of legislation including Corrections. Representative Neal co-sponsored HB 1176, a bill that significantly reformed Georgia's criminal justice system. Neal was recently appointed Executive Director of Georgia's Office of Transition, Support, and Reentry by Governor Nathan Deal.

### **Initial support for criminal justice reform in Georgia**

Prior to 2010, criminal justice reform was not on the legislative agenda in Georgia.

Representative Neal first became seriously engaged with criminal justice reform in 2010 when, along with several other Georgia leaders, he attended a conference on evidence-based sentencing and corrections reform that was sponsored by Pew. At the conference, attendees were introduced to examples of reforms from other states, primarily Texas. After returning from the conference, the group of leaders from Georgia

continued to meet to map out a plan for reforming their own state's criminal justice system.

In that same year, Governor Deal was elected; he was a strong proponent of criminal justice reform from the start of his term. He was considering engaging the State Bar to provide support for and facilitate this work. Representative Neal proposed bringing in Pew to fill this role, and the Governor agreed. [Pew became the technical assistance provider to the state, and the President of the State Bar became one of the official members of the Special Council (below).]

## **Council on Criminal Justice Reform**

In 2011, Rep. Neal sponsored a bill (HB265) to set up the inter-branch Special Council on Criminal Justice Reform for Georgians ("Council"), with members appointed by the Governor, Speaker of the House, Lieutenant Governor, and Chief Justice. Pew helped to draft the bill that created the Council, helped to design the Council's structure, and supported the bill's passage.

### **The Council's report on sentencing and corrections**

The Council was tasked with recommending policy changes that would improve public safety in Georgia while controlling correctional spending. To do so, the Council looked at various elements of the criminal justice system, including drivers of the prison population, types of crimes for which people were being sent to prison, and the lengths of sentences. Pew facilitated this work by providing the Council with technical assistance, access to experts, and information about evidence-based practices. For example, Pew, along with Applied Research Services, Inc. and the Department of Corrections, analyzed data showing that Georgia's prisons and jails were at capacity, with nearly five thousand offenders waiting in county jails to be transferred to state prisons. Data projections showed that rising prison populations were expected to require \$264 million in expenditures over the next 5 years. This data helped convince the Council of the importance of making changes to Georgia's corrections system.

In addition, the Council found that:

- In Georgia, 1 out of every 13 adults was under correctional supervision. Nationally, this number was about 1 out of every 31.
- The majority of people in prison in Georgia had committed drug or property crimes, they were not violent or criminally minded.
- It costs \$50/day to keep someone in prison, but only \$15/day to sentence them to a drug court, where recidivism is lower.

- Sentencing guidelines were the same for crimes of vastly differing severity.

The reforms identified in the Council's report formed the basis for HB 1176.

## **Making the case for reform**

By the time the Council published its report at the end of 2011, there was overwhelming support for criminal justice reform. This was a reversal of the attitude that had been prevalent in Georgia for many years before. The shift was due to the strength of the case for reform being led by Gov. Deal and demonstrated by the data that Pew had helped the committee present in the report and discuss with legislators.

## **Drafting the legislation**

In collaboration with the Council and the Governor's legislative staff, Pew played a critical role in designing and drafting the reforms of HB 1176, HB 242, and HB 349. A couple of Pew's employees spent significant time in Georgia working closely with the Council co-chairs. Pew staff also did clerical and legal work and was in frequent email communication with Council members as the bills were being drafted. One of Pew's strengths was that, although they did a significant amount of work, they ensured that state policymakers maintained control of the Council's decisions. Pew also brought in the Crime & Justice Institute to provide assistance throughout the process and with the legislation.

The bills were intended to make sure that the criminal justice system is effective and that prison beds are focused on the highest risk populations.

## **Building support**

Pew conducted a lot of stakeholder outreach and education in support of reform. There were already major figures, including the Chief Justice, Speaker Ralston, and Governor Deal, who were fully engaged in reform but Pew helped to increase support by bringing in organizations such as Right on Crime, the Texas Public Policy Foundation (TPPF), the former Texas House Corrections Chairman, Jerry Madden. This was important for securing the support of conservative legislators, who make up about two thirds of Georgia's legislature. Conservatives have historically been "tough on crime," so it was helpful to have well-respected leaders such as Newt Gingrich and Jeb Bush talking about why it is important to be "smart on crime."

Pew also engaged the Georgia Public Policy Foundation [a state-based conservative think tank that is the sister organization of TPPF] and reached out to local media to

share research and submit op-eds, which resulted in a lot of positive media coverage. Representative Neal did not remember seeing positive media attention for criminal justice reform in Georgia before Pew's involvement, though noted that he may not have been aware of this because he was not involved in the issue prior to Pew's engagement.

## **Overcoming opposition**

There was some criticism from the media that proponents of reform were being "soft on crime," and some district attorneys and sheriffs believed that the state was trying to shift a greater burden to the counties. Pew helped the Council conduct breakout groups to facilitate the participation of sheriffs and district attorneys in the reform process and to identify their concerns. Pew also helped the Council address these concerns and gain law enforcement support.

The Sheriff's Association was not initially in favor of reform, but became supportive after a number of components were added to the bill. For example, HB 1176 enacted electronic transmission of sentencing packages, which increased the speed with which offenders were transferred from county to state responsibility, and set the maximum stay at probation detention centers at 180 days. The Georgia Dept. of Corrections, in response to the recommendations of the Council expanded the Residential Substance Abuse Treatment program, adding 600 additional beds for those who had violated their parole or probation.

The district attorneys also posed some initial opposition to reform. They were successful in preventing a few components (such as addressing mandatory minimums) of the legislation from being included in the final version of HB 1176. Once it became clear that the overall package was going to pass, most district attorneys got on board due to the encouragement of House leadership and their hesitation to oppose a bill designed to make the corrections system more evidence-based and more efficient with tax dollars.

HB 1176 passed with unanimous support. This was due to the support from the public and media, involvement of members on both sides of the aisle and from all three branches, and because the data made it clear that reform was necessary.

## **Implementation**

Implementation of the legislation seems to be going fairly well. The prior backlog of offenders waiting in county jails to be transferred to state prisons is down from 5,000 to 200. There used to be an additional 1,000 people waiting in county jails to go to probation detention centers, and now there are none. The drug courts are also

improving, though it will probably be another couple years before they're fully meeting standards. The Vera Institute of Justice has been assisting with implementation and Pew is still involved.

## **Later phases of reform**

### **Phase 2: Juvenile justice**

After the Council's first year, Governor Deal extended it by executive order and charged it with advancing juvenile justice reform. Pew remained engaged in facilitating this work and providing technical assistance. The Georgia legislature passed HB 242, a juvenile justice reform bill, in 2013.

### **Phase 3: Re-entry**

HB349 statutorily created the Georgia Council on Criminal Justice Reform with a 5-year sunset provision. The Council has three tasks; 1) Oversight and Implementation, 2) Civil Forfeiture Reform, and 3) Reentry. Pew is not assisting the Council with the reentry work, which initially caused some serious challenges. The Council knew that there were barriers in housing, employment and education for former inmates, but coming up with appropriate ways of addressing these problems was challenging. Initially, members of the Council tended towards the areas in which they had prior interest and experience and had difficulty prioritizing among these areas. The Council ultimately decided to contract with Dennis Schrantz, a consultant with experience in re-entry policy around the country. Working with a consultant who had an outside perspective helped Council members step outside of their particular areas of interest and compare Georgia's existing policies to evidence-based practices.

## **What might have happened had Pew not been involved**

Before Pew began working on criminal justice reform in Georgia, the issue was not on the agenda. It's not clear what would have happened if Pew had never gotten involved; it's probable that the Governor, the Speaker, and the Chief Justice would have championed reforms, but there was no outspoken advocate to the General Assembly prior to Pew's engagement and the Council's formation. Representative Neal led criminal justice reform in the state legislature, and said that he would not have taken up that role if not for the initial conference and continuing engagement with Pew.

Representative Neal recalled that the first time he heard anyone in the legislature mention the need for criminal justice reform was in a conversation with the Speaker of the House just after the Pew-sponsored conference.

Even if the Governor had tried to make criminal justice reform a legislative priority, it would have been very difficult without Pew's advocacy and support. The cost of putting together a team to do the research and analysis required to produce an in-depth study similar to what Pew produced would have been prohibitive for the government, especially in a tight economic time. Pew's experience with other states and familiarity with the data were vital to the effort. Eventually, some sort of criminal justice reform would likely have passed in Pew's absence, but it may have been much weaker than what was actually accomplished.

*All GiveWell conversations are available at <http://www.givewell.org/conversations>*