

Bail Reform Report to ACLU of Georgia

Jan 5, 2018

Executive Summary

- Let us assume Georgia had a bail policy in 2017 where all misdemeanor bookings were released after 48 hours or less, across all counties in the state.
- If this policy were implemented we estimate the state **could have saved between \$14,900,000 and \$28,400,000** in county subsidies (\$20 per inmate per day), and possibly more.
- The dollar range is probably an underestimate because we capped the maximum dollars saved per booking at \$200.00 (11 days jailed pretrial). However, approximately 20% of misdemeanor inmates were jailed for more than 11 days in our dataset. The underestimate could be partially canceled out because there may be public safety reasons to jail some people more than 48 hours even if bail reform is implemented.
- We obtained this estimate using booking and release data from the public websites of five Georgia county jails collected from Nov 9 to Dec. 9, 2017.
- We also made educated guesses about the total number of bookings in Georgia in 2017 (500,000 – 700,000, since there were 609,464 jail admissions in Georgia in 2013 ²) and what percent of all bookings are misdemeanors (55-75%, based on our data).
- Given our assumptions, we estimate the policy would **affect 36% of misdemeanor bookings and 20-27% of all bookings** in Georgia, corresponding to perhaps **100,000 – 190,000 people**.

Booking Data

We wrote code to collect 31 days of booking and release data from 5 counties' jail websites: **Athens-Clarke, Cobb, Dekalb, Fulton and Glynn**. Our dataset consists of all bookings from Nov. 9 to Dec. 9 2017. **Fig. 1** shows bookings per day in each county. Each booking had associated charges. We put each booking into one of three categories: “**misdemeanor**” (all charges are listed as misdemeanors), “**felony**” (at least one charge is listed as a felony) and “**unknown**” (the counties did not list severity for all charges). The proportion of “unknown” bookings ranged from 4% (Cobb) to 82% (Fulton). **Fig. 2** shows how many known misdemeanor bookings occurred per day. When we computed “dollars saved per misdemeanor” we considered only the known misdemeanor bookings, because some proportion of “unknown” bookings must contain felonies.

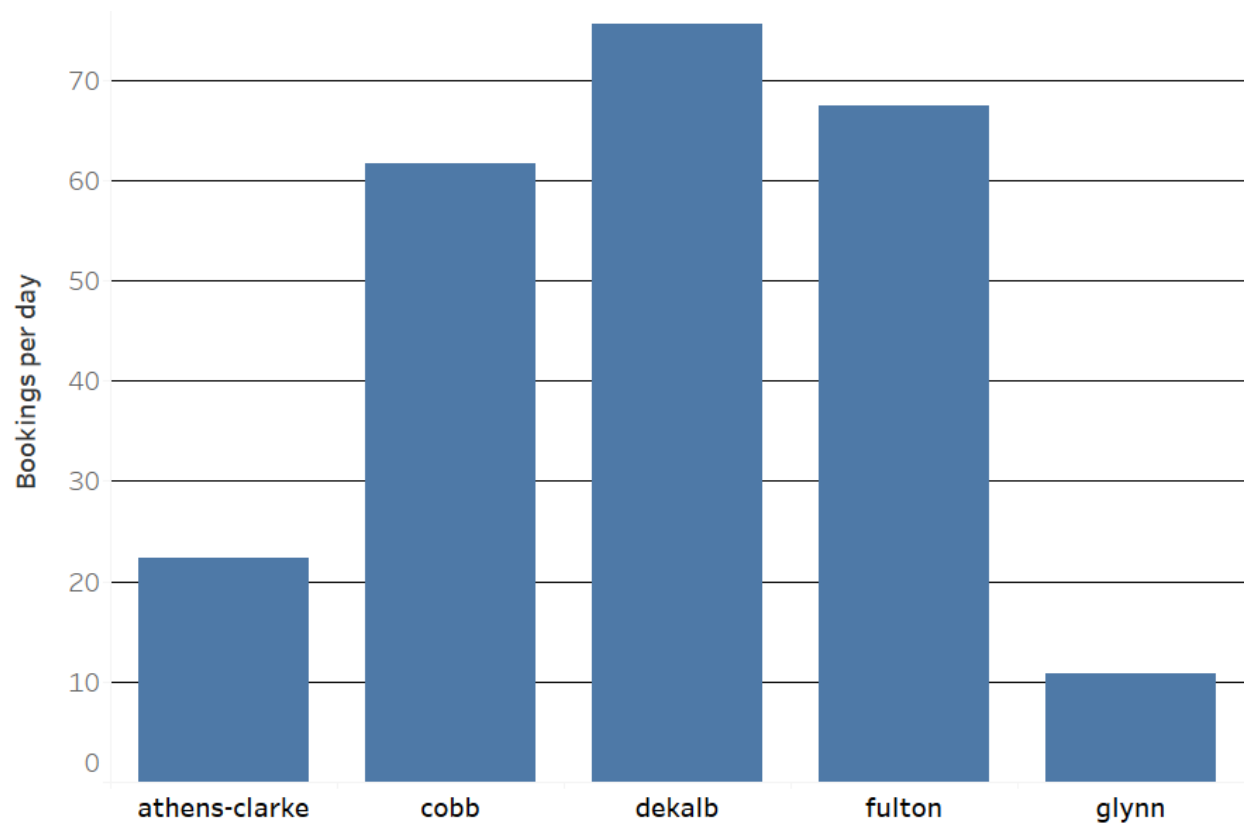


Figure 1: Bookings per day from Nov. 9 to Dec. 9, 2017. This includes every severity category – known misdemeanors, known felonies and unknown.

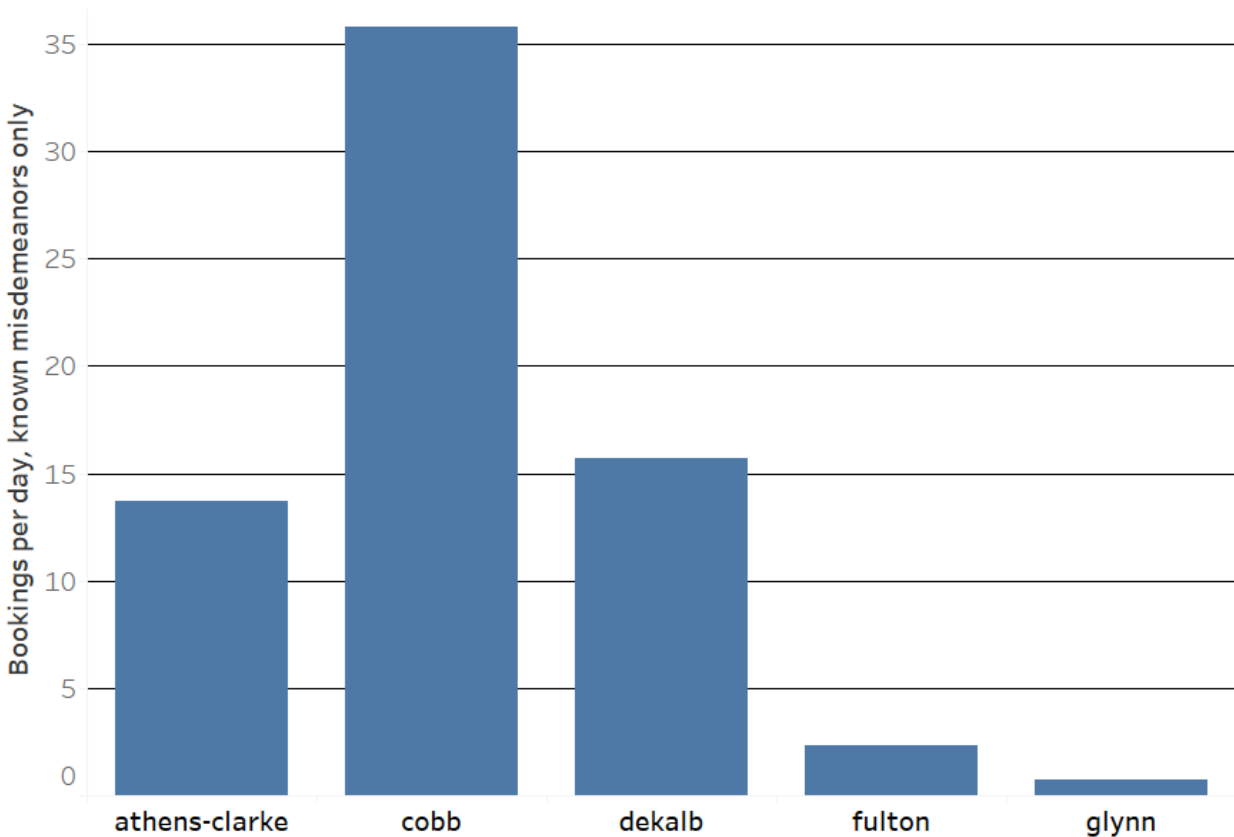


Figure 2: Known misdemeanor bookings per day from Nov. 9 to Dec. 9, 2017. **This underestimates the true number of misdemeanor bookings because many bookings have unknown severity.**

Days Jailed Data

For each misdemeanor booking we determined when those inmates were released, up to 11 days after booking. This includes the Nov. 29 - Dec. 9 bookings as we collected data until Dec 20. For Glynn county, we assumed inmates were released when they dropped off the roster. The remaining counties directly posted release dates.

If inmates were released after more than 11 days, or were still in jail when we collected our most recent data, we set an assumed release date to 11 days for all figures and calculations. This means cost savings are an underestimate because we only computed the cost for everyone's first week and a half in jail. Athens-Clarke county only posted releases for up to 7 days after booking. If inmates were not released after this time period we set their assumed release date to 11 days. Other counties had very low percentages of people released between 8-10 days (**Fig. 4**) so this is likely just a slight overestimate of days jailed for Athens-Clarke county, compared to the other counties.

We decided on an 11-day limit because when inmates are jailed for longer than a week and a half it is hard to determine whether releases are pretrial or whether inmates are still jailed because they pleaded guilty and are serving a sentence. Also, we wanted to get statistics from a full month of booking data. We started collecting data on Nov. 9 for all counties, and our currently available release information only extends 11 days past the end of the month (i.e. releases from Dec 9-Dec

20). Many inmates were still sitting in jail as this report was being written. We will not know their release date for several more weeks or months.

For each booking we defined “zero days jailed” as 0-24 hours spent in jail between booking and release, “one day jailed” as 24-48 hours and so on. Fulton and Glynn counties provided release date but not release time. To get a more conservative cost savings estimate we rounded down to the nearest 24 hours for those counties. For example, if someone was released on the day after booking we considered that to be less than one full day or <24 hours. **Fig. 3** shows days jailed across counties for known misdemeanor bookings and **Fig. 4** shows the same breakdown for each county. Most people were released before 48 hours. However, on average across counties 20% of misdemeanor arrestees were released after 11 or more days. We suspect the latter group consists mostly of people who are jailed because they cannot afford bail, although we cannot be certain.

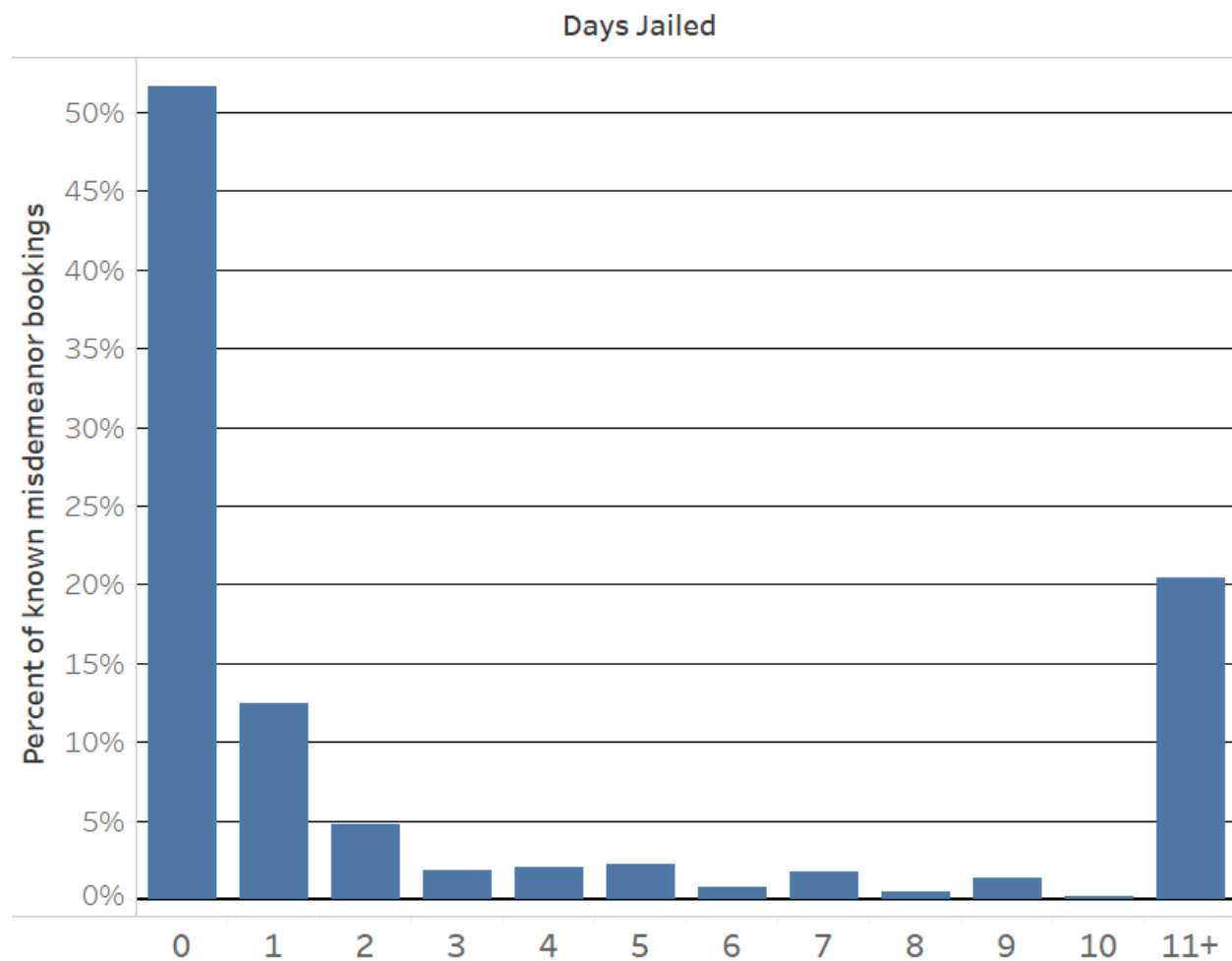


Figure 3: Average days jailed prior to release for known misdemeanor bookings across counties from Nov. 9 to Dec. 9, 2017. Each county is one datapoint, meaning we averaged the five plots in **Fig. 4** top-to-bottom to get the percentages shown here. The **11+** day marker indicates they stayed in jail **11** or more days after booking. They were either released sometime after that or had not been released yet when data collection ended. We defined zero days as 0-24 hours jailed, one day as 24-48 hours, etc.

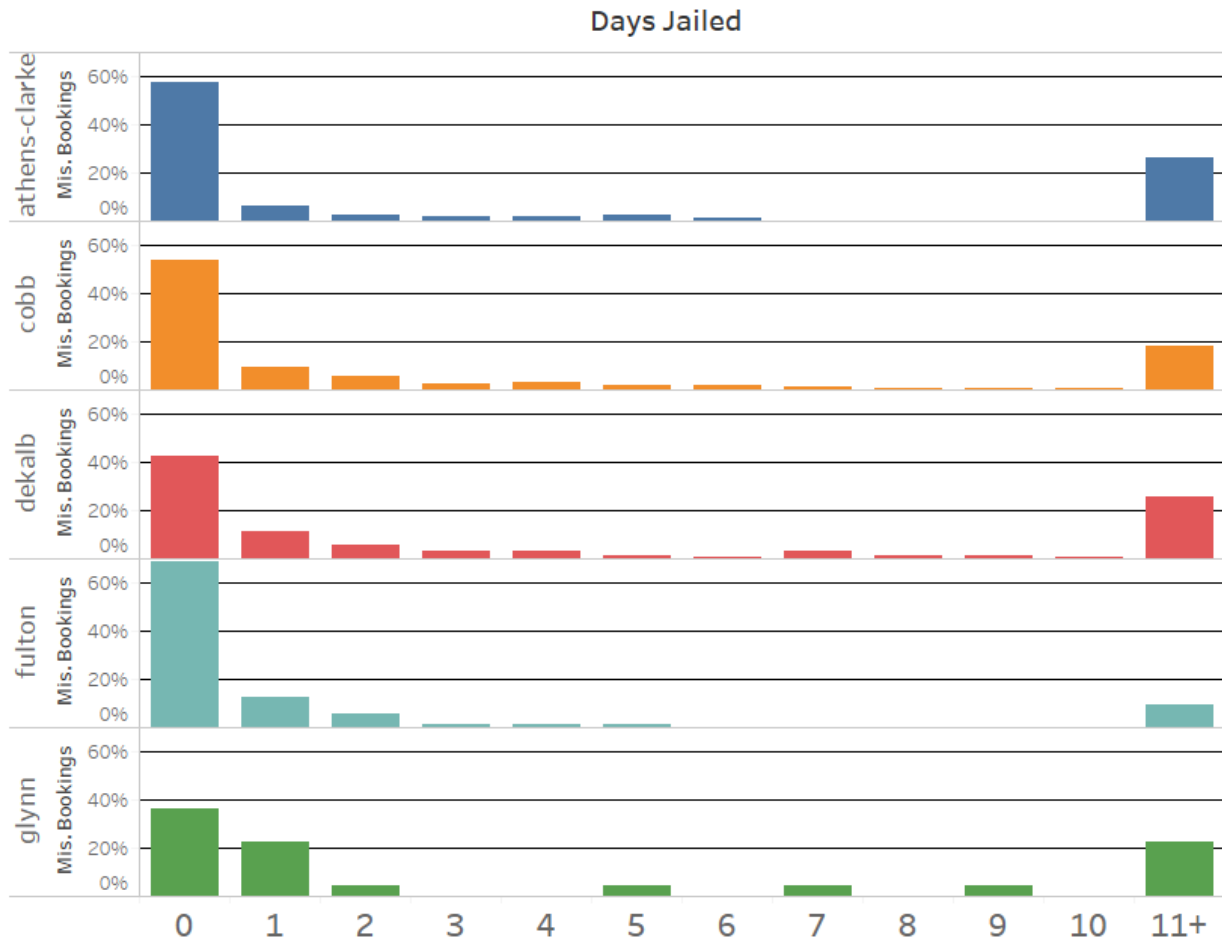


Figure 4: Days jailed prior to release for known misdemeanor bookings in each county from Nov. 9 to Dec. 9, 2017. Plot shows percent of people jailed 0 days (0-24 hours), 1 day (24-28 hours), up to 11 or more days before their release.

How many people would benefit from the new policy

Since the Governor’s Criminal Justice Reform Council is voting on the recommendation to hold individuals for 48 hours or less, we estimated what percent of misdemeanor arrestees would benefit from this new policy. **Fig. 5** estimates that if the policy had been implemented in 2017, about 36% of misdemeanors would have been released early across the five counties during the month we collected data. **Fig. 6** shows that among the five counties, 19-46% of misdemeanor bookings would have benefited from the new policy between Nov 9-Dec 9 2017.

What percent of all arrestees in Georgia would have benefited from this policy? If we assume that between 55-75% of all arrests are purely misdemeanors (see **Appendix**), we can calculate $55-75\% \text{ misdemeanors} * 36\% \text{ benefiting} = \mathbf{20-27\% \text{ of all pre-trial arrestees would be released early under this policy.}}$

How many arrestees in Georgia would have benefited from this policy in 2017? If we assume there were 500,000-700,000 arrests in Georgia in 2017 (see **Appendix**) and 20-27% of all

pre-trial arrestees would have been released early, **potentially 100,000-190,000 people could have benefited in 2017.**

We caution these estimates are very uncertain because they are based on a small sample size (5 counties, one month) and there are several other uncertainties (see **Appendix**). We also assumed that all misdemeanors would get released after 48 hours or less. This is likely an overestimate because some inmates may have to stay jailed for public safety reasons, such as for domestic violence misdemeanors.

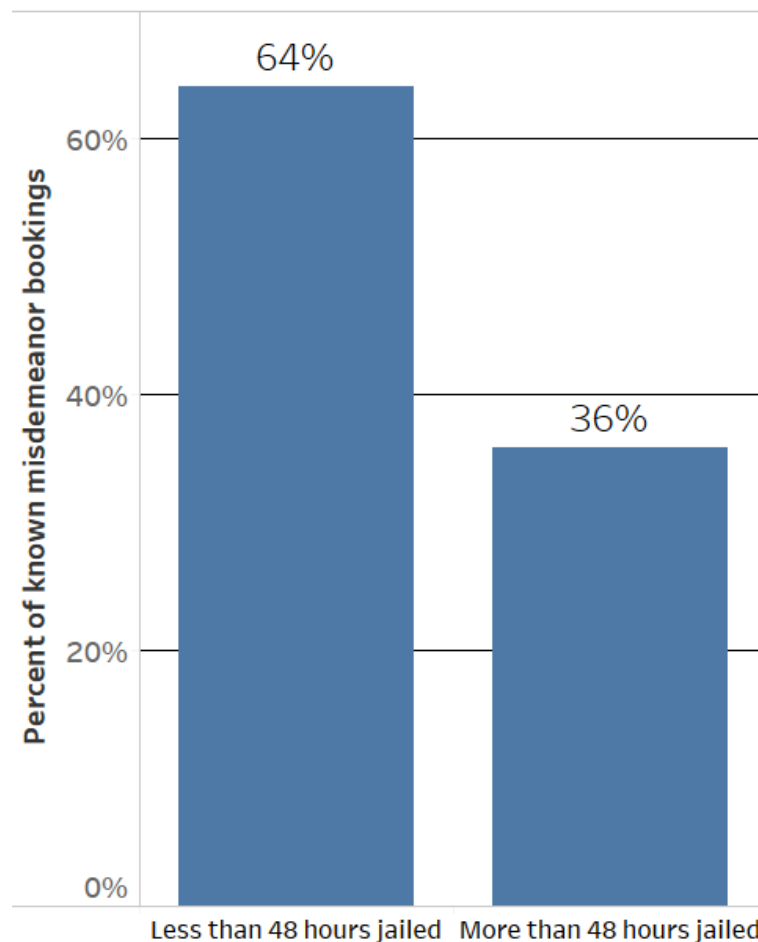


Figure 5: Average percent of known misdemeanor bookings jailed for less than or more than two days prior to release across counties from Nov. 9 to Dec. 9, 2017. Each county is one datapoint, meaning we averaged the five plots in **Fig. 6** top-to-bottom to get the percentages shown here. Inmates jailed for >48 hours were either released sometime after that or had not been released yet when data collection ended.

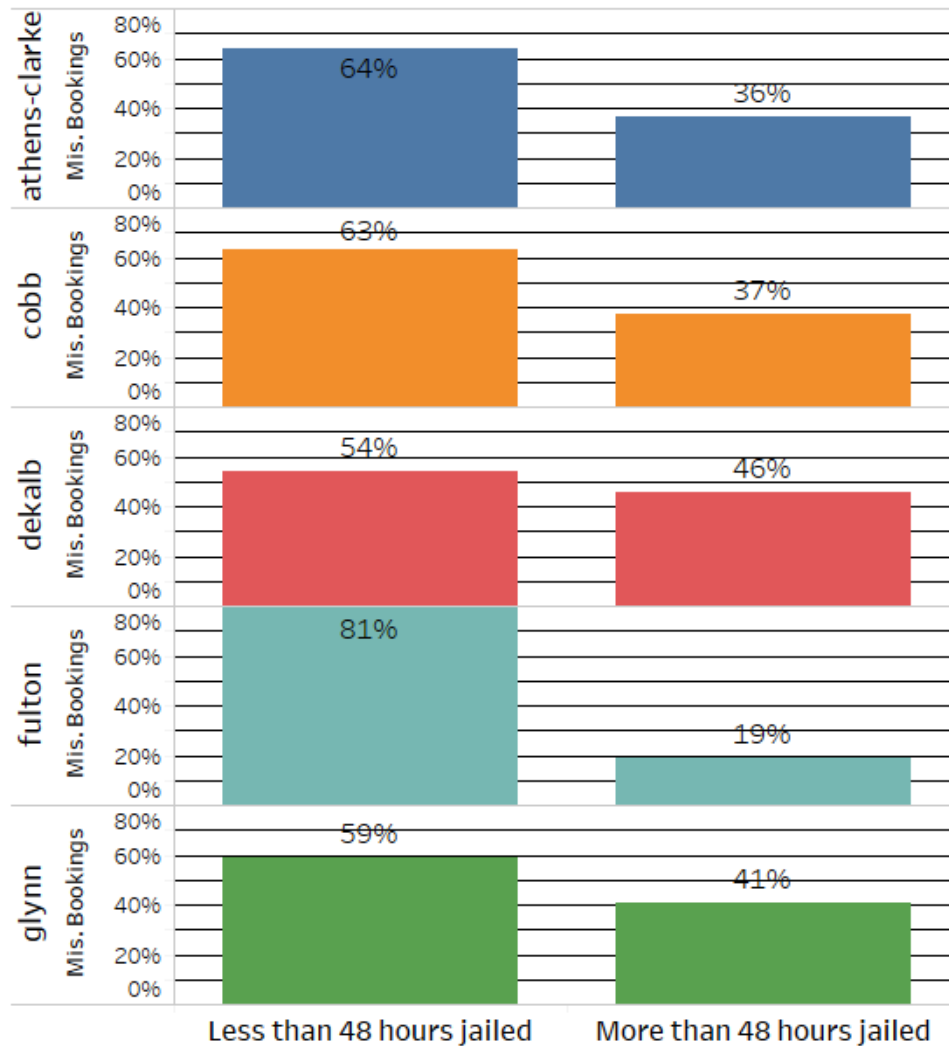


Figure 6: Percent of known misdemeanor bookings jailed for less than or more than two days prior to release in each county from Nov. 9 to Dec. 9, 2017.

Estimating Dollars Saved after Bail Reform

For each booking consisting solely of misdemeanors, we computed “**dollars saved**”. This is how much money *would have been saved* if those inmates had been let go after spending <48 hours in jail, compared to how long they were actually jailed (up to a maximum of 11 days as described above). The Georgia Department of Corrections paid County Jails a subsidy of \$20.00 per inmate per day in 2016¹, therefore the formula is:

$$\text{Dollars saved for one misdemeanor booking} = \$20.00 * \# \text{ days jailed past 48 hours}$$

For example, if two people were jailed for 45 hours and 55 hours, dollars saved would be \$0.00 and \$20.00, respectively. If someone was jailed more than 11 days, dollars saved was capped at \$200.00. This means **our cost savings are an underestimate** of the true savings – see **Appendix**.

We then estimated how many dollars would have been saved across the state of Georgia in 2017 if the desired bail policy had been implemented. First, we computed average dollars saved per misdemeanor booking across the 5 counties, where each individual booking between Nov 9 - Dec 9, 2017 was one datapoint. Felony and “unknown” bookings were not included in these calculations.

Dollars saved per misdemeanor booking = \$54.03 ± \$3.50 (95% confidence interval)

Then, we multiplied this value by the estimated total bookings in Georgia in 2017 and estimated percent of bookings that were misdemeanors. There were 609,464 bookings in the state of Georgia in 2013 ². Although this value is four years old, we assumed it was a rough proxy of how many total bookings there were in 2017. We made an educated guess that there were between 500,000-700,000 bookings in 2017. Based on our dataset, we also made an educated guess that between 55-75% of all bookings were misdemeanors (see **Appendix**).

Dollars saved by Georgia in 2017 =

Dollars saved per misdemeanor booking *

Estimated number of total bookings in Georgia in 2017 *

Estimated percent of bookings that are misdemeanors

Low-end estimate:

\$54.03 saved per misdemeanor * 500,000 arrests * 55% misdemeanors = \$14,858,250 ± \$1,747,590 (95% confidence interval)

Medium estimate:

\$54.03 * 600,000 * 65% = \$21,071,700 ± \$2,097,108

High-end estimate:

\$54.03 * 700,000 * 75% = \$28,365,750 ± \$2,446,626

These numbers should be interpreted with caution because of the large uncertainties in each part of this formula – see **Appendix**. We can reduce the uncertainty considerably if more accurate data can be obtained about the total number of bookings in 2017 and percent of bookings that are purely misdemeanors. Likewise, collecting data from more counties and a longer time period would help lower uncertainty about how many dollars would be saved per misdemeanor (if pre-trial inmates were released early).

Note that even the high-end estimate might be an underestimate. Because of our dataset limitations we did not compute additional dollars saved for inmates jailed for more than 11 days pre-trial.

References

1. Georgia Department of Corrections FY2016 Allocation of Cost to Inmates, Probationers, etc.
2. Figure appeared in document prepared by Fallon Traylor of ACLU of Georgia to describe ACLU bail reform coding project – source currently unknown.

Appendix: Uncertainties & Assumptions

- **Dollars saved per misdemeanor is an underestimate** because we only calculated this up to a maximum of 11 days jailed. Of course, many people are jailed for several weeks before their trial and our numbers do not reflect this. Our reasoning is explained in the main text.
- Dollars saved per misdemeanor is based on a relatively small 5-county, one-month sample size. We used this data to estimate dollars saved across 159 counties and 12 months. The true value may be larger or smaller depending on how long other counties keep people in jail, and how this fluctuates from month to month. Currently we do not know how much variance there is between counties or months, but in future work we could estimate this more precisely.
- For simplicity we assumed that each county had the same distribution of “days jailed”. Therefore when we computed “dollars saved per misdemeanor booking” we counted each misdemeanor booking as one datapoint. This means Cobb county is over-represented (see **Fig. 2**). However, it may be that some counties tend to release people later than other counties. In fact, there appears to be some variance between counties in our dataset. **Athens-Clarke = \$57.78 saved per known misdemeanor booking, Cobb = \$49.39, Dekalb = \$65.68, Fulton = \$22.74, Glynn = \$62.73.** Future work could address this.
- We assumed counties are paid \$20 by the state for each 24 hours the inmate is jailed. However, it may be that if an inmate is booked on one evening and released in the morning two days later the state would pay the county \$60 for holding the inmate during three consecutive days, even if the inmate is held for less than 48 hours total.
- There were 609,464 jail admissions in the state of Georgia in 2013 ². We do not know the 2017 number but we assumed this value is relatively stable across years. We picked a hopefully reasonable range of 500,000-700,000 arrests in 2017 for the calculations.
- We cannot easily estimate what percent of arrests are misdemeanors. For many bookings the counties do not say whether charges are misdemeanors or felonies. Fortunately, in our data Athens-Clarke and Cobb have a low percentage of these “unknown” bookings (13% and 4%, respectively), so their severity breakdown can be taken as a very rough proxy of the true misdemeanor percentage across the state of Georgia. 70% and 60% of bookings in those counties, respectively, are misdemeanors when unknown bookings are excluded. Therefore, **we made an educated guess that very roughly between 55% and 75% of all arrests are misdemeanors in the state of Georgia.** This is an assumption from limited data that there are more misdemeanor than felony arrests. Thus, this range may not be correct.
- We do not know how much money the state of Georgia receives from bail payments or other sources of income that would be lost if misdemeanors were released after 48 hours.

