

# Punitive policies are driving jail incarceration in rural Georgia

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## What is driving rural jail incarceration in rural Georgia?

- › The vast majority of jail admissions—from 83 to 93 percent—in participating rural counties are for nonviolent charges, including probation violations, drug possession, and driving with a suspended license.
- › Probation violations—without new criminal charges—are one of the most common reasons people are booked into jails, with 9 to 15 percent of admissions having a probation violation as the sole or most serious charge.
- › Driving under the influence (DUI) charges are among the three most common top charge types, making up 5 to 12 percent of all admissions.
- › Less serious driving-related charges also drive jail admissions, with 35 to 53 percent of traffic-related admissions due to driving with a suspended license.
- › Black people are disproportionately booked into rural Georgia jails, making up a share of jail admissions that is more than twice their share of the local population in certain counties.

The findings in this brief are based on jail roster data provided by the sheriff's offices in seven rural Georgia counties (Decatur, Early, Greene, Habersham, Sumter, Towns, Treutlen), spanning a year and a half (January 2019 to June 2020). This period includes the onset of the COVID-19 pandemic, during which overall jail bookings in these counties declined sharply—by 66 percent from January 2019 to April 2020—but have since rebounded.<sup>1</sup> Researchers at the University of Georgia analyzed the data and produced detailed fact sheets for each county.<sup>2</sup> Vera conducted additional analysis of this data to identify common types of top (most serious) charges driving jail admissions. This brief summarizes these findings and offers policy recommendations for local and state policymakers to reduce the use of county jail detention.

## Jail incarceration rates in rural Georgia counties are higher than in urban and suburban Georgia counties

People are booked into county jails in Georgia more than 584,000 times every year.<sup>3</sup> Notably, high rates of jail incarceration are becoming an increasingly *rural* phenomenon: The jail incarceration rate in rural Georgia counties—432 people per 100,000 residents—is far higher than the state rate overall (315), the rate for Atlanta and the surrounding counties in Georgia (277), and the U.S. rate overall (201).<sup>4</sup> Of the 20 counties in Georgia with the highest jail incarceration rates, 17 are rural or small metro areas, and all have incarceration rates that are twice as high as the Georgia average.<sup>5</sup>

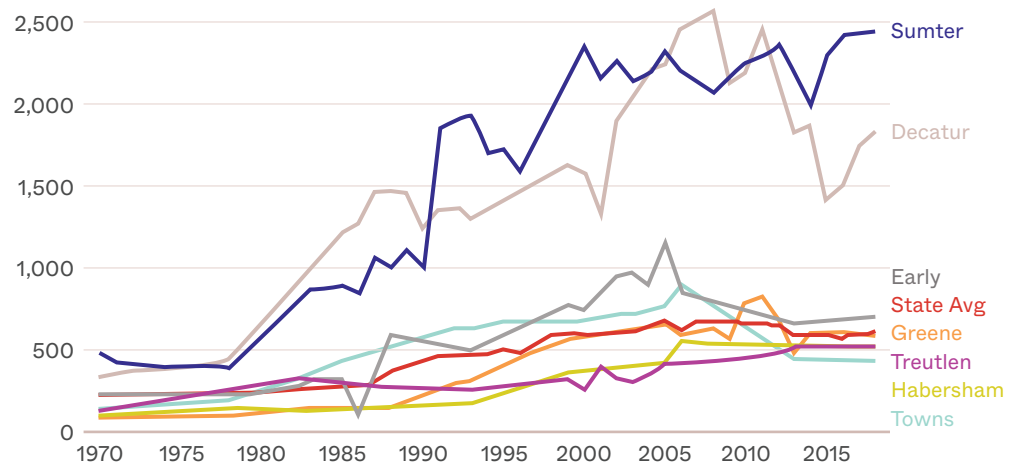
As illustrated in Figure 1, jail population rates in Georgia increased generally in the 1990s. Among the seven rural counties in this project, jail population rates have also increased since the 1990s. Two counties, Sumter and Decatur, have rates that are substantially higher than those of the other counties and the Georgia state average.

Although county jail populations in Georgia dropped during the beginning of the COVID-19 pandemic (by 22 percent from midyear 2019 to midyear 2020), they have since rebounded, increasing by 17 percent from midyear 2020 to midyear 2021, in urban and rural areas alike.<sup>6</sup>

## Why are people going to jail in rural Georgia?

Data from seven participating counties shows that low-level charges that often are not new criminal offenses—such as probation violations or driving with a suspended license—are driving admissions into rural Georgia jails. When violent charges are present, they are mostly assault and battery charges related to domestic violence. These charges may be the result of varying levels of altercation—some that may cause serious harm and others that may not require a law enforcement response.

**FIGURE 1**  
Jail population rate in seven rural Georgia counties, 1970–2018



Rate per 100,000 residents aged 15–64.

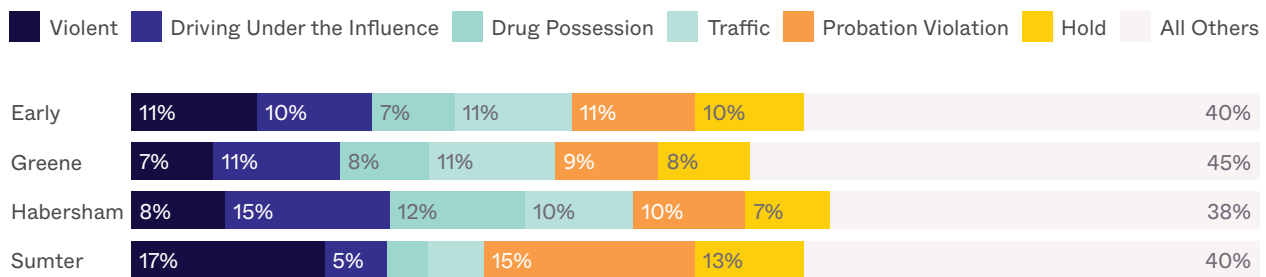
Source: Vera Institute of Justice, *Incarceration Trends* (2021 version).

In the participating seven counties, the most common reasons for jail admissions during the study period were minor (administrative and/or nonviolent or nonperson charges): vehicle and driving-related charges (38 percent), drug-related charges (18 percent), and probation and parole violations (14 percent).<sup>7</sup>

Researchers analyzed jail admissions based on the top (most serious) charge for each booking in four counties with sufficient data (Early, Greene, Habersham, Sumter). This analysis shows more detail on the types of charges that drive jail admissions: Traffic charges (excluding DUI) make up 5 to 11 percent of admissions, probation violations make up 9 to 15 percent of admissions, violent charges make up 7 to 17 percent of admissions, DUI charges make up 5 to 15 percent of admissions, and drug possession (not trafficking) makes up 5 to 12 percent of admissions. (See Figure 2.) For more details on top charge types, see Appendix Figure A1.

**FIGURE 2**  
**Six most common top charges for jail admission (January 2019–June 2020)**

Represents the percentage of total jail admissions by the top charge category driving each booking.



The category “All Others” includes the following charges, in order of frequency across all four counties: theft/fraud/forgery (7.6%), failure to appear (5.4%), arson/burglary/robbery/trespass (5%), offenses against the administration of government (3.5%), public order (3%), drug manufacturing/distribution (2.6%), weapons (2.4%), temporary jail stays (1.7%), and number of other less frequent charge types (6%, collectively).

Source: University of Georgia data (provided by counties), with Vera top charge analysis.

### Probation violations are among the top reasons for jail admissions and lead to far longer stays in jail

Georgia has the country’s highest rate of people on probation, with more than 350,000 adults on probation; approximately one out of every 19 adult Georgia residents is on probation or parole supervision.<sup>8</sup> Unlike other states, Georgia does not limit the length of felony probation terms (except that they cannot exceed the applicable maximum prison sentence), and longer probation terms increase the likelihood of violations.<sup>9</sup> In addition, Georgia continues to use “pay-only” probation, which puts people on probation solely for their inability to pay all court-related fines and fees at the time of sentencing.<sup>10</sup>

Therefore, it is unsurprising that probation violations are among the top three reasons for jail bookings across the four counties Vera analyzed: Probation violations are the sole or most serious charge for 9 to 15 percent of bookings. (See Figure 2.) Arrests for probation violations are primarily due to technical violations—such as missing an appointment, not paying a fee, or failing a drug test—rather than new criminal charges.<sup>11</sup> Due to limitations in jail booking details, it was not possible to differentiate felony probation violations (handled by the state Department of Community Supervision) from misdemeanor probation violations (handled by local and private probation offices).

Moreover, people booked into jail for a probation violation as their top charge have much longer stays in jail compared to people booked on other charge types—likely due to jail time as a penalty for noncompliance with conditions of probation. (See Figure 3.) This means that even if probation violations make up a modest proportion of jail admissions, people booked on those charges have an outsize effect on the average daily population of the jail.

Georgia laws and policies give significant discretion to probation officers to determine the penalty for a violation, which can include a return to jail or prison.<sup>12</sup> Research shows that using incarceration as a penalty for violations of probation conditions (such as missing required check-ins, traveling outside of permitted areas, missing curfew, etc.) increases jail admissions and does not improve outcomes for people on probation.<sup>13</sup>

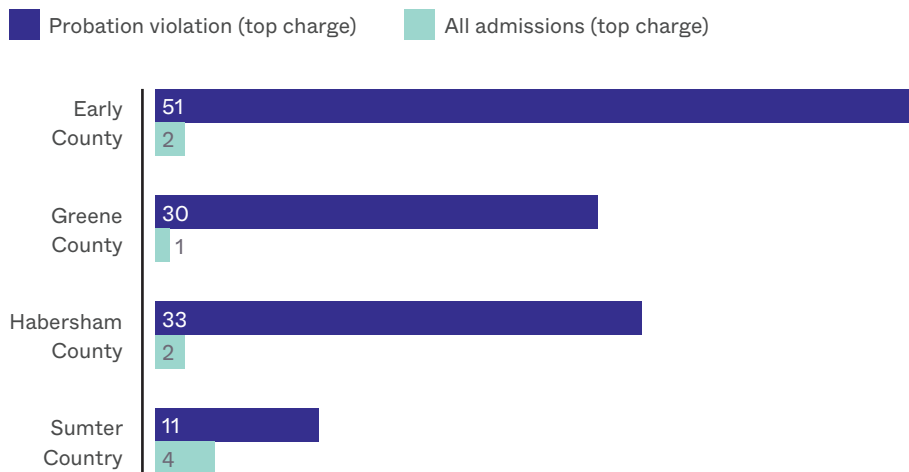
**DUI is one of the most common top charges, accounting for 5 to 12 percent of charges across participating counties**

DUI charges are among the top three reasons for jail bookings in Habersham County (12 percent) and Greene County (8 percent). This is distinct from other serious dangerous driving charges (such as hit and run or speeding) and violent driving charges (such as vehicular homicide). The prevalence of DUI charges is especially notable in rural areas, where public

**FIGURE 3**

**Median number of days in jail: admissions due to probation violations**

This shows the median length of stay in jail for admissions for which the top charge was a probation violation, compared to the median length of stay across all top charge admissions.



A stay of less than 24 hours in jail counts as zero days. This analysis uses jail roster data (January 2019 to June 2020) provided to the University of Georgia and the top charge analysis conducted by Vera.

transportation options and access to treatment options for substance use are scarce.

### **Driving with a suspended license is among the most common top traffic charges, accounting for 35 to 53 percent of traffic charges across participating counties**

Driving with a suspended license was the most common top charge among low-level traffic charges that resulted in jail admissions. This charge makes up 53 percent of low-level traffic charges in Sumter County, 45 percent in Early County, 43 percent in Greene County, and 35 percent in Habersham County. Traffic-related charges make up 11 percent of jail bookings in Greene County and Early County, 10 percent in Habersham County, and 5 percent in Sumter County. The remaining traffic charges that led to jail admissions were other license issues, driving infractions (such as speeding), administrative infractions (such as missing insurance papers), and vehicle/equipment violations. (See Appendix Figure A2 for details.)

Georgia is an outlier among U.S. states in the extent of its criminalization of traffic and driving-related behavior: Georgia law requires a mandatory minimum two-day jail sentence for a first charge of driving with a suspended license and a 10-day mandatory minimum for second and subsequent charges.<sup>14</sup> In addition, prior to a reform passed in July 2022, failure to appear in court for any traffic violation resulted in an automatic driver's license suspension; now, judges can prevent suspension and facilitate reinstatement of a license.<sup>15</sup>

High admissions to jail for low-level driving charges suggests a lack of community responses—such as mandatory driving courses—and underscores how laws that criminalize civil issues can increase the use of the local jail. Further, driver's license suspensions and license reinstatement fees disproportionately affect low-income people with limited access to public transit and do not lead to significantly better compliance with payment.<sup>16</sup>

### **Drug possession charges drive jail admissions—but drug trafficking charges do not**

Harsh laws criminalizing low-level drug possession—especially cannabis possession, which is legal in other U.S. states—are driving jail admissions in the seven participating counties. However, more serious drug trafficking charges do not result in a significant proportion of jail bookings.

Looking at top charges only, drug possession charges range from 4 percent of bookings (Sumter) to 12 percent (Habersham). When the type of

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controlled substance was identified, cannabis was the most common in three counties: 56 percent of possession bookings in Sumter County, 55 percent in Early County, and 40 percent in Greene County. In Habersham County, 24 percent of bookings were for marijuana possession and 47 percent were for methamphetamine possession. (See Appendix Figure A2 for details.)

The criminalization of personal drug possession, especially the use of jail detention, does not reduce subsequent drug use and, in fact, *increases* the risk of overdose.<sup>17</sup> Jail roster data does not specify how many bookings came from “alternatives” such as drug courts. Any drug court that maintains jail detention as a potential penalty for non-compliance with rules (such as abstinence from drugs) is likely to continue generating jail admissions.

### **Violent charges driving jail bookings are mostly assault and battery, with many related to domestic violence**

Among top charges of all bookings into jail, violent charges made up 17 percent in Sumter, 11 percent in Early, 8 percent in Habersham, and 7 percent in Greene. Among these, homicide, vehicular homicide, and sexual assault charges were less than 10 percent of violent charges. The vast majority—more than 90 percent—of violent charges leading to jail bookings are assault and battery charges, and of these, 19 to 60 percent are domestic violence–related assault and battery charges.

Although Georgia does not have a mandatory arrest law for domestic violence situations, police responses to domestic violence—arrest and booking into jail—do not provide a lasting solution. They can also generate negative unintended consequences for all parties involved, such as arrests of survivors; arrest of the person suspected of causing harm, regardless of the context or the other person’s wishes; unwanted involvement of child protective services; and increased danger of retaliation from an abusive partner.<sup>18</sup>

## **Holds for other Georgia counties are a significant portion of jail bookings**

“Holds” are another common reason for jail bookings; these occur when a local jail detains someone on behalf of a different county or state/federal agency, often due to an open warrant. Among top charges for bookings, holds made up 13 percent of jail bookings in Sumter County, 10 percent in Early County, 8 percent in Greene County, and 7 percent in Habersham County.<sup>19</sup> Across all seven counties, for charges related to a hold for an outside agency, 76 percent were for another Georgia county sheriff’s office.<sup>20</sup> Bookings due to holds for other counties and agencies had median lengths of stay similar to those for bookings for other charges.<sup>21</sup> However, in Sumter County, 24 percent of bookings for holds

stayed more than two months in jail, and more than half of these stayed more than six months.<sup>22</sup> These very long detentions have a significant impact on the jail population overall. An additional challenge related to holds is that people sentenced to state prison time may also have local county warrants or charges that remain unresolved due to lack of communication between county and state systems. Upon release from prison, therefore, they may be transferred to a county jail on a hold due to unresolved local charges and/or may be ineligible for certain transition services.<sup>23</sup>

## Disparities are severe for jail bookings of Black people in rural Georgia counties

Across participating rural Georgia jails, the proportion of Black people booked into jails was far higher than their proportion of the county population: 56 percent compared to 43 percent in Decatur County, 64 percent compared to 31 percent in Greene County, 72 percent compared to 51 percent in Treutlen County, and 4 percent compared to 1 percent in Towns County.<sup>24</sup>

Women made up one-fifth to one-third of jail admissions in participating counties. Overall, the rate of women in jail in Georgia increased more than sixfold from 1980 to 2019, from 25 to 160 women per 100,000 adult residents.<sup>25</sup>

Broadly, these findings suggest that jail incarceration in these seven rural Georgia counties is driven largely by more minor charge types—such as drug possession and license suspension—and by enforcement of probation violations; public safety risks associated with these charge types are low and do not require jail incarceration as a response. More serious charge types that do involve public safety considerations—such as DUI and violence—require policy responses that do not rely solely on jail detention. The next section outlines policy options to reduce the use of local jails in rural counties, especially for minor charges.

## Criminal legal system reform is a rural Georgia issue requiring local and state action to reduce pressures on county jails

Rural communities should not use their limited resources and infrastructure to incarcerate people in jail unnecessarily. Local decision makers can make immediate changes to lessen the human and fiscal impact of jail on their communities, but state policymakers must also start to specifically address and prioritize the root issues that drive rural jail incarceration. Here are some places to start:

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## Local-level actions

→ **Ensure that people who are eligible for early termination from felony probation are recommended and meaningfully considered for relief.**

Recent state-level legislation has created new avenues for people on felony probation to receive early termination of supervision.<sup>26</sup> In most cases, the process begins when the state Department of Community Supervision (DCS) is notified of a person's eligibility and submits a request to the sentencing court, while a judge makes the final decision. To prevent people from falling through the cracks and needlessly filling rural jails, local courts should proactively coordinate with state DCS to ensure that processes for obtaining early termination are streamlined and used, including resolving any pending holds or charges from county courts.

→ **Eliminate fines and fees ordered for people on probation, which are disproportionately high in rural counties.**

<sup>27</sup> Local courts have the authority to lower or waive fines and supervision fees for people who are sentenced to probation in Georgia. Courts in rural jurisdictions should use this authority to reduce or eliminate these fines and fees, recognizing that people who cannot pay will be subject to mandatory jail stays—exposing them to cycles of incarceration and poverty while unnecessarily straining county resources.

→ **Establish a local policy that presumes citation (in lieu of arrest) for lower-level driving charges, in particular driving with a suspended license, and drug possession charges, in particular for marijuana.**

Georgia law authorizes law enforcement to issue citations for driving violations and for possession of certain drugs.<sup>28</sup> Local sheriffs can establish a local policy making citation the default mechanism for low-level charges that otherwise often result in a jail booking despite citation eligibility.

→ **Establish a local automatic pretrial release policy for certain charges.**

Local judiciaries can establish court rules that require automatic pretrial release without conditions for certain types of charges. For example, courts might require automatic pretrial release for all charges that do not involve actual or

threatened violence, sexual assault, or outstanding warrants or other holds. Prosecutors can express public support for automatic pretrial release policies and, in the meantime, can tailor bail recommendations to the court to conform to the proposed policy.

→ **Adopt a local declination policy.** Local prosecutors can contribute to preserving rural resources and enhancing community safety by announcing that they will decline to prosecute certain categories of charges. Prosecutors in some jurisdictions have issued formal policies against prosecuting crimes related to low-level drug possession, nonpublic safety stops by law enforcement, and more.

→ **Reassess the costs and benefits of renting local jail beds to other agencies.** The revenue generated by rentals does not typically cover all costs of running a jail, and these holds increase pressure on existing beds, leading to overcrowding and worsening conditions in the jail. County governments can choose to end these contracts and invest savings in community-based services for local residents.

→ **Resist proposals for jail expansion or new jail construction and instead invest in local support services.** Some counties depend on unscientific crime projections that reinforce racial bias or current high jail populations to justify plans to build new, bigger jail facilities with valuable community resources. But jail populations typically rise as new bed space becomes available: Research suggests that this is because local criminal legal system actors adjust their decisions in the face of material constraints.<sup>29</sup> System actors and community advocates should push back on decisions to expand the jail and focus instead on changing local policies to reduce the number of people in the jail. Resources should be invested in supportive services—such as housing, transportation, and substance use and mental health treatment—that are not under the control of law enforcement agencies. Mental health services are especially crucial for people who have been detained in jail, given the negative effects of detention on mental health.



## State-level actions

→ **End “pay-only” probation.** In Georgia, courts can sentence people to misdemeanor probation solely because they are unable to pay fines and fees.<sup>30</sup> In these types of cases, the only purpose of probation is to collect payments toward the debt owed, but with additional fees tacked on. Changing state law to eliminate pay-only probation will prevent cycles of debt, poverty, and jail for Georgians who simply cannot afford fines and fees.

→ **End the practice of contracting with private probation agencies by eliminating misdemeanor probation.** Georgia’s large probation population is driven by a private misdemeanor probation industry that allows companies to profit from keeping people under supervision. This is especially harmful to rural jurisdictions, which must bear the cost of incarcerating people for extremely minor violations of supervision conditions. State legislators should move toward ending the private probation industry in Georgia by restricting and eventually eliminating misdemeanor probation.

→ **Provide resources to rural counties to establish supportive pretrial services, ideally community based.** Some states have allocated money for counties to build up alternatives to pretrial incarceration and services that can help people avoid jail altogether. Rural places also need specific state support to offset the additional challenges rural residents face in navigating local systems, such as lack of access to transportation and lack of treatment options.


→ **End criminalization of traffic charges and eliminate mandatory minimum jail sentences for driving with a suspended license.** These types of charges should not be addressed through the criminal legal system, as supervision and jail detention only make it harder for people to pay outstanding fines and do not serve public safety. State legislative changes to end criminalization of civil issues would significantly relieve pressures that rural jurisdictions face in managing traffic- and driving-related issues specifically.

→ **End the criminalization of possession of small amounts of certain drugs, including cannabis.** Changing laws to decriminalize possession of cannabis would reduce jail populations in rural counties. For other common drug charges, such as juvenile possession and possession of small amounts of other drugs, state law can establish a presumption that police will issue a citation in lieu of making an arrest.

→ **Shift substance use treatment options out of the criminal legal system and into state and local health agencies or community organizations.** Drug courts provide an off-ramp from jail, but often do not provide tailored treatment options. Further, ongoing supervision by the court system makes a return to jail for “non-compliance”—including for relapses, which are a normal part of recovery—more likely. Instead, the state could invest in community-based treatment options available to people before they have contact with law enforcement.

FIGURE A1

**Distribution of top charges in jail admissions in four Georgia counties**

Shows the percentage (and number) of jail admissions in each county with a top charge belonging to a given category, with categories ordered by severity.<sup>a</sup> Indicates top 5 categories per county: 

Top charge category	Early County	Greene County	Habersham County	Sumter County
Violent	11.3% (99)	7.2% (127)	8.2% (326)	16.7% (398)
Sex offense	0.9% (8)	4.7% (82)	0.8% (33)	1.2% (29)
Weapons	3.5% (31)	4.4% (77)	1.8% (70)	1.5% (36)
Arson/burglary/robbery/trespass	6.4% (56)	3.9% (69)	3.1% (124)	8.5% (201)
Theft/fraud/forgery	8.4% (73)	6.4% (112)	6.8% (270)	9.5% (227)
Drug manufacture/distribution	3.4% (30)	5.9% (103)	2% (78)	1% (24)
Drug possession	7.3% (64)	7.9% (139)	12.1% (481)	4.4% (105)
Driving under the influence	10% (87)	11.2% (197)	14.6% (577)	5.4% (129)
Offenses against the administration of government*	3.1% (27)	3.6% (63)	3.7% (146)	3.3% (79)
Public order	5.1% (45)	4.4% (77)	1.6% (63)	3.8% (91)
Probation violation	10.9% (95)	9.4% (165)	9.9% (392)	15.1% (358)
Failure to appear	0.1% (1)	5.3% (94)	7.7% (306)	3.5% (83)
Traffic	10.5% (92)	11.4% (201)	9.8% (390)	5% (118)
Warrant	1.4% (12)	0.2% (4)	4.8% (190)	0.3% (8)
Hold	9.7% (85)	7.9% (139)	7.3% (289)	13.3% (315)
Temporary jail stays**	N/A	3.6% (64)	1.1% (44)	1.8% (43)
All other***	7.9% (69)	2.7% (47)	4.6% (184)	5.6% (133)
<b>All charge categories</b>	<b>100% (874)</b>	<b>100% (1,760)</b>	<b>100% (3,963)</b>	<b>100% (2,377)</b>

<sup>a</sup> The jail bookings files contain every charge for every person admitted to these four county jails for the January 2019 to June 2020 period. In order to determine which charge is likely driving the arrest and subsequent decisions related to pre-trial detention or release, the Vera research team ranked charges in each booking according to severity and type of charge to produce a “most serious charge” for each booking. Each charge is first ranked by severity with felony charges as most severe, followed by misdemeanor and then municipal charges. Each charge is then ranked by type. The list in Figure A1 reflects the order of seriousness that Vera applied. If a booking had only one charge, this charge is the most serious charge. Charges for probation violations, failure to appear, warrants, and holds are only assigned as top charge if they are the sole charge on a booking or accompanied by charges ranked as less severe. A small proportion of bookings had multiple charges with severity levels too similar for Vera’s methods to score which is more severe; in such instances, Vera randomly assigned which charge would be the most serious and then conducted a careful manual review to validate this.

\* Offenses against the administration of government include charges such as contempt of court and obstructing government operations.

\*\* “Temporary jail stays” refers to admissions for a fixed period of time, usually one to three days, for violations of conditions of drug court or other programs (not probation).

\*\*\* The “All other” category includes the following charge types, in order of frequency across all four counties: an “other” category given by the counties themselves (1.6%), child neglect/endangerment/support (0.7%), parole violations (0.7%), person offenses (0.6%), bond/supervision violations (0.5%), alcohol-related charges (0.3%), inchoate offenses (0.2%) and city/county ordinance violations (0.2%).

FIGURE A2

**Common types of drug possession-, traffic-, and violence-related top charges in jail admissions in four Georgia counties**

Top Charge Category	Subcategory	Early County	Greene County	Habersham County	Sumter County
<b>Drug possession*</b> 770 cases were drug possession related across these four counties, or around 8.6% of all cases.	Marijuana	55.6% (35)	40.3% (56)	24.5% (117)	55.6% (50)
	Methamphetamine	12.7% (8)	12.9% (18)	47.1% (225)	1.1% (1)
	Cocaine	6.3% (4)	10.1% (14)	1.5% (7)	4.4% (4)
	Schedule 1	6.3% (4)	16.5% (23)	0.4% (2)	7.8% (7)
	Schedule 2	11.1% (7)	9.4% (13)	0.2% (1)	12.2% (11)
	Schedule 3	N/A	N/A	N/A	1.1% (1)
	Schedule 4 or 5	N/A	2.9% (4)	0.2% (1)	2.2% (2)
	Unknown substance	4.8% (3)	1.4% (2)	18.6% (89)	5.6% (5)
	Other	3.2% (2)	6.5% (9)	7.5% (36)	10% (9)
	<b>County totals</b>		<b>100% (63)</b>	<b>100% (139)</b>	<b>100% (478)</b>
<b>Traffic**</b> 786 cases were traffic related across these four counties, or around 8.8% of all cases.	Suspended license	39.6% (36)	41.8% (84)	36.1% (136)	50.4% (59)
	Other license issues	22% (20)	18.4% (37)	22.8% (86)	16.2% (19)
	Driving offenses	7.7% (7)	16.9% (34)	22.5% (85)	15.4% (18)
	Serious driving offenses	27.5% (25)	2.5% (5)	4% (15)	5.1% (6)
	Administrative	2.2% (2)	3.5% (7)	5.6% (21)	6.8% (8)
	Vehicle/equipment violations	1.1% (1)	16.9% (34)	9% (34)	6% (7)
	<b>County totals</b>		<b>100% (91)</b>	<b>100% (201)</b>	<b>100% (377)</b>
<b>Violence</b> 950 cases were violence related across these four counties, or around 10.6% of all cases.	Assault/battery	63.3% (62)	51.2% (65)	38.3% (125)	76.2% (304)
	Assault/battery—domestic violence related	33.7% (33)	41.7% (53)	57.7% (188)	17.5% (70)
	Sexual assault	2% (2)	3.9% (5)	1.5% (5)	3% (12)
	Vehicular homicide	N/A	2.4% (3)	0.9% (3)	1% (4)
	Homicide	1% (1)	0.8% (1)	1.5% (5)	2.3% (9)
	<b>County totals</b>		<b>100% (98)</b>	<b>100% (127)</b>	<b>100% (326)</b>

\* Schedule 1–5 charges do not identify a particular substance but may include the following: for Schedule 1, marijuana, psilocybin (“mushrooms”), LSD, MDMA (“ecstasy”); for Schedule 2, cocaine, amphetamine, and most opiates (e.g., morphine, Oxycodone, ketamine, Fentanyl); for Schedule 3, certain central nervous system depressants, barbiturates, anabolic steroids, and drug mixtures (e.g., Tylenol + codeine, Suboxone); for Schedule 4, alprazolam (Xanax), clonazepam (Klonopin), diazepam (Valium), and zolpidem (Ambien), among others; for Schedule 5, certain drug mixtures (e.g., cough syrup with small amounts of codeine). The category “Other” includes charges for possession of drug-related paraphernalia.

\*\* Other license issues include violations like driving with a revoked or expired license; administrative violations include driving with invalid insurance or expired vehicle registration; vehicle/equipment violations include damaged or missing lights or other vital components, concealed or improperly placed license plates, invalid license tags, and so on; driving offenses include routine violations of the rules of the road; serious driving offenses include hit and run, drag racing, and “super speeder” charges.

## Endnotes

- 1 University of Georgia, “Rural Jails Hub: Overall Key Findings,” <https://perma.cc/M5CA-GCTW>.
- 2 University of Georgia, “Rural Jails Research Hub,” database, <https://ruraljails.franklinresearch.uga.edu/>. See individual county fact sheets on the Project Outcomes page.
- 3 Vera Institute of Justice, “Incarceration Trends: Georgia,” database, updated March 24, 2022), <https://trends.vera.org/state/GA>.
- 4 Jacob Kang-Brown, Chase Montagnet, and Jasmine Heiss, *People in Jail and Prison in Spring 2021* (New York: Vera Institute of Justice, 2021), 9 and 17, <https://perma.cc/WL2Z-ZC3G>.
- 5 Vera Institute of Justice, “Incarceration Trends: Georgia,” 2022.
- 6 Jacob Kang-Brown, Chase Montagnet, and Jasmine Heiss, *People in Jail and Prison in 2020* (New York: Vera Institute of Justice, 2021), 6, <https://perma.cc/8L5F-Z4T5>; and Kang-Brown, Montagnet, and Heiss, *People in Jail and Prison in Spring 2021*, 17.
- 7 Sarah Shannon, Beverly Johnson, Orion Mowbray, et al., *Rural Jails Research Hub: An Interdisciplinary Collaboration* (Athens, GA: University of Georgia, 2022), <https://perma.cc/Y5RP-ANN9>. Parole and probation percentage calculated by first dividing the 7,930 traffic charges by the given 38 percent to reach the total number of charges, then dividing the 2,843 parole and probation charges by the total number of charges. The result was then rounded up from 13.6 percent. See also the fact sheet for each county for specifics on the proportion for each charge type for individual counties: University of Georgia, “Rural Jails Research Hub.”
- 8 Danielle Kaeble, *Probation and Parole in the United States, 2020* (Washington DC: Bureau of Justice Statistics, U.S. Department of Justice, 2021), Appendix Table 5, <https://perma.cc/N8LG-8ZUU>; and Pew Charitable Trusts, *States Can Shorten Probation and Protect Public Safety* (Washington, DC: Pew Charitable Trusts, 2020), 6, <https://perma.cc/BWM8-3BEX>.
- 9 Pew Charitable Trusts, *States Can Shorten Probation*, 2020, 16. Felony probation terms are not capped (other than that they cannot exceed the maximum statutory sentence of incarceration for the same crime), but misdemeanor sentences cannot be longer than 12 months (except in cases of consecutive sentences for multiple convictions). For both felonies and misdemeanors, a probation sentence cannot be longer than what is allowed in the statute for a prison or confinement sentence.
- 10 Ga. Code Ann. § 42-8-103 (2020), Pay-Only Probation; Discharge or Termination of Probation. See also Allison Frankel, *Revoked: How Probation and Parole Feed Mass Incarceration in the United States* (New York: Human Rights Watch and American Civil Liberties Union, 2020), <https://perma.cc/U2RC-GHBL>. Pay-only probation can, after three months, be converted to regular probation supervision with specific conditions; people sometimes choose this when they are unable to pay fines, but end up on longer terms and responsible for the fees attached to regular probation.
- 11 When a probation violation was the sole or most serious charge on a booking, it is the top charge. Although the type of violation is usually not specified, it is likely that these are mostly technical violations, because these bookings do not include other charges on more serious offenses.

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The findings in this brief come from data acquired through partnerships with Georgia county sheriff’s offices and is supplemented by historical data from the Vera Institute of Justice Incarceration Trends Dataset available on GitHub at <https://github.com/vera-institute/incarceration-trends> and the Georgia Department of Community Affairs Monthly Jail Reports available at <https://www.dca.ga.gov/local-government-assistance/research-surveys/monthly-jail-reports>.

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The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they’re fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn’t determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera’s headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit [www.vera.org](http://www.vera.org). For more information on this report, please contact Jennifer Peirce, senior research associate, at [jenniferpeirce@vera.org](mailto:jenniferpeirce@vera.org). © 2022 Vera Institute of Justice. All rights reserved.

- 12 Ga. Code Ann. § 42-8-38 (2020). Tracking the reasons for probation revocations is difficult, given the many varying private probation agencies responsible for supervising people on misdemeanor probation in Georgia. See Sarah Shannon, “Probation and Monetary Sanctions in Georgia: Evidence from a Multi-Method Study,” *Georgia Law Review* 54, no. 4 (2020), 1213-1234, 1215; author working copy available at <https://perma.cc/XPA6-KSCA>.
- 13 Alex Roth, Sandhya Kajeepeta, and Alex Boldin, *The Perils of Probation: How Supervision Contributes to Jail Populations* (New York: Vera Institute of Justice, 2021), <https://perma.cc/3X6D-3YUS>.
- 14 Ga. Code Ann. § 40-5-121. These mandatory jail terms apply to people charged as super speeders or with missing traffic-related hearings.
- 15 Georgia Justice Project, “GJP’s Policy Agenda,” under section “2022 Legislative Session Update: #GettingGeorgiansBacktoWork,” 2022, <https://www.gjp.org/advocacy/>. See also Nazish Dholakia, *Driver’s License Suspensions for Unpaid Debt: Punishing Poverty* (New York: Vera Institute of Justice, 2022), <https://www.vera.org/news/drivers-license-suspensions-for-unpaid-debt>.
- 16 Civil Rights Corps, “The Fiscal Impact of Debt-Based Driver’s License Suspensions,” October 2021, <https://perma.cc/28WU-FEWD>. For a review of the rationale for not using license suspension as a penalty for unpaid fines and fees, see Joni Hirsch and Priya S. Jones, “Driver’s License Suspension for Unpaid Fines and Fees: The Movement for Reform,” *University of Michigan Journal of Law Reform* 54 (2021), 875-891, <https://repository.law.umich.edu/mjlr/vol54/iss4/5>.
- 17 Andrew Taylor, Charlotte Miller, Jason Tan de Bibiana, and Jackson Beck, “Overdose Deaths and Jail Incarceration: Using Data to Confront Two Tragic Legacies of the US War on Drugs,” database, Vera Institute of Justice, 2020, <https://www.vera.org/publications/overdose-deaths-and-jail-incarceration>.
- 18 Mimi E. Kim, “From Carceral Feminism to Transformative Justice: Women-of-Color Feminism and Alternatives to Incarceration,” *Journal of Ethnic & Cultural Diversity in Social Work* 27, no. 3 (2018), 219-233, 220, <https://perma.cc/764G-UY6X>.
- 19 These figures are based on Vera’s analysis of top charges (in which a hold is the most serious charge on a booking) and therefore are slightly different than the figures noted in individual county fact sheets; University of Georgia, “Rural Jails Project Hub.”
- 20 Shannon, Johnson, Mowbray, et al., *Rural Jails Research Hub: An Interdisciplinary Collaboration*, 2022. Generally, these were not for small neighboring counties that officially “share” the county jail of the participating county. Rather, they were mostly for other Georgia counties, sometimes several hours’ drive away. Although holds for federal agencies (such as U.S. Marshals and Immigration and Customs Enforcement) and the state Department of Corrections are prominent in some Georgia county jail populations, holds for these agencies did not show up frequently in the county jails in this study.
- 21 Vera analysis of top charge data. The median length of stay for holds was one day in Greene and Habersham Counties, two days in Early County, and five days in Sumter County, compared to median length of stay for charges overall of one day (Greene), two days (Early and Habersham), and four days (Sumter).
- 22 Vera analysis of top charge data. These were not predominantly federal holds, which typically have long lengths of stay if case hearings are infrequent; many of these bookings were listed as generic “hold for court” bookings.
- 23 At release from state prison, people may be transferred to a county jail due to a pending “hold” from unresolved charges, which can also stymie their ability to access to reentry support services. The rules of the Georgia Department of Corrections state that people with “active felony detainers or special notifications on file will preclude placement” in transitional centers. See Georgia Department of Corrections, “Standard Operating Proce-

dures, Transitional Center Selection Criteria and Process, Policy Number 215.01,” 2014, 5, <https://perma.cc/8YV8-ZXNE>.

- 24 See county-specific fact sheets for details. Statewide, disparities are also stark for Black people in the average daily population of county jails (rather than admissions alone): Black people make up 51 percent of the statewide local jail population, compared to 32 percent of the general population. Vera Institute of Justice, “Incarceration Trends, Georgia,” 2022.
- 25 Vera Institute of Justice, “Incarceration Trends: Georgia,” 2022.
- 26 “Early Termination of Probation,” Ga. Code Ann. § 17-10-1 and § 42-8-37. See also S.B. 105, 156th Gen. Assemb. (Ga. 2022), <https://www.legis.ga.gov/api/legislation/document/20212022/196997>; and Georgia Justice Project, “GJP’s Policy Agenda.”
- 27 Shannon, “Probation and Monetary Sanctions.”
- 28 Ga. Code Ann. § 17-4-23.
- 29 Chris Mai, Mikelina Belaineh, Ram Subramanian, and Jacob Kang-Brown, *Broken Ground: Why America Keeps Building More Jails and What It Can Do Instead* (New York: Vera Institute of Justice, 2019), 29, <https://perma.cc/H2GB-SG4Q>.
- 30 Ga. Code Ann. § 42-8-103.