

# Some Thoughts About Lowering Costs of Incarceration in Georgia

by Seth Kirschenbaum

*The Mission of the Chief Justice's Commission on Professionalism (the Commission) is "to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system." The Commission carries out this mission by first, considering efforts by lawyers and judges to improve the administration of justice and second, by examining ways of making the system of justice more accessible to the public. Commission member Seth Kirschenbaum offers an insight as to how this can be ensured.*

*-Avarita L. Hanson, executive director, Chief Justice's Commission on Professionalism*

**T**he state of Georgia currently spends \$1 billion each year incarcerating people. One billion! Does anyone really think that, in the midst of the greatest economic crisis our country has faced in 80 years, we can sustain that kind of spending? Isn't it time we started looking at ideas and programs that cut the number of people we send to prison at the front end and reduce recidivism rates at the back end while saving lives and making our communities safer?

The Georgia Justice Project is a group which takes an expansive approach to criminal defense. Not only does the Georgia Justice Project provide defense lawyers, it gets involved in the lives of its clients. It has social workers on its staff and offers jobs and training to its clients to help them develop skills needed to become productive members of society. Courts should look at the models presented by groups like the Georgia Justice Project and come up with new ways to use the criminal justice system to help people caught up in the process, not just by punishing them with costly and ineffective incarceration.

Drug courts are an example of the creative use of the criminal justice process to reduce inmate populations



Photo by James Myers

and save lives instead of simply throwing them in the dustbin of society. There are a number of drug courts operating in Georgia already. We need more.

Between 1982 and 2002, the total number of people in Georgia's prisons more than tripled and so did the cost of imprisoning them.<sup>1</sup> Of the nearly 54,000 current

prisoners in Georgia, tens of thousands were imprisoned for property crimes and drug offenses.<sup>2</sup> In 2002, 35 percent of those incarcerated in Georgia were in prison for property crimes, while 28 percent were in prison for drug offenses, for a total of 63 percent of all prisoners. Many of these people could benefit from treatment, community service and other remedial forms of punishment in lieu of prison. Creative alternatives to incarceration could save the state millions of dollars each year while giving offenders the opportunity to pay their debts to society in a way that builds them up and at the same time, helps the community.

Texas has a prisoner reduction initiative which “avoided a huge prison population gain and \$2 billion in expected prison costs by investing in residential and community-based treatment and diversion programs. That state spent \$241 million to create the programs—a fraction of the cost of incarceration.”<sup>3</sup>

At the back end of the system, Georgia’s recidivism rate demonstrates that incarceration alone is a failed public policy. What is the overall benefit to society of a criminal justice system which in 2000 returned at least 36 percent of released prisoners to prison within three years? Doesn’t the increased crime suggested by that statistic ultimately make our streets less safe?

One of the best programs to combat recidivism has been operating in Georgia for the past 34 years. The State Bar of Georgia has sponsored this program, BASICS (Bar Association Support to Improve Correctional Services). Created in 1976 in response to a challenge to lawyers by Chief Justice Warren Burger to do something to combat high recidivism rates, BASICS offers a voluntary 10-week training program to inmates who are within six months of release from prison. Led from its inception by Ed Menifee, BASICS has had more than 10,000 graduates. By all accounts, BASICS graduates have lower recidivism rates than prison-


ers who have not had the benefit of the training.

The BASICS program teaches practical skills—like how to write a resume and apply and interview for a job. It teaches its students how to do things—such as how to balance a checkbook and, in some instances, how to read and write. It also teaches self-esteem.

Going to a BASICS graduation is one of the most inspirational experiences one can have. The graduates don caps and gowns. Their families are invited and there is a graduation exercise. For many of these participants, it is the first time they have ever graduated from anything. The graduation is quite an emotional experience; and that goes for the spectators as well as the graduates.

One of the amazing things about BASICS is how much bang you get for the buck. While it costs approximately \$16,500 on average per year to house an inmate in a prison,<sup>4</sup> it costs just \$500 per student for the BASICS training. So, for every person who doesn’t re-offend because of BASICS, there is a huge cost-benefit to the state. At the same time, a life has been saved and the community has been made safer because of less crime.

Former Speaker of the House Newt Gingrich recently wrote in an article co-authored with Mark Earley, former attorney general of Virginia, that “celebrating taking criminals off the street with little thought to their imminent return to society is foolhardy.”<sup>5</sup> They spoke out in support of raising public awareness of the need to rehabilitate prisoners and to provide resources, education and training for former inmates.<sup>6</sup> In the current economic climate, BASICS is the kind of program that should receive direct support from the state. Such an investment will save much more money than it costs because of lower recidivism rates, will make a huge difference in the lives of its participants and will make our communities safer because of reduced crime.

Our political leaders are grappling with the challenges of running our state with dwindling resources. There have been drastic budget cuts in support for our parks, public safety, government services and education. The list goes on and on. In this climate, can we afford to keep throwing money at our prison system at a rate of \$1 billion a year without looking at proven alternatives to high incarceration and recidivism rates in Georgia? The answer is obvious. The time is right. 



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member of the Chief Justice’s Commission on Professionalism. For more about the BASICS Program, go to [www.gabar.org/programs/basics/](http://www.gabar.org/programs/basics/).

## Endnotes

1. Except where otherwise noted, statistics cited in this article are from the 2004 study “Prisoner Reentry in Georgia” by Nancy G. La Vigne and Cynthia A. Mamalian of the Urban Institute, Justice Policy Center. The authors relied on data provided by the Georgia Department of Corrections.
2. Georgia Department of Corrections, Offender Information, available at: <http://www.dcor.state.ga.us/InmateInfo/InmateInfo.html> (last accessed Oct. 21, 2010).
3. Carrie Teegardin, “Georgia Prison Population, Costs on Rise,” *ATL. J. & CONST.* (Apr. 4, 2010), available at: <http://www.ajc.com/news/georgia-prison-population-costs-429757.html> (last accessed Oct. 21, 2010).
4. *Id.*
5. Newt Gingrich and Mark Earley, “Cutting Recidivism Saves Money and Lives,” *ATL. J. & CONST.* (Mar. 23, 2010), available at: <http://www.ajc.com/opinion/cutting-recidivism-saves-money-397952.html> (last accessed Oct. 21, 2010).
6. *Id.*