

# Georgia, the Drug War, & Mass Incarceration

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the Drug  
Policy  
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## Georgia: A Leader in Incarceration and Correctional Control

The state of Georgia is one of the global leaders in the incarceration of its people, with the state's incarceration rate – which includes prisons and jails as well as other systems of confinement – far exceeding both the domestic average in the U.S. and that of all other countries worldwide.<sup>i</sup> More than 102,000 people from Georgia are behind bars today.<sup>ii</sup> Georgia has the highest rate of correctional control in the the country.<sup>iii</sup>

## Georgia's Racially Discriminatory Criminal Justice System

Profound racial disparities can be seen across the state's vast system of correctional system. For example, while 32% of Georgians are black<sup>iv</sup>, they comprise 62% of the prison population.<sup>v</sup> Georgia incarcerates black men, specifically, at a staggering rate – 1 in every 33 black men is imprisoned by the state.<sup>vi</sup>

These racial disparities are also stark in the severity of the sentences given to those convicted. Among the prison population that has received life sentences, more than 72% are black, as compared to 24% who are white.<sup>vii</sup>

Georgia is also one of twelve states in the country where more than half of the prison population is black<sup>viii</sup> and one of seven states in which an astounding two-thirds of those on life and virtual-life sentences are black.<sup>ix</sup>

## The Drug War in Georgia

Drug law enforcement in the state is similarly racially discriminatory. An overwhelming majority of those under correctional control for marijuana offenses are black – nearly 73% of all people admitted on marijuana charges in 2017 were black<sup>x</sup> despite making up only 32%<sup>xi</sup> of the total population.

Once convicted, a person can be sentenced to anywhere between 9 and 17 years on average for a drug charge – with an average sentence of 9.33 years simply for possessing a drug.<sup>xii</sup>

Youth in Georgia are also disproportionately targeted, with people between the ages of 20 and 29 making up 42% of those admitted on marijuana charges.<sup>xiii</sup>

Despite the punitive nature of Georgia's drug policies, some progress has been made on the local level. In 2017, Atlanta's city council unanimously voted to make the possession of marijuana under one ounce a non-arrestable offense and the lower the fine to a maximum ticket of \$75.<sup>xiv</sup>

## The State of Harm Reduction in Georgia

In 2014, Georgia passed the “9-1-1 Medical Amnesty Law”<sup>xv</sup>, which provides protection from criminal prosecution for low-level drug offenses, like sale or use of an illegal drug or paraphanelia, for the person seeking medical assistance as well as the person who has overdosed.<sup>xvi</sup> This law also expanded access to naloxone by authorizing various groups (such as law enforcement, firefighters, etc.) to administer naloxone. The law also provides immunity for medical professionals who prescribe naloxone.<sup>xvii</sup>

While this represents an important step forward for the state, Georgia continues to follow a heavy handed, criminal justice approach to drug policy.

Currently, the state only has only one above-ground syringe exchange program.<sup>xviii</sup> This is due to the legal grey area in which syringe exchanges exist in the state – distribution of syringes are not allowed without a “legitimate medical purpose”.<sup>xix</sup> Georgia is one of the states currently considering laws which protect the employees and clients of syringe exchanges from prosecution under state drug paraphernalia laws which prohibit possession of syringes.<sup>xx</sup>

The lack of availability of clean syringes impacts HIV and HCV (hepatitus C) rates in the injecting drug user community as well as the community at large. Lack of access to sterile syringes makes the spread of these diseases faster and more deadly.

In 2015, the state of Georgia had the fifth highest HIV rate in the country.<sup>xxi</sup> And just between 2011 and 2015, the reported rates of acute hepatitis C increased by a staggering 60%.

## Overdose Deaths in Georgia

Georgia has the 13<sup>th</sup> highest rate of drug overdose deaths in the country,<sup>xxii</sup> with a rapid increase in opioid-involved overdose deaths since 2010. The state saw a 245% increase in opioid-involved overdose deaths between 2010 and 2017.<sup>xxiii</sup>

## Ending the Drug War: Limited Progress

Georgia’s medical marijuana law<sup>xxiv</sup>, first passed in 2015, allows access only to medical marijuana products which are low-THC and only for a very limited list of conditions or diseases. It does not set up a system which addresses how the marijuana will be produced or obtained, but protects patients from prosecution for possession. While this law represents a rejection of federal prohibiton on marijuana, denying acces to the whole marijuana plant leaves the vast majority of patients without relief.

Following a criminal justice approach, instead of a public health-focused approach, had led to devastating consequences in Georgia – including the country’s largest population under correctional control, vast racial disparities across its criminal justice system, and a rapidly rising overdose death rate.

- <sup>i</sup> “Georgia profile,” Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/GA.html>; Peter Wagner and Wendy Sawyer, “States of Incarceration: The Global Context 2018,” Prison Policy Initiative, June 2018, <https://www.prisonpolicy.org/global/2018.html>.
- <sup>ii</sup> *Ibid.*
- <sup>iii</sup> Alexi Jones, “Correctional Control 2018: Incarceration and supervision by state,” Prison Policy Initiative, December 2018, <https://www.prisonpolicy.org/reports/correctionalcontrol2018.html>; “Georgia profile,” Prison Policy Initiative, <https://www.prisonpolicy.org/profiles/GA.html>.
- <sup>iv</sup> United States Census Bureau, “QuickFacts Georgia,” <https://www.census.gov/quickfacts/ga>.
- <sup>v</sup> Ashely Nellis, “The Color of Justice: Racial and Ethnic Disparity in State Prisons,” June 14, 2016, <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.
- <sup>vi</sup> *Ibid.*
- <sup>vii</sup> Georgia Department of Corrections, “Inmate Statistical Profile Active Lifers,” [http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile\\_lifers\\_2018\\_11.pdf](http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_lifers_2018_11.pdf).
- <sup>viii</sup> Ashely Nellis, “The Color of Justice: Racial and Ethnic Disparity in State Prisons,” June 14, 2016, <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.
- <sup>ix</sup> Ashley Nellis, “Still Life America’s Increasing Use of Life and Long-Term Sentences,” May 2017, <https://www.sentencingproject.org/wp-content/uploads/2017/05/Still-Life.pdf>.
- <sup>x</sup> Georgia Department of Corrections, “Inmate Statistical Profile Inmates Admitted During CY2017 for Marijuana,” January 9<sup>th</sup>, 2018, [http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile\\_inmate\\_admissions\\_marijuana\\_CY2017.pdf](http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_inmate_admissions_marijuana_CY2017.pdf).
- <sup>xi</sup> United States Census Bureau, “QuickFacts Georgia,” <https://www.census.gov/quickfacts/ga>.
- <sup>xii</sup> Georgia Department of Corrections, Office of Planning and Analysis, “Prisoner Length of Stay (CY) Report New Court Commitments Only,” January 1, 2019, [http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Length\\_of\\_stay\\_by\\_calendar\\_year.pdf](http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Length_of_stay_by_calendar_year.pdf).
- <sup>xiii</sup> Georgia Department of Corrections, “Inmate Statistical Profile Inmates Admitted During CY2017 for Marijuana,” January 9<sup>th</sup>, 2018, [http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile\\_inmate\\_admissions\\_marijuana\\_CY2017.pdf](http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_inmate_admissions_marijuana_CY2017.pdf).
- <sup>xiv</sup> Drug Policy Alliance, “Atlanta City Council Votes Unanimously to Decriminalize Marijuana, Heads to Mayor’s Desk,” <http://www.drugpolicy.org/press-release/2017/10/atlanta-city-council-votes-unanimously-decriminalize-marijuana-heads-mayors>.
- <sup>xv</sup> HB 965/AP House Bill 965, <http://www.legis.ga.gov/Legislation/20132014/144369.pdf>.
- <sup>xvi</sup> Drug Policy Alliance, “Good Samaritan Fatal Overdose Prevention Laws,” <http://www.drugpolicy.org/issues/good-samaritan-fatal-overdose-prevention-laws>.
- <sup>xvii</sup> The Network for Public Health Law, “Drug Overdose Prevention Fact Sheet Georgia’s 911 Medical Amnesty Law,” <https://www.networkforphl.org/asset/q5t5j3/GA-overdose-prevention.pdf>.
- <sup>xviii</sup> KFF Henry J. Kaiser Family Foundation, “Sterile Syringe Exchange Programs,” <https://www.kff.org/hiv/aids/state-indicator/syringe-exchange-programs/?currentTimeframe=0&selectedRows=%7B%22states%22:%7B%22georgia%22:%7B%7D%7D%7D&sortModel=%7B%22colld%22:%22Location%22,%22sort%22:%22asc%22%7D>.
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- <sup>xxiv</sup> HB 1/AP House Bill 1, <http://www.legis.ga.gov/Legislation/20152016/152355.pdf>