



ISSUE ANALYSIS

Five Essential Principles for Georgia's Juvenile Justice System

By Jeanette Moll and Kelly McCutchen

Like many of their colleagues across the country, Georgia policy-makers are taking an increasingly close look at their criminal justice system. In search of both increased effectiveness as well as cost savings, policy-makers now have an ideal opportunity to evaluate and improve the correctional system. An essential part of that review must include that portion of the justice system which oversees juvenile delinquents.

Georgia's state budget for juvenile justice is \$266 million in Fiscal Year 2011 and may grow to \$279 million in 2012.¹ In addition, almost 50,000 youths are in the system each year, either awaiting adjudication or serving their sentences² – 50,000 youths who represent the future workforce and citizens of Georgia. Undoubtedly, the juvenile justice system will play a role in whether they become productive citizens who contribute to society or career criminals who take a toll on victims and taxpayers. Policy-makers have a unique chance to improve the system through the current efforts to rewrite juvenile delinquency statutes.

These considerations require policy-makers to carefully review the juvenile justice system. To that end, there are five essential principles specific to the Georgia juvenile justice system that provide basic principles and guidelines for policy-makers to increase the effectiveness and efficiency of the system. These five essential principles each seek to strengthen families, enhance public safety, decrease juvenile crime and reduce costs.

1) Least restrictive placements for low-level offenders provide cost-savings and better results.

Georgia spends over \$63,000 per year to incarcerate a juvenile offender. Costs exceed \$200 per day to incarcerate a juvenile offender in a Youth Development Campus or a Regional Youth Detention Center.³ Further, the Georgia Department of Juvenile Justice estimates that 13 percent of juvenile offenders are incarcerated in some type of secure facility.⁴

These costs add up. Indeed, 64 percent of the Department's budget in the coming fiscal year will be spent on secure incarceration or detention.⁵ Worse, the high costs of youth lockups are not producing a commensurate public safety benefit. Three years after exiting a secure state facility, 50-60 percent of youth have committed another offense.⁶ Georgia taxpayers and communities deserve better.

Codifying the importance of placing a child in the least restrictive situation appropriate is a key to reducing the high costs – in terms of both finances and outcomes – of secure confinement in the juvenile justice system. For example, state-provided, non-secure residential facilities and home-based community programming cost between 35 percent and 70 percent less than state lockups.⁷ Further, increased attention to the complete picture of each youth’s situation and risk factors will facilitate alternative placement. Finally, by decreasing unnecessary placement in lockups of low-level and status offenders (those charged with offenses such as a minor in possession of alcohol and running away from home, which are offenses only because of the person’s “status” as a minor), Georgians can ensure these facilities are reserved for youth who pose a risk to public safety that cannot be safely managed in the community.

With occupation rates at state lockup facilities reaching 95-100 percent,⁸ it is essential that Georgia policy-makers turn their attention to alternatives to incarceration that will reduce the need for future, expensive construction of state facilities.

2) Effective juvenile justice must include comprehensive analyses of each youth.

The primary way to effectively distinguish between those youth in need of detention or confinement and those who would fare far better in community-based programs is through an increased awareness of the youth's unique factors at play and the risks and needs involved.

For example, researchers have determined some factors that are predictive of re-offending (such as criminal history, peer influences after age 16 and recent substance abuse) and some that do not increase the risk of re-offending (a history of running away from home or social isolation).⁹

With knowledge of these factors, intake officers and judges are better able to make determinations as to juvenile placement on a solid foundation of research. But first, the facts at play in a youth’s unique situation must be ascertained and disseminated.

Investigation reports completed prior to disposition as well as detention assessment instruments can provide law enforcement, intake officers, probation officers and judges a wealth of information to guide appropriate placement for each youth. This can lead to a right-sizing of the juvenile justice system.

For instance, knowing the child's peer influences provides information as to whether gang intervention is necessary. Understanding the strength of the familial relationship is the first step to understanding whether community-based intervention is likely to work or whether family therapy must come first. Case plans that include individual factors, family factors, medical and mental health issues and available community resources ensure no decision is made without basis and that expensive incarceration is only used when needed.

Collecting and disseminating this information is one of the best steps a juvenile justice system can take toward decreasing costs and the unnecessary use of expensive lockup beds. Between 2005 and 2010, 15.5 percent of youths confined in a secure facility in Georgia had been assessed as “low-level,” low enough that it was not warranted to place conditions upon their release.¹⁰ Through undertaking comprehensive analyses of each youth before placement as described above, such costs could be avoided, all while placing youth in more cost-effective programs that better match their risks and needs.

3) Systematic responses to status offenders should focus on the family.

Status offenses include offenses that can only be committed by a minor, such as truancy findings, curfew violations, running away from the home or smoking tobacco. These offenses are distinct from traditional

juvenile delinquency offenses, but even more so in the relationship the family and home situation plays to status offenses.

Today, school districts and law enforcement have a role and statutory responsibility when it comes to status offenses. But that does not preclude the best approach: family involvement.

The first response for status offenses should not be solely via the justice system. Acknowledging the integral role of the family in both the situation prior to the status offense as well as the role of the family in the response and prevention of further status offenses is key to reinvigorating the family as the best response to juvenile delinquency.

One way to do this is to promote school district policies that leverage family intervention and programming within the school as the initial responses to status offenses observed by school staff, as opposed to simply passing along the problem to the justice system. Clayton County recently established staggered responses to misbehavior rather than immediate involvement with the juvenile justice system. It saw an 87 percent decrease in reported fighting, a 36 percent decrease in other negative behaviors, 86 percent fewer justice system referrals and a 64 percent drop in incidences of disruption.¹¹ And at the end of the year, 20 percent more students were graduating from high school.

The most recently compiled data show that only 7 percent of status offenders reoffend in Georgia after three years,¹² suggesting they are extremely low-risk offenders who would be best handled in their community, by their family.

Therefore, Georgia courts should first incorporate the family and community into their handling of the child. The trend across the country is toward implementing specific systems for status offenders, providing positive outcomes for the youth involved as well as taxpayers. These are variously called Children in Need of Services (CHINS), Families in Need of Services (FINS) or Persons in Need of Services (PINS). Such a move in Georgia could save taxpayer dollars and reserve justice system action for those youth truly in need of such high-level involvement. Furthermore, since failure in the family and community process often triggers the original judicial system processing, there is little to be lost and a great deal to be gained.

4) Avoiding formal processing for first-time and low-level offenders ensures cost-savings and may deter future crime.

Formal processing and adjudication is a necessary component of the juvenile justice system, but is not required for all juvenile delinquency petitions. In fact, informal adjustments and other processes for Georgia courts to avoid formal processing of juveniles guilty of first-time or low-level offenses offer hope that many low-level offenders may stay out of the criminal justice system forever.

Early intervention for first-time or low-level offenders can successfully change a youth's life. For example, Tarrant County, Texas, created a first-time offender program in conjunction with the Lena Pope Home, which handles youth referred by law enforcement directly to the program, avoiding formal adjudication. After classes involving the youth and the parents as well as substance abuse and educational components, a youth can graduate from the program or be referred back to law enforcement. Of the 1,474 youths served in the program since 2005, only 22 have been formally adjudicated following the program, less than 1.5 percent of participants.¹³ First offender programs are particularly effective in their ability to treat delinquent behavior early, before a pattern of bad behavior takes shape.

As noted earlier, other methods to deal with low-level offenders include incorporating the family into the response prior to adjudication and creating a community-based action plan or behavior contract for the

youth and family to follow. For example, “Knowledge is Power Program” (KIPP) charter schools, which have sites in Atlanta, have found much success in the use of behavior contracts and behavior accounts.¹⁴ This, too, would decrease formal processing, specifically for status offenders, and prevent the costs and consequences of formal adjudication, including potential inhibition of further education or employment.¹⁵

It is essential that Georgia judges have flexibility when a first-time offender stands before them. Informal family involvement, informal adjustments and an increased awareness of the array of options and risk factors that are represented by each youth are the keys to providing that flexibility.

5) Limit pre-adjudication detention to only those youths who pose a risk to public safety.

Pre-adjudicatory detention of juveniles is expensive. In Georgia, youth are detained at a Regional Youth Detention Center at an average cost of \$219 per day. In 2009, 11,324 youths were placed into detention prior to adjudication, for an average of 14 days.¹⁶ Taking into account that 28.3 percent of detention admissions over a five-year period were for youth assessed as “low-risk,” this suggests youth are unnecessarily detained under current policies.¹⁷

Beyond the costs, however, Georgia taxpayers pay far greater costs when a youth is unnecessarily detained. Detained youth are more likely to receive formal judicial intervention and incarceration, even when controlling for offense severity, race, age and gender.¹⁸ Further, if low-level and non-violent youth are detained next to more dangerous youth, who are properly detained due to their risk to the public safety, an effect called “peer deviancy training” increases the likelihood of further deviant behavior.¹⁹

Jurisdictions across the country, including Texas, have begun to adjust detention levels due to these risks. The result has been a reduction in detention beds, reduced detention stays and millions of dollars in cost savings.²⁰ Importantly, this reduction comes with no harm to public safety: Jurisdictions right-sizing their detention rates have seen failure-to-appear rates drop by 7.2 percent, while pre-adjudication re-arrests dropped 6.1 percent.²¹

Reducing detention rates can thus save large sums of taxpayer dollars while continuing to protect public safety. With the full range of information about each youth and the detention assessment instrument, Georgia can accurately assess those youths who may warrant pre-adjudication detention. Such a determination is based on various risk factors, previous delinquency issues, the seriousness of the crime, previous failures to appear in court and familial factors, all of which can aid in determining whether detention is warranted.

Careful detention decisions are integral to ensuring detention beds are properly reserved for those youth who must be detained to protect the public safety, while reducing the burden on Georgia taxpayers and protecting low-level juvenile offenders from further harm.

Conclusion

These guiding principles for Georgia legislators undertaking review and analysis of the juvenile justice system can help achieve important goals, including limiting confinement and detention to only those youth who pose a risk to the public safety, increasing the youth-specific information available to better guide decisions concerning their placement and enhancing alternatives for handling status offenders. Clearly, the time is ripe in Georgia to take advantage of the many significant opportunities to improve outcomes for public safety, Georgia taxpayers and troubled youths.

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¹ [“The Governor’s Budget Report: Fiscal Year 2012,”](#) Governor, State of Georgia; Office of Planning and Budget.

² [“Statewide Statistics: FY 2009,”](#) State of Georgia-Department of Juvenile Justice.

³ [“Department of Juvenile Justice: Comparison with Other States’ Juvenile Offender Population and Average Costs,”](#) Georgia Department of Audits and Accounts Performance Audit Operations (Oct. 2009).

⁴ [“Youth Development: A System Priority, Georgia Department of Juvenile Justice Annual Report FY 2009,”](#) Georgia Department of Juvenile Justice.

⁵ [“Fiscal Year 2012 Annual Operating Budget,”](#) Georgia Department of Juvenile Justice.

⁶ [“Recidivism Report Fiscal Year 2007,”](#) Georgia Department of Juvenile Justice (Aug. 2009).

⁷ [“Department of Juvenile Justice: Comparison with Other States’ Juvenile Offender Population and Average Costs,”](#) Georgia Department of Audits and Accounts Performance Audit Operations (Oct. 2009).

⁸ [“The Governor’s Budget Report: Fiscal Year 2012,”](#) Governor, State of Georgia; Office of Planning and Budget.

⁹ Brian Lovins, “A Prospective Approach to Developing Risk, Need, and Responsivity Assessment,” Presentation, 2011 Texas Correctional Association Mid-Winter Conference.

¹⁰ [“Implementing Best Practices in Juvenile Justice Throughout the State of Georgia: Volume 1,”](#) Georgia Department of Juvenile Justice Best Practices Project (Aug. 2011).

¹¹ Amanda Petteruti, [“Education Under Arrest: The Case Against Police in Schools,”](#) Justice Policy Institute (Nov. 2011).

¹² [“Recidivism Report Fiscal Year 2007,”](#) Georgia Department of Juvenile Justice (Aug. 2009).

¹³ Margaret Cohenour, LCSW, Director of Family Matters-Lena Pope Home, email, Feb. 7, 2012.

¹⁴ See Katrina Woodworth et al, [“San Francisco Bay Area KIPP Schools: A Study of Early Implementation and Achievement, Final Report,”](#) SRI International (2008); [“The Baltimore KIPP Ujima Village Academy, 2002–2006: A Longitudinal Analysis of Student Outcomes,”](#) John Hopkins University and The Abell Foundation (2007).

¹⁵ See Ashley Nellis, [“Addressing the Collateral Consequences of Convictions for Young Offenders,”](#) The Sentencing Project (July 2011).

¹⁶ [“Statewide Statistics: FY 2009,”](#) State of Georgia-Department of Juvenile Justice.

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¹⁸ Barry Holman and Jason Zeidenberg, [“The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,”](#) Justice Policy Institute (Nov. 2006) *citing* Charles Frazier and John Cochran, [“Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions,”](#) Youth and Society Vol. 17, No. 3 (March 1986) and Office of State Courts Administrator, “Florida Juvenile Delinquency Court Assessment,” Office of Court Improvements (2003).

¹⁹ Thomas Dishion et al, [“When Interventions Harm: Peer Groups and Problem Behavior,”](#) American Psychologist Vol. 54, No. 9 (1999).

²⁰ [“JDAI Annual Results Report,”](#) Annie E. Casey Foundation (2009); Richard A. Mendel, [“Two Decades of JDAI: From Demonstration Project to National Standard,”](#) Annie E. Casey Foundation (2009); Harris County Judge Ed Emmett, [“The County Judge Report,”](#) (Oct. 2010); Mike Griffiths, then-Dallas County Chief Juvenile Probation Officer, email, June 15, 2009; Nancy H. Baird, Harris County JDAI Site Coordinator, email, Aug. 31, 2009.

²¹ [“JDAI Annual Results Report,”](#) Annie E. Casey Foundation (2009).