

2013 Juvenile Justice Reforms in Georgia

Special Council Recommendations included in HB 242 and the FY 2014 Budget

Background on the Special Council

In 2011, the legislature created the Special Council on Criminal Justice Reform to improve the state's adult sentencing and corrections system. **The Council produced a set of comprehensive, data-driven recommendations which the legislature adopted in HB 1176 during the 2012 session.** After signing HB 1176, Governor Deal issued an Executive Order extending the Council and expanding its focus to the juvenile justice system. Throughout the remainder of 2012, the Council conducted a detailed analysis of Georgia's juvenile justice system and solicited input from a wide variety of stakeholders. As a result of this work, the Council developed policy options that will increase public safety, hold offenders accountable, and reduce juvenile justice costs. In addition, the Council made several additional recommendations to expand upon its work on adult sentencing and corrections.

The Special Council received intensive technical assistance from the Pew Charitable Trusts' Public Safety Performance Project and the Annie E. Casey Foundation's Juvenile Justice Strategy Group.

Findings of the Special Council

The Council found that Georgia taxpayers have not received a sufficient public safety return on their juvenile justice investment. In FY 2013, the Department of Juvenile Justice (DJJ) was appropriated \$300 million. Nearly two-thirds of this budget is used to operate out-of-home facilities. **The state's secure residential facilities cost an average of about \$90,000 per bed per year.** Despite these huge expenditures, more than 50% of the adjudicated youth in the juvenile justice system are re-adjudicated delinquent or convicted of a criminal offense within three years of release, a rate that has held steady since 2003.

The Council also found that the majority of juveniles in out-of-home placements are felony offenders and designated felons, and some are assessed as a high-risk of recidivism. However, nearly one in four youth in an out-of-home facility is adjudicated for low-level offenses, including misdemeanors or status offenses, and

approximately **40% of all juveniles in out-of-home placements are assessed as a low risk to reoffend.**¹ Finally, the Council found that many areas of the state have limited or no community-based programs, leaving juvenile court judges with few dispositional options short of commitment to state facilities.

Adoption of Council Recommendations

The General Assembly unanimously passed HB 242 which included the Council's recommendations on juvenile justice. In addition, the FY 2014 Budget includes a \$5 million voluntary fiscal incentive grant program for counties to expand evidence-based programs and practices, which was a recommendation of the Council. The legislature also passed HB 349, which included additional Council policy options related to adult sentencing and corrections.

Expected Impact of the Council's Recommendations

As a result of HB 242 and the FY 2014 budget, the state is **expected to save nearly \$85 million through 2018** and would avoid having to open two additional juvenile residential facilities. This will allow the state to reinvest a portion of the savings to expand evidence-based programs and practices, which in turn should reduce recidivism and future admissions to residential facilities.

Juvenile Code Revisions

In addition to the Council's recommendations, HB 242 also included several provisions from HB 641, which was considered but not adopted in 2011. These provisions streamline and revise the existing juvenile code relating to both juvenile justice and child welfare, including creating a new process for children in need of services and updating the dependency process and aligning it with best practices.

See reverse for a summary of the Council's recommendations as included in HB 242 and the FY 2014 budget.

¹Risk percentages are for offenders in 2011 based on the state's Comprehensive Risk and Needs (CRN) Assessment tool. These percentages may change in future years for a variety of reasons, including revalidating and renorming the assessment tool.

Special Council on Criminal Justice Reform – Summary of Recommendations

(as included in HB 242 and the state's FY14 budget)

1. ***HB 242 and the FY 2014 Budget Focus the State's Out-of-Home Facilities on Higher-Level Offenders by:***
 - **Creating a two-class system within the Designated Felony Act.** The Designated Felony Act contained a single penalty range for nearly 30 offenses that vary widely in severity. This bill revises the Designated Felony Act to create a two-class system that continues to allow for restrictive custody in all designated felony (DF) cases while adjusting the penalties to take into account both offense severity and risk level.
 - **Prohibiting status offenders and certain misdemeanants from residential commitment.** Several states have restricted the placement of misdemeanor and/or status offenders in out-of-home facilities, including Texas, Florida, Virginia, and Alabama. HB 242 implements similar policies in Georgia that will focus more costly out-of-home placements on more serious offenders.
 - **Establishing a voluntary fiscal incentive grant program.** A voluntary fiscal incentive grant program will channel savings from the more focused use of out-of-home facilities to localities to provide community-based programs that research shows reduce recidivism.

2. ***HB 242 Reduces Recidivism by:***
 - **Ensuring that resources are focused on programs proven to reduce recidivism.** Research over the past 25 years has identified strategies that can achieve significant reductions in recidivism. Ensuring that resources are invested in these evidence-based and promising practices will improve public safety outcomes and maximize return on investment.
 - **Requiring the use of risk assessment instruments.** Validated assessment instruments accurately assess the levels at which youth are at risk for recidivism. Requiring their use will ensure decision-makers have accurate and appropriate data to inform detention and placement decisions.
 - **Allowing DJJ to focus time and resources on higher-risk offenders by placing lower-risk offenders on administrative caseloads.** Probation officers will be permitted to place lower-risk juveniles on an administrative caseload if they demonstrate they can abide by the terms of their supervision. This frees up caseworkers to focus on the youth with whom they can make the greatest impact.

3. ***HB 242 Improves Government Performance by:***
 - **Determining whether juvenile justice programs are achieving results.** The bill mandates uniform data collection and tracking and also requires the use of performance-based contracting.
 - **Requiring the agency requesting the transportation of a juvenile to a detention center to be responsible for the cost of the transport.** In most counties, the local sheriff is required to transport juveniles to the detention facility following a detention referral. The bill requires the agency requesting transportation to be responsible for all costs associated with the transport to promote accountability for decision-making.

For more information, see the full Council Report at <http://tinyurl.com/specialcouncilreport>.