



Deep

# Building a **RESTORATIVE COMMUNITY:**

RECOMMENDATIONS

*for*

**CITY**

**COUNTY**

**STATE**

**SCHOOL  
BOARD**

**LAW  
ENFORCEMENT**

→ **AND BEYOND**



# EXECUTIVE SUMMARY

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*“There is no such thing as a natural disaster.”*

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These are the memorable words of anthropologist and social geographer Neil Smith, reflecting on Hurricane Katrina in 2006. Smith was not denying that hurricanes and other calamities occur in nature as a matter of course. His point was this: “In every phase and aspect of a disaster — causes, vulnerability, preparedness, results and response and reconstruction — the contours of disaster and the difference between who lives and who dies is to a greater or lesser extent a social calculus.”<sup>1</sup>

2020 has been a year of terrible crises that have caused collective suffering unparalleled in recent U.S. history. The COVID-19 global pandemic has coincided with a surge of anti-Black police violence across the nation and a civil uprising to protest it. It has put enormous strains on our education system, and the lifesaving social distancing measures put in place to combat its spread have caused massive economic fallout. The pandemic has given rise to a crisis of truth, as elected officials politicize science and public health.

It all started, seemingly, with nature: a microscopic organism, SARS-CoV-2. However, it is our nation’s social calculus — long predating COVID-19 — that is largely determining who gets sick and who survives or dies. It is deciding who keeps or loses their job, and who remains in their home or is evicted. It is shaping who has internet connectivity to attend virtual school, who has access to affordable health care and who must rely on GoFundMe campaigns. This calculus is dictating who is deemed a peaceful protester or violent agitator.

COVID-19 is aggravating longstanding inequities in our ever-weakening social safety net and in our healthcare, ed-

ucation and criminal justice systems. The pressures caused by COVID-19 once again illustrate how white supremacy, especially anti-Black racism, is baked into the rules and institutions responsible for governing, policing, healing, educating and protecting the people of our country.

COVID-19 is infecting and killing people of color, especially Black Americans, at a much higher rate than whites. Police shootings, brutality and excessive force continue to traumatize Black communities with impunity. If we hoped that body cameras would create accountability and discourage police violence, 2020 has made clear that footage of law enforcement abuses does little more than provide raw material for viral videos that ricochet the trauma around the globe. Our decades-long focus on sustaining and expanding the infrastructure of jails and prisons while neglecting public health has left our health care system fatally under-resourced and ill-prepared for this moment, especially in rural communities.

We can only hope that COVID-19 is causing our nation to confront and ultimately end a long history of inequality. If that is true, the way forward requires a new way of thinking and a new definition of what it means to be a thriving community, and summons us to devise fresh ways to bring about this vision of collective well-being.

Deep Center’s 2020 policy brief accomplishes all three tasks. We urge Savannah and surrounding Chatham County to declare itself a “Restorative Community” and to implement reforms and policies to make that dream a reality. Our vision of this community is rooted in an insistence on equity and justice and a recognition that historical wrongs must be repaired for healing to occur.

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<sup>1</sup> Neil Smith, “There’s No Such Thing as a Natural Disaster,” *Items: Insights from the Social Sciences*, June 11, 2006, <https://items.ssrc.org/understanding-katrina/theres-no-such-thing-as-a-natural-disaster/>.

**The following are Deep Center's 10 most urgent policy recommendations for areas crucial to the life of our community, including criminal and juvenile justice, law enforcement, education and health care:**

1. Declare our community a “Restorative Community.”
2. Abolish wealth-based detention.
3. Decriminalize local misdemeanor offenses.
4. Reform the disciplinary tribunal process of the Savannah-Chatham County Public School System.
5. Raise the juvenile code age in Georgia.
6. Ban juvenile life without parole (JLWOP).
7. Invest fully in Georgia’s families.
8. Create a pipeline for Black and indigenous people of color (BIPOC) to become mental health care workers in Chatham County.
9. Expand and virtually adapt the Georgia Apex Program.
10. Establish an external crisis team for city and county law enforcement.



These recommendations focus on what is possible and strike a balance between practical and visionary goals. While much work remains to be done, these initial steps will establish a strong vision based on the values of equity and justice. Furthermore, they could yield a handful of easy wins that would immediately set us on this new, more beneficial path. If we can build momentum and coalitions around these recommendations now, we can rethink the social calculus that will shape not only who lives and who dies in our next “natural” disaster but determine who has rightful access to the love, community and resources needed to thrive in the here and now.





# OUR VISION

**T**his policy brief is an important part of Deep Center's work to create a more just and equitable Savannah, a Savannah that recognizes and accounts for the historical and contemporary structural inequities that harm some members of our community and benefit others. By definition, a just and equitable Savannah is a Savannah that meets all young people and families where they are and removes the barriers that hinder their success. It accounts for historical systemic violence and theft of resources and invests in whatever is necessary to repair those injuries and ensure everyone thrives.

In the spring of 2018, Deep Center's staff, youth leaders, board of directors, and an array of community stakeholders convened to assess how Deep Center's programs addressed the numerous needs of our young people and their families. We showed how, time and again, we had worked to lift up our young people, only to see them bang up against ceilings they did not create and could not, by themselves, be expected to overcome, let alone dismantle.

That conversation represented a watershed for Deep. It led us to develop a trauma-informed, root-cause model for our work that moves on three parallel tracks: direct service, systems change and narrative change. Deep lifts up youth and their village, advocates for just policies and counters dehumanizing narratives with firsthand stories about youth and their families healing and thriving through individual growth and collective action.

As a result of our decision to address the systems that impede our young people and their families, we published,

in 2019, our first policy brief, *Our Stories Are the Evidence*. This year, to complement our latest brief, we are publishing an anthology of youth writing, *Savannah: A Tale of Two Cities, Two Stories, One (Educational) Outcome*. Drawn from the creative writing produced across our youth leadership programs, the book powerfully expresses the struggles faced by Savannah's young people and what is at stake in those struggles. It also shows how interwoven Deep's initiatives in direct service, systems change and narrative change have become.

The events of 2020 have changed the pace, responsiveness and urgency of Deep's systems-change work. COVID-19 has swept across the United States and around the world, profoundly changing how communities, governments, businesses and families function. In response, Deep Center issued a mutual-aid kit and a strategic set of recommendations entitled *Rapid Responses, New Realities: COVID-19 Policy Recommendations*, which are designed to meet the immediate pandemic-related needs of our youth, their families and other adults in their village.

We do not pretend that our latest policy brief can correct history and provide answers to all of the problems that confront our community. Nor can the brief give full credit to and adequately encompass the work that serves as its foundation. However, we also know that our community will not get to where we need to go if we do not begin walking. This brief is part of an evolving road map, guiding us toward a just and equitable Savannah. It is the fruit of an inclusive process that models the world that Deep envisions.



## What We Mean by a “Restorative Community”

In the past 40 years, Western institutions have increasingly mainstreamed so-called restorative justice theory and programs. Restorative justice offers an alternative to traditional Western criminal justice and school discipline practices, which focus on punishment and, in the process, often do deeper and more lasting harm to communities than the crimes they were intended to address.

The values and practices that inspired the restorative justice model originated in indigenous cultures such as the First Nations people of Canada and the United States and the Māori of New Zealand. These cultures used these practices for centuries, long before they were co-opted and commodified by the West.

As more Western institutions adopt restorative justice as a solution to the damage inflicted by mass incarceration and “zero tolerance” policies, the concept is being used more often and more casually. Consequently, it is becoming more diluted, confusing and problematic.

Many people narrowly define the term “restorative justice” to describe a conflict-resolution process that comes into play only after harm has occurred. It is true that school- and criminal justice-based restorative justice models offer a more equitable and respectful alternative to dealing with community injuries and wrongs. However, Deep encourages a more visionary understanding of restorative justice, an understanding more in line with the spirit of its origins.

According to this conception, restorative justice is a proactive community-building strategy that creates a culture of love, justice and support in which all members of a community feel valued, connected and able to thrive. In this sense, restorative justice is fundamentally a culture rather than a mere set of protocols. It is a culture that uproots the causes of harm before harm happens. When harm does occur, restorative justice responds by gathering people to form a community of accountability and deeper relationships. The Western criminal justice model, on the other hand, expels those from the community who commit harm and pushes them into detention, jail or prison, which further damages the community and makes accountability of the transgressor to the community all but impossible.

This understanding of restorative justice underlies Deep Center’s vision of a “Restorative Community.” It uses an equity lens to meet all young people and families where they are and removes the barriers that hinder their success. It accounts for historical systemic violence and theft of resources, and invests whatever is necessary to repair those



harms and to ensure everyone thrives. Fundamentally, a Restorative Community calls upon all residents from all corners and every neighborhood to form a relational network designed to heal historical structural and systemic harms, undo current barriers and move toward a vision of collective well-being and success.

Our vision of a Restorative Community is a large one and could include a vast number of proposals. For this policy brief, we have chosen to focus specifically on the areas where we see the most harm and the most possibility for meaningful change. Our recommendations fall under one of the following three categories aimed at rebuilding community health and power: 1) criminal justice and juvenile justice reforms; 2) a strong social safety net; 3) and equitable access to mental health care and wellness.

These three areas are critical to laying a foundation for all of the work to come. They do not, by any means, represent the end or the entirety of this work. We will look to our communities and to cities around the nation that are embarking on similar campaigns for both guidance and experience that we might adopt.



## Criminal and Juvenile Justice Reform

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*“Point to a group like the Charleston City Watch and Guard, which was formed in the 1790s. And this was created primarily to control the movement of the slave population at the time. We generally don't go back that far just because within the context of modern policing, we're thinking about police forces that are fully funded, that are full-time. And through that lens, we generally point to the 1830s. And by the 1890s, every major city in the United States had a police force...those slave patrols then began to police, and particularly focusing on the control of black people. As we move past the period of slavery and we get into the period of Reconstruction and even the period of Jim Crow, we then go into the creation of these groups that are functioning much like the slave patrols. And now, rather than upholding slavery, their job is to make sure that the black codes are being reinforced, which are the laws and policies similarly meant to control the lives and movement of black people... If we look at the period of the 1960s in particular, we begin to see the kind of training that comes within a context of Lyndon B. Johnson's war on crime in 1965 onward, the process of militarizing the police. So the training then shifts in a particular direction that's meant to supposedly address issues of urban poverty. We can point to various moments in the history, whether in the 19th Century or even in the early 20th Century, where we begin to talk about policing as a sort of professionalization. But I think in the modern context, the 1960s onward represents a key moment.”*

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—Professor Keisha Blain, Department of History, University of Pittsburgh<sup>1</sup>

The United States arrests and incarcerates far too many people. The American criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals and prisons throughout the U.S. and U.S territories, according to data gathered by Prison Policy, a nonprofit research and advocacy organization in Northampton, Mass.<sup>2</sup>

Statistical comparisons show that police in the United States shoot, arrest and imprison more people than similarly developed nations. Compared to its global partners in the Group of Seven/Group of Eight most advanced economies in the world, the United States is an outlier when it comes to policing and criminal justice.<sup>3</sup> Americans are also more likely to be arrested or jailed than their peers worldwide. Indeed, a person is arrested in America every three seconds, a total of nearly 10.5 million arrests every year.<sup>4</sup> Only 5 percent of those arrests are for violent offenses.<sup>5</sup>

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1 Keisha Blain, "The History of Policing and Race in the U.S. Are Deeply Intertwined," Interview by Michel Martin, *All Things Considered*, NPR, June 13, 2020.

2 Wendy Sawyer and Peter Wagner, *Mass Incarceration: The Whole Pie* (Northampton, Mass.: Prison Policy Initiative, 2020).

3 Rob Picheta and Henrik Pettersson, "American Police Shoot, Kill and Imprison More people Than Other Developed Countries. Here's the Data," *CNN*, June 8, 2020.

4 Elizabeth Hinton, LeShae Henderson, and Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System* (New York: Vera Institute of Justice, 2018).

5 Hinton et. al., *An Unjust Burden*.





Black Americans are disproportionately affected. While they make up a mere 13.4 percent of the population, they account for more than 27 percent of all arrests.<sup>6</sup> They are 2.39 times more likely to be arrested for “drug abuse violations” than white people, even though research suggests that Black people and white people use drugs at similar rates. In the past five years, police officers have shot and killed 1,254 Black people.<sup>7</sup> The police kill Black people at twice the rate of white people.<sup>8</sup>

Americans are subjected to the cogs of the criminal justice system more than citizens of the vast majority of the other G-7 or G-8 countries, and as a result, more Americans end up in jail or in prison. The United States has the largest prison population in the world, and the highest incarceration rate per capita: Black Americans make up a third of the U.S. prison population, despite comprising around an eighth of the country's total population. This is not because Americans, particularly Black and Brown Americans, are the “worst.” In fact, crime rates in the United States are declining. Rather than the people, it is the laws, common practices and policies that create this disparity and lead to overcrowding in jails and prisons, particularly as a consequence of mass arrests of those in need of mental health care, not punishment. These punitive facilities impose a large fiscal burden on states and counties, and ignore mounting evidence that our current incarceration practices are some of the most ineffective means to achieving public safety.<sup>9</sup>

A clear portrait of American policing and criminal justice is complicated by a lack of precise data available at every

level of government. Statistics also do not always exist uniformly across developed countries, so it is difficult to rank this country's record on arrests and deaths at the hands of law enforcement personnel and behind bars, as well as the size of jail and prison populations.

For example, it is not known how many people die in encounters with police officers in the United States each year because no single, nationwide database of such information exists.<sup>10</sup> However, there is a database for annual prisoner counts. National Prisoner Statistics (NPS), which began in 1926 under a mandate from Congress to collect statistics on prisoners, distinguishes between “custody” and “jurisdiction” prison populations.<sup>11</sup> Imprisonment rates identify the number of persons under the jurisdiction, or legal authority, of state or federal correctional officers per 100,000 U.S. residents, while the incarceration rate is the number of people in prison or jail per 100,000 U.S. residents. When prison populations are combined with local jail tallies, they are referred to as the “incarcerated population.”

NPS also gathers the following data: the number of people entering and released from prison each year, prisoners who are sentenced to more than one year in confinement, race and gender demographics and the number of non-U.S. citizens and inmates age 17 or younger held in custody. The Bureau of Justice Statistics (BJS), on the other hand, uses offender-level administrative data from the National Corrections Reporting Program (NCRP) and the Federal Justice Statistics Program (FJSP) to calculate age and offense distributions for state and federal prison populations.

6 Hinton et. al., *An Unjust Burden*.

7 Hinton et. al., *An Unjust Burden*.

8 Hinton et. al., *An Unjust Burden*.

9 Campbell Robertson, “Crime is Down, Yet U.S. Incarceration Rates are Still Among the Highest in the World,” *New York Times*, April 25, 2019.

10 Picheta, “American Police Shoot, Kill and Imprison More people Than Other Developed Countries.”

11 Bureau of Justice Statistics, *Data Collection: National Prisoner Statistics (NPS) Program* (Washington, D.C.: U.S. Department of Justice, 2018).



## How This Looks in Georgia and Chatham County

Since 1970, Georgia's total jail population has skyrocketed by a staggering 1,562 percent, with 3 out every 7 people incarcerated.<sup>12</sup> Black Georgians constitute only 32 percent of the state's residents but make up 51 percent of those jailed and 60 percent of those imprisoned.<sup>13</sup> Since 1980, the number of women in jail has increased by 1,107 percent, and the number of women in prison has increased by 600 percent.<sup>14</sup> The Georgia Department of Corrections Inmate Statistical Profile, which lists the 55,221 people incarcerated in 2020, provides the following race and gender breakdown:

- ▶ **Black Men: 31,381 (61.21 percent of Georgia's total incarcerated population)**
- ▶ **White Men: 17,586 (34.30 percent of the Georgia's incarcerated population)**
- ▶ **Black Women: 1,552 (39.22 percent of the Georgia's incarcerated population)**
- ▶ **White Women: 2,331 (58.91 percent of the Georgia's incarcerated population)<sup>15</sup>**

In 2015, Chatham County's annual total of jail admissions was 15,548, putting it in the top 10 in the state's 159 counties for such admissions.<sup>16</sup> Chatham County also placed fifth among the state's counties for sending adults to prison after Fulton, DeKalb, Cobb and Clayton.<sup>17</sup> In

2017, 15,948 men and women were booked in the Chatham County Detention Center; in 2018, 15,491 men and women were booked.<sup>18</sup> In 2017, the average daily inmate count was 1,785; in 2018, the average was 1,695.<sup>19</sup> Approximately 85 percent of the men and women housed at the detention center are awaiting court appearances. The remaining 15 percent have been convicted and are awaiting transfer to the state system.<sup>20</sup>

Local jails play a critical role as "incarceration's front door."<sup>21</sup> Existing in nearly every town, county and city, local jails have become warehouses for low-level offenders, including those who cannot afford to post bail or those lacking community resources to help with everything from child support to mental health care.<sup>22</sup> While more than 600,000 people nationwide enter prison annually, it is jails that act as the engine of our criminal justice system. People, many of whom have not been convicted, enter local jails 10.6 million times each year.<sup>23</sup> Many of those 10.6 million cases involve people who will make bail within hours or days after their arrest. Others, however, are too poor to make bail and will languish in jail while awaiting trial.<sup>24</sup>

On any given day, about 160,000 people are convicted nationwide, with most of them serving misdemeanor sentences under one year.<sup>25</sup> At least 1 in 4 of those people who go to jail will be arrested again within the year of their arrest. This is especially true for those dealing with poverty, mental illness and substance-use disorders. Their problems only worsen with incarceration.<sup>26</sup>

12 Vera Institute of Justice, *Incarceration Trends in Georgia* (New York: Vera Institute of Justice, 2019).

13 Vera Institute of Justice, *Incarceration Trends in Georgia*.

14 Vera Institute of Justice, *Incarceration Trends in Georgia*.

15 Georgia Department of Corrections, *Inmate Statistical Profile: All Active Inmates* (Atlanta, Ga.: Georgia Department of Corrections, 2020).

16 Vera Institute of Justice, *Incarceration Trends in Georgia*.

17 Georgia Department of Corrections, *Inmate Statistical Profile: All Active Inmates*.

18 Chatham County Sheriff's Office, *2017 & 2018 Annual Report* (Savannah, Ga.: Chatham County Sheriff's Office, n.d.).

19 Chatham County Sheriff's Office, *2017 & 2018 Annual Report*.

20 Chatham County Sheriff's Office, *2017 & 2018 Annual Report*.

21 Vera Institute of Justice, *Incarceration's Front Door: The Misuse of Jails in America* (New York: Vera Institute of Justice, 2015).

22 Vera Institute of Justice, *Incarceration's Front Door*.

23 Jennifer Bronson, Ph.D., E. Ann Carson, Ph.D. et. al., *Prisoners in 2017* (Washington, D.C.: U.S. Department of Justice, 2017).

24 Peter Wagner, "Jails matter. But who is listening?" Prison Policy Initiative, August 14, 2015

25 Sawyer et. al., *Mass Incarceration: The Whole Pie*.

26 Alexi Jones and Wendy Sawyer, *Arrest, Release, Repeat: How Police and Jails Are Misused to Respond to Social Problems* (Northampton, Mass.: Prison Policy Initiative, 2019).



# RECOMMENDATIONS







# 1 Declare Chatham County and the City of Savannah a “Restorative Community”

## TYPE OF REFORM: **City and County**

The Restorative Community recasts the role of justice to restore and repair people and relationships. Rather than focusing on punishment, the Restorative Community seeks to understand and address the needs of those harmed and to hold those who do harm accountable to their community by calling them into the community rather than pushing them out and deeper into dehumanizing institutions. Just as the principles and values of our current punitive model undergird the policies, planning and architecture of our cities, the philosophies of a restorative model will form the basis of a new infrastructure in the service of peace.

### How We Do It

Chatham County and the City of Savannah approve a resolution and action plan declaring the country and the city a Restorative Community and commit to ensuring policies, ordinances, legislation and administrative norms that would focus on bottom-up solutions to juvenile and criminal justice policies and measures on a local level. In many ways, both Savannah and Chatham County are al-

ready making headway on these types of approaches.

We commend the city, under the leadership of Mayor Van Johnson, and members of City Council for establishing citizen advisory boards aimed at ensuring more equitable policy and practices within the city, including:

**Race and Equity Leadership Task Force:** Tackles disparities that exist in Savannah by using data to identify, prioritize and address policies, procedures and norms.

**Advocates for Restorative Communities:** Helps formerly incarcerated individuals and those with criminal histories assimilate into Savannah after their release.

**Housing Task Force:** Currently investigating and developing an action plan for affordable housing in Savannah — that is, housing that can be attainable for the average Savannahian for less than 30 percent of gross household income.



**PROUD Savannah Task Force:** Dedicated to ensuring that Savannah's lesbian, gay, bisexual, transgender and queer communities work and live in a welcoming, safe environment.

**Savannah CARES Commission:** Currently evaluating the Savannah Police Department's use of force policies to make recommendations to the City Manager for possible changes to the policies.

We recommend advancing this work by:

### 1. Establishing a Restorative Justice

**Commission:** This commission would support the passed resolutions, declaring Savannah and Chatham County a Restorative Community, and would begin looking at bottom-up solutions to repair current juvenile and criminal justice policies. The commission would ideally become a *permanent* citizen's oversight commission that eventually would serve both the county and the city. The commission would be composed of citizens representing populations most harmed by inequitable systems and would preclude representation from the district attorney's office and law enforcement.

### 2. Establishing the Savannah CARES

**Commission as a permanent police oversight board:** The Savannah CARES Commission would be made up of citizens who address the needs of segments of the community that historically have been the subjects of over-policing or bias-based policing. There is a local ordinance or charter amendment to establish a "monitoring" program providing some form of ongoing review or audit of the complaint process.<sup>1</sup> The CARES Commission would also serve as an opportunity to provide more visibility and opportunity for creating more positions for citizens on several of the Savannah Police Department's internal governance groups. This commission could potentially merge with the Breaking the Cycle commission established by Chatham County.

**3. Empowering the CARES Commission to review reallocation of the City and County policing budget:** This commission would review the policing budget in Savannah. For example, in Fiscal Year 2019, the City of Savannah's policing budget was \$64,254,743, or 30.44 percent of the budget. The committee would provide recommendations regarding the reallocation of funds for local, alternative approaches to issues that law enforcement could hand off to more specialized providers. Such issues include mental health crises, homelessness, traffic, drugs and sex work.<sup>2</sup>

### 4. Forming an Alternatives to Arrest

**Committee:** This panel, a civilian body, would work for the establishment of an ordinance that would amend portions of the City and County Code to incorporate restorative justice practices for nonviolent misdemeanor arrests of minors and adults. It also would be an early step in supporting arrest alternatives, including warm handoffs to places to the Chatham County Behavioral Health Crisis Center, homeless shelters, food banks and domestic violence shelters.

### 5. Creating a collaborative City and County community-based anti-violence initiative modeled after the Newark Street Team and Equal Justice USA:

Trauma, previous exposure to violence and concentrated poverty create the perfect conditions for violence. Law enforcement strategies typically punish — and even worsen — those conditions rather than addressing them.<sup>3</sup>

The science behind the causes of violence gives us a road map for what we can do differently to build safe, healthy communities. Innovative new strategies grounded in public health and healing include community-based street outreach, violence interrupters and hospital-based violence intervention.<sup>4,5</sup> Our local model would draw on an evidence-based, trauma-informed approach to violence reduction and would rely on outreach workers and those social workers and others who are practiced in intervening in situations that pose a significant risk of violence.

1 National Association for Civilian Oversight of Law Enforcement, *Oversight Models: Is One Model Better Than Another?* (Tucson, Ariz.: National Association for Civilian Oversight of Law Enforcement, N.D.).

2 Catherine Coles, *National Cops Evaluation Organizational Change Case Study: Savannah, Georgia* (Cambridge, Mass.: Urban Institute, N.D.).

3 "About Us," Newark Community Street Team, accessed October 14, 2020.

4 "Violence Reduction," Equal Justice USA, accessed October 14, 2020.

5 "About Us," Newark Community Street Team.

Adopting the Newark Street Team model, we would hire such personnel from our community and then train and deploy them to provide casework to those at greatest risk of becoming a victim or a perpetrator of violence. We would engage in high-risk intervention to mediate ongoing disputes that threaten violence and to prevent retaliation. We would provide support to crime survivors who are overlooked by traditional victim services agencies and offer Safe Passage at contracted schools.<sup>6</sup>

We also recognize the benefits of Equal Justice USA's anti-racist, trauma-informed police training, which works in cooperation with the mission and objectives of the street teams.

**6. Ending the Chatham County Police Department's participation in the 1033 program:**

The LESO/1033 Program is a federal program for domestic law enforcement agencies to obtain U.S. military equipment. Chatham County currently has twelve 7.62 mm rifles valued at \$1,656 each.<sup>7</sup> In 2017, the U.S. Army's Interim Combat Service Rifle Program cancelled the replacement of the standard-issue M4 carbine with the more lethal 7.62 mm rifle.

**7. Halting any unnecessary City or County collaboration with U.S. Immigration and Customs Enforcement (ICE):**

To prevent federal government overreach into Chatham County's growing immigrant population, we propose limiting the access of ICE or Customs and Border Patrol (CBP) agents to individuals in custody or with records unless there is a criminal warrant or court order authorizing it. The current practice of funneling people from the local jail to deportation, regardless of the outcome of a trial, violates due process and damages the community's trust in authorities. Furthermore, studies have shown that these funneling practices increase racial profiling.<sup>8</sup> Chatham County has neither declared — or for that matter denied — that it operates as a 287-G County, which means there are no operating guidelines.<sup>9</sup> In 2017, a motion to declare the City of Savannah a



Sanctuary City was put forward by then-Alderman Van Johnson.<sup>10,11</sup> It was blocked. We encourage Mayor Johnson to move forward with the declaration again to ensure that the City of Savannah ends any unnecessary collaboration with ICE.<sup>12</sup>

**8. Forge City and County collaboration to collect accurate, publicly available data:**

There is an astonishing lack of precise data available at every level of our criminal justice system. The scarcity of data on arrests, deaths and prison populations make it exceedingly difficult to pinpoint how the City and the County compare to other municipalities in this regard. In Deep Center's partnership with the Southern Center for Human Rights and the Vera Institute of Justice, we have become uniquely aware of the unintended ill effects that grow out of the absence of such data and how it thwarts efforts to evaluate challenges and formulate progressive reforms.

<sup>6</sup> "About Us," Newark Community Street Team.

<sup>7</sup> "See What Your Local Agency Received from the Department of Defense," The Marshall Project, accessed October 14, 2020.

<sup>8</sup> Trevor George Gardner and Aarti Kohli, *The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program* (Berkeley, Calif.: U.C. Berkeley Law School, Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity, 2009).

<sup>9</sup> "Delegation of Immigration Authority Section 287g Immigration and Nationality Act," U.S. Immigration and Customs Enforcement, accessed October 14, 2020.

<sup>10</sup> "Immigration 101: What is a Sanctuary City?" America's Voice, accessed October 14, 2020.

<sup>11</sup> Angie Junck et. al., *Ending Local Collaboration with ICE: A Toolkit for Immigrant Advocates* (San Francisco, Calif.: Immigrant Legal Resource Center, 2015).

<sup>12</sup> Junck et. al., *Ending Local Collaboration with ICE*.





## 2 Abolish Wealth-Based Detention

TYPE OF REFORM: **City, County and State**

*“Making money off of people under the thumb of the criminal legal system is systemic in the United States, particularly in the Deep South. The first iteration was the infamous convict-leasing system of the Jim Crow era, under which incarcerated people were forced to work in deplorable conditions for the profit of private contractors. That tradition continues today with the privatization of prisons, prison health care, probation, and with the efforts of the state to fund the criminal legal system off the backs of poor people.”*

—Southern Center for Human Rights<sup>1</sup>

Access to wealth, not actual accountability, often shapes a person’s experience within the criminal justice system in the United States. From the type and severity of offenses a person is charged with to how penalties are handed down and criminal behavior is defined, the criminal justice system disproportionately impacts low-income people. The

system punishes the poor more than the wealthy and Black, Latinx and indigenous people more than whites. In this country, people sentenced to prison have an average income of \$19,000. Of the 4.9 million people who go to county and city jails each year, a disproportionate number are likely to have incomes under \$10,000.<sup>2</sup>

<sup>1</sup> “Criminalization of Poverty,” Southern Center for Human Rights, accessed October 14, 2020.

<sup>2</sup> “Poverty and Debt,” Prison Policy Initiative, accessed October 14, 2020.

Since law enforcement officials often focus on low-level offenses that result in money bail, fines or fees, we have created a system that penalizes people for being poor, initiating a spiral of potential debt that is akin to debtors' prisons. Furthermore, not only is poverty a predictor of involvement with the criminal justice system, it is often a direct outcome of becoming entangled in the criminal justice system.

### **How does wealth-based detention show up in the criminalization of poverty?**

Homeless people are arrested for sleeping on public property or in cars. Vagrancy laws make it a crime for a person to wander from place to place without visible means of support. Low-income people are saddled with crippling high fines and fees for minor traffic tickets, civil offenses and misdemeanors that are not normally punishable by jail time.<sup>3</sup> Additionally, many low-income people are hurt by the common practice of suspending the driver's licenses of those who fail to pay or are unable to pay their criminal justice debt.<sup>4</sup>

Misdemeanors such as petty theft, shoplifting, trespassing and some vehicle code offenses can land people in jail immediately. These crimes are typically rooted in need rather than an intent to harm. And once in jail, if low-income people cannot afford to post bail, they often languish there until their court date. Currently, there are about 450,000 people in U.S. jail cells awaiting trial because they cannot make bail.<sup>5</sup> Furthermore, after becoming ensnared in this system, people will often cycle in and out of jail, their debt increasing as new fines compound unpaid old ones.<sup>6</sup>

Private probation, specifically in Georgia, is one of the main feeders of incarceration.<sup>7</sup> The 20 private probation companies in Georgia earn millions of dollars each year by adding additional fees to probationers' repayment plans and threatening jail time if they fall behind.<sup>8</sup> In 2016, there were more people on felony probation in Georgia

than any other state in the nation.<sup>9</sup> At 206,000 people, that is 321 percent the national average.<sup>10</sup>

In Georgia, 2 out of 3 people released from prison are arrested again within three years. Defined as the number of offenders who are reconvicted within three years of their release, the state reports a recidivism rate of 30 percent in the past decade. The actual recidivism rate is closer to 50 percent, if the number of people who commit a technical violation while on probation or parole and the number of offenders who recidivate after the standard three-year period are factored in.<sup>11</sup>

Recidivism places a heavy burden on those incarcerated again and on taxpayers. The cost to incarcerate one person for a year in Georgia is \$21,000, which is more than twice the amount the state spends educating one student for a year.<sup>12</sup> Given the 30 percent recidivism rate and the 20,000 offenders released each year, every cohort of released prisoners that recidivates totals \$130 million annually.<sup>13</sup> State expenditures on incarceration reached \$1.1 billion in fiscal year 2010, more than double the \$492 million spent in 1990.<sup>14</sup>

Wealth-based detention criminalizes poor people and entraps them in incarceration and the legal system in many ways: cash bail, bond, restitution, court fines and fees and private probation (an often overlooked, yet major tripwire into jail and blatant monetary extraction from poor people). The cost of having a record and the limits it places on future employment opportunities mires poor people even more deeply into this system.

Outside the mechanisms of wealth-based detention, there are also the ways misdemeanor laws push poor people into the criminal justice system. Misdemeanors are an especially nefarious way to criminalize poor people, as they often double as a trap door to wealth-based detention.

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3 "Eliminate the Criminalization of Poverty," The Opportunity Agenda, accessed October 14, 2020.

4 "US: Criminal Justice System Fuels Poverty Cycle: UN Official Speaks Out for Reform," Human Rights Watch, June 21, 2018. Press Release.

5 "Challenging the Money Bail System," Civil Rights Corps, accessed October 14, 2020.

6 "the Money Bail System," Civil Rights Corps.

7 Lewis Wallace, "Welcome to Georgia, the Epicenter of the Private Probation Racket," The Outline, August 17, 2017.

8 Beth Schwartzapfel, "Probation-for-Profit Just Got Less Profitable: Georgia Squeezes 'Offender-Funded' Supervision," The Marshall Project, April 13, 2017.

9 Andrea Young, "How Georgia's Probation System Squeezes the Poor and Feeds Mass Incarceration," American Civil Liberties Union, November 13, 2018.

10 "What is Recidivism?" RED (Rehabilitation Enables Dreams), accessed October 14, 2020.

11 "The State of Corrections in Georgia," Georgia Center for Opportunity, September 29, 2014.

12 "The State of Corrections in Georgia," Georgia Center for Opportunity.

13 "The State of Corrections in Georgia," Georgia Center for Opportunity.

14 "The State of Corrections in Georgia," Georgia Center for Opportunity.



An estimated 13.2 million misdemeanor cases are filed in the United States each year.<sup>15</sup> Consequently, local jails are filled with people who are poor, homeless and struggling with mental illness and who instead of getting much needed resources are sucked into an overburdened misdemeanor-focused criminal justice system.

## How We Do It

In our 2019 policy brief *Our Stories are the Evidence*, as well as in our 2020 *Rapid Response COVID* brief, Deep advocated the abolition of economic sanctions by juvenile courts and the end of the practice of cash bail for misdemeanors at both a city level and countywide. In 2020, as we have strengthened our partnership with Southern Center for Human Rights and the Vera Institute because of our shared views on wealth-based detention, we plan to further elevate the issue publicly and set a new precedent for Chatham County. The county has an exceedingly high percent of incarcerated individuals awaiting trial — 95 percent of that population, according to the Georgia Department of Community Affairs Office of Research.<sup>16</sup>

Originally created to rehabilitate youth, juvenile courts across the country regularly saddle them instead with onerous fines and fees. Families often assume more debt or take on multiple jobs because they cannot pay mounting court fees. Unpaid debt can result in extended probation, placement in a facility, a civil judgment on a youth's record, an inability to expunge their records and the suspension of their driver's license.<sup>17</sup>

The juvenile court system is highly ineffective for numerous reasons: the widespread imposition of costs, fines, fees and restitution on youth; the significant legal consequences for failure to pay, including further juvenile justice system involvement and incarceration; the financial stress on youth and their families; the unique challenges young people face in attempting to pay fines because they

are too young to work, must attend school, or cannot find employment, even if they are old enough to work; and the worsening of racial and economic disparities in the system resulting from such crushing financial obligations.<sup>18</sup>

State and local governments across the country are beginning to abolish juvenile fines and fees.<sup>19</sup> In Durham, N.C., juveniles are released without bail, except for alleged offenses involving the threat of physical violence. Those juveniles are often held without a bond assigned. In New Orleans, juvenile court relies on bail for 25 percent of its operating budget — a reliance much larger, by percentage, than that of the district attorney and public defenders, according to the *Paid in Full: A Plan to End Money Injustice in New Orleans*.<sup>20</sup> In 2017 alone, the New Orleans court took in nearly \$2 million in bail and conviction fees, while the offices of the district attorney and public defender took in about \$500,000 and \$400,000, respectively.

To replace that lost revenue, the report urges increasing city funding to criminal justice agencies by \$2.8 million annually, splitting the amount between the court, the public defenders and the district attorney's office. Those funds, they argue, could come from money saved by having fewer people in jail and a proportional reduction in the mostly city-funded budget of the New Orleans Parish Sheriff's Office.<sup>21</sup>

Potential solutions to this problem in Savannah and Chatham County include:

- 1. Passing a Cash Bail Ordinance for the City of Savannah and Chatham County:** Based on the effective cash bail ordinances issued in cities of similar size and makeup (e.g., New Orleans; Durham, N.C.; and Houston), the City of Savannah and Chatham County should collaborate on and pass a similar cash bail ordinance tailored to their specific needs.<sup>22,23,24</sup>

15 Margaret Love and David Schluskel, "The Many Roads to Reintegration: A National Survey of Laws Restoring Rights and Opportunities After Arrest or Conviction," Collateral Consequences Resource Center, September 8, 2020.

16 Georgia Department of Community Affairs, *County Jail Inmate Population Report* (Atlanta, Ga.: Office of Research, Georgia Department of Community Affairs, 2020).

17 Katrina L. Goodjoint, "New Jersey Just Eliminated Fines for Youth in the Juvenile System. And That's a Good Thing," Juvenile Law Center, January 22, 2020.

18 Jessica Feerman, Jessica Goldstein, Emily Haney-Caron and James Fairfax Columbo, *Debtors' Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System* (Philadelphia, Pa.: Juvenile Law Center, 2016).

19 Jeffrey Selbin, "Juvenile Fee Abolition in California: Early Lessons and Challenges for the Debt Free Justice Movement," *North Carolina Law Review*, Vol. 98, No. 2 (October 2019).

20 Jon Wool, Alison Shih and Melody Chang, *Paid in Full: A Plan to End Money Injustice in New Orleans* (New York: Vera Institute of Justice, 2019).

21 Nicholas Chrastil, "Vera Institute of Justice proposes plan for ending cash bail, conviction fees in New Orleans," *The Lens*, June 12, 2019.

22 "Chapter 50 - Courts," New Orleans City Council, accessed October 14, 2020.

23 "Chapter 46 - Public Safety," Durham, North Carolina-Code of Ordinances, accessed October 14, 2020.

24 Eva Vigh, "Harris County's New No-Cash Bail Policy Stirs Controversy," Community Impact Newspaper, September 10, 2019.



## 2. Suspending Fines and Fees in Juvenile Court:

The City of Savannah and Chatham County should suspend the collection of fees and fines in juvenile court.<sup>25</sup> We do not recommend reforming ability-to-pay mechanisms, as low-income and juvenile justice advocates say these assessments are inconsistently applied and compound harm, and do not address racial bias or the wealth gap.<sup>26</sup> It is imperative to suspend all attachments, garnishments, levies, liens, redirects and tax refund intercepts for unpaid juvenile fees and fines.<sup>27</sup> Interest accrual, financial penalties and other legal consequences such as arrest warrants for nonpayment or late payment of juvenile fees and fines also should also end.<sup>28</sup> In addition, we recommend ceasing and withdrawing all referrals of unpaid juvenile fine and fee accounts to state taxing and collection authorities and private collection agencies.<sup>29</sup> We view these recommended steps as permanent ones to our juvenile justice system, not temporary fixes.<sup>30</sup>

## 3. Abolishing communication fees within the Chatham County Jail:

The Chatham County jail and the Sheriff's office should revisit the contract with Paytel, which oversees the communication costs of those people incarcerated.<sup>31</sup> Communication fees often stem from predatory contracts that severely impact jailed citizens. For example, a 15 minute in-state call cost \$4.50 in 2018.<sup>32</sup> These phone providers continue to extract additional profits by charging incarcerated people and their loved ones hidden fees, whether for emails, physical mail or a safety review of their mail. Communication fees can be especially harmful for people in local jails. With 3 out of 4 people in jail awaiting trial, these high communication costs further punish the legally innocent by driving up the costs of counsel and making it difficult for defendants to contact friends or family members who may be able to help them post bail or build their defense.<sup>33,34</sup>

25 "COVID-19 Action on Juvenile Fees," Berkeley Law, accessed October 14, 2020.

26 Theresa Zhen, "(Color)Blind Reform: How Ability-to-Pay Determinations are Inadequate to Transform a Racialized System of Penal Debt," *N.Y.U. Review of Law & Social Change*. Volume 43, Issue 1 (January 2019).

27 "COVID-19 Action on Juvenile Fees," Berkeley Law.

28 "COVID-19 Action on Juvenile Fees," Berkeley Law.

29 "COVID-19 Action on Juvenile Fees," Berkeley Law.

30 "COVID-19 Action on Juvenile Fees," Berkeley Law.

31 "About Pay Tel," Pay Tel, accessed October 14, 2020.

32 Peter Wagner and Alexi Jones, *State of Phone Justice: Local Jails, State prisons and Private Phone Providers* (Northampton, Massachusetts: Prison Policy Initiative, 2019).

33 Sawyer et. al., *Mass Incarceration: The Whole Pie*.

34 Wendy Sawyer, "Why Expensive Phone Calls Can Be Life-Altering for People in Jail – and Can Derail the Justice Process," Prison Policy Initiative, February 5, 2019.



## 3

## Decriminalize Local Misdemeanor Offenses

TYPE OF REFORM: **City and County**

*“Misdemeanors are moneymakers for local jurisdictions. They fund courts, probation offices, public defender and prosecutor offices, and even the general budget in some jurisdictions she argues that misdemeanors function as a regressive tax policy that shifts costs for basic services to the poorest citizens.”*

—**Alexandra Natapoff**, *Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal*

Misdemeanors are lesser crimes than felonies but more serious than general infractions. State and federal misdemeanor systems differ, and in this policy brief, we will focus more on the impact of state misdemeanors. We will examine how the codifying of the state penal code according to elements of a crime and the penalty attached to conviction drives mass incarceration.

In Georgia, misdemeanors are punishable by up to one year in jail and with fines ranging from \$300 to \$5,000, depending on the nature of the misdemeanor. Serious misdemeanors in Georgia include certain forms of do-

mestic violence and DUIs. The vast majority of misdemeanors, however, are petty. While misdemeanors are not as serious as felonies, they still carry significant penalties, including jail time, community service, loss of the right to possess a firearm (e.g., family violence offense), loss of federal financial aid for education, loss of driving privileges and the publication of the offender’s photo in the newspaper.<sup>1</sup> Furthermore, a misdemeanor conviction of any kind in Georgia results in a permanent criminal record, which can directly affect a person’s ability to obtain a job and gain access to higher education and housing.

*“Broken windows” law enforcement policy — the idea that mass arrests for minor offenses promote community order — aided and abetted this new criminalization of poverty, making the police complicit in the victimization of the poor. Community policing turned into community fleecing. Enforcing “quality of life” rules was touted as a way to achieve civic tranquility and prevent more serious crime. What it actually did was fill jails with poor people, especially because those arrested could not pay for bail.”*

—**Peter Edelman**, *How it Became a Crime to be Poor in America*<sup>2</sup>

<sup>1</sup> “Misdemeanors Are Not Minor in Georgia,” HG.org, accessed October 14, 2020.

<sup>2</sup> Peter Edelman, “How It Became a Crime to Be Poor in America,” The Guardian, November 6, 2017.

Misdemeanors are the main profit generator of the American criminal justice system. Court fees and fines stemming from misdemeanor charges make up 80 percent of criminal dockets.<sup>3</sup> Each year, about 13 million misdemeanor charges flood the system, with some 26 percent of the daily jail population being held under such charges.<sup>4</sup> The U.S. prison system has the highest number of inmates in the world.<sup>5,6</sup> Nearly half of those in prison pose no public safety concern, the Brennan Center for Justice says.<sup>7</sup> Rather, these people are incarcerated because of policy decisions like the 1994 Crime Bill, racial profiling and our society's punitive approach to crime. Misdemeanor charges also disproportionately impact low-income people and people of color. The arrest rate for the Black population is twice as high as the arrest rate for the white population, specifically for vandalism, drug possession and disorderly conduct, according to a national study by the *Boston University Law Review*.<sup>8,9</sup>

Misdemeanor charges are a way to punish people when the alleged offenses are not serious enough to warrant felony treatment yet violate social order or "broken-window" laws. The prosecution of misdemeanors is riddled with problems. The attention to detail that is involved in prosecuting and adjudicating serious crimes is absent. The high volume of such charges means due process is often sloppily observed. There is pressure to incentivize guilty pleas due to the nature of the crime, the nature of the process and the different people involved.

There is also pressure on prosecutors to manipulate the system to elicit guilty pleas quickly; on public defenders to acquiesce to guilty pleas for their clients; on judges to validate the hundreds of thousands of guilty pleas that pass before them without checking the facts or whether the law has been observed; and on the defendant, who is often low-income, to take the best plea deal. In short, the misdemeanor system has exceeded its core purpose of crime control and, instead, reached a level of social control and regulation.

Whether one is directly affected or not, misdemeanors are expensive for everyone: taxpayers, prosecutors, jails, public defenders and families. Decriminalizing misdemeanors

offers financial relief, as tickets and citations are easier and cheaper to issue and to process than arrests and traditional criminal cases. It also ensures that people are less likely to get sucked into the criminal justice system. Furthermore, by not triggering the right to counsel, decriminalized offenses that have eliminated incarceration save costs for the state and the overburdened public defender system.

## How We Do It

We need a local approach to the misdemeanor system that is capable of working with low-level crime in a way that is proportionate, fair and leads ultimately to the decriminalization of minor offenses. Our misdemeanor system currently is an oversized umbrella that encompasses all kinds of interpretations and disproportional enforcement. These crimes tend to snowball and disproportionately harm low-income people.

On August 12, 2020, Chatham County Police Department (CCPD) began operating under an updated general offenses ordinance approved by the County Commission five days earlier. The ordinances had not been updated since the 1990s, before the CCPD merged with Savannah's Police Department and then separated again in 2018. The revised ordinance mandated enforcement changes regarding marijuana possession, begging, sleeping in vehicles and other infractions.

Solutions to decriminalize misdemeanor offenses include:

- 1. Form a Decriminalization Committee:** With the collaboration of the city and county, the Decriminalization Committee would examine both city and county codes; find opportunities to decriminalize low-level crime that targets poverty, homelessness and minor infractions; and help create a specialized local ordinance. The committee, which should be staffed primarily by citizen stakeholders, would also work with city or county counsel during the review of proposed ordinance changes to ensure there are no statutory barriers at the state level and no exemptions are precluded. We also recommend this committee seek guidance from the National Law Center on Home-

3 "America's Massive Misdemeanor System Deepens Inequality," Equal Justice Initiative, January 9, 2019.

4 Zhen Zeng, Ph.D., *Jail Inmates in 2017* (Washington, D.C.: U.S. Department of Justice, 2019).

5 "Prison Overcrowding: A Curated Collection of Links," The Marshall Project, accessed October 14, 2020.

6 "Highest to Lowest - Occupancy Level (Based on Official Capacity)," World Prison Brief, accessed October 14, 2020.

7 James Austin, Lauren-Brooke Eisen, James Cullen, Jonathan Frank, *"How Many Americans Are Unnecessarily Incarcerated?"* (New York: Brennan Center for Justice, 2016).

8 Lauren-Brooke and Inimai M. Chettiar, "The Complex History of the Controversial 1994 Crime Bill," Brennan Center for Justice, April 14, 2016.

9 Megan T. Stevenson and Sandra J. Mayson, "The Scale of Misdemeanor Justice," *Boston University Law Review*, Vol. 98:731 (March 2018).





lessness and Poverty. The center's study, *No Safe Place: The Criminalization of Homelessness*, soberly examines the problem by identifying the weight of people's basic needs and helps outsiders feel the broad scope and pervasive impact of homelessness.<sup>10</sup> The study's findings identify ordinances that criminalize poverty, including laws that prohibit:

- ▶ "Camping" in public.
- ▶ Sleeping in public.
- ▶ Begging in public.
- ▶ Loitering, loafing and vagrancy.
- ▶ Sitting or lying down in public.
- ▶ Sleeping in vehicles.

**2. Fully decriminalize possession of marijuana under one ounce:** We commend both the City of Savannah and Chatham County's most significant decriminalization change: designating the possession of less than an ounce of marijuana and possession of a drug-related object as local offenses that merit a possible ticket, rather than requiring incarceration, and depend on the officer's discretion. We recommend that this discretionary loophole be closed entirely.

**3. Suspend the sleeping in vehicles ordinance immediately:** The ordinance states: "It shall be unlawful for any person or persons to lodge in, on or about any automobile, truck, trailer, RV, camper, or similar vehicle in any County street, right-of-way, at any County owned or operated parks, boat ramps, grounds, recreational facilities, county-owned parking lot, or other public property of Chatham County." The timing of this statute is critical, as some 400 Chatham County residents faced eviction this past summer due to the coronavirus pandemic. The pandemic's economic devastation risks criminalizing people living at the very margins. Many local residents are currently, or soon will be, sheltering in their vehicles because of the pandemic. As of mid-2019, the ordinance states that any officer who encounters someone sleeping in a vehicle has discretion over what level of enforcement to apply to the person. We recommend that the ordinance prohibiting sleeping in vehicles be suspended until the full economic impact of the coronavirus pandemic in Chatham County becomes clearer. We recognize that police precincts have encouraged officers to be lenient in responding to these misdemeanors, but we recommend that the City and County approve a resolution codifying and standardizing this practice.

<sup>10</sup> Tristia Bauman, *No Safe Place: The Criminalization of Homelessness in U.S. Cities* (Washington, D.C.: National Law Center on Homelessness & Poverty, 2015).





## 4 Reform the Savannah-Chatham County Public School System's Disciplinary Tribunal Process

TYPE OF REFORM:  
**School Board and School Administration**

*“For many young people, our schools are increasingly a gateway to the criminal justice system. What is especially concerning about this phenomenon is that it deprives our kids of their fundamental right to an education.”*

—Sen. Richard J. Durbin, 2012 chairman of the Senate Judiciary Committee's subcommittee on the constitution.<sup>1</sup>

<sup>1</sup> Donna St. George, "'School-to-Prison Pipeline' Hearing Puts Spotlight on Student Discipline," *Washington Post*, December 13, 2012.



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*“We have learned that the minute a child sets foot in the juvenile justice system, their chances of becoming an adult offender go up 50 percent.”*

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—Melodee Hanes, 2012 Acting Administrator, Justice Department's Office of Juvenile Justice and Delinquency Prevention<sup>2</sup>

Each year, more than three million students are suspended or expelled from schools across the United States. Federal data, though limited, show that more than 240,000 of those students were referred to law enforcement.<sup>3,4</sup> In Georgia, 78 percent of state prison inmates, almost 68 percent of federal inmates and more than 70 percent of jail inmates did not graduate from high school.<sup>5</sup>

In schools all across America, punitive and overzealous policies remove children from classrooms and funnel them into the criminal justice system. These negative legislative and administrative policies are the backbone of the school-to-prison pipeline, which pushes children out of school and into the juvenile justice system and, eventually, the criminal justice system. The school-to-prison pipeline also has a disproportionate effect on Black and brown youth, due to the effects of segregated education, concentrated poverty, racial disparities in law enforcement and racial bias in educators and administrators. Another factor is pressure of school districts to keep classroom management at the forefront of “successful” classrooms.

Black students and students with disabilities are disproportionately affected by the application of zero-tolerance discipline policies in the public school system, says *Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils*, a 2015 study by the Georgia Coalition Working to End the School-to-Prison Pipeline.<sup>6,7</sup> In Georgia, Black students are three-and-a-half times more likely to receive an out-of-school suspension (OSS) than white students.<sup>8</sup> A student with a disability is almost two times more likely to receive an OSS than a general education student.<sup>9</sup>

According to research, Black males comprise a disproportionate percentage of students in the school-to-prison pipeline, regardless of category or geographical location. Therefore, we plan to mobilize and train grassroots and community stakeholders — including parents, students, faith-based, civic, business and other community leaders — to become advocates to dismantle the school-to-prison pipeline through local, state and national action.<sup>10</sup>

While there are many facets of the school-to-prison pipeline, one of the factors in creating disproportionate and unfair circumstances is the tribunal process. When a child is suspended for more than 10 days or facing expulsion, they participate in a disciplinary hearing conducted by the Hearing Office. By law, a child is entitled to an attorney, who ensures that the disciplinary hearing is being conducted impartially and that a complete and accurate administrative record is established. But this right of a child to have attorney present at their hearing is rarely exercised in Chatham County, even though the attorney for the Savannah-Chatham County Public School System (SCCPSS) attends all tribunal hearings. This creates an imbalance of power.

Limited information is provided to families in the *Code of Conduct* or on the SCCPSS website concerning the disciplinary hearing process. Information regarding the process is mailed 10 days prior to the hearing, which provides families with eight or fewer days to plan a course of action and understand the process. In addition, SCCPSS does not provide any additional resources to assist with this process, such as access to *pro bono* attorneys, a resource guide or other services.

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2 St. George, “School-to-Prison Pipeline.”

3 U.S. Congress, Senate, Committee on the Judiciary, *Ending the School-to-Prison Pipeline: Hearings Before the Committee on the Judiciary*, 112th Congress, 2nd Sess., 2012.

4 St. George, “School-to-Prison Pipeline.”

5 “School-to-Prison Pipeline,” Project 2nd Chance, accessed October 14, 2020.

6 “School-to-Prison Pipeline,” Georgia Council on Developmental Disabilities, accessed October 14, 2020.

7 Georgia Coalition Working to End the School to Prison Pipeline, *Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils* (Atlanta, Ga.: Georgia Coalition to End the School to Prison Pipeline, 2015).

8 Georgia Coalition, *Securing the Education Pipeline*.

9 Georgia Coalition, *Securing the Education Pipeline*.

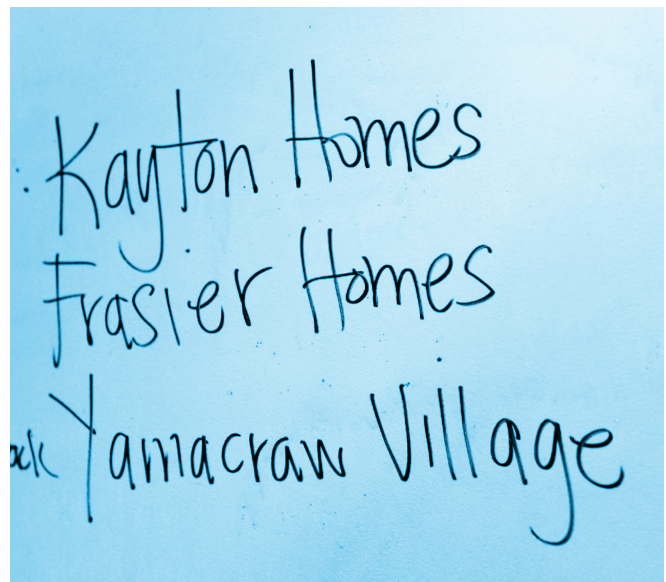
10 Georgia Coalition, *Securing the Education Pipeline*.

While SCCPSS has formally done away with the harmful zero-tolerance policies of a more punitive era, zero-tolerance attitudes persist among some staff members. SCCPSS principals are largely in control of how discipline is carried out in specific schools, so students in different schools can experience a wide range of responses to behavior. Students of color, especially working-class Black boys and girls, are most likely to be harmed by ambiguities in the discipline policy. The SCCPSS Student *Code of Conduct*, in particular, contains language that is vague and, as such, can be subject to the whims of school staff. Among other consequences, this vague language can amplify the negative impacts of staff members' implicit biases and lack of cultural competencies.

## How We Do It

We recommend reforming the Disciplinary Tribunal Process in local schools by:

- 1. Recommend attorney presence for both parties:** As practiced in many other districts, the SCCPSS attorney should only be present if the child also has legal representation. The hearing should remain administrative and school-based, but this good faith practice is violated when SCCPSS sends a lawyer.
- 2. Implement Code of Conduct language clarity:** SCCPSS should include more robust, clear and direct language in the *Code of Conduct* about the disciplinary hearing process, including a statement identifying the student's right to present evidence and to be represented by an attorney. This information, as well as Hearing Office contacts, should be more accessible and featured on the district website.
- 3. Provide ample notice of disciplinary hearings:** Notice of disciplinary hearings for foster children should be sent to the Department of Family and Children's Services (DFCS) caseworker, foster placement and DFCS administrator, as the Georgia Appleseed Center for Law and Justice recommends.<sup>11</sup>
- 4. Create a lawyers guild for students and families:** We recommend the creation of a reform-minded coalition comprised of the Savannah Bar Association, Georgia Legal Services Program, private law firms and other invested organizations that can fund a pool of salaried and *pro bono* attorneys who can serve as resources for families throughout the SCCPSS disciplinary hearing process. While youth are not entitled to a lawyer during the tribunal process, they should be allowed one *if* SCCPSS brings a lawyer. Savannah — that is, housing that can be attainable for the average Savannahian for less than 30 percent of gross household income.



<sup>11</sup>"A Parent's Guide to a Student Discipline Tribunal," Georgia Appleseed Center for Law & Justice, accessed October 14, 2020.







## 5 Raise the Juvenile Code Age in Georgia

TYPE OF REFORM: **State**

*“Even as mass incarceration of Black men has come under scrutiny across the nation, Georgia continues to disproportionately impose the toughest sentences on young African American males. Black teens account for about half of all juvenile arrests in Georgia but four-fifths of the youths convicted as adults.”*

—Alan Judd, *Atlanta Journal-Constitution*<sup>1</sup>

Georgia is one of three U.S. states, along with Texas and Wisconsin, that tries all 17-year-olds as adults in the criminal justice system, instead of sending them through the juvenile justice system.<sup>2,3</sup>

In the past few years, almost every state in the country raised the age of juvenile court jurisdiction from 17 to 18 (or older) to reflect research that shows the brain does not effectively stop developing until the age of 25, making brain development of a 17-year-old fundamentally different than that of an adult.<sup>4</sup> Therefore, youth who com-

mit crimes should be treated differently legally than adults. The behavior and decision-making of many adolescents is largely temporary, and, with developmentally appropriate guidance and correction, most youth will grow out of these irresponsible thought processes.<sup>5</sup> Furthermore, policymakers and elected officials must recognize their obligation for both short-term and long-term public safety. Incarcerating youth may solve a crime problem in the short term but does not, with rare exceptions, deter future offenses or enhance public safety in the long run.<sup>6</sup>

1 Alan Judd, "Deadly Consequences: Murder Case Exposes a System's Failings," *Atlanta Journal-Constitution*, January 23, 2020.

2 "Raising the Age in Georgia," *Voices for Georgia's Children*, accessed October 14, 2020.

3 "Juvenile Justice Update," *Voices for Georgia's Children*, accessed October 14, 2020.

4 "Juvenile Justice & the Adolescent Brain," *Center for Law, Brain & Behavior, Massachusetts General Hospital*, accessed October 14, 2020.

5 Caren Harp, "Adolescent Brain Science: Proceed with Caution," *Juvenile Justice Information Exchange*, May 8, 2017.

6 "Juvenile Justice & the Adolescent Brain," *Center for Law, Brain & Behavior, Massachusetts General Hospital*; Caren Harp, "Adolescent Brain Science."

In 2011, the Georgia General Assembly voted to create the Special Council on Criminal Justice Reform for Georgians (HB1176), a 15-member, non-partisan state commission tasked with conducting annual comprehensive reviews of criminal laws, criminal procedure, sentencing laws, adult correctional issues and juvenile justice issues. The panel also was directed to review the enhancement of probation and parole supervision and better management of the prison population and those in custody of the Department of Juvenile Justice, along with other issues relating to criminal proceedings and accountability courts.<sup>7,8</sup>

The vote to create the council was a direct response to Gov. Nathan Deal's promise to carry out juvenile and criminal justice reform in Georgia after state legislators and one of his predecessors, Zell Miller, created the most punitive juvenile justice system in the nation in 1994. Under the legislation approved that year, children as young as 13 could be prosecuted as adults for certain crimes, identified as "deadly sins." Teenagers could spend decades behind bars — or, in extreme cases, the rest of their lives. Gov. Miller said the severe steps mirrored the harshness of the alleged crimes, which were, he said, tantamount to an affliction crippling the state and the community: "Tough medicine for a tough disease."<sup>9</sup>

Gov. Deal sought to fix the draconian system by expanding the scope of the Special Council on Criminal Justice Reform to include juvenile justice.<sup>10</sup> The Council found that while the costs of Georgia's juvenile justice system were enormous, the expenditures were not preventing juvenile crime or reducing recidivism.<sup>11</sup> Under Georgia's new Juvenile Justice Code, adopted in 2012, the purpose of the juvenile justice system is "to promote a juvenile jus-

tice system that will protect the community, impose accountability for violations of law, provide treatment and rehabilitation, and equip juvenile offenders with the ability to live responsibly and productively[,]...to preserve and strengthen family relationship[s, and] to guarantee due process of law."<sup>12</sup> Many reforms were ushered in by the Deal administration, but raising the age of juvenile court jurisdiction was not one of them. Without it, juvenile justice reform in Georgia is incomplete.

Juvenile court and juvenile court-ordered plans take a less punitive approach than the criminal system for adults.<sup>13,14</sup> Data show that lower-level offenders, when confined with higher-level offenders, emerge from incarceration more inclined to conduct criminal activity.<sup>15</sup> Evidence-based alternatives to detention have been proven to reduce the likelihood of criminal activity. Since 2013, there has been a 40 percent reduction in juvenile incarceration in Georgia.<sup>16</sup>

Stakeholders and partners in the criminal justice system tend to agree that raising the age of juvenile court jurisdiction is a sound decision, one that would align Georgia with the 2005 Supreme Court case *Roper v. Simmons*, in which the court ruled that a minor's actions should not be considered evidence of an "irretrievably depraved character."

However, Georgia's leaders still continue to drag their feet on finalizing the raise-the-age measure, citing the expected \$200 million cost, which, according to the state Department of Juvenile Justice, would be used to build nearly four new detention centers to accommodate the adjusted population.<sup>17</sup> Other prohibitive costs include an estimated \$750,000 for the Georgia Public Defenders Associa-

7 Georgia General Assembly, *2011 Special Council on Criminal Justice Reform for Georgians*, HB 1176, 2011-2012 Regular Session.

8 "Georgia Council on Criminal Justice Reform," State of Georgia, Department of Community Supervision, accessed October 15, 2020.

9 Judd, "Deadly Consequences."

10 Michael P. Boggs and Carey A. Miller, *Report of the Georgia Council on Criminal Justice Reform* (Atlanta, Ga.: Georgia Council on Criminal Justice Reform, 2017).

11 Boggs et. al., *Report of the Georgia Council on Criminal Justice Reform*.

12 "Overview of the Juvenile Justice System in Georgia," Lawson & Berry Website, accessed October 15, 2020.

13 "Juvenile Detention Alternatives: An Overview," Voices for Georgia's Children, accessed October 15, 2020.

14 "Research Report Archive," State of Georgia, Criminal Justice Coordinating Council, accessed October 15, 2020.

15 Pew Charitable Trusts, *Re-Examining Juvenile Incarceration: High Cost, Poor Outcomes Spark Shift to Alternatives* (Philadelphia, Pa.: Pew Charitable Trusts, 2015).

16 Department of Juvenile Justice. The State of Georgia.

17 Stanley Dunlap, "Proposed Increased Age to Charge Teens as Adults Might Be Costly," *Georgia Recorder*, February 7, 2020.





tion to hire and train nine new assistant public defenders to implement the change.<sup>18</sup> The Dawson and Hall County circuit would need \$300,000 to hire six new employees and \$1.6 million to transport 17-year-olds to juvenile detention centers and courts, according to the Georgia Sheriffs' Association.<sup>19,20</sup> An increased caseload in many courtrooms would require more hiring, training and support. Given Georgia's budget shortfall in Fiscal Year 2020 and the 11 percent shortfall expected in Fiscal Year 2021, many believe a raise-the-age measure is not affordable right now.

The additional costs of juvenile courts following passage of a raise-the-age measure is not a one-time investment, so the initiative must be reframed. We need to stop viewing it as a costly expense and see it instead as an investment in Georgia's people and institutions. This change could especially benefit overburdened adult courts by reducing workloads. For example, according to a study of raise-the-age policies by the Justice Policy Institute in Connecticut, prior to that state passing a raise-the-age law in 2007, it was estimated that juvenile justice costs could rise by \$100 million by the time the measure was fully implemented.<sup>21</sup> That did not happen. In 2011-2012, spending on the juvenile justice system was \$137 million, compared to \$139 million in 2001-2002.<sup>22</sup> The raise-the-age initiative inspired a shift to better juvenile justice policies and practices, which resulted in the reallocation of \$39 million in state funds to the expansion of a number of community-based approaches that could serve youth outside of the more expensive custodial settings while still maintaining public safety.<sup>23</sup>

Until Georgia's leaders decide to prioritize raise-the-age, we will not completely fulfill our state's potential for full-throated juvenile justice reform. Nor will we honor and maximize the improvements made during the years of bipartisan efforts at such reform.



## How We Do It

We recommend the following actions as starting points to reform the juvenile justice system:

- 1. Raise the Juvenile Code Age:** We recommend passing raise-the-age legislation at the state level and changing the age of juvenile court jurisdiction from 17 to 18.
- 2. Create a Raise-the-Age Commission:** This commission should include those in the criminal justice system who are responsible for designing and implementing solutions. It is important to allocate sufficient funds to fully and effectively place an implementation commission that would oversee the first year after passage of raise-the-age legislation.
- 3. Encourage local buy-in for Raise-the-Age:** This initiative would include gathering full-throated, localized support for raising the age from the City, County, school board and partners in the juvenile justice system.

18 Dunlap, "Proposed Increased Age to Charge Teens."

19 Dunlap, "Proposed Increased Age to Charge Teens."

20 Dunlap, "Proposed Increased Age to Charge Teens."

21 Justice Policy Institute, *Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System* (Washington, D.C.: Justice Policy Institute, 2017).

22 Justice Policy Institute, *Raise the Age*.

23 Justice Policy Institute, *Raise the Age*.

## 6 Ban Juvenile Life Without Parole (JLWOP)



### TYPE OF REFORM: **State Legislation**

In the United States, children as young as 13 are sentenced to spend the rest of their lives in prison without any opportunity for release. According to the American Civil Liberties Union (ACLU), approximately 2,570 children in this country are sentenced to juvenile life without parole (JLWOP).<sup>1</sup> The likelihood of this sentence varies significantly based on race, gender, quality of legal representation, economic status and the state where one resides.<sup>2</sup> The practice is costly. Housing juveniles for life entails decades of public expenditures.<sup>3</sup> Nationally, it costs \$34,135 per year to house a prisoner.<sup>4</sup> This cost roughly doubles for prisoners over the age 50. Therefore, a 50-year sentence for a 16-year old will cost about \$2.25 million.<sup>5</sup>

In the 2017 ruling in *Montgomery v. Louisiana*, the Supreme Court invalidated all existing JLWOP sentences imposed by mandatory statute.<sup>6</sup> As a result, life sentences without parole handed down to youths in 29 states and by the federal government are now under review or have been changed. In a small fraction of these cases, individuals have been released from prison.<sup>7</sup> Similar to the science-based calls for change by raise-the-age advocates, JLWOP research shows that brain development at age 17 is fundamentally different than that of an adult, and that the brain does not effectively stop developing until age 25.<sup>8</sup> This means that youth who commit crimes are different from adults and therefore should have a different legal experience. The behavior and decision-making of many ad-

1 "End Juvenile Life Without Parole," American Civil Liberties Union, accessed October 15, 2020.

2 Josh Rovner, *Juvenile Life Without Parole: An Overview* (Washington, D.C.: The Sentencing Project, 2020).

3 Rovner, *Juvenile Life Without Parole*.

4 Rovner, *Juvenile Life Without Parole*.

5 Rovner, *Juvenile Life Without Parole*.

6 Rovner, *Juvenile Life Without Parole*.

7 Rovner, *Juvenile Life Without Parole*.

8 "Juvenile Justice & the Adolescent Brain," Center for Law, Brain & Behavior, Massachusetts General Hospital.



olescents are largely temporary and evolve. With developmentally appropriate guidance and correction, most youth will grow out of these irresponsible thought processes.

However, on June 29, 2020, the Georgia Supreme Court ruled unanimously that a trial judge can impose a life sentence without the possibility of parole on juvenile offenders. The court rejected arguments that juries, not judges, should decide when such an extreme sentence is appropriate.<sup>9</sup> Justice Sarah Warren stated that a life-without-parole sentence is allowed under state law and does not constitute a sentence enhancement when applied to juveniles.<sup>10</sup> For those reasons, such a sentence does not require a jury to make specific findings to justify imposing it, despite the 2005 Supreme Court ruling and a 2016 Georgia Supreme Court decision that juveniles could receive a sentence of life without parole in “exceptionally rare” cases if they were found to be “irreparably corrupt” or “permanently incorrigible.”<sup>11</sup>

Georgia lawmakers have chosen consciously to allow children to be treated like and punished as adults, despite their recognition that children are entitled to special protection and in the face of mounds of evidence, legal rulings and a global consensus asserting that children cannot be held to the same standards of responsibility as adults.



## How We Do It

In her ruling, Justice Warren stated that the General Assembly could change the law to require that juries make specific findings to justify the sentencing of a juvenile to life in prison without parole: “A state may choose to pass legislation requiring a jury to determine whether a juvenile is irreparably corrupt before allowing the juvenile to be sentenced to life without parole, though the General Assembly has not chosen to do so in Georgia.”<sup>12,13</sup>

We recommend the following actions to work toward true justice for youth in the justice system:

- 1. Ban JLWOP at the state level:** Passing JLWOP legislation at the state level is critical. We recommend the implementation of a complete ban on JLWOP, based on resolutions and sample legislation provided by the American Bar Association, the American Probation and Parole Association, the American Correctional Association and the National Association of Counties.<sup>14,15,16,17</sup>
- 2. Create a JLWOP Commission:** The JLWOP Commission would consist of stakeholders of the criminal justice system who are responsible for managing and designing the allocation of sufficient funds to fully and effectively establish a commission that would oversee the implementation of JLWOP legislation in the first year after its passage.

9 Bill Rankin, “Judges Can Sentence Juveniles to Life Without Parole, Court Says,” *Atlanta Journal-Constitution*, June 29, 2020.

10 Rankin, “Judges Can Sentence Juveniles to Life Without Parole.”

11 Rankin, “Judges Can Sentence Juveniles to Life Without Parole.”

12 “Raines v. Georgia,” Justia, accessed October 15, 2020.

13 “Raines v. Georgia,” Justia.

14 American Bar Association, “U.S. Supreme Court Dismisses Juvenile Life Without Parole Case,” American Bar Association, March 11, 2020.

15 “Juvenile Life Without Parole,” American Probation and Parole Association, accessed October 15, 2020.

16 “American Correctional Association Opposes JLWOP,” Fair Sentencing Project, accessed October 15, 2020.

17 “Juvenile Life Without Parole,” American Probation and Parole Association, accessed October 15, 2020.

## Social Safety Net

*“Racism is deeply rooted in how people perceive safety net programs and their recipients. This racism dates back all the way to the formation of the Southern strategy, an electoral strategy to attract white voters by appealing to people who held racist views against Black people. Former Presidents Richard Nixon and Ronald Reagan used the Southern strategy to directly attack Black Americans using public assistance, and further perpetuated racial stereotypes. President Reagan’s most used argument, that America needed to start evaluating who deserved to receive benefits from safety net programs, was influenced by the trope of the ‘welfare queen.’ White supremacists used this story to incite uproar against the Black community and push for welfare restrictions that would specifically target Black Americans living in poverty. This trope added to the anti-poor and anti-Black fire of America that was already burning out of control.”*

—Furaha Njoroge, Georgia Budget and Policy Institute<sup>18</sup>

<sup>18</sup> Furaha Njoroge, *The Impact of Racism on Georgia’s Safety Net* (Atlanta, Ga.: Georgia Budget & Policy Institute.





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*“The COVID-19 crisis has exposed the insufficiency of the landscape of support for low-income Georgians. Unemployment rates have skyrocketed in many counties. These challenges lead to greater demand for safety net support, which would normally require that the agency add additional case workers to administer benefits and help individuals find work that pays family-supporting wages.”*

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—Alex Camardelle, Georgia Budget and Policy Institute

If anything has become astonishingly clear, it is that COVID-19 is shining an unbearable light on how our social safety net systems are under-resourced and leaving far too many of the most vulnerable people behind and forced to go without. COVID-19 is not exposing any new structural inequities. Rather, it is uncovering them for a much larger swath of the population.

**Georgia is among the worst states in the nation for new COVID-19 cases.** With 23.40 cases per 100,000 people, Georgia is currently ranked third in the country for the seven-day average of new cases per 100,000. The state is currently averaging 2,485 new cases over seven days, according to data from Johns Hopkins University.<sup>19</sup> The White House Coronavirus Task Force, in an August 23 report, said that Georgia is in a “fragile” state and could suffer more infections and deaths if immediate action to control the virus was not taken, including a statewide mandate on masks and closing bars in areas with high transmission rates.<sup>20</sup> As of September 14, a total of 295,337 confirmed cases had been reported by Georgia’s Department of Public Health.<sup>21</sup>

As Georgians fall sick and die from COVID-19, the pandemic has exacted a deep economic toll on Georgia citizens and disproportionately affected those who were already among the most economically vulnerable. As of July 2020, a total of 636,627 continuing unemployment claims have been filed in the state of Georgia. This is the seventh highest claim rate in the nation and represents 13.8 percent of Georgia’s workforce filing an unemployment claim relative to February.<sup>22</sup>



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19 "Georgia State Overview," Coronavirus Resource Center, Johns Hopkins University & Medicine, accessed October 15, 2020.

20 "Georgia State Report," WABE, August 23, 2020.

21 "County Indicator Reports," Georgia Department of Public Health, October 6, 2020.

22 "Unemployment Claims Amid Coronavirus: A State by State Analysis," U.S. Chamber of Commerce, July 2, 2020.



## 7 Invest Fully in Georgia's Families

### TYPE OF REFORM: **State**

The Georgia General Assembly recently approved the state's FY2021 budget, including a staggering \$2.2 billion in cuts to some of the state's most necessary programs and safety net services. The dramatic — and potentially dangerous — cutbacks include:<sup>1</sup>

- ▶ \$950 million from the Quality Basic Education program. This is the program that dictates the bulk of state spending for K-12 public education.
- ▶ \$25 million for school counselors. The Georgia House of Representatives originally included this funding to ensure the state met the minimum counselor-to-student ratio of 450:1.
- ▶ \$91 million from the Department of Behavioral Health and Developmental Disabilities budget.
- ▶ \$29 million from services for adults with developmental disabilities.
- ▶ \$22.7 million from child and adolescent mental health services. Effected services include prevention programs, supported education and employment services.
- ▶ \$7.2 million from adult mental health services, including cuts to core behavioral health services, peer workforce training and services and housing vouchers for people suffering from mental illnesses.
- ▶ \$8.2 million from the Department of Public Health budget.
- ▶ \$46 million in Temporary Assistance for Needy Families (TANF) funds. TANF provides limited emergency cash assistance to low-income families with children. The \$46 million was intended to fund foster care.
- ▶ \$3.7 million to fund vacant positions in child welfare.

The FY2021 budget reduces safety net spending from \$121 million to \$115 million.<sup>2</sup> The \$6 million cut affects the funds used to pay the salaries of hundreds of state employees who administer federal safety net programs that provide basic support for people until they get back on their feet.<sup>3</sup> The funding cuts also impact contacts with community-based organizations that help people with low

<sup>1</sup> Alex Welch, "House and Senate Approve Georgia's FY 2021," Georgia Budget & Policy Institute, June 26, 2020.

<sup>2</sup> Welch, "House and Senate Approve Georgia's FY 2021 Budget."

<sup>3</sup> Welch, "House and Senate Approve Georgia's FY 2021 Budget."



incomes to enroll in public assistance and access job training opportunities.

Georgia lawmakers cannot cut their way to statewide prosperity. They must prevent deep budget cuts that will have repercussions for ensuing generations. This level of underfunding for core programs and services such as education and health care would represent the deepest cuts Georgia has experienced in modern history and would compound the already dire health and economic problems many Georgians currently face. Deep cuts will also disproportionately harm rural communities and Black and Brown communities, and weaken the state's ability to recover quickly from the pandemic. These cuts will:

1. Disproportionately hurt public schools and higher education, leading to teacher furloughs, larger class sizes, fewer instructional days, higher local property taxes and the elimination of enrichment programs, such as art and music.<sup>4</sup>
2. Make it more difficult to help families make ends meet as the caseloads of already overworked frontline workers for key safety net programs, such as the Supplemental Nutrition Assistance Program (SNAP), increase.<sup>5</sup>
3. Further weaken Georgia's already battered health care infrastructure in the middle of a pandemic response.<sup>6</sup>
4. Harm people of color, in particular, who are already suffering from COVID-19 at higher rates and shouldering the brunt of job layoffs.<sup>7</sup>

<sup>4</sup> Danny Kanso, "State Leaders Must Prioritize Long-term Recovery with 2021 Budget; Federal Fiscal Relief Needed," Georgia Budget & Policy Institute, April 20, 2020.

<sup>5</sup> Kanso, "State Leaders Must Prioritize."

<sup>6</sup> Kanso, "State Leaders Must Prioritize."

<sup>7</sup> Kanso, "State Leaders Must Prioritize."

## How We Do It

We recommend the following steps to invest in Georgia's families:

1. **Raise revenue:** Georgia has options to raise revenue instead of cutting services. Some of these options include increasing the tobacco tax to the national average, closing special interest loopholes and removing Georgia's "double deduction," an itemized tax break that is only available to a fraction of Georgia filers who earn an average of \$240,000 a year. These alternatives would allow Georgia to prioritize long-term recovery by investing in health, education, safety net programs and other key services.<sup>8</sup>
2. **Tap into Temporary Assistance for Needy Families (TANF) reserves:** We recommend allocating unobligated TANF reserve funds to provide limited emergency cash assistance to low-income families with children so they can pay rent as well as utility and other bills that would allow them to remain adequately housed. Due to the economic downturn spurred by COVID-19, families are in dire need of assistance. Georgia offers a bare bones level of cash assistance that has remained unchanged since 1996.<sup>9</sup> Far too often, TANF funds are used to plug holes in the budget, or millions of dollars in unobligated TANF reserves go unused.<sup>10</sup> Georgia is also one of 13 states that still use a TANF family cap, a rule that bars women receiving TANF funds from collecting additional benefits for a child born while she was already receiving cash assistance.<sup>11</sup>

<sup>8</sup> Danny Kanso, "Georgia Can't Afford Another Lost Decade: Options to Increase State Revenues to Close Budget Shortfalls," Georgia Budget & Policy Institute, May 11, 2020.

<sup>9</sup> Njoroge, *The Impact of Racism on Georgia's Safety Net*.

<sup>10</sup> Njoroge, *The Impact of Racism on Georgia's Safety Net*.

<sup>11</sup> Njoroge, *The Impact of Racism on Georgia's Safety Net*.



## Mental Health Care and Wellness

*“In a mental health crisis, people are more likely to encounter police than get medical help. As a result, 2 million people with mental illness are booked into jails each year. Nearly 15 percent of men and 30 percent of women booked into jails have a serious mental health condition. The vast majority of the individuals are not violent criminals — most people in jails have not yet gone to trial, so they are not yet convicted of a crime.”*

—National Alliance on Mental Illness, Jailing People with Mental Illness<sup>12</sup>

As of 2019, Georgia ranks 47 out of 50 states for access to mental health care, resources and insurance, according to Mental Health America of Georgia.<sup>13</sup> The criminal justice system is too often used as a first-line response for the mentally ill. In Georgia, jails have inadvertently started to function as the largest provider of comprehensive mental health services in the state, offering intake assessment, separate housing facilities and special programs, including voluntary group therapy sessions for inmates.

In Georgia, about 244,000 adults (3.4 percent of all adults per year from 2009 to 2013) had serious mental illness (SMI) during the year prior to being surveyed, according to the Georgia Department of Behavioral Health and Developmental Disabilities and Chatham County Safety Net Planning Council, Inc.’s Behavioral Health 2014 Baseline report.<sup>14</sup> About 476,000 adults with any mental illness (AMI) (38.9 percent of all adults with AMI per year from 2009 to 2013) received mental health treatment or counseling during the year prior to being surveyed.

In this state, an individual with SMI has a 1 in 5 chance of ending up in prison instead of a hospital.<sup>15</sup> There are three times as many mentally ill people in jails and prisons than in hospitals specializing in mental health care in Georgia,

as states across the nation close them, according to the Treatment Advocacy Center.<sup>16</sup> The number of beds in specialty facilities has dwindled to only 10 beds per 100,000 residents, while the number of incarcerated mentally ill people continues to rise.

About 25 percent of the inmates in the state’s prisons require psychiatric medications, according to Georgia’s Department of Corrections, while 48 percent of the inmates in the state’s jails receive medication for mental illness.<sup>17</sup> Many of the jails are served by Wellpath, formerly known as Correct Care Solutions, which provides behavioral health, residential treatment and related services on behalf of public entities.

COVID-19’s toll on the overall mental health of our communities is likely to deepen. The pandemic has again brought to light longstanding inequalities in our society, with our most marginalized populations, including Black, low-income, disabled and young people, continuing to bear the pandemic’s brunt.<sup>18</sup> Amid rising death rates, widespread unemployment, housing instability, higher overdose rates and more, the pandemic has led to a 1,000 percent increase in texts to the federal government’s mental health hotline in the month of April.<sup>19,20</sup> With Americans current-

12 “Jailing People With Mental Illness,” National Alliance on Mental Illness, accessed October 15, 2020.

13 “Mental Illness in Georgia,” Mental Health America of Georgia, accessed October 15, 2020.

14 Georgia Department of Behavioral Health and Developmental Disabilities et. al., *Behavioral Health: 2014 Baseline Evaluation* (Savannah, Ga.: Georgia Department of Behavioral Health and Developmental Disabilities and Chatham County Safety Net Planning Council, Inc., n.d.).

15 Georgia Department of Behavioral Health and Developmental Disabilities et. al., *Behavioral Health: 2014 Baseline Evaluation*.

16 Sandy Hodson, “Georgia Struggles to Aid Mentally Ill Behind Bars,” *Augusta Chronicle*, October 21, 2018.

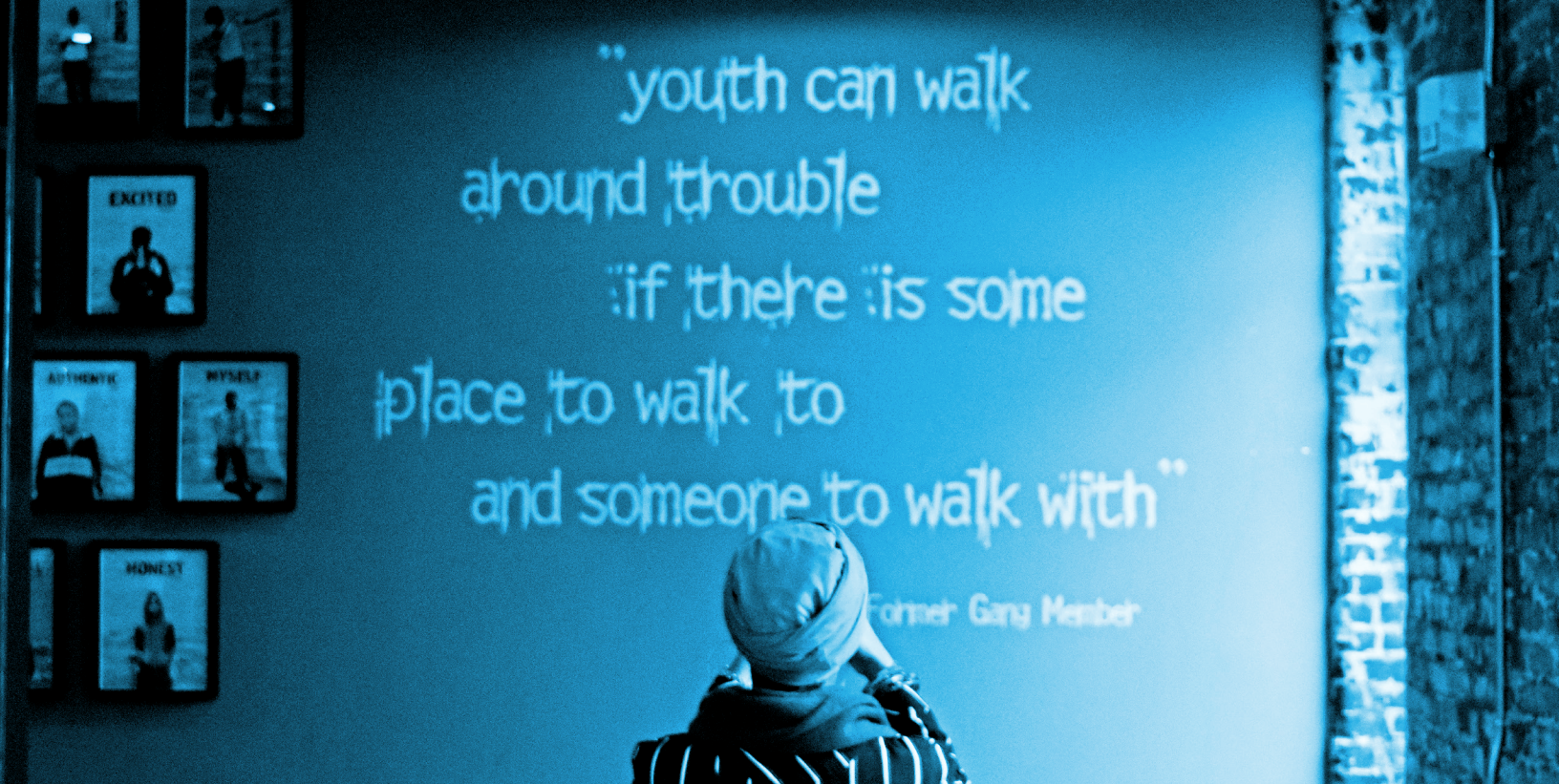
17 Hodson, “Georgia Struggles to Aid Mentally Ill Behind Bars.”

18 Neeta Kantamneni, “The Impact of the COVID-19 Pandemic on Marginalized Populations in the United States: A Research Agenda,” *Journal of Vocational Behavior*, Vol. 119.

19 Aliese Alter and Christopher Yeager, “COVID-19 Impact on US National Overdose Crisis” (Baltimore, Md.: University of Baltimore Center for Drug Policy and Enforcement, 2020).

20 Paige Winfield Cunningham and Paulina Firozi, “The Health 202: Texts to Federal Government Mental Health Hotline Up Roughly 1,000 percent,” *Washington Post*, May 4, 2020.





ly saying their mental health is suffering more than their physical health, we must take steps to ensure that social and emotional wellbeing are not treated as afterthoughts.<sup>21</sup>

The state's shrunken FY2021 budget, especially for mental health services, will make this task difficult.<sup>22</sup> Among the cuts: \$22.7 million for child and adolescent mental health services, including prevention programs, supported education, and employment services; \$7.2 million for adult mental health services, including core behavioral health services, peer workforce training and services and housing vouchers for people with mental illnesses; and \$91 million for the Department of Behavioral Health and Developmental Disabilities.<sup>23</sup>

The repercussions of these budget cuts have already started to ripple across Georgia, with preliminary studies showing that young people report suffering from mental health issues at higher rates than their elders.<sup>24</sup> Of particular concern is young people in high school, who were already burdened by a school district with only 23 social workers shared across 57 schools, resulting in a woefully low 1:1,656 social worker to student ratio.<sup>25</sup>

To ensure we are not sending vulnerable people to a youth detention center or to jail to receive much-needed mental health services, every child, youth, adult and family should receive mental health and substance use prevention, early identification, treatment and long-term support, regardless of how and where the person enters the health care system. To accomplish this, clinicians, educators, community leaders and city and county officials must deepen cooperation.

Chatham County has recognized the pervasiveness of behavioral health issues in our community, the stresses it puts on local systems and the need to build additional capacity for mental health and addiction services. In 2014, the county contracted with the Coastal Georgia Indicators Coalition, Inc. (CGIC), a group of community members and advocates working together in a comprehensive, coordinated approach to develop a community-wide long-range strategic plan for Chatham County.<sup>26</sup> To date, much has been accomplished. However, given the pressures caused by the pandemic, unemployment, reduced state budgets and more, there is still much to be done.

21 Megan Brennan, "Americans Say COVID-19 Hurting Mental Health Most," Gallup, April 15, 2020.

22 Welch, "House and Senate Approve Georgia's FY 2021 Budget."

23 Welch, "House and Senate Approve Georgia's FY 2021 Budget."

24 Brennan, "Americans Say COVID-19 Hurting Mental Health Most."

25 Dare Dukes, Raphael Eissa, Coco Papy and Kate Blair, *Our Stories Are the Evidence: Youth-Powered Policy Recommendations for a More Equitable Savannah* (Savannah, Ga.: Deep Center, 2019).

26 Georgia Department of Behavioral Health and Developmental Disabilities et. al., *Behavioral Health: 2014 Baseline Evaluation*.



## 8

# Establish a Dedicated Pipeline for BIPOC Mental Health Care Workers in Savannah and Chatham County

### TYPE OF REFORM: **Administrative/County**

Chatham County is one community and many communities at the same time. The communities that comprise the whole are expansive, diverse and wholly unique in their experiences. The county's racial makeup is 52.8 percent white, 40.1 percent Black or African American, 5.4 percent Hispanic or Latino, 2.4 percent Asian, 0.3 percent American Indian, 0.1 percent Pacific islander, 2.2 percent from other races and 2.1 percent from two or more races, according to U.S. Census data.<sup>1</sup>

The United States has about 100,000 licensed therapists, 86 percent of which are white, the American Psychological Association says. This is a far cry from diverse representation, as 62 percent of the U.S. population is white and 38 percent hails from some other racial and ethnic minority.<sup>2,3</sup>

We must recognize that while the experience of being Black in America varies tremendously, there are shared cultural factors that play a role in defining mental health

and supporting wellbeing, resiliency and healing in the face of harmful systemic racism.

Black adults in the United States are more likely than white adults to report persistent symptoms of emotional distress, such as sadness, hopelessness and feeling like everything is an effort, according to the National Alliance on Mental Health (NAMI) and the Health and Human Services Office of Minority Health.<sup>4,5</sup> Black adults living below the poverty line are more than twice as likely to report serious psychological distress versus those living above the poverty line.<sup>6</sup>

The American Psychiatric Association reports that only 1 in 3 Black Americans who need mental health care actually receive it. This disparity is not because Black Americans are more prone to mental health issues. Rather, it is because mental health issues are a direct consequence of historical institutional discrimination, marginalization and socioeconomic disparities such as homelessness, pov-

1 "Quick Facts: Chatham County, Georgia," U.S. Census Bureau, accessed October 15, 2020.

2 Luona Lin, MPP, Karen Stamm, Ph.D., and Peggy Christidis, Ph.D., "How Diverse is the Psychology Workforce?" American Psychological Association, February 2018.

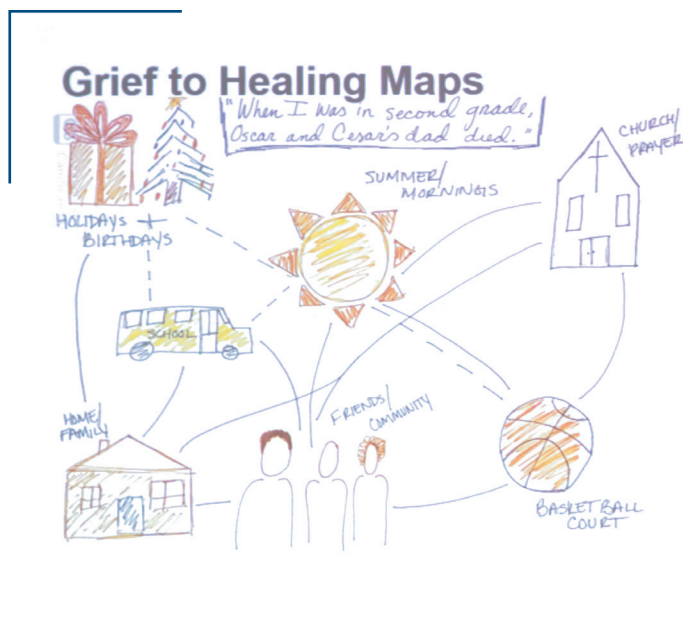
3 Justin Barton, "This App Matches People of Color with a Therapist Who Shares a Similar Background," Black Enterprise, December 20, 2019.

4 "Mental and Behavioral Health-African Americans," U.S. Department of Health and Human Services, Office of Minority Health, accessed October 15, 2020.

5 "Black/African American," National Alliance on Mental Illness, accessed October 15, 2020.

6 "Black/African American," National Alliance on Mental Illness.





- **Challenges or Triggers:** Draw three to five locations on the map that represent different items, experiences, or moments that trigger negative emotions.
- **Identify Systems:** Draw a dotted line to each trigger identifying the systems responsible for the trauma or negative emotions.
- **Support:** Draw three to five locations on the map representing experiences that support you in your healing process.
- **Visualize healing supports:** Draw a solid line from each of the three to five trigger points and link to representations of things that support.

erty, incarceration and substance abuse.<sup>7</sup> Furthermore, these issues are aggravated by white therapists and practitioners who lack cultural competency or the intimate framework of what it means to be Black in America, resulting in negative implicit racial biases, microaggressions, disproportionate misdiagnoses, low quality mental health treatment and increased disability among people of color, especially Black/African-American individuals.<sup>8,9,10,11,12</sup>

Black mental health providers, who are known to give more appropriate and effective care to Black and African Americans seeking help, make up a very small portion of the behavioral health provider workforce, according to Mental Health America.<sup>13</sup> Due to the biases of the majority of providers and the small number of effective Black providers, Black and African American people are more likely to experience chronic and persistent, rather than episodic, mental health conditions.<sup>14</sup> There is hope for recovery. As

light is shed on these issues, the public will hold policy-makers accountable for developing better health systems that eliminate inequities in mental health services.<sup>15</sup>

## How We Do It

### 1. Create a network for Black/POC providers:

This recommendation serves as a call better to recruit, train and keep Black mental health practitioners and therapists in Chatham County's mental health networks. The Chatham County Network could serve as one hub of the larger pipeline and base its practices off of established networks like the National Queer and Trans Therapists of Color Network, Ayana, Black Emotional and Mental Health, the Boris Lawrence Henson Foundation, all of which, along with other organizations, provide intentional dedicated resources for mental health providers, programs that serve the Black community and focused outreach to Black communities.<sup>16,17,18,19</sup>

7 Gemima St. Louis, Ph.D., "Leveling the Mental Health Counseling Racial Playing Field," *Psychology Today*, February 28, 2018.

8 Brian D. Smedley, Adrienne Y. Stith, Alan R. Nelson, eds. *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care* (Washington, D.C.: National Academies Press, 2002).

9 Michael F. Hogan, Ph.D., "New Freedom Commission Report: The President's New Freedom Commission: Recommendations to Transform Mental Health Care in America," *Psychiatry Online*, Vol. 54, Issue 11 (November 2003).

10 St. Louis, "Leveling the Mental Health Counseling Racial Playing Field."

11 St. Louis, "Leveling the Mental Health Counseling Racial Playing Field."

12 "Black and African American Communities and Mental Health," Mental Health America, accessed October 15, 2020.

13 "Black and African American Communities and Mental Health," Mental Health America.

14 "Black and African American Communities and Mental Health," Mental Health America.

15 "Black and African American Communities and Mental Health," Mental Health America.

16 "Homepage," National Queer and Trans Therapists of Color Network, accessed October 15, 2020.

17 "Homepage," Ayana, accessed October 15, 2020, <https://www.ayanatherapy.com/>.

18 "Homepage," BEAM (Black Emotional and Mental Health Collective), accessed October 15, 2020.

19 "Homepage," Boris Lawrence Henson Foundation, accessed October 15, 2020.



## 9 Support and Expand the Georgia Apex Program

TYPE OF REFORM: **County and State**



The Georgia Apex Program (APEX), funded by the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD), strives to build capacity and increase access to mental health services for school-aged youth, pre-kindergarten to 12th grade, throughout the state. In 2019-2020, the Georgia APEX Program was rolled out in six schools: Brock Elementary, Haven Elementary, Largo-Tibet Elementary, Low Elementary, Hubert Middle, Mercer Middle and Beach High.

SCCPSS Superintendent Dr. Ann Levett has made mental health care for students and training for staff a priority. Under her leadership, SCCPSS has significantly increased access to mental health care for students and increased training to staff to identify and address mental health concerns. They have also added partnerships with the Curtis V. Cooper Mobile Clinic, the Front Porch and the Georgia APEX Program.

Regarding statewide assets, the Georgia APEX Program

released its three-year findings in 2018, reporting that in its first three years, from August 2015 to June 2018, the program served 8,705 students statewide who had not previously received mental health services.<sup>1</sup>

Furthermore, APEX indicated that 85 percent of participating schools sustained community partnerships over the three years and 88 percent of the schools utilized school-wide mental health prevention initiatives that not only promoted student wellbeing but also parent and staff education.<sup>2</sup>

While APEX is in six schools, referrals substantially decreased during the first few months of the COVID-19 pandemic. Some agencies have seen increases in referrals, but most are related to health care, not mental health. COVID-19 has made it increasingly easy to drop the ball on student mental health care. When school is virtual, it is difficult for teachers to connect with students in more than a superficial way and to identify when there are problems that need to be referred to counselors or social workers.

<sup>1</sup> "Georgia Apex Program Releases Year 3 Findings," Georgia State University, Georgia Health Policy Center, Andrew Young School of Policy Studies, March 4, 2019.

<sup>2</sup> "Georgia Apex Program Releases Year 3 Findings," Georgia State University, Georgia Health Policy Center, Andrew Young School of Policy Studies.



## How We Do It:

We recommend the following actions to better utilize and expand the Georgia APEX Program:

**1. Reallocate budget funding for School Resource Officers (SRO) into mental health services over a two-year commitment:** As of May 2020, SCCPSS employed a total of 42 SROs across the district, including Building Bridges. Data from the Justice Policy Institute shows that the expansion of SROs is a failed approach that, despite significant funding, has not enhanced school safety as intended.<sup>3</sup> Furthermore, the increase in the presence of law enforcement in schools, especially in the form of SROs, has coincided with increases in referrals to the justice system, especially for minor offenses like disorderly conduct.<sup>4</sup> These punitive actions cause lasting harm to youth, as arrests and referrals to the juvenile justice system disrupt the educational process and can lead to suspension, expulsion or other alienation from school.<sup>5</sup> We believe SRO programs, as we know them today, must be scrutinized. We recommend that SRO budgetary funding be reallocated to increase the number of social workers and counselors in accordance with the recommendations of the National Association of Social Workers (NASW) and the American School Counselor Association. Most importantly, we recommend the expansion of the Georgia APEX Program, so that all SCCPSS schools can obtain mental health support.

**2. Increase the number of social workers:** NASW recommends that social work services in schools should be provided at a ratio of one social worker for every 250 general education students. When a social worker is providing services to students with intensive needs, a lower ratio, such as 1:50, is suggested.<sup>6</sup> The ASCA recommends one counselor for every 250 students.<sup>7</sup>

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<sup>3</sup> Amanda Petteruti, *Education Under Arrest: The Case Against Police in Schools* (Washington, D.C.: Justice Policy Institute, 2011).

<sup>4</sup> Petteruti, *Education Under Arrest*.

<sup>5</sup> Petteruti, *Education Under Arrest*.

<sup>6</sup> National Association of Social Workers, "NASW Highlights the Growing Need for School Social Workers to Prevent School Violence," March 27, 2019.

<sup>7</sup> National Association for College Admission Counseling et. al., *State-By-State Student-to-Counselor Ratio Report: 10-Year Trends* (Arlington, Va.: National Association for College Admission Counseling and the American School Counselor Association, 2015).







## 10 Establish an External Crisis Team to Aid Law Enforcement

TYPE OF REFORM: **City and County**

*"Cities have been working on local, alternative approaches to issues cops seem least equipped to deal with, including mental health crises, homelessness, traffic issues, drugs and sex work. Some have tried turning the response over to trained specialists who aren't carrying guns. Others have the specialists riding along with the cops. The difficulty in policing is that we use a one-size-fits-all model. Police just aren't trained to do a lot of the things they end up doing. They are trained for force and law. So you get force-and-law results."*

—Barry Friedman, New York University's Policing Project

Across the nation, cities and counties are recognizing that the most vulnerable among us are being locked up and that police are being asked, even expected, to serve as social workers, crisis counselors and resource providers. For far too long, as Barry Friedman notes, we have relied on the police as a one-size-fits-all solution for a broad spectrum of problems, ranging from homelessness and poverty to mental illness and addiction, that they simply cannot and should not be held single-handedly responsible for addressing and responding to.

Both the City of Savannah and Chatham County have taken steps towards meeting the mental health care crisis head on and filling the gap with professionals who can help. Chatham County has established *Breaking the Cycle*, which works to create a Criminal Justice Advisory Council to articulate recommendations for policy, programming and budget allocations. *Breaking the Cycle* is a coordinated, cross-systems collaborative initiative working to increase public safety, effectively use limited resources and align people on a path to recovery through improved



collaboration among criminal justice stakeholders, mental health and substance abuse treatment providers, policy-makers and clients.

The City of Savannah has reintroduced the Community Service Officer Program.<sup>1</sup> Community Service Officers (CSO) are non-sworn SPD staff members who can respond to non-emergency calls and field reports. They assist sworn officers in a non-emergency capacity and respond to calls, such as entering automobiles, criminal damage to property, non-violent misdemeanors and civil matters. They are not equipped with duty weapons. Sgt. Dana Purvis coordinated the revamping of this program after it was disbanded in 2017.

The SPD is also piloting a Behavioral Unit, based on the Law Enforcement Assisted Diversion (LEAD) model practiced in Santa Fe, New Mexico.<sup>2</sup> The LEAD model is a public safety program in which police officers exercise their discretionary authority to divert individuals suspected of low-level, nonviolent crimes driven by unmet behavioral health needs to community-based health services instead of arresting, jailing and prosecuting them. In lieu of an arrest for a low-level, nonviolent drug-related crime, individuals are referred by law enforcement to a trauma-informed case management program, where the individual receives a wide range of support services.

The Savannah unit will consist of two non-uniformed SPD officers and a licensed clinician who will accompany officers in their vehicle two days a week. The clinician will also be available by phone or tele-medicine if he or she is not physically present. The unit will respond to calls that indicate possible opioid or substance abuse, suicide, mental health disorders, homelessness, and disorderly conduct.

The goal of this program is twofold: first to decriminalize substance abuse and mental health and reduce the number of individuals entering the criminal justice system when alternative programs could address the underlying roots of the issue, and second, to stop the cycle of arrest, prosecution and incarceration by addressing issues such as addiction, untreated mental illness, homelessness and poverty through a public health framework that reduces reliance on the criminal justice system.

Rooted in a harm-reduction approach, LEAD incorporates measures such as health, employment and overall wellbeing, and does not require abstinence. For instance, individuals cannot be sanctioned for drug use or drug relapse. Rather, the program is based on the belief that drug misuse is a complex problem, and people need to be reached where they currently are in their lives. Santa Fe's LEAD program costs \$9,507 per individual over three years, compared to an average \$42,000 per individual in the criminal justice system.

1 Savannah Police Department, "SPD Introduces Revamped Community Service Officer Program," September 4, 2020.

2 Savannah Police Department, "SPD Creates Behavioral Health Unit to Assist in Police Response," September 28, 2020.



Programs that take police out of the equation when someone is in a crisis related to mental health, substance abuse, homelessness and domestic disturbance have been proven to keep the distressed person and others safer. In fact, the American Preventative Journal of Medicine's 2016 study *Deaths Due to Use of Lethal Force by Law Enforcement* estimated that 20-50 percent of fatal encounters with law enforcement involved someone with a mental illness.<sup>3</sup> In situations in which these social issues are present or behaviors driven by poor mental health can escalate, the use of force is often disproportionate and can result in an excessive use of force, criminalization and even death.

While many models besides Santa Fe's LEAD program exist — among them, CAHOOTS and Mobile Crisis Outreach Team (EMCOT) — the general practice is: Calls are received on the police non-emergency number, on the "911" system, or on both. If the case has a mental or behavioral health component or a social service need — and does not seem to involve a legal issue, risk to the person or the extreme threat of violence that would require law enforcement — the individual is routed to an external non-police force crisis team comprising a medic and a crisis worker. This team assesses the situation and assists the individual — if necessary, by helping them obtain a higher level of care or necessary service.

## How We Do It

The following recommendations are designed to help establish an External Crisis Team outside law enforcement:

- 1. Collaborate on an External Crisis Intervention Program:** The City of Savannah and Chatham County should collaborate on establishing a CAHOOTS-style crisis intervention program and obtaining seed funding for it. The program is evidence-based, public health-focused and relies on trauma-informed de-escalation and harm reduction. It would reduce calls to police, avert harmful "arrest-release-repeat" cycles and prevent violent police encounters. We recommend

this program be housed outside both police departments, although the departments — along with service providers, governments and nonprofits — should be active partners in the program's success. The Emergency Crisis Intervention Program should also work with the Georgia Department of Behavioral Health and Developmental Disabilities' Assertive Community Treatment (ACT) the Georgia Crisis and Access Line (GCAL) and other already established agencies.<sup>4, 5</sup>

- 2. Establish a behavioral health unit within the Chatham County Police Department:** Like the City of Savannah, CCPD should establish a public safety program in which police officers have discretionary authority to direct individuals suspected of low-level, nonviolent crimes — driven by unmet behavioral health needs — to community-based health services instead of arresting, jailing and prosecuting them.
- 3. Establish a response policy:** We recommend the SPD and CCPD establish a response policy to health calls, so there is a clear and defined protocol on how all jurisdictions should respond to those types of calls.
- 4. Train all law enforcement in Crisis Intervention Teams (CIT) and Enhanced Crisis Intervention Teams (ECIT) within six months of hire:** We recommend SPD and CCPD officers be required to undergo training in CIT and ECIT techniques within six months of being hired. Furthermore, we encourage new officers to be introduced to the mental/behavioral health providers in the community who can provide support. As of fall 2020, SPD began certifying all officers in CIT training. Currently, 70 percent of the force is certified. A total of four SPD supervisors and 26 officers, including both BHU officers, as well as officers and supervisors at Savannah-area law enforcement agencies, have an advanced level of CIT training and are certified ECIT officers.<sup>6</sup>

3 Sarah DeGue, Ph.D., Katherine A. Fowler, Ph.D., Cynthia Calkins, Ph.D., "Deaths Due to Use of Lethal Force by Law Enforcement: Findings From the National Violent Death Reporting System, 17 U.S. States, 2009–2012," *American Journal of Preventive Medicine*, Vol. 51, Issue 5, Supplement 3.

4 "Assertive Community Treatment," Georgia Department of Behavioral Health and Developmental Disabilities, accessed October 15, 2020.

5 "Georgia Crisis and Access Line (GCAL)," The Georgia Collaborative ASO and the Georgia Department of Behavioral Health and Developmental Disabilities, accessed October 15, 2020.

6 Savannah Police Department, "SPD Creates Behavioral Health Unit to Assist in Police Response."



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