



Deep

BOUND UP IN EACH OTHER

POLICY RECOMMENDATIONS FOR OUR
COLLECTIVE, PUBLIC, AND MORAL INVESTMENT
PART OF THE BUILDING A RESTORATIVE COMMUNITY SERIES



*We dedicate Bound Up in Each Other:
Policy Recommendations for Our
Collective, Public, and Moral Investment
to the life and work of Marissa McCall
Dodson*

When Deep Center's work in policy and systems-change were still nascent ideas, we met Marissa and heeded her voice, leadership, and wisdom. From then until her untimely death in May of 2021, Marissa was an ever-present force in the evolution of Deep's work. She continues to sustain, enlighten and inspire us.

She influenced both the small and large decisions we make on how to envision policies that can best serve the most vulnerable of Chatham County and across Georgia. Of all of the many regional and national experts we engage in our policy briefs and advocacy efforts, she was one of the strongest influences in that brain trust, second only to the voices of the youth and families we work with.

This brief is dedicated to Marissa and the work she advanced as public policy director at the Southern Center for Human Rights in Atlanta.

EXECUTIVE SUMMARY

“We are all bound up together in one great bundle of humanity, and society cannot trample on the weakest and feeblest of its members without receiving the curse in its own soul.”

—Ellen Watkins Harper

“...When a nation founded on the belief in racial hierarchy truly rejects that belief then and only then will we have discovered a new world. That is our destiny. To make it manifest, we must challenge ourselves to live our lives in solidarity across color, origin, and class. We must demand changes to the rules in order to disrupt the very notion that those who have more money are worth more in our democracy and our economy. Since this country’s founding, we have not allowed our diversity to be our superpower and the result is that the United States is not more than the sum of its disparate parts. But it could be. And if it were, all of us would prosper.”

—Heather McGhee,

“The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together”

The events of 2021 and 2020 have altered the state of our communities forever. The public health crisis set off by COVID-19 has led not only to more than 714,000 deaths nationwide and counting. It has also cast a glaring light on the fragility of our social safety net and exposed how systematically under-resourced communities suffer in especially horrific ways in such a crisis. It has served as a blunt reminder of how our criminal justice system is far too burdensome, far too expensive, and far too punitive. Finally—and most tragically—the convulsions of the past two years have reminded us how perversely lives are judged in a crisis, how the most vulnerable among us are the first to suffer in a crisis and the last to be helped.

In no way, shape, or form are the structural inequities laid bare by COVID-19 new. Rather, the pandemic has brought awareness of them to a much larger swath of the nation’s 330 million people, calling attention to the long-standing systemic biases that disproportionately grind down and destroy rural, low-income, and low-resourced communities, as well as BIPOC (Black, Indigenous, and People of Color) communities (see glossary). Furthermore, the pandemic has unmasked the public health risk, the fiscal burden, and the injustice caused by outmoded or burdensome policy, and demonstrated starkly how the punitive policies and practices of our nation’s criminal legal system have become untenable.¹ These systemic flaws, added to the burdens faced by communities still reckoning with the legacies of racism,

¹ Aaron Stagoff-Belfort, Insha Rahman and Clinique Chapman, “Vaccine Hesitancy is Fueling the Pandemic in Jails, Prisons, and Communities, Vera Institute of Justice, Feb. 26, 2021, <https://www.vera.org/blog/vaccine-hesitancy-is-fueling-the-pandemic-in-jails-prisons-and-communities>.

sexism, and classism have brought us to this precarious moment in which our vision of thriving, wholehearted and mutually beneficial communities is imperiled.

“It shouldn’t be like this. Moreover, it doesn’t have to be like this.”

— Savannah Mayor Van Johnson, remarks on the COVID-19 crisis, 2021

Despite the suffering that the pandemic has wreaked on the lives of so many, it also has buoyed our hopes that policymakers, elected leaders, and others who serve in the systems and institutions that make up our communities *can—and should—do things differently.*

In many ways, they already are. Government measures and laws that before the pandemic were written off as “too partisan,” “too unrealistic,” or “too naive” became not only lifesaving as the virus spread, but templates for permanent policy changes. There was, for instance, the decision by Chatham County Sheriff John Wilcher to empty the county jail of around 300 people held on misdemeanors, bond, or were coded as medically vulnerable. We saw police officers citing and releasing the accused rather than booking them into jail. Other measures brought on by the pandemic saw judges holding court hearings virtually and issuing Signature or OR (Own Recognizance) bonds more frequently instead of relying on cash bail or bond. Traditionally seen as “too progressive,” such measures have long been championed by advocates to improve safety in our communities, promote better fiscal policy and end mass incarceration. These decisions are laudable and should be held as examples of not only our community putting forth best practices, but decisions that reflect the will of local leaders to move towards change.

This change could only build on progress already happening. The District Attorney has partnered with the Georgia Innocence Project, Feed the Hungry, and The Vera Institute of Justice, in efforts to promote a fairer, more transparent office that is ushering in a new era of prosecutorial reform. Our juvenile court judges continue embracing restorative justice, data-sharing, and collaboration with community organizations, with numbers of court-involved youth trending downwards. The work of The Front Porch, the city-county youth diversion center, continues into year three having served 700 youth. In June of 2021, the Chatham County commission pledged to dedicate American Rescue Plan Act funds to tackling

the considerable jail backlog of those sitting without trial for more than 1,000 days. The Behavioral Health Unit in its pilot year had a total of 173 interactions from September 2020 to September 2021, 16 of which only ended in arrest. The Mediation Center is taking steps to be the primary organization to help roll out the CURE Violence program in the City of Savannah. Gateway received funding to create wrap-around services for those being released from Chatham County Detention Center and/or individuals who are at risk of arrest and also experiencing behavioral health needs. Chatham County was named a Stepping Up Innovator County, a designation given to counties who are effectively diverting people with mental and behavioral health issues from jail and instead connecting them to services. The Savannah Chatham County Public School System not only continued a downward trend in the number of referrals to juvenile court, but is actively addressing how discipline can look different as policy and cultural change, have partnered with organizations like Loop It Up to help students learn tools for emotional self-regulation, with Deep Center to help build restorative practices at specific school sites, and established a district restorative committee that is dedicated to creating new policies and practices for on the ground staff. Lastly, in response to the tragic murder of Ahmaud Arbery, in May of 2021, Governor Kemp signed House Bill 479, which overhauled Georgia’s citizen’s arrest statute and made Georgia the first state in the nation to overturn the Civil War-era legislation.

Change is happening.

What may turn out to be a watershed moment both locally and nationally has accelerated the pace and magnified the urgency of Deep’s systems-change work. COVID-19 continues to sweep across the U.S. and around the world, profoundly changing how communities, institutions, businesses, and families function, including our own. Our workshops look different. Our understanding of systems, institutions, and policies must be navigated more extensively. Our decisions must be more laser-focused. Our conviction that yes, things can and should be different is stronger than ever. Indeed, in this moment of upheaval, “Things can and should be different” has become our credo and the guiding light of how we do this work, how we use our time, and how we expend our power.

We continue to urge more members of our community to engage in systems-change work while recognizing that policy processes and legislation at every level of government are not open or easily accessible and understandable. Though difficult, it is at this intersection where we seek to focus our work. At its heart, that work must be focused on people-created policies—in other words, policies that are driven by the words, experiences, and testimonies of our youth, their families, our community members, the formerly incarcerated and justice-impacted (see glossary), mental health workers, stakeholders, and actors in the justice systems who recognize the need for change.

In our previous policy brief, *Building a Restorative Community: Recommendations for City, County, State, School Board, Law Enforcement and Beyond*, Deep called for the City of Savannah and Chatham County to join in declaring our community a “Restorative Community” and to implement reformative and transformative policies that would make that dream a reality.² We echo that call and again urge our young people, our village, our community, our policymakers, and our elected officials to treat as their most urgent priority the need to demand, create and sustain services, policies and legislation that focus on the restoration of our neighborhoods and the necessity for accountability. We insist that progress in realizing this vision is not a zero-sum game in which one group wins and another loses. As the great Ellen Watkins Harper once said, “We are all bound up together in one great bundle of humanity, and society cannot trample on the weakest and feeblest of its members without receiving the curse in its own soul.”

It is this conviction that serves as our North Star and a reminder that in the throes of our pandemic-shaken world, it is more crucial than ever that we recognize how much our fates are intertwined, no matter how different the circumstances of our individual lives happen to be.

There is no getting around it. A jail backlog impacts even those who sit the farthest away from the criminal justice system. Whether a young person is treated as a child within the courts and school system determines what kind of workforce is available to our communities. How much priority a community assigns to affordable housing will dictate whether landlords rent to citizens returning from incarceration. What data that state, county, and local authorities decide to collect and make available to the public will decide how complete a story we can tell about the 4.2 million Georgians—over one-third of the state’s population—who have a criminal record.³ This means that those ensnared in the criminal justice system are neither strangers nor statistics; they are our neighbors, our family, our community. In short, they are us.

Clearly, that “us” is far from monolithic. It must not go unsaid that discriminatory criminal justice policies and practices at all levels of the system have unjustly disadvantaged Black people, and that historical ground is still rooted right here at home. In 2015, Black people made up 51% of Georgia’s jail population, and in 2016 they made up 60% of its prison population, even though they represented 32% of the state’s population.⁴ Georgia still has the fourth-highest incarceration rate in the U.S., according to figures compiled by the World Population Review.⁵ The Georgia Department of Corrections Inmate Statistical Profile does show minor decreases in yearly trends from 2015 and on, but overall, there are still high numbers and racial disparities for us to grapple with.⁶

Both these gains and systemic boulders are apparent at the microlevel in Chatham County as well. The tireless efforts of our juvenile court judges have begun to dramatically decrease the accessed number of youth involved in some way in the court system in Chatham, where up until the past few years exceeded many of Georgia’s 158 other counties, pacing alongside Fulton, Gwinnett, and Dekalb in metropolitan Atlanta.⁷ The county had one of the highest numbers of formerly incarcerated people

² “Building a Restorative Community: Recommendations for City, County, State, School Board, Law Enforcement and Beyond,” Deep Center, November 2020, https://www.deepcenter.org/deepcenter/wp-content/uploads/2020/11/2020-Deep-Policy-Brief-FINAL_digital-1.pdf.

³ “Criminal Records Approach,” Georgia Justice Project, accessed Oct. 9, 2021, <https://www.gjp.org/programs/criminal-records>.

⁴ “Incarceration Trends in Georgia,” Vera Institute for Justice, December 2019, <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-georgia.pdf>.

⁵ “Prison Population by State 2021,” *World Population Review*, accessed Oct. 9, 2021, <https://worldpopulationreview.com/state-rankings/prison-population-by-state>.

⁶ “State Inmate Statistical Profile,” Georgia Department of Corrections, accessed January 2021. http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_inmate_releases_CY2020.pdf

⁷ “Disproportionate Minority Contact in Georgia’s Juvenile Justice System,” Criminal Justice Coordinating Council, State of Georgia, accessed March 2018, <https://cjcc.georgia.gov/about-sac/current-and-recently-concluded-research>.

returning home in Georgia and also spent \$71 million in taxpayer dollars to expand its jail to 2,360 beds.⁸ 1,125 people were detained pretrial on a typical day in 2020, the majority reflecting the same disproportionate racial impact, yet these numbers again pointed to a downward five-year trend.⁹ The tension we walk between real gains and real work to do is ever present.

Ours is a community that has historically been undermined by the lack of resources, by over-policing, by overcriminalization, by years of policy decisions that have prevented us from truly thriving, even as current policymakers and citizens have begun to intentionally swing the pendulum in the opposite direction and effectively address years of choices that have brought us to this point. This problem is not the fault of one person or one community; it is all of ours. No single decision or decision-maker in a local justice system determines who fills the local jail, just as no single decision or decision maker is responsible for our situation as a whole. We are *all* responsible for charting a new course.

Now more than ever, a new course is imperative. We find ourselves in a political climate that politicians and some in the media seek to cynically exploit for a statistical rise in some crimes in some localities in the U.S. for political gain. Whipping up fears about crime and stirring racial resentment, especially among conservative voters, are timeworn political tactics that usually have produced “anti-crime” measures that do not address root causes of crime. Instead, they worsen problems and kneecap

bipartisan reforms that have proven successful and cost effective. In August, Gov. Brian Kemp provided a glimpse of the political climate to come. Vowing to use all the powers of the state to crack down on rising crime, he told the annual congressional luncheon of the Georgia Chamber of Commerce in August that, “if crime is rampant on the streets of your local community, businesses will look elsewhere, workforces will leave, visitors won’t show up and investment will stop.”¹⁰ The previous month, the governor told the Public Safety and Homeland Security Committee of the Georgia House that he would propose anti-crime legislation for lawmakers to consider during a special session set to convene November 3 and the regular session scheduled to start in early January.¹¹ Tough-on-crime narratives and raising alarms about imminent economic catastrophe can seem intoxicating to some but rarely amount to more than election messaging and partisan posturing. Municipal governments, social workers, courts, neighborhoods, families, and those directly impacted end up bearing the brunt of the missteps that ensue.

To chart a better course means leaving these easy and fear-based narratives behind, even while confronting the worst. This is a collective decision that will take leadership, vision, risk, and, ultimately, the residents of Savannah and Chatham County insisting that the city and county can—and must be—different.

8 Coco Papy, “Savannahians with criminal histories deserve same opportunities afforded other citizens,” *Savannah Morning News*, May 19, 2021, <https://www.savannahnow.com/story/opinion/2021/05/19/discrimination-housing-and-employment-practices-punish-those-criminal-records/5125604001>.

9 Mass Incarceration Begins and Ends in Our Backyards: Chatham County, Georgia,” Vera Institute for Justice, March 2021, https://drive.google.com/file/d/1VIHFN5uSHwfruQEORtbmAcciP_v0KL2h/view.

10 Greg Blustein, “Kemp to Georgia biz community: It’s time to get tough on crime,” *Atlanta Journal-Constitution*, Aug. 10, 2021, <https://www.ajc.com/politics/politics-blog/kemp-to-georgia-biz-community-its-time-to-get-tough-on-crime/CGELNJFLLNEJTC7KDQJGJYHAFU>.

11 Jeff Amy, “Georgia Gov. Brian Kemp: Anti-crime bills to be part of special session,” *Athens Banner-Herald*, July 21, 2021, <https://www.onlineathens.com/story/news/state/2021/07/21/georgia-gov-brian-kemp-anti-crime-bills-part-special-session/8041812002>.



OUR VISION

Our work is grounded in the demand for equity and justice, in a recognition of historical harms and in the conviction that repairing and healing those injuries is desperately needed. Our policy recommendations concern criminal and juvenile justice, law enforcement, housing, education, and health care. They fall under the following four categories aimed at rebuilding community health, safety, and power:

1) restorative justice 2) youth justice 3) village justice 4) budget justice.

Restorative Justice

1. Declare Chatham County and the City of Savannah Restorative Communities

Youth Justice

2. Raise the Juvenile Code Age in the State of Georgia
3. Ban Juvenile Life without Parole (JLWOP)
4. Turn toward Healing Schools

Village Justice

5. Reimagine the Misdemeanor System
6. Prioritize Housing Access

Budget Justice

7. Name the Problem: Data
8. Invest
9. Divest
10. Create a Mobile Justice Unit

These recommendations set forth what is possible and attempt to strike a balance between practical, attainable wins and visionary progress, which will take years. By any measure, there is a great amount of work to be done and to build on the work that has happened. These recommendations establish a strong vision based on the values of equity and justice, and could yield a handful of easy wins that put us more firmly on the path towards achieving that vision. If we can build the momentum and coalitions to undertake this work now, we can rethink not only what public safety, thriving communities, and investment in resources mean, but also establish—right here and right now—who has rightful access to the opportunity to truly thrive.

This policy brief is a vital part of Deep Center's work to create a more just and equitable community, a community that accounts for the long-running structural inequities that harm some members of our community while benefiting others. Our vision for a just and equitable Savannah calls for meeting all young people and families where they are, removing the barriers that hinder their success, accounting for historical systemic violence and theft of resources, and investing what is necessary to repair those harms and ensure everyone thrives.

Many of the more obsolete or outmoded policies currently on the books simply do not have to exist. It makes no difference whether we are incarcerated and in some other way directly affected by the justice system, or whether we realize how our tax dollars flow into the justice system. Nor does it even make any difference whether we do not experience the system firsthand and it exists more as commentary and theory. We all deserve better.

The systemic problems we face are neither inevitable nor irreversible. But to navigate a different path will take leadership, vision, risk, and ultimately the demand by the residents of Savannah and Chatham County that the way forward can and must be different, that we all deserve a more restorative community that seeks to value and rehabilitate more than punish and harm.

We do not pretend that this policy brief can correct history, provide all the answers, or give full credit to all of the work that serves as its foundation. Some of our recommendations, though the right thing to do, may be politically unpopular and therefore not without inherent risk, especially as we move closer to a political season in which fear mongering around “crime” has long been a proven tool by leaders who often have little else with which to lead. We also know that some of the initiatives described here are being advanced by many communities who deserve credit and platforming for their work.

At the same time, we are convinced that our community will not move forward unless we consider the range of what is possible, from the minutiae of what is already being undertaken elsewhere to what may appear too lofty. That is the tension we constantly balance in our policy work at Deep—celebrating and holding fast to the work that has been done in this community while reminding ourselves each day that we can—and must—do more. We refuse to point fingers at any one person, organization, or institution for the mistakes and failures that have brought us to this perilous juncture, just as we know that no one person, organization, or institution can carry us forward. Ultimately, this policy brief is part of an evolving road map, guiding us towards a just and equitable Savannah. It is the product of an inclusive process that mirrors the world we envision.



What We Mean by a “Restorative Community”

The concept of restorative justice offers alternatives to the sanctions typically used for discipline in schools and punishment in the criminal justice system. Traditional Western approaches to achieving justice generally view it through the lens of retribution. According to this logic, justice is served by penalizing the offender in a manner proportionate to the harm they have inflicted. While forms of discipline and retribution have changed over time and overt violence such as stockades and corporal punishment is more rare, the compulsion to punish harshly endures. Instead of physical retribution, the punishments we mete out are social, economic, or both. “Offenders” are removed from their homes, workplaces, schools and other communal spaces, then isolated and shamed to “pay the price” for their crimes. These actions do little to redress the initial offense. Worse yet, the focus on punishment often inflicts deeper and more lasting damage on communities overall. For example, those with access to generational wealth and resources may avoid some social punishments. Those without such access, however, often deplete what few material resources they have to cope with those punishments.

The notion of restorative justice is often narrowly defined to describe a conflict resolution process that enters play only after harm has occurred. While it is true that restorative justice models, whether based in schools or the criminal justice system, offer a more equitable and respectful alternative for addressing harm to the community, Deep encourages a more visionary understanding of restorative justice, one that better reflects the spirit of its origins.

To us, restorative justice is a proactive community-building strategy that places a priority on cultivating an environment of love, justice, and support—an atmosphere in which all members of a community feel valued, connected, and able to thrive. In this sense, restorative justice is not merely a set of protocols but fundamentally a *culture* that uproots the causes of harm before harm happens. When harm does occur, restorative justice responds by calling people into community, accountability, and deeper relationships. In contrast, the Western criminal justice model pushes the offenders out of the community and into carceral institutions, further damaging the community and making accountability all but impossible.

This understanding of restorative justice underlies Deep Center’s vision of a Restorative Community. It calls for using an equity lens to meet all young people and families where they are. It entails removing the barriers that hinder their success, accounting for historical systemic violence and theft of resources, and investing in what is necessary to repair those injustices to ensure everyone thrives. Fundamentally, a Restorative Community is an invitation to heal, to undo systemic harms and barriers, and to move forward toward a vision of collective well-being.

As this description of a Restorative Community suggests, our vision is both broad and deep. From this point forward it will serve as the basis of our policy recommendations. For this policy brief, we have chosen to focus on areas where we see the most possibility for meaningful change. Our recommendations fall under four categories, each aimed at rebuilding community health, safety, and power:

- 1) restorative justice
- 2) youth justice
- 3) village justice
- 4) budget justice.

RECOMMENDATIONS



Restorative Justice

“I would not call today’s verdict justice . . . because justice implies true restoration. But it is accountability, which is the first step towards justice, and now the cause of justice is in your hands.”

—Minnesota Attorney General Keith Ellison after a jury on April 20, 2021, found former police officer Derek Chauvin guilty of murder and manslaughter in the killing of George Floyd

1 Declare Chatham County and the City of Savannah Restorative Communities

TYPE OF REFORM: City and County

In our 2020 policy brief, Deep Center called on the City of Savannah and Chatham County to declare themselves Restorative Communities and to commit to the work of defining such a community. We begin the recommendations in our latest brief by again reframing our agenda through the lens of what we believe a Restorative Community to be. Our perspective focuses on root causes and actual cases. We seek not simply to apply band-aids to problems or to cast people from our community. Instead, we aim to recast prevailing notions about justice to restore and repair people, relationships, communities, neighborhoods, and the policies that shape our lives.

Rather than fixate on punishment, the Restorative Community seeks to understand and address the needs of those harmed and to hold those who inflict harm accountable to their community. It does so not by expelling them from the community and deeper into dehumanizing institutions but by calling them into the community. Just as the principles and values that underlie the prevailing punitive model of criminal justice are manifest in the policies, planning, and architecture of our cities, the tenets that animate a restorative model will undergird a new infrastructure in the service of peace.

How We Do It

In many ways, both the City of Savannah and Chatham County have embraced aspects of a Restorative Community, especially with the creation of Savannah Mayor Van Johnson’s citizen advisory boards that are dedicated to ensuring more equitable policy and practices. These panels include the Race and Equity Leadership Task force, Advocates for Restorative Communities, Housing Task Force, PROUD Savannah Taskforce, and Savannah CARES. For its part, Chatham County has created the Breaking the Cycle Committee and, under the umbrella of the Chatham County Blueprint, prioritized public health, justice reforms, and public safety.

We recommend building on this progress by:

- a. Declaring the City of Savannah and Chatham County a Restorative Community.** The City of Savannah and Chatham County should pass a resolution declaring the city and the county a Restorative Community and approve an action plan committing them to establish and enforce policies, ordinances, legislation, and administrative norms that focus on bottom-up solutions to the problems besetting the juvenile justice system in particular and the criminal justice system in general. A model resolution is included in this brief.

b. Establishing a Restorative Justice Commission.

The Restorative Community reimagines the role of justice, conceiving it first and foremost as the way we restore and repair people and relationships and our communities as a whole. Rather than centering the notion of justice on punishment, the Restorative Community seeks to understand those harmed and their needs and to hold those who have harmed accountable. Just as the principles and values of the prevailing model are reflected in the policies and practices of our municipal governments, the values of a Restorative Community would inspire a new infrastructure that better serves public safety. After declaring Savannah and Chatham County restorative communities, a Restorative Justice Commission should be created to examine the juvenile justice and criminal justice systems and to formulate bottom-up solutions to fix them. The commission would be a permanent body and serve the county and the city. The commission's work would center on devising policies and programs for rehabilitation and restoration, and would be composed of key stakeholders, including personnel from the justice system, community leaders, public health experts, members of the faith community, academics, meditation workers, educators, activists, and, initially, a third-party facilitator.

Once established, the commission would, over a three-month period, codify the vision, the values and the goals that will guide its work, as well as establish a structure best suited to achieve those goals.

Finally, the policies developed by the commission would have one-year, three-year and five-year timelines. Included in these recommended policies will be criteria and milestones for measuring progress in implementing them and their financial impact.



Youth Justice

*“boys with choppers
realizing that they are boys with dollars; from being 3/5ths
to this:
thrown away dreams of being an astronaut turned into dreams of becoming little more
than an educated,
forever have-not.
a branded individual:
Jean Valjean.
i’m not a number—
Jean.
i’m a man—
Valjean.
24601—
America,
i forgot my name.”*

—Ndey Niang, “No Longer Astronauts.” Savannah: A Tale of Two Cities. Two Stories.
One (Educational) Outcome

The criminal and juvenile justice system in America has cast a long shadow over young people, particularly BIPOC (Black, Indigenous, People of Color) youth and low-resourced youth. This is especially true in Georgia, where fear and politics combined nearly three decades ago to create the nation’s most punitive laws governing young offenders, foremost among them a statute that allows children as young as 13 to be prosecuted as adults for certain crimes, dubbed “deadly sins.” These laws still reverberate with devastating effect among our youth and in our communities, even though they embody views about child and adolescent development that have been widely rejected as archaic, regressive, and cruel.

It was in 1994 that Zell Miller, a conservative Democrat seeking another four-year term as governor, whipped up public fears about rising crime and juvenile offenders and proposed a comprehensive rewriting of Georgia’s juvenile justice laws. State legislators obeyed his call by drafting and passing a package of measures formally known as the “School Safety and Juvenile Justice Reform Act.”

Voters approved it, and Gov. Miller signed it into law in December of that year.

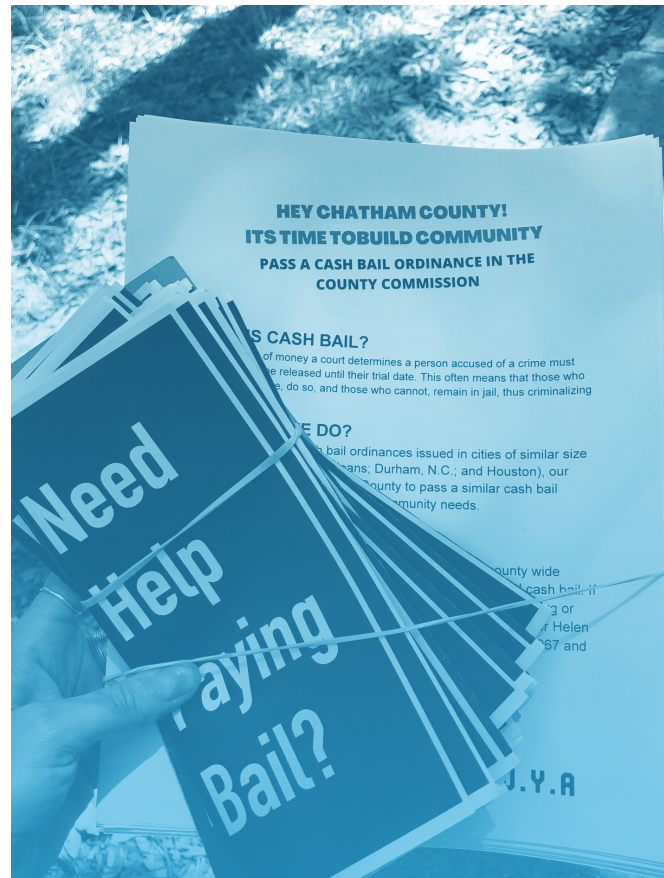
The act, which went into effect on Jan. 1, 1995, required that 17-year-olds be treated as adults in the criminal justice system. It permitted the solitary confinement of juveniles and the use of shackles on juveniles when they appeared in court. Most controversially, it stipulated adult prosecution of 13 year olds for certain crimes, taking the decision out of the judge’s hands. Those crimes included murder, rape, robbery and kidnapping. The “Deadly Sins” law set minimum terms for these crimes, and any person convicted a second time of any of the offenses would automatically be sentenced to life in prison without parole.¹² “Tough medicine for a tough disease,” Gov. Miller declared.¹³

¹² Zell Miller, “Gov. Zell Miller on juvenile crime in 1994,” *C-SPAN*, Jan. 11, 1994, <https://www.c-span.org/video/?c4826649/user-clip-gov-zell-miller-juvenile-crime-1994>.

¹³ Alan Judd, “How fear, politics forged Georgia’s punitive juvenile laws,” *Atlanta Journal-Constitution*, Nov. 12, 2019, <https://www.ajc.com/news/crime--law/how-fear-politics-forged-georgia-punitive-juvenile-laws/yGje1sJbc2I5VV9wbYxcpL/>.

Yet since the “School Safety and Juvenile Justice Reform Act” and the “Seven Deadly Sins Law” were enacted, our understanding of child and adolescent brain development has advanced leaps and bounds, spelling out in remarkable scientific detail what many parents and guardians have long known anecdotally: the brains of children and teenagers—and thus their characters—evolve greatly as they grow and are intrinsically different from adult brains.¹⁴ In fact, we now know that the brain does not mature until the age of 26.

Yet at many levels, the criminal and juvenile justice system has failed to account for these scientific findings and evolve its definitions of responsibility and culpability accordingly. In policy and practice, the system seldom recognizes that due to their still developing brains, the young do not have the same level of judgment and ability to assess risk as adults.¹⁵ Far too often, the justice system treats children and adolescents—especially Black and brown children and adolescents—as little adults who must be punished to mend their ways. In addition to telling us what children and adolescents cannot do, what these developments in the science of the brain tell us is that youth are uniquely capable of change and therefore should be held accountable for their behavior in age-appropriate ways—in the case of youth offenders, with a focus on rehabilitation and reintegration into society.¹⁶ To move forward, Georgia’s criminal justice system must reflect this understanding, starting with the criminal justice system’s classification of 17-year-old offenders as adults.



¹⁴ “What Are the Implications of Adolescent Brain Development for Juvenile Justice?” Coalition for Juvenile Justice, 2006, https://www.juvjustice.org/sites/default/files/resource-files/resource_134.pdf.

¹⁵ Mariam Arain, Maliha Haque, et. al., “Maturation of the Adolescent Brain,” *Neuropsychiatric Disease and Treatment*, 2013, 9 (April 3, 2013): 449-461, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/>; Laurence Steinberg, “A Social Neuroscience Perspective on Risk-Taking,” *Developmental Review*, 2008, (March 2008): 78-106, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2396566/>.

¹⁶ “Why Judges Need to Understand the ‘Developing Brain’ for Juvenile Sentencing,” Scholars Strategy Network, Oct. 11, 2019, <https://scholars.org/contribution/why-judges-need-understand-developing-brain-juvenile-sentencing>.



2 Raise the Juvenile Code Age in Georgia

TYPE OF REFORM: **State Legislation**

“There’s a general understanding that teenagers and young adults make bad decisions that shouldn’t prevent them from living their lives going forward. By charging and convicting adolescents as adults, you basically create a whole class of people who cannot be employed and cannot obtain housing for no other reason than we decided to hold them accountable for things that they did when they were young.”

—**Nancy Ginsburg**, director of adolescent intervention and diversion for the New York-based Legal Aid Society, a nonprofit advocacy group that helped craft New York state’s raise the age legislation¹⁷

There have been some reforms to the draconian juvenile justice legislation advocated by Gov. Miller since it was passed in 1994, but frustratingly a key piece of that legislation remains unchanged: Georgia is one of only three states in the U.S. that still automatically prosecutes all 17 year olds as adults in the criminal justice system.¹⁸

During the 2021 Georgia General Assembly, the Senate Judiciary Committee approved a bill that would raise the age of juvenile court jurisdiction from 17 to 18 by a 5-3 vote.¹⁹ But at the end of the legislative session in April, the raise the age legislation, House Bill 272, was still stranded in the Senate Rules Committee. After survey-

¹⁷ “Raise the Age,” New York State, accessed Oct. 12, 2021, <https://www.ny.gov/programs/raise-age-0>.

¹⁸ “Juvenile Justice Update,” Voices for Georgia’s Children, accessed Oct. 9, 2021, <https://georgiavoices.org/wp-content/uploads/2020/02/45.-Juvenile-Justice-Update-2020.pdf?9d7bd4&9d7bd4>.

¹⁹ Georgia General Assembly, House Bill 272, 2021, <https://www.legis.ga.gov/api/legislation/document/20212022/196678>.

ing members of the Senate on the eve of Sine Die, the last day of the legislative session, supporters of the measure decided they did not have enough votes to win passage of the bill in the full Senate. Losing such a vote would force them to reintroduce the measure in the House of Representatives at the next legislative session, so they decided against moving it out of the rules committee.

The decision against bringing the raise the age bill to a vote of the full Senate was bittersweet for juvenile justice advocates across the state. On the one hand, such legislation had never progressed so far in the General Assembly. On the other hand, the legislation's opponents once again demonstrated their willingness to go to extreme lengths to defeat the bill, effectively sowing doubts among senators with little or no understanding of the juvenile justice system or awareness of alternative policies and practices.

By far the most effective tactic used by these opponents of the bill was to fan fears about the costs of implementing it. All state governments use some form of what is known as a fiscal note to estimate the costs, savings, revenue gain or revenue loss that may result from putting in place a bill or joint resolution. In the case of HB 272, foes cited a fiscal note by the Georgia State Auditor last year estimating that passage of the raise the age bill would cost \$200 million for the construction of four new juvenile facilities, \$50 million in annual operating costs for the facilities and \$14 million for combined services of the Department of Behavioral Health and Developmental Disabilities, the Prosecuting Attorneys Council, the Georgia Public Defenders Council, and the Georgia Bureau of Investigation.²⁰

Other organizations opposed to the raise to age bill joined the chorus of fiscal apocalypse. The Georgia Public Defenders Association said it would need \$750,000 to hire and train nine assistant public defenders.²¹ The Georgia Council of Juvenile Court Judges said it would need \$300,000 for six additional employees in the Dawson and Hall County circuit,²² while the Georgia Sheriffs' Association said county officials would

need an additional \$1.6 million to transport and \$1.6 million more to transport 17-year-olds to juvenile detention centers and courts.²³ Finally, there would be unspecified administrative costs to the courts of handling an increased caseload, the critics said.

Overlooked in the hue and cry over the excessive costs of HB 272 were the sceptical appraisals by our partners across Georgia. For instance, Voices for Georgia's Children said the State Auditor's estimates for the costs of the bill were exaggerated. "Most [juvenile] facilities are under-committed, and when such excess capacity exists, adding youth doesn't add costs, as staffing levels are based on full occupancy," the group said in a memorandum.²⁴ Furthermore, it said, the number of cases referred to the juvenile courts has actually fallen by 60% in the past 10 years.

Also ignored or rejected by HB 272's opponents were the experiences of other U.S. states that have raised the age of juvenile court jurisdiction without calamitous consequences for their treasuries and the taxpayer.



20 Josh Rovner, Marcy Mistrett and Tracey Tucker, memorandum to Mandi Ballinger, chairman, Juvenile Justice Committee, Georgia House of Representatives, Feb. 24, 2020, https://047084b0-7350-46ab-b1f8-d42aa7d10043.filesusr.com/ugd/373b13_902fa7ca47da4fec-8711176c85d761c4.pdf.

21 Stanley Dunlap, "Proposed increased age to charge teens as adults might be costly," *Georgia Recorder*, Feb. 7, 2020, <https://georgiarecorder.com/2020/02/07/proposed-increased-age-to-charge-teens-as-adults-might-be-costly/>.

22 Ibid.

23 Ibid.

24 "Georgia has the Capacity to Raise the Age: The Flawed Fiscal Note," Raise the Age GA, February 24, 2020, <https://www.raisetheagega.org/response-to-fiscal-note>.

Take the case of Connecticut. In a 2017 report, the Justice Policy Institute pointed out that while raise the age legislation was under debate there in 2007, a fiscal note warned that fully implementing it could add \$100 million to the cost of administering the state’s juvenile justice system.²⁵ What actually happened was far less dire. Spending on Connecticut’s juvenile justice system in 2011-2012, the year the law became fully implemented, was \$137 million, down from \$139 million in 2001-2002, the institute said.

There are numerous similar examples of distortion and outright falsehood. Marc Hyden and Jesse Kelley of the R Street Institute told the Juvenile Justice Committee of the George House of Representatives in December 2019:

- » The Massachusetts Juvenile Court Administrative Office claimed it would need an additional \$24.57 million a year to administer a raise the age law. In fact, after the legislation passed, the state spent an additional \$15.6 million on the Department of Youth Services, about \$9 million less than projected.
- » An Illinois juvenile justice commission expected the number of youth in the state’s juvenile justice system—and thus costs—to surge by 35% if the age of the juvenile court’s jurisdiction was raised to 18 from 17. In fact, spending on juvenile justice in the state has remained essentially stable since the legislation was approved, increasing only \$3 million dollars, from \$117,664,300 in 2010 to \$120,999,585 in 2016.
- » New Hampshire state officials estimated that a raise the age law would increase juvenile justice costs by about \$5.3 million a year in the state. In fact, it was passed and implemented with no increase in spending.²⁶

How We Do It

To stop Georgia dragging its feet on raise the age legislation and get it passed into law, we must call attention to the yawning gap between rhetoric and reality—specifically, between the warnings of fiscal catastrophe sounded by the legislation’s opponents and the *actual* experience of states that have approved and implemented such legislation.

We must remind the Georgia General Assembly and the public that by failing to move forward on this legislation, our state is sharply out of line not only with scientific advances in our understanding of child and adolescent behavior but with the U.S. Supreme Court’s decision in *Roper v. Simmons*, which ruled that a minor’s actions should not be considered evidence of an “irretrievably depraved character.”

To get raise the age legislation passed into law, we must say loud and clear that the issue is not mainly one of dollars and cents. Far from it. Most of all, it is about investing in the people of Georgia and about improving their lives and the institutions that shape them for generations to come.

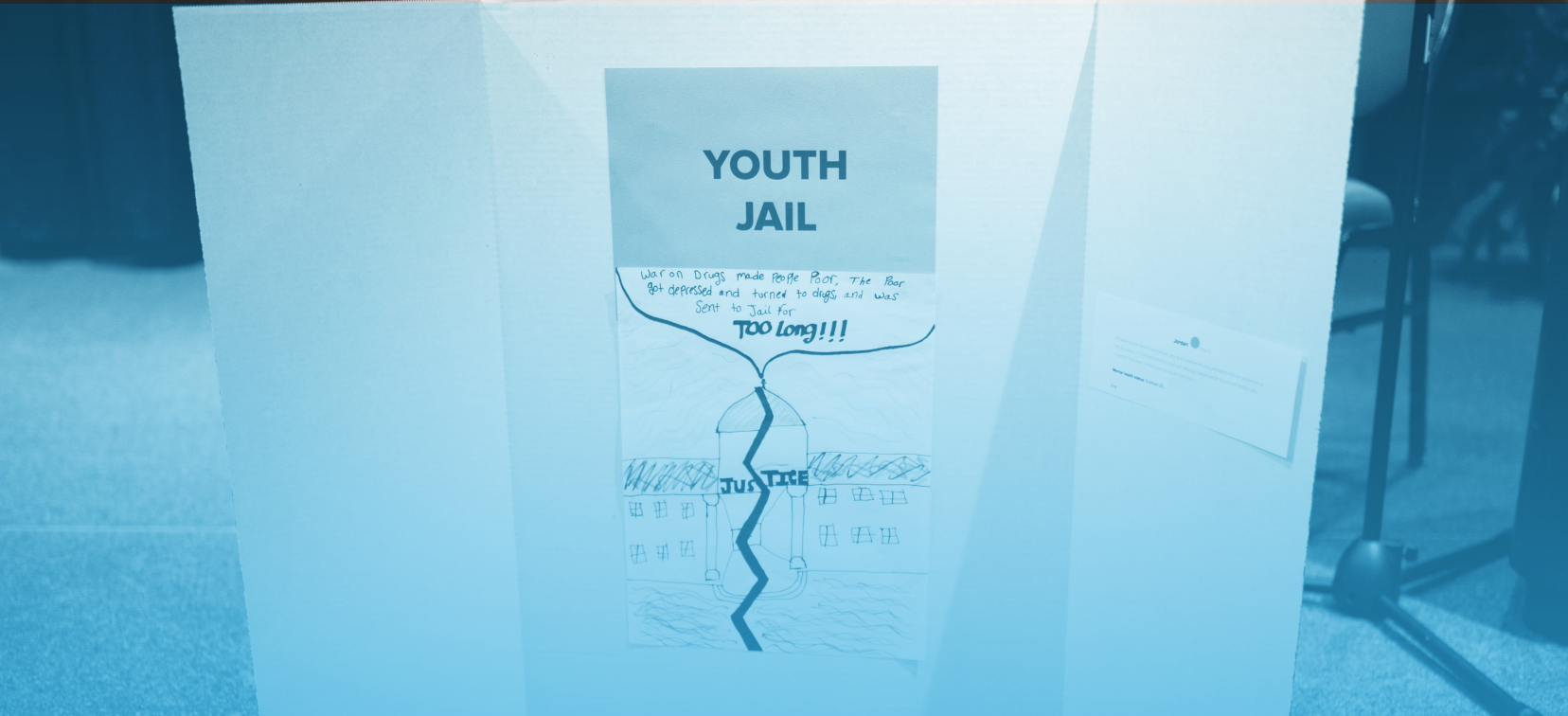
Our accumulated experience with raise the age legislation across the U.S. not only belies the claims of opponents who claim it is too expensive; it also shows that such legislation produces a better juvenile justice system. In Connecticut, for instance, it led to the reallocation of \$39 million in the state budget to expand the number of community-based initiatives that serve youth outside more expensive custodial settings while still maintaining public safety.

In short, raising the age in Georgia is long overdue. Only when such legislation is passed will the promise of full-throated juvenile justice reform in the state be fulfilled, building on bipartisan reforms already achieved. We must:

1. Pass a raise the age law in Georgia, changing the juvenile code from 17 to 18 using either language from HB 272 or with the preferred 2022 legislation.
2. Implement the legislation effectively by creating a raise the age commission composed of stakeholders in the criminal justice system who are responsible for design and implementation.
3. Allocate sufficient funds and resources such as facilities, staff and transportation to put the legislation fully and effectively in place.

25 “Raise the Age: Shifting to a Safer and More Effective Juvenile Justice System: Executive Summary,” Justice Policy Institute, March 17, 2017, https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/raisetheagesummary_final_3_6_16.pdf.

26 Marc Hyden and Jesse Kelley, “The Financial Impact of Raising the Age of Adult Criminal Responsibility,” Testimony before the Juvenile Justice Committee, Georgia House of Representatives, Dec. 5, 2019, https://047084b0-7350-46ab-b1f8-d42aa7d10043.filesusr.com/ugd/373b13_04b73cb8eb214a67b6133fd5ed420925.pdf.



3 Ban Juvenile Life Without Parole (JLWOP)

TYPE OF REFORM: State Legislation

“And on the verdict of guilty of first-degree murder ... I sentence you to a term of natural life in the Illinois Department of Corrections ... That is the sentence that I am mandated by law to impose. If I had my discretion, I would impose another sentence, but that is mandated by law.”

—Cook County Associate Judge Thomas Dwyer, sentencing a 15-year-old accomplice to life without the possibility of parole in 2002²⁷

Despite the U.S. Constitution’s ban on “cruel and unusual punishments” and in violation of international law, a person under the age of 18 and convicted of certain crimes can be sentenced to life in prison without parole in Georgia and 24 other U.S. states.²⁸ At the start

of 2020, 1,465 juveniles were serving life sentences without parole across the country, according to a survey by the Sentencing Project.²⁹ There were 83 people serving such sentences in Georgia in January of that year.³⁰

27 Dwyer quoted in “Categorically Less Culpable: Children Sentenced to Life Without Possibility of Parole in Illinois,” Illinois Coalition for the Fair Sentencing of Children, February 2008, http://webcast-law.uchicago.edu/pdfs/00544_Juvenile_Justice_Book_3_10.pdf.

28 Josh Rovner, “Juvenile Life Without Parole: An Overview,” The Sentencing Project, May 24, 2021, <https://www.sentencingproject.org/publications/juvenile-life-without-parole/>.

29 Ibid.

30 Clayton Hampton, “Census of Life-Sentenced Inmates,” Georgia Department of Corrections, Jan. 31, 2020, <https://docs.google.com/spreadsheets/d/1ezaOe83lPnPteOjlgfRP8vCE1-5B7Uv/edit?usp=sharing&ouid=110527866546779375827&crtpof=true&sd=true>.

The repercussions of such a sentence, known as juvenile life without parole, or JWLOP, are profound. It means that a single errant decision can doom a child or teenager for the rest of their life. It means that a court—in effect, the state—has decreed that a youth is beyond hope and beyond any rehabilitation. The note of frustration sounded by Judge Dwyer from the bench of a Cook County courtroom 15 years ago and cited above is not rare: in many cases where juveniles were sentenced to life in prison without parole, judges have noted that such a penalty is not deserved or merited.

As with other aspects of the U.S. criminal and juvenile justice system, race plays an outsized role in which juveniles are sentenced to life in prison without parole. Data is incomplete, but among states where it is available, 62% of those serving such sentences are African American, according to the Sentencing Project's survey and its terminology.³¹ African Americans make up 23% of all juveniles arrested on suspicion of killing a white person but 42% of those convicted and sentenced to life in prison for the crime, the survey says.³² Furthermore, white juvenile offenders with African American victims are only about half as likely (3.6%) to receive a life sentence without parole as their proportion of arrests for killing an African American (6.4%).³³

Even before they reached the courtroom, those juvenile offenders imprisoned for life had strikes against them, in the form of trauma, violence, and poverty:³⁴

- » 79% witnessed violence in their homes regularly.
- » 32% grew up in public housing.
- » Less than 50% were attending school at the time of their offense.
- » 47% were physically abused.
- » 80% of all girls reported histories of physical abuse, while 77% of all girls reported histories of sexual abuse.

In addition to the racism that infects juvenile life without parole and the violence it inflicts on those who already have been victims of one form of violence or another, it is expensive. It costs more than \$33,000 a year to house an average prisoner. That cost roughly doubles for prisoners above the age of 50. Thus, incarcerating a 16-year-old for 50 years will cost up to \$2.25 million.³⁵

In recent decades, opposition to juvenile life without parole has grown worldwide. Recognizing that children must be treated differently than adults in the eyes of the laws of nation-states, Article 37 of the United Nations Convention on the Rights of the Child states that capital punishment and life imprisonment without the possibility of release “shall not be imposed for offenses committed by persons below eighteen years of age.” The U.S. is not bound by this prohibition because unlike 181 countries, it has not ratified the convention.

Still, decisions by the U.S. Supreme Court in the initial years of this century have dramatically changed the landscape of juvenile justice across the country. The high court has recognized that the brains of juveniles are not fully developed and that therefore, they are likely to lack impulse control. Following that reasoning, it has held, in a series of decisions, that juveniles are less culpable than adults for their actions, setting in motion sweeping changes in juvenile sentencing. In a landmark case, for instance, the court declared in 2012 that mandatory sentences of life without parole for juvenile offenders are unconstitutional. Writing in *Miller v. Alabama*, the court's majority said the compulsory imposition of such sentences on juvenile offenders violated the Eighth Amendment's ban on “cruel and unusual punishments.” By the middle of the century's second decade, the justices had sharply curbed the ability of states to sentence juveniles to life in prison without parole, largely limiting it to those juveniles convicted of murder who are so incorrigible that there is no hope of their rehabilitation.

But in April, the court, now led by a conservative bloc, appeared to change course from the path of establishing more leniency for juvenile offenders, even those

31 Rovner, “Juvenile Life Without Parole: An Overview.”

32 Ibid.

33 Ibid.

34 Ashley Nellis, “The Lives of Juvenile Lifers: Findings from a National Survey,” The Sentencing Project, March 1, 2012, <https://www.sentencingproject.org/publications/the-lives-of-juvenile-lifers-findings-from-a-national-survey/>.

35 Rovner, “Juvenile Life Without Parole: An Overview.”

convicted of murder. Curtailing the impact of *Miller v. Alabama*, it ruled in a 6-3 vote in the case of *Jones v. Mississippi* that a judge need not make a finding of “permanent corrigibility” before sentencing a juvenile to life in prison without parole. Justice Sonia Sotomayor, in a dissent, blasted the decision by the majority. The court’s previous rulings, she wrote, require that most children be spared from punishments that give “no chance for fulfillment outside prison walls” and “no hope.”³⁶

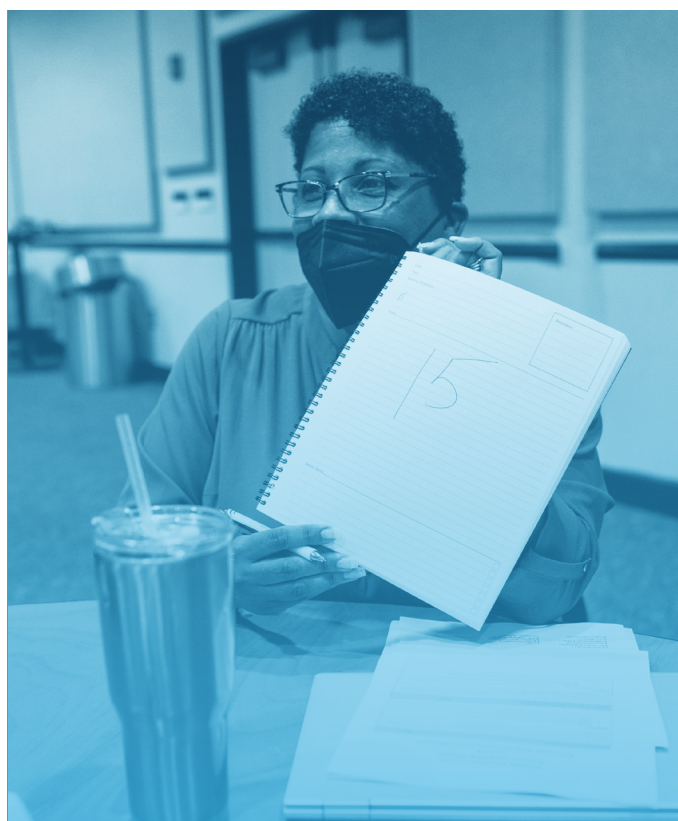
In Georgia, efforts to reform, and ultimately abolish, juvenile-life-without-parole in any form have also been dealt a recent judicial setback. In June 2020, the state’s Supreme Court ruled unanimously in the case of *Raines v. Georgia* that a defendant facing a sentence of life in prison without parole for a crime committed when they were a juvenile does not have a constitutional right for a jury, instead of a trial judge, to make the necessary determination that they are “irreparably corrupt” or “permanently incorrigible.”³⁷

Writing for the court, Justice Sarah Warren acknowledged U.S. Supreme Court precedents holding that life without parole for juvenile offenders is unconstitutional if those crimes reflect the “transient immaturity of youth.” At the same time, she said, the high court has not categorically barred such a sentence. Instead, it has limited it to those juvenile offenders whose crimes are shown to reflect “irreparable corruption.” In the case of *Raines v. Georgia*, limiting the responsibility for making that determination to a judge in Georgia did not represent an unconstitutional increase in punishment, according to both the U.S. Supreme Court and Georgia’s constitution, she said.

How We Do It

The U.S. Supreme Court’s ruling in *Jones v. Mississippi*, though an apparent about-face in the court’s views on juvenile justice law, made clear that it was largely up to states to decide whether and how they would impose juvenile life without parole. Even Justice Warren, writing in *Raines v. Georgia*, said there was nothing in law preventing the Georgia’s state legislature from passing legislation requiring a jury to determine whether a juvenile offender is irreparably corrupt before sentencing them to life in prison without parole. Lawmakers in Georgia should use the latitude given them by both courts to act. They should:

- a. **Ban juvenile life without parole in Georgia.** Use HB 802 from 2018 as a model for fresh legislation that would amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 9 of Title 42 of the 2 Official Code of Georgia Annotated to abolish life in prison without parole for juvenile offenders.³⁸



³⁶ *Jones v. Mississippi*, 22 (2020), https://www.supremecourt.gov/opinions/20pdf/18-1259_8njq.pdf.

³⁷ *Raines v. Georgia* 34 (2020), <https://law.justia.com/cases/georgia/supreme-court/2020/s20a0181.html>.

³⁸ Georgia General Assembly, House Bill 802, 154th Assembly, 1st sess., <https://www.legis.ga.gov/api/legislation/document/20172018/172103>.



4 Turn Toward Healing Schools

TYPE OF REFORM: School Board and School Administration

“The classroom remains the most radical space of possibility in the academy...All of us need to open our minds and hearts so that we can know beyond the boundaries of what is acceptable, so that we can think and rethink, so that we can create new visions, I celebrate teaching that enables transgressions—a movement against and beyond boundaries. It is that movement which makes education the practice of freedom.”

—bell hooks, *Teaching to Transgress*

The potential and power of education as a vehicle to uplift individuals, neighborhoods, and communities cannot be realized fully if young people are not in a classroom learning. In schools all across America, young people are removed from classrooms for disciplinary reasons and funneled into the juvenile justice system. All too often, they end up in the larger criminal justice system. These outdated, though sometimes well-intentioned, policies and practices make up what is known as the school-to-

prison pipeline (STPP). Youth who become entangled in the pipeline are not intrinsically “bad,” nor should not be written off as beyond redemption. Instead, they get mired in the pipeline as they try to make their way through a complex web of pressures without adequate resources and despite systemic perils that place a huge burden on them and their families. Although they are frequently singled out for criticism, teachers and other school staff are not all to blame for the pipeline. While

they face different pressures, they operate alongside students in the same broken system and are harmed by it, too. For students, teachers, and staff alike, COVID-19 has made matters even worse, especially as in-person learning resumes and unresolved trauma and stress flare up in the classroom. Everyone is impacted.

Establishing healing schools and shutting down the school-to-prison pipeline is an immense task. The disciplinary measures practiced in schools all across the country mirror those of the criminal justice system, where it is common to punish offenders to enforce behaviors that are non-disruptive. In schools, when punishment fails to produce the prescribed behavior from a student, they face suspension or expulsion—a traumatic experience of exclusion that fuels the school-to-prison pipeline. The likelihood that such exclusion will put a youth on the path towards a clash with the juvenile and criminal justice system increases, while the opportunity for social and emotional learning decreases. At least 3 million students—or 6% of all those youth who attended public school—were suspended or expelled from 2012 to 2020, the U.S. Department of Education’s Office for Civil Rights says.³⁹ As with nearly all aspects of U.S. society and the economy, Black and brown youth are ensnared in the school-to-prison pipeline in numbers out of proportion to the size of their communities in the overall U.S. population. This reality is a challenge to communities all across the country and yet, communities are also figuring out how to undo it.

No single method or strategy is enough to dismantle the unjust and inhumane school-to-prison pipeline. During Dr. M. Ann Levett’s tenure as superintendent of the Savannah Chatham County Public School System, leaders have started to recognize that local schools need a new approach to discipline and behavior. That realization itself has led to collaboration among the schools, juvenile court, police, community partners, and other stakeholders.⁴⁰ Led by Chief Juvenile Court Judge LeRoy Burke III and supported by the Annie E. Casey Foundation, programs like the Work Readiness Enrichment Program, which serves youth charged with felony-level offenses or multiple property crimes, have been established. There has been cross-agency training on restorative justice and implicit bias. An educational advocate was brought on at juvenile court. The Front Porch, which accepts refer-

als from schools, courts, youth and families, opened in December 2018. A multi-agency resource center, it provides assessments and counseling to address a family’s needs and keep young people out of court.⁴¹ Referrals by schools are the largest source of youth for juvenile courts. Since Dr. Levett began her tenure as superintendent on June 1, 2017, delinquency referrals have dropped from 126 in 2015-2016 to 52 in 2018-2019. SCCPSS made 91 referrals to Chatham County Juvenile Court between Aug. 1, 2019 and June 30, 2020. During the same period in 2021, it made 39 referrals, according to the Chatham County Juvenile Court. Furthermore, under Dr. Levett’s administration, the Georgia Apex Program, which seeks to provide school-aged youth with access to mental health services, has also expanded. As of the 2021-2022 school year, the program, which is funded by the Georgia Department of Behavioral Health and Developmental Disabilities, is available in ten Chatham County schools.

Cultural change in schools also begins by transforming the prevailing culture of discipline to create a caring community, one in which everyone—student, teacher and administrator alike—can thrive. And it is often teachers, principals, and other key staff that are leading this very cultural change by modeling new restorative procedures and practices to shift how schools respond. Nowhere is this more evident than with leaders inside the district, with particular strengths led by Dr. Bernadette Ball-Oliver, the Behavior Interventionist Team, the restorative committee, and with teachers and support staff who are actively promoting restorative practices, whether formally or even more informally. To date, the student code of conduct now has an option for principals that has a restorative option for infractions that could be easily turned into a full-systems culture change.

We need to continue to build a model for schools that is grounded in the values of restorative justice and empowers students as learners and leaders. It invites teachers, staff, families, and young people to act as co-creators of policies that support positive responses to school discipline. It calls young people into the community rather than expelling them from it. The healing school we envision is one where about 20% of restorative practices respond to conflict, and 80% seek to create shared cultures and build relationships. In such a climate, destructive responses to conflict are less likely to take place. The

³⁹ “School Climate and Discipline: Know the Data,” U.S. Department of Education, accessed Oct. 9, 2021, <https://www2.ed.gov/policy/gen/guid/school-discipline/data.html>.

⁴⁰ “In Georgia, a School District Reduces its Reliance on Juvenile Courts,” Annie E. Casey Foundation, July 15, 2009, <https://www.aecf.org/blog/in-georgia-a-school-district-reduces-its-reliance-on-juvenile-courts>.

⁴¹ Ibid.

best way to implant such practices is to introduce them gradually. This can only serve to further mitigate the likelihood of administrators responding to overreporting of discipline and instead, let instructional leaders lead and help support the educational vision of district leaders.

While SCCPSS has formally abolished the harmful zero-tolerance policies inherited from a more punitive era, some punitive policies and processes still persist. The school system's Student Code of Conduct, though undergoing revision each year, still contains unnecessarily vague language that can always be continually shifted towards transparency.

But some of the most troubling tributaries of the school-to-prison pipeline locally are the student disciplinary tribunals administered by SCCPSS's Student Hearing Office. A tribunal hearing is like a courtroom trial for a student and the school. A trained, impartial hearing officer acts as a judge and listens to both sides and decides the case. Tribunals take place when a school believes a student has violated its student code of conduct and serious disciplinary action is required. Under Georgia law, a school cannot expel or suspend a student for more than 10 days without first conducting a hearing. Under current guidelines, a hearing is required for any student suspended for more than 10 days or facing expulsion. While school board hearings may not seem as serious as juvenile court proceedings, disciplinary action before a school board can have serious consequences for a child's life and may also lead to juvenile court. An SCCPSS attorney for the Hearing Office attends the tribunal and is responsible for ensuring that it is conducted impartially and that a complete and accurate record of the proceedings is compiled. Yet due to the nature of the hearings, it is often that the attorney for the school system attends even if the child has no lawyer, which can tip the balance of the tribunal in favor of the school system and perpetuates the biases and inequities that pervade the school-to-prison pipeline.

How We Do It

Progress towards healing schools and specifically, breaking up the school-to-prison pipeline has advanced considerably. Despite this commendable leadership and progress, there remains more to be done. The institutional and cultural change we need and propose here is difficult and takes time. Grassroots and community stakeholders—parents, students, faith-based, civic, and business and other community leaders—must be mobi-

lized and trained to raze the school-to-prison pipeline through state and national action.

a. Create systems of support and accountability for restorative responses to student behaviors.

Continue to promote restorative practices recommended by the restorative commission. To provide support and guarantee accountability, a formal structure should exist to ensure all building administrators are aware of evidence-based restorative options in the SCCPSS Student Code of Conduct and have the knowledge, tools, and support to use restorative options. When discipline of a student is deemed necessary, school administrators should be required to try at least one restorative approach before using a more traditional approach.

b. Reduce discipline referrals by improving the ability of educators to use restorative approaches to student behavior.

For students, teachers and staff alike, COVID-19 has been catastrophic. As students and educators readjust to in-person learning following fifteen months of school closures due to the pandemic, increased attention must be paid to the trauma it inflicted and to its ramifications for social and emotional learning (SEL). SCCPSS should implement a comprehensive and sustainable program of restorative practices and norms in schools to address the pandemic's impact on students by identifying district staff already undertaking such efforts, encouraging their collaboration, and establishing a common vocabulary for the behavioral issues posed by pandemic. More professional learning opportunities for building these practices should be available to administrators, support staff, and educators.

c. Expand the Restorative Practices Committee.

Expand the committee into a district-wide group whose membership cuts across departments and agencies: SEL administrators, secondary and elementary school counselors, academic intervention services, behavioral interventionists, special education, teachers, etc. Furthermore, we suggest that the district conduct an internal "restorative audit" to be able to identify and connect all the people at the district who have the experience and know how who can help successfully deliver these skills all across the district. What is most evident is that people on the ground absolutely have the experience to do this and there should be steps to fully empower them to do so.

d. Clarify the SCCPSS Code of Conduct. Continue efforts to revise the code of conduct to make it clearer and more concise, especially in sections describing disciplinary hearings and a student’s right to present evidence and be represented by an attorney at those hearings. This information and Student Hearing Office contact information should be more accessible.

e. No Legal Representation for Both Parties at Disciplinary Hearings. Both SCCPSS and the student whose behavior is the subject of a disciplinary hearing are allowed to have lawyers present at the proceeding. In practice, however, the school system frequently has an attorney present while the student does not. Maintaining the hearings as administrative proceedings based in the school system, not the courts, should continue. But this good-faith practice is violated when one side has legal representation and the other does not. We therefore urge a practice widely used in other school districts across the country, which is to permit SCCPSS to have an attorney present only if and when the student has an attorney present, too. Also embedded in the procedural requirement to provide reasonable notice of a disciplinary hearing is the right of all parties to present evidence and to be represented by

legal counsel. Whether a student in fact retains counsel, or the local board of education (LBOE) is represented by counsel and the student is not, does not bear on the student’s due process rights. It is only required that the student and their parent or guardian be provided notice of the right to be represented by counsel at the hearing. We join with our partners from the Georgia Appleseed Center for Law and Justice in urging the above step, drawn from the center’s 2019 report, “Student Tribunals: An Assessment of the Disciplinary Process in Georgia Public Schools”.⁴²

Besides these recommendations, we endorse an additional measure:

f. Establish a Lawyers Guild for Students and Families. We urge the Savannah Bar Association, the Georgia Legal Services Program, private law firms, and other invested organizations to fund a pool of salaried and pro bono attorneys to provide legal assistance to families in the SCCPSS disciplinary process. While youth are not entitled to a lawyer during the tribunal process, they should be allowed one if SCCPSS brings a lawyer.



⁴² “Student Tribunals: An Assessment of the Disciplinary Process in Georgia Public Schools (2019 Update)”, *Georgia Appleseed Center for Law and Justice*, 2019, <https://gaappleseed.org/media/docs/2019Student%20Tribunals.pdf>.

Village Justice

“Liberated relationships are one of the ways we actually create abundant justice, the understanding that there is enough attention, care, resource, and connection for all of us to access belonging, to be in our dignity, and to be safe in community.”

— Adrienne Maree Brown, *Pleasure Activism: The Politics of Feeling Good*

5 Reimagine the Misdemeanor System

TYPE OF REFORM: **City and County**

“The real moral and political questions have to do with the fact that we’re not evaluating this in the abstract. We’re evaluating it in a very real social world. So where are these arrests happening? They’re happening where low-income people of color live. And who are we arresting? We’re arresting low-income people of color. And so the costs of misdemeanor justice are falling on the same people that the costs of violent crime are falling on, and the same people that mass incarceration fell on. What you’re doing is arresting a whole bunch of people who live in those neighborhoods for low-level offenses, often for similar conduct that happens in more affluent spaces, and then demanding that they prove to you, to us, to the court system, that they are the type of people that can be trusted. So that’s the justice question. It’s a distributional question. It’s not, in the abstract, is this a crazy system? It’s, in this particular use of it, how are we doing this?”

—Issa Kohler-Hausmann, *Misdemeanorland: Criminal Courts and Social Control in an Age of Broken Windows Policing*⁴³

While the long-term fallout of the COVID-19 pandemic is only starting to become clear, one outcome is already evident. The crisis has presented us with a unique opportunity to reimagine our juvenile and criminal justice system by codifying what was done in the depths of the crisis to reduce pretrial detention and relieve pressure on the overburdened system. It would be immoral, as well as overstatement, to describe these impromptu, crisis-driven measures as a silver lining of the pandemic,

given how the scourge has upended so many lives. Still, it is undeniable that the pandemic has shown, if any more proof was needed, how much public safety, justice reform and public health are inextricably linked.

Consider this: whether it was how citizens and law enforcement interacted, how citizens were charged, what they were charged with, how the courts were forced to adapt, how jail intakes were conducted, how jail pop-

⁴³ Alexandra Natapoff, *Misdemeanors*, 85 Southern California Law Review 101 (2012), Loyola-LA Legal Studies Paper No. 2012-08, February 24, 2012, https://law.asu.edu/sites/default/files/pdf/academy_for_justice/5_Reforming-Criminal-Justice_Vol_1_Misdemeanors.pdf.

ulations shrank—how we did things in criminal justice during the pandemic shifted in the direction many critics of the pre-pandemic system had long advocated. Measures considered “too idealistic” and “too naïve” became, under COVID-19’s shadow, “best practices.” This fragile moment, as America emerges from the darkest months of the pandemic has provided us with a once-in-a-lifetime opportunity to move toward a justice system that works better, costs less, and meets the needs of all it is supposed to serve.

Each year, some 13 million Americans are charged with misdemeanor offenses, with misdemeanor cases making up an astonishing 80% of the cases processed by the U.S. criminal justice system, according to figures cited in a March 2021 working paper by the National Bureau of Economic Research, a nonprofit research group in Cambridge, Mass.⁴⁴ This flood of misdemeanor cases has led communities across the U.S. to ask whether prosecuting this volume of low-level offenses does more harm than good, the authors of the working paper write.

We believe the answer is yes, it does. The process of issuing misdemeanor citations and prosecuting them in the courts has become the behemoth of the criminal justice system. Outnumbering felony offenses by a ratio of at least 3-to-1, misdemeanors constitute an industry unto themselves. Fines collected for misdemeanor convictions are a vital revenue stream, financing the operation of trial courts, as well as the offices of probation officers, prosecutors and public defenders. Some jurisdictions rely on such fines to finance basic government operations, the Brennan Center for Justice said in a 2019 report, “The Steep Cost of Fees and Fines.”⁴⁵

Misdemeanors are not only moneymakers; they are money-takers. Judges seldom hold hearings to determine a convicted defendant’s ability to pay a fine—in Georgia, a misdemeanor conviction is punishable by up to one year in jail and a \$300-\$5,000 fine, depending on the misdemeanor. As a result, the burden of fees and fines falls largely on the poor, functioning much like a regressive tax, the report said.⁴⁶

Due to its sheer size and cost, the misdemeanor enterprise we have described here is the unfortunate face of the criminal justice system for most Americans. Processing is often hasty and sloppy, undermining a defendant’s constitutional right to due process. Pressure to plead guilty in exchange for a more lenient sentence is high. Most misdemeanor cases, in fact, end in a plea deal, which is especially damaging for people of color, the Equal Justice Initiative wrote in a news release in 2019.⁴⁷ Racial disparities are even more evident in misdemeanor cases than felony cases, with white people facing misdemeanor charges nearly 75% more likely than Black people to have all charges carrying a possible prison sentence dropped, dismissed, or reduced to lesser charges, the news release said.⁴⁸ A conviction also means having a permanent criminal record, which can hurt—even ruin—a person’s ability to gain employment, access to higher education, and housing.⁴⁹

The answer to this costly, often ineffective and racially tainted enterprise is to decriminalize certain offenses to eliminate arrest and imprisonment. Issuing a citation is easier and cheaper. It makes it less likely the alleged offender will get sucked into the criminal justice system. Waiving arrest and the possibility of incarceration for some offenses would forego the right for legal counsel, which would save money and provide relief to overburdened public defenders and law enforcement personnel.

44 Amanda Y. Agan, Jennifer L. Doleac and Anna Harvey, “Misdemeanor Prosecution,” National Bureau of Economic Research, March 2021, <https://www.nber.org/papers/w28600>.

45 Matthew Menendez, Lauren-Brooke Eisen, Noah Atchison and Michael Crowley, “The Steep Costs of Criminal Justice Fees and Fines,” Brennan Center for Justice, Nov. 21, 2019, <https://www.brennancenter.org/our-work/research-reports/steep-costs-criminal-justice-fees-and-fines>.

46 Ibid.

47 “America’s Massive Misdemeanor System Deepens Inequality,” Equal Justice Initiative, Jan. 9, 2019, <https://eji.org/news/americas-massive-misdemeanor-system-deepens-inequality/>.

48 Ibid.

49 Ibid.

How We Do It

To decriminalize the sprawling misdemeanor system, we need a local approach to reducing pretrial detention and decriminalization that is proportionate and fair. Much of what we recommend is already in practice because of COVID and should be codified into law. We should:

a. Create a cite-and-release policy. Under such a policy, law enforcement personnel would issue a ticket to individuals accused of certain low-level, nonviolent criminal offenses instead of making an arrest. The citation would include written instructions to appear at the jail at a future date. Such a policy would reduce the hardship and trauma that arrests have on our community. The offenses covered by this policy would not be considered a state misdemeanor, a DUI, or domestic violence. Successful Cite-and-Release programs have been implemented in Bexar County, Texas; Houston, Texas; and Cambridge, Mass., among other jurisdictions.⁵⁰

b. Encourage law enforcement as a matter of policy to charge misdemeanors under local, not state, ordinances, as applicable. Under Georgia law, cities and municipalities have the right to legislate certain aspects of their communal life. Georgia courts have held that crimes spelled out in such ordinances, though not technically misdemeanors or felonies, are not eligible for jury trials. Local and state law often overlap, however, giving local police and prosecutors the option to charge an alleged offender under the latter. This practice should stop. By charging an offender with violating a local, instead of state, law, Cite-and-Release policy can be applied.

Examples of municipal level misdemeanor charges include:

Chatham County

Code Section

- 11-101. Disorderly Conduct
- 11-103. Loitering
- 11-108. Shoplifting
- 11-201. Public Drunkenness
- 11-202. Possession of Less Than an Ounce of Marijuana
- 11-203. Possession of Drug Related Object

Savannah

Code Section

- 9-1002. Disorderly Conduct
- 9-1026. Marijuana

Garden City

Code Section

- 6-6. Public Drunkenness
- 58-1. Disorderly Conduct

Pooler

Code Section

- 54-1. Public Drunkenness
- 54-6. Loitering
- 54-7(2). Disorderly Conduct

Port Wentworth

Code Section

- 15-1. Disorderly Conduct
- 15-7. Loitering
- 15-8. Drugs and Drug Implements

Thunderbolt

Code Section

- 9-101 and 102. Disorderly Conduct
- 9-108. Misdemeanor Offenses

Tybee Island

Code Section

- 42-60. Disorderly Conduct

⁵⁰ “Bexar County Cite and Release,” Immigrant Legal Resource Center, accessed Oct. 13, 2021, https://www.ilrc.org/sites/default/files/resources/19.04_cite_and_release_one-pager-squares-eng-v2.pdf; “Executive Order: Cite and Release Program, City of Houston, Texas, Sept. 28, 2020, <http://www.houstontx.gov/execorders/1-68.pdf>; Policy and Procedures: Arrest Guidelines,” Cambridge Police Department, Jan. 8, 2010, <https://www.cambridgema.gov/-/media/Files/policedepartment/Policies/440arrestguidelines.pdf>.

c. Urge the district attorney’s office of Chatham County to decline prosecution of certain offenses.

Such offenses include individual possession of drugs, trespassing, shoplifting, and disorderly conduct; and “quality of life” infractions that often criminalize poverty such as sex work, public urination and public camping. Studies show that prosecution of these types of offenses, which make up the bulk of misdemeanor cases, have negative, long-term impacts on public safety. To prevent recidivism and treat root causes, offenses such as unlicensed driving, sex work, drug possession, drinking in public, and trespassing are best addressed with social-service tools. We recommend adopting the guidelines issued by George Gascón, the Los Angeles County district attorney, last December.⁵¹ To effectively implement the guidelines, training for local law enforcement personnel would be required.

d. Update the bond schedule. Revisit the 2014 Misdemeanor Bond Schedule to determine what offenses should no longer require an assigned bond amount.

e. Create a decriminalization committee. A panel composed of representatives and citizens of Savannah and Chatham County would examine city and county criminal codes to determine which low-level offenses can be decriminalized, especially those that target the poor and homeless. The committee would work with city and county lawyers to ensure that no state laws override their proposed changes to local ordinances. The committee would also promote alternatives to arrest, including support for the Chatham County Behavioral Health Crisis Center, homeless shelters, food banks, domestic violence shelters and other organizations that advocate warm handoffs.

f. Encourage the district attorney’s office of Chatham County to join the Prosecutorial Performance Indicators. Prosecutorial Performance Indicators is a project aimed at helping communities, advocacy groups, researchers and reporters hold elected prosecutors accountable. Established in 2017, the project brought together criminologists from Florida International University and Loyola University Chicago, criminal justice experts, and prosecutor’s offices from Chicago, Milwaukee, Jacksonville, and

Tampa to reimagine and redefine success in prosecution.⁵² The project, which is supported by the MacArthur Foundation’s Safety and Justice Challenge, provides metrics for assessing the work of prosecutors with the ultimate goal, it says, of reducing “unnecessary incarceration and racial and ethnic disparities at the front end of the criminal justice system.” Pilot programs using the project’s metrics are underway in Jacksonville, Charleston and Florida’s Broward County. Savannah and Chatham County should join them.⁵³

g. Urge the City of Savannah and Chatham County to pass an ordinance abolishing cash bail for city and county-level misdemeanors. Draft language for such legislation already exists—in late 2021, the attorney for Chatham County drew it up to amend Chapter 11, Article III, Section 11-303 through Section 11-303. Abolishing cash bail was also the first recommendation of the criminal justice subcommittee of REAL (Racial Equity and Leadership) Savannah, the task force that Mayor Van Johnson created in July 2020 to examine how race, class and certain kinds of data—or the lack of it—influence city policy. Deep Center has drawn up guidelines for how the City of Savannah and Chatham County could legislate local ordinances that are effective and do not supersede the constitutional authority of Chatham County’s sheriff.

h. Encourage a blanket pardon for individuals convicted on a single misdemeanor charge of possessing less than an ounce of marijuana. The pardon should cover those convicted in the City of Savannah and Chatham County between Jan. 1, 1990 and Dec. 31, 2021. The pardon also should cover those convicted of possessing a prohibited drug-related object connected to the single marijuana conviction.

⁵¹ “Special Directive 20-07: Misdemeanor Case Management,” Los Angeles County, Dec. 7, 2020, <https://da.lacounty.gov/sites/default/files/pdf/SPECIAL-DIRECTIVE-20-07.pdf>.

⁵² “Brochure Inside,” Prosecutorial Performance Indicators, September 2020, <https://ppibuild.wpengine.com/wp-content/uploads/2020/09/PPI-Brochure-Inside-Sept-2020.pdf>.

⁵³ Home page, Prosecutorial Performance Indicators, accessed Oct. 13, 2021, <https://prosecutorialperformanceindicators.org>.



6 Prioritize Housing Access

TYPE OF REFORM: **City and State**

In discussions this year with communities across Savannah, Chatham, and the state, it has become apparent that we can no longer turn away from the need for maintained and affordable homes in safe, resourced neighborhoods. An estimated 30% of Georgia households rent their homes, half of which are “cost burdened” according to the U.S. Department of Housing and Urban Development (HUD)—meaning that more than 30% of their household income goes to pay rent and utilities.⁵⁴ These families routinely must make choices that often pit the most basic of needs against each other.

The need for safe and affordable housing is especially urgent for the 600,000 people released from federal and state prisons each year, as well as for the millions more freed from local jails.⁵⁵ These formerly incarcerated people are among the 70 million to 100 million Americans who have some type of criminal record.⁵⁶ They return to communities where they have little to no access to housing because of systemic and legal discrimination.

⁵⁴ “Rental Burdens: Rethinking Affordability Measures,” U.S. Department of Housing and Urban Development, accessed Oct. 13, 2021, https://www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html.

⁵⁵ “Incarceration & Reentry,” Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, accessed Oct. 13, 2021, <https://aspe.hhs.gov/topics/human-services/incarceration-reentry-0>.

⁵⁶ “Americans with Criminal Records,” The Sentencing Project, accessed Oct. 13, 2021, <https://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>.

Savannah provides a case study of the challenges and perils. In 2000, the Crime-Free Housing Program went into effect in the city, with more than 150 apartment complexes participating in the initiative. Eighteen years later, the program was suspended. It bred not only practices that victimized an already-vulnerable population; it also produced a culture of continued punishment and discrimination, including:⁵⁷

- » People convicted of violent felonies were unable to live in crime-free housing.
- » People convicted of nonviolent felonies could not live in crime-free housing until ten years after their conviction.
- » If convicted of a misdemeanor, a person could not live in crime-free housing until five years had passed.
- » Individuals who signed the lease were required to sign an addendum agreeing to the termination of the lease if they or a family member “committed a crime or used the apartment for a crime.” Savannah-Chatham Metropolitan Police Department (SCMPD) would expedite the eviction.
- » Crime-free areas under the program included rental housing, mobile housing, condominiums, multi-housing units, RV parks, businesses, and hotels and motels.

When people emerging from prison or jail cannot find and maintain stable housing, all other markers of success—maintaining health, pursuing educational opportunities, becoming an active community member—become much harder, if not impossible. Our city is safer, and our communities thrive, when we reduce recidivism and champion the rehabilitation and reintegration of returning citizens.

The policy obstacles and stigmas that these citizens encounter can be overcome. The Federal Interagency Reentry Council of the U.S. Department of Justice says public housing authorities have discretion over admission and occupancy policies for returning citizens. Under HUD guidelines, only two categories of individuals are barred from admission: those in the state sex offender registration programs and those who have a household member who has been convicted for manufacturing or producing methamphetamine on the premises of federally assisted housing.



⁵⁷ Rachel Goodman, “Savannah Police Suspend Its ‘Crime Free Housing Program.’” American Civil Liberties Union, Feb. 1, 2018, <https://www.aclu.org/blog/racial-justice/race-and-criminal-justice/savannah-police-suspend-its-discriminatory-crime-free>.

How We Do It

To improve access to safe and affordable housing for formerly incarcerated citizens returning to our community, we should:

a. Create a Fair Chance Housing Program. We join the City of Savannah Advocates for Restorative Communities in urging the establishment of a Fair Chance Housing Program. The program would encourage landlords to rent to justice-impacted people and people using housing vouchers.

b. Repeal rent restriction limitation. Lobby the Georgia General Assembly to repeal Article 44-7-19 of the Georgia Code, which bars any county or municipal corporation from enacting, maintaining, or enforcing “any ordinance or resolution which would regulate in any way the amount of rent to be charged for privately owned, single-family or multiple-unit residential rental property.” Repealing the statute would empower local governments to promote neighborhood stability and affordability by slowing rate increases.⁵⁸

c. Support legislation to eliminate discriminatory tenant screening. Lobby the Georgia General Assembly to eliminate discriminatory tenant screening by amending Article 44-7-1 of the Georgia Code to prohibit the use of certain public records and application fees when screening applicants for residency.

d. Support the expansion of the Georgia Housing Voucher Program. We join the Affordable Housing Committee of Savannah in urging expansion of this voucher program, which was established as part of a settlement agreement reached in 2009 between Georgia and the Civil Rights Division of the U.S. Department of Justice over the state’s failure to provide adequate services to those individuals with developmental disabilities and mental illness.

The program has improved the lives of those who have participated in it, while reducing the costs of serving them in the behavioral health system and the criminal justice system. It could be used to improve the reentry programs of the Georgia Department of Community Supervision and reduce the state’s prison population. With housing voucher support, more people could be served in the Georgia Accountability Court Program. The state should therefore expand the housing voucher program, not shrink it, as well as restore the \$7 million that it cut from the program in 2020 in a series of pandemic-related budget moves.



⁵⁸ Title 44-Property, Chapter 7-Landlord and Tenant, Article 1-In General § 44-7-19: Restrictions on rent regulation by local governments, Official Code of Georgia (2010), <https://law.justia.com/codes/georgia/2010/title-44/chapter-7/article-1/44-7-19>.

Budget Justice

“A budget is a moral document.”

—Brittany Packnett Cunningham

“Whoever controls the public space controls the quality of life of people that live in that neighborhood. If gang members and violence control that, people live in fear. If the police control it, people feel oppressed. The only people that can control that public space is the community, and the police should help facilitate that control. I think we do have to reconstruct a system that looks at public safety much larger than crime and violence—that looks at everything from COVID-19 to economic viability to social conditions and really then invests the money where it’s going to have the greatest return.”

—Ronald L. Davis, 21CP Solutions

If policy is the skeleton of our society, then budgets are its bloodstream. Within their line items, allocations, revenues, and expenses is the story of who we are as a country, a state, a county, a city, an agency or a department. Budgets mirror our values and priorities, and who is deemed worthy of our support. In setting forth what needs to be built and fixed and what resources are available for public services and social safety nets, they shape what our neighborhoods look like, feel like, and even who can access those neighborhoods. Budgets are usually portrayed as an impenetrable swamp of numbers and certainly they are the product of hundreds, often thousands and even hundreds of thousands, of small decisions driven by nuts-and-bolts concerns over how to raise revenue. But because they set forth who gets and who does not, they are also profoundly moral documents, as Brittany Packnett Cunningham says above. Budgets, when implemented, can lift people out of poverty or push people more into it. If budgets are society’s bloodstream, they are also part of its soul.

In essence, budgets are social contracts that reflect our collective priorities and values. To the extent a budget lays out a plan for taxing and spending that is slanted against the poor, people of color and the formerly incarcerated, it is unjust and needs to be changed—thus the

term “budget justice.”⁵⁹ In this sense, achieving racial and economic justice is inseparable from achieving budget justice.

To pursue budget justice, we must revise our view of the budget process at every level of government. Instead of seeing the process as number crunching and political posturing over which political party or politician can make the toughest cuts, we should view it as the primary way for deep, long-term investment whose dividends will grow exponentially over future generations.

When we speak of budgets, we should consider them not merely ledgers but moral community contracts. That strengthens trust in the mechanisms and institutions that combine to devise a budget. This terminology also conveys our belief that budget justice is not limited to the issue of who receives what. It is also focused on accountability and assuring that the funds allocated by a budget are spent effectively, especially relating to social services, housing, and health care.

Ensuring the money allotted in a budget is spent wisely and for its designated purpose is crucial to budget justice. For example, more than \$295 billion is spent annually in the U.S. to fund the police, courts, jails, prisons, proba-

⁵⁹ Mark Philpart and Chione L. Fligel, “Fighting Anti-Blackness Through Budget Justice,” Alliance for Boys and Men of Color, June 10, 2020, <https://allianceforbmoc.org/covid19-and-race/commentary/budget-justice>.

tion, and parole.⁶⁰ Furthermore, state and federal spending on corrections has grown more than 300% in the past twenty years, becoming one of the fastest-growing line items in state budgets.⁶¹ Locally, Chatham County was faced in 2020 with a costly jail backlog. Data compiled from jail records by the office of Chatham County’s district attorney showed that 56 detainees, the overwhelming majority of them Black, had been languishing in the county jail for at least 1,000 days at a cost to county taxpayers of \$5,339,320. By June 7, 2020, the number of detainees had increased to 71, for a total of 96,616 days in jail and an estimated cost of \$6,763,120. It was only at that point that the Chatham County Board of Commissioners voted to use funds from the American Rescue Plan Act to invest in more staffing for the district attorney’s office to address the backlog.⁶²

These staggering expenditures do not correspond to any measure of public safety.⁶³ “Spending on the state, local, and federal criminal legal systems continues to rise despite an overall decline in arrests, historically low crime rates, and fewer people incarcerated compared to a decade ago,” our partners at the Vera Institute for Justice say.⁶⁴ It is a refrain we wholeheartedly echo.

Tragically, however, our communities continue to spend hundreds of millions of dollars each year on the corrections system, despite such findings and the lack of statistics from authorities demonstrating that such expenditures are actually reducing crime, improving fairness, or lessening recidivism. “When more money is spent on police, jails, and prisons, less is allocated for basic community resources and services such as housing, medical care, mental health treatment, and social services,” the Vera Institute says, summarizing what zero-sum, evidence-free budgeting and spending means for our communities.



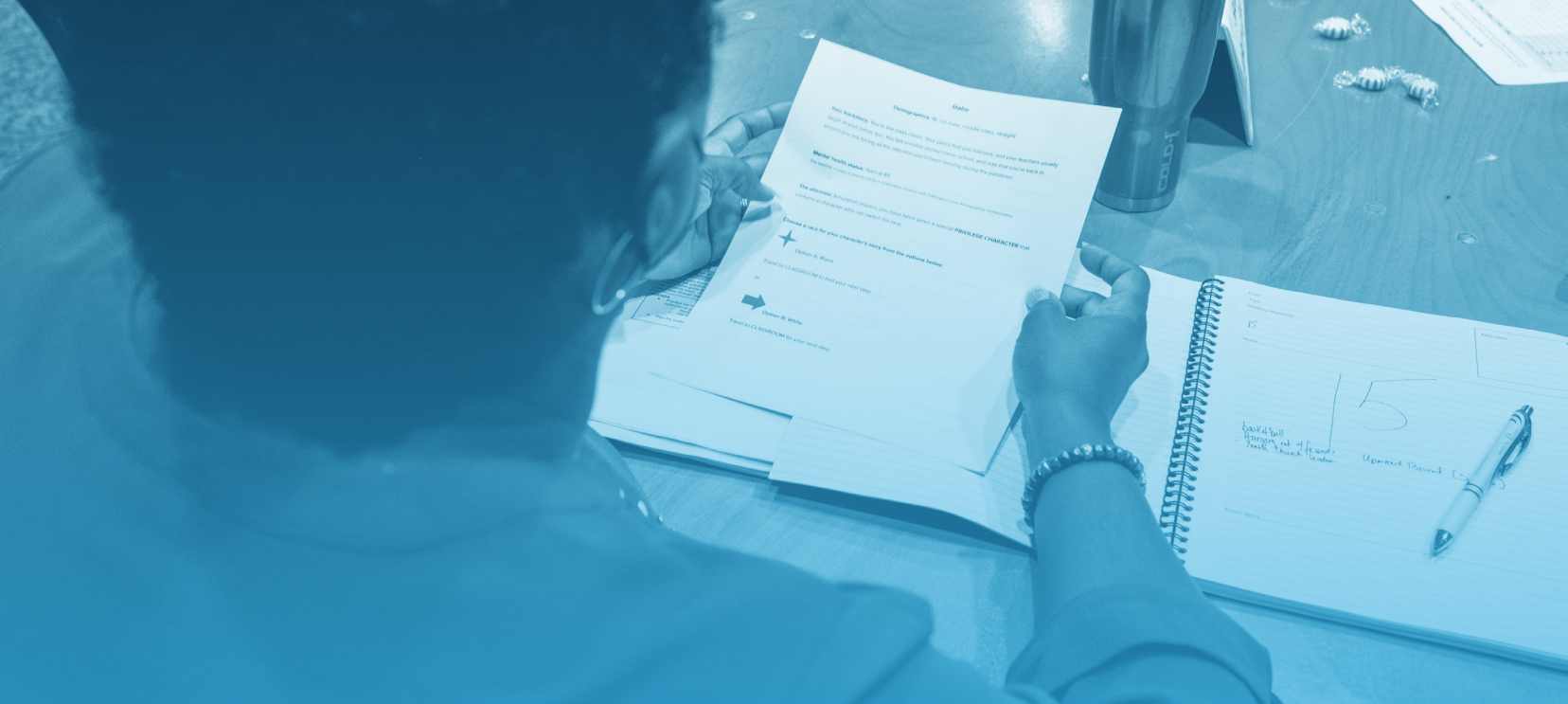
60 “Budget Justice,” Vera Institute for Justice, accessed Oct. 13, 2021, <https://www.vera.org/spotlights/election-2020/budget-justice>.

61 “State and Local Expenditures on Corrections and Education,” Policy and Program Studies Service, U.S. Department of Education, July 2016, <https://www2.ed.gov/rschstat/eval/other/expenditures-corrections-education/brief.pdf>.

62 Coco Papy, “Chatham County Jail’s backlog costs taxpayers \$6.76 million and counting,” July 10, 2021, <https://www.savannahnow.com/story/opinion/2021/07/10/chatham-county-jail-backlog-costs-taxpayers-6-76-million-dollars/7913622002/>.

63 “Budget Justice,” Vera Institute for Justice.

64 Ibid.



7 Data

TYPE OF REFORM: City, County, State

In the course of our work—researching policy, compiling data, serving on task forces, filing open records requests to government agencies—we often obtain information that only provides piecemeal answers and leaves us with more questions. How many people over a four-year period were in jail because they were unable to pay bail? How much was it? \$5,000? \$2,500? \$500 or less? How many young people who have been through Juvenile Court are now in Superior Court? How many young people in the state’s juvenile court system pay fines and fees? How much are they? How many people receive ankle monitors? How many people have been released on OR (Own Recognizance) bonds? How many returned for a court date? How many failure-to-appear warrants have been issued?

At times we have found government data hard to obtain—it is often spread across many agencies, sometimes with different metrics, in multiple formats, and even worse, sometimes in paper files so backed up that they must be examined individually. For all intents and purposes, these obstacles put the data beyond public scrutiny and the agencies and departments that generate it beyond accountability. Of course, knowing that the

data actually exists and knowing *exactly* what to request are daunting challenges themselves.

For instance, little is actually known, even in 2021, about the impact of juvenile fines and fees in the state of Georgia. In August 2020, we joined Berkeley Law School’s Policy Advocacy Clinic in an effort to gather and examine data on the imposition of fines and fees on juveniles statewide. In Georgia, data on juvenile fines and fees is not gathered in one place. It does not cover all the ways fines and fees play out across the justice system, and what exists is not fully accessible.

So the clinic and Deep Center decided to file records requests to all superior and juvenile court clerks in the state, anticipating that they would supply information on juveniles tried as adults and direct to the appropriate juvenile court offices our request for aggregate data about fines, fees and costs for juveniles in the juvenile and adult legal systems.

We hit a brick wall. In turning down requests for such data, court clerks have usually cited two exemptions allowed under state law. First, they are not required to

produce new reports where reports are not already under circulation (§ 50-18-71). And although we made it clear we were requesting not confidential information about juvenile cases but *aggregate* financial data about court costs, fees, and fines, they informed us that juvenile records are protected for confidentiality (§ 15-11-704).

The lack of any comprehensive data collection system, including statewide procedures for collecting data, and the use of separate record-keeping systems across government agencies amounts to an appalling lack of transparency. It means that our community cannot fully document the experience of those people who have encountered the juvenile and criminal justice system. That means, in turn, that we are crippled in our ability to fully understand the racial dimensions of that experience and what needs to change because of it. The compartmentalization of existing data is crippling. For instance, the arrest and prosecution of one person in a municipality of Chatham County involve the following systems:

1. If a person is detained by the Savannah Police Department, data is put into Tiburon.
2. If charged by the Savannah Police Department, data is put into GCIC.
3. If a person is detained in CCDC, data is put into Phoenix.
4. If a person is prosecuted by the District Attorney's Office, data is put into Tracker.
5. If a person is represented by the Public Defender's Office, data is put into JCATS.
6. If a person's case goes to court, data is put into Odyssey.

Incomplete and missing data is at the root of many of the obstacles facing communities, municipalities, and justice-reform advocates across the country. With partial data—or data measured differently from one institution to another—drawing a full portrait of what is happening across communities, agencies and the juvenile and criminal justice system is difficult, if not impossible. Success is difficult to measure, let alone define. Policy recommendations are inherently fragile because the problems those recommendations are designed to address cannot be fully understood. Some jurisdictions are making headway in dismantling these barriers to critically needed information. In March 2018, then Florida Gov. Richard Scott signed into law legislation that made the state's criminal justice system the most transparent in the country.⁶⁵ The law requires that the state's 67 counties collect the same data, record it in the same way, and store it in one clearinghouse, available to the general public. The state is to set up a repository that will house data covering arrest to post-conviction. The data will be collected and reported by court clerks, state attorneys, public defenders, county jails, and departments of correction. The repository will also collect data on probation and parole revocations due to technical violations or to arrests for a new offense. The law requires that all data be published in a “modern, open, electronic format that is machine-readable and readily accessible to the public.”⁶⁶

How We Do It

The City of Savannah, Chatham County and the State of Georgia should follow Florida's example. To ensure that data is gathered often, uniformly, and with a lens on what it is actually telling us, not what we think is happening, we urge the following steps:

- a. **Savannah, Chatham County and all stakeholders in the justice system should create a one-stop local data clearinghouse.** Such a clearinghouse would ensure the same data is collected and recorded in the same way, and be stored in the same public place. The clearinghouse, which would be open to the public, would house data that covers arrest to post-conviction and data that is collected and reported by court clerks, public defenders, county jails, Savannah police, Chatham County police, the departments of correction, Department of Juvenile Justice (DJJ), Department of Driver Services (DDS), Department of Community

⁶⁵ “CS/CS/SB 1392: Criminal Justice,” Florida State Senate, <https://www.flsenate.gov/Session/Bill/2018/01392>.

⁶⁶ “2019 Florida Statutes, Title XLVII, Chapter 900, Section 05: Criminal justice data collection,” Florida State Senate, <https://www.flsenate.gov/Laws/Statutes/2019/900.05>.

Health (DCH), Department of Behavioral Health & Developmental Disabilities (DBHDD), and other crucial stakeholders. Related steps should include:

1. Digitizing and organizing records so they can be analyzed and reported.
2. Revising data collection processes to ensure data is a complete picture of all facets of the justice system and encouraging compliance with established data collection policies.
3. Sharing data across different agencies while preserving privacy and integrity of all justice system entities.
4. Defining deeper analytics and metrics to ensure the most accurate picture of the problem.
5. Creating an online dashboard to display real-time numbers of jail population, community supervision, jail and court composition, crime and recidivism rates, and corrections spending to ensure public accessibility to current and future data.
6. Ensuring ethical data integrity through third-party data audits

b. The Georgia General Assembly should pass and the governor sign into law legislation setting up a repository for criminal justice data and ensuring that data is collected and recorded in a uniform way and stored in the same public place. The repository would house data that covers arrest to post-conviction, and the data therein should be collected and reported by court clerks, state attorneys, public defenders, county jails, the Department of Corrections (DoC), Department of Juvenile Justice (DJJ), Department of Driver Services (DDS), Department of Community Health (DCH), and Department of Behavioral Health & Developmental Disabilities (DBHDD). Related steps should include:

1. Digitizing and organizing all records so they can be analyzed and reported.

2. Revising data collection processes to ensure data is a complete picture of all facets of the justice system and encouraging compliance with established data collection policies.
3. Defining deeper analytics and metrics to ensure the most accurate picture of the problem.
4. Ensuring public accessibility to current and future data disclosures.
5. Ensuring data integrity by third-party data audits.
6. Ensuring that policies and legislation are evidence-based and data-driven from this resource.

c. Create a criminal justice dashboard to provide granular, real-time data to communities and stakeholders about local jail populations and arrests. The dashboard would display information about an individual's gender, race, charge, bail amount, and length of stay in jail while preserving anonymity. It would also indicate any involvement of the U.S. Immigration and Customs Enforcement (ICE) with the individual. The dashboard, mirroring the model developed by officials in Hays County, Texas and the Vera Institute of Justice, would provide communities with insights into how counties and states are using their jails, both daily and over time. It would enable stakeholders and community members to ask more detailed and informed questions, monitor real-time change, identify gaps in needed services and resources, and implement better policies to reduce the jail population.

d. Make equity a defining principle in gathering and interpreting data. Data is collected, analyzed, interpreted, and distributed by people, who bring to their work their subjective experiences, potential biases, goals, and motivations. We need to be mindful of how these dynamics affect, unintentionally or not, the questions we ask and how they are framed, and to ensure we are following the best, most ethical practices.

8 Invest

TYPE OF REFORM: City, County, School Board, State

“There comes a point where we need to stop just pulling people out of the River. We need to go upstream and find out why they’re falling in.”

—Desmond Tutu

Far too often, the budget process now centers on assurances that a proposed budget will be “lean but not mean” and not break the treasury and the pocketbooks of taxpayers. Even worse, the process is used by unscrupulous politicians and interest groups as a cudgel to scold communities for wanting “handouts.” To do budgeting correctly, we must insert the principles of equity and justice into the heart of the process. We must examine how a budget is decided, as well as what is decided. Furthermore, we must consider those areas in which we have often not been as willing to invest but know we absolutely should for our long-term collective good. Investments are just that—they are focused on the long-term.

One of the obstacles to the budget process we envision is the tendency of government officials to limit it to tweaking the previous budget. Resistance to moving beyond incremental budgeting and to examine the big picture is one of the biggest challenges we face in our pursuit of more equity in the allocation of our tax dollars. That is the lesson of the budget process in Kings County, Wash., for Aaron Rubardt, deputy director of the county’s Office of Performance, Strategy and Budget:

“Incremental budgets make marginal changes from year to year . . . rather than start from scratch each budget cycle. While incremental budgeting provides

welcome structure and stability for our agencies, it also unintentionally perpetuates disparities in our communities. With incremental budgeting, it’s extremely challenging to shift significant resources from areas that have had access to the majority of resources to those that have been under-resourced. New funds can be invested in communities with fewer resources, but it’s extremely difficult to cut funds from one community and give them to another. To date, efforts to move toward a zero-based budgeting process, in which we would take a hard look at where each agency invests its resources, are met with immediate resistance because of concerns about the extensive work involved in developing a new process, as well as concerns that there would be ‘winners’ and ‘losers’ if funds were reallocated.”⁶⁷

Although reform is a formidable task, by elevating the principle of equity more in our budgeting process, we can make great strides toward developing fairer budgets that not only enable government departments to function better but allow neighborhoods to get the resources they need.

⁶⁷ Aaron Rubardt, “Operationalizing Equity and Social Justice in Budgeting,” PA Times, Aug. 5, 2019, <https://patimes.org/operationalizing-equity-and-social-justice-in-budgeting/>.

How We Do It

We must urge our elected leaders to make budget decisions that will enable communities to thrive, including:

School Board

a. Reallocate budget funding for School Resource Officers (SROs) into mental health services. This year, SCCPSS is spending \$8.3 million on the Campus Police Department. From data requested, this includes 27 unsworn officers for 27 different schools, or one per school. The list of sworn officers totals 54, though not all are assigned to specific campuses. This spending comes after a huge increase in the staff assigned to campus police from FY2018 to FY2019, from \$64.6 to \$119.6; budget increases from \$5.3 million in 2018 to \$7 million in 2019; and the receipt of \$2.37 million in grants for safety and security in 2019. Some of those funds were used to purchase 53 walkthrough and 53 handheld metal detectors, additional software for managing police records and data-sharing with local law enforcement, and a digital management system to monitor school visitors.

The presence of law enforcement in schools has been a controversial issue for decades.⁶⁸ Concerns about rising rates of violence among youth, coupled with increased attention to school shootings, led to federal funding for more police—frequently referred to as SROs—in schools.⁶⁹ In fact, rates of youth violence have plummeted independent of law enforcement interventions, and the impact of SROs on school shootings has been dubious, at best.⁷⁰ SROs have played a role in exacerbating racial disparities, and their impact has driven youth deeper into the juvenile and adult criminal justice systems.⁷¹ Rather than preventing crime, SROs have been linked to

increased arrests for non-criminal and youthful behavior, and are a feature of the school-to-prison pipeline.⁷² We believe that current SRO programs should be reconsidered and that funding for the programs should be used instead to hire more counselors, social workers, and support staff in keeping with the recommendations of the National Association of Social Workers and the American School Counselor Association. The reallocated funding also should be used to expand supports like the Georgia Apex Program, which provides mental health support to schools. The additional funds also could be used to address the needs enumerated in the state of Georgia’s plan for assistance received under the American Rescue Plan (ARP-ESSER) by:⁷³

- » Increasing summer and after-school learning in partnership with the Georgia Statewide Afterschool Network.
- » Adding state-level support for school nurses, school psychologists, school social workers, wrap-around services, and military families.
- » Establishing school-based health clinics for students in rural areas and partnering to expand hearing, vision, and other screenings.
- » Providing mental health awareness training for educators to identify suicidal thoughts, abuse, and trauma experienced by students.
- » Developing instructional aids for students in social studies, science, English Language Arts (ELA), and math.
- » Providing support and therapeutic services for students with disabilities.

68 “Education Under Arrest: The Case Against Police in Schools,” Justice Policy Institute, November 2011, http://www.justicepolicy.org/uploads/justicepolicy/documents/educationunderarrest_fullreport.pdf.

69 Jason P. Nance, “Students, Police, and the School-to-Prison Pipeline,” *Washington University Law Review* 919 (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333.

70 Humera Nayeb and Amy Meek, “What the Research Shows: The Impact of School Resource Officers,” Chicago Lawyers’ Committee for Civil Rights, June 23, 2020, <https://www.clccrul.org/blog/2020/6/23/research-sros>.

71 Jason P. Nance, “Students, Police, and the School-to-Prison Pipeline.”

72 “The Presence of School Resource Officers (SROs) in America’s Schools,” Justice Policy Institute, July 9, 2020, https://www.justicepolicy.org/uploads/justicepolicy/documents/School_Resource_Officers_2020.pdf.

73 “Ga DOE: State Plan for Final Portion of K-12 Education Stimulus Funds Approved,” AllOnGeorgia, July 23, 2021, <https://allongeorgia.com/georgia-education-k12/ga-doe-state-plan-for-final-portion-of-k-12-education-stimulus-funds-approved/>.

City of Savannah

b. The City of Savannah and Chatham County should expand the number of clinical staff in the Savannah Police Department's Behavioral Health Unit (BHU) and commit to its long-term, annual funding with a separate line item in the annual budget. In September 2020, the Savannah Police Department created the BHU. The unit, consisting of two non-uniformed SPD officers and a licensed clinician, rides with officers two days a week. The clinician is also available by phone or tele-medicine. The BHU is designed to respond to calls involving opioid or substance abuse, suicide and mental health disorders, and assists with calls for homelessness and disorderly conduct. The police department says the unit's goal is to decriminalize substance abuse and mental health and reduce the number of individuals entering the criminal justice system. In addition to increasing the number of clinical staff on the unit, its coverage should be expanded from two days a week to five, a peer support and recovery specialist should be added, and the unit should support cross-jurisdictional training on enhanced crisis intervention.

c. The City of Savannah should fully commit to investing in and sustaining Cure Violence. Law enforcement strategies typically punish conditions that lead to crime rather than addressing them. Trauma, previous exposure to violence, and concentrated poverty all create the conditions for violence. The science behind the causes of violence gives us a roadmap for building safe and healthy communities. Innovative new strategies grounded in public health and healing include community-based street outreach, violence interrupters, and hospital-based violence intervention.⁷⁴ One such strategy is Cure Violence, which the Savannah Police Department has recently selected as the city's anti-violence initiative. First developed in Chicago in the early 2000s, Cure Violence is an approach to reducing violence using disease control and behavioral change methods. By fully committing to anti-violence interventions that are driven by community, the City of Savannah and Savannah Police Department are making a long-term commitment to

violence reduction as a public health strategy, rather than a strategy that relies on carceral punishment and over-policing.

Chatham County

Chatham County should allocate funding for the creation of a Behavioral Health Unit (BHU) in the Chatham County Police Department. The unit should start work within six-to-nine months of budget approval, and include clinician coverage for five days and the addition of one peer support and recovery specialist. Like the Savannah Police Department's BHU, it should support cross-jurisdictional training on enhanced crisis intervention. In July 2021, the Breaking the Cycle committee stated that the expansion of the BHU to other municipalities was in a planning process.

General Assembly

The latest round of federal COVID assistance, designated the American Rescue Plan, was approved in March 2021. Under the plan, several state agencies were allocated funding to address the effects of the pandemic, including \$4.3 billion for the Department of Education for emergency relief for public schools, \$607 million for the Department of Early Care and Learning for child care assistance, and \$91 million for the Department of Behavioral Health and Developmental Disabilities for substance-abuse treatment.⁷⁵

Our partners at the Georgia Budget and Policy Institute have urged the heads of these state agencies to follow three principles in deciding how the funds are used. First, it should go to those most hurt by the pandemic and resulting economic crisis. Furthermore, the aid should address longstanding racial inequities created and maintained by racist policies and compounded by the pandemic. Finally, the decision-making over recipients of the funds should be transparent.⁷⁶

⁷⁴ "About Us," Newark Community Street Team, accessed Oct. 13, 2021, <https://www.newarkcommunitystreetteam.org/about-us/>.

⁷⁵ Caitlin Highland, "Fostering Recovery and Prosperity: Guidelines for Georgia Agencies Receiving American Rescue Plan Funds," Georgia Budget and Policy Institute, June 29, 2021, <https://gbpi.org/fostering-recovery-and-prosperity/>.

⁷⁶ Ibid.

We join with the institute in supporting these guiding principles and recommend:

d. The General Assembly should fully fund Georgia's K-12 education budget. Governor Brian Kemp has joined a long line of state officials responsible for systematically underfunding the state's schools and blocking Georgia's progress toward an equitable educational future.⁷⁷ More than \$10 billion has been cut from K-12 education in the past two decades, and the state currently stands \$383 million behind in meeting minimal educational funding.⁷⁸

Complaints to the State Board of Education about the alleged teaching of critical race theory in schools are a distraction from the real scandal facing our schools: the state is not providing high-quality public education to its citizens. Gov. Kemp oversees a rainy day fund currently totaling \$2.7 billion while our public schools suffer annual cuts. The lack of equitable funding for our schools means that Black and brown communities, communities scarred by poverty, and rural communities have been left behind. One consequence is that schools in these communities have more incidents of exclusionary discipline and higher dropout rates than more adequately funded schools.⁷⁹

Georgia's plan for using stimulus funds provided under the American Rescue Plan has been approved by the U.S. Department of Education. It will supply an additional \$1.4 billion to support K-12 schools in the state. The funds should be focused on supporting learning, expanding resources for student mental health and well-being, and ensuring the safety of students, staff, and families. We join our partners in our coalition, Fund Georgia's Future, in calling for the full funding of the state K-12 Education budget.⁸⁰

e. Funding for peer reentry specialists in Chatham County should be restored. In 2019, the Georgia Department of Probation cut funding for two reentry specialists for Chatham County, citing budget concerns. According to data sourced from the Department of Corrections, Chatham County has one of the highest returning citizen populations in the state, so the two original positions should be fully funded and more added to reduce recidivism and promote successful reentry for the justice-impacted.⁸¹

f. Programs that have demonstrated promise in helping reduce juvenile crime should be funded. Intensive, wraparound interventions for young people and their families that focus on behavioral change and address the root causes of behavior not only keep youth out of the criminal justice system but also aid young people who have experienced the criminal justice system.⁸² Studies show that such programs prevent recidivism. Chatham County's own Front Porch is a successful example.⁸³

g. Juvenile Justice Incentive Grants through the Criminal Justice Coordinating Council and the Youth Offender Reentry Project through the Department of Juvenile Justice should continue to receive government funding to reduce recidivism for youth who are at risk of reoffending. Every year, Juvenile Justice Incentive Grants enable more than 1,000 youth across Georgia to be served in their own communities, providing them a positive environment and reducing juvenile detention costs. The Reentry Project addresses the whole experience of youth offenders, from their steps into the juvenile system to their return home, by providing employment, health care, and housing support. The Youth Centered Reentry Team (YCRT) uses a family-focused approach to boost success.

77 Coco Papy and Amanda Hollowell, "Underfunding is the Enemy, not Critical Race Theory," Savannah Morning News, June 13, 2021, <https://amp.savannahnow.com/amp/7633911002>.

78 Stephen Owens, "Billions of Dollars Behind: District Facts Sheets Show Georgia Schools are Far from 'Full Funding,'" Georgia Budget and Policy Institute, Sept. 21, 2021, <https://gbpi.org/billions-of-dollars-behind-district-facts-sheets-show-georgia-schools-are-far-from-full-funding/>.

79 Coco Papy and Amanda Hollowell, "Underfunding is the Enemy, not Critical Race Theory."

80 Fund for Georgia's Future, Deep Center, et. al., Letter to State School Superintendent Richard Woods, Georgia Department of Education, May 19, 2021, <https://gbpi.org/wp-content/uploads/2021/05/FGaF-ARPGaDOEPublicInputLetter20210519.pdf>.

81 "Total prison releases by home county," Office of Planning Analysis, Georgia Department of Corrections, Jan. 2, 2021, http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Inmate_releases_by_county_by_CY.pdf.

82 James C. Howell, "What works with gangs: A breakthrough." *Criminology & Public Policy* 17 (2018): 991, ftllc.com/documents/Howell-2018.pdf; Terence P. Thornberry, Terence P., et al., "Reducing crime among youth at risk for gang involvement: A randomized trial," *Criminology & Public Policy* 17.4 (2018): 953-989, doi.org/10.1111/1745-9133.12398.

83 Also see "The Juvenile Detention Alternatives Initiative," Voices for Georgia's Children, accessed Oct. 13, 2021, <https://georgiavoices.org/factsheets/#fair>.

h. Funding for Georgia’s Apex Program should expand. The Apex Program is aimed at addressing students’ behavioral health needs before they escalate. Dr. Levett, the SCCPSS Superintendent, has made mental health care for students and training for staff a priority. Under her leadership, SCCPSS has increased access to mental health care for students, forged partnerships to tap community resources, and provided training in positive responses to staff. The partnerships for specialized training and staff in identifying and addressing mental health concerns include the Curtis V. Cooper Mobile Clinic, the Front Porch, and the Georgia Apex Program. The National Association of Social Workers recommends that social work services should be provided in schools at a ratio of one social worker for every 250 students. For students with intensive needs, the ratio should be closer to one social worker for every 50 students.⁸⁴

i. Funding for the Afterschool Care Program of the Division of Family & Children Services (DFCS) and other after-school, summer enrichment, and early childhood education programs should continue and expand. Mentorship programs sponsored by the Department of Juvenile Justice (DJJ), school systems and the Technical College System of Georgia also provide educational support and safe, engaging, and enriching spaces to go when school is not in session and many families are still at work. They should be funded, too.

We join our partners at Voices for Georgia’s Children in calling for the above investments



⁸⁴“NASW Highlights the Growing Need for School Social Workers to Prevent School Violence,” National Association of Social Workers, March 27, 2018, <https://www.socialworkers.org/News/News-Releases/ID/1633/NASW-Highlights-the-Growing-Need-for-School-Social-Workers-to-Prevent-School-Violence>.



9 Divest

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

Divestment or divestiture is traditionally a reduction of some kind—most often financial—for reasons ranging from political and economic to ethical and moral. Divestment is the opposite of investment, and is an effective way to promote change, as well as continue the intentions of budgeting as a moral and ethical practice. While divestment is primarily an economic and budget tool, it can also refer to ending, opposing, or taking away repugnant practices. Divestment starts with the important questions: How do we, as the public, start to reallocate power with our dollars, support, resources, or buy-in? How can we not only oppose something, but then also take away any sort of allocated resource or support system for such?

How We Do It

One step to investing anew in our communities is to divest from systems, institutions and policies that threaten our vision of a restorative community. Therefore:

- a. We should divest from any legislation presented in the Georgia General Assembly that would bar, deter, or punish the teaching of critical race theory (CRT) in schools.** On May 5, 2021, the Tennessee General Assembly banned the teaching of CRT, passing a law at the end of the legislative session to withhold funding from public schools that teach about white privilege or anything related to critical race theory. Similar proposals have surfaced in other states across

the country, including one in Idaho that was signed into law this year by the governor. Texas Republicans are also pushing a proposal to ban CRT in schools.

b. We should divest from fines and fees imposed by juvenile courts on youth and their families at a state level. The fees, which are harmful to communities and racially discriminatory, force families to pay for their child’s detention, electronic ankle monitors, probation supervision, and even a court-appointed public defender. Fines—punishments meted out to young people for certain behavior—can be levied on families and young people for truancy, juvenile traffic matters, and other status offenses. These costs operate as a regressive tax on low-income youth and youth of color, primarily Black, brown, and Indigenous youth who are overrepresented in the juvenile system. We support the full abolition of fees and fines imposed on youth and their families, including cancelling all outstanding debt, and encourage leaders to invest instead in community-led initiatives and services aimed at addressing the conditions that contribute to a youth’s involvement in the system in the first place.

c. The Chatham County Police Department should divest itself of any involvement with the LESO/1033 program. The program, which is overseen by the Defense Logistics Agency, a division of the U.S. Department of Defense, transfers excess military equipment to civilian law enforcement agencies. Chatham County owns 12 7.62 millimeter rifles valued at \$1,656.00 each.⁸⁵ In its search for a new infantry rifle to “augment soldier lethality,” the U.S. Army hoped the 7.62mm rifle would replace the standard-issue M4 carbine, but in 2017 the plan was cancelled. If we want to build trust between law enforcement agencies and communities, foregoing these types of weapons is a good-faith step.

d. The City of Savannah and Chatham County should divest themselves of any collaboration with U.S Immigration and Customs Enforcement (ICE). To prevent overreach by the federal government into the growing immigrant population in Chatham County, we propose—in the absence of a criminal warrant or court order requiring otherwise—to limit the access of agents from ICE and U.S. Customs and Border Protection (CBP) to individuals in custody and records. The practice of ushering people from the local jail to deportation regardless of the outcome of a trial violates due process and undermines community trust in authorities. Studies also show that the practice increases racial profiling.⁸⁶ Chatham County has neither confirmed nor denied that it complies with Section 287(g) of the U.S. Immigration and Nationality Act, which authorizes the Department of Homeland Security (DHS) to deputize selected state and local law enforcement officers to enforce federal immigration law.⁸⁷ In 2017, the Savannah City Council blocked a motion by then-Alderman Van Johnson to declare the City of Savannah a Sanctuary City.⁸⁸ We encourage Mayor Johnson to reintroduce the measure and end any unnecessary collaboration with ICE and CBP.⁸⁹

⁸⁵ “See What Your Local Agency Received from the Department of Defense,” The Marshall Project, accessed Oct. 13, 2021, <https://www.themarshallproject.org/mp-graphics/201412-dod/embed.html>.

⁸⁶ Trevor George Gardner and Aarti Kohli, “The C.A.P. Effect: Racial Profiling in the ICE Criminal Alien Program,” The Chief Justice Earl Warren Institute on Race, Ethnicity & Diversity (September 2009), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3168885.

⁸⁷ “Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act,” U.S. Immigration and Customs Enforcement, accessed Oct. 13, 2021, <https://www.ice.gov/287g>.

⁸⁸ “Immigration 101: What is a Sanctuary City?” America’s Voice, last updated Oct. 9, 2019, <https://americasvoice.org/blog/what-is-a-sanctuary-city/>.

⁸⁹ “Ending Local Collaboration With ICE: A Toolkit for Immigrant Activists,” Immigrant Legal Resource Center, August 2015, https://www.ilrc.org/sites/default/files/resources/toolkit_final.compressed.pdf.



10 Create a Mobile Justice Unit

TYPE OF REFORM: **City and County**

“We should think about public safety the way we think about public health. No one would suggest that hospitals alone can keep a population healthy, no matter how well run they might be. A healthy community needs neighborhood clinics, health education, parks, environments free of toxins, government policies that protect the public during health emergencies, and so much more.

Past spasms of outrage over horrific incidents of violence have faded from mainstream attention largely without giving rise to a fundamentally different framework for supporting safe, healthy communities. If this season’s reckoning is to be more fruitful, we must do much more than address police brutality by reforming police unions, training, practices and accountability, though all of that is urgent. For all our sakes, we must break law enforcement’s monopoly on public safety. Simply put: We need new tools.”

—**Reimagine Safety:** A project of the Editorial Board in conversation with outside voices, Washington Post. March 16, 2021⁹⁰

⁹⁰ “Reimagine Safety: A project of the Editorial Board, in conversation with outside voices,” *Washington Post*, March 16 2021, <https://www.washingtonpost.com/opinions/interactive/2021/reimagine-safety/>.

Across the nation, cities and counties are recognizing that we are failing the most vulnerable in what seems to be an unending cycle of a lack of resources, arrest, incarceration, and release back into the same lack of resources, often to start to cycle again. We ask police officers to serve as social workers, crisis counselors, and resource providers. In Georgia, jails have become the number-one provider of mental health care. We cut budgets in the name of austerity and then cannot understand why the problems worsen. We connect people to resources only to overlook or ignore the simple things that prevent them from availing themselves of those resources, like transportation, government IDs and documents, child care, and work schedules.

We are asking far too much of everyone. And we are all too often asking the most vulnerable to meet us where we are, rather than where they stand.

Both the City of Savannah and Chatham County, as well as partners like Gateway and the Coastal Georgia Indicators Coalition, have taken significant steps towards meeting the systems crisis head-on and filling the gaps. For examples, look at Breaking the Cycle, a coordinated cross-systems collaborative initiative working to increase public safety and use limited resources to put people on a path to recovery through better cooperation among criminal justice stakeholders, mental health and substance abuse treatment providers, policymakers, and clients.

Look, too, at the City of Savannah Community Service Officer Program, in which unarmed, unsworn SPD staff members handle non-emergency calls, take reports, and assist officers.⁹¹ Or look at the Savannah Police Department's Behavioral Health Unit (BHU), which is based on the Law Enforcement Assisted Diversion (LEAD) program in Santa Fe, N.M.⁹² People who commit a low-level, nonviolent crime are often driven by unmet mental health needs. Police officers in the BHU have the authority to direct these individuals to community-based health services instead of arresting, jailing, and prosecuting them. Those who commit a low-level, nonviolent, drug-related crime can be referred to a trauma-informed case-management program, where a wide range of support services are available.

And yet, gaps remain.

We again return to a phrase that serves as a North Star for our organization: "People are not the problem; the problem is the problem." In the recognition of the work that many are doing and the progress that has been made, we have come to the understanding that even while firing on all cylinders, it can still not be enough.

Our last recommendation is one we see as a long-term vision. When we asked folks what would make all of this easier—their work, getting resources to those who need them, filling the gaps—over and over we were met with the same answer: If only we had a van that brought services to people, that showed up at the jail as someone was released to help them get an ID or at someone's home to provide counseling services. If only we had a way to combine all our services in one accessible place.

In our 2020 policy brief, we called for the collaboration of an external crisis program, similar to a program out of Eugene, Ore., called Crisis Assistance Helping Out On the Streets (CAHOOTS), an intervention program that is evidence-based, public-health-focused, and relies on trauma-informed de-escalation and harm reduction. This program reduces calls to police, averts harmful arrest-release-repeat cycles, and places a premium on collaborating with established agencies. We offer this recommendation with the premise that it should also provide wraparound social services, ready and available.

The Mobile Justice Unit would provide vulnerable citizens with necessary services at convenient locations, including the Chatham County Jail, individual homes, neighborhood nexus points, and elsewhere. The Mobile Justice Unit would consist of something as simple as a sprinter van that would serve as a mobile working office and clinic, setting up in front of homes, the jail and at homeless camps or at community-partner agency events. It would work with and alongside community partners like Gateway, Step Up, the Georgia Department of Behavioral Health and Developmental Disabilities' Assertive Community Treatment (ACT), and Georgia Legal Services, and would serve those who are homebound, isolated, disabled, returning citizens, or lacking

91 "SPD Introduces Revamped Community Service Officer Program," Savannah Police Department, Sept. 4, 2020, http://savannahpd.org/spd-introduces-revamped-community-service-officer-program/?fbclid=IwAR27k89CF7imo5xaeDL7H1_Jn-I2HGzX_nY4KtekZKtjAYYcfK-GAgWaskas.

92 "SPD Creates Behavioral Health Unit to Assist in Police Response," Savannah Police Department, Sept. 28, 2020, <http://savannahpd.org/spd-creates-behavioral-health-unit-to-assist-in-police-response/>.

transportation.⁹³ The Mobile Justice Van would eliminate the need for clients to travel to multiple offices and allow for crisis workers, attorneys, case workers, and others to screen clients for all their needs in a one-stop shop. Community resource information, government documents, counseling, crisis intervention, benefit enrollment, substance-abuse support, basic care coordination, psychiatric services, legal services, childcare help, housing assistance, and other services would all be available.

Similar models have sprung up around the country, such as Broward County, Fla.’s Mobile Justice Squad, which provides legal aid services.⁹⁴ There are plenty more: the Legal Services Mobile Unit, the Justice Van Society, the Van Buren Mental Health Van, the PCHS Behavioral Health Mobile Health Clinic, to name a handful.⁹⁵ We recognize many of these services are already mobile—a step forward for our community—but our goal ought to be a mechanism that combines the many, many services available in this community to ensure people are getting their needs met in one setting.

How We Do It

a. To be decided. At this point, a mobile justice van is simply an idea, one that has been floated in every conversation about resources that we have had in our city and county. But like all progress towards something completely different, we believe in both baby steps and big visionary ideas. So the only recommendation we make here is that we start by taking this wish into the first initial conversations about what it would truly mean to have such a service in our community. It has been done—in communities similar to ours and totally different—and it has been done successfully. Whether the will exists in our community to turn such an idea into reality remains to be seen.

Our community has been here before. Once upon a time, a group of stakeholders gathered together to discuss health inequities in our community. Years later, Healthy Savannah is a beloved organization that gets policy enacted and helps build infrastructure around healthy, thriving neighborhoods. Once upon a time, a former mayor looked at the inequities around race, workforce development, and income in the city, and began holding meetings between those most impacted and the stakeholders that worked with them. Years later, Step Up Savannah serves low-resourced communities and works on policy change. Once upon a time, a group of judges, social workers, educators, concerned parents, and young people finally got together to talk about the nefarious problem of over-incarceration of youth in our community. Now, the Front Porch serves as a model example of what a diversion center for our youth can be, programs like WREP serve to intervene, and our juvenile court judges lead the way in using a root-cause approach when working with our young people.

We’ve been here before, this unsettled space of identifying a problem alongside a glimmer of what can be done.

We just have to do it.

⁹³ “Assertive Community Treatment,” Georgia Department of Behavioral Health and Developmental Disabilities,” accessed Oct. 13, 2013, http://dbhdd.org/blog/wp-content/uploads/2015/03/act_one_pager.pdf?fbclid=IwAR0BsSDnNj_T8pICQC3s7vKhb5SsyH6HMsqEUEkk-m1hN7DTeQPpqcm7hyNs.

⁹⁴ “Mobile Justice Squad,” Coast to Coast Legal Aid of South Florida, accessed Oct. 13, 2021, <https://www.coasttocoastlegallaid.org/mobile-justice-squad/>.

⁹⁵ Susan Ellis, “Attorneys Will Use Mobile Justice Units for Legal Services,” St. Thomas Source, Sept. 30, 2020, <https://stthomassource.com/content/2020/09/30/attorneys-will-use-mobile-justice-units-for-legal-services/>; Home Page, Justice Van Society, accessed Oct. 13, 2021, <https://www.justicevan.com/>; “Our Services,” Van Buren Community Mental Health, accessed Oct. 13, 2021, http://vbcmh.com/?page_id=4; “Mobile Behavioral Health Unit,” Peninsula Community Health Services, accessed Oct. 13, 2021, <https://www.pchswb.org/locations/mobile-behavioral-health-clinic/>.

GLOSSARY

BIPOC: Black, Indigenous, and People of Color, or BIPOC, is an acronym that emerged from the worldwide protests against racism and police brutality that followed the May 25, 2020, murder of George Floyd while in police custody in Minneapolis, Minn. It is meant to highlight the “unique relationship of Indigneous and Black (African Americans) to whiteness” in North America, the BIPOC Project says.⁹⁶

Evidence-based: A practice that has been rigorously tested and evaluated through scientific method—such as randomized controlled trials—and shown to make a positive, statistically significant difference in important outcomes. A program that is “evidence-based” is one supported by data, not just based in theory. It is one that has been repeatedly tested and is more effective than standard care or an alternative practice, and can be reproduced in other settings.⁹⁷

ICE: U.S. Immigration and Customs Enforcement, or ICE, is a federal law enforcement agency under the U.S. Department of Homeland Security. Created in 2003 when the Bush administration reorganized a number of federal agencies in response to the Sept. 11, 2001, terrorist attacks, its stated mission is to protect the U.S. from cross-border crime and illegal immigration that is deemed a threat to national security and public safety.

JLWOP: Juvenile life without parole, or JLWOP, is a sentence of life in prison without the possibility of parole (LWOP) imposed on a child under the age of 18.⁹⁸

Justice Impacted: Term used to describe individuals who have been incarcerated or detained in a prison, immigration detention center, local jail, juvenile detention center, or any other carceral setting; those who have been convicted but not incarcerated; those who have been charged but not convicted; and those who have been arrested.⁹⁹

Restorative Justice: A theory of justice that emphasizes repairing the harm caused by criminal or injurious harmful behavior. It holds that justice is best accomplished through cooperative processes that allow all willing stakeholders to meet, although other approaches are available and can lead to transformation of people, relationships and communities.

SEL (Social-Emotional Learning): Social-emotional learning, or SEL, is an integral part of education and human development. It is the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities; manage emotions and achieve personal and collective goals; feel and show empathy for others; establish and maintain supportive relationships; and make responsible and caring decisions.¹⁰⁰

Signature or OR (Own Recognizance) Bonds: A signature bond is used in criminal law as an alternative to the traditional surety bail bond. The signature bond or recognizance bond (OR) requires the defendant to sign a promise to return to the court for trial, with the possibility of the entry of a monetary judgment against them if they fail to do so, but does not require a deposit of any cash or property with the court. This type of bond is frequently granted to defendants with no prior criminal history who are accused of minor felony-type cases and not considered a flight risk or danger to the community at large.¹⁰¹

STPP: The school-to-prison pipeline, or STPP, is a process by which minors and young adults become incarcerated in disproportionate numbers because of increasingly harsh school and municipal policies, educational inequality, zero-tolerance policies and practices, and an increase in police in schools.¹⁰²

Wrap-around services: A collaborative case management approach to meeting community needs. It represents a point-of-delivery, rather than a system-level, approach to coordination. Wrap-around is used to describe any program that is flexible, family- or person-oriented and comprehensive—that is, involves a number of organizations working together to provide a holistic program of support.¹⁰³

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ACKNOWLEDGMENTS

This policy brief is a wholehearted, clear-eyed, and collective effort in a moment of reckoning for our country, though one that has been long in the making. Its breadth has been made possible by Deep's village, a community dedicated to making Savannah a more just, vibrant, and equitable place for young people and their families through conversations and a commitment to pushing the limits of what is considered possible in policy change in Chatham County—a place where the phrase “it can't be done here” is used far too often.

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We wish to recognize the valuable work and guidance of members of our adult village, including core, participating, and remote members of Deep's Action Policy Team (APT):

- » Judge LeRoy Burke, III
- » Twyla Carter, The Bail Project
- » Charity Collier, Harm Reduction Specialist
- » Brenda Davis, Chatham County Juvenile Court
- » Michael Edwards, District Attorney's Office, Eastern Judicial Circuit
- » Judge Roxanne Formey, Chatham County Juvenile Court
- » Dr. Otis Johnson, Former Mayor
- » Charlotte Garnes, The Bail Project
- » Micah Herskind, Southern Center for Human Rights
- » Alicia Johnson, Step Up Savannah, Advocates for Restorative Communities
- » Opollo Johnson, Life Navigator
- » Gwen Jordan, Savannah State University
- » Maureen McFadden, Gateway Behavioral Health
- » Todd Martin, Public Defender's Office
- » Fraser Rothwell, Public Defender's Office, Mental Health Court
- » Chris Middleton, Cox, Rodman, & Middleton, LLC
- » Lizann Roberts, Coastal Georgia Indicators Coalition
- » Maxwell Ruppensburg, Reform Georgia, Georgia Department of Behavioral Health and Developmental Disabilities
- » Michael Schwartz, Office of the Georgia Capital Defender
- » Whitney Shephard, Transportation Studio
- » Rachel Wallace, Berkeley Law Policy Advocacy Clinic
- » Katina Wheeler, DISMAS, Advocates for Restorative Communities
- » Maiya Zwerling, Berkeley Law Policy Advocacy Clinic

We also recognize the conversations had with Deep Center staff members who helped illuminate the ground floor experiences they saw our young people and their families encountering everyday:

- » Martina Allen, *Youth Community Organizer*
- » Julius Campbell, *Life Navigator*
- » Mel Kutner, *Director of Restorative Practices and Culture*
- » Keith Miller, *Deputy Director, Strategy and Program Effectiveness*
- » Louise Tremblay, *Interim Executive Director*
- » Luis Zaldivar, *Community Organizer*
- » Opollo Johnson, *Life Navigator*
- » Megan Ave'Lallemant, *Program Manager*

We are grateful for the institutional technical assistance, policy expertise, and data from those who have been walking this road and supporting systems-change work:

- » Arnold Ventures
- » Annie E. Casey Foundation
- » Berkeley Law Policy Advocacy Clinic
- » Forward Promise
- » Georgia Appleseed Center for Law and Justice
- » Georgia Budget and Policy Institute
- » Justice Reform Partnership of Georgia
- » The Leadership Conference on Civil and Human Rights
- » Kresge Foundation
- » Public Welfare Foundation
- » Sapelo Foundation
- » Southern Center for Human Rights
- » Southern Economic Advancement Project (SEAP)
- » Vera Institute of Justice
- » Voices for Georgia's Children

The institutions that funded the work that produced this policy brief are:

- » Mary Reynolds Babcock Foundation
- » Public Welfare Foundation
- » Ford Foundation
- » Forward Promise
- » The Leadership Conference on Civil and Human Rights
- » Public Welfare
- » Robert Wood Johnson Foundation
- » Sapelo Foundation

Deep Center receives funding and support in part by the Annie E. Casey Foundation, Mary Reynolds Babcock Foundation, Chatham County, the Chatham Foundation, the Live Oak Public Library System, the City of Savannah, the Downtown Neighborhood Association, the Ford Foundation, the William and Flora Hewlett Foundation, the Courtney Knight Gaines Foundation, the Georgia Council for the Arts, Gulfstream Aerospace Corporation, the Hodge Foundation, International Paper, the Kresge Foundation, Arnold Ventures, Public Welfare Foundation the Robert Wood Johnson Foundation through Forward Promise, Heising-Simons Foundation, Poetry Foundation, the National Endowment for the Arts, Publix Super Markets Charities, the Savannah Community Foundation, the Weil Family Donor Advised Fund, the Leadership Conference on Civil and Human Rights, the Johanna Anderson Trueblood Foundation, the United Way of the Coastal Empire, Sapelo Foundation, Southern Center for Human Rights, the Vera Institute for Justice, the Literary Arts Emergency Fund, and many other generous institutions and individuals.

We could not do what we do without Deep Center's board of directors:

- » Chris Middleton
- » Manuel Dominguez
- » Whitney Shephard
- » Ben Dombroski
- » Edward Gresham
- » Monisha Johnson
- » Tom Kohler
- » Mark McDaniel
- » Carl Walton
- » Courtney Williams

Finally, we recognize the technical and creative labor that went into this document and want to thank:

- » Keenan Alexander, graphic design
- » Somi Benson-Jaja, photography
- » Laura Mulder, photography
- » Craig Nelson, editor
- » Maria Zoccola, copyeditor



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