

A photograph of four people singing outdoors, overlaid with a blue tint. In the center, a man with glasses and a mustache, wearing a light-colored button-down shirt and pants, holds a microphone and has his right hand raised. To his right, another man in a dark jacket also holds a microphone and has his right hand raised. To the left, a woman with long dark hair is singing. On the far right, a third man in a dark jacket is partially visible, looking towards the others. They are standing in front of a wooden fence and trees. A white circular logo with the word "Deep" in blue is at the top center.

Deep

WE ARE CALLED TO BE BRAVE

POLICY RECOMMENDATIONS FOR
TRANSFORMING COMMUNITY

PART OF THE BUILDING A RESTORATIVE COMMUNITY SERIES



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*“Now it is entirely possible that we may all go under.
But until that happens I prefer to believe that since this
society is created by men, it can be remade by men.*

The price for this transformation is high.”

— **James Baldwin**, “The Free and the Brave”

EXECUTIVE SUMMARY

“There’s an Anishinaabe story: Once upon a time in a riverside village, a woman noticed a shocking sight: a drowning baby, crying its lungs out, being washed downriver. She rushed to save it, rescuing the baby just before it went over the falls at the edge of town. The next day there were two babies in the river; the day after, three more, then four. With the help of her neighbors, the woman saved them, too. When babies kept washing downstream, the village banded together, setting up a 24-hour rescue watch. Still the babies kept coming. So the community installed an elaborate alarm system and strung safety nets across the river, but was still overwhelmed trying to save the babies.

“Finally they asked the village elder, who had the solution: ‘Let’s go upstream and see who’s throwing the babies in the river. If we stop them from being thrown in up there, we won’t have to rescue them down here.’”

— Anishinaabe story, variously attributed to Saul Alinsky and Irving Zola¹

Now more than ever, a new course is imperative.

Systems change work is the work we do. It relies on the hope that policymakers, elected leaders and others who serve in the systems and institutions that make up our communities *can — and should — do things differently*. To chart a better course means leaving behind easy and fear-based narratives, 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.

Hope often sounds like a flimsy word, but we are of the firm belief that hope, as the author Rebecca Solnit describes, is “not a lottery ticket you can sit on the sofa

and clutch, feeling lucky. It is an axe you break down doors with in an emergency. Hope should shove you out the door, because it will take everything you have to steer the future away from endless war, from the annihilation of the earth’s treasures and the grinding down of the poor and marginal ... To hope is to give yourself to the future — and that commitment to the future is what makes the present inhabitable.”² It is this conviction that serves as our North Star and a reminder that in the throes of our still pandemic-shaken world, where political divides seem more ever-present and the gap between the haves and have-nots ever-widening, it is now more crucial than ever that we recognize how much a tool hope needs to be, despite many who would scoff at its inability to do anything of merit. Hope is often cast in a pale light, a coping mechanism of ne’er-do-wells, naive young activists and idealists.

¹ <https://www.uua.org/re/tapestry/youth/call/workshop1/171686.shtml>

² <http://rebeccasolnit.net/book/hope-in-the-dark-untold-histories-wild-possibilities/>

But to go back to Solnit:

*“Your opponents would love you to believe that it’s hopeless, that you have no power, that there’s no reason to act, that you can’t win. Hope is a gift you don’t have to surrender, a power you don’t have to throw away.”*³

We echo that call of our own collective power. When we all treat our most urgent priority as the need to demand, create and sustain services, policies and legislation that focus on the restoration of our neighborhoods, we truly can chart a new course for our young people, our village, our community, our policymakers and our elected officials.

And yet, despite the gains by those who have come before us, we still find ourselves in a political climate in which some politicians and some in the media cynically seek to exploit fear and anxiety for political gain. We, like many communities across the nation, have witnessed accelerated gun violence and elected leaders who only continue to respond with stock phrases and the ever-loosening of any sort of system of checks and balances for public safety. We continue to see white, religious, patriarchal extremism grow in political influence, reacting to the changing views and demographics of this country, doing what it can simply to hold on longer to what has always been the history of who holds power in this country. This summer, many watched helplessly as the highest court in the nation did away with long-established protections.

In a shadowy predictor of the future, in the *Dobbs v. Jackson* case, where the protections of *Roe v. Wade* and *Casey v. Planned Parenthood* were overturned, Justice Clarence Thomas stated:

*“In future cases, we should reconsider all of this Court’s substantive due process precedents, including *Griswold*, *Lawrence*, and *Obergefell*. Because any substantive due process decision is ‘demonstrably erroneous,’ we have a duty to ‘correct the error’ established in those precedents.”*⁴

Dobbs v. Jackson,⁵ *New York State Rifle & Pistol Association Inc. v. Bruen*,⁶ *Carson v. Makin*⁷ and *Vega v. Tekoh*⁸ each represented substantial loss, whether the loss of the federal protection for abortion, the striking down of a law that restricted the right to carry concealed weapons in the nation’s most populous city, the thinning of the line between church and state to allow private schools with religious teaching to receive funds from state tuition assistance programs, and the stripping of any sort of outside accountability mechanism for those not read their *Miranda* Rights.

Both these gains and systemic boulders are also apparent at the microlevel in Savannah, Chatham County and the state of Georgia. The tension we walk between real gains and real work to do is ever present; we continue to ask the eternal questions of who gets to measure progress? Who decides that the change we are making is good enough? Can we be satiated with incremental change when it quite literally feels that the world is burning? Can we ever move past bumper-sticker slogans and truly

3 <http://rebeccasolnit.net/book/hope-in-the-dark-untold-histories-wild-possibilities/>

4 https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

5 https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf

6 https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf

7 https://www.supremecourt.gov/opinions/21pdf/20-1088_dbfi.pdf

8 https://www.supremecourt.gov/opinions/21pdf/21-499_gfbh.pdf

figure out what we need to ensure that our systems aren't damaging so many people? We don't know the answers to these questions — and we also know that no one person can answer them at all.

In the midst of this climate of uncertainty, we continue to accelerate the pace and magnify the urgency of Deep's systems-change work. 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. To put it simply, we need to be braver.

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 we seek to focus our work. We insist that progress in realizing this vision is not a zero-sum game in which one group wins and another loses. Ultimately, we 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.

We can do this. We just must be brave enough to do it.



Methodology

Deep Center's policy work is driven by the core method of participatory action research. According to the Institute of Development Studies, participatory action research “involves researchers and participants working together to understand a problematic situation and change it for the better. There are many definitions of the approach, which share some common elements. PAR focuses on social change that promotes democracy and challenges inequality; is context-specific, often targeted on the needs of a particular group; is an iterative cycle of research, action and reflection; and often seeks to ‘liberate’ participants to have a greater awareness of their situation in order to take action.”⁹

Participatory action research ultimately honors the fact that everyone is the expert of their own lived experiences, and what is found in those lived experiences, alongside data, field notes and other collection methods, is used to drive social change.

Deep Center does everything we can to commit to a process that values equity, complexity, nuance and justice. We would be remiss not to state the reality that many of the issues we seek to shift and transform exist at the systemic and institutional level, and therefore any solution must address generations of legal, policy and cultural choices that have brought us to this particular point in time. These problems are not the fault of one person or one community. No single decision or person in a local justice system determines what the future holds, just as no single decision or person is responsible for our situation as a whole.

As stated in our very first policy brief published in 2019, we firmly stand on the principle that “our stories are the evidence.” Methods employed in our participatory research in collecting research and data include program or participant observation, testimony and story gathering, data collection, field notes and one-on-one conversations, and involve a high-level of collaboration, listening and willingness fundamentally not only to see the failures and dark spots, but also to give credit where credit is due for the often slow but necessary change being made.



⁹ <https://www.participatorymethods.org/glossary/participatory-action-research>



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 range from supporting already-in-progress reform and action to pushing for leaders to act on proposed reforms. These reforms and best practices touch upon such areas as public safety, cultural restoration, criminal and juvenile justice, law enforcement, housing, education and healthcare.

Restorative Justice

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

Youth Justice

2. End the Unnecessary Criminalization of Young People
3. Build for the Future, Take It Down
4. Education, Restoration, Healing
5. No.More.Guns.

Community Justice

6. We Don't Have To: Alternatives to Incarceration
7. Audit Shotspotter

Economic Justice

8. Piecemeal Data, Piecemeal Solutions
9. End Monetary Sanctions
10. Fund Georgia's Future

Commit to Restore Us

Our recommendations set forth what is possible and attempt to strike a balance between practical, attainable wins and visionary progress, which will take years — decades, even. By any measure, there is a great amount of work to be done, building on the good work that has already been accomplished. 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 toward achieving greater vision. If we can build the momentum and political will to undertake this work now, we can rethink not only what public safety and thriving communities mean, but 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 every community, whether like ours or not, contends with. Our vision for a place that meets the needs of every citizen and offers the ability to truly thrive calls for meeting all young people and adults where they are, removing the barriers that hinder their success, accounting for systemic burdens and investing what is necessary to repair and to offer up thriving.

Many of the more obsolete or outmoded policies currently on the books simply do not have to exist. These changes are important to the entire community, and rallying in support of their enactment is work for us all, no matter whether we are directly affected by the justice system or sit as far away as one possibly could. Healing our community is not a simple issue of divided political party and rhetoric.

We all deserve better.

The systemic problems we face are neither inevitable nor irreversible. But to navigate a different path takes 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 provide necessary investments, rather than one that punishes and harms. Some of us already lead in this way. Some of us could be doing more. Our community's current moment has the potential to define what the next half-century could entail. In this moment, we are called to be brave: brave enough to do the right thing, brave enough to do the hard thing, brave enough to do the politically unpopular thing.

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, stakeholders and partners we want to credit, co-sign and platform.

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 even now being undertaken elsewhere and already championed by those in our community, to what may appear too lofty for the naysayers. 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 particular moment, 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 community. It is the product of a process that mirrors the world we envision. And we only ask that as we are called to be brave, we answer that call.



RECOMMENDATIONS





Restorative Justice

“The power of just mercy is that it belongs to the undeserving. It’s when mercy is least expected that it’s most potent — strong enough to break the cycle of victimization and victimhood, retribution and suffering. It has the power to heal the psychic harm and injuries that lead to aggression and violence, abuse of power, mass incarceration.”

—Bryan Stevenson, *Just Mercy: A Story of Justice and Redemption*

1 Declare Chatham County and the City of Savannah Restorative Communities

TYPE OF REFORM: **City and County**

In our yearly policy briefs to date, Deep Center has 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 again with the same recommendation in our latest brief, because we firmly plant all our recommendations and analyses in the focus of root causes. We seek to encourage others not simply to apply band-aids to problems or to cast people out 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 or simply responding when something has *already happened*, the Restorative Community seeks to understand and address the root of community ills. 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 public safety.

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, starting with the needs of those harmed and holding 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. 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, accountability 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.

This understanding of restorative justice underlies Deep Center’s vision of a Restorative Community and each and every one of our policy recommendations. 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.

How We Do It

The City of Savannah and Chatham County have embraced aspects of what we define as a Restorative Community. With the creation of Savannah Mayor Van Johnson's citizen advisory boards dedicated to ensuring more equitable policy and practices, we have the building blocks and framework towards defining our community as a restorative one. These advisory boards include: the Race and Equity Leadership Task Force, Advocates for Restorative Communities, Housing Task Force, PROUD Savannah Taskforce and Savannah CARES; and on the Chatham County side, the Breaking the Cycle Committee and the Chatham County Blueprint, which prioritizes public health, justice reforms and public safety. However, we urge our city and county to take a step further and commit to the idea of restoration as a practical outlook that supports public safety, that supports economic vitality and that supports neighborhoods that thrive, and further to commit to this guiding principle for how we create policy and procedure.

We recommend:

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 or a Director of Restorative Justice position within the city and/or county. 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.

In this recommendation, we recognize that the City of Savannah has already committed to ensuring the permanency of the CARES taskforce and is in the initial research stages of developing what a Savannah-specific Criminal Justice Coordinating Committee would look like. These are both commendable actions, and we support both as necessary and crucial parts of accountability and examination of law enforcement and judicial practices. However, the restorative commission's work, while having overlap with CARES and the Coordinating Committee, 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 or role 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 or director would have one-year, three-year and five-year timelines and be based congruently in shared goals alongside offices like the Office of Neighborhood Safety and Engagement, CARES and potentially the Criminal Justice Coordinating Committee. Included in these recommended policies will be criteria and milestones for measuring progress in implementing them and their fiscal impact.



Youth Justice

“A politics rooted in lived experience and stories is vital to multiracial democracy and building a brighter future! Young Georgians — especially those impacted by systems of oppression — have so much to learn and so many stories to tell.”

— Georgia Youth Justice Coalition, Uplifting Voices and Stories.¹⁰

2 End the Unnecessary Criminalization of Young People

TYPE OF REFORM: **State**

“The way that I began to see the world in the work that I was doing was always focusing on responding to the problems that showed up before me. And it wasn’t until we took some kids out of a camp, and these were Black kids that had just got out of juvenile hall and they had done all kinds of violent stuff and they had all these other reasons.

And I remember that these kids, we were up on this campus, and we let them out of a session, and they were running. These are like, 15-, 16-, 17-year-old kids, they were running and doing somersaults in the open sun overlooking the Pacific Ocean. And they were playing, they were frolicking in a sense of joy. And I began to sort of, like, ‘Hey, man, the work that we do is not always only focused on problem-solving or focusing on addressing a problem, but we also have to look at the possibilities, we have to think about the kind of world that we want to create.’”

—Shawn Ginwright, in conversation with Brene Brown, “Unlocking Us.”¹¹

¹⁰ <https://www.georgiayouthjustice.org/our-work>

¹¹ <https://brenebrown.com/podcast/the-four-pivots-reimagining-justice-reimagining-ourselves/>

Our young people are overcriminalized.

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-income 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 our legislature has made substantive reforms to both our criminal and juvenile code based on updated child and adolescent development, reforms that have since cast excessive punishment as archaic, regressive and cruel.

In 1994, 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."¹² 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 through Georgia statute §16-3-1, which stated the minimum age for criminal prosecution. 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.¹³ "Tough medicine for a tough disease," Gov. Miller declared.¹⁴

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.¹⁵ 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 because of their still-developing brains, the young do not have the same level of judgment and ability to assess risk as adults.¹⁶ 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, these developments in the science of the brain tell us 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.¹⁷ To move forward, Georgia's criminal and justice system must reflect this understanding.

¹² <https://law.georgia.gov/opinions/95-9-0>

¹³ 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>

¹⁴ 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/>

¹⁵ "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

¹⁶ 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/>

¹⁷ "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>

There have been some key reforms in recent years: in particular, the revision of Georgia's Juvenile Code in 2013. The CHINS (children in need of services) statutory section was introduced in the 2013 Juvenile Code update, establishing protections for children and youth whose offenses relate to their status specifically as children and youth. The types of offenses that would qualify would not be violations of the law if committed by an adult: truancy and runaway being the most obvious examples. The establishment of the CHINS section meant removing those offenses from delinquency provisions and developing a process that would ensure that intervention services were made available to children and families. Instead of punishing young people and pushing them into the justice system for having unmet needs, CHINS committed to getting them the resources they needed.

According to Georgia Appleseed's analysis, *Embracing Common Wisdom: The New Juvenile Code in Georgia*, "[CHINS]' unanimous passage demonstrated a commitment to administering justice for children based on current social science knowledge of the development of children, incorporated best practices, and embodied consensus from practitioners and stakeholders in the juvenile justice system."¹⁸ However, crucial aspects still remain in the full promise of juvenile reform in the state of Georgia:

Raising the Juvenile Code Age: Georgia is one of only three states in the U.S. that prosecutes all 17-year-olds as adults in the criminal justice system.¹⁹ In recent years, several states have raised the maximum age of juvenile court jurisdiction from 17 to 18 (or older) to reflect the growing body of research which shows that brain development at age 17 is at a fundamentally different stage than that of an adult.

Ending the Practice of Juvenile Life Without Parole: In 2020, Georgia's Supreme Court ruled unanimously in the case of *Raines v. Georgia* that a juvenile defendant facing a sentence of life in prison without parole for a crime committed does not have a constitutional right for a jury, instead of a trial judge, to make the necessary determination that he or she is "irreparably corrupt" or "permanently incorrigible." 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 was irreparably corrupt before sentencing them to life in prison without parole and that there was nothing stopping the state assembly from banning the practice of JLWOP.

Fully Funding CHINS: CHINS (Children in Need of Services) still is not fully funded in the state of Georgia. Because of the lack of full funding, CHINS is not properly supported across the state, from adequate funding, to the formal state oversight needed for implementation and operation.

By far the most effective tactic used by opponents of any of these reforms is to fan fears about the costs of implementation and the destabilization of public safety. 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. For Raise the Age, wary foes cited a fiscal note by the Georgia State Auditor that stated that the passage of the Raise the Age bill would cost \$200 million for the construction of four new juvenile facilities, alongside millions of dollars in other 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 The challenges reported in the juvenile justice system related to CHINS fell primarily in the way of insufficient programs and opportunities, as well as insufficient non-detention facilities, staff and a need for additional resources rather than from deficiencies in the Juvenile Code itself.

And yet, with claims of outside financial investments the state is simply not capable of, the practice of juvenile life without parole continues, not only at a dire human cost, but at an added cost to taxpayers. According to The Sentencing Project, JLWOP 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 single 16-year-old for 50 years will cost up to \$2.25 million.²¹

¹⁸ <https://gaappleseed.org/initiatives/children/reports/2018-assessment-report.pdf>

¹⁹ "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?9d7bd48c9d7bd4>.

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_902fa7ca47da4fec8711176c85d761c4.pdf.

²¹ Rovner, "Juvenile Life Without Parole: An Overview." <https://www.sentencingproject.org/policy-brief/juvenile-life-without-parole-an-overview/>

Looking at the human cost: 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.²² African Americans make up 23% of all juveniles arrested on suspicion of killing a white person, but make up 42% of those convicted and sentenced to life in prison for the crime, the survey says.²³ 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%).²⁴

Even before they reached the courtroom, those juvenile offenders imprisoned for life had strikes against them, in the form of trauma, violence and poverty:²⁵

- » 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.



²² Rovner, "Juvenile Life Without Parole: An Overview."

²³ Ibid.

²⁴ Ibid.

²⁵ 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/>.

How We Do It

To stop Georgia dragging its feet on these crucial reforms, we must call attention to the yawning gap between rhetoric and reality — specifically, between the warnings of fiscal and public safety 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 these crucial reforms, our state is sharply out of line with best justice practices not only in regards to scientific advances in our understanding of child and adolescent behavior but also to taxpayers: Numbers vary, but according to Youth First: No Kids in Prison, the average cost to imprison a child is around \$113K per year, but is only around \$9,679 per year for one child in the public education system.²⁶ Georgia Family Connection Partnership estimates the number at \$91,000 per year per child, but states that more than half of incarcerated youth in Georgia are convicted of non-violent offenses, while 40% are considered low-risk.²⁷

To see these reforms come to pass, 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 — in itself an act of public safety. In short, these reforms in Georgia are 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. Therefore we must:

a. Raise the Juvenile Code Age

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 that has not been bifurcated.
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.

b. Ban Juvenile Life Without Parole (JLWOP)

1. State Lawmakers in Georgia should use the latitude given them by both courts to act. 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.²⁸
2. Support HB 1542, sponsored by State Senator Derek Mallow, a bill that would amend the above and eliminate the positions of both the death penalty and life without parole for defendants under the age of 18.²⁹

c. Fully fund CHINS

1. A combined effort of full funding and administrative coordination would allow implementation of the 2013 revised Code to be uniformly in place across the state. The success of the CHINS program is particularly dependent on the necessary resources and implementation to ensure a uniform standard and equity of services throughout the state, not just in courtrooms that are able to provide it.

²⁶ <https://www.nokidsinprison.org/explore/georgia/?section=cost-interactive>

²⁷ <https://gafcp.org/2013/02/27/youth-incarceration-rate-plummets-in-georgia/>

²⁸ Georgia General Assembly, House Bill 802, 154th Assembly, 1st sess., <https://www.legis.ga.gov/api/legislation/document/20172018/172103>.

²⁹ <https://www.legis.ga.gov/legislation/62679>





3 Build for the Future, Take It Down

TYPE OF REFORM: **City**

“Bruh, why don’t we just take them down?”

— Anonymous young person, Action Research Team

In 2022, the Southern Poverty Law Center estimated in its *Whose Heritage: Public Symbols of the Confederacy* that “2,089 Confederate memorials can still be found throughout the United States and its territories.”³⁰ While Confederate monuments would seem to occupy what was once defined as the Antebellum and Confederate South, it should be noted that only 1,910 of these memorials are in the Southern states.³¹ *Whose Heritage* cites that in Washington, DC, alone there are 44.³² Former border states like Maryland, Delaware, West Virginia, Kentucky and Missouri have a collected total of 102.³³ States that had not yet been admitted to the Union like Montana and New York host around 30.³⁴

And as of June 24, 2020, according to the most recent *Whose Heritage* report, there are at least 201 public spaces with Confederate monuments in the state of Georgia.³⁵

The majority of these monuments did not go up immediately after the end of the Civil War in 1865, as often assumed. The unfortunate truth is that the majority of Confederate statues in America were built between the 1890s and 1950s, an era defined by Reconstruction and Jim Crow segregation. The Southern Poverty Law Center’s research finds that the biggest spike was between 1896 and 1920, a time defined and influenced by the founding of the United Daughters of the Confederacy, one of the key economic and cultural drivers of Confederate monuments; the *Plessy v. Ferguson* Supreme Court ruling that allowed “separate but equal” segregation (1896); and

the rapidly mounting enactment of Jim Crow laws and vagrancy codes in the early 1900s.

Savannah is no different from other communities grappling with the legacy of monuments created in what was supposed to be a period addressing the incredible harms done by the institution of slavery and fulfilling the promises of Reconstruction. What manifested instead was a political, social and economic backlash, specifically against the series of constitutional amendments post-Civil War that guaranteed rights and citizenship to the traditionally disenfranchised, including the 13th Amendment (1865) which outlawed slavery, the 14th Amendment (1868) which extended citizenship to all persons born in the United States and reaffirmed equal protection of the law to all citizens, and the 15th Amendment (1870) which protected the suffrage of citizens regardless of race.³⁶ Instead of embracing these important changes, communities began turning to “states’ rights,” justifying “Jim Crow” laws that enforced racial segregation and kept Black people from exercising their right to vote. Furthermore, white supremacist groups, who often had the cooperation and sometimes membership of the courts and the police, terrorized Black people.

30 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

31 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

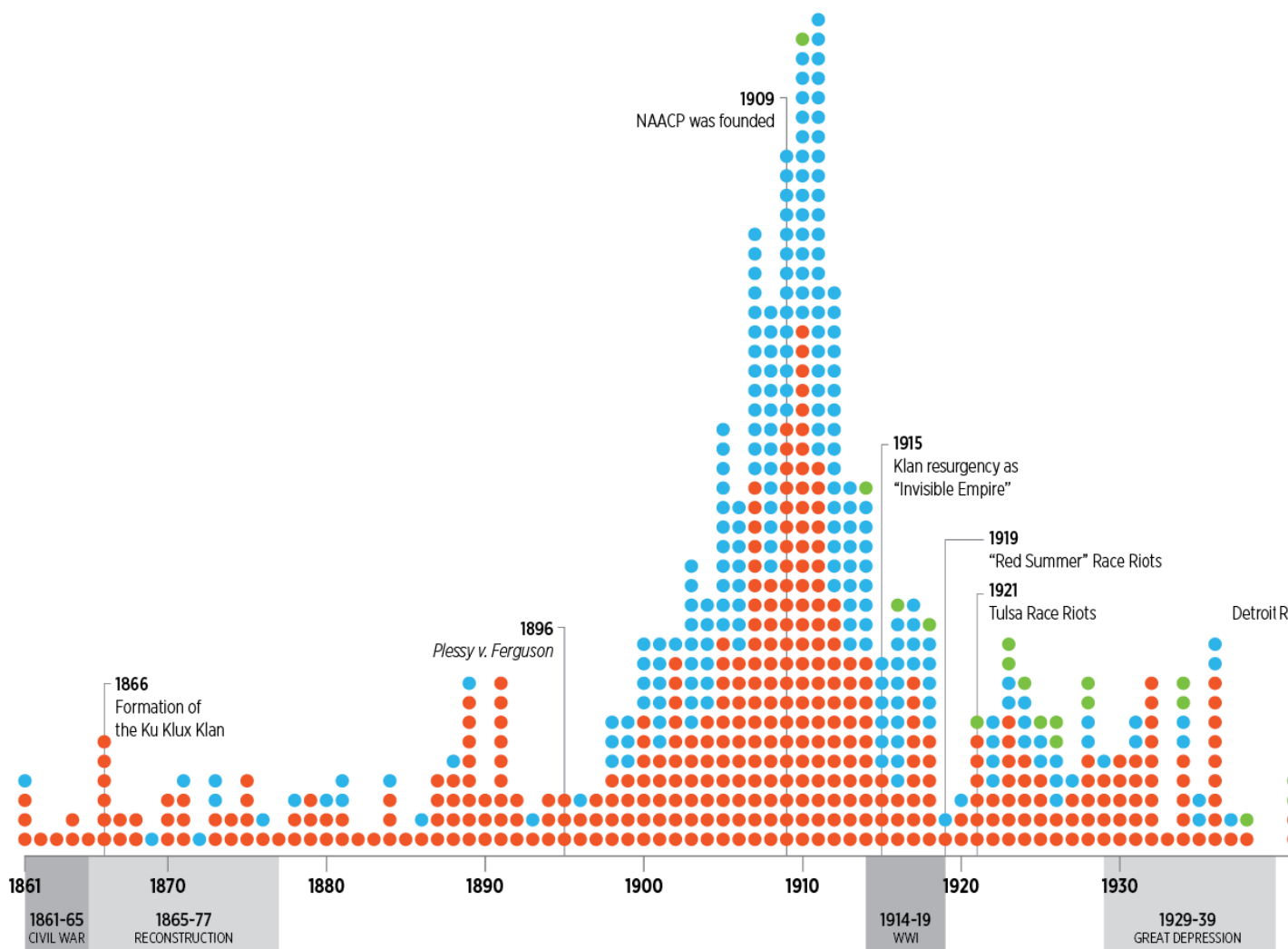
32 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

33 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

34 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

35 <https://www.splcenter.org/sites/default/files/whose-heritage-report-third-edition.pdf>

36 <https://www.nps.gov/subjects/africanamericanheritage/reconstruction.htm>



150 YEARS OF CONFEDERATE ICONOGRAPHY, special report | *Whose heritage?* (First Edition)³⁷

And as with the trend seen in the *Whose Heritage* map designating the rise in Confederate statues, the busts of Confederate officers Francis Stebbins Bartow and LaFayette McLaws were relocated from Chippewa Square to the north and south sides of the Forsyth Park Monument to the Confederate Dead in 1910.³⁸

In 2018, the Savannah City Council adopted the 2017 Confederate Memorial Task Force's recommendations for the busts of Lafayette McLaws and Francis Bartow to be moved to the Confederate section of Laurel Grove Cemetery, alongside the recommendations to 1) Rename the entirety from "Confederate Monument" to "Civil War Memorial"; 2) Preserve all historical material on the memorial and do not change the elliptical shape; 3) Install a new bronze plate that would provide a more accurate description of the monument and cultural truth-telling; 4) Remove the busts

of McLaws and Bartow; 5) Do not replace them; and 6) Commit to an expansion of Savannah's history during the Civil War. As of the writing of this brief, while the original recommendations by the task force were adopted by the Historic Site and Monument Commission and the City Council, no concrete steps have actually been taken on any of the recommendations.³⁹

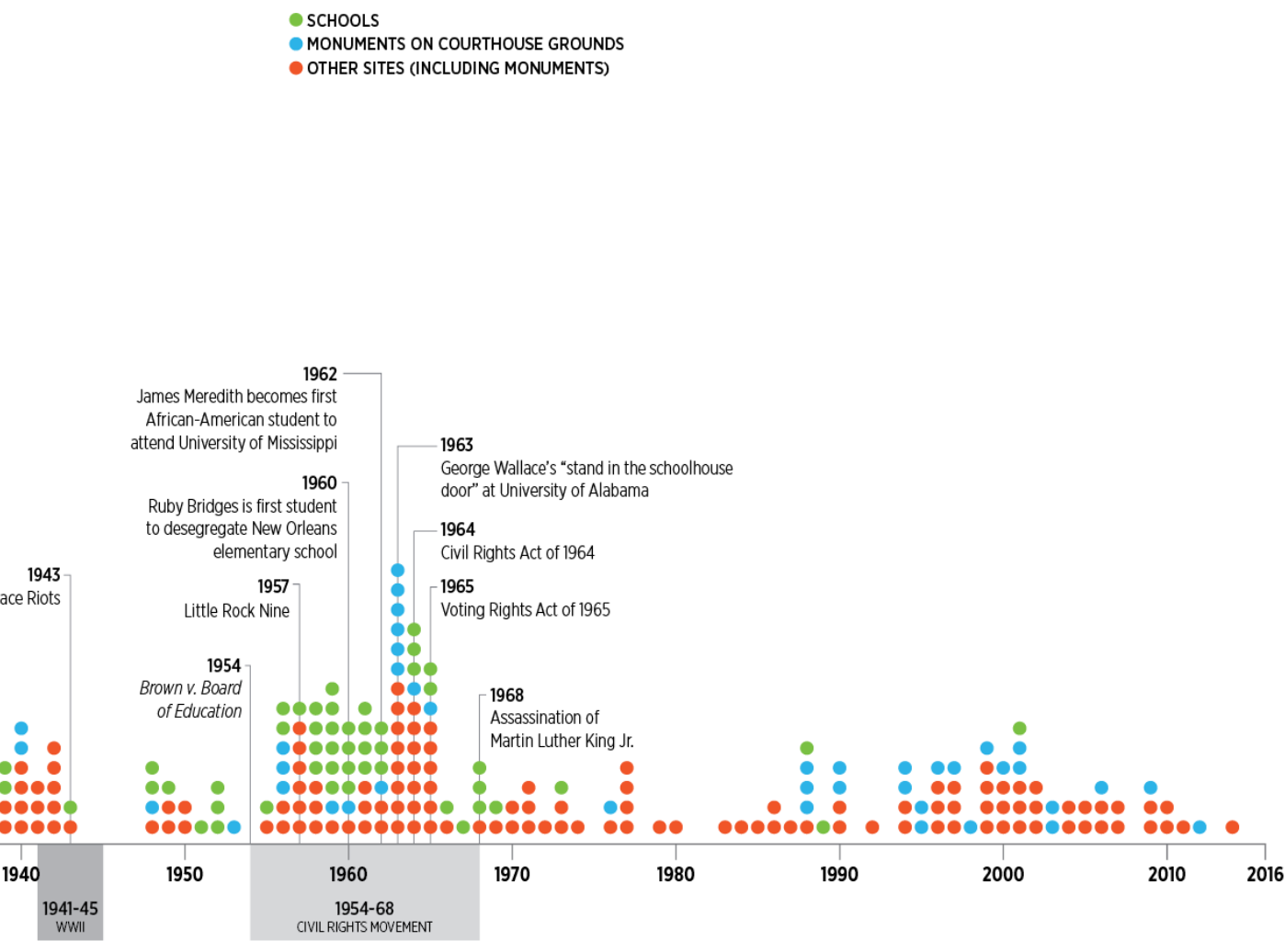
The complication stands that only a few months after the City Council's decision to adopt the recommendations, the General Assembly of Georgia passed Senate Bill 77, a law stating that no publicly owned monument in honor of any military service, past or present, can be moved, altered or removed, as well as requiring any person caught defacing a monument to pay up to "three times the cost of the damage and legal fees" according to the bill text.⁴⁰ Many felt that this legislation was a direct reaction to the

³⁷ https://www.splcenter.org/sites/default/files/com_whose_heritage.pdf

³⁸ <https://www.savannahnow.com/story/news/2021/06/01/forsyth-park-confederate-monument-busts-removed-civil-war-savannah-ga/7445260002/>

³⁹ https://www.scribd.com/document/509795640/Confederate-Memorial-Final-Report#from_embed

⁴⁰ <https://www.legis.ga.gov/legislation/54724>



protests over the death of George Floyd, a death that forced many communities into a reckoning over race, which often included the call to take down monuments honoring the Confederacy and slaveholders.

In October of 2020, the task force — which had also seen a revision in naming, going from the Confederate Monument Taskforce to the Civil War Memorial Task Force — released a revised report, *Civil War Memorial Task Force: Additional Recommendations, Final Report*, which made revised and additional recommendations in light of the newly passed legislation, which included:

- » **Revised Recommendation #5:** Remove the McLaws and Bartow monuments and place in storage until such

time as the City of Savannah can identify a proper location for them.⁴¹

- » **Additional Recommendation #9:** The City of Savannah consistently refer to the memorial as the “Civil War Memorial” in all City communications, including the City website and official City documents.⁴²
- » **Additional Recommendation #10:** Include the amendment of Georgia State laws preventing local governments from altering and/or removing monuments and memorials that no longer serve the needs of their constituents to the 2021 City of Savannah Legislative Agenda.⁴³
- » **Additional Recommendation #11:** Install one new interpretive sign mounted in the ground outside of

⁴¹ https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtaskforce_finalreport_2020-10-01.pdf

⁴² https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtaskforce_finalreport_2020-10-01.pdf

⁴³ https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtaskforce_finalreport_2020-10-01.pdf

the memorial fence line with a panel that incorporates a pictorial timeline of the memorial site and the text: “In 2018, the City of Savannah approved the relocation of the two busts (moved here from Chippewa Square in 1910) from the memorial’s grounds and the placement of a new plaque on the memorial that states: *This memorial was originally erected in 1875 to the Confederate dead, redesigned in 1879, and rededicated in 2018 to all the dead of the American Civil War.* A Georgia State law, strengthened in 2019, currently prevents the City from taking these actions.”⁴⁴

- » **Additional Recommendation #12:** The Savannah City Council should establish a permanent Culture, History & Education Committee. It would have a rotating membership comprised of citizens representing Savannah’s six districts, in addition to experts in the fields of education, tourism and history. The Committee would advise City leadership and staff on ways to expand Savannah’s understanding and interpretation of all the city’s history, especially related to the experiences of American Blacks, Native Americans, and women. This would be done through new static and living memorials, as well as public engagement, outreach, education and discussion of that history in new dynamic and meaningful ways.”⁴⁵

As of the writing of this report, none of the recommendations have been enacted.

And so the monuments continue to stand.

In their participatory action research around Confederate monuments across America and in Savannah in particular, youth in Deep’s Action Research Team (ART) kept circling back to one question: “Why don’t we just take them down?” They felt strongly that the busts did not represent them; they never had. To them, the future required bold action, leading to the creation of ART’s Imagined Monuments Tour. The tour was formed when DOC Savannah approached ART to partner in screening *The Neutral Ground*, a story of New Orleans’ complicated journey to remove its Confederate monuments.⁴⁶ The documentary inspired ART members to use the filmmakers’ journalism as a springboard for

investigating Savannah’s own share of Confederate monuments. Young people ran a Q&A session with two *Neutral Ground* producers, asking tough questions, to which the filmmakers’ responses layered nuance into ART’s conception of artmaking as a unique medium for investigating and expressing what change in their own community could look like.

ART began modeling new monuments to replace Savannah’s Confederate ones. Inspired by Paper Monuments, a public art project through which the people of New Orleans can suggest meaningful new monuments of their own design, young people wrote artist statements and worked with clay, collage and papier-mâché to create monuments they felt symbolized a more representative and equitable Savannah.⁴⁷ They created a map and a book focused on the possibilities of representing the actuality of Savannah: *Imagined Monuments*.⁴⁸ This book was referenced in their collective publishing of an op-ed in *Savannah Morning News*, presented at a public documentary screening of *The Neutral Ground*, and sent with a personal letter and email to every single City of Savannah council member,⁴⁹ the City Attorney and the City Manager with a request to meet about the monuments’ status as well as an open invitation to a town hall on the monuments and ART’s vision for a Savannah more reflective of its people.⁵⁰

Nothing ever happened.

44 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf

45 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf

46 <https://www.docsavannah.org>

47 <https://www.papermonuments.org>

48 <https://docs.google.com/presentation/d/1F4SqAtl3PklFhe2iAJrnms9SAcH7uUtiOAEQ0irArPQ/edit>

49 https://drive.google.com/drive/folders/1c_uh-ocRz76oSW75r-AJ0FCMsjqn23Ad?usp=sharing

50 <https://www.facebook.com/deepcenter912/videos/447795693700705>

“‘Why don’t we just take them down?’ Well, why not? And why not now? ART is adamant that Savannah’s Confederate heroes are not our heroes. Through the strength of our lives and our own histories, we imagine new monuments for an old landscape. We center the narratives of our own heroes, and together, we restore a fractured community landscape, transforming memorials that do not represent us into monuments that celebrate us. We build the city we want to see.”

— Action Research Team Statement

How We Do It

There are many answers to the question “What can we do now?” There are a number of actions the Mayor and city council could do **right now** without any additional votes or discussion that would not run afoul of any laws. Those actions are detailed in the second report of the Civil War Memorial Task Force as additional recommendations and include:

a. Additional Recommendation #9: The City of Savannah consistently refer to the memorial as the “Civil War Memorial” in all City communications, including the City website and official City documents.⁵¹

b. Additional Recommendation #10: Include the amendment of Georgia State laws preventing local governments from altering and/or removing monuments and memorials that no longer serve the needs of their constituents to the 2021 City of Savannah Legislative Agenda.⁵²

c. Additional Recommendation #11: Install one new interpretive sign mounted in the ground outside of the

memorial fence line with a panel that incorporates a pictorial timeline of the memorial site and the text: “In 2018, the City of Savannah approved the relocation of the two busts (moved here from Chippewa Square in 1910) from the memorial’s grounds and the placement of a new plaque on the memorial that states: *This memorial was originally erected in 1875 to the Confederate dead, redesigned in 1879, and rededicated in 2018 to all the dead of the American Civil War.* A Georgia State law, strengthened in 2019, currently prevents the City from taking these actions.”⁵³

d. Additional Recommendation #12: The Savannah City Council should establish a permanent Culture, History & Education Committee. It would have a rotating membership of citizens representing Savannah’s six districts, in addition to experts in the fields of education, tourism and history. The Committee would advise City leadership and staff on ways to expand Savannah’s understanding and interpretation of all the city’s history, especially related to the experiences of American Blacks, Native Americans, and women. This would be done through new static and living memorials, as well as public engagement, outreach, education and discussion of that history in new dynamic and meaningful ways.⁵⁴

However, Deep stands strong in the recommendation not only mentioned in both task force reports, but also demanded by our young people, which is:

e. Remove the McLaws and Bartow monuments.

51 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf

52 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf

53 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf

54 https://www.thempc.org/eagenda/x/smc/2021/june-3-2021-savannah-chatham-county-historic-site-and-monument-commission-meeting/civilwarmemorialtask-force_finalreport_2020-10-01.pdf



4 Education, Restoration, Healing

TYPE OF REFORM: School Board and SCCPSS administration

“education was about the practice of freedom.”

— bell hooks, *Teaching To Transgress: Education as the Practice of Freedom*

“The past is never dead. It’s not even past. All of us labor in webs spun long before we were born, webs of heredity and environment, of desire and consequence, of history and eternity. Haunted by wrong turns and roads not taken, we pursue images perceived as new but whose providence dates to the dim dramas of childhood, which are themselves but ripples of consequence echoing down the generations. The quotidian demands of life distract from this resonance of images and events, but some of us feel it always.”

— William Faulkner

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. What is it that keeps young people from learning?

The denial of their humanity.

We are currently witnessing this denial through two means: the school-to-prison pipeline and the attack on culturally relevant studies.

This past April, the Georgia General Assembly, like state assemblies all over America, saw model legislation crafted by The Heritage Foundation that promised to push back on “Critical Race Theory.”⁵⁵ This model legislation was further supported by at least 165 local and national groups that were immediately activated to disrupt or block lessons on race and gender.⁵⁶ These groups are still actively being reinforced by conservative think tanks like Heritage Foundation, media outlets and law firms and have included tactics like disrupting school board meetings, ousting liberal school board members and harassing parents who support teaching about equity issues. Nowhere were these new tactics more painfully apparent than in Cherokee County, where Cecelia Lewis was asked to apply for a school district’s first-ever administrator job devoted to diversity, equity and inclusion.⁵⁷ A group of white parents — coached by local and national anti-CRT groups — rallied to drive Lewis out of their town and then followed her to the next one.⁵⁸ These groups also pushed for school board policies and state legislation that prohibited educators from making any comments that insinuate one race is superior to the other or that the United States is an inherently racist country, among other race and gender-related subject matter.⁵⁹ The 2022-23 school year will be the first in which educators and students will contend with Georgia’s newly enacted divisive concepts law.⁶⁰

“I don’t know how you teach about reconstruction, Jim Crow laws ... red-lining, sundown laws that were based in law, identified by law and without someone feeling that there is race scapegoating ... even if you say, ‘Here’s the book,’ that book has material there that indicates our national history is problematic.”⁶¹

— SCCPSS Board representative Dionne Hoskins-Brown, District 2, School Board workshop. July 14, 2022.⁶²

Out of the many bills proposed that exited the assembly and became law, most notorious was HB 1084, which defined race and racism as “divisive concepts” and banned the teaching of those “divisive concepts,” including that the US is “fundamentally racist” and that “one race is inherently superior to another race.” This bill is even more worrying given its identical wording to the 2020 executive order from then-President Donald Trump known as the Executive Order on Combating Race and Sex Stereotyping.^{63, 64} Furthermore, at the 11th hour on Sine Die, language was added to the bill that included anti-trans discrimination and banned trans students from playing in a sport not of their “assigned gender.”⁶⁵

55 <https://www.heritage.org/article/protecting-k-12-students-discrimination>

56 https://www.nbcnews.com/news/nbcblk/map-see-which-states-have-passed-critical-race-theory-bills-n1271215?cid=sm_npd_nn_fb_ma&fbclid=IwAR3UN5OaD-73IKZv-EuW8_YcFjRxXqkF64dq061ioL4DcltditxeC_L2aiiw

57 <https://www.propublica.org/article/georgia-dei-crt-schools-parents>

58 <https://www.propublica.org/article/georgia-dei-crt-schools-parents>

59 https://www.savannahnow.com/story/news/education/2022/08/03/savannah-ga-schools-georgia-divisive-concepts-law/10155006002/?utm_source=savannahnow-NewsAlert&utm_medium=email&utm_campaign=news_alerts&utm_term=news_alert&utm_content=NSMN-GEORGIA-SAVANNAH-NLETTER01

60 <https://legiscan.com/GA/bill/HB1084/2021>

61 https://www.savannahnow.com/story/news/education/2022/08/03/savannah-ga-schools-georgia-divisive-concepts-law/10155006002/?utm_source=savannahnow-NewsAlert&utm_medium=email&utm_campaign=news_alerts&utm_term=news_alert&utm_content=NSMN-GEORGIA-SAVANNAH-NLETTER01

62 https://www.savannahnow.com/story/news/education/2022/08/03/savannah-ga-schools-georgia-divisive-concepts-law/10155006002/?utm_source=savannahnow-NewsAlert&utm_medium=email&utm_campaign=news_alerts&utm_term=news_alert&utm_content=NSMN-GEORGIA-SAVANNAH-NLETTER01

63 https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/?utm_source=link

64 <https://legiscan.com/GA/bill/HB1084/2021>

65 <https://thegavoice.com/news/georgia-legislature-approves-committee-to-determine-trans-inclusion-in-school-sports/>

“Our education system needs to face racial realities. Teach facts, and not just those that fit a certain narrative. Foster discussions about race and social justice openly and discourage judgmental tones. Eliminate double-standards when it comes to discipline.”

—Adam Von Brimmer, Savannah Morning News, “Our education system needs to confront the racial bias issue — for society’s sake.”⁶⁶

While many saw the bill as nothing more than a stunt, and many teachers weren’t even aware of the bill or what “critical race theory” even was, it was clear to policy readers that the legislation and “anti-CRT” movement was one fueled by disinformation and the proverbial dog whistle of a larger agenda. The advocates of these bills were not concerned with whether or not the concepts, from a graduate-level theoretical framework taught most commonly in law school, were being taught in our K-12 schools — whose educators already follow the state-mandated and approved curriculum standards and pacing guides. An example of the rippling effects? States have used these laws already to change how history is taught in schools to reflect an “anti-CRT” rhetoric. In Texas, legislators voted to remove all curriculum discussions of Dr. Martin Luther King Jr., Brown vs. Board of Education, the history of Native Americans in Texas, the Emancipation Proclamation, Frederick Douglass, women’s suffrage and white supremacy and slavery. Gov. Greg Abbott signed the bill, and it went into effect Dec. 2, 2021.⁶⁷

Deep Center, alongside fellow education advocates like IDRA, Southern Poverty Law Center, Fund Georgia’s Future and many more, released a statement on April 1, 2022, stating, “This slate of harmful education bills claims to promote and protect intellectual freedom – and yet does the exact opposite by mandating the adoption of inaccurate concepts, prohibiting truthful classroom conversations and punishing schools that allow students and educators to engage critically with the history of this country. These bills come as a direct reaction to the false rhetoric on “critical race theory,” all while ignoring the

true challenges our Georgia education system faces: over two decades of underfunded classrooms and two years of a deadly pandemic.”⁶⁸ Furthermore, one has to ask who these laws are for, when the reality is that Georgia’s public schools are composed of approximately 62% minority students (as of 2022).⁶⁹

The laws did allow school districts to have a measure of discretion in implementing the law in terms of complaint reporting and procedures. On August 10, 2022, SCCPSS voted on a policy to address complaints regarding divisive concepts (Policy IKBB – Divisive Concepts Complaint Resolution Process⁷⁰), which specifically used model language as provided by the Georgia School Boards Association. Modifications created from board and staff feedback were also implemented to ensure 1) certain rights are inclusive of legal guardians and 2) individuals who are the subject of complaints are granted opportunities of notice and engagement in the complaint process. Language was also added to clearly state the administrative aspects of this policy for initiating any alleged violation. But the Divisive Concepts Complaint Resolution Process policy, in legal standing with the law, still holds requirements such as the following:

C. Prohibit the Board, system or a school from promoting concepts such as tolerance, mutual respect, cultural sensitivity, or cultural competency; provided, however, that such efforts do not conflict with the applicable laws;

E. Prohibit the discussion of divisive concepts, as part of a larger course of instruction, in a professionally and academically appropriate manner and without espousing personal political beliefs;

F. Prohibit the full and rigorous implementation of curricula, or elements of a curriculum, that are required as part of advanced placement, international baccalaureate, or dual enrollment coursework; provided, however, that such implementation is done in a professionally and academically appropriate manner and without espousing personal political beliefs;

G. Prohibit the use of curricula that addresses the topics of slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment

⁶⁶ <https://www.savannahnow.com/story/opinion/2021/08/03/georgia-education-officials-prefer-schools-avoid-discussions-race-bias/5434059001/>

⁶⁷ <https://capitol.texas.gov/tlodocs/872/billtext/pdf/SB00003F.pdf#navpanes=0>

⁶⁸ <https://www.idra.org/resource-center/georgia-education-advocates-condemn-the-passage-of-hb-1084-and-hb-1178/>

⁶⁹ <https://www.publicschoolreview.com/minority-stats/georgia>

⁷⁰ [https://go.boarddocs.com/ga/scs/Board.nsf/files/CGZQQU6957A8/\\$file/08.10%20Board%20Policy%20%20IKBB%20%20Divisive%20Concepts%20Complaint%20Resolution%20Process%20%20\(1\).pdf](https://go.boarddocs.com/ga/scs/Board.nsf/files/CGZQQU6957A8/$file/08.10%20Board%20Policy%20%20IKBB%20%20Divisive%20Concepts%20Complaint%20Resolution%20Process%20%20(1).pdf)

and enforcement of laws resulting in racial oppression, segregation, and discrimination in a professionally and academically appropriate manner and without espousing personal political beliefs.”

Defining history as a “divisive concept” creates a chilling effect on educators who work to develop young people’s ability to think critically about local, national and world events. Practically overnight, professional practices that were part of preparing students for college or careers in an increasingly complex and diverse world became a professional liability. However, it is important to state that HB 1084 does not prohibit educators from “*discussing ... divisive concepts*” as “part of a larger course of instruction, in a professionally and academically appropriate manner ... without espousing personal political beliefs.”⁷¹

It also does not appear “to prohibit curricula, teachings, or conversations that cause (or might cause) anguish, guilt, or any other form of psychological distress,” and prohibits teaching in a way that students *should* feel distress.⁷²

All that said, even with the attempts to put practical understanding at a district level, the law remains a cloudy and misguided piece of legislation and political theater aimed at intimidating and confusing educators—more than protecting young students—and ultimately is driving fear and confusion of doing the wrong thing that could get someone fired or worse.⁷³

The potential and power of education as a vehicle to uplift individuals, neighborhoods and communities cannot be realized fully if young people are not exposed to accurate history and a culturally affirming curriculum. To deny students the realities of history and of who they are (as Georgia public K-12 schools are made up of about 62% minority students) impedes the learning goals of any good classroom.⁷⁴

These learning goals are impeded in other ways. 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 they 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, that student faces suspension or expulsion—a traumatic experience of exclusion that fuels the school-to-prison pipeline and increases the likelihood that such exclusion will put a youth on the path toward a clash with the juvenile and criminal justice system. 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 SCCPSS, leaders have started to recognize that local schools need a new approach to discipline and behavior. While SCCPSS has formally abolished the harmful zero-tolerance policies inherited from a more punitive era, some punitive policies and processes still persist, and that realization itself has led to collaboration among the schools, juvenile court, police, community partners and other stakeholders.⁷⁵ Led by Chief Juvenile Court Judge LeRoy Burke III and supported by the Annie E. Casey Foundation, there has been cross-agency training on restorative justice and

71 [https://go.boarddocs.com/ga/sccs/Board.nsf/files/CGZQQU6957A8/\\$file/08.10%20Board%20Policy%20%20IKBB%20%20Divisive%20Concepts%20Complaint%20Resolution%20Process%20%20\(1\).pdf](https://go.boarddocs.com/ga/sccs/Board.nsf/files/CGZQQU6957A8/$file/08.10%20Board%20Policy%20%20IKBB%20%20Divisive%20Concepts%20Complaint%20Resolution%20Process%20%20(1).pdf)

72 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpxtetA2PyEngcg2b9>

73 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpxtetA2PyEngcg2b9>

74 <https://www.publicschoolreview.com/minority-stats/georgia>

75 “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>.

implicit bias. An educational advocate was brought on at the juvenile court. The Front Porch, which accepts referrals from schools, courts, youth and families, opened in December of 2018. A multi-agency resource center, The Front Porch provides assessments and counseling to address a family's needs and keep young people out of court.⁷⁶ Referrals by schools are the largest source of youth for juvenile courts.

Cultural change in schools 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. Ball-Oliver, the Behavior Interventionist Team, the restorative committee, and with teachers and support staff who are actively promoting restorative practices, whether formally or informally. As of the writing of this brief, the student code of conduct now provides principals with a restorative option for infractions that could be easily turned into a full systems culture change.

Culture change is a long-term goal, requiring a long-term sustainable approach. School-level administrators and educators are the drivers and stewards of culture, and high levels of turnover will undo even the best-laid plans. But teacher turnover has reached unprecedented levels both locally and nationally. COVID-19 and the ongoing traumatic aftershocks communities — and therefore schools — are experiencing have driven many educators to quit and dissuaded other potential educators from joining the profession. The shortage is compounded by educators increasingly being targeted for harassment, via direct personal attacks as well as policies like HB 1084. To create truly restorative educational communities, we have to go beyond looking at policies and practices with young people in mind and consider the experiences of adults (teachers, staff and family members).

DEFINITIONS

1. **'Divisive concepts'** means any of the following concepts, including views espousing such concepts:

- A. One race is inherently superior to another race;
- B. The United States of America is fundamentally racist;
- C. An individual, by virtue of his or her race, is inherently or consciously racist or oppressive toward individuals of other races;
- D. An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race;
- E. An individual's moral character is inherently determined by his or her race;
- F. An individual, solely by virtue of his or her race, bears individual responsibility for actions committed in the past by other individuals of the same race;
- G. An individual, solely by virtue of his or her race, should feel anguish, guilt, or any other form of psychological distress;
- H. Performance-based advancement or the recognition and appreciation of character traits such as a hard work ethic are racist or have been advocated for by individuals of a particular race to oppress individuals of another race; or
- I. Any other form of race scapegoating or race stereotyping.

⁷⁶ Ibid.

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. This model 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 its 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 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.

How We Do It

Progress toward culturally affirming, truthful, and healing schools, and — specifically — breaking up the school-to-prison pipeline, has advanced considerably but has also suffered recent legislative losses. We maintain that 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, business and other community leaders — must be mobilized and trained to dismantle the school-to-prison pipeline through state and national action.

a. Continue to include “Divisive Concepts” in curricula and curriculum as a matter of protected constitutional speech.

We stand resolute in the fact that HB1084 is an unclear, purposefully confusing law and ultimately, unconstitutional—what, specifically, qualifies as “objective” or “espousing”? This is not laid out in the law as it currently stands. We as an organization cannot actually offer any guidance, simply because we do not know what is legally possible, even as the drafters of the law claim to be able to rely on the assuredness of its nine concepts of what “divisive concepts” are and the clarity of what not “espousing personal political beliefs” means. It is not a stretch to say that the law was simply created with the purpose of discouraging educators and administrators from voicing any historical accuracies that could be perceived by overeager reactionaries as a violation of the law and of acting as a form of intimidation and confusion.

However, we point to the fact that constitutional rights are *federally* protected, and we defer to those absolute rights. With this, we uplift the guidance that the Southern Poverty Law Center and the ACLU of Georgia have offered in *Free Speech Rights for Educators and Students in Georgia*, which includes:

a. Every person has the right to free speech. This includes both the right to expression as well as the right to receive information and ideas.

b. Every person has the right to due process, which is the right to be treated fairly by the government.

c. Laws and rules must be written to be clear enough that the ordinary person can follow them. If your school or district creates new policies to comply with HB 1084, you must be able to read the rules and have a clear understanding of what you can and cannot do.

d. If you are a K-12 public school teacher in your fourth school year at the same school, you may have tenure or additional employment protections under the law. Your school may be required to follow specific procedures established by law before the administration can demote or fire you.

e. As a school employee, your right to free speech depends on whether you are speaking as a private person or as a public employee.

» *If you are speaking as a private person (i.e., outside of school in your personal capacity), your speech is generally more protected than it would be if you were speaking at school or as a part of your official school duties.*

» *If you are speaking as an employee, then your right to free speech is more limited. Your school and district should set out clear rules for employee speech.”⁷⁷*

Lastly, we urge the school board and school board members to send a clear message to educational leaders and the community that the district stands behind the important role families play as partners in young people’s education *and* teachers’ responsibility to teach the full truth in their classrooms, denouncing efforts to threaten or intimidate educators or limit their autonomy to use professional expertise to make instructional decisions to engage all students in meaningful learning.

⁷⁷ https://www.splcenter.org/sites/default/files/ga_curriculum_censorship_fact_sheet_aug_2022.pdf

b. Fully expand Handle with Care with fidelity for all first-responding jurisdictions: Handle with Care is a program between SCCPSS and Savannah Police Department to assist children who have experienced forms of trauma and may be behaving in a way that historically has been coded as “bad,” but instead is a manifestation of trauma. Officers are trained on how to use a phone application that can alert school staff that a child has witnessed or been involved in an incident that may be traumatizing. The application requires police officers to enter and submit the first name, last name and school the student attends. The system automatically sends a notification to the student’s principal and counselor. The nature of the incident is not shared, but it gives educators, administrators and support staff a “Handle with Care” notification that allows adults to respond to the trauma, as opposed to punishing how it may manifest.

Handle with Care should be expanded to include:

The Chatham County Sheriff’s Office
Tybee Island
Pooler
Bloomingdale
Thunderbolt
Headstart
Early Headstart

c. 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.

d. 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 15 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 the pandemic. More professional learning opportunities for building these practices should be available to administrators, support staff and educators.

e. 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 restorative work, and there should be steps to fully empower them to do so.

f. Increase meaningful opportunities for young people to impact decision-making.

SCCPSS should pursue at least one of the following strategies from the *5 Ways to Include Student Voice in Policymaking* report by the Center for American Progress:

» **“Include a voting student member on district school boards and state boards of education:**

District school boards and state boards of education should appoint at least one student member with full voting power to serve as a representative. The student representative(s) should be selected through a democratic process and should be responsible for soliciting opinions from a diverse set of students across the state or district to inform policy decisions. Districts and states may also want to consider lowering the voting age to 16 for municipal elections to enable greater student participation in school board elections.”⁷⁸

» **“Create student advisory groups to inform district leaders:**

State policymakers and district school boards should form student advisory groups comprised of students from across the district or state to advise on policy development and implementation and provide other recommendations. The advisory groups should be demographically diverse and reflective of the district or state they are representing. They should meet

⁷⁸ <https://www.americanprogress.org/article/5-ways-include-student-voice-education-policymaking/>

regularly with decision-makers and be responsible for surveying students’ opinions and experiences to inform their recommendations.”⁷⁹

- » **“Empower student government groups with real authority:** Schools should elevate their student governments and imbue them with meaningful responsibilities, such as advising school leadership on critical issues, surveying the student body to provide insight on potential school improvements and school culture, and leading initiatives to increase student engagement. Schools should also consider methods to increase participation in student government of students from traditionally underrepresented or marginalized groups — an effort that may include developing alternative selection methods to a traditional voting system or providing a stipend for elected positions.”⁸⁰

We recognize that these recommendations require long-term policies and systems change, and will take time. SCCPSS should create a working group, with equal young person and adult members, to build a plan to move forward with increasing student voice in the decisions that directly impact students themselves. In the meantime, SCCPSS should create special school board meetings where public comment and questions are limited to SCCPSS students and which are scheduled during times where young people can attend — not in the middle of a school day.

g. Promote sustainable culture change by investing in restorative educators. In our experience, many SCCPSS district and building leaders have recognized the unprecedented pressures educators are feeling and the importance of creating positive professional environments for school staff. We applaud these efforts and encourage district leaders to expand these efforts as part of a larger goal of creating a sustainable culture shift across SCCPSS.

More specifically, the district could:

- » Provide professional learning resources and credit to school staff, focus on self-care strategies and provide scaffolded resources to connect these activities to SEL skills for students. For example, by replicating and expanding the Spring 2022 teacher wellness day, piloted by Kimberly McGuire, Interim Director of School Counselors.
- » Conduct surveys or focus groups with teachers to identify what their most pressing physical, emotional and mental well-being needs are as educators and then create an action plan on how to address these most pressing needs. SCCPSS should contract with an external entity to help collect and analyze educator input, and as needed, to help create action plans.



⁷⁹ <https://www.americanprogress.org/article/5-ways-include-student-voice-education-policy-making/>

⁸⁰ <https://www.americanprogress.org/article/5-ways-include-student-voice-education-policy-making/>

5 No.More.Guns.

TYPE OF REFORM: **City and County**

“Gun violence has almost become ‘normal.’ And in that fact, normalcy doesn’t push us to act with a sense of urgency and priority. From the school shootings to the mass shootings to the neighborhood shootings, gun violence is everywhere, and we’ve seemingly accepted it as an everyday occurrence.

“We empathize with the grieving families because we understand that tragedies like these could have been prevented. No other country has experienced school shootings at the volume at which the United States has. It’s a constant cycle: shooting, thoughts and prayers, mourning, publicity stunts by corporations, the ‘debate,’ death in conversation, restart.”

— Harrison Tran and Vivian Ortiz, Deep youth organizers ⁸¹

In 2022, the Mayor’s Office of the City of Savannah began working with the Harvard Kennedy School of Government’s William Monroe Trotter Collaborative for Social Justice, a concrete action to follow the words stated by Mayor Van Johnson during the rally and demonstration for George Floyd in 2020: “This is a moment. What happens tomorrow is a movement.”⁸² It was a commitment that instead of simply marching and going home, there would be action. There would be change. There *had* to be. The time to march and go home was over — and everyone was needed to ensure the

change demanded in the streets on May 31, 2020, would come to fruition.

Led by Professor Cornell William Brooks, the team of Harvard graduate students — Kenashia Thompson, Merida Brimhall, Megan Russo, Jerald Watson and Alexis Williams — was tasked with using “data, training, and public health to implement public safety recommendations developed by Savannah’s citizen accountability and review services committee,” and more more specifically, the best practices, methods and

⁸¹ <https://www.deepcenter.org/2022/06/06/youth-statement-on-continuing-gun-violence/>

⁸² <https://www.savannahnow.com/story/news/2020/05/31/savannah-mayor-police-chief-join-in-protests-of-george-floyd-killing/114807168/>

strategies in the areas of: 1) community review, 2) violence prevention and response, 3) data and transparency and 4) messaging and buy-in.⁸³ The report, published in the summer of 2022, was called *Savannah, Georgia: A Historic Look Toward the Future of Public Safety: Recommendations and Report for the City of Savannah*.

The legislative events happening in the background of the work being done by the Mayor's Office and the Harvard team could not be ignored. During the 2022 legislative assembly, Governor Brian Kemp passed a package of constitutional carry, known as Georgia Constitutional Carry Act (SB 319) and a license reciprocity measure (HB 218), into law.^{84, 85} These two laws effectively allow Georgians to carry a firearm in public without a permit, unless they are a returned citizen with a felony record, under 21 years old (18 for active duty military), or have undergone treatment five years from the application date for either substance abuse or mental health issues. Georgia law had required a license to carry a gun, with those wishing to carry needing only to fill out an application in probate court, pass a background check and pay a fee, but HB 218 essentially made that requirement go away.⁸⁶

Governor Kemp praised the two laws as a “victory” and said he signed the bill because he “believes in the Second Amendment” and he wants “all Georgians to have the right to defend themselves.”^{87, 88} The standard Weapons Carry License applies to both concealed and open carry of handguns, and no background checks of any kind were previously required for *private* gun purchases, which means that the Weapons Carry License background check was one of the only checks in Georgia — now gone. Many argued that realistically, not much changed in the state of Georgia, given the lack of any training or any kind of competence test to get a Weapons Carry License.

In June of 2022, CNN reported that “mass shootings in the United States were on pace to match or surpass

their worst year on record, according to data compiled by the Gun Violence Archive, a nonprofit that tracks gun violence incidents across the country.”⁸⁹ As of early June, the country had seen back-to-back massacres, including a shooting at a Taiwanese church in Orange County, California, which was followed by the racially targeted shooting at a Buffalo, New York, grocery store in which an 18-year-old white gunman live-streamed himself entering and firing at Black residents shopping.^{90, 91} Then came the absolutely horrific incident in Uvalde, Texas, in which 19 elementary schools students and two fourth-grade teachers were massacred in their classrooms, made worse by the massive police failure to stop the incident and the outrage of the young man being legally able to purchase two AR-style rifles soon after he turned 18, one being a Daniel Defense product marketed by the gunmaker as “extremely maneuverable and easy to move around barriers,” which the group claims is “a description more apt for combat, as opposed to hunting or target shooting,” and whose location right outside of Savannah did not go unnoticed by the local community.^{92, 93} Mere days later, two doctors and two others were shot by a gunman at a medical facility in Tulsa, Oklahoma, with the AR-15 style rifle.

The national backdrop only fueled the sense of urgency and helplessness felt in Savannah as week after week, gun violence — specifically impacting young people — was rising, especially amidst larger media stories feeding the narrative of a “crime wave.”⁹⁴ According to the Brookings Institute report, *Addressing the root causes of gun violence with American Rescue Plan Act Funds*, “Despite news headlines to the contrary, the U.S. is not in the midst of a crime wave. But it is experiencing an unprecedented and alarming increase in murders, driven largely by gun homicides. Between 2019 and 2020, murder rates nationwide rose nearly 30%, while other forms of crime went down. Since then, homicides, gun assaults, and other forms of violent crime have continued to trend upward, and as of June 2022, the homicide

83 <https://drive.google.com/file/d/1hfTrnxNuLodCJft-5ojXlgMv-5CuG4Cm/view?usp=sharing>

84 <https://www.legis.ga.gov/legislation/60797>

85 <https://www.legis.ga.gov/legislation/59180>

86 <https://www.maconbibb.us/probate-court-weapons-carry-licenses/>

87 <https://www.msn.com/en-us/news/us/constitutional-carry-signed-into-georgia-law-what-does-it-mean/ar-AAWchNg>

88 <https://gov.georgia.gov/press-releases/2022-04-13/gov-kemp-signs-georgia-constitutional-carry-act-law>

89 <https://www.gunviolencearchive.org>

90 <https://www.cnn.com/2022/05/16/us/orange-county-church-shooting-suspect/index.html>

91 <https://www.cnn.com/2022/06/03/us/tulsa-hospital-shooting-friday/index.html>

92 <https://www.cbsnews.com/news/daniel-defense-uvalde-ar-15-lawsuit-post-malone-pewpew/>

93 <https://www.cnn.com/2022/05/28/us/failure-by-uvalde-police-to-act-quickly-led-to-catastrophic-consequences/index.html>

94 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

rate was 39% higher than it was prior to the COVID-19 pandemic.⁹⁵ Furthermore, the Pew Research Center report *What the data says (and doesn't say) about crime in the United States* states that “the two primary sources of government crime statistics – the Federal Bureau of Investigation (FBI) and the Bureau of Justice Statistics (BJS) – both paint an incomplete picture, though efforts at improvement are underway.”⁹⁶ Lastly, in 20 of 24 Gallup surveys conducted since 1993, 60% of U.S. adults have stated there is more crime nationally than there was the year before, despite the generally downward trend in national violent and property crime rates during most of that period.⁹⁷ Americans tend to believe crime is up, even when the data shows it is down.⁹⁸ It is important to provide context regarding data and perception, especially as the larger narrative tends to feed the perception of wild “crime waves,” when the problem itself is vastly more complex, especially when it comes to intercommunity gun violence.

From the Harvard report:

“But it is experiencing an unprecedented and alarming increase in murders, driven largely by gun homicides.⁹⁹ Between 2019 and 2020, murder rates nationwide rose nearly 30%, while other forms of crime went down.¹⁰⁰ Since then, homicides, gun assaults, and other forms of violent crime have continued to trend upward, and as of June 2022, the homicide rate was 39% higher than it was prior to the COVID-19 pandemic.¹⁰¹ For this reason, this brief focuses primarily on the role that community-based safety investments can play in addressing gun violence, but it is important to note that these investments can also have broader impacts on public safety and community well-being.”¹⁰²

Specifically referenced in the Harvard report, statistics from 2019 to 2022 from the Savannah Police Department

showed that as of February 2022, there had been “25 reported homicides ... and while violent crime was down locally by 2%, there remains a persistent problem of gun violence with young people.”¹⁰³ Lastly, it could not be stated that the problem itself would not have an institutional impact: the Savannah Police Department itself, as of the writing of this report, has experienced five officer-involved shootings so far in 2022, alongside the struggles of low officer morale, 112 vacancies, a search for a new police chief, and an ongoing increase in violent crime.¹⁰⁴ The issue has become so pressing that on August 11th, Savannah City Council approved a Memorandum of Understanding between the city and U.S. Attorney’s Office, which creates a position that will serve as a city employee and work from the U.S. Department of Justice’s Southern District of Georgia office.^{105, 106} Some members of council called it the only option to address rising gun violence, while some expressed the reality that Black and Brown people have been historically negatively affected by such decisions.¹⁰⁷ It remains to be seen whether this particular intervention will reap positive or negative results.

Like the authors of the Harvard report and many public health experts, we agree that the root causes of gun violence are complex, varied and tend to coalesce around “lack” — lack of stability rooted in trauma, lack of access to mental healthcare, lack of economic opportunity, lack of moving away from the criminal justice system. That being said, we support the call for the strengthening of a culture of public safety, echoing Savannah city manager Jay Melder, who said, “Public safety is a goal and outcome in infrastructure, recreation, greenspace and mental healthcare.”¹⁰⁸ Too often when law enforcement encounters a situation, they respond to what *has happened*, but public safety is ensuring that people have the resources and ability to thrive in their lives so it *won’t happen*. That said, the research into the root causes of gun violence has

95 <https://www.motherjones.com/crime-justice/2021/10/fbi-homicide-rates-crime-police-defund-protests-myths/>

96 https://bjs.ojp.gov/content/pub/pdf/ntcm_2014.pdf

97 <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/>

98 <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/>

99 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

100 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

101 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

102 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

103 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpzxtetA2PyEngcg2b9>

104 <https://thecurrentga.org/2022/08/12/messy-vetting-process-kept-savannah-officers-disciplinary-history-hidden-when-hired/>

105 http://agenda.savannahga.gov/content/files/mou-usao-sdga-city-of-savannah-draft-july-25-2022_.pdf

106 <https://www.savannahnow.com/story/news/2022/08/11/savannah-dept-of-justice-partnership-ramp-up-prosecution-violent-crimes-georgia/10274650002/>

107 <https://www.savannahnow.com/story/news/2022/08/11/savannah-dept-of-justice-partnership-ramp-up-prosecution-violent-crimes-georgia/10274650002/>

108 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpzxtetA2PyEngcg2b9>

been woefully lacking, mostly as a result of the “Dickey Amendment,” a federal amendment passed in 1997 that effectively bars the national Center for Disease Control and Prevention (CDC) from studying firearm violence, an epidemic the American Medical Association has since dubbed “a public health crisis.”¹⁰⁹ However, research is still being undertaken by institutions like Brookings, who published a recent report called *Addressing the root causes of gun violence with American Rescue Plan funds: Lessons from state and local governments*.¹¹⁰ The report specifically notes that non-carceral, community-based investments are key for preventing gun violence, and those community-based safety investments are most effective where most gun violence occurs.¹¹¹

How We Do It

In our recommendations, we focus specifically on the Violence Prevention and Response section of the Harvard Report and echo the recommendations made in the report, especially regarding the sustaining and supporting of the Office of Neighborhood Safety and Engagement. Created in early 2022 under the Johnson administration, the department is specifically focused on engagement and grant-making to those in the community in direct contact with those most impacted by gun violence. The department provided \$1 million in city funding to directly support conflict management, after-school activities and youth-centric interventions. Therefore, we simply join in the support for the recommendation listed in the Harvard report, specifically:

a. “Long-term investment in ONSE (Office of Neighborhood Safety and Engagement): The success of ONSE will come over the next months and years and the quality investment given to the department. Far too often has Savannah historically seen initiatives introduced, only to operate on meager funds or to disappear with changing administrations. ONSE’s success will be in the long-term, not simply just a turnaround of years and years of distress in a few months. We urge stakeholders to be patient, though move with urgency on its charge. Therefore, we specifically wish to hold up and platform the recommendation made in the Harvard report to:

Formalize: Through structured administrative processes and resource mapping, especially for those most impacted by systems and the bureaucracy they entail.

Publicize: Many in our community are not fully aware of ONSE, and a level of trust may not be present. But ONSE’s success will not come from “official” talking heads, but instead, credible messengers with lived experience. Given these messengers would already likely be marginalized by the justice system, it is strongly encouraged they be compensated for their lived experience as professional capital.

Legitimize: Longer term funding and investment is a must, as is flexible response funding to situations as they arise.”¹¹²

As well as the following recommendations:

b. The City of Savannah should fully commit to investing in and sustaining CURE Violence as a long-term solution. Law enforcement strategies typically punish conditions that lead to crime rather than addressing them. According to Equal Justice USA, a nonprofit dedicated to violence reduction, “Trauma, previous exposure to violence, and concentrated poverty all create the conditions for violence. Law enforcement strategies typically punish and even exacerbate those conditions rather than addressing them. The science behind the causes of violence gives us a road map for what to do differently in building safe, healthy communities. Innovative new strategies grounded in public health and healing include community-based street outreach, violence interrupters, and hospital-based violence intervention.” One such strategy is Cure Violence, which the Savannah Police Department has recently selected as the city’s anti-violence initiative, which will be facilitated by Youth Advocate Programs Inc. (YAP), a program that has six national sites, including Savannah. 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.

109 <https://abcnews.go.com/US/federal-government-study-gun-violence/story?id=50300379>

110 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

111 <https://www.brookings.edu/essay/addressing-the-root-causes-of-gun-violence-with-american-rescue-plan-funds-lessons-from-state-and-local-governments/>

112 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpzxtetA2PyEngcg2b9>

Lastly, we echo recommendations from Voices for Georgia's Children in a 2021 letter to the Public Safety Committee regarding appropriations for juvenile justice funding, including:

c. “Programs that have demonstrated promise in helping reduce juvenile offenses 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.¹¹³ Studies show that such programs prevent recidivism. Chatham County's own Front Porch is a successful example.”¹¹⁴

d. “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 justice-involved youth, 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.”¹¹⁵

113 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](https://doi.org/10.1111/1745-9133.12398).

114 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpzxtetA2PyEngcg2b9>

115 <https://drive.google.com/drive/u/0/folders/1mjieht06zKxU3IpzxtetA2PyEngcg2b9>



Community Justice

“I saw this today and it stuck with me. You are not the narrative they painted of you. Regardless of what you have done or did, people change, you understand? It was hard for me — I did 18 months in prison, but I was a mother and I had to come home, take care of my kids and myself.”

— M*, alias testimony given in Offender Alumni Association

6 Alternatives to Incarceration

TYPE OF REFORM: City and County

“Obviously they’re gonna break the law. Say you’re in the house. You ain’t got nothing to eat. It’s nighttime. You’re starving. You’re money hungry, all types of stuff.”

— Herschel, WREP youth

The importance of collective decarceral efforts cannot be overstated. America’s criminal legal system is defined by its widespread reach into communities, the ways it dehumanizes and destroys, and its cost. Our partners at Southern Center for Human Rights often say that “mass incarceration and mass criminalization epitomize the egregious overreach of the system on the backs of our most vulnerable citizens,” and we could not agree more.¹¹⁶ According to the Vera Institute for Justice, the U.S. incarceration rate increased “dramatically between 1970 and 2000, growing by about 400% — and resulting in the highest rate of incarceration in the world.”^{117, 118} We are reaping the consequences of the “tough on crime” approach, which has roots in the “broken windows” enforcement philosophy, which embraced the idea that letting the “small” stuff slide only encourages the growth of the “big” stuff. Created by sociologist James Q. Wilson, the approach states that small crimes — “broken windows” — send a larger message that crime is tolerable, and as a result, more serious crimes will end up being com-

mitted, since we as a society do not care about smaller ones. This led many mayors and law enforcement agencies to justify the implementation of zero tolerance policies or policies like stop-n-frisk, and in some cases, officers who racked up high tallies of these types of offenses were rewarded with better assignments and overtime.¹¹⁹

But the “broken windows” philosophy poured gasoline on a particular point of criminalization and key touchpoint of the justice system: quality of life offenses. Quality of life offenses, also known as “survival offenses” or “victimless crimes,” range from ordinance violations to misdemeanors to some felonies like possession, but are ultimately rooted in mental and behavioral health, substance abuse disorder, homelessness, and the one that seems to sit at the root of almost all of the above, poverty. According to the Opportunity Agenda, “over 46 million people live in poverty; the official U.S. Census poverty threshold was 12,996 in 2020.”¹²⁰ Furthermore, the national poverty rate in 2020

¹¹⁶ <https://www.schr.org/mass-incarceration/alternatives-to-incarceration/>

¹¹⁷ <https://www.vera.org/ending-mass-incarceration/causes-of-mass-incarceration>

¹¹⁸ <https://www.vera.org/publications/the-new-dynamics-of-mass-incarceration>

¹¹⁹ <https://www.latimes.com/archives/la-xpm-2006-apr-20-oe-harcourt20-story.html>

¹²⁰ <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html>

was 11.4%, up 1.0 percentage point from 10.5% in 2019.”¹²¹ This was the first annual increase in poverty after five consecutive annual declines.¹²² It is vital to understand that people in poverty are far more likely to be negatively and disproportionately impacted by poor mental health, addiction and housing instability.

This truth is evidenced in the way people with mental illness have been historically overrepresented in our nation’s jails and prisons. According to NAMI (National Alliance on Mental Illness), about “2 million times each year, people with serious mental illness are booked into jails. Nearly 2 in 5 people who are incarcerated have a history of mental illness (37% in state and federal prisons and 44% held in local jails).”¹²³ Oftentimes, those struggling with mental or behavioral health are arrested, booked and held for offenses that are majority non-violent and directly related to untreated illness or circumstances exacerbated by illness (disorderly conduct, loitering, trespassing, disturbing the peace, camping in public, criminal trespassing, petty theft, etc.) In Georgia, the largest mental health provider is county jails.¹²⁴

How did we get here? The answer is our policies, such as “zero tolerance” policing, nuisance laws and mandatory sentences for drug offenses, as well as Georgia’s historical lack of a full mental health infrastructure. Recovery in Georgia cites that: “Georgia ranked dead last at #51 as far as access to mental healthcare is concerned,”¹²⁵ and cited issues like adults with a mental illness that did not receive treatment, insufficient or ineffective treatment and care for a mental illness, lack of access to insurance, and availability of mental healthcare workers and facilities.¹²⁶ Furthermore, half of Georgia adults reporting unmet mental health needs say that cost was the reason they did not receive care.¹²⁷

Unfortunately, factors such as mental and behavioral health, substance abuse disorder, homelessness or housing instability, and poverty all feed each other, with devastating

consequences. Often, one factor occurs concurrently with or even causes another, often resulting in a domino effect. Worse, the historical answer to these issues has been arrest and incarceration.

But recently, there has been a shift in the tides.

Communities across the country have been and currently are exploring better definitions, as well as accompanying policies, practices and responses, for public safety. Furthermore, research has begun showing that the effect of incarceration is one of destabilization and can not only lead to an increase in crime, but also exacerbate physical and mental health issues, addiction and trauma. Incarceration also often leads to workforce exclusion and financial instability.^{128, 129} The Vera Institute for Justice report *The Prison Paradox* states, “Higher incarceration rates are not associated with lower violent crime rates, because expanding incarceration primarily means that more people convicted of nonviolent, ‘marginal’ offenses (like drug offenses and low-level property offenses) and ‘infrequent’ offenses are imprisoned.”¹³⁰

In 2022, the Georgia General Assembly passed two key bills to help solve one piece of this puzzle: The Mental Health Parity Act (HB 1013) and the Georgia Behavioral Health and Peace Officer Co-Responder Act (SB 403).^{131, 132} The Mental Health Parity Act, which was landmark legislation, seeks “to improve access to mental health and substance use disorder (MH/SUD) treatment for all Georgians by strengthening and growing the existing mental health infrastructure in the state by removing the requirement that a person who is experiencing a mental health or substance use crisis be in the process of committing a crime for law enforcement to transport that person to emergency crisis treatment, requiring private and public health insurers to provide coverage for mental health and substance abuse disorder the same as they cover physical health services, and directing the state to develop and implement a solution for better care coordination for children with mental health or substance use dis-

121 <https://poverty.ucdavis.edu/faq/what-are-poverty-thresholds-today>

122 <https://www.census.gov/library/publications/2021/demo/p60-273.html>

123 <https://nami.org/Advocacy/Policy-Priorities/Stopping-Harmful-Practices/Criminalization-of-People-with-Mental-Illness>

124 <https://www.timesfreepress.com/news/local/story/2022/jul/13/georgijails-have-become-mental-health-provider/572663/>

125 <https://recoveryingeorgia.org/georgia-mental-health-statistics/>

126 <https://www.wabe.org/georgia-ranks-last-for-access-to-mental-health-care-according-to-mental-health-america-report/>

127 <https://www.kff.org/other/state-indicator/adults-reporting-unmet-need-for-mental-health-treatment-in-the-past-year-because-of-cost/?currentTimeframe=0&sort-Model=%7B%22collId%22:%22Location%22,%22sort%22:%22asc%22%7D>

128 <https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer>

129 <https://perma.cc/333B-U6EA>

130 <https://www.vera.org/publications/for-the-record-prison-paradox-incarceration-not-safer>

131 <https://www.legis.ga.gov/legislation/61365>

132 <https://www.legis.ga.gov/legislation/61365>

order,” according to one of the law’s strongest advocates, Georgians for a Health Future.¹³³

The Georgia Behavioral Health and Peace Officer Co-Responder Act, according to the Lieutenant Governor’s Office of Georgia, “promotes law enforcement partnerships with mental health professionals by setting up the framework for co-response teams in Georgia.”¹³⁴ The Lieutenant Governor’s Office furthermore states that “local law enforcement agencies will have the option to establish a partnership through one or more co-responder teams.”¹³⁵ Under the model, CSBs will provide a behavioral health specialist to assist officers in responding to a crisis virtually or in person. With guidance from a licensed counselor, officers will have the authority to refer an individual to a treatment facility rather than make an arrest.”¹³⁶ While both of these are landmark pieces of legislation and will undoubtedly make a difference, what cannot be overstated is the ongoing and fiscally supported commitment and investment still needed to reduce arrest and incarceration of those in poverty, or those living with substance use and/or mental health issues, and to increase the accessibility of supportive services. We should look at models like Atlanta PAD or CAHOOTS as examples to continue working toward in every community.^{137, 138}

How We Do It

We need to continue to strengthen our hyper-local approach to reducing arrest, jail overcrowding, and justice impacted population in a way that is proportionate and fair. Much of what we recommend is already in practice because of a combination of COVID and best practice, and we suggest it should be codified. We should:

a. Support and expand pre-arrest diversion. The City of Savannah has authorized and given fiscal resources to the Savannah Police Department to implement fully fledged pre-arrest diversion, also known as the NLC Diversion Initiative. Supported by the District Attorney’s office, the program is in nascent stages, but focuses on diverting misdemeanor first offenses (with a primary focus of 17- to 24-year-olds, but applicable to all ages), especially property and quality of life offenses. While we applaud that this program has been

authorized, we recommend strengthening it with further fiscal and administrative resources (currently the model is funded through a fine mechanism for participants, as well as some city funding) allocated toward a part-time clerk. However, to be truly successful, the program needs full-throated support, as well as the impetus for expansion across Chatham County Police Department for uniformity.

b. Further expand and support growth of the behavioral health unit. Comprised of two non-uniformed unarmed officers and a licensed clinician, the BHU responds to calls that involve factors like suicide, opioid abuse, substance abuse disorder, homelessness and mental and behavioral health disorders. Modeled after the BHU established within Oregon’s Portland Police Department in 2013, the goal of Savannah’s BHU is to decriminalize substance abuse and mental health incidents and reduce the number of individuals entering the criminal justice system when alternative measures could address the underlying causes of the issues at hand.¹³⁹ Currently, the BHU only operates with the two non-uniformed unarmed officers and a licensed clinician, five days a week, from 8 a.m. to 5 p.m. We strongly urge the City of Savannah to allocate the resources needed not only to grow the clinical staff of the BHU, but to expand the service into 24 hours a day, seven days a week, as well as the adoption of the BHU by the Chatham County Police Department.

c. 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. This includes examples such as:

Chatham County Code Section 11-101. Disorderly Conduct 11-103. Loitering 11-108. Shoplifting 11-201.

¹³³ <https://healthyfuturega.org/mentalhealth/>

¹³⁴ <https://ltgov.georgia.gov/press-releases/2022-03-30/statewide-model-mental-health-emergency-co-responder-program-passes>

¹³⁵ <https://ltgov.georgia.gov/press-releases/2022-03-30/statewide-model-mental-health-emergency-co-responder-program-passes>

¹³⁶ <https://ltgov.georgia.gov/press-releases/2022-03-30/statewide-model-mental-health-emergency-co-responder-program-passes>

¹³⁷ <https://static1.squarespace.com/static/5e9ddd40c5f6f43eacf969b/t/60f89ae08c7b33121df5ddd8/1626905312491/PAD+Overview.pdf>

¹³⁸ <https://whitebirdclinic.org/what-is-cahoots/>

¹³⁹ <https://okb.oregon.gov/Pages/ppb-behavioral-health.aspx>

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.

Thunderbolt Code Section 9-101 and 102. Disorderly Conduct 9-108. Misdemeanor Offenses.

Tybee Island Code Section 42-60. Disorderly Conduct.

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.

d. Support the District Attorney’s Office of Chatham County to continue to use the State Court Resolution Rubric; encourage Decriminalization. Created to reduce the DA’s massive backlog of criminal cases by addressing the ones that are old, weak, have witness/evidentiary/testimonial issues, pose minimal risk to public safety and are otherwise not worth wasting time, judicial resources and taxpayer money on, the state court rubric defines what offenses were not considered “prosecutorial priorities” and helps “provide clarity and insight and to focus our department efforts on ‘smart prosecution.’”¹⁴⁰ Such offenses include a certain time frame (before January 2021) and include local ordinance violations, traffic, obstruction, cases rooted in mental or behavioral health, and others.¹⁴¹ Examples of these offenses would include individual possession of drugs, trespassing, shoplifting and disorderly conduct, as well as “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 and 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. Furthermore, researchers also find those prosecuted

for non-violent misdemeanors have substantially higher risks of future arrest and prosecution than those who are not.¹⁴² Defendants prosecuted for non-violent misdemeanors such as motor vehicle or drug and disorder/theft charges have substantially higher risks of future arrest and prosecution than those not charged.¹⁴³ We encourage the use of the state court rubric and further encourage the District Attorney’s office to continue to pursue the decriminalization of quality of life and survival offenses.

e. Invest in a new court notification system. According to *Interrogating Justice*, technical probation violations like a missed probation appointment or missed court date account for roughly 95,000 people admitted into correctional facilities every day. The cost of these arrests nationally was a total of \$2.8 billion annually.¹⁴⁴ To combat this trend, nonprofits and private companies like The Bail Project or Uptrust have created simple, scalable solutions through any smartphone app that connects clients to public defender offices, probation offices, and small municipal courts. The benefit over traditional court notification is that this tech-centered approach leaves out paper notices and instead connects people directly to a phone notification.¹⁴⁵ More effective court notification systems not only reduce the workloads of severely overburdened workers, but significantly reduce overall costs, meeting a gap in an avoidable and egregious pain point in the criminal justice system: missed court dates that result in hundreds of thousands of people going to jail each year. We know from data that needless arbitrary violations like these pose no threat to public safety and yet result in incarceration, leading to job, housing and child custody losses.

f. Create a civilian oversight committee for Chatham County Detention Center. While there has been an unofficial citizen committee for quite some time, there needs to be a formalized citizen body that can review jail conditions, monitor incidents and respond to complaints. Sheriffs have a wide amount of discretion over jails in the state of Georgia, and given the nature of a jail’s cycling population, a civilian oversight board can help strengthen progress and create community trust.

140 <https://www.savannahnow.com/story/news/local/2022/08/01/chatham-da-rubric-state-court-prosecutors-georgia-savannah/10190639002/>

141 <https://www.savannahnow.com/story/news/local/2022/07/27/chatham-county-district-attorney-prosecution-policies-dui-georgia-madd/7711356001/>

142 <https://www.nber.org/papers/w28600>

143 <https://www.nber.org/papers/w28600>

144 <https://interrogatingjustice.org/ending-mass-incarceration/technical-violations-prison-population/>

145 <https://uptrust.co/press/>

7 Audit ShotSpotter

TYPE OF REFORM: City

“OIG concluded from its analysis that CPD responses to ShotSpotter alerts rarely produce documented evidence of a gun-related crime, investigatory stop, or recovery of a firearm. Additionally, OIG identified evidence that the introduction of ShotSpotter technology in Chicago has changed the way some CPD members perceive and interact with individuals present in areas where ShotSpotter alerts are frequent.”

—“The Chicago Police Department’s Use of Shotspotter Technology,” Office of Inspector General, City of Chicago, August 2021¹⁴⁶

All over the country, communities are turning in increasing numbers to a gun detection technology known as ShotSpotter, a combination of microphones and audio analytics software that claims to identify the sound of gunshots. When a shot is fired in a certain area, the technology detects and triangulates the gunshot, as well as the time and audio from the sounds that may represent gunfire. This data is used to locate where the gun firing may have taken place, alerting police to respond.¹⁴⁷ In March 2022, ShotSpotter reported that at least 130 U.S. cities and municipalities have installed the technology, up over 50% from about 85 cities in 2018.¹⁴⁸

Savannah finds itself in the grouping of the 130 cities and municipalities: ShotSpotter was first introduced to Savannah during the 2014-15 school year by the Savannah College of Art and Design (SCAD) as part of ShotSpotter’s SecureCampus program, making it the first institute of higher learning in the country to deploy the system. Representatives from SCAD noted that the decision “wasn’t based on crime in Savannah — it was completely based on how to use technology to make our campus safer.”^{149, 150, 151} The City of Savannah followed

suit, expanding upon SCAD’s investment to four square miles of coverage.¹⁵² This past April, the city council unanimously voted again to grow the system’s network, which was located on buildings, telephone poles and other high areas, to cover 7.5 square miles of the city, a \$255,000 expansion, equaling around \$489,094 total spent on the program. The Savannah Police Department confirmed that the city will now be spending about \$520,000 annually on the technology.¹⁵³

In a city that finds itself grappling with the problem of gun violence, this investment seemed to be a common sense decision, but missing from the ongoing investment is data showcasing its overall effectiveness. From *The Current’s* piece on the technology from June 30, 2022:

“ShotSpotter’s limited data on Savannah shows it detects gunshot sounds with a 97% accuracy rate so far in 2022 within the area it covers. While police respond to every company-generated gunshot alert, what is missing from this data, however, is information about whether these alerts make communities safer by removing guns or criminals from the streets. The lack of metrics is increasingly

¹⁴⁶ <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

¹⁴⁷ https://www.shotspotter.com/wp-content/uploads/2018/08/FAQ_Aug_2018.pdf

¹⁴⁸ <https://ir.shotspotter.com/all-sec-filings/content/0000950170-21-001292/ssti-20210630.htm>

¹⁴⁹ <http://www.shotspotter.com/secure-campus>

¹⁵⁰ <https://thecurrentga.org/2022/06/30/savannah-spends-489k-on-shotspotter-but-doesnt-keep-data/>

¹⁵¹ <https://www.theguardian.com/law/2015/jul/17/shotspotter-gunshot-detection-schools-campuses-privacy>

¹⁵² <https://thecurrentga.org/2022/06/30/savannah-spends-489k-on-shotspotter-but-doesnt-keep-data/>

¹⁵³ <https://www.gpb.org/news/2022/04/15/savannah-adds-more-shotspotter-sensors-technology-faces-criticism-police-reform>

pertinent. Savannahians suffer from a shortage in officers and a 24% rise in violent crime since 2020, while the police are grappling with a leadership vacuum as the chief is on his way out of office.”¹⁵⁴

The data that was made available was from a presentation from the Savannah Police Department in conjunction with ShotSpotter. The lack of results from ShotSpotter alerts was concerning, save for three quarters in 2020 when the data was most recently available, though the Police Department did state that more data would soon become available.¹⁵⁵

Also concerning is the data that has been made available in surrounding municipalities that have used ShotSpotter. In August of 2021, The City of Chicago Office of Inspector General’s (OIG) Public Safety issued a report on the Chicago Police Department’s \$33 million contract contract with ShotSpotter and how CPD has responded to the alerts. The office concluded from its analysis that CPD responses to ShotSpotter alerts can “seldom be shown to lead to investigatory stops which might have investigative value and rarely produce evidence of a gun-related crime. Additionally, OIG identified evidence that the introduction of ShotSpotter technology in Chicago has changed the way some CPD members perceive and interact with individuals present in areas where ShotSpotter alerts are frequent.”¹⁵⁶ The OIG report specifically goes on to say, “OIG concluded from its analysis that CPD responses to ShotSpotter alerts rarely produce documented evidence of a gun-related crime, investigatory stop, or recovery of a firearm. Additionally, OIG identified evidence that the introduction of ShotSpotter technology in Chicago has changed the way some CPD members perceive and interact with individuals present in areas where ShotSpotter alerts are frequent.”¹⁵⁷

Not too long after, a critical report and legal filing were issued by the Northwestern School of Law’s MacArthur Justice Center that found that “multiple analyses have now shown that more than 90% of ShotSpotter alerts lead police to find no evidence to corroborate gunfire when police arrive at the location ShotSpotter sent them: no shooting, no shell casings, no victims, no witnesses, no guns recovered.”^{158, 159} Shotspotter pushed back on the report, and in response, the independent security technology research publication IPVMM offered to carry out independent tests of Shotspotter methodologies, which the company declined.¹⁶⁰ ShotSpotter then commissioned Edgeworth Analytics to provide an “independent analysis” of the report and audit ShotSpotter’s accuracy claim. From IPVMM:

“While both firms agree on the fact that 88.7% of initial police responses to alerts found no incidents involving a gun, Edgeworth said the number is ‘meaningless’ and that MJC’s conclusions based on its significance are not supported by data. But, despite calling ShotSpotter ‘highly accurate,’ Edgeworth could not answer a key question about how ShotSpotter records customer errors and admitted that basing their analysis on customer feedback was a ‘limitation.’ (90 percent of ShotSpotter’s 2020 revenue came from US law enforcement agencies, with universities, corporate campuses, and others making up the rest.)”¹⁶¹

While ShotSpotter is expanding across the nation, the company refuses to disclose the data necessary for a comprehensive national analysis, and in a very concerning move, continues to encourage law enforcement to not respond to open records requests.¹⁶² The company has specifically fought the release of data in response to both state and federal Freedom of Information Act requests and sent out a nation-wide memo urging blanket denials to requests or the disclosure only of redacted information “in a form that would not harm SST’s business and allow the customer to respond from a public goodwill point of view.”¹⁶³ In 2016, Forbes did a comprehensive study of data from seven cities utilizing ShotSpotter. From the study:

154 <https://thecurrentga.org/2022/06/30/savannah-spends-489k-on-shotspotter-but-doesnt-keep-data/>

155 <https://drive.google.com/drive/folders/1Js06fqrKxiOHt76f5IOS5Ntim7VRtw0?usp=sharing>

156 <https://igchicago.org/2021/08/24/oig-finds-that-shotspotter-alerts-rarely-lead-to-evidence-of-a-gun-related-crime-and-that-presence-of-the-technology-changes-police-behavior/>

157 <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

158 <https://endpolicesurveillance.com>

159 <https://www.macarthurjustice.org/wp-content/uploads/2022/07/Complaint-file-stamped.pdf>

160 <https://ipvm.com/reports/macarthur-edgeworth?code=jsly>

161 <https://ipvm.com/reports/macarthur-edgeworth?code=jsly>

162 https://static1.squarespace.com/static/5c1bfc7eee175995a4ceb638/t/t/62cc83c0118f7a1e018bf162/1657570241282/2022.7.7_ShotSpotter+Report_FINAL.pdf

163 <https://www.documentcloud.org/documents/3221020-ShotSpotter-nationwide-memo-July-2015.html>

“The analysis found that the data consisted of basic data about when and where suspected gunshots are.”¹⁶⁴ However, when that data was combined with police dispatch records that show what happened regarding officer response, a pattern emerges: lots of calls, but few tangible results. Of the thousands of alerts in these cities, police were unable to find evidence of gunshots between 30%-70% of the time.”¹⁶⁵

Further reports and incidents have set concerns into motion: The Southern Illinois University Edwardsville did an evaluation of St. Louis’ Acoustic Gunshot Detection System’s (AGDS) ability to reduce gun violence and found similar results in effectiveness.¹⁶⁶ A 2021 peer-reviewed study in the Journal of Urban Health looked at 68 counties with ShotSpotter from the time period of 1999 to 2016 and concluded that ShotSpotter presence had a negligible effect on overall levels of violent crime.¹⁶⁷ Based on the above study, Campaign Zero launched a nationwide campaign urging cities to stop using ShotSpotter technology, pointing to the fact that the company’s claims of effectiveness are not substantiated by independent testing.^{168, 169} Most concerning has been the company’s aggressive push-back against criticisms by journalists tracking the studies, even going so far as to file a defamation lawsuit against *Vice Magazine* for their 2021 piece “Police Are Telling ShotSpotter to Alter Evidence From Gunshot-Detection AI,” specifically stating that the company has changed its evaluation of the details of gunshots in court and that the company was using AI as part of its system.^{170, 171} Furthermore, NBC News found that the company “exerts influence at both ends of the federal money pipeline, lobbying Congress and federal agencies for grants and other spending programs that can be used to pay for its products, while also shepherding local police departments through the process to obtain that money.”¹⁷²

NBC went on to explain:

“ShotSpotter is not alone in this race for lucrative police contracts, and the company’s efforts don’t appear to cross any legal or ethical boundaries, experts said. Dozens of police technology companies compete to provide an array of expensive services, from body cameras and facial recognition software to dispatch systems and radios. For a relatively small investment in lobbying, these companies can reap much more in contracts subsidized by federal grants. Many police agencies, in turn, lobby the federal government for more funding of technology.”¹⁷³

Former Little Rock mayor Mark Stodola, who purchased ShotSpotter for the city in 2018 under his administration, stated to NBC, “Basically, it is there to help the police respond in a much quicker way, and to help them from a forensic standpoint. That is beneficial. But is it worth the money? I don’t know.”¹⁷⁴ In 2019, Chief Erika Shields, the acting Atlanta police chief, presented to the Atlanta City Council public safety committee that the technology was not as successful as they hoped it would be and showed that ShotSpotter had helped APD make five arrests during its one-year trial. In comparison, the \$280,000 annual price could have allowed APD to hire five full-time officers instead.¹⁷⁵

164 <https://www.forbes.com/sites/mattdrange/2016/11/17/shotspotter-alerts-police-to-lots-of-gunfire-but-produces-few-tangible-results/?sh=383fc2a1229e>

165 <https://drive.google.com/drive/u/0/folders/1z1FBCTxnFqAg8upKMijyJANxk6QlaxnR>

166 https://www.researchgate.net/publication/337869476_Acoustic_Gunshot_Detection_Systems_A_quasi-experimental_evaluation_in_St_Louis_MO

167 <https://link.springer.com/article/10.1007/s11524-021-00515-4?noAccess=true>

168 <https://cancelshotspotter.com>

169 <https://www.shotspotter.com/public-safety-results/>

170 <https://shotspottercomplaint.com>

171 <https://www.aclu.org/news/privacy-technology/four-problems-with-the-shotspotter-gunshot-detection-system>

172 <https://www.nbcnews.com/news/us-news/shotspotter-police-gunshot-technology-federal-grants-rcna13815>

173 <https://www.nbcnews.com/news/us-news/shotspotter-police-gunshot-technology-federal-grants-rcna13815>

174 <https://www.nbcnews.com/news/us-news/shotspotter-police-gunshot-technology-federal-grants-rcna13815>

175 <https://www.11alive.com/article/news/investigations/the-reveal/shotspotter-effectiveness-investigated/85-31ac9293-34e2-42ba-a89c-2016c0dffb88>

How We Do It

Our recommendation for this is simple. Data from ShotSpotter technology is the key to whether or not its effectiveness makes for a worthy public investment, and furthermore, that data needs to come from an independent source to ensure that it is not considered skewed in any particular way. Therefore, we recommend that:

- a. The City of Savannah and Savannah Police Department should conduct an independent audit of ShotSpotter data collected up to date and continue an annual audit on a yearly basis.** Based on what the historic data shows and the setting of clear evaluation metrics, the City should then make a decision on whether or not the technology best serves the public and is an effective, accurate tool in combating gun violence.



Economic Justice

“We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation.”

— Martin Luther King Jr.

8 Piecemeal Data, Piecemeal Solutions

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 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.

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 systems. That means, in turn, that we are hamstrung 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 debilitating, and furthermore, it comes with an economic cost. According to the American Action Forum’s report, *The Economic Costs of the U.S. Criminal Justice System*, “The United States spends nearly \$300 billion annually to police communities and incarcerate 2.2 million people.”¹⁷⁶ The report goes on to state:

“The societal costs of incarceration — lost earnings, adverse health effects, and the damage to the families of the incarcerated — are estimated at up to three times the direct costs, bringing the total burden of our criminal justice system to \$1.2 trillion.¹⁷⁷ The outcomes of this expense are only a marginal reduction in crime, reduced earnings for the convicted, and a high likelihood of formerly incarcerated individuals returning to prison.¹⁷⁸ The value citizens place on the small increases in deterrence is difficult to quantify, but as a matter of logic it must be substantial to merit incurring the measured costs.”¹⁷⁹

¹⁷⁶ <https://www.americanactionforum.org/research/the-economic-costs-of-the-u-s-criminal-justice-system/>

¹⁷⁷ <https://www.americanactionforum.org/research/the-economic-costs-of-the-u-s-criminal-justice-system/>

¹⁷⁸ <https://www.americanactionforum.org/research/the-economic-costs-of-the-u-s-criminal-justice-system/>

¹⁷⁹ <https://www.americanactionforum.org/research/the-economic-costs-of-the-u-s-criminal-justice-system/>

For a system so massively expensive — so incredibly powerful — the current reality is that criminal justice data collection and availability across the country is in a “dismal state” and lacks overall transparency, according to a June 2021 report from Measures for Justice.¹⁸⁰ Furthermore, “certain demographic data of arrests and incarceration, pre-trial and bail information, as well as released data — simply isn’t collected, or isn’t available to researchers because of law or administrative protection.”¹⁸¹

Because of this lack of data, we have to ask ourselves about the actual limited ability to inform crucial decision making not only about policy, but about resource allocation, and trust the system in its current state. 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 and then allocating resources based on that data.

How We Do It

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 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 Health (DCH), Department of Behavioral Health & Developmental Disabilities (DBHDD) and other crucial stakeholders. This cannot

be a one-jurisdiction effort. We recognize the work of the REAL Taskforce and the recommendation that there should be a data clearinghouse, but for our community to truly have the data understanding we need to better allocate resources and fund budgets, we need to ensure all jurisdictions are providing data, and that there is no one jurisdiction that “controls” the data.

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.

¹⁸⁰ https://measuresforjustice.org/about/docs/The_Power_And_Problem_Of_Criminal_Justice_Data.pdf

¹⁸¹ https://measuresforjustice.org/about/docs/The_Power_And_Problem_Of_Criminal_Justice_Data.pdf

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.





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

“The more money you make, the more money they want to pay you out. When I tried to go to Savannah Tech, I couldn’t get a grant because I owe money. It affected me trying to progress. I owe \$9,000. Every month I was in [prison], I paid \$25, and when I got out, it tripled.

It affects you to the point where you cant even get in class, you cant even get income tax. On top of you trying to live. You got stuff you need to do, but you got to pay a fine, the fines affect you, it affects everybody. They need to lower it or do away with it — it keeps going up. It’s always hanging over your head. You get a better job and you circumvent [circumstances], they charge you more and more of your money. Eliminate or reduce the fines. Put something else in place.”

—J**, anonymous testimony in fines and fees research study, Deep Center, Georgia Budget and Policy Institute, and Offender Alumni Association (June 2022)

“There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.” That statement was given by Supreme Court Justice Hugo Black in the famous decision *Griffin v. Illinois* (1956), which held that any defendant cannot not be denied the right to appeal solely due to their inability to pay for a trial transcript.¹⁸² Justice Black’s words stand as a testament to the way access to money has become inextricably linked to one’s experience in the justice system, and how people moving through the justice system have become sources of revenue — from ordinance violation fines to private probation to pre-trial detention, fines and fees, and so on. Since the early 1990s, the criminal justice system in the United States has become more and more financialized. Joe Soss, associate professor of sociology and law at the University of Minnesota and author of *Preying on the Poor: Criminal Justice as Revenue Racket*, states that “institutions and practices that were paid for in the past through public taxes — often progressive taxes — have been turned into procedures that extract resources from poor communities, and disproportionately from poor communities of color.”¹⁸³ He elaborates further:

“For example, people who stay in prison now face a number of ‘pay to stay’ fees. They’re charged for their telephone calls. They pay to get all sorts of basic necessities from the commissary. They or their loved ones pay for video visitation. In some states, you even have to pay to read by purchasing eBooks on tablets. People also have to pay to be on probation or parole, alongside an explosion of court fees, fines, and financial restitution orders.”¹⁸⁴

“Financial conditions of bail have grown more common and are now typically set at higher amounts. Civil asset forfeiture, which emerged from the War on Drugs and expanded through the War on Terror, allows authorities to take cash and goods from people on the sole basis of the authorities suspecting they have illicit origins. In all of these ways and more, policing, adjudication, and punishment have been reorganized as resource extraction operations that generate revenues for both governments and corporations in the United States. These practices advance through a variety of predatory public-private partnerships, siphoning billions of dollars out of poor communities in the United States today.”¹⁸⁵

¹⁸² <https://supreme.justia.com/cases/federal/us/351/12/>

¹⁸³ <https://events.wsu.edu/event/preying-on-the-poor-criminal-justice-as-a-revenue-racket/>

¹⁸⁴ https://www.dissentmagazine.org/online_articles/how-the-criminal-justice-system-preys-on-the-poor

¹⁸⁵ https://www.dissentmagazine.org/online_articles/how-the-criminal-justice-system-preys-on-the-poor



Georgia specifically has seen a 20-plus year rise in the use of fines and fees, a concerning trend as budget cuts and reductions are often the very things that move local courts to begin their overreliance on fines and fees. Fines and fees are monetary penalties in the justice system and cover costs associated with the juvenile and adult legal systems.

“Fines” are punishments imposed on persons for certain offenses. People are charged fines for offenses, misdemeanors and felonies; these fines are imposed by the court system. According to the Unjust Revenue report from GBPI, Georgia has no statutory code mandating that a percentage of a municipality’s budget must come from revenue sources other than fines and fees.¹⁸⁶

“Fees” are any fee, cost or surcharge that the court or probation imposes on a person and their involvement in the justice system, including the juvenile and criminal legal systems. In Georgia, fees are charged in four primary areas: detention, counsel, court costs and supervision. Georgia state law also does not cap the amount that a court can assess.

For years, the general assembly has been loath to raise taxes that can support the state’s general fund and budget, thus becoming revenue that can be equitably dispersed amongst services, programs and people. The Georgia Budget and Policy Institute, in their report *Unjust Revenue from an Imbalanced Criminal Legal System: How Georgia’s Fines and Fees Worsen Racial Inequity*, quotes that “state lawmakers have made and maintained nearly \$2 million in budget cuts since Fiscal Year (FY) 2020, cuts that represent more than a 5 percent funding reduction across a handful of areas within Georgia’s judicial system, placing greater pressure on local courts to generate their own revenue and further incentivizing them to look to fines and fees to make up for lost funding.”¹⁸⁷ Georgia’s most recent update to the state code reflects the fact that municipalities are allowed to budget for future revenue obtained through fines and fees collected by municipal courts, leaving law enforcement or courts vulnerable to pressure to prioritize revenue raising over public safety or justice, with no specific provision that protects municipalities from having to provide public services through unfunded state mandates.¹⁸⁸

¹⁸⁶ <https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/>

¹⁸⁷ https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/#_edn27

¹⁸⁸ https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/#_edn41

The report goes on to state:

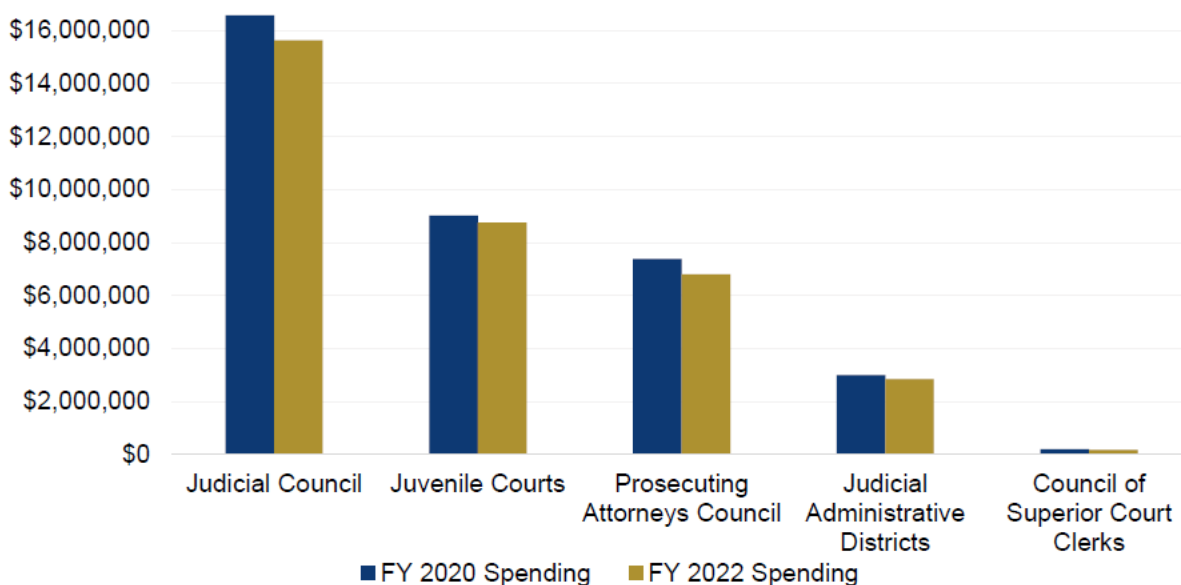
“While the national average among localities’ fines and fees revenue as a share of general revenue was 2 percent, Georgia consistently ranked second-worst among states with localities with fines and fees shares above 10 percent, and second-worst among per capita amounts of fines paid among adult residents in 2018.

“Georgia’s poor governance of fines and fees revenue practices has allowed many economically underperforming localities to over-rely on fines and fees revenue, significantly contributing to Georgia having the highest probation rate in the country. Of the more than 430,000 Georgians who were on probation in 2018, nearly 40 percent of them were on probation for misdemeanors or traffic fines.”

While fines and fees are the example we include above, in our previous briefs *Bound Up In Each Other* and *Building the Restorative Community*, we also focused on the harm caused by other ways in which access to wealth, not actual accountability, often shapes a person’s experience within the criminal justice system in the United States. Most frequently, this shows up as pre-trial detention costs, specifically through bond and bail. “Bail reform” has quickly become a lightning-rod statement,

co-opted by more conservative proponents to symbolize the failure of best practices. During the 2022 legislative session, SB 504 was introduced and would have made monetary bail mandatory for all felony offenses — a significant departure from the bail reform measure the legislature passed in 2018, which required judges to consider a person’s financial situation when setting bail in misdemeanors. The bill points to the trend of a “tough-on-crime” approach being proposed by lawmakers in response to the bipartisan criminal justice reform gains over the last handful of years.^{189, 190} During the March 21, 2002, House Public Safety and Homeland Security Subcommittee, Senator Randy Robertson (Catula), the bill’s sponsor, referred to those pushing back on the bill as “paid activists infiltrating the criminal justice system,” pointing at those who spoke to the administrative and legal short-sightedness of the bill, including DeKalb County District Attorney Sherry Boston, Augusta Judicial Circuit District Attorney Jared T. Williams, representatives for the Southern Center for Human Rights, Deep Center, GACDL and many more.¹⁹¹ Although the bill was eventually defeated, the issue of bail and bond reform suffers from two core problems: dogged rollbacks at the state level and a cultural “stickiness” that has made it less palatable for localities to approach. And still, many continue to be directly impacted.

Budget Cuts Stripped Local Courts of Nearly \$2 Million, Or 5%, Since FY 2020, Leaving Some Likely to Replace With Fine and Fee Revenue



Source: GBPI Analysis of FY 2020 and FY 2022 Appropriation Bills.

¹⁸⁹ <https://georgiarecorder.com/2022/03/21/georgia-house-panel-considers-bill-that-aims-to-require-cash-bail-for-felonies/>

¹⁹⁰ <https://www.reformgeorgia.org/2019/02/27/house-bill-340-mandatory-bail/>

¹⁹¹ <https://www.youtube.com/watch?v=HOE198lvDTw>

How We Do It

The injustices of monetary sanctions are rooted in broader changes in the political economy. One of the central challenges is that the criminal justice system is a highly decentralized and fragmented system with little available data, especially the further down into localities one goes. Revised practices or changes in one state or locality will likely not change the rest of the country as a whole, nor does the federal level directly control state and local criminal justice operations. But these each serve as influences that can be activated and modeled in the best practice of any particular community and their particular needs.

a. Update the Recorder's Court Bond Schedule.

Revisit the 2014 Misdemeanor Bond Schedule for Recorders to determine what offenses should no longer require an assigned bond amount and can be carved out as having no financial tie.

b. Create long-term guardrails regarding fines and fees at the state level. In partnership with the Georgia Budget and Policy Institute as part of the EARN network focusing on criminal and worker justice, Deep Center concludes that the recommendations set forth in GBPI's report *Unjust Revenue* are the ideal recommendations for beginning to wean Georgia of its overreliance on fines and fees. These include:¹⁹²

- » "Firmly capping local government fines and fee revenue.
- » Creating racial and ethnic equity guidelines for local ordinance creation, including standards that ensure that localities take formal steps to gather public input from diverse racial and ethnic populations, particularly for localities that do not have political representation that reflects the diverse communities that they govern.
- » Requiring counties and municipalities to provide data on how much uncollected fine and fee debt is owed, to better assess the costs and effectiveness of collection efforts.
- » Expanding the state sales tax to include taxation on a larger range of services, which can incentivize local governments to end the harmful practice of budgeting for fines and

fees revenue that often leads to aggressive citation and collection practices that widen racial and ethnic inequities.

- » Enabling provisions that protect local governments from state mandates that are not accompanied with corresponding funding, which will remove pressures and incentives to too heavily rely on fines and fees revenue.
- » Prioritizing state funding to ensure that local courts have training that allows municipal government branches to function independently and utilize checks and balances that maintain a prioritization of justice over revenue.
- » Reducing the number of fines and fees that are charged, which can reduce hardships for Georgians experiencing poverty, as well as the reliance on this form of revenue to fund courts and public services."¹⁹³

c. Divest from the practice of discretionary fines and fees imposed by juvenile courts on youth and their families at the state level and create a study committee on the lack of any fiscal data on their usage. 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 canceling 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.

¹⁹² https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/#_edn41

¹⁹³ https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/#_edn41

d. Urge the City of Savannah and Chatham County to pass an ordinance abolishing monetary sanctions 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 of the Chatham County code. 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.

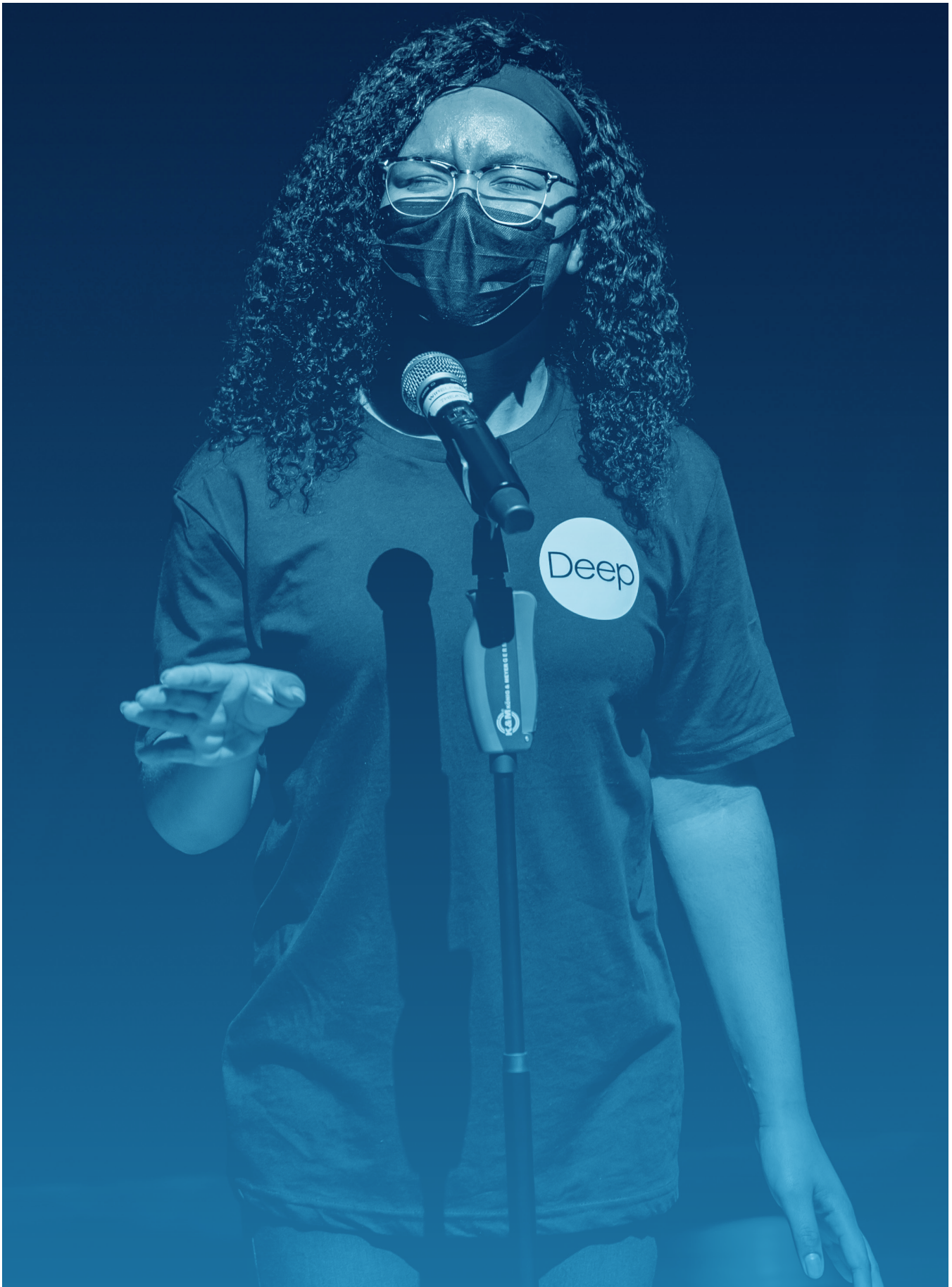
e. Create an analysis of fine and fee usage in Chatham County and get rid of fines that serve no compelling policy purpose or exceed people’s ability to pay.

Following in the vein of our work with the Cities and Counties for Fines and Fees Justice, we echo PolicyLink’s priority policy reform to “Eliminate fines that do not advance a key policy goal, and create alternatives to fines where the goal can be achieved through other means. Remaining fines should be proportionate to the offense, the person and their circumstances. They must be enforced equitably and serve a public policy goal. Any such fines that exceed the ability of people with low incomes to pay them should be rightsized.”¹⁹⁴ Deep Center is working with the District Attorney’s Office and Chatham County Commissioner Aaron “Adot” Whitely as the Chatham County cohort in the Cities and Counties for Fines and Fees Justice. Our team is working on research needed to successfully act on equitable fine and fee reform in Chatham County and is conducting a comprehensive fine and fee assessment for Chatham County that considers: community engagement, government engagement and attendant data collection, examination of authority and fiscal analysis. Our coalition is already in the preliminary stages of conducting an assessment of these areas.

We do not yet know what our exact data and findings will be from that comprehensive assessment, and those findings will guide our strategy on fines and fees. However, the team believes we may already be able to act in these areas:

1. Audit of fines and fees used by the District Attorney’s Office which are inevitably levied or do not serve any purpose. Subsequent action on those findings that are within the DA’s purview.
2. Audit of the County’s “ability-to-pay” mechanism and consideration of a more equitable sliding scale structure for fines and fees that we are not able to abolish.
3. Audit of expense of collecting fines and fees vs. actual income from fines and fees.
4. Audit of fines that serve no purpose. A push for administrative policy that waives or abolishes those fines.
5. Audit of the high cost of incarceration relating to fines and fees, and analysis of cost to the County, Sheriff’s office and taxpayers.
6. Enacting county-wide policy regarding widespread waiver of certain fines and fees. Engage County Judges and the County Sheriff’s office as the stakeholders who are able to waive fines and fees.
7. The District Attorney’s Office is able to exercise prosecutorial discretion over debt-based driver’s license fines. Memorialize DAO policy minimizing or abolishing fees relating to this fee area. The county has a large volume of such cases.
8. Fines and fees are assessed post-conviction during sentencing. DAO develops policy and guidelines in collaboration with the public defender’s office to help judges minimize use of fines and fees, or in some types of cases, abolish the use of fines and fees.

¹⁹⁴ https://www.policylink.org/sites/default/files/ccffj_priority_reforms_121321.pdf



10 Fund Georgia's Future

TYPE OF REFORM: **State**

"If we are to be fully honest about the deepest threats that our education system faces at this moment, it is the deep lack of equitable funding for our schools, with the most disproportionate effects and consequences landing on Black and Brown communities, communities facing impoverishment, and rural communities that are far too often left behind.

Inequitably funded schools historically have higher incidents of exclusionary discipline and higher dropout rates than more adequately funded schools. The Georgia K-12 public education system has a long way to go toward providing truly equitable student experiences and outcomes for students — ones that prepare them to thrive in schools, communities, and beyond."

—A Letter to Governor Kemp, Fund Georgia's Future (June 4, 2021)

What happens when we bury a seed in nutrient-dense soil and tend to it with care? The seed thrives, blooms and becomes a sturdy plant. And what of a seed planted in desert soil?

And what happens when we cast blame on the seed for not blooming in the sand, having taken away the resources needed for nutrient-rich soil?

This matter is at the heart of the fight for education in the state of Georgia, working with a budget that has not only been systemically underfunded, but then blamed for being unable to thrive without full funding. Georgia's K-12 education budget remains woefully underfunded, impeding progress toward Georgia's equitable educational future. In 1985, the Georgia legislature passed the Quality Basic Education Act, or QBE, which created provisions for educational funding for grades kindergarten through 12 based on three parts: 1) Full Time Equivalent Students (FTEs), 2) Training and Experience of Certified Staff and 3) Health Insurance Eligibility of Certified Staff.¹⁹⁵ While QBE dictates how Georgia

disperses money to schools, it also sits at the heart of most education concerns in the state, mainly that we are behind in meeting minimal educational funding (with the exception of temporary America Rescue Plan Act Funds provided in 2022). We as a state have had almost over \$10 billion cut from K-12 education simply in the last two decades alone.¹⁹⁶ While austerity cuts ended in fiscal year 2018, Georgia Budget and Policy Institute found in their report *The State of Education Funding* that "if QBE had been fully funded, the total growth in state funding from FY 2012 to FY 2020 would be \$1,027.44 in nominal dollars per student. Many factors attributed to the growth in state funding. Most prominently, recent pay raises to teachers (2 percent in FY 2018, \$3,000 in FY 2020) have driven costs. Gov. Deal signed a 2 percent raise that added \$91.69 per student while Gov. Kemp's \$3,000 raise added an additional \$298.20 per student. Together these salary increases amount to more than 38 percent of all QBE growth since 2012."¹⁹⁷

¹⁹⁵ <https://oese.ed.gov/files/2021/08/Georgia-Basic-Education-Formula.pdf>

¹⁹⁶ <https://gbpi.org/state-of-education-funding-2022/>

¹⁹⁷ <https://gbpi.org/state-of-education-funding-in-georgia/>



The unfortunate reality is that the public education system in Georgia has long been inadequate and inequitable, with the schools serving high-need students often receiving the least opportunities. Instead of working to fund Georgia’s public schools the past few years, the general assembly has attempted to erode the entire system by funneling public dollars to private schools. Far too often, budgeting centers on the assurances that we will not overspend and waste, a saying and process used by unscrupulous politicians and interest groups as a cudgel to scold communities for wanting “handouts.”

Furthermore, instead of focusing on meeting the QBE gap this past legislative session, we saw lawmakers give into the siren song of a convenient culture war, framing the enemy of education as critical race theory and teachers making white students feel “bad”. 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. CRT presented a very convenient, very sticky, yet completely unfounded claim that served to legitimize far too many bad-faith arguments, to amplify disinformation that intimidated teachers and parents, divided Georgians of different politics, and more specifically, riled up certain

passions and fears in just what happened to be a crucial midterm election year. Why, instead of investing in young people’s futures by funding crucial resources like technology, mental health support, transportation and support staff, were bills like HB 1084, which defined race and racism as “divisive concepts” and banned them from the classroom, or SB 226, which created a book banning process, passed with such gusto? Whom did they serve? And how does being unable to access critical history and context continue to chip away at those who want to undermine the public education system?

In order to create equitable learning environments, schools need certain things — including culturally affirming curricula, safe and healthy climates, and flexibility that meet the needs of all learners. It is also well known that without resources that are *adequate and distributed equitably*, it is impossible to achieve a quality learning experience for every child. What does this look like? To budget — nay, fully fund — 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: focused on the long-term. 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.¹⁹⁸

Fund Georgia's Future, a coalition that Deep Center belongs to alongside education advocates across the state, including Georgia Budget and Policy Institute, IDRA, Southern Poverty Law Center and many more, simply hopes to create a just educational system. This looks like:

- » **Fair Funding.** A fair funding system requires:
 - » A commitment to inclusivity
 - » A commitment to acknowledging and dismantling historical systems of marginalization in education
- » **Full Funding.** A full funding system requires:
 - » A commitment to maintenance
 - » A commitment to growth

How We Do It

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

- a. The General Assembly should fully fund Georgia's K-12 education budget.** To combat the historic and current funding mechanism that exists at a level below the average of other states in the South and across the United States, Georgia needs to reverse course and begin fully funding the K-12 system. 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.¹⁹⁹ 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.²⁰⁰ Furthermore, the state has not conducted a comprehensive cost study to understand modern costs associated with education, and should establish a study committee to best understand the actual costs of what thriving education in Georgia looks like.

- b. Pass the Students Living in Poverty Act.** Georgia is one of only six states nationwide that does not provide similar added support for students living in poverty, even though 70% of Georgia school district leaders say poverty is the most significant out-of-school issue that limits student learning.^{201, 202}

The state's school funding formula provides money for additional teachers, counselors and other accommodations to educate students with unique needs such as disabilities or those who speak a language other than English in the home. According to GBPI, "There is a clear relationship between a child's financial situation and academic outcomes, just as there is a clear historical explanation for Black and Brown students to be more likely to live in poverty than their white neighbors. Any move to increase funding for students living in poverty would provide resources to every school district in the state and act as a tool for racial justice."²⁰³

- c. Increase funding for school counselors and funding for Georgia's Apex Program.** The American School Counselors Association most recently recommends a school counselor ratio of 1:250.²⁰⁴ The most recent data available from National Center for Education Statistics shows that Georgia schools employ a counselor for every 419 students.²⁰⁵ This number is evidence that the counselors that are available, even as dedicated as they may be, lack the numbers needed to truly address students' needs. From Georgia Budget

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

199 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>.

200 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/>.

201 <https://reports.ecs.org/comparisons/k-12-and-special-education-funding-06>

202 <https://gbpi.org/tackle-povertys-effects-improve-school-performance/>

203 https://gbpi.org/overview-2023-fiscal-year-budget-for-k-12-education/#_edn5

204 <https://www.schoolcounselor.org/getmedia/238f136e-ec52-4bf2-94b6-f24c39447022/Ratios-20-21-Alpha.pdf>

205 <https://nces.ed.gov/CCD/ELSI/tableGenerator.aspx?savedTableID=357854>

and Policy Institute’s “Three Ways to Fix Georgia Funding”: “Various studies have highlighted positive effects of hiring additional school counselors with, among others, English-language learners, rural students, low-income students and children exhibiting aggressive behavior or actions associated with depression.²⁰⁶ Higher numbers of student counselors per school are associated with lower absenteeism, fewer suspensions and higher graduation rates.²⁰⁷ This intervention is cost-effective as well; the effects of school counselors on student behavior and academic outcomes are financially efficient compared to alternative education policies with similar effects.²⁰⁸ Georgia’s leaders should prioritize mental health by lowering the ratio of students to counselors in the QBE formula.”²⁰⁹

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.²¹⁰

Currently, the main issue with recruitment for APEX is simply that based on the wage allocation offered by state program funding, there is simply not an impetus for social workers to seek out positions within the program. We recommend that state legislators increase budgetary allocations to APEX specifically for wage increases.

d. No More Vouchers: A voucher, according to Georgia Budget and Policy Institute, is an “amount of money provided by the state government to parents for use for private educational programs, such as tuition at private schools.²¹¹ There are two basic ways the state can finance school vouchers: tax-credit vouchers, where taxpayers can choose to pay portions of their tax obligation to ‘student scholarship organizations’ which then provide money to parents for use for private school tuition; and state-funded vouchers, which use existing state funds meant for public schools and instead redirect them for use in private education programs.”²¹² Education Savings Accounts (ESAs) are a form of state funded vouchers.²¹³ Supporters of vouchers often make the case that these policies are revenue neutral and offer a “better choice.” However, the effects for individual school budgets are massive: however many students a public school has lost to a voucher program, the school cannot cut off that many seats on a school bus or reduce the heating bill for the remaining students. The fixed costs remain.²¹⁴ Many schools already struggle to pay for costs that continue to increase while revenue remains the same.



206 <https://www.schoolcounselor.org/getmedia/7d00dcff-40a6-4316-ab6c-8f3ffd7941c2/Effectiveness.pdf>

207 <https://www.schoolcounselor.org/getmedia/7d00dcff-40a6-4316-ab6c-8f3ffd7941c2/Effectiveness.pdf>

208 http://faculty.econ.ucdavis.edu/faculty/scarrell/counselors_input.pdf

209 <https://gbpi.org/three-ways-to-fix-georgia-education-funding/>

210 “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>.

211 <https://gbpi.org/what-are-school-vouchers/>

212 <https://gbpi.org/what-are-school-vouchers/>

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214 <https://gbpi.org/what-are-school-vouchers/>

COMMIT TO RESTORE US

“Public safety is more than just the absence of crime.”

—Patrice Sutton, Executive Director, DC Justice Lab

“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, 2021²¹⁵

215 “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/>.



Our fundamental belief is that everyone deserves safety. Everyone deserves to feel safe. But what does public safety truly look like? And how do we move away from the simple narratives of how crime is around every corner and that we are always fundamentally in danger?

We want our communities and those who make decisions that impact others to see the threat in not meeting the root cause of our issues. We want those in positions of power, the ones who decide the laws and resources allocated, to see the threat that bare-bones budgets cause, that keeping people tethered to the criminal justice system causes, that taking away the ability to access critical literacy in our schools causes. Threat is not just the boogeyman around the corner. Threat is what happens when we refuse to invest in our communities, in our people, and then cannot understand why they do not thrive.

We don't have all the answers. We know some of our answers will be wrong to certain eyes, will feel like an attack to others, naive to some, the incremental steps needed to others. But we do know that we have seen this community make progress and respond to the moment we are in. We also know that the urgency of where we are means we need to go further.

The fear of “moving too fast” or “changing too fast” often scares those in power, especially if their overarching goal is simply to hold onto power. But we never offer recommendations, criticisms or solutions without also offering our assistance as a partner in this work. We may see things differently and have different ways of getting there. But we live by the belief that if we are all going in the same direction, we will do the work needed with everyone to get there.

Here's to getting there together.

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.²¹⁶

CRT “Critical Race Theory”: A cross-disciplinary intellectual and social movement of civil-rights scholars and activists who seek to examine the intersection of race, society and law in the United States and to challenge mainstream American liberal approaches to racial justice. Created and promoted by professors like Derrick Bell and Kimberle Crenshaw, the methodology is not taught in K-12 schools and is offered often as a course in law school.

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.²¹⁷

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 18.²¹⁸

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.²¹⁹

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.

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.²²⁰

STPP: The school-to-prison pipeline, or STPP, is a process by which minors and young adults become incarcerated in disproportionate numbers due to increasingly harsh school and municipal policies; educational inequality; zero-tolerance policies and practices; and an increase in police in schools.²²¹

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.²²²

216 “About Us,” The BIPOC Project, accessed Oct. 9, 2021, <https://www.thebipocproject.org/about-us>.

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218 “Juvenile Life Without Parole,” Restore Justice, accessed Oct. 9, 2021, <https://restorejustice.org/learn/juvenile-life-without-parole>.

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220 “Signature Bond,” U.S. Legal, accessed Oct. 9, 2021, <https://definitions.uslegal.com/s/signature-bond/>

221 “School-to-Prison Pipeline,” American Civil Liberties Union, accessed Oct. 9, 2021, <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>.

222 “Wrap-around Delivery and Other Team-based Models,” Canada Observatory on Homelessness, accessed Oct. 9, 2021, <https://www.homelesshub.ca/solutions/systems-approach-homelessness/wrap-around-delivery-and-other-team-based-models>.

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