NEW HOPE CITY

Deep

POLICY RECOMMENDATIONS FOR OUR RESTORATIVE COMMUNITY

PART OF THE BUILDING A RESTORATIVE COMMUNITY SERIES

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For folks feeling hopeless

“liberation is no small task — it is appropriately daunting for miraculous beings. it is a gift, to be given such undeniable purpose, such immense odds. hold each other tight, and let’s do this work.”

– adrienne maree brown, from living through the unveiling[1]

“You are planting the seeds to a tree whose shade you might not ever sit under.”

Dr. Otis Johnson

1 https://adriennemareebrown.net/2017/02/03/living-through-the-unveiling/

The Seven Principles of Critical Hope, as defined by Dr. Kari Grain

1. Hope is necessary, but alone, it's not enough
2. Critical hope is not something you have; it's something you practice
3. Critical hope is messy, uncomfortable, and full of contradictions
4. Critical hope is intimately entangled with the body and the land
5. Critical hope requires bearing witness to social and historical trauma
6. Critical hope requires interruptions and invitations
7. Anger and grief have a seat at the table[2]

2 PhD Grain, Kari. Critical Hope: HOW TO GRAPPLE WITH COMPLEXITY, LEAD WITH PURPOSE, AND CULTIVATE TRANSFORMATIVE SOCIAL CHANGE. 1st ed. North Atlantic Books. 2022

EXECUTIVE SUMMARY

"When I would feel overwhelmed by what was going on in the world, I would just say to myself: 'Hope is a discipline.' It's less about 'how you feel,' and more about the practice of making a decision every day, that you're still gonna put one foot in front of the other... It's work to be hopeful. It's not a fuzzy feeling. You have to actually put in energy, time, and you have to be clear-eyed, and you have to hold fast to having a vision. It's a hard thing to maintain. But it matters to have it, to believe that it's possible to change the world."

– Mariame Kaba, interviewed in Hope is a Discipline: On Dismantling the Carceral State[3]

These are strange times.

And yet, in many ways, these times are no stranger than they have been before, not when one takes a truthful, hard look at our past, still fresher than many would care for it to be. These times cannot be any stranger than the future — which, in the moment we write this, feels both unknowable and predictable, alive and hopeful, dark and prophetic, to be wrestled for in the day to day work of just a little bit better.

Deep Center is not in the business of electoral politics. As a nonprofit, we simply cannot be. But as we craft this brief in the summer of 2024, we cannot help but look to the fall election as a bridge to the type of world we will be living in. This is not candidate specific, because at the end of the day, it is not even about the candidates, but instead about where we are seeing the fissures and frictions continue to grow and shift. We have been witnessing the backlash to those who are hungry for a better, more just society, states assemblies all across the country passing legislation that either expands or detracts from the well-being of its people like an oddly shaped human-rights checkerboard. Nationally, we see rollbacks coming fast and fierce, with the promise of more to come, which to be frank, is not a surprise to those of us living and working in the South, where our region has long been a test bed

3 https://theintercept.com/2021/03/17/intercepted-mariame-kaba-abolitionist-organizing/

for regressive policy and using courts as a strategic wedge in the premise of “neutral and unbiased law.”

There is a dissonance happening that stretches beyond what many of us can articulate beyond the familiar places, a precipice we all seem to be looking over. It’s white supremacy, it’s misinformation and disinformation, it’s capitalism, it’s unchecked greed, it’s echo chambers, it’s both sides, it’s those damn kids, it’s fake news, it’s the need for systemic change, it’s burnout, it’s, it’s, it’s…

This new world is the same old world. It’s completely different, and yet, we have been here before, many times, a breaking point, a pushback, a cracking-down, a sunrise after the dark soul of the night because “joy comes in the morning” [4]. America was founded as a place where the promises for freedom, liberty and equality were only for a select few, the imperfect container where the codified protections and legal mechanisms for dignity and justice for Black folks, Indigenous folks, women, the disabled, the poor, have had to be fought for, continually. The right to autonomy and self-determination, the right to thrive, never a guarantee, but instead, a promise that those groups had to decide for themselves, as it has never been a given.

Of course we are here. Exactly 405 years after the appearance of a ship on a horizon near the coastal port of Point Comfort, Virginia, where 20 enslaved people were first brought to the Americas, thus beginning one

4 https://www.biblegateway.com/passage/?search=Psalm%2030%3A1-5&version=ESV;NIV

of the most heinous institutions that still has not been fully reckoned with.[5] Of course we are here. Of course.

This is happening across our country, and yet is directly rooted in the way the South has always shaped this country, for good, for bad, for institutional oppression and for cultural liberation. This, of course, is not a new nor radical thought to those who live, love, work and create here. We know and hold the contradictions of the South, the place we call home and love and know to be the multifaceted space of both resistance and rebellion and joy and despair and oppression and dehumanization. To discount the South, is to discount the nation, is to create a mental space between one's self and the horror that has made everything from generational wealth to the shadow of the criminal justice system to how neighborhoods are structured. For those who live here, we know this, it lives in our bones, and we do not seek to create a space, but instead, close it for good.

In "The South and the Black Radical Tradition: Then and Now," a brief by Walda Katz-Fishman and Jerome Scott, the two wrote that the South has always "been a key site of struggle between forces seeking to impose fascist rule and forces seeking the revolutionary reconstruction of society." It has been the "location of the most intense repression, exploitation, and reaction directed toward Africans Americans as well as Native Americans and working people generally."[6] From "The Black Radical Tradition in the South Is Nothing to Sneer At," written by Taylor Crumpton:

> *"Think of slave raids and rebellions in the 18th and 19th centuries, famously lead by Nat Turner in the United States, and of political organizing in the Postbellum South, where Southern Blacks saw gains in political representation and launched a fight for fair wages as sharecroppers in local labor unions while facing the terroristic violence of white societies like the Ku Klux Klan. Representation in politics does not undo centuries of institutionalized white supremacist ideologies and practices that inherently endanger the lives of Black people. As the Klan and other white vigilante groups ascended to political power, organizers in the Black South entered an era of militarism, where Southern Black residents were encouraged to participate in armed self-defense. The Black panther was first introduced as a cultural and social symbol of the Black Power movement in Alabama in 1965 via an organization known as the Lowndes County Freedom Organization."*[7]

The South is crucial to understanding the region's — and the country's — political history, as well as its future. "I live in Atlanta, not Georgia" or "I live in a blue state, not a red state" or "the South is a bad place and I don't know why anyone would live there" all deeply discount the complexity of this nation's history, what it means to care for one another, and what it means to truly push the arc of justice ever forward. And the truth we know from this is that in these times, we must be holding onto each other, caring for one another, and pushing forward a better now and an imagined future, where the most basic needs are met, where our institutional failures do not trickle down into the lives of those getting by, where we as a society have made the distinct choice that we must hope and want for something different.

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Hope becomes the practice of showing up to do the right, just thing, despite the result each time.

At Deep, we have rooted ourselves down into the practice of critical hope: the abiding belief that transformation is not just possible, but mandatory. But hope must be an action, not simply a stationary feeling. It must be a vibrant, engaged practice and a commitment to honoring transformative potential across a vast spectrum of experience, while making space for the very real grief that comes with the loss that is inherent in the work for social change. We did not create this concept nor practice; we were exposed to it through the work of Dr. Kari Grain and dedicated our last policy brief to the work she has set out to do. It has become our north star, our way of making sense in a world that is rarely fair, but

5 https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html

6 https://library.fes.de/libalt/journals/swetsfulltext/15120585.pdf

7 https://www.teenvogue.com/story/black-radical-tradition-south

also our way of reminding ourselves to find the joy, the resilience and the comradery in very hard, very long and very taxing work.

Hope is often cast in a pale light, a coping mechanism of ne'er-do-wells, naive young activists and idealists, oversimplified and bordering on toxic positivity. Hope cultivates the reputation as a flimsy word, a balm for when the going gets tough. "I'll hope in one hand and spit in the other and see which fills up first" is an old saying that gets tossed around Savannah by elders who have had enough life experience to know that hope for hope's sake tends to be a thought exercise with guaranteed disappointment near the end. But this is not what critical hope is. Critical hope is the muscle we use to keep moving forward in a way that honors us and honors the work that must be done.

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Hope is the determination that we must outlast, that we must go on in spite of.

This leads us to our theme this year: New Hope City.

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"Hope is so vital to everything that we do, because we can't be only defined by what we're against. We have to be defined by what world we build and want."

—Loretta Ross, Here's a Refreshing Way to Think About Election Day[8]

New Hope City is the place we want to live. Coined by Deep's on-the-ground community organizer, Omari Fox, New Hope City is as much a physical place with parks and housing and resources as it is a mindset to which we must shift where we consider all the needs around us, not as some utopic naive idea, but as the very real responsibility and investment we have in each other's well-being. As we look to the future, we often think about what the world might be like when we have published this brief in late 2024. We again point to an election that seems to symbolize where we go next. While we are not in the business of electoral politics, we know that this moment will define the generation to come in what we as a nation decide is important, which way we know we must move. But we also know that no matter the outcome, we must remain committed to the work of social change, despite what the very tip-top of power looks like. In fact, we argue that that is precisely how change happens.

New Hope City is the declaration that the well-being of our community is the here and now. While this may seem to contradict our work at the federal, state and local level, what we mean is that we know the power to create the community we most want to see, the community we know is most empowered with the hope of what's possible, of being invested in, of being seen as leaders and transformative doers and movers and shakers, happens close to home. New Hope City is our way of looking at our home and saying this place is ours, we take responsibility for making it better. Our home is our place of hope, and we are committed to its being a beacon of what's possible, not just what is wrong.

This is a crucial stance, because hope is a crucial stance. And we, like many communities across the nation, have witnessed accelerated attacks on hard-earned progress described as "common sense" but insulting to the humanity and dignity of all of us. With this stance, we dig down deeper into what we are asking and demanding, echoing that call of our own collective power. This stance is and must be a collective decision that will take the leadership, vision, risk and the residents of our Deep village, our neighborhoods, Savannah, Chatham County, the South — all of us — insisting that we can — and must —

8 https://www.thecut.com/article/loretta-ross-interview-2024-election-kamala-harris.html

be different. Our understanding of systems, institutions and policies must be navigated with more clarity. Our decisions must be more laser-focused on the outcome of all. Our conviction must rest in the fact that the demand that yes, things can and should be different is stronger than ever. If we are to navigate a moment of potential upheaval, a moment we have been in, are always in and will continue to be in, then our north star must be something bigger than us, the hope that how we do this work, how we use our time and how we use our own organizational power and influence will create the vision of the community we want to see. The New Hope City.

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Our recommendations work to 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. But we must build the momentum and political will to undertake this work — often the largest barrier, we recognize — so that we can rethink not only what public safety; investments in communities; and a fully funded education, mental health and healthcare system mean, but establish — right here and right now — who has rightful access to the opportunity to truly thrive. Because **we all deserve better.** To get there, we must be focused on people-created policies — in other words, policies that are driven by the words, experiences and testimonies of everyday people.

We continue to urge more members of our community to engage in changing the systems that define our lives with the understanding that they may be planting seeds of a tree whose shade they may never sit in. We make this urge while fully understanding and recognizing that policy processes and legislation at every level of government are not open or easily accessible and understandable. We also make this urge with the condition that no incremental change is to be looked down upon, despite that we are all hungry for so much more. Though difficult, this is the intersection at which we seek to focus our work, our energy, our resources. We insist that progress in realizing this vision is not a zero-sum game in which one group wins and another loses. We insist upon a better world while fully understanding we do not inhabit one right now and that it is also a world better than the generations' before us, their own work carrying us to where we are now

May we be in this together, bringing our whole, broken-hearted and hopeful selves to this work.

Methodology

Deep Center's policy work is driven by the core method of participatory action research (PAR). The Institute of Development Studies states that participatory action research "involves researchers and participants working together to understand a problematic situation and change it for the better."[9] 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 to 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."[10] Deep Center credits the majority of our methodology to the practices that many staff, youth and those in our community have learned through The Highlander Education and Research Center, a social justice leadership training school and cultural center in New Market, Tennessee, founded in 1932 by activist Myles Horton, educator Don West and Methodist minister James A. Dombrowski.[11] Highlander defines Participatory Action Research as that which "challenges the belief that only academics or trained professionals can produce accurate information, and instead recognizes information as POWER and puts that power in the hands of people seeking to overcome problems in their daily lives. PAR is a collective process of investigation, empowerment, and action."[12]

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. It takes what is often out of the hands of everyday working people and places them at the center of expertise. It also means collecting research and data, including program or participant observation, testimony and story gathering, data collection, field notes and one-on-one conversations, and involves 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, even if incremental.

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.

Our Vision

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.

Our advocacy 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.

9 The Institute of Development Studies states that participitory action research

10 Participation Research Cluster, Institute of Development Studies, "Participatory Action Research," Participatory Methods, accessed October 4, 2022, https://www.participatorymethods.org/glossary/participatory-action-research.

11 https://highlandercenter.org/our-story/mission/

12 https://highlandercenter.org/programs/methodologies/participatory-research/

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. Much of what is described in here is being advanced by many communities, stakeholders and partners we want to credit, co-sign and platform. 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. We will never pretend that this policy brief can provide all the answers, offer up our option as the only way forward or give full credit to all of the work that serves as its foundation. Some of our recommendations, though the right thing to do, are downright politically unpopular in the times we live in and therefore not without inherent risk. We were once told by a local judge that we were naive to think the world could actually be fair and that anyone who knew what they were doing would know that.

Respectfully, we disagree. *A lot.*

The world's inherent unfairness is a given. To use that as an excuse not to be curious or open to how to make it better just perpetuates it.

Deficit-based mindsets are a given when it feels that you have worked in scarcity so long that change seems impractical, if not absurd. "They must not know how it works" is another common refrain. This is why we have begun to ground our work in critical hope, which many have defined as a concept, a practice, a state of trying and being both in response to and as an invitation and interruption to the world which we live in and hope for. "Hope alone can be transformational — but in moments of despair, or when you're up against profound injustice, it isn't enough on its own," says Dr. Kari Grain. "Hope without action is, at best, naive. At its worst, it tricks you into giving up the power and agency you have to change systems that cause suffering. Enter *critical* hope: a spark of passion, an abiding belief that transformation is not just possible, but vital. This is hope in action: a vibrant, engaged practice and a commitment to honoring transformative potential across a vast spectrum of experience."[13]

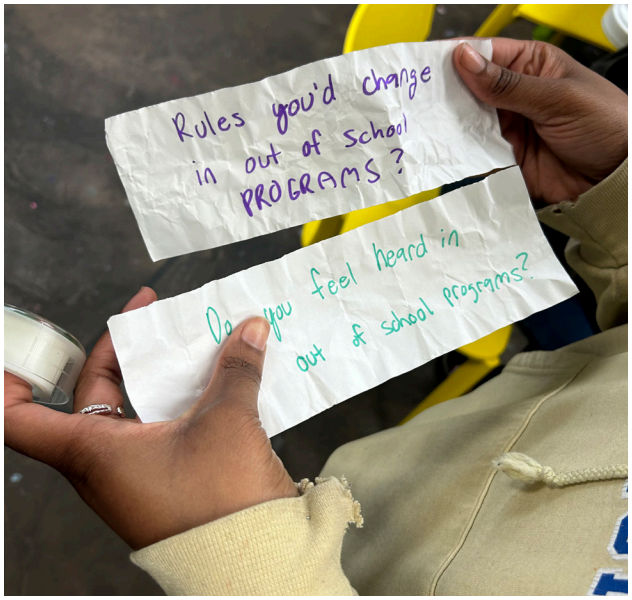
We seek this space and this practice: evidence-based and the messily human; data alongside the accounts of bearing witness; the conviction that it *must* be better while carrying the anger and grief that it is not. We are convinced that our community will not move forward unless we consider the range 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.

How else are we to move forward when it feels like there is so much working against us, like none of this is new? People have always been trying to push for a fairer and more just society, and there has always been resistance, justification or pushback to that. We won't dwell on this, but instead will find room to sit in the discomfort of what it means to exist in complexity, humanity, frustration and love of doing this work, not because we will see results, but because we know that years from now, when we might not even be alive, things will be different. That for every door that is about to close on a thought or concept or idea, we hope that we can offer a wedge for someone to consider something new, to pivot from old ways.

In the midst of this climate of uncertainty, we commit to continuing to accelerate the pace and urgency of Deep's advocacy work. Systems-change work is the work we do. It is fed by the stories, writing and experiences of our young people, of the educators and community members we work with. It is magnified by our staff members who walk through this world embodying different identities and experiences that inform those identities.

Here is to moving forward together in this work.

13 PhD Grain, Kari. Critical Hope: HOW TO GRAPPLE WITH COMPLEXITY, LEAD WITH PURPOSE, AND CULTIVATE TRANSFORMATIVE SOCIAL CHANGE. 1st ed. North Atlantic Books. 2022



CRITICAL HOPE: POLICY RECOMMENDATIONS FOR OUR RESTORATIVE COMMUNITY

Looking for Hope in a Harrowing Time

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

Act of Resolution: Hope as Future Now

2. These Are Our Kids
3. Mental Health as the Next North Star

Hope as Compass and Architecture

4. Justice as an Act of Imagination
5. Grabbing the Root: Data as Evidence

Hope: The Axe You Break Down Doors With in an Emergency

LOOKING FOR HOPE IN A HARROWING TIME

"Every history of oppression also has a history of resistance."

Moira Donegan, Looking for Hope in a Harrowing Time[14]

RECOMMENDATION 1

Declare Chatham County and the City of Savannah Restorative Communities

Power to Change: Savannah City Council and Chatham County Commission

"I was developing a maturing recognition of the importance of hopefulness in creating justice."

– Bryan Stephenson, Just Mercy[15]

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 fixating 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.

14 https://lyz.substack.com/p/looking-for-hope-in-a-harrowing-time?utm_source=substack&utm_medium=email&utm_content=share

15 https://justmercy.eji.org/wp-content/uploads/2019/08/just-mercy-discussion-guide.pdf

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 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 toward 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 | Power to Change: Savannah City Council and Chatham County

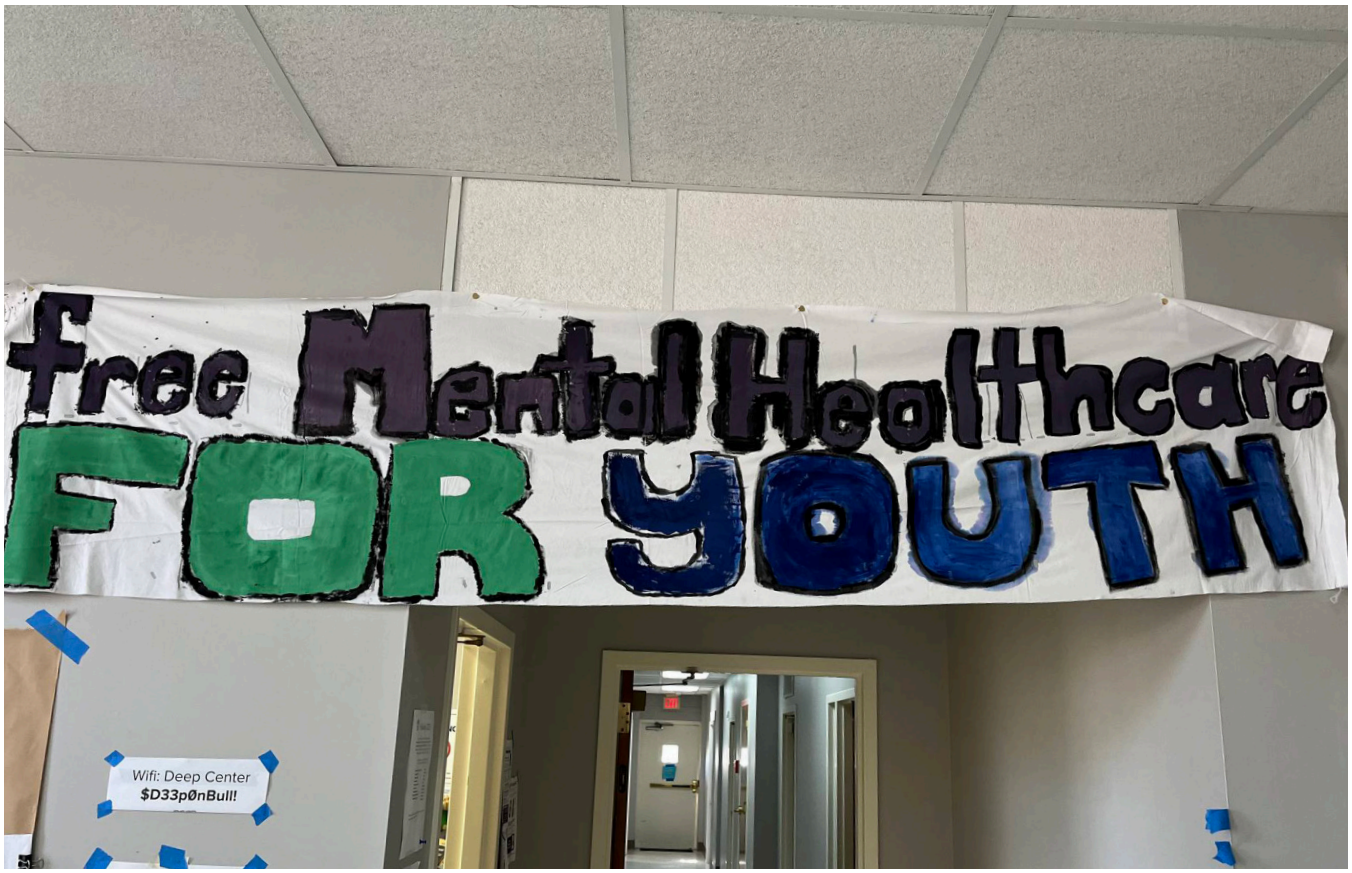
The City of Savannah and Chatham County should pass a resolution declaring the city and the county a Restorative Community and approve an action plan committing them to establish and enforce policies, ordinances, legislation and administrative norms that focus on bottom-up solutions to the problems besetting 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 | Power to Change: Savannah City Council and Chatham 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, etc. Included in these recommended policies will be criteria and milestones for measuring progress in implementing them and their fiscal impact.


free Mental Healthcare
FOR YOUTH
Wifi: Deep Center
$D33pØnBull!


We are Kid Soldiers, fighting everyday with life and hoping to succeed and end up happy.
Natalia
AGREEMENTS

ACT OF RESOLUTION: HOPE AS FUTURE NOW

"No one leaves his or her world without being transfixed by its roots, or with a vacuum for a soul. We carry with us the memory of many fabrics, a self soaked in our history, our culture; a memory, sometimes scattered, sometimes sharp and clear, of the streets of our childhood, of our adolescence; the reminiscence of something distant that suddenly stands out before us, in us, a shy gesture, an open hand, a smile lost in time and misunderstanding, a sentence, a simple sentence, possibly now forgotten by the one who said it. A word for so long a time attempted and never spoken, always stifled in inhibition, in the fear of being rejected- which as it implies a lack of confidence in ourselves, also means refusal to risk."

– Paulo Freire, Pedagogy of Hope: Reliving Pedagogy of the Oppressed[16]

16 https://teraskita.wordpress.com/wp-content/uploads/2015/09/paulo-freire-pedagogy-of-hope.pdf


Deep

RECOMMENDATION 2

These Are Our Kids

Type of Reform: State Legislation

"When I was in juvenile court, I always told people, we have to act like these are OUR kids. Because they are!"

Judge Lisa Colbert, Eastern Judicial Circuit

The criminal and juvenile justice system in America has cast a long shadow over 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 understanding of 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."[17] Voters approved it, and Gov. Miller signed it into law in December of that year.

17 O.C.G.A. § 15-11-5(b)(2)(A), School Safety and Juvenile Justice Reform Act, GA Att'y Gen. Unoff. Op. No. 95-9 (May 03, 1995).

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.[18] "Tough medicine for a tough disease," Gov. Miller declared.[19]

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.[20] In fact, we now know that the brain does not mature until the age of 26.

However, 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.[21] 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.[22] To move forward, Georgia's criminal and justice system must reflect this understanding.

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 type 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."[23]

18 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

19 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/

20 "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.

21 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/.

22 "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.

23 https://gaappleseed.org/initiatives/children/reports/2018-assessment-report.pdf

Our promise remains unacceptably unfulfilled to the youth of Georgia. To step up to the full promise of juvenile reform in the State of Georgia, the following are recommended:

Ending the Practice of Juvenile Life Without Parole (JLWOP): 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 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.

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.[24] 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. Long an unfulfilled promise and crucial component of the revised juvenile code, Raise the Age advocates have been working diligently, with little success — with foes citing financial concerns and public safety concerns. However, Georgia's proposed Raise the Age has a far more narrow scope than other states', only applying to offenses outside the "seven deadly sins" or accompanying serious offenses.

Fully Funding, Implementing and Codifying CHINS: CHINS (Children in Need of Services) under Georgia law means a child or a young person who is in need of care, guidance, counseling, structure, supervision, treatment or rehabilitation as a means to divert them from receiving punitive action. However, this legal designation is not fully funded nor supported in the way it was intended to in the State of Georgia as a result of the lack of adequate funding to the formal state oversight needed for implementation, operation and uniformity. An anonymous juvenile judge quoted in Georgia Appleseed's "Embracing Common Wisdom" says, "CHINS depends upon 'a strong service network of providers and different opportunities for children in order to implement it. There are some jurisdictions where CHINS cases are going well and some that have no idea what's going on. Success of CHINS is totally dependent on the resources in your community. Those resources are not being provided equitably to children in all communities.'"[25]

Ending Mandatory Minimums: Mandatory minimums are sentencing laws that require automatic prison terms for those who are convicted of certain crimes. While they are associated with a number of different crimes, they are most commonly associated with laws around serious offenses including guns, drugs, gangs and RICO (Racketeer Influenced and Corrupt Organizations Act). Mandatory minimums treat anyone who is convicted of these types of charges as the same, with no consideration for factors that add nuance and context, including first time offenses, age and specific requests of victims. Mandatory minimums never treat youth as youth. In the State of Georgia, children as young as 13 can be tried and sentenced as adults when facing any "seven deadly sins'' charges. The 2023 passage of SB 44, the Street Gang Terrorism and Prevention Act, exemplifies Georgia's problematic reliance on mandatory minimums.[26]

The law undermined the discretion of elected judges by forcing them to jail despite context. SB 44 imposes mandatory minimum sentencing for people convicted of "gang-related" offenses.[27] The law states directly that it is meant to protect children, with the Governor famously stating, "If you come after our children, we will come after you," but in reality, the law targets children,

24 "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?9d7b-d4&9d7bd4.

25 https://gaappleseed.org/initiatives/children/reports/2018-assessment-report.pdf

26 https://www.legis.ga.gov/legislation/63781

27https://www.gpb.org/news/2023/04/26/governor-signs-bill-stiffening-georgia-gang-penalties

harming more than helping.[28] Under this law, a judge has no choice but to sentence a 13-, 14-, 15- or 16-year-old who "recruits" their 13-, 14-, 15- or 16-year-old friend into a "gang" to the mandatory minimum of 10 to 20 years, leaving no room for judicial discretion or the recognition that this approach is simply criminalizing a nuanced and complex problem, one that demands attention, resources and of course intervention, and is also the product of the distinct, albeit misplaced, child-like behavior of someone seeking to fit in and find social acceptance and community, a fact that has been proven by evidence and acknowledged by the Supreme Court.[29]

Ending Youth Tried, Prosecuted and Sentenced as Adults: Despite the establishment of a separate juvenile justice system specifically to treat children as children within the legal system, youth are still charged, prosecuted and sentenced as adults in the adult criminal justice system. According to the Juvenile Law Center, "the numbers of youth facing adult prosecution increased substantially in the 1990s in the wake of a baseless and racist myth that a generation of "super-predators" was on the rise. While crime has steadily decreased since that time, these laws continue to subject youth to criminal conviction and sentencing."[30] It also cannot be ignored that the youth tried as adults are predominantly and disproportionately Black youth and youth of color. The U.S. Office of Juvenile Justice and Delinquency Prevention found that in 2018, despite Black youth making up less than 15% of the total youth population in the United States, they comprise 63% of the total youth detained pending judicial waiver or awaiting criminal court hearing.[31] Georgia also has the unfortunate standing of finding itself in the top five states with the most youth tried and held as adults. According to the Sentencing Project, in 2019, there were 2,900 youth held in adult jails.The states with the highest number of youth in adult jails were North Carolina (307), Texas (299), Florida (296), Georgia (192) and Arizona (136). As it stands, Georgia is one of two other states that include all 17-year-olds as part of their adult systems.[32]

28 https://ltgov.georgia.gov/press-releases/2023-01-30/gang-enforcement-legislation-introduced

29 http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-i-principles-respondin-10

30 https://jlc.org/issues/youth-tried-adults

31 Sickmund, M., Sladky, T.J., Puzzanchera, C., & Kang, W. (2021). "Easy Access to the Census of Juveniles in Residential Place- ment." Available: https://www.ojjdp.gov/ojstatbb/ezacjrp/.

32 https://www.sentencingproject.org/app/uploads/2022/09/Youth-in-Adult-Courts-Jails-and-Prisons.pdf

Furthermore, the impact of youth housed with adults cannot be understated: While progress is being made to house youth in youth-specific facilities, it is uneven and slow, and it is not uncommon for youth to be housed with adults but held in solitary confinement or in a specialized unit, or even to end up in general population. According to the The Pew Charitable Trusts brief "Re-Examining Juvenile Incarceration," when confined with higher level offenders, "youth are likely to emerge from incarceration more likely to experience recidivism with more serious future offenses."[33] This itself is only the tip of the iceberg in one of the many reasons of the why behind these offenses, which include the trauma of incarceration as well as mental and behavioral health, all combining in a perfect maelstrom.

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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.[34] 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. The core pushback against reforms regarding JLWOP, mandatory minimums, and ending the practice of trying, prosecuting and sentencing youth as adults is merely the political tide, the continuing echos from the days of labeling children as "superpredators," a term created by political scientist John J. Dilulio Jr. in 1995, describing the "moral poverty" of youth who were going to fill the streets committing violent crimes. Dilulio has since publicly denounced that term and position, as well as the policies that were created in reaction to it, though the harm and ease at which "tough on crime" positions can still be justified through it live on.[35]

How We Do It

To stop Georgia dragging its feet on these crucial reforms, we must call attention to the 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 regard 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.[36] 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.[37]

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

33 https://www.pewtrusts.org/~/media/assets/2015/04/reexamining_juvenile_incarceration.pdf

34 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.

35 https://www.nytimes.com/2022/04/20/opinion/sunday/prison-sentencing-parole-justice.html

36 https://www.nokidsinprison.org/explore/georgia/?section=cost-interactive

37 Georgia KIDS COUNT, "Youth Incarceration Rate Plummets in Georgia," Georgia Family Connection Partnership, last modified February 27, 2013, accessed October 4, 2022, https://gafcp.org/2013/02/27/youth-incarceration-rate-plummets-in-georgia/.

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. Ban Juvenile Life Without Parole (JLWOP) | Power to Change: Georgia State Assembly

1. State Lawmakers in Georgia should use the latitude given them by both courts to act. Use HB 802 from 2018 or HB 1542 from 2021 as a model for fresh legislation that would amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 9 of Title 42 of the 2 Official Code of Georgia Annotated to abolish life in prison without parole for juvenile offenders.[38]

b. Raise the juvenile code age | Power to Change: Georgia State Assembly

1. Pass a Raise the Age law in Georgia, changing the juvenile code from 17 to 18 using either language from previous bills like HB 462 or with language that amends Titles 15, 16, 17, 27, 37, 42 and 49 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, criminal procedure, game and fish, mental health, penal institutions and social services in Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile Code.

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 of a successful overhaul of juvenile facilities, transportation, judges, docket caseloads, support staff, etc.

3. Allocate sufficient funds and resources for said facilities, staff and transportation to put the legislation fully and effectively in place.

c. Fully fund and implement CHINS (Children in Need of Services) | Power to Change: Georgia State Assembly, Local Judicial Circuits

1. A combined effort of full funding and administrative implementation and coordination (beyond the CHINS statewide coordinator position housed within the Council of Juvenile Court Judges) would allow uniform implementation of the 2013 revised Code 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. As it currently stands, the promise of CHINS relies on the availability of services within the community, and many stakeholders are not seeing adequate services for CHINS.[39]

d. End mandatory minimums for youth | Power to Change: Georgia State Assembly

1. Mandatory minimum sentences take discretion away from judges in favor of harsher punishments, no matter the circumstance. They drive up incarceration rates and the duration of time that people remain in the system. The longer someone is in the system, the more likely they are to return to it after release. The question is not one of whether certain crimes should be punished, because that is already a given in our justice system. The Georgia General Assembly unanimously enacted a revised Juvenile Code in 2013, which has been a critical component of justice reform in Georgia. Its unanimous passage at the time spoke to the commitment toward ensuring that children and youth have the absolute best outcomes in the justice system in accordance with the most up-to-date knowledge of the brain development of youth, best practices in juvenile justice spaces, and the experiences of practitioners and stakeholders in the juvenile justice system. While there have been technical fixes and substantive changes since the enactment of the code, there are still many unfulfilled promises that continue harsh punishment practices of

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

39 Embracing Common Wisdom: The New Juvenile Code in Georgia. An Assessment. Georgia Appleseed Center for Law and Justice. 2018.

children and youth and disregard the best values, evidence and experiences that fueled and embodied the juvenile code revision. Therefore it feels incumbent upon the state to once again revisit the juvenile code to ensure that in the decade that these original revisions have been implemented, there is room for continued reform and revision, including the revisitation of the most punitive ways our juvenile system is presenting.

e. End youth tried, prosecuted and sentenced as adults | Power to Change: Georgia State Assembly

1. The U.S. Supreme Court has repeatedly recognized that youth require different considerations than adults, and because of their status as young people, are more capable of change and rehabilitation (Roper v. Simmons, Graham v. Florida, J.D.B. v. North Carolina, Miller v. Alabama, Montgomery v. Louisiana, Raines v. Georgia).[40], [41], [42], [43], [44], [45] The Georgia General Assembly unanimously enacted a revised Juvenile Code in 2013, which has been a critical component of justice reform in Georgia; therefore, it feels incumbent upon the state once again to revisit the juvenile code to ensure that in the decade since these original revisions have been implemented, there is room for continued reform and revision, including the revisitation of the most punitive ways our juvenile system is presenting.

40 https://jlc.org/sites/default/files/case_files/2005.3.1%20Opinion%20-%20SCOTUS.pdf

41 https://supreme.justia.com/cases/federal/us/560/48/#opinions

42 https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-jdb-v-north-carolina

43 https://supreme.justia.com/cases/federal/us/567/460/

44 https://supreme.justia.com/cases/federal/us/577/14-280/

45 https://law.justia.com/cases/georgia/supreme-court/2018/s18a0725-0.html

RECOMMENDATION 3

Mental Health as the Next North Star

Type of Reform: Savannah Chatham County Public School System, SCCPSS School Board, Georgia State Assembly, SCCPSS Superintendent, etc.

"In these unprecedented times,

I hope this email finds you well.

As we head back into our classrooms,

for which we have not laid out clear procedures,

please prepare to teach

in person

online

and/or hybrid

while meeting all your students' needs.

Please be flexible but rigorous,

approachable yet disciplined,

adaptive yet firm.

Please be everything

to everyone

at all times.

Stay safe and be well.

We thank you for your patience and cooperation.

P.S. Here is a webinar

on self-care

that you are required to attend.

Your reflection is due Friday."

N. S., educator in The Writing Project

What if we made mental health and well-being our North Star?

This phrase, the North Star, can be accredited to our current superintendent, Dr. Denise Watts, who after a year of talking with stakeholders and parents and families, looked at the story of what data was showing us and declared literacy as the “north star” of the district.[46] Months went on, and a second North Star was declared — “truancy and absenteeism.”[47] We now call for our own North Star: mental health and well-being.

“ Windows make me feel like a plant in the sun

Classrooms are loud, but no music no fun

No moment to ourselves, No interaction with students

Burnout still there, no breaks included

Lighting putting us to sleep, rules that we can’t eat

No one there to support students, nothing fun, no room for movement

Plants and Bean Bags are all we want, and yet y’all just ignore and taunt

Need breaks to move around, classrooms still feel tight and bound”

ARTist Statement: This poem was created almost entirely of direct quotes taken from interview and focus group data, a combination of constant wants that my peers talked about. Most of the time they’re never answered so there’s a constant feeling of wanting and never getting.

46 https://www.connectsavannah.com/community/sccpss-superintendent-dr-denise-watts-shares-on-first-day-of-the-2024-25-school-year-22739204

47 https://districtadministration.com/should-savannah-school-system-have-two-north-stars-attendance-could-trump-literacy/

It has long been our strong belief that just as we do not believe in "bad schools," we also do not believe in "bad kids." We do, however, believe that burnout, stress and mental health impact everyone — especially students and teachers. It can be hard to feel hopeful, much less to embody hope, if the narratives being told about some young people or communities are always framed in terms of deficits or being "at risk." We must consider a wide range of nuances, like overall economic status of students and their families; teacher retention, workload and well-being; resources available in the school through wraparound services; and a culture that supports parents, guardians and educators to know exactly where their particular students struggle and how to meet their needs. It means understanding that according to the Georgia Budget and Policy Institute (GBPI) in their report "Tackle Poverty's Effects to Improve School Performance," "students struggle in higher-poverty schools because they face serious challenges at home that often interfere with their learning. Not enough food on the table or erratic housing can cause children to lose focus, increase anxiety and damage mental health. Other common challenges for these students include more school absences and less parental support."[48]

In 2024, the Action Research Team published *Student Burnout: A Research Report from the Action Research Team*. There were two defining questions:

What are young people's experiences of student burnout?

How do the schedules and physical structures of school impact student burnout?

From the brief: This topic was selected by the young people within ART as a result of internal discussions that began in September 2023 about what it would look like to imagine schools, school systems and communities where young people are valued as equal stakeholders.

This topic was also shaped by their lived experiences living in the Savannah community, navigating the intersections involving their own mental health, gender, and overall identities as autonomous human beings.

ART members created data collection protocols for of these data collection methods, ensuring that two to four of the tools were being used to gather information about:

- Prevalence and intensity of feelings of student burnout
- The physical, mental, and social impact of student burnout
- How the schedule of a school day or physical characteristics of a classroom or school building impact burnout
- How individual teachers contribute to or mitigate student burnout
- Suggestions for how to reduce student burnout in schools

ART members found that 94% of students they surveyed felt burned-out and 21% identified as "extremely" burned-out. A total of 89%also reported that burnout has impacted their academic performance or engagement[49].

Other key findings included:

Most Young People Felt Burnout

Those who were not currently experiencing burnout all spoke of times when they had.

Young People Are Often Exhausted

Burnout causes and is caused by exhaustion; students are staying up to finish assignments or anxious about grades or may be tired because they are working and/or participating in other extracurricular activities.

Burnout Is Physical Too

Headaches and stomachaches were most often described by participants as being connected to burnout. More comfortable seating and access to outdoor time and space were mentioned as ways to counteract the physical impacts of burnout.

48 https://gbpi.org/tackle-povertys-effects-improve-school-performance/

49 https://www.deepcenter.org/deepcenter/wp-content/uploads/2024/09/ART-2024-YPAR-Report.pdf

"[When I get burned out] my menstruation is different. [I get] sniffles, cold sores and I stress eat. I tell myself I can't do anything until I get my work done and I don't leave my bedroom"

-SCCPSS
student, student burnout survey

To identify the themes of the data, ART members reviewed the raw quantitative and qualitative data and created individual art pieces, along with artist's statements, that described how their piece of art reflected moments or themes that stuck out to them within the data as well as how and/or why. After sharing their art pieces and statements with one another and the adult researchers, ART team members were led by adult researchers through a process to identify themes of the data and main findings. But the evidence was clear: students are needing more social and emotional support, as well as more resources dedicated to their mental health and well-being.

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Culture and systemic change are both long-term goals, requiring a long-term sustainable approach both in personal commitment and in extended investments, budgetarily, administratively and legislatively. But our approach must also include hope as a tool. How else are things able to change if there is not a concrete and grounded conviction that they actually can change. School-level administrators and educators are most often the drivers and stewards of culture at the ground level. We need to continue to build a model of well-being in our schools that is grounded in the values of restorative justice, empowers students as learners and leaders, and honors the very real sacrifices made by educators, administrators, principals and support staff. This model invites school staff, families and young people to act as co-creators of policies that support positive responses to well-being within schools.

How We Do It

Progress has already been made toward schools and classrooms that affirm themselves as places of hope, break up old patterns, and respond to both students' and educators' needs, and yet work must continue to be done. The last few years have seen legislative and administrative losses, most fueled by a cultural tide that is focused on education as a battlespace for partisan ideologies, often pitting parents against educators, students against teachers and schools against communities, and distracting stakeholders from where energy actually needs to be placed. The institutional and cultural change we need and propose here is difficult and takes time. Grassroots and community stakeholders — parents and students, and faith-based, civic, business and other community leaders — must continue to be mobilized to support the whole of who encompasses the classroom: students, educators, parents, administrators and those who are simply vested in public education and the constitutional right it has promised to the citizens of Georgia.

We have seen meaningful budgetary investments both at the local and the state level, with the state level having some real impact. In the 2025 budget, this included:[50]

- $382.1 million to increase the base salary schedule for K-12 certified teachers.
- $250 million to adjust for K-12 enrollment increases.
- $104 million to establish the School Security Grant program as part of the state's K-12 funding formula.
- $11 million for K-12 literacy initiatives, including regional literacy coaches.
- $205 million to increase the recurring Pupil Transportation Grant to cover approximately 31% of total student transportation costs, up from about 17% in 2023. (This remains down from the historic level of funding provided before Georgia began reducing the state's commitment for these costs in the 1990s. The governor's FY 2025 proposed budget also includes $20 million in bonds to replace 227 school buses and $5 million to increase salaries by 4.1%.)[51]

50 https://gbpi.org/wp-content/uploads/2024/01/FY2025K12BudgetOverview20240119.pdf

51 https://gbpi.org/overview-of-georgias-2025-fiscal-year-budget/

We commend these types of historic investments, but wish to emphasize that the investments we must be making now are only beginning to catch up to the historic disinvestment that districts all across the State of Georgia have seen. It is a must that these types of investments are not only maintained but increased year after year. Georgia still currently ranks last in mental health care access in the country, 38th in child and family well-being, and last in the nation for child mental healthcare.[52], [53], [54]

a. Continue to fully expand Handle with Care with fidelity for all first-responding jurisdictions | Power to Change: Chatham County Sheriff's Office, Chatham County Municipalities

1. 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 student's first name and 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
Thunderbolt
Tybee Island
Pooler
Port Wentworth

b. Continue to hire more counselors and expand wellness programs and opportunities for students and educators | Power to change: Savannah Chatham County School System School Board, Georgia General Assembly

1. Building off a commitment from the 2023-2024 budget, in the 2024-2025 budget, the school district added 24 secondary counselors and maintained three wellness center counselors.[55] We commend this decision and encourage both the school board and the general assembly to continue to expand historic investments in adding counselors to schools, and furthermore, we encourage lawmakers to invest in raises specifically for APEX social workers and counselors employed by the Georgia Department of Behavioral Health and Developmental Disabilities to attract qualified and sustainable staff.

c. Continue upward commitment for budgetary resources for ELL (English Language Learners) and ESOL (English Speakers of Other Languages) | Power to Change: Savannah Chatham County School System School Board

1. In a necessary and powerful investment, the SCCPSS school board invested close to $1 million in services and personnel ($835,498.00) for the 2023-2024 school year, and continued this investment in the 2024-2025 budget, added 27 ESOL positions and eight positions for GNET (Georgia Network for Educational and Therapeutic Support), and maintained four of the bilingual liaisons and ESOL coordinator from the previous budget year. We strongly applaud this decision by the district and the school board and encourage onward investment in ESOL/ELL services, as well as continued support for bilingual counselors and social workers.[56]

52 https://www.wabe.org/georgia-ranks-last-for-access-to-mental-health-care-according-to-mental-health-america-report/?gad_source=1&gclid=CjwKCAjwk8e1BhALEiwAc8MHiGlUNurwUzqFqgry-DOChZvJ0WhQwnOwiStixcsLzQjGrN0eKvf_gZxoCvD8QAvD_BwE

53 https://gafcp.org/2022/08/08/georgia-ranks-38th-in-the-nation-for-child-and-family-well-being-4/

54 https://www.ajc.com/pulse/georgia-ranked-as-one-of-the-worst-states-for-childrens-health-in-2023/MF44UE53HJAB5DU2MHQAMCYC4Q/

55 https://go.boarddocs.com/ga/sccs/Board.nsf/files/D53JSN4DFAC4/$file/05.08.24_Budget%20FY25%20Informal_BUDGET%20PROCESS%20UPDATE.pdf

56 https://go.boarddocs.com/ga/sccs/Board.nsf/files/D53JSN4DFAC4/$file/05.08.24_Budget%20FY25%20Informal_BUDGET%20PROCESS%20UPDATE.pdf

d. Create an opportunity weight for the State of Georgia | Power to Change: Georgia State Assembly

1. Georgia has one of the highest overall rates of child poverty in the nation, higher than 43 other states, and yet simultaneously provides schools with no specific funding to support these children, making Georgia one of only six states not to offer funding.[57] Much has been said about literacy and reading levels for children, and many fingers pointed at teachers, schools and parents; however, we need to start with a straightforward shared reality: people cannot fundamentally succeed if they are merely trying to survive. The numbers on poverty in Savannah are stark: 19 of our adult residents and 42% of children live in poverty, and 69% of public school students qualify for free or reduced-price lunch.[58] An estimated 19.8% of people in Savannah live in poverty — over 27,000 citizens out of a total of 138,000, a poverty rate that is 41.43% higher than the Georgia average and 54.69% higher than the US average.[59] Most recent numbers show that in Georgia, an estimated 1,476,348 of 10,529,506 people live in poverty, or 14% — which is 9.37% higher than the US average of 12.8%.[60] We cannot overstate the way that poverty intervenes in students' ability to learn, including the way it shows up in their physical health and their emotional and behavioral well-being, how it limits literacy and language development, and how it leaves children more focused on access to material resources than on learning.[61] The most current iteration of a bill that the state assembly could support to begin rewriting the story of poverty in schools is HB 3, which was filed in 2023-2024 and specifically amends Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia relating to program weights and funding requirements under the "Quality Basic Education Act."[62] HB 3 would also provide funding for grants by the State Board of Education to local districts to directly support students living in poverty, as well as require the State Board of Education to develop rules and regulations regarding the grant amounts and how they must be used to fund expenditures directly related to students in poverty. We recommend HB 3 or a bill with standard similar legislative language.

e. Continued investment in professional learning opportunities for educators | Power to Change: Superintendent, School Board, Individual Schools

1. We commend SCCPSS for allocating resources to support educators' ongoing learning and for empowering school-based leaders to bring in experts and workshops that align with their specific contexts. Over the past few years, the district has prioritized the offering of professional learning opportunities that have included a focus on educators' own well-being and trauma-informed practices in schools and classrooms. We see firsthand the value this approach brings to educators, and we recommend that SCCPSS continue to focus on providing these types of professional learning activities — emphasizing professional learning activities that promote creativity, playfulness and imagination — and prioritize connecting educators with local experts who can bring a shared appreciation for local communities' strengths and challenges. These include opportunities that offer spaces for educators to enrich themselves as professional and as whole people, provide assets-based approaches to developing educators' cross-cultural and intergenerational understanding and communication and are on topics that educators and/or students identify as being important.

57 https://data.ers.usda.gov/reports.aspx?ID=17826#Pdeeb6664109a436caf670b19a2951669_3_241iT3

58 https://www.welfareinfo.org/poverty-rate/georgia/savannah/

59 https://www.city-data.com/poverty/poverty-Savannah-Georgia.html

60 https://www.welfareinfo.org/poverty-rate/georgia/

61 https://www.edutopia.org/blog/how-does-poverty-influence-learning-william-parrett-kathleen-budge

62 https://www.legis.ga.gov/legislation/63471

f. Create "cool down" corners and/or mindfulness spaces in each school, with budgetary resources set aside for behavior intervention teachers: one for students and one for staff | Power to Change: Superintendent, School Board, Individual Schools.

1. This recommendation comes directly from the work that Loop It Up Savannah has done in schools in the district (primarily in elementary schools with support from Resilient Georgia) and is also something that educators often ask the Healing Schools team to help them create at the high school level. Some schools have made moves to implement their own cool-down spaces, but there was often insufficient staffing available, so the spaces were not actually used. We have also heard from students in our programs that the cool-down spaces in their schools quickly became, in effect, places students were sent to be punished like ISS (in-school suspension). These spaces should not be (and are not intended to be) "punishment" spaces. They can also be created for both educators and students: in teacher workrooms for educators, for example, or SST (student study teams) spaces for students. To be able to build on the work that Loop it Up has accomplished already, more funds need to be allocated to stock the spaces with necessary items, and enough FTE (full time equivalent) funds and capacity staffing ensured for successful long-term implementation.

2. SCCPSS could initially move toward implementation by utilizing the resources in which they already have invested. For example, the Behavior Interventionists already have resources on a relaxation room created. Each school will need to create its own implementation plan according to the exact needs of that school: for example, who will staff the cool-down space and when and how students will be able to access it, including the details of hall-passes and length of time allowed and limits of student occupation at any given time.

g. Continue to fully fund Georgia's K-12 education budget and defend any further depletion of funds through voucher efforts | Power to Change: Georgia General Assembly

1. The Georgia Quality Basic Education Formula (QBE) exists at a level below the average of other states in the South and across the United States. To combat the historic damage that has been done to Georgia's funding mechanism, Georgia needs to reverse course on almost twenty years of underfunding and continue fully funding the K-12 education system, a notable milestone reached in 2023. More than $10 billion has been historically cut from K-12 education in the past two decades. The state has not conducted a comprehensive cost study to understand modern costs associated with education, and should establish a study committee to understand the actual costs of what thriving education in Georgia looks like. Schools are only as successful as they are invested in, and the lack of full investment over a span of two decades has weakened the promise of access to education, a constitutional right in the State of Georgia.

2. Further threatening the K-12 education budget is the passing of the voucher as a means to "correct" the weakness of our education system. A voucher, according to the 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.[63] 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."[64] Education Savings Accounts (ESAs) are a form of state funded vouchers.[65] Supporters of vouchers often make the case

63 Stephen Owens, What Are School Vouchers? (Atlanta, GA: Georgia Budget and Policy Institute, 2020), accessed October 6, 2022, https://gbpi.org/what-are-school-vouchers/.

64 Owens, What Are School.

65 Owens, What Are School.

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.[66] Many schools already struggle to pay for costs that continue to increase while revenue remains the same. During the 2024 General Assembly, an especially damaging voucher bill, SB 223, passed after narrowly failing the previous session. SB 233 creates a new authority within the Georgia Student Finance Commission to implement a $6,500 voucher for private educational expenses for students enrolled in the bottom quartile of schools as ranked by the College and Career Readiness Performance Index (CCRPI).[67] There is little transparency on the standard that private schools receiving voucher payments must provide based on two exceptional pieces: the private schools can be in the process of accreditation but do not have to be fully accredited, and the private schools have the freedom to reject any student based on income, disability, and language proficiency.[68]

h. Reduce discipline referrals by improving the ability of educators to use restorative approaches to student behavior; expand the Restorative Practices Committee | Power to change: Behavior Intervention Team, Individual Schools.

We commend principal Stacie Pottenger for adding a "Director of Restorative Practices" position on staff at Savannah High School. We encourage every high school in the district to follow suit.

1. SCCPSS is and should continue implementing a comprehensive and sustainable program of restorative practices and norms in schools to address everyday impact on students and reduce discipline referrals by identifying district staff already undertaking such efforts, encouraging their collaboration and establishing a common vocabulary for the behavioral issues posed by the COVID-19 pandemic. More professional learning opportunities for building these practices should be available to administrators, support staff and educators.

2. We also recommend expanding the Restorative Practices 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 experts, 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. People on the ground absolutely have the experience to do restorative work, and there should be steps to fully empower them to do so.

3. We recognize that these recommendations require long-term policies and systems change, and will take time. SCCPSS should create a working group, with equal youth 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 when young people can attend — not in the middle of a school day. 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.

66 Stephen Owens, What Are School Vouchers? (Atlanta, GA: Georgia Budget and Policy Institute, 2020), accessed October 6, 2022, https://gbpi.org/what-are-school-vouchers/.

67 https://www.legis.ga.gov/legislation/64762

68 https://gbpi.org/sine-die-2024/

HOPE AS COMPASS AND ARCHITECTURE

"Some worlds are built on a fault line of pain, held up by nightmares. Don't lament when those worlds fall. Rage that they were built doomed in the first place."

– N.K. Jemisin, from The Stone Sky[69]

RECOMMENDATION 4

The Hope of Too Much Justice

Type of Reform: State, County and City

"I believe our despair is a lie we are telling ourselves. In many other periods of history, people, ordinary citizens, routinely set aside hours, days, time in their lives for doing the work of politics, some of which is glam and revolutionary and some of which is dull and electoral and tedious and not especially pure—and the world changed because of the work they did... Because this is a moment in history that needs us to begin, each of us every day at her or his own pace, slowly and surely rediscovering how to be politically active, how to organize our disparate energies into effective group action—and I choose to believe we will do what is required. Act. Organize. Assemble. Oppose. Resist. Find a place, a cause, a group, a friend and start, today, now now now, continue continue continue."

– Tony Kushner, from Despair Is a Lie We Tell Ourselves [70]

America's criminal legal system is defined by those who work in it and can speak to its wins, as well as those who move through it, who can attest to 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

69 https://bookshop.org/p/books/the-broken-earth-trilogy-the-fifth-season-the-obelisk-gate-the-stone-sky-n-k-jemisin/114169?ean=9780316527194

70 https://www.alternet.org/2004/09/despair_is_a_lie_we_tell_ourselves

the egregious overreach of the system on the backs of our most vulnerable citizens," and we could not agree more.[71] According to the Vera Institute for Justice, the U.S. incarceration rate increased "dramatically between 1970 and 2000, growing by about 400 percent — and resulting in the highest rate of incarceration in the world."[72], [73] Furthermore:

> *"With nearly two million people in the nation's prisons and jails, the United States incarcerates at a rate of more than 600 people per 100,000. This rate is at least double that of all but a handful of countries and does not promote public safety. And while Black people represent only 13 percent of the U.S. population, 35 percent of incarcerated men and 44 percent of incarcerated women are Black. Black people also make up the majority of those exonerated after wrongful convictions. Once in prison, Black people are more often placed in solitary confinement, the long-term use of which has been deemed torture by the United Nations."*[74]

How did we get here? The answer is the long history of decisions, systems and institutions, as well as cultural bias, which all funnel into our policies and laws. These appear as things like "zero tolerance" over-policing, nuisance laws, the hangover of black codes, the war on drugs and the approach that to be "tough" was to be "just." Further exacerbating the issue are factors such as mental and behavioral health, substance abuse disorder, homelessness or housing instability, and poverty — all feeding each other, with devastating consequences. Often, one factor occurs concurrently with or even causes another, resulting in a domino effect. Worse, the historical answer to these issues has been arrest and incarceration.

Additionally, we cannot overstate the failures of 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,"[75] and cited issues like adults with a mental illness who 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.[76] Furthermore, half of Georgia adults reporting unmet mental health needs say that cost was the reason they did not receive care.[77] Advocates who have long seen the destruction the lack of mental health resources has caused were celebratory in 2022 when Georgia's Mental Health Parity law was passed, a tremendous victory.[78] However, in 2023, when legislators attempted to add significant budgetary investments to the structures that the mental health parity act had promised, Governor Kemp disregarded and line-item-vetoed multiple lines of appropriations from the Department of Behavioral Health and Developmental Disabilities section. These cuts included $24 million for mental health crisis beds in Augusta, Fulton County and Dublin, and $3 million in staff pay set aside explicitly for mental health care workers. These cuts were only one part of a total $30 million vetoed from the Georgia General Assembly's approved budget. However, Governor Kemp also directed several state agencies to "disregard" funding earmarked for the departments, reaching a total of $200 million.[79]

These cuts, as well as other similar legislative decisions, indicate a direct shift away from the Nathan Deal era of bi-partisan reform and to swing back into a "tough on crime" approach. Many might argue, of course, that for Black and Brown people, there has never been a time when "tough on crime" has not been the prevailing approach. "Tough on crime" ideology has roots in the

71 "Alternatives to Incarceration," Southern Center for Human Rights, accessed October 5, 2022, https://www.schr.org/mass-incarceration/alternatives-to-incarceration/.

72 "Causes of Mass Incarceration," Vera Institute of Justice, accessed October 5, 2022, https://www.vera.org/ending-mass-incarceration/causes-of-mass-incarceration.

73 Jacob Kang-Brown et al., The New Dynamics of Mass Incarceration (Brooklyn, NY: Vera Institute of Justice, 2018).

74 https://www.vera.org/news/why-we-say-criminal-legal-system-not-criminal-justice-system

75 "Georgia Mental Health Statistics 2021," Recovery in Georgia, last modified August 3, 2021, accessed October 5, 2022, https://recoveryingeorgia.org/georgia-mental-health-statistics/.

76 LaShawn Hudson, "Georgia Ranks Last for Access to Mental Health Care, According to Mental Health America Report," August 10, 2021, in WABE: Amplifying Atlanta, podcast, audio, 16:43, accessed October 5, 2022, https://www.wabe.org/georgia-ranks-last-for-access-to-mental-health-care-according-to-mental-health-america-report/.

77 "Adults Reporting Unmet Need for Mental Health Treatment in the Past Year Because of Cost," Kaiser Family Foundation, accessed October 5, 2022, https://www.kff.org/other/state-indicator/adults-reporting-unmet-need-for-mental-health-treatment-in-the-past-year-because-of-cost/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D.

78 https://www.gpb.org/news/2023/06/21/1-year-later-georgias-mental-health-parity-act-providing-framework-for-change

79 https://www.gpb.org/news/2023/05/15/political-rewind-kemp-makes-budget-cuts-walker-under-scrutiny-trump-dominates-cnn

"broken windows" enforcement philosophy famously popular in the 1990s, 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 ignoring small crimes — "broken windows" — sends a larger message that crime is tolerable, and as a result, more serious crimes will end up being committed. This philosophy led many mayors and law enforcement agencies to justify the implementation of zero-tolerance policies or policies like stop-and-frisk; in some cases, officers who racked up high tallies of apprehending the people accused of these types of offenses were rewarded with better assignments and overtime.[80] But the "broken windows" philosophy poured gasoline on a particular area of criminalization and key touchpoint of the justice system: quality-of-life offenses.

Quality-of-life offenses range from ordinance violations to misdemeanors to some felonies like possession, but are ultimately rooted in mental and behavioral health, substance abuse disorder, homelessness, survival or forced sex work, and the condition 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.[81] Furthermore, the national poverty rate in 2020 was 11.4%, up 1.0 percentage point from 10.5% in 2019.[82] This was the first annual increase in poverty after five consecutive annual declines.[83] 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)."[84] 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.[85]

Despite tremendous odds, 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.[86], [87] 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."[88] But the question is, what is the political will we have for more?

The stakes of the above are enough to define the way one moves through the criminal legal system. However, there is another factor that cannot be understated: money.

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80 Bernard E. Harcourt, "Bratton's 'Broken Windows,'" Los Angeles Times (Los Angeles, CA), April 20, 2006.

81 "Poverty Thresholds," United States Census Bureau, last modified September 13, 2022, accessed October 5, 2022, https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-thresholds.html.

82 "What Are Poverty Thresholds Today?," Center for Poverty and Inequality Research, University of California, Davis, last modified September 13, 2017, accessed October 5, 2022, https://poverty.ucdavis.edu/faq/what-are-poverty-thresholds-today.

83 United States Department of Commerce, United States Census Bureau, Income and Poverty in the United States: 2020, by Emily A. Shrider, et al., report no. P60-273 (Washington, DC, 2021).

84 "Criminalization Of People With Mental Illness," National Alliance on Mental Illness, accessed October 5, 2022, https://nami.org/Advocacy/Policy-Priorities/Stopping-Harmful-Practices/Criminalization-of-People-with-Mental-Illness.

85 Ellen Eldridge and Georgia Public Broadcasting, "Georgia Jails Have Become Mental Health Providers of Last Resort," Chattanooga Times Free Press (Chattanooga, TN), July 13, 2022.

86 Don Stemen, The Prison Paradox: More Incarceration Will Not Make Us Safer (Brooklyn, NY: Vera Institute of Justice, 2017).

87 https://perma.cc/333B-U6EA

88 Don Stemen, The Prison Paradox: More Incarceration Will Not Make Us Safer (Brooklyn, NY: Vera Institute of Justice, 2017).

Access to wealth, not actual accountability, often shapes a person's experience within the criminal justice system in the United States. "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 his decision in the famous case Griffin v. Illinois (1956), which held that any defendant cannot be denied the right to appeal solely based on their inability to pay for a trial transcript.[89] Justice Black's words stand as a testament to the way access to money has become inextricably linked to one's experience in the criminal legal system, and how people moving through it are not only subject to a two-tier system, but 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."[90] 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.[91]

"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."[92]

89 Judson Griffin v. Illinois, No. 95 (Apr. 23, 1956).

90 "'Preying on the Poor' with Joe Soss," video, 60:23, YouTube, posted by The Foley Institute, November 17, 2021, accessed October 6, 2022, https://www.youtube.com/watch?v=qTH2BnQF8N8.

91 Rafael Khachaturian, "How the Criminal Justice System Preys on the Poor," Dissent Magazine, last modified April 6, 2020, accessed October 6, 2022, https://www.dissentmagazine.org/online_articles/how-the-criminal-justice-system-preys-on-the-poor.

92 Khachaturian, "How the Criminal," Dissent Magazine.

At Deep, we see the way money creates a two-tier system with the following:

Bail/Bond: A monetary agreement by a criminal defendant to appear for trial or pay a sum of money set by the court. The bail bond is co-signed by a bail bondsman, who charges the defendant a fee in return for guaranteeing the payment. The bail bond is a type of surety bond, meaning that a person or an organization assumes the responsibility of paying the debt in case the debtor defaults on or is unable to make the payments. The party that guarantees the debt is referred to as the surety or the guarantor. The bail/bond is co-signed by a bail bondsman and is posted by a defendant in lieu of full payment of the bail set by the court and serves as surety that the defendant will appear for trial. Bail bondsmen generally charge 10% of the bail amount up front in return for their service and may charge additional fees. Some states have put a cap of 8% on the amount charged. Judges typically have wide latitude in setting bail amounts or exercising the discretion of having a non-monetary bond, like an "own recognizance" bond, which simply means a person is released after promising, in writing, to appear in court for all upcoming proceedings.

Fines: Punishments imposed on persons for certain offenses. Across the country, courts use fines as a punishment for everything from minor traffic and municipal code violations to misdemeanors and felonies. People are charged fines for offenses, misdemeanors and felonies, and these fines are imposed by the court system. Judges often have a lot of leeway when it comes to setting the fine amount, as do prosecutors in their recommendations. Fine amounts fluctuate based on factors like mental or behavioral health, financial status, offense type and whether or not the fine is discretionary. Mandated fines — meaning fines mandated by the state — are not discretionary, though they can be commuted to community service. According to the report "Unjust Revenue from an Imbalanced Criminal Legal System: How Georgia's Fines and Fees Worsen Racial Inequity" 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.[93]

Fees: 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. Courts often use these fees, surcharges and costs to fund the justice system and other government services. Unlike fines, neither judges nor prosecutors can waive fees or take into consideration a person's ability to pay the fee, meaning the total amount owed can end up being many times greater than the actual fine.

These three categories of Georgia monetary sanctions continue to change from year to year. The ongoing 20-plus-year rise in the use of fines and fees has had an effect (this rise is 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), as has a reactionary response from the state legislature to the trend of municipalities passing their own local bail and bond laws intended to curb the practice of allowing those who simply could not pay to sit in pre-trial detention.[94], [95] In both 2022 and 2023, the legislative assembly introduced extreme bond/bail bills: SB 504 in 2022, which would have made every felony a bail-restricted and mandated offense, and SB 63, introduced in 2023 and passed into law in 2024, which adds more than 30 new bail restrictions (including non-violent and petty misdemeanors like affray, failure to appear, marijuana possession), slows down own recognizance and unrestricted judicial release, and as of the writing of this brief, adds a currently challenged provision that criminalizes bail funds in the state. The law is in effect, with the exception of the bail fund position due to the court challenge.

93 Ray Khalfani, "Unjust Revenue from an Imbalanced Criminal Legal System: How Georgia's Fines and Fees Worsen Racial Inequity," Georgia Budget and Policy Institute, last modified December 16, 2021, accessed October 6, 2022, https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/.

94 https://gbpi.org/regressive-revenue-perpetuates-poverty-why-georgias-fines-and-fees-need-immediate-reform/

95 https://www.usnews.com/news/best-states/georgia/articles/2023-03-29/georgia-house-backs-bill-to-require-bail-for-31-more-crimes

Because the Georgia General Assembly has been loath to raise taxes that can support the state's general fund and budget, and can become revenue that can be equitably dispersed among services, programs and people, fines have filled that gap. The Georgia Budget and Policy Institute, in their "Unjust Revenue" report, reveals 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."[96] 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.[97]

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."*

How We Do It

We need to continue to strengthen our hyper-local approach to reducing arrest, jail overcrowding and justice in a way that is proportionate and fair and ensures that money is not the defining experience of how one moves through the criminal legal system.

In the post-SB 63 landscape, where 30+ offenses have been added as "bail restricted" offenses and OR and UJR have been slowed down, we recommend:

a. Support and expand pre-arrest diversion | Power to Change: City of Savannah, Savannah Police Department, Office of Neighborhood Safety and Engagement; Chatham County Police Department

1. 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 Office of Neighborhood Safety and Engagement, the program is in its 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 resources (currently, the model is funded through a fine mechanism for participants, as well as through some city funding) and administrative resources allocated toward a part-time clerk. However, to be truly successful, the program needs expansion across Chatham County Police Department for uniformity, as well as expansion of offenses as possible to the Georgia criminal code.

96 Ray Khalfani, "Unjust Revenue from an Imbalanced Criminal Legal System: How Georgia's Fines and Fees Worsen Racial Inequity," Georgia Budget and Policy Institute, last modified December 16, 2021, accessed October 6, 2022, https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/.

97 Khalfani, "Unjust Revenue," Georgia Budget and Policy Institute.

b. Continue to expand and support growth of the behavioral health unit for both Savannah Police Department and Chatham County Police Department | Power to Change: Savannah City Council and Chatham County Commission

1. As of September 2024, the Behavioral Health Unit (BHU) is composed of four non-uniformed unarmed officers and two licensed clinicians, operating seven days a week from 8 a.m. to 12 a.m (the number of officers and clinicians is set to change). 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.[98] We strongly urge the City of Savannah to continue allocating the budgetary and personnel resources needed not only to grow the clinical staff of the BHU, but to expand the service into 24 hours a day, and to maintain its seven days a week operating schedule. As of the writing of this brief, the Chatham County Police Department has begun working toward adopting a BHU officer to help serve existing BHU efforts, to which we make the same urge of allocating the budgetary and personnel resources needed to ensure the program succeeds and thrives.

c. Encourage law enforcement as a matter of policy and practice (trainings) to charge applicable misdemeanors under local ordinances — not state misdemeanors | Power to Change: Savannah Police Department, Chatham County Police Department

1. 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. 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. Update the Recorder's Court Bond Schedule | Power to Change: Recorders Court

1. Revisit the 2014 Misdemeanor Bond Schedule for Recorders to determine what offenses should no longer require an assigned bond amount and could be carved out as having no financial tie. *Note: Recorder's Court is both a City of Savannah and Chatham County entity.*

98 Oregon Knowledge Bank, "Portland Police Bureau Behavioral Health Unit," Oregon.gov, accessed October 5, 2022, https://okb.oregon.gov/Pages/ppb-behavioral-health.aspx.

To address the continuing overreliance on fines and fees as a revenue source, as opposed to the regressive tax they are:

e. Urge the City of Savannah and Chatham County to pass an ordinance diminishing and abolishing monetary sanctions for city- and county-level ordinance violations or misdemeanors where applicable | Power to Change: Savannah City Council and Chatham County Commission

1. 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.

f. Require Chatham County Detention Center revisit jail communications contracts under the 2024 FCC communications decision | Power to change: Sheriff's Office

In the summer of 2024, the Federal Communications Commission voted to implement several new regulations on phone and video calling services in prisons and jails.[99] As part of the Martha Wright-Reed Fair and Just Communications Act, the FCC laid out new price caps that prisons, jails and their telecom providers must abide by, significantly lowering the existing caps which were set in 2021.[100] The decision will bring critical relief to families of incarcerated people and reduce incentives for bad policy in prisons and jails, and it is now up to local detention centers to revisit contracts and audit other potential exploitative fee practices.

g. Reopen the Chatham County Detention Center for in-person visitation | Power to Change: Sheriff's Office

As evidenced by the research of Jake Shore, in which coastal Georgia sheriffs were found to have collected over a million dollars on phone call, video chat and text messaging fees, the policy of no in-person visitation is linked to the increase of jail revenue. Communication fees have risen, charging detainees who want to stay in touch with the outside world as they wait out the backlog plaguing local courts since the COVID-19 pandemic.[101] While staffing concerns have been cited as a reason why the jail remains closed to visitors (including faith counselors, family, etc), it is of the utmost importance for visitation to restart, given the impact it can have on both loved ones incarcerated and those impacted by said incarceration.

h. Create long-term guardrails regarding fines and fees at the state level | Power to Change: Georgia State Assembly

1. 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 from its overreliance on fines and fees. These include:[102]
   - "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.

99 https://www.google.com/url?q=https://docs.fcc.gov/public/attachments/FCC-24-75A1.pdf&sa=D&source=docs&ust=1725023402335081&usg=AOvVaw0SaZcYGn6uHjkS5gPWD7m6

100 https://www.prisonpolicy.org/blog/2023/01/19/martha-wright-reed-act/

101 https://thecurrentga.org/2023/04/14/covids-over-but-county-jails-still-profit-from-virtual-communication/

102 Ray Khalfani, "Unjust Revenue from an Imbalanced Criminal Legal System: How Georgia's Fines and Fees Worsen Racial Inequity," Georgia Budget and Policy Institute, last modified December 16, 2021, accessed October 6, 2022, https://gbpi.org/unjust-revenue-from-an-imbalanced-criminal-legal-system/.

- 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."[103]

i. Divest from the practice of discretionary fines and fees imposed by juvenile courts on youth and their families at the state level, or divest from the practice of discretionary fines and fees imposed by juvenile courts, circuit by circuit | Power to Change: Georgia State Assembly or individual juvenile court circuits

1. 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.

j. Get rid of discretionary fines that serve no compelling policy purpose or exceed people's ability to pay, either by commuting them to community service or wiping them completely | Power to Change: District Attorney's Office, Eastern Judicial Circuit, State Court, Recorder's Court

1. Following in the vein of our work with Cities and Counties for Fines and Fees Justice, we recommend the elimination of fines and fees that pose major financial risk to defendants and create alternatives to fines to allow the goal of the fine to 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.[104] This recommendation includes:
    1. Audit of fines and fees used by the District Attorney's Office that 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 remain unabolished.
    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.

103 Khalfani, "Unjust Revenue," Georgia Budget and Policy Institute.

104 Policy Link, The Financial Justice Project, and Fines & Fees Justice Center, "Priority Policy Reform Areas," Cities and Counties for Fine and Fee Justice, last modified 2021, accessed October 6, 2022, https://www.policylink.org/sites/default/files/ccffj_priority_reforms_121321.pdf.

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.

RECOMMENDATION 5

Grabbing the Root: Data as Evidence

Power to Change: City of Savannah, Chatham County, State Assembly

Administrative Bodies: Criminal Justice Coordinating Council of Georgia, Judicial Council of Georgia (Administrative Office of the Courts, Court Improvement Program, Courttrax, The Georgia Superior Court Clerks Association, The Department of Juvenile Justice, et. al.

For a system so massively expensive, so incredibly powerful, the current state of 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.[105] This means that despite accounting for a substantial — if not sometimes the largest — portion of local, state and federal budgets, the institutions that are a part of the criminal legal landscape are some of the least measured systems in our country. The report notes, furthermore, that "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."[106] If data access acts less as an indicator and more as a black box, it means our data infrastructures do not meet the basic levels of transparency that are needed for any evidence-based decision-making and general accountability. According to Measures for Justice, "there is a substantial lack of data around pretrial detention and release decision-making, as well as individual demographics (particularly indigence); there is great variation in how

105 The Power and Problem of Criminal Justice Data: A Twenty-State Review (Measures for Justice, 2021), accessed October 5, 2022, https://measuresforjustice.org/about/docs/The_Power_And_Problem_Of_Criminal_Justice_Data.pdf.

106 The Power and Problem, 2021

counties dispose of and sentence nonviolent cases; how financial obligations are imposed on individuals; and the collateral consequences that individuals face when convicted; and where demographics are available, we have an opportunity to identify and respond to significant disparities in group outcomes.''[107]

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. We often hear the refrain when working with local stakeholders about "doing best practices" in their respective spaces, whether policing, courtrooms or jails. We don't doubt the lived experiences of people whose day-in and day-out positions involve witnessing and decision-making, but instead insist upon the fact that incomplete and missing data is at the root of many of the obstacles facing communities, municipalities and justice-reform advocates across the country, and our obstacles are not an exception. 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.

In the course of our work, it cannot be overstated how often we obtain information that only provides piecemeal answers and leaves us with more questions. When we approach problems in our advocacy, we are often asked by elected officials or policymakers to "bring us data," but we often find that there is no data. Without data, it is all too easy for elected officials or policymakers to tell us, "Well then, it's likely we don't have a problem." This cycle is cited by advocates all across the state as an excellent example of how the lack of data is used against any sort of meaningful reform. Additionally, when data is available, we have found that it is often hard or expensive to obtain. In 2022, while researching the amount of youth who had been sentenced to juvenile life without parole in the State of Georgia, we were quoted a cost of $1,500 to receive cleaned datasets — or, if we preferred not to pay, we would be allowed to go through the files manually, a long and arduous process. It is this rock-and-a-hard-place situation that puts advocates and researchers in the position of knowing data may be available, but out of common reach or access. Furthermore, because data is also often spread across many agencies — which often use different metrics, key-codes and formats, or worst of all, sometimes maintain data in paper files so backed up that they must be examined individually — or because the body from which we are requesting the data will use whatever loopholes exist in the Georgia Open Records Act (Georgia's version of the Sunshine Law), obtaining the data we need becomes a herculean and sometimes impossible task.[108] While the Georgia Open Records Act is one crucial tool in the quest for data access, there are still far too many obstacles that put useful data beyond public access and the agencies and departments that generate it beyond the accountability of supplying it for public use. 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 a lack of statewide procedures for collecting data, and the use of separate record-keeping systems across government agencies — amounts to a lack of transparency. It means that our community, including the actual stakeholders who work in the affected systems, cannot fully document the experience of those people who have encountered the juvenile and criminal legal systems. That means, in turn, that we are hamstrung in our ability fully to understand the racial dimensions of that experience and what needs to change. 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

107https://measuresforjustice.org/research-publications/the-power-and-problem-of-criminal-justice-data-a-twenty-state-review/

108 https://gfaf.org/red-book/#Georgia's_Open_Records_Act

States spends nearly $300 billion annually to police communities and incarcerate 2.2 million people."[109] 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.[110] 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.[111] 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."[112]*

There are fixes we know will take years, and then there are fixes we know can solve problems sooner rather than later. But none of these solutions matter, whatever the solutions may be, unless we fix our disparate data systems on the local and the state level.

How We Do It

To ensure that data is gathered often, uniformly and with a lens of equity, accessibility and problem-solving, we urge the following steps:

a. Savannah, Chatham County and all stakeholders in the justice system should create a one-stop local data clearinghouse | Power to Change: Savannah City Council, Chatham County Commission, District Attorney's Office, Eastern Judicial Circuit, Sheriff's Office

1. 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 truly to 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.

2. 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 access to current and future data.
    6. Ensuring ethical data integrity through third-party data audits.

109 Tara O'Neill Hayes, The Economic Costs of the U.S. Criminal Justice System (Washington, DC: American Action Forum, 2020).

110 O'Neill Hayes, The Economic.

111 Tara O'Neill Hayes, The Economic Costs of the U.S. Criminal Justice System (Washington, DC: American Action Forum, 2020).

112 O'Neill Hayes, The Economic.

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 | Power to Change: Georgia State Assembly, Georgia State Departments

1. 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).

2. Related steps should include:
    1. Digitizing and organizing all records so they can be analyzed and reported.
    2. Revising data collection processes to ensure data is a complete picture of all facets of the justice system and encouraging compliance with established data collection policies.
    3. Defining deeper analytics and metrics to ensure the most accurate picture of the problem.
    4. Ensuring public access to current and future data disclosures.
    5. Ensuring data integrity through 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 | Power to Change: Sheriff's Office, Chatham County Detention Center

1. 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 | Power to Change: No specific governmental body, best practice

1. 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.

HOPE, THE AXE YOU BREAK DOWN DOORS WITH IN AN EMERGENCY

"Hope 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."

– Rebecca Solnit, Hope in the Dark: The Untold History of People Power [113]

"To be hopeful in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness. What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something. If we remember those times and places—and there are so many—where people have behaved magnificently, this gives us the energy to act, and at least the possibility of sending this spinning top of a world in a different direction. And if we do act, in however small a way, we don't have to wait for some grand utopian future. The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory."

– Howard Zinn, from You Can't Be Neutral on a Moving Train [114]

113 https://www.haymarketbooks.org/books/791-hope-in-the-dark

114 https://www.zinnedproject.org/materials/you-cant-be-neutral-book

We cannot release our grip on hope.

We know the fear of moving too fast or changing too fast is often whispered through clenched teeth, with a wagging finger, or eyeroll when working to push forward. It's true that sometimes incremental change is needed and we must move slowly, strategically and diligently. But we also recognize that fear-based reactions to this type of work are common — we have heard often of how "we don't fully understand the issue." We've been mocked, ridiculed, discredited and pointed to as an example of how not to get things done. We are intimately familiar with a phrase common here in Savannah — "it matters who carries the water" — meaning, the messenger of a proposal or political task matters, and we're familiar with the often brutal and confusing navigation of personal-power politics in the city in which we live. We try not to focus on these realities, which are in fact just that — realities — and instead focus on the strategies that will push this work forward.

We get the realities. We just refuse to let them get in the way.

So often it seems what those in power are really trying to push in our community, our city, our state, is simply the old ways of doing things. Pushing against that grain can be exhausting for those who seek to change things. That exhaustion is extreme; it can leave one asking, "Is this worth it?"

Which is why we are so resolute in remaining guided by and tethered to critical hope — hope not for hope's sake, but instead as a firm muscle led by resistance and resilience to the different cultural and political tides that ebb in and out, the agendas and elected officials that come and go, and the issues we have been committing to for so long that all of a sudden turn overnight to reveal themselves as strange new boogeymen in the public discourse. We are working to model what we think can not only change lives for the better, but can create the type of community we want to live in. Not just for us or who we work with. But for those who disagree with us, who think nothing like us.

We never offer recommendations, criticisms or solutions without also offering our assistance and resources 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.

"I can't be a pessimist because I'm alive. To be a pessimist means that you have agreed that human life is an academic matter, so I'm forced to be an optimist. I'm forced to believe that we can survive whatever we must survive."

– James Baldwin, I Am Not Your Negro [115]

We encourage you, if you are doing this work, to continue to do so, knowing that it is hard, frustrating and oftentimes debilitating to feel overwhelmed by the everyday injustice of it all. But in the words of one of our esteemed elders, former mayor Dr. Otis Johnson, we must "stay in the struggle."

To stay in the struggle is to exercise the hope for a better future, a better world. Why else would we continue to do what we do if there was not the conviction that one day we will look around, and everything will be different? That is not naïveté. That is critical hope in the face of what sometimes feels like the impossible.

Here's to continuing this work with a broken heart and the conviction — and hope — that we have the power to enact great change. We believe that hope will get us through this and out of this. Hope is our survival. And we must survive.

115 https://www.youtube.com/watch?v=nAmL3F5uylo

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 Indigenous and Black (African Americans) to whiteness" in North America, the BIPOC Project says.[116]

Critical Hope: The concept of critical hope comes with many similar, but loosely different definitions that describe the way of viewing, acting and being in the world from a critically, historically, socially and culturally situated consciousness and perspective, with a personal belief that inevitable change is possible through community, advocacy, liberation and justice.

Critical Race Theory (CRT): 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.[117]

116 "About Us," The BIPOC Project, accessed Oct. 9, 2021, https://www.thebipocproject.org/about-us.

117 "What Does It Mean to be Evidence-based? Oregon Research Institute, accessed Oct. 9, 2021, https://www.ori.org/resources/what_does_it_mean_to_be_evidencebased.

Juvenile Life Without Parole (JLWOP): JLWOP is a sentence of life in prison without the possibility of parole (LWOP) imposed on a child under the age of 18.[118]

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.[119] Other terms can include justice-involved, returning citizen or returned citizen.

Monetary Sanctions: Any form of money payment to a criminal court, court clerk, probation office, parole office or jail fee that imposes money as the defining accountability mechanism. Monetary sanctions most often show up as money bond or bail, fines (mandated or discretionary), probation costs, parole costs and court fees.

Public Policy: Codified decisions like laws, regulations, guidelines and actions to solve or address relevant and real-world problems, create governing and legal guidance, decided and acted upon by all levels of governments in order to work in favor of the public.

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.[120]

School to Prison Pipeline (STPP): The school-to-prison pipeline, or STPP, is a process through 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.[121]

Systems-Change: The focus and process of addressing root causes of social issues and looking at upstream, policy, legal or legislative solutions that tackle institutional or legislative change. Unlike direct service, which includes programs, services or resources that provide immediate relief or services to individuals, systems-change aims to create long-lasting change by shifting the structures, policies, processes and power dynamics that perpetuate these problems by taking into account political, social and economic factors contributing to these issues and actively seeking to change them.

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

118 "Juvenile Life Without Parole," Restore Justice, accessed Oct. 9, 2021, https://restorejustice.org/learn/juvenile-life-without-parole.

119 Elizabeth Bodamer and Debra Langer, "Justice Impacted Individuals in the Pipeline: A National Exploration of Law School Policies and Practices," Law School Admission Council, Feb. 3, 2021, https://www.lsac.org/data-research/research/justice-impacted-individuals-pipeline-national-exploration-law-school.

120 "Signature Bond," U.S. Legal, accessed Oct. 9, 2021, https://definitions.uslegal.com/s/signature-bond/

121 "School-to-Prison Pipeline," American Civil Liberties Union, accessed Oct. 9, 2021, https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline.

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