

10 | DISCUSSION AND RECOMMENDATIONS

As detailed in [Section 3: History of the Juvenile Justice System](#), approaches to juvenile justice policy have vacillated between punitive and rehabilitative in Georgia and the nation.

Although some reforms were based on scientific evidence and data, many reforms (particularly those in the late 1980s and 1990s) were associated with popular beliefs and moral panics centered around baseless theories (e.g., the myth of the “superpredator”). Unfortunately, many of Georgia’s punitive policies (e.g., SB 440, JLWOP sentences) have persisted despite the state’s recent movement towards more rehabilitative policies and in contrast to evidence surrounding the culpability of children and adolescents. Furthermore, racial, ethnic, and gender disparities continue to appear in statewide juvenile justice data. This implies that Georgia still has work to do to ensure age-appropriate and fair treatment for its at-risk and justice-involved youth.

This report provided a comprehensive analysis of Georgia’s juvenile justice system. Our approach was to map out the justice system and examine the larger context in which it operates. Through our research and analysis, it became apparent that the juvenile justice system is often an unfortunate destination for youth navigating a larger environment of systems, many of which are failing to serve this population and pushing them into the juvenile justice system. Additionally, data limitations, structural issues, and policies within the juvenile justice system further hamper a youth’s ability to succeed once

they become court-involved.

As we conducted our analysis, we identified several factors that seem to significantly impact a youth’s risk of becoming justice-involved, including behavioral health, school discipline policies, poverty and ACEs (in families and communities), and bias. The provision of behavioral health care, education, and families and communities can offer protective aspects to mitigate the risk of youth becoming justice-involved. However, when these protections do not function well, they have the potential to push youth into contact with the juvenile court and create adverse outcomes that can have a lasting impact on young lives. Additionally, some racial and other disproportionalities that are prevalent in justice-involved populations can originate in these systems. **We know that racial, ethnic, and gender bias can affect a youth’s risk of coming into contact with the system and how they are treated as they go through the juvenile justice process.** Treatment within the system and outcomes for youth are likewise affected by the structure of the system itself, as well as the policies that govern the system, and the information and data that is used for decision-making and improving the lives of youth. As such, we sought to identify causes of these disproportionalities to find meaningful solutions.

A Note Regarding Relevant Entities

In the following recommendations, please note that our use of the term “Relevant Entities” is meant to identify agencies and/or organizations that may be affected by our recommendations. It is not meant to imply that any listed agency is responsible for implementing or acting upon a recommendation.

1 | Behavioral Health and Developmental Disabilities

We identified behavioral health care as a factor in justice involvement, as evidenced by high **mental health caseloads** and co-occurring disorders for youth in detention. Although Georgia offers preventive behavioral health services through school and community programs, barriers to accessing high-quality care (including racial and cultural bias) may prevent some youth from

benefitting from these services, putting them at risk of becoming involved with the court or child welfare systems. Youth in Georgia also identified a need for better access to behavioral health services for youth, caregivers, and communities as illustrated in [Section 9: Youth Voice in Juvenile Justice](#).

Recommendations

- Continue to enact policies and funding to support the availability of comprehensive school-based behavioral health services, and high-quality community services via Certified Community Behavioral Health Clinics.

Relevant entities: GaDOE, DBHDD

- Continue to implement and improve training for those working with children (school personnel, afterschool and summer learning professionals, school resource officers, public safety officers, juvenile court personnel, health care providers, and staff, etc.) on how to recognize trauma, behavioral challenges, and biases.

Relevant entities: Georgia Department of Community Health (DCH), Georgia Department of Public Health (DPH), GaDOE, DBHDD, DJJ, Department of Early Care and Learning (DECAL), Department of Human Services (DHS)

- Require Georgia's behavioral health providers to undergo regular training to increase understanding of a broad range of cultures as part of their existing continuing education requirements.

Relevant entity: DBHDD

- In accordance with requirements under the federal Consolidated Appropriations Act, create an amendment to the Medicaid State Plan to allow Medicaid payments for case management and assessment services for incarcerated youth and ensure the reinstatement of Medicaid coverage for eligible youth as soon as possible or, at the latest, within a 60-day period following their release.

Relevant entities: DCH, DJJ

- Facilitate Medicaid reimbursement and access for behavioral health treatments proven to reduce court involvement and recidivism.

Relevant entities: DCH, DJJ

- Address barriers, including financial, to agency collaboration and family participation in LIPT meetings and other preventative services for behavioral health.

Relevant entities: General Assembly, DBHDD

- Continue to streamline the process for DJJ clinicians to refer youth in secure confinement to residential treatment facilities and ensure that there is bed space available for DJJ youth.

Relevant entities: DCH, DJJ, Care Management Organizations (CMOs)

2 | School-to-Prison Pipeline

Although the state has implemented an array of interventions to support students and ensure fair discipline practices, zero-tolerance policies, high suspension rates, and underperforming alternative schools can disrupt education and exclude youth from a “normal” school experience. The use of law enforcement in schools, particularly without specific training, takes discipline out of the hands of school staff

and may lead to more punitive disciplinary measures, including juvenile court referrals. As a result, youth are pushed out of schools and into juvenile courts. Furthermore, the data indicates that Black and disabled youth are disproportionately disciplined, which may further explain the high rates of Black youth and youth with behavioral health and developmental conditions in Georgia’s juvenile justice system.

Recommendations

- Re-examine the use of zero-tolerance policies and alternatives to suspension or other exclusionary discipline practices to prevent disruption of education.

Relevant entities: GaDOE, Local education agencies (LEAs)

- Regularly review Georgia Student Health Survey and disciplinary data (as reported by GOSA) to identify and work to address negative school climate and disparities in school discipline.

Relevant entities: GaDOE, GOSA, LEAs

- Continue to use and build upon integrated multi-tiered systems of support in schools, including PBIS and mental health and wellbeing programs in school curriculum.

Relevant entities: DBHDD, GaDOE, Community organizations, LEAs

- Ensure that school codes of conduct are evidence-based, trauma-informed, free of bias, and include input from local child-serving partners (e.g., mental health providers, social workers, juvenile courts) to ensure fairness and reduce the number of referrals to juvenile court.

Relevant entities: DBHDD, Community organizations, GaDOE, LEAs

- Expand federal and state funding for afterschool and summer learning programs to increase access and ensure affordability.

Relevant entities: General Assembly, U.S. Congress

3 | Poverty and Adverse Childhood Experiences

Poverty is one of the most prominent factors putting youth at risk of justice involvement and is most prevalent at the family and community levels. Parents with low income experience high stress levels, which can disrupt family dynamics and mitigate familial protective factors (e.g., supportive relationships and parental monitoring). Further, communities with high poverty rates often have high crime, drug, and gang activity, are unstable, and do not offer constructive activities for children, which can drive youth toward delinquent behavior.³⁶² Poverty can also prevent at-risk youth from accessing quality behavioral health and educational services.

Aside from poverty, other risk factors within families and communities can put youth at risk of justice involvement. Parental separation, mental illness, addiction, neglect, and abuse are ACEs that can lead to trauma, which is particularly prevalent in justice-involved populations. Community violence, discrimination, and bullying are ACEs that occur at a communal level and can also lead to trauma and risky behaviors in youth that become a risk factor for court involvement.

As Black youth are more than twice as likely to live in poverty and experience risk factors associated with ACEs at a higher rate than

their White peers, it stands to reason that poverty and ACEs may be one driving factors of disproportionate representation of Black youth in the juvenile justice system.

Recommendations

- Simplify and automate enrollment in access to social supports and crucial benefits that families living in or near poverty levels rely on (e.g., Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), National School Lunch Program (NSLP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid), and coordinate “live” support with community resource referral platforms to ensure connections to housing, food access, and other basic needs.

Relevant entities: DHS/DFCS, DCH, DBHDD, DECAL, GaDOE, DPH

- Increase the availability and distribution of quality, affordable housing and supportive policies (e.g., rent and mortgage subsidies) to protect families and children from unsafe housing, hardship or baseless evictions, and untenable fees and penalties.

Relevant entities: U.S. Department of Housing and Urban Development, Georgia Department of Community Affairs

- Increase opportunities for social cohesion and community building (e.g., At-Promise Youth and Community Centers) through initiatives that encourage community involvement, such as after-school and summer programs, volunteer programs, mentorship opportunities, and neighborhood events, to strengthen bonds and create a sense of belonging and connection among residents.

Relevant entities: Nonprofit organizations, Local governments

- Ensure adequate, affordable health insurance coverage, including coverage for mental health and substance use treatment services, for all adults, regardless of income, work, or court-involved status.

Relevant entities: DHS, DCH, Office of Insurance Commissioner (OCI)

4 | Racial/Ethnic and Gender Bias

National studies have shown that Black youth are more likely to be referred to juvenile court, be formally charged, receive more restrictive sentences, be securely confined, and be transferred to adult court than White youth.^{363,364}

These statistics are in line with the state data presented in [Section 5: Juvenile Justice Data and Trends](#). Furthermore, some youth in Georgia feel that there is not equitable treatment in the juvenile justice system, especially in terms of arrest, as discussed in [Section 9: Youth Voice in Juvenile Justice](#). There are competing hypotheses on the cause of racial and ethnic disparities. One is the “differential behavior theory”, which purports that disproportionality is due to certain youth committing a disproportionate amount of the crime.³⁶⁵ We believe this is a consequence of the prevention challenges discussed in Section 6. The other is the “differential selection and

processing hypothesis” or “differential treatment theory” which asserts that “minority youth” are overrepresented in the justice system due to unequal treatment in the juvenile justice process.^{xxix,366} We have previously discussed the disparities in community factors and preventive resources that can lead to delinquent behavior, thus supporting the differential behavior theory, so we will focus on differential processing for the purpose of this section.

Law enforcement, school personnel, prosecutors, and juvenile court staff have a great deal of discretion over outcomes for justice-involved youth. Although the data shows the existence of racial disparities, bias in decision-making is not easily measured, as people are

^{xxix} Some research suggests that differential behavior theory and differential treatment theory are not mutually exclusive and may both contribute to REDs found in data. [Literature Review: Racial and Ethnic Disparity in Juvenile Justice Processing | Office of Juvenile Justice and Delinquency Prevention \(ojp.gov\)](#)

often unwilling to admit the presence of bias. In a 2017 study, law enforcement agencies, judges, prosecutors, court staff, school administrators, and other groups were interviewed about the causes of disproportionate minority contact. When asked if “they believed or had experienced disproportionate minority contact being fueled by prejudice,” most interviewees strongly denied the possibility of prejudice or stated that it was unintentional. Interestingly, while they denied the existence of intentional prejudice, some interviewees viewed disproportionate minority contact as logical because “Black kids are just more likely to commit crime,” thus unintentionally underscoring their own biases.³⁶⁷ Given the overall denial or downplaying of prejudice in the juvenile justice process, education on the existence and prevalence of disproportionate minority contact is an important first step to addressing this issue. This is supported by data collected from the Georgia CJCC Youth Survey, as youth highlighted the need to raise awareness around inequities and offer more cultural and diversity training for law enforcement and

court personnel. See [Section 9: Youth Voice in Juvenile Justice](#).

Gender bias also influences how youth move through the juvenile justice system. Research shows that male youth are more likely to be referred to court, securely detained, and transferred to adult court than female youth. Furthermore, male youth are less likely to be diverted, have their case dismissed, and be referred to mental health treatment than their female counterparts.³⁶⁸ Other studies reveal, however, that there is a “limited tolerance for girls’ misbehavior and a greater acceptance of boys’ delinquency,” that girls remained under court supervision longer than boys, and that girls were more likely to be recommitted to residential treatment facilities than boys. This could suggest that law enforcement and courts take a paternalistic approach when it comes to the treatment of male and female youth — that the system is trying to protect girls by treating them with more lenience while also punishing girls for deviating from gender norms.³⁶⁹

Recommendations

- Investigate and address the factors contributing to Black and Mixed Race overrepresentation in all delinquency and CHINS decision points, including implementation of recommendations and guidance provided through the Youth in Custody Practice model initiative.

Relevant entities: DJJ, Individual courts, AOC/CJCJ, Georgia Council of Juvenile Court Judges (CJCJ)

- Expand the use of community-based, evidence-based alternatives to detention and confinement, especially for nonviolent and low-risk youth, and address the factors that contribute to the overrepresentation of Black and Mixed-Race youth in the system.

Relevant entities: DJJ, Individual courts, Community organizations

- Require Georgia’s healthcare providers, school personnel, law enforcement, front-line court staff and court administrators, and DFCS supervisors and caseworkers to undergo regular implicit bias and cultural competency training as part of their initial and on-going training or continuing education requirements.

Relevant entity: DBHDD

- Ensure that school codes of conduct are evidence-based, trauma-informed, free of bias, and include input from local child-serving stakeholders (e.g., child and adolescent behavioral health providers, social workers, juvenile courts).

Relevant entities: DBHDD, GaDOE, Individual courts, Community organizations

5 | Agency Coordination, Information Sharing, and Data Limitations

We identified opportunities for improvement in agency coordination, particularly when it involves **crossover youth**. Even when information is accessible, agency and community partners stressed the need for more consistent and timely information. When courts have difficulty obtaining information on their history with child welfare or the education systems, judges and court staff cannot make informed decisions on appropriate treatment. These decisions could have important consequences for youth and potentially push them further into one or both systems.

Additionally, while improvements in data collection have been made, significant gaps remain, mainly due to the division in Georgia's juvenile court system. DJJ collects recidivism data for certain courts, but **independent courts**,

responsible for half of the state's juvenile population, may not follow these standards. This bifurcation results in incomplete and unreliable data. Moreover, the lack of standardized data collection hinders proper assessment of youth court histories, affecting decision-making.

Addressing social and environmental factors is also challenging due to insufficient data on economic stability, education, and health care. Collecting address, ZIP code, and benefits data could provide more accurate insights. Additionally, data on interventions for delinquency or CHINS cases is not reported at the state level, preventing evaluation of service effectiveness. Standardized tracking and reporting of interventions could help identify successful services and improve youth outcomes.

Recommendations

- Mandate better and more consistent identification of crossover youth and evaluation of integrated systems approaches to improving their outcomes.

Relevant entities: General Assembly, Individual courts, DJJ, DHS/DFCS, AOC

- Create a comprehensive data system to share robust and timely information and data between the DJJ, individual juvenile courts, and other child-serving agencies to better identify needs, prevention strategies, and outcomes.

Relevant entities: Individual courts, DJJ, DHS/DFCS, AOC/CJCJ, DCH, CASA

- Encourage and enforce cooperation and coordination among the various agencies and courts that administer, oversee, and support the juvenile justice system.

Relevant entities: General Assembly, Governor's Office, independent courts, DJJ, DHS/DFCS, AOC/CJCJ, GaDOE, DHS, DBHDD, Community organizations

- Mandate meaningful data collection, standard data definitions (including CHINS and recidivism), data fidelity, and data reporting across all counties to evaluate youth outcomes.

Relevant entities: General Assembly, Individual courts, CJCJ, DJJ

- Mandate the collection and reporting of address data across all counties to evaluate the relationship between social and environmental factors and juvenile justice involvement to target resources and better serve communities.

Relevant entities: General Assembly, Individual courts, CJCJ, DJJ

- Mandate the collection and reporting of court interventions and outcomes across all counties to evaluate the effectiveness of court services and programs.

Relevant entities: General Assembly, Individual courts, CJCJ, DJJ

- Explore ways to operationally share Medicaid and benefits data with juvenile justice data to provide insight into income status, behavioral health needs, and juvenile justice involvement.

Relevant entities: Individual courts, CJCJ, DJJ, DHS, DCH

6 | Policy and Procedural Issues

More than a decade after juvenile justice reform, Georgia continues to allocate nearly two-thirds of its juvenile justice budget to detention and secure confinement (\$229 million in FY 2023). Transitioning some of those funds towards enhancing front-end, community-based services could create a more cost-efficient system.

SB 440, JLWOP, and age of majority (17 years old) policies deny children age-appropriate sentencing and a chance for rehabilitation. Furthermore, they are likely more costly to the state, have little to no public safety benefits, and trying juveniles as adults has been shown to increase recidivism. Moreover, Black youth are overrepresented in both SB 440 cases and JLWOP sentences, suggesting racial bias may play a role when working with these populations.

The CHINS process also faces challenges, mainly because it does not have a designated funding stream. As such, each county must implement CHINS policies based on its own capacity, and many areas do not have the staff or community services needed to address the needs of CHINS youth. This results in inconsistency in the implementation of CHINS policies across the state. Because of this

inconsistency and lack of standardization, any CHINS data that is collected does not yield meaningful insight into how the program works statewide.

High turnover and vacancy rates for JCOs are also an ongoing, significant challenge for DJJ. Staffing shortages within juvenile detention facilities can lead to increased use of solitary confinement, inadequate service delivery, and an overall unsafe environment. These conditions are traumatizing for both youth and staff and perpetuate recidivism and staff turnover.

Fines and fees associated with court can also have adverse consequences for families and youth involved with the juvenile justice system. Many families cannot pay these fines and fees, which can lead to family debt, additional court appearances, and prolonged or deeper court involvement. Moreover, research shows that restitution is not an effective form of compensation for victims and does little to hold youth accountable. There are lingering questions about the actual benefits of fines and fees in Georgia due to a lack of transparency and data reporting.

Recommendations

- Develop a plan for fully funding, implementing, and evaluating CHINS policy.
Relevant entities: General Assembly, CHINS coordinators, Individual courts, DJJ, CJCJ, CJCC
- Create or continue the use of a youth advisory council or other mechanism to routinely gather feedback from current and former justice-involved youth (e.g., through surveys, focus groups, and interviews) to incorporate lived experience into the juvenile justice decision-making process.
Relevant entities: Individual courts, DJJ, CJCC/Georgia Juvenile State Advisory Group (SAG)
- Create a task force to review Georgia's policies on SB 440 cases, the age of criminal majority (17-year-olds), and JLWOP sentences.
Relevant entities: General Assembly, DJJ, CJCC, CJCJ, Individual courts, Prosecuting Attorney's Council (PAC), Georgia Public Defenders (GPD)
- Create a task force to gather accurate and complete data on the use and impact of fines and fees across all Georgia counties, assess the effectiveness of fines and fees in achieving juvenile justice system goals, evaluate alternative approaches that may better serve both youth and victims, and ensure that Georgia's juvenile justice practices align with constitutional principles and promote fair outcomes.
Relevant entities: General Assembly, DJJ, CJCJ, CJCC, Individual courts, PAC, GPD

7 | Structural Issues

The structure of Georgia’s juvenile justice system also has implications for youth outcomes. The bifurcated system of independent and **dependent courts** leads to a host of issues, including:

- Misaligned priorities between county and state governments
- Inconsistent decision-making processes in intake and probation cases
- Inequitable resource allocation between court types

- Challenges in collecting meaningful statewide data
- Potential inaccuracies in assessment instruments
- Challenges with data because counties still have jurisdiction over cases while youth are in DJJ custody

These structural issues severely hamper the state’s ability to address systemic problems effectively.

Recommendations

- Ensure the alignment of juvenile justice priorities, procedures, and decision-making across state and county governments to promote consistency and fairness in the juvenile justice process for youth statewide.

Relevant entities: Individual courts, CJCJ, DJJ

- Ensure all court staff consult JDEX when completing assessment instruments.

Relevant entities: Individual courts, CJCJ, DJJ

- Target funding for under-resourced counties to ensure that youth have equal opportunities for positive outcome, regardless of their location.

Relevant entities: Individual courts, CJCJ, DJJ

See [Appendices L](#) and [Appendix M](#) for additional resources and expanded recommendations.

In summary, factors outside of the juvenile justice system as well as policy and structural issues within the system all contribute to a youth’s justice involvement and successful treatment and release. It is imperative to address these issues holistically to shift our focus away from punishment and towards realizing the potential of Georgia’s at-risk and justice-involved youth.