

Southern Poverty Law Center
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Georgia

Only Young Once

Dismantling Georgia's Punitive Youth Incarceration System

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Executive Summary

When it comes to Georgia’s approach to its youth legal system, the past is prologue. Policies that emphasize youth incarceration over rehabilitation have political roots going back decades in the state. Rather than providing young people with needed services, this approach has led to vast racial disparities, systematic school pushout, well-documented harms meriting federal intervention, and significant fiscal waste. This report explores the policies and practices of Georgia’s youth legal system, as well as the political culture that undergirds it.

Georgia has a youth legal system that is designed to incarcerate and punish, not restore or rehabilitate children.

- Georgia has a history of “tough on crime” laws, even though youth crime decreased by 80% in the state between 2000 and 2020.
- Georgia is one of the few states in the U.S. that prosecutes 17-year-olds as adults and prosecutes children as young as 13 as adults for certain offenses – detaining them in adult facilities.
- Georgia’s youth detention facilities have a well-documented history of physical and sexual abuse – including the death of three teenagers within weeks of each other in 2022.
- Georgia’s Macon Youth Development Campus for incarcerated girls is the fourth-most sexually abusive detainment facility in the U.S., according to a national survey.

Georgia has a school-to-prison pipeline that is fueled by a reliance on zero-tolerance policies and alternative schools.

- While Black children in Georgia’s schools make up 37.5% of students, they also make up well over half of all out-of-school suspensions, expulsions, and assignments to alternative schools.
- Several Georgia alternative schools, designed to educate students deemed too “disruptive” for traditional school, have dropout rates higher than their graduation rates.
- Georgia’s zero-tolerance policies often lead to the suspension of students for minor infractions like vaping, which produced over 22,000 disciplinary actions in the 2022-23 school year.
- Only 4.8% of incarcerated children educated in Georgia’s detention facilities tested as “proficient” or better on their 2022-23 end-of-grade assessments, with 29.9% dropping out of school that same year.

Georgia’s youth legal system is fiscally wasteful and disproportionately impacts Black children.

- Black youth in Georgia are more than twice as likely to be charged with an offense compared to their white counterparts, and more than three times as likely to be charged in court as an adult.
- Black youth make up 35.5% of youth in Georgia, but comprise over 60% of all youth court referrals, delinquent adjudications, youth that are incarcerated, and youth sentenced in adult court.
- Georgia spends \$217,517 annually to incarcerate a child in its system, only to produce a three-year recidivism rate of 35.1%.

Policy reforms in Georgia should commit to a system designed to disrupt the school-to-prison pipeline, reduce harm to children, and rehabilitate young people in a cost-productive way.

The Southern Poverty Law Center recommends:

1. Georgia should raise the minimum age of youth incarceration and prosecution to at least 14 years old, while ending the practice of charging and prosecuting 17-year-olds as adults.
2. Georgia schools should enforce fair and consistent due process hearings and end the use of zero-tolerance policies.
3. Georgia should make nonviolent offenses, especially technical violations and minor drug offenses, nonjailable for children.
4. Georgia should prohibit the assessment and collection of court fines and fees against children.
5. Georgia should create more opportunities for diversion and invest greater resources in community-based alternatives to incarceration.
6. Georgia should ban the practice of incarcerating youth in adult facilities and sentencing youth to life without parole.

“Do we believe that we can change people when they’re younger so they don’t commit further crimes? ... If that is the belief, then we have to start acting like it. ... [Otherwise] we’re essentially spending a ton of money locking up [youth who commit offenses] in expensive hotels and then, at the end of their stay, telling them, ‘We’ll leave the light on for you.’”

Tom Rawlings,
former youth court judge and director of
Georgia’s Office of the Child Advocate¹

Only Young Once

Dismantling Georgia's Punitive Youth Incarceration System

By Delvin Davis,
Southern Poverty
Law Center

In January 2024, U.S. Sen. Jon Ossoff, chairman of the Senate Human Rights Subcommittee, launched an inquiry with the U.S. Government Accountability Office into abuse that had allegedly become rampant across youth detention facilities in his home state of Georgia.² In 2022, *The Atlanta-Journal Constitution* reported three teenagers dying within weeks of each other in facilities run by Georgia's Department of Juvenile Justice (DJJ) – one after participating in a “fight game” in the open presence of a correctional officer.³ One of the other youth, 16-year-old Alexis Sluder, died less than 24 hours after being admitted to DJJ after an adverse reaction to something she ingested.⁴ Five DJJ staff would be indicted a year later on charges of child cruelty for neglecting the timely medical care that could have saved her.

These tragedies occurred in an agency with a stated mission of “transform[ing] young lives by providing evidence-based rehabilitative treatment services and supervision, strengthening the well-being of youth and families, and fostering safe communities.”⁵ However, the results of DJJ’s “rehabilitative treatment” have produced an environment where incarcerated youth suffered over 3,400 physical assaults between 2015 and 2018, while at least another 150 were sexually assaulted.⁶ This level of abuse challenges the notion that youth detention facilities are designed for rehabilitation, education, counseling, or care – all things needed to steer a child toward a productive path after making a youthful mistake. Instead, the history of Georgia’s youth incarceration system suggests that it is designed more for punishment, isolation and control – even if it contributes to further incarceration as young people age into adulthood.

The current state of Georgia’s youth detention

facilities is connected to a “tough on crime” narrative set many years ago. Youth justice reform measures in the mid-1990s – largely based on the since-discredited “superpredator” theory and other racist tropes – emphasized Georgia’s need to quell citizens’ concerns about violent youth crime, proposing tougher punishments that would make it easier to prosecute teenagers in adult court. As a result, Georgia children were met with punishment instead of rehabilitation as the default, an approach reflected in former Georgia Gov. Zell Miller’s claim that “[t]hese are tough hoodlums; they require tough measures. ... These are adult crimes; they deserve adult treatment.”⁷

Challengers to overly punitive legislation warned of bleaker outcomes. As Denmark Groover, former Georgia state representative, once asked in 1994, “Are we dedicated here today to the idea that someone who commits the first crime is irreparably beyond redemption?”⁸ Yet this opposition was largely

overshadowed by those who placed public image over research and the support and services needed to best provide rehabilitative opportunities for children. Consequently, in today's Georgia, stories of harm, abuse and recidivism seem to come more consistently than stories of children thriving after youth legal system involvement. This evidence points to retribution, not repair, as the system's designed historical and current purpose.

Nearly a year after Ossoff's inquiry, Georgia still has a way to go to ensure children in need of support and care are properly served.

This report challenges the notion that Georgia's youth legal system is built to rehabilitate and suggests measures that protect the health and humanity of all the state's children. First, this report will explore the myth of the "superpredator" and its impact on perceived Black youth criminality. Second, it will detail the state's school-to-prison pipeline and its contribution to youth incarceration. Third, it will outline the different ways racial disparities have been pervasive throughout the youth legal system. Fourth, it will delve into youth incarceration's systemic harm to youth and cost to state taxpayers. Lastly, it will detail potential opportunities for policy reform and conclude with policy recommendations Georgia can pursue to advance change.

"Young Punks and Thugs": How Georgia's Approach to Youth Justice Was Influenced by the "Superpredator" Myth

"[The 1994 laws were] politically expedient in the face of contradictory research. ... Before the law and after the law, the rates [of juvenile crime] stayed the same. It had a negligible effect."

Edwin Risler, Professor Emeritus, University of Georgia School of Social Work⁹

In 1994, Gov. Zell Miller would enter a bid for re-election to a second term facing a wealthy, yet politically inexperienced Republican businessman named Guy Millner. Miller's Democratic Party had held Georgia's governor's mansion for well over a century, but was facing a surprisingly strong challenge from Millner as voter demographics were trending toward the white Atlanta suburbs and incumbents were being perceived as growing out of touch with citizens.¹⁰

Miller was an avid supporter of President Bill Clinton during his 1992 campaign, even speaking for him at the Democratic National Convention.¹¹ At the time, the Democratic Party was acutely aware of the "soft on crime" narrative that severely damaged the presidential campaign of Massachusetts Gov. Michael Dukakis only four years prior. In 1988, President George H.W. Bush got significant mileage from an attack ad featuring Willie Horton, a Black man incarcerated in Massachusetts with a murder conviction who later sexually assaulted a white woman after escaping his weekend furlough. The ad stoked racial fears fueled by wrongful perceptions of Black criminality and put Democrats across the country on the defensive. As one historian put it, the ad "taught the Democrats that in order to win elections, they have to mirror some of the racially inflected language of tough on crime."¹²

As a result, in the mid-1990s a shift toward a more punitive approach to criminal justice began to prevail, both for adult and youth crime. At the same time, a new phrase was entering America's vocabulary: the young, Black "superpredator." Superpredator was a term coined by Princeton professor John DiIulio, who posited that a massive crime wave would sweep across the country's inner cities led by "an army of young male predatory street criminals" with a moral poverty that would make hardened gang leaders "look tame by comparison."¹³ According to DiIulio, "No one in academia is a bigger fan of incarceration than I am. ... By my estimate, we will probably need to incarcerate at least 150,000 juvenile criminals in the years just ahead. In deference to public safety, we will have little choice but to pursue genuine get-tough law-enforcement strategies against the superpredators."¹⁴

The racist "superpredator" theory was quickly taken up as a rallying cry against perceived youth violence at all levels of government. At the federal level, President Clinton enacted the 1994 Crime Bill to increase government investment in law enforcement and prisons, as well as create harsher "three strikes" sentencing laws that would mandate life in prison for conviction of a third violent felony.¹⁵ First Lady Hillary Clinton would also famously echo the superpredator trope in a 1996 speech at Keene State College expressing her support of the Crime Bill, proclaiming, "They are not just gangs of kids anymore. They are often the kinds of kids that are called superpredators. No conscience. No empathy. We can talk about why they ended

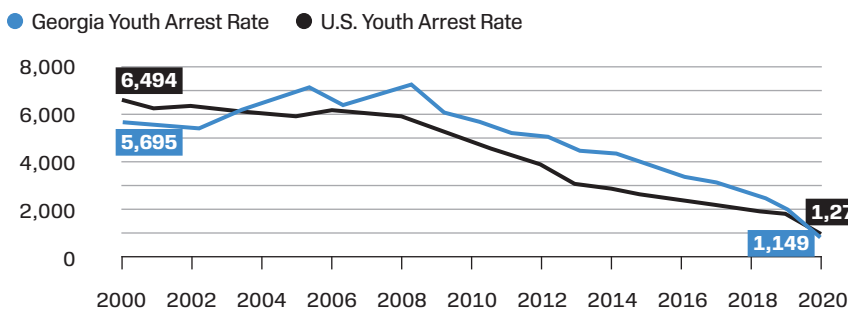
up that way. But first, we have to bring them to heel.”¹⁶

At the state level, Miller would take a parallel trajectory as his federal colleagues, invoking similar fearmongering rhetoric as DiIulio and Clinton. In Miller’s 1994 State of the State address, he declared, “These are not the Cleaver kids soaping up some windows. These are middle school kids conspiring to hurt their teacher, teenagers shooting people and committing rapes, young thugs terrorizing whole neighborhoods – and then showing no remorse when they get caught.”¹⁷ Miller would use this rhetoric to justify Senate Bill 440, which created a state statute allowing youth ages 13 to 17 to be charged as adults in superior court if charged with a more serious crime such as murder, rape, or armed robbery.¹⁸

Both President Clinton and Gov. Miller’s tough-on-crime approach and leaning into racial stereotypes would reap the political benefit of winning second terms. In fact, by the time Miller stepped down after his second term, later serving in the U.S. Senate, he was known as one of the most well-liked legislators in Georgia history.¹⁹

DiIulio’s calculation of needing to jail 150,000 youth stems from an even larger prediction of 270,000 more “juvenile superpredators” roaming the nation’s streets in 2010 compared to 1990.²⁰ However, this tidal wave of anticipated youth crime never materialized, either nationally or in Georgia. In fact, youth arrest rates declined in both Georgia and the U.S. by 80% from 2000 to 2020.²¹ Still, the perception of dangerous Black youth would be pervasive in Georgia’s approach to public safety even without evidence of a flood of youth crime.

U.S. and Georgia Youth Arrest Rates Have Declined Since 2000



Sources: U.S. arrest rates are from the U.S. Office of Juvenile Justice and Delinquency. Georgia arrest figures are from the FBI Crime Data Explorer, calculating rates according to youth population estimates from the U.S. Office of Juvenile Justice and Delinquency Prevention. Figures are presented as arrests of youth ages 10-17 per 100,000 youth ages 10-17.

Alternative Schools and Zero-Tolerance Policies: Fueling Georgia’s School-to-Prison Pipeline

“I don’t understand how we’re doing anything except pushing children out of school. ... The one opportunity that children have is education. We’ve cut off their one opportunity for success.”

Peggy Walker, retired juvenile court judge²²

Zero-Tolerance Policies and School Suspensions

Harsh school discipline practices like zero-tolerance policies are a remnant of the tough-on-crime era of the 1990s. Congress passed the Gun-Free Schools Act of 1993 (HR 987), which restricted federal assistance to any school that did not have a policy mandating at least a one-year suspension for any student bringing a gun, knife or other weapon to school.²³ However, zero-tolerance policies have expanded well beyond suspension for gun possession to expulsions for minor infractions like school disruption and smoking.²⁴ Today, several Georgia school districts suspend students on the first offense of vaping, for example, with repeated offenses resulting in suspensions of up to 10 days. Across the state, there were 22,209 vape-related school disciplinary actions in the 2022-23 school year, an 18.6% increase from the previous year, while middle and high school students reported vaping slightly less during that same period.²⁵

Any student in a school fight is often automatically pushed out of school, regardless of how or why the fight started. In fact, it was not until 2017 that the Georgia Supreme Court ruled that students who can prove they fought in self-defense cannot be expelled under zero-tolerance policies.²⁶

To avoid an expulsion or long-term suspension due to zero-tolerance policies, students or their legal guardians have to file an appeal with the local school district. While there is due process in Georgia, the process is not guaranteed to be conducted fairly or consistently, as the child is not provided an advocate or legal representation at the hearings, or assurance of an arbitrator not affiliated with the school system.²⁷

Additionally, school districts reserve the right to suspend and expel students for things they may have allegedly done while off the school’s campus – even if the child is later exonerated for the offense. In 2024 for example, the



Southern Poverty Law Center (SPLC) provided legal assistance to a Cobb County student, “K.B.” [full name was not disclosed due to him being a minor], who was expelled and denied re-enrollment to North Cobb High School on grounds that an off-campus incident deemed him a “potential danger to staff and students.”²⁸

K.B., who was 16 years old at the time, was expelled after an incident where a school resource officer (SRO) claimed he hit her with his car in an off-campus parking lot. The SRO, Nina Daniels, followed K.B. to the parking lot from school to interrogate him about driving recklessly on campus. Still inside the car, K.B. said he saw Daniels’ hand on her firearm, became fearful, and drove away without engaging. K.B. denied ever hitting the officer with the car, and his charges were dismissed in youth court. Daniels did not sustain injuries or have any body camera footage of the incident but is later recorded telling K.B. he was “lucky [she] stepped away because most rookie officers would’ve stepped in front of that car and shot [him] on the spot.”²⁹

According to K.B.’s mother, she was unable to enroll her son in another school after filing their expulsion appeal, and was instead directed to their county’s Ombudsman Educational Program – a privately owned company that, as detailed in the following section, had its contract discontinued by the Valdosta School District after growing concerns about its program design. He attended for only two days, telling his parents he could not handle the “unruly environment” and lack of educational support for someone like himself with an Individualized Education Plan. Like Valdosta years earlier, Cobb County’s Ombudsman program closed in the summer of 2024.³⁰

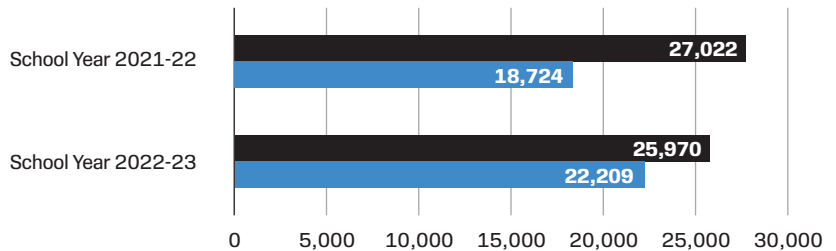
Even though K.B. was fortunate enough to have the expulsion overturned by the Georgia Board of Education, the Cobb County School District filed a motion to reinstate the expulsion in Superior Court. While K.B. continues to benefit from the SPLC’s legal assistance as of August 2024, in the words of SPLC attorney Michael Tafelski, “How many kids have been expelled because they didn’t have lawyers?”³¹

Alternative Schools

In Miller’s 1994 State of the State address, he advocated for alternative schools as a way to separate disruptive children from other youth in the school system. This measure was more one of segregation than rehabilitation, as he described

Georgia Increasingly Disciplines Students for Vaping at School

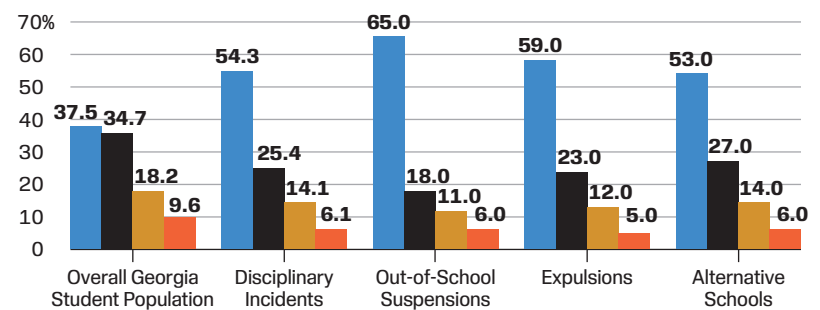
- Middle & High School Vaping in Last 30 Days
- Vaping Disciplinary Actions in Georgia Schools



Source: Atlanta Journal-Constitution, 2024 (vaping disciplinary actions); Georgia Department of Education, 2024 data (vaping among middle and high school students)

Georgia’s School Disciplinary Measures Disproportionately Punish Black Students

- Black
- White
- Hispanic
- All Other Races



Source: Georgia Governor’s Office of Student Achievement, 2023

alternative schools as a place for “those students who continually disrupt classes.”³² According to Georgia statute, alternative schools “shall provide a learning environment that includes the objectives of the content standards and that the instruction in an alternative education program shall enable students to return to a general or career education program as quickly as possible. ... It is the policy of this state that it is preferable to reassign disruptive students to an alternative education program rather than suspending or expelling such students from school.”³³

Despite the implication that alternative schools are an alternative form of education, in Georgia they operate more as an alternative form of discipline. In fact, according to data on school discipline from the Georgia Governor’s Office of Student Achievement, assignment to an alternative school is categorized as a form of discipline alongside suspension, expulsion, and corporal punishment.³⁴ Similarly to suspension and expulsion, students who wind up in alternative schools are predominantly Black.

Once assigned to an alternative school, students are often made to navigate through instructional materials on their own, sitting at a computer while working through workbooks independently.³⁵ A teacher may be there to answer questions and provide supervision, but is not necessarily there to lead class instruction. According to Randee Waldman, director of Emory University’s Barton Juvenile Defender Clinic, “It’s really about self-motivation. ... A lot of our kids are not self-motivated. That’s why they’re there in the first place. ... If you stick them in front of a computer and tell them to learn, it’s a challenge.”³⁶

Moreover, the fact that many alternative schools only offer half-day programs may indicate that there is not the kind of educational curriculum necessary to keep students on track for graduation or to perform at grade level. In fact, because of this, the Valdosta School District voted to discontinue its contract with Ombudsman, a privately owned company hired to run its alternative school, after only one year. According to the assistant superintendent, “With the Ombudsman program, middle school students operated under a compressed schedule or four hours per day. We felt that was not beneficial academically or socially to the students, and that is our number one concern.”³⁷

Frequently, youth in Georgia’s alternative schools are also often steered away from pursuing high school diplomas and onto GED tracks. Per Waldman, “Quite frankly, it’s an ... easy way out. ... It’s a shortcut, and kids like to take shortcuts.”³⁸ This focus on GEDs over high school diplomas can have a lasting impact on youth outcomes. Research shows that GED recipients earn lower salaries and are less likely to enter postsecondary education than high school diploma recipients.³⁹ For the 2022-23 school year, alternative schools like the DeKalb Alternative School in Stone Mountain and Telfair Alternative Preparation School in McRae-Helena had high school dropout rates higher than their graduation rate,⁴⁰ indicating they are not designed to reintegrate students back into traditional schools.

Of note more broadly, school pushout issues are also compounded for children identified as having a learning disability – around one in every 12 Georgia students (8.7%) as of 2021.⁴¹ This is significant because studies have shown that students with disabilities are overrepresented in school suspensions.⁴² In fact,

many students of color, including youth who do not speak English as their first language, are misdiagnosed as having a disability, which may increase their likelihood of facing disciplinary action.⁴³

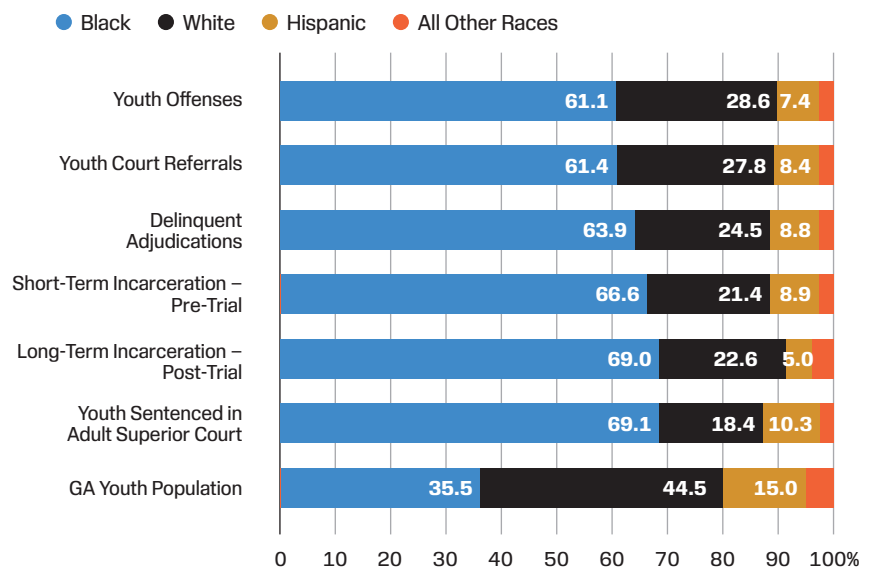
Racial Disparities Throughout Georgia’s Youth Legal System

If a young person either drops out or is pushed out of their school environment, they often find themselves progressing into legal system involvement. According to research, youth who drop out of school have a higher likelihood of incarceration later in life.⁴⁴ Unfortunately, the racial disparities we see with school discipline tend to also persist along the entirety of the youth legal system.

Black youth in Georgia are 2.1 times as likely to be charged with an offense compared to their white counterparts.⁴⁵ Likewise, Black youth make up over 60% of all young people processed in youth court, incarcerated in secure youth detention facilities, and transferred to adult superior court for sentencing – all while only making up 35.5% of youth in Georgia.

Georgia is one of only a handful of states that routinely prosecute 17-year-olds as adults,⁴⁷ and also prosecutes children as young as 13 years old as adults if charged with certain serious crimes.⁴⁸

Racial Disparities Are Consistent at Various Points of Georgia’s Youth Legal System



Source: Georgia Criminal Justice Coordinating Council, 2022⁴⁶


In 2022, Black youth were 3.8 times more likely to be sentenced as adults in Superior Court than white youth, which can lead to greater incarceration in adult facilities.⁴⁹

As of September 2023, aggressive sentencing for Black youth has also contributed to Georgia being the nation's leader in youth sentenced to life without parole over the past decade.⁵⁰ Despite U.S. Supreme Court cases like *Graham v. Florida* (which held that a sentence of life without parole was unconstitutional for youth who commit a non-homicide offense) and *Miller v. Alabama* (which deemed it unconstitutional to sentence youth convicted of homicide to mandatory life without parole), Georgia still sentences children to life without parole for more serious offenses. Additionally, since 2012, 81% of youth sentenced to life without parole in Georgia have been Black.⁵¹

Joshua Brinson's story paints a vivid picture of why Georgia's legal system is riddled with racial disparities that disproportionately harm Black children. On July 18, 2023, Brinson, a Black 18-year-old, was arrested in Bibb County, Georgia, on charges of child molestation. Law enforcement had been given a first name, "Joshua," and a brief description of a perpetrator nearly 30 pounds heavier than Brinson.⁵² When officers from the Bibb County Sheriff's Office apprehended Brinson, he recalls, "I don't know what the heck was going on."⁵³ Brinson's charges would eventually be dropped by prosecutors,⁵⁴ but only after he would spend two months in the Bibb County Jail that his attorney would call a "hell-hole."⁵⁵

According to Brinson's attorney, the arresting officer altered the warrant document to fit Brinson's description – crossing out the height, weight and date of birth. Brinson also told reporters that law enforcement never asked him any questions to fully establish his identity.⁵⁶ In fact, outside of his first name, little else about the description matched Brinson. As his attorney put it, "The only thing in common is that they're both young Black men."⁵⁷

This level of carelessness to easily mistake one Black youth for another is a glance into a youth legal system that tends to view all Black youth through the same racially biased lens of criminality. From this vantage point, Black youth start to look and feel like more of a danger that requires control through our legal system, while their unique humanity is dampened and less seen as worthy of care and decency.



3.8x
In 2022, Black youth were 3.8 times more likely to be sentenced as adults in Superior Court than white youth, which can lead to greater incarceration in adult facilities.

The “Gladiator Pit”: Systemic Harms and Costs of Georgia’s Youth Legal System

“Twenty-five years ago, Georgia created the most punitive juvenile justice system in the nation, one in which children as young as 13 can be convicted as adults and sentenced to decades in prison.”

Alan Judd, journalist for *The Atlanta Journal-Constitution*⁵⁸

By the end of Gov. Miller's second term, the flaws of his highly touted and more punitive youth justice laws were beginning to be exposed. Youth detention facilities were dangerously overcrowded while physical violence and sexual assaults became commonplace.⁵⁹ Additionally, in 1997 the U.S. Department of Justice (DOJ) opened an investigation into DJJ that probed a series of issues concerning the health and well-being of children in their custody.

According to the DOJ, there was a “pattern of egregious conditions violating the federal rights of youths” in Georgia youth facilities.⁶⁰ DOJ investigators also “cited a lack of adequate mental health care, overcrowded conditions, abusive disciplinary practices, and inadequate education and medical care in certain areas.”⁶¹ The DOJ determined that some overcrowded facilities operated at “almost 300 percent of design capacity,” had “especially punitive” conditions of solitary confinement that included leaving children alone stripped naked, fostered a culture of “physical abuse by staff and the abusive use of mechanical and chemical restraints on mentally ill youths,” and were environments that resulted in “serious disruptions to children’s educations.”⁶²

Of particular note, at the time of the investigation, 90% of youth detained in DJJ short-term facilities and three-quarters of youth detained in long-term facilities had only committed nonviolent offenses.⁶³ The report would detail specific cases of girls incarcerated for painting graffiti, stealing \$127 from a mother's purse, or running away from home to escape sexual abuse. This runs counter to Miller's notion that these children were hardened criminals without remorse, or DiIulio's theory of predators with a severe moral poverty.

As *The Atlanta-Journal Constitution* would later report, Gov. Miller was initially enraged by DOJ's investigatory findings – but more so by how the story broke in the media than the actual findings

of child abuse. He directly questioned the fitness of the head of the DOJ Civil Rights Division and would even ask the White House to intervene.⁶⁴ To avoid a federal takeover of DJJ facilities, Miller would eventually agree to a settlement that promised an additional \$10.8 million for increased staffing, as well as other measures to address mental health, education, and medical services.⁶⁵

The need for federal intervention in 1997 due to a culture of rampant violence and abuse in youth facilities is remarkably similar to the reasons Sen. Ossoff gave in his plea for a federal investigation of these facilities in 2024. In fact, in 2019 – decades after the DOJ investigation – *The Atlanta-Journal Constitution* reported similar findings to those found in the 1997 DOJ inquiry: “In all, the state conducted more than 1,600 internal investigations of officers accused of misconduct, including physically and emotionally mistreating youths in their custody. Many of these acts appeared to violate the civil rights of the juveniles. At the same time, [DJJ] facilities] perpetuated the violence that sent many of the youths to prison in the first place.”⁶⁶

Overall, when youth in need of social and mental health services are instead forced into a system geared more toward facilitating violence than rehabilitative help, as one district attorney put it, “you’ve just designed a gladiator pit.”⁶⁷ The following section of this report will detail particularly harmful aspects of Georgia’s DJJ facilities, as well as their fiscal waste for taxpayers.

Physical and Sexual Abuse

“He was just put on the floor a little harder than he would like it.”

Contavious Mahome, former Georgia youth correctional officer fired for excessive use of force⁶⁸

One day in January 2017, a youth in Georgia’s Sumter Youth Development Campus facility refused to stand and line up outside his cell when ordered.⁶⁹ Moments later, three correctional officers arrived to establish control and get the uncooperative teen to move. Two of the officers picked him up by the arms, while the third officer grabbed his legs. Video cameras would capture footage of the men lifting the youth in the air to around chest height and slamming him to the concrete floor. After handcuffing him, they repeated the body slam


a second time. A second boy arriving to protest his friend’s treatment was also handcuffed and slammed to the ground, resulting in an apparent concussion.

While the three officers lost their jobs for excessive force, none faced criminal charges. One of the officers, Contavious Mahome – who would later take a job with the Reynolds, Georgia, Police Department – justified the event as the youth being “put on the floor a little harder than he would like it.”⁷⁰

This is just one of the stories of the physical abuse that has run rampant within Georgia’s DJJ facilities for years. And, in addition to physical abuse, Georgia maintains a dehumanizing practice of strip searches for contraband after any visitation, mandating that “the entire body will be visually checked, including hair, ears, mouth, armpits, hands, pubic region, between toes, soles of feet, outside rectum, and inner portions of legs.”⁷¹ Kentucky followed a similar search policy as Georgia until a federal judge questioned its constitutionality in 2015 and prompted the state to change its protocol.⁷²

Georgia youth facilities are also home to incidents of sexual abuse. According to results from a 2018 U.S. Bureau of Justice Statistics (BJS) national survey, DJJ’s Macon Youth Development Campus reported that nearly one in five (19%) youth held there had experienced sexual abuse. As DJJ’s only campus built solely to detain girls, it ranked as the fourth-highest abusive facility in the country of all that were surveyed.⁷³ However, a 2017 audit done to comply with the Prison Rape Elimination Act (PREA) did not expose a single concern, despite victimized girls clearly indicating otherwise a year later in the BJS survey. In fact, the Macon facility’s PREA report passed every checkpoint, including an “exceeds standard” rating in the category of “zero tolerance of sexual abuse and sexual harassment.”⁷⁴

Research shows that sexual abuse is also more likely in carceral spaces that are understaffed and overcrowded due to the number of youth in confined spaces without sufficient supervision.⁷⁵ Aspects of both understaffing and overcrowding are becoming more evident in Georgia’s detention facilities. According to DJJ’s FY 2023 Annual Report, “The retention of [juvenile correction officers] has long been a challenge for DJJ,” as they experienced a 79% turnover rate for their entire correctional officer staff that year, and a 94% turnover rate for correctional



19%

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officers at entry levels.⁷⁶ Also, the capacity in DJJ secure facilities has narrowed in recent years as available beds have decreased, while the number of incarcerated children has increased. DJJ facilities had 1.9 beds for every incarcerated child in FY 2021, compared to 1.3 beds per incarcerated child in FY 2023.⁷⁷

Excessive Use of Solitary Confinement

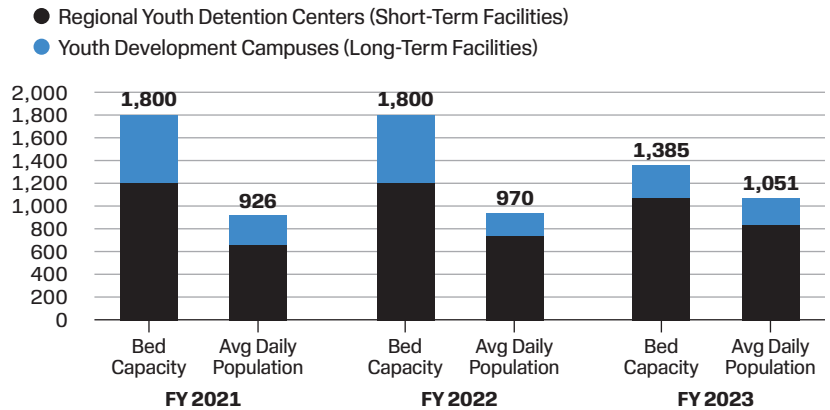
Longer stints of solitary confinement – when incarcerated people are physically and socially isolated from other people for extended periods – have shown a correlation to different variations of mental health problems, including hallucinations, panic attacks, paranoia, and suicidal ideations.⁷⁹ Further, there is evidence that solitary confinement makes it more difficult to reintegrate back into society upon release without reoffending.⁸⁰ In fact, given the problems that isolation can cause for incarcerated people, a U.S. Senate panel called for the ban of the practice on children altogether in 2014.⁸¹

In Georgia facilities, however, isolation has been used both as a form of discipline for disruptive behavior or when youth pose an “imminent threat” to themselves or others.⁸² Further, understaffed and overcrowded facilities create the temptation to keep a child in their cell for longer periods simply because there is not sufficient space for youth to move and remain properly supervised.⁸³

In June 2023, the Georgia Department of Audits and Accounts (GDAA) conducted a study of DJJ’s incident response processes and found issues of concern with data reporting, discipline tactics, and the use of solitary confinement. Even while the overall number of reported incidents has declined from 2018 to 2022, the length of time children were held in solitary confinement had increased during that time.⁸⁴ For facilities that detain youth for longer terms, the average time in isolation increased from around three days to nearly two weeks during this time period – a 285% increase.

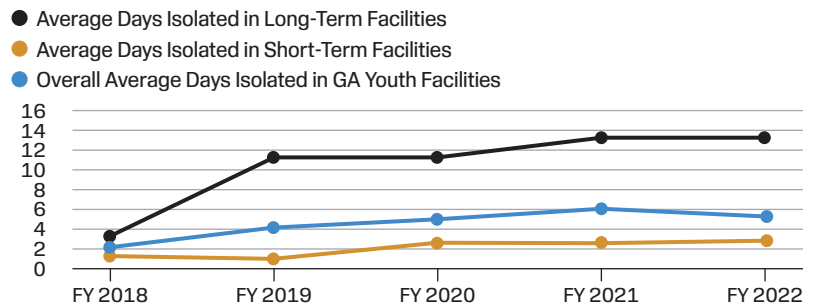
Louisiana put a limit on the use of solitary confinement on youth at eight hours (or up to 24 hours in more extreme cases) in 2022.⁸⁵ Georgia, however, has no such protections, which is evident in findings from a GDAA audit survey of DJJ staff, where 40% responded that youth were kept in solitary longer than necessary, and some youth were isolated for periods of over 30 consecutive days.⁸⁶

Georgia’s Youth Detention Facilities Have Become More Crowded in Recent Years



Source: Georgia Department of Juvenile Justice Annual Reports, FY 2021-FY 2023⁷⁸

Georgia Youth Facilities Are Using Solitary Confinement for Increasingly Longer Durations



Source: Georgia Department of Audits & Accounts, June 2023

Educational Disruption

Operating as its own accredited school district, DJJ is supposed to provide daily educational instruction for all of Georgia’s incarcerated youth pursuing a high school diploma or GED.⁸⁷ However, the educational results of DJJ’s school district have left much to be desired.

Being that even a short stay in a youth detention facility could average up to three months,⁸⁸ a child could spend the greater part of a semester in DJJ’s school system. The quality of this schooling environment is amplified by the fact that 78% of students in the DJJ school district are documented as having a disability,⁸⁹ which often justifies a different level of educational care and resources. According to figures from the Georgia Governor’s Office of Student Achievement, only 4.8% of students in the DJJ system tested as “proficient” or better on their 2022-23 end-of-grade assessments.⁹⁰ In the same school year, students educated in detention facilities had a 29.9% high school dropout rate.

Formerly incarcerated youth interviewed by *The*

Atlanta Journal-Constitution also detail subpar textbooks, assignments beneath their grade level, and teachers who put in only minimal effort. One of the youth, Deandre Brown, said his teacher would tell his class to make up their own questions for assignments.⁹¹ “They gave up, so we gave up,” Deandre said of his teachers.⁹² After his release, Deandre tried to re-enroll in high school but was not allowed because he was too far behind academically and was perceived to have had too much of a troubled past. Many formerly incarcerated students like Deandre are either steered to alternative schools or barred from re-enrolling in school for up to a year upon release from detention, which is entirely counterproductive for successfully reintegrating back into school or keeping up with their grade level.⁹³ In these instances, the design of DJJ’s educational programming steers children out of traditional school instead of preparing them to succeed in it.

Assessing Court Fines and Fees

“The chance that they get out on a leg monitor, they are responsible for those fees just as if they were an adult. And the fees are astronomical. Three hundred and some change dollars just to install the leg monitor before you get out of the jail, and then \$350 at least a month to keep the monitor, which is just obscene. ... You can’t expect a kid to go to high school and have a job that can pay that at the same time. But it’s either jail or the leg monitor.”

Anonymous youth public defender in Georgia⁹⁴

Children entangled in the youth legal system may incur monetary fines and fees that are charged to cover the costs associated with the court process. Fines can be levied as punishments for certain offenses, and fees can be assigned to youth and their families as surcharges related to their court involvement – including, but not limited to fees for legal representation, probation and supervision, court diversion and programs, drug testing, and detention.⁹⁵

There is no cap on the amount of fines and fees that youth can incur in court, and even after an ability-to-repay assessment, children are often levied large amounts of debt they cannot reasonably afford.⁹⁶ As such, the financial burden is most often carried by the child’s family – forcing them to choose between paying court

debt or other important household needs.

As Vanita Gupta, former associate attorney general of the DOJ, asserts, “When fines and fees are assessed against juveniles, the consequences to youth and their families can be particularly acute, with the potential to push young people further into the criminal justice system, drive children and their parents into debt, and put considerable strain on familial relationships. In many cases, unaffordable fines and fees only undermine public safety by impeding successful reentry, increasing recidivism, and weakening community trust in government.”⁹⁷ Consequently, the DOJ recommends that jurisdictions should presume that children are indigent and unable to pay fines and fees.⁹⁸

Other states have already passed laws to repeal the practice of assessing youth fines and fees, including states like Texas and Montana.⁹⁹ Research by the Deep Center, a youth empowerment nonprofit based in Savannah, Georgia, found that youth fines and fees do not generate a significant portion of Georgia counties’ youth court budgets, making up less than 1% on average.¹⁰⁰ However, fines and fees are very costly to the families forced to pay the debt. As the following section will detail, these monetary costs are expensive to jurisdictions that choose to incarcerate a child as punishment for nonpayment.

Recidivism and Fiscal Waste

“The DJJ recidivism rates are terrible, and clearly suggest we are doing something wrong – both wasting taxpayers’ money and helping neither the young offender nor protecting the public.”

Mary Margaret Oliver, Georgia state representative¹⁰¹

Georgia’s youth legal system is built on the tough-on-crime theory that incarceration is the best treatment for misbehavior and will deter a child from future offenses. As Gov. Miller once told *The New York Times* in 1993 about his intent with youth boot camps, “I myself am a former Marine. ... I came from an unstructured environment. I went through boot camp on Parris Island. It helped me tremendously. It is not for everybody, but it works very well for young offenders. Nobody can tell me from some ivory tower that you take a kid, you kick him in the rear end, and it doesn’t do any good. And



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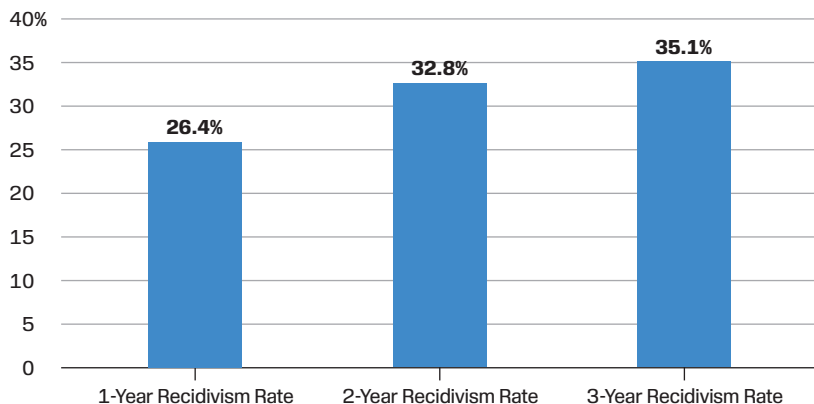
I don't give a damn what they say, we're going to continue to do it in Georgia."¹⁰² Despite Miller's vision, a system designed to promote the punishment of young people for youthful mistakes is ill-equipped to also promote the rehabilitation of those same children. In fact, research from the DOJ shows that highly punitive methods like "scared straight" and "shock incarceration" programs for youth only correlate to greater criminal activity in the child's future.¹⁰⁵

For Georgia, DJJ's high recidivism rates indicate that Miller's harsh boot camp approach is not helping Georgia's youth. In fact, the state has historically invested both political capital and tax dollars into a youth legal system that has only yielded a revolving door, and created longer-term issues for Georgia and its youth. According to the latest data available, one in four youth released from DJJ custody will reoffend within the year, with over one in three (35.1%) reoffending within three years of release.¹⁰⁴

Of note, the three-year recidivism rate was nearly as high for youth arrested for misdemeanors (34.3%) as youth arrested for felonies (35.9%), implying that the legal system failed to be rehabilitative no matter the offense level. To expect a more restorative outcome with less recidivism, Georgia must invest in a different system.

Incarcerating children is also truly expensive. As of FY 2023, Georgia spends \$217,517 to incarcerate a child over the course of a year¹⁰⁵—over eight times the cost of incarcerating an adult in state prisons (\$26,933).¹⁰⁶ However, given the harm and recidivism of youth

Georgia's Youth Legal System Produces High Recidivism Rates



Source: Georgia Department of Juvenile Justice, FY 2020

detention, the higher costs do not correlate to better results for children. The annual cost of incarcerating a Georgia youth is a substantial financial commitment compared to educating that same child – a measure arguably more productive for a child's future. As a matter of fact, youth incarceration in Georgia is more than triple the cost of a full year attending the University of Georgia (\$28,142)¹⁰⁷, Georgia Tech (\$28,584)¹⁰⁸, and educating a child in Georgia's K-12 public schools (\$14,660)¹⁰⁹ combined.

Potential for Policy Reform

"Most kids age out of delinquency. ... We don't need to interfere with that. Adults have to be tolerant and not go off the deep end and use a hammer on them."

Steven Teske, retired chief judge of Clayton County, Georgia's youth court¹¹⁰

Judge Teske's quote is an acknowledgment that younger people are prone to youthful mistakes. Science has consistently shown that the human brain does not complete its development until approximately age 25, leaving younger people more susceptible to impulsiveness, risk taking, substance abuse, and peer pressure.¹¹¹ Even Gov. Miller – the same proponent of a more punitive youth legal system in Georgia – would say in 1993 that a lesson he learned through his experience in working with correctional agencies was that "we spend an awful lot of money in the criminal justice system that could better be spent at the other end of the spectrum, educating these people, and keeping them from ever getting into trouble in the first place."¹¹²

This quote acknowledges that youth can benefit from second chances and educational opportunities emphasizing prevention and diversion away from detention and punishment. For instance, youth whose only offense could be better served through drug counseling. Likewise, some children and their families are burdened with court fines and fees without any reasonable means to pay, potentially triggering a probation violation that re-entangles them in the youth legal system. As one parent of a Georgia incarcerated youth details, "I felt it was unfair for the parent to have to pay fine and fees for the child. It seemed like the parent was being punished. I feel kids should be rehabilitated instead of having fees and jail time."¹¹³

Altogether, a more transformative system could include making nonviolent drug-related offenses

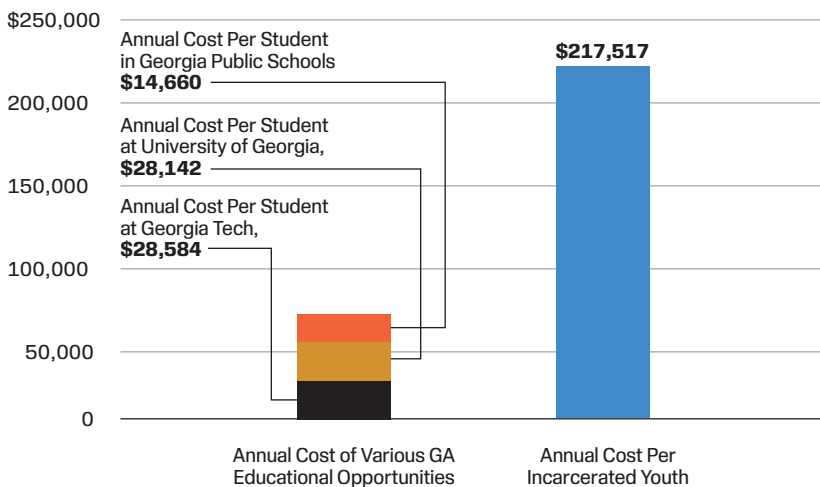
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and probation violations nonjailable, especially for children.

Georgia’s Clayton County youth court has provided a model for how prioritized second chances and restoration could be a productive counter to the state’s usual course of incarceration. As one youth advocate noted about the need for Clayton County’s “Second Chance

Court,” a specialized court within their youth court system, “Folks are looking at the tax dollars and are looking at the outcomes. ... We were tough on crime, but we weren’t smart on crime.”¹¹⁴ So far, the Second Chance Court has reduced its average number of detained youth by two-thirds since the early 2000s, and fewer than one in five youth commit future crimes, a recidivism rate far lower than the state’s average.¹¹⁵

Education Is a More Cost-Effective Way to Serve Georgia’s Children



Sources: Georgia Department of Juvenile Justice annual report (FY 2023 incarceration figure); University of Georgia and Georgia Tech official websites (2023-24 school year figures); Education Data Initiative (2024 K-12 public school figure)

Additionally, Georgia passed HB 873 into law in 2024, which is legislation that will standardize youth drug and mental health courts.¹¹⁶ However, the scope of the bill would only impact youth after they are entangled in the system. Opportunities for diversion before they enter the youth legal system could help protect against the many problems children inevitably face once they are in the system.

Research has shown that youth diverted into programs more appropriate for youth development and rehabilitation are 45% less likely to commit new offenses than those who go through the court process.¹¹⁷ However, in Georgia, only one in five (21.2%) referrals to youth court were diverted out of the system in 2022,¹¹⁸ compared to the national rate of 44.2% of youth in 2021 whose youth court cases are handled informally without a legal petition.¹¹⁹ More resources for alternatives to incarceration and youth court would be a worthwhile investment for the state.

Policy Recommendations



Georgia has engineered its youth legal system to be one of the toughest in the country, with an aim to punish children onto “a better path.” However, as one Clayton County youth court judge claimed, “We’re not getting a better human being out at the other end.”¹²⁰ In order to get better results with Georgia’s youth, the state will need to invest resources for effective support, reform its punitive policies, and change a culture anchored in false notions of child villainy.

The SPLC recommends the following to help usher in change for children in Georgia:

Georgia should raise the minimum age of youth incarceration and prosecution to at least 14 years old, while ending the practice of charging and prosecuting 17-year-olds as adults. As of July 2023, Georgia is one of 24 states in the U.S. that has no age minimum for prosecution in youth court.¹²¹ In 2023, the Georgia House of Representatives passed HB 462 by a 145-22 margin, which would end the practice of routinely charging 17-year-olds as adults.¹²² While the bill stalled in the state Senate, Georgia can capitalize on this bipartisan momentum in future sessions, as well as raise the minimum age of incarceration and prosecution to at least 14, in line with international standards. Doing so recognizes the science confirming that younger people are more prone to youthful mistakes, impulsiveness, risk-taking, and peer pressure.¹²³

Georgia schools should enforce fair and consistent due process hearings and end the use of zero-tolerance policies. Georgia’s students would benefit from having a neutral arbitrator who is not school-affiliated, a shorter appellate process, and greater access to someone who would advocate on their behalf – like a parent or attorney. Greater investment in restorative justice methods that can resolve conflict without the need of punitive action could also be a strong alternative to zero-tolerance policies and school exclusion.

Georgia should make nonviolent offenses, especially technical violations and minor drug offenses, nonjailable for children. Choosing to address nonviolent offenses with incarceration is not only the most expensive way to handle cases, but also could be more appropriately handled by investments in education and community-based programming. Given Georgia’s high recidivism rates, the state should pursue any means to keep children from unnecessarily entering the legal system – and getting trapped in its revolving door.

Georgia should prohibit the assessment and collection of court fines and fees against children.

Children often have no reasonable means to repay very expensive court debts that can be assessed regardless of whether the child is convicted of a crime. The youth's family usually bears the financial burden, knowing that nonpayment could trigger probation violations and incarceration for their child. A family's income should have no bearing on a child's ability to stay out of youth prisons.

Georgia should create more opportunities for diversion and invest greater resources in community-based alternatives to incarceration.

Investing in services and policies that would divert youth away from the legal system could alleviate concerns about overcrowded and understaffed detainment facilities. Also, providing resources for alternatives to incarceration could give an outlet that keeps incarceration from being a community's only perceived available response for youth crime.

Georgia should ban the practice of incarcerating youth in adult facilities and sentencing youth to life without parole.

Prosecuting younger children as adults for years creates a greater likelihood that children will be detained in adult facilities not designed for their well-being. Adult facilities are no place for children and do more harm than good for a child's growth, education and rehabilitation. Likewise, U.S. Supreme Court cases have deemed life-without-parole sentencing to be unconstitutional for most children, recognizing the science of human brain development. Prematurely determining that a child should die in prison is not only unconstitutional, but also inhumane.

Conclusion

“Gov. Nathan Deal’s most prized legacy was an eight-year criminal justice overhaul that steered more nonviolent offenders from prison cells to treatment centers. Gov. Brian Kemp is taking a sharply different path with a return to tough-on-crime policies that his predecessor avoided.”

Greg Bluestein, *Atlanta-Journal Constitution* reporter¹²⁴

In 2023, current Georgia Gov. Brian Kemp passed measures aimed at criminalizing youthful activity, echoing the approach of his gubernatorial predecessor, Zell Miller, from 30 years prior. Despite the decriminalization efforts of Kemp’s immediate predecessor, former Gov. Nathan Deal, and evidence that longer sentences are generally not a strong crime deterrent,¹²⁵ Kemp pushed to legalize measures that would add a mandatory five years to anyone convicted of a gang-related crime, and 10 years for anyone recruiting minors into a gang.¹²⁶ The Deep Center would condemn this legislation on grounds that it was “overkill and unproven” and that it would “do little more than burden taxpayers, keep prison beds occupied, line the pockets of for-profit prisons and their contractors, and traumatize generations of children – especially those from low-income communities of color.”¹²⁷ This shows that the rhetoric of tough consequences for Black youth is largely unoriginal and has been deeply ingrained in Georgia’s political culture and public policy.

Also reminiscent of Georgia’s history is the political benefit gained from being tough on crime when it comes to children. Gov. Miller exited his tenure as a very popular statesman with some of the highest approval ratings in the country¹²⁸ – enough to propel him to later service in the U.S. Senate. Likewise, as of June 2024, Gov. Kemp currently enjoys the highest approval rating of his tenure as governor at 63%.¹²⁹ However, Gov. Deal’s more rehabilitative approach was shown to lower both crime rates and the state prison population by the end of his tenure.¹³⁰ By contrast, youth court judges under Gov. Kemp’s tenure were reportedly asked to illegally detain foster children with disabilities in DJJ facilities – simply because the state had nowhere else to house them.¹³¹

In order to disrupt Georgia’s school-to-prison pipeline and the impacts of youth incarceration, we also have to adopt reforms and disrupt the culture that keeps punitive measures popular – especially if that culture is influenced by an unhealthy view of Black children. Otherwise, Georgia’s youth prisons will continue to harm generations of Black youth – just as they were designed to do. Today, Georgia has the potential to invest in a system that creates more healing than harm for its children. Georgia should seize the opportunity.

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