
Juveniles Arrested as Adults Under SB440: Fiscal Year 1999 Final Report

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Funding Assistance Provided by the Office of the Governor Children and Youth Coordinating Council

CONTENTS

<u>Tables</u>	<u>Page</u>
Project information.....	1
Current Report Data.....	1
Introduction.....	2
Overview: Offends Trends.....	4
Arrest Trends by Offense.....	4
Demographic Trends:.....	5
Race Profile.....	5
Race by Offense.....	6
Gender Profile.....	7
Gender By Offense.....	7
Age Profile.....	8
Offense by Age.....	9
County Analysis: Fulton and DeKalb.....	10
Metro Analysis.....	11
Urban/Rural.....	12
Overview: Superior Court Disposition Trends.....	14
Disposition by Offense.....	15
Race by Disposition.....	16
Gender by Disposition.....	17
Overview: Superior Court Sentencing Trends.....	19
Sentence by Race.....	20
Sentence by Gender.....	21
Transfers to Juvenile Court.....	22

Project Information:

This September 30, 1999 report is the final quarterly report for Fiscal Year 1999.

Dispositional information is included in these reports every six months.

This report was made possible with funding assistance from the Governor's Children and Youth Coordinating Council (CYCC) and the Office of Juvenile Justice and Delinquency Prevention.

GIDC would like to thank the Georgia Department of Juvenile Justice for their continued assistance with the SB440 project.

GIDC would like to thank John Speir, Ph.D., of Applied Research Services, Inc. for consultation and development of the database used on this project.

GIDC would like to thank Dr. Margaret Robinson, of the University of Georgia School of Social Work, for her consultation on this project.

Questions and comments regarding the SB440 Project should be directed to Debbie Phillips at 404-894-2595 or 800-676-4432.

Current Report Data:

Between May 1, 1994 and June 30, 1999 approximately 2, 800 juveniles have been arrested for an SB440 offense. This number reflects arrest information provided to GIDC by a variety of sources, such as the Department of Juvenile Justice and public defenders.

Between July 1, 1998 and June 30, 1999 approximately 500 juveniles were arrested for SB440 offenses.

The Fiscal Year 98 Report included a summary of all disposition information collected at that time. As reported in the 2nd quarterly report for FY99, a random sample of arrests was selected and then disposition information was gathered to represent outcomes of SB440 cases in Georgia; this procedure was used because the possibility of collecting disposition information for all arrests seems unlikely. For more details about the sampling procedure please see page 13.

INTRODUCTION

This SB440 Final Report provides the most comprehensive information available on juveniles arrested as adults under Senate Bill 440. Part I of this report describes the statutory framework providing for the prosecution of certain juveniles in the adult criminal courts. Part II provides information on the approximately 2,800 juveniles who were arrested for an SB440 offense between May 1, 1994 and June 30, 1999. Some arrest information is also presented for FY99 to allow for easier comparisons in future years. Part III provides disposition information for a stratified random sample of SB440 arrests.

Throughout this report the terms "juvenile" and "SB440 juvenile" are used to refer to individuals who were arrested for an SB440 offense when they were between the ages of 13 and 17. Many of these "juveniles" are now 17 or older, but for purposes of this report they are still referred to as "juveniles."

I. GEORGIA'S STATUTORY EXCLUSION AND PROSECUTORIAL DISCRETION PROVISION FOR PROSECUTING JUVENILES AS ADULTS

Senate Bill 440 (SB440), codified in O.C.G.A. Section 15-11-5, gives the superior court exclusive jurisdiction over children ages 13 - 17 who are alleged to have committed one of the following offenses (commonly referred to as the "Seven Deadly Sins"):

- Murder
- Voluntary Manslaughter
- Rape
- Aggravated Sodomy
- Aggravated Child Molestation
- Aggravated Sexual Battery
- Armed Robbery if committed with a firearm.

Transfer to Juvenile Court: Prior to indictment, the district attorney may elect to send the case to juvenile court. If the case is transferred to juvenile court it is subject to the provisions of O.C.G.A. Section 15-11-37, the Designated Felony Act. After indictment, a case not involving an offense punishable by death or life imprisonment (voluntary manslaughter, aggravated sexual battery, and a first offense of aggravated child molestation), may be transferred to the juvenile court by the superior court after "investigation and for extraordinary cause."

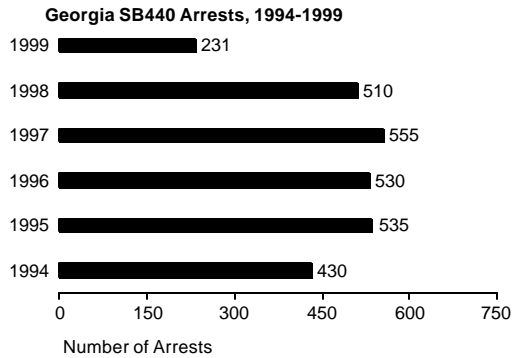
II. ARREST INFORMATION

There are two phases to the collection of data for the SB440 Project. The first phase involves the collection of arrest information. Every quarter DJJ provides GIDC with a list of all juveniles admitted to a DJJ facility for an SB440 offense within the preceding three months. This information has been available through DJJ's central database since 1996. Prior to 1996, information was obtained from individual detention facilities rather than from the state office. GIDC distributed tracking sheets to each facility and asked that a tracking sheet be completed each time a juvenile was brought into the facility on an SB440 charge.

Arrest information includes name, date of birth, race, sex, county of offense, date on which the juvenile entered a DJJ facility, and the offense for which the juvenile is detained. This information is entered into the GIDC SB440 database; the data are then analyzed using the Statistical Package for the Social Sciences (SPSS) to provide demographic and statistical information on these juveniles.

Some caution is required due to problems with the arrest data. First, there is not a special designation in the DJJ system to identify juveniles charged under SB440. Second, the DJJ offense classification of armed robbery is limited to armed robbery *with a firearm*. Since there is no way to distinguish the armed robberies committed with a firearm from all other armed robberies, many juveniles reported by DJJ as having been arrested under SB440 for armed robbery are not actually SB440 juveniles. As information is obtained from other sources, the SB440 status of armed robbery is gradually verified. Third, if a juvenile turns thirteen between the date an offense was committed and the date of admission to a DJJ facility, that juvenile may be identified as an SB440 juvenile even though she or he was only twelve when the offense was committed. Likewise, if a juvenile turns seventeen between the date of offense and the date of arrest, that juvenile may never show up on a DJJ list because the juvenile would be held as an adult even though the juvenile falls under the SB440 category.

Overview: Offense Trends, 1994-1999



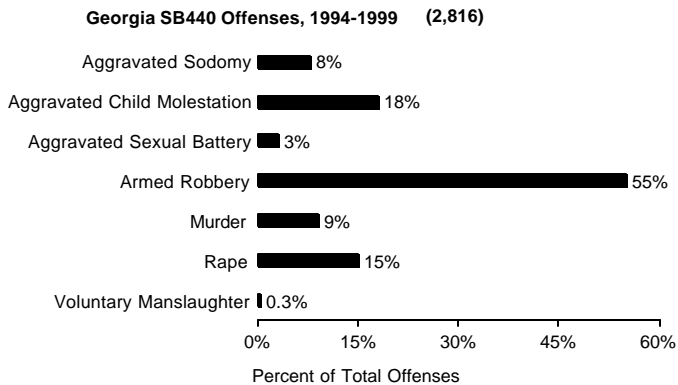
The numbers above reflect the numbers of juveniles for whom complete arrest information is available.

Between May 1, 1994 and June 30, 1999, approximately 2,800 juveniles have been arrested for a SB440 offense.

1994 data only includes juveniles arrested between May 1 and December 31.

1999 data only includes juveniles arrested between January 1, 1999 and June 30, 1999.

Arrest Trends by Offense, 1994-1999



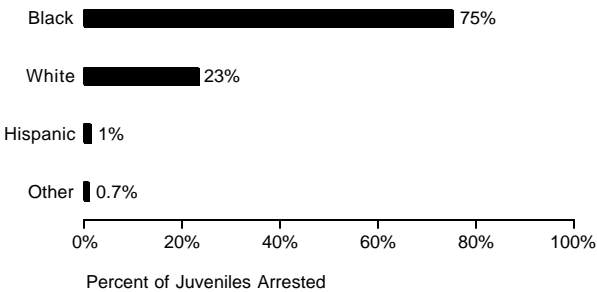
1. Approximately 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic and offense information do not include juveniles for whom information is unavailable.

2. Some juveniles may be arrested with more than one offense so the percentages may exceed 100%

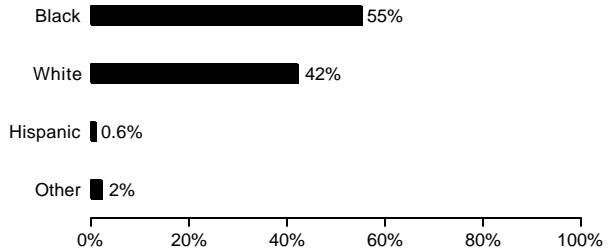
3. "Armed Robbery" is used for the offense of armed robbery committed with a firearm.

Demographic Trends, 1994-1999

Race Profile, 1994-1999 (2,817 juveniles)

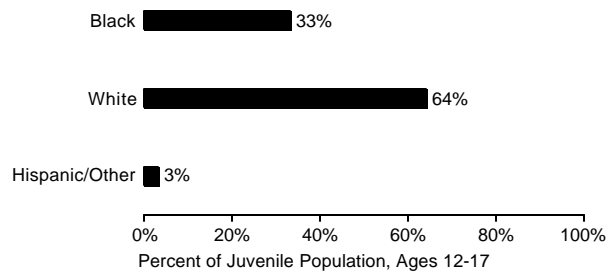


Race Profile, July 1, 1998 - June 30, 1999 (507 Juveniles)



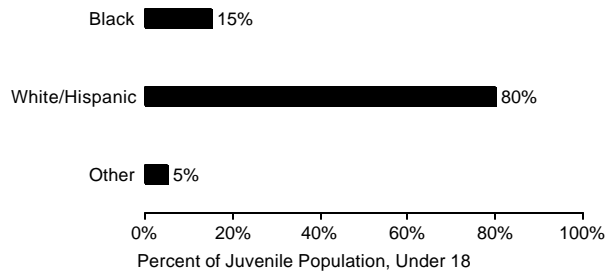
Approximately 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

Racial Composition, Georgia Juveniles (Ages 12-17)



Source: U.S. Census Bureau, 1990

Racial Composition, U.S., Juveniles (Under 18)

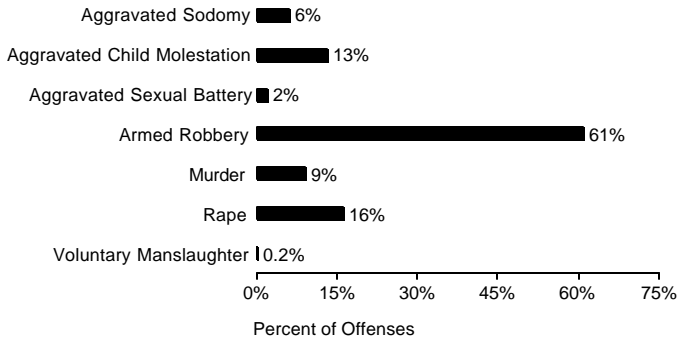


Source: U.S. Census Bureau, 1990
 Note that this graph shows the racial composition of all juveniles under the age of 18, while the percentages in the Georgia graph refer to juveniles between the ages of 12 to 17.

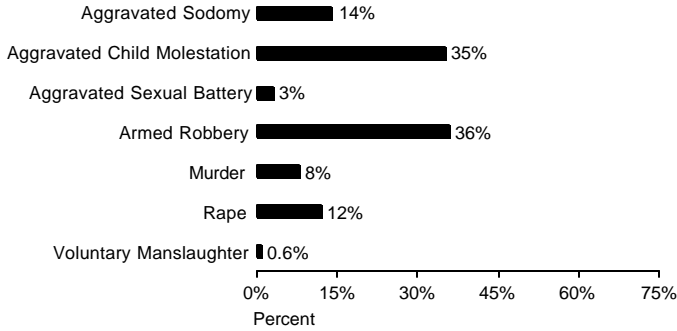
Demographic Trends - Race Profile, 1994-1999

Race by Offense

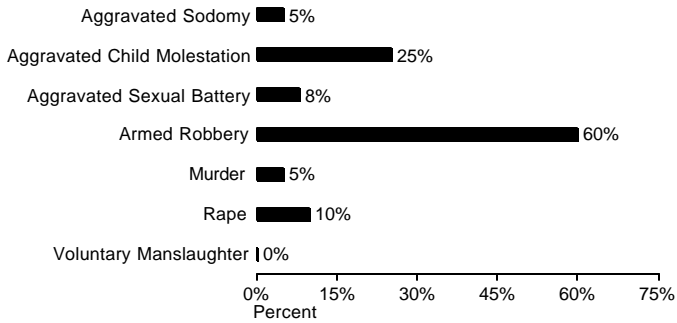
Black, 1994-1999 (2,098)



White, 1994-1999 (640)



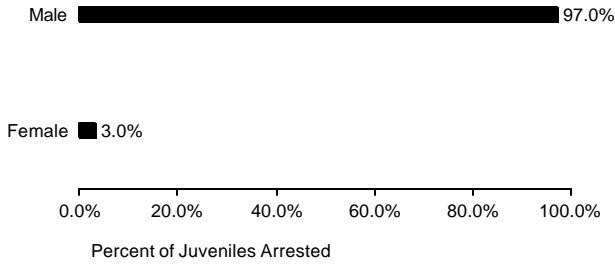
Hispanic, 1994-1999 (40)



1. Because the "Other" racial category contained only 10 cases, it is not reflected as a graph.
2. Some juveniles may be arrested with more than one offense so the percentages may exceed 100%
3. "Armed Robbery" is used for the offense of armed robbery committed with a firearm.
4. Approximately 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

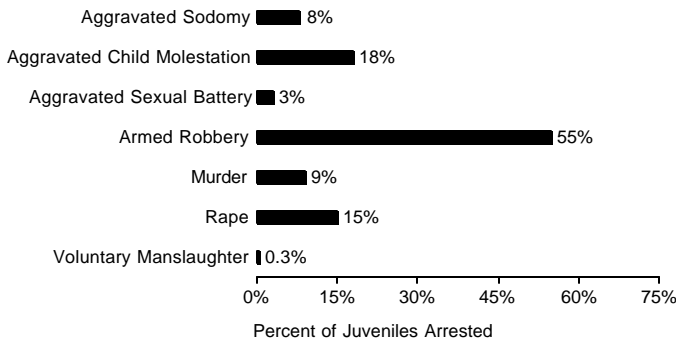
Demographic Trends - Gender Profile, 1994-1999

Gender Profile, 1994-1999 (2,828 juveniles)

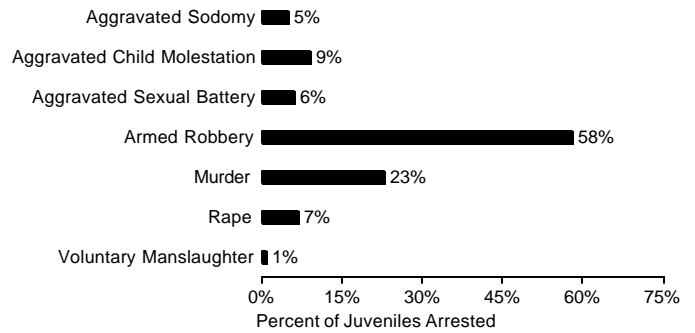


Gender by Offense, 1994-1999

Males, 1994-1999 (2,720)



Females, 1994-1999 (88)



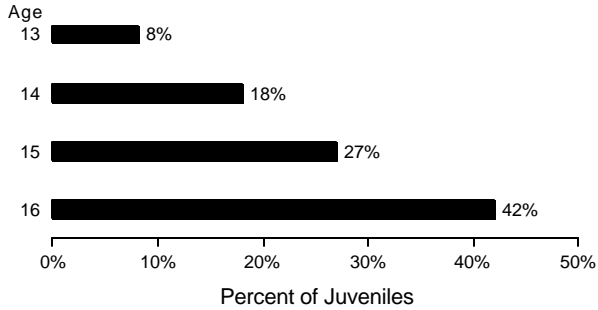
1. Approximately 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

2. Some juveniles may be arrested with more than one offense so the percentages may exceed 100%

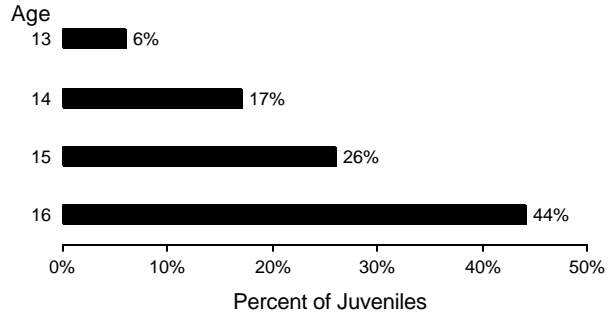
3. While the definition of O.C.G.A. Section 16-6-1 does not provide for a female to be charged with the offense of rape, SB440 arrests reported to GIDC include 6 females charged with rape.

Demographic Trends - Age Profile, 1994-1999

Age Profile, 1994 -1999 (2,748 juveniles)



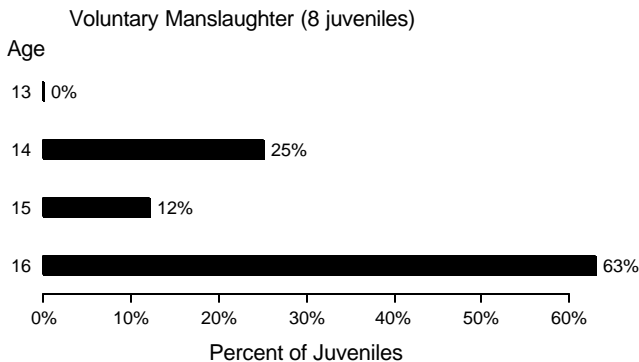
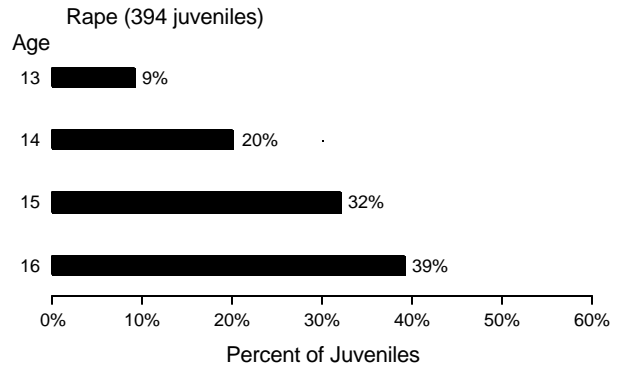
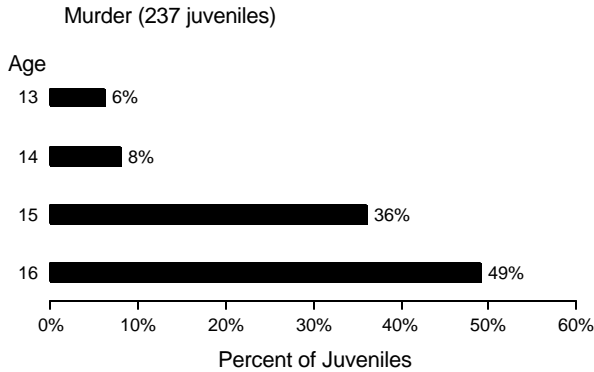
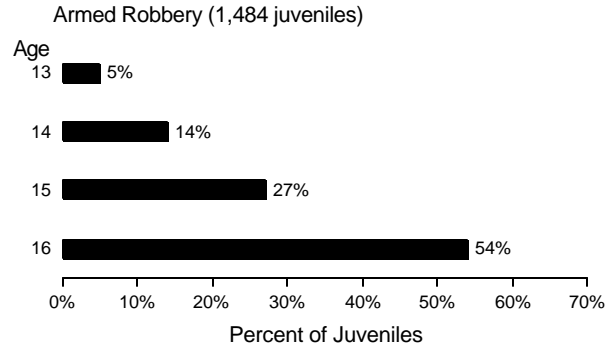
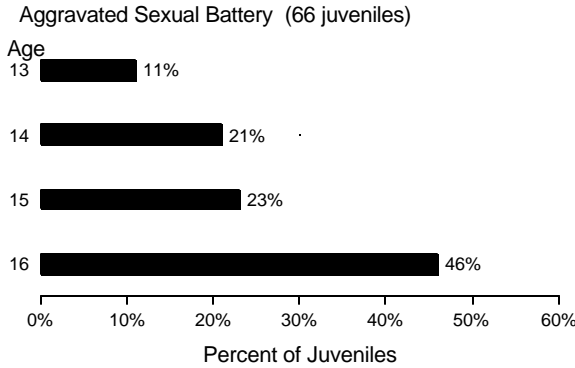
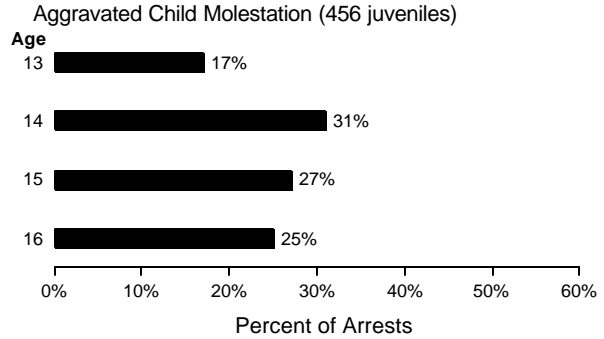
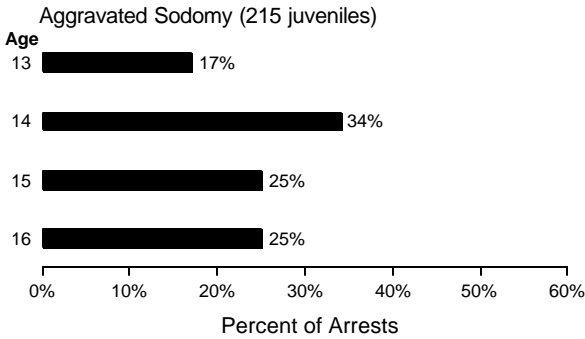
Age Profile, July 1, 1998 - June 30, 1999



Approximately 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

Demographic Trends - Age Profile, 1994-1999

Offense by Age



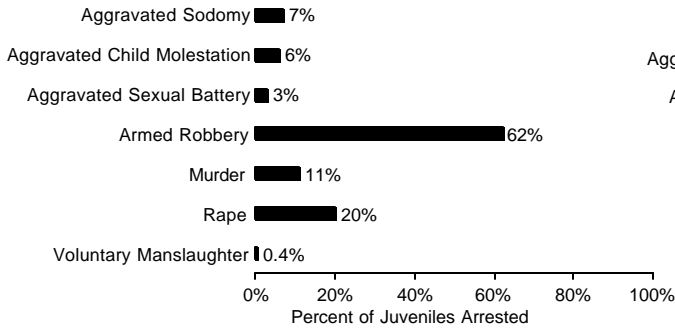
1. "Armed Robbery" is used for the offense of armed robbery committed with a firearm.

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County Summary: Arrests, 1994-1999

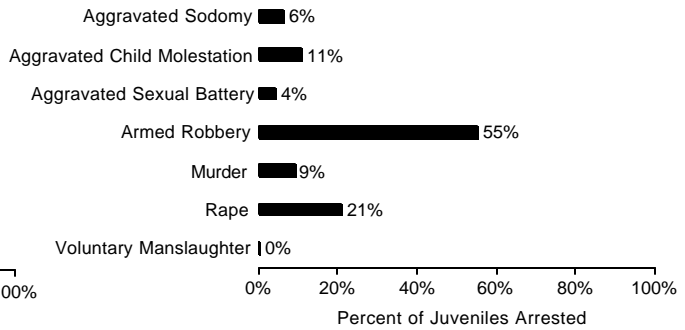
Fulton County

Georgia SB440 Offenses, 1994-1999 (580 arrests)

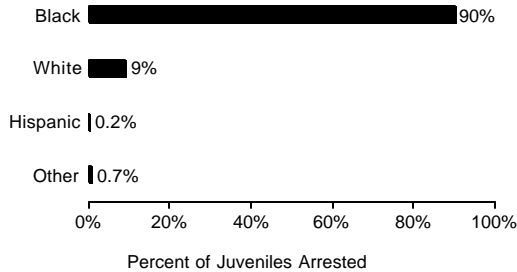


Fulton County

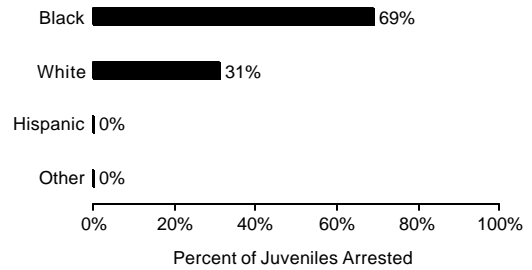
Georgia SB440 Offenses, July 1, 1998 - June 30, 1999 (109)



Race Profile, 1994-1999 (582 juveniles)

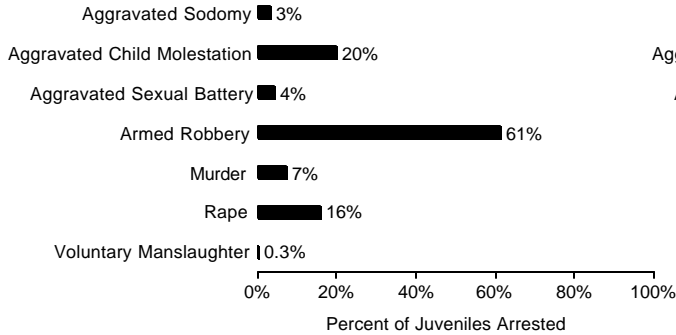


Race Profile, July 1, 1998 - June 30, 1999 (111 Juveniles)

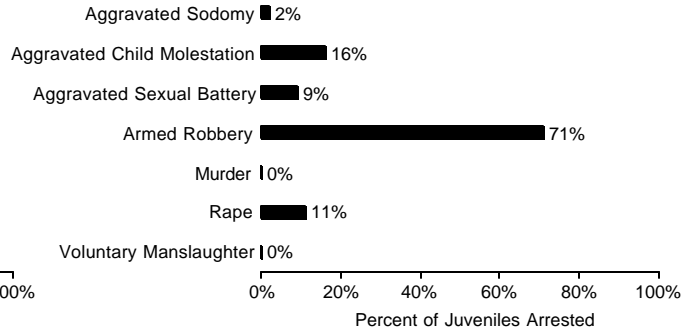


DeKalb County

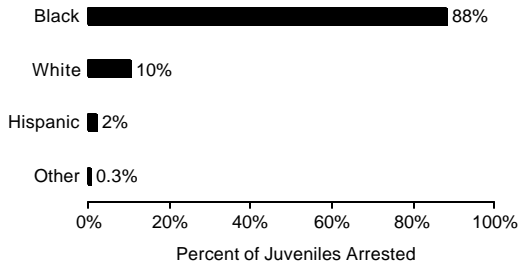
Georgia SB440 Offenses, 1994-1999 (342 juveniles)



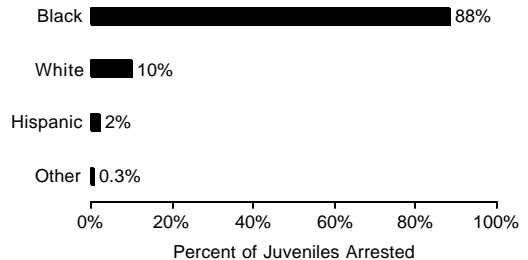
Georgia SB440 Offenses, July 1, 1998 - June 30, 1999 (56 Juveniles)



Race Profile, 1994-1999 (343 juveniles)



Race Profile, July 1, 1998 - June 30, 1999 (57 Juveniles)



- "Armed Robbery" is used for the offense of armed robbery committed with a firearm.
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- Some juveniles may be arrested with more than one offense so the percentages may exceed 100%

Metropolitan Atlanta - Statewide Summary: Arrests, 1994-1999

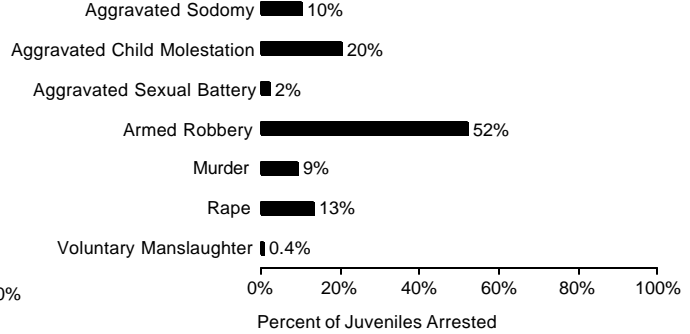
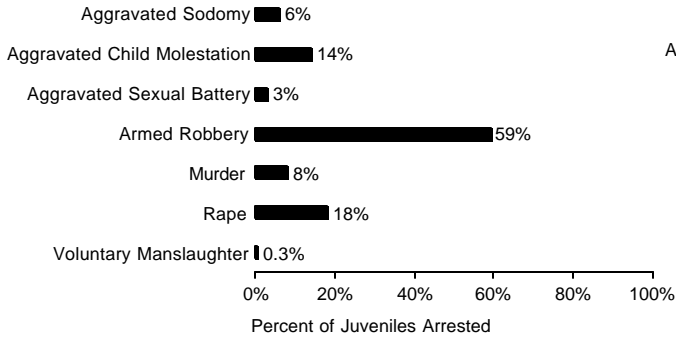
Metro-Atlanta-Statewide Breakdown

Metro-Atlanta Counties

All Other Counties

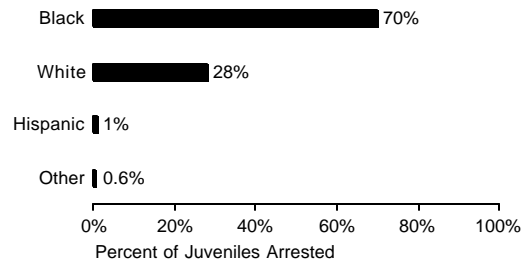
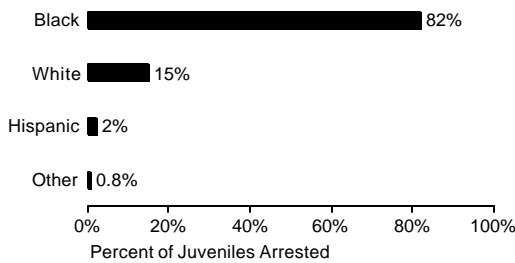
Georgia SB440 Offenses, 1994-1999 (1,113 juveniles)

Georgia SB440 Offenses, 1994-1999 (1,683 juveniles)



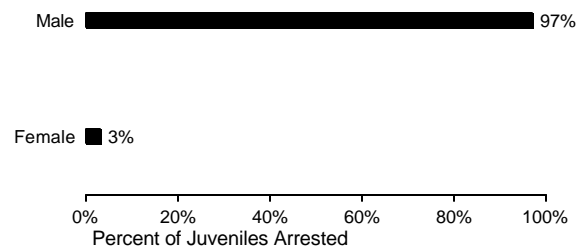
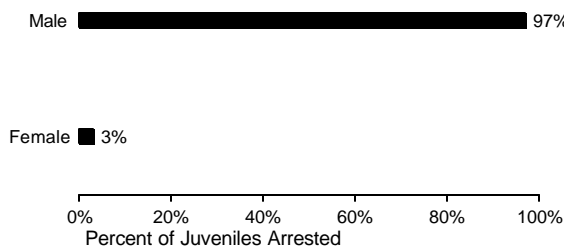
Race Profile, 1994-1999 (1,137 juveniles)

Race Profile, 1994-1999 (1,680 juveniles)



Gender Profile, 1994-1999 (1,139 juveniles)

Gender Profile, 1994-1999 (1,689 juveniles)



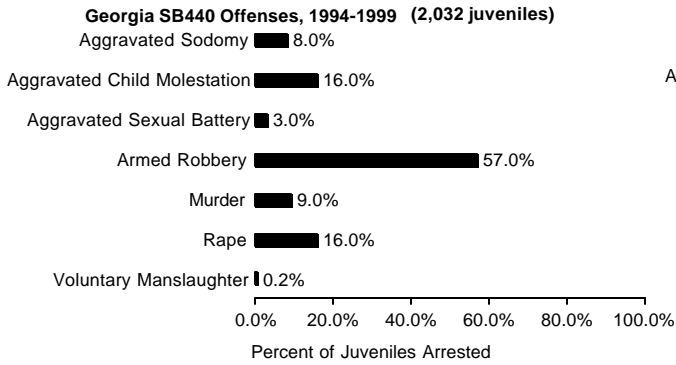
For this analysis, Metropolitan Atlanta refers to Clayton, Cobb, Fulton, DeKalb, and Gwinnett Counties

- "Armed Robbery" is used for the offense of armed robbery committed with a firearm.
- Approximately, 2,800 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.
- Some juveniles may be arrested with more than one offense so the percentages may exceed 100%

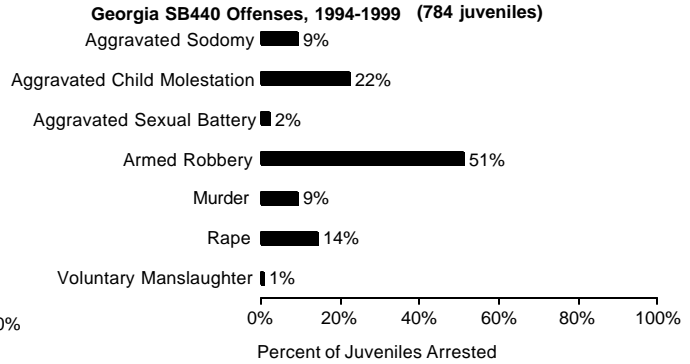
Urban-Rural Summary, 1994-1999

Urban-Rural Breakdown

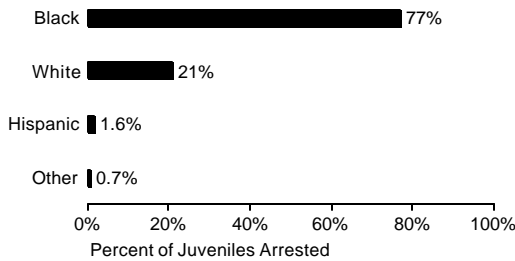
Urban Counties



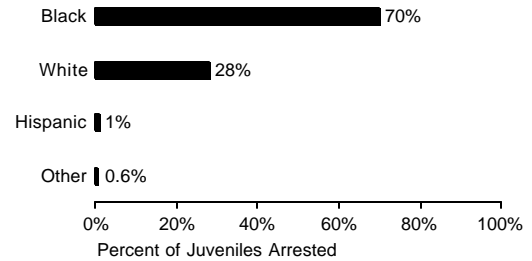
Rural Counties



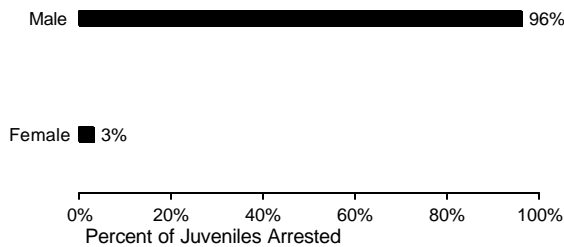
Race Profile, 1994-1999 (2,037 juveniles)



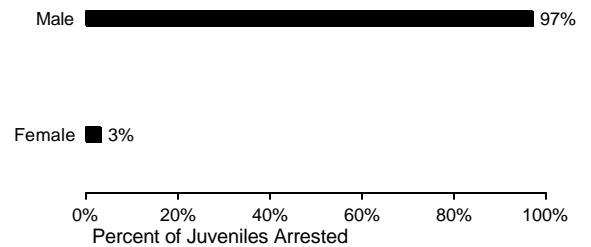
Race Profile, 1994-1999 (780 juveniles)



Gender Profile, 1994-1999 (2,043 juveniles)



Gender Profile, 1994-1999 (785 juveniles)



Urban is defined as any Georgia County within a U.S. Census Bureau Metropolitan Statistical Area (MSA)

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III. DISPOSITIONAL INFORMATION

The second phase of the data collection process involves the gathering of dispositional information. This is by far the more difficult task as there is no central source for dispositional information. The information on case outcomes that GIDC attempts to collect include the following:

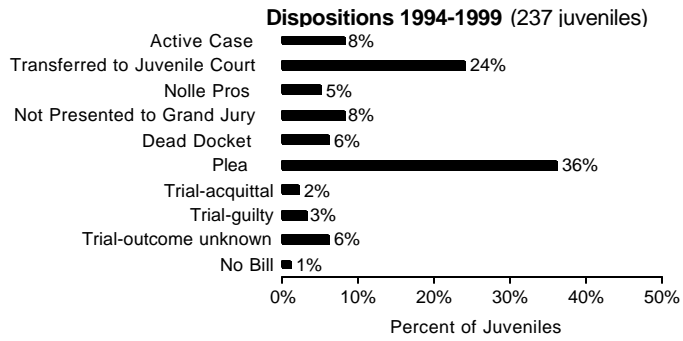
whether the case went to Trial, and if so, whether there was an acquittal, conviction (for what offense), or mistrial;

- whether the case was Transferred to Juvenile Court;
- whether the case was a Plea, and for what offense;
- whether the case was Presented but No Billed by the Grand Jury;
- whether the case was Nolle Prossed (indicted, but not prosecuted);
- whether the case was Not Presented to Grand Jury ("dismissed");
- whether the case was placed on the Dead Docket (indicted but not prosecuted immediately, placed on an inactive docket);
- whether the case is an Active Case (still open);
- date of sentence or final disposition;
- length and type of sentence.

A stratified random sample was selected from the population of SB440 arrests. The population was stratified according to type of offense, and then a random sample, which was proportional to the number of offenses in the population, was selected for each offense type. The resulting sample contained 285 arrests. In the process of collecting disposition information for the sample, it was discovered that 47 of the arrests were either not SB440 arrests or that no information could be found for a particular arrest, and thus the disposition information included here represents outcomes for 238 arrests. These possible errors in reports of SB440 arrests highlight the need for a centralized reporting system for SB440 arrests in the state of Georgia.

Overview: Superior Court Dispositional Trends, 1994-1999

For this report a random sample of arrests was selected and then disposition information was gathered to represent outcomes of SB440 cases in Georgia. For more details about the sampling procedure see page two.

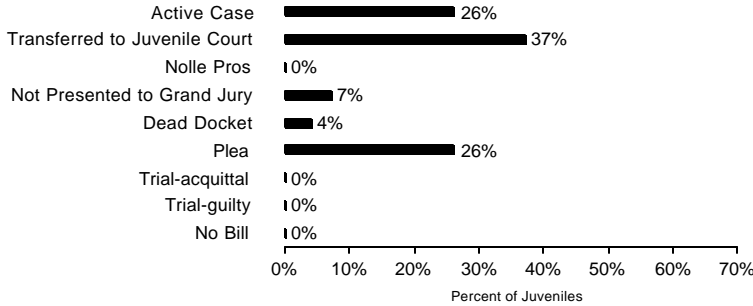


1. Some of the percentages in the graphs do not add to 100 because of rounding.

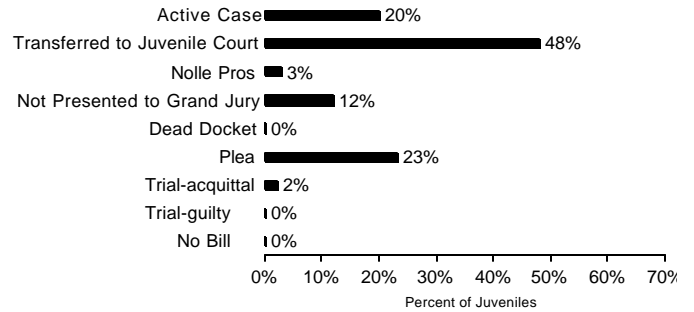
Superior Court Dispositional Trends, 1994-1999

Disposition Breakdown by Offense

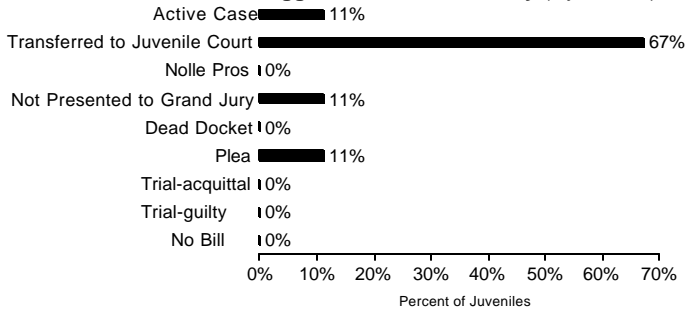
Aggravated Sodomy (27 juveniles)



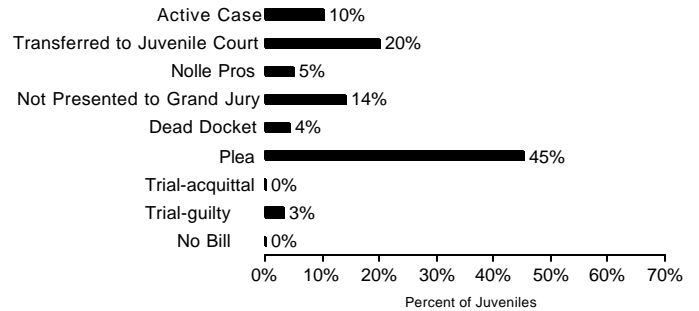
Aggravated Child Molestation (42 juveniles)



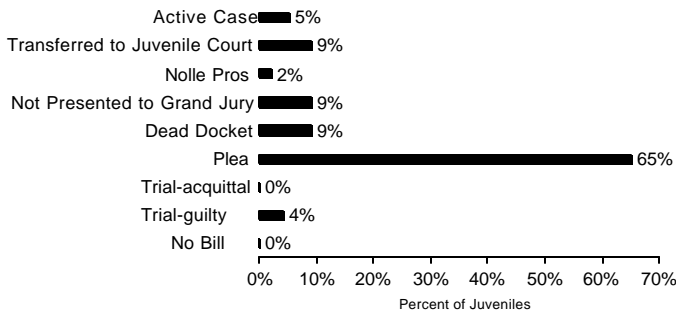
Aggravated Sexual Battery (9 juveniles)



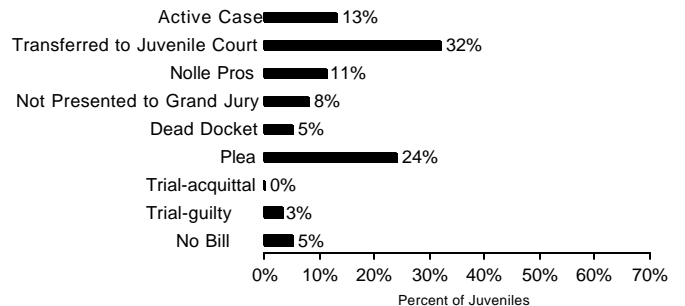
Armed Robbery (113 juveniles)



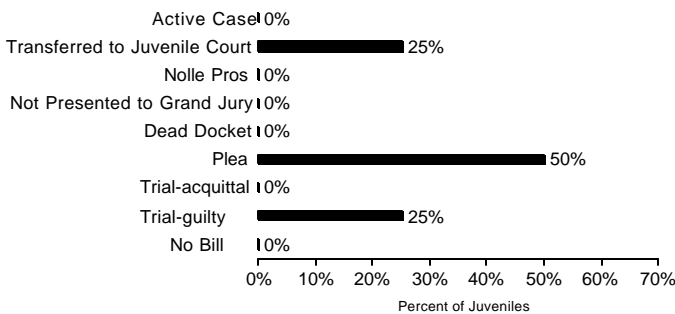
Murder (23 juveniles)



Rape (38 juveniles)



Voluntary Manslaughter (4 juveniles)



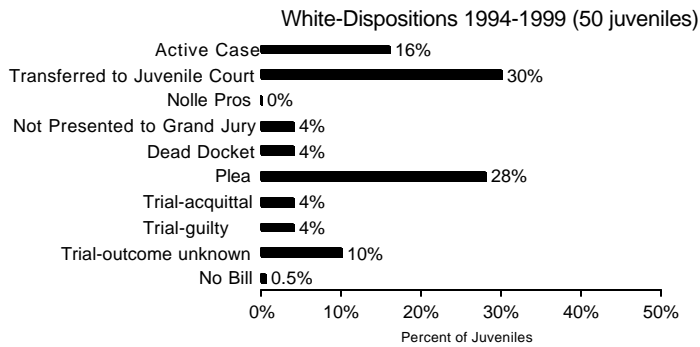
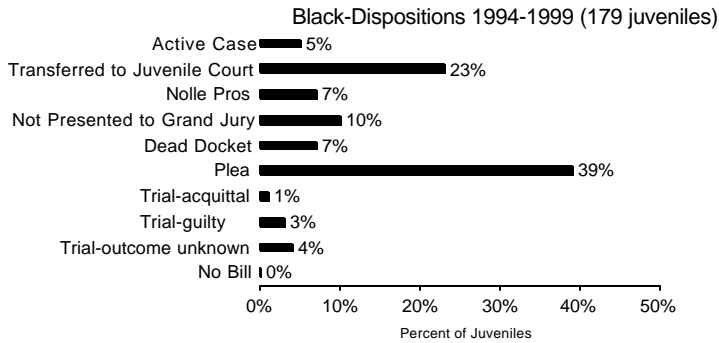
1. "Armed Robbery" is used for the offense of armed robbery committed with a firearm.

2. Some of the percentages in the graphs do not add to 100 because of rounding.

3. Because the sample included only one juvenile arrested for voluntary manslaughter, the graph representing dispositions for voluntary manslaughter includes all reported dispositions (4 out of 9 arrests) from the population.

Superior Court Dispositional Trends, 1994-1999

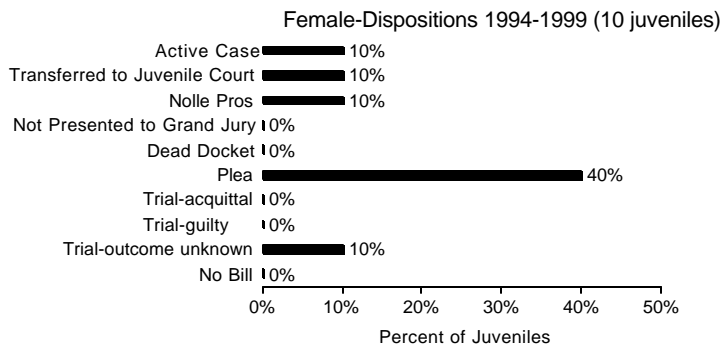
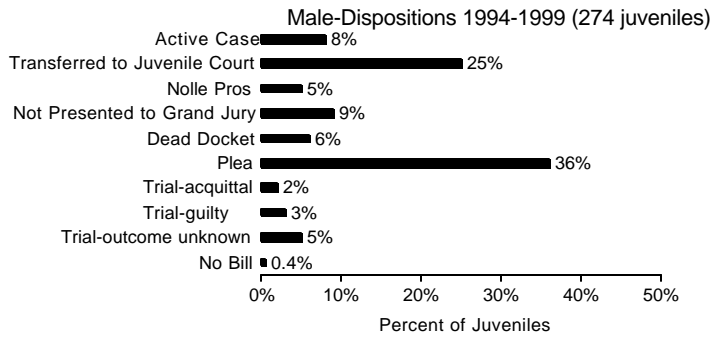
Race by Disposition



1. Some of the percentages in the graphs do not add up to 100 because of rounding.
2. Because the "Hispanic" and "Other" racial category contained only 4 cases and 1 case respectively, they are not reflected as a graph.

Superior Court Dispositional Trends, 1994-1999

Gender by Disposition



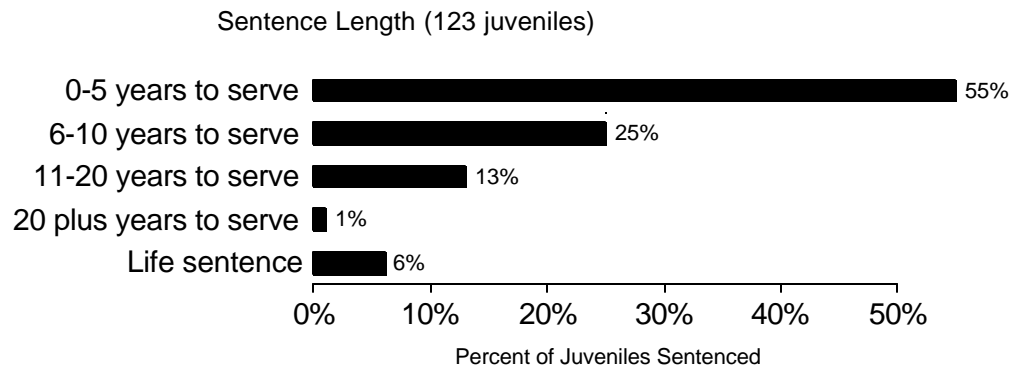
IV. SENTENCES

The following charts show sentencing information for the stratified random sample (238 juveniles). Sentence lengths, as shown in these charts, represent only the time to serve in confinement, and do not include additional years of probation which may be a part of the juvenile's total sentence.

In Georgia, juveniles tried and convicted as adults are subjected to the same sentences as adults convicted of the same offenses. The one exception to this is the death penalty. No one convicted of an offense she or he committed while under the age of 17 can be sentenced to death.

Superior Court Sentencing Trends, 1994-1999

Sentences, 1994-1999

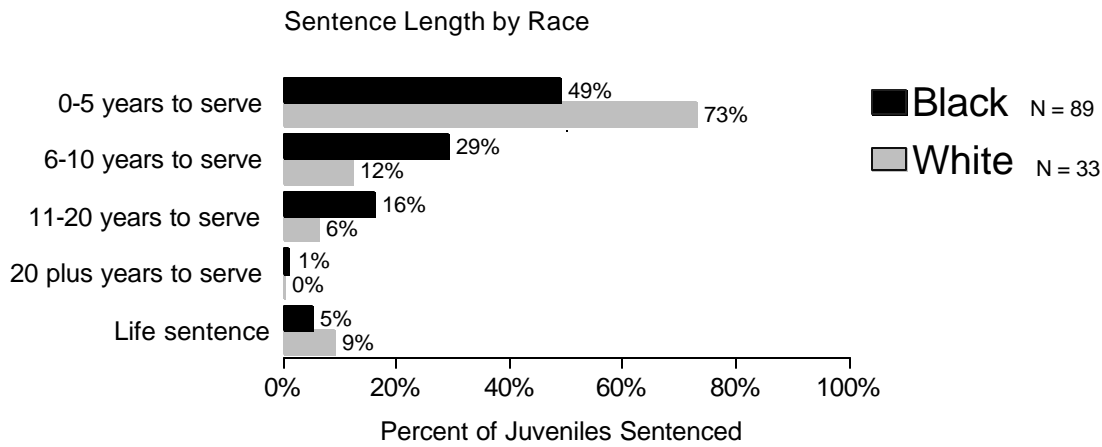


1. Sentencing Information was obtained from the Department of Corrections.

2. Time to serve was calculated from the number of juveniles who were sentenced to confinement, even when the term of confinement was to be followed by a term of probation. This means the years listed are only the years the juvenile will serve and do not include additional years to be spent on probation or under state supervision.

3. Because less than 10% of the juveniles convicted received a sentence of probation alone, it is not reflected as a graph.

Superior Court Sentencing Trends, 1994-1999

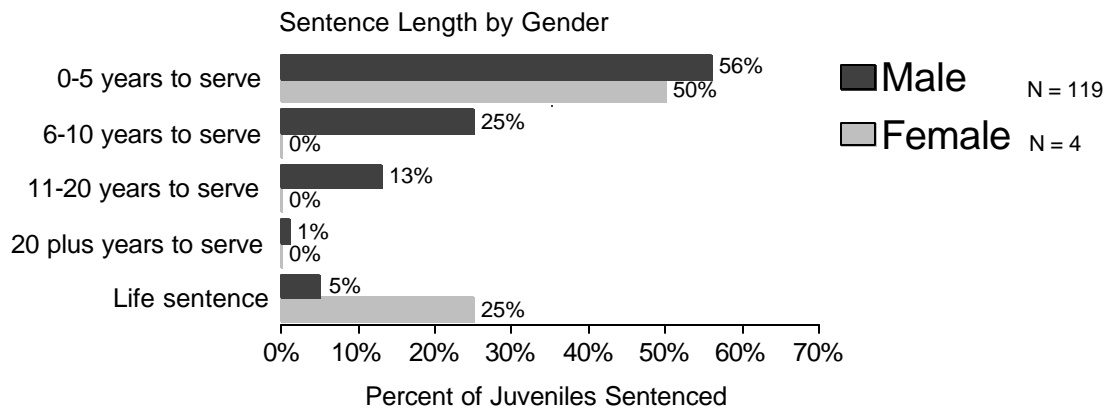


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Superior Court Sentencing Trends, 1994-1999



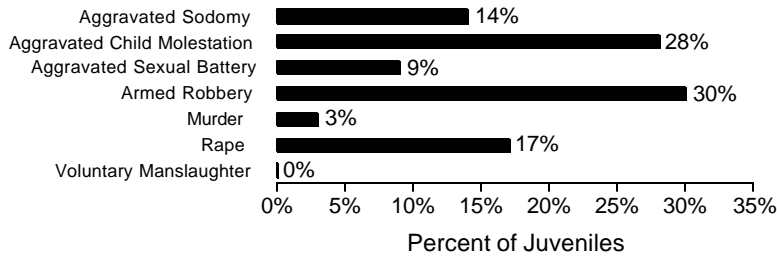
1. Sentencing Information was obtained from the Department of Corrections.

2. Time to serve was calculated from the number of juveniles who were sentenced to confinement, even when the term of confinement was to be followed by a term of probation. This means the years listed are only the years the juvenile will serve and do not include additional years to be spent on probation or under state supervision.

3. Because less than ten percent of the juveniles convicted received a sentence of probation alone, it is not reflected as a graph.

Transfers to Juvenile Court, 1994-1999

Transfer of Juveniles with Known Dispositions (57 juveniles)



Juveniles Arrested But Not Prosecuted as Adults

<u>OFFENSE</u>	<u>% TRANSFERRED or NOT PROSECUTED</u>
Aggravated Sodomy	50 %
Aggravated Child Molestation	54 %
Aggravated Sexual Battery	50 %
Armed Robbery	40 %
Murder	30 %
Rape	40 %
Voluntary Manslaughter	50 %

Age Profile of Transferred Juveniles (57 juveniles)

