
Juveniles Arrested as Adults Under SB440: Fiscal Year 2002 Final Report

Presented by the:
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of the
Georgia Indigent Defense Council

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Project Information

This September 30, 2002 report is the Final Report for Fiscal year 2002.

Dispositional information is included in this report every six months.

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

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.

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

Questions and comments regarding the SB440 Project should be directed to Susan Teaster or Trish McCann at 404-894-2595 or 800-676-4432.

Current Report Data

Between May 1, 1994 and June 30, 2002 approximately 3750 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.

This report includes disposition information for a stratified random sample of SB440 arrests. The sample includes data from the population of arrests which occurred up to March 31, 2002. The procedures for collecting the stratified random sample are described on page 13.

Introduction

This SB440 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 juveniles who were arrested for an SB440 offense between May 1, 1994 and June 30, 2002. Part III provides disposition information for a stratified random sample of SB440 arrests as described in detail on page 13 of this report.

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 age 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. Sec. 15-11-28 (b) (2) (A), 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. Sec. 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."

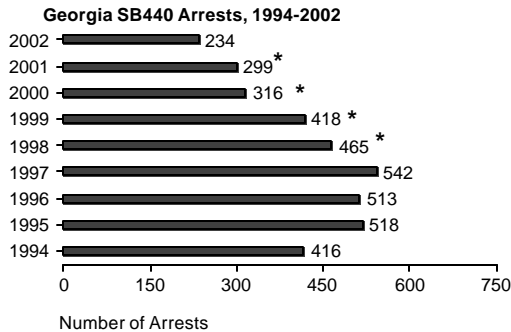
II. ARREST INFORMATION

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, the 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 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 which means that some non-SB440 arrests are included and that some SB440 arrests are never reported. Second, the DJJ offense classification of armed robbery includes all robberies committed with a weapon, regardless of the type of weapon. The SB440 offense 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 to 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 arrestees 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 alleged to have been committed. Likewise, if a juvenile turns seventeen between the date of the alleged 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, 1994-2002



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

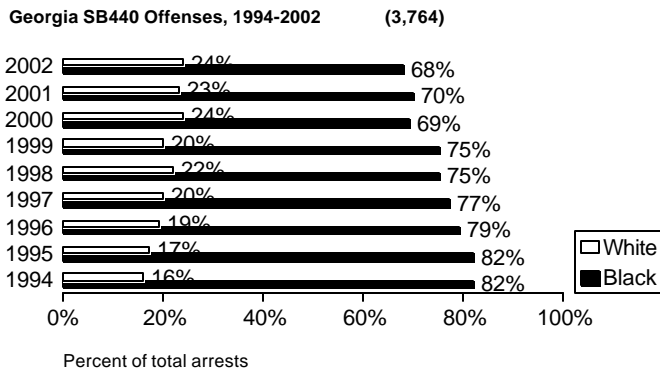
*** Please note that the apparent decrease in total arrests per year could be misleading because of possible errors in the data received from the Department of Juvenile Justice. If and when this information becomes available, it will be added to our database, and a note will be included in the following report. Similarly, there have been improvements made in addressing some of the problems in the data (see page 3, paragraph 3) and this could also contribute to the apparent decline in arrests per year.**

Between May 1, 1994 and June 30, 2002, approximately 3750 juveniles have been arrested for a SB440 offense.

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

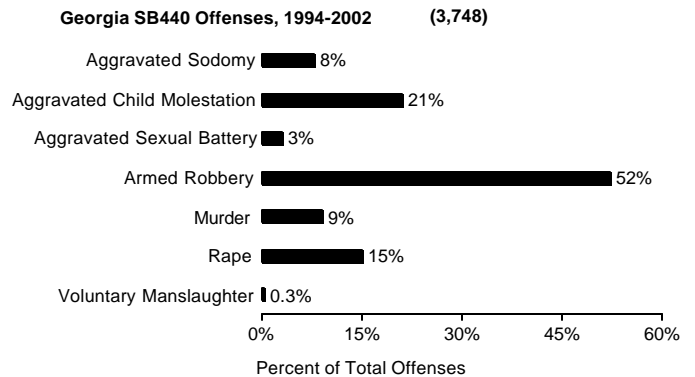
2002 data only includes juveniles arrested between January 1 and June 30.

Arrest Trends by Race, 1994- 2002



1. Data for the hispanic and other categories are not included because of their small percentages.

Arrest Trends by Offense, 1994-2002



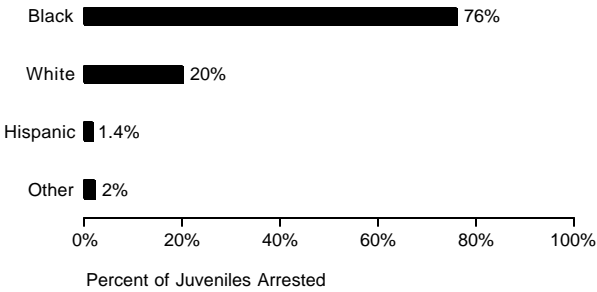
1. Approximately 3750 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic and offense information do not include juveniles for whom information is unavailable.

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.

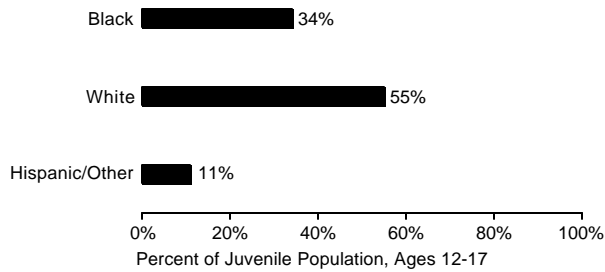
Demographic Trends, 1994 - 2002

Race Profile, 1994-2002 (3,689 juveniles)



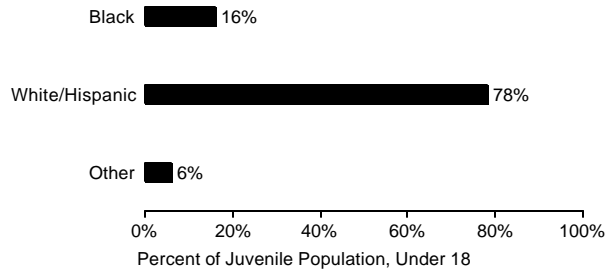
Approximately 3750 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

Racial Composition, Georgia Juveniles (Ages 12-17)



Source: U.S. Census Bureau, 2000

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

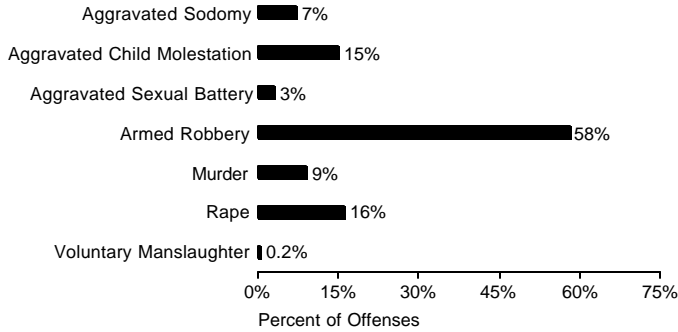


Source: U.S. Census Bureau, 2000
 Note that this graph shows the racial composition of all juveniles under the age of 18, while the percentages in the Georgia graph refer to juveniles between the ages of 12 to 17.

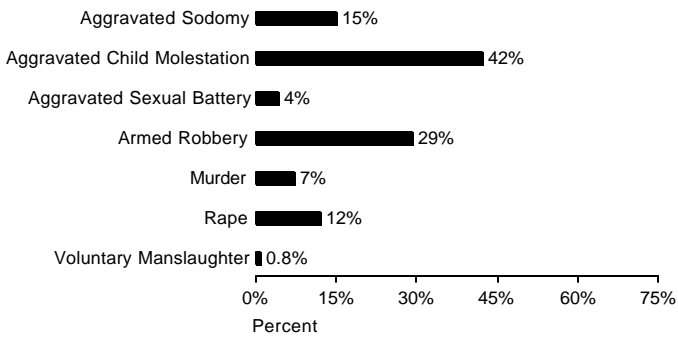
Demographic Trends - Race Profile, 1994-2002

Race by Offense

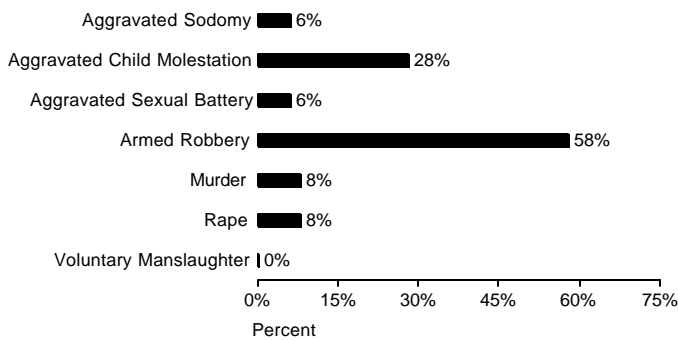
Black, 1994-2002 (2,804)



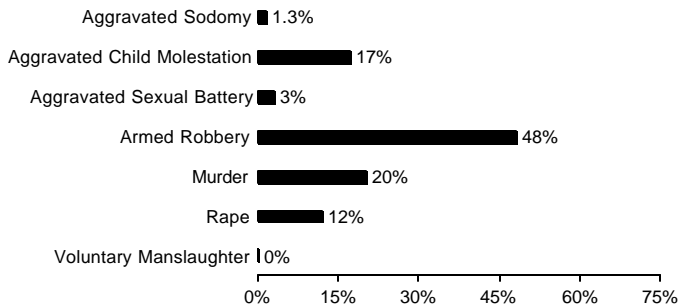
White, 1994-2002 (744)



Hispanic, 1994-2002 (50)



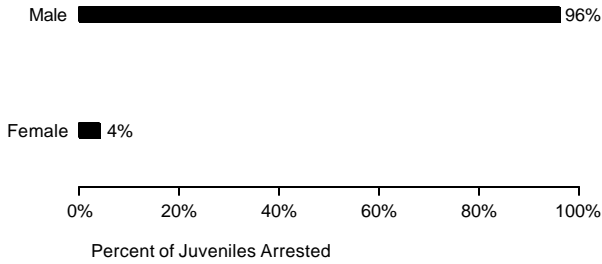
Other, 1994-2002 (75)



1. Some juveniles may be arrested with more than one offense so the percentages may exceed 100%
2. "Armed Robbery" is used for the offense of armed robbery committed with a firearm.
3. Approximately 3750 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.

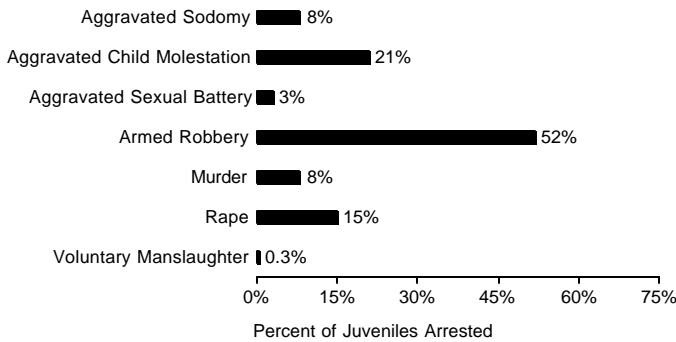
Demographic Trends - Gender Profile, 1994-2002

Gender Profile, 1994-2002 (3,744 juveniles)

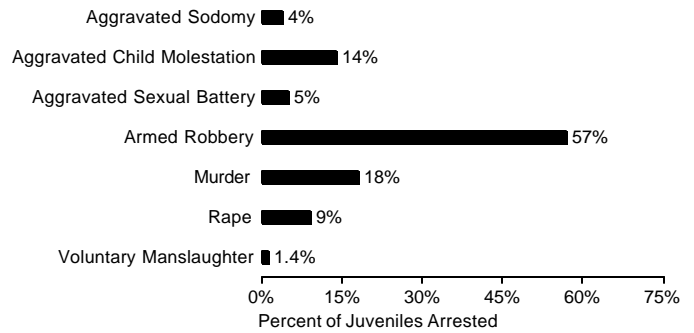


Gender by Offense, 1994-2002

Males, 1994-2002 (3,590)



Females, 1994-2002 (138)



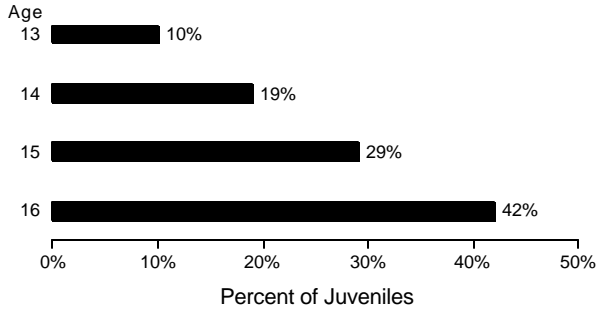
1. Approximately 3750 juveniles have been arrested under SB440. Complete demographic and arrest information on some juveniles is unavailable. The charts showing demographic information do not include juveniles for whom information is unavailable.

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 13 females charged with rape.

Demographic Trends - Age Profile, 1994-2002

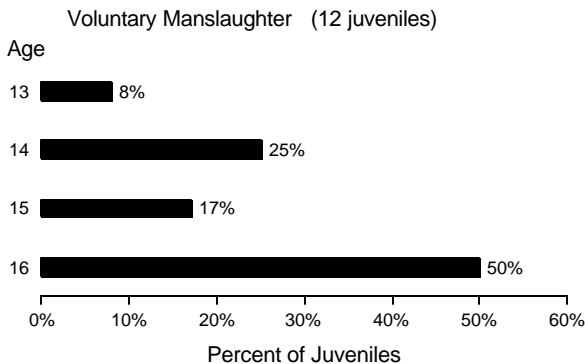
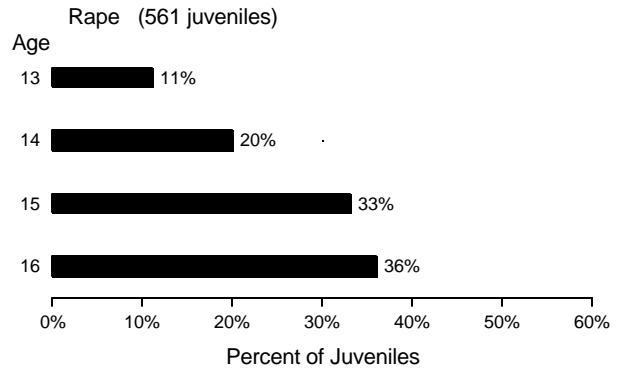
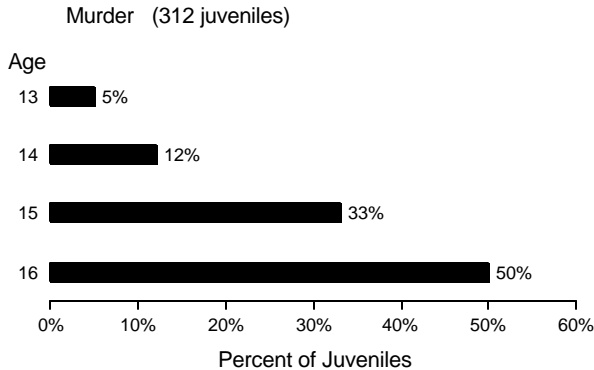
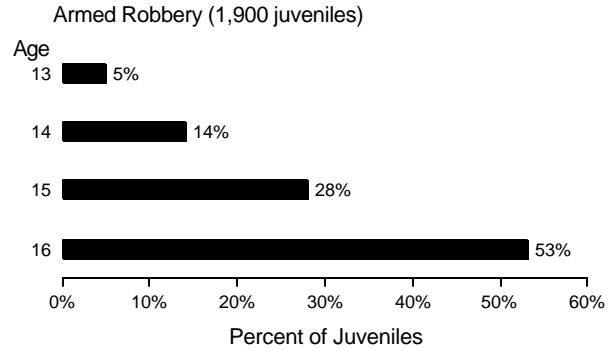
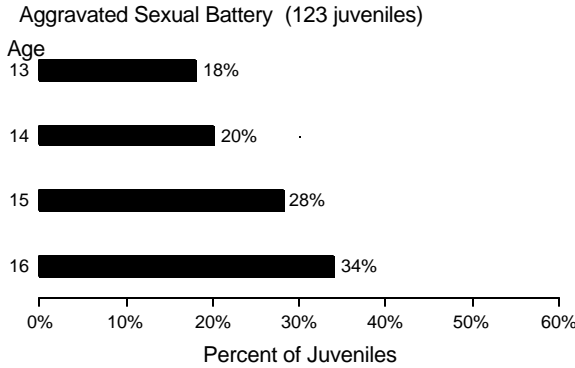
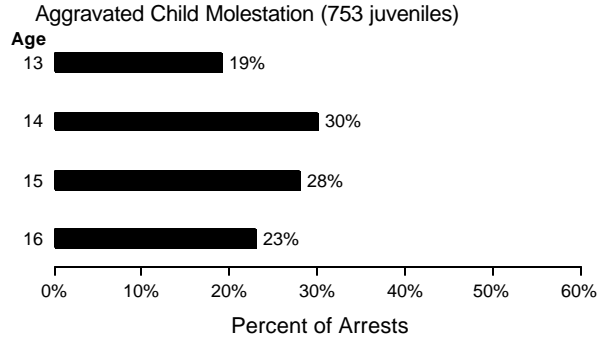
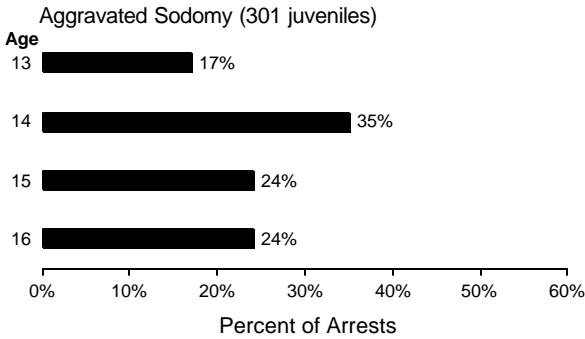
Age Profile, 1994 -2002 (3,709 juveniles)



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Demographic Trends - Age Profile, 1994-2002

Offense by Age

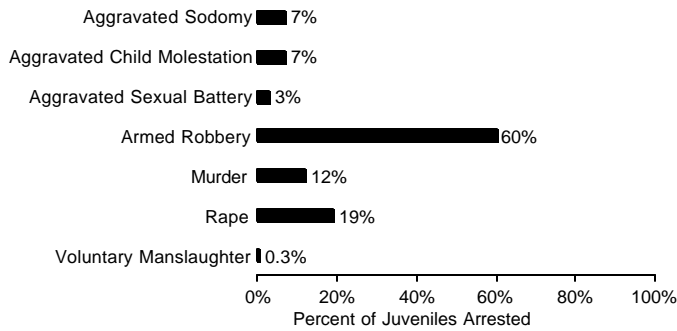


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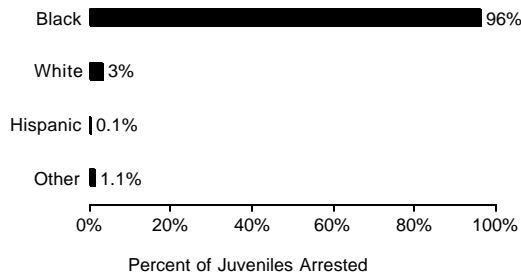
County Summary: Arrests, 1994-2002

Fulton County

Georgia SB440 Offenses, 1994-2002 (719 arrests)

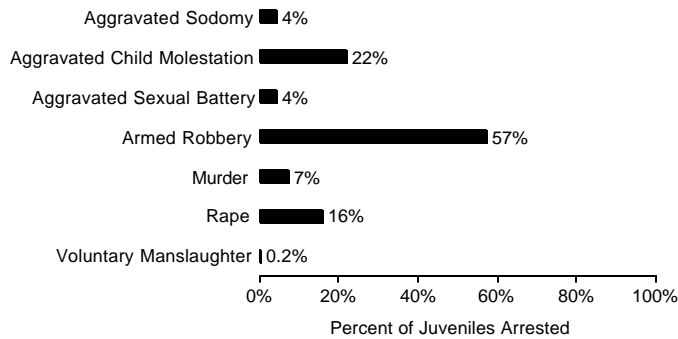


Race Profile, 1994-2002 (714 juveniles)

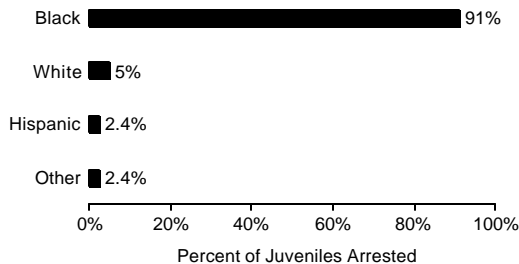


DeKalb County

Georgia SB440 Offenses, 1994-2002 (516 juveniles)



Race Profile, 1994-2002 (510 juveniles)



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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, 1994-2002

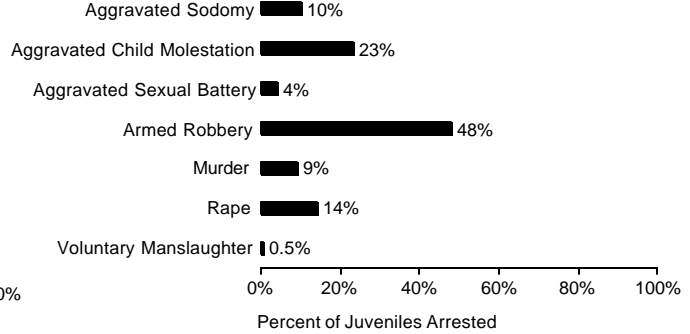
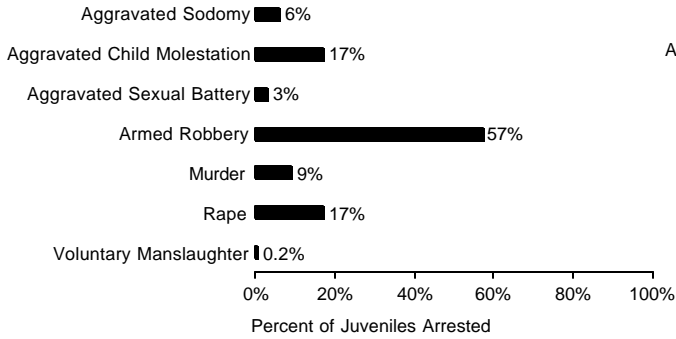
Metro-Atlanta-Statewide Breakdown

Metro-Atlanta Counties

All Other Counties

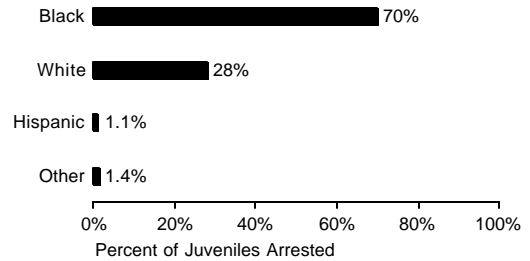
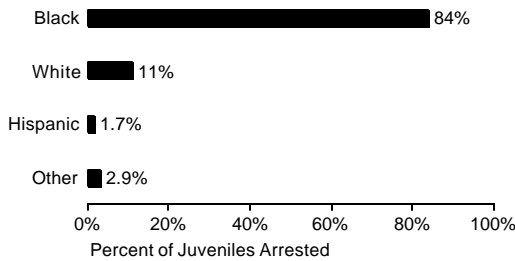
Georgia SB440 Offenses, 1994-2002 (1,635 juveniles)

Georgia SB440 Offenses, 1994-2002 (2,113 juveniles)



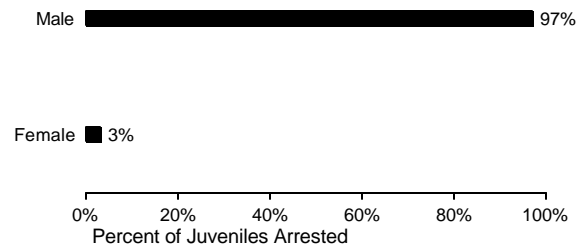
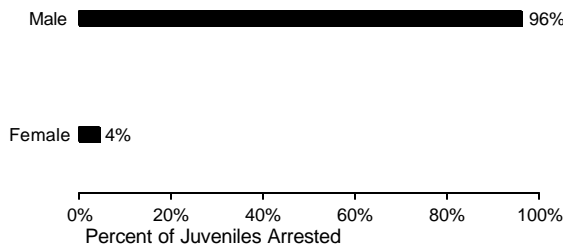
Race Profile, 1994-2002 (1,615 juveniles)

Race Profile, 1994-2002 (2,067 juveniles)



Gender Profile, 1994-2002 (1,628 juveniles)

Gender Profile, 1994-2002 (2,109 juveniles)



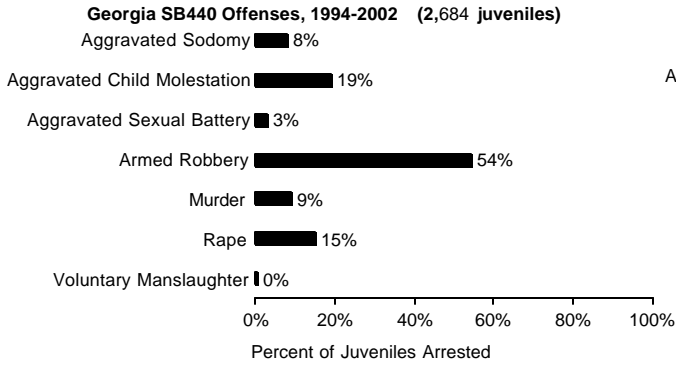
For this analysis, Metropolitan Atlanta refers to Clayton, Cobb, Fulton, DeKalb, and Gwinnett Counties

- "Armed Robbery" is used for the offense of armed robbery committed with a firearm.
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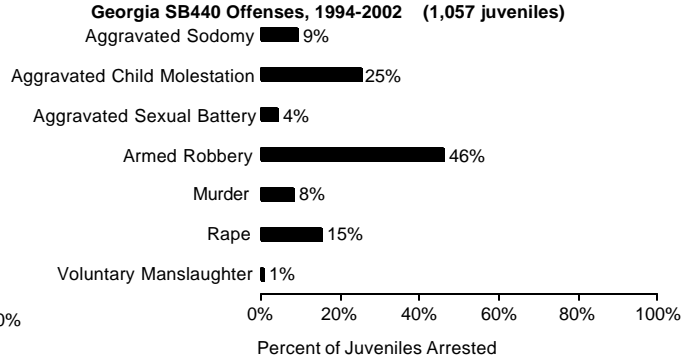
Urban-Rural Summary, 1994-2002

Urban-Rural Breakdown

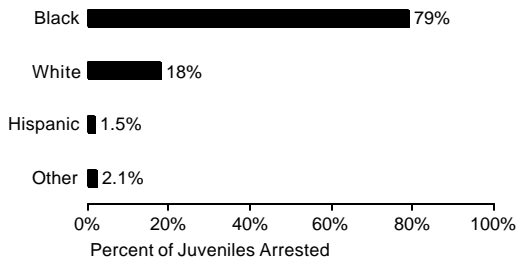
Urban Counties



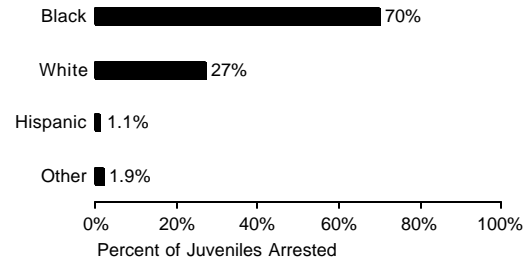
Rural Counties



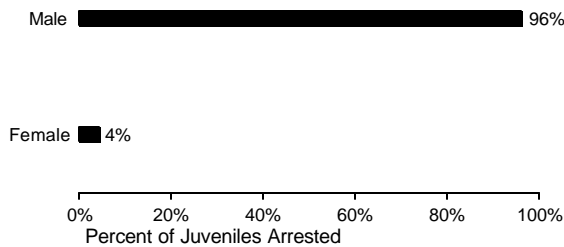
Race Profile, 1994-2002 (2,659 juveniles)



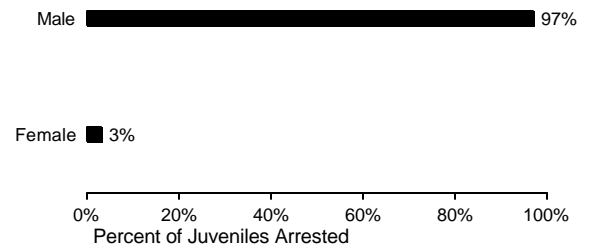
Race Profile, 1994-2002 (1,023 juveniles)



Gender Profile, 1994-2002 (2,684 juveniles)



Gender Profile, 1994-2002 (1,053 juveniles)



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

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

III. DISPOSITIONAL INFORMATION

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

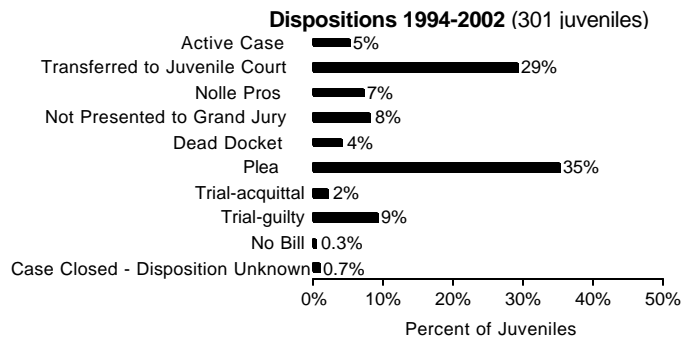
whether the case went to trial, and if so, whether there was an acquittal, conviction (for which offense), or mistrial;

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 divided 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 364 arrests. In the process of collecting disposition information for the sample, it was discovered that 63 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 301 arrests. These possible errors in reports of SB440 arrests highlight the need for a centralized reporting system which would enable more accurate tracking of SB440 arrests in the state of Georgia.

Overview: Superior Court Dispositional Trends, 1994-2002

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 thirteen of this report.

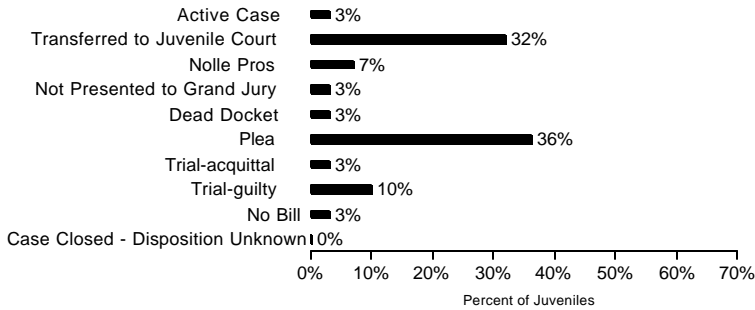


1. Some of the percentages in the graphs do not add to 100 because of rounding.

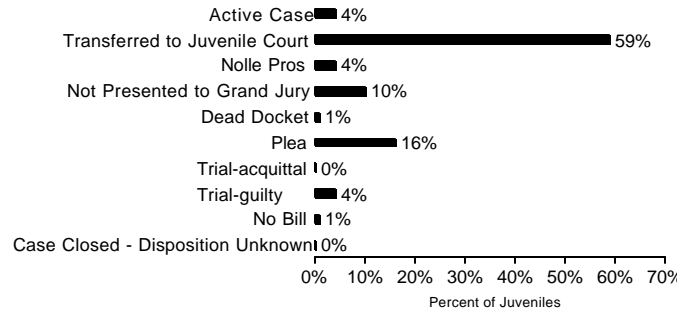
Superior Court Dispositional Trends, 1994-2002

Disposition Breakdown by Offense

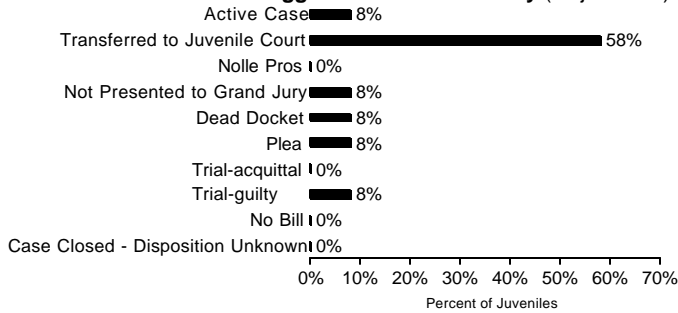
Aggravated Sodomy (31 juveniles)



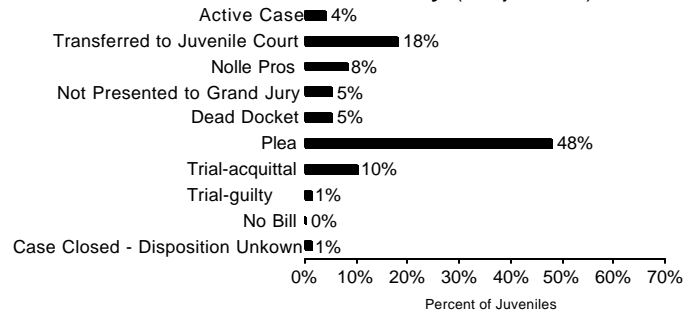
Aggravated Child Molestation (70 juveniles)



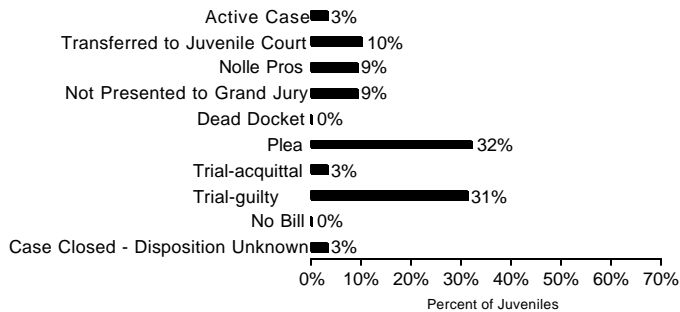
Aggravated Sexual Battery (12 juveniles)



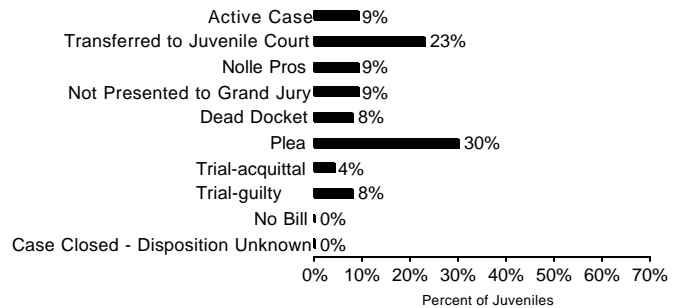
Armed Robbery (148 juveniles)



Murder (32 juveniles)



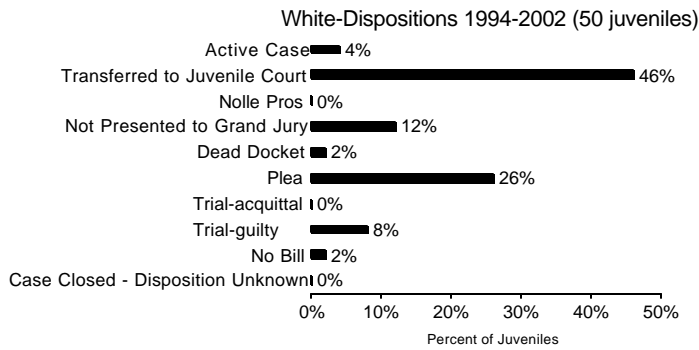
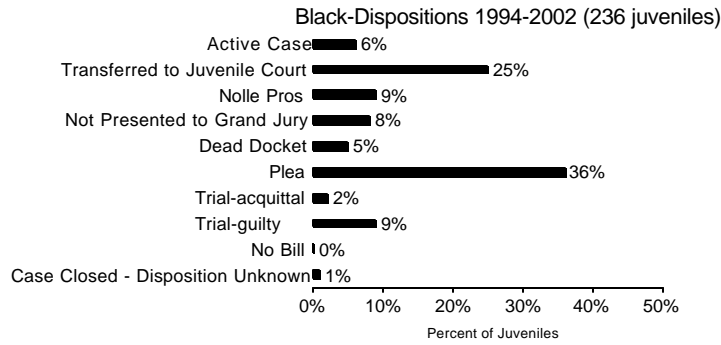
Rape (53 juveniles)



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 disposition sample included only 2 arrests for voluntary manslaughter, this graph was not included. The dispositions for these cases were 'trial - guilty' and 'transferred to juvenile court'.

Superior Court Dispositional Trends, 1994-2002

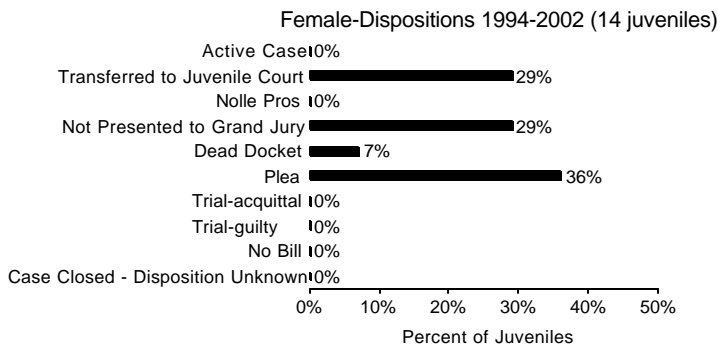
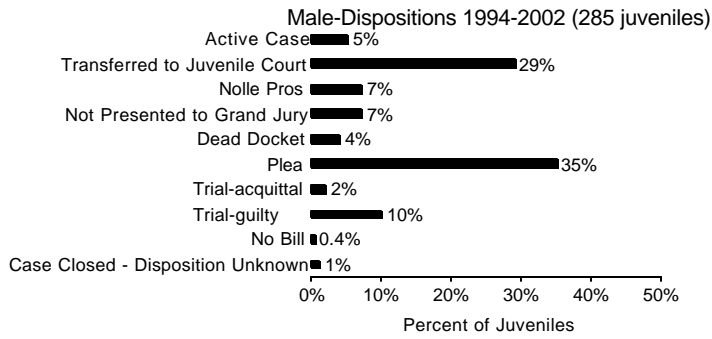
Race by Disposition



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 7 and 4 respectively, they are not reflected as a graph.

Superior Court Dispositional Trends, 1994-2002

Gender by Disposition



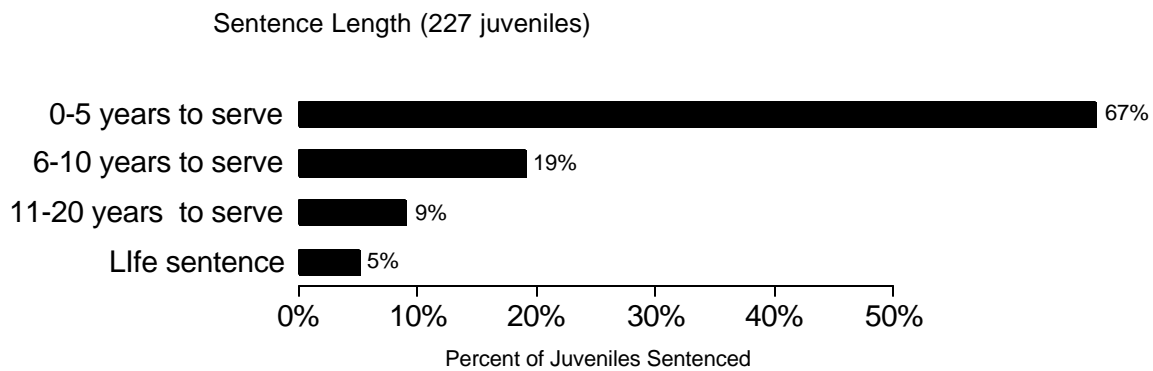
IV. SENTENCES

The following charts show sentencing information for the stratified random sample (301 SB440 arrests for which dispositions could be found out of a sample of 364). It should be noted that sometimes disposition information was incomplete such that sentencing information was unavailable. The number of arrests for which sentencing information was available is included in parentheses in each graph. 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 subject 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.

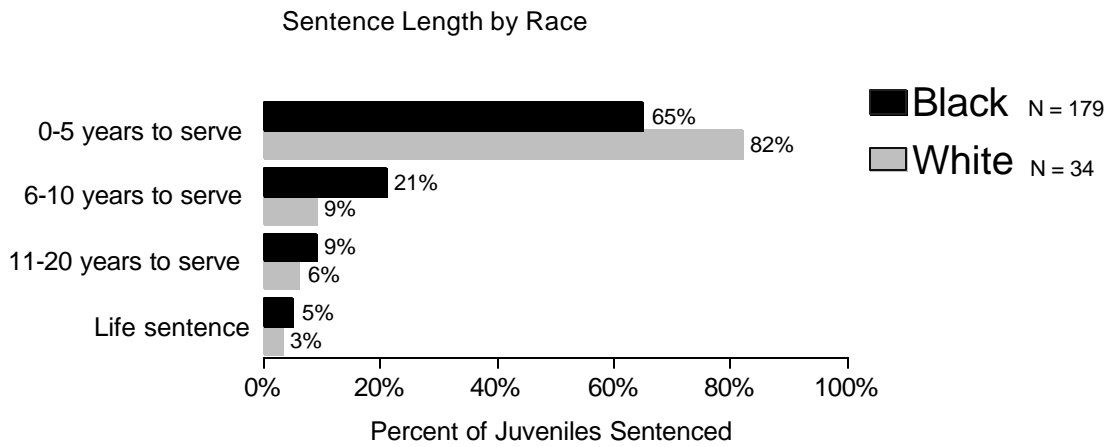
Superior Court Sentencing Trends, 1994-2002

Sentences, 1994-2002



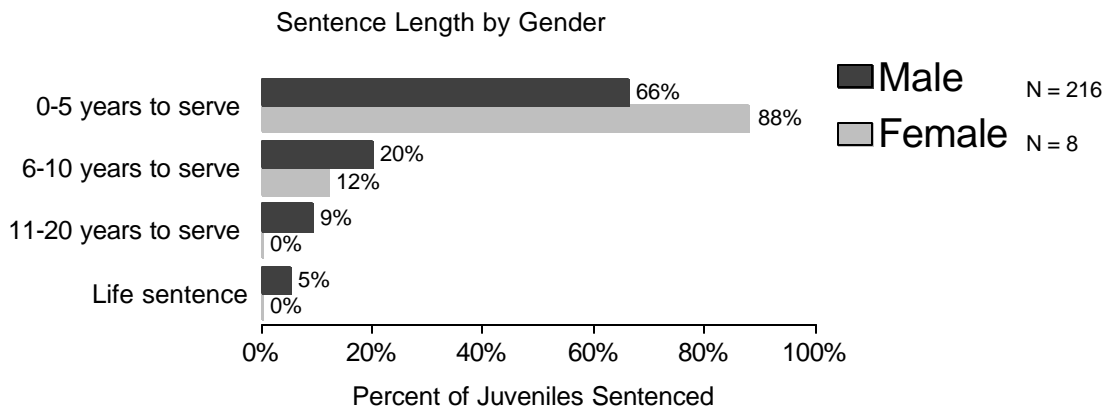
1. Sentencing Information was obtained from the Department of Corrections.
2. Time to serve was calculated from the number of juveniles who were sentenced to confinement, even when the term of confinement was to be followed by a term of probation. This means the years listed are only the years the juvenile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

Superior Court Sentencing Trends, 1994-2002



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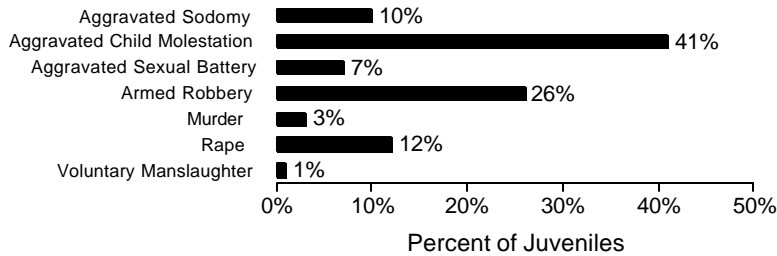
Superior Court Sentencing Trends, 1994-2002



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Transfers to Juvenile Court, 1994-2002

Transfer to Juvenile Court of Juveniles with Known Dispositions (86 juveniles)



Juveniles Arrested But Not Prosecuted as Adults

<u>OFFENSE</u>	<u>% TRANSFERRED to juvenile court or NOT PROSECUTED</u>
Aggravated Sodomy	48 %
Aggravated Child Molestation	75 %
Aggravated Sexual Battery	74 %
Armed Robbery	36 %
Murder	27 %
Rape	49 %
Voluntary Manslaughter	50 %

Age Profile of Juveniles Transferred to Juvenile Court (86 juveniles)

