

# **Juveniles Arrested as Adults Under SB440: Fiscal Year 2004 Final Report**

Presented by the:

**Georgia Public Defender Standards Council**

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

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## Project Information

- This is the final tracking report of juveniles arrested under Senate Bill SB440 for the Fiscal Year 2004.
- 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 (often referred to as the "Seven Deadly Sins"): **Murder, Voluntary Manslaughter, Rape, Aggravated Sodomy, Aggravated Child Molestation, Aggravated Sexual Battery and Armed Robbery if committed with a firearm.**
- 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."
- The purpose of this report is to collect, analyze, and disseminate information concerning juveniles processed under SB440 from May 1, 1994 through June 31, 2004.
- Some of the most recent reports, along with other SB440 information, are now available on GPDSC's website at [www.gidc.com](http://www.gidc.com). Click on "Juvenile Justice" under "Quick Links."
- 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 (OJJDP). Questions and comments regarding the SB440 Project should be directed to Trish McCann, GPDSC, at 404-232-8900. GPDSC would like to thank Dr. Christina Cutshaw and Dr. John Carter for their assistance in producing this report.

## Data Sources, Procedures and Limitations

### Sources

Every quarter the Georgia Department of Juvenile Justice (DJJ) provides GPDSC with a list of all juveniles admitted to a DJJ facility or corrections facilities 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. GPDSC 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 or corrections facility, arrest or offense date, and the offense(s) for which the juvenile is detained.

### Procedures

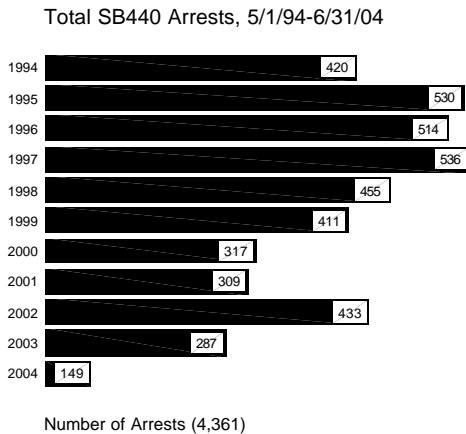
The data from 2003 through the fourth quarter of fiscal year 2004 (April 1, 2004-June 31, 2004) was sent in EXCEL format from DJJ and added to the GPDSC dataset (1994-2002). The full dataset was examined for redundancies, possible data entry errors, missing data, and juveniles who were arrested before their 13<sup>th</sup> birthday or after their seventeenth birthday. Twelve juveniles were removed from the dataset because no SB440 offenses were listed. Other missing data will be noted where applicable. Data questions were resolved by DJJ staff. Since the data for this report was not collected expressly for this project, it is, as is other DJJ data, subject to change. The data was analyzed using the Statistical Package for the Social Sciences (SPSS) and EXCEL to provide demographic and statistical information on the juveniles and offenses.

## Limitations of Arrest Data

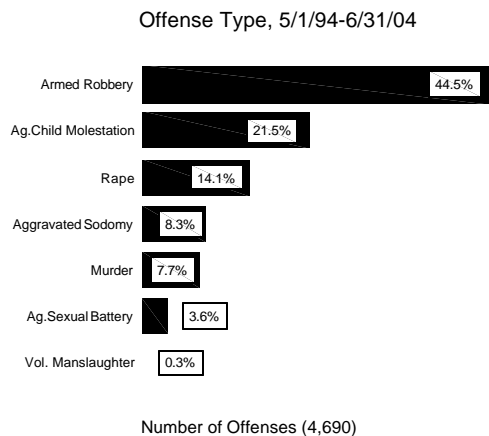
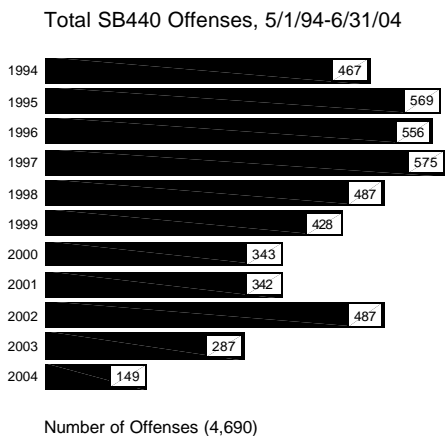
When interpreting the data in this report, there are several important limitations to consider:

- 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.
- The total number of arrests for the years 1998 to 2001 may be incomplete; it is not clear whether the Department of Juvenile Justice has been able to obtain arrest information from all correctional facilities. If this information becomes available, it will be added to our database and noted in further reports.
- If a juvenile turns thirteen between the date an offense was committed and the date of admission to a DJJ facility, then that juvenile may be erroneously 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.
- 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. This information is noted again throughout the report. If information is obtained from other sources to clarify the weapon used, then that information will be included in future reports.

## I. Overview: 1994-2004



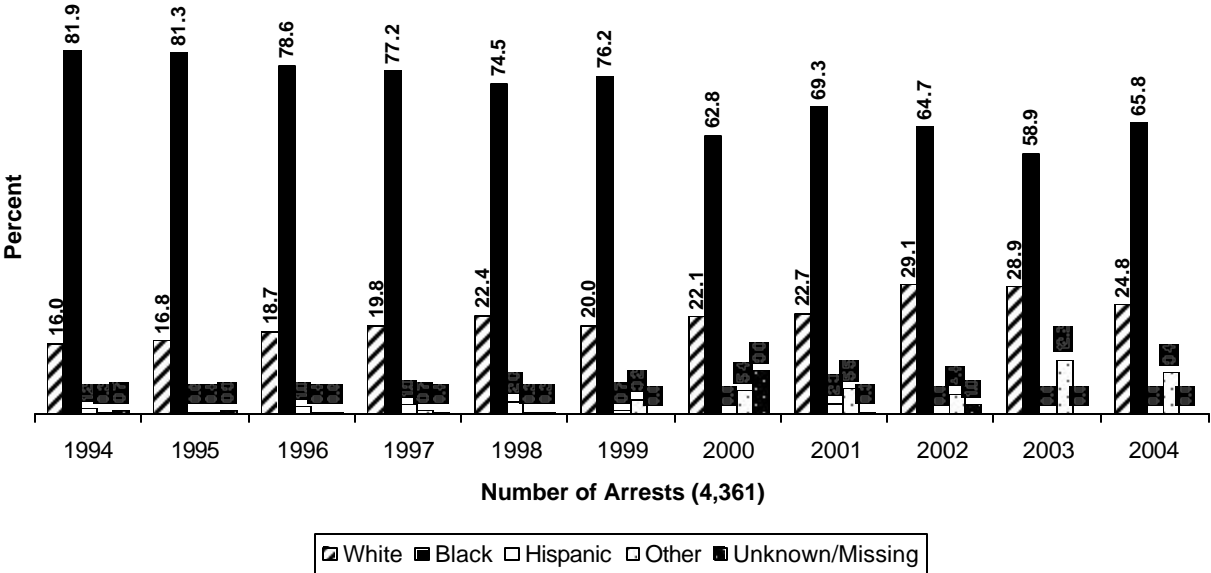
Between May 1, 1994 and June 31, 2004 there were approximately 4,361 arrests for SB440 offenses. These arrests represent 3,925 individuals since some juveniles were arrested more than once for an SB440 offense. From these arrests there were a total of 4,690 SB440 offenses. The number of offenses exceeds arrests because a juvenile could be arrested for more than one SB440 offense. Caution must be taken when interpreting arrest and offense data because it is not clear that the Department of Juvenile Justice has been able to obtain arrest information from all correctional facilities during several reporting periods between 1998 and 2001. If and when this information becomes available, it will be added to our database, and a note will be included in the following report. There have also been improvements in data quality which could contribute to the apparent decline in arrests per year and in discrepancies between this report and previous reports.



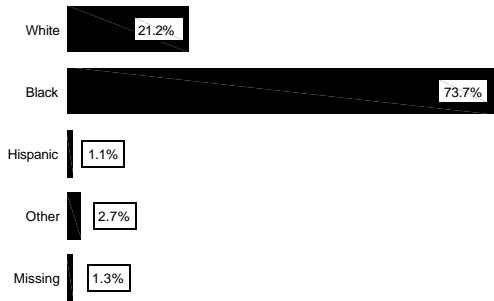
Note that the Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery with a firearm.

## II. Demographic Characteristics

### Arrest Trends by Race: 1994-2004



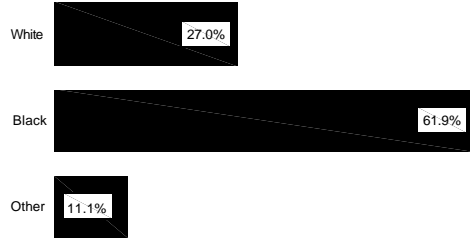
Cumulative Race Profile, 5/1/94-3/31/04



Number of Arrests (4,298)

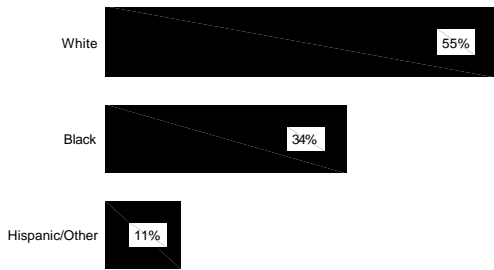
Race Profile, 4th Quarter FY2004

4/1/04-6/31/04



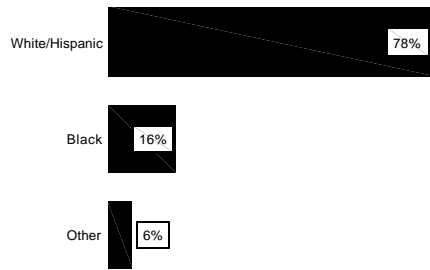
Number of Arrests (63)

Race Profile, Georgia Juveniles



Juveniles (12-17)

Race Profile, US Juveniles



Juveniles Under 18

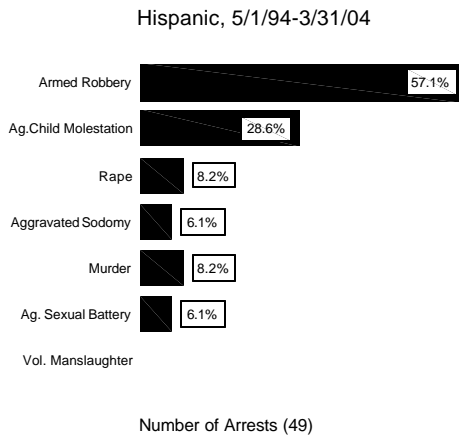
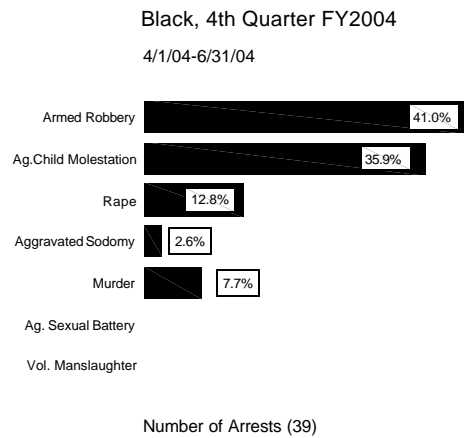
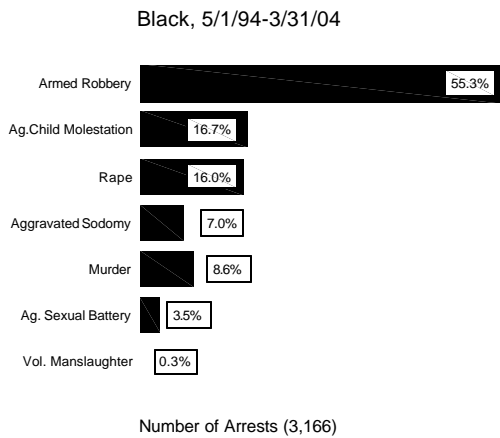
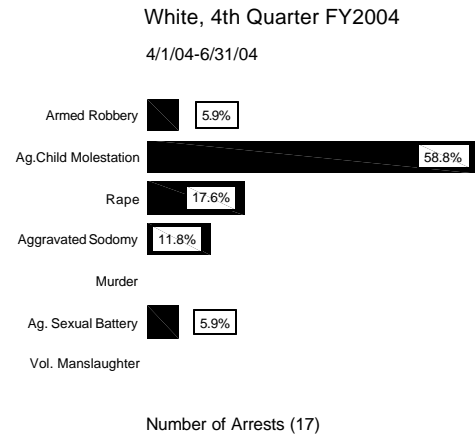
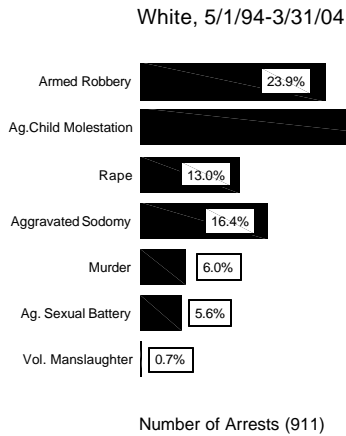
Source: US Census Bureau, 2000

Source: US Census Bureau, 2000

This graph shows the racial composition of all juveniles under the age of 18 while the percentages in the Georgia graph refer to the juveniles between the ages of 12-17.

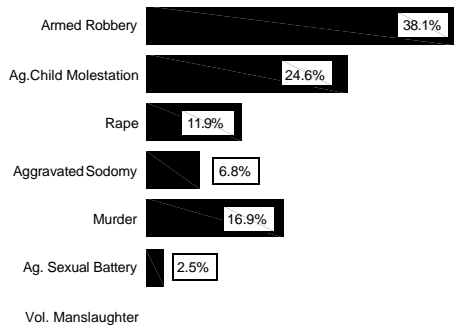
1. Total number of arrests 5/1/1994-6/31/04=4,361

## Offenses by Race: 1994-2004



1. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.
2. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.
3. There were no arrests for Hispanics for the 4th Quarter FY2004.

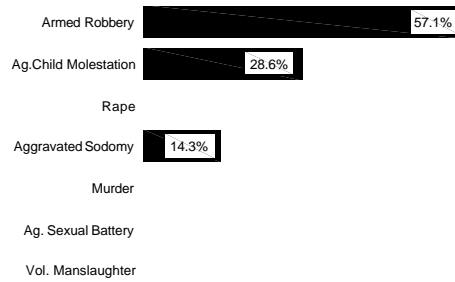
Other, 5/1/94-3/31/04



Number of Arrests (118)

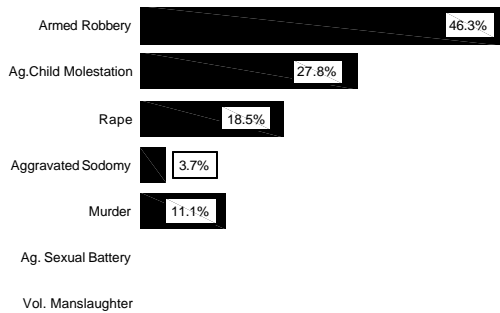
Other, 4th Quarter FY2004

4/1/04-6/31/04



Number of Arrests (7)

Unknown/Missing, 5/1/94-3/31/04

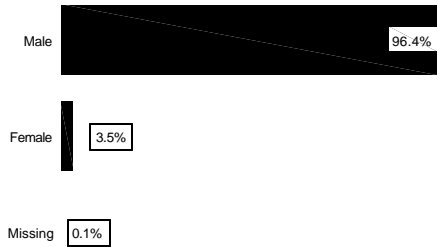


Number of Arrests (54)

1. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.
2. Total number of arrests 5/1/1994-6/31/04=4,361.
3. There were no arrests with Unknown/Missing race information for the 4th Quarter FY2004.

## Arrests by Gender: 1994-2004

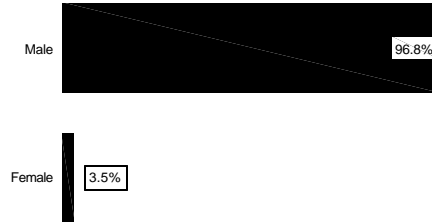
Gender Profile, 5/1/94-3/31/04



Number of Arrests (4,298)

Gender Profile, 4th Quarter FY2004

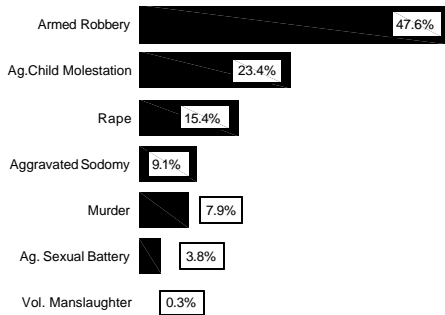
4/1/04-6/31/04



Number of Arrests (63)

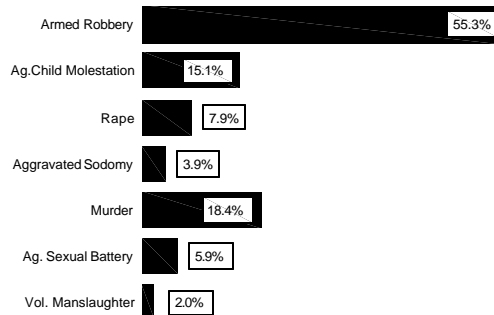
## Offenses by Gender: 1994-2004

Males, 5/1/94-6/31/04



Number of Arrests (4,203)

Females, 5/1/94-6/31/04

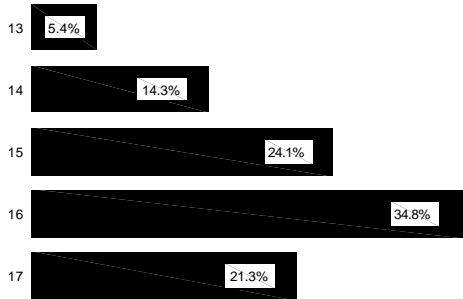


Number of Arrests (152)

1. Total number of arrests 5/1/1994-6/31/04=4,361. Six juveniles had missing data for gender and were not included in the offenses tables.
2. In charts of offense type, some juveniles were arrested for more than one offense so 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, the SB440 arrests reported to GPDSC included 12 females arrested for rape.
4. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.

## Arrests by Age: 1994-2004

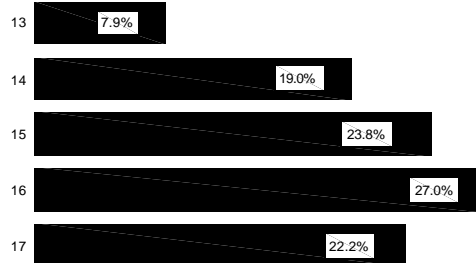
Age Profile, 5/1/94-3/31/04



Number of Arrests (4,298)

Age Profile, 4th Quarter FY2004

4/1/04-6/31/04

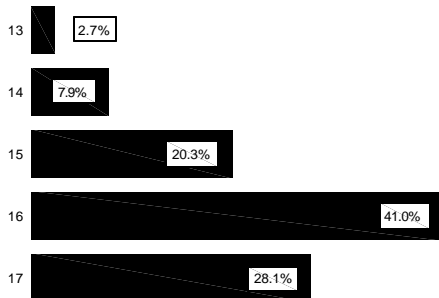


Number of Arrests (63)

## Offenses by Age: 1994-2004

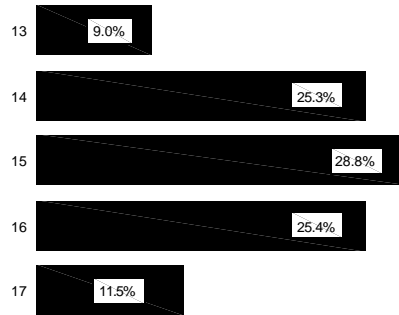
Please note the following charts are based on the number of offenses (4,690) not arrests (4,361) since some juveniles were charged with more than one offense at the time of arrest.

Armed Robbery, 5/1/94-6/31/04



Number of Offenses (2,089)

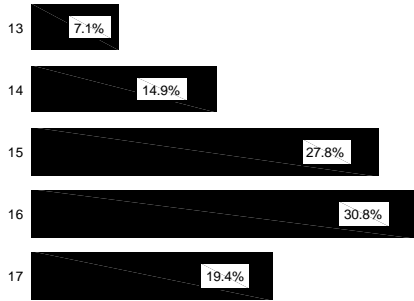
Aggravated Child Molestation, 5/1/94-6/31/04



Number of Offenses (1,009)

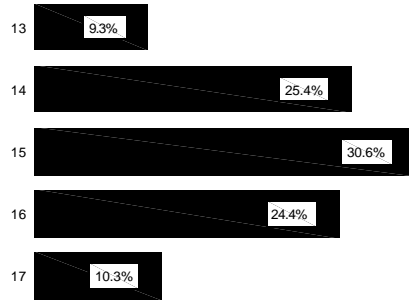
1. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.

Rape, 5/1/94-6/31/04



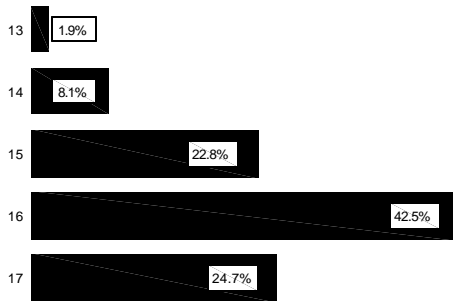
Number of Offenses (659)

Aggravated Sodomy, 5/1/94-6/31/04



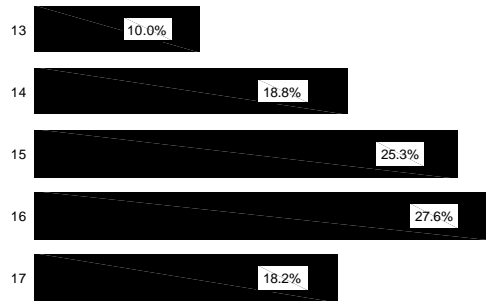
Number of Offenses (389)

Murder, 5/1/94-6/31/04



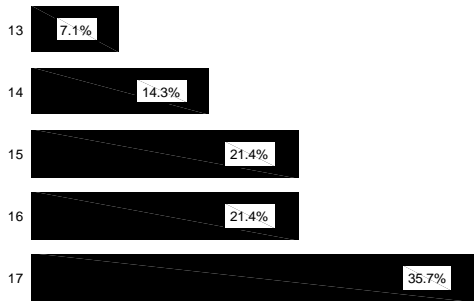
Number of Offenses (360)

Aggravated Sexual Battery, 5/1/94-6/31/04



Number of Offenses (170)

Voluntary Manslaughter, 5/1/94-6/31/04

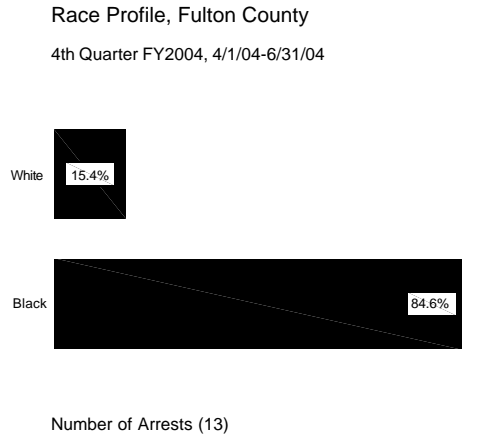
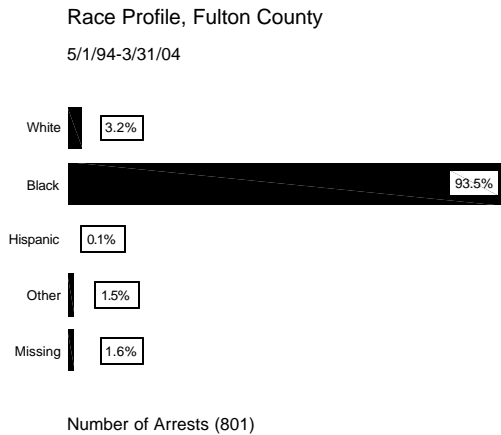
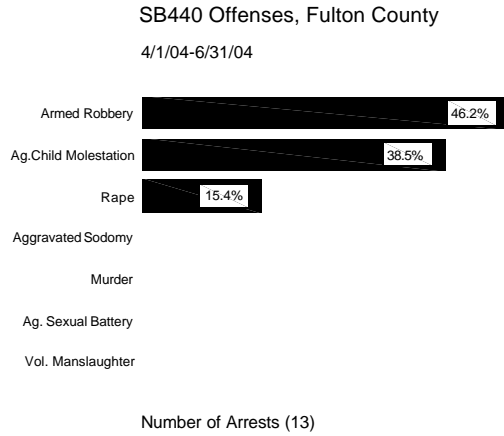
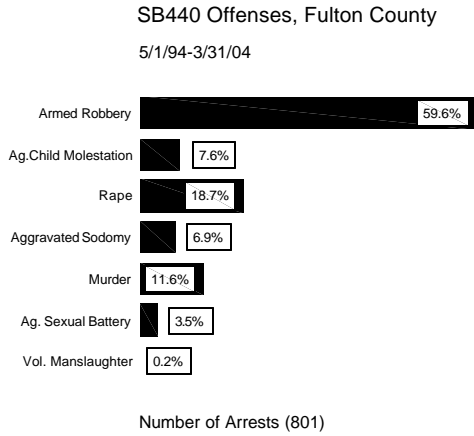


Number of Offenses (14)

1. Total number of offenses 5/1/1994-6/31/04=4,690.

### III. County Analysis

#### Fulton County Arrests: 1994-2004

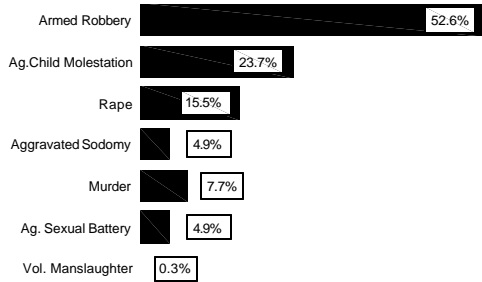


1. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.
2. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.

## Dekalb County Arrests: 1994-2004

SB440 Offenses, Dekalb County

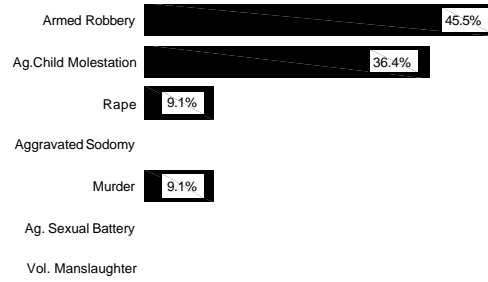
5/1/94-3/31/04



Number of Arrests (608)

SB440 Offenses, Dekalb County

4th Quarter FY2004 (4/1/04-6/31/04)



Number of Offenses (11)

Race Profile, Dekalb County

5/1/94-3/31/04



Number of Arrests (608)

1. All SB440 arrests for the 4th Quarter FY2004 in Dekalb County were of Black males.
2. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.
3. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.

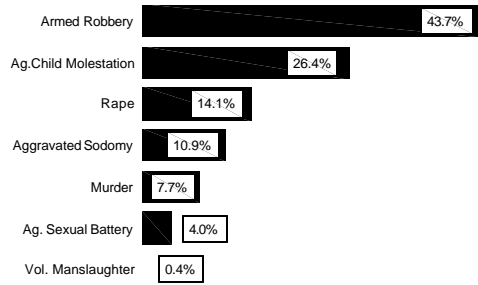
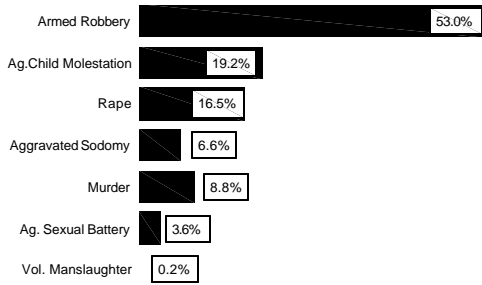
# Metropolitan & Non-Metropolitan County Arrest Information: 1994-2004

## Metro-Atlanta Counties

## Non-Metropolitan Counties

SB440 Offenses, Metro Atlanta Counties  
5/1/94-6/31/04

SB440 Offenses, Non-Metro Counties  
5/1/94-6/31/04

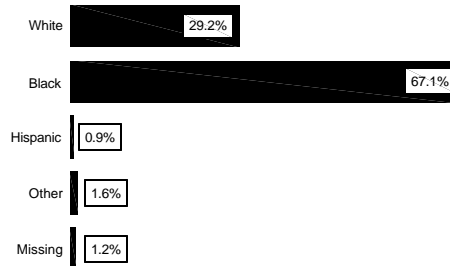
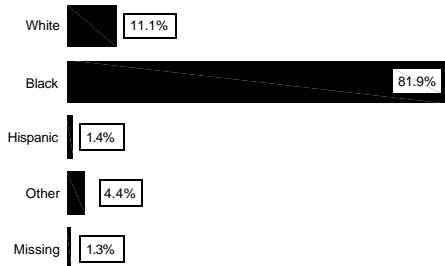


Number of Arrests (1,946)

Number of Arrests (2,381)

Race Profile, Metro Atlanta Counties  
5/1/94-6/31/04

Race Profile, Non-Metro Counties  
5/1/94-6/31/04

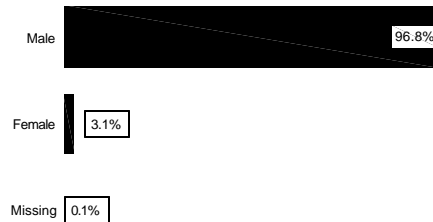
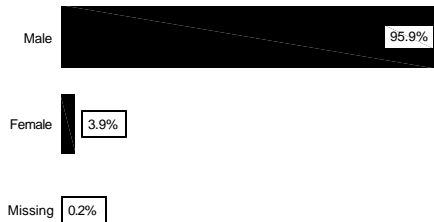


Number of Arrests (1,946)

Number of Arrests (2,381)

Gender Profile, Metro Atlanta Counties  
5/1/94-6/31/04

Gender Profile, Non-Metro Counties  
5/1/94-6/31/04



Number of Arrests (1,946)

Number of Arrests (2,381)

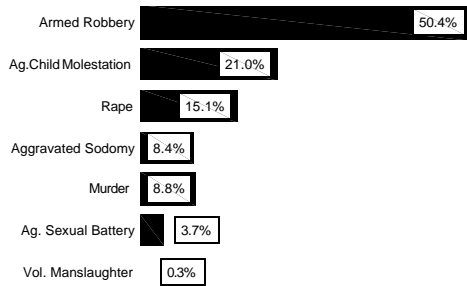
1. Total Arrests on this page sum to 4,327 not 4,361. Thirty-three arrests were "out of state" so there was no county of arrest specified and one arrest was missing data for county of arrest.
2. Metropolitan Atlanta includes Clayton, Cobb, DeKalb, Fulton and Gwinnett counties.
3. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.
4. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.

## IV. Urban vs. Rural Analysis

### Urban Counties

#### SB440 Offenses, Urban Counties

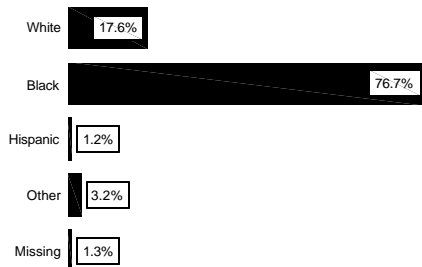
5/1/94-6/31/04



Number of Arrests (3,152)

#### Race Profile, Urban Counties

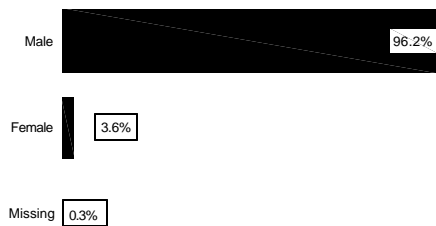
5/1/94-6/31/04



Number of Arrests (3,152)

#### Gender Profile, Urban Counties

5/1/94-6/31/04

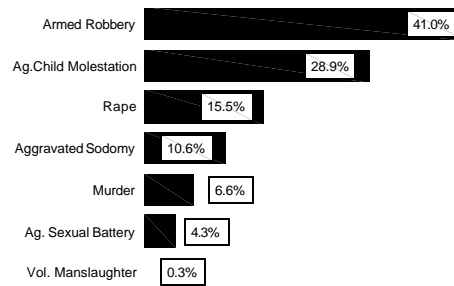


Number of Arrests (3,152)

### Rural Counties

#### SB440 Offenses, Rural Counties

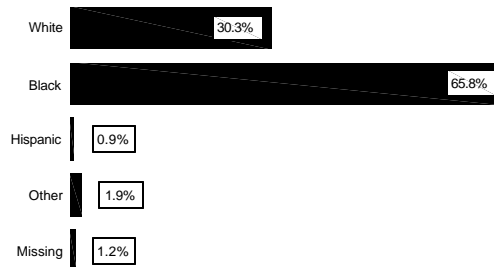
5/1/94-6/31/04



Number of Arrests (1,175)

#### Race Profile, Rural Counties

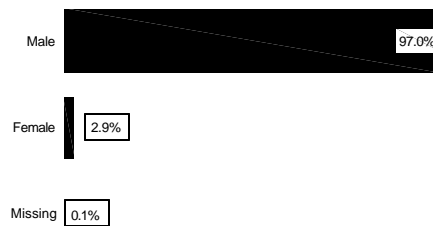
5/1/94-6/31/04



Number of Arrests (1,175)

#### Gender Profile, Rural Counties

5/1/94-6/31/04



Number of Arrests (1,175)

1. Total Arrests on this page sum to 4,327 not 4,361. Thirty-three arrests were "out of state" so there was no county of arrest specified and one arrest was missing data for county of arrest.
2. Urban is defined as any Georgia County within a U.S. Census 2000 Standard Metropolitan Statistical Area.
3. The Armed Robbery category includes *all* robberies committed with a weapon since the data submitted by DJJ did not include information on weapon type. The SB440 offense of armed robbery is limited to armed robbery *with a firearm*.
4. In charts of offense type, some juveniles were arrested for more than one offense so percentages may exceed 100%.