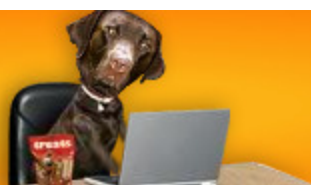


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Sins against kids

Georgia's juvenile code has strayed from its founding principle to rehabilitate, not punish

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The General Assembly does not legislate based on facts, relying instead on perceptions, personal experiences and political pandering. And nowhere is that more apparent than in the way the state responds to juvenile crime.

Despite the fact that only 5 percent of youth arrests owe to serious offenses, legislators have toughened the juvenile system over the years in response to the myth of the teenage "superpredator." At the same time that lawmakers don't believe 17-year-olds are mature enough to buy cigarettes or drive past midnight, they maintain that teens are old enough to be viewed as adults when they break the law. In Georgia, a teen as young as 13 can face life in prison for some offenses.

Now, JUSTGeorgia — a coalition of Voices for Georgia's Children, the Georgia Appleseed Center for Law and Justice, and Emory's Barton Child Law & Policy Clinic — is offering up a new code. The comprehensive rewrite is based on four years of work by the State Bar of Georgia's Young Lawyers Division and interviews with hundreds of people across the state, including advocates, victims of juvenile crimes, foster children and law enforcement. Despite their varying perspectives, all those interviewed agreed that the Georgia statutes dealing with young people who violate the law or who are victims of abuse and neglect are not in the best interests of children.

Since its introduction in 1971, the Georgia juvenile code has wandered far afield from its founding principle that when a young person errs, the law should rehabilitate, not punish.

Georgia is now among 10 states that automatically prosecute 17-year-olds as adults. Three states — Connecticut, New York and North Carolina — prosecute 16- and 17-year-olds as adults, although Connecticut is raising the age to 18 in 2010.

And in 1994 the Georgia General Assembly passed a law that juveniles ages 13 to 17 arrested for any of the "seven deadly sins" — murder, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual battery or armed robbery with a firearm — are automatically charged as adults. Lawmakers shrugged off the clear evidence that such punitive approaches only convert troubled teens into lifelong criminals. And they dismissed the research showing that the teen brain has not fully developed the ability to identify and consider consequences, understand sequences of events and control impulses.

In testimony before Congress on juvenile crime last year, behavioral expert Jennifer L. Woolard of Georgetown University said, "I believe the body of behavioral and brain research calls into question assumptions made by some that juveniles are simply miniature adults because they are capable of committing certain offenses."

It will be that point — that children should be treated as children — that will draw the most opposition in the debate over the new code.

Among the controversial changes is raising the age of minors from 17 to 18 in the eyes of the law. In the proposed code, a 17-year-old would be defined as a child. That doesn't mean that a 17-year-old would never be treated as an adult, but the case would begin in juvenile court.

The new code also repeals the "seven deadly sins" law, giving discretion back to judges as to which young offenders ought to be transferred to adult court. The new code also mandates that 13-year-olds — regardless of the crime — cannot be tried as an adult.

The proposed changes to the code will not only help the teens themselves. They will also make the community safer.

In a review published in the fall, the Centers for Disease Control and Prevention found that teens handled in the adult court system were 34 percent more likely to be rearrested than their peers who went through the juvenile justice system, concluding, "Available evidence indicates that transfer to the adult criminal justice system typically increases rather than decreases rates of violence among transferred youth."

Similar findings emerged from a blue-ribbon committee assembled by the National Institutes of Health in 2004. The panel found that "get tough" programs and "scare tactics" led to greater violence among kids in jails and more crimes once they were released.

In its own recent study, Wisconsin discovered that 17-year-old offenders released from prison were back behind bars at nearly twice the rate of peers released from juvenile institutions.

But such facts have never fazed the Legislature. Lawmakers prefer to seize on the high-profile case of a 17-year-old sociopath killer rather than on the hundreds of others where kids were just young and stupid. "We can battle those myths through accurate information," says Sharon N. Hill, executive director of Georgia Appleseed, a nonprofit, nonpartisan public interest law center.

Accurate information would be a welcome change in a juvenile-crime debate that has been emotional, irrational and ultimately self-defeating.

— [Maureen Downey](#), for the editorial board

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