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The General Assembly
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Atlanta

TO: THE GOVERNOR, THE LIEUTENANT GOVERNOR, THE SPEAKER
OF THE HOUSE OF REPRESENTATIVES, MEMBERS OF THE
GENERAL ASSEMBLY, AND OTHER INTERESTED PERSONS

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REPORT OF THE
LAW ENFORCEMENT SUBCOMMITTEE OF THE
SENATE STANDING JUDICIARY COMMITTEE

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THE COMMITTEE

HONORABLE ROBERT H. BELL
SENATOR, 5TH DISTRICT
CHAIRMAN

HONORABLE JULIAN BOND
SENATOR, 39TH DISTRICT

HONORABLE GLENN E. BRYANT
SENATOR, 3RD DISTRICT

HONORABLE J. BEVERLY LANGFORD
SENATOR, 51ST DISTRICT

HONORABLE FRANKLIN SUTTON
SENATOR, 9TH DISTRICT

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INTRODUCTION

Pursuant to the instructions of Lieutenant Governor Zell Miller, the Senate Law Enforcement Subcommittee undertook a comprehensive inquiry into the nature, extent, and causes of the alarming increases in crimes reported to police in Georgia. The primary goal of the study was to determine what actions the General Assembly and state government should take to ensure reduced levels of crime. A further goal of the subcommittee was to identify locally successful crime reduction programs which could be encouraged by the General Assembly as part of a state-wide effort to control crime.

The subcommittee held 12 public hearings throughout the state. It is estimated that well over a million Georgians were represented by those appearing before the subcommittee. Included among the people who presented testimony were: 14 state level criminal justice agency officials, 11 superior court judges, 15 local government officials, eight district attorneys, ten chiefs of police, seven juvenile court judges or referees, 12 defense attorneys, eight superintendents of schools, three state court judges, three recorder's court judges, seven Area Planning and Development Commission criminal justice planners, representatives of 80 civic organizations, 35 individual private citizens, 12 state Senators, three state Representatives, and a former Governor of Georgia. In addition, the subcommittee received solicited recommendations in writing from 20 organizations and 12 unsolicited sets of written recommendations from private citizens. The subcommittee staff also conducted inquiries into programs and projects developed by local jurisdictions in Georgia to control crime and into activities in use, or under consideration, by other states. Approximately 100 hours of taped testimony are housed in the subcommittee files along with some 700 pages of written testimony and inquiry reports.

Information developed during the course of this investigation revealed a definite lack of coordination among the various components of the criminal justice system and a comparable lack of communication between the system itself and the general public. Indeed, the term "system" is hardly appropriate to describe the tenuous relationships which too often exist among the various agencies with responsibility for providing criminal justice services. The subcommittee made no attempt to place responsibility for this appalling lack of coordination: our mission was to identify shortcomings and to recommend solutions for those deficiencies.

There is without question a crisis of crime in Georgia. Confirmation of the size and scope of the problem can be seen in the charts on pages 16 and 20; however, statistics and charts never tell the whole story. Fear of crime permeates our entire society and has altered the lifestyle of many Georgians. Life and property are so poorly protected in some neighborhoods of this state that a situation approaching anarchy exists. While some may object to any statement that implies we have a breakdown of government in Georgia, we believe the facts speak for themselves. How else can the situation be described when:

Our elderly are afraid to walk the streets;

Citizens are robbed, raped, and murdered in their own homes;

Police admit they are afraid to patrol certain neighborhoods;

A state-wide average of crimes during the first quarter of 1979 shows that every 24 hours Georgia had:

2 murders

5 rapes

32 armed robberies

55 vehicles stolen

571 burglaries or larcenies

\$5 million in illegal drugs enter the state.

This study focused on so-called "street" crime and does not directly address the issue of "white collar" crime. The subcommittee is aware of the tremendous dollar losses to business, government, and consumers suffered each year through "white collar" crimes. We are also cognizant of the impact of these crimes on the overall public attitude towards the criminal justice system. The complex criminal conspiracies which undergird illicit drug trafficking are exemplary of criminal activity in the streets which depends on "white collar" financing. The subcommittee did examine these relationships.

While the crisis in crime is indeed real, and the effect upon our citizens is psychologically debilitating, this subcommittee remains convinced the problem is controllable. Our confidence is rooted in the general attitude of Georgia citizens and officials who spoke at the public hearings. It was most impressive to hear speaker after speaker pledge personal and organizational energies toward a renewed fight on crime. Awareness and concern of that quality, backed by the combined resources of state government, local government, and citizen support, can win the war on crime. How these resources can be mobilized occupied much of the subcommittee's time. Suggested actions for facilitating this mobilization will comprise a large part of this report.

Reducing the level of criminal activity in this state will require short-term as well as long-term measures. These measures must be both comprehensive and well coordinated. A few of the necessary actions will require funding. Some will require enabling legislation. Many will require nothing more than changes in existing policies, along with a recommitment to interagency coordination of services, and a rededication of citizen interest in controlling crime.

Of particular interest to the subcommittee was the encouraging level of citizen concern and activity directed at reducing crime in local communities. Many of these programs create environments which teach participants a greater respect for law, property rights, and personal dignity. Each locality visited by the subcommittee had several projects operated by private citizens and staffed by volunteers attempting to achieve a reduction in crime. Most of these programs are receiving little or no recognition from the official criminal justice community and few of them were fortunate enough to receive active support from local officials. It should be emphasized, however, that local criminal justice officials are becoming more open to citizen crime control efforts than in years past. Possibly this results from recognition that criminal activity far exceeds the scope and resources of our law enforcement agencies, and crime control ultimately rests in the hands of the general public.

Our nation and our state have experienced massive social changes in the past two decades. Many believe these changes have permanently altered our social values. Indeed, testimony from concerned citizens indicates a feeling that today's moral codes and social behavior will not long support a free society.

The subcommittee is not that pessimistic. While we are not blind to the changes in our society today, we are also profoundly encouraged by the growing resistance to decadence as evidenced by the continuous stream of concerned and disturbed citizens who presented testimony. As one citizen stated, "It's time we get back to teaching and practicing some common sense honesty that says: 'What is not mine is someone else's. The act of taking some else's property is called STEALING. The name for a person who steals is THIEF. The place where thieves are sent is PRISON.'" "

The preponderance of testimony given before this subcommittee demonstrates that a change in attitude toward crime in our state is not just necessary, it is imperative. Such a change will not come on its own. Any substantive reduction in crime will have to be accompanied by a change in social attitudes to have any lasting effect. This change can be accomplished through a conscious, deliberate, and determined effort which jointly involves all the elements of our state. An excellent example of the successful melding of the public and private sectors in achieving a change in public perception is the Anti-Shop Lifting program currently sponsored by the Georgia Retail Association.

Information gathered during the course of this study has led the subcommittee to develop some basic conclusions regarding crime:

- (a) Crime control must become a public concern.
- (b) Private citizens must be encouraged to participate more fully in crime awareness and crime prevention activities.
- (c) Citizen crime control efforts deserve the full attention and cooperation of all officials at both the state and local level.
- (d) Both criminal justice planning and effective implementation of crime control programs absolutely require a comprehensive record-keeping and data dissemination system.
- (e) To deter crime and reinforce community confidence in the criminal justice system, punishment must not only be fair, it must be swift and it must be certain.
- (f) The school, church, family, business, civic and fraternal organizations, and all other institutions of a free society must accept the responsibility of developing effective programs for teaching the value of honesty, self-discipline, and respect for the personal well-being and property rights of others.

The public hearings were particularly helpful in allowing subcommittee members an opportunity to enter into discussions with citizens who ordinarily do not communicate with state level officials. A special effort was made to obtain testimony from representatives of groups who are most victimized by crime, and the response to this was both enlightening and gratifying. Representatives from the black community who testified were quick to point out the majority of crime in Georgia is committed by blacks upon blacks. These leaders were consistent in calling for escalated efforts to control crime in the black community. Every black leader who testified deplored the mistaken perception that black citizens are "soft" on crime. Invariably, they called for more stringent enforcement and prosecution. They reported black citizens often feel alienated from the criminal justice system when it discriminates against minority citizens by passively allowing lax law enforcement and light sentences in those incidents where both the victim and the offender are black.

In short, the subcommittee found no evidence the black community is any more willing to tolerate criminal activity than any other group of citizens. Black leaders pledged all-out support for programs of citizen involvement and crime awareness. Of all groups who testified during our hearings, it was the black leadership who most consistently recognized that substantial reductions in criminal activity can only come from self-imposed internal restraints coupled with strong law enforcement. These leaders see law enforcement as a necessary supplement to, but in no way a substitute for, strong community based programs that educate young people to the dangers of crime and involve everyone in becoming his "neighbor's keeper." Macon's successful reduction in burglaries through a city-wide "Neighborhood Watch" program is a case in point.

It would be naive for anyone to believe this growing demand for law enforcement heralds an immediate decrease in black on black crime. At the same time, this subcommittee believes it would be a gross mistake in judgment and a terrible waste of opportunity if the message of these black spokesmen falls upon deaf ears.

In summary, this subcommittee found the citizens of this state deeply concerned over the level of crime and eager to cooperate in programs that will reduce criminal activity. While this deep concern is still expressed in positive terms of support for programs, it also carries an implicit warning to officials that the public patience is wearing very thin. Georgia citizens are not looking for instant solutions to the crime problem; neither will they tolerate any "statistical gamesmanship" with crime statistics that attempt to make the picture appear better than it actually is.

What the people are looking for is positive leadership that will produce tangible results. They are tired of being fed a steady diet of excuses and explanations of why crime is rising when, at the same time, they fear to visit their capital city. They cannot understand why the elderly and the poor must live in a state of constant fear. They find it intolerable that a woman is not safe on the streets of our cities and towns, whether it be Americus or Atlanta. They are tired of reading about criminals who commit additional crimes while out of jail on bond awaiting trial for a previous offense.

In short, their tolerance level for excuses and explanations has already been exceeded. Citizens told this subcommittee in straightforward language they are expecting to see some changes.

This subcommittee would be remiss in its responsibility if we did not recognize and commend the many people who

participated in this study. Space will not permit a full listing of these people or a proper expression of our appreciation for their help. We are particularly indebted to the College of Urban Life at Georgia State University, the University of Georgia Institute of Government, and The State Crime Commission for research, statistical data, and other support services. The subcommittee's work could not have been accomplished without the assistance of the people who took time to appear at our hearings to share their ideas and suggestions for reducing crime. To each of these people, we express our deepest appreciation.

FINDINGS AND RECOMMENDATIONS

The balance of this report contains findings made by the subcommittee and recommendations for consideration by the General Assembly. Since the subject of crime, its awareness, prevention, and control involves every aspect of our society and its culture, this report must, of necessity, be rather lengthy. The findings have been categorized and numbered for easy reference. Listed below is an index of these categories.

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DRUG TRAFFICKING AND ALCOHOL ABUSE

Findings: Drug trafficking in Georgia has increased at an alarming rate in the past few years. Florida has enacted stringent laws which have had the effect of driving major drug wholesalers and distributors into Georgia. The state's coastline provides an excellent opportunity for sea smuggling; the coastal plain of South Georgia offers an equally excellent opportunity for air smuggling. State law, state enforcement agencies, and local enforcement agencies are all inadequate to cope with the rapidly increasing levels of drug traffic passing through Georgia. Most recent estimates are that some \$5 million per day in illegal drugs comes into or passes through the state.

The enormous cash flow generated by this traffic has posed a serious threat to the integrity of the criminal justice system in our state. These extraordinarily large sums of money can, and eventually will, lead to corruption of governmental and criminal justice personnel. The promoter of a multimillion dollar drug distribution scheme can easily afford to offer huge sums of money if officials will simply "look the other way." The potential for corruption is great and it must be recognized. Based upon testimony received by the subcommittee, this threat of such pervasive corruption is clearly upon the minds of many officials who fear the consequences of inaction. Therefore, it is incumbent upon the General Assembly to exhaust every reasonable means to control this problem which threatens the very integrity of our system of laws.

Recommendation 1: The 1980 General Assembly should enact a Racketeer Influenced Corrupt Organizations Statute (RICO Law) similar to the federal statute and to the one recently

enacted in Florida. Experience has already shown that RICO laws are the most effective means of dealing with organized crime. The RICO statute makes prosecution of criminal conspiracy cases less complicated and allows for the prosecution of persons who invest illegally obtained money in otherwise legitimate enterprises.

Recommendation 2: The General Assembly should enact appropriate legislation to create a state-wide grand jury to investigate drug trafficking. The state-wide grand jury should have full subpoena and indictment powers and should also have a special prosecutor assigned to assist local district attorneys where needed. Drug traffickers understand and profit from the limitations imposed upon the criminal justice system by jurisdictional boundaries. This proposal would enable multijurisdiction investigation and prosecution of drug traffickers. In conjunction with a RICO law, this could greatly reduce the profitability of major drug operations in Georgia.

Recommendation 3: The legislature should enact S.B. 70, a statute to allow the taking of depositions from witnesses (under certain limited circumstances) prior to trial and to permit admitting such depositions at trial in the event of the witness's inability to testify at trial.

Drug trafficking has become a highly organized and brutal criminal activity. Evidence tends to indicate that organized criminals are often able to silence witnesses during the interval between the time of indictment and trial. This proposed statute would provide prosecutors with an additional tool badly needed for successfully prosecuting organized criminals.

Recommendation 4: The General Assembly should enact legislation similar to the Florida statute which mandates penalties for trafficking in marijuana, cocaine, and heroin. The

Florida law links mandatory fines and prison sentences to the amount of the controlled substance handled by the offender. The intent is to ensure that large-quantity dealers convicted of violations of this law receive punishment relative to the "street value" of the drugs seized in their possession at arrest. The Florida law is limited in that it covers only three dangerous drugs; it is therefore recommended that the Georgia statute include mandated penalties for trafficking in other equally dangerous controlled substances.

Recommendation 5: The General Assembly should appropriate funds for additional personnel for the Georgia Bureau of Investigation (GBI) Drug Enforcement Division. Current personnel limitations severely restrict the GBI's ability to control the ever-increasing flow of illegal drugs into and through Georgia. The legislation should specify and require the use of additional agents to strengthen interagency drug control efforts and should also appropriate adequate funds for the proper training of the additional personnel.

Recommendation 6: The 1980 General Assembly should take action to encourage an organized attack on drug trafficking by the more than 400 law enforcement agencies in the state. The current effort is fragmented; too often, agencies not only do not cooperate, they compete and occasionally even hinder one another. This fragmentation of efforts tends to encourage traffickers to "take their chances in Georgia" rather than in Florida. The choice for Georgia is clear: We must either take immediate action to stop the flow of drugs into and through our state or be ready to accept the individual misery and political corruption which will inevitably result as Georgia becomes the "distribution center" for illegal drugs.

Recommendation 7: The General Assembly should encourage the United States Congress to consider amending the

"Possecomitatis Act" (18 U.S.C. Section 1385) to allow the federal armed services to assist state and local drug enforcement efforts. Local enforcement officials stated before the subcommittee that they have neither the personnel nor the sophisticated electronic devices needed to cope effectively with air and sea smugglers. The armed forces have at their immediate disposal many of the communications and tracking devices necessary to monitor and control effectively air and sea drug-smuggling. Under the provisions of the current "Possecomitatis Act," the army, navy, marines, and air force are prohibited from engaging in any domestic law enforcement activities. The proposed amendment should take care to limit the use of federal armed forces to air and sea drug trafficking so as not to compromise the integrity of domestic law enforcement agencies. It was pointed out to us that participation in control efforts aimed at air and sea drug traffickers could easily serve the dual purpose of increasing the effectiveness of these efforts at a minimal cost while simultaneously providing "real" training for the servicemen involved. The amendment should have a five-year "sunset" provision.

Recommendation 8: Funds should be appropriated by the 1980 General Assembly to implement a state-wide alcohol and drug rehabilitation program. Existing evidence confirms the long-term value of treatment programs for alcohol and drug abusers. The evidence is just as clear in demonstrating the failure of incarceration, probation, and other traditional criminal justice system responses to the problems of alcohol and drug abuse. Any serious effort to reduce the levels of drug and alcohol abuse among the citizens of Georgia must include funding for programs of rehabilitation rather than punishment for abusers. The subcommittee found widespread support for the proposed increase in the alcoholic beverage tax to provide the necessary revenue to

financially undergird a state-wide treatment program. While the subcommittee agrees the program must be funded during the next session, we do not see the necessity for an increase in taxes to do so. In view of the extremely large surpluses the state has enjoyed in recent years, the problem of funding has not been due to a lack of money: it is more attributable to a lack of legislative support to make this a higher priority. Georgia's jails and prisons are overcrowded; space in these institutions should be reserved for those who illegally profit from the suffering created by abuse of alcohol and drugs, rather than filled with the unfortunate victims of these misery peddlers.

Recommendation 9: The 1980 General Assembly should raise the legal age to purchase alcoholic beverages in Georgia to twenty-one. Testimony indicated lowering of the legal age to purchase alcoholic beverages to 18 has contributed significantly to a serious alcohol abuse problem among high schoolers in the state. The subcommittee also recommends strengthening the penalties for sale of alcoholic beverages to underage persons. Conviction of this offense should result in immediate suspension of the beverage license of the establishment.

CRIMES AGAINST PERSONS

Findings: Violent crime continues to increase in Georgia. With only a few exceptions, these crimes increased dramatically during the first five months of 1979, as compared to the same period of 1978, in each area visited by the subcommittee. Charts 1 through 3 (Appendix A), graphically reflect these increases in homicide, sexual assault, and assault.

While there are no identifiable reasons for either increases or decreases in violent crimes in the areas studied, and while no geographic patterns emerge from the statistics, it is clear that violence by Georgians against Georgians is a

problem of increasing magnitude. The subcommittee recognizes the threat posed to our citizens by continuing increases in the level of violent behavior. Many people in Georgia are living in a state of constant fear: fear for themselves and fear for their property. In response to this fear, many have radically altered their lifestyles. For example, testimony before the subcommittee indicates that many non-Atlantans are very uncomfortable when they find it necessary to come into the downtown Atlanta business district. Other testimony shows that many elderly citizens are living lives of terror: afraid to leave their homes for fear of assault and afraid in their homes for fear of robbery. This sad condition is a poor reward to senior citizens who were law-abiding, productive people in their younger years and who deserve better protection and treatment in their retirement years.

The family, traditionally viewed as a place of sanctuary, has become a battleground for far too many Georgians. The most frequent call for service for most police agencies is the "domestic disturbance" call. More police are wounded and killed while responding to domestic disturbance calls than while on any other type call.

Nationally, violence in the schools is on the rise. The State Department of Education does not maintain records on violence in the public schools of Georgia, so the extent of school violence in the state is hard to verify. However, teachers and students alike feel that violence in the schools is on the rise. Finally, violence, as an additional feature of robbery, burglary, and other "property crimes," has instilled terror in the victims of such crimes and in their neighbors. International terrorism which has received widespread media attention has its domestic counterpart when peaceful citizens

feel afraid not only on the streets of our state, but also in their homes.

Recommendation 10: The General Assembly should encourage the State Crime Commission and the Administrative Office of the Georgia Courts to examine enforcement of Georgia's pistol licensing law closely and make a report of findings and recommendations to the Senate Judiciary Committee prior to September 1, 1980.

Testimony from private citizens and criminal justice agency officials alike produced evidence which leads the subcommittee to conclude this law is barely being enforced. The Georgia Criminal Code mandates terms of incarceration for violators of the concealed weapon statute: Code Section 26-2901(a) states "for the first offense, he shall be guilty of a misdemeanor and, upon conviction, he shall be punished by imprisonment for not more than 12 months and may be fined in an amount not to exceed \$1,000;". Section 26-2903(a) deals with the crime of carrying a pistol without a license and states "...for the first offense, he shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than 12 months and may be fined in an amount not to exceed \$1,000;...." These two Code sections also cause the second offense to become a felony with mandated prison terms of not less than one and not more than five years. Based upon the best information developed in the study, it is apparent these laws are simply not being enforced.

Beyond the basic problem of enforcement, the committee also finds the system of checking mental histories of permit applications difficult to administer. Access to records concerning the emotional stability of citizens is rigidly guarded by federal law and administrative regulations. Licensing agencies must have access to the information needed to make

reasonable determinations of the "fitness" of individuals to have permits to carry handguns.

Recommendation 11: The 1980 General Assembly should encourage the State Department of Education and the state's many civic, fraternal, and religious institutions to develop and implement programs which teach Georgia citizens methods for resolving conflicts without violence. The State Department of Human Resources Division of Mental Health has successfully implemented "life skills" training programs in several public schools in Georgia. These programs are designed to provide students with practical skills to deal with everyday interpersonal situations without resorting to threats of violence or to actual violent behavior. In addition, these programs help young people gain an understanding of the responsibilities, joys, trials, and tribulations of adult life.

Changes in traditional family relationships and the increased pressure placed upon the family unit by space-age life styles did not occur overnight. Neither will programs and institutional response to these problems enjoy overnight success. There is no conclusive data to indicate that any short-term solution to the problem of violence between acquaintances and among family members will work. There is, however, ample evidence to indicate the continuing failure of traditional responses to these problems and new approaches must be attempted. The battered women's shelters operated by private organizations in both Fulton and Cobb counties provide both refuge and help for female victims of domestic violence and their children. There is no statistical evidence yet to prove the effectiveness of these programs. However, the subcommittee believes that expenditures for services which provide both protection from the terror of domestic violence and counseling/referral services to victims who are desperate to overcome the complex self-esteem problems often

characteristic of battered women are justified and will prove cost effective. Domestic crisis intervention hotlines in several jurisdictions (Chatham, Douglas, and Richmond counties are examples) are not yet able to provide shelter for victims of domestic violence. These projects do, however, involve volunteers in efforts to provide victims alternatives to the relatively futile, traditional remedies available from the official criminal justice system.

Atlanta's Neighborhood Justice Center and Cobb County's Victim/Witness Assistance Project are other examples of efforts to devise new responses to the terror of violence and the difficulties of judicially resolving interpersonal disputes. None of these programs have yet proved "successful" in terms of the criteria generally used to determine success. However, for those citizens who have benefited from these generally poorly funded (and often totally volunteer) efforts, these programs have already demonstrated their worth and success.

Recommendation 12: The General Assembly should encourage the creation of more nonjudicial programs to mediate disputes. Many cases which come to the criminal and civil courts could be more effectively and efficiently resolved by mediation. Given the adversary nature of the judicial system and the delays which characterize civil litigation, informal resolution of disputes is very attractive to the persons involved as well as in the best interests of the criminal justice system.

Recommendation 13: The General Assembly should encourage and support local efforts to establish shelters for the victims of the terror of domestic violence. Spouse and child abuse are serious and increasingly prevalent problems in Georgia. Several local level volunteer groups have instituted domestic crisis intervention projects designed to offer assistance and shelter to the victims of brutality in the home. These programs

have enjoyed some success in breaking the cycle of violence in the home, without resorting to the generally ineffective practice of criminal prosecution.

PROPERTY CRIMES

Findings: Theft, burglary, larceny, and other crimes involving the taking of, or damage to, the property of the victim are the most prevalent of all reported crimes. These are also, unfortunately, the same crimes which are most difficult to clear by arrest, the most difficult to prosecute successfully in the event of an arrest, the most difficult for which to find appropriate and just punishment, and which usually result in no recovery of the stolen items and no compensation for damage done to the victim's property. None of the areas studied by the subcommittee experienced reductions in thefts during the two periods of comparison. Only Macon and Augusta had reduced robbery incidents. Only Macon reduced burglary. Charts 4 - 6 (Appendix B) graphically demonstrate the generally rising incidence of property crimes in Georgia.

Macon showed a reduction in burglary reported to police of 8.8 percent. It is significant that Macon also had the most active "Neighborhood Watch" project encountered by the subcommittee. All of the other areas studied showed increases ranging from 15.3 percent to 37.7 percent. The Neighborhood Watch project in Macon is an officially supported volunteer effort with participation from over 7,000 families who pride themselves in being "nosey neighbors." The project is obviously successful and appears to be worth the tremendous effort and dedication necessary to organize, motivate, educate, and maintain the interest of the large numbers of people necessary to make it work.

The most difficult aspect of citizen crime prevention programs is achieving continuity in membership and participation. The state should make an effort to assist local groups in maintaining citizen interest and awareness through a State Office of Crime Prevention. The Office of Highway Safety has proved successful in achieving participation in traffic safety projects. The success of this office could serve as an excellent model for developing programs of crime control and crime prevention.

Recommendation 14: The General Assembly should support programs in local jurisdictions to mobilize citizens in crime reduction and control efforts. The subcommittee is concerned that no state-wide effort is currently in place. Recommendation 22 (page 25) calls for the creation of a State Office of Crime Prevention to provide the training, organizational assistance, and organizational maintenance functions necessary to achieve this badly needed mobilization of citizens. Crime prevention efforts by ordinary citizens can be successful.

Furthermore, the effort and expense necessary to implement citizen crime prevention projects are meager when measured against continued increases in criminal activity, possible vigilante actions by outraged citizens, or efforts to increase police powers radically.

Recommendation 15: The General Assembly should encourage and support the antishoplifting and antitheft programs sponsored by the Georgia Retail Association. Columbus has a very active antishoplifting project and showed the smallest percentage increase in theft of the areas studied. The Georgia Retail Association program involves and utilizes public school students to alert their peers to the serious nature of shoplifting and offers training and consultative services to merchants. The project is currently funded through federal, state, and private moneys. When it becomes necessary, the legislature should make

provisions to pick up the federal share of this successful program and offer it on a state-wide basis.

Recommendation 16: The General Assembly should enact legislation which requires automobile license plates to be nontransferable from one owner to another. This legislation should be modeled after the North Carolina law which requires the tag purchaser to remove the license plate from the vehicle upon sale or transfer of ownership. The proposed change in Georgia law will require some additional administrative expense in monitoring motor vehicle licensing. However, any serious effort to reduce crime requires the speedy and accurate identification of vehicle ownership; determining vehicle ownership in Georgia is currently an unreliable and time-consuming process. The State Office of Highway Safety, the Georgia Bureau of Investigation, and many of the local law enforcement officials who testified before the subcommittee all agree that the vast majority of criminal activity involves the use of a motor vehicle. Nontransferable license plates would provide an additional tool for crime control.

Recommendation 17: The General Assembly should require license plates on both the front and rear of motor vehicles registered for highway use in Georgia. The "two tag" system allows significantly easier identification of the vehicle by law enforcement officers or private citizens who witness crimes involving the use of a motor vehicle. Enforcement officers who testified on this matter agree that tags front and rear would improve their capacity to deter burglary. Most burglars use a vehicle in commission of the crime; most back the vehicle into the drive of the victim's residence to facilitate easy loading and escape. A license plate on the front of the vehicle would allow "nosey neighbors" to provide police with not only a description of the vehicle but also with a tag number.

Recommendation 18: The General Assembly should encourage and support efforts to improve cooperation between the criminal justice community and potential victims of property crime. The subcommittee received testimony and unsolicited written recommendations regarding the increasing incidence of property crimes against certain populations which have become targets of professional thieves and "con" artists. The elderly and rural residents are increasingly the victims of theft. Efficient record-keeping and effective data retrieval systems allow law enforcement agency personnel to identify probable victim groups. A systematic program to alert these potential victims of crime to the methods of operation utilized by criminals could serve to reduce the incidence of victimization to these groups. It is recommended that the proposed State Office of Crime Prevention have responsibility for this effort.

Recommendation 19: The General Assembly should enact legislation to allow a centralized state-wide registry for farm equipment. Most farm equipment is difficult to identify if stolen. The recommended service would allow owners of farm equipment to register the serial number and/or other identifying characteristics of their equipment with a computerized registry.

Recommendation 20: The General Assembly should review design, installation, and maintenance standards for electronic burglar alarm systems and enact regulations to control the growing problem of false alarms. A system of tax credits should be developed for homeowners and business establishments utilizing electronic alarm equipment. Penalties for improper design, installation, and maintenance of alarm systems should be enacted. Alarm systems reduce the need for hiring security personnel to guard business establishments and homes. When properly designed, installed, and maintained, these systems provide protection with minimum cost and risk. However, false alarms caused by changing

weather conditions, short circuits, neglect of routine maintenance of either the alarm system or the structure in which it is installed, and a host of other causes is a continuing problem for local law enforcement officials. Each alarm must be viewed seriously. Each time an alarm goes off, a patrol unit must report to the scene and determine the reason for the alarm. The wasted time and effort which is devoted to answering false alarms creates a variety of problems for peace officers. An effort to improve the reliability of alarm systems and to penalize alarm system owners who do not exercise their responsibility to install and maintain the systems properly must be undertaken.

CRIMINAL JUSTICE PLANNING AND POLICY MAKING

Findings: Georgia's criminal justice planning efforts have improved significantly during the past decade. Prior to 1970, very little planning for criminal justice services was done. Many of today's citizens can still remember the time when planning for such services seemed unnecessary. Completion of Georgia's interstate highway network increased mobility for citizens and criminals alike. This increased mobility and the emergence of federal financial aid to state criminal justice systems increased the need for cross-jurisdictional planning. Despite the best efforts of planners and policy makers, the criminal justice planning activities in Georgia are fragmented and often poorly coordinated.

Responsibility for criminal justice planning rests with a variety of local and state agencies, commissions, and authorities. The State Crime Commission, the State Department of Community Affairs, the Georgia Bureau of Investigation, the Department of Offender Rehabilitation, the Judicial Council of Georgia, the Law Department, the Office of Planning and Budget,

Area Planning and Development Commissions, city and county planning bureaus, city and county enforcement agencies, and the General Assembly all participate in criminal justice planning and policy formulation and implementation. There is, however, no single agency with the authority and responsibility to coordinate the criminal justice planning efforts of all of these entities. The State Crime Commission has statutory responsibility as the "state planning agency" for federal assistance programs. Although this mandate has given the commission an opportunity to become involved in the planning processes of those agencies which receive these federal funds, and this involvement has resulted in improved coordination of planning among these agencies, the mandate is far too limited and the effort is inadequate to the scope of the problem.

The fragmented approach to criminal justice planning and policy making, when compared to the relatively well-planned activities of career criminals, sheds some light on the steadily increasing incidence of serious crime. Criminal activities are often better planned and more effectively organized than are the criminal justice activities designed to prevent and control crime. Effective and well-coordinated criminal justice planning demands expenditures for staff, communications equipment, data processing services, and other costs which are not easily justified as crime control expenses. Further, the results of planning are often achieved years after the planning occurred and it is, therefore, difficult to associate the planning costs with the results.

Testimony before the committee from criminal justice officials and from professional planners revealed problems created by the lack of planned coordination of criminal justice services. The existence in Georgia of over 400 enforcement jurisdictions, 159 counties, 42 judicial circuits, and about a

dozen state level agencies with enforcement responsibilities demands planning and coordination if citizens are to receive the full value of criminal justice expenditures. Failure to recognize this need and to take immediate actions to address the problem will ensure further fragmentation of services and probable increases in criminal activity.

Currently, criminal justice planning and technical assistance for units of local government are largely coordinated through the 18 Area Planning and Development Commissions (APDC's). This situation has resulted in increased coordination and cooperation among local governments in planning and executing their criminal justice efforts. Funding for APDC criminal justice planning and coordination has been available from the Law Enforcement Assistance Administration through the State Crime Commission. Due to decreases in funds and revised federal requirements, this support terminates at the end of 1980. Criminal justice planning services provided by the APDC's have benefited local governments and should be continued.

Recommendation 21: The General Assembly should create a State Office of Crime Prevention to develop a public information strategy for keeping crime control efforts in the "public eye"; to generate public awareness of citizen responsibility in crime control; to identify successful citizens' crime prevention projects and disseminate information to citizens' groups to encourage and promote crime control projects; to provide training and technical assistance to localities for creation and maintenance of citizens' crime prevention programs; and to coordinate the planning activities of all state and local agencies which have criminal justice planning responsibilities. This local coordination should be accomplished through the existing Area Planning and Development Commissions; and funding for this coordination should be provided through state funds if

federal subsidies are terminated.

This recommendation could perhaps be accomplished by expanding the authority and scope of an existing state agency. The office should have statutory responsibility for preparation and distribution of an annual report to the Governor and the General Assembly describing the planning efforts undertaken to coordinate prevention, detection, investigation, apprehension, prosecution, sentencing, probation, offender rehabilitation, parole and juvenile justice activities in Georgia. The office should have further responsibility for consulting with citizens' groups and local level crime prevention agencies and projects to coordinate these activities with those of the official criminal justice community and thereby maximize the potency of these efforts.

Recommendation 22: The General Assembly should pass legislation to provide training to local level law enforcement agency supervisory and command personnel in crime prevention techniques and in general theories of crime deterrence. While recognizing the continuing need for training in detection of crime and in investigation and apprehension techniques, the subcommittee nonetheless views crime prevention as the most practical and responsible means of obtaining long-term, stable reductions in crime. Testimony before the subcommittee indicates a public concern for the low priority which crime prevention now receives from law enforcement agencies. Obviously, the short-term solution to rising crime rates is improved detection and apprehension; however, failure to devote attention to the root causes of criminal activity will ensure that the results of short-term efforts are at best temporary.

CRIMINAL JUSTICE INFORMATION SYSTEMS

Findings: Testimony before the subcommittee, staff inquiries, and interviews with state and local criminal justice agency officials revealed a startling fragmentation of criminal justice information services. Indeed, the absence of a central repository for criminal justice system data is just another reflection of the fragmentation which characterizes the delivery of criminal justice services. Furthermore, the general unavailability of comprehensive data on the functions of the various components of the criminal justice system is the chief barrier to effective planning for these services.

Despite the fact that all criminal justice agencies maintain files on their activities which, if compiled, would provide an overview of the activities of the agencies, no concerted effort is now made to compile these data. The Georgia Crime Information Center has statutory authority to collect, store, analyze, and disseminate criminal justice statistics in the state. However, this authority is severely restricted by the state's current policies regarding electronic data processing equipment and computer programming personnel. The statistical reports now required of police, court, and offender rehabilitation agencies in Georgia are fed into three separate computers. None of these computers are under the administrative control of the Georgia Crime Information Center, and none of the computers can communicate with the others. The subcommittee and the subcommittee's staff were frustrated by the inability of the state's information systems to produce comprehensive aggregate data on the performance of the total criminal justice system. It is possible to determine the statistical performance characteristics of the various components of the system if each component is viewed separate and apart from the others. However, such a limited view is not helpful in determining the extent to

which the entire criminal justice system is meeting the challenge of crime.

The offender based tracking system now being implemented by the Georgia Crime Information Center will resolve some of the current information storage and retrieval problems. The subcommittee is concerned that increased demands on the existing computer hardware operated by the state and the priorities given other users of the computers will hamper this effort. Computer "downtime" and time sharing with other agencies create problems not only for those who wish to analyze aggregate data in a deliberate and methodical fashion, but also for those whose very lives depend on fast, accurate, and generally reliable information. It is generally perceived that police officers have instantaneous access to criminal histories, automobile registration data, and other such information which enables them to determine appropriate action effectively in emergency situations. Testimony before the subcommittee does not confirm the veracity of this generally held belief. Often police officers must deal with emergency situations without the benefit of the information which is locked into the computer memory bank because the computer is either "tied up" or "down."

Recognizing that even the most sophisticated systems are not fail safe, the subcommittee concludes Georgia's criminal justice information system suffers from inadequate funding and inappropriate allocations of personnel and equipment.

Recommendation 23: The 1980 General Assembly should enact legislation to provide the Georgia Crime Information Center with the electronic data processing hardware and the programmer staff positions necessary to implement a comprehensive information system which will enable planners and policy makers to analyze the operational effectiveness of the criminal justice system in Georgia. The data system should have the capacity to

gather, store, analyze, and retrieve information from all enforcement, prosecutorial, judicial, correctional, parole, and juvenile justice agencies in Georgia. The data system should also incorporate safeguards to ensure privacy and security of individual offender information while simultaneously allowing timely access to aggregate data. The Georgia Crime Information Center should also be given the legislative mandate, authority, and budget to coordinate its data gathering and dissemination policies and procedures with state and local criminal justice planning agencies. This would establish a data base adequate to the information needs of criminal justice planners and crime prevention policy makers.

Recommendation 24: The General Assembly should enact legislation authorizing the Georgia Crime Information Center (GCIC) to audit the reporting procedures and accuracy of reports of all agencies which provide data to the center. Such legislation should include funding for field personnel assigned to GCIC for the purpose of auditing those agencies which report via electromagnetic tape and other computer methods. Further, provisions for bringing charges of malfeasance against agency command personnel who willfully command or allow release of false or altered reports should be enacted. The intent of the proposed legislation is to preserve the integrity of the data disseminated by the GCIC and to discourage willful or negligent manipulation of criminal justice statistics.

THE POLICE

Findings: Police officers are the most visible of all government employees. For many citizens, the police are the personification of government. In times of trouble or distress, citizens expect peace officers to respond quickly, courteously, and, if necessary, heroically. Ironically, police are also often

the object of public scorn and criticism. The subcommittee hearings generated extensive and interesting commentary on Georgia's police agencies and their employees. The range of opinions concerning how police should enforce the law and whether they are doing a good job is indicative of the range of public attitudes faced by officers on the streets. Most of the citizens testifying before the subcommittee had at least one complaint about police behavior; likewise, most had at least one compliment of or heroic tale about police.

Some important issues were mentioned at every hearing. Police officers are considered by almost everyone to be undercompensated for their work. They are also generally perceived to be undereducated and undertrained. Police are far better educated today than ten years ago. In Georgia, the percentage of police officers with some college education is up dramatically since 1970. Pay for police has not kept pace with the increasing professional education and training now expected and often required of officers.

Citizens testifying before the subcommittee were quite emphatic in expressing their desire for better educated, more professional, and better paid peace officers. Many stated their dismay at the virtual disappearance of the "neighborhood cop" and the increasingly impersonal relationship between the police and ordinary citizens. This perception of an unbridged chasm between enforcement officers and the public is often the cause of citizens' feeling that police do not care about their needs. Ironically, police feel that citizens have no understanding of the nature of enforcement work and no concern for the welfare of peace officers. In private conversations with both police officers and private citizens, each group expressed concern for the other and neither group believed they were properly appreciated or appropriately utilized by the other.

In every area where hearings were held, the subcommittee heard calls for additional enforcement personnel. No doubt, this need exists in many jurisdictions; however, there was also ample testimony to indicate few people actually believe additional police personnel will reduce crime. Research conducted in a variety of cities and towns throughout America bears out that conclusion. In fact, citizens, scholars, and police all agree the only effective way to reduce crime is through changes in the way the public perceives crime and responds to criminal activity.

There was general criticism from citizens about routine police policies. The complaints ranged from concern about police handling of juvenile offenders to concern about peace officers having inadequate (or no) protection from civil law suits for damages in false arrest and brutality allegations.

The police officers and enforcement agency command level personnel who testified also aired a variety of complaints and needs. Their chief concern was compensation. Other concerns related to the accuracy, availability, and reliability of support services. The computer information system on which morning and evening watch officers depend for identification of both vehicles and suspected criminals is often "down." Many police feel about the computer like some citizens feel about police: It's never there when you need it.

Officials from other components of the criminal justice system also had some concerns to voice about peace officers. Prosecutors are concerned about the extent to which officers understand the criminal code and their ability to produce concise, accurate, and comprehensive reports for use in drawing indictments. Some criminal justice scholars and planners expressed concern that some enforcement agencies might occasionally "pad" their offense and arrest reports. There was general agreement from other criminal justice agency

representatives that police deserve and want the continuous training required to maintain and upgrade the professional status of law enforcement officers.

Recommendation 25: The General Assembly should enact S.B. 190 (1979) to ensure the funds needed to provide peace officers with the basic and specialized training required to meet the demands of modern day law enforcement. The surcharge method of generating revenue for training purposes places additional financial responsibility for training police officers on offenders.

Recommendation 26: The General Assembly should enact legislation to create a state-wide incentive pay plan for peace officers. The plan should establish a minimum pay scale for sworn, certified peace officers and should provide funds to supplement the pay of officers who complete educational and training programs which provide knowledge and skills related to their duties as police officers. Two of our neighboring states, Kentucky and Florida, have adopted incentive pay plans.

Recommendation 27: The General Assembly should study the value, feasibility, and estimated costs of instituting a state subsidized uniform health, accident, and hospitalization insurance program for peace officers. The subcommittee recommends that the following criteria be given priority concern:

The plans investigated should be elective for individual officers and available to any sworn and certified officer employed by any public enforcement or investigative agency in Georgia.

A formula for subsidizing the plan should be developed which attempts to reward career-oriented peace officers. The following formula is suggested for consideration:

<u>Years of service</u>	<u>State percentage of cost</u>	<u>Individual percentage of cost</u>
*0 - 2	0	100
3 - 6	30	70
7 - 11	40	60
2 - 16	50	50
7 and over	60	40

* (Must be certified by POST)

Presently local agencies purchase staff benefits, such as insurance, independently. Many of the peace officers presenting testimony to the subcommittee stated a preference for state-financed, standardized benefits rather than salary supplements. A state-wide program should also allow for better coverage and reduced premiums.

Recommendation 28: The General Assembly should create a task force with representatives from state-wide law enforcement professional organizations, the Department of Human Resources, the Department of Offender Rehabilitation, the State Office of Planning and Budget, and the State Crime Commission to develop policies and procedures for transporting alcoholics, drug abusers, emotionally disturbed persons, juveniles, and other persons who cannot or should not be held in local detention facilities because of legal and/or treatment considerations. The 1974 Senate Urban Areas Law Enforcement Study Committee recommended "where practicable, state agencies should provide transportation for persons to and from state institutions in order that police officers may be relieved of this responsibility..." (pp. 9 and 10). The problem still exists and deserves the attention of the General Assembly.

Recommendation 29: The General Assembly should urge the State Department of Education to encourage school districts in Georgia to develop courses in criminal justice and offer these

courses to high school students. The subcommittee heard convincing testimony from educators and students in Columbus indicating the popularity and effectiveness of criminal justice courses offered in two high schools there. The courses seem to improve the students' understanding of and respect of the criminal justice system while simultaneously providing opportunities for improved relations between the criminal justice community and the public schools.

Recommendation 30: The subcommittee supports the concept of S.B. 90 which would provide community relations specialists within the Uniform Division of the State Department of Public Safety. The subcommittee further recommends that the specialists be given a mandate to develop and implement programs to recruit superior high school and college students into careers in law enforcement at the local and state agency levels.

Recommendation 31: The Peace Officers Standards and Training Council should develop, with consultative assistance as necessary, training programs for supervisory and "street" level peace officers which enhance their ability to mediate interpersonal conflicts and disputes. Testimony before the subcommittee from citizens and enforcement personnel shows police sometime respond to volatile situations in such a manner as to inflame the situation. Intervention techniques which "defuse" explosive situations exist and have been used satisfactorily. The subcommittee is convinced that uniformed officers, who are usually the first (and often the only) official response available to deal with domestic and neighborhood disputes, desperately need and would greatly benefit from such training. Further, there is some evidence that alterations in the style of intervention by uniformed officers in such situations can reduce the potential for violence and the need for criminal charges.

Recommendation 32: The General Assembly should enact H.B. 116 to provide payments of per diem to peace officers subpoenaed to testify at certain hearings. Often peace officers must appear at inquests, trials, and other hearings during their "off" hours without compensation. The practice of requiring officers to present official testimony on their own time without compensation is both unfair and impractical. Testimony from peace officers indicates a growing resentment at this unfair practice. We believe the state has a responsibility to compensate officers for such duties.

COURTS AND CRIMINAL PROSECUTION

Findings: Georgia's courts face increasingly heavy caseloads. The preponderance of testimony before the subcommittee indicates the courts are ill-prepared to cope adequately with existing caseloads. The hodgepodge array of judicial entities in Georgia baffles even those who have devoted careers to study of the system. There are 42 judicial circuits with 96 superior court judges. In some of the circuits, superior court judges hear only major civil cases and felony criminal cases; in other circuits these judges hear virtually all civil, criminal, and juvenile cases. Currently 159 superior courts, 62 state courts, 40 juvenile courts, 159 probate courts, two municipal courts, two county courts, two county recorder's courts, four magistrate's courts, two civil courts, 67 small claims courts, 510 mayor's, recorder's, and police courts, and 1,019 justices of the peace and related justices comprise the judicial system in Georgia.

Testimony before the subcommittee from judges, prosecutors, criminal justice scholars, and private citizens urged administrative restructuring of the judiciary. The problem is not new. In 1971, the Governor's commission on judicial

processes studied the judiciary and recommended, among other things, restructuring of Georgia's court system. Since that time, a subsequent Governor's Commission on Court Organization and Structure (1975), the State Crime Commission, the Institute of Government at the University of Georgia, the Georgia Bar Association, the Chief Justice of the Georgia Supreme Court, several legislative study and standing committees, criminal justice scholars from several Georgia universities and schools of law, and a host of private citizens have requested, recommended, and sometimes demanded a simplified courts system. Although proposals abound, none has yet been adopted and implemented.

At every public hearing held by the subcommittee there was criticism of the inequities in sentencing which have been thoroughly documented in other reports and in news stories. The subcommittee was urged by many private citizens to support the proposed mandatory sentencing legislation being proposed. On the other hand, attorneys, judges, correctional officials, and a few private citizens urged the subcommittee to oppose mandatory sentencing.

Lieutenant Governor Miller, in his charge to the subcommittee at the first hearing, recommended a program to deal more effectively with prosecution of career criminals. This concern was repeated by others appearing at hearings across the state. The clear implication is that the judicial system often is not focusing prosecutorial resources on conviction of those persons who continuously appear before the court. While there is no official inclination to allow repeat offenders to escape justice, there is ample evidence to indicate criminal records and other information regarding the criminal tendencies of defendants is often unavailable in a timely fashion to prosecutors and judges. One prosecuting attorney told the subcommittee, "In our court we often are faced with the equally unacceptable

alternatives of postponing trial for six weeks while we investigate the criminal history of the defendant or of prosecuting out of our hip pocket." He further commented, "We usually choose 'hip pocket prosecution' to keep the calendar manageable."

There were some encouraging comments concerning the judicial process. In the Cobb Judicial Circuit there are several active projects which are beginning to change the image and the operational procedures of the courts. Cobb operates pretrial court services; a prosecutor's management information system; a victim/witness assistance program; a special consumer fraud task force; and several other programs and services designed to improve the effectiveness and efficiency of the judiciary while simultaneously improving the public image of the courts.

Other testimony concerned the problems presented to judges by the Department of Offender Rehabilitation earned time program. Offenders can, and often do, serve less than one-half of the sentences imposed on them by the sentencing judge. The combined effect of the earned time law and the policies of the State Board of Pardons and Paroles can cause a person sentenced to a term of ten years to be released after serving little more than three years.

Testimony from the judiciary, prosecutors, and from one parolee indicates judges are consequently reduced to "playing probability games" with sentences. Testimony indicates much of the disparity in sentencing can be attributed to this effort by sentencing judges to "second guess" the offender, the earned time system, and the Board of Pardons and Paroles. Obviously, an effort to coordinate the activities of the judiciary, the Department of Offender Rehabilitation, and the State Board of Pardons and Paroles is desperately needed.

Another problem brought to the subcommittee's attention through testimony at public hearings is that of lower courts either reducing charges or failing to prosecute cases. Two offenses, driving under the influence and handgun violations, seem to be particularly susceptible to this procedure. Although there is no hard evidence to support the conclusion, it seems that stiff penalties for these offenses often lead recorder's court, municipal court, and county court judges to invoke judicial discretion on behalf of the defendant and reduce charges to local ordinance violations rather than binding over such cases to the state courts. Reduction of "DUI" charges to reckless driving is not uncommon. Handgun offenses are often reduced to the charge of disorderly conduct or dropped altogether in plea bargaining maneuvers. The subcommittee is not insensitive to the court's desire to temper justice with mercy; however, such practices, when routinely used, serve only to subvert the intent of the legislature as expressed in the statutorily mandated sentences for these very serious offenses.

Recommendation 33: The General Assembly should take measures to speed the efforts to create a unified court system for Georgia. While the subcommittee has no specific solutions to this perplexing problem, we do recognize the severity of the current situation. There are presently several proposals before the General Assembly which seek to resolve the chaotic and disorganized nature of the Georgia judicial system; and these proposals deserve the priority attention of the General Assembly.

Recommendation 34: The General Assembly should not enact comprehensive mandatory sentencing legislation. The preponderance of testimony before the subcommittee indicates mandatory sentencing laws have not been successful in other states. In fact, there is some evidence to indicate these laws can result in fewer prosecutions for crimes in which mandated

sentences apply. The problem of sentence disparity is an important issue. Obviously, the inequities which the proponents of mandated sentences seek to resolve deserve the thoughtful attention of the General Assembly. However, the subcommittee concludes the changes in Georgia's pardon and parole policies recently announced coupled with a restructuring of the provisions of the state's earned time law would address the problem more effectively than would efforts which limit judicial discretion.

Recommendation 35: The General Assembly should enact H.B. 523 or similar legislation to authorize judges to require restitution to victims by adult and juvenile offenders. Restitution not only offers victims some compensation for the distress and suffering inherent in victimization but also provides a direct link between the crime and appropriate consequence for the offense.

Recommendation 36: The General Assembly should encourage judges to offer persons convicted of nonviolent crimes an option of public service work as an alternative to incarceration.

Recommendation 37: The General Assembly should standardize warrant procedures to improve accountability for all criminal cases involving arrest warrants. Testimony from prosecutors, defense attorneys, peace officers, and courts management professionals identifies the current, nonstandardized warrant procedure as a growing concern. The system allows opportunities for cases to "fall out" of the prosecutorial process. The state should require serialized, prenumbered warrant forms with multiple copies for distribution to the sheriff, to the clerk of superior court, and to the Georgia Crime Information Center.

Recommendation 38: The General Assembly should:
Make bail jumping separate criminal offense;

Make commission of a crime while on bail grounds for automatic revocation of bail;

Provide for release of defendants upon cash deposit with the court an amount equal to 10 percent of the bond;

Provide for release of defendants for minor offenses on citation or issuance of summons instead of almost exclusive reliance on arrest warrants and release on bonds;

Provide state appropriations for release on "own recognizance" programs;

Require that the court give calendar preference to defendants detained in jail.

These measures would significantly improve existing procedures to ensure court appearances by defendants.

Recommendation 39: The General Assembly should pass legislation to provide for prosecution of traffic cases on the Uniform Traffic Citation (U.T.C.) in superior court.

The Act creating a uniform traffic citation system for Georgia neglected to authorize prosecution of traffic cases in superior court on the U.T.C., so an accusation must be drawn for minor traffic offenses to be prosecuted. A statutory change authorizing prosecution on the U.T.C. would eliminate much needless work.

Recommendation 40: The General Assembly should initiate procedures to create regional trial centers in each of Georgia's multiple county judicial circuits. Current laws on venue and jurisdiction provide for trial in the county where the crime was committed. In some rural circuits where judges must serve six to eight counties, there may be only two terms of court per year. Thus, a defendant may have to wait nearly six months before his case can be heard. Establishing regional trial centers and authorizing trials to be conducted in those centers should speed the processing of criminal trials. This measure would require

constitutional amendments, changes in current procedures and records systems, and a new method of courthouse financing for the trial centers. It would also improve the quality of Georgia courthouses since a number of county courthouses are in poor repair.

Recommendation 41: The General Assembly should enact legislation to allow guilty pleas to be received in one county from defendants with charges pending in more than one county, provided the defendant waives his right to venue and the prosecutor(s) in the other county(ies) concur(s).

Recommendation 42: The General Assembly should enact legislation to provide for pretrial discovery in criminal cases. H.B. 672 or other similar legislation should be enacted so as to speed the disposition of criminal cases. Discovery is a controversial issue with meritorious arguments made on both sides. Testimony before the subcommittee tends to indicate the presumed ill effects to the prosecution of pretrial discovery is overshadowed by the reduction in trial delay presumed to result from pretrial discovery.

Recommendation 43: The unified appeal plan as proposed by former Georgia Supreme Court Chief Justice H. E. Nichols should be adopted by the 1980 General Assembly. Capital cases are currently characterized by appeals procedures which result in delay of final judgment for years after the original disposition of the case. These delays produce an unacceptable corroding influence upon the effectiveness of the courts. Often, the pain and agony to both offender and victim of awaiting final judgment of a case is so frustrating as to engender a "so what" attitude towards justice. The unified appeals approach seems fair to both the defendant and the state and should be adopted immediately.

Recommendation 44: The General Assembly should enact legislation to encourage and support victim/witness assistance

programs in all Georgia superior and state courts. In addition to the systemic flaws which create delay, confusion, and discontent within the judicial process, there is the problem of the perception of the judicial process held by victims of crime and by witnesses to crime. Often cases must be dismissed because of the failure of victims and witnesses to "cooperate" with prosecutors. The subcommittee heard convincing testimony from private citizens and court officials which demonstrates that this "failure to cooperate" often stems from the impersonal, and even rude, treatment received by victims and witnesses from the courts. There is no excuse for inconsiderate treatment of citizens who have done nothing to deserve the ill-will described to the subcommittee in public hearings. Victims deserve courteous and thoughtful handling by the courts; they are, after all, the persons who have already suffered at the hands of the alleged criminal. Witnesses are essential to successful case prosecution. Discourteous and unthoughtful treatment of citizens whose only purpose for coming to court is to assist the judicial process is both illogical and unthinkable. Yet, if we are to believe the testimony received, it is also common. Systematic approaches to the courteous and timely use of witness participation in case prosecution are available and often entail nothing more than policy changes. The startling conclusion logically derived from public testimony is: Too often the judicial officials of our state do not perceive the negative effects of their behavior upon the very citizens for whom the courts exist.

Recommendation 45: The General Assembly should enact legislation to encourage and support the establishment of pretrial court service programs in each of Georgia's superior and state courts. These programs offer a variety of services to the courts which serve to improve the probability that defendants

appear. The project in the Cobb Judicial Circuit has been chosen by the National Center for State Courts as a national model for pretrial services; the subcommittee urges the legislature to utilize the expertise of the personnel of that project to develop projects in other circuits.

Recommendation 46: The General Assembly should enact legislation to create statutory, uniform, plea bargaining guidelines. Plea bargaining has gained almost universal acceptance among court officials as a means of increasing the speed of case dispositions. Judges, obviously an integral component of the plea bargaining process, continue to resist official sanction of the process. The result is a public impression that clandestine negotiations take place between defendant and prosecutor without judicial sanction and that this clandestine system is subverting justice. Given the lack of official guidelines for plea bargaining and the attendant ability of defense attorneys and prosecutors alike to play the system for their best advantage, plea bargaining may very well be subverting the best interest of justice. The legislation needed should mandate:

Published standards and guidelines for the plea bargaining process in each court;

Official judicial acknowledgment of plea bargaining;

Requirements for written plea bargaining agreements with signatures of the agreeing parties;

Specific authority to judges to reject pleas with cause with required written explanation of cause for rejection;

Withdrawal of a judge from any case in which the judge rejected a plea, coupled with required appointment of a new judge to hear the trial.

Recommendation 47: The General Assembly should enact legislation to encourage and enable special prosecution of career

offenders. The necessary legislation should include appropriations to the Georgia Crime Information Center for the timely completion of the offender based tracking system data base. Without this data base, state-wide effort to crack down on repeat offenders will be doomed to failure. Obviously, the most critical step in implementing special programs to prosecute repeat offenders is some method of identifying those persons quickly and accurately at time of arrest. The data system currently is not capable of providing fast, accurate information needed for these special projects on a state-wide basis.

OFFENDER REHABILITATION

Findings: Georgia ranks third among all states in the number of prisoners per 100,000 population. There are approximately 12,200 persons in prison in the state, and an additional 32,000 Georgians are on adult probation. Twenty-four percent of those in Georgia's prisons will return within two years after their release. Some 25.6 percent will return within five years. The typical prisoner is: young (under 25), male, black, undereducated (less than tenth grade), unemployed at time of arrest. Most Georgia prisoners read at less than fifth grade level, are from broken homes in poor neighborhoods, and encountered trouble with the law as juveniles. All of Georgia's prisons are overcrowded and none offer sufficient programs to raise the educational and skill level of people incarcerated.

Since juvenile offense records receive strict privacy protection, there is no reliable data on the percentage of prisoners who were also incarcerated as juveniles. However, testimony from prison officials and from inmates of the Georgia Industrial Institute at Alto suggests that many, if not most, adult prisoners began their prison careers in juvenile detention facilities. The subcommittee concludes that serious attention

to, and increased funding for, juvenile rehabilitation efforts is the most rational and potentially successful means of reducing crime in the future.

As indicated earlier, there are serious problems attributed to the earned time system. After hearing testimony from prison officials, judges, prosecutors, police officers, and former inmates, the subcommittee concludes the earned time law does indeed require amending. There is an obvious need for some earned time mechanism as a means for prison officials to control inmate behavior nonviolently.

Testimony received raised serious concerns about the equity of the present good time statute. All prisoners earned good time at the same rate regardless of the nature of the offense (excluding capital cases) and regardless of whether the offender is a "first offender" or a career criminal.

Testimony from officials of the State Department of Community Affairs and a review of their recently released "Jail Standards Study" indicates that Georgia's local jails are also deserving of attention by the General Assembly. Many of the state's jails do not conform to federal standards, thereby leaving local officials open to class action lawsuits by prisoners. This problem is difficult to address. Taxpayers have little interest in supporting bonds issued to renovate inadequate facilities and exhibit even less interest in funding construction of new jails. The prevailing attitude seems to be that prisoners are already coddled and citizens overtaxed. While there is certainly cause for the latter opinion, the subcommittee found no evidence that prisoners are coddled in any jail or prison facility in the state. The physical characteristics and the generally overcrowded conditions of our facilities would preclude coddling even if it were the state's policy (which it isn't).

The subcommittee received mixed testimony regarding the use of community based alternatives to incarceration as offender rehabilitation strategies. The general attitude seems to favor such projects so long as they are in someone else's neighborhood. The need for increased public information regarding community based correctional programs is evident. Citizens are not rigidly opposed to such programs; however, there is an understandable reluctance to support the concept when so little is known about the effects of these projects on offenders and upon the communities which host the projects.

Recommendation 48: Every reasonable effort should be made to increase the available alternatives to incarceration of nonviolent misdemeanants. The alternatives should utilize strict and stringently enforced behavior change contracts between the offender and the State Department of Offender Rehabilitation which will monitor the offender's continued commitment to the desired correctional goals. In addition, the goals of the contracts should reflect and be consistent with acceptable community standards of behavior and should be realistic in light of the offender's personal circumstances.

Recommendation 49: The General Assembly should amend the earned time law to give consideration to the criminal history of the inmate and to the nature of the offense for which the inmate is incarcerated. In no case should earned time exceed one day off for each good day served. It is recommended that the day-for-day formula be reserved for first offenders convicted of nonviolent crimes. Other prisoners' earned time rates should be designed to reflect the legislature's determination to protect the citizens of Georgia from violent criminals and repeat offenders.

Appendix C is offered as an example of a good time system which takes the instant offense and criminal career of the offender into account.

Recommendation 50: The General Assembly should encourage the State Department of Offender Rehabilitation and the State Board of Pardons and Paroles to study the provisions of early release and good time policies so as to coordinate the criteria of each program. Inmates should not be granted an early release from prison simply because of acceptable behavior while in the institution. Neither should inmates be granted or denied parole simply based on their prison behavior. There are indicators which can be utilized to predict the inmate's potential for success on the "outside" if granted an early release. The State Board of Pardons and Paroles should provide the Department of Offender Rehabilitation with a presumptive parole date for each prisoner incarcerated in Georgia.

Recommendation 51: The General Assembly should create a task force comprised of top level representatives of the State Department of Offender Rehabilitation, the State Department of Education, the State Department of Human Resources, the State Board of Pardons and Paroles, and identified specialists in the fields of corrections and vocational rehabilitation for the purpose of developing an interagency program for providing educational and vocational training to inmates of Georgia prisons. The subcommittee is aware that the state's prisons already have educational and vocational training components. We are equally aware of the general failure of these programs to attract and motivate inmates to attempt self-improvement seriously. The problem is in part a reflection of the inability of state agencies to provide services to other state agencies.

The task force should also develop strategies for providing similiar services and opportunities to probationers.

JUVENILE JUSTICE

The problems of troubled youth and juvenile delinquency are of grave concern to the subcommittee. The subcommittee chairman has served on interim study committees dealing with these issues for the past three years and the subcommittee staff shared time and resources with the Senate Juvenile Justice Study Committee, chaired by Senator Littlefield of the 6th District. The efforts of that study committee culminated in 16 recommendations to the 1980 General Assembly.

At each local hearing, the Law Enforcement Subcommittee heard from representatives of parent, teacher, and public school administration groups. Juvenile court officials and professionals who work with troubled children also testified before the subcommittee. Our findings, and testimony presented to us, correlate closely to the findings of the Juvenile Justice Study Committee.

We therefore endorse the report of the 1979 Senate Juvenile Justice Study Committee. In the interest of brevity, this report will not reiterate the findings and recommendations of the Juvenile Justice Study Committee; however, several of their recommendations deal with problems which are critical enough to warrant repetition here.

Recommendation 52: The General Assembly should create a standing committee on Juvenile Justice and Youth Development in each house. These standing committees should commence their work in the first session of the 1981 biennium and should be charged with responsibility for continuously monitoring and reviewing the progress of executive branch agencies and their contractors in fulfilling the mandates of the Interagency Task Force on Troubled Children. In addition, the committees would provide the leadership necessary to continue to improve both the juvenile justice system and the state's efforts to provide rehabilitative

services to troubled children and their families. The problems encountered in achieving coordinated services by state agencies could be better overcome with the legislative input and review achieved by creation of these committees.

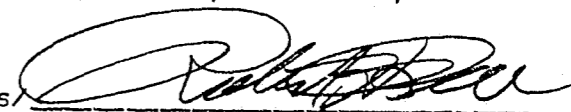
It is further recommended that the present Juvenile Justice Study Committee be authorized to continue its work until the standing committees are established.

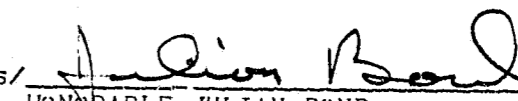
Recommendation 53: The General Assembly should enact S.B. 144. This bill is the most logical and thrifty proposal yet to surface to deal with the problems of the state's nonsystem of juvenile courts. It would create a unified, state-financed system of juvenile courts and establish reasonable, yet effective, minimum standards for juvenile judges and referees. Further, the bill would establish minimum salaries for juvenile judges commensurate with the responsibility and training demands of the office. While the cost of implementing S.B. 144 is not negligible, two factors make it reasonable: The current system is fraught with "hidden" and "deferred" costs connected with its failure to deal effectively with delinquency, and all other proposals to resolve the crisis are either potentially far more expensive or far less effective.


Recommendation 54: The General Assembly should encourage the State Department of Education and local boards of education to develop and implement policies, procedures, and programs to eliminate the practice of withholding instruction from public school students as a routine disciplinary measure. Further, if the state board is unwilling to adopt policies and procedures designed to achieve this goal, the General Assembly should enact legislation prohibiting the expulsion or suspension of any child from instructional services as a means of routine punishment.

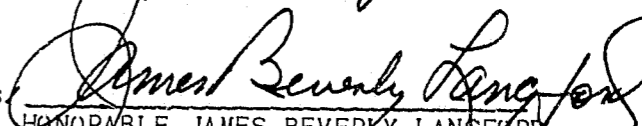
These recommendations, combined with the other 13 made by the study committee, are solid, well-considered, and needed. This subcommittee supports these recommendations. Testimony received by us confirms the need for improved and expanded services to troubled children and their families as a means of reducing the potential for these troubled children becoming adult criminals. Every hearing produced testimony linking the dramatic increases in adult crime (and juvenile crime) to the failures of our state's child care and training programs. We must begin now to invest the time and money needed to ensure that our most precious resource, our children, is not squandered.


Respectfully submitted,

/s/ 
HONORABLE ROBERT H. BELL
SENATOR, 5TH DISTRICT
CHAIRMAN

/s/ 
HONORABLE JULIAN BOND
SENATOR, 39TH DISTRICT

/s/ 
HONORABLE GLENN E. BRYANT
SENATOR, 3RD DISTRICT

/s/ 
HONORABLE JAMES BEVERLY LANGFORD
SENATOR, 51ST DISTRICT

/s/ 
HONORABLE FRANKLIN SUTTON
SENATOR, 9TH DISTRICT

APPENDIX A

CHART 1

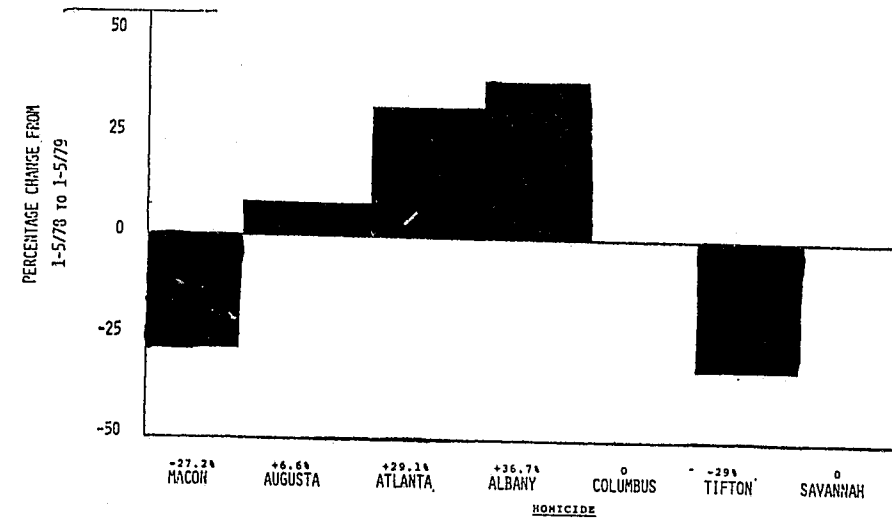


CHART 2

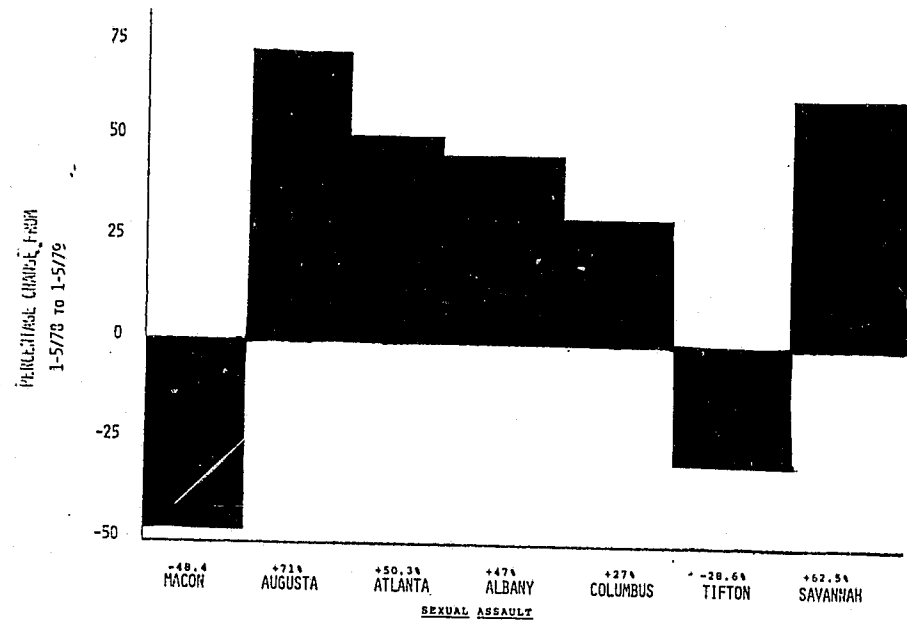
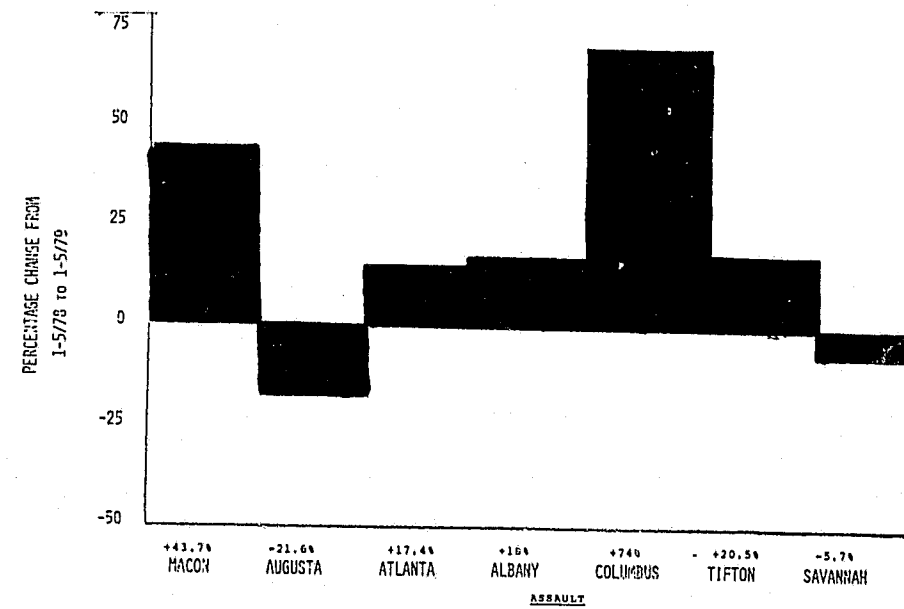


CHART 3



APPENDIX B

CHART 4

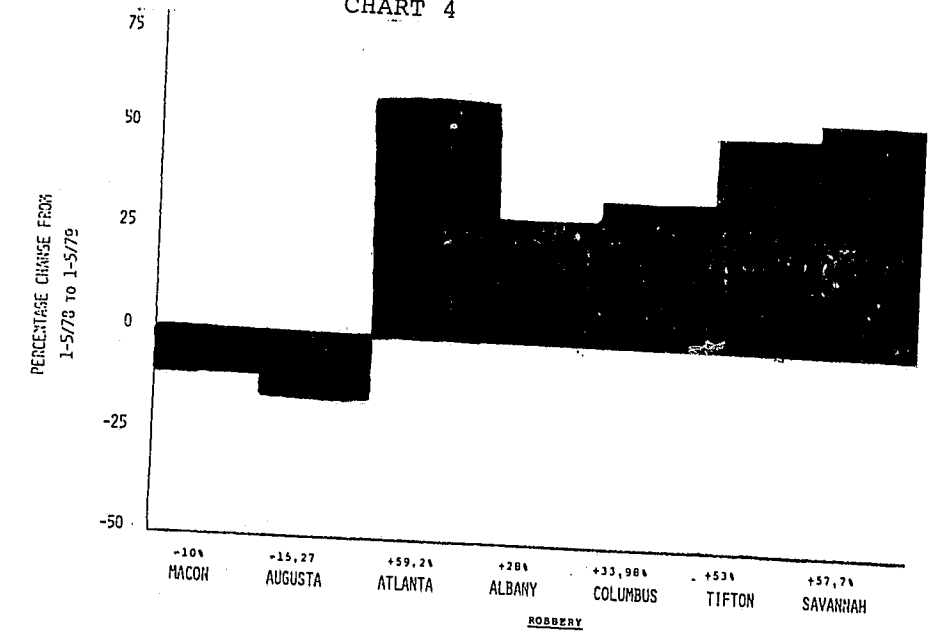


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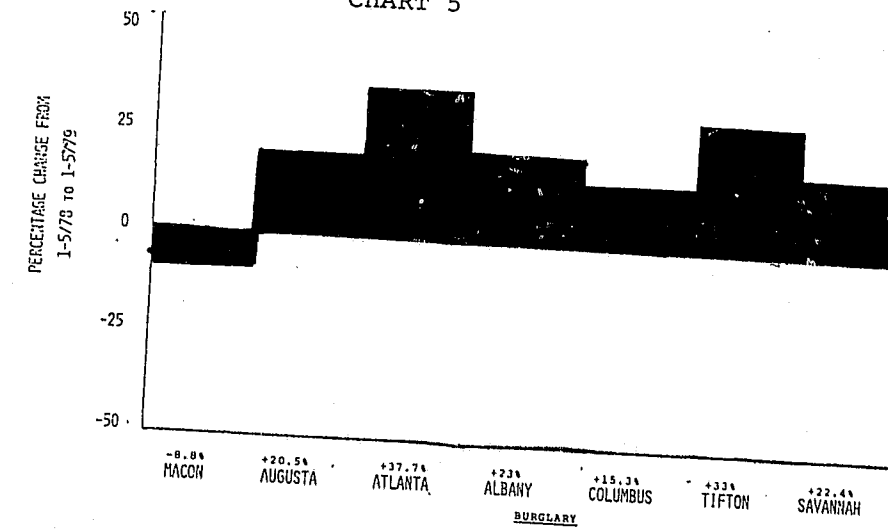
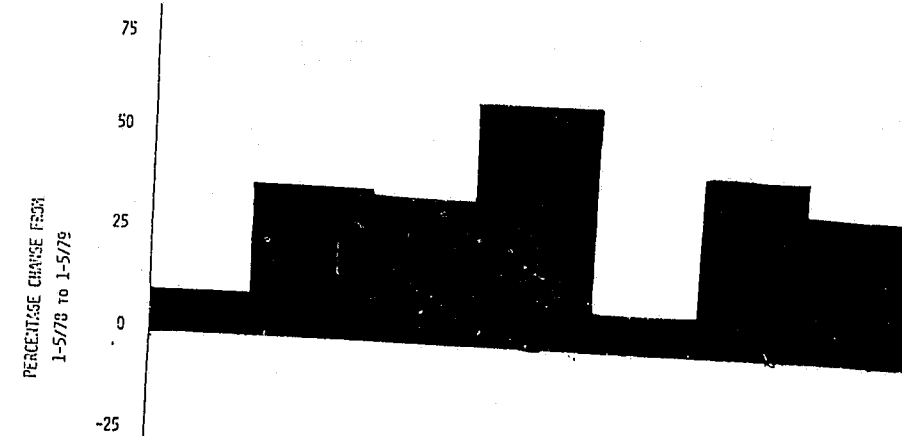


CHART 6



END