

Public and Professionals' Views of the Juvenile Justice System in Georgia

A Report on a General Population Poll and a Web Survey of Professionals in the Juvenile Justice Field

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Prepared for

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In the Spring of 2007, the Children and Youth Coordinating Council (CYCC) of the state of Georgia commissioned the Carl Vinson Institute of Government (CVIOG) to conduct surveys of the general population and of professionals in the fields of law enforcement and juvenile justice to better understand broad perceptions about juvenile justice in Georgia today.

The survey of the general population was conducted by telephone from August 11 – 19, 2007. The survey of professionals was conducted via the Internet from August 13 – 29, 2007. Details about the survey methodology can be found at the back of this report. Despite differences in survey mode (telephone versus Internet), all respondents received the same questions about juvenile justice in Georgia today. While the general population survey is based on a probability sample and the results can be generalized to the state's population, the survey of professionals is an internally developed pool of respondents, and the results of that sample only reference the groups we have selected. As such, bear in mind that police chiefs and sheriffs make up 30 percent of the surveyed population, and Department of Juvenile Justice staff comprises another 23 percent. The remaining 47 percent is split, although not evenly, among 7 other categories of professionals.

This report provides a description and brief analysis of the survey findings.

Major findings ...

- Georgians are more likely to favor an emphasis on rehabilitation over punishment for juvenile offenders than for adult offenders.
- District Attorneys cite a younger age at which individuals should be held fully accountable for their actions than do Public Defenders and Juvenile Court Judges.
- Juvenile justice professionals are much more likely to see the juvenile court system as too lenient than is the general public, and among professionals, victims advocates, law enforcement personnel, investigators, and district attorneys are the most likely to express the view that the juvenile court system is too lenient on offenders.
- The general public shares the views of many professionals on the relative effectiveness of various programs to keep youths from committing crimes.
- The public is less likely than victims advocates, law enforcement personnel, investigators, district attorneys, and Department of Juvenile Justice staff members to want to see children accused of serious violent crimes tried as adults. Among professional groups, public defenders are the least likely to favor trying youths accused of serious, violent crimes as adults.

Age of Reason

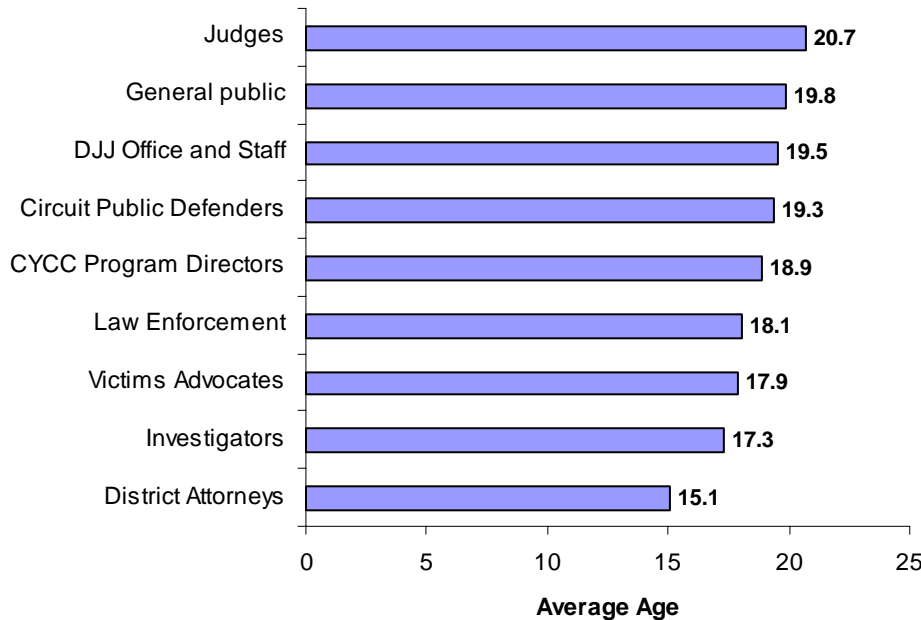
In order to begin to understand the public's perception of how old an individual must be before he or she is competent to make major decisions, we asked, "At what age, generally, do you think the average individual is capable of making decisions that can determine the rest of his or her life?" The median response from the general public was 19 years of age, with a mean response just above that (19.8). The juvenile justice professionals put the age at which an individual is competent to make decisions for him or her self just slightly lower, a median age of 18 and a mean age of 18.3. The modal age—that response most frequently given—in both surveys was 18 years old.

Within the general public, there was a small but statistically significant difference in the mean ages cited by the parents of children under 18 years old (mean = 18.9) and those who are not parents of children under 18 (mean = 20.4). Georgians over 35 years of age put the age of competence higher than do those ages 18 to 35 (mean = 20.2 and 19.1 respectively). In addition, the mean age suggested by those with a college degree is slightly but significantly lower than that given by those without a college degree (mean = 19.3 and 20.1 respectively), and the mean given by those who have lived in Georgia less than 15 years was slightly but significantly lower than that given by those who have lived in Georgia more than 15 years (mean = 19.0 and 20.1 respectively).¹

Among professionals, the district attorneys that responded to the survey tended to give a significantly lower age (mean and median of 15 years old), while juvenile court judges, public defenders and Department of Juvenile Justice staff all gave a mean above 19 years of age. Figure 1 breaks out the mean age given by professional groups.

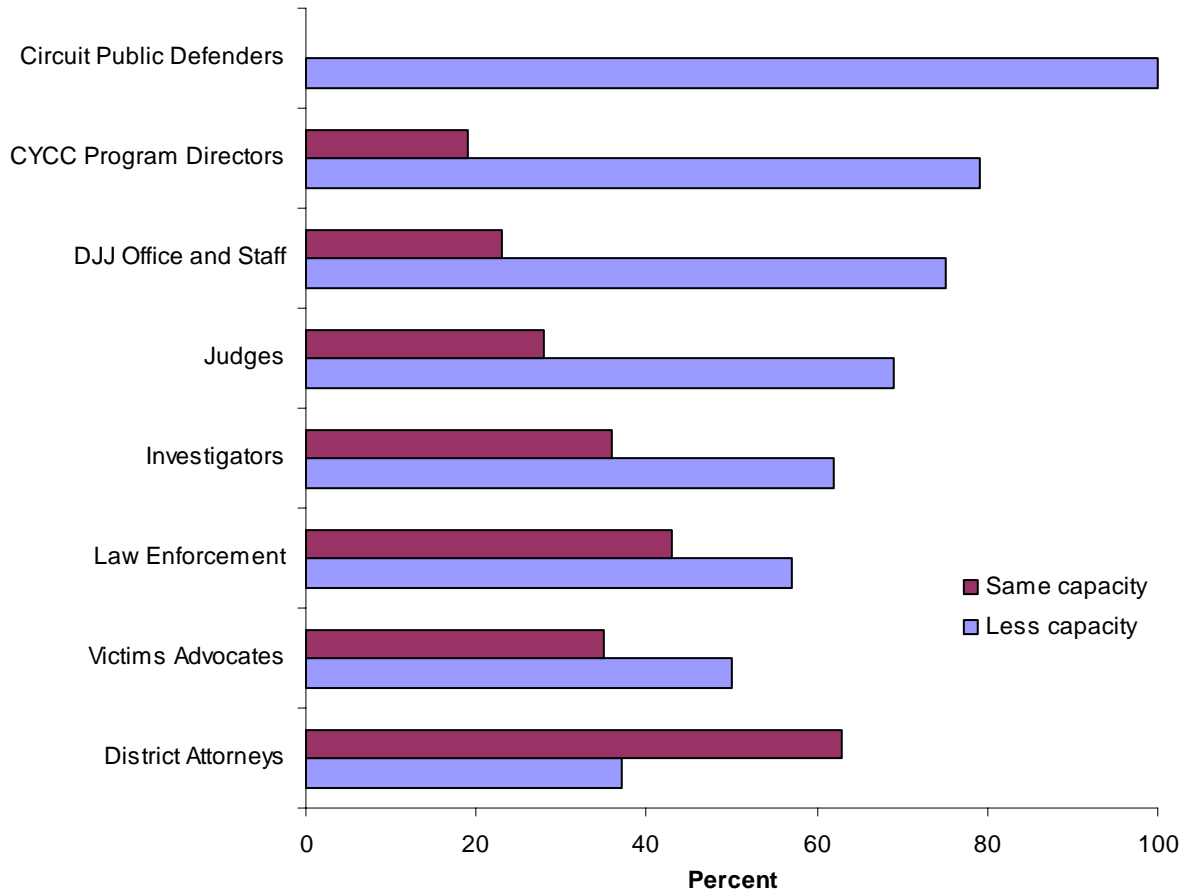
¹ All of the differences reported in this paragraph were found to be significant with a $p < .05$ in each case using an independent samples T-test.

Figure 1: Average Age By Which an Individual is Capable of Making Decisions that Can Determine the Rest of His or Her Life, by Group



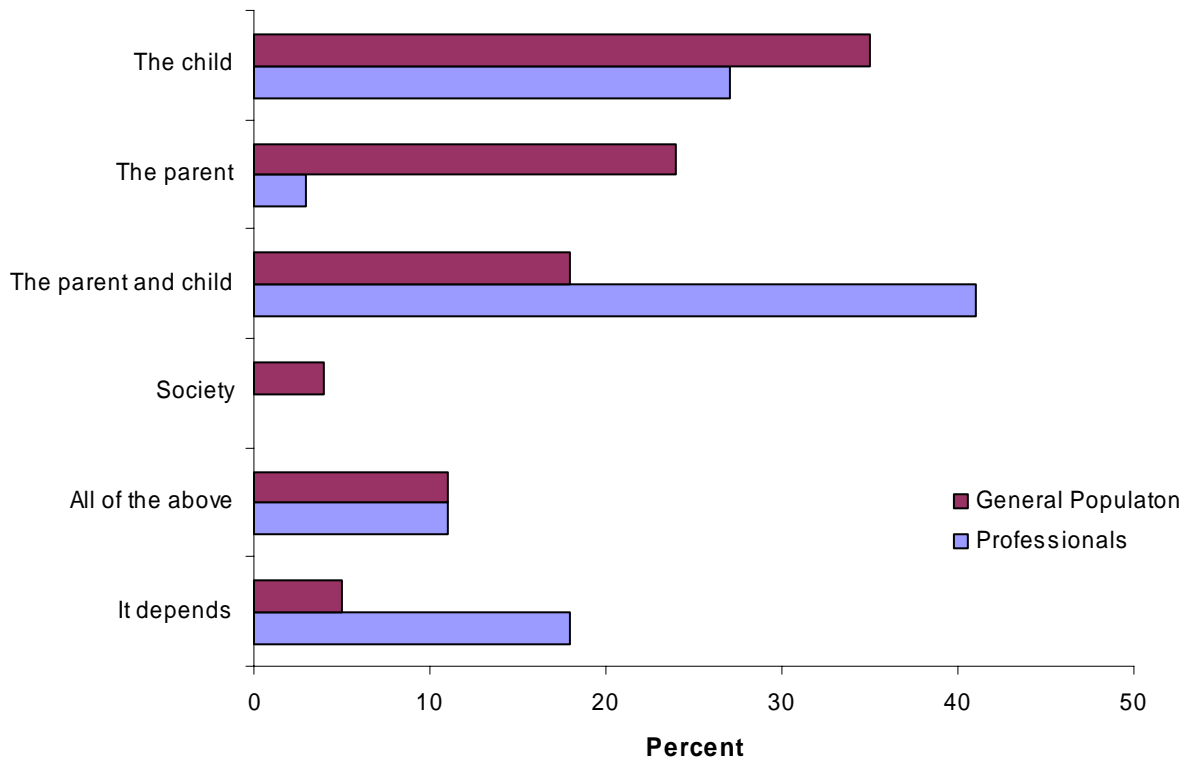
Sixty-nine percent of the general public and 64 percent of professionals believe that a 13 year old has less capacity to differentiate between right and wrong than a 21 year old. The responses of younger respondents in the general population survey—those between 18 and 35 years of age—differed significantly from those of older respondents; only 59 percent of younger respondents said that a 13 year old has less capacity to differentiate between right and wrong as compared with 74 percent of those older than 35. Differences in response by age were also found in the survey of professionals but to a lesser extent. Among professionals, what mattered most in the response to this question was the profession; only 37 percent of district attorneys, 50 percent of the victims advocates, and 57 percent of law enforcement said that a 13 year old has less capacity (see Figure 2). A majority of district attorneys (63 percent) said that the average 13 year old has the same capacity as a 21 year old to tell the difference between right and wrong.

Figure 2: Assessment of a 13 Years-Old's Capacity to Differentiate Between Right and Wrong, by Profession



When it comes to who should be held primarily accountable for the behavior of youth who commit crimes, majorities of both the professionals (68 percent) and the general public (53 percent) would hold the child as primarily accountable, either alone or in combination with the parents. Figure 3 demonstrates the differences in views on this subject between professionals and the general public. Forty-one percent of professionals say that the parent and child are jointly accountable, and another 27 percent say that the child alone is primarily accountable. In the general public, 35 percent hold the child primarily responsible while another 18 percent hold the child and parent jointly responsible for criminal behavior by youths.

Figure 3: Professionals' and General Public's Assessment of Who is Primarily Responsible when a Child Commits a Crime



The general public is far more inclined to hold the parents alone accountable than are professionals in the field (24 percent compared with 3 percent).² In addition, while no professionals hold society primarily account, 4 percent of the general public say that they would. The general public and professionals were equally apt to select holding a combination of the child, parents, and society all equally primarily responsible when a child commits a crime.

Professionals were far more likely to suggest that they could not know who was primarily responsible when a child commits a crime without knowing more about the situation; 18 percent of professionals responded that it depends on other factors.

² Because of the modal differences, professionals saw all the options for responses, including the combination of parent and child, whereas the general public respondents only heard the options of parent, child and society offered by the interviewer; they were left to combine options—such as parent and child—on their own, although interviewers were prepared to accept all combinations without pressuring the respondent to choose a single option.

Causes of Crime by Juveniles

In an open-ended question, our poll asked both the general public and professionals what they thought was the primary cause leading juveniles to commit crimes. Majorities of both the general public (62 percent) and professionals (65 percent) gave responses relating back to the youths' upbringing and the instillation or lack of values. One response from a stakeholder represents the type of responses that we coded under this category: "A lack of a foundation in moral principles. Usually this arises from poor or no parenting in the early years." Many respondents cited single family homes and an absence of discipline in the home.

Among the general public, many respondents in this category cited a lack of religious and moral emphasis by the parents; for example, one respondent said the problem stems from, "not enough of God in the home and not enough discipline. I'm not saying beating, (but) the Bible says you spare the rod, you spoil the child. You got to discipline with love." Also, several responses from the general public cited the absence of religious values in schools as the root of the problem, such as "We have taken God out of the school; in my days that was something that was important that helped to mold me and my contemporaries."

We also coded the general public's responses into one of two categories denoting whether the cause of juvenile crime was something deviant about the juveniles who commit crimes or whether the cause was something systemic that happened to juveniles that commit crimes. For instance, the two responses from the general public cited in the preceding paragraph suggest that the cause of juvenile crime is an absence of religion in the home or in the school—two causes that the juveniles who commit crimes cannot control. Ninety-two percent of the general population cited a cause of juvenile crime that lies outside of the control of the juvenile, indicating a belief among the public that addressing criminal behavior by youths will take systemic changes in either society or our institutions. Only 8 percent cited causes that lie within the control of the juveniles who commit the crime; one example of this is the following response: "(It's a) lack of moral fortitude. A 13 year old may have a lesser capacity for making sound decisions, but they are capable of compassion and having a sense of right and wrong."

Of course, the causes offered by the professionals were more multifaceted than those offered by the general public; very rarely did a stakeholder point to a single cause. Consequently, the professionals' responses were more difficult to code. Clearly, people working in the area of juvenile justice have thought about the issues involved much more than the average citizen and have thus developed more nuanced views of the issues. Indicative of this complexity was the response from one stakeholder who complained that the question was too complex to be answered in the limited space allotted. This respondent wrote, "You gave me only 255 characters to answer this question ... (T)hat might be part of the state's problem ... asking a question then not allowing it to be answered."

Another professional said, "I think that each case is different. Some are because of the environment they live in and its influences. Some are a lack of supervision by adults. In some case kids are raising themselves practically." This respondent reasonably could not offer a single cause.

And yet another professional turned the questions on us: “Should children be held responsible for their actions? Can discipline be re-established in schools? Juveniles laugh in the face of our system. Can everyone go to jail? No, but they can be held responsible.”

Majorities of both professionals (53 percent) and the general public (78 percent) believe that whether there has been a history of abuse or neglect should be taken into account in deciding how to deal with a juvenile convicted of a petty offense. The general public was only slightly more inclined to say no—that abuse or neglect should not be taken into account—in dealing with a child who has committed a petty offence than were professionals (14 percent compared with 10 percent). Thirty-six percent of professionals in our survey said that whether a child convicted of a petty offense has been the victim of abuse or neglect should be taken into account depends on other factors. Again, this is consistent with the more complex response that professionals bring to the subject than the general public. Figures 4 and 5 illustrates the differences and similarities in views between the general public and professionals for both cases in which the juvenile has been convicted of a petty crime and a violent crime.

Figure 4: Professionals' and General Public's Assessment of Taking Histories of Abuse or Neglect into Account in Dealing with Youth Convicted of Petty Crimes

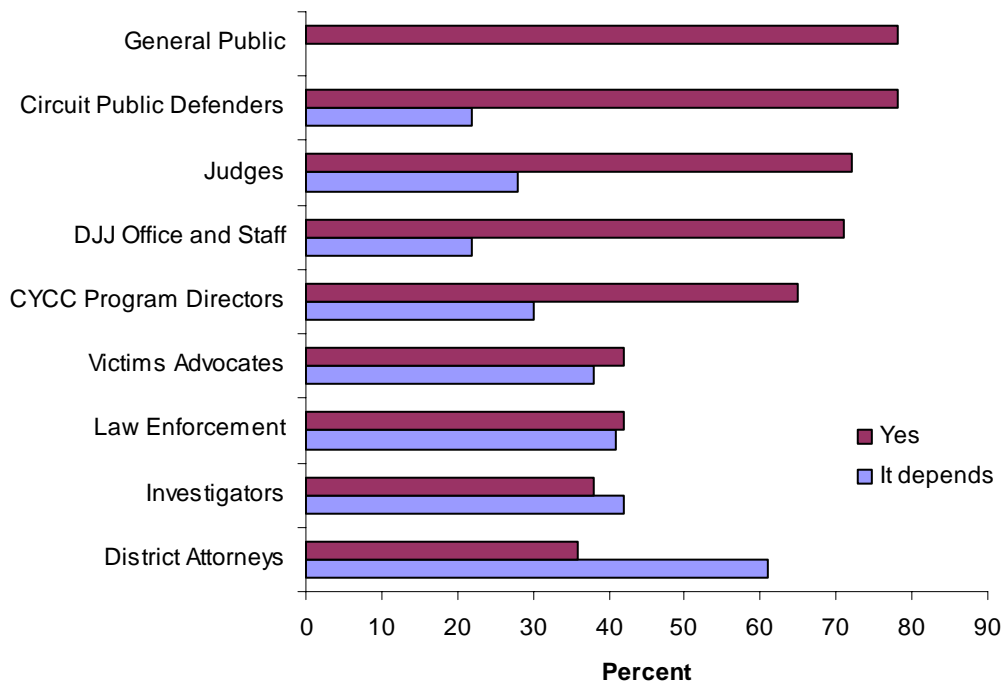
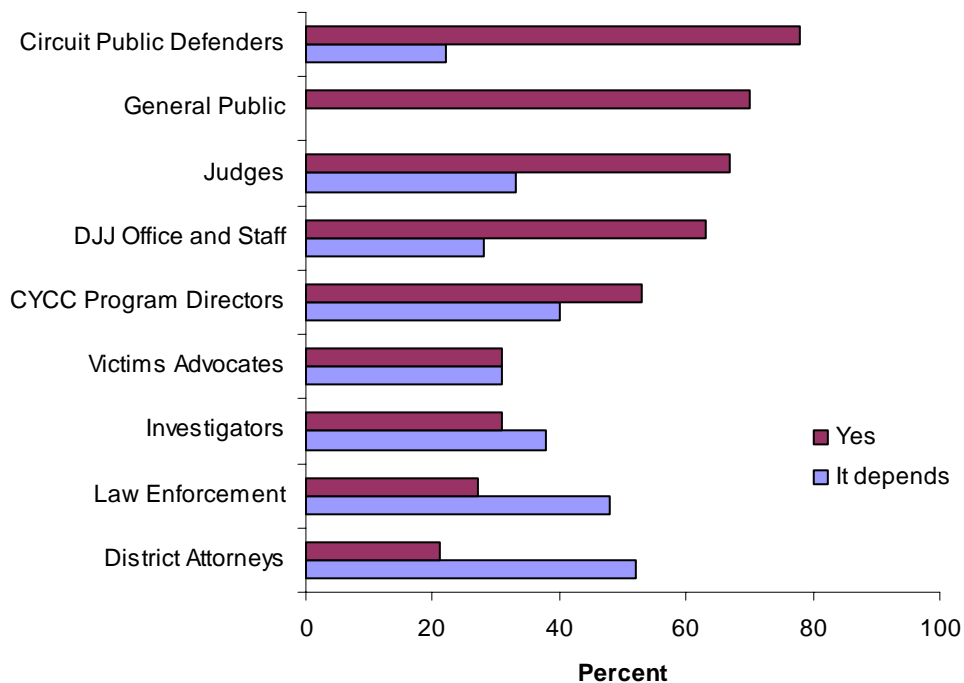


Figure 5: Professionals' and General Public's Assessment of Taking Histories of Abuse or Neglect into Account in Dealing with Youth Convicted of Violent Crimes

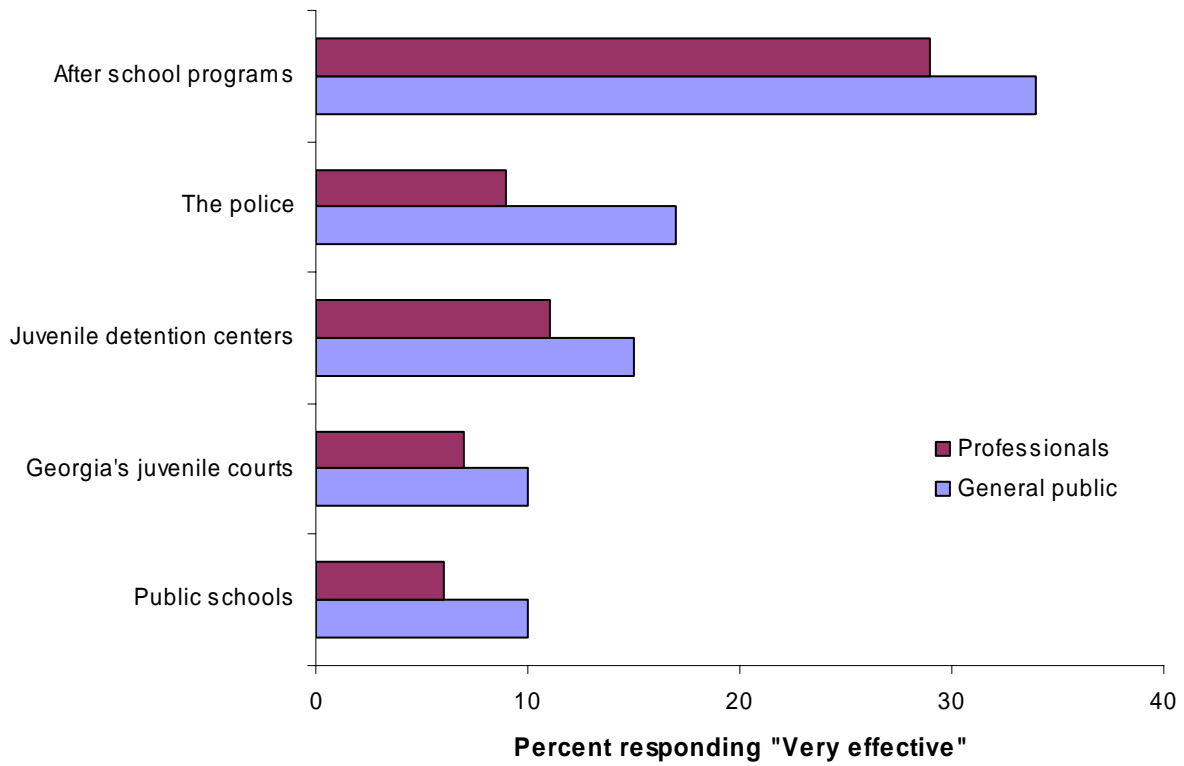


When a youth is convicted of a violent crime as opposed to a petty crime, both the general public and professionals are a little more inclined to disregard histories of abuse or neglect, but a majority of the general public (70 percent) still said that they would consider such a history. And among professionals, a plurality said that a past of abuse or neglect should be taken into consideration when dealing with a youth convicted of a violent offence, while nearly as many (39 percent) said that it depended on other factors.

Among surveyed professionals, judges (67 percent), Department of Juvenile Justice staff (63 percent), and public defenders (53 percent) were the most likely to say that a history of abuse or neglect should be taken into consideration when dealing with a youth convicted of a violent offence. On the other hand, district attorneys (21 percent), police chiefs and sheriffs (27 percent), and investigators and victims advocates (31 percent) were the least likely to favor taking such a history into account.

We asked professionals and the general public to rate the effectiveness of various programs in reducing the amount of crime committed by persons under 18 years old. As far as the relative effectiveness of the different programs considered, the pattern of responses by professionals and the general public were similar—both found after school programs the most effective and public schools the least effective (see Figure 6).

Figure 6: Professionals' and General Public Views on the Effectiveness of Programs in Keeping Youth from Committing Crimes



Purpose of Juvenile Justice System

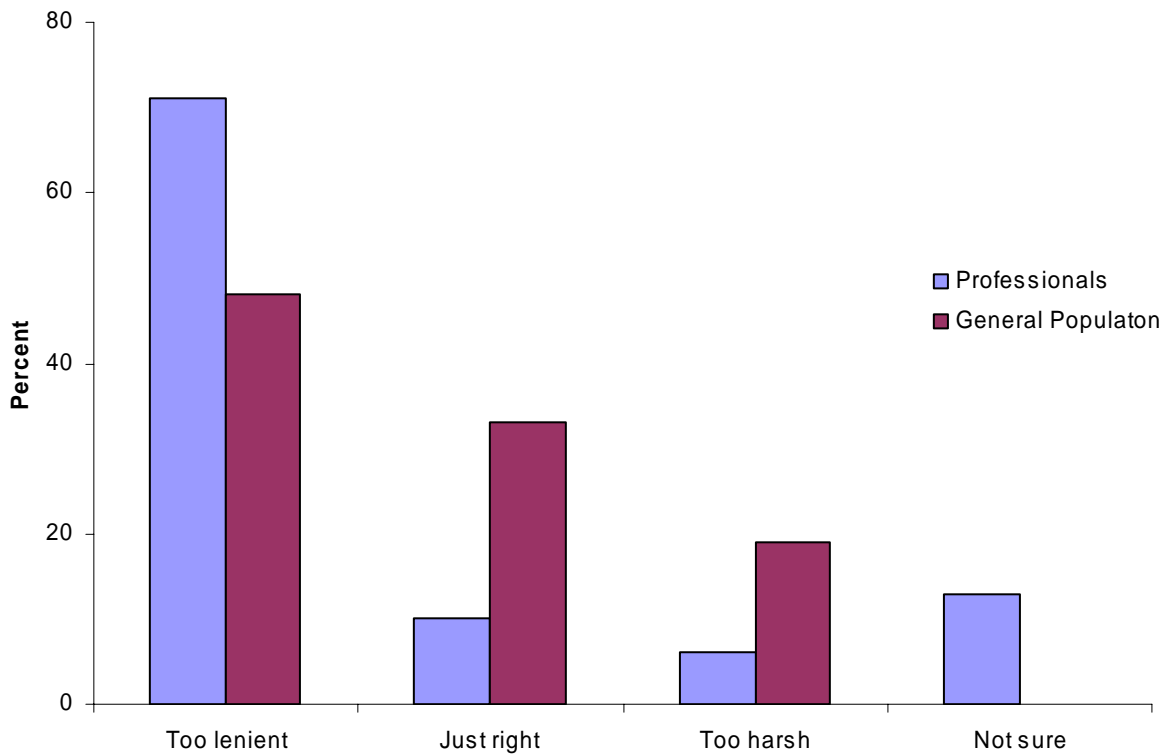
A recent article in *Criminology* examined public opinion and the establishment of juvenile courts in the United States.³ The researchers raised the question of whether it was necessary to provide a set of courts for juveniles separate from the standard criminal and civil court system. The article concluded that the general public in Florida disapproved of eliminating the juvenile justice system. Floridians employed in the criminal justice system were statistically no more or less likely to favor elimination of the juvenile justice system than was the rest of the public, and parents of children in Florida were significantly more likely to oppose the elimination of the juvenile justice system than were nonparents.

Survey respondents in our Georgia public opinion poll and survey of professionals were asked whether they agreed more that the purpose of the criminal justice system was to punish or if the purpose was to rehabilitate. A plurality of the general public (46 percent) agreed more that the criminal justice system is to rehabilitate than to punish (36 percent). Parents of children under 18 years of age were more likely than nonparents to agree that the purpose of the criminal justice system is to punish (39 percent compared with 33 percent). However, when asked where the emphasis should be when a child is convicted of a crime, nonparents were slightly more likely to favor punishment than were parents (14 percent compared with 11 percent), although the general public—including both parents and nonparents—preferred an emphasis on rehabilitation (60 percent) over punishment (13 percent) by a large margin. This is consistent with the public's historic view, as recounted by Mears et al that the public is far more disposed to favoring a focus on rehabilitation for young offenders than for adults.

For professionals in Georgia, punishment and rehabilitation were less likely to be seen as exclusive options; 54 percent cited both punishment and rehabilitation as the purpose of the criminal justice system, and 68 percent favored an emphasis on both punishment and rehabilitation when a child is convicted of a crime.

³ Mears, Daniel P, Carter Hay, Marc Gertz, and Christina Mancini. 2007. "Public Opinion and the Foundation of the Juvenile Court." *Criminology*. Vol. 45, No. 1, pp. 223-257.

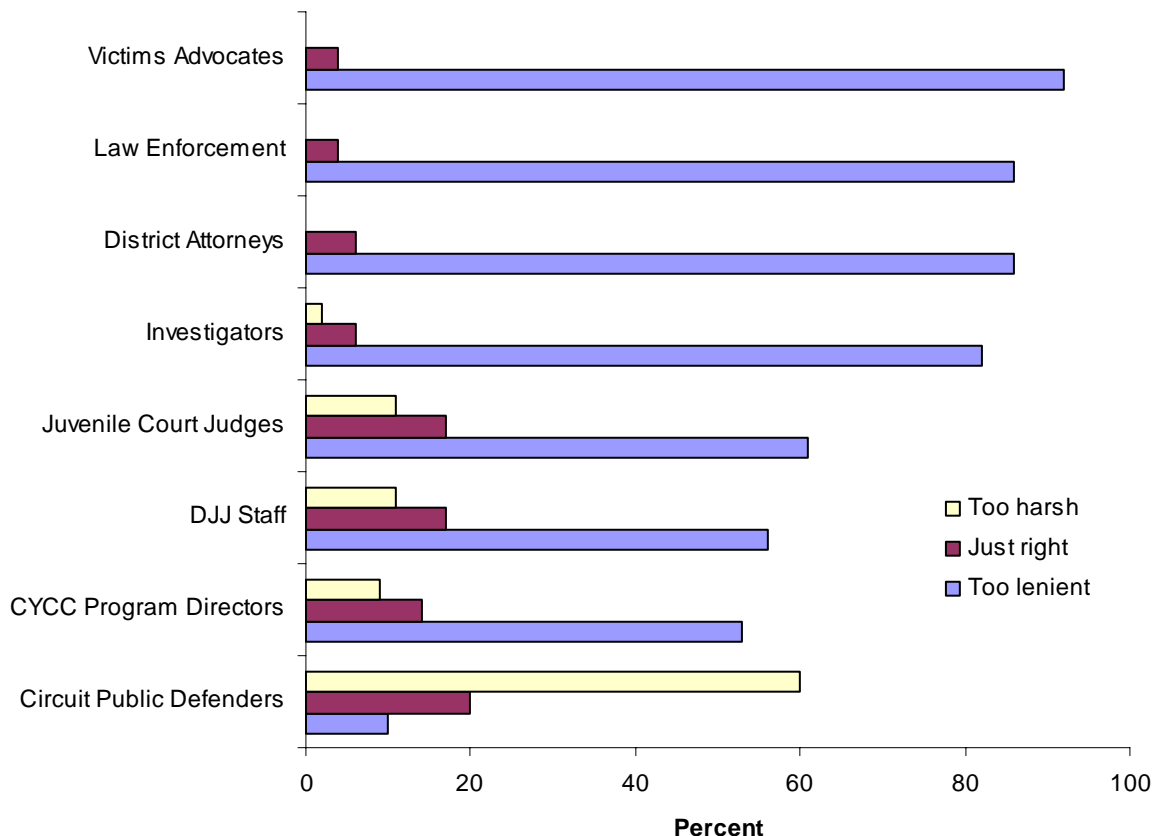
Figure 7: Comparing Professionals' and the General Public's Assessment of Harshness of Juvenile Courts



While 48 percent of the general public believes that the juvenile justice system in Georgia is too lenient, 71 percent of professionals share that view (see Figure 7). Pluralities in nearly every demographic subgroup said that the system was too lenient, although the level of support among subgroups differed dramatically. Within the general public, whites were far more likely than nonwhites to say that the juvenile justice system was too lenient (59 percent compared with 33 percent). Nonwhites were nearly as likely to say that the system was too harsh (31 percent). Older Georgians were also much more likely to say that the system was too lenient than were those between the ages of 18 and 25; in fact, this latter group was one of the few subgroups wherein a majority (56 percent) said that the system was just right.

Among Professionals, victims' advocates (92 percent), district attorneys (86 percent), law enforcement (86 percent), and investigators (82 percent) were the most likely to say that the juvenile justice system is too lenient. Although their total numbers are too small to warrant making sweeping generalizations from this statistic, 60 percent of the public defenders (N=10) said that the system was too harsh (see Figure 8).

Figure 8: Assessment of the Juvenile Court System by Profession

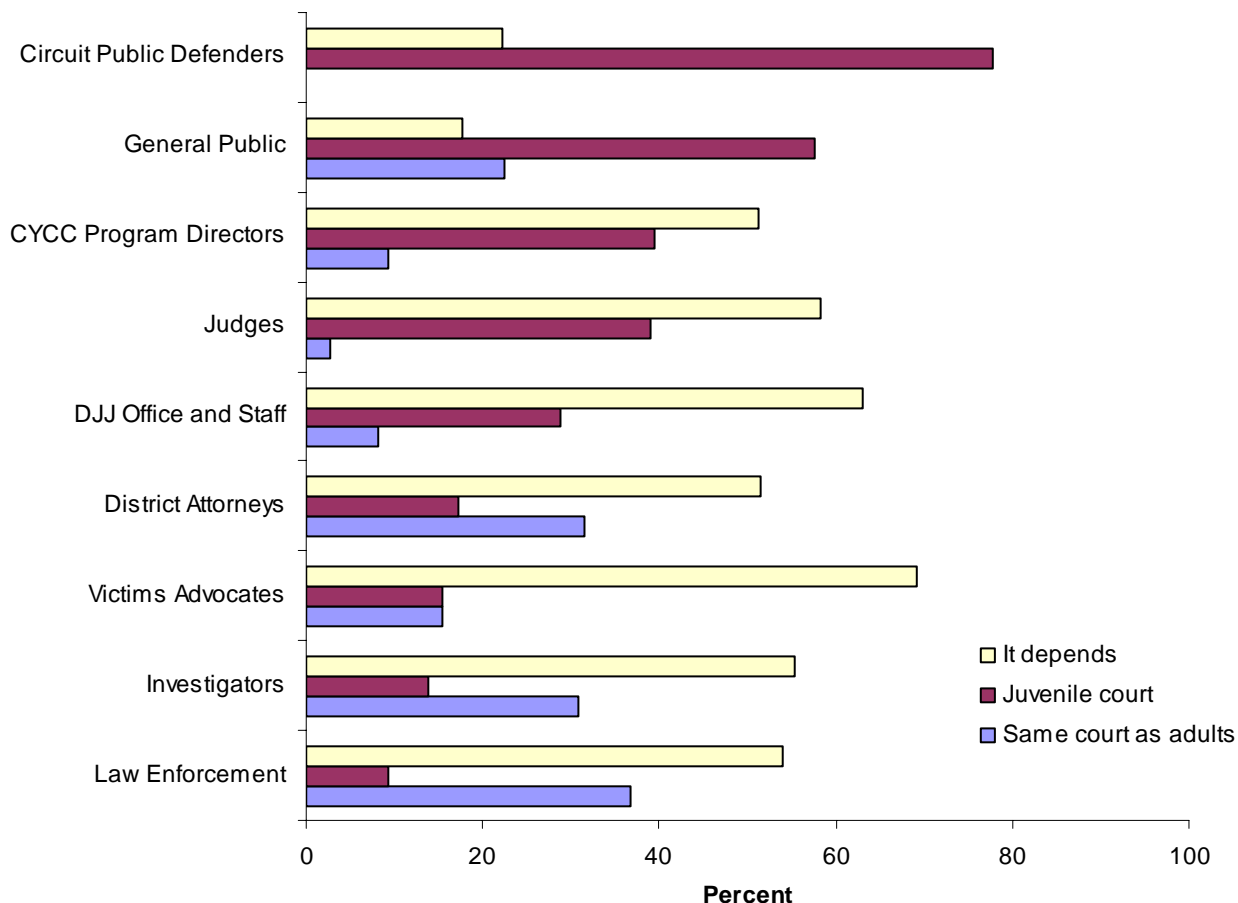


The professionals surveyed online demonstrated a much higher level of ambivalence about whether juvenile court was always the right court for a 13 year old charged with a violent crime. Professionals were far more likely to say that it depends on the case (56 percent) when deciding where to try a youth committed of violent crime than were respondents from the general public (18 percent).⁴ It is not surprising that professionals, who possess more nuanced views, would be more willing to weigh a wider variety of criteria before choosing one court over the other.

More than three-fourths of the public defenders surveyed (78 percent) favored juvenile court for 13 year olds accused of a violent crime, and a majority of the general public (58 percent) also shared this view. Among law enforcement respondents—sheriffs and police chiefs—37 percent favored trying 13 year olds accused of violent crimes in adult court, and only 9 percent favored juvenile court; a majority (54 percent), however, said that their opinion would depend on other factors. Figure 9 represents the differences among professional groups on this question.

⁴ It is important to note that the general public was surveyed by telephone and the option to choose “It depends” was not as explicit as it was on the web form where the professionals were surveyed. Still, a 38 point difference is large enough to believe that there is more than simply modal differences at play in this question.

Figure 9: Comparing Professionals' and the General Public's Views on the Appropriate Court for a 13 Year Old Charged with Committing a Violent Crime



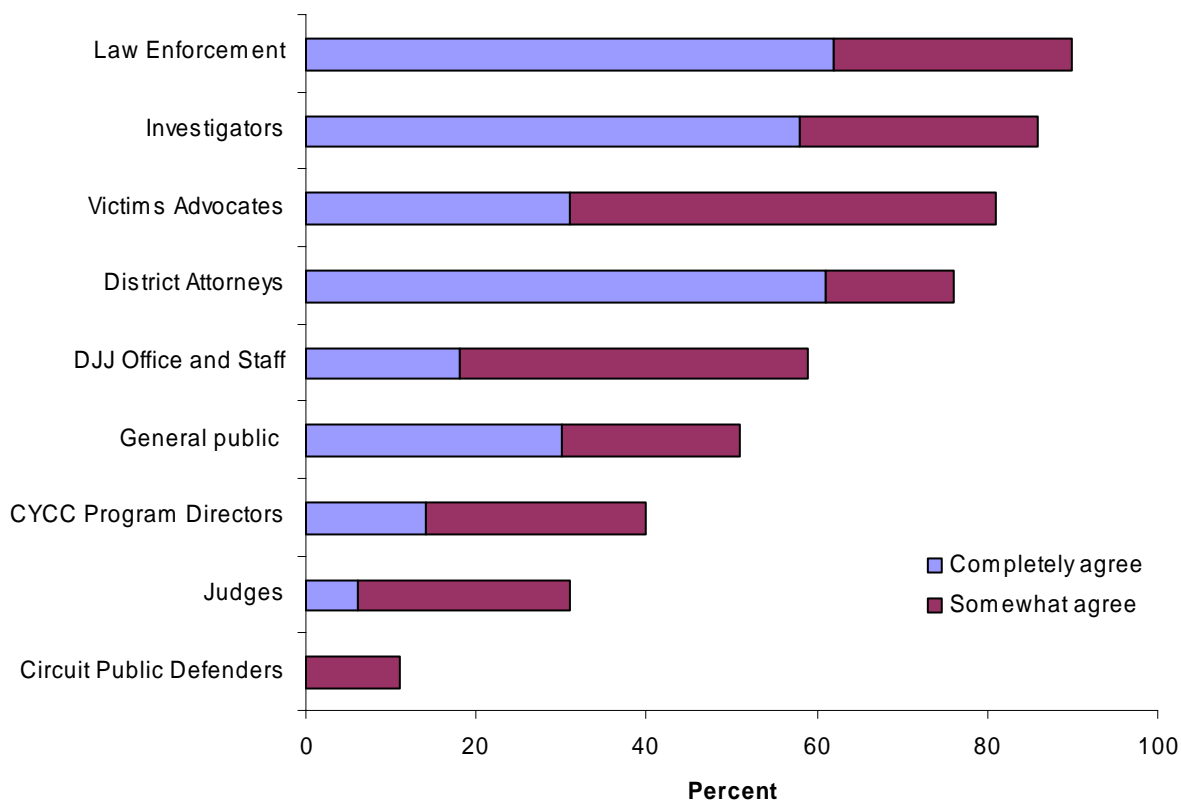
While nearly the same percentage of professionals and respondents from the general public favored trying youths accused of violent crimes in the same courts as adults (21 percent compared with 22 percent), a majority of the general public favored the option of juvenile court.

The most prevalent reason given by those professionals who favored adult court over juvenile court was that juvenile courts were too lenient (42 percent). A reading of the reasons given for the choice of in what court a 13 year old charged with a violent crime should be tried makes it clear how much more thought the professionals have given this question than have members of the general public. However, the overall pattern of reasons given by professionals and the general public are not that different, and very few members of the general public who expressed a preference for one court over another declined or were not able to provide a reason for their preference. In other words, even without the complexity of view points, the general public still holds opinions on the matter.

The general public and professionals were both asked the following question: “In 1994, the Georgia state legislature passed Senate Bill 440 which gave the Superior Court, rather than

juvenile court, control over any case where a person between the ages of 13 and 17 is accused of a *violent* serious crime. Do agree or disagree that the Superior Court is in a better position than the Juvenile Court to handle these cases?" A bare majority of the general public (51 percent) agreed with the notion that the Superior Court is in a better position to handle such cases. Among professional groups, however, overwhelming majorities of law enforcement (90 percent), investigators (86 percent), victims advocates (81 percent), and District Attorneys (76 percent) agree that the Superior Court is in a better position to handle such cases (see Figure 10). Respondents from the Department of Juvenile Justice were more divided on the issue, although a majority of them (59 percent) still agreed that adult court was preferential. Majorities of CYCC program directors (52 percent), juvenile court judges (64 percent), and public defenders (89 percent) disagreed that adult court was in the best position to handle cases involving 13 year olds accused of serious and violent crimes.

Figure 10: Professionals' and General Public's Assessment of Which Court is in Best Position to Handle Cases of Serious and Violent Crimes Committed by Youth



Majorities within the general public (78 percent) and professionals (55 percent) favor giving judges greater flexibility in applying sentences to children than allowed under the minimum mandatory sentencing rules for adult convicts. Only 15 percent of professionals and 12 percent of the general public believe that the same sentencing guidelines should apply to both children and adults.

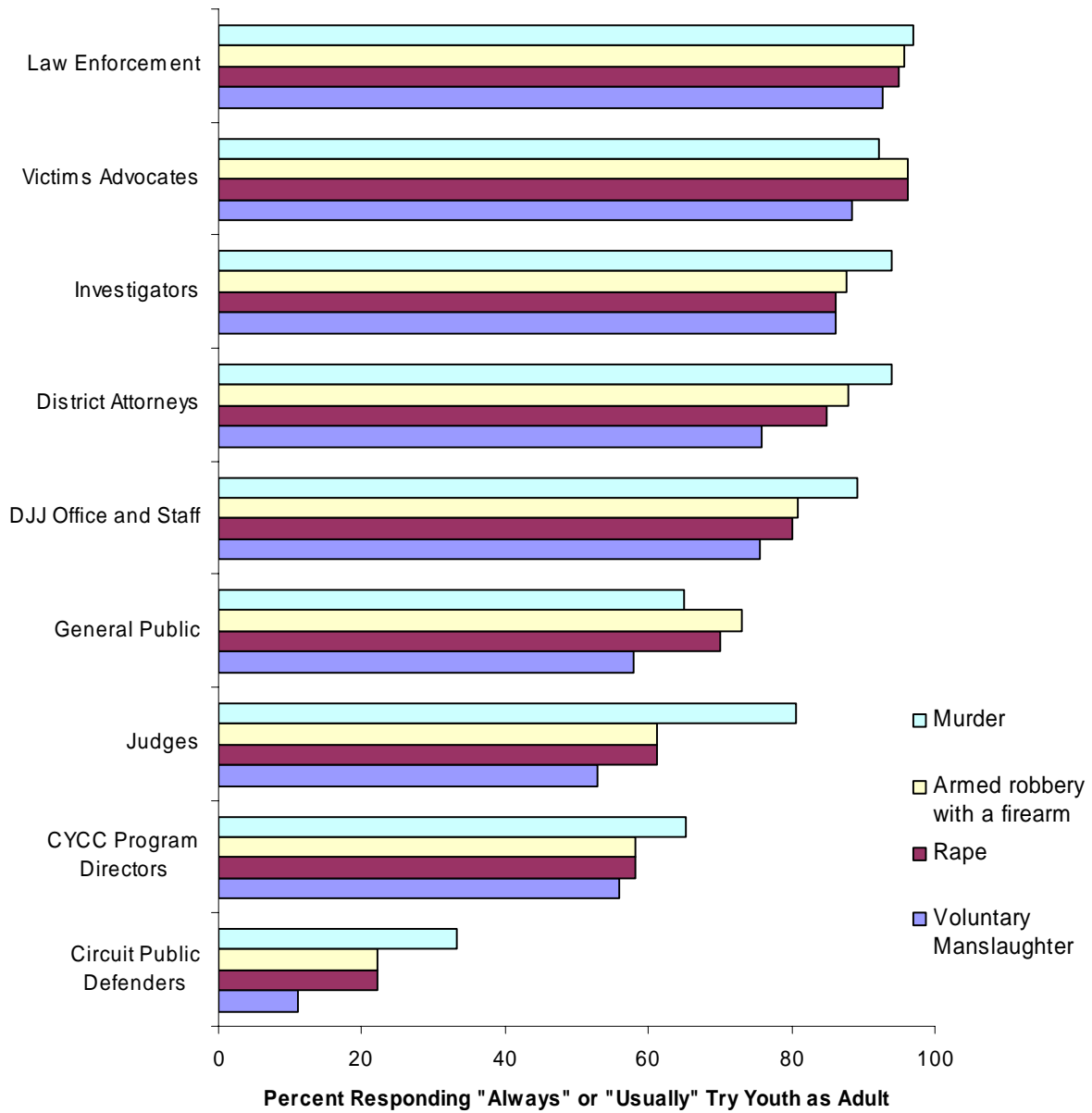
Citing four serious criminal acts—murder, rape, armed robbery, and voluntary manslaughter—our surveys asked the general public and professionals whether children charged with those offenses should usually, seldom, or never be tried as an adult. The greatest differences between the general public and professionals surveyed revolved around the crimes of murder and voluntary manslaughter.⁵ Sixty-one percent of professionals surveyed, in contrast to 38 percent of the general public, believe that a child accused of murder should always be tried as an adult. Yet the public and professionals differed very little on how frequently to try as an adult children accused of armed robbery with a firearm and rape. When we examine the professionals by profession groups, again we find that members of law enforcement, victims advocates, investigators, and district attorneys are most likely to favor trying youths as adults in the instances of all four types of charges—murder, rape, voluntary manslaughter, and armed robbery with a firearm (see Figure 11). In no case is a majority of public defenders in favor of trying children as adults.

Within the general public, whites are generally more in favor of trying children as adults for these crimes than are nonwhites. Ironically, very little difference of opinion on how frequently to try children as adults could be found between parents of children under 18 and those without children under 18 years of age.

Ninety-eight percent of police chiefs and sheriffs favor either always (80 percent) or usually (18 percent) trying children accused of murder as adults. At the other extreme, 16 percent of CYCC project directors favor never trying children who are accused of murder as adults.

⁵ We should note the likelihood that the general public does not fully understand what sort of incidents might be tried under the rubric voluntary manslaughter.

Figure 11: Professionals' and the General Public's Views on Always Trying Children of Certain Crimes as Adults



Conclusions

Overall, some patterns persistently arise in the data that shed some light on the views that the public and professionals in the area have on juvenile justice. Victims' advocates, investigators, law enforcement, and district attorneys are less inclined to favor treating youths who commit crimes as a special class distinct from adults than are judges, CYCC program directors and public defenders. The views of the Department of Juvenile Justice staff tend to fluctuate between a moderating position between the other groups and leaning toward the views of the judges, CYCC program directors, and public defenders. It is not possible to glean from the data whether one's profession drives one's views or if a given set of views drive an individual to seek a profession that suits one's gestalt.

The general public more often than not has views in line with those who favor treating juveniles as a special and distinct class separate from adults. The views of the general public are not as complexly articulated or consistently formed as those of professionals in juvenile justice, and presumably they are also not as fixed. Consequently, what counts for public opinion is more likely to be swayed by major stories or spotlighted cases than are the views of professionals in the field. But the consistency of viewpoints among general public survey respondents—based on how well opinions correlate with predictive variables such as age, race, and political party—suggest that public opinion is at least rational, if not fixed.

Clearly, there is a greater divide in opinion among professional groups in the area of juvenile justice than there is between the professionals and the general public. Within the general public, race, age, and income all have influence over one's views on juvenile justice, with minorities and younger Georgians taking more liberal positions which favor juvenile court over adult court and rehabilitation over punishment for juvenile offenders.

SURVEY METHODOLOGY

The questionnaires for both surveys were developed by the Survey Research Unit at the Carl Vinson Institute of Government in cooperation with the Children and Youth Coordinating Council. It was then pre-tested internally at CVIOG using cognitive interviewing methods to understand question interpretation by respondents. Although both the general public and professionals were asked essentially the same questions, respondents experienced the questions differently based on whether the question was read to them over the telephone or if they read it on a computer screen via the World Wide Web.

General Population survey began on August 11 and was completed August 19, 2007. A total of 703 interviews were conducted with the general population during this time. For a sample of this size, the margin of error at the 95 percent confidence level is +/- 3.7 percent for questions reporting the full general population sample. Although sampling error is only one source of potential survey error, precautions have been taken to minimize other sources of error or bias for this survey.

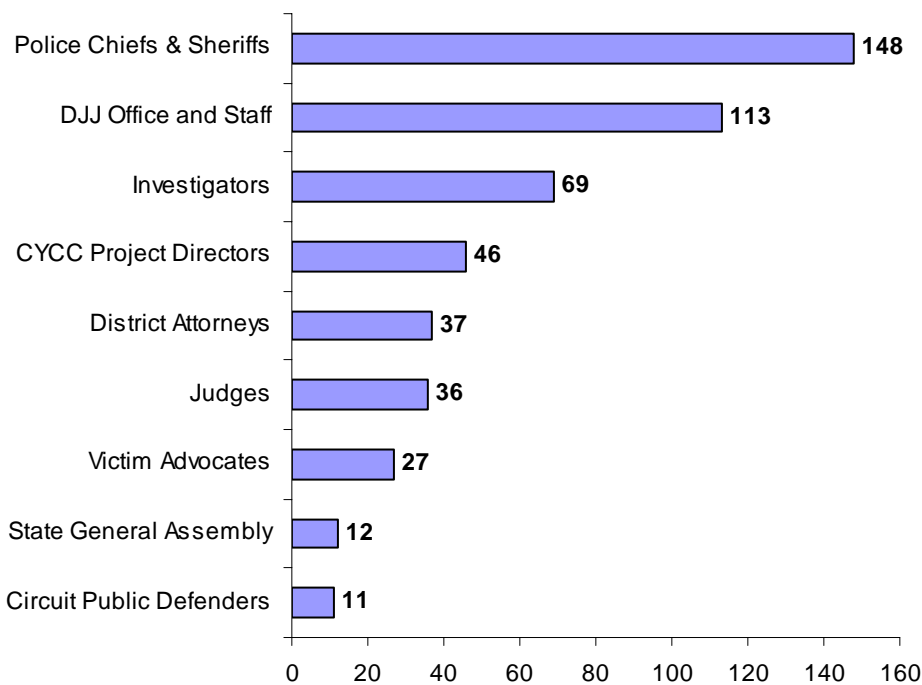
These interview respondents were drawn from a sample of residential households in Georgia based on random digit dialing methods. Every number was pre-dialed by the sample vendor (Survey Sampling Inc.) to improve the efficiency of the sample by eliminating disconnected numbers and businesses. Interviews were conducted by Braun Research Incorporated from their Memphis, Tennessee, phone centers; the data collection was supervised directly by BRI supervisors and overseen by the Survey Research Unit staff at CVIOG. Phone numbers were ultimately striped from the final data set to assure the confidentiality of survey respondents.

Responses from open-ended questions were coded into like categories by the staff at CVIOG using a system of two independent coders for increased reliability and to eliminate biases of any single coder; discrepancies among coders were resolved by the Institute's survey research professionals.

The final data set was weighted based on known demographic parameters of age, race, and gender of the state's population to adjust for any differences in proportional representation of groups of survey respondents from the state's known population.

The survey of juvenile justice professionals was conducted via the Internet. The list of potential respondents was developed by the CYCC and prepared by CVIQG. CYCC Executive Director, Dr. Pete Colbenson, sent a letter to each potential respondent inviting them to log in online and participate in the survey. The letter from Dr. Colbenson included a URL and access code unique to every respondent. Those access codes were ultimately stripped from the data set to assure the confidentiality of all respondents. Of the 2,044 invitations sent out, 499 individuals responded to the survey (24.4 percent). Figure 12 shows the breakdown of stakeholder respondents based on their professional affiliations.

Figure 12. Number of web survey respondents per group



While the general population survey is based on a probability sample and the results can be generalized to the state's population, the survey of professionals is an internally developed pool of respondents, and the results of that sample only reference the groups we have selected. As such, bear in mind that police chiefs and sheriffs make up 30 percent of the surveyed population, and Department of Juvenile Justice staff comprises another 23 percent. The remaining 47 percent is split, although not evenly, among 7 other categories of professionals. Table 1 shows a breakdown of response rates and survey participant among professional groups as a percentage of the total survey population.

Table 1: Response Rate and Percentage of all Respondents for Web Survey of Professionals

Group	List Population	Number of Respondents	Response Rate	As a Percent of all Web Survey Respondents
Circuit Public Defenders	54	11	20.4%	2.2%
CYCC Project Directors	87	46	52.9%	9.2%
District Attorneys	111	37	33.3%	7.4%
Department of Juvenile Justice staff	195	113	57.9%	22.6%
Georgia State General Assembly	236	12	5.1%	2.4%
Investigators	319	69	21.6%	13.8%
Juvenile Court Judges	156	36	23.1%	7.2%
Sheriff & Police Chiefs	732	148	20.2%	29.7%
Victim Advocates	154	27	17.5%	5.4%
	2044	499	24%	100.0%

Analysis of the data was conducted by Rich Clark of the Survey Research Unit at CVIOG, who also authored this report. All interpretations of the data or any errors of data analysis or data reporting within this document are solely those of the author.