

Kemp pursues tougher stance on criminals

He takes aim at gangs, sex traffickers; some fear unraveling of reforms.

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AJC AT THE GOLD DOME

CRIMINAL JUSTICE

After an eight-year overhaul of the legal system that changed the way Georgia treats nonviolent crimes, Gov. Brian Kemp is taking a different approach to how the state handles more serious offenses.

The first two weeks of the legislative session show how stark the shift is.

Since lawmakers returned to Atlanta last week, the Republican has unveiled new penalties on sex traffickers, declared the state was “under siege” by violent gangs, promised more resources for law enforcement and detailed a budget plan that would cut funding for Georgia’s public defender system and accountability

courts.

On Wednesday, top judicial officials tried to assess the fallout of the proposed cuts during a legislative hearing before skeptical lawmakers who peppered them with questions.

Kemp and his allies say the new crackdowns are needed to combat violent crime, though civil rights advocates worry something more nefarious is at play: an effort to unravel Nathan Deal's prized legislative achievement when he was governor, a criminal justice overhaul that drew national praise.

"The concern is this is the beginning of a shift. It's a shift that, quite frankly, doesn't make any sense," said Jason Pye of FreedomWorks, a libertarian-leaning advocacy group. "We know these reforms work. Why would you change the approach and go back to what we know doesn't work?"

Top Republican leaders present Kemp's strategy as a continuation of Deal's overhaul of Georgia's costly and famously tough criminal justice system, which saved taxpayers in prison spending, reduced the number of black inmates and expanded treatment programs for nonviolent offenders.

"I don't think their approaches are different, quite frankly. Gov. Deal wanted to separate those that we're scared of from those we're mad at," Attorney General Chris Carr, the state's top law enforcement official, said in an interview.

"And what Gov. Kemp is focused on are violent criminals — human traffickers and gang activity," Carr said. "They complement each other."

'A lot of work'

Kemp telegraphed his approach on the campaign trail when he promised to launch a "stop and dismantle" anti-gang program and pledged to create a new database to track immigrants in the country illegally who have committed crimes.

Since his election, he's made new crackdowns a focus of his legislative agenda. He told business leaders Georgia has "no time to waste" in combating gang violence, and on Tuesday he unveiled legislation that would add new penalties for some convicted of sex trafficking.

The governor's spending plan, which orders state agencies to cut their budgets 4% this year and 6% next year, slices funding for the network of accountability courts greatly expanded by Deal that allow defendants to avoid prison time if they stay sober, seek treatment and get a job.

It also calls for \$3.5 million in reduced funding to Georgia's statewide public defender network. Judicial officials proposed adding roughly the same amount of funding for state prosecutors.

Kemp has cast the budget reductions as part of a broader effort to streamline government.

And in an interview, he said that he's "very supportive" of Deal's record but his approach to criminal justice reflects his own priorities.

“My focus is on fulfilling my campaign promise to go after street gangs,” he said. “We still have a lot of work to do there, so that’s my priority.”

A reckoning?

State statistics paint a more nuanced picture. Georgia Bureau of Investigation data shows that reports of violent crime dipped slightly between 2010 and 2017, the most recent analysis available, even as the murder rate increased.

Civil rights groups worry that Kemp’s agenda marks the beginning of a return to tough-on-crime policies that several prominent Republican governors across the country have abandoned over the past decade.

Sara Totonchi of the left-leaning Southern Center for Human Rights said that shift is “unwise, fiscally irresponsible and will once again fail to effectively reduce crime and recidivism.” And she warned that underfunding the public defender system could spark a new legal fight.

“When Georgia previously failed to provide the required resources for public defenders, the consequence has been protracted, expensive litigation,” she said, invoking a legal battle over funding from a decade ago. “If these cuts are implemented, I have no doubt that our state will have to reckon for it in court.”

At the same time, some judges criticized \$2.2 million in proposed cuts next year to the system of courts geared to drug addicts, veterans and mentally ill suspects who have mostly been charged with nonviolent or low-level offenses.

“When we talk about cutting funding for accountability courts, it’s not simply cutting programs that we know work and reduce recidivism,” said Steven Teske, the chief judge of the Juvenile Court of Clayton County. “We’re talking about cutting funds that save taxpayer dollars.”

Georgia Supreme Court Chief Justice Harold Melton urged lawmakers to be cautious about cuts to the accountability courts.

“You may be directing people to more expensive and less efficient alternatives,” Melton said at Wednesday’s hearing.

The roughly 1,700 people who graduated from accountability courts in Georgia in 2017 saved the state nearly \$5,000 per person as compared with the cost of incarceration, according to a recent University of Georgia study that showed participants in the courts were at least 10% less likely than nonparticipants to end up back in the criminal justice system.

“I get it. I’m supportive of Gov. Kemp’s desire to go after gangs and sex trafficking,” said Teske, a U.S. Navy veteran who often presides over his county’s accountability court devoted to fellow former soldiers.

“But we have to make sure we approach it from both angles — go after the heads of these gangs,” he said, “but we also need these programs to get the youth who are not the ones who really scare us some help.”

‘Second chance’

Democrats voiced concerns about the potential for a legal feud over the public defender system, which was forged in 2003 by lawmakers who guaranteed that defendants were entitled to a publicly funded lawyer within three business days after being charged or jailed.

State Rep. Carolyn Hugley, D-Columbus, asked the interim director of the public defender system whether she could “assure that people who are accused and need the services of the public defender’s office are going to get those services?”

The official, Jimmonique Rodgers, acknowledged she can’t make any guarantees but said she would “work to the best of our ability to identify efficiencies.”

By contrast, some supporters of Kemp’s agenda focus on a provision in his human trafficking proposal that would make it easier for victims of the crime to clear their names in court.

“Gov. Deal reached out through his accountability courts to give people a second chance,” said state Rep.

Terry Rogers, one of Kemp’s top allies in the House. “Gov.

Kemp is reaching out through his human trafficking plan to give victims a second chance.”

As for Deal, in an interview last week he praised Kemp’s focus on “important social issues,” but through an aide he declined to comment further on his successor’s law-and-order policy. Still, before he left office, Deal told The Atlanta Journal-Constitution

that he hoped Kemp and other Republicans will continue his criminal justice initiatives.

“I’d like to see every reform kept in place and, if possible, expanded upon,” Deal said. “Because when you present people with the facts, it’s pretty hard to deny that they are working. And people need to be given a second chance.”

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