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Former DJJ Commissioner: “Shock Incarceration” Ineffective, Expensive

Written by [Chandra R. Thomas](#) on Aug 20, 2010

Just over a decade ago former Juvenile Justice Commissioner Orlando Martinez, 70, was the highest-ranking Latino in state government. He resigned abruptly from his post in 2003 amid fallout over his decision to close a troubled Augusta youth prison. Now the Founder and Senior Partner of the Atlanta-based consulting firm, [Martinez Tjaden](#), LLP keeps plenty busy consulting in both the public and private systems nationwide. In the second installation of a **two-part interview** series, he talks to JJIE.org’s **Chandra R. Thomas** about racial disparities in the criminal justice system, the impact of state budget cuts and what Georgia is doing right.



What’s lacking from Georgia’s current system?

It’s totally about public safety; it’s not balanced out with rehabilitation. On the positive side, the reduction of revenue and resources may cause us to rethink our juvenile justice policies in Georgia. It has also caused us to do more with less.

So there’s a chance that state budget cuts could have a positive impact?

It’s a good a exercise in that it might help them to find that there are more places to cut the fat. It causes us to do some rethinking. I also truly believe that the push to save more money could help us to shift to a more

community-based system in Georgia if we design programs with what we know about what works for delinquent kids. For example, in Ohio there’s an initiative called [Reclaim Ohio](#) that started in the early 1990’s. The state allocates money to the counties to provide services to kids who meet a certain criteria. They’re still committed to the state department of youth services, but Reclaim Ohio provides juvenile judges with more sentencing options. We need to give judges [in Georgia] a good method of classification for these children and provide these children with a properly funded plan of treatment instead of continuing with our overreliance on incarceration. These children should be diverted to community programs that are proven to work. Maryland is also doing a good job in that area.

What other factors play a role in our burgeoning juvenile detention center population?

It all starts with how the D.A. (district attorney) files the case. If a youth is adjudicated (processed through the courts) a designated felon, the judge has no choice but to sentence them to no less than a year and no more than five in a juvenile detention center. It goes back to a policy issue. All research shows that racial and ethnic disparities do exist in the system, but when you say that everyone gets off into all these deep issues.

What’s your take on racial disparities within the criminal justice system?

African Americans kids make up 30 percent of the population in Georgia, yet they make up 60 percent of the juveniles locked up here. When you look deeper into the prison system, you see the disparities. I

don't think there's a bunch of white cops walking around trying to lock up kids of color, but it's more about the way we make our decision to further process the youth in the juvenile justice system. Studies show that when law enforcement is concentrated in certain areas there's going to be more arrests there. For example if a cop arrests a kid he may decide that he's not going to hold him, and just release [the child] to his parents. If they see another kid with his pants sagging low they may not feel comfortable making that same decision. The officer may say 'I don't know about *his* parents so I'm going to keep him [detained].' Kids who are detained tend to get deeper into the system. As for immigration, it may not be a matter of whether or not we should be trying to stop illegal immigration; it may be a matter of whether [if we enact laws like the controversial one in Arizona] we are just giving the authorities free reign to discriminate.

Some argue that the decision to gradually cut the average detention stay for juveniles from 90 to 30 days in Georgia is all budget-driven and a bad move overall. What do you think?

I guess it boils down to the question of do you want overcrowding? It's more dangerous and there's more violence in an overcrowded facility. In that case you have to decide whether you're going to expand the system and build more detention centers or decrease the stay [for the juveniles]. The other question is whether it is effective in preventing [a child from] re-offending. Research has continually shown that shock incarceration is ineffective and expensive. What really needs to happen is that we (in Georgia) need to do a better job of finding out whether this kid really needs to be locked up. We need to do a better assessment and make better decisions overall. The danger is that we'll repeat what happened in the 1960s when they closed all those horrible insane asylums. It was a good thing to close those institutions, but the alternative programs were never funded at recommended level. As a result, all of those people [with mental conditions] ended up in jails and prisons.

You've spoken a lot about the need for better mental health services for juveniles behind bars. Are we doing a better job?

By default juvenile detention centers have become mental health treatment facilities and the reality is that we're not adequately equipped for that. In fact, the state of Georgia has been sued big time for this. Some people, including a researcher by the name of Randy Borum, feel that mental health treatment for juvenile offenders does not keep them from reoffending and I agree. What it does do is improve their interpersonal skills and helps them to deal better with issues like substance abuse [before they complete full treatment in prison], which is a big deal. Mental illness is an illness and it's something you've got to deal with in the treatment process. A few years ago there was a big problem with many institutions providing treatment through medication. The problem is that we don't know the side effects that these drugs have on young people. Many of these drugs are only tested on adults. What we need to do [when a child is admitted to a detention center] is do an assessment of his or her risk level and assess the treatment. We need to look at the criminogenic factors, like where the kid is educationally, then do a mental health assessment. If there is a mental health problem we should deal with that first.

Do you see any growth or strengths in Georgia's system overall?

I know the department has done a much better job of collecting data, there's a vast improvement there. I think the regular mental health and medical programs have improved overall.

As you know Georgia will be electing a new governor soon, if tapped, would you consider returning to the DJJ?

I'm not looking for any position, but I still would like to contribute to what's going on in Georgia. I would like to be a part of addressing and improving services to kids. If there's a silver bullet to

preventing crime and delinquency it would be through education. I’m not aspiring to any particular position, but if I was involved in Georgia’s system I would be most interested in the area of teaching staff how to do things. We want to give them some powerful tools to ensure better results in the area of juvenile justice and mental health etc.

Any final words on the system?

Whoever is in the administration is to going to have to face the fact that we don’t have enough money, so we’ll have to rethink how we use the money that we have. Public safety is a big issue and we need to make sure we improve it, but I think we can do that without the wholesale incarceration of our kids. What’s most effective is working with kids and families.

JJIE.org staff writer Chandra R. Thomas is an award-winning multimedia journalist who has worked for Atlanta Magazine and Fox 5 News in Atlanta. The former Rosalynn Carter Mental Health Journalism Fellow and Kiplinger Public Affairs Journalism Fellow may be reached at cthom141@kennesaw.edu.



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