



Administrative Sanctions Report

The City of Atlanta & DeKalb County
Region 3 Alcohol Abuse
Prevention Initiative

Prepared by
The Council on Alcohol and Drugs
for

The Georgia Department of
Behavioral Health and
Developmental Disabilities

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Introduction

The Council on Alcohol and Drugs is a substance abuse prevention and education agency that develops programs, services and materials based on the most current research on alcohol and other drug use and its impact on communities. The Council on Alcohol and Drugs has been funded by the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) to conduct an Atlanta- DeKalb Alcohol Abuse Prevention Initiative (AAPI). The Council’s Alcohol Abuse Prevention Initiative focuses on five target communities in the City of Atlanta and DeKalb County that include:

Atlanta- DeKalb Alcohol Abuse Prevention Initiative (AAPI) communities
1. Southeast Atlanta Neighborhoods: (Ormewood Park, Mechanicsville, Summerhill, Thomasville Heights)
2. Southwest DeKalb County
3. Chamblee zip code 30341
4. Clarkston zip code 30021
5. Stone Mountain zip code 30083

Findings from a community needs assessment, identified the average age of onset for alcohol use is 11-12 years of age in the focus communities. The identified contributing factors include youth perception of peer norms, low perceived risk of being charged, arrested or of penalties from parents and cultural acceptability. Based on the findings from the needs assessment, our state priority is to reduce the early onset of alcohol use among 9 to 20 year olds.

In response to the requirements set forth by DBHDD as part of the Georgia Strategic Prevention System (GASPS) and in light of the epidemic of underage drinking in Georgia, The Council on Alcohol and Drugs (TCAD) has selected three strategies to work towards reducing the early onset of alcohol use among 9 to 20 year olds. The strategies include a positive social norms campaign, a counter advertising campaign, and administrative sanctions.

This report is a product of the administrative sanctions strategy that is being implemented in each of the focus communities. The intervening variable addressed as a part of the administrative sanctions strategy is perception of risk and the contributing factor is low perceived risk of charges, arrest, or penalties. The implementation of administrative sanctions strategy will increase youth and parents’ perception of risk of such sanction as a consequence of underage drinking which will assist in reducing the early onset of alcohol use.

Administrative Sanctions mean any formal official imposition of penalty or fine regarding an underage alcohol-related offense involving underage youth and/or their parents, including but not limited to undergoing an alcohol evaluation, prevention program attendance, participation in treatment possibly via a drug court, community service, restitution, charges or fees, revocation or suspension of license and taking other compulsory or restrictive action by such entities as a school system, a court system, law enforcement or the Georgia Department of Motor Vehicles.

Criminal penalties are meant to serve as a deterrent, both to re-offending and to first-time offenses. Criminal sanctions are often neither swift nor certain, which undermines their deterrent effect. However, severe criminal penalties for underage drinking-related offenses (e.g., possession, attempted purchase, use of fake ID) are seldom enforced and have not proved to deter the commission of these crimes. In contrast, less severe penalties (e.g., fines, community service) are more likely to be enforced and may be a greater deterrent. Detecting, apprehending, and punishing violators is not as important as deterring young people from drinking in the first place.

This administrative sanctions report expresses our findings concerning 1) current sanctions in place, 2) gaps in existing sanctions and 2) gaps in enforcement of those sanctions that are currently in place in the communities of South East Atlanta, South West DeKalb, Clarkston, Stone Mountain, and Chamblee. This report is intended for policy makers, law enforcement and community stakeholders in order to raise awareness regarding any sanction gaps or enforcement gaps that are found, along with recommendations as to how to fill such gaps. Only when sanctions are enforced and parents and youth are aware that such sanctions will be enforced will the perception of risk be increased among parents in relation to their youth and among the youth themselves.

Review of Administrative Sanctions

Due to the growing concern about the often unnecessary involvement of youth into the juvenile justice system, many local jurisdictions have established programs and practices that divert youth from the juvenile justice system. While these efforts share the common goal of preventing further contact with the juvenile justice system, the means and structure used to accomplish that goal many vary. Administrative sanctions or diversion programs can vary widely in terms of the target population, who makes the decisions, the point in the system at which youth are referred, how charges are handled, consequences and benefits of successful and unsuccessful program completion, and services that are provided.¹ Table 1. identifies the Georgia code for council and advise with view to informal adjustment (administrative sanction or diversion program).

Table 1. Georgia Code § 15-11-69 Counsel and advice with view to informal adjustment

Georgia Code. Ann. § 15-11-69 Counsel and advice with view to informal adjustment			
Policy Goals:			
Criteria for Eligibility / Conditions	Incentives & Outcomes	Discretion & Oversight	Services Provided
(a) Before a petition is filed, parties may receive counsel and advice with a view to an informal adjustment if it appears: (1) the admitted facts bring the case within the court’s jurisdiction; (2) Counsel and advice without an adjudication would be in the best interest of the public and the child; and (3) The child and his/her parents/ guardian consent with knowledge that consent is not obligatory.	(c) An incriminating statement made by a participant to the person giving counsel or advice and in the discussion or conferences incident thereto shall not be used against the declarant over objection in any hearing except in a hearing on disposition in a juvenile court proceeding or in a criminal proceeding against such declarant after conviction for the purpose of a presentence investigation.	(a) Before a petition is filed, the probation officer or other officer of the court designated by the court, subject to the court’s direction, may give counsel and advice to the parties with a view to an informal adjustment	(3) Social services and counseling for female juvenile offenders;
Additional Information: (d) If a child is alleged to have committed a designated felony act as defined in Code Section 15-11-63, the case shall not be subject to informal adjustment, counsel, or advice without the prior written notification of the district attorney or his or her authorized representative.			

¹ Models for Change Juvenile Diversion Workgroup. (March 2011). Juvenile Diversion Guidebook. Center for Juvenile Justice Reform, National Center for Mental Health and Juvenile Justice, National Juvenile Defender Center, National Youth Screening and Assessment Project, and Robert F. Kennedy Children’s Action Corps

In Georgia, different communities and jurisdictions have different administrative sanctions or criminal penalties in place for dealing with underage drinking. The types of sanctions or penalties that are used in all five of the AAPI communities (SE Atlanta, SW DeKalb, Chamblee, Clarkston, and Stone Mountain) are included in Table 2.

Table 2. Types of Sanctions or Penalties that are used in the AAPI communities:

Types of Sanctions or Penalties that are used in the AAPI communities:	
Issue a warning	Drug court program
Issue a ticket	Rehabilitation
A small fine	School suspension/expulsion
Driver’s license suspension	Court appearance
Jail time	Diversion program
Probation	Alcohol/drug evaluation
Community service	Alcohol educational program

Additional sanctions or penalties within the Atlanta Public Schools and DeKalb County School System may include a parent conference, notify law enforcement, student sent to alternative school, or refer students to the Department of Family and Children Services (DFACS) if under the age of 17.

Table 3. and Table 4. lists the administrative sanction programs in the South East Atlanta community as well as the programs offered in the DeKalb County communities of South West DeKalb, Clarkston, Chamblee, and Stone Mountain. Youth may be referred to these programs by the court system or the school system.

Table 3. Administrative Sanction programs in the South East Atlanta community

South East Atlanta Community				
Administrative Sanction Program	Administrative Sanction Program Description	Tested found effective	Local evaluation results available	Potential Gaps
CASA START	Program includes substance abuse and alcohol that involves parents and child.	Yes	Not Reported	Funding
Choices	Fulton County Juvenile Court Refers youth to the program at Oak Hill, Proactive, Helping Hands, and Odyssey and provides early intervention for alcohol and other life problems.	Yes	Yes	Funding Demographic Geographic
Clubhouse	Early intervention for substance abuse prevention and prescription drug abuse.	Yes	Not Reported	Funding Demographic Geographic
Life Skills Training (LST)	Substance abuse including alcohol abuse intervention and counseling.	Yes	Not Reported	Funding
My New Life Foundation	Substance abuse including alcohol abuse intervention and counseling.	Not Reported	Not Reported	Not Reported
The Seven Challenges	Substance abuse including alcohol abuse counseling with certain adaptations made for the Gay & Lesbian community.	Yes	Not Reported	Funding Demographic Geographic

Yes Mentoring Program	Substance abuse intervention program provides prevention, mentoring, and workshops for high risk youth in Carver Villages 30315 & surrounding SE Atlanta communities.	Yes	No	Funding
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Table. 4 Administrative Sanction programs in the DeKalb County communities

DeKalb County (South West DeKalb, Clarkston, Chamblee, Stone Mountain Communities)				
Administrative Sanction	Administrative Sanction Description	Tested found effective	Local evaluation results available	Gaps
Rebound	Implemented through the DeKalb Juvenile Court. The Rebound Program blends best practices in clinical intervention and court compliance to deter youth offenders from deviant criminal and social behaviors.	Yes	Yes	Funding Geographic
C.A.P.E.S Chemical Awareness Prevention Education Series	DeKalb County Community Services Board, DeKalb Juvenile Court. A substance abuse prevention program serving ages 13-21. The STEPS Program is based on the Lifestyle Risk Reduction curricula designed for youth and gives “age appropriate expectations for abstinence.”	Yes	Yes	Funding Demographic
My New Life Foundation	Substance abuse including alcohol abuse intervention and counseling.	Not Reported	Not Reported	Not Reported
SUPER Stop!	SUPER Stop! Is a 5 session program for 11 to 18 year olds who are exposed to risk factors for	Yes	Yes	Funding

	<p>having problems related to conflict violence, alcohol or drugs, and their parents or guardians. Populations to be served may come from juvenile courts middle and high schools alternative schools youth-serving community agencies churches and other entities.</p>			
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Administrative Sanction Interview Findings

Administrative sanctions interviews were conducted with representatives from Atlanta Public Schools, DeKalb County Schools, Atlanta Police Department, Stone Mountain Police Department, Clarkston Police Department, Chamblee Police Department, Georgia Department of Driver Services, DeKalb County Police Department, Fulton County Juvenile Court Probation office, and with the Chief Judge of the DeKalb County Juvenile Court. The law enforcement representatives were asked to identify the types of sanctions or penalties used in the community, how effective are the sanctions or penalties at reducing underage drinking, how often are these sanctions or penalties enforced for incidents related to underage drinking, if the criminal penalties and administrative sanctions need to be reduced or strengthened and if there are new administrative sanctions or criminal penalties needed to reduce underage drinking.

Table 5. Administrative Sanction Interview Findings

Interview Questions	SE Atlanta	SW DeKalb	Stone Mountain	Clarkston	Chamblee
How effective are the sanctions or penalties at reducing underage drinking?	-66% Not at all effective -33% Somewhat effective	100% Don't Know	-50% Not at all effective -100% Don't Know	50%- Very Effective 50% Don't Know	-50% Very effective -50% Don't Know
How often are these sanctions or penalties enforced for incidents related to underage drinking?	100% Often	100% Often	100% Often	100% Often	100% Often
How do you feel about the current penalties for underage drinking?	100% Adequate	100% Adequate	-50% Adequate -100% Need to be strengthened	100% Adequate	100% Adequate
How do you feel about the current administrative sanctions for underage drinking?	-66% Adequate -33% Don't know	100% Adequate	-50% Adequate - 100% Need to be strengthened	100% Adequate	100% Adequate

<p>Do we need new additional criminal penalties to reduce underage drinking? Please specify.</p>	<p>-No -Penalties are there but not being enforced with consistency. -Youth get a slap on the wrist and then commit the same crime. - more education around the issue in the community</p>	<p>-Need to communicate what the penalties are</p>	<p>-Need to communicate what the penalties are - The current penalties are not deterring the youth.</p>	<p>-More for those that provide alcohol to minors (adults) -Need to communicate what the penalties are</p>	<p>-Need to communicate what the penalties are - Do not see a need for new penalties</p>
<p>Do we need new additional administrative sanctions to reduce underage drinking? Please specify.</p>	<p>-Yes. -For the alcohol merchants</p>	<p>Yes</p>	<p>-Yes -Current sanctions are not doing enough.</p>	<p>-Yes -Strict sanctions for those that provide alcohol to minors</p>	<p>-No - Do not see a need at this time.</p>
<p>Is there anything your community or jurisdiction could do to improve the effectiveness of the penalties against underage drinking</p>	<p>More education for the parents</p>	<p>Connect education piece so parents can do a better job in the home. Bigger piece on the front end before they get into the system.</p>			

Effectiveness and Gaps in Administrative Sanctions

Schools, courts, Department of Driver Services, and associated diversion programs have a number of sanctions available for responding to youth brought before them who have engaged in underage drinking. As will be seen, only limited information is available on the effectiveness of sanctions and thus there is a great need for research on the effectiveness of sanctions. There are major obstacles to effective enforcement of administrative sanctions that may include budget and staff reductions, low priority of youth alcohol enforcement, inadequate resources and manpower that can hinder enforcement. The following will briefly describe the effectiveness and gaps of the sanctions discussed in this report.

Fines

Fines are a common sanction imposed on youth for underage drinking. Fines may be imposed on a pre-established basis and without a court appearance following a citation by an arresting officer or may be assigned as part of a court-ordered sanction. Typically, fines range from \$50 to \$100 for a first offense, \$200 for a second offense, and \$500 for a third and subsequent offenses. However, some states impose much harsher fines. Georgia state law permits officers to impose fines of up to \$300 for minor's possessing alcohol.

Law enforcement officials generally believe that fines are not an effective deterrent to underage drinking for several reasons. First, parents often pay these nominal fines for the youth. Additionally, because the majority of teens are employed, a \$50 fine, for example, is a relatively small amount of money to them.

Community Service

Community service is another common sanction imposed on youth for underage drinking violations. Depending on jurisdiction, boundaries of community service to be not less than 24 nor more than 32 hours or it may leave the decision to the discretion of the judge.

Community service is widely viewed as an effective sanction to impose on youth. It is recommend that community service take place in locations where the youth are most likely to see the effects of alcohol abuse. Unfortunately, there is little direct evidence on the effectiveness of community service as a deterrent to underage drinking.²In addition, one

² National Research Council (US) and Institute of Medicine (US) Committee on Developing a Strategy to Reduce and Prevent Underage Drinking; Bonnie RJ, O'Connell ME, editors. Reducing Underage Drinking: A Collective Responsibility. Washington (DC): National Academies Press (US); 2004. 8, Effectiveness of Sanctions and Law Enforcement Practices Targeted at Underage Drinking Not Involving Operation of a Motor Vehicle.

concern with imposing community service is that many communities lack the resources necessary to coordinate and supervise the community placements.

Referral for Alcohol-Related Assessment and Mandated Treatment

Referral for assessment and, if necessary, mandated treatment of alcohol dependence or abuse is another response often available to courts and is typically such referral is left to the discretion of the court.

There is little evidence that examines the effects of treatment for alcohol dependence of youth in the context of a court order. However, there is evidence that alcohol treatment programs are effective for some youth. The question remains, however, whether court-mandated treatment is beneficial for youth. Generally, voluntary treatment is thought to be more effective than mandated treatment. If underage drinkers are more likely to stay in treatment when they are under court order, mandating alcohol treatment may be an effective intervention.

License Suspension and Revocation

Previously, license suspension and revocation were pursued in the context of drunk driving. However, states have expanded the grounds for which driver's licenses may be suspended or revoked to encompass underage drinking offenses that do not involve the operation of a motor vehicle. The suspension may be mandatory or discretionary and will depend on the age of the youth, civil or criminal in nature. If you are under 21 years of age and you are charged with possessing an alcoholic beverage, upon conviction you will face a 120-day license suspension and there are no limited driving privileges during the period of suspension if the offense is reported to the department of driver services. (Georgia laws: O.C.G.A. §§ 3-3-23(a);(2); 3-3-23.1(f)).

Law enforcement personnel strongly believe that the possibility of license revocation is an effective deterrent because a driver's license is important to most youth. There is some concern, however, that because the threat of detection of driving without a license is so low, youth will simply drive without a license. However, this has not been empirically demonstrated nor has the belief that license revocation is an effective deterrent to underage drinking in general.³

Mandatory Attendance at an Educational Program

Another available sanction is required attendance at an educational program, typically an alcohol education program. These specialized classes are designed to deal with alcohol-related issues and to inform youth of the consequences of their alcohol-related behavior.

³ National Research Council (US) and Institute of Medicine (US) Committee on Developing a Strategy to Reduce and Prevent Underage Drinking; Bonnie RJ, O'Connell ME, editors. Reducing Underage Drinking: A Collective Responsibility. Washington (DC): National Academies Press (US); 2004. 8, Effectiveness of Sanctions and Law Enforcement Practices Targeted at Underage Drinking Not Involving Operation of a Motor Vehicle.

Imposing sanctions that are readily, easily, and cheaply applied, such as education, are likely to be more effective than responses such as incarceration. However, it is doubtful whether education alone will be an effective deterrent. It may be that education that occurs in conjunction with other sanctions enhances the effect of the education program.

School Involvement

Some state laws require that law enforcement and schools collaborate in responding to underage drinking cases. Georgia requires law enforcement officers to notify the school of an alcohol possession violation (Georgia Code 20-2-1185). This approach provides greater monitoring of the offender and therefore may help to change behavior.

Incarceration

Incarceration is the most severe form of sanction and appears to be used far less frequently for underage drinking offenses than other sanctions. Unfortunately, as is true of underage drinking sanctions in general, there limited data available on the impact of incarceration on underage drinking, including whether youth are aware that this is a possible sanction and, if they are aware, whether its availability deters this behavior. However, if incarceration is part of the sanctioning response, it has been recommended that incarceration be short term rather than long term because of assertions that short-term incarceration will be more effective.⁴

Additional Gaps in existing sanctions and the effectiveness of those sanctions

Based on feedback from the administrative sanction interviews, the following gaps in existing sanctions and effectiveness were identified.

Table 6. Administrative Sanctions Interview Feedback on Gaps in Existing Sanctions and the Effectiveness of the Sanctions

Administrative Sanctions Interview Feedback on Gaps in Existing Sanctions and the Effectiveness of the Sanctions	
<ul style="list-style-type: none"> Schools do not have the power to make parents do something. They need to be educated. Sanctions and penalties are not effective because perception is a big problem. Parents are concerned about the public's perception of them. 	<ul style="list-style-type: none"> Police department cannot really address admin sanctions because it is out of the police department's hands.

⁴ National Research Council (US) and Institute of Medicine (US) Committee on Developing a Strategy to Reduce and Prevent Underage Drinking; Bonnie RJ, O'Connell ME, editors. Reducing Underage Drinking: A Collective Responsibility. Washington (DC): National Academies Press (US); 2004. 8, Effectiveness of Sanctions and Law Enforcement Practices Targeted at Underage Drinking Not Involving Operation of a Motor Vehicle.

<ul style="list-style-type: none"> Youth need to be put on academic probation and get their driver's license suspended. Also should have to complete community service with t-shirts saying, "I thought drinking was cool but it's not". Underage drinking is heavy among 14-17 year olds, those caught will get arrested if they do not have a relative to get them. 	<ul style="list-style-type: none"> Cannot say how effective sanctions and penalties are at reducing underage drinking because the police department does not have real data to show the effectiveness. Good to show what can happen to them by taking them to the morgue and connecting them with the right people to get them at the right time before they get into the wrong behavior. More informational sessions are needed and parents taking an active role in prevention.
<ul style="list-style-type: none"> Parents put up a fight and do not want their child arrested for something that most of the other kids are doing. 	<ul style="list-style-type: none"> The effectiveness of administrative sanctions and criminal penalties is an internal problem for parents. They need to be more involved and follow through.
<ul style="list-style-type: none"> More needs to be done for Red Ribbon Week. 	<ul style="list-style-type: none"> With regard to penalties and fines, they are handled in the court system. But fines can be steep which can be an effective measure.
<ul style="list-style-type: none"> When youth are caught with alcohol they incur points that can prevent them from getting a driver's license and they may be appointed a probation officer. All in addition to a citation which can be very effective to deter youth. 	<ul style="list-style-type: none"> Penalties are effective when police officers write citations and the kids spread the word to the other kids

Recommendations

It can be difficult to determine the overall effectiveness of the administrative sanctions due to the lack of statistics at the local level. It was concluded that administrative enforcement of sanctions could be potentially efficient because the procedure is faster and less costly as compared to criminal proceedings. Possible recommendations to increase effectiveness of administrative sanctions and to potentially close gaps in administrative sanctions include:

- ✓ **Educate youth and parents** on laws and penalties as well as health consequences of drinking. Many of the local school and law officials believe that youth should be educated about the health consequences and legal penalties they face for drinking alcohol. Programs can be effective if they show the potential liability--such as suspension of their drivers' licenses--as well as the health effects
- ✓ **Require parents to attend** court and admin sanction programs with their youth who have been cited for an underage drinking offense.
- ✓ **Secure funding:** Jurisdictions developing or implementing administrative sanction programs must determine how the program will be funded and sustained for both the

short and the long run. There are many challenges to finding and securing funding, but the following strategies may assist:

- Ensure meaningful collaborative relationships with other child-serving and community-based agencies.
 - Have an administrative or legislative evaluation of the program conducted to demonstrate cost effectiveness and use those results to redirect spending from ineffective programs.
 - Shift the focus from program cost to investment in public safety and crime reduction.
 - Utilize volunteer services to enhance traditional funding sources—volunteers may be able to assist in the follow-up, tracking, and case management tasks. The use of volunteer services can also be used as a way to lower program costs and sustain program efforts.
- ✓ **Incentives should be employed** in order to motivate youth and caretakers to meet the terms of the administrative sanction program and to ensure successful program completion. An example of a sanction would be the court agreeing to dropping charges against the youth or expunging records once the youth successfully completes the terms of diversion.
 - ✓ **Consequences of Failure to Comply:** Consequences must be specified for youth since some may have trouble fulfilling the terms of their diversion, either by failing to comply with the program’s requirements or by declining to participate altogether.
 - ✓ **Outcome Evaluation:** To ensure an administrative sanction program is meeting its objectives and goals, a recordkeeping and data collection system should be in place to assist in providing periodic evaluations.
 - ✓ **Advocate** for administrative sanctions via policy education via meetings with City Council members, Commissioners, and the Juvenile Court Systems.

In closing, this report is intended for policy makers, law enforcement and community stakeholders in order to raise their awareness regarding any sanction gaps or enforcement gaps that are found, along with recommendations as to how to fill such gaps. This report is a part of a larger task to increase the perception of risk of consequences of administrative sanctions for underage drinking among parents and youth. Outcomes of implementing the administrative sanctions strategy include increase in administrative sanctions, decrease in criminal penalties, increase in youth perception of risk, and increase parents perception of risk.