Jail Population Review Committee Final Report

PREPARED FOR THE
CITY OF ATLANTA/FULTON COUNTY
JUSTICE POLICY BOARD

PRESENTED BY :
STEFANIE LOPEZ-HOWARD, CHAIR OF THE JPRC
REBECCA BROWN, CONSULTANT TO THE JPRC
DR. WILLIAM J. SABOL, CONSULTANT TO THE JPRC
PRESENTED NOVEMBER 28, 2022

Mandate

Produce a statistical analysis of the jail populations of the City of Atlanta and Fulton County:

- total populations

- offenses under which people are booked

- average length of detention

- average bond issued per violation

- reasons for detainee release

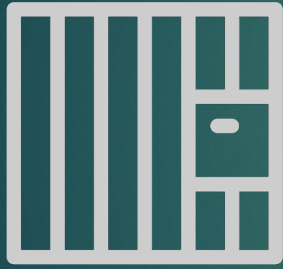- the frequency of the charging of each offense

Atlanta City Ordinance 22-O-1632

Catalytic Opportunity

Examining the factors that drive jail use is a catalytic opportunity for all stakeholders to commit to ongoing analysis and intervention.

A jail is a **place**. Incarceration is a **systemic methodology**.

Data are only as useful as the questions you ask.

Jail Review Teams are responsible for asking the right questions.

Just Two Variables

Jail population is a function of the number of people you book & how long they are held.

ALOS*Bookings = Population

ALOS=Average Length of Stay

Longitudinal Analysis: A Few Key Findings

Incrementalism

- There is no sweeping solution to the ongoing overcrowding of the jails in Fulton County.
- Remedying these conditions requires consistent and detailed attention to problem identification

Pandemic effect

- Increasing lengths of stay since September 2020 have contributed to an increase in jail population of 32 people/month
- Since onset of Pandemic, specific populations of interest are increasingly booked on felony charges.
- These populations represent a decreasing share of bed days but increasing ALOS.

Longitudinal Analysis: A Few Key Findings

Felonies and ALOS

- Felony bookings represent an increasing share of jail population since onset of Pandemic.
- ALOS for felonies were increasing prior to Pandemic; Pandemic has accelerated that trend
- To remedy jail overcrowding requires targeted attention to felony bookings.

Misdemeanors

- 75% of misdemeanor bookings have no prior bookings in Fulton County in the study period.

Prison transfers

- People who are released via transfer to prison represent a disproportionate share of bed days; jail use for this purpose could be reduced through more efficient case processing for felonies.

Case Review & Snapshot Analysis: A Few Key Findings

Long ALOS is a factor across all populations (felony, misdemeanor, specialized populations)

For people included in the snapshot census data of 9/14/22, ALOS was greater than 150 days.

375 people held on felony charges (12% of total jail population) were released to the community after spending an average of 177 days in custody.

136 people held on misdemeanor charges (4% of total jail population) were released to the community after spending an average of 61 days in custody.

Multiple incremental interventions across the criminal justice system will be necessary in order to reduce jail use (reducing inflows and lengths of stay).

JPRC Process

8/17/22 City Council directs formation of JPRC

9/12/22 Justice Policy Board votes to establish JPRC

9/20/22 JPRC retains expert in jail use analysis

9/23/22 JPRC meets, forms three work groups

10/1/22 JPRC retains experts in data science

10/2022 Fulton County & ACDC provide data

10/2022 JPRC teams meet 16 times

10/31/22 JPRC presents to Justice Policy Board

11/18/22 JPRC delivers final report

11/28/22 JPRC presents findings to PS&LA Committee

Data & Analytics Work Group

Led by Stefanie Lopez-Howard
Director
Statistical Analysis Center
Georgia Criminal Justice
Coordinating Council

Integrating data across systems to determine what is knowable

Collaborative Approach to Understanding Data

- 14 members, including Sheriff's Office, Solicitor General Office, County IT, Superior Court Clerk's Office, County Strategy & Performance Management Office, ACDC Captain, ACDC Information Technology

Odyssey Data Profiling

- Connect people to booking episodes, charges, and cases
- Connect cases to hearings
- Follow the "life cycle" of a charge

Consulting Process and Database Experts

- Subject matter experts classify over 100 categories of hearings or dispositions
- Database administrators provide insight on table keys and lookup categories

Qualitative Case Process Analysis

Led by Rachel Holmes
Managing Attorney
Georgia Justice Project

Identifying systemic barriers to release

Purposes

- Identify factors protracting lengths of stay
- Identify people who could be released with appropriate barrier mitigation

Case Processing Work to Date

- Six attorneys from Georgia Justice Project and two volunteer attorneys
- 10 members, working in collaboration with Diversion Services work group

Sample Set of 500 Cases (excl. six of "seven deadlies")

- 50 bookings for people held in jail more than one year
- 50 misdemeanor-only bookings for people held in jail more than 30 days
- 400+ randomly selected bookings for people held in jail for more than 45 days

Diversion Services Work Group

Led by
Maxwell Ruppersburg
Director
Office of Supportive Housing
Georgia Department of Behavioral
Health and Developmental
Disabilities

Developing multi-system service plans to facilitate release

Collaborative Service Planning

- 10 members, including Public Defender's Office, State & County DBHDD, PAD, Grady, GA Mental Health Consumer Network, Women on the Rise

Diversion Services Work to Date

- Service mapping
- Inter-agency process mapping
- Active case review, triage, release coordination

Conduct Individual and Systemic Inquiry

- Identify and facilitate supported release of identified people
- Identify opportunities to advance system coordination

Longitudinal Analysis

CONDUCTED BY WILLIAM SABOL
Distinguished University Professor, Criminal Justice And Criminology
Andrew Young School Of Policy Studies
Georgia State University

Research Questions:

Answerable with available data?

Questions		Answerable?
1	What are the short- and long-term drivers of overcrowding in Fulton County jails?	Partially
2	Which populations tend to stay incarcerated longer pretrial?	No
3	Which offenses have most commonly lingered or gotten stuck in the criminal justice process?	No
4	How frequently are persons incarcerated for longer than 24 hours for offenses with scheduled bonds?	No
5	What is the average length of stay (ALOS) by release reason and offense severity?	Partially
6.	How many persons are currently incarcerated for unindicted offenses	No
7	How many jail bed days were used by various offense categories, and by persons released for various release reasons?	Partially

Data Sources

Three data sources:
Fulton County jail/prosecution/court (Odyssey), Atlanta City Detention Center,
Qualitative Case Review from Odyssey

Fulton County data consist of 13 separate text files, each of which covered a separate segment of the criminal justice process

Layouts for the files that consisted of names of variables

A document describing the relationships among the 13 files and their associated record linkage variables

R code that produced data sets from the text files and provided insights into coding and linking several of the files.

ACDC data were provided on **October 24th** by a single flat file (spreadsheet). **Note: Jail data only. Analysis not yet provided due to time constraints**

Qualitative Case File Review based on Snapshot data from 9/14/2022

Definitional Questions

Populations of Interest

Familiar Faces (as defined ≥3 bookings in 24 months on identified charges, no violent offenses)

Elevated mental health score

Homeless at intake

Charge Histories

Misdemeanor-only bookings

Misdemeanor-only bookings with misdemeanor-only priors (in Fulton County in the study period)

Family violence bookings and prior bookings

Specific charges of interest (including "divertible" charges as agreed by PAD and APD)

Public order & "other"

Release Types

Transfers (e.g., Transfer to DOC, Prison, Hold, Extradition)

Bonds (financial and signature)

The JPRC identified the need to develop consistent definitions and classifications for various terms in Odyssey.

Effect of Bookings & Releases on Population

Monthly bookings, releases, and number in jail, 2018m1-2022m8

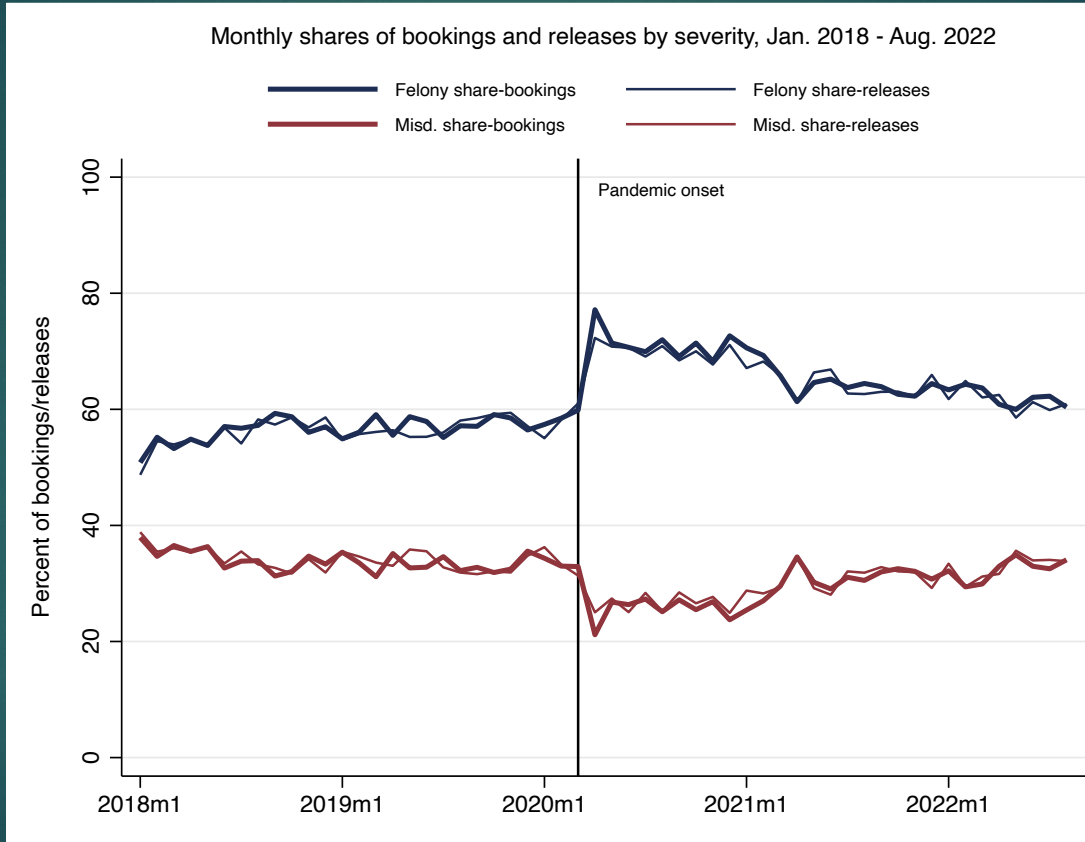Jail population is estimated; may be underestimated in early years due to censoring

Key Takeaways & Pandemic Effect:

- ✓ 3/14/2020: State Supreme Court declared statewide judicial emergency

- ✓ Court operations greatly reduced.

- ✓ From March-July 2020, bookings fell from 1,700/month to 870/month.

- ✓ Releases followed a similar pattern, but pattern of fewer releases than bookings increased total population by 32 people/month

- ✓ Since July 2020, both bookings and releases have increased since and are tending toward pre-Pandemic levels again

- ✓ Post-Pandemic, jail population was on average 200 people higher than pre-Pandemic (2,600 vs. 2,400)

Felonies vs. Misdemeanors

Key Takeaways - Felonies:

✓ Pre-Pandemic felony share bookings/ releases: 55%

✓ Pandemic onset felony share bookings/ releases: 67%

✓ By August 2022, felony share bookings/ releases: 62%

Monthly shares of bookings and releases by severity, Jan. 2018 - Aug. 2022

Felony share-bookings   Felony share-releases
Misd. share-bookings   Misd. share-releases
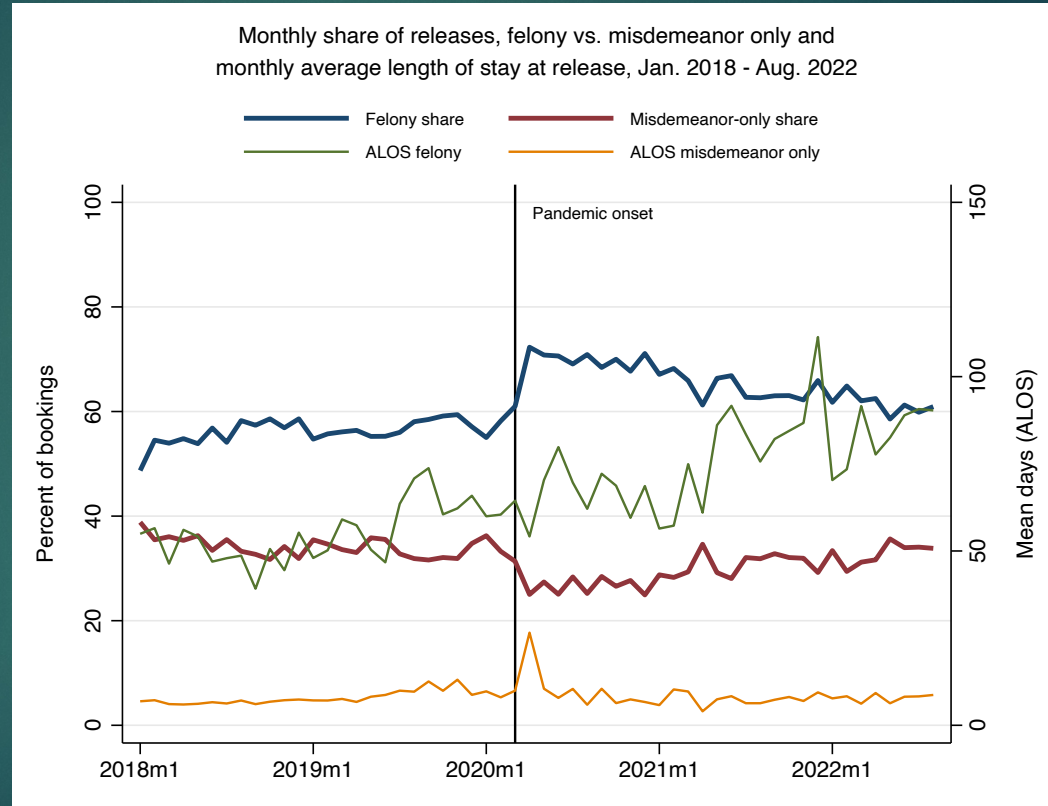
Pandemic onset

Key Takeaways - Misdemeanors:

✓ Pre-Pandemic misdemeanor-only share bookings/ releases: 34%

✓ Pandemic onset misdemeanor-only share bookings/ releases: 29.5%

✓ By August 2022, misdemeanor-only share bookings/ releases: 32%

NOTE: Felony booking/release is a booking with at least one felony charge, even if the charge that led directly to the booking was a misdemeanor. Sum of felony plus misdemeanor-only is less than 100%, as between 5%—10% of charges were classified as "Other" or "N/A".

Pandemic Effect on ALOS and Jail Population

Key Takeaways:

✓ ALOS for people released with a felony charge was increasing pre-Pandemic.

✓ The Pandemic accelerated a pre-Pandemic trend of increasing ALOS for felony charges.

Monthly share of releases, felony vs. misdemeanor only and monthly average length of stay at release, Jan. 2018 - Aug. 2022

Sum of felony plus misdemeanor-only is less than 100%, because 5%-10% of charges were classified as "Other" or "N/A."

Increased Share of People with No Prior Bookings

- Following the onset of the Pandemic, we saw a decline in the share of people booked who had at least one prior jail booking in Fulton County during the study period.

- For felony bookings, the share with no prior bookings increased from 45% (2019) to 50% (2020) to 48% (2022).

- For misdemeanor-only bookings, the share of people with no prior bookings increased from about 70% (2019) to 78% (2021) to 75% (2022).

- Data on prior bookings for a longer time period are available in Odyssey. Future work could improve the estimates of persons with no prior bookings.

Shift in Composition of Bookings

	Pre-Pandemic (2018/2019)	Pandemic Period (2020/2022)
Felony bookings that include a violent offense	27%	37%
Share of people booked with felony charge who had no prior Fulton County bookings in 4-year study period	45%	50%
Share of misdemeanor-only bookings booked in on misdemeanor violent offense	33%	52%
Share of misdemeanor-only bookings with no prior Fulton County misdemeanor-only bookings in 4-year study period	70%	78%
People booked on "other" offenses (e.g., arrested-other, incarcerated-other)	10%	3%

Felony Charges for Specific Populations

	Pre-Pandemic (2018/2019)	Pandemic Period (2020/2022)
"Familiar Faces" charged with felony offenses	NA	42%
Homeless people charged with felony offenses	50%	65%
People charged with "divertible"* offenses categorized as felonies	58%	65%
Share of misdemeanor-only bookings including a family violence charge	17%	31%

* We do not measure whether a District Attorney or Solicitor General determined that a person booked was in fact "divertible," since such decisions require an examination of all case factors. *Rather*, using the divertible list provided by PAD, the charge list acted as an identification measure for those *who the prosecutors and/or law enforcement might consider* for diverting.

Identified populations accounted for relatively small shares of bed day use.

Divertibles:
- Those with misdemeanor-only "divertible" charges: From high of 39% of bed days to low of 22% before increasing to 36% in 2022.

Familiar Faces:
- Share fell from 11% of bed days to less than 5%.

Homeless People:
- Share of bed days remained constant at about 10%. Bookings declined but ALOS increased, thus creating parity.
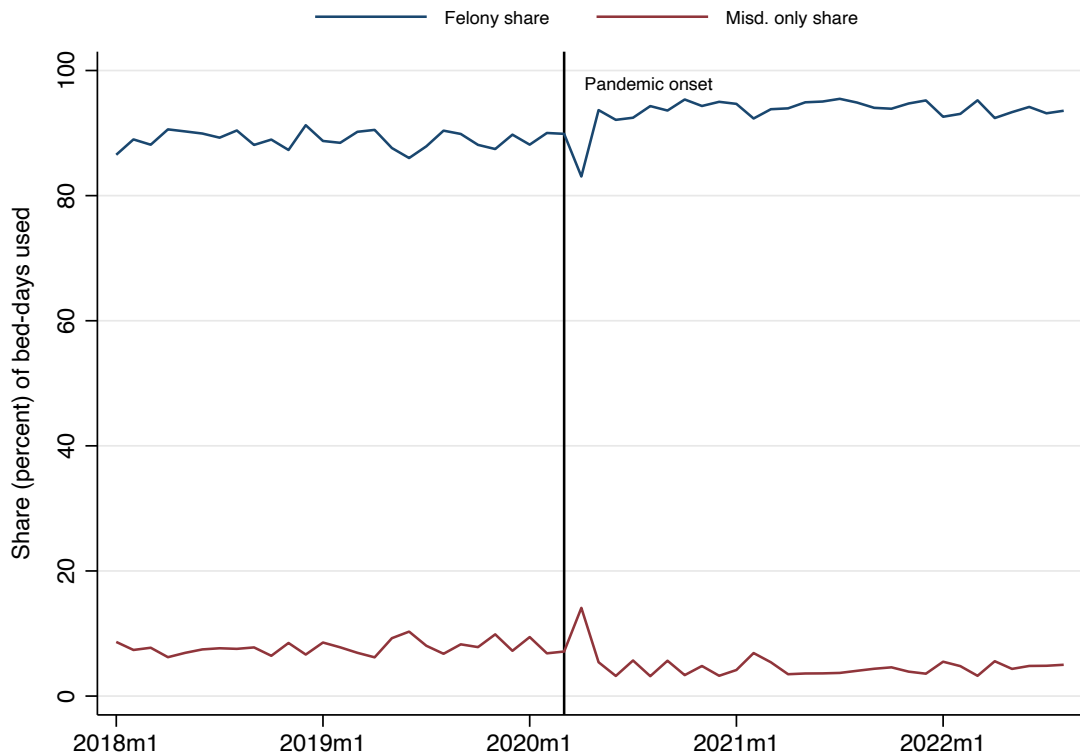
Bed Days for Populations of Interest

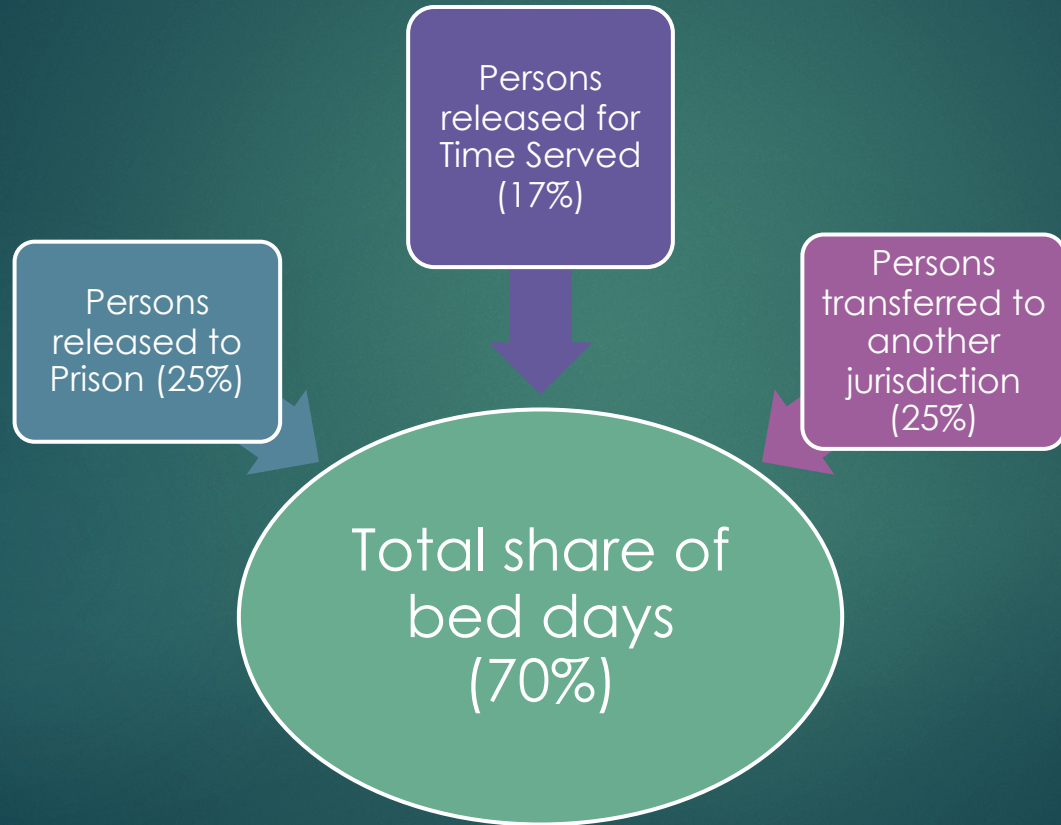|	Pre-Pandemic (2018/2019)	Pandemic Period (2020/2022)	Pre-Pandemic ALOS	Pandemic Period ALOS
Share of bed days for people booked on "divertible" offenses	25%	19%	29	42
Share of bed days for people booked on misdemeanors only for "divertible" offenses	39%	36%	9	11
Share of bed days for "Familiar Faces"	11%	5%	38	103
Share of bed days for Homeless Persons	10%	10%	52	90
Persons booked with misdemeanors only with no family violence charges in Fulton County in the study period	6%	3%	NA	NA

Offense Level and Jail Bed Days

Monthly share of bed-days used by persons released by offense severity Jan. 2018-Aug.2022

——— Felony share   ——— Misd. only share

Pandemic onset

Share (percent) of bed-days used

2018m1   2019m1   2020m1   2021m1   2022m1

Key Takeaways:

✓ Pre-Pandemic bed consumption for felonies: 88%

✓ Pandemic Period bed consumption for felonies: 94% (red arrow)

✓ Pre-Pandemic bed consumption for misdemeanors: 8%

✓ Pandemic Period bed consumption for misdemeanors: 5%

Use of Jail Bed Days by Release Types

Persons released for Time Served (17%)

Persons released to Prison (25%)

Persons transferred to another jurisdiction (25%)

ALOS for people transferred to prison **doubled** over the study period.

Total share of bed days (70%)

Release Types and Bed Day Share

Release Type	Share of Bed Days	Share of Releases in Study Period	Disproportionate Share?
Prison	26%	6%	Yes
Transfer	25%	16%	Yes
Time served	18%	12%	No
Bond	14%	32%	No
Signature bond	6%	23%	No
Probation	4%	4%	No
Nolle	2%	1%	No
Hold	2%	2%	No
Dismissed	2%	1%	No
Extradition	1%	1%	No
Failure to Appear (FTA)	1%	0%	No
Bench warrant	0%	1%	No
Error	0%	1%	No
Acquittal	0%	0%	No
Other	0%	0%	No
Weekender	0%	0%	No

Conclusions from the Longitudinal Analysis

Court responses to the Pandemic led to increases in the number of people held in Fulton County jails.

| Bookings initially fell March-June 2020 and steadily increased beginning July 2020 | Reduced Court processing led to jail backlog, evidenced by the increase in average length of stay during the Pandemic Period. |

Shifts in the concentration of felony and violent offense charges - bookings that typically have longer lengths of stay - coincided with the Pandemic and put upward pressure on the jail population.

Evidence about how court processing is working to reduce the backlog could not be generated due to limitations in the dataset delivered to GSU.

Snapshot & Qualitative Analyses

Key Findings of Snapshot Analysis

Key populations of interest comprised a substantial share of the jail population.

Each of the subpopulations represent a relatively small share of the total jail population on a given day.

However, they have especially long ALOS, and targeted interventions and case processing improvements could generate both collective and individual benefits.

Snapshot Data
September 14, 2022

Population Characteristics for People Contained in Snapshot Data	Average LOS for People Still in Custody as of 11/11/22	Share of Total Population (3,218)*
Misdemeanor-only charges for current & prior bookings	108 days	7%
Homeless and also with known mental health flag	233 days	2%
Homeless at time of booking	236 days	11%
Family violence charges (any severity)**	273 days	9%
Known mental health flag	311 days	19%
Felony charges, current charge	392 days	80%
Released by time Snapshot was reissued on 11/11	N/A	30%

- Excludes persons in Sheriff's Office Custody that were housed out of county (n=336).
- Not exclusive, may include persons with violent charges, felonies, or misdemeanors.
- ALOS does *not* include LOS for those already released by 11/11 – this is a "running clock" calculation.

Release reasons for people released to community between 9/14/22 and 11/11/22

Release Type	#of People Released			ALOS for People Released			Total Released
	Felony	Misdo	Other	Felony	Misdo	Other	
Bond	205	39	20	130	54	73	264
Time Served	60	69	78	364	57	68	207
Dismissed	61	7	2	149	105	81	70
Signature Bond	28	16	4	90	75	30	48
Probation	10	3	11	191	53	44	24
Nolle	6	2	2	356	80	321	10
Bench Warrant			4			49	4
Other	2		1	449		40	3
Acquitted	2			606			2
Error	1			136			1
Grand Total	**375**	**136**	**122**	**177**	**61**	**69**	**633**

Grouping Cases from Qualitative Review

Acuity Barriers (e.g., social services)	Procedural Barriers |(e.g., case processes)	Financial Barriers |(e.g., can't pay bond)
Mental Health Screen ≥5	State-Superior Court Transfer	Bonds of $5K or less
Homeless Status at Booking	Competency evaluation delays	Bonds between $5K and $10K
Competency Evaluation Pending	Unindicted Case Status	
	Pending Probation Violation	
	Address Requirement	

Case Review Observations

Procedural Barriers	Financial Barriers	Acuity Barriers
68% need procedural support	30% in custody solely due to inability to pay bond	35% need behavioral support
Unindicted, no identified attorney, awaiting conflict attorney, administrative delay (state-superior)	24% unable to pay bond less than $5K	Mental health needs, competency restoration, lacking an address

Illustrative Cases From Sample Set

🏛	⛓	💵	⏳	📅
Competency Restoration Delays	Misdemeanor Loitering/Prowling	NA	Competency calendar reset 15 times	LOS: 300+ days
State/Superior Court Transfers	Misdemeanor, transferred to Superior Court after 15 days	$2,500	Unindicted No hearing No bond reconsideration	LOS: 495 days
No address/no money bond hold	Felony Possession of Methamphetamine	$500	Address required as release condition	LOS: 130 days

Acute Needs for 26 Cases Reviewed

Homeless
- 7

Competency Evaluation Pending
- 7

Release to PAD's Caseload?
- 11

Known Mental Health Flag?
- 8

Average Bond Amount
- $4,760*
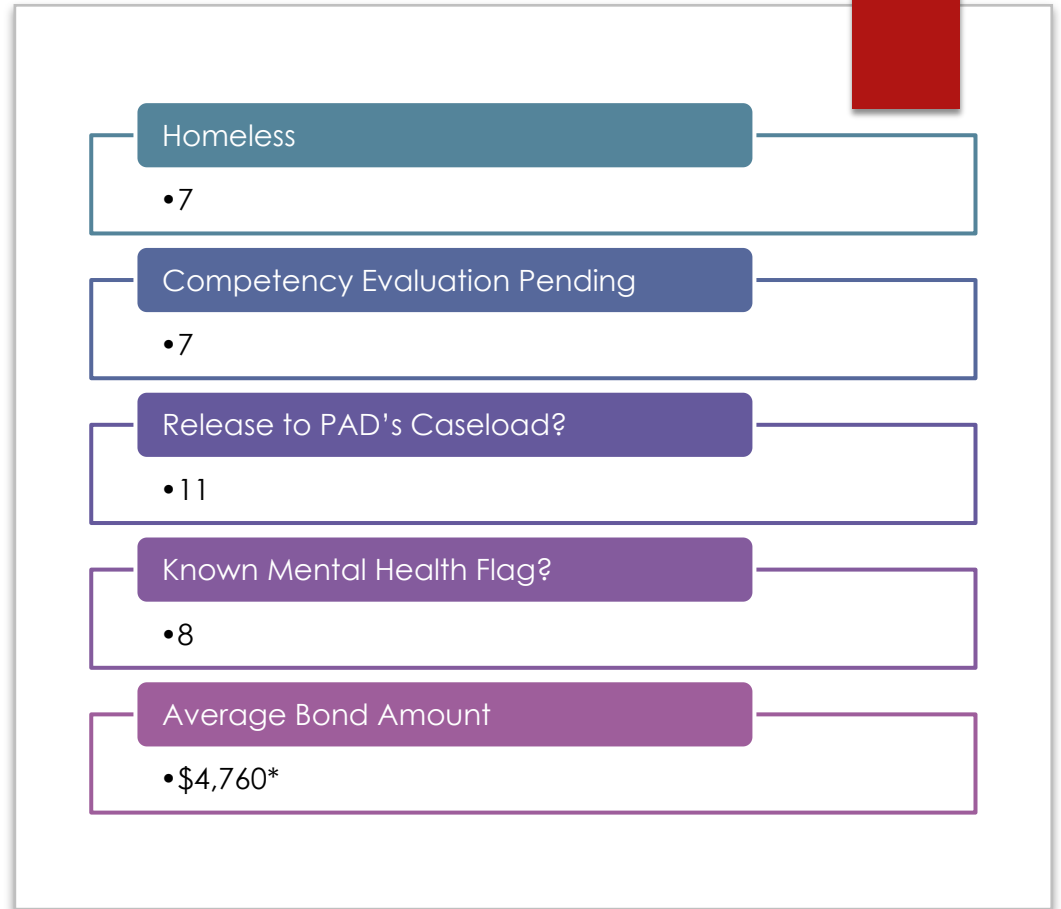
* Excludes one outlier with a bond of $680K whose case was not triaged.

Spotlight on Case Review

Key Takeaway:

Half of the 26 triaged cases did not have a felony conviction and were not on felony probation.

Felony Probation Status	Number of People Reviewed	Average of No. Georgia Felony Convictions
Not on Probation	13	0
Not Active (administrative probation)	8	4
On Active Probation	3	7
No Probation Status	2	
Total	26	2.25

Of the Six People Released to Date:

Average length of stay prior to facilitated release: 122 days

Range of length of stay prior to facilitated release: 79-181 days

Booking characterizations:

- Two people with pending misdemeanors
- Two people with pending non-complex felonies
- One person awaiting transfer from state to superior court
- One person's booking characterization is an unindicted complex felony

Two of these people were being held with no indictment

Recommendations

Leverage Systemic Opportunities

Continue This Work

Count of Respondent by Agency Type

Do you think the work of the Jail Population Review Committee should continue?	Criminal justice entity (e.g., law enforcement, public defender, courts, prosecutors)	Community-based services or advocacy agency	Other type of agency	Total respondents
Yes, for an additional six months to review jail use and case processing	4	0	0	4
Yes, for an additional year to review jail use and case processing	2	3	7	12
I do not think the work of the JPRC should continue	1	0	1	2
Total	7	3	8	18

Key Takeaway: 89% of respondents support continuing the work of the Jail Population Review Committee.

Next Steps

- Make JPRC Standing Committee of Justice Policy Board

- Sustain JPRC with resources for ongoing project management and research expertise

- Establish stakeholder group for Odyssey to standardize classification of data values (e.g., type of offense)

- Engage Odyssey experts to determine data requirements to conduct analyses and reissue Odyssey data to reflect.

- Continue qualitative case review to identify people eligible for release and opportunities for systemic service integration