

# Justice Reforms Plan – S.A.F.E.

Stopping over incarceration

And

Finding real solutions to

Equity in our justice system



City Council Work Session

March 4, 2021



# Goal

**We can make the city safer and more equitable by implementing some commonsense justice reforms that will align functions with current and future needs and allow closure of ACDC.**



# Challenge

**The criminal justice system is complex, with multiple interdependencies between the city's police, the jail, the court system, and Fulton & DeKalb County counterparts.**

**Making a smooth transition away from the status quo has required us to identify and consider impacts on all these elements.**



# Plan

## To achieve this goal, below is a five-point plan for reforms

1. Expand diversion offerings and implement changes to APD policies and practices to reduce arrests for municipal code offenses
2. Update the city code in phases to remove incarceration as a penalty for certain municipal code offenses and place a stronger emphasis on community service
3. Renovate the Municipal Court to support improved booking and processing of any arrests
4. Build space at the proposed new Public Safety Training Academy to accommodate the needs of the PAT3 program and to support the finalized plan
5. Close ACDC, finalize decisions on repurposing the facility and/or land, and begin the process to implement the vision for Centers of Equity



# Agenda for Today's Work Session

- > **Context**
- > **Recommended Justice Reform Plan of Action**
- > **Next Steps**

This plan and agenda for today is focused on the reforms and steps needed to transition out of the facility, not on the future use of the ACDC facility and land.

# | Context

# Current ACDC Facility

- > **Atlanta City Detention Center (ACDC)**
- > **471,000 square foot facility constructed in 1995**
- > **Capacity to detain ~ 1,300 individuals**
- > **When ACDC was designed and built, the city had greater court and jail responsibilities. City court was abolished in 2004, reducing the scope of these responsibilities**



# The City Jail Does Not Handle Felony Cases



Less serious charges

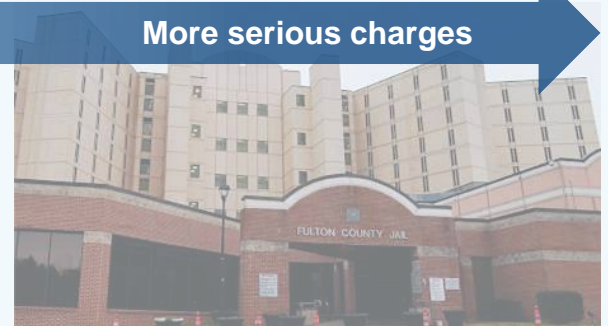
Ticket issued, no arrest made

**Minor violations** can be dealt with through the issuance of a ticket in place of an arrest. Cases are heard at the municipal court.



Arrested and taken to ACDC

**Arrests for city ordinance violations and certain traffic offenses** are booked at the city jail and cases are heard at the municipal court.



More serious charges

Arrested and taken to county jail

**Arrests for serious felonies and major crimes** are booked at county jails and cases are heard at county courts.

The city jail primarily handles city ordinance violations and traffic cases. Violent felonies and serious state charges go to the county, NOT the municipal court or ACDC.





# ACDC'S Main Function is Pre-Trial Booking, Not Incarceration

## The city jail is currently used for two primary purposes:

1. Booking individuals arrested on city and traffic charges into the jurisdiction of the court
  - *For a limited number, housing them while they wait to see a judge*
2. Housing individuals sentenced to a term of incarceration for those charges

**It is also used to temporarily hold individuals that have active warrants on behalf of other jurisdictions.**

## The booking function is the main function.

- > Individuals at ACDC only for pre-trial booking: **79%**
- > Individuals at ACDC serving a sentence: **8%**
- > Individuals at ACDC held on behalf of other agencies: **13%**

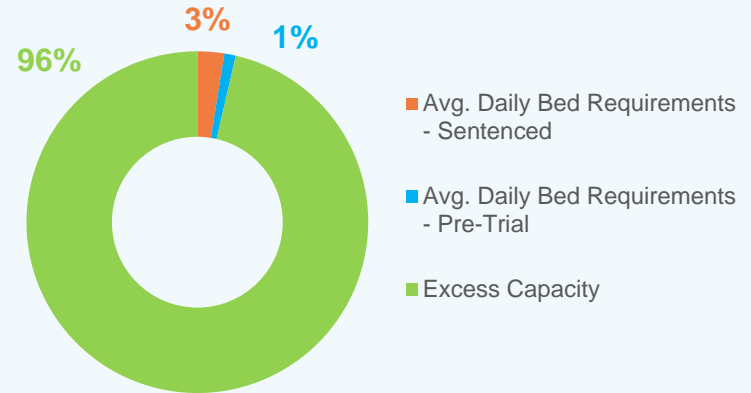


# The Number of Beds Needed in 2019 Was Less Than 4% of ACDC'S Capacity

## 2019 ACDC Data

- **Total Bookings: ~15,000**
- **Total Incarcerations: ~2000**
- **Avg. Daily Population of Individuals Serving Sentences: 32**
- **Avg. Incarceration Sentence: 8 days**

## Total ACDC Capacity (~1300)



Pre-trial bed requirements are an estimate based upon booking and bond data, and represents those who are awaiting seeing a judge



# Analysis

From a public safety perspective, arrested individuals **DO** need to be processed into the court's jurisdiction. However, processing **DOES NOT** have to take place at the jail.

There is tremendous opportunity to realign our bed space with current and future needs, which should be based on the small number of individuals sentenced to a term of incarceration by the municipal court.



# Summary

**Over time, we can maintain a safe and more-equitable city with a change in approach to how we handle booking of arrests, and how we manage individuals convicted of charges.**

**We cannot do away completely with bed capacity as long as we have to be able to accommodate individuals receiving sentences of incarceration for certain city charges and state charges that are under the Municipal Court's jurisdiction**

**The plan of action will align functions with current and future needs, including a reduction in the number of beds needed, and allow closure of ACDC**





# 1 Expand diversion offerings and implement changes to APD policies and practices to **reduce arrests for municipal code offenses**



# Key Initiatives

- > **Establish a community referral program through 311 for non-emergency services**
- > **Expand pre-arrest diversion city-wide**
- > **Expand resources for and encourage the use of mental health referral services for people who are experiencing a behavioral health crisis**
- > **Encourage the issuance of tickets in place of arrests wherever appropriate, e.g. for low-level, nonviolent charges**

**Through these initiatives bookings can be reduced without compromising public safety.**



**2** Update the city code in phases to remove incarceration as a penalty for certain municipal code offenses and **place a stronger emphasis on community service**





# Overview of Current Penalties

- > **Most municipal code violations currently can carry the following penalties:**
  - Probation
  - A fine up to \$1000 per offense
  - Up to six months' incarceration per offense
  - Community service
- > **Many minor offenses are resolved with the payment of a fine.**
- > **Incarceration is seldom used.**

Phasing out incarceration and replacing it with a greater emphasis on community service maintains the deterrent to commit crime, reduces the need for jail capacity, and reduces the harmful community consequences of incarceration.



# Overview of Phased Approach

- > **A phased approach allows us to quickly begin the process of removing incarceration as a penalty**
  - Phase I – Address park and public space violations
  - Phase II – Address business and land use-related code violations and animal control violations
  - Phase III – Address offenses with a parallel state statute, and other remaining City ordinances
- > **Phase I legislation is planned to be introduced in March and Phase II and Phase III legislation will be introduced in late Spring and early Summer**

**Once this approach is fully phased in, fewer people will be sentenced to incarceration for municipal code violations.**



# 3 Renovate the Municipal Court to support **improved booking and processing of any arrests**



# Key Initiatives

- > **Build out space in the lower-level of the Court to meet future processing needs.**
- > **Provide coordinated access to support services.**
- > **Increase the frequency of first appearance hearings to eliminate the need for extended pre-trial detention.**



4

**Build space** at the proposed new Public Safety Training Academy to accommodate the needs of the **PAT3 program** and support the finalized plan



# Overview of PAT3

## Preparing Adult Offenders to Transition through Training and Therapy

- > **Re-entry program established in partnership with state Department of Corrections**
- > **City provides jobs for eligible state inmates**
- > **Goal is to have capacity to maintain and grow the program into the future. Final number has not been determined**
- > **We will leverage planning, design and construction cost savings by integrating this into plans for the proposed new public safety training academy**
- > **Capacity will also be able to meet any remaining overnight incarceration needs**

**An Advisory Council will provide recommendations on the location, approach, and funding source for the Public Safety Training Academy to be considered by the Mayor and City Council.**



# Interim Opportunities

- > **As an interim solution to house those sentenced to incarceration by a Municipal Court Judge, an Intergovernmental Agreement may be pursued with a surrounding County or Municipality that has capacity and humane conditions.**
- > **This solution will allow the City of Atlanta to move forward with plans for closure of ACDC and repurposing the facility and/or land.**



**5** **Close ACDC, finalize decisions on repurposing the facility and/or land, and begin the process to implement the vision for Centers of Equity**





# Finalizing the Plan for Future Use

- > **Implementation of the first four actions will allow closure of ACDC by:**
  - reducing the number of people needing to be booked into the court's jurisdiction;
  - reducing the booking and bonding process times;
  - narrowing the use of incarceration as a penalty for conviction of municipal offenses; and
  - providing the beds for any remaining needs.
  
- > **The future use is intended to restore and strengthen the social and civic life of Atlanta's communities which have been disproportionately harmed by our society's history of over-incarceration and punishment.**

**The Reimagining ACDC Task Force has provided recommendations for the future use, which as ACDC closes will serve as the foundation for the path forward.**



# Collaboration with Partners

- > **The City of Atlanta is collaborating with Fulton County and other partners on additional funding and services that align with this plan, meet the needs of the City of Atlanta and Fulton County, and will be offered upon the closure of ACDC.**



# Next Steps

# Key Next Steps



**Legislation will be subsequently introduced to the City Council in accordance with this plan to move forward with the formal and detailed authorizations needed to change the municipal code, fund projects, and enter agreements, including:**

- 1 // Accept and adopt this Justice Reforms Plan**
- 2 // Introduce Phase I legislation to remove incarceration as a penalty for certain municipal code offenses**
- 3 // Introduce legislation to authorize the funding and agreement related to the final design of the Municipal Court renovations**

# | Questions?

# | Appendix



# Evidence in Support of Reforms

## > **The harmful and lasting effects of pretrial detention<sup>1</sup>**

- A growing body of evidence suggests pretrial detention leads to worse outcomes for the people who are held in jail—both in their court cases and in their lives—as compared with similarly situated people who are able to secure pretrial release
- Researchers have found that being held in custody while awaiting case disposition may increase the likelihood that people are charged with a new crime in the future. Some research has demonstrated that even a short time in pretrial detention can significantly increase the likelihood that a person will be charged with a new offense. Other studies have suggested that the effect is greater for people who pose a lower risk of recidivism.

## > **Effects of incarceration for low-level offenses<sup>2</sup>**

- Jail incarceration leads to harmful life consequences. Even short periods of incarceration can have a devastating effect on many aspects of a person's life – missing work can lead to lost employment, inability to pay rent, and eviction. Jail incarceration also severely disrupts families and communities, which can ultimately contribute to long-term neighborhood instability and unrest.

1. [Vera Institute of Justice, Evidence Brief, April 2019](#)

2. [Alexandra Natapoff, Misdemeanors, February 2012](#)



# Examples of Reforms in Other Cities

- > **Tickets vs. Arrests** - A 2016 survey conducted by the International Association of Chiefs of Police of 1,300 law enforcement agencies found that 87 percent of agencies use citations; that citations take significantly less time to process than arrests (24.2 minutes vs. 85.8 minutes), saving just over an hour per incident; and that the majority of agencies (64.4 percent) had a positive view of the use of citations.<sup>8</sup> Numerous police departments' policies make the use of citations mandatory when certain listed factors are not present, using language such as "will" or "shall." Some departments, like *Austin, New Orleans, and San Antonio*, go even further and require officers to get approval from a supervisor to make a custodial arrest instead of issuing a citation in these cases.
- > **Diversion** - Project Reset, *New York, NY* – Addresses charges such as shoplifting, trespassing, and criminal mischief. Participants who successfully complete this intervention never set foot in a courtroom and don't get a criminal record. Instead, the local district attorney's office declines to prosecute their case and the arrest record is sealed. Participants are offered 2-4 hours of programming and interventions such as group workshops, restorative justice circles, or individual counseling sessions. Voluntary referrals can be made to additional social services. The program has a 98 percent completion rate.



# Examples of Reforms in Other Cities (continued)



- > **Diversion** - Neighborhood Courts, *San Francisco, CA* – Nonviolent misdemeanor cases and select felony offenses are eligible for pre-charging diversion to the Neighborhood Court, with the approval of both the San Francisco District Attorney’s Office and the individual. Ninety-three percent of participants appeared, and 95 percent successfully resolved their cases.
- > **Diversion** - *Milwaukee County Diversion and Deferred Prosecution Program, Milwaukee County, WI* – After arrest, individuals are screened and assessed based on their risk of re-offense, with low-risk individuals considered for the pre-charge Diversion Program and medium-to-high-risk (and needs) individuals to the post-charge Deferred Prosecution Program. The pre-charge Diversion Program is focused primarily on accountability and may include certain requirements such as restitution, community service, restorative justice/mediation, and/or education.
- > **Sobering Center and Services** - *Houston, TX* – Houston’s sobering center is primarily used for diversion purposes. To address jail overcrowding, the city created a policy that allowed law enforcement to send publicly intoxicated individuals to the sobering center, decreasing public intoxication jail admissions by 95 percent. The center has an annual budget of \$1.64 million. The cost of jail admission in Houston is \$267 per day, whereas full use of the sobering center services would cost \$127 per admission.

# Examples of Reforms in Other Cities (continued)



- > **Sobering Center and Services** - *San Francisco, CA* – The sobering center largely cares for individuals with both chronic homelessness and alcohol use disorders. The center will accept clients from ambulances, police, homeless service partners, emergency departments and other community partners, allowing walk-ins if there is capacity. This 24/7 facility is unique in that it accepts clients directly from the 911 ambulance system.
- > **Supportive Intake for Processing and Booking** - *Spokane, WA* – recently opened a jail intake center to alleviate overcrowding in their county jail, facilitate access to services and issuance of court dates, and prevent people who would be booked and released from having to enter the jail in the first place. The intake center will be staffed by Pretrial Services and is projected to have an initial impact on 13 percent of all jail admissions, before being expanded to most people who would otherwise be admitted to jail on misdemeanor charges.