

Close the Atlanta City Detention Center and Deliver Long-term Public Safety

A Justice Reform Roadmap to Close Atlanta's Jail in Three Months

February 2021

To close ACDC within three months, Vera recommends five practical policy changes to arrest and booking processes, pretrial release, and diversion that the City of Atlanta can adopt to reduce incarceration and costs without harming public safety.

Closing the Atlanta City Detention Center (ACDC) must remain an urgent priority for the City of Atlanta, particularly as it works to ensure the health and well-being of residents during the COVID-19 pandemic. The jail detains fewer than 25 people on any given day, perpetuates racial disparities, and is extremely expensive to operate.

In September 2020, the City of Atlanta engaged the Vera Institute of Justice (Vera) to chart a path to close ACDC. Vera met with key justice system stakeholders, service providers, and community advocates; analyzed data; and brought to bear evidence and examples from across the country to develop a strategy to reduce the number of people in jail to zero in as few as three months and to minimize reliance on arrests and detention in the future.

To close ACDC within three months, Vera recommends five practical policy changes to arrest and booking processes, pretrial release, and diversion that the City of Atlanta can adopt to reduce incarceration and costs without harming public safety. These recommendations supplement the legislative changes recommended by the Reimagining ACDC Task Force.¹ Vera presented these policy changes in December 2020, and adopting them immediately will allow ACDC to close safely and quickly—freeing up resources for programs and services that can deliver long-term public safety for the city's residents.

Jail incarceration is costly and can be counterproductive for public safety

Jurisdictions seeking to make their justice systems fairer and more effective must focus on jail decarceration. The majority of people detained in U.S. jails are there pretrial, meaning they are legally innocent, and most are held on nonviolent, low-level charges.² Research shows that expending significant resources to jail people on low-level charges is counterproductive for public safety. Even short periods of incarceration can have a destabilizing effect on many aspects of a person's life—missing work can lead to lost employment, inability to pay rent, and eviction—and can actually *increase* the likelihood of a future arrest.³ Jail incarceration also severely disrupts families and communities, which can ultimately contribute to long-term neighborhood instability and unrest.

Jail incarceration not only has harmful downstream consequences for public health and safety, but it is also an expensive drain on public funds, which is particularly true in Atlanta. In a 2015 survey of 35 jurisdictions across the country, Vera found that the average annual cost per person in jail was \$47,057.⁴ Based on the City of Atlanta's proposed FY 2021 budget for ACDC, the estimated annual expense per incarcerated person would have been more than 17 times that average: \$807,723.⁵

For more information

© 2021 Vera Institute of Justice. All rights reserved.

For more information about Vera, visit www.vera.org. This policy brief was written by Amy Cross, Elizabeth Swavola, Melvin Washington, Sandhya Kajeepeeta, and Alex Boldin. For more information about this policy brief, contact Elizabeth Swavola, project director, at eswavola@vera.org.

Closing ACDC is a critical next step to reduce the unnecessary use of jail

The exorbitant cost of keeping ACDC operational is partly a function of the significant reduction in the number of people detained in the jail in recent years: as of October 2020, ACDC's daily population averaged less than 25 people, despite the jail's capacity to hold approximately 1,300 people. (See Figure 1.) This reduction was a result of several successful reforms to the city's pretrial detention system.⁶ In 2018, Mayor Keisha Lance Bottoms, with unanimous support from the city council, signed a landmark ordinance that eliminated cash bond as a release requirement for people accused of most low-level offenses.⁷ By focusing on pretrial detention, a key driver of both social inequities and the size of jail populations nationally, Atlanta joined a growing number of jurisdictions that are using evidence-based practices to create a more just criminal legal system.⁸

Atlanta's residents and leaders recognize that closing ACDC is a critical next step to reduce the unnecessary use of jail and an important investment in public safety and wellness. In May 2019, Bottoms signed legislation to establish a Reimagining ACDC Task Force made up of local stakeholders and experts from the City of Atlanta, Fulton County,

and DeKalb County and charged with leading a process to transform ACDC into a "Center for Equity." The Reimagining ACDC initiative signaled the city's commitment to "end the use of arrest and jail as solutions to the problems of extreme poverty, addiction, and mental health challenges and instead provide vital community-based services and supports."⁹ Achieving decarceration in Atlanta and investing in supportive services for Atlantans will also prevent overreliance on the local county jails and, therefore, requires ongoing collaboration between the city and Fulton and DeKalb Counties to ensure the task force's vision is realized.

A justice reform roadmap for Atlanta

Vera analyzed ACDC's administrative data from November 2018 through October 2020 to understand who is jailed in ACDC and for what charges. The City of Atlanta has made significant strides in reducing the ACDC population. (See Figure 1, below.) In February 2020, prior to the closure of the Atlanta Municipal Court due to the COVID-19 pandemic, the average daily population in ACDC was 185 people (14 percent of the jail's 1,300-person capacity).¹⁰ Based on the most recent data, on any given day in October 2020, just 23 people were incarcerated at ACDC.

Figure 1. ACDC average daily population from November 2018 through October 2020

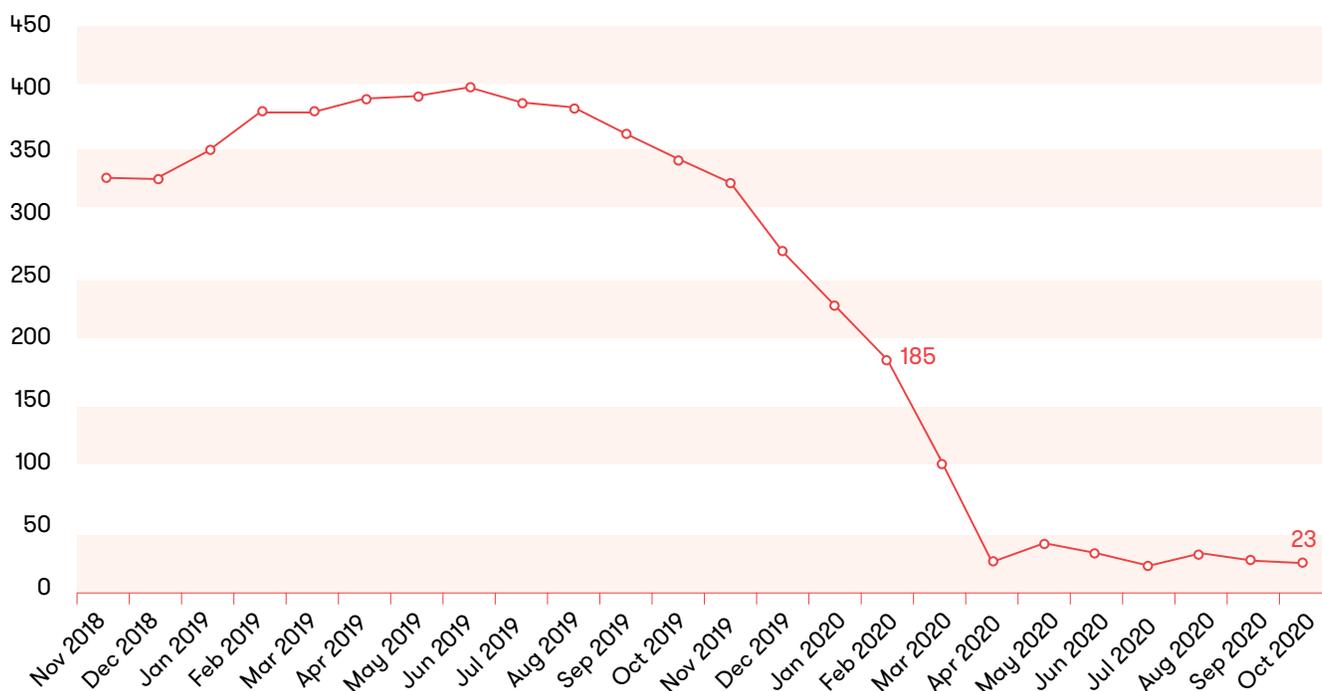


Figure 2. The 10 most common top charges with average length of stay for ACDC admissions in October 2020

Charge description	No. of admissions	Average length of stay (days)
Driving with suspended license	50	0.3
Driving without proper vehicle tags	36	0.9
Driving without license – misdemeanor	29	0.4
DUI/Alcohol	28	0.7
Disorderly conduct – section 1	27	2.8
Not driving in proper lane	27	0.8
Shoplifting \$100 or less	22	0.4
Disorderly conduct – section 7	21	1.9
Speeding	20	0.6
Failing to obey traffic-control device	19	0.8

Moreover, the population of ACDC also presents deep racial disparities. Based on the most recent data from October 2020, Black Atlantans made up 90 percent of the average daily ACDC population, even though they constitute only 52 percent of Atlanta’s population.

Furthermore, the majority of people detained in ACDC are held (1) pretrial, without having been convicted of a crime; (2) for low-level, nonviolent charges; and (3) for one day or less. Specifically, 88 percent of people incarcerated at ACDC in October 2020 were awaiting trial. Figure 2, above, presents the 10 most common top charges for October 2020 ACDC admissions with the average length of stay for each charge.¹¹ The most common top charges are predominantly driving- and traffic-related and also include low-level offenses such as shoplifting \$100 or less and disorderly conduct. Most people (53 percent) admitted at ACDC in October 2020 were released the same day.

It is important to note that as of October 2020, the Atlanta Municipal Court had not yet reopened due to COVID-19, and judges were, therefore, not sentencing people to jail. Instead, most people were released while their cases were pending, and there is no evidence to suggest that this had a negative impact on public safety. The city can and should continue the practice of releasing people while their cases are pending and using alternatives to incarceration when

needed. As the city does more to prevent pretrial detention, the number of people sentenced to incarceration at ACDC will also decrease. When people are detained pretrial, they are more likely to plead guilty—even if they are innocent—and to be sentenced to incarceration and for a longer amount of time.¹² When people remain in their communities while their cases are pending, they have more opportunities for diversion and access to resources like mental health and substance use treatment, employment, and education, which increase the likelihood that their cases will be dismissed.¹³

Five policy changes to close ACDC permanently within three months

To truly achieve the vision of reducing unnecessary and harmful detention for Atlantans, it is critical to adopt diversionary strategies that provide vital supports and can prevent jail detention altogether. There are five practical policy changes Atlanta can implement to reduce incarceration and costs without harming public safety—the first three can be implemented immediately, and the remaining two launched within months—making ACDC’s closure possible in the next three months. Importantly, these recommendations complement the Reimagining ACDC Taskforce recommendation to repeal certain city ordinances and the city’s 2018 bail reform legislation in eliminating the need for people to be admitted into ACDC altogether.

1. Make greater use of field-based cite and release

In Atlanta, police officers are permitted to issue citations (called “copy of charges”) in lieu of physical arrest if the identity of the person is not in question and there is no reason to believe that the person poses a threat to the community or themselves or that they will fail to appear in court.¹⁴ Approximately 60 percent of admissions into ACDC are for top charges that are eligible for citation and release under the law. Expanding the Atlanta Police Department’s use of field citation and release instead of relying on custodial arrest for low-level charges—such as driving without a tag or license and shoplifting under \$100—would significantly reduce the number of people who are admitted into ACDC, often for very short stays. Cite and release also preserves resources, allowing law enforcement to avoid costly and time-consuming intake procedures associated with processing an arrest and eliminating the expense of detaining someone who cannot afford to pay bail for a minor charge.¹⁵ This can be done simply by changing the department’s standard operating procedures to make citation the default mechanism for low-level charges that frequently result in a jail booking despite citation eligibility.

2. Create portable “process and release” tools for patrol cars, police stations, and other locations

In some instances, people may be ineligible for a citation but are otherwise safe to be released immediately after their arrest. Rather than bringing a person into ACDC custody for arrest processing, the city should equip police cars, station houses, or other locations with secure laptops, so that police officers can “process and release” a greater number of people. In the short term, the city can shift arrest processing away from ACDC quickly by using existing vacant space at the municipal court. Additionally, the city should create a standard operating procedure directing officers to arrest, process, and immediately release people from the field, stations, and other noncustodial processing spaces.

3. Develop supportive intake processes

For people who cannot be cited and released, but who should not be incarcerated, the city can also create an intake space where arrests can be processed and, based on need, a person can be referred to supportive community-based services. These services could include, for example, sobering and detox, crisis stabilization, connection to housing and benefits, opportunities to reinstate driver’s licenses, peer support, and diversion programs. A supportive intake and referral system can divert people from the justice system

and reduce a person’s future contact with the justice system by offering stability to those who may need it after an arrest occurs. In the longer term, the city can continue to add supportive services that align with Atlantans’ vision for equity, safety, and wellness.

4. Use alternate responders to address behavioral health situations and 911 calls, preventing arrest in the first place

Many people who are detained in ACDC have been charged with offenses that suggest they may have underlying behavioral health and social service needs. Expanding the use of behavioral health specialists and trained social service professionals can contribute to the safe closure of ACDC by providing a response to potentially harmful behavior that does not involve law enforcement, arrest, or incarceration.

Community-based crisis services, such as those offered by the Georgia Crisis Access Line (GCAL) and the Grady Health System (also known as Grady’s Mobile Psychiatric Unit), can be used to a greater extent to de-escalate behavioral health crises and connect people to longer-term services that can help mitigate issues in the future. These interventions can be deployed as a direct response to someone in the community who is experiencing a behavioral health crisis. They can also supplement the expansion of other pre-existing community-based services that is already underway—namely, the Atlanta/Fulton County Policing Alternatives & Diversion Initiative (PAD)—by providing resources to which PAD specialists can connect people as specialists encounter them in the community.

5. Expand pretrial release and diversion

Finally, Atlanta can make several investments that would expand opportunities for pretrial release and diversion, so that people are no longer incarcerated on low-level charges, especially DUI and disorderly conduct. The city should invest in court reminders, free transportation options, supportive pretrial services, and a dedicated sobering and detox center. These are just a few examples of effective interventions that jurisdictions have used to help people achieve success in the pretrial period. Court date reminders, for example, have been proven to reduce failure to appear (FTA) rates, in some places, by more than half.¹⁶ Providing diversion opportunities can also reduce the volume of cases moving through the court, preventing case backlogs and saving court costs.

Conclusion

Closing the Atlanta City Detention Center is a crucial step toward achieving the city and community's shared vision for safety and wellness in Atlanta, and it can be achieved quickly. Continuing to operate the jail is a costly choice that does not drive public safety. Rather, it criminalizes people facing poverty, homelessness, and mental health challenges and disproportionately impacts Black Atlantans.

Today, public safety is top of mind for Atlantans as the city struggles with increased shooting violence and lives lost during the pandemic. Closing ACDC will not adversely impact violence or crime. Instead, it will help Atlanta make better long-term investments in community-based solutions that prevent and address the root causes of violence and provide for the vital safety and health needs of its residents.

Endnotes

1. See Reimagining ACDC Task Force, *Reimagining the Atlanta City Detention Center (ACDC) Task Force Report* (Atlanta: Reimagining ACDC Task Force, 2020), <https://perma.cc/PW3G-J8CL>.
2. Prison Policy Initiative, "Mass Incarceration: The Whole Pie 2020," <https://perma.cc/XQ64-2FZT>.
3. Léon Digard and Elizabeth Swavola, *Justice Denied: The Harmful and Lasting Effects of Pretrial Detention* (New York: Vera Institute of Justice, 2019), <https://perma.cc/T6CT-C2UX>.
4. Christian Henrichson, Joshua Rinaldi, and Ruth Delaney, *The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration* (New York: Vera Institute of Justice, 2015), <https://perma.cc/8HBZ-F72T>.
5. This estimate is based on Atlanta's proposed FY 2021 budget allocating \$18,900,714 to the Department of Corrections, largely for personnel, and ACDC's average daily population of 23.4 people, using the most recent available data from October 2020. See City of Atlanta, *Fiscal Year 2021 Proposed Budget* (Atlanta: City of Atlanta, 2020), <https://perma.cc/DU27-QXBY>. In the adopted FY 2021 budget, Department of Corrections expenses were transferred to the Office of Constituent Services and other departments, reducing the department's estimated budget to \$3,572,251. See City of Atlanta, *Fiscal Year 2021 Adopted Budget* (Atlanta: City of Atlanta, 2020), <https://perma.cc/LV9S-V7ZE>.
6. Under Bottoms's administration, the city adopted pre-arrest diversion, reclassified marijuana offenses, enacted bail reform, and ended a decades-long contract with U.S. Immigration and Customs Enforcement.
7. City of Atlanta, "Mayor Keisha Lance Bottoms Signs Cash Bond Ordinance into Law," press release (Atlanta: City of Atlanta, February 6, 2018), <https://perma.cc/9K6R-WBWR>.
8. Digard and Swavola, *Justice Denied*, 2019.
9. Atlanta City Council Resolution 19-R-3622 2019, <https://perma.cc/GM56-SZGB>.
10. This figure included participants in the Preparing Adult Offenders through Treatment and Therapy (PAT3) workforce development program who were serving state sentences and housed at ACDC. The PAT3 population has since been relocated.
11. Top charges reflect the most serious charge for an individual admission with multiple charges.
12. Megan Stevenson, "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes," *Journal of Law, Economics, and Organization* 34, no. 4 (2018), 511-42; Paul Heaton, Sandra G. Mayson, and Megan Stevenson, "The Downstream Consequences of Misdemeanor Pretrial Detention," *Stanford Law Review* 69, no. 3 (2017), 711-94; and Christopher T. Lowenkamp, Marie VanNostrand, and Alexander M. Holsinger, *Investigating the Impact of Pretrial Detention on Sentencing Outcomes* (Houston: Laura and John Arnold Foundation, 2013).
13. Heaton, Mayson, and Stevenson, "The Downstream Consequences of Misdemeanor Pretrial Detention," 2017.
14. Atlanta Police Department Standard Operating Procedure 3030, 4.1.10, Copy of Charges, <https://perma.cc/RXF2-L5XR>.
15. International Association of Chiefs of Police (IACP), *Citation in Lieu of Arrest: Examining Law Enforcement's Use of Citation Across the United States* (Alexandria, VA: IACP, 2016), <https://perma.cc/8L2U-JKYW>.
16. Timothy R. Schnacke, Michael R. Jones, and Dorian M. Wilderman, "Increasing Court-Appearance Rates and Other Benefits of Live-Caller Telephone Court-Date Reminders: The Jefferson County, Colorado, FTA Pilot Project and Resulting Court Date Notification Program," *Court Review: Journal of the American Judges Association* 48, no. 3 (2012), 86-95.