

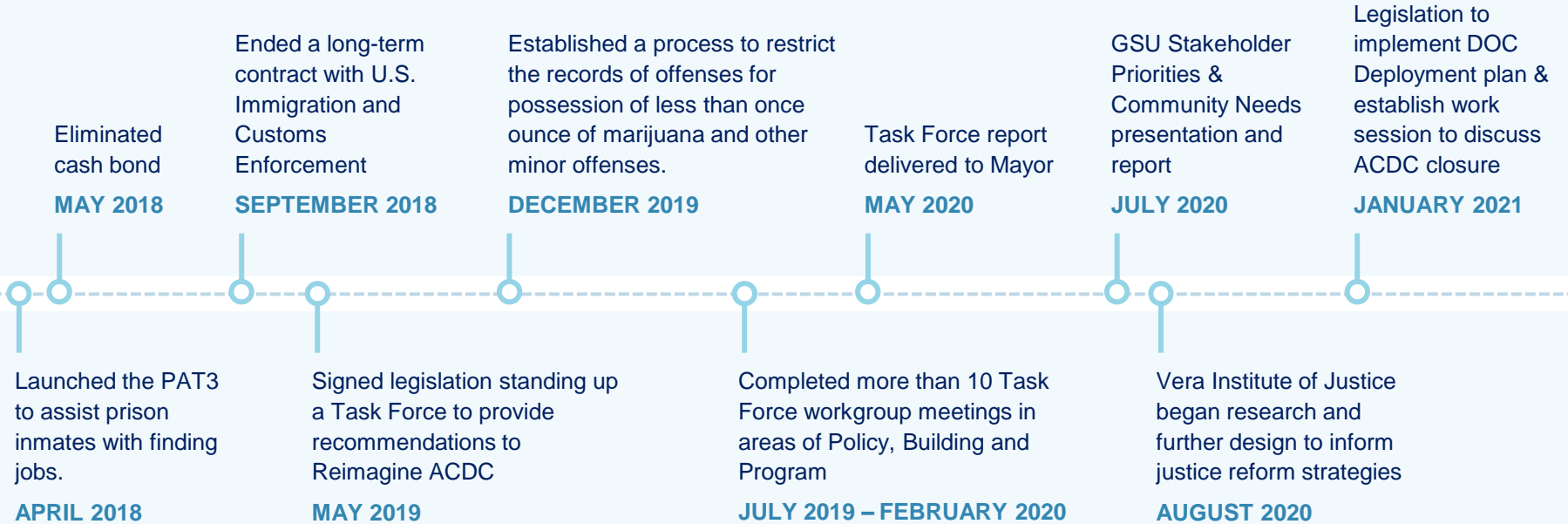
Justice Reforms and Corrections Redeployment

City Council Work Session



January 21, 2021

Background, Milestones & Accomplishments



Thank you to the community members and organizations that have given time and energy to analysis and recommendations that have led to the plan for discussion today.



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, we have a five-point plan for reform

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**
- > **Department of Correction Redeployment Plan**
- > **Next Steps**
- > **FAQs**

The intention for today is to focus on the reforms and steps needed to transition out of the facility, not to focus on the future use of ACDC.

| 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%**

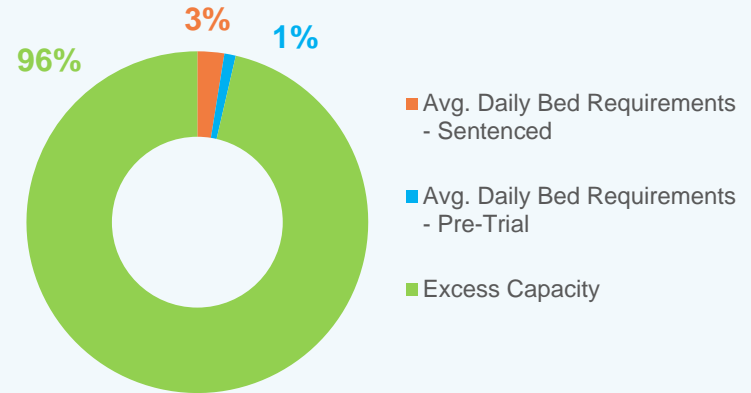


The Number of Beds Needed in 2019 Was Less Than 4% of ACDC'S Capacity

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.



Justice Reform Strategy

- > **Where possible, reduce the number of people needing to be booked into the court's jurisdiction**
- > **Reduce the booking and bonding process times**
- > **Narrow the use of incarceration as a penalty for conviction of municipal offenses**

We believe the successful implementation of this strategy will not only make the city safer but provide the conditions that allow closure of ACDC.



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

Our proposed 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 we believe that 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.

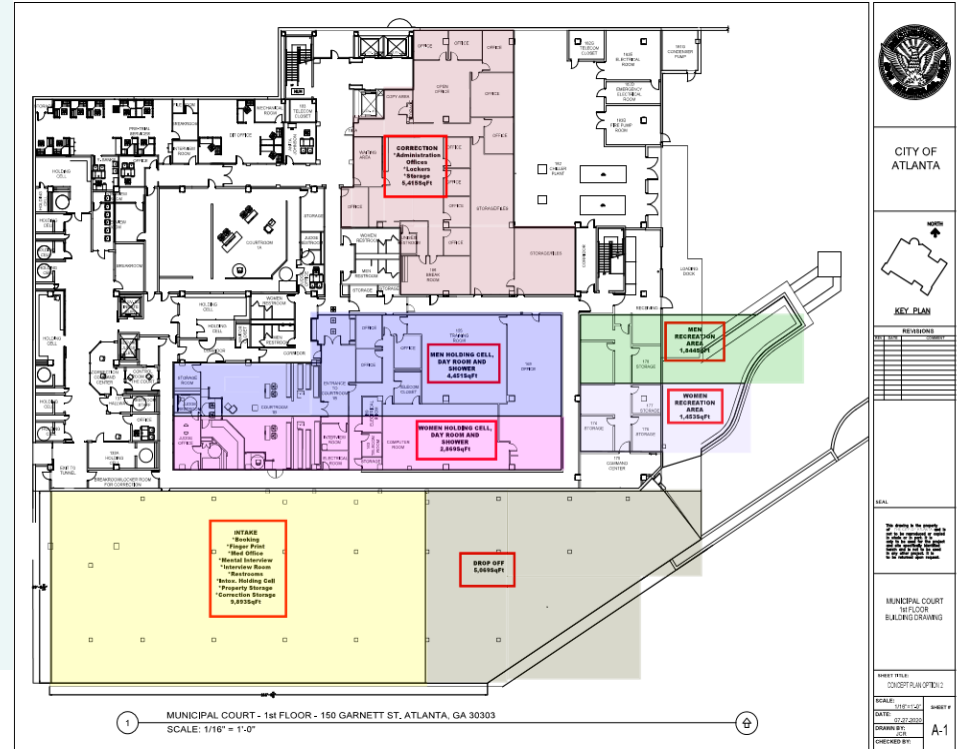


3 Renovate the Municipal Court to support **improved booking and processing of any arrests**



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.



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.

Department of Corrections Redeployment

Aligning the Department of Corrections to the short-term needs of the City, while planning for alignment to the future is an important part of this process.

1 | Context



Context

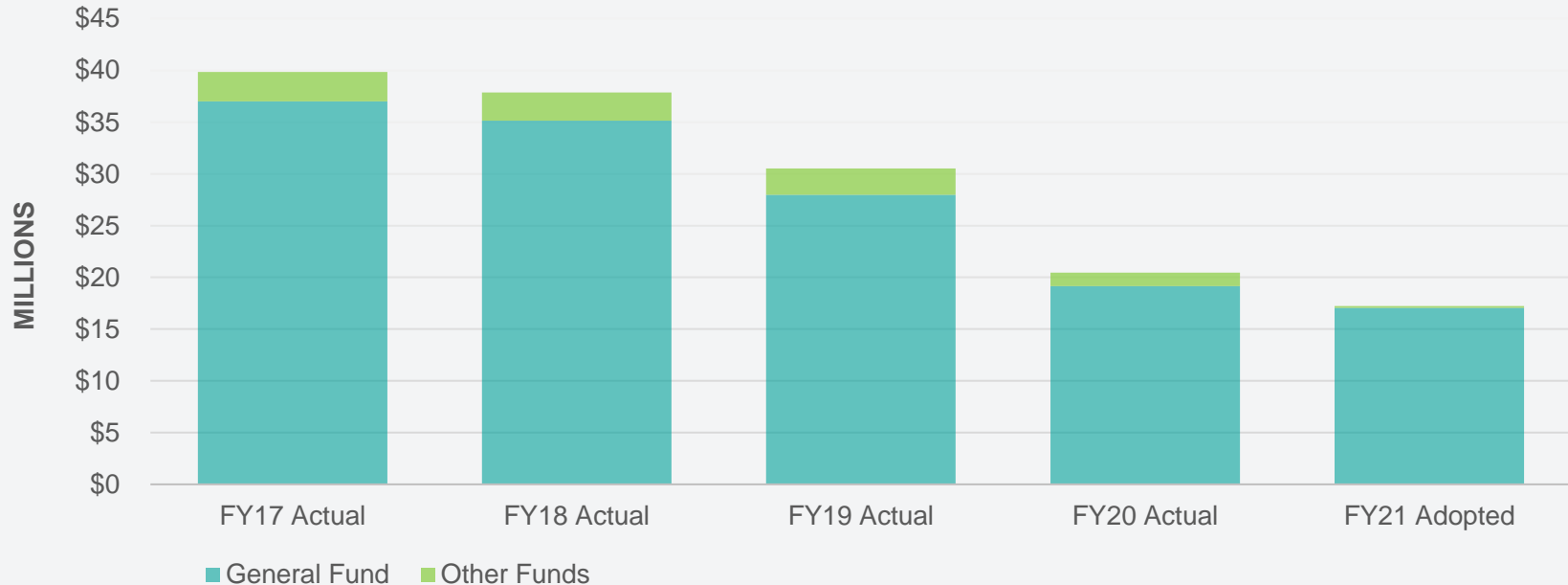
- > Based on several instituted policy reforms, including cash bail reform, there has been a significant reduction in detainee population over the term of the administration.
- > In concert with these policy reforms, the administration has reduced costs associated with corrections and detention to enable investments in other community facing and frontline services.
- > As part of the FY21 budget, it was requested that a deployment plan be developed and approved to confirm the alignment of corrections-related positions in the city's departmental organizational structure.
- > This effort will continue in phases as policy and operational recommendations are reviewed and decisions made on the city's justice reform plans.

2

Historical Data Trends



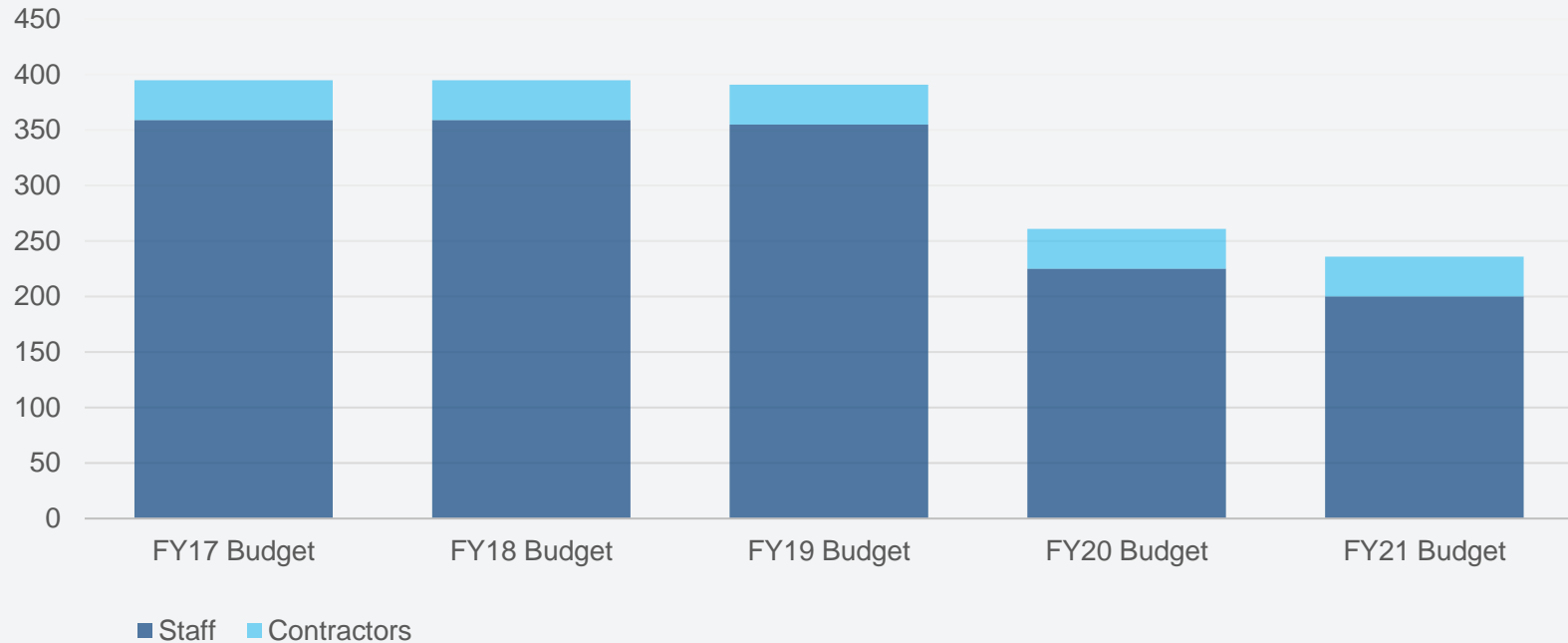
Historical Expense Trend



Corrections budget expenses have decreased 56% from \$39.9M in FY17 to \$17.6M in FY21.



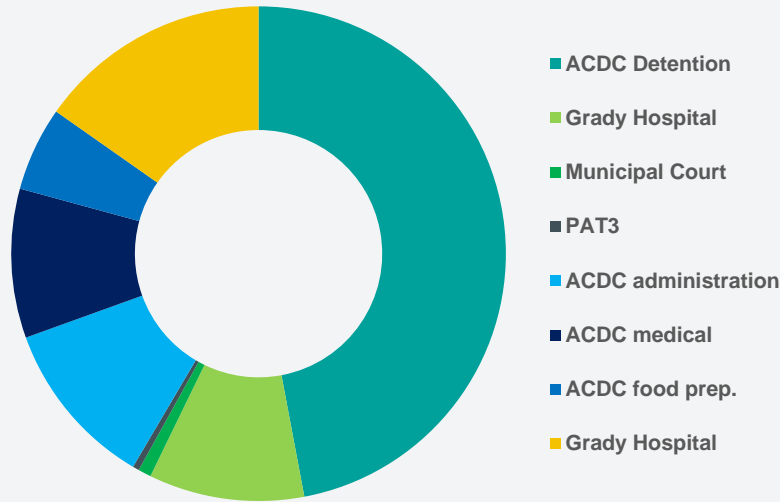
Historical Headcount Trend



Corrections headcount has decreased 40% from 395 FTE in FY17 to 236 FTEs in FY21.



FY21 Headcount Summary



Position Type	Function	FTE	%
Sworn	ACDC Detention	111	47.0%
Sworn	Grady Hospital	24	10.2%
Sworn	Municipal Court	2	0.8%
Sworn	PAT3	1	0.4%
Civilian	ACDC - Administration	26	11.0%
Civilian	ACDC - Medical services	23	9.7%
Civilian	ACDC - Food preparation	13	5.5%
Contractor	Grady Hospital	36	15.3%
	Total	236	100.0%

Corrections officers assigned to ACDC make up 47% of the FTEs included in the FY21 headcount. The remaining 53% of FTEs are assigned to Grady Hospital, or the Municipal Court, or provide administrative, medical or food preparation services.

3

Redeployment Strategy



Purpose and Goals

- > Identify minimum staffing model needed to provide safe and secure service at ACDC for the time being.
- > Propose strategies to transition to the new staffing model in an orderly way.
- > Evaluate departmental alignment of sworn and civilian functions.
- > Identify and propose reinvestment options for budget savings.

Minimum staffing needs will be revisited again once future facility plans have been finalized.



Summary of Proposed Plan

- > Reduce corrections headcount from 236 FTEs to 138 FTEs through a combination of:
 - Security contract abolishment
 - Not backfilling for retirements and other vacancies
 - Redeploying the Grady Hospital Unit to Atlanta Police Department

- > Realign the remaining 138 sworn and civilian corrections positions under the Department of Corrections and Community Service for the time being.

- > Use budget savings to make new investments in non-violent crisis response pilot program and sustain citywide Policing Alternative and Diversion Initiative (pre-arrest diversion) program.

Upon implementation of this plan, corrections headcount will have decreased by 65% since FY17.



1 | Minimum ACDC Staffing Needs

The minimum level of staff to maintain operations is 138 FTEs. This is comprised of three elements:

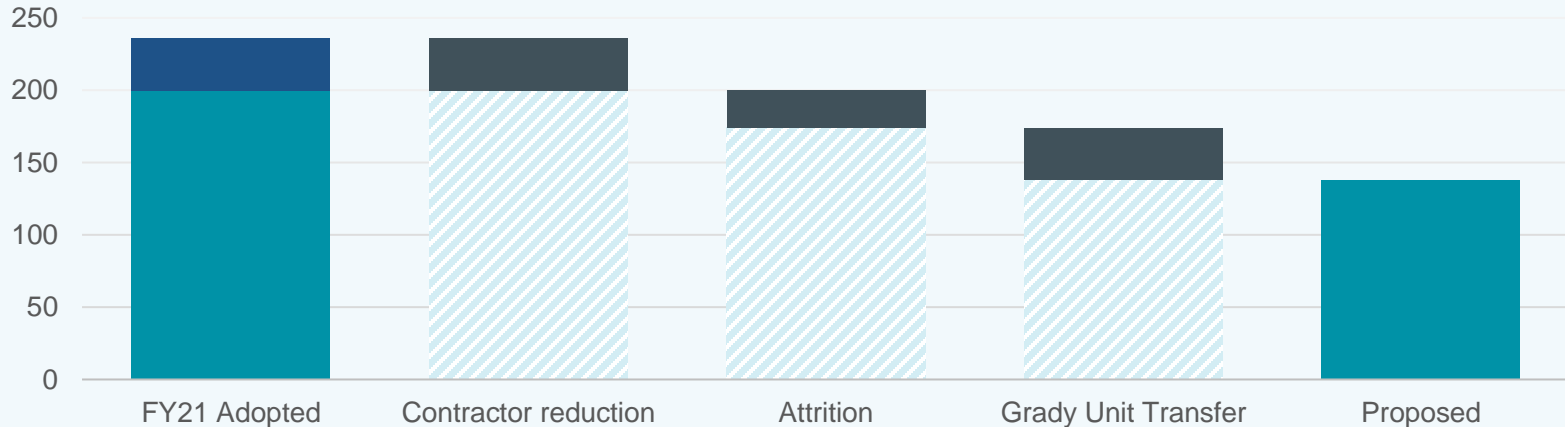
- A** 17 booking and security posts that need to be staffed on a continuous, 24/7 basis (77 FTEs)
- B** 13 sworn positions for administrative and specialized duties (13 FTEs)
- C** Civilian positions for administration, food preparation and medical services (48 FTEs)

		Day Watch/Future scenario		Evening Watch/Future scenario		Morning Watch/Future scenario	
		POSTS	Total FTEs	POSTS	Total FTEs	POSTS	Total FTEs
Security	Detention Officers	13	20	13	20	13	20
	Intake Officer	Sworn 1	1.5	1	1.5	1	1.5
	Intake Officer	Sworn 1	1.5	1	1.5	1	1.5
	Utility Officer	Sworn 1	1.5	1	1.5	1	1.5
	Utility Officer / Level 1	Sworn 1	1.5	1	1.5	1	1.5
	Central Control Lead	Sworn 1	1.5	1	1.5	1	1.5
	Central Control	Sworn 1	1.5	1	1.5	1	1.5
	Lobby Entrance	Sworn 1	1.5	1	1.5	1	1.5
	4NE control Room	Sworn 1	1.5	1	1.5	1	1.5
	4NE Rover	Sworn 1	1.5	1	1.5	1	1.5
	4NW	Sworn 2	3.0	2	3.0	2	3.0
	3SE	Sworn 1	1.5	1	1.5	1	1.5
	5SE (PAT3)	Sworn 1	1.5	1	1.5	1	1.5
	Watch Commander (Capt.)	Sworn 1	1.5	1	1.5	1	1.5
	Supervisors (Lt. & Sgt.)	Sworn 3	4.5	3	4.5	3	4.5
ACDC Detention Subtotal		17.0	25.5	17.0	25.5	17.0	25.5
Specialized Units	Inmate Work Detail	Captain and Officers	0		0		0
	Administration	Chief, A/C, D/C, Chief of Staff (Major) & Facility Commander(Major)	3.0	3.0	0.0	0.0	0.0
	Housekeeping	Sworn	2.0	2.0	0.0	0.0	0.0
	Inmate Services	Sworn	0	0	0	0	0
	Loading Dock	Sworn	1.0	1.0	0.0	0.0	0.0
	Training/Background	Sworn	0	0	0	0	0
	Accreditation	Sworn	0	0	0	0	0
	OPA	Sworn	0	0	0	0	0
	Emergency Management	Sworn	1.0	1.0	0.0	0.0	0.0
	Maintenance and IT	Sworn	1.0	1.0	0.0	0.0	0.0
	PAT3 Programming	Sworn	1.0	1.0	1.0	1.0	1.0
	Warrant (transports)	Sworn	0	0	0	0	0
	EEOC	Sworn	0	0	0	0	0
	Food Service	Sworn	0.0	0.0	0.0	0.0	0.0
	ACDC Specialized Units Subtotal		9.0	9.0	1.0	1.0	1.0



2 | Transition Strategies

- > The transition to minimum staffing is being achieved through three main strategies:
 - Abolishing use of security contractor FTEs (-36)
 - Not backfilling for retirements and other vacancies (-26)
 - Redeploying the Grady Hospital Unit to the Atlanta Police Department (-36)





3 | Department Alignment

- > During the FY21 budget, 200 FTEs were moved to Constituent Services while the administration assessed future staffing needs.
- > It is proposed that 36 positions assigned to Grady Hospital be deployed to Atlanta Police Department.
- > Is it proposed that 138 sworn and civilian positions assigned to ACDC be deployed to the *Department of Corrections and Community Service* for the time being, to better reflect the breadth of duties the staff is responsible for (including meals for seniors, warming center support, neighborhood clean-up support).
- > It is proposed that new investments in non-violent crisis response and the citywide Policing Alternative and Diversion Initiative be budgeted under the Office of Constituent Services.

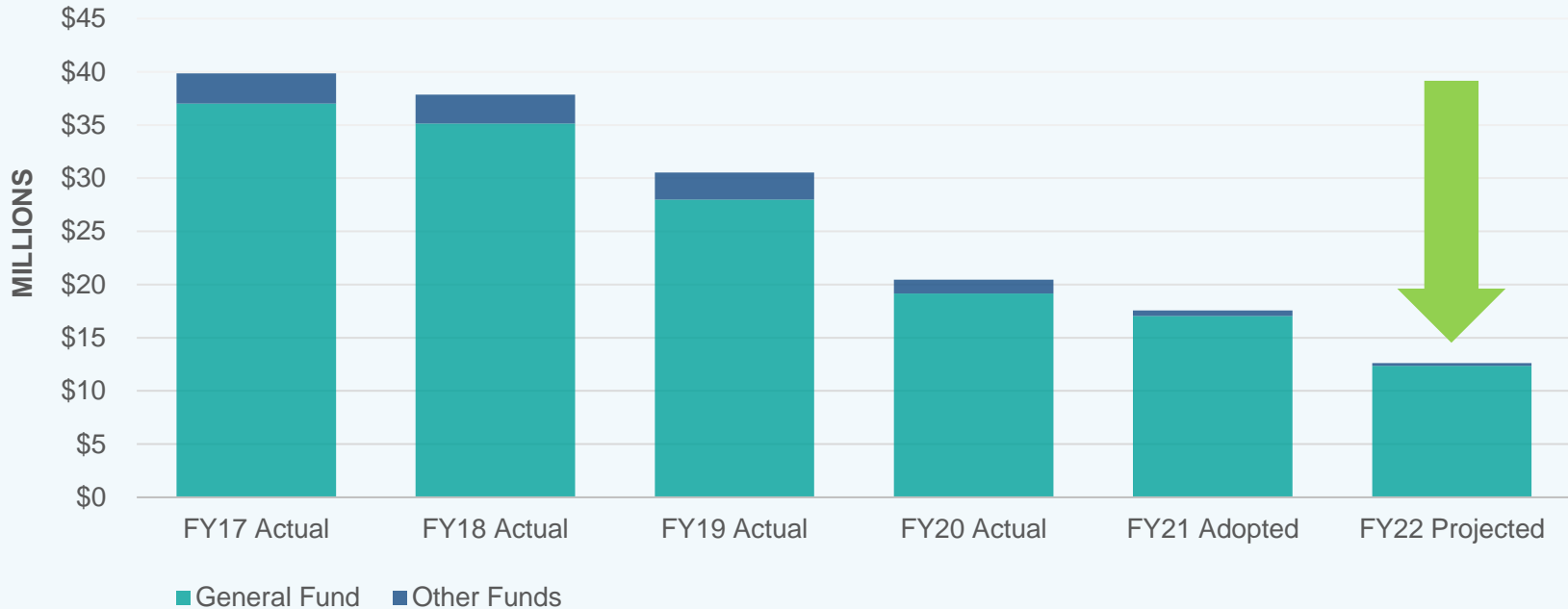


4 | Reinvestment of budget savings

- > As of the beginning of FY21, the administration had already reduced corrections annual budget expenses from \$39.8M in FY17 to \$17.6M for a reduction of \$22.3M or -56%.
- > Based on this proposed redeployment plan, we estimate a further annual budget reduction of \$4.7M comprised of (a) savings of \$2.3M and (b) a transfer to the APD budget with the Grady Hospital positions of \$2.4M.
- > We propose to utilize the \$2.3M budget savings as follows:
 - Contribution to establish non-violent crisis response pilot program (\$0.8M)
 - Sustain funding for citywide Policing Alternative and Diversion Initiative (\$1.5M)
- > With this additional reduction, the annual budget will be **\$27.2M lower (-68%) than FY17.**



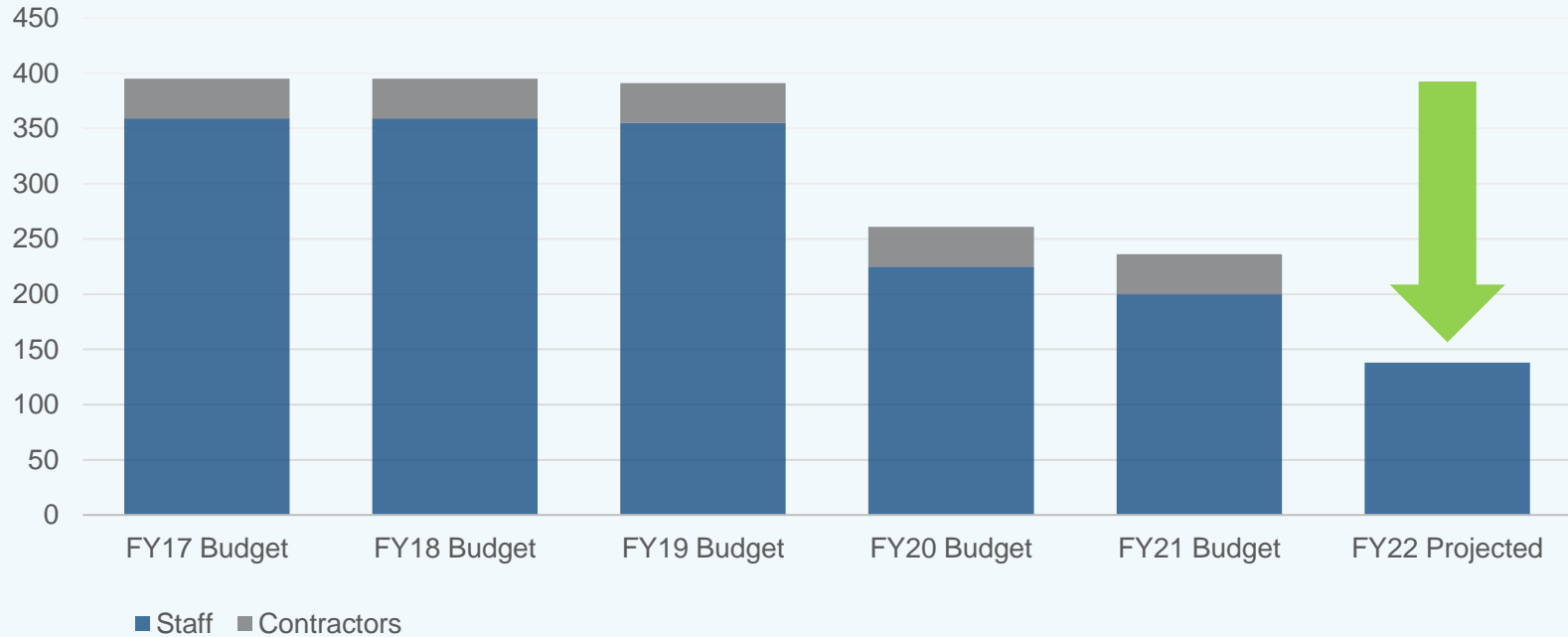
Historical Expense Trend



Annual expenses will have decreased by \$27.2M or 68% from FY17 once this plan is implemented.



Historical Headcount Trend



Corrections headcount will have decreased by 257 FTE or 65% from FY17 once this plan is implemented.

5

Next Steps



Corrections Redeployment

- 1 // **Finalize and adopt corrections redeployment plan**
- 2 // **Implement realignment of corrections positions via personnel paper**
- 3 // **Develop procurement documents for non-violent crisis response pilot program**
- 4 // **Reflect plan changes in FY22 budget proposals**
- 5 // **Continue to monitor staffing levels and evaluate future needs once facility plans have been finalized**



Justice Reforms

- 1 // **Gather additional feedback on the plan – January and February**
- 2 // **Introduce legislation to adopt the final recommended plan – March 1st**
- 3 // **Adopt final plan and introduce associated legislation to begin implementation – March 15th**



FAQs



FAQs

What if any debt service is there on the facility?

- > There is no outstanding debt on the facility.

Will the community service functions still have access to a commercial kitchen which currently serves to provide food for community needs?

- > Yes, that is the intention. Alternative locations, if not part of the planned future use for ACDC, have been assessed and continue to be assessed for the kitchen to be relocated to, including potentially the proposed new Public Safety Training Academy.

| Questions?

| Appendix



Evidence in Support of Reforms

> **The harmful and lasting effects of pretrial detention¹**

- 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 offenses²**

- 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.⁸ 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.

Center for Equity – Development Scenarios



1. Equity Podium

- > Limit construction cost
- > Reduced development period
- > Strategic demolition
- > Facade replacement
- > Split tenancy — Center for Equity and non-center tenants
- > Attract non-center tenants with complementary uses
- > Positive cash flow from non-center area is used to finance development of the Center.
- > Preserve option to expand Center in a second phase
- > Tenant fit-out costs = \$77 - \$177 / SF



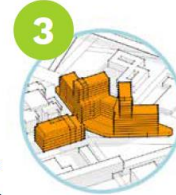
2. Downtown Anchor

- > Incorporation of all desired programmatic uses
- > Catalytic project for South Downtown
- > The change of use carries complexity. Increased contingencies (time and money)
- > Anticipated development costs and uses create a financing gap
- > Creative financing structures can cover some development costs
- > A bold project vision can attract additional resources (strategic partnerships, philanthropy)
- > Tenant fit-out costs = \$77 - \$177 / SF



3. Center For Equity Campus

- > Demolition of the existing structure
- > Incorporation of all desired programmatic uses
- > Fresh start reduces construction complexity, development contingencies, and architectural compromises
- > Significant opportunities for multi-phased development and innovative ownership structures
- > Relies heavily on the strength of financial/transactional deal-making
- > Tenant fit-out costs = \$77 - \$177 / SF



4. Distributed Equity

- > ACDC is demolished and site is developed as a park, memorial, urban farm or seed bank
- > Service model pivot. A decentralized network of smaller Centers for Equity replaces the concept of a single center.
- > Site selections could be based upon which communities were most impacted by ACDC and would most benefit from accessible resources.
- > Smaller, neighborhood-oriented Centers improve ability to execute by reducing the execution risks associated with large-scale projects, while offering greater flexibility to customize by neighborhood
- > Through the development of the modules, a small format Center for Equity is estimated to be 75-100K SF (20% of the size of the current ACDC)
- > Depending on desired site locations, Centers could be new construction or repurposed buildings
- > The current ACDC site could pilot the small format Center for Equity with new construction

