

MUNICIPAL COURT OF ATLANTA

PSLA WORK SESSION
THURSDAY, FEBRUARY 4, 2021



PRESENTATION ROADMAP

I. **LOOKING BACK ON THE SIGNATURE BOND ORDINANCE (2018-PRESENT)**

- a. Did Failure to Appear (FTAs) go up after the Bond Ordinance went into effect?
- b. Does the data show any trend related to individuals who get a signature bond at the jail and subsequent offenses?
- c. Why are arrests for driving on suspended license so prevalent?

II. **LOOKING FORWARD – PROPOSED CHANGES TO AND IMPACTS ON ATLANTA’S JUSTICE SYSTEM**

- a. What is concurrent jurisdiction, and can cases heard at the Municipal Court of Atlanta be sent to the County court?
- b. Does the Municipal Court currently utilize alternatives to fines or jail time?
- c. What does it mean to remove jail as a potential penalty or to decriminalize city ordinance violations?
- d. What are some of the practical considerations required to place a jail or holding space in the bottom of the courthouse?



PART I

LOOKING BACK ON THE SIGNATURE BOND ORDINANCE

IN SIMPLE TERMS, EXACTLY WHAT IS A BOND?

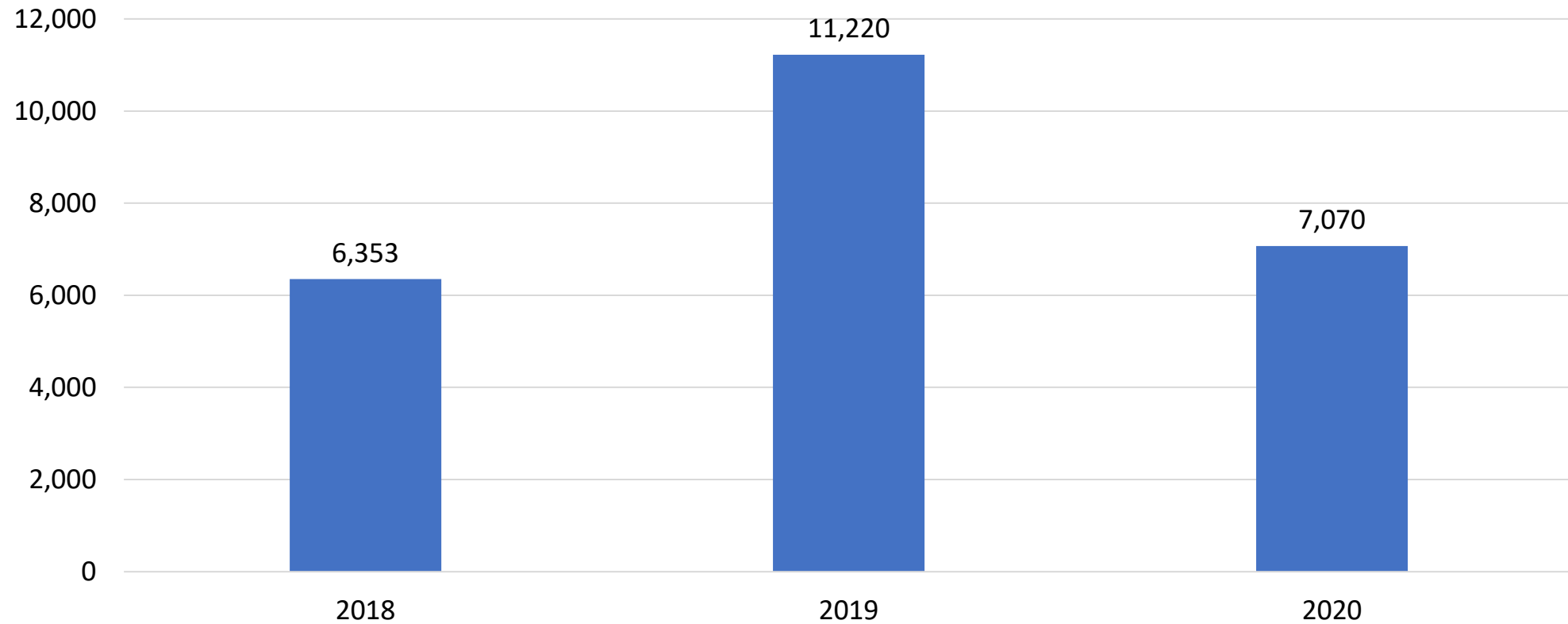
- 1) A ***bond*** is an insurance policy that insures that an individual will come back to court to handle their business.
- 2) What is a ***cash bond***? A cash bond is when an individual puts up their own cash as the insurance policy that they will come back to court. When the case is finished, they get their cash back because the insurance policy is no longer needed.
- 3) What is a ***surety bond***? A surety bond is when an individual uses a bonding company to issue the insurance policy that they will come back to court. Maybe they did not have the full amount to put up in cash, but they had a portion. They pay a portion to the bonding company which in turn issues a piece of paper to the jail promising to pay the full amount of the bond if the individual does not return for court to handle their business.
- 4) What is a ***signature bond***? A signature bond, self bond, and sign-own-bond (“SOB”) ALL mean the same thing. This is when an individual does not have to put up anything and instead simply promises on their own word, or in this case their signature, that they will return to court to handle their business. It is like the honor system.



BOND TOTALS

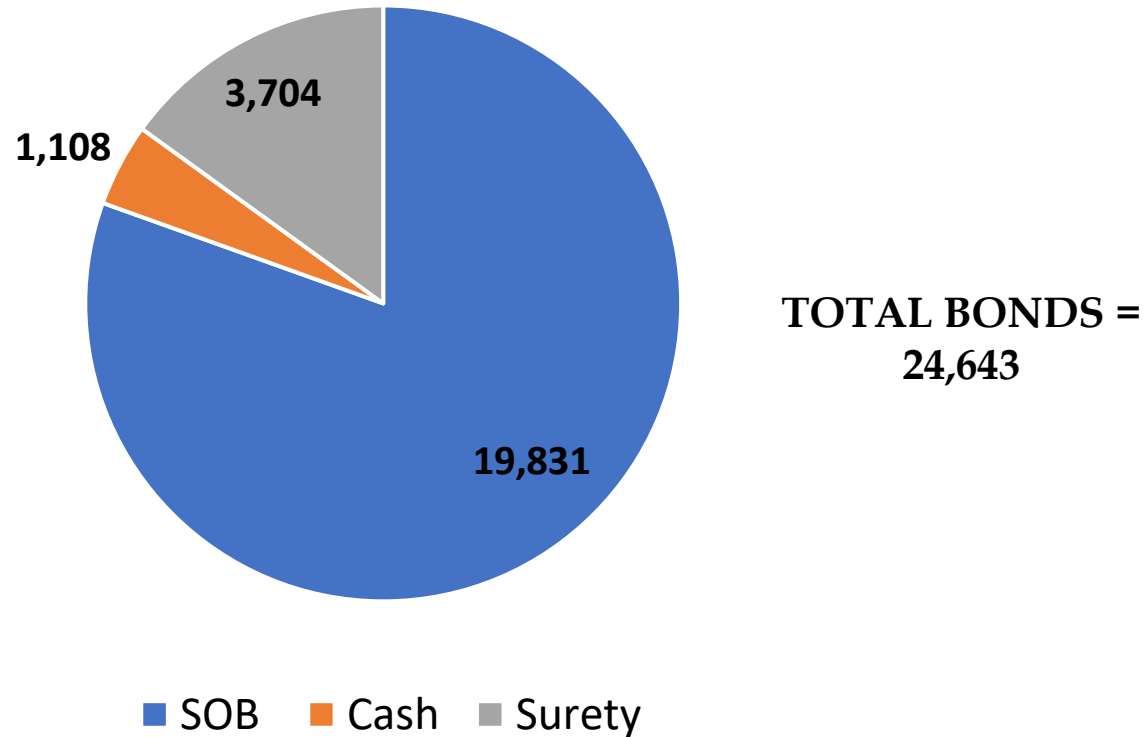
2018 – 2020 (Post SOB Ordinance)

**TOTAL BONDS =
24,643**

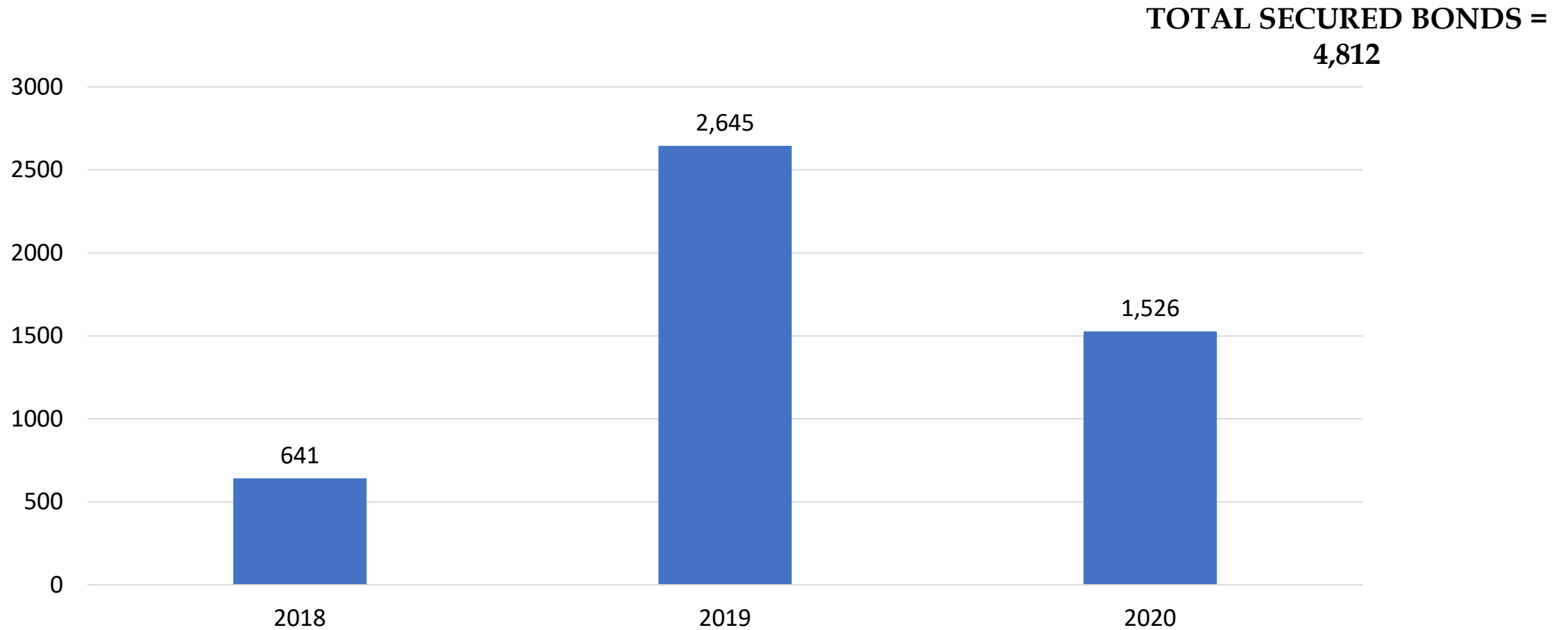


BOND TOTALS BY TYPE

2018 – 2020 (Post SOB Ordinance)

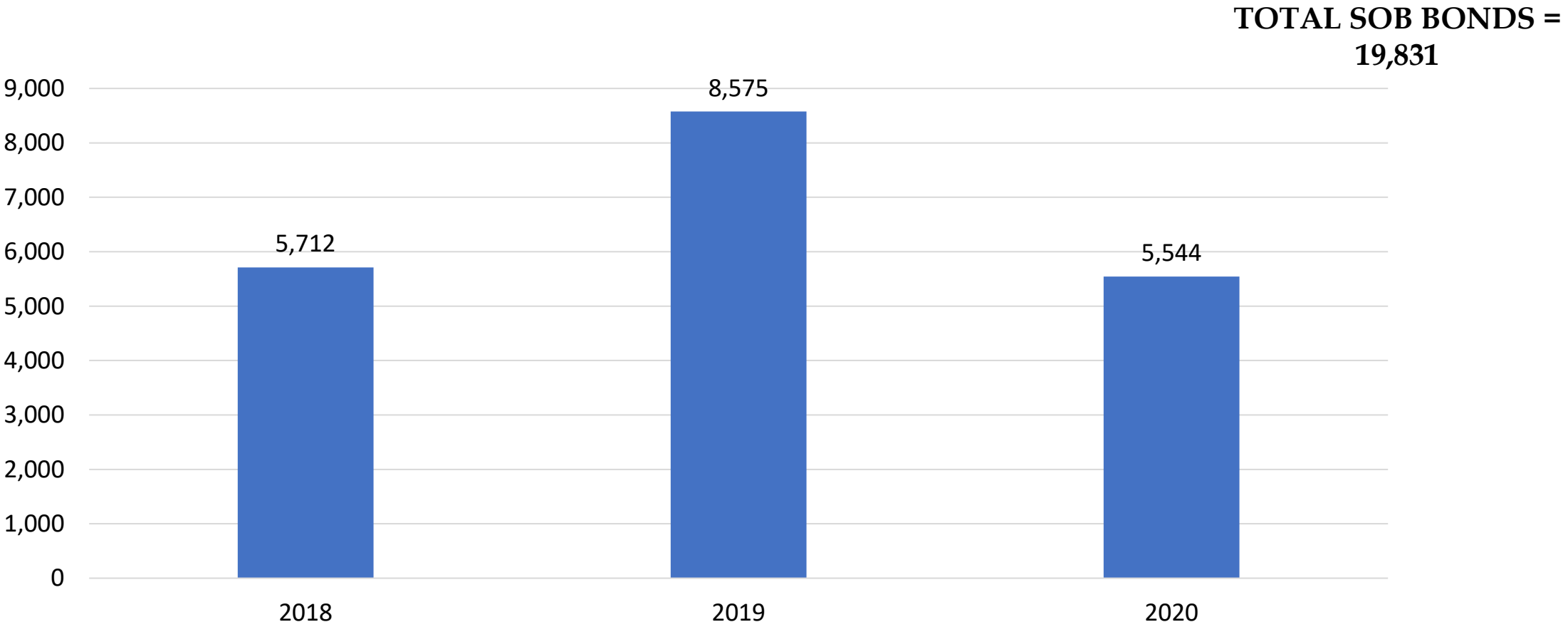


SECURED BONDS TOTALS 2018 – 2020 (Post SOB Ordinance)



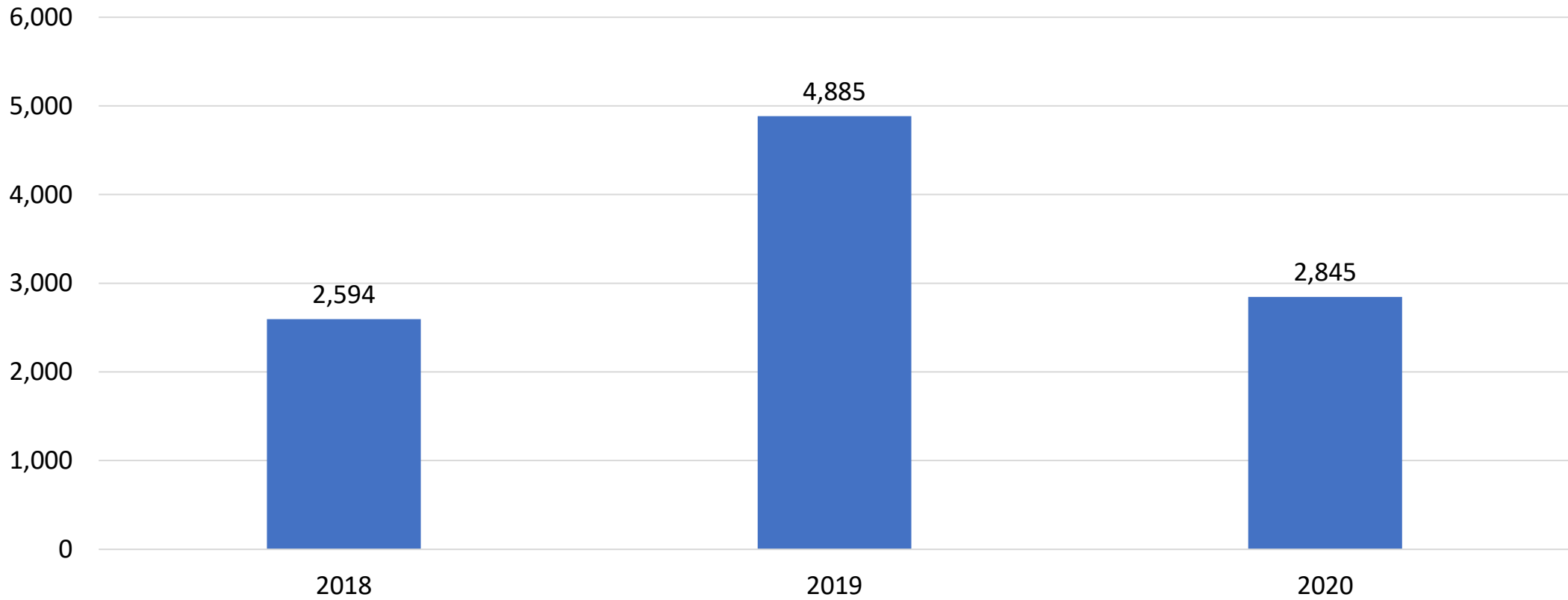
SOB BONDS TOTALS

2018 - 2020 (Post SOB Ordinance)



JAIL SOB BONDS TOTALS 2018 – 2020 (Post SOB Ordinance)

**TOTAL JAIL SOB BONDS =
10,324**



JAIL SOB BONDS TOTALS 2018 – 2020 (Post SOB Ordinance)

10 MOST COMMON JAIL SOB CHARGES

- DRIVE WHILE LICENSE SUSPENDED OR REVOKED
- DRIVING WHILE UNLICENSED
- THEFT BY SHOPLIFTING (LESS THAN \$100)
- NO TAG/NO DECAL
- NO PROOF OF INSURANCE
- POSSESSION OF MARIJUANA
- FAILURE TO OBEY TRAFFIC CONTROL DEVICE
- DISTRIBUTION OR POSSESSION OF DRUG RELATED OBJECT
- DISORDERLY CONDUCT WHILE UNDER THE INFLUENCE (DRUGS OR ALCOHOL)
- FALSE REPRESENTATION TO POLICE



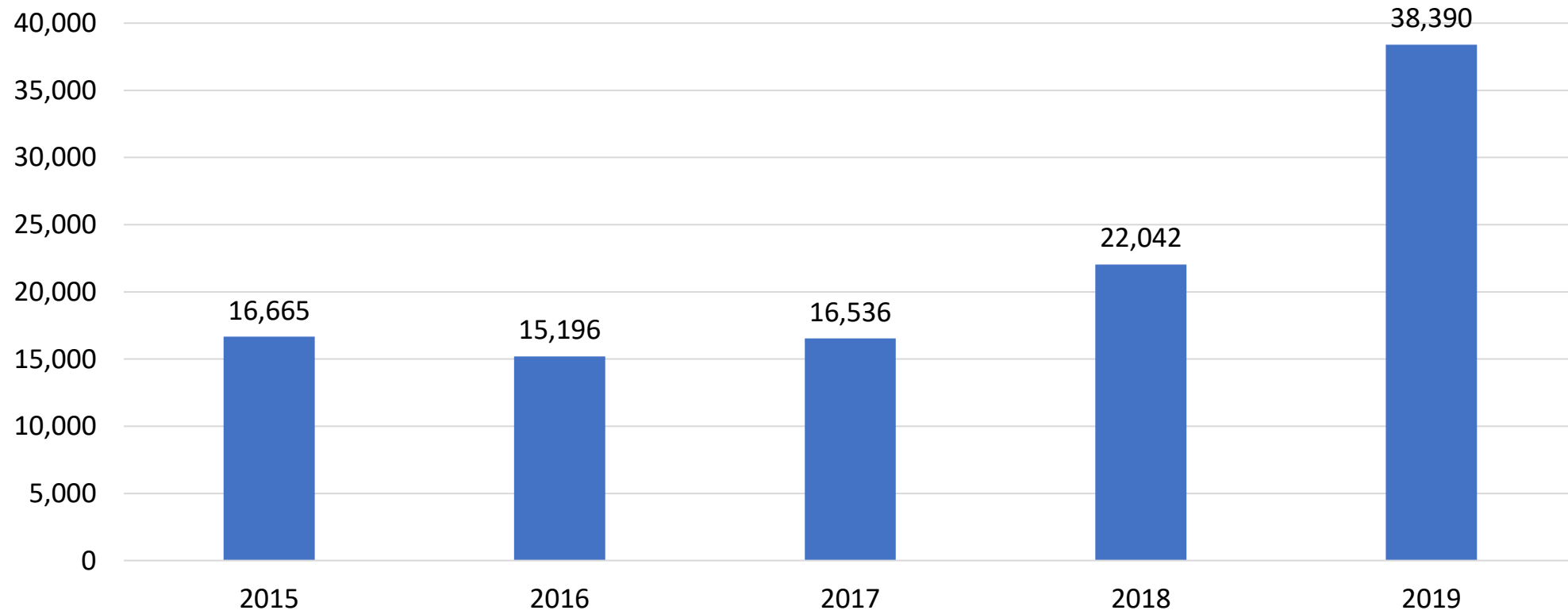
PART I(a)

LOOKING BACK ON THE SIGNATURE BOND ORDINANCE

Did Failure to Appear (FTAs) go
up after the Bond Ordinance
went into effect?

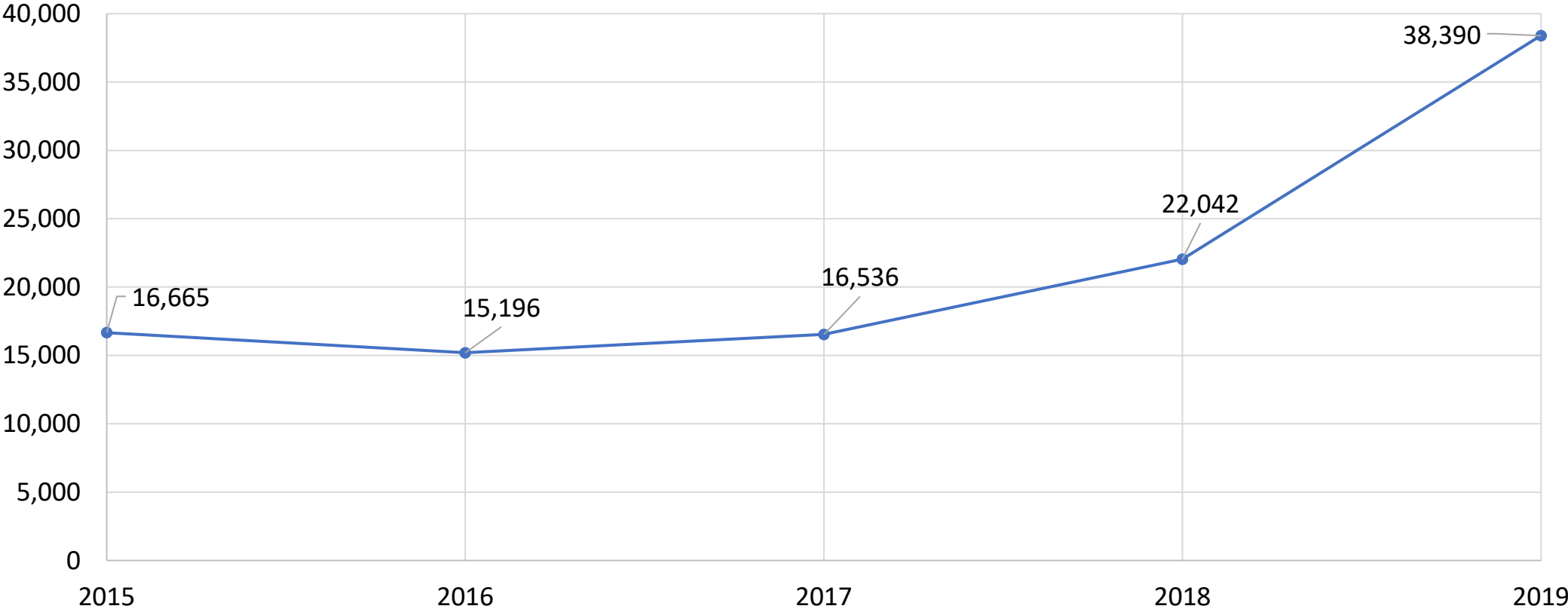


FAILURE TO APPEAR RATES 2015 - 2019



FAILURE TO APPEAR TREND

Pre & Post SOB Ordinance



PART I(b)

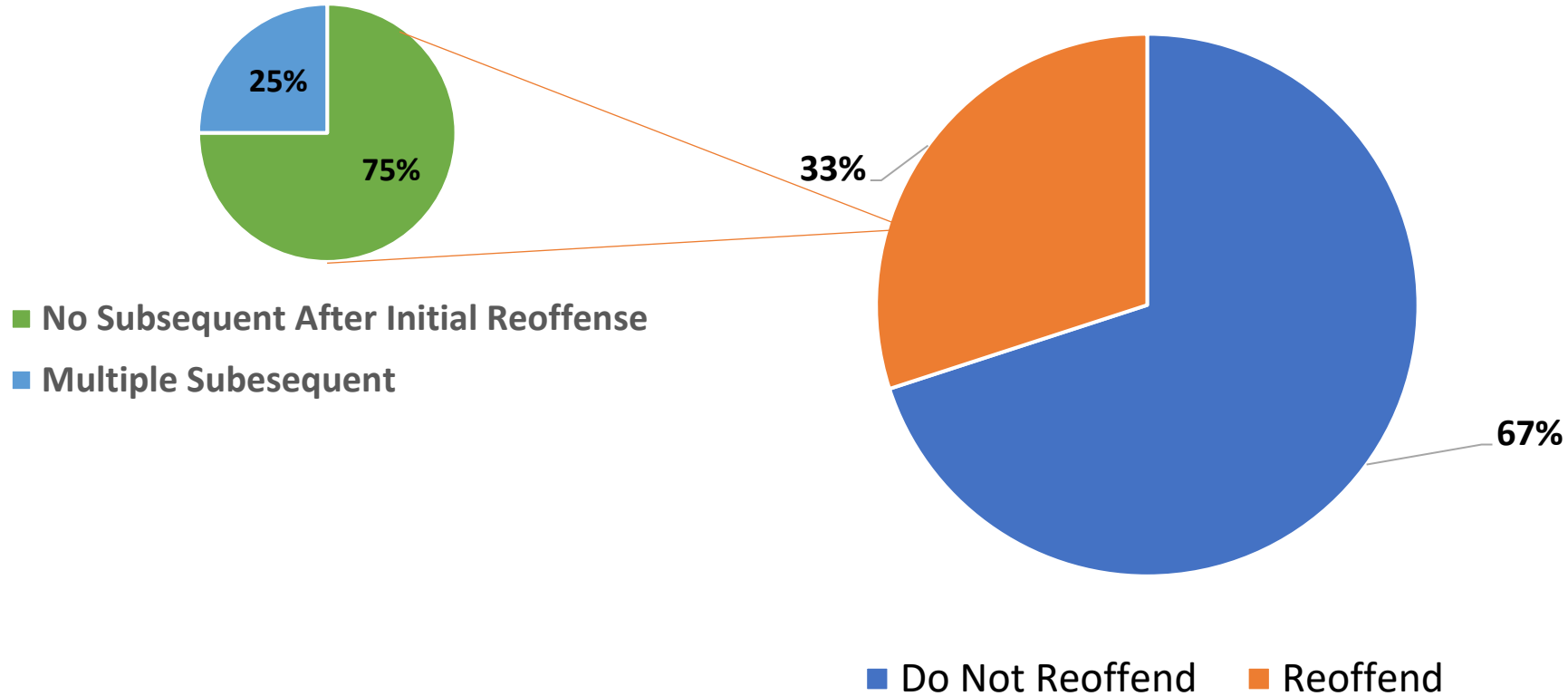
LOOKING BACK ON THE SIGNATURE BOND ORDINANCE

Does the data show any trend related to individuals who get a signature bond at the jail and subsequent offenses?



JAIL SOB | REOFFENDERS 2018 – 2020 (Post SOB Ordinance)

Multiple Reoffender



Notice: Data collected based on random sampling of individuals who received signature bonds through the jail without respect to identity or charge. Sample collected month over month for the period reflected.



PART I(c)

LOOKING BACK ON THE SIGNATURE BOND ORDINANCE

Why are arrests for driving on
suspended license so
prevalent?



DRIVING ON SUSPENDED LICENSE

MOST COMMON REASONS FOR DRIVER'S LICENSE SUSPENSION

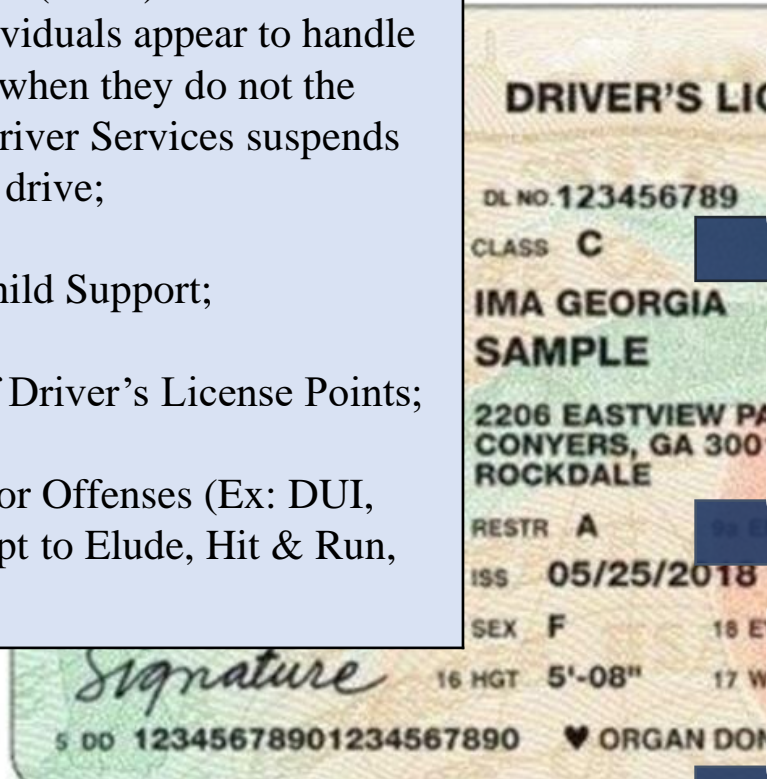
1. Failure to Appear (FTAs) – state law requires that individuals appear to handle traffic cases and when they do not the Department of Driver Services suspends their privilege to drive;
2. Failure to Pay Child Support;
3. Accumulation of Driver's License Points;
4. Certain Charges or Offenses (Ex: DUI, Fleeing & Attempt to Elude, Hit & Run, etc.).

Things to Know and Keep in Mind:

1. The way the law is written, Police have to make an arrest for driving while license suspended or revoked.

2. Even a first time for driving on suspended license requires at least 2 days in jail; and

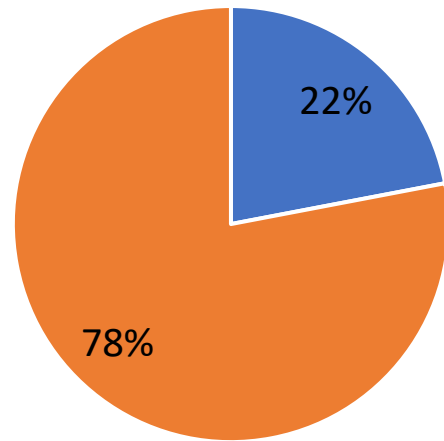
3. The state takes it very seriously: the 4th time within a 5-year period is a **FELONY**.



SUSPENDED LICENSE CASES

March 2018 – December 2020

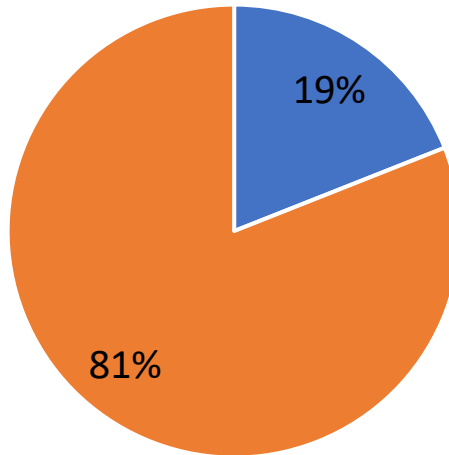
March 2018 – December 2018



■ Sole Charge ■ Multiple Charges

TOTAL CASES = 2,682
 MULTIPLE CHARGES = 2,091
 SOLE CHARGE = 591

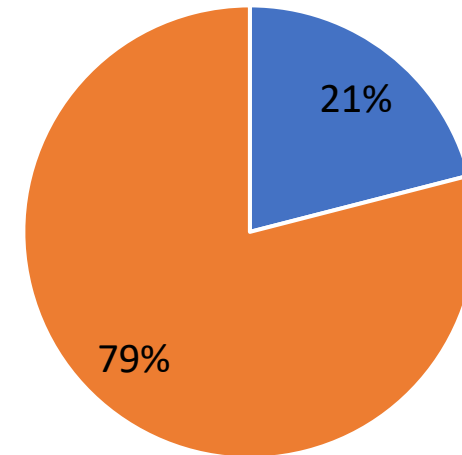
January 2019 – December 2019



■ Sole Charge ■ Multiple Charges

TOTAL CASES = 3,742
 MULTIPLE CHARGES = 3,023
 SOLE CHARGE = 719

January 2020 – December 2020



■ Sole Charge ■ Multiple Charges

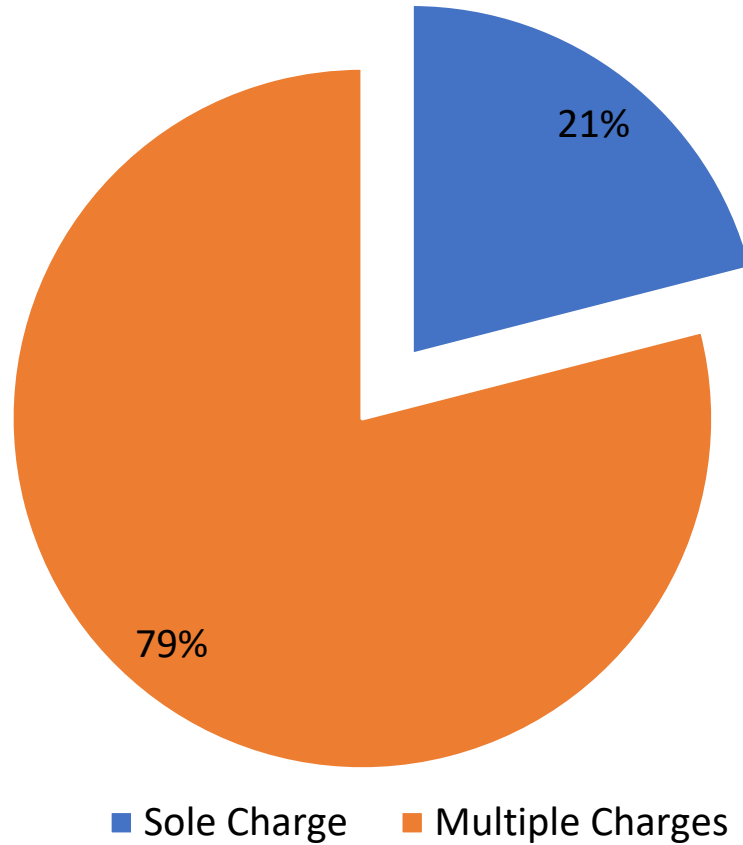
TOTAL CASES = 2,679
 MULTIPLE CHARGES = 2,108
 SOLE CHARGE = 571



SUSPENDED LICENSE CASES

March 2018 – December 2020

AVERAGE ACROSS THREE YEAR PERIOD



TOTAL CASES = 9,103
MULTIPLE CHARGES = 7,222
SOLE CHARGE = 1,881



PART II(a)

LOOKING FORWARD – PROPOSED CHANGES TO AND IMPACTS ON ATLANTA’S JUSTICE SYSTEM

What is concurrent jurisdiction
and can cases heard at the
Municipal Court of Atlanta be
sent to the County court?



PART II(a)

Concurrent jurisdiction is where two courts have jurisdiction over the same type of case, at the same time.

Original jurisdiction is where a particular court is the only place a specific case type can be heard.



STATE COURT CONCURRENT JURISDICTION STATE TRAFFIC & STATE MISDEMEANOR

2019 CASE VOLUME AT A GLANCE

	Serious Traffic	Non-Traffic Misd.	Probation Revocation	Misc. Traffic	Landlord Tenant	Civil	Total
DeKalb State Court	717	5,240	630	71,457	65	5,981	84,503
Fulton State Court	1,055	8,350	1,604	24,919	174	8,355	33,448
							117,951

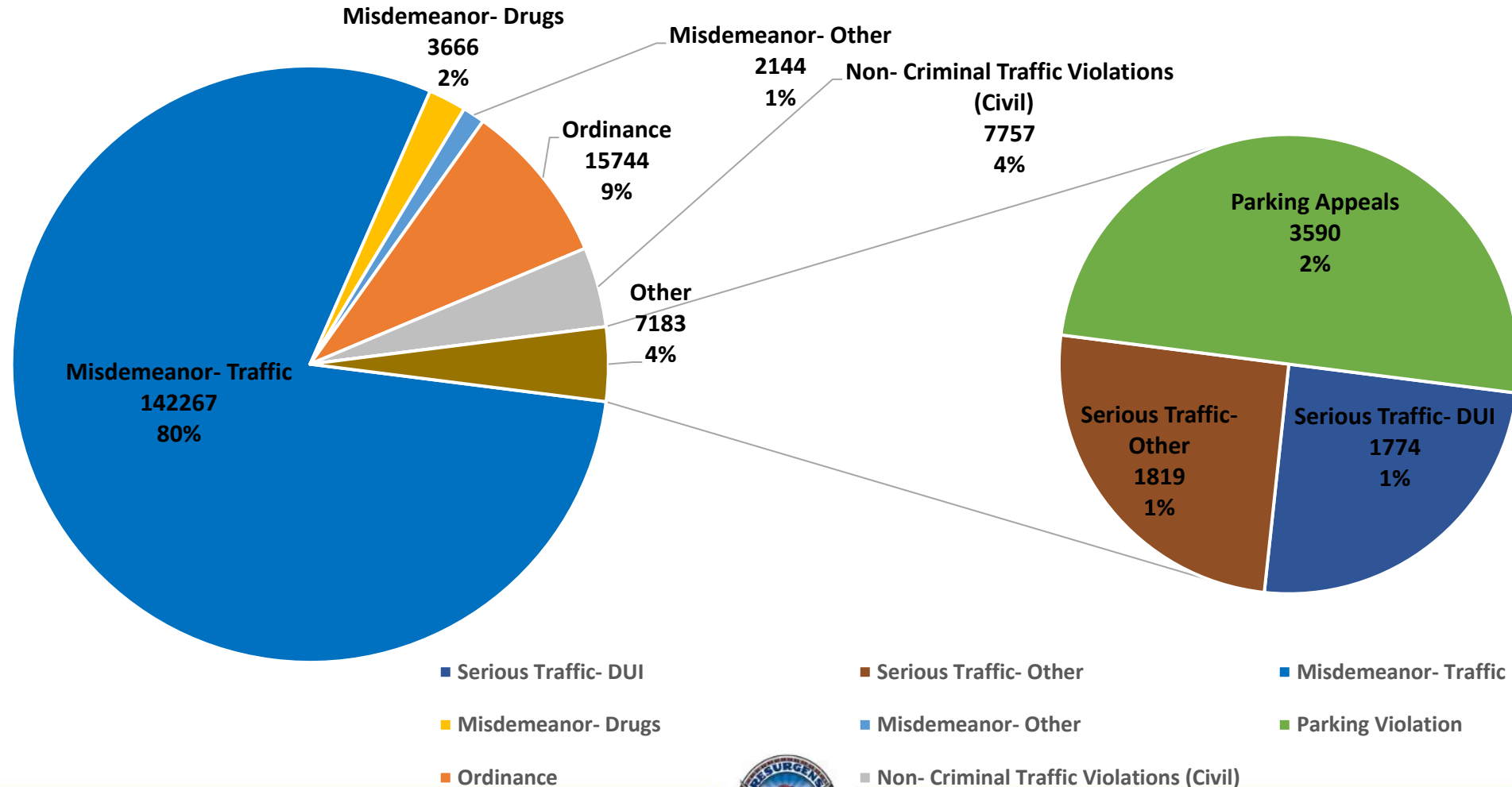
	Serious Traffic	Misd. Traffic	Misd. Drugs	Misc. Misd.	Parking Viol. Appeals	City Ordinances	Civil Traffic	Total
Municipal Court of Atlanta	3,593	142,267	3,666	2,144	3,590	15,744	7,757	178,761

CONCURRENT JURISDICTION (Municipal Court & State Court)	ORIGINAL JURISDICTION (Municipal Court Only)
<ul style="list-style-type: none"> ❖ All State Traffic Offenses (O.C.G.A. § x-x-x) ❖ All State Misdemeanors (O.C.G.A. § x-x-x) 	<ul style="list-style-type: none"> ❖ All City Ordinances ❖ All Civil Traffic (School Bus, Parking) ❖ All City Parking Violations Appeals ❖ Enforcement of City Issued Subpoenas

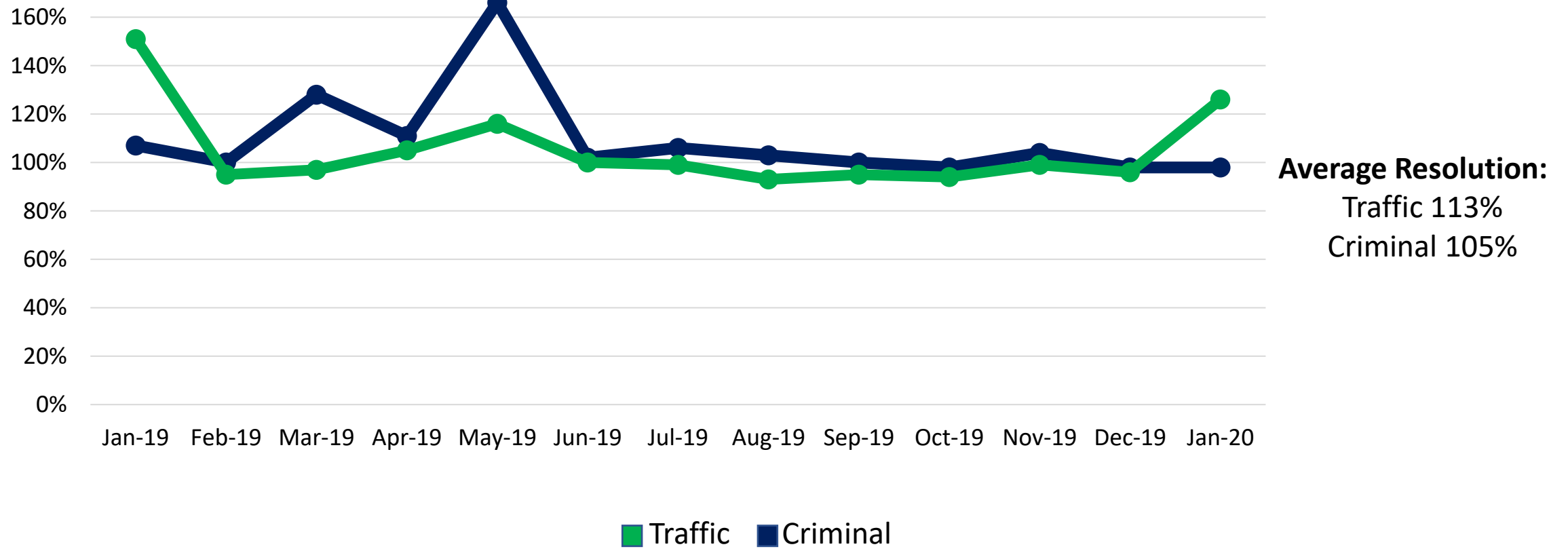


MUNICIPAL COURT 2019

CASE DEMOGRAPHICS



MUNICIPAL COURT 2019 CASE CLEARANCE RATE



PART II(b)

LOOKING FORWARD – PROPOSED CHANGES TO AND IMPACTS ON ATLANTA’S JUSTICE SYSTEM

Does the Municipal Court
currently utilize alternatives to
fines or jail time?



DOES THE COURT CURRENTLY UTILIZE ALTERNATIVES TO JAIL TIME & FINES?

Yes. The Municipal Court utilizes an array of alternatives to leave jail time and financial penalties as the last resort.



TLC (Teens Learning Control): an alternative sentencing program that provides offenders under the age of 25 an opportunity to learn about Georgia traffic laws in order to improve driving skills and decision-making skills.

Restorative Justice: an alternative sentencing program for individuals under the age of 25 meant to provide defendants with opportunities for further education and resources to learn meaningful coping and decision-making skills to prevent future offenses.

Community Service Hours Completed 2019	
Total Hours Completed: 73,063	
Restore Atlanta (Community Court)	20,407
Probation	52,656

Referrals to Restore Atlanta 2019-2020	
Total Cases: 2,326	
TLC	Restorative Justice
Graduates	Graduates
1,288	202

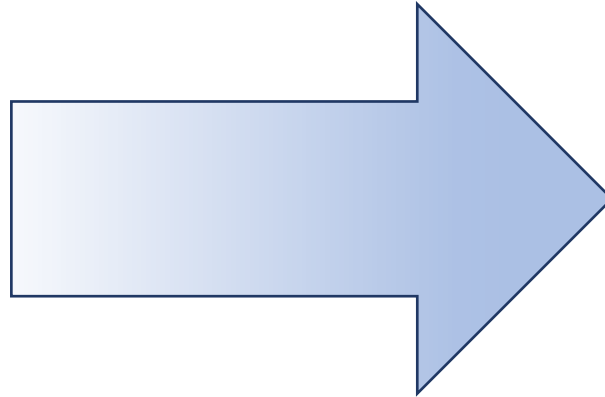


COURT GOALS THROUGH THE ADMINISTRATION OF JUSTICE

Do Court Systems see Fines and Jail Time as the only options? No.

GOALS

- ❑ Utilize low-level offenses as an opportunity for accountability and reinforcement of personal responsibility, while avoiding a life-long criminal history event;
- ❑ Avoid sweeping jail sentencing but use the possibility as a deterrent;
- ❑ View low-level offenses as an opportunity for intervention and prevention of further criminal behavior of increasing severity;
- ❑ Utilize the Court system as a vehicle to identify those at high-risk and in need of social services; and
- ❑ Avoiding sentences that result in collateral consequences for the defendant.



METHODS

- ✓ Utilization of programs and alternatives to the traditional approaches to punishment to impact the defendant meaningfully and reinforce positive life change;
- ✓ Engage with the community to see what's working and what's not;
- ✓ Communicate with judicial partners inside of the judicial circuit to share ideas and approaches;
- ✓ Form partnerships that allow the Court to stay on the forefront of changing dynamics; and
- ✓ Employ new tools to solve old issues in a modern way.



DOES THE MERE *POSSIBILITY* OF JAIL TIME EVER HELP?

Yes. The possibility of jail time can often be the most useful deterrent.

EXAMPLES

- Enforcing compliance with probationary terms (ex: DUI cases where probated sentences are used to keep the public safe, while requiring the defendant to meet certain responsibilities);
- Compliance with court-ordered restrictions on behavior (ex: conditions of bond such as no further contact with the victim of a crime and the ability to meaningfully reinforce the special condition to keep a victim safe);
- A means of punishment when conduct is egregious or a refusal to comply becomes a menace to the surrounding community (ex: repeated refusal to conform to lawful authority and continuous engagement in disruptive activity like party-houses and street-racing);
- A means of deterrence which results in conformity with legally required responsibilities (ex: the maintenance of residential and/or commercial property in accordance with city law); and
- Mandatory participation in the legal process – because offenses have the possibility of jail time, failure to appear warrants are a useful tool that compel appearance in court (including the enforcement of subpoenas requiring the attendance at trial).

RECENT INSTANCES

- Street Racing;
- Curfew Violations During Civil Unrest;
- Party House Operators;
- Scrap Tire Dumpers;
- Absent Landowners of Dilapidated Structures;
- Operators of Poorly Maintained Commercial/Business Operations;
- Clubs, Bars, and Night Establishments That Operate and Sell Alcohol Beyond Permitted Hours of Operation; and
- Four Wheelers and Dirt Bikes Operated Upon the Public Streets to Disrupt.



WHY DO CITIES HAVE THEIR OWN COURT AND WHY DOES THE POLICE USE THE CITY'S JAIL?

WHY CITIES HAVE COURTS IN THE FIRST PLACE

- To hear cases regarding the city's charter and laws passed by the city (ordinances);
- A municipal court gives the city the ability to maintain order at a grass-roots level;
- A municipal court gives the city the ability to manage conduct within its boundaries at a more specified level;
- A municipal court gives the city a greater degree of accountability over those entering its jurisdiction; and
- A municipal court gives the city local control over the quality of life for the city's residents and the ability to impact change at a quicker pace.

WHY THE POLICE USE THE CITY'S JAIL

- Its much easier to book individuals there;
- It allows officers a more efficient process that lets them return to the streets faster (less than 1 hour vs. 2-3 hours); and
- Affords greater flexibility for the type and degree of offense charged (does the college student who got too drunk at the party really need to be charged with a state level offense and taken to the county?).



PART II(c)

LOOKING FORWARD – PROPOSED CHANGES TO AND IMPACTS ON ATLANTA’S JUSTICE SYSTEM

What does it mean to remove jail as a potential penalty or to decriminalize city ordinance violations?



PHASED APPROACH TO REMOVAL OF JAIL TIME AS A POTENTIAL PENALTY (As Presented January 21, 2021)



PHASED APPROACH TO REMOVAL OF JAIL TIME AS A POTENTIAL PENALTY

PHASE 1 EXAMPLES (Park and Public Space Violations)	PHASE 2 EXAMPLES (Business, Land Use, and Animal Violations)	PHASE 3 EXAMPLES (Offenses that Parallel State law)
<ul style="list-style-type: none"> ▪ Indecency & Exposure ▪ Destruction of City Property ▪ Offer to Perform Sex Acts ▪ Operation of ATV on the Streets ▪ Defecating/Urinating in Public ▪ Prohibited Conduct at the Park (Sex Act) ▪ Trucks Prohibited in Certain Areas/Streets ▪ Weapons at the Park ▪ Soliciting Rides or Business 	<ul style="list-style-type: none"> ▪ Sale of Alcohol Without a License or to a Minor ▪ Dumping of Scrap Tires ▪ Cruelty to Animals & Neglect ▪ Operation of a Massage Parlor Without a License ▪ Sale of Alcohol After Hours ▪ Defacing Buildings ▪ Disposal of Garbage on a Vacant Lot ▪ Operations of Adult Business Without a License ▪ Unlawful Discharge of Wastewater ▪ Dog at Large 	<ul style="list-style-type: none"> ▪ Act of Violence Towards Another ▪ Breach of the Peace ▪ Violent Damage to Property ▪ Physical Obstruction of Another ▪ Fraud Schemes/Devices ▪ Disorderly Conduct, Generally ▪ Discharge of a Firearm ▪ Speeding ▪ Impeding the Flow of Traffic ▪ Leaving the Roadway ▪ Collision with a Parked Car ▪ General Traffic Rules ▪ Weapon at the Airport

March 2021

Spring 2021

Summer 2021



PART II(d)

LOOKING FORWARD – PROPOSED CHANGES TO AND IMPACTS ON ATLANTA’S JUSTICE SYSTEM

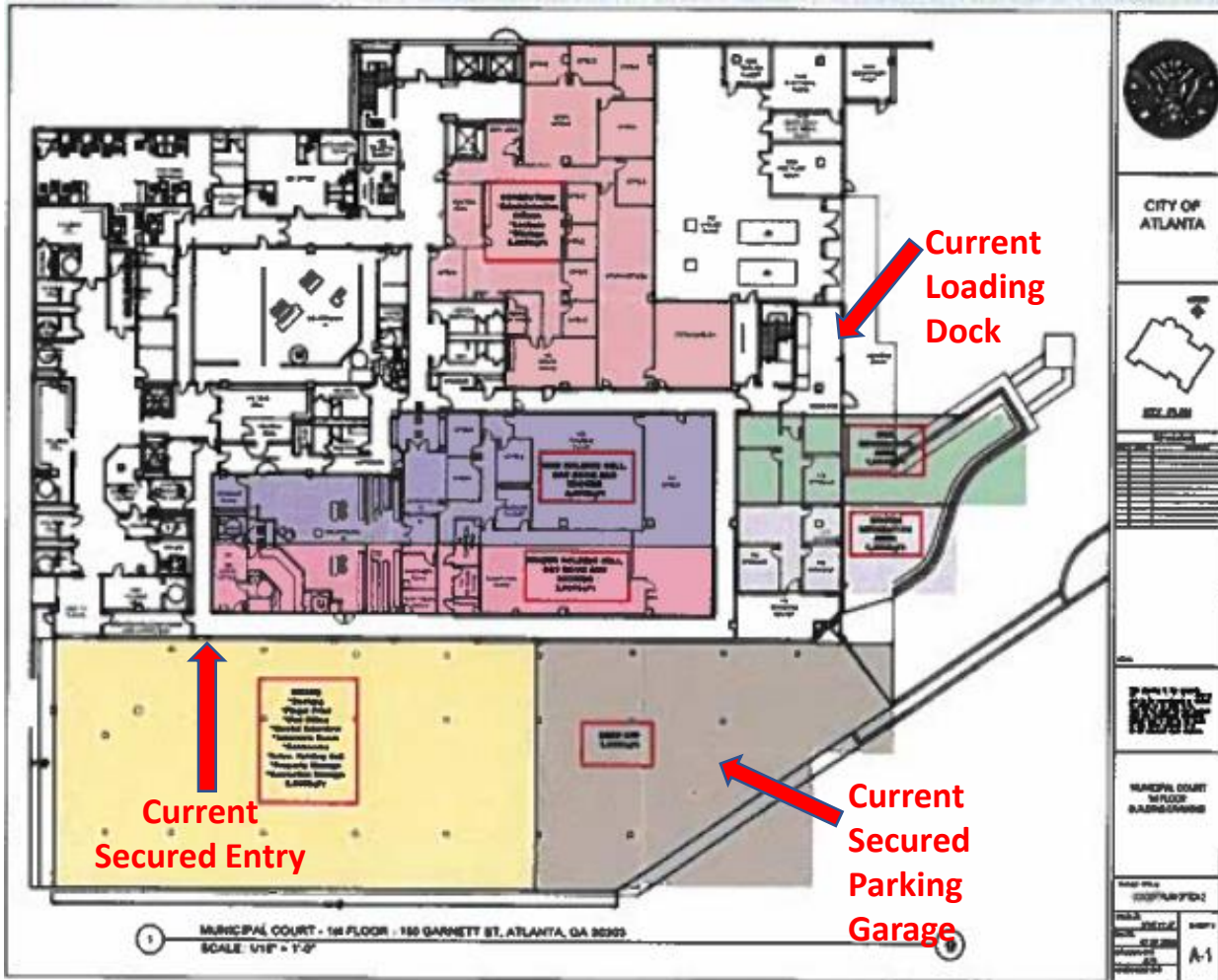
What are some of the practical considerations required to place a jail or holding space in the bottom of the courthouse?



MCA RE-DESIGN PROPOSAL (As Presented January 21, 2021)

Considerations:

- As proposed, eliminates loading dock access to MCA where supplies are delivered;
- As proposed, eliminates secured parking garage and secured entry point;
- Proposed space must have the ability to allow for the preparation and service of food (law requires not less than “two substantial and wholesome meals daily”);
- Proposed space must have the ability to allow for the aid, treatment, or assistance of medical services, injuries, and/or individuals with disabilities;
- Space must be approved and be inspected by the Georgia Department of Public Health;
- Adequate Corrections staff would be needed to be deployed throughout the Courthouse building to keep it secure; and
- Space must be inspected semiannually by State Fire Marshal/Safety Fire Commissioner.



THANK YOU.

