

REIMAGINING ACDC TASK FORCE

POLICY WORKGROUP RECOMMENDATIONS REPORT

A synopsis and assessment of the Policy Workgroup efforts conducted from September-December 2019 for the Reimagining ACDC Initiative.

March 2020

TABLE OF CONTENTS

INTRODUCTION	2
OVERVIEW OF RECOMMENDATIONS	4
MEETING DATES	5
OVERVIEW OF BOOKINGS AT ACDC	6
RECOMMENDED LEGISLATIVE CHANGES TO CITY CODE	9
RECOMMENDATIONS TO STATE LEGISLATURE	11
MUNICIPAL AGENCY RESPONSIBILITIES	12
IMPACT ON ARRESTS, PROCESSING, AND DETENTIONS IF ADOPTED	13

WORKGROUP MEMBERS

The Policy Workgroup and the City of Atlanta would like to express their gratitude to all stakeholders for their participation during the development of this Report, including Racial Justice Action Center, Women on the Rise, Georgia Works, Designing Justice Designing Spaces, Bloomberg Associates, and Atlanta/Fulton County Pre-Arrest Diversion Initiative, for their considerable guidance, effort, and support.

Policy Workgroup Members

<i>Alexis Rhodes</i>	<i>Gail Tusan</i>	<i>Tip “T.I.” Harris</i>
<i>Councilmember Antonio Brown</i>	<i>Keith Gammage</i>	<i>Tiffany Roberts</i>
<i>Bill McGahan</i>	<i>Ken Days</i>	<i>Toni-Michelle Williams</i>
<i>Burrell Ellis</i>	<i>Moki Macias</i>	<i>Vernon Pitts</i>
<i>Christopher Portis</i>	<i>Paul Howard</i>	<i>Xochitl Bervera</i>
<i>Representative David Dreyer</i>	<i>Raines Carter</i>	
<i>Devin Barrington-Ward</i>	<i>Rodney Turner</i>	

Consultant and Staff Support

<i>City of Atlanta:</i>	<i>Bloomberg Associates:</i>
<i>Rashad Taylor</i>	<i>Niiobli Armah IV</i>
<i>Amber Robinson</i>	<i>Linda Gibbs</i>
<i>Maria Russo</i>	<i>Tamiru Mammo</i>
<i>Sheryl Ude</i>	<i>Mariama N’Diaye</i>
	<i>Robin Reid</i>

INTRODUCTION

Reimagining ACDC Initiative

The Atlanta City Detention Center, located in the heart of Atlanta at Peachtree Street NW and Memorial Drive SW, is an 11-story, 471,000 square foot active detention and arrest-processing center. The current facility has the capacity to house approximately 1,300 detainees. However, the average daily population of detainees is currently less than 150 because of Mayor Bottoms' and community-led efforts to successfully reduce crime in our city, decriminalize several low-level offenses; promote a pre-arrest diversion initiative; reform municipal cash bail; and end a long-term contract with U.S. Immigration and Customs Enforcement.

In May 2019, Mayor Keisha Lance Bottoms signed legislation creating a Task Force to reimagine the use of the Atlanta City Detention Center (ACDC) as a vibrant services hub that will 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.

It is a top priority of Mayor Bottoms to put this underutilized facility to more productive use as a multi-faceted center for wellness and healing, skills-building, economic mobility and crime prevention, for people, families and communities impacted by a history of over-incarceration. By converting this space, the City of Atlanta seeks to invest in people to break the cycle of poverty while at the same time improving public safety practices and opportunities that reduce recidivism and rebuild lives.

The collective effort to recommend the financial and physical feasibility of converting the ACDC into a Center for Equity, to define the activities within it, and to determine the policy changes needed to support conversion of the facility, is called the Reimagining ACDC Initiative. The goal is for a fully retrofitted facility to permanently house a diverse set of social service, not-for-profit, recreational and cultural activities. It will also include compatible revenue-generating uses to help make the Center for Equity financially viable and to provide a vibrant, beautiful and welcoming space for the community and the people it will serve.

The Task Force

The Reimagining ACDC Task Force is charged with providing recommendations to the Mayor for proposed alternative uses of ACDC, including strategies for the future financial sustainability of any recommended facility and further steps that may be considered for the City to reduce criminal violations that are consistent with public safety. The Task Force is comprised of representatives of local government and 25 residents selected from nominations submitted by the public.

Task Force members divided their work into three key workgroups: Policy, Building, and Program. The workgroups conducted research, brainstormed ideas, and produced preliminary recommendations to inform the work of the larger Task Force. Specifically:

- **The Policy Workgroup** reviewed city ordinances to identify policy changes required to depopulate and divert individuals from ACDC with the objective of making recommendations to enhance public safety and reduce the need for a municipal detention facility.
- **The Building Workgroup** analyzed the building capacity for adaptive reuse as a Center for Equity and envisioned design scenarios that could achieve that vision.
- **The Program Workgroup** explored services and activities that could be housed in the building that would best advance well-being consistent with the vision for the Center for Equity.

Robust **community engagement** was conducted concurrently by consultants and staff, including community listening sessions with **25 organizations and agencies** across Atlanta representing a wide span of interest and investment in repurposing ACDC and community townhalls reaching **over 400 Atlanta residents**. The data gathered from these sessions greatly informed the Workgroups' work.

OVERVIEW OF RECOMMENDATIONS

The Policy Workgroup

The Policy Workgroup reviewed the city ordinances and state statutes that result in detention at ACDC. The Workgroup divided into a City Ordinance Subgroup and State Statute Subgroup. Each met several times over the course of the fall 2019; and thereafter, presented their recommendations to the full Policy Workgroup and Task Force. The recommendations shared in this document reflect the results of these efforts.

The Policy Workgroup believes that in order to close ACDC, there is a need to identify alternative responses to the public order issues that many of our current city ordinance violations—carrying jail sentences of up to 6 months—seek to address. In addition, to the extent state level offenses (predominantly traffic related) result in detention at ACDC, there is a need to solicit state action regarding reclassification of many of these offenses.

To position the City of Atlanta to effectively close ACDC while also addressing the needs of public safety and wellbeing, the Policy Workgroup submits recommendations in three areas:

- **City Code**
- **State Legislature**
- **Municipal Agency Responsibilities**

The Policy Workgroup also strongly believes that these legislative changes should be considered in unison with programmatic changes in how the city, county and other law enforcement and criminal justice agencies address public safety. The recommendations of the Program Workgroup, which were reviewed in a joint session with the Policy Workgroup, lay out a strong array of alternative service approaches. To realize the greatest potential impact on reducing arrests and detentions at ACDC, the Policy Workgroup believes both sets of recommendations should be implemented concurrently, in consideration of each other, with attention to maximizing diversions away from arrest and incarceration for offenses that do not pose a risk to public safety.

MEETING DATES

The Policy Workgroup and its subcommittees met to deliberate on the following dates:

Full Policy Workgroup Meetings:

- August 14, 2019
- November 5, 2019
- November 11, 2019
- February 7, 2020

City Ordinance Subcommittee Meetings:

- September 5, 2019
- October 22, 2019

State Statute Subcommittee Meetings:

- October 22, 2019
- November 5, 2019

OVERVIEW OF BOOKINGS AT ACDC – REVIEW OF DATA

The Department of Corrections shared 18 months of the most recent data regarding bookings at ACDC, providing detail of the full range of city and state charges involved in each booking.

The following two charts show the most frequent state statutes and city ordinance violations that led to arrests and bookings at ACDC. State charges far outnumbered city charges, and eight of the top ten state charges involved traffic violations.

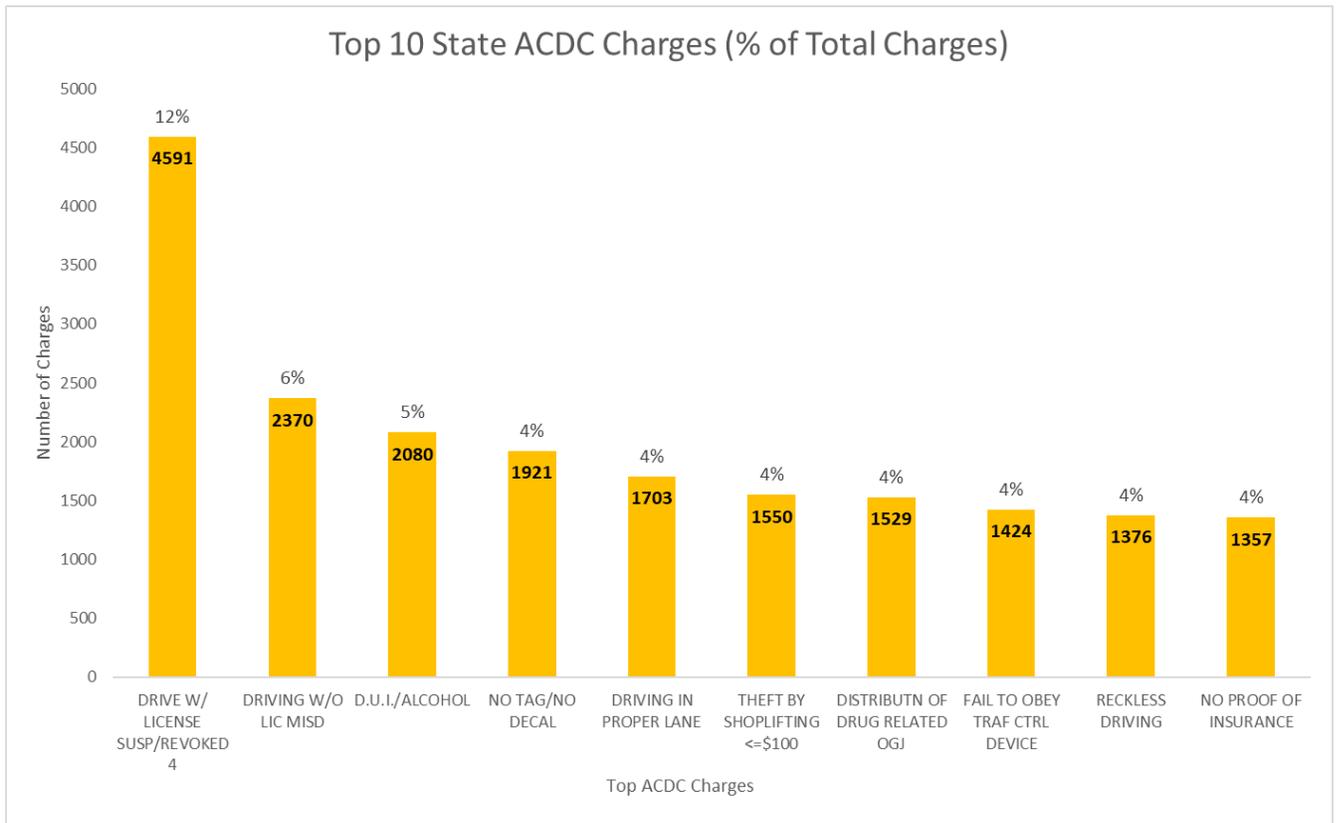


Figure 1.1 ACDC Charges January 1, 2018 to August 7, 2019

Source: Department of Corrections

City violations, by comparison, were much fewer in number. Many of the top charges involved a type of disorderly conduct.

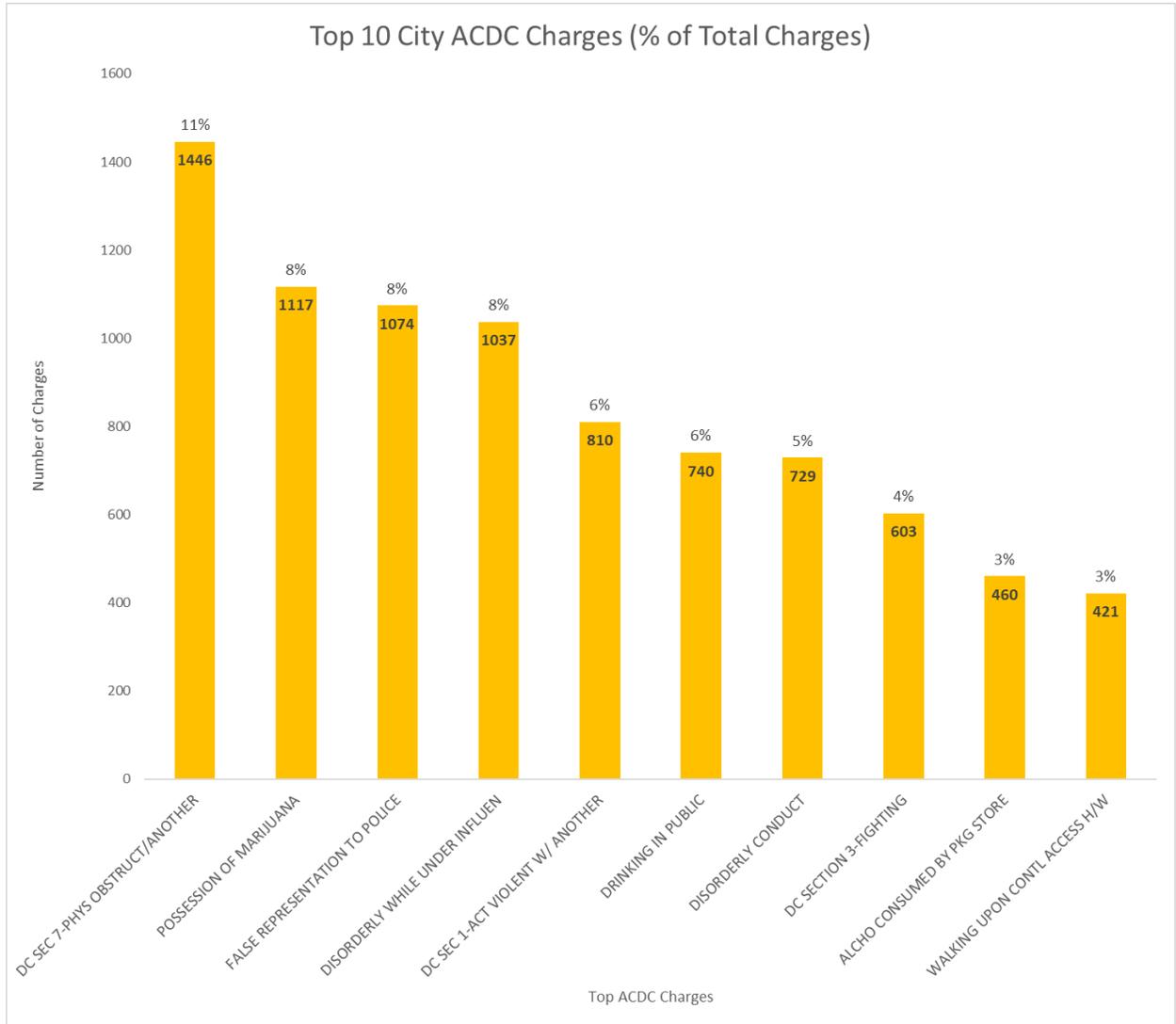


Figure 1.2 ACDC Charges January 1, 2018 to August 7, 2019

Source: Department of Corrections

In looking at charges that resulted in overnight stays at ACDC, the below chart reveals that the majority of stays were for one or two days, while very few were for more than four days.

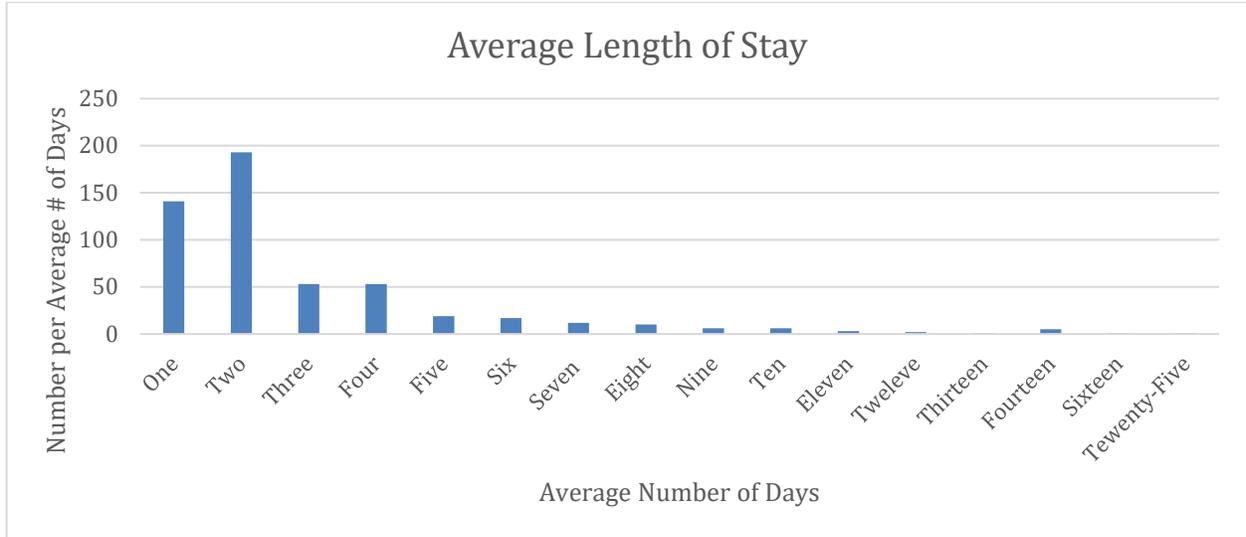


Figure 1.3 ACDC Charges January 1, 2018 to August 7, 2019

Source: Department of Corrections

Finally, the Workgroup assessed the number of bookings related to the city and state charges. On average a booking involved two charges, and it was rare to see bookings of more than 7 charges.

**Reimagine ACDC Task Force
Policy Working Group: ACDC Bookings and Charges (January 2018 – August 2019)**

Total Bookings	27,113	
Total Charges	51,477	
Average Charges per Booking	1.90	
Maximum Charges per Booking	21	
Frequency of Charges		
Bookings with no Charges	31	0.11%
Bookings with 1 Charge	2,718	10.02%
Bookings with 2 Charges	13,533	49.91%
Bookings with 3 Charges	5,856	21.60%
Bookings with 4 Charges	2,553	9.42%
Bookings with 5 Charges	1,160	4.28%
Bookings with 6 Charges	562	2.07%
Bookings with 7 Charges	280	1.03%

RECOMMENDED LEGISLATIVE CHANGES TO CITY CODE

The Policy Workgroup was charged to review city ordinances, the violations of which result in detention in ACDC in pursuit of the Task Force's stated goal to eliminate the need for the ACDC as an arrest processing and detention center, consistent with public safety. In accordance with its charge, the Policy Workgroup reviewed each ordinance to assess if the behavior itself posed a public safety risk, and if not, whether the behavior should nonetheless be controlled through a civil adjudication process. The following is a summary of the recommendations of the Policy Workgroup resulting from this review:

- 2.1. Because officers have the discretion to make arrests that can be processed under state jurisdiction, the Policy Workgroup recommends repeal of all quasi-criminal city ordinances where the behavior prohibited by the ordinance is already criminalized by a parallel state statute. Law enforcement agencies should be encouraged to use diversion and additional alternatives, where practical, consistent with the recommendations made by the Program Workgroup.
- 2.2. Conversion from quasi-criminal to civil of city ordinance violations relating to housing, building code, zoning, and other business and land use-related ordinances. These violations are predominantly administrative in nature, such as failure to have required permits or operational permissions. These are clearly important public protections and must have enforcement to ensure compliance. The Policy Workgroup does not believe failure to comply, however, should be treated as a criminal violation.
- 2.3. Conversion to civil of City-only ordinances which relate to violating public park rules and other public space violations. There are no state laws which govern behavior in city parks and on other municipal public spaces and right of way. It is important to maintain respect of park and public spaces and the ability to enforce these standards. However, The Policy Workgroup believes the consequences would be more appropriately administered through civil enforcement and should not be criminalized.

- 2.4. Repeal of City-only ordinances related to animal control (recognizing these are now managed through state animal control processes) and inhaling spray paint (an anachronism).
 - 2.4.1. The animal control provisions are now little utilized. State animal care and control authorities are responsible for addressing problems in this area, and this is how challenges are currently managed.
 - 2.4.2. Casting the inhalation of spray paint as a criminal violation is a dated ordinance that is now rarely used, no longer reflects the face of substance abuse, and reflects a highly punitive approach to low-level offenses. The Policy Workgroup believes it should be repealed.
- 2.5 Repeal of a city ordinance regarding discharge of a firearm within City limits, recognizing other, more severe, criminal charges are now better employed to address this dangerous behavior. This ordinance applies only to circumstances involving “celebratory” shots or “warning” shots. Due to the danger this behavior presents, this ordinance is rarely used, and these incidences are now typically charged under other state statutes.
- 2.6 Repeal of open container on a sidewalk ordinance. This is a recognition of the shift in street level activity and commonplace presence of street fairs and community events that include the sale and service of alcohol.

RECOMMENDATIONS TO STATE LEGISLATURE

The Policy Workgroup was charged to review state statutes, the violations of which result in detention in ACDC in pursuit of the Task Force's stated goal to eliminate the need for the ACDC as an arrest processing and detention center, consistent with public safety. In accordance with its charge, the Policy Workgroup reviewed each statute to assess if the behavior itself posed a public safety risk, and if not, whether the behavior should nonetheless be controlled through a civil adjudication process. The following is a summary of the recommendations of the Policy Workgroup resulting from this review:

- 3.1. Conversion to civil of traffic violations which do not present an immediate public safety concern. These types of violations represent four of the top ten violations processed through ACDC, and account for over half of the activity under these top ten charges. The Policy Workgroup believes that these violations should appropriately be handled through civil citations, such as in other state jurisdictions, and not result in the possibility of any detention and incarceration.
- 3.2. Repeal of statutes relating to use and possession of marijuana. Consistent with the national trend, where possession and use of marijuana has been decriminalized in 11 states, we advocate for the state to similarly repeal these criminal laws.

If adopted, the recommended State law changes would have a significant impact on reducing processing through the county courts and detention in the county jail for arrests made for state offenses outside the current jurisdiction of the ACDC. There will also be some new volume of cases entering the county jail system which no longer fall under City ordinances. To the extent these recommendations have the effect of reducing arrests, bookings and detentions in county facilities would also have the potential to decline.

MUNICIPAL AGENCY RESPONSIBILITIES

For actions converted to civil of both City and State laws, the Policy Workgroup recommends that Municipal Court be the adjudicatory body to hear these cases and recommends that the Public Defender be redeployed as counsel to indigent defendants in these civil proceedings.

- 4.1. **Municipal Court.** For violations that would be converted to civil, the Task Force recommends that the Atlanta Municipal Court retain jurisdiction to adjudicate these cases as civil matters. This would provide a local venue dedicated to non-criminal adjudications which would be accessible and responsive to residents for these civil violations. There is no suitable alternative administrative tribunal in the City, and the Municipal Court is well situated to take on these responsibilities.

- 4.2. **Public Defender.** The Task Force recommends those actions converted to civil violations retain the assignment of counsel through the City of Atlanta Public Defender's office. The defendants in these cases are frequently unaware of the law and their rights, may have complicated life circumstances behind the triggering civil violation, and could benefit from comprehensive problem solving. The City Public Defender has developed a practice of practical problem solving for the individuals referred to the office on criminal defense matters and is well-positioned to expand to civil matters and holistic legal defense.

IMPACT ON ARRESTS, PROCESSING, AND DETENTIONS IF ADOPTED

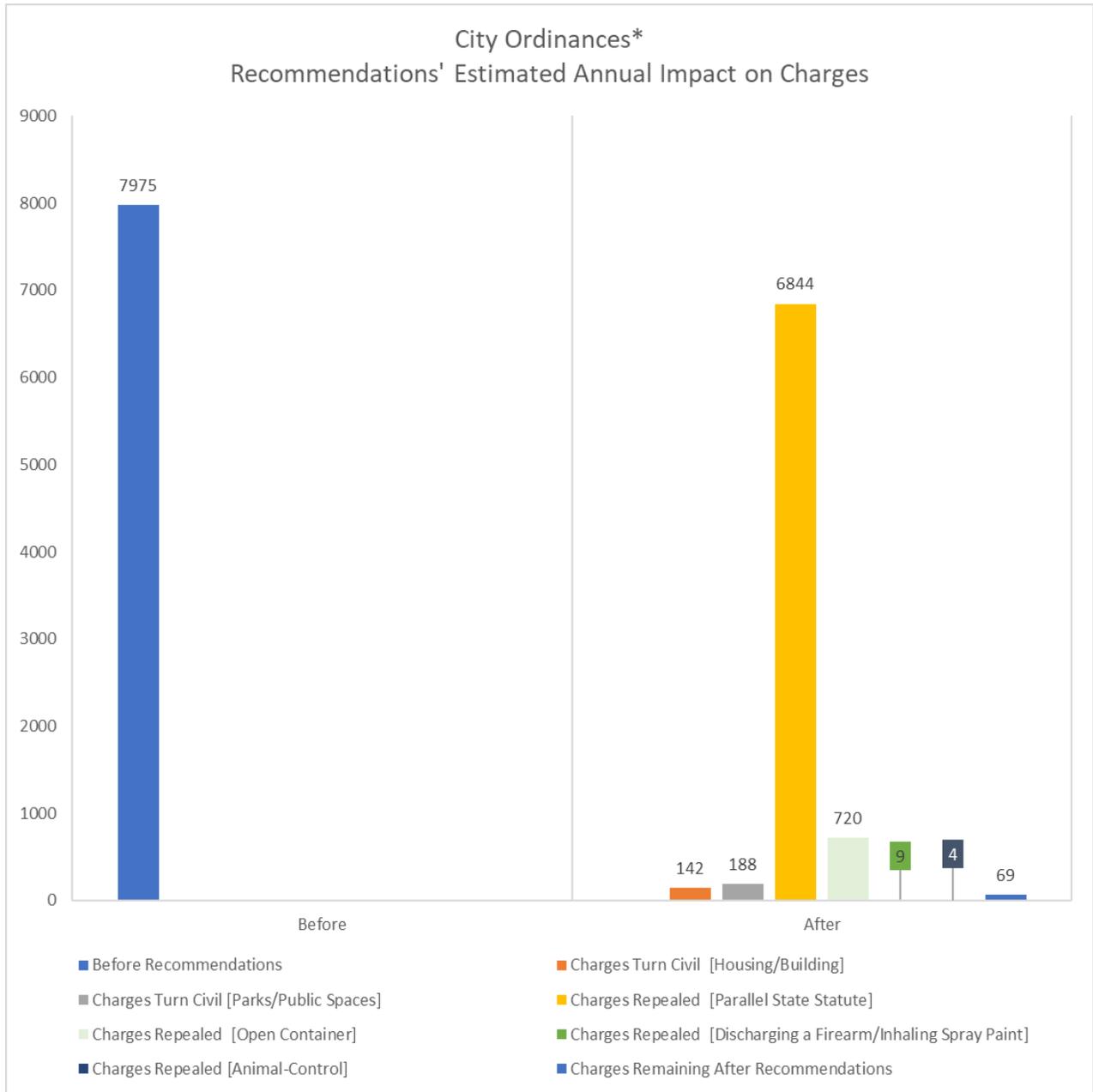
If adopted, the recommended changes would reduce the number of people arrested under the affected laws and would diminish bookings and detentions to a fraction of the number seen today. For a detailed presentation of the impact, see the charts attached.

Based on our data, there would be a 65% drop in bookings related to state law changes, and a 99% reduction in bookings related to city ordinance violations. In total, bookings would drop 77%, for a daily average of 11 arrests needing to be processed under the jurisdiction of the Atlanta Department of Corrections. (Note that the bookings drop less than charges as many charges impacted by these recommendations are included in bookings that involve charges that are not impacted, hence bookings would still occur.)

At the same time, there would be over 6,976 civil matters annually (29 a day in a normal business calendar of 240 days of operation annually), which would need to be processed in an administrative tribunal in the City of Atlanta.

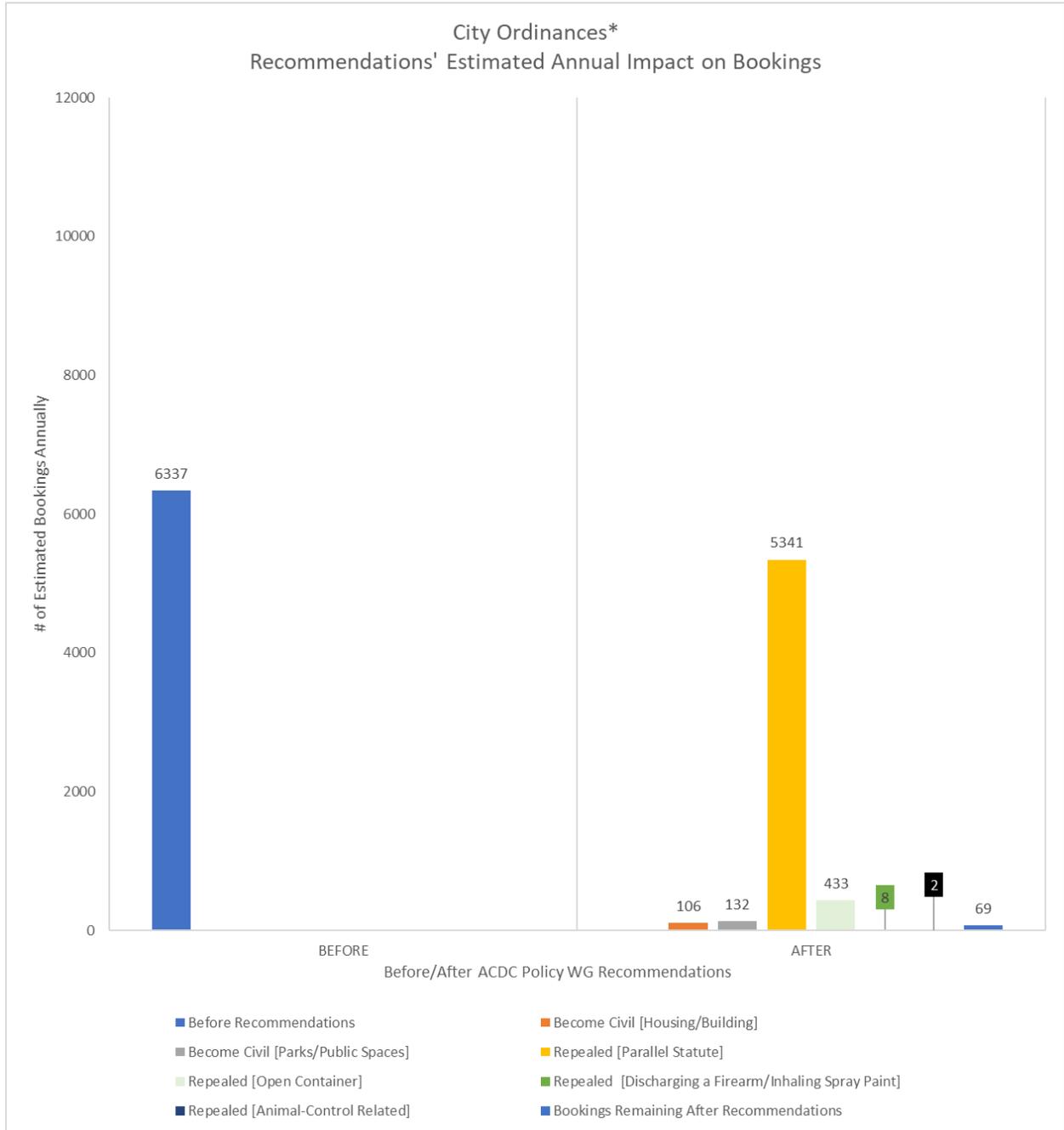
At this point, the detention data that relates to these bookings is unavailable, and thus there is no ability to determine precisely the impact on detentions. What is clear is that they would nearly disappear at the City level. There could be an impact on arrests made under parallel State statutes, which would be processed at county jails. Were all things to remain with no change to daily arrest patterns (which may be unlikely if all Policy Workgroup recommendations are adopted), the Policy Workgroup estimates there would be an average increase of 11 arrests processed at the County level ($3956/365=10.8$) each day. Some portion of those could result in detentions.

ACDC Policy Workgroup Recommendations – City Ordinances



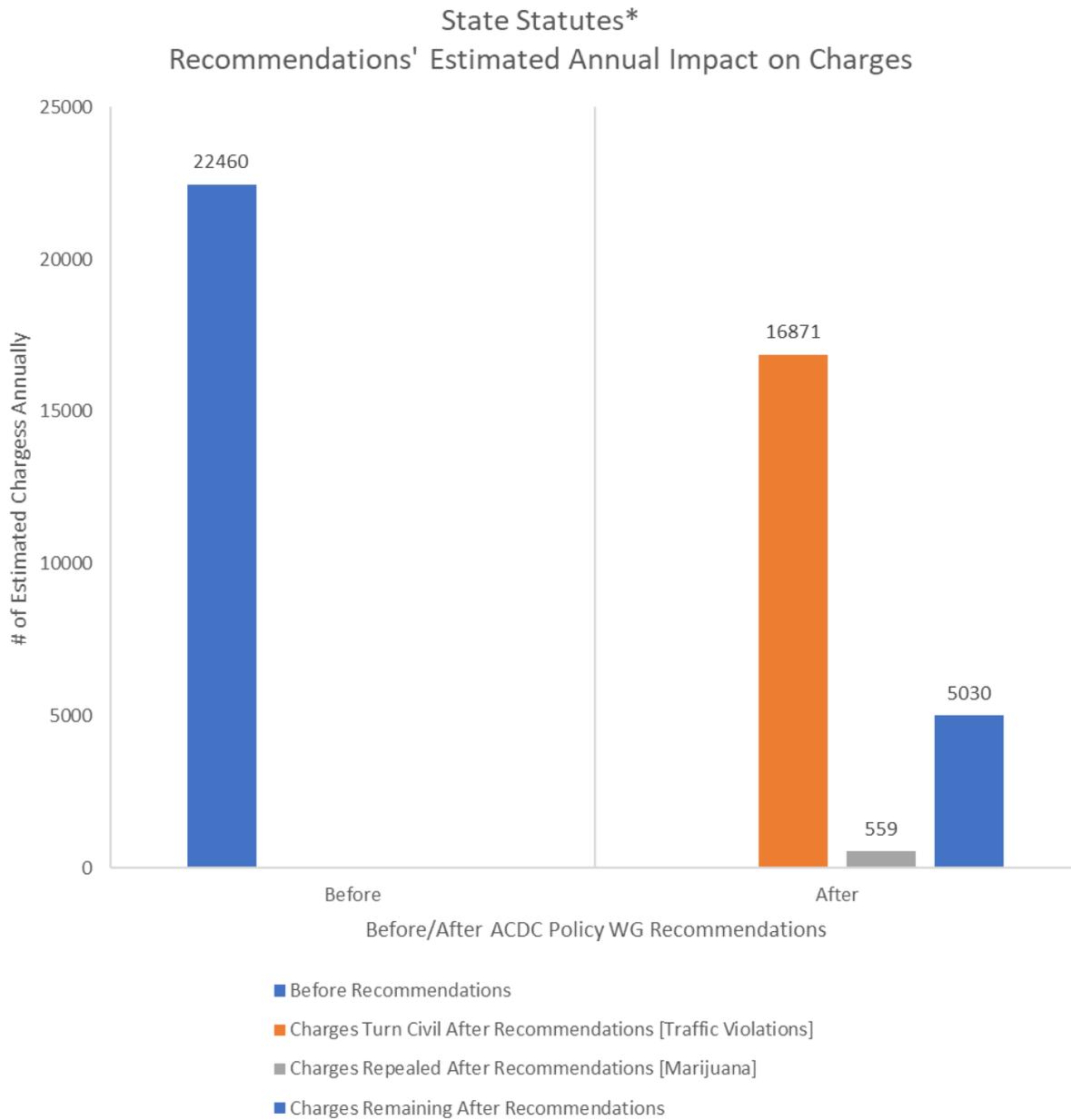
*Annual Estimates Based on ACDC January 2018-August 2019 Population

ACDC Policy Workgroup Recommendations – City Ordinances



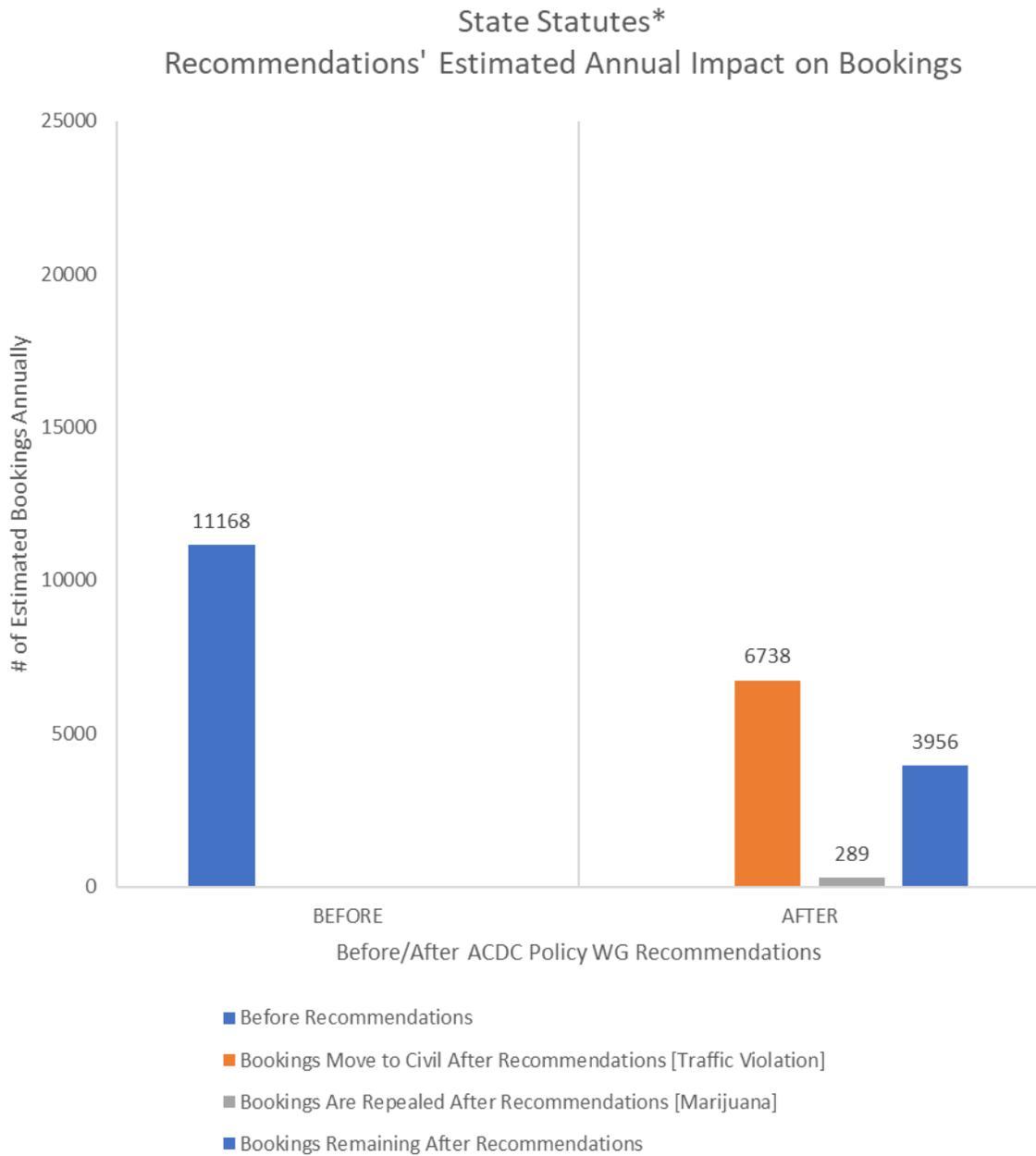
*Annual Estimates Based on ACDC January 2018-August 2019 Population

ACDC Policy Workgroup Recommendations – State Statutes



*Annual Estimates Based on ACDC January 2018-August 2019 Population

ACDC Policy Workgroup Recommendations – State Statutes



*Annual Estimates Based on ACDC January 2018-August 2019 Population