



REDUCING JAIL OVERCROWDING WITHOUT INCREASING CRIME

Lessons from Fulton County, Georgia

CENTER for **INNOVATIONS**
in **COMMUNITY SAFETY**

GEORGETOWN LAW

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

About the Center for Innovations in Community Safety

The Center for Innovations in Community Safety at Georgetown Law (CICS) researches, builds, delivers, and evaluates evidence-informed interventions that are designed to better meet the holistic needs of communities, reduce the harms of the current system, and create safer neighborhoods. CICS leverages a world-class multidisciplinary team to build understanding and support for groundbreaking approaches to community safety.

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Acknowledgements

Special thanks to Michele Deitch, Distinguished Senior Lecturer at the University of Texas School of Law and the Lyndon B. Johnson School of Public Affairs, and Director of the Prison and Jail Innovation Lab; Alycia Welch, Associate Director of the Prison and Jail Innovation Lab at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin; and Vincent Schiraldi, Senior Fellow at the Columbia Justice Lab, former Commissioner of the New York City Department of Probation and Correction, and former Director of Youth Rehabilitation Services for the District of Columbia, for their expert advice and research. Thanks also to Christy Lopez for her comments and to Linde Hoffman for her assistance with proofing and cite checking.

The views expressed in this article are those of the authors and do not necessarily reflect the views of Georgetown University Law Center.

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Center for Innovations in Community Safety at Georgetown Law

Executive Summary

In February 2021, the Fulton County Sheriff approached the Atlanta City Council with a problem: the Fulton County Jail was dangerously overcrowded. In response, the Atlanta City Council began negotiations for an Intergovernmental Agreement (IGA) to lease 700 beds at the Atlanta City Detention Center (ACDC) to Fulton County for a period of four years.

Georgetown Law's Center for Innovations in Community Safety (CICS) reviewed available data from Fulton County Jail, analyzed best practices for jails, and consulted with national experts, to assess the proposed solution to the jail's overcrowding. CICS found that the problems associated with overcrowding run much deeper than too-few beds, and the City Council's proposed solution fails to address the underlying causes of overcrowding or alleviate its harms.

Key Findings:

- Fulton County Jail's overcrowding crisis is being driven by its overuse of incarceration. It jails its residents at a rate nearly three times that of other urban counties.
- Leasing beds at ACDC to Fulton County likely would result in higher incarceration rates, ultimately resulting in diminished public safety.
- Leasing beds at ACDC to Fulton County is a renewed commitment to the devastating impact of incarceration on individuals that is exacerbated by the practice of overincarceration at Fulton County Jail.

The Atlanta City Council should reject the lease proposal. Rejecting the proposal would discourage

short-term thinking that risks worsening the overcrowding crisis in the long term, and instead encourage Fulton County to embrace the following three solutions:

- Improve case processing time for unindicted individuals.
- Reevaluate the bail system in Fulton County.
- Expand the use and breadth of pre-arrest diversion programs.

This three-part approach not only provides a more sustainable solution to the jail overcrowding challenge, but also better promotes community safety. These conclusions are consistent with the findings in the October 2022 report issued by the American Civil Liberties Union and the American Civil Liberties Union of Georgia.¹

Leasing ACDC beds to Fulton County would create more problems than it solves.

Larger jail populations have a *negative* impact on community safety.

Even a brief imprisonment in jail before trial has a demonstrably criminogenic effect. In one study, researchers found that pretrial detention is associated with a 30% increase in new felony charges and a 20% increase in new misdemeanor charges, suggesting that **"pretrial detention has a greater criminogenic than deterrent effect."**² Another study found that pretrial detention led to a 6-9% increase in the yearly probability of receiving a new charge.³ A 2013 study found that even a two- or three-day period of detention before trial leads to a higher rate of subsequent arrest, compared to a one-day detention.⁴ Revisiting the study in 2022, the

1 AM. C.L. UNION, THERE ARE BETTER SOLUTIONS: AN ANALYSIS OF FULTON COUNTY'S JAIL POPULATION DATA 4 (2022).

2 Paul Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 STAN. L. REV. 711, 718, 762 (2017).

3 Arpit Gupta et al., *The Heavy Costs of High Bail: Evidence from Judge Randomization*, 45 J. LEGAL STUD. 471, 472-73 (2016).

4 CHRISTOPHER T. LOWENKAMP ET AL., ARNOLD FOUND., THE HIDDEN COSTS OF PRETRIAL DETENTION 3 (NOV. 2013).

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

author found that “any time spent in pretrial detention beyond 23 hours is associated with a consistent and statistically significant increase in the likelihood of arrest,” concluding that “jail is likely the most harmful option during the pretrial stage.”⁵ A meta-analysis last year of 116 studies compared the effects of custodial sanctions and probation and concluded that **detention does not prevent reoffending, and likely slightly increases the likelihood of reoffending.**⁶ Because locking up a human being has serious consequences for human dignity and bodily autonomy, each imprisonment of an individual should be undertaken with great caution. The consensus research on the criminogenic effects of jailing underscores the need to minimize the use of pretrial detention for community safety reasons.

Leasing jail beds to Fulton County would perpetuate practices that undermine public safety.

The proposed lease of 700 additional beds would perpetuate the Fulton County practices that place the public at risk: a high rate of incarceration and a continued failure to timely process cases.

Fulton County puts its residents behind bars at a rate nearly three times that of other urban counties. In 2020, Fulton County jailed an average of 404 residents for every 100,000 individuals aged 15-64.⁷ In comparison, other urban counties nationwide only jailed an average of 150 residents per 100,000 individuals in the same age category.⁸ By way of comparison, Fulton County jails its residents at one-and-a-half times the rate

of Maricopa County, Arizona (260 residents per 100k) two-and-a-half times the rate of Cook County, Illinois (164 residents per 100k), and nearly six times the rate of Bronx County and Queens County, New York (70 residents per 100k).⁹ Other urban jurisdictions, such as New York City, which decreased its jail population from 1991 to 2016 by a drastic 55% while enjoying a simultaneous 54% reduction in violent incidents, demonstrate the success of jurisdictions taking the opposite approach to Fulton County and working to reduce their jail population.¹⁰

Fulton County’s unusually high rate of incarceration is the result of several readily reversible policy choices. While jurisdictions can release people charged with misdemeanors on their own recognizance,¹¹ Fulton County detains them by the hundreds, often for lengthy periods of time. The ACLU’s recent analysis of data provided by the Fulton County Sheriff’s Office revealed that in Fulton County Jail, at least 242 individuals were detained on misdemeanor charges, with an average length of 83 days in detention.¹²

Fulton County also fails to commit the resources necessary to process the large number of people it chooses to keep imprisoned. As a result, as the ACLU has documented, hundreds of people are being housed in the jail for far too long. Nearly 45% of the people imprisoned in the overcrowded Fulton County Jail have not even been formally charged with any crime.¹³ 515 people have been held in custody for more than 90 days—longer than permitted by state law—without indictment.¹⁴

5 Christopher T. Lowenkamp, Arnold Found., *THE HIDDEN COSTS OF PRETRIAL DETENTION REVISITED* 4, 7 (Mar. 21, 2022).

6 Damon M. Petrich et al., *Custodial Sanctions and Reoffending: A Meta-Analytic Review*, 50 *CRIME & JUSTICE* 353, 400-02 (2021).

7 VERA INSTITUTE OF JUSTICE, *Incarceration Trends* (Mar. 24, 2022, 9:51 PM), County Comparisons, <https://trends.vera.org>.

8 Calculated by averaging the urban jail rate from each quarter of 2020. *Id.*

9 *Id.*

10 Judith A. Greene & Vincent Schiraldi, *Better by Half: The New York City Story of Winning Large-Scale Decarceration While Increasing Public Safety*, 29 *FED. SENT’G REP.* 22, 30, 34 (2016).

11 In comparison, 83% of individuals recommended for release from New York City jails in 2014 were released on their own recognizance. *Id.* at 31.

12 AM. C.L. UNION, *THERE ARE BETTER SOLUTIONS: AN ANALYSIS OF FULTON COUNTY’S JAIL POPULATION DATA* 4 (2022).

13 *Id.* at 12.

14 *Id.* at 4.

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

Fulton County is an outlier not only in its choice to imprison its residents at a uniquely high rate, but in its response to the overcrowding this choice has caused. Fulton County is asking the Atlanta City Council to enable its expansion of jail capacity at a time when many jurisdictions are recognizing the value and public safety need to shift to more effective and humane solutions. Fulton County's Sheriff Labat made clear in 2021 that "[acquiring ACDC] will not solve, ultimately, the county's needs for additional space and the need to build a new facility."¹⁵

Given Fulton County Jail's high rate of incarceration relative to other counties and its unwavering focus on expanding its jail capacity rather than reducing its jail population, it is likely that the proposed additional 700 beds will be quickly used up, leaving detainees at Fulton County Jail facing the same humanitarian crisis they face today.

Leasing ACDC beds would not solve the humanitarian crises associated with overincarceration.

Even under the best of conditions, incarceration has devastating impacts on individuals. Incarceration is linked to subsequent mood disorders, including depression and bipolar disorder.¹⁶ People who are imprisoned are vulnerable to increased rates of violence and secondary violence that can cause post-traumatic stress

disorder.¹⁷ By their very nature, jails disconnect individuals from their loved ones and severely limit their basic autonomy. Incarceration is associated with a long list of collateral consequences, including loss of housing, employment, and educational opportunities.¹⁸ Every bed leased by ACDC is a renewed commitment to and expansion of these consequences.

The COVID-19 pandemic has served as a grim reminder that large jail populations can be especially deadly. By far the most effective way to prevent the spread of infectious diseases through jails and the local community is to limit the number of individuals who are being brought into jails in the first place. Reducing the number of individuals who are currently incarcerated and continuing to lower the number of individuals brought into the system will improve health outcomes for both the Fulton County Jail and the broader neighboring communities.

In September 2020, 90 of the top 100 COVID-19 outbreak clusters occurred in jails or prisons.¹⁹ Short-term interventions, such as increasing jail space to allow for social distancing, may help combat the spread of infectious diseases like COVID-19 within the jail itself, but these temporary solutions neglect the full picture. It isn't just the incarcerated individuals and jail guards who suffer when jail populations are high; neighboring communities are also harmed, with dangerous implications for public health.

15 Video: Public Safety Committee Work Session on Atlanta City Detention Center Acquisition Plan (Feb. 18, 2021), 42:29-59, <https://www.youtube.com/watch?v=9nexLjhDT54>.

16 Jason Schnittker, et al., *Out and Down: Incarceration and Psychiatric Disorders*, 53 J. HEALTH SOC. BEHAV. 448 (2012).

17 Meghan A. Novisky & Robert L. Peralta, *Gladiator School: Returning Citizens' Experiences with Secondary Violence Exposure in Prison*, 15 VICTIMS & OFFENDERS 594 (2020).

18 Corinne A. Carey, *No Second Chance: People with Criminal Records Denied Access to Public Housing*, 36 U. Tol. L. Rev. 545 (2005); Gary Fields & John R. Emshwiller, *As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime*, WALL ST. J. (August 18, 2014), <https://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-1408415402>; David S. Kirk & Robert J. Sampson, *Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood*, 86 SOCIO. EDUC. 36 (2013).

19 Eric Reinhart & Daniel L. Chen, *Carceral-Community Epidemiology, Structural Racism, and COVID-19 Disparities*, 118 PROC. NAT'L ACAD. SCI., May 25, 2021, at 1, 1.

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

An epidemiological analysis suggested that for every *one* arrested individual who cycled through Chicago's Cook County Jail, the neighboring community experienced a resulting *five* cases of COVID-19 independently attributable to jail cycling.²⁰ In fact, jail cycling, or the post-arrest processing of individuals through jails before their release, "remains by far the strongest predictor of COVID-19 rates when controlling for all other demographic variables," with "especially severe consequences for marginalized communities of color."²¹ According to Fulton County's own records, within the first 10 months of the COVID-19 pandemic, 333 incarcerated individuals and 84 staff members at Fulton County Jail reportedly tested positive for COVID-19,²² but no records account for the number of community COVID-19 cases that resulted from jail cycling through the Fulton County system. Even assuming a lower rate of transmission than epidemiologists recorded in Chicago, the resulting community COVID-19 cases from jail cycling at the Fulton County Jail could be in the thousands. An additional 700 beds within ACDC would only allow Fulton County Jail to continue to spread COVID-19 throughout neighboring areas. As new COVID-19 variants lurk on the horizon, policymakers should be wary of investing in spaces that can easily become outbreak clusters.

Three solutions to provide immediate and sustainable overcrowding relief.

The following alternatives offer preventative and responsive solutions, many of which can be implemented immediately, to solve Fulton County Jail's overcrowding crisis by treating the problem at its source. Preventative solutions mitigate overcrowding on the front end by ensuring that low-risk individuals are kept out of the system; these solutions have the added benefit of lowering jail costs. Responsive solutions are aimed at speeding up processing times, thus decreasing the amount of unnecessary time that an individual spends in jail. Both forms of solutions improve community safety, and a combined approach is necessary to fully address the challenges posed by overcrowding.

Improve case processing time for unindicted individuals.

Georgia state law requires indictment (a proceeding during which formal notice is presented to the individual about the nature of the charge) within 90 days of an individual's arrest,²³ but a significant number of individuals held in Fulton County Jail are unindicted, including hundreds beyond that deadline. In February 2021, nearly 45% (1,195) of the jail population were unindicted;²⁴ recent numbers show little to no change, with 44.9% (1,299) unindicted.²⁵ A substantial number of individuals (515) have been held for over 90 days without indictment.²⁶ Instead of seeking additional beds, Fulton County should focus on prioritizing and reviewing the backlog

20 *Id.* at 5.

21 *Id.*

22 Video: Public Safety Committee Work Session on Atlanta City Detention Center Acquisition Plan (Feb. 18, 2021), 33:40-47, <https://www.youtube.com/watch?v=9nexLjhDT54>.

23 GA. CRIM. CODE § 17-7-50.

24 Video: Public Safety Committee Work Session on Atlanta City Detention Center Acquisition Plan (Feb. 18, 2021), 1:01:47-02:45, <https://www.youtube.com/watch?v=9nexLjhDT54>.

25 AM. C.L. UNION, THERE ARE BETTER SOLUTIONS: AN ANALYSIS OF FULTON COUNTY'S JAIL POPULATION DATA 12 (2022).

26 *Id.*

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

of cases over 90 days old as a simple first step towards decreasing the number of individuals in Fulton County Jail. Fulton County judges could then move to release individuals on bond or on their own recognizance.

Improving the case processing speed of cases in Fulton County does not necessarily change the outcome of individuals' cases. It simply ensures that individuals are not waiting excessive amounts of time to move forward to their ultimate destination within the court system. However, research suggests that Fulton County would likely experience ancillary benefits, including a lower incarceration rate, a decreased rate of recidivism, and an overall increase in public safety all due to individuals spending less time behind bars.

In addition to increasing the rate of subsequent arrest, a prolonged period of detention hinders an individual's ability to prepare for trial,²⁷ which may lead to an increased "likelihood of conviction, either by trial or by plea, and may also increase the severity of any sanctions imposed."²⁸ Studies demonstrate that pretrial detention increases the likelihood of conviction by 13%.²⁹ Because judges often consider an individual's pretrial conditions during sentencing, pretrial detention also acts as a "significant predictor" of whether an individual is sentenced to subsequent jail time.³⁰ In other words, limiting the amount of time an individual spends in pretrial detention could have a positive snowball effect, decreasing the likelihood of later incarceration for the

current charge, limiting the imposition of any potential sentence, and decreasing the likelihood of other additional charges.

Reevaluate the money bail system in Fulton County.

No person should be incarcerated solely because they are too poor to buy their freedom. But many individuals in Fulton County Jail are incarcerated not because a judge has ruled that they are a danger to the community or pose a risk of flight, but because they don't have the money to afford bail. With more than half of U.S. consumers currently living paycheck to paycheck³¹ and 45% of all adults with a family income under \$25,000 reporting financial struggles,³² it is unsurprising that around 80% of individuals facing state criminal charges are unable to afford a lawyer,³³ let alone a hefty bail. Racial and ethnic disparities in financial security also affect an individual's ability to pay, as do other factors: those with disabilities are more likely to struggle financially, and LGBTQ+ individuals are financially at a disadvantage when compared to cisgender, heterosexual individuals.³⁴ When people cannot pay their way out of jail, they remain stuck behind bars until the resolution of their case. Even in cases with felony charges, wealth matters: five out of six felony defendants in state courts who were held until the end of their case were con-

27 *Barker v. Wingo*, 407 U.S. 514, 533 (1972).

28 Paul Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 STAN. L. REV. 711, 714 (2017).

29 Emily Leslie & Nolan G. Pope, *The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments*, 60 J. LAW & ECONOMICS 529, 530 (2017); Megan T. Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes*, 34 J. L. ECON. & ORG. 511, 512 (2018).

30 Christine Tartaro & Christopher M. Sedelmaier, *A Tale of Two Counties: The Impact of Pretrial Release, Race and Ethnicity Upon Sentencing Decisions*, 22 CRIM. JUST. STUD. 203, 206, 212 (2009).

31 Anuj Nayar, *The Reality Behind the \$400 Emergency Expense Number*, FORBES (Aug. 3, 2022), <https://www.forbes.com/sites/forbesfinancecouncil/2022/08/03/the-reality-behind-the-400-emergency-expense-number>.

32 U.S. FEDERAL RESERVE, ECONOMIC WELL-BEING OF U.S. HOUSEHOLDS IN 2021, 11 (May 2022).

33 John Pfaff, Opinion, *A Mockery of Justice for the Poor*, N.Y. TIMES (Apr. 29, 2016), <https://www.nytimes.com/2016/04/30/opinion/a-mockery-of-justice-for-the-poor.html>.

34 U.S. FEDERAL RESERVE, ECONOMIC WELL-BEING OF U.S. HOUSEHOLDS IN 2021, 11 (May 2022).

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

tinually incarcerated due to their inability to pay.³⁵ The Department of Justice stated in an amicus brief in 2016 that the bail systems in many jurisdictions are “not only unconstitutional, but ... bad public policy.”³⁶

Under Georgia law, courts must now grant bail to those charged with a misdemeanor offense, and judges are required to impose “only the conditions reasonably necessary” to ensure the individual’s appearance in court.³⁷ However, such discretion allows for significant implicit and explicit biases, which researchers have measured in every stage of the pretrial process.³⁸ Race has a demonstrable impact on judges’ decisions whether to impose bail: studies have demonstrated that Black individuals are 80% less likely than white defendants to be released on recognizance,³⁹ perhaps due to judges’ faulty assumption that Black individuals, particularly young Black men, are “more of a threat to the community.”⁴⁰ Racial bias also affects the amount of bail, with Black individuals receiving bail assignments at higher rates than similarly situated white defendants.⁴¹ A 2015

study determined that, on average, bond amounts set for young Black men were \$3,500 higher than those assigned to all other defendants.⁴² Add this to the fact that pretrial detention limits an individual’s ability to continue earning and has long-lasting negative effects, including reduced employment,⁴³ and the downstream economic impact on marginalized communities can be debilitating.⁴⁴ Despite recent efforts in Georgia to require judges to consider an individual’s capacity to pay,⁴⁵ judges often set an unaffordable price on individuals’ freedom. A recent ACLU analysis suggests that 293 people (10% of the Fulton County Jail population) were held in Fulton County Jail solely because they could not afford bail.⁴⁶ If these individuals were richer—or if they had been charged in another Georgia jurisdiction—many would be able to return to their daily lives while they await trial, but an outdated and ineffective policy results in them spending weeks and months in Fulton County Jail.

35 THOMAS H. COHEN & BRIAN A. REAVES, U.S. DEP’T JUST. BUREAU JUST. STAT., PRETRIAL RELEASE OF FELONY DEFENDANTS IN STATE COURTS, 1 (2007).

36 Brief for United States as Amicus Curiae Supporting Plaintiff-Appellee, Walker v. City of Calhoun, No. 16-10521-HH (11th Cir. Aug. 18, 2016).

37 GA. CODE ANN. § 17-6-1.

38 John Wooldredge et al., *Is the Impact of Cumulative Disadvantage on Sentencing Greater for Black Defendants*, 14 CRIMINOLOGY & PUB. POL’Y 187, 189-90 (2015).

39 Tina L. Freiburger et al., *The Impact of Race on the Pretrial Decision*, 1 AM. J. CRIM. JUST. 76, 82 (2010).

40 Steffensmeier et al., *The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male*, 36 CRIMINOLOGY 763, 787 (1998).

41 David Arnold et al., *Racial Bias in Bail Decisions*, 133 QUARTERLY J. ECONOMICS 1885, 1888 (2018).

42 John Wooldredge et al., *Is the Impact of Cumulative Disadvantage on Sentencing Greater for Black Defendants*, 14 CRIMINOLOGY & PUB. POL’Y 187, 207 (2015).

43 Will Dobbie et al., *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, 108 AM. ECONOMIC REV. 201, 204-05 (2018).

44 In another example of the “cumulative disadvantage” faced by Black individuals in the justice system, trial judges may unfavorably perceive individuals who were detained before trial or faced with a high bond as “more dangerous,” leading to racially biased outcomes after the pretrial stage as well. See John Wooldredge et al., *Is the Impact of Cumulative Disadvantage on Sentencing Greater for Black Defendants*, 14 CRIMINOLOGY & PUB. POL’Y 187, 189-90 (2015).

45 S.B. 407, 154th Gen. Assemb., 2d Sess. (Ga. 2018).

46 AM. C.L. UNION, THERE ARE BETTER SOLUTIONS: AN ANALYSIS OF FULTON COUNTY’S JAIL POPULATION DATA 3 (2022).

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

There are several widely used alternatives to pretrial detention. First, police can issue citations to individuals for low-level and misdemeanor crimes instead of arresting them, reducing the administrative burden associated with arrest and processing for those who don't pose a danger to the community. Second, releasing eligible individuals on recognizance, rather than on bond, has been used successfully in Washington, DC, which has eliminated cash bail and has nonetheless maintained a court appearance rate of 89%, while 99% of people released have not been rearrested pretrial for incidents of violence.⁴⁷ Court date notification messages, such as two-way text messaging and phone call reminders, have proven effective at preventing failure to appear (FTAs), at a fraction of the cost, both human and financial, of alternate supervision methods.⁴⁸ These reforms could be implemented immediately and would have a tremendous impact on the overcrowding concerns at Fulton County Jail, with substantial positive effects for the community, including a lower rate of recidivism, better public safety, and even economic benefits. A recent survey of 420,000 defendants estimates that the net benefit of pretrial release is between \$55,143 and \$99,124 per defendant.⁴⁹

Increase pre-arrest diversion program usage.

Pre-arrest diversion programs, such as Atlanta's Policing Alternatives and Diversion (PAD) program, help to lessen the burden on local law enforcement and local jails by diverting individuals who would otherwise slow down local jail intake processes. Eligible individuals are

instead referred to community services. Such pre-arrest diversion programs help to prevent the jail system from growing overloaded with a backlog of cases, thus eliminating overcrowding at its source. During a three-month period (January through April) in 2022, PAD recorded 137 cases that were successfully diverted from law enforcement to local care systems;⁵⁰ from May to July, 77 cases were diverted.⁵¹ Individuals who are eligible for PAD diversion programs would otherwise be jailed and face charges, such as criminal trespass or drinking in public,⁵² that stem from homelessness, substance abuse, or mental health crises. By intervening before arrest, PAD can successfully refer eligible individuals to the supports they need and interrupt the cycle of incarceration before it begins.

However, underutilization of such diversion programs by law enforcement agencies in the area is a key contributor to overcrowding in the Fulton County Jail. A recent analysis by the ACLU reported that during the first six months of 2022, "312 people were arrested and booked into the Fulton County Jail during PAD operating hours for diversion-eligible charges," and estimates that 105 individuals currently incarcerated at Fulton County Jail were potentially eligible for such diversion programs.⁵³

Many individuals who are in crisis, whether due to mental health, substance abuse, or other factors, are filtered into the jail system simply because they do not have the appropriate services they need in the community, though they pose no risk to the public. When speaking to the Atlanta City Council in February 2021, Fulton County Sheriff Labat characterized Fulton County

47 PRETRIAL SERVICES AGENCY FOR THE DISTRICT OF COLUMBIA, CONGRESSIONAL BUDGET JUSTIFICATION AND PERFORMANCE BUDGET REQUEST FISCAL YEAR 2020 22-23 (March 18, 2019).

48 ALEC KARAKATSANIS, USUAL CRUELTY: THE COMPLICITY OF LAWYERS IN THE CRIMINAL INJUSTICE SYSTEM 98 (2019).

49 Will Dobbie et al., *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, 108 AM. ECONOMIC REV. 201, 204 (2018).

50 POLICING ALTERNATIVES AND DIVERSION, QUARTERLY BRIEFING: MAY 23, 2022, 2 (2022).

51 POLICING ALTERNATIVES AND DIVERSION, QUARTERLY BRIEFING: AUGUST 22, 2022, 2 (2022).

52 *Id.* at 4.

53 AM. C.L. UNION, THERE ARE BETTER SOLUTIONS: AN ANALYSIS OF FULTON COUNTY'S JAIL POPULATION DATA 13-14 (2022).

Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, Georgia

Center for Innovations in Community Safety at Georgetown Law

Jail as one of the largest providers of mental health services in the state, arguing that the acquisition of ACDC is necessary to allow Fulton County to create an environment “where we treat people more like humans.”⁵⁴ However, increased bed capacity in a jail is not, cannot, and should not be a replacement for adequate health services.

Additionally, while the Atlanta Police Department (APD) partners with PAD to operate its pre-arrest diversion program, the Fulton County Police Department does not have such a program in place, meaning that many individuals in Fulton County who might otherwise have been kept out of the system are instead languishing within the walls of Fulton County Jail. Implementing a similar program in partnership with the Fulton County Police Department, as well as ensuring that APD expands its usage of pre-arrest diversion, would decrease unnecessary jail cycling for individuals who need mental health treatment or assistance with substance abuse.

Conclusion

The Atlanta City Council has an opportunity to make a tremendous positive impact on the lives of Fulton County residents by refusing to enable Fulton County’s jail expansion, and instead encouraging investment in alternative research-backed methods that will treat overcrowding at its source. Concerns that a lower jail population will create more violence fail to acknowledge the research that suggests time spent in jail actually *increases* the rate of recidivism.⁵⁵

Rather than expanding its capacity, the Fulton County Jail should implement these alternative solutions to its pressing overpopulation concerns, moving towards a permanent decrease in its population. In addition, Fulton County should refocus its efforts upstream to prevent individuals from becoming involved in the justice system in the first place, including violence prevention programs like Cure Violence and more robust housing and mental health services. These suggested solutions will help eliminate the causes of jail overcrowding and sustainably reduce the number of people who are needlessly imprisoned while putting Fulton County on a path to a safer future.

54 Video: Public Safety Committee Work Session on Atlanta City Detention Center Acquisition Plan (Feb. 18, 2021), 55:13-28, <https://www.youtube.com/watch?v=9nexLjhDT54>.

55 MICHAEL REMPEL, ET AL., CTR. CT. INNOVATION & VERA INST. JUST., JAIL IN NEW YORK CITY: EVIDENCE-BASED OPPORTUNITIES FOR REFORM 86 (2017).