

**Interim Recommendations
Criminal Justice Blue Ribbon Commission
June 6, 2006**

ISSUE ONE: ADDITIONAL JAIL CAPACITY/ADJACENT COURTROOMS

RECOMMENDATION

Provide additional jail beds and adjacent courtrooms by Fulton County leasing or purchasing both the Atlanta City Jail and the former Municipal Courthouse. The Atlanta City jail would be the principal intake facility for the booking and processing of detainees with the Municipal Court being the site of First Appearance Hearings, All Purpose Hearings, Plea and Arraignment and any other hearings other than trials.

BACKGROUND/DISCUSSION

In June of 2005, the Justice Blue Ribbon Commission began looking at the issue of acquiring the City Jail and former Municipal Courthouse. The commission heard testimony from a number of the justice agencies that the jail is one of the single biggest problems faced by the criminal justice system due to its size and location in relation to the courts. The commission determined that Fulton County is in need of additional jail capacity, and also needs additional courtrooms located in or near the jail to reduce prisoner transport and process inmates in a more expedient fashion. The acquisition of the leased beds and the courthouse would enable the County to set up an effective intake center in downtown Atlanta that would dramatically reduce overcrowding at the Fulton County jail, improve courthouse security, and reduce delays in resolving criminal cases.-

In August of 2005, Chair of the Blue Ribbon Commission on Justice Reform sent letters on behalf of the Commission to the Fulton County Board of Commissioners, Mayor of the City of Atlanta, and the Federal Judge overseeing the jail overcrowding lawsuit involving the County urging immediate action on this recommendation as the City had plans to use the site of the former Municipal Court for a new City Public Safety Building. In November of 2005, the Chair of the Justice Commission, Chief Judge of Superior Court and the Fulton County Sheriff made a presentation to the Fulton County Board of Commissioners recommending that the County acquire additional jail beds and the former Municipal Courthouse. The Board of Commissioners then directed the County Manager to begin negotiations for the potential sale or lease of the former Atlanta Municipal Court building and the City Detention facilities.

On December 30, 2005, the County offered to lease no less than 800 beds at the City Detention Center for a period of five years and purchase the former Municipal Court Building for the sum of \$13.1 million which was based on the appraised price of \$11.1

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million increased by \$1 million to compensate the City for the design work on the proposed Public Safety site and \$1 million to buy out the City's contract with the US Marshals Service which would repay the 1994 jail improvement grant from the Federal Government.

On January 18, 2006, the City sent a counter-offer to sell the courthouse and to lease 500 jail beds to the County if the federal government would agree to reduce the number of beds it leases. The County could have moved forward with 500 jail beds but on February 1, 2006, the City notified the County that the US Marshal Service insisted that 500 jail beds at the City Jail be reserved for the exclusive use of the federal government. The City has since taken the position in light of the refusal of the Marshals Service to reduce its demand for bed space that the most it can offer the County is 175 jail beds, which is insufficient to enable the County to use the Municipal Courthouse/City Jail as an effective intake and processing center. While acquisition of the Atlanta Municipal Courthouse would provide additional courtroom space and holding capacity for inmates while they are awaiting court hearings in the Municipal Court building, it will do nothing to alleviate the overcrowded conditions at the Rice Street Jail, nor will it eliminate the inconvenience, manpower, expense and security problems associated with the daily burden of transporting hundreds of inmates.

On April 19, 2006, the Board of Commissioners approved as part of the terms and conditions of the sale of the Bellwood Quarry that the City urge Immigration and Customs Enforcement to seek alternate space for its inmates at the City Detention Center, within 90 days, and should those beds become available, the City will give the County the right of first refusal to these beds or any other beds that might become available, at the same rate now currently being paid by the County. Additionally, the Board of Commissioners urges the Mayor and the City Council to implement Article 5 of the City's Agreement with the U.S. Marshals Service to terminate its bed allocation and to enter into a contract with the County for the same number of beds and at the same rate, thus ensuring the City will have continued revenue.

On April 20, 2006, Chair Bondurant sent a letter to the Georgia Congressional Delegation requesting immediate assistance to identify the appropriate federal officials who have the authority to intervene with the regional U.S. Marshals office to terminate the agreement between the City of Atlanta and the U.S. Marshals Service for the boarding of inmates at the Atlanta Detention Center.

On May 1, 2006, the Atlanta City Council unanimously approved a resolution affirming the City of Atlanta Mayor's April 18, 2006 letter to Immigration and Customs enforcement asking them "to consider a review of ICE's needs and the possibility of

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finding alternative space for some or all its allocation with the City Detention Center. The resolution further requests that our Congressional Delegation encourage the appropriate federal agencies to identify alternate spaces for jail beds currently in their use at the Atlanta Detention Center so that the beds can be leased to Fulton County.

Correspondence and documents relating to the purchase/lease of city facilities are contained in Appendix 1.

FUTURE ACTIONS

The Commission still remains concerned regarding the issue of additional jail beds and adjacent courtrooms as the work of the Commission has revealed a metro-Atlanta criminal justice system in a dire state of crisis and is committed to working out a solution between the City of Atlanta, Fulton County and the federal agencies.

Given the recent completion of the third courtroom at the jail, the Justice Commission recommends that the justice agencies ensure that maximum use is made of the courtrooms in order to facilitate the processing of inmates and reduce prisoner transport. Due to the construction of the third courtroom and scheduling changes, State Court has been able to move First Appearance and All Purpose Hearings from downtown to the jail. Superior Court plans to have non-complex jail plea and arraignment at the jail. Felony First Appearance and Probation Revocation hearings will continue to be heard at the jail. The Justice Commission supports these efforts and further recommends the agencies implement 24/7 hearings which are presented as a separate recommendation.

The Justice Commission supports the County in the recent issuance of a Request for Proposal to determine both the short and long term jail bed needs for the Fulton County Jail which will provide the County information necessary to make programmatic, construction and budgetary decisions regarding the jail population. According to the proposal, the project involves reviewing historical and current jail data, projecting inmate and county population projections, assessing programs and inmate case processing, examining construction and renovation options and estimating construction and operating cost. The Justice Commission should meet with the consultants once selected in order to provide the information and data that has been gathered through the Commission's work.

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ISSUE TWO: FIRST APPEARANCE HEARINGS

RECOMMENDATION

Magistrates conduct First Appearance Hearings at the Fulton County Jail on a twenty four hour basis seven days a week instead of the current schedule so as to expedite the release of detainees.

BACKGROUND/DISCUSSION

Prior to January 2003, the City of Atlanta and other jurisdictions provided “front end” detention and court processing for those arrested and charged with state offenses. On January 6, 2003, the county began accepting City of Atlanta detainees charged with state offenses. Starting February 10, 2003, all other Fulton County municipalities with the exception of Roswell began bringing detainees charged with state offenses directly to the Fulton County Jail. With the transfer of detainees from the municipalities, the county became the booking facility for the vast majority of felony and misdemeanor defendants. Pursuant to statute, this transfer also necessitated that the county provide a First Appearance Hearing within 48 hours of arrest to the detainee unless indicted or accused by the prosecuting agency.

In order to comply with legal requirements, State Court and Superior Court began conducting First Appearance Hearings. Beginning in January of 2003, Felony First Appearance Hearings were held in a courtroom at the jail from 11:00 am until 3:00 pm and Misdemeanor First Appearance Hearings were scheduled twice a day (11 am and 3 pm) Monday through Friday at the Courthouse downtown. Additionally, both State Court and Superior Court implemented All Purpose Calendars in order to better process criminal cases. As a result, 3 00-400 inmates had to be transported by bus to and from the Fulton County Jail to the County Courthouse *daily* in order to meet the mandated statute for timely first appearance hearings and other “front end” hearings necessary to dispose of the cases in a timely manner.

The commission reviewed a sampling of the booking activity at the jail which revealed that a significant number of inmates were being held longer than necessary. Some of the delay appeared to be related to the time required in transporting the defendant between the jail and downtown Courthouse for the required hearings and some delay related to the frequency of the First Appearance Hearings. The Commission held a meeting with the criminal justice agencies on August 4, 2005 to discuss conducting First Appearance Hearings on a twenty four seven basis seven days a week in order to expedite the release

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of detainees. The agencies indicated additional staff would be needed to move to a twenty four seven schedule and the volume of cases may not dictate the need.

In the latter half of 2005, the County began to develop and implement initiatives to conduct Misdemeanor First Appearance Hearings at Rice Street and expand the hours when the hearings are held. These initiatives included the build out of a third courtroom space and the implementation of a video conferencing system.

As of January 17, 2006, all Misdemeanor First Appearance Hearings have been held at the jail and the hours have been expanded. The hours of the First Appearance are 7:00 am until 11:30 am and 5:00 pm until 8:00 pm Monday through Saturday. State Court All Purpose Hearings have been moved to the jail as of May 15, 2006.

FUTURE ACTIONS

The BRC will review booking data after January 17, 2006 to evaluate the impact of the implementation of the expanded first appearance hours and the additional calendars being heard at the jail. The Justice Commission still recommends the expansion of Felony First Appearance hours and recommends the agencies look at redeploying staff and using overtime in order to accommodate expanded hours.

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ISSUE THREE: BACKLOG AND DELAYS

RECOMMENDATION

Endorse the development, implementation and evaluation of a case management system that ensures the active management of cases from filing to disposition and establishes case processing time standards depending on the complexity of the case.

BACKGROUND/DISCUSSION

There is clearly concern about “old” felony cases —especially cases involving defendants in the jail- on the part of Superior Court, District Attorney and Circuit Defender. The lengthy delays in bringing cases forward for action and bringing cases to final adjudication have enormous implications for every aspect of the criminal justice system. In addition to the obvious impact on the jail population of lengthy case processing times for defendants who are in detention, large numbers of “old” pending cases involving defendants who are on bond or released on their own recognizance can also pose serious problems. They result in the snowballing of failures to appear, outstanding warrants, new arrests on these warrants, and even more cases on pre-trial supervision and on the overloads of courts, prosecutors and defenders-in short, a massive logjam and a great deal of unproductive wheel - spinning.

While there is recognition of the problem, there has not been a consensus among the justice agencies as how to best address the problem. The Superior Court is recommending the adoption of a non complex case management system while the District Attorney, Circuit Defender and Clerk of Superior Court are urging the adoption of a more comprehensive case management system that will address all case types not just the Non Complex. The Justice Commission heard presentations on both proposals.

The Chief Judge of Superior Court indicated she is in favor of a comprehensive case management system involving all case types, but the judges feel the system needs to be implemented in phases. Beginning May 1, 2006, the Superior Court started the Criminal Non Complex Calendar.

FUTURE ACTIONS

The Justice Commission supports the justice agencies in their goal to institute a case management plan that utilizes industry best practices and includes the adoption of time

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standards to ensure prompt case processing appropriate to the type and complexity of the case.

The Justice Commission supports the recent implementation of the Non Complex Calendar System and recommends that the justice system agencies work together to implement a system that encompasses all case types. The goal should be to have a comprehensive plan operational no later than January 1, 2007. The Justice Commission will facilitate meetings in order to resolve any differences and help move the implementation forward.

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ISSUE FOUR: UNIFORM CASE PROCESSING DATA

RECOMMENDATION

Endorse the collection and publication of uniform case processing data from the filing of a case to final disposition.

BACKGROUND/DISCUSSION

The justice agencies provided the Justice Commission with data on the age and status of cases currently in the system, but organized in different ways and drawn from different information systems. In some instances, the data among the agencies was conflicting. There seemed to be no uniform method of collecting and presenting the data. The lack of standardized and reliable data leads to a lack of accountability by the agencies and to a certain extent an inability to correctly diagnose problems and bottlenecks in the processing of cases.

At the end of 2005, the Justice Commission sent letters to the Chief Judges of State and Superior Courts and the District Attorney requesting monthly reports by judges with specific case data including number of cases, jail status, case age, and court status. The Commission provided a standardized format for providing the data. The Commission also requested the District Attorney provide a copy of the report that he files under Superior Court Rule 26.3 (“Delayed Indictments”) listing the names of all persons who have been in custody under criminal charges more than 45 days without the filing of an indictment. **(Copies of the letters are contained in Appendix 2).**

Superior Court furnished some data in response to the request. Superior Court indicated that some of the data requested by the Justice Commission could not be provided as the court could not get the data from the information system as the data is not reliable and it is too time-consuming a task to manually retrieve the data from case files or other sources. State Court and District Attorney did not respond to the request.

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FUTURE ACTIONS

The Justice Commission recommends that as part of the implementation of a case management system statistics be maintained and published that would show whether the calendar system is effective and what areas may need improvement.

The Commission further recommends that monthly statistics should be published in the Fulton County Daily Report and if possible also in the AJC and the community newspapers, that provide a fair and accurate summary of the backlog of criminal and civil cases pending before each judge for more than six months for criminal cases (excluding death notices cases) and 12 months for civil cases.

The Commission also recommends that similar data for the District Attorneys Office is published that show the backlog of untried murder and other felony cases that have been pending more than six months, one year, 18 months and 2 years.

Similar data should be published for the State Court judges and Solicitor General.

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ISSUE FIVE: INFORMATION SYSTEMS

RECOMMENDATION

Establish as soon as possible an integrated and operational criminal justice information system

BACKGROUND/DISCUSSION

The current state of the information systems in use by the courts and other criminal justice agencies in Fulton County is universally acknowledged to be a major impediment to the efficient and effective operation of the system, and the swift and just processing of cases though it. For a criminal justice system to function effectively, all of the entities involved must have timely and accurate information, the information should be consistent across agencies, users must have confidence that the data is reliable, and the different information systems used by the different agencies should be able to transfer data to each other instantaneously.

Increasing attention is being given to investing prudently in information technology as a key enabler for implementing change and improving information sharing across the justice enterprise. Major improvements, and updates in the existing information systems are needed if progress is to be made to the overall functioning of the county's criminal justice system. Movement in this area is best accomplished with a forward-looking approach that focuses on the future operation of the system, recognizing the need for continual upgrading the technology in justice system operations, just as in the business world.

The Justice Commission heard from a number of the justice agencies regarding the problems with the current information systems. The Commission also received a presentation from the CJIS Director regarding several approaches to moving forward in addressing the problems. Based on the integration framework and analysis of the current business and technology environment, the following high-level requirements were identified to meet the needs of the Fulton County criminal justice community and its stakeholders. These requirements are summarized below:

INFRASTRUCTURE

The computing network and desktop/server infrastructure must be improved to minimize overall costs and provide a robust technical environment for CJIS. This includes

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expanding use of the County's Information Technology Department's shared communications infrastructure and services, improving security, providing for remote/mobile information access, and migrating to a single data center approach for primary criminal justice systems.

APPLICATIONS

Major requirements include acquiring an integrated jail and justice management system.

INTEGRATION

The key requirement in this area is to provide a standard technical architecture for structuring and exchanging data to minimize redundant data capture and improve the timeliness and accuracy of information. It should provide a single point of access that eliminates the need for the user to go to multiple systems for information, defining and implementing standard data definitions, cleaning up existing data to conform to the defined standards, and creating link between systems for propagating data.

FUTURE ACTIONS

The Justice Commission recommends investing in an information system that allows for integrated data sharing across courts, sheriff, prosecutors, defense, other justice agencies, relevant support agencies and those conducting business with the courts. The key requirement in this area is to provide a standard technical architecture for structuring and exchanging data to minimize redundant data capture and improve the timeliness and accuracy of information.

The Justice Commission recommends that a governance process be firmly in place so that cost effected and strategically aligned investments in technology are provided. Appropriate policy, administration, and support mechanisms should be in place to deliver the desired improvements in information sharing.

The commission recommends software package be selected that will best meet the comprehensive requirements of the criminal justice system.

The commission recommends that steps be taken by each justice agency to ensure data entered is reliable and accurate and that the quality of the data is monitored on a routine basis.

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The commission recommends a long-term funding plan incorporating and integrating federal, state, and local funding sources along with equitable cost-sharing mechanisms that must be developed and actively managed.

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ISSUE SIX: DIVERSION OF THE HOMELESS AND MENTALLY ILL

RECOMMENDATION

Provide diversion programs for individuals who are homeless, mentally ill, or have substance abuse problems that have been charged with non-violent crimes. These individuals need clinically supportive community-based (i.e., not jail-based) crisis management, housing, and intervention services.

BACKGROUND/DISCUSSION

On any given night, one out of every ten persons who are homeless and seriously mentally ill with substance abuse problems in Atlanta is temporarily housed in jail. They frequently are arrested and incarcerated, generally while receiving no or inadequate mental health and substance abuse treatment. Though not the most appropriate or therapeutically beneficial, the criminal justice system has become their primary provider of crisis housing, psychiatric stabilization, mental health and substance abuse system's provisions through therapeutic psychiatric hospitalization, crisis stabilization, and crisis residential settings. The criminal justice system's physical, social, behavioral, and psychological environments inadequately address mental health and substance needs, and often create additional problems through associated victimization, stigmatization, separation, and isolation.

Instead of arresting persons who are having mental illness related acutely disruptive behaviors, train, arrange, and have police take such persons to a community-based receiving site. Community-based crisis stabilization units should be utilized where persons can be therapeutically stabilized instead of using the criminal justice system. Further, the use of assertive community treatment (ACT) teams are needed to specifically work with this population in the community

The Justice Commission's research has found that communities where the police identify and take acutely disturbing or disrupting individuals with a severe mental health illness to a mental health emergency receiving setting, where crisis stabilization and/or supportive transitional housing is provided, and where a range of in-the-environment treatment and management services are assertively provided, the criminal justice system is minimally used for this population, and often such persons become productive beneficial contributors to their communities and to their lives.

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FUTURE ACTIONS

The Justice Commission recommends the following comprehensive plan of action to fully implement this plan:

Train police to recognize mental illness and substance use signs and symptoms (Crisis Intervention Training- CIT), and to escort and drop-off identified individuals to designated emergency receiving sites.

Arrange and train emergency receiving site personnel to allow police to simply and rapidly drop off individuals at their site, and take the needed responsibility of freeing the officer at that point. Utilize a temporary observation holding area for brief stabilization, management, and transition. Have individuals needing 24-hour per day intensive mental health services admitted and treated in a community crisis stabilization unit. Have individuals temporarily housed in arranged supportive housing sites in the community. Support could include intensive, rehabilitation, or peer day services. Have individuals receive 24/7 available high intensity case management, integrated with rehabilitative, crisis, treatment, and community support services provided an interdisciplinary staff team (Assertive Community Treatment).

Identify 100 nonviolent currently jailed individuals who are homeless and seriously mentally ill with substance abuse problems. Assign each identified person to an ACT team that will assist in getting each person released from jail and into community treatment (perhaps using community court system), admitted into a therapeutic or supportive housing site, engaged in mental health substance use and other supportive treatment (chem., individual, group, family therapies; education, training, and rehabilitation; management). Elements of the ACT approach involves several systems including housing and residential, criminal justice, social support, mental health, substance, vocational, and social engagement. Develop a comprehensive proposal for this approach along with projected costs and benefits.

The commission recommends the Fulton County Departments of Mental Health (Developmental Disabilities and Addictive Diseases) and Human Services (Office of Emergency & Transitional Housing) assist to identify community based housing and programs, support services, federal grants, and other resources to implement this proposal.

Support the expansion of the Treatment Diversion Calendar for misdemeanors, establishment of a mental health court for felonies, and the development of a jail diversion program.

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Issue Seven: Fragmentation of the Criminal Justice System

Recommendation: Criminal Justice System consolidation! unification within the Fulton County and the City of Atlanta should be studied.

Background/discussion

While there is much variation in the organization of criminal justice systems around the country, the criminal justice system within Fulton County system is unusually fragmented. There are city courts and county courts and multiple courts within the county system. Magistrate judges are assigned to the different courts. There is a county solicitor general and a county district attorney, with separate offices, staffs, and cases, though both have essentially the same responsibilities- they just prosecute different categories of offenses and routinely transfer cases between the two agencies. There is a city solicitor's office, which also prosecutes some crimes within the city of Atlanta. There is a city police department, the county police, the marshal's office and the sheriff's office. There are two pre-trial service agencies -one for misdemeanors and one for felonies. The fragmentation and duplication are costly and counter-productive. They contribute significantly to the inefficiency, backlogs, and delays in case processing that everyone agrees are a huge problem system-wide.

Additionally, crime committed in the City of Atlanta has a major impact on the Fulton County criminal justice system. Most of the crime committed in the county occurs in the city, but many defendants arrested for crimes are detained in the county jail and are prosecuted in courts largely funded by the County. The City has its own policies, policymakers, and criminal justice agencies whose decisions and work affect the County and the County's system. The policies and decisions of the City and County entities appear to be uncoordinated, despite the impact of one system on the other.

There tend to be numerous arguments in favor of consolidation/unification of justice systems when other jurisdictions have studied the issue. These may include the following:

Unification or consolidation provides the public with the simplest and most efficient system possible. A more simplified justice system structure reduces confusion in the minds of the public respecting which court or which justice agency handles which matters.

Case delays are better alleviated by providing a larger pool of judges for scheduling and assignment purposes. A consolidated court provides greater flexibility in the assignment

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of all judges which results in a more equitable distribution of cases and workload, helps prevent “burnout” and generally promotes more efficient use of judicial time.

Consolidation promotes more efficient use of justice system related personnel along with more efficient use of justice facilities and a streamlining of administrative functions.

Cost containment may result due to more efficient scheduling, better use of court and attorney time.

Public and private agencies that deal with the justice agencies on a regular basis may have an easier time with single justice systems procedures rather a multi level tiered system.

Recommendation:

The issue of criminal justice system consolidation/unification within Fulton County should be studied with the goal being to propose a streamlined, effective, efficient and fair system.