

# PRISON POLICY INITIATIVE

**JUNE 7, 2024**

**To:** Community Over Cages Coalition

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**RE:** Fulton County Jail Expansion Plans and Feasibility Study

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## Introduction

In February, the Atlanta coalition “Community Over Cages” contacted the Prison Policy Initiative to ask for our advice on upcoming plans to build a new correctional facility to replace the current Fulton County Jail. These groups asked us to review the jail feasibility study<sup>1</sup> created by STV Architects Inc. and TreanorHL Inc, based on our experience evaluating these kinds of reports across the country. The feasibility study was funded by the Fulton County Board Of Commissioners to evaluate the case for a new jail.

Prison Policy Initiative, founded in 2001, is a non-profit, non-partisan organization producing cutting-edge research to expose the broader harm of mass criminalization. As part of our work, we have developed expertise in reviewing and evaluating the arguments made in jail needs assessments and similar documents produced by municipalities, counties, and states. We have published a public-facing guide<sup>2</sup> on this topic as well as a guide<sup>3</sup> to questions local decision-makers should ask when considering a larger or new jail. In addition, we have provided public testimony in county and state legislative bodies, and have provided help to non-profit community organizations seeking to better understand jail assessments. We are also experts on academic research regarding the best use of jails and prisons, the ways that jails and prisons can harm communities, and how communities can reduce reliance on jails and prisons while maintaining public safety.

## Executive Summary

This memo has three sections. First, we examine the background research that shows that overuse of pretrial incarceration is hurting the safety and well-being of Fulton County residents. In our second section, we look at the weaknesses of the feasibility study completed for Fulton County Board of Commissioners by STV Architects Inc. and TreanorHL Inc., which has been used by policymakers as a catalyst for a new jail. In our third section, we note the ways the study ignores or minimizes the issues that will arise in trying to staff this proposed new, massive jail.

In summary:

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<sup>1</sup> This report is not publicly available on the Fulton County website despite being funded with taxpayer dollars, so we have opted to host it on Prison Policy Initiative’s website. You can find it in sections: The executive summary: [https://www.prisonpolicy.org/scans/Fulton\\_Jail\\_StudyP1\\_Exec\\_Summ.pdf](https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP1_Exec_Summ.pdf); Part 1 of the Phase 1 report: [https://www.prisonpolicy.org/scans/Fulton\\_Jail\\_StudyP1\\_Vol1.pdf](https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP1_Vol1.pdf); Part 2 of the Phase 1 report: [https://www.prisonpolicy.org/scans/Fulton\\_Jail\\_StudyP1\\_Vol2.pdf](https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP1_Vol2.pdf); Part 3 of the Phase 1 report: [https://www.prisonpolicy.org/scans/Fulton\\_Jail\\_StudyP1\\_Vol3.pdf](https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP1_Vol3.pdf); Phase 2 report: [https://www.prisonpolicy.org/scans/Fulton\\_Jail\\_StudyP2.pdf](https://www.prisonpolicy.org/scans/Fulton_Jail_StudyP2.pdf).

<sup>2</sup> Prison Policy Initiative, “A how-to guide: Critically reviewing a jail assessment calling for a bigger jail” <https://www.prisonpolicy.org/trainings/jailassessments.html>

<sup>3</sup> Prison Policy Initiative, “Does our county really need a bigger jail?” <https://www.prisonpolicy.org/reports/jailexpansion.html>.

- 1) The research is clear: overuse of pretrial incarceration hurts communities, and Fulton County is no exception. Pretrial incarceration undermines public safety by increasing the likelihood that people will be arrested in the future by up to 21%. It also harms employment and housing rates, increases overdoses and suicides, and undermines the presumption of innocence by increasing guilty pleas and sentences. These harms fall squarely on the shoulders of Fulton County's Black and Brown residents, who make up a disproportionate number of people in the jail.
- 2) The size and scale of the Fulton County jail also take away needed money from mental health resources in the community, and a larger jail would make this problem worse. The projected operating costs *just* for the mental health beds in the proposed new jail will cost \$63.5 million – more than three times what Fulton County spends yearly on behavioral health care in the community. Community mental health care is cheaper and more effective than incarceration.
- 3) The feasibility study fails to take into account the possibility of renovation of the current facility. It spends dozens of pages estimating the cost of a new jail, but never provides any estimate for needed repairs at the current facility. A Grand Jury investigation in 2023 found that renovations to bring the jail into compliance would cost about 1.9% of the cost of a new jail. The county has now paid architects millions of dollars to estimate the cost of a massive new jail; it should not move forward on that project until there is a genuine, independent estimate of an alternative plan to renovate the jail.
- 4) The feasibility study also ignores major pathways for decarceration, most importantly, the District Attorney's power to decrease the number of people who are incarcerated while awaiting indictment. As of December 2023, 24% of the jail population was unindicted without other charges. While still unacceptably high, this is a 10% decrease from 7 months earlier, showing that progress can be made on this goal.
- 5) The feasibility study ignores falling crime rates. Rates of violent and property crime in Fulton County are constantly falling, as part of a national trend of decreasing crime. The Fulton County Jail was built in 1989, when violent crime rates were 49% higher. As crime rates fall dramatically, building a jail that is 75% *larger* than the current jail seems foolhardy.
- 6) The feasibility study claims that updating the jail will completely solve staffing shortages, and attempts to highlight other jails around the country as "model jails". However, we show that even in these updated "model" jails, staffing concerns run rampant, jail deaths are on the rise, and conditions in these new facilities are *still* bad enough that they are leading to human suffering and costly lawsuits. The reality is that there is no "model jail", and creating a massive new facility will make staffing problems worse, not better. The best way to address staffing needs is through decarceration.

## Pretrial incarceration is overused in Fulton County, causing harm to the public

The data presented in the feasibility study gives insight into the way Fulton County is currently using its jail. A growing body of research shows that using jails to incarcerate people pretrial not only undermines the presumption of innocence, but also causes lasting harms to public safety and public health. Fulton County has a higher pretrial incarceration rate than many of its peer cities, the 6<sup>th</sup> highest rate of major cities in the South and the 17<sup>th</sup> highest nationwide<sup>4</sup>. However, having a large jail does not make Fulton County safer or healthier. Instead, it increases the likelihood that people will be rearrested in the future, and increases risks of overdose and suicide, all while siphoning funds away from needed community health and anti-violence programs. The harms caused by pretrial incarceration fall hardest on the shoulders of the county’s Black and Brown residents. Below, we summarize some of the research on the harms of pretrial incarceration and examine how it applies in Fulton County.

### Pretrial incarceration harms public safety

Conventional wisdom in the United States is that locking people up after they are accused of crimes makes us all safer. But this is simply not the case. Although obviously in the short run people who are in custody are not committing crimes outside the jail walls, most people who spend time in jail return quite quickly to their communities, and when they do, their lives have often been massively destabilized by even just a day or two in jail. This destabilization in housing, employment, and family life in turn leads to higher rates of rearrest in the future. **When communities jail people pretrial in the name of public safety, they shoot themselves in the foot: instead of reducing arrest rates, they likely increase them in the future.**

“Tough on Crime” arguments rest on the idea that putting people in jail will decrease crime, but the evidence suggests the opposite. One study showed that people incarcerated for misdemeanors were 13.7% more likely to be re-arrested on new charges within 30 days of their release and 9.7% more likely to be re-arrested on new charges within 18 months.<sup>5</sup> Another study showed that imposing a money bond – which often leads to pretrial detention – was associated with a 6-9% increase in re-arrest.<sup>6</sup> While the report notes “Well-functioning and efficient criminal justice systems, all things being equal, generally have a median ALOS somewhere under three days”<sup>7</sup>, as our research indicates, the longer people are detained - whether for 1, 3, or more days - the more intense these effects are.<sup>8</sup>

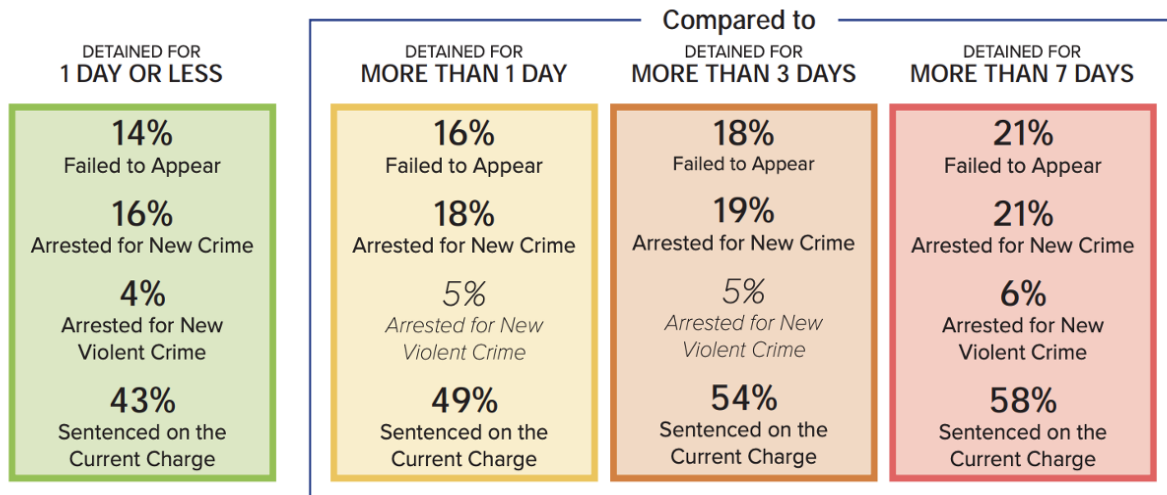
<sup>4</sup> Tiana Herring, Prison Policy Initiative, “Jail incarceration rates vary widely, but inexplicably, across U.S. cities”, May 4, 2021, available at: <https://www.prisonpolicy.org/blog/2021/05/04/city-jail-rates/>.

<sup>5</sup> Heaton et. al

<sup>6</sup> Gupta, Arpit, et al. “The Heavy Costs of High Bail: Evidence from Judge Randomization.” *The Journal of Legal Studies*, vol. 45, no. 2, 2016, pp. 471–505. JSTOR, <https://www.jstor.org/stable/26458538>.

<sup>7</sup> Feasibility Study Phase 1, Vol. 1, Track 1, Pg 15.

<sup>8</sup> Advancing Pretrial Policy and Research, “Research Brief: The Benefits of Early Release from Pretrial Detention”, available at



Source: Advancing Pretrial Policy and Research, "Research Brief: The Benefits of Early Release from Pretrial Detention"

In Fulton County, the 2022 median length of stay was 3.3 days<sup>9</sup>. This means that each time people spend time in pretrial custody in Fulton County Jail, we can expect that their likelihood of failure to appear will increase 15%, and their likelihood of being arrested in the future will rise 19%. For the many more people in Fulton County jail who spend over 7 days in custody, the effects will be even more severe. One of the best ways Fulton County can decrease its jail population – and enhance public safety - in the long run is to “close the front door” of the jail, and ensure that people do not enter the cycle of incarceration, release, and re-incarceration that can ensnare so many people.

Pretrial Detention also harms public safety by taking away valuable public dollars from community investments in anti-violence programs that work. In other cities like Denver, investments as small as \$8.6 million decreased chronic homelessness and in turn, decreased police contacts by 34% and arrests by 40%<sup>10</sup>. Just using Denver’s program as an example, an investment of \$8.6 million would represent just 0.4% of the quoted cost of building a new jail.

### Pretrial incarceration harms community wellbeing, as measured by housing, employment, and family stability

We know that community instability in the form of unemployment, poverty, housing instability, and family instability are major contributors to crime in the long run. Research shows that jailing people increases this instability.

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<sup>9</sup> Feasibility Study Phase 1, Vol. 1, Track 2 pg. 16.

<sup>10</sup> The Urban Institute, “Denver supportive housing social impact bond initiative: final outcome payments”. July 2021, available at: [https://www.urban.org/sites/default/files/publication/104500/denver-supportive-housing-social-impact-bond-initiative-final-outcome-payments\\_1.pdf](https://www.urban.org/sites/default/files/publication/104500/denver-supportive-housing-social-impact-bond-initiative-final-outcome-payments_1.pdf)

Studies from around the country have documented the effects of even short stays in jail. Pretrial incarceration has detrimental effects on housing, employment, and family stability. A 2018 study<sup>11</sup> conducted by researchers at University of Missouri Kansas City found that:

- 38% of people detained pretrial for fewer than 3 days and 76% of people detained for more than 3 days reported that they lost their job, had to change jobs, or faced consequences at work because of their incarceration.
- 32% of people incarcerated for fewer than 3 days and 41% of people incarcerated for more than 3 days reported a negative impact on their children who were under 18.
- 30% of people incarcerated for fewer than 3 days and 37% of people incarcerated pretrial for more than 3 days reported negative impacts on their housing.

A 2022 study in New York City<sup>12</sup> found that:

- Detention increased the likelihood of employment issues (work conditions worsening, missing shifts, etc.) by 33%, and increased the likelihood of job loss by 74%.
- People who were detained were 41% more likely to report difficulties caring for their minor children, and 22% reported that they missed at least one important family event due to their justice involvement.
- People detained pretrial were over 4 times more likely to become homeless than those who were not detained.

In Fulton County, the Jail Population Review Committee found that 7% of people booked into the jail in 2022 were already homeless when they entered the jail - they either reported being homeless or gave an address to a shelter as their home address<sup>13</sup>. Many more people likely have unstable housing situations, like staying with friends or relatives. Given jail's destabilizing effect on people's housing situations, we can expect that stays in jail are substantially increasing the number of people who end up homeless after release.

People end up worse off when they leave jail than they were going into custody across many different facets of their lives; in the long run, this means that more people become dependent on government services for help, and more children experience poverty and instability that will shape their lives forever.

## Pretrial detention harms public health

Jails do not "stabilize" people with substance use disorder and mental illness. In fact, jails are extremely dangerous places for people with mental health and substance use disorders. The

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<sup>11</sup> Holsinger, Alexander, Holsinger, Kristi, "Analyzing Bond Supervision Survey Data: The Effects of Pretrial Detention on Self-Reported Outcomes" Federal Probation, September 2018, available at: [https://www.uscourts.gov/sites/default/files/82\\_2\\_6\\_0.pdf](https://www.uscourts.gov/sites/default/files/82_2_6_0.pdf).

<sup>12</sup> Bergin, Tiffany, Ropac, René, and Randolph, Imani. "The Initial Collateral Consequences of Pretrial Detention. 2022. Available at: <https://www.nycja.org/publications/the-initial-collateral-consequences-of-pretrial-detention>

<sup>13</sup> Fulton County Jail Population Review Committee, "Fulton County Jail Population Review: Assessing Short- and Long-Term Jail Use Trends", 2022, available at: <https://static1.squarespace.com/static/5e9dddf40c5f6f43eacf969b/t/637bee92834465465b06f2b0/1669066394550/JPRC+Review.pdf>.

short lengths of stay at the jail make clear that true treatment is not occurring behind bars. Instead, people are being taken away from any systems of care they do have in the community – like existing treatment providers, family, and friends – and being isolated in an environment that is not conducive to recovery. As an example, someone arrested and incarcerated for 1-2 days may lose access to their mental health or substance use disorder medication, leaving them worse off than they were when they went into the jail.

Research confirms that people released from incarceration are up to 40 times more likely to overdose than the general population in the two weeks following their release.<sup>14</sup> People released from incarceration are 18 times more likely to commit suicide than those without a history of incarceration.<sup>15</sup> Suicide is the single leading cause of death for people in jails.<sup>16</sup> A person is more than twice as likely to die in jail from suicide when compared to similarly situated people who are not in custody. Half of people who died by suicide in jails between 2000 and 2018 had been in custody for less than 9 days, showing that even short stays in jail can be incredibly dangerous.

However, people with mental health issues in Fulton County jail often face far longer stays than those with no mental health issues. Between 2018 and 2022, the Average length of stay (ALOS) at the jail for people with no mental health issues went from 27.7 days to 38.5 days, an increase of only 39%. However, for people with mental health issues incarcerated at the jail, the average length of stay more than tripled that increase, jumping from 57.9 days in 2018 to 134.6 days in 2022, for an overall increase of around 132%. *Overall, in 2022, people with mental health issues stayed in the jail more than 96 days longer than those without mental health issues.*

This is a particularly severe and increasing concern in Fulton County. Mental health needs are common in the average daily population at the jail, with 32.5% of people at the jail in 2023 having either an unspecified mental health issue or a disorder and another 8.8% designated as having a “serious mental illness”. This is particularly salient given that Fulton County has seen high numbers of people dying in the jail and people who enter jails with mental health issues are often more susceptible to violence, suicide, or as in the recent case of LaShawn Thompson “severe neglect”<sup>17</sup>.

<sup>14</sup> Shabbar I. Ranapurwala, Meghan E. Shanahan, Apostolos A. Alexandridis, Scott K. Proescholdbell, Rebecca B. Naumann, Daniel Edwards Jr, and Stephen W. Marshall, 2018: available at: <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2018.304514>

“Opioid Overdose Mortality Among Former North Carolina Inmates: 2000–2015” American Journal of Public Health 108, 1207\_1213, <https://doi.org/10.2105/AJPH.2018.304514>.

<sup>15</sup> Haglund A, Tidemalm D, Jokinen J, Långström N, Lichtenstein P, Fazel S, Runeson B. “Suicide after release from prison: a population-based cohort study from Sweden”. J Clin Psychiatry. 2014 Oct;75(10):1047-53. doi: 10.4088/JCP.13m08967.

<sup>16</sup> Wang, Leah, “Rise in jail deaths is especially troubling as jail populations become more rural and more female”, Prison Policy Initiative, June 2021, available at: [https://www.prisonpolicy.org/blog/2021/06/23/jail\\_mortality/](https://www.prisonpolicy.org/blog/2021/06/23/jail_mortality/)

<sup>17</sup> Dixon, Kristal, Hurt, Emma, and Wheatley, Thomas: “Lashawn Thompson died from ‘sever neglect’ autopsy says “. Axios Atlanta, May 23, 2023, available at: <https://www.axios.com/local/atlanta/2023/05/23/lashawn-thompson-independent-autopsy-fulton-county-jail>

## Pretrial incarceration undermines the presumption of innocence

Pretrial incarceration undermines the presumption of innocence. Like all incarceration, jail is inherently a punishment, and should as much as possible be reserved for people who have been convicted of a crime. The U.S. Supreme Court has noted that “In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”<sup>18</sup>

The impact on the presumption of innocence is more than theoretical. A study in Houston found that people incarcerated pretrial are 25% more likely to plead guilty, 43% more likely to be sentenced to jail, and receive sentences that are more than twice as long on average.<sup>19</sup> Jail is coercive because pleas may give people the ability to go home more quickly, at the expense of pleading guilty to something they did not do. With the feasibility study finding that on August 31, 2022, 76.7% of people in Fulton County Jail “were deemed to be pretrial”<sup>20</sup> these are issues with wide-sweeping ramifications.

These concerns about fairness are particularly acute given that large numbers of people in the jail have not yet been indicted. People who have not been indicted have not had a neutral arbiter even preliminarily examine their case to determine if there is enough evidence to proceed. This means that we have no idea how many people are sitting in Fulton County jail for cases that will eventually be dismissed for lack of evidence.

## The harms of pretrial incarceration fall disproportionately on Black and Brown communities

Fulton County disproportionately incarcerates Black people and other people of color in comparison to white people. Fulton County is not unusual in the state for having a disproportionately non-white population in its jail- Georgia jails as a whole are 51% Black and less than 5% other people of color while Georgia is 31% Black and 14.1% other people of color.<sup>21</sup> However, Fulton County’s jail is more disproportionately Black and other people of color than Georgia jails as a whole<sup>22</sup>.

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<sup>18</sup> *US v. Salerno*, 481 U.S. 739 (1987)

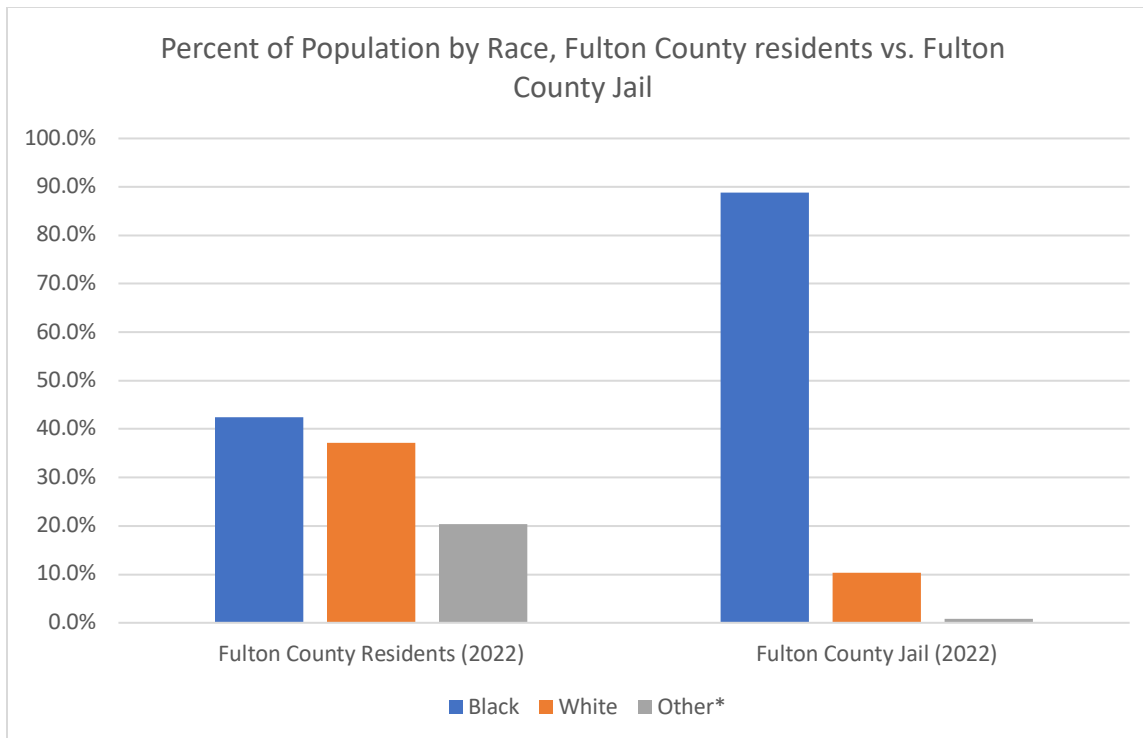
<sup>19</sup> Heaton, Paul, Mayson, Sandra, and Stevenson, Megan “The Downstream Consequences of Misdemeanor Pretrial Detention”, *Stanford Law Review*, Vol. 69 Issue 3, 2017. Available at: <https://www.stanfordlawreview.org/print/article/the-downstream-consequences-of-misdemeanor-pretrial-detention/>

<sup>20</sup> Feasibility Study Phase 1 Vol. 1 Track 2; pg. 27

<sup>21</sup> Prison Policy Initiative, Georgia Profile Page, available at <https://www.prisonpolicy.org/profiles/GA.html>

<sup>22</sup> Prison Policy Initiative, “Georgia Profile”, <https://www.prisonpolicy.org/profiles/GA.html>; for Fulton County jail numbers, see Feasibility Study Phase1, Vol 1., Track 2, pg. 26, table 25.





People are also staying in the jail far longer than before. In Fulton County, 59% of the jail population have experienced stays over 100 days, with 24% staying for more than a year and 11% being held for more than 2 years. The mean average length of stay at the jail has increased from 39.2% in 2019 to 58.9% in 2023<sup>23</sup>, an increase of around 50%, meaning even greater destabilization within communities of color which are hit hard by mass incarceration. The disproportionate impact of mass incarceration on communities of color is of course not unique to Fulton County. However, it means that the harms caused by incarceration fall hardest on communities that also face economic, educational, and other structural disadvantages.

### Pretrial incarceration diverts needed funds from mental health services in the community

Jails are not mental health treatment centers. The feasibility study’s new jail proposal, however, spends millions on beds specifically for people with mental health needs, who could be better served in community settings. Jails are substantially more expensive than community-based services, meaning that the city loses its “bang for its buck” by incarcerating people with mental illness instead of treating them in the community<sup>24</sup>.

<sup>23</sup> Feasibility Study Phase 1, Vol 1, Track 2, pg. 20, table 3.

<sup>24</sup> Vanable, Joseph “The Cost of Criminalizing Serious Mental Illness”, National Alliance on Mental Illness, March 24, 2021, <https://www.nami.org/criminal-justice-and-legal/the-cost-of-criminalizing-serious-mental-illness/>.

The amount of money proposed to be spent on mental health “care” in the jail is galling. The new jail plan has a full 1/4 of its beds devoted to mental health care – 1,064 beds. The per-bed cost of the project is estimated at \$398,000 per bed, placing the cost for mental health beds at about \$423.5 million. Spread out of 20 years from 2027-2047, that’s about 21.2 million per year *just to build the beds*.

This doesn’t take into account ongoing staffing costs -- assuming the unrealized ability to actually staff the facility. The plan includes about 170 full-time workers in these mental health and/or detox settings within the jail. Overall, the bigger jail expects to see 62% more staff in 2031 than they have now. If we assume that each bed in the jail costs the same in terms of what percentage of the total operating costs it accounts for (this is an underestimate, as almost surely, mental health beds actually cost more than non-mental health beds). The total projected operating cost in 2031 is about \$264 million per year. The more than 1,000 mental health beds will cost \$63.5 million in operating costs each year.

To compare, Fulton County currently invests about 18.6 million in county funds into community Behavioral Health services per year<sup>25</sup>. By that measure, Fulton County could more than triple its spending on community mental health care if it focused on providing needed care in the community instead of in a carceral setting.

## **The feasibility study’s failures to consider alternatives to jail construction**

In its feasibility study, STV Architects, Inc. and TreanorHL, Inc. spend the majority of their energy planning a new facility, not asking if it’s actually needed. Although the authors were asked to consider *whether* a new jail was needed, the report concluded that a new facility was needed at its outset, asking questions to stakeholders like “how can the new jail become a civic asset?” – a question that presupposes that a new jail will exist in the first place. This kind of “cart before the horse” thinking is common in needs assessments created by architects, in part because architects have an obvious interest in making sure that the county invests in a project that will need their services to the largest extent possible<sup>26</sup>.

### **The feasibility study ignores the possibility of renovation**

Although the Report spends over 20 pages detailing potential costs to build a new jail, at no point does it estimate the cost of renovations of the current facility. Instead, it simply concludes that “For the facility to continue operation for the long-term future, significant betterments are needed including the modification of the facility to follow today’s humane jail standards.” (Phase

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<sup>25</sup> Fulton County 2024 Final Adopted Budget, pg. 66, <https://www.fultoncountyga.gov/-/media/FY24-Final-Adopted-Budget-Booklet3252024.pdf>.

<sup>26</sup> Abrams, Amanda “The little-known reason counties keep building bigger jails: architecture firms” The Intercept, May 31, 2024, <https://theintercept.com/2024/05/31/jail-construction-justice-architecture-firms/>.

1, Track 3, pg. 18). Court stakeholders, community members, and activist all agree that the current facility has not been well-maintained during its lifetime. But the feasibility report fails to genuinely consider *how* to fix that problem in the most cost-effective way.

In September 2023, the Fulton County Grand Jury completed a Jail Inspection Report<sup>27</sup>. Although the original Phase 1 of the feasibility study was completed before the Grand Jury report, the Phase 2 section was completed afterward, in January 2024 – yet contains no mentions of the Grand Jury’s findings.

The Grand Jury report detailed many problems with staffing and the physical condition of the building. It ultimately estimated that approximately \$19.5 million would be needed to fill vacant staff positions, and \$13.1 million for renovations to bring the jail into compliance with standards. The Feasibility Report quoted a total project cost for a new jail at \$1.75 billion. Thus, the estimated cost of immediately needed renovations is about 1.9% of the estimated cost of a new jail. Even if more substantial renovations are needed in the future, it seems extremely unlikely that renovation costs would surpass a \$1.75 billion price tag.

Indeed, the jail has already begun work on renovations that have substantially improved conditions. A decreased jail population in 2023 and 2024 allowed the jail to implement the “Fulton County Blitz Plan” moving incarcerated people temporarily to other parts of the jail to free up space to perform \$13.2 million in necessary renovations. This completely restored 13 housing zones, including repairs for cells and common areas<sup>28</sup>. This renovation is a perfect example of how jail population reduction can go hand in hand with renovations to the physical building.

The county has now paid STV Architects Inc. and TreanorHL Inc. millions of dollars to estimate the cost of a massive new jail; it should not move forward on that project until there is a genuine, independent estimate of an alternative plan to renovate the jail.

## The feasibility study underestimates the potential for decarceration

As part of its analysis, the Study does consider the possibility that changes could be made to the Fulton County Justice system that would decrease the jail population. It notes in its Phase 2 report that its bed calculation “assumes a leveling of jail admissions as a result of (1) Expedited case processing; (2) systematic mental health reform...which will serve to reduce admissions of detainees with serious mental illness to the FCJ; (3) Expansion of deflection and diversion alternatives to incarceration”<sup>29</sup>. Unlike the Phase 1 report, which laid out exactly what percent

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<sup>27</sup> Fulton County Grand Jury Panel B, “General Presentments and Fulton County Jail Inspection Report”, September 5, 2023, available at: <https://www.documentcloud.org/documents/24136631-fulton-jail-report-grand-jury>

<sup>28</sup> See Fulton County Board of Commissioners Meeting, May 15, timestamp of 15:19:00, available at: <https://www.youtube.com/watch?v=0-VwyP3Eq0w>

<sup>29</sup> Feasibility Study Phase 2, Track 1, pg. 3

the model assumed that each reform would decrease the jail population by<sup>30</sup>, the Phase 2 report is much more opaque. We don't know exactly how much weight the authors are giving to each possible reform, how they are defining those reforms, and how much they are modeling that the jail population will be reduced by each reform.

When the model used to calculate total bed need is so opaque, it is impossible to know exactly what assumptions were made by the authors, or to challenge those assumptions. However, nowhere in either report is there any mention of a reform that advocates have been asking for for years: that the District Attorney speed up the process of indicting cases. As of December 2023, 24% of the jail population was unindicted without other charges<sup>31</sup>. This is a 10% decrease from 7 months earlier, showing that progress can be made on this goal.

### The feasibility study ignores falling crime rates

As part of its population projection, the Report explicitly does not take into account crime rates, citing the unreliability of crime data. Certainly, the unreliability of crime data is an issue, and all crime data should be looked at with a critical eye. However, a lack of access to perfect data did not stop the Report from making judgments about the need for more jail beds when looking at other factors – like the information about case processing – even when the Report notes that those data sources also have factors that make them unreliable. No data is perfect when making judgments about the criminal legal system. So, it is notable that the one factor that the Report authors refused to use was one that would strongly point to a decreased need for a bigger jail in the future.

Despite popular perception, crime in Fulton County, both violent crime and property crime is on a general downward trend. To analyze crime trends, we looked at the FBI's Crime Data explorer<sup>32</sup>, looking at crimes reported to the Atlanta and Fulton County police departments between 2012 and 2022. We found that:

- Violent and property crimes combined are down 44.6% between 2012 and 2022.
- Violent crime is down 38.5% between 2012 and 2022
- Property crime is down 45.9% between 2012 and 2022

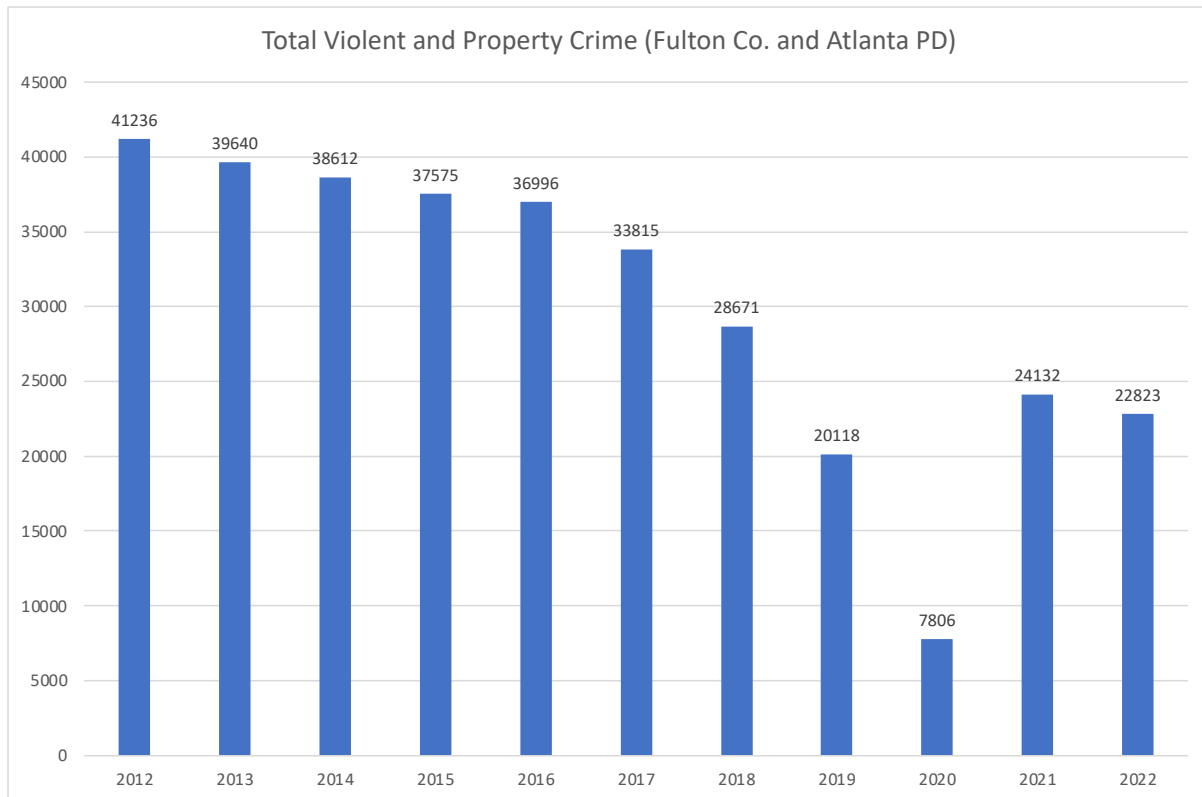
This trend is part of a national, decades-long trend of decreasing crime rates. The Fulton County Jail was built in 1989, when violent crime rates were 49% higher<sup>33</sup>. As crime rates fall dramatically, building a jail that is 75% *larger* than the current jail seems foolhardy.

<sup>30</sup> See Feasibility Study Phase 1, Vol 1, Track 2, pg. 49.

<sup>31</sup> See Fulton County Board of Commissioners Meeting, May 15 2024.

<sup>32</sup> See <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/query>

<sup>33</sup> Pew Research Center, "What the data says about crime in the U.S". April 24, 2024, available at <https://www.pewresearch.org/short-reads/2024/04/24/what-the-data-says-about-crime-in-the-us/>.



## The feasibility study hand-waves away issues that will arise in staffing a massive new jail

In discussing staffing issues at the current Fulton County, the Feasibility Report paints a rosy picture of how a new facility might influence staff retention, saying: “There is a shortage of qualified staff at Fulton County Jail. With a new facility and provision of a positive and safe work environment, the expectation is that employee attrition will be mitigated and many of the current staff vacancies will be filled”<sup>34</sup>.

There are two problems with this rosy picture. First, it seems to assume that as long as staff vacancies are *filled*, the staffing problem will be fixed. But with a massive new jail being proposed, Fulton County would have to do much more than simply fill vacancies; it would need to massively *increase* staff. Second, we know from national experience that even new “updated” jails have serious staffing issues which contribute to inmate deaths.

<sup>34</sup> Feasibility Study Executive Summary, pg. 22.

Fulton County Jail already offers numerous employment incentives<sup>35</sup>, yet is consistently and significantly understaffed, leading the sheriff and others to blame staffing issues for many of the jail's problems<sup>36</sup>. The jail indeed has long experienced understaffing. Researchers note more than 90% of the jail's units were "severely understaffed daily". The feasibility study's authors noted in their presentation to the Board that of the 738 authorized positions at the jail, 122 were vacant, (a 17% vacancy rate.)<sup>37</sup> They also hired about 30% fewer people than they lost. These numbers are particularly concerning given that the feasibility study estimates 1251 full-time equivalencies will be needed to staff the jail by 2031.<sup>38</sup> Given that this last count totaled 616 staff, this means an increase of around 104% would be needed to fully staff an even bigger jail than the current one which is already significantly understaffed.

The report seems to suggest that staffing levels are low because of the conditions of the jail, the implication being that modernizing will equate to a full staff. However, staffing shortages are a persistent problem in prisons and jails all over the country<sup>39</sup>. In fact, despite having modernized facilities, many of the "best practice" jails the report holds up as examples are desperately understaffed; a fact which has led to an alarming number of deaths at many of these model jails. In every facility the report holds up (aside from one "model" jail that does not yet exist) as a best practice jail, in custody deaths have persisted and, in some cases, have even increased despite modernization. Many of the jails have been the recipients of recent wrongful death lawsuits and death rates in some were alarming enough to garner calls for federal inquiries. As these jails show, a modernized facility is by no means guaranteed to resolve staffing problems, and though well-intended, is certainly not a surefire way to stop people from dying in jail.

The "Model Jails" cited in the Study are in fact prime examples of staffing shortages and conditions that lead to jail deaths

- **Harris County Texas:** Since 2021, at least 65 people<sup>40</sup> who came through Harris County Jail's "open intake area" depicted in the feasibility study<sup>41</sup> have died in the jail's custody. [18 people died](#) in less than a year in 2023 and 27 died the year before<sup>42</sup>.

<sup>35</sup> Huppertz, Karen "Fulton County Sheriff offering \$9K signing bonus, job expo planned", Atlanta Journal Constitution, October 27, 2021, <https://ajc.com/neighborhoods/north-fulton/fulton-county-sheriff-offering-9k-signing-bonus-job-expo-planned/M43APKUVURFJ5KS3XV7BMR57DM/>.

<sup>36</sup> Lincoln, Ashli "Officials say understaffing biggest problem as DOJ opens probe into Fulton County Jail" WSB-TV Atlanta, July 14, 2023, <https://www.wsbtv.com/news/local/atlanta/officials-say-understaffing-biggest-problem-doj-opens-probe-into-fulton-county-jail/5OUQHXP2EFD6PO7QZBH4ZFRTL4/>

<sup>37</sup> Feasibility Study Phase 1, Vol. 2 Track 3, pg. 74

<sup>38</sup> Feasibility Study Phase 2, Track 2, pg. 63, table 2.8

<sup>39</sup> Blakinger, Keri, Lartey, Jamiles, Scharwtzapfel, Beth "As corrections officers quit in droves, prisons get even more dangerous" The Marshall Project, November 1, 2021, <https://www.themarshallproject.org/2021/11/01/as-corrections-officers-quit-in-droves-prisons-get-even-more-dangerous>.

<sup>40</sup> Texas Jail Project, Deaths in Custody, Updated May 10, 2024, <https://texasjusticeinitiative.org/datasets/custodial-deaths>.

<sup>41</sup> See Feasibility Study Phase 1, Vol. 2, Track 3, pg. 16.

<sup>42</sup> Vasquez, Lucio "2 more people died while in custody at the Harris County Jail, marking at least 18 deaths this year" Houston Public Media, November 16, 2023.

Organizers note Harris County also has had numerous “unclaimed” jail deaths due to their practice of jailing people out of state and failing to claim them when they die as well as releasing people experiencing medical and mental health emergencies to die sometimes only hours later<sup>43</sup>. Nine families who lost loved ones in the jail and 13 people formerly incarcerated filed a federal lawsuit in 2023<sup>44</sup>, and as recently as Feb. 2023, the FBI opened an investigation into Harris County’s massive jail deaths problem<sup>45</sup>. A number of these deaths and other safety issues may well be linked to the fact that Harris County Jail has been persistently understaffed and noncompliant with the state’s safety standards, per the Texas Commission on Jail Standards. The jail was non-compliant as recently as Feb. 2024<sup>46</sup>.

- **Arlington, Virginia Detention Center:** The Arlington, Virginia facility is cited as a “best practices in urban jails” exemplar<sup>47</sup>. Over the last eight years, nine people—many of whom were unhoused—have died in custody<sup>48</sup>, leading the NAACP to call for a federal investigation just this past December<sup>49</sup>. Corizon Correctional Health was the medical provider for six of those years, which saw six deaths, a \$10M lawsuit, and criminal charges filed against one of their nurses for falsifying patient records. Furthermore, there are persistent safety risks due to staff shortages at the jail<sup>50</sup>.
- **The Indianapolis Justice Center:** The Indianapolis Justice Center is cited as a “best practices” jail<sup>51</sup>. The \$566M complex featuring an Assessment and intervention Center to provide “wrap-around support services” opened in May of 2022<sup>52</sup>. Since then, this complex which also has an adult detention center has seen at least two incarcerated

<https://www.houstonpublicmedia.org/articles/news/criminal-justice/2023/11/16/469878/2-more-people-died-while-in-custody-at-the-harris-county-jail-marking-at-least-18-deaths-this-year/>

<sup>43</sup> Stuckey, Alex “Here are the six Harris County Jail inmates whose deaths were not reported to the state” Houston Landing, October 24, 2023, <https://houstonlanding.org/deaths-of-harris-county-jail-inmates-went-unreported/>.

<sup>44</sup> Grench, Eileen, “A place of torment: 22 families, former inmates sue Harris County over jail conditions” Houston Landing, August 7, 2023, <https://www.texastribune.org/2023/08/07/harris-county-jail-deaths-injuries-lawsuit/>

<sup>45</sup> Nguyen, Alex, “FBI announces investigations into deaths at Harris County Jail”, Texas Tribune, February 13, 2023, <https://www.texastribune.org/2023/02/13/fbi-investigations-harris-county-jail-deaths/>

<sup>46</sup> Vasquez, Lucio “Harris County Jail fails yet another safety inspection due to continued understaffing”, Houston Public Media, February 28, 2024, <https://www.houstonpublicmedia.org/articles/news/criminal-justice/2024/02/28/479040/harris-county-jail-fails-yet-another-safety-inspection-due-to-continued-understaffing/>

<sup>47</sup> Feasibility Study Phase 2, Track 3, pg. 4

<sup>48</sup> DeVoe, Jo, “NEW: Another inmate has died in the Arlington County Jail”, ARLNow, December 12, 2023, <https://www.arlnow.com/2023/08/29/eight-people-have-died-in-the-arlington-jail-in-eight-years-five-were-homeless/>

<sup>49</sup> Hand, March “NAACP renews call For feds to Investigate Arlington jail after death”, Patch.com, December 14, 2023, <https://patch.com/virginia/arlington-va/naacp-renews-call-feds-investigate-arlington-jail-after-death>

<sup>50</sup> Jarvis, James, “Exclusive: Arlington jail grapples with safety risks due to persistent staff shortages” ARLNow, January 18, 2024, <https://www.arlnow.com/2024/01/18/exclusive-arlington-jail-grapples-with-safety-risks-due-to-persistent-staff-shortages/>.

<sup>51</sup> FS2, Track 3, Pg 4.

<sup>52</sup> “New Criminal justice campus reflects cultural shift in Indy justice system” WTHR, May 16, 2022, <https://www.wthr.com/article/news/local/indianapolis-marion-county-criminal-justice-center-cultural-shift-in-inmate-care/531-dd04d20c-4bd3-45c8-a875-3a0d1e7eef94>.

people die in custody, with the most recent death being just this March<sup>53</sup>, as well as a deputy who was killed just last year<sup>54</sup>. Again, staffing shortages could certainly have had an impact on these issues, given that they have been so severe in the county they have been blamed for erroneously releasing people<sup>55</sup>.

- **Denver Detention Center:** Denver was used as both an example of “Best Practices in Urban Jails” and held up as having a “normative dayroom” and “open intake”<sup>56</sup>. This jail likely experienced the most severe staffing shortages of any we looked at, reportedly understaffed by almost 300 people as recently as recently as August of 2022<sup>57</sup>. The staff they could find were forced to endure 16-hour days and six-day work weeks. Unsurprisingly, these conditions translated to rights violations for people incarcerated in the jail. As a former 30-year deputy said of the shortage, “When you don’t have appropriate staffing, you start violating the rights.” Again, these staffing concerns may well have contributed to Denver Detention Center’s ongoing problem with in-custody deaths which have resulted in numerous wrongful death lawsuits over the years<sup>58</sup>. There were at least four jail deaths in 2023<sup>59</sup>, and another just last month<sup>60</sup>.
- **Brooklyn Detention Center:** This “model jail” simply does not exist. The image used in the report is from a 2012 concept proposal<sup>61</sup> and is for a new jail that hasn’t been built yet (and isn’t expected to be completed until 2029.<sup>62</sup>) The old Brooklyn Detention Center was built in 1957 and, as of March 2024, was still in the process of being demolished. The decision to replace the jail was made in 2018 over vocal community objections<sup>63</sup>.

<sup>53</sup>“Inmate found unresponsive at Marion County Adult Detention Center; death investigation underway” WTHR, March 5, 2024, <https://www.wthr.com/video/news/local/531-2de7e1fd-5bec-47e6-beb4-54b9e6653727>.

<sup>54</sup> Pross, Katrina “Sheriff’s deputy dies after being attacked by detainee during escape attempt” WFYI Indianapolis, July 10, 2023, <https://www.wfyi.org/news/articles/indianapolis-jail-detainee-assaults-sheriffs-deputy-crashes-van-outside-community-justice-campus-impd-says>.

<sup>55</sup> “Marion County Sheriff’s Office confirms staffing changes, sheriff requests second audit since 2018”, FOX59 News, September 28, 2023, <https://www.youtube.com/watch?v=kQODMPpb5ww>.

<sup>56</sup> Feasibility Study Phase 2, Track 3, pg. 4; Feasibility Study Phase 2, Track 6, pg. 21

<sup>57</sup> Sallinger, Rick, “How long...before people have had enough? Staffing levels at Denver jail hundreds below required level”, CBS News Colorado, August 23, 2022, <https://www.cbsnews.com/colorado/news/staffing-shortages-levels-denver-jail-below-required-level/>

<sup>58</sup> Low, Rob. “I need to get out of here before I die”: Inmate’s family sues Denver Health over his death” FOX31, September 13, 2023, <https://kdvr.com/news/local/i-need-to-get-out-of-here-before-i-die-inmates-family-sues-denver-health-over-his-death/>.

<sup>59</sup> Erblat, Austen, “Woman dies in Denver Downtown Detention Center, fourth jail death this year”, CBS News, October 1, 2023, <https://www.cbsnews.com/colorado/news/woman-dies-denver-downtown-detention-center/>.

<sup>60</sup> Penington, Lauren “Inmate dies in custody at Denver detention center after medical emergency”, Denver Post, May 17, 2024, <https://www.denverpost.com/2024/05/17/in-custody-death-denver-downtown-detention-center-sheriff/>

<sup>61</sup> “The Brooklyn Detention Center” Architect Magazine, August 10, 2012, <https://www.architectmagazine.com/project-gallery/the-brooklyn-detention-center>.

<sup>62</sup> Frost, Mary “After rough demolition of Brooklyn’s old jail, city promises to do better on building the new one, Brooklyn Daily Eagle, March 28, 2024, <https://brooklyneagle.com/articles/2024/03/28/after-rough-demolition-of-brooklyns-old-jail-city-promises-to-do-better-on-building-new-one/>.

<sup>63</sup> Brooklyn Heights Association “Brooklyn Detention Center” <https://thebha.org/issue/brooklyn-detention-center/>



As these examples and others we have highlighted elsewhere show, staffing shortages can hamper or even completely derail attempts to build your way out of safety issues, and people regularly die in custody even after expensive jail construction that can leave a community shouldering the burden for decades<sup>64</sup>. Ultimately, the authors are correct about one thing: As in the case of the Brooklyn Detention Center, the “Best Practice” jail does not exist.

## **Conclusion: There is no such thing as a “model jail”**

The feasibility study paints a rosy picture of a new facility that will solve all the problems of the current jail. However, the research clearly contradicts that view. Jails are inherently dangerous places that ultimately harm the very communities they purport to help. The feasibility study fails to appropriately account for multiple factors that would point to the need for a smaller jail, not a larger one. It also minimizes the problem of staffing the new jail, citing “models” that experience the same problems as the Fulton County jail does now.

The best jail for Fulton County is the smallest jail possible: not a new facility that will exacerbate existing issues in the jail for years to come.

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<sup>64</sup> Sanders, Emmett, “Cautionary jails: Deconstructing the three “C” s of jail construction arguments” Prison Policy Initiative, February 20, 2024. [https://www.prisonpolicy.org/blog/2024/02/20/cautionary\\_jails/](https://www.prisonpolicy.org/blog/2024/02/20/cautionary_jails/)