

## ACLU DATA REPORT 2025

# JAIL OVERCROWDING IN FULTON COUNTY: Causes, Impacts, *and* Interventions



*An Analysis of Fulton County's  
Jail Population Data, 2025*

**ACLU**  
Georgia

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## INTRODUCTION

Overcrowding at the Fulton County Jail has long been a crisis with a cascade of public health and safety problems. Research has consistently shown that jail overcrowding is linked to higher rates of illness, mortality, and injury.<sup>1</sup> Since 2021 alone, 32 people have died in Fulton County custody from suicide, violence, and neglect.<sup>2</sup>

Over the last several years, the American Civil Liberties Union (ACLU) of Georgia has issued a series of reports documenting the persistent overcrowding at the jail, offering concrete recommendations to reduce the jail population and consequently improve conditions. The 2022 report provided a snapshot of a system in crisis, analyzing jail population data from September 14, 2022, when the facility held 2,892 people in custody, far beyond capacity.<sup>3</sup> The report identified several key drivers of overcrowding: continued reliance on wealth-based detention without accounting for people's ability to pay bail; the confinement of people charged only with misdemeanors; delays in securing timely indictments; and the failure of local law enforcement agencies to fully utilize available diversion programs.<sup>4</sup> It also included recommendations grounded in best practices to reduce pretrial detention while improving public safety.

The following year the jail remained over capacity. The 2023 report showed that the jail population, measured on October 26, had increased to 3,014. The most significant area of progress was the decline in the number of people held solely for misdemeanor charges; there were also meaningful reductions in wealth-based detention, more timely indictments, and a greater use of diversion programs. But the population was still above capacity, and the county had not yet adequately addressed the causes or consequences of chronic overcrowding.<sup>5</sup>

## INTRODUCTION

### Progress and setbacks since the 2023 report

For some time, the county made measurable progress in reducing its jail population by implementing reforms. After the ACLU of Georgia's 2023 [Fulton County Jail Report was released](#), the jail population declined, reaching a low of 2,470 in January 2025.<sup>6</sup> This progress, however, has not been sustained. The jail population has since rebounded, and the number of deaths in custody has continued to rise. In the first seven months of 2025, the monthly average population rose by nearly 20% to 2,909 in July.<sup>7</sup> During the same time period, four more people died while in custody.<sup>8</sup> These tragedies underscore the urgent need for Fulton County to revisit the systemic drivers of overcrowding and renew efforts toward sustainable, population-reducing reforms.

Figure 1: Fulton County Jail Average Monthly Population July 2024 – July 2025<sup>9</sup>



These trends have unfolded alongside ongoing discussions about the county's long-term detention capacity, which has been reconsidered multiple times. In 2024, the Fulton County Board of Commissioners voted to scrap a plan to build a new \$2 billion replacement jail that would have dramatically expanded the county's carceral footprint. The reduced population in the existing jail at the time made it possible to safely relocate people within the facility so that critical repairs could be made, undermining arguments in support of the replacement jail. However, in August 2025, one year after deciding against building a new jail, the Board of Commissioners voted to move forward with a plan that could increase the jail's capacity. The plan begins with the construction of a separate facility for people with medical and mental health needs, a process expected to take up to five years. Once that facility is built, further renovations to the existing jail are expected to begin.<sup>10</sup>

Research has found that expanding jail capacity often leads to increased jail populations, even when crime and arrest rates remain stable. When jurisdictions build new jail beds to relieve overcrowding, those beds are frequently filled as judges, prosecutors, and law enforcement adjust their decisions to reflect the newly available space. For example, Grant County, Kentucky, expanded its jail from 28 to 300 beds in the 1990s, and shortly thereafter saw its pretrial incarceration rate climb from below to well above the state average, even as crime remained flat.<sup>11</sup> This pattern is reflected nationally as well: analyses of jail detention rates across U.S. cities show that local incarceration levels do not consistently track local crime rates, underscoring that system decisions, rather than crime alone, often drive jail populations.<sup>12</sup>

As one analysis puts it, “the very existence of jail beds exerts a gravitational pull on decision-making,” and jurisdictions rarely reduce jail populations simply because they can, especially when capital investments must be justified through continued use.<sup>13</sup> Without changes to arrest practices, court process, and release policies, increasing jail capacity alone may reinforce and exacerbate existing patterns of over-incarceration rather than solve them.

As the county assesses the jail’s future, decisions should be informed not only by current trends, but also by the effects of potential reforms aimed at reducing the number of people held in jail, such as expanding the use of pre-arrest diversion, improving case processing efficiency, and increasing use of pretrial supports. The Board of Commissioners is actively considering future construction, making it a critical moment to incorporate these strategies.

This report offers an updated picture of the current jail population and examines several systemic practices that continue to shape Fulton County’s jail trends. Each section pairs data-grounded analysis with practical recommendations intended to support sustainable population reduction, strengthen community safety, and ensure that decisions about future capacity are guided by evidence and made with a goal of decreasing the number of people the county detains.

# ANALYSIS OF CONTINUING DRIVERS OF DETENTION

The following sections illustrate key drivers of detention in Fulton County, drawing on snapshot and longitudinal data. The analysis relies on publicly available data as well as data that the ACLU of Georgia obtained through Open Records Act requests and interviews with stakeholders. We reviewed public records from the Sheriff's Office about all people who were detained on July 1, 2025, to analyze factors such as demographics, bail amounts, length of detention, and charges. However, that dataset did not include the information necessary to determine indictment status. As detailed in the Methodology section of this report, the Sheriff's Office eventually produced a separate report that revealed indictment status, but only for those people who were incarcerated as of August 31, 2025. Where possible, we compare current metrics to those in the 2023 report to highlight progress made and setbacks. Each section also includes recommendations for addressing the issues identified. See the methodology section and endnotes for additional details.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Jail population overview

On July 1, 2025, there were 2,537 people incarcerated in Fulton County custody. Their race and gender demographics are broken down below.

*Table 1:* Number and percentage of people in Fulton County custody on July 1, 2025, by race

Race	Number of People Detained	Percent of People Detained
Black	2,253	88.8%
White	254	10.0%
Asian	5	0.2%
Hispanic	2	0.1%
Multiracial	2	0.1%
Middle Eastern	1	0.0%
Native Hawaiian/ Pacific Islander	1	0.0%
N/A	19	0.7%
<b>Total</b>	<b>2,537</b>	<b>100.0%</b>

*Table 2:* Number and percentage of people in Fulton County custody on July 1, 2025, by gender

Gender	Number of People Detained	Percent of People Detained
Male	2,423	95.5%
Female	95	3.7%
N/A	19	0.7%
<b>Total</b>	<b>2,537</b>	<b>100.0%</b>

As in 2023, our 2025 analysis indicates that Black people remain significantly overrepresented in Fulton County custody. 88.8% of those in Fulton County custody are Black, despite making up 43% of the population of the county<sup>14</sup>

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Money bail continues to drive unnecessary detention in Fulton County

Bail is the process of releasing someone before trial under conditions that are meant to ensure their return to court. Historically and legally, the term “bail” was never associated solely with money. Early constitutional provisions didn’t even mention monetary terms; bail simply meant release, often secured through non-financial assurances.<sup>15</sup> Over time, however, the concept of bail has become conflated with the payment of money, and is now frequently used to describe a requirement to post an amount of money in order to be released. In principle, the laws of the jurisdiction and judges should decide whether someone arrested should properly be released or detained. In practice, whether someone is released or detained is often determined by the person’s ability to afford the bond amount (the amount of money required to secure release when monetary bail is set). So instead of release being determined based on what is appropriate in a given circumstance, it is based on an individual’s access to funds. Using wealth to determine who is released fails to meet the purposes bail was intended to serve: ensuring return to court and protecting public safety. The most commonly cited rationale for requiring monetary bail is that it creates a financial incentive for people to return to court and avoid new criminal activity. However, multiple research studies have found that setting monetary bail does not reliably improve appearance rates or reduce the likelihood of re-arrest.<sup>16</sup>

Many people cannot afford even small bail amounts and end up staying in jail simply because they don’t have the money. In jurisdictions that use money bail, individuals who cannot pay the full bond amount may turn to private bail bonding companies. Rather than posting the entire amount themselves, a person pays a nonrefundable fee to a bonding company, which then guarantees the full bond to the court and may also require collateral.

Under Georgia law, a bail bonding company typically requires a nonrefundable payment of no more than 15% of the bail set, as well as collateral, to secure the amount.<sup>17</sup> In a typical surety bond arrangement, the fee is paid upfront, cannot be recovered regardless of the case outcome, and is often a substantial financial barrier to release. Research has shown that when money bail is set, even at relatively low levels, a significant portion of people remain in custody, and this is certainly the case in Fulton County.<sup>18</sup>

As in 2023, our 2025 analysis indicates that a significant percentage of people held by Fulton County remain in custody because of their inability to pay bail. To calculate this amount, we examined the number of bondable people held in Fulton County with bonds equal to or less than \$20,000, equal to or less than \$5,000, and those who had been held in custody for 90 days or longer. Because bail must be set within 72 hours of arrest, we estimate that individuals who have been in custody for 90 days have had sufficient time to secure funds for release, if they have the financial means to do so.

As compared to 2023, the 2025 data show a slight reduction in the proportion of individuals who remain detained because of their inability to pay bail. In the 2023 snapshot, 42.8% (155) of people with bonds under \$20,000, requiring an upfront payment of up \$3,000 (15% of the bail set), had been in custody for at least 90 days; on July 1, 2025, that share had decreased to 28.5% (137). The 2025 data also shows that 25.7% (62) of people with bonds below \$5,000, requiring an upfront payment of up to \$750, were detained for at least 90 days. The significant percentage of people held for more than 90 days despite relatively low bonds indicates that inability to pay remains a significant barrier to release.

*Table 3:* Length of detention for people in Fulton County custody on July 1, 2025, by bail amount (\$20k threshold)

<b>Total Bond Amount</b>	<b>Over 2 years</b>	<b>1.5 – 2 years</b>	<b>1 – 1.5 years</b>	<b>9 – 12 months</b>	<b>6 – 9 months</b>	<b>3 – 6 months</b>	<b>0 – 3 months</b>	<b>Total</b>
<b>More than \$20,000</b>	3.4% (7)	2.0% (4)	5.4% (11)	8.3% (17)	12.7% (26)	17.6% (36)	50.7% (104)	<b>100.0% (205)</b>
<b>\$20,000 or less</b>	1.7% (8)	0.6% (3)	1.2% (6)	3.1% (15)	4.8% (23)	17.0% (82)	71.5% (344)	<b>100.0% (481)</b>

*Table 4:* Length of detention for people in Fulton County custody on July 1, 2025, by bail amount (\$5k threshold)

<b>Total Bond Amount</b>	<b>Over 2 years</b>	<b>1.5 – 2 years</b>	<b>1 – 1.5 years</b>	<b>9 – 12 months</b>	<b>6 – 9 months</b>	<b>3 – 6 months</b>	<b>0 – 3 months</b>	<b>Total</b>
<b>More than \$5,000</b>	2.7% (12)	1.6% (7)	3.1% (14)	5.4% (24)	8.3% (37)	18.4% (82)	60.4% (269)	<b>100.0% (445)</b>
<b>\$5,000 or less</b>	1.2% (3)	0.0% (0)	1.2% (3)	3.3% (8)	5.0% (12)	14.9% (36)	74.3% (179)	<b>100.0% (241)</b>

Our 2025 analysis also examines the impact of bond reductions on release outcomes. Of the population held in Fulton County custody on July 1, 2025, that had money bail set at or under \$20,000, 14.1% (68) had their bond reduced by August 1; of those that received a reduction, 64.7% (44) were released by that date. Of the 409 people that had money bail set at or under \$20,000 but did not have their bond reduced, 25.2% (103) were released by August 1.

Looking at a lower bail range, 12.4% (30) of people with money bail set at or under \$5,000 had their total bond reduced by August 1, and 70% (21) of those individuals were released by that date. Among the 210 people in this same bail range who did not have their bond reduced, 36.7% (77) were released by August 1.

Our 2023 report highlighted the work of Fulton County District Attorney Fani Willis, who indicated that she personally reviews the incarcerated population to identify and work to release individuals who remain detained because they cannot afford bonds. While we are unaware of the specific threshold or criteria that District Attorney Willis uses to identify individuals detained because they

cannot afford their bonds, our analysis indicates that efforts to reduce bonds for people who lack the ability to pay are effective in helping them secure earlier release. Although these efforts should continue and expand, judges can ensure that people are not being detained because of inability to pay by only imposing monetary bail when non-monetary conditions are insufficient to ensure public safety and court appearance.

Studies consistently find that people who are held in jail before trial, for even 24 hours, are more likely to be rearrested within two years than those who are released, even after controlling for charge type and prior record.<sup>19</sup> This outcome reflects how pretrial detention destabilizes people's lives, undermining housing, employment, and family and community ties—factors that are central to long-term stability and safety. Pretrial detention often increases the very instability that drives future involvement with the legal system. While Fulton County continues to rely heavily on money bail, other jurisdictions, including those in New Jersey and Illinois, have significantly reduced or eliminated its use and have demonstrated that pretrial release without financial conditions can be implemented safely and effectively.<sup>20</sup>

The Georgia Constitution forbids imposition of “excessive bail,”<sup>21</sup> including monetary conditions “set at a figure higher than an amount reasonably calculated to insure the presence of the defendant[.]”<sup>22</sup> The Georgia Code further requires courts to impose only “reasonably necessary” conditions of release and to consider a person’s financial resources when doing so.<sup>23</sup> Similar principles are also enshrined in the United States Constitution<sup>24</sup> and in the federal Bail Reform Act, which requires that courts impose bond conditions that are “the least restrictive further condition[s] that . . . will reasonably assure the appearance of the person as required and the safety of any other person and the community[.]”<sup>25</sup> For most people, this calls for being released on one’s own recognizance,<sup>26</sup> which is similar to the “Unsecured Judicial Release” (UJR) provided for in the Georgia Code,<sup>27</sup> and receiving reminders before future court appearances. If a court determines that additional conditions are needed, these should be tailored to the individual’s circumstances, such as periodic check-ins, referrals to services, or a stay-away order. Courts should avoid imposing requirements that add unnecessary burdens or costs on the accused individual and other stakeholders. Aligning local practice with this standard would bring Fulton County closer to national best practices and constitutional principles, while achieving the same or better public safety outcomes at lower cost.

Unfortunately, data provided by the Fulton County Sheriff’s office and our interviews with stakeholders suggest that the system is failing to uphold legal requirements. This is likely exacerbated by Senate Bill 63 (2024), which added thirty new offenses to the list of accusations that force courts to impose secured monetary bond—perhaps the most restrictive condition of release—and forbids judges from considering appropriate less-restrictive alternatives.<sup>28</sup>

## RECOMMENDATIONS

**Conduct a prompt, on-the-record assessment of ability to pay before setting any monetary bail.**

Courts should make explicit findings about the person's financial capacity to ensure that bail amounts are not set at levels that effectively result in poverty-based detention.

**Apply the least restrictive conditions necessary to ensure appearance and public safety.**

Judges should use the Public Safety Assessment (PSA) as a structured guide to determine when recognizance release is appropriate and, when conditions are needed, rely on the minimal supports shown to be effective (e.g., reminders, check-ins).

**Presume release on recognizance for the large majority of cases.**

Consistent with national practice and Georgia law, release without monetary conditions should be the default for people who do not pose specific, articulable risks. When monetary bail is used, the court should document why less restrictive alternatives would not reasonably assure appearance.



Benjamin Pike died alone in a Fulton County jail cell on May 27, 2025. He had been incarcerated for over 15 months on a \$2,500 bond. Under Georgia law, a bail bonding company cannot require a nonrefundable payment higher than 15% of the bail set, which would be \$375 in this case, as well as collateral, to secure the amount. Because he could not afford even this amount, he remained in jail. For a wealthier person, \$375 would have been a temporary inconvenience, but for Benjamin Pike, it became a death sentence. Our recommendations are common-sense changes aimed at reducing the jail population and preventing tragedies like this one.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Fulton County is not fully utilizing its pretrial services infrastructure

National research shows that most people succeed on pretrial release, returning to court and avoiding new arrests without the need for detention.<sup>29</sup> Pretrial services support this success by maintaining periodic contact with individuals, reminding them of court dates, and helping them comply with court-ordered conditions. These services can provide reasonable assurance of appearance and safety without imposing financial conditions that keep people in custody solely due to inability to pay. Expanding the use of Fulton County's existing pretrial services for people who show some risk of failing to appear or being re-arrested would reduce unnecessary jail stays.

Because jail is the county's most expensive and resource-intensive intervention, and because pretrial detention has been widely shown to generate an abundance of negative impacts, it should be reserved for people facing the most serious charges and those who present an identifiable risk to public safety. Research shows that most people can be released on their own recognizance and will return to court.<sup>30</sup> For the smaller subset of people assessed as having some risk of missed court or rearrest, supportive pretrial services such as reminders, structured check-ins, and assistance with transportation or referrals can help improve appearance outcomes while avoiding the negative effects associated with even short periods of detention. For most people, release with minimal or no conditions produces stronger appearance and public-safety outcomes than detention, meaning the least costly option is also the most effective.<sup>31</sup>

In late 2022, the Fulton County Superior Court adopted the Public Safety Assessment (PSA) to promote consistent, risk-informed release decisions. The PSA is a pretrial risk tool built and validated on data from over one million cases across multiple states and court systems.<sup>32</sup> It provides consistent guidance on the likelihood of court appearance and new criminal activity and is used in more than 250 jurisdictions nationwide.<sup>33</sup> The PSA was validated on Fulton County data and implemented locally with support from national experts. However, the PSA recommendations are followed in less than 10% of felony cases with the majority being overridden to impose more conditions than recommended, limiting the extent to which the County's pretrial system is being appropriately utilized.<sup>34</sup>

Fulton County has a well-established Pretrial Services program with the infrastructure and expertise necessary to support effective pretrial outcomes. In 2025, the program achieved a year-to-date success rate exceeding 95%, meaning that more than 95% of people on pretrial supervision attended their pretrial appointments, court dates, and were not arrested again during this period.<sup>35</sup> At present, however, Pretrial Services supervises many individuals assessed as low risk who may not require this level of oversight, while also having the capacity to support more people who remain detained solely due to their inability to pay money bail. Aligning supervision with assessed need

would allow the program to focus its resources on the smaller group of people for whom supportive conditions—such as reminders, structured check-ins, or service referrals—can meaningfully improve appearance outcomes. The division also operates a specialized program that provides comprehensive support for individuals with mental health needs, which remains underutilized despite the number of people in jail with behavioral-health needs. Increasing adherence to the PSA framework, along with expanding the use of Pretrial Services, would meaningfully reduce reliance on money bail and unnecessary detention — improving court efficiency while maintaining strong court appearance and public safety outcomes.

## RECOMMENDATIONS

### **Use the PSA consistently to guide release condition decisions.**

Judges should rely on the PSA to determine who may benefit from tailored supports such as reminders, periodic check-ins, or referrals.

### **Utilize release supported by Pretrial Services only when necessary.**

Given the county's high pretrial success rate and national evidence showing that most people appear for court without intensive supervision, release on recognizance should be used whenever possible, with supportive services applied only when needed to address specific appearance or safety concerns.

### **Reserve jail for individuals charged with the most serious offenses or presenting a clearly identifiable risk.**

Detention should be limited to cases where available pretrial supports cannot reasonably mitigate articulated public-safety concerns, consistent with national practice and research showing that unnecessary detention can worsen long-term outcomes.

### **Monitor and report adherence to the PSA and use of pretrial services.**

Regular tracking of how often PSA recommendations are followed and how pretrial services are deployed can help identify patterns, promote consistency, and ensure that release decisions are aligned with research and local policy goals.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Diversion programs remain underutilized despite broad eligibility

Across the country, a substantial share of people held in local jails are detained for low-level “quality-of-life” offenses—charges often linked to homelessness, untreated behavioral health conditions, or other unmet basic needs. National research consistently shows that housing instability and unaddressed behavioral health issues are significant predictors of both initial arrests and repeat contact with the justice system.<sup>36</sup>

Diversion programs and centers have emerged as a practical response to this dynamic. Rather than booking individuals into jail for minor offenses, these programs allow law enforcement or courts to refer people to community-based interventions that provide assessment, stabilization, and linkage to services. By doing so, jurisdictions can address the underlying issues driving low-level offenses, reduce jail admissions, and focus limited detention resources on people who pose higher risks to public safety.

The Policing Alternatives and Diversion Initiative (PAD), which began in 2017, offers officers and community partners an alternative to police dispatch and arrest for people whose low-level offenses stem from unmet behavioral health or basic-needs challenges. The program provides an alternative to police response via the City of Atlanta’s 311 line, as well as immediate assessment and linkage to services in place of a custodial arrest, helping reduce unnecessary jail bookings and supporting individuals in stabilizing in the community. As in 2023, PAD remains underutilized at the alternate response level and saw a substantial reduction in pre-arrest diversions with the opening of the new Center for Diversion and Services (CDS). Through October 31, 2025, PAD had 1,180 community referrals through the 311 line and 62 pre-arrest diversions. Furthermore, our 2025 snapshot analysis shows that 7.3% (184) of people in Fulton County Jail were held on only divertible misdemeanors and felonies, with 4.4% (111 people) held only on divertible misdemeanors. This marks a modest increase from 2023, when 3.2% (96 people) were held on divertible misdemeanor charges. Of note, individuals are only eligible for PAD if the responding officer believes the criminal activity of the individual is related to mental health issues, problematic substance use, and/or extreme poverty. Therefore, these figures represent individuals who were potentially divertible since we cannot identify their specific behavioral health or socioeconomic needs.

In January 2025, the Center for Diversion and Services (CDS) opened in Atlanta. As presented by Judge Robert McBurney during early planning discussions, CDS was expected to provide a 24/7 drop-off location for law enforcement, reduce pressure on the jail and hospital emergency rooms, and offer immediate connection to services for people whose offenses stem from extreme poverty, mental health issues, or problematic substance use. CDS was designed to divert as many as 10,500 jail bookings annually, about ten percent of bookings at the Fulton County Jail and Atlanta City Detention Center, and an additional 4,400 police-custody admissions from Grady Memorial

Hospital's emergency and psychiatric units.<sup>37</sup> City of Atlanta and Fulton County officials, along with Grady Health System, estimated that the facility could serve up to 41 people per day, based on analysis of jail booking patterns for low-level, needs-driven offenses.<sup>38</sup> The plan was modeled after Harris County, Texas, whose diversion center achieved a 50% reduction in new jail stays among participants and produced an estimated \$5.54 in avoided criminal justice costs for every dollar spent on diversion.<sup>39</sup> Fulton County, City of Atlanta, Grady Health, PAD, and other partners traveled to Houston in August 2021 to study that system before developing the local model.

However, local reporting has highlighted concerns that CDS is receiving far fewer diversions than expected. In 2025, officers were diverting only about three people per day, despite the facility's capacity to serve roughly 40 individuals daily.<sup>40</sup> City officials expressed disappointment at the low utilization and indicated that the gap between projected and actual use warrants further examination. Strengthening officer awareness of the Center, clarifying criteria for appropriate referrals, and ensuring that declinations to divert are documented could help the City and County better understand the reasons for under-utilization and identify opportunities to increase the Center's impact.

For these programs to reduce the number of people arrested and jailed, law enforcement must consistently exercise their discretionary authority at the point of contact to divert eligible people who have needs related to substance use, mental health, and/or extreme poverty. Expanding the use of diversion in Fulton County now represents one of the most direct opportunities to reduce unnecessary jail admissions.

In addition to increasing the use of diversion at the point of arrest, Fulton County could also expand opportunities to identify eligible individuals during the jail pre-booking process. When people arrive at the jail, a nurse, the arresting agency, and Sheriff's staff conduct initial assessments before formal booking. This stage provides a final opportunity to review whether an individual may be appropriate for diversion prior to booking. Using existing personnel, such as the inmate advocacy unit or designated diversion staff, to conduct a brief diversion screen could help redirect eligible individuals before they are assigned a jail bed. As officer training and familiarity with diversion options continue to grow, a structured "second look" process can reinforce those practices in real time. Diversion staff could consult with the arresting officer at drop-off, clarify eligibility, and, when appropriate, escort the individual directly to CDS. Establishing this process would help capture missed diversion opportunities and further reduce unnecessary jail admissions.

Atlanta Police Department Chief Darin Schierbaum noted that APD expects to complete nearly 1,000 diversions in 2025, more than any other local agency. We acknowledge and commend APD's use of these programs and encourage continued expansion of diversion across APD and all law enforcement agencies in the county to ensure these options are used to their full potential.

## RECOMMENDATIONS

### **Increase law enforcement use of pre-arrest diversion at the point of contact.**

Agencies should communicate expectations that officers preference diversion for individuals presenting with needs related to behavioral health, substance use, or extreme poverty when their charges fall within the more than 500 approved divertible categories.

### **Establish a “second-look” diversion screen during the jail pre-booking process.**

At the jail’s sally port, where individuals are initially assessed before booking, existing staff such as the inmate advocacy unit or CDS personnel should conduct a brief diversion eligibility screen. When appropriate, eligible individuals could be redirected to CDS at that point, reducing unnecessary jail admissions and ensuring that missed diversion opportunities at the point of arrest are identified earlier.

### **Ensure all officers receive regular training and refreshers on diversion eligibility and procedures.**

Training should clarify both the charge-based eligibility criteria and the need-based indicators warranting diversion instead of arrest, as well as the Center’s 24/7 availability and easy access.

### **Establish routine feedback loops and utilization reporting across agencies.**

Regular reporting to city leadership from law enforcement on arrests, diversion referrals, and rationale for not diverting can help identify patterns, ensure consistent application across precincts, and support continuous improvement.

### **Monitor the population held on potentially divertible charges.**

Tracking the number and characteristics of individuals in custody on divertible misdemeanors and felonies can help assess system performance and identify opportunities to increase diversion. These cases can be reviewed with law enforcement to understand the reasons for underutilization.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

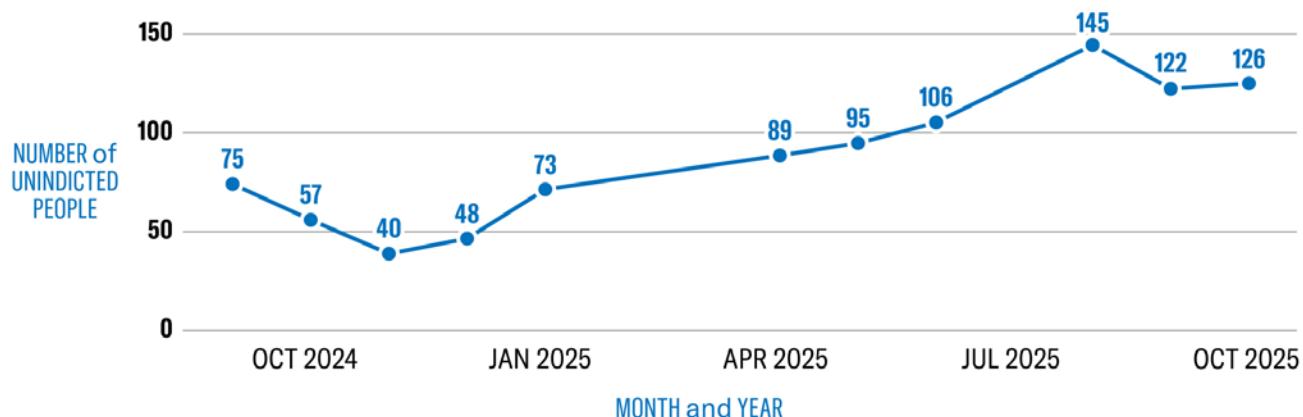
### Slow case processing continues to drive prolonged pretrial detention

Timely case processing is critical to maintaining both fairness and efficiency in the criminal justice system. Under the federal Speedy Trial Act, prosecutors must file an indictment or information within 30 days of arrest, and the American Bar Association's Standards on Speedy Trial recommend a similar 30-day window from arrest to formal charge.<sup>41</sup> Under Georgia law, a criminal defendant who is arrested for a crime and denied bond must have their case presented to a grand jury for indictment within 90 days. Otherwise, the defendant must be granted bond.<sup>42</sup> These benchmarks reflect the importance of resolving cases promptly to avoid prolonged pretrial detention and strained jail capacity. National analyses show that jurisdictions with longer case-processing delays tend to hold more people in custody while their cases are pending, driving up jail populations and costs.<sup>43</sup>

Delays between arrest and indictment contribute directly to jail overcrowding by keeping people in custody who have not yet been formally charged and, in some cases, whose charges will ultimately be dismissed. Studies have found that felony cases can remain unresolved for months or years, resulting in extended pretrial incarceration, higher taxpayer costs, and substantial disruptions to defendants' stability and employment.<sup>44</sup> In many jurisdictions, a large share of these delayed cases are ultimately dismissed, meaning that people often spend weeks or months in jail for charges that are eventually thrown out.

In Fulton County, many individuals continue to remain in custody for extended periods without formal charges. In 2023, 37% (1114) of the jail population was detained while unindicted, with 45.2% (503) of those individuals held for 90 days or longer. By 2025, these figures improved to 34.1% (1009) detained while unindicted and 24.1% (243) held beyond 90 days. Although these reductions reflect progress, delays in filing charges remain a major factor contributing to the overall jail population.

Figure 2: Number of people in Fulton County custody unindicted over 90 days, over time<sup>45</sup>



**\*Note:** There is no data available on the number of unindicted individuals for the months of February, March, and July of 2025, due to a data issue at the County.

The impact of these delays is also reflected in the average length of stay for individuals held in custody. The U.S. Department of Justice reports that the national average length of stay in local jails is 30 days, and Fulton County has identified this 30-day benchmark as an appropriate target.<sup>46</sup> However, in 2023, individuals in Fulton County spent an average of 291 days in custody. By 2025, the average length of stay declined to 218 days. While this represents significant improvement, the average still far exceeds state and national standards, underscoring the need for continued efforts to expedite case processing.

*Table 5:* Number and percentage of people in Fulton County custody on July 1, 2025, by length of detention

Length of detention	Over 2 years	1.5 – 2 years	1 – 1.5 years	9 – 12 months	6 – 9 months	3 – 6 months	0 – 3 months	Total
<b>Number of People</b>	205	72	153	126	194	424	1,363	<b>2,537</b>
<b>Percent</b>	8.1%	2.8%	6.0%	5.0%	7.6%	16.7%	53.7%	<b>100.0%</b>

These delays are among the primary drivers of jail overcrowding. The Bail Project, a national charitable bail fund operating in Fulton County, found that almost half of its clients (182) whose cases were closed between December 2022 and September 2025 were ultimately never indicted. These felony cases remained open for a median of 430 days before the District Attorney dismissed the cases.<sup>47</sup> Fulton County has taken important steps toward accountability through the 2024 ACLU settlement in *Barred Business v. Fani Willis*, which enforced the Uniform Superior Court Rule 26.3 requirement for the District Attorney's Office to provide the Chief Judge with weekly reports identifying all people held in jail under felony charges for 45 days or more without indictment. But to make these safeguards meaningful, the county will need to ensure regular public reporting and consistent enforcement, prioritize in-custody cases for indictment, and use data to track and reduce unnecessary delays.

## RECOMMENDATIONS

### Prioritize in-custody cases for timely indictment.

Consistent with Georgia's 90-day guideline, the District Attorney's Office should ensure that cases involving individuals held in jail who are denied bond are reviewed and presented to the grand jury as early as practicable to avoid unnecessary pretrial detention.

### Expand regular reporting on unindicted cases and case-processing timelines.

Weekly reports required under Uniform Superior Court Rule 26.3 should be consistently produced and shared with court leadership, and the county should develop public-facing summaries to promote transparency and track progress.

### Establish clear expectations and internal benchmarks for timely charging decisions.

Agencies can adopt internal requirements, such as filing decisions within 30, 60, or 90 days, to bring practice closer to federal standards and national recommendations and reduce the number of people held without formal charges.

### Use data to identify and address sources of delay.

Regular analysis of case-processing time, length-of-stay trends, and reasons for delayed indictment can help pinpoint bottlenecks and guide operational improvements across the District Attorney's Office, courts, and law enforcement agencies.

### Develop coordinated strategies across the DA's Office, courts, and defense to expedite older cases.

Joint review of long-pending cases, particularly those older than one year, can help agencies resolve or dismiss cases more efficiently and reduce unnecessary jail stays.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Fulton County has seen a reversal in progress on reducing misdemeanor detention.

Detaining people on misdemeanor charges carries significant and well-documented harms. Over the last decade, the Georgia Council on Criminal Justice Reform emphasized that even short periods of detention for low-level offenses can destabilize employment, housing, and family connections, while providing little corresponding benefit to public safety.<sup>48</sup> Georgia law also directs courts to exercise particular caution in these cases: individuals charged with misdemeanors are guaranteed the right to bail or unsecured judicial release, and courts are required to avoid imposing excessive or unnecessary financial conditions.<sup>49</sup> Citation in lieu of arrest is also authorized for many misdemeanor offenses, further underscoring the recognition that custodial detention should be used sparingly for this charge category.<sup>50</sup>

Although misdemeanors can include a range of conduct, including some offenses involving violence or domestic violence, they are classified as misdemeanors precisely because they are lower-level crimes under Georgia law. The maximum sentence for a misdemeanor is 12 months in jail, and even for “high and aggravated” misdemeanors, the maximum jail term remains one year.<sup>51</sup> This limited sentencing exposure underscores why pretrial detention is rarely justified – holding people in jail for days, weeks, or months before trial can approach or even exceed the penalty they would receive if convicted. For this reason, national research and local stakeholders consistently noted that detaining people on misdemeanor charges offers little public safety benefit while imposing significant individual and system-level costs.<sup>52</sup>

Several stakeholders also identified competency-related delays as an additional area of concern for misdemeanor cases. Although we were unable to obtain data on the number of individuals awaiting competency evaluations or restoration, multiple agencies, including Fulton County Solicitor General Keith Gammage, reported that long waits for state hospital beds and limited staffing contribute to extended case delays. Stakeholders reported that individuals who have been found incompetent to stand trial often wait more than a year before they are admitted to the state hospital for competency restoration. Solicitor General Gammage noted the need for additional funding for both state hospital capacity and attorneys to staff misdemeanor courts. While we cannot assess the exact resource needs without more data, other states have adopted alternative approaches for misdemeanor defendants found incompetent. For example, New York State dismisses such cases and refers individuals to services rather than prolonging detention.<sup>53</sup> Fulton County should consider similar strategies to avoid extended confinement on low-level charges.

Despite this policy framework, current data in Fulton County indicate an increase in misdemeanor detention. In 2023, our analysis showed that approximately 3% (85) of the jail population was charged only with misdemeanors; in 2025, that number jumped to 17.7% (449). This represents a significant reversal of earlier gains and suggests that misdemeanor detention has become a larger driver of the jail population than in prior years. Given that these individuals typically have shorter lengths of stay, increases of this magnitude can contribute meaningfully to booking churn – people cycling in and out – and overall jail crowding.<sup>54</sup>

One likely factor contributing to this increase is the implementation of Senate Bill (SB) 63, which passed the Georgia legislature in 2024 and expanded mandatory cash-bail requirements to numerous additional offenses, including many misdemeanors.<sup>55</sup> Although research has not shown a public-safety or court-appearance benefit to secured monetary bail for low-level charges, the law requires that monetary bail be set for a significantly broader set of offenses than in prior years.<sup>56</sup> This policy change may be contributing to the rising share of people in custody for misdemeanor-only cases.

## RECOMMENDATIONS

### Maximize the use of citation in lieu of arrest for eligible misdemeanor offenses.

Law enforcement agencies should reinforce existing authority to issue citations rather than make custodial arrests in appropriate cases, reducing unnecessary jail bookings and short-stay churn.

### Prioritize release on recognizance for most misdemeanor charges.

Consistent with Georgia law guaranteeing bail or unsecured release for misdemeanor offenses, courts should default to non-financial release unless specific, articulable concerns justify additional conditions.

### Limit the use of secured monetary bail in misdemeanor cases to situations where non-financial conditions are insufficient.

Although SB 63 requires bail to be set for a broader set of offenses, judges can ensure that amounts remain reasonable and do not effectively result in detention for low-level charges.

### Use pretrial services to support appearance in misdemeanor cases instead of imposing financial conditions.

When supportive measures are needed, courts can rely on reminders, structured check-ins, or referrals rather than monetary bail, which research shows does not improve appearance or safety outcomes.

### Monitor trends in misdemeanor bookings and detention to understand drivers of recent increases.

Regular reporting and discussion of the number of people detained solely on misdemeanor charges can help identify shifts in enforcement or charging practices and support targeted policy adjustments.

### Coordinate with law enforcement and municipal courts to ensure alignment on misdemeanor enforcement priorities.

Shared expectations across agencies can help reduce unnecessary arrests for minor offenses and maintain consistency with longstanding guidance to avoid excessive detention for low-level charges.

## ANALYSIS OF CONTINUING DRIVERS OF DETENTION

### Inconsistent data and oversight hinder timely responses to jail population pressures

Regular, data-driven reporting is a critical tool for managing jail populations and ensuring that pretrial practices function as intended. In many jurisdictions, routine production and review of key data, such as bookings, case-processing times, use of bail, pretrial release outcomes, and diversion referrals, has helped identify pressures early, reduce unnecessary detention, and maintain a consistent focus on system performance. When all system partners examine the same information on a regular basis, problems that would otherwise go unnoticed often surface sooner, making it possible to intervene before they contribute to overcrowding.

Fulton County has already begun moving in this direction. The Justice Policy Board, which focuses on expanding and strengthening alternatives to arrest and incarceration, and the Jail Population Review Committee, which reviews jail population trends and conducts case reviews, provide ongoing forums for coordinating responses. Continuing to support these bodies and ensuring they have access to cross-system data that reflects the full range of processes feeding the jail will be essential to sustaining progress. Inclusive, regular data review, where each agency can see both the inputs and outcomes of its own decisions in the context of the broader system, helps identify where delays occur, clarifies the drivers of population growth, and creates a shared foundation for effective problem-solving.

Regular reporting should also incorporate the specific operational areas that contribute to Fulton County's jail population. Key indicators include: the number of people detained solely due to inability to pay bail; adherence to PSA recommendations and the frequency with which pretrial services are used; law enforcement utilization of PAD and CDS; and the number of individuals held without indictment past key benchmarks such as 45, 60, or 90 days. Tracking these measures allows leadership to monitor whether reforms are functioning as intended, identify missed opportunities for safe release or diversion, and intervene early when delays or practices begin to increase the jail population.

## RECOMMENDATIONS

### Monitor adherence to key decision-making standards.

Track how often courts conduct ability-to-pay assessments, apply least-restrictive release conditions, follow PSA guidance, and prioritize in-custody cases for indictment.

### Produce regular, public dashboards on key jail-population drivers.

Increase the scope of the existing jail dashboard and keep each page up to date. Additional indicators could include: the number and percentage of individuals detained solely due to inability to pay bail and arraignment outcomes.

### Report utilization patterns for diversion options.

Produce routine data on PAD and CDS referrals, including declinations to diversion by officers, and gaps between capacity and actual daily utilization.

### Analyze and publish case-processing timelines.

Use time-to-indictment and length-of-stay data to identify backlogs and operational bottlenecks across agencies.

### Ensure reporting flows through existing cross-agency structures.

The Justice Policy Board and Jail Population Review teams should receive regular, standardized data in a format that supports shared decision-making and early identification of emerging issues.

## CONCLUSION

Our 2025 analysis shows a mixed picture in Fulton County. Since the last report in 2023, the average monthly jail population has wavered and ultimately landed barely below the 2023 number. Indictment delays have eased somewhat, and new investments, such as the Center for Diversion Services, reflect an effort to address the excessive jail population. At the same time the population has risen since January 2025, deaths in custody have continued. Black people remain significantly overrepresented, and people charged only with misdemeanors now make up a much larger share of those detained. These trends, combined with ongoing discussion of new detention capacity, underscore that Fulton County has not yet resolved the underlying drivers of overcrowding.

The findings in this report point to clear pathways for sustainable population reduction. Aligning local bail practices with Georgia’s “reasonable conditions” standard and the principle of least-restrictive conditions, expanding use of pretrial services rather than money bail for people who need more support, more consistent reliance on the PSA, and limiting the use of detention for low-level charges would reduce the number of people held solely because they cannot afford bail. Fully utilizing diversion options like PAD and CDS, at the point of contact and through a “second look” before booking, would further decrease avoidable jail admissions. Continued efforts to shorten time to indictment; prioritize in-custody cases; and use cross-system data to monitor case-processing times, diversion utilization, and adherence to release standards can help ensure that existing safeguards function as intended.

These policy and practice changes provide an opportunity to reduce the jail population while maintaining public safety. Implemented together, the recommendations in this report will reduce overcrowding, lessen reliance on wealth-based detention, and improve conditions in custody, eliminating the need to expand jail capacity and instead moving down a path toward a safer and more humane county.

# METHODOLOGY

## Sources of quantitative data

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Month-to-month counts of the jail’s population and of people held for 90 days or more without having been indicted came from “Fulton County Operational Reports” published by the Board of Commissioners.

Analysis of individual-level data drew on public records provided by the Fulton County Sheriff’s Office in response to Open Records Act requests. The Sheriff’s Office produced a report of all individuals who were in the County’s custody as of July 1, 2025. This included each person’s name, booking number, book-in date, charges, and bond associated with charges, but did not include case numbers needed to determine indictment status. The Sheriff’s Office provided a separate report that included case numbers for people who were detained as of August 31, 2025, and did not retroactively produce such a report reflecting the population on July 1. Accordingly, our analysis of indictment status is based on the cohort of people who were detained on August 31.

To track outcomes for the July 1 cohort, we reviewed the Fulton County Sheriff’s “Inmate Search Database” on August 1, 2025. The database is updated each day. This allowed us to determine whether there had been changes to bond amounts for the cohort or if they had been released from jail. We did not investigate the reasons for changes in bond amounts. It is possible that in some cases, bond amounts were reduced due to some charges being dropped. We did not track how often this was the case as we were only interested in the relationship between bond reductions (for any reason) and releases. We also drew demographic information from the Inmate Search database.

Supplemental data, such as rates of success for persons supervised by Pretrial Services, and utilization of the Center for Diversion Services, came directly from system stakeholders.

## Sources of qualitative data

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We conducted interviews with key system stakeholders to provide context for the data and to understand how policies and practices operate. These interviews helped clarify local procedures, barriers to release, and operational dynamics that are not visible in administrative datasets.

**Analysis.** When analyzing data regarding bonds and ability to pay, we examined the number of people held in Fulton County custody with outstanding bonds and those who had been held in custody for 90 days or longer. Because individuals must be brought before a judge within 72 hours of arrest, we estimated that individuals who have been in custody for 90 days have had sufficient time to secure funds for release, if they were available, and thus define “inability to pay” as any individual detained on bond for more than 90 days.

We summarized charge-level information for each individual based on unique booking ID. Total bond was calculated by summing all bonds for all charges associated with an individual. If any single charge did not have a bond or was deemed not bond eligible (i.e. associated with a “No Bond” determination) that individual was deemed ineligible for bond-based release. We made one exception to this rule: if the only charge that was not bond-eligible for a given individual was a “Foreign Warrant” or other kind of hold (probation violation, etc.) we deemed that individual as bond eligible, given that if those individuals pay the remaining bond on substantive charges, they will no longer be held because of inability to pay.

Pre-arrest diversion eligibility, and whether people were held in jail only on misdemeanor charges, was determined by manual review of the unique charges available in the data. People charged for any felonies, any potential felonies (e.g., a charge that, depending on the circumstances of the crime or the defendant’s history could be a misdemeanor or a felony) or people being held for other reasons (e.g., foreign warrant, probation violation, etc.) were not categorized as held on misdemeanor only. Thus, this report provides conservative estimates of the total number of individuals held on only misdemeanors. People with both divertible and non-divertible charges were not included as eligible for diversion, nor were people with divertible charges and an indicator that they were held on parole or probation violation. It’s also important to note that not all arresting agencies in Fulton County participate in pre-arrest diversion programs. We were unable to distinguish between arresting agencies based on the data available to us and thus assumed all individuals with charges eligible for diversion were arrested by agencies that participate in pre-arrest diversion programs.

Length of stay was calculated (and provided) as of the date of the snapshot data report, July 1, 2025.

## Assumptions and limitations

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This research, like all research, has limitations. This study is limited in its scope, as the data provided by and sourced from the Fulton County Sheriff’s Office is a snapshot of the people in its custody on July 1, 2025, and August 31, 2025. The population of Fulton County Jail varies daily, and further analysis would be necessary to understand if the bond amounts, lengths of stay, and charges of people detained on that day are typical of individuals detained in the Fulton County Jail.

Data used to create visualizations of the number of people unindicted for over 90 days and the jail population month-over-month were sourced from Fulton County Operational Reports.

Our analysis makes assumptions about categories of individuals who could potentially be released from detention. The analysis does not fully assess the circumstances of each individual that could make some people deemed “eligible for potential release” actually ineligible, or vice versa. For example, because we had little visibility into the individual reasons as to why a person would remain in custody even after bond was set, it is possible that some individuals could afford to pay bond but chose to remain in custody for other reasons. In addition, we cannot determine in all cases whether detained individuals had underlying supervision holds that might prevent immediate release in their criminal case. Conversely, we cannot determine how many individuals detained for fewer than 90 days were unable to pay bail.

Finally, this analysis takes data from the Fulton County Sheriff’s Office and Fulton County Operational Reports at face value. We assumed the reports are complete and accurate, without verifying them against independent sources. Any errors in the underlying data or the presentation of the data on Fulton County’s inmate search website or Fulton County Operational Reports will be propagated in our analysis. Fulton County’s website asserts that “no warranty is expressed or implied as to the accuracy or completeness of any information obtained through the use of this service.”

## ENDNOTES

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<sup>25</sup> 18 U.S.C. § 3142(c)(B).

<sup>26</sup> Release on one’s own recognizance (often referred to as “ROR”) means that a person is released without having to pay money, based on their agreement to appear for all required court dates.

<sup>27</sup> See O.C.G.A. § 17-6-12(a)(2).

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<sup>36</sup> Leah Jacobs et al., “The Effect of Housing Circumstances on Recidivism,” 2020, <https://pmc.ncbi.nlm.nih.gov/articles/PMC8496894>.

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ACLU DATA REPORT 2025

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*An Analysis of Fulton County's Jail Population Data, 2025*

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