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Doug Shipman, President, Atlanta City Council
Michael Julian Bond, Atlanta City Council Member, At Large
Matt Westmoreland, Atlanta City Council Member, At Large
Keisha Sean Waites, Atlanta City Council Member, At Large
Jason Winston, Atlanta City Council Member, District 1
Amir R. Farokhi, Atlanta City Council Member, District 2
Byron Amos, Atlanta City Council Member, District 3
Jason Dozier, Atlanta City Council Member, District 4
Liliana Bakhtiari, Atlanta City Council Member, District 5
Alex Wan, Atlanta City Council Member, District 6
Howard Shook, Atlanta City Council Member, District 7
Mary Norwood, Atlanta City Council Member, District 8
Dustin Hillis, Atlanta City Council Member, District 9
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President

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Executive Director

SENT VIA EMAIL

October 3, 2022

RE: Ordinance 22-O-1632

Dear Mayor Dickens and Members of the Atlanta City Council,

We write to urge the City of Atlanta (“City”) to follow the letter of law as provided in Ordinance No. 22-O-1632 (“Ordinance”) and to satisfy all necessary conditions for the intergovernmental agreement (“IGA”) between the City, the Fulton County Sheriff (“Sheriff”), and Fulton County (“County”) for the temporary relocation of adults detained at the Fulton County Jail to the Atlanta City Detention Center.

The Ordinance states that the IGA between the City, the Sheriff, and the County *will not go into effect* until the Jail Population Review Committee (“Committee”) submits to the Atlanta City Council a study of the current jail population of the City and the County. (Ordinance No. 22-O-1632, Section 13). The Committee must deliver the report by no later than 90 days from the approval of the Ordinance—November 15, 2022.



It has come to our attention that at the next Atlanta City Council meeting on Monday, October 3, 2022, Fulton County government representatives—at the behest of Fulton County Sheriff, Patrick Labat, Fulton County Chief Operating Officer, Alton Adams, and Fulton County Commissioner, Robb Pitts—will propose to the Atlanta City Council that a report authored by the Fulton County Sheriff’s Office (“Jail Data Report”) be accepted in satisfaction of the Ordinance’s aforementioned requirement. We strongly urge you to not accept the County’s proposal, which clearly contravenes the IGA’s enabling legislation.

If the City were to accept the Sheriff’s substitute report, it would violate the plain language of Ordinance No. 22-O-1632, which specifies that the report must come from the Committee. (Ordinance No. 22-O-1632, Section 13). Furthermore, the Jail Data Report is insufficient in that it does not include the majority of statistical analyses required by the Ordinance. Pursuant to the Ordinance, the Committee’s report must include:

...a statistical analysis of the jail populations of the City of Atlanta and Fulton County which would include but would not be limited to an analysis of data related to the total populations, the offenses which detainees are booked under, the average length of detention, the average bond issued per violation, the reasons for detainee release, and the frequency of the charging of each offense.¹

Notably, the Jail Data Report’s analysis does not examine the *entire* jail population of the City and the County,² as well as several other statutorily required categories of information, including the average length of detention, the average bond issued per violation, the reasons for detainee release, and the frequency of the charging of each offense. (Ordinance No. 22-O-1632, Section 13). All of these data points are not only critical to understanding the contributing factors of overcrowding at Fulton County Jails, but also, must be examined in order to fulfill the Ordinance’s requirements.

In addition, the IGA, as drafted, violates the enabling legislation and we encourage you to reconsider proceeding with the agreement. Ordinance 22-O-1632 states clearly, “the term of this Intergovernmental Agreement shall be for a period not to exceed four (4) years *with no renewal options...*”. (Ordinance No. 22-O-1632). Yet, Article 4.2 of the IGA blatantly contradicts the Ordinance—“[t]he term of this Agreement shall be for up to four (4) years beginning from the Commencement Date. This Agreement, however, *may be extended by mutual agreement of the Parties*, for limited reasons such as to ensure the safety of the community.”³ (Emphasis added).

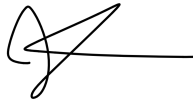
¹ Ordinance No. 22-O-1632, Section 13.

² The Jail Data Report analyzes only the population detained in Fulton County jails.

³ The Intergovernmental Agreement by and between the City, County, and Fulton County Sheriff.

Addressing the severe overcrowding at Fulton County jails is important. Doing so in a way that complies with the law and best serves City and County residents—including those who are incarcerated, their families, and their communities—is critical. The ACLU, the ACLU of Georgia, and our partner organizations look forward to the City of Atlanta allowing the Committee the time it requires to conduct a comprehensive study of the jail population of the City and the County—as it is statutorily entitled to do, and as the City statutorily must allow it to do.

Sincerely,



Julian Clark
Staff Attorney, Criminal Law Reform Project
American Civil Liberties Union



Cc:

Robert “Robb” Pitts, Chairman
Liz Hausmann, Vice Chair
Robert Ellis, Commissioner
Lee Morris, Commissioner
Natalie Hall, Commissioner
Marvin S. Arrington, Commissioner
Khadijah Abdur-Rahman, Commissioner
Dick Anderson, Fulton County Manager
Alton Adams, Fulton County, Chief Operating Officer