



January 4, 2018

Keisha Lance Bottoms  
Office of the Mayor  
Atlanta City Hall  
55 Trinity Avenue SW  
Atlanta, GA 30303

Re: Ending Wealth-Based Detention in the Atlanta Municipal Court

Dear Mayor Bottoms,

Congratulations on your inauguration this week as the 60<sup>th</sup> Mayor of the City of Atlanta.

During the election, we were encouraged to read your campaign pledge, as articulated on your website, to be a “champion” of criminal justice reform. We write today on behalf of our respective organizations, [Civil Rights Corps](#), and the [Southern Center for Human Rights](#), regarding the City’s use of a money bail schedule and related procedures that result in the illegal and prolonged detention of thousands of Atlanta citizens who cannot afford to pay small bail sums for petty offenses.

This issue is an urgent one. We wrote a letter to your predecessor in November explaining that, although we have successfully sued a number of cities in Georgia and around the country in federal court concerning these issues, we instead hoped to work with progressive City leaders to implement reforms. To that end, we had a productive discussion with the City Attorney’s Office in December.

During this, your first week in office, we ask your new administration to follow progressive cities like Chicago, Nashville, Birmingham, New Orleans, and many others that have recently ended their use of wealth-based detention to jail indigent citizens awaiting trial for petty offenses. Specifically, we are asking you to (1) articulate publicly by February 1 your endorsement of the basic principle that people who come before the Atlanta Municipal Court should not be confined in custody prior to trial solely because they cannot afford to pay money bail; and (2) bring the City’s pre-trial policy into compliance with that principle within the first 100 days of your term as Mayor. Your promise to champion criminal justice reform can be put into concrete form by your support of these principles of fairness and equality in the administration of Atlanta’s criminal legal system. We would be honored to use our experience with other cities to help the City achieve these goals.

If you decline to make either of these commitments, we also ask that you explicitly let us know in writing. If we do not hear from you in writing concerning these commitments by February 1, we will interpret that as the City declining to make these commitments. At that point, we will evaluate other options for us to achieve basic constitutional conditions in the Municipal Court system.

To assist in your decision, please find enclosed the letter that our organizations sent to Mayor Reed on November 10, 2017. The letter sets forth the specific features of the Atlanta Municipal Court's post-arrest system that violate the United States Constitution. In short, under the City's current policy, Atlanta's jail uses a bail schedule that lists a pre-set sum for each offense and automatically requires money as a condition of release, with no judicial review. People who can afford to pay are immediately released after booking. Those who cannot are kept in jail at taxpayer expense.

Further, as a matter of routine practice, judges of the Atlanta Municipal Court fail to inquire about the arrestee's ability to pay; indeed, often no financial information is collected. The judicial officer frequently makes no findings that an arrestee has the ability to pay a secured bail amount, or that a secured financial condition is necessary to reasonably ensure court appearances or community safety. Homeless people are routinely denied release only because they are homeless.

People charged with offenses like littering and driving on a suspended license are kept in jail every night of the week solely because the City's policy has imposed money bail that these individuals cannot pay. Thousands of people plead guilty immediately so that they may be released, leading to collateral housing and employment consequences that hurt the City's economy. Others are "bound over" and transferred to the county jail, where they remain until their charges are disposed of. Public records show that, in 2016, at least 890 people were bound over and transferred to the county jail, where they were detained for a collective 9,000 days before their cases ended or their bail amounts were reduced.<sup>1</sup> The taxpayers paid roughly \$700,000 for the cost of the detention of just these 890 people.

The City's reliance on wealth-based detention is extraordinarily expensive, harms Atlanta's most vulnerable citizens, and undermines Atlanta's reputation as a progressive city whose leaders are committed to fairness and equality. The case of Sean Ramsey is but one illustration of the problem. On September 19, 2017, Ramsey was arrested by an Atlanta police officer for standing on a corner with a sign that read "Homeless please help."<sup>2</sup> Ramsey was charged with "pedestrian soliciting on roadway" and jailed on a \$200 bond. He remained in custody for 72 days, without any hearing and without a lawyer, only because he could not afford to pay for his release. The bill to local taxpayers for his incarceration, even if he does not file a lawsuit against the City, was over \$5,600.

The City's money bail policy also unfairly penalizes people with mental health conditions who are charged with low-level offenses. Atlanta's jail is packed with people with mental illness, some of whom are detained for long periods, unable to pay small bail sums. Many such individuals languish in jail for three to six months awaiting evaluations, only to be determined incompetent to stand trial and released to the street, often with no intervention or post-release services.

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<sup>1</sup> This analysis of pre-trial misdemeanors excludes cases in which individuals were transferred from Atlanta City Detention Center to the Fulton County Jail for other reasons such as probation revocation warrants or bench warrants.

<sup>2</sup> Rhonda Cook, "Homeless, Please Help" – Sign Lands Man in Jail for More Than Two Months, Atlanta Journal-Constitution, Nov. 30, 2017, <http://www.myajc.com/news/local/homeless-please-help-sign-lands-man-jail-for-more-than-months/GH9jRvQpmFvUPhAH4Xz21L/>; Robin McDonald, *Indigent Ordinance Violator Jailed 72 Days for Holding a 'Please Help' Sign*, Fulton County Daily Report, Dec. 1, 2017, <https://www.law.com/dailyreportonline/sites/dailyreportonline/2017/11/30/indigent-ordinance-violator-jailed-72-days-for-holding-a-please-help-sign/>. The case against Ramsey was dismissed after we filed a habeas corpus petition in the Fulton County Superior Court.

As noted above, on December 18, representatives from our respective organizations met with the City Attorney, the City's Chief Equity Officer, and the Law Department's Chief Legal Officer to discuss the City's bail policy. We appreciated the opportunity to meet, and we look forward to continued discussions. At the same time, we must make clear that we view this matter as urgent, and meaningful reforms to the City's current wealth-based detention policy must be forthcoming imminently.<sup>3</sup>

Even over the last several weeks since our meeting, the Municipal Court's bail policy continues to result in the detention of indigent people only because they cannot pay bail. For example, since our December 18 meeting, we counted at least 19 people who were (1) arrested by Atlanta police officers for ordinance violations or misdemeanors, (2) booked into the city jail and detained on small bail sums, (3) transferred by Atlanta officers to the county jail, and (4) incarcerated as of December 28, 2017, on a total bond of less than \$1,000. These were all people whom a judge determined were not a danger and could be released upon payment. Only because they could not pay, they languished in jail over the holidays. And these numbers do not count the many more people who were detained in the jail who were not bound over and whose wealth-based detention lasted less than a week.

We would appreciate the opportunity to work with your administration to implement a constitutionally compliant post-arrest system. From our perspective, any such system must eradicate the detention of people for minor offenses because they cannot pay small amounts of money. If the City is not prepared imminently to end its reliance on wealth-based detention, we will focus our attention on vindicating the rights of Atlanta's poorest people through other means.

In the interest of transparency and with the support of the many people and groups in the community with whom we are working, we are sharing this letter publicly and with those individuals, families, and advocates who have assisted us in our investigation of municipal court policies relating to wealth-based detention. It is our hope that the community that elected you to be Mayor can help inform the discussion concerning the details of the new system that replaces the current system of wealth-based detention.

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<sup>3</sup> We support the City's Pre-Arrest Diversion initiative, but that effort (a two-year pilot project with a maximum projected capacity of 150 participants that has, in its initial phase, referred fewer than five people) does not come close to addressing the widespread constitutional violations relating to money bail described in our November 10 letter.

Again, we congratulate you on your inauguration. We appreciate your reply by February 1 or earlier so that we can determine what action to take.

Sincerely,

*/s/ Alec Karakatsanis*

Alec Karakatsanis  
Founder and Executive Director

Premal Dharia  
Director of Litigation

Civil Rights Corps  
910 17<sup>th</sup> Street NW, Second Floor  
Washington, DC 20001  
(202) 681-2409  
[alec@civilrightscorps.org](mailto:alec@civilrightscorps.org)  
[premal@civilrightscorps.org](mailto:premal@civilrightscorps.org)

*/s/ Sarah Geraghty*

Sarah Geraghty  
Managing Attorney

Akiva Freidlin  
Attorney

Southern Center for Human Rights  
83 Poplar Street, NW  
Atlanta, GA 30303  
(404) 688-1202  
[sgeraghty@schr.org](mailto:sgeraghty@schr.org)  
[akiva@schr.org](mailto:akiva@schr.org)

cc: Jeremy Berry, City Attorney  
Robin Shahar, Atlanta Law Department Chief Counsel  
Royce Brooks, Chief Equity Officer