

For Oscar Cain.

Introduction

“Slavery has been fruitful in giving itself names . . . and you and I and all of us had better wait and see what new form this old monster will assume, in what new skin this old snake will come forth next.”¹

– Frederick Douglass, The Need for Continuing Anti-Slavery Work

May 6, 2019 was a day of Redemption in Atlanta, Georgia. As hundreds of Atlantans gathered on the steps of Atlanta City Hall, they chanted ‘I believe that we will win,’ as they demanded the city close and repurpose the Atlanta City Detention Center. The Day of Redemption was an opportunity for the city of Atlanta to redeem the past harms caused by the city’s reliance on the jail and broken windows policing and commit itself to invest in its people, not in punishment.² But the Day of Redemption was, in actuality, years in the making. It followed the curled swell of a wave of police violence, building strength and momentum by the decade. This destructive wave claimed the lives of countless Black, Trans, and Gender Non-conforming Atlantans in the past eight years alone—Anthony Hill,³ Alexia Christian,⁴ Scout Shultz,⁵ DeAundre Phillips,⁶ Oscar Cain,⁷ and many more. Atlanta Community Organizers gave the City of Atlanta a chance to change its long history of using jail and police to address the problem of poverty. And less than two weeks later the city of Atlanta responded.

On May 19, 2019, Mayor Keisha Lance Bottoms signed into law⁸ the Reimagine ACDC Task Force, a group tasked with developing a plan to close and repurpose the Atlanta City Detention Center. The ordinance was the result of a seven-year community organizing campaign led by Women on the Rise, Solutions Not Punishment Coalition, and the Racial Justice Action Center. Planned to roll out in phases, the campaign began with a plan to divert people whose frequent arrests which were primarily due to crimes of poverty into supportive social services and ended with the reclassification of marijuana possession under one ounce, ending cash bail, and ending a longstanding contract between the city and Immigration and Customs Enforcement (I.C.E.). The strategies over the arc of the campaign

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were both responsive to new incidents of police violence, including a long-sighted aim of lowering the jail population and (eventually) emptying the jail entirely. This strategy would grow to be a local model gaining widespread national attention in the prison reform community—the Divest/Invest model. This strategic approach seeks to divert funding, personnel, resources, and revenue away from police, prisons and jails in order to re-route resources into behavioral health crisis response, social services, housing, substance use recovery support, and job placement with the long-term goal of abolishing carceral⁹ punishment.

A year after the Day of Redemption, in 2020 Atlanta has come to another reckoning. Less than three weeks after Minneapolis Police shot and killed George Floyd, the swell of police violence in Atlanta left Rayshard Brooks shot and killed at their hands. National uprisings against police violence have spurred old demands to defund police and abolish policing.¹⁰ The call for abolition is the broadest it has been in recent history, if ever. The call to close and repurpose city jails cuts the pipeline to local Police departments because, as long as the near-empty 1,400 bed Detention Center exists, Atlanta Police will continue to harass and arrest Black Atlantans and find reasons fill it. Closing the Jail pressures the City to look beyond the proven ineffective strategy of arresting its way out of poverty. While the Jail’s closure date has not yet been set, the closure and repurposing of the Atlanta City Detention Center is a modern-day example of Abolition in immediate, solution-driven, community-led terms. It is the manifestation of what some uninformed may criticize the Abolitionist Movement of lacking—it is practical.

This paper will explore the local impacts of the Atlanta city government’s dependence on policing and explore the alternative Divest/Invest¹¹ strategy as part of a long-term Abolitionist¹² vision that employs Practical Abolition¹³ as a short-term strategy. While this vision is a long way from actualization, there are indications that prison and policing reform movements are righting themselves towards an Abolitionist path: focusing less on improving prisons and policing and more on creative alternatives that make them obsolete. Through the lens of an Atlanta-based campaign to close and repurpose the Atlanta City Detention Center, this paper will reveal some of the historical rooting of the Divest/Invest model as a tool for Practical Abolition and offer policy recommendations to further the model’s success.

Practical Abolition

“At bottom, there is one fundamental question: Why do we take prison for granted? . . . The most difficult and urgent challenge today is that of creatively exploring new terrains of justice, where the prison no longer serves as our major anchor.”¹⁴

– Angela Davis, *Are Prisons Obsolete?*

On November 14, 2014, Atlanta’s criminal justice community gathered in a small conference room nestled in the recently refurbished Families First center. Soon-to-be Chief of Police, Erika Shields, sat shuffling through crime reports and

national data graphs next to a representative from Atlanta's legal Department, Amber Robinson. "It's just not possible," Shields finally sighed. The room had been grappling for the past hour (and before that, for the past three months) with how to build a new initiative that would divert those repeatedly arrested for offenses related to unmet mental health needs, problematic substance use, extreme poverty and other health and wellness issues away from jail and into supportive social services. The issue of the meeting was the use of handcuffs and whether the initiative could functionally divert people without using handcuffs or some other mechanism of temporary detention. The room was split, with many care navigators,¹⁵ community organizers, and public defenders warning that as soon as handcuffs were used, an element of coercion was introduced into what should be a consensual process, resulting in something more akin to court-mandated programs assigned to defendants in Drug Court and Mental Health Court. Good but not great. Progressive but not Abolitionist.

The question of using handcuffs, when broken open, spilled into additional questions. Is this program really consensual if there is an ultimatum of arrest? Will relying on police discretion only reproduce harm? If police officers divert only people whom they feel comfortable not handcuffing, does that leave out the very people who should be diverted? And possibly, the most pressing and unspoken question, how would the Atlanta City Detention Center operate with its population (and the fines and fees paid by this population) being siphoned away through diversions instead of arrests? Though only a handful of the over sixty-person Design Team would identify as Abolitionists, the question on the table symbolized a larger contradiction many criminal justice reform leaders faced — where is the line between reforms that take power away from carceral systems and reforms that increase resources and expand the powers of carceral systems? And where does prison Abolition fit within this question?

These questions highlight the dichotomy between Abolition in vision, and Practical Abolition. The movement for Abolition is an oil and water combination of aspirations towards seemingly unfathomable social transformation and incremental policy reform, the components of which are distinct and, at times, discordant but altogether necessary to create the whole. This is how Abolition can operate at once as both soaring theory of change and rooted campaign strategy. Practical Abolition, on the other hand, posits that this Divest/Invest Model is the bridge between Abolitionist visionary dreams and the immediate reforms needed to get there. But Practical Abolition is a short-term strategy within the multi-generational workplan of Abolition. Practical Abolition does not answer Abolition's bigger questions. How do we build alternatives to policing which use Transformative Justice¹⁶ principles rather than white supremacist hate violence? How do we scale up hyper-local¹⁷ and often under-resourced experiments in community-led accountability structures to meet the needs of an entire city, county, or even state? While there are many well weathered transformative justice strategies¹⁸ for addressing harm that do not rely on policing, there is also much to learn on the road to Abolition. Still, the tensions inside of and surrounding Abolition fall back on questions of timing and feasibility.

The tension between Abolition and reform is both old and new. The movement to abolish slavery in the United States was fraught with such tension. Gradual Eman-

ipation was widely accepted over immediate emancipation. “Gradual emancipation laws set deadlines by which all slaves would be freed, releasing individuals as they reached a certain age or the end of a certain work period. This situation left some African Americans lingering in bonded servitude. Pennsylvania passed its Act for the Gradual Abolition of Slavery in 1780. Yet, as late as 1850, the federal census recorded that there were still hundreds of young Blacks in Pennsylvania, who would remain enslaved until their 28th birthdays.”¹⁹ While some feared immediate emancipation would lead to white supremacist violence and subsequent Black uprisings, others wondered if total emancipation was feasible nation-wide.²⁰ The question of feasibility is one which Abolitionists and reformists still grapple with today. “Abolition exists in productive tension with efforts to reform the penal system. While Abolitionists point out that reform in isolation of a broader decarcerative strategy serves to legitimize and even expand the prison-industrial complex, we also work in solidarity with prisoners to challenge inhumane conditions inside.”²¹ Many Abolitionists reject the incremental approach taken historically by those invested in reforms while other Abolitionists maintain that progressive change on the road to an Abolitionist long-vision is the right approach. “Abolitionists distinguish themselves by engaging in non-reformist reforms...[or]...those measures that reduce the power of an oppressive system while illuminating the system’s inability to solve the crises it creates.”²²

The current movement for prison Abolition can be witnessed across social media platforms. In this realm, it is a multifaceted term taking on different meanings within a multitude of contexts. It is sometimes a visionary movement aimed at eliminating punitive justice in all of its manifestations. It is sometimes a value system aimed at ridding oneself of the ‘cop in your head.’ And, possibly most commonly, it is an academic theory of change. It is the rallying call of an ‘unapologetic’ generation of change makers. It is uncompromising, in part because it reacts largely to a decade of prison reforms which have simply traded out one form of carceral punishment for another. In contrast to leading scholarly and policy efforts to reform criminal law, Abolition does not seek merely to replace incarceration with alternatives closely related to imprisonment. These unacceptable alternatives include Atlanta city government’s dependence on policing, noncustodial criminal supervision, probation, civil institutionalization, and parole.²³ But, in pushing back against this historical duping, some Abolitionist voices today have become inflexible, labeling some strategies as ‘reformist’ and others ‘abolitionist’ without the nimble nuance of context or adaptation to a changing political landscape.²⁴

Many at the table back in 2014 were grappling with this same historical tension between Abolition and reform. They understood the failings of policing but were still longing for a way to incorporate more systematized methods of crime prevention into the existing and ever-growing justice machine. This neglected version of preventive justice, which focuses on social rather than penal projects, is consistent with (even essential to) an Abolitionist framework and may be understood to date as far back as the late eighteenth and early nineteenth centuries preceding the establishment of professional police forces and large prison and jail systems.²⁵ The combination of reinforcing social service tools while narrowing the scope of police work to exclude quality of life policing seemed to be the key. As Chief Shields²⁶ would say a year after this meeting, officers who see the same people committing

the same low-level crimes agreed that arresting people over and over again was not working. People eligible for the program are committing crimes that stem from other needs, Shields said, “[t]hey’re really not what jails are designed for.”²⁷

The fundamental principles of the Divest/Invest model are to diminish the power of carceral punishment and Atlanta city government’s dependence on policing. Re-routing resources is critical to developing a sound reinvestment approach that funds preventative measures not only financially, but also with a vital position within the justice system.

Atlanta, the Gateway City

“When the threat of arrest was not enough to drive Black men and women back to the plantations, the real arrests began. Joseph Brown was arrested on Decatur Street in 1868, one of hundreds. Rather than picking cotton under a labor contract, he was in Atlanta without work. The charge: vagrancy. Mr. Brown and other freedmen who were sentenced as vagrants were not sent to prison. Georgia’s prison had been burned during the war, and there was no money to rebuild. Rather, they were leased out to plantation owners, railroad companies and coal mines. Georgia’s first lease-off... bought 100 Black men, arrested for vagrancy or loitering and forced to work not as slaves but as convicts. This was the start of the modern criminal justice system.”²⁸

– Kung Li, *A History of Georgia’s 1%: Why You Must Face Race to Occupy Atlanta*

Through the period directly following reconstruction, Atlanta was branded as the ‘Gateway City’ by Henry W. Grady, connecting northern industrialized commerce to the southeast through a series of railroad junctions. The term was meant to signal a shift away from the ‘Old South,’ defined by a slavery and agriculture-based economy, and towards a ‘New South,’ defined by an intellectual boom, increased real estate development and, most of all, a sense of social equity. Prior to 1906, Atlanta’s racial inequity did not bar racial integration.²⁹ For example, Peachtree Street, an economic hub of the city, was home to both Black and White businesses.³⁰ Despite the prevalence of Jim Crow laws, the ‘Gateway City’ began purporting itself to be a leader of the South, in economic growth and in racial justice. But like many other Southern cities, Atlanta struggled to maintain the image of a progressive Black Mecca while also buckling under the weight of decades old institutionalized racism manifested by racially biased policing. The Black Mecca façade would fall away to reveal the reality of racial disparities in the ‘city too busy to hate.’³¹

The Atlanta Police department was founded in 1873 with 20 officers. The department grew in large part because of the reinforcement of white supremacy in the form of violent attacks and Jim Crow laws. As the city grew, an emerging Black middle-class began competing with White middle-class Atlantans for jobs. “By the 1880s Atlanta had become the hub of the regional economy, and the city’s overall

population soared from 89,000 in 1900 to 150,000 in 1910; the Black population was approximately 9,000 in 1880 and 35,000 by 1900.³² White Atlanta wanted desperately to rid the city of both poor and middle-class Black Atlantans. On September 22, 1906, a group of White Atlantans attacked, lynched, and killed 25-100 Black Atlantans.

The Atlanta Police Department (APD) took advantage of the political moment to exert even more power over poor Black Atlantans. "In Spring of [1906], the Chief of Police in Atlanta launched a campaign to rid the city of Black men. He committed a full squad of officers to 'arrest all loafers' and close down the 'Negro dives' that lined Decatur Street in downtown Atlanta. The chief told [Atlanta] City Council that in order to arrest and prosecute all the vagrants, he would need 50 additional policemen."³³ Efforts were made at the legislative level to quash Black economic and political power. Voter literacy test law was enacted to prevent Black Atlantans from voting³⁴ and already existing legal segregation intensified. This campaign to rid the streets of 'vagrants' stretched into the next century of policing, becoming a defining goal of the Atlanta Police Department. .

In 1996, Atlanta was chosen to host the Summer Olympics. In the years leading up to the Olympics, Atlanta lost nearly 20% of its Black population to displacement.³⁵ Before the games, the city was roughly 67% Black, but after the games nearly 6% of Black Atlantans left the city and the White population increased by 8%.³⁶ Additionally, the Olympics offered Mayor Bill Campbell federal funds to develop the downtown and midtown areas in anticipation of the games. Once again the 'Gateway City' sought to rid the streets of 'vagrants' who took shelter in Downtown's Woodruff Park (less than ¼ mile from the start of the 1906 attack), this time under a global spotlight.³⁷ "The city planners figured that would have to be an Atlanta without poor people, and specifically, without homeless people."³⁸ The APD, under a new set of "quality of life" laws began arrests in and around the downtown area.

So, they trotted out some new laws. One would have made it a crime to remove anything from a trash can. Thousands of Atlanta's poorest residents were issued one-way bus tickets to the cities where they had relatives. They had to sign papers promising they wouldn't return. Some 9,000 poor Atlantans were arrested during the 18 months before the opening ceremonies. At one point [Anita] Beaty, [Director of Metro Atlanta Task Force of the Homeless] came into possession of piles and piles of arrest citations pre-printed with the designations 'homeless' and 'African-American.' All the arresting officer had to do was fill in a name.³⁹

The city received a federal grant shortly before the Olympics began and within eight months the Atlanta City Detention Center (ACDC) was built, and Woodruff Park was camera-ready. The 11-story building with capacity to hold 1,400 people was quickly filled with those who had been picked up for violating the handful of new quality of life ordinances. In 2005, the city accepted a federal contract with I.C.E., receiving \$4.2 million to expand the scope of ACDC to include those detained by I.C.E., and almost doubling the number of people held in ACDC. The event, which lasted only two weeks, made a lasting impact on Atlanta's criminal justice system and those targeted by it.

In the years following the Olympics, Atlanta rolled out even more development projects which calcified the racial and economic divide while Black and poor Atlantans struggled to recover from the demolition of 29% of public housing.⁴⁰ Community organizers who had warned that such callous moves would lead to the displacement of hundreds of Atlantans also pointed to a more intentional plan to rid the city of public housing, and by extension, the poor.⁴¹ “So the juggernaut was a dry run, a dress rehearsal for the developers and the elites to take over the city, to take over the planning, housing construction — to eliminate public housing.”⁴²

In 2006, Kathryn Johnston, a 92-year old Black elder, was in her living room when Atlanta Police Department plain clothes officers knocked down her front door. Mrs. Johnston fired one shot from an antique gun at the intruders and missed. APD officers littered 39 shots into the living room, killing Mrs. Johnston and injuring several fellow officers through ‘friendly fire.’ The officers entered Mrs. Johnston’s home under the protection of a ‘no-knock’ warrant, believing they would find drugs. No drugs were recovered. It was later discovered officers planted marijuana in the home to justify the shooting. The killing of Mrs. Johnston outraged Atlanta residents and, in response to pressure from community organizations, the Atlanta Civilian Review Board (ACRB) was created to provide oversight to APD and review claims of officer misconduct.⁴³ Though the ACRB was created to address and prevent incidents like the killing of Kathryn Johnson, at the time it lacked subpoena power. In the rare instances ACAB did attempt to hold APD accountable for misconduct, it provided toothless recommendations often ignored by APD. The ACRB works as a symbol of the city’s long-standing demonstrated commitment to address police misconduct by looking the other way.

In the wake of the killing of Kathryn Johnston, community organizing efforts to increase police accountability and address the over-criminalization of Black and poor people intensified. In 2009, the newly formed Building Locally to Organize for Community Safety (BLOCS)⁴⁴ demanded mayoral candidates “pledge to lead a nationwide search for a new police chief, strengthen the Atlanta Citizen Review Board (ACRB), and call for a ACRB investigation of the Atlanta Police Department’s (APD) Red Dog Unit.”⁴⁵ REDDOG (Run Every Drug Dealer Out of Georgia)⁴⁶ was developed in 1987 and “quickly made headlines by sweeping into open-air drug markets like the cavalry, complete with helicopter support and breathless reporters in tow. Those all-out tactics filled the jails and courts with accused drug dealers. In Fulton County, for instance, indictments for drug offenses more than tripled between 1985 and 1989.”⁴⁷ While the ACRB continued to review cases of alleged APD misconduct, it did so without the power to hire, fire, or reprimand officers found acting outside the scope of their duties. It also lacked the ability to develop or change standard operating procedures, leaving its recommendations ineffectual. Even though the ACRB lacked any meaningful power, new city leadership sought to gut the program even more. In 2012,⁴⁸ under newly elected Mayor Kasim Reed, the ACRB removed its recommendations from its website, hiding them behind the red tape of an ‘Open Records Request.’⁴⁹ While BLOCS was able to pressure the city to meet its demand to be a part of the APD chief hiring process, and organized to increase the institutional power of the ACRB, it lacks necessary political power and remains largely ineffective in addressing police accountability.

In 2013, the over 100-year-old trope of ‘ridding the streets’ of marginalized communities manifested once again, but this time, the response from community organizers shifted the conversation about public safety towards new responses to perceived public disorder. In response to complaints from Midtown residents and businesses spearheaded by the now-defunct Midtown Ponce Security Alliance, “Council members introduced a law that would make it illegal, during the terms of their probationism, for convicted [sex workers] — and those who have been convicted of buying their services — to be in areas of the city where the sex trade is the heaviest. For second offenses, a conviction could mean a ban from the city.”⁵⁰

The proposed law disproportionately impacted Trans women who were often profiled as sex workers. Cheryl Courtney-Evans, longtime Trans Atlanta Advocate explained, “The transgender community is already a marginalized one in the City of Atlanta. We have faced discrimination and been shut out of housing and employment opportunities, as well as fallen victim to profiling, ‘revolving door justice’ and jailing around a ‘prostitution problem.’”⁵¹ A group of organizers representing the recently formed Racial Justice Action Center, Women on the Rise, Trans-women lead LaGender, Inc., Trans-Men, Gender Non-Conforming, and Intersex lead Trans-(forming), and others coalesced to oppose the proposed law and the old Atlanta practice of pushing marginalized people out of public and off the streets. “People trying to escape sex work need intervention, treatment, and alternatives — not punishment... Atlanta could save a lot of money and make more progress not by arresting, prosecuting, and incarcerating sex workers, but by helping them.”⁵² The newly formed coalition successfully defeated the proposed law and formed the Solutions NOT Punishment Coalition (SNaPCo) and would then go on to campaign for, and win a Diversion program meant to shield communities from constant jailing by offering care not cuffs.⁵³

Why Divest?

*“We are not talking about one good officer or one bad officer — we are talking about a culture shift in the ways that officers over-police and target our communities and neighborhoods.”*⁵⁴

—Toni-Michelle Williams, Trans Atlanta activist fights against injustice with light

In Atlanta, like most cities, police spending is exorbitant. Nationally, since September 11, 2001, the Department of Homeland Security (DHS) alone has given between \$30 billion and \$40 billion in direct grants to state and local law enforcement, as well as other first responders.⁵⁵ The investment in policing in Atlanta has equally soared in the post-9/11 era where many local departments receive funding for paramilitary training,⁵⁶ increased equipment spending,⁵⁷ and increase in officer salary.⁵⁸ With an annual budget well over \$218 million, the Atlanta Police department spends \$486 for every Atlantian.⁵⁹ In 2020, the Mayor’s office passed a budget increasing Atlanta Police salaries.⁶⁰ Inflated spending on

Atlanta city government's dependence on policing sucks resources out of public services, which translates into fewer resources available for poor people. For every dollar spent on the APD (including city, state, and federal funds), the Department of Planning and Community Development, which funds transportation planning and affordable housing development, receives 11 cents.⁶¹ Marilynn Winn, with Women on the Rise, points out that the average \$1,800 spent to keep one person in the city jail for a month would be more humanely and effectively spent to provide stable housing and other needed services. The most common offenses at ADC, as of January, 2020, remain traffic offenses marijuana possession under one ounce and other quality of life offenses.⁶²

Traditional policing practices were neither designed for nor effective at addressing the most common root causes of low-level arrests: substance addiction, homelessness, and poverty.⁶³ People struggling to survive are cycled through the revolving door of arrest, jail time, and eventual release. This process of repeated arrest for the same or similar quality of life offenses can disrupt a person's life, cost them a steady job and housing, or make it more challenging to access these resources. Possibly the most glaring reason to shift away from Atlanta city government's dependence on policing practices is that these practices lend soil to ripen discriminatory policing. Like many departments across the nation, the APD as recently as 2012 routinely uses an unnamed internal quota system to push officers towards making more arrests in specific categories.⁶⁴ This quota system, in combination with existing officer bias, leads to racially predatory policing. For example, despite Black people making up only half of the city's population, over 90% of those arrested for marijuana possession under one ounce were Black.⁶⁵ Racially-targeted policing and racial disproportionality throughout the criminal process reflect how crime and threat are understood in reference to race in ways that exacerbate racialized police violence and distract attention entirely from actual locations of danger.⁶⁶

Similarly, the department has exhibited transphobic policing practices. In 2015, when two Black Trans women were verbally and physically attacked while riding Metropolitan Atlanta Rapid Transit Authority (MARTA), MARTA officers and APD officers intervened, then proceeded to arrest the two women instead of their attackers.⁶⁷ In a 2016 report published by the Solutions Not Punishment Collaborative, of 87 Trans and Gender Non-Conforming respondents "20% (1 in 5) of the non-binary identified, genderqueer, or gender non-conforming community members surveyed who had been stopped or approached by law enforcement had experienced unwanted sexual contact from an APD officer."⁶⁸

Atlanta city government's dependence on policing can be deadly. Over a six-year period, DeKalb County Police Department (a department which neighbors Atlanta) officers shot 25 Black people and one White person, the highest racial disparity found among the 50 largest departments from across the nation.⁶⁹ While there has been legal action taken to address police misconduct, the problem still remains that as long as there is a quota system and a jail which relies, in part, on revenue from fines and fees, those most marginalized in the city will continue to be targeted. One solution, proposed by Women on the Rise, is to divest from the Atlanta City Detention Center.

Starving the Beast

“With all that work that we’ve done, we call it ‘starving the beast’...It just doesn’t make sense to keep the jail open, [It’s] not just an extra jail now, but an empty jail.”⁷⁰

– Marilyn Winn, *‘Starving The Beast’: The Women Working To Close a Misused Atlanta Jail*

The blueprint for the Divest model comes from the call to divest from South Africa to protest apartheid in the early 1960s through 1986 when it was formally adopted into federal legislation. The Divest campaign had been gaining momentum globally before it matured in the United States. In 1977, a Black Philadelphia Preacher and General Motors Board member, Dr. Leon Sullivan, developed the Sullivan Principles which would be the grounding force to popularize the Divest campaign.⁷¹ At the time, General Motors was the biggest employer of Black South Africans. Rev. Dr. Sullivan’s Principles were intended to mandate equitable treatment of Black South Africans, in direct defiance of Apartheid Laws and to make it impossible for General Motors to continue doing business in South Africa.⁷² The Sullivan Principles ignited a call for corporate divestment from any institution, which failed to meet them and eventually led to a wildfire of universities pulling investments from corporations that continued to do business in South Africa.⁷³ The campaign was so strong that “by the end of 1989 26 states, 22 counties and over 90 cities had taken some form of binding economic action against companies doing business in South Africa.”⁷⁴ By 1990, South Africa had begun negotiations to end apartheid.

The contemporary Divest model draws its principles from the Divest campaign of the 1980s, emphasizing institutional integrity beyond current inhumane carceral conditions and forcing investing institutions to choose between co-signing such conditions or withdrawing support. In 2016, the Black Student Union of California State-Los Angeles successfully pressured the university to divest all funding from corporations that fund private prisons.⁷⁵ In 2019, a group of Harvard students followed, demanding the university also divest from private prisons. However, the Harvard students pushed beyond the Divest model of defunding and into the Invest approach.

Without reinvestment, we can work tirelessly to tear down an oppressive system only to have the void filled by something else equally oppressive. We need reinvestment to build the liberatory, supportive communities where each of us can thrive. For example, as communities rally to close jails and prisons, local governments sell so-called “modernized” plans to build essentially the same monuments to violence that historically led to community devastation. Prison profiteers sell ankle monitors as “more humane” alternatives, all while expanding the tendrils of who is under state surveillance.⁷⁶

As in the campaign to close and repurpose ACDC, here Harvard students call

for a Divestment, which relies on Investment or reinvestment to fully actualize its goals. This symbiotic relationship between Divesting and Investing resources was key to the success of the ACDC Campaign. However, to translate this model from a strictly financial deficit to a population deficit, the campaign sought to invest in short-term strategies to change the penal code. They used this strategy to peel back layers of carceral walls through repealing ordinances until there was a penal tunnel through which the ACDC population could escape.

The campaign to close and repurpose ACDC used two central strategies to divest. First, the campaign looked at the charges driving population growth at ACDC and identified the following:⁷⁷

Traffic offenses such as Driving with suspended license, and Driving with expired registration.

Marijuana Possession under 1 ounce.

Driving while Under the Influence (DUI).

While all these offenses were duplicated under state law, organizers noted that the city ordinance violation code was used at the same rate as the state law in arresting officers' notes. Citations that contained the State law were typically taken to the Fulton County Jail and citations with the City ordinance were taken to ACDC. Because overcrowding and population volume at Fulton County Jail far outweighed that of ACDC, an arresting officer would often spend more time booking a person at Fulton County Jail and, for that reason, would sometimes opt for the faster booking process at ACDC.

Reignited by the police shooting of DeAundre Phillips, a 23 year-old Black man who was approached in his vehicle by an APD officer under the pretense of 'the smell of marijuana,' organizers moved to find justice for Phillips and address the staggering racial disparity between White and Black marijuana arrests.⁷⁸ Since the start of the REDDOG unit in 1987 and following its disbandment, social justice groups focused on the racial disparity in drug-related arrests in Atlanta. In a 2018 report released by the ACLU, "Georgia was the state with the highest overall number of Black arrests for marijuana possession, with 27,381 arrests in the year 2018 alone."⁷⁹ Because Atlantans who were booked for marijuana possession under one ounce were overwhelmingly Black, the campaign focused on changing this city ordinance from carrying a fine of up to \$1,000 and up to six months of jail time to a ticketable offense with no jail time. The campaign to reclassify marijuana possession under one ounce utilized social media pressure, public testimony, direct action, public education and other mobilizing tactics to bring the repeal to the council floor and on October 2, 2017 the repeal passed.

The repeal did not take root without significant resistance from government stakeholders. Despite the city council mandate, APD officers still arrested Atlanta residents for marijuana possession under one ounce and still booked them at ACDC. It took another year before organizers successfully pressured the Chief Shields to make a public statement saying the ordinance would allow officers to "concentrate on eliminating violent crime instead of focusing on petty ones."⁸⁰

The move to reclassify and decrease drug related offenses has seen traction globally, and the Divestment results have been marked.⁸¹ In July 2001, Portugal decriminalized the possession of up to ten days' supply of all types of illicit drugs. Instead of being arrested, people found in possession of these substances are referred to regional 'committees for the dissuasion of addiction.' These committees have the power to impose warnings or administrative sanctions, including fines, restrictions on driving permits and referral to treatment. However, in most cases, they give a provisional suspension of proceedings—in effect, no punishment. Simultaneously, Portugal increased its investment in treatment and harm reduction services. For example, methadone substitution treatment for people who are dependent on heroin.

Since 2001, experts have observed the following trends developed:

A modest increase in drug use reported by adults. This rise was no bigger than that reported in other southern European countries.

A reduction in drug use reported by school pupils.

A reduction in drug related deaths.

A reduction in HIV and AIDS.

An increase in the amount of drugs seized by the authorities.⁸²

As marijuana charges decreased, the ACDC population began to shift downward. While there is not yet data on the impact of decreasing the fine from "up to \$1,000" to "up to \$75," organizers are confident that the decrease in revenue for the Municipal Court is significant.⁸³

The second strategy to divest from ACDC came about because organizers noticed that a significant number of people were not serving a sentence, but rather had not yet bonded out because they could not afford to pay bail. The fight to end cash bail in Atlanta was led by an Atlanta-based legal non-profit, the Southern Center for Human Rights (SCHR) and the Atlanta-based Queer-led, Southerners on New Ground (SONG). The strategy was comprised of a policy battle, community organizing, and was backed up with the threat of litigation. Progressive Agenda Working Group (PAWG), as a coalition comprised of organizing groups, criminal justice reform advocates, and legal professionals, was key to moving legislation through city council while organizing groups pressured council members as well as members of the criminal justice community to reform cash bail. Support from the recently elected Mayor Bottoms along with the coordinated efforts built to a crescendo at city hall and the legislation successfully reformed cash bail. But the fight against cash bail began long before the campaign to close and repurpose ACDC.

"The constitutional protection against being held in excessive bail is accorded both the defendant and a material witness in a criminal prosecution."⁸⁴ While the constitution protects against excessive bail mounts, for decades 'excessive' remained ambiguous under the law.⁸⁵

Eventually, excessive bail was recognized as equivalent to refusing bail altogether.⁸⁶ Even more impactful, the longer a person remains detained pre-trial, the more likely are conviction and incarceration. People held pretrial are more likely to plead guilty simply to put an end to their cases, with the hopes of returning home,

and judges are statistically more likely to sentence someone to jail once they have been held in jail pretrial.⁸⁷ This means that people held on money bail are more likely to be convicted and sentenced because they do not have readily available cash to hand over.⁸⁸ Most people held in pretrial are not dangerous: around 68% of pretrial detainees have been charged only with drug, property, or public order crimes.⁸⁹ Excessively lengthy detentions contribute to overcrowding and are ultimately a violation of sixth amendment rights, “Not only does the current treatment of individuals charged with minor offenses contribute to the serious overcrowding problem at the jail, it also constitutes a clear denial of these individuals’ constitutional right to counsel.”⁹⁰

In 2018, a coalition comprised of the SCHR, SONG, Women on the Rise and other community organizations successfully passed an ordinance to reform the cash bail system in Atlanta. “Ordinance 18-O1045 requires the Department of Corrections to release most people accused of non-violent offenses without the condition that they purchase their freedom. This resulted in the community saving over \$3.1 million dollars that would have otherwise gone to the jail or bail industry.”⁹¹ This siphoning of revenue away from the Atlanta jail system was integral to slowly decreasing the population at ACDC.⁹² By 2019, ACDC, with a capacity of 1,400, detained only 25-50 people on any given night.⁹³

The third strategy to divest from the Atlanta City Detention Center was led by a group of Immigrant Rights organizations including, among many others, Georgia Latino Association for Human Rights (GLAHR), Black Alliance for Just Immigration (BAJI), Georgia Detention Watch, and Project South.⁹⁴ The coalition called for an end to the city’s longstanding contract with I.C.E., which detained close to 300 immigrants inside the city jail. Alliance members Project South and Georgia Detention Watch released a detailed report⁹⁵ highlighting the terrible conditions and treatment of the immigrant detainees in the facility. Under mounting pressure from these organizations, on September 6, 2018 Mayor Bottoms severed Atlanta’s contract with I.C.E., emptying half the jail.⁹⁶

With a population decrease of nearly 90% and a budget decrease of 13%, ACDC was primed to close. However, since corrections spending outpaced services such as health and education, the factors contributing to crimes of poverty remained. For every dollar spent on higher education, Georgia spent 50 cents on corrections.⁹⁷ Likewise, the campaign, to date, could have easily been misconstrued as a savings program for the Department of Corrections to cut back the population, as well as cut costs while maintaining a full staff. The difference between the impact of budget cuts and the impact of divestment was the opportunity to bolster funding in programs that were known to decrease the likelihood of repeat arrest, homelessness, and substance abuse. The invest model offered a vastly new approach.

Invest Model

“This is an opportunity to change the culture of the city as a whole... We’re improving the quality of life for people who have been told to simply disappear.”⁹⁸

– Moki Macías, New Atlanta, Fulton program aims to divert homeless people from jail

According to W.E.B. Du Bois, to be meaningful, Abolition required more than the simple eradication of slavery; Abolition ought to have been a positive project as opposed to a merely negative one.⁹⁹ Du Bois wrote that simply declaring an end to a tradition of violent forced labor was insufficient to abolish slavery.¹⁰⁰ Abolition instead required the creation of new democratic structures in which the institutions and ideas previously implicated in slavery would be remade to incorporate those persons formerly enslaved and to enable a different future for all members of the polity. Abolition, in the slavery context, required a systemic overhaul, but it also required a redistribution of resources.

To build and maintain healthy communities, an alternative to Atlanta city government’s dependence on policing must include increased access to public services. Programs that are often advertised as measures to prevent incarceration, instead bookend the experience of many people who are in and out of jail frequently for the same or similar charges. The Invest model builds off a traditional case management approach to social services but uses Harm Reduction Principles¹⁰¹ to retain participants most impacted by the carceral system. Locally, the Atlanta Harm Reduction Coalition has been bringing these principles to bear over almost two decades, focused on the neighborhood where Kathryn Johnston was killed in 2006. The Harm Reduction Coalition (HRC) is a community-based wellness organization committed to promoting health and dignity by reducing the impact of HIV/AIDS, Hepatitis C, STI, and substance use within vulnerable communities in Atlanta’s English Avenue—a historically Black, working class neighborhood. This emphasis on consent was key to its success. In addition, the Harm Reduction Coalition’s consent-based approach is the distinguishing factor between Invest Model services and Court mandated specialized court programs such as drug court or mental health court. Solutions Not Punishment Coalition would go on to mount a campaign to materialize this Invest Model by developing the city’s first ever Pre-arrest Diversion Initiative (PAD).

The PAD Initiative was modeled after the Seattle Law Enforcement Assisted Diversion (LEAD) initiative piloted in 2011.¹⁰² LEAD was developed as a partnership between the Police Department, the District Attorney’s office, and Evergreen, a Service Provision Organization. Here is how the program operates:

In a LEAD® program, police officers exercise discretionary authority at point of contact to divert individuals to a community-based, harm-reduction intervention for law violations driven by unmet behavioral health needs. In lieu of the normal criminal justice system cycle — booking, detention, pros-

ecution, conviction, incarceration — individuals are instead referred into a trauma-informed intensive case-management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with LEAD® participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve behavioral change.¹⁰³

The program was established as a two-year pilot, during which time participants were diverted within specific hours of the day in one targeted pilot area of Kings County. The program began showing signs of success within the first six months, and by the end of the Pilot phase the results were promising. “Participants in 2016 were twice as likely to have been sheltered after referral to the program, and 89 percent more likely to have obtained permanent housing. Given that 82 percent of participants in the evaluation’s sample were homeless prior to contact with LEAD, these are powerful statistics. Even more striking is that for every time a participant contacted their case manager, they were 2 percent more likely to find shelter and 5 percent more likely to be housed after referral.”¹⁰⁴

The PAD initiative followed the path of LEAD, built on the knowledge that “arresting, prosecuting, and jailing individuals committing offenses related to unmet mental health needs, problematic substance use, extreme poverty and other health and wellness issues in the City has had limited effectiveness in improving either public safety or quality of life in the neighborhoods.”¹⁰⁵ However, unlike LEAD, PAD was incubated and designed by a team composed of directly impacted community members, community organizers, law enforcement, and service providers. Fulton County Superior Court Judge Constance Russell stated, “PAD is a commonsense program that will help get people out of the criminal justice system and into social programs where they can receive the help they need.”¹⁰⁶ During its two-year pilot phase, the Atlanta/Fulton Pre-Arrest Diversion initiative successfully diverted 150 individuals.

But PAD is not a complete Invest strategy. While the model provides a useful frame for those seeking to develop rapid response service-based interventions in police interactions, it is still intertwined with policing itself. Currently, PAD participants largely enter the program through an initial interaction with police followed by a referral to a care navigator. There is work to be done to expand this program beyond the scope of diversions, but as it exists today this intervention is wholly necessary. Additionally, PAD does not receive funds from a direct divestment in policing and incarceration. In order to starve the beast, the city cannot continue to feed it with resources while increasing funding for direct services. Practical Abolition calls for the siphoning of resources from police and jails directly into resources for communities. This is key to the Divest/Invest model.

Looking Forward: Center for Wellness, Equity, and Freedom

*“What would the jail be as a repurposed building? How could it serve the conditions to prevent you from being put in the situation you were put in?”*¹⁰⁷

— *Xochitl Bervera, ‘Starve the Beast’: Southern campaigns to divest, decarcerate, and re-imagine public safety*

May 19, 2019, marked the beginning of a groundbreaking strategy built from the Invest Model playbook. Mayor Bottoms signed into law the Reimagine ACDC Task Force, a group tasked with developing a plan to close and repurpose the Atlanta City Detention Center.¹⁰⁸ This body was responsible for developing a roadmap for repurposing the ACDC building, developing proposed programmatic uses, identifying a sustainable financing plan, and building the necessary policy recommendations. “The goal is for a fully retrofitted facility to permanently house a diverse set of social service, not-for-profit, recreational and cultural activities. It will also include compatible revenue-generating uses to help make the Center for Equity financially viable and to provide a vibrant, beautiful and welcoming space for the community and the people it will serve.”¹⁰⁹

Over the course of one year, the task force work groups analyzed the building capacity for adaptive reuse as a Center for Equity and envisioned design scenarios that could achieve that vision, reviewed city ordinances carrying criminal penalties with the objective of recommending amendment or deletion to enhance public safety, explored services and activities that could be housed in the building that would best advance well-being consistent with the vision for the Center for Equity, and reached over 600 Atlantans to gain insight on the building uses. As if answering Du Bois’s call 90 years earlier, this initiative represents the “Abolitionist positive project.” “It may sound counterintuitive to some that closing the city jail will increase public safety, but the evidence is clear that it does and will. Over-policing and penalizing these lowest level offenses misdirects vital law enforcement resources and creates barriers that prevent people from getting jobs, homes, and becoming stabilized in their lives and communities. In a re-imagined center for wellness, we will have more resources devoted to reducing recidivism and helping vulnerable populations achieve their potential and transition to healthy and contributing lives.”¹¹⁰ The Reimagine ACDC Task Force sunsets the summer of 2020, and plans to repurpose the Atlanta City Detention Center building are underway.

Conclusion

*“You have to act as if it were possible to radically transform the world. And you have to do it all the time.”*¹¹¹

— *Angela Y. Davis, Lecture at Southern Illinois University Carbondale*

The movement for Abolition in the United States has the potential to transform justice work in a manner that is unprecedented. Abolition actualized gives way to Reproductive Justice, Gender Justice, Workers Rights, Trans and Gender Non-conforming safety and dignity, Healing Justice, Disability Justice, Just Migration, and so many more movements with the aim of addressing structural oppression caused by colonization and capitalism. While past movements to eradicate enslavement offer us a historical blueprint, this moment is unique and, thus, our strategies must be both historically informed and innovative. This movement also pushes this country beyond the threshold of what is possible and practical and into what some call the Third Space¹¹²— a space of audacious creation and bold imagination. Because organizing needs this Third Space to remain visionary rather than simply reactive, Abolition will in some ways always be our horizon, beautiful, illustrious, and just out of reach. And the stakes will keep getting higher. Even as other cities look to the Divest/Invest Model to close and repurpose jails and prisons, new methods of incarceration will emerge.¹¹³ In comparison to the almost eighty-five year struggle to abolish slavery in the United States, the movement for Abolition is still in its infancy.

But the movement for Practical Abolition is happening right now. The campaign to close and repurpose the ACDC provides a replicable model for Invest/Divest strategies nationally. It illustrates the importance of short and medium-term campaign strategies in service of a long-sighted approach to Abolition. Beginning as early as 2008 with BLOCS, the scaffolding for such a campaign succeeded in large part because of consistent, cross-issue, multi-racial alliance building over a 12-year period. Organizers, advocates, and activists spent countless hours building trust across difference while centering Black formerly incarcerated people in leadership. In a region that receives close to half of the philanthropic dollars per person compared to the rest of the country,¹¹⁴ despite underfunding and other symptoms of regionalism, Atlantans continue to mold Abolition into the clay that is the City. In this way, Practical Abolition has become a part of the fabric of change in Atlanta. It is in the fight to release incarcerated people from the Fulton County Jail as COVID-19 sweeps across the jail population.¹¹⁵ It is in community organizers and lawyers arming the community with Know Your Rights resources.¹¹⁶ Practical Abolition is present in any strategies that divest power, resources, and reliability from the carceral system and invest those same resources back into communities that have been historically marginalized. It learns from historical patterns of the Atlanta city government's dependence on policing and stakes out, audaciously, and hopefully, a claim to the future. "The outdated and failed approach of overly penalizing or incarcerating a person who is struggling with poverty, homelessness, substance use, or mental illness is bad for our budget, bad for business, and worse for the health of our communities.

As a city, we can and will do better."¹¹⁷

NOTES

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- 11 The Divest/Invest model in this paper refers to the political project of defunding incarceration systems such as jails, prisons, detention center, policing, and I.C.E. and redirecting these resources to communities by prioritizing those most impacted by mass incarceration and criminalization. The model has been used most recently by Movement For Black Lives as a political frame meant to operationalize Abolitionist theory of change into campaign strategy.
- 12 “Abolition” refers to the movement, theory of change, and value system aimed at eliminating the prison system and replacing it with resources to support community health, wellness, and vitality. The term is most commonly credited to Angela Y. Davis. In, *Are Prisons Obsolete*, she suggests, “positing decarceration as our overarching strategy, we would try to envision a continuum of alternatives to imprisonment—demilitarization of schools, revitalization of education at all levels, a health system that provides free physical and mental care to all, and a justice system based on reparation and reconciliation rather than retribution and vengeance. . . . The creation of new institutions that lay claim to the space now occupied by the prison can eventually start to crowd out the prison so that it would inhabit increasingly smaller areas of our social and psychic landscape. Schools can therefore be seen as the most powerful alternative to jails and prisons.” Angela Yvonne Davis, *ARE PRISONS OBSOLETE?* 74 (2003).
- 13 Practical Abolition refers to the short-term campaign strategy of ending systems of incarceration—namely local jails—through divesting resources from policing, jails, and prisons, and investing in community wellness, health, and vitality. The term was coined by the

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