

**The Atlanta Municipal Court  
Processing of Quality of Life Cases:  
January 1 - March 31, 1997**

by

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## Table of Contents

Introduction .....	1
A. <u>Quality of Life Ordinances</u> .....	1
B. <u>The Historical Role of the Municipal Court</u> .....	2
Overview of Research .....	6
Results .....	10
a. <u>Total Charges</u> .....	10
b. <u>Defendants</u> .....	17
Conclusions and Recommendations .....	22
References .....	24

## List of Tables

TABLE 1:	Frequency of Quality of Life Charges . . . . .	11
TABLE 2:	Outcomes for Quality of Life Charges . . . . .	12
TABLE 3:	Categories of Quality of Life Outcomes . . . . .	13
TABLE 4:	Quality of Life Outcomes by Punishment . . . . .	13
TABLE 5:	Quality of Life Outcomes by Dismissal . . . . .	14
TABLE 6:	Quality of Life Outcomes by Mergers . . . . .	15
TABLE 7:	Quality of Life Outcomes by Other Outcome . . . . .	16
TABLE 8:	Quality of Life Dispositions by Judge . . . . .	16
TABLE 9:	Total Number of Charges by Defendant . . . . .	17
TABLE 10:	Frequency of QOL Plus Charges by Charge . . . . .	18
TABLE 11:	Disposition of QOL Plus Charges by Outcome . . . . .	19
TABLE 12:	Disposition of QOL Plus Charges by Outcome Sub-Category . . . . .	20
TABLE 13:	Outcomes of QOL Plus Charges by Dismissals . . . . .	21

## Introduction

One of the remarkable stories of the last few years is the dramatic reduction of crime in New York City: felonies are down by half from just three years ago and homicides at their lowest levels in over twenty years. Although criminologists disagree over just how New York City has reduced crime, one common theme involves a new focus on the so-called quality of life crimes. Quality of life criminal theories all tend to spring from an experiment by a Stanford University psychologist named Philip Zimbardo nearly 30 years ago. He left a car parked on the affluent streets of Palo Alto for a week. Much to his surprise, nothing happened to the car. Then he broke one of the car's windows. Within hours, the car was demolished, stripped, and overturned by vandals. Thus was born the "broken windows" theory of crime.

### A. Quality of Life Ordinances

Professors James Q. Wilson and George Kelling further honed and elaborated the idea in an article titled "Broken Windows," published in the March 1982 issue of *The Atlantic Monthly*. "If a window in a building is broken and is left unrepaired," they wrote, "all the rest of the windows will soon be broken" (Wilson & Kelling, 1982). The conclusion of the article is that police should focus on reducing quality-of-life crimes such as graffiti, disorderly conduct, drinking in public, public urination, and loitering by drunks in parks or other public gathering places. According to their theory, such crimes create a sense of disorder that make citizens fearful and ultimately may lead to more serious crime.

This notion that crime fighting should be targeted at those types of activities that strike at basic social norms is at the heart of quality of life policing. "Quality of life policing" began in New York

City in 1993, guided by the notion that police officers could have an important, preventive impact on crime. The New York experiment has set off a wave of excitement in crime-fighting circles nationwide. A number of cities in the United States are embracing quality of life ordinances in an effort to achieve the results experienced by New York City. One of those cities is Atlanta, Georgia.

The effort to control quality of life crimes in Atlanta involves four components of City government. First, the City Council has adopted over the years, more than twenty quality of life ordinances which target quality of life misconduct. In the last two years, the council has targeted special quality of life misconduct and adopted several new ordinance such as the one which bans "urban camping".<sup>1</sup> Second, police officers enforce these ordinances either by issuing citations or arresting those suspected of quality of life violations. Third, the Solicitor's Office of the City of Atlanta prosecutes those charged with quality of life violations. Finally, the Atlanta Municipal Court adjudicates or otherwise disposes of the quality of life charges prosecuted by the Solicitor's Office. This Report focuses on how quality of life charges are addressed once they enter the judicial system.

#### **B. The Historical Role of the Municipal Court**

The municipal court experiment began in the eighteenth century. The establishment of misdemeanors in England allowed the monarch to extend control over its subjects and enhance its generation of revenue. Previously, only serious offenses (felonies) existed, and most of these were punishable by death (Lindquist, 1985). In the United States, very primitive methods of transportation often required that several days of travel time be considered before setting a trial

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<sup>1</sup> Because of the recent adoption of this and other ordinances, they were not included in this study.

date in one of the few courts that existed. A local form of justice was needed in order to handle these new less serious misdemeanor charges. Therefore, in the early 19th century, lower courts were formed in numerous jurisdictions as a response to the early American needs for local justice (Alfini, 1981).

In the early years, a municipal court judge was appointed or elected to handle misdemeanor cases in urban areas; a justice of the peace served in rural communities. Unlike contemporary courts, the municipal courts of the nineteenth century processed fewer cases but exemplified the emergence of local justice.

In the first years of the twentieth century, America saw an explosive increase in population, a rise in misdemeanors, and the development of organized professional police forces. More municipal courts were formed to respond to the increasing case load. By the 1950's, urban areas from Maine to Los Angeles experienced a tremendous growth of vehicular use and with it a need for a court to handle traffic violations. In most cities, the municipal court functioned as traffic court, along with handling minor civil and criminal offenses.

The present day Atlanta Municipal Court was created and established pursuant to Article VI, Section 1 of the Constitution of Georgia and Title 36 of the Official Code of Georgia Annotated. It began functioning in the early to mid 1950's and was housed in the Atlanta police headquarters at 175 Decatur Street. At that time, and until 1974, it was known simply as Police Court. Only part time judges were used.

In 1974, with the election of Mayor Maynard Jackson, the court came to be known as Atlanta Municipal Court, and took on the character it has today, with a public defender's office and a solicitor's office. Between 1974 and 1980, the number of full-time judges increased from two to

four. A fifth judge was added in 1981; a sixth in 1989; a seventh in 1990; and an eighth in 1995. Court reporters were added in 1978.

In October of 1992 the Atlanta Municipal Court moved into a brand-new facility at its present location, 170 Garnett St., S.W. It adjoins the old and new city jails and also houses Atlanta Pretrial Services and the Victim-Witness Assistance Program. By City Charter, the Court is authorized to add full-time judges as needed and appointed by the mayor, and is also authorized to have ten judges pro-hoc vice, or part-time judges. Presently there are eight full-time judges and seven pro-hoc vice judges.

As we approach the end of the twentieth century, the municipal courts are the busiest justice centers in the country. Almost ninety percent of all criminal cases are heard in the municipal or other lower courts (Meyer and Jesilow, 1997: 4). In 1991, California disposed of almost 9 million cases through its municipal courts. Each California Municipal Court Judge averaged 43 cases a day. Based on the sample used in the present study, the Atlanta Municipal Court is expected to dispose of an estimated 78,000 charges in 1997.

The municipal court plays a very important role in American society. The majority of the population rarely engages in serious criminal behavior but is more likely to commit a traffic violation or a misdemeanor criminal offense. Consequently, the first-hand personal experience most people have with the American judicial system is through the actions of the municipal courts. The manner in which judges preside, sentence, and apply the law has a significant impact on how local citizens view the judicial process (Meyer and Jesilow, 1997). Therefore, research into decision making at this level is an important step in understanding the important role played by the municipal court as a component in the overall criminal justice process.

Generally, municipal courts in the US perform three basic functions: They deal with most traffic offenses, they adjudicate local ordinance violations and minor misdemeanors, and they handle the initial appearance for persons charged with more serious misdemeanors and felonies (Anderson & Newman, 1993). However, beyond these generalities, municipal courts across the country vary in role, function, and caseload. Some municipalities like the city of Atlanta, have separate courts which handle traffic and parking violations.<sup>2</sup> Other cities such as Seattle, Washington, have begun to lump all minor violations into "non-traffic" designations. In Texas, state mandates restrict municipal court final adjudication to "Class C" violations which can carry a fine only. These include public intoxication, possession of drug paraphernalia, and theft of less than \$50.00. On the other hand, California has expanded the role of its municipal courts allowing them to accept guilty pleas and thus render final judgments.

Caseload also varies across jurisdictions. Willmington, Delaware, handled just over 13,000 dispositions including traffic violations in 1996. The Municipal Court in Seattle adjudicated over 28,000 non-traffic cases, while the two municipal courts in Wisconsin disposed of some 80,000 similar cases that same year and Atlanta dealt with over 75,000 cases.

When municipal courts are examined on a national basis, it appears that each city has a different approach to managing the municipal court case-load. This study and others like it, could help other cities struggling to make the best use of their municipal courts resources at a time when personnel are pressed and financial resources are severely taxed.

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<sup>2</sup> In most jurisdictions, municipal courts and traffic courts do not handle serious driving offenses such as hit and run, driving under the influence, and evading the police. These are normally adjudicated in state misdemeanor courts.



## Overview of Research

In June 1997, the Atlanta City Council and the Atlanta Criminal Justice Coordinating Council requested that the Department of Criminal Justice at Georgia State University analyze the processing of Quality of Life (QOL) charges by the Atlanta Municipal Court. This culminated in adoption of a City Ordinance authorizing the President of the Council to contract with Georgia State University to conduct the research. The summary results of that analysis as well as several recommendations are presented in this report.

This research reflects QOL charges disposed of by the Municipal Court for the period of January 1, 1997, to March 31, 1997. Specifically, the analysis concentrated on the occurrences and dispositions of charges within the twenty-one Quality of Life City Ordinances, which include:

- Begging
- Littering
- Breach of Peace
- Knife Ordinance
- Discharging Firearms
- Disorderly Conduct
- Drinking Within 100 Feet of a  
Package Store
- Blocking
- Endangering Property
- Urinating in Public
- Unauthorized Person in a Parking Lot
- Disorderly While Intoxicated
- Occupying a Dive
- Fighting
- Public Drinking
- Fear
- Fighting Words
- Intentional Unlawful Conduct
- Deceptive Practices
- Gaming
- Halt flow V.P. Traffic

The research here represents the third attempt to analyze decision making in the Atlanta Municipal Court. The first was conducted in 1995 and was known as the McKinsey Report, named after the consulting firm which performed the study for Central Atlanta Progress, Inc. (CAP). In that comprehensive project, dispositions by the court of QOL offenses were assessed along with several other aspects of municipal court activity.

The McKinsey study was followed by an in-depth review of QOL dispositions conducted in 1995-1996 by CAP. The CAP study (1996) focused on the judicial dispositions of QOL offenses. Here, court dockets were reviewed for a three-month period during the fall of 1995 and dispositions for all individual QOL charges during the study period were tracked. The results indicated that 53.5% of all QOL charges were being dismissed or otherwise disposed of without punishment for a wide range of reasons.

The CAP report left a number of questions unanswered. Because the CAP study focused on charges rather than defendants, little was reported about cases where individuals were charged with multiple offenses. For example, if on a given day, six QOL charges were dismissed because the victim did not appear in court, this could mean that six individuals charged with six separate individual QOL offenses were released because their six victims did not appear. On the other hand, it could mean that two individuals who were gambling (gaming) while engaged in "public drinking" in an alley "blocking" the rear entrance to a shop were arrested for three separate QOL offenses were released because the shop owner failed to attend the hearing.

In a similar vein, because the CAP study reviewed only QOL charges, little was provided about defendants who were arrested on other charges as well as QOL violations. Therefore, if a QOL charge was "dismissed" on the motion of the prosecutor, that did not necessarily mean that the

defendant was released. In reality, the defendant could have been bound over to Superior Court for a more serious additional charge.

Finally the CAP study focused on dispositions of individual charges rather than outcomes of cases. This resulted in the reporting of data which, while accurate from a technical sense, appeared to skew data toward dismissals.

The present study was commissioned by the Atlanta City Council as a follow-up to the CAP analysis. It was requested by the newly formed Atlanta Criminal Justice Coordinating Council (ACJCC)<sup>3</sup> because of, among other factors, the need to put into place a new reporting protocol. This protocol would produce routine and timely reports to assist ACJCC and its member agencies in reviewing current practices and developing new policies.

Procedurally, QOL enforcement within the City of Atlanta, normally begins with the police. This policing effort requires not only enforcement of the charges, but also attendance at trial as a witness. The police officer, in many QOL cases, issues a citation to the defendant and does not actually arrest the violator. Each citation is numbered and can contain up to three charges. Each incident is also given a complaint number.

The charge and complaint numbers are then entered into the City's criminal justice computer system. The case is then processed in accordance with the rules of the Municipal Court. The Solicitor's Office decides whether to prosecute the case, and, if so, what the appropriate recommended disposition of the case should be. If the Solicitor's Office decides to prosecute the case, a hearing is set before one of the Municipal Court judges. That hearing may actually take place

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<sup>3</sup> ACJCC is comprised of agency or department heads of every criminal justice entity within the City of Atlanta.

or be continued based on a number of different reasons. If continued, the hearing will be reset. If held, a number of potential outcomes may occur, including a final adjudication of guilt or innocence.

The Research Team analyzed all reported QOL charges brought before the Municipal Court during the first three months in 1997 which resulted in final court action. This included all cases where at least one QOL charge was filed, and that charge was disposed of by the court. Included were charges filed before the study period which reached a final disposition during the period, but did not include charges filed in the first three months of the year which were continued or postponed.

The study covered defendants who were arrested for one or more QOL offenses alone, and defendants who were charged with a QOL violation along with some other non-QOL offense. The study did not cover defendants who were arrested for any other ordinance violations, or any felonies or misdemeanors unless they were accompanied by a QOL charge.

The protocol utilized here for obtaining the necessary data was developed after several meetings between the Research Team and the Municipal Court Clerk's Office and the Atlanta Bureau of Management Information Systems (BMIS). After careful examination of data storage and access, The team requested that BMIS supply data outputs according to agreed-upon specifications. The Systems and Programming Division of BMIS facilitated and provided the specified reports for analysis utilizing a data processing method known as the Criminal Justice Information System (CJIS).

Using this particular protocol has both advantages and disadvantages. One advantage is that producing reports through CJIS/BMIS means that future "runs" can be generated by the City without the need to rely on the assistance of an outside party such as Georgia State University. This is an important benefit to Atlanta City Council and Municipal Court. A major disadvantage of using this approach is the potential for error. Yet, any reliance on existing records could result in such error.

As with any data set which is manually entered, there is a risk of human error. Presently, the data is first hand recorded on a citation or offense report by the arresting officer, it is then transferred by hand to the written docket, and then keyed into computer records by hand.

In addition, the CJIS system had been in place for only three months when the study period began. As with most new information systems there are glitches which must be addressed. Therefore, a possibility of under-reporting may exist in this analysis. Finally, relying on data collected by others has its own inherent problems. Chief among these is the possibility that only part of the actual information is available for analysis. The Research Team is convinced, after cross verifying<sup>4</sup> the data, that potential errors have been minimized. However, it must be understood that the data presented in this report reflects information as provided by CJIS/BMIS.

## Results

From January 1, 1997 to March 31, 1997, the Municipal Court disposed of a total of 19,542 charges. Of those *charges*, 2,733 involved QOL violations, representing 14% of the total *charges* disposed of during the study period. There were altogether 16,311 *defendants*, 2,374 of whom were charged with one or more QOL violations. QOL *defendants* comprised 14% of the total number of *defendants* who appeared before the Municipal Court as well. The results are provided in two sections: The first provides data by total QOL *charges* and the second by *defendant*.

### a. Total Charges

There were 21 different QOL charges analyzed. Table 1 provides a listing of the frequencies for these charges. The most common QOL charge was "DC-Section 6 - Occupying a Dive." The

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<sup>4</sup> To cross verify, different types of data sets were run and the data were compared to the results of an independent study on feasibility of establishing a community court in Atlanta.

court disposed of 564 such violations, approximately 21% of the total number of QOL charges. An additional 17% (460) charges were related to the public intoxication ordinances. These ordinances include Disorderly While Intoxicated, Drinking In front of a Package Store, and Public Drinking. The least common charge was "Breach of Peace" where only 5 violations were reported.

**TABLE 1**  
**Frequency of Quality of Life Charges**

Charges	Number	Percentage
Occupying a Dive	564	20.6%
Disorderly While Intoxicated	294	10.8%
Fighting	278	10.2%
Fear	246	9.0%
Disorderly Conduct <sup>5</sup>	179	6.5%
Intentional Unlawful Conduct	171	6.3%
Fighting Words	167	6.1%
Deceptive Practices	157	5.7%
Drinking In front of Pkg Store	144	5.3%
Endangering Property	129	4.7%
Urinating In Public	93	3.4%
Knife Ordinance	90	3.3%
Begging	71	2.6%
Blocking	38	1.4%
Gaming	37	1.4%
Public Drinking	22	0.8%
Halt Flow V-P Traffic	15	0.5%
Unauthorized Person In Lot	15	0.5%
Discharging Firearms	12	0.4%
Littering	6	0.2%
Breach of Peace	5	0.2%
<b>TOTAL</b>	<b>2,733</b>	<b>100.0%</b>

<sup>5</sup> The specificity of the charge was not included in the BMIS report.

There were 33 different outcomes<sup>6</sup> available to the court and these are reported in order of frequency in Table 2. The charge outcome, "Time Suspended Upon Payment of Fine", was the most frequently used by Municipal Court. The judges used this charge outcome for 600 QOL

**TABLE 2**  
**Outcomes for Quality of Life Charges**

Outcomes	Number	Percentage	Outcomes	Number	Percentage
<b>Punishment Outcomes</b>			Treatment/ Community Service	9	0.3%
Time Suspended Upon Payment of Fine	600	22.0%	Neighborhood Justice	4	0.1%
Time Only	272	10.0%	DV/FV Case Complete	2	0.1%
Fine and Time Suspended	224	8.2%	Restitution	2	0.1%
Fine Only	56	2.0%	<b>Merged Outcomes</b>		
Time to Pay	54	2.0%	Charge Amended	175	6.4%
Collateral Forfeited/Paid	47	1.7%	Merged into Greater Offense	141	5.2%
Probation	18	0.7%	Merged into Other Offense	87	3.2%
<b>Dismissed Outcomes</b>			Fulton State Court	34	1.2%
Motion of Prosecution	461	16.9%	Fulton Superior Court	6	0.2%
Victim Not In Court	158	5.8%	DeKalb State Court	4	0.1%
5th Amendment	130	4.8%	DeKalb Superior Court	1	0.0%
Officer Not in Court	117	4.3%	<b>Other Outcomes</b>		
Want of Prosecution	74	2.7%	Pre-Trial Intervention Complete	5	0.2%
No Probable Cause	12	0.4%	Time to Pay Complete	5	0.2%
Case Not Proven	11	0.4%	Corrected at Municipal Court	4	0.1%
Evidentiary Reasons	8	0.3%	Defendant Not Competent	1	0.0%
Marital Privilege	7	0.3%	Record Sealed	1	0.0%
No Jurisdiction	3	0.1%	<b>TOTAL</b>	<b>2,733</b>	<b>100.0%</b>

<sup>6</sup> In this discussion, the term "outcomes" is utilized as a generic label for all results of judicial actions. This category included traditional dispositions such as fines, jail time, probation and community service as well dismissals for a wide range of reasons.

When these total possible outcomes are viewed as a whole, a pattern emerges. The outcomes can best be analyzed when organized into four separate categories: Punishment, Dismissed, Merged into Other Offense, and Other. The overall results are presented in Table 3.

**TABLE 3**  
**Categories of Quality of Life Outcomes**

<b>Outcome</b>	<b>Number</b>	<b>Percentage</b>
Punishment	1271	46.5%
Dismissed	998	36.5%
Merged Into Greater Offense	448	16.4%
Other	16	0.6%
<b>TOTAL</b>	<b>2,733</b>	<b>100.0%</b>

The Punishment category has eight sub-categories: Time Suspended Upon Payment of Fine, Time Only, Fine and Time Suspended, Fine Only, Time to Pay, Probation, and Collateral Forfeited/Paid. Punishment accounted for 46% of the total possible charge outcomes. These results are presented in Table 4. Outcomes related to the payment of some type of fine occurred some 757 times which 60% of all punishment-related dispositions and almost 30% of all outcomes.

**TABLE 4**  
**Quality of Life Outcomes by Punishment**

<b>Punishment Sub-Category</b>	<b>Occurrences</b>	<b>Percent</b>
Time Suspended Upon Payment of Fine	600	47.2%
Time Only	272	21.4%
Fine and Time Suspended <small>(Due to time served)</small>	224	17.6%
Fine Only	56	4.4%
Time to Pay	54	4.2%
Collateral Forfeited/Paid	47	3.7%
Probation	18	1.4%
<b>TOTAL</b>	<b>1,271</b>	<b>100.0%</b>



There are six sub-categories within the Dismissed category as reported in Table 5. In 37% of the cases, QOL charges were dismissed. The most frequently reason given was related to a motion by the prosecution. This represented over 46% of all dismissals and around 17% of all outcomes. As to the total dismissal rate, QOL dismissals accounted for 36.5% of all QOL charges and only 5.1% of all charges disposed of by the Municipal Court during the study period.

**TABLE 5**  
**Quality of Life Outcomes by Dismissal**

<b>Dismissal Sub-Category<sup>7</sup></b>	<b>Occurrences</b>	<b>Percent</b>
Motion of Prosecution	461	46.2%
Victim Not In Court	158	15.8%
5th Amendment	130	13.0%
Officer Not in Court	117	11.7%
Want of Prosecution	74	7.4%
No Probable Cause	12	1.2%
Case Not Proven	11	1.1%
Treatment/ Community Service	9	0.9%
Evidentiary Reasons	8	0.8%
Marital Privilege	7	0.7%
Neighborhood Justice	4	0.4%
No Jurisdiction	3	0.3%
DV/FV Case Complete	2	0.2%
Restitution	2	0.2%
<b>TOTAL</b>	<b>998</b>	<b>100.0%</b>

<sup>7</sup> A breakdown of dismissals by solicitor, judge and police officer is not possible because dispositions vary by place and time and data are not recorded in a manner which allows for individual participation.

Charges in a number of cases were merged or otherwise amended and/or transferred to a higher court. In Table 6, Merge-Related outcomes are reported in seven sub-categories: Merged into Greater Offense, Charge Amended, Merged into Other Offense, Fulton State Court, Fulton Superior Court, DeKalb State Court, and DeKalb Superior Court. This outcome category accounted for 16% of the total possible outcomes.

**TABLE 6**  
**Quality of Life Outcomes by Mergers**

<b>Merger Sub-Category</b>	<b>Occurrences</b>	<b>Percent</b>
Charge Amended	175	39.1%
Merged into Greater Offense	141	31.5%
Merged into Other Offense	87	19.4%
Fulton State Court	34	7.6%
Fulton Superior Court	6	1.3%
DeKalb State Court	4	0.9%
DeKalb Superior Court	1	0.2%
<b>TOTAL</b>	<b>448</b>	<b>100.0%</b>

The final category encompasses the Other possible outcomes for QOL charges and is reported in Table 7. Within this group is: Pre Trial Intervention Complete, Time to Pay Complete, Corrected at Municipal Court, Defendant Not Competent, Record Sealed. This category represents the remaining 2.2% of the total possible outcomes.

**TABLE 7**  
**Quality of Life Outcomes by Other Outcome**

<b>Other Outcome Category</b>	<b>Occurrences</b>	<b>Percent</b>
Pre-Trial Intervention Complete	5	31.3%
Time to Pay Complete	5	31.3%
Corrected at Municipal Court	4	25.0%
Defendant Not Competent	1	6.3%
Record Sealed	1	6.3%
<b>TOTAL</b>	<b>16</b>	<b>100.0%</b>

There are fifteen judges who disposed of QOL cases during the study period. The frequency of activity for each judge is provided in Table 8. Judge Catherine Malicki disposed of the most QOL charges, a total of 380 or 14% of the total disposed QOL charges.

**TABLE 8**  
**Quality of Life Dispositions by Judge**

<b>Judge</b>	<b>Total Dispositions</b>	<b>QOL Dispositions</b>	<b>% of Total</b>
Bennett, J.	1,044	133	12.7%
Carlisle, E.	1,975	298	15.1%
Deveaux, C. <sup>8</sup>	1,199	171	14.3%
Dixon, M.	29	9	31.0%
Greene, D.	1,906	320	16.8%
Harris, B. <sup>8</sup>	261	20	7.7%
Jackson, G.	198	42	21.2%
Johnson, H.	1,932	189	9.8%
Kaplan, A.	311	36	11.6%
Malicki, C.	2,862	380	13.3%
Mathews, W.	1,000	157	15.7%
Mickle, A.	1,951	324	16.6%
Moskowitz, H.	2,339	295	12.6%
Riley, W.	2,381	323	13.6%
Spaulding, B.	154	36	23.4%
<b>TOTAL</b>	<b>19,542</b>	<b>2,733</b>	<b>14.0%</b>

<sup>8</sup> Judges Deveaux and Harris hear only cases which involve domestic violence. Judge Harris also hears Environmental Court cases which were not included in this study.

**b. Defendants**

There were altogether 2,374 defendants charged with QOL violations who had final dispositions of those charges during the study period. Of this total number of defendants, only 900 (or 37.9%) were charged exclusively with one or more QOL violation. In fact, almost all of these defendants were charged with a single QOL offense: There were 904 QOL charges distributed among 900 defendants. On the other hand, over 62% (1,474) of all defendants in the study were charged with at least one other non-QOL offense.

As to the number of additional charges per defendant, Table 9 provides these results. Almost two-thirds of the defendants had only one additional charge. However, there were a substantial number (212 or 14.3%) who were charged with four or more total offenses (one QOL offense and three additional non-QOL charges<sup>9</sup>).

**TABLE 9**  
**Total Number of Charges by Defendant**

<b>Total Number of Charges</b>	<b>Number of Defendants</b>	<b>% of Total</b>
Only one QOL Charge	900	37.9%
Two Total Charges	955	40.2%
Three Total Charges	307	12.9%
Four Total Charges	127	5.3%
Five Total Charges	39	1.6%
Six Total Charges	30	1.3%
Seven Total Charges	8	0.3%
Eight Total Charges	4	0.2%
Nine Total Charges	4	0.2%
<b>TOTAL</b>	<b>2,374</b>	<b>100.0%</b>

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<sup>9</sup> It should be noted that the data did not allow for making distinctions between when a charge was filed and when it was heard; thus some defendants with multiple charges could have been arrested several times but adjudicated on one date.

When defendants who were charged with one or more non-QOL offense are examined by charge, an interesting pattern emerges. These results are provided in Table 10. For the most part, the total number of charges for QOL Plus (QOL Plus<sup>10</sup>) defendants track with those charged with only QOL violations. However, there are several exceptions. Defendants charged with "Disorderly While Intoxicated" are more likely to be charged with that offense alone, but those charged with Begging or Urinating In Public are more likely to be charged with an additional offense.

**TABLE 10**  
**Frequency of QOL Plus Charges by Charge**

<b>Charge</b>	<b>Total Charges</b>	<b>QOL Plus</b>	<b>% of Total</b>
Occupying a Dive	564	387	68.6%
Fighting	294	171	58.2%
Disorderly While Intoxicated	278	131	47.1%
Disorderly Conduct	246	177	72.0%
Intentional Unlawful Conduct	179	119	66.5%
Urinating In Public	171	150	87.7%
Drinking In front of Pkg Store	167	134	80.2%
Begging	157	139	88.5%
Fear	144	74	51.4%
Endangering Property	129	104	80.6%
Fighting Words	93	42	45.2%
Knife Ordinance	90	70	77.8%
Deceptive Practices	71	35	49.3%
Blocking	38	22	57.9%
Gaming	37	27	73.0%
Public Drinking	22	15	68.2%
Halt Flow V-P Traffic	15	8	53.3%
Unauthorized Person In Lot	15	8	53.3%
Discharging Firearms	12	9	75.0%
Breach of Peace	6	5	83.3%
Littering	5	2	40.0%
<b>TOTAL</b>	<b>2,733</b>	<b>1,829</b>	<b>66.9%</b>

<sup>10</sup> "QOL Plus" designates charges filed against defendants who were charged with one QOL violation and at least one non-QOL offense.

When outcomes are examined, it becomes clear that few defendants who were charged with a QOL offense avoided punishment altogether at this stage. These results are reported in Table 11.

Here, many outcomes normally viewed as "dismissals" actually resulted in some other type of

**TABLE 11**  
**Disposition of QOL Plus Charges by Outcome**

<b>Outcome</b>	<b>Total Defendants</b>	<b>QOL Plus</b>	<b>% of Total</b>
<b>Punishment Outcome</b>			
Time Suspended Upon Payment of Fine	600	437	72.8%
Time Only	272	204	75.0%
Fine and Time Suspended	224	122	54.5%
Fine Only	56	39	69.6%
Time to Pay	54	45	83.3%
Collateral Forfeited/Paid	47	14	29.8%
Probation	18	13	72.2%
<b>Dismissal Outcome</b>			
Motion of Prosecution	461	283	61.4%
Victim Not In Court	158	84	53.2%
5th Amendment	130	44	33.8%
Officer Not in Court	117	60	51.3%
Want of Prosecution	74	28	37.8%
No Probable Cause	12	10	83.3%
Case Not Proven	11	2	18.2%
Treatment/ Community Service	9	3	33.3%
Evidentiary Reasons	8	8	100.0%
Marital Privilege	7	5	71.4%
Neighborhood Justice	4	2	50.0%
No Jurisdiction	3	1	33.3%
DV/FV Case Complete	2	0	0.0%
Restitution	2	2	100.0%
<b>Merger Outcomes</b>			
Charge Amended	175	146	83.4%
Merged into Greater Offense	141	138	97.9%
Merged into Other Offense	87	86	98.9%
Fulton State Court	34	30	88.2%
Fulton Superior Court	6	5	83.3%
DeKalb State Court	4	3	75.0%
DeKalb Superior Court	1	1	100.0%
<b>Other Outcomes</b>			
Pre-Trial Intervention Complete	5	5	100.0%
Time to Pay Complete	5	4	80.0%
Corrected at Municipal Court	4	4	100.0%
Defendant Not Competent	1	0	0.0%
Record Sealed	1	1	100.0%
<b>TOTAL</b>	<b>2,733</b>	<b>1,829</b>	<b>66.9%</b>

disposition. For example, when a charge is "merged" into another or greater offense, then the defendant faces other charges and does not necessarily escape prosecution.

This result becomes even more pronounced when Outcome Sub-Categories are examined. (See Table 12.) As expected, the vast majority of Mergers Outcomes took place when defendants were charged with an additional offense. On the other hand, when QOL defendants were punished, in most cases they were facing a singular QOL charge.

**TABLE 12**  
**Disposition of QOL Plus Charges by Outcome Sub-Category**

<b>Outcome Sub-Category</b>	<b>Defendants</b>	<b>QOL Plus</b>	<b>% of Total</b>
Punishment	1,271	397	31.2%
Dismissal	998	530	53.1%
Mergers	448	409	91.3%
Other Outcome	16	14	87.5%
<b>TOTAL</b>	<b>2,733</b>	<b>1,350</b>	<b>49.4%</b>

This pattern is born out when Outcomes are examined for Dismissals. As shown in Table 13, in most cases, when the case was dismissed because the Fifth Amendment privilege was invoked or when evidentiary problems existed, there was generally only one QOL offense involved. However, most dismissals for Marital Privilege No Probable Cause occurred when multiple charges were heard.

**TABLE 13**  
**Outcomes of QOL Plus Charges by Dismissals**

<b>Outcome Sub-Category</b>	<b>Defendants</b>	<b>QOL Plus</b>	<b>% of Total</b>
Motion of Prosecution	461	283	61.4%
Victim Not In Court	158	84	53.2%
5th Amendment	130	44	33.8%
Officer Not in Court	117	60	51.3%
Want of Prosecution	74	28	37.8%
No Probable Cause	12	10	83.3%
Case Not Proven	11	2	18.2%
Evidentiary Reasons	8	8	100.0%
Marital Privilege	7	5	71.4%
No Jurisdiction	3	1	33.3%
<b>TOTAL</b>	<b>981</b>	<b>525</b>	<b>53.5%</b>

Finally, it is important to note that just because a QOL offense was dismissed, this does not mean that the defendant is set free. In many cases, a QOL charge may be dropped or merged into a greater offense and the defendant transferred to another court to wait further action.



## Conclusions and Recommendations

The results of the present study provide a "snapshot" view of the processing of QOL cases in the Atlanta Municipal Court. They show that almost two-thirds of all defendants charged with QOL violations are also charged with some other, non-QOL offense. In addition, they indicate that, by and large, most defendants are not released without some type of sanction. Further, when charges are dismissed, there is a good chance that some other charge may be pending.

We offer several suggestions that could facilitate future reports of this nature. First, **all** the data from the dockets should be recorded into the CJIS system. Currently, fields such as Solicitor and Police Officer are rarely being entered. These constitute two crucial components of the court system and important data about these areas are unavailable through the CJIS system. Second, a smaller and more definitive set of outcomes should be adopted and followed. Dispositions tend to overlap and may be interpreted differently by different judges.

Finally, a method to measure recidivism accurately should be established. When the City of Atlanta requested this analysis, there was concern expressed about repeat offenders – particularly those involved in alcohol and drug-related misconduct. Currently, there are no adequate mechanisms in place to measure recidivism. In order to track individuals in the system, each defendant must be uniquely identified. Presently, only persons who have been fingerprinted and logged into the system can be tracked. Many of QOL offenders are not fingerprinted and logged.<sup>11</sup> As a result, incorrect or incomplete data makes it virtually impossible to assess recidivism.

The research team strongly recommends that all persons arrested be fingerprinted and logged into the system. This would provide a mechanism to track offenders and their recidivism. It would

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<sup>11</sup> Currently efforts are underway to install an automated fingerprinting identification system (AFIS) at the City Department of Corrections to be in operation prior to the end of 1998.

also allow the courts to access defendant data when dispositions are made. This would in turn provide a vehicle to assess the effectiveness of various dispositions on individual offender types.

The City Council President's Office expressed a need to issue reports such as the present one on a regular basis. Some verbal conversation discussed the possibility of quarterly reports. We suggest that the ACJCC consider the issuing such reports on an annual or semi-annual basis. BMIS should be able to provide the necessary information and appropriate analysis following the outline and information presented in this study.

Finally, the analysis of the court's case load and the proportion of QOL cases out of the overall court case load indicates that defendants with QOL charges only, are but a small fraction of the courts load (about 5 percent); however, when defendants have other more serious charges lumped together with QOL charges their percentage in the overall load of the court jumps three time higher up to 14 percent. This is not a negligible proportion. This points out that the "Broken Windows" perspective works in Atlanta: namely, QOL defendants are involved in more serious crime and therefore handling QOL defendants is likely to affect their involvement in more serious crimes. Thus, current discussions in Atlanta to bring about the establishment of a Community Court may offer a relief to the Municipal Court case load as well as a better focus on QOL offenses and defendants.

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