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JUL 14 2004

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *J. Reed* Deputy Clerk

FREDERICK HARPER, :
individually and on behalf of all :
present and future inmates in the :
Fulton County Jail in Atlanta, :
Georgia, :

Plaintiffs, :

v. :

DEPUTY TYRONE BENNETT, :
et al., :

Defendants. :

JACQUELYN BARRETT, Fulton :
County Sheriff, in her official :
capacity, :

Defendant and Third-party :
Plaintiff, :

v. :

JIM DONALD, Commissioner, :
Georgia Department of :
Corrections, in his official :
capacity, et al., :

Third-party Defendants. :

CIVIL ACTION

1:04-CV-1416-MHS

ORDER APPOINTING RECEIVER

Pursuant to the Court's Order of July 7, 2004, after considering a number of applications and consulting with other interested parties, the Court hereby APPOINTS John Gibson as temporary Receiver to replace defendant Sheriff Jacquelyn Barrett as custodian of the Fulton County Jail until a new, duly-elected sheriff takes office in January 2005. Based upon Mr. Gibson's outstanding qualifications as an experienced jail administrator with the federal Bureau of Prisons, the glowing recommendations of his references, and the Court's own assessment after conducting a personal interview, the Court is confident that Mr. Gibson is the best choice for the difficult task ahead. If anyone can fix the problems at the Fulton County Jail, the Court believes that Mr. Gibson can.

In order to allow Mr. Gibson to fulfill a prior commitment, the Court will swear him in as Receiver at 11:00 a.m. on Friday, July 23, 2004, at the Fulton County Jail. Upon his swearing in, the Receiver shall have the same powers and responsibilities as the Fulton County Sheriff with respect to the management, supervision, and operation of the jail, including but not limited to the power to hire, fire, and discipline employees and the power to make all

budgetary and other decisions ordinarily entrusted to the sheriff. Sheriff Barrett shall have no further authority with respect to the jail but has agreed to be available for consultation with the Receiver to the extent he deems necessary.

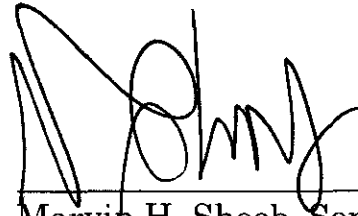
In addition to overseeing the daily operations of the jail, the Receiver shall immediately take every step reasonably necessary to correct the conditions described by Dr. Robert B. Greifinger in his reports dated May 31 and July 12, 2004. Specifically, the Receiver shall make every effort (1) to reduce the inmate population at the Rice Street facility to at or below 2,250; (2) to repair and properly maintain the basic systems at the jail, including especially the plumbing, air conditioning, ventilation, and electrical systems; and (3) to provide a sufficient number of trained and qualified staff to adequately protect the health and safety of both inmates and staff. As a court-appointed expert, Dr. Greifinger will continue to make bimonthly inspections of the jail during the term of the receivership and will be available for consultation with the Receiver as needed.

If, at any time, the Receiver finds that Fulton County and the Fulton County Board of Commissioners have not provided sufficient financial or other resources, or have otherwise failed to cooperate with the Receiver in the manner necessary for him to carry out the foregoing duties and responsibilities, then the Receiver may apply to the Court for an appropriate order directing the County and the Board of Commissioners to provide whatever resources or assistance may be needed. Such application shall be in writing and served on all parties and shall describe (1) the problem(s) sought to be addressed, (2) the efforts made by the Receiver to obtain the needed resources or assistance, (3) the County's response, and (4) the specific resources or assistance that the Court should order the County to provide. The Court will then promptly schedule a hearing to consider the application.

The Receiver shall be compensated at the rate of \$10,000 per month and shall be reimbursed for any out-of-pocket expenses in the same manner as would the sheriff. The County shall also provide him with a vehicle appropriately equipped for emergency use. On the first day of each month, the Receiver shall submit to the Court and to the Fulton County Attorney a statement showing the amount owing for services rendered during the

previous month, plus the amount of any expenses incurred. After approval by the Court, such amount shall be paid to the Receiver by Fulton County by the 15th of each month. The Receiver's compensation for the month of July shall be prorated from July 23, 2004.

IT IS SO ORDERED, this ^{14th}~~11~~ day of July, 2004.



Marvin H. Shoob, Senior Judge
United States District Court
Northern District of Georgia