

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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FREDERICK HARPER, individually )  
and on behalf of all present )  
and future inmates in the )  
Fulton County Jail in Atlanta, )  
Georgia, )  
 )  
Plaintiff, ) CIVIL ACTION FILE  
 )  
v. ) NO. 04-CV-1416-MHS  
 )  
DEPUTY TYRONE BENNETT, )  
individually; and FULTON COUNTY, )  
GEORGIA; FULTON COUNTY BOARD OF )  
COMMISSIONERS, KAREN HANDEL, )  
Chairperson, ROB PITTS, EMMA I. ) DEFENDANT FULTON COUNTY'S  
DARNELL, WILLIAM EDWARDS, TOM ) FIRST STATUS REPORT  
LOWE, NANCY BOXILL, members, in )  
their official capacities; )  
 )  
Defendants, )  
 )  
MYRON FREEMAN, Fulton County )  
Sheriff, in his official )  
capacity, )  
 )  
Defendant and Third Party )  
Plaintiff, )  
 )  
v. )  
 )  
JIM DONALD, Commissioner )  
Georgia, Department of )  
Corrections in his official )  
capacity, )  
and the GEORGIA DEPARTMENT OF )  
CORRECTIONS, )  
 )  
Third-party defendants. )  
 )

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**DEFENDANT FULTON COUNTY'S FIRST STATUS REPORT**

COMES NOW, the Fulton County Attorney, on behalf of Defendants Fulton County, Georgia and the Fulton County Board of Commissioners (collectively "Fulton County") and files this Interim Status Report. This report addresses Fulton County's ongoing efforts to reach full compliance with the Consent Decree approved by the Court on February 6, 2006. Although not required by the Consent Decree to submit an interim report, Fulton County acknowledges the importance of periodically informing the court about its efforts to meet the standards established by the Consent Decree. In support of the report, Fulton County shows the following:

Fulton County is making significant progress in addressing the many provisions of the Consent Order. There is demonstrable improvement in the administration and maintenance of the Fulton County Jail. The Consent Order includes in excess of one hundred separate paragraphs that outline Fulton County's responsibilities. In response to those provisions, Fulton County has appropriated additional funding to the Sheriff's Office and developed new strategies, policies and procedures for improving safety at the Jail, monitoring the inmate population, and maintaining a liveable environment.

**A. The Mechanical, Elevator, and Plumbing Project**

Several provisions in the Consent Order require the replacement, repair, and preventative maintenance of the mechanical, elevator, and plumbing ("MEP") systems in the Jail. Fulton County's General Services Department ("GSD"), supervises and coordinates the effort to bring the Jail into compliance in these areas.

On July 1, 2006, Fulton County entered into a contract with Johnson Controls, Inc., to make mechanical, elevator, and plumbing improvements at the Jail. Johnson Controls also provides ongoing preventative maintenance through an operations and maintenance ("O & M") contract. Inside approximately three (3) months time, Johnson Controls has made notable improvement to the Jail's maintenance and facilities, as set forth below.

Fulton County replaced a collapsed section of the Jail sewer system and reset a section of sewer line that was built improperly during the initial construction of the Rice Street facility. Seventy-three (73) cell and dayroom windows (which were broken previously due to vandalism by inmates) have been replaced. Additionally, many of the Jail cells have been retrofitted with stainless steel toilet fixtures, as opposed to the standard, and more fragile, ceramic fixtures. These new fixtures will lead to a decreased number of inoperable toilets,

and therefore, an increased number of cells that can be properly used to house inmates.

The total contract value approved by Fulton County for Jail upgrades under the MEP project is \$55,436,480.00. Johnson Controls will redo the Jail's heating, ventilation and air-conditioning system, install all new elevator controls, and digitalize the housing controls for easier use by detention officers. The total value of the O & M contract for the period of October 1, 2005 to September 30, 2006 is \$4,625,144.00. Of that amount, \$3,000,000.00 is dedicated to maintaining monthly services at the Jail and approximately \$1,600,000.00 is allocated to a contingency fund for unforeseen emergencies.

The overall environment of the Rice Street facility has been enhanced by virtue of several ongoing initiatives. These initiatives include, but are not limited to: developing policies and procedures for maintaining the sanitation and environmental cleanliness of the Jail; increasing the number of staff dedicated to carrying out routine maintenance; maintaining toilets, showers, and sinks in working order; and decreasing response time to sewage leaks and other issues arising from the city's antiquated waste disposal system. Moreover, Fulton County has deployed an environmental health specialist from its Health Department who is stationed on-site at the Jail to act as

a liaison between the Sheriff's Office and Fulton County to ensure that the Jail meets state and county health codes.

**B. Courtroom Management**

Many of the challenges involved in running the Fulton County Jail are derived from the ever-increasing population of inmates that are placed in the Sheriff's custody by the many municipal law enforcement agencies located within Fulton County. The criminal justice agencies of Fulton County have coordinated an effort to streamline the process in which detainees are brought to first appearance. Beginning in late 2005, Fulton County has conducted Misdemeanor First Appearance Hearings at the Rice Street Jail facility. Additionally, a third courtroom has been constructed at the Jail, and the State and Superior Court judges now have the ability to use a technologically advanced video conferencing system to conduct their hearings.

The State Court has expanded the hours of operations for its courtroom located at the Jail, now holding hearings twice daily Monday through Friday at 8:00 a.m. and 6:00 p.m., as well as Saturday at 1:00 p.m. The State Court All Purpose Hearings have been conducted at the Jail since May 15, 2006. The State Court's change to evening hours has helped move a greater number of cases through the system at a faster, more efficient pace.

The Superior Court is leading the effort to reduce inmate

transportation issues and facilitate the timely release of inmates. Felony first appearances are held regularly at the Jail. Also, the Superior Court, in conjunction with the District Attorney's Office and the Office of the Public Defender, has developed a "Non-complex" criminal case calendar, which identifies quickly those felony cases best suited to be fast-tracked toward disposition. These efforts all contribute to lowering the number of inmates in the Jail and reducing the amount of time low-risk detainees spend in the system before their charges are presented to a judge.

**C. Long-Term Jail Feasibility Study**

In June 2006, Fulton County contracted with The Facility Group, Inc. to conduct a Planning and Needs Assessment Study for the Jail. The Facility Group is expected to submit its report to the Fulton County Board of Commissioners in late October 2006. The report will provide a strategy for meeting Fulton County's long range, mid-range, and short term goals regarding the management of its inmate population. The report will provide an overview of Fulton County's criminal justice system, as well as an inventory and assessment of the current Jail facilities.

The Facility Group will analyze historical inmate population data from a ten (10) year period. From this

analysis, it will provide a detailed projection and description of future inmate populations for the next twenty-five years, space and operational requirements for the Jail, projected facility and operational costs, as well as recommendations to alleviate overcrowding. Further, the study will provide a much needed review of the current and future housing needs of the Jail's mentally ill inmate population.

**D. The Board of Commissioners' Recent Appropriations and Upcoming Personnel Actions**

This year the Board of Commissioners appropriated \$6,000,000.00 to outsource inmates to other correctional facilities. Inmates currently are housed at Jail facilities in the City of Atlanta, Dekalb County, Cook County, Pelham County and Decatur County. The outsourcing of inmates has assisted the Jail in reducing its population.

Moreover, the Sheriff will begin implementation of his staff reorganization plan as part of Fulton County's October Budget soundings. The Sheriff's Office will seek Board approval to abolish approximately 30 supervisory positions to create more entry level positions. This personnel action will give the Sheriff more sworn entry level staff to directly supervise inmates at the Jail and assist the Sheriff's Office in complying with the staffing requirements in the Consent Decree.

**CONCLUSION**

Fulton County is committed to operating a constitutionally adequate facility that provides inmates with basic life necessities. Fulton County continues to take proactive steps to identify and correct any deficiencies which may exist at the Jail and to support the Sheriff's Office in its efforts to comply with the Consent Decree. The parties have made significant progress toward compliance within the last several months and remain confident that the Court Monitor's upcoming report will both reflect and concentrate on our efforts to provide a constitutionally adequate Jail.

This 25th day of October, 2006.

Respectfully Submitted,

Overtis Hicks Brantley  
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/s/ Paula Morgan Nash  
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Georgia Bar No. 528884

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of October, 2006, I electronically filed the foregoing **DEFENDANT FULTON COUNTY'S FIRST STATUS REPORT** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

Stephen B. Bright  
John C. Jones

Theodore H. Lackland  
Sidney Leighton Moore

**/s/ Paula Morgan Nash**  
Paula Morgan Nash  
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