

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

Plaintiffs, :

v. :

FULTON COUNTY, GEORGIA, :
et al., :

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, et al., :

Third-party Defendants. :

CIVIL ACTION

1:04-CV-1416-MHS

ORDER

The Court has received a report from the Monitor expressing concern over the County's decision to cut the Sheriff's FY09 budget to \$93.4 million. The Sheriff had requested \$98 million, the same as the FY08 budget. The Monitor believes that the reduced budget is insufficient to enable the Sheriff to comply with the requirements of the Consent Decree.

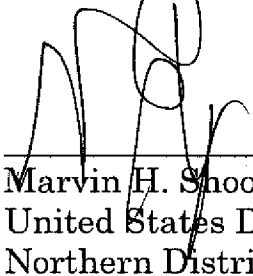
The County Defendants¹ should be aware that it is their obligation to budget sufficient funds to enable the Sheriff to comply with all requirements set out in the Consent Decree. This obligation is unconditional. The Court will not consider revenue shortfalls or a general need to reduce spending as a justification for noncompliance with this obligation. The County Defendants executed the Consent Decree and they will be held to account if they fail to comply for any reason.

If the Sheriff believes that the County Defendants have appropriated insufficient funds for him to comply with the Consent Decree, then he should

¹ "County Defendants" refers to Fulton County, the Fulton County Board of Commissioners, and the individual members of the Fulton County Board of Commissioners in their official capacities.

first notify the County Defendants and seek additional funding. If the necessary funding is not provided, then the Sheriff should notify the Court, and a hearing will be scheduled to determine whether the County Defendants should be held in contempt. If found in contempt, possible sanctions will include not only monetary fines but possible incarceration of individual defendants.

IT IS SO ORDERED, this 26 day of January, 2009.



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