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Court Monitor**

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RE: Harper, et al. v. Fulton County et al
CIVIL ACTION NO. 04-CV-1416-MHS

JUL 08 2008

JAMES N. HATTEN, Clerk

By:  Deputy Clerk

Introduction

This quarterly report covers the period from April through June 2008. It is based on reading and re-reading Consent Decree documents, other relevant materials and inmate letters; meeting with all parties involved in the class action suit case, including various inmates and Fulton County Jail detention officers; meeting with the Court Auditor; attending jail strategic management meetings; tours of facilities that are utilized to house Fulton County Jail inmates; reviewing jail reports on complying with Consent Decree orders; and e-mails, telephone conversations and correspondence from all parties, including Fulton County jail inmates. It is submitted in accordance with requirements of Section V of the Consent Decree in the above cited case.

The first visit to Fulton County in the seventh report was April 1, 2, 3 and 4, 2008. Throughout this visit, the Court Monitor conducted or participated in meetings and tours with the following parties:

- Weekly strategic management meetings at the Fulton County Jail on compliance with the Consent Decree;
- Chief Jailer for update briefing on compliance with the Consent Decree;
- Sheriff and appropriate staff for briefing on the inmate Grievance program and Internal Affairs Jail investigations;
- Toured the Sheriff's department training academy to observe a cadet class. Conversations with individual cadets were engaged and questions were fielded concerning the Consent Decree;
- Fulton County Interim Attorney for introduction and update briefing on the County's compliance with the Consent Decree;
- Toured parts of the Fulton County Jail to observe conditions and to talk to inmates and unit detention officers;
- Fulton County Department of General Services to receive a briefing on time lines of the Mechanical, Elevator and Plumbing (MEP) project and moving the Fulton County Jail Medical Unit to a separate location, while renovations of the current medical space is underway;
- Judge Shoob and Michael Robinson for update briefing on the County's compliance efforts to the Consent Decree and to introduce the Fulton County Jail's new chief jailer; and

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- Sheriff, Chief Jailer, and other staff for a full-end visit debriefing concerning staffing at the Jail, the Jail's need for a new emergency evacuation plan, the Sheriff's department's 2008 budget, moving the medical division at the Jail, the status of the new cadets working post and their certifications and inmate food service.

During this visit, it was discussed that in order to properly staff the housing units as stipulated in the Consent Decree, a revamping of the Jail's management configuration must be done, starting at the top. The Watch Commanders must be given broader jail oversight responsibilities. All detention officers must be available for assignment to the housing units in order to comply with the Consent Decree. The suggested command structure included: two assistant chief jailers, one responsible for security operations and the other responsible for administrative services; the current watch commanders would be changed to the rank of major and have total responsibility for the entire jail on his/her shift. This responsibility would extent to off periods of the watch commander. They would report to the security operations assistant chief jailer; and captains would be assistant watch commanders. Once this change is initiated, each supervisory level that falls under the change in the command structure would be redefined as to responsibilities.

Also during this visit, the Monitor discussed with Judge Shoob the importance of creating the inmate population control unit by the Fulton County Jail. This unit would be comprised of jail staff and Superior Court expeditors who would continuously monitor the inmate population in the Fulton County Jail to determine if inmates with minor charges and low bails appear to be staying in jail longer than reasonable. Once these inmates are identified, they would be brought to the attention of the counts for immediate action. Judge Shoob expressed interest in this initiative and wanted to be kept informed of resulting outcomes of such an effort.

The Monitor visited Fulton County during the week of April 21, 22, 23, 24 and 25, 2008. Throughout this visit, he conducted and participated in meetings and tours with the following parties:

- Chief Jailer, Fulton County Jail Medical Director (Dr. Marcus Mosley), Fulton County Jail Health Program Manger (George Herron), Fulton County Jail food services vender (Trinity Service Group), and Court Auditor concerning Fulton County Jail inmate food related health care issues;
- Tour of the old Jefferson Street Fulton County Jail with Fulton County Superior Court Chief Judge Doris Downs, Fulton County General Services Director Willie Hopkins, and Deputy County Manager Suzanne Alliegro to assess the former jail facility's possibilities for Drug Court use for drug court offenders

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who violate conditions and are in need of sanctions other than the use of the Fulton County Jail;

- Fulton County Manager Zachary Williams for the purpose of Harper Consent Decree update;
- Fulton County Jail's strategic responsibility chart management meeting that specifically deals with Consent Decree issues;
- Tour various sections of the Fulton County Jail with the Chief Jailer to talk to both inmates and officers as well as inspect for conditions;
- Plaintiff's Counsels to provide them updates on the Consent Decree and to discuss the recount of the Fulton County Jail and the creation of the population control committee;
- Fulton County Jail security manager Major Edward Platt and the Auditor on the creation of a Fulton County Jail inmate population control committee;
- Fulton County Jail Building Service Manager Dawn Adams relocating the Fulton County Jail medical unit to allow the (MEP) project to perform its renovations;
- Sheriff, members of his staff, and Chief Jailer to update them on Consent Decree issues, the creation of an inmate population control committee, relocating the Fulton County Jail medical operations for MEP renovations, and jail staffing problems;
- Visit outsourced Fulton County Jail inmates that are in various South Georgia counties and city jail facilities that include: Cook County Jail, Pelham City Jail, and Decatur County Jail.

As a continuance from the Monitor's last visit, during this visit, much emphasis was concentrated on the creation of a Fulton County Jail inmate population control committee. It is believed that this committee will function as a continuous inmate population relief valve. Categories of inmates will be monitored and identified for further review by the authorities responsible for their incarceration in the Fulton County Jail. The importance of this issue was impressed upon the Sheriff and Chief Jailer and that expeditious creation of the inmate population control committee is paramount.

Also, the Sheriff and Chief Jailer were acutely aware of the urgency to relocate the Fulton County Jail medical operations unit. Accordingly, they were advised by the Monitor to make this issue a top priority goal. The longer it takes to relocate the medical unit, the greater the possibility that the MEP project will be extended beyond its expected finish date.

During the visit to the outsourced facilities, it was apparent that the Georgia Department of Pardons and Parole has been active in servicing their parolee clientele.

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The number of parolees was few compared to the high number that was in these facilities on the Monitor's and Auditor's last visit. This reduction is attributed to and resulted from two meetings between the Department of Pardons and Parole and the Monitor and Auditor. However, the Fulton County category of offenders that currently predominates these facilities are those Fulton County Jail inmates awaiting programs as a part of their sentences. Few program openings exist, causing inmates awaiting such programs to spend long periods in jail before being selected. This information was shared with the Fulton County Superior Court Chief Judge. It was recommended by both the Monitor and Auditor that similar programs should be implemented in Fulton County in order to address this problem.

The Monitor visited Fulton County during the week of May 12, 13, 14, 15, and 16, 2008. Throughout this visit, he conducted and participated in meetings and tours with the following parties:

- Population control committee meeting with Chief McNeil, his staff, and Riley Taylor;
- Elected officials' meeting to participate in conversations concerning Fulton County Jail population;
- Tour parts of the Fulton County Jail MEP project with Fulton County Manager Zachary Williams, Fulton County Director of General Services, his staff, and Fulton County Jail Chief Jailer;
- Fulton County Jail strategic management meeting;
- Relocation of the Fulton County Jail medical unit to another location to allow the MEP project to work on the vacated medical unit space meeting;
- Tour Fulton County Jail medical unit with Chief McNeil and George Herron, medical unit director;
- Southern Center for Human Rights meeting with Plaintiff's Counsel to update on Consent Decree issues;
- Emergency Evacuation plan meeting with Chief McNeil to review the plan and consider developing a new adequate plan;
- Consent Decree sixth quarter report meeting with all Consent Decree parties to discuss the sixth quarter report;
- Judge Marvin Shoob, Michael Robinson, Jessica Morris, and Riley Taylor meeting/lunch to discuss Consent Decree issues and the sixth quarter report;
- Fulton County Manager meeting to discuss ways to reduce the Fulton County inmate population in outsourced facilities;
- Fulton County Law Department to discuss Consent Decree issues with County Defendant's Counsel; and

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- This visit's Consent Decree out-briefing with the Fulton County Sheriff, his staff, and Chief McNeil.

During this visit, the Fulton County Government Defendants expressed their desire for the Monitor to begin complying with the Consent Decree as stipulated in Section V, subsection 105, specifically, visits to Fulton County. Rather than as agreed to by all parties to have the Monitor visit the County at least once a month, it is the County Defendant's opinion that the visits once a month were for six months. Now that the six months have concluded, Consent Decree compliance for the Monitor's visits is appropriate. Therefore, with the concurrence of the Federal Court, the Monitor will visit Fulton County for the purpose of monitoring the Consent Decree July, September, and December of 2008 and quarterly thereafter.

However, during the Monitor's monthly visits, it became apparent that in order to achieve near to complete compliance with the Consent Decree, various Consent Decree items were in need of either continuous attention or initial start-up work. The items that have not been worked on, as well as all non-compliance items, will be listed in the summary section of this report. They are cited in each monthly Auditor's report and subsequently discussed with the Sheriff and Chief Jailer by the Monitor. The items that present serious compliance impediment are: inmate population mandated staffing, emergency evacuation, and relocating the medical unit for MEP work to be performed.

As reported previously, it was recommended by the both the Monitor and Auditor that the Sheriff implement a population control committee in order to address and maintain control over the continuous growth of the Fulton County inmate population. A list of inmate categories was shared with the Sheriff and Chief Jailer to monitor continuously for the purpose of returning inmates back to various Fulton County criminal justice components when problems are found concerning these inmates that are keeping them in the Fulton County Jail System inordinate amounts of time. Initial start up meetings was conducted; however, the population control committee's recommendation is slow to become reality.

Staffing continues to be out of compliance with Consent Decree mandates, notwithstanding the fact that the Fulton County Jail has more detention officers and deputies than in the past. It is the opinions of both the Monitor and Auditor that this problem is attributed to Fulton County Jail's staffing management and deployment. Staffing problems exist in spite of increased numbers of personnel and tremendous overtime being paid to officers and deputies. There are instances where too many officers are on the 11 to 7 shift and not enough on the other two shifts and certain areas in the Jail on a shift may have more officers than necessary.

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Although the Sheriff's Department has a Jail emergency evacuation plan, it does not meet the mandate of Subsection M, Item 93 (Safety and Emergency Procedures) of the Consent Decree. Should a disaster occur where the Jail has to evacuate all inmates and employees to safe and secure locations, the County is not prepared to address the problems that such a catastrophe could present. The Monitor offered a proposal that would help the Sheriff, Chief Jailer, and the County to develop an emergency evacuation plan; however, it was rejected. All parties of this Consent Decree have been fully apprised of the conditions and circumstances under which the Jail may be evacuated and the consequences of not having an adequate evacuation plan.

The MEP project continues to address the areas of the Jail in its scope of work. However, it has been estimated by the Fulton County Department of General Services that the completion date of the MEP project has moved from July 2009 to December 2009. As previously presented in this report, one of the more problematic issues confronting the MEP project and the Jail that could cause more delays is the relocation of the medical unit. The Chief Jailer and members of his staff are studying various scenarios that would accommodate the relocation of the medical unit. Nothing concrete has been finalized at this time.

The following are the orders of the Consent Decree, followed by the Monitor's corresponding report:

III. Terms and Conditions Necessary to Prevent Overcrowding, Provide for Appropriate Staffing and Reduce Processing Time.**A. Staffing and Security**

12. Staffing at the Rice Street facility and the two annexes shall not decrease below the level authorized on June 01, 2005, unless such decrease is authorized by this Court. The Board of Commissioners shall not "freeze" or otherwise prevent the filling of positions presently authorized for security staff at the jail facilities without leave of this Court.

Monitor's Report:

The current staffing level is at or above the funded level of June 01, 2005. There are currently no jail positions that have been frozen which would prevent the Sheriff from filling all existing staffing vacancies assigned at the Jail.

13. All Staff shall be trained with regard to the Jail's Jail Bureau Policies and Procedures Standard Operations Manual and required to consult and follow the policies and procedures contained in it.

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Monitor's Report:

As of 5/28/2008 there were 82 Cadets (newly hired detention officer and deputy sheriff positions) who have been hired during the past year (approximate). Among those officers the following is reported:

<u>Detention Officers:</u>	<u>59</u>	
Need Policy and Procedures classes	08	
Need Jail Officer Certification classes	53	89.8%
Officers employed beyond the Six Month Rule of Georgia Peace Officer Standards and Training (GA. POST)	42	71.2%
Officers currently attending Jail Officer Certification classes	17	28.8%
Officers not yet beyond the Six Month Rule of GA. POST	17	28.8%

<u>Deputy Sheriff:</u>	<u>23</u>	
Need Policy and Procedures classes	01	
Need GA. POST Law Enforcement Mandate classes	23	100%
Officers currently in GA. POST Law Enforcement Mandate	00	
Need Jail Officer Certification classes	14	60.8%
Officers not yet beyond the Six Month Rule of GA. POST	13	56.5%
Officers currently in Jail Officer Certification classes	03	

14. The Sheriff shall assign sufficient detention staff to provide to provide transport, security and other functions necessary for the provision of medical care. The County Defendants shall provide sufficient detention staff for regular sick call and the prompt distribution of medications in all three facilities, and for prompt transport of inmates to and from any medical appointments or needed medical care, either in the facility or in the community. The Sheriff shall train detention staff to recognize and respond appropriately to signs and symptoms of mental illness.

Monitor's Report:

There continues to be routine occasions where inmates are scheduled for x-ray and dental services but they are not brought to the clinic and/or are released prior to those services being performed. There are a number of tuberculosis skin tests that are not read prior to the inmates being released from custody. Many, if not most, of the occasions are the result of the ongoing shortage of security staff assigned to do inmate escorts. The following numbers of inmates were not provided x-ray, dental services and tuberculosis skin tests prior to their release from custody:

X-ray Services:

Missed Appointment

Release Prior to Appointment

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March	46	126
April	08	161
May	54	192

Dental Services Missed:

	Missed Appointment
March	91
April	91
May	89

PPD tuberculosis skin tests not read prior to the inmates' release:

March –	850 inmates' results were not checked – 34.7% of all implanted (2,448)
April –	874 inmates' results were not checked – 38.3% of all implanted (2,283)
May –	954 inmates' results were not checked – 38.6% of all implanted (2,471)

The Sheriff is not in compliance with this requirement of the Consent Decree.

Medical, Mental Health and Dental Services Report

Female Health Care – Pregnancy Tests Given

	Number of Book-Ins	PG Tests Given	Percentage of Positives	
March	503	373	24	6.4%
April	568	347	26	7.5%
May	583	412	19	4.6%

Infectious Disease Report

<u>Syphilis</u>	Number Screened	Number Tested	Males	Females	Positives
March	2,773	2,499	2,108	391	149
April	2,636	2,375	1,967	408	144
May	2,792	2,449	2,050	399	132
<u>HIV</u>	New Commitments	Male	Female		
March	66	60	06		
April	81	71	10		
May	77	65	12		

Mental Health Services

	Contacts	Assessments
March	1,791	592

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April	1,841	553		
May	1,866	592		
On-Going Care/Active Caseload		March	April	May
		1,233	1,288	1,274
		March	April	May
• Medical Doctor		466	505	527
• Licensed Clinical Social Worker		183	190	192
• Mental Health Assistant		584	593	555
• Grady Hospital Referrals		00	00	02
• Georgia Regional Hospital		03	05	02
<u>Total Intake</u>		March	April	May
Book-Ins		3,193	3,185	3,333
Male		2,663	2,617	2,750
Female		530	568	583
Inmates Screened		2,778	2,644	2,798
Male		2,324	2,171	2,293
Female		454	473	505
PPD's implanted		2,448	2,283	2,471
Males		2,037	1,859	2,021
Female		411	424	450
Inmates' w/PPD + History		241	264	230
Inmates' Refused PPD		59	59	71
<u>Dental Services</u>		March	April	May
Appointments Scheduled		388	412	395
Patients Treated		297	321	306
Patients Refused Treatments		46	29	43
Failed Appointments		91	91	89

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These 271 failed appointments average 90 patients per month or 22.7% of all that were originally scheduled for treatment in the Dental Clinic. Most of these failed scheduled treatments were not brought to the Dental Clinic due to staff shortages and a lack of escort staff to ensure escort of the inmate patients and to provide for safety and security of the Health Provider's staff.

Radiology Report – During the reporting period 1,689 x-rays were scheduled for inmates, the following was reported:

	<u>March</u>	<u>April</u>	<u>May</u>
X-rays scheduled	563	586	540
X-rays taken	367	391	378
X-rays pending (not taken)	46	08	54
Chest X-rays for TB follow-up	287	306	311
X-rays involving chest area	10	05	01
X-rays on extremities	49	60	59
X-rays for other health care needs	21	20	07
Inmates refused X-rays	10	07	03
Patients release prior to X-ray being taken	126	161	192
X-rays pending not yet taken	46	08	54

There were 108 (6.8%) patients that were not brought to the Clinic to be X-rayed and most were not brought to the Clinic as there continues to be a shortage of escort officers to ensure safety and security of the provider's staff as they work with the inmate patient.

In-Custody Deaths: During the reporting period, there were no in-custody deaths of inmates.

As was previously reported in the Sixth Quarterly Report inmate Glasco, Richard, 42 years old, black/male, Bk# 0805733 was found deceased inside his assigned cell in the Infirmary on 3/19/2008.

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On 6/02/2008 the United States Attorney's Office removed six inmates from the Fulton County Jail under Material Witness Warrants. Each of these inmates is thought to have witnessed events or possess information regarding the circumstances of inmate Glasco's death or other incidents involving inmates and staff.

The Federal Bureau of Investigation (FBI) executed the warrants and transferred custody of those six inmates to the United States Marshal's Service. The US Attorney also produced warrants for an extensive amount of jail records regarding a larger overall investigation involving alleged physical abuse of Glasco and other inmates that have been in the custody of the Fulton County Sheriff.

Among the information requested were reports, statements, medical records, and video tapes of specific areas of the inmate housing areas of Fulton County Jail.

Much of this information has not been made readily or easily available to the FBI, particularly, the lack of video tapes of specific areas of the Jail. This is due to the condition of the Security Cameras and Video Taping System, which does not provide for the appropriate taping and storage of the housing areas as mandated by the Consent Decree. The Security Cameras and Video Taping System is a vital component of the overall Security and Life Safety Systems of this and any other jail or correctional facility.

The Monitors and Auditor have tried unsuccessfully, since April 2007, to get the Sheriff and County Defendants to provide accurate information on the state of condition of this vital Security and Life Safety Equipment System.

The Sheriff and County Defendants have made no meaningful efforts to ensure that this Camera and Video Taping System meets the mandates of the Court.

Specifically the Sheriff, County Defendants and General Services Department have each failed to respond to repeated appeals to ensure that this vital Security and Life Safety System remains operational and meets the mandates of the Consent Decree.

The Sheriff, County Defendants and General Services Department are not in compliance with this requirement of the Consent Decree.

15. The Sheriff shall require detention staff assigned to each floor to conduct rounds inside each zone every hour.

Monitor's Report:

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Security Rounds - A review of security rounds within housing units was conducted using the Security Rounds Sheets which are posted inside each housing unit of the Jail. Security Staff are required to make an entry on each sheet (two in each housing unit) as they make their hourly security rounds within each housing unit.

04/10/2008 through 04/12/2008 the following determinations were made:

- On 04/10/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	520 security rounds were made
3-11 shift	90%	463 security rounds were made
11-7 shift	100%	900 security rounds were made

- On 04/11/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	515 security rounds were made
3-11 shift	91%	451 security rounds were made
11-7 shift	100%	906 security rounds were made

- On 04/12/2008 the shift percentages of required security rounds were as follows:

7-3 shift	98.8%	516 security rounds were made
3-11 shift	100%	525 security rounds were made
11-7 shift	100%	870 security rounds were made

Attachment: Security Rounds Report Analysis (six pages)

05/04/2008 through 05/07/2008 the following determinations were made:

- On 05/04/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	520 security rounds were made
3-11 shift	100%	520 security rounds were made
11-7 shift	96.9%	854 security rounds were made

- On 05/05/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	543 security rounds were made
3-11 shift	98.8%	535 security rounds were made
11-7 shift	99%	899 security rounds were made

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- On 05/06/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	481 security rounds were made
3-11 shift	100%	537 security rounds were made
11-7 shift	100%	890 security rounds were made

- On 05/07/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	526 security rounds were made
3-11 shift	100%	515 security rounds were made
11-7 shift	99.3%	815 security rounds were made

Attachment: Security Rounds Report Analysis (eight pages)

05/28/2008 through 05/31/2008 the following determinations were made:

- On 05/28/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	637 security rounds were made
3-11 shift	100%	629 security rounds were made
11-7 shift	100%	1,078 security rounds were made

- On 05/29/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	617 security rounds were made
3-11 shift	100%	614 security rounds were made
11-7 shift	98.8%	1,071 security rounds were made

- On 05/30/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	638 security rounds were made
3-11 shift	100%	595 security rounds were made
11-7 shift	98.8%	1,070 security rounds were made

- On 05/31/2008 the shift percentages of required security rounds were as follows:

7-3 shift	100%	604 security rounds were made
3-11 shift	98.8%	605 security rounds were made
11-7 shift	92.5%	936 security rounds were made

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Auditor's Note: The Security Round data for 5/28/08 – 5/31/2008 was slightly higher than previous data as the Security Rounds at Bellwood and Marietta Blvd. Annex facilities are now being reported.

Attachment: Security Rounds Report Analysis (eight pages)

The Sheriff is in compliance with this requirement of the Consent Decree.

16. All cell doors shall be equipped with functioning locks which can be opened remotely from the tower. These locks shall be maintained in good working order.

Monitor's Report:

The Jail's maintenance service vendor (Johnson Controls, Inc.) continues to receive work order requests from security staff as door locks or locking systems fail or as they are damaged by inmates. There are currently two locksmiths assigned to the Jail and they continue to meet the demand. There continues to be a large volume of work orders being generated due to inmate vandalism to locking system equipment. Jail staff should make more of a concerted effort to enforce existing rules and regulations in relation to inmates tampering with or damaging door locks and locking systems.

17. All housing units shall have functioning emergency call buttons or intercoms in the day room at all times. On the medical floor of the Jail, each cell shall have a functioning emergency call button. Emergency call buttons and intercoms shall remain on except for good reason documented. This documentation shall be maintained as a log at the Jail.

Monitor's Report:

Emergency intercoms – the Jail has one emergency call intercom located in the wall inside each of the housing units of the main jail facility. There are not any like devices located in the Housing Units of the Bellwood or Marietta Blvd. Annexes. The close proximity of the security staff to the inmate population at the Bellwood and Marietta Annex facilities allows for inmates to gain staff's attention upon any need or emergency.

Medical cell call buttons – each cell of the Jail's Infirmary cells are designed with an emergency call button whereby inmates may call and alert staff upon any emergency. Maintenance staff is advised by security staff by way of Work Order Requests in cases where the call buttons are damaged by the inmate or in cases where the call button fails to function.

B. Population Limits and Housing

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18. The population of the 901 Rice Street facility shall not exceed an average of 2250 inmates daily in any calendar month so long as all housing units are being utilized. If one or more cellblocks are not being used, the population shall be reduced by the number of inmates normally housed in that part of the Jail. Other population figures in this Consent Order shall be adjusted in this manner. The population of Bellwood shall not exceed 200, and Marietta shall not exceed 100.

Monitor's Report:

The population CAP of 2,250 for the main jail facility has been effectively reduced by 408 (now to 1,842) as an entire Floor (North and South Towers) is being closed due to the going MEP Project of the main jail facility. Thus, the current population CAP is actually 1,842 and will remain so long as the MEP requires that an entire floor area (204 cells or 408 beds) is under renovation. Currently the fourth floor is closed and under MEP renovations.

During the Seventh Quarter of 2008, the Sheriff has NOT been able to maintain the population CAP of 1,842 in the main jail facility. The Sheriff has met the population CAP of 200 for the Bellwood Annex, and 100 for the Marietta Blvd. Annex. The actual Seventh Quarter population monthly averages of the main jail are as follows:

- April 2008 - 1,851
- May 2008 - 1,901
- June 2008 - 1,940

Monitor's Note:

There are still delays in booking inmates out-of-custody in a real-time method and that artificially inflates the population of each facility, including the main jail. Up until the date of this report, the Sheriff has made no effort to reduce the delays in booking inmates out of custody.

The Sheriff is not in compliance with this mandate of the Consent Decree.

19. No inmate shall be required to sleep on the floor.

Monitor's Report:

No inmate is required to sleep on the floor in the main jail, or any of the Annex sites as most inmates are assigned to double bunks and assigned two inmates to a cell or in dormitory settings.

There continue to be routine occasions where inmates who have been outsourced in South Georgia jails are required to sleep on the floor (on plastic bunks) when those facilities become overcrowded. Typically the inmate rotates into a bunk bed (between 10-14 days) as other inmates are released or transferred to other facilities.

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The Fulton County contracts with the outsource facilities did not prevent them from housing inmates under conditions that do not meet the requirements of the Consent Decree. Many of the inmates outsourced to these South Georgia facilities are also being housed on triple bunks that also violate the spirit of the Consent Decree.

The Sheriff is not in compliance with this mandate of the Consent Decree.

20. No more than two inmates shall be housed in a cell.

Monitor's Report:

No cell of the facility has been housed with more than two inmates during the reporting period. There are two housing units that are exceptions of this provision of the Consent Decree as the original design of the housing units allowed for as many as four inmates to be assigned inside of each of these cells.

For example:

7-N-300 has eight cells, each with two separate double bunk beds

7-N-400 has ten cells, eight of which have two double bunks and two of which have a single double bunk.

The South Georgia Outsource Facilities (Pelham City, Cook County and Decatur County Jails) were not advised (by Fulton County) of the Consent Decree mandates as it relates to no inmates sleeping on the floor, or that no more than two inmates being housed in a cell. Thus, each facility typically utilizes triple bunks, plastic single bunks placed on the floor, and on average houses four to six inmates per cell. All of these housing arrangements violate the terms of the Consent Decree.

The Sheriff is not in compliance with this mandate of the Consent Decree.

21. Defendant Commissioner of the Georgia Department of Corrections shall ensure that all inmates eligible for transfer to state prison facilities will be removed from the Fulton County Jail or any other facility operated or leased for the housing of arrestees or inmates by the Fulton County Sheriff on a priority basis and transferred to a state facility as soon as possible after receipt of the paperwork necessary to effect the transfer.

Monitor's Report:

There continues to be a serious delay in the number of days that are required for the Department of Corrections (DOC) to process and receive state sentenced inmates from the Sheriff. According to the DOC, most of the waiting time is due to the slowness of them receiving the complete shipment package from Fulton County. The DOC also claims that many times the information is incomplete and must then be returned to Fulton County to be completed.

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During the past year, Captain Larry Lindsey has been assigned (assigned by the Sheriff) to supervise the preparation of Fulton County Sheriff's transfer shipments to DOC and to work as the Sheriff's liaison officer with the DOC. Captain Lindsey has been very helpful and has provided the Sheriff's staff and DOC with constant focus towards resolution of the past paperwork processing issues and has thus become everyone's point of contact. Although the DOC has continued to work to resolve their issues, they have recently experienced a major budget cut that has resulted in the closing of some Detention Centers, which in turn has resulted in recent delays in the DOC receiving Fulton County inmates.

During the past months, the Auditor and Monitor have monitored inmates who have been sentenced to the DOC. On 1/03/2008, a list was developed of 102 inmates that had been DOC sentenced. Those inmates have been tracked to determine how/when they were transferred to the DOC or were otherwise released; the results are as follows:

- 67 inmates (65.7%) were transferred to the Ga. DOC
- 27 inmates (26.5%) were released by Fulton County judges as they had not been transferred to Ga. DOC as most were originally sentenced
- 8 inmates remained in Fulton County Jail as of 6/23/2008 when last checked

Attachment: Inmates awaiting pick-up by Ga. Doc 1/3/2008 updated 6/23/2008 (three pages)

A comparison of the "DOC Jail Backlog Reports" of 12/6/2007 and 6/24/2008 *{this list involves those inmates who the DOC then identified as not having a completed Transfer Package required before the DOC will receive a sentenced inmate}* indicate that Fulton County inmates (those on the Backlog Report) are averaging about the same number of days waiting to be picked up by the DOC. The 12/6/2007 report listed fifty five (55) inmates and they averaged 117.8 days waiting. The 6/24/2008 Report listed seventy seven (77) inmates and they averaged 112.6 days waiting. Although the average days waiting has changed very little during the six months, the total number of inmates waiting has grown by twenty two (22), an increase of 30%.

Attachments: Jail Backlog County Details for Fulton County 12/06/2007 (two pages)
Jail Backlog County Details for Fulton County 6/24/2008 (three pages)

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There is also a serious delay in the DOC transferring inmates who are awaiting pick up for Prison Alternative Programs, as there is a waiting period for these programs. These programs are available to all state inmates and are becoming much more commonly utilized by the Superior Court Systems throughout the state of Georgia. As these programs are growing in popularity, the waiting time to get into such programs is increasing, requiring many inmates to wait additional weeks/months prior to being transferred into the DOC Prison Alternative Programs.

Attachment: Inmates Awaiting Prison Alternative Programs April 16, 2008 - Updated - June 23, 2008 (4 pages)

C. Processing of Releases

22. The Sheriff shall implement and maintain procedures to provide for the release of Inmates from the Jail within a reasonable period of time, not to exceed 24 hours after receipt of court documents establishing that the inmate has received a signature bond, been authorized to post and has posted bond, had the charges against them dismissed, or otherwise become eligible for release. (The parties acknowledge that this time period may be exceeded for inmates subject to unreleased holds from other counties or governmental authorities.) The Sheriff will take all reasonable and prudent measures available to reduce the release time as much as possible and shall provide to the court and all parties to this Consent Order a monthly report of all inmates detained more than 24 hours after receiving a signature bond, posting bond, having the charges against them dismissed, or otherwise becoming eligible for release. The report shall state how long the inmate was detained after becoming eligible for release and the reason the detention exceeded 24 hours.

Monitor's Report:**Delayed Inmate Release****April 2008**

- 4/26/2008 there were at least thirty eight (38) inmates who were released after the 24 hour period because a single civilian support staff member called in absent.
- 4/26/2008 Outsourced inmates – at least six inmates were delayed due to them being “Outsourced” at the Atlanta City and DeKalb County Jails. These inmates were release delayed from 24 to 40 hours simply due to staffing shortages and the inmates not being transported back to the Fulton County Jail.
- 4/20/2008 – 4/30/2008 there were at least thirty two (32) inmates who were delayed in release as they were to be picked up by other agencies and Fulton

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County staffers failed to notify those agencies with an appropriate time after the were eligible for release from Fulton County Jail.

- The Court System Offices continue to forward release paperwork to the Jail after the 24-hour period as set by the Consent Decree. Those delays are then sometimes extended as the Jail also delays in release processing.

Attachment: Release Delay Reports from Lt. Lindsey - April 2008 Reports

May 2008

- 5/01/2008 through 5/03/2008 there were at least three hundred and forty four (344) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - Four (4) inmates who had been Outsourced at the Atlanta City or DeKalb County Jails were delayed in release by more than 24 hours
 - One (1) inmate was delayed by 49 hours due to having to be cleared by Medical staff prior to release
 - One (1) inmate was delayed in release by at least forty two (42) hours as he was detained for the US Department of Immigration and Customs Enforcement (ICE) from 4/29/08 at 16:35 hrs until 5/01/08 at 11:21 hours
 - Twenty eight (28) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 11 inmates
 - More than 37 hours but less than 48 hours delayed 03 inmates
 - More than 48 hours delayed 10 inmates
 - 5/03/2008 through 5/10/2008 there were at least five hundred and twenty seven (527) inmates released by Fulton County Jail staff. A review of those release records determined the following:

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- Five (5) inmates who had been Outsourced at the Atlanta City or DeKalb County Jails were delayed in release by more than 24 hours
- Two (2) inmates were delayed by more than 24 hours due to the need for them to be cleared by Medical staff prior to release
- One (1) inmate was delayed in release by at least 30 hours by Jail staff and no reason was clearly stated between Release Clearance on 5/7/08 at 23:55 hours until his release on 5/8/08 at 05:30 hours
- Nine (09) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 05 inmates
 - More than 37 hours but less than 48 hours delayed 01 inmate
 - More than 48 hours delayed 03 inmates
- 5/11/2008 through 5/17/2008 there were at least five hundred and sixty (560) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - Six (6) inmates who had been Outsourced at the Atlanta City, DeKalb County, and Pelham City Jails were delayed in release by more than 24 hours
 - One (1) inmate was delayed in release by at least 30 hours by Jail staff and no reason was clearly stated between Release Clearance on 5/7/08 at 23:55 hours until his Release on 5/8/08 at 05:30 hours
 - Twenty nine (29) inmates who had HOLDS of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 16 inmates
 - More than 37 hours but less than 48 hours delayed 02 inmates
 - More than 48 hours delayed 11 inmates

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- Thirteen (13) inmates were delayed by more than 24 hours due to the Release paperwork being delayed in delivery at the Fulton County Jail after the Release was authorized and ordered by the appropriate Court, their degrees of delay varied as stated below:
 - Paperwork delayed by at least 34 hours 02 inmates
 - Paperwork delayed by at least 47 hours 01 inmate
 - Paperwork delayed by at least 80 hours 10 inmates
- One (1) inmate was delayed in release by at least fourteen days (339) hours as he was detained for the US Department of Alcohol, Tobacco and Firearms (ATF) from 4/28/08 at 17:00 hours until 5/12/08 at 10:04 hours
- 5/18/2008 through 5/24/2008 there were at least six hundred and forty (640) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - Five (5) inmates who had been Outsourced at the Atlanta City and DeKalb County Jails were delayed in release by more than 24 hours
 - Five (5) inmates were delayed in release by more than 24 hours as there was a staffing shortage in the Release Office
 - Three (3) inmates from between 25-26 hours delayed
 - One (1) inmate delayed by at least 33 hours
 - One (1) inmate delayed by as much as 66 hours
 - One (1) inmate was delayed in release by at least twenty seven (27) hours as he was required to be cleared for Release by the Medical Services Provider prior to release
 - Thirty four (34) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 21 inmates
 - More than 37 hours but less than 48 hours delayed 06 inmates
 - More than 48 hours delayed 07 inmates

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- Nine (09) inmates were delayed by more than 24 hours due to the Release paperwork being delayed in delivery at the Fulton County Jail after the Release was authorized and ordered by the appropriate Court, their degrees of delay varied as stated below:
 - Paperwork delayed by at least 24 hours 06 inmates
 - Paperwork delayed by at least 63 hours 01 inmate
 - Paperwork delayed by at least 127 hours 01 inmate
 - Paperwork delayed by at least 292 hours 01 inmate
- 5/25/2008 through 5/31/2008 there were at least five hundred and fifty three (553) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - Four (4) inmates who had been Outsourced at the Atlanta City and DeKalb County Jails were delayed in release by more than 24 hours
 - Two (2) inmates were delayed in release by more than 24 hours as they were housed at the Alpharetta Jail and transport staff was not available to ensure their release. Of these one inmate was delay by at least sixty one (61) hours and the other by as at least eighty one (81) hours
 - Two (2) inmates were delayed in release by more than 24 hours as they were released under ankle monitoring requirements; one was delayed by 57 hours and the other by 147 hours
 - One (1) inmates was delayed in release by twenty five (25) hours due to a staffing shortage in the Release Office
 - One (1) inmates was delayed in release by twenty nine (29) hours due to him being required to be Release-approved by the Medical Services Provider prior to his release
 - Twenty five (25) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 18 inmates

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- More than 37 hours but less than 48 hours delayed 01 inmate
- More than 48 hours delayed 06 inmates
- One (01) inmate was delayed by more than 24 hours due to the Release paperwork being delayed in delivery at the Fulton County Jail after the Release was authorized and ordered by the appropriate Court:
 - Court paperwork being delay resulted in at least a 24 hour delay
 - The Jail then caused a delay of at least 67 hours as he had been Outsourced at the Atlanta City Jail (total delay of 116 hours)
- Three (3) inmates were delayed in release by more than 24 hours as they were detained for Federal law enforcement agencies:
 - One inmate was delayed as he was held for ICE for at least 69 days from 3/2/2008 until 5/29/2008
 - One inmate was delayed as he was held for the US Marshal's Service for at least 15 days from 5/16/2008 until 5/30/2008
 - One inmate was delayed as he was held for the US Marshal's Service for at least 5 days from 5/23/2008 until 5/28/2008

Attachment: Release Delay Reports from Lt. Lindsey - May 2008 Reports

- 6/01/2008 through 6/07/2008 there were at least five hundred and nineteen (519) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - One (1) inmate who had been Outsourced at the DeKalb County Jail was delayed in release by at least 51 hours
 - One (1) inmate was delayed in release by at least twenty six (26) hours by Jail staff (no specific reason was given)
 - Two (2) inmates were delayed in release by more than 24 hours as they were released under ankle monitoring requirements; one was delayed by 97 hours
 - Two (2) inmates were delayed in release by more than 24 hours as they had to be cleared by the Medical Services provider prior to their release
 - One for 66 hours

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- One for 76 hours
- Twenty-eight (28) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:
 - More than 24 hours but less than 36 hours delayed 14 inmates
 - More than 37 hours but less than 48 hours delayed 04 inmates
 - More than 48 hours delayed 10 inmates
- Six (06) inmates were delayed by more than 24 hours due to the Release paperwork being delayed in delivery at the Fulton County Jail after the Release was authorized and ordered by the appropriate Court, their degrees of delay varied as stated below:
 - Paperwork delayed by at least 24 hours 03 inmates
 - Paperwork delayed by at least 27 hours 01 inmate
 - Paperwork delayed by at least 108 hours 01 inmate
 - Paperwork delayed by at least 131 hours 01 inmate
- 6/08/2008 through 6/14/2008 there were at least five hundred and seventy eight (578) inmates released by Fulton County Jail staff. A review of those release records determined the following:
 - One (1) inmate who had been Outsourced at the Cook County Jail was delayed in release by at least 78 hours
 - Two (2) inmates were delayed in release as they were Outsourced at the Atlanta City Jail; one was delayed by 29 hours and the other was delayed by 35 hours
 - One inmate was delayed in release by at least 64 hours as he was to be picked up by the US Marshal's Service held from 6/09 at 16:22 hours until 6/12/2008 at 09:13 hours
 - Two (2) inmates were delayed in release by more than 24 hours due to issues not stated by the Sheriff's Office; one was under treatment at Grady Hospital and was delayed by at least 42 hours and one was

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delayed by at least 48 hours due to what was stated (ERROR) by the Sheriff's Office

- Fifteen (15) inmates who had Holds of other law enforcement agencies were delayed in release as Fulton County Jail staff did not make the pickup notification within a timely manner, their degrees of delay varied as stated below:

- More than 24 hours but less than 36 hours delayed 10 inmates
- More than 37 hours but less than 48 hours delayed 02 inmates
- More than 48 hours delayed 06 inmates

- Twelve (12) inmates were delayed by more than 24 hours due the Release paperwork being delayed in delivery at the Fulton County Jail after the Release was authorized and ordered by the appropriate Court, their degrees of delay varied as stated below:

- Paperwork delayed by at least 24-27 hours 03 inmates
- Paperwork delayed by at least 34-74 hours 06 inmates
- Paperwork delayed by at least 113 hours 01 inmate
- Paperwork delayed by at least 120 hours 01 inmate
- Paperwork delayed by at least 130 hours 01 inmate
- State Court Pretrial refused to allow Sign on Bond (SOB) for an inmate; that inmate was then required to secure Bond through a bonding company – delayed by at least 24 hours 01 inmate

Attachment: Release Delay Reports from Lt. Lindsey - June 2008 Reports

No additional Release Reports were submitted by the Sheriff after the report of 6/08/2008 through 6/14/2008 and that data is included in the information listed above.

The Sheriff is not in compliance with this mandate of the Consent Decree.

23. The Clerk of Fulton County Superior Court shall work with the Sheriff to accomplish real time disposition of court cases.

Monitor's Report:

Although the Superior Court Clerk has advised that they are committed to accomplish real-time entry of case dispositions, as of this report there has been no

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movement to carry out this commitment. The Sheriff awaits the actual results to help him expedite the release of those inmates who become release-eligible based on those dispositions and the real-time data entry into the Clerk's case information database.

24. The Fulton County State Court shall work with the Sheriff to implement first appearance hearings at the jail beyond normal business hours by the use of video-conferencing, a judicial officer conducting such hearings at the jail, or other means.

Monitor's Report:

Both the Superior and State Court Systems are working with the Sheriff in their combined efforts to ensure that each inmate is promptly scheduled to the appropriate first appearance hearing within the next available court date.

IV. Other Terms and Conditions

A. Staffing and Security

25. The Sheriff shall assign at least three uniformed officers to supervise the inmates in the six cellblocks on each side of each floor at the Rice Street facility on all shifts seven days a week. In addition, one supervisor shall be stationed on each floor and at least one person shall be stationed in the tower to observe the cellblocks on each side from the tower. The Sheriff shall report to the Court each month when there are fewer than three officers in a cellblock on any shift and the reason for there being fewer than three.

Monitor's Report:

INMATE HOUSING – OFFICER STAFFING AND DEPLOYMENT

Staff shortages continue to be the single largest obstacle in compliance with the terms and conditions of the Consent Decree. Although the Consent Decree requires three floor officers (North and South), one tower control officer on each Housing Unit (North and South), plus a shared floor supervisor, the three shifts continue to operate dangerously understaffed.

Following extensive reviews of the Watch Commanders' Staff Deployment Reports the following observations were made:

04/01/2008 through 04/30/2008:

- The 7-3 shift averaged 48.8% of all housing area staffing shortages
- The 3-11 shift averaged 32.8% of all housing area staffing shortages
- The 11-7 shift averaged 18.4% of all housing area staffing shortages

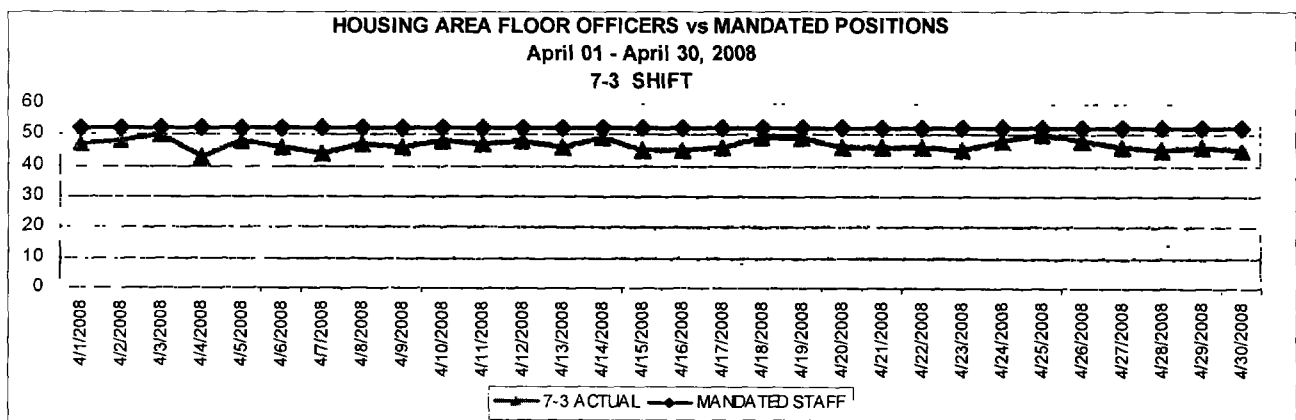
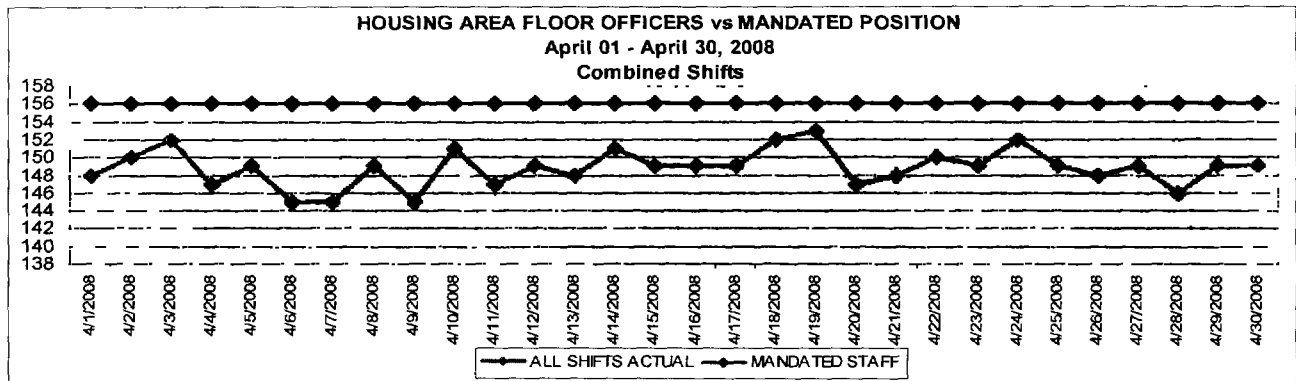
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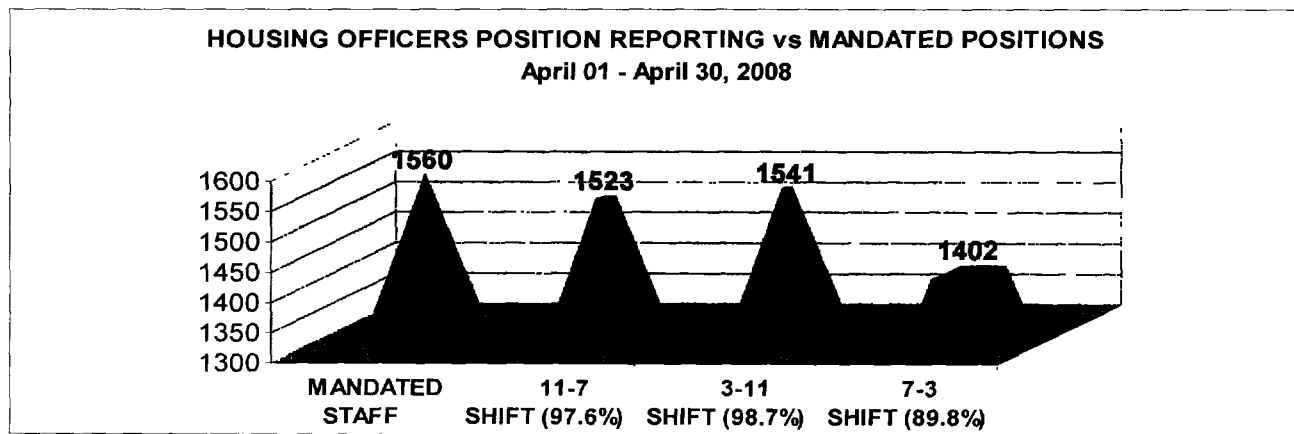
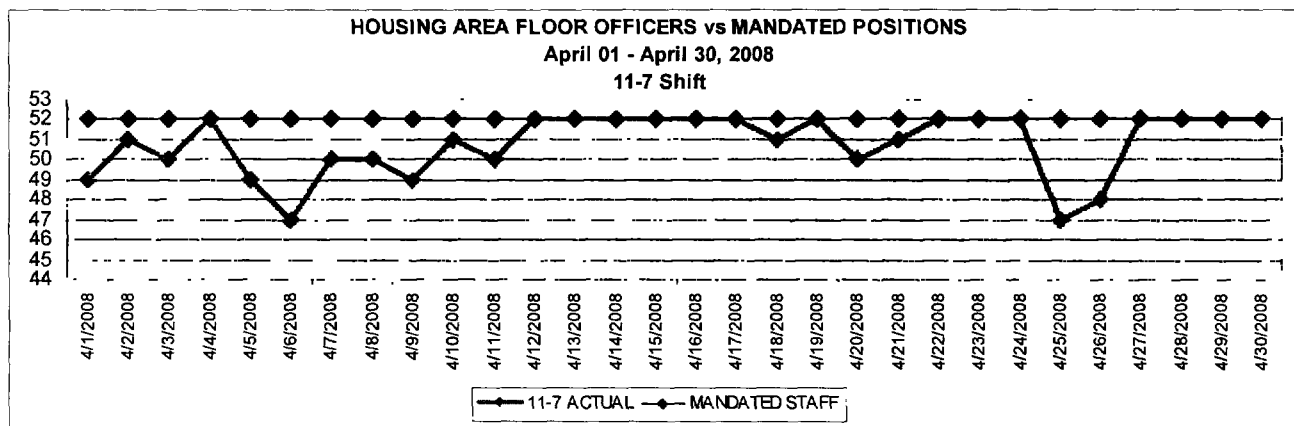
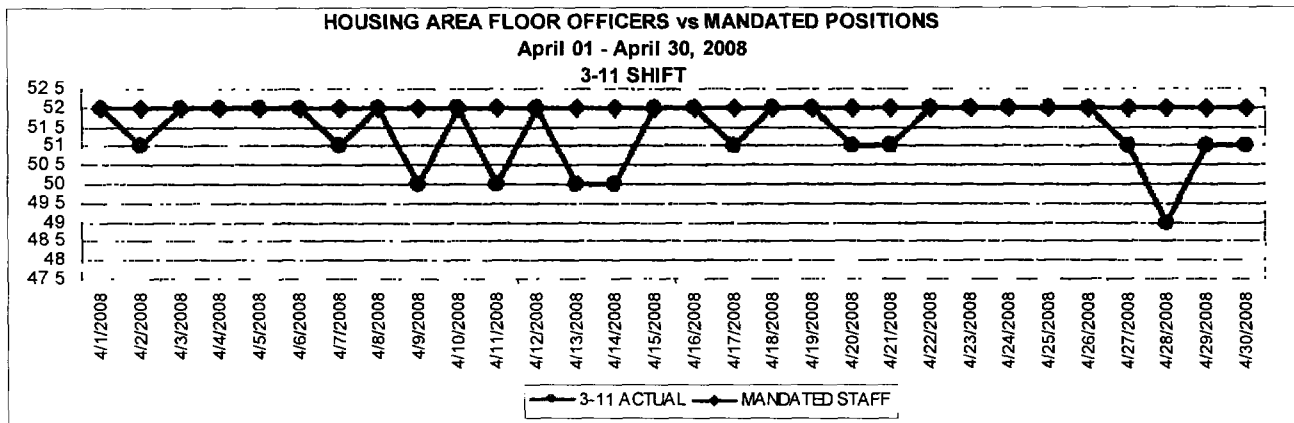
- The 7-3 shift operated on four particular days with an inordinate amount of housing area staff shortages
 - 4/23 operated with 66.6% of the day's staff shortages
 - 4/04 operated with 65.8% of the day's staff shortages
 - 4/22 operated with 60.7% of the day's staff shortages
 - 4/11 operated with 58.8% of the day's staff shortages

- The 3-11 shift operated on three particular days with an inordinate amount of housing area staff shortages:
 - 4/02 operated with 59.1% of the day's staff shortages
 - 4/09 operated with 55.6% of the day's staff shortages
 - 4/08 operated with 47% of the day's staff shortages
 - 4/03 operated with 43.6% of the day's staff shortages

- The 11-7 shift operated on four particular days with an inordinate amount of housing area staff shortages:
 - 4/01 operated with 30.6% of the day's staff shortages
 - 4/13 operated with 29.7% of the day's staff shortages
 - 4/19 operated with 29.6% of the day's staff shortages
 - 4/06 operated with 27.9% of the day's staff shortages



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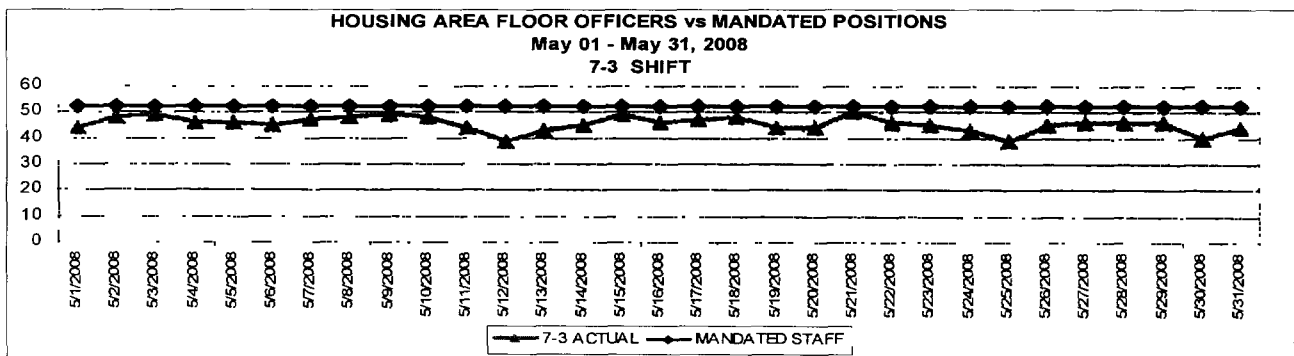
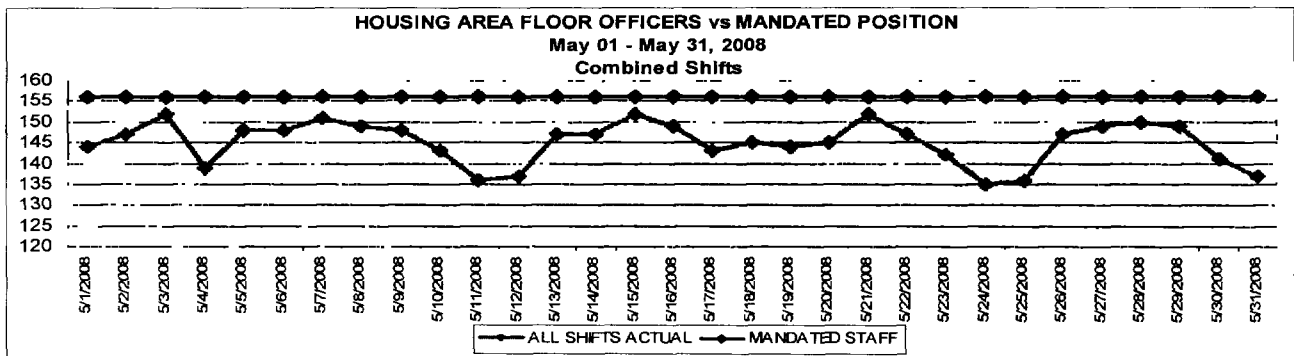
05/01/2008 through 05/31/2008:

- The 7-3 shift averaged 47.8% of all housing area staffing shortages
- The 3-11 shift averaged 25.2% of all housing area staffing shortages
- The 11-7 shift averaged 27% of all housing area staffing shortages
- The 7-3 shift operated on four particular days with an inordinate amount of housing area staff shortages

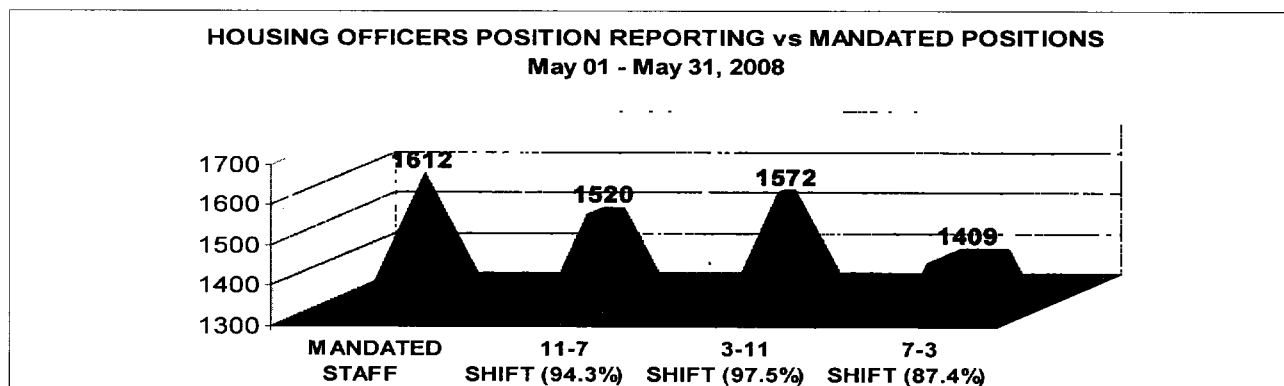
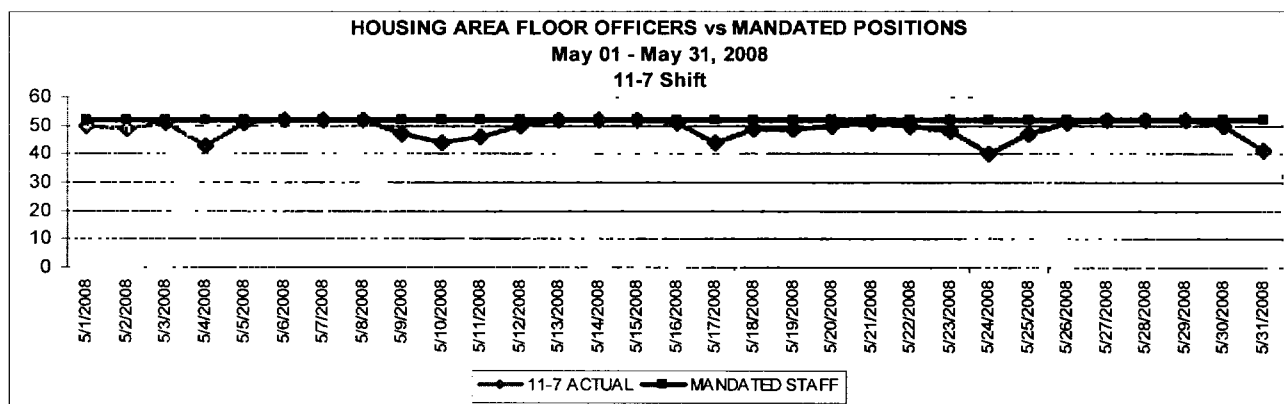
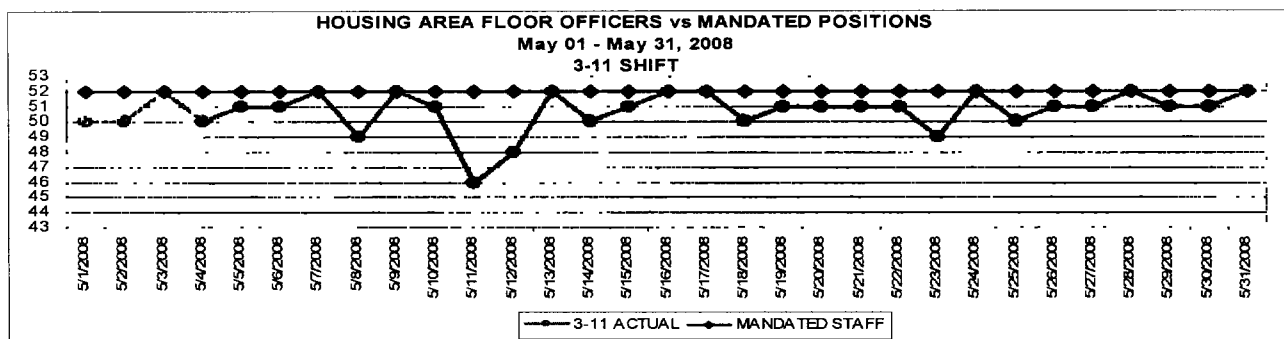
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5/28 operated with 67% of the day's staff shortages
 5/01 operated with 62.8% of the day's staff shortages
 5/15 operated with 60% of the day's staff shortages
 5/29 operated with 59.6% of the day's staff shortages

- The 3-11 shift operated on three particular days with an inordinate amount of housing area staff shortages:
 - 5/08 operated with 41.7% of the day's staff shortages
 - 5/13 operated with 40.7% of the day's staff shortages
 - 5/06 operated with 40% of the day's staff shortages
 - 5/27 operated with 37% of the day's staff shortages
- The 11-7 shift operated on four particular days with an inordinate amount of housing area staff shortages:
 - 5/04 operated with 48.5% of the day's staff shortages
 - 5/10 operated with 42.4% of the day's staff shortages
 - 5/24 operated with 40% of the day's staff shortages
 - 5/25 operated with 39.5% of the day's staff shortages



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06/01/2008 through 06/30/2008:

- The 7-3 shift averaged 47.7% of all housing area staffing shortages
- The 3-11 shift averaged 25.2% of all housing area staffing shortages
- The 11-7 shift averaged 27.1% of all housing area staffing shortages
- The 7-3 shift operated on four particular days with an inordinate amount of housing area staff shortages
 - 6/24 operated with 60% of the day's staff shortages
 - 6/18 operated with 58.4% of the day's staff shortages

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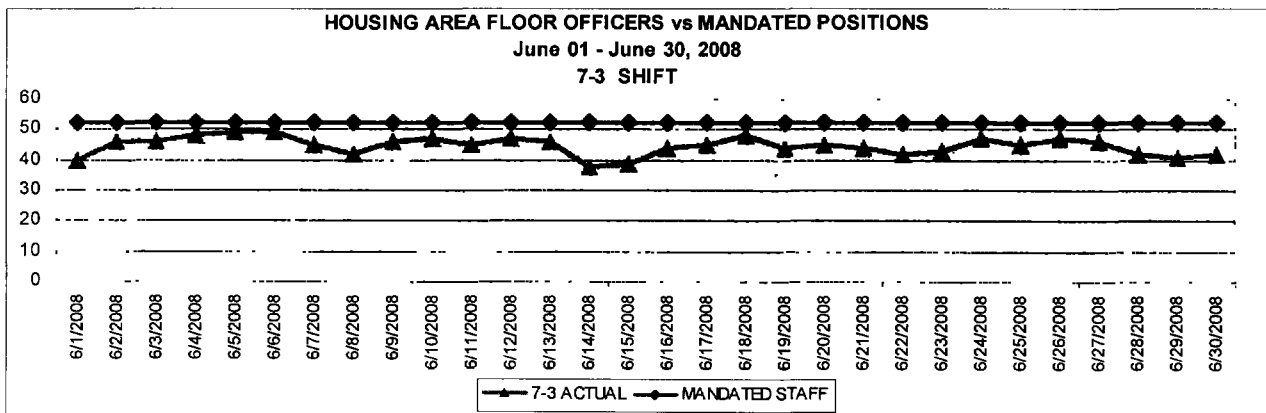
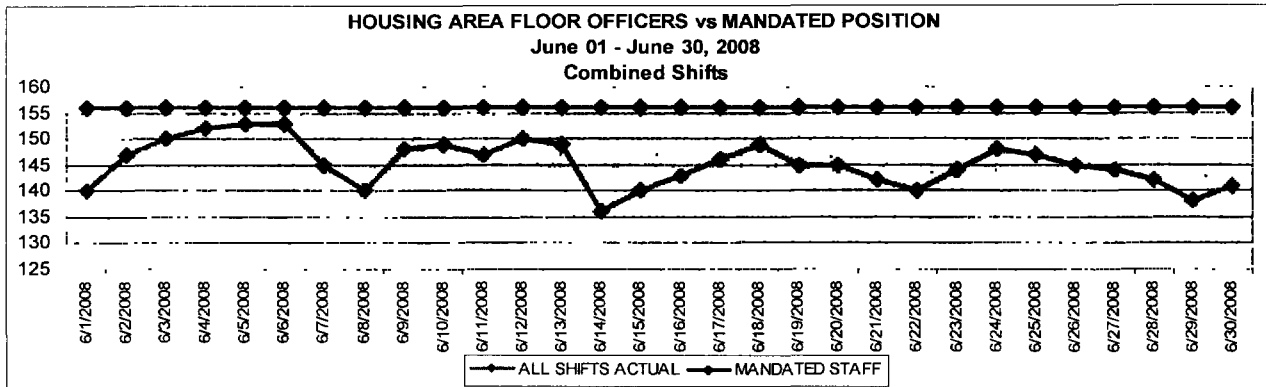
6/05 operated with 54% of the day's staff shortages
 6/08 operated with 53.9% of the day's staff shortages

- The 3-11 shift operated on three particular days with an inordinate amount of housing area staff shortages:

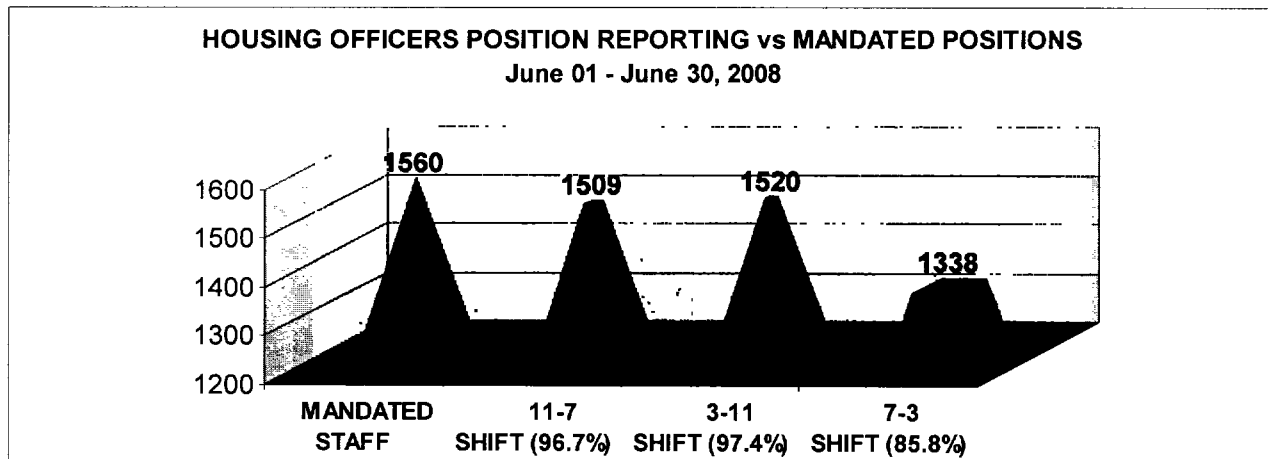
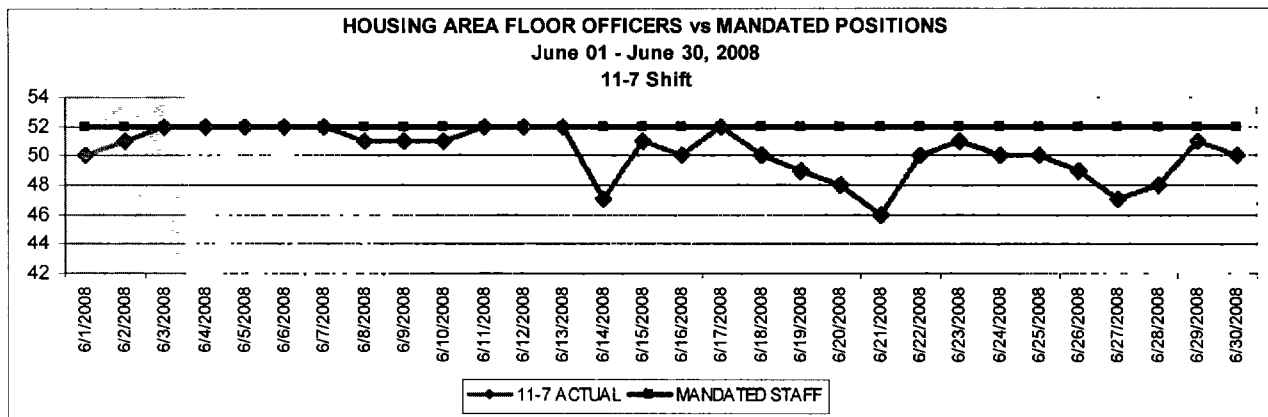
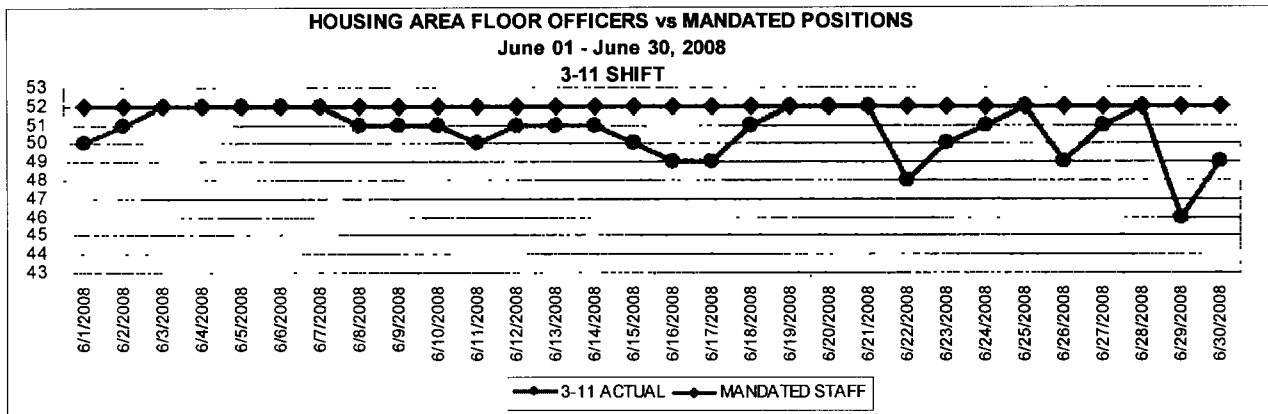
6/03 operated with 45.5% of the day's staff shortages
 6/17 operated with 37.5% of the day's staff shortages
 6/04 operated with 34.6% of the day's staff shortages
 6/07 operated with 33.5% of the day's staff shortages

- The 11-7 shift operated on four particular days with an inordinate amount of housing area staff shortages:

6/21 operated with 36.8% of the day's staff shortages
 6/22 operated with 32.7% of the day's staff shortages
 6/06 operated with 33.3% of the day's staff shortages
 6/25 operated with 32.4% of the day's staff shortages



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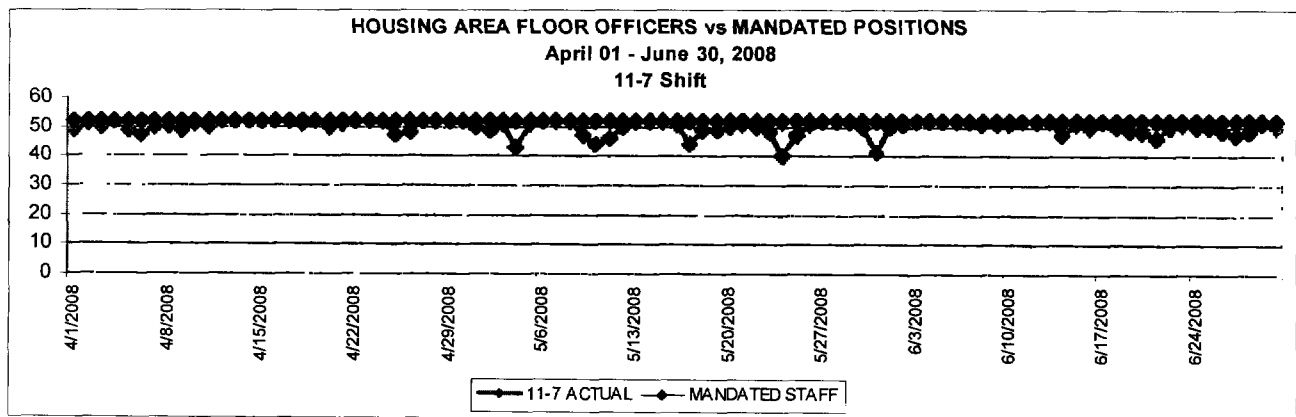
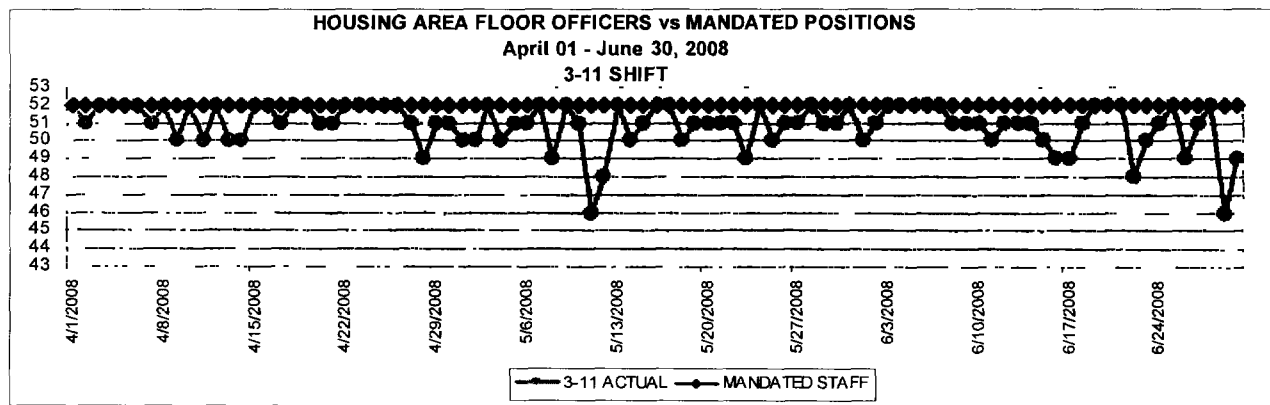
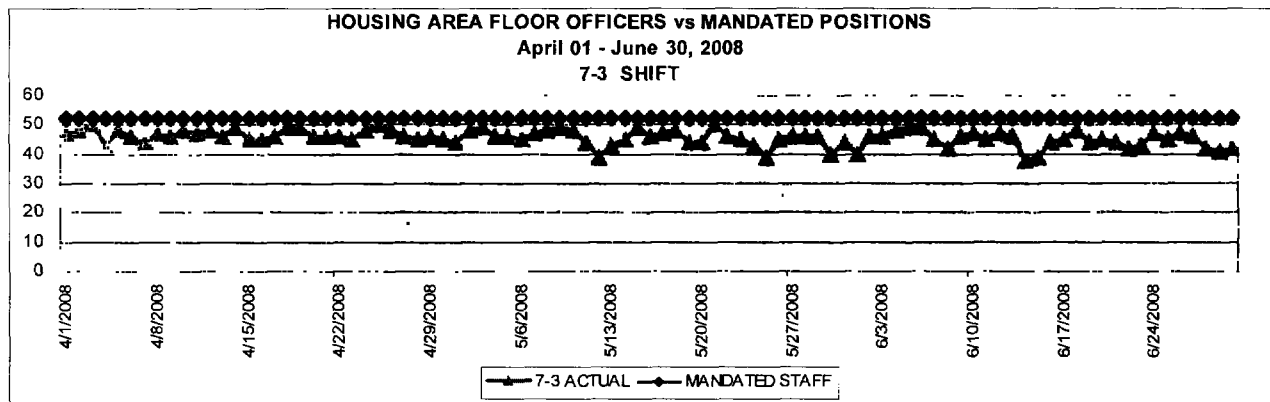
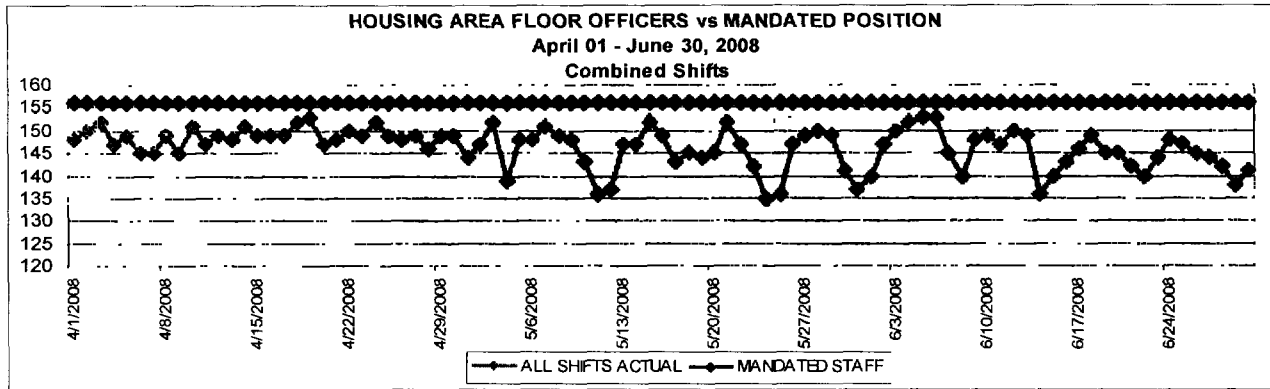


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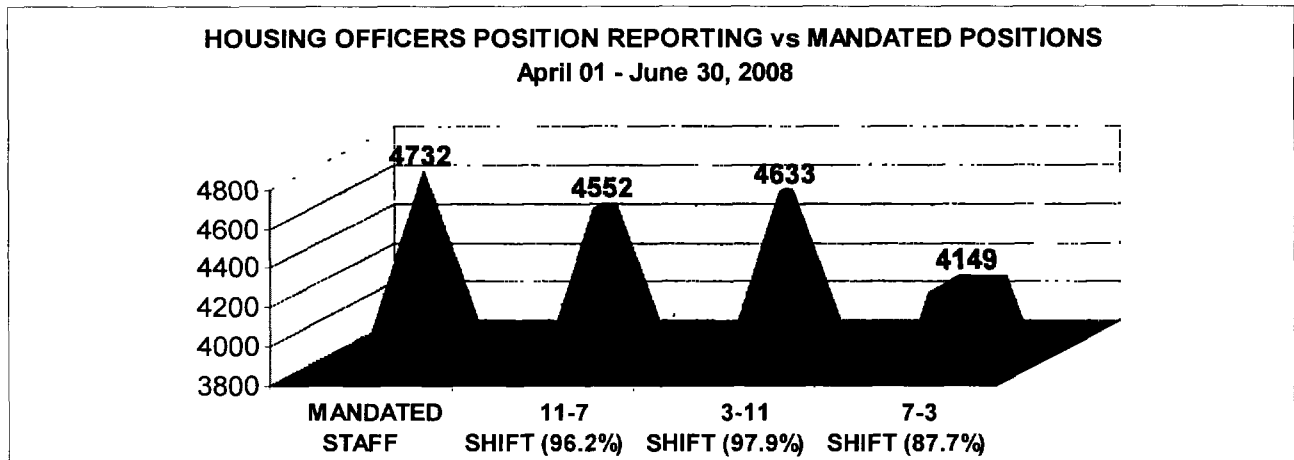
- The 7-3 shift averaged 48.1% of all housing area staffing shortages
- The 3-11 shift averaged 27.7% of all housing area staffing shortages
- The 11-7 shift averaged 24.2% of all housing area staffing shortages

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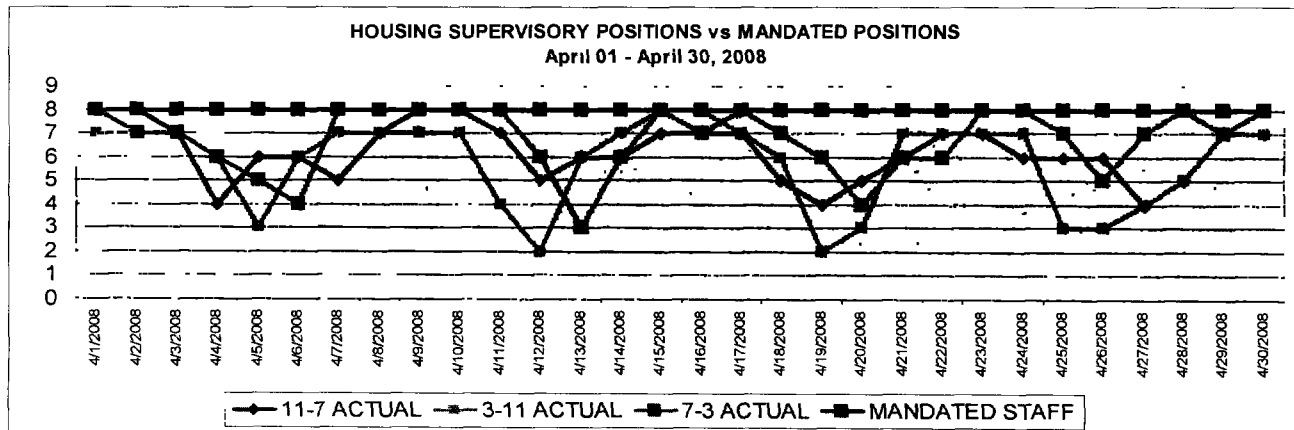


INMATE HOUSING - SUPERVISORY STAFFING DEPLOYMENT

Based upon the staffing analysis that were done using the actual Watch Commanders Staffing and Deployment Reports, the shortage of supervisory staff continues to be dramatic. Of the eight (2-North and 2-South Closed) mandated supervisory posts required by the Consent Decree, the three shifts maintained various averages with each consistently operating far below the required mandate of one floor supervisor for each floor in the main Jail, and one supervisor at the Bellwood and Marietta Blvd. Annex.

04/01/2008 – 04/30/2008

During this 30 day period, there were 563 supervisors reporting, rather than the 720 required to meet the County Mandate of one supervisor per housing floor and annex facility. The Jail operated with only 78.2% of the housing supervisors that are required under the Court Mandate.



To provide some insight as to how critical the shortage is, please consider the following:

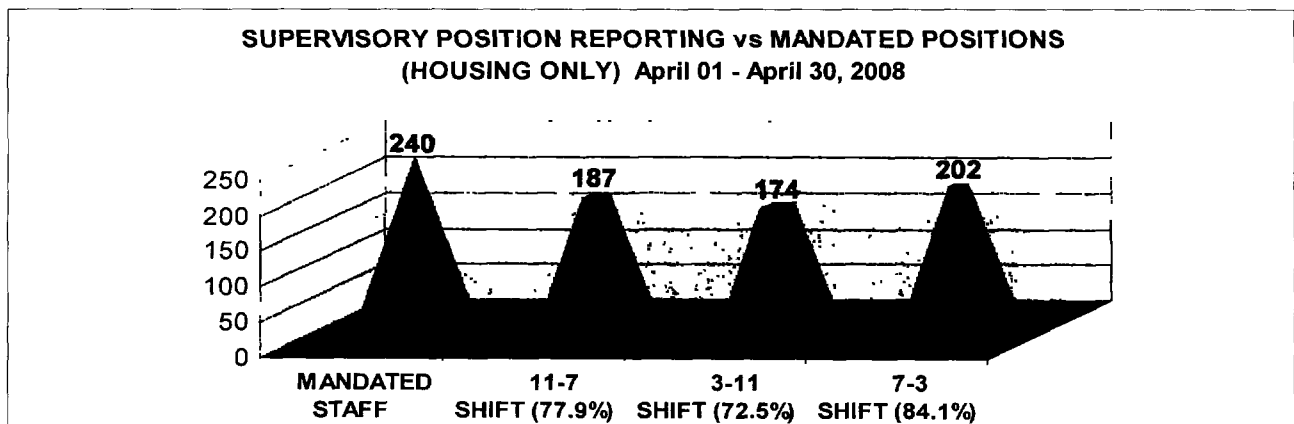
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- **7-3 Shift failed to meet the Mandate of eight supervisors during all but eleven (11) days of the reporting period**
 - On 4/13 there were only three (3) supervisors assigned to Housing
 - On 4/06 and 4/20 there were only four (4) supervisors assigned to Housing

- **3-11 Shift failed to meet the Mandate of eight supervisors during all but two (2) days of the reporting period**
 - On 4/12 and 4/19 there were only two (2) supervisors assigned to Housing
 - On 4/05, 5/25, and 4/26 there were only three (3) supervisors assigned to Housing
 - On 4/11 and 4/27 there were only four (4) supervisors assigned to Housing

- **11-7 Shift failed to meet the Mandate of eight supervisors during all but four (4) days of the reporting period**
 - On 4/04, 4/19, 4/27 there were only four (4) supervisors assigned to Housing
 - On 4/07, 4/12, 4/18, 4/20, 4/28 there were only five (5) supervisors assigned to Housing

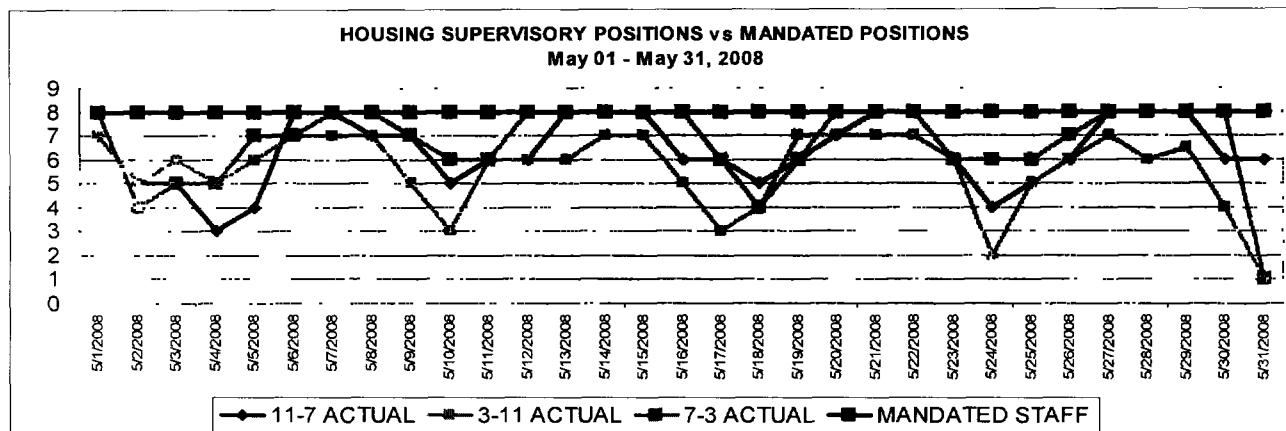


Seventh Quarterly Report of the**Court Monitor**

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05/01/2008 – 05/31/2008

During this 31 day period, there were 581 supervisors reporting, rather than the 744 required to meet the County Mandate of one supervisor per housing floor and annex facility. The Jail operated with only 78% of the housing supervisors that are required under the Court Mandate.

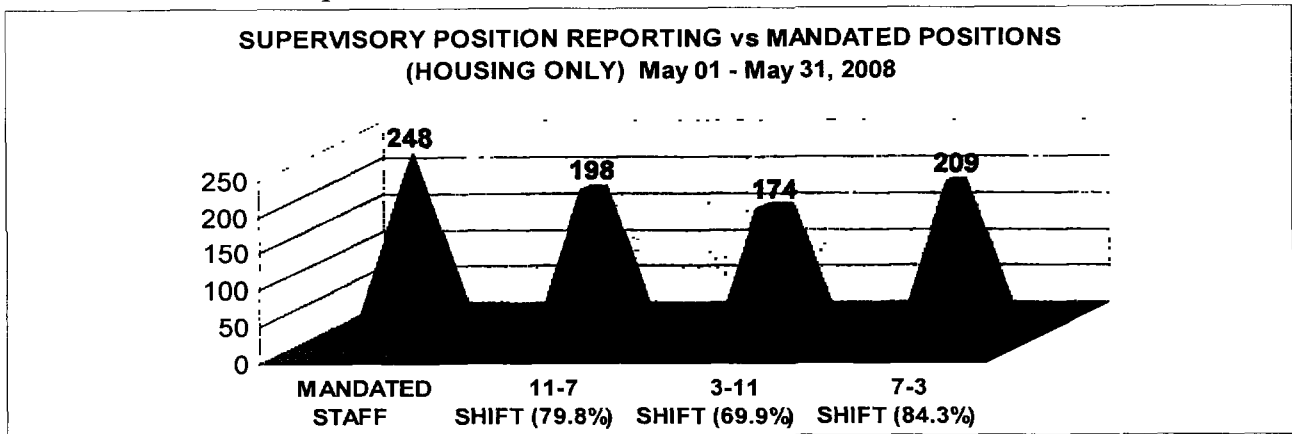


To provide some insight as to how critical the shortage is, please consider the following:

- **7-3 Shift failed to meet the Mandate of eight supervisors on all but sixteen (16) Days of the reporting period**
 - On 5/02 and 5/18 there were only four (4) supervisors assigned to Housing
 - On 5/03 and 5/04 there were only five (5) supervisors assigned to Housing
- **3-11 Shift failed to meet the Mandate of eight supervisors during the entire thirty one (31) days of the reporting period**
 - On 5/03 and 5/24 there were only two (2) supervisors assigned to Housing
 - On 5/10 and 5/17 there were only three (3) supervisors assigned to Housing
 - On 5/18 and 5/30 there were only four (4) supervisors assigned to Housing

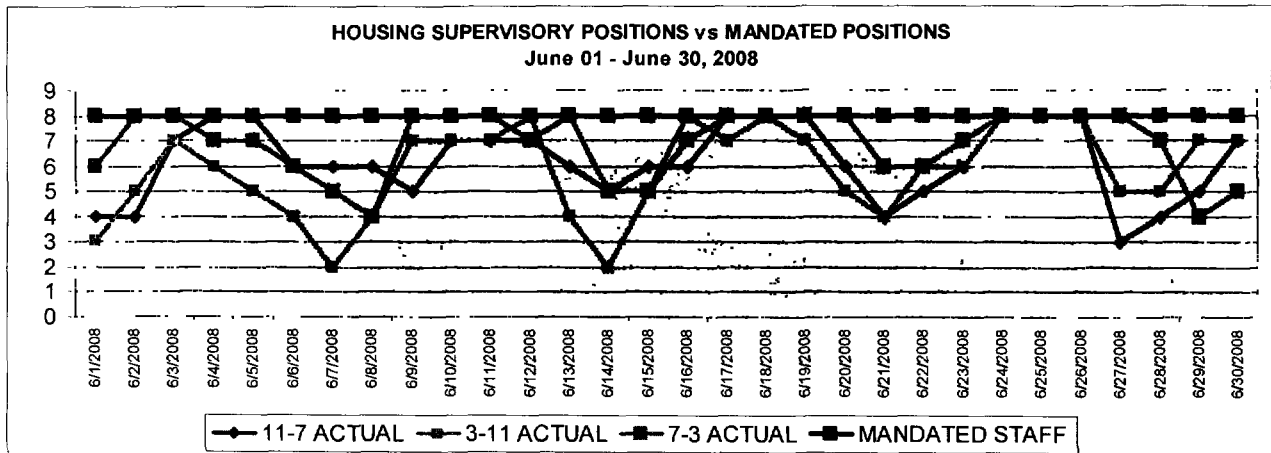
Seventh Quarterly Report of the Court Monitor

- **11-7 Shift failed to meet the Mandate of eight supervisors during all but ten (10) days of the reporting period**
 - On 5/04 there were only three (3) supervisors assigned to Housing
 - On 5/04 and 5/24 there were only four (4) supervisors assigned to Housing
 - On 5/02, 5/03, 5/10, 5/18 and 5/25 there were only five (5) supervisors assigned to Housing



06/01/2008 – 06/30/2008

During this 30 day period, there were 567 supervisors reporting, rather than the 720 required to meet the County Mandate of one supervisor per housing floor and annex facility. The Jail operated with only 78.7% of the housing supervisors that are required under the Court Mandate.



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Court Monitor

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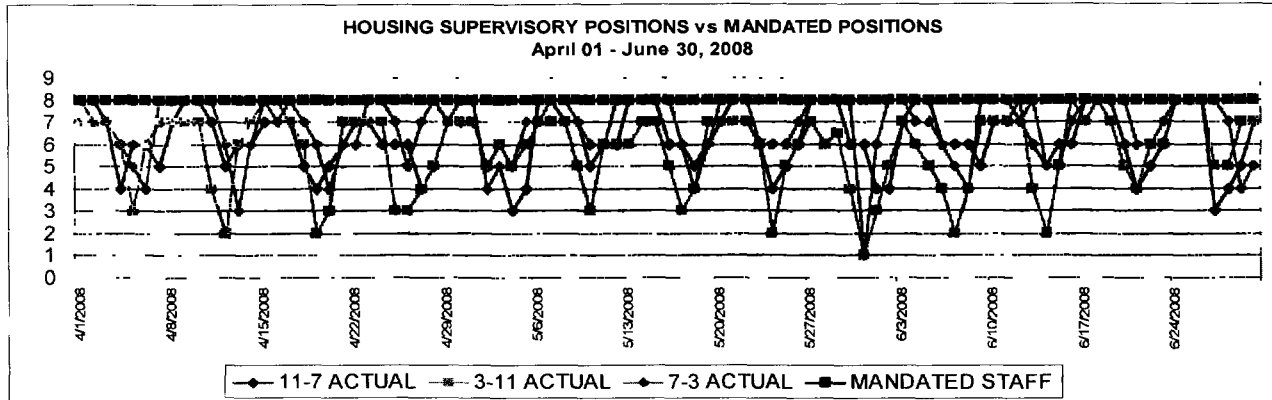
To provide some insight as to how critical the shortage is, please consider the following:

- **7-3 shift failed to meet the Mandate of eight supervisors during all but fourteen (14) days of the reporting period**
 - On 6/08 and 6/29 there were only four (4) supervisors assigned to Housing
 - On 6/07, 6/14, 6/15 and 6/30 there were only five (5) supervisors assigned to Housing
- **3-11 shift failed to meet the Mandate of eight supervisors during all but six (6) days of the reporting period**
 - On 6/07 and 6/14 there were only two (2) supervisors assigned to Housing
 - On 6/01 there were only three (3) supervisors assigned to Housing
 - On 6/06, 6/08, 6/13 and 6/21 there were only four (4) supervisors assigned to Housing
- **11-7 shift failed to meet the Mandate of eight supervisors during all but eight (8) days of the reporting period**
 - On 6/01, 6/02, 6/21 and 6/28 there were only four (4) supervisors assigned to Housing
 - On 6/09, 6/14, 6/22 and 6/29 there were only five (5) supervisors assigned to Housing

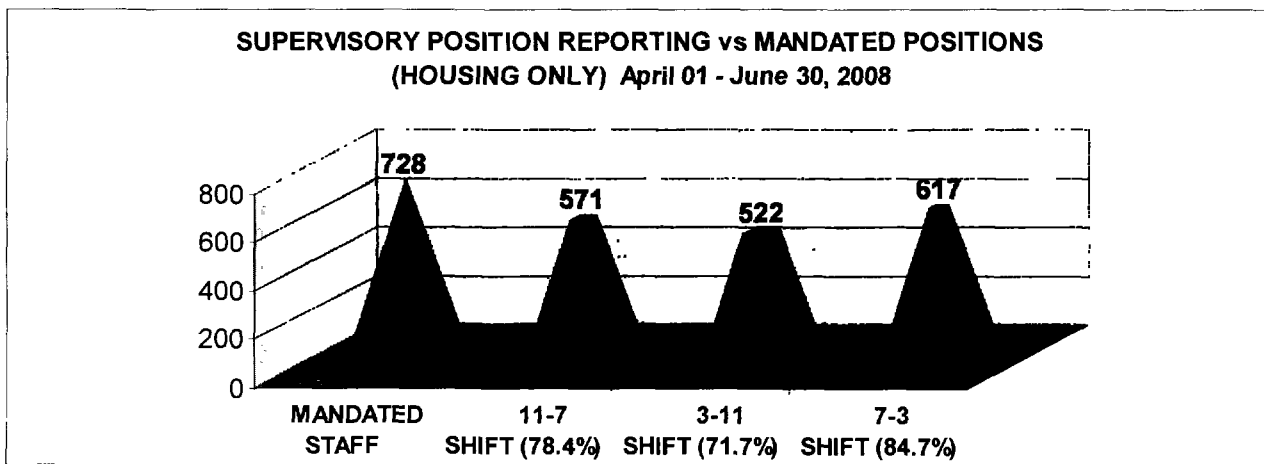
Seventh Quarter Report April – June 2008

During this 91 day period, there were 1,710 supervisors reporting, rather than the 2,184 required to meet the County Mandate of one supervisor per housing floor and annex facility. The Jail operated with only 78.2% of the Housing supervisors that are required under the Court Mandate.

Seventh Quarterly Report of the Court Monitor



To provide some insight as to how critical the shortage is, please consider the following:



26. Whenever the number of inmates on the floor on one side at the Rice Street facility exceeds 224, the Sheriff shall deploy on that floor at least one additional uniformed officer for every 25 inmates over 200 on all shifts seven days a week until the population decreases to 204 or less. If the Sheriff is unable to deploy the officers required by this paragraph Within 10 days after the number of inmates requires it, the Sheriff shall find other housing for enough inmates to reduce the inmate population on the floor to a level for which he has the minimum staffing required by the provisions of this Consent Order.

Monitor's Report:

The Court Mandated population capacity (CAP) was originally imposed at 2,250 for the main Jail facility which includes the North and South Towers. This population CAP was effectively reduced to 1,842 as the MEP Program needs required that an entire floor close and become unavailable to house inmates. Since that construction began, the Jail has been able to maintain an overall average inmate population for each month at, or just above 1,851.

**Seventh Quarterly Report of the
Court Monitor**

Beginning the month of May and into June, the Jail has been unable to manage a Tower population below the adjusted CAP of 1,842. As of June 23, 2008, the monthly average population on the Towers was 1,949. This was 107 inmates above the adjusted population CAP of 1,842.

27. If inmates are housed at those facilities, there shall be 5 officers and a supervisor at Bellwood and 3 officers and a supervisor at Marietta, for all shifts.

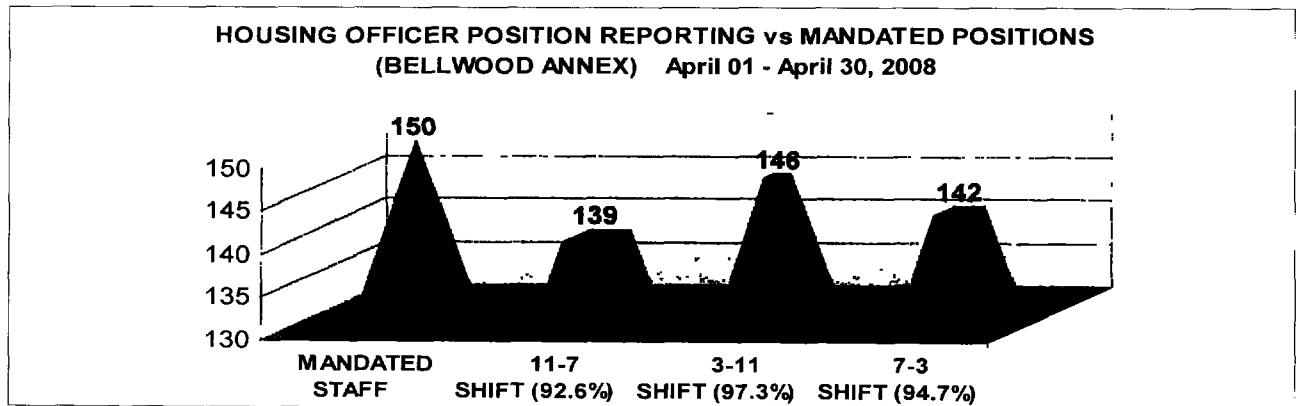
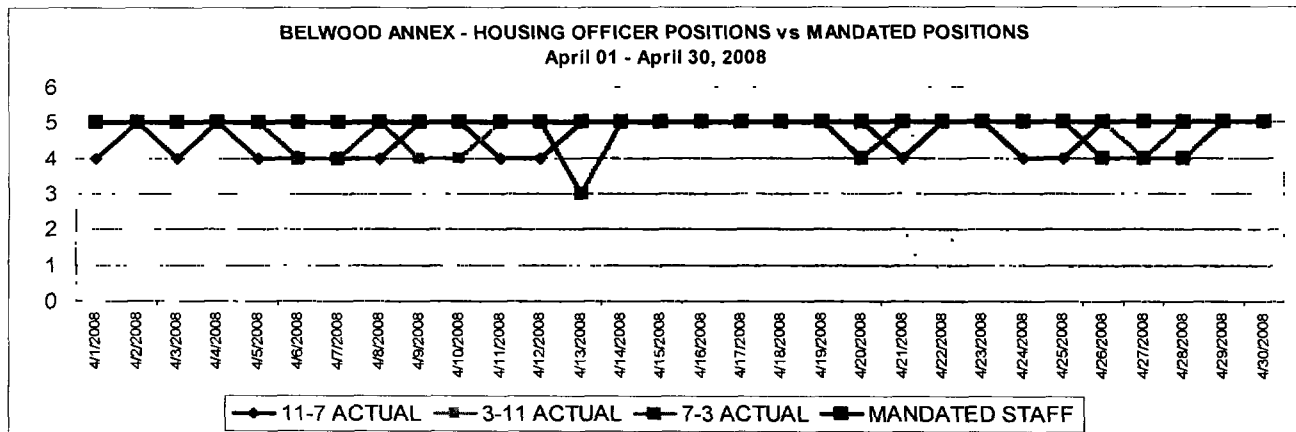
Monitor's Report:

Bellwood Annex: Mandate of five (5) Housing Officers

04/01/2008 – 04/30/2008

Housing Unit staffing at the Bellwood Annex has been short of the mandate on each of the shifts during the Reporting Period, for example:

- 7-3 Shift maintained 94.7% of the mandate
- 3-11 Shift maintained 97.3% of the mandate
- 11-7 Shift maintained 92.6% of the mandate

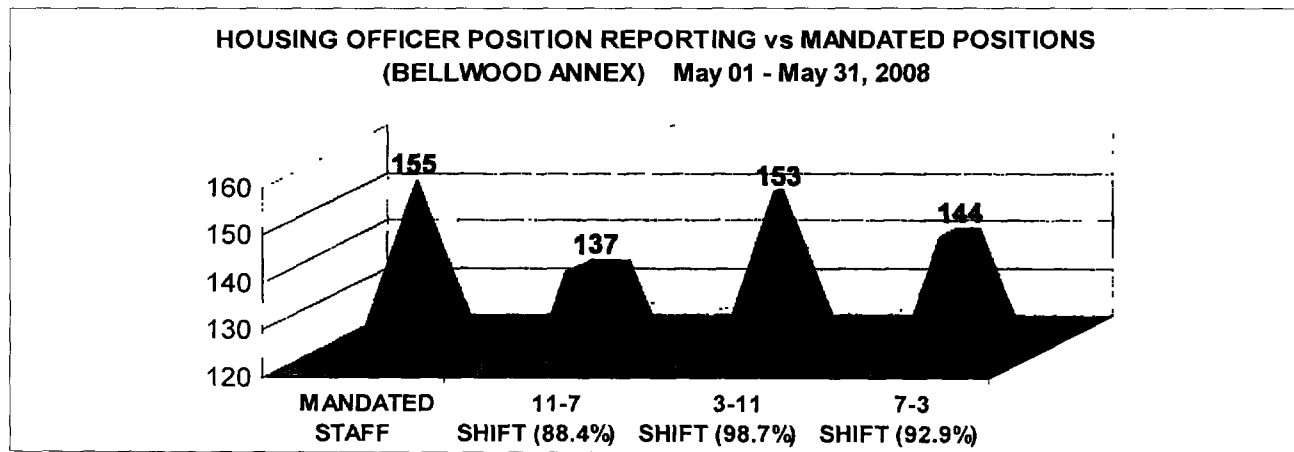
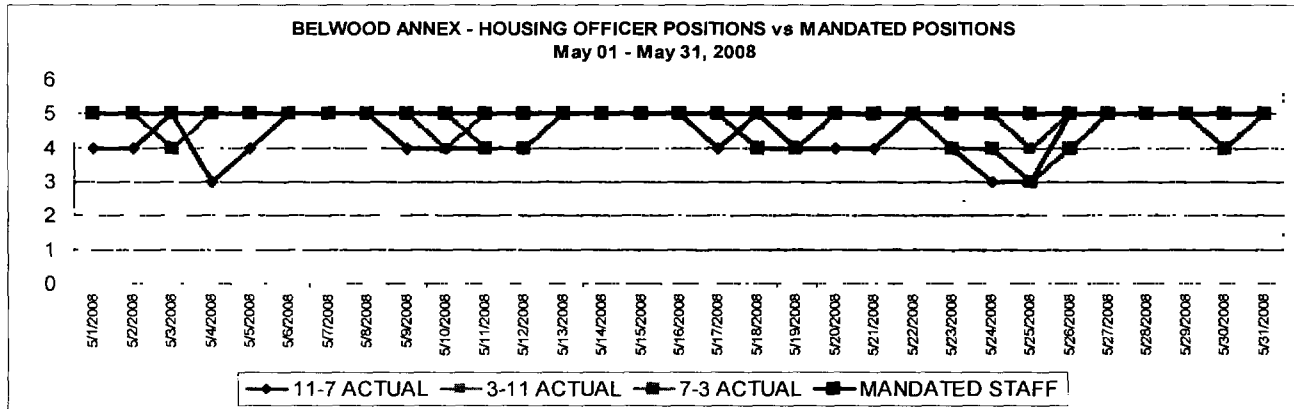


**Seventh Quarterly Report of the
Court Monitor**

05/01/2008 – 05/31/2008

Housing Unit staffing at the Bellwood Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 92.9% of the mandate
- 3-11 Shift maintained 98.7% of the mandate
- 11-7 Shift maintained 88.4% of the mandate



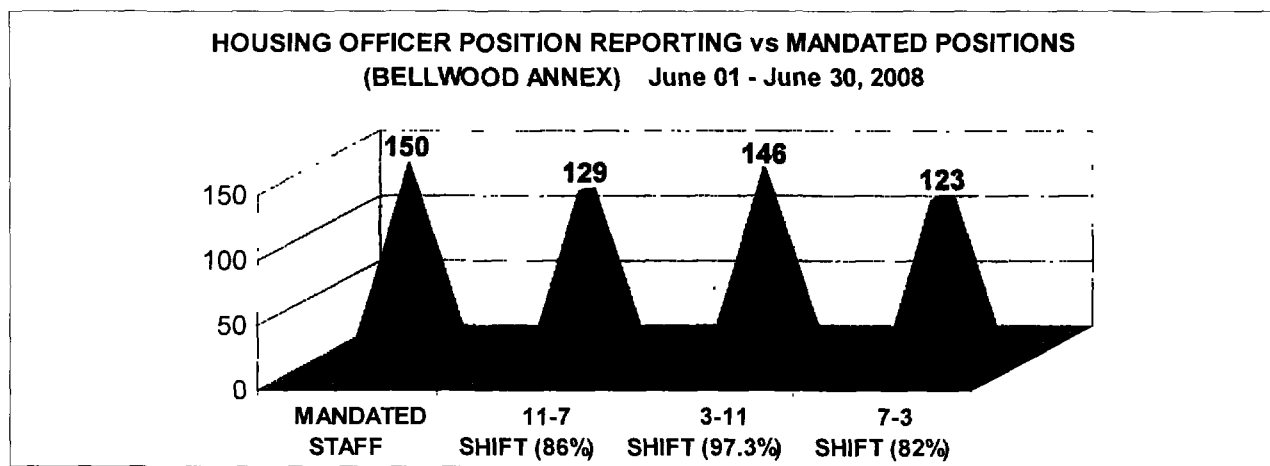
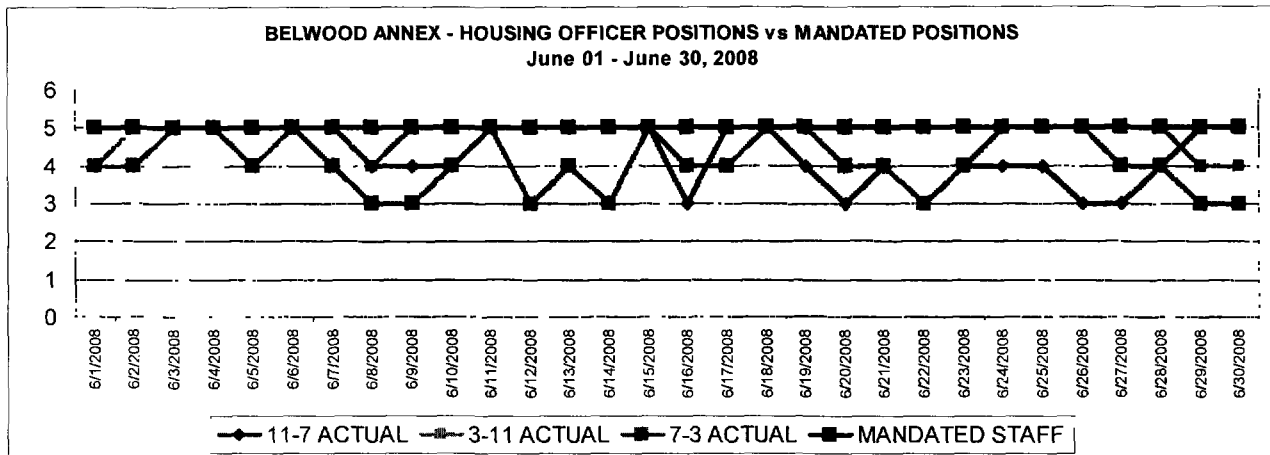
06/01/2008 – 06/30/2008

Housing Unit staffing at the Bellwood Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 82% of the mandate
- 3-11 Shift maintained 97.3% of the mandate
- 11-7 Shift maintained 86% of the mandate

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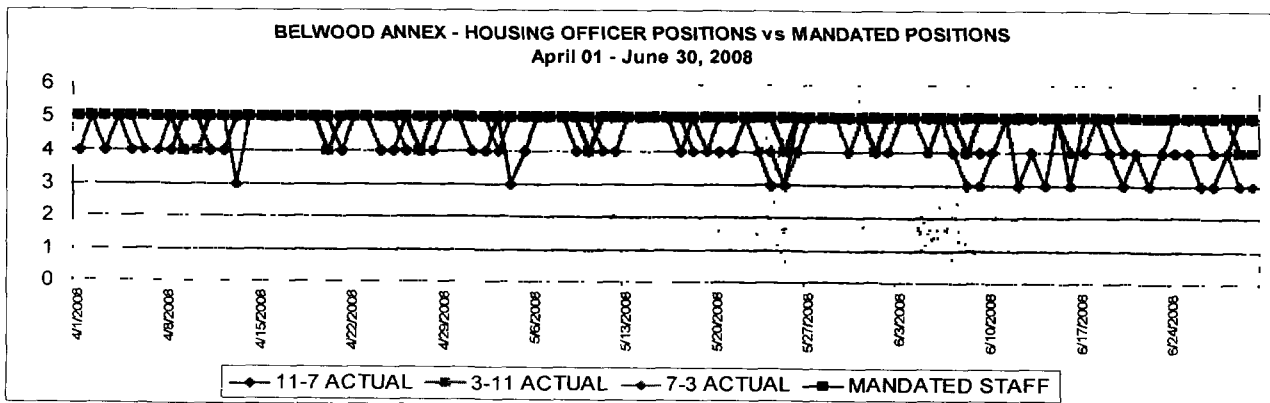
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Seventh Quarter Report April – June 2008

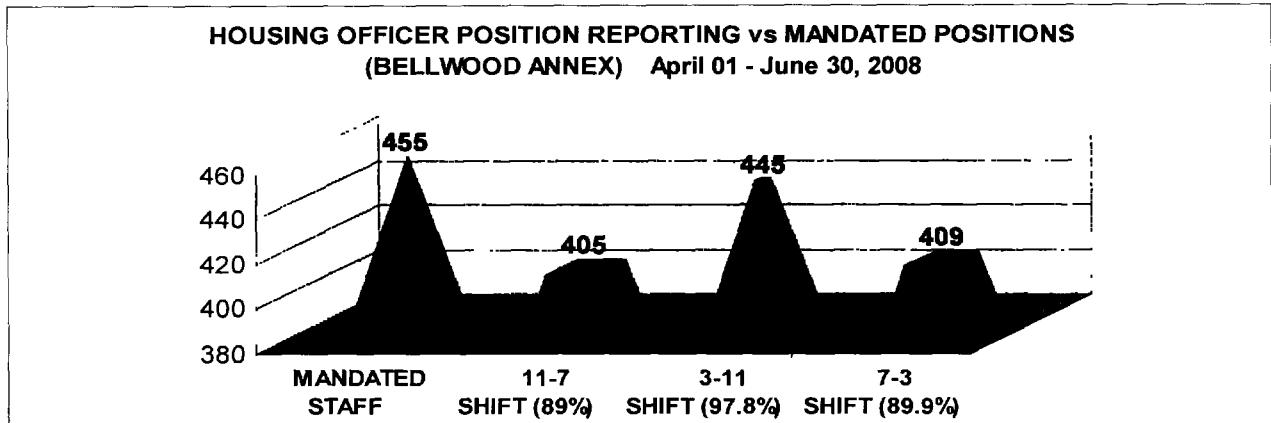
Housing Unit staffing at the Bellwood Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 89.9% of the mandate
- 3-11 Shift maintained 97.8% of the mandate
- 11-7 Shift maintained 89% of the mandate



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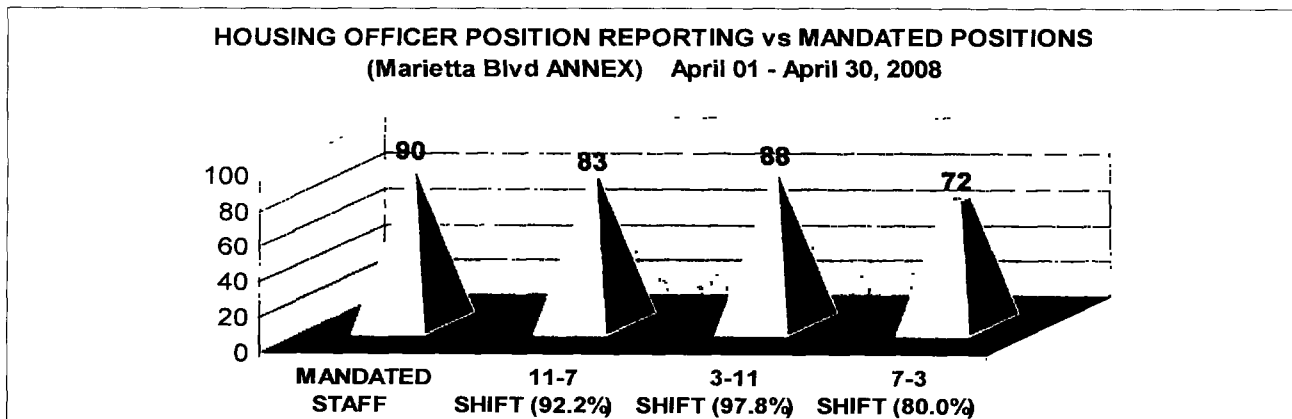
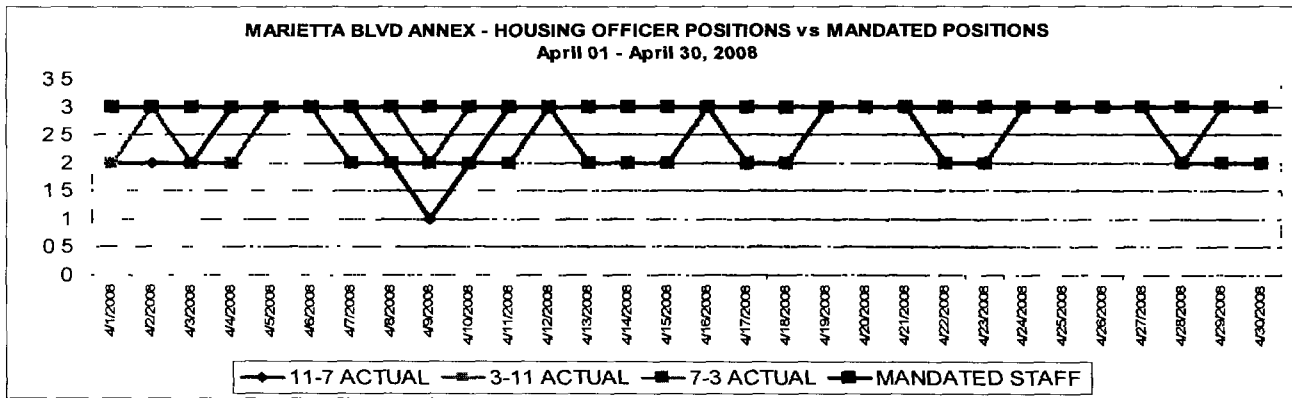


Marietta Blvd. Annex: Mandate of three (3) Housing Officers

04/01/2008 – 04/30/2008

Housing Unit staffing at the Marietta Blvd. Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 80% of the mandate
- 3-11 Shift maintained 97.8% of the mandate
- 11-7 Shift maintained 92.2% of the mandate

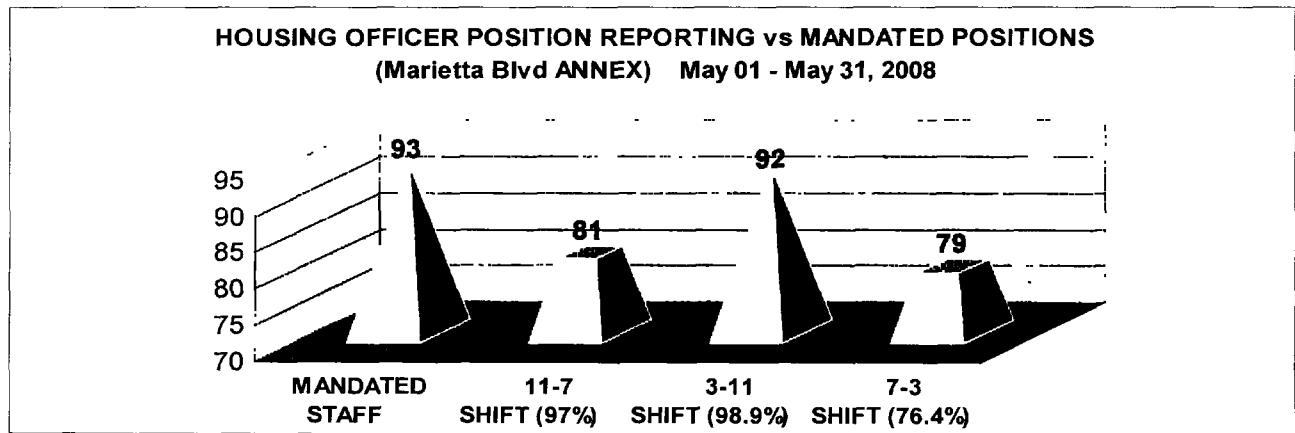
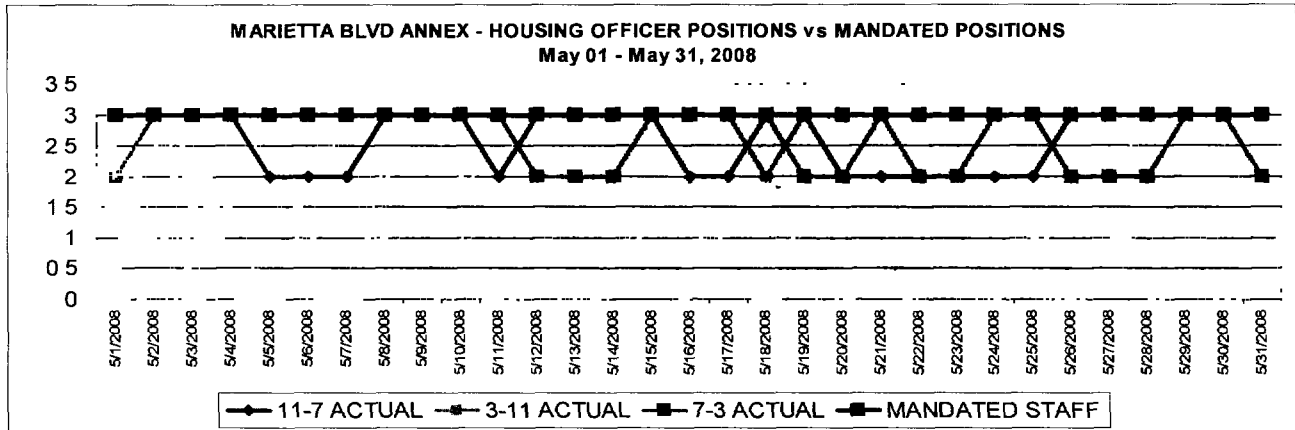


Seventh Quarterly Report of the Court Monitor

05/01/2008 – 05/31/2008

Housing Unit staffing at the Marietta Blvd. Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 87% of the mandate
- 3-11 Shift maintained 98.9% of the mandate
- 11-7 Shift maintained 76.4% of the mandate



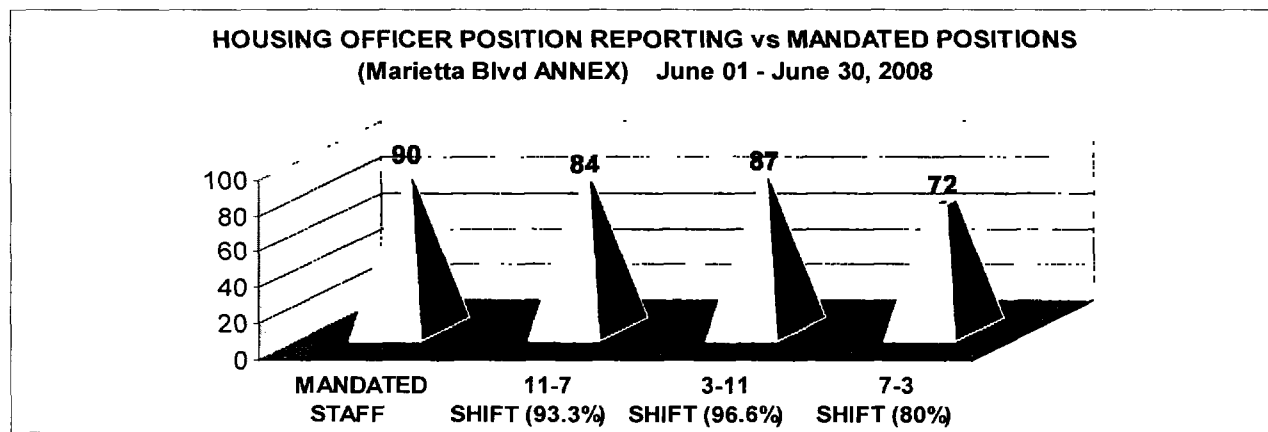
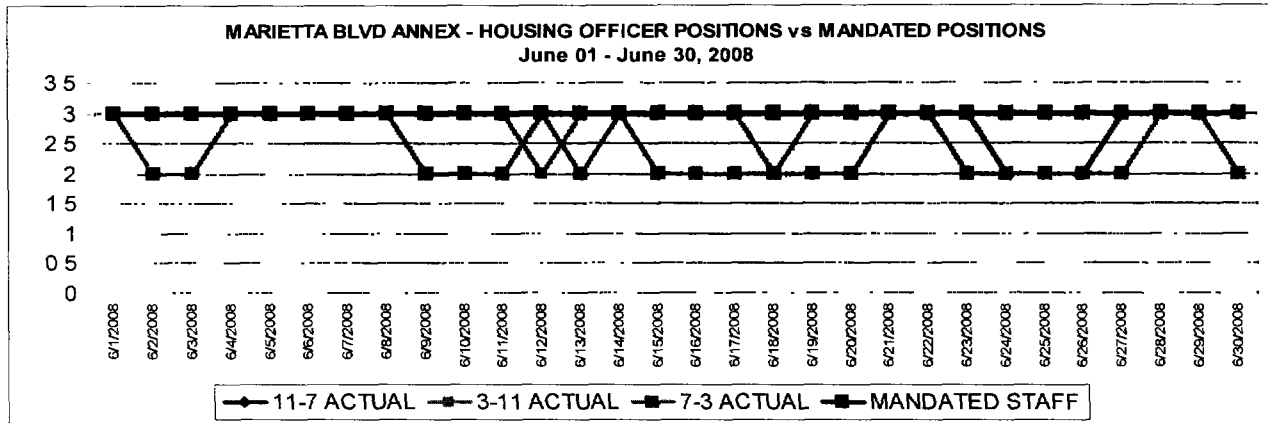
06/01/2008 – 06/30/2008

Housing Unit staffing at the Marietta Blvd. Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 80% of the mandate
- 3-11 Shift maintained 96.6% of the mandate
- 11-7 Shift maintained 93.3% of the mandate

Seventh Quarterly Report of the Court Monitor

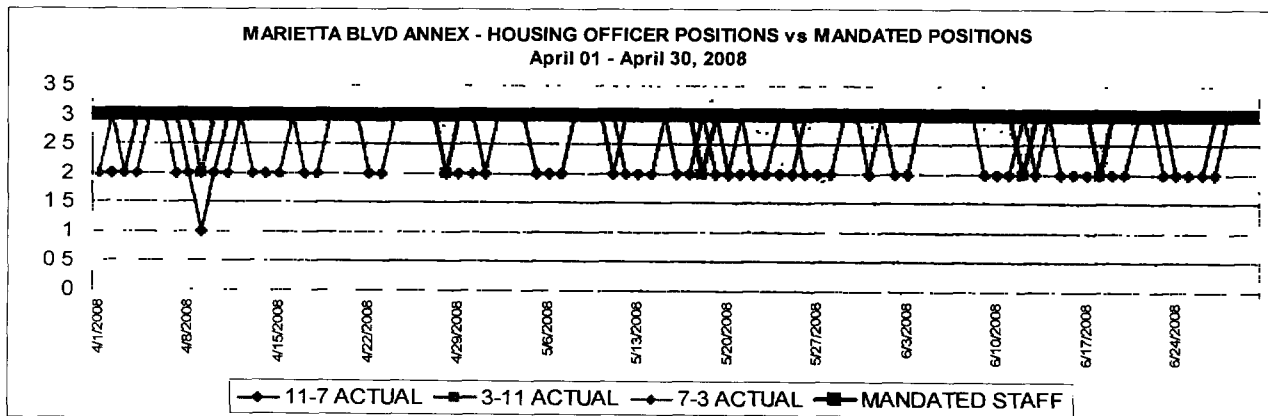
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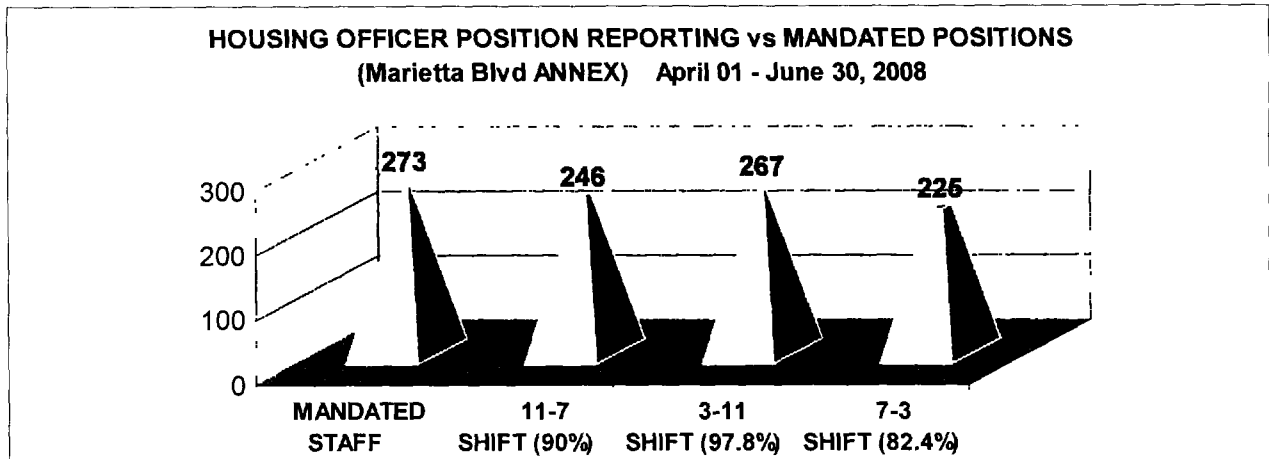
Seventh Quarter Report April – June 2008

Housing Unit staffing at the Marietta Blvd. Annex has been short of the mandate on each of the shifts during the reporting period, for example:

- 7-3 Shift maintained 82.4% of the mandate
- 3-11 Shift maintained 97.8% of the mandate
- 11-7 Shift maintained 90% of the mandate



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Court Monitor**



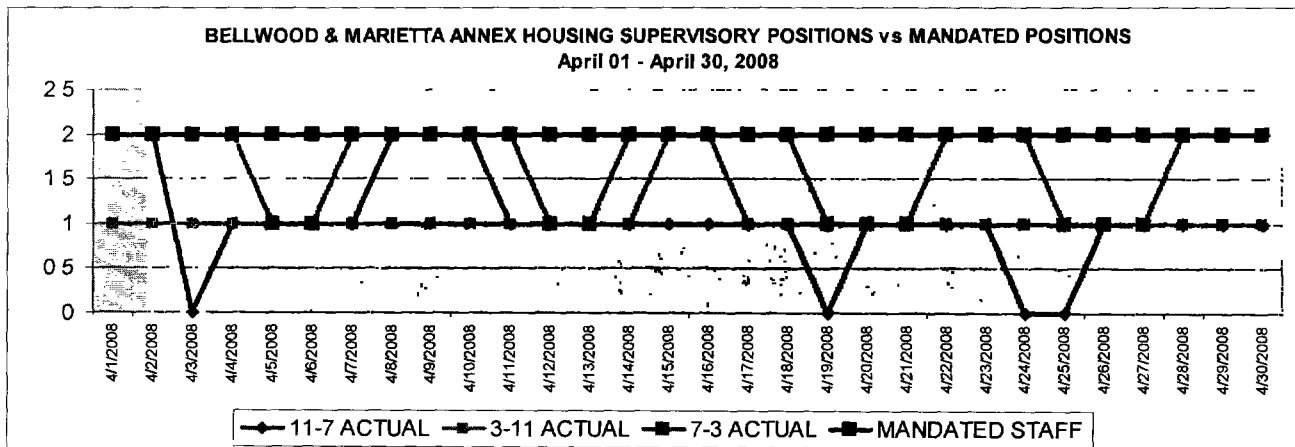
Bellwood and Marietta Blvd. Annex Supervision: *Mandate of two (2) Supervisors, one (1) per Annex Facility*

There continues to be a serious shortage in the assignment of Housing Supervisors at the Bellwood and Marietta Blvd. Annex Facilities. In most cases, the supervisor shortage is experienced at the Marietta Blvd. Annex as that site maintains the smaller number of inmates between the two annex facilities.

04/01/2008 – 04/30/2008

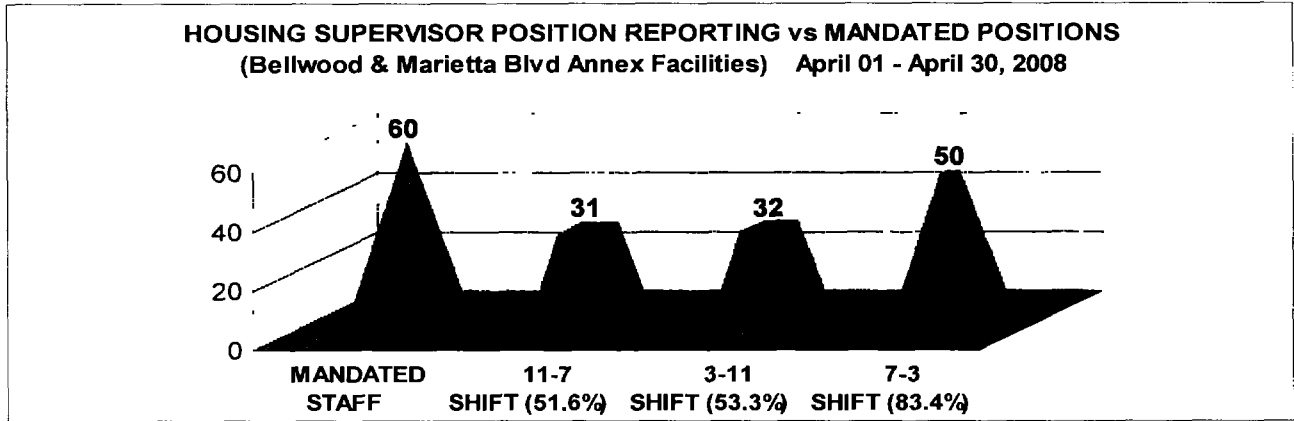
The following report reflects the percentage of assignments of supervisory officers assigned to both Annex Facilities:

- 7-3 shift met the mandated supervisory staff only 83.4% of the reporting period
- 3-11 shift met the mandated supervisory staff only 53.3% of the reporting period
- 11-7 shift met the mandated supervisory staff only 51.6% of the reporting period



Seventh Quarterly Report of the Court Monitor

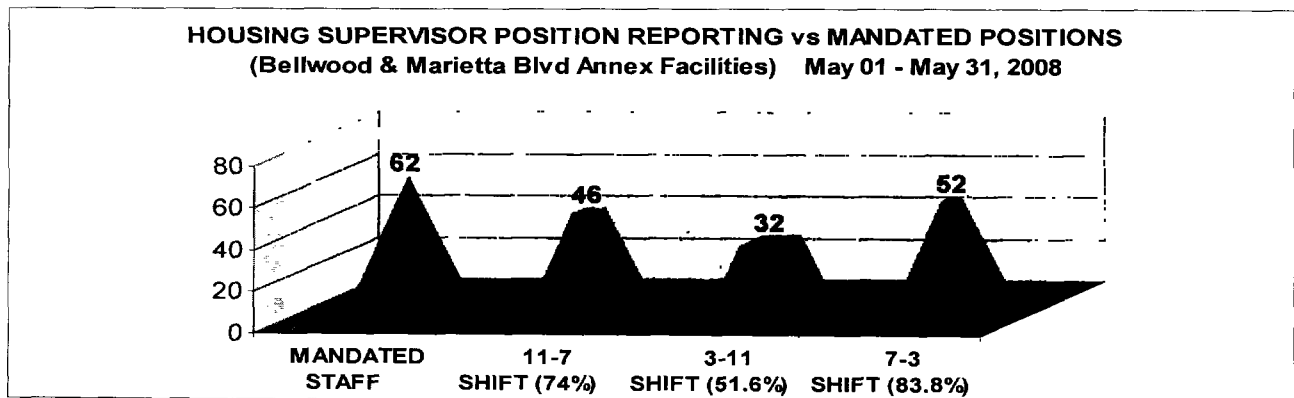
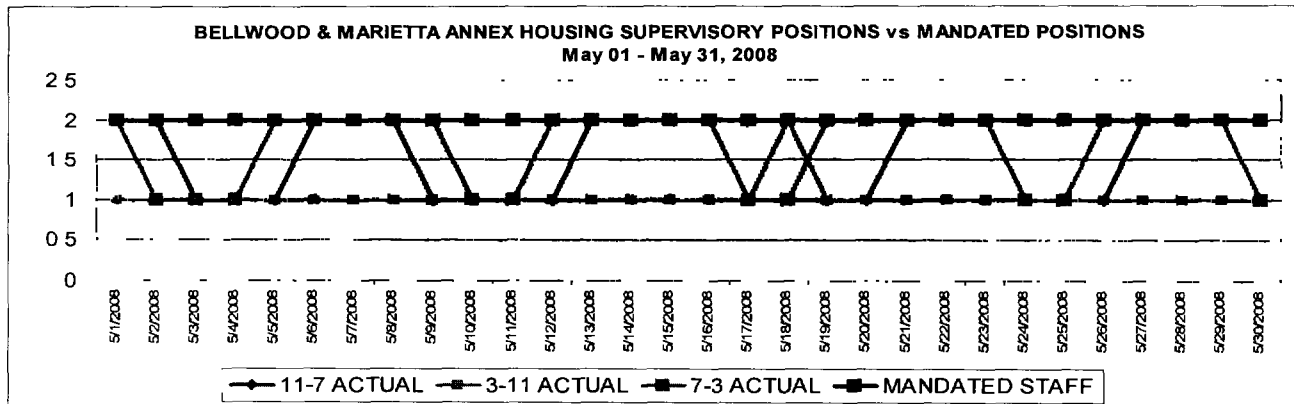
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05/01/2008 – 05/31/2008

The following report reflects the percentage of assignments of supervisory officers assigned to both Annex Facilities:

- 7-3 shift met the mandated supervisory staff only 83.8% of the reporting period
- 3-11 shift met the mandated supervisory staff only 51.6% of the reporting period
- 11-7 shift met the mandated supervisory staff only 74% of the reporting period

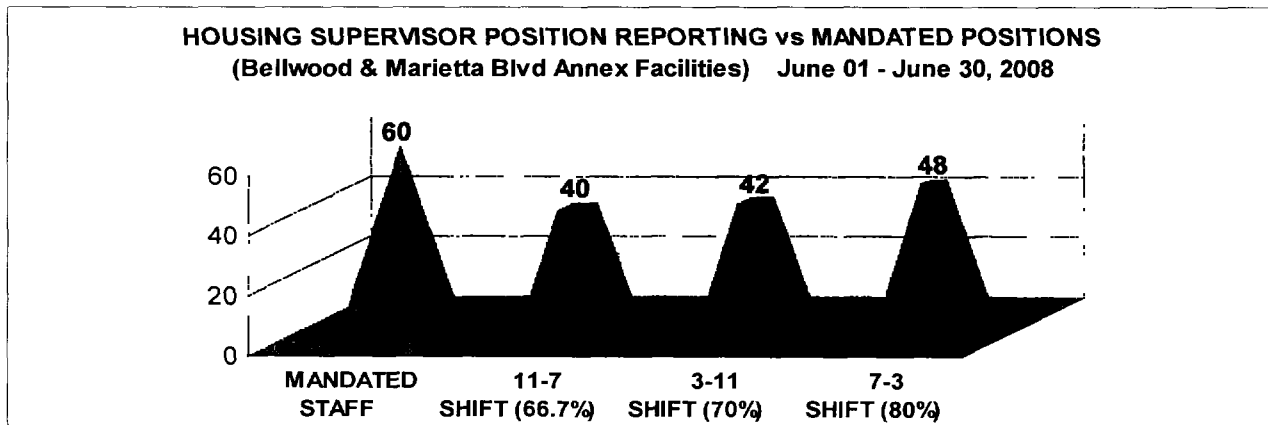
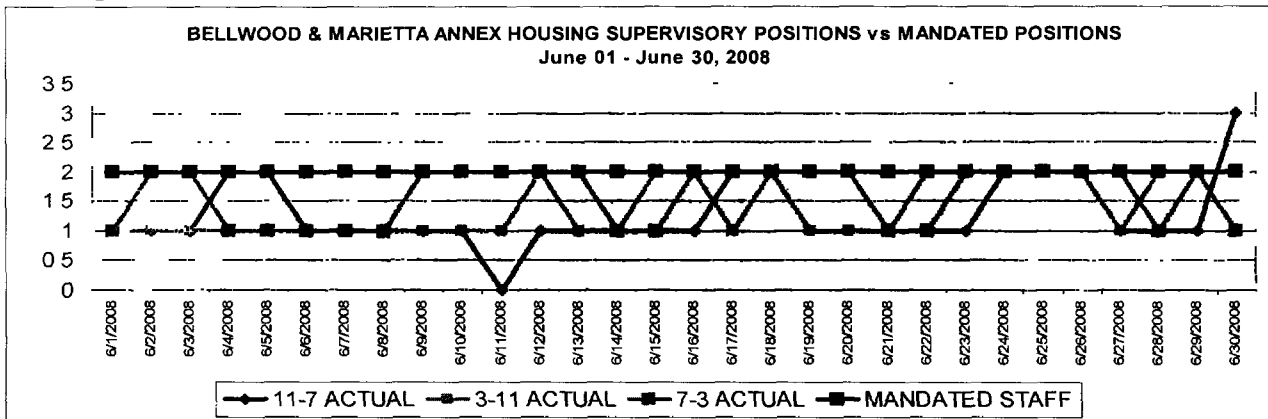


Seventh Quarterly Report of the Court Monitor

06/01/2008 – 06/30/2008

The following report reflects the percentage of assignments of supervisory officers assigned to both Annex Facilities:

- 7-3 shift met the mandated supervisory staff only 80% of the reporting period
- 3-11 shift met the mandated supervisory staff only 70% of the reporting period
- 11-7 shift met the mandated supervisory staff only 66.7% of the reporting period



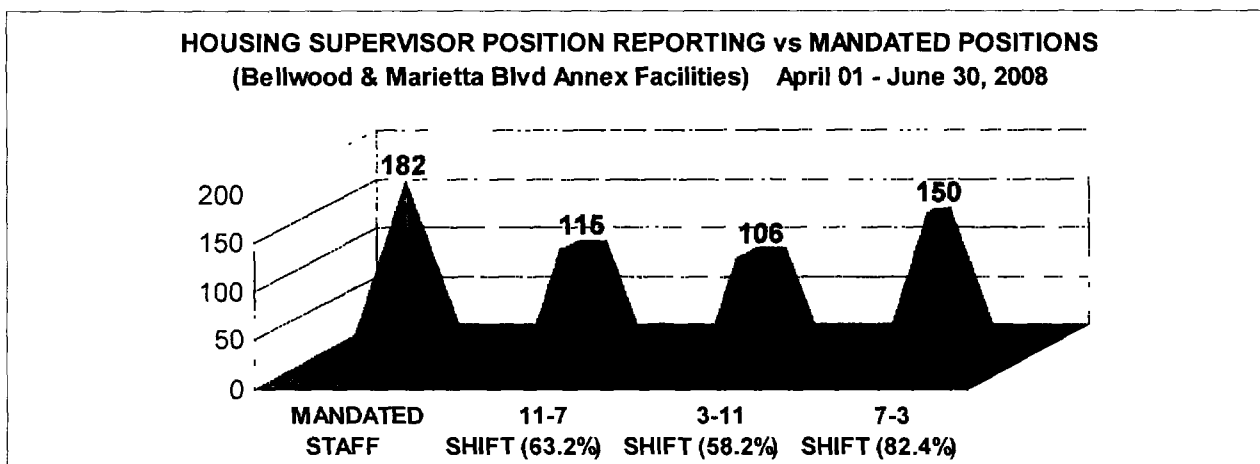
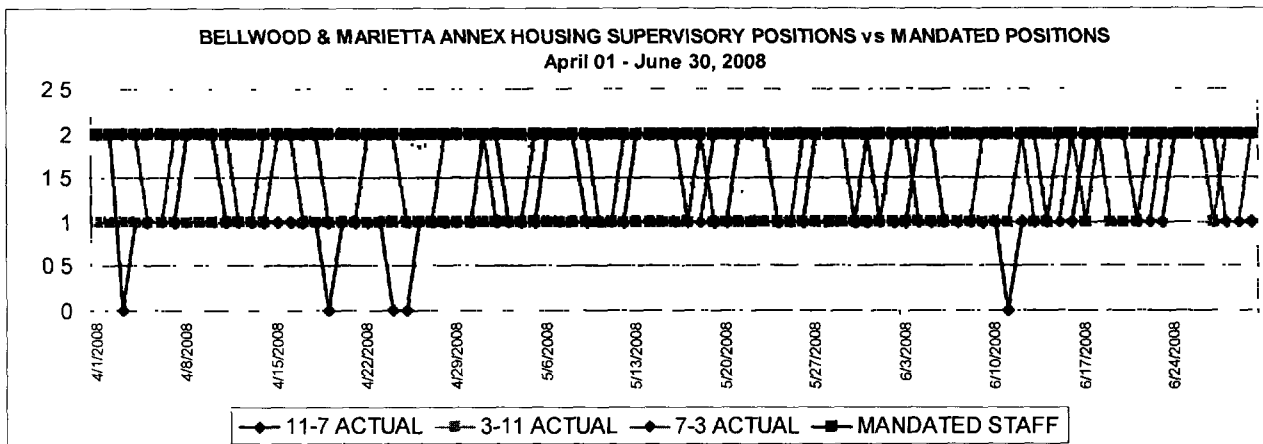
Seventh Quarter Report April – June 2008

The following report reflects the percentage of assignments of supervisory officers assigned to both Annex Facilities:

- 7-3 shift met the mandated supervisory staff only 82.4% of the reporting period
- 3-11 shift met the mandated supervisory staff only 58.2% of the reporting period
- 11-7 shift met the mandated supervisory staff only 63.2% of the reporting period

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Excessive Staff Assigned to Housing – Beyond the Mandated Requirement

The Consent Decree requires that there must be three (3) floor officers, one (1) tower officer assigned to each Housing Area (both North and South Towers) and one (1) floor supervisor shared between the two Tower floor areas of the Main Jail on each shift. As the entire fourth floor is closed due to the MEP Project, this requires only forty four (44) officers and six (6) supervisors in the main jail. The Bellwood Annex requires five (5) Housing officers and one (1) supervisor to be assigned on each shift. The Marietta Boulevard Annex requires three (3) officers and one (1) supervisor to be assigned on each shift. Thus, the Consent Decree currently requires a total of fifty two (52) officers and eight (8) supervisors assigned to Housing per shift.

During the past year, there have been scores of newly hired officers added to the work force and most remain assigned to the 3-11 and 11-7 shifts. There have been very few of these newly hired officers transferred to the 7-3 shift even as that shift has lost more than a dozen staff due to transfers to other areas of the Jail and Sheriff’s Office operation.

Seventh Quarterly Report of the

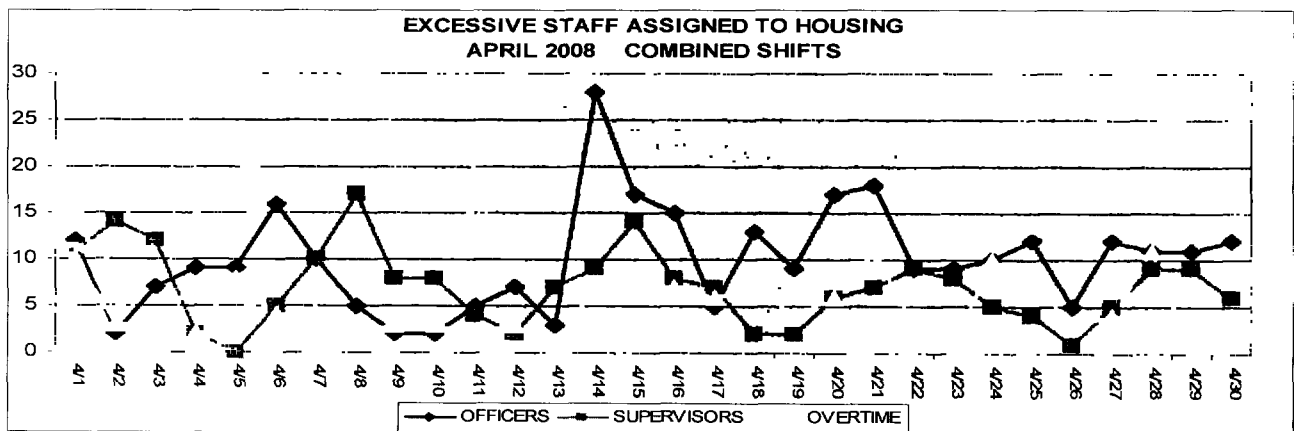
Court Monitor

Even as there have been more than 150 newly hired officers and at least a dozen (12) newly promoted sergeants added to the ranks, none of the shifts consistently meet the staffing mandates agreed upon by all parties to Consent Decree. Even worse is the growing mismanagement of staffing resources that have been provided by Fulton County to the Sheriff. As the shifts are often flooded with floor officers and supervisors, there is a high number of scheduled off time requests granted, sick time has remained very high, and training requirements remain high as many newly hired officers have not yet attended Jail Officers Certification but have been integrated into the work flow. There is now a serious disparity in the number of staff scheduled to work during mid-week days (Tuesday-Thursday) as compared to the weekend days (Friday-Monday).

Jail Leadership must complete a through review of all current staff assignments and redeploy those officers who continue to be assigned to Housing and overstaff the floors. As the floors are often overstaffed, other vital support areas go seriously understaffed such as Intake, Central Control, release duties, food service, sanitation, supply, classification, disciplinary, etc.

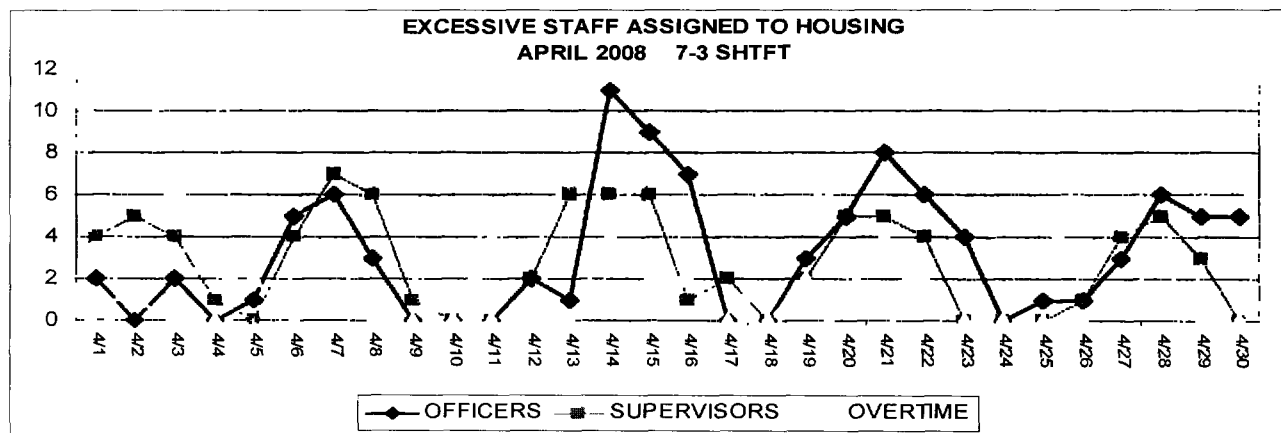
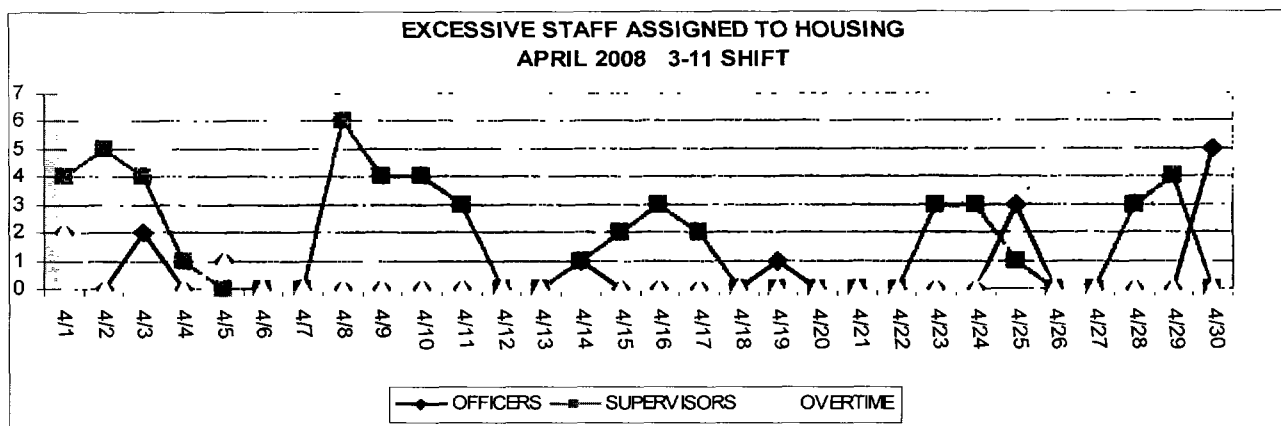
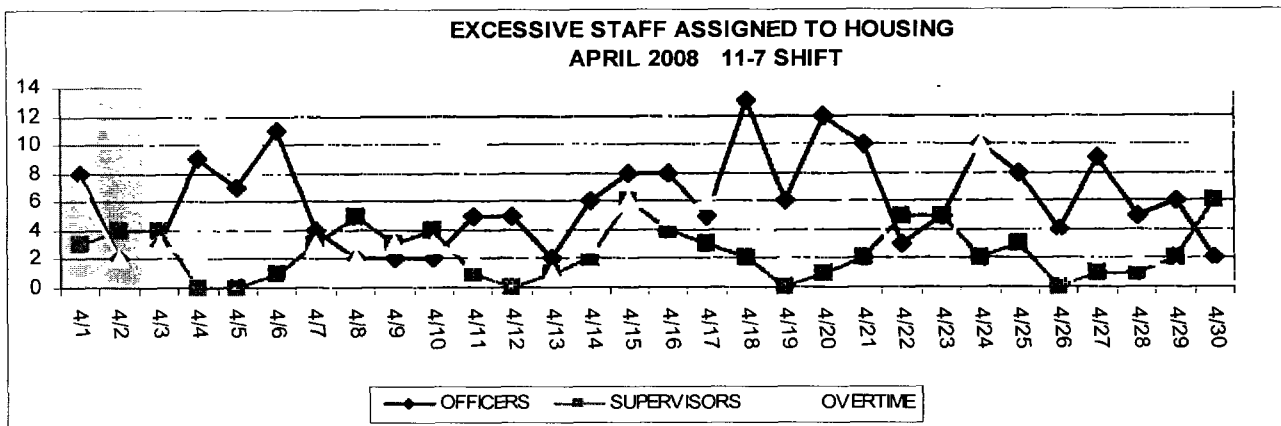
The Watch Commanders are also failing to ensure that staff is not unnecessarily assigned to Housing after the staff mandates are met. The charts below demonstrate just how serious the mismanagement is on the respective shifts:

April 01 – April 30, 2008



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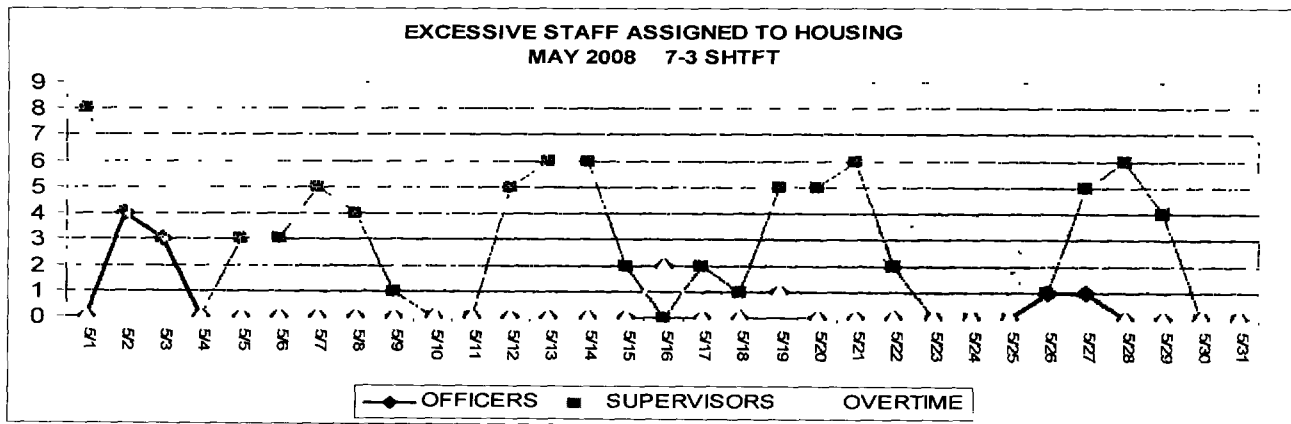
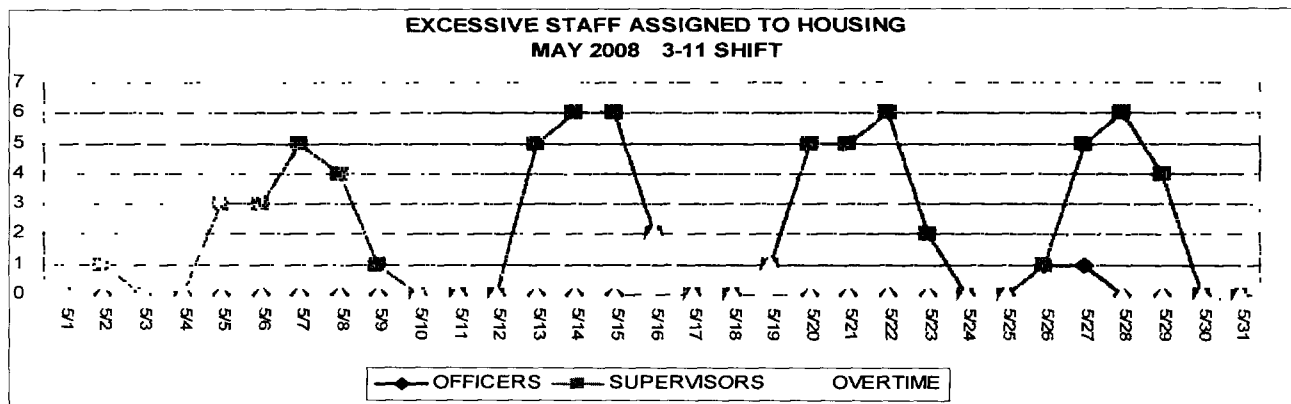
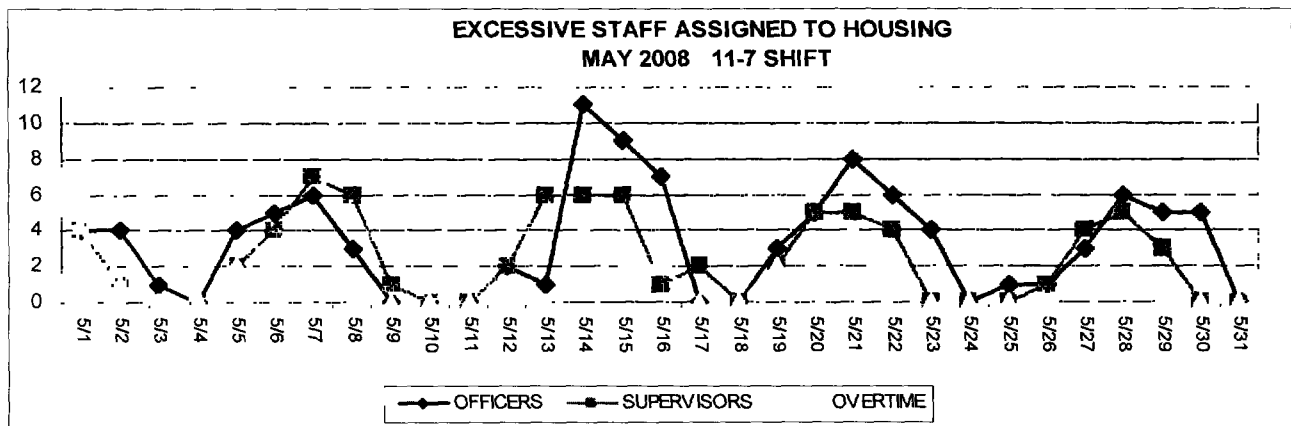
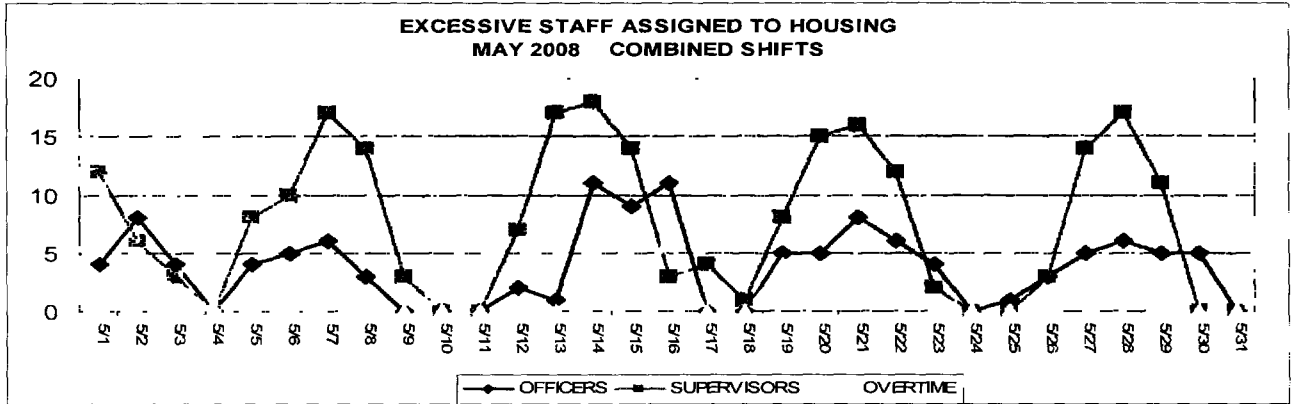


Salary and Budget considerations – Excessive Staffing Assigned to Housing

Officers	302	X 8 hrs	2,416 Hrs	Avg. Salary	16.00 Hr	38,656.00
Supervisors	211	X 8 hrs	1,688 Hrs	Avg. Salary	24.50 Hr	41,356.00
Overtime	145	X 6 hrs	870 Hrs	Avg. Salary	36.75 Hr	31,972.00
Total Budget Impact						111,984.00

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May 01 – 31, 2008

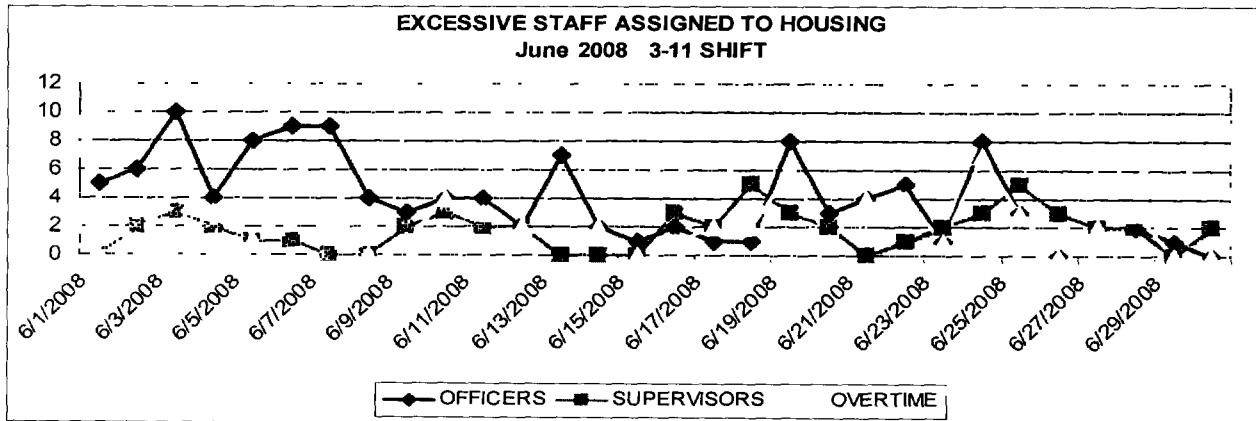
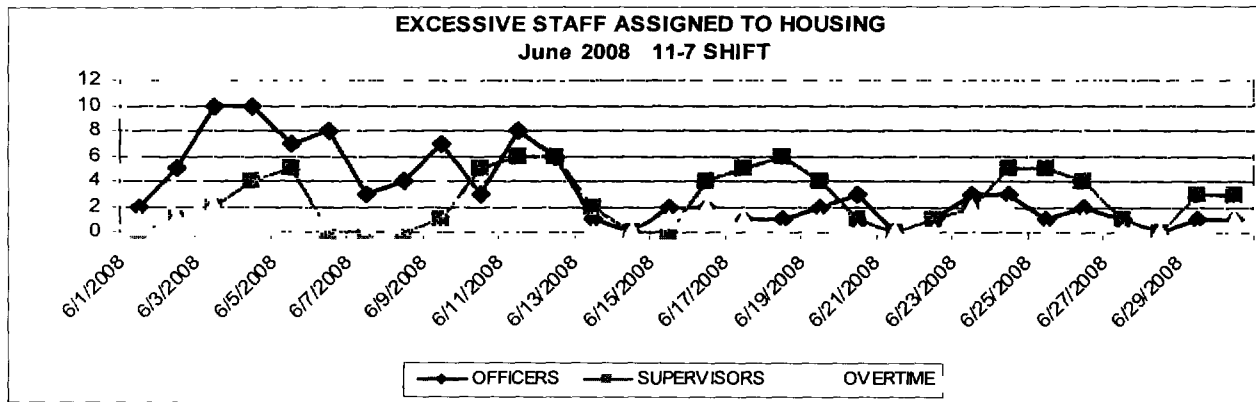
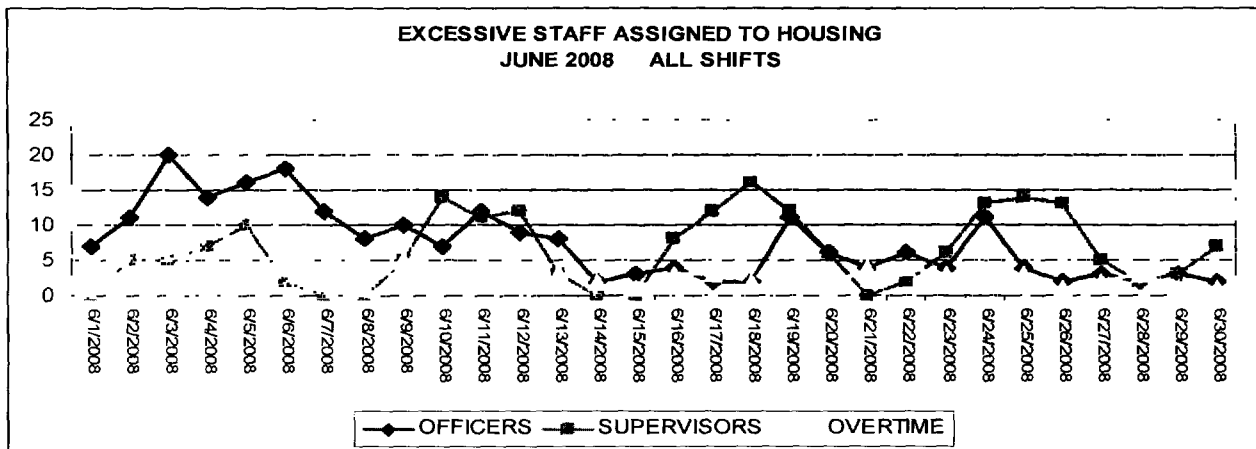


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Salary and Budget considerations – Excessive Staffing Assigned to Housing

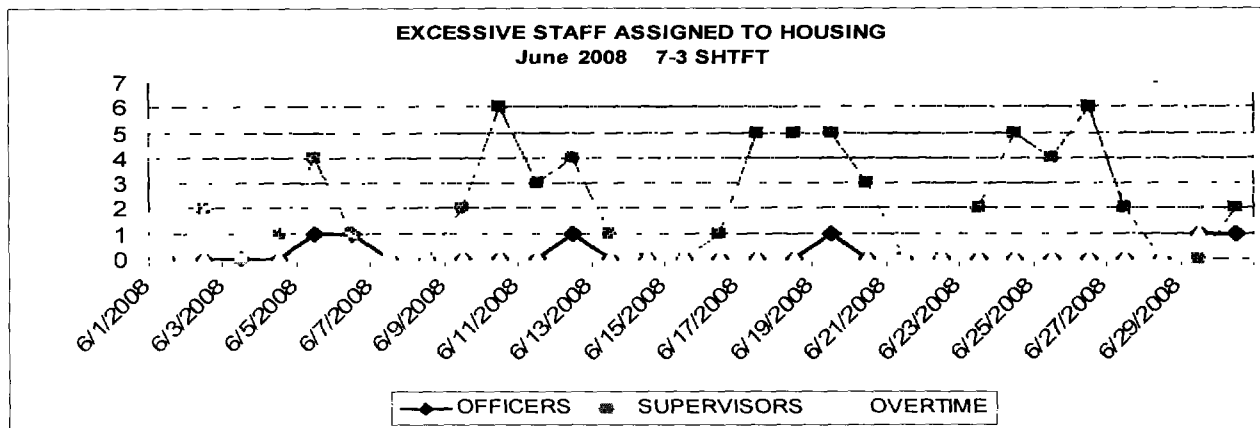
Officers	121	X 8 hrs	968 Hrs	Avg salary	16.00 Hr	15,488.00
Supervisors	235	X 8 hrs	1,880 Hrs	Avg salary	24.50 Hr	46,060.00
Overtime	32	X 6 hrs	192 Hrs	Avg salary	36.75 Hr	7,056.00
Total Budget Impact						68,604.00

June 01 – June 30, 2008



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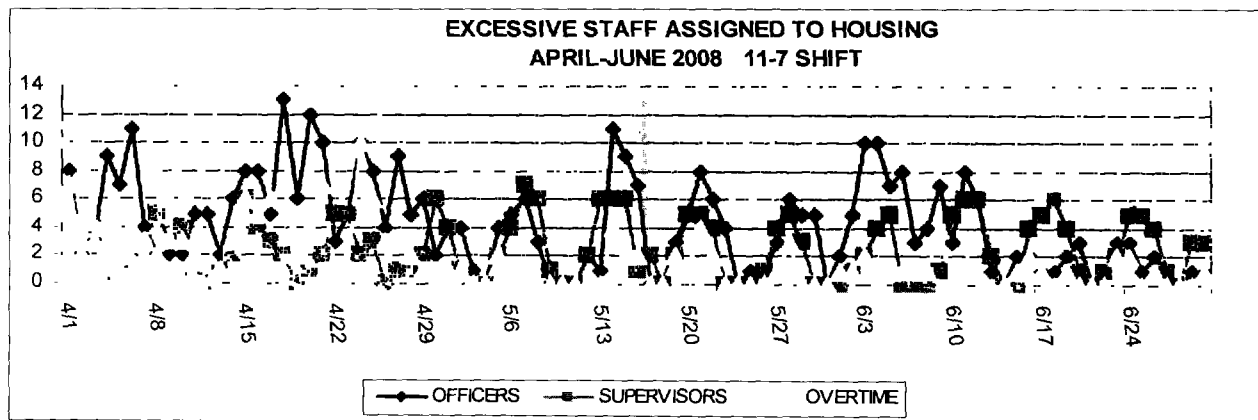
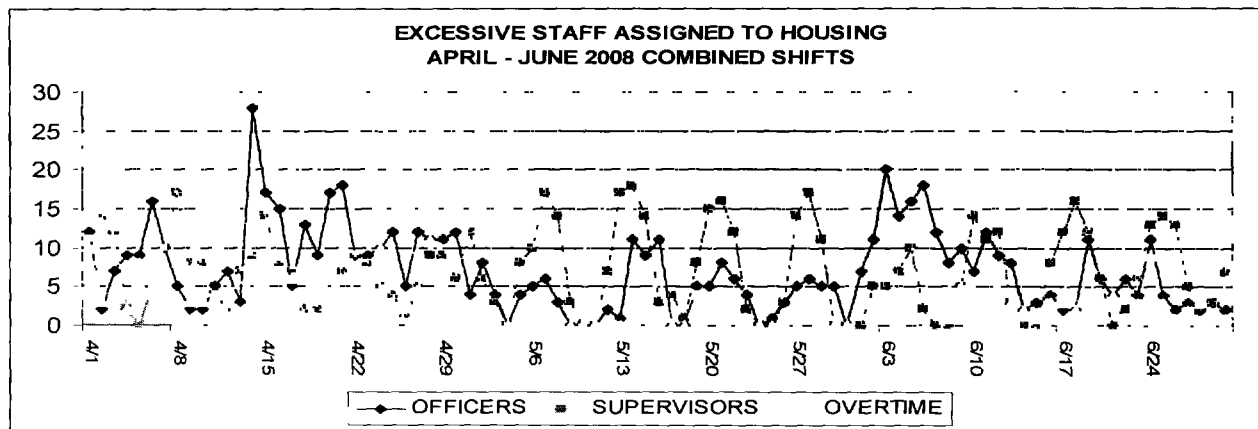
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Salary and Budget considerations – Excessive Staffing Assigned to Housing

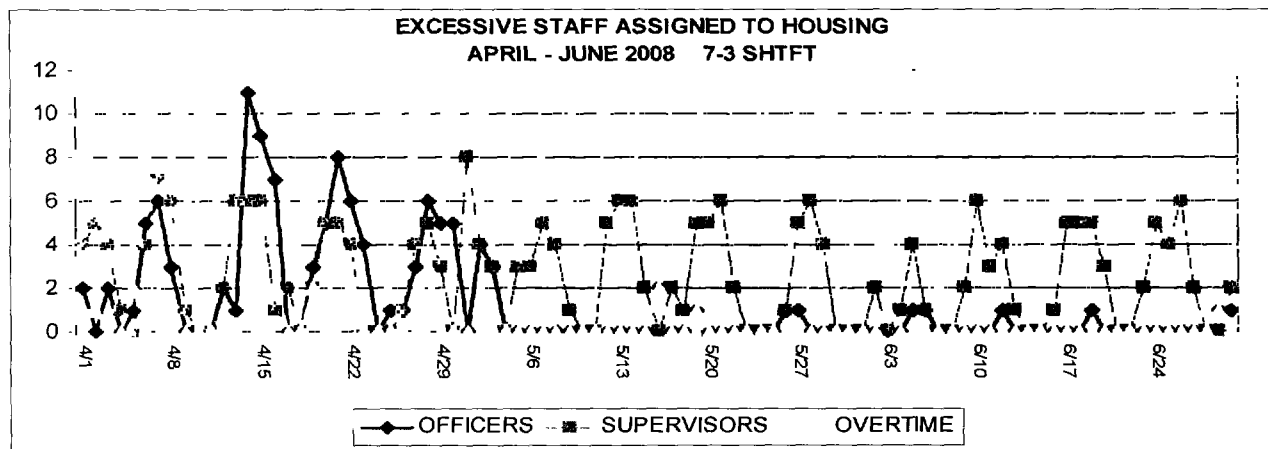
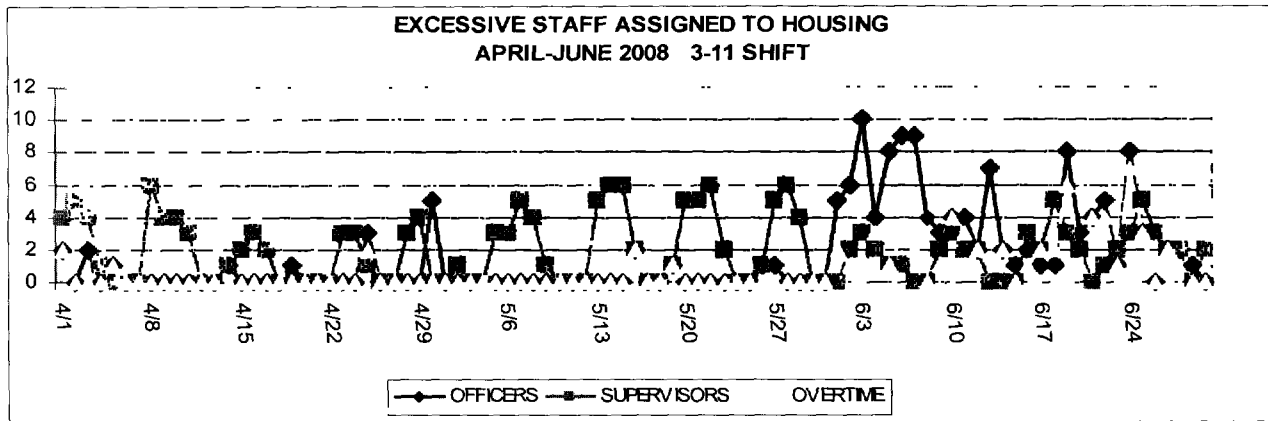
Officers	223	X 8 hrs	1,784 Hrs	Avg salary	16.00 Hr	28,544.00
Supervisors	193	X 8 hrs	1,544 Hrs	Avg salary	24.50 Hr	37,828.00
Overtime	95	X 6 hrs	570 Hrs	Avg salary	36.75 Hr	20,947.00
Total Budget Impact						87,319.00

Seventh Quarter Report April – June 2008



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Salary and Budget considerations – Excessive Staffing Assigned to Housing

Officers	646	X 8 hrs	5,168 Hrs	Avg salary	16.00 Hr	82,688.00
Supervisors	639	X 8 hrs	5,112 Hrs	Avg salary	24.50 Hr	125,244.00
Overtime	272	X 6 hrs	1,632 Hrs	Avg salary	36.75 Hr	59,975.00
Total Budget Impact						267,907.00

Attachments: Staffing Deployment Report Analysis – April 2008 (ten pages)
 Staffing Deployment Report Analysis – May 2008 (ten pages)
 Staffing Deployment Report Analysis – June 2008 (ten pages)

28. Maintaining sufficient personnel to meet these staffing levels 24 hours a day seven days a week is necessary for the safety and security of inmates and jail personnel and shall be a high priority of the Sheriff. The Sheriff shall employ various measures to maintain sufficient personnel, including, but not limited to the use of overtime, temporary reassignment of personnel, and filling any vacancies as promptly as possible.

Monitor’s Report:

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The Sheriff has met most of his obligation with regard to this section. There have been some transfers of employees to the Jail from other areas of the Sheriff's Office. There have also been an almost equal number of transfers of officers from the Jail to other areas of the Sheriff's Office.

The Sheriff has undertaken an aggressive effort of hiring of new employees and has filled most of the entry level vacancies for detention officers and deputy sheriff. There has been no such effort with regard to the vacant leadership positions above the rank of Lieutenant. At least 50% of those vacant leadership positions have been abolished following their becoming vacant.

There continues to be a growing list of supervisory position vacancies as there have been only about fifteen (15) promotions to the position of sergeant during the past three plus years. There are also remaining vacancies for various positions to include supervisory positions such as DOIII, Sergeant, Lieutenant, Captain, and Major positions. These vacant positions are listed below:

- 02 Major positions - vacant
- 06 Captain positions – vacant
- 11 Lieutenant positions – vacant
- 02 Lieutenant positions – the staff remain assigned downtown and not at the Jail (one civilian and one sworn)
- 04 Sergeant positions – vacant
- 03 Sergeant positions - staff remain assigned downtown and not at the Jail
- 11 DSIII Positions – backfilled with DSI and DO positions
- 35 DSII Positions – backfilled with DIS and DO positions
- 21 Detention Officer III positions - backfilled with DOI “new hires”
- 03 Detention Officer III – vacant
- 04 Detention Officer II – vacant
- 83 Detention Officer II – backfilled with DOI “new hires”
- 06 Detention Sergeant positions – vacant
- 01 Auditor III position – the position remains assigned downtown and not at the Jail
- Many other sworn supervisory positions (50-70) have been abolished during this administration
- 03 Records and Documents Supervisor positions – vacant
- 02 Records and Documents positions – vacant
- 10 Records and Documents Coordinator positions – newly established higher paying civilian positions will be filled based upon competitive scoring among the existing (44) Records and Documents employees

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29. The Sheriff shall maintain administrative staff at the Rice Street facility adequate to complete processing of: new inmates as soon as possible and no later than within 8 hours of commitment; inmates in time for first appearance on the next available court date; and inmates for release as soon as possible and in any event within 24 hours of notice and receipt from the court of paperwork establishing their eligibility for release.

Monitor's Report:

During the past months, there have been a number of Records and Document Specialist positions vacated as these vital jail positions are seriously underrated and underpaid. These jail positions require much more knowledge and training than similar positions in other departments of the Fulton County Justice System. Jail employees in these positions are required to work various shifts, weekends, and holidays while their Justice System peers do not. These Jail positions also require that the employees must be familiar with, access and utilize, on a regular basis, the other justice departments' records databases. This knowledge is required in order for the jail employee to determine the overall status of each jail inmate's charges and judicial assignments within the Fulton County Justice System. It cannot be overlooked that the Jail positions place these civilian employees in direct access of inmates and places them in a much higher degree of personal risks and danger than their peers in other officers of the Justice System.

The Sheriff has finally taken action to recognize and reward these hard working, and talented, civilian staff members who have for so long been overlooked. The Sheriff has taken 24 vacant Records and Document Specialist Positions (\$26,536.00 per year) and re-established them as 19 higher paying positions of Records and Documents Coordinator (\$33,968.00 per year). Very recently, 5 jail employees have been promoted as the result of this effort. As with any promotional process there are conflicting opinions as to if an individual employee should apply and this was certainly the case with this process. There was much staff distrust and suspicion as to what was actually taking place; thus, many of the longer serving and more experienced employees chose not to apply for consideration.

Their considerations and the long history of them being forgotten has created an environment where the Sheriff must constantly hire only to fill vacancies as his employees prefer to take positions with these other Justice System Offices. Other Justice System employees are paid much more than the Sheriff's civilian staffers and do not face the constant changes in positions, shifts, and direct contact with inmates and the imminent possibilities of assault from them. Thus, the long standing civilian staff shortages continue to add to the processing delays of inmates moving through the Intake Center and delaying many of those who are being processed for release.

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A cursory review of booking data indicates that jail staff constantly struggle to move inmates through the Intake Process within the eight hours as required by the Consent Decree, for example:

5/16/2008 Following a review of the listing of 93 inmates shown to be in the Intake Center the following is determined:

- 28 inmates were at or beyond 8 hours 30%
- 24 inmates were at or beyond 16 hours 26%
- 20 inmates were at or beyond 24 hours 21%

77% non-compliant

5/21/2008 Following a review of the listing of 113 inmates shown to be in the Intake Center the following is determined

- 49 inmates were at or beyond 8 hours 43%
- 37 inmates were at or beyond 16 hours 32%
- 06 inmates were at or beyond 24 hours 05%

80% non-compliant

6/12/200 Following a review of the listing of 131 inmates shown to be in the Intake Center the following is determined:

- 47 inmates were at or beyond 8 hours 36%
- 39 inmates were at or beyond 16 hours 30%
- 13 inmates were at or beyond 24 hours 10%

76% non-compliant

The Sheriff is not in compliance with this mandate of the Consent Decree.

30. The Sheriff shall ensure that detention staff shall conduct regular and random searches for weapons throughout inmate housing units, common areas, and all-purpose rooms.

Monitor's Report:

Each shift is conducting unannounced and random searches of cells and housing units each day. This effort helps to make known to the inmate population the fact that unexpected searches do occur. There is still the need to reconstitute the Shakedown Task Force as is identified by Jail policy and procedures. This unit has in the past been most helpful to provide for regular, coordinated, and unannounced cell searches of inmate housing areas, including cells, common areas. This Shakedown Taskforce also focused on areas where there was any increase in incidents, patterns of violence, jail damage, or cases where there had been the use of any type of weapon.

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31. The Sheriff shall ensure that there shall be sufficient detention staff to ensure that a detention officer is available to be present, as requested by the nurse, at all times during pill distribution.

Monitor's Report:

Except for an occasional incident, Jail staff are providing direct security escort for the nurses as they issue prescribed medications to the inmate population throughout the Jail complex.

B. Population Limits and Housing

32. The Sheriff shall maintain at the Jail a classification system that specifies at least three levels of custodial control. Any revisions in the classification system shall be documented, provided to counsel for the Plaintiffs, and maintained in the Jail Bureau Policies and Procedures Standard Operations Manual.

Monitor's Report:

The Jail maintains at least three separate levels of custodial control and classification assignments. There continues to be no clear and consistent separation of those three levels of inmates. Inmates are being assigned to housing units and the Annex facilities in no clear method as maximum, medium and minimum security. Inmates are all collectively assigned among the same housing units as much of these assignments are influenced by the population levels and based upon available bed space.

33. The Sheriff shall on a weekly basis notify the Chief Judge of the Superior and State Courts, the Chief Magistrate, the District Attorney, the Solicitor General, the chiefs of each police force in the county, the public defenders, and counsel for the Plaintiffs of the total population of the three jail facilities and the number of beds available for men and for women at the facilities on the day of the report.

Monitor's Report:

A daily population report is being provided to all parties (via e-mail) by the Sheriff so that they are well aware of the current population. This report provides population numbers for all facilities, infirmary, each outsourcing facility and the Intake Center.

34 The Sheriff shall on a daily basis provide the magistrates or judges conducting first appearance hearings in both Superior and State Court with the number of beds available for men and for women in the jail facilities before the start of first appearance hearings each day.. The Sheriff shall maintain administrative staff at the Rice Street facility adequate to complete processing of: new inmates as soon as possible and no later than within 8 hours of commitment; inmates in time for first appearance on the next available court date; and inmates for release as soon as possible and in any event within 24 hours of notice and receipt from the court of paperwork establishing their eligibility for release.

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Monitor's Report:

The Sheriff is meeting the requirements for this section of the Consent Decree.

35. Whenever the inmate population at the Rice Street facility reaches or exceeds 2100 and other housing is not available, the Sheriff will take the following actions:

a. Notify the judges and magistrates of the State and Superior Courts, the District Attorney, the Solicitor General, and the chiefs of each police force in the county, that the Jail is near capacity, inform them of the number of beds available at the Jail and request that it be taken into account with regard to releasing arrestees on citation, setting bond, sentencing and sentencing modification,

Monitor's Report:

The Sheriff is making these notifications through a daily (Monday – Friday) Jail Population Report sent to the required parties by way of a daily e-mail report. That report provides specific population numbers, including Outsourced inmates, Intake, Main Jail, Alpharetta, Bellwood, Marietta annexes and other notable population levels. The population increase over the previous Sixth Quarter reporting period now mandates that this notification must be made daily.

b. Review inmate records for early releases or home arrest.

Monitor's Report:

The Sheriff must make a more concerted effort to meet this provision of the Consent Decree. There are routinely inmates who are held beyond the 24 hour release period as required by the Consent Decree.

There are occasional early release decisions made by jail staff. There are currently no Home Arrest offenders who have been released under the actions or authority of the Sheriff.

The Court Monitor has repeatedly recommended that the Sheriff bring together a Population Control Committee (PCC) who will be tasked with these and other release responsibilities.

Other than an initial meeting of Jail Leadership identified to be on the PCC where they discussed mostly general jail operational issues (conducting inmate head counts), the PCC has not yet determined what category of charges, if any, would be targeted to consider release recommendations or referrals to the appropriate court for release consideration. Even as the Monitor has had extensive and numerous

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discussions regarding the necessity of the PCC with the Sheriff and Chief Jailer, neither has taken any steps towards supporting the appointment of the PCC.

Jail Census Review

Following extensive reviews of the Jail Census on 4/16/2008, 5/16/2008 and 6/23/2008, the following categories were identified by the Auditor and Monitor for targeting by the PCC; for example:

Child Support charges – sixteen (16) inmates were in custody with cash purge amounts that might be lowered or reconsidered by the respective judges. Those inmates that were since released averaged 28.3 days in custody, those who remain in Fulton County Jail average 27.3 days as of 6/23/2008.

Book-in and Book-out errors – there were at least seven (7) inmates who have been released but book-out errors have prevented them from being removed from the Jail Census as they are still booked-in as though they were never released. (See: booking numbers; 0439556, 0613820, 0624358, 0637045, 0809075, 0812219, and 0817939).

Drug Court Sanctions - There were at least twenty-eight (28) inmates who were committed by Order of Drug Court as they violated the release conditions under which they were released. The Court might reconsider release if requested by the Chief Jailer. Those inmates (19) that have been released averaged 57.9 days in custody; those that remain in Fulton County Jail (9) averaged 54.6 days as of 6/23/2008.

Appeals - There were at least twenty seven (27) inmates who were in jail awaiting decisions by the respective Courts who are all under Appeal of Sentences. This group of inmates is easily overlooked after their Appeals have been addressed by the Court. Of those inmates nine (33.3%) have been returned to the DOC; eighteen (66.7%) remain in Fulton County Jail as of 6/23/2008.

Low Bond – Non-Violent charges - There were at least sixty-nine (69) inmates who were in jail with non-violent charges and whose bonds were less than \$3000; most were at or below \$1,000. Of those inmates, sixty three (92.7%) have since been released and five (7.3%) remain in Fulton County Jail as of 6/23/2008. The overall release results are indicated below:

DISPOSITIONS	REMAIN IN F.C JAIL	05	7.4%
	DISMISSED	15	22.0%
	DWOP	05	7.4%

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		SOB/ROR	12	17.6%
		BONDING CO	05	7.4%
		PROBATION	05	7.4%
		TIME SERVED	13	19.0%
		SUSPENDED SENTENCE	05	7.4%
		OTHER DISPOSTIONS	03	4.4%
		TOTAL	68	

Loan-Outs - There were at least forty five (45) inmates who have been Loaned-Out to other agencies or mental health facilities, most who have been in those facilities more than one year, some as long five or six years.

Parole Violators – There were at least one hundred seven (107) inmates in jail awaiting actions by the Parole Board. One of those inmates has been in Fulton County Jail since 8/1/2007 and many from early 2008. Of those inmates, seventy one (66.4%) have since been release or picked up by State Board of Pardon and Parole (SBPP) and thirty five (32.7%) remain in Fulton County Jail awaiting SBPP determinations.

Attachment: Jail Census Review of 5/16/2008 (twenty pages - seven categories of reports)

36. The Sheriff shall maintain a list of other facilities where beds are available. If the number of inmates in the Rice Street facility exceeds the number that can be housed two to a cell, the Sheriff may house inmates on bunks in the day rooms while making efforts to decrease the population and find alternative housing in order to reduce the overall inmate population to capacity within forty-five (45) days. If the population of the Rice Street facility remains over 2250 for twenty (20) consecutive days, the Sheriff shall find alternative housing, place inmates on home arrest pursuant to statute, implement early release, or take such other action as he deems appropriate to reduce the population to 2250.

Monitor's Report:

The Sheriff maintains a list of available beds at each of the outsource facilities. Currently the number of inmates at those facilities is below the actual number of available beds.

37. In addition to the actions being taken by the Sheriff, if the Rice Street population exceeds 2250 for twenty (20) consecutive days, the Public Defender shall provide a list of inmates deemed eligible for release to the District Attorney who shall examine such list to determine whether an agreement can be reached on the release of said inmates. If an agreement is not reached by the Public Defender and District Attorney, the list will be submitted to the Chief Judge who alter review, may authorize the release of inmates from the list as deemed appropriate.

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The Sheriff and County Defendants must now begin to implement these actions as the population level for this Seventh Quarter reporting period have remained above the modified CAP of 1,842 and have increased by about 70 inmates above the Sixth Quarter daily population averages and continue to rise slowly but steadily.

38. Whenever less than 15 or fewer beds remain available for women, the Sheriff shall take the measures set out in paragraph 35 in order to prevent, if possible, the number of women from exceeding the number of beds for women. If the number of women exceeds the number of permanent beds, two beds to a cell, for women by 10 or more for twenty days or more, the Sheriff shall find alternative housing, place inmates on home arrest pursuant to statute, implement early release, or take such other action as he deems appropriate to reduce the population so that it does not exceed the number of permanent beds, two beds to a cell, for women.

Monitor's Report:

The current population levels have not required the Sheriff to make these notifications as the overall Jail population is below the Consent Decree.

39. Upon inquiry, plaintiff's counsel shall be provided the Jail population count on any day.

Monitor's Report:

The Sheriff is providing plaintiff's counsel with the Jail Population Daily Report via e-mail on a daily basis.

C. Replacement, Repair and Preventive Maintenance of Mechanical, Plumbing and Electrical Systems

40. The maintenance of the physical structures that are used to house inmates by Fulton County, including the 901 Rice Street facility, the Bellwood Annex and the Marietta Annex, and the mechanical, plumbing, and electrical systems shall be the responsibility of the County Defendants operating through the General Services Department of Fulton County.

Monitor's Report:

The General Services Department of Fulton County is providing the facility building services maintenance for the Jail Complex. The current facility maintenance budget is divided into two separate funding lines:

- The Operational maintenance budget is approximately 3.3 million dollars and provides for typical operational costs, typical repairs and preventive maintenance funds.
- There is also a funding line for contingency funding of 1.6 million dollars to cover for costs not covered under the operational budget.

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- According to billing records, there has been more than \$280,000 spent from the two separate funding lines to pay for items that should have been covered under the MEP Project funding that was not factored in the original planning, for example:
 - Roof anchors, safety testing and installation of the platforms and buckets used to work on the outside riser system for the Heating, Ventilation and Air Conditioning (HVAC) ductwork system being installed in the housing towers
 - Elevator costs such as power line replacements, user access control system, travel cables providing for the Closed Circuit Television (CCTV) system cameras in the elevators
 - Sanitary sewer lines repairs and related costs that were beyond the more than \$325,000 spent in 2006 on to repair the sewer lines on 1-North
 - There continues to be additional costs applied to the operational budget due to the continual breakdown of the shower wall and floor surface treatment on 1-North. The treatment installed during the MEP Program upgrade has not provided the overall solution as was desired.

This repair work continues requiring the Sheriff to maintain security and provide additional escorts as the shower repairs are being done while the inmates are living in those same housing units.

Even after thousands of dollars in expenditures, months of debate and repeated intrusions upon the security and good order of this large jail facility; these long term and widely recognized design problems continue to be improperly and cheaply addressed by the County Defendants.

The County Defendants continue their efforts to save dollars and avoid bringing forth a real and long term solution to these issues, all the while ignoring the severity of the health issues and operational difficulties this causes the Sheriff, Jail staff and inmate population.

41. The County Defendants shall inspect manholes 4 through 14 on the sewer line serving the Rice Street Facility no less than quarterly and shall pump these manholes as required to insure that sewage does not back up into the housing areas on the first floor of the Rice Street Facility. The County Defendants shall work with City of Atlanta officials to insure that there are no cross connections problems in the water and sewer pipes serving the Rice Street Facility and shall cause any such problems to be corrected as soon as practicable. In the

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event these actions do not lead to a resolution of the problem of sewage backing up into the housing areas, the County Defendants and the Plaintiffs will discuss and will bring to the Court for its review additional remedial actions needed to resolve the problem.

Monitor's Report:

The County advises that these manholes are being inspected on a regular basis. The manholes are also being cleared of debris by use of high pressure water being sprayed into the actual plumbing lines and this occurs at least on a quarterly basis.

42. By July 1, 2009, County Defendants shall repair and upgrade as needed and appropriate the plumbing in the jail facilities, including but not limited to replacing fixtures in cells where needed; making such repairs as needed to ensure that all toilets, faucets and showers work properly; reinstalling those fixtures which are not properly affixed to the walls and the plumbing system; removing electrical hazards from showers; and, installing shutoff control devices.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

43. The County Defendants shall by July 1, 2009, complete the following work at the 901 Rice Street facility:

(a) replace the heating, ventilation and air conditioning equipment (HVAC), including the air handling units, terminal units and exhaust fans, associated ductwork and piping;

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(b) replace air grilles in the cells, dayrooms, corridors and support areas;

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(c) replace existing building energy management system with a direct digital control energy management system;

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The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(d) replace power disconnect and motor starter for all the HVAC equipment and modify electrical equipment to support new HVAC equipment;

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(e) install new lighting fixtures in all living areas in the towers at 901 Rice Street and salvage and reuse existing lighting fixtures in the low rise building at 901 Rice Street;

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(f) install new acoustic ceiling tile;

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(g) remove and replace chillers, cooling towers and chilled water pumps at the central plant.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

(h) upgrade the electrical capabilities of the facility at 901 Rice Street, including its generators, so that sufficient amounts of electricity are provided to the facility at all times and power outages are avoided.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

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44. The County Defendants shall by July 1, 2009, renovate the four employee/inmate elevators at 901 Rice Street as necessary to insure the safe and reliable operation of each elevator. The County Defendants shall by July 1, 2009, renovate the two public elevators at 901 Rice Street as necessary to insure the safe and reliable operation of each elevator.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

45. The County Defendants shall issue requests for proposals to accomplish the goals of Paragraphs 42,43, and 44 no later than November 1,2005, and shall commence the renovations as soon as practicable thereafter.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

46. The County Defendants, through the Fulton County General Services Department and retention of engineering, construction and other appropriate firms, shall bring all of the jail facilities into compliance with the electrical, fire, plumbing, mechanical and other applicable codes of Georgia and Fulton County.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

47. The County Defendants, through the Fulton County General Services Department and/or consultants, contractors and other means, shall carry out a program of preventive maintenance to minimize disruptions of the operation of the jail facilities due to mechanical failures.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

48. The County Defendants shall employ sufficient maintenance staff to identify maintenance needs, carry out routine maintenance and promptly make repairs where needed. When on-site maintenance staff is unable to repair some part of a critical system such as HVAC or heating, County Defendants shall immediately secure a qualified person to make the repair.

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Dated work orders for both routine and extraordinary maintenance, including descriptions and dates of actions taken, shall be maintained at the Jail.

Monitor's Report:

The County has employed Johnson Control, Inc. (JCI) to provide for overall maintenance for the Jail facilities. JCI works closely with the Fulton County General Services Department to ensure that day-to-day maintenance needs of the Fulton County Jail complex are met.

49. The Sheriff shall inform inmates of and shall have ready access to "Maintenance Repair Forms" such as the one appended as Appendix C to notify staff of maintenance needs. Maintenance Repair Forms shall be available to inmates at all times. The Sheriff shall arrange through a lock-box or other means a way for inmates to submit such forms. The Sheriff will screen requests to eliminate duplicate and frivolous requests.

Monitor's Report:

There has been no effort made to accomplish this requirement. The Auditor has requested several times in the Strategic Management Meetings that the Jail should develop a process by which it can be documented that all required forms are issued to inmates.

A consistent and systematic procedure that routinely ensures issuance and documentation that all forms are issued to the inmate population must be developed and implemented by the Sheriff.

50. Once notified by the Sheriff, the County Defendants shall address maintenance repairs in a timely fashion and in order of severity, as set forth in the maintenance contract. All responses to "Maintenance Repair" forms shall be documented and maintained at the Jail.

D. Ventilation and Temperatures

Monitor's Report:

The Jail maintenance vendor, Johnson Controls, Inc., maintains a computerized database of all work order requests that are received. Every effort is being made to ensure that repair requests are carried out as required by the Consent Decree. The Auditor is unaware of any incidents where the vendor failed to meet this requirement.

Maintenance Staffing and Positions – The current funding for Jail Maintenance Services is providing a variety of staff from each of the repair service trades to meet the repair needs of the Jail Complex; they are made up by the following:

1- Project Manager

2 – Locksmiths

1 – Lead HVAC Tech

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1- Chief Engineer	2 – Lead Plumber	4 – HVAC Techs
4 – Shift Supervisors	7 – Plumbers	3 – Electronics Techs
1 – Lead Locksmith	3 – Electricians	6 – General Maint. Techs
5 – Clerical Support Staff		

51. The Sheriff shall adopt and implement the “Excessive Heat Policy” appended hereto as Appendix D. The policy shall be included in the Jail’s Jail Bureau Policies and Procedures Standard Operations Manual. A determination shall be made at medical screening at intake of those inmates vulnerable to heat injury, including aged or pregnant inmates, inmates with chronic illnesses, and inmates taking certain medications and taken into account when establishing the inmate’s medical profile.

Monitor’s Report:

This section is under review of the Monitor and will be reported on in a future report.

52. The Sheriff shall ensure that the heat index is measured and reported on every shift where the reported ambient temperature is 80 or higher or the recorded heat index on the housing area is 88° or higher. Where the reported ambient temperature is 80 degrees or higher or the recorded heat index on the housing area is 88 degrees or higher then the “Excessive Heat Policy” shall be implemented by the Sheriff. Instruments used to measure temperatures and relative humidity shall be calibrated weekly.

Monitor’s Report:

The main jail facility currently has one older model standard thermometer mounted on the wall inside each of the 78 housing units. This thermometer provides enables both inmates and staff to monitor the inside ambient temperature of the dayroom area. That unit does not provide for any measurement of the actual heat index inside those housing units.

Although the maintenance service vendor JCI has agreed to purchase a combination unit that will provide both the ambient temperature and heat index of each housing unit dayroom area, they have not been able to locate a suitable unit that can meet the need.

53. The ventilation system in the cells shall provide at least fifteen (15) cubic feet per minute of circulated air per occupant. Additionally, cells shall have no less than four (4) air changes per hour.

Monitor’s Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

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54. The Sheriff shall provide inmates with additional clothing and blankets when the temperature falls below sixty-five (65) degrees Fahrenheit.

Monitor's Report:

This requirement is being met by the Sheriff on a case by case basis as it is identified that Housing Units are too cool. In those cases where it is identified that inmates require additional clothing or blankets, they are being provided. Sheriff's staff monitor the ambient temperature of each housing unit on each of the three shifts and report their findings to the Operational Watch Commanders; that information is reported to Jail Administration. These reports can be provided should there be the requirement as they are reviewed by the Auditor, when they are provided by the Sheriff.

55. The Sheriff shall ensure that inmates being transferred from the Jail to the courthouse on a bus with no air conditioning shall be provided access to fresh ice water during the course of the trip and while waiting on the bus.

Monitor's Report:

The Sheriff is meeting this requirement of the Consent Decree through the efforts of the Sheriff's Transfer Unit of the Sheriff's Office.

E. Environmental Health and Safety

56. The Sheriff shall provide inmates adequate cleaning supplies to clean and disinfect their living areas on a daily basis. When using cleaning supplies, appropriate protective clothing and equipment shall be available for use by inmates and staff.

Monitor's Report:

Cleaning supplies (mop, mop bucket, broom, cleaning solution, disinfectant, gloves) are being provided to the inmate population of each housing unit at least once per shift. Typically this issuance is following the meal service period of the respective shifts to enable the cleanup of the units. Showers are inspected by the floor officer at various times during the respective shifts to ensure that they have been cleaned according to American Corrections Association (ACA) standards.

To ensure that this process is working as required by ACA accreditation standards, the Sheriff has agreed to implement a designated and organized jail inspection team that will be responsible to ensure that the Jail meets an acceptable level of cleanliness. No time table has been set for this implementation.

57. The Sheriff shall ensure that all safety and cleaning equipment is cleaned and stored in a safe manner. This equipment shall be maintained in good working order.

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The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

Cleaning Equipment - Cleaning equipment is not being maintained or inspected with any consistency, nor is there a designated storage system. Cleaning equipment is being stored according to differing locations and according to the requirements of the various shifts and may be changed at any time of the day.

Safety Equipment – Safety equipment (smoke-cutter flashlights, micro-shields for CPR) is supposed to be easily accessible to all uniformed staff working in the Jail complex. A recent inventory of all Self-contained Breathing Apparatus storage cabinets located through the Jail complex revealed that most were missing the flashlights and micro-shields as staff had removed them and they had not been replaced.

The Sheriff must implement an inspection procedure whereby all such safety equipment can be ensured to be available, if needed. Correctional standards (ACA and National Commission on Correctional Health Care (NCCHC)) require that such a procedure and system should already be in place. Such a procedure is designed and intended to ensure that all life saving equipment is available to staff in any emergency situation or other need.

58. The Sheriff shall ensure that kitchen staff, including contracted employees and inmate workers, receive training which includes the reasons for and meaning of taking temperatures of food and delivering food quickly.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

59. The Sheriff shall develop policies and procedures for maintaining the sanitation and environmental cleanliness of the Jail, which will be included in Jail Bureau Policies and Procedures Standard Operations Manual. Plaintiffs' counsel shall be permitted to review and comment on the policies and procedures prior to their final adoption.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

60. The Sheriff shall ensure that all housing areas, including showers, sinks, and common areas are thoroughly and safely disinfected and cleaned on a regular basis to control mold and Staphylococcus.

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Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

61. The Sheriff shall ensure that the dishwashing machines in the Jail kitchen shall have a "final rinse" water temperature of one hundred-eighty degrees (180) Fahrenheit with a nozzle pressure of 15-10 psi. The time and conveyor speed of water hitting the dish, utensil, or tray shall conform to the operating manual of the dishwasher.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

62. The Sheriff shall cause the air quality in cells and day rooms to be documented by a qualified individual on a regular basis. This documentation shall be maintained at the Jail.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

63. During the existence of this Consent Order, an environmental specialist retained by plaintiffs' counsel shall be allowed twice a year to inspect the Jail, speak with inmates and staff; inspect documents; take photographs of environmental conditions and take samples on a date and at a time approved by the Sheriff.

Monitor's Report:

The Auditor is not aware of any requests being made by the Plaintiff's Counsel requesting an inspection by there environmental specialists.

F. Plumbing

64. The County Defendants shall maintain toilets, showers, and sinks in good working order. The County Defendants shall develop a preventive maintenance schedule and policy for upkeep of the plumbing system.

Monitor's Report:

The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

65. All inmates in the Jail shall have access to fresh drinking water twenty-four (24) hours per day seven (7) days per week.

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The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

As the result of the ongoing MEP, many inmates, especially females, have been confined to holding cells for many hours while they are scheduled to attend First Appearance and Probation Revocation hearings at the Jail. Holding Cell 57 is being utilized to hold most females awaiting hearings; these inmates are not afforded easy access to a restroom as this holding cell does not have a restroom or sink to provide fresh drinking water. It is not uncommon for inmates to be held beyond the hearing hours and into the late evening and night time hours rarely being offered restroom and water breaks.

66. No inmate shall be housed in a cell with standing water in the cell. No inmate shall be housed in a cell with a toilet that does not work or a sink that does not work.

Monitor's Report:

The Sheriff is meeting this mandate of the Consent Decree. There are occasional toilet and sink repair requests submitted and those repairs are generally made within eight to ten hours after being received.

As the result of the ongoing MEP, many inmates, especially females, are being held in holding cells for many hours while they are scheduled to attend First Appearance and Probation Revocation hearings at the jail. Holding Cell 57 is being utilized to hold all females awaiting hearings, these females are not afforded easy access to a restroom as this Holding Cell does not have a restroom or sink to provide fresh drinking water. It is not uncommon for inmates to be held beyond the hearing hours and into the late evening and night time hours.

67. The County Defendants shall clean up any and all sewage leaks within two (2) hours of becoming aware of them.

Monitor's Report:

The Auditor is not aware of any sewage leaks during the reporting period. The Sheriff is meeting this mandate of the Consent Decree.

68. The hot water temperature in all showers and sinks in the Jail shall be between one hundred (100) degrees and one hundred twenty (120) degrees Fahrenheit. There shall be at least one (1) working shower in each zone. All sinks shall have working cold and hot water.

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The County is meeting this requirement through the Mechanical, Elevator, and Plumbing (MEP) Project that was begun in late 2006 and is scheduled to end in late 2009.

69. All electrical wiring in showers shall be covered according to code such that no live wire is exposed.

Monitor's Report:

The Sheriff is meeting this mandate of the Consent Decree.

G. Laundry

70. The Sheriff shall provide all inmates with at least three (3) sets of clean Jail uniforms and underwear per week upon being assigned to a housing zone. All inmate linens and towels shall be exchanged for clean linens and towels at least twice weekly.

Monitor's Report:

Jail staff continues to struggle in their attempt to meet this mandate of the Consent Decree. The current laundry equipment is under constant usage and continues to breakdown only to be repaired again and again. The Auditor has continually recommended that all washers and dryers be replaced and should then be maintained under a manufactures warranty. One dryer has been out of service since August 2007 when it was damaged beyond repair as the result of a fire.

71. The Sheriff shall permit only those inmates and staff trained in the proper use of all laundry equipment to use the equipment. Training shall include instructions regarding laundry procedures - how long clothes are to wash and dry, the amount of detergent to be used, the temperatures required to disinfect the materials being washed, the requirement that clothes be completely dry, and similar information - shall be maintained in writing.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

72. The Sheriff shall maintain separate laundry carts for clean clothes and soiled clothes, and carts shall be clearly labeled indicating clean clothes or soiled clothes.

Monitor's Report:

The Sheriff is meeting this mandate of the Consent Decree.

73. Dissolvable laundry bags shall be located in an area that is easily accessible during an emergency for collection of clothes, linens, and other laundry items that become contaminated with blood or bodily fluids.

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The Sheriff is meeting this mandate of the Consent Decree.

H. Housing

74. All cells in the Jail shall be equipped with adequate lighting. Lighting in the cells shall be at least twenty (20) foot candles at desk level and at the grooming station pursuant to Jail Bureau Policies and Procedures Standard Operations Manual No.1100-01.

Monitor's Report:

There continues to be lighting issues within the individual cells of the Jail. The maximum security cells have lighting units that do not provide for adequate lighting within the cells on the sixth and seventh floors of the main Jail facility. The Auditor is not aware of any provisions of the MEP to correct the inadequate lighting units of these cells.

75. All cells shall have a working day light. No inmate shall be confined in a cell without a working light.

Monitor's Report:

The Sheriff is meeting this mandate of Consent Decree. There are occasional maintenance request submitted to make light repairs and those repairs are generally made within hours of there submission.

76. Noise levels in the inmate housing units shall not exceed 70 DBA (A Scale) during the daytime and 45 DBA (A Scale) at night. "Night" shall be defined as from 11:00 p.m. until breakfast is served. "Daytime" shall consist of all other times. See Jail Bureau Policies and Procedures Standard Operations Manual No. 1100-03.

Monitor's Report:

The Sheriff must designate a standard and measurement tool whereby this requirement can be met.

I. Legal and Family Visits

77. The Sheriff shall allow legal visits at the Jail from 7 a.m. until midnight seven days a week. The County Defendants shall install telephones in the attorney visiting booths to facilitate confidential communications between attorneys and clients.

Monitor's Report:

Legal visits are allowed during all times of the day and night as requested by the defendants' attorneys.

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For the past year, there have been concerns regarding the attorney booths at the Bellwood Annex. The single booth (Bellwood Annex) designed to accommodate legal visitation does not meet the demand for two hundred inmates. The majority of these inmates are clients of the Public Defender's Office and this requires countless visitation periods.

There are two additional legal visitation booths but they are not being utilized by order of Jail Administration. These booths were previously allowed for legal visitation periods but were ordered not to be used under the past Jail Director's Administration. These booths provide for documents to be passed between the attorney and defendant to ensure adequate legal needs as the defendant and attorney plan for court appearances. **The Sheriff must take action and resolve this issue.**

78. The County Defendants shall ensure that all steel grating covering windows in any visitation booth shall be removed and replaced with Plexiglas or glass panels that make it possible for the inmate to see the visitor.

Monitor's Report:

The steel grating over the windows of visitors booths have all been removed. The Sheriff meets the requirement of this section of the Consent Decree.

J. Medical Care

79. The Sheriff shall require the medical vendor to ensure that medication administration records specify what medications are provided, when, and by whom. If the prescribed medications are not provided, these records shall specify the reason that they are not. All staff distributing medication must observe medications being taken by the recipient inmate as they are distributed.

Monitor's Report:

With the exception of isolated and occasional incidents the Sheriff is meeting the requirements of this section of the Consent Decree.

80. The Sheriff shall ensure that all negative pressure indicators in the tuberculosis isolation rooms shall be checked and maintained in good working order. If a negative pressure indicator is broken, it shall be repaired promptly.

Monitor's Report:

A recent inspection of the negative pressure cells by a professional mechanical engineering vendor identified that the overall system was not operating at an acceptable level to ensure that all inmates are being housed in an adequate and proper negative air pressure environment. This report will be made available to the Court Monitor when it is made available by the County Defendants.

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81. The Sheriff shall ensure that all dental equipment shall be re-sterilized prior to each use. All sterilization and re-sterilization procedures shall be clearly documented in writing and followed at all times. This documentation shall be maintained at the Jail.

Monitor's Report:

The re-sterilization procedures are being carried out on all dental equipment as required by health codes, industry standards, as required by the American Correctional Association (ACA) and National Commission on Correctional Health Care (NCCHC).

K. Inmates with Physical Disabilities

82. The County Defendants shall ensure that there is housing for men and women inmates with physical disabilities and such housing shall conform to applicable guidelines provided by the United States Department of Justice pursuant to the Americans with Disabilities Act ("ADA"), including but not limited to, wheel-chair accessible cells, bathroom facilities, and shower facilities; and handrails and ramps to access shower facilities.

Monitor's Report:

The Sheriff provides for a variety of levels of housing for inmates who have physical disabilities; this includes Acute Care in the Medical Clinic cells; Chronic Care in the 1-North or 3-South Medical housing units allowing for gender specific inmates as determined by their individual level of disability.

83. The County Defendants shall ensure that visitation areas are accessible to physically impaired inmates or appropriate accommodation made to ensure that they have the same access to visitation as all other inmates.

Monitor's Report:

The Sheriff meets the requirements of this section of the Consent Decree.

L. Mentally Ill Inmates

84. The Sheriff shall cause a mental health screening to be conducted on each person brought to the Jail. If during the intake assessment, the inmate is able to identify credibly his or her medication, the intake nurse shall refer the inmate to the main clinic to a physician or a physician's assistant who will continue the medications immediately. There shall be no unreasonable disruption in the continuity of medication. The intake medical provider shall ask each inmate identifying their medication to sign a release of information so that confirmation of any treatment and medication administration and other relevant information can be exchanged as soon as possible.

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The initial Intake medical screening procedure is designed to identify those inmates who are mentally ill. Each mentally ill inmate is then referred to the mental health staff for more individual evaluation and treatment as it may be required to meet individual needs.

- Emergency referrals to mental health were seen in the Clinic from Intake:
March - 251 April - 210 May - 197

The Sheriff is in compliance with this section of the Consent Decree.

85. Defendants shall employ a full-time board-certified psychiatrist. The psychiatrist's duties shall include, but not be limited to, evaluating treatment plans; review the prescriptions provided to mental health inmates; and oversee the creation, implementation, and revision of policies and procedures addressing mental health inmates.

Monitor's Report:

The Sheriff is in compliance with this section of the Consent Decree.

86. The Sheriff shall provide staff assigned to the Jail, the courthouse, and transport duty with training in recognizing, responding, and working with mentally ill and mentally retarded people.

Monitor's Report:

The Sheriff is meeting Consent Decree mandate by providing individual instruction to both newly hired officers and veteran staff as indicated below:

Newly hired staff – as part of the 80 hour Policy and Procedure Class, a block of instruction is provided on “Suicide and Mental Health Precautions.”

Veteran staff – as part of the annual 40 hours In-Service Class, a block of instruction is provided on “Mental Disorders and Suicide Precautions.”

There continues to be a serious delay in providing newly hired staff the required classes as there is a growing list of those awaiting both Jail Officer Certification and Policy and Procedures classes.

87. The Sheriff shall ensure that when a mentally ill inmate is identified during intake, the discharge planners at the jail shall be notified promptly.

Monitor's Report:

The initial Intake medical screening procedure is designed to identify those inmates who are mentally ill and those who have other medical issues related to physical

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health. Each mentally ill inmate is then referred to the mental health staff for more individual evaluation and treatment as it may be required to meet individual needs. During the reporting period, the following was reported:

- Emergency referrals to mental health were seen in the Clinic from Intake:
 March - 251 April - 210 May - 197
- Newly admits in the Acute Psych Unit:
 March - 85 April - 83 May - 71
- Acute Psych Unit daily census:
 March - 21 April - 24 May - 23
- Average length of stay was:
 March - 04 April - 05 May - 04

88. Agencies providing support services to mentally ill and homeless people, such as Social Security Administration and those trained in administering benefits, shall be provided reasonable access to inmates to determine their eligibility for public benefits and begin the process of applying before they are released.

Monitor's Report:

All such visitors are allowed to visit with those inmates with whom they request to visit; they are also allowed to secure signatures and other information as they may require. They are encouraged to seek other assistance should their individual needs not be met through general or professional visitation access.

89. The Sheriff shall provide or arrange transportation for mentally ill and homeless inmates who are ordered by the court to enter day reporting or in- house treatment facilities.

Monitor's Report:

The Sheriff makes any and all requested transports as they are requested or scheduled to meet this requirement of the Consent Decree. Most of these transport requests are order by the courts or otherwise requested by the health care services vendor.

90. The Sheriff shall ensure that court-ordered evaluations of inmates for competency to stand trial, insanity or other reasons shall be conducted within one week of such order.

Monitor's Report:

This requirement should not have been placed solely on the responsibility of the Sheriff. When the Fulton County courts order evaluations, they fall within the

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prevue and responsibility of the Georgia Department of Human Resources (GDHR) and are carried out as per the operating procedures of that department of the state of Georgia. All such evaluations are then carried out only after a series of requirements are met by the staff of the GDHR; among them are:

- GDHR must have a certified copy of the Consent Decree
- GDHR must have a copy of the Arrest Incident Report
- GDHR must have a certified copy of the indictment or accusation of the related charges

91. The Sheriff and the Fulton County Defendants shall ensure that mentally ill inmates found incompetent to stand trial but remaining at the Jail awaiting transfer to Georgia Regional Hospital shall be reviewed each month to determine whether competency has been regained or other placement may be located.

Monitor's Report:

The Auditor recently met with Glen J. Egan, Ph. D. of the Georgia Department of Human Resources in an effort to assist in gathering more specific information related to those inmates being ordered by the Fulton County Court System to be evaluated. These inmates can be tracked by way of utilizing the Tiburon Jail Management System's "event tracking" data entry opportunities and would include separate tracking for Grady Memorial Hospital and Georgia Regional Hospital evaluations.

Some of the major impediments identified by Dr. Egan:

- the absence of a specific, safe and secure location where these evaluations can be accomplished
- the lack of dedicated security staff who can provide both security escort and custody control of the inmate during the actual evaluations
- the lack of understanding, concern and intent to correct these long existing impediments

The Auditor is working very closely with Dr. Egan, George Herron (Sheriff's Medical Services Director), and Jail leadership to identify, discuss and develop plans of action to resolve each of these impediments.

92. The Sheriff shall provide to the courts each week a list of inmates the Jail staff has identified as having substantial mental health issues. This list will be distributed to Public Defenders, Superior Court Expeditors, and any other parties necessary to assist in making appropriate recommendations for disposal of their cases.

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The Sheriff is providing a weekly list of those inmates who are identified as having substantial mental health issues. This list is being provided electronically to the Public Defenders, Superior Court Expeditors, and other parties of the Consent Decree. The Auditor has requested that the Sheriff begin to provide additional information that can provide more direct indication of the individual level of treatment of each inmate that is being listed.

M. Safety and Emergency Procedures

93. Comprehensive emergency policies and procedures conforming to National Commission on Correctional Healthcare (“NCCHC”) and American Correctional Association guidelines shall be developed and implemented by the Sheriff. The emergency policies and procedures shall provide for immediate and appropriate response to any medical, fire, severe weather, riot, or other unforeseen emergency that could arise, and provide for drills at least twice a year. The comprehensive emergency policies and procedures shall be in writing and made a part of the Jail Bureau Policies and Procedures Standard Operations Manual. Plaintiffs’ counsel shall be provided an opportunity to review and comment on the policies and procedures prior to their final adoption.

Monitor’s Report:

The Sheriff must implement procedures and measurements tools by which this Consent Decree mandate can be met.

94. The Sheriff shall ensure that all uniformed staff at the Jail are trained in the proper use of fire safety equipment. Training in the proper use of fire safety equipment shall include quarterly retraining. All staff training and re-training in the use of fire safety equipment shall be documented and maintained at the Jail.

Monitor’s Report:

The Sheriff must implement procedures and measurements tools by which this Consent Decree mandate can be met.

95. The County Defendants shall ensure that all fire doors in the Jail shall be maintained in good working order. All emergency equipment shall be maintained in good working order.

Monitor’s Report:

The Sheriff must implement procedures and measurements tools by which this Consent Decree mandate can be met.

96. The Sheriff shall ensure that all uniformed staff and contracted medical staff shall be trained in administering CPR, and appropriate devices to prevent the spread of disease shall be made available on each floor in case of emergency.

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The Sheriff must implement procedures and measurements tools by which this Consent Decree mandate can be met.

97. The Sheriff shall ensure that the Jail fire system and equipment shall be tested quarterly. The Jail fire system and equipment shall be inspected and maintained annually. All inspections and findings shall be documented and maintained at the Jail. All sprinkler heads in the Jail shall be checked periodically to ensure that they are clean of any debris. All sprinkler heads shall be maintained in good working order.

Monitor's Report

The Sheriff must implement procedures and measurements tools by which this Consent Decree mandate can be met.

98. The county Defendants shall ensure that any electrical outlet that is located within twenty-four (24) inches of a sink or source of running water shall be equipped with a ground fault circuit interrupter or disconnected from electrical circuit.

Monitor's Report:

The Monitor will report on this issue in a future report.

99. The Defendants shall ensure that telephones located in the day rooms of the dorms shall be maintained in good working order.

Monitor's Report:

There is an on-site full time repair technician assigned by at the Jail by the telephone service company vendor who provides the telephone service to the inmate population. There is a constant requirement for repair and replace inmate telephones as the inmate population subjects them the almost constant use and a tremendous level of physical abuse.

There are several telephone issues related only to those inmates who are being outsourced in other facilities, especially those in the Alpharetta Annex and the South Georgia Jails.

Alpharetta Annex – The telephone system at the facility is not the same vendor that provides services for the main Jail, Bellwood, and Marietta Blvd. Annexes. Inmates at the Alpharetta Annex are forced to pay a higher telephone service rate than those at the main Jail. As the result, the Alpharetta Annex calls cost about \$5.50 each as compared to \$2.70 at the main Jail, or 100% more. There is also no ability for the Alpharetta inmates to call anyone using cell or land line telephones other than AT&T/BellSouth/Cingular service. Those inmates and their families who are using providers such as Sprint, MCI, Metro, Internet Providers, and other smaller services can not receive telephone calls from Alpharetta Annex inmates.

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Outsourced Inmates – South Georgia Jails – Those inmates that are being housed at Cook County, Decatur County and Pelham City Jails are also required to pay more for the calls that they make to their families and friends than inmates at the main Jail Complex. As each facility is located in rural Georgia, the inmates are required to utilize long distance service to call back to Fulton County and the Metro Atlanta Areas. These calls are above \$10.00 each and are also limited to 15-20 minutes per call. This places additional hardship on the inmates and their families/loved ones that Main Jail Complex inmates do not have. As of the date of this statement, 6/19/2008 there are 155 inmates housed between the three South Georgia facilities.

100. The Sheriff shall ensure that recorded images of what occurs in the jail shall be kept for at least 10 days before the medium upon which they are recorded is reused. Any inmate that sustains an injury while incarcerated at the Jail shall be photographed pursuant to the Photographing Inmates Policy attached hereto at Appendix E.

Monitor's Report:

There is serious need for the development of a strategy and procurement of funds to make repairs and improvements on cameras, tape recorders, and the overall operations of the Camera and Video Taping System at the Main Jail. The current cameras continue to fail and are in serious need of replacement. The taping system computers continue to break down and continue to lose digital video images rather than maintain the recording as required by the Consent Decree. Currently, at least one taping computer is non-functional.

Main Jail camera and recording system – recent data provided by the Sheriff's office indicates that of the 251 cameras for the main Jail taping system indicated the following:

- 31 (12%) of the cameras are not providing clear images, thus making them useless; 29 of these cameras are in Housing Areas and the Towers
- 10 (5%) of the cameras are not capturing images as required by the Consent Decree; 8 of these cameras are in Housing Areas and the Towers
- 37 (17%) of the cameras are not functioning as mandated by the Consent Decree.

Intake and Kitchen Camera and Recording System – the most recent report from the Sheriff's office staff indicates that of the 49 cameras in the system, 30% are in serious disrepair.

- 13 (26.5%) of the cameras are not providing images for recording; all are in inmate movement holding areas

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- one camera is providing an image that is blurred but is being recorded by the taping system
- 14 (27%) of the cameras are not functioning as mandated by the Consent Decree

N. Inmate Grievance Procedure

101. The Sheriff shall maintain a grievance procedure at the Jail. Upon admission to the Jail, inmates shall receive the inmate handbook or other document describing the grievance procedure and providing at least one grievance form. The handbook or other document shall inform inmates how to obtain additional forms, how to complete the forms, and submission of the forms. This information shall also be set out on a laminated document and posted in each of the cellblocks housing units in the Jail.

Monitor's Report:

During the reporting period, the Grievance Office's weekly reports have shown an inordinate number of inmate allegations of mistreatment, verbal abuse, and staff negligence towards the inmate population. Although these are initial allegations being made by inmates, the volume of such grievances, the seriousness of these allegations (especially if they are determined to be close to the truth) indicates that staff members may require additional training, may not be being properly supervised, and that their staff actions may show little regard for inmate rights or professional behavior and responsibilities. The report listed the following grievance information:

- | | |
|---|---------------|
| ▪ 91 grievances reported | June 10, 2008 |
| ▪ 54 involved unfair treatment, verbal abuse, or staff negligence | 59.4% |
| ▪ 14 involved medical treatment issues | 15.4% |
| ▪ 12 involved policy and procedures issues | 13.2% |
| ▪ 11 involved maintenance, funds account, diets, and related issues | 12% |

102. Grievance forms shall be available to inmates at all times. Inmates shall receive a duplicate copy of their grievance forms at the time of their submission. All grievances shall be administered and responded to in accordance with the Jail Bureau Policies and Procedures Standard Operations Manual, No: 1900-08.

Monitor's Report:

The Monitor has made several appeals to the Sheriff's staff to work out a process through which inmates can be provided grievance forms in a prompt and decisive manner. That process should provide adequate documentation of the issuance of grievance forms so that the requirements of this section can be met. As of this report,

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no action has been taken by the Sheriff to meet this requirement of the Consent Decree.

V. Monitor

103. The parties shall select a monitor subject to approval by the Court to inspect the Jail at least once a quarter and provide a report to the Court and the parties. If the parties are unable to agree on a monitor within 30 days of the entering of this order, the parties will each submit to the Court the names of three suggested monitors, and the Court will select a monitor.

Monitor's Report:

With the appointment of the new Monitor, it was agreed to by all parties and the court that the Monitor would visit Fulton County at least once a month. However, as of this report, the Monitor will begin complying with the mandate of the Consent Decree that requires quarterly visits for 24 hours to Fulton County. All other stipulations of section V, 103 are in compliance.

104. The Monitor shall have access to any and all documents (including minutes, reports, and other documents), Jail staff, class members, and any other information, as he or she deems necessary to provide the Court with reports on the Jail.

Monitor's Report:

With the appointment of the new Monitor, it was agreed to by all parties and the court that the monitor would visit Fulton County at least once a month for periods longer than 24 hours. However, as of this report, the Monitor will begin complying with the Consent Decree on visiting Fulton County Quarterly for 24 hours duration. All other stipulations in Section V, 105 are in compliance.

105. The Sheriff and the Fulton County Defendants shall ensure the Monitor shall be paid by Fulton County defendants at a rate of \$90 per hour, including for travel time (not to exceed five hours each way), for inspection of the jail (not to exceed 24 hours per visit) and for writing a report (not to exceed 10 hours for each report) and reasonable expenses, or such amounts and for such time periods as the Fulton County defendants and plaintiffs shall mutually agree are reasonable. The Monitor's visits shall be quarterly. If the Monitor identifies the need for additional specialists or experts to assist the Monitor in discharging his or her duties under the Order, he or she shall notify the parties of the need and reasons. If the parties are unable to reach an agreement concerning the Monitors request for additional assistance, the request shall be submitted to the Court.

Monitor's Report:

With the appointment of the new Monitor, it was agreed to by all parties and the court that the monitor would visit Fulton County at least once a month for periods longer than 24 hours. All other stipulations in Section V, 105 are in compliance.

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VI. Class Certification

106. Parties stipulate to and the Court hereby finds that this action is properly maintained as a class action. The plaintiff class is hereby certified as consisting of all inmates who have been since the date of the filing of the Complaint in this action, are now, or will in the future be incarcerated at the Fulton County Jail in Atlanta, Georgia.

Monitor's Report:

The Sheriff is in compliance with this section of the Consent Decree.

VII. Scope of Relief; Impact

107. The parties, with the exception of the State Defendants, agree and stipulate, based upon the entire record, and the Court hereby finds, that the prospective relief set forth in this Consent Order is narrowly drawn, extends no further than necessary to correct the violations of the plaintiffs' federal rights, and is the least intrusive means necessary to correct these violations. The parties, with the exception of the State Defendants, agree and stipulate, and the Court hereby finds that this Consent Order will not have an adverse impact on the public safety or the operation of the criminal justice system. The State Defendants agree that paragraph 21, the only one placing duties upon the State Defendants, extends no further than necessary to correct the violations of the plaintiffs' federal rights, is the least intrusive means necessary to correct these violations, and will not have an adverse impact on the public safety or the operation of the criminal justice system. Accordingly, the parties, with the exception of the State Defendants, agree and stipulate, and the Court finds, that this Consent Order complies in all respects with the provisions of 18 U.S.C. 3626(a). This Consent Order is not intended to have any preclusive effect except between the parties in this action. This Consent Order does not resolve, adjudicate, or bar the damages claims of any former, present, or future class members.

Monitor's Report:

All parties continue to be in compliance with the Consent Decree.

VIII. Modification and Enforcement

108. The Court shall retain jurisdiction to enforce the terms of this Order as provided by law.

Monitor's Report:

Compliance with the Consent Decree is maintained through the Monitor.

109. The Sheriff and his staff shall provide a copy of this Consent Order to all of their agents, representatives, and employees in any way connected with the custody of class members. At least three copies of this agreement shall be maintained in the Jail's library. Inmates who have questions about the provisions of this Consent Order shall be referred to plaintiffs' counsel by providing the names, telephone number and address of counsel.

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Monitor's Report:

Since this issue was brought to the attention of the Sheriff, he has begun to provide copies of the Consent Decree to new detention staff in the various classes being provided to Jail staff. The Sheriff is in compliance with all other stipulations in item 109.

110. Plaintiffs' counsel shall continue to have reasonable access to class members, documents maintained at the Jail and the Jail facility, including unannounced, escorted walkthrough visits of the Jail on a quarterly basis. Plaintiffs' counsel shall also be permitted communication with defendants directly, including their agents and employees, in order to monitor compliance with the terms of the Consent Order.

Monitor's Report:

The Sheriff is in compliance with this section of the Consent Decree.

111. Any party may seek to modify any part of this Order for good cause shown. The parties acknowledge that these terms and conditions may require modification or situational variances to meet changed circumstances. Any party may initiate a modification or variance from the terms of this Consent Order by making a written request for such modification or variance to all parties to this Consent Order. If no party objects to the request within ten days, the party may submit the request to the Court for its consideration. If any party objects to a proposed modification or variance the dispute resolution procedures set forth in Paragraph 112 of this Consent Order shall be invoked. Once the dispute resolution procedures are invoked the parties shall comply with the Consent Order as written until the parties reach agreement or a modification is approved by the Court.

Monitor's Report:

There have been no modifications during this quarter.

112. The parties stipulate and agree that any party aggrieved by an alleged violation of any term of this Consent Order or who seeks a modification or variance from any term of this Consent Order may request a dispute resolution conference with all parties for the purpose of seeking a resolution of the grievance or agreement on a proposed modification or variance. The Conference shall be held within ten (10) days of the receipt of written notice of the request for the Conference. All parties shall seek in good faith to resolve the dispute. In the event the parties are unable to resolve a dispute, any party may seek a determination from the Court resolving the dispute.

Monitor's Report:

There have been no modifications during this quarter.

113. The parties agree and the Court finds that this Consent Order as well as previously entered orders of the Court created a material alteration of the legal relationship between the Plaintiffs and Defendants and therefore, Plaintiffs' counsel are entitled to the award of

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attorneys' fees from the County Defendants and Sheriff under *Buckhannon v. West Virginia Department of Health and Human Resources*, 533 U.S. 598 (2001). In the event that the Plaintiffs and Defendants are unable to resolve by agreement issues relating to Plaintiffs' claim for attorneys' fees, Plaintiffs may petition the Court within thirty days of the date on which the Court enters this Order.

Monitor's Report:

Consent Decree compliance is maintained.

114. Any party may move to terminate this Consent Order two years after the date the court enters it.

Monitor's Report:

No party has moved to terminate this Consent Decree during this quarter.

SUMMARY

This summary will highlight various non compliance sections, subsections, and items of the Consent Decree that were detailed in the previous section of this report. However, in the conclusion a list of all Consent Decree non compliance items will be presented.

The Sheriff and the other Defendants in the Consent Decree continue to be unsuccessful in reaching full compliance with a significant number of Consent Decree items. Specifically, the Sheriff's administration has been slow to act on the recommendation of both the Monitor and Auditor of establishing an inmate population control committee. At the request of the Monitor, three population control meetings were conducted that identified various categories of inmates that could be reviewed for further decision considerations by other components in the Fulton County Criminal Justice System. To date, a committee has not been created. Likewise, when considering the buildup of the state inmates in the Fulton County Jail system, their inmates are slow to move out of the Jail. The office of the Sheriff has contact with the Georgia State Department of Corrections (DOC) Defendants for the purpose of reducing the DOC population in the Fulton County Jail as stipulated in Section III, subsection B, item 21 of the Consent Decree. This also holds true for the DOC and its efforts to reduce their DOC population at the Fulton County Jail. Additionally, circumstances such as those currently being experienced by the DOC and others, as previously mentioned in the Population Limits and Housing – Section III, subsection B, item 18 of this report, are contributing to the increase over the past three months in the inmate population at the Fulton County Jail.

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Staffing continues to present full Consent Decree compliance problems, in spite of the Jail having the largest contingent of detention officers available for deployment, large amounts of overtime spent, and extra officers working on various shifts. Because deployment of officers is such a problem, mandated post assignments are not meeting compliance and inmates are missing appointment for dental and x-ray services. It appears that adjustments, additions, and duty assignment changes are needed in the command structure of the Jail in order to get the maximum benefit from deployment of detention officers to posts. Reorganization of management staff is imperative and thus, such changes must be initiated immediately. The bringing on of the Chief Jailer is the first step in beginning the changes. At the writing of this report, the Chief Jailer has been in his position for approximately three months.

Developing an adequate Fulton County Jail inmate and staff emergency evacuation plan continues to be in need. The current evacuation plan as written is not adequate to safely evacuate the inmates to negotiated memorandum of understanding sites that will fully service the category of inmates evacuated to that site. An emergency evacuation proposal was presented to all the Consent Decree parties by the Monitor; however, it has not been accepted by the Sheriff and County defendants. As of this report, no efforts are being made to develop an evacuation plan. At any point in time a disaster could occur that requires full or partial evacuation of the Jail. Also, as mandated, fire drills are not conducted at the main Jail, or Bellwood, Marietta, and Alpharetta facilities.

The Sheriff and other Fulton County Criminal Justice components are still having problems complying with Consent Decree Section III, subsection C, item 29 that mandates that inmates who are to be released will be released within 24 hours. There are many occasions that individual inmates are delayed released from the Fulton County Jail for various reasons previously stipulated. It also mandates that inmates newly received in the Fulton County Jail will be processed within eight hours. However, there continues to be instances where inmates are held in the intake unit beyond the eight hour limit.

Cameras and taping systems are in serious need of repair and/or replacement. At the present time, many of the cameras fail to meet the mandates of the Consent Decree. Rectifying this problem belong to both the County and Sheriff defendants. It is primarily a funding issue.

Although Inmate Grievance Procedures have been improved significantly, recent personnel decisions have caused the Monitor and Auditor to question the

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logic of such decisions. Experienced personnel were reassigned to other responsibilities and replaced with less experienced persons. When questioned as to the reason for this action, the Sheriff's office stated that it was just a personnel move and had no reason. The Monitor feels that these types of decisions weakens the successes gained and creates serious questions as to the Sheriff's understanding of the importance of maintaining a strong inmate grievance mechanism.

In conclusion, the following list represents the sections, subsections, and items within the Consent Decree with which defendants are not in compliance:

- **Medical Services Missed** – X-ray and Dental Appointments (Section III, subsection A, item 14) responsibility Sheriff
- **Jail Census** – Population Review (Section III, subsection B, item 21) responsibility Georgia Department of Corrections
- **Processing of Releases** – Delayed Inmate Releases (Section III, subsection C, items 22 and 23) responsibility Sheriff
- **Staffing and Security: Main Jail Uniform Officers** – 96% and Housing Supervisors – 69.5% compliance, Marietta and Bellwood Uniform Officers – 92.9% and Housing Supervisors – 59.1% compliance (Section IV, subsection A, items 25 and 27) responsibility Sheriff
- **Release and Intake** – (Section IV, subsection A, item 29) responsibility Sheriff
- **Population Limits and Housing** – (Section III, subsection B, items 18, 19, 20) responsibility Sheriff
- **Population Limits and Housing** – Classification (Section IV, subsection B, items 32, 35b and 49) responsibility Sheriff
- **Environmental Health and Safety** – (Section IV, subsection E, items 57, 58, 59, 60, 61, and 62) responsibility Sheriff
- **Plumbing** – (Section IV, subsection F, items 65 and 66) responsibility Sheriff
- **Laundry** – (Section IV, subsection G, items 70 and 71) responsibility Sheriff
- **Housing** – (Section IV, subsection H, items 74 and 76) responsibility Sheriff
- **Legal and Family Visits** – (Section IV, subject I, item 77) responsibility Sheriff
- **Medical Care** – (Section IV, subsection J, item 80) responsibility Sheriff
- **Mentally Ill Inmates** – (Section IV, subsection L, items 91 and 92) responsibility Sheriff

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- **Safety and Emergency Procedures** – (Section IV, subsection M, items 93, 94, 95, 96, and 97) responsibility Sheriff
- **Emergency Procedures and Preparedness** – (Section IV, subsection M, items 93, 94, and 95) responsibility Sheriff
- **Mass Evacuation and Fire Drills** – (Section IV, subsection M, items 93, 94, and 95) responsibility Sheriff
- **Cameras and Video Tape System** – (Section IV, subsection M, item 100) responsibility Sheriff
- **Inmate Grievance Procedures** – (Section IV, subsection N, item 102) responsibility Sheriff

The compliance status of all Consent Decree items is reported in the Auditor's monthly reports and the Monitor's quarter reports. The Monitor discusses each report with both the Sheriff and Chief Jailer. In order for the Sheriff to address these items to reach and monitor compliance, as reported in previous reports, he implemented a weekly strategic management responsibility chart meeting with management and supervisory staff to discuss progress on Consent Decree items. The Monitor questions the results and outcomes of these meetings in view of the number of non compliance items that are consistently reported on in the Auditor's and Monitor's reports.

It is recommended that Consent Decree items listed in both the Auditors' and Monitor's Reports be made a major priority for action in the Sheriff's/Chief Jailer's weekly strategic management team meetings.

Respectfully Submitted,

Calvin A. Lightfoot
Court Monitor