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Court Monitor**
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NOV 19 2008

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

JAMES N HATTEN, Clerk

By



Deputy Clerk

Introduction

This quarterly report covers the period from July through October, 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. However, as a result of the seventh quarter report, which showed the continuous failure by the Sheriff to comply with certain major items in the Consent Decree, Judge Marvin Shoob issued a Show Cause Order to the Sheriff of Fulton County for July 25, 2008. After arguments presented to the court by the Sheriff, the order to show cause was continued to November 21, 2008. Thus, the eighth quarter report will include October, 2008, covering four months. This issue will be presented more extensively in the following body of this report.

The first visit to Fulton County during the Court Monitor's eighth quarter report was July 7, 8, and 9, 2008. Throughout this visit, the Monitor conducted or participated in meetings and tours with the following parties:

- Weekly strategic management meetings at the Fulton County Jail on Consent Decree compliance issues,
- Chief Jailer for update briefing on 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 Manager to discuss Fulton County's compliance with the Consent Decree;
- Fulton County Sheriff, Chief Jailer, and Federal Court Auditor to discuss compliance problems with the Consent Decree articulated in the seventh quarter report,
- Federal Court Auditor to discuss the seventh quarter report and the Sheriff's lack of compliance with items within the Consent Decree; and

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- Federal Judge Marvin Shoob, Staff member Michael Robinson, and Court Auditor to discuss the Sheriff's failure to comply with many of the items in the Consent Decree.

ORDER TO SHOW CAUSE

Resulting from the Sheriff's noncompliance with many items consistently listed in the Monitor's fifth, sixth, and seventh quarter reports, Federal Judge Marvin Shoob issued an "**ORDER TO SHOW CAUSE**" to the Fulton County Sheriff as to the reasons he has not fully complied with the Consent Decree. The order stated that the Fulton County Sheriff will appear in Courtroom 1707 at 11:00 a.m. on Friday, July 25, 2008, and show cause why he should not be held in contempt. In response to this order, the Fulton County Sheriff, County Defendants, and Plaintiff's Counsel appeared before Federal Judge Shoob to request time, as allowed in the Consent Decree, to address the non-compliance Consent Decree items listed in the order to show cause. On July 22, 2008, Judge Shoob agreed "to give the parties an opportunity to meet informally in an effort to resolve the issues raised by the Monitor's latest report and the Order to Show Cause. Judge Shoob continued the Order to Show Cause scheduled for July 25, 2008, until Monday, September 8, 2008, at 11:00 a.m. He further ordered that "no later than Friday, August 22, 2008, the Sheriff shall file a report with the Court regarding the parties' efforts to resolve the alleged violations of the Consent Decree. Plaintiffs shall file a response no later than Friday, August 29, 2008." Judge Shoob stated that the Monitor and Auditor shall be in attendance to all meetings by the parties prior to the Order to Show Cause hearing on September 8, 2008.

The first meeting was conducted on July 25, 2008, at 11.00 a.m. in the Fulton County Law Department's board room on the 4th floor of the Fulton County Government office building. All parties, including members of the Sheriff's senior staff, the Monitor, and Auditor were in attendance. During the meeting, the Sheriff's presentation basically explained how and why the Sheriff is unable to comply with the Consent Decree items listed in the Order to Show Cause, although the Judge's expectation for this meeting was how and the methodology that the Sheriff will use to fully comply with the Consent Decree. The meeting ended at 1:30 p.m. with minimal progress made on compliance with the Consent Decree. It was decided that a second meeting to further discuss staffing on August 7, 2008, at 10:00 a.m. in the Fulton County Law Department would be necessary in order to give the Sheriff an opportunity to develop a report to be submitted to Judge Shoob and Plaintiff's Counsel.

On August 7, 2008, at 10.00 a.m., all Consent Decree parties, the Monitor, and Auditor met in the Fulton County Law Department board room. The Sheriff was not in

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attendance; however, he was represented by his Attorney, the Chief Jailer, and members of his staff. The main Consent Decree non-compliance item that was discussed was staffing the mandated post in the Consent Decree. A suggestion was made to decrease the staff on the mandated post on the 11 to 7 shift and utilize them on the 7 to 3 and 3 to 11 shifts. The Monitor and Auditor were in disagreement with this suggestion, because decreasing staff on the 11 to 7 shift would subject inmates to unsafe conditions, due to fewer officers making fewer security rounds. The Chief Jailer offered other detention officer deployment adjustments in an effort to comply with the staffing mandates of the Consent Decree. The meeting concluded with the Sheriff planning to prepare by August 22, 2008, the report for the Federal Court detailing his efforts to resolve the alleged violations of the Consent Decree. Also, Plaintiffs were to file a response to the Sheriff's report no later than Friday, August 29, 2008.

On July 22, 2008, the Sheriff submitted his report to Judge Shoob acknowledging his failure to comply with the Consent Decree in the critical areas of jail staffing and population. He further stated that he is taking "all reasonable steps necessary and appropriate to achieve full and 100% compliance" (Report at 21-22). The Sheriff stated that his ability to achieve success was prevented by Fulton County's lack of funding staff positions needed and for outsourcing pretrial inmates. County Defendants disagreed to this claim with the Sheriff in its follow up report on August 29, 2008, to the court. In spite of this disagreement, resulting from the Sheriff's report to the court, County Defendants and Plaintiffs agreed with the Sheriff's request to delay the show cause hearing to allow the Sheriff to fully comply with the Consent Decree. However, in the plaintiffs' report on August 29, 2008, to the court that was in response to the Sheriff's July 22, 2008, report they were not in agreement with much of what the Sheriff presented. In their report, the plaintiffs proposed to delay the show cause order hearing until January 15, 2009.

This proposal was rejected by the court for an earlier date in November in order to allow the current Sheriff, who failed to be re-elected to his present position and leaves office at the end of 2008, to meet compliance and not pass his lack of compliance on to the new Sheriff.

Resulting from all three reports from the Sheriff, County Defendants, and Plaintiffs to the court in response to the show cause order, on September 4, 2008, the court issued a continuance hearing that was scheduled for September 8, 2008, until November 21, 2008, at 11 a.m., in order to allow the Sheriff time to fully comply with the Consent Decree. The Monitor was directed in this order "to postpone the preparation and submission of his next report so that it covers the period ending October 31, 2008". It further stated "if that report shows that full compliance with the jail staffing and population provisions of the

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Consent Decree have not been achieved, both the Sheriff and the Fulton County Commissioners are **ORDERED** to appear at the hearing on November 21, 2008, and show cause why they should not be held in contempt ”

Throughout this show cause order period, which extended for over four months, the Auditor continued to submit his monthly reports to the Monitor. All monthly reports were shared with the Sheriff and Chief Jailer for their comments and/or corrections. Each report showed little compliance progress and in some instances regression was the case. The Sheriff and Chief Jailer made few comments. However, the Chief Jailer took issue with the court's need to have serious incidents reported to it as reported in the Auditor's July 2008, 20th monthly report. The Monitor referred him to Fulton County jail Policy and Procedure 1500-17(Incident Report) V. B, which stated “Reports are not only circulated throughout the Jail Bureau, but attorneys, the media, and others.” The Monitor expressed to the Chief Jailer that since the Fulton County Jail was under a Consent Decree, the Federal Court was included in “others”. The Chief Jailer further took issue with how staffing and releases were statistically reported in the Auditor's monthly reports. He felt that staffing should be reported as a statistic representing the aggregate, rather than a break down of each housing unit. The Monitor's response to the Chief Jailer was that the statistics as presented in both the Monitor's and Auditor's reports reflected how the Consent Decree presented it, each housing unit was identified separately.

The Chief Jailer was asked to present specific parts of the Auditor's report with which he took issue, rather than speaking to the report in general. The Sheriff's Attorney agreed with the Monitor's request of the Chief Jailer.

The Sheriff's Attorney subsequently submitted a more detailed response to the Auditor's 21st report to the Monitor. Both the Monitor and the Auditor provided comments on the responses to the 21st report and forwarded them back to the Sheriff's Attorney. The Monitor expressed his and the Auditor's appreciation for the Sheriff's response to the 21st report, because other than the brief response to the Auditor's 20th report by the Chief Jailer, there had been no responses to nine previously submitted Auditor's reports and three previous Monitor's reports. The Sheriff's Attorney was advised that responding to the Monitor's and Auditor's reports would help tremendously in complying with the Consent Decree.

**Monitor's benchmark for full staffing compliance – September 4, 2008, the date of
Judge Marvin Shoob's last order**

The Monitor has identified September 4, 2008, as a benchmark for full compliance with Supervisors and Officers assigned to Consent Decree mandate staffing of housing

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units. This date coincides with the last order issued by Judge Marvin Shoob to the Sheriff of Fulton County that continued the show cause order hearing to November 21, 2008. A daily shift auditing of the Supervisor and Officer Consent Decree post assignments by the Auditor indicates that between September 4, 2008, and October 31, 2008 (57 days), full staffing compliance as set out in the Consent Decree has not been achieved.

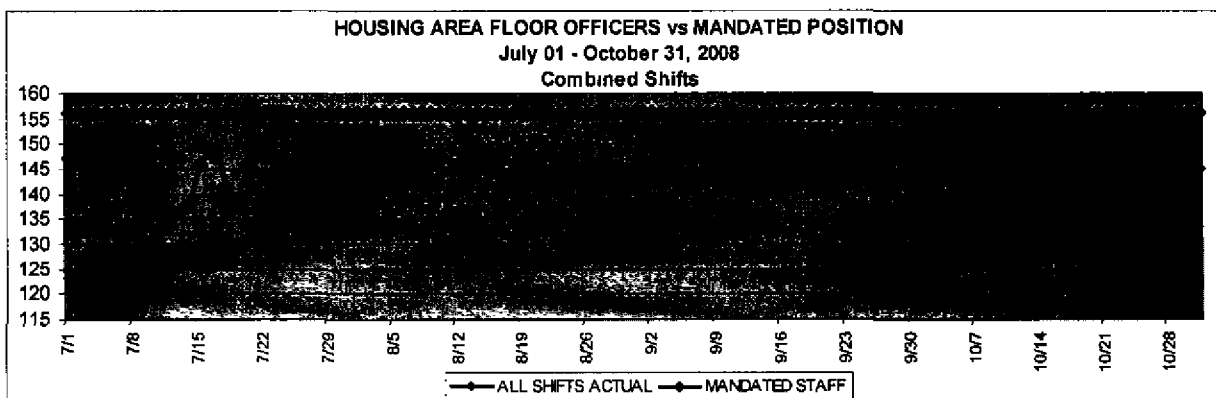
STATISTICAL STAFFING REPORT SUMMARY

INMATE HOUSING – OFFICER STAFFING AND DEPLOYMENT

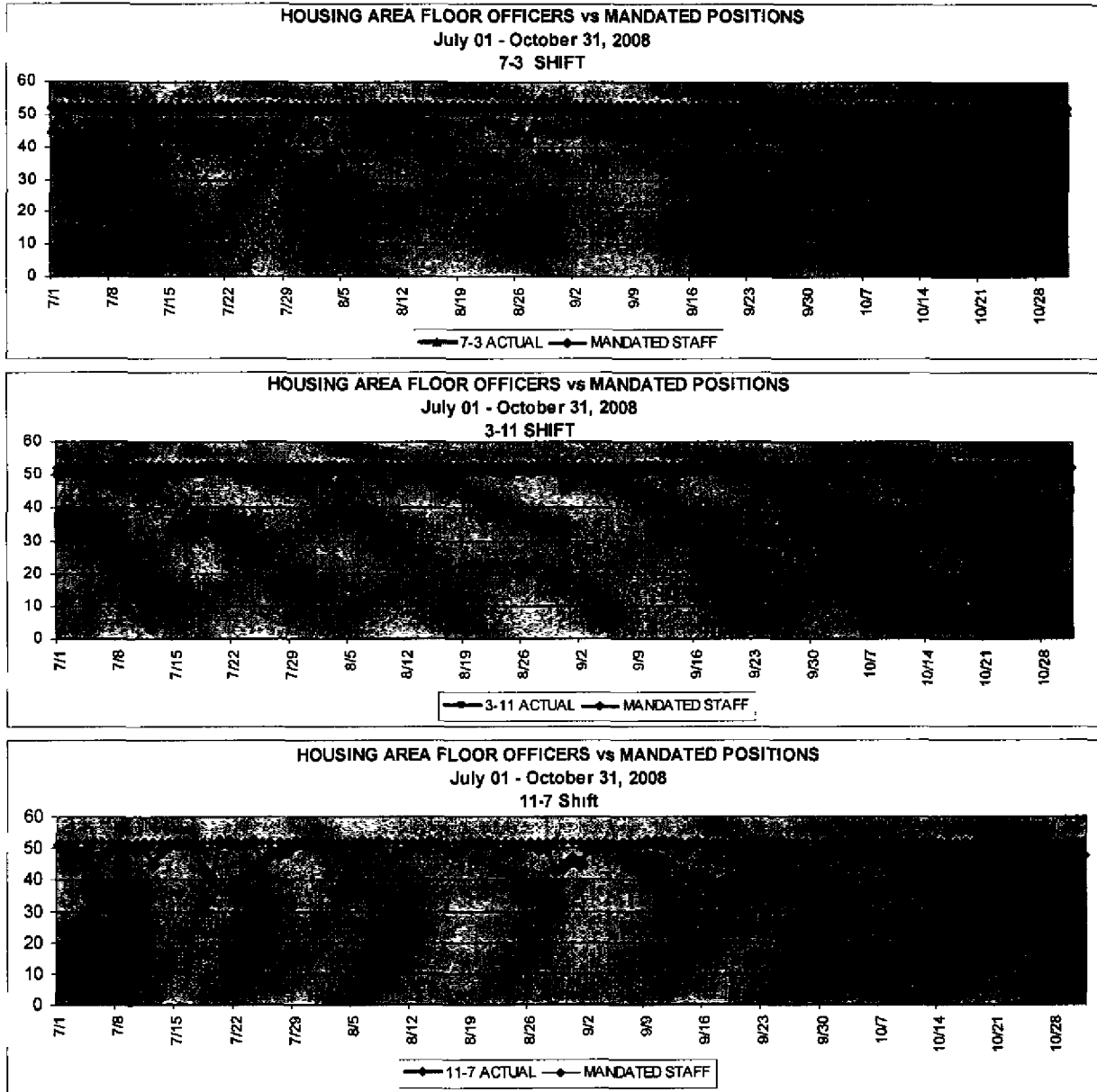
Staff shortages continue to be the single largest obstacle in compliance with the terms and conditions of the Consent Decree. Although the Consent Decree requires three floor officers (North and South), one tower control officer on each Housing Unit (North and South), plus a shared floor supervisor, the three shifts continue to operate understaffed, often failing to meet the Consent Decree mandates. Following extensive review of the Watch Commanders’ Staff Deployment Reports, the following observations are made:

07/01/2008 through 10/31/2008 - Four Month Report Summary:

- The 7-3 Shift averaged 33% of all Housing Area Staffing Shortages
- The 3-11 Shift averaged 34% of all Housing Area Staffing Shortages
- The 11-7 Shift averaged 33% of all Housing Area Staffing Shortages

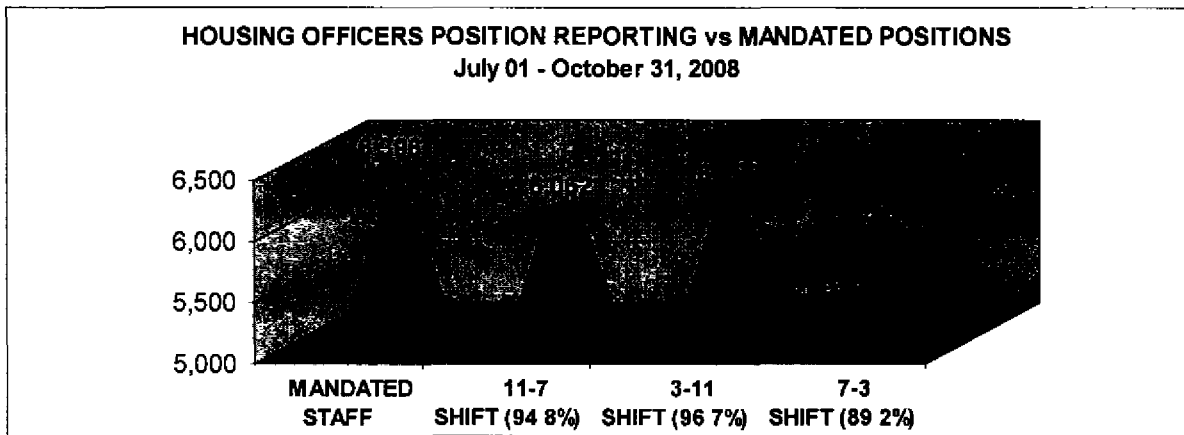


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During this 123-day period, there were 17,954 Housing Officers reporting rather than the 19,188 as required to meet the Court Mandate of eight officers per housing floor and as required for each annex facility totaling 52-officers per shift or 156-officers per day.

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During the Monitor’s benchmark dates, beginning on 9/04/2008 through 10/31/2008, the Sheriff failed to meet the Housing Officer staffing mandates of the Consent Decree:

September 04 – 30, 2008

9/04, 9/05, 9/06, 9/07, 9/08, 9/09, 9/10, 9/11, 9/12, 9/13, 9/14, 9/15, 9/16, 9/17, 9/18, 9/19, 9/20, 9/21, 9/22, 9/23, 9/24, 9/25, 9/26, 9/27, 9/28, 9/29 and 9/30.

October 01 – 31, 2008

10/02, 10/04, 10/05, 10/06, 10/07, 10/08, 10/09, 10/10, 10/11, 10/12, 10/14, 10/15, 10/16, 10/17, 10/18, 10/21, 10/22, 10/23, 10/24, 10/25, 10/26, 10/27, 10/28, 10/29, 10/30 and 10/31

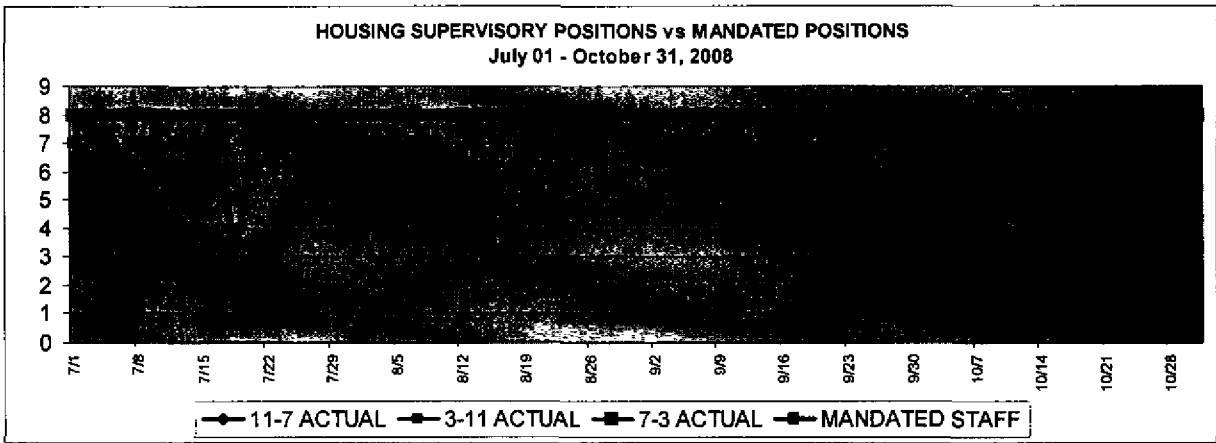
INMATE HOUSING - SUPERVISORY STAFFING DEPLOYMENT

Based upon the staffing analysis that was done using the actual Watch Commanders’ Staffing and Deployment Reports, the shortage of supervisory staff continues to be dramatic. Of the eight (5-North and 5-South Closed) mandated supervisory posts required by the Consent Decree, the three shifts maintained various averages, 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

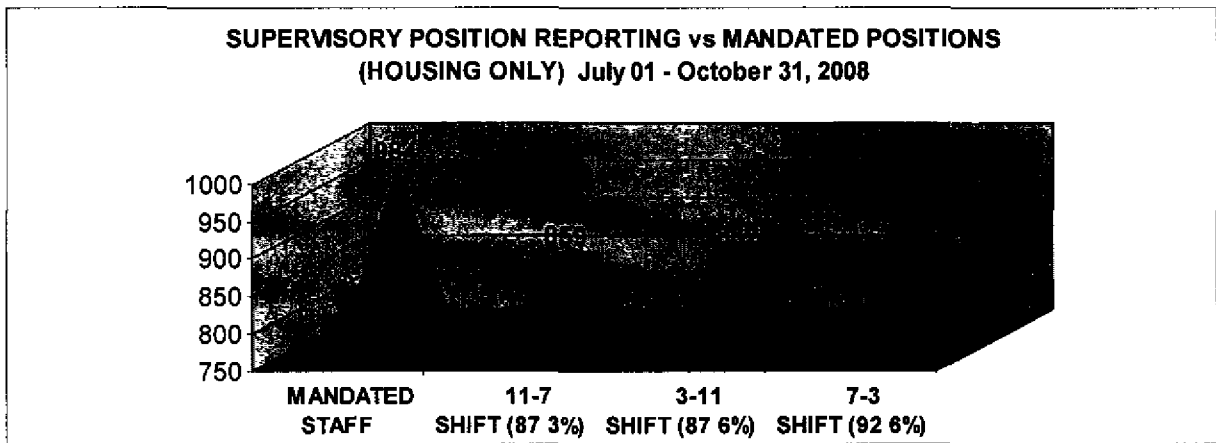
07/01/2008 – 10/31/2008 Four Month Report Summary

During this 123-day period, there were 2,632 supervisors reporting, rather than the 2,952 required to meet the Court Mandate of one supervisor per housing floor and annex facility. The Jail operated with only 89% of the Housing supervisors that are required under the Consent Decree

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To provide some insight as to the shortage of supervisory staff during the 123-day Report Period, please consider the following:



During the Monitor's benchmark dates, beginning on 9/04/2008 through 10/31/2008, the Sheriff failed to meet the Housing Officer staffing mandates of the Consent Decree:

September 04 – 30, 2008

9/04, 9/05, 9/06, 9/07, 9/08, 9/12, 9/13, 9/14, 9/16, 9/17, 9/20, 9/21, 9/22, 9/26, 9/27, 9/28 and 9/29

October 01 – 31, 2008

10/04, 10/05, 10/06, 10/07, 10/09, 10/10, 10/11, 10/12, 10/13, 10/17, 10/18, 10/20, 10/25 and 10/30.

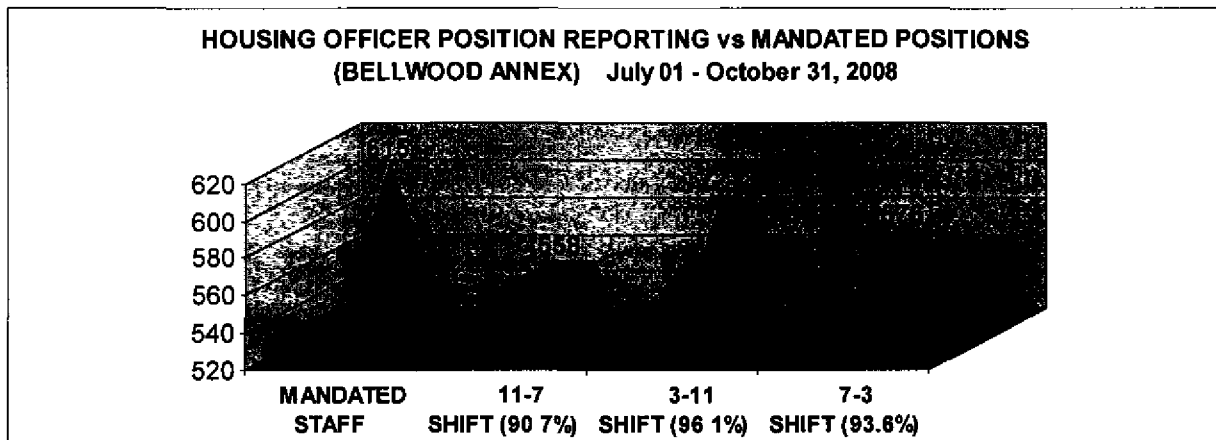
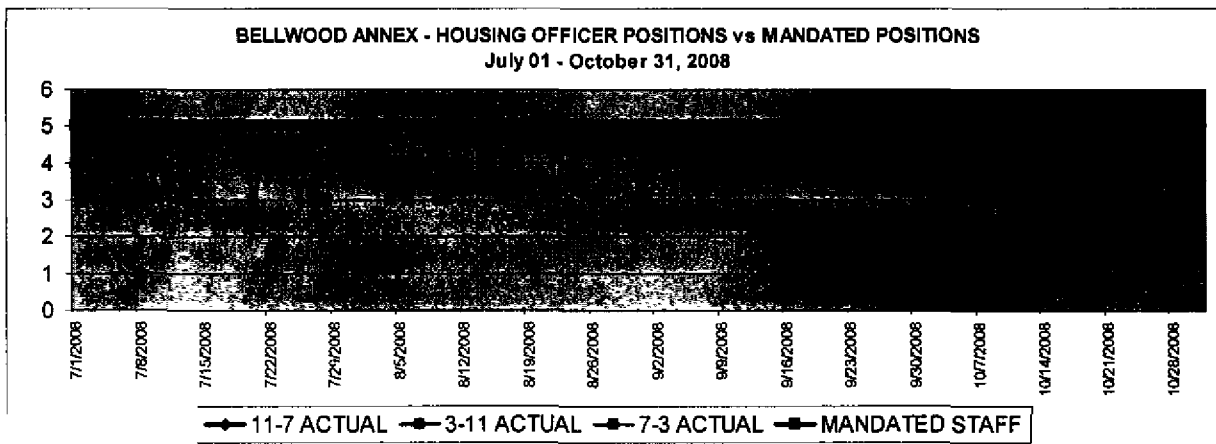
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Annex Facilities Staffing Report

**Bellwood Annex:
07/01/2008 – 10/31/2008 Four Month Report Summary**

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

- 11-7 Shift maintained 90.7% of the mandate
- 3-11 Shift maintained 96.1% of the mandate
- 7-3 Shift maintained 93.6% of the mandate



During the Monitor’s benchmark dates, beginning on 9/04/2008 through 10/31/2008, the Sheriff failed to meet the Housing Officer staffing mandates of the Consent Decree:

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September 04 – 30, 2008

9/04, 9/05, 9/06, 9/07, 9/08, 9/12, 9/13, 9/14, 9/16, 9/17, 9/20, 9/21, 9/22, 9/26, 9/27, 9/28 and 9/29.

October 01 – 31, 2008

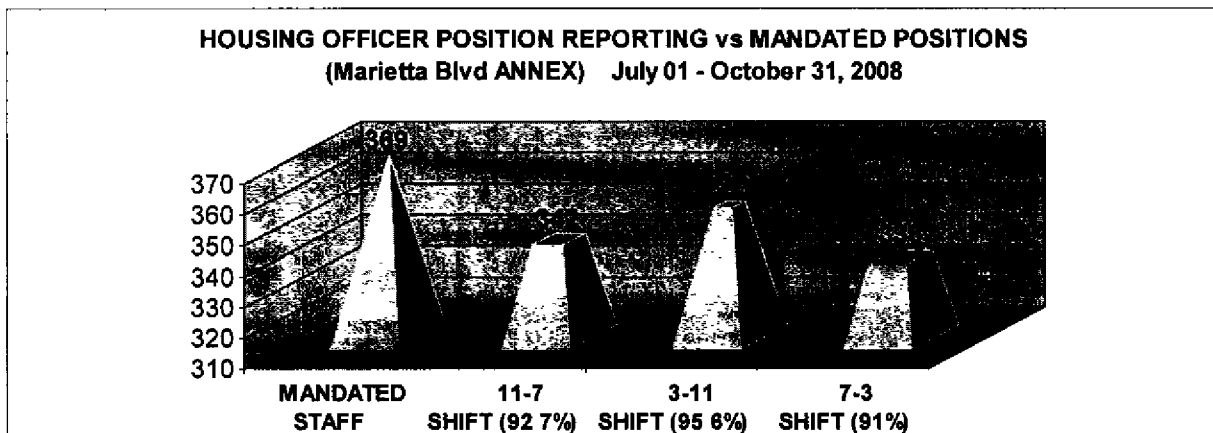
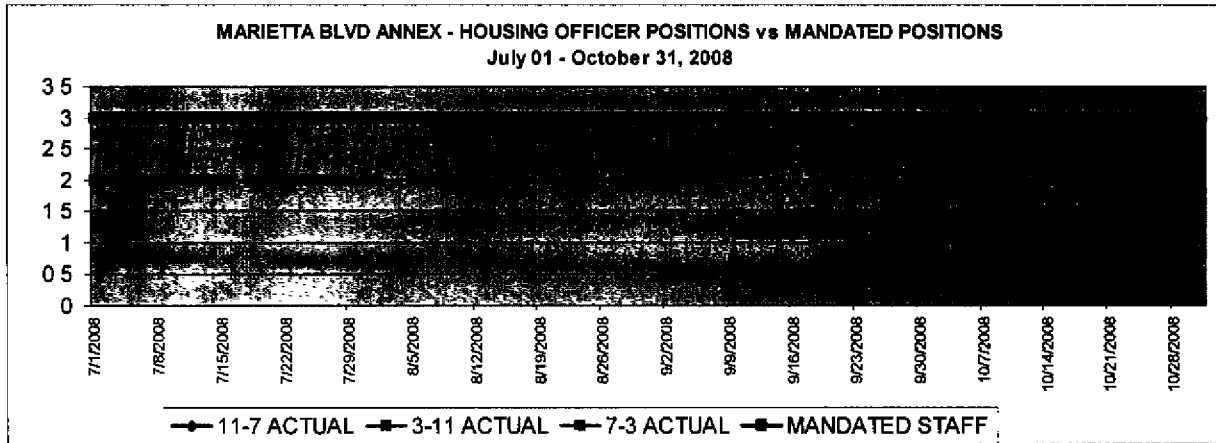
10/03, 10/05, 10/06, 10/07, 10/09, 10/10, 10/11, 10/12, 10/13, 10/17, 10/18, 10/20, 10/25, and 10/30

Marietta Blvd. Annex:

07/01/2008 – 10/31/2008 Four Month Report Summary

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:

- 11-7 Shift maintained 92.7% of the mandate
- 3-11 Shift maintained 95.6% of the mandate
- 7-3 Shift maintained 91% of the mandate



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During the Monitor's benchmark dates, beginning on 9/04/2008 through 10/31/2008, the Sheriff failed to meet the Housing Officer staffing mandates of the Consent Decree:

September 04 – 30, 2008

9/04, 9/13, 9/14, 9/17, 9/20, 9/21, 9/26 and 9/27.

October 01 – 31, 2008

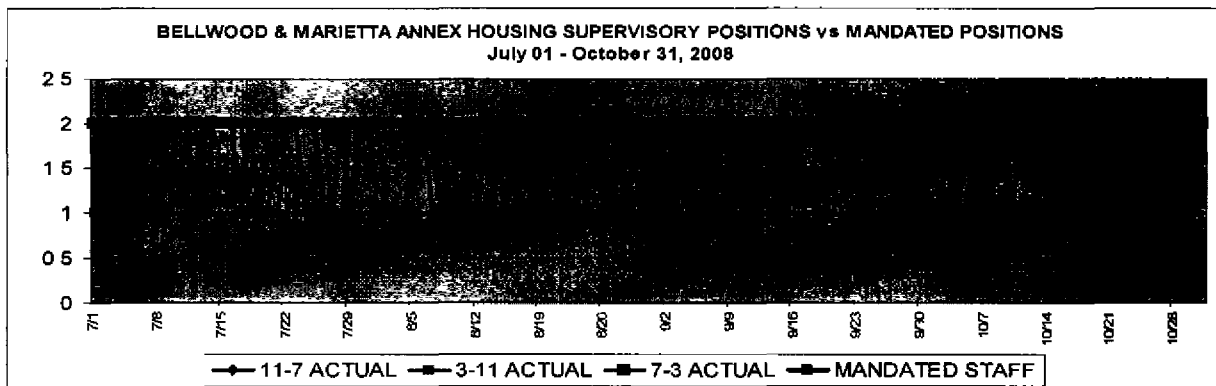
10/04, 10/05, 10/07 and 10/27.

Bellwood and Marietta Blvd. Annex Supervisory Report

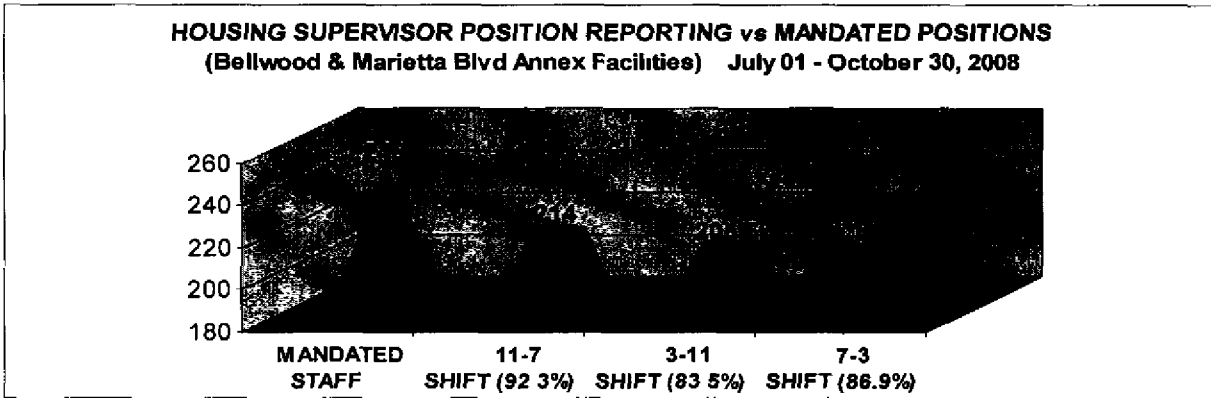
07/01/2008 – 10/31/2008 Four Month Report Summary

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

- 11-7 Shift maintained 87% of the mandate for supervisory staff
- 3-11 Shift maintained 83.6% % of the mandate for supervisory staff
- 7-3 Shift maintained 91 9% of the mandate for supervisory staff



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During the Monitor's benchmark dates, beginning on 9/04/2008 through 10/31/2008, the Sheriff failed to meet the Housing Officer staffing mandates of the Consent Decree:

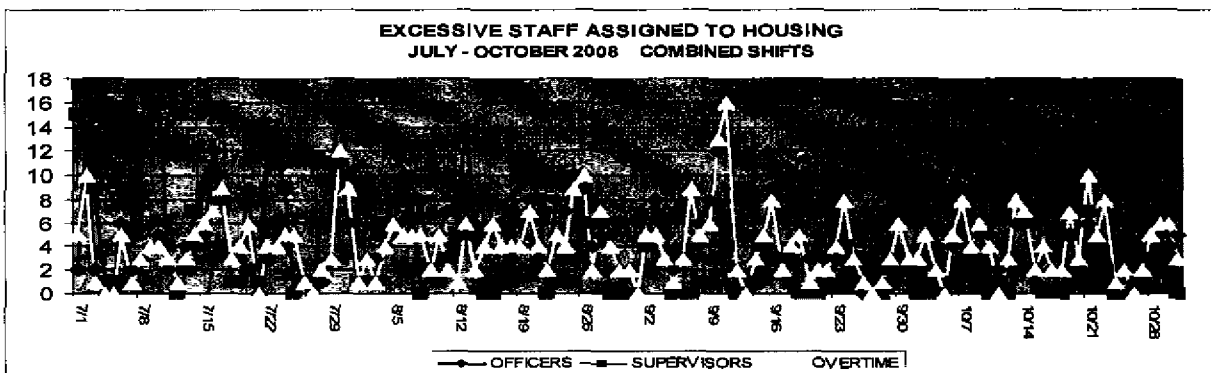
September 04 – 30, 2008
9/07, 9/14 and 9/28.

October 01 – 31, 2008
10/07, 10/10, 10/17 and 10/18.

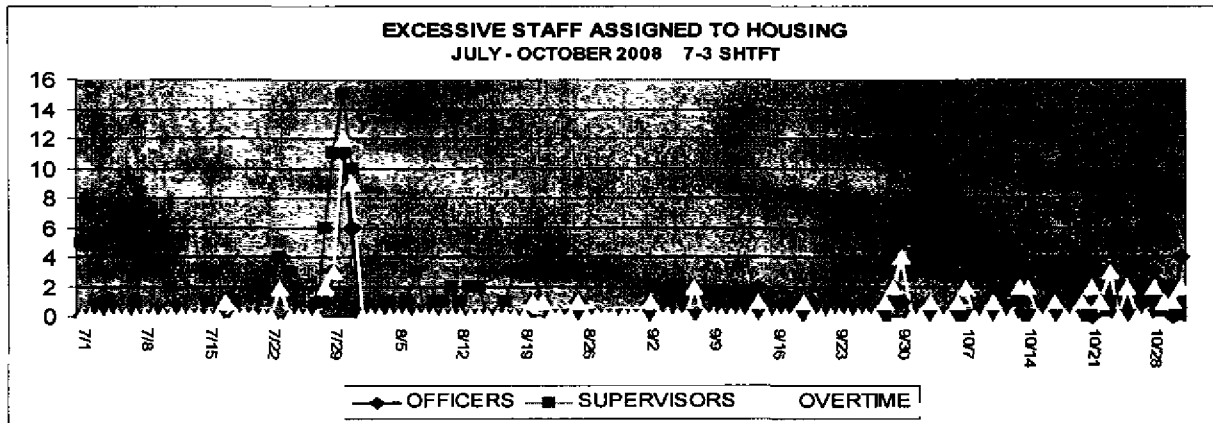
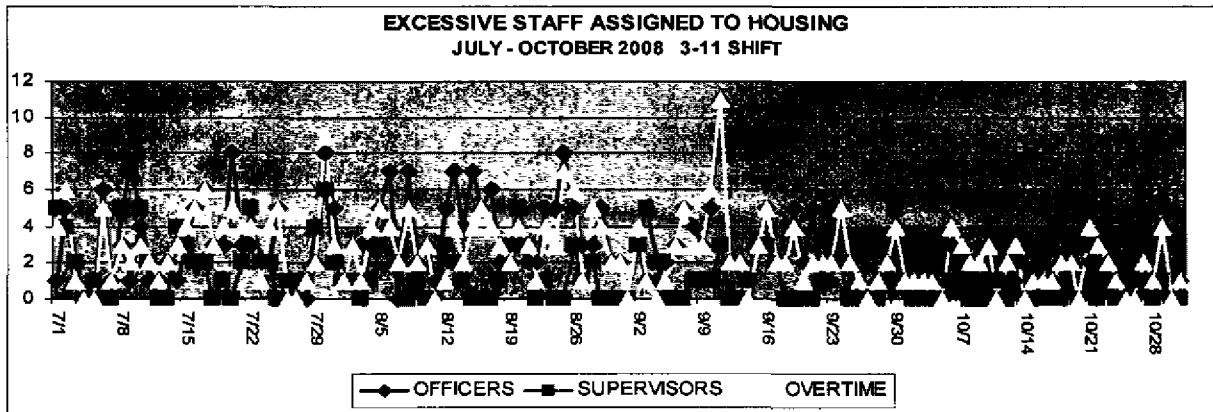
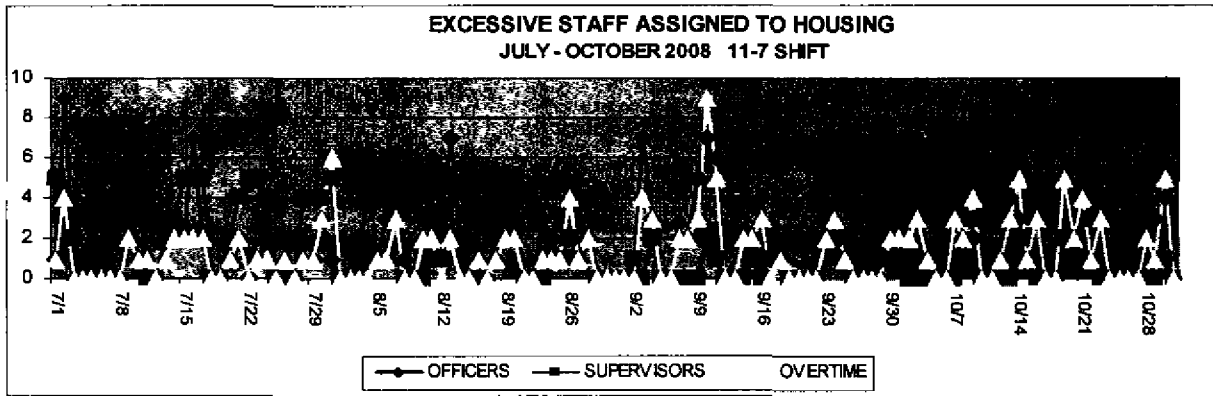
Excessive Staffing Report 07/01/2008 - 10/31/2008 - Four Month Report Summary

There continues to be gross mismanagement in the Sheriff's effort to properly deploy jail staff in accordance to the Consent Decree mandates

The following charts report staff assigned to the various shifts (also a combined shift chart) that were all beyond the 52-officers and 8-supervisors that are required to meet the mandates of each of the three Operation shifts. These numbers only involve additional staff assigned to Housing Operations.



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Salary and Budget considerations – Excessive Staffing Assigned to Housing

Officers	579	X 8 hrs	4,632 Hrs	Avg salary	16 00 Hr	\$74,112 00
Supervisors	430	X 8 hrs	3,440 Hrs	Avg salary	24 50 Hr	\$84,280 00
Overtime	505	X 6 hrs	3,030 Hrs	Avg salary	36 75 Hr	\$113,525 00
Total Budget Impact						\$269,744 00

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SUMMARY

This summary will highlight various non-compliance sections, subsections, and items of the Consent Decree that are detailed in the appendix sections of this report. However, in the conclusion of this report, a list of all Consent Decree non-compliance items will be presented. A special emphasis will be placed on the non-compliance items that are articulated in the show cause order issued to Sheriff Myron Freeman by Judge Marvin Shoob on July 10, 2008.

The Sheriff continues to be unsuccessful in reaching full compliance with a significant number of Consent Decree items. Those items are listed in the conclusion section of this report. Likewise, the Georgia Department of Corrections is unsuccessful in reaching full compliance with the mandated section of the Consent Decree relevant to it. However, the following non-compliance items that will be expounded upon are the items specifically identified in the show cause order:

SHOW CAUSE ORDER ITEMS

STAFFING

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. As previously stated, the Monitor has established September 4, 2008 as a benchmark for the Sheriff's compliance to the show cause items to be measured. However, full supervisor and officer staffing of mandated posts have not occurred. Of the 57 days between September 4, 2008, and October 31, 2008, which is the last day of this reporting period, the Sheriff has been in full compliance with supervisor mandated post 54.4% of the time and officer compliance 9.3% of the time. Adequate deployment of staff appears to prevent the Sheriff from achieving full staffing compliance as mandated in the Consent Decree. As long as the Sheriff consistently has extra staff on each shift, it is difficult to justify not reaching full compliance.

POPULATION

Since the September 4, 2008's bench mark, the Fulton County Jail's inmate population has decreased to a level close to 1,800, below the population cap mandated in the Consent Decree of 2,250 and that was adjusted by the MEP project to 1,842. It is the opinions of the Monitor and Auditor that this inmate population

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reduction is mainly attributed to the additional beds brought on through a new contract with the Union City Jail and additional beds added to the Atlanta City Jail contract along with the other existing outsource facilities. Plus, in an effort to further address the Fulton County Jail inmate population and to respond to the show cause order, the Chief Jailer has conducted three population control meetings. However, there has been no information shared with the Monitor and Auditor as to the reduction in the Fulton County Jail inmate population in specific numbers and categories that are related to the Population Control meeting's efforts. **The population item of the show cause order has reached compliance.**

HOUSING

During this reporting period (July through October, 2008) on August 22, 2008, the Chief Jailer visited the outsourced jails in South Georgia for the purpose of inspecting the housing conditions under which Fulton County Jail inmates are living. Upon his return to Fulton County, the Chief Jailer reported that no Fulton County Jail inmate was subjected to sleeping in triple bunks or sleeping on the floor situations. The jails that he visited were located in Pelham City, Cook County, and Decatur County. On October 20 and 21, 2008, the Auditor also visited these jails for the same purpose. He reported that he observed four Fulton County Jail inmates sleeping on plastic bunks (marketed as boats) on the floor of four individual cells that were designed for four inmates in the Cook County Jail. The plastic boat increased these cells to five inmates. He further reported that in the Pelham City Jail there were triple bunks used for four of the Fulton County Jail inmates (see more detailed information on the Auditor's trip to South Georgia in his report in the appendix of this report). It has been questioned by the Sheriff as to whether the Fulton County Jail inmates that are in outsourced jails come under the protection of the Consent Decree. It is the opinions of the Monitor, Auditor, and Plaintiff's Counsel that all Fulton County Jail inmates are covered by the Consent Decree regardless of their custody arrangements in other jails or facilities.

MEDICAL SERVICES

During this reporting period, there continues to be significant numbers of missed or failed appointments where inmates are not being brought to the clinic for scheduled procedures. Of particular concern are the missed appointments for x-ray and dental where it is simply stated that the inmate refused. The Monitor and Auditor fully realize that the Sheriff cannot force inmates to receive medical related services, but allowance of a system through which any assigned jail officer staff can report that a particular inmate refused scheduled treatment without documentation

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that includes the inmates signature or a witness leaves this way of dealing with these types of appointment open for the question: "Did the inmate actually refuse?". To prevent abuse of this nature, a check and balance system should be established that would prevent such abuse.

INMATE GRIEVANCES

Although the Inmate Grievances Procedures have been improved significantly and operate effectively, there continues to be a large percentage of grievances being filed related to staff actions alleging verbal and physical abuses, use of profanity, unprofessional behavior, and an increasing number of policy and procedure issues. Despite the fact that grievance staff communicates this problem to jail management staff, the Office of Professional Standards is slow to investigate and to bring resolutions to such complaints. However, relating to the Jail supplying grievance forms to the inmates as listed in the show cause order, grievance investigators are now providing grievance forms and envelopes to the inmates as they respond daily to the housing units. Housing officers and floor supervisors also have access to grievance forms and envelopes to provide to the inmates. This system as to how grievance forms are provided to the inmates is acceptable to both the Monitor and Auditor. **The Inmate Grievance item of the show cause order has reached compliance**

INMATE RELEASES

The Sheriff's staff continues to provide the Auditor a report on inmates being released from custody. However, because of a staff change, the information now received is less informative than reported in previous Monitor's and Auditor's reports. The Sheriff's previous inmate release report data included specific information related to the circumstances of the delayed release: such as judges, dates of release paperwork being generated and received, and many steps and efforts taken by jail staff to contact the responsible parties for additional information, or pick-up by other law enforcement authorities. Without additional and specific information of individual release actions, the Monitor and Auditor can only report the basics as they are reported by the Sheriff's staff. It is suggested that the Sheriff return to the reporting of inmate release data that was reported in prior Monitor's and Auditor's reports.

OTHER MAJOR CONSENT DECREE NON COMPLIANCE ITEMS

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EMERGENCY EVACUATION PLAN

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.

CAMERAS AND TAPING SYSTEMS

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 belongs to both the County and Sheriff defendants. It is primarily a funding issue. It is incumbent upon the Sheriff to have the system assessed for replacement and discontinue funding repairs and replacement of parts. He should then prepare a budget request to the County for the purpose of replacing the entire system.

GEORGIA DEPARTMENT OF CORRECTIONS (DOC)

During this reporting period, the DOC has failed to pick up sentenced offenders as promptly as in previous reporting periods. There have been several separate dates the DOC has notified the Sheriff that it was delaying pick up, citing that it had no bed space available. The Sheriff has not provided any specific data to identify exactly how many inmates and dates have been scheduled by the DOC. Without specific data, the Monitor and Auditor can only report that there may have been some delays in receiving state sentenced offenders by the DOC.

COUNTY DEFENDANTS

It is the opinions of the Monitor and Auditor that the most successful parts of the Consent Decree result from the efforts made by the County Commissioners in the funding of the MEP projects, the outsourced facilities, and staffing the Fulton County Jail. The MEP projects continue to move successfully forward in spite of

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having to perform all of its renovations while inmates and staff occupy the Jail. There are six outsource facilities that have received full funding from the County: Atlanta City Jail, DeKalb County Jail, Union City Jail, Pelham City Jail, Decatur County Jail, and Cook County Jail. While the MEP projects are active, Fulton County Jail's CAP is reduced from 2,250 inmates to 1,842 inmates. With the outsourced facilities, the Fulton County Jail's population has been reduced to close to 1,800. Finally, according to County defendants, the Sheriff has received funding for staffing from the County Commissioners to fully staff his expressed needs articulated in his budget requests. However, the Monitor has made numerous requests of the Sheriff to provide information that he claims shows that the County has inadequately provided funds for full staffing of the Fulton County Jail. The Sheriff has failed to provide this information to the Monitor. The County's expressed opinion was that the Sheriff was not able, for many reasons, to fill the existing vacancies that he then had at the Jail when he submitted his budget request for additional staff.

INMATE IN CUSTODY DEATHS FOR THIS REPORTING PERIOD

During this reporting period, there were six deaths under the custody of the Sheriff's; however, there was one death, inmate Dorretha Simmon, that occurred in Grady Hospital shortly after release from the Sheriff's custody. (see below) The following is a list of the inmate deaths under the Sheriff's custody during this period:

1. **Xavier Cobb**, July 12, 2008 – Booking Number 0823568 – died of auto injuries received prior to arrest by the Atlanta Police (Monitor nor Auditor were notified)
2. **Terry Hardy**, July 14, 2008 – Booking Number 0818171 – died of cardiac arrest in Grady Hospital (Monitor and Auditor were notified)
3. **Cassandra Dixon**, July 15, 2008 – Booking Number 0800859 – died while under treatment at Grady Hospital (Monitor nor Auditor were notified)
4. **Willie Robinson Jr.**, October 9, 2008 – Booking Number 0833477 – died of cardiac arrest in Grady Hospital (Monitor and Auditor were notified)
5. **Arthur Mann**, October 12, 2008 – Booking Number 0711194 – died at Grady Hospital, cause of death unknown at this time (Monitor nor Auditor were notified)
6. **James Allison**, October 24, 2008 – Booking Number 0626791 – died from suicide pronounced dead at Grady Hospital (Monitor and Auditor were notified)

Note: Dorretha Simmon, October 8, 2008 – Booking Number 0738090 – in anticipation of her death, at the request of the Sheriff, was released

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from custody of the Sheriff on September 23, 2008 to Grady Hospital, the cause of death was, as advised, HIV related pneumonia (Monitor nor Auditor were notified)

CONCLUSION

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

- **Security Rounds** – (Section III, subsection A, item 15) 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 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, item 65) 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

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- **Mentally Ill Inmates** – (Section IV, subsection L, items 91 and 92) responsibility Sheriff
- **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

The compliance status of all Consent Decree items is reported in the Auditor's monthly reports and the Monitor's quarter reports. The Monitor provides each report to both the Sheriff and Chief Jailer to review, a two week period for the Auditor's report and one week for the Monitor's report. The Sheriff and Chief Jailer may choose to respond or not respond. To date, they have responded to the 20th and 21st reports of the Auditor. None of the Monitor's reports received responses. Since the same above listed non-compliance items consistently appear in all Monitor's and Auditor's reports, it appears that the Sheriff and Chief Jailer have previously placed compliance to the Consent Decree as a low priority. At the recommendation of the Monitor, the Sheriff implemented a strategic management team meeting that included high level Sheriff's management staff and jail management decision makers. However, these meetings have failed to successfully address the non-compliance Consent Decree items listed in this and other reports.

It is recommended that Consent Decree items listed in both the Auditors' and Monitor's reports, especially those that are in non-compliance, be made a major priority for action in the Sheriff's/Chief Jailer's weekly strategic management team meetings and other areas of major planning and decision making under the Sheriff's command.

Note: For detailed supportive information, see Auditor's attached report in the appendix section of this report.

Respectfully Submitted,

Calvin A. Lightfoot
Court Monitor

November 6, 2008