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U.S.D.C. Atlanta

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JUL 07 2004

UNITED STATES DISTRICT COURT LUTHER D. THOMAS, Clerk  
NORTHERN DISTRICT OF GEORGIA By: *J. Reed* Deputy Clerk  
ATLANTA DIVISION

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

Plaintiffs, :

CIVIL ACTION

v. :

1:04-CV-1416-MHS

DEPUTY TYRONE BENNETT, :  
et al., :

Defendants. :

CONSENT ORDER

This is a proposed class action brought on behalf of all present and future inmates at the Fulton County Jail, who seek relief from alleged unconstitutional conditions of confinement arising from extreme overcrowding, neglected and deteriorating physical facilities, and staff shortages. Based on the finding of an independent monitor, Dr. Robert B. Greifinger, that the jail "is in a state of crisis" and defendant Sheriff Jacquelyn Barrett's apparent inability or unwillingness to deal with the situation, the Court ordered defendants to show cause why the Court should not appoint a temporary receiver to replace Sheriff Barrett as the custodian

of the jail until a new, duly-elected sheriff takes office. Order of June 25, 2004. That hearing was scheduled to take place tomorrow, Thursday, July 8, 2004.

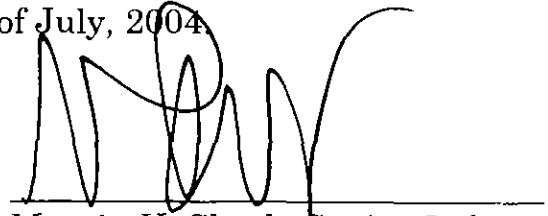
In a letter hand-delivered to the Court yesterday, Sheriff Barrett acknowledges that the issues of overcrowding, staff shortages, and deteriorating physical facilities "are real and on-going concerns" and agrees that the appointment of a receiver could be "a positive step and may be beneficial in creating a safe and effectively operated jail." She contends that she has been unable to resolve the problems at the jail because she lacks sufficient authority and resources, and she argues that a receiver should have the power to act unilaterally in order to address these problems. Nevertheless, Sheriff Barrett states that she will accept the decision of the Court on this issue and will not oppose the appointment of a temporary receiver to run the jail.

Following receipt of Sheriff Barrett's letter, the Court met with counsel for all the parties. The parties agree that Dr. Greifinger's report dated May 31, 2004, accurately described the then existing conditions at the Fulton

County Jail, and that the current conditions provide a sufficient basis for the Court to appoint a temporary receiver to replace Sheriff Barrett as jail custodian until a new, duly-elected sheriff takes office in January 2005. Pursuant to the requirements of the Prison Litigation Reform Act, 18 U.S.C. § 3626, and the parties consenting thereto, the Court finds that the relief of appointment of a receiver is narrowly drawn, extends no further than necessary to correct the harm, is the least intrusive means necessary to correct the harm, and poses no threat to the public safety.

The receiver will have the same authority as the sheriff with respect to jail operations, including but not limited to budgetary decisions and decisions regarding the hiring and firing of personnel. With input from the parties, the Court will expeditiously interview candidates for the position of receiver and make an appointment as soon as possible. Sheriff Barrett will remain as custodian of the jail until a receiver has been appointed.

IT IS SO ORDERED, this 7<sup>th</sup> day of July, 2004



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