

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

Plaintiffs, :

v. :

FULTON COUNTY, GEORGIA, :
et al., :

Defendants. :

THEODORE JACKSON, Fulton :
County Sheriff, in his official :
capacity, :

Defendant and Third-party :
Plaintiff, :

v. :

JIM DONALD, Commissioner, :
Georgia Department of :
Corrections, in his official :
capacity, et al., :

Third-party Defendants. :

CIVIL ACTION

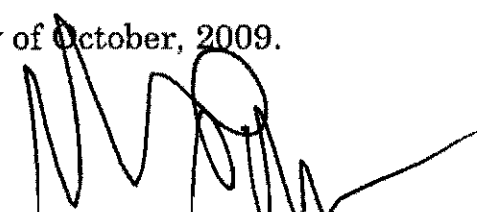
1:04-CV-1416-MHS

ORDER

After more than three-and-a-half years of efforts to achieve compliance with the Consent Order in this case, the Sheriff has failed to adequately address the central problem facing the Fulton County Jail: overpopulation. As the Monitor noted in his latest report: "Addressing future inmate population needs of Fulton County is of the highest priority in order to fully comply with the Consent Decree." Eleventh Quarterly Report at 7 (July 22, 2009). For years, the number of inmates has exceeded the number of available beds at the Rice Street facility. Rather than addressing this problem head-on, the Sheriff has opted to spend millions of dollars housing inmates at other jails. This outsourcing of inmates is not a viable solution to the population problem. It is unfair to the inmates, who are often housed far from their families and their attorneys. And it is unfair to the taxpayers of Fulton County, who are required to pay the exorbitant costs of outsourcing because their elected officials have failed to plan for adequate jail space. The Court recognizes that Fulton County, as well as the Sheriff, has an important role to play in providing adequate jail facilities for Fulton County inmates. But it is the Sheriff's obligation, as the elected official directly responsible for the jail, to take the lead in attacking this problem.

Accordingly, the Court ORDERS the Sheriff to file with the Court within thirty (30) days of the date of entry of this order a report explaining *in detail* the steps he is taking to eliminate inmate outsourcing and provide adequate space for all Fulton County inmates in the Fulton County Jail. The report shall include, but not be limited to, the Sheriff's proposals regarding acquisition of the Atlanta City Detention Center, a step that was recommended by the American Correctional Association in a Final Report dated September 8, 2009, issued pursuant to a Feasibility Study commissioned by the Office of the Fulton County Attorney. The report shall also spell out the Sheriff's position on the Fulton County Jail Complex Master Planning Report dated February 16, 2009, and the steps he is taking to see that an appropriate jail master plan is implemented.

IT IS SO ORDERED, this 12 day of October, 2009.



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