



**THE PEOPLE'S PROCESS**

**FINAL**

**REPORT 2025**



## THE PEOPLE'S PROCESS FINAL REPORT 2025

# ACKNOWLEDGEMENTS

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Stop Criminalization Of Our Patients

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# CITATIONS

### We primarily cite two sources in this report:

1. Investigation of the Fulton County Jail Findings Report published on November 14, 2024
  - Cited as "U.S. Department of Justice, 2024, [page number]"
2. Consent Decree with Fulton County and Fulton County Sheriff entered January 6, 2025
  - Cited as "Consent Decree at [page number], United States v. Fulton County, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)"

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PHASE ONE

**THE PEOPLE'S  
PROCESS**

## PHASE ONE

# THE PEOPLE'S PROCESS

On November 20, 2024, the Southern Center for Human Rights (SCHR) reached out to the Fulton County Board of Commissioners with a letter urging community involvement in light of the Department of Justice's (DOJ) troubling findings regarding the deplorable practices and conditions of the Fulton County Jail under Sheriff Patrick Labat. After receiving no response, SCHR, alongside community partners, launched The People's Process—an initiative focused on community engagement and inspired by international human rights input mechanisms—to gather testimony, demand accountability, and generate recommendations to address the human rights abuses highlighted in the DOJ's report on the Fulton County Jail.

Our assemblies were designed to collect live data from participants with diverse experiences related to the Fulton County Jail. Our goal was not to create a statistically significant report but rather to begin the very important work of demonstrating that the government cannot undertake this daunting task without hearing from people directly impacted by the jail.

A public reporting day was held at the Auburn Avenue Research Library in Atlanta, Georgia on Tuesday, February 18, 2025. This event began with a strategy session for community organizations and concluded with witness testimonies before members of the Georgia General Assembly, the Atlanta City Council, and the Fulton County Board of Commissioners.

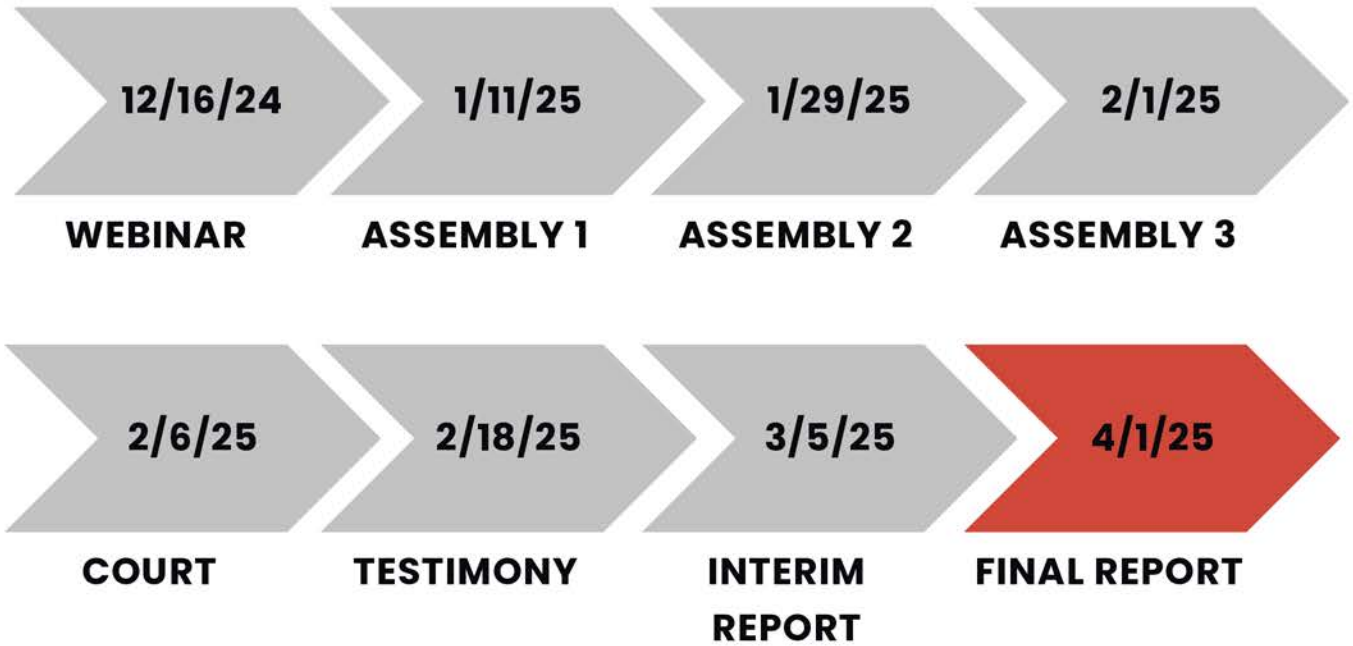
As we move forward, we will continue to collect data and testimony from key groups, including corrections officers. We will also work closely with the Communities over Cages Coalition to devise strategies for continuous engagement with the Monitor.

### **The human rights violations in Fulton County identified by the DOJ include, but are not limited to:**

1. Inadequate protection for incarcerated people from serious harm, including violence and stabbings by other incarcerated people.
2. Unjustified use of force by officers against incarcerated individuals.
3. Living conditions that fall below constitutional standards, largely due to staff negligence.
4. Medical and mental healthcare that fails to meet constitutional standards due to mismanagement and neglect.
5. Restrictive housing conditions that significantly increase the risk of harm, acute mental illness, and self-injury, particularly for incarcerated youth.



# THE PEOPLE'S PROCESS





**FULTON COUNTY'S  
CARCERAL FOOTPRINT**

# FULTON FACILITIES



**OPERATIONAL CAPACITY FOR CURRENT JAIL LEASES**



**South Fulton Regional Jail "South Annex"**

**Bed Capacity: 285**  
**\*\*Current Population: 127**



**Marietta Annex**

**Bed Capacity: 80**  
**\*\*Current Population: 63**

**The Main Jail "Rice Street"**

**Bed Capacity: 2,254**  
**\*\*Current Population: 1700**



**Alpharetta Jail "North Annex"**

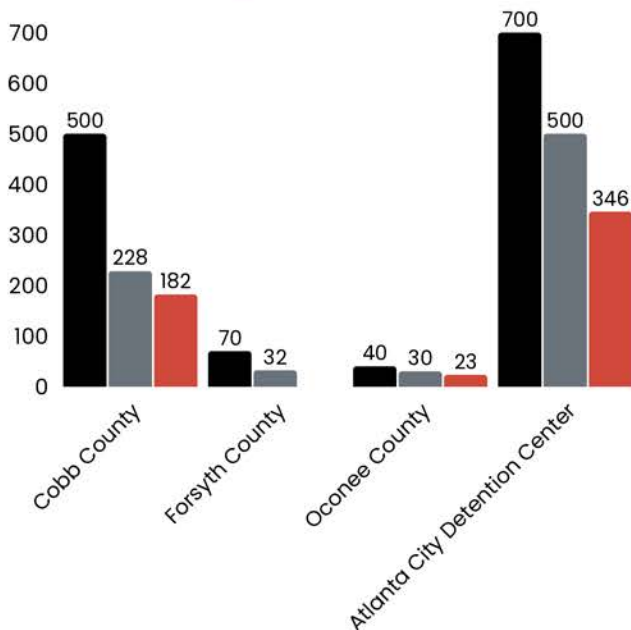
**Bed Capacity: 50 beds**  
**\*\*Current Population: 42**



**\*\*Out of County Jail Population 269 as of April 1, 2025**

# INTERGOVERNMENTAL LEASES

● Leased Space    ● Operational Capacity  
● Current Population



**Source** Fulton County Sheriff Mobile App as of 6:30 pm on April 1, 2025

**Note** No current population reported for Forsyth County as of 7:30 pm on April 1, 2025

**Note** Fulton Sheriff Mobile App also notes that 1 person is in custody in "Other Counties", which includes Gwinnett, Coweta, Spalding, Rockdale, Newton and Fayette Counties. Additionally, the category also includes 63 individuals that were reported as "Loaned Out" to medical facilities, other agencies, U.S. Marshals or to Grady Hospital.

# REALITY CHECK

From 2021–2022, SCHR and many other organizations raised concerns about leasing the Atlanta City Detention Center to Fulton County, citing understaffing and cultural violence as primary drivers for the harm within the Fulton County Jail. Over our objections, the lease moved forward (See Appendix C).

### Our most pressing concerns remain warranted:

- Permits the Sheriff to (re)define “overcapacity” at any time during the term of the Agreement, leaving him **full discretion to operate overcrowded facilities** while also leasing beds in ACDC. (Article 3)
- **Permits the County to terminate the Agreement at will** while only permitting the City to terminate the Agreement in the event of non-payment of fees by the County. (Article 5)
- **Contemplates the unregulated extension** of the Agreement by permitting Fulton County to house incarcerated people in ACDC for an unspecified period beyond the 4-year term. (Articles 6.3 & 6.4)
- **Does not provide for the review of disciplinary histories** or personnel records of Fulton staff transferred to ACDC and does not account for how those transfers will impact the care of those who remain in Fulton County facilities, especially in light of the staffing crisis currently faced by the County. (Article 6)
- **Does not impose strict training requirements** on Fulton County staff and fails to require Fulton County staff to adhere to safety or fire codes, thereby exposing the City and taxpayers to liability while also exposing incarcerated people to harm. (Article 8)
- **Does not effectively define processes for the provision of care, transportation, or other services** for incarcerated people, which increases the potential for harm to incarcerated people and litigation between the County and City. (Articles 6.8, 6.10, 6.12)
- **Deprioritizes the most crowded facilities** and excludes youthful and medically vulnerable people in Fulton County custody by prohibiting them from being transferred. (Article 6.8)
- **Allows unlimited amendments to the Agreement without requiring regular periodic review** or public input for entire 4-year term. (Article 14)
- **Does not set a commencement date or other standards for the “staged withdrawal”** process which opens the door for Fulton County to continue its occupation at will. (Article 22)

## ACDC LEASE

# REALITY CHECK

### FACT

Due to the Intergovernmental Agreement's (IGA) failure to hold Sheriff Labat accountable for transferring the men sleeping in boats in the Fulton County Jail in a timely fashion, months passed before the first men were transferred to ACDC.

**Sixteen people died in Fulton County custody after the execution of the lease.**

### FACT

Despite the deaths of two incarcerated people at ACDC since the commencement of the IGA, Atlanta was powerless to hold Sheriff Labat accountable. The inability to terminate the lease left the City of Atlanta with little to no leverage regarding the treatment of people officials claimed to be concerned about protecting.

### FACT

Despite the IGA requiring a staged withdrawal, as of the publication of this report, neither Fulton County nor the City of Atlanta has communicated with the public how or whether Fulton is preparing for the end of the lease term.

### FACT

The DOJ Findings report clearly details multiple instances of staff abuse of incarcerated people in the Rice Street facility. Despite Fulton County exclusively staffing the leased floors of ACDC, Atlanta is not permitted to influence the selection of Fulton staff assigned to ACDC.

### FACT

Despite agreeing in the IGA to deprioritize or prohibit housing the most vulnerable incarcerated people, Fulton County now blames this provision for the underutilization of ACDC, even though staffing shortages are the primary cause. Fulton County has never been able to use more than roughly half of the leased beds.

Staffing  
Analysis

Recruitment  
& Retention  
Plan

Staffing  
Plan

Monitoring

### How the Consent Decree Addresses Staffing

- Requires a "staffing analysis" to be conducted consistent with national standards of practice which will establish the minimum staffing requirements. (Paragraph 61)
- Requires the creation of a "Recruitment and Retention Plan" that will allow the Jail to meet the minimum staffing levels identified in the staffing analysis. (Paragraph 62)
- Requires the development and implementation of a "Staffing Plan" to ensure that staffing and supervision levels for each shift are appropriate to adequately supervise people, ensure access to medical and mental health care and identify mandatory posts that must be filled. (Paragraph 63)

**ACTION PRIORITIES**

**PARTICIPANT DATA**



# OUR TPP ASSEMBLIES

*Key Takeaways*

The People's Process Assemblies enabled us to hear directly from community members about the way they would like for the government to prioritize the requirements of the consent decree. Through interactive polling and conversations, participants also helped one another understand diverse perspectives related to the human rights abuses at the jail.

## 1 **Participants did not believe that Fulton County had been transparent about human rights abuses in the jail.**

Although there has been extensive media attention on the Fulton County Jail, most coverage has centered the violence among incarcerated individuals and the state of the physical plant. Our participants felt that elected officials have not been transparent about the human rights abuses occurring within the jail.

## 2 **Use of Force prioritized over the building conditions.**

Participants were alarmed by the Department of Justice's accounts of correctional officer use of force against incarcerated people, especially the details related to taser use. In every assembly, participants believed that addressing official violence was among the top priorities.

## 3 **Service providers are well-informed about the jail crisis.**

Despite Fulton County's insufficient communication with direct service providers regarding jail reform directions, professionals remain well-informed about human rights violations due to their relationships with clients. The ongoing staffing issues at the jail, along with a narrow focus on acquiring new properties, have diverted elected officials' attention from the concerns raised by the DOJ. Moving forward, it is essential to engage in more collaborative efforts with communities that have a deep understanding of the experiences of incarcerated people.

## 4 **Fulton County must go beyond minimum remedial measures.**

The DOJ has clearly outlined the legal limitations of the Consent Decree. As a result, we involved participants in discussions about recommendations that exceed the basic requirements, aiming for substantial changes needed to foster lasting improvements in the Fulton County Jail. This entails regular meetings between the monitor, community organizations, and other affected individuals to evaluate the effectiveness of the reforms implemented. Additionally, it necessitates a thoughtful examination of what measures are needed to decrease the jail population in the long run, particularly since the sheriff has shown an inability to adequately staff the facility.

## GENERAL ATTITUDES & PRIORITIES

# PEOPLE'S PROCESS ASSEMBLIES

We began our conversation with assembly participants by establishing their orientation to the Fulton County Jail and asking four questions:

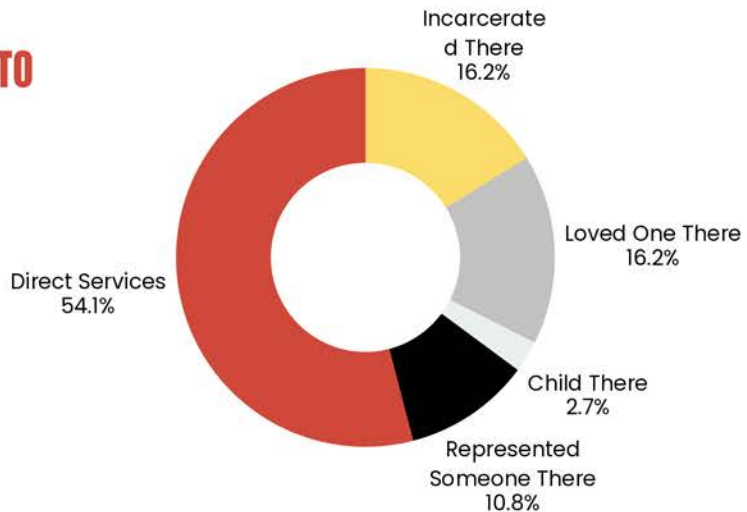
1. Word Cloud: What comes to mind when you think about the Fulton County Jail?
2. What best describes your orientation to the Fulton County Jail?
3. Rank the issues in order of personal importance to you.
4. If I had to pick the first issue for Fulton County to tackle, it would be \_\_\_\_\_."

### WHAT COMES TO MIND WHEN YOU THINK ABOUT THE FULTON COUNTY JAIL?

Most frequently mentioned words across three assemblies:

**CORRUPTION** **DEATH**  
**DANGEROUS** **NEGLECT**  
**INHUMANE**

### WHAT IS YOUR ORIENTATION TO THE FULTON COUNTY JAIL?

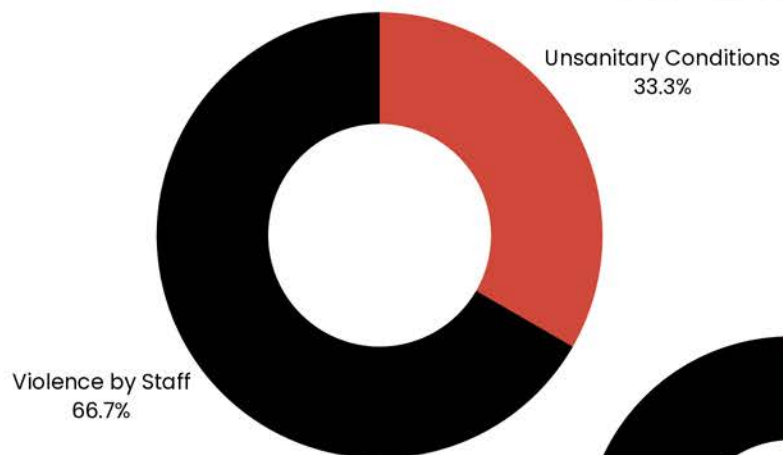


# PARTICIPANT DATA

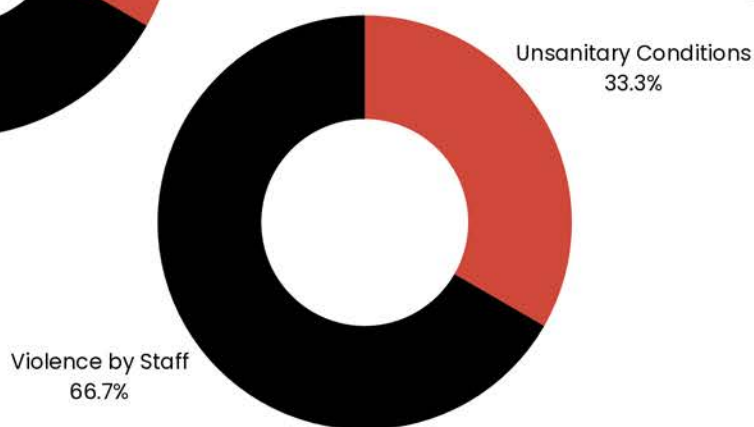
## PEOPLE'S PROCESS ASSEMBLIES

**RANK THESE ISSUES IN ORDER OF (PERSONAL) IMPORTANCE TO YOU.**

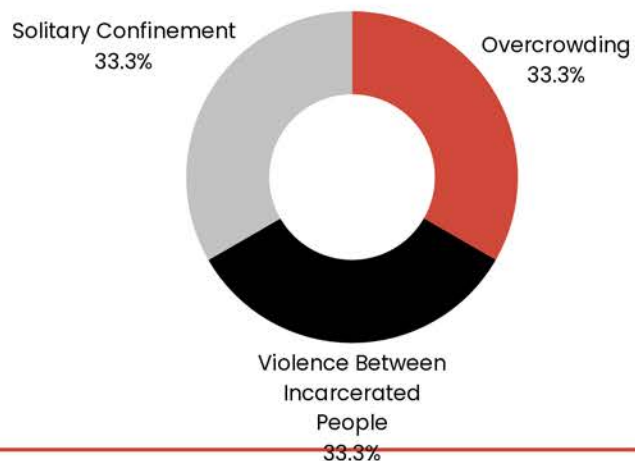
### Top Priority



### Second Priority



### Third Priority



#### Complete List

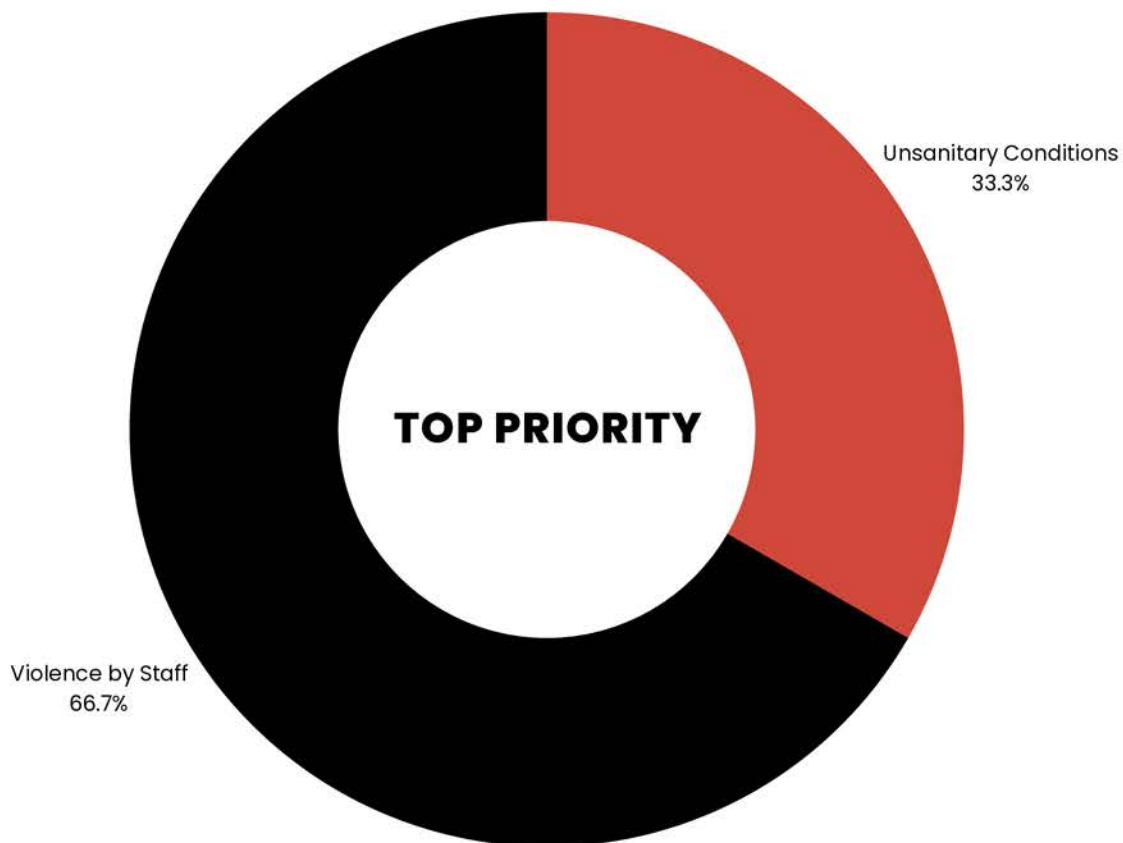
1. Violence by Jail Staff
2. Unsanitary Living Conditions
3. Overcrowding
4. Solitary Confinement
5. Violence Between Incarcerated People
6. Education of Disabled Children

## DATA COLLECTION

# PEOPLE'S PROCESS ASSEMBLIES

### FILL IN THE BLANK

**"IF I HAD TO PICK THE FIRST ISSUE FOR FULTON COUNTY TO TACKLE, IT WOULD BE [ISSUE]."**



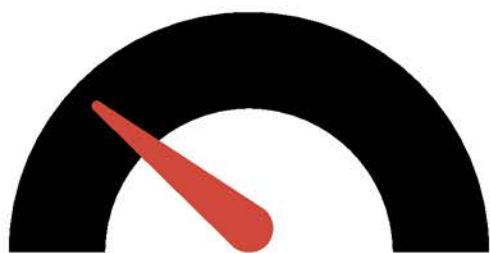
### TAKEAWAY

Despite the disproportionate media focus on violence between incarcerated people, participants prioritized the issues over which corrections staff have the most control: how they care for people in their custody.

## DATA COLLECTION

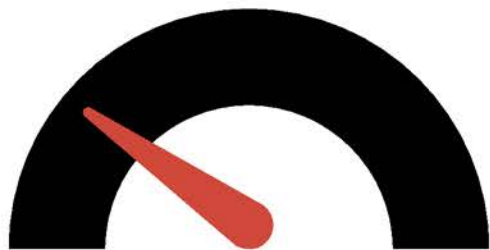
# PEOPLE'S PROCESS ASSEMBLIES

**"ON A SCALE OF 1 TO 5, HOW DO THESE STATEMENTS RESONATE WITH YOU?"**



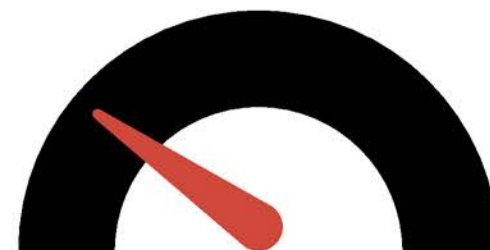
**1.2 OUT OF 5**

"Fulton County has **openly communicated** about the abuses in the jail."



**1.1 OUT OF 5**

"Fulton County has **prioritized the well-being of people** incarcerated at the jail."



**1.1 OUT OF 5**

"Fulton County has done its best to **rectify the conditions at the jail.**"

"A democracy cannot thrive where power remains unchecked and justice is reserved for a select few. Ignoring these cries and failing to respond to this movement is simply not an option — for peace cannot exist where justice is not served."

**- John Lewis**



PROTECTION FROM HARM

# EXCERPTS FROM THE FINDINGS REPORT

“

**Violence occurs as a direct result of the understaffing.** In August 2023, a single detention officer was assigned to monitor a housing unit of nearly 100 incarcerated people overnight. He left the unit to get ice. Upon returning at about 1:00 a.m., he saw three incarcerated people fighting in the dayroom; two were “drenched in blood.” One person involved in the fight told officers that he saw one of the other people trying to leave the cell or zone, and “took it upon himself to stop [him].” Similarly, the September 2022 homicide occurred when the floor officer left his assigned unit of around 100 incarcerated people to deliver paperwork and exchange his Taser cartridge. While he was gone, incarcerated people alerted the tower officer that someone was “laid out on the floor.” The tower officer called the floor officer assigned to another unit to respond. When that officer arrived, the victim was face down in a puddle of blood with no signs of movement (**U.S. Department of Justice, 2024, p. 20**).



PROTECTION FROM HARM

# EXCERPTS FROM THE FINDINGS REPORT

“

**In less than 24 hours in August 2023, at least seven people were stabbed and one was killed at the Jail.** The violence spanned five units and three floors. It started at 11:30 p.m., when officers discovered that people from one housing zone had opened their zone door and entered another zone to assault people. The next day at 2:21 p.m., an officer heard screaming coming from a restrictive housing unit on the 7th Floor. He found one incarcerated person with blood on his shoulder, and a second incarcerated person on the floor in a pool of blood; that person died from multiple stab wounds. The locking mechanism for the doors in that unit had been broken, and while officers tried to secure the scene, incarcerated people kept trying to assault each other. One incarcerated person had to be treated for exhaustion. Almost simultaneously, at 2:26 p.m., a sergeant found another incarcerated man with blood on his face and chest in another unit. The victim required emergency medical transport for multiple puncture wounds to his face and back following an attack. At 9:15 p.m., an officer tased someone to break up a fight; medical attention for the Taser deployment was delayed because the Jail was “overwhelmed with stretcher calls” (**U.S. Department of Justice, 2024, p. 8**).

# PROTECTION FROM HARM

In the context of the Consent Decree, harm caused by violence between incarcerated people at the Fulton County Jail must be addressed by tackling root causes within the Sheriff's control. To probe participant attitudes, we asked them to rank three action items that the government can take:



## **A — CREATE POLICIES TO KEEP PEOPLE SAFE.**

The Findings Report revealed multiple instances of official incompetence contributing to violence between incarcerated people (U.S. Department of Justice, 2024, pp. 8-17). The Consent Decree requires significant changes to policies, procedures and training. Consent Decree at 9-11, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).



## **B — IMPROVE SUPERVISION.**

The Consent Decree requires Fulton County to implement a "Staffing Plan" to ensure that "staffing and supervision levels for each shift are appropriate to adequately supervise people incarcerated at the jail and ensure access to medical and mental health care..." Consent Decree at 12, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).



## **C — IMPROVE STAFFING.**

The Fulton County Jail is chronically understaffed. The Consent Decree requires the creation and implementation of a "Recruitment and Retention Plan" that requires the Jail to meet minimum staffing requirements Consent Decree at 11, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025). While a singular focus on hiring more corrections officers is too narrow a view to take when defining "improvement," the Sheriff can neither protect incarcerated people from harm nor satisfy the Consent Decree without addressing staffing.

### **Deadly Carelessness**

"During our site visit in February 2024, in one maximum-security zone, almost every pipe chase door could not lock and large pieces of metal, easily made into weapons, were lying on the floor. The officers escorting us during the site visit appeared unfazed by this situation. When one of our expert consultants identified a significant piece of metal found in a pipe chase, an officer said to drop it on the floor of the dayroom— where incarcerated people could easily access it—and that they would get it later" (U.S. Department of Justice, 2024, p. 23).

# PROTECTION FROM HARM

## RANK PRIORITIES

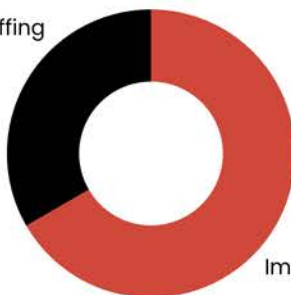
“Poor supervision, classification, Jail maintenance, contraband control, and investigations contribute to the **unacceptable violence**” (U.S. Department of Justice, 2024, p. 7).

### TOP PRIORITY



Create policies to keep people safe.  
100%

### SECOND PRIORITY



Improve Staffing  
33.3%

Improve Supervision  
66.7%

### THIRD PRIORITY



Improve Staffing  
100%



EXCESSIVE FORCE

# EXCERPTS FROM THE FINDINGS REPORT

“

**Jail officers use force on people experiencing mental health crises without first involving mental health staff or attempting to de-escalate.**

In September 2023, an officer punched and OC sprayed a 17-year-old boy during a struggle that followed the officer's removal of a zipper from the boy's uniform. The boy had a recent history of using zippers to cut himself, but the incident report recounts no attempt to summon mental health staff or otherwise de-escalate before the officer ripped the zipper off by force. Jail officers also tased a man with serious mental illness and a known seizure disorder five times in a year, including three times in August 2023. We obtained video of two of the Taser uses, and both involved the unnecessary and disproportionate use of force. In March 2023, officers tased an incarcerated man who said he felt like hurting himself and needed to see mental health. Rather than taking the man to mental health, the officers tried to make him return to his housing zone; a sergeant tased the man when he held onto a bench to avoid being forced back into the housing zone (U.S. Department of Justice, 2024, p. 37).



## EXCESSIVE FORCE

# EXCERPTS FROM THE FINDINGS REPORT

“

In a few cases at the Jail, excessive force has led to criminal prosecutions. In June 2023, two Jail officers were criminally charged for separate unreasonable force incidents.

In the first incident, a detention officer grabbed a woman’s throat while she was being booked into the Jail. The woman was swearing and resisting the booking process, but did not pose a serious threat. **The officer told the woman, “I choke folks” and “hold your face before you lose your breath,” as he held the woman’s neck and she lost consciousness.** Officers from a local police department at the scene reported the incident. The Fulton County officer pleaded guilty to federal civil rights violations and, in August 2024, was sentenced to four years in prison for the assault.<sup>23</sup> The Fulton County officer’s supervisor was present during the incident and failed to intervene, instead commenting, “Oh, now she is trying to pass out. Really!” The supervisor received a one-day suspension for her conduct. **(U.S. Department of Justice, 2024, p. 37).**

# EXCESSIVE FORCE

Violence by Fulton County Sheriff staff was rarely discussed publicly despite the Findings Report revealing a “pattern or practice” of using excessive force against incarcerated people. (Findings Report, Page 34) This includes officer responses to incidents, officer-initiated violence and other practices. After being educated about the findings, our participants were asked to rank the following policy responses.



## **A — REQUIRE STAFF TO MEET CONSTITUTIONAL STANDARDS.**

Officer use of excessive force on incarcerated people violates the 14<sup>th</sup> Amendment. The Consent Decree requires Fulton County to “draft new or revised policies related to use of force. (Consent Decree at 22-29, United States v. Fulton County, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).



## **B — NOTIFY FAMILY WHEN CHILDREN ARE HARMED.**

Georgia is one of 3 states that charges all 17 year-olds as adults. The DOJ found these children to be victims of harm, despite their age. The recommendation to contact the families of children in Fulton County custody is not contained in the Consent Decree.



## **C — IMPROVE GRIEVANCE PROCESSES WHEN INCARCERATED PEOPLE ARE HARMED BY STAFF.**

Incarcerated people are often at the mercy of administrative processes when their rights are violated. The Consent Decree requires that allegations of force are “promptly reviewed by appropriate supervisors.” (Consent Decree at 26, United States v. Fulton County, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025). The grievance process is also addressed in the Protection from Harm Section of the Consent Decree (*Id.* at 15-17).



## **D — REQUIRE DE-ESCALATION WHERE POSSIBLE.**

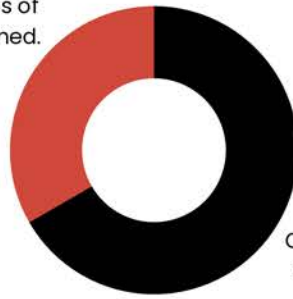
The Findings Report states that Fulton officers “resort to force to obtain immediate compliance without attempting meaningful de-escalation.” The Consent Decree establishes a new continuum of force that requires de-escalation where possible Consent Decree at 23, United States v. Fulton County, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).

# EXCESSIVE FORCE

## RANK PRIORITIES

### TOP PRIORITY

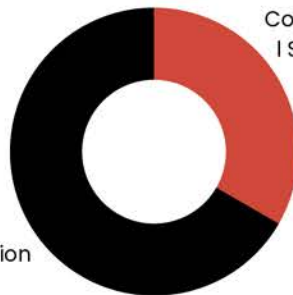
Notify families of children harmed.  
33.3%



Constitutional Standards  
66.7%

### SECOND PRIORITY

De-Escalation  
66.7%



Constitutional Standards  
33.3%

### THIRD PRIORITY



Improve Grievance Process  
100%



## INHUMANE CONDITIONS EXCERPTS FROM THE FINDINGS REPORT

“

**The Jail is infested with lice, cockroaches, rodents, and other pests, and takes inadequate steps to control them.** Rodents and insects carry bacteria and diseases that can be transmitted to humans through bites, exposure to their urine and feces, and contamination of food or surfaces. Such pests have infested the bodies of people at the Jail, making them sick or causing them significant pain and discomfort (**U.S. Department of Justice, 2024, p. 47**).



INHUMANE CONDITIONS

# EXCERPTS FROM THE FINDINGS REPORT

“

**In March 2024, officers discovered two incarcerated people in the mental health housing area had active lice infestations after noticing that one man had an open sore that was bleeding onto his uniform.** In February 2024, we observed that the Jail’s barber cart moves between housing units and has clippers that are reused without adequate cleaning or disinfection between uses, which creates a risk of spreading infestations and infections. When we inspected the Jail in January 2024, we were told to leave one of the mental health housing zones because of a lice outbreak (**U.S. Department of Justice, 2024, p. 48**).

# INHUMANE CONDITIONS

The inhumane conditions at the Fulton County Jail have long been the focal point of media attention. Going far beyond mere uncleanliness, they have proven deadly for far too many. When considering how to tackle remedial measures, our participants evaluated the following recommendations that address human behavior, rather than the physical plant:



## **A — ENSURE GRAND JURY INSPECTIONS AS REQUIRED BY LAW.**

O.C.G.A. 15-12-78 requires Grand Juries to annually, “carefully inspect the sanitary condition of the jails.” Despite this, Fulton grand juries only performed 2 inspections between 2012-2022. In 2023, the Fulton Grand Jury, after fighting to be permitted to conduct its inspection, issued recommendations related to the current crisis in the Fulton County Jail. (See Appendix E).



## **B — CONDUCT REGULAR INSPECTIONS BY A THIRD-PARTY THAT REPORTS TO THE BOARD OF COMMISSIONERS.**

While the Monitor’s team will be at liberty to inspect the jail, there is not currently any recommendation that a third-party be permitted to do so. This recommendation is beyond the scope of the Consent Decree, but is within the purview of the Sheriff and Board of Commissioners.



## **C — ENSURE THAT THE JAIL IS CLEAN, SANITARY AND FREE OF PESTS.**

A report prepared after his death found that every person in the mental health housing unit, meaning about 100 people, had lice, scabies, or both (U.S. Department of Justice, 2024, p. 47). The Consent Decree requires the sheriff to take specific action to address this problem. (Consent Decree at 33, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)).



## **D — CREATE A PERMANENT JAIL MONITORING BODY.**

As recently as January 2025, states like Washington have implemented independent jail oversight mechanisms. While a statewide system is not on the current Georgia horizon, independent oversight can ensure continuity of accountability across shifts in the political landscape.



## **E — KEEP DOORS AND LOCKS IN WORKING ORDER.**

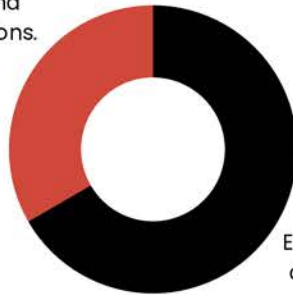
Broken locks have proven to be a driver of violence between incarcerated people (U.S. Department of Justice, 2024, p. 25). This is a long-standing issue in the Fulton County Jail that requires a durable solution.

# INHUMANE CONDITIONS

## RANK PRIORITIES

### TOP PRIORITY

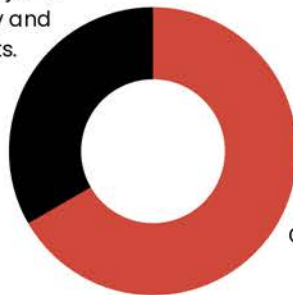
Ensure Grand Jury inspections.  
33.3%



Ensure that the jail is clean, sanitary and free of pests.  
66.7%

### SECOND PRIORITY

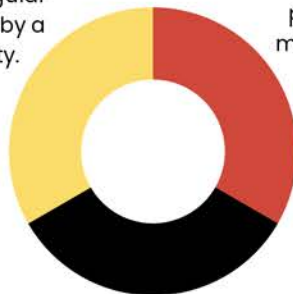
Ensure that the jail is clean, sanitary and free of pests.  
33.3%



Conduct regular third-party inspections.  
66.7%

### THIRD PRIORITY

Conduct regular inspections by a third-party.  
33.3%



Create a permanent jail monitoring body.  
33.3%

Keep doors and locks in working order.  
33.3%

“No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens but its lowest ones.”

- Nelson Mandela



## EDUCATION

# EXCERPTS FROM THE FINDINGS REPORT

“

**There are no educational services of any kind offered to 17-year-olds.** Other than a weekly “young achievers” program on Wednesdays, 17-year-olds cannot access programming, whether educational or not. An officer who works with the 17-year-old population confirmed that these children generally “watch TV or use the phone” while out of their cells. Some 17-year-olds told us that they had been in high school before entering the Jail. We interviewed a 17-year-old with a history of ADHD and self-harm who expressed frustration that although he was in school while detained in a juvenile facility, at the Jail he had no access to education despite being one year away from graduation. We spoke to a parent who expressed concern that her 17-year-old child was not receiving educational services at the Jail despite having an IEP. Attorneys for incarcerated people lamented the lack of educational opportunities for children with disabilities. And when we asked the Jail to produce evidence of IDEA implementation—through records, lists of eligible students, or policies—the Jail could not do so (**U.S. Department of Justice, 2024, p. 85**).

# EDUCATION

The Findings Report revealed that 17 year-olds in Fulton County custody received no education whatsoever, and that teens entitled to constitutional education by Federal law were also denied education. On average, approximately 30 children are housed at Fulton County Jails (U.S. Department of Justice, 2024, p. 85). Our participants evaluated the following recommendations as they relate to children in custody:



## **A — PRIORITIZE CHILDREN FOR RELEASE BY WORKING WITH COURTROOM ACTORS.**

Children are more likely to access critical services such as education, and healthcare while in the custody of parents or guardians. Additionally, the Findings Report revealed excessive use of solitary confinement of children in the Jail. By prioritizing children for release, we can reduce the likelihood that they are harmed or experience other adverse consequences of incarceration. This recommendation is not contained in the Consent Decree.



## **B — PROVIDE ADEQUATE EDUCATION TO ALL CHILDREN IN CUSTODY.**

By providing adequate education to all children in custody, the Sheriff can mitigate the harm caused by lapses in being in an educational environment.



## **C — PROVIDE ADEQUATE SPECIAL EDUCATION SERVICES TO CHILDREN WITH DISABILITIES AT THE JAI.**

The Consent Decree requires the Sheriff to “comply with the requirements of the Individuals with Disabilities Act.” (Consent Decree at 52, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). They are also required to create an intake process and communicate with Fulton County and Atlanta Public Schools to ensure special education services can be provided (*Id.*).



## **D — CREATE A PERMANENT JAIL MONITORING BODY.**

As recently as January 2025, states like Washington have implemented independent jail oversight mechanisms. While a statewide system is not on the current Georgia horizon, independent oversight can ensure continuity of accountability across shifts in the political landscape.

# EDUCATION

## RANK PRIORITIES

### TOP PRIORITY



Prioritize children for release.  
100%

### SECOND PRIORITY



Provide adequate education for all children in custody.  
100%

### THIRD PRIORITY



Provide adequate special education services to children with disabilities in the jail.  
100%



## MEDICAL & MENTAL HEALTHCARE EXCERPTS FROM THE FINDINGS REPORT

“

**Last year, the Jail’s healthcare provider, NaphCare, notified officials with the County and Sheriff’s Office that the substantial safety and security risks at the Jail impede access to care.** In March 2023, the NaphCare CEO stated in a letter to the Sheriff, the Chairman of the Fulton County Board of Commissioners, the Fulton County Manager, and the County’s Chief Operating Officer, that Fulton County Jail was “the most dangerous jail or prison facility where NaphCare is contracted to provide services in any location in the Country.” He described the environment in which healthcare providers work as “not adequately safe and secure,” and cited healthcare staff resignations due to “safety-related concerns.” **(U.S. Department of Justice, 2024, p. 53).**



## MEDICAL & MENTAL HEALTHCARE EXCERPTS FROM THE FINDINGS REPORT

“

**We examined the cases of four incarcerated people who died from poor care at the Jail since January 2022—Mr. Thompson and three others, referred to here as A.A., B.B., and C.C. All four were incarcerated on low-level offenses.** Two were unhoused upon admission to the Jail and had serious mental illness; two were withdrawing from substances and died shortly after admission. **All four people were Black.** Many more people who died at the Jail also experienced deficient care, though we could not determine whether the deficient care led to their death **(U.S. Department of Justice, 2024, p. 55).**

# MEDICAL & MENTAL HEALTHCARE

The Findings Report offers that “Fulton County and the Fulton County Jail fail to provide constitutionally adequate medical and mental health care to people at the Jail. Gross deficiencies in the Jail’s provision of medical and mental health care expose incarcerated people to an increased risk of injury, serious illness, pain and suffering, mental health decline, and death” (U.S. Department of Justice, 2024, p. 51). While even healthy people require healthcare, the need is more dire for people with serious illnesses or mental health disabilities. We asked our participants to rank the following priorities:



## **A – TAKE STEPS TO PROTECT PEOPLE AT RISK OF SUICIDE AND ENSURE THAT PEOPLE RECEIVE ADEQUATE MEDICAL AND MENTAL HEALTHCARE.**

The Consent Decree requires the Sheriff to ensure that incarcerated people with mental health needs receive individualized treatment plans (Consent Decree at 40, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). It further requires specific policies related to people at risk for suicide (*Id.* at 41, 43-44).



## **B – HIRE AND RETAIN MEDICAL STAFF TO PROVIDE COMPETENT CARE TO ALL INCARCERATED PEOPLE.**

The Consent Decree requires that the Sheriff hire adequate medical staff and ensure that incarcerated people can adequately communicate with care providers (Consent Decree at 38-39, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)).



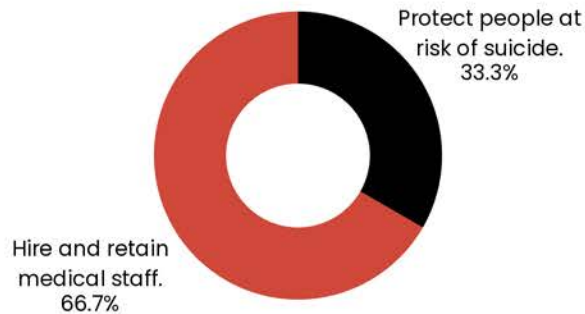
## **C – CREATE MEANINGFUL WELLNESS INFRASTRUCTURE TO COMPLEMENT VIOLENCE INTERVENTION STRATEGIES.**

While there is no explicit mention of violence intervention strategies being part of mental healthcare infrastructure in the Consent Decree, the document does link the lack of mental health care to violence. It also requires people with serious mental illness to have access to therapy, programming, therapy, counseling and skill-building (Consent Decree at 41, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)).

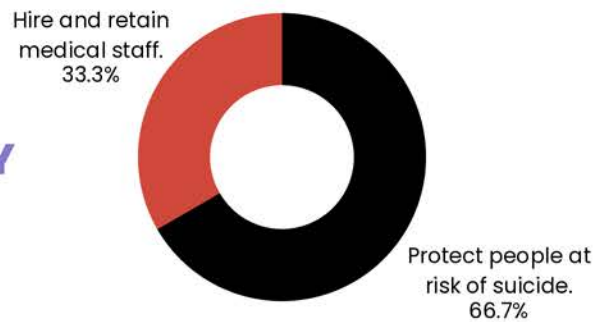
## MEDICAL & MENTAL HEALTHCARE

# RANK PRIORITIES

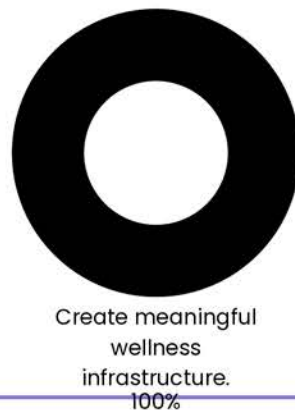
### TOP PRIORITY



### SECOND PRIORITY



### THIRD PRIORITY



“For children, the era of mass incarceration has meant a tremendous amount of family separation, broken homes, poverty, and a far, far greater level of hopelessness as they see so many of their loved ones cycling in and out of prison. Children who have incarcerated parents are far more likely themselves to be incarcerated.”

– Bryan Stevenson



## SOLITARY CONFINEMENT EXCERPTS FROM THE FINDINGS REPORT

“

As a result, people at risk for serious harm from prolonged restrictive housing are routinely confined in restrictive housing conditions. **On one restrictive housing zone in October 2023, 13 of 17 people on the zone had a current or recent diagnosis of a serious mental illness (76.5%).** These diagnoses include bipolar disorder, schizophrenia, depression, and psychotic disorders, all of which are conditions that may be made worse by restrictive housing **(U.S. Department of Justice, 2024, p. 74).**



## SOLITARY CONFINEMENT

# EXCERPTS FROM THE FINDINGS REPORT

“

There were repeated incidents of self-harm in these restrictive housing zones. In August 2023, an incarcerated person with borderline personality disorder and major depressive disorder was found in his restrictive housing cell with a sheet wrapped around his neck. He was put on suicide watch for one day after this attempt, then returned to restrictive housing. **The person described struggling “[b]eing behind the door,” and told mental health, “I can’t go in the hole.”** Records reflect that medical and security staff discussed moving the incarcerated person out of restrictive housing “within 2–14 days.” Instead, he remained in restrictive housing for more than two months. **(U.S. Department of Justice, 2024, p. 75).**

# SOLITARY CONFINEMENT

Referred to as “restrictive custody” in DOJ documents, the Findings Report established that “[t]he Jail routinely holds people with serious mental illness and youth in restrictive housing despite their vulnerability to such harm. The Jail imposes lengthy terms in restrictive housing as a form of punishment, without accommodations for people with mental health disabilities or due process protections. We asked our participants to rank the following potential policy responses:



## **A — BAN SOLITARY CONFINEMENT FOR EVERYONE.**

There are no bans on the use of non-disciplinary solitary confinement in the Consent Decree, but this position comports with SCHR’s principles and international human rights norms. (See Appendix F)



## **B — REQUIRE MENTAL HEALTH RESOURCES THAT DO NOT RELY ON ISOLATION.**

In the Consent Decree there are requirements that it be “contraindicated” for restrictive custody when certain factors are present, such as “mental health deterioration, self-harm or suicidality.” (Consent Decree at 46, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).



## **C — BAN SOLITARY CONFINEMENT FOR CHILDREN.**

Falling short of prohibiting solitary confinement for children, the Consent Decree provides that the Sheriff “will not use restrictive housing for 17-year-olds in response to minor offenses or major offenses,” and provides that youth is a mitigating factor in limited instances where restrictive housing is permitted (Consent Decree at 50, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).



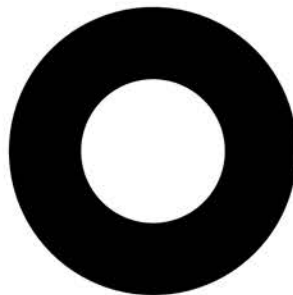
## **D — STOP HOUSING VULNERABLE PEOPLE IN ISOLATION WHO ARE AT RISK OF SELF-HARM.**

The Consent Decree prohibits the placement of people with severe mental illness in solitary confinement unless they pose an immediate and serious danger for which there is no alternative or a mental health provider determines that it is (i) not contraindicated, (ii) the person is not a suicide risk; (iii) the person does not have psychotic symptoms; (iv) if disciplinary in nature, the misconduct was not related to mental illness. (Consent Decree at 47, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025).

# SOLITARY CONFINEMENT

## RANK PRIORITIES

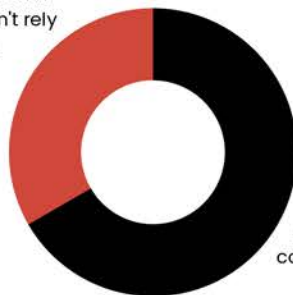
### TOP PRIORITY



Ban solitary confinement for everyone.

100%

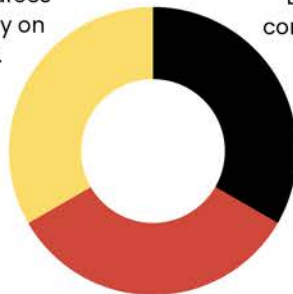
### SECOND PRIORITY



Require mental health resources that don't rely on solitary.  
33.3%

Ban solitary confinement for children.  
66.7%

### THIRD PRIORITY



Require resources that don't rely on isolation.  
33.3%

Ban solitary confinement for children.  
33.3%

Stop housing vulnerable people in isolation.  
33.3%

"...the most forbidding aspect of prison life. There was no end and no beginning; there's only one's own mind, which can begin to play tricks".

- Nelson Mandela, Describing Solitary Confinement

A magnifying glass is positioned over a prison cell, symbolizing scrutiny and accountability. The cell's metal bars are visible through the lens and around it. The text 'PUBLIC INPUT & ACCOUNTABILITY' is written in white, bold, uppercase letters across the center of the magnifying glass's lens. The entire image has a reddish-brown tint.

# PUBLIC INPUT & ACCOUNTABILITY

# PUBLIC INPUT & ACCOUNTABILITY

The Consent Decree requires that certain accountability and transparency measures be observed throughout its term. (Consent Decree at 63, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). It also requires the Monitor to host a public website with information about how family members and advocates can contact them. Security risk is the only factor that restricts access to information. The Consent Decree does not, however, require any particular frequency or mode of public engagement. We asked our participants to rank the following possible accountability measures:



## **A — MONTHLY MEETINGS BETWEEN COMMUNITY AND THE MONITOR.**

The Consent Decree neither prohibits nor requires regular communication with the general public. (Consent Decree at 60, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). Organizations across the country create their own systems to establish communication with Monitors for the benefit of the community.



## **B — MONTHLY REPORTS FROM THE MONITOR TO THE FULTON COUNTY COMMISSION.**

Monitoring reports commence six months after the appointment of the Monitor and every six months thereafter. (Consent Decree at 60, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). Monthly reports are not required but are possible as the monitor is permitted to issue reports when it deems it necessary. (*Id.* at 61).



## **C — ACCESS TO A HOTLINE TO REPORT VIOLATIONS.**

The Monitor may establish a hotline to accept complaints (Consent Decree at 60, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)). The Consent Decree also requires that the Sheriff establish a hotline to report sexual assault, consistent with Federal law. (*Id.* at 32).



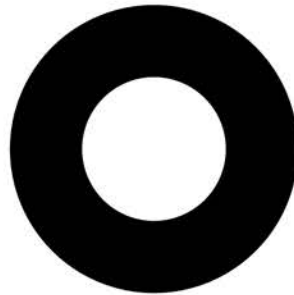
## **D — AN EMAIL ADDRESS FOR COMPLAINTS.**

While the Department of Justice currently has an email address to which complaints may be directed, the Monitor may establish another email address to accept complaints (Consent Decree at 60, *United States v. Fulton County*, No. 1:25-cv-24 (N.D. Ga. Jan. 6, 2025)).

# PUBLIC INPUT & ACCOUNTABILITY

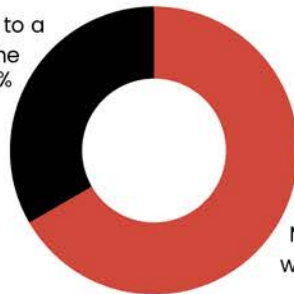
## RANK PRIORITIES

### TOP PRIORITY



Monthly meetings w/Monitor  
100%

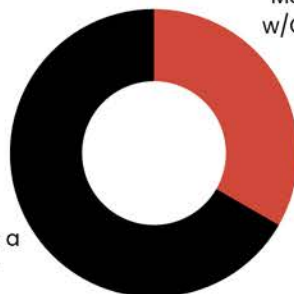
### SECOND PRIORITY



Access to a  
hotline  
33.3%

Monthly reports  
w/Commission &  
Monitor  
66.7%

### THIRD PRIORITY



Access to a  
hotline  
66.7%

Monthly reports  
w/Commission &  
Monitor  
33.3%

# THE PEOPLE'S DAY IN COURT



# THE PEOPLE'S DAY IN COURT

## THE DATA

**On February 6, 2025, we took a dozen community members to preliminary hearings in Fulton County Superior Court to engage in court watch.** While only spending just over four hours in court, they were able to observe a variety of hearings and outcomes that shed light on the types of cases that come through the judicial system, and consequently, impact the jail population.

### Our goals were to:

- Humanize the statistics often published about criminal courts by allowing participants to observe proceedings first-hand;
- Provide context for the hurdles erected by inefficiency, including the failure of police officers to appear in court;
- Illuminate the racial and economic disparities on display in Fulton County; and
- Allow participants to hear legal arguments that direct their attention to substance use issues, untreated mental health disabilities, extreme poverty and other root causes of interaction with criminal legal systems.

HEARING TYPE	DEFINED	LEARNING OBJECTIVE
Preliminary Hearing	Judges hear testimony about probable cause and decide whether to bind cases over.	<ul style="list-style-type: none"><li>• Hearing the various elements of charges;</li><li>• Variation in testimony; &amp;</li><li>• Understanding the burden of proof.</li></ul>
Bond Hearing	Judges hear arguments about factors impacting whether an accused person should be granted bond.	<ul style="list-style-type: none"><li>• Infrequency of ability to pay arguments;</li><li>• Bond amounts; &amp;</li><li>• Length of incarceration pre-hearing.</li></ul>
Default/No Shows	Dismissals caused by officers failing to appear for preliminary hearings.	<ul style="list-style-type: none"><li>• Officer conduct in legal proceedings; &amp;</li><li>• The absence of public information about this issue.</li></ul>

# THE PEOPLE'S DAY IN COURT

## TAKEAWAYS

<p><b>WHO IS IN COURT?</b></p>	<p>There were 21 people on the courts' main calendar for the day. Our courtwatchers were able to observe hearings for 7 of them.</p>	<p>Of those 7 hearings, the defendant for each was a Black male.</p>
<p><b>IMPACT OF TIMING</b></p>	<p>Each of the accused persons brought to court had already been in custody a minimum of 22 days.</p>	<p>Some were in even longer as a result of earlier court dates being reset for reasons such as police officers not showing up to earlier court date to provide testimony (2) or inclement weather (13).</p>
<p><b>CHARGES</b></p>	<p>Courtwatchers were able to observe several preliminary hearings, which allowed them to hear testimony from an officer involved in the case about the underlying factual allegations for which the accused person was being jailed.</p>	<p>Courtwatchers were surprised to hear cases where detained persons were being held on offenses like shoplifting and criminal damage to property under the circumstances. For example, in the shoplifting case, the officer testified that they observed surveillance video of a third-party placing a tequila mixer in a bag held by the defendant while the defendant was not looking and chose not to arrest the third-party.</p>
<p><b>THE PRICE OF FREEDOM</b></p>	<p>Beyond the preliminary hearings, community members participating in The People's Day in Court also observed how bond was set in different cases. There were a few bonds set by the judge after arguments and a couple of others where the Defense and the State "consented" to a bond amount.</p>	<p>In both cases, the courtwatchers felt the bond amounts were curiously high for the offense charged, such as a \$5,000 bond being set on the aforementioned criminal damage charge.</p>
<p><b>THE STATE'S BURDEN</b></p>	<p>Through watching preliminary hearings, courtwatchers also witnessed that the State did not always have the evidence to support the charges for which they were holding accused persons in jail.</p>	<p>In one example, a person charged with felony criminal damage (for throwing a rock at a car) saw that charge dismissed in lieu of a lesser charge of criminal trespass because the State could not prove the value of the alleged damage.</p> <p>In another, a man charged with cruelty to children in the first degree had his charges dismissed entirely. He'd been in jail for more than three weeks.</p>

# THE PEOPLE'S DAY IN COURT

## NEXT STEPS



Through just a half-day of courtwatching, community members who participated in The People's Day in Court not only learned about preliminary hearings and bond determinations but also gained a firsthand understanding of the specific impact of the criminal legal system's operation on the population at the Fulton County Jail. For example:

- Some people remain in jail longer than necessary because a court date was reset due to an officer failing to appear in court.
- People are held for charges that the State could not prove.
- Bonds are set at amounts that would be considered high even for the gainfully employed—let alone for those who have been appointed a Public Defender because they cannot afford to hire a lawyer.

Due to the participants' excitement and newfound understanding of court-processes and their potential impact on jail populations, SCHR is formalizing its efforts to relaunching JusticeWatch, a permanent court watch program.

At its core, JusticeWatch Georgia is court watch program. Like traditional court watch programs, JusticeWatch Georgia offers an opportunity for civic engagement and for everyday people to learn how court works while gaining first-hand experience in understanding the narratives around court.

JusticeWatch, by design, goes a bit further than traditional court watch programs by helping community members understand the connection between policing, criminal courts, and pre-trial incarceration.

In doing so, JusticeWatch seeks to have participants record details of judicial decisions, allowing us to generate, analyze, and publish data demonstrating the impact of actions by various system actors on the criminal legal system as a whole, while also highlighting issues that might otherwise go unnoticed.

JusticeWatch will formally launch on June 1st, 2025, and is open to anyone interested in learning about the court system generally or Fulton's operations specifically. We would love for you to join us on this journey—whether as a one-day participant or a regular JusticeWatcher. If you are interested, please email us at [justicewatch@schr.org](mailto:justicewatch@schr.org).

# THE PEOPLE'S DAY OF REPORTING WITNESS TESTIMONY



## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

**On February 18, 2025, we brought together organizations, law firms, officials, and impacted people to collect testimony about various experiences at the Fulton County Jail.**

We provided space for confidential and in-person testimony before elected officials representing the Georgia General Assembly, Fulton County Board of Commissioners, and Atlanta City Council.

### **Witnesses presented had the following experiences:**

- Incarceration at the Fulton County Jail;
- Parent of a child incarcerated at the Fulton County Jail;
- Medical care providers to people incarcerated at the Fulton County Jail;
- Direct services provider to people incarcerated at the Fulton County Jail;
- Analyst-Expert on the impact of carceral systems on children; and
- Attorneys representing people incarcerated at the Fulton County Jail.

### **DISCLAIMER**

The information contained in this segment is based on witness testimonies voluntarily provided by individuals. While every effort has been made to accurately compile and present this information, the accuracy and completeness of the testimonies cannot be guaranteed. The statements reflect the personal recollections and opinions of the witnesses and may be subject to individual biases and interpretations.

The author(s) of this report disclaim any liability for any inaccuracies, omissions, or misstatements in the witness testimonies. Readers are encouraged to exercise their own judgment regarding the information presented herein. This report is intended for informational purposes only and should not be construed as legal or professional advice.

*"The way to right wrongs is to turn the light of truth upon them."*

**- Ida B. Wells**

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

T. C.

### EXPERIENCE

Incarcerated at ACDC and the Fulton County Jail from January 2024–May 2024

### TESTIMONY TAKEAWAYS

- Health concerns of incarcerated people are frequently ignored.
- Mental health of incarcerated people is not a priority and leaves people at high levels of risk.
- Incarcerated people facing suicidal ideation are put in worse conditions and isolated.

Prior to incarceration, T.C. had a significant medical history that included COPD, sickle cell disease, high blood pressure, multiple mental health diagnoses, and frequent seizures accompanied by acid reflux. Due to the trauma from incarceration, she was later diagnosed with PTSD, bipolar depression, and anxiety.

On January 26, 2024, T.C. attempted suicide because she was depressed from being in Fulton County Jail. She had recently lost her mother and was severely depressed. Several times she tried to tell Officer Paul that she needed to speak with mental health and several times he ignored her. T.C. then hung herself and stayed suspended for 5 minutes before the rope popped. The officers only knew about it because she had burn marks on her neck.

After this, she was taken to a suicide cell, stripped naked and put in a turtle suit. Because she was in the turtle suit, she had to stand for most of the night. She wasn't given any mat or bedding, denied water and food, there was feces all over the floor and walls and there was a drain hole to use the bathroom in the back of the cell. All of this and no one checked on her for the first 23 hours. Officers would walk by but would not stop to see why she was banging on the door for help. T.C. was not allowed out of the cell under any circumstances. After about a week, someone from mental health came to see her and they only asked questions about feeling suicidal. They began giving her mental health therapy after my suicide attempt. After that, she would be visited every two weeks, asked if she was okay, then they would leave.

# WITNESS TESTIMONY

### WITNESS

Anonymous

### EXPERIENCE

Criminal Defense Attorney

## TESTIMONY TAKEAWAYS

- Public Defenders face tremendous challenges in efforts to provide aid to their clients.
- There is widespread medical neglect within the jail.
- Vulnerable people are disregarded within the jail.

In recent times, the troubling conditions within detention facilities have come under scrutiny, revealing a myriad of issues that demand urgent attention. Testimonies highlight several critical takeaways, painting a concerning picture of the environment faced by those incarcerated. Many individuals emerge from these facilities with fewer teeth and significant weight loss, while others appear bloated due to the poor nutritional quality of the food provided. This reflects a broader issue of inadequate dietary provisions that fail to meet basic health standards. Additionally, incidents of violence are commonplace, exacerbating the already harsh conditions.

The lack of timely and adequate medical attention further compounds these issues. Medical needs are often deprioritized in favor of scheduled medication routines, leaving individuals vulnerable and without necessary care. This neglect is particularly concerning given the limited access to clean water, showers, and functional plumbing. To provide water to people incarcerated within the Jail, officers fill a Gatorade jug with water and place it in the common area. People incarcerated at the Jail are often uncertain of when they will have access to more water, and lockdowns exacerbate this scarcity.

Many individuals enter these facilities with pre-existing health conditions that deteriorate due to the harsh conditions. Requests for medical clemency or discharge are frequently denied, often only acknowledged when another death in custody looms. The indignity suffered by those incarcerated at the Jail is pervasive. For example, an elderly and catatonic client—despite being approved for hospice care—faced the risk of being left exposed to the elements rather than receiving the dignity of proper care.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

B.J.

### EXPERIENCE

Incarcerated at South Fulton Annex and ACDC

## TESTIMONY TAKEAWAYS

- There is a lack of attention and care for pregnant women who are incarcerated.
- Conditions of confinement riddled with various forms of infestation and unsafe plumbing.
- Targeted violence towards incarcerated people who were vocal about misconduct.

B.J., a Black woman, was arrested while five months pregnant. The incident was alarming, as fifty police cars arrived at her home, deeply traumatizing her seven-year-old son.

While at Union City, the conditions were appalling. The facility, designed for eight women per room, regularly housed ten. The water quality was poor, with black mold present, and the food was unacceptable—sandwiches contained maggots, grits had bugs, and mold was found on bread. Many incarcerated at the facility lost weight due to the inedible meals, and they faced constant flooding and frequent pipe bursts. The facility ultimately failed an audit, resulting in their transfer to ACDC.

At ACDC, incarcerated people faced a water advisory, which they were not informed about until several days later. Officers taunted them by throwing bottled water in their faces. Healthcare was nearly non-existent. B.J. was denied prenatal care after she spoke up about her rights, and during pill distribution, her cell remained locked. Despite advocacy efforts from others, officers dismissed her postpartum pain as fake.

Oftentimes, officers would open doors to incite fights. At ACDC, personal visitation was not allowed, leaving families unaware of their loved ones' well-being.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

Delvin Davis

### EXPERIENCE

Senior Policy Analyst, Southern Poverty Law Center

## TESTIMONY TAKEAWAYS

- Health concerns of incarcerated people are frequently ignored.
- Healthcare providers frequently offer assistance while being ignored.
- Staffing and security challenges negatively impact the health of incarcerated people.

Delvin Davis is a Senior Policy Analyst with the Southern Poverty Law Center. His research and testimony highlighted the data and targeted influence of youth in trends of incarceration. His research shows the systemic issues contributing to the disproportionate rates of incarceration among young people, particularly focusing on racial disparities and extreme costs of incarcerating young people.

According to SPLC's report, *Only Young Once: Dismantling Georgia's Punitive Youth Incarceration System*, when it comes to Georgia's approach to its youth legal system, the youth incarceration over rehabilitation rather than providing young people with needed services, has led to vast racial disparities, systematic school pushout, well-documented harms meriting federal intervention, and significant fiscal waste. This report explores the policies and practices of Georgia's youth legal system, as well as the political culture that undergirds it.

### **Notable findings of SPLC's report:**

- Georgia has a youth legal system that is designed to incarcerate and punish, not restore or rehabilitate children.
- Georgia has a school-to-prison pipeline that is fueled by a reliance on zero-tolerance policies and alternative schools.
- Georgia's youth legal system is fiscally wasteful and disproportionately impacts Black children.

Read more at <https://www.splcenter.org/resources/reports/georgia-juvenile-justice-system-reform>

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

K.C.

### EXPERIENCE

Incarcerated at South Fulton Annex and Fulton County Jail from September 2022 - February 2023

### TESTIMONY TAKEAWAYS

- Lack of attention and care for pregnant women who are incarcerated.
- Conditions of confinement riddled with various forms of infestation and unsafe plumbing.
- Targeted violence towards incarcerated people who were vocal about misconduct.

A Black, pregnant, woman who experienced severe hardship during her arrest and subsequent incarceration. Upon arrest, she was shackled to a chair during an investigator meeting and was left without medical attention for a days despite experiencing contractions and Covid. Her condition worsened, yet she was only given Tylenol and prenatal medications.

The living conditions were dire, with the women being on lockdown for 23 hours daily, leaving just one hour for showers, calls, and cleaning. Overcrowding forced many to sleep on the floor, and the cells were infested with ants and roaches, with no cleaning supplies provided. She was left with ants covering her body with no relief from medical or officers. While pregnant, she frequently moved within the jail and was made to carry her belongings long distances and did not receive proper nutritional support, including meals suited for pregnancy.

At Rice Street Jail, she faced extremely unsanitary conditions, with feces and mold present. The booking pod was cold, lacked adequate food and water, and she continued to be deprived of essential prenatal medications throughout her stay. The overall environment was hazardous to her well-being and health of her unborn child.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

L.M.

### EXPERIENCE

Trauma Nurse, Grady Hospital

## TESTIMONY TAKEAWAYS

- There are a large amount of people who are incarcerated because poverty is criminalized and they cannot afford bail or bond.
- Trauma nurses receive extraordinary amounts of patients who experience pest infestations and contagions.

L.M. is a trauma nurse at Grady Hospital and spoke about the common types of cases her patients from Fulton County Jail experienced. The horrific and traumatic stories of individuals who are exposed to various forms of violence is unfortunately very vast and similar in many cases.

One of L.M.'s patients was a victim of rape while he was incarcerated pretrial. The young man's mother was not able to pay his bond of \$100 and so he remained in the Fulton County Jail. Had his mother been able to afford to pay his bond, he would have been released and likely would not have experienced the trauma of rape. L.M. stressed how many of her patients have been sitting in jail for extended amounts of time because they can either not afford to pay their bail/bond or because they have been in pretrial with no status of case updates.

L.M. also had several patients from the jail whose genitals were infested with lice, bed bugs, fleas, and ants. This is a common occurrence found in patients that arrive at Grady Hospital from the Fulton County Jail.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

M.B.

### EXPERIENCE

Incarcerated at the Fulton County Jail

## TESTIMONY TAKEAWAYS

- Officer violence was not uncommon.
- Pests, rodents and mold threatened the health of incarcerated people.
- Basic needs were ignored and neglected.

B.C. is a Black man who was incarcerated at the Fulton County Jail due to his activism and community organizing efforts. During his time there, he witnessed officers inflicting violence on individuals, rampant mold, infestations of insects and rodents, and overcrowded conditions. B.C. characterized the environment as dehumanizing, where basic needs were frequently neglected, resulting in a daily struggle for dignity.

His experience brought to light the targeted systemic problems and the urgent need for accountability in correctional facilities. B.C.'s testimony serves as a powerful reminder of the human cost of incarceration and the necessity of advocating for change to ensure humane treatment for everyone.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

Mark Spencer, MD

### EXPERIENCE

Medical Doctor and Advocate

## TESTIMONY TAKEAWAYS

- Health concerns of incarcerated people are frequently ignored.
- Healthcare providers frequently offer assistance while being ignored.
- Staffing and security challenges negatively impact the health of incarcerated people.

Under the guise of public safety, the Fulton county criminal legal system inflicts harm disproportionately on many of our most vulnerable and marginalized patients. These community members are more likely to suffer from poverty, housing insecurity, untreated mental health concerns, or untreated substance use disorders. For those in Fulton's jails, chronic neglect and abusive conditions cause preventable suffering and premature death. As stated in the DOJ report, "Security and staffing problems affect all aspects of healthcare in the Jail, including medication administration, sick calls, and specialty care."

As healthcare providers, we seek prevention-centered interventions that do not rely on coercion, violence, and punishment to enable both safety and health for all. The People's Process was an opportunity for us to share our concerns surrounding health from the DOJ Investigation with community members. More importantly, it was an opportunity for us to hear from the community how Fulton's criminal legal system has impacted them and what they envision for a more just future.

## THE PEOPLE'S DAY OF REPORTING

# WITNESS TESTIMONY

### WITNESS

P.P.

### EXPERIENCE

Child was Incarcerated at Fulton County Jail

## TESTIMONY TAKEAWAYS

- Parents whose children are incarcerated face the horrors of the harm their children face.
- Officers often times incite violence and exacerbate conditions for incarcerated people.

P.P.'s son is incarcerated at Fulton County Jail. While incarcerated, he has been the victim of mass stabbings, enabled and encouraged by officers opening cell doors, and strategically moving people after spreading rumors.

"If this was just about my son I would have paid the attorneys \$50,000-75,000 to get him a 'fair' trial but as I listened to him describe what's going on in there, heard about the people starving, people being tortured, people being extorted, people with no families, people suffering from mental illnesses, as well as people pretending to be mentally incompetent, and people preying on the system; I know it's about more than my son.

As precious, as wonderful, as amazing as my son is, the people in custody mean something to somebody, even if it's only God. And I share my family's story because I was taught to stand for the truth and let God do the rest.

I hope each of you today, live up to the oath you have taken to represent the values of fairness and justice. We haven't seen a lot of that in my son's case but he got a new judge on January 30th. And I am standing before you today. All things are indeed possible with God."



# LEGISLATIVE UPDATE

# DEADLY & INEFFECTIVE JAIL LEASES

Over the years, many proposals have unwisely centered the acquisition of the Atlanta City Detention Center as the solution to the devastation in Fulton County jails. Although sales in the past have failed, intergovernmental agreements to lease ACDC space to Fulton County have demonstrated that without sweeping cultural changes in Fulton County which include a significant decrease in the number of people incarcerated in its jails, serious injuries and deaths will not halt.

## Senate Bill 7

Although Senate Bill 7—legislation that would have authorized the Sheriff to seize the Atlanta City Detention Center at will and without guardrails—did not crossover from the Senate to the House, we remain vigilant about the language making its way into other legislation. Legislators must be aware that Senate Bill 7 would make the satisfaction of the terms of the Consent Decree nearly impossible because it does not address staffing or the provision of care.

## The People’s Process Participants See the Big Picture

Throughout the project, our participants developed a deeper understanding of the breadth of the humanitarian crisis that persists in Fulton County. After learning about the DOJ findings, they prioritized key changes, most of which are unrelated to the condition of the building. These issues include inadequate staffing, unsanitary living conditions, and insufficient medical care, all of which contribute to a dangerous environment for both people incarcerated and staff.

## Staffing: The Crux of the Crisis

The DOJ has highlighted staffing shortages as a central issue. The Fulton County Sheriff’s Office, responsible for staffing and supervising the jail, has repeatedly struggled to maintain a safe and secure environment. The lack of sufficient staff not only hinders effective supervision but also allows the facility to fall into disrepair, fostering an environment ripe for violence and contraband.

**Without adequate personnel, transferring incarcerated people to other agencies or maintaining the Atlanta Detention Center would be infeasible.**

# PARTNER SPOTLIGHT



## PARTNER SPOTLIGHT

# COLOR OF CHANGE



**Color Of Change** is the nation's largest online racial justice organization. We help people respond effectively to injustice in the world around us. As a national online force driven by 7 million members, we move decision-makers in corporations and government to create a more human and less hostile world for Black people in America. Our campaigns and initiatives win changes that matter. By designing strategies powerful enough to fight racism and injustice—in politics and culture, in the work place and the economy, in criminal justice and community life, and wherever they exist—we are changing both the written and unwritten rules of society. We mobilize our members to end practices and systems that unfairly hold Black people back, and champion solutions that move us all forward. Until justice is real.

“

“When it comes to the jail crisis or too long, the people of Fulton County have been ignored by the people they represent - politicians, the sheriff, the prosecutors. The People's Process helped bridge the gap between the people, and power. We heard emotional stories of people whose loved ones were incarcerated, who themselves were incarcerated. We heard about the horrendous conditions in the jail, but we also heard that a new jail will not fix a culture of violence and corruption within the jail system. I hope that our county's leaders will listen and take heed.”



Source The Atlanta Journal-Constitution/Jim Gaines

## PARTNER SPOTLIGHT

# STOP CRIMINALIZATION OF OUR PATIENTS (SCOOP)



Stop Criminalization of Our Patients (SCOOP) is a collective of healthcare students and workers who educate, advocate, and organize for life-affirming, community based interventions and an end to harmful, ineffective carceral systems.

“

“Under the guise of public safety, the Fulton county criminal legal system inflicts harm disproportionately on many of our most vulnerable and marginalized patients. These community members are more likely to suffer from poverty, housing insecurity, untreated mental health concerns, or untreated substance use disorders. For those in Fulton's jails, chronic neglect and abusive conditions cause preventable suffering and premature death. As stated in the DOJ report, "Security and staffing problems affect all aspects of healthcare in the Jail, including medication administration, sick calls, and specialty care." As healthcare providers, we seek prevention-centered interventions that do not rely on coercion, violence, and punishment to enable both safety and health for all. The People's Process was an opportunity for us to share our concerns surrounding health from the DOJ Investigation with community members. More importantly, it was an opportunity for us to hear from the community how Fulton's criminal legal system has impacted them and what they envision for a more just future.”



## PARTNER SPOTLIGHT

# LEGAL ACTION CENTER



The **Legal Action Center (LAC)** uses legal and policy strategies to fight discrimination, build health equity, and restore opportunity for people with arrest and conviction records, substance use disorders, and HIV or AIDS.



“Legal Action Center participated in the People’s Assembly because we believe that it is the power of people’s lived experiences that when voiced ignites and fuels systemic change.”



# APPENDIX A

# UNDERSTANDING THE DOJ INVESTIGATION

## FINDINGS REPORT

The Department of Justice’s 16-month investigation resulted in an extensive findings report, which serves as the framework for the recommendations we collected from community members throughout The People’s Process. The recommendations tracked each discrete issue area evaluated by the DOJ:

- Protection from Harm
- Excessive Force
- Environmental Hazards & Health Hazards
- Medical & Mental Healthcare
- Restrictive Housing
- Education of Disabled Children

## CONSENT DECREE

On January 6, 2025, a consent decree was entered in the Northern District of Georgia between Fulton County and the DOJ. The document addresses the human rights violations identified in the findings report and outlines a roadmap for Fulton County to address them.

The People’s Process assemblies educated community members about the Findings Report and Consent Decree and gauged attitudes about recommendations to alleviate suffering at the Fulton County jails. Some of these recommendations went beyond those contained in the consent decree.

**“I had knives put to my throat, and I had to call my mom telling them, please wire somebody some money or I’m going to be killed. Nobody should be subject to that at a jail where you’re supposed [to] be waiting to get your day in court.”**

- Fulton County Jail detainee at September 2023 meeting of Board of Commissioners

# UNDERSTANDING THE FULTON COUNTY DOJ FINDINGS REPORT

## PROTECTION FROM HARM

Correctional officials have a duty to protect incarcerated persons from violence at the hands of others. They violate the 8th and 14th Amendments of those in their custody when they are deliberately indifferent to an excessive risk of violence. **Confinement in a jail where violence is the norm is an actionable violation. Pretrial detention in Fulton County meets that criteria.**

## EXCESSIVE FORCE

A correctional officer's use of unreasonable force against incarcerated person being held pretrial violates the 14th Amendment. **Fulton County Jail officers have a pattern or practice of using excessive force against incarcerated people, frequently resorting to unnecessary force—especially the taser—when people are not resisting or posing a threat.**

## ENVIRONMENTAL & HEALTH HAZARDS

The 8th and 14th Amendments require jail officials to maintain facility conditions in a manner that promotes the safety and health of incarcerated people and prohibit housing people in unsanitary conditions. Incarcerated people have a right to basic elements of hygiene and a right to a reasonable level of food. **The DOJ determined that Fulton County Jail is hazardous and unsanitary, and that food is insufficient and nutritionally inadequate.**



100%

**OF OUR PARTICIPANTS PRIORITIZED  
RECOMMENDATIONS OTHER THAN NEW SPACE.**

## MEDICAL & MENTAL HEALTH

Incarcerated people have a constitutional right to medical treatment for illness and injuries. This right is inclusive of psychiatric treatment and mental health care. **The DOJ found Fulton County and the Fulton County Jail fail to provide constitutionally adequate medical and mental health care and exposes incarcerated people to an increased risk of injury, illness, mental health decline, and death.**

## RESTRICTIVE HOUSING

Restrictive housing (solitary confinement) violates the 8th and 14th Amendments when its use creates a substantial risk of serious harm to incarcerated people and when jail officials overseeing its use act with deliberate indifference to the risks. The isolation resulting from restrictive housing can pose a substantial risk of psychological, emotional, and physical harm. **Fulton County Jail routinely holds youth and people with serious mental illness in restrictive housing despite their vulnerability to such harm.**

## EDUCATION OF DISABLED CHILDREN

The Individual's with Disabilities Education Act imposes certain requirements regarding the education of children with disabilities. Children suspected of having a disability must be properly evaluated for eligibility for special education and related services. Once children are found eligible, they must receive a "free appropriate public education," according to their needs. **The Fulton County Jail does not identify or evaluate potentially eligible 17-year-olds. And despite the average length of stay for people entering the Jail at 17 being 392 days, there are no educational services of any kind to 17-year-olds.**

## MINIMAL REMEDIAL MEASURES

# PROTECTION FROM HARM

- Establish policies that ensure safety and security of all people in the Jail and ensure all staff adhere to them, including by training staff, supervising staff, and holding them accountable for violating jail policies.
- Establish generally accepted classification systems and housing plans for incarcerated people that incentivize prosocial behaviors, disincentivize misconduct, and offer adequate protections to vulnerable populations.
- Provide multiple ways for people to report sexual abuse in the Jail confidentially and freely, and make information about how to seek protection and report violence free of retaliation readily available.
- Conduct regular, timely, and adequate security checks by having staff enter every zone, ensure every person's safety, and detect safety and security threats. Ensure security checks are accurately recorded.
- Conduct a staffing analysis to assess the Jail's staffing needs and ensure maximum efficiencies for the safety and security of the Jail.
- Provide adequate staffing to ensure safety of the incarcerated population and access to medical and mental health care on all shifts.
- Assess recruitment and retention strategies to reduce vacancies at the Jail.
- Conduct thorough background checks on all Jail staff.
- Engage in proper contraband reduction strategies that include spot checks, contraband and safety inspections, and organized and thorough housing area searches.
- Increase and improve the screening of all people entering the Jail, including staff, to deter and detect contraband at entrances to the Jail.
- Prioritize and improve timing of repairs to identified vulnerabilities in the Jail's physical plant that pose major safety and security risks.
- Provide clear, accurate directions about how to submit grievances and ensure the grievance system is readily accessible, both via kiosk and paper forms, to incarcerated people.
- Ensure staff responsible for responding to grievances do so in a responsive and prompt manner.
- Accurately document and thoroughly investigate incidents of misconduct and violence, including possession of contraband, assaults, stabbings, homicides, and sexual abuse.

## MINIMAL REMEDIAL MEASURES

# EXCESSIVE FORCE

- Ensure Jail policies provide sufficient guidance on the use of force and what constitutes excessive force, in compliance with constitutional standards and generally accepted practices. Require compliance with all policies.
- Modify use-of-force policies.
- Ensure that all Jail staff are properly and regularly trained on policies and procedures on use of force, with particular emphasis on constitutionally permissible and impermissible uses of force, appropriate use of chemical agents and Tasers, de-escalation techniques, and use of force on incarcerated people with mental health disabilities or in crisis. Training must include scenario-based training where staff can practice applying force techniques in scenarios encountered in the Jail.
- Require that staff adequately and promptly report all uses of force. Require staff to report independently and not in consultation with anyone else.
- Require that all incident reports describe each use of force during an incident, including what precipitated the use-of-force, the level of resistance encountered, and any attempts at de-escalation.
- Develop a manual on use-of-force investigations that includes the following requirements: All findings made in a use-of-force investigation are based on application of a preponderance-of-the-evidence standard. Investigators obtain and review all supporting evidence, including logs, witness and participant statements, physical evidence, body charts, photographs, and video or audio recordings. Investigators conduct timely, thorough, and documented interviews of all relevant staff and incarcerated people who were involved in and witnessed the incident in question, to the extent practicable. All use-of-force investigations occur promptly after the incident and include a thorough documentation of the basis for the investigator's finding, including discussion of all evidence available and unavailable.
- Train all supervisors to investigate and review use-of-force events consistent with the use-of-force investigation policies and procedures.

## MINIMAL REMEDIAL MEASURES

# EXCESSIVE FORCE

- Develop and implement a system to track all uses of force by Jail staff and any complaints or grievances related to the use of excessive force designed to alert the Jail administration to any potential need for retraining, problematic policies, or supervision lapses.
- Require a use-of-force review committee, consisting of middle and upper-level management staff, to ensure objective oversight over and review of use-of-force events. Conduct systemic reviews of use of force to identify patterns or trends as well as to determine if there were violations of policy or opportunities to improve training or practices at the organizational and individual level. Incorporate such information into quality management practices and take necessary corrective actions.
- Use appropriate discipline and retrain where there is evidence of staff misconduct related to excessive force used against incarcerated people.

## MINIMAL REMEDIAL MEASURES

# ENVIRONMENTAL & HEALTH HAZARDS

- Implement and ensure adherence to Jail sanitation policies.
- Ensure a comprehensive housekeeping plan is written and implemented that includes procedures about cleaning, the chemicals and cleaning supplies to use, and measures to ensure accountability for sanitation tasks, such as use of a checklist.
- Ensure the housekeeping plan requires regular, scheduled cleaning and sanitation for all areas of the facilities
- Ensure prompt repair or replacement of broken or damaged equipment in the medical areas and kitchens, including warming carts
- Ensure documented weekly sanitation inspections are conducted by designated staff and that deficiencies are promptly addressed through corrective action and follow-up.
- Ensure prompt servicing and preventative maintenance of all kitchen and laundry equipment.
- Develop and implement a comprehensive plan to promptly inspect, clean, repair and/or replace, and maintain certain parts of the physical plant.
- Regularly inspect all doors in housing units, including cell doors, to ensure locking mechanisms are properly functioning. Promptly repair malfunctioning locking mechanisms.
- Regularly inspect all windows in the housing units to ensure there are no holes or other needed repairs. Make any needed repairs.
- Regularly inspect all light fixtures to ensure, among other things, that lighting is available in cells, dayrooms, all housing units, and personal hygiene areas, and is at least 20-foot candles.
- Provide adequate fire suppression and alert systems throughout the Jail and test them at regular intervals to ensure they are kept in working condition.
- Develop and implement a comprehensive Integrated Pest Management system for all parts of the Jail that uses prevention measures to keep pests from entering the Jail and control measures to reduce/eliminate pests.
- Ensure that the pest control system is adequately responsive to reports of pest activity by incarcerated people, including adequate contact tracing and evaluations, and that measures to control ectoparasite infestations are promptly initiated.

## MINIMAL REMEDIAL MEASURES

# ENVIRONMENTAL & HEALTH HAZARDS

- Provide every incarcerated person a physical skin check by qualified medical staff within a reasonable time after entering the Jail to reduce the introduction of ectoparasites.
- Take reasonable measures to reduce the introduction and spread of lice throughout the Jail.
- Ensure that haircutting equipment is adequately cleaned and disinfected between uses to prevent the spread of skin infections or parasites.
- Ensure that chemicals are stored, labelled, distributed, and used following OSHA Standards, including keeping chemical containers, including spray bottles, secured and inaccessible to anyone other than authorized staff.
- Clean and organize all janitorial closets and storage areas.
- Train all staff and incarcerated people who utilize chemicals in the proper use and storage of chemicals.
- Ensure all food items are stored and held at the appropriate temperatures for food safety.
- Ensure that meal trays are delivered to incarcerated people at appropriate temperatures for food safety.
- Ensure menus for incarcerated people meet requisite nutritional and caloric requirements, including the specific requirements for special and medically necessary diets, such as diabetic diets.
- Ensure that the food provided to incarcerated people is nutritionally adequate for all, including those on special diets, and that the food distributed to incarcerated people matches the food listed on the menus.

## MINIMAL REMEDIAL MEASURES

# MEDICAL & MENTAL HEALTH CARE

- Modify and implement Jail policies, procedures, and practices relating to intake screening, chronic care, continuity of care, sick call, access to medical care by those in restrictive housing, mental health services and supports, suicide prevention, medical grievances, medication administration, and quality assurance, to ensure that incarcerated people receive adequate medical care in the Jail.
- Ensure that the Jail's and medical provider's quality assurance programs identify and correct deficiencies with the medical and mental healthcare system.
- Increase medical and mental health staffing in MOU and FOU, and in other specialized medical and mental health housing units, by hiring sufficient additional staff with appropriate credentials.
- Develop a program to provide timely and clinically appropriate mental health services and supports, including therapy, skill-building, and rehabilitation, to all incarcerated people who need them.
- Ensure the Jail's data management system accurately and timely communicates information to the electronic medical records system, including changes in custody status, location, and medical conditions.
- Re-structure the medical and mental health intake screening area to provide confidentiality and privacy to incarcerated people when discussing their medical and mental health conditions and needs with a healthcare provider.
- Ensure that all custody, medical, and mental health staff receive adequate preservice and annual in-service training on first-responder medical care, mental health care, de-escalation and suicide prevention.
- Conduct joint man-down drills with medical and custodial staff and address problems identified.
- Repair and rehabilitate housing units—including suicide-resistant and non-suicide-resistant cells in the MOU and FOU—to reduce physical risks for suicide and self-harm, to include but not be limited to removal of objects and fixtures that could be used for harm as well as fixtures that could be used as ligature tie-off points. Ensure that fully suicide-resistant cells are available for use when needed.

## MINIMAL REMEDIAL MEASURES

# MEDICAL & MENTAL HEALTH CARE

- Implement changes to all MOU and FOU cells to make them safe locations for incarcerated people with medical conditions, disabilities, or other serious medical injuries to reside, including purchasing and maintaining hospital beds for the cells; fixing the existing, or implementing a new, call bell system that rings to a staffed area across all shifts, with regular documentation by supervisors that the call bell system is working; and adding suicide-resistant grab bars to cells and bathrooms.
- Improve medication administration practices and ensure that incarcerated people have adequate access to appropriate medications without gaps in medication administration, including by checking the identification of the incarcerated person receiving the medication for all medication administration, conducting mouth checks, ensuring that multiple missed medications are addressed with clinical review and encounters, training healthcare staff about the importance of consistency in medication administration, and conducting quality assurance on these areas of care.
- Create a meaningful program and plan for accommodation of physical disabilities consistent with correctional standards of care, including establishing and monitoring a minimum time to accommodate disability, mobility, and physical impairment needs. 13. Ensure that life-saving medical aid can be promptly delivered during medical emergencies.
- Regularly review medical emergency responses to identify opportunities for improvement, and implement any needed changes.
- Ensure compliance with hospital discharge plans and specialty recommendations, including the provision of rehabilitative therapy services.
- Ensure patients receive quality medical care, including timely orders for appropriate laboratory tests, specialty consultations, and follow-up.

## MINIMAL REMEDIAL MEASURES

# MEDICAL & MENTAL HEALTH CARE

- Revise Jail policies, procedures, and practices involving withdrawal monitoring and treatment to ensure that any incarcerated person who reports at intake or otherwise the use of medications or substances that may trigger withdrawal receive immediate initiation of withdrawal monitoring and obtain treatment consistent with USDOJ guidelines, including, where appropriate, medication for opioid use disorder.
- Provide language interpretation services to LEP individuals during encounters with medical and mental health staff.
- Revise Jail morbidity and mortality (M&M) processes to ensure comprehensive and well-documented evaluation of quality of care related to all deaths and serious suicide-attempts.
- Ensure that suicidal people receive adequate screening, evaluation, monitoring, and mental health treatment and follow-up care, including out-of-cell counseling, as determined by a qualified mental health professional.
- Ensure that people in mental health housing are held in the least restrictive conditions possible, and that they receive adequate out-of-cell time including a mix of structured and unstructured programming.
- Provide discharge/re-entry planning, including services for incarcerated people in need of further treatment at the time of discharge to the community.

## MINIMAL REMEDIAL MEASURES

# RESTRICTIVE HOUSING

- Train all sergeants, lieutenants, captains, and disciplinary officers in constitutional and generally accepted jail practices on discipline for incarcerated people. This includes the disciplinary process, appropriate sanctions, and disciplinary segregation.
- Rewrite and implement policies regarding Jail rules and discipline, and accurately translate them into the Jail handbook. Ensure all incarcerated people have ready access to the handbook.
- Establish a constitutionally compliant discipline system for when incarcerated people violate Jail rules that conforms to generally accepted jail practices. The system must provide a meaningful opportunity for a hearing before discipline is imposed.
- Before disciplinary segregation is imposed, ensure that qualified mental health professionals assess incarcerated people with mental health disabilities to determine whether the behavior was a manifestation of or the result of disability.
- Do not place a person in restrictive housing if it is inappropriate due to mental health or medical contraindications.
- Provide adequate opportunities for time out of cell to people in restrictive housing.
- Ensure that incarcerated people with mental health needs are not placed in restrictive housing for prolonged periods and review incarcerated people in restrictive housing periodically to ensure that restrictive housing remains appropriate.
- Establish disciplinary sanctions that are proportional to the misconduct, progressive in severity, and purposeful in encouraging compliance with Jail rules.
- Track disciplinary processes to ensure they are consistent with policy. Report and review data regarding lengths of stay in restrictive housing, particularly with respect to incarcerated people with mental health needs, and take appropriate corrective action.

## MINIMAL REMEDIAL MEASURES

# RESTRICTIVE HOUSING

- Monitor the use of restrictive housing for harmful outcomes, especially for those with mental health needs and for 17-year-olds. Ensure that if an incarcerated person shows credible signs of decompensation in restrictive housing, his/her mental health needs are assessed by a mental health professional and promptly addressed.
- Provide opportunities for disciplinary sanctions to be modified based on good behavior and where there is indication of physical or mental decline in the incarcerated person.
- Cease using confinement in adult restrictive housing as a sanction for 17-year-olds in the Jail.

## MINIMAL REMEDIAL MEASURES

# EDUCATION FOR DISABLED CHILDREN

- Develop and implement a program that complies with the requirements of the IDEA and its accompanying regulations.
- Create and implement an effective system to screen all entering 17-year-olds to identify children who need initial evaluations and ensure timely evaluations in all areas of need, including functional behavioral assessments.
- Create and implement an effective system to identify all entering children who have previously been found eligible for special education, including those who currently have or previously had IEPs.
- Develop and implement adequate IEPs based on children's individualized needs that conform to federal statutory and regulatory requirements.
- Provide adequate functional behavioral assessments and behavior intervention plans for every child with a disability (or suspected of having a disability) who exhibits behavior that interferes with learning.
- Provide specially designed instruction and related services to children with disabilities based on their individualized needs.
- Track all classroom removals based on behavior, including children sent to any alternate setting, to determine when a manifestation determination review must be held. Conduct a manifestation determination review whenever a child's behavior results in classroom removals totaling 11 days or more in the same academic year.

# APPENDIX B



# Fulton County Jail Reform



Find the full decree at [justice.gov/crt](https://www.justice.gov/crt) or by scanning above

## Background

On January 3, 2025, the United States Department of Justice's Civil Rights Division and the United States Attorney's Office for the Northern District of Georgia agreed to a proposed consent decree with Fulton County and the Fulton County Sheriff. A federal judge approved the consent decree and entered it as a court order. The decree addresses the DOJ's finding that conditions inside the Fulton County Jail violate the constitutional and federal statutory rights of incarcerated people.

## What is a Consent Decree?

A consent decree is a legally binding and detailed agreement that outlines what the County and the Sheriff's Office must do to fix the problems within the Jail and protect the rights of the people incarcerated there. This agreement will be overseen by a federal court judge and independent monitor.

## Key Reforms in the Consent Decree

### Protection from Harm

- Develop plans and policies to keep people safe from violence.
- Improve supervision and staffing.

### Excessive Force

- Require staff to use force in line with constitutional standards.

### Inhumane and unsafe conditions

- Keep doors and locks in working order.
- Ensure that the Jail is clean, sanitary, and free of pests.

### Special Education

- Facilitate adequate special education services to children with disabilities in the Jail.

### Medical and Mental Health Care

- Take steps to protect people at risk of suicide and ensure that people receive adequate medical and mental health care.

### Restrictive Housing Conditions

- Stop housing vulnerable people in isolation who are at substantial risk of self-harm and other negative outcomes.

To join our email list for updates, contact [FultonCountyJail@usdoj.gov](mailto:FultonCountyJail@usdoj.gov) or 888-473-4092



# Fulton County Jail Reform



Find the full decree at [justice.gov/crt](https://www.justice.gov/crt) or by scanning above

## Understanding the Fulton County Jail Consent Decree

On January 3, 2025, the United States Department of Justice's Civil Rights Division and the United States Attorney's Office for the Northern District of Georgia agreed to a proposed consent decree with Fulton County and the Fulton County Sheriff. A federal judge has approved the consent decree and entered it as a court order. The decree addresses the DOJ's finding that conditions inside the Fulton County Jail violate the constitutional and federal statutory rights of incarcerated people.

### Q. What is a consent decree?

This consent decree is a legally binding agreement that was negotiated between the DOJ, the Sheriff, and the County to fix problems at the Jail and protect the rights of the people incarcerated there. This decree will be overseen by a federal judge and an independent monitor.

### Q. How will the consent decree make change at the Jail?

The consent decree is a set of court-enforceable rules that will govern the Jail. The County and Sheriff are required to develop and implement policies to comply with the consent decree's terms. The Sheriff must train staff at the Jail on the consent decree and its requirements. The County must make available the resources needed to enable the Sheriff to perform his duties under the consent decree. The Monitor and DOJ will inspect the Jail facilities and records for proof of compliance.

### Q. What are the key terms of this consent decree?

The consent decree includes provisions to address each of the DOJ's findings of constitutional and statutory violations. The consent decree has provisions to protect people incarcerated at the Jail from violence, prevent excessive force by deputies and detention officers, provide humane living conditions and adequate nutrition, provide constitutionally adequate medical and mental health care, reform restrictive housing (also known as solitary confinement) practices, and comply with federal law that requires the provision of special education services for eligible detainees, including eligible 17-year-olds.

### Q. How long will it take for changes to happen?

Some changes will happen quickly, while others will take longer to achieve. The consent decree requires the County and Sheriff to develop a schedule for the first year of the consent decree's implementation, with concrete deadlines for drafting or revising policies and procedures, completing a staffing analysis, and developing and implementing trainings.

### Q. Who will the monitor be and what will their role be?

The parties will jointly select a monitor and ask the court to approve the selection. The monitor will be appointed for a renewable two-year term. Their role will be to assess compliance with the decree and to provide technical assistance to the County and Sheriff's Office. To do this, the monitor will conduct site visits to the Jail every six months and submit reports based on those visits. The monitor can communicate with incarcerated people, family members, and relevant community members to assist with assessing Jail conditions. The monitor's reports will be made public to provide transparency.

**Q. What happens if the consent decree isn't followed and serious problems persist?**

If DOJ determines that the County and Sheriff have not made material progress toward a significant obligation of the consent decree, DOJ may begin enforcement proceedings in federal court. We will work with the County and the Sheriff to avoid enforcement actions by notifying them of issues and working collaboratively to fix implementation problems.

**Q. Do the consent decree provisions reflect the input of those with lived experiences?**

Since we opened this investigation in July 2023, we have heard directly from impacted persons, their families, and their advocates about their experiences with the Jail. Their thoughtful ideas for reform are reflected in the consent decree remedies. Under the consent decree, the Sheriff will make all new policies and procedures adopted under the consent decree available to the public and the incarcerated population, so long as there is not a legitimate security risk from doing so.

**Q. How long will the decree last?**

There is no prescribed timeline. The decree will remain in effect until the County reaches, demonstrates, and sustains for a minimum of two reporting periods (one full year) substantial compliance with every provision of the decree. The County and Sheriff will develop an ongoing quality assurance program to ensure that the changes brought about by the consent decree are lasting.

**Q. How much will these reforms cost and who will pay for it?**

The cost of reform is difficult to forecast. As part of the consent decree, the County has agreed to make available the resources necessary to enable the Sheriff to perform his duties under the consent decree. We understand and appreciate the fiscal impact this decree may have on the County, and there are provisions intended to keep costs down. For example, the monitor will submit a proposed monitoring budget annually to the parties for comment, and to the court for approval.

**Q. Does the consent decree require a new Jail?**

The decree does not require the County to build a new Jail. If the County decides to build a new jail to replace or supplement the current jail facilities, the provisions of the consent decree would apply to the new jail.

**Q. How is this consent decree different from past attempts at reform?**

This is DOJ's first consent decree with the Fulton County Jail. We hope to turn the page to begin a new era at the Jail. The County and Sheriff demonstrated commitment to putting these remedies in place. We hope that this will translate into action in implementing those remedies.

**Q. What role will DOJ have going forward?**

DOJ remains involved in the implementation of consent decrees to make sure the reforms required are carried out. We frequently work collaboratively with jurisdictions to ensure they are effectively implementing consent decrees and to overcome barriers. This includes on-site inspections inside facilities. We expect to continue to review conditions inside the Jail to see firsthand the improvements we expect the Jail to make.

**Q. How can people stay involved and in-the-know about the consent decree?**

The consent decree requires that the monitor host a public website with DOJ's findings report, all monitoring reports, and all material, public court filings. The monitor's website will include information about how family members and advocates can contact the monitor to raise concerns about implementation of the consent decree. Additionally, the consent decree requires that the Sheriff provide ways for incarcerated people to report information related to the consent decree directly to the monitor, free of cost.

**Q. How can people report issues at the Jail to DOJ?**

Please contact us by phone at 1-888-473-4092 (toll-free) or by email at [FultonCountyJail@usdoj.gov](mailto:FultonCountyJail@usdoj.gov).

# APPENDIX C

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF  
ATLANTA, GEORGIA, THE FULTON COUNTY SHERIFF, AND FULTON  
COUNTY, GEORGIA, FOR THE TEMPORARY HOUSING OF DETAINEES AT  
THE ATLANTA CITY DETENTION CENTER**

**THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”)** is made and entered by and between the **City of Atlanta, Georgia (“City”)**, a municipal corporation of the State of Georgia, the **Fulton County Sheriff (“Sheriff”)**, a constitutional officer pursuant to the Georgia Constitution, and **Fulton County, Georgia (“County”)**, a political subdivision of the State of Georgia, each of which together shall be known as the “Parties,” or each as an individual “Party”.

**WHEREAS**, the City and County are governmental agencies located within the State of Georgia authorized by law to enter into intergovernmental agreements pursuant to Article 9, Section 3, Paragraph 1 of the Georgia Constitution; and

**WHEREAS**, the City, Sheriff, and County share a common interest to form a law enforcement partnership to successfully address issues involving the care and custody of detainees; and

**WHEREAS**, the City owns the Atlanta City Detention Center (“ACDC”), a 17-story tall, 471,000 square foot adult detention center at 254 Peachtree St SW, in South-West Atlanta; and

**WHEREAS**, the City of Atlanta has made important steps towards reforming public safety and criminal justice practices to more accurately reflect our values; and

**WHEREAS**, there have been several necessary steps taken to end the use of arrest and jail as solutions to poverty, addiction, and mental health challenges; and

**WHEREAS**, various initiatives have led to a very significant decline in the average daily population in the ACDC; and

**WHEREAS**, the City of Atlanta has committed its resources to create a public and private partnership to further enhance public safety, improve quality of life, improve conditions for pre-trial detainees and expand services to include vocational training, housing, and community-based mental health services; and

**WHEREAS**, the City is willing to make portions of ACDC available for a limited number of adult detainees not to exceed 700 individuals, currently in the custody of the Fulton County Sheriff; and

**WHEREAS**, these detainees will be transferred to be temporarily housed at the ACDC to assist when the Fulton County jail exceeds its capacity; and

**WHEREAS**, in an effort to relieve this condition, the Sheriff requests that certain adult detainees be housed in ACDC on an as-needed basis, and the Sheriff will provide resources to maintain these detainees during their temporary housing at ACDC; and

**NOW, THEREFORE**, the City, Sheriff, and County, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby agree as follows:

## **Article 1. Purpose**

The purpose of this Agreement is to establish a formal relationship between the City, County, and Sheriff for the temporary housing of adult Fulton County detainees at ACDC by the Sheriff and County for the detention of persons charged with or convicted of violating federal, state, or local law or held as a material witness at ACDC. This Agreement is never to be construed as allowing for the detention of any youthful offenders. This Agreement establishes the duties and responsibilities of each Party for the housing of up to 700 Fulton County detainees.

## **Article 2. Powers and Duties.**

In furtherance of the public purposes of this Agreement, the County, City, and Sheriff hereby represent and warrant to each other the following:

2.1. Authority. Each Party hereto expressly represents and warrants that (i) it has the power to make, deliver and perform this Agreement, and has taken all necessary action to authorize the execution, delivery, and performance of this Agreement; (ii) this Agreement when executed will be legally binding upon the parties and enforceable in accordance with the terms hereof; and (iii) no further consent or approval of any other Party not specifically mentioned herein is required in connection with the execution, delivery, performance, validity, and enforcement of this Agreement, unless where required by law. Without limiting the generality of the foregoing, each Party hereby expressly acknowledges and represents that it has officially adopted and otherwise approved this Agreement at a meeting of its governing authority in accordance with the Constitution and laws of the State of Georgia. To the knowledge of the County, Sheriff, and the City, there are no actions, suits or proceedings pending or threatened, in any court or before any governmental authority, domestic or foreign against, by or affecting the County, Sheriff, or City which affect or question the validity or enforceability of this Agreement, or any action taken by the County, Sheriff or the City under this Agreement.

2.2. Public Purpose. This Agreement and the services contemplated herein are for public safety, welfare, and benefit and are undertaken in accordance with the laws and Constitution of the State of Georgia. Without limiting the foregoing, the Parties specifically and expressly warrant and represent, and do hereby find, that this Agreement (i) pertains to the provision of services and activities which the parties are by law authorized to undertake and provide; (ii) is otherwise authorized under the Intergovernmental Contracts Clause of the Georgia Constitution of 1983, Art. IX, Sec. III, Par. I (a); (iii) does not authorize the creation of new debt as contemplated by Ga. Const. of 1983, Art. IX, Sec. V. Par. I (a); and (iv) does not violate O.C.G.A. § 36-30-3(a) or otherwise prevent free legislation by any party in matters of government and shall be binding and enforceable against the Parties and their successors during the term hereof in accordance with its terms.

2.3. No Conflicting Agreements. The execution, delivery, and performance of this Agreement will not violate or contravene any contract, undertaking, instrument, or other agreement to which the County, Sheriff, or the City is a party, or which purports to be binding upon said Parties. Furthermore, the execution, delivery, and performance of this Agreement does not violate the provisions of any Party's enabling legislation or Code of Ordinances or any statutory or decisional laws of the State of Georgia regarding similarly political subdivisions of said State. The representations and warranties contained in this Article shall be true and correct as

of the date hereof and such representations and warranties, and the obligation of the County and the City to perform their respective obligations under this Agreement shall be expressly conditioned upon said representations and warranties being true and correct on the date hereof. Furthermore, each Party hereto specifically acknowledges and agrees that it shall be forever estopped from making any claim, counterclaim, assertion, or other argument of any kind against the other Party contrary to the representations and warranties set forth in this Agreement.

### **Article 3. Definitions.**

3.1. For the purposes of this Agreement, the term “as-needed,” means when the Fulton County Jail exceeds its maximum capacity of detainees, as determined in the sole discretion of the Sheriff.

3.2. For purposes of this Agreement, a “detained day” is twenty-four (24) hours or any part thereof.

### **Article 4. Term.**

4.1. This Agreement is effective upon approval of the governing authority of each Party, with a “Commencement Date” beginning on the date of execution by the last Party.

4.2. The term of this Agreement shall be for up to four (4) years beginning from the Commencement Date. This Agreement, however, may be extended by mutual agreement of the Parties, for limited reasons such as to ensure the safety of the community.

### **Article 5. Termination.**

5.1. The City may terminate this Agreement for cause, upon ninety (90) days written notice to the County and Sheriff where either the Sheriff or County fails to cure a default within thirty (30) days, after the City has provided notice of a breach to the County or Sheriff in writing. For purpose of this Agreement, “for cause” means where the County or Sheriff fails to timely or fully pay an invoice amount when due; provided, nothing herein shall prevent the County or Sheriff from not paying any sums in reasonable dispute.

5.2. The Sheriff or County may terminate this Agreement for their convenience upon ninety (90) days written notice to the City. Any such notice from the Sheriff shall set forth the specific plans for accommodation and/or transfer of the affected jail population.

### **Article 6. Services.**

#### **6.1. Housing**

The category or type of detainees as defined by the Parties shall never exceed 700 detainees. None of these 700 detainees shall be youthful offenders. Youthful offenders are individuals who have not met the age of majority (18 years old).

## 6.2. Access to Facilities

During the Term of the Agreement, the Sheriff and designated staff shall have access to ACDC's facilities to provide the following services: staffing of detention officers and others; detainee security and supervision; detainee medical care; detainee mental health care; detainee phone/commissary; kitchen and detainee food services; detainee transport services; laundry; detainee virtual encounter capability; life skills; GED program; Cosmetology program; canine program; competency restoration; pre-stabilization program - substance abuse; community-based mental health treatment; computer skills; substance abuse counseling/treatment; music/dance therapy; religious and chaplain services; anger and stress management counseling; law library services; re-entry program; and related miscellaneous services. The City will coordinate with Sheriff and designated staff to schedule availability and logistics in use of any additional space required for any of the foregoing activities.

## 6.3. Per Diem

The City agrees to house Fulton County adult detainees at a per diem rate of \$50.00 per detainee per detained day. The City shall calculate the County's obligation for each calendar month during the term of this Agreement, and before the end of the next calendar month, shall send to the County and the Sheriff a monthly statement showing the County's total monthly obligation. Fulton County shall pay the City all sums owed under its monthly obligation within sixty (60) days of billing. Should the Sheriff fail to relocate Fulton County detainees at ACDC beyond the four (4)-year term of this Agreement, the City shall be entitled to \$150 per detainee per detained day until detainees are transferred.

## 6.4. Phone/Commissary

The City shall be entitled to 65 percent (65%) of the phone and commissary fees generated at ACDC from the housing of the Fulton County detainees with such fees to be used solely for jail-related services, and the Sheriff shall be entitled to the remaining 35 percent (35%), with the City timely remitting the Sheriff's portions without any deductions during the Term of this Agreement. Should the Sheriff fail to relocate Fulton County detainees at ACDC beyond the four (4) year term of this Agreement, the City shall be entitled to 100 percent (100%) of the phone and commissary fees generated from the Fulton County detainees, until such detainees are transferred.

## 6.5. Audit

The Parties shall have the right to audit all financial data pertaining to any fees or expenses relating to this Agreement, which right shall survive the term of this Agreement, upon providing reasonable written notice to the other Party.

## 6.6. Background Information

Prior to transfer, the Sheriff shall provide the City with all relevant information concerning the classification of each detainee. Only after the assessment is made by the City will the detainees be transferred and housed at ACDC. Detainees to be housed at ACDC shall be restricted to:

- (1) Individuals transferred from Union City (South Annex)

- (2) As part of an approved classification process, those detainees that present a low to medium custody level, to include, but not limited to, first or second offenders, honor dorm participants and those detainees actively engaged in programmatic opportunities (Ex: General Educational Development (GED) programming, drug and alcohol abuse programming, Culinary, Cosmetology, Thinking for a Change (re-entry program), Yoga, African Dance, Book Club, Basic Computer Application, etc.) or as approved by the City of Atlanta Chief of Corrections.

#### 6.7. Normal Maintenance Services for Detainees

The City shall provide normal maintenance services for all Fulton County detainees housed in ACDC. Generally, such normal maintenance shall include, but not be limited to, all administrative type services, detainee library, educational services, and other related miscellaneous and incidental detainee services provided by the City for detainees housed in ACDC.

#### 6.8. Coordination

A representative of the Sheriff and City shall be available daily to discuss problems or issues pertaining to the housing and administration of the Fulton County detainees. The Sheriff's representative shall be the Sheriff or his designated representative. The City shall be represented by the Chief of Corrections or his designated representative.

#### 6.9. Medical Services

The County and Sheriff shall provide medical services for Fulton County detainees housed at ACDC. The County shall be solely responsible for their detainees being housed at ACDC subject to this Agreement.

#### 6.10. Transportation

The Sheriff shall be responsible for providing transportation for all Fulton County detainees, including transportation for court appearances, all medical/dental care, mental health treatment, or interviews for the release of a detainee. The City will not make emergency exceptions to this provision as it does not have the capacity to transport detainees.

#### 6.11. Facility Services

The City warrants that spaces occupied by Fulton County detainees will be sanitary and well maintained. To this end, Fulton County shall be afforded ample space for detainee laundry and related services.

#### 6.12. Food

Fulton County shall provide its detainees with at least three meals per day. The operation of the ACDC is governed by the regulations of the American Correctional Association ("ACA") which is its accrediting authority. These regulations mandate that hot food be served to its population at least twice a day while allowing one "cold" meal. At no time will Fulton County

be responsible for the preparation of food for ACDC detainees. ACDC will not be responsible for the preparation of food for Fulton County detainees.

#### **Article 7. Security.**

In exchange for certain terms in this Agreement, and in furtherance of the safety of its employees and detainees, Fulton County will provide 24-hour constant supervision and security for its detainees by and through its on-site personnel.

#### **Article 8. Security Training.**

Both the City's Department of Correction and Fulton County Sheriff are aware that they employ different models for securing detainees. ACDC is governed by the rules of its accrediting authority ACA. ACA mandates that its facilities employ the Direct Supervision Method. Fulton County agrees to some level of staff training in this method for the purposes of monitoring all detainees.

#### **Article 9. Responsibility for Claims and Liability.**

It is hereby stipulated and agreed between the Parties that, with respect to any claim or action brought by a third party, including a detainee, and arising out of the activities described in this Agreement or stems from any matter arising out of any act or omission by the Parties in connection to the performance of this Agreement, that each Party shall only be liable for payment of that portion of any and all liability, costs, expenses, demands, settlements, or judgments resulting from the negligent actions or omissions of its own agents, officers, and employees. Either Party may self-fund its obligations under this Agreement. However, nothing herein shall be construed as a waiver of any Party's sovereign immunity or the immunities available to the officials, officers, and employees of any Party.

#### **Article 10. Initial Detainee Transfer and Mobilization.**

The Sheriff presently maintains an annex in Union City, Georgia. It has been agreed between the Parties that the detainees currently housed in Union City, Georgia will be transferred to ACDC in first priority. These detainees shall be transferred to ACDC without regard to their classification. Detainees subject to this transfer shall not be housed in ACDC if they are diagnosed with major medical issues or chronic unmanageable diseases.

#### **Article 11. Subsequent Detainee Transfer.**

Following the initial transfer of the Union City population of detainees to ACDC, the Parties agree to a staggered relocation of other detainees to ACDC. Following the transfer of the Union City population, other detainees will be incrementally transferred. There shall be no more than 100 detainees transferred per month until the previously agreed upon capacity (700) is reached. These detainees shall neither be diagnosed with nor suffering from serious medical conditions.

#### **Article 12. Prison Rape Elimination Act (P.R.E.A.).**

The City strictly adheres to the requirements set forth in the Prison Rape Elimination Act (P.R.E.A.) in its operation of the ACDC. Its facility is subject to any audits by the P.R.E.A.,

which is the accrediting authority. Fulton County also agrees to strictly adhere to these provisions and protocols and to have its staff trained in these methods.

**Article 13. GCIC.**

Parties agree that all personnel staff and contractors serving in any capacity shall be subject to yearly Georgia Crime Information Center (“GCIC”) background checks. The Sheriff shall ensure, by way of certification from the Fulton County Sheriff’s Office, that all individuals have undergone a GCIC background check prior to initiating service at ACDC.

**Article 14. Amendments.**

This Agreement may be modified at any time during the term by mutual written consent of both parties.

**Article 15. Notices.**

All required notices shall be given by first class mail, except that any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

**If to the County:** Richard “Dick” Anderson, County Manager  
141 Pryor Street, SW,  
Suite 1000  
Atlanta, Georgia 30303  
404-612-8335  
404-612-0350 (facsimile)

**With a copy to:** Y. Soo Jo, County Attorney  
141 Pryor Street, SW,  
Suite 4038  
Atlanta, Georgia 30303  
404-612-0246 (telephone)  
404-730-6324 (facsimile)

**If to Sheriff:** Patrick “Pat” Labat, Sheriff  
Fulton County Sheriff’s Office  
185 Central Avenue  
Atlanta, Georgia 30303

**If to the City:** Elder Dancy, Chief  
City of Atlanta Department of Corrections  
254 Peachtree St SW  
Atlanta, Georgia 30303

**With a copy to:** Nina Hickson, City Attorney  
City of Atlanta  
Department of Law  
55 Trinity Avenue, Suite 5000

Atlanta, Georgia 30303  
404.546.4100 (telephone)  
404.546.9379 (facsimile)

**Article 16. Non-Assignability.**

No Party shall assign any of the obligations or benefits of this Agreement.

**Article 17. Entire Agreement.**

The Parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and agreement of the Parties regarding the subject matter of the Agreement.

**Article 18. Severability.**

If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision, were not part of this Agreement.

**Article 19. Binding Effect.**

This Agreement shall inure to the benefit of, and be binding upon, the respective Parties' successors.

**Article 20. Counterparts.**

This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument.

**Article 21. Miscellaneous Provisions.**

21.1 Cooperation. The Parties agree to cooperate and coordinate the creation and the submittal to each other of any necessary reports, data, or records that may be needed by each to carry out its essential functions and to comply with any reporting or auditing requirements of any regulatory agency. Each party shall have the right to assert, retain and protect the confidential and/or proprietary nature of any documents created by it.

21.2 Governing Law. This Agreement and each provision hereof shall be construed under and governed by the laws of the State of Georgia.

21.3 Captions. The captions in this Agreement are for purposes of convenient reference only and form no part hereof.

21.4 Waiver. Failure of any Party to pursue any remedy pursuant to the terms of this Agreement for any default by the other Party or a Party's waiver of any default or non-compliance by the other party shall not affect or impair either Party's rights with respect to any subsequent default or non-compliance of the same or different nature. Furthermore, a Party's delay or omission in asserting any right which the party may have hereunder will not constitute

a waiver of such party's right or impair the party's right to assert such default or non-compliance by the other Party.

21.5 **Drafting of Agreement.** This Agreement shall be construed without regard to the Party or Parties responsible for its preparation and shall be deemed as having been prepared jointly by the Parties. Any ambiguity or uncertainty existing in this Agreement shall not be interpreted or construed against any Party hereto. The Parties hereto agree that no representations except those contained herein have been made by any Party to induce the execution of this Agreement by any other Party.

21.6 **Relationship of Parties.** Notwithstanding anything in this Agreement to the contrary, no Party shall have the power to bind or obligate any other Party except as expressly set forth in this Agreement.

21.7 **Survival of Representations.** All terms, conditions, covenants, and warranties contained in any determination of this Agreement shall remain in effect until amended by the applicable governing authority.

21.8 **No Third-Party Beneficiaries.** This Agreement is made between and limited to the County, Sheriff, and City, and is not intended, and shall in no event be construed to be, for the benefit of any person or entity other than the County, Sheriff, and the City, and no other person or entity shall be considered a third-party beneficiary of this Agreement or otherwise entitled to enforce the terms of this Agreement for any reason whatsoever.

21.9 **Time of Performance.** Time is of the essence in the performance of this Agreement.

21.10 **Initial Payment.** The parties acknowledge that the city will incur substantial cost related to making initial accommodations for Fulton County detainees. In an effort to ease this burden, Fulton County agrees to pay to the City of Atlanta \$50,000.00 in advance of moving detainees to ACDC. The initial payment will be made at least three (3) business days prior to moving detainees.

## **Article 22. Staged Withdrawal.**

Parties agree that this Agreement should cease at the end of the referenced term. In advance of the conclusion of this term, parties agree to strategically plan for the safe and timely transfer of temporary detainees out of ACDC.

**[SIGNATURES ON NEXT PAGES]**

IN WITNESS WHEREOF, the City, Sheriff, and County have executed this Agreement through their duly authorized officers on the day and year first above written.

**CITY OF ATLANTA, GEORGIA**

By: \_\_\_\_\_  
**Andre Dickens**, Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
**Foris Webb, III**, City Clerk

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**Nina R. Hickson**, City Attorney

Date: \_\_\_\_\_

**FULTON COUNTY SHERIFF'S OFFICE**

By: \_\_\_\_\_  
**Patrick "Pat" Labat**  
Sheriff, Fulton County, Georgia

Date: \_\_\_\_\_

**FULTON COUNTY, GEORGIA**

By: \_\_\_\_\_  
**Robert L. Pitts**, Chairman  
Fulton County Board of Commissioners

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
**Tonya R. Grier**  
Clerk to the Commission

Date: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
**Y. Soo Jo**, County Attorney

Date: \_\_\_\_\_

# APPENDIX D

**A RESOLUTION BY COUNCILMEMBER ANTONIO LEWIS CALLING FOR INITIATION OF PLANNING FOR STAGED WITHDRAWAL OF DETAINED PEOPLE HOUSED AT ATLANTA CITY DETENTION CENTER (“ACDC”) UNDER THE CUSTODY OF FULTON COUNTY SHERIFF PURSUANT TO RELEVANT CLAUSES OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, THE FULTON COUNTY SHERIFF, AND FULTON COUNTY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the city of Atlanta and Fulton County are governmental units located within the State of Georgia; and

**WHEREAS**, Fulton County initiated negotiations to establish an intergovernmental agreement (“IGA”) to lease space in the Atlanta City Detention Center, citing physical conditions and overcrowding; and

**WHEREAS**, in announcing the lease of ACDC to Fulton County and the Fulton County Sheriff, Mayor Andre Dickens described the lease as a “temporary” agreement that would provide Fulton County the necessary time to develop and implement long-term solutions; and

**WHEREAS**, in an August 1, 2022, Press Release from the Mayor’s Office of Communications, Mayor Andre Dickens reaffirmed his commitment to work with the Atlanta City Council in fully repurposing ACDC for non-incarceration purposes following the end of the temporary lease agreement; and

**WHEREAS**, Fulton County has for decades established a pattern of leasing unused bed spaces from other jurisdictions whose judicial systems more efficiently manage their criminal caseloads and, consequently, were not overcapacity; and

**WHEREAS**, pursuant to the Georgia Constitution and O.C.G.A. 36-71-11 the city of Atlanta and Fulton County entered into an intergovernmental agreement authorized by 22-O-1632 and pursuant to Article 9, Section 3, Paragraph 1 of the Georgia Constitution; and

**WHEREAS**, said intergovernmental agreement made space in ACDC available to the County and the Sheriff for purposes of temporarily incarcerate adults Fulton County custody who have been charged or convicted of violating federal, state, or local law or held as material witnesses; and

**WHEREAS** the intergovernmental agreement contemplates the identification of a “staged withdrawal,” to ensure that people in Fulton County Custody are safely transferred from the Atlanta City Detention Center by the end of the agreement term; and

**WHEREAS**, the lease of 700 beds space specifies a per diem rate of \$50 per incarcerated person, and further authorizes the City to receive 65% of phone and commissary fees generated at ACDC from housing people in Fulton County custody at ACDC; and

**WHEREAS**, the duration of the IGA was to last for a term of 4 years from the “Commencement Date” on or about December 22, 2022 XXXXX; and

**WHEREAS**, the terms of the agreement never prioritized the transfer of men who had been sleeping in temporary “boats” located in the common areas of the overcrowded main Fulton County jailing facility located at 901 Rice Street and instead, pursuant to Article 10 of the IGA, prioritized the transfer of women then-housed at the South Fulton Annex maintained by the Sheriff in Union City; and

**WHEREAS**, the Sheriff began a transfer of detained people housed at its annex in November 2022; and

## **ELMS # 37627**

**WHEREAS**, due to chronic staffing failures, the transfer of men from the 901 Rice Street facility did not commence until several months later; and

**WHEREAS**, at least 14 people died while in the Fulton County Jail in 2022 , including the gruesome death of Lashawn Thompson, who was found unresponsive in a cell in the psychiatric wing at Rice Street, his body covered with sores and bites from bed bugs and lice on September 13, 2022 ; and

**WHEREAS**, upon Thompson's death, the Fulton County Sheriff and other County personnel assessed conditions in the housing unit and the health of other detained individuals housed where Thompson had died; and

**WHEREAS**, the resulting "Vermin: Prevention and Control Debrief" report generated as a result of the assessment found that of the individuals living in the housing unit, 100% had either lice, scabies, or both; that more than 90% were malnourished and demonstrated significant muscle wasting; and

**WHEREAS**, that more than 90% people suffering had not been completing their Activities of Daily Living or receiving their essential medications; and

**WHEREAS**, none of the aforementioned was known by members of the Atlanta City Council prior to its approval of Ordinance 22-O-1632, which authorized the Mayor to negotiate and enter into an agreement with Fulton County and the Fulton County Sheriff; and

**WHEREAS**, in April 2023, the news and horrific nature of Thompson's death in custody at the Fulton County Jail made national news headlines as the result of the announcement of a lawsuit by Thompson's family, which eventually resulted in the a \$4M settlement; and

**WHEREAS**, the United States Department of Justice ("DOJ") announced an investigation into the Fulton County Jail, citing Thompson's death as a significant motivating factor and began the investigation; and

**WHEREAS**, upon completion of its 16-month extensive investigation into conditions at the Fulton County Jail, the DOJ issued a 105-page Findings Report explaining the probable cause it had to believe that Fulton County and the Fulton County Sheriff's Office violate the constitutional and statutory rights of incarcerated people; and

**WHEREAS**, the violations of the aforementioned constitutional and statutory rights include the failure to protect incarcerated people from the substantial risk of serious violence, the unjustified use-of-force Fulton County Jail deputies and detention officers, living conditions that do not meet basic constitutional standards, medical and mental healthcare that do not meet basic constitutional standards, discriminatory and unlawful practices and restrictive housing conditions that pose a substantial risk of harm, and failure to provide special education services to 17-year-old boys and girls who are entitled to them; and

**WHEREAS**, the DOJ's Findings Report included more than 80 suggested remedial measures, culminating in all involved parties entering into Consent Decree on January 6, 2025; and

**WHEREAS**, none of the constitutional and statutory violations are cured by the additional bedspace provided by ACDC, and, in fact, allow for the continued export of those harms to Atlanta and exposing the City to potential liability for harms suffered; and

**WHEREAS**, the DOJ explicitly named the understaffing of Fulton deputies and detention officers as a significant factor in the demonstrated inability of the Sheriff to appropriately maintain the conditions of the physical plant at Rice Street; and

## **ELMS # 37627**

**WHEREAS**, the execution of the lease has been an objective failure in its efforts to ensure the safety of people in the custody of the Sheriff and to meaningfully address the overcrowding at Rice Street, as evidenced by the death of at least 15 people since the onset of transfers of incarcerated people to ACDC and the inability of the Sheriff to actualize maximum capacity of the lease at any time since the commencement of the agreement due to staffing shortfalls; and

**WHEREAS**, since the onset of transfers of Fulton County's detained people into ACDC, two individuals have died while in the custody of the Sheriff, with both people, including a teenage girl with a history of mental health concerns, being held on an improper bench-warrant; and

**WHEREAS**, amongst its portfolio of detention facilities, including Rice Street, the South Annex in Union City, the North Annex in Alpharetta, and the Marietta Annex, Fulton County Jail has the present capacity to detain 2,669 individuals when fully staffed; and

**WHEREAS**, the Sheriff continues to utilize " leases with other jurisdictions to provide custodial housing for portions of the detained Fulton County population that exceeds the limits of what Fulton's staffing capacity permits; and

**WHEREAS**, per the Fulton County Sheriff's Offices downloadable app, the Sheriff has a leasing agreement with Cobb County allowing for the safekeeping of up-to 500 people detained by Fulton County; and

**WHEREAS**, per the Fulton County Sheriff's Offices downloadable app, the Sheriff has a leasing agreement with Forsyth County allowing for the safekeeping of up-to 70 people detained by Fulton County; and

**WHEREAS**, per the Fulton County Sheriff's Offices downloadable app, the Sheriff has a leasing agreement with Oconee County allowing for the safekeeping of up-to 40 people detained by Fulton County; and

**WHEREAS**, the Sheriff has not maximized its existing operational capacities in its existing leases with Cobb County, Forsyth County, and Oconee County, and per the Fulton Sheriff's Office's downloadable app, the Sheriff an outsourcing contractual capacity of 610 beds and a current operational capacity of 290 beds across those counties; and

**WHEREAS**, there are currently existing efforts before the General Assembly, namely Senate Bill 7, which endeavors to grant the Fulton County Sheriff the ability to unilaterally access the Atlanta City Detention Center, which is a power beyond that held by any other Sheriff in the State of Georgia carrying a burden impacting only the city of Atlanta; and

**WHEREAS**, Senate Bill 7 further limits the fee which the city of Atlanta can charge the Sheriff for the use of the Atlanta City Detention Center to the actual cost incurred by the city of Atlanta to maintain the facility; and

**WHEREAS**, such an imposed limitation conflicts with the agreed upon financial terms of the existing IGA between the city of Atlanta and Fulton County, inclusive of the current payment structures related to per diems and phone/commissary entitlements owed to the city of Atlanta; and

**WHEREAS**, Senate Bill 7 does not contemplate or otherwise account for the Fulton Sheriff's historical and still-existing staffing shortages, and the resulting impact of such shortages on the inability of the Fulton Sheriff to provide constitutionally and statutorily sufficient, including destruction of the physical plant; and

## **ELMS # 37627**

**WHEREAS**, metrics reflected in the January 2025 Monthly Update for Fulton County's Justice System Scorecard reflect an average length of stay of 40 days for incarcerated people, a decrease of 31 days since tracking of the statistic began in May 2023; and

**WHEREAS**, additional official data reporting during the February 19, 2025, Fulton County Board of Commissioners meeting showed the January 2025 Average Monthly Population of people in Fulton County custody, including those housed outside of the county, was 2,470, down from 2,602 in November 2024; and

**WHEREAS**, Senate Bill 7 does not contemplate that a fully-staffed Fulton County Sheriff's Office would have an operational capacity that exceeds the present population of people in the custody of the Fulton County Sheriff and eliminate the need for the use on any out-of-county leases, particularly ACDC; and

**WHEREAS**, Article 22 of the Intergovernmental Agreement between city of Atlanta and Fulton County calls for a staged withdrawal, particularly an agreement between parties in advance of the conclusion of the 4-year term for the agreement, to agree to strategically plan for the safe and timely transfer of the population of people detained by Fulton County out of ACDC; and

**WHEREAS**, Senate Bill 7 does not contemplate the space needed by the city of Atlanta for housing people facing prosecution in Municipal Court.

**NOW, THEREFORE BE IT RESOVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that all parties to the Intergovernmental Agreement between the city of Atlanta and Fulton County governing the temporary and restricted use of the Atlanta City Detention Center now begin discussion and strategic planning allowing for the safe and timely transfer of all people detained by Fulton County Sheriff's back to Fulton County facilities.

**BE IT FURTHER RESOLVED**, that the Atlanta City Council acknowledges the significant decrease in the total population of people detained by Fulton County, the ready supply of additional beds available to Fulton County as a product of its existing lease agreements with Cobb County, Forsyth County, and Oconee County, and the improved efficiency in judicial processes within the Fulton County criminal legal system are the sort of results reflecting the desired long-term solutions originally contemplated by the City of Atlanta when entering into the agreement.

**BE IT FURTHER RESOLVED**, that the Atlanta City Council believes that the more than 15 reported deaths of individuals under the custody of the Fulton County Sheriff since the commencement of the lease and the transfers of incarcerated people from Fulton County facilities into ACDC, including the death of 2 Fulton-detained, incarcerated people at ACDC, demonstrates that the additional bedspace and superior condition of the physical plant of ACDC are not significant enough factors to overcome the numerous constitutional and statutory human rights violations documented in the Department of Justice's Findings Report.

**BE IT FURTHER RESOLVED**, that the Atlanta City Council strongly opposes Senate Bill 7 as an effort to divest the city of its property.

**BE IT FINALLY RESOLVED**, that the Atlanta City Council authorizes and encourages Atlanta Mayor Andre Dickens and all necessary city personnel to begin negotiations with Fulton County, the Fulton County Sheriff, and all necessary county parties to begin discussion on plans for the staged withdrawal of incarcerated people housed at ACDC.

# APPENDIX E

2023-EX-001128

FILED IN OFFICE

SEP 05 2023

CHIEF ALEXANDER  
Clerk of Superior Court

Fulton County, Georgia



**General Presentments & Fulton County Jail Inspection Report**

**July–August 2023 Grand Jury Panel B**

**Superior Court of Fulton County**

**State of Georgia**

Jonathan Razza, Foreman  
Halley Morton, Secretary  
Jennifer Delman, Assistant Foreperson  
Anatha Sims, Assistant Secretary



**July–August 2023 Grand Jury Panel B Members**

Vicky Babcock  
Emma Benkert  
Destiny Bryant  
William Campbell  
Denise Dauphun  
Jennifer Delman (Assistant Foreperson)  
Daniel Ford  
Christian Gordon  
Matt Jonsson  
Frank Lanicford  
Kenneth Limyadi  
Anne McKown  
Hailey Morton (Secretary)  
Alexandra Pajak  
Kishan Patel  
Brian Petrucelli  
Amy Price  
Jennifer Price  
Jonathan Razza (Foreman)  
William Rooks  
Anatha Sims (Secretary)  
Mike Thompson  
Karl Utz  
Jennifer Willis  
Justin Yi



## I. GRAND JURY PRESENTMENTS

We, the Grand Jury, selected and sworn for the July–August 2023 Term, Panel B, respectfully make the following presentments:

As of August 31, 2023, this Grand Jury (Panel B) has acted on 034 indictments, returning 833 True Billed and 1 No Billed during the term.

## II. INSPECTION OF THE FULTON COUNTY JAIL

### A. LEGAL OVERVIEW: STATE LAW REQUIRES THE GRAND JURY TO CONDUCT AN ANNUAL INSPECTION OF THE COUNTY JAIL.

Under Georgia law, the Grand Jury must perform certain duties. Relevant here, the grand jury must inspect the "operations," "sanitary conditions," and the temperature controls of the county jails "at least once in each calendar year."<sup>1</sup>

Notably, despite the statutory requirement to do so, only two other Fulton County Grand Jury panels have inspected the Fulton County Jail (the "Jail") within at least the last ten years with one inspection occurring in 2021 and the other in 2022. The most recent inspection took place during the November–December 2022 term.

### B. THE FULTON COUNTY SHERIFF'S OFFICE RESCHEDULED AND, ULTIMATELY, CANCELLED THIS GRAND JURY'S IN-PERSON JAIL INSPECTION.

Because members of this Grand Jury had read concerning news reports regarding the Jail, this Grand Jury attempted to inspect the Jail in accordance with its statutory mandate. Indeed, during this Grand Jury's first month of service, representatives of the District Attorney's office stated that this Grand Jury would conduct an in-person inspection of the Jail and, in accordance with O.C.G.A. §§ 15-12-71(b)(3) and 15-12-78, the Grand Jury would issue a report detailing its findings as well as its recommendations and presentments.<sup>2</sup>

<sup>1</sup> O.C.G.A. § 15-12-71(b)(1) ("The grand jury shall at least once in each calendar year inspect the condition and operations of the county jail."); O.C.G.A. § 15-12-78 ("Grand juries shall carefully inspect the sanitary condition of the jails of their respective counties at each regular inspection provided for in Code Section 15-12-71 and in their general presentments shall make such recommendations to the county governing authorities as may be necessary to provide for the proper heating and ventilation of the jails, which recommendations the county governing authorities shall strictly enforce. The grand juries shall also make such presentments as to the general sanitary condition of the jails and the treatment of the inmates as the facts may justify.")

<sup>2</sup> O.C.G.A. § 15-12-71(b)(3) ("The grand jury may prepare reports or issue presentments based upon its inspections as provided for in this subsection, and any such presentments shall be subject to publication as provided for in Code Section 15-12-80."); O.C.G.A. § 15-12-78 ("... in their presentments shall make such recommendations to the



To facilitate such inspection, the District Attorney's office directed the Grand Jury to communicate with an assigned liaison between the Fulton County District Attorney's Office and other Fulton County departments.

During initial discussions about the Jail inspection Grand Jury members asked whether the Grand Jury could inspect documents and other information. The initial response received was in the negative. The assigned liaison elaborated, stating that the Grand Jury would only take what was referred to as a "field trip" to the Jail after which the Grand Jury would receive a draft report for its review and the Foreperson's signature.

Once the Grand Jury confirmed independently that, under O.C.G.A. § 15-12-71(c), any grand jury or committee thereof, while conducting an inspection of a county jail, may "examine any papers, books, records, and accounts" and "compel the attendance of witnesses, and to hear evidence," members of the Grand Jury asked members of the District Attorney's Office about the possibility of serving a subpoena to obtain documents and information from the Jail.

In response, the District Attorney's Office again referred such members to the assigned liaison, who subsequently stated that the Grand Jury had no power to issue a subpoena except when performing an investigation, and repeated that the visit to the jail was "just a field trip". Subsequent to members of this Grand Jury seeking further clarification about the Grand Jury's power to subpoena documents and information, additional members of the District Attorney's office addressed the Grand Jury.

A senior member of the District Attorney's office stated that the District Attorney's Office needed to research whether the Grand Jury possessed the power to issue a subpoena to the Fulton County Jail and any attendant procedural requirements. Such statement surprised certain members of the Grand Jury because, during the initial weeks of the Grand Jury's term, the District Attorney's Office had asked this Grand Jury to issue a subpoena for certain medical records pertaining to an injury that an incarcerated person sustained while detained within the Fulton County Jail.

Approximately two weeks after the discussion with the senior member of the District Attorney's office, on August 11th, and after repeated requests by members of this Grand Jury to issue a subpoena, a draft of which Grand Jury members had independently prepared, a senior attorney from the District Attorney's office, presented the District Attorney's Office's research. This senior attorney stated that the Grand Jury would have greater legal authority to serve a subpoena on the Fulton County Jail if the Grand Jury voted to conduct an investigation—as opposed to an inspection—of the Jail.<sup>3</sup> When a member of the Grand Jury asked the senior attorney why he believed the Grand Jury would have greater authority to issue a subpoena if the Grand Jury voted to conduct an investigation as opposed to an inspection, since O.C.G.A. § 15-12-71(c) uses the disjunctive "or," the senior attorney invoked the "Rule of Lenity" and certain "canons of statutory interpretation." In addition, the senior attorney stated that if the Grand Jury voted to serve a subpoena on the Jail, the Grand Jury would likely not have sufficient time remaining in its term to review any documents that the Sheriff's department might produce, or that the Sheriff's department would not have sufficient time available to produce documents. As a result, the senior attorney and another representative from the District Attorney's office recommended that the Grand Jury

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county governing authorities as may be necessary for the proper heating and ventilation of the jails, which recommendations the county governing authorities shall strictly enforce.").

<sup>3</sup> See O.C.G.A. § 15-12-71(c) ("Any grand jury or any committee thereof which has undertaken to conduct an inspection or investigation as provided in subsection (b) of this Code section shall have the right to examine any papers, books, records, and accounts, to compel the attendance of witnesses, and to hear evidence.") (emphasis added).



vote to extend its term for several weeks or more. This vote to extend was performed and voted down by the Grand Jury.

In the week following this discussion, on August 18<sup>th</sup>, the Grand Jury redrafted, revised, voted, and ultimately served a subpoena described in this report, which hues closely to the Grand Jury's mandate to inspect the Jail's operations and sanitary conditions.

Although the Fulton County Sheriff's Office initially confirmed a date on which such inspection would take place, the Fulton County Sheriff's Office rescheduled the visit - citing the DOJ investigation as a reason - and, ultimately, canceled this Grand Jury's in-person inspection. The Fulton County Sheriff's Office indicated that an in-person inspection was no longer possible within this Grand Jury's term, citing the booking of former President Donald Trump and various alleged co-conspirators. The Fulton County Sheriff's Office indicated that it would provide potential availability to a future panel of the Grand Jury.

The Grand Jury recognizes that no other Grand Jury under this District Attorney's administration or previous District Attorney's administrations have been identified which have independently utilized their statutory powers to issue a subpoena for purposes of inspection of a Fulton County office. The Grand Jury recognizes and appreciates the efforts of several members of the District Attorney's office to research relevant statutes and decades-old case law to advise this Grand Jury and make final edits to a Subpoena that was ultimately issued to the Fulton County Sheriff's office. It is the hope of this Grand Jury that the process of issuing Grand Jury requested subpoenas for the purpose of inspections will be easier for future empaneled Grand Juries in Fulton County.

Due in part to time constraints, the Grand Jury issued a subpoena of a smaller scope than originally intended and correspondingly reviewed a smaller portion of records than would have been necessary in the Grand Jury's opinion to perform an adequate inspection regarding a range of potential operational issues that have been raised to the Grand Jury's attention. This Grand Jury recommends that a subsequent Grand Jury use its subpoena power as part of an inspection or investigation to further expand on this report and documents obtained regarding jail operations.

The Fulton County Sheriff's Office provided certain documents and information in response to the Grand Jury's subpoena, as summarized below. The Sheriff's Office also refused or was unable to produce certain documents and information.

### III. THE SUBPOENA RESPONSE

The Grand Jury issued a subpoena to produce records from the Fulton County Sheriff's office which was served on August 18, 2023. The Sheriff's office responded with the following on August 25, 2023. Some contents of the response are generally described or summarized below.

- A. *Grand Jury Inquiry #1*: Produce documents sufficient to show any and all changes to the Fulton County Jail's mental and physical health policies and procedures that were implemented between January 1, 2022 and the present.

#### I. Health Screening and Examinations



Documents produced by the Sheriff's Office indicated a substantial change in Standard Operating Procedures (SOP 400-11) regarding Health Screening and Examinations in August of 2021. A portion of the changes listed in this SOP, effective August 17, 2021, are as follows:

- Added or changed various policies and procedures for initial health screening and assessment
- Added or changed various policies and procedures regarding intra-system transfers
- Added or changed various policies and procedures regarding a comprehensive health appraisal
- Added or changed procedures regarding the procedure and practice for collection and recording of health appraisals
- Added or changed determination by the health authority the conditions for periodic health examinations for inmates
- Added or changed that written procedure and practice shall provide that jail operations and health personnel are trained to respond to health-related situations within a 4-minute response time, such training to be conducted on an annual basis
- Added or changed that training instructions must be provided to recognize signs and symptoms and knowledge of action required in potential emergency situations
- Added or changed that training instructions must be provided for administration of basic first aid
- Added or changed that training instructions must be provided for methods of obtaining assistance
- Added or changed that training instructions must be provided for signs and symptoms of mental illness, violent behavior, and acute chemical intoxication and withdrawal
- Added or changed that training instructions must be provided for patient transfers to appropriate medical facilities or health care providers
- Added or changed that training instructions must be provided for suicide intervention
- Added or changed that training instructions must be provided for certification in CPR
- Added or changed onsite infirmary care (if present) minimum requirements including definition of services available, on-call physician 24 hours per day, access by health care personnel to a physician or registered nurse on duty 24 hours per day when patients are present, inmates to be within sight or sound of a staff member, a manual including nursing care procedures, an infirmary record that is a separate section of the full medical record, and compliance with state statutes and licensing requirements
- Added or changed transportation system assuring timely access to services only available outside the facility addressing prioritization of medical record, urgency, and transfer of medical information
- Added or changed detail for coverage of chronic conditions specifying care and treatment including monitoring of medications, lab testing, use of chronic care clinics, health record forms, and frequency of specialist consultation and review
- Added or changed a written list of referral sources for emergency and routine care to be reviewed and updated annually

The following procedures were already present and unmodified in this SOP at the time of the effective date:

- Procedure and practice for sick call to be conducted daily by a physician and/or other qualified personnel, including a procedure for responding to inmate reports for non-emergency illness and injury, sick call procedure supervised by the facility physician or designee, treatment within a time period provided by the facility physician or designee, arrangements for sick call services at alternate locations, and meeting of the needs of inmate non-emergent health care needs.



## ii. Mental and Physical Health Policies

The Sheriff's Office produced documents indicating a substantial change in Standard Operating Procedures (SOP 400-13) regarding Mental Health Program Services in October of 2021. Whereas previously this Standard Operating Procedures (hereinafter SOP) mentioned the need for the health authority to "ensure that all inmates with mental health problems maintain their best level of functioning while in custody," the document also stated that written policy and procedures, possibly defined elsewhere, would specify the parameters of mental health and disability treatment at the facility, this SOP document lacked certain details regarding how these procedures must be implemented.

Effective October 8, 2021, the following changes were implemented to the SOP 400-13 for all jail operations regarding Mental Health Program Services:

- Added or changed requirement for screening for mental health problems on intake.
- Added or changed requirement for referral to outpatient services for mental illnesses.
- Added or changed crisis intervention and management for acute psychiatric episodes.
- Added or changed stabilization of mentally ill and prevention of psychiatric deterioration.
- Added or changed referral and admission to licensed mental health facilities for inmates whose needs exceed facility treatment capabilities.
- Added or changed obtaining and documenting informed consent.
- Added or changed approval of mental health services by the appropriate mental health authority.
- Added or changed requirement of initial health screening for all inmates by mental-health personnel.
- Added or changed mental health screening requirements concerning details of inquiry, observation, and inmate disposition.
- Added or changed timeframe of mental health appraisal for referred inmates within 14 days of admission to the facility.
- Added or changed components of mental health examinations including assessments of current mental status and condition, suicidal potential, violence potential, historic psychiatric treatment records, medication treatment history, therapy and support, historic drug and alcohol treatment, education history, sexual abuse, predatory behavior, drug and alcohol abuse and addiction.
- Added or changed referral to treatment, use of assessment tools as needed, and development and implementation of a treatment plan including housing assignment job assignment and program participation.
- Added or changed evaluation of individuals with severe mental illness or developmental disabilities and referral to placement in alternate facilities.
- Added or changed required consult between program administrator or designee and responsible clinician or designee prior to taking action regarding chronically ill, physically disabled, geriatric, seriously mentally ill, or developmentally disabled inmates regarding housing assignments, program assignments, disciplinary measures, and facility transfers.



- B. *Grand Jury Inquiry #2*: Produce documents sufficient to show any and all changes to the Fulton County Jail's cleaning processes and procedures that were implemented between January 1, 2022 and the present.

I. **Sanitation Procedures, Inspections, and Housekeeping Program**

The Sheriff's Office produced documents indicating changes in Standard Operating Procedures (SOP 100-05) regarding the Sanitation Procedures, Inspections, and Housekeeping Program effective in June of 2023.

Whereas previously this SOP identified the need for a clean and sanitary environment and instructions regarding sanitation, cleaning, pest and vermin control, and general housekeeping, the revised SOP made effective on June 14, 2023 added details specifying:

- A minimum monthly inspection by a contracted pest control company.
- Detail specifying housekeeping plans covering all facility areas will include daily housekeeping through assignment of responsibilities to staff and inmates and that facilities shall be clean and in good repair.

The Sheriff's Office also made unspecified changes to this SOP on February 1, 2022.

The following procedures were already present and unmodified in this SOP at the time of the June 2023 effective date:

- Appointment of a Sanitation Supervisor by the Chief Jailer responsible for fire, safety, sanitation inspections by independent agencies, and coordinating activities of Division Fire Safety and Sanitation Officers.
- Appointment of a Sanitation Officer by the Chief Jailer for conducting, documenting, and coordinating weekly inspections scheduled by the Sanitation Supervisor.
- Qualified staff members must at a minimum receive on-the-job training from the facility's qualified Safety/Sanitation Specialist or fire safety officer.
- Weekly sanitation inspections in all areas covering cleanliness and orderliness, lighting, ventilation, heating, health hazards, equipment functioning, plumbing equipment, toilet, bath, and laundry facilities, vermin and pests.
- Inspection of inmate housing areas for perishable foods and items that may entice pests or vermin, physical inspection of facility for potential hiding places of vermin, placement of books magazines and newspapers.
- Inspection for daily cleaning and mopping of cells and tile areas.
- Inspection of waste receptacles to be emptied and washed daily.
- Notifications of inspections for scheduling purposes and rescheduling when necessary.
- Written explanation if inspections are unable to be completed.
- Inspection reports to be distributed to Chief Jailer and facility and shift watch commanders.
- Inspection reports to be distributed to Section Fire, Safety, and Sanitation Supervisors.
- Assigned responsibility to Administrative Section Commanders or Watch Commander to correct deficiencies, record corrections made, and deliver report of corrections to the Chief Jailer or Administrative Section Commander within 24 hours.



- Inspection reports to be forwarded to the Chief Jailer and Fire Safety, and Sanitation Officer Supervisors within 7 days of inspection.
- Sanitation Officer reviews reports and advises commanders of areas of deficiency.
- Fulton County Health Department inspections to be conducted annually with results submitted to Sheriff.
- Written housekeeping plan to be maintained for all facility areas.
- Review and approval of housekeeping plan by the Sanitation Supervisor or designee and a copy of the plan kept on file by the Chief Jailer and Watch Commanders.
- Sanitation Supervisor to ensure housekeeping plans are adhered to by staff.
- Standards to be maintained include floors to be kept clean, dry and polished, sinks and toilets clean, furniture and counters clean, windows and mirrors clean, laundered mops and rags, doors/tracks clean, and trash removed and stored promptly in designated locations.
- Daily, weekly, and monthly documented inspections of all areas, reviews of those reports, and actions taken to address discrepancies found.
- Daily inspection of food service areas, staff, and inmate workers.
- Weekly inspection of food service by a qualified department staff member.
- Weekly inspection of food service areas by Accreditation Unit staff member.
- Daily inspection of the laundry room and equipment.
- Weekly Safety Sanitation Inspection of all areas.
- Comprehensive monthly Safety/Sanitation Inspection of a facility areas by a Fire and Safety/Sanitation Specialist.
- Annual inspection by federal, state and/or local sanitation and health officials.
- Weekly inspections of food service areas.
- Annual inspections of the kitchen by the Fulton County Health Department.
- Pest/vermin control to be provided on a scheduled basis or as needed by a qualified professional exterminator with all serviced areas documented.

C. Grand Jury Inquiry #3: Produce any and all current processes and procedures for notifying the next of kin, emergency contact, personal representative, spouse, or family member of a detained person who is experiencing, has experienced, or who has been diagnosed with a mental health condition or episode.

i. **Process for Notifying Emergency Contact, Family or Representative of Inmates Experiencing Mental Health Conditions**

The Sheriff's Office's response: "No responsive records. Additionally, this request seeks documents that may be covered by regulations regarding the confidentiality of individuals medical and health information."

Although the Fulton County Sheriff's Office denied that any responsive records exist, the Sheriff's Office also objected to this request based on regulations regarding the confidentiality of individuals medical and health information. This Grand Jury disagrees with such objection. This request does not seek protected health information. Rather, it seeks only processes and procedures. Based on the Sheriff Office's response, this Grand Jury concludes that no such processes or procedures exist.

D. Grand Jury Inquiry #4: Produce documents sufficient to show the number of detained people with serious mental illness currently waiting to be transferred to state hospitals for competency restoration.



**I. Number of Inmates Awaiting Transfer for Competency Restoration**

The Sheriff's Office response: "Fulton County Jail currently have 60 individuals who are waiting to go to hospitals for competency restoration."

E. *Grand Jury Inquiry #5*: Produce documents sufficient to indicate all currently missing or malfunctioning door locks in any and all Fulton County Jail facilities and Annexes.

**I. Malfunctioning or Non-Compliant Facility Equipment**

Documentation produced by the Sheriff's Office indicated that as of May 8, 2023:

The following equipment and facilities have been noted as "Non-Compliant" in Locations 3N, 3S, 1N, 2N, 4N, 4S, 5N, 5S, 6S, 6N, 7N, 7S, 2S. Note all costs listed in this section are indicated as "Worst Case Costs." A compounding factor used for budgetary purposes is not included in the detailed figures in the table below.

Facility/Equipment	# Non-Compliant	Cost Per	Cost to Remedy
Jail Doors	663	\$6,000	\$3,978,000
Shower Lights	156	\$502	\$78,312
Cell Lights	1310	\$961	\$1,258,910
Dayroom Lights	234	\$587	\$137,358
Toilets/Sinks Combo	380	\$3,000	\$1,140,000
Showers	132	\$8,000	\$1,056,000
Floor Drains	198	\$200	\$39,600
Chip/Paint Day Room	66	\$22,000	\$1,452,000
Chip/Paint Cells	1122	\$2,700	\$3,029,400
<b>Total</b>			<b>\$12,169,580</b>

The total cost including Compounding Factor through June 2024 is listed as \$13,132,580

The number of *Malfunctioning* doors indicated in a separate document as of August 3, 2023:

Malfunctioning	Number
Cell Doors	653



F. *Grand Jury Inquiry #6:* Produce documents sufficient to show the job title and number of any and all currently unfilled staffing positions within the Fulton County Jail.

i. **Jail Understaffing Due to Vacant Positions**

Documentation produced by the Sheriff's Office indicated that as of August 20, 2023 the following 78 staffing positions are vacant/unfilled:

Position	Vacant Position Count
ADMIN CLRK	1
ADMIN SPEC	1
BLDG MAIN MGR	1
CORRECTS COUNSR	1
CR INF SY SUPV	1
CRM INF SY SUPV	4
CRMN INFO SYS	4
DEP SHER CAPT	4
DEP SHER COL	1
DEP SHER LT	2
DEP SHER SGT	1
DEPUTY SHERIFF	20
DETENTION CAPT	1
DETENTION MAJOR	1
DETENTION OFFIC	26
DETENTION SGT	2
LIB ASSOC	1
RECORDS MNGR	1
SEC SPEC	5
<b>Total</b>	<b>78</b>

For purposes of example, given a hypothetical fully loaded average cost of \$250,000 per year per vacant position, and assuming no offsetting reduction in lawsuit penalties or settlements or other costs resulting from increased staffing, the annual cost to fill all listed vacant staff positions would be \$19,500,000.

G. *Grand Jury Inquiry #7:* Produce documents sufficient to show the name of any and all jails, prisons, or other penal institutions in which the Fulton County Jail currently leases beds, as well as the number of people in Fulton County custody held in each facility.

H. *Grand Jury Inquiry #8:* Produce documents identifying the maximum population capacity of each Fulton County Jail facility, including any and all Annexes.<sup>4</sup>

<sup>4</sup> Grand Jury received a combined response to inquiries seven and eight.



**I. Jail Capacity and Reported Overcrowded Conditions**

Documentation produced by the Sheriff's Office indicated that as of the period between August 18<sup>th</sup> and August 20<sup>th</sup>, 2023:

Total Jail Population: 3643  
 Loan Outs-Other Agencies: 21  
 Loan Outs-Medical Facilities: 27  
 Portable Sleeping Devices: 451

Population by Location	Max Capacity	Total Count
Main Jail	2652	2588
Marietta Annex	80	66
Alpharetta	50	40
ACDC	700	444
Union City	285	192
Grad	0	6
<b>Total</b>	<b>3767</b>	<b>3336</b>

**Outsourced Location Population**

Location	Max Capacity	Limitation	Daily
Cobb	500	228	212
Forsyth	70	32	22
Oconee	40	32	22
ACDC	700	500	444*
Gwinnett	0	1	1
Coweta	0	1	0
Spaulding	0	1	0
Rockdale	0	1	1
Newton	0	0	1
Fayette	0	0	0
ACDC Loan Out	0	1	0
<b>Total</b>	<b>1310</b>	<b>797</b>	<b>259</b>

\*ACDC Daily not included in total

1. *Grand Jury Inquiry #9*: Produce any and all reports or recommendations about the jail in the Sheriff Office's possession of any Fulton County Grand Jury empaneled between Jan 1, 2020 and the present.

**I. Receipt, Consideration, and Retention of Grand Jury Jail Recommendations and Reports**

The Sheriff's Office's response: "No responsive records."



This Grand Jury is aware that Fulton County Grand Jury A empaneled for the November / December 2022 term submitted an inspection report focused on the Fulton County Jail which was not produced by the Sheriff's Office in response to this Grand Jury's subpoena request.

**IV. RECOMMENDATIONS REGARDING THE PROCESSES AND PROCEDURES OF THE FULTON COUNTY GRAND JURY TO CONDUCT INSPECTIONS AND ISSUE GRAND JURY REQUESTED SUBPOENAS**

1. Make necessary changes to ensure that future Grand Juries initiating an inspection of the Jail are able to establish an inspection date before the last month of empanelment to allow time for rescheduling, follow-up inquiries, and time to produce a report. Any county office subject to inspection by a Grand Jury should make all reasonable efforts to accommodate a date of inspection specified by the Grand Jury. Notwithstanding exceptional circumstances, the schedule established for the Grand Jury's inspection of the Jail or any other county office should not be altered without approval of the presiding Judge.
2. Make necessary changes to ensure that future Grand Juries are fully aware of their ability to conduct inspections on their own accord of county offices, which includes the power to subpoena documents as determined necessary by eight (8) or more members of the Grand Jury. Such inspections do not necessarily require an extension to the term of the Grand Jury.
3. Make necessary changes to ensure that future Grand Juries are sufficiently informed at the time of initial empanelment through written documentation of the processes and procedures for issuing subpoenas, as determined necessary by the Grand Jury and not by any other office, for the purpose of Grand Jury inspections and/or investigations into county offices.
4. Implement oversight measures involving at least two Fulton County offices (for example the DA's office and Judicial Office), not to include the Sheriff's Office, to ensure that Fulton County Grand Jury Jail inspections are performed at least annually.
5. Ensure that any previously issued Grand Jury reports in the last two years pertaining to any office that any future Grand Jury inspects or investigates is provided to the next inspecting or investigating Grand Jury.
6. Ensure that any previous Grand Jury issued subpoenas and resulting documents produced for the purpose of inspection or investigation of a county office in the last two years are provided to the next inspecting or investigating Grand Jury performing a similar inspection or investigation.

**V. RECOMMENDATIONS REGARDING THE FULTON COUNTY JAIL AND RELATED OR SUPPORTING FULTON COUNTY OFFICES**

This Grand Jury recommends that the Jail undertake the following steps to ensure that it at least meets all Constitutional minimum standards.

**A. Address Structural Concerns, Staffing Shortages, and Capacity Limitations**



Between October 2013 and October 2016, the Jail operated under a Consent Decree to resolve its faulty locks, staffing shortages, and overcrowding. As a result of such Consent Decree, the Jail came into at least partial compliance for a period.

Seven years later, the Jail has recidivated. Today, its structures are "dilapidated and rapidly eroding,"<sup>5</sup> 78 positions remain unfilled, and inmates continue to sleep on "portable sleeping devices."

Accordingly, this Grand Jury recommends that the Jail enter into a court-approved and court-supervised monitoring and compliance plan as part of any effort to resolve the federal investigation into these matters. Any such monitoring and compliance plan should include, among other things, specific, measurable milestones to resolve the structural concerns, staffing shortages, and capacity limitations.

#### **B. Address use of Excessive Force, Inadequate Healthcare, and Other Inhumane Conditions**

In a 2006 consent decree, a court found that the Jail suffered from inhumane conditions, including inadequate healthcare and violence, among other severe problems.

Attorney General Merrick Garland recently stated that the U.S. Department of Justice "... launched [an] investigation into the Fulton County Jail based on serious allegations of unsafe, unsanitary living conditions at the jail, excessive force and violence within the jail, discrimination against incarcerated individuals with mental health issues, and failure to provide adequate medical care to incarcerated individuals."

This Grand Jury recommends that the Jail enter a court-approved and court-supervised monitoring and compliance plan as part of any effort to resolve the federal investigation. Any such monitoring and compliance plan should include, among other things, specific, measurable milestones to resolve instances of excessive force, the provision of inadequate healthcare, and other inhumane conditions within the Jail.

#### **C. Address Lice, Bedbugs, and Other Infestations**

As the media have widely reported, Lawshawn Thompson, a 35-year-old man died in September of 2022 in "a bedbug infested cell in Fulton County Jail's psychiatric wing."<sup>6</sup>

To combat any infestations this Grand Jury recommends the following:

- That the Jail seek sufficient funds to conduct routine monitoring for bedbugs, including, but not limited to, the use of bedbug sniffing dogs. Furthermore, this Grand Jury recommends that the Jail routinely exterminate for bedbugs and other pests and vermin. Until all human-borne infestations are resolved, to the extent possible, this Grand Jury recommends that the Jail machine wash all bedding and other machine-washable items every five days in water of a temperature exceeding 120 degrees Fahrenheit. The Jail should freeze items at a maximum temperature of 0 degrees Fahrenheit that cannot be machine washed for a minimum of four consecutive days or execute other professionally-recommended means of resolving infestations.
- That the Jail mops or vacuums all common areas at least daily.

<sup>5</sup> Jaclyn Diaz, *Feds to investigate Georgia's Fulton County Jail for filthy, dangerous conditions*, NPR, July 13, 2023, <https://www.npr.org/2023/07/13/1187502102/georgia-fulton-county-jail-justice-department-investigation> (last visited Aug. 30, 2023).

<sup>6</sup> Diaz, *Supra*.



- That the Georgia Department of Health considers adjusting the frequency of Fulton County Jail inspections as determined necessary by the Health Department.

**D. Other Jail-Related Recommendations**

- Increase in Fulton County Sheriff's Office budget as necessary to accommodate recommended staffing levels — given that there are 78 vacant positions reported and possibly more needed — and provide adequate compensation to attract and retain adequate jail staff. By means of example this Grand Jury has crafted a potentially high figure of \$19.5M to illustrate a hypothetical cost to fully staff the 78 vacant positions. Whatever the actual annual cost would be, it would result in additional jobs for county residents in addition to a likely substantial improvement to operations and safety of the jail as well as a reduced likelihood of costly lawsuits. Assuming a hypothetical \$250,000 per staff member adding up \$19.5M, this would be approximately 1% or less of the cost of a new jail — a facility that would also require sufficient staffing levels to operate effectively.
- Provide funding as needed to the Fulton County Sheriff's Office to bring equipment and facilities within the jail to compliance. Considering the Sheriff's Office's earlier stated and potentially over-estimated figure of \$13,132,580 necessary to bring certain jail facilities to compliance and comparing this to reportedly conservative cost estimates of \$1.6B for a new jail facility, this annual cost will likely result in a significant improvement to jail operations, well-being and safety at less than 1% of the cost of a new jail.
- Advocate and partner with Fulton county offices and other related organizations to aggressively identify alternative means of rehabilitating inmates with mental health issues, those who are convicted of lesser crimes, or those charged with lesser crimes and awaiting indictment.
- Considering that the last Grand Jury report regarding the jail was not produced in response to a subpoena served to the Sheriff's Office, implement measures necessary to ensure that the Fulton County Sheriff's office and Chief Jailer receives, reviews, considers, and retains all Grand Jury issued reports, including this report, pertaining to the Fulton County Jail.
- Implement new policies and procedures involving the Sheriff's office and other county offices and supporting organizations as necessary to make reasonable attempts to contact family members, emergency contacts, or representatives of inmates with significant mental health issues to promote outside support for inmates and to increase the number of inmates that are able to post bond.
- The next empaneled Grand Jury should complete the jail inspection process with full knowledge of the contents of this report, as this Grand Jury was not able to inspect the jail as originally planned or issue subpoenas in a timely manner to gather information necessary to conduct a sufficient inspection of the jail and its operations. Specifically, the next empaneled Grand Jury shall be read this report and given a copy in the first official grand jury session following their empaneling.



We wish to recommend that a copy of this Grand Jury July / August 2023 Term, Panel B Presentments be provided to the below listed parties for review:

Mr. Robb Pitts, Chairman, Fulton County Board of Commissioners;

Ms. Natalie Hall, Vice Chair, Fulton County Board of Commissioners;

Mr. Bob Ellis, Fulton County Board of Commissioners;

Ms. Khadijah Abdur-Rahman, Fulton County Board of Commissioners;

Ms. Lynn Paxton, M.D., M.P.H., Georgia Department of Public Health;

Curtis Clark, Fulton County Chief Jailer;

Patrick "Pat" Labat, Fulton County Sheriff;

Ms. Fani Willis, Fulton County District Attorney;

Hon. Ural Glanville, Fulton County Superior Court Chief Judge;

Hon. Craig L. Schwall, Fulton County Superior Court Judge;

Hon. Shukura L. Ingram, Fulton County Superior Court Judge;

Hon. Robert C. I. McBurney, Fulton County Superior Court Judge;

The Fulton County Grand Jury Panel B of the July / August Term has prepared this report of Grand Jury Presentments and request that the report be published as provided for in O.C.G.A. § 15-12-80.

Submitted this 31<sup>st</sup> day of August, 2023 by the Fulton County Grand Jury July/August Term 2023, Panel B

  
Nathan Razza  
Foreman

  
Hailey Morton  
Secretary



**ORDER**

The foregoing General Presentments of the July / August Term of 2023 of the Grand Jury, Panel B, having been presented to this Honorable Court, and the Court having reviewed its contents and being otherwise fully advised in the premises,

**IT IS ORDERED** that the General Presentments of the July / August Term 2023 of the Grand Jury, Panel B, be filed with the Clerk of the Superior Court.

**IT IS FURTHER ORDERED** that the General Presentments of the July / August Term, 2023 of the Grand Jury, Panel B, pursuant to the provisions of O.C.G.A. § 15-12-80, shall be submitted for publication by the Clerk of Fulton County Superior Court in the *Fulton County Daily Report*, the official county legal organ within fifteen (15) days, as a legal notice at least one time with costs to be paid from the general funds of Fulton County.

**SO ORDERED** this 5 day of September, 2023.

  
\_\_\_\_\_  
THE HONORABLE KEVIN FARMER  
JUDGE, SUPERIOR COURT OF FULTON COUNTY



# APPENDIX F



**UNODC**

United Nations Office on Drugs and Crime



## The United Nations Standard Minimum Rules for the Treatment of Prisoners

(the Nelson Mandela Rules)

This publication has been made possible thanks to a contribution from the Government of Germany.

## United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)<sup>1</sup>

### Preliminary observation 1

The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management.

### Preliminary observation 2

1. In view of the great variety of legal, social, economic and geographical conditions in the world, it is evident that not all of the rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

2. On the other hand, the rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the rules in this spirit.

<sup>1</sup> General Assembly resolution 70/175, annex, adopted on 17 December 2015.

### Preliminary observation 3

1. Part I of the rules covers the general management of prisons, and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" or corrective measures ordered by the judge.
2. Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

### Preliminary observation 4

1. The rules do not seek to regulate the management of institutions set aside for young persons such as juvenile detention facilities or correctional schools, but in general part I would be equally applicable in such institutions.
2. The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. As a rule, such young persons should not be sentenced to imprisonment.

## I. RULES OF GENERAL APPLICATION

### Basic principles

#### *Rule 1*

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

#### *Rule 2*

1. The present rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other status. The religious beliefs and moral precepts of prisoners shall be respected.

2. In order for the principle of non-discrimination to be put into practice, prison administrations shall take account of the individual needs of prisoners, in particular the most vulnerable categories in prison settings. Measures to protect and promote the rights of prisoners with special needs are required and shall not be regarded as discriminatory.

*Rule 3*

Imprisonment and other measures that result in cutting off persons from the outside world are afflictive by the very fact of taking from these persons the right of self-determination by depriving them of their liberty. Therefore the prison system shall not, except as incidental to justifiable separation or the maintenance of discipline, aggravate the suffering inherent in such a situation.

*Rule 4*

1. The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.

2. To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those of a remedial, moral, spiritual, social and health- and sports-based nature. All such programmes, activities and services should be delivered in line with the individual treatment needs of prisoners.

*Rule 5*

1. The prison regime should seek to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

2. Prison administrations shall make all reasonable accommodation and adjustments to ensure that prisoners with physical, mental or other disabilities have full and effective access to prison life on an equitable basis.

## **Prisoner file management**

*Rule 6*

There shall be a standardized prisoner file management system in every place where persons are imprisoned. Such a system may be an electronic database

of records or a registration book with numbered and signed pages. Procedures shall be in place to ensure a secure audit trail and to prevent unauthorized access to or modification of any information contained in the system.

*Rule 7*

No person shall be received in a prison without a valid commitment order. The following information shall be entered in the prisoner file management system upon admission of every prisoner:

- (a)* Precise information enabling determination of his or her unique identity, respecting his or her self-perceived gender;
- (b)* The reasons for his or her commitment and the responsible authority, in addition to the date, time and place of arrest;
- (c)* The day and hour of his or her admission and release as well as of any transfer;
- (d)* Any visible injuries and complaints about prior ill-treatment;
- (e)* An inventory of his or her personal property;
- (f)* The names of his or her family members, including, where applicable, his or her children, the children's ages, location and custody or guardianship status;
- (g)* Emergency contact details and information on the prisoner's next of kin.

*Rule 8*

The following information shall be entered in the prisoner file management system in the course of imprisonment, where applicable:

- (a)* Information related to the judicial process, including dates of court hearings and legal representation;
- (b)* Initial assessment and classification reports;
- (c)* Information related to behaviour and discipline;
- (d)* Requests and complaints, including allegations of torture or other cruel, inhuman or degrading treatment or punishment, unless they are of a confidential nature;
- (e)* Information on the imposition of disciplinary sanctions;
- (f)* Information on the circumstances and causes of any injuries or death and, in the case of the latter, the destination of the remains.

*Rule 9*

All records referred to in rules 7 and 8 shall be kept confidential and made available only to those whose professional responsibilities require access to such records. Every prisoner shall be granted access to the records

pertaining to him or her, subject to redactions authorized under domestic legislation, and shall be entitled to receive an official copy of such records upon his or her release.

*Rule 10*

Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making.

### Separation of categories

*Rule 11*

The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus:

- (a)* Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;
- (b)* Untried prisoners shall be kept separate from convicted prisoners;
- (c)* Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- (d)* Young prisoners shall be kept separate from adults.

### Accommodation

*Rule 12*

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison.

*Rule 13*

All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard

being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

*Rule 14*

In all places where prisoners are required to live or work:

- (a)* The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
- (b)* Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

*Rule 15*

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

*Rule 16*

Adequate bathing and shower installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

*Rule 17*

All parts of a prison regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

**Personal hygiene**

*Rule 18*

1. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
2. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be able to shave regularly.

## Clothing and bedding

### *Rule 19*

1. Every prisoner who is not allowed to wear his or her own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him or her in good health. Such clothing shall in no manner be degrading or humiliating.
2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
3. In exceptional circumstances, whenever a prisoner is removed outside the prison for an authorized purpose, he or she shall be allowed to wear his or her own clothing or other inconspicuous clothing.

### *Rule 20*

If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the prison to ensure that it shall be clean and fit for use.

### *Rule 21*

Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

## Food

### *Rule 22*

1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
2. Drinking water shall be available to every prisoner whenever he or she needs it.

## Exercise and sport

### *Rule 23*

1. Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

2. Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end, space, installations and equipment should be provided.

### Health-care services

#### *Rule 24*

1. The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status.
2. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

#### *Rule 25*

1. Every prison shall have in place a health-care service tasked with evaluating, promoting, protecting and improving the physical and mental health of prisoners, paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation.
2. The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

#### *Rule 26*

1. The health-care service shall prepare and maintain accurate, up-to-date and confidential individual medical files on all prisoners, and all prisoners should be granted access to their files upon request. A prisoner may appoint a third party to access his or her medical file.
2. Medical files shall be transferred to the health-care service of the receiving institution upon transfer of a prisoner and shall be subject to medical confidentiality.

#### *Rule 27*

1. All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and

equipped to provide prisoners referred to them with appropriate treatment and care.

2. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.

*Rule 28*

In women's prisons, there shall be special accommodation for all necessary prenatal and postnatal care and treatment. Arrangements shall be made wherever practicable for children to be born in a hospital outside the prison. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

*Rule 29*

1. A decision to allow a child to stay with his or her parent in prison shall be based on the best interests of the child concerned. Where children are allowed to remain in prison with a parent, provision shall be made for:

- (a) Internal or external childcare facilities staffed by qualified persons, where the children shall be placed when they are not in the care of their parent;
- (b) Child-specific health-care services, including health screenings upon admission and ongoing monitoring of their development by specialists.

2. Children in prison with a parent shall never be treated as prisoners.

*Rule 30*

A physician or other qualified health-care professionals, whether or not they are required to report to the physician, shall see, talk with and examine every prisoner as soon as possible following his or her admission and thereafter as necessary. Particular attention shall be paid to:

- (a) Identifying health-care needs and taking all necessary measures for treatment;
- (b) Identifying any ill-treatment that arriving prisoners may have been subjected to prior to admission;
- (c) Identifying any signs of psychological or other stress brought on by the fact of imprisonment, including, but not limited to, the risk of suicide or self-harm and withdrawal symptoms resulting from the use of drugs, medication or alcohol; and undertaking all appropriate individualized measures or treatment;
- (d) In cases where prisoners are suspected of having contagious diseases, providing for the clinical isolation and adequate treatment of those prisoners during the infectious period;

- (e)* Determining the fitness of prisoners to work, to exercise and to participate in other activities, as appropriate.

*Rule 31*

The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury and any prisoner to whom their attention is specially directed. All medical examinations shall be undertaken in full confidentiality.

*Rule 32*

1. The relationship between the physician or other health-care professionals and the prisoners shall be governed by the same ethical and professional standards as those applicable to patients in the community, in particular:

- (a)* The duty of protecting prisoners' physical and mental health and the prevention and treatment of disease on the basis of clinical grounds only;
- (b)* Adherence to prisoners' autonomy with regard to their own health and informed consent in the doctor-patient relationship;
- (c)* The confidentiality of medical information, unless maintaining such confidentiality would result in a real and imminent threat to the patient or to others;
- (d)* An absolute prohibition on engaging, actively or passively, in acts that may constitute torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation that may be detrimental to a prisoner's health, such as the removal of a prisoner's cells, body tissues or organs.

2. Without prejudice to paragraph 1 *(d)* of this rule, prisoners may be allowed, upon their free and informed consent and in accordance with applicable law, to participate in clinical trials and other health research accessible in the community if these are expected to produce a direct and significant benefit to their health, and to donate cells, body tissues or organs to a relative.

*Rule 33*

The physician shall report to the prison director whenever he or she considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

*Rule 34*

If, in the course of examining a prisoner upon admission or providing medical care to the prisoner thereafter, health-care professionals become aware of any signs of torture or other cruel, inhuman or degrading treatment or punishment, they shall document and report such cases to the competent medical, administrative or judicial authority. Proper procedural safeguards shall be followed in order not to expose the prisoner or associated persons to foreseeable risk of harm.

*Rule 35*

1. The physician or competent public health body shall regularly inspect and advise the prison director on:

- (a)* The quantity, quality, preparation and service of food;
- (b)* The hygiene and cleanliness of the institution and the prisoners;
- (c)* The sanitation, temperature, lighting and ventilation of the prison;
- (d)* The suitability and cleanliness of the prisoners' clothing and bedding;
- (e)* The observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

2. The prison director shall take into consideration the advice and reports provided in accordance with paragraph 1 of this rule and rule 33 and shall take immediate steps to give effect to the advice and the recommendations in the reports. If the advice or recommendations do not fall within the prison director's competence or if he or she does not concur with them, the director shall immediately submit to a higher authority his or her own report and the advice or recommendations of the physician or competent public health body.

**Restrictions, discipline and sanctions***Rule 36*

Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well ordered community life.

*Rule 37*

The following shall always be subject to authorization by law or by the regulation of the competent administrative authority:

- (a)* Conduct constituting a disciplinary offence;
- (b)* The types and duration of sanctions that may be imposed;

- (c)* The authority competent to impose such sanctions;
- (d)* Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.

*Rule 38*

1. Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.
2. For prisoners who are, or have been, separated, the prison administration shall take the necessary measures to alleviate the potential detrimental effects of their confinement on them and on their community following their release from prison.

*Rule 39*

1. No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.
2. Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established, and shall keep a proper record of all disciplinary sanctions imposed.
3. Before imposing disciplinary sanctions, prison administrations shall consider whether and how a prisoner's mental illness or developmental disability may have contributed to his or her conduct and the commission of the offence or act underlying the disciplinary charge. Prison administrations shall not sanction any conduct of a prisoner that is considered to be the direct result of his or her mental illness or intellectual disability.

*Rule 40*

1. No prisoner shall be employed, in the service of the prison, in any disciplinary capacity.
2. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

*Rule 41*

1. Any allegation of a disciplinary offence by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.
2. Prisoners shall be informed, without delay and in a language that they understand, of the nature of the accusations against them and shall be given adequate time and facilities for the preparation of their defence.
3. Prisoners shall be allowed to defend themselves in person, or through legal assistance when the interests of justice so require, particularly in cases involving serious disciplinary charges. If the prisoners do not understand or speak the language used at a disciplinary hearing, they shall be assisted by a competent interpreter free of charge.
4. Prisoners shall have an opportunity to seek judicial review of disciplinary sanctions imposed against them.
5. In the event that a breach of discipline is prosecuted as a crime, prisoners shall be entitled to all due process guarantees applicable to criminal proceedings, including unimpeded access to a legal adviser.

*Rule 42*

General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.

*Rule 43*

1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:
  - (a) Indefinite solitary confinement;
  - (b) Prolonged solitary confinement;
  - (c) Placement of a prisoner in a dark or constantly lit cell;
  - (d) Corporal punishment or the reduction of a prisoner's diet or drinking water;
  - (e) Collective punishment.
2. Instruments of restraint shall never be applied as a sanction for disciplinary offences.
3. Disciplinary sanctions or restrictive measures shall not include the prohibition of family contact. The means of family contact may only be restricted

for a limited time period and as strictly required for the maintenance of security and order.

*Rule 44*

For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.

*Rule 45*

1. Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner's sentence.
2. The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures. The prohibition of the use of solitary confinement and similar measures in cases involving women and children, as referred to in other United Nations standards and norms in crime prevention and criminal justice,<sup>3</sup> continues to apply.

*Rule 46*

1. Health-care personnel shall not have any role in the imposition of disciplinary sanctions or other restrictive measures. They shall, however, pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.
2. Health-care personnel shall report to the prison director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and shall advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.
3. Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

<sup>3</sup> See rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113, annex); and rule 22 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (resolution 65/229, annex).

## Instruments of restraint

### *Rule 47*

1. The use of chains, irons or other instruments of restraint which are inherently degrading or painful shall be prohibited.
2. Other instruments of restraint shall only be used when authorized by law and in the following circumstances:
  - (a) As a precaution against escape during a transfer, provided that they are removed when the prisoner appears before a judicial or administrative authority;
  - (b) By order of the prison director, if other methods of control fail, in order to prevent a prisoner from injuring himself or herself or others or from damaging property; in such instances, the director shall immediately alert the physician or other qualified health-care professionals and report to the higher administrative authority.

### *Rule 48*

1. When the imposition of instruments of restraint is authorized in accordance with paragraph 2 of rule 47, the following principles shall apply:
  - (a) Instruments of restraint are to be imposed only when no lesser form of control would be effective to address the risks posed by unrestricted movement;
  - (b) The method of restraint shall be the least intrusive method that is necessary and reasonably available to control the prisoner's movement, based on the level and nature of the risks posed;
  - (c) Instruments of restraint shall be imposed only for the time period required, and they are to be removed as soon as possible after the risks posed by unrestricted movement are no longer present.
2. Instruments of restraint shall never be used on women during labour, during childbirth and immediately after childbirth.

### *Rule 49*

The prison administration should seek access to, and provide training in the use of, control techniques that would obviate the need for the imposition of instruments of restraint or reduce their intrusiveness.

## Searches of prisoners and cells

### *Rule 50*

The laws and regulations governing searches of prisoners and cells shall be in accordance with obligations under international law and shall take into account international standards and norms, keeping in mind the need to ensure security in the prison. Searches shall be conducted in a manner that is respectful of the inherent human dignity and privacy of the individual being searched, as well as the principles of proportionality, legality and necessity.

### *Rule 51*

Searches shall not be used to harass, intimidate or unnecessarily intrude upon a prisoner's privacy. For the purpose of accountability, the prison administration shall keep appropriate records of searches, in particular strip and body cavity searches and searches of cells, as well as the reasons for the searches, the identities of those who conducted them and any results of the searches.

### *Rule 52*

1. Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same sex as the prisoner.

2. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

### *Rule 53*

Prisoners shall have access to, or be allowed to keep in their possession without access by the prison administration, documents relating to their legal proceedings.

## Information to and complaints by prisoners

### *Rule 54*

Upon admission, every prisoner shall be promptly provided with written information about:

- (a) The prison law and applicable prison regulations;

- (b)* His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
- (c)* His or her obligations, including applicable disciplinary sanctions; and
- (d)* All other matters necessary to enable the prisoner to adapt himself or herself to the life of the prison.

*Rule 55*

1. The information referred to in rule 54 shall be available in the most commonly used languages in accordance with the needs of the prison population. If a prisoner does not understand any of those languages, interpretation assistance should be provided.
2. If a prisoner is illiterate, the information shall be conveyed to him or her orally. Prisoners with sensory disabilities should be provided with information in a manner appropriate to their needs.
3. The prison administration shall prominently display summaries of the information in common areas of the prison.

*Rule 56*

1. Every prisoner shall have the opportunity each day to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.
2. It shall be possible to make requests or complaints to the inspector of prisons during his or her inspections. The prisoner shall have the opportunity to talk to the inspector or any other inspecting officer freely and in full confidentiality, without the director or other members of the staff being present.
3. Every prisoner shall be allowed to make a request or complaint regarding his or her treatment, without censorship as to substance, to the central prison administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.
4. The rights under paragraphs 1 to 3 of this rule shall extend to the legal adviser of the prisoner. In those cases where neither the prisoner nor his or her legal adviser has the possibility of exercising such rights, a member of the prisoner's family or any other person who has knowledge of the case may do so.

*Rule 57*

1. Every request or complaint shall be promptly dealt with and replied to without delay. If the request or complaint is rejected, or in the event of undue

delay, the complainant shall be entitled to bring it before a judicial or other authority.

2. Safeguards shall be in place to ensure that prisoners can make requests or complaints safely and, if so requested by the complainant, in a confidential manner. A prisoner or other person mentioned in paragraph 4 of rule 56 must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted a request or complaint.

3. Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners shall be dealt with immediately and shall result in a prompt and impartial investigation conducted by an independent national authority in accordance with paragraphs 1 and 2 of rule 71.

### Contact with the outside world

#### *Rule 58*

1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

*(a)* By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and

*(b)* By receiving visits.

2. Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.

#### *Rule 59*

Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation.

#### *Rule 60*

1. Admission of visitors to the prison facility is contingent upon the visitor's consent to being searched. The visitor may withdraw his or her consent at any time, in which case the prison administration may refuse access.

2. Search and entry procedures for visitors shall not be degrading and shall be governed by principles at least as protective as those outlined in rules 50 to 52. Body cavity searches should be avoided and should not be applied to children.

*Rule 61*

1. Prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality, on any legal matter, in conformity with applicable domestic law. Consultations may be within sight, but not within hearing, of prison staff.
2. In cases in which prisoners do not speak the local language, the prison administration shall facilitate access to the services of an independent competent interpreter.
3. Prisoners should have access to effective legal aid.

*Rule 62*

1. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
2. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

*Rule 63*

Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the prison administration.

**Books***Rule 64*

Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

**Religion***Rule 65*

1. If the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or

approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph 1 of this rule shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his or her religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his or her attitude shall be fully respected.

#### *Rule 66*

So far as practicable, every prisoner shall be allowed to satisfy the needs of his or her religious life by attending the services provided in the prison and having in his or her possession the books of religious observance and instruction of his or her denomination.

### **Retention of prisoners' property**

#### *Rule 67*

1. All money, valuables, clothing and other effects belonging to a prisoner which he or she is not allowed to retain under the prison regulations shall on his or her admission to the prison be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

2. On the release of the prisoner, all such articles and money shall be returned to him or her except in so far as he or she has been authorized to spend money or send any such property out of the prison, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him or her.

3. Any money or effects received for a prisoner from outside shall be treated in the same way.

4. If a prisoner brings in any drugs or medicine, the physician or other qualified health-care professionals shall decide what use shall be made of them.

### **Notifications**

#### *Rule 68*

Every prisoner shall have the right, and shall be given the ability and means, to inform immediately his or her family, or any other person designated as a

contact person, about his or her imprisonment, about his or her transfer to another institution and about any serious illness or injury. The sharing of prisoners' personal information shall be subject to domestic legislation.

*Rule 69*

In the event of a prisoner's death, the prison director shall at once inform the prisoner's next of kin or emergency contact. Individuals designated by a prisoner to receive his or her health information shall be notified by the director of the prisoner's serious illness, injury or transfer to a health institution. The explicit request of a prisoner not to have his or her spouse or nearest relative notified in the event of illness or injury shall be respected.

*Rule 70*

The prison administration shall inform a prisoner at once of the serious illness or death of a near relative or any significant other. Whenever circumstances allow, the prisoner should be authorized to go, either under escort or alone, to the bedside of a near relative or significant other who is critically ill, or to attend the funeral of a near relative or significant other.

## Investigations

*Rule 71*

1. Notwithstanding the initiation of an internal investigation, the prison director shall report, without delay, any custodial death, disappearance or serious injury to a judicial or other competent authority that is independent of the prison administration and mandated to conduct prompt, impartial and effective investigations into the circumstances and causes of such cases. The prison administration shall fully cooperate with that authority and ensure that all evidence is preserved.
2. The obligation in paragraph 1 of this rule shall equally apply whenever there are reasonable grounds to believe that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed in prison, irrespective of whether a formal complaint has been received.
3. Whenever there are reasonable grounds to believe that an act referred to in paragraph 2 of this rule has been committed, steps shall be taken immediately to ensure that all potentially implicated persons have no involvement in the investigation and no contact with the witnesses, the victim or the victim's family.

*Rule 72*

The prison administration shall treat the body of a deceased prisoner with respect and dignity. The body of a deceased prisoner should be returned to his or her next of kin as soon as reasonably possible, at the latest upon completion of the investigation. The prison administration shall facilitate a culturally appropriate funeral if there is no other responsible party willing or able to do so and shall keep a full record of the matter.

**Removal of prisoners***Rule 73*

1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.
3. The transport of prisoners shall be carried out at the expense of the prison administration and equal conditions shall apply to all of them.

**Institutional personnel***Rule 74*

1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of prisons depends.
2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison staff and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

*Rule 75*

1. All prison staff shall possess an adequate standard of education and shall be given the ability and means to carry out their duties in a professional manner.
2. Before entering on duty, all prison staff shall be provided with training tailored to their general and specific duties, which shall be reflective of contemporary evidence-based best practice in penal sciences. Only those candidates who successfully pass the theoretical and practical tests at the end of such training shall be allowed to enter the prison service.
3. The prison administration shall ensure the continuous provision of in service training courses with a view to maintaining and improving the knowledge and professional capacity of its personnel, after entering on duty and during their career.

*Rule 76*

1. Training referred to in paragraph 2 of rule 75 shall include, at a minimum, training on:
  - (a) Relevant national legislation, regulations and policies, as well as applicable international and regional instruments, the provisions of which must guide the work and interactions of prison staff with inmates;
  - (b) Rights and duties of prison staff in the exercise of their functions, including respecting the human dignity of all prisoners and the prohibition of certain conduct, in particular torture and other cruel, inhuman or degrading treatment or punishment;
  - (c) Security and safety, including the concept of dynamic security, the use of force and instruments of restraint, and the management of violent offenders, with due consideration of preventive and defusing techniques, such as negotiation and mediation;
  - (d) First aid, the psychosocial needs of prisoners and the corresponding dynamics in prison settings, as well as social care and assistance, including early detection of mental health issues.
2. Prison staff who are in charge of working with certain categories of prisoners, or who are assigned other specialized functions, shall receive training that has a corresponding focus.

*Rule 77*

All prison staff shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

*Rule 78*

1. So far as possible, prison staff shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.
2. The services of social workers, teachers and trade instructors shall be secured on a permanent basis, without thereby excluding part-time or voluntary workers.

*Rule 79*

1. The prison director should be adequately qualified for his or her task by character, administrative ability, suitable training and experience.
2. The prison director shall devote his or her entire working time to official duties and shall not be appointed on a part-time basis. He or she shall reside on the premises of the prison or in its immediate vicinity.
3. When two or more prisons are under the authority of one director, he or she shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these prisons.

*Rule 80*

1. The prison director, his or her deputy, and the majority of other prison staff shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.
2. Whenever necessary, the services of a competent interpreter shall be used.

*Rule 81*

1. In a prison for both men and women, the part of the prison set aside for women shall be under the authority of a responsible woman staff member who shall have the custody of the keys of all that part of the prison.
2. No male staff member shall enter the part of the prison set aside for women unless accompanied by a woman staff member.
3. Women prisoners shall be attended and supervised only by women staff members. This does not, however, preclude male staff members, particularly doctors and teachers, from carrying out their professional duties in prisons or parts of prisons set aside for women.

*Rule 82*

1. Prison staff shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Prison staff

who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the prison director.

2. Prison staff shall be given special physical training to enable them to restrain aggressive prisoners.
3. Except in special circumstances, prison staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, prison staff should in no circumstances be provided with arms unless they have been trained in their use.

### Internal and external inspections

#### *Rule 83*

1. There shall be a twofold system for regular inspections of prisons and penal services:
  - (a) Internal or administrative inspections conducted by the central prison administration;
  - (b) External inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.
2. In both cases, the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected.

#### *Rule 84*

1. Inspectors shall have the authority:
  - (a) To access all information on the numbers of prisoners and places and locations of detention, as well as all information relevant to the treatment of prisoners, including their records and conditions of detention;
  - (b) To freely choose which prisons to visit, including by making unannounced visits at their own initiative, and which prisoners to interview;
  - (c) To conduct private and fully confidential interviews with prisoners and prison staff in the course of their visits;
  - (d) To make recommendations to the prison administration and other competent authorities.

2. External inspection teams shall be composed of qualified and experienced inspectors appointed by a competent authority and shall encompass health-care professionals. Due regard shall be given to balanced gender representation.

*Rule 85*

1. Every inspection shall be followed by a written report to be submitted to the competent authority. Due consideration shall be given to making the reports of external inspections publicly available, excluding any personal data on prisoners unless they have given their explicit consent.

2. The prison administration or other competent authorities, as appropriate, shall indicate, within a reasonable time, whether they will implement the recommendations resulting from the external inspection.

## II. RULES APPLICABLE TO SPECIAL CATEGORIES

### A. Prisoners under sentence

#### Guiding principles

*Rule 86*

The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under preliminary observation 1 of these rules.

*Rule 87*

Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same prison or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police but should be combined with effective social aid.

*Rule 88*

1. The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it. Community agencies should therefore be enlisted wherever possible to assist the prison staff in the task of social rehabilitation of the prisoners.

2. There should be in connection with every prison social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his or her family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

*Rule 89*

1. The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups. It is therefore desirable that such groups should be distributed in separate prisons suitable for the treatment of each group.

2. These prisons do not need to provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open prisons, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to the rehabilitation of carefully selected prisoners.

3. It is desirable that the number of prisoners in closed prisons should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such prisons should not exceed 500. In open prisons the population should be as small as possible.

4. On the other hand, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

*Rule 90*

The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient aftercare directed towards the lessening of prejudice against him or her and towards his or her social rehabilitation.

## **Treatment**

*Rule 91*

The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

*Rule 92*

1. To these ends, all appropriate means shall be used, including religious care in the countries where this is possible, education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his or her social and criminal history, physical and mental capacities and aptitudes, personal temperament, the length of his or her sentence and prospects after release.
2. For every prisoner with a sentence of suitable length, the prison director shall receive, as soon as possible after his or her admission, full reports on all the matters referred to in paragraph 1 of this rule. Such reports shall always include a report by the physician or other qualified health-care professionals on the physical and mental condition of the prisoner.
3. The reports and other relevant documents shall be placed in an individual file. This file shall be kept up to date and classified in such a way that it can be consulted by the responsible personnel whenever the need arises.

**Classification and individualization***Rule 93*

1. The purposes of classification shall be:
  - (a) To separate from others those prisoners who, by reason of their criminal records or characters, are likely to exercise a bad influence;
  - (b) To divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.
2. So far as possible, separate prisons or separate sections of a prison shall be used for the treatment of different classes of prisoners.

*Rule 94*

As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him or her in the light of the knowledge obtained about his or her individual needs, capacities and dispositions.

**Privileges***Rule 95*

Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every prison, in

order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of prisoners in their treatment.

## **Work**

### *Rule 96*

1. Sentenced prisoners shall have the opportunity to work and/or to actively participate in their rehabilitation, subject to a determination of physical and mental fitness by a physician or other qualified health-care professionals.
2. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

### *Rule 97*

1. Prison labour must not be of an afflictive nature.
2. Prisoners shall not be held in slavery or servitude.
3. No prisoner shall be required to work for the personal or private benefit of any prison staff.

### *Rule 98*

1. So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.
2. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.
3. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, prisoners shall be able to choose the type of work they wish to perform.

### *Rule 99*

1. The organization and methods of work in prisons shall resemble as closely as possible those of similar work outside of prisons, so as to prepare prisoners for the conditions of normal occupational life.
2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the prison.

### *Rule 100*

1. Preferably, institutional industries and farms should be operated directly by the prison administration and not by private contractors.

2. Where prisoners are employed in work not controlled by the prison administration, they shall always be under the supervision of prison staff. Unless the work is for other departments of the government, the full normal wages for such work shall be paid to the prison administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

*Rule 101*

1. The precautions laid down to protect the safety and health of free workers shall be equally observed in prisons.
2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workers.

*Rule 102*

1. The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workers.
2. The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of prisoners.

*Rule 103*

1. There shall be a system of equitable remuneration of the work of prisoners.
2. Under the system, prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.
3. The system should also provide that a part of the earnings should be set aside by the prison administration so as to constitute a savings fund to be handed over to the prisoner on his or her release.

## **Education and recreation**

*Rule 104*

1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction in the countries where this is possible. The education of illiterate prisoners and of young

prisoners shall be compulsory and special attention shall be paid to it by the prison administration.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

*Rule 105*

Recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.

### **Social relations and aftercare**

*Rule 106*

Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his or her family as are desirable in the best interests of both.

*Rule 107*

From the beginning of a prisoner's sentence, consideration shall be given to his or her future after release and he or she shall be encouraged and provided assistance to maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner's rehabilitation and the best interests of his or her family.

*Rule 108*

1. Services and agencies, governmental or otherwise, which assist released prisoners in re-establishing themselves in society shall ensure, so far as is possible and necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season and have sufficient means to reach their destination and maintain themselves in the period immediately following their release.

2. The approved representatives of such agencies shall have all necessary access to the prison and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his or her sentence.

3. It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

## **B. Prisoners with mental disabilities and/or health conditions**

### *Rule 109*

1. Persons who are found to be not criminally responsible, or who are later diagnosed with severe mental disabilities and/or health conditions, for whom staying in prison would mean an exacerbation of their condition, shall not be detained in prisons, and arrangements shall be made to transfer them to mental health facilities as soon as possible.
2. If necessary, other prisoners with mental disabilities and/or health conditions can be observed and treated in specialized facilities under the supervision of qualified health-care professionals.
3. The health-care service shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.

### *Rule 110*

It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric aftercare.

## **C. Prisoners under arrest or awaiting trial**

### *Rule 111*

1. Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.
2. Unconvicted prisoners are presumed to be innocent and shall be treated as such.
3. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit from a special regime which is described in the following rules in its essential requirements only.

### *Rule 112*

1. Untried prisoners shall be kept separate from convicted prisoners.
2. Young untried prisoners shall be kept separate from adults and shall in principle be detained in separate institutions.

*Rule 113*

Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

*Rule 114*

Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, have their food procured at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

*Rule 115*

An untried prisoner shall be allowed to wear his or her own clothing if it is clean and suitable. If he or she wears prison dress, it shall be different from that supplied to convicted prisoners.

*Rule 116*

An untried prisoner shall always be offered the opportunity to work, but shall not be required to work. If he or she chooses to work, he or she shall be paid for it.

*Rule 117*

An untried prisoner shall be allowed to procure at his or her own expense or at the expense of a third party such books, newspapers, writing material and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

*Rule 118*

An untried prisoner shall be allowed to be visited and treated by his or her own doctor or dentist if there are reasonable grounds for the application and he or she is able to pay any expenses incurred.

*Rule 119*

1. Every untried prisoner has the right to be promptly informed about the reasons for his or her detention and about any charges against him or her.
2. If an untried prisoner does not have a legal adviser of his or her own choice, he or she shall be entitled to have a legal adviser assigned to him or her by a judicial or other authority in all cases where the interests of justice so require and without payment by the untried prisoner if he or she does not have sufficient means to pay. Denial of access to a legal adviser shall be subject to independent review without delay.

*Rule 120*

1. The entitlements and modalities governing the access of an untried prisoner to his or her legal adviser or legal aid provider for the purpose of his or her defence shall be governed by the same principles as outlined in rule 61.
2. An untried prisoner shall, upon request, be provided with writing material for the preparation of documents related to his or her defence, including confidential instructions for his or her legal adviser or legal aid provider.

## D. Civil prisoners

*Rule 121*

In countries where the law permits imprisonment for debt, or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

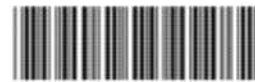
## E. Persons arrested or detained without charge

*Rule 122*

Without prejudice to the provisions of article 9 of the International Covenant on Civil and Political Rights,<sup>3</sup> persons arrested or imprisoned without charge shall be accorded the same protection as that accorded under part I and part II, section C, of these rules. Relevant provisions of part II, section A, of these rules shall likewise be applicable where their application may be conducive to the benefit of this special group of persons in custody, provided that no measures shall be taken implying that re-education or rehabilitation is in any way appropriate to persons not convicted of any criminal offence.

<sup>3</sup> See resolution 2200 A (XXI), annex.

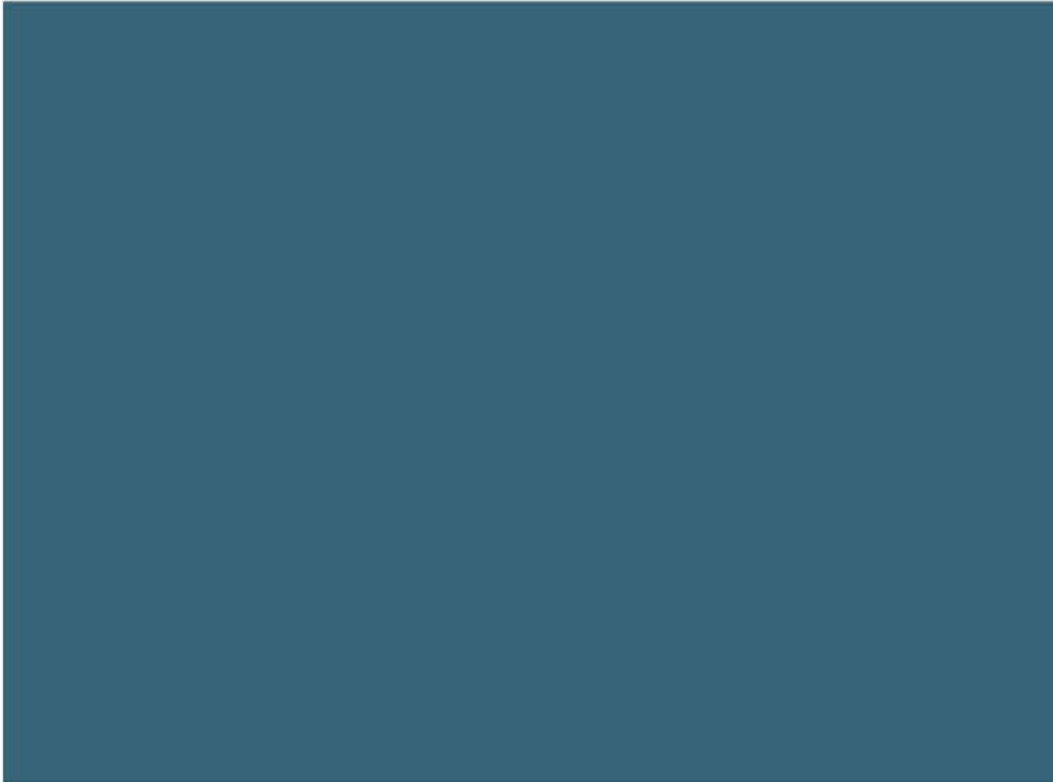
400





**UNODC**

United Nations Office on Drugs and Crime



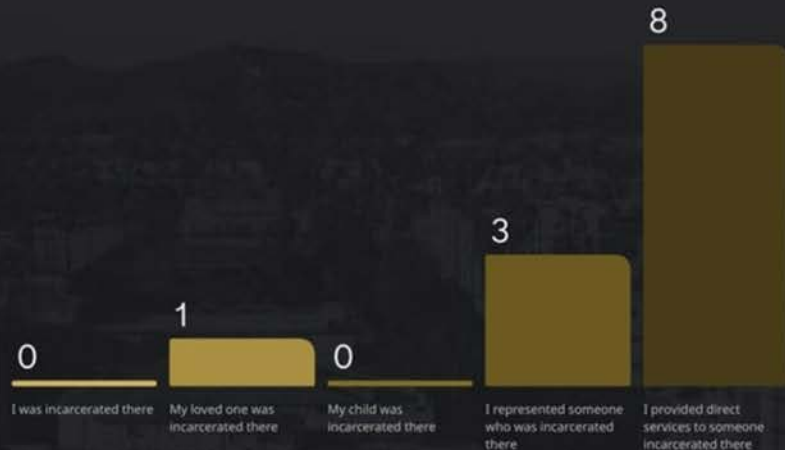
V.16-00193

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# APPENDIX G



**WHAT BEST DESCRIBES YOUR ORIENTATION TO THE FULTON COUNTY JAIL?**



**RANK THESE ISSUES IN ORDER OF IMPORTANCE TO YOU.**



FILL IN THE BLANK: IF I HAD TO PICK THE FIRST ISSUE FOR FULTON COUNTY TO TACKLE, IT WOULD BE [CHOOSE YOUR ISSUE]



HOW DO THESE STATEMENTS RESONATE WITH YOU?

Fulton County has openly communicated about abuses in the jail.

1.5

Fulton County has prioritized the well-being of people incarcerated at the jail.

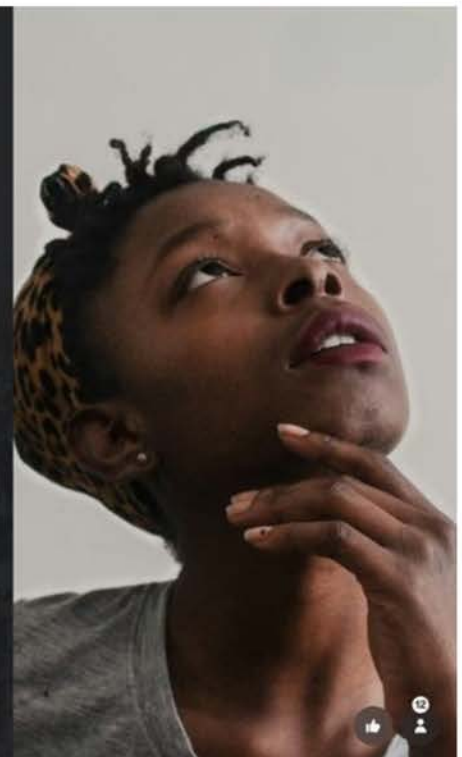
1.3

Fulton County has done its best to rectify the conditions at the jail.

1.3

Strongly disagree

Strongly agree



## PROTECTION FROM HARM

- 1st  Create policies to keep people safe.
- 2nd  Improve supervision
- 3rd  Improve staffing



## EXCESSIVE FORCE

- 1st  Improve grievance process when incarcerated people experience violence from staff.
- 2nd  Require staff to meet constitutional standards.
- 3rd  Require de-escalation where possible.
- 4th  Notify family or next of kin when children in custody experience violence from staff.



# INHUMANE CONDITIONS

- 1st [redacted] Conduct regular inspections by a third-party that reports to the Commission.
- 2nd [redacted] Create a permanent jail monitoring body.
- 3rd [redacted] Ensure that the jail is clean, sanitary, and free of pests.
- 4th [redacted] Ensure Grand Jury inspections as required by law.
- 5th [redacted] Keep doors and locks in working order.



# EDUCATION

- 1st [redacted] Prioritize children for release by working with courtroom actors.
- 2nd [redacted] Provide adequate education to all children in custody.
- 3rd [redacted] Provide adequate special education services to children with disabilities in the jail.
- 4th [redacted] Create a permanent jail monitoring body.



## MEDICAL CARE

1st

Hire and retain medical staff to provide competent care to all incarcerated people.

2nd

Take steps to protect people at risk of suicide and ensure that people receive adequate medical and mental health care.

3rd

Create meaningful wellness infrastructure to complement violence intervention strategies.



## RESTRICTIVE CUSTODY (SOLITARY CONFINEMENT)

1st

Ban solitary confinement for children.

2nd

Ban solitary confinement for everyone.

3rd

Require mental health resources that do not rely on isolation.

4th

Stop housing vulnerable people in isolation who are at risk of self-harm



# PUBLIC INPUT & ACCOUNTABILITY

- 1st [redacted] Access to a hotline to report violations
- 2nd [redacted] Monthly reports from the monitor to the Fulton County Commission
- 3rd [redacted] Monthly meetings between community and the monitor
- 4th [redacted] An email address for compliants



