

RESOLUTION TO PROVIDE THE FINANCIAL RESOURCES NECESSARY TO COMPLY WITH THE CONSENT
DECREE

WHEREAS, Fulton County is committed to providing the highest level of Public Safety Services and Justice Services to its citizens and is committed to delivering these services through a dedicated staff, advanced technology and data informed decisions that maximize the efficiency of the operations and ensure the best citizen experience;

WHEREAS, All Fulton County Criminal Justice Partners -- *through their respective staff and services* -- share a mutual commitment to upholding the constitutional rights of incarcerated people, promoting safe and effective custodial care and protecting public safety;

WHEREAS, the effectiveness of the Fulton County Criminal Justice System is the sum of a whole – as each partner, *the Fulton County Sheriff, the Superior Court of Fulton County, Office of the District Attorney – Atlanta Judicial Circuit, Fulton County Clerk of Superior Court, the Fulton County Public Defender and the Office of the Fulton County Solicitor General* – must meet their individual constitutional obligations;

WHEREAS, Fulton County and Sheriff Patrick Labat, one criminal justice partner, agreed to the prospective relief in a Consent Decree entered and Ordered by the United States District Court, Northern District of Georgia, Atlanta Division on January 6, 2025;

WHEREAS, the ordered Consent Decree requires Fulton County and Sheriff Patrick Labat to: 1) provide reasonable protection from violence to the incarcerated population; 2) ensure that incarcerated people are not subjected to excessive force; 3) to provide safe and sanitary living conditions; 4) ensure appropriate medical and mental healthcare is provided to incarcerated people; 5) ensure that restrictive housing practices do not pose an unreasonable risk of harm, do not discriminate against people with mental health disabilities, do not harm 17-year olds and provide due process, and; 6) provide eligible 17-year-olds access to special education services.

WHEREAS, to meet these goals, Fulton County must reduce the jail population and develop procedures to sustain this reduction;

WHEREAS, the Sheriff alone, cannot reduce the jail population – as a Sheriff is an elected official that is constitutionally required, among other things, to provide care, custody and control of incarcerated people at the jail; rather the Sheriff only houses those that have been arrested and ordered to be held,

WHEREAS, the staff and services provided by *all* Criminal Justice Partners lead to the reduction of the jail population – the Fulton County jail population was reduced from 3,583 on August 30, 2023 to 2,494 on December 9, 2024 – ensuring that all individuals are assigned a bed and no one is sleeping on portable sleeping devices;

WHEREAS, the jail population is a summed variable that is dependent on the staff and services provided by the entire Fulton County Criminal Justice System, including, the Superior Court of Fulton County, Office of the District Attorney – Atlanta Judicial Circuit, Fulton County Clerk of Superior Court, the Fulton County Public Defender, the Office of the Fulton County Solicitor General, and the Fulton County Sheriff's Office;

WHEREAS, there is a direct causal relationship between the jail population and the conditions of the jail – as when the jail is overcrowded the jail facilities are more likely to be damaged, making conditions of jail less safe and prime to commit felonious crimes, including but not limited to, aggravated assault on other inmates;

WHEREAS, Sheriff Patrick Labat, alone, cannot meet his burden of “sustained substantial compliance” with each provision of the Consent Decree – as this level of compliance cannot be demonstrated or achieved without the staff and services of all Criminal Justice Partners, including, the Superior Court of Fulton County, Office of the District Attorney – Atlanta Judicial Circuit, Fulton County Clerk of Superior Court, the Fulton County Public Defender and the Office of the Fulton County Solicitor General;

NOW THEREFORE BE IT RESOLVED, the County commits additional financial resources to all criminal justice partners, for the purposes of compliance with the Consent Decree. This additional funding will allow Fulton County’s justice partners to better care for those being housed at the Fulton County Jail, retain current staff and hire the staff needed to ensure compliance with the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits \$1,512,576.00 to the Office of the Fulton County Clerk of Superior Court. This funding increases staff by 12 employees and allows the office to improve the efficiency, accuracy and timeliness of processing critical case functions – as more timely and efficient court filings are essential to satisfying the provisions set forth in the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits \$2,613,889.75 to the Office of the Fulton County Solicitor General. This funding increases staff by 20 employees. With these additional employees, case loads of current staff will be more aligned with nationally recommended case load standards and help with staff retention and hiring and provide more efficient investigation and handling of criminal cases, thereby improving the conditions for those housed at the Fulton County Jail through more efficient handling of criminal calendars helping ensure compliance with the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits \$4,897,313.00 to the Office of the Fulton County Public Defender. This funding increases staff by 33 employees and allows the office to increase operational efficiency, workflow management, and achieve the constitutional mandate of effective assistance of counsel and compliance with the Consent Decree. Adding staff to the pre-indictment/ non-complex division in superior court will help with staff retention, improve timely resolution of cases by reducing excessive caseloads, bring the office into alignment with national case load standards, and reduce the jail population. This increase is necessary for adequate preparation on court calendars in state and superior courts including mental health, consolidated, and noncomplex calendars, and help Fulton County and the Sheriff comply with the terms of the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits \$12,500,000.00 to the Office of District Attorney, Atlanta Judicial Circuit. This funding will help retain current staff and increases staff by 100 employees and allows the office to increase the Case Intake Division by 110% -- the division that receives, investigates and produces all felony indictments in Fulton County, thereby improving the time in which cases can be processed. Additionally, this funding will allow this office to staff all calendars, including but not limited to the Superior Court’s Non-Complex and Consolidated calendars. In addition, the Office of the Fulton County District Attorney will have the resources to assist with the investigation of in-

custody felony crimes. Increased Case Intake Staffing and efficient criminal case management are essential to ensuring Fulton County and the Sheriff comply with the provisions set forth in the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits a minimum of \$77,500,000.00 *initially* to the Office of the Fulton County Sheriff for purposes of compliance with the Consent Decree. This funding will be used to help with staff retention and will be used to fund previously unfunded positions, positions that are currently vacant, and an increased funding for overtime pay. This funding provides operational expenses for body-worn cameras and associated technologies, an updated jail management system, employee incentives, employee training, employee wellness center, security technology, recruitment efforts, Consent Decree Monitoring Team and staffing analysis. Additionally, this funding will allow the Sheriff to establish and maintain a safe environment for those housed at the Fulton County Jail and provide resident educational services as required by the Consent Decree.

BE IT FURTHER RESOLVED, that Fulton County commits additional funding to the Office of the Fulton County Sheriff as the Monitoring Team completes its Consent Decree analysis and makes future recommendations.

SO PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this ____ day of January, 2024.

[Signatures]