UNITED STATES DISTRICT COURT
Northern District of Georgia
1767 United States Courthouse
Atlanta, Georgia 30303

Chambers of
Marvin H. Shoob
Senior Judge

(404)215-1470

May 8, 2006

John Mata
Field Office Director
Department of Homeland Security
U.S. Immigration and Customs Enforcement
77 Forsyth Street, S.W.
Atlanta, GA 30303

RE: Immigration and Custom Enforcement's Use of Atlanta City Detention Center

Dear Mr. Mata:

As you may know, in recent years I have presided over two class action lawsuits involving conditions at the Fulton County Jail. In the latest case, I approved a Consent Order that, among other things, places a cap on the population of the jail's main facility located at 901 Rice Street. The Consent Order also requires the County to undertake major renovations of the Rice Street facility that will necessitate shutting down entire areas of the jail and moving the inmates to other locations. Even before the renovations have begun, the County is having difficulty complying with the population cap. Consequently, in order to comply with the Consent Order once renovations begin, Fulton County must find accessible additional bed space for its inmates.

Fortunately, there is a one-time solution readily available. There is ample bed space at the Atlanta City Detention Center to satisfy the needs of both the City of Atlanta and Fulton County. In addition, adjacent to the City Detention Center is the City's former municipal court building, which is currently not in use. The Detention Center and the municipal court building are connected by a secure underground tunnel. If Fulton County can obtain a

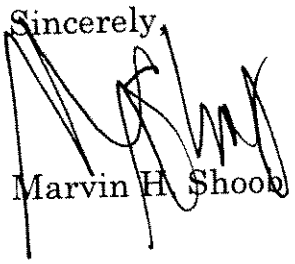
sufficient number of beds at the City Detention Center, it intends to purchase or lease the municipal court building from the City and use it to conduct preliminary hearings for Fulton County inmates. There are five courtrooms in the building available and ideal for that purpose. This would be a tremendous benefit to the entire Fulton County justice system. Not only would it relieve the population crisis at the Rice Street jail, but it would also enable the County to conduct these preliminary hearings at a secure facility without having to transport inmates several miles by bus from Rice Street to the Fulton County Justice Center, a costly procedure that is fraught with security and logistical concerns.

There is just one problem. The City says it cannot provide the County the number of beds it needs because of prior commitments to the U.S. Marshals Service and U.S. Immigration and Customs Enforcement (ICE). I understand that the City currently allocates 150 beds at the Detention Center for use by ICE. It is imperative that ICE relinquish these beds so that the City can make them available to Fulton County. Clearly, the needs of the citizens and taxpayers of Fulton County and the City of Atlanta should take precedence over the needs of the federal government in this matter. By occupying critically needed bed space at the Atlanta City Detention Center, ICE stands as a roadblock to solving a jail overpopulation crisis that could unnecessarily cost local taxpayers millions of dollars if they are forced to build a new jail and new courtrooms when an existing jail and adjoining courthouse are already available.

Unlike Fulton County, ICE has no need for the vacant municipal court building next to the Detention Center or the courtrooms in the building. Therefore, it makes no sense for ICE to occupy these critically needed beds, thus blocking any use of this court building by Fulton County. I am confident that ICE can locate other bed space in the metro area to satisfy its needs. I ask that you do so immediately and notify the City that ICE is relinquishing the 150 beds allocated for its use at the Atlanta City Detention Center.

I appreciate your prompt attention to this very important matter.

Sincerely,



Marvin H. Shoob

cc: Mayor Shirley Franklin
Chairman Karen Handel
Chief Judge Orinda Evans
Chief Judge Doris Downs
O.V. Brantley
Stephen Bright
Ted Lackland