April 20, 2006

Senator Saxby Chambliss
416 Russell Senate Office Building
Washington, DC 20510

Senator Johnny Isakson
120 Russell Senate Office Building
Washington, DC 20510

Congressman John L. Lewis 343
Cannon House Office Building
Washington, D.C. 20515

Congressman Tom Price
506 Cannon House Office Building
Washington DC 20515

Congressman David Scott
417 Cannon House Office Building
Washington, DC 20515

Dear Senators Chambliss and Isakson and Congressmen Lewis, Price and Scott:

We are members of the Fulton County Blue Ribbon Criminal Justice Commission, a citizens' commission appointed by the Fulton County Board of Commissioners. We write to request your immediate assistance in resolving a serious crisis in the criminal justice system of metro Atlanta. We ask that you intervene with the US Marshals Service to release jail beds at the Atlanta City Jail that have been leased to the federal government so those jail beds can be used for prisoners currently held at the Fulton County jail.

In 1994 the federal government acting through the US Marshals Service gave the City of Atlanta a $1 million grant to make improvements to the City Jail and in return asked the City to lease 300 jail beds for federal prisoners for a period of 15 years. According to the City of Atlanta the US Marshals Service has taken the position that 500 jail beds must be reserved at the City Jail for the exclusive use of the federal government. For reasons explained below, we are requesting your intervention to persuade the US Marshals Service to release these 500 beds.

The work of our commission has revealed a metro-Atlanta criminal justice system in a dire state of crisis. Last summer we unanimously recommended as the most important step in resolving this crisis that the County purchase from the City the vacant Municipal Court building ~ which adjoins the City Jail and is connected by secure underground tunnels - and obtain the use of jail cells not being used by the City. The City Jail has a capacity of approximately 1300 jail beds but less than 600 beds are needed by the City for traffic and ordinance violation offenders. The remaining jail beds are either vacant or leased to the federal government. This acquisition would

enable the County to set up an effective intake center in downtown Atlanta that, we are convinced, would dramatically reduce overcrowding at the Fulton County jail, improve courthouse security, and reduce delays in resolving criminal cases.

On December 30, 2005 Fulton County offered to purchase the vacant Municipal Court building on condition that the City also agreed to lease 800 beds at the City Jail to the County. The terms of the offer included $1 million to enable the City to repay the 1994 jail improvement grant from the federal government. On January 18, 2006 the City sent a counter-offer to sell the courthouse and to lease 500 jail beds to the County *if* the federal government would agree to reduce the number of beds it leases. The County could have moved forward with 500 jail beds but on February 1, 2006 the City notified the County that the US Marshals Service had "made it very clear" that it insisted that 500 jail bed spaces at the City Jail be reserved for the exclusive use of the federal government. The City has since taken the position in light of the refusal of the US Marshals Service to reduce its demand for bed spaces that the most it can offer the County is 150 jail beds, which is insufficient to enable the County to use the Municipal Courthouse/City Jail complex as an effective intake and processing center.

Yesterday the Fulton County Board of Commissioners passed the attached resolution urging the City to terminate its agreement with the US Marshals Service within 90 days and then to enter a contract with Fulton County for the same number of beds at the same daily rate paid by the federal government. It appears to us that the US Marshals Service does not have an enforceable contractual right to the 500 jail beds it demands and indeed it is not clear that the 1994 commitment to 300 beds is still in effect.

Now is the moment for our federal government to balance the demands of a particular federal agency against the critical needs of US citizens living in metro Atlanta and of course as citizens we look first and foremost to our Congressional representatives to assure that this takes place. Therefore, we ask that you act as soon as possible to identify the appropriate federal officials who have the authority to intervene with the regional US Marshals office to resolve this crisis. We further ask to you communicate to these officials your strong support for our request and facilitate communication for us with such federal officials.

Sincerely yours,

Emmet J. Bondurant, II
Chair, Fulton County Blue Ribbon Criminal Justice Commission
Bondurant, Mixson Elmore, LLP
1201 West Peachtree Street, NW, Suite 3900
Atlanta, GA 30309

Lynda Coker

Signature

4/20/06

Date

Lynda Coker, Chief Deputy
Cobb County Sheriffs Office
185 Roswell Street
Marietta, GA 30090

Signature

4/20/06

Date

Clark D. Cunningham
W. Lee Burge Professor of Law & Ethics
Georgia State University College of Law
140 Decatur Street
Atlanta, GA 30303

Signature

4/20/06

Date

W. Ray Persons
King & Spalding
1180 Peachtree Street
Atlanta, GA 30309

Keith Wood

Signature

4-20-06

Date

Dr. Keith Wood
Department of Psychiatry and Behavioral Sciences
Emory University School of Medicine
1256 Briarcliff Road
Atlanta, GA 30306

Joseph H. Beasley
Signature by EGB.

Date

Joseph H. Beasley
Southern Regional Director National Rainbow/PUSH Coalition
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Atlanta, GA 30303

Mark G Trigg
Signature by EGB by permission

Date

Mark G. Trigg
Greenberg Traurig
3290 Northside Parkway, Suite 400
Atlanta, GA 30327

06-0412 Discussion on the Bellwood Quarry. **(Handel)**
(Held 4/5/06)

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A. A motion was made by Commissioner Boxill and seconded by Commission Chair Handel that Fulton County sell to the City of Atlanta the property in question for a purchase price of $15.2 million to be paid no later than 90 days after closing; that the County transfer appropriate leases related to Vulcan to the City of Atlanta to coincide with closing; that a minimum of 175 beds in the Atlanta Detention Center be available to the Fulton County Sheriff at the current rate ($68/day); that Fulton County ask the City to commit to aggressively and proactively urge ICE to seek alternative space for its inmates within 90 days, and should those beds become available, the City of Atlanta will give Fulton County the right of first refusal to those beds or any other beds that may become available at the same rate currently being paid by the County; that these points be conveyed in a letter addressed to the Mayor and each member of the City Council and that the letter include that the County encourages the City Council and the Mayor to continue working with the County regarding jail overcrowding in recognition of the fact that jail overcrowding is a serious concern to all jurisdictions and that Fulton County urges the City Council and the Mayor to implement Article V of the City's agreement with the Marshall to terminate its bed allocation with the Marshall within 90 days, thus entering into a contract with Fulton County for close to the same number of beds at the same amount, ensuring that the City will have continued revenue. The motion carried by a vote of 5-2-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Riley, Lowe, and Boxill voted yes. Commissioners Pitts and Edwards voted no.

B. A motion was made by Commissioner Edwards and seconded by Vice Chair Darnell to hold for two weeks to give the County Attorney an opportunity to review the information supplied by Mr. Bondirant concerning the contracts with the City and provide the Board with information based on those contracts, and for Board members to use the next two weeks to negotiate something more beneficial regarding the concerns of both parties. The vote was 3-4-0. Vice Chair Darnell

and Commissioners Pitts and Edwards voted yes. Commission Chair Handel and Commissioners Riley and Boxill voted no. Commissioner Lowe did not vote. (THE MOTION DID NOT RECEIVE FOUR AFFIRMATIVE VOTES; THEREFORE, NO ACTION WAS TAKEN)

DRAFT

C. A motion was made Vice Chair Darnell and seconded by Commission Chair Handel that the following provision be included in any purchase and sale agreement transferring the lease Olympus and the land to the City of Atlanta: No portion of the property containing the Bellwood Quarry may be used for the storage or overflow of raw or minimally treated sewage or wastewater; violation of this provision shall cause title to the quarry property to revert to Fulton County, with a friendly amendment from Commissioner Boxill that the following phrase be added: to exclude the safe and sanitary operation of public restrooms. The motion carried by a vote of 6-1-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe voted no.

D. A motion was made by Commissioner Boxill and seconded by Commission Chair Handel to instruct the County Attorney write a letter to Judge Shoob requesting that he encourage the Marshall and ICE to seek space other than the Atlanta Detention Facility within the next 90 days. The motion carried by a unanimous vote of 7-0-0. Commission Chair Handel, Vice Chair Darnell, and Commissioners Pitts, Riley, Boxill, and Edwards voted yes. Commissioner Lowe voted no.