

April 21, 2023

VIA EMAIL TO KRISTEN.CLARKE@USDOJ.GOV

United States Department of Justice
Civil Rights Division
Attn. Deputy Attorney General Kristen Clarke

Re: Fulton County, Georgia Jail; Human Rights Violations & The Death of LaShawn Thompson

Dear Deputy Attorney General Clarke:

We hope that this correspondence finds you well since we last spoke in November.

We write to support counsel for the family of Mr. Lashawn Thompson, who died in the Fulton County Jail under the supervision of Sheriff Patrick Labat in September 2022. Mr. Thompson, whom the Fulton County Sheriff's Office knew suffered with a mental health disability, was discovered in an appalling condition after being plagued by vermin for a significant period of time. His death and the related human rights violations that persist in Fulton County detention facilities result from callous neglect, mismanagement, staff corruption and overcrowding fueled by racially disparate prosecutorial practices. They are also a troubling sign of Georgia's failure to meaningfully implement the terms of the U.S. v. Georgia consent decree requiring the State to proactively connect people with mental illness with supportive housing and mental health services to prevent them from cycling in and out of prisons and jails.

As part of the [Communities Over Cages Coalition's](#) local efforts to hold Sheriff Labat accountable, we submitted the attached open records request last fall which resulted in [media coverage](#) of the attached "Vermin Control and Prevention Summary." We shared this information with Atlanta City Council [and broader community](#) when highlighting our concern over the intergovernmental agreement [permitting Fulton County to control portions of the Atlanta City Detention Center](#). Reports from inside the Fulton County Jail involve not only the sheriff's failure to maintain an acceptable standard of care, but also his failure to adequately curb the rampant staff [corruption and abuse](#). The approval of the [ill-advised jail lease](#) has been the sole response to the abuses of Fulton County by Mayor Andre Dickens and the members of Atlanta City Council who supported Labat's proposal. As a result, there have been very few official accountability mechanisms to protect people in Fulton County's custody, causing people to continue to suffer.

Although Sheriff Labat held no meaningful conversations with advocates when we raised concerns about the specific issue of vermin and unhygienic conditions that contributed to Mr. Thompson's suffering, he is now engaged in self-proclaimed "sweeping changes" at the jail. Given the seven-month delay since Mr. Thompson's death, these changes appear to be little more than an attempt to salvage the image of the Sheriff. The Fulton County Board of Commissioners (BOC), tasked with funding the Sheriff's Office, has demonstrated a collective unwillingness to publicly question Sheriff Labat regarding his failures. In fact, on April 17, the BOC allocated over \$5 million dollars to Sheriff Labat

for emergency relief, several months after Mr. Thompson's death. The allocation includes funds for things like machines to detect drugs in postal mail, when it has been established that Labat's own [staff](#) and [contractors](#) are largely to blame for contraband smuggled into the facility.

In light of current events and what appears to be intensifying peril for people detained in Fulton County, we encourage the Department of Justice to immediately investigate the Fulton County Sheriff's Office to examine:

1. Whether Sheriff Labat has intentionally failed to submit requests for critical repairs to jail infrastructure, inclusive of but not limited to locks and plumbing. We have received multiple reports of repair needs persisting for weeks and even months at a time with no corrective efforts being taken by Sheriff Labat;
2. Whether jail and medical staff are conducting required rounds on the jail's floors to ensure detained people are receiving proper care;
3. Frequent incidents involving violence and/or force against detained people by Fulton County staff;
4. Frequent incidents of staff corruption, such as facilitating assaults of people detained at the jail, sexually abusing people in their custody, smuggling contraband into the facility, and other acts/omissions that result in violence toward incarcerated people;
5. Delays in care for incarcerated people ruled incompetent in the inhouse Department of Behavioral Health and Development program;

In light of [data showing](#) that nearly half of the Fulton County Jail population remains unindicted and at least 890 people in Fulton custody were held in jail in Fall 2023 solely due to an inability to afford cash bail, we further encourage the Department of Justice to examine patterns and practices contributing to Fulton County's unacceptably high jail population, which include, but are not limited to:

1. Prosecutorial failure to timely indict, accuse, decline, divert or dismiss cases;
2. Fulton County's failure to meaningfully address backlogs, resulting in accused persons waiting months for bond hearings and other critical proceedings;
3. An unconstitutional reliance on cash bail resulting in racially and economically disparate rates of pretrial incarceration;
4. Lack of use of available diversion options;
5. Routine prosecution of crimes related to poverty, substance use and mental health disabilities; and
6. Incarceration rates much higher than similar urban counties.

Our request for an investigation of Fulton County's conduct comes at a critical time, as Sheriff Labat has [issued a request](#) for a new \$2 Billion Dollar jail, despite his clear inability to remedy the conditions of people currently in his care. The suggestion that human rights violations perpetrated by Labat's office are a result of the condition of the 901 Rice Street building, rather than the result of a staff culture of cruelty and violence, is unfounded. We have no doubt that permitting Labat to build an additional facility will exacerbate the suffering of people currently incarcerated because not only will the decision exhaust critical resources, but it will also continue to distract Fulton County from addressing current human rights violations.

Finally, we have attached a copy of the [contempt motion](#) filed in our [litigation](#) against Sheriff Labat for ongoing violations of a settlement agreement aimed at improving the treatment of people with

psychiatric disabilities like Mr. Thompson in the South Fulton Jail. This suit was aimed at ending the around-the-clock isolation women with serious mental illness were subjected to, causing women to decompensate in conditions a federal judge called “repulsive.” We reached settlement last spring, yet the Sheriff has failed to comply with the minimum standards outlined in the settlement agreement. Despite this class of women being transferred to leased beds in the nearby Atlanta City Detention Center, they remain subject to deplorable conditions.

Please feel free to reach out to us with any requests for additional information the Department may have.

Very truly yours,



Tiffany Roberts, Public Policy Director

cc: Michael Harper, Esq., *Counsel for the family of Lashawn Thompson*
Benjamin Crump, Esq., *Counsel for the family of Lashawn Thompson*
Deputy Chief Laura Cowall, *United States Department of Justice*