



September 7, 2023

The Honorable Fani Willis
District Attorney
Fulton County District Attorney's Office
136 Pryor St. SW 3rd Fl
Atlanta, GA 30303

cc: The Honorable Members of the Fulton County Board of Commissioners, the U.S. Department of Justice

Dear District Attorney Willis:

We represent Color Of Change, one of the nation's foremost racial justice organizations with millions of members nationwide, including some 230,000 Georgians. Since 2005, Color Of Change has worked to hold corporate and political leaders accountable and to champion real solutions that move our country forward.

I am writing to you because of your role in the Fulton County Jail crisis. Fulton County is a national outlier in terms of the number of people incarcerated and held pretrial. As the Georgetown Law Center for Innovations in Community Safety noted last year, Fulton County Jail's overcrowding crisis is driven by its overuse of incarceration. The county jails its residents at a rate nearly three times that of other urban counties.¹

Jail conditions are so deplorable that they are now subject to a U.S. Department of Justice investigation. Between 2022 and 2023, more than 20 people have died in the facility. Most recently, Samuel Lawrence, 34, who had been incarcerated since December 2022 on a second-degree arson charge,² was found unresponsive in his cell in late August and died at a local hospital. In early August, Christopher Smith, 34, was found dead in his cell.³ Court records show he had been held on felony charges for three years and 10 months. Shamar McLeroy died in October 2022 while waiting trial on felony charges for more than eight months. Montay Stinson was arrested October 2022 and died August 2023 while awaiting trial for 10 months on felony charges.

¹ "Reducing Jail Overcrowding Without Increasing Crime: Lessons from Fulton County, GA" *Georgetown Law Center for Innovations in Community Safety*: <https://www.law.georgetown.edu/cics/wp-content/uploads/sites/43/2022/11/CICS-Pretrial.pdf>

² Jasmina Alston. "Fulton County Sheriff's Office confirms another inmate death at jail." *Atlanta News First*. 29 August 2023.

<https://www.atlantaneWSfirst.com/2023/08/29/fulton-county-sheriffs-office-confirms-another-inmate-death-jail/>

³ "Inmate found unresponsive at Fulton County Jail, succumbs after hospital transfer" *11Alive News*. 12 August 2023.

<https://www.11alive.com/article/news/local/fulton-county-inmate-dies-medical-emergency-rice-street-jail-authorities/85-53d44fdc-7a8d-4f56-91b3-1098a8ba17c2>

Your office has a responsibility to seek a speedy trial for all defendants. Sadly, despite these deaths, your office continues to allow people to await indictment or trial for extensive time periods.

According to July data from the Fulton County Justice System Scorecard, 36% of the roughly 3,600 people held pretrial in the Fulton County Jail had not been indicted, and only 31% of felony cases had been disposed of within 180 days.⁴ When you hold people who are not indicted, judges, defense lawyers and other justice officials cannot begin fully working on the case, interviewing witnesses, reaching settlements, scheduling hearings, testing the evidence, etc.

Two years ago, your office was given \$5 million to clear the county's extensive backlog of cases.⁵ Scant progress has been made. Instead, your office appears to be prioritizing high-profile cases, such as the Trump and YSL cases, over clearing the backlog. Furthermore, officials inform us that your office prioritizes seeking indictments by date rather than prioritizing people currently in jail. In other words, someone on the street for five years has their case moved forward prior to someone being held in jail for four years. This makes little sense against the backdrop of the Fulton County Jail crisis.

In November 2022, the Jail Population Review Committee found that the mean length of stay for those charged with felonies has increased from 50 days in 2018 to 85 days in 2022. The number of people with felony charges released in 2018 was 14,403. In 2022, it was 7,794.⁶ In response to the backlog, Fulton County introduced "Project ORCA." In January 2021 when the project started, the number of cases stood at 141,070, but it was reduced to 55,934 by January 2022. However, between January 2022 and the end of August 2023, the pace slowed dramatically, with only 15,000 cases being resolved, leaving a total of 40,853.⁷

It is worth noting that state law affirms that prosecutors have up to 90 days to bring an indictment. And as the Georgetown Law Center for Innovations in Community Safety notes, by improving the case processing speed, "Fulton County would likely experience ancillary benefits, including a lower incarceration rate, a decreased rate of recidivism, and an overall increase in public safety all due to individuals spending less time behind bars."⁸

In short, too many people are dying and too many people are being held because of the failures of your office to process cases in a timely fashion. We strongly urge you to dedicate more prosecutors to resolving cases in a timely fashion, and to focus on those who are currently incarcerated.

⁴ "Justice System Scorecard – Cumulative Case Reduction Scorecard, through July 2023" *Fulton County GA Government*. <https://www.fultoncountyga.gov/justice-system-reports-and-dashboards/justice-system-scorecard>

⁵ Ben Brasch. "Fulton commissioners appropriate \$5M to process murder suspects

"*The Atlanta Journal-Constitution*. 15 September 2021. <https://www.ajc.com/news/atlanta-news/fulton-commissioners-appropriate-5m-to-process-murder-suspects/CZ42MVDUD5E4ZNDWW7TQWBR7ZM/>

⁶ "Fulton County Jail Population Review: Assessing Short- and Long-Term Jail Use Trends" as presented to the Atlanta City Council by the Justice Policy Board. 18 November 2022.

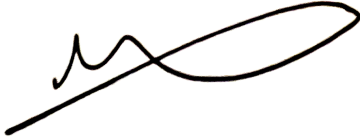
<https://static1.squarespace.com/static/5e9ddd40c5f6f43eac969b/t/637bee92834465465b06f2b0/1669066394550/JP-RC+Review.pdf>

⁷ "COVID-19 Case Resolution Progress" Project ORCA. *Fulton County GA Government*.

<https://sharefulton.fultoncountyga.gov/stories/s/Project-ORCA-Cases-Version-4-/jggn-kkdd/>

⁸ "Reducing Jail Overcrowding Without Increasing Crime."

Sincerely,

A handwritten signature in black ink, appearing to be 'Michael Collins', written in a cursive style.

Michael Collins
Senior Director for State and Local Government Affairs
Color Of Change

A handwritten signature in black ink, appearing to be 'Queen Adesuyi', written in a cursive style.

Queen Adesuyi
Policy Strategist for State and Local Government Affairs
Color Of Change