04-R-0388

(Do Not Write Above This Line)

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO MEMORANDA OF UNDERSTANDING WITH SURROUNDING JURISDICTIONS TO PROVIDE EVACUATION AND SUPPORT ASSISTANCE DURING JAIL EMERGENCY SITUATIONS; AND FOR OTHER PURPOSES.

ADOPTED BY

MAR 15 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee: Public Safety

Date: March 9, 2004

Chair: Councilmember, Lamar Willis

Referred to

Committee	Committee
PSLA	
Date: 3-9-04	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd Readings ☐ 3rd

☑ Consent ☐ V Vote ☑ RC Vote

CERTIFIED

MAR 15 2004

MAR 15 2004

MUNICIPAL CLERK

MAYOR'S ACTION

MAR 23 2004

MAYOR

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

04- R -0388

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO MEMORANDA OF UNDERSTANDING WITH SURROUNDING JURISDICTIONS TO PROVIDE EVACUATION AND SUPPORT ASSISTANCE DURING JAIL EMERGENCY SITUATIONS; AND FOR OTHER PURPOSES.

WHEREAS, a fire, chemical spill, power failure, inmate disturbance, or other significant incident in a jail may require the intervention of a large law enforcement force and/or the immediate evacuation of inmates from the facility; and

WHEREAS, the nature and magnitude of such incidents may require the activation and mobilization of a scope of personnel, vehicular and institutional resources which are not immediately available within City agencies alone; and

WHEREAS, surrounding jurisdictions may potentially encounter similar operational crises and therefore in the interest of promoting the public safety, are willing to provide that mutual assistance which is necessary and appropriate to effectively resolve such situations.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor or her designee is authorized to execute Memoranda of Understanding with the U.S. Penitentiary in Atlanta, and Dekalb and Fulton County Jails, to provide mutual assistance in emergency situations.

BE IT FURTHER RESOLVED THAT the Mayor or her designee is authorized to reimburse the aforementioned agencies for the reasonable costs of all supplies expended and/or damaged and the salaries of all personnel involved in resolving emergency situations in the Atlanta jail system beyond the initial response.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council March 15, 2004
APPROVED by the Mayor March 23, 2004

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

BETWEEN

FEDERAL BUREAU OF PRISONS
UNITED STATES PENITENTIARY, ATLANTA, GEORGIA

AND

ATLANTA CITY DETENTION CENTER

I. PURPOSE: This Memorandum of Understanding and Agreement between the Federal Bureau of Prisons (BOP) United States Penitentiary, Atlanta, Georgia and the Atlanta Detention Center establishes the responsibilities of each organization during law enforcement emergencies and when training or resources are requested.

II. DEFINITIONS: For the purposes of this Memorandum of Understanding, a "law enforcement emergency" means an unusual situation which requires law enforcement intervention, and which is, or which threatens to be of serious proportions, and local resources are inadequate to protect the lives and property of citizens or to enforce the criminal law in a situation identified as requiring prompt action.

III. AGREEMENT: The parties hereby agree as follows:

1. General Provisions Regarding Extent of Assistance Bureau of Prisons Staff May Provide: Pursuant to national policies of the Federal Bureau of Prisons, the types of assistance provided by USP Atlanta staff may not extend into operations such as crowd control for general public safety projects or for the enforcement of laws associated with scheduled public events. The basis for this limitation is the boundaries and the scope of Bureau of Prisons expertise, which is generally limited to correctional management issues. Bureau of Prisons staff, including USP Atlanta staff, ordinarily are not expected to become involved in situations requiring the use of force outside of the correctional environment. When a particular situation necessitates the use of force (e.g., for self-protection), the force used may not be beyond that specified within the Bureau of Prisons' own policies.

2. Logistical Support: During law enforcement emergencies, USP Atlanta may provide the Atlanta Detention Center with emergency supplies such as blankets, food, clothing, medical supplies, machinery, vehicles, and other emergency mechanical equipment. Personnel from USP Atlanta will normally be utilized to operate all equipment, machinery and vehicles that are made available to the Atlanta Detention Center unless the Atlanta Detention Center has indicated its personnel are competent to use such equipment, machinery and vehicles. Use of any and all supplies, equipment, machinery and vehicles will be provided to the Atlanta Detention Center only until the emergency situation is controlled and the public safety is no longer endangered.

3. Weapons, Ammunition, And Chemical Agents: Due to limited resources available at USP Atlanta and the need for the institution to consistently maintain the security and good order of its inmate population, the Atlanta Detention Center will not ordinarily request USP Atlanta to provide emergency assistance in the form of weapons, ammunition, or chemical agents except in the most extreme emergency situations in which all other possible sources of assistance have been exhausted. In extreme situations in which all other possible sources have been exhausted, the Warden or his/her designee, after due consideration of available resources and institutional security needs, may provide the Atlanta Detention Center with weapons, ammunition, and chemical agents. Pursuant to the national policies of the Federal Bureau of Prisons, under no circumstances will USP Atlanta provide weapons, ammunition, or chemical agents to the Atlanta Detention Center without first having received written certification from the Atlanta Detention Center specifying those personnel who are competent and qualified in the use of weapons, ammunition, and chemical agents of the type USP Atlanta may provide. USP Atlanta staff may not use weapons, ammunition, or chemical agents to assist the Atlanta Detention Center in response to any emergency unless authorized by the Deputy Attorney General or the Director of the Bureau of Prisons.

4. Routine Duties or Functions: When requested by the Atlanta Detention Center and authorized by the Wardens or designee, USP Atlanta staff may be used to support or replace the Atlanta Detention Center staff during long term emergency situations in a support role. This assistance may include manning command posts, victim/family support, mental health experts, or other support functions in order to permit the Atlanta Detention Center staff to perform primary law enforcement duties for the duration of the emergency situation.

5. Emergency Transportation: The United States Penitentiary, Atlanta, Georgia may provide, as available, four (4) 40 passenger prison buses and four (4) 10 passenger escort vans for the purpose of transporting inmates incarcerated in the Atlanta Detention Center upon request. Qualified staff from the United States Penitentiary will be assigned as drivers for all vehicles. Sufficient staff must be assigned from the Atlanta Detention Center to provide and maintain security on board each vehicle. The United States Penitentiary will not be considered to have assumed custody of inmates that are being transported in vehicles provided by United States Penitentiary. In turn, the Atlanta Detention Center may provide four (4) 40 passenger prison buses, as available, for the purpose of transporting inmates incarcerated at the United States Penitentiary. Qualified staff from the Atlanta Detention Center will be assigned as drivers for all vehicles and sufficient staff will be assigned from the United States Penitentiary, Atlanta, Georgia, to provide and maintain security on board each vehicle in use. The Atlanta Detention Center will not be considered to have

assumed custody of inmates that are being transported in vehicles provided by the Atlanta Detention Center.

6. Detention: The United States Penitentiary Atlanta, Georgia may take inmates from the Atlanta Detention Center into custody. Detention of inmates from the Atlanta Detention Center will be contingent upon the conclusion of the emergency situation or until arrangements have been made for the transportation of the inmates who are temporarily detained by the United States Penitentiary, Atlanta, Georgia to an alternate facility. Inmates from the Atlanta Detention Center may also be temporarily detained on board transport vehicles, buses or vans, for the expedited transportation to another facility.

7. Medical Support: USP Atlanta may provide qualified medical personnel as a support element in the event of a serious law enforcement emergency involving the Atlanta Detention Center operation. This assistance may include the use of medical equipment and supplies when the training and expertise of the requested medical personnel is warranted.

8. External Hostage Negotiation: USP Atlanta may provide the Atlanta Detention Center with trained and qualified hostage negotiators to furnish assistance in the form of background guidance and consultation. Active participation in negotiations by USP Atlanta personnel is prohibited without first obtaining the approval of the Regional Director of the Southeast Region of the Bureau of Prisons.

The Atlanta Detention Center staff are encouraged to participate in scheduled training and mock exercises conducted at USP Atlanta in order to become familiar with negotiators and equipment as well as build agency rapport. USP Atlanta staff are encouraged to participate in scheduled training and mock exercises conducted by the Atlanta Detention Center in order to become familiar with negotiators and equipment as well as build agency rapport.

9. Disturbance Control Squads And Special Operations Response Teams: USP Atlanta may provide trained Disturbance Control Teams (D.C.T.) or the Special Operations Response Team (S.O.R.T.) to provide assistance to or to supplement the Atlanta Detention Center personnel if a law enforcement emergency situation warrants. Authorization must first be obtained from the Attorney General of the United States, through direct contact with the Regional Director of the Southeast Region of the Bureau of Prisons, the Director of the Bureau of Prisons, and the Deputy Attorney General of the United States.

The Atlanta Detention Center staff are encouraged to participate in scheduled training and mock exercises conducted at USP Atlanta in order to become familiar with staff and equipment as well as build agency rapport. USP Atlanta staff are

encouraged to participate in scheduled training and mock exercises conducted by the Atlanta Detention Center in order to become familiar with staff and equipment as well as build agency rapport.

10. Training Facilities: USP Atlanta may allow the Atlanta Detention Center to use its training facilities and audio/visual equipment to conduct classroom training sessions, and to participate in mutually beneficial law enforcement training sponsored by the USP Atlanta. Training facilities available include a training center with a classroom seating sixty (60) students, firing range, obstacle course, and fitness center.

Requests for use of training facilities or for participation in mutual training exercises or exercises sponsored or conducted by USP Atlanta employees will be evaluated on a case-by-case basis, taking into account the specifics of each individual request. In order to utilize the physical fitness exercise equipment, the visitor must undergo an initial orientation with a member of the Employee Development staff.

11. Requests For Assistance: Under normal operating conditions, or when anticipated, any request for assistance pursuant to this MOU will be made in writing at least fourteen (14) in advance by either the Warden of USP Atlanta or the Atlanta Detention Center or designee. When time does not permit, a facsimile request may be made. In case of extreme emergency, a telephonic request may be made.

12. Reimbursement: USP Atlanta and the Atlanta Detention Center agree that all compensation of staff and costs for the use of equipment shall be paid solely by the agency that owns the equipment or officially employees the staff members to include personnel employed beyond the initial response time as well as expended or damaged equipment. Nothing in this agreement shall be construed to obligate the Atlanta Detention Center or the Federal Bureau of Prisons to any expenditure or obligation of funds in violation of state law or the Anti-Deficiency Act, 31 U.S. Section 1341. Each party shall be responsible for any liability arising from its own conduct and retain immunity and all defenses available to them pursuant to federal law [and state law if a state agency is the other party]. Neither party agrees to insure, defend, or indemnify the other party.

IV. TERMS OF THE AGREEMENT: This MOU will become effective upon the date of final signatures of all parties, as designated below. The Warden of USP Atlanta and the Atlanta City Detention Center or designee will review this agreement annually. The parties agree this MOU may be modified by the written agreement of both parties, and that it may be terminated immediately by either party via written notice to the other.

R. Wiley, Warden
United States Penitentiary Atlanta, Georgia

FEB - 2 2004
Date

Tom Pocock, Chief
Atlanta Department of Corrections

21 Jan 2004
Date

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE

04- R -0388

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO MEMORANDA OF UNDERSTANDING WITH SURROUNDING JURISDICTIONS TO PROVIDE EVACUATION AND SUPPORT ASSISTANCE DURING JAIL EMERGENCY SITUATIONS; AND FOR OTHER PURPOSES.

WHEREAS, a fire, chemical spill, power failure, inmate disturbance, or other significant incident in a jail may require the intervention of a large law enforcement force and/or the immediate evacuation of inmates from the facility; and

WHEREAS, the nature and magnitude of such incidents may require the activation and mobilization of a scope of personnel, vehicular and institutional resources which are not immediately available within City agencies alone; and

WHEREAS, surrounding jurisdictions may potentially encounter similar operational crises and therefore in the interest of promoting the public safety, are willing to provide that mutual assistance which is necessary and appropriate to effectively resolve such situations.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor or her designee is authorized to execute Memoranda of Understanding with the U.S. Penitentiary in Atlanta, and Dekalb and Fulton County Jails, to provide mutual assistance in emergency situations.

BE IT FURTHER RESOLVED THAT the Mayor or her designee is authorized to reimburse the aforementioned agencies for the reasonable costs of all supplies expended and/or damaged and the salaries of all personnel involved in resolving emergency situations in the Atlanta jail system beyond the initial response.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: **GREG PRIDGEON, CHIEF OF STAFF**
(for review & distribution to Executive Management)

Commissioner's Signature _____ Director's Signature _____

From: Origination Dept. Corrections Contact (Name) Chief Tom Pocock

Committee(s) of Purview: Public Safety Committee Deadline: February 23, 2004

Committee Meeting Date(s) March 9, 2004 City Council Meeting Date: March 15, 2004

CAPTION:

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO MEMORANDA OF UNDERSTANDING WITH SURROUNDING JURISDICTIONS TO PROVIDE EVACUATION AND SUPPORT ASSISTANCE DURING JAIL EMERGENCY SITUATIONS; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

Authorizing the Mayor or her designee to execute Memoranda of Understanding with the U.S. Penitentiary in Atlanta and the County Jails in Fulton and DeKalb to provide mutual assistance in an emergency situation where immediate evacuation of inmates may be necessary and/or required.

FINANCIAL IMPACT (if any):

As deemed necessary for the use of personnel and other emergency equipment.

Mayor's Staff Only

Received by Mayor's Office 2.23.04 Reviewed: _____

Submitted to Council: 2/27/04

Action by Committee: [ ]Approved [ ] Adversed [ ] Held [ ]Amended
[ ] Substitute [ ] Referred [ ] Other