



RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS prisoners in the California state prison system have filed law suits alleging that unconstitutional conditions exist in the state prisons pertaining to the quality and delivery of health care and mental health services by the California Department of Corrections and Rehabilitation ("CDCR"); (Plata et al. v. Schwarzenegger, N.D. Cal. No. 01-1351; Coleman et al. v. Schwarzenegger, E.D. Cal. No. 90-0520);

WHEREAS the original defendants include the Governor, Director of Finance, the Secretary of the Department of Corrections and Rehabilitation, and the Deputy Director of the Health Care Services Division, and are sued in their official capacities as state officials responsible for the operation of the CDCR (collectively, the "State");

WHEREAS as of April 2006, prison healthcare has been under the control of the courts in the Plata and Coleman matters and operated by a court-appointed receiver in the Plata case, and since the appointment of the receiver, massive changes and improvements to prison healthcare delivery and availability have been made and continue to be made;

WHEREAS despite these significant developments, the plaintiff-prisoners in the Plata and Coleman actions successfully moved for a Three-Judge Court to consider an immediate reduction in the prison population in the form of a court-ordered mass prisoner population reduction pursuant to 18 U.S.C. § 3626(a) (3);

WHEREAS the Prison Litigation Reform Act of 1995 authorizes local officials or units of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order to oppose the imposition of such relief and to intervene in any proceeding relating to such relief;

WHEREAS the El Dorado County District Attorney has joined a group of twenty elected District Attorneys opposing the court-ordered release of prison inmates pursuant to 18 U.S.C. § 3626(a) (3) (F)

WHEREAS a Settlement Referee and Consultant have submitted a settlement proposal which drastically lowers the state prison population level over a four year period based on a mathematical calculation;

WHEREAS the terms of this proposal include measures to reduce the prison population that will adversely affect public safety and the administration of justice on city and county levels, and despite undefined promises of future State funding, will necessarily impose massive financial burdens on county and local governments which are already suffering the negative consequences of inadequate jail facilities and funding shortages for programs targeting criminal offenders;

WHEREAS under the proposal no qualifying defendant to be sentenced to state prison for a term of up to two years will serve any time in prison and will be diverted to an as-yet undefined local program or released immediately on parole thereby creating nothing more than a "paper commitment" to prison for tens of thousands of convicted felons statewide;

WHEREAS the proposal creates a "Summary Parole" program under which convicted felons will receive no supervision on parole, and cannot be returned to State prison absent a new criminal conviction;

WHEREAS this prison population reduction proposal will create a clear and stark threat to the safety of El Dorado County citizens, and further represents an enormous potential increase in costs to the El Dorado County Probation Department, El Dorado District Attorney's Office, El Dorado County Sheriff, all county jails, the Offices of the Superior Court, and local police departments;

WHEREAS numerous academic studies and even CDCR statistical information substantiates that convicted felons have a substantial risk of recidivism and will commit new violent and property crimes in our communities if they are not incarcerated;

WHEREAS significant measures to alleviate prison crowding and promote rehabilitation of inmates have already been signed into law in Assembly Bill 900 and the implementation of these measures should be prioritized and expedited;

WHEREAS Assembly Bill 900 appropriated over \$7 billion of taxpayer funds to both protect citizens and attempt to rehabilitate convicted felons released on parole;

WHEREAS this settlement proposal further attempts to place sole responsibility for the rehabilitation of convicted felons released on parole on overburdened local probation departments;

WHEREAS CDCR, through its parole division, is best situated and equipped to handle the responsibility of supervising, monitoring, and attempting to rehabilitate convicted felons released on parole;

NOW, THEREFORE, BE IT RESOLVED BY THE EL DORADO COUNTY BOARD OF SUPERVISORS that we hereby OPPOSE the prison reduction proposal and will convey our opposition to the Governor, the California Legislature, and other California Counties.

NOW, THEREFORE, BE IT FURTHER RESOLVED that we strongly encourage the District Attorney and Sheriff to take all necessary actions to aggressively oppose any unnecessary and dangerous release of state prisoners as a result of the civil actions or any negotiated settlement.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the _____ day of _____, 200____, by the following vote of said Board:

Ayes:

Attest:

Cindy Keck
Clerk of the Board of Supervisors

Noes:

Absent:

By: _____
Deputy Clerk

Chairman, Board of Supervisors

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE: _____

Attest: CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____