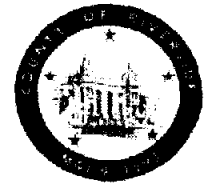


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



SUPERVISOR TAVAGLIONE

FROM: DISTRICT ATTORNEY AND SHERIFF

SUBMITTAL DATE:

June 6, 2008

SUBJECT: RESOLUTION IN OPPOSITION TO PROPOSAL FOR SETTLEMENT OF PRISONER RELEASE LITIGATION, SUPPORT FOR DISTRICT ATTORNEY'S AND SHERIFF'S ACTIONS TO OPPOSE THE PREMATURE RELEASE OF STATE PRISONERS, AND TO CONVEY THESE POSITIONS TO THE GOVERNOR, AND THE CALIFORNIA LEGISLATURE.

RECOMMENDED MOTION:

Approve and adopt resolution 2008-300, a resolution of the Riverside County Board of Supervisors in opposition to the proposal for settlement of prisoner release litigation, to support the District Attorney's and Sheriff's actions in opposing the premature release of state prisoners, and to convey that opposition to the Governor and the California Legislature.

BACKGROUND:

Two federal court class-action lawsuits were filed against the State of California alleging that the healthcare received in prison was not constitutionally adequate due to prison overcrowding. Since April 2006, the federal courts have been controlling prison healthcare with an appointed receiver. Despite the fact the State is no longer controlling prison healthcare, the plaintiff/prisoners successfully sought a three-judge panel to consider ordering a mass release of prisoners to address the crowding issue. A settlement referee submitted a proposal that would divert all state prison commitments of 12 months or less (after consideration of all applicable credits) to as-yet unidentified and unfunded local programs, effectively shifting the State's overcrowding problem to the Counties. The proposal also includes "summary parole" which would permit the release of some prisoners on parole with no supervision. This proposal places the residents of Riverside County at risk for substantially increased law enforcement costs, and more significantly, in danger of being victimized by the prisoners prematurely diverted from or returned from state prisons.

[Handwritten signatures of Rod Pacheco, Stanley L. Sniff, Jr., and John Tavaaglione]
 Rod Pacheco, District Attorney Stanley L. Sniff, Jr., Sheriff-Coroner-PA John Tavaaglione, Supervisor Second District

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	NO
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2008/2009

SOURCE OF FUNDS: N/A	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

Dep't Recomm.: Policy
 Per Exec. Ofc.: Policy
 Consent
 Consent

Prev. Agn. Ref.: **District: ALL** **Agenda Number:**

3.1

Departmental Concurrence

A RESOLUTION IN OPPOSITION TO PROPOSAL FOR SETTLEMENT OF PRISONER
RELEASE LITIGATION
RESOLUTION NO. 2008-300

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 Riverside County District Attorney, assisted by his counterparts in Orange County and San Diego County, has led 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 Riverside County citizens, and further represents an enormous potential increase in costs to the Riverside County Probation Department, Riverside County District Attorney's Office, Riverside 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 RIVERSIDE 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED that we authorize the use of this Resolution in further opposing this proposal which puts the residents of Riverside County at unwarranted and unconscionable risk.