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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JERRY VALDIVIA, ALFRED YANCY,  
and HOSSIE WELCH, on their own  
behalf and on behalf of the class  
of all persons similarly situated,

Plaintiffs,

NO. CIV. S-94-671 LKK/GGH

v.

O R D E R

ARNOLD SCHWARZENEGGER, Governor of  
the State of California, et al.,

Defendants.

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Based on the factual observations and recommendations of the  
Special Master described in his Third Report of the Special Master  
on the Status of the Condition of the Remedial Order, the court  
ORDERS that defendants must undertake and sustain work toward the  
earliest practical solution to providing due process to parolees  
who appear, either in the judgment of their attorneys or  
defendants' staff, too mentally ill to participate in revocation  
proceedings. These efforts must be undertaken in consultation with  
plaintiffs' counsel and the Special Master. Defendants are further

1 ORDERED as follows:

- 2 1. Defendants must provide progress updates to the Special  
3 Master and plaintiffs' counsel every three weeks,  
4 beginning three weeks from the date of this order, until  
5 the Special Master determines they are no longer  
6 necessary.
- 7 2. By March 1, 2008, the defendants must provide to the  
8 Special Master and plaintiffs' counsel a status report  
9 on the development of policies and procedures concerning  
10 this population. The policies and procedures must  
11 include methods to expedite treatment and to provide due  
12 process and full rights under the Permanent Injunction.
- 13 3. By March 15, 2008, defendants must provide to the  
14 Special Master and plaintiffs' counsel the standards  
15 defendants intend to use to determine whether a parolee  
16 is unable to participate meaningfully in revocation  
17 proceedings, by virtue of mental illness, and whether  
18 that ability has been regained. The standards should  
19 identify the types of staff or other service providers  
20 responsible for applying the standards.
- 21 4. By April 3, 2008, the defendants must provide to the  
22 Special Master and plaintiffs' counsel a detailed plan  
23 for implementing these policies and procedures and for  
24 training all affected CDCR staff and CalPAP attorneys.  
25 The plan must specify associated funding and timelines  
26 regarding the implementation process, and any new

1 resources required.

2 5. By June 15, 2008, these policies and procedures must be  
3 implemented.

4 The Special Master may, in his discretion, grant an extension  
5 of time on any of these deadlines upon either party's request and  
6 a showing of good cause.

7 IT IS SO ORDERED.

8 DATED: January 14, 2008.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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