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14 Intervenor-Defendants

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IN THE UNITED STATES DISTRICT COURTS  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
AND THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES  
PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

15 RALPH COLEMAN, et al.,  
16  
17 Plaintiffs,  
18 vs.  
19 ARNOLD SCHWARZENEGGER, et  
20 al.,  
21  
22 Defenda nts.

Case No: CIV S-90-0520 LKK JFM P  
**THREE-JUDGE COURT**

[F.R.C.P. 24; 18 U.S.C. § 3626(a)(3)(F)]  
**POSITION STATEMENT OF LAW  
ENFORCEMENT INTERVENORS**

23 MARCIANO PLATA, et al.,  
24  
25 Plaintiffs,  
26 vs.  
27 ARNOLD SCHWARZENEGGER, et  
28 al.,  
Defenda nts.

Case No.: C01-1351 TEH  
**THREE-JUDGE COURT**

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 The sixty seven Sheriffs, Chief Probation Officers and Police Chiefs known in this  
3 action as the “Law Enforcement Intervenors” submit the following brief statement of  
4 position regarding the Settlement Referee’s Settlement Proposal.

5 The Law Enforcement Intervenors intervened in this action in order to fully  
6 participate in issues raised by such a proceeding, whether a constitutional violation is  
7 primarily caused by overcrowding, what alternatives there are to a prison release order,  
8 the impacts of a prison release order on the community, and ultimately, whether such a  
9 release order should be issued and its scope. The Law Enforcement Intervenors also  
10 sought to participate fully in the litigation so that they could meaningfully participate in  
11 the settlement discussions involving all parties. Regrettably, those discussions have not  
12 come to fruition.

13 These Intervenors agree with others that as yet, the Federal Three-Judge Court has  
14 made no determination as to: (1) whether prison overcrowding is the primary cause of  
15 inadequate inmate medical and mental healthcare; and (2) in the event that  
16 overcrowding is determined to be the primary cause, whether there is any less intrusive  
17 remedy than early release of inmates or the imposition of an inmate population cap to  
18 improve inmate medical and mental healthcare.

19 Following several months of work with the parties to the litigation, Settlement  
20 Referee Justice Elwood Lui (ret.) and Settlement Consultant Justice Peter Siggins  
21 presented the parties with a Proposed Settlement, dated June 2, 2008, and made public by  
22 order of the Three-Judge Court. As noted by the Settlement Referee in his report, this  
23 group of Intervenors were strongly supportive of the many of the proposals, and  
24 underlying goals, of the Proposed Settlement. The Law Enforcement Intervenors did not  
25 agree with each component of the Proposed Settlement as last circulated, but very much  
26 appreciate having the opportunity to work with the Referee and Consultant, to share their  
27 concerns and to participate in articulating and fleshing out proposed solutions.

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