



Judge sets deadline for Calif. prison decision

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SACRAMENTO—A federal judge on Tuesday gave the Schwarzenegger administration 15 days to sign an agreement intended to reform the health care system for California inmates and end a long and costly legal dispute.

Failure to do so would prompt a potential raid on the state treasury, U.S. District Judge Lawrence Karlton warned.

Corrections Secretary Matthew Cate negotiated the tentative agreement last month with J. Clark Kelso, the court-appointed receiver overseeing prison medical reform.

Benjamin Rice, general counsel for the Department of Corrections and Rehabilitation, said the administration and the state controller's office are reviewing the agreement. The terms haven't changed, he said, nor has it been rejected.

Karlton's patience wore thin when Deputy Attorney General Debbie Vorous said she could not say why the document had not been signed.

"This is intolerable," the judge said.

He gave the state three months to present an alternative if it won't sign the tentative agreement.

"They better come in with a plan with real money. Otherwise, I'm going to start eating into their budget in a real dramatic way," Karlton said during a

hearing in federal court in Sacramento.

Seconds later, the visibly upset judge took a breath and said, "Take that back. I'm not threatening anything." It was one of many times during the hour-long hearing that Karlton tried to restrain himself.

"If I sound terribly frustrated, it's because I am," Karlton said at another point after raising his voice.

The agreement would end a series of lawsuits that stemmed from allegations of inadequate care. Federal courts subsequently found the care so negligent that it violated prisoners' civil rights and was a direct cause of inmate deaths.

The \$1.9 billion compromise reached by the receiver and Schwarzenegger's corrections secretary calls for building two prison hospitals for 3,400 physically and mentally ill inmates.

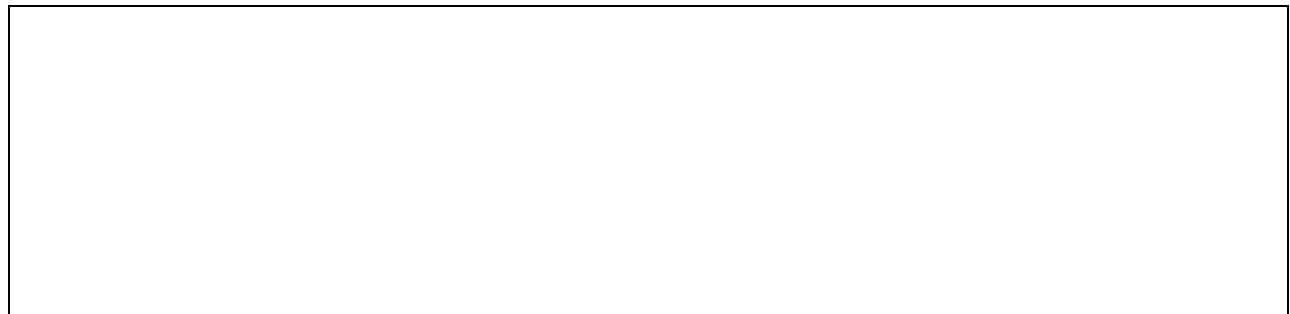
It represents a much less ambitious plan than the one originally proposed by the receiver. Under the first plan, the state would have spent \$6 billion to build seven hospitals for 10,000 ailing inmates.

Both sides said the compromise was an acknowledgment of fiscal reality, as California faces a \$24.3 billion deficit and steep cuts to schools, parks and social programs.

In addition to improving medical and mental health care, the tentative agreement would end competing lawsuits between Gov. Arnold Schwarzenegger and Kelso. The receiver is threatening to seek a contempt of court ruling if Schwarzenegger won't turn over money for prison medical centers. Schwarzenegger is seeking a court order to end the receivership.

At the same time, state Attorney General Jerry Brown has said he will appeal to the U.S. Supreme Court if

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federal judges seek to raid the state treasury unilaterally.

Under the agreement, the receiver would agree to shift many of his employees and duties back to state control within six months.

Attorneys said they believe the administration has until July 1 to sign the agreement, although the exact date was unclear from Karlton's verbal order.

"We're very close. The state's had this albatross around it's neck for about 15 years," Kelso said in an interview. "The hopeful or good news is we're about a signature away from solving this problem once and for all."

Karlton said he was encouraged by the administration's shorter-term plans, also presented in court Tuesday, to improve care for mentally ill inmates. But he warned that the administration is now obligated to meet the deadlines it has set for itself.

"Those are orders of the court that must be obeyed—not hoped for, not prayed for—obeyed," the judge said. "I'm not kidding."

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