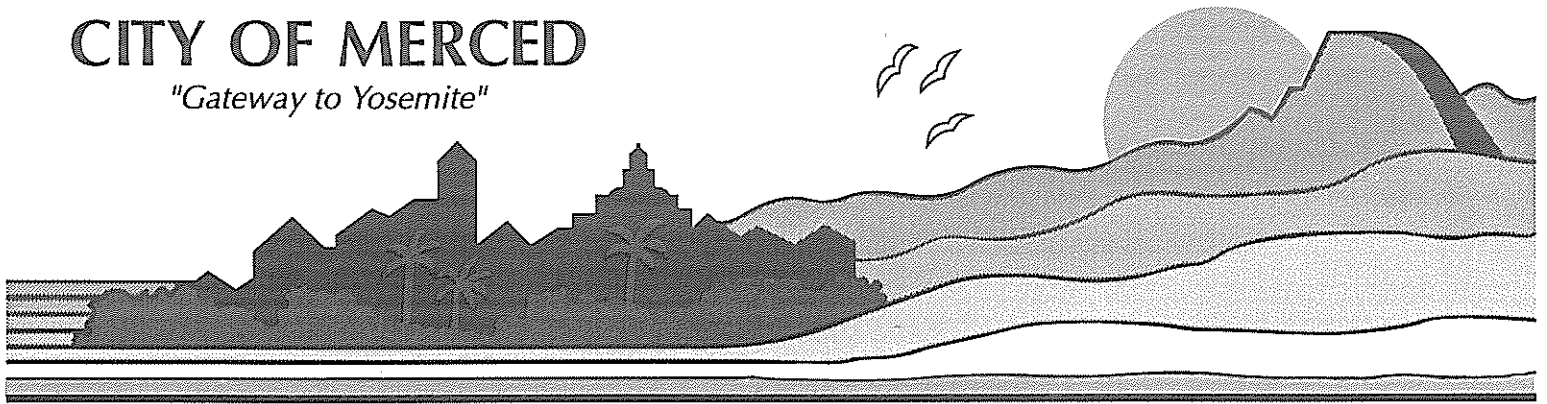


CITY OF MERCED

"Gateway to Yosemite"



July 9, 2008

To: USP – Atwater
Member of Congress Cardoza
Senator Boxer
Senator Feinstein
Dennis Anderson

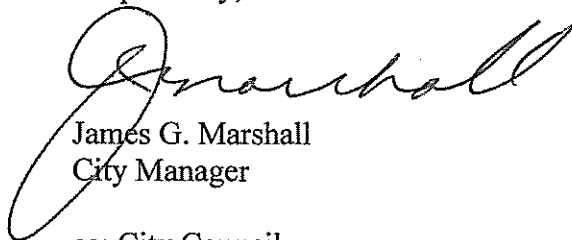
From: James G. Marshall, City Manager

Subject: Merced City Council Resolution 2008-55 (Certified Copy)
“A Resolution of the City Council of the City of Merced, California,
Supporting Request for Policy Changes by the United States Bureau of
Prisons to Provide Safer Working Conditions to Correctional Officers”

As a result of the recent murder of Correctional Officer Jose Rivera at the Atwater U. S. Penitentiary, the Merced City Council; has adopted the attached Resolution seeking safer working conditions for Correctional Officers; and, a higher degree of safety for the surrounding communities.

As an interested party, you are being provided with a copy of the resolution in hopes that you will take appropriate actions to increase safety for our community; and, for the employees at the Penitentiary.

Respectfully;



James G. Marshall
City Manager

cc: City Council

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CITY CLERK'S CERTIFICATE

I, JAMES G. MARSHALL, City Clerk of the City of Merced, California, do hereby certify that the attached document, entitled:

RESOLUTION NO. 2008-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MERCED, CALIFORNIA, SUPPORTING REQUEST FOR
POLICY CHANGES BY THE UNITED STATES BUREAU OF
PRISONS TO PROVIDE SAFER WORKING CONDITIONS
TO CORRECTIONAL OFFICERS

is a true and correct copy of the original on file in the Office of the Merced City Clerk, Merced, California.

JAMES G. MARSHALL, CITY CLERK

DATED: July 9, 2008

By: Catherine Gregory
Catherine Gregory
Deputy City Clerk



RESOLUTION NO. 2008-55

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MERCED, CALIFORNIA,
SUPPORTING THE REQUEST FOR POLICY CHANGES
BY THE UNITED STATES BUREAU OF PRISONS
TO PROVIDE SAFER WORKING CONDITIONS
TO CORRECTIONAL OFFICERS**

WHEREAS, the recent murder of Correctional Officer Jose Rivera while working at the United States Penitentiary-Atwater (USP-Atwater) has raised serious concerns about the working conditions and policies at the USP-Atwater; and,

WHEREAS, the Correctional Officers working at USP-Atwater are seeking and do deserve support *for* a safer working environment; and,

WHEREAS, local communities surrounding USP-Atwater deserve a reasonable level of protection from inmates confined in USP-Atwater; and,

WHEREAS, the working conditions identified by the USP-Atwater Correctional Officers would require the Federal Bureau of Prisons (BOP) to change their current policies to better protect Correctional Officers and the local community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVED DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced resolves that the Federal BOP should immediately implement policy changes to better protect Correctional Officers working in United States Penitentiaries and surrounding local communities.

SECTION 2. Serious and immediate consideration should be given to the issuance of up to date, properly fitted and certified stab resistant vests, as well as other non-lethal equipment, including, but not limited to, such items as tear gas (*OC*), Asp, baton, or Tasers.

SECTION 3. Maximum Security Housing Units at USP-Atwater should be staffed with a minimum of two (2) Correctional Officers in each housing unit (2 in "A" side and 2 in "B" side) at all times.

SECTION 4. The lockdown currently in place at USP-Atwater should remain in effect until appropriate policy changes identified above are implemented and should not be ended until all staff with direct inmate contact inside USP-Atwater are, at-an-absolute minimum, provided with properly fitted stab resistant vests and at least one non-lethal piece of protective equipment.

SECTION 5. The USP-Atwater and BOP should immediately consider implementing a form of location incentive in order to achieve and maintain acceptable staffing levels and reduce overtime costs.

SECTION 6. The USP-Atwater and BOP should acknowledge that USP-Atwater does, in fact, contain a maximum-security level facility and Administration should be more forthcoming with the surrounding communities and the media regarding security issues and criminal acts within the facility.

SECTION 7. Information regarding the implementation of above noted changes should be given by USP-Atwater or BOP to the City of Merced City Council in a timely manner, or that body may reconsider the issues and formally request appropriate Federal legislative action be taken.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 7th day of July, 2008, by the following vote:

AYES: Council Members: SANDERS, CORTEZ, CARLISLE
GABRIALT-ACOSTA, LOR, SPRIGGS,
WOOTEN

NOES: Council Members: NONE

ABSENT: Council Members: NONE

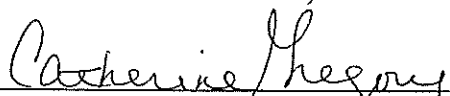
ABSTAIN: Council Members: NONE

APPROVED:

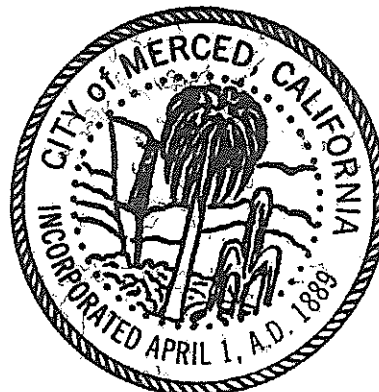


Mayor

ATTEST:
JAMES G. MARSHALL, CITY CLERK

BY: 

Deputy City Clerk (SEAL)



APPROVED AS TO FORM:

 7/8/2008
City Attorney Date