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10 IN THE UNITED STATES DISTRICT COURTS
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 AND THE NORTHERN DISTRICT OF CALIFORNIA
13 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
14 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

15 **RALPH COLEMAN, et al.,**
16 Plaintiffs,
17 v.
18 **EDMUND G. BROWN JR., et al.,**
19 Defendants.
20

2:90-cv-00520 LKK DAD PC
THREE-JUDGE COURT

21 **MARCIANO PLATA, et al.,**
22 Plaintiffs,
23 v.
24 **EDMUND G. BROWN JR., et al.,**
25 Defendants.
26

C01-1351 TEH
THREE-JUDGE COURT
**DEFENDANTS' AUGUST 2014 STATUS
REPORT IN RESPONSE TO FEBRUARY
10, 2014 ORDER**

1 The State submits this status report on the current in-state and out-of-state adult prison
2 populations and the measures being taken to reduce the prison population in response to the
3 Court's February 10, 2014 Order Granting in Part and Denying Part Defendants' Request for
4 Extension of December 31, 2013 Deadline (February 10, 2014 Order).

5 Exhibit A sets forth the current design bed capacity, population, and population as a
6 percentage of design bed capacity for each state prison and for all state prisons combined. On
7 July 21, 2014, the *Plata* Receiver re-opened medical admissions at the California Health Care
8 Facility (CHCF), Stockton. (*California Health Care Facility Resumes Medical Admissions*,
9 California Correctional Health Care Services, July 21, 2014, [http://www.cphcs.ca.gov/docs/press/
10 PRESS_20140721_Press_Release.pdf](http://www.cphcs.ca.gov/docs/press/PRESS_20140721_Press_Release.pdf).) Consistent with the Court's July 3 Order, the system-
11 wide design bed capacity reported in Exhibit A includes the full design capacity of CHCF. As of
12 August 13, 2014, 115,972 inmates were housed in the State's 34 adult institutions, which amounts
13 to 140.2% of design bed capacity, and 8,803 inmates were housed in out-of-state facilities.¹

14 Exhibit B sets forth the steps Defendants are taking to implement the measures designed
15 to reduce the prison population detailed in the February 10 order and the status of these measures.
16 (ECF 2766/5060 at ¶¶ 4-5.)

17
18 Dated: August 15, 2014

KAMALA D. HARRIS
Attorney General of California

19
20 By: /s/ *Patrick R. McKinney*
PATRICK R. MCKINNEY
Supervising Deputy Attorney General
21 *Attorneys for Defendants*

22 Dated: August 15, 2014

HANSON BRIDGETT LLP

23 By: /s/ *Paul B. Mello*
PAUL B. MELLO
24 *Attorneys for Defendants*

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27 ¹ The data in Exhibit A is taken from CDCR's August 13, 2014 weekly population report,
28 available on CDCR's Web site at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad130724.pdf

Exhibit A

Exhibit A

Population as of August 13, 2014

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	115,972	140.2%
Total housed in camps		4,131	
Total housed out of state		8,803	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,688	126.3%
California State Prison, Calipatria	2,308	3,850	166.8%
California Correctional Center*	3,883	4,929	126.9%
California Correctional Institution	2,783	4,425	159.0%
California State Prison, Centinela	2,308	2,771	120.1%
California Health Care Facility, Stockton	2,951	1,646	55.8%
California Institution for Men	2,976	4,655	156.4%
California Men's Colony	3,838	4,239	110.4%
California Medical Facility	2,361	2,070	87.7%
California State Prison, Corcoran	3,116	4,330	139.0%
California Rehabilitation Center	2,491	2,731	109.6%
Correctional Training Facility	3,312	5,030	151.9%
Chuckawalla Valley State Prison	1,738	2,255	129.7%
Deuel Vocational Institution	1,681	2,515	149.6%
Folsom State Prison	2,066	2,589	125.3%
High Desert State Prison	2,324	3,394	146.0%
Ironwood State Prison	2,200	2,997	136.2%
Kern Valley State Prison	2,448	3,852	157.4%
California State Prison, Los Angeles	2,300	3,606	156.8%
Mule Creek State Prison	1,700	2,944	173.2%
North Kern State Prison	2,694	4,697	174.4%
Pelican Bay State Prison	2,380	2,843	119.5%
Pleasant Valley State Prison	2,308	3,054	132.3%
RJ Donovan Correctional Facility	2,200	2,998	136.3%
California State Prison, Sacramento	1,828	2,213	121.1%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,436	158.8%
Sierra Conservation Center*	3,736	4,625	123.8%
California State Prison, Solano	2,610	3,929	150.5%
California State Prison, San Quentin	3,082	3,843	124.7%
Salinas Valley State Prison	2,452	3,420	139.5%
Valley State Prison	1,980	3,262	164.7%
Wasco State Prison	2,984	5,199	174.2%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	3,691	184.2%
California Institution for Women*	1,398	1,967	140.7%
Folsom Women's Facility	403	410	101.7%

* The individual Design Capacity and Actual Population figures for California Correctional Center, Sierra Conservation Center and California Institute for Women include persons housed in camps. This population is excluded from the "Total housed in adult institutions" included on Exhibit A.

¹ The "Actual Population" includes inmates housed in medical and mental health inpatient beds located within Correctional Treatment Centers, General Acute Care Hospitals, Outpatient Housing Units, and Skilled Nursing Facilities at the State's 34 institutions. Many of those beds are not captured in "Design Capacity".

Source - August 13, 2014 Weekly Population Report, available at:
http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html.

Exhibit B

OFFICE OF LEGAL AFFAIRS

Benjamin T. Rice
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



August 15, 2014

Paul Mello
Hanson Bridgett
1676 N. California Blvd., Suite 620
Walnut Creek, CA 94596

Dear Mr. Mello:

Attached, please find California Department of Corrections and Rehabilitation's Status Update for 3JP.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben T. Rice".

BENJAMIN T. RICE
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation

Attachments



AUGUST 15, 2014 UPDATE TO THE THREE-JUDGE COURT

In response to the Three-Judge Court's February 10, 2014 Order, CDCR Staff report on the status of the following measures being taken to reduce the State's adult inmate population. This report reflects CDCR's efforts as of August 15, 2014 to develop and implement measures to comply with the population reduction order. Because this is an evolving process, CDCR reserves the right to modify or amend its plans as circumstances change.

On July, 21, 2014, the *Plata* Receiver reopened the California Health Care Facility (CHCF) to *Plata* class members and, consistent with the Court's July 3, 2014 Order, Defendants have included the full capacity of CHCF in CDCR's system-wide design bed capacity. At present, the State's prison population is approximately 140.2% of design capacity.

1. **Contracting for additional in-state capacity in county jails, community correctional facilities, and private prison(s):**

Defendants have reduced the population in CDCR's 34 institutions by transferring inmates to in-state facilities.

a. Private Prison (California City):

The current population of California City is approximately 2,258 inmates.

b. Community correctional facilities (CCFs) and modified community correctional facilities (MCCFs):

The State currently has contracted for 4,178 MCCF beds that are in various stages of activation and transfer. Intake at the McFarland Female Community Reentry Facility located in McFarland, California began the week of August 4, 2014. The State also has the option to add an additional 260 beds at the McFarland Female Community Reentry Facility. An additional 887 contract beds have been identified as potential capacity for the State. The State is in discussions with these providers.

c. County jails:

The State continues to evaluate the need for additional in-state jail bed contracts to house CDCR inmates.

2. **Reentry Hubs:**

The State has activated thirteen prison-based reentry hubs at Avenal State Prison, California Institution for Men, California Men's Colony, Correctional Training Facility, Chuckawalla Valley State Prison, Ironwood State Prison, Substance Abuse Treatment Facility at Corcoran, California Institution for Women, Central California Women's

Facility, Folsom Women's Facility, High Desert State Prison, Valley State Prison, and California State Prison, Los Angeles County.

3. Newly-enacted legislation:

The State continues to implement Senate Bill 260 (2013), which allows inmates whose crimes were committed as minors to appear before the Board of Parole Hearings (BPH) to demonstrate their suitability for release after serving at least fifteen years of their sentence. BPH held 41 hearings in July, bringing the total number of hearings held in 2014 to 173. Many additional hearings were scheduled from January through July, but inmates postponed or waived the hearings and they will be rescheduled in the future. Nearly all youth offenders who received a grant prior to January 1, 2014 have reached their minimum eligible parole dates and will be processed for release when that date is reached.

Proposition 36, passed by the voters in November 2012, revised the State's three-strikes law to permit resentencing for qualifying third-strike inmates whose third strike was not serious or violent. Through the beginning of August 2014, approximately 1,852 third-strike inmates have been released.

4. Prospective credit-earning increase for non-violent, non-sex second-strike offenders and minimum custody inmates:

Effective from the date of the Court's Order, February 10, 2014, non-violent, non-sex second-striker offenders are earning credits at the rate of 33.3% (increased from the previous rate of 20%) and release dates have been recalculated. The State's automated systems have been modified and the court ordered credits are being automatically applied. In July, 586 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 36.8 days of additional credit.

With respect to two-for-one credit earning for minimum custody inmates, the State continues to evaluate this population reduction tool in light of fire camp participation rates.

5. New parole determination process whereby non-violent second-strikers will be eligible for parole consideration by BPH once having served 50% of their sentence:

The State has developed a tentative policy approach for identifying and notifying eligible offenders, and for scheduling and tracking actions taken. The State is currently drafting necessary regulations to implement this policy approach. To minimize overlap, the State is working to incorporate this measure into existing processes. The State anticipates finalizing policy and regulations in the coming months and will report on this measure in future reports.

¹ Of the 586, 448 have been released to Post Release Community Supervision and 138 have been released to parole.

6. Parole determination process for certain inmates with indeterminate sentences granted parole with future parole dates:

BPH authorized the release of four additional inmates who were granted parole with future dates since the last report to the Court.² The State continues to identify additional potentially eligible inmates who have already been found suitable for parole by BPH. As part of the verification of eligibility, the State will review inmates' disciplinary histories and any outstanding holds, detainers, warrants, or Thompson terms. Once eligible inmates are identified, the State works with the inmates to update their parole plans, if needed, and verifies their existing parole plans. BPH then documents its decision and if the inmate is to be released from his or her life-term, issues a memorandum to institutions releasing the inmate from his or her life term. Institutions will then process the inmate for release to parole if there are no outstanding holds, detainers, warrants, or Thompson terms.

7. Parole process for medically incapacitated inmates:

The State continues to work closely with the Receiver's Office to implement this measure. CDCR and the Receiver's Office have agreed to use Resource Utilization Guide scores to help identify medically eligible inmates. CDCR, BPH, and the Receiver's Office have agreed to revise hearing and placement procedures for medically incapacitated inmates. The Receiver's Office is reviewing inmates and is sending completed recommendations to CDCR. Recommendations received by the Receiver's office will be reviewed by DAI and processed to BPH for a hearing. The first two medical parole hearings under the revised procedures occurred on August 13, 2014. Additional hearings are scheduled September and October 2014.

8. Parole process for inmates 60 years of age or older having served at least 25 years:

The State continues to develop policies and procedures for tracking eligible offenders and a systemic methodology for scheduling and tracking hearings. Risk assessments for these offenders will be revised to specifically address how advanced age, long-term confinement, and diminished physical condition, if any, may impact the inmate's potential risk for future violence. The revised risk assessments will be available for hearings conducted on or after October 1, 2014. Many eligible offenders are life-term inmates who are already in the Board of Parole Hearings' parole suitability hearing cycle. Upgrades to the Board's main computer system to accommodate electronic identification of eligible inmates and scheduling of hearings are expected to be implemented in September 2014.

9. Reentry programs:

The contract for the San Francisco reentry program is in place. The State continues to refer eligible inmates to county officials and the county is currently reviewing these inmates for placement.

The Fiscal Year 2014/2015 budget included \$20 million for the expansion of reentry programs. The Administration proposes to fund local reentry programs targeting the mental health population who are within six to twelve months of release to facilitate their

² The State's July status report indicated that four inmates were scheduled for release under this measure. However, one of these inmates was not released because Defendants determined he had not yet reached his minimum eligible parole date. His parole grant will remain unaffected.

reentry into the community. The facilities will offer services such as case management services, employment services, and assistance with securing identification cards, housing, and enrollment in programs such as Medi-Cal and CalWORKs. The facilities will house offenders who will be released to both parole and Post Release Community Supervision and would allow parole agents and probation officers access to this population for the purpose of developing reintegration plans and strategies for continuity of treatment upon release. The State continues to meet with counties and local community stakeholders regarding the expansion of reentry programs, including conducting site visits of potential facilities.

10. Expanded alternative custody program for females:

On August 4, 2014, the State activated an 82 bed facility in San Diego and is searching for additional sites for the alternative custody program for females. CDCR is currently marketing the program to female inmates and is reviewing inmate applications to determine placement in the program.