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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 KJM KJN 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' DECEMBER 2015
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. As of
7 December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which
8 amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state
9 facilities.¹ The current population is 1,212 inmates below the final court-ordered population
10 benchmark of 137.5% of design bed capacity, and has been under that benchmark since February
11 2015. (*See Ex. A.*) Exhibit B sets forth the status of the measures detailed in the February 10,
12 2014 Order that Defendants have implemented to reduce the prison population. (ECF 2766/5060
13 at ¶¶ 4-5.)

14
15 Dated: December 15, 2015

KAMALA D. HARRIS
Attorney General of California

16
17 By: /s/ *Maneesh Sharma*
MANEESH SHARMA
Deputy Attorney General
18 *Attorneys for Defendants*

19 Dated: December 15, 2015

HANSON BRIDGETT LLP

20 By: /s/ *Paul B. Mello*
PAUL B. MELLO
21 *Attorneys for Defendants*

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27 ¹ The data in Exhibit A is taken from CDCR's December 9, 2015 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 December 9, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	112,510	136.0%
Total housed in camps		3,719	
Total housed out of state		5,264	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,364	115.2%
California State Prison, Calipatria	2,308	3,879	168.1%
California Correctional Center*	3,883	3,965	102.1%
California Correctional Institution	2,783	3,748	134.7%
California State Prison, Centinela	2,308	2,958	128.2%
California Health Care Facility, Stockton	2,951	2,153	73.0%
California Institution for Men	2,976	3,375	113.4%
California Men's Colony	3,838	3,988	103.9%
California Medical Facility	2,361	2,511	106.4%
California State Prison, Corcoran	3,116	4,296	137.9%
California Rehabilitation Center	2,491	2,777	111.5%
Correctional Training Facility	3,312	5,100	154.0%
Chuckawalla Valley State Prison	1,738	2,068	119.0%
Deuel Vocational Institution	1,681	2,629	156.4%
Folsom State Prison	2,066	2,387	115.5%
High Desert State Prison	2,324	3,511	151.1%
Ironwood State Prison	2,200	3,553	161.5%
Kern Valley State Prison	2,448	3,951	161.4%
California State Prison, Los Angeles	2,300	3,575	155.4%
Mule Creek State Prison	1,700	2,812	165.4%
North Kern State Prison	2,694	4,105	152.4%
Pelican Bay State Prison	2,380	2,512	105.5%
Pleasant Valley State Prison	2,308	3,055	132.4%
RJ Donovan Correctional Facility	2,200	3,134	142.5%
California State Prison, Sacramento	1,828	2,197	120.2%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,577	162.9%
Sierra Conservation Center*	3,836	4,397	114.6%
California State Prison, Solano	2,610	3,843	147.2%
California State Prison, San Quentin	3,082	3,571	115.9%
Salinas Valley State Prison	2,452	3,683	150.2%
Valley State Prison	1,980	3,516	177.6%
Wasco State Prison	2,984	4,809	161.2%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,691	134.3%
California Institution for Women*	1,398	1,970	140.9%
Folsom Women's Facility	403	480	119.1%

* 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 - December 9, 2015 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

Patrick R. McKinney II
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



December 15, 2015

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 "P. McKinney II".

Patrick R. McKinney II
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation

Attachments



DECEMBER 15, 2015 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 December 15, 2015 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. At present, the State's prison population is approximately 136.0% of design capacity.

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

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 1,978 inmates.

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

The State currently has contracted for 4,218 MCCF beds that are in various stages of activation and transfer.

c. County jails:

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

d. Reduction of inmates housed out-of-state:

On February 10, 2014 the Court ordered Defendants to "explore ways to attempt to reduce the number of inmates housed in out-of-state facilities to the extent feasible." Since that time, the State has reduced the out-of-state inmate population to 5,264 and has closed the Oklahoma out-of-state facility. Under the Fiscal Year 2015-16 budget, approximately 360 additional out-of-state beds will be reduced by the end of June 2016.

2. **Reentry Hubs:**

The State continues to maintain thirteen prison-based reentry hubs.

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 (the Board) to demonstrate their suitability for release after serving at least fifteen years of their sentence. From January 1, 2014 through November 30, 2015, the Board held 896

youth offender hearings, resulting in 246 grants, 561 denials, 89 stipulations to unsuitability, and there are currently no split votes that require referral to the full Board for further consideration. An additional 456 hearings were scheduled during this time period, but were waived, postponed, continued, or cancelled. On October 3, 2015, the State enacted Senate Bill 261, which expands the youth offender parole process described above to include inmates who committed their controlling offense before the age of 23. Inmates who are immediately eligible for a hearing will receive a hearing date by January 1, 2018, if sentenced to an indeterminate life term, and by December 31, 2021, if sentenced to a determinate life term.

On October 3, 2015, the State also enacted Senate Bill 230, which provides that life inmates who are granted parole will be eligible for release, subject to applicable review periods, upon reaching their minimum eligible parole date. Life inmates will no longer be granted parole with future parole dates.

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. As of December 11, 2015, approximately 2,167 third-strike inmates have been released.

On November 4, 2014, the voters passed Proposition 47, which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permits inmates previously sentenced for these reclassified crimes to petition for resentencing. As of December 9, 2015, approximately 4,516 inmates have been released under Proposition 47.

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

Effective from the date of the Court's February 10, 2014 Order, non-violent, non-sex second-striker offenders are earning credits at the rate of 33.3% (increased from the previous rate of 20%) and are also eligible to earn milestone credits for rehabilitative programs. The State's automated systems have been modified and the court-ordered credits are being automatically applied, including milestone credits. In November, 256 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 138.3 days of additional credit. Of the 256 inmates released in November, 131 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 3,511 inmates who have been released as a result of this credit measure earned milestone credits toward their advanced release date.

As of January 1, 2015, Defendants expanded 2-for-1 credit earnings for all inmates designated Minimum Custody A or B pursuant to California Code of Regulations Title 15 Section 3377.1 who are currently eligible to earn day-for-day (50%) credits. These credits are being applied prospectively to the 725 inmates who are currently eligible under this program. Since January 1, 2015, 2,684 total inmates have been released receiving expanded 2-for-1 earnings.

¹ Of the 256 inmates, 157 were released to Post Release Community Supervision and 99 were released to parole.

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

Classification committees are reviewing inmates for eligibility and referring them to the Board. From January 1, 2015 through November 30, 2015, 3,567 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 1,472 inmates for release and denied release to 1,391 inmates. Many cases are pending review because the 30-day period for written input from inmates, victims, and prosecutors has not yet elapsed. Others are pending review until the inmate is within 60 days of his or her 50 percent time-served date.

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

The Board authorized the release of 4 additional inmates who were granted parole with future dates since the last report to the Court. The State continues to identify additional potentially eligible inmates who have already been found suitable for parole by the Board. 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. The Board 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. As described above, Senate Bill 230, enacted on October 3, 2015, provides that life inmates who are granted parole will be eligible for release, subject to applicable review periods, upon reaching their minimum eligible parole date. The State will continue to implement this measure until SB 230 goes into effect in January 2016.

7. Parole process for medically incapacitated inmates:

The State continues to work closely with the Receiver's Office to implement this measure. The Receiver's Office is continuing to review inmates and is sending completed recommendations to CDCR. Recommendations received from the Receiver's office are reviewed by DAI and referred to the Board for a hearing. As of December 9, 2015, the Board has held 61 medical parole hearings under the revised procedures. An additional 20 were scheduled, but were postponed, continued, or cancelled.

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

The Board continues to schedule eligible inmates for hearings who were not already in the Board's hearing cycle, including inmates sentenced to determinate terms. From February 11, 2014 through November 30, 2015, the Board has held 1,028 hearings for inmates eligible for elderly parole, resulting in 275 grants, 675 denials, 78 stipulations to unsuitability, and there currently are no split votes that require further review by the full Board. An additional 471 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

9. Reentry programs:

Contracts for the San Francisco, Marin, Los Angeles, and Kern County reentry programs are in place. The State continues to review and refer eligible inmates to county officials for consideration for placement. As of December 14, 2015, the 150-bed facility in Los Angeles County houses 129 inmates and the 50-bed facility in Kern County houses 16 inmates.

10. Expanded alternative custody program:

The State's alternative custody program for females, Custody to Community Transitional Reentry Program (CCTRP), provides female inmates with a range of rehabilitative services that assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support. Female inmates in the CCTRP program are housed at one of three facilities located in San Diego, Santa Fe Springs (LA), and Bakersfield.

As of December 14, 2015, the 82-bed San Diego facility houses 81 female inmates, the 82-bed Santa Fe Springs (LA) facility houses 82 female inmates, and the 75-bed Bakersfield facility houses 74 female inmates.