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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 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' FEBRUARY 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 February 11, 2015, 112,993 inmates were housed in the State’s 34 adult institutions, which  
8 amounts to 136.6% of design bed capacity, and 8,828 inmates were housed in out-of-state  
9 facilities.<sup>1</sup> This current population is now below the court-ordered reduction to 137.5% of design  
10 bed capacity. (*See* Ex. A.) Exhibit B sets forth the status of the measures detailed in the February  
11 10, 2014 Order that Defendants have implemented to reduce the prison population. (ECF  
12 2766/5060 at ¶¶ 4-5.)

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14 Dated: February 17, 2015

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18 Dated: February 17, 2015

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27 <sup>1</sup> The data in Exhibit A is taken from CDCR’s February 11, 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](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad130724.pdf)

# **EXHIBIT A**

**Exhibit A**

Population as of February 11, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	82,707	112,993	136.6%
Total housed in camps		3,792	
Total housed out of state		8,828	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	4,034	138.2%
California State Prison, Calipatria	2,308	3,722	161.3%
California Correctional Center*	3,883	4,452	114.7%
California Correctional Institution	2,783	4,179	150.2%
California State Prison, Centinela	2,308	3,230	139.9%
California Health Care Facility, Stockton	2,951	1,948	66.0%
California Institution for Men	2,976	4,192	140.9%
California Men's Colony	3,838	4,010	104.5%
California Medical Facility	2,361	2,119	89.8%
California State Prison, Corcoran	3,116	4,070	130.6%
California Rehabilitation Center	2,491	2,477	99.4%
Correctional Training Facility	3,312	4,658	140.6%
Chuckawalla Valley State Prison	1,738	2,177	125.3%
Deuel Vocational Institution	1,681	2,353	140.0%
Folsom State Prison	2,066	2,473	119.7%
High Desert State Prison	2,324	3,507	150.9%
Ironwood State Prison	2,200	3,136	142.5%
Kern Valley State Prison	2,448	3,722	152.0%
California State Prison, Los Angeles	2,300	3,487	151.6%
Mule Creek State Prison	1,700	2,835	166.8%
North Kern State Prison	2,694	4,013	149.0%
Pelican Bay State Prison	2,380	2,625	110.3%
Pleasant Valley State Prison	2,308	3,223	139.6%
RJ Donovan Correctional Facility	2,200	3,053	138.8%
California State Prison, Sacramento	1,828	2,177	119.1%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,413	158.1%
Sierra Conservation Center*	3,736	4,354	116.5%
California State Prison, Solano	2,610	3,882	148.7%
California State Prison, San Quentin	3,082	4,045	131.2%
Salinas Valley State Prison	2,452	3,570	145.6%
Valley State Prison	1,980	3,082	155.7%
Wasco State Prison	2,984	4,874	163.3%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	3,382	168.8%
California Institution for Women*	1,398	1,806	129.2%
Folsom Women's Facility	403	505	125.3%

\* 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.

<sup>1</sup> 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 - February 11, 2015 Weekly Population Report, available at:

[http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Population\\_Reports.html](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html).

# **EXHIBIT B**



## **FEBRUARY 17, 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 February 17, 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 136.6% 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 1,973 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.

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 January 31, 2015, the Board held 378 youth offender hearings, resulting in 131 grants, 217 denials, and 28 stipulations to unsuitability. An additional 179 were scheduled during this time period, but were waived, postponed, continued, or cancelled. All available inmates who were immediately eligible for a hearing when the law took effect on January 1, 2014, have had a hearing date or have one scheduled on or before July 1, 2015, as required by the terms of Senate Bill 260. In addition, nearly all youth offenders who received a grant prior to January 1, 2014, have reached their minimum eligible parole dates and have been processed for release from their life term by the Board.

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 February 6, 2015, approximately 2,004 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 February 11, 2015, approximately 2,470 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 completing rehabilitative programs. The State's automated systems have been modified and the court-ordered credits are being automatically applied. In January, 556 inmates were released as a result of the court-ordered credit increases.<sup>1</sup> These inmates earned an average of 80 days of additional credit.

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.

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. In the month of January, 205 non-violent second-strike inmates were referred to the Board for review for parole. The Board has not yet reviewed the cases referred in January because all cases are subject to a 30-day window wherein district attorneys, registered victims, and inmates can submit written statements to the Board concerning the inmate's possible release. After expiration of this 30-day timeframe, the Board will review these cases.

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

The Board authorized the release of 8 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

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<sup>1</sup> Of the 556 inmates, 426 were released to Post Release Community Supervision and 130 were released to 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.

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 February 9, 2015, the Board has held 26 medical parole hearings under the revised procedures. An additional 6 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. The Board has scheduled 549 hearings for inmates eligible for elderly parole, resulting in 115 grants, 247 denials, and 26 stipulations to unsuitability. The remaining 159 scheduled cases were waived by the inmate, postponed, continued, or cancelled.

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 Marin reentry program is in place and the State is currently reviewing for eligibility and referring as appropriate.

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 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.

10. Expanded alternative custody program for females:

On August 4, 2014, the State activated an 82 bed facility in San Diego, and expects to open a second facility in Southern California in late March or early April 2015 for the expanded alternative custody program for females, called the Custody to Community Transitional Reentry Program (CCTRP). The San Diego facility is currently at full capacity with all 82 beds filled. Female inmates in the CCTRP are provided with a range of rehabilitative services that assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support.