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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' JANUARY 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 January 14, 2015, 114,129 inmates were housed in the State’s 34 adult institutions, which  
8 amounts to 138.0% of design bed capacity, and 8,852 inmates were housed in out-of-state  
9 facilities.<sup>1</sup>

10 Exhibit B sets forth the steps Defendants are taking to implement the measures designed  
11 to reduce the prison population detailed in the February 10, 2014 Order and the status of these  
12 measures. (ECF 2766/5060 at ¶¶ 4-5.)

14 Dated: January 15, 2014

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By: /s/ *Patrick R. McKinney*  
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18 Dated: January 15, 2014

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By: /s/ *Paul B. Mello*  
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27 <sup>1</sup> The data in Exhibit A is taken from CDCR’s January 14, 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 January 14, 2014

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	82,707	114,129	138.0%
Total housed in camps		3,775	
Total housed out of state		8,852	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	4,095	140.2%
California State Prison, Calipatria	2,308	3,771	163.4%
California Correctional Center*	3,883	4,524	116.5%
California Correctional Institution	2,783	4,247	152.6%
California State Prison, Centinela	2,308	3,115	135.0%
California Health Care Facility, Stockton	2,951	1,956	66.3%
California Institution for Men	2,976	4,382	147.2%
California Men's Colony	3,838	4,117	107.3%
California Medical Facility	2,361	2,135	90.4%
California State Prison, Corcoran	3,116	4,137	132.8%
California Rehabilitation Center	2,491	2,514	100.9%
Correctional Training Facility	3,312	4,675	141.2%
Chuckawalla Valley State Prison	1,738	2,237	128.7%
Deuel Vocational Institution	1,681	2,437	145.0%
Folsom State Prison	2,066	2,514	121.7%
High Desert State Prison	2,324	3,537	152.2%
Ironwood State Prison	2,200	3,057	139.0%
Kern Valley State Prison	2,448	3,784	154.6%
California State Prison, Los Angeles	2,300	3,513	152.7%
Mule Creek State Prison	1,700	2,830	166.5%
North Kern State Prison	2,694	4,133	153.4%
Pelican Bay State Prison	2,380	2,665	112.0%
Pleasant Valley State Prison	2,308	3,248	140.7%
RJ Donovan Correctional Facility	2,200	3,077	139.9%
California State Prison, Sacramento	1,828	2,164	118.4%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,359	156.5%
Sierra Conservation Center*	3,736	4,438	118.8%
California State Prison, Solano	2,610	3,886	148.9%
California State Prison, San Quentin	3,082	4,040	131.1%
Salinas Valley State Prison	2,452	3,574	145.8%
Valley State Prison	1,980	3,147	158.9%
Wasco State Prison	2,984	4,849	162.5%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	3,396	169.5%
California Institution for Women*	1,398	1,858	132.9%
Folsom Women's Facility	403	495	122.8%

\* 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 - January 14, 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**



## **JANUARY 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 January 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 138.0% 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 2,077 inmates.

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

The State currently has contracted for 4,234 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 (BPH) to demonstrate their suitability for release after serving at least fifteen years of their sentence. From January 1, 2014 through December 31, 2014, the Board held 310 youth offender hearings. An additional 140 were scheduled during this time period, but were waived, postponed, continued, or cancelled and will be scheduled again for a future date. 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.<sup>1</sup> In addition, nearly all

<sup>1</sup> There are a few youth offenders who are unavailable for parole consideration hearings. For example, inmates who are in local custody for court proceedings are not available for a parole consideration hearing. They will be scheduled for a hearing upon returning to CDCR custody.

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 BPH.

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 January 8, 2015, approximately 1,975 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 January 14, 2014, approximately 1,436 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 release dates have been recalculated. The State's automated systems have been modified and the court-ordered credits are being automatically applied. In December, 607 inmates were released as a result of the court-ordered credit increases.<sup>2</sup> These inmates earned an average of 71.1 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 BPH once having served 50% of their sentence:

Classification committees have started reviewing inmates for eligibility and referring them to BPH. In December, memoranda were distributed to institutions statewide explaining the process and changes were implemented to CDCR's main computer system, the Strategic Offender Management System (SOMS), and to the Board's main computer system, BITS. Relevant institutional staff received training. In addition, details about the process were presented in a public BPH meeting and discussed on a statewide stakeholders' conference call with advocacy groups, inmate counsel, and prosecutors. BPH hearing officers will receive training next week and they will begin rendering decisions in February (after 30 days has passed to allow the inmate, victims, and prosecutors time to provide input to the Board).

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<sup>2</sup> Of the 607 inmates, 463 were released to Post Release Community Supervision and 144 were released to parole.

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

BPH authorized the release of 5 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 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. 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 BPH for a hearing. As of January 9, 2015, BPH has held 23 medical parole hearings under the revised procedures.

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

The Board has completed upgrades to its main computer system to accommodate electronic identification of eligible inmates and scheduling of hearings. 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 granted parole to 115 inmates eligible for elderly parole from February 11, 2014, through December 31, 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 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 2015 for the expanded alternative custody program for females, called the Custody to Community Transitional Reentry Program (CCTRP). As of January 15, 2015, 77 female inmates are housed at the San Diego facility. An additional 5 female inmates are scheduled for transfer to the program on January 23, 2015, filling the program to its current capacity. 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.