

# **Exhibit B**

**OFFICE OF LEGAL AFFAIRS**

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July 15, 2014

Paul Mello  
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1676 N. California Blvd., Suite 620  
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Dear Mr. Mello:

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

Sincerely,

A handwritten signature in blue ink that reads "Katie Schuch for".

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

Attachments



## JULY 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 July 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.

As ordered by the Court, Defendants have temporarily reduced system-wide design bed capacity to 81,062 to reflect the inmate population of the California Health Care Facility (CHCF) on January 27, 2014.<sup>1</sup> At present, the State's prison population is approximately 143.1% of this temporary design capacity. As previously reported, Defendants are working closely with the *Plata* Receiver to reopen CHCF to *Plata* class members.<sup>2</sup>

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 2,183 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. The State has also the option to add an additional 260 beds at the McFarland Female Community Reentry Facility located in McFarland, California. 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.

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<sup>1</sup> On January 27, 2014, CHCF's inmate population was 1,306, while CHCF's current total design capacity is 2,951. Defendants have therefore excluded 1,645 beds from system-wide design capacity of 82,707.

<sup>2</sup> Although the *Plata* Receiver halted medical admissions on January 27, 2014, CHCF has continued to receive mentally-ill inmate patients and inmate workers. (See Defs.' June 30 Req., ECF 2797/5175 at 2 n. 2.) As of July 9, 2014, the population of CHCF is 1,497.

2. Reentry Hubs:

The State has activated twelve 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, and Valley State Prison. Through the end of June, 1,116 of the 1,528 currently available program slots at these hubs have been assigned.

A final reentry hub at California State Prison, Los Angeles County is expected to be activated this month.

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 24 hearings in June, bringing the total number of hearings held in 2014 to 132. Many additional hearings were scheduled from January through June, but inmates postponed or waived the hearings and they will be rescheduled in the future. Eleven youth offenders have been released to parole as a result of receiving a grant prior to January 1, 2014 (when SB 260 took effect) as a result of their term calculation being eliminated. The remaining youth offenders who received a grant prior to January 1, 2014, have not yet reached their minimum eligible parole dates; they will be processed for release as they reach those 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. Through the beginning of July 2014, approximately 1,818 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 June, 621 inmates were released as a result of the court-ordered credit increases.<sup>3</sup> These inmates earned an average of 29.1 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.

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<sup>3</sup> Of the 621, 455 have been released to Post Release Community Supervision and 166 have been released to parole.

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.

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. 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 beginning to review inmates and has agreed to send completed recommendations to CDCR beginning this month. Recommendations received by the Receiver's office will be reviewed by DAI and processed to BPH for a hearing. BPH presented information on the hearing process for expanded medical parole at its public meeting on June 16, 2014. BPH also presented the same information in a statewide conference call with inmate attorneys, prosecutors, and advocacy groups on June 30, 2014. The first medical parole hearings under the revised procedures will occur on or about August 13, 2014. Additional hearings are scheduled for on or about October 2<sup>nd</sup> and October 10<sup>th</sup>, 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. BPH provided training on the parole process for inmates 60 years of age or older who have served at least 25 years to its commissioners and deputy commissioners at its public board meeting on June 16, 2014. BPH provided the same information to inmate attorneys, prosecutors, and advocacy groups on a statewide conference call on June 30, 2014. 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.

9. Reentry programs:

The contract for the San Francisco reentry program has been negotiated and executed. The State has referred 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 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 communities regarding the expansion of reentry programs.

10. Expanded alternative custody program for females:

The State expects to bring an 82 bed facility in San Diego on line this month 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.