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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' MARCH 2015 STATUS &
 BENCHMARK REPORT IN RESPONSE
 TO FEBRUARY 10, 2014 ORDER**

1 The State submits this status and benchmark report on the current in-state and out-of-state
2 adult prison populations and the measures being taken to reduce the prison population in response
3 to the Court's February 10, 2014 Order Granting in Part and Denying Part Defendants' Request
4 for 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 March 11, 2015, 112,106 inmates were housed in the State's 34 adult institutions, which amounts
8 to 135.5% of design bed capacity, and 8,778 inmates were housed in out-of-state facilities.¹ The
9 current population continues to remain below the court-ordered reduction to 137.5% of design
10 bed capacity, and is roughly 4,924 inmates below the February 28, 2015 benchmark of 141.5% of
11 design bed capacity. (See Ex. A.) Exhibit B sets forth the status of the measures detailed in the
12 February 10, 2014 Order that Defendants have implemented to reduce the prison population.
13 (ECF 2766/5060 at ¶¶ 4-5.)
14

15 Dated: March 16, 2015

KAMALA D. HARRIS
Attorney General of California

17 By: */s/ Patrick R. McKinney*
PATRICK R. MCKINNEY
18 Supervising Deputy Attorney General
Attorneys for Defendants

19 Dated: March 16, 2015

HANSON BRIDGETT LLP

21 By: */s/ Paul B. Mello*
PAUL B. MELLO
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27 ¹ The data in Exhibit A is taken from CDCR's March 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

Exhibit A

Exhibit A

Population as of March 11, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	112,106	135.5%
Total housed in camps		3,832	
Total housed out of state		8,778	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,936	134.8%
California State Prison, Calipatria	2,308	3,739	162.0%
California Correctional Center*	3,883	4,343	111.8%
California Correctional Institution	2,783	4,230	152.0%
California State Prison, Centinela	2,308	3,276	141.9%
California Health Care Facility, Stockton	2,951	1,943	65.8%
California Institution for Men	2,976	4,090	137.4%
California Men's Colony	3,838	3,936	102.6%
California Medical Facility	2,361	2,100	88.9%
California State Prison, Corcoran	3,116	4,005	128.5%
California Rehabilitation Center	2,491	2,464	98.9%
Correctional Training Facility	3,312	4,617	139.4%
Chuckawalla Valley State Prison	1,738	2,140	123.1%
Deuel Vocational Institution	1,681	2,329	138.5%
Folsom State Prison	2,066	2,408	116.6%
High Desert State Prison	2,324	3,458	148.8%
Ironwood State Prison	2,200	3,195	145.2%
Kern Valley State Prison	2,448	3,719	151.9%
California State Prison, Los Angeles	2,300	3,471	150.9%
Mule Creek State Prison	1,700	2,823	166.1%
North Kern State Prison	2,694	4,049	150.3%
Pelican Bay State Prison	2,380	2,636	110.8%
Pleasant Valley State Prison	2,308	3,194	138.4%
RJ Donovan Correctional Facility	2,200	3,009	136.8%
California State Prison, Sacramento	1,828	2,191	119.9%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,453	159.3%
Sierra Conservation Center*	3,736	4,345	116.3%
California State Prison, Solano	2,610	3,849	147.5%
California State Prison, San Quentin	3,082	3,904	126.7%
Salinas Valley State Prison	2,452	3,566	145.4%
Valley State Prison	1,980	3,010	152.0%
Wasco State Prison	2,984	4,923	165.0%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	3,315	165.4%
California Institution for Women*	1,398	1,760	125.9%
Folsom Women's Facility	403	512	127.0%

* 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 - March 11, 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

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



March 16, 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 that reads "Ben T. Rice".

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

Attachments



MARCH 16, 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 March 16, 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 135.5% 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 1,893 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 February 28, 2015, the Board held 468 youth offender hearings, resulting in 147 grants, 279 denials, 40 stipulations to unsuitability, and 2 split votes that require referral to the full Board for further consideration. An additional 224 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 March 11, 2015, approximately 2,047 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 March 11, 2015, approximately 3,068 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 February, 498 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 85 days of additional credit. Of the 498 inmates released in February, 215 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 1,750 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.

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 February 28, 2015, 664 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 10 inmates for release and denied release to 9 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 8 additional inmates who were granted parole with future dates since the last report to the Court. The State continues to identify additional

¹ Of the 498 inmates, 377 were released to Post Release Community Supervision and 121 were released to parole.

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.

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 March 9, 2015, the Board has held 26 medical parole hearings under the revised procedures. An additional 7 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 February 28, 2015, the Board has scheduled 570 hearings for inmates eligible for elderly parole, resulting in 116 grants, 255 denials, 28 stipulations to unsuitability, and 2 split votes that require referral to the full Board. The remaining 169 scheduled hearings were waived by the inmate, postponed, continued, or cancelled.

9. Reentry programs:

Contracts for the San Francisco, Marin, and Los Angeles reentry programs are in place. The State continues to review and refer eligible inmates to county officials for consideration 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 120 days 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 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.