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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' NOVEMBER 2014
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 November 12, 2014, 116,492 inmates were housed in the State's 34 adult institutions, which
8 amounts to 140.8% of design bed capacity, and 8,661 inmates were housed in out-of-state
9 facilities.¹

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.)

13
14 Dated: November 17, 2014

KAMALA D. HARRIS
Attorney General of California

15
16 By: */s/ Patrick R. McKinney*
PATRICK R. MCKINNEY
17 Supervising Deputy Attorney General
Attorneys for Defendants

18 Dated: November 17, 2014

HANSON BRIDGETT LLP

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

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27 ¹ The data in Exhibit A is taken from CDCR's November 12, 2014 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

CERTIFICATE OF SERVICE

Case Name: **Three-Judge Panel Proceeding** No. **C 90-0520 LKK / C 01-01351**
Pursuant to 28 U.S.C. § 2284 **TEH**
Coleman, et al. v.
Schwarzenegger, et al.
USDC, Eastern District
of California, Case No. 2:90-cv-
00520 LKK JFM
Plata, et al. v.
Schwarzenegger, et al.
USDC, Northern District
of California, Case No. C-01-
1351 TEH

I hereby certify that on November 17, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' NOVEMBER 2014 STATUS REPORT IN RESPONSE TO
FEBRUARY 10, 2014 ORDER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 17, 2014, at San Francisco, California.

L. Santos
Declarant

/s/ L. Santos
Signature

Exhibit A

Exhibit A

Population as of November 12, 2014

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	116,492	140.8%
Total housed in camps		4,167	
Total housed out of state		8,661	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	4,347	148.9%
California State Prison, Calipatria	2,308	3,855	167.0%
California Correctional Center*	3,883	4,798	123.6%
California Correctional Institution	2,783	4,379	157.3%
California State Prison, Centinela	2,308	2,834	122.8%
California Health Care Facility, Stockton	2,951	1,958	66.4%
California Institution for Men	2,976	4,485	150.7%
California Men's Colony	3,838	4,297	112.0%
California Medical Facility	2,361	2,125	90.0%
California State Prison, Corcoran	3,116	4,313	138.4%
California Rehabilitation Center	2,491	2,673	107.3%
Correctional Training Facility	3,312	4,926	148.7%
Chuckawalla Valley State Prison	1,738	2,327	133.9%
Deuel Vocational Institution	1,681	2,573	153.1%
Folsom State Prison	2,066	2,578	124.8%
High Desert State Prison	2,324	3,571	153.7%
Ironwood State Prison	2,200	2,986	135.7%
Kern Valley State Prison	2,448	3,819	156.0%
California State Prison, Los Angeles	2,300	3,536	153.7%
Mule Creek State Prison	1,700	2,884	169.6%
North Kern State Prison	2,694	4,446	165.0%
Pelican Bay State Prison	2,380	2,785	117.0%
Pleasant Valley State Prison	2,308	3,222	139.6%
RJ Donovan Correctional Facility	2,200	3,080	140.0%
California State Prison, Sacramento	1,828	2,184	119.5%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,400	157.7%
Sierra Conservation Center*	3,736	4,630	123.9%
California State Prison, Solano	2,610	3,970	152.1%
California State Prison, San Quentin	3,082	3,878	125.8%
Salinas Valley State Prison	2,452	3,508	143.1%
Valley State Prison	1,980	3,230	163.1%
Wasco State Prison	2,984	5,126	171.8%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	3,663	182.8%
California Institution for Women*	1,398	1,794	128.3%
Folsom Women's Facility	403	479	118.9%

* 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 - November 12, 2014 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



November 17, 2014

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 black ink, appearing to read "Ben T. Rice".

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

Attachments



NOVEMBER 17, 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 November 17, 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. At present, the State's prison population is approximately 140.8% 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 2,223 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. Intake at the McFarland Female Community Reentry Facility located in McFarland, California began the week of August 4, 2014. The State also has the option to add an additional 260 beds at the McFarland Female Community Reentry Facility. An additional 887 contract beds have been identified as potential capacity for the State. The State continues its 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.

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. Upgrades to the Board's main computer system to better accommodate electronic identification of eligible youth offenders and scheduling of hearings were implemented in September. Statistics regarding youth offender hearings can now be generated from the Board's main computer system. As a result, the overall number of

youth offender hearings held in 2014 has been updated to reflect more accurate data. In October, BPH held 39 hearings, bringing the total number of hearings held in 2014 to 260. Many additional hearings were scheduled from January through October, but were postponed, waived by the inmate, or continued and they will be rescheduled in the future. Nearly all youth offenders who received a grant prior to January 1, 2014 have reached their minimum eligible 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 November 14, 2014, approximately 1,924 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. CDCR is currently assessing the impact of Proposition 47 on the in-state prison population and will report further on this measure in future reports.

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 October, 607 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 56.6 days of additional credit.

As required by the Court's November 14, 2014 Order, Defendants are meeting and conferring with the Compliance Officer regarding these measures.

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:

As required by the Court's November 14, 2014 Order, Defendants will provide further information regarding the implementation of this measure on or before December 1, 2014.

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

¹ Of the 607, 456 have been released to Post Release Community Supervision and 151 have been released to parole.

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 revised referral, hearing, and placement procedures for medically incapacitated inmates. 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. BPH has held 16 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, and is now scheduling eligible inmates for hearings who were not already in the board's hearing cycle. From February 11, 2014 through September 30, 2014, BPH has granted parole to 97 inmates who are over the age 60 and who have served at least 25 years of their sentence.

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 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. CDCR has tentatively selected several viable proposals to move forward with in this fiscal year. The Administration is currently working with these providers to ensure all necessary licensure and permitting requirements are obtained in an expedited fashion.

10. Expanded alternative custody program for females:

On August 4, 2014, the State activated an 82 bed facility in San Diego, and is searching for additional sites for the expanded alternative custody program for females, called the Custody to Community Transitional Reentry Program (CCTRP). As of November 5, 2014, 46 female inmates are housed at the San Diego facility. 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.