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 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 13 **AND THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES**
 15 **PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE**
 16

17 RALPH COLEMAN, et al.,
 18 Plaintiffs,
 19 v.
 20 EDMUND G. BROWN, JR., et al.,
 21 Defendants.

CASE NO. 2:90-cv-00520 LKK JFM P
THREE-JUDGE COURT

22 MARCIANO PLATA, et al.,
 23 Plaintiffs,
 24 v.
 25 EDMUND G. BROWN, JR., et al.,
 26 Defendants.

CASE NO. C01-1351 TEH
THREE-JUDGE COURT
DEFENDANTS' SEPTEMBER STATUS
REPORT IN RESPONSE TO JUNE 30,
2011 ORDER

1 Defendants submit this monthly status report in response to the Court's June 30,
2 2011 Order. That Order directs Defendants to submit monthly status reports that "list
3 design capacity, actual population, and population as a percentage of design capacity at
4 each adult institution, as well as aggregate figures for the total inmate population housed
5 in adult institutions." The order also directs Defendants to include in the reports "an
6 updated discussion on whether defendants expect to meet the next six-month benchmark
7 and, if not, what further actions are contemplated and the specific persons responsible for
8 executing those actions." (Order Requiring Interim Reports at 2, June 30, 2011, *Plata*
9 ECF no. 2374.)

10 Defendants set forth the design capacity, actual population, and population as a
11 percentage of design capacity in Exhibit A to this report. Exhibit A reports these figures
12 in the aggregate and by institution.¹ The figures are based upon CDCR's most recent
13 weekly population report, dated September 12, 2011, which is based on available data
14 through September 7, 2011.²

15 As reported in last month's filing, CDCR recently completed its Fall 2011
16 population projections. Those projections were released to the public on September 8,
17 2011.³ (Declaration of Jay Atkinson ¶ 3.) CDCR expects to have updated projections at
18 the end of February 2012. (*Id.*) Due to a recent minor reduction in the amount of beds
19 available out-of-state, CDCR revised its population management plan. (Declaration of

20 _____
21 ¹ Defendants note that the Court's order is not directed toward the population of individual
22 institutions. As recognized by the Supreme Court, the Court's order affords "the State
23 flexibility to accommodate differences between institutions" and there is "no requirement
24 that every facility comply with the 137.5% limit." *Brown v. Plata*, 131 S. Ct. 1910, 1940-
25 41; 179 L. Ed. 2d 969, 1000 (U.S. 2011); (Opinion and Order at 183:2-4, Aug. 4, 2009.)

26 ² The weekly population reports are available on CDCR's web site. See
27 [http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Popu-
28 ation_Reports.html](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html).

³ The Fall 2011 Population Projection is also available on CDCR's web site. See
[http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Proje-
ctions/S11Pub.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Projections/S11Pub.pdf).

1 Ross Meier ¶ 2.) This revision did not materially change the projections set forth in the
2 report Defendants filed last month. (*Id.* ¶¶ 2-4.) Thus, CDCR projects that it will still
3 achieve the first benchmark of 167% of design capacity approximately one month later
4 than the December 27, 2011 date set by the Court. (Meier Decl. ¶ 3.) CDCR projects
5 that it will achieve 155.4% of design capacity on June 27, 2012. (Meier Decl. ¶ 4.)

6 As previously reported, realignment will begin to be implemented on October 1,
7 2011. (Defs.' Response to June 30, 2011 Order at 3:25-4:20, July 20, 2011, *Plata* ECF
8 No. 2387; Atkinson Decl. ¶ 4.) In the report Defendants will file in January 2012, CDCR
9 will provide population numbers that will take into account the impact of three months of
10 realignment. (Atkinson Decl. ¶ 4.)

11 There appears to be no need at this time to implement additional measures or to
12 ask that the benchmark dates be extended, when Defendants' best projections show that
13 Defendants will essentially achieve the June 2012 benchmark on time. (See Decl. of
14 Meier ¶ 5.) If it reaches a point where it becomes clear that a modification of the order is
15 appropriate, Defendants will seek one at that time. (*Id.*)

16

17 DATED: September 15, 2011

HANSON BRIDGETT LLP

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20 By: /s/ Paul B. Mello
21 PAUL B. MELLO
22 Attorneys for Defendants
23 Edmund G. Brown, Jr., et al.

20

21

22 DATED: September 15, 2011

KAMALA D. HARRIS
Attorney General of the State of California

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24

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26 By: /s/ Debbie Vorous
27 DEBBIE VOROUS
28 Deputy Attorney General
Attorneys for Defendants
Edmund G. Brown, Jr., et al.

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EXHIBIT A

Exhibit A Population Chart*
As of September 7, 2011

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions	79,650	144,007	180.8
Individual CDCR Institutions - Men			
Avenal State Prison	2920	5737	196.5
California Correctional Center	3883	5497	141.6
California Correctional Institution	2783	5683	204.2
California Institution for Men	2976	6035	202.8
California Medical Facility	2297	2896	126.1
California Men's Colony	3838	6274	163.5
California Rehabilitation Center	2491	4028	161.7
California State Prison, Calipatria	2308	4256	184.4
California State Prison, Centinela	2308	4176	180.9
California State Prison, Corcoran	3116	4930	158.2
California State Prison, Los Angeles	2300	4261	185.3
California State Prison, Sacramento	1828	2875	157.3
California State Prison, San Quentin	3082	4663	151.3
California State Prison, Solano	2610	4951	189.7
California Substance Abuse Treatment Facility, Corcoran	3424	6307	184.2
Chuckawalla Valley State Prison	1738	3173	182.6
Correctional Training Facility	3312	6649	200.8
Deuel Vocational Institution	1681	3843	228.6
Folsom State Prison	2469	3744	151.6
High Desert State Prison	2324	4271	183.8
Ironwood State Prison	2200	4141	188.2
Kern Valley State Prison	2448	4684	191.3
Mule Creek State Prison	1700	3592	211.3
North Kern State Prison	2694	5137	190.7
Pelican Bay State Prison	2380	3297	138.5
Pleasant Valley State Prison	2308	4579	198.4
RJ Donovan Correctional Facility	2200	4364	198.4
Salinas Valley State Prison	2452	3932	160.4
Sierra Conservation Center	3736	5147	137.8
Wasco State Prison	2984	5746	192.6
Individual CDCR Institutions - Women			
California Institute for Women	1356	1980	146
Central California Women's Facility	2004	3782	188.7
Valley State Prison	1980	3469	175.2

Source - September 12, 2011 Weekly
Population Report, available at:
http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html

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 15 **PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE**

16 RALPH COLEMAN, et al.,
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 18 v.
 19 EDMUND G. BROWN, JR., et al.,
 20 Defendants.

CASE NO. 2:90-cv-00520 LKK JFM P
THREE-JUDGE COURT

21 MARCIANO PLATA, et al.,
 22 Plaintiffs,
 23 v.
 24 EDMUND G. BROWN, JR., et al.,
 25 Defendants.
 26

CASE NO. C01-1351 TEH
THREE-JUDGE COURT
**DECLARATION OF JAY ATKINSON IN
 SUPPORT OF DEFENDANTS'
 SEPTEMBER STATUS REPORT IN
 RESPONSE TO JUNE 30, 2011 ORDER**

1 I, JAY R. ATKINSON, declare as follows:

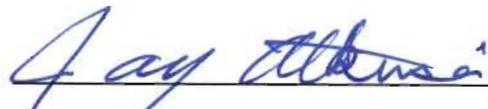
2 1. I am the Acting Deputy Director of the Office of Research for the California
3 Department of Corrections and Rehabilitation (CDCR). I have been employed in this
4 position since January 1, 2011. I have been with the Office of Research and the
5 Offender Information Services Branch of CDCR since 1999, and have assisted in
6 gathering data maintained by CDCR on numerous occasions. I am competent to testify
7 to the matters set forth in this declaration, and if called upon to do so, I would and could
8 so testify. I submit this declaration in support of Defendants' September Status Report to
9 the Court's June 30, 2011 order.

10 2. As Acting Deputy Director for the Office of Research, I am responsible for
11 management and oversight of the Offender Information Services Branch that supplies
12 research and analysis to CDCR and outside agencies regarding population estimates
13 and projections. I am responsible for the development of CDCR's Spring and Fall
14 population projections and I know how they are developed.

15 3. Population projections at CDCR are normally done every six months.
16 CDCR's Fall 2011 Population Projections were released to the public on September 8,
17 2011 and CDCR expects to have updated projections at the end of February 2012.

18 4. As previously reported, realignment will begin to be implemented on
19 October 1, 2011. By January 2012, CDCR will have population numbers that will take
20 into account the impact of three months of realignment.

21 I declare under the penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct. Executed in Sacramento, California on September 15
23 2011.

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26 JAY R. ATKINSON

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17 RALPH COLEMAN, et al.,
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CASE NO. 2:90-cv-00520 LKK JFM P

THREE-JUDGE COURT

22 MARCIANO PLATA, et al.,
23 Plaintiffs,
24 v.
25 EDMUND G. BROWN, JR., et al.,
26 Defendants.
27

CASE NO. C01-1351 TEH

THREE-JUDGE COURT

**DECLARATION OF ROSS MEIER IN
SUPPORT OF DEFENDANTS'
SEPTEMBER STATUS REPORT IN
RESPONSE TO JUNE 30, 2011 ORDER**

1 I, ROSS MEIER, declare as follows:

2 1. I am the Chief of the Population Management Unit of the Division of Adult
3 Institutions for the California Department of Corrections and Rehabilitation (CDCR). I
4 have been employed in this position since March 2010 and have been with the
5 Population Management Unit since 2003. I have assisted in gathering data maintained
6 by CDCR on numerous occasions. I am competent to testify to the matters set forth in
7 this declaration, and if called upon to do so, I would and could so testify. I submit this
8 declaration in support of Defendants' September Status Report to the Court's June 30,
9 2011 order.

10 2. As part of my duties, I manage the day-to-day intake of offenders from
11 county jails, and the movement and housing of inmates throughout the state prison
12 system. Due to a recent minor reduction in the amount of beds available out-of-state,
13 CDCR revised its population management plan. This revision did not materially change
14 the projections set forth in the report Defendants filed last month.

15 3. The revised population management plan takes the overall CDCR
16 population from the Fall 2011 population projections and allocates this population to the
17 various available placements including institutions, fire camps, new construction, and
18 contracted facilities. Based on this plan, on December 27, 2011, CDCR's in-state
19 institution population is projected to be about 134,617 inmates, or 169% of design
20 capacity. Additionally, the plan forecasts that CDCR will achieve 167% of design
21 capacity in its in-state institutions around January 27, 2012.

22 4. Likewise, CDCR's updated population reduction projections demonstrate
23 that Defendants anticipate that on June 27, 2012, Defendants will reach 155.4% of
24 design capacity. According to the current population management plan, on June 27,
25 2012, CDCR's in-state institution population is projected to be about 123,742 inmates.

26 5. At this point, there appears to be no need to implement additional measures
27 or to ask that the benchmark dates be extended, when Defendants' best projections
28 show that they will be at 155.4% of design bed capacity at the time of the June 2012

1 benchmark. Once realignment is implemented if it becomes clear that modification of the
2 Court's order is warranted, CDCR will seek one at that time.

3 I declare under the penalty of perjury under the laws of the State of California that
4 the foregoing is true and correct. Executed in Sacramento, California on September 25,
5 2011.

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8 ROSS MEIER
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