

Exhibit B

OFFICE OF LEGAL AFFAIRS

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March 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 that reads "Benjamin T. Rice". The signature is fluid and cursive, with a prominent flourish at the end of the name.

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

Attachments



MARCH 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 March 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 143.6% of design capacity or approximately 502 inmates above the June 30, 2014 benchmark. With the continued activation and transfer of inmates to in-state contract facilities, the State expects to meet the June 30, 2014 benchmark early.

1. **Contracting for additional in-state capacity in county jails, community correctional facilities, and private prison(s):**

Defendants intend to comply with the June 30, 2014 and February 28, 2015 population reduction benchmarks primarily through a combination of in-state and out-of-state capacity. Defendants have immediately reduced the population in CDCR's 34 institutions by transferring inmates to in-state facilities.

a. **Private Prison (California City):**

The first inmates were transferred to California City on December 16, 2013. California City houses Level II general population medium and minimum custody inmates. The current population of California City is approximately 1,100 inmates. California City is projected to house 2,381 inmates by the end of June 2014.

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

The State currently has contracted for 3,830 MCCF beds with all in various stages of activation and transfer. An additional 1,330 contract beds have been identified as potential capacity for the State. The State is in discussions and negotiations 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:

In September 2013, the State activated four prison-based reentry hubs at California Institution for Women, California Men's Colony, Central California Women's Facility, and Ironwood State Prison. Provider contracts were awarded, staff was hired, and eligible inmates have been receiving programming. Additional eligible inmates are being identified and transfers are expected to begin soon. CDCR awarded the provider contract for the Folsom Women's Facility in January 2014, and programming began in March 2014.

The State has also awarded provider contracts for seven additional prison-based reentry hubs at Avenal State Prison, California Institution for Men, Correctional Training Facility, Chuckawalla Valley State Prison, High Desert State Prison, Substance Abuse Treatment Facility at Corcoran, and Valley State Prison this month. A final reentry hub is sited at California State Prison, Los Angeles County, and the State is currently soliciting bids for provider services.

Similarly, the Transitions Program began in September 2013 at Central California Women's Facility, Folsom Women's Facility, and Valley State Prison reentry hubs. The State is currently negotiating with Local Workforce Investment Boards and local community colleges to provide this program and the remaining ten sites.

3. Newly-enacted legislation:

Senate Bill 260 (2013), 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. The State continues to implement Senate Bill 260. BPH developed a methodology for verifying who qualified as a youth offender, and BPH staff were trained regarding SB 260 on or before December 1, 2013. Potential youth offenders who may be eligible for SB 260 hearings were identified on or before February 15, 2014. This process is ongoing. Policies and procedures relating to the SB 260 process were developed December 1, 2013. BPH has held 14 hearings in January and 19 hearings in February, and processed 1 stipulated denial.

Proposition 36, passed by the voters in November 2012, revises the State's three-strikes law and permits resentencing for certain qualifying third-strike inmates whose third strike was not serious or violent. To date, over 1,700 petitions have been reviewed by state courts and only 59 petitions were denied resentencing. Of the 1,649 offenders who were resentenced, 1,571 offenders have already been released from CDCR custody, and an additional 78 offenders have been resentenced and retained pending a future release date.

4. Prospective credit-earning increase for non-violent, non-sex second-strike offenders and minimum custody inmates:

The State began to implement prospective credit earnings for non-violent, non-sex offenders on February 10, 2014. The State is working to complete program changes to the Strategic Offender Management System, which calculates credit earning. The State has created an interim process for recalculating release dates, identified eligible inmates based on criteria, and created a tracking system for these eligible inmates.

The State has established a system to manually calculate the application of milestone credits when non-violent second-strike inmates have completed rehabilitative programs

that are milestone-credit earning. The State is developing notifications to advise inmates and the field of this change. These notifications are being prepared for distribution and application.

With respect to two-for-one credit earning for minimum custody inmates, the State is evaluating this population reduction tool in light of fire camp participation rates, and will report on this measure in future reports.

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 is beginning the process of identifying the pool of eligible inmates. The State is also developing policies and procedures relating to these actions and developing a method to schedule and track the actions. The will be verifying eligible offenders and setting schedules for decisions. The State anticipates completing the process of identifying eligible offenders 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:

The State is beginning to identify potentially eligible inmates for accelerated parole. The State will then review disciplinary histories as they may affect eligibility or warrant a rescission hearing. As part of the verification of eligibility, the State will identify any outstanding holds, detainers, warrants, or Thompson terms. The State has identified the following procedure for releasing eligible inmates: update and verify their parole plan, document the decision, and draft and issue a memorandum to institutions. Institutions will then process the inmate for parole.

7. Parole process for medically incapacitated inmates:

The State continues to work closely with the Receiver's office to implement this measure. Staff from CDCR and the Receiver's Office have met several times prior to and since the issuance of the Court's February 10, 2014 order. It is anticipated that the State and the Receiver's office will agree on eligibility criteria at the next meeting, scheduled for March 20, 2014. Once eligibility requirements are established, the State will develop policies and procedures for tracking eligible offenders, develop a methodology and system for scheduling and tracking hearings, and will hold hearings and process decisions.

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

The State has identified the pool of eligible inmates and will continue to identify inmates as they become eligible. The State is in the process of developing policies and procedures for tracking eligible offenders, and a systemic methodology for scheduling and tracking hearings. Once this system in place, Defendants will hold parole hearings and process decisions.

9. Pilot reentry programs:

The San Francisco pilot reentry program was recently approved by the San Francisco Board of Supervisors and is out to the Sheriff for signature. The State is meeting with county officials the week of March 24, 2014 to discuss activation. The Governor's Fiscal Year 2014/2015 budget proposed \$40 million for additional funding for the potential

expansion of pilot reentry programs with additional counties. If the budget is passed by the Legislature, and funding is provided, the State will continue to pursue these reentry programs. In the interim, the State is meeting with counties and local communities regarding the expansion of reentry programs.

10. Expanded alternative custody program for females:

The court order now allows the State to consider and screen female offenders who were previously excluded from this program pursuant to the penal code. The State is evaluating whether there are eligible women who were previously excluded based on a prior conviction for a serious or violent offense. The State is also searching for sites for this program. On February 28, 2014, CDCR began to develop criteria to expand the alternative custody program for female offenders. CDCR is also negotiating with vendors to provide subsistence, housing, and programming to participants in the program.