

# **Exhibit B**

**OFFICE OF LEGAL AFFAIRS**

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May 15, 2014

Paul Mello  
Hanson Bridgett  
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 "Ben T Rice".

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

Attachments



## **MAY 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 May 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.

At present, the State's prison population is approximately 140.8% of design capacity. The current design bed capacity includes beds at the newly opened DeWitt Nelson Annex (Facility E) at the California Health Care Facility (CHCF), Stockton. As previously reported, Defendants are working cooperatively with the *Plata* Receiver to resolve issues related to the full activation and operation of CHCF, including DeWitt Nelson.

### 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 1,742 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 3,918 MCCF beds that are in various stages of activation and transfer. The State has also contracted with the GEO group for 260 beds at the McFarland Female Community Reentry Facility located in McFarland, California, with an option to add an additional 260 beds. 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.

### 2. Reentry Hubs:

The State has activated ten 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, and Folsom Women's Facility. To date, 1,002 of the 1,120 currently available program slots at these hubs have been assigned.

The State anticipates activating two additional prison based reentry hubs at High Desert State Prison and Valley State Prison this summer. A provider contract has also been awarded to a final reentry hub at California State Prison, Los Angeles County.

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 19 hearings in April, bringing the total number of hearings held in 2014 to 82. Many additional hearings were scheduled from January through April, but inmates postponed or waived the hearings and they will be rescheduled in the future. Ten 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.

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. Through the beginning of May, approximately 1,726 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. As of April 30, 2014, 289 inmates have been released as a result of the court-ordered credit increases.<sup>1</sup> These inmates earned an average of 11 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.

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 continuing to developing policies and procedures relating to this measure and developing a method to schedule and track any actions taken. To minimize overlap, the State is working to incorporate this measure into existing processes. The State

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<sup>1</sup> As of April 30, 2014, 221 of the 289 have been released to Post Release Community Supervision and 68 have been released to parole. Application of increased credits is currently manually calculated but the State is working to modify its data tracking systems to automate the calculation of credits. The State will generate a report at the end of every month reflecting the number of inmates who have been released as a result of the application of increased credits.

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:

BPH authorized the release of three 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. The Receiver's Office is beginning to review inmates and has agreed to send completed recommendations to CDCR beginning this month. CDCR is reviewing current policies and procedures to determine whether further updates are needed to implement the expanded criteria. Recommendations received by the Receiver's office will be reviewed by DAI and processed to BPH for a hearing. CDCR is working with BPH to improve and streamline tracking systems to ensure the most efficient process.

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. In the coming months, BPH will also provide relevant training, including on recidivism data, to its commissioners and deputy commissioners. 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 met with county officials to discuss activation. The Governor's May revision of the Fiscal Year 2014/2015 budget increased the proposed funding for the expansion of reentry programs from \$40 million to \$49 million. 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 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 in the summer of 2014 and is searching for additional sites for the alternative custody program for females. CDCR is also negotiating with vendors to provide subsistence, housing, and programming to participants in the program.