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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 KJN 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 2015
 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 11, 2015, 112,350 inmates were housed in the State’s 34 adult institutions, which
8 amounts to 135.8% of design bed capacity, and 5,447 inmates were housed in out-of-state
9 facilities.¹ The current population is 1,372 inmates below the final court-ordered population
10 benchmark of 137.5% of design bed capacity, and has been under that benchmark since February
11 2015. (*See Ex. A.*) Exhibit B sets forth the status of the measures detailed in the February 10,
12 2014 Order that Defendants have implemented to reduce the prison population. (ECF 2766/5060
13 at ¶¶ 4-5.)

14
15 Dated: November 16, 2015

KAMALA D. HARRIS
Attorney General of California

16
17 By: /s/ *Maneesh Sharma*
MANEESH SHARMA
Deputy Attorney General
18 *Attorneys for Defendants*

19 Dated: November 16, 2015

HANSON BRIDGETT LLP

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

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27 ¹ The data in Exhibit A is taken from CDCR’s November 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 November 11, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	112,350	135.8%
Total housed in camps		3,719	
Total housed out of state		5,447	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,316	113.6%
California State Prison, Calipatria	2,308	3,885	168.3%
California Correctional Center*	3,883	3,942	101.5%
California Correctional Institution	2,783	3,770	135.5%
California State Prison, Centinela	2,308	3,097	134.2%
California Health Care Facility, Stockton	2,951	2,159	73.2%
California Institution for Men	2,976	3,584	120.4%
California Men's Colony	3,838	3,945	102.8%
California Medical Facility	2,361	2,545	107.8%
California State Prison, Corcoran	3,116	4,388	140.8%
California Rehabilitation Center	2,491	2,690	108.0%
Correctional Training Facility	3,312	5,063	152.9%
Chuckawalla Valley State Prison	1,738	1,911	110.0%
Deuel Vocational Institution	1,681	2,553	151.9%
Folsom State Prison	2,066	2,420	117.1%
High Desert State Prison	2,324	3,452	148.5%
Ironwood State Prison	2,200	3,577	162.6%
Kern Valley State Prison	2,448	3,818	156.0%
California State Prison, Los Angeles	2,300	3,575	155.4%
Mule Creek State Prison	1,700	2,828	166.4%
North Kern State Prison	2,694	4,074	151.2%
Pelican Bay State Prison	2,380	2,538	106.6%
Pleasant Valley State Prison	2,308	3,045	131.9%
RJ Donovan Correctional Facility	2,200	3,058	139.0%
California State Prison, Sacramento	1,828	2,175	119.0%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,540	161.8%
Sierra Conservation Center*	3,836	4,437	115.7%
California State Prison, Solano	2,610	3,856	147.7%
California State Prison, San Quentin	3,082	3,486	113.1%
Salinas Valley State Prison	2,452	3,740	152.5%
Valley State Prison	1,980	3,565	180.1%
Wasco State Prison	2,984	4,923	165.0%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,605	130.0%
California Institution for Women*	1,398	2,001	143.1%
Folsom Women's Facility	403	508	126.1%

* 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 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

Patrick R. McKinney II
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



November 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, appearing to read "P. McKinney II".

Patrick R. McKinney II
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation

Attachments



NOVEMBER 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 November 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 135.8% of design capacity.

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

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 2,071 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.

d. Reduction of inmates housed out-of-state:

On February 10, 2014 the Court ordered Defendants to "explore ways to attempt to reduce the number of inmates housed in out-of-state facilities to the extent feasible." Since that time, the State has reduced the out-of-state inmate population to 5,447 and has closed the Oklahoma out-of-state facility. Under the Fiscal Year 2015-16 budget, an additional 550 out-of-state beds will be reduced by the end of June 2016.

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 October 31, 2015, the Board held 872

youth offender hearings, resulting in 240 grants, 543 denials, 87 stipulations to unsuitability, and there are currently 2 split votes that require referral to the full Board for further consideration. An additional 438 hearings were scheduled during this time period, but were waived, postponed, continued, or cancelled. On October 3, 2015, the State enacted Senate Bill 261, which expands the youth offender parole process described above to include inmates who committed their controlling offense before the age of 23. Inmates who are immediately eligible for a hearing will receive a hearing date by January 1, 2018, if sentenced to an indeterminate life term, and by December 31, 2021, if sentenced to a determinate life term.

On October 3, 2015, the State also enacted Senate Bill 230, which provides that life inmates who are granted parole will be eligible for release, subject to applicable review periods, upon reaching their minimum eligible parole date. Life inmates will no longer be granted parole with future 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 12, 2015, approximately 2,157 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 November 11, 2015, approximately 4,498 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 October, 296 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 138.5 days of additional credit. Of the 296 inmates released in October, 166 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 3,380 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 to the 800 inmates who are currently eligible under this program. Since January 1, 2015, 2,601 total inmates have been released receiving expanded 2-for-1 earnings.

¹ Of the 296 inmates, 182 were released to Post Release Community Supervision and 114 were released to parole.

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 October 31, 2015, 3,165 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 1,158 inmates for release and denied release to 1,083 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 3 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 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. As described above, Senate Bill 230, enacted on October 3, 2015, has eliminated the process of granting parole with future dates. The State will continue to implement this measure until SB 230 goes into effect.

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 November 9, 2015, the Board has held 56 medical parole hearings under the revised procedures. An additional 18 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 October 31, 2015, the Board has held 996 hearings for inmates eligible for elderly parole, resulting in 267 grants, 651 denials, 78 stipulations to unsuitability, and there currently are no split votes that require further review by the full Board. An additional 450 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

9. Reentry programs:

Contracts for the San Francisco, Marin, Los Angeles, and Kern County reentry programs are in place. The State continues to review and refer eligible inmates to county officials for consideration for placement. As of November 13, 2015, the 150-bed facility in Los

Angeles County houses 127 inmates and the 50-bed facility in Kern County houses 17 inmates.

The Fiscal Year 2014/2015 budget included \$20 million for the expansion of reentry programs. The Fiscal Year 2015/16 budget authorized CDCR's continued use of unspent funds from the prior year's budget to further expand these programs and to continue to provide reintegration services, such as case management, employment, and assistance with enrolling in public benefit programs, to inmates nearing release to facilitate their reentry into the community.

10. Expanded alternative custody program:

The State's alternative custody program for females, Custody to Community Transitional Reentry Program (CCTRP), provides female inmates with a range of rehabilitative services that assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support. Female inmates in the CCTRP program are housed at one of three facilities located in San Diego, Santa Fe Springs (LA), and Bakersfield.

As of November 12, 2015, the 82-bed San Diego facility houses 82 female inmates, the 82-bed Santa Fe Springs (LA) facility houses 81 female inmates, and the 75-bed Bakersfield facility houses 75 female inmates.