

1 XAVIER BECERRA
Attorney General of California
2 MONICA N. ANDERSON
Senior Assistant Attorney General
3 JAY C. RUSSELL
Supervising Deputy Attorney General
4 MANEESH SHARMA, State Bar No. 280084
Deputy Attorney General
5 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
6 Telephone: (415) 510-3621
Fax: (415) 703-1234
7 E-mail: maneesh.sharma@doj.ca.gov
Attorneys for Defendants

Hanson Bridgett LLP
PAUL B. MELLO, State Bar No. 179755
SAMANTHA D. WOLFF, State Bar No. 240280
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Fax: (415) 541-9366
E-mail: pmello@hansonbridgett.com

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9 IN THE UNITED STATES DISTRICT COURTS
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 AND THE NORTHERN DISTRICT OF CALIFORNIA
12 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
13 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

14 **RALPH COLEMAN, et al.,**
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16 Plaintiffs,
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18 **EDMUND G. BROWN JR., et al.,**
19 Defendants.

2:90-cv-00520 KJM-DB

THREE-JUDGE COURT

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

C01-1351 JST

THREE-JUDGE COURT

**DEFENDANTS' SEPTEMBER 2018
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 comply with the Court's February 10, 2014 Order
3 Granting in Part and Denying in Part Defendants' Request for Extension of December 31, 2013
4 Deadline (February 10, 2014 Order). Exhibit A sets forth the current design bed capacity,
5 population, and population as a percentage of design bed capacity for each state prison and for all
6 state prisons combined. Exhibit B sets forth the status of the measures Defendants have
7 implemented as required by the February 10, 2014 Order. (ECF 2766/5060 at ¶¶ 4-5.)

8 As of September 12, 2018, 116,027 inmates were housed in the State's 34 adult
9 institutions and 1,659 inmates were housed in out-of-state facilities.¹ (Ex. A.) The State's prison
10 population is approximately 136.4% of design capacity. (Ex. A.)

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12 Dated: September 17, 2018

XAVIER BECERRA
Attorney General of California

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14 By: /s/ *Maneesh Sharma*
MANEESH SHARMA
Deputy Attorney General
Attorneys for Defendants

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16 Dated: September 17, 2018

HANSON BRIDGETT LLP

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

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¹ The data in Exhibit A is taken from CDCR's September 12, 2018 weekly population report, available on CDCR's website at <https://sites.cdcr.ca.gov/research/population-reports/>.

Exhibit A

Exhibit A

Population as of September 12, 2018

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	85,083	116,027	136.4%
Total housed in camps		3,517	
Total housed out of state		1,659	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	4,365	149.5%
California State Prison, Calipatria	2,308	3,436	148.9%
California Correctional Center*	3,883	4,921	126.7%
California Correctional Institution	2,783	3,424	123.0%
California State Prison, Centinela	2,308	3,353	145.3%
California Health Care Facility, Stockton	2,951	2,738	92.8%
California Institution for Men	2,976	3,718	124.9%
California Men's Colony	3,838	4,024	104.8%
California Medical Facility	2,361	2,376	100.6%
California State Prison, Corcoran	3,116	3,161	101.4%
California Rehabilitation Center	2,491	2,535	101.8%
Correctional Training Facility	3,312	5,284	159.5%
Chuckawalla Valley State Prison	1,738	2,937	169.0%
Deuel Vocational Institution	1,681	1,774	105.5%
Folsom State Prison	2,066	2,500	121.0%
High Desert State Prison	2,324	3,382	145.5%
Ironwood State Prison	2,200	3,088	140.4%
Kern Valley State Prison	2,448	3,690	150.7%
California State Prison, Los Angeles	2,300	3,164	137.6%
Mule Creek State Prison	3,284	4,139	126.0%
North Kern State Prison	2,694	4,189	155.5%
Pelican Bay State Prison	2,380	2,611	109.7%
Pleasant Valley State Prison	2,308	3,161	137.0%
RJ Donovan Correctional Facility	2,992	3,970	132.7%
California State Prison, Sacramento	1,828	2,091	114.4%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,785	169.0%
Sierra Conservation Center*	3,936	4,314	109.6%
California State Prison, Solano	2,610	4,111	157.5%
California State Prison, San Quentin	3,082	4,381	142.1%
Salinas Valley State Prison	2,452	3,293	134.3%
Valley State Prison	1,980	3,561	179.8%
Wasco State Prison	2,984	4,859	162.8%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	2,905	145.0%
California Institution for Women*	1,398	1,865	133.4%
Folsom Women's Facility	403	439	108.9%

* The individual Design Capacity and Actual Population figures for California Correctional Center, Sierra Conservation Center and California Institution 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 - September 12, 2018 Weekly Population Report, available at: <https://sites.cdcr.ca.gov/research/population-reports/>.

Exhibit B

OFFICE OF LEGAL AFFAIRS

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



September 13, 2018

Paul Mello
Hanson Bridgett
1676 N. California Blvd., Suite 620
Walnut Creek, CA 94596

Dear Mr. Mello:

Attached please find the California Department of Corrections and Rehabilitation's September 2018 Status Update for Three-Judge Court proceeding.

Sincerely,

A handwritten signature in blue ink, appearing to read "PR McKinney II", with a large, sweeping flourish extending from the end of the signature.

PATRICK R. MCKINNEY II
General Counsel, Office of Legal Affairs
California Department of Corrections and Rehabilitation

Attachments



SEPTEMBER 17, 2018 UPDATE TO THE THREE-JUDGE COURT

On February 10, 2014, the Three-Judge Court extended the deadline to achieve the court-ordered reduction in the in-state adult institution population to 137.5% of design capacity to February 28, 2016. (ECF Nos. 2766/5060 & 2767/5061.) This report is CDCR's 56th report submitted since the Court issued its population-reduction order, and the 44th report submitted since February 2015, when Defendants informed the Court that the population was below the court-ordered reduction. (ECF No. 2838/5278, filed February 17, 2015.) It has now been more than three years since Defendants have been in full compliance with the population-reduction order. As of September 12, 2018, the State's prison population is 136.4% of design capacity.

A. Update on durability:

As previously reported, Proposition 57, the State's durable remedy that enacts many of the Court-ordered reforms as well as expands credit earning increases and opportunities, was approved by voters in November 2016. As a result of Proposition 57, the addition of infill capacity, and several prior measures, Defendants have been able to reduce the number of inmates housed in out-of-state facilities by over 7,000 since February 10, 2014 while maintaining full compliance with the population-reduction order.

On May 1, 2018, final regulations for Proposition 57 were approved and made permanent. The final regulations can be found at:

https://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/NCDR/2017NCR/17-05/Adopted-Regulations-Effective-May-1-2018.pdf.

The regulations include:

1. Increased credit earning opportunities for all inmates except the condemned and those serving life without parole.

1,574 inmates released in August earned credit authorized by Proposition 57 towards their advanced release date. These inmates earned an estimated average of 119.7 days of additional credit.¹

2. Nonviolent offender parole process.

CDCR began referring inmates to the Board for this process on July 1, 2017, pursuant to the emergency regulations promulgated on April 13, 2017. From July 1, 2017 through August 31, 2018, 8,444 referrals were made to the Board. As of August 31, 2018, 6,255 referrals have been reviewed on the merits, with 1,286 inmates approved for release and 4,969 denied. Many referrals are pending review, including the 30-day period for written

¹ This number does not include inmates released from fire camps.

input from inmates, victims, and prosecutors and the Board's jurisdictional review process.

B. Update on Other Measures Defendants Continue to Implement:

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 2,253 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 1,659, including closing the Oklahoma and Mississippi out-of-state facilities.

2. 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 September 9, 2018, the Board has held 128 medical parole hearings under the revised procedures. An additional 29 were scheduled, but were postponed, continued, or cancelled.

3. 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 August 31, 2018, the Board held 2,900 hearings for inmates eligible for elderly parole, resulting in 779 grants, 1,876 denials, 245 stipulations to unsuitability, and there currently are no split votes that require further review by the full

Board. An additional 1,372 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

As discussed in prior reports, the State enacted Assembly Bill 1448 on October 11, 2017, authorizing an elderly parole program for inmates age 60 or older who have served at least 25 years of incarceration. The State will continue to implement the Court-ordered elderly parole process until this matter is terminated or the February 10, 2014 Order is modified.

4. Reentry programs:

Contracts for the San Diego, San Francisco, Los Angeles, Kern County, and Butte County reentry programs are in place. The State continues to review and refer eligible inmates for placement consideration. As of September 12, 2018, 626 inmates are housed in reentry facilities.

5. Expanded alternative custody program:

The State's expanded 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 are housed at facilities located in San Diego, Santa Fe Springs (LA), Bakersfield, and Stockton. As of September 12, 2018, 380 female inmates are participating in the CCTRP.