



For informational Purposes
November 19, 2013

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Timeline The Three-Judge Court and California Inmate Population Reduction

Date	Event and Description	Population Housed In-State
11/13/06:	Plaintiffs file motion to convene a three-judge panel in <i>Plata vs. Schwarzenegger</i> under the Prison Litigation Reform Act (PLRA) claiming that overcrowding in CDCR prisons results in unconstitutional medical care.	162,466
07/23/07:	U.S. District Judge Thelton Henderson grants Plaintiffs' motion, finding they have satisfied requirements under the PLRA to convene a three-judge panel.	161,599
08/30/08:	The Court prohibits the parties from discovery of evidence concerning prison conditions after August 30, 2008.	156,352
11/18/08:	Three-Judge Court trial November 18, 2008 to December 18, 2008 (population date taken from December 1, 2008).	155,922
02/03/09:	Three-Judge Court trial closing arguments February 3 – 4, 2009.	153,649
08/04/09:	The Court issues a 184-page opinion ordering the State to reduce its adult institution population to 137.5 percent of design capacity within two years.	150,118
09/03/09:	The State appeals the August 4, 2009, order to the U.S. Supreme Court.	149,375
9/18/09:	CDCR submits a population-reduction plan, which proposed mechanisms to safely reach a population level of 137.5 percent over time.	149,750
10/21/09:	The Court rejects Defendants' population-reduction plan finding that it failed to meet the two-year requirement of its August 8, 2009 order.	150,983
11/12/09:	CDCR submits a revised population-reduction plan to reduce the prison population to 137.5 percent within two years.	150,919
01/12/10:	The Court orders the State to reduce its prison population by six-month benchmarks to 137.5 percent within two years.	151,036
01/19/10:	The State files an appeal to the U.S. Supreme Court of the Three-Judge Court's January 12 order to reduce the prison population.	150,958
06/14/10:	The U.S. Supreme Court announces that it will take the case.	148,412
05/23/11:	The U.S. Supreme Court rules 5-4 upholding the Three-Judge Court's finding that overcrowding is the "primary" source of unconstitutional medical care. The court orders CDCR to release prisoners until the inmate population is reduced to 137.5 percent of design capacity (or 109,805 prisoners) within	143,435

	two years.	
06/07/11:	The State submits a report to the Court about the prison population-reduction measures it has undertaken since its prison population-management plan was submitted on November 12, 2009.	143,565
01/06/12:	The State files its monthly status report to the Court. The report says that on December 28, 2011, the population of California's 33 prisons was 132,887, or 166.8 percent of design capacity. CDCR meets the Court's first benchmark of 167 percent of design capacity by December 27, 2011, (133,016 inmates).	132,887
6/15/2012:	The State files its monthly status report with the Court. The report says that on June 5, 2012, the population of California's 33 prisons was 121,455, or 152.5 percent of design capacity. The State also noted that it had met the second benchmark (155 percent by June 27, 2012) two months early.	121,455
10/11/2012:	The Court orders the State to prepare two population-reduction plans: one to reduce the prison population to 137.5 of design capacity by the original final benchmark of June 27, 2013, and the other by an extended deadline of December 27, 2013. The court requires those plans to be submitted by January 7, 2013.	119,995
11/15/2012:	The State informs the Court that it is unlikely to achieve the third benchmark of 147 percent of design capacity by December 27, 2012, and petitions the Court to extend the third and final benchmarks by six months (i.e. 147 percent by June 27, 2013, and 137.5 percent by December 27, 2013).	120,124
1/7/2013:	The State files a motion to vacate or modify the population-reduction order arguing that "at the current population density, inmates are receiving health care that exceeds constitutional standards." (On a related matter on the same day, the Governor ends the emergency proclamation from 2006 that allowed the State to send inmates to out-of-state facilities. On the same day, the State also files a motion to terminate the <i>Coleman</i> lawsuit; that motion is denied on April 5, 2013.)	119,192
4/11/2013:	The Court denies the State's motion to vacate or modify the population-reduction order, and orders the State to produce within 21 days a plan to reduce the prison population to 137.5 percent of design capacity.	119,547
5/2/2013:	The State submits to the Court, under protest, a list of measures that would further reduce the prison population.	119,586
5/13/2013:	The State files a notice of appeal to the U.S. Supreme Court over the Three-Judge Court's denial of the motion to vacate or modify the population-reduction order.	119,632
6/20/2013:	The Court orders the State to implement the plan it submitted	119,214

	on May 2, 2013, along with an expansion of goodtime credits. The State is also ordered to prepare to release inmates from the “Low-Risk List”, if necessary to reach 137.5 percent of design capacity by December 27, 2013.	
6/28/2013:	The State asks the Court for a stay of the June 20, 2013 order to implement the population-reduction plan, adding that if the stay is not granted it will seek a stay from the U.S. Supreme Court.	118,989
7/10/2013:	The State asks the U.S. Supreme Court for a stay.	119,117
8/2/2013:	The U.S. Supreme Court denies the State’s request for a stay.	119,624
8/9/2013:	The State files a jurisdictional statement with the U.S. Supreme Court to start its appeal of the Three-Judge Court’s rejection of the motion to vacate or modify the population reduction order.	119,632
9/12/2013:	Governor Brown signs SB 105, a bipartisan bill to satisfy the Three-Judge Court’s population-reduction order by December 31, 2016, in part through the temporary use of leased in-state facilities. SB 105 also requires the State to devise “balanced solutions that are cost effective and protect public safety” and sets aside money to facilitate such solutions. SB 105 also allows the State to send more inmates to out-of-state facilities if the Court does not extend the deadline for compliance by three years.	120,027
9/24/2013:	The Court orders the Plaintiffs and Defendants to meet and confer for a month to discuss the State’s plan (SB 105) to comply with the population-reduction plan. The process will be facilitated by another judge who will report back to the Court with recommendations by October 21, 2013. The deadline to comply with the population-reduction order is extended until January 27, 2104. The Court also forbids the State, during the meet-and-confer process, from entering into any contracts to lease prison beds in out-of-state facilities.	120,259
9/25/2013:	The State asks the U.S. Supreme Court to dismiss the Three-Judge Court’s order forbidding the State from entering into any contracts to lease prison beds in out-of-state facilities.	120,259
10/15/2013:	The U.S. Supreme Court denies “for want of jurisdiction” the State’s appeal of the Three-Judge Court’s rejection of the motion to vacate or modify the population reduction order.	120,566
10/21/2013:	The Court extends the meet-and-confer process by a month. Recommendations are now due by November 18, 2013, and the deadline to comply with the population-reduction order is extended to February 24, 2014.	120,540

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