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Three-Judge Panel and California Inmate Population Reduction

Summary

U.S. Supreme Court Affirms Prisoner-Release Order: On May 23, 2011, the U.S. Supreme Court ruled 5-4 that the State must comply with an order handed down by a Three-Judge Court to reduce its prison population to 137.5 percent of design capacity within two years. In short, the U.S. Supreme Court held that prison medical and mental health care fall below the constitutional standard of care and the only way to meet constitutional requirements is for a massive reduction in the prison population.

With the State's current inmate population, a system-wide population cap would require a reduction of approximately 33,000 inmates. The State had appealed to the U.S. Supreme Court on the grounds that the lower court violated the federal Prison Litigation Reform Act (PLRA), improperly intruding on the State's authority to administer its criminal justice system – compromising the State's ability to reduce overcrowding in a manner that protects public safety. The Supreme Court held that the *Coleman* and *Plata* courts acted reasonably in convening a three-judge court, and that the three-judge court did not err in finding that "crowding [was] the primary cause of the violation."

The Supreme Court noted, however, that other contributing causes include: high vacancy rates for medical and mental health staff; insufficient numbers of budgeted staff; insufficient and inadequate treatment space and facilities; unsafe and unsanitary conditions; chronic and worsening budget shortfalls; a lack of political will in favor of reform; and systemic administrative failures.

The Supreme Court ruled that the prospective relief ordered by the three-judge panel was narrowly drawn, extended no further than necessary to correct the violation, and was the least-intrusive means necessary to correct the violation. The court also said the population limit is not overly broad even though prisoners beyond the plaintiff classes will have to be released.

The Supreme Court found that the Three-Judge Panel's order gives the State flexibility to determine who should be released, and the State can petition the Three-Judge Panel to modify its terms, such as extending deadlines or amending other aspects of the order, if the State can ensure that such measures are taken to implement the plan without delay.

The Supreme Court also ruled that the Three-Judge Panel's order is not overly broad because it encompasses the entire prison system, rather than separately assessing each institution's need for a population limit -- "[a]ssuming no constitutional violation results, some facilities may retain populations in excess of the 137.5 percent limit provided others fall sufficiently below it so the system as a whole remains in compliance with the order."



The Supreme Court further held that the Three-Judge Panel gave “substantial weight” to any potential adverse impact on public safety from its order -- the PLRA’s “substantial weight” requirement does not require a court to certify that its order has no possible adverse impact on the public.

Next Steps

Under the Three-Judge Panel’s prisoner-reduction order, the State must file a report two weeks from the final resolution by the United States Supreme Court, advising the panel whether the State has obtained the necessary legislative approval to implement the November 2009 population-reduction plan.

Defendants must file an additional report 30 days from the final resolution by the United States Supreme Court. This report must set forth (a) the additional funds that the counties may require from the State in order to maintain the existing level of public safety, or, should there be no agreement, the parties’ respective positions as to such amounts; and (b) what steps defendants have taken or plan to take to fulfill their obligations to the counties in connection with the implementation of the prison population reduction measures.

Under the Three-Judge Panel’s order, the State must report to the panel every six months on whether the population-reduction benchmarks have been met.

Background

Plata v. Schwarzenegger: In November 2006, plaintiffs filed a motion to convene a three-judge panel in *Plata v. Schwarzenegger* under the 1996 PLRA, claiming that overcrowded conditions in California Department of Corrections and Rehabilitation (CDCR) prisons resulted in unconstitutional medical care. *Plata* is a consolidation of two class-action lawsuits brought against the State over medical care for inmates. The second lawsuit, *Coleman v. Schwarzenegger*, involving mental health services for prisoners, was initially filed in 1991. Both claim that care for inmates violates the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment of the incarcerated.

Three-Judge Panel Orders State to Reduce Its Prison Population: After various legal proceedings and a month-long trial in 2008, the Three-Judge Panel ordered on August 4, 2009, that California cap its in-state prison population in adult institutions at 137.5 percent of bed design capacity within two years. Such a system-wide population cap would have required a population reduction of approximately 40,000 inmates. (The order allows flexibility, so that as prison capacity changes, the requisite number of prisoners to be released will also change.)

State Appeals Order to U.S. Supreme Court: On September 3, 2009, the State appealed this decision to the U.S. Supreme Court on the grounds that it violated the PLRA and represented federal court interference with State prison management without taking into account the impact on public safety. The high court denied the State’s appeal on a technical issue, not on the merits of the appeal.

State Submits Population-Reduction Plan: Simultaneously, on September 18, 2009, the California Department of Corrections and Rehabilitation (CDCR) submitted, as the lower court ordered, a population-reduction plan that laid out measures to reach the 137.5 percent goal over time in a manner that would protect public safety.



Three-Judge Panel Rejects State's Population-Reduction Plan: The Three-Judge Panel rejected that plan, saying that it failed to meet the panel's two-year target. On November 12, 2009, the State submitted a revised Population-Reduction Plan that complied with the parameters of the panel's order to meet the 137.5 percent of design capacity within two years, but pointed out that it could not implement the revised plan without waivers of state laws and identified which state laws the 9th Circuit Court of Appeals would need to waive.

Three-Judge Panel Again Orders Prisoner Release: On January 12, 2010, the Three-Judge Panel approved the revised Population-Reduction Plan and once again ordered the State to reduce its prison population within two years, but did not grant the waivers of state laws identified as necessary in the State's revised plan.

State Appeals to the U.S. Supreme Court: On January 19, 2010, the State appealed the prisoner-release order to the U.S. Supreme Court on the grounds that the order violated the PLRA, did not provide the requested state law waivers needed to implement the revised plan and would have an adverse impact on public safety.

Issues Under Appeal: The specific issues before the U.S. Supreme Court were:

- Whether the three-judge district court had jurisdiction to issue a prisoner release order.
- Whether the three-judge district court committed reversible errors in holding that "crowding" was the "primary cause" of the alleged Eighth Amendment violations to the plaintiff-classes, and that "no other relief would remedy" those violations as required by the PLRA.
- Third, whether the three-judge district court's prisoner release order satisfied the PLRA's requirements that it be narrowly drawn to cure the alleged constitutional violations, extended no further than necessary to cure the alleged violations, and gave sufficient weight to the adverse impacts on public safety and the operation of the State's criminal justice system.

U.S. Supreme Court Agrees to Take Case: In June 2010, the U.S. Supreme Court announced that it would take up the case.

U.S. Supreme Court Affirms Prisoner-Release Order: On May 23, 2011, the U.S. Supreme Court, in a 5-4 decision, affirmed a prisoner-release order requiring the State reduce its prison population to 137.5 percent of design capacity within two years. The State's appeal was unsuccessful on all grounds. In short, the U.S. Supreme Court held that prison medical and mental health care fall below the constitutional standard of care and the only way to meet constitutional requirements is for a massive reduction in the prison population. The State can, however, ask the Three-Judge Panel to extend the deadlines or amend other aspects of the prisoner-reduction order.