

1 KAMALA D. HARRIS
Attorney General of California
2 JONATHAN L. WOLFF
Senior Assistant Attorney General
3 JAY C. RUSSELL
PATRICK R. MCKINNEY
4 Supervising Deputy Attorneys General
MANEESH SHARMA, State Bar No. 280084
5 Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
6 San Francisco, CA 94102-7004
Telephone: (415) 703-5553
7 Fax: (415) 703-1234
E-mail: maneesh.sharma@doj.ca.gov
8 *Attorneys for Defendants*

Hanson Bridgett LLP
JERROLD C. SCHAEFER, State Bar No. 39374
PAUL B. MELLO, State Bar No. 179755
WALTER R. SCHNEIDER, State Bar No. 173113
SAMANTHA D. WOLFF, State Bar No. 240280
MEGAN OLIVER THOMPSON, SBN 256654
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Fax: (415) 541-9366
E-mail: pmello@hansonbridgett.com

9
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 DAD 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' MAY 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 May 13, 2015, 111,341 inmates were housed in the State’s 34 adult institutions, which amounts to
8 134.6% of design bed capacity, and 8,060 inmates were housed in out-of-state facilities.¹ The
9 current population is 2,381 inmates below the final court-ordered population benchmark of
10 137.5% of design bed capacity, and has been under that benchmark since February 2015. (See
11 Ex. A.) Exhibit B sets forth the status of the measures detailed in the February 10, 2014 Order
12 that Defendants have implemented to reduce the prison population. (ECF 2766/5060 at ¶¶ 4-5.)
13

14 Dated: May 15, 2015

KAMALA D. HARRIS
Attorney General of California

By: /s/ *Patrick R. McKinney*
PATRICK R. MCKINNEY
Supervising Deputy Attorney General
Attorneys for Defendants

18 Dated: May 15, 2015

HANSON BRIDGETT LLP

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

27 ¹ The data in Exhibit A is taken from CDCR’s May 13, 2015 weekly population report, available
28 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 May 13, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	111,341	134.6%
Total housed in camps		3,728	
Total housed out of state		8,060	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,215	110.1%
California State Prison, Calipatria	2,308	3,704	160.5%
California Correctional Center*	3,883	4,150	106.9%
California Correctional Institution	2,783	3,804	136.7%
California State Prison, Centinela	2,308	3,345	144.9%
California Health Care Facility, Stockton	2,951	1,929	65.4%
California Institution for Men	2,976	3,922	131.8%
California Men's Colony	3,838	3,918	102.1%
California Medical Facility	2,361	2,149	91.0%
California State Prison, Corcoran	3,116	4,307	138.2%
California Rehabilitation Center	2,491	2,362	94.8%
Correctional Training Facility	3,312	4,889	147.6%
Chuckawalla Valley State Prison	1,738	2,249	129.4%
Deuel Vocational Institution	1,681	2,200	130.9%
Folsom State Prison	2,066	2,431	117.7%
High Desert State Prison	2,324	3,339	143.7%
Ironwood State Prison	2,200	3,068	139.5%
Kern Valley State Prison	2,448	3,734	152.5%
California State Prison, Los Angeles	2,300	3,501	152.2%
Mule Creek State Prison	1,700	2,863	168.4%
North Kern State Prison	2,694	4,378	162.5%
Pelican Bay State Prison	2,380	2,655	111.6%
Pleasant Valley State Prison	2,308	2,628	113.9%
RJ Donovan Correctional Facility	2,200	3,056	138.9%
California State Prison, Sacramento	1,828	2,242	122.6%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,578	162.9%
Sierra Conservation Center*	3,736	4,293	114.9%
California State Prison, Solano	2,610	3,833	146.9%
California State Prison, San Quentin	3,082	3,877	125.8%
Salinas Valley State Prison	2,452	3,720	151.7%
Valley State Prison	1,980	3,203	161.8%
Wasco State Prison	2,984	5,039	168.9%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	3,173	158.3%
California Institution for Women*	1,398	1,821	130.3%
Folsom Women's Facility	403	494	122.6%

* 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 - May 13, 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

Benjamin T. Rice
General Counsel
P.O. Box 942883
Sacramento, CA 94283-0001



May 15, 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 that reads "Ben T Rice".

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

Attachments



MAY 15, 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 May 15, 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 134.6% of design capacity.

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 2,152 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.

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 April 30, 2015, the Board held 602 youth offender hearings, resulting in 172 grants, 374 denials, 54 stipulations to unsuitability, and 2 split votes that required referral to the full Board for further consideration. An additional 292 were scheduled during this time period, but were waived, postponed, continued, or cancelled. All available inmates who were immediately eligible for a hearing when the law took effect on January 1, 2014, have had a hearing date or have one scheduled on or before July 1, 2015, as required by the terms of Senate Bill 260. In addition, all youth offenders who received a grant prior to January 1, 2014, have reached

their minimum eligible parole dates and have been processed for release from their life term by the Board.

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 May 12, 2015, approximately 2,072 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 May 13, 2015, approximately 3,786 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 April, 439 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 100.7 days of additional credit. Of the 439 inmates released in April, 232 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 2,224 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 1,752 inmates who are currently eligible under this program. As of May 6, 2015, 1,628 inmates have been released as a result of these expanded 2-for-1 credit earnings.

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 April 30, 2015, 1,519 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 282 inmates for release and denied release to 243 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.

¹ Of the 439 inmates, 317 were released to Post Release Community Supervision and 122 were released to parole.

6. Parole determination process for certain inmates with indeterminate sentences granted parole with future parole dates:

The Board authorized the release of 8 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.

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 May 9, 2015, the Board has held 32 medical parole hearings under the revised procedures. An additional 7 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 April 30, 2015, the Board has held 614 hearings for inmates eligible for elderly parole, resulting in 180 grants, 389 denials, 43 stipulations to unsuitability, and 2 split votes that required referral to the full Board. An additional 233 hearings were scheduled during this time period but were waived, postponed, continued, or cancelled.

9. Reentry programs:

Contracts for the San Francisco, Marin, and Los Angeles reentry programs are in place. The State continues to review and refer eligible inmates to county officials for consideration for placement.

The Fiscal Year 2014/2015 budget included \$20 million for the expansion of reentry programs. The Administration proposes to fund local reentry programs targeting the mental health population who are within 120 days of release to facilitate their reentry into the community. The facilities will offer services such as case management services, employment services, and assistance with securing identification cards, housing, and enrollment in programs such as Medi-Cal and CalWORKs. The facilities will house offenders who will be released to both parole and Post Release Community Supervision, and would allow parole agents and probation officers access to this population for the purpose of developing reintegration plans and strategies for continuity of treatment upon release.

10. Expanded alternative custody program for females:

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 two facilities located in San Diego and Southern California. A Bakersfield facility is expected to open in early July 2015.

The San Diego facility currently houses 80 inmates. The Southern California facility, which opened on April 9, 2015 and is also an 82-bed facility, currently has 29 beds filled. The State continues to transfer inmates into the Southern California facility at a rate of 5-7 inmates per week.