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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 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' OCTOBER 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 October 14, 2015, 112,195 inmates were housed in the State’s 34 adult institutions, which  
8 amounts to 135.7% of design bed capacity, and 5,907 inmates were housed in out-of-state  
9 facilities.<sup>1</sup> The current population is 1,527 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: October 15, 2015

KAMALA D. HARRIS  
Attorney General of California

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

18  
19 Dated: October 15, 2015

HANSON BRIDGETT LLP

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

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27 <sup>1</sup> The data in Exhibit A is taken from CDCR’s October 14, 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](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad130724.pdf)

**EXHIBIT A**

**Exhibit A**

Population as of October 14, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	82,707	112,195	135.7%
Total housed in camps		3,763	
Total housed out of state		5,907	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	3,195	109.4%
California State Prison, Calipatria	2,308	3,892	168.6%
California Correctional Center*	3,883	3,954	101.8%
California Correctional Institution	2,783	3,786	136.0%
California State Prison, Centinela	2,308	3,289	142.5%
California Health Care Facility, Stockton	2,951	2,183	74.0%
California Institution for Men	2,976	3,556	119.5%
California Men's Colony	3,838	3,903	101.7%
California Medical Facility	2,361	2,574	109.0%
California State Prison, Corcoran	3,116	4,436	142.4%
California Rehabilitation Center	2,491	2,604	104.5%
Correctional Training Facility	3,312	5,084	153.5%
Chuckawalla Valley State Prison	1,738	1,784	102.6%
Deuel Vocational Institution	1,681	2,445	145.4%
Folsom State Prison	2,066	2,377	115.1%
High Desert State Prison	2,324	3,429	147.5%
Ironwood State Prison	2,200	3,585	163.0%
Kern Valley State Prison	2,448	3,741	152.8%
California State Prison, Los Angeles	2,300	3,499	152.1%
Mule Creek State Prison	1,700	2,852	167.8%
North Kern State Prison	2,694	4,413	163.8%
Pelican Bay State Prison	2,380	2,689	113.0%
Pleasant Valley State Prison	2,308	2,860	123.9%
RJ Donovan Correctional Facility	2,200	3,073	139.7%
California State Prison, Sacramento	1,828	2,169	118.7%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,528	161.4%
Sierra Conservation Center*	3,836	4,402	114.8%
California State Prison, Solano	2,610	3,834	146.9%
California State Prison, San Quentin	3,082	3,396	110.2%
Salinas Valley State Prison	2,452	3,747	152.8%
Valley State Prison	1,980	3,562	179.9%
Wasco State Prison	2,984	4,962	166.3%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	2,697	134.6%
California Institution for Women*	1,398	1,978	141.5%
Folsom Women's Facility	403	480	119.1%

\* 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.

<sup>1</sup> 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 - October 14, 2015 Weekly Population Report, available at:

[http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Population\\_Reports.html](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



October 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, appearing to read "P. McKinney II", is written over a faint, larger version of the signature.

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

Attachments



### OCTOBER 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 October 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 135.7% 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 2,147 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 5,907. Under the Fiscal Year 2015-16 budget, an additional 1,000 out-of-state beds will be reduced by the end of June 2016 and the State anticipates closing the Oklahoma out-of-state facility by the end of 2015.

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 September 30, 2015, the Board held 836

youth offender hearings, resulting in 230 grants, 523 denials, 83 stipulations to unsuitability, and there are currently no split votes that require referral to the full Board for further consideration. An additional 412 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, received a hearing date 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. 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 October 8, 2015, approximately 2,144 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 October 14, 2015, approximately 4,463 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 September, 331 inmates were released as a result of the court-ordered credit increases.<sup>1</sup> These inmates earned an average of 132 days of additional credit. Of the 331 inmates released in September, 177 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 3,214 inmates who have been released as a result of this credit measure earned milestone credits toward their advanced release date.

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<sup>1</sup> Of the 331 inmates, 214 were released to Post Release Community Supervision and 117 were released to parole.

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 899 inmates who are currently eligible under this program. Since January 1, 2015, 2,513 total inmates have been released receiving expanded 2-for-1 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 September 30, 2015, 3,075 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 1,086 inmates for release and denied release to 1,001 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 October 9, 2015, the Board has held 55 medical parole hearings under the revised procedures. An additional 16 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 September 30, 2015, the Board has held 948 hearings for inmates eligible for elderly parole, resulting in 259 grants, 616 denials, 72 stipulations to unsuitability, and there currently is one split vote that requires further review by the full Board. An additional 427 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 October 12, 2015, the 150-bed facility in Los Angeles County currently houses 111 inmates. The Kern County facility, which is a 50-bed facility, currently houses 22 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.

The San Diego facility, which is an 82-bed facility, opened on August 4, 2014 and currently houses 78 female inmates. The Santa Fe Springs (LA) facility, which opened on April 9, 2015 and is also an 82-bed facility, currently houses 78 female inmates. The Bakersfield facility, which is a 75-bed facility, opened on June 24, 2015 and currently houses 74 female inmates.