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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' SEPTEMBER 2014  
 STATUS & BENCHMARK REPORT IN  
 RESPONSE TO FEBRUARY 10, 2014  
 ORDER**

1 The State submits this status and benchmark report on the current in-state and out-of-state  
2 adult prison populations and the measures being taken to reduce the prison population in response  
3 to the Court’s February 10, 2014 Order Granting in Part and Denying Part Defendants’ Request  
4 for Extension of December 31, 2013 Deadline (February 10, 2014 Order). As discussed below,  
5 the current in-state prison population of 116,269 is under the August 31, 2014 benchmark  
6 requiring the State to reduce the population to 143% of design bed capacity by roughly 2,000  
7 inmates.<sup>1</sup>

8 Exhibit A sets forth the current design bed capacity, population, and population as a  
9 percentage of design bed capacity for each state prison and for all state prisons combined. As of  
10 September 10, 2014, 116,269 inmates were housed in the State’s 34 adult institutions, which  
11 amounts to 140.6% of design bed capacity, and 8,774 inmates were housed in out-of-state  
12 facilities.<sup>2</sup>

13 Exhibit B sets forth the steps Defendants are taking to implement the measures designed  
14 to reduce the prison population detailed in the February 10 order and the status of these measures.  
15 (ECF 2766/5060 at ¶¶ 4-5.)

16  
17 Dated: September 15, 2014

KAMALA D. HARRIS  
Attorney General of California

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

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21 Dated: September 15, 2014

HANSON BRIDGETT LLP

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

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26 <sup>1</sup> The Court’s July 3, 2014 Order extended the deadline to meet the 143% benchmark to August  
31, 2014. (ECF 2799/5180.)

27 <sup>2</sup> The data in Exhibit A is taken from CDCR’s September 10, 2014 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 September 10, 2014

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions <sup>1</sup>	82,707	116,269	140.6%
Total housed in camps		4,135	
Total housed out of state		8,774	
<b>Individual CDCR Institutions - Men</b>			
Avenal State Prison	2,920	4,057	138.9%
California State Prison, Calipatria	2,308	3,873	167.8%
California Correctional Center*	3,883	4,882	125.7%
California Correctional Institution	2,783	4,501	161.7%
California State Prison, Centinela	2,308	2,827	122.5%
California Health Care Facility, Stockton	2,951	1,837	62.3%
California Institution for Men	2,976	4,514	151.7%
California Men's Colony	3,838	4,239	110.4%
California Medical Facility	2,361	2,056	87.1%
California State Prison, Corcoran	3,116	4,347	139.5%
California Rehabilitation Center	2,491	2,700	108.4%
Correctional Training Facility	3,312	5,000	151.0%
Chuckawalla Valley State Prison	1,738	2,235	128.6%
Deuel Vocational Institution	1,681	2,536	150.9%
Folsom State Prison	2,066	2,602	125.9%
High Desert State Prison	2,324	3,483	149.9%
Ironwood State Prison	2,200	3,058	139.0%
Kern Valley State Prison	2,448	3,821	156.1%
California State Prison, Los Angeles	2,300	3,581	155.7%
Mule Creek State Prison	1,700	2,918	171.6%
North Kern State Prison	2,694	4,712	174.9%
Pelican Bay State Prison	2,380	2,828	118.8%
Pleasant Valley State Prison	2,308	3,001	130.0%
RJ Donovan Correctional Facility	2,200	3,010	136.8%
California State Prison, Sacramento	1,828	2,184	119.5%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,322	155.4%
Sierra Conservation Center*	3,736	4,563	122.1%
California State Prison, Solano	2,610	3,932	150.7%
California State Prison, San Quentin	3,082	3,847	124.8%
Salinas Valley State Prison	2,452	3,470	141.5%
Valley State Prison	1,980	3,259	164.6%
Wasco State Prison	2,984	5,222	175.0%
<b>Individual CDCR Institutions - Women</b>			
Central California Women's Facility	2,004	3,679	183.6%
California Institution for Women*	1,398	1,864	133.3%
Folsom Women's Facility	403	444	110.2%

\* 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 - September 10, 2014 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**

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



September 15, 2014

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 "Ben T. Rice", is written over the typed name.

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

Attachments



## **SEPTEMBER 15, 2014 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 September 15, 2014 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 140.6% 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 2,267 inmates.

b. Community correctional facilities (CCFs) and modified community correctional facilities (MCCFs):

The State currently has contracted for 4,178 MCCF beds that are in various stages of activation and transfer. Intake at the McFarland Female Community Reentry Facility located in McFarland, California began the week of August 4, 2014. The State also has the option to add an additional 260 beds at the McFarland Female Community Reentry Facility. An additional 887 contract beds have been identified as potential capacity for the State. The State is in discussions with these providers.

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 (BPH) to demonstrate their suitability for release after serving at least fifteen years of their sentence. BPH held 31 hearings in August, bringing the total number of hearings held in

2014 to 204. Many additional hearings were scheduled from January through August, but inmates postponed or waived the hearings and they will be rescheduled in the future. Nearly all youth offenders who received a grant prior to January 1, 2014 have reached their minimum eligible 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 September 3, 2014, approximately 1,878 third-strike inmates have been released.

4. Prospective credit-earning increase for non-violent, non-sex second-strike offenders and minimum custody inmates:

Effective from the date of the Court's Order, February 10, 2014, non-violent, non-sex second-striker offenders are earning credits at the rate of 33.3% (increased from the previous rate of 20%) and release dates have been recalculated. The State's automated systems have been modified and the court ordered credits are being automatically applied. In August, 592 inmates were released as a result of the court-ordered credit increases.<sup>1</sup> These inmates earned an average of 43.6 days of additional credit.

With respect to two-for-one credit earning for minimum custody inmates, the State has determined that extending two-for-one credit earnings to minimum custody inmates would adversely affect fire camp participation rates. The State will continue to monitor fire camp participation rates and will reevaluate the need for this population reduction tool if and when appropriate.

5. New parole determination process whereby non-violent second-strikers will be eligible for parole consideration by BPH once having served 50% of their sentence:

The State has developed a tentative policy approach for identifying and notifying eligible offenders, and for scheduling and tracking actions taken. The State is currently drafting necessary regulations to implement this policy approach. To minimize overlap, the State is working to incorporate this measure into existing processes. The State anticipates finalizing policy and regulations in the coming months and will report on this measure in future reports.

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

BPH 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 BPH. 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. BPH 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

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<sup>1</sup> Of the 592, 454 have been released to Post Release Community Supervision and 138 have been released to parole.

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. CDCR and the Receiver's Office have agreed to use Resource Utilization Guide scores to help identify medically eligible inmates. CDCR, BPH, and the Receiver's Office have agreed to revise hearing and placement procedures for medically incapacitated inmates. The Receiver's Office is continuing to review inmates and is sending completed recommendations to CDCR. Recommendations received from the Receiver's office will be reviewed by DAI and processed to BPH for a hearing. BPH has held four medical parole hearings under the revised procedures. Two additional hearings are scheduled for later this month and six hearings are scheduled in October 2014.

8. Parole process for inmates 60 years of age or older having served at least 25 years:

The State continues to develop procedures for tracking eligible offenders and a systemic methodology for scheduling and tracking hearings. Risk assessments for these offenders will be revised to specifically address how advanced age, long-term confinement, and diminished physical condition, if any, may impact the inmate's potential risk for future violence. The revised risk assessments will be available for hearings conducted on or after October 1, 2014. Many eligible offenders are life-term inmates who are already in the Board of Parole Hearings' parole suitability hearing cycle. Upgrades to the Board's main computer system to accommodate electronic identification of eligible inmates and scheduling of hearings are expected to be implemented later this month.

9. Reentry programs:

The contract for the San Francisco reentry program is in place. The State continues to refer eligible inmates to county officials and the county is currently reviewing these inmates 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 six to twelve months 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. The State continues to meet with counties and local community stakeholders regarding the expansion of reentry programs, including conducting site visits of potential facilities. CDCR has sought requests for proposals from interested providers. Responses are expected in mid-September and CDCR will evaluate those proposals upon receipt.

10. Expanded alternative custody program for females:

On August 4, 2014, the State activated an 82 bed facility in San Diego, and is searching for additional sites for the expanded alternative custody program for females, called the Custody to Community Transitional Reentry Program (CCTRP). Through September 10, 2014, 29 female inmates have been transferred to the San Diego facility. Female inmates in the CCTRP are provided with a range of rehabilitative services that assist with alcohol and drug recovery, employment, education, housing, family reunification, and social support.