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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 LKK JFM P
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' JULY 2012 STATUS
 REPORT IN RESPONSE TO JUNE 30,
 2011 ORDER**

1 **I. DEFENDANTS MET THE COURT’S SECOND BENCHMARK BY REDUCING THE IN-STATE**
 2 **PRISON POPULATION TO LESS THAN 155% OF DESIGN CAPACITY MORE THAN TWO**
 3 **MONTHS EARLY.**

4 Defendants achieved the Court’s second benchmark more than two months early. The in-
 5 state prison population was 155% of current design bed capacity on April 25, 2012. (*See*
 6 Defendants’ May 15, 2012 report, *Plata/Coleman* Dkt. Nos. 2436/4184.)

7 Exhibit A to the Declaration of Ross Meier sets forth the current design bed capacity,
 8 population, and population as a percentage of design bed capacity for each state prison and for all
 9 state prisons combined.¹ (Decl. Ross Meier Supp. Defs.’ July 2012 Status Rep. (Meier Decl.), ¶ 2
 10 Ex. A.) Exhibit A shows that as of June 27, 2012, 120,946 inmates were housed in the state’s 33
 11 adult institutions, which amounts to 151.6% of design bed capacity.² (*Id.*) This is 23,242 fewer
 12 inmates than were housed in California prisons as recently as October 1, 2011, when California’s
 13 historic public safety realignment was implemented under Assembly Bill 109, and 30,090 fewer
 14 inmates than when the Court issued its prisoner reduction order in January 2010. (*Id.*)³

14 **II. THE POPULATION REDUCTION ACHIEVED BETWEEN JANUARY AND JUNE 2012 IS**
 15 **PRIMARILY ATTRIBUTABLE TO PUBLIC SAFETY REALIGNMENT.**

16 In its January 12, 2010 order, the Court stated that it was “not endorsing or ordering the
 17 implementation of any of the specific measures contained in the State’s plan, only that the State
 18 reduce the prison population to the extent and at the times designated in this Order.” (Dkt. Nos.
 19 2287/3767 at p. 3.) The Court further recognized its “limited role” and the need to “afford the

20 ¹ Although Exhibit A reports design capacity and actual population in the aggregate and
 21 by institution, Defendants note that the Supreme Court recognized that the Court’s order affords
 22 “the State flexibility to accommodate differences between institutions” and there is “no
 23 requirement that every facility comply with the 137.5% limit.” *Brown v. Plata*, 131 S. Ct 1910,
 24 1940-41, 179 L. Ed. 2d 969, 1000 (U.S. 2011).

25 ² The data in Exhibit A to the Meier Declaration is taken from CDCR’s July 2, 2012
 26 weekly population report, available on CDCR’s Web site at http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html. As discussed in
 27 Paragraph 4 of the Meier Declaration, design capacity has increased from 79,650 to 79,756 to
 28 reflect the completion of construction of the 64-bed Intermediate Care Facility (ICF) at the
 Correctional Medical Facility and the 45-bed acute/ICF facility at the California Institution for
 Women. (*See* Meier Decl., ¶ 4.)

³ On January 12, 2010, California housed 151,036 inmates in its 33 in-state prisons. (*See*
http://www.cdcr.ca.gov/reports_research/Offender_Information_Services_Branch/WeeklyWed/TPOP1A/TPOP1Ad100113.pdf.) As reported in Defendants’ October 14, 2011 report (*see* Dkt.
 Nos. 2407-1/4099-1), the prison population when realignment began was 144,188 inmates.

1 State maximum flexibility in its efforts to achieve the constitutionally required population
2 reduction.” (*Id.* at pp. 2 & 3.) With these guidelines in mind, Defendants briefly report on the
3 reductions associated with the individual measures described in Defendants’ November 12, 2009
4 population reduction plan, as well as the additional population reduction measures that
5 Defendants subsequently adopted, as directed by the Court’s June 30, 2011 order. (Dkt. Nos.
6 2374/4032, at p. 2.)

7 In their January 2012 Report (Dkt Nos. 2411/4141), Defendants reported on the measures
8 that contributed to the prison depopulation through December 27, 2011. Since that time, the
9 population has dropped by an additional 11,941 inmates from 132,877 to 120,946, a reduction
10 that is primarily attributable to the landmark realignment legislation that went into effect October
11 1, 2011.

12 In addition to reducing the population, Defendants are increasing design capacity by
13 building new health care facilities. Defendants constructed a 64-bed ICF at the Correctional
14 Medical Facility, which began admitting patients in February 2012. (Meier Decl., ¶ 3.)
15 Defendants recently completed construction of the 45-bed acute/ICF facility at the California
16 Institution for Women, and began admitting patients on July 3, 2012. (*Id.*) In Stockton,
17 Defendants are constructing the California Health Care Facility, which will provide 1,722 beds
18 specially designed to house inmates requiring long-term medical care and intensive mental health
19 care, and is expected to open in 2013. (*Id.*) Its annex, the soon-to-be renovated DeWitt
20 Correctional Facility, will add 1,133 beds and create a unified Stockton complex. (*Id.*)

21 **III. DEFENDANTS PROJECT THAT THE IN-STATE PRISON POPULATION WILL BE REDUCED TO**
22 **147% OF DESIGN CAPACITY BEFORE THE COURT’S DECEMBER 27, 2012 BENCHMARK.**

23 Based on the current population density of 151.6%, Defendants continue to project that the
24 in-state prison population will be reduced to 147% of design capacity before the Court’s
25 December 27, 2012 benchmark. (Meier Decl., ¶ 5.) Because Defendants met the Court’s second
26 benchmark more than two months early and their best projections show that they will achieve the

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1 next benchmark before the December 27, 2012 target date, there is no need at this time to
2 undertake additional crowding-reduction measures to achieve compliance. (*Id.*)

3 Dated: July 11, 2012

HANSON BRIDGETT LLP

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7 Dated: July 11, 2012

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