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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' APRIL 2015 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).

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 April 8, 2015, 111,863 inmates were housed in the State’s 34 adult institutions, which amounts to
8 135.3% of design bed capacity, and 8,394 inmates were housed in out-of-state facilities.¹ The
9 current population continues to remain below the court-ordered reduction to 137.5% of design
10 bed capacity, and is roughly 5,167 inmates below the February 28, 2015 benchmark of 141.5% of
11 design bed capacity. (See Ex. A.) Exhibit B sets forth the status of the measures detailed in the
12 February 10, 2014 Order that Defendants have implemented to reduce the prison population.
13 (ECF 2766/5060 at ¶¶ 4-5.)

14
15 Dated: April 15, 2015

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19 Dated: April 15, 2015

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By: /s/ Paul B. Mello
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27 ¹ The data in Exhibit A is taken from CDCR’s April 8, 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 April 8, 2015

Institution	Design Capacity	Actual Population	Population as % of design capacity
Total housed in adult institutions ¹	82,707	111,863	135.3%
Total housed in camps		3,780	
Total housed out of state		8,394	
Individual CDCR Institutions - Men			
Avenal State Prison	2,920	3,807	130.4%
California State Prison, Calipatria	2,308	3,656	158.4%
California Correctional Center*	3,883	4,195	108.0%
California Correctional Institution	2,783	3,982	143.1%
California State Prison, Centinela	2,308	3,335	144.5%
California Health Care Facility, Stockton	2,951	1,954	66.2%
California Institution for Men	2,976	3,987	134.0%
California Men's Colony	3,838	3,886	101.3%
California Medical Facility	2,361	2,152	91.1%
California State Prison, Corcoran	3,116	4,151	133.2%
California Rehabilitation Center	2,491	2,489	99.9%
Correctional Training Facility	3,312	4,714	142.3%
Chuckawalla Valley State Prison	1,738	2,234	128.5%
Deuel Vocational Institution	1,681	2,259	134.4%
Folsom State Prison	2,066	2,426	117.4%
High Desert State Prison	2,324	3,374	145.2%
Ironwood State Prison	2,200	3,155	143.4%
Kern Valley State Prison	2,448	3,756	153.4%
California State Prison, Los Angeles	2,300	3,477	151.2%
Mule Creek State Prison	1,700	2,834	166.7%
North Kern State Prison	2,694	4,341	161.1%
Pelican Bay State Prison	2,380	2,631	110.5%
Pleasant Valley State Prison	2,308	3,066	132.8%
RJ Donovan Correctional Facility	2,200	3,019	137.2%
California State Prison, Sacramento	1,828	2,235	122.3%
California Substance Abuse Treatment Facility, Corcoran	3,424	5,457	159.4%
Sierra Conservation Center*	3,736	4,318	115.6%
California State Prison, Solano	2,610	3,840	147.1%
California State Prison, San Quentin	3,082	3,858	125.2%
Salinas Valley State Prison	2,452	3,576	145.8%
Valley State Prison	1,980	3,037	153.4%
Wasco State Prison	2,984	4,929	165.2%
Individual CDCR Institutions - Women			
Central California Women's Facility	2,004	3,225	160.9%
California Institution for Women*	1,398	1,786	127.8%
Folsom Women's Facility	403	504	125.1%

* 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.

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 - April 8, 2015 Weekly Population Report, available at:

http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Population_Reports.html.

EXHIBIT B



APRIL 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 April 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 135.3% 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 1,999 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 March 31, 2015, the Board held 534 youth offender hearings, resulting in 158 grants, 328 denials, 46 stipulations to unsuitability, and 2 split votes that required referral to the full Board for further consideration. An additional 225 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, nearly 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 April 1, 2015, approximately 2,056 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 April 8, 2015, approximately 3,473 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 March, 514 inmates were released as a result of the court-ordered credit increases.¹ These inmates earned an average of 91.4 days of additional credit. Of the 514 inmates released in March, 241 earned milestone completion credits toward their advanced release date. Since April 2014, approximately 1,992 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 2,068 inmates who are currently eligible under this program. As of April 8, 2015, 1,331 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 March 31, 2015, 1109 non-violent second-strike inmates were referred to the Board for review for parole. During this time period, the Board approved 84 inmates for release and denied release to 67 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 514 inmates, 371 were released to Post Release Community Supervision and 143 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 April 9, 2015, the Board has held 27 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 March 31, 2015, the Board has held 577 hearings for inmates eligible for elderly parole, resulting in 166 grants, 371 denials, 38 stipulations to unsuitability, and 2 split votes that required referral to the full Board. An additional 211 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. The San Diego facility, which is an 82-bed facility, is currently at full capacity. The Southern California facility, which opened on April 9, 2015 and is also an 82-bed facility, had 10 beds filled as of April 14, 2015. The State continues to transfer inmates into the Southern California facility at a rate of 5-7 inmates per week.